



ZONING ORDINANCE

April 1, 2014

Amended through April 14, 2015

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ARTICLE 1. TITLE, PURPOSE & APPLICABILITY

1.1 TITLE

This Ordinance is known, referred to and cited as "Village of Wilmette Zoning Ordinance."

1.2 INTENT

The intent of this document is to establish land use regulations to serve the Village of Wilmette. The regulations enumerated are based upon the Village's Comprehensive Plan, and the Village's development policies and objectives. Any reference to this Ordinance includes all amendments to this Ordinance.

1.3 PURPOSE

The purpose of this Ordinance is to:

- A.** Promote the public health, safety and welfare;
- B.** Secure adequate natural light, pure air, privacy, and protection from fire, explosion, noxious fumes, flooding, and other dangers to persons and property;
- C.** Encourage the most appropriate use of land throughout the Village;
- D.** Conserve the value of land and improvements throughout the Village;
- E.** Prevent the overcrowding of land and avoid concentrations of population out of character with existing overall densities;
- F.** Maintain and enhance the Village's character as a predominantly single-family residential community;
- G.** Maintain and promote a superior quality of life in residential neighborhoods;
- H.** Encourage alternative housing opportunities in compatible locations which complement the traditional single-family character of the Village;
- I.** Maintain and promote high-quality housing stock in the Village;
- J.** Maintain and promote the development of shopping and recreational facilities which serve the needs of the Village's residents;
- K.** Promote vital, well-maintained, and attractive commercial areas that provide a variety of goods and services to the markets which have been historically served by those areas;

- L. Promote the redevelopment of under-utilized commercial properties to increase the tax base in a manner consistent with community land use policies;
- M. Prohibit the development of undesirable or noxious commercial uses;
- N. Encourage the attractive design of private commercial structures and public property in commercial areas;
- O. Preserve and enhance aesthetic values throughout the Village;
- P. Minimize congestion in the public streets and ensure efficient traffic circulation;
- Q. Ensure the provision of adequate and efficient off-street parking and loading facilities; and
- R. Regulate the use and development of land in a manner consistent with the goals and policies of the Village's Comprehensive Plan.

1.4 APPLICABILITY

A. Territorial Application

This Ordinance applies to all land, uses and structures within the corporate limits of the Village, including those owned by other municipal corporations and government bodies.

B. General Application

In their interpretation and application, the provisions of this Ordinance are held to be the minimum requirements for the promotion and protection of the public health, safety and welfare, and are construed to achieve the purposes for which this Ordinance was adopted.

C. General Prohibition

Except as otherwise provided by this Ordinance, no structure or land, in whole or in part, may be used or occupied, and no structure, in whole or in part, may be erected, constructed, reconstructed, moved, enlarged or structurally altered unless it conforms with the provisions of this Ordinance.

D. Private Agreements

This Ordinance is not intended to nullify any private agreement or covenant. However, where this Ordinance is more restrictive than a private agreement or covenant, this Ordinance controls.

E. Other Laws and Regulations

Unless otherwise specifically provided, the Ordinance controls over less restrictive statutes, ordinances or regulations, and more restrictive statutes, ordinances or regulations control over the provisions of this Ordinance.

1.5 TRANSITION RULES

In determining the applicability of this Ordinance, with respect to the previously applicable zoning regulations, the following rules apply.

A. Existing Illegal Structures and Uses

A structure or use that is illegal at the time of the adoption of this Ordinance, but is made legal by the provisions of this Ordinance, is deemed lawful as of the effective date of this Ordinance. However, if that structure or use does not conform to each and every requirement of this Ordinance, then that structure or use remains illegal.

B. Existing Permitted and Special Uses

1. Where a structure or land is used lawfully on the effective date of this Ordinance as a permitted use and that use is classified as a permitted use by this Ordinance in the zoning district in which it is located, that use is deemed a lawful permitted use.
2. When a structure or land is used lawfully on the effective date of this Ordinance as a special use and that use is classified as a special use by this Ordinance in the zoning district in which it is located, that use is hereby deemed a lawful special use.
3. Where a structure or land is used lawfully on the effective date of this Ordinance as a permitted use and that use is classified as a special use by this Ordinance in the zoning district in which it is located, that use is deemed a lawful special use. Any subsequent addition, enlargement or expansion of that use is required to conform to the procedural and substantive requirements for special uses pursuant to this Ordinance.
4. Where a structure or land is used lawfully on the effective date of this Ordinance as a special use and that use is classified as a permitted use by this Ordinance in the zoning district in which it is located, that use is deemed a lawful permitted use. Any subsequent addition, enlargement or expansion of that use is required to conform to the requirements of this Ordinance and any conditions set forth in the original special use approval.

C. Uses Rendered Non-conforming

If a structure or land is used in a manner that was a lawful use before the effective date of this Ordinance, and this Ordinance no longer classifies that use as either a permitted

or special use in the zoning district in which it is located, that use shall be deemed a legal non-conforming use and controlled by the provisions of Article 17 (Non-conformities).

D. Structures Rendered Non-conforming

If a structure existing on the effective date of this Ordinance was a conforming structure before the effective date of this Ordinance, and such structure does not meet all standards set forth in this Ordinance, that structure shall be deemed a legal non-conforming structure and controlled by the provisions of Article 17 (Non-conformities).

E. Previously Issued Building Permits

If a building permit for a building or structure was lawfully issued prior to the effective date of this Ordinance, and if construction has begun within one-hundred eighty (180) days of the issuance of that permit and diligently pursued to completion, the structure may be completed in accordance with the plans on the basis of which the building permit was issued and may, upon completion, be occupied under an occupancy permit for the use originally intended.

F. Previously Granted Special Uses and Variations

1. All special uses and variations granted prior to the effective date of this Ordinance shall remain in full force and effect. The recipient of the special use or variation may proceed to develop the property in accordance with the previously approved plans including any applicable conditions. However, if the recipient has failed to act on the special use or variation before the approval expires, including any periods of extension granted, the provisions of this Ordinance govern.
2. Any addition to or expansion of a lawful special use requires new special use approval in accordance with the procedures and standards set forth for special uses.
3. Any new owner or occupant of a lawful special use may continue operation of that use without needing a new special use approval pursuant to this Ordinance, provided that the operation of the lawful special use is continued in the same manner as it existed on the effective date of this Ordinance.

G. Pending Applications

Where an application is pending on the effective date of the Ordinance, and notice of the public hearing on such application has issued before the effective date of this Ordinance, the application is governed by the Ordinance in effect prior to adoption of this Ordinance. In all other cases where an application is pending on the effective date of this Ordinance and no notice of a public hearing has been issued, the provisions of this Ordinance govern.

1.6 SEVERABILITY

If any Article, paragraph, subdivision, clause, sentence or provision of this Ordinance is adjudged by any court of competent jurisdiction to be invalid, that judgment will not affect, impair, invalidate or nullify the remainder of this Ordinance. The effect of the judgment is confined to the Article, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which judgment or decree was rendered.

1.7 EFFECTIVE DATE

The effective date of this Ordinance is April 1, 2014.

1.8 REPEAL OF PREVIOUS ZONING ORDINANCE

Upon the effective date of this Ordinance, all provisions of the Zoning Ordinance of the Village, as adopted on March 5, 1990, as amended from time to time, are expressly repealed in their entirety. This repeal only applies to the provisions of the Zoning Ordinance.

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ARTICLE 2. DEFINITIONS

2.1 PURPOSE

This Article contains definitions for generic uses and general terms used throughout the Ordinance.

2.2 INTERPRETATION

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

- A.** The singular number includes the plural, and the plural the singular.
- B.** The present tense includes the past and future tenses, and the future tense includes the present.
- C.** The words “must” and “shall” are mandatory, while the words “may” and “will” are permissive.
- D.** The terms “must not,” “shall not” and “may not” are prohibiting.
- E.** The masculine gender includes the feminine and neuter.
- F.** Whenever a defined word or term appears in the text of this Ordinance, its meaning is construed as set forth in the definition. Any word appearing in parenthesis, between a word and its definition herein, is construed in the same sense as that word. Words not defined are interpreted in accordance with the definitions considered to be normal dictionary usage.
- G.** If a definition contains a regulation and the use is inconsistent with that regulation, the use is prohibited.

2.3 RULES OF DEFINITIONS

- A.** Certain terms in this Article are defined to be inclusive of many uses in order to eliminate overly detailed lists of uses in the zoning districts established by this Ordinance.
- B.** A use that is not specifically listed in a zoning district or does not fall within a use definition, or as interpreted pursuant to Section 5.8 (Zoning Interpretations), is prohibited.

2.4 DEFINITIONS

Abut. To share a common lot line or zoning district boundary, without being separated by a street or alley.

Accessibility Ramp. A ramp, exterior lift or similar structure that provides wheelchair or similar access to a building.

Accessory Living Unit. A subordinate dwelling unit created wholly within an existing detached single-family dwelling unit that provides basic requirements for living, sleeping, eating, cooking and sanitation, while the building maintains the appearance of a single-family home.

Accessory Structure. A structure on the same lot as, and of a nature customarily incidental and subordinate to, a principal building, and the use of which is clearly incidental and subordinate to that of the principal building.

Accessory Use. A use that is customarily incidental and subordinate to the principal use of a lot and located on the same lot as the principal use.

Acre. A parcel of land containing an area of forty-three-thousand five-hundred sixty (43,560) square feet.

Adaptive Reuse Senior Housing/55+ Development. A multi-family dwelling, occupancy of which is limited to persons fifty-five (55) years of age or older (or, if two persons occupy a unit, at least one (1) shall be fifty-five (55) years of age or older), using a structure previously occupied as a lawfully established or legal non-conforming institutional or adaptive reuse senior housing use.

Addition or Expansion. Any of the following:

- A. Any increase in the floor area of a building.
- B. A modification to the roof line of a building, such as by the construction of dormer, so as to increase the amount of existing floor space devoted to human use or occupancy.
- C. For special uses, addition or expansion shall be determined by reference to the date the special use was approved by the Village or the date of the Ordinance or amendment thereto which first reclassified an existing use as a special use.

Addition In Line. An addition that extends the exterior wall of a structure, vertically and/or horizontally.

Adjoining. Abutting or contiguous.

Alley. A public right-of-way, other than a street, which affords a secondary means of vehicular access to abutting properties.

Alteration. Any change in the size, shape, character, occupancy or use of a structure.

Amateur (HAM) Radio Equipment. An amateur (HAM) radio station licensed by the Federal Communications Commission (FCC), including equipment such as, but not limited to, a tower or alternative tower structure supporting a single, radiating antenna platform and other equipment.

Animal Hospital. An establishment for the care and treatment of the diseases and injuries of animals, and where animals may be boarded during their convalescence.

Architectural Feature. A part, portion or projection that contributes to the aesthetics of a structure, exclusive of signs, that is not necessary for the structural integrity of the structure or to make said structure habitable.

Arbor. A shelter of latticework intertwined with climbing vines and flowers.

Arterial Street. A street designated as an arterial street in the Comprehensive Plan.

Artificial Turf. A surface of synthetic fibers made to look like natural grass that is used for sports or similar activities that originally or normally take place on grass and for residential and commercial lawns. Artificial turf that maintains permeability equal to or better than the permeability of the natural ground surface of the property where it is installed shall not count against the impervious surface requirements of the Zoning Ordinance.

Art Gallery. A commercial establishment engaged in the sale, loan and/or display of paintings, sculpture, video art or other works. “Art Gallery” does not include “Cultural Facility,” such as a library, museum or non-commercial gallery that may also display paintings, sculpture, video art or other works.

Art Studio. A commercial establishment where an art or type of activity is taught, practiced or studied, such as dance, martial arts, photography, music, painting, gymnastics, yoga, or personal training (private sessions only). An “Art Studio” may have performance space related to the classes taught on-site.

Attention Getting Device. Any pennants, flag, festoon, propeller, pole covers, spinner, streamer, searchlights, balloons, flashing lights, changing colors, rotating or moving displays and any similar device or ornamentation designated for the purposes of attracting attention, promoting or advertising.

Attic. A story or half-story directly below the roof of a building.

Awning. A roof-like cover projecting from the wall of a building and offering protection from sun or rain. For “Awnings” used as a sign, see “Sign, Awning.”

Balcony. A platform which projects from the exterior wall of a building above the ground floor of the building, which is exposed to the open air, which has direct access to the interior of the building, and is not supported by posts or columns extending to the ground.

Banner. See “Sign, Banner.”

Basement. That portion of a building located all or partly underground, but having at least one-half (1/2) or more of its clear floor-to-ceiling height below grade.

Bay Window. A window which projects outward from a building, which does not rest on the building foundation or on the ground.

Beach House/Cabana. A detached accessory structure designed for use with a swimming pool, spa or on a property that abuts Lake Michigan, which typically maintains facilities for changing clothes, storing swimming equipment and supplies, and minimal sanitary facilities.

Berm. An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise or fulfill other such purposes.

Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, or similar lines of demarcation. A block may be located in part beyond the corporate limits of the Village.

Blockface. That portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets, or between an intersecting street and railroad right-of-way or waterway.

Boarder. A person who rents lodging within part of a dwelling occupied by the person to whom the payments are made, with a minimum rental period of one (1) month.

Boat. Any device used or intended to be used for navigation on water.

Boat House. A detached accessory structure designed to provide enclosed storage of boats and related equipment.

Broadcasting Studio. A programming origination studio of a television station, radio station, or cable television franchisee of the Village.

Bowling Alley. Indoor facility for the sport of ten-pin or duck-pin bowling, with customary accessory uses such as snack bars.

Brew Pub. An establishment where food is served and consumed and beer is manufactured and consumed. Food and beer shall be served by employees to the same table or counter where the items are consumed. The establishment shall not sell for off-premises consumption more than 50,000 gallons per year.

Buffer Yard. Land area with landscape plantings and other components used to visibly separate one use from another or to shield or block noise, lights, or other nuisances.

Buildable Lot. A lot on which a structure may be erected in conformity with zoning and building

code requirements.

Building. Any structure with walls and roof securely affixed to the ground and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows, or openings; and which is designed or intended for the shelter, enclosure, or protection of persons, animals, or chattels. This does not include any structure with interior areas not normally accessible for human use or occupancy, such as gas tanks, water tanks, and similar structures.

Building Integrated Photovoltaic Solar Energy System. An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of a building. Building integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights and awnings. Thin film solar photovoltaic cells shall be considered building integrated when the thin film does not appreciably increase the width of the material it is being applied to.

Caliper. The American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four (4) inch caliper size, and as measured at twelve (12) inches above the ground for larger sizes.

Canopy. A permanent roof-like structure, movable or stationary, which projects from the exterior wall of a building over a platform or walkway to offer protection from sun or rain. For a “Canopy” used as a sign see “Sign, Canopy.”

Car-Sharing Service. A membership organization that is open to the general public and provides access to car-sharing vehicles.

Car-Sharing Space. A parking space that is designated for the parking of a car-sharing vehicle.

Car-Sharing Vehicle. Any vehicle available to multiple users through a car-sharing services that is maintained and owned or leased by a car-sharing company.

Car Wash. A commercial establishment engaged in the washing and cleaning of passenger vehicles, recreational vehicles or other light duty equipment, whether automatic or by hand, within an enclosed building. Self-service car washes are not allowed.

Carnival/Circus. A traveling or transportable group or aggregation of rides, shows, games, or concessions or any combination thereof.

Cemetery. Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, columbaria, and necessary maintenance facilities. Columbaria and memorial gardens accessory to a place of worship are allowed as accessory uses. Pet cemeteries are prohibited.

Certificate of Occupancy. A certificate that permits the use and/or occupancy of a structure or portion of a structure after it is constructed, reconstructed, remodeled, or moved, indicating that the proposed occupancy or use complies with all provisions of the Zoning Ordinance.

Chimney. A vertical shaft of reinforced concrete, masonry or other approved material enclosing one (1) or more flues, for the purpose of removing products of combustion from solid, liquid or gaseous fuel.

Christmas Tree Sales Lot. A retail sales operation, generally conducted wholly outdoors, that offers for sale on a temporary, limited basis Christmas trees and related holiday items such as wreaths and Christmas tree stands.

Collector Street. A street designated as a collector street in the Comprehensive Plan.

Co-Location. Placement of wireless telecommunications equipment from more than one (1) service or service provider on a single tower or site.

Columbaria. An accessory structure intended to be used for the internment of the cremated remains of a deceased person. “Columbaria” must be part of a “Place of Worship” and screened from a public street.

Commercial Vehicle. Any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, for-hire or not-for-hire, but not including a commuter van, a vehicle used in a ridesharing arrangement when being used for that purpose, or a recreational vehicle not being used commercially.

Common Ownership. Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Contiguous. Adjoining or abutting.

Convenience Food Mart. A business, other than a restaurant, which sells food directly to the consumer and occupies a floor area of less than 3,000 square feet. “Convenience Food Mart” may be accessory to a gas station.

Craft Brewery. An establishment where beer is manufactured. The establishment may include a tasting room where beer manufactured on-site is served. A craft brewery shall not sell for off-premises consumption more than 50,000 gallons per year.

Craft Distillery. An establishment where spirits are distilled in limited quantities not to exceed 35,000 gallons per year. The establishment may include a tasting room where spirits manufactured on-site are served.

Cultural Facility. A use that is open to the public and provides cultural services and facilities including, but not limited to, museums, cultural centers, historical societies and libraries operated by a public, private or non-profit organization.

Day. When used in this Ordinance, “Day” shall mean one (1) calendar day.

Day Care Center, Adult. A facility, not located within a residential dwelling unit, providing care for elderly adults sixty-five (65) years of age and over and/or functionally impaired adults eighteen (18) years of age and older who require assistance to carry out mobility, personal hygiene, and/or interpersonal relations basic to everyday living in a protective setting for less than twenty-four (24) hours per day. An “Adult Day Care Center” does not include “Day Care Home” or a program operated by a “Place of Worship,” that provides care for elderly and/or functionally impaired adults in a protective setting for less than twenty-four (24) hours per day.

Day Care Center, Child. A facility, not located within a residential dwelling unit, providing care for children up to twelve (12) years of age and/or functionally impaired persons up to eighteen (18) years of age in a protective setting for less than twenty-four (24) hours per day. A “Child Day Care Center” does not include “Day Care Home” or a program operated by an “Educational Facility” (all types) or “Place of Worship,” that provides care for children for less than twenty-four (24) hours per day.

Day Care Home, Adult. A detached dwelling in which a permanent occupant of the dwelling provides care for up to eight (8) elderly adults sixty-five (65) years of age and over and/or functionally impaired adults eighteen (18) years of age and older who require assistance to carry out mobility, personal hygiene, and interpersonal relations basic to everyday living in a protective setting for less than twenty-four (24) hours per day.

Day Care Home, Child. A detached dwelling in which a permanent occupant of the dwelling provides care for up to twelve (12) children up to twelve (12) years of age and/or functionally impaired persons up to eighteen (18) years of age from outside households. The number counted includes the family’s natural or adopted children and all other persons under the age of twelve (12).

Deck. A structure which is open to the sky and provides a platform that is raised above the ground but no higher than the floor of the street level of the principal building.

Dog Run. A designated area for the exercise and relief of dogs. The enclosure of all or a portion of a property paralleling a property line shall not constitute a dog run.

Donation Box. A container used for the purpose of collecting donated items for resale or for use by a charitable organization or institution.

Dormer. An extension built out from a sloping roof to accommodate a vertical window.

Driveway. Any impervious or compacted gravel surface providing direct ingress to and egress from a parking space.

Drive-Through Facility. Premises used to provide or dispense products or services through an attendant, window or automated machine, to persons remaining in motor vehicles in a designated stacking space. A “Drive-Through Facility” may be used in combination with other uses, such as a “Financial Institution” or “Retail Goods Establishment.”

Dwelling. Any structure, or portion thereof, designed or used exclusively for residential occupancy.

Dwelling, Above the Ground Floor. Dwelling units within multi-story buildings located above non-residential uses on the ground floor.

FIGURE 2-1: DWELLING, ABOVE THE GROUND FLOOR



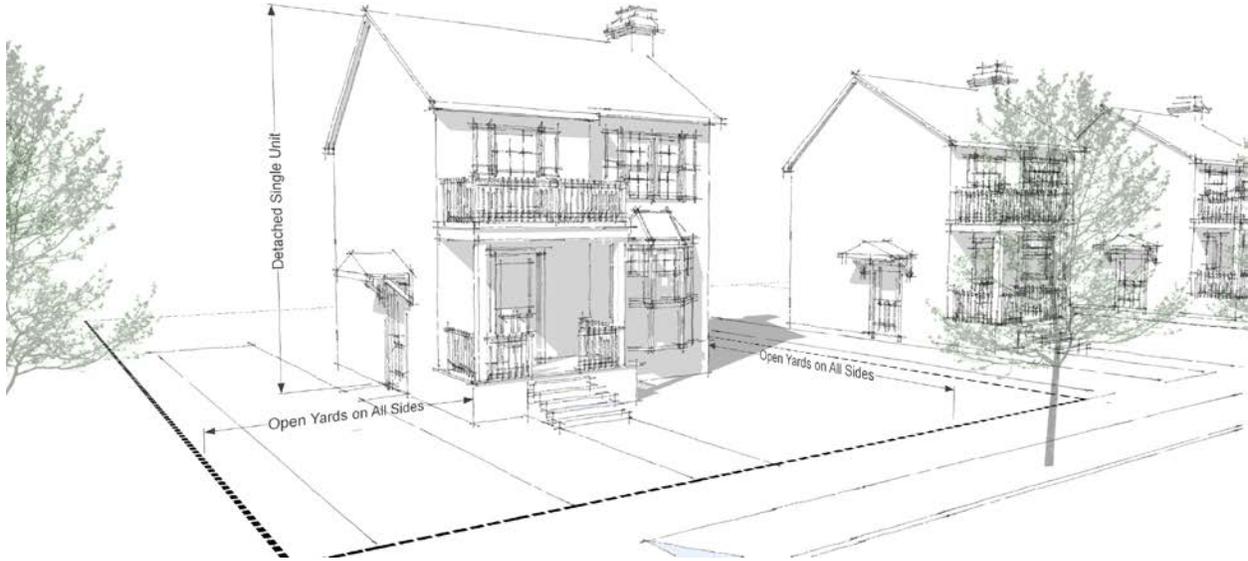
Dwelling, Multi-Family. A building that contains three (3) or more dwelling units attached along and sharing one (1) or more common walls.

FIGURE 2-2: DWELLING, MULTI-FAMILY



Dwelling, Single-Family. A building that contains one (1) dwelling unit and is developed with open yards on all sides and not attached to any other building or dwelling unit.

FIGURE 2-3: DWELLING, SINGLE-FAMILY



Dwelling, Townhouse/Stacked Flat. A building that contains two (2) or more dwelling units which does not maintain the external appearance of a detached dwelling and is developed in accordance with Section 12.3.H.

FIGURE 2-4: DWELLING, TOWNHOUSE/STACKED FLAT



Dwelling, Two-Unit. A building that contains two (2) dwelling units located either side by side or stacked vertically, which maintains the external appearance of a detached dwelling with open yards on all sides and not being attached to any other building.

FIGURE 2-5: DWELLING, TWO-UNIT



Dwelling Unit. One (1) or more rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use exclusively as living quarters for one (1) household, which includes permanently installed bathroom and kitchen facilities.

Easement. Land designed by lawful agreement between the owner(s) of the land and another person(s) or entity(ies) for a specified use only by such person(s) or entity(ies).

Eave. The projecting lower edges of a roof overhanging the wall of a building.

Educational Facility, College. A post-secondary institution for higher learning that grants associate or bachelor degrees. The institution may also have research facilities, and/or professional schools that grant master and doctoral degrees. “Educational Facilities, College” also includes post-secondary theological schools for training ministers, priests or rabbis. “Educational Facilities, College” do not include “Educational Facilities, Vocational.”

Educational Facility, Primary. A public, private or parochial school offering instruction at the elementary and/or junior high school levels with a full range of curricular programs.

Educational Facility, Secondary. A public, private or parochial school offering instruction at the senior high school level with a full range of curricular programs. “Educational Facilities, Secondary” also includes secondary theological schools for training ministers, priests or rabbis.

Educational Facility, Vocational. A school established to provide for the teaching of industrial, clerical, managerial or artistic skills. This definition applies to schools that are owned and operated privately for-profit and do not offer a complete educational curriculum, but may offer certification in their particular field. “Educational Facilities, Vocational” does not include “Educational Facilities, College.”

Encroachment. The extension or placement of any structure, or portion of such, into a required yard.

Entity or Person. An association, corporation, partnership, limited liability company, organization, proprietorship, trust or individual.

Erect. To build, construct, attach, hang, place, suspend or affix.

Established Front Yard – Residential. See “Yard, Established Front – Residential.”

Expressway. A permanent public right-of-way designated as an expressway in the Comprehensive Plan.

Exterior Stairwell. One (1) or more flights of stairs and the necessary landings and platforms connecting them to form a continuous passage from the entryway of one floor or level to another in a building or structure located on the exterior of a principle building.

Fall-Out or Emergency Shelter. An accessory structure which incorporates the fundamentals for

fall-out protection (shielding mass, ventilation, and living space), which is constructed of such materials and in such a manner as to afford the occupants substantial protection from radioactive fall-out, and which has no element projecting more than one (1) foot above the natural ground level.

Farmer’s Market/French Market. The seasonal selling or offering for sale of home-grown vegetables or produce, occurring in a pre-designated area where the vendors are generally individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

Fence. A free standing structure, including gates as needed, made of metal, masonry, wood or synthetic fiber or material, or any combination thereof, including gates, resting on or partially buried in the ground, rising above ground level, and used to delineate a boundary or as a barrier or means of protection, confinement, or screening. A fence that is installed atop or resting on a foundation rather than posts is considered a wall for purposes of this Ordinance.

Fence, Open. A fence which has, over its entirety, fifty percent (50%) or more of its surface area as open, defined as allowing a direct view through the fence from eye level at a position perpendicular to the fence.

Fence, Solid. A fence which has, over its entirety, less than fifty percent (50%) of its surface area as open, defined as allowing a direct view through the fence from eye level at a position perpendicular to the fence.

Financial Institution. A bank, savings and loan, credit union or mortgage office.

Floor Area. The floor area within the enclosing walls and under any covered areas of any building. For the purpose of determining the floor area of the principal building and all accessory buildings and structures on the lot, floor area shall mean the sum of the gross horizontal area of the several floors of a building, measured from the exterior faces of the exterior walls, or from the center line of party walls, as described in Section 2.5.

Floor Area Ratio. The numerical value obtained by dividing the aggregate floor area on a lot by the area of such lot. The floor area ratio designated for each zoning district, when multiplied by the lot area in square feet, shall determine the maximum permissible square footage of floor area for the building on such lot.

Foot-candle. A unit of illumination. It is equivalent to the illumination at all points that are one (1) foot distant from uniform source of one (1) candlepower.

Frequency. The term “frequency” signifies the number of oscillations per second in a sound wave and is an index of the pitch of the resulting sound.

Funeral Home. A building used for the preparation of the deceased for burial display of the deceased and rituals before burial or cremation. A “Funeral Home” includes chapels located within the building used for the display of the deceased and the conducting of rituals before burial or

cremation.

Garage. A structure, either attached to or detached from a principal building, used or designed to be used for storage of motor vehicles and accessory storage related to the use of the principal building.

Garage and Yard Sales. A temporary sale of goods from a residential premise, conducted on an infrequent and unscheduled basis, for the purpose of disposing of personal property.

Garden Center. Retail business whose principal activity is the selling of plants, which may be grown on the site, and other gardening equipment and supplies, typically having outside storage, growing or display.

Gas Station. A business where flammable or combustible liquids or gases used as fuel for motor vehicles are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. “Gas Station” may also include charging stations for electronic vehicles and a car wash as an accessory use.

Gazebo. A detached accessory structure that is roofed and open-sided in design for recreational use and not for habitation.

Glare. Illumination, or a contrast between illumination and its background, which results in reduced visual performance and visibility or which results in a sensation of visual discomfort caused by high or non-uniform distribution of brightness in the field of view.

Golf Course. A tract of land laid out with at least nine (9) holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms and shelters as accessory uses. A driving range may be included as part of a “Golf Course.”

Government Facility. A building owned, operated and/or occupied by a governmental agency to provide a governmental service to the public. “Government Facility” does not include “Public Safety Facilities,” “Public Works Facilities” and “Recreation Centers.”

Grade, Adjacent. The existing grade at the point of installation of a fence, sign or other referenced accessory structure.

Grade, Average Abutting. The computed average of the existing elevations of the surrounding ground abutting the structure as measured at every one (1) foot of the perimeter of the structure.

Grade, Calculated. The computed average of the existing elevations as measured at the side property lines at the required front yard setback line.

Grade, Existing. The pre-construction elevation of the ground contour or as determined by the Village Engineer.

Greenhouse. A structure constructed chiefly of glass, glasslike or translucent material, cloth or

lath, which is devoted to the protection or cultivation of flowers or other tender plants.

Gross Leasable Area. The total floor area designed for occupancy and exclusive use by tenants, including areas used for storage. The area of tenant occupancy is measured from the centerlines of joint partitions to the outside of the tenant walls.

Ground Floor. The first floor of a building generally located at grade or up to five feet above or below grade and accessed directly from the street or parking lot.

Group Home. A detached dwelling occupied by two (2) to five (5) persons, certified or accredited by the appropriate state or federal agencies, and that function as a single housekeeping unit for the housing of persons with functional disabilities who share responsibilities, meals, recreation, social activities and other aspects of residential living. “Group Home” does not include a residence that services persons as an alternative to incarceration for a criminal offense or a nursing facility.

Health Club. A recreational facility containing athletic or physical conditioning equipment, racquet courts, and/or a swimming pool, which is operated on a private membership basis and restricted to use by members and their guests.

Heavy Retail, Rental and Service. A business that provides for on-site use, storage, or sale of heavy equipment or construction materials, including building materials suppliers, lumberyards, construction yards, metal shops, and welding shops. “Heavy Retail, Rental and Service” does not include junkyards.

Hedge. A row of closely planted shrubs, bushes or any kind of plant forming a boundary or fence.

Height. The vertical distance from grade to the highest point of the roof of a building or the highest point of a structure as measured in Section 2.5.

Home Occupation. An occupation or profession which involves the rendering of a service in exchange for monetary fees or other remuneration, is conducted wholly within a dwelling unit by a member of the family residing therein, and is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

Hotel/Motel. An establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include, but shall not be limited to, conference and meeting rooms, restaurants, bars, and recreational facilities.

Household. Individuals living together on the premises as a single housekeeping unit.

Impervious Surface. A measure of intensity of land use that represents the portion of a site that is occupied by buildings, structures, pavement, and other impervious surfaces that do not allow for the absorption of water.

Incombustible. A material that will not ignite during an exposure to a temperature of one-thousand

two-hundred degrees Fahrenheit (1,200°F) for five (5) minutes.

Indoor Amusement Facilities. Spectator and participatory uses conducted within an enclosed building, such as movie theaters, bowling alleys, pool halls, arcades and indoor sporting exhibitions. Indoor amusement facilities may include accessory uses, such as snack bars or restaurants, for the use of patrons.

Kennel. An establishment where pet animals owned by another person are temporarily boarded for pay or remuneration of any sort. “Kennel” includes those facilities where pet animals are boarded for the day and/or overnight. “Kennel” does not apply to animal hospitals operated by veterinarians duly licensed under the law where the boarding of animals is accessory to medical treatment or convalescence after medical treatment of an animal.

Knee Wall. That portion of the attic framing as measured from the top of the attic floor joist to the top of the joint where the wall framing meets the roof rafter.

Lighting, Fully Shielded. A fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

Lighting, Unshielded. A fixture that allows light, either directly from the lamp or indirectly from the fixture or a reflector, to be emitted above the horizontal plane running through the lowest point on the fixture where light is emitted.

Live Performance Venue. A facility that accommodates the live performance of musical, theatrical, dance, cabaret, or comedy acts performed live by one (1) or more persons. “Restaurants” that regularly host such performances shall be considered “Live Performance Venues.” A “Live Performance Venue” may possess a liquor license and may provide food for consumption on the premises. Residences used to accommodate live performances for more than ten (10) persons (including performers) for any form of remuneration, including donations in kind or in money, are considered live performance venues subject to the provision of a temporary use permit.

Loading Berth. A space exclusive of driveways, aisles, maneuvering areas, ramps, columns, landscaping areas, office, and work areas for the temporary parking of a commercial vehicle while loading or unloading goods or materials, and which abuts upon a street, alley, or other appropriate means of access.

Logo. A business trademark or symbol.

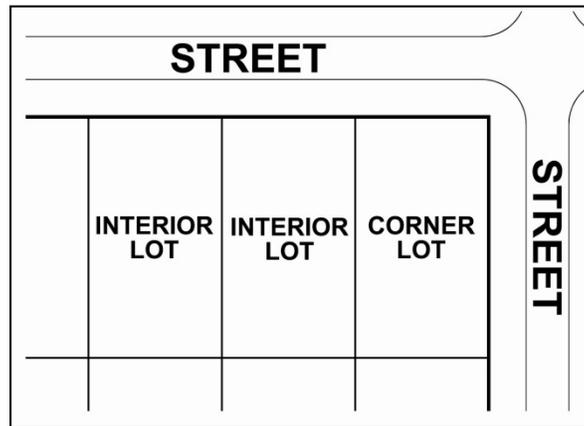
Lot. A parcel or tract of land located within a single block, occupied, or intended for occupancy, by one (1) principal building or principal use, and having frontage upon a street.

Lot Area. The computed area of the zoning lot contained within the lot lines as described in Section 2.5.

Lot, Corner. A lot situated at the junction of and abutting two (2) or more intersecting streets, and

where the interior angle at the intersection of such two (2) sides is less than one-hundred thirty-five (135) degrees. The point of intersection of the lot lines abutting the street is the corner of the lot in question. A lot that abuts a curved street or streets shall be considered a “Corner Lot” if the tangents to the curve at the curve’s point of beginning between the side lot lines, or at the points of intersection of the side lot lines with the lot line abutting the street, intersect at an interior angle of less than one-hundred thirty-five (135) degrees. In such cases, the corner of the lot in question is that point on the lot line abutting a street nearest to the point of intersection of the tangents above described.

FIGURE 2-6: LOT TYPES



Lot Coverage. The area of a lot that is covered by any structure, including accessory structures, as described in Section 2.5.

Lot Depth. The mean of the length of the two (2) side lot lines or, where the lot has more than two (2) side lot lines, the length of the longest line which is perpendicular to the front lot line and runs to the rear lot line as measured in Section 2.5

Lot, Double-Frontage. A lot which has a pair of opposite lot lines along two (2) approximately parallel streets, and which is not a corner lot.

Lot, Interior. A lot other than a corner lot or double-frontage lot.

Lot Line. A property boundary line of any lot. Where any portion of the lot extends into an abutting street or alley, the lot line is the established or existing street or alley right-of-way line.

Lot Line, Front. The lot line which abuts the street line provided that:

- A. Except as provided in Paragraph C, on a corner lot, the lot line having the shortest dimension adjoining a street.
- B. Except as provided in Paragraph C, on a double-frontage lot, the lot line along the street which is designated as such by the Zoning Administrator, except that where an established

front yard exists, a vacant double-frontage lot in the block must have its front lot line along the same street as the developed lots on the block.

- C. On either a double-frontage lot or a corner lot located in the GC-1, GC-2, NR, NR-1, OR, PCD-2, PCD-3 or VC Districts, the following apply:
1. The lot line that adjoins an arterial or collector street.
 2. If the lot adjoins more than one (1) arterial or collector street, then the lot line opposite from and most nearly parallel to the lot line that adjoins an alley. Where the lot adjoins both an arterial and collector street, the higher level street controls.
 3. If no lot line adjoins an arterial or collector street, then the lot line opposite from and most nearly parallel to the lot line that adjoins an alley.
 4. If the above situations do not apply, then the front lot line will adjoin the same street that adjoins the front lot lines of the majority of other developed lots in that block, to be verified by the Zoning Administrator.

Lot Line, Interior Side. The lot line that is not abutting a street and is not a rear lot line.

Lot Line, Rear. The lot line which is most distant from and most nearly parallel to the front lot line, or in the case of an irregular or triangular lot or a property with a rear lot is the ordinary high water mark of a body of water as shown in Section 2.5.

Lot Line, Side. A lot line that is not a front lot line or a rear lot line, which may be an “Interior Side Lot Line” or “Side Adjoining a Street Lot Line.”

Lot Line, Side Adjoining a Street. The lot line that is perpendicular or approximately perpendicular to the front lot line, which separates the longest street frontage of a corner lot from the street.

Lot of Record. A lot that is part of a subdivision, the map of which was recorded in the office of the Recorder of Deeds of Cook County prior to the effective date of this Ordinance, and which met all lot dimension requirements in effect at the time of recording. A lot described by metes and bounds, the description of which has been recorded in the office of the Recorder of Deeds or in the office of the Registrar of Titles of Cook County prior to the effective date of this Ordinance, and which met all lot dimension requirements in effect at the time of recording.

Lot Width. “Lot Width” is determined as shown in Section 2.5.

Luminaire. A complete lighting unit extending from a support structure, parallel to the ground, consisting of a light source and all necessary mechanical, electrical and decorative parts. A “Luminaire” does not include a pole or other support.

Manufacturing, General. An establishment that produces items from previously prepared

materials of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, provided all activities are contained entirely within a structure, and noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing activity are confined entirely within a structure.

Marquee. A permanent roof-like structure that extends from the wall of a building and is constructed of durable material such as metal or glass, but not supported from the ground.

Medical/Dental Clinic – Small. A facility, occupied by physicians, dentists, chiropractors or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis, not to exceed 2,000 square feet in gross floor area. “Medical Clinics” also include alternative medicine clinics, such as acupuncture, and physical therapy offices

Medical/Dental Clinic – Large. A facility, occupied by physicians, dentists, chiropractors or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis, larger than 2,000 square feet in gross floor area. “Medical Clinics” also include alternative medicine clinics, such as acupuncture, and physical therapy offices.

Medical Cannabis Cultivation Center. A facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to cultivate medical cannabis in accordance with the Compassionate Use of Medical Cannabis Pilot Program Act, or similar act of the General Assembly, provided that Medical Cannabis Cultivation Centers shall not be located within two-thousand five-hundred (2,500) feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use.

Medical Cannabis Dispensing Organization. A facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia or related supplies and educational materials to registered qualifying patients in accordance with the Compassionate Use of Medical Cannabis Pilot Program Act, or similar act of the General Assembly, provided that a Medical Cannabis Dispensing Organization shall not be located within one-thousand (1,000) feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility.

Memorial Plaque. A sign, tablet, or plaque memorializing a person, event, structure, or site.

Motor Vehicle Dealership. Any business establishment that sells or leases new or used automobiles, trucks, vans, trailers, recreational vehicles, boats, motorcycles, or other similar motorized transportation vehicles. An automobile dealership may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership.

Motor Vehicle Operations Facility. A privately-owned facility for the dispatch, storage and maintenance of emergency medical care vehicles, taxicabs and other livery vehicles. “Motor

Vehicle Operations Facility” does not include facilities where the vehicles of the fire, police or other municipal departments are dispatched, stored and/or maintained, which are considered “Public Safety Facilities.”

Motor Vehicle Rental Establishment. An establishment for the rental of automobiles, light trucks and vans, motorcycles and recreational vehicles, including incidental parking and servicing of rental vehicles.

Motor Vehicle Service and Repair, Major. Such use includes, but is not be limited to, establishments involved in engine rebuilding, major reconditioning of worn or damaged motor vehicles or trailers, towing and collision service, including body, frame or fender straightening or repair, and painting of motor vehicles.

Motor Vehicle Service and Repair, Minor. Such use includes, but is not limited to, minor repairs to motor vehicles, including repair or replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel servicing, alignment and balancing, repair and replacement of shock absorbers, and replacement or adjustment of mufflers and tail pipes, hoses, belts, light bulbs, fuses, windshield wipers/wiper blades, grease retainers, wheel bearings, and the like.

Movie Theater. A theater designed for showing movies or motion pictures.

Multi-Tenant Commercial Structure. A structure or group of structures containing three (3) or more commercial uses constructed on a parcel of land under unified ownership or control, and/or planned and developed with unified building design and coordinated parking and service areas.

Nameplate. A sign indicating the name and address of the person or persons occupying the lot or a part of the building.

No-Access Strip. A strip of land which lies within and along the rear lot line of a double-frontage lot and which adjoins a street which is designated on a recorded subdivision plat or deed of conveyance as land over which motor vehicle travel is not permitted.

Non-conforming Lot. A lot of record that does not meet the lot area or lot width requirements of this Ordinance for the zoning district in which it is located.

Non-conforming Structure. A structure that was lawfully established prior to and existing on the effective date of this Ordinance, or any amendment hereto, that has been rendered non-conforming and does not conform to the requirements of this Ordinance for the zoning district in which it is located.

Non-conforming Use. A use that was lawfully established prior to and being conducted on the effective date of this Ordinance, or any amendment hereto, that has been rendered non-conforming and does not conform to the requirements of this Ordinance for the zoning district in which it is located. This does not include a lawful permitted use or lawful special use.

Office. A use that engages in the processing, manipulation or application of business information or professional expertise. An “Office” may or may not offer services to the public. An “Office” is not materially involved in fabricating, assembling or warehousing physical products for the retail or wholesale market, nor is an office engaged in the repair of products or retail services. It is characteristic of an “Office” that retail or wholesale goods are not shown on the premises to a customer. Examples include, but are not limited to, professional offices for non-profit organizations, advertising, accounting, investment services, insurance, contracting, architecture, planning, engineering, legal services and real estate services. “Office” does not include “Financial Institution” or “Government Facility.”

Off-Premises Sign. A sign that advertises a business, service or product but is not located on the premises where the business or service is located or the product is available for sale.

Outdoor Dining. A seating area located outdoors of a contiguous restaurant, usually in addition to an indoor seating area.

Outdoor Display and Sales Area. Part of a lot used for outdoor sales and/or display of goods accessory to the principal use.

Outdoor Fireplace. An accessory structure designed to contain a fire for heating and/or cooking.

Outdoor Kitchenette. A complete cooking facility located outdoors typically involving a sink, stove or similar cooking range appliance, and a food preparation counter.

Outdoor Lighting. Any artificial light source that is installed or mounted outside of a building, but not including street lights installed or maintained by the Village along public streets.

Outdoor Storage. The keeping of any goods, material, merchandise or equipment not within an enclosed building, including incidental maintenance and repair of the material that is being stored.

Owner. The titleholder of record or, if title is held in a land trust, the beneficiary of the trust.

Park/Playground. A facility designed to serve the recreation needs of the residents of the community. “Parks” include, but are not limited to, ballfields, football fields, soccer fields, basketball courts, tennis courts, paddle tennis facilities, playgrounds and accessory park district structures that may have indoor recreation facilities whether owned and/or managed by local government, not for profit groups or privately.

Parking Lot – Principal Use. An open, hard-surfaced area, other than street or public way, available to the public, to be used for the storage, for limited periods of time, of operable passenger automobiles and commercial vehicles. Such storage may be for compensation, free or as an off-site accommodation to residents of a multi-family dwelling, or clients and customers of a business.

Parking Space. An area, enclosed or unenclosed, which is reserved or intended for the parking of one (1) motor vehicle, and which is accessible to and from a street or alley.

Parking Structure – Principal Use. A structure composed of multiple levels or floors used for the parking or storage of motor vehicles.

Party Wall. A wall starting from the foundation and extending continuously through all stories to or above the roof, that separates one (1) building from another, but is in joint use by each building.

Patio. An impervious surface at grade designed and intended for recreational use by people and not as a parking space.

Pawn Shop. An establishment that lends money on the deposit or pledge of physically delivered personal property, and who may also purchase of such property on the condition of selling it back again at a stipulated price. “Pawn Shop” includes establishments that buy personal property, such as jewelry or artwork, made of gold or other valuable metals for refining. Consignment shops and antique shops are not considered “Pawn Shops.”

Performance Standards. Criteria to control noise, odor, smoke, toxic or noxious matter, vibration, fire, and explosive hazards, or glare of heat generated by or inherent in use of land or buildings.

Pergola. A structure of parallel columns supporting an open roof of beams and crossing rafters.

Permanently Installed Stand-by Generator. A device for generating electrical energy that provides temporary power during incidental power outages and emergency power outages due to storms and other natural and/or man-made disasters.

Person or Entity. An association, corporation, partnership, limited liability company, organization, proprietorship, trust or individual.

Personal Services Establishment. An establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, tanning salons, massage salons, shoe repair, laundromats, dry cleaners and tailors. This does not include “Art Studios,” “Financial Institutions” and “Medical/Dental Clinics.”

Pet Day Care Service. An establishment where pet animals owned by another person are boarded for the day, and services such as grooming and pet training are offered. “Pet Day Care Service” may include accessory retail sales on the site.

Place of Worship. A building, together with its accessory buildings and uses, where persons regularly assemble for religious purposes and related social events and which, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes. A “Place of Worship” may include accessory uses operated by the religious body such as group housing for persons under religious vows or orders, day care facilities and/or weekly religious instruction.

Play House. A detached accessory structure used for recreation and is not considered to be a habitable residence.

Pool Hall. An establishment that provides, as a principal use, pool or billiard tables or a combination thereof for customer use.

Porch. A structure, which is open on two (2) or more sides, that projects from the exterior wall of a building, has direct access to the street level of the building, and is covered by a roof or eaves that may be supported by posts and has no roof-supporting walls.

Porch, Front. A porch serving the primary entrance to the principal structure.

Principal Building or Principal Structure. A non-accessory structure in which a principal use of the lot on which it is located is conducted.

Principal Use. The main use of land or structure as distinguished from an accessory use.

Printing or Photocopying Establishment. A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, lithography, screen printing, and other forms of offset printing.

Public Safety Facility. Facilities operated by public safety agencies including fire stations and other fire prevention and firefighting facilities, and police and sheriff substations and headquarters, including interim incarceration facilities. The vehicles of fire and police may be dispatched, stored and/or maintained within the “Public Safety Facility.”

Public Use Area (for Parking Standard Calculations). The area within a use where the public or a substantial number of the public has access to, including but not limited to, such areas as dining rooms, restrooms, bar seating, display areas, etc.

Public Works Facility. All production, storage, transmission and recovery facilities for water, sewer, telephone and other similar utilities owned or operated by any public agency or utility. This includes any municipal repair, storage or production facility or public works yard, as well as any accessory office or meeting rooms. Municipal vehicles may be dispatched, stored and/or maintained within the “Public Works Facility.” “Public Works Facility” does not include “Public Safety Facility.”

Recreation Center. A building or enclosed structure, operated by a government agency for use by the public, which contains recreational facilities, including but not limited to racquet courts, swimming pools, auditoriums, ice rinks and/or gymnasiums. A recreation center shall include outdoor facilities which are immediately adjacent to or accessed through the building or enclosed structure, including but not limited to outdoor amphitheaters, racquet courts, ice rinks and swimming pools, and further shall include any accessory office, museum, restaurant, concession stand, picnic tables, pro shop, maintenance building, restroom facility, boating or boat storage facility, or similar accessory use or structure.

Recreational Vehicle. A vehicular unit, which is designed as a temporary dwelling for travel, recreation and vacation use, and which is self-propelled, mounted on or pulled by another vehicle.

Examples include, but are not limited to, a travel trailer, camping trailer, truck camper, motor home, fifth-wheel trailer, or van.

Related Party. Person(s) related to each other by blood, marriage, adoption or civil union, or entities whose officers, trustees, shareholders, partners or members are either the same person or are related to each other by blood, marriage, adoption or civil union.

Research and Development Facility. An establishment where research and development is conducted in industries that include, but are not limited to, biotechnology, pharmaceuticals, medical instrumentation or supplies, communications and information technology, electronics and instrumentation, and computer hardware and software. “Research and Development Facility” does not involve the manufacture, fabrication, processing or sale of products, with the exception of prototype development.

Residential Care Facility. A group care facility, which may or may not be licensed by the state, for twenty-four (24) hour medical or non-medical care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living, or for the protection of the individual. Residential care facility includes nursing care, assisted living, and continuum of care facilities.

Restaurant, Carry-Out/Delivery. An establishment maintained, operated, or advertised or held out to the public as a place where food, beverage or desserts are served in disposable containers or wrappers from a serving counter for consumption off the premises, or are prepared and then delivered by messenger, via a vehicle, bicycle or by foot to the persons placing the food order.

Restaurant, Full Service. An establishment where food and/or beverages are prepared, served and consumed, and whose principal method of operation includes providing customers with an individual menu and serving food and beverages by a restaurant employee at the same table or counter where the items are consumed.

Restaurant, Limited Service. A establishment, which may be part of a chain of fast food outlets, whose design or principal method of operation includes three (3) or more of the following characteristics: 1) a permanent menu board is provided from which to select and order food; 2) standardized floor plans, architecture and/or sign design are used over several locations; 3) customers pay for food before consuming it; 4) a self-service condiment bar is provided; 5) trash receptacles are provided for self-service bussing; 6) furnishing plan indicates hard-finished, stationary seating arrangements; 7) drive-through service is offered; and 8) most main course food items are prepackaged rather than made to order.

Restaurant, Specialty. An establishment whose primary business is the sale of a single specialty type of food or beverage that is not considered a complete meal (e.g., baked goods, candy, coffee, or ice cream). The sale of other food, beverages or merchandise is incidental to the sale of the specialty food or beverage.

Retail Goods Establishment. A building, property, or activity that provides physical goods, products or merchandise directly to the consumer, where such goods are typically available for

immediate purchase and removal from the premises by the purchaser.

Satellite Dish Antenna. A dish antenna designed for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication or other signals from other antennas, satellites or other services.

Shed. A relatively small accessory building often purchased pre-built or as a kit in pre-fabricated sections. It is not designed to be served by heat, electricity, or plumbing and does not need to be placed on a permanent foundation.

Sign. A name, identification, description, display, illustration or attention-getting device which is affixed to or painted or represented directly or indirectly upon a building or other outdoor surface or lot, and which directs attention to a person, business, product, service, place, organization or entertainment. "Sign" does not include the flag of any nation, state or governmental entity.

Sign, Awning. A sign displayed on the face or valance of an awning.

Sign, Banner. Any sign printed or displayed upon cloth or other flexible material with or without frames. A banner, in compliance with the regulations of this Ordinance, is not considered an "Attention-Getting Device."

Sign, Box. A sign, containing multiple letters, symbols, and/or logos in a single cabinet whose face is flat and parallel to the front façade of a building, whose sides are perpendicular to and attached to that façade, and which may or may not be internally illuminated.

Sign, Construction. A temporary sign identifying an architect, contractor, subcontractor and/or material supplier participating in construction on the property on which the sign is located and which may identify the proposed use for the property.

Sign, Directional. A sign that identifies parking lot entrances and exits, restrooms, public telephone, walkways, parking lot entrances and exits, and features of a similar nature.

Sign, Directory. A sign that serves as common or collective classification for a group of persons or businesses operating on the same zoning lot (e.g., shopping center, office complex, etc.). Such sign may name the persons or businesses included, but carry no other advertising matter.

Sign, Flashing. A sign which contains an intermittent or sequential flashing light source used primarily to attract attention.

Sign, Ground. A sign that is supported by a pole or other form of ground support, which is independent of a building. A pole or other similar structure may itself be a ground sign.

Sign, Menu Board. A device that functions to list items for sale at an establishment with drive-through facilities.

Sign, Municipal. A sign erected and maintained pursuant to, and in discharge of, any municipal

functions or as required by law, including but not limited to, speed limit signs, stop signs, Village limit signs, street name signs, historical or government sites, and directional signs.

Sign, Non-conforming. A sign lawfully erected and maintained prior to the adoption of this Ordinance that does not conform to the requirements of this Ordinance.

Sign, Projecting. Any sign that is attached to a building or other structure, and extends beyond the surface of the building or structure to which it is attached.

Sign, Portable. A sign whose principal supporting structure is intended, by design and construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse. Portable signs include but are not limited to signs mounted upon a trailer, wheeled carrier or other non-motorized mobile structure, with wheels or with wheels removed. “Portable Sign” does not include “Sidewalk Signs.”

Sign, Roof. Any sign wholly erected, constructed, or maintained above the roof structure or parapet of any structure with the principal support attached to the roof structure.

Sign, Sidewalk. A sign placed either on a private sidewalk along the frontage of the building or establishment to which it relates, or on a public sidewalk and along the frontage and on the same side of the street of the building or establishment to which they relate.

Sign, Wall. A sign mounted flat against and projecting less than twelve (12) inches from the wall of a building or structure with the exposed face of the sign in a plane parallel to the face of the wall. “Wall Sign” does not include “Window Sign” or “Box Sign.”

Sign, Window. A sign attached to, placed upon, or printed on the interior or exterior of a window or door of a building intended for viewing from the exterior of such a building. A “Window Sign” may be either permanent or temporary.

Social Club or Lodge. A private not-for-profit association, corporation or other entity that has a limited membership and elected officers pursuant to its bylaws that excludes the general public from its premises and holds all property for the common benefit of its members. “Social Club or Lodge” does not include an establishment that permits non-members to pay a temporary membership fee at the door in order to enter and use the premises.

Solar Panel. A device that collects and converts direct sunlight as a source of energy for such purposes as heating or cooling a structure, heating or pumping water, or generating electricity. “Solar Panel” includes solar thermal panels.

Spa or Hot Tub. A man-made rigid or semi-rigid receptacle for water having a depth at any one (1) point greater than one (1) foot, but less than three (3) feet, or having a volume greater than eighty (80) gallons, but less than two-thousand five-hundred (2,500) gallons, used or intended to be used for bathing, wading, floating, or soaking, and constructed, installed or maintained in or above ground, and which is used exclusively by the owner or occupant of the property on which it is located, his family and his guests.

Sport Court. An outdoor at-grade structure for recreational use, typically paved or consisting of a man-made surface. A “Sport Court” includes basketball courts, tennis courts and courts that are designed for multiple recreational activities.

Stacking Space. A space specifically designated as a waiting area for vehicles patronizing a drive-through facility.

Stoop. An exterior floor typically, but not necessarily, constructed of concrete and/or masonry, with a finished floor elevation higher than the adjacent ground level, often with steps leading up to it, and utilized primarily as an access platform to a building.

Story. That portion of a structure included between the upper surface of any floor and the upper surface of the floor next above it, except that the topmost story is that portion of a structure included between the upper surface of the topmost floor and the ceiling or roof above it. The floor of a story may have split levels provided that there is not more than a four (4) foot difference in elevation between the different levels of the floor. A mezzanine floor is counted as a story when it covers more than one-third (1/3) of the area of the floor next below it, or if the vertical distance from the floor next below it to the floor, ceiling or roof next above it is twenty-two (22) feet or more. “Story” does not include any such area having part of its ceiling height below grade. For the purposes of calculating floor area for single-family and two-unit dwellings, a maximum story height of eleven (11) feet must be used.

Story, Half. A story under a gable, hip or gambrel roof, measured as described in 2.5.

Street Level. The story of a building that has its floor at the closest level to the street, with direct pedestrian access to that story from the outside.

Street Wall. The wall of a building nearest to and facing on a street.

Structure. Anything constructed or erected that requires location on the ground or attached to something having location on the ground. “Structure” does not include “Tree House.”

Structural Alteration. A change in the supporting members of a structure, such as bearing walls, columns, beams, or girders, or any substantial change in the roof line or in the exterior walls which does not increase any exterior dimension, excluding such repair or replacement as may be required for the safety of the structure.

Swimming Pool. A man-made rigid or semi-rigid receptacle for water which has a depth at any point greater than eighteen (18) inches, which is used or intended to be used for swimming or bathing, which is constructed, installed or maintained in or above ground, and which is used exclusively by the owner or occupant of the property on which it is located, his family, and his guests.

Temporary Contractor Trailer. This use includes watchman’s trailers, construction equipment sheds, contractor trailers and similar uses incidental to a construction project and sales of homes within a newly constructed development.

Tree House. A detached accessory structure that is supported by 1) one or more trees 2) a combination of trees and ground support elements or 3) ground supports and surrounding a tree, that is used for recreation and is not considered to be a habitable residence.

Trellis. A frame or panel of latticework used as a screen or as a support for climbing shrubs or plants.

Twenty-Four Hour Business. A business, other than one engaged in public transportation or livery service, that is open to the public, accepts deliveries from a vehicle with above D Illinois commercial vehicle license plates or equivalent out-of-state truck license plates, or engages in any outdoor operations or activities related to the business between the hours of 1:00 a.m. and 5:30 a.m. Responding to an emergency request for service between 1:00 a.m. and 5:30 a.m. because of an imminent danger to person or property is not considered a commercial activity within the Village during those hours.

Unusual Recreational Equipment. A recreational structure or recreational equipment that is incidental to and associated with a residential use located on the same lot, but is of such a scale or operated in such a way that it has visual impact or noise impact that is not typically or customarily found on a residential lot.

Unit of Local Government. The Village itself, a public school district, public library district, or public park district governed by a board or commission elected by the residents of the Village.

Use. The purpose or activity for which the land or structure is designed, arranged or intended, or for which it is occupied or maintained.

Use, Intensity. A measure of the amount of development contained on a lot, measured in terms of square feet of active business use for commercial activities or density of dwelling units for residential activities.

Use, Permitted. A use permitted in a zoning district without the need for special administrative review and approval, upon satisfaction of the standards and requirements of this Ordinance.

Use, Special. A use that owing to some special characteristics attendant to its operation or installation is permitted in a zoning district only after review, and is subject to approval by the Village Board.

Utility. Utilities that are not subject to Village acceptance for operation or maintenance. For purposes of this Ordinance, private utilities include natural gas lines, power lines, telephone lines, cable television lines, fiber optic lines and other communication lines, their appurtenances and components and the utility companies' operation, maintenance, repair and replacement of same. Aboveground private utility structures, such as pedestals for cable wire access or other access points for underground infrastructure (communications wiring, fiber optic, etc.) are considered a "Utility."

Valance. The unsecured edge of an awning or canopy that projects below the bottom of the frame supporting the awning or canopy.

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

Wall. Any un-roofed man-made structure of concrete, stone, brick, tile, wood or similar type of material which has a foundation.

Wall, Retaining. A wall or terraced combination of walls used to retain soil or similar material, that is not used to support, provide a foundation for, or provide a wall for a building or structure.

Warehouse/Distribution. The storage, wholesale and distribution of manufactured products, supplies and equipment.

Water Garden. Any ornamental tub, pool, or other natural or artificial water container planted with aquatic plants. “Water Garden” shall not include “Swimming Pools,” or “Spas or Hot Tubs.”

Window Well. An enclosure installed below grade that retains the earth around a window that is either entirely or partially below grade and is constructed for the purpose of egress from a below-grade space during an emergency and/or to provide light and ventilation to a basement.

Wind Turbine. A building-mounted or tower-mounted wind energy production system that is accessory to the principal use and intended to primarily reduce on-site consumption of utility power by the uses on the site. However, energy produced in excess of on-site consumption may be sold back to the utility power service provider.

Wireless Telecommunications Equipment. A specific device, the surface of which is used to transmit and/or receive radio-frequency signals, microwave signals, or other signals transmitted to or from other antennas. “Wireless Telecommunications Equipment” does not include “Satellite Dish Antenna.” “Wireless Telecommunications Equipment” includes un-staffed structures used to house and protect the equipment necessary for processing telecommunications signals, which may include air conditioning equipment and emergency generators, and towers designed and constructed to support one (1) or more antennas and including all appurtenant devices attached to it.

Yard. A required open, unoccupied space on a lot, unobstructed from the ground to the sky, except for those encroachments allowed by this Ordinance.

Yard, Established Front – Residential. The computed front yard setback as described in Section 2.5.

Yard, Front. A yard extending along the full length of a front lot line and back to a line drawn parallel to the front lot line at a distance equal to the depth of the required front yard.

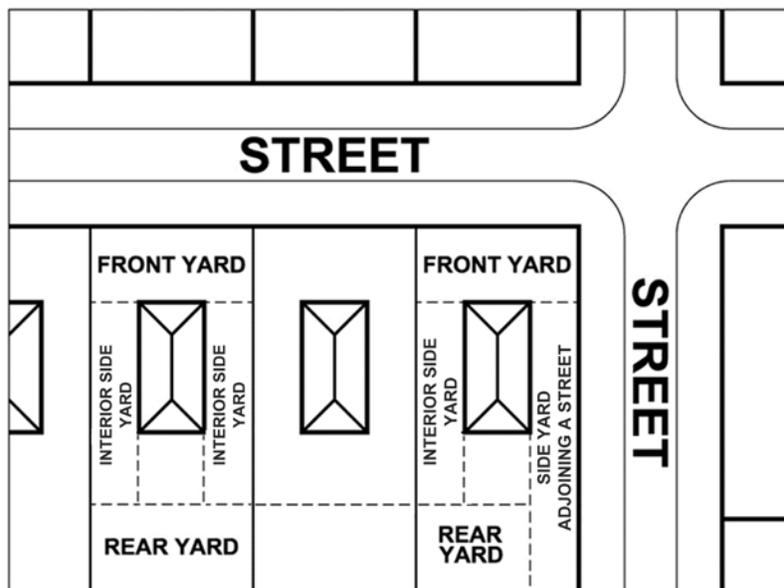
Yard, Interior Side. A yard extending between the required front yard line to the required rear yard line along the interior side lot line at a width equal to the depth of the required interior side yard.

Yard, Rear. A yard extending along the full length of the rear lot line and back to a line drawn parallel to the rear lot line at a distance equal to the depth of the required rear yard.

Yard, Side Adjoining a Street. A yard extending between the required front yard line to the rear lot line parallel to a lot line abutting a street at a width equal to the depth of the required side yard adjoining a street.

Yard, Side Combined. The combined width of the two side yards, which are bounded by the rear yard setback line, the front yard setback line, both side yard setback lines, (which when added together meets the combined side yard setbacks requirements for the property), and both side property lines. For the purpose of meeting the minimum combined side yard setback requirements, this is measured from the closest point of each side of the principal structure to both side lot lines.

FIGURE 2-7: LOCATION OF YARDS



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. A “Zoning Lot” may or may not coincide with a “Lot of Record.”

2.5 RULES OF MEASUREMENT

A. Lot Dimensions

1. **Lot Area.** The computed area of the zoning lot contained within the lot lines.
2. **Lot Depth.** The mean of the length of the two side lot lines or, where the lot has more than two side lot lines, the length of the longest line which is perpendicular to the front lot line and runs to the rear lot line.
3. **Lot Width.** “Lot Width” is determined as follows:
 - a. If the side property lines are parallel, the shortest distance between these parallel side lot lines at any point within the lot.
 - b. If the side property lines are not parallel, the length of a line at right angles to the axis of the lot at a distance equal to the front yard line required for the district in which the lot is located or thirty (30) feet to the rear of the front yard line, whichever results in the lesser width. The axis of a lot is a line joining the midpoints of the front and rear property lines.

FIGURE 2-8: LOT DIMENSIONS

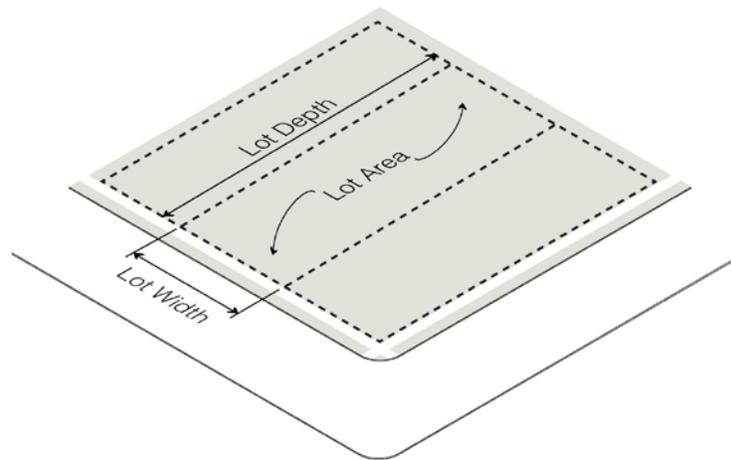


FIGURE 2-9: REAR LOT LINE AND LOT DEPTH FOR IRREGULAR SHAPED LOTS

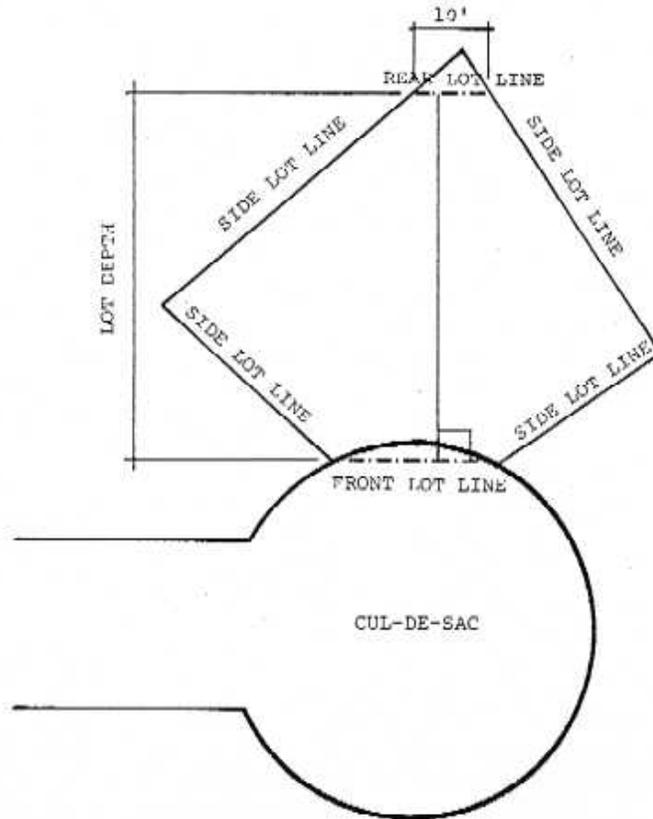
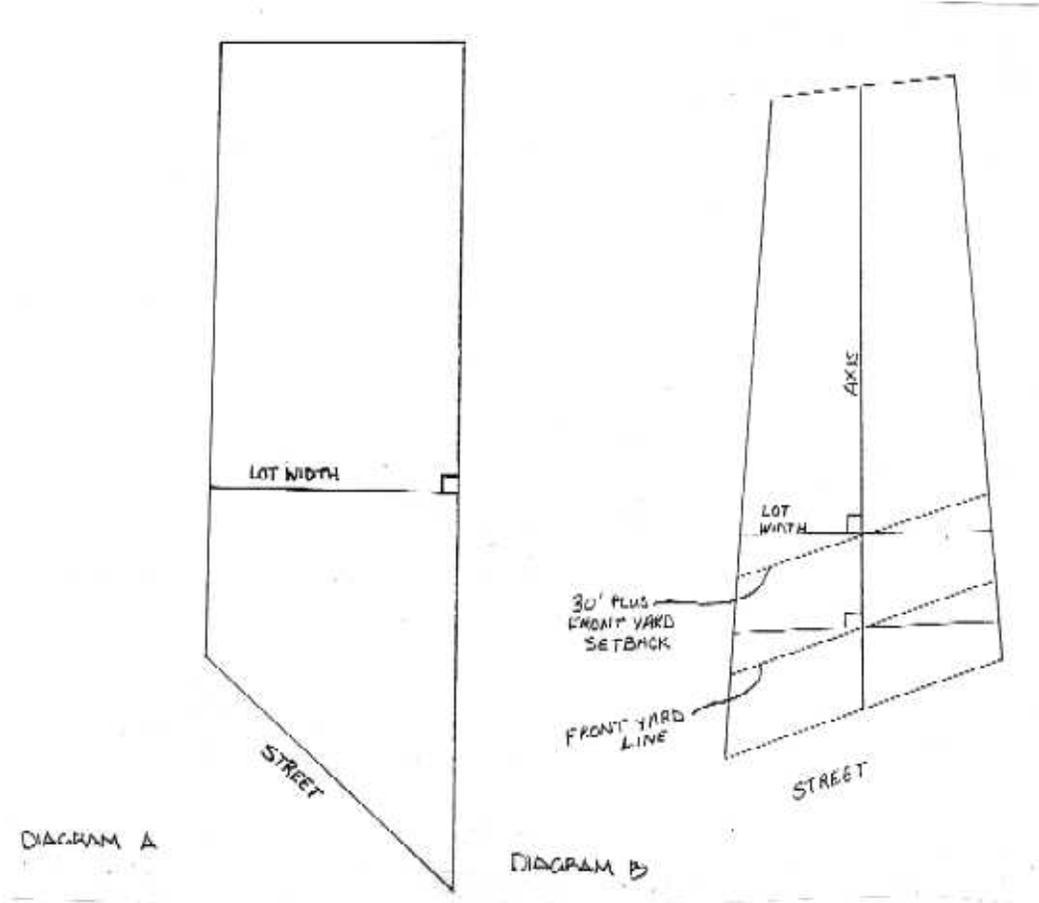


FIGURE 2-10: LOT WIDTH



B. Established Front Yard Setback – Residential

The established front yard shall be calculated as the average of the existing front yard setbacks as measured from the front lot line to the principal structure along the same side of the street and on the same block. Where there are five (5) or more principal structures on said block, the shortest and longest setbacks shall be eliminated in the making of the computation. The established front yard setback shall be permanently set using the principal structure locations of said block as of July 1, 2003.

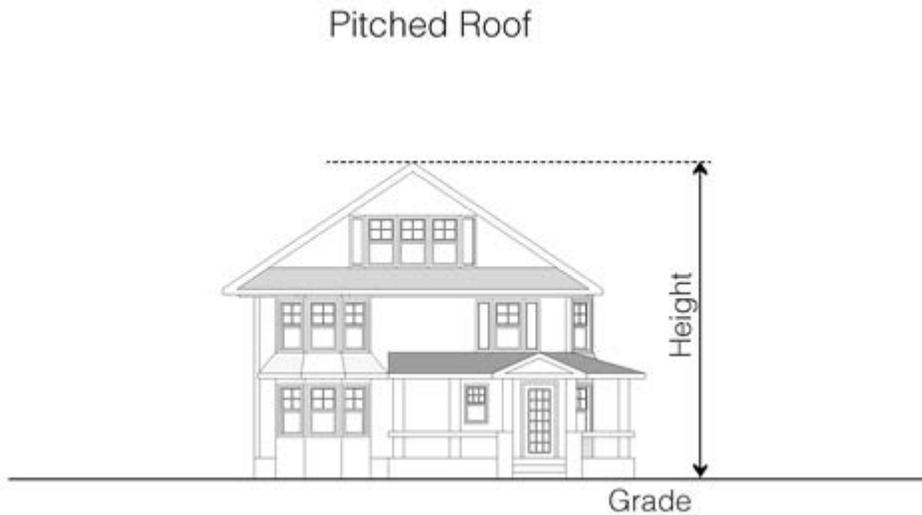
C. Height. The vertical distance from grade to the highest point of the roof of a building or the highest point of a structure.

The height of the principal structure shall be measured from calculated grade.

The height of any accessory structure, except a fence, shall be measured from the average abutting grade.

The height of a fence, at any point along the fence, shall be measured from adjacent grade.

FIGURE 2-11: HEIGHT FOR PITCHED ROOF



D. Flat Roof.

For the purpose of determining the maximum height of a single-family or two-unit dwelling, the dwelling shall be determined to have a flat roof if the area of the roof that is flat is greater than twenty-five percent (25%) of the area of the second floor.

E. Half Story.

For the purpose of determining the maximum height of a single-family or two-unit dwelling, the dwelling shall be determined to have a half story when no more than twenty-five percent (25%) of the floor area is located under dormers or other outward projections from the basic planes of the roof and has knee walls not exceeding two (2) feet in height to the bottom of the roof rafters.

F. Floor Area.

For the purpose of determining the floor area of the principal building and all accessory buildings and structures on the lot, floor area shall mean the sum of the gross horizontal area of the several floors of a building, measured from the exterior faces of the exterior walls, or from the center line of party walls. This shall be measured to the exterior of building cladding greater than three (3) feet above grade and/or building cladding greater than three (3) feet above the floor level for any floor above the first floor.

1. For single-family, two-unit, townhouse/stacked flat and multi-family dwellings, this shall include the following:
 - a. One-hundred percent (100%) of the area of a basement, if four (4) feet or more of the height of the basement projects above grade as measured from grade to the top of the first finished floor on structures built after July 1, 2003 in all districts except

R1; and

- b.** One-hundred percent (100%) of the area of a basement, if five (5) feet or more of the height of the basement projects above grade as measured from grade to the top of the first finished floor on structures built on or before July 1, 2003 in all districts except R1; and
- c.** One-hundred percent (100%) of the area of a basement, if the height of the first floor exceeds that shown on Table 8-3: R1 Sub-District Residential Zoning Districts Bulk and Yard Regulations for the R1 zoning districts; and
- d.** One-hundred percent (100%) of the area of any portion of a basement that projects seven (7) feet or more above the existing adjacent grade on a downward sloping lot; and
- e.** One-hundred percent (100%) of the area of a garage or carport; and
- f.** One-hundred percent (100%) of the floor area of any part of an attic, if that part has a height from floor or upper limits of the story below to bottom of rafters of six feet, nine inches (6'9"), or more; and
- g.** One-hundred percent (100%) of the area of any part of a story above the first story, if that part has a height from floor or upper limits of the story below to bottom of the story or half-story above of six feet, nine inches (6' 9"), or more; and
- h.** One-hundred percent (100%) of the area below a habitable overhang; and
- i.** One-hundred percent (100%) of the area of a covered porch, covered balcony or similar roofed exterior space that exceed three (3) feet from the wall of the principal structure; and
- j.** One-hundred percent (100%) of the area of a roofed accessory building or structure, such as a shed, gazebo, beach house/cabana, boat house, tree house or play house, or similar structure, when the total area of the accessory building or structure is in excess of sixty-four (64) square feet; and
- k.** One-hundred percent (100%) of the area of a pergola, arbor or similar roofed structure if the roof beams and rafters combined comprise a roof structure that is less than eighty-five percent (85%) open or seventy-five percent (75%) of a pergola, arbor or similar roofed structure if the roof beams and rafters taken together comprise a roof structure that is at least eighty-five percent (85%) open. However, arbors meeting the standards combined in Section 13.4.C shall not be counted towards total floor area; and
- l.** Seventy-five percent (75%) of the area of an awning, canopy or similar element without ground supports, that exceeds three (3) feet in depth from the wall of the

- principal structure; and
- m.** One-hundred percent (100%) of the area under eaves erected after July 1, 2003 that exceed three (3) feet in depth from the wall of the principal structure; and
 - n.** Seventy-five percent (75%) of the area of an open balcony; and
 - o.** Fifty percent (50%) of the area of a deck, if the deck and/or its railing project more than six feet, six inches (6'6") above the existing adjacent grade; and
 - p.** Fifty percent (50%) of the area of a deck when any portion of the deck and/or its railing project more than six feet, six inches (6' 6") above the existing adjacent grade on a downward sloping lot; and
 - q.** Any open two (2) story element (an interior space which has a clear height of one (1) story plus six feet, nine inches (6'9") or more) shall be counted twice in calculating the floor area of the building, and any open three (3) story element (an interior space which has a clear height of two (2) stories plus six feet, nine (6'9") inches or more) shall be counted three (3) times in calculating the floor area of the building. For this purpose, a maximum story height of eleven (11) feet shall be used; and
 - r.** The floor area of a story directly below an attic (or a partial story), with a height from floor or upper limits of the story below to bottom of the attic (or partial story) rafters of seventeen feet nine inches (17'9") or greater shall be counted twice.
- 2.** For mixed use and non-residential structures, this shall include the following:
- a.** One-hundred percent (100%) of the first floor with a clear ceiling height of twenty-one (21) feet or less; and
 - b.** Any open two (2) story element (an interior space which has a clear height of twenty-one (21) feet plus eleven (11) feet or more shall be counted twice in calculating the floor area of the building, and any open three (3) story element (an interior space which has a clear height of forty-two (42) feet plus eleven (11) feet or more) shall be counted three (3) times in calculating the floor area of the building; and
 - c.** One-hundred percent (100%) of the area of a basement, if four (4) feet or more of the height of the basement projects above grade as measured from grade to the top of the first finished floor on structures built after July 1, 2003; and
 - d.** One-hundred percent (100%) of the area of a basement, if five (5) feet or more of the height of the basement projects above grade as measured from grade to the top of the first finished floor on structures built on or before July 1, 2003; and

- e. One-hundred percent (100%) of the area of any portion of a basement that projects seven (7) feet or more above the existing adjacent grade on a downward sloping lot; and
- f. One-hundred percent (100%) of the area of a garage or carport; and
- g. One-hundred percent (100%) of the area of a roofed accessory building or structure, such as a shed, gazebo, detached pergola, beach house/cabana, boat house, tree house or play house, or similar structure; and
- h. One-hundred percent (100%) of the floor area of any part of an attic, if that part has a height from floor or upper limits of the story below to bottom of rafters of six feet, nine inches (6'9"), or more; and
- i. One-hundred percent (100%) of the floor area of any part of a story above the first story, if that part has a height from floor or upper limits of the story below to bottom of the story or half-story above of six feet, nine inches (6' 9"), or more; and
- j. One-hundred percent (100%) of the area of a covered porch, covered balcony, or similar roofed exterior space; and
- k. One-hundred percent (100%) of any area below a habitable overhang; and
- i. Fifty percent (50%) of the area of a deck, if the deck and/or its railing project more than six feet, six inches (6'6") above the existing adjacent grade; and
- l. For property that slopes downward towards a rear lot line the portion of a deck and/or its railing that projects more than six feet, six inches (6' 6") above the existing adjacent grade shall be counted at fifty percent (50%); and
- m. One-hundred percent (100%) of eaves erected after July 1, 2003 which exceed three (3) feet in depth from the wall of the principal structure; and
- n. Seventy-five percent (75%) of the area of an open balcony; and
- o. Seventy-five percent (75%) of the area of an awning, canopy or similar element without ground supports; and
- p. One-hundred percent (100%) of the area of a pergola, arbor or similar roofed structure if the roof beams and rafters combined comprise a roof structure that is less than eighty-five percent (85%) open or seventy-five percent (75%) of a pergola, arbor or similar roofed structure if the roof beams and rafters taken together comprise a roof structure that is at least eighty-five percent (85%) open. However, arbors meeting the standards combined in Section 13.4.C shall not be counted towards total floor area.

G. Garage Floor Area Bonus.

The garage floor area bonus shall be calculated in accordance with Table 8-2: R, R2, R3 and R4 Residential Zoning Districts Bulk and Yard Regulations, Table 8-3: R1 Sub-District Residential Zoning Districts Bulk and Yard Regulations and Table 8-4: Contextual Bulk Regulations.

1. Up to an additional four-hundred and forty (440) square feet in excess of the floor area limit established in Table 8-2, Table 8-3 and Table 8-4 may be occupied by a detached or attached garage.
2. Up to an additional two-hundred (200) square feet in excess of the floor area limit established in Table 8-2, Table 8-3 and Table 8-4 may be occupied by a detached shed.
3. The total additional area for a detached or attached garage in combination with a detached shed shall not exceed a total of four-hundred and forty (440) square feet.
4. A roofed, open sided parking space (carport) shall be eligible for the garage floor area bonus.

H. Front Porch Floor Area Bonus.

The front porch floor area bonus shall be in accordance with Table 8-2, Table 8-3, and Table 8-4.

The front porch floor area bonus shall be provided for a front porch provided that the porch is no more than one story in height, is covered by a roof or eave, and has no space above the porch which would be included in the calculation of the floor area.

In the event that there is more than one porch eligible for the front porch floor area bonus, the bonus shall apply to the porch that serves the primary entrance.

I. Attic Floor Area Bonus.

The attic floor bonus shall be calculated in accordance with Table 8-2, Table 8-3, and Table 8-4.

In order to receive the attic floor area bonus, the attic space must be above the second floor and below the roof rafters.

J. Lot Coverage.

The portion of a lot that is occupied by buildings or structures. This shall be measured to the exterior of the building cladding greater than three (3) feet above grade and shall include the following:

1. One-hundred percent (100%) of the footprint of a principal structure; and
2. One-hundred percent (100%) of a below-grade structure (i.e., a basement) located less than ten (10) feet below grade when there is no structure that otherwise qualifies as lot coverage or floor area above it; and
3. One-hundred percent (100%) of the footprint of a garage or carport; and
4. One-hundred percent (100%) of the footprint of a roofed accessory building or structure, such as a shed, gazebo, beach house/cabana, boat house, tree house or play house, or similar structure, when the total area of the accessory building or structure is in excess of sixty-four (64) square feet; and
5. One-hundred percent (100%) of the footprint of a pergola, arbor or similar roofed structure if the roof beams and rafters combined comprise a roof structure that is less than eighty-five percent (85%) open or seventy-five percent (75%) of a pergola, arbor or similar roofed structure if the roof beams and rafters taken together comprise a roof structure that is at least eighty-five percent (85%) open. However, arbors meeting the standards combined in Section 13.4.C shall not be counted towards total floor area;
6. One-hundred percent (100%) of the footprint of a fireplace or chimney, whether attached to or detached from, a principal structure; and
7. One-hundred percent (100%) of the footprint of architectural features attached to a structure, including but not limited to wing walls.

K. Fence Openness.

For the purpose of Section 13.4.H, fence openness is measured as follows.

1. An open fence is a fence that has over its entirety at least fifty percent (50%) of its surface area in open space which affords a direct view through the fence from eye level at a position perpendicular to the fence.
2. A solid fence is a fence that has over its entirety less than fifty percent (50%) of its surface area in open space which affords a direct view through the fence from eye level at a position perpendicular to the fence.

ARTICLE 3. ORDINANCE ADMINISTRATION

3.1 PURPOSE

The purpose of this Article is to outline the specific powers of the different boards, commissions and officials as they relate to this Zoning Ordinance.

3.2 VILLAGE BOARD

The Village Board has the following powers, pursuant to this Zoning Ordinance:

- A.** To make final decisions on applications for text amendments and map amendments.
- B.** To make final decisions on applications for special uses.
- C.** To make final decisions on applications for zoning variations.
- D.** To make final decisions on applications for planned unit developments.
- E.** To make final decisions on applications for sign variations.
- F.** Such additional powers as may be set forth in this Ordinance.

3.3 ZONING BOARD OF APPEALS

The Zoning Board of Appeals has the following powers, pursuant to this Zoning Ordinance:

- A.** To hear and issue recommendations on applications for text amendments and map amendments when referred to by the Village Board. The Village Board may also assign responsibility for conducting a public hearing on a proposed amendment to a reviewing committee or commission.
- B.** To hear and issue recommendations on applications for variations.
- C.** To hear and issue recommendations on applications for special uses.
- D.** To hear and make final decisions on appeals of any zoning interpretation or determination made by the Zoning Administrator in regard to this Zoning Ordinance.
- E.** To hear and report to the Village Board on such other matters as may be referred to it by the Village Board.

3.4 PLAN COMMISSION

The Plan Commission has the following powers, pursuant to this Zoning Ordinance:

- A. To hear and issue recommendations on applications for text amendments and map amendments when referred to by the Village Board.
- B. To hear and issue recommendations on applications for planned unit developments.
- C. To initiate, direct and review, from time to time, studies of the provisions of the Zoning Ordinance and to make reports of its recommendations to the Village Board.

3.5 APPEARANCE REVIEW COMMISSION

The Appearance Review Commission has the following powers, pursuant to this Zoning Ordinance:

- A. To review and approve applications for appearance review certificates.
- B. To review and issue recommendations on applications for sign variations.
- C. To review and act on appeals of regulations contained in Sections 10.7 and 10.9.
- D. To review and issue recommendations on applications for variations to Article 15 (Landscaping and Screening).
- E. Such additional powers as may be set forth in this Ordinance.

3.6 ZONING ADMINISTRATOR

The Director of Community Development, or his/her designee, is considered the Zoning Administrator, and has the following powers, pursuant to this Zoning Ordinance:

- A. To review and make decisions on applications for administrative zoning reviews.
- B. To review and make decisions on applications for zoning interpretations.
- C. To review and make decisions on applications for building permits.
- D. To review and make decisions on applications for certificates of occupancy.
- E. To review and make decisions on applications for sign permits.
- F. To receive, review and forward applications for zoning amendments, variations, special uses, planned unit developments, appearance review certificates, zoning appeals and other zoning approvals required by this Ordinance to the appropriate board, commission or official.
- G. To maintain permanent and current records as required by this Ordinance including, but not limited to, all relevant information and official action on zoning amendments,

variations, special uses, planned unit developments, appearance review certificates, zoning appeals and other zoning approvals.

- H.** To maintain and make available the Village's Official Zoning Ordinance Text and Map, and all permanent and current records required by this Ordinance.
- I.** To conduct inspections of structures and uses of land and structures to determine compliance with this Ordinance and other applicable ordinances.

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ARTICLE 4. ADMINISTRATIVE PROCEDURES

4.1 PURPOSE

The purpose of this Article is to outline the general application, notice, and public hearing procedures for the zoning applications and approvals of this Zoning Ordinance.

4.2 APPLICATION

A. Filing

1. All applications are to be filed with the Zoning Administrator. Prior to filing an application, applicants are encouraged to schedule a pre-application meeting with the Zoning Administrator to review the application.
2. The application must be on forms provided by the Village and filed in such number as the instructions provide. All plans must be at a scale sufficient to permit a clear and precise understanding of the proposal.
3. The application must include information, plans and data as specified by the Village in the application and sufficient to determine whether the application conforms with all requirements set forth in this Ordinance.

B. Completeness

The Zoning Administrator will determine whether the application is complete. The Zoning Administrator must notify the applicant that the application is complete or inform the applicant of any deficiencies within a reasonable time. The Zoning Administrator will take no steps to process the application until all deficiencies are remedied. Once the Zoning Administrator determines that the application is complete, the application will be scheduled for consideration by the appropriate board, commission, committee or official.

C. Fees

Every application must be accompanied by the required filing fee as established and modified, from time to time, in the Village Code. The failure to pay such fee when due constitutes grounds for refusing to process the application and for denying or revoking any permit or approval for the subject property.

D. Withdrawal of Application

An applicant has the right to withdraw an application at any time prior to the decision on the application by a board, committee, commission or official, including the ability to withdraw the application if it has been tabled by a board or commission. There will be no refund of fees. Requests for withdrawal must be in writing by the applicant.

E. Successive Applications

1. Within one (1) year of the date of denial, a subsequent application will not be reviewed or heard unless there is a substantial change to the application or the relief sought, or if a significant mistake of law or of fact affected the prior denial.
2. If the application is resubmitted earlier than one (1) year from the date of denial, such subsequent application must include a detailed statement of the grounds justifying its consideration.
3. The Zoning Administrator will make a determination as to whether the subsequent application is appropriate for resubmittal prior to the expiration of the one (1) year wait requirement. If the Zoning Administrator finds that there are no new grounds for consideration of the subsequent application, he/she shall summarily, and without hearing, deny the request.

F. Affordable Housing Consultation on Applications

1. Applicability

- a. The following types of developments that require a variation, special use, appearance review certificate or other zoning authorization are required to participate in an affordable housing consultation:
 - i. Multi-family dwellings that are:
 - (A) New construction; or
 - (B) Rehabilitation or remodeling of an existing multi-family building where the valuation for building permit fee exceeds fifty percent (50%) of the building's value prior to the rehabilitation or remodeling.
 - ii. Mixed-use commercial buildings with two or more residential occupancies that are:
 - (A) New construction located in the VC, NR, NR-1, GC-1 or GC-2 Districts; or
 - (B) Rehabilitation or remodeling of an existing commercial building where the valuation for building permit fee exceeds fifty percent (50%) of the building's value prior to the rehabilitation or remodeling located in the VC, NR, NR-1, GC-1 or GC-2 Districts.
- b. The provisions of this section do not apply to a construction project where fifteen percent (15%) or more of the dwelling units are affordable housing units.

2. Procedure

- a. Prior to submittal of any application for any variation, special use, appearance review certificate or other zoning authorization, the applicant will meet with the Zoning Administrator. At such meeting, the Zoning Administrator will provide the prospective permit applicant with a copy of the “Village of Wilmette Affordable Housing Plan” and discuss with the applicant whether there are reasonable options for including affordable housing units in the project.
- b. The consultation must be held at least sixty (60) days prior to the date the application is filed with the Village, provided that after the required meeting, the Village Board, by resolution, may waive any remaining portion of the sixty (60) day period in cases where it determines that requiring an exhaustion of the waiting period would not serve the purposes of the “Village of Wilmette Affordable Housing Plan.”

4.3 NOTICE

The body conducting a public hearing or meeting will hear no application unless the applicant complies in all respects to all notice requirements, as described in Table 4-1: Notice Requirements. The applicant may give additional notice, above that required by this section, as he/she may deem appropriate.

Village of Wilmette Zoning Ordinance

VILLAGE OF WILMETTE TABLE 4-1: NOTICE REQUIREMENTS						
REQUEST TYPE	ALLOWABLE NOTICE DELIVERY		DISTANCE	TIMING	PUBLISHED	POSTED
	HAND DELIVERY	FIRST CLASS MAIL				
Administrative Appeals (1)	Owner & parties	Owner & parties		5 days or less after filing		
Administrative Zoning Review (2)	Owners & occupants	Owners & occupants	Adjoining/ abutting	15-30 days		
Appearance Review Certificate – new/addition (3)	Owners & occupants	Owners & occupants	Adjoining/ abutting	15-30 days		X
Appearance Review Certificate – modifications (3)				15-30 days		X
Appearance Review Certificate – sign & awning						
Alley Vacation (Chapter 15 of the Village Code)	Owners & occupants	Owners & occupants	250'	15-30 days	X	X
Consolidation (Chapter 15 of the Village Code)	Owners & occupants	Owners & occupants	250'	15-30 days	X	X
Map Amendment (Rezoning) – Village Initiated (4)	(4)	(4)	(4)	15-30 days	X	X
Map Amendment (Rezoning) – Other	Owners & occupants	Owners & occupants	250'	15-30 days	X	X
Sign Variation	Owners & occupants	Owners & occupants	Adjoining/ abutting	15-30 days	X	X
Special Use	Owners & occupants	Owners & occupants	250'	15-30 days	X	X
Subdivision (Chapter 15 of the Village Code)	Owners & occupants	Owners & occupants	250'	15-30 days	X	X
Temporary Uses	Owners & occupants	Owners & occupants	250'	10-45 days		
Text Amendment – Village Initiated (4)	(4)	(4)	(4)	15-30 days	X	X
Text Amendment – Other	Owners & occupants	Owners & occupants	250'	15-30 days	X	
Variation	Owners & occupants	Owners & occupants	250'	15-30 days	X	X

NOTES

- (1) See Section 5.15.
 (2) Notice mailed by village staff.
 (3) See Sections 4.3.B.2.
 (4) See Section 4.3.B.5.

A. Published Notice

For all applications that require a public hearing and for public meetings for appearance review certificate applications that require mailed notice the Village must publish notice in a newspaper of general circulation within the Village. The notice must include the date, time, place and purpose of such hearing or meeting, the name of the applicant, the address of the subject property, and the zoning action. Such notice must be published no less than fifteen (15) days, nor more than thirty (30) days, in advance of

the scheduled hearing date.

B. Mailed Notice

1. Mailed Notice for Public Hearings

Public hearings require written notice, on forms provided by the Zoning Administrator, to be mailed no less than fifteen (15), but nor more than thirty (30), days prior to the public hearing to owners and occupants of all properties located within two-hundred fifty (250) feet from the property line of the subject property, including streets and alleys, as well as all occupants of such lots. The notice must include the application number (if any), date, time, place and purpose of such hearing, the name of the applicant, and the address of the subject property. The notice must be mailed in a plain white envelope or the words “Village of Wilmette Public Notice Enclosed” must be on the front of the envelope to indicate that the contents are an official notice and not a commercial solicitation. For those mailings where the applicant is a Unit of Local Government, envelopes pre-printed with the name of the Unit of Local Government may be used without being labeled as a public notice.

2. Mailed Notice for Appearance Review Hearings

Public meetings for appearance review certificates require written notice, on forms provided by the Zoning Administrator, to be mailed no less than fifteen (15), but nor more than thirty (30), days prior to the public meeting. The notice must include the application number (if any), date, time, place and purpose of such meeting, the name of the applicant, and the address of the subject property.

- a.** For a public meeting to consider granting an application for a sign variation or an appearance review certificate for construction of a new building or addition, written notice of the meeting is required to all owners and occupants for all lots which abut or lie directly across a street or alley from the subject property.
- b.** No notice is required in cases involving an appearance review certificate for only an exterior modification of an existing building, or the construction or expansion of a fence, parking lot, awning or other accessory structure, or for a sign.

3. Mailed Notice for Administrative Zoning Review

For administrative zoning review applications that include relief for an addition, dormer or detached garage, the Zoning Administrator must send a notification letter by first class mail to the applicant and to all properties that adjoin and abut the subject property or are across the street or alley from the subject property. The letter must describe the pending review, the location of the property, and inform the recipients that any comments regarding the variation request must be made in writing and received by the Zoning Administrator no later than fifteen (15) days

from the date of the notice.

4. Mailed Notice for Temporary Uses

Temporary uses or structures to continue for more than five (5) days or other uses or structures as determined by the Zoning Administrator require written notice, on forms provided by the Zoning Administrator, to be mailed no less than ten (10), but not more than forty-five (45), days prior to the public hearing to owners and occupants of all properties located within two-hundred fifty (250) feet from the property line of the subject property, including streets and alleys, as well as all occupants of such lots. The notice must include the application number (if any), date, time, place and purpose of such hearing, the name of the applicant, and the address of the subject property.

5. Mailed Notice for Applications Initiated by the Village.

- a. Where the Village of Wilmette seeks a variation, special use, or zoning map amendment which is limited to a single, specific village-owned lot or contiguous group of village-owned lots, the Village shall follow the notice requirements in Sections 4.3.A, 4.3.B.1, and 4.3.C.
- b. For zoning map amendments and text amendments initiated by the Village of Wilmette, the Zoning Administrator shall provide written notice by First Class Mail or hand delivery to owners and occupants of all lots which will be rendered non-conforming as to the uses allowed thereon or for whom the permitted uses shall be substantially changed by such proposed map amendment or text amendment.
- c. For those amendments to the zoning map or text of this Ordinance which are initiated by the Village of Wilmette and are technical in nature, which add to or increase the permitted or special uses allowed on an affected lot, or which do not substantially affect the existing or permitted uses on properties affect by such proposed amendments, notice by publication shall be sufficient.

6. Mailed Notice Recipients

Owners are defined as persons who receive current real estate tax bills as shown on the records of the County Assessor. Occupants are defined as occupants of all residential, business and institutional properties.

7. Mailed Notice Delivery

Mailed notices may be delivered by U.S. Mail or by hand.

a. U.S. Mail Delivery

- i. Any notice that is delivered by mail must be sent to the person's last known address by first-class mail. Notices delivered by mail are deemed to have been given when deposited in the U.S. Mail.
- ii. Any notice that is mailed to an occupant may be addressed simply to "Occupant" at the appropriate address, without the actual name of the occupant being specified.

b. Delivery by Hand

Any notice that is delivered by hand must be given as follows:

- i. In the case of a natural person, to the person entitled to the notice or a member of that person's household over the age of thirteen (13).
- ii. In the case of a corporation, to any officer or registered agent.
- iii. In the case of a partnership, to any general partner.
- iv. Where the recipients of such notice occupy a multi-tenant building, hand delivery may also be completed as follows: by personally delivering the notices to the owner of the building or president of the condominium association for the building (in the manner set forth above), requesting the building owner or association president to distribute the notices to each tenant and unit owner, and having the building owner or association president sign a sworn affidavit stating that he/she has in fact distributed the notices to each tenant and unit owner.

8. Affidavit of Mailed Notice

With the exception of administrative zoning reviews notice, the applicant is responsible for mailing proper notice. The applicant must provide a sworn affidavit to the Village, on a form provided by the Village, containing a complete list of the names and last known addresses of the persons entitled to notice and the method by which notice was delivered to each of them. The applicant must also provide the Village with a list of names, addresses and property identification numbers (PIN) of all notice recipients. This affidavit must be filed with the Zoning Administrator no less than ten (10) days in advance of the scheduled hearing or meeting, exclusive of the date of the hearing or meeting itself. Where notice has been given to the owner or condominium association president of a multi-tenant building, then the affidavit must be accompanied by the affidavit of the building owner or association president as required by this section.

C. Posted Notice

The Village is required to post a sign on the subject property for all public hearings for any zoning map amendment, other than a comprehensive rezoning of the entire Village, variation and special use, and for any public meeting on an appearance review certificate application in accordance with the provisions of this section.

1. Location and Timeframe

The required posting period is no less than fifteen (15) days, but no more than thirty (30) days, prior to the public hearing or meeting, excluding the day of the hearing or meeting from this period. The sign must be posted at a prominent location on the property, near the sidewalk or public right-of-way so that it is visible to passing pedestrians and motorists.

2. Information Included

The posted notice must include the application number (if any), the date, time, and place of the public hearing or meeting, and the nature of the application being considered at the hearing or meeting.

3. Responsibility for Posting Signs

The Village will provide the sign for posting on the property. The applicant must maintain the sign during the required period.

D. Public Examination and Copying of Applications and Other Documents

During normal business hours, any person may examine the application and material submitted in support of, or in opposition to, the application, subject to the exceptions set forth in the Freedom of Information Act. Upon reasonable request, any person is entitled to copies of the application and related documents.

4.4 PUBLIC HEARING

A. Conduct of Public Hearings

1. All public hearings are subject to the Illinois Open Meetings Act.
2. The procedure for public hearings is as follows:
 - a. Call to order and roll call.
 - b. The Chair opens the public hearing for the application(s) and presents a brief explanation of the public hearing procedure.

- c. The Chair swears in those wishing to give testimony. All persons offering testimony at a public hearing shall testify under oath. An attorney shall be sworn if he/she offers testimony, but not if he/she is questioning a witness, summarizing witness testimony, or addressing the body conducting the hearing on procedural issues. All persons wishing to testify at the public hearing shall state for the record his/her name and address.
- d. All interested parties may appear for themselves or be represented by a person of their choosing. Written statements will be accepted prior to the hearing to be entered into the public hearing record.
- e. Any person may appear at a hearing and submit evidence, upon receiving recognition from the Chair of the body conducting the hearing. Any person may ask relevant questions of other witnesses, but only through the Chair and at the discretion of the Chair. All persons shall state his/her name for the record before submitting evidence or questioning a witness at the public hearing.
- f. The application and any accompanying exhibits will be identified and made part of the record.
- g. The applicant presents testimony regarding the petition and associated applications.
- h. Questions are directed to the applicant by the body conducting the hearing.
- j. Rebuttals.
- k. The Chair may use reasonable discretion in determining when testimony has become redundant or is not relevant to the proceedings.
- l. Follow-up questions from the body conducting the hearing.
- m. Discussion of evidence gathered by the body conducting the hearing.
- n. The body conducting the hearing will close the evidentiary portion of the public hearing. The hearing will be continued for the purposes of deliberating and voting on findings and recommendations. The hearing will remain open until such time as a decision is reached.

B. Continuances

The Chair, with approval of the body conducting the hearing, may continue the public hearing. In order to reopen the hearing, no new notice shall be required if a hearing is continued to a date specified, provided that a public announcement of the future date, time, and place of the continued hearing is made at the hearing and placed in the minutes.

If the hearing is adjourned, rather than continued to a date specified, in order to reopen the hearing all notices must be given that would have been required for the initial public hearing.

ARTICLE 5. APPLICATIONS & APPROVAL PROCESSES

5.1 PURPOSE

The purpose of this Article is to delineate the scope of applicability, specific procedures and requirements, and approval standards that are applicable to each zoning application and approval.

5.2 TEXT AMENDMENT AND MAP AMENDMENT

A. Purpose

The regulations imposed and the districts created by this Ordinance may be amended from time to time in accordance with this Article. The process for amending the Zoning Ordinance text or the Zoning Map is intended to permit modifications in response to changed conditions or changes in Village policy. Amendments are not intended to relieve particular hardships or confer special privileges or rights upon any person or party.

B. Initiation

1. A text amendment may be initiated by an owner of any property in the Village, or other person expressly authorized by the owner in writing, or the Village.
2. A map amendment may be initiated only by the owner of any property in the Village affected by the proposed amendment, or other person expressly authorized in writing by the owner, the Village, or any other unit of government that is not the owner of the lot but proposes to acquire the lot by purchase, gift, or condemnation.

C. Authority

The Village Board, after receiving a recommendation from the reviewing committee or commission, will take formal action on requests for text or map amendments.

D. Procedure

1. Application

- a. All applications are filed with the Zoning Administrator in accordance with the requirements of Section 4.2 (Application). Amendments initiated by the Village also require an application, but are exempt from fees.
- b. The application must be accompanied by a written statement from the applicant stating the basis for the request. In the case of a map amendment, a site plan must be included illustrating the overall plan for development or redevelopment

of the property, and how such new development relates to adjacent land uses and maintains the character of the surrounding neighborhood.

2. Assignment of Public Hearing and Review by the Village Board

- a. Within a reasonable time after submission of the application, the Village Board will assign responsibility for conducting the public hearing on the proposed amendment to a reviewing committee or commission, which may be the Plan Commission, the Zoning Board of Appeals, the Village Board itself or a committee thereof, or any other group of persons designated by the Village Board. The Zoning Administrator then shall schedule the application for consideration at a public hearing.
- b. Upon receiving an application requesting an amendment, or upon an instruction from the Village Board to consider a proposed amendment, the Zoning Administrator will review the proposed amendment and deliver copies of the proposed amendment to other appropriate government agencies for review and comment, as appropriate. Prior to the scheduled public hearing, the Zoning Administrator will forward to the reviewing committee or commission copies of the application and a written report summarizing the facts of the case, including all relevant documents and incorporating or summarizing the comments of the Zoning Administrator and other agencies. The Zoning Administrator will forward a copy of the written report to the applicant prior to the scheduled public hearing.

3. Action by the Reviewing Committee or Commission

- a. The reviewing committee or commission will conduct a public hearing on a proposed zoning amendment in accordance with Section 4.4 (Public Hearing) within a reasonable time after receipt of a complete application. Notice for the public hearing must be in accordance with Section 4.3 (Notice). If, in the reviewing committee or commission's judgment, the application does not contain sufficient information to enable the reviewing committee or commission to properly discharge its responsibilities, the committee or commission may request additional information from the applicant.
- b. Within a reasonable time after the close of the public hearing, the reviewing committee or commission must forward to the Village Board its recommendation, together with the minutes of the hearing.
- c. The reviewing committee or commission will evaluate the application, based upon the evidence presented at the public hearing, pursuant to each of the applicable standards in Paragraph E below. For zoning text amendments, the reviewing committee or commission must recommend approval, approval with conditions, or denial of the application. For zoning map amendments, the reviewing committee or commission must recommend approval or denial of the application.

4. Action by the Village Board

The Village Board will consider the application within a reasonable time of receiving the findings of fact and recommendation from the reviewing committee or commission, pursuant to each of the applicable standards in Paragraph E below. The Village Board may take action in the form of approval, approval with conditions, or denial on applications for zoning text amendments, and approval or denial on applications for zoning map amendments. The Village Board may also refer the application back to the reviewing committee or commission for further consideration.

E. Approval Standards for Zoning Amendments

The reviewing committee or commission's recommendation and Village Board decision on any zoning amendment, whether text or map amendment, must consider the following standards, as set forth in Table 5-1: Approval Standards for Zoning Amendments below. However this is a matter of legislative discretion that is not controlled by any particular standard.

Village of Wilmette Zoning Ordinance

VILLAGE OF WILMETTE, ILLINOIS TABLE 5-1: APPROVAL STANDARDS FOR ZONING AMENDMENTS		
STANDARDS	MAP AMENDMENTS	TEXT AMENDMENTS
1. The existing development pattern, use and zoning of nearby property.	X	
2. The extent to which property values of the subject property are diminished by the existing zoning.	X	
3. The extent to which the proposed amendment promotes the public health, safety and welfare of the Village.	X	X
4. The relative gain to the public, as compared to the hardship imposed upon the applicant.	X	X
5. The suitability of the property for the purposes for which it is presently zoned, i.e., the feasibility of developing the property in question for one (1) or more of the uses permitted under the existing zoning classification.	X	
6. The length of time that the property in question has been vacant, as presently zoned, considered in the context of development in the area where the property is located.	X	
7. The evidence of community need for the use proposed by the applicant.	X	
8. The consistency of the proposed amendment with the Comprehensive Plan.	X	X
9. The consistency of the proposed amendment with the intent and general regulations of this Ordinance.		X
10. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.		X
11. That the proposed amendment will benefit the residents of the Village as a whole, and not just the applicant, property owner(s), neighbors of any property under consideration, or other special interest groups, and the extent to which the proposed use would be in the public interest and would not serve solely the interest of the applicant.	X	X
12. Whether the proposed amendment provides a more workable way to achieve the intent and purposes of this Ordinance, the Comprehensive Plan, or planned public improvements.		X
13. The extent to which the proposed amendment creates non-conformities.	X	X
14. The trend of development, if any, in the general area of the property in question.	X	
15. Whether adequate public facilities are available including, but not limited to, schools, parks, police and fire protection, roads, sanitary sewers, storm sewers, and water lines, or are reasonably capable of being provided prior to the development of the uses, which would be permitted on the subject property if the amendment were adopted.	X	

F. Written Protest of Zoning Amendment

Written protest of a zoning amendment must be filed in accordance with Illinois state law.

5.3 SPECIAL USE

A. Purpose

The development and execution of a Zoning Ordinance is based upon the division of the Village into districts. Within each district the use of land and buildings, and the bulk and location of structures in relation to the land, are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and the need for the particular

use at the particular location. Such uses may be either public or private, and the imposition of individualized conditions may be necessary to ensure that the use is appropriate at a particular location.

B. Initiation

A special use may be initiated by the owner of any property in the Village affected by the proposed special use or other person expressly authorized in writing by the owner, or any unit of government that is not the property owner of a lot but proposes to acquire the lot by purchase, gift or condemnation.

C. Authority and Execution

The Village Board, after receiving a recommendation from the Zoning Board of Appeals, will take formal action on special use requests.

D. Procedure

1. Application

- a. All applications are filed with the Zoning Administrator in accordance with the requirements of Section 4.2 (Application). Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Zoning Board of Appeals.
- b. The application must include a written statement by the applicant and adequate evidence showing that the proposed special use will conform to the standards set forth in this Ordinance for special uses. The application must be accompanied by such plans or data, or both, as specified by the rules of the Zoning Board of Appeals. If the proposed special use involves the construction, demolition or external modification of any structure, then the application must be accompanied by a site plan showing the proposed work and other site features relevant to review of the proposed use.
- c. Where deemed necessary by the Zoning Board of Appeals, the applicant may also be required to submit a traffic generation and traffic impact analysis of the proposed special use.
- d. The applicant for special use approval must include a request for all needed variations in the special use. Such request will be processed by the Zoning Board of Appeals in the same manner set forth in this Article for variation applications. The notice required for a variation will be incorporated into the notices required for the special use. The public hearing required for a variation application will be combined with the special use application public hearing, and the recommendations of the Zoning Board of Appeals regarding such a variation

application made a part of that report to the Village Board regarding the special use.

2. Review by the Zoning Administrator

After determining that the application is complete, the Zoning Administrator will review the application. Prior to the scheduled public hearing, the Zoning Administrator will forward to the Zoning Board of Appeals copies of the complete application and a written report summarizing the facts of the case, including all relevant documents and incorporating or summarizing any oral and written comments received by the Zoning Board of Appeals before the public hearing. The Zoning Administrator will also forward a copy of the written report to the applicant prior to the scheduled public hearing.

3. Action by the Zoning Board of Appeals

- a. The Zoning Board of Appeals shall conduct a public hearing on a proposed special use in accordance with Section 4.4 (Public Hearing) within a reasonable time from receipt of a complete application. Notice for the public hearing must be in accordance with Section 4.3 (Notice). If, in the Zoning Board of Appeals' judgment, the application does not contain sufficient information to enable the Board to properly discharge its responsibilities, the Board may request additional information from the applicant.
- b. The Zoning Board of Appeals will evaluate the application and make findings, based upon the evidence presented at the public hearing, pursuant to each of the applicable standards in Section 5.3.E. below.
- c. The Zoning Board of Appeals must vote to recommend either approval, approval with conditions or denial of the special use, and forward such recommendation to the Village Board. The Zoning Board of Appeals shall not recommend approval of any special use unless there is a concurring vote of a majority of all members present, with a minimum of four (4) concurring votes required. The recommendation of the Zoning Board of Appeals may specify such conditions and restrictions upon the proposed special use as may be necessary to satisfy the approval standards and to reduce or minimize any injurious effect of such use upon other property in the neighborhood.

4. Action by the Village Board

The Village Board must consider the special use within a reasonable time of receipt of the Zoning Board of Appeals recommendation. The Village Board may take action in the form of approval, approval with conditions, or denial on special use applications. The Village Board may approve or deny positive recommendations of the Zoning Board of Appeals by majority vote of those members present and voting. However, if the application fails to receive the positive recommendation of the Zoning

Board of Appeals, then the favorable vote of five (5) members of the Village Board shall be required to approve the special use. Where an application is filed by a Unit of Local Government, the Village Board may approve the special use by only a majority vote if the application fails to receive the positive recommendation of the Zoning Board of Appeals. In granting any special use, the Village Board may require such evidence and guarantees, as it may deem necessary, to assure compliance with the stipulated conditions. The Village Board may also refer the application back to the Zoning Board of Appeals for further consideration.

5. Conditions on Special Uses

The Zoning Board of Appeals may recommend, and the Village Board may impose, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use as may be deemed necessary for the protection of the public interest.

E. Approval Standards for Special Uses

1. No special use may be recommended for approval by the Zoning Board of Appeals and approved by the Village Board unless findings have been made, based upon the evidence presented at the public hearing, to support each of the following conclusions:
 - a. The proposed use in the specific location will be consistent with the goals and policies of the Comprehensive Plan.
 - b. The establishment, maintenance, or operation of the proposed use in the specific location will not be detrimental to or endanger the public health, safety and welfare.
 - c. The proposed use in the specific location will not be injurious to the use or enjoyment of other property in the neighborhood for the purposes permitted in the district.
 - d. The establishment of the special use in the specific location will not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district.
 - e. The proposed use in the specific location will not substantially diminish property values in the neighborhood.
 - f. Adequate utilities, road access, drainage, and other necessary facilities already exist or will be provided to serve the proposed use.

- g.** Adequate measures already exist or will be taken to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets.
 - h.** The proposed use in the specific location will be consistent with the community character of the neighborhood of the parcel proposed for the special use.
 - i.** Development of the proposed use will not substantially adversely affect a known archaeological, historical, or cultural resource located on or off the proposed site.
 - j.** The applicant has made adequate legal provision to guarantee the provision and development of any buffers, landscaping, public open space and other improvements associated with the proposed use.
 - k.** The proposed use will meet any and all additional use standards specified in Article 12 of the Zoning Ordinance for such a use.
- 2.** Section 5.16 (Special Rules Applicable to Units of Local Government) contains special rules and standards that apply to uses owned or operated by Units of Local Government.

F. No Presumption of Approval

The listing of a use as a special use within a zoning district does not constitute an assurance or presumption that such special use will be approved. Rather, each proposed special use must be evaluated on an individual basis, in relation to all applicable standards of this Ordinance. Such evaluation will determine whether approval of the special use is appropriate at the particular location and in the particular manner proposed.

G. Revocation of Special Use

- 1.** Any discontinuation of an approved special use for a period of one-hundred eighty (180) consecutive days constitutes abandonment and results in the approval of the special use being rescinded. This does not apply to a special use that is seasonal in nature, such as an outdoor tennis court or swimming pool, so long as the use continues to operate each season.
- 2.** If the recipient does not file an application for a building permit or certificate of occupancy for the proposed use within six (6) months after the date of the ordinance approving the special use, the approval of the special use is rescinded.

H. Extension of Special Use

An applicant who has obtained special use approval may request an extension of this time period by filing a letter with the Zoning Administrator stating the reasons for the request. The Zoning Administrator may approve an extension of up to one (1) year when shown good cause by the applicant. Any subsequent extension requests or requests for an extension of more than one (1) year from the date of approval require Village Board approval.

I. Expansion and Ownership

- 1.** Additions and expansion of an existing special use are permitted only in accordance with the same procedures and standards established under this section for new special uses. However, minor changes in the site plan or design details of an approved special use that are consistent with the standards and conditions applying to the special use, such as a small shift in the location of a structure, the realignment of parking spaces and aisles, the relocation of a driveway or a change in the selection of building materials, may be approved by the Zoning Administrator without obtaining separate approval by the Village Board. Minor changes may be approved by the issuance of a letter of interpretation where the Zoning Administrator states that the proposed changes comply with all standards set forth in this Ordinance and all conditions attached to approval of the special use by the Village Board. The Zoning Administrator, at his/her discretion, may forward any request for such changes to the Zoning Board of Appeals and the Village Board for full review and approval in accordance with the requirements of this section, as if the request were for approval of a new special use. No minor change approved by the Zoning Administrator may violate any condition imposed by the Village Board.
- 2.** Unless the Village Board expressly provides in the ordinance granting a special use that the special use attaches to the property itself and runs with the land, then each approved special use or a permitted use made a special use on the effective date of this Ordinance, shall run only so long as the use exists and is operated on the subject property and is not abandoned.
- 3.** Provided the special use is not abandoned or discontinued, any new owner or occupant may continue the operation of the special use, but only in accordance with the plans and conditions previously approved by the Village Board and set forth in the ordinance creating the special use, or in the case of a special use created on the effective date of this Ordinance, only in the manner in which such use existed on that effective date. Any failure to conform to such plans and conditions rescinds the approval of the special use.

5.4 VARIATION

A. Purpose

The variation process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this Ordinance that create practical difficulties or particular hardships. Zoning approval of a variation is required before submission of a subdivision plat.

B. Initiation

A variation may be initiated by the owner of any property in the Village affected by the proposed variation or other person expressly authorized in writing by the owner, or any unit of government that is not the property owner of a lot but proposes to acquire the lot by purchase, gift or condemnation.

C. Authority

Variations are reviewed by the Zoning Board of Appeals except for variations from Sections 10.7 and 10.9 and Articles 15 and 16 of this Ordinance, which are reviewed by the Appearance Review Commission. The procedures outlined below for review of variations by the Zoning Board of Appeals shall be followed by the Appearance Review Commission when reviewing request for relief from Sections 10.7 and 10.9 and Articles 15 and 16. Certain types of variations are considered administrative zoning review approvals and are reviewed according to Section 5.6 (Administrative Zoning Review).

D. Execution

The Village Board, after a public hearing and recommendation from the board or commission, will take formal action on requests for variations.

E. Procedure

1. Application

- a.** All applications are filed with the Zoning Administrator in accordance with the requirements of Section 4.2 (Application). Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the board or commission.
- b.** The application must include a written statement by the applicant and adequate evidence showing that the proposed variation will conform to the standards set forth in this Ordinance for variations. The application must be accompanied by such plans or data, or both, as specified by the rules of the board or commission. If the proposed variation includes the construction, demolition or external

modification of any structure, then the application must be accompanied by a site plan showing the proposed work and other site features relevant to review of the proposed work.

2. Review by the Zoning Administrator

After determining that the application is complete, the Zoning Administrator will review the application. Prior to the scheduled public hearing, the Zoning Administrator will forward to the board or commission copies of the complete application and a written report summarizing the facts of the case, including all relevant documents and incorporating or summarizing any oral and written comments received by the board or commission before the public hearing. The Zoning Administrator will also forward a copy of the written report to the applicant prior to the scheduled public hearing.

3. Action by the Zoning Board of Appeals or Appearance Review Commission

- a. The board or commission shall conduct a public hearing on the variation application in accordance with Section 4.4 (Public Hearing) within a reasonable time from receipt of a complete application. Notice for the public hearing must be in accordance with Section 4.3 (Notice). If, in the board or commission's judgment, the application does not contain sufficient information to enable the board or commission to properly discharge its responsibilities, the board or commission may request additional information from the applicant.
- b. The board or commission will evaluate the application and make findings, based upon the evidence presented at the public hearing, pursuant to each of the applicable standards in Section 5.4.E. below.
- c. The board or commission must vote to recommend either approval, approval with conditions or denial of the application, and forward such recommendation to the Village Board. The board or commission shall not recommend the granting of any variation unless there is a concurring vote of a majority of all members present, with a minimum of four (4) concurring votes required. The recommendation of the board or commission may specify such conditions and restrictions upon the premises benefited by a variation as may be necessary to satisfy the approval standards and to reduce or minimize any injurious effect of such use upon other property in the neighborhood.

4. Action by the Village Board

The Village Board must consider the variation within a reasonable time of receipt of the board or commission recommendation. The Village Board may take action in the form of approval, approval with conditions, or denial on variation applications. The Village Board may approve or deny positive recommendations of the board or commission by majority vote of those members present and voting. However, if the

application fails to receive the positive recommendation of the board or commission, then the favorable vote of five (5) members of the Village Board shall be required to approve the variation. Where an application is filed by a Unit of Local Government, the Village Board may approve the variation by only a majority vote if the application fails to receive the positive recommendation of the board or commission. In granting any variation, the Village Board may require such evidence and guarantees, as it may deem necessary, to assure compliance with the stipulated conditions. The Village Board may also refer the application back to the board or commission for further consideration.

5. Conditions and Restrictions on Variations

The board or commission may recommend, and the Village Board may impose, such conditions and restrictions upon the location, construction, design and use of the property benefited by a variation as may be necessary or appropriate to protect the public interest, adjacent property and property values. Failure to maintain such conditions or restrictions as may be imposed constitute grounds for revocation of the variation. The terms of relief granted, including any conditions or restrictions, must be specifically set forth in the recommendation and approval. In addition, a variation less than that requested may be granted by the Village Board when the record supports the applicant's right to some relief, but not to the entire relief requested.

F. Approval Standards for Variations

1. No variation may be recommended for approval by the board or commission and approved by the Village Board unless findings have been made, based upon the evidence presented at the public hearing, to support each of the following conclusions:
 - a. The particular physical conditions, shape or surroundings of the property would impose upon the owner a practical difficulty or particular hardship, as opposed to a mere inconvenience, if the requirements of this Ordinance were strictly enforced.
 - b. The plight of the property owner was not created by the owner and is due to unique circumstances.
 - c. The difficulty or hardship is peculiar to the property in question and is not generally shared by other properties classified in the same zoning district and/or used for the same purposes. This includes the need to accommodate desirable existing site landscape or reflect unique conditions created by the age and character of the property.
 - d. The difficulty or hardship resulting from the application of this Ordinance would prevent the owner from making a reasonable use of the property. However, the fact the property could be utilized more profitably with the variation than without the variation is not considered as grounds for granting the variation.

- e.** The proposed variation will not impair an adequate supply of light and air to adjacent property or otherwise injure other property or its use, will not substantially increase the danger of fire or otherwise endanger the public health, safety and welfare, and will not substantially diminish or impair property values within the neighborhood.
- f.** The variation, if granted, will not alter the essential character of the neighborhood and will be consistent with the goals, objectives and policies set forth in the Comprehensive Plan.
- g.** With respect to building materials, unforeseen advances in technology, appearance or quality render a prohibited material to be suitable and in keeping with the appearance goals of this code when used in the form presented by the applicant.
- h.** When a variation is requested for a fence, the following approval standards apply, in addition to those of the variation. However, no one of these factors shall be conclusive in determining whether a practical difficulty or particular hardship exists.
 - i.** The type of street to which the fence will be oriented (e.g., arterial, collector, or residential), and the volume and speed of traffic regularly using such street.
 - ii.** The extent to which fences of the same type sought by the applicant already exist in the immediate area and have been granted variations.
 - iii.** The orientation and proximity of neighboring dwelling units and other structures to the proposed fence.
 - iv.** The extent to which the proposed fence will utilize landscaping to minimize the visual impact of the fence.
 - v.** The size of the zoning lots in the neighborhood, such that the larger the lots and the more open space, the less impact the fence can be expected to have on neighboring properties.
 - vi.** The extent to which a fence of the same type sought by the applicant is for the replacement or repair of a previously or presently existing fence or portion thereof.
 - vii.** The length of time that a non-conforming fence has existed on the property prior to the application.
 - viii.** Whether a fence permit was issued at the time the fence was constructed and if the fence being replaced was required to obtain such a permit.

2. Section 5.16 (Special Rules Applicable to Units of Local Government) contains special rules and standards that apply to uses owned or operated by Units of Local Government.

G. Revocation of Variation

The approval of a variation by the Village Board is void if the recipient does not file an application for a building permit, certificate of occupancy or fence permit within six (6) months after the date of the ordinance granting the variation.

H. Extension of Variation

An applicant who has obtained approval of a variation may request an extension of this time period by filing a letter with the Zoning Administrator stating the reasons for the request. The Zoning Administrator may approve an extension of up to one (1) year when shown good cause by the applicant. Any subsequent extension requests or requests for an extension of more than one (1) year from the date of approval require Village Board approval.

5.5 SIGN VARIATION

A. Purpose

The sign variation process is to provide a narrowly circumscribed means by which relief may be granted from applications of this Ordinance that create practical difficulties or particular hardships.

B. Authority and Execution

The Village Board, after a public hearing and recommendation from the Appearance Review Commission, will take formal action on requests for sign variations.

C. Procedure

1. Application and Review by the Zoning Administrator

All applications are filed with the Zoning Administrator in accordance with the requirements of Section 4.2 (Application). Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Appearance Review Commission.

2. Action by the Appearance Review Commission

- a. The Appearance Review Commission must consider the sign variation application within a reasonable time of receipt of a complete application. The Appearance Review Commission must then conduct a public hearing on a

variation application in accordance with Section 4.4 (Public Hearing). If, in the Appearance Review Commission's judgment, the sign variation application does not contain sufficient information to enable the Commission to properly discharge its responsibilities, the Appearance Review Commission may request additional information from the applicant.

- b. The Appearance Review Commission will evaluate the application, based upon the evidence presented at the public hearing, pursuant to each of the applicable standards in Section 5.5.D. below.
- c. The Appearance Review Commission shall not recommend the granting of any sign variation unless there is a concurring vote of a majority of all members, with a minimum of four (4) concurring votes required. The Appearance Review Commission must forward its recommendation to the Village Board within a reasonable time. The recommendation of the Appearance Review Commission may specify such conditions to satisfy the approval standards and to reduce or minimize any injurious effect of such sign variation upon other property in the neighborhood.

3. Action by the Village Board

The Village Board must consider the sign variation within a reasonable time of receipt of the Appearance Review Commission's recommendation. The Village Board may take action in the form of approval, approval with conditions or denial.

D. Approval Standards for Variations

No sign variation may be recommended for approval by the Appearance Review Commission and approved by the Village Board unless findings have been made, where the evidence presented in the particular case shows that:

- 1. Unusual Circumstances: A variation will serve to relieve the petitioner from an unusual difficulty due to the location, topography, or circumstances on the petitioner's property, or a peculiar attribute existing on the neighboring property which directly affects the petitioner's property.
- 2. Character and Appearance: A variation will be consistent in design and scale with other signs nearby, and will not alter the essential character of the commercial streetscape in the vicinity of the subject property.
- 3. Not Self-Created: The plight of the property owner was not created by the owner and denial of the variation will impose undue hardship or difficulty on the owner's ability to conduct business on the subject property.
- 4. Health, Safety, and Welfare: A variation will not create a traffic or safety hazard and will not impair the utility of neighboring properties' signage.

5. Purpose of Ordinance: A variation is in harmony with the purpose and intent of the Sign Ordinance.

5.6 ADMINISTRATIVE ZONING REVIEW

A. Purpose

The administrative zoning review process is intended to provide more expedient relief for a narrow group of variations listed in Paragraph D below.

B. Initiation

An administrative zoning review may be initiated by the owner of any property in the Village affected by the proposed variation or other person expressly authorized in writing by the owner.

C. Authority and Execution

The Zoning Administrator or his designee, is authorized to take formal action on requests for administrative zoning review approvals.

D. Qualifying Administrative Zoning Review Variations

The administrative zoning review process applies only to single-family detached dwellings and single-family detached dwelling accessory structures and only in the following instances, listed below. Any project that requires more than one (1) request for a variation where any one (1) of those variations is not listed below or requires a special use do not qualify for the administrative zoning review process. In such case, the project is subject to the variation or special use process, as described in this section.

1. For an addition into a required front yard or side yard adjoining a street that is in line with an existing non-conforming wall of a detached dwelling, or provides a greater setback that still requires relief, where the existing setback is within twenty percent (20%) of the minimum setback required.
2. For an addition into a required side yard or rear yard that is in line with an existing non-conforming wall of a detached dwelling, or provides a greater setback that still requires relief, where the existing setback is within forty percent (40%) of the minimum setback required.
3. For an addition into a required side yard or combined side yard that is directly above and in line with an existing first floor load-bearing wall of a detached dwelling on a lot less than fifty (50) feet in width, where the addition meets the required side yard percentages when applied to the actual lot width.
4. For a dormer addition into a required front yard, side yard adjoining a street, interior

side yard or rear yard that is one and one-half (1.5) feet or less into the required setback.

5. For a replacement detached garage of the same square footage and location, where the detached garage does not exceed six-hundred (600) square feet in area.
6. For a detached garage that does not conform to the side yard requirements because location within a utility easement has been denied in whole or in part.
7. For a structural modification to a non-conforming detached garage, where the modification is to facilitate the removal of a curb cut by altering the garage from a street-loading entrance to an alley-loading entrance.
8. For new or expanded windows and/or doors on a legal non-conforming wall of a detached dwelling.
9. For a modification to roof pitch on a legal non-conforming wall of a detached dwelling.
10. For an increase in front yard impervious surface coverage up to twenty percent (20%) in excess of the maximum permitted, where the proposed additional coverage is equal to or less than the area in the required front yard that is covered by the principal structure.
11. For front yard impervious surface coverage on an irregularly-shaped lot to permit a driveway eight (8) feet in width.
12. For new permitted encroachments on a legal non-conforming wall of a detached dwelling, where the projection is less than or equal to the size of the allowable encroachment.
13. For new or replacement front porches and front decks up to six (6) feet in depth and new or replacement front porch and front deck steps up to three (3) feet in depth on a legal non-conforming wall of a detached dwelling.
14. For the location of an accessibility ramp, where the ramp encroaches more than three (3) feet into a required side yard or five (5) feet into a required front yard, side yard adjoining a street or rear yard.
15. For the location of heating and air conditioning equipment. In order to qualify for administrative zoning review of heating and air conditioning equipment, the unit(s) must be a minimum of five (5) feet from the side or rear lot line. A proposed setback of less than five (5) feet requires that a variation must be sought in accordance with this Zoning Ordinance.
16. For the location of permanently installed stand-by generators that meet the decibel

requirements and are located within a front yard, side yard adjoining a street or rear yard of a double-frontage lot or are a minimum of five (5) feet from the side or rear lot line. In order to qualify for administrative zoning review of a generator setback, the unit may not exceed seventy (70) decibels at the receiving lot line under normal load when located at the proposed setback. If the unit does exceed this decibel limit at the proposed setback, a variation must be sought in accordance with this Zoning Ordinance.

17. For the installation of a swimming pool, spa or hot tub that is not within an enclosed building.

E. Procedure

1. Application

- a. All applications are filed with the Zoning Administrator in accordance with the requirements of Section 4.2 (Application) and any notice requirements of Section 4.3 (Notice). Once it is determined that the application is complete, the Zoning Administrator or his designee will consider the application.
- b. The application must include a written statement by the applicant and adequate evidence showing that the proposed variation will conform to the standards set forth in this Section. The application must be accompanied by such plans or data, or both, required by the Zoning Administrator to make a decision.

2. Review by the Zoning Administrator

- a. The Zoning Administrator will review and evaluate the complete application, pursuant to the standards in Paragraph F (Approval Standards) below. The Zoning Administrator must render a written decision within a reasonable time to approve, approve with conditions or deny the application.
- b. If the request is approved by the Zoning Administrator, he/she will send a letter by first class mail to the applicant and to all properties that adjoin and abut the subject property or are across the street or alley from the subject property notifying them of the Zoning Administrator's decision. Recipients of the notice have fifteen (15) days from the date of that notice to file an objection in writing with the Zoning Administrator.
- c. If no objection is received after fifteen (15) days, the applicant may file for a building permit. If an objection is received, the Zoning Administrator will notify the applicant that due to the objection, the request is automatically denied, and, that in order to seek approval of the request, the applicant must submit a new application and proceed with the variation process of this Ordinance.

- d. If the Zoning Administrator denies the request, in whole or in part, he/she will issue written notice of its decision by first class mail to the applicant advising that in order to seek approval of the request, the applicant must submit a new application and proceed with the variation process of this Ordinance.
- e. In the case of a swimming pool, spa or hot tub request, where the request is denied by objection or denied by the Zoning Administrator, in order to seek approval of the request, the applicant must submit a new application and proceed with the special use process of this Ordinance.

F. Approval Standards

The following approval standards apply to administrative zoning reviews. Administrative zoning review approvals may only be granted when the applicable standards have been met.

1. Additions, Detached Garages, New or Expanded Openings, Roof Pitch, Impervious Coverage, Permitted Encroachments, Front Porches and Decks

- a. The particular physical conditions, shape or surroundings of the property would impose upon the owner a practical difficulty or particular hardship, as opposed to a mere inconvenience, if the requirements of the Ordinance were strictly enforced.
- b. The plight of the property owner was not created by the owner.
- c. The difficulty or hardship resulting from the application of this Ordinance would prevent the owner from making a reasonable use of the property. However, the fact the property could be utilized more profitably with the variation than without the variation is not considered as grounds for granting the variation.
- d. The proposed variation will not impair an adequate supply of light and air to adjacent property or otherwise injure other property or its use, will not substantially increase the danger of fire or otherwise endanger the public health, safety and welfare, and will not substantially diminish or impair property values within the neighborhood.
- e. The variation, if granted, will not alter the essential character of the neighborhood and will be consistent with the goals, objectives and policies set forth in the Comprehensive Plan.

2. Accessibility Ramp

- a. Through certification by a licensed physician that the ramp is medically necessary due to the occupant's disability.
- b. The ramp will not impair access to or use of adjacent property, or otherwise injure other property or its use, will not substantially increase the danger of fire or otherwise endanger the public health, safety or welfare.
- c. There is no other practical and conforming location for the ramp.
- d. Any ramp installed pursuant to this section must be removed by the owner at such time as the ramp is no longer needed to serve an occupant of the dwelling, and any permit issued to allow the installation of such a ramp pursuant to this section shall inform the recipient of this obligation to remove the ramp.

3. Heating and Air Conditioning Equipment and Permanently Installed Stand-by Generators

- a. The plight of the property owner was not created by the owner.
- b. The alternative locations for the equipment would impose upon the owner a practical difficulty as opposed to a mere inconvenience, if the requirements of this Ordinance were strictly enforced.
- c. The proposed variation shall have a minimum impact on adjoining private properties and land uses. This standard is deemed to be met when the conditions of the adjoining private property are such that the noise and visual impacts will not impose unreasonable impact on said property.
- d. The variation, if granted, will not alter the essential character of the neighborhood and will be consistent with the goals, objectives and policies set forth in the Comprehensive Plan.
- e. The equipment will be screened to its full height from the view of the street and abutting properties by a solid fence and/or evergreen shrubbery.

4. Swimming Pools, Spas and Hot Tubs

See Section 13.4.U.

5.7 APPEARANCE REVIEW CERTIFICATE

A. Purpose

The appearance review process is intended to:

1. Preserve the stability and taxable value of land and improvements in the Village;
2. Encourage harmony and quality workmanship in the design of buildings, awnings, signs, fences, parking lots, and other structures;
3. Encourage design which respects the attributes of the site, its buildings and structures, and surrounding sites, building and structures;
4. Maintain and enhance the character of the Village;
5. Encourage the maintenance of property and improvements; and
6. Protect the public health, safety, and welfare.

B. Applicability

1. An appearance review certificate is required prior to the issuance of any permit or certificate of occupancy for a structure, fence, parking lot or sign or general landscaping, which involves any of the following:
 - a. New construction.
 - b. Exterior remodeling.
 - c. The construction or renovation of off-street parking areas.
 - d. The installation of or modifications to lighting and landscaping.
 - e. The erection or alteration of any sign requiring a permit.
 - f. The erection or alteration of any fence.
 - g. The construction or remodeling of wireless telecommunications equipment.
2. An appearance review certificate is not required for the following:
 - a. Single-family dwellings.
 - b. Existing two-unit dwellings.
 - c. Individual townhouse units proposing to install or replace fences, patios, walkways or skylights.
 - d. Places of worship.
 - e. Properties owned by Units of Local Government.

- f. Utilities.

C. Procedure

1. Action by the Zoning Administrator

All applications are filed with the Zoning Administrator in accordance with the requirements of Section 4.2 (Application). Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Appearance Review Commission.

2. Action by the Appearance Review Commission

The Appearance Review Commission must hold a public meeting on the application within a reasonable time of receipt of a complete application. Notice for the public meeting must be in accordance with Section 4.3 (Notice). The Appearance Review Commission will evaluate the application pursuant to each of the applicable standards in Paragraph D below.

D. Approval Standards

No appearance review certificate will be granted unless the Appearance Review Commissions makes specific written findings based on the standards imposed by this section. These standards are:

1. All sides of a structure receive design consideration.
2. If the side or rear of the structure faces a street, a residential use, or a property located in a residential zoning district, the exterior materials used on the side or rear are comparable in character and quality to the exterior materials used on the facade of the structure.
3. Materials used in the construction and design of the structure are of durable quality.
4. Mechanical equipment is located or screened so as not to be visible from surrounding streets and properties.
5. The scale and placement of the structure on the site is appropriate to the proportion of the site covered by the structure and the location of the structure in relation to its lot lines.
6. Building design and placement must take into consideration natural grade conditions, existing vegetation, and other natural features.

7. Excessive similarity or dissimilarity in design in relation to surrounding or adjoining structures is discouraged, including but not limited to building height, exterior materials, building mass, roof line, and architectural features.
8. Design takes into consideration the relationship to the street and the pedestrian environment.
9. Parking, storage, and refuse areas are located and screened so as not to negatively affect neighboring properties.
10. Landscape is designed to maintain existing mature trees and shrubs to the maximum extent possible.
11. Landscape provides an aesthetically pleasing design and, where applicable, provides for the screening of parking, storage, refuse, and utility areas from the street and adjacent residential properties.
12. Selected plant materials shall be suitable to Wilmette's climate and to their location on the site. The use of invasive species is prohibited. Invasive species shall be those included in the "Chicago Botanic Garden" list of "Invasive Plants in the Chicago Region."
13. Parking areas are designed to achieve efficient traffic flow and minimize dangerous traffic movements.
14. Signs are of the appropriate design, color and placement to the structure, site and adjoining properties, in terms of materials, height, setback from the street, and proportion.
15. Accessory structures, exterior lighting and fences, complement the overall structure and site design, in terms of materials, size, and architectural character.
16. For new two-unit dwellings, review is limited to whether or not the proposed structure maintains the external appearance of a single-family dwelling.

E. Appeals

An applicant may appeal the Appearance Review Commission's decision to the Village Board within thirty (30) days of the Commission's decision. Appeals shall be considered by the Village Board at a regular meeting. A decision of the Appearance Review Commission may be upheld or overturned by a simple majority vote of those members of the Village Board present and voting.

F. Continuing Maintenance

1. At no time shall modifications be made to a design for which an Appearance Review Certificate has been approved without the approval of the Appearance Review Commission.
2. The owner and any lessee of the property that has received an Appearance Review Certificate are jointly and severally responsible for the maintenance of all buildings, signs, fences, parking lots, structures and fixtures, and landscape areas in accordance with the terms of the certificate.

5.8 ZONING INTERPRETATION

A. Purpose

The interpretation authority is intended to recognize that the provisions of this Ordinance, though detailed and extensive, cannot, as a practical matter, address every specific zoning issue. This interpretation authority is not intended to add or change the essential content of the Ordinance. A letter of interpretation is intended to serve as a clarification or interpretation of one or more standards or requirements of this Ordinance as it relates to a particular type of development on a particular property.

B. Application

All applications for interpretations are filed with the Zoning Administrator in accordance with the requirements in Section 4.2 (Application). All interpretation requests must be for the purpose of furthering some actual development within the Village. No request for a letter of interpretation will be accepted when it does not concern an actual proposal for development. The person requesting a letter of interpretation must, at the request of the Zoning administrator, discuss the request with the Zoning Administrator before he/she is required to issue a letter of interpretation. The request must set forth the facts and circumstances that are the basis for the request for an interpretation, including a description of the proposed development, and the precise interpretation claimed by the requestor to be correct.

C. Initiation

A letter of interpretation may be requested in the following circumstances:

1. At the written request of a developer proposing to take any action that would require the issuance of a permit, certificate or variation under this Ordinance.
2. At the written request of any person opposing an action by a developer when the Zoning Administrator is not requiring the developer to obtain a permit, certificate or variation that the opponent believes is necessary.

3. At the written request of any person opposing the issuance of a permit, certificate or variation that has been requested under this Ordinance.

Such a request shall set forth the facts and circumstances that are the basis for the request for an interpretation, including a description of the proposed development, and the precise interpretation claimed by the requestor to be correct. No request for a letter of interpretation shall be entertained when it does not concern an actual proposal for development. The person requesting a letter of interpretation shall, at the request of the Zoning Administrator, discuss the request with him/her before the Zoning Administrator is required to issue a letter of interpretation.

D. Authority and Execution

1. The Zoning Administrator will review and make final decisions on requests for interpretations specify the facts, reasons, analysis and standards upon which the interpretation is based.
2. No letter of interpretation issued prior to the issuance of a permit, certificate or variation under this Ordinance authorizes the establishment of a use or the carrying out of any development, but only provides guidance in the preparation, filing or processing of applications for any permits or approvals required by this Ordinance for that use or development.

E. Procedure

1. The Zoning Administrator must review a request for an interpretation and render the interpretation within a reasonable time. The Zoning Administrator has the ability to request additional information prior to rendering an interpretation.
2. When the Zoning Administrator determines that the public interest requires notice of the matter subject to interpretation, the Zoning Administrator will provide notice of the issuance of the interpretation to the owners and occupants of all lots that are within two-hundred fifty (250) feet of the boundaries of the subject property, including streets and alleys, within seven (7) days of issuing a letter of interpretation. The notice must be delivered by first-class mail, contain the address or location of the subject property and a copy of the letter of interpretation, and state that the interpretation may be appealed to the Zoning Board of Appeals.

F. Appeals

An applicant may appeal the Zoning Administrator's decision to the Zoning Board of Appeals within thirty (30) days of the issuance of the letter of interpretation or, if notice was mailed, within thirty (30) days of the date the notice was mailed.

5.9 PLANNED UNIT DEVELOPMENT

Where permitted within district regulations, planned unit developments are considered special uses, and subject to the process and requirements of both special uses (Section 5.3 (Special Uses)) and planned unit developments. See Article 6 (Planned Unit Developments) of this Ordinance for planned unit development process and requirements.

5.10 SITE PLAN REVIEW

- A.** With the exception of single-family detached dwellings and structures accessory to single-family dwellings, every application for a construction permit, including building, electrical, and plumbing, for any new construction, exterior modification, building addition or parking lot construction or modification is subject to site plan review and approval in accordance with Section 9-3.7 of the Village Code.
- B.** In the VC District, site plan review is required for all development. Findings of the required site plan review may be appealed to the Appearance Review Commission in accordance with Section 5.14.

5.11 BUILDING PERMIT

- A.** Where Chapter 9 of the Village Code requires a building permit, no development is permitted until and unless the Zoning Administrator has issued a building permit for that development in accordance and compliance with the terms of this Zoning Ordinance and Chapter 9 of the Village Code.
- B.** Upon receiving a building permit, which is subject to appeal under Section 20-5.15 of this code, the applicant must immediately post a notice on the subject property, provided by the Zoning Administrator, indicating that a permit has been issued by the Village. The notice must be posted in a prominent place on the subject property, in a manner clearly visible from the public way, for thirty (30) days from the date of issuance. The notice shall include the following statement: "ISSUANCE OF THIS PERMIT IS SUBJECT TO APPEAL BY ANY AGGRIEVED PARTY TO THE ZONING BOARD OF APPEALS FOR A PERIOD OF 30 DAYS AFTER THE DATE OF ISSUANCE. ANY WORK PERFORMED PURSUANT TO THIS PERMIT DURING THIS 30 DAYS IS ENTIRELY AT THE RISK OF THE APPLICANT."

5.12 CERTIFICATE OF OCCUPANCY

A. Applicability

A certificate of occupancy issued by the Zoning Administrator is required:

- 1.** For occupancy of a new structure.

2. For the occupancy or use of an addition or structural alteration to an existing structure, other than a single-family detached dwelling.
3. For a new non-residential use or a change in the occupancy of an existing non-residential use.

B. Authority and Execution

The Zoning Administrator is responsible for determining compliance with this Ordinance and all other applicable ordinances, prior to issuance of a certificate of occupancy. The certificate of occupancy must be approved or denied within fourteen (14) days of application for the certificate. A record of all certificates of occupancy are kept on file in the Village.

C. Procedure

1. A certificate of occupancy may be issued only after the Zoning Administrator has inspected the premises and finds that the premises comply with all standards of this Ordinance and conforms to the plans and specifications approved as part of the building permit.
2. The Zoning Administrator may issue a temporary or conditional certificate of occupancy to allow the structure or lot to be occupied for the proposed use, provided that such certificate becomes final and effective only upon full compliance with the requirements of this Ordinance.

D. Posting

Every certificate of occupancy must include the date, the use or occupancy of the land or structure involved, that the use or occupancy complies with this Ordinance, and must be signed by the Zoning Administrator. Every certificate of occupancy required by a change in use or occupancy for a non-residential use must be permanently posted in a prominent place on the premises at all times.

5.13 SIGN PERMIT

A. Applicability

No sign, except those identified as exempt in Article 16 (Signs), may be erected, constructed, altered or relocated without first obtaining a sign permit.

B. Authority

The Zoning Administrator is responsible for determining compliance with this Ordinance and is responsible for issuing a sign permit. Appearance Review Commission approval is required prior to issuance of a sign permit.

C. Approval of Electrified Signs

All signs that have electrical wiring and connections are subject to the Electrical Code of the Village Code. No permit for an electrified sign may be issued by the Zoning Administrator until the proposed electrical wiring and connections have been approved under the procedures of the Electrical Code.

D. Procedure

- 1.** Applications for a sign permit must be submitted to the Zoning Administrator in accordance with the requirements in Section 4.2 (Application). Once it is determined that the application is complete, the Zoning Administrator will forward the application to the Appearance Review Committee and the Electrical Inspector, as necessary. Following approvals from the Appearance Review Committee and the Electrical Inspector, as applicable, the Zoning Administrator may issue a sign permit.
- 2.** A sign permit application must be accompanied by the applicable fees and the following items:
 - a.** The sign proposal drawn to scale showing:
 - i.** Dimensions in inches
 - ii.** Lettering style and size in inches
 - iii.** Colors, identified by using the Pantone system
 - iv.** Construction details
 - b.** An elevation of the proposed sign drawn to scale
 - c.** Color samples and material samples, where appropriate
 - d.** Sidewalk signs require a detailed site plan, drawn to scale, indicating the existing façade, the points of ingress and egress, the proposed location of the sidewalk sign, and all other site features

E. Inspection

The Zoning Administrator may inspect, at such times as deemed appropriate, each sign or other advertising structure regulated by this Ordinance. The purpose of the inspection is to ascertain whether the structure is secure or insecure, whether in need of repair or removal, or not in conformance with the permit application or otherwise in violation of the provisions of this Ordinance.

F. Termination or Revocation of Permit

1. All rights and privileges acquired under the provisions of this Ordinance are mere licenses, revocable at any time by the Village Board.
2. Upon the termination or revocation of the sign permit, the licensee must remove the sign without cost or expense of any kind to the Village. In the event of the failure, neglect or refusal on the part of the licensee to do so, the Village may proceed to remove the same and charge the expense to the licensee.

G. Expiration of Permit

1. If the work authorized under a sign permit is not completed within six (6) months after the date of issuance, the sign permit is void.
2. Sign permits for sidewalk signs are valid for a maximum of one (1) year and expire on December 31 of each year.

5.14 FENCE PERMIT

1. No fence may be erected unless a fence permit has been obtained from the Zoning Administrator in accordance with the Village Code.
2. Upon receipt of a fence permit, the applicant must immediately post a notice on the subject property that a fence permit has been issued by the Village. The notice will be provided to the applicant by the Zoning Administrator, and shall be posted by the applicant in a prominent place on the subject property so that it is clearly visible from the public way. The notice must remain posted for such period of time as an appeal may be filed.
3. Every fence permit must be accompanied by the following statement: "ISSUANCE OF THIS PERMIT IS SUBJECT TO APPEAL BY ANY AGGRIEVED PARTY TO THE ZONING BOARD OF APPEALS FOR A PERIOD OF 30 DAYS AFTER THE DATE OF ISSUANCE. ANY WORK PERFORMED PURSUANT TO THIS PERMIT DURING THIS 30 DAYS IS ENTIRELY AT THE RISK OF THE APPLICANT."

5.15 ADMINISTRATIVE APPEALS

A. Purpose

The administrative appeals process is intended to review decisions of the Zoning Administrator to provide appropriate checks and balances on administrative authority. Administrative appeals also apply to appeals of the site plan review process within the VC District, which are heard by the Appearance Review Commission.

B. Initiation

1. Appeals of Zoning Administrator Decisions

- a. An appeal of a Zoning Administrator decision may be initiated by one (1) or more persons or entities, including a unit of local government, aggrieved by an administrative order, requirement, decision or determination made under this Ordinance by the Zoning Administrator. These persons or entities are considered the appellant.
- b. The Zoning Administrator is considered the appellee in each appeal filed. The Zoning Administrator has the right, but not the duty, to appear, participate in and defend as the appellee in each proceeding.
- c. When the appellant is not the owner of the subject property concerned in the appeal, the owner of the subject property is considered an additional appellee when such an appeal is filed. Such appellee has the right, but not the duty, to appear, participate in, and defend as an additional appellee in each proceeding filed.

2. Appeals of Site Plan Review Decisions in the VC District

If an applicant wishes to contest the findings of the required site plan review, the applicant may request a review by the Appearance Review Commission.

C. Authority and Execution

- 1. Any administrative order, requirement, decision, or determination made by the Zoning Administrator, including the issuance of a building permit, fence permit, certificate of occupancy, and letter of interpretation, may be appealed to the Zoning Board of Appeals.
- 2. In the VC District, if an applicant wishes to contest the findings of the required site plan review, the applicant may request a review by the Appearance Review Commission. The findings of the Appearance Review Commission, in this instance, shall be considered final, subject only to modifications resulting from recommendations of any special hearing board.

D. Procedure for Appeals of Zoning Administrator Decisions

1. Application

An appeal must be filed in writing with the Zoning Administrator no later than thirty (30) days after the contested action, except in the case of a letter of interpretation where the appeal shall be filed no later than thirty (30) days after the Zoning Administration mailed such letter. The appeal must state the following:

- a. The name of the appellant and the interest in the appeal.
- b. The common address of the subject property.
- c. The administrative decision of the Zoning Administrator from which the appeal is taken.
- d. The specific provisions of the Ordinance claimed by the appellant to be erroneously applied or interpreted by the Zoning Administrator.
- e. The specific reasons why the appellant asserts that the Zoning Administrator's application or interpretation of the Ordinance is erroneous.
- f. The specific relief being sought by the appellant.

2. Scheduling

- a. The administrative appeal will be placed on the agenda of the Zoning Board of Appeals for consideration at the earliest available meeting. Should appeals be filed by multiple parties concerning the same subject property and administrative action, the Zoning Administrator may, to the extent practicable, schedule all such appeals for consideration at the same meeting.
- b. The Zoning Administrator must assign a consecutive number for identification of all matters in the order in which they are received and, insofar as it is practicable, place them on the agenda of the Zoning Board of Appeals in numerical order.
- c. If the administrative appeal to be filed by a person other than the owner of the subject property, then the Zoning Administrator will notify the owner of the appeal and provide the owner with a copy of the appeal filed, by personal service, overnight delivery or certified mail, no later than five (5) days after the filing of the appeal.
- d. The Zoning Administrator must provide the owner of the subject property and any other party to the appeal with written notice of the date, time and place of the meeting in advance of the scheduled meeting date.

3. Action by the Zoning Board of Appeals

- a. The Zoning Board of Appeals will consider the appeal at a regular or special meeting. If multiple appeals have been filed concerning the same subject property, then the appeals may be consolidated by the Zoning Board of Appeals in a single hearing.

- b. The hearing by the Zoning Board of Appeals of an administrative appeal is a proceeding of record, and an official court reporter must take a verbatim transcript of the proceeding.
- c. The Zoning Board of Appeals will, by resolution, reverse, affirm, or modify the contested administrative action or decision. In reversing, affirming, or modifying the contested action, the Zoning Board of Appeals has all related powers of the Zoning Administrator.
- d. The contested action or decision may not be modified unless the Zoning Board of Appeals finds by clear and convincing evidence that the Zoning Administrator has made an error in the application of interpretation of the terms of this Ordinance or other related policies adopted by the Village, and the burden of proof for demonstrating same is on the appellant(s).
- e. In the event that the contested action is reversed or modified by the Zoning Board of Appeals, all subsequent administrative actions with regard to the subject matter must be in accordance with the reversal or modification granted by the Zoning Board of Appeals.

E. Procedure for Appeals of Site Plan Review Findings in the Village Center District

1. Application

The site plan review application and all required findings must be forwarded to the Appearance Review Commission.

2. Scheduling

The appeal will be placed on the agenda of the Appearance Review Commission for consideration at the earliest available meeting.

3. Action by the Appearance Review Commission

- a. The Appearance Review Commission will consider the appeal at a regular or special meeting. If multiple appeals have been filed concerning the same subject property, then the appeals may be consolidated by the Zoning Board of Appeals in a single hearing.
- b. The Appearance Review Commission shall determine if the site location and design aspects of the application are in conformance with the requirements of the VC District. The Appearance Review Commission shall consider both the standards of the VC District and the standards of review of Section 5.6.D.

- c. The findings of the Appearance Review Commission shall be considered final, subject only to modifications resulting from recommendations of any special hearing board.

F. Stay of Proceedings

1. Until a final decision regarding the contested action has been rendered, the filing of the administrative appeal will stay any proceedings in furtherance of the contested action and any development permitted by the contested action.
2. The Zoning Board of Appeals, at a public meeting, may lift this stay when the Zoning Administrator certifies to the Zoning Board of Appeals that the stay would cause imminent peril to life or property. Nothing precludes the Zoning Administrator from permitting a person or entity engaged in the development that is being appealed to take reasonable action to stabilize an excavation or partially completed structure or other action to protect against imminent peril to life and property during the time between the filing of the appeal and the Zoning Board of Appeals determination.

G. Time Limitations on Appeals

An appeal must be filed no later than thirty (30) days after the date of the contested action, except in the case of a letter of interpretation, in which case the administrative appeal must be filed no later than thirty (30) days after the date when the Zoning Administrator mailed notice.

5.16 SPECIAL RULES APPLICABLE TO UNITS OF LOCAL GOVERNMENT

A. Purpose and Applicability

1. This section contains special rules and standards that apply to uses owned or operated by Units of Local Government. Because these units of local government, as publicly elected bodies, represent the Village as a whole, it can be presumed that their activities by and large operate to promote the public health, safety, and welfare. This unique characteristic of units of local government, as well as the nature of the uses they own and operate, merits the application of special rules and standards to govern their land use activities. The terms of this section apply only to Units of Local Government. The terms of this section shall not apply, however, to a use or structure that is occupied or operated by a tenant of a unit of local government, unless the tenant itself is a unit of local government or is performing a governmental function.
2. Any land use or structure owned, operated, or occupied by a Unit of Local Government shall be fully subject to all applicable requirements and limitations in this Ordinance, except as modified in this section. Nothing in this section shall be interpreted as an exemption from any requirements or limitations set forth elsewhere in this Ordinance. However, where the terms of this section directly conflict with the

terms of any other applicable provisions of this Ordinance, the terms of this section shall prevail.

B. Additions or Expansions Requiring New Special Use Approval

For uses owned or operated by Units of Local Government, an addition or expansion of a special use requiring new special use approval shall be deemed to occur where:

1. The unit of local government proposes:
 - a. To expand an existing facility or establish a new facility at a location; or
 - b. To increase the number or sizes of the buildings at a location; or
 - c. To make any other expansion in the physical facilities at the location.
2. The expansion, on a long-term basis, will substantially increase traffic to the location, or the hours during which the location is used by the public, or the amount of noise or artificial light in the neighborhood of the location; and
3. The proposal presents a substantial question in relation to any one or more of the special use approval standards of this Ordinance.
 - a. A “substantial question” shall not exist where the proposal is limited to any or all of the following:
 - i. Interior remodeling of an existing building; or
 - ii. The resurfacing of existing tennis courts, parking lots, or similar permanent surfaces; or
 - iii. The installation of new, or rearrangement of existing, playground or recreational equipment or landscaping in an existing park; or
 - iv. The installation, modification, or repair of drainage systems; or
 - v. Other maintenance or repair of existing buildings, structures, or equipment; or
 - vi. Other additions or changes of comparable or less significance that are not likely to result in an increase in the use of the location.

C. Standards of Review for Special Uses

1. Where an application for approval of a special use is filed by a Unit of Local Government, the special use approval standards of this Ordinance shall be modified as follows, provided that such modifications shall not apply unless the unit of local

government, prior to reaching its decision to proceed with the project covered by the proposed variation or special use, sends (by first class mail) written notice of the date, time, place, and purpose of a public meeting at which the project will be considered to all owners and occupants of property located within two-hundred fifty (250) feet of the subject property.

2. It shall be presumed, unless the contrary is demonstrated by the preponderance of the evidence:
 - a. that the establishment, maintenance, or operation of the proposed use in the specific location will not be detrimental to or endanger the public health, safety and welfare; and
 - b. that the applicant has made adequate legal provision to guarantee the provision and development of any buffers, landscaping, public open space and other improvements associated with the proposed use.

D. Standards of Review for Variations

1. Where an application for a variation is filed by a Unit of Local Government, the variation approval standards of this Ordinance shall be modified as follows, provided that such modifications shall not apply unless the unit of local government, prior to reaching its decision to proceed with the project covered by the proposed variation or special use, sends (by first class mail) written notice of the date, time, place, and purpose of a public meeting at which the project will be considered to all owners and occupants of property located within 250 feet of the subject property.
2. It shall be presumed, unless the contrary is demonstrated by the preponderance of the evidence:
 - a. that the particular physical conditions, shape, or surroundings of the property would impose upon the owner a practical difficulty or particular hardship, as opposed to a mere inconvenience, if the requirements of this Ordinance were strictly enforced; and
 - b. that the plight of the property owner was not created by the owner and is due to unique circumstances; and
 - c. that the difficulty or hardship resulting from the application of this Ordinance would prevent the owner from making a reasonable use of the property.

E. Votes by Village Board to Approve Special Uses or Variations

Where an application for a special use or variation is filed by a Unit of Local Government, and fails to receive a recommendation of approval from the Zoning Board of Appeals, the Village Board may approve the special use or variation by a majority vote of those

members present and voting, rather than by the favorable vote of five (5) members of the Village Board.

F. Enlargement or Alteration of Existing Non-conforming Structures

Any structure which is owned, operated, or occupied by a Units of Local Government, and which is non-conforming due to the minimum yard requirements or height limits of this Ordinance for the district in which it is located, may be enlarged or altered without obtaining a variation provided that:

1. The enlargement or alteration itself conforms to the district requirements of this Ordinance.
2. The total structure as enlarged or altered does not encroach further into the required yard area or exceed the maximum floor area ratio limit for the applicable district.
3. The property owner or developer secures a building permit for the enlargement or alteration.

ARTICLE 6. PLANNED UNIT DEVELOPMENTS

6.1 PURPOSE

The purpose of these planned unit development regulations is to:

- A.** Encourage flexibility in the development of land and in the design of structures.
- B.** Encourage planned diversification in the location of structures.
- C.** Encourage a creative approach to the use of land that results in better development and design than might otherwise be accomplished under the strict application of other Articles of this Ordinance.
- D.** Provide for the efficient use of land to facilitate a more effective arrangement of land uses, buildings, circulation systems and utilities.
- E.** Provide for more usable and suitably located open space and recreation areas than might otherwise be provided under the application of other Articles of this Ordinance.
- F.** Encourage the construction of appropriate amenities which will enhance the character of the site.
- G.** Guarantee quality construction commensurate with other developments within the community, and compatible with the character of the surrounding area and adjoining properties.
- H.** Provide an efficient application procedure that is sensitive to the need for expeditious development review.

6.2 INITIATION

Applications for planned unit developments may be filed by an owner of any property in the Village for that property, in accordance with the provisions of Section 6.3 (Authorization).

6.3 AUTHORIZATION

- A.** A planned unit development is authorized as a special use in VC, NR, NR-1, GC-1, GC-2, OR, PCD-1, PCD-2, PCD-3, R2, R3 and R4 Districts. Planned unit developments in the R2 are permitted for townhouse/stacked flats and in the R3 and R4 Districts are permitted for townhouse, stacked flats and multi-family developments only.
- B.** Notwithstanding Paragraph A above, planned unit developments for the Adaptive Reuse Senior Housing/55+ Development of an existing institutional structure, such as an educational facility or place of worship, are permitted in all zoning districts.

- C. Unless specifically approved by the ordinance granting or amending the planned unit development as a special use, the requirements of the underlying district apply. The ordinance granting or amending the planned unit development as a special use may depart from the normal procedures, standards and other requirements of this Ordinance to the extent permissible under this Article.

6.4 GENERAL STANDARDS FOR PLANNED UNIT DEVELOPMENTS

- A. The site of the planned unit development must be under common ownership and/or unified control. If there are two (2) or more owners, the application for the planned unit development must be jointly filed by all such owners.
- B. The ordinance authorizing the special use for a planned unit development may grant exceptions to the regulations contained in this Ordinance including, but not limited to, use, density, area, bulk, design, setbacks, off-street parking and loading, and signs, as may be desirable to achieve the objectives of the proposed planned unit development, provided that such exceptions are fully consistent with and authorized by this Article.
- C. Planned unit developments must be compatible with the purpose and intent of this Ordinance and the Village's Comprehensive Plan. A planned unit development must not substantially diminish the market value of surrounding properties, and it must cause no substantial impairment of the use of those properties.
- D. Planned unit developments must not adversely affect the natural environment of the community as a whole. Natural assets and features, such as existing trees and native vegetation, must be protected and preserved to the greatest extent practical.
- E. The site must be accessible to public streets that are adequate to carry the traffic that will be generated by the proposed development. The streets and driveways within the proposed development must be adequate to serve the uses within the development. The applicant is responsible for the cost and installation of additional traffic controls and regulating devices that are required.
- F. All proposed streets, alleys and driveways must be adequate to serve the residents, occupants, visitors or other anticipated traffic. Access points to public streets and the location of private streets, alleys and driveways are subject to the approval of the Village Board when granting the special use.
- G. The pedestrian circulation system and its related walkways must be located to provide for separation of pedestrian and vehicular movement and for maximum pedestrian safety.
- H. All planned unit developments must provide for underground installation of utilities, including electricity, cable and telephone. Provisions must be made for acceptable design and construction of storm sewer facilities and appropriate storm retention and/or detention devices. The construction and maintenance of all utilities, roadways, parking

facilities and other site improvements must be in accordance with the requirements of this Ordinance and other regulations of the Village.

6.5 EXCEPTIONS FROM DISTRICT REGULATIONS

- A.** The Plan Commission may recommend and the Village Board may grant exceptions to the district bulk regulations where a planned unit development is located. The planned unit development is subject to the underlying district regulations unless an exception is specifically granted. Exceptions from district regulations may be granted for planned unit developments, if the Village Board finds that such exceptions meet all of the following standards:
1. The planned unit development, including all proposed exceptions, is in conformance with the Comprehensive Plan, and the character and nature of existing and future development in the vicinity of the proposed planned unit development.
 2. For use exceptions, the uses allowed are aligned with the intent of the planned unit development, are compatible with uses existing or anticipated to occur upon the adjacent sites, and will be properly screened or buffered from adjacent properties as needed to minimize potential negative impacts.
 3. The exceptions allow the planned unit development to preserve unusual topographic or natural features of the land. In addition, the exceptions provide more usable and suitably located open space and natural amenities than would otherwise be provided under the strict application of district standards.
 4. The exceptions allow the planned unit development to implement innovative design features that would not be possible by application of the basic district regulations. This includes sustainable development techniques, green building and adaptive reuse of existing structures.
 5. The physical characteristics of the planned unit development, including all proposed exceptions, will not adversely affect the future development of adjacent areas.
 6. The planned unit development, including all proposed exceptions, will continue to provide the same protection as the underlying district regulations in regard to fire, health hazards and other dangers.
 7. The planned unit development provides a public benefit to the Village, as described in Paragraph E below.
- B.** The underlying zoning district use regulations apply, unless an exception is granted by ordinance as part of the approved special use. Other specified uses, not permitted by the use regulations of the district in which the planned unit development is located may be allowed provided that the Village Board finds that the uses being requested by such

exceptions are necessary or desirable, and are appropriate with respect to the primary purpose of the development.

- C.** The underlying zoning district requirements apply, unless an exception is granted by ordinance as part of the approved special use. Exceptions to district regulations may be granted by the Village Board where it is determined that such modifications do not negatively affect the value and enjoyment of surrounding property, the provision of municipal services, or the flow of traffic.

- D.** However, in no case are the following exceptions permitted:
 - 1.** Exceptions that modify the requirements of Chapter 15 of the Village Code concerning the minimum design, quality and construction standards for public improvements and infrastructure.
 - 2.** Exceptions to the environmental performance standards of this Ordinance.
 - 3.** Exceptions that modify the building, electrical, plumbing, fire prevention, or any other code or requirement of Chapter 9 of the Village Code.
 - 4.** Exceptions that modify the requirements of Section 16-9.3 of the Village Code concerning fences which obstruct views and create safety hazards.

- E.** No exception to district regulations within a planned unit development may be granted unless the applicant demonstrates a substantial benefit to the Village. The benefits provided are to be balanced with the relief sought. The following items are a guide and not an exclusive list of permissible benefits. Additional design characteristics and amenities not listed may be considered as part of the approval process.
 - 1.** Community amenities including plazas, malls, formal gardens, outdoor seating, public art, and car-sharing facilities.
 - 2.** Preservation of historically significant structures.
 - 3.** Adaptive reuse.
 - 4.** Preservation of environmental features.
 - 5.** Public open space and recreational amenities such as:
 - a.** Swimming pools
 - b.** Tennis courts
 - c.** Recreational open space accessory buildings

- d. Athletic fields
 - e. Jogging trails and fitness courses
 - f. Dog parks
 - g. Playgrounds
 - h. Natural water features and conservation areas
6. Innovative storm water management including a reduction of impervious surface, use of semi-pervious materials, such as pervious pavers, bio-swales, rain gardens and similar techniques.
 7. Additional public infrastructure improvements in addition to the minimum required by the planned unit development, such as new or repaved streets, installation of gutters and sewers, repaved streets, bicycle paths and traffic control devices to improve traffic flow.
 8. Affordable or senior housing set-asides.
 9. Provision of accessible dwelling units with accessible features beyond what is required by the Americans with Disabilities Act (ADA) or any other applicable codes.
 10. The use of sustainable design and architecture, such as the use and/or incorporation of green or white roofs, solar panels, wind turbines and other energy efficient design concepts, new building technologies, and Leadership in Energy and Environmental Design (LEED) or LEED-equivalent structures.

6.6 PROCEDURE

In its establishment and authorization as a special use, in addition to the special use standards of Section 5.3 (Special Use), the following procedures, requirements, restrictions, and conditions shall be observed. In addition to the special use procedures, approval of a planned unit development is a four-step process, which includes a pre-application meeting, optional concept plan, Preliminary Plan, and Final Plan. No plats shall be recorded and no building permit shall be issued until a Final Plan has been approved.

All requirements for public hearings before the Plan Commission, Appearance Review Commission, or the Zoning Board of Appeals which, in the absence of a Planned Unit Development, would have been required to be held under the provisions of the Zoning Ordinance or the Village Code, shall be considered superseded by this Part 6 for applications for Planned Unit Development special uses. This Part 6 shall be deemed to consolidate all requirements for public hearings, recommendations and approvals for Planned Unit

Developments before the Plan Commission and the Village Board, in the manner provided herein.

A. Pre-Application Meeting

- 1.** Prior to filing a formal application for a planned unit development, the applicant must confer with the Zoning Administrator, as well as other Village staff the Zoning Administrator deems appropriate, regarding the proposed development. The purpose of the pre-application presentation and conference is to make advice and assistance available to the applicant before preparation of the optional concept plan or formal application. A minimum of two (2) weeks prior to the pre-application meeting, the applicant must provide nine (9) copies of the following items to the Zoning Administrator:
 - a.** A plat of survey of the subject property.
 - b.** A written description of the proposed planned unit development.
 - c.** A minimum of one (1) development concept plan and up to a maximum of three (3) development concept plans. Each development concept must include a site plan, floor plan(s) indicating the type and square footage of each space and building elevations. The development concept(s) shall be drawn to scale on eleven (11) by seventeen (17) inch paper.
 - d.** A list of all proposed modifications sought pursuant to Section 6.5 (Exceptions from District Regulations).
 - e.** Applicant information including the name, address, contact information, years of experience, and other similar projects in which applicant has participated for each team member.
 - f.** A list of similar projects by the applicant, including:
 - i.** Project name and location.
 - ii.** Brief description of overall size.
 - iii.** Square footage of each use.
 - iv.** Number of residential units.
 - v.** Financing.
 - vi.** Project costs.
 - vii.** Project construction duration.

review of the concept plan is not a public hearing, and any failure to observe formal procedures does not affect the ultimate validity of any enabling legislation.

C. Preliminary Plan

All applications for planned unit developments must contain a Preliminary Plan, which is filed with the Zoning Administrator, who will forward a copy of the same to the Plan Commission. The Preliminary Plan must be a detailed and relatively complete development plan. The Zoning Administrator will schedule a public hearing before the Plan Commission for the purpose of reviewing the Preliminary Plan with notice for the public hearing in accordance with Section 4.3 (Notice), and submit a report to the Plan Commission and the applicant analyzing the plan's compliance with the standards of review of this Article and raising any concerns arising from the Zoning Administrator's consideration of the plan materials and/or the pre-application meeting.

1. Minimum Requirements

Following the initial pre-application meeting and any concept plan meeting, the applicant may file a planned unit development application with the Zoning Administrator. A minimum of ten (10) copies of each of the items identified below are required, unless otherwise instructed by the Zoning Administrator. The following constitutes the minimum required contents for a planned unit development application, provided that the applicant may supplement these materials with any other materials as he/she may deem appropriate, and further provided that the Zoning Administrator may, upon the request of the applicant, waive the submission of any of the following items.

- a.** A legal description of the subject property.
- b.** A letter that states how the development meets the standards of review in this Article.
- c.** Certification of ownership of the subject property and applicant's interest in the subject property, including an application properly certified by either the owner or an entity with authority to act on behalf of the owner, and further provided that, for property held in trust, disclosure of ownership of beneficial interest in the subject property, as may be required by state law.
- d.** Current applicant information including the name, address, contact information, years of experience, and other similar projects in which the applicant has participated for each team member.
- e.** A statement by the applicant with regard to the future selling or leasing of all or a portion of the subject property, and planning objectives to be achieved. This statement must include a description of the character of the proposed planned

unit development and the reasons for the future selling or leasing of all or a portion of the subject property.

- f.** An analysis of the relationship between the proposed planned unit development and the Village Comprehensive Plan.
- g.** Market feasibility study performed by a qualified market research firm within the twelve (12) months prior to the application date, indicating the target market and quantifying the demand for all uses proposed in the development and the suitability of the proposed uses.
- h.** Most recent preliminary financial feasibility analysis and projected operating statement together with a statement of sources and uses for funding the project.
- i.** Copies of all covenants, grants of easements and other limitations or restrictions existing, or to be imposed upon, the use of the subject property's land, buildings or other structures.
- j.** Copy of the preliminary title insurance commitment.
- k.** A plat of survey of the subject property.
- l.** A preliminary development schedule for the project.
- m.** Traffic analysis performed by a qualified traffic engineer within the twelve (12) months prior to the application date.
- n.** The following project information:
 - i.** List of all uses by square footage and, in the case of residential uses, the number of dwelling units.
 - ii.** Calculation of lot coverage of buildings and structures.
 - iii.** Floor area of buildings and structures.
 - iv.** Total amount of usable open space.
 - v.** Total number of parking spaces, separating surface, below grade and above grade parking spaces.
- o.** A brief description of what could be constructed under existing zoning.
- p.** Disclosure as to whether any part of the subject property or structure thereon has been designated as a landmark or historic place under federal, state or local law, or is within a local or national historic district.

- q. Any information that may be required by Village officials to assist in determining the potential impact of the proposed development on existing emergency response services.
- r. A detailed survey prepared by a licensed surveyor, which shall include:
 - i. Topographical contours shown at one (1) foot intervals.
 - ii. Trees of six (6) inches or more in diameter measured at one (1) foot above ground level.
 - iii. Unique natural features or existing groundcover.
- s. Soil test results and environmental report prepared by a licensed engineer, unless waived by the Village.
- t. The site plan and floor area size of all existing and proposed structures and other improvements, including maximum heights and types of dwelling units.
- u. A map showing the surrounding footprints of adjacent buildings and their height.
- v. The location and size in square feet of all areas to be conveyed, dedicated or reserved as common or public open spaces.
- w. Preliminary elevations that demonstrate building character, materials and colors.
- x. A current report written twelve (12) months prior to the application date detailing the existing and proposed pedestrian and vehicular circulation system of streets, alleys, driveways, sidewalks, off-street parking areas, loading areas, service areas, and points of access to the public right-of-way.
- y. Recent preliminary engineering drawings, including the location, size and slope of all water, sanitary sewer, and storm sewer lines; the capacity of any existing water, sanitary sewer or storm sewer mains that will be used; and the location of any on-site storm water/runoff detention. The applicant shall also provide a preliminary estimate of impact upon the Village infrastructure and utilities.
- z. A proposed landscape plan.
- aa. A proposed lighting plan.

2. Preliminary Plan Procedure

The procedure for approval of the Preliminary Plan is as follows:

a. Application

All applications are filed with the Zoning Administrator in accordance with the requirements of Section 4.2 (Application). Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Plan Commission.

b. Review by the Zoning Administrator

Upon receiving a planned unit development application, the Zoning Administrator will review the application and deliver copies of the application to other appropriate government agencies for review and comment, as appropriate. Prior to the scheduled public hearing, the Zoning Administrator will forward to the Plan Commission copies of the application and a written report summarizing the facts of the case, including all relevant documents and incorporating or summarizing the comments of the Zoning Administrator and other agencies. The Zoning Administrator will forward a copy of the written report to the applicant prior to the scheduled public hearing.

c. Action by the Plan Commission

The Plan Commission must review the Preliminary Plan, special use and report by the Zoning Administrator at a public hearing within a reasonable time after receipt of a complete application. If, in the Plan Commission' judgment, the application does not contain sufficient information to enable the Plan Commission to properly discharge its responsibilities, the Plan Commission may request additional information from the applicant. The Plan Commission shall evaluate the application, based upon the evidence presented at the public hearing, pursuant to each of the applicable standards in Paragraph e below. Within a reasonable time after the close of the public hearing, the Plan Commission will either:

- i.** Recommend approval or denial of the Preliminary Plan and special use, and submit its written recommendation to the Village Board.
- ii.** Advise the applicant in writing of any recommended changes, additions or corrections to the Preliminary Plan. The applicant may, within thirty (30) days, submit the revised Preliminary Plan for Plan Commission consideration at a continuation of, or at a new, public hearing. The applicant may do so without paying an additional filing fee. The Plan Commission will then recommend approval or denial of the Preliminary Plan and special use, and submit its written recommendation to the Village Board.

d. Action by the Village Board

- i.** The Village Board, after receipt of the recommendations from the Plan Commission, shall approve, approve with conditions or deny the Preliminary Plan and special use within a reasonable time upon receipt of the recommendations of the Plan Commission. The Village Board will evaluate the application, based upon the evidence presented at the public hearing, pursuant to each of the applicable standards in Paragraph e below.
- ii.** If the Preliminary Plan and special use is approved by the Village Board, the applicant may then submit a Final Plan for the planned unit development, approval of which is required prior to allowing development to proceed.

e. Preliminary Plan Approval Standards

The Plan Commission recommendation and Village Board decision must set forth in what respects the planned unit development is or is not in the public interest including, but not limited to, evaluation of the approval standards for a special use and the following preliminary plan approval standards:

- i.** Is the site or zoning lot upon which the planned unit development is to be located adaptable to the unified development proposed?
- ii.** Will the proposed planned unit development be detrimental to or endanger the public health, safety and welfare of any portion of the community?
- iii.** Will the proposed planned unit development be injurious to the use and enjoyment of other property in the vicinity for the purposes already permitted?
- iv.** Will the proposed planned unit development diminish or impair property values within the neighborhood?
- v.** Will the proposed planned unit development impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district?
- vi.** Is there provision for adequate utilities, drainage, off-street parking and loading, pedestrian access and all other necessary facilities?
- vii.** Is there provision for adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets?
- viii.** Are the location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities, compatible with the surrounding neighborhood and adjacent land uses?

- ix. Is any part of the proposed planned unit development which is not to be used for structures, parking and loading areas, or access ways, suitably landscaped?
- x. Is the planned unit development in the specific location proposed consistent with the spirit and intent of this Ordinance and the adopted Comprehensive Plan?
- xi. Does any part of the proposed planned unit development substantially adversely affect a known archaeological, historical, or cultural?
- xii. Has the applicant successfully completed one or more recent projects of comparable value and complexity to provide the Village with reasonable assurance that the proposed planned unit development can be completed according to schedule and as designed?
- xiii. Will the proposed planned unit development meet the standards of appearance review?

D. Final Plan

1. Final Plan Procedure

Within one (1) year following the approval of the Preliminary Plan the applicant must file with the Zoning Administrator a Final Plan containing, in final form, the information required for the Preliminary Plan. If the planned unit development is to be developed in phases, the applicant need only file a Final Plan for the first phase of development, as indicated in the development and construction schedule prescribed below. The Final Plan for the remaining phases must be filed in accordance with the development and construction schedule. Every Final Plan must contain the information required as part of the Preliminary Plan submittal updated and in final form as well as the following information and documentation:

- a. A final site plan drawn to an appropriate scale on material suitable for recording with the Cook County Recorder of Deeds.
- b. An accurate legal description of the entire zoning lot upon which the planned unit development is to be located, and a legal description of each separate subdivided parcel, including any areas to be conveyed, dedicated or reserved for public or quasi-public uses.
- c. All covenants, easements, agreements and other provisions required to govern the use, maintenance and continued protection of the planned unit development, along with an agreement assuring that the applicant, any subsequent owner or, where applicable, a homeowners association shall be responsible for all street,

utility and common open space maintenance within said development and for snow plowing and refuse disposal.

- d.** All plats, certificates, seals and signatures required for the dedication or vacation of land and/or the recording of the final site plan.
- e.** If subdivision of the development site is included in the planned unit development, a plat of subdivision must be prepared suitable for recording with the Cook County Recorder of Deeds. In like manner, if a vacation or dedication of a public street or alley is included, a plat of vacation or dedication must be prepared.
- f.** A detailed landscape plan based on final architectural decisions indicating the specific location and character of all landscape, including the size and species of all trees, shrubs, hedges and other groundcover, the location, size and type of all screening and fencing and the location, height, design and illumination characteristics of all external lighting fixtures within the development.
- g.** A detailed utilities and drainage plan based on final architectural decisions indicating the size and location of all water distribution lines, sanitary sewers and storm drainage facilities required to serve the planned unit development and the manner in which surface drainage will be controlled and managed consistent with all applicable Village regulations.
- h.** A development and construction schedule indicating the following:
 - i.** The date when construction of the planned unit development will begin or, if developed in phases, the date when construction of the initial phase will begin.
 - ii.** If the planned unit development is to be developed in phases, a map indicating the phases in which the planned unit development will be built, the dates when the Final Plans for all phases will be filed, and the approximate dates when construction of each subsequent phase will begin.
 - iii.** The date when construction of the planned unit development will be completed, and the date when a specific use or uses will be established, or if developed in phases, the date when construction of each phase will be completed, and the date when a specific use or uses will be established for each phase.
- i.** Building elevations and schematic design presentations indicating the architectural character of all proposed buildings and structures based on final architectural decisions and prepared in detail, noting materials, color and finish. All building services and parking entrances must be clearly identified, including, but not be limited to loading, trash and recycling service areas. Drawings must

indicate all proposed fence sizes, materials and locations, all ventilation grills, and any mechanical equipment extending above the building parapet. Samples of all exterior materials must be submitted.

- j. Detailed drawings and design presentations of all signs to be erected within the planned unit development.

2. Action

The Zoning Administrator will review the Final Plan within a reasonable time after the receipt of the complete Final Plan and take the following actions:

a. Conformance with Preliminary Plan

The Zoning Administrator must recommend approval of the Final Plan to the Village Board if it is in substantial compliance with the Preliminary Plan and all Village regulations. The Zoning Administrator will certify to the Village Board that the Final Plan is in substantial conformance with the previously filed Preliminary Plan. Within a reasonable time after receipt of the Zoning Administrator's recommendation, the Village Board must review the Final Plan.

b. Non-conformance with Preliminary Plan

- i. If the Zoning Administrator finds that the Final Plan is substantially changed from the approved Preliminary Plan, or is otherwise not in accordance with Village regulations, the Zoning Administrator must inform the applicant with regard to specific areas found not to be in compliance, and the applicant may resubmit the Final Plan to the Zoning Administrator with changes to those areas found not to be in compliance. At the applicant's request, the Zoning Administrator shall forward the Final Plan to the Village Board for consideration (notwithstanding the substantial change) with a recommendation from the Zoning Administrator that the Final Plan be denied. If the applicant fails to submit a revised Final Plan which does not contain substantial changes from the approved Preliminary Plan, then the Zoning Administrator shall recommend to the Village Board that the Final Plan be denied.
- ii. Once resubmitted and after the Zoning Administrator has determined the Final Plan to be in substantial compliance with the Preliminary Plan, the Zoning Administrator shall certify to the Village Board that the Final Plan is in substantial conformance with the previously filed Preliminary Plan. Within a reasonable time after receipt of the Zoning Administrator's recommendation, the Village Board shall review the Final Plan.

c. Review by the Village Board

After the Final Plan has been found to be in substantial compliance with the Preliminary Plan or the applicant has requested that the Village Board review a Final Plan denied by the Zoning Administrator, and the Village Board has reviewed the Final Plan, the Village Board must approve, approve with conditions, or deny the Final Plan. After the approval of the Final Plan, the use of the land and the 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 other provisions of this Ordinance.

d. Simultaneous Review

Simultaneous Preliminary and Final Plan review may be conducted by the Village Board if the Zoning Administrator finds all necessary Final Plan procedures and requirements have been met prior to the Village Board hearing Preliminary Plan approval.

6.7 CHANGES TO APPROVED FINAL PLANS

No changes may be made in the approved Final Plan, except upon application to the Village, according to the following provisions.

A. During Construction

During the construction of the planned unit development, the procedure is as follows:

1. Minor Changes

Minor changes, as required by engineering or other physical site circumstances not foreseen at that time that the Final Plan was approved and verified by the Village Engineer, may be authorized by the Zoning Administrator, who reserves the right to forward any requests for changes to the Village Board. Any item listed in Paragraph 2.c below is not considered a minor change. Any changes to the Final Plan must be recorded as amendments to the planned unit development ordinance. If changes are allowed in a final site plan, then a new site plan reflecting such changes must be filed with the Village noting the date of the changes.

2. Major Changes

a. Major changes are those changes that substantially affect the basic design, density or bulk of the development. All changes in land use, building height or density of the development are considered a major change, and must be approved by the Village Board, after a public hearing by the Plan Commission, as an amendment to the planned unit development ordinance.

- b.** The Plan Commission must review the request for a major change at a public hearing within a reasonable time after receipt of a request. Within a reasonable time after the close of the public hearing, the Plan Commission must recommend either approval or denial of the request for a major change, and submit its written recommendation to the Village Board. The Village Board, after receipt of a recommendation from the Plan Commission, must approve, approve with conditions or deny the request for a major change within a reasonable time following the receipt of the Plan Commission recommendation. The Village Board may also decide that the request for a major change is so significant that it must be considered a new planned unit development application and should be resubmitted as such.
- c.** Major changes include, but are not limited to, the following:

 - i.** A change equal to or greater than five percent (5%) in the number of dwelling units, the gross floor area of the development, or the gross floor area devoted to any particular use.
 - ii.** A change of five (5) feet or more in building height.
 - iii.** An increase in building coverage of more than five percent (5%) than that approved in the Final Plan (for example, an increase from (25% coverage to 30% coverage). Any building coverage increase above that permitted by this Ordinance is considered a major change.
 - iv.** A decrease in open space.
 - v.** A change in the location of any open space in any manner that detracts from its intended function in the previously approved plan.
 - vi.** A change in excess of ten (10) feet in the location of walkways, vehicle circulation ways and parking areas, or exterior building or structure walls.
 - vii.** A change in the location and arrangement of land uses within the development as shown on the previously approved final plan.
 - viii.** A change or relocation of rights of way shown on the approved final plan in any manner or to any extent that decreases their functionality, adversely affects their relation to surrounding land use and rights-of-way elements, or reduces their effectiveness as buffers or amenities.
 - ix.** An alteration, whether an increase or decrease, in the amount of any land use in any stage of the development by more than ten percent (10%) or a change in the overall final approved and use mix.

- x. A reduction in the number of parking spaces or an increase of more than five (5) parking spaces. An increase of up to five (5) spaces is considered a minor change.
- xi. A change to the landscape plan that results in a reduction in the net amount of plant material. Changes to the landscape plan that do not result in a reduction in the net amount of plant material, a change in plant species or a change that does not violate the landscaping requirements of this Ordinance is considered a minor change.

B. After Construction

After the completion of construction of the planned unit development, all changes to the Final Plan must be made by the Village Board under the procedure authorized for a special use (Section 5.3). Upon review of the proposed changes, the Village Board may determine that the proposed changes to the planned unit development constitute a new application and must be resubmitted as a new planned unit development application in accordance with this Article.

6.8 PROGRESS AND REVOCATION

- A. The Village Board may, at any time, request written reports from the Zoning Administrator on the progress and development of the planned unit development.
- B. If the Village Board makes the determination that the applicant has abandoned the development of the planned unit development or failed to follow the approved Final Plan, it shall hold a public hearing for the purpose of determining the revocation of all permits, approvals and action taken. Written notice of the public hearing must be sent to the applicant by certified mail (return receipt requested) to the business address indicated in the PUD application. Further notice of the public hearing must be provided in the manner described in Section 4.3 (Notice) of this Ordinance for special uses.
- C. At the public hearing, the Village Board will receive such evidence as it deems relevant and the applicant is permitted to respond and present evidence on his/her own behalf. If the Village Board determines, by a majority vote, that the applicant has abandoned the development of the proposed planned unit development or has failed to follow the approved Final Plan, the Village Board may revoke all permits, approvals and other actions taken under this Article. The Corporation Counsel may thereafter cause to have filed with the Recorder of Deeds a memorandum of such revocation.

6.9 CONDITIONS AND GUARANTEES

Prior to granting any special uses, the Plan Commission may recommend, and the Village Board may stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the planned unit development as deemed necessary to guarantee performance of all conditions.

6.10 ISSUANCE OF BUILDING PERMIT

Building permits may only be issued if the construction work in question is in conformity with the approved Final Plan and with all other applicable ordinances and regulations

6.11 ENFORCEMENT OF PLANNED UNIT DEVELOPMENT

- A. The Zoning Administrator may periodically review all permits issued for the planned unit development in conjunction with the construction that has taken place on the planned unit development site, and compare actual development with the approved development and construction schedule.

- B. If the Zoning Administrator finds that the applicant has failed to meet the approved development and construction schedule, the Zoning Administrator will notify the Village Board in writing. Within a reasonable time after receiving such notice, the Village Board will either revoke the special use or, for good cause shown by the applicant, the development and construction schedule may be extended for a reasonable time.

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ARTICLE 7. ZONING DISTRICTS

7.1 PURPOSE

The purpose of this Article is to outline the different zoning districts within this Zoning Ordinance and introduce the Official Zoning Map.

7.2 DISTRICTS

In order to carry out the purpose and intent of this Ordinance, the Village of Wilmette is divided into the following zoning districts:

A. Residential Districts

- R Single-Family Detached Residence District
- R1 Single-Family Detached Residence District
- R2 Attached Residence District
- R3 Multi-Family Residence District
- R4 Multi-Family Residence District

B. Commercial Districts

- NR Neighborhood Retail Business District
- NR-1 Linden Square Neighborhood Business District
- VC Village Center Business District
- GC-1 General Commercial District
- GC-2 General Commercial District
- OR Office-Research District

C. Planned Commercial Development Districts

- PCD-1 Planned Commercial Development District
- PCD-2 Planned Commercial Development District
- PCD-3 Planned Commercial Development District

7.3 ZONING MAP

A. Location of Districts

The location and boundaries of the zoning districts established by this Ordinance are set forth in the Official Zoning Map, as periodically amended. The Official Zoning Map is incorporated into, and made an integral part of, this Ordinance.

It is the intent of this Ordinance that the entire area of the Village, including all land and water areas, be included in the zoning districts established by this Ordinance. Any land lying within the Village, but not shown on the Official Zoning Map as being

included within a district, is classified as the R Single-Family Detached Residence District.

B. Interpretation of Boundary Lines

1. Right-of-Way Lines

Where zoning district boundary lines coincide with streets, alleys, highways, easements, or right-of-way lines of railroads, toll roads or expressways, the boundary line is construed to be the centerline of the right-of-way.

2. Property Lines and Municipal Borders

Where zoning district boundary lines coincide with a recorded property line or a municipal border, the property line is construed to be the boundary line of the district.

3. Scaled Lines

Where the district boundary lines do not coincide with a right-of-way line or recorded property line, the district boundary is determined by measuring such boundary line(s) by using the map scale as provided on the Official Zoning Map.

4. District Boundary Dividing a Lot

Where the map shows a district boundary dividing a lot, each part of the lot must be used in conformity with the standards established by this Ordinance for the zoning district in which that part is located.

5. Clarification of Boundary Lines

The Zoning Board of Appeals will decide all interpretations of zoning district boundary lines, where the application of Paragraphs 1 through 4 above leaves doubt as to the boundary between two (2) zoning districts.

7.4 ANNEXED LAND

Any territory annexed into the Village shall automatically upon annexation be classified as R Single-Family Detached Residence District. That land is subject to the requirements of the R District, unless otherwise provided for in the annexation agreement or until the territory is rezoned.

7.5 EXEMPTIONS FOR PUBLIC UTILITIES AND CERTAIN VILLAGE FACILITIES

The following essential services are permitted to be erected, constructed, altered, or maintained in any zoning district:

- A.** Traffic signals, fire hydrants, street lights, and similar equipment and accessories.
- B.** Gas, electric, communication, water supply, and transmission/distribution systems.
- C.** Elevated or underground water storage tanks.
- D.** Storm and sanitary sewer collection and disposal systems.
- E.** Utility poles, wires, mains, drains, pipes, conduits and cables reasonably necessary for the furnishing of adequate service by public utilities, municipal or other governmental agencies for the public health, safety, convenience, comfort and general welfare. Wireless communications antennas, facilities and towers are subject to all requirements of this Ordinance and are not considered exempt under this Article.

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ARTICLE 8. RESIDENTIAL ZONING DISTRICTS

8.1 RESIDENTIAL ZONING DISTRICTS PURPOSE STATEMENTS

A. Purpose of the R Single-Family Detached Residence District

The R District is established to protect, promote, and maintain the development of single-family detached housing and limited public and institutional uses that are compatible with the surrounding residential neighborhood. The development standards and range of allowable uses for this district are designed to maintain a suitable environment for family living at the low density of development characteristic of the current pattern of development in the district, which consists of large lots with abundant open space. The R District includes one (1) sub-district which allows the same uses but provides bulk provisions that reflect the specific attributes of the development pattern that results in lot width and lot area that are less than that of the R District but still larger than that typically found in any R1 sub-district.

B. Purpose of the R1 Single-Family Detached Residence District

The R1 District is established to protect, promote, and maintain the development of single-family detached housing and limited public and institutional uses that are compatible with the surrounding residential neighborhood. The development standards and range of allowable uses for this district are designed to maintain a suitable environment for family living at the relatively low density of development characteristic of the current pattern of development in the district. The R1 District contains nine (9) sub-districts each of which allows the same uses but provides bulk and height provisions that reflect the specific attributes of the development patterns found in those sub-districts. Such attributes are described below.

1. The R1-A Sub-district contains predominantly single story and split-level homes developed since the 1950s.
2. The R1-B Sub-district contains residential development of a relatively low scale character having height and land coverage characteristics smaller than other areas.
3. The R1-C Sub-district contains a set of relatively uniform lots that tend to contain a mostly two (2) story homes located on a majority of lots smaller than found in other parts of the community.
4. The R1-D Sub-district contains predominantly two story homes located on lots that range between fifty (50) and sixty (60) feet in width.
5. The R1-E Sub-district contains one and two story homes located on smaller lots, many less than fifty (50) feet in width, and accommodating smaller footprint buildings scaled to those lots.

6. The R1-F Sub-district contains a mix of homes built after the 1950s and containing primarily less than three (3) stories.
7. The R1-G Sub-district contains height and bulk provisions that typify the large home and lot development pattern found in the area roughly comprising the residential area abutting Chestnut, Ashland, Greenwood and Elmwood Streets east of Green Bay Road.
8. The R1-H Sub-district contains predominantly older homes, many of which are three stories and are located on lots of fifty (50) to sixty (60) feet in width.
9. The R1-I Sub-district contains some of the smallest residential lots in the village and accommodates limited space between buildings. Development in this area fronts on narrow rights of way imparting a specific character to the neighborhood.

C. Purpose of the R2 Attached Residence District

The R2 District is established to protect, promote, and maintain the development of single-family detached and attached housing and limited public and institutional uses that are compatible with the surrounding residential neighborhood. The development standards and range of allowable uses for this district are designed to provide for residential living in areas that have a single-family residential character but are transitions between areas of commercial or multi-family uses and areas of predominantly single-family detached dwellings.

D. Purpose of the R3 Multi-Family Residence District

The R3 District is established to protect, promote, and maintain the development of multi-family housing and limited public and institutional uses that are compatible with the surrounding residential neighborhood. The development standards and range of allowable uses for this district are designed to provide for convenience and affordability in residential living, at densities characteristic of low-rise multi-family residential buildings.

E. Purpose of the R4 Multi-Family Residence District

The R4 District is established to protect, promote, and maintain the development of multi-family housing and limited public and institutional uses that are compatible with the surrounding residential neighborhood. The development standards and range of allowable uses for this district are designed to provide for convenience and affordability in residential living, at a density characteristic of high-rise multi-family residential buildings.

8.2 PERMITTED AND SPECIAL USES

Table 8-1: Residential Zoning Districts Permitted and Special Uses lists permitted and special uses for the residential districts. A “P” indicates that a use permitted within that district. An “S” indicates that a use a special use in that district and must obtain a special use permit as required in Section 5.3 (Special Use). No letter (i.e., a blank space), or the absence of the use from the table, indicates that use is not permitted within that district.

VILLAGE OF WILMETTE, ILLINOIS						
TABLE 8-1: RESIDENTIAL ZONING DISTRICTS PERMITTED & SPECIAL USES						
<i>P = Permitted Use // S = Special Use</i>						
USE	DISTRICT					USE STANDARDS
	R	R1	R2	R3	R4	
RESIDENTIAL USES						
Accessory Living Unit	S	S	S			Sec. 12.3.A
Adaptive Reuse Senior Housing/55+ Development	S	S	S	S		
Dwelling, Single-Family	P	P	P	P		
Dwelling, Two-Unit			P	P		
Dwelling, Multi-Family: up to 18 dwelling units per acre				P		Sec. 12.3.Q
Dwelling, Multi-Family: up to 30 dwelling units per acre				S		Sec. 12.3.Q
Dwelling, Multi-Family: up to 40 dwelling units per acre					P	Sec. 12.3.Q
Dwelling, Townhouse/Stacked Flat: up to 4 dwelling units per building and only 1 building per lot			P	P	P	Sec. 12.3.H
Dwelling, Townhouse/Stacked Flat: more than 4 dwelling units per building or more than 1 building per lot			S	S	S	Sec. 12.3.H
Group Home	P	P	P	P		Sec. 12.3.L
Residential Care Facility			S	S	P	Sec. 12.3.V
INSTITUTIONAL USES						
Cemetery		S				
Cultural Facility	S	S	S	S	S	Sec. 12.3.C
Day Care Center, Adult or Child	S	S	S	S	S	Sec. 12.3.D
Day Care Home, Adult or Child	S	S	S	S	S	Sec. 12.3.E
Educational Facility, College	S	S	S	S		Sec. 12.3.I
Educational Facility, Primary	S	S	S	S	S	Sec. 12.3.I
Educational Facility, Secondary	S	S	S	S	S	Sec. 12.3.I
Golf Course		S				Sec. 12.3.K
Park/Playground	S	S	S	S	S	
Place of Worship	S	S	S	S	S	Sec. 12.3.U
Public Safety Facility	S	S	S	S	S	
Recreation Center	S	S	S	S	S	
Social Club or Lodge		S	S	S		Sec. 12.3.X
OTHER						
Car-Sharing Spaces (Accessory Use)			P	P	P	Sec. 12.3.B
Parking Lot (Principal Use)	S	S	S	S	S	Sec. 12.3.R
Planned Unit Development	S	S	S	S	S	Article 6
Unusual Recreation Equipment	S	S	S	S	S	Sec. 13.4.X
Utility	S	S	S	S	S	Sec. 12.3.Z
Wind Turbines	S	S	S	S	S	Sec. 13.4.Y
Wireless Telecommunications Equipment	S	S	S	S	S	Sec. 12.3.AA

8.3 BULK AND YARD REGULATIONS

The bulk and yard regulations for the residential districts are separated into two separate tables. Table 8-2: R, R2, R3 and R4 Residential Zoning Districts Bulk and Yard Regulations establishes bulk and yard regulations for the R, R2, R3 and R4 residential zoning districts. Table 8-3: R1 Sub-District Residential Zoning Districts Bulk and Yard Regulations establishes bulk and yard regulations for the nine (9) R1 Sub-districts. The following additional standards apply to the bulk regulations:

A. Building Height

1. On lots that slope downward towards the rear or side lot line, the height of the principal building shall not exceed a height of forty-five (45) feet as measured perpendicular to the existing grade. Single-family and two-unit dwellings with a predominantly flat roof, as determined by the Zoning Administrator, may not exceed a maximum height of twenty-seven (27) feet and two (2) stories. Non-habitable architectural features on institutional use principal buildings shall not exceed a height of sixty (60) feet provided that all required side and rear yards shall be increased by one (1) foot for each additional foot of height over thirty-five (35) feet.
2. All required side and rear yards shall be increased for a structure by one foot for each additional foot of height over thirty-five (35) feet in the R and R2 Districts, thirty-six (36) feet in the R3 District, and thirty-five (35) feet in the R4 District for yards that abut an R, R1, R2, or R3 District.

B. Townhouse/Stacked Flat Development

1. Bulk and yard requirements shall apply to the development as a whole, rather than to each individual dwelling unit, and shall not apply to lot lines dividing dwellings that share a party wall.
2. When developed so that the individual units face the side lot line rather than the street, the combined side yards shall be no less than fifty percent (50%) of the lot width, with no one side yard being less than twelve (12) feet.

C. Maximum Lot Coverage and Floor Area for Single-Family Dwellings

The maximum lot coverage and floor area for single-family dwellings shall be one of the two following formulas, applicable as referenced in Table 8-2: R, R2, R3 and R4 Residential Zoning Districts Bulk and Yard Regulations and Table 8-3: R1 Sub-District Residential Zoning Districts Bulk and Yard Regulations:

1. Original (1990)

- a.** Lot Coverage: $(0.40 - ((1.33 \times \text{Lot Area}) / 100,000)) \times \text{Lot Area}$

In no event shall the maximum lot coverage be less than 20%.

- b.** Floor Area: $((0.40 - ((1.33 \times \text{Lot Area}) / 100,000)) \times 1.5) \times \text{Lot Area}$

In no event shall the maximum floor area be less than 30%.

2. Modified (2003)

- a.** Lot Coverage: $((0.5 - (\text{Lot Area} / 80,000)) / 1.38) \times \text{Lot Area}$

In no event shall the maximum lot coverage be less than 20%.

- b.** Floor Area: $((0.5 - (\text{Lot Area} / 80,000))) \times \text{Lot Area}$

In no event shall the maximum floor area be less than 30%.

3. Lot Coverage and Floor Area Bonuses

Lot coverage and floor area bonuses in addition to the maximum lot coverage and maximum floor area established by formula above shall be applicable as referenced in Table 8-2 and Table 8-3.

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VILLAGE OF WILMETTE, ILLINOIS TABLE 8-2: R, R2, R3 AND R4 RESIDENTIAL ZONING DISTRICTS BULK AND YARD REGULATIONS					
LOT & HEIGHT REGULATIONS	DISTRICTS				
	R	R-A	R2	R3	R4
MINIMUM LOT AREA	15,000 s.f.	10,000 s.f.	Townhouse/Stacked Flat: 3,000 s.f./du All Other Uses: 8,400 s.f.	Townhouse/Stacked Flat: 3,000 s.f./du All Other Uses: 8,000 s.f.	Townhouse/Stacked Flat: 3,000 s.f./du All Other Uses: 6,000 s.f.
MINIMUM LOT WIDTH	100'	60'	Townhouse/Stacked Flat: 100' All Other Uses: 50'	Townhouse/Stacked Flat: 100' All Other Uses: 50'	100'
MAXIMUM BUILDING HEIGHT (1)	Lesser of 35' or 2.5 stories	Lesser of 35' or 2.5 stories	Lesser of 35' or 2.5 stories	Multi-Family: Lesser of 48' or 4 stories All Other Uses: Lesser of 36' or 2.5 stories	85'
MAXIMUM FIRST FLOOR HEIGHT (2)	SF Dwelling built on or before July 1, 2003: max of 5' SF Dwelling built after July 1, 2003: max of 4'	SF Dwelling built on or before July 1, 2003: max of 5' SF Dwelling built after July 1, 2003: max of 4'	SF Dwelling built on or before July 1, 2003: max of 5' SF Dwelling built after July 1, 2003: max of 4' Townhouse/Stacked Flat: max of 4'	SF Dwelling built on or before July 1, 2003: max of 5' SF Dwelling built after July 1, 2003: max of 4'	Not Applicable
MINIMUM YARD REGULATIONS					
FRONT YARD	Greater of 40' or Established Front Yard	Greater of 25' or Established Front Yard	Greater of 25' or Established Front Yard	Greater of 25' or Established Front Yard	Greater of 30' or Established Front Yard
INTERIOR SIDE YARD	SF Dwelling: Greater of 10% of lot width or 5' All Other Uses: 50'	SF Dwelling: Greater of 10% of lot width or 5' All Other Uses: 50'	SF Dwelling: Greater of 10% of lot width or 5' Townhouse/Stacked Flat: Greater of 10% of lot width or 5' (10) All Other Uses: (11)	12'	Dwelling: 12' All Other Uses: 30'
COMBINED SIDE YARD	Greater of 25% of lot width or 12.5'	Greater of 25% of lot width or 12.5'	Greater of 25% of lot width or 12.5'	Greater of 25% of lot width or 12.5'	24'
SIDE YARD ADJOINING A STREET	SF Dwelling: 30% of lot width, min. of 15' to a max. of 30' All Other Uses: 50'	SF Dwelling: 30% of lot width, min. of 15' to a max. of 30' All Other Uses: 50'	30% of lot width, min. of 15' to a max. of 25'	SF Dwelling: Greater of 10% of lot width or 5' All Other Uses: 25'	Dwelling: 24' All Other Uses: 60'
REAR YARD (3)	SF Dwelling: 20% of lot depth, min. of 40' to a max. of 50' All Other Uses: 50'	20% of lot depth, min. of 25' to a max. of 40' All Other Uses: 50'	20% of lot depth, min. of 30' to a max. of 40'	20% of lot depth, min. of 30' to a max. of 40' (4)	35' (4)

Village of Wilmette Zoning Ordinance

VILLAGE OF WILMETTE, ILLINOIS TABLE 8-2: R, R2, R3 AND R4 RESIDENTIAL ZONING DISTRICTS BULK AND YARD REGULATIONS					
	DISTRICTS				
	R	R-A	R2	R3	R4
MAXIMUM AREA & COVERAGE REGULATIONS (5)					
MAXIMUM LOT COVERAGE	SF Dwelling: See 8.3.C.2.a. Other Uses: Not Applicable	SF Dwelling: See 8.3.C.2.a. Other Uses: Not Applicable	SF Dwelling: See 8.3.C.2.a. Two-Unit: (((0.5-(Lot Area/80,000))/1.38) x 1.25) x Lot Area Other Uses: Not Applicable	SF Dwelling: See 8.3.C.2.a. Other Uses: Not Applicable	Not Applicable
MAXIMUM LOT COVERAGE BONUS FOR GARAGE	SF Dwelling built on or before March 3, 1990: 200 s.f. SF Dwelling built after March 3, 1990: 0 s.f.	SF Dwelling built on or before March 3, 1990: 200 s.f. SF Dwelling built after March 3, 1990: 0 s.f.	SF Dwelling built on or before March 3, 1990: 200 s.f. SF Dwelling built after March 3, 1990: 0 s.f.	Not Applicable	Not Applicable
MAXIMUM FLOOR AREA	SF Dwelling: See 8.3.C.2.b. All Other Uses: (0.7 x Lot Area)	SF Dwelling: See 8.3.C.2.b. All Other Uses: (0.7 x Lot Area)	SF Dwelling: See 8.3.C.2.b. Two-Unit: ((0.5-(Lot Area/80,000)) x 1.25) x Lot Area Townhouse/Stacked Flat: (0.7 x Lot Area) All Other Uses: (0.8 x Lot Area)	SF Dwelling: See 8.3.C.2.b. Two-Unit: ((0.5-(Lot Area/80,000)) x 1.25) x Lot Area Townhouse/Stacked Flat: (0.7 x Lot Area) All Other Uses: (1.0 x Lot Area)	3.0
MAXIMUM FLOOR AREA BONUS FOR GARAGE (6) (7)	440 s.f.	440 s.f.	440 s.f.	440 s.f.	Not Applicable
MAXIMUM FLOOR AREA BONUS FOR FRONT PORCH (8)	(Lot Area /8,400) x 200, but not to exceed 200 s.f.	(Lot Area /8,400) x 200, but not to exceed 200 s.f.	(Lot Area /8,400) x 200, but not to exceed 200 s.f.	(Lot Area /8,400) x 200, but not to exceed 200 s.f.	Not Applicable
MAXIMUM FLOOR AREA BONUS FOR ATTIC (9)	(Lot Area /12,000) x 300, but not to exceed 300 s.f.	(Lot Area /12,000) x 300, but not to exceed 300 s.f.	(Lot Area /12,000) x 300, but not to exceed 300 s.f.	(Lot Area /12,000) x 300, but not to exceed 300 s.f.	Not Applicable

NOTES

- (1) See Section 8.3.A for more height information.
- (2) First floor height measured from calculated grade to top of finished first floor.
- (3) For property with a rear lot line that is the ordinary high water mark of a body of water, as defined in Chapter 9, Appendix 9A of the Village Code, the minimum rear yard setback along that rear lot line shall be measured from the mean lake elevation of 579' above sea-level, but in no case shall the minimum rear yard setback be less than the base flood plain elevation as provided in Chapter 9, Appendix 9A of the Village Code.
- (4) Any rear yard that abuts property in an R, R1, R2 or R3 District shall be increased by one (1) foot for each foot that the principal building or structure exceeds a height of thirty-five (35) feet.
- (5) Lot coverage and floor area bonuses apply only to single-family dwellings.

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- (6) See Section 2.5.G for more information about the garage bonus.
- (7) See Section 13.4.I.1 for more information about garage requirements.
- (8) The front porch bonuses only apply to front porches in accordance with Section 2.5.H.
- (9) The attic floor area bonus applies to the space above the second floor and below the roof rafters; see also Section 2.5.I.
- (10) See Section 12.3.H and Section 8.3.B for setbacks applicable to townhouse/stacked flat dwellings
- (11) For all other uses, each side yard shall be no less than twelve (12) feet. For all other uses on a corner lot, the side yard abutting the street shall be no less than thirty percent (30%) of the lot width or twenty-five (25) feet, whichever is less, but in no event less than fifteen (15) feet.

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Village of Wilmette Zoning Ordinance

VILLAGE OF WILMETTE, ILLINOIS				
TABLE 8-3: R1 SUB-DISTRICT RESIDENTIAL ZONING DISTRICTS BULK AND YARD REGULATIONS				
	DISTRICTS			
	R1-A	R1-B	R1-C	R1-D
LOT & HEIGHT REGULATIONS				
MINIMUM LOT AREA	8,400 s.f.	6,000 s.f.	6,000 s.f.	8,400 s.f.
MINIMUM LOT WIDTH	60'	40'	50'	50'
MAXIMUM BUILDING HEIGHT (1)	Lesser of 35' or 2.5 stories	Lesser of 30' or 2.5 stories	Lesser of 30' or 2.5 stories	Lesser of 35' or 2.5 stories
MAXIMUM FIRST FLOOR HEIGHT EXISTING (2)	SF Dwelling built on or before March 5, 1990: max of 5' SF Dwelling built after March 5, 1990: max of 3'	SF Dwelling built on or before March 5, 1990: max of 5' SF Dwelling built after March 5, 1990: max of 3'	SF Dwelling built on or before July 1, 2003: max of 4' SF Dwelling built after July 1, 2003: max of 3'	SF Dwelling built on or before July 1, 2003: max of 5' SF Dwelling built after July 1, 2003: max of 4'
MINIMUM YARD REGULATIONS				
FRONT YARD	Greater of 25' or Established Front Yard	Greater of 25' or Established Front Yard	Greater of 25' or Established Front Yard	Greater of 25' or Established Front Yard
INTERIOR SIDE YARD	SF Dwelling: Greater of 10% of lot width or 5' All Other Uses: 20'	SF Dwelling: Greater of 10% of lot width or 4' All Other Uses: 20'	SF Dwelling: Greater of 10% of lot width or 5' All Other Uses: 20'	SF Dwelling: Greater of 10% of lot width or 5' All Other Uses: 20'
COMBINED SIDE YARD	Greater of 25% of lot width or 12.5'	Greater of 25% of lot width or 10'	Greater of 25% of lot width or 12.5'	Greater of 25% of lot width or 12.5'
SIDE YARD ADJOINING A STREET	SF Dwelling: 30% of lot width, min. of 15' to a max. of 25' All Other Uses: 20'	SF Dwelling: 30% of lot width, min. of 12' to a max. of 25' All Other Uses: 20'	SF Dwelling: 30% of lot width, min. of 15' to a max. of 25' All Other Uses: 20'	SF Dwelling: 30% of lot width, min. of 15' to a max. of 25' All Other Uses: 20'
REAR YARD	SF Dwelling: 20% of lot depth, min. of 25' to a max. of 40' All Other Uses: 40'	SF Dwelling: 20% of lot depth, min. of 25' to a max. of 40' All Other Uses: 40'	SF Dwelling: 20% of lot depth, min. of 25' to a max. of 40' All Other Uses: 40'	SF Dwelling: 20% of lot depth, min. of 25' to a max. of 40' All Other Uses: 40'
MAXIMUM AREA & COVERAGE REGULATIONS (3)				
MAXIMUM LOT COVERAGE	See 8.3.C.2.a.	See 8.3.C.1.a.	See 8.3.C.1.a.	See 8.3.C.2.a.
MAXIMUM LOT COVERAGE BONUS FOR GARAGE	SF Dwelling built on or before March 3, 1990: 200 s.f. SF Dwelling built after March 3, 1990: 0 s.f.	Lot size less than 8,400 s.f.: 200 s.f. Lot size 8,400 s.f. or greater: 400 s.f.	Lot size less than 8,400 s.f.: 200 s.f. Lot size 8,400 s.f. or greater: 400 s.f.	SF Dwelling built on or before March 3, 1990: 200 s.f. SF Dwelling built after March 3, 1990: 0 s.f.
MAXIMUM LOT COVERAGE BONUS FOR FRONT PORCH	Not Applicable	100 s.f.	100 s.f.	Not Applicable

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VILLAGE OF WILMETTE, ILLINOIS				
TABLE 8-3: R1 SUB-DISTRICT RESIDENTIAL ZONING DISTRICTS BULK AND YARD REGULATIONS				
	DISTRICTS			
	R1-A	R1-B	R1-C	R1-D
MAXIMUM FLOOR AREA	SF Dwelling: See 8.3.C.2.b. All Other Uses: (0.7 x Lot Area)	SF Dwelling: See 8.3.C.1.b. All Other Uses: (0.7 x Lot Area)	SF Dwelling: See 8.3.C.1.b. All Other Uses: (0.7 x Lot Area)	SF Dwelling: See 8.3.C.2.b. All Other Uses: (0.7 x Lot Area)
MAXIMUM FLOOR AREA BONUS FOR GARAGE (4) (5)	440 s.f.	440 s.f.	440 s.f.	440 s.f.
MAXIMUM FLOOR AREA BONUS FOR FRONT PORCH (6)	(Lot Area /8,400) x 200, not to exceed 200 s.f.	(Lot Area /8,400) x 100, not to exceed 100 s.f.	(Lot Area /8,400) x 100, not to exceed 100 s.f.	(Lot Area /8,400) x 200, not to exceed 200 s.f.
MAXIMUM FLOOR AREA BONUS FOR ATTIC (7)	(Lot Area /12,000) x 300, not to exceed 300 s.f.	Not Applicable	Not Applicable	(Lot Area /12,000) x 300, not to exceed 300 s.f.

NOTES

- (1) See Section 8.3.A. for more height information.
- (2) First floor height measured from calculated grade to top of finished first floor.
- (3) Lot coverage and floor area bonuses apply only to single-family dwellings.
- (4) See Section 2.5.G for more information about the garage bonus.
- (5) See Section 13.4.I.1 for more information about garage requirements.
- (6) The front porch bonuses only apply to front porches in accordance with Section 2.5.H.
- (7) The attic floor area bonus applies to the space above the second floor and below the roof rafters; see also Section 2.5.I.

Village of Wilmette Zoning Ordinance

VILLAGE OF WILMETTE, ILLINOIS					
TABLE 8-3: R1 SUB-DISTRICT RESIDENTIAL ZONING DISTRICTS BULK AND YARD REGULATIONS					
	DISTRICTS				
	R1-E	R1-F	R1-G	R1-H	R1-I
LOT & HEIGHT REGULATIONS					
MINIMUM LOT AREA	6,000 s.f.	8,400 s.f.	8,400 s.f.	7,500 s.f.	5,000 s.f.
MINIMUM LOT WIDTH	40'	50'	60'	50'	40'
MAXIMUM BUILDING HEIGHT (1)	Lesser of 30' or 2.5 stories	Lesser of 30' or 2.5 stories	Lesser of 35' or 2.5 stories	Lesser of 35' or 2.5 stories	Lesser of 35' or 2.5 stories
MAXIMUM FIRST FLOOR HEIGHT EXISTING (2)	SF Dwelling built on or before July 1, 2003: max of 5' SF Dwelling built after July 1, 2003: max of 4'	SF Dwelling built on or before July 1, 2003: max of 4' SF Dwelling built after July 1, 2003: max of 3'	SF Dwelling built on or before July 1, 2003: max of 5' SF Dwelling built after July 1, 2003: max of 4'	SF Dwelling built on or before July 1, 2003: max of 5' SF Dwelling built after July 1, 2003: max of 4'	SF Dwelling built on or before July 1, 2003: max of 5' SF Dwelling built after July 1, 2003: max of 4'
MINIMUM YARD REGULATIONS					
FRONT YARD	Greater of 25' or Established Front Yard	Greater of 18' or Established Front Yard			
INTERIOR SIDE YARD	SF Dwelling: Greater of 10% of lot width or 3' All Other Uses: 20'	SF Dwelling: Greater of 10% of lot width or 5' All Other Uses: 20'	SF Dwelling: Greater of 10% of lot width or 5' All Other Uses: 20'	SF Dwelling: Greater of 10% of lot width or 5' All Other Uses: 20'	SF Dwelling: Greater of 10% of lot width or 4' All Other Uses: 20'
COMBINED SIDE YARD	Greater of 25% of lot width or 7.5'	Greater of 25% of lot width or 12.5'	Greater of 25% of lot width or 12.5'	Greater of 25% of lot width or 12.5'	Greater of 25% of lot width or 10'
SIDE YARD ADJOINING A STREET	SF Dwelling: 30% of lot width, min. of 9' to a max. of 25' All Other Uses: 20'	SF Dwelling: 30% of lot width, min. of 15' to a max. of 25' All Other Uses: 20'	SF Dwelling: 30% of lot width, min. of 15' to a max. of 25' All Other Uses: 20'	SF Dwelling: 30% of lot width, min. of 15' to a max. of 25' All Other Uses: 20'	SF Dwelling: 30% of lot width, min. of 12' to a max. of 25' All Other Uses: 20'
REAR YARD	SF Dwelling: 20% of lot depth, min. of 25' to a max. of 40' All Other Uses: 40'	SF Dwelling: 20% of lot depth, min. of 25' to a max. of 40' All Other Uses: 40'	SF Dwelling: 20% of lot depth, min. of 25' to a max. of 40' All Other Uses: 40'	SF Dwelling: 20% of lot depth, min. of 25' to a max. of 40' All Other Uses: 40'	SF Dwelling: 20% of lot depth, min. of 25' to a max. of 40' All Other Uses: 40'
MAXIMUM AREA & COVERAGE REGULATIONS (3)					
MAXIMUM LOT COVERAGE	See 8.3.C.1.a.	See 8.3.C.1.a.	See 8.3.C.2.a.	See 8.3.C.2.a.	See 8.3.C.1.a.
MAXIMUM LOT COVERAGE BONUS FOR GARAGE	Lot size less than 8,400 s.f.: 200 s.f. Lot size 8,400 s.f. or greater: 400 s.f.	Lot size less than 8,400 s.f.: 200 s.f. Lot size 8,400 s.f. or greater: 400 s.f.	SF Dwelling built on or before March 3, 1990: 200 s.f. SF Dwelling built after March 3, 1990: 0 s.f.	SF Dwelling built on or before March 3, 1990: 200 s.f. SF Dwelling built after March 3, 1990: 0 s.f.	Lot size less than 8,400 s.f.: 200 s.f. Lot size 8,400 s.f. or greater: 400 s.f.

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VILLAGE OF WILMETTE, ILLINOIS					
TABLE 8-3: R1 SUB-DISTRICT RESIDENTIAL ZONING DISTRICTS BULK AND YARD REGULATIONS					
	DISTRICTS				
	R1-E	R1-F	R1-G	R1-H	R1-I
MAXIMUM LOT COVERAGE BONUS FOR FRONT PORCH	100 s.f.	100 s.f.	Not Applicable	Not Applicable	100 s.f.
MAXIMUM FLOOR AREA	SF Dwelling: See 8.3.C.1.b. All Other Uses: (0.7 x Lot Area)	SF Dwelling: See 8.3.C.1.b. All Other Uses: (0.7 x Lot Area)	SF Dwelling: See 8.3.C.2.b. All Other Uses: (0.7 x Lot Area)	SF Dwelling: See 8.3.C.2.b. All Other Uses: (0.7 x Lot Area)	SF Dwelling: See 8.3.C.1.b. All Other Uses: (0.7 x Lot Area)
MAXIMUM FLOOR AREA BONUS FOR GARAGE (4) (5)	440 s.f.				
MAXIMUM FLOOR AREA BONUS FOR FRONT PORCH (6)	(Lot Area /8,400) x 200, not to exceed 200 s.f.	(Lot Area /8,400) x 100, not to exceed 100 s.f.	(Lot Area /8,400) x 300, not to exceed 300 s.f.	(Lot Area /8,400) x 300, not to exceed 300 s.f.	(Lot Area /8,400) x 200, not to exceed 200 s.f.
MAXIMUM FLOOR AREA BONUS FOR ATTIC (7)	Not Applicable	Not Applicable	(Lot Area /12,000) x 400, not to exceed 400 s.f.	(Lot Area /12,000) x 400, not to exceed 400 s.f.	Not Applicable

NOTES

- (1) See Section 8.3.A. for more height information.
- (2) First floor height measured from calculated grade to top of finished first floor.
- (3) Lot coverage and floor area bonuses apply only to single-family dwellings.
- (4) See Section 2.5.G for more information about the garage bonus.
- (5) See Section 13.4.I.1 for more information about garage requirements.
- (6) The front porch bonuses only apply to front porches in accordance with Section 2.5.H.
- (7) The attic floor area bonus applies to the space above the second floor and below the roof rafters; see also Section 2.5.I.

4. Applicability of Contextual Bulk Regulations

For single-family dwellings, if the average height of all homes on either side and within one-hundred (100) feet of the subject property is more than thirty (30) feet, the applicant may choose to apply the lot coverage and floor area formulas contained in Table 8-4: Contextual Bulk Regulations. If the mean average height of these homes is less than or equal to 30 feet, the applicant may choose to apply the lot coverage and floor area formulas contained in Table 8-4.

VILLAGE OF WILMETTE, ILLINOIS TABLE 8-4: CONTEXTUAL BULK REGULATIONS		
	AVERAGE HEIGHT 30' OR LESS	AVERAGE HEIGHT GREATER THAN 30'
MAXIMUM BUILDING HEIGHT (1)	Lesser of 30' or 2.5 stories	Lesser of 35' or 2.5 stories
MAXIMUM LOT COVERAGE	See 8.3.C.1.a.	See 8.3.C.2.a.
MAXIMUM LOT COVERAGE BONUS FOR GARAGE	Lot size less than 8,400 s.f.: 200 s.f. Lot size 8,400 s.f. or greater: 400 s.f.	SF Dwelling built on or before March 3, 1990: 200 s.f. SF Dwelling built after March 3, 1990: 0 s.f.
MAXIMUM LOT COVERAGE BONUS FOR FRONT PORCH	100 s.f.	Not Applicable
MAXIMUM FLOOR AREA	See 8.3.C.1.b.	See 8.3.C.2.b.
MAXIMUM FLOOR AREA BONUS FOR GARAGE & SHED (2) (3)	440 s.f.	440 s.f.
MAXIMUM FLOOR AREA BONUS FOR FRONT PORCH (4)	(Lot Area /8,400) x 100, but not to exceed 100 s.f.	(Lot Area /8,400) x 200, but not to exceed 200 s.f.
MAXIMUM FLOOR AREA BONUS FOR ATTIC (5)	Not Applicable	(Lot Area /12,000) x 300, but not to exceed 300 s.f.

NOTES

- (1) See Section 8.3.A. for more height information.
- (2) See Section 2.5.G for more information about the garage bonus.
- (3) See Section 13.4.I.1 for more information about garage requirements.
- (4) The front porch bonuses only apply to front porches in accordance with Section 2.5.H.
- (5) The attic floor area bonus applies to the space above the second floor and below the roof rafters; see also Section 2.5.I.

D. Impervious Surface Limits

In no event shall there be more impervious surface coverage upon a lot than given in Table 8-5: R, R1, R2, R3 and R4 Residential Zoning Districts Impervious Surface Coverage Requirements, except for the following conditions:

1. Properties improved with two-unit or townhouse/stacked flat dwellings located in the R2 district may cover up to sixty percent (60%) of the required rear yard with a detached garage.
2. Properties located along Lake Michigan may cover up to seventy-five percent (75%) of the required rear yard to accommodate the installation of a lake shoreline erosion control system necessary, as approved by the Illinois Department of Transportation or other designated body, to protect the integrity of the shoreline.

VILLAGE OF WILMETTE, ILLINOIS					
TABLE 8-5: R, R1, R2, R3 AND R4 RESIDENTIAL ZONING DISTRICTS IMPERVIOUS SURFACE COVERAGE REQUIREMENTS					
	R	R1	R2	R3	R4
FRONT YARD MAXIMUM COVERAGE (4)	30%	30%	30%	30%	30%
COMBINED SIDE YARD MAXIMUM COVERAGE (4)	60%	60%	60%	60%	60%
SIDE YARD ADJOINING A STREET MAXIMUM COVERAGE (1) (4)	30%	30%	30%	30%	30%
REAR YARD MAXIMUM COVERAGE	60%	60%	60%	60%	60%
REAR YARD STRUCTURE COVERAGE (2)	35%	35%	35%	35%	35%
REAR YARD PAVEMENT COVERAGE (3) (4)	30%	30%	30%	30%	30%

NOTES

- (1) For the purpose of this section, the side yard adjoining a street shall end at the rear yard setback line, not the rear lot line.
- (2) Including but not limited to garages, sheds, playhouses, cabanas, sport courts, swimming pools, and similar structures.
- (3) Including but not limited to driveways, aprons, sidewalks, patios, decks, parking pads, and similar at-grade structures.
- (4) For single-family and two-unit dwellings, the maximum amount of coverage may be increased by ten percent (10%) of the allowable square footage of impervious surface coverage when all such surfaces in the yard are non-mortared pavers or a similar pervious surface over a non-compacted base.

8.4 GENERAL STANDARDS OF APPLICABILITY

A. Accessory Structures and Uses

See Section 13.4 (Accessory Structures and Uses) for standards covering accessory structures and uses.

B. Permitted Encroachments

See Section 13.5 (Permitted Encroachments) for standards governing encroachments.

C. Temporary Uses and Structures

See Section 13.6 (Temporary Uses and Structures) for standards governing temporary uses.

D. Off-Street Parking and Loading

See Article 14 (Off-Street Parking and Loading) for standards governing off-street parking and loading.

E. Landscaping and Screening

See Article 15 (Landscaping and Screening) for standards governing landscaping and screening.

F. Signs

See Article 16 (Signs) for standards governing signs.

ARTICLE 9. COMMERCIAL ZONING DISTRICTS

9.1 COMMERCIAL ZONING DISTRICTS PURPOSE STATEMENTS

A. Purpose of the NR Neighborhood Retail Business District

The NR District is established to promote the continuation of existing commercial centers that provide goods and services primarily for the convenience of the residents of the surrounding neighborhood. In addition, the district is designed to accommodate limited multi-family housing opportunities in a small-scale, mixed-use neighborhood environment. The development standards and range of allowable uses for the NR District are designed to maintain a relatively small-scale, pedestrian-oriented environment with the character of neighborhood commercial districts.

B. Purpose of the NR-1 Linden Square Neighborhood Business District

The NR-1 Linden Square District is centered at the intersection of Linden Avenue and 4th Street to promote commercial and multi-family housing primarily for the benefit of district residents and the surrounding neighborhood, in a small-scale, mixed-use neighborhood environment. The development standards and range of allowable uses are designed to maintain a relatively small-scale, pedestrian-oriented environment that capitalizes on the synergies with the public transportation and tourist activities afforded by the Linden CTA Station, Baha'i House of Worship, and Wilmette Harbor.

C. Purpose of the GC-1 General Commercial District

The GC-1 District is established to provide a location for higher-volume and higher intensity commercial uses which provide employment and revenues for the Village. Due to the higher volume of such establishments, and the traffic they typically generate, the GC-1 District is intended to be located along arterial streets and rail lines, and generally confined to existing commercial areas to ensure that the traffic generated by such uses does not impact nearby residential neighborhoods and that the uses themselves create less of an impact on residential areas than they would in other locations in the Village. The development standards for the GC-1 District are designed to buffer the GC-1 District from nearby residential properties and to maintain the general appearance of major thoroughfares through the Village.

D. Purpose of the GC-2 Heavy Commercial District

The GC-2 District is established to provide a location for commercial uses which do not involve a high level of retail customer traffic or a large number of employees, but represent relatively intensive use of land, such as establishments involving manufacturing, heavy equipment, and the processing, distribution, and storage of goods and equipment. The GC-2 District is intended to be located only on properties which abut the rail road right-of-way and which are not well suited for other commercial or residential uses, in order to provide a buffer between the rail road right-of-way and

nearby residential areas. The development standards for the GC-2 District are designed to buffer the GC-2 District from nearby residential properties and to maintain and improve the general appearance of such areas.

E. Purpose of the OR Office-Research District

The OR District is established to promote and accommodate unified development projects for offices, research facilities, and related uses. The development standards for the OR District are designed to maintain a low-intensity environment that is compatible with nearby residential areas.

9.2 PERMITTED AND SPECIAL USES

Table 9-1: Commercial Zoning Districts Permitted and Special Uses lists permitted and special uses for the commercial districts. A “P” indicates that a use is permitted within that district. An “S” indicates that a use is a special use in that district and must obtain a special use permit as required in Section 5.3 (Special Use). No letter (i.e., a blank space), or the absence of the use from the table, indicates that use is not permitted within that district.

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Village of Wilmette Zoning Ordinance

VILLAGE OF WILMETTE, ILLINOIS						
TABLE 9-1: COMMERCIAL ZONING DISTRICTS PERMITTED & SPECIAL USES						
P = Permitted Use // S = Special Use						
USE	DISTRICT					USE STANDARDS
	NR	NR-1	GC-1	GC-2	OR	
RESIDENTIAL USES						
Dwelling, Above the Ground Floor	P	P	P			Sec. 12.3.G
Residential Care Facility	S					Sec. 12.3.V
INSTITUTIONAL USES						
Cultural Facility	S	S	S			Sec. 12.3.C
Day Care Center, Adult or Child	S	S	S		S	Sec. 12.3.D
Educational Facility, Vocational	S	S	P	S	S	Sec. 12.3.I
Government Facility	P	P	P	P	P	
Park/Playground	P	P	P	P	P	
Place of Worship	S	S	S			Sec. 12.3.U
Public Safety Facility	S	S	S	S	S	
Public Works Facility				S		
Recreation Center	S	S	S	S	S	
Social Club or Lodge	S	S	S			Sec. 12.3.X
COMMERCIAL USES						
Animal Hospital	S	S	P			
Art Gallery	P	P	P			
Art Studio	P	P	P			
Broadcasting Studio			S	S		
Brew Pub	S	S	S			
Car Wash				S		Sec. 12.3.B
Convenience Mart	S	S	S			
Craft Brewery/Distillery	S	S	S			
Drive-Through Facility	S		S			Sec. 12.3.F
Financial Institution	P	P	P		P	
Garden Center				S		
Gas Station			S	S		Sec. 12.3.J
Health Club	S	S	S			
Heavy Retail, Rental and Service				S		
Hotel/Motel					S	
Indoor Amusement Facility	S	S	S			
Kennel				S		Sec. 12.3.M
Live Performance Venue	S	S	S			
Manufacturing, General				S		
Medical/Dental Clinic, Small	P	P	P		P	
Medical/Dental Clinic, Large	S	S	P		P	
Medical Cannabis Cultivation Center				S		
Medical Cannabis Dispensing Organization			S			
Motor Vehicle Dealership			S	S		Sec. 12.3.N
Motor Vehicle Operations Facility				S		
Motor Vehicle Rental Establishment			S	S		Sec. 12.3.N
Motor Vehicle Service and Repair, Minor	S	S	S	S		Sec. 12.3.P
Motor Vehicle Service and Repair, Major				S		Sec. 12.3.P
Office, Above the Ground Floor	P	P	P		P	
Office, Less than ten percent (10%) linear street frontage of the district (1)	P	P	P		P	
Office, ten percent (10%) or greater of linear street frontage of the district (2)	S	S	P		P	

Village of Wilmette Zoning Ordinance

VILLAGE OF WILMETTE, ILLINOIS						
TABLE 9-1: COMMERCIAL ZONING DISTRICTS PERMITTED & SPECIAL USES						
P = Permitted Use // S = Special Use						
USE	DISTRICT					USE STANDARDS
	NR	NR-1	GC-1	GC-2	OR	
Outdoor Dining	P	P	P			Sec. 12.3.S
Outdoor Storage				S		Sec. 12.3.T
Pawn Shop	S	S	S	S		
Personal Services Establishment	P	P	P			
Pet Day Care Facility	S	S	S			Sec. 12.3.M
Printing and Photocopying Establishment	S	S	S			
Research and Development Facility				S	S	
Restaurant, Carry-Out/Delivery	S	S	S			Sec. 12.3.W
Restaurant, Full Service	P	P	P			
Restaurant, Limited Service	S	S	S			
Restaurant, Specialty	P	P	P			
Retail Goods Establishment	P	P	P			
Twenty-Four Hour Business Use	S	S	S	S	S	Sec. 12.3.Y
Warehouse/Distribution				S		
OTHER						
Car-Sharing Spaces (Accessory Use)	P	P	P	P	P	Sec. 12.3.B
Parking Lot (Principal Use)	S	S	S			Sec. 12.3.R
Parking Structure (Principal Use)	S	S	S			Sec. 12.3.R
Planned Unit Development	S	S	S	S	S	Article 6
Utility	S	S	S	S	S	Sec. 12.3.Z
Wind Turbines	S	S	S	S	S	Sec. 13.4.Y
Wireless Telecommunications Equipment	S	S	S	S	S	Sec. 12.3.AA

NOTES

- (1) Offices located at grade or up to eight (8) feet above or below grade, which occupy less than ten percent (10%) of frontage in the district where it is located.
- (2) Offices located at grade or up to eight (8) feet above or below grade, which occupy ten percent (10%) or more of frontage in the district where it is located.

9.3 BULK AND YARD REGULATIONS

Table 9-2: Commercial Zoning Districts Bulk and Yard Regulations establishes bulk and yard regulations for the commercial zoning districts.

VILLAGE OF WILMETTE, ILLINOIS TABLE 9-2: COMMERCIAL ZONING DISTRICTS BULK & YARD REGULATIONS					
	DISTRICT				
	NR	NR-1	GC-1	GC-2	OR
BULK REGULATIONS					
MINIMUM LOT AREA	None	None	None	None	1 acre
MINIMUM LOT WIDTH	30'	30'	30'	30'	200'
MAXIMUM BUILDING HEIGHT	30' and 2½ stories	35' and 3 stories	30' and 2½ stories	30'	48' and 4 stories
MAXIMUM FAR	1.0	1.0	1.0	0.5	1.0
MINIMUM YARDS					
FRONT YARD	None	Build-to line: 0'	None	None	30'
REAR YARD	25'	25'	25'	25'	50'
INTERIOR SIDE YARD	None, but if provided a min. of 5' (1)	None, but if provided a min. of 5' (1)	None, but if provided a min. of 5' (1)	None, but if provided a min. of 5' (1)	50'
SIDE YARD ADJOINING A STREET	None	Build-to line: 0'	None	None	30'

NOTES

(1) Where the side lot line is adjacent to a residential zoning district, then the side yard requirement of the adjacent residential district shall apply along that side lot line; if an alley or a street intervenes between the property and the adjacent residential district, then the side yard shall be a minimum of 50% of the side yard requirement of the adjacent residential district.

9.4 GENERAL STANDARDS OF APPLICABILITY

A. Accessory Structures and Uses

See Section 13.4 (Accessory Structures and Uses) for standards covering accessory structures and uses.

B. Permitted Encroachments

See Section 13.5 (Permitted Encroachments) for standards governing encroachments.

C. Temporary Uses and Structures

See Section 13.6 (Temporary Uses and Structures) for standards governing temporary uses.

D. Off-Street Parking and Loading

See Article 14 (Off-Street Parking and Loading) for standards governing off-street parking and loading.

E. Landscaping and Screening

See Article 15 (Landscaping and Screening) for standards governing landscaping and screening.

F. Signs

See Article 16 (Signs) for standards governing signs.

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ARTICLE 10. VILLAGE CENTER DISTRICT

10.1 VC VILLAGE CENTER DISTRICT PURPOSE STATEMENT

The purpose of the VC, Village Center, District is to promote a transit oriented, mixed use, walkable village center. The VC District is designed to accommodate pedestrian-oriented development in the Village core as well as development oriented to both pedestrian and motorist along Green Bay Road at the gateways leading into this area. The design regulations of the VC District are of critical importance to the image of the Village and are more specific than those provided elsewhere in this Ordinance.

10.2 EXISTING DEVELOPMENT DEEMED CONFORMING

As of the date of adoption of this Ordinance, all existing structures within the boundaries of the VC District that do not conform to the standards of this Ordinance shall be deemed conforming until such time as the structure is destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, and may be repaired, enlarged or altered in conformance with the requirements of Article 17 (Non-conformities). Any structure destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction shall not be reconstructed except in conformity with the requirements of the VC District.

10.3 STREET FRONTAGE DESIGNATIONS

All public ways within the VC District are assigned a street frontage designation as shown on Figure 10-1: Village Center Street Frontage Map. Each designation establishes a set of site and building location, design and use regulations for structures and lots that abut such frontages. Where a lot abuts more than one street frontage designation, the requirements of each street frontage designation shall apply to the appropriate frontage of the lot: (See Table 10-1: Village Center Building Setback Regulations and Table 10-2 Permitted and Special Uses.) Where a use abuts more than one street frontage designation the use must conform to the requirements of both frontage designations. The street frontage designations are:

- A.** Pedestrian Commercial East Street Frontage
- B.** Pedestrian Commercial West Street Frontage
- C.** Arterial Street Frontage
- D.** Pedestrian Institutional Street Frontage
- E.** Pedestrian Residential Street Frontage

FIGURE 10-1: VILLAGE CENTER STREET FRONTAGE MAP



10.4 BUILDING SETBACK

The location of a building shall be regulated by Table 10-1: Village Center Building Setback Regulations. Such regulations are further illustrated in Figure 10-2: Pedestrian Commercial East Street Frontage, Figure 10-3: Pedestrian Commercial West Street Frontage, Figure 10-4: Arterial Street Frontage, Figure 10-5: Pedestrian Institutional Street Frontage and Figure 10-6: Pedestrian Residential Street Frontage.

VILLAGE OF WILMETTE, ILLINOIS TABLE 10-1: VILLAGE CENTER BUILDING SETBACK REGULATIONS					
REGULATIONS	FRONTAGE				
	Pedestrian Commercial East	Pedestrian Commercial West	Arterial	Pedestrian Institutional	Pedestrian Residential
FRONT YARD SETBACK (1)					
MINIMUM	0'	5'	0'	5'	0'
MAXIMUM	0'	5'	15'	25' (2)	10'
INTERIOR SIDE YARD SETBACK					
MINIMUM	0'	0'	0'	0'	0'
MAXIMUM (non-corner lots only)	0' (3)	0' (3)	None	0' (3)	0' (3)
SIDE YARD ADJOINING A STREET SETBACK					
MINIMUM	0'	0' (5)	0'	5' (2)	0'
MAXIMUM	0'	0' (5)	15'	25' (2)	10'
REAR YARD SETBACK					
MINIMUM (adjacent to residential district)	25' (4)	25' (4)	25' (4)	25'(4)	25' (4)
MINIMUM (adjacent to non-residential district)	0'	0'	0'	0'	0'

NOTES

- (1) See Figure 10-10: Overall Building Frontage Diagram to determine the allowable configuration of the ground floor façade.
- (2) Front setback shall be equal to the setback provided on the blockface on opposite side of street, but in no case less than five (5) feet or great than twenty-five (25) feet.
- (3) Minimum interior side yard setbacks shall be zero (0) feet, except when side building pedestrian access is provided along an adjacent building. In this case, the interior side yard façade shall be setback a minimum of five (5) feet and a maximum of ten (10) feet from the existing adjacent building façade.
- (4) For a corner lot, the side yard adjoining a street setback requirement shall extend to the rear property line.
- (5) When the side yard adjoining a street adjoins Green Bay Road, the minimum and maximum setback shall be five (5) feet.

FIGURE 10-2: PEDESTRIAN COMMERCIAL FRONTAGE - EAST

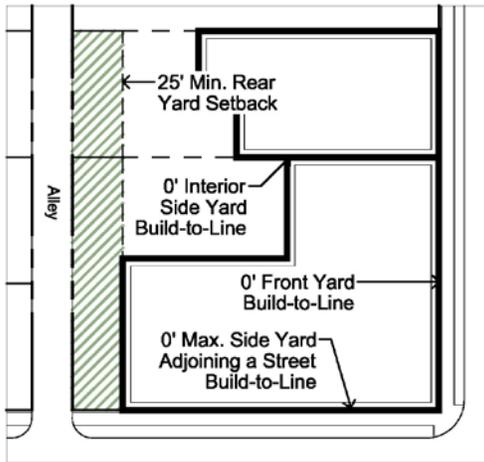


FIGURE 10-3: PEDESTRIAN COMMERCIAL FRONTAGE - WEST

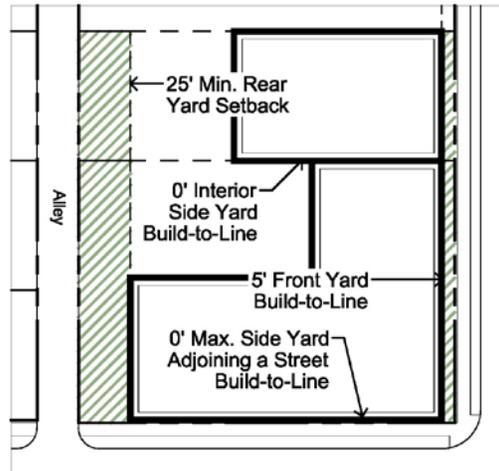


FIGURE 10-4: ARTERIAL FRONTAGE

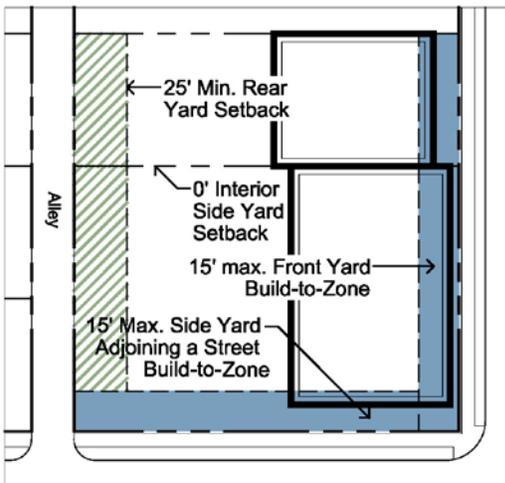
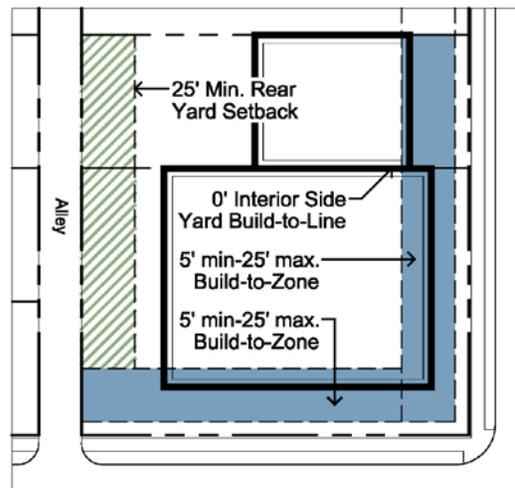
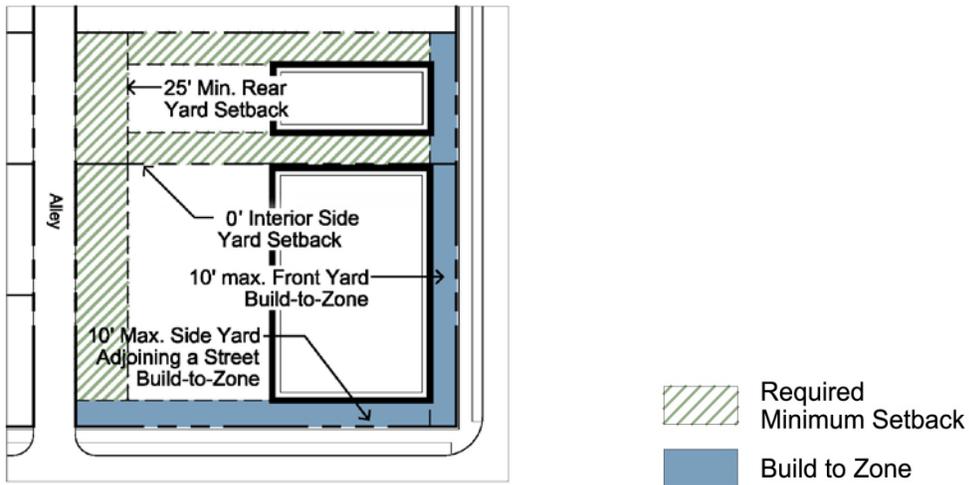


FIGURE 10-5: PEDESTRIAN INSTITUTIONAL FRONTAGE



**FIGURE 10-6: PEDESTRIAN
RESIDENTIAL FRONTAGE**



10.5 PERMITTED AND SPECIAL USES

Table 10-2: Village Center District Permitted and Special Uses lists permitted and special uses for the district. A “P” indicates that a use permitted within that district. An “S” indicates that a use a special use in that district and must obtain a special use permit as required in Section 5.3 (Special Use). No letter (i.e., a blank space), or the absence of the use from the table, indicates that use is not permitted within that district.

VILLAGE OF WILMETTE, ILLINOIS						
TABLE 10-2: VILLAGE CENTER DISTRICT PERMITTED & SPECIAL USES						
P = Permitted Use // S = Special Use						
USE	DISTRICT					USE STANDARDS
	Pedestrian Commercial East	Pedestrian Commercial West	Arterial	Pedestrian Institutional	Pedestrian Residential	
RESIDENTIAL USES						
Dwelling, Above the Ground Floor	P	P	P	P	P	Sec. 12.3.G
Dwelling, Townhouse/Stacked Flat				P	S	Sec. 12.3.H
Dwelling, Multi-Family					S	
Residential Care Facility				S	S	Sec. 12.3.V
INSTITUTIONAL USES						
Cultural Facility	S	S	S	S	S	Sec. 12.3.C
Day Care Center, Adult or Child			S		S	Sec. 12.3.D
Educational Facility, Vocational			S			Sec. 12.3.I
Government Facility	P	P	P	P	S	
Park/Playground	S	S	S	S	S	
Place of Worship			S	S	S	Sec. 12.3.U
Recreation Center	S	S	S	S		
Social Club or Lodge	S	S	S	S	S	Sec. 12.3.X
COMMERCIAL USES						
Animal Hospital			S			
Art Gallery	P	P	P		P	
Art Studio	S	S	P		S	
Brew Pub	S	S	S		S	
Broadcasting Studio	S	S	S			
Convenience Mart	S	S	S			
Craft Brewery/Distillery	S	S	S		S	
Drive-Through Facility - For Financial Institution Only	S		S			Sec. 12.3.F
Financial Institution	S	S	P			
Funeral Home					S	
Gas Station			S			Sec. 12.3.J
Health Club	S	S	S			
Hotel/Motel	S	S	S			
Indoor Amusement Facility	S	S	S			
Kennel		S	S		S	Sec. 12.3.M
Live Performance Venue	S	S	S	S		
Medical/Dental Clinic, Small	S	S	P		S	
Medical/Dental Clinic, Large	S	S	P			
Motor Vehicle Dealership		S	S			Sec. 12.3.N

Village of Wilmette Zoning Ordinance

VILLAGE OF WILMETTE, ILLINOIS						
TABLE 10-2: VILLAGE CENTER DISTRICT PERMITTED & SPECIAL USES						
P = Permitted Use // S = Special Use						
USE	DISTRICT					USE STANDARDS
	Pedestrian Commercial East	Pedestrian Commercial West	Arterial	Pedestrian Institutional	Pedestrian Residential	
Motor Vehicle Rental Establishment		S	S			Sec. 12.3.N
Motor Vehicle Service and Repair, Minor		S	S			Sec. 12.3.P
Office, Above the Ground Floor	P	P	P		P	
Office, Ground Floor	S	S	P		P	
Outdoor Dining	P	P	P		P	Sec. 12.3.S
Personal Services Establishment, Above the Ground Floor	P	P	P		P	
Personal Services Establishment, Ground Floor	S	S	P		P	
Pet Day Care Facility	S	S	S		S	Sec. 12.3.M
Printing and Photocopying Establishment		S	S			
Restaurant, Carry-Out/Delivery	S	S	S		S	Sec. 12.3.W
Restaurant, Full Service	P	P	P		P	
Restaurant, Limited Service	S	S	S		S	
Restaurant, Specialty	P	P	P		P	
Retail Goods Establishment	P	P	P		P	
Twenty-Four Hour Business Use	S	S	S			Sec. 12.3.Y
OTHER						
Parking Lot (Principal Use)	S	S	S	S	S	Sec. 12.3.R
Parking Structure (Principal Use)	S	S	S	S	S	Sec. 12.3.R
Planned Unit Development	S	S	S	S	S	Article 6
Utility	S	S	S	S	S	Sec. 12.3.Z
Wind Turbines	S	S	S	S	S	Sec. 13.4.Y
Wireless Telecommunications Equipment	S	S	S	S	S	Sec. 12.3.AA

10.6 PERMITTED BUILDING HEIGHT

The VC district contains three (3) height sub-districts as listed in Table 10-3: Village Center Building Height Regulations and as identified on Figure 10-7: Village Center Allowable Building Height Map.

A. Core Height District

The Core Sub-District is intended for application in areas where new development is proposed in the 2011 Village Center Master Plan.

B. Traditional Height District

The Traditional Sub-District is intended for application in the central areas of the Village Center that have been traditionally developed for pedestrian access.

C. Corridor Height District

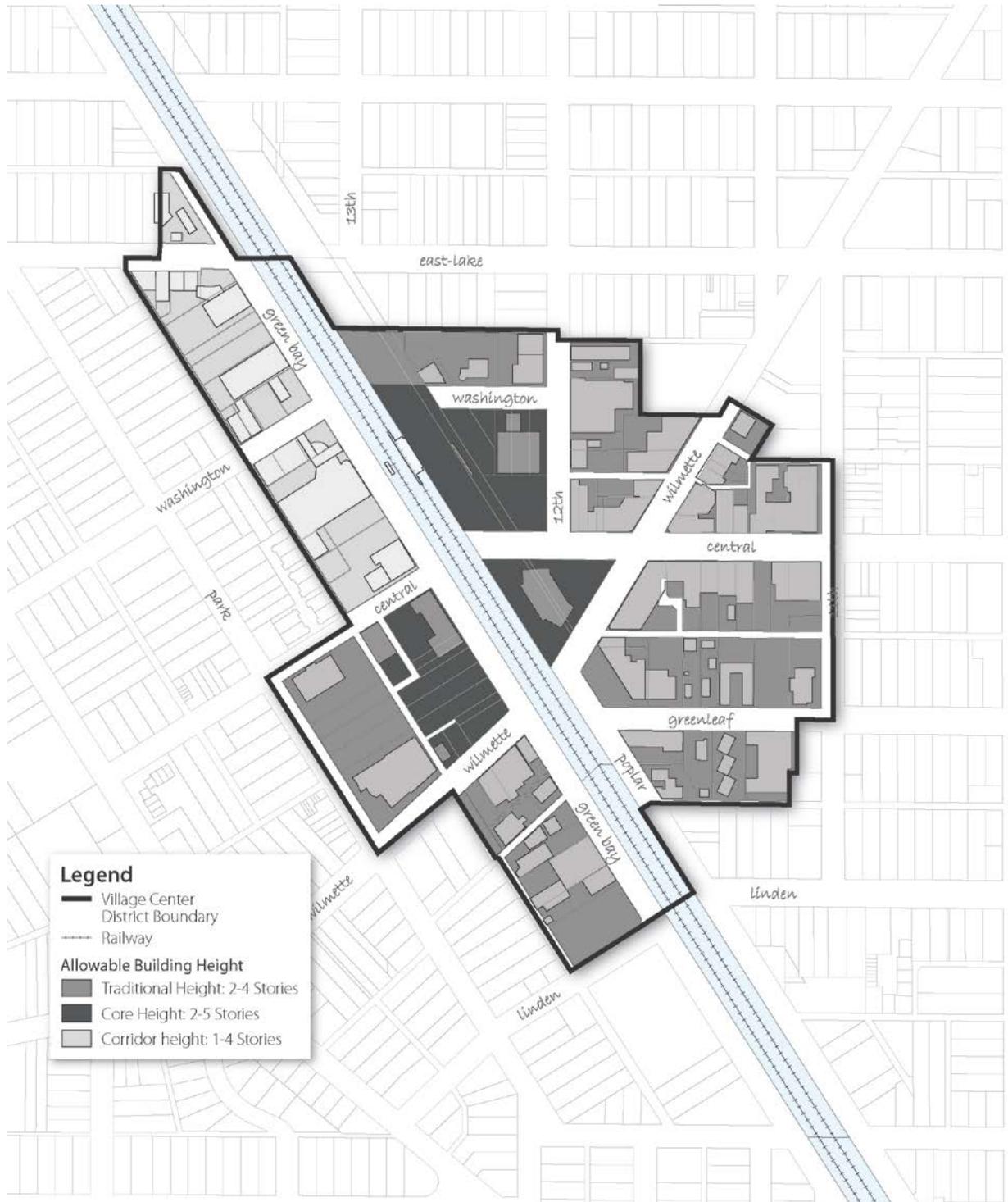
The Corridor Sub-District is intended for application along portions of Green Bay Road where uses are oriented to automobile as well as pedestrian access.

VILLAGE OF WILMETTE, ILLINOIS TABLE 10-3: VILLAGE CENTER BUILDING HEIGHT REGULATIONS			
REGULATIONS	SUB-DISTRICT		
	Traditional Height	Core Height	Corridor Height
BUILDING HEIGHT			
MINIMUM	24' & 2 stories	24' & 2 stories	16' & 1 story
MAXIMUM	52' & 4 stories	65' & 5 stories	52' & 4 stories
MINIMUM GROUND FLOOR HEIGHT (1)	14'	14'	14'

NOTES

(1) Minimum ground floor height shall be measured from the finished floor of the ground floor to the finished floor of the second story.

FIGURE 10-7: VILLAGE CENTER ALLOWABLE BUILDING HEIGHT MAP



10.7 BUILDING DESIGN AND LOCATION REGULATIONS

The following regulations shall apply to all frontage designations except where applies to specific frontage designations.

A. Building Massing

1. All buildings over one (1) story must evidence a design that illustrates a bottom, middle and top.
2. Buildings with priority corners are encouraged to use architectural massing elements, such as towers, turrets, or chamfered facades, to create interest and draw attention to highly visible areas. (See [Figure 10-8: Village Center Priority Corners](#) and [Figure 10-9: Priority Corner Articulation](#).)

FIGURE 10-9: PRIORITY CORNER ARTICULATION



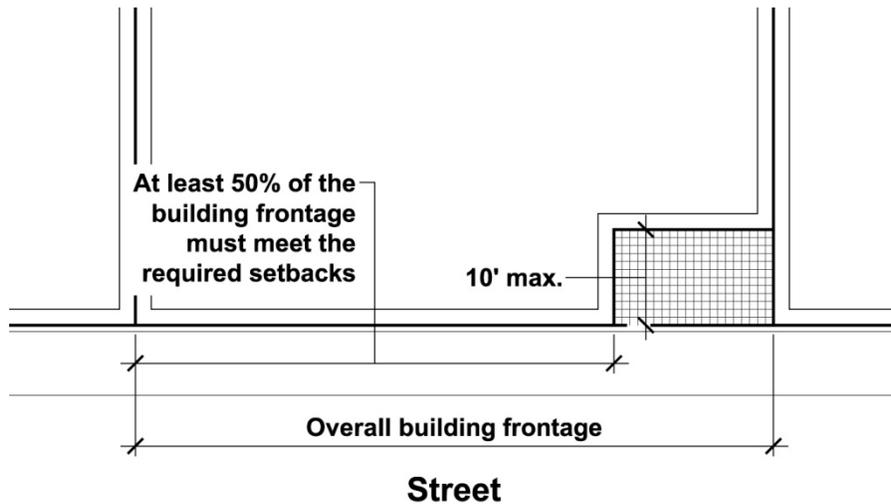
Example of a Chamfered Corner

3. The front yard may be increased to a maximum of ten (10) feet if a courtyard, plaza or seating area is incorporated into the development adjacent to the public street. At least 50% of the building frontage must meet the required setbacks. (See [Figure 10-10: Overall Building Frontage Diagram](#).)

FIGURE 10-8: VILLAGE CENTER PRIORITY CORNERS



FIGURE 10-10: OVERALL BUILDING FRONTAGE DIAGRAM



4. Facades of buildings that face the public right-of-way including side and rear facades must be visually broken into bays to avoid the appearance of large, blank walls. Visual breaks in the façade include alterations in materials, color, texture or pattern, and/or the addition of columns, pilasters and/or windows. (See [Figure 10-11: Façade Articulation](#).) In addition, the following requirements apply:
 - a. For every twenty-five (25) linear feet of building length, roof lines must either be varied with a change in height or within the incorporation of a major focal point feature such as a dormer, gable or projected wall feature.
 - b. The ground floor of commercial buildings must be designed with a minimum ground floor height of fourteen (14) feet, as measured from the finished floor of the ground floor to the finished floor of the second story.
 - c. Horizontal ground floor façade elements shall, to the extent possible, align with horizontal ground floor façade elements of surrounding buildings in order to create continuity at the pedestrian level.
 - d. Horizontal ground floor façade elements may be interrupted in specific locations to allow for significant architectural features, for example turrets and articulated entryways, that add visual interest and reinforce the overall design theme.
 - e. Upper story horizontal elements should be generally consistent with surrounding buildings. Small variations can be used to create visual interest and attractive building silhouettes.

FIGURE 10-11: FAÇADE ARTICULATION



5. The use of vertical cornice line elements is encouraged to create visual interest and articulate the building façade at the roof line. Such elements should align with façade articulation elements on the ground floor or upper story facades. (See [Figure 10-12: Roofline Articulation](#).)

FIGURE 10-12: ROOFLINE ARTICULATION

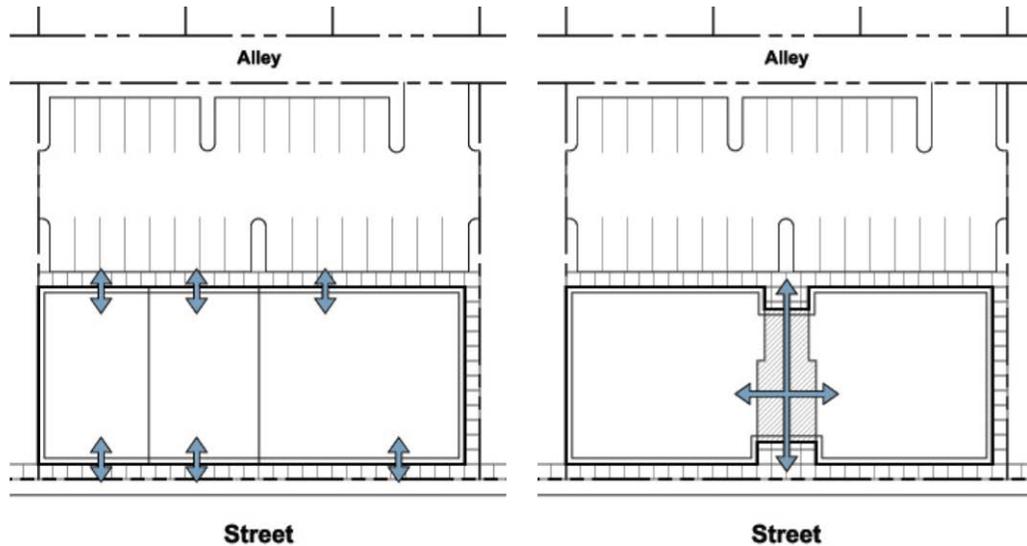


B. Building Orientation and Pedestrian Access

1. A building shall be oriented with its primary façade towards the front lot line. The primary façade shall include transparency requirements as described in Section 10.7.C (Ground Floor Transparency) of this Article and the highest level of architectural design. Building access shall be provided from dedicated on-site or adjacent off-site parking areas.
2. Direct access shall be provided from parking areas to individual ground floor tenants or shared lobby areas. A secondary building entry may be used for this purpose if it provides access to all ground floor tenants and vertical circulation similar to the primary entry.
3. Multi-family buildings shall provide entry from the public sidewalk to shared entry areas or lobbies.
4. Multiple-tenant commercial buildings, including the ground floor of mixed-use

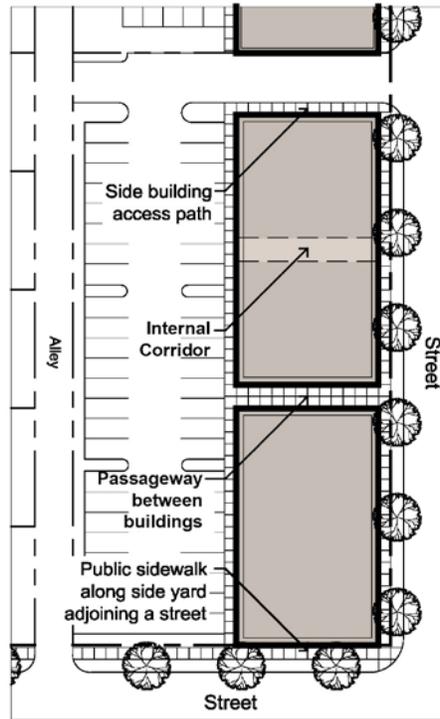
buildings, may include an individual entry for each tenant, or a primary lobby entrance that provides internal access to individual tenants. (See [Figure 10-13: Permitted Commercial Building Entry Access](#).)

FIGURE 10-13: PERMITTED COMMERCIAL BUILDING ENTRY ACCESS



5. For commercial and mixed-use projects, a designated pedestrian access path from rear parking areas to the public sidewalk shall be provided based on the following regulations:
 - a. For parcels fifty (50) feet to seventy-four (74) feet in width, no dedicated pedestrian access path is required.
 - b. For parcels seventy-five (75) feet to one-hundred forty-nine (149) feet in width, one (1) dedicated pedestrian access path is required.
 - c. For parcels one-hundred fifty (150) feet or more in width, two (2) dedicated pedestrian access paths are required.
 - d. Permitted pedestrian access paths may include the following (See [Figure 10-14: Permitted On-Site Pedestrian Paths](#)):
 - i. Side building access path.
 - ii. Passageway between buildings.
 - iii. Internal corridor.
 - iv. Side yard adjoining a street public sidewalk.

FIGURE 10-14: PERMITTED ON-SITE PEDESTRIAN PATHS



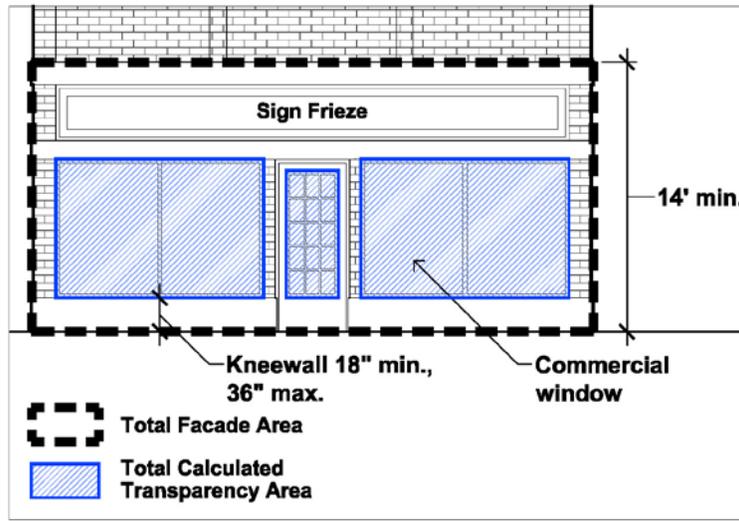
- e. All parking lot pedestrian access paths shall have a minimum width of five (5) feet.
- f. All passageways between buildings shall have a minimum width of five (5) feet and a maximum width of ten (10) feet.
- g. On a parcel with a side yard adjoining a street, a public sidewalk on the secondary street may serve as the designated pedestrian access if the following are true:
 - i. The sidewalk has a minimum width of five (5) feet.
 - ii. The sidewalk is determined to be in good condition and meeting all accessibility requirements.
 - iii. Direct pedestrian access is provided from the on-site parking area to the public sidewalk.

C. Ground Floor Transparency

Ground floor facades for single-story commercial and mixed use projects shall include a minimum of forty percent (40%) clear glass (no tinting) that allows full view into the facility. This requirement applies to any portion of the exterior wall façade that separates the exterior from a publicly accessible interior space (i.e., restaurant seating area, retail

display area, etc.) Exterior walls that enclose private areas, such as kitchens, storage, articulated entries to upper story residential units, are not required to conform to the fenestration regulation. The percent of ground floor transparency is calculated as the total window and door area (not including mullions) divided by the total façade area between the ground plane and the awning/signage frieze. (See Figure 10-15: Façade Transparency Measurement Diagrams.)

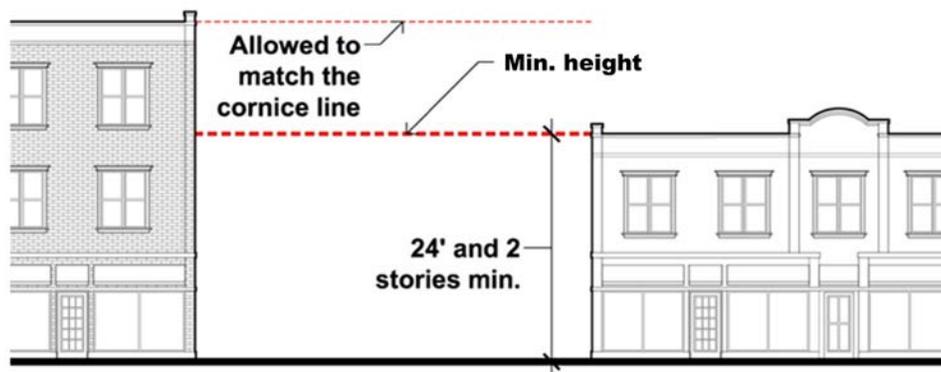
FIGURE 10-15: FAÇADE TRANSPARENCY MEASUREMENT DIAGRAMS



D. Pedestrian Frontage, Infill Building Relationships

Infill buildings must match the height of an adjacent building or be at least twenty-four (24) feet in height and two (2) stories. (See Figure 10-16: Infill Building Context.)

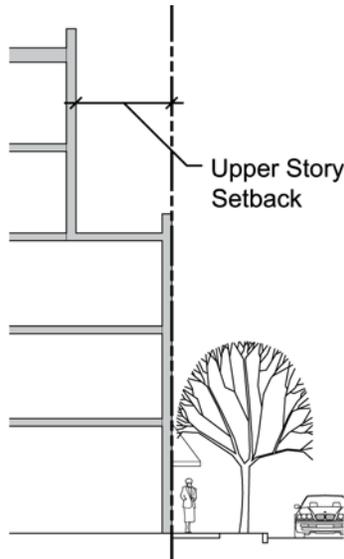
FIGURE 10-16: INFILL BUILDING CONTEXT



E. Pedestrian Frontage Design Regulations

The facades of the bottom three (3) stories shall be within the permitted build-to-zone. Stories above the third story may be setback beyond the build-to-zone. (See [Figure 10-17: Upper Story Setback](#).)

FIGURE 10-17: UPPER STORY SETBACK



F. Roof Types

Roof types are permitted in the Village Center district according to [Table 10-4: Permitted Roof Types](#). Buildings are encouraged to include design elements, such as turrets, dormers, or articulated roof elements that break up large roof areas. Decorative mansard roofs are permitted for projects that are four (4) or more stories. (See [Figure 10-18: Illustration of Permitted Roof Types](#) and [Figure 10-19: Techniques for Creating Decorative Mansard Roofs](#).)

VILLAGE OF WILMETTE, ILLINOIS TABLE 10-4: PERMITTED ROOF TYPES					
ALLOWABLE ROOF FORMS	HEIGHT DISTRICT				
	TRADITIONAL HEIGHT	CORE HEIGHT		CORRIDOR HEIGHT	
BUILDING HEIGHT	52' OR LESS	40' OR LESS	OVER 40'	36' OR LESS	OVER 36'
FLAT	X	X	X	X	X
DECORATIVE MANSARD	X		X		
HIP				X	
GABLE	X	X	X	X	X

FIGURE 10-18: ILLUSTRATION OF PERMITTED ROOF TYPES

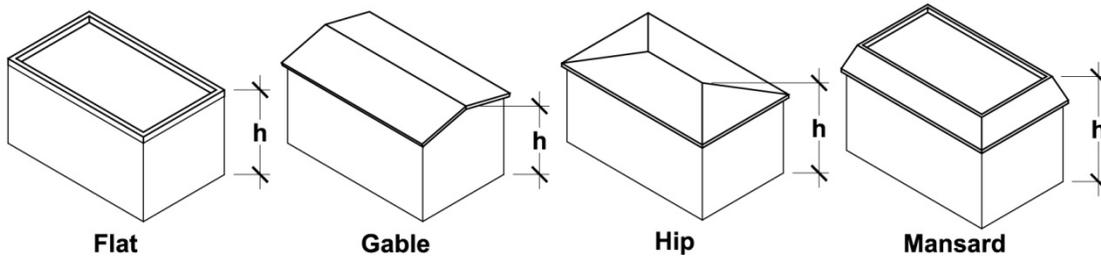
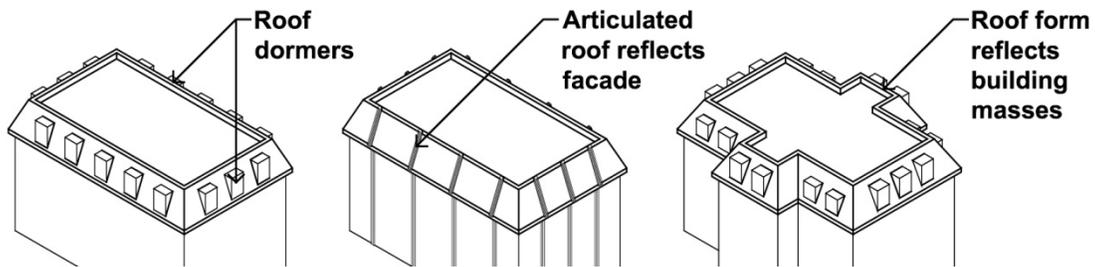


FIGURE 10-19: TECHNIQUES FOR CREATING DECORATIVE MANSARD ROOFS



G. Prohibited Building Materials

1. The following exterior building materials are prohibited in the VC District. The use of any materials not specifically prohibited in this section are subject to the review of the Zoning Administrator.
 - a. Plain concrete masonry units (CMU); however, CMU is permitted as a base course (foundation) for residential uses for a maximum of four (4) feet in height as measured from grade
 - b. Vinyl siding, aluminum or wood-slat siding
 - c. Formstone
 - d. Exterior Insulation Finish System, EIFS or “Dryvit” (non-masonry stucco products aka Artificial Stucco, Synthetic Stucco, Vinyl Stucco, and Latex Stucco)
 - e. T-111 Composite plywood siding
 - f. Utility-sized, king-size or jumbo brick
 - g. Fiberglass or plastic
 - h. Exposed aggregate (rough finish) concrete wall panels

- i. Reflective, tinted or colored glass
2. Any expansions of structures existing in the VC District as of the date of the adoption of this Ordinance may use the same building materials on the façade as the façade of the existing structure, even if such materials are not listed as permitted or are listed as prohibited in this section. The use of such materials is subject to approval by the Appearance Review Commission (ARC).

10.8 OFF-STREET PARKING ACCESS AND DESIGN REGULATIONS

A. Access to parking shall be provided in accordance with the following regulations:

1. Access to on-site parking shall be provided via an abutting alley, drive aisle from the public street as permitted on a portion of the site, or a cross-access agreement with an adjacent property owner.
2. **Parking access to lots abutting alleys**

All lots with access to a rear or side public alley shall comply with the following regulations:

a. Pedestrian Frontage

- i. No parking is allowed in front of a building line established along pedestrian frontage streets.
- ii. Parking that abuts and fronts on a pedestrian frontage must be set back a minimum of twenty-five (25) feet.
- iii. Lots with pedestrian frontage and access to alleys are not permitted a curb cut.

b. Arterial Frontage

- i. No parking is allowed in front of a building line established along arterial frontage streets.
- ii. Parking that abuts and fronts on an arterial frontage must be set back a minimum of ten (10) feet, such area to be screened according to the standards provided in Article 15 (Landscaping and Screening).
- iii. Lots having at least one-hundred twenty-five (125) feet of frontage are allowed one (1) curb cut along the arterial frontage.

3. Parking access to lots without abutting alleys

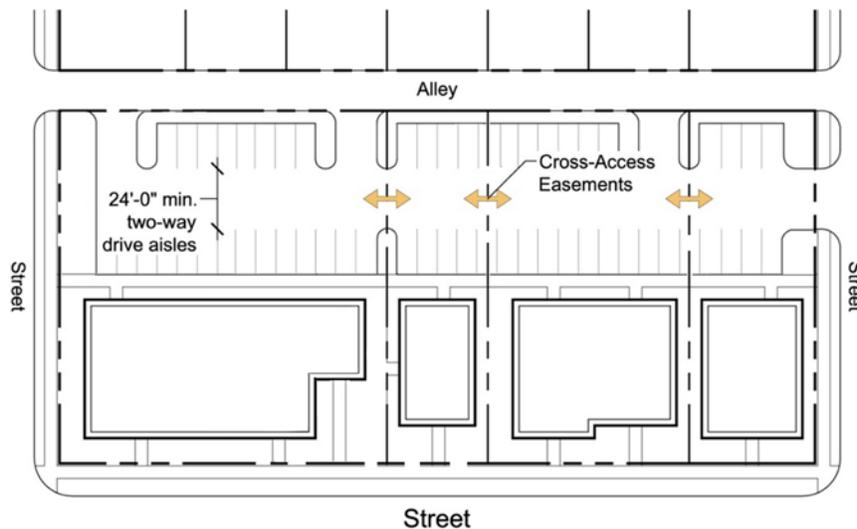
All lots without access to a rear or side public alley shall comply with the following regulations:

- a. For corner lots with less than one-hundred fifty (150) feet of lot frontage, one curb cut is permitted on the non-arterial frontage. If both streets consist of arterial frontage, only one (1) of the arterial streets can have a curb cut allowed on that street.
- b. For corner lots with at least one-hundred fifty (150) feet of lot frontage, one (1) curb cut is permitted on each frontage that is at least one-hundred fifty (150) feet.
- c. Interior lots without an abutting alley are not permitted a curb-cut.

4. Cross-Access Easement

See Section 14.5.B.6, Cross Access Driveway Easements.

FIGURE 10-20: CROSS-ACCESS EASEMENTS

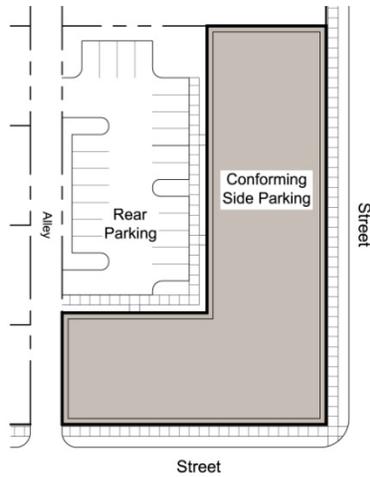


5. Parking Lot Layout

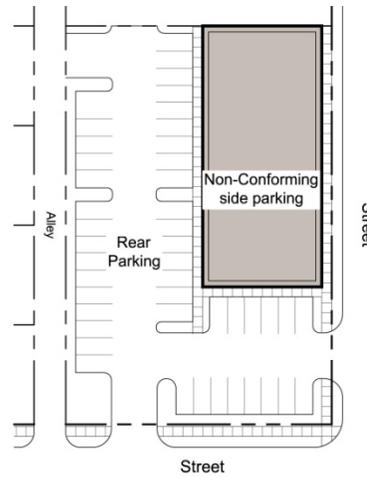
For commercial or mixed-use projects, one aisle of parking is permitted to the side of or between primary buildings, subject to meeting all other pertinent conditions of this Article. No parking lot located at grade may be located within twenty-five (25) feet of a lot line adjoining a street along a pedestrian frontage, and ten (10) feet of a lot line adjoining a street along an arterial frontage. (See [Figure 10-21: Permitted Side Parking Aisles.](#))

FIGURE 10-21: PERMITTED SIDE PARKING AISLES

Conforming Side Parking Aisle



Non-conforming Side Parking Aisle



10.9 VILLAGE CENTER ACCESSORY STRUCTURES AND USES

A. Coordination with Principal Building

All accessory structures shall complement and coordinate with the principal buildings on the lot, both in architectural style and material selection. Accessory structures shall comply with the following design regulations:

1. Accessory structures shall be constructed of façade materials that reflect the general character and theme of the principal building.
2. Accessory structures shall apply the same façade articulation as the principal building.
3. Accessory structures that abut the principal building shall, to the extent possible, include horizontal design elements, such as knee walls and cornices, that match the character and elevations of those on the principal building.

B. Refuse Containers

1. Refuse containers shall be located only to the rear or side of the building. No refuse containers shall be located within the front or side yard adjoining a street, or within five (5) feet of an adjacent parcel or on-site primary structure.
2. Shared refuse containers and enclosures among adjacent properties are encouraged.

C. Roof-Mounted Mechanical Equipment

1. Roof-mounted mechanical equipment shall be screened from view from the all surrounding public sidewalks. The full enclosure of mechanical equipment within the building is encouraged.
2. Screening shall be accomplished by the roof structure, parapet walls, or other screening structure. The height of the screening shall equal the height of the tallest rooftop mechanical element installed on the building. Such screening shall be designed to blend in with and complement the architecture of the building.

D. Ground-Based Mechanical Equipment

1. Ground-based mechanical equipment is discouraged. Wherever possible, mechanical equipment shall be contained within buildings or shall be roof-mounted.
2. All ground-based mechanical equipment including, but not limited to, heating, ventilating, and air-conditioning units (HVAC), shall be located only in the rear of the building or interior side yard. No ground-based mechanical equipment shall be located within the front or side yard adjoining a street.
3. All ground-based mechanical equipment, including, but not limited to, heating, ventilating, and air-conditioning units (HVAC), shall be fully screened from public view in accordance with the screening regulations of Article 15 (Landscaping and Screening).

10.10 GENERAL STANDARDS OF APPLICABILITY

A. Accessory Structures and Uses

See Section 13.4 (Accessory Structures and Uses) for standards covering accessory structures and uses.

B. Permitted Encroachments

See Section 13.5 (Permitted Encroachments) for standards governing encroachments.

C. Temporary Uses and Structures

See Section 13.6 (Temporary Uses and Structures) for standards governing temporary uses.

D. Off-Street Parking and Loading

See Article 14 (Off-Street Parking and Loading) for standards governing off-street parking and loading.

E. Landscaping and Screening

See Article 15 (Landscaping and Screening) for standards governing landscaping and screening.

F. Signs

See Article 16 (Signs) for standards governing signs.

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ARTICLE 11. PLANNED COMMERCIAL DEVELOPMENT DISTRICTS

11.1 PLANNED COMMERCIAL DEVELOPMENT DISTRICTS PURPOSE STATEMENTS

A. Purpose of PCD-1 Planned Commercial Development District

The PCD-1 District is established to provide a location for retail-oriented commercial development that serves residents of the Village of Wilmette and the surrounding region. It is intended that the PCD-1 District be characterized by a somewhat intense, mixed-use development that is unified in design and unified in ownership or control. Given the intensity of such development, and the traffic it will generate, the PCD-1 District will be located specifically at the northwest corner of the intersection of Skokie Boulevard and Lake Avenue bounded on the west and northwest by the Edens Expressway. The development standards and range of allowable uses for the PCD-1 District are designed to make such development compatible with or buffered from nearby residential neighborhoods, and to provide a degree of flexibility in the mix and scale of uses located in a single development project in the PCD-1 District.

Prior to applying for a building permit, special use permit, or variation, the applicant shall participate in a preliminary review conference with the Appearance Review Commission.

B. Purpose of PCD-2 Planned Commercial Development District

The PCD-2 District is established to provide locations for retail-oriented commercial development that serves residents of the Village of Wilmette and the surrounding area. It is intended that the PCD-2 District be characterized by relatively small-scale mixed-use development that is unified in design and unified in ownership or control. Uses in the District shall include commercial uses and limited residential uses and to provide a degree of flexibility in the mix and scale of uses located in a single development. The development standards and range of allowable uses for the PCD-2 District are designed to make such development compatible with or buffered from nearby residential neighborhoods.

C. Purpose of PCD-3 Planned Commercial Development District

The PCD-3 District is established to provide locations for retail-oriented commercial development that serves residents of the Village of Wilmette and the surrounding area. It is intended that the PCD-3 District be characterized by relatively small-scale shopping center development that is unified in design and unified in ownership or control. The development standards and range of allowable uses for the PCD-3 District are designed to make such development compatible with or buffered from nearby residential neighborhoods.

11.2 PERMITTED AND SPECIAL USES

Table 11-1: Planned Commercial Development District Permitted and Special Uses lists permitted and special uses for the planned commercial development district. A “P” indicates a permitted use within that district. An “S” indicates a special use in that district and must obtain a special use permit as required in Section 5.3 (Special Use). No letter (i.e., a blank space), or the absence of the use from the table, indicates that use is not permitted within that district.

VILLAGE OF WILMETTE, ILLINOIS					
TABLE 11-1: PLANNED COMMERCIAL DEVELOPMENT DISTRICT PERMITTED & SPECIAL USES					
P = Permitted Use // S = Special Use					
USE	DISTRICT				USE STANDARDS
	PCD-1 Edens Plaza	PCD-2 Plaza del Lago		PCD-3 West Lake Plaza	
		All Other	Arcade Only		
RESIDENTIAL USES					
Dwelling, Above The Ground Floor		S			Sec. 12.3.G
INSTITUTIONAL USES					
Cultural Facility	S	S	S	S	Sec. 12.3.C
Recreation Center		S	S	S	
COMMERCIAL USES					
Art Gallery	P	P	P	P	
Art Studio	P	P	P	P	
Convenience Mart		S	S		
Drive-Through Facility	S	S	S		Sec. 12.3.F
Financial Institution	S	S	P	S	
Health Club	S	S	S	S	
Hotel	S				
Indoor Amusement Facility	P	P	P	P	
Live Performance Venue	S	S	S		
Medical/Dental Clinic, Small, Above the Ground Floor	P	P	P	P	
Medical/Dental Clinic, Large, Above the Ground Floor	P	P	P	P	
Medical/Dental Clinic, Small	S	S	P	S	
Medical/Dental Clinic, Large	S	S	P	S	
Office, Above The Ground Floor		P	P		
Office	S	S	P	S	
Outdoor Dining	P	P	P		Sec. 12.3.S
Personal Services Establishment	P	P	P	P	
Restaurant, Carry-Out/Delivery	S	S	P	S	Sec. 12.3.W
Restaurant, Full Service	P	P	P	S	
Restaurant, Limited Service	S	S	S	S	
Restaurant, Specialty	P	P	P	S	
Retail Goods Establishment	P	P	P	P	

Village of Wilmette Zoning Ordinance

VILLAGE OF WILMETTE, ILLINOIS					
TABLE 11-1: PLANNED COMMERCIAL DEVELOPMENT DISTRICT PERMITTED & SPECIAL USES					
P = Permitted Use // S = Special Use					
USE	DISTRICT				USE STANDARDS
	PCD-1	PCD-2		PCD-3	
	Edens Plaza	Plaza del Lago		West Lake Plaza	
		All Other	Arcade Only		
OTHER					
Car-Sharing Spaces (Accessory Use)		P			Sec. 12.3.B
Planned Unit Development	S	S	S	S	Article 6
Utility	S	S	S	S	Sec. 12.3.Z
Wind Turbines	S	S	S	S	Sec. 13.4.Y
Wireless Telecommunications Equipment	S				Sec. 12.3.AA

11.3 BULK AND YARD REGULATIONS

Table 11-2: Planned Commercial Development District Bulk and Setback Regulations establishes bulk and setback regulations for the planned commercial development districts.

VILLAGE OF WILMETTE, ILLINOIS TABLE 11-2: PLANNED COMMERCIAL DEVELOPMENT DISTRICT BULK & SETBACK REGULATIONS			
BULK & SETBACK REGULATIONS	DISTRICT		
	PCD-1	PCD-2	PCD-3
	Edens Plaza	Plaza del Lago	West Lake Plaza
BULK REGULATIONS			
MINIMUM LOT AREA	19.76 acres	5 acres	2 acres
MINIMUM LOT WIDTH	200'	200'	200'
MAXIMUM PRINCIPAL BUILDING HEIGHT	55'	40'	30'
MAXIMUM FAR	0.4 + 70,000 s.f. of floor area for office space associated with a development	0.5	0.4
MINIMUM YARD REGULATIONS			
FRONT YARD	<u>Determined by Street:</u> (2) Skokie Blvd.: 75' Lake Ave.: Based on structure height - Up to 20' in height: 25' 21 to 40' in height: 50' 41 to 55' in height: 75'	None, unless the lot being developed abuts and fronts on the same street as a lot in a residential district, then the front yard requirement of the residential district apply	None, unless the lot being developed abuts and fronts on the same street as a lot in a residential district, then the front yard requirement of the residential district apply
REAR YARD		25'	25'
INTERIOR SIDE YARD		None, but a min. of 5' if provided (1)	None, but a min. of 5' if provided (1)
SIDE YARD ADJOINING A STREET	Edens Expressway: Determined by Village Fire Chief and Police Chief	None, but a min. of 5' if provided (1)	None, but a min. of 5' if provided (1)

NOTES

- (1) Where the side lot line is adjacent to a residential zoning district, then the side yard requirement of the adjacent residential district shall apply along that side lot line; if an alley or a street intervenes between the property and the adjacent residential district, then the side yard shall be no less than 50% of the side yard requirement of the adjacent residential district.
- (2) Separate lots which do not front on a public street may be established and conveyed in the PCD-1 District, provided that the lot is part of a shopping center, and the lot is subject to a reciprocal operating agreement, covenant, or other instrument that ensures that any development on the lot will remain under common control or management with the rest of the shopping center.

11.4 GENERAL STANDARDS OF APPLICABILITY

A. Accessory Structures and Uses

See Section 13.4 (Accessory Structures and Uses) for standards covering accessory structures and uses.

B. Permitted Encroachments

See Section 13.5 (Permitted Encroachments) for standards governing encroachments.

C. Temporary Uses

See Section 13.6 (Temporary Uses) for standards governing temporary uses.

D. Off-Street Parking and Loading

See Article 14 (Off-Street Parking and Loading) for standards governing off-street parking and loading.

E. Landscaping and Screening

See Article 15 (Landscaping and Screening) for standards governing landscaping and screening.

F. Signs

See Article 16 (Signs) for standards governing signs.

G. Local Sign Ordinances

See Appendix A, Appendix B and Appendix C for additional sign requirements.

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ARTICLE 12. USE STANDARDS

12.1 PURPOSE

The purpose of this Article is to set forth additional requirements for certain permitted and special uses. These standards are intended to ensure that the use is compatible with the surrounding area.

12.2 USE OF LAND AND STRUCTURES

No structure or land may be used or occupied except in conformity with the regulations for the zoning district in which it is located.

12.3 USE STANDARDS

In addition to the use standards below, all uses are required to comply with all provisions of this Ordinance including, but not limited to, Article 13 (On-Site Development Standards), Article 14 (Off-Street Parking and Loading), Article 15 (Landscaping and Screening), and Article 16 (Signs), and all other Village regulations.

A. Accessory Living Unit

1. The principal dwelling or the accessory living unit must be occupied by the owner(s) of the subject property as the owner(s) principal place of residence for at least six (6) months of the year.
2. The resident of the principal dwelling or the accessory living unit must be fifty five (55) years of age or older, or disabled.
3. The maximum size of the accessory living unit is limited to twenty-five percent (25%) of the total area of the principal structure. The minimum size of the accessory living unit shall not be less than six-hundred (600) square feet.
4. Only one (1) accessory living unit is permitted on any lot.
5. An accessory living unit must be located wholly within the principal structure on the lot. No accessory living unit is permitted in any accessory structure.
6. The principal structure on the lot must maintain a single-family appearance with a single, common front entrance on the principal structure shared by the principal dwelling and the accessory living unit.
7. Any second entrance for the accessory living unit may be located at the rear or side of the principal structure.
8. Only the owner(s) of the subject property may apply for a special use for an

accessory living unit.

9. An accessory living unit is illegal if it is established without an approved special use permit.
10. If granted by the Village Board, a special use for an accessory living unit automatically expires when the Zoning Administrator determines that one (1) or more of the requirements of this section have not been met. When a detached single-family dwelling that includes an accessory living unit is sold, the special use associated with the accessory living unit continues provided that the requirements of this section are met by the new owner(s).
11. The owner(s) granted a special use to establish an accessory living unit must file an affidavit with the Village annually, no later than ten (10) days after the date of the anniversary on which the Village Board granted the special use, stating that the accessory living unit complies with all the provisions of this Ordinance.

B. Car-Sharing

1. Two (2) car-sharing spaces are permitted in any principal use or accessory use parking lot or parking garage serving a commercial, mixed-use, institutional or multi-family structure in any zone in which car-sharing services are permitted, and may occupy up to two (2) required or provided parking spaces.
2. A car-sharing vehicle must be no more than eighteen (18) feet in length and must bear a decal that provides the name of the car-sharing service.
3. Car-sharing vehicles must be available on an hourly basis through a self-service reservation system.
4. Car-sharing vehicles must be located at unstaffed locations.
5. Car-sharing vehicles must be available twenty-four (24) hours a day.
6. The car-share company must provide insurance for its members and maintain vehicles.

C. Car Wash

1. The site must be fenced with an open fence along the lot line that abuts any right-of-way and opaque fencing a minimum of six (6) feet in height along all other lot lines. A continuous thirty (30) inch-high evergreen hedge must be installed along the fence that abuts the right-of-way.
2. An attendant must be on duty during hours of operation.

3. The structure and all car wash facilities and bays must be securely locked when the operation is closed.
4. A litter and noise abatement plan is required for the facility with a contact person designated to notify for violations.
5. Lighting provided for the site must be directed away from adjacent properties.

D. Cultural Facility

Cultural facilities must be designed so that the location of entrances and exits, exterior lighting, service areas, and parking and loading facilities will minimize traffic congestion, pedestrian hazards, and adverse impacts on adjoining properties.

E. Day Care Center, Child or Adult

Day care centers must meet all federal, state and local requirements including, but not limited to, licensing, health, safety and building code requirements. In addition, the following criteria shall be required:

1. Adequate on-site drop-off zones, sidewalks and exterior lighting are provided.
2. The amount of traffic or noise to be generated is not excessive.
3. Adequate open space and recreational areas must be provided. All outdoor play space must be fenced to a height no less than three and one half (3½) feet and no more than six and one-half (6½) feet.

F. Day Care Home, Child or Adult

Day care homes must meet all federal, state and local requirements including, but not limited to, licensing, health, safety and building code requirements. In addition, the following criteria shall be required:

1. Adequate on-site drop-off zones, sidewalks and exterior lighting are provided.
2. The amount of traffic or noise to be generated is not excessive.
3. Adequate open space and recreational areas are provided. All outdoor play space must be fenced to a height no less than three and one half (3½) feet and no more than six and one-half (6½) feet.
4. The day care home retains a residential character and the affect of the day care home does not alter the residential character of the neighborhood.
5. The operation of the day care home does not adversely impact surrounding

properties.

G. Drive-Through Facility

A drive-through facility is considered a separate use, rather than accessory to the principal use, and is subject to the following standards:

1. Drive-through facilities are allowed only on lots of one (1) acre or more in area.
2. All drive-through facilities must provide adequate stacking spaces, in accordance with Article 14 (Off-Street Parking and Loading).
3. All drive-through lanes must be located and designed to ensure that they do not adversely affect the safety and efficiency of traffic circulation on adjoining streets. Internal traffic circulation patterns on the lot must be adequate to keep traffic from backing into a street and blocking access to any required parking spaces located on the lot. Vehicular access to the drive-in window or service area must be provided only from a collector or arterial street.
4. No exterior lighting may glare into or upon the surrounding area or any residential premises. All drive-through facilities must be properly screened, in accordance with this Ordinance, to prevent glare from vehicles passing through service lanes.
5. Drive aisles must be separated from landscaped areas by a six (6) inch curb.
6. The volume on all intercom menu displays must be maintained at a level so as not to be audible in adjoining residential districts. The volume on all intercom menu displays must comply with all local noise regulations.
7. The operator of the drive-through facility must provide adequate on-site outdoor waste receptacles and provide daily litter clean-up of the facility and along the rights-of-way abutting the property.

H. Dwelling, Above Ground Floor

1. No dwelling units are permitted at grade or within eight (8) feet of grade.
2. No residential common areas greater than six hundred (600) square feet are permitted at grade or within eight (8) feet of grade.
3. No parking required by the dwelling units are permitted at grade or within eight (8) feet of grade. Parking required by the residential dwelling units and common areas may be located entirely below grade.

I. Dwelling, Townhouse/Stacked Flat

1. A townhouse/stacked flat development is limited to a maximum of one-hundred eighty (180) feet of building frontage.
2. Each unit within a townhouse/stacked flat development is limited to a maximum of thirty (30) feet in width.
3. No more than four (4) dwelling units are permitted in one townhouse/stacked flat building. All stacked flat units within a townhouse/stacked flat building must be accessed by a shared entry from the public sidewalk.
4. Exterior stairs are permitted for rear façades that do not front on public streets. These stairs may provide access to units on various floors through rear patios or porches.
5. All townhouse/stacked flat developments must be designed with the front or side façade of the buildings facing the street. When the units are oriented to face the side lot lines, the end unit that fronts the street must have the primary entrance facing the street. Only either detached garages located in the rear yard or attached garages oriented to the rear of the units are permitted.
6. All dwelling units must be laid out to ensure adequate privacy for residents, such as by the separation of buildings or landscaping between buildings. There must be a minimum separation of ten (10) feet between sidewalls of the development.
7. Where the front or rear wall of a row of a development faces the front or rear wall of another row of dwellings, the minimum required separation between such buildings must be a minimum of thirty (30) feet. Driveways and parking areas may be located within this minimum separation area.
8. All off-street parking areas and interior driveways are located and designed to provide safe, quick and convenient access for emergency vehicles, refuse collection and service and delivery vehicles.

J. Educational Facility, Primary, Secondary, College, and Vocational

1. Educational facilities must be designed so that the location of entrances and exits, exterior lighting, outdoor recreation areas, service areas, and parking and loading facilities will minimize traffic congestion, pedestrian hazards and adverse impacts on adjoining properties.
2. Any education facility that includes on-site boarding of students must be located on a lot with a minimum lot area of five (5) acres.

K. Gas Station

1. Gas station canopies must be designed with luminaires recessed under the canopy to minimize light pollution. Light intensity directly under the canopy shall not exceed ten (10) foot-candles at any location. All lighting mounted under the canopy, including auxiliary lighting within signs and panels over the pumps, is included in the ten (10) foot-candle limit.
2. All gas station driveways must be located and designed to ensure that they do not adversely affect the safety and efficiency of traffic circulation on adjoining streets.
3. Gas stations may offer convenience items for sale as a secondary activity.
4. In addition, gas stations may be included accessory to a “Minor Motor Vehicle Repair and Service Shop.”
5. Gas stations are subject to any front yard requirements, when applicable within a zoning district. However, a minimum five (5) foot landscape setback must be provided.

L. Golf Course

1. Golf courses must be located on a lot of a minimum of five (5) acres.
2. Administration and maintenance buildings must be located at least fifty (50) feet from a residential lot line.

M. Group Home

Group homes must meet all federal, state and local requirements including, but not limited to, licensing, health, safety and building code requirements. In addition, the following criteria shall be required.

1. The location, design and operation of the facility will not alter the residential character of the neighborhood.
2. The facility retains a residential character that is compatible with the surrounding neighborhood.
3. The operation of the facility does not adversely impact surrounding properties.

N. Kennel and Pet Day Care Service

Kennels and pet day care services must meet all federal, state and local requirements including, but not limited to, licensing, health and safety code requirements. In addition, the following standards must be met:

1. Exterior enclosures and runs must provide protection against weather extremes. Floors of runs must be made of impervious material to permit proper cleaning and disinfecting.
2. All animal quarters and runs are to be kept in a clean, dry and sanitary condition.
3. Fencing surrounding exercise areas and/or runs must be of a sufficient height to prevent escape and buried as part of installation to prevent escape by digging beneath the fence posts.
4. Noise must be mitigated so as not to create a public nuisance for adjoining properties and must comply with all local noise regulations. This excludes noise from exercise or training while outdoors during the daytime.
5. Kennels and pet day care services must be located at least one-thousand three-hundred twenty (1,320) feet from other kennels and pet day care services.
6. The total number of animals per overnight stay at a kennel or pet day care service is limited to twelve (12) animals.

O. Motor Vehicle Dealership or Motor Vehicle Rental Establishment

Motor vehicle dealerships or rental establishments with an outdoor display component must have a minimum lot size of twenty-thousand (20,000) square feet. This standard does not apply to fully enclosed dealerships (i.e., indoor showrooms only) or rental establishments located within a parking structure.

P. Motor Vehicle Operations Facility

All repair operations and service bays must be fully enclosed.

Q. Motor Vehicle Service and Repair, Major or Minor

1. Minor motor vehicle service and repair shops may not store the same vehicles outdoors on the site for longer than ten (10) days. Major motor vehicle service and repair shops may not store the same vehicles outdoors on the site for longer than thirty (30) days.
2. All driveways must be located and designed to ensure that they will not adversely affect the safety and efficiency of traffic circulation on adjoining streets.
3. All repair operations must be fully enclosed. Wrecked or junked vehicles must not be stored for longer time periods than those specified above and must be screened from the public right-of-way and any adjacent residential districts.
4. Minor motor vehicle service and repair shops may be accessory to gas stations.

R. Multi-Family Dwelling

Multi-family dwellings must meet the bulk requirements:

1. In the R3 District:

- a.** The gross density of development on the property must not exceed eighteen (18) dwelling units per acre. A gross density in excess of eighteen (18) dwelling units per acre, up to a maximum of thirty (30) dwelling units per acre, shall be a special use.
- b.** There are no more than twenty-four (24) dwelling units in any one building.

2. In the R4 District:

- a.** The gross density of development on the property shall not exceed forty (40) dwelling units per acre on lots of fifteen thousand (15,000) square feet or greater. The gross density of development on the property must not exceed twenty-seven (27) dwelling units per acre on lots smaller than fifteen thousand (15,000) square feet.
- b.** No more than ten percent (10%) of the dwelling units on the property are efficiency units.

S. Off-Street Parking, Structure or Lot

1. Parking Structure

Where no commercial frontage is provided on a parking structure, a landscape yard a minimum of ten (10) feet in width must be provided adjacent to a public right-of-way, excluding alleys.

2. Off-Street Parking Lot

- a.** Off-street parking lots serving non-residential uses must be solely for the parking of vehicles for periods of less than one (1) day and must not be used as an off-street loading area.
- b.** No sales, display, repair or service of any kind may be conducted in any off-street parking lot.
- c.** No signs of any kind, other than signs designating entrances, exits and conditions of use, may be maintained on any off-street parking lot.
- d.** No buildings other than those for shelter of attendants may be erected upon any off-street parking lots. The allowable shelters must not exceed ten (10) feet in

height and fifty (50) square feet in area.

- e. The off-street parking lot must be screened and landscaped in accordance with Article 15 (Landscaping and Screening).
- g. The off-street parking lot must be kept free from refuse and debris. All landscaping must be maintained in a healthy growing condition, and be neat and orderly in appearance.
- h. An off-street parking lot located in a residential zoning district shall only serve an off-site institutional or residential use.

T. Outdoor Dining

Outdoor dining is considered a separate use, rather than accessory to the principal use, and subject to the following standards:

1. All outdoor dining areas require a valid license from the Village pursuant to Chapter 5 of the Wilmette Village Code.
2. Outdoor dining is prohibited in any yard that abuts a residential district.
3. The seating shall not occupy or interfere with the use of required parking spaces and aisles.
4. Picnic tables located in a park, golf course or recreation center are not considered outdoor dining.

U. Outdoor Storage

1. All outdoor storage must comply with the screening requirements of this Ordinance.
2. The storage area should be located to the rear of the lot when possible.
3. Outdoor storage areas must be surfaced, and graded and drain all surface water. Outdoor storage areas may be surfaced with semi-pervious materials, if adequate drainage and erosion and dust control are provided.
4. Any lighting used to illuminate an outdoor storage area must be directed and shielded as to not illuminate any adjacent lots. All exterior lighting must comply with the requirements of this Ordinance.

V. Place of Worship

Places of worship must be designed so that the location of entrances and exits, exterior

lighting, service areas, and parking and loading facilities will minimize traffic congestion, pedestrian hazards and adverse impacts on adjoining properties.

W. Residential Care Facility

Residential care facilities must meet all federal, state and local requirements including, but not limited to, licensing, health, safety and building code requirements. In addition, the following must be met:

1. The location, design and operation of the facility is compatible with, and does not adversely affect, adjacent properties and the surrounding area.
2. The facility is harmonious with surrounding buildings, in respect to scale, architectural design and building placement. If located within a residential district, the facility does not alter the residential character of the neighborhood.
3. The surrounding street network is capable of accommodating the traffic generated by the facility.
4. Residential care facilities must meet the bulk requirements:
 - a. R2 District: The gross density of development on the property must not exceed eighteen (18) dwelling units per acre and no more than twenty four (24) dwelling units in any one (1) building.
 - b. R3 District: The gross density of development on the property must not exceed 30 dwelling units per acre.
 - c. R4 District: The gross density of development on the property must not exceed forty (40) dwelling units per acre on lots of fifteen thousand (15,000) square feet or greater. The gross density of development on the property must not exceed twenty-seven (27) dwelling units per acre on lots smaller than fifteen thousand (15,000) square feet.

X. Restaurant, Carry-Out/Delivery and Limited Service

1. A restaurant must submit the following operation plans:
 - a. Days and hours of operation.
 - b. The size of the establishment.
 - c. The number and location of seats, tables and other furniture proposed for outdoor seating.
 - d. Exterior lighting design.

- e. Maximum occupancy loads.
- 2. Only carry out/delivery, limited service and specialty restaurants are allowed a drive-through facility, which must comply with the standards of the Article. The drive-through facility is considered a separate use on the site and must be approved separately.

Y. Social Club or Lodge

- 1. Social clubs or lodges must be designed so that the location of entrances and exits, exterior lighting, service areas, and parking and loading facilities will minimize traffic congestion, pedestrian hazards, and adverse impacts on adjoining properties.
- 2. No more than fifty percent (50%) of the gross floor area may be used as office space for the social club or lodge.
- 3. Social clubs and lodges are permitted to serve meals and alcohol on the premises for members only.
- 4. Lodging for members or guests on premises is prohibited.

Z. Twenty-Four Hour Business

- 1. The privilege granted by approval of a 24-hour business special use is not a property right and is not deemed to attach to or run with the land, but runs solely with the applicant for the use described in the application, and is deemed solely as granting authority under this Article to operate the business in conformance with all other provisions of this Ordinance.
- 2. Only a permitted or special use in a zoning district is eligible to obtain a special use to operate as a 24-hour business. No variation to this requirement is permitted.
- 3. A special use for a 24-hour business must meet each of the following standards:
 - a. The 24-hour business special use will not create, or has not created, a materially adverse impact on neighboring properties resulting from generation or accumulation of refuse or from generation of an unreasonable level of noise from business activities or motor vehicle traffic during times of operation that require the 24-hour business special use.
 - b. The 24-hour business special use will not create, or has not created, due to its operation or the nature of its operation during those hours that require the 24-hour special use, a material policing problem.
- 4. Prior to making any material change in the operation of the 24-hour business special use from that described in the original application for the special use, the applicant

must submit a new application to modify the existing special use in the same manner as an original application.

5. In the event that any business license or other license or permit required by this Ordinance and the Village Code for the operation of the 24-hour business special use is revoked, then the 24-hour business special use is terminated on that date of revocation.

AA.Utility

Private utilities must be designed so that the location of entrances and exits, exterior lighting, service areas, and parking and loading facilities will minimize traffic congestion, pedestrian hazards, and adverse impacts on adjoining properties. Additional landscaping and screening may be required.

1. All utility distribution lines for telephone, cable television, electrical, and other utility services in subdivisions platted and recorded after the effective date of this Ordinance must be installed underground.
2. All underground installations must be placed within easements or dedicated public ways in a manner that does not conflict with previously installed services.
3. Underground installations must be made in accordance with the rules and regulations from time to time on file with the Illinois Commerce Commission. Nothing contained herein relieves the developer from the standard charges on file with said Commission.
4. All utility easement areas must be kept free and clear of all physical encumbrances so that the easements are readily available and accessible. Proposed easements must be submitted to the utility companies for their suggestions prior to the recording of a subdivision plat.
5. All transformer boxes must be located so as not to be hazardous to the public.

BB.Wireless Telecommunications Equipment

1. Purpose

- a. The purpose these regulations are to provide for the placement, construction and modification of wireless telecommunications facilities. These provisions are not intended and must not be interpreted to prohibit or have the effect of prohibiting the provision of wireless services, nor will the provisions be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent wireless services.
- b. In the course of reviewing any request for any approval required by an applicant to provide wireless service or to install wireless service facilities, the Zoning

Board of Appeals or the Village Board, as the case may be, must act within a reasonable period of time after the request is duly filed with the Village, taking into account the nature and scope of the request. Any decision to deny such a request must be in writing and supported by substantial evidence contained in a written record.

- c. Should the application of these regulations prohibit a person or entity from providing wireless service to all or a portion of the Village, such provider may petition the Village Board for an amendment to this Ordinance. The Village Board, upon receipt of such a petition, must promptly undertake review of the petition and make a determination on the petition within a reasonable period of time, taking into account the nature and scope of the petition. Any decision to deny such a petition must be in writing and supported by substantial evidence contained in a written record.

2. Permitted Locations

a. Free Standing Wireless Communication Antennas

- i. Free standing wireless communication antennas shall be a special use in the following areas and are limited to seventy-three (73) feet in height above grade:
 - (A) That portion of the PCD-1 District west of the northerly extension of Lavergne Avenue and south of the westerly extension of Walden Lane.
 - (B) That portion of the GC-2 District lying north of Illinois Road and west of Happ Road.
 - (C) That portion of the GC-2 District lying west of southeasterly extension of vacated Manor Drive, as extended, south of the westerly extension of Washington Avenue, and one-hundred ninety (190) feet north of the westerly extension of vacated Central Avenue.
 - (D) The eastern one-half of that portion of the OR District consisting of Lot 1 of the Edens Executive Center Subdivision.
 - (E) That portion of the VC District within the following boundaries: Starting from the northeast corner of the intersection of Green Bay Road and Wilmette Avenue, running northeasterly to the southeast corner of the intersection of Wilmette Avenue and the southeasterly extension of Electric Place, thence northwest along the east side of Electric Place, as extended, to the northeast corner of the intersection of Electric Place and Washington Court, thence west along the north side of westerly extension of Washington Court to the east side of Green Bay Road, thence southeast to the point of the beginning.

- ii. Free standing wireless communication antennas in excess of seventy-three (73) feet in height above grade shall require a height variation for that portion above seventy-three (73) feet above grade.
- iii. Free standing wireless communication antennas must meet all minimum setback and yard requirements of the district and all applicable federal laws and regulations concerning its use and operation.

b. Roof- or Structure-Mounted Wireless Communication Antennas

- i. A roof- or structure-mounted wireless telecommunications antenna that is directly affixed to an existing structure or roof-mounted antenna pole that does not exceed ten (10) feet above the roof of an existing building shall be a special use in the following areas:
 - (A) That portion of the PCD-1 District west of the northerly extension of Lavergne Avenue and south of the westerly extension of Walden Lane.
 - (B) That portion of the GC-2 District lying north of Illinois Road and west of Happ Road.
 - (C) That portion of the GC-2 District lying west of southeasterly extension of vacated Manor Drive, as extended, south of the westerly extension of Washington Avenue, and one-hundred ninety (190) feet north of the westerly extension of vacated Central Avenue.
 - (D) The eastern one-half of that portion of the OR District consisting of Lot 1 of the Edens Executive Center Subdivision.
 - (E) That portion of the VC District within the following boundaries: Starting from the northeast corner of the intersection of Green Bay Road and Wilmette Avenue, running northeasterly to the southeast corner of the intersection of Wilmette Avenue and the southeasterly extension of Electric Place, thence northwest along the east side of Electric Place, as extended, to the northeast corner of the intersection of Electric Place and Washington Court, thence west along the north side of westerly extension of Washington Court to the east side of Green Bay Road, thence southeast to the point of the beginning.

A roof- or structure-mounted wireless telecommunications antenna in excess of ten (10) feet in height above the roof shall require a height variation for that portion above ten (10) feet above the roof.

- ii. Roof- or structure-mounted wireless telecommunications antenna are a special use in the Commercial and Planned Commercial Districts not delineated in 12.3.Z.2.b.i. and the R4 District. No variations from the maximum height requirement shall be granted.

- iii. A roof- or structure-mounted wireless telecommunications antenna that is directly affixed to an existing structure or roof-mounted antenna pole that does not exceed ten (10) feet above the roof of an existing building shall be a special use in any zoning district when the roof- or structure-mounted wireless telecommunications antenna is either:
 - (A) Directly affixed to a structure used to hold existing telecommunications antennae other than those for wireless service, such as police and fire telecommunications, where the structure and existing telecommunications antennae are both accessory to an existing institutional use.
 - (B) The personal wireless service facility is directly affixed to an existing institutional use structure or to a non-habitable architectural feature on an institutional use structure; or
 - (C) The wireless service facility is located in the R3 District and directly affixed to an existing structure or to a non-habitable architectural feature on an existing structure.
- iv. Roof- or structure-mounted wireless communication antennas must meet all minimum setback and yard requirements of the district and all applicable federal laws and regulations concerning its use and operation.
- v. Roof mounted wireless communication antennas must be located at least six (6) feet from any supporting wall of the building to permit safe access to the roof, and must be screened by an architectural element of the roof if required by the Appearance Review Commission.

3. Co-Location

- a. In considering a request for approval of a wireless service facility, the Zoning Board of Appeals or the Village Board, as the case may be, must, in addition to these standards, also give due consideration and weight to whether the applicant has sought and been denied the opportunity to co-locate its personal wireless service facility on an existing antenna-supporting structure and, if the proposed site is located outside of the areas listed in Paragraph 2.a above, whether the applicant has made adequate efforts to obtain a site in those areas.
- b. In considering a request for approval of a wireless service facility, the Zoning Board of Appeals or the Village Board, as the case may be, may by express condition require that the applicant allow, on a commercially reasonable basis, other providers of wireless telecommunications services to co-locate additional personal wireless service facilities on a free standing pole which is part of the applicant's proposed personal wireless service facility, where such co-location is technologically feasible.

4. Non-conformities

Any wireless service facility installed and operating that is a legal non-conforming use or a legal non-conforming structure, as the case may be, and is subject to the rules on non-conformities provided in this Ordinance.

ARTICLE 13. ON-SITE DEVELOPMENT STANDARDS

13.1 PURPOSE

The purpose of this Article is to address the regulation of those other site improvements on a lot other than the regulations for the principal building. This includes site design standards, accessory structures and uses, and permitted encroachments.

13.2 USE OF LAND AND BUILDINGS

A. Number of Buildings on a Lot

No more than one (1) principal building may be located on a lot, except for uses owned or operated by the Village itself, or by a public school district, public library district, or public park district, or where Article 8 of this Ordinance allows more than one townhouse/stacked flat building on a lot as a special use.

B. All Activities within an Enclosed Structure

Within all districts, all activities must be conducted entirely within an enclosed structure, with the exception of the following activities and uses:

1. Off-street parking and loading.
2. Only outdoor businesses and those businesses with an outdoor component are permitted accessory outdoor storage, as listed below. Additional uses may be permitted accessory outdoor storage by special use.
 - a. Garden center
 - b. Heavy retail, rental and service
 - c. Kennel (exercise area only; no outdoor boarding)
 - d. Manufacturing, general (storage only; no manufacturing activities)
 - e. Motor vehicle dealership
 - f. Motor vehicle rental establishment
 - g. Motor vehicle service and repair, major or minor
 - h. Outdoor dining, in accordance with Section 12.3.S.
 - i. Outdoor storage (principal use)

- j. Pet day care facility (exercise area only; no outdoor boarding)
 - k. Public safety facility
 - l. Public works facility
3. Permitted outdoor display and sales areas for retail goods establishments, in accordance with Section 13.4.N.
 4. Temporary uses, in accordance with Section 13.6 (Temporary Uses and Structures).

C. Frontage on a Public Street

All lots must front on a public street within the Village.

D. Required Yards

No lot may be reduced in area so that the yards are less than that required by this Ordinance. The required yard for a zoning lot is not considered a yard for any other zoning lot. All yards allocated to a structure must be located on the same zoning lot as the structure.

E. Bulk Requirements

All structures erected must meet the requirements for the zoning district in which the structure is located.

F. Use Permissions

No structure or land may be used for any use other than one allowed as either a permitted or special use in the zoning district in which such structure or land is located. Structures or land may also be used for a temporary use or accessory use, in accordance with the requirements of Section 13.4 (Accessory Structures and Uses) and Section 13.6 (Temporary Uses and Structures).

G. View Obstruction

A use, structure, sign or landscape must be located so that it does not obstruct or otherwise interfere with public use of a street right-of-way or other public easement, in accordance with the Village Code.

13.3 EXTERIOR LIGHTING

A. Light Trespass and Distraction

1. The following types of light trespass are prohibited:
 - a. No exterior lighting may glare into, or upon, any adjacent lots.
 - b. No exterior lighting may be used in any manner that could interfere with the safe movement of motor vehicles on public or private streets and alleys.
 - c. The light level must be no greater than one-half (0.5) foot-candle at any property line.
2. The following types of light distraction are prohibited:
 - a. Any light not designed for roadway illumination that produces direct or reflected glare that could disturb the operator of a motor vehicle.
 - b. Any light that may be confused with, or construed as, a traffic control device, except as authorized by state, federal or local government.

B. Unshielded Lighting

The use of unshielded lighting, including incandescent light bulbs hung or strung on poles, wires or any other type of support, is prohibited, except on a temporary basis in areas where approved carnivals/circuses, fairs, or other similar temporary uses are held and only when such activities are taking place.

C. Light Pole and Building-Mounted Lighting Heights

The maximum height of light poles on private property, as measured from grade at the base to the bottom of the luminaire, is specified below, unless otherwise required by the Building Code. These standards do not apply to public right-of-way lighting. Permitted light pole heights are as follows:

1. Non-Residential Uses

- a. Lights poles and building-mounted fixtures must be designed with fully shielded luminaires. Such poles or mounts must not exceed eighteen (18) feet in height.
- b. All new lighting for outdoor recreational facilities, such as those at parks, recreation centers, and golf courses, are a special use. In addition to the special use standards, outdoor lighting must meet the requirements of Paragraph A above. Outdoor lighting for playing fields located in a park or recreation center may be

located and mounted at heights up to seventy (70) feet, provided that any structure on which such lights are mounted is located a minimum of twenty (20) feet from any residential lot line and special use approval is obtained.

2. Residential Uses

Light poles for single-family and two-unit dwellings are limited to eight (8) feet in height. Light poles for townhouse/stacked flat and multi-family uses are limited to fifteen (15) feet in height. Lighting, including under-soffit lighting mounted upon a single-family, two-unit or townhouse/stacked flat residential dwelling may not be mounted higher than fifteen (15) feet above grade.

13.4 ACCESSORY STRUCTURES AND USES

All accessory structures and uses are subject to the requirements of this Article and the requirements of Section 13.5 (Permitted Encroachments) below. Additional accessory structures not regulated in this section may be regulated by Section 13.5 (Permitted Encroachments) below.

A. Accessory Structures – General Regulations

All accessory structures are subject to the following regulations, in addition to any other regulations within this Article and this Ordinance.

- 1.** No accessory structure may be constructed prior to construction of the principal building to which it is accessory.
- 2.** Only those accessory structures permitted by this section or Section 13.5 (Permitted Encroachments) are permitted in required yards.
- 3.** The maximum height of any detached accessory structure is measured from average abutting grade to the peak of the roof. No detached accessory structure may exceed fifteen (15) feet, unless otherwise permitted or limited by this Ordinance.
- 4.** A detached accessory structure must be located a minimum of ten (10) feet from a principal building with the exception of swimming pools, spas, patios and decks that are not subject to this separation requirement. A roofed detached accessory structure must be located a minimum of four (4) feet from another roofed detached accessory structure.
- 5.** For lots less than fifteen thousand (15,000) square feet, no more than two (2) detached accessory structures are permitted on a lot. For lots fifteen thousand (15,000) square feet or greater, no more than three (3) detached accessory structures are permitted on a lot.

- a. This requirement shall not apply to uses owned or operated by a Unit of Local Government.
 - b. For the purposes of this requirement, fences, walls, retaining walls, arbors, trellises, playground equipment, patios, decks, swimming pools and spas, tennis and similar recreation courts, and pergolas attached to the principal structure are not considered detached accessory structures. Construction of additional detached accessory structures above that permitted by this Ordinance is a special use. However, as of the effective date of this Ordinance, a lot that exceeds the maximum number of permitted detached accessory structures may replace an existing detached garage without special approval.
6. All detached accessory structures are limited to a maximum area of two-hundred (200) square feet each, unless otherwise permitted by this Ordinance. The total area of all roofed detached accessory structures is limited to a maximum of twenty five percent (25%) of the permitted total principal structure floor area, not including applicable floor area bonuses. Unless otherwise permitted by this Ordinance, additional area for detached accessory structures above that permitted by this Ordinance is a special use. This requirement shall not apply to uses owned or operated by a Unit of Local Government.
 7. No detached accessory structures may be designed or used for housing. Basements are prohibited except in the case of a beach house/cabana or boat house on a sloping lot, which may have a basement for storage purposes only.
 8. A detached accessory structure may be equipped with a sink, toilet, and oven or microwave oven but bathing facilities are prohibited. However a beach house/cabana or boat house may have an outdoor shower head.
 9. Upon the demolition of a principal building, any remaining non-conforming accessory structures on the same property as the demolished structure must also be demolished or altered so that they conform to this Ordinance.
 10. Accessory structures on lots containing a side yard adjoining a street, or a double-frontage lot with a no-access strip along the rear lot line, shall be treated in the same manner as allowed in any required yard that abuts a street. However, fences in rear yards of double-frontage lots with a no-access strip are treated the same as fences in rear yards of double-frontage lots without a no-access strip.

B. Amateur (HAM) Radio Equipment

1. Towers that solely support amateur (HAM) radio equipment and conform to all applicable performance criteria as set forth in Section 13.7 (Environmental Performance Standards) are permitted only in the rear yard and must be located ten (10) feet from any lot line.

2. Towers are limited to the maximum building height of the applicable district, unless a taller tower is technically necessary to engage successfully in amateur radio communications in accordance with Paragraph 4 below.
3. Antenna may be ground-, building- or roof-mounted. Every effort must be made to install radio antennae in locations that are not readily visible from neighboring properties or from the public right-of-way, excluding alleys.
4. An antenna or tower that is proposed to exceed the height limitations is a special use. The operator must provide evidence that a taller tower and/or antenna is necessary to successfully engage in amateur radio communications. In addition, the applicant must provide evidence that the tower and/or antenna do not prove a hazard to birds (i.e., minimal chance of bird strikes). As part of the application, the applicant must submit a site plan showing the proposed location of the tower and/or antenna, as well as its relation to the principal building and any additional accessory structures.
5. Antennae and/or towers owned and operated by the Village are exempt from these requirements.

C. Arbors or Trellises

1. Arbors and trellises are limited to maximum height of nine (9) feet, a maximum width of six (6) feet and a maximum depth of three (3) feet. The sum of depth in feet and width in feet is limited to eight (8) feet.
2. Each surface of an arbor or trellis must be at least fifty percent (50%) open.
3. No more than a total of three (3) arbors or trellises, or a combination thereof, is permitted on a lot. No more than one (1) arbor or one (1) trellis is permitted along a single lot line.
4. Arbors attached to a principal building may not encroach more than four (4) feet into the required front, side yard adjoining a street, or rear yard, and no more than two (2) feet into the interior side yard. Attached arbors are limited to ten percent (10%) coverage of a front yard. Detached arbors are permitted encroachments in any required yard. Trellises are permitted encroachments in the interior side and rear yards.

D. Beach Houses/Cabanas or Boat Houses

A beach house/cabana or boat house is permitted a maximum area of seven-hundred fifty (750) square feet.

E. Dog Runs

Dog runs shall comply with all applicable Village ordinances including the following:

1. Location

Dog runs shall be located a minimum of three (3) feet from any side or rear lot line. Dog runs shall not be located in a front yard or side yard adjoining a street.

2. Enclosure

- a. Dog runs shall be enclosed with a fence or other enclosure approved by the Community Development, Engineering Services, and Health Departments.
- b. Dog runs shall comply with the fence regulations set forth in Section 13.4.F.
- c. Dog runs shall not utilize or adjoin the neighboring fence on any side.
- d. The enclosure of a property with a fence shall not constitute a dog run.

3. Surfacing

Dog runs shall be constructed so as to permit proper filtering and/or drainage.

- a. Dog runs may be surfaced with one or more of the following materials:
 - i. Grass; and/or
 - ii. In whole or in part, concrete or other impervious material, the surface of which must pitch to the perimeter when a filtration bed consisting of eight inches of crushed limestone and sand, covered with a four (4) inch layer of gravel, has been installed; and/or
 - iii. In whole or in part, an eight (8) inch layer of crushed limestone and sand, covered by a four (4) inch layer of gravel.
- b. The area must be properly confined to prevent a washout of the gravel, limestone, and sand.
- c. Dog runs may not be constructed or surfaced with any absorbent material which may cause nuisance odors or the inability to maintain the area in a sanitary condition.
- d. Dog runs surfaced with an impervious material must comply with the impervious surface coverage regulations set forth in the zoning district in which they are located.

4. Cleaning

Dog runs must be cleaned at least daily or more often as necessary to prevent odors and other nuisances.

F. Donation Boxes

Donation boxes are permitted for non-residential uses.

1. Only one (1) donation box is permitted per zoning lot. The donation box must be related to and owned by the principal use on the site.
2. No donation box may be located in the front yard. Donation boxes may be located in the side yard adjoining a street, interior side or rear yard but must be three (3) feet from any property line. No donation box may be located within a required parking space.
3. The area surrounding the donation box must be kept free of any junk, debris or other material.
4. Donation boxes shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be free of graffiti.
5. Donation boxes shall be locked or otherwise secured.
6. Donation boxes shall contain the following contact information on the front of each donation box: the name, address, email, and phone number of the operator.
7. Donation boxes shall be serviced and emptied as needed, but a minimum of every fifteen (15) days.
8. Donation boxes shall not exceed five (5) feet in height and sixty (60) cubic feet.

G. Eaves

1. Eaves are permitted to encroach no more than four (4) feet into a required front, side yard adjoining a street, or rear yard and no more than two (2) feet in to a side yard.
2. Where the line of an existing eave is to be continued, the eave may encroach three (3) feet into a side yard.
3. Eaves of detached garages located entirely in the required rear yard may encroach to within one (1) foot of the side and rear lot lines.

H. Fences and Walls

1. General Requirements

- a.** The following fences are prohibited:
 - i.** Fences prohibited under Section 9-3.3.1 of the Village Code
 - ii.** Fences that do not comply with Section 16-9 of the Village Code.
 - iii.** Wire fences of a gauge lighter than eleven (11).
 - iv.** A variation to permit the construction or maintenance of such a fence shall not be granted.
- b.** The finished side of all fences must face the street, alley or abutting property. The finished side of a fence is defined as the smooth side or the side not containing structural supports. If structural elements are an integral part of the fence design, such elements must be centered on the line of the fence.
- c.** Strips or slats are prohibited among the links of a chain link fence.
- d.** Synthetic fiber fences must meet the following requirements:
 - i.** Plumbing material is prohibited.
 - ii.** All fence material must have color consistency throughout.
 - iii.** Any post or horizontal component must have a minimum thickness of a twelfth (0.12) of an inch.
 - iv.** All fence material must be recyclable at the conclusion of its useful life.
- e.** Gates shall not overhang any public way including sidewalks, streets, alleys, and parkways.

2. Fence Location, Type and Height

- a.** Fences are permitted in a required front yard, side yard adjoining a street, and rear yard of a double-frontage lot if such fence meets the following standards:
 - i.** Fences are limited to a maximum height of four (4) feet, as measured from abutting grade.
 - ii.** Fences must be a minimum of fifty percent (50%) open as measured in Section 2.5.J.

- iii. Chain link fences are prohibited.
 - iv. Finials on support posts are limited to four (4) inches above the finished top of the fence.
 - v. Fence piers are limited to a maximum column width of eighteen (18) inches. Columns must be set no less than eight (8) feet apart on center. However, for residential lots in the R Zoning District that are twenty-thousand (20,000) square feet or more in lot area, up to four (4) columns no wider than twenty-four (24) inches and six-and-one-half (6 ½) feet in height are permitted in a front yard or side yard adjoining a street.
 - vi. No planter, lamp or similar decorative element that exceeds eighteen (18) inches may be installed above the finished top of the column.
 - vii. Fences requiring a footing must be set back three (3) feet from the property line.
- b. Solid fences are permitted in interior side yards and rear yards, and are limited to six and one-half (6.5) feet in height. No solid fence is permitted in any required front yard, side yard adjoining the street, or in the required rear yard of a double-frontage lot, unless permitted by Paragraph c below.
 - c. A solid fence of up to six and one-half (6 ½) feet in height may be permitted in a front yard where the fence adjoins and is parallel to a portion of the streets listed in Table 13-1: Front Yard Solid Fence Exceptions. In addition, such fence is permitted along the interior sides of the front yard of properties listed below.
 - d. A solid fence of up to six and one-half (6 ½) feet in height may be permitted in a rear yard, side yard adjoining a street or the required rear yard of a double-frontage lot where the fence adjoins and is parallel to a portion of the streets listed in Table 13-2: Solid Fence Exceptions. In addition, such fence is permitted along the interior sides of the required rear yard of properties listed below.

VILLAGE OF WILMETTE, ILLINOIS			
TABLE 13-1: FRONT YARD SOLID FENCE EXCEPTIONS			
ROAD	BLOCK	CROSS STREET(S)	PERMITTED LOCATION
Sheridan Road	1400 Block	Chestnut Avenue to Westerfield Drive	West Side Only
Skokie Boulevard	200 Block	Old Glenview Road to New Glenview Road	West of 208 and 234-240 Adjoining Skokie Boulevard

Village of Wilmette Zoning Ordinance

VILLAGE OF WILMETTE, ILLINOIS TABLE 13-2: SOLID FENCE EXCEPTIONS			
ROAD	BLOCK	CROSS STREET(S)	PERMITTED LOCATION
Briar Drive	200 Block	Old Glenview Road to Lilac Lane	
Carriage Way	100 Block		South Side Only
Chestnut Avenue	700 Block		North Side Only
Crawford Avenue	100-300 Blocks	Wilmette Avenue to Old Glenview Road	
Fairway Drive	3900 Block		South Side Only
Hibbard Road	700-900 Blocks	Skokie Boulevard to Indianwood Road	
Hunter Road	500 Block	North of Wilmette Avenue	West Side Only
Hunter Road	900-1000 Blocks	Lake Avenue to Iroquois Road	West Side Only
Illinois Road	3300 Block		South Side Only
Lake Avenue	2300-3000 Blocks	Hunter Road to Hibbard Road	North Side Only
Lake Avenue	3900-4100 Blocks	West of Harms Road	North Side Only; Chain link is permitted
Lockerbie Lane	100 Block		Along Cul-de-sac Adjoining Old Orchard Road
Millbrook Lane	100-200 Blocks	Old Glenview Road to Lilac Lane	West Side, Only Those Adjoining Briar Drive
New Glenview Road	2400-2900 Blocks	Hunter Road to Valley View Lane	Both Sides
New Glenview Road	2900-3100 Blocks	Valley View Lane to Hibbard Road	South Side Only
Old Glenview Road	2100 Block		South Side Only
Old Glenview Road	3000 Block		South Side Only
Pioneer Lane	2100 Block		South Side Only
Plum Tree Lane	100 Block		South Side Only
Skokie Boulevard	300-800 Blocks	New Glenview Road to Lake Avenue	Both Sides
Sprucewood Lane	3200 Block		Only Those Adjoining Skokie Boulevard
Thelin Court	200 Block		East Side Adjoining Skokie Boulevard and North Side Adjoining New Glenview Road
Virginia Lane	1100 Block		West Side Adjoining Hibbard Road Only; No Closer Than 30' South of Illinois Right-of-Way
Westerfield Drive	801-819		South Side Only
Wilmette Avenue	2300-2500 Blocks	West of Hunter Road	North Side Only

3. Free Standing Walls

a. Free standing walls may not be located in a required front yard, side yard adjoining a street or rear yard of a double-frontage lot. A free standing wall may be located in a side yard or rear yard no closer than three (3) feet from a lot line provided it does not exceed three (3) feet in height.

b. Any free standing wall must be built upon a footing.

I. Garages, Attached and Detached

1. Attached Garages

The following regulations apply only to single-family and two-unit dwellings constructed after the effective date of this Ordinance. Attached garages are not considered an accessory structure but are subject to the regulations of this section for attached garages.

- a.** Front-loaded attached garages are limited to fifty percent (50%) of the width of the front façade of the house or twenty-two (22) feet in width, whichever is greater, as measured along the building line that faces the street.
- b.** Attached front-loaded garages must be located a minimum of five (5) feet behind the main front façade of the house. This measurement is taken from the part of the front façade that is immediately adjacent to the garage, except that the measurement may be taken from the part of the house closest to the street if all of the following conditions are met:
 - i.** The front façade of the house is irregular, i.e., the front foundation is not a straight line.
 - ii.** The portion closest to the street is actual living space.
 - iii.** No measurement may be taken from a porch, bay window, turret or similar architectural feature that protrudes from the façade.
- c.** Sub-paragraphs a and b above do not apply if more than fifty percent (50%) of the single-family homes on the same block (counting homes on both sides of the street) have garages not meeting the requirements of Sections 13.4.I.a. and b. and more than fifty percent (50%) of the single-family homes located within five-hundred (500) feet of the subject property and within the same zoning district do not meet the requirements of Sections 13.4.I.a. and b.

2. Detached Garages

The following design standards apply to all detached garages.

- a.** Detached garages are limited to the following height maximums:
 - i.** A detached garage with a flat roof is limited to a maximum of twelve (12) feet in height as measured from average abutting grade to the peak of the roof.
 - ii.** A detached garage with a pitched or mansard roof is limited to a maximum of fifteen (15) feet in height as measured from average abutting grade to the peak of the roof.

- iii.** A detached garage with a pitched roof may be a maximum of eighteen (18) feet in height under the following conditions:

 - (A)** The maximum distance measured from the floor of the garage to the top of the exterior wall framing does not exceed nine (9) feet and four (4) inches.
 - (B)** Dormers or other projections outward from the plane of the roof do not exceed a height of twelve (12) feet above average abutting grade.
- iv.** A detached garage with a pitched roof may be a maximum of twenty (20) feet in height under the following conditions:

 - (A)** The pitch and the roof type of the garage roof equals the primary roof pitch and roof type of the principal structure subject to review by the Zoning Administrator.
 - (B)** The maximum distance measured from the floor of the garage to the top of the exterior wall framing does not exceed nine (9) feet and four (4) inches.
 - (C)** Dormers or other projections outward from the plane of the roof do not exceed a height of twelve (12) feet above average abutting grade.
- v.** A detached garage with a cross gable is limited to fifteen (15) feet in height above average abutting grade.
- b.** The area above the vehicle parking spaces in a detached garage may not contain a kitchen or sleeping area.
- c.** Detached garages on lots less than fifteen-thousand (15,000) square feet in lot area are limited to six-hundred (600) square feet in area. Detached garages on lots fifteen-thousand (15,000) square feet or more in lot area are limited to eight-hundred (800) square feet in area. However, a detached garage for a townhouse development in the R2 or R3 District is limited to four-hundred (400) square feet of area per dwelling unit. Request for relief from this section is treated as a special use. Additional area for detached garages above that permitted by this Ordinance is a special use.
- d.** No garage located in the R, R1, R2, or PCD-1 District shall contain spaces for more than four (4) vehicles.
- e.** Detached garages are permitted in the rear yard and must be located a minimum of three (3) feet from any lot line. Detached garages must be located a minimum of ten (10) feet from the principal building on a lot. These distances are measured from the finished walls of the structures.

J. Home Occupations

1. The home occupation must be conducted entirely within the dwelling unit and clearly incidental and secondary to the use of the dwelling for residential purposes.
2. A home occupation may not be established prior to the member(s) of the family who are conducting the home occupation taking possession of, and residing in, the dwelling.
3. No person other than a family member residing on the premises may be employed by or engaged in part of a home occupation.
4. Vehicular traffic and on-street parking must not be increased by the home occupation.
5. The receipt, sale or shipment of deliveries is not permitted on or from the premises, with the exception of regular U.S. Mail and/or an express shipping service that is characteristic of service to residential neighborhoods.
6. A home occupation must not generate noise, solid waste, vibration, glare, fumes, odors or electrical interference beyond what normally occurs in a residential use. No outside storage or display of materials, merchandise, inventory or heavy equipment is permitted.
7. No exterior alteration that changes the residential character of the principal building is permitted.
8. No home occupation may provide service or instruction simultaneously to a group of more than four (4) persons while such persons are present in the dwelling unit.
9. Any type of motor vehicle service and repair is a prohibited home occupation.
10. Day care homes are not considered a home occupation, but rather a principal use.

K. Mechanical Equipment

1. In all districts, all mechanical equipment including, but not limited to, heating, ventilating and air-conditioning (HVAC) units, may not be located in a required front yard, side yard adjoining a street or rear yard of a double-frontage lot. When located in an interior side yard or rear yard, such equipment may be no closer than ten (10) feet from a lot line.
2. All ground-based mechanical equipment that is located between the principal building and a street must be screened from the street by non-deciduous landscaping or conforming fencing.

3. Double-stacked mechanical equipment, i.e., condenser units stacked vertically, is prohibited for single-family, two-unit, townhouse/stacked flat dwellings in a residential district.
4. Any mechanical equipment located on the roof of any structure must be located at least six (6) feet from any supporting wall of the building to permit safe access to the roof, and must be screened by an architectural element of the roof .

L. Outdoor Fireplaces

1. The chimney height on an outdoor fireplace shall not exceed fifteen (15) above average abutting grade.
2. The outdoor fireplace may not be located in a required front yard, side yard adjoining a street, or rear yard of a double-frontage lot.
3. The outdoor fireplace shall comply with Chapter 3 of the Village Code.

M. Outdoor Kitchenettes

In all residential districts, outdoor kitchenettes must comply with the required front yard, side yard adjoining a street, and interior side yard setback requirements. When located entirely within the rear yard, an outdoor kitchenette may encroach no closer than three (3) feet to a lot line.

N. Outdoor Display and Sales Areas - Accessory

1. All business operations must be conducted within a completely enclosed building, except for the display, but not the sale, of plants or flowers in durable containers, or fresh fruits or vegetables, provided that the display is located within fifteen (15) feet of the principal building, is not located on public property or within a public right-of-way, and does not occupy or interfere with the use of required parking spaces and aisles.
2. Vending machines located outside of the principal building are prohibited.

O. Permanently Installed Stand-By Generators

1. The sound rating value of stand-by generators in any residential district is limited to seventy (70) decibels at the receiving lot line under normal load. The owner must maintain the generator so that this sound level is not exceeded during its operation. However, all permanently installed stand-by generators are exempt from the noise performance standard of this Ordinance when operated during power outages.
2. In a residential zoning district, an electrical stand-by generator must be installed a minimum of fifteen (15) feet from any side or rear lot line or five (5) feet from any side or rear lot line abutting a public alley. However, on a residential lot less than thirty

(30) feet in width, the generator may be installed at the point closest to equidistant between the side lot lines that does not interfere with ingress and egress to the dwelling or a garage. All such units must be installed at ground level only with exhaust ports oriented away from adjacent property.

3. In a non-residential zoning district, an electrical stand-by generator must be installed no less than five (5) feet from any lot line.
4. Permanent stand-by generators may be operated for testing purposes one (1) time for a period not to exceed thirty (30) minutes in any seven (7) day period. Testing of stand-by generators in all residential districts must take place between 9:00 a.m. and 11:00 a.m. Monday through Friday.
5. All permanent stand-by generators must be installed in accordance with the requirements of the Village Code.

P. Porches

1. Open porches may encroach six (6) feet into any required front, side yard adjoining a street or rear yard and two (2) feet into an interior side yard. Steps attached to open porches in any required front yard or side yard adjoining a street may encroach an additional three (3) feet from the edge of the porch, for a maximum encroachment of nine (9) feet (six (6) foot porch plus three (3) foot step encroachment).
2. Open porches may encroach two (2) feet into an interior side yard. Steps attached to open porches in an interior side yard may encroach three (3) feet into an interior side yard but in no event have a side yard setback of less than three (3) feet.
3. Porches may not cover more than ten percent (10%) of the front yard.
4. Stoops are not considered porches.

Q. Retaining Walls

1. Retaining walls must be located at least one (1) foot from any property line and shall not encroach into the required front yard or any public right-of way.
2. Retaining walls, including the terracing of retaining walls for landscaping effect, shall be limited to two (2) feet in height. Retaining walls over two (2) feet in height shall be permitted only if approved by the Village Engineer.
3. Retaining walls that exist as of the effective date of this Ordinance may be repaired and replaced, so long as there is no increase in height.

R. Satellite Dish Antennas

Regulations in this subsection are imposed to the extent permissible under the Over the Air Reception Device Rule (OTARD) of the Federal Communications Commission.

1. General Requirements

- a. Satellite dish antennas must be permanently installed on a building, in the ground or on a foundation, and not mounted on a portable or movable structure.
- b. Subject to operational requirements, the dish must be of a neutral color, such as white or grey, and blend with the surroundings as best as possible. No additional signs or advertising are permitted on the satellite dish itself, aside from the logos of the satellite dish service provider or dish manufacturer.
- c. Cables and lines serving ground-mounted satellite dish antennas must be located underground.
- d. Compliance with all federal, state and local regulations is required in the construction, installation and operation of satellite dish antennas.
- e. All exposed surfaces of the antenna must be kept clean and all supports must be painted to maintain a well-kept appearance.
- f. Antennas no longer in use must be removed.

2. Small Satellite Dish Antennas (One (1) Meter or Less in Diameter)

Small satellite dish antennas, which are one (1) meter or less in diameter (thirty-nine and three-eighths (39 3/8) inches), are subject to the general requirements of Paragraph 1 above. Every effort must be made to install small satellite dish antennas in locations that are not readily visible from neighboring properties or from the public right-of-way.

3. Large Satellite Dish Antennas (More than One (1) Meter in Diameter)

a. Residential Districts

- i. Large satellite dish antennas are permitted only in the rear yard of residential districts, and must be setback a distance from all lot lines that is equal to the height of the dish, but in no case less than five (5) feet from any lot line.
- ii. A large satellite dish antenna must be located and screened so that it cannot be readily seen from public streets or adjacent properties. Screening includes fences and landscape located to conceal the sides and rear of the

antenna and its support structure. Landscape must be, at minimum, five (5) feet tall at the time of installation.

b. Non-Residential Districts

- i. A large satellite dish antenna is permitted only in the rear or interior side yard and setback, and must be setback a distance from all lot lines that is equal to the height of the dish, but in no case less than five (5) feet from any lot line.
- ii. Roof-mounting is permitted only if the satellite dish antenna is in scale with the overall building mass and location, and must be screened by an architectural feature. The bottom of the satellite dish antenna may not be more than two (2) feet above the roof. The visible portion of the dish must not comprise more than twenty-five percent (25%) of the corresponding height or width of the screen.
- iii. Ground-mounted satellite dish antenna must provide screening, which includes fencing or landscape to accomplish the following:
 - (A) All ground-mounted accessory equipment and the lower part of the support structure must be completely screened.
 - (B) Where feasible, trees must be installed to the side and rear of the antenna and at a height/elevation equal to the tallest portion of the dish.

S. Sheds and Greenhouses

1. Sheds and greenhouses may not be located in a required front yard, side yard adjoining a street, interior side yard or rear yard of a double-frontage lot. When located in a rear yard, sheds and greenhouses may be no closer than three (3) feet from a lot line.
2. Sheds and greenhouses must be located a minimum of ten (10) feet from the principal building and a minimum of four (4) feet from any other roofed accessory structure.
3. The structures are limited to ten (10) feet in height.

T. Solar Energy Systems

1. A solar energy system is subject to the following development and design standards:

- a. A solar energy system may be building- or ground-mounted, or integrated into a building.
- b. Solar panels must be placed so that concentrated solar radiation or glare is not directed onto nearby properties or roadways.
- c. All power transmission lines from a ground-mounted solar energy system to any structure must be located underground.
- d. Advertising, including signs, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials are prohibited. Only manufacturer and equipment information, warning signs or ownership information is permitted on any equipment of the solar energy system.
- e. A solar energy system connected to the utility grid must provide written authorization from the local utility company acknowledging and approving such connection.

2. Building-Mounted Systems

- a. A building mounted system may be mounted on a principal building or accessory structure in the following locations:
 - i. When mounted on a roof:
 - (A) The solar panel system is limited to one (1) foot above the maximum building height of the zoning district for the building type (principal building or accessory structure). Height is measured from the roof surface on which the system is mounted to the highest edge of the system.
 - (B) The solar panel system must meet the required setbacks of the structure it is placed upon.
 - (C).1 The panels should be located no higher than three (3) feet below the ridge to allow for smoke ventilation.
 - (C).2 Panels should be located in a manner that provides one (1) three-foot (3') wide clear access pathway from eave to the ridge on each roof slope where modules are located. Modules adjacent to a Hip or Valley shall provide one and a half (1.5) foot of clearance on both faces if modules are located on both sides, but may be placed directly adjacent to a hip or valley if modules only occupy one (1) side.
 - (C).3 A three (3) foot perimeter should be observed around a solar panel system places on a flat roof, pitch 2:12 or less.

(D) The Fire Chief or his/her designee may grant exceptions to the requirements contained under Section T.2.a.i.(C).1, 2 and 3 above where access, pathway or ventilation requirements are reduced to:

- Proximity and type of adjacent exposures.
- Alternative access opportunities (as from adjoining roofs).
- Ground level access to the roof area in question.
- Adequate ventilation opportunities beneath solar array (as with significantly elevated or widely-spaced arrays).
- Adequate ventilation opportunities afforded by module set back from other rooftop equipment (example: shading or structural constraints may leave significant areas open for ventilation near HVAC equipment.)
- Automatic ventilation device.
- New technology, methods, or other circumstances that ensure adequate fire department access, pathways and ventilation opportunities.

ii. When mounted on a façade:

(A) Side and rear building facades.

(B) Front or corner building facades provided that systems are simultaneously used to shade the structure's windows.

(C) Solar panels may project up to two (2) feet from a façade.

2. Building Integrated Photovoltaic Solar Energy Systems

Building integrated photovoltaic solar energy systems will be allowed on all building facades and roof sides provided the building component in which the system is integrated meets all required setbacks for the district in which the building is located.

3. Free Standing Systems

a. A free standing system is permitted only in the rear yard and must be setback a minimum of five (5) feet from any lot line.

- b. A free standing system must not exceed the maximum fifteen (15) feet above adjacent grade.
- c. Single-family residential lots twenty thousand (20,000) square feet or less in size are limited to a total of one-hundred (100) square feet in area of panels. Single-family residential lots over twenty thousand (20,000) square feet are limited to a total of two-hundred (200) square feet in area of panels.

U. Swimming Pools, Spas and Hot Tubs

All swimming pools, spas, and hot tubs must be reviewed and approved in administrative zoning review, and must comply with the requirements of the Village and the following standards:

1. Swimming pools, spas, hot tubs and related pumping and filtering equipment are permitted in the rear yard. The swimming pool, spa, hot tub or related equipment shall not be located between the principal building and a street.
2. The pumping and filtering equipment must be located fifteen (15) feet from any lot line. However, on a lot that is less than thirty-five (35) feet wide, such equipment may be installed at a point approximately equidistant from the side lot lines.
3. The swimming pool, spa, hot tub and all related equipment must be sited to meet the following standards:
 - a. Water will not drain onto adjacent properties.
 - b. There is minimal visual and noise impact on adjacent properties.
 - c. All lighting for the swimming pool, spa or hot tub is oriented away from or shielded from adjacent properties.

V. Tents

Small tents customarily used for recreational purposes are permitted and must be located in the rear yard. Tents for entertainment, promotional or assembly purposes are permitted as an accessory use for no longer than five (5) days and must be in conjunction with a special event of a use located on the same lot. Tents must be removed within two (2) days of the end of the event for which it was erected, but in no case may a tent be in place for longer than five (5) days. Unless waived in writing by the Zoning Administrator, every tent shall comply with the bulk requirements applicable to accessory structures. Additionally, the size and location of tents may be restricted where it is determined that it creates parking and/or access problems on the site.

W. Tree Houses, Play Houses and Play Ground Equipment

1. Tree houses and play houses may not be located in a required front yard, side yard adjoining a street, interior side yard or rear yard of a double-frontage lot. When located in a rear yard, tree houses and play houses may be no closer than three (3) feet from a lot line.
2. Tree houses and play houses are limited to fifteen (15) feet in height above adjacent grade and may not exceed one-hundred fifty (150) square feet in area.
3. Play houses must be located a minimum of ten (10) feet from the principal building and a minimum of four (4) feet from any other roofed accessory structure.

X. Unusual Recreation Equipment

1. The installation and character of the equipment must reflect the scale and location of facilities generally accepted as usual and customary in single-family districts.
2. The level and duration of noise produced by the use of such equipment must reflect that which is accepted as usual and customary in single-family neighborhoods.

Y. Wind Turbines

1. General Requirements

- a. The sound levels of the wind turbine may not exceed the decibel sound limits in the zoning district in which the wind turbine is located.
- b. Wind turbines must be sited in a manner that does not result in significant shadow flicker impacts. Significant shadow flicker is defined as more than thirty (30) hours per year on abutting occupied buildings. The applicant has the burden of proving that the shadow flicker will not have significant adverse impact on neighboring or adjacent uses. Potential shadow flicker must be addressed either through siting or mitigation measures.
- c. Advertising, including signs, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials are prohibited. Only manufacturer and equipment information, warning signs or ownership information is permitted on the wind turbine and equipment.
- d. A wind turbine connected to the utility grid must provide written authorization from the local utility company acknowledging and approving such connection.
- e. The wind turbine must comply with all applicable Federal Aviation Administration (FAA) regulations and all state and local regulations.

2. Building-Mounted Wind Turbines

Wind turbines may be mounted on principal buildings and accessory structures, subject to the following:

- a.** The maximum height of any wind turbine mounted on a detached accessory structure or upon a principal structure is the height limit of the applicable zoning district.
- b.** The maximum height is calculated as the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore is calculated measuring the length of a blade at maximum vertical rotation to the base of the tower.
- c.** No portion of exposed turbine blades may be within twenty (20) feet of the ground. Unexposed turbine blades may be within ten (10) feet of the ground. Blades and tail vane must be a minimum of ten (10) feet from utility lines in all wind directions.

3. Ground-Mounted Systems

- a.** The maximum height of any ground-mounted wind turbine (a tower) is the height limit of the applicable zoning district. Additional height may be granted as a special use if the tower needs additional height to exceed the tree canopy.
- b.** The maximum height of any ground-mounted wind energy system is measured from grade to the length of a prop at maximum vertical rotation.
- c.** No portion of exposed turbine blades may be within twenty (20) feet of the ground. Unexposed turbine blades may be within ten (10) feet of the ground. Blades and tail vane must be a minimum of ten (10) feet from utility lines in all wind directions.
- d.** Ground-mounted wind turbines may be located in the rear yard only. A ground-mounted tower must be set back from all lot lines equal to one-hundred ten percent (110%) of the height of the tower. Additional equipment outside of the tower, including guy wire anchors, must be ten (10) feet from any lot line.
- e.** To reduce the visual impacts of a tower, the following standards must be met:
 - i.** The applicant must demonstrate that the wind turbine's visual impact will be minimized for surrounding neighbors and the community. This may include, but is not limited to, siting, wind generator design or appearance, buffering, and screening of ground-mounted electrical and control equipment.

- ii. The color of the small wind energy system must either be the stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends in with the surrounding environment. Approved colors include, but are not limited to, white, off-white or gray.
- iii. Artificial lighting is prohibited unless such lighting is required by the Federal Aviation Administration (FAA).
- iv. All electrical wires associated with a ground-mounted wind turbine, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, must be located underground.

Z. Window Wells

- 1. Window wells may encroach up to three (3) feet into any yard but no closer than two (2) feet from a lot line.
- 2. When more than one (1) window well is installed along a wall, each shall be separated at least three (3) feet from one another.
- 3. Window wells shall comply with the provisions of the building code for an emergency escape window.

13.5 PERMITTED ENCROACHMENTS

- A. An encroachment is the extension or placement of any structure or building, or component of such, into a required yard. Additional restrictions on permitted encroachments, including additional location requirements and dimensional regulations, can be found in Section 13.4 (Accessory Structures and Uses) above and are referenced within the following table. Permitted encroachments are found in Table 13-2: Permitted Encroachments.
- B. All encroachments must be a minimum of three (3) feet from all lot lines, except for arbors, awnings, driveways, eaves, fences, retaining walls, sidewalks, signs, trellises, and window wells.
- C. All encroachments shall be measured from the finished exterior face or edge of the component to the lot line.

Village of Wilmette Zoning Ordinance

VILLAGE OF WILMETTE, ILLINOIS TABLE 13-2: PERMITTED ENCROACHMENTS X= Permitted // Blank = Not Permitted			
TYPE OF ENCROACHMENT	YARD WHERE PERMITTED		
	FRONT YARD & SIDE YARD ADJOINING A STREET	INTERIOR SIDE YARD	REAR YARD
Accessibility Ramp - No more than 5' into required front, side adjoining a street or rear yard, and no more than 3' into required side yard	X	X	X
Amateur (HAM) Radio Equipment - Subject to Section 13.4.B			X
Arbor or Trellis - Subject to Section 13.4.C	X	X	X
Architectural Features - On principal structure - No more than 2' into a required yard	X	X	X
Artificial Turf - No closer than 3' to any lot line		X	X
Awning & Canopy (Residential Use) - No more than 4' into required front, side yard adjoining a street or rear yard, and no more than 2' into required side yard	X	X	X
Awning & Canopy (Commercial Use) - Minimum clearance above grade of 7'6" - Subject to Article 16 Signs	X	X	X
Balcony - No more than 5' into a required yard			X
Bay Window - Must be located at least 2' above ground - No more than 3' into required yard - Must not have a width greater than 50% of the room of which it is a part	X	X	X
Chimney - No more than 2' into a required yard	X	X	X
Deck, no more than 2' above adjacent grade - No closer than 3' to any lot line - Must not cover more than 10% of the front yard	X	X	X
Deck, 2' or more above adjacent grade - No more than 4' into a required front, side yard adjoining a street or rear yard and no more than 2' into a required side yard - Must not cover more than 10% of the front yard	X	X	X
Driveway	X	X	X
Eaves - Subject to Section 13.4.G	X	X	X
Emergency (Fall-Out) Shelter - Must be 10' from any lot line			X
Farm and Garden Crops - 3' from any lot line	X	X	X
Fence - Subject to Section 13.4.H	X	X	X
Fire Escape and Exterior Stairwell - No more than 5' into a required front, side yard adjoining a street or rear yard, and no more than 3' into a side yard	X	X	X

Village of Wilmette Zoning Ordinance

VILLAGE OF WILMETTE, ILLINOIS TABLE 13-2: PERMITTED ENCROACHMENTS X= Permitted // Blank = Not Permitted			
TYPE OF ENCROACHMENT	YARD WHERE PERMITTED		
	FRONT YARD & SIDE YARD ADJOINING A STREET	INTERIOR SIDE YARD	REAR YARD
Flagpole - No more than 1 per zoning lot - Not to exceed 15' in height	X	X	X
Garages, Detached - Subject to Section 13.4.I			X
Gazebo and Detached Pergola			X
Laundry Clothesline - 3' from a lot line		X	X
Loading Berth - Must be open to the sky		X	X
Mechanical Equipment - Subject to Section 13.4.K		X	X
Ornamental Lighting, Lamp Posts, & Lawn Decorations (Benches, statues, birdbaths, sculptures, etc.) - Subject to view obstruction and exterior lighting regulations - 3' from a lot line - Lighting subject to Section 13.3	X	X	X
Outdoor Fireplace - 5' from a lot line - Subject to Section 13.4.L			X
Outdoor Kitchenette - 3' from a lot line - Subject to Section 13.4.M			X
Parking Space - In residential districts, open to the sky and encroaching no closer than 5' from a lot line			X
Parking Space - In non-residential districts, open to the sky and encroaching no closer than 5' from a lot line	Only in PCD Districts See Section 14.4.B.3	X	X
Patio, less than 2' above adjacent grade - No more than 3' from any lot line - Must not cover more than 10% of the front yard	X	X	X
Patio, 2' or more above adjacent grade - No more than 4' into a required front, side yard adjoining a street or rear yard and no more than 2' into a required side yard - Must not cover more than 10% of the front yard	X	X	X
Permanently Installed Stand-By Generator - Subject to Section 13.4.O		X	X
Porch, Open - Subject to Section 13.4.P - Replacement of non-conforming porches, see Section 17.4.B.2	X	X	X
Porch Steps (Open Porch) - Subject to Section 13.4.P - Replacement of non-conforming porch steps, see Section 17.4.B.2	X	X	X

Village of Wilmette Zoning Ordinance

VILLAGE OF WILMETTE, ILLINOIS TABLE 13-2: PERMITTED ENCROACHMENTS X= Permitted // Blank = Not Permitted			
TYPE OF ENCROACHMENT	YARD WHERE PERMITTED		
	FRONT YARD & SIDE YARD ADJOINING A STREET	INTERIOR SIDE YARD	REAR YARD
Recreational Equipment (Includes Sport Courts) - Does not include equipment located on park/playground, school or day care center site - Must be 3' from any lot line - Prohibited in the front yard - Portable basketball standards & backboards are permitted in all yards			X
Retaining Walls - Subject to Section 13.4.Q	X	X	X
Satellite Dish Antenna (1 meter or less in diameter) - Subject to Section 13.4.R	X	X	X
Satellite Dish Antenna (More than 1 meter in diameter) - Subject to Section 13.4.R		X – Non-Residential Districts	X
Sidewalk & Private Walkway - Steps that are part of a sidewalk or walkway that follows the topography of a property shall be treated as part of the sidewalk or walkway for setback purposes.	X	X	X
Sheds and Greenhouses - Subject to Section 13.4.S			X
Signs - Subject to Article 16	X	X	X
Solar Panels (Façade-Mounted) - Subject to Section 13.4.T	X	X	X
Solar Panels (Ground-Mounted) - Subject to Section 13.4.T			X
Steps and Stoops (Excludes Open Porch Steps) - No more than 5' into required front, side yard adjoining a street or rear yard and no more than 3' into required interior side yard - Replacement of non-conforming steps or stoops, see Section 17.4.B.2	X	X	X
Swimming Pool, Spa or Hot Tub - No closer than three (3) feet from a lot line, except that the pool shall be setback one (1) additional foot for each foot that the pool projects above grade. - Subject to Section 13.4.U			X
Tree House, Play House - Subject to Section 13.4.W			X
Walls - Subject to Section 13.4.H.3		X	X
Water Garden - 5 feet from a lot line			X
Wind Turbine (Ground-Mounted) - Subject to Section 13.4.Y			X
Window Well - Subject to Section 13.4.Z	X	X	X

C. Height Encroachments

The following structures and equipment that project upward from the roof of the principal building on the lot may be erected up to the designated number of feet above the basic height limit for the zoning district:

1. Chimneys and firewalls: three (3) feet above the height limit.
2. Skylights, ventilation fans, and heating and air conditioning equipment: six (6) feet above the height limit.
3. Elevator and stairway housings: twelve (12) feet above the height limit.
4. Parapets: two (2) feet above the height limit.
5. Solar panels: one (1) foot above the height limit.

13.6 TEMPORARY USES AND STRUCTURES

Temporary uses and structures may be approved either by the Zoning Administrator or the Village Board in accordance with this section.

A. Temporary Use or Structure Permit

1. Any temporary use or structure requires a temporary use or structure permit issued by the Zoning Administrator or Village Board, as appropriate. This permit does not override or substitute for any other section of this Ordinance or the Village Code that requires another type of permit, certificate or approval for the use or structure.
2. An application for a temporary use or structure permit must be filed with Zoning Administrator.
3. A temporary use or structure permit is valid for a period of no more than six (6) months. An applicant may request an extension of the permit period by filing a letter stating the reasons for the request with the Zoning Administrator. The Zoning Administrator will transmit the letter to the Village Board, who, at a regular meeting, may grant the request for good cause shown by the applicant.
4. An applicant who requests a temporary permit for a structure or use of more than five (5) days must give written notice to the owners and occupants of lots within two-hundred and fifty (250) feet of the property lines of the lot for which the application has been filed, to be delivered by hand or by mail in accordance with the notice requirements of Section 4.3 (Notice).
5. The Zoning Administrator may require an applicant to give written notice for a structure or activity that will continue for five (5) days or less when the Zoning

Administrator reasonably determines that the proposed structure or activity is of such scope or magnitude that it will impact the surrounding neighborhood due to temporarily increased traffic, parking, noise, artificial sound or lighting, or other effects warranting prior notice to affected properties.

6. In issuing a temporary use or structure permit, the Zoning Administrator or Village Board, as applicable, may attach additional conditions to the issuance of the permit as are deemed appropriate and necessary to achieve the purposes of this Ordinance.

B. Temporary Uses and Structures Subject to Administrative Approval

The Zoning Administrator may issue a temporary use or structure permit for the following temporary uses and structures:

1. A temporary use that is conducted entirely indoors for no more than five (5) days, upon finding that the temporary use complies with all other Village ordinances and will not be noticeable outside of the structure in which it is conducted.
2. A temporary construction trailer or an equipment storage shed, provided that:
 - a. The trailer or shed is accessory to the construction of a building or other development.
 - b. The trailer or shed is located on the same lot as the building or development.
 - c. The trailer or shed remains on the property no longer than the time of the construction but not longer than six (6) months.
 - d. The trailer or shed will be located no closer than twenty (20) feet from any other property located in a residential district.
 - e. The trailer or shed will be located no closer than three (3) feet from any lot line.
3. Commercial film production, conducted in accordance with the Village Code.
4. Any temporary use or structure substantially similar to any temporary use or structure under 13.6.C that has been approved by the Village Board a minimum of three (3) times consecutively in the immediate past ten (10) years that such a request has been made. Such requests that require public notice under Section 4.3.B.4 may be approved by the Zoning Administrator without notice provided they have been previously approved by the Village Board as described above. Such administrative approval is at the discretion of the Zoning Administrator.

C. Temporary Uses and Structures Subject to Village Board Approval

The Village Board may issue a temporary use or structure permit for the following temporary uses, and any other temporary uses and structures not otherwise specified in this section:

1. Any temporary use or structure that continues for more than five (5) days.
2. Construction trailers and equipment storage sheds that do not comply with one or more requirements of 13.6.B. above.
3. Christmas tree sales lots, provided that:
 - a. The use is located on a lot that fronts a collector or arterial street.
 - b. The use is located on a vacant lot or parking area.
 - c. The trees are located at least fifty (50) feet from any structure on another lot.
 - d. Trees remaining on hand after December 25 must be removed from the premises no later than December 31 of the same year.
 - e. A refundable bond, in an amount established by the Village, is posted with the Village.
4. Carnivals/circuses, provided that:
 - a. Trailers and other equipment do not block driveways or other points of emergency vehicular access to any property.
 - b. Trailers and other equipment do not block a public street, alley or sidewalk.
 - c. The operation will be located entirely on private property.
5. The following temporary retail uses:
 - a. Vendors' carts and stalls, based on the adequacy of traffic access and the absence of undue adverse impact on other properties.
 - b. Art, craft, book, and produce/farmers markets.
 - c. Sidewalk sales.
 - d. Garage and yard sales not to exceed a total of five (5) days per calendar year.
6. Tents used for public assembly, display or sales in excess of five (5) days.

13.7 ENVIRONMENTAL PERFORMANCE STANDARDS

All uses and activities must comply with the environmental performance standards established in this section unless any federal, state, county or local law, ordinance or regulation establishes a more restrictive standard, in which case, the more restrictive standard applies.

A. Noise

1. No activity may generate a level of sound on another property greater than that allowed under the Noise Regulations of the State of Illinois, adopted by the State Pollution Control Board pursuant to the Environmental Protection Act, as amended.
2. No activity may generate a level of sound on another property that violates any applicable provision of Chapter 14 (Nuisances) of the Village Code.
3. No activity, other than those specified in Paragraph 4 below, may be conducted in such a manner that it generates a level of sound on another property which is greater than the A-weighted sound level set forth in Table 13-3: A-Weighted Sound Limits.

VILLAGE OF WILMETTE, ILLINOIS TABLE 13-3: A-WEIGHTED SOUND LIMITS				
DISTRICT	CLASSIFICATION	OF	TIME OF DAY	MAXIMUM A-WEIGHTED SOUND LEVEL
RECEIVING PROPERTY				
RESIDENTIAL DISTRICTS			7:00 a.m. to 7:00 p.m.	50 dB(A)
			7:00 p.m. to 7:00 a.m.	45 dB(A)
NON-RESIDENTIAL DISTRICTS			7:00 a.m. to 7:00 p.m.	60 dB(A)
			7:00 p.m. to 7:00 a.m.	55 dB(A)

4. The limits set forth in Table 13-3 do not apply to the following:
 - a. Noises not directly under the control of the owner or occupant of the property.
 - b. Noises emanating from construction, repair and maintenance activities pursuant to the Village Code.
 - c. Noises emanating from safety signals, warning devices, and emergency pressure relief valves.
 - d. Transient noises emanating from moving sources, such as trucks, automobiles, airplanes and railroads.
 - e. Noises emanating from heating, ventilation, or air conditioning equipment provided the size of the equipment does not exceed five (5) tons.

- f. Noises emanating from permanently installed stand-by generators conducting weekly testing in accordance with this Ordinance and operating in normal mode during a power outage.

B. Glare and Heat

1. No activity may be conducted so that direct or indirect illumination from a source of light causes illumination in excess of one half (0.5) foot-candles, as measured at the receiving lot line of any district.
2. However, when street lighting produces illumination in excess of one (1) foot-candle at a particular point in a residential zoning district, the contribution by light sources from any property in a non-residential zoning district, as measured at the same point, must not exceed fifty percent (50%) of the street lighting.
3. Flickering or intense sources of light must be controlled or shielded so as not to cross lot lines.
4. No heat from any operations of any use may be detectable at any point off the zoning lot on which the use is located.

C. Vibration

No earthborn vibration from any operations of any use may be detectable at any point off the zoning lot on which the use is located.

D. Air Pollution and Odor

1. Any activity that involves the emission of smoke, particulate matter or other air pollutants must comply with all applicable standards set forth by state and federal statutes and regulations regarding the emission of air pollutants. Any such land use or other activity must also obtain and maintain all necessary licenses and permits from the appropriate state and federal agencies, such as the United States Environmental Protection Agency and the Illinois Environmental Protection Agency.
2. No activity may be conducted in such a manner that it generates any odor that violates Chapter 14 (Nuisances) of the Village Code.

E. Electromagnetic Interference

Electromagnetic interference from any operations of any activity must not adversely affect the operation of any equipment located off the zoning lot.

F. Fire and Explosive Hazards

1. All flammable solid, liquid and gaseous substances must be stored and used in accordance with all applicable federal, state, and local statutes and regulations.
2. The storage or use of solid materials or products ranging from incombustible to moderate burning is permitted in non-residential districts only.
3. The storage or use of solid materials or products ranging from free or active burning to intense burning is permitted in non-residential districts only, provided that either one (1) of the following two (2) conditions is met:
 - a. Solid materials or products must be stored and used within completely enclosed buildings having no less than two (2) hour fire resistant exterior walls and protected with an automatic fire extinguishing system.
 - b. Solid materials or products stored outdoors must be a minimum of fifty (50) feet from the nearest lot line.
4. The storage or use of flammable liquids is permitted in conjunction with any non-residential use up to the amounts set forth in Table 13-4: Total Capacity of Flammable Materials, exclusive of storage of finished products in original sealed containers, which is unrestricted. When flammable gases are stored or used, and measured in cubic feet, the quantity in cubic feet at standard temperature and pressure must not exceed thirty (30) times the quantities listed in Table 13-4.

VILLAGE OF WILMETTE, ILLINOIS TABLE 13-4: TOTAL CAPACITY OF FLAMMABLE MATERIALS		
CLOSED CUP FLASH POINT RANGE FOR MATERIAL	ABOVE GROUND	UNDERGROUND
188 TO 300°F	5,000 Gallons	20,000 Gallons
105 TO 187°F	2,500 Gallons	15,000 Gallons
LESS THAN 105°F	1,000 Gallons	10,000 Gallons

5. Storage tanks for flammable liquids and gasses must be a minimum of fifty (50) feet from any lot line.
6. Any activity involving the storage or use of materials or products that decompose by detonation is prohibited in any district, unless specifically licensed by the Village. Such materials include, but are not limited to, the following:
 - a. All primary explosives, such as lead azide, lead styphnate, fulminates, and tetracene.
 - b. All high explosives, such as TNT, RDX, HMX, PETN, and picric acid.

- c. Propellants, and the components thereof, such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives.
- d. Pyrotechnics and fireworks, such as magnesium powder, potassium chlorate, and potassium nitrate.
- e. Blasting explosives, such as dynamite and nitroglycerine.
- f. Unstable organic compounds, such as acetylides, tetrazoles, and perchloric acid.
- g. Perchlorates.
- h. Chlorates.
- i. Hydrogen peroxide in concentrations greater than thirty-five percent (35%).
- j. Nuclear fuels, fissionable materials, and products and reactor elements, such as Uranium 235 and Plutonium 239.

G. Special Hazards

Any activity that involves the use of toxic, hazardous or radioactive materials must comply with all applicable standards set forth in state and federal statutes and regulations regarding the use, storage, transportation, emission, and disposal of such materials. Any such activity must obtain and maintain all necessary licenses and permits from the appropriate State and Federal agencies, such as the United States Environmental Protection Agency, the Illinois Environmental Protection Agency, and the Illinois Department of Nuclear Safety.

ARTICLE 14. OFF-STREET PARKING & LOADING

14.1 PURPOSE

The off-street parking and loading regulations of this Article are intended to provide accessible, attractive, secure and well-maintained off-street parking and loading areas with the appropriate number of spaces in proportion to the needs of the proposed use, increase public safety by reducing congestion of public streets, and encourage the use of alternative modes of transportation where appropriate.

14.2 GENERAL PROVISIONS

The provisions of this Article apply as follows:

A. Existing Facilities

1. The existing number of off-street parking and loading spaces must not be reduced below the requirements of this Article. If the number of such existing spaces is already less than the requirements of this Article, it cannot be further reduced.
2. Existing off-street parking and loading areas that do not conform to the requirements of this Article, but were in conformance with the requirements of this Ordinance at the time the parking or loading facilities were established, are permitted to continue as a legal non-conforming structure.
3. If a building permit for a structure was lawfully issued prior to the effective date of this Ordinance, and if construction has begun within one-hundred eighty (180) days of the issuance of a permit, the number of off-street parking and loading spaces must be provided in the amount required for the issuance of said building permit, regardless of what may be required by this Article.

B. Damage or Destruction

When a building is reconstructed or repaired after being damaged or destroyed, off-street parking and loading facilities must be restored or maintained in an amount equivalent to that at the time of such damage or destruction. However, it is not necessary to restore or maintain parking and loading facilities in excess of the applicable requirements of this Article.

C. Change in Land Use

When the existing use of a structure or land is changed to a new use, parking and loading spaces must be provided as required for the new use. Additional parking or loading spaces are required in the amount by which the requirements for the new use exceed the requirements for the existing use.

D. Change in Intensity of Use

1. When the intensity of use of any structure or land is increased, additional parking and loading spaces must be provided. The number of additional parking and loading spaces are based on the increase in the number of dwelling units, gross floor area, seating capacity, or other unit of measurement used to calculate the required number of parking or loading spaces.
2. When the intensity of use of any structure or land is decreased, the number of parking and loading spaces may be reduced so long as the parking requirements of this Article are met for the entire structure or land as modified.

E. Provision of Additional Spaces

Nothing in this Article prevents the voluntary establishment of additional off-street parking or loading facilities in all districts except for VC, provided that all regulations governing the location, design and control of such facilities are in accordance with this Article.

F. Limitations on Use

Motor vehicle repair or cleaning of any kind is prohibited in any parking space, parking lot, or loading berth.

14.3 COMPUTATION

The total number of required parking and loading spaces is based upon the requirements for the principal use of the lot. However, when more than one (1) use occupies the same lot, the number of required spaces is the sum of the separate requirements for each use. All off-street parking facilities must be completed before occupancy of the structure. In computing the number of off-street parking or loading spaces required by this Article, the following standards for computation apply:

- A. Space allocated to any off-street loading space does not satisfy the requirement for any off-street parking space or access aisle, or portion thereof. Conversely, the area allocated to any off-street parking space cannot be used to satisfy the replacement for any off-street loading space or portion thereof.
- B. A fraction of less than one-half ($\frac{1}{2}$) may be disregarded, and a fraction of one-half ($\frac{1}{2}$) or more is counted as one (1) parking or loading space.
- C. In places of assembly in which patrons or spectators occupy benches, pews or similar seating facilities, each twenty-four (24) inches of such seating facility is counted as one (1) seat for the purpose of determining the requirement for off-street parking facilities. Floor area of a prayer hall is counted as one (1) seat per marked prayer mat space or one

- (1) seat for every five (5) square feet in the prayer hall if prayer mat spaces are not marked.
- D.** Except as otherwise specified, parking or loading spaces required on an employee basis is based on the maximum number of employees normally present on the premises at any one time. When the determination of the number of parking spaces is based on the number of employees, the owner and/or manager is counted as an employee(s).
- E.** For the purpose of determining off-street parking and loading requirements, floor area shall mean the sum of the gross horizontal floor area (GFA) of the several floors of a building measured from the interior faces of the exterior walls, excluding areas used for the storage of merchandise or materials, mechanical equipment rooms, rest rooms, and areas used for off-street parking and loading and related aisles, ramps, and maneuvering space.
- F.** In the VC District, each non-residential use containing a total gross floor area (GFA) of two-thousand five-hundred (2,500) square feet or less is exempt from all off-street parking requirements. Non-residential uses in excess of two-thousand five-hundred (2,500) square feet floor area and all residential uses shall provide parking according to the requirements of Article 14 (Off-Street Parking and Loading).
- G.** Any off-street parking space occupied by a vehicle for sale or lease or occupied by a fleet vehicle kept on a non-residential property by the owner or occupant of the property, shall not be counted toward the number of parking spaces required under this Article.
- H.** Up to two (2) off-street parking spaces designated for the parking of car-sharing vehicles may be counted toward the number of parking spaces required under this Article.

14.4 LOCATION OF OFF-STREET PARKING SPACES

A. Residential Uses

- 1.** All required parking spaces for residential uses must be located on the same lot as the structure.
- 2.** A single-family dwelling existing as of the date of this Ordinance with two (2) or more enclosed parking spaces must maintain at least two (2) enclosed parking spaces.
- 3.** New single-family dwellings and two-unit dwellings must provide enclosed parking spaces for each required parking space within the principal building or in a detached garage.
- 4.** Open parking spaces are not permitted in a required front yard or side yard adjoining a street. Open spaces must maintain a minimum of five (5) feet from a side or rear lot line.

5. The maximum number of open and enclosed parking spaces for a single-family dwelling are as follows:
 - a. A lot area less than fifteen-thousand (15,000) square feet: Four (4) spaces
 - b. A lot area of fifteen-thousand (15,000) to nineteen-thousand nine-hundred ninety-nine (19,999) square feet: Six (6) spaces
 - c. A lot area of twenty-thousand (20,000) to twenty-nine thousand nine-hundred ninety-nine (29,999) s.f.: Eight (8) spaces
 - d. A lot area of thirty-thousand (30,000) s.f. or more: Ten (10) spaces
6. Tandem parking is permitted for residential dwellings but both spaces must be allotted to the same dwelling unit and located on the same lot as the dwelling served. Tandem spaces shall not count as more than one (1) required parking space except for multi-family dwellings where the number of required spaces exceeds one (1) per dwelling unit.
7. At least fifty percent (50%) of all parking spaces required for townhouse/stacked flat and multi-family dwellings must be enclosed within the principal building or within a detached garage on the subject property.
8. In the NR-1 district, no parking lot or enclosed parking area located at or above grade may be located within twenty-five (25) feet of a lot line adjoining Fourth Street or Linden Avenue.

B. Non-Residential Uses

1. All required off-street parking facilities for non-residential uses must be located on the same lot as the structure. However, off-street parking may be located within three-hundred (300) feet walking distance of a use when the following conditions are met:
 - a. The parking facility is located in a zoning district where allowed as a permitted use or special use.
 - b. The parking facility is located on a lot owned by the same party as the use to be served or is secured by long term lease containing a 20 year deed restriction upon the use of the facility limiting the use of the facility to parking for the purpose intended.
 - c. A covenant running with the land and prohibiting any other use of the lot, naming the Village as a beneficiary of the covenant and subject to the review and approval of the Village, is recorded in the office of the Recorder of Deeds of Cook County for the lot on which the parking facility is located. A copy of

the recorded covenant, certified by the Recorder of Deeds or Registrar of Titles, must be filed with the Zoning Administrator.

- d. The required covenant above will not be released until such time as one (1) of the following conditions occurs:
 - i. The use served by the required off-street parking is terminated and/or the structure housing that use is removed.
 - ii. The required off-street parking is provided on the same lot as the use served.
 - iii. Another facility meeting all these requirements is used to provide the required parking.
2. The use may provide valet service to a parking facility with no distance restriction.
3. Off-street parking spaces are permitted within the rear, interior side or side yard adjoining a street and are subject to buffer yard standards of Section 14.10 (Buffer Yards) in all non-residential districts. Off-street parking spaces are permitted in the front yard only in the Planned Commercial Development Districts.
4. An open off-street parking space serving a non-residential use must be located a minimum of five (5) feet from any lot line.
5. In the NR-1 district, no parking lot or enclosed parking area located at or above grade may be located within twenty-five (25) feet of a lot line adjoining Fourth Street or Linden Avenue.

14.5 DESIGN STANDARDS

All off-street parking facilities must comply with the following standards:

A. Dimensions

Off-street parking spaces must be designed in accordance with Figure 14-1: Off-Street Parking Dimensions. All off-street parking spaces shall have a minimum width of eight-and-one-half (8½) feet. All off-street parking spaces shall have a minimum depth of eighteen (18) feet. All parking spaces require a minimum vertical clearance of seven (7) feet.

The required eighteen (18) foot length may include up to two (2) feet of abutting space in a vegetative buffer or landscaped area over which a parked vehicle may extend, provided that no parked vehicle will project over a sidewalk or other pedestrian walkway.

B. Access

1. Each off-street space must open directly upon an aisle or driveway of such width to provide adequate means of vehicular access to the parking space. All off-street parking facilities must provide vehicular access in a manner that least interferes with traffic movement and allows the driver of the vehicle to proceed forward into traffic rather than back out. No off-street parking space may open directly onto a street or alley.
2. All required off-street parking facilities must have vehicular access from a street, alley, driveway or cross-access connection.
3. Within off-street parking facilities, all aisles must be designed in accordance with Figure 14-1: Off-Street Parking Dimensions.
4. Section 10.8 includes additional requirements for on-site parking access and design in the VC district.

5. Multi-Family, Townhouse/Stacked Flat and Non-Residential Driveways

- a. Driveways, off-street parking areas and access aisles for multi-family residential and non-residential parking lots must be designed in accordance with Figure 14-1: Off-Street Parking Dimensions.
- b. Any driveway located in a non-residential district that provides direct vehicular access into a lot from an arterial street or collector must be located at least twenty-five (25) feet from any other driveway or curb-cut located on the same side of the street and at least sixty-five (65) feet from any street intersection, as measured along the edge of the pavement.

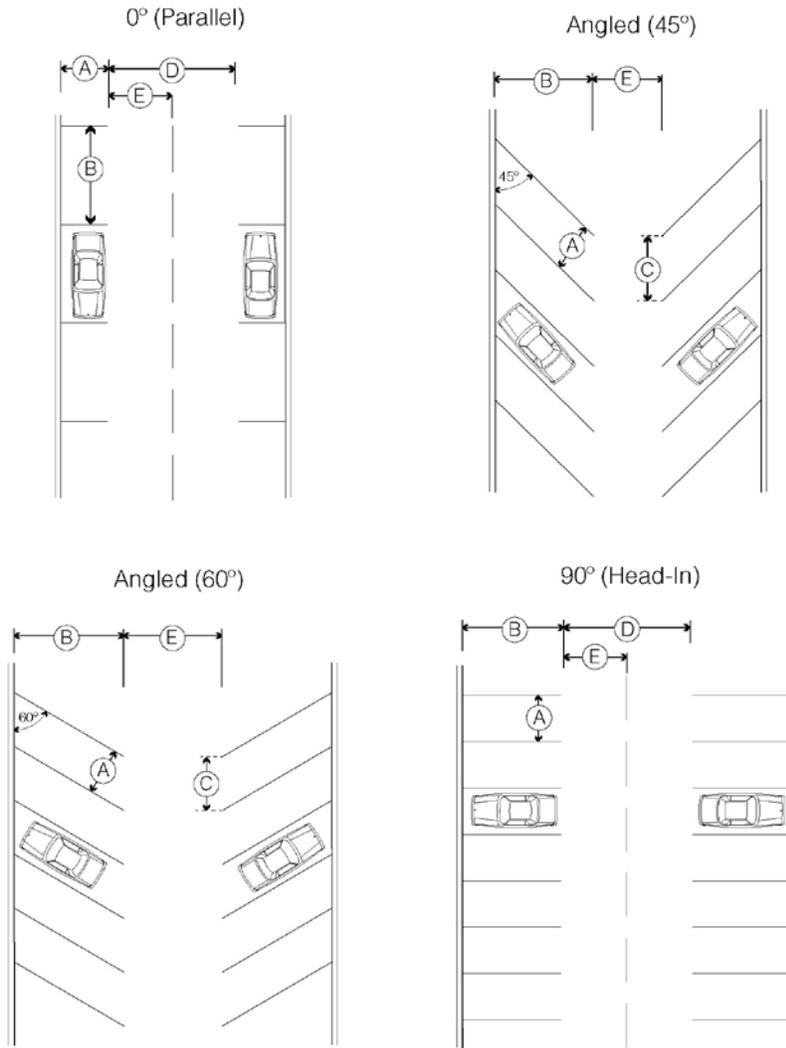
6. Cross-Access Driveway Easements

See also Figure 10-20: Cross-Access Easements.

- a. Adjacent non-residential uses that possess dedicated parking areas are encouraged to provide a cross-access driveway to allow circulation between sites. If cross-access driveways are provided, the property owners must provide proof to the Village that adjacent property owners have been contacted in writing regarding the provision of cross-access.
- b. The easement shall be of a size to permit two-way travel.
- c. Bump-outs and other design features shall be provided to make it visually obvious that the abutting properties are tied together.

- d.** Pursuant to this section, property owners who establish cross-access driveways must:
 - i.** Record an easement allowing cross-access to and from properties served by the cross-access driveway.
 - ii.** Record an easement that any pre-existing driveways will be closed and eliminated after construction of the joint-use driveway.
 - iii.** Record a joint maintenance agreement defining the maintenance responsibilities of each property owner.
 - iv.** All such easements and joint maintenance agreements shall be subject to the prior review and approval of the Village

FIGURE 14-1: OFF-STREET PARKING DIMENSIONS



PARKING ANGLE	STALL WIDTH (A)	STALL DEPTH (B)	SKEW WIDTH (C)	AISLE WIDTH: TWO-WAY (D)	AISLE WIDTH: ONE-WAY (E)
0°	8'-6"	18'	-	22'	12'
45°	8'-6"	18'-8"	12'	-	15'
60°	8'-6"	20'	9'-10"	-	18'
90°	8'-6"	18'	-	22'	20'

C. Surfacing

All open off-street parking areas and driveways must be improved with a compacted macadam base no less than six (6) inches thick, or equal, and surfaced with no less than two (2) inches of asphaltic concrete or comparable hard-surfaced, all-weather, dustless material, as approved by the Village Engineer. Pervious paving may also be used, subject to the approval of the Village Engineer.

D. Striping

Off-street parking areas of more than four (4) spaces must delineate parking spaces with paint or other permanent materials, which must be maintained in clearly visible condition. Parking spaces for handicapped persons must be identified with the appropriate sign and visible at all times of the year, regardless of snow cover, plant growth or similar conditions.

E. Curbing and Bumper Stops

Off-street parking areas of more than four (4) spaces must provide concrete curbing no less than six (6) inches in height along the perimeter of the parking lot a minimum of five (5) feet from the street line in districts where a front yard is not required or from the property line when abutting a public sidewalk.

F. Drainage and Grading

1. All parking spaces for single-family and two-unit dwellings may be constructed no more than three (3) feet below existing grade. However, for property that slopes downward towards a rear lot line, parking spaces accessed by a driveway, including the apron, constructed to follow the existing property contour is permitted.
2. All open off-street parking areas containing more than four (4) parking spaces must have a storm water drainage system connected to a public sewer, as approved by the Village Engineer. No surface runoff is allowed to flow across any lot line.

G. Lighting

Parking lot lighting must comply with Section 13.3 (Exterior Lighting). Illumination of an off-street parking area must be arranged so as to deflect light away from adjacent properties and streets.

H. Landscaping and Screening

All parking lots must be landscaped in accordance with Section 15 (Landscaping and Screening).

14.6 SPECIAL REGULATIONS FOR THE DESIGN OF PARKING STRUCTURES

Parking structures shall be designed as follows:

- A. In the VC district, where parking structures are allowed along pedestrian frontages, at least sixty percent (60%) of the ground floor frontage shall be developed with non-residential uses. No more than one curb cut is allowed along the pedestrian street frontage to accommodate vehicular access to the parking structure. (See Figure 14-2: Commercial Frontage on Parking Garage Ground Floor.)

FIGURE 14-2: COMMERCIAL FRONTAGE ON PARKING GARAGE GROUND FLOOR



- B. On facades that front on public streets, the exterior articulation of interior vertical circulation, such as ramped portions of the structure used for access to higher levels of parking, shall be prohibited. In such a case where interior ramps front on public streets, façade design and screening shall be used to mask the interior ramps and create the illusion of horizontality. The design of the primary façade shall include horizontal design elements, such as knee walls and cornices, which reflect the design of other structures in the district. (See Figure 14-3 and Figure 14-4: Non-conforming Façade Design and Conforming Façade Design.)

FIGURE 14.3: NON-CONFORMING FAÇADE DESIGN (TOP) AND CONFORMING FACADE DESIGN (BOTTOM)

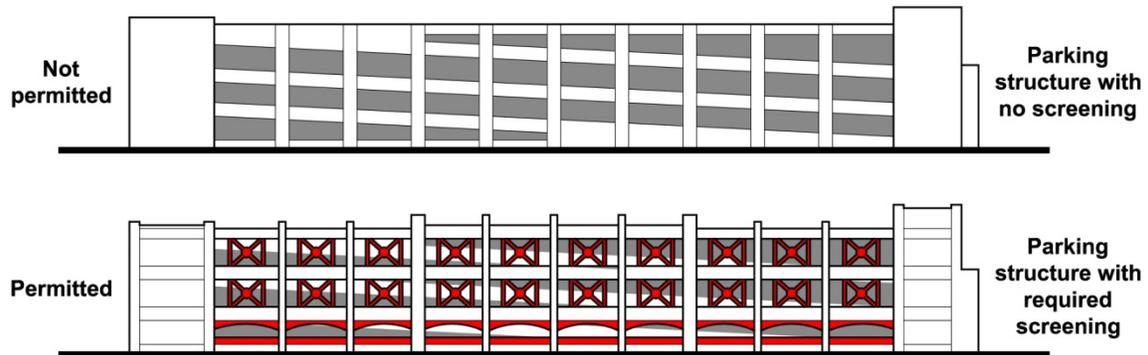


FIGURE 14-4: NON-CONFORMING FAÇADE DESIGN (LEFT) AND CONFORMING FACADE DESIGN (RIGHT)



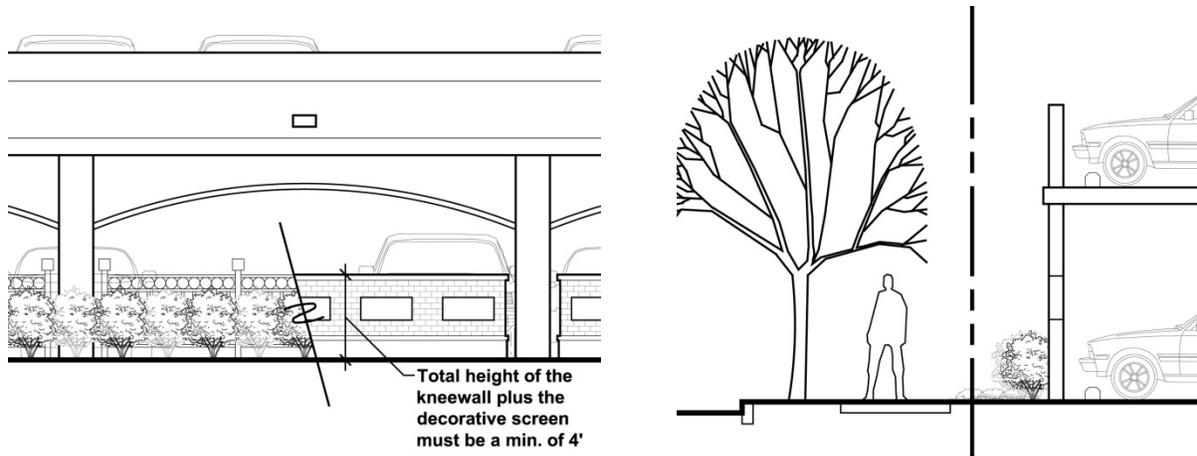
Non-Conforming



Conforming

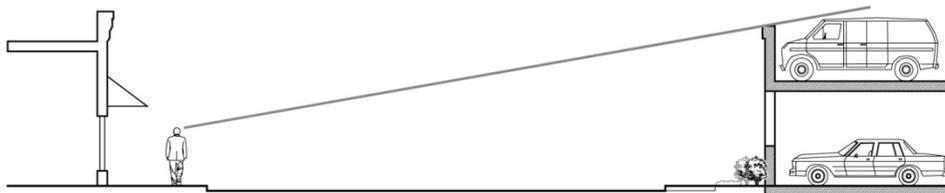
- C. Parking structures in the Village Center district shall conform to the façade articulation regulations of Section 10.7.
- D. A parking structure shall be constructed with materials and design elements that reflect the principal building that it serves. In the Village Center district, if the parking structure itself is the principal building, it shall conform to the building material regulations for the Village Center District.
- E. On portions of the ground floor façade where parking spaces are visible, a decorative screen shall be provided atop the knee wall to screen traffic and pedestrians in the public right-of-way from headlight glare. The total height of the knee wall and decorative screen shall be a minimum of four (4) feet. (See Figure 14-5: Parking Structure Ground Floor Decorative Screening.)

**FIGURE 14-5: PARKING STRUCTURE
GROUND FLOOR DECORATIVE SCREENING**



- F.** For parking structures with rooftop open-air parking, the parapet of the façade shall be extended such that a seven (7) foot tall vehicle is not visible from the curb of the public sidewalk across the street from the façade along which parking is designated. (See [Figure 14-6: Extended Parapet Vehicular Screen.](#))

FIGURE 14-6: EXTENDED PARAPET VEHICULAR SCREEN

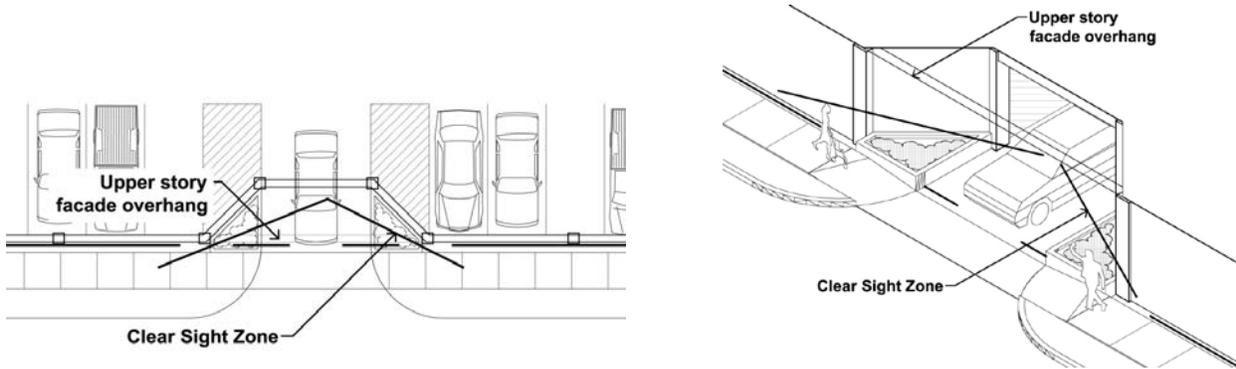


- G.** A vehicular clear sight zone shall be included at vehicular exit areas that includes a triangular sight area on each side of the exit defined by the following requirements (See [Figure 14-7: Plan and 3-Dimensional Diagram of the Vehicular Clear Sight Zone.](#)):

1. The façade of vehicular exit areas shall be setback from the public sidewalk a minimum of eight (8) feet setback for the portion of the façade that includes the vehicle exit area and eight (8) linear feet on each side of the exit opening.
2. A sight triangle shall be defined by drawing a line from the edge of the vehicular exit area to a point on the property line abutting the public sidewalk eight (8) feet to the side of the exit lane.
3. In the sight triangle (bound by the parking structure wall, public sidewalk and vehicular exit lane), ground cover, landscaping, or decorative wall shall be used to act as a buffer between the exit aisle and the public sidewalk. Landscaping or a

decorative wall shall not exceed three (3) feet in height in order to maintain driver peripheral sightlines to the public sidewalk.

FIGURE 14-7: PLAN AND 3-DIMENSIONAL DIAGRAM OF THE VEHICULAR CLEAR SIGHT ZONE



4. The upper story façade(s) of the parking structure may be built to the property line.

14.7 ACCESSIBLE PARKING

A. Required Spaces

With the exception of single-family, two-family, and townhouse dwellings, in all off-street parking facilities where parking is provided for employees, visitors or both, parking spaces for disabled persons must be provided. The number of accessible parking spaces is included in the total number of required parking spaces and must meet the requirements of the Illinois State Accessibility Code, as amended from time to time, and all additional governing codes and applicable laws.

B. Dimensions and Design

Such spaces must comply with the design standards presented in the State of Illinois Accessibility Code.

14.8 STACKING SPACES FOR DRIVE-THROUGH FACILITIES

A. Design

Every drive-through facility must provide a minimum of four (4) stacking spaces per bay, unless otherwise required by [Table 14-1: Required Off-Street Parking](#) or this Ordinance. Stacking spaces provided for drive-through uses must meet the following:

1. A minimum of nine (9) feet in width, as measured from the outermost point of any service window to the edge of the driveway, and eighteen (18) feet in length.

2. Placed in a single line behind the drive-through facility.
3. Located so that, when in use, they do not obstruct ingress or egress to the site and do not obstruct access to required parking or loading spaces or the garbage enclosure(s).
4. Stacking spaces begin behind the vehicle parked at a last point of service, such as a window or car wash bay.

14.9 REQUIRED OFF-STREET PARKING SPACES

- A. For multi-tenant commercial developments, parking requirements shall be calculated as three (3) required spaces per one-thousand (1,000) square feet of gross leasable area, and not by individual uses.
- B. Table 14-1: Off-Street Parking Requirements and Table 14-2: Off-Street Parking Requirements for the Village Center list the minimum number of off-street parking spaces to be provided for a use when 14.9.A. above does not apply. In some cases, uses that are considered part of a generic use category are listed with specific parking requirements. Certain uses listed within the districts do not have parking requirements and are not listed in Table 14-1 or Table 14-2.
- C. In the VC and NR-1 Districts, uses located in structures erected prior to the effective date of this Ordinance are exempt from the parking requirements of Table 14-1 and Table 14-2, with the exception of any large medical clinics and residential dwellings. However, where there are existing parking spaces in the VC and NR-1 Districts, such spaces must be maintained unless the same number of spaces is provided elsewhere in accordance with all requirements of this Article.
- D. In the VC and NR-1 Districts, on-street parking spaces located along the front or side property line may be counted toward required off-street parking spaces for commercial uses. At least fifty percent (50%) of the width of an on-street parking space must be located along the property line of the property under consideration in order to count toward off-street parking requirements. In a multi-tenant structure, all commercial tenants may utilize this provision.
- E. In the VC District, in no case shall the provided off-street vehicular parking exceed ten percent (10%) more than the required minimum, except in the case of residential uses.
- F. **Public Parking Credit.** For all non-residential uses, public off-street parking spaces located within five-hundred (500) feet of any property line may be credited against the parking requirement at a rate of one (1) credit for every three (3) public parking spaces. Public commuter parking spaces are excluded from this credit.
- G. No more than two (2) required parking spaces may be dedicated to car-sharing services.

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Village of Wilmette Zoning Ordinance

VILLAGE OF WILMETTE, ILLINOIS TABLE 14-1: OFF-STREET PARKING REQUIREMENTS	
USE	PARKING REQUIREMENT
RESIDENTIAL USES	
Accessory Living Unit	1 per dwelling unit
Dwelling, Above the Ground Floor	1.5 per dwelling unit
Dwelling, Single-Family	2 per dwelling unit
Dwelling, Two-Unit	2 per dwelling unit
Dwelling, Townhouse/Stacked Flat	2 per dwelling unit
Dwelling, Multi-Family	2 per dwelling unit
Adaptive Reuse Senior Housing/55+	1 per dwelling unit
Group Home	0.25 per resident + 1 per employee
Residential Care Facility	1 per 2 employees plus 0.5 per dwelling unit
INSTITUTIONAL USES	
Cultural Facility	2 per 1,000 s.f. GFA
Day Care Center, Adult or Child	3 per 1,000 s.f. GFA
Educational Facility, College	1 per 2 students (based on maximum enrollment) + 1 per classroom
Educational Facility, Primary	1 per classroom
Educational Facility, Secondary	1 per 5 students (based on maximum enrollment) + 1 per classroom
Educational Facility, Vocational	1 per 2 students (based on maximum enrollment) + 1 per classroom
Government Facility	3 per 1,000 s.f. GFA
Golf Course	10 per hole + 1/tee for driving range
Place of Worship	1 per 4 seats + 2 per 1,000 s.f. of residential living area if convent or rectory attached
Public Works/Safety Facility	2 per 1,000 s.f. GFA
Recreation Center	1 per 75 s.f. of water area of a swimming pool, 2 per racquet court, 1 per 3 seats of a theater, 3 per 1,000 s.f. of other indoor space
Social Club or Lodge	2 per 1,000 s.f. GFA
COMMERCIAL USES	
Animal Hospital	5 per 1,000 s.f. GFA
Art Gallery	1 per 1,000 s.f. GFA
Art Studio	1 per 1,000 s.f. GFA
Brew Pub	3 per 1,000 s.f. GFA
Broadcast Studio	2 per 1,000 s.f. GFA
Car Wash	2 per bay
Convenience Mart	6 per 1,000 s.f. GFA
Craft Brewery/Distillery	0.5 per employee + 3 per 1,000 s.f. of tasting room
Financial Institution	3 per 1,000 s.f. GFA
Funeral Home	5 per 1,000 s.f. GFA
Garden Center	2 per 1,000 s.f. GFA + 2 per 1,000 s.f. of outdoor display & sales area
Gas Station	2 per station + 2 per service bay
Heavy Retail, Rental and Service	2 per 1,000 s.f.
Health Club	3 per 1,000 s.f. GFA
Hotel/Motel	1.25 per room
Indoor Amusement Facility	5 per 1,000 s.f. GFA
Movie Theater	1 per 3 seats
Bowling Alley	4 per lane

Village of Wilmette Zoning Ordinance

VILLAGE OF WILMETTE, ILLINOIS TABLE 14-1: OFF-STREET PARKING REQUIREMENTS	
USE	PARKING REQUIREMENT
Kennel	1 per 2 dogs boarded (based on maximum boarding capacity)
Live Performance Venue	1 per 3 seats
Manufacturing, General	2 per 1,000 s.f. of office + 1 per 20,000 s.f. GFA of warehouse space
Medical Cannabis Dispensing Organization	5 per 1,000 s.f. GFA
Medical Cannabis Cultivation Centers	2 per 1,000 s.f. GFA
Medical/Dental Clinic – Small	4 per 1,000 s.f. GFA
Medical/Dental Clinic – Large	4 per 1,000 s.f. GFA
Motor Vehicle Dealership	2 per 1,000 s.f. of enclosed sales or service area
Motor Vehicle Operations Facility	1 per 1,000 s.f. GFA
Motor Vehicle Rental Establishment	2 per 1,000 s.f. of enclosed sales or service area
Motor Vehicle Service and Repair, Major or Minor	2 per service bay + 2 per 1,000 s.f. of office, waiting, or retail area
Office	3 per 1,000 s.f. GFA
Pawn Shop	3 per 1,000 s.f. GFA
Personal Services Establishment	3 per 1,000 s.f. GFA
Pet Day Care Facility	2 per 1,000 s.f. GFA
Printing and Photocopying Establishment	3 per 1,000 s.f. GFA
Research and Development Facility	2 per 1,000 s.f. GFA
Restaurant, Carry-Out/Delivery	3 per 1,000 s.f. GFA
Restaurant, Full Service	5 per 1,000 s.f. GFA
Restaurant, Limited Service	8 per 1,000 s.f. GFA
Restaurant, Specialty	3 per 1,000 s.f. GFA
Retail Goods Establishment	3 per 1,000 s.f. GFA
Warehouse/Distribution	1 per 20,000 s.f. GFA of warehouse space + 1 per 1,000 s.f. of office space

Village of Wilmette Zoning Ordinance

VILLAGE OF WILMETTE, ILLINOIS TABLE 14-2: OFF-STREET PARKING REQUIREMENTS IN THE VILLAGE CENTER ZONING DISTRICT	
USE	PARKING REQUIREMENT
RESIDENTIAL USES	
Dwelling, Townhouse/Stacked Flat	2 per dwelling unit
Dwelling, Above the Ground Floor	1 per unit, 1.5 per unit >2 bedrooms
Dwelling, Multi-Family	1 per unit, 1.5 per unit >2 bedrooms
Residential Care Facility	0.5 per dwelling unit
INSTITUTIONAL USES	
Cultural Facility	2 per 1,000 s.f. GFA
Day Care Center, Adult or Child	3 per 1,000 s.f. GFA
Educational Facility, Vocational	1 per 6 students (based on maximum enrollment) + 1 per classroom + 5 per 1,000 s.f. of office
Government Facility	2 per 1,000 s.f. GFA
Place of Worship	1 per 5 seats
Recreation Center	1 per 75 s.f. of water area (swimming pool), 2 per racquet court, 1 per 3 seats (theater), 3 per 1,000 s.f. of other indoor space
Social Club or Lodge	2 per 1,000 s.f. GFA
COMMERCIAL USES	
Animal Hospital	4 per 1,000 s.f. GFA
Art Gallery	1 per 1,000 s.f. GFA
Art Studio	1 per 1,000 s.f. GFA
Brew Pub	3 per 1,000 s.f. GFA
Broadcast Studio	2 per 1,000 s.f. GFA
Convenience Mart	6 per 1,000 s.f. GFA
Craft Brewery/Distillery	0.5 per employee + 3 per 1,000 s.f. of tasting room
Financial Institution	3 per 1,000 s.f. GFA
Funeral Home	5 per 1,000 s.f. GFA
Gas Station	2 per station + 2 per service bay
Health Club	4 per 1,000 s.f. GFA
Hotel	1.25 per room
Indoor Amusement Facility	4 per 1,000 s.f. GFA
Kennel	1 per 2 dogs boarded (based on maximum boarding capacity)
Live Performance Venue	1 per 4 seats
Medical/Dental Clinic – Small	4 per 1,000 s.f. GFA
Medical/Dental Clinic – Large	4 per 1,000 s.f. GFA
Motor Vehicle Dealership	2 per 1,000 s.f. GFA
Motor Vehicle Rental Establishment	2 per 1,000 s.f. GFA
Motor Vehicle Service and Repair, Minor	2 per service bay + 2 per 1,000 s.f. of office, waiting, or retail area
Movie Theater	1 per 4 seats
Office	3 per 1,000 s.f. GFA
Personal Services Establishment	3 per 1,000 s.f. GFA
Pet Day Care Facility	2 per 1,000 s.f. GFA
Printing and Photocopying Establishment	3 per 1,000 s.f. GFA
Restaurant, Carry-Out/Delivery	3 per 1,000 s.f. GFA
Restaurant, Full Service	5 per 1,000 s.f. GFA
Restaurant, Limited Service	8 per 1,000 s.f. GFA

VILLAGE OF WILMETTE, ILLINOIS
TABLE 14-2: OFF-STREET PARKING REQUIREMENTS IN THE VILLAGE CENTER ZONING DISTRICT

USE	PARKING REQUIREMENT
Restaurant, Specialty	3 per 1,000 s.f. GFA
Retail Goods Establishment	2 per 1,000 s.f. GFA

14.10 PERMITTED PARKING ALTERNATIVES

A. Collective Parking

Off-street parking spaces for separate uses may be provided collectively if the aggregate number of spaces provided is no less than the sum of the spaces required in Table 14-3: Collective Parking Calculation. Table 14-3 is applied in the following manner:

1. The required number of spaces for each use is calculated according to Table 14-3.
2. The required number of spaces for each use is then applied to the percentages for each time, according to the appropriate land use category, in Table 14-3 to determine the number of required spaces. This is done for each time category.
3. The numbers are the sum of all land uses within each timeframe and the highest sum total in a timeframe is the required number of spaces.

VILLAGE OF WILMETTE, ILLINOIS TABLE 14-3: COLLECTIVE PARKING CALCULATION						
LAND USE	WEEKDAY			WEEKEND		
	Mid-7am	7am-6pm	6pm-Mid	Mid-7am	7am-6pm	6pm-Mid
RESIDENTIAL	100%	55%	85%	100%	65%	75%
COMMERCIAL RETAIL AND SERVICE	0%	100%	80%	0%	100%	60%
RESTAURANT	50%	70%	100%	45%	70%	100%
MOVIE THEATER AND LIVE PERFORMANCE VENUE	0%	70%	100%	5%	70%	100%
OFFICE	5%	100%	5%	0%	60%	10%

B. Alternating Parking

An off-street parking facility may be alternated between two (2) or more uses, provided that use of such facility by each user does not occur at the same time. Alternating parking arrangements must meet the following conditions:

1. Approval is obtained from the Zoning Administrator that confirms that the use of such facility by each user does not take place at the same hours and/or days of the week.
2. The users of the alternating parking arrangement must record an agreement to share parking facilities, subject to approval by the Zoning Administrator. A copy of the recorded agreement must be submitted to the Zoning Administrator.
3. The number of spaces provided meets the minimum requirement for each use.

4. The off-site parking facilities are located on or within three-hundred (300) feet of the lot line of the use.

Any subsequent change in use must require proof that the minimum parking requirements, per this Ordinance, have been met for each use. The owner of an existing building or use has one-hundred eighty (180) days within which to accommodate required off-street parking or to apply for a variance. If the owner is unable to accommodate the parking or fails to apply for a variance, then the occupancy permit is revoked with respect to the use for which the separate parking was required. The occupancy permit will be reinstated when all applicable provisions of this Ordinance are complied with. As an alternative to a variance, a new alternating parking agreement may be arranged in accordance with this section.

C. Fee-In-Lieu of Parking

1. A reduction in the required number of off-street parking spaces for non-residential uses in the VC district may be granted by the Village Board conditioned upon payment, by the owner, of a fee-in-lieu of providing the required parking spaces, such fee established from time to time by resolution of the Village Board. Such payment must be placed into a Village fund to be used by the Village for the acquisition, construction and maintenance of public off-street parking facilities to serve that area.
2. Upon payment, the property granted the modification in the number of required off-street spaces must be credited permanently by ordinance with the number of spaces for which payment was received by the Village.
3. The parking fee-in-lieu of provision is only applicable for new construction or where additional floor area in excess of five-hundred (500) square feet is added to an existing building. Changes in use within existing buildings do not require payment of a fee-in-lieu.

14.11 OUTDOOR STORAGE OF TRUCKS, TRAILERS, BOATS AND RECREATIONAL VEHICLES

Only travel trailers, recreational vehicles, commercial or industrial trailers and boats that meet the standards of this section may be stored in any residential district. However, a trailer may be used as a temporary office or storage space incidental to construction when granted a temporary use approval.

- A. A travel trailer must not be used as a dwelling, storage, or accessory structure. However, a travel trailer may be parked or occupied for lodging purposes on a vacant lot or on the same lot as a dwelling for no more than seventy-two (72) hours in any consecutive thirty (30) day period.

- B. A travel trailer or boat must not be stored in connection with a business conducted at the location.
- C. A stored travel trailer or boat must be maintained in mobile condition. No major construction or repair of a stored travel trailer or boat may be performed on a residential lot.
- D. The parking of trucks is limited to vehicles with a state license classification of "B" or smaller and having an overall height of no more than ninety (90) inches, except for pick-up and delivery service during normal business hours.
- E. The State license plates, display title, and Village vehicle sticker, where required, must be current and properly displayed. The lot owner must have, and display upon request to authorized Village officials, proof of ownership of any stored travel trailer or boat.
- F. The owner of a boat, boat trailer, or travel trailer must not park or store such boat, boat trailer, or travel trailer in such manner as to create a dangerous or unsafe condition on the lot where parked or stored, this includes parking or storage where the boat, boat trailer, or travel trailer, whether loaded or not, may readily tip or roll or the storage of flammable liquids aboard in portable containers.
- G. No travel trailer or boat stored in a residential district may exceed ten (10) feet in height as parked, including trailer cradle or mount but excluding mast, twenty-six (26) feet in body length, excluding trailer hitch, tongue and bumper, and eight (8) feet in body width, excluding hardware.
- H. A travel trailer or boat stored in a residential district is permitted only in the rear yard and must be a minimum of six (6) feet from any principal building and three (3) feet from any lot line.
- I. No animal transport trailer may be stored in any residential district.

14.12 REQUIRED BICYCLE PARKING

As of the effective date of this Ordinance, all new construction must provide bicycle parking when indicated in Table 14-4: Required Bicycle Parking.

A. Design

1. Required bicycle spaces must have a minimum dimension of two (2) feet in width by six (6) feet in length, with a minimum overhead vertical clearance of seven (7) feet. A minimum five (5) feet wide aisle shall be provided behind bicycle parking facilities to allow maneuvering.
2. Bicycle parking facilities must provide lockable enclosed lockers or racks, or equivalent structures, in or upon which the bicycle may be locked by the user.

Structures that require a user-supplied locking device must be designed to accommodate U-shaped locking devices. All lockers and racks must be securely anchored to the ground or the building structure to prevent the racks and lockers from being removed from the location.

3. If required bicycle parking facilities are not visible from the street, signs must be posted indicating their location.
4. Areas used for required bicycle parking must be paved and drained to be reasonably free of mud, dust, and standing water, and must be well-lighted.
5. Alternate designs for bicycle parking may be approved by the Zoning Administrator if necessary.

B. Location

1. All required bicycle spaces must be located on the same lot as the use served. However, required bicycle spaces may be constructed in the public right-of-way, subject to approval by the Site Plan Review Committee.
2. Required bicycle parking for residents of dwellings must be provided in garages, storage rooms and other resident-accessible and indoor secure areas. Space within dwelling units or on balconies are not counted toward satisfying bicycle parking requirements. Visitor bicycle parking may be provided outdoors and must be accessible to non-residents.

C. Required Number of Bicycle Spaces

1. Where off-street parking facilities are provided, the number of bicycle parking spaces must be provided as indicated in Table 14-4: Required Bicycle Parking.

VILLAGE OF WILMETTE TABLE 14-4: REQUIRED BICYCLE PARKING	
USE	REQUIRED BICYCLE PARKING (1)
Multi-Family Dwelling & Dwelling Units Above the Ground Floor	1 per 10 dwelling units reserved for residents + 1 per 20 dwelling units for visitors
Retail Goods Establishment, Personal Services Establishment or Office over 10,000 s.f. in GFA	1 per 10 parking spaces
Indoor Amusement Facility	1 per 20 parking spaces
Educational Facility, Primary or Secondary	1 per 10 parking spaces
Educational Facility, College/University, or Educational Facility, Vocational	1 per 10 parking spaces
Place of Worship	1 per 20 parking spaces
Parking Lot or Structure (Principal Use)	1 per 25 parking spaces

NOTES

(1) Wherever bicycle parking is required, a minimum of two (2) spaces shall be provided.

2. In all cases where bicycle parking is required, a minimum of two (2) spaces are required.
3. After the first fifty (50) bicycle parking spaces are provided, additional bicycle parking spaces required are one-half (½) space per unit listed.
4. A non-residential use may use up to two (2) required vehicle parking spaces as space for providing bicycle parking.

14.13 REQUIRED OFF-STREET LOADING SPACES

Off-street loading spaces must be provided for each use which requires the receipt or distribution of materials or merchandise by trucks or other vehicles in accordance with Table 14-5: Off-Street Loading Requirements. No loading space may be used to satisfy the off-street parking requirements. All uses located in structures erected prior to the effective date of this Ordinance within the VC District are exempt from loading requirements; however, new construction in the VC District must provide loading spaces.

VILLAGE OF WILMETTE, ILLINOIS TABLE 14-5: OFF-STREET LOADING REQUIREMENTS		
USE	GROSS FLOOR AREA (SQ. FT.)	LOADING SPACES REQUIRED
GENERAL COMMERCIAL/RETAIL	Less than 5,000	None
	5,000 to 20,000	1
	20,001 or more	2
OFFICE	Less than 10,000	None
	10,001 to 30,000	1
	30,001 to 50,000	2
	50,001 to 75,000	3
	75,001 or more	4
RESTAURANT	Less than 5,000	None
	5,001 to 10,000	1
	10,001 or more	2
INSTITUTIONAL	10,000 or more	1
RESIDENTIAL	50,000 or more	1

14.14 DESIGN OF OFF-STREET LOADING SPACES

A. Location

1. All required off-street loading spaces must be located on the same lot as the use to be served so that no portion of a vehicle projects onto the public right-of-way, including alleys.
2. No loading space is permitted in a front or side yard adjoining a street. Every loading space must be located at the rear or side of the building and must have direct access to a service entry through the rear or side of the building.
3. All loading spaces must be designed with appropriate means of vehicular access to a street or alley in a manner that will least interfere with traffic movements. The location of loading spaces must be approved by the Village Engineer.

B. Dimensions

All loading spaces shall have a minimum width of ten (10) feet, minimum depth of twenty-five (25) feet and a minimum vertical clearance of twelve (12) feet.

C. Surfacing

All loading spaces must be improved with a compacted macadam base no less than eight (8) inches thick and surfaced with no less than two (2) inches of asphaltic concrete or comparable hard-surfaced, all-weather, dustless material, as approved by the Village Engineer.

D. Lighting

Loading facility lighting must be in accordance with Section 13.3 (Exterior Lighting). Illumination of an off-street loading facility must be arranged so as to deflect the direct rays of light away from adjacent properties and streets.

E. Landscaping and Screening

All loading facilities must be landscaped and screened in accordance with Article 15 (Landscaping and Screening).

F. Shared or Central Loading Facilities

Shared or central loading facilities are permitted if the following conditions are met:

1. Each zoning lot served shall have direct access to the central loading area without crossing streets or alleys.
2. Total off-street loading spaces provided shall meet the minimum requirements herein specified, based on the sum of the several types of uses served unless reviewed and approved by the Zoning Administrator through site plan review.
3. No zoning lot served shall be more than five-hundred (500) feet from the central loading area.
4. Shared or Central Loading Facility Agreement. An agreement approved by the Village Attorney providing for cooperative use of shared or central loading facilities, executed by the parties involved, shall be reviewed by the Zoning Administrator as part of the site plan review process. If the agreement is no longer in force, then a loading facility must be provided as otherwise required in this section. The agreement must state that if required loading can no longer be provided per the approved agreement, that the owner will be required to provide the loading facility on-site.

ARTICLE 15. LANDSCAPING & SCREENING

15.1 PURPOSE

The landscaping and screening requirements established by this Article are intended to preserve and enhance the appearance, public health, safety and welfare of the Village by fostering aesthetically pleasing development. Proper landscape contributes to the Village in many ways: enhancing its character and scenic beauty, providing clean air, reducing noise, preventing erosion of topsoil, reducing the rate of storm water runoff, providing nesting areas for birds and habitat for other wildlife, conserving energy, and providing shade and windbreaks. These regulations are also intended to increase the compatibility of adjacent uses, and minimize the adverse impact of noise, dust, motor vehicle headlight glare or other artificial light intrusions, and other objectionable activities or impacts conducted on, or created by, adjoining or neighboring uses.

15.2 ENFORCEMENT OF LANDSCAPING PROVISIONS

The provisions of this Article shall not apply to single-family and two-unit dwellings.

- A.** No building permit or certificate of occupancy will be issued for any lot or use subject to the requirements of this Article unless all the requirements of this Article have been fulfilled. Failure to implement the landscape plan, or to maintain the lot or use in substantial conformance with the landscape plan, is cause for revocation of the certificate of occupancy and/or the application of fines and penalties, as established in this Ordinance. In addition, all landscape is subject to periodic inspection.
- B.** If weather prohibits the installation of landscape at the time an occupancy permit is applied for, the applicant must provide the Village with a deposit in the amount required to complete landscape installation as determined by the Zoning Administrator in order to receive a certificate of occupancy, the deposit to be returned upon completion of required landscape.
- C.** Any relief from these landscaping requirements is granted by the Appearance Review Commission as justified by its review findings.

15.3 LANDSCAPE PLAN

A. Landscape Plan Required

A detailed landscape plan must be submitted to the Village as part of any planned unit development or site plan review application for townhouse/stacked flat, multi-family, non-residential or mixed-use development, and must be approved prior to the issuance of a building permit.

B. Content of Landscape Plan

New landscaping or modifications to existing landscaping require landscape plans that contain the information described below. Minor changes including, but not limited to replacement of species, or seasonal landscaping may provide less information as determined by the Zoning Administrator.

1. The location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, roadways and rights-of-way, sidewalks, signs, refuse disposal and recycling areas, sidewalks, bicycle paths and parking facilities, fences, electrical equipment, recreational facilities, drainage facilities, and other free standing structures, as determined necessary by the Zoning Administrator.
2. The location, quantity, size, name and condition, both botanical and common, of all existing plant materials, including trees and other material in the right-of-way, and indicating plant material to be retained and removed.
3. The location, quantity, size and name, both botanical and common, of all proposed plant material including, but not limited to, shade and evergreen trees, shrubs, groundcover, annuals/perennials and turf.
4. The existing and proposed grading of the site indicating contours at one (1) foot intervals. Proposed berming shall be indicated using one (1) foot contour intervals.
5. Elevations of all proposed fences, steps, stairs and retaining walls.
6. Elevations, cross-sections and other details as determined necessary by the Zoning Administrator.

C. Changes to Approved Landscape Plans

Once approved, minor changes to the landscape plan that do not result in a reduction in the net amount of plant material as specified on the approved landscape plan may be approved by the Zoning Administrator. Changes to the amount of plant materials of an approved landscape plan are not considered a minor change. Major changes must be approved by the body granting approval of the landscape plan initially.

15.4 SELECTION, INSTALLATION AND MAINTENANCE OF PLANT MATERIALS

A. Selection

All planting materials used must be of good quality and meet American Association of Nurserymen (AAN) standards for minimum acceptable form, quality and size for species selected, and capable of being able to withstand the seasonal temperature variations of northeastern Illinois, as well as the individual site microclimates. The use of species native to northeastern Illinois is encouraged. Size and density of plant

material, both at the time of planting and at maturity, are additional criteria that will be considered when selecting plant material. Where appropriate, the use of drought and salt tolerant plant material is preferred.

B. Installation

All landscape materials must be installed in accordance with the current planting procedures established by the AAN. All plant materials must be free of disease and shall be installed so that soil of sufficient volume, composition and nutrient balance are available to sustain healthy growth.

C. Required Element

Landscape materials depicted on approved landscape plans must be considered to be required site plan elements in the same manner as structures, parking and other improvements. As such, the owner of record, or in some instances the homeowner's association, shall be responsible for the maintenance, repair and replacement of all landscape materials, and fences, steps, retaining walls and similar landscape elements over the entire life of the development.

D. Maintenance

All landscape materials must be maintained in good condition, present a healthy, neat and orderly appearance, and kept free of refuse and debris. Any dead, unhealthy or missing plants must be replaced within six (6) months of notification by the Village or the next reasonable available growing/planting season. All fences, steps, retaining walls and similar elements required within the landscape plan must be maintained in good repair. The owner of the premises shall be responsible for the maintenance, repair and replacement of all landscape materials, fences, steps, retaining walls and similar elements, and refuse disposal areas. Irrigation systems, when provided, must be maintained in good operating condition to promote the health of the plant material and the conservation of water over the entire life of the development.

15.5 LANDSCAPE DESIGN STANDARDS

Landscape plans, as described above, must be prepared by a licensed landscape architect, registered in the State of Illinois, and evaluated and approved based on the following design criteria.

A. Scale and Nature of Landscape Material

The scale and nature of landscape materials must be appropriate to the size of the site and related structures.

B. Selection of Plant Material

Plant material must be selected for its form, texture, color, pattern of growth and suitability to local conditions. The use of invasive species is prohibited. Invasive species shall be those included in the “Chicago Botanic Garden” list of “Invasive Plants in the Chicago Region.”

C. Shade Trees

All deciduous shade trees must have a minimum trunk size of four (4) inches in caliper at planting, unless otherwise specified.

D. Evergreen Trees

Evergreens trees must have a minimum height of six (6) feet at planting and shall be incorporated into the landscape treatment of a site, particularly in those areas where year-round screening and buffering is required.

E. Ornamental Trees

Single stem ornamental trees must have a minimum trunk size of three (3) inches in caliper at planting, unless otherwise specified. Multiple stem ornamental trees must have a minimum height of eight (8) feet at planting, unless otherwise specified.

F. Shrubs

Unless otherwise specified, all large deciduous and evergreen shrubs must have minimum height of three (3) feet at installation, and all small deciduous and evergreen shrubs must have a minimum height of eighteen (18) inches at installation.

Large shrubs are those shrubs that reach five (5) or more feet in height at maturity. Small shrubs are those shrubs that can grow up to five (5) feet in height if left unmaintained, but generally kept at heights of eighteen (18) to thirty (30) inches.

G. Softening of Walls and Fences

Plant material must be placed intermittently against long expanses of building walls, fences and other barriers to create a softening effect and to help break up long expanses of blank walls with little architectural detail.

H. Planting Beds

Planting beds may be mulched with shredded hardwood, granite mulch, river rock, feather rocks or similar materials. Lava rock is prohibited.

I. Irrigation

Landscape design pursuant to the requirements of this Article recognizes the need for irrigation and water conservation. Sprinkler irrigation systems may be required for certain landscaped areas, as determined by a landscape architect. The need for sprinkler irrigation systems will be determined by the type of plant material and the condition/growing medium that they are installed in. All irrigation systems must be designed to minimize the use of water.

J. Energy Conservation

Plant material placement should be designed to reduce the energy consumption needs of the development. In addition, landscape designs must take into account and make an effort to implement sustainable design standards, where appropriate.

1. Deciduous trees should be placed on the south and west sides of buildings to provide shade from the summer sun.
2. Evergreens and other plant materials should be concentrated on the north and west sides of buildings to dissipate the effect of winter winds.

K. Species Diversity

Diversity among required plant material is required not only for visual interest, but to reduce the risk of losing a large population of plants due to disease. Table 15-1: Diversity Requirements indicates the percentage of diversity required based on the total quantity of species being used. For instance, if a development requires forty-five (45) shade trees, no more than eighteen (18) trees nor less than five (5) trees can be of one (1) species, and there must be a minimum of five (5) different species within the forty-five (45) trees.

VILLAGE OF WILMETTE TABLE 15-1: DIVERSITY REQUIREMENTS			
TOTAL NUMBER OF PLANTS PER PLANT TYPE	DIVERSITY REQUIREMENTS		MINIMUM NUMBER OF SPECIES
	MAXIMUM OF ANY SPECIES	MINIMUM OF ANY SPECIES	
1-4	100%	Not Applicable	1
5-10	60%	40%	2
11-15	45%	20%	3
16-75	40%	10%	5
76-500	25%	5%	8
500-1,000	30%	5%	10
1,000+	15%	4%	15

L. Berming

Earthen berms and existing topographic features may be incorporated into the landscape treatment of a site where there is sufficient space and, in particular, when berms and existing topographic features can be combined with plant material to facilitate effective screening. Minimum unretained berm side slopes must be maintained at no less than a 4:1 ratio to prevent erosion and be properly and safely maintained. Retained slopes may be implemented with the appropriate terracing necessary to reduce the need for safety railing. Berming is subject to approval of the Director of Engineering Services.

15.6 BUILDING FOUNDATION LANDSCAPE

- A.** If a multi-family residential, mixed-use or non-residential development maintains a front yard or side yard adjoining a street of ten (10) feet or more, building foundation landscape is required.
- B.** Foundation plantings must work in concert with buffer yard plantings to frame important views, while visually softening long expanses of walls, particularly those that lack windows and/or other architectural details. Foundation plantings must respond to the materials and the form of a building.
- C.** Foundation plantings must be installed across sixty percent (60%) of the length of the façade of the building, except where walkways and driveways are located.
- D.** Foundation plantings may consist of a mix of trees, shrubs and perennials.

15.7 PARKING LOT LANDSCAPE

A. Parking Lot Landscape Requirements

Perimeter landscape is required for all parking lots of four (4) or more spaces and shall be established along the edge of the parking lot that abuts private property and the public right-of-way, excluding alleys. Interior parking lot landscape is required for those lots of twenty (20) or more spaces. Nothing in this Article prevents the applicant's voluntary installation of additional interior parking lot landscape, so long as parking space requirements and parking lot design requirements are complied with.

B. Existing Parking Lots

- 1.** For existing parking lots that currently do not comply with the required parking lot landscape, landscape must be installed when:
 - a.** A new principal building is constructed.
 - b.** Over fifty percent (50%) of the total area of an existing parking lot is reconstructed. Resealing or re-striping of an existing parking lot, which does

not entail paving or resurfacing by replacement of the asphalt or concrete, is not subject to this requirement.

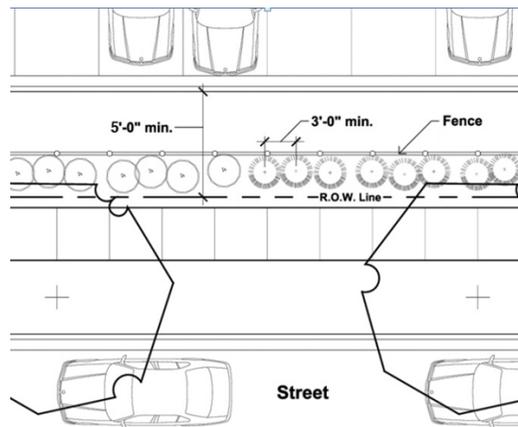
- c. When an existing parking lot under ten thousand (10,000) square feet in area is expanded by fifty percent (50%) or more in total surface area.
 - d. When an existing parking lot over ten thousand (10,000) square feet in area is expanded by twenty-five percent (25%) or more in total surface area.
2. When an existing parking lot is required by Paragraph 1 above to provide landscape, which would result in creating a parking area that no longer conforms to the parking regulations of this Ordinance, such existing parking lot is not required to install all or a portion of the required landscape. The applicant is required to show that landscape cannot be accommodated on the site. If only certain requirements are able to be accommodated on the site, those elements are required. The Zoning Administrator must make the determination that all or a portion of required landscape does not have to be installed.

15.8 PARKING LOT PERIMETER LANDSCAPE YARD

Perimeter parking lot landscape provides for the enhancement and screening of parking lots by requiring pedestrian walls and/or landscape along public streets. Perimeter landscape is required for all parking lots of four (4) or more spaces and must be established along the edge of the parking lot that abuts the public right-of-way, excluding alleys. The landscape treatment must run the full length of the parking lot and must be located between the property line and the edge of the parking lot. All perimeter parking lot screening areas must be protected with raised concrete curbs. Landscape areas outside of shrub and tree masses must be planted in turf or other live groundcover. The landscape area must be improved as follows:

- A. One (1) shrub, measuring a minimum of eighteen (18) inches at planting and not to exceed three and one-half (3½) feet at maturity, shall be planted for every three (3) feet of landscape area length, spaced linearly to adequately screen vehicle bumpers. Alternatively, a low pedestrian wall the height of which provides effective screening to a maximum height of three (3) feet may be used instead of shrubs. Where feasible, plant materials should be installed between the sidewalk and the wall to provide a softening effect on the fence or wall.
- B. The perimeter parking lot landscape area must be at least five (5) feet in width, as measured from the lot line to the back of curb, in order to accommodate vehicle bumper overhang and ensure planting areas that are adequate in size.

FIGURE 15-1: PARKING LOT SCREENING



15.9 INTERIOR PARKING LOT LANDSCAPE

For parking lots consisting of twenty (20) or more spaces that are constructed after the effective date of this Ordinance, interior parking lot landscape is required.

A. Amount

One (1) parking lot island must be provided between every twenty (20) contiguous parking spaces. As part of the landscape plan approval, parking lot island locations may be varied based on specific site requirements or design scheme, but the total number of islands shall be no less than the amount required one (1) island for every twenty (20) spaces. However, all rows of parking spaces must terminate in a parking lot island or landscape area.

B. Size of Parking Lot Islands

Parking lot islands must be the same dimension as the parking stall. Double rows of parking must provide parking lot islands that are the same dimension as the double row.

C. Design of Planting Areas

Parking lot islands or landscape areas must be at least one-hundred forty-four (144) square feet in area and designed specifically for the absorption of storm water. Such islands and landscape areas must be properly drained and irrigated as appropriate to the site conditions to ensure survivability.

D. Type of Landscape Material

Shade trees must be the primary plant materials used in parking lot islands and landscape areas. Ornamental trees, shrubs, hedges and other plant materials may be used to supplement the shade tree plantings but must not create visibility concerns for automobiles and pedestrians.

E. Quantity of Landscape Material

A minimum of one (1) shade tree is required for every parking lot island or landscape area. If the island extends the width of a double row, then two (2) shade trees are required.

F. Groundcover

A minimum of seventy-five percent (75%) of every parking lot island must be planted in turf or other live groundcover, perennials or ornamental grasses.

15.10 BUFFER YARDS

A. This Article establishes standards for the dimensions and improvement requirements of buffer yards between land uses and/or zoning districts within the rear or interior side yard. Nothing in this Article prevents the applicant's voluntary installation of buffer yards to these design specifications where they are not required.

B. Buffer yards are required in the following situations:

1. Where an R2, R3 or R4 District abuts an R or R1 District.
2. Where a non-residential district abuts a residential district.
3. Where a non-residential use is located within a residential district.

However, a buffer yard is not required where the rear wall of a commercial building is located on the rear property line or where an alley is located between a non-residential use and a residential use.

C. Buffer yards must be provided in interior side and rear yards. Buffer yards may be located within required setbacks, and are reserved for the planting of material and installation of screening as required by this Article. No parking, driveways, sidewalks, accessory buildings or other impervious surfaces are permitted within the buffer yard area.

D. All plantings in the buffer yard must be in accordance with the design standards of this Article. The minimum size and improvement of buffer yards is as follows:

1. A buffer yard within must be a minimum of ten (10) feet in width.
2. Shade trees must be planted on an average of one (1) tree for every twenty-five (25) linear feet of yard length. As part of the landscape plan approval, trees may be spaced at various intervals based on specific site requirements or design scheme, but the total number of trees planted must be no less than the amount required by a linear planting spaced twenty-five (25) feet apart.

3. An opaque masonry wall (stone, stucco or brick), solid screen fence or dense evergreen hedge no less than five (5) feet and no more than six (6) feet in height, must be erected along one-hundred percent (100%) of the yard length.
4. Shrubs must be planted on an average of one (1) shrub for every three (3) feet of yard length. As part of the landscape plan approval, shrubs may be spaced at various intervals based on specific site requirements or design scheme, but the total number of shrubs planted will be no less than the amount required by a linear planting spaced three (3) feet apart.
5. Areas not planted with trees or shrubs must be maintained as live groundcover.

15.11 SCREENING REQUIREMENTS

A. Refuse Disposal Dumpsters and Refuse Storage Areas

All refuse containers must be fully enclosed on three (3) sides by a solid wood or simulated wood screen fence or opaque masonry wall (stone, stucco or brick) no less than five (5) feet and no more than six (6) feet in height or principal structure wall no less than five (5) feet in height and the enclosure shall be gated. The materials used for screening, including the enclosure, must complement the architecture of the principal structure. An extension of an exterior principal structure wall may be used as one of the screening walls for a refuse container, provided that such wall meets the minimum five (5) foot height requirement and is of the same building materials as the principal structure. Such wall may not be the gated enclosure. This requirement shall not apply to townhouse/stacked flat dwellings where the refuse containers serve the needs of only one family.

B. Loading Berths

Where feasible, loading berths must be located and oriented so as not to be visible from the street and adjacent properties, while still allowing access to the use it is serving. In addition, loading berths in all zoning districts must be screened as much as possible, unless such screening is determined unnecessary by the body approving the landscape plan. Such screening must consist of an opaque masonry wall (stone, stucco or brick), a solid wood or simulated wood screen fence, or dense evergreen hedge no less than five (5) feet and no more than six (6) feet in height.

C. Outdoor Display and Sales Areas

1. Outdoor Storage Areas

All outdoor storage areas must be completely screened by an opaque masonry wall (stone, stucco or brick) or a solid wood or simulated wood screen fence no less than five (5) feet and no more than six (6) feet in height. Where feasible, plant materials should be installed along the fence or wall located along the public right-of-way to

provide a softening effect. No materials stored outdoors may be of a greater height than that of the required fence or wall.

2. Outdoor Display and Sales Areas

- a.** When the rear or interior side yard of an outdoor display area abuts a residential district, or the rear yard is separated from a residential district by an alley, the outdoor display area must be effectively screened from view by an opaque masonry wall (stone, stucco or brick), a solid wood or simulated wood screen fence or dense evergreen hedge no less than five (5) feet and no more than six (6) feet in height.
- b.** All outdoor display areas must be designed with a landscape yard along the public right-of-way, excluding alleys, a minimum of ten (10) feet in width and planted with shade or evergreen trees at a rate of one (1) tree per twenty-five (25) feet, and supplemented with shrubs and perennials to enhance the view from the public right-of-way. These screening requirements are not intended to prohibit openings reasonably necessary for access drives and walkways.
- c.** Motor vehicle dealerships or rental establishments with outdoor sales and display lots must be designed with screening of small shrubs and/or a low pedestrian wall of a minimum of three (3) feet in height to optimize the view of motor vehicles for sale.
- d.** Growing areas for nursery stock located in the front yard or side yard adjoining a street are considered to meet screening requirements.

D. Drive-Through Facility

Drive aisles of drive-through facilities must be effectively screened from view along the public right-of-way and at the edges of sites adjacent to residential properties in order to minimize the impact of exterior site lighting, headlight glare and any menu intercom displays. Such screening must be approved during the site plan review process and must consist of an opaque masonry wall (stone, stucco or brick), a solid wood or simulated wood screen fence or dense evergreen hedge no less than five (5) feet and no more than six (6) feet in height. Plant materials must be installed along the fence or wall to provide a softening effect.

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ARTICLE 16. SIGNS

16.1 PURPOSE

The purpose of this Article is to establish a framework for a comprehensive system of sign controls governing the display, design, construction, installation and maintenance of signs that will:

- A.** Promote and protect the health, safety and welfare of the Village by ensuring the compatibility of signs with surrounding architecture and land uses.
- B.** Create a more attractive business and economic climate in the commercial and industrial areas of the Village by enhancing and protecting the orderly and effective display of signs.
- C.** Discourage an excessive number of signs and unsightly, dissimilar and inappropriate signs.
- D.** Protect the public from hazardous conditions that result from the indiscriminate use and placement of signs, structurally unsafe signs, signs which obscure the vision of pedestrians or motorists, and signs which compete or conflict with necessary traffic signals and warning signs.

16.2 SIGN PERMIT AND VARIATION

Unless specifically permitted as exempt from sign permit requirements by this Article, it is unlawful for any person to erect, relocate or structurally alter any sign without first obtaining a sign permit from the Village in accordance with Section 5.13 (Sign Permit). The Zoning Administrator may revoke any sign permit where there has been a violation of the provisions of this Ordinance or misrepresentation of fact on the sign permit application. An Appearance Review Certificate must be issued by the Appearance Review Commission before a sign permit may be issued.

16.3 OBSOLETE SIGNS

Any sign, awning or canopy which advertises a business no longer being conducted, or a product no longer being sold, in or from the premises to which the sign relates shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure or premises upon which such sign is found. Removal shall be effected within twenty (20) days after written notice from the Zoning Administrator. If such a sign is not removed after such twenty (20) day period, the Zoning Administrator is authorized to cause the sign to be removed. Any expense incident thereto shall be paid by the owner, agent or person having the beneficial use of the building, structure or premises on which such sign is found.

16.4 LOCATION

A. Installation of Signs

1. The placement of signs on public property is controlled by the following provisions of the Village Code: Sections 5-4.1, 13-5.7, 16-8, 16-9.1 and 16-9.2.
2. No signs may be placed on any private property without prior consent of the owner thereof and, where applicable, the issuance of a sign permit.
3. No sign mounted on the exterior of a structure may cover any windows, doors or architectural features other than doorway transoms.

B. Required Sign Orientation

1. An awning or canopy sign must be oriented to the street which is most nearly parallel to the face of the sign, or where a use has frontage on two (2) streets that intersect, a sign may be oriented half to one street and half to the other street.
2. A ground sign must be oriented to the street on which the activity has frontage and from which the information displayed on such sign may readily be seen.
3. A projecting sign must be oriented to the street that is most nearly perpendicular to the face of the sign; or where a use has frontage on two streets that intersect, a sign may be oriented half to one street and half to the other street.
4. A wall or window sign must be oriented to the street which is most nearly parallel to the face of the sign.
5. If an activity has no public street frontage, the entrance intended for use by the general public determines sign orientation.
6. A public parking lot or shopping center plaza is considered a street for the sake of this section.

16.5 SIGN DIMENSION COMPUTATIONS

A. Computation of Sign Area

1. For signs on a background, the entire area of the background is calculated as sign area, including any material or color forming the sign face and the background used to differentiate the sign from the structure against which it is mounted. Sign area does not include any supports or bracing. (See Figure 16-1: Computation of Sign Area.)

2. For signs consisting of free standing letters or logos, the sign area is calculated as the area of the smallest rectangle that encompasses all letters, numerals and logos. Sign area does not include any supports or bracing. (See Figure 16-1: Computation of Sign Area.)
3. The sign area of a three-dimensional, free-form, or sculptural (non-planar) sign is calculated as fifty percent (50%) of the sum of the area of the four vertical sides of the smallest cube that will encompass the sign. (See Figure 16-1: Computation of Sign Area.)
4. If the interior angle between two (2) sign faces is forty-five degrees (45°) or less, the sign area is computed as the area of one (1) face only. If the angle between two (2) sign faces is greater than forty-five degrees (45°), the sign area is computed as the sum of the areas of the two (2) faces. (See Figure 16-2: Angle of Sign Face.)

FIGURE 16-1: COMPUTATION OF SIGN AREA

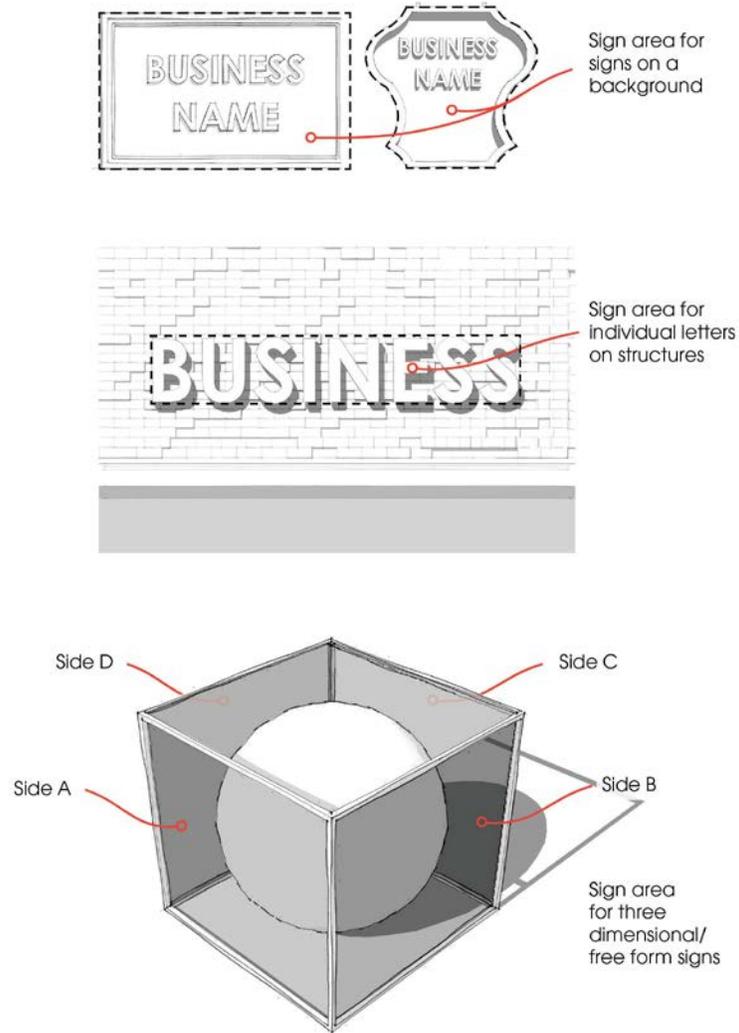
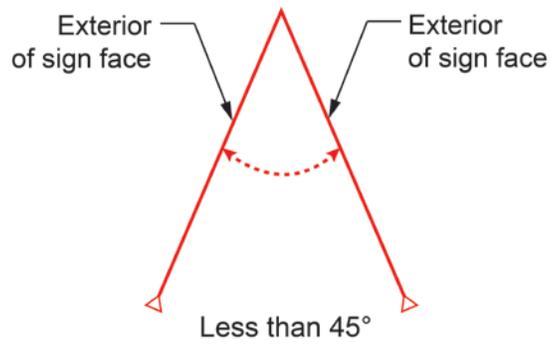


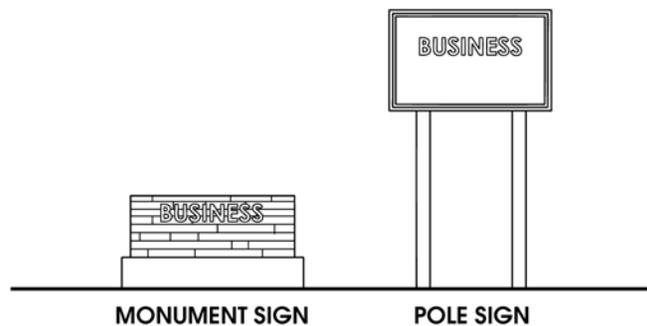
FIGURE 16-2: ANGLE OF SIGN FACE



B. Sign Height

1. Pole type ground sign height is measured from the sidewalk along the lot line where the sign will be installed to the uppermost point of the sign. (See Figure 16-3: Monument Signs and Pole Signs.)
2. Monument type ground sign height is measured from average abutting grade to the uppermost point of a sign. (See Figure 16-3: Monument Signs and Pole Signs.)

FIGURE 16-3: MONUMENT SIGNS AND POLE SIGNS



16.6 GENERAL SIGN STANDARDS

A. Construction

1. All signs constructed, erected, modified or altered must comply with the provisions of this Article and the requirements of the Village Code.
2. All signs with a display area of greater than eighteen (18) square feet must be constructed of fire retardant wood, metal or other non-combustible material.
3. All signs constructed on, over or within five (5) feet of a public right-of-way must have no nails, tacks, wires or other hazardous projections from their surface.

B. Sign Structure and Installation

Supports and braces must be an integral part of the sign design. Supports or braces must be hidden from public view to the extent technically feasible. All signs attached to a building must be installed and maintained so that wall penetrations are watertight and the structure does not exceed allowable stresses of supporting materials.

C. Wind Pressure and Direct Load Requirements

All signs must be designed and constructed to withstand a wind pressure of no less than thirty (30) pounds per square foot of net surface area. All signs must comply with Village Code requirements (Section 1609.3 of 2006 International Building Code).

D. Electrical Components

All electrical fixtures, devices, circuits, conduits, raceways or apparatus used to illuminate, move or project any sign must be installed and maintained as required in the Village Code. All signs with electrical wiring and connections must have a plate, affixed to the sign, showing the voltage of the electrical apparatus used in connection with the sign.

E. Lettering

All letters, figures, characters or representations in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign must be safely and securely built or attached to the sign structure.

F. Illumination

1. All sign illumination must be designed, located, shielded and directed so as to prevent the casting of glare or direct light upon adjacent publicly dedicated roadways and surrounding properties.
2. In no case may the lighting intensity of any sign, whether from internal illumination or external illumination, exceed seventy-five (75) foot-candles when measured with a standard light meter perpendicular to the face of the sign at a distance equal to the narrowest dimension of the sign.
3. No sign may be illuminated between the hours of twelve o'clock (12:00) a.m. and six o'clock (6:00) a.m. unless the activity displaying the sign is open for business during those hours. The Zoning Administrator is authorized to grant an exemption from this provision to provide for the security and safety of the use on the property.
4. Goose-neck reflectors and lights are permitted provided that they concentrate the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property. Any device used to provide external illumination for a sign may project no more than eighteen (18) inches from the face of the sign.

G. Limitation on Items of Information

1. Signs are limited to seven (7) items of information.

2. Each piece of information on a sign is defined as an item of information. For example, each of the following is defined as one (1) item of information: establishment name, logo, telephone number, website address, or product or service. A street address number, if included in the sign copy, is not counted as an item of information. If a sign advertises products or services, each product or service, including multi-word, is considered one item of information.
3. The changeable copy portion of changeable copy signs, including gas prices, are counted as one (1) item of information.
4. For a sign that contains a time and temperature component, the time and temperature component is not counted as an item of information.
5. All signs on a lot must be related to goods and/or services sold or offered on the premises, with the exception of non-commercial messages or political signs.
6. Directory signs, sidewalk signs and menu board signs are exempt from the items of information limitation.

H. Maintenance

1. All signs, and the premises surrounding the sign, must be maintained in a clean, sanitary and inoffensive condition, and free and clear of all noxious substances, rubbish and weeds. All signs must be repainted or otherwise maintained periodically by the owner to prevent corrosion or deterioration caused by weather, age or other conditions.
2. If the Village finds that any sign is unsafe or insecure, is a menace to the public, or has been constructed or erected in violation of the provisions of this Article, the Zoning Administrator must immediately be advised of such condition and give written notice to the property owner. If sign permit holder fails to remove or alter the structure so as to comply with the standards of this Article within twenty (20) days, such sign may be removed by Village at the expense of the sign permit holder or the property owner where the sign is installed. The Village may cause any other sign or other advertising structure that is an immediate peril to persons or property to be removed summarily and without notice.

16.7 LOCAL SIGN ORDINANCES

A. Applicability

A multi-tenant commercial development, office building or association of merchants doing business within a specific area within the Village may establish specific sign regulations for such area. These regulations, called “Local Sign Ordinances,” must be submitted to the Village Board for approval. If the Local Sign Ordinance is approved

or approved with conditions by the Village Board, the Local Sign Ordinance will control in lieu of compliance with this Article.

B. Conditions for Approval

No Local Sign Ordinance will be approved by the Village Board unless the regulations are binding upon all properties within the shopping center, office building or specific area within the Village to which the regulations apply.

C. Approval Procedure

To obtain approval of a Local Sign Ordinance, an applicant must submit a complete set of sign regulations to the Zoning Administrator, together with any additional materials requested by the Zoning Administrator. The Zoning Administrator will review the regulations and transmit them with comments and recommendations to the Appearance Review Commission. The Appearance Review Commission will review the regulations and transmit them with comments and recommendations to the Village Board, who has final approval of the Local Sign Ordinance. The Village Board may approve, approve with conditions, or deny Local Sign Ordinances.

D. Private Sign Agreements

Nothing in this section or Ordinance prevents any property owner or association of merchants from establishing, by lease or other form of agreement, sign regulations that are more stringent than in this Article.

E. Exemption from Appearance Review Certificate

Signs that conform to the approved Local Sign Ordinance are exempt from the Appearance Review Certificate requirements. The Zoning Administrator, upon review of the sign permit application, may issue a sign permit if all signs are in compliance with the approved Local Sign Ordinance.

F. Adopted Local Sign Ordinances

The following Local Sign Ordinances are incorporated into this Ordinance as the following appendices.

1. Appendix A. Plaza del Lago Local Sign Ordinance
2. Appendix B. Edens Plaza Local Sign Ordinance
3. Appendix C. West Lake Shopping Plaza Local Sign Ordinance

16.8 PROHIBITED SIGNS

It is unlawful to erect or maintain the following signs:

A. Animated Signs

Animated signs are prohibited, including electronic display screens and electronic message signs. This does not include time and temperature components or order display screens on menu board signs.

B. Attention-Getting Devices

Attention-getting devices are prohibited, including strobe lights, spotlights and floodlights.

C. Box Signs

Box signs are prohibited. This does not apply to West Lake Plaza.

D. Flashing Signs

Flashing signs, defined as those signs with blinking, traveling/chasing or flashing lights, illuminating devices that change light intensity, brightness or color and rotating beacons, are prohibited. Time and temperature signs are not considered flashing signs.

E. Moving Signs

Signs with moving, revolving or rotating parts or visible mechanical movement of any kind, including pennants, streamers and all other signs that flutter, undulate, swing, rotate, oscillate or otherwise move by natural or artificial means, are prohibited. Clocks with movable hands are permitted.

F. Obscene Signs

A sign that displays any matter where the dominant theme of the material, taken as a whole, appeals to a prurient interest in sex or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value is prohibited.

G. Off-Premise Signs

Off-premise signs are prohibited, unless specifically permitted by this Ordinance.

H. Painted and Illegally Affixed Signs

Signs painted directly on an exterior wall, roof, fascia, parapet or chimney of a building or on a fence are prohibited.

I. Portable Signs

Portable signs are prohibited. Sidewalk signs are not considered portable signs.

J. Roof Signs

Roof signs are prohibited.

K. Signs that Interfere with Ingress and Egress

Signs that prevent free ingress to or egress from any door, window or fire escape, or are attached to any fire escape or standpipe are prohibited.

L. Signs that Interfere with Traffic

A sign that interferes with traffic is prohibited. Such prohibited signs:

1. Obstruct free and clear vision at any street, intersection, parking lot entrance or exit, or driveway.
2. Interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device because of its position, shape or color.
3. Make use of the words STOP, LOOK, DETOUR, DANGER or any other word, phrase, symbol or character in a manner that misleads, interferes with, or confuses traffic unless specifically approved by the Zoning Administrator
4. Are illuminated in red, green or amber color, so as to resemble a traffic signal, when in the direct line of vision of a traffic signal.

M. Vehicle Advertising Signs

Advertising signs placed on a parked vehicle, or trailer, for the purpose of advertising a product or directing viewers to a business or activity are prohibited. This does not apply to public transit vehicles.

N. Neon Signs (Distance Restriction)

Neon signs within a residential district or within sixty-six (66) feet of a residential district lot line.

16.9 SIGNS NOT REQUIRING A PERMIT

The following signs, and sign alteration and maintenance activities, are exempt from the sign permit requirements of this Article.

A. Alteration and Maintenance Operations

The following activities are exempt from sign permit requirements:

1. Changing of the advertising copy or message on an existing changeable copy sign or similar approved sign, whether illuminated or non-illuminated.
2. Painting, repainting, cleaning, changing permitted items of information, or other normal maintenance and repair of a sign, not involving changes to the appearance, location, size or structural changes or changes to the electrical components of a sign.

B. Address Numbers and Nameplates

House numbers, as required by Section 16-13 of the Village Code, and house nameplates are exempt from sign permit requirements. Nameplates are limited to sixty (60) square inches in area.

C. Banners

Banners are exempt from sign permit requirements subject to the following:

1. Banners are permitted for any non-residential use.
2. Banners are limited to thirty-two (32) square feet in area.
3. Only one (1) banner is permitted per lot.
4. No banner may be located higher than the roofline of the building to which it is attached or, if attached to a permanent sign, higher than the sign. There must be no encroachment into the public right-of-way.
5. Banners are limited to a display period of thirty (30) days and must be removed within two (2) days after a specified event. Banners may be erected on a lot no more than four (4) times in a year.

D. Construction Signs

A construction sign identifying the parties involved in the construction to occur or occurring on the lot or premises on which the sign is placed is permitted without a sign permit, subject to the following:

1. Such temporary signs must be removed within seven (7) days after primary construction ceases for the project to which the sign pertains.
2. Only one (1) construction sign per street frontage may be placed on the lot or premises to which it pertains.
3. The sign area of each sign may not exceed:
 - a. Twenty (20) square feet in sign area where the street frontage is less than one-hundred (100) feet.
 - b. Sixty-four (64) square feet in sign area where the street frontage is at least one-hundred (100) feet.
4. Illumination of temporary construction signs is prohibited.

E. Directional Signs

The following directional signs are exempt from sign permit requirements:

1. Directional or instructional signs accessory to parking and driveway areas, subject to the following regulations:
 - a. One (1) single or double-faced sign may be erected to designate each entrance to or exit from a parking or driveway area. Sign area is limited to seven-and-one-half (7½) square feet.
 - b. Signs designating the conditions of use of off-street parking spaces furnished by an activity may be placed in parking lots or alleys. Such signs may include the name of the activity furnishing the parking spaces but may not include any advertising.
2. Signs that direct or guide persons to facilities intended to serve the public, including signs identifying rest rooms, public telephones, walkways, and similar facilities. Advertising matter is not permitted on such signs.
3. In addition, an off-street parking facility that contains car-sharing spaces may provide signs that in the aggregate total no more than two (2) square feet in area identifying organizations that have car-sharing vehicles available at such parking area. No such sign shall be located higher than seven (7) feet above curb level.

F. Event Sign

1. A sign announcing the opening or closing of a business, or a business founding anniversary at a location is permitted without a sign permit. Such a sign may not be displayed for more than eight (8) weeks from the date on which the activity

commences or concludes. Signs announcing a sale related to the closing of a business or a stock liquidation may be displayed only two (2) times within a calendar year.

2. An event sign announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization is permitted without a sign permit. Such signs must be removed within two (2) days after a specified event.
3. The sign area of an event sign may not exceed thirty-two (32) square feet.

G. Flags

Flags bearing the official design of a nation, state or political subdivision of a state are exempt from sign permit requirements.

H. Garage or Yard Sale Signs

A garage sale or house sale sign which announces the sale of tangible personal property by the property owner by means of the activity commonly known as a “garage sale”, “yard sale” or “house sale” is permitted without a sign permit. Such signs must be displayed on private property only and must be removed within three (3) days of the sale. A garage sale or house sale sign is limited to four (4) square feet.

I. Government and Public Signs

The following government and public signs are exempt from sign permit requirements:

1. Signs displayed or erected by a governmental body.
2. Signs required or authorized for a public purpose by any law, statute or ordinance, to the extent that said signs are of the type, number, area, height, location or illumination as may be authorized by law, statute or ordinance.

J. Holiday Decorations

Holiday decorations, signs or other material displayed in connection with civic, patriotic or religious holidays are permitted without a sign permit.

K. Informational Matter

1. Informational matter appearing on gasoline pumps, newspaper vending boxes and other vending machines, automatic teller machines, or matter appearing on or adjacent to entry doors such as PUSH, PULL, OPEN and/or CLOSED, or matter appearing on display windows or doors denoting hours of operation, credit cards accepted, and similar information are exempt from sign permit requirements.

2. An automobile service station may display one (1) sign, no larger than nine (9) square feet, above each pump island stating whether the area is a “self service” or “full service” area and the current price per gallon of gasoline sold at the station. No element of the cost to the customer of the gasoline may be omitted from the statement of the price.

L. Memorial Plaques

Memorial plaques, including cornerstones, historical plaques and similar signs, displayed for non-commercial purposes are exempt from sign permit requirements.

M. Political and Non-Commercial Message Signs

1. A sign or poster expressing the opinion of the owner or occupant of the property about a political, religious, social or similar issue of public concern is permitted without a sign permit, provided that no advertising of goods or services is included.
2. Political signs or posters announcing candidates seeking public political office and/or political and public issues contained on a ballot are permitted without a sign permit. Such signs must be removed within seven (7) days after an election.
3. Such signs must be posted on private property only, and only with the permission of the property owner.

N. Property Management Signs

Property management signs are exempt from sign permit requirements. Such signs must be installed as wall signs and are limited to one (1) square foot in area.

O. Real Estate Signs

1. A sign advertising the sale or lease of real estate is permitted without a sign permit and must be located on the lot where the sale or lease of real estate is offered.
2. Real estate signs must be removed within seven (7) days after the buyer and seller are mutually bound to conclude the sale or lease of the real estate to which the sign pertains.
3. Only one (1) real estate sign per street frontage may be placed on the lot or premises to which it pertains.
4. The sign area of each sign may not exceed:
 - a. Ten (10) square feet in sign area where the street frontage is less than sixty (60) feet.

- b. Twenty (20) square feet in sign area where the street frontage is at least (60) feet.

P. Restaurant Menu Signs

Restaurant menu signs containing only the current menu or specials offered by the restaurant are exempt from sign permit requirements. Restaurant menu signs must be wall or window signs and are limited to four (4) square feet in sign area. This does not apply to menu board signs for drive-through uses.

Q. Theater Marquee

Information displayed on a theater marquee that indicates the names, showtimes and information on current movies or performances are exempt from sign permit requirements.

R. Window Signs - Temporary

A business is allowed one (1) or more temporary window signs without a sign permit, provided the total area of the business' window signs does not exceed fifteen percent (15%) of the window area. Temporary window signs are limited to a display period of eight (8) weeks. Temporary window signs cannot display any off-premise advertising, with the exception of non-commercial messages.

16.10 SIGNS REQUIRING A PERMIT

A. General Restrictions

Table 16-1: Sign Types Permitted by District describes the sign types permitted within a district. In addition, the following restrictions also apply:

1. All businesses fronting on public or private streets and having their principal operation on the ground floor of a building are allowed those sign types and quantities as listed in Table 16-1. Such signs must be located on that part of the building having street frontage and are subject to the following:
 - a. Signs on an awning valance are always permitted but are limited to five (5) inches in height and no more than one item of information.
 - b. Commercial uses located in residential zoning districts may display one (1) wall or projecting sign per street frontage. No other sign types are permitted.
 - c. Institutional uses located in residential zoning districts may display one (1) wall or ground sign per street frontage. No other sign types are permitted.
2. Townhouse, stacked flat and multi-family dwellings located in residential districts may display a ground sign oriented to the street on which it fronts only if the

development consists of at least twenty (20) dwelling units and has at least one-hundred (100) feet of street frontage.

3. Businesses lacking frontage on a public or private street may locate only one sign in accordance with applicable sections of this Article on that face of the building which is designated by that business as its principal frontage, and contains the primary entry into the business.
4. All signs must comply with the standards of this section.

VILLAGE OF WILMETTE, ILLINOIS TABLE 16-1: SIGN TYPES PERMITTED BY DISTRICT				
COMMERCIAL DISTRICT	PRIMARY SIGN	SECONDARY SIGN		
	AWNING/WALL/GROUND	WINDOW	PROJECTING	VALANCE
VILLAGE CENTER (VC)	Awning, Wall or Ground	One (1)	One (1)	One (1) per Awning
LINDEN SQUARE (NR-1)	Awning or Wall	One (1)	One (1)	One (1) per Awning
NEIGHBORHOOD RETAIL (NR)				
NORTH GREEN BAY ROAD	Awning, Wall or Ground	One (1)	One (1)	One (1) per Awning
RIDGE ROAD	Awning, Wall or Ground	One (1)	One (1)	One (1) per Awning
SKOKE & OLD GLENVIEW	Awning, Wall or Ground	One (1)		One (1) per Awning
WILMETTE & SKOKIE	Awning, Wall or Ground	One (1)		One (1) per Awning
WEST LAKE AVENUE	Awning, Wall or Ground	One (1)		One (1) per Awning
GENERAL COMMERCIAL (GC-1)	Awning, Wall or Ground	One (1)	One (1)	One (1) per Awning
GENERAL COMMERCIAL (GC-2)	Awning, Wall or Ground	One (1)		One (1) per Awning
OFFICE RESEARCH (OR)	Awning, Wall or Ground	One (1)		One (1) per Awning

B. Awnings

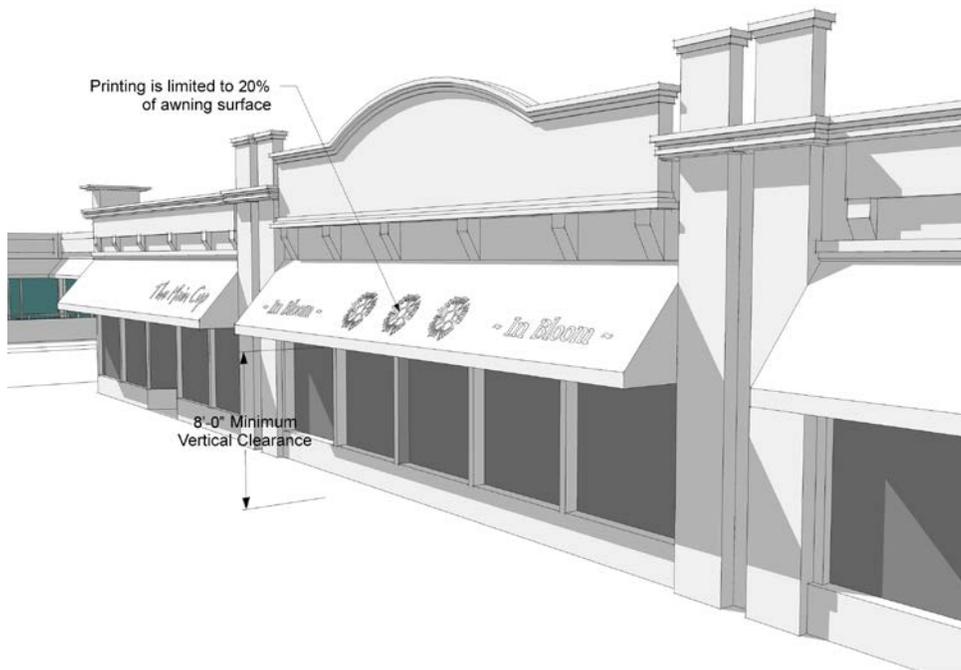
Awnings that are considered an architectural feature of a structure and are not used for identifying the premises or the goods and/or services sold are not considered a sign. Awnings used as signs are subject to the following regulations:

1. No portion of an awning may extend beyond a point two (2) feet inside the curb line. When an awning extends over a Village right-of-way, the applicant must sign a hold harmless/indemnification agreement.
2. An awning must maintain a minimum vertical clearance of eight (8) feet above the ground over which it projects. (See Figure 16-4: Awning Surface.)
3. Awnings must be securely attached to and supported by a building. All frames and supports must be made of metal or similar rigid material. Frames and supports may

not be made of wood or plastics.

4. Printing on an awning sign is limited to twenty percent (20%) of the face of the awning not including sidewalls. (See [Figure 16-4: Awning Surface](#).)
5. Awning signs must be constructed out of canvas, canvas-like material, fabric or metal. Back-lit box and plastic awnings are prohibited.
6. An awning sign may be externally illuminated.

FIGURE 16-4: AWNING SURFACE



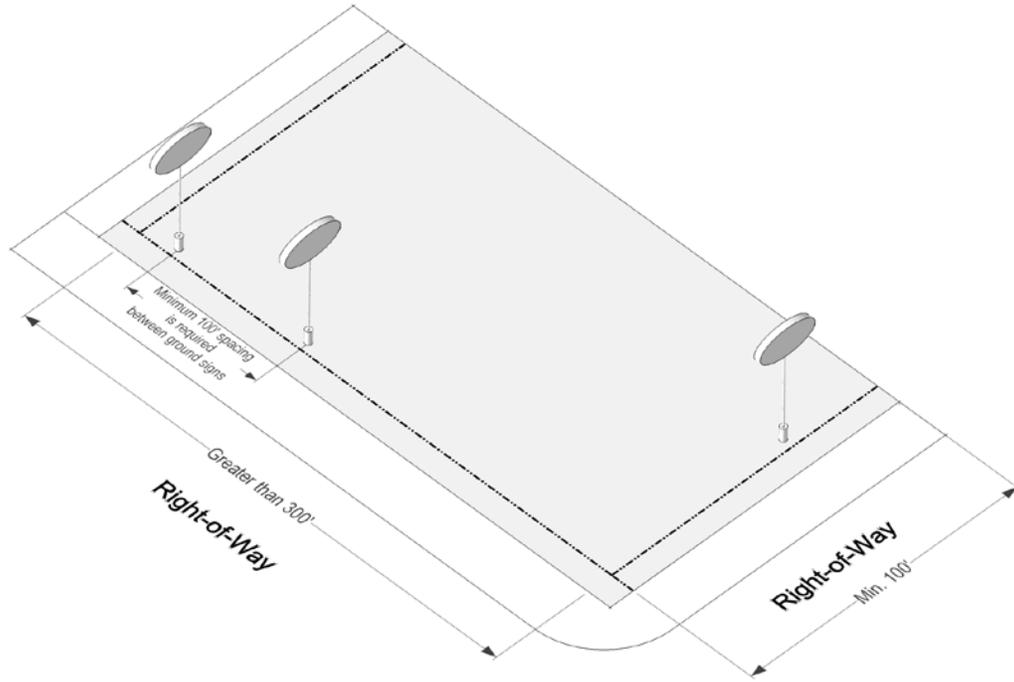
C. Directory Signs

Multi-tenant non-residential uses shall be permitted a directory sign in addition to any other signs allowed. A multi-tenant building shall be permitted one wall mounted directory sign of no more than six (6) square feet per building, or one free standing ground sign of no more than sixteen (16) square feet per building.

D. Ground Signs

1. Ground signs are permitted as follows:
 - a. A non-residential use may display a ground sign oriented to any roadway if the use has at least one-hundred (100) feet of street frontage. (See [Figure 16-5: Ground Signs on Corner Lots](#).)

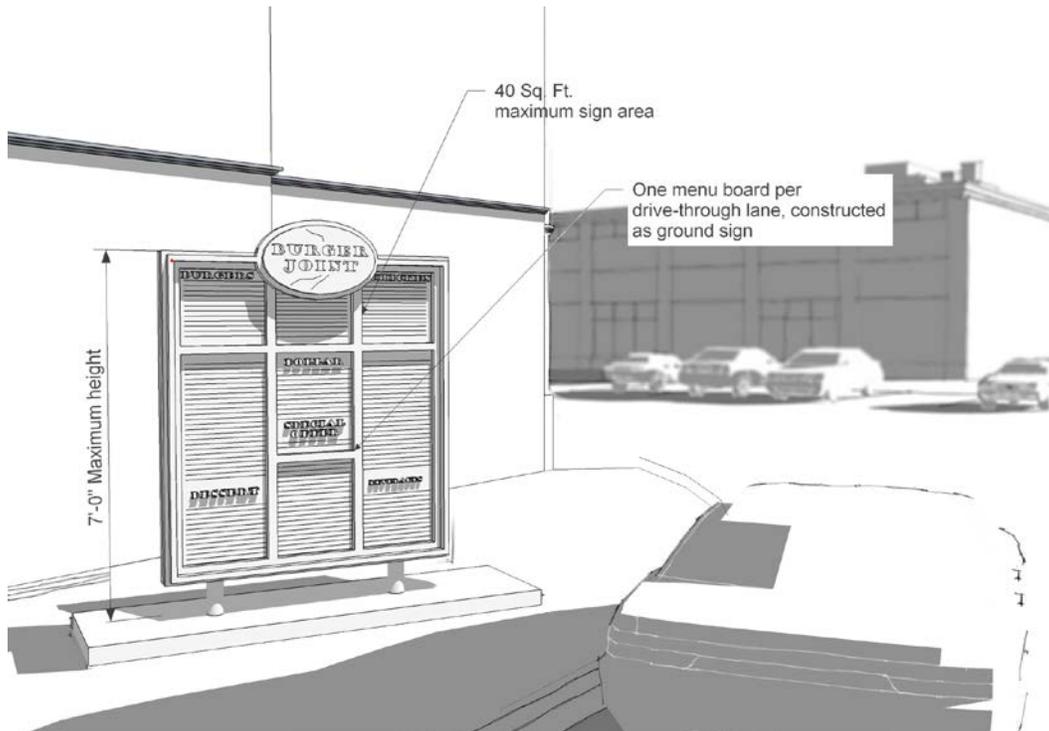
FIGURE 16-5: GROUND SIGNS ON CORNER LOTS



E. Menu Board Signs

Drive-through facilities are permitted one (1) menu board sign, constructed as a monument sign, no more than forty (40) square feet in sign area, no more than seven (7) feet in height, and no less than fifteen (15) feet from any lot line. Menu boards shall not face or be located adjacent to residential properties. Menu boards shall not be internally illuminated, but may be externally illuminated using a shielded bulb. The use of audio components is limited to communications between the driver and the establishment. (See [Figure 16-6: Menu Board Signs](#).)

FIGURE 16-6: MENU BOARD SIGNS



F. Marquees

1. Marquees are only permitted for indoor amusement facilities and live performance venues.
2. Marquees are restricted to a position over the main entrance into a building. Marquees are limited to the width of the entrance or entrances of the building plus five (5) feet on each side thereof.
3. No portion of a marquee may extend beyond a point one (1) foot inside the curb line. When a marquee extends over a Village right-of-way, the applicant must sign a hold harmless/indemnification agreement.

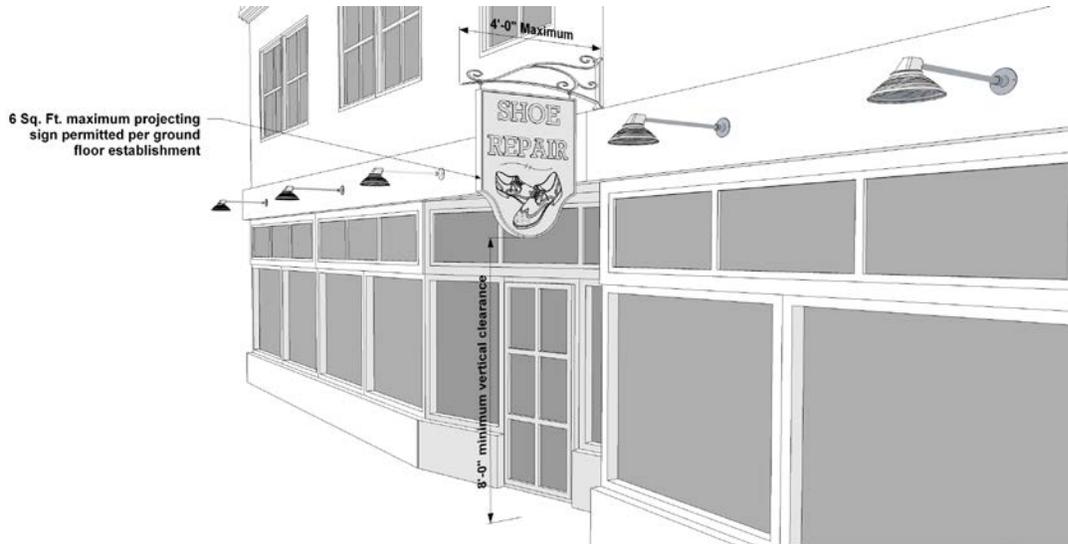
4. Marquees must maintain a vertical clearance of ten (10) feet above the sidewalk over which it extends.
5. Marquees must be supported solely by the building to which they are attached, and no columns or posts are permitted as supports. All marquees, including anchors, bolts, supports, rods and braces, must be constructed of incombustible or approved combustible materials, designed by a structural engineer and approved by the Village Engineer.
6. No marquee is permitted on any building of wood frame construction.
7. The roof of all marquees must be properly guttered and connected by downspouts to a storm sewer or other drainage acceptable to the Zoning Administrator so that water will not flow onto public property.
8. The roof of any marquee must be designed and constructed to support a live load of no less than forty (40) pounds per square foot.
9. The roof of all marquees must be used for no other purpose than to form and constitute a roof, and must be constructed of incombustible materials.
10. No temporary sign may be attached to or hung from a marquee.
11. A changeable copy sign affixed or illuminated directly upon the vertical hanging fascia of the marquee is permitted.

G. Projecting Signs

1. Projecting signs are limited to six (6) square feet in sign area. (See Figure 16-7: Projecting Signs.)
2. A projecting sign must maintain a vertical clearance of eight (8) feet above the ground over which it projects. No projecting sign affixed to a building may project higher than the building height, including the sign support structure. When a projecting sign extends over a Village right-of-way, the applicant must sign a hold harmless/indemnification agreement. (See Figure 16-7: Projecting Signs.)
3. Projecting signs, including frames, braces, and supports must be designed by a licensed structural engineer or manufacturer. No projecting sign may be secured with wire, chains, strips of wood or nails nor may any projecting sign be hung or secured to any other sign. Any movable part of a projecting sign, such as the cover of a service opening, must be securely fastened by chains or hinges.
4. Projecting signs are limited to four (4) feet of projection from the face of the building to which they are attached, including the area between the sign and the face of the building. (See Figure 16-7: Projecting Signs.)

5. A permitted projecting sign may only be externally illuminated.

FIGURE 16-7: PROJECTING SIGNS



H. Sidewalk Signs

1. Restricted Information

- a. Off-premise advertising is prohibited.
- b. Information on the sale of alcoholic beverages or price for alcoholic beverages is prohibited.

2. Design Standards

- a. Sidewalk signs must be constructed of weather-resistant materials, such as wood, plastic or metal. Sidewalk signs constructed of impermanent materials, such as cardboard and paper, are prohibited.
- b. Foil, mirrors, bare metal or other reflective materials that could create hazardous conditions to motorists, bicyclists or pedestrians are prohibited.
- c. Illumination of sidewalk signs is prohibited.
- d. Sidewalk signs must be sufficiently weighted or constructed to keep sign in approved location.

3. Size and Number of Sidewalk Signs Allowed

- a. The maximum signable area is limited to six (6) square feet per sign face, with a maximum of two (2) sign faces per sidewalk sign.
- b. Maximum overall height of a sidewalk sign is limited to forty-two (42) inches above the sidewalk upon which it is placed.
- c. A maximum of one (1) sidewalk sign per business is permitted, including businesses having more than one street frontage.

4. Permitted Location

- a. Sidewalk signs are allowed in non-residential districts only.
- b. In the case of a sidewalk signs on the public sidewalk, a sidewalk sign may be placed only along the street level frontage of the business whose sign is being displayed. In the case of a sidewalk sign on a private sidewalk, a sidewalk sign may only be displayed in front of the building with frontage on that private sidewalk where the business is located. No sidewalk sign may be displayed in front of any other business.
- c. No sidewalk sign is permitted for a home occupation or for any use within a residential zoning district.
- d. Sidewalk signs must be placed in so that there is a continuous unobstructed width of a sidewalk or walkway of at least five (5) feet.
- e. Sidewalk sign placement may not obstruct ingress/egress to a building, steps or driveway access, or other similar feature, or be placed within five (5) feet of a wheelchair ramp or curb cut.
- f. Each sidewalk sign must be at least fifteen (15) feet from any other sidewalk sign.
- g. Sidewalk signs are prohibited in streets, roadways and alleys.
- h. Sidewalk signs must be free standing, and cannot be attached to any other structures, such as parking meters, trees and utility poles.
- i. Sidewalk sign placement must not create a visual obstruction so as to create a safety hazard.

5. Display Period

- a. Sidewalk signs may be displayed only during the hours the business is open.

- b. Owners are responsible for the removal of their sidewalk signs following business hours and during periods of strong winds and snow accumulation.

6. Sidewalk Sign Permit Required

- a. A sign permit is required for any sidewalk sign. A sign permit for a sidewalk sign may only be issued for period of validity up to one (1) year. Every sign permit for a sidewalk sign expires December 31st of each year.
- b. An applicant for a sidewalk sign permit must sign a statement that the applicant agrees to adhere to the standards and requirements of this regulation, and if not, the sign may be removed by the Village and/or the sign permit revoked.
- c. An applicant wishing to obtain a permit for a sidewalk sign is required to sign a hold harmless/indemnification agreement or provide evidence that the applicant maintains liability insurance in an amount as required by the Zoning Administrator naming the Village of Wilmette as an additional insured. Such coverage may not be canceled or modified without thirty (30) days prior written notice to the Zoning Administrator. Failure to maintain such insurance coverage will result in revocation of the permit.
- d. A copy of the approved permit must be legibly attached to the underside of the sign at all times.
- e. Failure to comply with any of the above standards at any time may result in the Village removing said sidewalk sign without prior notice. If the Village removes a sidewalk sign, written notice of the sign's removal will be mailed to the business owner at the address listed on the sign permit application via U.S. Postal Service regular mail. The notice must state with particularity the reason for removal. The confiscated sidewalk sign will be stored for thirty (30) calendar days after the mailing of such notice.
- f. An owner of a sidewalk sign that has been removed by the Village may retrieve said sidewalk sign upon payment of an impoundment fee, payable to the Village of Wilmette, no later than thirty (30) days after the date of the notice of impoundment. The impoundment fee is as follows:
 - i. First Offense: Seventy-five dollars (\$75.00)
 - ii. Second Offense: One-hundred fifty dollars (\$150.00)
 - iii. Third Offense and thereafter: Two-hundred fifty dollars (\$250.00) per occurrence

- g.** Alternatively, said owner within the same thirty (30) day period may submit a written protest to the Zoning Administrator stating with particularity why the sidewalk sign in question should not have been confiscated, and the Zoning Administrator must respond in writing to such protest within ten (10) business days. Any sidewalk sign not retrieved by the owner within thirty (30) calendar days after the date of the notice of impound, or within thirty (30) days after the Zoning Administrator has mailed a response to such written protest as may have been filed, may be destroyed by the Village.

I. Time and Temperature Signs

A time and temperature sign may not include any advertising or convey any news information. The sign display may not change more frequently than one (1) change per three (3) seconds.

J. Wall Signs

- 1.** Non-residential uses are permitted one (1) wall sign per street frontage.
- 2.** Wall signs must be safely and securely attached to the building wall no less than eight (8) feet above the ground and affixed flat against the building wall.
- 3.** Wall signs are limited to a maximum projection of twelve (12) inches from the building wall.
- 4.** No wall sign affixed to a building, including sign support structure, may project beyond the ends or top of the wall to which it is attached. On existing buildings, a parapet wall may not be constructed for the sole purpose of increasing the allowable height of a wall sign. For new buildings, when a sign is to be mounted on a parapet wall, that parapet wall must be consistent with the architectural design of the building, including building materials. Wall signs may not be attached to unreinforced masonry parapets. Wall signs must not cover windows, doors or architectural features.
- 5.** Wall signs must be constructed of wood, plastic/acrylic or metal.
- 6.** A permitted wall sign may be externally or internally illuminated, except that a non-conforming use in a residential zoning district may not be internally illuminated.
- 7.** The permitted sign area for a wall sign is as follows:

 - a.** Wall signs are limited to the signable area of a building, and must cover no more than thirty percent (30%) of the signable area. The signable area for a building is established by filing with the Zoning Administrator a written description or sketch defining or showing the signable area.

- b. The responsibility for filing the description or sketch of the signable area is with the building owner and the building occupant or occupants. Such persons may file the description or sketch prior to or within twenty (20) days after being requested to do so by the Zoning Administrator. If the building owner and building occupant or occupants fail to establish the signable area for the building within twenty (20) days after being requested to do so by the Zoning Administrator, the signable area for the building will be established by the Zoning Administrator.

K. Window Signs - Permanent

1. The combined total area of a permanent window sign and temporary window signs is limited to a maximum of twenty percent (20%) of the window area. Window panels separated only by mullions are considered one continuous window area in the computation of window surface area.
2. The total area of a permanent window sign is limited to a maximum of ten percent (10%) of the window area. However, if no wall or awning sign is displayed, businesses are permitted up to twenty percent (20%) of window coverage with permanent window signs.

16.11 NON-CONFORMING SIGNS

See Section 17.6 (Non-conforming Signs) for the provisions for non-conforming signs.

ARTICLE 17. NON-CONFORMITIES

17.1 PURPOSE

The purpose of this Article is to provide for the regulation of non-conforming uses, structures and lots, and to specify those circumstances and conditions under which non-conforming structures and uses must be eliminated.

17.2 GENERAL STANDARDS OF APPLICABILITY

A. Authority to Continue

Any use, structure or lot that existed as a lawful non-conformity at the time of the adoption of this Ordinance, and any use, structure or lot that has been made non-conforming because of the terms of this Ordinance, or any subsequent amendments, may continue subject to the provisions of this Article so long as it remains otherwise lawful. A structure or use that is illegal at the time of the adoption of this Ordinance, remains illegal if it does not conform with each and every requirement of this Ordinance.

B. Burden on Property Owner to Establish Legality

In all cases, the burden of establishing the legality of a non-conformity under the provisions of this Ordinance are upon the property owner of the non-conforming use, structure or lot.

C. Safety Regulations

All police power regulations enacted to promote public health, safety and welfare including, but not limited to, all building, fire and health codes apply to non-conforming structures.

17.3 NON-CONFORMING USE

A. Definition of Non-conforming Use

A non-conforming use is the use of land or a structure that, as of the effective date of this Ordinance, is used for purposes not allowed in the zoning district in which it is located.

B. Ordinary Repairs and Maintenance

Normal maintenance and incidental repair may be performed on any structure that is devoted in whole or in part to a non-conforming use, provided it will not create any new non-conformity, increase the degree of non-conformity or increase the bulk of the structure in any manner.

C. Structural Alterations

No structural alterations may be performed on any structure devoted to a non-conforming use, except in the following situations:

1. When the alteration is required by law or is necessary to restore the structure to a safe condition upon the order of any official charged with protecting the public safety.
2. When the alteration is for the purpose of bringing about a conforming use.
3. When the alteration will not create any new non-conformity, increase the degree of any existing non-conformity or increase the bulk of the structure in any manner.

D. Expansion of Use

A non-conforming use of land or a structure may not be expanded, extended, enlarged or increased in intensity. Prohibited activity includes, without limitation:

1. Expansion of any structure devoted entirely to a non-conforming use.
2. An expansion, extension or relocation of a use or its accessory uses to any land area or structure not currently occupied by such non-conforming use.
3. An expansion, extension or relocation of such use, including its accessory uses, within a structure, to any portion of the floor area that was not occupied by such non-conforming use.

E. Relocation

A non-conforming use of land or a structure may not be relocated, in whole or in part, to any other location on the same lot or parcel. The non-conforming use may only be relocated to another lot or parcel if the use conforms to all regulations of the zoning district in which it is relocated, including all use regulations.

F. Change of Use

A non-conforming use may not be changed to any use other than one allowed within the zoning district in which it is located, except that a non-conforming use may be changed to another non-conforming use when reviewed by the Zoning Board of Appeals and approved by the Village Board under the special use provisions of Article 5. When such a non-conforming use has been changed, in whole or in part, to an allowed use, the whole or part which has been made to conform may not be changed back to a use that is prohibited. A change of use occurs when an existing non-conforming use has been terminated and another use has commenced. Any change in

use in violation of this Ordinance is deemed an abandonment of the previously existing lawful non-conforming use.

G. Discontinuation or Abandonment

1. If a non-conforming use is discontinued, or the structure that it occupies becomes vacant and remains unoccupied for a continuous period of one-hundred eighty (180) days, such use is deemed to be abandoned and may not be reestablished or resumed regardless of the intent to resume or to continue the use. Any subsequent use must comply with all regulations of the zoning district in which such land or structure is located.
2. The period of such discontinuance caused by government action or acts of God are not included in calculating the length of discontinuance for this section.
3. If a non-conforming use is offered for sale or lease but continues to remain occupied and functioning during this period, that period is not included in calculating the length of discontinuance for this section.

H. Damage or Destruction

1. In the event that any structure that is devoted in whole or in part to a non-conforming use is damaged or destroyed to the extent of fifty percent (50%) or more of its replacement value at that time, then the non-conforming use may not be reestablished or resumed regardless of the intent to resume or to continue the use. Any subsequent use must comply with all regulations of the zoning district in which such land or structure is located.
2. In the event that any structure that is devoted in whole or in part to a non-conforming use is damaged or destroyed to the extent of less than fifty percent (50%) of the replacement value at that time, the structure may be repaired, reconstructed or restored and the non-conforming use continued, provided that no new non-conformities are created and that the existing degree of non-conformity is not increased. A building permit must be obtained for such rebuilding, restoration, repair or reconstruction and construction begun within one-hundred eighty (180) days.
3. The replacement value of the structure, which is devoted in whole or in part to a non-conforming use, shall be determined by the use of: 1) construction cost data reports generally accepted in the construction or insurance industry such as that published by research firms concentrating in construction cost data, including but not limited to RS Means Company; 2) the report of a public adjuster estimating replacement and repair cost; or 3) such method as determined reliable by the Village.

17.4 NON-CONFORMING STRUCTURES

A. Definition of Non-conforming Structure

Structures which at one time conformed to applicable zoning regulations, but because of subsequent amendments to the Ordinance no longer conform to applicable setback, height, lot coverage or other dimensional standards or do not meet other standards of this Ordinance, such as an insufficient number of parking spaces, are considered non-conforming structures.

B. Ordinary Repairs and Maintenance

1. Normal maintenance and incidental repair may be performed on any non-conforming structure. No repairs or reconstruction are permitted that would create any new non-conformity, increase the degree of any previously existing non-conformity, or increase the bulk of the structure in any manner.
2. A legal, non-conforming porch, stoop or steps attached to a dwelling may be repaired or replaced without obtaining a variation from the provisions of this Ordinance provided that the dimensions and location of the porch, landing or steps, as the case may be, remain unchanged. No variation is required in such case.
3. Paved surfaces, such as driveways, aprons, parking pads, sidewalks and patios, that are non-conforming for impervious surface coverage, may be repaired or replaced without obtaining a variation from the provisions of this Ordinance provided that the dimensions and location of the non-conforming paved surfaces remain unchanged.

C. Structural Alterations

No structural alterations may be performed on any non-conforming structure, except in the following situations:

1. When the alteration is required by law or is necessary to restore the structure to a safe condition upon the order of any official charged with protecting the public safety.
2. When the alteration will result in eliminating or decreasing the nonconformity.
3. When the alteration will not create any new non-conformity or increase the degree of any existing non-conformity.

D. Additions and Enlargements

1. A structure that is non-conforming with respect to its bulk may not be added to or enlarged with the exception of the following non-conforming structures in Paragraph 2 below.
2. A structure that is non-conforming due to either minimum yard or building height requirements may be added to or enlarged, as qualified in this Paragraph.
 - a. The structure is one (1) of the following:
 - i. Single-family dwelling;
 - ii. Two-unit dwelling;
 - iii. Structure owned, operated or occupied by the Village; or
 - iv. Structure owned, operated or occupied by a public school district, public library district or public park district governed by an elected board or commission.
 - b. The enlargement or alteration meets the following:
 - i. The enlargement or alteration conforms to the standards of this Ordinance;
 - ii. The total structure as enlarged or altered does not diminish the total required yard area for the applicable zoning district; and
 - iii. The property owner or developer secures a building permit for the enlargement or addition.

E. Relocation

A non-conforming structure may not be relocated, in whole or in part, to any other location on the same zoning lot. A non-conforming structure may be relocated to another zoning lot if the structure conforms to all regulations of the zoning district in which it is relocated.

F. Damage or Destruction

1. In the event that any non-conforming structure is damaged or destroyed to the extent of fifty percent (50%) or more of its replacement value at that time, then the structure may not be restored or rebuilt unless the structure conforms to all regulations of the zoning district in which it is located.

2. When such a structure is damaged or destroyed to the extent of less than fifty percent (50%) of the replacement value at that time, it may be repaired and reconstructed provided that no new non-conformities are created and that the existing degree of non-conformity is not increased. A building permit must be obtained for such rebuilding, restoration, repair or reconstruction and construction begun within one-hundred eighty (180) days.
3. The replacement value of the non-conforming structure shall be determined by the use of: 1) construction cost data reports generally accepted in the construction or insurance industry such as that published by research firms concentrating in construction cost data, including but not limited to RS Means Company LLC; 2) the report of a public adjuster estimating replacement and repair cost; or 3) such method as determined reliable by the Village.

17.5 NON-CONFORMING LOTS OF RECORD

A. Individual Lots of Record in Residential Districts

In residential districts, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling may be erected on a single lot of record that is non-conforming in terms of lot width, lot area or lot depth provided that it meets the following conditions:

1. The owner of that lot, or a related party of the owner of that lot, owns or controls no other contiguous lots.
2. The lot meets all other zoning district bulk requirements.

B. Lots of Record in Residential Districts Owned by Related Parties

If two (2) or more contiguous lots of record are held in common ownership or are owned or controlled by related parties and one (1) or more of the lots does not meet the requirements for lot area or lot width as established by this Ordinance, then the lots of record are considered to be a single undivided parcel for purposes of this Ordinance. No portion of the parcel may be used, transferred or conveyed which does not meet the lot width and lot area requirements established by this Ordinance. No division of the parcel may be made which leaves the remaining lot(s) with lot width or lot area below the requirements of this Ordinance. No building permit will be issued for the use of any lot, or portion of a lot, transferred or conveyed in violation of this Article.

C. Variations

No variation from these restrictions shall be granted unless the property owner can demonstrate that one (1) of the following standards have been met, in addition to the general standards for granting a variation:

1. The lot met the lot area and lot width requirements of the zoning ordinance in effect at the time the owner acquired the lot.
2. Over fifty percent (50%) of the lots within five-hundred (500) feet of the lot in question have been developed as individual building sites, containing one (1) principal building or structure each, which do not meet the lot width or lot area requirement for the district in which they are located.
3. The owners of abutting lots refuse to sell or convey, at a fair market price, portions of those lots that could be added to the lot in order to make it meet the area and width requirements without reducing the lot area, lot width, and yards required by this Ordinance for any such abutting lot.

17.6 NON-CONFORMING SIGNS

- A. No non-conforming sign may be relocated wholly or in part to any other location on the same or any other lot, unless the entire sign thereafter conforms to all regulations of the zoning district in which the sign is relocated.
- B. No non-conforming sign may be altered or enlarged in a way that increases the non-conformity of the sign. This does not include normal maintenance and cleaning or changing of copy on a changeable copy sign.
- C. In the event that any non-conforming sign is damaged or destroyed to the extent of more than fifty percent (50%) of the fair market value of the sign immediately prior to the damage, the sign may not be restored or repaired unless it thereafter conforms to all applicable regulations for the district.

17.7 NON-CONFORMING FENCES

- A. No non-conforming fence may be repaired or replaced unless the entire fence thereafter conforms to all regulations of this Ordinance. The replacement of one or more posts, one or more sections, and/or the replacement of more than 50% of the slats within a section of fencing shall constitute a structural repair.

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ARTICLE 18. ENFORCEMENT

18.1 ENFORCEMENT

A. Enforcement

This Ordinance is enforced by the Zoning Administrator. The Zoning Administrator may secure the assistance of the Village Attorney to seek an injunction, abatement or other appropriate actions to enjoin, abate, or stop any violation of this Ordinance. At times, the aid of the Police Department may be sought to enforce this Ordinance. The property owner charged with the violation may be held responsible for any legal expenses incurred by the Village.

B. Penalties

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, upon conviction, will be fined for each offense. Each day that a violation continues constitutes a separate offense for the purposes of the penalties and remedies available to the Village. The accumulation of penalties for violations, but not the obligation for payment for violations already committed, will cease upon correction of the violation.

C. Fines

Each violation, and each day that such violation continues, is subject to the minimum and maximum fines established by the State of Illinois.

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APPENDIX A. PLAZA DEL LAGO LOCAL SIGN ORDINANCE

1. RELATIONSHIP TO ARTICLE 16

All provisions regulating signage as established by Article 16 of Chapter 20 of the Wilmette Village Code shall apply to Plaza del Lago except to the extent they are modified herein.

2. DEFINITIONS

Arcade. Building C as depicted in Figure Appendix A-1: Plaza Del Lago Map, which is attached to and made a part of this ordinance.

Arch Sign. A wood sign suspended from the archway of Building D which is not illuminated and does not exceed seventy-two (72) inches in length or twenty (20) inches in height.

Development Signs. Ground, wall or arch signs which are erected by the Owner to identify the shopping center, or which direct persons to various businesses or parking areas within the shopping center.

Owner. Plaza del Lago, LLC, the owner of Plaza del Lago, or its successors in interest.

3. BUILDING IDENTIFICATION

Sign regulations are herein established for activities in each building as depicted in Figure Appendix A-1 through Figure Appendix A-8, which are attached hereto and made a part of this Ordinance.

4. GENERAL ALLOWANCES

A. All signs may be illuminated according to Article 16 of the Zoning Ordinance, unless otherwise noted in this appendix.

B. When a tenant space demising or consolidation effects the Local Sign Ordinance the owner shall be responsible for initiating an update to the Local Sign Ordinance within three (3) months of the action.

5. LIMITATION ON DISPLAY OF SIGNS

Signs displayed by activities within Plaza del Lago are limited to the following:

A. Activities in Building A and Building B, may display one of the following signs per building frontage, where that frontage has storefront windows:

1. A wall sign erected within the signable area, not to exceed one-and-one-half (1½) feet by ten (10) feet in dimension or sixty percent (60%) coverage of the signable area, whichever is smaller. Wall signs facing 10th Street shall not be illuminated.
 2. Canopy or awning signs in accordance with Section 16.10.B. (Awnings). Valance lettering on canopies and awnings may include a logo.
- B.** Activities located in Building C (Arcade) may not display any exterior signage. This limitation does not apply to Development Signs, which are regulated by Section 7 of these regulations.
- C.** Activities located in Building D may display the following signs:
1. Activities located in spaces 23 through 30 of Building D may display one of the following:
 - a. A non-illuminated or illuminated arch sign not to exceed seventy-two (72) inches in length by twenty (20) inches in height as depicted in Figure Appendix A-9: Arch Sign or
 - b. A permanent window sign in accordance with the regulations of 16.10.K (Window Signs – Permanent). Such signs shall not be illuminated.
 - c. An activity located in space 31 of Building D may display an illuminated wall sign in accordance with Section 16.10.J (Wall Signs).
 - d. An activity located in space 31A of Building D may display an illuminated sign over the westerly most window of the north facade. The dimensions of the sign shall not exceed one-hundred eighty (180) inches in length by forty (40) inches in height. In addition, the activity may display a non-illuminated arch sign in front of their entrance.
 - e. Wall signs facing Westerfield Drive and 10th Street are prohibited.
- D.** Activities in Building E may display wall signs in accordance with the following regulations:
1. An activity in space 32 may erect an illuminated wall sign five (5) feet tall by fourteen-and-one-half (14½) feet wide with letters three-and-one-half (3½) feet high within the white stucco area which is an architectural detail of the north façade as depicted in Figure Appendix A-10: Unit 32 Sign.
 2. An activity in space 33 may erect a wall sign not to exceed three-and-one-half (3½) feet in height and twelve (12) feet in length, or sixty percent (60%) of the signable area, whichever is less.

3. An activity in space 34 may erect a wall sign on the north and east facades of the building. Such signs shall not exceed one-and-one-half (1½) feet in height and eight (8) feet in length, or sixty percent (60%) coverage of the signable area, whichever is less.
 4. Wall signs facing Westerfield Drive and 10th Street are prohibited.
- E.** Activities in Building F may display wall signs in accordance with the following regulations:
1. An activity in space 35 may display one wall sign on each of the east and north storefronts. Such signs shall not exceed three (3) feet in height by twelve (12) feet in length.
 2. An activity in space 36 may display one wall sign on the east storefront. Such sign shall not exceed twenty (20) square feet in area, and lettering and logos shall not exceed twenty-four (24) inches in height.
 3. An activity in space 37 may display one wall sign on each of the east and south storefronts. The east facing sign shall not exceed three (3) feet in height by sixteen (16) feet in length. The south facing sign shall not exceed twenty (20) square feet in area and lettering and logos shall not exceed twenty-four (24) inches in height. No sign facing Westerfield Drive shall be illuminated.
- F.** Activities in Building G may display wall and valance signs with the following regulations:
1. One wall sign per building frontage not to exceed twenty (20) square feet in area and lettering and logos shall not exceed twenty-four (24) inches in height. No sign facing north or west shall be illuminated.
 2. Lettering on valance signs shall not exceed five (5) inches in height.

6. TEMPORARY SIGNS

Temporary windows signs may be erected after prior approval and at the sole discretion of the owner. However, the coverage of such signs is limited to thirty percent (30%) of the window area.

7. DEVELOPMENT SIGNS

The owner may display the following development signs to identify Plaza del Lago and its tenants, and to direct persons through the parking area:

- A.** Identification Signage – Signs located at or near an entrance identifying the shopping center are permitted as follows:

1. A sign in accordance with the wall sign coverage limitations of Section 16.10.J.7. as depicted in Figure Appendix A-11: Identification Sign in lieu of the additional informational ground signs that would be permitted with sufficient frontage under Section 16.10.D.
 2. A halo-lit sign over the 10th Street entrance may be displayed. The sign shall be metal and installed upon a brick column on each side of the driveway. A minimum clearance of fourteen (14) feet is required from the driveway surface to the bottom of the sign. The sign lettering shall be no taller than eighteen (18) inches.
 3. For all new Plaza identification signage, design drawings, and color and material samples shall be submitted to the Appearance Review Commission for approval.
- B. Directional Signage** – As many directional signs as needed to guide persons throughout the main parking area as well as to the parking areas along Westerfield, north parking lot and arcade shops, containing an arrow and messages similar to “Arcade Shops & Parking”, provided the sign shall not exceed seven-and-one-half (7½) square feet in area as depicted in Figure Appendix A-12: Directional Sign.
- C. Directory Signage** – Signs listing the tenants of Plaza del Lago and their location are permitted at various locations and sizes as follows:
1. Two (2) multi-tenant wall signs up to four-point-eight (4.8) square feet located at each end of the canopy of building D, as shown in Figure Appendix A-13: Building D Directory Sign.
 2. One (1) multi-tenant wall sign up to fifty-five-point-five (55.5) Square feet located at the southeast corner of building B, as shown in Figure Appendix A-14: SE Corner of Building B.
 3. Three (3) multi-tenant wall signs up to thirteen-point-eighty-eight (13.88) square feet located on buildings A, F, and G, as shown in Figure Appendix A-15: Building F Directory Sign.
 4. One (1) multi-tenant wall sign up to eleven-point-twenty-three (11.23) square feet located on the north side of building C, as shown in Figure Appendix A-16: Building C Directory Sign.
 5. One (1) multi-tenant wall sign up to three-point-sixty-eight (3.68) square feet located at each end of building C, as shown in Figure Appendix A-17: Building C Directory Sign.

FIGURE APPENDIX A-1: PLAZA DEL LAGO MAP

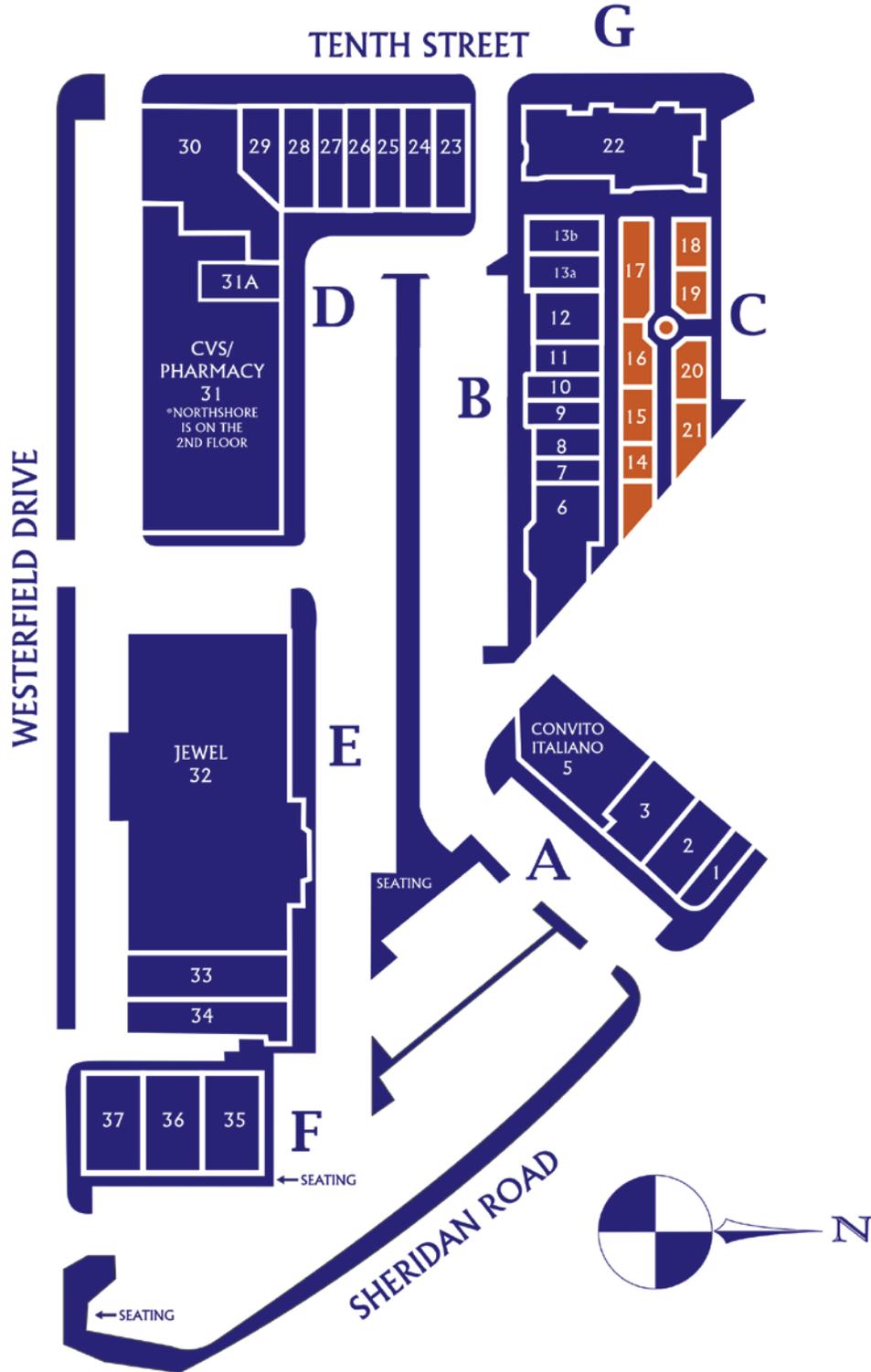


FIGURE APPENDIX A-2: BUILDING A



FIGURE APPENDIX A-3: BUILDING B



FIGURE APPENDIX A-4: BUILDING C



FIGURE APPENDIX A-5: BUILDING D



FIGURE APPENDIX A-6: BUILDING E



FIGURE APPENDIX A-7: BUILDING F



FIGURE APPENDIX A-8: BUILDING G



FIGURE APPENDIX A-9: ARCH SIGN



FIGURE APPENDIX A-10: UNIT 32 SIGN



FIGURE APPENDIX A-11: IDENTIFICATION SIGN



FIGURE APPENDIX A-12: DIRECTIONAL SIGN

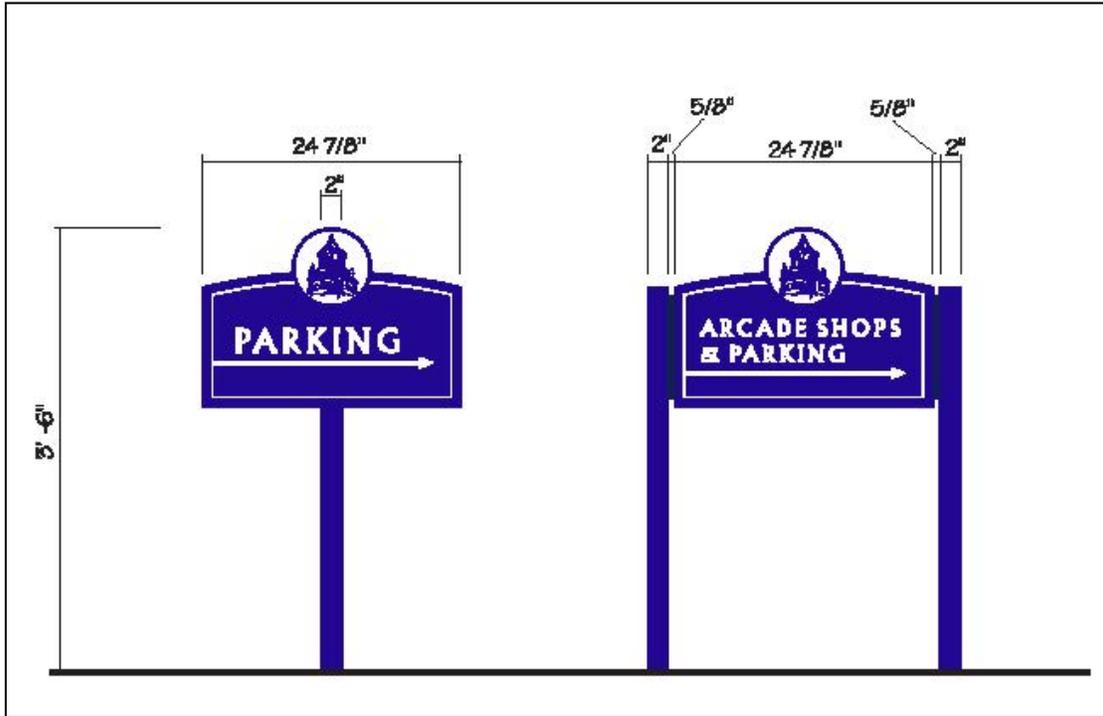


FIGURE APPENDIX A-13: BUILDING D DIRECTORY SIGN



FIGURE APPENDIX A-14: SE CORNER OF BUILDING B



FIGURE APPENDIX A-15: BUILDING F DIRECTORY SIGN



FIGURE APPENDIX A-16: BUILDING C DIRECTORY SIGN

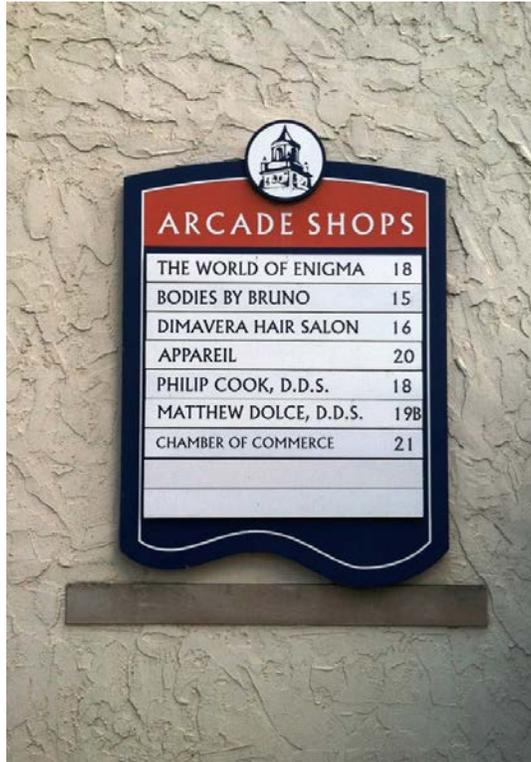


FIGURE APPENDIX A-17: BUILDING C DIRECTORY SIGN



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APPENDIX B. EDENS PLAZA LOCAL SIGN ORDINANCE

1. RELATIONSHIP TO ARTICLE 16

All provisions regulating signage as established by Article 16 of Chapter 20 of the Wilmette Village Code shall apply to Edens Plaza except to the extent they are modified herein.

2. ALLOWABLE SIGNAGE

A tenant may erect the following signage based upon the square footage occupied.

A. 100,000 square feet or more:

1. One (1) internally illuminated or backlit wall sign on each exterior wall of the premises in which the tenant is located.
2. The signable area on each exterior wall shall be as designated in Figure Appendix B-1: Tenant Occupying 100,000 Square Feet Or More; and
3. The surface area of all signs including individual letters and logos shall not exceed thirty percent (30%) of the signable area, the aggregate length of all letters shall not exceed sixty-five (65) feet in width, and each individual letter of a sign may not exceed eight (8) feet in height.

B. At least 17,500 square feet, but less than 100,000 square feet:

1. One (1) internally illuminated wall sign on each exterior wall of the premises in which the tenant is located.
2. The signable area on each exterior wall shall be as designated in Figure Appendix B-2: Tenant Occupying At Least 17,500 But Less Than 100,000 Square Feet; and
3. The surface area of all signs including individual letters and logos shall not exceed thirty percent (30%) of the signable area, the aggregate length of all letters shall not exceed fifty-eight (58) feet in width, and each individual letter of a sign may not exceed four (4) feet in height.
4. The sign shall be centered vertically within the signable area.

C. At least 6,000 square feet, but less than 17,500 square feet:

1. One (1) internally illuminated wall sign on each exterior wall of the premises in which the tenant is located.

2. The signable area on each exterior wall shall be as designated in Figure Appendix B-3: Tenant Occupying At Least 6,000 Square feet But Less Than 17,500 Square Feet; and
3. The surface area of all signs including individual letters and logos shall not exceed twenty-five percent (25%) of the signable area, the aggregate length of all letters shall not exceed forty (40) feet in width, and each individual letter of a sign may not exceed thirty (30) inches in height.
4. The sign shall be centered vertically within the signable area.

D. At least 2,500 square feet, but less than 6,000 square feet:

1. One (1) internally illuminated wall sign on each exterior wall of the premises in which the tenant is located.
2. The signable area on each exterior wall shall be as designated in Figure Appendix B-4: Tenant Occupying At Least 2,500 Square Feet But Less Than 6,000 Square Feet ; and
3. The surface area of all signs including individual letters and logos shall not exceed twenty-five percent (25%) of the signable area, the aggregate length of all letters shall not exceed twenty (20) feet in width, and each individual letter of a sign may not exceed twenty-four (24) inches in height.
4. The sign shall be centered vertically within the signable area.

E. Less than 2,500 square feet:

1. One (1) internally illuminated wall sign on each exterior wall of the premises in which the tenant is located.
2. The signable area on each exterior wall shall be as designated in Figure Appendix B-5: Tenant Occupying Less Than 2,500 Square Feet; and
3. The surface area of all signs including individual letters and logos shall not exceed twenty-five percent (25%) of the signable area, the aggregate length of all letters shall not exceed sixteen (16) feet in width, and each individual letter of a sign may not exceed eighteen (18) inches in height.
4. The sign shall be centered vertically within the signable area.

3. UNDER-CANOPY SIGN

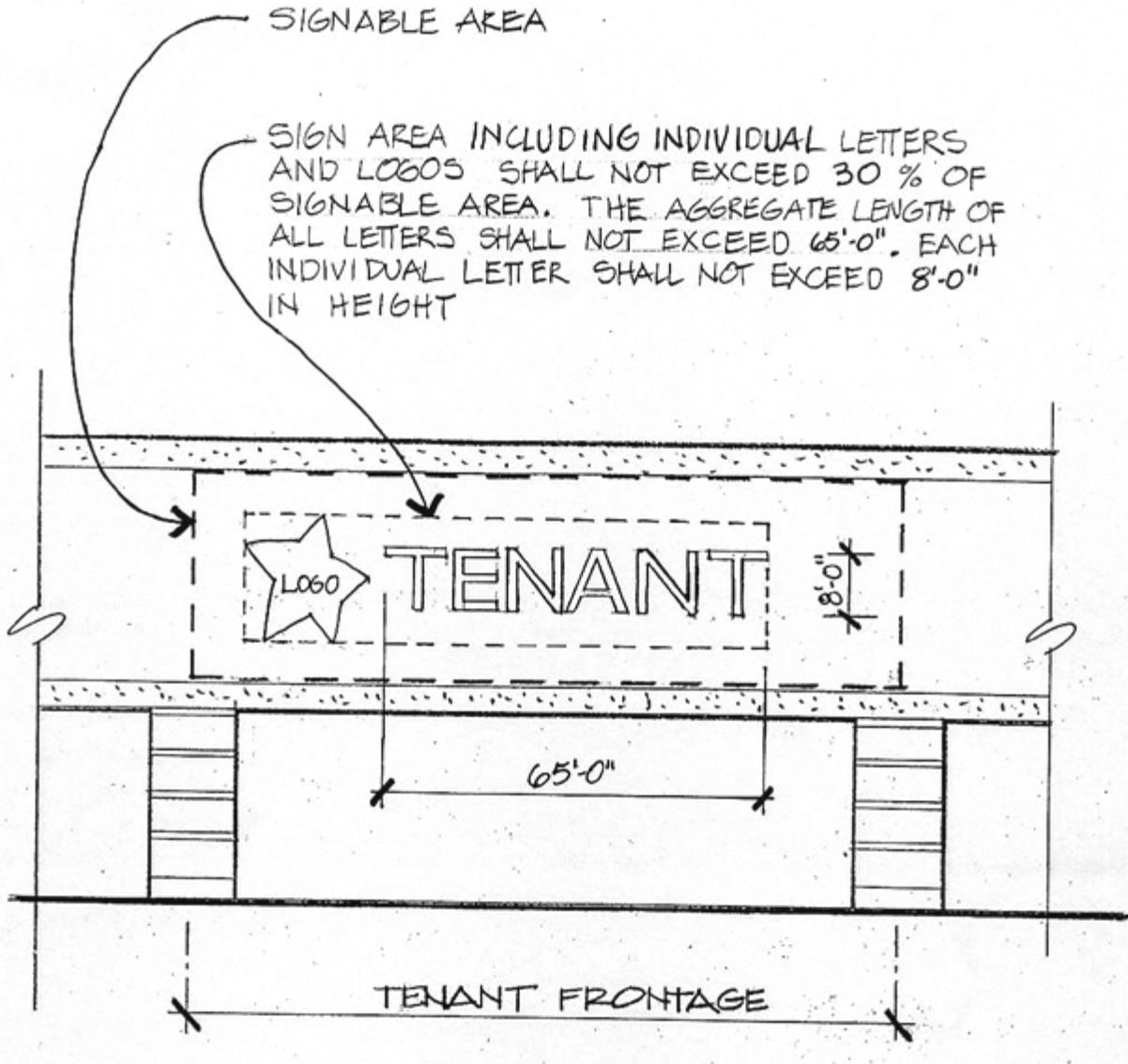
Each tenant of the Plaza is required to purchase from and have installed by a landlord approved source, an under-canopy sign for each entranceway into its respective premises.

All under-canopy signs shall be of uniform material, shape and dimension and in conformity to the design and specifications set forth in Figure Appendix B-6: Under-Canopy Sign.

4. AWNING SIGNS

A tenant occupying a storefront with an existing awning is permitted to display a valance sign on that awning with a maximum letter height of five (5) inches. Only the address, phone number, official business name or one descriptive word shall be displayed. Awnings shall be black, or another single color consistent with the tenant's logo.

FIGURE APPENDIX B-1: TENANT OCCUPYING 100,000 SQUARE FEET OR MORE



**FIGURE APPENDIX B-2: TENANT OCCUPYING AT LEAST 17,500 SQUARE FEET
BUT LESS THAN LESS THAN 100,000 SQUARE FEET**

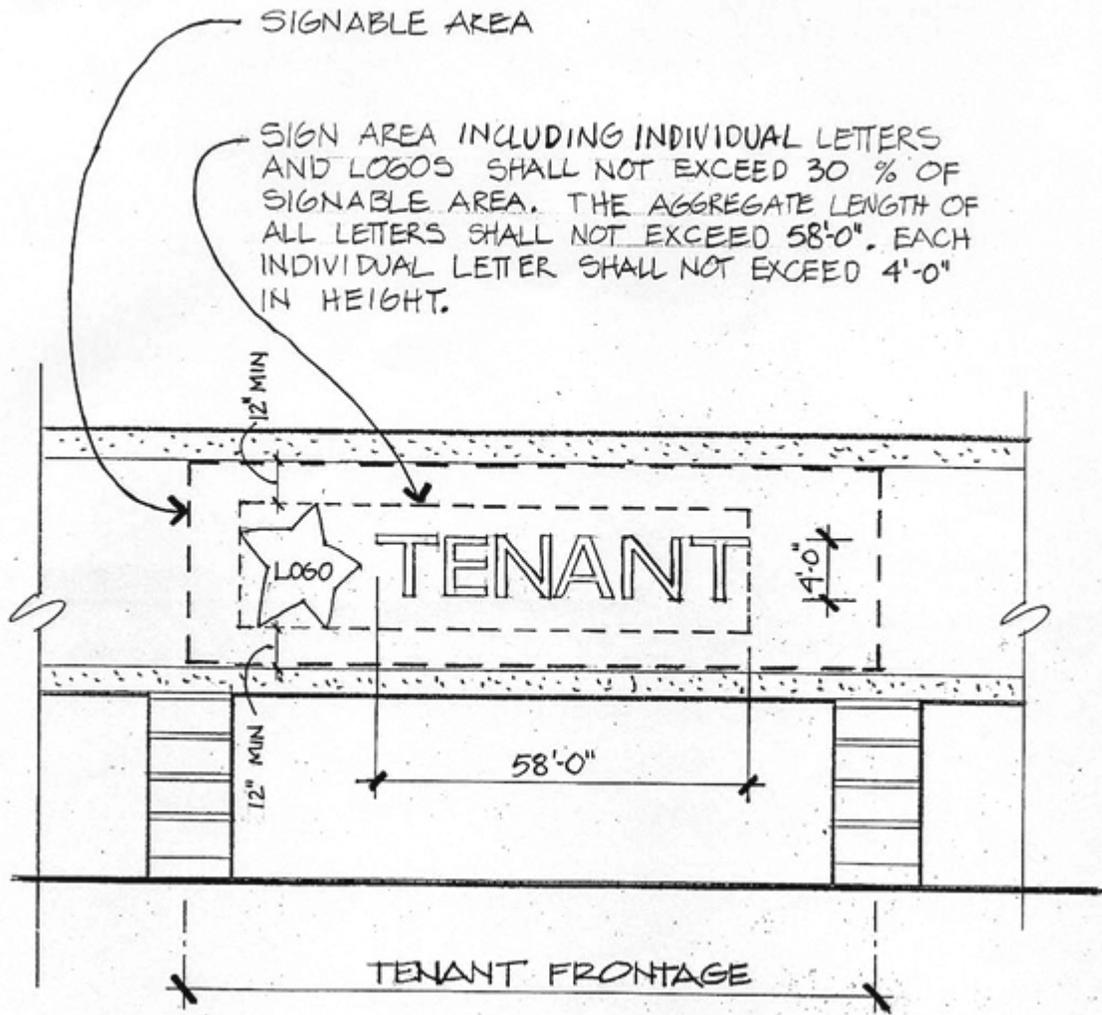


FIGURE APPENDIX B-3: TENANT OCCUPYING AT LEAST 6,000 SQUARE FEET BUT LESS THAN 17,500 SQUARE FEET

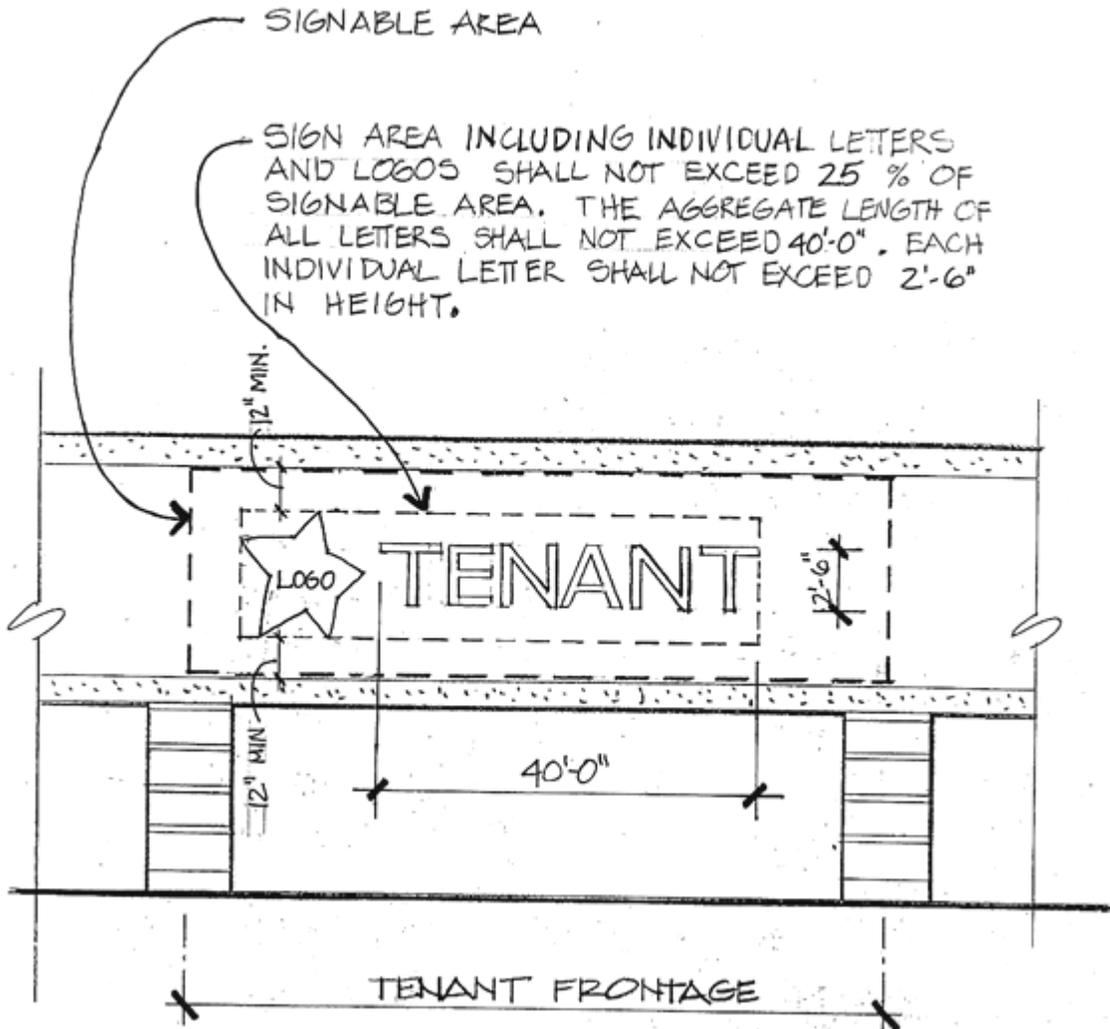


FIGURE APPENDIX B-4: TENANT OCCUPYING AT LEAST 2,500 SQUARE FEET BUT LESS THAN 6,000 SQUARE FEET

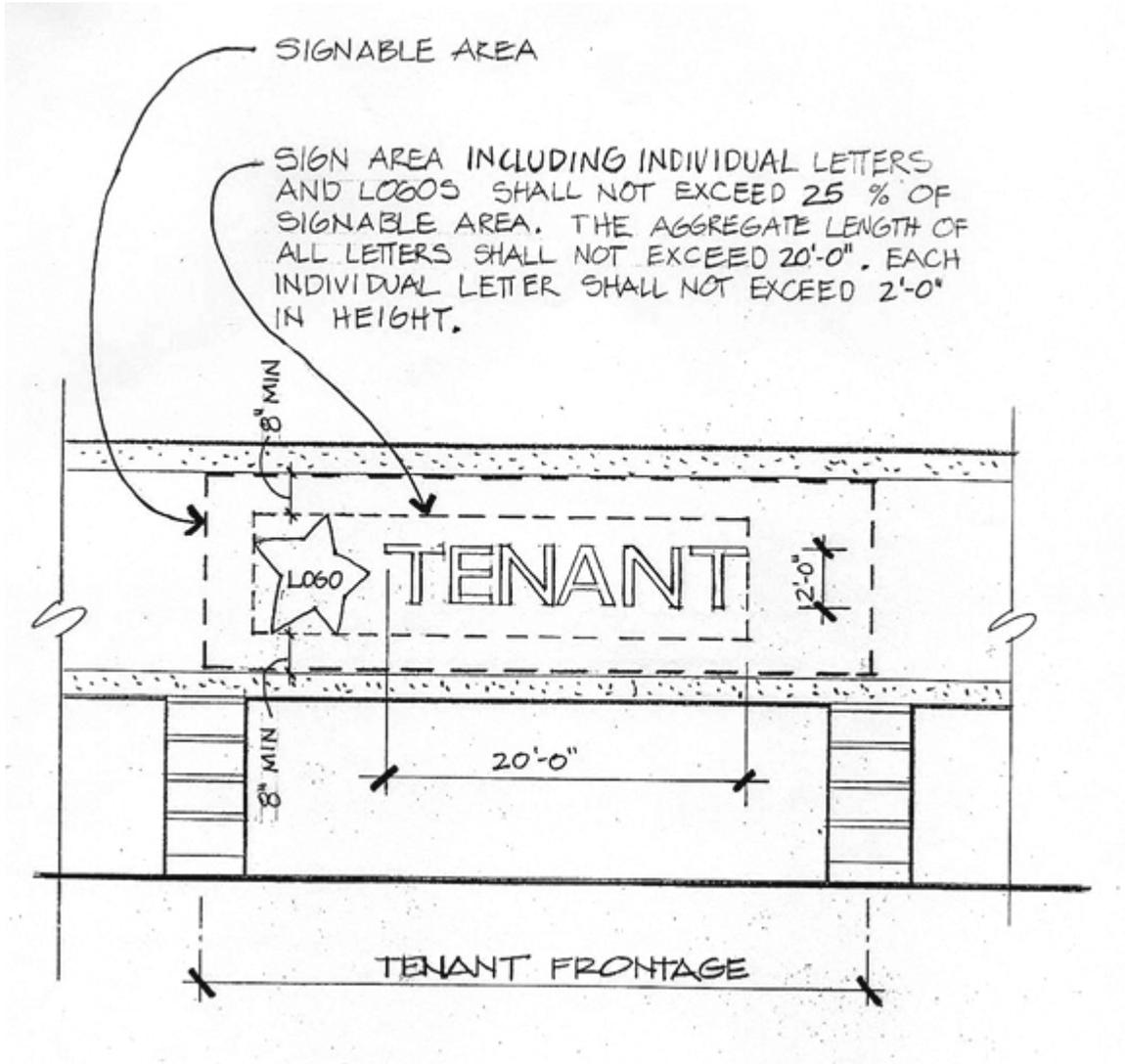
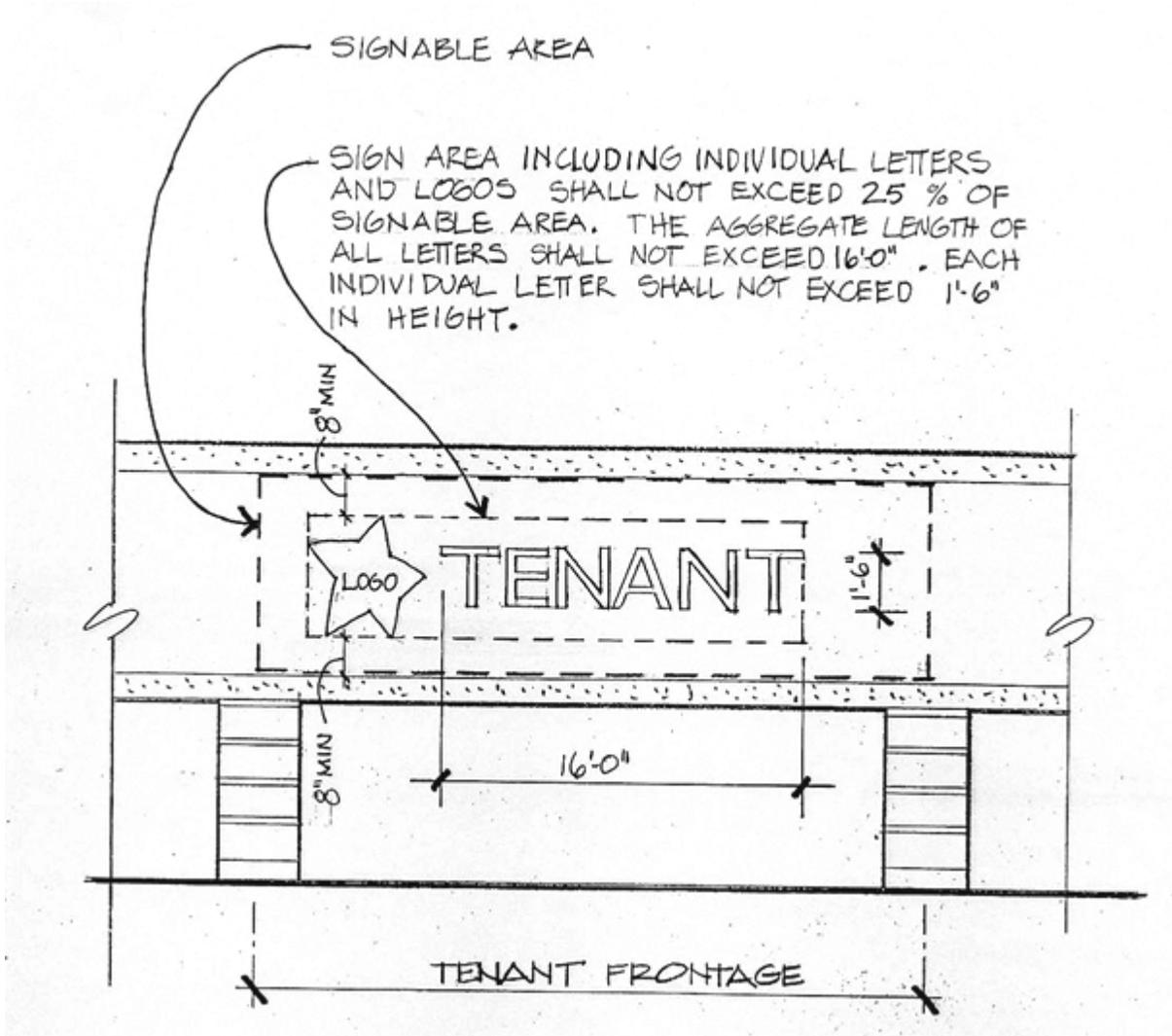


FIGURE APPENDIX B-5: TENANT OCCUPYING LESS THAN 2,500 SQUARE FEET



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APPENDIX C. WEST LAKE PLAZA LOCAL SIGN ORDINANCE

1. RELATIONSHIP TO ARTICLE 16

All provisions regulating signage as established by Article 16 of Chapter 20 of the Wilmette Village Code shall apply to West Lake Plaza except to the extent they are modified herein.

2. DEFINITION OF SIGNABLE AREA

The signable area on the front façade of any tenant space in West Lake Plaza is the rectangular area bounded by the lighter colored fascia containing integrated raceways as depicted in Figure Appendix C-1: Signable Area. Signable areas shall be limited to the building faces having frontage on Lake Avenue, Skokie Boulevard, or the parking lot. There shall be no signable area on the building face having frontage facing south.

3. DISPLAY WITHIN SIGNABLE AREA

All wall signs shall be internally illuminated channel lettering signs displayed within the signable area. The maximum letter height of any sign shall be eighteen (18) inches. Logos and other graphics shall have a maximum height of twenty-four (24) inches. Illuminated channel lettering signs shall be mounted on raceways which may extend to within eighteen (18) inches of the ends of the signable area.

4. COLOR OF SIGNS

Wall signs shall have consistency in color and design. The standard color for the sign face shall be Lacryl Color 403-N (White-White). The face of each wall sign may display colors consistent with the brand of the business being advertised where those colors are part of an established identity program. The color of the return of each wall sign shall match the color STO Pearl Ash.

5. ILLUMINATION

No sign shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m. unless and to the extent the activity displaying the sign is open for business during those hours. All signs within the PCD-3 district shall be installed with a photocell and a time clock set to be shut off at 11:00 p.m.

6. PLAZA SIGNAGE

Plaza identification signage with the letters “W P” will be permitted on the north face of the east sign band of Building 1 and the northwest angled face of Building 2. One (1) Plaza ground sign will be permitted per street frontage along Skokie Boulevard and Lake Avenue frontages.

