ZONING ORDINANCE

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VILLAGE OF OSWEGO ZONING ORDINANCE

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VILLAGE OF OSWEGO, ILLINOIS

AMENDED ZONING ORDINANCE OF 1974

BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF OSWEGO, KENDALL COUNTY, ILLINOIS:

That the provisions of the 1957 Oswego Zoning Ordinance, printed and published by the authority of the Village Board, and all subsequent amendments thereto be and the same are hereby amended to read as follows:

SECTION 1.00 – TITLE

This Ordinance, including the Zoning Map made a part hereof, shall be known and may be cited and referred to as the "OSWEGO ZONING ORDINANCE".

SECTION 2.00 – INTENT AND PURPOSE

A. This Zoning Ordinance is adopted for the following purposes:

1. To promote the public health, safety, morals, comfort and general welfare of the citizens of the Village;

2. To protect the character and the stability of the residential, business and manufacturing areas within the Village of Oswego, and to promote the orderly and beneficial development of such area;

3. To conserve the values of property throughout the Village and to protect the character and stability of residential, business and manufacturing areas;

4. To provide adequate light, pure air, privacy and convenience of access to property;

5. To regulate the intensity of use of lot areas, and to determine the area of open spaces surrounding buildings necessary to provide adequate light and air, and to protect the public health;

6. To divide the Village into districts of such number, shape, area and of such different classes, according to the use of land and buildings, the height and bulk of buildings, the intensity of use, and the area of open spaces, as may be deemed best suited to carry out the purposes of this Ordinance;

7. To establish building lines and the location of buildings designed for residential, business and manufacturing or other uses within such areas;

8. To prohibit locations and uses of buildings or structures and uses of land that are incompatible with the type of development planned for specified districts of the Village;

9. To prevent additions to and alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed hereunder;

10. To protect against fire, explosion, noxious fumes and other dangers;

11. To limit congestion in the public streets and protect the public health, safety, convenience and general welfare by providing for the off-street parking of motor vehicles and the loading and unloading of commercial vehicles;

12. To fix reasonable standards to which buildings and structures shall conform;

13. To prevent the overcrowding of land and undue concentration of structures, so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land surrounding them;

14. To conserve the taxable value of land and buildings throughout the Village of Oswego;

15. To provide for the gradual elimination of non-conforming uses of land, buildings and structures which are adversely affecting the character and value of desirable developments in each district;

16. To define the limits, powers and duties of administrative officers and bodies as provided herein; and

17. To prescribe penalties for the violation of, and methods for the enforcement of, the provisions of this Ordinance or any amendments thereto.

SECTION 3.00 – CONSTRUCTION AND DEFINITIONS

3.01 RULES OF CONSTRUCTION AND INTERPRETATION

A. Construction. In the construction of this Ordinance, the provisions and rules of this Section 3.01, shall be observed and applied, except when the context clearly requires otherwise.

1. Words used in the present tense shall include the future.
2. Words in the singular number include the plural number, and words in the plural number include the singular number.
3. The phrase "used for" shall include the phrases "arranged for", "designed for ", "intended for", "maintained for" and "occupied for".
4. The word "shall" is mandatory.
5. The word "may" is permissive.
6. The word "person" includes individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.
7. The word "Village" means the Village of Oswego, Illinois.
8. The word "Board" means the Zoning Board of Appeals.
9. Unless otherwise specified, all distances shall be measured horizontally.

B. Any word or phrase that is defined in this Section, or elsewhere in this Ordinance, shall have the meaning so as defined whenever the word or phrase is used in this Ordinance, unless such definition is expressly limited in its meaning or scope.

C. Interpretation

1. Minimum Requirements. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.
2. Overlapping or Contradictory Regulations. Where the conditions imposed by any provision of this Ordinance upon use of the land or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Ordinance or of any other law, ordinance, resolution, rule or regulations of any kind, the regulations which are more restrictive shall govern.
3. Private Agreements. This Ordinance is not intended to abrogate, annul or otherwise interfere with any easement, covenant or any other private agreement or legal relationship; provided, however, that where the regulations of this Ordinance are more restrictive (or impose higher standards or requirements) than such

easements, covenants or other private agreements or legal relationships, the regulations of this Ordinance shall govern.

4. Unlawful Uses. No structure or use which was lawfully existing at the time of adoption of this Ordinance shall become or be made lawful solely by reason of the adoption of this Ordinance; to the extent that, and in any respect that, said unlawful structure or use is in conflict with the requirements of this Ordinance said structure or use remains unlawful hereunder.

5. Not a Licensing Ordinance. Nothing contained in this Ordinance shall be deemed to be a consent, license or permit to use any property or to locate, construct, or maintain any structure or facility or to carry on any trade, industry, occupation or activity.

D. Separability. It is hereby declared to be the intention of the Village of Oswego that the several provisions of this Ordinance are separable, in accordance with the following rules:

1. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance.

2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property or structure, such judgment shall not affect the application of said provision to any other property or structure.

E. Effect on Existing Building Permits and Zoning Certificates. Nothing in this Ordinance shall be deemed to require any change in plans, construction, or designated use of any structure in the event that:

1. A building permit and a zoning certificate for such structures was lawfully issued prior to the effective date of this Ordinance, or the effective date of any amendment thereof, and

2. Such permit and certificate had not by their own terms expired prior to such effective date, and

3. Such permit and certificate were issued on the basis of an application showing complete plans for proposed construction, and

4. There has been a substantial change of position, substantial expenditures, or incurrence of substantial obligations by the permit and certificate holder in reliance on such permit and certificate, and

5. Such change of position, expenditures or incurrence of obligations were made prior to published or actual notice of a proposed amendment to this Ordinance which amendment would have made illegal the issuance of such permit or certificate, and

6. Construction pursuant to such permit and certificate is completed prior to the expiration of such permit or certificate, and

7. When a structure is completed under a permit or certificate to which this section applies, an occupancy certificate shall be issued in accordance with the zoning regulations in effect at the time the building permit or zoning certificate was issued.

3.02 DEFINITIONS

The following definitions shall be used in the construction and interpretation of this Ordinance:

***ACCESSORY USE*:** A structure or use which: 1) is subordinate to and serves a principal structure or principal use; 2) is subordinate in area, extent or purpose to the principal structure or principal use served; 3) contributes to the comfort, convenience or necessity of the occupants of, or the business or industry located in the principal structure or principal use served; 4) is located on the same lot as the principal structure or use served, except as permitted by Section 10.01B.

***ACTIVE TO INTENSE BURNING*:** A rate of combustion described by material that burns with a high degree of activity and is consumed rapidly. Examples include sawdust, powdered magnesium, pyroxylin, and other solids deemed by the Fire Department to have equivalent burning characteristics.

ADULT USES: This includes:

1. ***ADULT BOOKSTORE*:** An establishment having, as a substantial or significant portion of its stock in trade, books, magazines or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section (see below), or an establishment with a segment or section devoted to the sale or display of such material.

2. ***ADULT ENTERTAINMENT ESTABLISHMENT*:** An enclosed building used for presenting material and/or conduct distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section, or observation by patrols therein. This includes bars, restaurants, movie theaters, theaters, peep shows, strip halls, special cabarets (NAICS 71399, 72241), physical culture establishments, photographic studios, or any other normally permitted use where "specified sexual activities" are displayed, or where "specified anatomical areas" are exposed to customers.

    a. For the purpose of this definition, the term "specified sexual activities" is defined as:

        i. Human genitals in a state of sexual stimulation or arousal;

        ii. Acts of human masturbation, sexual intercourse, or sodomy;

        iii. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

    b. For the purpose of this definition, the term "specified anatomical areas" is defined as:

        i. Less than completely and opaquely covered:

            a) Human genitals, pubic region;

b) Buttocks or anal cleavage; and

c) Female breast below a point immediately above the top of the areola.

ii. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

***AGRICULTURE*:** The use of a tract of land of not less than five (5) acres for growing crops in the open, dairying, pasture, horticulture, floriculture, and necessary accessory uses, including the structures necessary for carrying out farming operations and the residence of the person who owns or operates this farm, and the family thereof; provided, however, such agricultural use shall not include the following uses:

1. The maintenance and operation of commercial greenhouses or hydroponic farms, except in zoning districts in which such uses are expressly permitted.

2. Wholesale or retail sales as an accessory use unless the same are specifically permitted by this Ordinance.

3. The feeding, grazing, or sheltering of animals or poultry in either penned enclosures or in open pasture within one hundred (100) feet of any lot line. Agriculture does not include the feeding of garbage to animals, the raising of poultry or fur bearing animals as a principal use, or the operation or maintenance of a commercial stockyard or feed yard.

***ALLEY*:** A dedicated public right-of-way, other than a street, that affords a secondary means of access to abutting property.

***APPAREL STORES*:** Stores selling new clothing for men, women or children at retail.

***APPLIANCE SALES*:** The sale of common household appliances such as washing machines, televisions, power tools, electric razors, radios and refrigerators, and repair of the same types of appliances as are sold on the premises when such repairs are incidental or accessory to the sale of such types of appliances.

***ARBOR*:** An open freestanding structure that serves as an entranceway to a yard or garden, on which climbing plants are typically trained to grow.

***AUTOMOBILE ACCESSORY STORES*:** Stores engaged primarily in the business of selling automobile related products such as tires, batteries, seat covers and other automobile such accessories.

***AUTOMOBILE LAUNDRY*:** A structure, or portion thereof containing facilities for washing more than two (2) automobiles, using production line methods with a chain conveyor, blower, steam cleaning device or other mechanical device.

***AUTOMOBILE SALES*:** The sale of new and used automobiles and other motor vehicles in operating condition; the storage of automobiles and other motor vehicles in operating condition; but not including storage of trucks or more than five (5) tons in weight or buses; and, the repair

and servicing of such vehicles, but not including body work, painting, or motor rebuilding, unless specifically permitted by the zoning district regulations.

***AUTOMOBILE SERVICE STATION*:** A structure and surrounding land used for the storage and sale of petroleum fuel primarily to passenger vehicles and for accessory uses such as the sale of lubricants, accessories or supplies, the incidental washing of motor vehicles and the performing of minor repairs.

***AWNING*:** A roof-like cover that is temporary in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

***BANKS AND OTHER FINANCIAL INSTITUTIONS*:** Commercial banks, savings and loan associations, brokerage offices and other similar financial institutions, but not including pawn shops.

BARBED WIRE: Metal wire having sharp points or barbs along its length.

***BED AND BREAKFAST*:** A single-family dwelling which is operator occupied when guests are present and in which guests are provided room and board in return for monetary payment, and which meet all of the Bed and Breakfast Standards as set forth in the adopted Ordinance, and in which no guest shall be permitted to stay for more than ten (10) consecutive days, or more than thirty (30) total days in any twelve (12) month period. Bed and Breakfast establishments shall not include motels, hotels, boarding houses, rooming houses, lodging houses, or food service establishments.

***BED AND BREAKFAST OPERATOR*:** An owner or owner's agent that must reside in the Bed and Breakfast Establishment or on contiguous property to provide for the day-to-day operation of a Bed and Breakfast establishment.

***BLOCK*:** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, bulkhead lines or shore lines of waterways, or corporate boundary lines of the Village.

***BUILDING*:** Any covered structure built for the support, shelter or enclosure of persons, animals, chattels, or movable property of any kind and which is permanently affixed to the land.

***BUILDING HEIGHT*:** The vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle front of the building to the highest elevation of the roof in the case of a slant or flat root; to the deck line of a mansard roof; and to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof; provided that where the buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

***BUILDING LINE*:** The line nearest the front of and across a zoning lot, establishing the minimum open space to be provided between the front line of a building or structure and the street right-of-way line.

***BULK REGULATIONS*:** Regulations controlling the size of structures and the relationships of structures and uses to each other and to open space areas and lot lines. Bulk regulations include

regulations controlling: 1) Maximum height; 2) Maximum lot coverage; 3) Maximum floor area ratio; and 4) Minimum size of yards and setbacks.

***BUSINESS and PROFESSIONAL OFFICE*:** The office of an engineer, doctor, dentist, attorney, real estate broker, insurance broker, architect, or other similar professional person, and any office used primarily for accounting, correspondence, research, editing or administration.

***CANOPY*:** Any structure, movable or stationary, attached to and deriving its support from framework or posts or other means independent of a connected structure for the purpose of shielding a platform, stoop or sidewalk from the elements, or a roof-like structure of a permanent nature which projects from the wall of a structure and overhangs the public way.

***CAPACITY IN PERSONS*:** The maximum number of persons that can avail themselves of the services (or goods) of an establishment, at any one time, with reasonable comfort.

***CLOSED CUP FLASH POINT*:** The lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will propagate a flame. The Tag Closed Cup Tester shall be authoritative for liquids having a flash point below 175 degrees F. The Pensky-Martens tester shall be authoritative for liquids having flash points between 175 degrees F. and 350 degrees F.

***COMMON OPEN SPACE*:** A parcel or parcels of land or an area of water, or a combination of land and water within the site designated for a planned residential development, and designed and intended for use or enjoyment of all residents of the planned development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of all the residents of the planned development including common club houses, pools, tennis courts and similar facilities, but shall not include:

1. Areas reserved for the exclusive use or benefit of an individual tenant or owner, such as fenced yards or private residential yards.
2. Dedicated streets, alleys and other public right-of-way.
3. Vehicular drives, parking, loading and storage areas; and
4. Areas reserved for non-residential uses.

COMMUNITY CENTER: A building or group of buildings not operated for profit, to be used as a place of meeting, recreation, or social activity and in which neither alcoholic beverages nor meals are normally dispensed or consumed. A community center may offer health and wellness programs and may also include, exercise facilities, meeting rooms, classrooms, and performance halls. Recreational parks and open space may be accessory to the community center.

***CORNER LOT*:** A lot which adjoins the point of intersection or meeting of two or more streets and in which the interior angle formed by the street lines in 135 degrees or less. If the street lines are curved, the angle shall be measured at the point of intersection of the extensions of the street lines in the directions which they take at the intersections of the street line with the side lot line and with the rear lot line of the lot. If the street line is curved at its point of intersection with the side lot line or rear lot line, the tangent to the curve at that point shall be considered the direction of the street.

***DAY CARE CENTER*:** Facilities which receive more than three (3) children for less than 24 hours per day.

***DECIBEL* (sometimes abbreviated dB):** A unit which describes the sound pressure level or intensity of sound. A sound level meter is calibrated in decibels.

***db(A)*:** Decibels as read on the sound level meter when set for the A-weighted filter. The A-weighted filter approximates the sensitivity of the human ear as a frequency response.

***DENSITY*:** Restrictions on the number of dwelling units that may be constructed per acre or per square foot of zoning lot area.

***DRIVE-IN ESTABLISHMENT*:** An enterprise which accommodates the patrons' automobiles and from which the occupants of the automobiles may make purchases, transact business, or view motion pictures or other entertainment.

***DRY CLEANING (self-service)*:** An establishment providing facilities with which customers may dry-clean their own clothes or other fabrics.

***DWELLING*:** A building or portion thereof, but not a mobile home, designed or used for residential occupancy.

***DWELLING, ATTACHED*:** A residential building which is joined to another dwelling at one or more sides by a party wall or walls.

***DWELLING, DETACHED*:** A residential building which is entirely surrounded by open space on the same lot.

***DWELLING, MULTIPLE FAMILY*:** A residential building containing three (3) or more dwelling units.

***DWELLING, SINGLE FAMILY*:** A residential building containing one (1) dwelling unit only.

***DWELLING, TWO FAMILY*:** A residential building containing two (2) dwelling units only.

***DWELLING UNIT*:** One or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use by one-family, and which includes cooking space and lawful sanitary facilities reserved for the occupants thereof.

***ENCROACHMENT LINES*:** Limits of obstruction to flood flows. These lines are generally parallel to the stream. The lines are established by assuming that the area landward (outside) of the encroachment lines will be ultimately developed in such a way that it will not be available to convey flood flows. If hydraulic efficiency of the flood way is maintained by protecting it against unnecessary encroachments, it will be adequate to convey the regulatory flood without resulting in an increase in flood elevations which would cause damage to existing or future development.

***EQUAL DEGREE OF ENCROACHMENT*:** A standard applied to the evaluation of the effects of special exceptions on increases in flood heights. It assumes that an encroachment if permitted may confer on all property owners on both sides of the stream an equal right to encroach to the same degree within that reach. Since the factors affecting hydraulic efficiency are usually not

uniform within reach, this will usually not result in equal distances between encroachment lines and sides of the stream.

***FAMILY*:** Either (a) an individual or two or more persons related by blood, marriage, or adoption, maintaining a common household in a dwelling unit; or (b) a group of not more than four (4) persons who are not related by blood, marriage, or adoption, living together as a common household in dwelling unit; plus in either case, usual domestic servants.

***FAMILY DAY CARE HOME*:** A family home which receives more than three (3) up to a maximum of twelve (12) children for less than 24 hours per day. The number counted includes the family's natural or adopted children and all other persons under the age of 12. The term does not include facilities which receive only children from a single household.

***FENCE*:** A free-standing structure of metal, masonry, composition or wood or any combination thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes.

FENCE, AGRICULTURAL: Fence constructed on property typically used for the business of agriculture, farming, and livestock, and including, but not limited to, chicken wire, deer fence, hog wire, barber wire, high tensile wire strands and similar fence.

***FENCE, BARBED WIRE*:** Fence constructed with barbed wire or other similar materials.

***FENCE, CHAIN LINK*:** Fence constructed of interwoven steel wire forming a distinctive diamond pattern.

FENCE, CLOSED: Fence constructed so that less than thirty (30) percent of the vertical area, when viewed at a perpendicular angle, is open to light and air.

FENCE, ELECTRIFIED: Fence or structure, included or attached to any device or object which emits or produces an electrical charge, impulse, or shock when the same comes into contact with any other object, person, or animal.

FENCE, OPEN: Fence constructed so that thirty (30) percent or more of the vertical area, when viewed at a perpendicular angle, is open to light and air.

FENCE, SHADOW BOX (BOARD ON BOARD): A closed fence with boards installed on alternating sides of horizontal members so that when viewed perpendicular there is no more than one-quarter (1/4) of an inch or greater separation between the alternating vertical members, which creates a fence that is generally the same on both sides when mounted or installed between the vertical fence posts.

FENCE, SPLIT RAIL: An open, underdressed fence with rails split lengthwise from a log and set at either end into an upright post.

***FLASH POINT*:** The lowest temperatures at which a flammable liquid will momentarily burn under prescribed conditions. The closed cup flash point shall be authoritative and the test shall be run in accordance with the appropriate ASTM procedure.

***FLOOD*:** A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.

***FLOODWAY*:** The channel of a stream and adjacent land areas which are required to carry and discharge the flood water or flood flows of any river or stream associated with the regulatory flood.

***FLOOD PROOFING*:** A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.

***FLOOR AREA*:** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of wall separating two buildings, computed as follows:

1. For Determining Floor Area Ratio: The sum of the following areas: (a) the basement floor area when more than one-half of the basement height is above the finished lot grade level where curb level has not been established; (b) elevator shafts and stairwells at each floor; (c) floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof); (d) penthouses; (e) attic space having headroom of seven (7) feet, ten (10) inches or more; (f) interior balconies and mezzanines; (g) enclosed porches; and (h) floor area devoted to accessory uses. Space devoted to off-street parking or loading shall not be included in the floor area. The floor area of structures devoted to bulk storage of materials shall be computed by counting each ten (10) feet of height, or fraction thereof, as being equal to one (1) floor.

2. For Determining Off-Street Parking and Loading Requirements: The sum of the following areas: (a) floor space devoted to the principal use of the premises, including accessory storage areas located within selling or working spaces such as counters, racks, or closets; (b) any basement floor area devoted to retailing activities; (c) floor area devoted to the production or processing of goods or to business or professional offices. For this purpose, floor area shall not include space devoted primarily to storage purposes (except as otherwise noted herein), off-street or loading facilities, including aisles, ramps, and maneuvering space, or basement floor area other than area devoted to retailing activities, the production or processing of goods, or business or professional offices.

***FLOOR AREA RATIO (F.A.R.)*:** The floor area ratio of the building or other structure on any lot is determined by dividing the floor area of such building or structure by the area of the lot on which the building or structure is located. When more than one (1) building or structure is located on a lot, then the floor area ratio is determined by dividing the total floor area of all buildings or structures by the area of the lot, or in the case of planned development, by the net site area. The floor area ratio requirements as set forth under each zoning district, shall determine the maximum floor area allowable for a building or other structure (including both principal and accessory buildings) in direct ratio to the gross area of the lot.

FOOD STORES: Stores which sell foods, fresh or frozen, and other items commonly sold in connection therewith and including, but not limited to, stores commonly referred to as dairy stores, delicatessens, fruit and vegetable markets, grocery stores, health food stores, nut shops and supermarkets. Sales must be at retail on the premises, but not for consumption on the premises.

FOOT CANDLE: A unit of illumination. Technically, the illumination at all points one (1) foot distance from a uniform point source of one candle power.

FREE BURNING: A rate of combustion described by material which burns actively and easily supports combustion, for example: coal and charcoal.

FRONT LOT LINE: See LOT LINE, FRONT.

FRONT YARD: See YARD, FRONT.

FRONTAGE: The length of a front lot line or lines

GARAGE SALE: The selling of personal property owned by residents of the property on which the sale is taking place, where the majority of items for sale are not new items, and which is commonly referred to as a garage sale, yard sale, rummage sale, or moving sale.

GARDEN STORES: Stores which sell growing plants, seeds, bulbs, shrubs, and gardening and landscaping tools, implements and supplies, including lawn furniture.

GROUND AREA COVERAGE: The total area of a lot covered with roofed structures. The ground area coverage shall include the area of all principal and accessory structures. The ground area coverage requirements set forth in each zoning district shall determine the maximum amount of area that may be covered with roofed buildings and structures on each zoning lot.

GROUP DAY CARE HOMES: A family home which receives more than three (3) up to a maximum of sixteen (16) children for less than 24 hours per day. The number counted includes the family's natural or adopted children and all other persons under the age of 12.

GUEST ROOM: A room in a Bed and Breakfast in which guests may sleep, exclusively of restroom facilities. Said room shall not be less than seventy (70) square feet for one (1) guest and one hundred (100) square feet for two (2) guests.

HEALTH CLUB and SPAS: A facility designed for the major purpose of physical fitness or weight reducing which may include, but is not limited to, such equipment as weight resistance machines, running and jogging, game courts, swimming facilities, saunas, showers, spas and lockers. Such facility shall be entirely enclosed, except for accessory outdoor athletic fields, normal and customary accessory uses and parking. Instruction programs, aerobic classes, and weight control programs may be offered.

HEIGHT, MAX: A horizontal plane above and parallel to the average finished grade of the entire zoning lot at the height shown in the district regulations. No part of any structure shall project through such plane except:

1. Chimneys, flues, stacks, fire escapes, gas holders, elevator enclosures, ventilators, skylights, water tanks and similar roof structures needed to operate and maintain the building on which they are located.
2. Television aerials, water towers and tanks, steeples and bell towers, carillons, monuments, cupolas, broadcasting and microwave transmitting and relay towers and electric transmission line towers.

HOME OCCUPATION: Business, profession, occupation or trade conducted for gain or support entirely within a residential building or, when permitted, within an accessory structure that is incidental to a residential building.

IMPACT NOISE: A short duration sound such as those from a forging hammer or punch press.

INDUSTRIAL DISTRICT: Any zoning district designated with an "M", for example, "M-1".

INTENSE BURNING: A rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly, for example, sawdust and magnesium (powder, flaked or strips).

KENNEL: Any place, including a pet shop, in or at which any number of dogs are kept for the purpose of sale or breeding, for which any fee is charged.

LANDSCAPING: The improvement of a lot, parcel or tract of land with grass, shrubs and trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing affect.

LAUNDRY: An establishment in which clothing and other fabrics are laundered professionally.

LAUNDRY, SELF SERVICE: An establishment providing facilities with which customers may launder their own clothes or other fabrics

LODGING HOUSE: A business establishment which provides sleeping and living quarters (but not individual cooking facilities) in an immovable structure on a weekly or monthly basis.

LOT AREA: The area of a horizontal plane bounded by the front, side and rear lot lines.

LOT, CORNER: See CORNER LOT.

LOT COVERAGE: That percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, excluding projecting roof eaves.

LOT DEPTH: The distance between the midpoints of the front lot line and the midpoint of the rear lot line.

LOT, KEY: Lot with a side lot line that abuts the rear lot line of one or more properties.

LOT LINE: See LOT LINE, FRONT; LOT LINE, REAR; LOT LINE, SIDE.

LOT LINE, CORNER SIDE: On a corner lot, the side lot line that abuts a street right-of-way.

LOT LINE, FRONT: A street right-of-way line forming a boundary of a lot. On a corner lot, the owner or developer shall designate which of the two lot lines abutting a street right-of-way shall be considered a front lot line and which shall be considered a side lot line.

LOT LINE, REAR: The lot line that is the most distance from and is, or is most nearly, parallel to, the front lot line. In the case of an irregular shaped lot, the rear lot line shall be a ten (10) foot line, parallel to and at the maximum distance from the front lot line.

LOT LINE, SIDE: A lot line which is neither a front lot line nor a rear lot line.

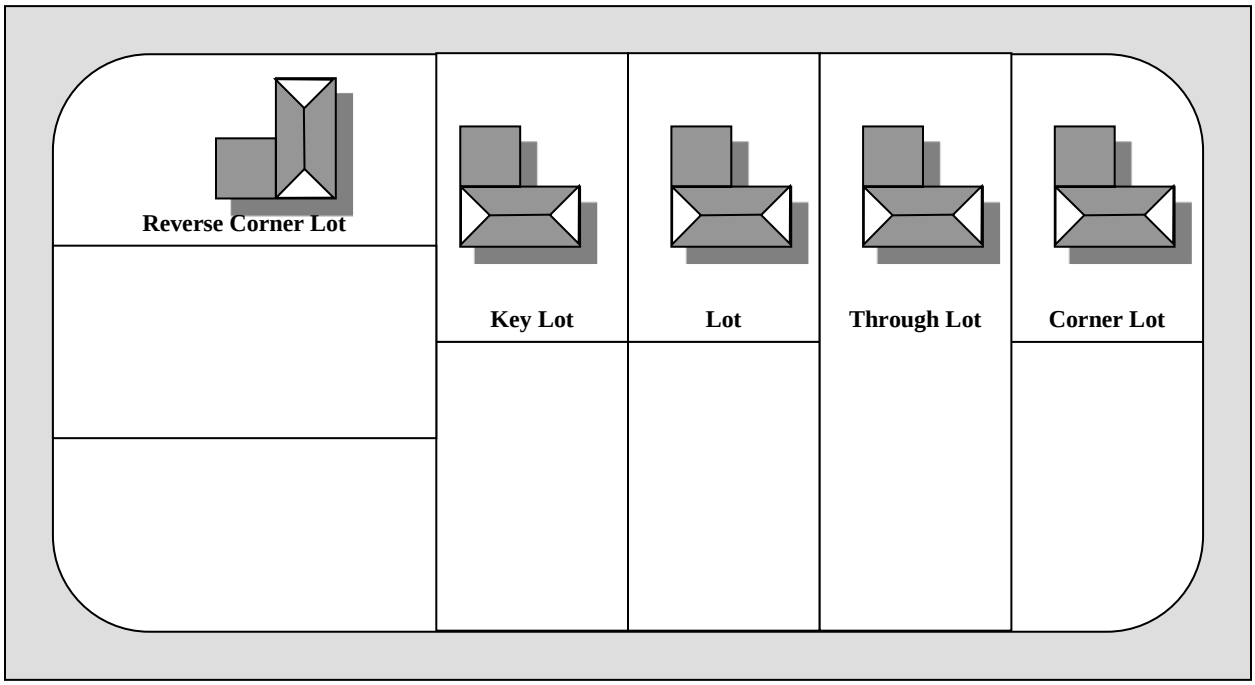
LOT OF RECORD: A lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Deeds of Kendall County, or a parcel of land the deed to which was recorded prior to adoption of this Ordinance.

LOT, REVERSE CORNER: Corner lot with a rear lot line that abuts the side lot line of another property.

LOT SIZE REQUIREMENTS: Restrictions on the dimensions of lots including (1) minimum lot area, width and depth; and (2) maximum density. Minimum lot area, width and depth establish the size of the zoning lot on which a structure or use, or two or more structures or uses, may be constructed or established.

LOT, THROUGH: Lot which abuts a road right-of-way with either both the front and rear lot line, or with both side lot lines.

Figure 3-1: Examples of different lots.



LOT WIDTH: The horizontal distance between the side/corner side lot lines of a lot measured at the front building setback line; and calculated on the arc measurement for curvilinear lots.

LOT, ZONING: A parcel of land that is designated by its owner or developer, at the time of applying for a zoning certificate, as a tract all of which is to be used, developed, or built upon as a unit under single ownership. As long as it satisfies the above requirements, such lot may consist of:

1. A single lot of record, or
2. A portion of a lot of record, or
3. A combination of complete lots of record, complete lots and portions of lots of record, or portions of lots of record.

MASSAGE and/or MASSAGE THERAPY: A system of structured movement of the soft tissue of the body. The system may include but is not limited to, massage, manipulation, rubbing, vibration, stroking, or tapping of the human body with the hand or an instrument as they pertain to massage therapy. These techniques may be applied by a licensed therapist. The purpose of the practice of massage, as licensed under the Illinois Massage Licensing Act, is to enhance the general health and well-being of the mind and body of the recipient. "Massage" does not include those acts of physical therapy or therapeutic or corrective measures that are outside the scope of massage therapy practice as defined by the Illinois Massage Licensing Act.

(Ord. 09-56, 7/21/2009)

MASSAGE PARLORS: An establishment providing massage and/or massage therapy.

(Ord. 09-56, 7/21/2009)

MOTEL: A building, or portion thereof, or a group of buildings, which provides sleeping accommodations for transients on a daily or weekly basis, whether such establishments are designated a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist court or otherwise.

NON-CONFORMING STRUCTURE: A structure which does not comply in some respect with the lot size requirements or bulk regulations applicable to new structures in the zoning district in which it is located.

NON-CONFORMITY: A non-conforming use, non-conforming structure, or a non-conforming lot of record.

NURSING OR CONVALESCENT HOME: An institution for the care of children, or the aged, or infirm or a place of rest for those suffering bodily disorders, but not including facilities for surgical care or institutions for the care and treatment of mental illness, alcoholism, or narcotics addition.

OBSTRUCTION: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge conduit, culvert, building, wire, fence, rock gravel, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard or change the direction of the flow of

water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

OCTAVE BAND: A prescribed interval of sound frequencies which classifies sound according to its pitch.

ODOR THRESHOLD: The lowest concentration of odorous matter in air that will produce an olfactory response in a human being.

PARTICULATE MATTER: Material other than water which is suspended in or discharged into the atmosphere in a finely divided form as a liquid or solid.

***PERGOLA*:** An open freestanding or attached structure comprised of parallel columns supporting an open roof of trelliswork or beams and crossing rafters on which climbing plants are typically trained to grow, and does not include walls. An open roof is one that, when viewed at a perpendicular angle, is at least sixty (60) percent open to light and air, but not including plant material.

PET BOARDING: A business for the care and/or training of pets that are ordinarily housed at another location. The service shall include but not be limited to interactive dog play, dog socialization, and physical activity.

PLANNED DEVELOPMENT: A parcel or tract of land, initially under single ownership or control to be developed as a unified project and single entity which contains two or more principal buildings and more than one principal use – the plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage or required open space to the regulations in any one district established by this Zoning Ordinance.

POOL: Any structure intended for swimming, recreational bathing, or wading that contains water over twenty-four (24) inches deep.

POOL, PERMANENT: A swimming pool constructed in the ground, on the ground, or in a building, that cannot be disassembled for storage.

POOL, TEMPORARY: A swimming pool constructed to be disassembled and re-assembled to its original integrity on a seasonal basis (5 months or less).

POWER GENERATING FACILITY. The principal use of land, buildings, or structures for the generation of electrical power which is primarily intended to be used at a site other than that on which it is manufactured.

PREFERRED FREQUENCY OCTAVE BAND: A standardized series of octave bands prescribed by the American National Standards Institute in S1.6-1960. Preferred Frequencies for Acoustical Measurements.

PRINCIPAL STRUCTURE: A structure in which the principal use of the lot on which the structure is located is conducted.

PRINCIPAL USE: The main use of land, a building or a structure as distinguished from a subordinate or accessory use.

PRIVATE CLUB: An association organized and operated not-for-profit for persons who are bona fide members paying annual dues, which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such associations are typically conducted by a board of directors, executive committee, or similar body chosen by the members. Food, meals and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests, proved such service is secondary, and incidental to the common objectives of the organization, and further provided that such sale or service of alcoholic beverages is in compliance with all applicable federal, state, county, and local laws and ordinances.

REACH: A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the flood hazard area where flood heights are primarily controlled by man-made or natural obstructions or constructions. In an urban area, an example of a reach would be the segment of a stream or river between two consecutive bridge crossings.

REAR LOT LINE: See Lot Line, Rear.

REAR YARD: See Yard, Rear.

REGULATORY FLOOD: The regulatory flood is a flood which is representative of large floods known to have occurred generally in the area and reasonable characteristic of what can be expected to occur on a particular stream. The regulatory flood generally has an average frequency in the order of the 100-year recurrence interval flood determined from an analysis of floods on a particular stream and other streams in the same general region.

REGULATORY FLOOD PROTECTION ELEVATION: The elevation to which uses regulated by this Ordinance are required to be elevated or flood proofed.

REMODELING: Any change in a structure, including a structural alteration (other than incidental repairs and normal maintenance) which may prolong its useful life, or the useful life of its supporting members such as bearing walls or partitions, columns, beams, girders or foundations; or the construction of any addition to, or enlargement of, a structure; or the removal of any portion of a structure.

RESIDENCE DISTRICT: Any zoning district designated with an “R”, for example, “R-2”.

RESIDENTIAL BUILDING: A building all or part of which contains one or more dwelling units, including single-family dwellings, two-family dwellings, multiple family dwellings, and lodging houses.

RESTAURANT: A public eating house, including but not limited to the types of business establishments customarily referred to an cafeterias, coffee shops, dairy bars, restaurants and soda fountains.

RETAIL SALES: The sale of goods, merchandise and commodities for use or consumption.

RINGELMANN NUMBER: The shade of smoke as it appears on the standard Ringelmann Chart published by the US Bureau of Mines Information Circular No.: 8333 (1967).

ROADSIDE STAND: A structure for the display and sale of agricultural products, with no space for customers within the structure itself.

SCREENING: Decorative fencing or evergreen vegetation maintained for the purpose of concealing from view the area behind such structures or evergreen vegetation. When fencing is used for screening, it shall be no less than six (6) or more than eight (8) feet in height.

SETBACK: The minimum horizontal distance required between a lot line and the principal building or other structure located on a lot.

SHOPPING CENTER OR DISTRICT: A group of more than six (6) commercial establishments planned, developed, and managed as a unit, located on a zoning lot of at least ten (10) acres, with off-street parking provided on the property.

SIDE YARD: See Yard, Side.

SIGHT-PROOF SCREENING: An enclosure which provides a visual barrier between adjacent property and the area enclosed and contains no advertising on it.

SIGN: Any writing (including letters, words, or numerals), pictorial representation (including illustrations or decorations), emblem (including devices, symbols, or trademarks), flag, banner, streamer, pennant, string of lights, or display, visible outdoors, calculated to attract the attention of the public, or any other figure of similar character which:

1. Is a structure or any part thereof, or a portable display, or is attached to, or in any other manner represented on a building or other structure or on the ground, and

2. is used to announce, direct attention to, or advertise.

SMOKE: Small gas-borne particles other than water that form a visible plume in the air.

SOUND LEVEL METER: An electronic instrument which includes a microphone, an amplifier, and an output meter which measures noise and sound pressure levels in a specified manner. It may be used with the octave band analyzer that permits measuring the sound pressure level in discrete octave bands.

SOUND PRESSURE LEVEL: The intensity of sound measured in decibels mathematically described as twenty (20) times the logarithm to the base, ten (10) of the ratio of the pressure of the sound to a reference pressure of 0.0002 microbar.

STRUCTURE: Anything constructed or erected with a fixed location on the ground. With limitation to the foregoing, a structure shall include buildings, fences, walls and signs.

SMALL WIND ENERGY SYSTEM: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than one hundred (100) kW, and which is intended to primarily reduce on-site consumption of utility power.

TAVERN: An establishment in which alcoholic beverages are sold or served to customers for consumption on the premises, including establishments, commonly known as key clubs, which are open, and in which alcoholic beverages are served, only to members and their guests.

TEMPORARY USE: A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

THREE-COMPONENT RECORDING SYSTEM: A complement of instruments or seismograph which can record simultaneously vibration vectors in three (3) mutually perpendicular directions.

THRESHOLD LIMIT VALUE: The maximum allowable airborne concentration of a toxic material, as established by the American Conference of Governmental Industrial Hygienists.

TOXIC MATTER: Materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

TRAILER: A vehicle standing on wheels or on rigid supports which is used for transporting boats, cargo, or property.

***TRELLIS*:** A frame of small boards (lattice) designed to train or support plants.

USE: Any purpose for which a structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also, any activity, occupation, business or operation carried on or intended to be carried on, in a structure or on a tract of land.

USE REGULATIONS: The provisions of this Ordinance which identify permitted uses, impose use limitations, require adherence to performance standards and regulate home occupations, and accessory and temporary uses.

VIBRATION: The periodic displacement or oscillation of the earth.

WHOLESALE SALES: The sale of goods, merchandise and commodities for resale.

WIDTH, LOT: See LOT WIDTH.

YARD, CORNER SIDE: A side yard extending along the full length of a corner side lot line and continuing to the side of the principal building that is nearest to parallel with the side lot line, but not including any area that is encompassed within a front yard.

YARD, FRONT: A yard extending along the full length of the front lot line and continuing to the front of the principal building, and extending at a generally parallel direction along the front of the principal building to the nearest side lot line.

YARD, REAR: A yard extending along the full length of the rear lot line and continuing to the rear of the principal building, and extending at a generally parallel direction along the rear of the principal building to the nearest side lot line. In the case of a corner lot, the rear yard shall not include any yard considered to be a corner side yard.

YARD, SIDE: A yard extending along the full length of a side lot line and continuing to the side of the principal building that is nearest to parallel with the side lot line, but not including any area that is encompassed within a front or rear yard. Unless otherwise specified, side yard widths are required along each side lot line of a property, and are not to be considered as a total width only.

SECTION 4.00 – GENERAL PROVISIONS

4.01 ACTIVITIES REGULATED BY THIS ORDINANCE

A. Territorial Application of Regulations. The provisions of this Ordinance shall apply to structures and land in the Village of Oswego, Illinois.

B. New Structures. All structures built hereafter shall comply with all of the regulations of this Zoning Ordinance. Any structure hereafter moved from one site to another site shall be considered to be a structure built hereafter. Any structure rebuilt or restored after damage or destruction by fire or other casualty shall be considered to be a structure built hereafter, unless Section 5.00 of this Ordinance permits such structure to be rebuilt or restored.

C. New Uses of Old Structures. If the use of any structure is hereafter changed to another use, then the new use must comply with the use regulations of this Ordinance.

D. Remodeling. If any structure is hereafter remodeled:

1. The entire structure as remodeled shall comply with the use regulations of this Ordinance.

2. Any alterations or enlargements of, or additions to the structure shall comply with the bulk regulations of this Ordinance.

3. The off-street parking facilities provided for the structures shall not be reduced below (or if already less than, shall not be further reduced below) the requirements that would be applicable to a similar new structure or use.

E. Uses of Open Land. If any use of open land is hereafter established, or if any use of open land is hereafter changed to another use, such use shall comply with all the regulations of this Ordinance.

F. Uses Permitted in All Districts. The following public utility and municipal uses are permitted in all districts: poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar equipment (not including sub-stations located above, on or below the surface of the ground) for the distribution to consumers of telephone or other communications, electricity, gas, or water, or for the collection of sewage or surface water.

4.02 DISTRICTS, ZONING MAPS, AND BOUNDARIES

A. Establishments of Districts. The Village of Oswego, Illinois, is hereby divided into eleven (11) zoning districts as follows:

1. F-1 Flood Plain District: A district designed to provide for open space and open type of uses of land which are subject to frequent and periodic floods.

2. R-1 Single Family Residence District: A district designed for single-family dwellings at a density of not less than twelve thousand (12,000) square feet of lot area per dwelling unit.

3. R-2 Single Family Residence District: A district designed for single-family dwellings at a density of not less than eight thousand seven hundred (8,700) square feet of lot area per dwelling unit.

4. R-3 Two Family Dwelling District: A district designed for single-family and two-family dwellings at a density of not less than eight thousand seven hundred (8,700) square feet of lot area per dwelling unit.

5. R-4 General Residence District: A district designed for single-family, two-family and multiple family dwellings at a density of not less than eight thousand seven hundred (8,700) square feet of lot area per dwelling unit.

6. B-1 Neighborhood Business District. A district designed to permit small areas of convenience shopping facilities near residential neighborhoods.

7. B-2 Community Shopping District: A district designed to provide areas for retail establishments which offer a wide range of goods and services in shopping centers.

8. B-3 Community Service and Wholesale District: A district designed to provide areas for heavy commercial uses which are not primarily on a retail basis or are generally incompatible with neighborhood and community shopping uses.

9. O-R Office and Research Park Districts: A district designed to provide large, open, landscaped sites, generally adjacent to primary highways, for operations such as research laboratories, with a high quality of the environment maintained within the district.

10. M-1 Limited Manufacturing District: A district designed to permit light manufacturing office and administrative uses which meet a high performance standard at a low lot coverage.

11. M-2 General Manufacturing District: A district designed to permit manufacturing uses which meet the performance standards of the district. Such uses are not compatible with residential, institutional and retail uses.

B. Zoning Maps

1. The boundaries of the districts listed in (A) above are as indicated on the zoning map of the Village of Oswego, a copy of which is on file in the office of the Zoning Administrator of the Village, and is identified on its face as a part of this Zoning Ordinance. The said zoning map, with all the notations, references and other matters shown thereon, is as much a part of this Ordinance as if such notations, references and other matters were specifically set forth herein.

2. It is the intent of this Ordinance that the entire area of the Village of Oswego, including all land and water areas, rivers, streets, alleys and railroad and other rights-of-way, be included in the districts established by this Ordinance. Any area not shown on the said zoning map as being included in any district shall be deemed to be in the R-1 Single Family Residence District.

C. Boundaries. In the event that uncertainties exist with respect to the intended boundaries of the various districts as shown on the zoning map, the following rules shall apply:

1. The district boundaries are the center lines of streets or alleys, unless otherwise indicated. Where the designation of a boundary line on the zoning map coincides with the location of a street or alley, the center line of such street or alley shall be constructed to be the boundary of such district.

2. Where the district boundaries do not coincide with the location of streets or alleys, but do coincide with lot lines, such lot lines shall be constructed to be the boundary of such district.

3. Where the district boundaries do not coincide with the location of streets, alleys, or lot lines, the district boundary shall be determined by the use of the scale as shown on the zoning map.

4. When a lot held in one ownership on the effective date of this Ordinance is divided by a district boundary line, the entire lot shall be constructed to be within the less restrictive district, unless the application of this construction would increase the area of the less restrictively classified portion of the lot by more than 25 percent.

D. Zoning of Streets, Alleys, Publicways, Waterways, and Railroad Rights-of–Way. All streets, alleys, publicways, waterways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys publicways, waterways, and railroad rights-of-ways. Where the center line of the street, alley, publicway, waterway or railroad right-of-way, serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

4.03 GENERAL REQUIREMENTS IN ALL ZONING DISTRICTS

A. Permitted Uses. No structure shall hereafter be built, moved or remodeled, and no structure or land shall hereafter be used, occupied or designed for use or occupancy except for a use that is permitted within the zoning district in which the structure or land is located.

B. Lot Size Requirements

1. No structure or part thereof, shall hereafter be built, moved or remodeled and no structure or land shall hereafter be used, occupied, or arranged or designed for use or occupancy on a zoning lot which is:

   a. Smaller in area than the minimum lot area or minimum lot area per dwelling unit, required in the zoning district in which the structure or land is located;

   b. Narrower than the minimum lot width required in the zoning district in which the structure or land is located; or

   c. Shallower than the minimum lot depth required in the zoning district in which the structure or land is located.

2. No existing structure shall hereafter be remodeled so as to conflict, or further conflict, with the lot area per dwelling unit requirements for the zoning district in which the structure is located.

C. Bulk Regulations. In this Ordinance, bulk regulations are expressed in terms of maximum structure height, maximum lot coverage, maximum floor area ratio, and minimum front, side and rear yards. No structure, or part thereof, shall hereafter be built, moved or remodeled, and no structure or land shall hereafter be used, occupied or designed for use or occupancy:

1. So as to exceed the maximum lot coverage percentage, the maximum structure height, or the maximum floor area ratio specified for the zoning district in which the structure is located; or

2. So as to provide any setback or front, side or rear yard that is less than that specified for the zoning district in which such structure or use of land is located or maintained.

D. Use Limitations. No permitted use hereafter established, altered, modified or enlarged shall be operated or designed so as to conflict with the use limitations for the zoning district in which such is, or will be, located. No permitted use already established on the effective date of this Ordinance shall be altered, modified or enlarged so as to conflict with, or further conflict with, the use limitations for the zoning district in which such use is located.

E. No permitted use hereafter established, altered, modified, or enlarged shall be operated or designed so as to conflict with any performance standards imposed on such use by this

Ordinance. No permitted use already established on the effective date of this Ordinance, or any amendment thereto shall be altered, modified or enlarged so as to conflict with, or further conflict with, the performance standards established for the zoning district in which such use is located.

F. Accessory Structures or Uses. No accessory structure or use, as defined in Section 10.01 shall hereafter be built, moved or remodeled, established, altered, or enlarged unless such accessory structure or use is permitted in Section 10.01C of this Ordinance.

G. Temporary Structures and Uses. No temporary structure or use shall hereafter be built, established, moved or remodeled, altered or enlarged unless such temporary structure or use is permitted by Section 10.03 of this Ordinance.

H. Home Occupations. No home occupation, as defined by Section 3.02 of this Ordinance shall hereafter be established, altered or enlarged in any residence district unless such home occupation:

1. Complies with the use limitations imposed by Section 10.04; and

2. Is listed as a permitted home occupation in Section 10.04.

I. Off-Street Parking and Loading. No structure shall hereafter be built or moved, and no structure or land shall hereafter be used, occupied or designed for use or occupancy unless the minimum off-street parking and off-street loading spaces required by Section 12.00, of this Ordinance are provided. No structure or use already established on the effective date of this Ordinance shall be enlarged unless the minimum off-street parking and loading spaces which would be required be Section 12.00, of such enlargement are provided.

4.04 MISCELLANEOUS REQUIREMENTS

A. Number of Structures and Uses on a Zoning Lot

1. Not more than one (1) principal residential building shall be located on a single zoning lot, nor shall a principal residential building be located on the same zoning lot with any other principal building.

2. In business and industrial districts, any number of structures (except residential buildings) and uses may be constructed or established on a single zoning lot, but no single zoning lot shall be smaller than the minimum lot area prescribed for the district in which such structure is located.

B. Platted Building and Setback Lines. If a recorded subdivision plat imposes a building or setback line for a lot which is greater than the minimum front yard required by the applicable section of this Ordinance, then, notwithstanding any other provision of this Ordinance, the minimum front yard shall be the same as the minimum building line or setback line shown on such subdivision plat.

C. Yard Requirements for Open Land. If a zoning lot is, or will be, occupied by a permitted use without structures, then the minimum front, side or rear yards that would otherwise be required for such zoning lot shall be provided and maintained unless some other provision of this Ordinance requires or permits a different front, side or rear yard. Front, side, and rear yards shall not be required on zoning lots, used for garden purposes without structures, or on zoning lots used for open, public recreation areas.

D. Restrictions on Allocation and Disposition of Required Yards or Open Space

1. No part of the lot area, or of a yard, or other open space or off-street parking or loading space provided in connection with any structure or use in order to comply with this Ordinance shall, by reason of a change of ownership or otherwise, be included as a part of the minimum lot area or of a yard, other open space, or off-street parking or loading space required for any other structure or use, except as specifically permitted by this Ordinance.

2. All of the lot area and all yards and other open spaces provided in connection with any structure or use in order to comply with this Ordinance shall be located on the same lot as the structure or use.

3. No part of the lot area, or of a yard, other open space, or off-street parking or loading space provided in connection with any structure or use (including, but not limited to any structure or use existing on the effective date of this Ordinance or of any amendment thereto) shall be subsequently reduced below, or further reduced if already less than, the minimum requirements of this Ordinance for equivalent new construction.

E. Permitted Obstructions in Required Yards. The following shall not be considered to be obstructions when located in a required yard:

1. In All Yards: Open terraces not over four (4) feet above the average level of the adjoining ground, but not including a permanently roofed-over terrace or porch; awnings or canopies, steps four (4) or less above grade which are necessary for access to a permitted structure, or access to a lot from a street or alley; one (1) story bay windows and over –hanging eaves and gutters projecting thirty-six (36) inches or less into the yard; chimneys projecting thirty-six (36) inches or less into the yard; arbors and trellises, flag poles; and signs, when permitted by the Sign Ordinance.

2. In Any Yard, Except a Front Yard: Accessory uses permitted by Section 10.00; recreational equipment; laundry-drying equipment; swimming pool; and open and closed fences not to exceed six (6) feet in height. If any provision of this Ordinance requires a fence in a front yard, or a fence that has a minimum height in excess of five (5) feet, then such fence shall be permitted obstruction within the meaning of this section.

F. Driveways for Business and Industrial Districts. No land which is located in a residence district shall be used for a driveway, walkways, or access purpose to any land which is located in any business or industrial district.

G. Annexed Land. All land which may hereafter be annexed to the Village of Oswego by Petition shall be classified in the R-1 Single Family Residential District unless the use of said parcel prior to a Petition for Annexation being filed was of a different use than R-1, in which case the Village Trustees may, upon the adoption of the Annexation Ordinance, approve a zoning classification which is consistent with the zoning category in which the property was located under a different zoning jurisdiction, i.e. a County zoning classification. Lands which are hereinafter annexed to the Village of Oswego pursuant to an Annexation Agreement may be classified at whatever classification the Village Trustees agree upon following the procedures set forth by statute for pre-annexation agreements.

H. Lot Size Requirements and Bulk Regulations for Public Utility Facilities
Notwithstanding any other provisions of this Ordinance, none of the following public utility or public service uses shall be required to comply with the lot size requirements and bulk regulations of the zoning district in which they are located except that such public utility and public service uses located on or above the surface of the ground shall observe the applicable minimum front, side and rear yard requirements.

1. Electric and telephone substations and distribution equipment;

2. Gas regulator stations;

3. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or other similar equipment for distribution to consumers or transmission of electricity, gas or water.

4. Pumping stations;

5. Radio, television and micro-wave transmission or relay stations and towers;

6. Transformer stations;

7. Water standpipes.

I. Sewer and Water Facilities. All structures built hereafter shall be served by and connected to a public sanitary sewer disposal system and water distribution system.

4.05 PORTABLE TEMPORARY STORAGE CONTAINERS

A. Portable temporary storage containers shall be permitted under the following terms, conditions, restrictions and regulations in all zoning districts:

1. Portable temporary storage containers shall not exceed eight (8) feet in height, eight (8) feet in width and sixteen (16) feet in length.

2. Portable temporary storage containers shall be utilized only for loading, unloading and temporary storage of household or business items.

3. Portable temporary storage containers shall not be placed on a property for more than fifteen (15) consecutive days. No more than two (2) such fifteen (15) day periods shall be allowed per calendar year.

4. Portable temporary storage containers shall not be used for the purposes of conducting business or the selling of merchandise.

5. The exterior of portable temporary storage containers shall only display the name, address and phone number of the company providing the portable storage container.

6. Portable temporary storage containers shall not be placed on any unimproved yard, publicly owned right-of-way, publicly owned parkways, public sidewalks, or other locations not specifically identified as acceptable within the provisions of this section.

7. Portable temporary storage containers shall not be used to store property of a toxic or flammable nature.

8. Portable temporary storage containers shall only be placed on a property with an associated principal structure.

9. On properties whose primary structure and use is identified as a single-family detached or a two-family dwelling structure, portable temporary storage containers may be placed only on a residential driveway or other contiguous hard, dust free improved surface of bituminous hot-mix asphalt (HMA) pavement or Portland Cement Concrete (PCC) pavement.

10. On properties whose primary structure and use is identified as any use other than a single-family detached or a two-family dwelling structure, portable temporary storage containers may be placed upon a parking lot constructed of bituminous hot-mix asphalt (HMA) pavement or Portland Cement Concrete (PCC) pavement, provided that the placement of the portable temporary storage container does not impede or block the flow of traffic, occupy off street parking spaces as required

per the provisions of Section 12 of this Title, and the proposed locations are approved by the Zoning Administrator or his/her designee.

11. Portable temporary storage containers not in compliance with the regulations provided in this section must be approved by the Zoning Administrator subject to review and compliance with all applicable zoning regulations. A request for relief from the regulations provided in this section may be granted by the Zoning Administrator provided an application is submitted in writing and justifiable cause is demonstrated.

12. No more than one (1) portable temporary storage container shall be permitted on any property at any one time.

B. Penalty. Any person who violates, disobeys, refuses to comply with or who resists the enforcements of any of the provisions of the regulation set forth in this section shall be fined not less than fifty ($50.00) dollars nor more than five hundred ($500.00) dollars for each offense. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Ord. 09-22, 3/17/2009)

SECTION 5.00 – NON-CONFORMING STRUCTURES AND USES

5.01 NON-CONFORMING LOTS OF RECORD

A. Continuance of Use. Any use of a structure or land lawfully established before the effective date of this Ordinance or of amendments thereto, which ordinance and amendments provide that such a use does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal non-conforming use and may be continued, except as otherwise provided herein.

B. Authority to Utilize. In any residence district, notwithstanding the regulations imposed by any other provision of this Ordinance, a single-family detached dwelling which complies with the restrictions in Section 5.01B may be erected on a lot that is not less than forty (40) feet in width, consisting entirely of one tract of land that:

1. Has less than the prescribed minimum lot area, width or depth, or all three;

2. Is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited by any zoning ordinance; and

3. Has remained in separate and individual ownership form adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the applicable zoning ordinance or ordinances.

C. Required Side Yards. Construction permitted by Section 5.01A, shall comply with all the regulations (except lot area, width and depth) applicable to single-family dwellings in the zoning district in which the lot in question is located, provided, however, that the following side yard requirements shall apply in place of the side yard requirements otherwise applicable:

1. A dwelling shall be placed on the lot so as to provide a yard on each side of the dwelling;

2. The sum of the widths of the two side yards on each lot shall be not less than the smaller of:

   a. Twenty-five (25) percent of the width of the lot, or

   b. The minimum total for both side yards prescribed by the bulk regulations for said zoning district, and

   c. No side yard shall be less than ten (10) percent of the width of the lot and in no case less than three (3) feet.

5.02 NON-CONFORMING STRUCTURES

A. Authority to Continue. Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements or the applicable bulk regulations, or both, may be continued for the period of its normal useful life, so long as it remains otherwise lawful subject to the restrictions in Section 5.02B through 5.02D, and Sections 5.04A through 5.04D.

B. Enlargement, Repair, Alterations. Any such structure, described in Section 5.02A, may be enlarged, maintained, repaired or remodeled; provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional non-conformity or increase the degree of the existing non-conformity of all or any part of the applicable lot size requirements, the side yard requirements shall be determined by Section 5.01C.

C. Damage or Destruction. In the event that any structure described in Section 5.02A is damaged or destroyed, by any means, to the extent of more than fifty (50) percent of the cost of replacement of the said structure, new such structure shall not be restored unless it shall thereafter conform to the regulations of the zoning district in which it is located. A structure which is located on a lot that does not comply with the applicable lot size requirements shall not in any event be required to provide a side yard that exceeds the yard requirements of Section 5.01B. When a structure is damaged to the extent of fifty (50) percent or less of the cost of replacement of the structure new, no repairs or restoration shall be made unless a zoning certificate is obtained and restoration is actually begun within one (1) year after the date of such partial destruction and is diligently pursued to completion.

D. Moving. No structure described in Section 5.02A shall be moved in whole or in part for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

5.03 NON-CONFORMING USES

A. Authority to Continue. Any lawfully existing non-conforming use of part or all of a structure, or any lawfully existing non-conforming use of land not involving a structure or involving only a structure which is accessory to such use of land, may be continued, so long as it remains otherwise lawful, subject to the regulations contained in Sections 5.03B through 5.03J, and Section 5.04A through 5.04D.

B. Ordinary Repair and Maintenance

1. Normal maintenance and incidental repair or replacement, installation, or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing may be performed on any structure that is devoted in whole or in part to a non-conforming use; provided, however, that this subsection 5.03B (1), shall not be deemed to authorize any violation of Sections 5.03C through 5.03I of this Ordinance.

2. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition, provided such restoration is not otherwise in violation of Section 5.03F of this Ordinance.

C. Remodeling. No structure that is devoted in whole or in part to a non-conforming use shall be remodeled unless the entire structure and use thereof shall thereafter conform to all regulations of the zoning district in which it is located.

D. Extension. A non-conforming use shall not be extended, expanded, enlarged or increased in intensity. Such prohibited activity shall include, without being limited to:

1. Extension of such use to any part of a structure or land area other than one occupied by such non-conforming use on the effective date of this Ordinance (or on the effective date of a subsequent amendment hereto that causes such use to become non-conforming).

2. Extension of such use within a building or other structure to any portion of the floor area that was not occupied by such non-conforming use on the effective date of this Ordinance (or on the effective date of a subsequent amendment hereto that causes such use to become non-conforming). However, a non-conforming use may be extended throughout any part of a structure that was lawfully and manifestly designed or arranged for such use on such effective date.

3. Operation of such non-conforming use is such manner as to conflict with, or to further conflict with if already conflicting on the effective date of this Ordinance (or on the effective date of a subsequent amendment hereto that results in such use becoming non-conforming), any performance standards established for the district for which such use is located.

E. Enlargement. No structure that is devoted in whole or in part to a non-conforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall hereafter conform to the regulations of the district in which it is located.

F. Damage or Destruction. In the event that any structure that is devoted in whole or in part to a non-conforming use is damaged or destroyed, by any means, to the extent of more than fifty (50) percent of the cost of replacement of the structure new, such structure shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located. When such damage or destruction is fifty (50) percent or less of the cost of replacement new, no repairs or restoration shall be made unless a zoning certificate is obtained and restoration is actually begun within one (1) year after the date of such partial destruction and is diligently pursued to completion.

G. Moving. No structure that is devoted in whole or in part to a non-conforming use, shall be moved in whole or in part for any distance whatsoever, to any other location on the same or any other lot, unless the entire structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located after being so moved. No non-conforming use of land shall be moved in whole or in part for any distance whatsoever, to any other location on the same or any other lot, unless such use shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.

H. Change in Use. A non-conforming use shall not be changed to any use other than a use permitted in the zoning district in which the use is located. When a non-conforming use has been changed to any permitted use, it shall not thereafter be changed back to a non-conforming use. For purposes of this section, a use shall be deemed to have been so changed when an existing non-conforming use shall have been terminated and a permitted use shall have commenced and continued for a period of seven (7) years.

I. Abandonment or Discontinuance

1. When a non-conforming use of land, not involving a structure, or involving only a structure which is accessory to the non-conforming use of land, is discontinued or abandoned, for a period of six (6) consecutive months (regardless of any reservation of an intent not to abandon or to resume such use), such use shall not thereafter be re-established or resumed. Any subsequent use or occupancy of such land shall comply with the regulations of the zoning district in which such land is located.

2. When a non-conforming use of a part or all of a structure which was designed and intended for a use which is permitted in the zoning district in which such structure is located is discontinued or abandoned for a period of three (3) consecutive months (regardless of any reservation of an intent not to abandon or to resume such use), such use shall not thereafter be re-established or resumed. Any subsequent use or occupancy of such structure shall comply with the regulations of the zoning district in which such structure is located.

3. When a non-conforming use of a part or all of a structure which is not designed and intended for any use which is permitted in the zoning district in which such structure is located is discontinued or abandoned for a period of six (6) consecutive months (regardless of any reservation of an intent not to abandon or to resume such use), such use shall not thereafter be re-established or resumed. Any subsequent use or occupancy of such structure shall comply with the regulations of the zoning district in which such structure is located.

J. Non-Conforming Accessory Uses. No use which is accessory to a principal non-conforming use shall continue after such principal use shall have ceased or terminated.

5.04 ELIMINATION OF NON-CONFORMING USES AND STRUCTURES

A. In accordance with authority granted to municipalities for the elimination of non-conforming uses and structures in Ch. 24, S11-13-1 (Ill. Rev. Stat. 1973), it is hereby declared to be the policy of the Village to eliminate the said uses and structures.

1. The Zoning Administrator shall inventory the non-conforming uses and structures in the Village and shall determine the assessed valuation, normal useful life, and years in existence for each. Such inventory and determinations shall be kept on file by the Zoning Administrator and be a matter of public record.

2. Notice. The Zoning Administrator shall notify in writing the owner of each parcel of land or each structure the use of which has been determined to be non-conforming, at least once every year. Such notice shall contain:

a. The normal useful life of the use or structure as determined;

b. The date at which it has been determined the use was commenced; and

c. The assessed valuation of the use or structure as determined.

B. Elimination of Non-Conforming Buildings and Structures. Any structure or building, all or substantially all of which is designed or intended for use not permitted in the district in which it is located shall be removed and its use thereafter cease, or shall be converted to a building or structure designed or intended for a use permitted in the district in which it is located at the end of its useful life as determined by the Zoning Administrator.

C. Condemnation of Non-Conforming Buildings and Structures. The Village of Oswego at any time, and from time to time, by Ordinance duly enacted (a) may acquire by condemnation any non-conforming building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, and all land which is necessary or appropriate for the rehabilitation or re-development of the area blighted by such non-conforming buildings or structures; (b) may remove or demolish all such non-conforming buildings and structures so acquired; (c) may hold and use any remaining property for public purposes; and (d) may sell, lease or exchange such property as is not held for public purposes, subject to the provisions of this comprehensive amendment, or any amendment hereto. No such acquisition by condemnation shall be made until such time as the Plan Commission, at the request of the Board of Trustees, or upon its own initiative, has made a study of the area within which such non-conforming building or structure is located and has filed a written report on such study with the Board of Trustees.

D. Elimination of Non-Conforming Use of Land.

1. The non-conforming use of land shall be discontinued and cease ten (10) years from the date of adoption of this amendment in each of the following cases:

a. Where no buildings or structures are employed in connection with such use;

b. Where the only buildings or structures or other physical improvements employed are accessory or incidental to such use or have an assessed valuation of less than Two Thousand Dollars ($2,000); or

c. Where such use is maintained in connection with a conforming building or structure; except that inadequate off-street parking facilities used in connection with a building the use of which complies with the requirements of the district in which it is located, may be continued for so long as the premises are used for a permitted use.

2. A non-conforming use of land which is accessory to the non-conforming use of building or structure shall be discontinued on the same date the non-conforming use of the building or structure is discontinued.

E. Appeals. An appeal from the determinations made by the Zoning Administrator under this section shall be appealable to the Zoning Board of Appeals in the same fashion as any other decision of the Zoning Administrator.

SECTION 6.00 – FLOOD PLAIN DISTRICT

A. Purpose. It is the purpose of this district to promote the public health, safety and general welfare and to minimize loss of life and excessive damage to property in areas of flood hazard.

B. Methods Used to Analyze Flood Hazards. The following information has been used to delineate the F-1 Flood Plain District: U.S.G.S. Maps and Soil Conservation Service Soil Maps. The user shall when required by the Plan Commission:

1. Estimate the discharge of the regional flood which is representative of large floods known to have occurred in this region and which are reasonably characteristic of what can be expected to occur on the particular streams subject to this Ordinance. It is in the general order of a flood which could be expected to occur on the average of once every one hundred (100) years.

2. Determine the specific flooding threat at the site of the proposed conditional use and determine whether the use is located in a floodway or flood fringe area by:

   a. Calculations of water surface elevations and flood protection elevations based upon a hydraulic analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood. Flood protection elevations shall be one (1) foot above the water surface elevations of the regional flood plus the increase in the flood heights caused by the proposed development as provided in Section 6.00B (2b) below.

   b. Computation of the floodway required to convey this flood without increasing flood heights to an extent which could cause substantial upstream or downstream damage to existing or reasonably anticipated future development. Computation of increase in flood heights caused by an encroachment shall be based upon the reasonable assumption that there will be an equal degree of encroachment on both sides of the stream within that reach. Generally, any increase in flood stages attributable to encroachments on the floodplain of any river or stream shall not exceed 0.5 feet in any one reach or for the cumulative effect of several reaches.

C. Permitted Uses. The following open space uses shall be permitted within the F-1 Flood Plain District to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill or storage of materials or equipment. In addition, no use shall adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility or system.

1. Agricultural uses, including general farming, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, sod farming, provided such uses are permitted in an adjoining district.

2. Open type uses, such as loading and unloading areas, parking lots, storage of motor vehicles for not more than twenty-four (24) hour periods, airport landing

strips, when such uses are permitted in the District in which the flood plain is located.

3. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, hiking and horseback riding trails, subject to all other provisions of this Ordinance.

4. Residential uses such as lawns, gardens, parking areas and play areas.

D. Special Uses. All uses other than those specified in 6.00B are permitted only upon application to the Zoning Administrator and the issuance of a Special Use Permit as provided in Section 13.08, Special Use Permits, of this Ordinance.

The Flood Plain District encompasses both, floodway and flood fringe areas. Therefore, the Plan Commission, as provided in Section 6.00B, shall determine whether the proposed Special Use is located within a floodway or flood fringe area. If it is determined that the proposed use is located within the floodway the provisions of Section 6.01 of this Ordinance shall apply. If it is determined that the proposed use is located within the flood fringe, the provisions of Section 6.02, of this Ordinance shall apply.

6.01 SPECIAL PROVISIONS APPLYING TO THE FLOODWAY PORTION OF THE FLOOD PLAIN DISTRICT

A. Uses permitted in Section 6.01B, are Permitted Uses.

B. Other uses are allowed only as Special Uses within the floodway provided they comply with the provisions of this Section, Sections 6.01C (Fill), 6.01D (Structures), 6.01E (Storage of Materials), other standards established in this Ordinance, and any conditions attached to the issuance of the Special Use Permit. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other use shall be permitted which acting alone or in combination with existing or reasonably anticipated uses unduly affects the efficiency or the capacity of the floodway or unduly increases flood heights. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream. Special Uses include:

1. Uses or structures accessory to open space or Special Uses.
2. Circuses, carnivals, and similar transient amusement enterprises.
3. Drive-in theaters, new and used car lots, road side stands, signs and billboards.
4. Extraction of sand, gravel, and other materials.
5. Marinas, boat rentals, docks, piers, wharves, and water control structures.
6. Railroads, streets, bridges, utility transmission lines and pipelines.
7. Storage yards for equipment, machinery or materials.
8. Kennels and stables.
9. Other uses similar in nature to uses described in Section 6.02, or this subsection, which are consistent with the provisions set out in this Ordinance.

C. <u>Fill</u>

1. Any fill or materials proposed to be deposited in the floodway will be allowed only upon issuance of a Special Use Permit. The fill or material must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials.
2. Such fill or other materials shall be protected against erosion by rip-rap, vegetative cover, or bulkheading.

D. Structures (temporary or permanent) Accessory to Special Uses Listed in 6.01B.

1. Structures shall not be designed for human habitation.

2. Structures shall have low flood damage potential.

3. The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.

    a. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and

    b. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

4. Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river.

5. Service facilities such as electrical and heating equipment shall be placed at or above the regulatory flood protection elevation for the particular area or adequately flood-proofed.

E. Storage of Materials and Equipment

1. The storage or processing of materials that in time of flooding are buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.

2. Storage of other material or equipment may be allowed upon issuance of Special Use Permits if not subject to major damage by floods and firmly anchored to prevent flotation or readily removable from the area within the time available after flood warning.

F. Garbage and Solid Waste Disposal

1. No Special Use Permits for garbage and waste disposal sites shall be issued for floodway areas.

2. Provided further, there shall be no further encroachment upon the floodway at existing sites.

6.02 SPECIAL PROVISIONS APPLYING TO THE FLOOD FRINGE

A. Permitted Uses. Uses listed in Section 6.02B as permitted uses are special uses within the flood fringe.

B. Special Uses. Structural or other uses shall be permitted within the flood fringe as Special Uses to the extent they are not prohibited by any other ordinance and they meet the following applicable standards:

1. Residential Uses. Residences shall be constructed on fill with the first floor or basement floor at or above the regulatory flood protection elevation. The finished fill elevation shall be no more than one (1) foot below the regulatory flood protection elevation for the particular area and shall extend at such elevation at least fifteen (15) feet beyond the limits of any structure or building erected thereon. Where existing streets or utilities are at elevations which make compliance with this provision impractical or in other special circumstances the Plan Commission may recommend other techniques for protection.

2. Non-Residential Uses. Structures other than residences shall ordinarily be elevated on fill as provided in Section 6.02B (1), but may, in special circumstances, be protected as provided in Section 6.03C, to a point at or above the regulatory flood protection elevation.

3. Commercial Uses. Commercial structures generally must be constructed on fill with no first floor or basement floor below the flood protection elevation. Accessory land uses, such as yards, railroad tracks and parking lots may be at lower elevations. However, a permit for such facilities to be used by the general public shall not be granted, in the absence of a flood warning system, if the area is inundated to depth greater than two feet or subject to flood velocities greater than four (4) feet per second upon the occurrence of the regional flood.

4. Manufacturing and Industrial Uses. Manufacturing and industrial buildings, structures and appurtenant works shall be protected to the flood protection elevation. Measures shall be taken to minimize interference with normal plant operations especially for streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Section 6.02B (3) above. In considering permit applications, the Plan Commission shall give due consideration to needs of an industry whose business requires that it be located in floodplain areas.

5. Utilities, Railroad Tracks, Streets and Bridges. Public utility facilities, roads, railroad tracks and bridges within the floodplain shall be designed to minimize increases in flood elevations and shall be compatible with local comprehensive floodplain development plans. Protection to the regulatory flood protection elevation shall be provided where failure or interruption of these public facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Where failure or interruption of

service would not endanger life or health, a lesser degree of protection may be provided for minor or auxiliary roads, railroads, or utilities.

6. Waste Treatment and Waste Disposal

   a. No new construction, addition, or modification to existing waste treatment facilities shall be permitted within the floodplain unless emergency plans and procedures for action to be taken in the event of flooding are prepared, filed with, and approved by the Illinois Environmental Protection Agency. The emergency plans and procedures must provide for measures to prevent introduction of any pollutant or toxic material into the flood waters.

   b. There shall be no disposal of garbage or solid waste materials within floodplain areas except upon issuance of a Special Use Permit at sites approved by the Illinois Environmental Protection Agency and subject to the requirements of Section 6.01F.

6.03 SPECIAL USE PERMITS

A. Procedure to be Followed by the Plan Commission in Passing of Special Use Permits. Upon receiving an application for a Special Use Permit involving the use of fill, construction of structures, or storage of materials, the Plan Commission shall, prior to rendering a recommendation thereon:

1. Require the applicant to furnish such of the following information as is deemed necessary by the Plan Commission for determining the regulatory flood protection elevation, whether the proposed use is located in the floodway or flood fringe, and other factors necessary to render a decision on the suitability of the particular site for the proposed use.

    a. Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the channel.

    b. A typical valley cross-section showing the channel of the stream, elevation of land area adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.

    c. Plan showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities, photographs showing existing land uses and vegetation upstream and downstream, soil types, and other pertinent information.

    d. Profile showing slope of the bottom of the channel or flow line of the stream for at least five hundred (500) feet in either direction from the proposed development.

    e. Specifications for building construction and materials, flood-proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

2. Transmit one (1) copy of the information described in Subsection 1 to the Village Engineer for technical assistance in determining whether the proposed use is located in the floodway or flood fringe, in determining the regulatory flood protection elevation, and in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection and other technical matters.

3. Based upon the technical evaluation of the Village Engineer, the Plan Commission shall determine whether the proposed use is located within the floodway or flood fringe, determine the specific flood hazard at the site and shall evaluate the suitability of the proposed use in relation to the flood hazard.

B. Factors Upon Which the Recommendations of the Plan Commission Shall be Based

In passing upon Special Use applications, the Plan Commission shall consider all relevant factors specified in other sections of this Ordinance and:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
2. The danger that materials may be swept onto other lands or downstream to the injury of others.
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
5. The importance of the services provided by the proposed facility to the community.
6. The requirements of the facility for a waterfront location.
7. The availability of alternative locations not subject to flooding for the proposed use.
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
12. Such other factors which are relevant to the purposes of this Ordinance.

C. Conditions Attached to Special Use Permits. Upon consideration of the factors listed above and the purpose of this Ordinance, the Plan Commission may recommend and the Board of Trustees may impose such conditions to the granting of a Special Use Permit as it deems necessary to further the purposes of this Ordinance. Among such conditions without limitation because of specific enumeration may be included:

1. Modification of waste disposal and water supply facilities.
2. Limitations on period of use and operation.
3. Imposition of operational controls, sureties, and deed restrictions.

4. Requirements for construction of channel modifications, dikes, levees and other protective measures.

5. Flood proofing measures. Flood proofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The applicant may be required to submit a plan or document certified by a registered professional engineer or architect that the flood-proofing measurers are consistent with the regulatory flood protection elevation and associated flood factors for the particular area. The following flood-proofing measurers may be required without limitation because of specific enumeration:

   a. Anchorage to resist flotation and lateral movement.

   b. Installation of watertight doors, bulkheads, and shutters, or similar methods of construction.

   c. Reinforcement of walls to resist water pressures.

   d. Use of paints, membranes, or mortars to reduce seepage of water through walls.

   e. Addition of mass or weight of structures to resist flotation.

   f. Installation of pumps to lower water levels in structures.

   g. Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.

   h. Installation of pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement floor pressures.

   i. Construction to resist rupture or collapse caused by water pressure or floating debris.

   j. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent back-up of sewage and storm waters into the buildings or structures. Gravity draining of basements may be eliminated by mechanical devices.

   k. Location of all electrical equipment, circuits and installed electrical appliances in a manner which will assure they are not subject to flooding and provide protection from inundation by the regional flood.

   l. Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety, and welfare above the flood protection elevation or provision of adequate flood proofing to prevent

flotation of storage containers, or damage to storage containers which could result in the escape of toxic materials into flood waters

SECTION 7.00 – RESIDENCE DISTRICTS

7.01 R-1 SINGLE FAMILY RESIDENCE DISTRICT

A. Permitted Uses. The following uses are permitted:

1. One-family detached dwellings.
2. Parks, forest preserves and recreational areas, when publicly owned and operated.
3. Home occupations.
4. A temporary real estate office in conjunction with a new housing development, limited to the selling or renting of new units in such development and in no case to be in operation for more than one (1) year following completion of construction of said housing development.
5. Permitted accessory uses, including off-street parking facilities in accordance with the provisions of Section 12.00.
6. Schools; public, denominational, private, elementary and high, including playgrounds and athletic fields auxiliary thereto.
7. Churches, rectories, seminaries, convents, monasteries and similar religious institutions, including dormitories and other accessory uses required for operation.
8. Temporary buildings for construction purposes for a period not to exceed the completion date of such construction.
9. Signs, subject to the provisions of Section 11.00.
10. Family Day Care Home.

B. Special Uses. The following uses may be allowed by Special Use Permit in accordance with the provisions of Section 13.08.

1. Bed and Breakfast Establishments: In addition to the requirements set forth in this Ordinance, all other applicable provisions of the Zoning Ordinance, Municipal Code of Ordinances and Building Codes adopted by the Village shall be complied with. A Special Use Permit shall not be given, nor shall a license be issued unless the following standards are met, or variances granted by the Village Board:

    a. Number of guest rooms; the number of guest rooms shall be limited to a maximum of four (4). The occupancy limitation for a guest room shall be as follows:

        i. The guest rooms shall not be less than seventy (70) square feet for one (1) guest,

ii. Nor less than one hundred (100) square feet for two (2) guests.

b. Operator Occupancy: Bed and Breakfast establishments shall be operator occupied when guests are present.

c. Single Family Homes: Bed and Breakfast establishments shall be established in a structure originally built and occupied as a dwelling, and used as a single-family residence.

d. Location: Bed and Breakfast establishments shall be no closer to each other than six hundred (600) lineal feet with such distance measured between the entrances of each establishment.

e. Parking: Bed and Breakfast establishments shall provide a minimum of one (1) accessible off-street parking space of each guest room, plus two (2) spaces for the manager. Each required off-street parking space shall open directly upon an aisle or driveway and shall comply with all other applicable regulations of the Village of Oswego Zoning Ordinance, Section 12.00, Off Street Parking and Loading Regulations. Parking areas shall be screened from the right-of-way and adjoining properties. Such screening shall be a minimum height of at least three (3) feet and may consist of structures, plantings, walls, fences, berms, or a combination. Fences are limited to six (6) feet in height. Parking areas shall be located in the garage, rear yard or side yard only. New paving shall not cause added runoff onto, or flooding of, adjoining properties, as determined by the Village Engineer.

f. Signage: (for R-1, R-2, R-3, R-4, R-E, R-L)

i. Freestanding signage shall be limited to one (1) sign having a maximum size of four (4) square feet in area and a maximum height of three (3) feet. The sign shall have a minimum setback of ten (10) feet from any lot line.

ii. Freestanding signage shall be allowed only for those establishments located on a designated collector or arterial roadway located within the Village limits and having building frontage on the roadway.

iii. Freestanding signage shall be not illuminated.

iv. Freestanding signage shall be constructed with materials to compliment the character of the building.

g. Breakfast Required: Bed and Breakfast establishments are required to include breakfast in the price of the room.

h. Food Service: Bed and Breakfast establishments shall restrict food service to overnight guests only.

i. Cooking in Rooms: Microwave ovens, hotplates or other cooking devices shall not be permitted in guest rooms.

j. Restrooms: Restroom facilities separate from those of the owner shall be provided for the guests. One (1) full restroom shall be provided for 1-3 guest rooms and two (2) full restrooms shall be provided for 4-5 guest rooms.

k. Site Plan: Bed and Breakfast uses require an approved site plan, which shall be reviewed and approved by the Village of Oswego Zoning Administrator.

l. Smoke/Carbon Monoxide Detectors: A smoke detector shall be installed in each guest room and on each building level, including the basement. One (1) carbon monoxide detector shall be located on the first floor. All said detectors shall be 110V with battery backup and interconnected.

m. Emergency Lighting: Emergency lighting shall be provided for each floor and all pathways of the structure that is used for ingress and egress by registered guest. The emergency lighting shall comply with all current BOCA requirements.

n. Floor Plan: A floor plan of the Bed and Breakfast establishment shall be submitted to the Oswego Zoning Administrator for review and approval which shall indicate: the size of all rooms, halls, exits, emergency lights locations of detectors and fire extinguishers.

o. Exit Posting: All Bed and Breakfast guest rooms shall have posted inside the entry door, a floor plan showing the direction of travel and distance to the nearest exit. Also posted shall be the allowable occupant load of the room.

p. Exit Distance: Travel distance from any guest room to an approved exit shall not exceed seventy-five (75) feet.

q. Bed and Breakfast Act: Compliance with all of the provisions of ILCS No. 820 Bed and Breakfast Act is mandatory. If any standards of this Ordinance conflict with said Act, this Ordinance shall govern.

r. Village Bed and Breakfast Licenses: Bed and Breakfast establishments shall obtain a license from the Village of Oswego. The annual license may be granted or renewed based on the establishment's compliance with the criteria listed below. If one or more of the following is not complied with, the Village may revoke or refuse to renew said license.

   i. Bed and Breakfast Act. Compliance with ILCS #820.

   ii. Life Safety Code. Compliance with the most current Life Safety Code; One and Two Family Dwellings.

iii. Building and Fire Regulations. Compliance with all applicable Village of Oswego building, electrical, fire, mechanical and plumbing code regulations.

iv. Kendall County Health Regulations. Compliance with the most current regulations of the Kendall County Health Department.

v. Village Inspections. Annual inspections by the Village Building and Zoning Department.

vi. Proof of Insurance. The owner of a Bed and Breakfast shall have minimum of Five Hundred Thousand ($500,000.00) Dollar liability insurance to cover all Bed and Breakfast guests. A copy of such insurance coverage shall be submitted to the Village with application, or renewal of license. Notification to the Village of insurance cancellation shall be required.

vii. Guest Register. Maintenance of an accurate, complete and up-to-date guest register shall be required and available for inspection at reasonable times whenever requested by the Village.

viii. Background Investigation. Submittal of social security number, driver's license number and any other information necessary, so that the Village may conduct a background investigation on the owner of such property. Background approval by the Village's Chief of Police is required.

ix. No Detriment to Neighborhood. The Bed and Breakfast establishment shall not constitute a nuisance to adjoining properties.

x. Active Use. The premises for a Bed and Breakfast establishment must have been used as recently as nine (9) months prior to the license renewal date, to be considered an active use.

xi. Payment of Fee. The cost of administering the license application and performing on-site inspections shall be borne by the applicant. Said fee shall be Fifty ($50.00) Dollars annually, and may be adjusted from time to time to cover administration costs.

xii. A Village of Oswego Business Registration Permit shall be required in addition to the stipulations set forth in this Ordinance.

xiii. Bed and Breakfast establishments shall be subject to all applicable Village Hotel Taxes.

2. Cemeteries, including crematories and mausoleums in conjunction therewith, if located within five hundred (500) feet of any dwelling or residential zoning lot.

3. Colleges and universities, including dormitories, fraternities, sororities, and other accessory buildings necessary for operation, but not including business colleges or trade schools when operated for profit.

4. Community Centers.

5. Filling of holes, pits or lowlands with non-combustible material free from refuse and food wastes.

6. Golf courses, regulation size, (including accessory uses such as pro shops, eating and drinking facilities including the consumption of alcoholic beverages), but not including "Par 3" golf courses, commercially operated driving ranges, or miniature golf courses.

7. Group Day Care Home.

8. Institutions for the aged and for children.

9. Manufactured Homes.

10. Outdoor Entertainment, including but not limited to, live performances by groups and/or individuals, karaoke, etc., when in conjunction with a permitted use as specified in Section 7.01A. A Special Use Permit shall be established when a business has more than four (4) separate occurrences in any twelve (12) month period, and each occurrence shall not exceed four (4) consecutive days.

11. Planned residential developments under single ownership or control, in which incidental business or recreational facilities for the convenience of the occupants may be furnished, provided the property proposed for development shall have a gross area of at least four (4) acres. For such developments, the Village Board may vary the regulations of this Ordinance, provided such variations are consistent with the general purpose and intent of this Ordinance and will result in better site planning and thus be of greater benefit both to the occupants of the development and to the community.

12. Public Service uses:

    a. Filtration plant, pumping station and water reservoir;

    b. Sewage treatment plant;

    c. Police and fire stations;

    d. Telephone exchange, repeater stations and other telephone facilities;

    e. Electric substations;

    f. Other similar public service uses.

13. Radio and television towers, commercial.

14. Rest homes, nursing homes, hospitals and sanitariums, for human beings only.

15. Schools; day or nursery, public or private.

16. Small Wind Energy Systems. Small Wind Energy Systems shall be permitted as a special use pursuant to the following regulations:

    a. Location. Small Wind Energy Systems shall be located on property no less than one (1) acre in size.

    b. Tower Height. The height of a Small Wind Energy System shall be measured from the ground to the blade extended at its highest point. For lots in excess of one (1) acre, there are no height restrictions except as imposed by FAA regulations.

    c. Setbacks. Small Wind Energy Systems shall be setback from all property lines, above-ground utility lines, and roadways, a distance no less than one hundred ten (110) percent of the tower height. Any application that is a part of the Small Wind Energy System, including guy wires, shall be set back from all property lines no less than thirty (30) feet.

    d. Yard. No Small Wind Energy Systems shall be permitted in any front yard.

    e. Appearance. Small Wind Energy Systems shall be painted a non-reflective, non-obtrusive color or a color that conforms to the environment and architecture of its surroundings.

    f. Lighting. No Small Wind Energy System shall be lighted, except as required by the FAA.

    g. Sound levels. Audible sound due to Small Wind Energy System operations shall not exceed fifty-five (55) dBA as measured at the property line. This level can be exceeded during short-term events such as utility outages or severe windstorms.

    h. Ground Clearance. At its lowest point, the tip of any turbine blade shall be no less than fifteen (15) feet above the surface of the ground.

    i. Access. Access to Small Wind Energy Systems shall be controlled in a manner consistent with local Building Codes.

    j. Notification. No Small Wind Energy System shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

    k. Removal. If any Small Wind Energy System is not operational for a period exceeding twelve (12) consecutive months, the landowner may be required to remove the Small Wind Energy System at their expense.

17. Temporary signs for advertising the sale of dwellings and land in a subdivision. The permit may be granted for a period of not more than two (2) years, except upon application to renew the use, the Zoning Administrator with the approval of the Village Board, may extend the time for an additional two (2) years.

C. Lot Sizes

1. Every one-family detached dwelling hereafter erected shall be located on a lot having an area of not less than fifteen thousand (15,000) square feet, and a width at the established building line of not less than one hundred (100) feet.

2. All non-residential principal uses of buildings as permitted in this section shall be located on a tract of land having an area of not less than twenty thousand (20,000) square feet, with a minimum width of one hundred (100) feet at the building line.

3. Minimum lot sizes for special uses shall be prescribed and conditions stipulated at the time a Special Use Permit is authorized, but in no case shall any such lot have less area than twenty thousand (20,000) square feet with a minimum width at the building line of one hundred (100) feet, except residential lots in planned residential developments.

D. Yard Areas. No buildings shall be erected or enlarged unless the following yards are provided and maintained in connection with such buildings, structures or enlargement.

1. Front Yard

a. Each lot upon which a dwelling is constructed shall have a front yard of not less than thirty (30) feet.

b. Where lots comprising forty (40) percent of the frontage between two (2) intersecting streets are developed with buildings having front yards with a variation of more than fifteen (15) feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage.

c. In no case, shall a front yard of more than fifty (50) feet be required, except that a front yard of twenty-five (25) feet shall be allowed on lots of record at the time of the adoption of this Ordinance.

2. Side Yard

a. On each lot upon which a dwelling is constructed, there shall be a side yard on each side of not less than ten (10) percent of the width of the lot.

b. The combined total of the side yards shall not be less than fifteen (15) feet.

c. On corner lots, there shall be maintained a side yard of not less than thirty (30) feet on the side adjacent to the street which intersects the street upon which the building or structure maintains frontage, and in the case of a reversed corner lot, there shall be maintained a setback from the side street

of not less than fifty (50) percent of the front yard required on the lots in the rear of such corner lots, but such setback need not exceed fifteen (15) feet.

d. No accessory building on said reversed corner lot shall project beyond the front yard required on the adjacent lot to the rear, nor be located nearer than five (5) feet to the side lot line of said adjacent lot, nor less than ten (10) feet from a principal building on an adjacent lot.

e. On lots upon which a church is constructed or extensions made to an existing church there shall be a side yard of not less than ten (10) feet on each side of the main structure and a combined total of side yards of not less than twenty-five (25) feet.

3. Rear Yard. Every lot or parcel of land upon which a building is constructed shall have a rear yard of not less than forty (40) feet.

E. Maximum Floor Area Ratio. Maximum floor area ratio for all building, including accessory buildings, on a zoning lot shall be as follows:

Dwellings, Permitted non-residential uses, Special Uses -- the floor area ratio to be established as a part of the Special Use Permit, but shall not exceed 0.30.

F. Maximum Ground Are Coverage. Maximum ground area coverage for all buildings, including accessory buildings on a single zoning lot shall be no larger than twenty-five (25) percent.

G. Dwelling Standards

1. Every one-story dwelling hereafter erected in any R-1 Single Family Residence District shall have a total ground floor area of not less than eleven hundred (1,100) square feet, measured from the outside of the exterior walls, including utility rooms but excluding cellars, basements, open porches, breezeways, garages and other spaces that are not used frequently or during extended periods for living, eating, or sleeping purposes.

2. Every dwelling or more than one-story hereafter erected in any R-1 Single Family Residence District shall have a total floor area, measured from the outside of the exterior walls, of not less than thirteen hundred (1,300) square feet, including utility rooms but excluding cellars, basements, garages, open porches, breezeways and other spaces that are not used frequently or during extended periods for living, eating or sleeping purposes, except that enclosed space intended for habitable rooms which are to be completed within a reasonable time may be considered in computing such floor areas.

H. Maximum Building Height. Maximum building height for any building on a zoning lot shall be as follows:

1. Single Family Developing; two and one-half (2 ½) stories tall or thirty (30) feet high, whichever is less.

2. All other uses -- three (3) stories tall, but not to exceed forty-five (45) feet high.

I. Off-Street Parking and Loading Facilities. Parking and Loading Facilities shall be provided as required or permitted in Section 12.00.

J. Water and Sewer Regulations. No principal use of any type shall be constructed or maintained on any zoning lot unless it is served by the Village of Oswego Water System. Further, no principal use of any type shall be constructed or maintained on any zoning lot unless it is served by the Village of Oswego sewer system or The Aurora Sanitary District.

7.02 R-2 SINGLE FAMILY RESIDENCE DISTRICT

A. Permitted Uses. Any use permitted in the R-1 Single Family Residence District.

B. Special Uses. Any use which may be allowed as a special use in the R-1 Single Family Residence District.

C. Lot Sizes.

1. Every one-family detached dwelling hereafter erected be located on a lot having an area of not less than eleven thousand (11,000) square feet, and a width at the established building line of not less than eighty-five (85) feet.

2. All non-residential principal uses as permitted in this district shall be located on a tract of land having an area of not less than twenty thousand (20,000) square feet, with a minimum width of one hundred (100) feet at the established building line.

3. Minimum lot sizes for special uses shall be prescribed and conditions stipulated at the time the Special Use Permit is authorized but in no case shall any such lot have less area than eleven thousand (11,000) square feet with a minimum width of eight-five (85) feet at the building line.

D. Yard Areas. No buildings shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement.

1. Front Yard

a. Each lot upon which a dwelling is constructed shall have a front yard of not less than thirty (30) feet.

b. Where lots comprising forty (40) percent of the frontage between two (2) intersecting streets are developed with buildings having front yards with a variation of more than fifteen (15) feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage.

c. In no case, shall a front yard of more than fifty (50) feet be required, except that a front yard of thirty (30) feet shall be allowed on lots of record at the time of the adoption of this Ordinance.

2. Side Yard

a. On each upon which a dwelling is constructed, there shall be a side yard on each side of not less than twelve (12) feet.

b. The combined total of the side yards shall not be less than twenty four (24) feet.

c. On corner lots, there shall be maintained a side yard of not less than thirty (30) feet on the side adjacent to the street which intersects the street upon which the building or structure maintains frontages, or a setback equal to the frontage yard requirement, and in the case of a reversed corner lot,

there shall be maintained a setback from the side street of not less than fifty (50) percent of the front yard required on the lots in the rear of such corner lots, but such setback need not exceed fifteen (15) feet. No accessory building on said reversed corner lot shall project beyond the front yard required on the adjacent lot to the rear, nor be located nearer than five (5) feet to the side lot line of said adjacent lot, nor less than the (10) feet from a principal building on an adjacent lot.

3. Rear Yard. Every lot or parcel of land upon which a building is constructed shall have a rear yard of not less than thirty (30) feet.

E. Maximum Floor Area Ratio. Maximum floor area ratios for all buildings on a zoning lot shall be as follows:

Dwellings, Permitted Non-residential uses, Special Uses -- the floor area ratio to be established as a part of the Special Use Permit, but shall not exceed 0.30.

F. Maximum Ground Area Coverage. Maximum ground area coverage for all buildings, including accessory buildings on a single zoning lot shall be no larger than twenty-five (25) percent.

G. Dwelling Standards

1. Every one-story dwelling hereafter erected in any R-2 Single Family Residence District shall have a total ground floor area of not less than eleven hundred (1,100) square feet, measured from the outside of the exterior walls, including utility rooms but excluding cellars, basements, open porches, breezeways, garages and other spaces that are not used frequently or during extended periods for living, eating or sleeping purposes.

2. Every dwelling of more than one story hereafter erected in any R-2 Single Family Residence District shall have a total floor area, measured from the outside of the exterior walls, of not less than eleven hundred (1,100) square feet, including utility rooms but excluding cellars, basements, open porches, breezeways, garages and other spaces that are not used frequently or during extended periods for living, eating or sleeping purposes, except that enclosed space intended for habitable rooms which are to be completed within a reasonable time may be considered in computing such floor areas.

H. Maximum Building Height. Maximum building height for any building on a zoning lot shall be as follows:

1. Single Family Developing; two and one-half (2 1/2) stories tall or thirty (30) feet high, whichever is less.

2. All other uses; three (3) stories tall, but not to exceed forty-five (45) feet high.

I. Off-Street Parking and Loading Facilities. Parking and loading facilities shall be provided as required or permitted in Section 12.00.

J. Water and Sewer Regulations. No principal use of any type shall be constructed or maintained on any zoning lot unless it is served by the Village of Oswego Water System. Further, no principal use of any type shall be constructed or maintained on any zoning lot unless it is served by the Village of Oswego sewer system or The Aurora Sanitary District.

7.03 R-3 TWO FAMILY DWELLING DISTRICT

A. Permitted Uses

1. Any use permitted in the R-1 Single Family Residence District.

2. Two-family dwellings.

3. Transitional uses; principal offices of physicians, dentists, lawyers, architects, real estate brokers, and other professional occupations, when conducted in a residential structure used primarily as a home and when located on lots having a side lot line adjoining a lot in a business or manufacturing district; or on lots having a side lot line adjacent to a railroad right-of-way or directly across a street or alley from a business or manufacturing district, provided that:

   a. The lot on which the transitional use is located does not extend more than seventy- five (75) feet from the adjoining business or manufacturing district, or more than one hundred twenty (120) feet in depth from the street line in cases where the lot does not adjoin but faces a “B” or “M” District.

   b. There is a minimum lot area of eleven thousand (11,000) square feet for each two-family dwelling, and a width at the building line of eighty-five (85) feet.

   c. The home occupations are conducted in conjunction with the use of a dwelling unit as a home by the occupant thereof, with no more than two (2) employees other than members of the related family, and that the residential character of the exterior of the dwellings is not changed. Medical clinics are not permitted or included.

B. Special Uses. Any use which may be allowed as a Special Use in the R-1 Single Family Residence District.

C. Lot Size

1. One-Family Dwellings; the same regulations shall apply as required or permitted in the R-1 Single Family Residence District.

2. Two-Family Dwellings; every two-family dwelling hereafter erected or structurally altered shall be on a lot having an area of not less than eleven thousand (11,000) square feet, and a width at the building line of not less than eighty-five (85) feet.

3. Converted Dwellings; an existing one-family dwelling located on a lot of less area than required in this section may be converted to a two-family dwelling without increasing the lot size; provided that the building is not enlarged beyond its present outside dimensions and that all other regulations of this Ordinance are complied with. Additions may be made to an existing building only when lot size and yard requirements of this section can be complied with.

4. Churches, Convents and Monasteries; the same regulations shall apply as required in the R-1 Single Family Residence District.

D. Yard Areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structures or enlargement:

1. Front Yard

   a. Each lot upon which a dwelling is constructed shall have a front yard of not less than thirty (30) feet.

   b. Where lots comprising forty (40) percent of the frontage between two (2) intersecting streets are developed with buildings having front yards with a variation of more than fifteen (15) feet in depth, the average of such front yards shall established the minimum front yard depth for the entire frontage.

   c. In no case, shall a front yard of more than fifty (50) feet be required, except that a front yard of thirty (30) feet shall be allowed on lots of record at the time of the adoption of this Ordinance.

2. Side Yard

   a. On each upon which a dwelling is constructed, there shall be a side yard on each side of not less than twelve (12) feet.

   b. The combined total of the side yards shall not be less than twenty four (24) feet.

   c. On corner lots, there shall be maintained a side yard of not less than thirty (30) feet on the side adjacent to the street which intersects the street upon which the building or structure maintains frontage, or a setback equal to the frontage yard requirement, and in the case of a reversed corner lot, there shall be a maintained setback from the side street of not less than fifty (50) percent of the front yard required on the lots in the rear of such corner lots, but such setback need not exceed fifteen (15) feet. No accessory building on said reversed corner lot shall project beyond the front yard required on the adjacent lot to the rear nor be located nearer than five (5) feet to the side lot line of said adjacent lot, not less than ten (10) feet from a principal building on an adjacent lot.

3. Rear Yard. Every lot or parcel of land upon which a building is constructed shall have a rear yard of not less than thirty (30) feet.

E. Maximum Floor Area Ratio. Maximum floor area ratios for all buildings on a zoning lot shall be as follows:

1. Single Family Dwellings: 0.30

2. Two Family Dwellings: 0.35

3. Permitted Non-Residential Uses: 0.5

4. Special Uses; the floor area ratio to be established in a part of the Special Use Permit, but shall not exceed: 0.5

F. Maximum Ground Coverage. Maximum ground area coverage for all buildings on a zoning lot shall be as follows:

1. Single Family Dwellings: 0.25

2. Two Family Dwellings: 0.3

3. Permitted Non-Residential Uses: 0.4

4. Special Uses; the floor area ratio to be established in part of the Special Use Permit, but shall not exceed: 0.4

G. Dwelling Standards. For single-family dwellings hereafter erected in the R-3 Two Family Residence District, the same floor areas shall be required as in the R-2 Single Family Residence District.

H. Maximum Building Height. Maximum building height for any building on a zoning lot shall be as follows:

1. Single Family Developing; two and one-half (2 ½) stories tall or thirty (30) feet high, whichever is less.

2. All other uses; three (3) stories tall, but not exceed forty-five (45) feet high.

I. Off –Street Parking and Loading Facilities. Parking and Loading Facilities shall be provided as required or permitted in Section 12.00.

J. Water and Sewer Regulations. No principal use of any type shall be constructed or maintained on any zoning lot unless it is served by the Village of Oswego Water System. Further, no principal use of any type shall be constructed or maintained on any zoning lot unless it is served by the Village of Oswego sewer system or The Aurora Sanitary District.

7.04 R-4 GENERAL RESIDENCE DISTRICT

A. Permitted Uses. The following uses are permitted:

1. Any of the uses permitted in the R-1 Single Family Residence District.
2. Single-family row dwellings (party wall).
3. Two-family dwellings.
4. Multiple-family dwellings and apartments.
5. Townhouse units.

B. Special Uses. Any use which may be allowed as a special use in the R-1 Single Family Residence District, and in addition planned residential developments, under single ownership or control, in which incidental business or recreational facilities for the convenience of the occupants may be furnished, provided the property proposed for development shall have a gross area of at least four (4) acres. For such developments the Village Board may vary the regulations of this Ordinance, provided such variations are consistent with the general purpose and intent of this Ordinance and will result in better site planning and thus be of greater benefit both to the occupants of the development and to the community.

C. Minimum Lot Size

1. Every one-family detached dwelling and two-family dwelling hereafter erected shall be located on a lot having an area of not less than eleven thousand (11, 000) square feet, and a width at the established building line of not less than eighty-five (85) feet.
2. Every townhouse dwelling unit hereinafter erected shall be located on an area not less than five thousand five hundred (5,500) square feet and a width at the established building line of not less than (42.5) feet.
3. All other multi-family uses hereinafter erected shall be located on an area not less than eleven thousand (11, 000) square feet and a width at the established building line of not less than eighty-five (85) feet.
4. All non-residential principal uses permitted in this district shall be located on a lot having an area of not less than twenty thousand (20,000) square feet and a width of not less than eighty-five (85) feet at the building line.
5. Minimum lot sizes for special uses shall be prescribed at the time a Special Use Permit is authorized, but in no case shall any such lot less than twenty thousand (20,000) square feet in area, and a width not less than eighty-five (85) feet at the building line, except for the residential lots in a planned residential development, and shall be served by an approved system of water and sanitary sewer facilities.

D. Lot Area Requirements. The minimum area of each lot used for multi-family dwellings shall be in direct proportion to the type and number of units on the lot, as established

below. If a mix of dwelling types is proposed, the lot area requirements shall be calculated adding together the requirements for each dwelling type.

1. Apartments and Condominiums:

   a. 1 bedroom and studio units: 2,500 square feet

   b. 2 bedroom units: 3,750 square feet

   c. 3 or more bedroom units: 5,000 square feet

E. Yard Areas. No building shall be erected or enlarged unless the following yards are provided and maintained for each building:

1. Front Yard. For each building, a front yard shall be provided of not less than thirty (30) feet.

2. Side Yard. Side yards shall be provided for each building as follows:

   a. For one-family and two-family detached dwellings, the same regulations shall apply as in the R-2 Single Family Residence District.

   b. For each building containing more than two (2) dwelling units, there shall be provided a side yard on each side of not less than ten (10) feet for buildings not more than two (2) stories in height. For each additional story added above the two (2) stories, the side yard on each side of the main building shall be increased by two (2) feet width. On corner lots the side yard on the intersecting street side shall be not less than fifteen (15) feet. No accessory building on a reversed corner lot shall project beyond the front yard line required on the adjacent lot to the rear, nor be located nearer than five (5) feet to the side lot line of such adjacent lot.

   c. On a lot improved with a non-residential building, there shall be a side yard of not less than twelve (12) feet on each side of the main structure and combined total of side yards of not less than thirty (30) feet.

3. Rear Yard. Rear yards shall be provided as follows:

   a. For single-family and two-family dwellings, a rear yard of not less than thirty (30) feet.

   b. For multiple family and row dwellings, a rear yard of not less than forty (40) feet.

   c. For non-residential buildings, a rear yard of not less than thirty (30) feet.

F. Maximum Floor Area Ratio. Maximum floor area ratios for all buildings, including accessory buildings, on a zoning lot shall be as follows:

1. Single Family Dwellings: 0.3

2. Two Family Dwellings: 0.35

3. Multiple Family Dwellings: 0.5

4. Townhouses: 0.5

5. Permitted Non-Residential Uses: 0.5

6. Special Uses: the floor area ratio to be established as part of the Special Use Permit, but shall not exceed: 0.5

G. Dwelling Standards. The same regulations shall apply as required or permitted in the R-2 Single Family Residence District.

H. Off- Street Parking and Loading Facilities. Parking and Loading Facilities shall be provided as required or permitted in Section 12.00.

I. Water and Sewer Regulations. No principal use of any type shall be constructed or maintained on any zoning lot unless it is served by the Village of Oswego Water System. Further, no principal use of any type shall be constructed or maintained on any zoning lot unless it is served by the Village of Oswego sewer system or The Aurora Sanitary District.

7.05 RE RESIDENTIAL ESTATE DISTRICT

A. Purpose Statement. The RE Residential Estate District is intended to provide for large lot and estate residences, and such public and ancillary uses as are usually compatible with such residential estate uses.

B. Permitted Uses. The following uses shall be permitted in the Re District:

1. Accessory uses and structures incidental to and on the same zoning lot as the principal use.
2. Family Day Care Homes.
3. Governmental and utility uses as outlined below:
   a. Electric transmission lines and poles.
   b. Electric substations.
   c. Fire stations.
   d. Police stations.
   e. Telephone transmission lines and poles, excluding transmission towers.
   f. Water and sewer pumping stations.
   g. Access points for repair and maintenance of utilities.
   h. Other similar public service uses.
4. Home occupations
5. Schools; public, denominational or, private limited to pre-schools, primary schools, or high schools, excluding boarding schools.
6. Single Family detached dwellings

C. Special Uses. Subject to the provisions of the Ordinance, the following special uses may be permitted in the RE District:

1. Boarding schools, colleges and universities, including dormitories and other accessory uses required for their operation.
2. Cemeteries, mausoleums and accessory funeral home and crematory facilities, provided the crematory facilities are not located within five hundred (500) feet of any residential structure.
3. Commercial radio, television and other communication towers.
4. Convents, monasteries, retreat house, seminaries, and similar religious institutions including dormitories and other accessory uses required for their operation.

5. Day care centers.

6. Group Day Care Home.

7. Kennels.

8. Landscape and horticultural nurseries.

9. Places of worship.

10. Planned developments.

11. Recreational uses limited to the following:

    a. Country clubs, with or without any of the recreational uses listed below.

    b. Golf courses, including "Par 3" golf courses, including commercially operated driving ranges, and miniature golf courses.

    c. Horse stables and riding clubs, including polo clubs and fields.

    d. Parks, playgrounds, athletic fields, forest preserves, historical buildings and landmarks preserved for public or private use, but excluding stadiums and grandstands.

    e. Tennis clubs.

12. Rest homes, nursing homes and convalescent centers for the aged.

D. Lot Sizes

1. Every one-family detached dwelling hereinafter erected shall be located on a lot having an area of not less than two (2) acres and a width at the established building line of not less than two hundred (200) feet.

2. All non-residential principal uses of buildings as permitted in this section shall be located on a tract of land having an area not less than two (2) acres with a minimum width of two hundred (200) feet at the building line.

3. Minimum lot sizes for special uses shall be prescribed and conditions stipulated at the time a Special Use Permit is authorized, but in no case shall any such lot have less area than two (2) acres with a minimum width at the building line of two hundred (200) feet.

E. Yard Areas

1. Front Yard. Each lot upon which a dwelling is constructed shall have a front yard of not less than one hundred (100) feet.

2. Interior Side Yard. On each lot upon a dwelling is constructed there shall be a side yard on each side of not less than fifty (50) feet on each side.

3. Corner Side Yard. On corner lots, there shall be maintained a side yard of not less than one hundred (100) feet on the side adjacent to the street which intersects the street upon which the building or structure maintains frontage.

4. Rear Yard. Every lot or parcel of land upon which a building is constructed shall have a rear yard of not less than one hundred (100) feet.

F. Maximum Floor Area Ratio. Maximum floor area ratio for all buildings, including accessory buildings, on a zoning lot shall be as follows:

Dwellings, Permitted Non-residential uses, Special Uses -- the floor area ratio to be established as a part of the Special Use Permit, but shall not exceed 0.15

G. Maximum Ground Area Coverage. Maximum ground area coverage for all buildings, including accessory buildings on a single zoning lot shall be no larger than twenty-five (25) percent.

H. Maximum Building Height. Maximum building height for any building on a zoning lot shall be as follows:

1. Single Family Developing -- two and one-half (2 ½) stories tall or thirty (30) feet high, whichever is less.

2. All other uses -- three (3) stories tall, but not to exceed forty-five (45) feet high.

I. Off-Street Parking and Loading Facilities. Parking and Loading Facilities shall be provided as required or permitted in Section 12.00.

J. Water and Sewer Regulations. All principal uses not provided with public sewer and water service shall be served by private facilities which conform to all applicable federal, state, and local ordinances, laws, and regulations.

7.06 RL LARGE LOT SINGLE FAMILY DISTRICT

A. Purpose Statement. This district is intended to provide for larger lot subdivisions and to regulate the development of areas which cannot be practically served by public sewer systems, but can be served by the municipal water system.

B. Permitted Uses. The following uses shall be permitted in the RL District:

1. Single-family detached dwellings.
2. Home occupations.
3. Governmental and utility uses as outlined below:
   a. Electric transmission lines and poles.
   b. Electric substations.
   c. Fire stations.
   d. Police stations.
   e. Telephone transmission lines and poles, excluding transmission towers.
   f. Water and sewer pumping stations.
   g. Access points for repair and maintenance of utilities.
   h. Other similar public services.
4. Family Day Care Home.
5. Schools; public, denominational or, private limited to preschool, primary schools, or high schools, excluding boarding schools.
6. Public parks, playgrounds, athletic fields, forest preserves, historical buildings and landmarks preserved for public or private use, but excluding stadiums and grandstands.
7. Accessory uses and structures incidental to and on the same zoning lot as the principal use.

C. Special Uses. Subject to the provisions of this Ordinance, the following special uses may be permitted in the RL District:

1. Boarding schools, colleges and universities, including dormitories and other accessory uses required for their operation.
2. Cemeteries, mausoleums and accessory funeral homes and crematory facilities are not located within five hundred (500) feet of any of any residential structure.
3. Commercial radio, television and other communication towers.

4. Convents, monasteries, retreat houses, seminaries, and similar religious institutions including dormitories and other accessory uses required for their operation.

5. Day care centers.

6. Group Day Care Home.

7. Hospitals and sanitariums.

8. Places of worship.

9. Planned Developments.

10. Recreation uses; public and private, limited to the following:

    a. Country clubs, with or without any of the recreational uses listed below.

    b. Golf courses, including "Par 3" golf courses, including commercially operated driving ranges, and miniature golf courses.

11. Rest homes, nursing homes, and convalescent centers for the aged.

D. Lot Sizes

1. Every one-family detached dwelling hereinafter erected shall be located on a lot having an area of not less than thirty thousand (30,000) square feet and a width at the established building line of not less than one hundred twenty (120) feet.

2. All non-residential principal uses of buildings as permitted in this section shall be located on a tract of land having an area not less than thirty thousand (30,000) square feet with a minimum width of one hundred twenty (120) feet at the building line.

3. Minimum lot sizes for special uses, shall be prescribed and conditions stipulated at the time a Special Use Permit is authorized, but in no case shall any such lot have less area than thirty thousand (30, 000) square feet with an minimum width at the building line of one hundred twenty (120) feet.

E. Yard Areas

1. Front Yard. Each lot upon which a dwelling is constructed shall have a front yard of not less than fifty (50) feet.

2. Interior Side Yard. On each lot upon a dwelling is constructed there shall be a side yard on each side of not less than twenty (20) feet on each side.

3. Corner Side Yard. On corner lots, there shall be maintained a side yard of not less than fifty (50) feet on the side adjacent to the street which intersects the street upon which the building or structure maintains frontage.

4. Rear Yard. Every lot or parcel of land upon which a building is constructed shall have a rear yard of not less than fifty (50) feet.

F. Maximum Floor Area Ratio. Maximum floor area ratio for all buildings, including accessory buildings, on a zoning lot shall be as follows:

Dwellings, Permitted Non-residential uses, Special Uses -- the floor area ratio to be established as a part of the Special Use Permit, but shall not exceed 0.3.

G. Maximum Ground Area Coverage. Maximum ground area coverage for all buildings, including accessory buildings on a single zoning lot shall be no larger than 0.2.

H. Maximum Building Height. Maximum building height for any building on a zoning lot shall be as follows:

1. Single Family Developing; two and one-half (2 ½) stories tall or thirty (30) feet high, whichever is less.

2. All other uses; three (3) stories tall, but not to exceed forty-five (45) feet high.

I. Off- Street Parking and Loading Facilities. Parking and Loading Facilities shall be provided as required or permitted in Section 12.00.

J. Water and Sewer Regulations. No principal use of any type shall be constructed or maintained on any zoning lot unless it is served by the Village of Oswego Water System. All principal uses not provided with public sewer shall be served by private facilities which conform to all applicable federal, state, and local ordinances, laws and regulations.

SECTION 8.00 – BUSINESS DISTRICTS

8.01 B-1 NEIGHBORHOOD BUSINESS DISTRICT

A. Permitted Uses

1. Apparel stores.
2. Art and school supply stores.
3. Barber shops and beauty shops.
4. Book and stationery stores.
5. Camera and photographic supply stores.
6. Drug stores.
7. Dry-cleaning and laundry receiving stations, including self-service coin-operated equipment.
8. Dwellings when located above the ground floor. Area requirements for dwellings in this B-1 Neighborhood Business District shall conform to the R-4 General Residence District.
9. Florist sales.
10. Food stores, grocery stores, meat and fish markers, bakeries, candy and ice cream shops, delicatessens, and frozen food stores, including locker rental in conjunction therewith.
11. Gift shops.
12. Hardware stores.
13. Launderettes; including automatic self-service dry cleaning equipment.
14. Massage therapy.
15. Medical Offices
16. Offices; professional, business, institutional and public.
17. Paint and wallpaper stores.
18. Restaurants.
19. Sporting goods, including the sale of live bait.
20. Tailor shops.

21. Temporary buildings for construction purposes, for a period of not to exceed the duration of such construction.

22. Video tape, recorder, and player rentals and sales.

23. Accessory uses to the above permitted uses, including but not limited to: off-street parking and off-street loading as regulated in Section 12.00.

B. Special Uses

1. Dance and music schools. (Ord. 11-11, 02/03/2011)

2. Day care centers.

3. Electric distribution centers.

4. Fire stations.

5. Gas regulator stations.

6. Outdoor entertainment, including but not limited to, live performances by groups and/or individuals, karaoke, etc. A Special Use Permit shall be established when a business has more than four (4) separate occurrences in any twelve (12) month period, and each occurrence shall not exceed four (4) consecutive days.

7. Police stations.

8. Public utility and governmental service uses; lot areas and lot widths for the following uses shall be as recommended by the Plan Commission and approved by the Board of Trustees and may be lesser or greater in area or width than herein required in the district regulations.

9. Radio and television service and repair shops.

10. Radio and television towers and antennae.

11. Railroad rights-of-way and passenger stations.

12. Telephone exchange buildings, micro-wave relay towers, and telephone transmission equipment buildings.

13. Transit and public transportation facilities, including passenger shelters.

14. Water filtration plants, pumping stations, reservoirs, towers, and sanitary and storm sewer lift stations, public or community.

15. Accessory uses to the above conditional uses, including, but not limited to: off-street parking and off-street loading as regulated in Section 12.00

C. Yards

a. Front Yard. Not less than twenty (20) feet in depth.

b. Side Yard. No yard is required, however if a yard is provided it shall be not less than five (5) feet in depth; except a side yard adjoining a street shall be not less than twenty (20) feet in depth.

c. Rear Yard. Not less than thirty (30) feet in depth.

D. Floor Area Ratio. Not to exceed 0.6.

E. Off Street Parking and Loading. Off street Parking and Loading Facilities shall be provided as required permitted in Section 12.00.

8.02 B-2 COMMUNITY SHOPPING DISTRICT

A. Permitted Uses

1. Antique shops.
2. Any uses permitted in the B-1 Neighborhood Business District.
3. Art and school supply store.
4. Auto accessory store, where there is no driveway entrance across sidewalk into the principal building.
5. Bakery shops; including the baking and processing of food products, when prepared for retail use on the premises only.
6. Banks and financial institutions.
7. Barber shops, beauty parlors, chiropody, massage or similar personal service shops.
8. Book and stationery stores.
9. Camera and photographic supply shops for retail sale.
10. Coin and philatelic stores.
11. Currency exchanges.
12. Custom dressmaking, millinery, tailoring or shoe repair when conducted for retail sales on the premises only.
13. Department stores.
14. Drug stores.
15. Dry-cleaning and pressing establishments, when employing facilities for the cleaning and pressing of not more than seventeen hundred and fifty (1,750) pounds of dry goods per day, and when using perchlorethylene or other similar non-flammable solvents approved by the Oswego Fire Department.
16. Dwelling units provided they are located above the first floor and above a permitted business use. Dwelling units shall not be permitted on the ground first floor of business buildings or in the rear of business establishments on the ground floor.
17. Electrical appliance store and repair, but not including appliance assembly or manufacturing.
18. Florist shop and conservatory for retail trade on the premises only.
19. Food stores, grocery stores, meat and fish market, candy and ice cream shops.

20. Delicatessen and frozen food stores, including locker rental in conjunction therewith.

21. Furniture store and upholstery when conducted as part of the retail operations and secondary to the main use.

22. Furrier, when conducted for retail trade on the premises only.

23. Garden supplies and seed stores.

24. Gift shops.

25. Haberdashery.

26. Hardware shops.

27. Health clubs and spas.

28. Hobby stores.

29. Household appliance stores.

30. Interior decorating shops, including upholstery and making of draperies, slip covers and other similar articles, when conducted as part of the retail operations and secondary to the main use.

31. Jewelry stores and watch repair.

32. Launderettes and Laundromats.

33. Leather goods and luggage stores.

34. Loan offices.

35. Locksmiths.

36. Meat markets.

37. Meeting halls, lodge halls, fraternal organizations and clubs, provided they are located in a basement or above the first floor and above a business use permitted in this section, or said uses may be located on the ground floor when the permitted business establishment occupies street frontage except for an entranceway to the rear use.

38. Mirror and glazing shops.

39. Motels, including dining and meeting rooms, when business uses occupy the street frontage except for an entranceway to the motel lobby.

40. Musical instrument sales and repair; retail trade only.

41. News stands.

42. Notions store.

43. Offices, business and professional, including medical clinics.

44. Opticians and Optometrists.

45. Paint and wallpaper stores.

46. Photography studios, including the developing of film and pictures when conducted as a part of the retail business on the premises.

47. Picture framing when conducted for retail trade on the premises only.

48. Postal substations (finance stations and contract stations).

49. Public utility collection offices.

50. Restaurants, tearooms or cafés, when the establishment is not of the drive-in type where food is served to occupants remaining in motor vehicles.

51. Sewing machine sales and service.

52. Shore stores.

53. Signs as defined and regulated in Section 11.00.

54. Sporting goods stores.

55. Stationery stores.

56. Telegraph office.

57. Toy stores.

58. Travel bureau and transportation ticket offices.

59. Typewriter and adding machine sales and service.

60. Variety stores.

61. Wearing apparel shops.

B. Special Uses

1. As in the B-1 Neighborhood Business District.

2. Amusement places, indoor, including bowling alleys, billiard parlors, ice skating rinks, swimming pools and other indoor commercial recreation uses.

3. Automobile service stations.

4. Beverage producing, bottling and distributing.

5.

6. Cigar, cigarette and/or tobacco stores.

7. Community Support Group: A use that provides tutoring, counseling, support and assistance. (Ord. 10-51, 06/15/2010)

8. Day care centers.

9. Liquor stores, packaged goods only.

10. Outdoor entertainment, including but not limited to, live performances by groups and/or individuals, karaoke, etc. A Special Use Permit shall be established when a business has more than four (4) separate occurrences in any twelve (12) month period, and each occurrence shall not exceed four (4) consecutive days.

11. Theaters, indoor.

12. Undertaking establishments and funeral parlors.

C. Yards. Same as required in the B-1 Neighborhood Business District.

D. Floor Area Ratio. Not to exceed 1.0.

E. Off-Street Parking and Loading. Off-street parking and loading facilities shall be provided as required or permitted in Section 12.00.

8.03 B-3 COMMUNITY SERVICE AND WHOLESALE DISTRICT

A. Permitted Uses

1. Any use permitted in the B-1 Neighborhood Business District and in the B-2 Community Shopping District.
2. Agricultural implement sales and services when conducted wholly within an enclosed building.
3. Air conditioning and heating sales and service.
4. Animal hospitals and veterinarian offices.
5. Art galleries and studios.
6. Automobile sales and service, but not including automobile body repair and rebuilding, or painting of automobiles.
7. Automobiles and truck (under one and one-half (1½) ton capacity) minor motor repair and service shops, but not including body repair and rebuilding or painting.
8. Automobile service stations.
9. Battery and tire service stations.
10. Beverage, non-alcoholic, bottling and distributing.
11. Bicycle and motorcycle sales and repair.
12. Billiard and pool rooms, bowling alleys, dance halls and gymnasiums.
13. Blueprinting and Photostatting establishments.
14. Boat showrooms.
15. Book binding.
16. Building materials sales, when conducted wholly within a building.
17. Catering establishments.
18. Clubs and fraternal organizations.
19. Contractors' offices and shops where no fabricating is done on the premises and where all storage of material is within a building.
20. Costume rental shops.
21. Dwelling units provided they are located above the first floor and above a permitted business use. Dwelling units shall not be permitted on the ground floor of a business or in the rear of business buildings or in the rear of business establishments on the ground floor.

22. Employment agencies.
23. Exterminating shops.
24. Feed and seed stores, wholesale.
25. Garages, public, for storage of private passenger automobiles and commercial vehicles under one and one half (1 ½) ton capacity.
26. Glass cutting and glazing establishments.
27. Greenhouse, wholesale growers.
28. Household appliance repair shops.
29. Laboratories, commercial (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place).
30. Orthopedic and medical appliance stores, but not including the assembly or manufacturing of such articles.
31. Parcel delivery station.
32. Pawn shops.
33. Pet shops, kennels or animal hospitals when conducted wholly within an enclosed building.
34. Photograph developing and processing.
35. Plumbing showrooms, heating and roofing supply shops.
36. Poultry and rabbit killing for retail sale on premises only.
37. Printing, publishing and issuing of newspapers, periodicals, books, stationery and other reading matter.
38. Public auction rooms.
39. Radio and television broadcasting stations.
40. Restaurants; drive-in, car service.
41. Riding academics.
42. Schools; music, dance, business, commercial or trade.
43. Second-hand stores and rummage shops.
44. Silver plating and repair shops.
45. Smoking and processing of meat products.
46. Taverns.

47. Theatres, indoor.

48. Undertaking establishments.

49. Wholesale business, excluding a building, the principal use of which is for a storage warehouse.

50. Leasing or renting of real estate, household goods or office products.

51. Leasing commercial, industrial machinery, and equipment.

B. Special Uses

1. Other uses similar to the above permitted uses.

2. Amusement establishments; bowling alleys, billiard parlors, gymnasiums, ice skating rinks, swimming pools, clubs and recreation centers containing one or more of the above uses.

3. Automobile laundries.

4. Cigar, cigarette and/or tobacco stores.

5. Day care center

6. Garages, public including painting, body and fender work and motor rebuilding.

7. Liquor store, packaged goods only.

8. Open sales lots.

9. Outdoor Entertainment, including but not limited to, live performances by groups and/or individuals, karaoke, etc. A Special Use Permit shall be established when a business has more than four (4) separate occurrences in any twelve (12) month period, and each occurrence shall not exceed four (4) consecutive days.

10. Public utility and governmental service uses.

11. Processing or assembly limited to the following, provided that space occupied in a building does not exceed six thousand (6,000) square feet of total floor and basement space, not including stairwells, or elevator shafts; and provided such processing or assembly can be conducted without noise, vibration, odor, dust or any other condition which might be disturbing to occupants of adjacent buildings. When manufacturing operations of the same or similar products demand space exceeding six thousand (6,000) square feet, they shall then be located in the M-1 Limited Manufacturing District:

    a. Advertising displays.

    b. Awnings, Venetian blinds and window shades.

    c. Bakeries, wholesale.

d. Brushes and brooms.

e. Cosmetics, drugs and perfumes.

f. Electrical equipment appliances.

g. Food processing, packaging and distribution.

h. Jewelry.

i. Medical and dental supplies.

j. Optical goods and equipment.

k. Pattern-making.

l. Products from finished materials such as bond, plastic, cloth, cork, feathers, felt, fiber, paper, fur, glass, hair, horn leather, precious or semi-precious stone, rubber, shell or yarn.

m. Scientific and precision instruments.

12. Radio and television towers, receiving and transmitting.

13. Accessory uses to the above conditional uses including, but not limited to: off-street parking and off-street loading as regulated in Section 12.00.

C. Yards. Same as required in the B-1 Neighborhood Business District.

D. Floor Area Ratio. Not to exceed 1.5.

E. Off-Street Parking and Loading. Off-street parking and loading facilities shall be provided as required or permitted in Section 12.00.

8.04 O-R OFFICE AND RESEARCH DISTRICT

A. Permitted Uses. The following uses may be permitted only for tracts of land having a minimum area of ten (10) acres in area which are in single ownership or under unified control. Said tract shall abut a business or industrial district or a designated thoroughfare. No building or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following uses.

1. Offices for administrative, executive, professional research or similar organizations having only limited contact with the general public. No merchandise shall be displayed or handled on the premises except such as in incidental or accessory to the principal use of the premises.

2. Only one sign or nameplate shall be permitted. The size of the sign shall be determined in the development plan. It shall give the name only of the organization within the tract. The sign shall be affixed upon or against a canopy or wall of the building and shall not extend above the roof line. It shall be in general harmony with the architectural design of the structure to which it is affixed.

B. Lot Size Requirements

1. Principal Building Site Lots. Each principal building shall be situated on a lot with a new area of at least three (3) acres. The net area of any lot shall be the area bounded by the lot lines, and right-of-way line of any street adjoining the lot, and the easement right-of-way line of any private access road adjoining the lot. Except as otherwise provided by subsection 8.04B (2), below, each principal building site shall have a minimum frontage of three hundred (300) feet on a designated traffic-way or traffic-ways or three hundred (300) feet frontage on a private interior access road when principal building sites are to be served by such interior roads as proposed in a development plan.

2. Sub-lots on Principal Building Sites. Any lot of a principal building site which is platted on the preliminary plan with a new area of seven (7) or more acres, may be further subdivided in the final plan into not more than two (2) sub-lots each of which shall have a net area of at least three (3) acres and each of which may be used for a principal building and its accessory building. Any building site lot so divided into sub-lots shall have direct access to a traffic-way or private, interior access road as required by subsection 8.04B (1) above. However, any sub-lot within the principal building site lot may have access by means of a private easement drive to be made of record through the adjoining sub-lot as set forth in subsection 8.04C below under the provisions for interior access roads.

C. Interior Access Roads

1. When the approved plan includes private roads to serve as access to building site lots in the interior of the district, such private roads shall be established by easements, to be made of record, Where serving less than six (6) interior building

site lots within the district, such private access road shall provide a pavement width of not less than twenty-four (24) feet, and where servicing six (6) or more interior building site lots within the district, shall provide a pavement width of not less than thirty (30) feet. In addition to the above minimum pavement width, such private roads shall provide easement for an additional ten (10) feet of right-of-way on the side of the pavement toward any interior building site lot served by such private road. Any such private road shall provide access to the interior of the district only from the major thoroughfare or traffic-way bordering the district.

2. Any building site lot which is divided into sub-lots, as set forth in subsection 8.04B (2) above, under height, yard and area regulations, may provide, within the interior of the building lot area, a private easement driveway to be made of record, and with a pavement width of not less than twenty (20) feet, to serve as access to any sub-lot only from a major thoroughfare or traffic-way bordering the district or from a private access road within the interior of the district.

D. Bulk Regulations. Maximum structure height: fifty (50) feet.

E. Yard Requirements

1. Minimum Front Yard. All building in this district, except as otherwise proved by Ordinance of the Village of Oswego establishing setback requirements for major and primary thoroughfares, shall have frontage on either a private or public minor street or interior access road having the minimum requirements of the Subdivision Regulations of the Village of Oswego. All buildings shall be set back a minimum of seventy-five (75) feet from a thoroughfare designed as a major street, primary street, parkway, or secondary street, unless otherwise subject to greater requirements by Ordinance of the Village of Oswego establishing setbacks for said thoroughfares. Building with frontage on minor streets shall be set back fifty (50) feet from the right-of-way line of public streets or seventy-five (75) feet from the outside line.

2. Minimum Side Yards. Side yards shall be provided that are at least fifty (50) feet in depth on each side of a principal building on lots adjacent to residential districts, provided that for buildings exceeding thirty-five (35) feet in height, the minimum side yard shall be increased by one (1) foot for each two (2) feet or fraction thereof by which the building height exceeds thirty-five (35) feet, but in no case shall an increase of more than twenty-five (25) feet be required. Side yards shall be provided that are at least twenty-five (25) feet in depth on each side of a principal building on lots adjacent to commercial or industrial districts.

3. Minimum Rear Yards. A rear yard shall be provided for each principal building that is at least fifty (50) feet in depth, except as provided by subsection 8.04D (2).

4. Minimum Yard Areas for Accessory Buildings. Accessory buildings shall be built only in the rear yard of a principal building and shall be at least twenty-five (25) feet from the rear and side property lines, except as otherwise provided by subsection 8.04E (5) below, When the rear or side property lines are also the

street property lines and are not the boundaries of residentially zoned districts, the required setback shall be fifty (50) feet.

5. Minimum Yard Areas for Buildings on Sub-Lots. Any principal building located on a sub-lot as set forth in subsection 8.04E (2) above, which has no direct frontage on a street or private interior access road, shall be set back one hundred (100) feet from any property line which constitutes the rear property line of any adjoining sub-lot. Where a principal building on a sub-lot faces a rear yard of an adjoining sub-lot through which access to the principal building is provided, such rear yard shall be at least one hundred (100) feet in depth and any accessory buildings located in such rear yard shall be located at least fifty (50) feet from the rear line of the sub-lot. Side yards shall be at least fifty (50) feet in depth on each side of a principal building on any lot.

8.05 TUD TRANSITIONAL USE DISTRICT

A. Purpose. The Transitional Business District serves as a buffer between properties zoned residential and commercial in sections of the downtown and its periphery.

Intent. The intent of the Transitional Business District is to increase the development opportunities of the selected parcels, appropriately link the residentially zoned properties to the commercially zoned properties, and preserve the residential character of the neighborhood

Location. The Transitional Business District consists of two areas. Area 1 is comprised of properties located along the Chicago Road corridor; Area 2 is bound by Jackson, Monroe, Van Buren, and Madison Streets.

B. Permitted Uses

1. Single-family detached dwellings constructed prior to November 3, 2009.
2. Two-family dwellings constructed prior to November 3, 2009.

C. Special Uses

1. Single-family detached dwellings constructed after November 3, 2009.
2. Two-family dwellings constructed after November 3, 2009.
3. Artists, sculptors, photographers, authors or composers
4. Music instruction
5. Dwellings when located above the ground floor.
6. Offices; professional, business, medical, institutional and public.
7. Interior Designers, Architects, Engineers.
8. Picture Framing
9. Tailor shops.
10. Barber shops, beauty parlors, chiropody, massage or similar personal service shops.
11. Bed and Breakfast establishments, provided all requirements set forth in Section 7.01B are met.
12. Travel bureau and transportation ticket offices.
13. Retail Sales for the following uses or uses similar to:
    a. Apparel stores.
    b. Art and school supply stores.

c. Book and stationery stores.

d. Camera and photographic supply stores.

e. Florist sales.

f. Food stores, bakeries, candy and ice cream shops,

g. Gift shops.

h. Antique shops.

i. Bakery shops; including the baking and processing of food products, when prepared for retail use on the premises only.

j. Coin and philatelic stores.

k. Furniture store and upholstery when conducted as part of the retail operations and secondary to the main use.

l. Hobby stores.

m. Jewelry stores and watch repair.

n. Locksmiths

o. Musical instrument sales and repair; retail trade only.

p. Radio and television service and repair shops.

q. Sewing machine sales and service.

r. Stationery stores.

s. Toy stores.

t. Undertaking establishments and funeral parlors.

u. Variety stores.

v. Wearing apparel shops.

D. Yards

a. Front Yard. Not less than twenty (30) feet in depth.

b. Side Yard

a. Where the property is adjacent to a non-residential district, no yard is required; however, if a yard is provided it shall be not less than five (5) feet in depth; except a side yard adjoining a street shall be not less than twenty (20) feet in depth.

b. Where the property is adjacent to a residential district, a side yard of five (5) feet shall be required.

c. Rear Yard. Not less than thirty (30) feet in depth.

E. Floor Area Ratio. Not to exceed 1.0.

F. Maximum Building Height

1. Single Family Developing; two and one-half (2 ½) stories tall or thirty (30) feet high, whichever is less.

2. All other uses; three (3) stories tall, but not to exceed thirty (30) feet in height.

G. Off Street Parking and Loading. Off street Parking and Loading Facilities shall be provided as required permitted in Section 12.00.

1. All off street parking associated with a commercial use shall be placed in a rear yard when feasible. Where rear yard parking is not feasible, as determined by the Zoning Administrator, alternate parking may be allowed.

2. All parking areas shall be setback from the property line a minimum of five (5) feet, except where parking facilities are shared between adjacent properties in a rear yard there shall be no setback required.

3. All parking areas shall be screened or fenced on at least three sides, and shall include any side that faces a residentially zoned property when feasible.

H. Signs. Commercial signage in this district shall be permitted in accordance with the following:

1. Ground Signs

a. Amount. Not to exceed one (1) sign per zoning lot.

b. Size. Not to exceed six (6) square feet in area.

c. Height. Not to exceed three and one-half (3 ½) feet in height.

d. Materials. Signs shall be constructed of redwood, cedar or other high quality hardwoods.

e. Base. No sign shall be constructed without a base that meets the following requirements:

i. The base of the sign shall be constructed from wood and be composed of two posts that are located at either end of the width of the sign.

ii. No post connecting the sign to the ground shall exceed four (4) inches in width.

iii. No sign shall be constructed with a single post connecting the sign to the ground.

I. Use Limitations

1. Site plan approval is required by the Plan Commission and Village Board as part of rezoning a property to the Transitional District.

2. There shall be no outdoor storage or placement of materials or goods associated with a commercial use.

3. No chain link fence shall be allowed in any front yard or along any property line that is shared with a residentially zoned property.

4. Trash enclosures shall be screened by a six (6) foot fence constructed of wood or high quality masonry materials that complement the architecture of the principal structure.

J. Special Conditions.

1. The preservation of existing residential structures shall be encouraged in this district. Any exterior rehabilitation or renovation of existing structures should maintain the residential design and integrity of the structure, and preserve any significant architectural design and elements that may contribute to the significance of the structure.

2. Any new construction shall be compatible in design, size and scale with the existing structures on properties that are eligible for this zoning classification. Usage of masonry and wood materials for the façade are encouraged; EIFS, vinyl siding, aluminum siding and similar products are discouraged. New construction shall follow the plan review and public hearing process as outlined for a major change to a Planned Unit Development as outlined in Section 14.08 of this Code.

3. Any change to the site plan shall follow the review requirements of Section 14.08, Amendment to PUDS.

(Ord. 09-83, 11/3/2009)

SECTION 9.00 – MANUFACTURING DISTRICTS

9.01 M-1 LIMITED MANUFACTURING DISTRICT

A. Conditions of Use. All permitted uses are subject to the following conditions:

1. Any production, processing, cleaning, servicing, testing, repair or storage of goods, materials or products shall conform with the performance standards set forth in Section 9.03.

2. All business, production, servicing and processing shall take place within completely enclosed buildings unless otherwise specified. Within one hundred and fifty (150) feet of a Residence District, all storage shall be in completely enclosed buildings or structures, and storage located elsewhere in this district may be open to the sky but shall be enclosed by solid walls or fences, including solid doors or gates thereto, at least eight (8) feet in height and suitably landscaped. If items in storage exceed eight (8) feet in height, an applicant may submit to the Plan Commission and the Village Board for a waiver to allow for fence in excess of eight (8) feet, but not to exceed fifteen (15) feet in height. However, open off-street loading facilities and open off-street parking of motor vehicles under one and one-half (1½) ton capacity may be unenclosed throughout the district, except for such screening of parking and loading facilities as may be required under the provisions of Section 12.00.

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

4. Uses established after the effective date of this amended Ordinance shall conform fully to the Performance Standards hereinafter set forth for the district.

B. Permitted Uses. The following uses are permitted:

1. Miscellaneous uses as follows:

   a. Accessory uses.

   b. Radio and television towers.

   c. Temporary buildings for construction purposes for a period not to exceed the duration of such construction.

2. Off-street parking and loading as permitted or required in Section 12.00.

3. Production, Processing, Cleaning, Testing or Repair, limited to the following uses and products:

   a. Advertising displays.

b. Apparel and other products manufactured from textiles.

c. Art needle work and hand weaving.

d. Automobile painting, upholstering, repairing, reconditioning and body and fender repairing, when done within the confines of a structure.

e. Awnings, venetian blinds.

f. Bakeries.

g. Beverages.

h. Books – hand binding and tooling.

i. Bottling works.

j. Brushes and brooms.

k. Building equipment, building materials, lumber, coal, sand and gravel yards, and yards for contracting of equipment of public agencies, or public utilities, or materials or equipment of similar nature.

l. Cameras and other photographic equipment and supplies.

m. Canning and preserving.

n. Canvas and canvas products.

o. Carpet and rug cleaning.

p. Carting, express hauling or storage yards.

q. Ceramic products, such as pottery and small glazed tile.

r. Cleaning and dyeing establishments when employing facilities for handling more than fifteen hundred (1,500) pounds of dry goods per day.

s. Clothing.

t. Cosmetics and toiletries.

u. Creameries and dairies.

v. Dentures.

w. Drugs.

x. Electrical appliances, such as lighting fixtures, irons, fans, toasters and electric toys.

y. Electrical equipment assembly, such as home radio and television receivers and home movie equipment, but not including electrical machinery.

z. Electrical supplies, manufacturing and assembly of such wire and cable assembly, switches, lamps, insulation, and dry cell batteries.

aa. Food products, processing and combining of (except meat and fish) baking, boiling, canning, cooking, dehydrating, freezing, frying, grinding, mixing and pressing.

bb. Fur goods, not including tanning and dyeing.

cc. Glass products from previously manufactured glass.

dd. Hat bodies of fur and wool felt.

ee. Hosiery.

ff. House trailers, manufacture.

gg. Ice, natural.

hh. Ink mixing and packaging and inked ribbons.

ii. Jewelry.

jj. Laboratories; medical, dental, research, experimental, and testing, provided there is no danger from fire or explosion nor offensive noise, vibration, smoke, dust, odors, heat, glare, or other objectionable influences.

kk. Laundries.

ll. Leather products, including shoes and machine belting, but not including tanning and dyeing.

mm. Luggage.

nn. Machine shops for tool, die, and pattern making.

oo. Metal finishing, plating, grinding, sharpening, polishing, cleaning, rust proofing and heat treatment.

pp. Metal stamping and extrusion of small products, such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils.

qq. Musical instruments.

rr. Orthopedic and medical appliances, such as artificial limbs, braces, supports and stretchers.

ss. Paper products, small, such as envelopes and stationery, bags, boxes, tubes and wallpaper printing.

tt. Perfumes and cosmetics.

uu. Pharmaceutical products.

vv. Plastic products, but not including the processing of the raw materials.

ww. Precision instruments, such as optical, medical and drafting.

xx. Products from finished materials; plastic, bone, cork, feathers, felt, fiber, copper, fur, glass, hair, horn, leather, precious and semi-precious stones, rubber, shell or yarn.

yy. Printing and newspaper publishing, including engraving, photoengraving.

zz. Public utility electric substations and distribution centers, gas regulation centers and underground gas holder stations.

aaa. Repair of household or office machinery or equipment.

bbb. Rubber products, small, and synthetic treated fabrics (excluding all rubber and synthetic processing), such as washers, gloves, footwear, bathing caps and atomizers.

ccc. Signs, as regulated by Section 11.00.

ddd. Silverware, plate and sterling.

eee. Soap and detergents, packaging only.

fff. Soldering and welding.

ggg. Sporting and athletic equipment, such as balls, baskets, cues, gloves, bats, racquets, and rods.

hhh. Statuary, mannequins, figurines and religious and church art goods, excluding foundry operations.

iii. Storage of household goods.

jjj. Storage and sale of trailers, farm implements and other similar equipment on an open lot.

kkk. Storage of flammable liquids, fats or oil in tanks each of fifteen thousand (15,000) gallons or less capacity, but only after the locations and protective measures have been approved by local governing officials.

lll. Textiles; spinning, weaving, manufacturing, dyeing, printing, knit goods, yarn, thread, and cordage, but not including textile bleaching.

mmm. Tool and die shops.

nnn. Tools and hardware, such as bolts, nuts and screws, doorknobs, drills, hand tools and cutlery, hinges, house hardware, locks, non-ferrous metal castings and plumbing appliances.

ooo. Toys.

ppp. Truck, truck tractor, truck trailer, car trailer, or bus storage yard, when all equipment is in operable condition, but not including a truck or motor freight terminal, which are treated under Section 9.02.

qqq. Umbrellas.

rrr. Upholstering (bulk), including mattress manufacturing, rebuilding, and renovating.

sss. Vehicles, children's; such as bicycles, scooters, wagons and baby carriages.

ttt. Watches.

uuu. Wood products, such as furniture, boxes, crates, baskets, and pencils and cooperage works.

vvv. Any other manufacturing establishment that can be operated in compliance with the Performance Standards of Section 9.03 without creating objectionable noise, odor, dust, smoke, gas, fumes, or vapor; and that is a use compatible with the use and occupancy of adjoining properties.

4. Professional and Business Offices.

5. Public and Community Service Uses as follows:

a. Bus terminals, bus garages, bus lots, street railway terminals, or street car houses.

b. Electric substations.

c. Fire stations.

d. Municipal or privately owned recreation buildings or community centers.

e. Parks and recreation areas.

f. Police stations.

g. Sewage treatment plants.

h. Telephone exchanges.

i. Water filtration plants.

j. Water pumping stations.

k. Water reservoirs.

6. Retail and services as follows:

   a. Automobile service station for the retail sale of gasoline and oil for motor vehicles, and for minor services which may be conducted out of doors.

   b. Contractor or construction such as building, cement, electrical, refrigeration, masonry, plumbing, roofing, air conditioning, heating and ventilating, fuel oil, with a storage of fuel oils, gas and other flammable products limited to twelve thousand (12,000) gallons per tank, with a total storage on zoning lots not to exceed fifty thousand (50,000) gallons.

   c. Health Clubs and Spas provided the property provides the adequate number of parking spaces per Section 12.00 of this Code.

(Ord. 12-57, 9/7/2012)

7. Wholesaling and Warehousing. Local cartage express facilities (but not including motor freight terminals).

8. Leasing or renting of real estate, household goods or office products.

9. Leasing commercial, industrial machinery, and equipment.

C. Special Uses. The following uses may be allowed by Special Use Permit in accordance with the provisions of Section 13.08.

1. Adult uses.

   a. Additional Buffers. A 0.3 opacity bufferyard with a minimum twenty (20) feet width shall be provided on all lot sides.

   b. Separation.

      i. The use shall be a minimum of one thousand seven hundred sixty (1,760) feet from any place of worship, school, or daycare center.

      ii. The use shall be a minimum of one thousand seven hundred sixty (1,760) feet from any residential zoning district.

      iii. The use shall be a minimum of one hundred fifty (150) feet from any zoning district other than M-1 or M-2.

   c. Spacing. The minimum spacing between adult uses shall be on (1) mile.

   d. Lot Size. The use shall be minimum one (1) acre.

   e. Access. The use shall take access from an interior street in the manufacturing development not from an exterior roadway.

   f. Signage. In height and shall have an area of no more than sixty (60) percent of the district standard. At the entrance to the building a notice

shall be posted indicating that this is an adult use which may involve activities or materials that do not meet community decency standards.

g. Alcohol. Adult uses shall not serve alcohol or allow the consumption of alcohol anywhere on the property.

2. Airport or aircraft landing fields.

3. Any use permitted in the B-3 Business District, provided the Performance Standards of Section 9.03 can be met in their entirety.

4. Any use which may be allowed as a Special Use in the B-3 Business District, but not including house trailer (mobile homes) camps or parks.

5. Body Piercing establishments.

6. Motor freight terminals.

7. Pet Boarding.

8. Planned Developments, industrial.

9. Power Generating Facilities.

a. Purpose and Intent. It is the purpose and intent of this Section to protect and preserve the health safety, and welfare of the Village by regulating power generating facilities, as defined in Section 3.02 of this Ordinance, within the Village.

b. General Standards.

i. A separate Special Use Permit, including an approved site development plan, must be issued for each power generating facility, as defined in Section 3.02 of the Oswego Zoning Ordinance, which is proposed to be located within the Village.

ii. A petition submitted for approval of a power generating facility Special Use Permit shall include but is not limited to, the following information:

a) The name and address of the record owner of the subject property;

b) The name and address of the firm proposing to construct and/or operate the facility;

c) A legal description and survey of the subject property prepared by an Illinois Licensed Surveyor;

d) A location map depicting the location of the subject property and the area surrounding it for a distance of ½ mile;

e) Detailed information regarding soil type, vegetation, wetlands, floodplain, ground water features, topography of undeveloped land, and other natural resource features present on and within 200 feet of the subject property;

f) A detailed site development plan depicting how the property will be developed with the facility, including the location of proposed buildings and structure, setback distances for proposed buildings and structures, and lot coverage;

g) Architectural renderings depicting the proposed appearance of the facility, including length, width, and height of proposed structures; and

h) Detailed information regarding the environmental impact of the facility on the subject site and adjacent land parcel, including information pertaining to noise, and the pollution of air, soil, and ground water (This information should include a Permit application, an air dispersion modeling study for NOx, CO, SO2PM, and VOMS; a noise study including existing ambient noise levels for the site, and a detailed noise abatement plan).

iii. Criteria and factors used by the Plan Commission and Village Board to determine the appropriateness of the power generating facility Special Use Permit and whether to approve it, shall consist of, but not be limited to, the following:

a) The compatibility of the proposed facility with existing zoning land use in the surrounding area.

b) The impact of the facility on adjoined land uses and the property value of adjoining lands.

c) The impact of the facility on the owner of the subject site and the ability to use said site.

d) The impact of the facility on the area transportation systems and infrastructure, including the ability to be served by local utilities.

e) The need for increased building setbacks based on the height of the facility and surrounding zoning and land use.

f) The need to buffer and/or screen adjoining uses from the facility.

g) Whether pollution generated by the proposed use creates health, safety, and nuisance risks.

h) Days and hours of operation of the facility and whether the use operates on a year-round or seasonal basis.

i) The means of access to the facility, including easements and/or ownership of land necessary to operate said facility.

j) The availability of alternative sites within and around the Village for a facility and whether a public and /or community need is met by it.

k) Location of the proposed facility relative to supportive services and facilities, including but not limited to natural gas lines and electric transmission lines, and its ability to utilize underground utility lines for support purposes.

l) The noise impact from the proposed facility experienced on surrounding properties and land uses.

m) The visual impact of the proposed power generating facility, when considered in the context of the surrounding properties.

iv. The individual and relative weight to be accorded each of these criteria and factors listed in Section 9.01C above may vary depending upon the facts presented in each petition and it shall be the province of the Plan Commission to make that determination in each case.

10. Sanitary land fills.

11. Stadiums, auditoriums and arenas.

12. Tattoo establishments.

D. Yard Areas. No building or structure shall hereafter be erected or structurally altered unless the following yards are provided and maintained in connection with such building.

1. Front Yard. On every zoning lot a front yard of not less than twenty-five (25) feet in depth shall be provided. However, where lots within the same block and comprising forty (40) percent of the frontage on the same street are already developed on the effective date of this Ordinance with front yards with an average depth of less than twenty-five (25) feet, then such average depth shall be the required front yard depth for such frontage in said block.

2. Side Yards. On every zoning lot a side yard shall be provided along each side lot line. Each side yard shall be not less in width than ten (10) percent of the lot width, but need not exceed twenty (20) feet in width.

3. Rear Yard. On every zoning lot a rear yard shall be provided and maintained of not less than twenty (20) feet in depth, except that the inner ten (10) feet may be used for off-street parking.

E. Lot Coverage. Not more than sixty (60) percent of the area of a lot may be covered by buildings or structures, including accessory buildings.

F. Floor Area Ratio. Not more than 0.8.

9.02 M-2 GENERAL MANUFACTURING DISTRICTS

A. Conditions of Use. All permitted uses are subject to the following conditions:

1. All production processing, cleaning, servicing, testing, repair, or storage of goods, materials, or products shall conform with the performance standards set forth in Section 9.01.

2. Within one hundred and fifty (150) feet of a Residence District, all business, production, servicing, processing, and storage shall take place or be within completely enclosed buildings, except that storage of materials or products may be open to the sky provided the storage area is enclosed with a solid wall or fence, as required by the Zoning Administrator. However, within such one hundred and fifty (150) feet of a Residence District, off-street loading facilities and off-street parking of motor vehicles under one and one-half (1½) ton capacity may be unenclosed, except for such screening of parking and loading facilities as may be required under the provisions of Section 12.00.

B. Permitted Uses. The following uses are permitted:

1. Any use permitted in the M-1 Limited Manufacturing District.

2. Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products which conforms to the Performance Standards established for this district.

C. Special Uses. The following uses may be allowed by Special Use Permit in accordance with the provisions of Section 13.08.

1. Adult Uses.

a. Additional Buffers. A 0.3 opacity bufferyard with a minimum twenty (20) feet width shall be provided on all lot sides.

b. Separation.

i. The use shall be a minimum of one thousand seven hundred sixty (1,760) feet from any place of worship, school, or daycare center.

ii. The use shall be a minimum of one thousand seven hundred sixty (1,760) feet from any residential zoning district.

iii. The use shall be a minimum of one hundred fifty (150) feet from any zoning district other than M-1 or M-2.

c. Spacing. The minimum spacing between adult uses shall be one mile.

d. Lot size. The use shall be minimum one (1) acre.

e. Access. The use shall take access from an interior street in the manufacturing development not from an exterior roadway.

f. Signage. The signage shall be monument sign no more than eight (8) feet in height and shall have an area of no more than sixty (60) percent of the district standard. At the entrance to the building a notice shall be posted indicating that this is an adult use which may involve activities or materials that do not meet community decency standards.

g. Alcohol. Adult uses shall not serve alcohol or allow the consumption of alcohol anywhere on the property.

2. Any use which may be allowed as a Special Use in the M-1 Limited Manufacturing District.

3. Railroad repair shops, maintenance buildings, and switching yards.

4. Stone and gravel quarries and crushing, grading, washing, and loading equipment and structures, provided the land is re-developed by the owner in accordance with a plan of re-development approved with the granting of the Special Use Permit and is accompanied by a letter of credit in the amount of the estimated cost of re-development.

D. Yard Areas. All yard areas shall be the same as required in the M-1 Limited Manufacturing District.

E. Lot Coverage. No more than sixty (60) percent of the area of a lot may be covered by buildings or structures, including accessory buildings.

F. Floor Area Ratio. Not more than 0.85.

9.03 PERFORMANCE STANDARDS

Any use established in a Manufacturing District after the effective date of this Comprehensive Amendment shall be so operated as to comply with the performance standards set forth hereinafter for the district in which such use shall be located. No use lawfully established on the effective date of this comprehensive amendment shall be so altered or modified as to conflict with, or further conflict with, the Performance Standards established for the district in which such use is located.

A. Noise. Noise shall be measured at any adjacent lot line and/or district boundary, as indicated in Table 1. At the specified points of measurement, the sound pressure level of any activity or operation (except those not under the direct control of the industrial use, such as transportation facilities) shall not exceed the values tabulated in Tables 1, 2, 3, and 4 between the hours of 7:00 a.m. and 7:00 p.m. The instruments used for these measurements shall conform to all current American National Standards Institute specifications. Impact noises are those whose peak values are more than 3 dB higher on the fast response than the r.m.s. values indicated on the sound level meter.

B. Vibration. Vibration shall be measured at any adjacent lot line and/or district boundary as indicated in Table 4. At the specified points of measurements, the vibration shall not exceed the limits listed in Table 5. The instrument used for those measurements shall be a three-component recording system.

Table 1 – Reference

Manufacturing District	Adjacent Lot Line	Commercial District Boundary	Residential District Boundary
M-1	A	-	B
M-2	-	A	C

Between the hours of 7:00 p.m. and 7:00 a.m. the permissible sound levels across residential district boundaries shall be reduced by 5 dB in each octave band, or in the overall band for impact noises.

Table 2
Maximum Permitted Sound Levels, Preferred Frequency Octave Bands, Decibels

Preferred Center Frequency Cycles/Sec.	A	B	C
31.5	88	83	86
63	79	71	75
125	69	59	64
250	62	52	57
500	58	47	53
1000	54	44	49
2000	51	40	46
4000	49	37	44
8000	47	35	41

Measurement of the sound levels may also be made using an A-weighted scale sound level meter. The levels in Table 2 shall be considered to have been met if the A-weighted levels are not greater than the following:

Table 3
Maximum Permitted Sound Levels, dB (A), for Screening Purposes

Required Level	Sound Level, dB (A)
A	60
B	50
C	55

Table 4

Manufacturing District	Adjacent Lot Line	Commercial District Boundary	Residential District Boundary
M-1	A	-	B
M-2	-	A	B

Particle velocity as specified below may be measured directly, or if computed on the basis of displacement and frequency, measurements shall be computed from the formula 6.28FD, where F is the frequency of the vibration in cycles per second and D is the single amplitude displacement of the vibration in inches.

The maximum permissible particle velocity of the ground vibration specified above shall be:

Table 5
Particle Velocity

Applicable Limit	Steady State Inches/Second	Impact Inches/Sound
A	0.10	0.20
B	0.02	0.24

The maximum particle velocity shall be the vector sum of three (3) simultaneous mutually perpendicular components recorded.

For the purpose of this Ordinance, steady state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than one hundred (100) per minute. Discrete impulses which do not exceed one hundred (100) per minute shall be considered impact vibrations.

C. Smoke.

1. For the purpose of grading the density or equivalent capacity of smoke, the Ringelmann Chart described in the U.S. Bureau of Mines Information Circular 8333 shall be employed. The emission of smoke or particulate matter of a density or equivalent greater than No. 2 on the Ringelmann Chart is prohibited at all times except as otherwise provided hereinafter.

2. Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, roads, and the like within lot boundaries shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing, wetting, or other acceptable means.

3. The open burning of refuse, paint, oil, debris and any other combustible material is prohibited in all industrial districts.

4. Particulate matter loadings in pounds per acre described below shall be determined by selecting a continuous four (4) hour period which will result in the highest average emission rate.

5. M-1 Manufacturing District. The emission of smoke having a density or equivalent opacity in excess of Ringelmann No. 0 is prohibited. However, for two (2) minutes in any four (4) hour period, smoke up to and including Ringelmann No. 2 shall be permitted. The rate of emission of particulate matter

from all vents and stacks within the boundaries of any lot shall not exceed 0.2 pounds per acre of lot area per hour.

6. M-2 Manufacturing District. The emission of smoke having a density or equivalent opacity in excess of Ringelmann No. 1 is prohibited. However, for two (2) minutes in any sixty (60) minute period, smoke up to and including Ringelmann No. 2 shall be permitted. The rate of emission of particulate matter from all stacks and vents within the boundaries of any lot shall not exceed one (1) pound per acre of lot area per hour.

D. Odor. The release of materials capable of becoming odorous either by bacterial decomposition or chemical reaction shall meet the standards of the district in which the odor is created.

1. Odor thresholds shall be determined in accordance with ASTM D 1391-57, "Standard Method for Measurement of Odor in Atmospheres (Dilution Method)" or its equivalent.

2. In the M-1 Limited Manufacturing District, odorous materials released from any operation or activity shall not exceed the odor threshold concentration beyond the lot line, measured either at ground level or habitable elevation.

3. In the M-2 General Manufacturing District, odorous materials released from any operation or activity shall not exceed the odor threshold concentration beyond the district boundary line, measured either at ground level or habitable elevation.

E. Toxic Matter. The measurement of toxic matter shall be at ground level or habitable elevation and shall be the average of any 24 hour sampling period. The release of any airborne toxic matter shall not exceed the fractional quantities permitted of those toxic materials currently listed in Threshold Limit Values adopted by the American Conference of Governmental Industrial Hygienists. If a toxic substance is not contained in this listing, the applicant shall satisfy the Village of Oswego that the proposed levels will be safe to the general population.

1. In the M-1 Limited Manufacturing District, the release of airborne toxic matter shall not exceed 2.5 percent of the Threshold Limit Value across lot lines.

2. In the M-2 General Manufacturing District, the release of airborne toxic matter shall not exceed 2.5 percent of the Threshold Limit Value across district boundary lines.

F. Fire and Explosive Hazards.

1. Detonable Materials. Activities involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be in accordance with the regulations of each manufacturing district. Such materials shall include, but are not limited to: all primary explosives such as lead azide, lead styphnate, fulminates, and tetracine; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof, such as dry nitro-cellulose,

black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chloride and potassium nitrate; blasting explosives such as dynamite and nitroglycerine, unstable organic compounds such as acetylides, tetrazoles and ozonides; unstable oxidizing agents such as perchloric acid, perchlorates and hydrogen peroxide in concentrations greater than thirty-five (35) percent; and nuclear fuels, fissionable materials and products, reactor elements such as Uranium 235 and Plutonium 239.

2. In the M-1 Limited Manufacturing District, the storage, utilization or manufacture of materials or products which decompose by detonation is limited to five (5) pounds per user.

3. In the M-2 General Manufacturing District, the storage, utilization or manufacture of materials or products which decompose by detonation is limited to five (5) pounds.

G. Fire Hazard Solids

1. In the M-1 Limited Manufacturing District, the storage, utilization or manufacture of solid materials which are active to intense burning shall be conducted within spaces having fire resistive construction of no less than two (2) hours and protected with an automatic fire extinguishing system. Outdoor storage of such materials shall be no closer than forty (40) feet from lot lines.

2. In the M-2 General Manufacturing District, the storage, utilization or manufacture of solid materials which are active to intense burning shall be conducted within spaces having fire resistive construction of no less than two (2) hours and protected with an automatic fire extinguishing system. Outdoor storage of such materials shall be no closer than forty (40) feet from lot lines.

H. Fire Hazard Liquids and Gases. The storage, utilization or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted only in accordance with this section, exclusive of the storage of finished products in original sealed containers (55 gallons or less), which shall be unrestricted. The total storage capacity of flammable liquids and gases shall not exceed those quantities permitted in the following table for each of the industrial districts.

I. Glare. In all manufacturing districts, any operation or activity producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of 0.5 foot-candle when measured in a residential district.

Table 6
Storage Capacity of Flammable Liquids and Gases

LIQUIDS

Above Ground Flash Point º F. Less than 125	125-300	Below Ground Flash Point º F Less than 125	125-300
M-1-5,000 gallons	20,000 gallons	10,000 gallons	40,000 gallons
M-2 – 50,000 gallons	1000,000 gallons	20,000 gallons	80,000 gallons

GASES

Above Ground	Below Ground
150,000 SCF	300,000 SCF
1.5×10^6 SCF	3×10^6 SCF

The storage of flammable liquids having a flash point of 300 º F. or higher may be permitted without restriction in all manufacturing districts, subject to other requirements for the district.

SECTION 10.00 – ACCESSORY USES, TEMPORARY USES, AND HOME OCCUPATIONS

10.01ACCESSORY USES

A. Authorization. Accessory uses are permitted in any zoning district in connection with any principal use which is permitted within such district, subject to the limitations set forth within this Section 10.01. All permits issued in accordance with this section shall expire six (6) months after approval, and if the permitted use has not been utilized at such a time, an additional Accessory Use Permit shall be required.

B. Definition. An accessory use is a structure or use which: (1) is subordinate to and serves a principal structure or principal use; (2) is subordinate in area, extent, and purpose to the principal structure or principal use served; (3) contributes to the comfort, convenience or necessity of the occupants of, or the business or industry located in the principal structure or principal use served; (4) is located on the same lot as the principal structure or principal use served, with the following exception:

a. An accessory structure may be located on a lot without a principal structure or use only if the following conditions are met:
   i. The accessory structure(s) shall not exceed one hundred forty-four (144) square feet in size;
   ii. No more than one (1) structure of any type shall be allowed or a total of more than two (2) accessory structures;
   iii. The accessory structure shall not have a foundation with footing walls;
   iv. No access drives shall be installed to an accessory structure;
   v. The lot on which the accessory structure is located is directly adjacent and substantially contiguous to the lot with the principal structure or principal use served;
   vi. The lot on which the accessory structure is located is under the same ownership as the lot with the principal structure or principal use served;
   vii. The accessory structure is located entirely within a single lot, and is not constructed on the shared property line(s).
   viii. The accessory structure complies with all other applicable Village regulations.

C. Permitted Uses Not Requiring a Permit. The following uses are permitted within any zoning district unless specifically restricted to a particular zone or prohibited by a zoning district's regulations, including, but not limited to:

1. Child's playhouse, provided building shall not exceed one hundred and forty-four (144) square feet in gross floor area.

2. Dish antennas not greater than one (1) meter in diameter, and designed to receive direct broadcast satellite service, receive or transmit fixed wireless signals, receive video programming services via broadband radio service (wireless cable), or receive local broadcast signals provided it is not located within any right-of-way and pursuant to the following regulations:

a. Antennas located on a mast that is greater than 12 feet above the roof line shall be required to obtain a permit and meet all safety regulations.

b. The location of any antenna shall not be positioned as to be a hazard to any utility line.

c. Location. Antennas shall be located in the order of preference as follows, provided location does not prevent the receiving or transmitting of an acceptable quality signal;

i. Attached to a roof or wall that is oriented towards the rear yard.

ii. Attached to a roof or wall that is oriented towards a side yard and located as near to the rear yard as is possible to still receive an adequate signal.

iii. In a rear yard.

iv. In a side yard, and located as near to the rear yard as is possible to still receive an adequate signal.

v. Attached to a roof or wall that is oriented towards the front yard.

vi. In a front yard.

vii. If non-deciduous landscaping or other screening is provided that effectively prevents viewing from any public area, then satellites may be allowed at any location allowed by the regulations of the zoning district in which it is located.

3. Garden house and private greenhouse.

4. Signs, pursuant to Section 11.00.

5. Statuary arbors, trellises, barbeque stoves, flag poles, walls, and hedges.

6. Storage of boats, boat trailers, camping trailers, small house trailers, and all recreational vehicles as defined in Section 12.02, and pursuant to all regulations in Section 12.02, and provided none are used for temporary or permanent occupancy.

D. Permitted Uses Requiring a Permit. The following uses, subsequent to submittal and approval of an Accessory Use Permit, are permitted within any zoning district unless specifically restricted to a particular zone or prohibited by a zoning district's regulations, including, but not limited to:

1. Dish antennas greater than one (1) meter in diameter, subject to the following restrictions:

a. Structures and Uses. The size and location of any such antenna, with the largest dimension of the reflector exceeding one (1) meter, shall comply

with all of the following requirements in order to be a conforming structure:

i. All provisions of the Building Code, as may pertain to satellite antenna, shall be met.

ii. No antenna shall exceed an overall reflector diameter of twelve (12) feet or an overall height of fifteen (15) feet above the existing grade.

iii. No antenna shall be installed on a portable or movable structure, such as a trailer. The antenna shall be permanently ground-mounted.

iv. The antenna shall have landscape screening to minimize the visual impact upon any adjacent lot or street, public or private, subject to the approval of the Zoning Administrator.

v. No satellite antenna shall be used as a commercial endeavor or use.

vi. The location of any antenna shall not be positioned as to be a hazard to any utility line.

vii. Satellite antennas are permitted in all zoned districts, unless specifically restricted, subject to the following requirements:

a) No antenna shall be allowed in the front yard as required or defined.

b) Satellite antenna shall be allowed in the side yard or rear yard as required or defined, but shall not encroach on the side or rear set back lines as defined in Section 3.00 of the Zoning Ordinance.

b. Permits to erect new antenna or to alter or move existing antenna.

i. No satellite antenna shall be erected, altered or moved until the person proposing to erect, alter or move such antenna shall have obtained a permit from the Office of the Zoning Administrator. Such permit shall be issued only when the antenna complies with all of the applicable provisions of this Ordinance.

ii. Any person desiring such a permit shall file an application with the Village of Oswego that shall include the following information:

a) Name, address, and telephone number of the applicant.

b) A map drawn to scale showing the location of the building, structure or lot to which the antenna is to be erected and showing the position of the antenna in relation to nearby

buildings and thoroughfares and the position of the planned screening.

c) A product description sheet identifying the antenna.

d) The name of the person, firm, corporation, or association erecting, altering or moving said antenna.

e) Any additional information the Zoning Administrator shall require in order to show full compliance with this and all other applicable ordinances of the Village of Oswego.

c. Maintenance.

i. Every antenna and all parts thereof, including framework, supports, anchors and wiring systems shall be constructed and maintained in compliance with the building, electrical and fire protection codes of the Village of Oswego.

ii. All antenna and all parts thereof shall be kept in a good state of repair and maintenance.

2. Off-street parking and loading spaces, pursuant to Section 12.00.

3. Private garages or carports, attached or detached, subject to the following restrictions:

a. Single family residence: Three (3) cars, not to exceed 720 square feet.

b. Multiple family residences: Two (2) cars per dwelling unit, not to exceed 480 square feet.

c. Garage height shall be measured as the mean roof height. Mean roof height shall be determined by averaging the height of the highest point and the lowest point of the roof of the garage.

4. Private swimming pools provided no part of such swimming pool is located on any front yard or easement.

5. Structure for storage incidental to a permitted use, provided no structure that is accessory to a residential building shall exceed one hundred forty-four (144) square feet in gross floor area.

E. Prohibited Accessory Uses.

1. Outdoor storage or overnight parking of trucks in a residence district with a gross weight of over four (4) tons or buses designed for more than eleven (11) passengers.

2. Outdoor storage, except as specifically permitted by the district regulations.

3. Structures constructed and used for purposes of a temporary or permanent dwelling unit.

F. Bulk Regulations. Unless otherwise specified, all accessory uses shall conform to the following regulations.

1. Accessory structures and uses shall be set back five (5) feet from any property line.

2. Except as herein otherwise required for a specific accessory use, detached accessory buildings, herein permitted as obstructions in required rear yards, shall:

a. Be not more than one (1) story or fifteen (15) feet in height at the highest point, or no greater in height than the principal structure, whichever is less, except where allowed in Section 10.01D (1) for garages.

b. Be not more than the maximum floor area ratio (FAR) or the ground area coverage within the district in which the accessory use is located, when combined with all other applicable structures.

c. Be located not less than five (5) feet from a lot line, except:

i. On corner lots: Not nearer to the corner side lot line than the distance required for a corner side yard.

ii. On reverse corner lots: Not nearer to the rear lot line than the required side yard of any adjacent key lot.

iii. On through lots that do not have a rear lot line adjoining a no-access strip: Not nearer to the rear lot line adjoining a street than the distance required for a front yard.

3. No part of any accessory structure shall be located closer than ten (10) feet to any principal structure, unless it is attached to or forms a part of such principal structure.

4. Accessory structures and uses shall otherwise comply with the bulk regulations applicable to the district in which they are located.

G. Use Limitations. All accessory uses shall comply with the restrictions applicable in the zoning district in which they are located and with the following additional use limitations:

1. No accessory structure shall be constructed or occupied on any lot prior to the time of the completion of the construction of the principal structure to which it is accessory.

2. No accessory structure or use shall be permitted in any front yard or required corner side yard unless it is a permitted obstruction pursuant to Section 4.04E.

(Ord. 09-57, 7/21/2009)

H. Non-conforming Use. Any existing non-conforming use or structure, at the time this section 10.00 was adopted, that does not meet the criteria set forth herein this section 10.01, shall be allowed to continue, except as otherwise provided within Section 5.00.

I. Historic Perseveration. All Accessory Uses shall conform to the regulations regarding the alteration of property set forth within Section 18.00, Historic Perseveration, of this Code.

J. Agricultural. Accessory Buildings constructed for an agricultural use and located within the A-1 Agriculture District shall follow the regulations set forth within Section 15.00, Agricultural Districts, of this Code. Where regulations within Section 15.00 regarding Accessory Uses are less restrictive than found herein Section 10.00, Section 15.00 shall take precedence.

10.02 FENCE

A. Authorization. Fencing is permitted in any zoning district subject to the limitations set forth within this Section 10.02 and subject to the approval of a fence permit. All permits issued in accordance with this Section shall expire six (6) months after approval.

B. Definition. A free-standing structure of metal, masonry, composition or wood or any combination thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes.

C. Bulk Regulations. All fences constructed shall meet the following requirements:

1. No fence shall exceed eight (8) feet in height.

2. In all Districts except Manufacturing Districts, no fence on a rear or side yard shall exceed six (6) feet in height, with the exception of along a Residential District lot line that abuts a property located within a Business or Manufacturing District.

3. In all Districts except Manufacturing Districts, no fence located on a front yard shall exceed three (3) feet in height above the surface of the ground.

4. In all Districts except Manufacturing Districts, no fence located on a required corner side yard shall exceed three (3) feet in height, unless the fence constructed is an open fence as defined in Section 3.02, and then shall be limited to no more than four (4) feet in height.. (Ord. 09-57, 7/21/2009)

5. In all Commercial Districts, no fence shall be allowed on any front yard, unless approved as part of a PUD.

6. No fence over three (3) feet in height shall be constructed within the sight triangle of intersecting streets or drives, as defined in Section 11.00.

7. For the purpose of determining the height a fence, height shall be measured from the surface of the ground directly under the fence.

8. All fences shall be placed and constructed a minimum of one (1) foot inside the property line, unless the adjoining property owner is in agreement that such fence shall be placed on the property line that separates each owner's property. Proof of signed agreement shall be provided and submitted with Accessory Use Permit application.

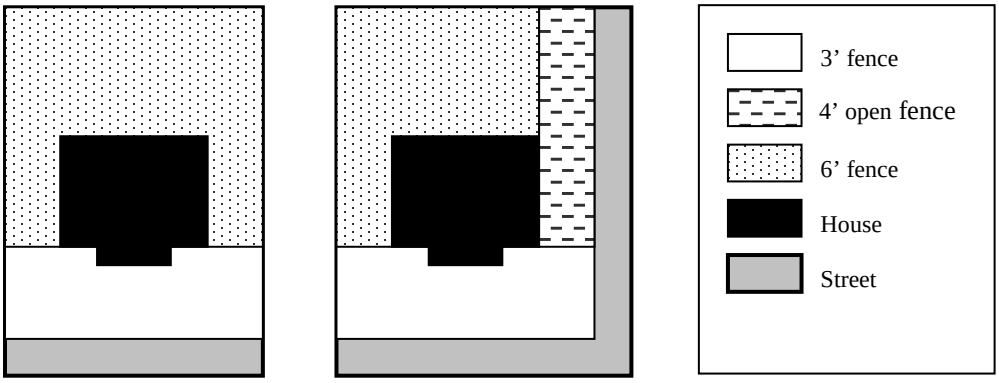
9. No fence shall be placed within two (2) feet of an existing fence or portion thereof.

10. No such partition or division fence shall be constructed of such height or in such manner as to interfere with the access of light or air to any dwelling house or place used in a permanent habitation.

11. No fence shall be constructed on any public right-of-way, landscape easement, berm, or conservation easement.

12. No portion of a fence shall be made to open onto or otherwise occupy any space above any public sidewalk or bike path.

Figure 10-1: Residence District fence placement on an Interior Lot and Corner Lot.



D. Use Limitations. In addition to all use limitations in the district in which a fence is located, all fences constructed, unless otherwise specified, shall comply with the following restrictions:

1. Fences shall be constructed so that the finished side of the fence faces outward from the property on which it was placed. When applicable, all posts and stakes shall be placed on the interior side of the fence. When a fence is constructed on a property line, the property listed on the fence permit will be considered the interior for determining fence orientation.

2. Fence constructed along the rear lot line of a property whose rear lot line is adjacent to an existing or proposed road right-of-way, with the exception of corner lots, must include a gate providing access to the right-of-way, in order to allow the property owner access to maintain said right-of-way, unless, at the time of fence construction, there exists an agreement that absolves the property owner from any maintenance responsibilities along said right-of-way.

3. All fences constructed of any wood material shall be treated in a manner to resist decay or be of a decay resistant material.

4. No fence shall be constructed of any materials not specifically manufactured for use as a fence or from used or discarded materials in disrepair.

5. No fence shall be constructed of electrified wire fencing, barbed wire, razor wire, iron spikes, or similar materials, with the following exceptions:

   a. Agricultural fence is allowed in an Agricultural District or on property that is used primarily for the business of agriculture.

   b. Local, state and federal governments are exempt from these provisions.

6. Chain Link Fence.

   a. In Residence Districts, prohibited in any front yard.

   b. In Business Districts B-1 and B-2, non-vinyl coated chain link is prohibited in any front yard.

   c. Where permitted, the wire gauge of the chain link fence must be of at least eleven and one-half (11 ½) gauge thickness or thicker.

   d. If applicable, the barbed side of the chain link fence shall be placed towards the ground and the knuckled side shall be placed towards the top of the fence.

   e. No chain link fence shall contain materials placed between, within, or upon the wire fabric so as to provide a visual screening or as decoration, unless said material is approved for use by the Accessory Use Permit.

7. Electric Dog Fence.

   a. In Residence Districts, such fence is permitted provided property is improved with a residential building and is a conforming use.

   b. Prohibited on property containing multi-family dwellings or zoned multifamily.

   c. Prohibited in all other Districts.

   d. All electric dog fence shall be placed completely underground and provide for a setback from all lot lines of no less than three (3) feet.

   e. Property owners shall provide signage along each lot line where fence is adjacent to a sidewalk, bike path or other public area, indicating the presence of an electric dog fence, and measuring no more than fifty (50) square inches in area per sign.

8. Outdoor Enclosures for Pet Care Facilities. Any fence at a pet care facility that encloses an outdoor area used by the animals at the facility shall comply with the following limitations. A pet care facility shall include, but is not limited to, veterinary clinics, pet boarding facilities, and pet day care facilities.

   a. Fence height shall be six (6) feet.

b. Fences shall have a setback requirement of at least thirty (30) feet from all property lines.

c. Fences shall have a setback requirement of at least forty (40) feet from all public and private roadways and drives. (Ord. 11-58, 08/16/2011)

10.03 TEMPORARY USES

A. Authorization. Subject to the limitations of this Section 10.03, Temporary Uses are permitted in any district unless otherwise stated, and subject to any applicable regulations of the district in which the use is located.

B. Approval. All Temporary Uses shall be subject to the approval of a Temporary Use Permit, and shall not detrimentally impact the surrounding properties as determined by the Zoning Administrator. All permits issued in accordance with this Section shall expire six (6) months after approval, and if the permitted use has not been utilized at such a time, an additional Temporary Use Permit shall be required.

C. Permitted Uses. The following uses are permitted in each zoning district, with approval of a Temporary Use Permit, subject to the specific regulations and time limits which follow. Unless otherwise specified, time limits shall refer to one calendar year.

1. Antique events and displays for a period not to exceed seven (7) days.

2. Arts and crafts displays for a period not to exceed seven (7) days.

3. Carnival or circus for a period not longer than fifteen (15) days.

4. Christmas tree sales for a period not to exceed forty-five (45) days per year. The display of trees need not comply with the yard requirements of this Ordinance, provided that no tree shall be displayed within the sight triangle of intersecting streets or drives, as defined in Section 11.11.

5. Contractors' offices and equipment sheds accessory to a construction project, containing no sleeping accommodations or cooking facilities, and to continue only during the duration of such project.

6. Farmers Market or similar sales of grown agricultural products on a weekly occasion, for the period extending from April 1, to October 31, of the same calendar year.

7. In Business Districts B-1 and B-2, and in all Business Districts located within the area defined as the Downtown District, outdoor display and sale of merchandise, including such uses as flower stands and sidewalk sales, for a period not to exceed three (3) consecutive days, and not to exceed six (6) total days per year.

8. In Residence Districts, Garage Sales are allowed without a permit, provided that:

   a. Such sales are restricted to two (2) separate two-day events in any calendar year for any one (1) dwelling unit. Any Village sponsored event shall not be counted towards this limit.

   b. The sale of multiples of one or more new items is prohibited.

c. No portion of a garage sale shall encroach on any public right-of-way or any public sidewalk, nor prevent or restrict movement on a public sidewalk.

d. Operating hours shall be restricted to between the hours of 7:00 a.m. and 7:00 p.m. on any one (1) day.

e. All signage shall be pursuant to regulations in Section 11.00.

9. Real estate offices which contain no sleeping or cooking accommodations or facilities unless located in a model dwelling unit, incidental to a new housing development, to continue only until all dwelling units in the development have been sold or leased.

10. Temporary Outdoor Entertainment, including but not limited to, movie screenings, musical concerts, and other live entertainment, for a period not to exceed (7) days.

11. Tent used in conjunction with another Temporary Use, provided that no tent shall remain on the property where the Temporary Use is permitted for more than three (3) days after the conclusion of the Temporary Use, or in the case that the tent will not be used in conjunction with another Temporary Use, then for a period not to exceed fifteen (15) days total.

12. The sale of pumpkins in any Business District, for a period not to exceed forty-five (45) days per calendar year.

10.04 HOME OCCUPATIONS

A. Authorization. Any home occupation that is customarily incidental to the principal use of a building as a dwelling, subject to the limitations of this Section 10.03, shall be permitted in any dwelling unit.

B. Definition. A home occupation is a business, profession, occupation or trade conducted for financial gain located entirely within a residential building or, when permitted, within an accessory structure that is incidental to a residential building, and located within a Residence District.

C. Permitted Home Occupations. The following home occupations are permitted within each zoning district, unless specifically restricted to a particular zone or prohibited by a zoning district's regulations, including, but not limited to:

1. Artists, sculptors, authors or composers.

2. Dressmakers, seamstresses and tailors.

3. Homecrafts, such as model-making, rug-weaving, lapidary work, cabinet making, etc., provided that no machinery or equipment shall be used or employed, other than that which would customarily be found in the home. Machinery or equipment which would customarily be found in the home shall include machinery or equipment that would customarily be employed in connection with a hobby or avocation not conducted for gain or profit.

4. Limited electronic repair businesses, including computer repair and small appliance repair.

5. Music instruction provided that instruction shall be limited to three (3) pupils at any one time.

6. Office facilities for architects, engineers, planners, lawyers, insurance agents, brokers and members of similar professions.

7. Office facilities for salesmen, sales representatives, sales manufactures' representatives, when no retail or wholesale transactions are conducted on the premises.

8. Offices of ministers, rabbis, priests, and other similar religious persons.

D. Prohibited Home Occupations. Permitted home occupations shall not in any event be deemed to include:

1. Any occupation that would cause an increase in noise, traffic, or any other situation that would adversely affect the residential character of a neighborhood, as determined by the Zoning Administrator.

2. Barber shops and beauty shops, unless such usage is limited to one customer at any given time.

3. Dancing schools.

4. Engine repair.

5. Funeral Homes.

6. Large appliance repair, including washing machines, refrigerators, and similar appliances.

7. Medical clinics.

8. Nursery Schools.

9. Restaurant.

E. Use Limitations. No home occupation shall be permitted unless it complies with the following restrictions:

1. No more than one (1) person, in addition to members of the immediate family living at the residence, shall be employed by said home occupation.

2. No manufacturing or processing of any sort shall be done.

3. No sign shall advertise the presence or conduct of the home occupation.

4. No wholesale, jobbing or retail business shall be permitted unless it is conducted by mail, telephone, or electronically and does not involve the receipt, sale, shipment, delivery or storage of merchandise on or from the premises of the immediate family residing on the premises.

5. No alteration of the principal residential building shall be made which changes the character thereof as a dwelling.

6. No more than twenty-five (25) percent of the area of one (1) story of a single family dwelling, nor more than twenty (20) percent of the area of any other dwelling unit, shall be devoted to the home occupation, provided however, that rooms let to roomers are not subject to this limitation.

7. No mechanical or electrical equipment may be used except such types as are customary for purely domestic, household, or hobby purposes.

8. There shall be no outdoor storage of equipment or materials used in the home occupation.

9. The home occupation shall be conducted entirely within the principal residential building or in a permitted private garage accessory thereto.

10. A separate entrance to access said business shall not be constructed.

11. Additional parking to accommodate said business shall not be constructed.

12. No more than two (2) customers of the business shall be permitted on the premises at any one time.

SECTION 11.00 – SIGNS

11.01 STATEMENT OF PURPOSE

The purpose of this Section is to create the legal framework for a comprehensive but balanced system of signage to promote communication between people and their environment and to avoid the usual clutter which is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. This Section is adopted for the following purposes:

A. To preserve, protect and promote public health, safety, and welfare.

B. To preserve the value of private property by assuring the compatibility of signage with surrounding land uses.

C. To protect the physical and mental well-being of the general public by recognizing and encouraging a sense of aesthetic appreciation for the visual environment.

D. To enhance the physical appearance of the Village by preserving the scenic and natural beauty of the area.

E. To enhance the Village's economy, business and industry by promoting the reasonable, orderly and effective display of signage and encouraging better communication between an activity and the public it seeks with its messages.

F. To protect the general public from damage and injury which may be caused by distractions, obstructions, and hazards created by certain signage.

G. To protect pedestrians and motorists within the Village from injury caused by distractions, obstructions, and hazards created by certain signage.

H. To protect the public investment in streets and highways by reducing distraction which may increase the number and severity of traffic accidents.

I. To encourage sound practices and lessen the objectionable effects of competition with respect to size and placement of signage.

11.02 GENERAL REGULATIONS

A. Obstructions. No sign may block any required access way, window, fire escape, door, or other entrance or exit way, nor any window surface required for ventilation by the Village Code.

B. Public Right-of-way. No sign or associated lighting fixture shall be erected or displayed within the public right-of-way except for traffic control and traffic information signs, and signs as otherwise provided herein.

C. Metal Signs. No metal sign shall be located within a vertical distance of eight (8) feet, or a horizontal distance of four (4) feet of electrical wires or conductors, even if such wires or conductors are insulated or otherwise protected.

D. Setback Requirements. Except as otherwise provided, freestanding signs shall be located no less than ten (10) feet from any driveway or lot line, as measured from the portion of the sign closest to the driveway or lot line. On a corner lot, the sign shall not be placed within any portion of the thirty (30) foot sight triangle at the intersection of two streets and/or public access points (such as driveways). Refer to Section 11.11 for a definition and diagram clarifying what is meant by sight triangle.

E. Sign Height. The distance between grade, before any berming, at the base of or below the middle of the sign and the highest point of the sign.

F. Projection. No sign shall project beyond the property line into the public right-of-way, except as otherwise provided herein.

G. Off-Premise Signage. Off-premise signage is not permitted within the Village. All signs constructed within the Village shall be located on the property in which the construction, business and/or use is taking place.

H. Illumination. Sign illumination shall be constant in intensity and color. The light for any illuminated sign shall be shaded, shielded, or directed so as not to cause glare in surrounding properties or in public streets. No direct or reflected light from a light source for an illuminated sign shall create a traffic hazard for operation of motor vehicles. Illuminated signs shall be wired and ground fault interrupters (GFIs) controlling their electrical supply.

I. Changes to Signs. A sign permit shall not be required for painting, cleaning, repair, or maintenance of an otherwise permitted sign existing on the property. A permit is required for all sign face changes and structural changes.

J. Change Ownership, Tenant or Advertiser. Any sign or zoning lot that has a change of ownership tenant or advertiser shall cause all signs on that zoning lot to secure new sign permits.

K. Development Name. The proposed name of the development or establishment on a lot shall not duplicate or resemble the name of any existing development or establishment in the Village corporate boundaries.

L. Sign Maintenance, Repair and Safety.

1. The appearance and safety of a sign shall be maintained at all times. The sign shall be repaired and repainted as necessary to prevent rust, corrosion, rotting, or other deterioration in appearance or structural safety of the sign.

2. The source of illumination shall be kept in safe working order at all times.

3. All letters, figures, characters, and sign embellishments on a sign and its support shall be safely and securely attached to the sign at all times.

M. Non-Conforming Signs. All signs lawfully existing, or holding sign permits issued prior to the date of adoption of this Ordinance, but which are not in conformance with these regulations, may be continued as non-conformities until such time that the sign is to be more than 50% repaired or replaced in its entirety or until two (2) years have passed from the date of the adoption of this Ordinance.

N. Removal of Unsafe, Abandoned or Unlawful Signs. Any sign, other than an outdoor advertising sign, that no longer identifies a business, activity, event, or service, conducted, or product, service or entertainment sold on the premises where the sign is located shall be considered abandoned and shall be removed. If upon inspection the Building and Zoning Director or his/her designated representative finds that a sign is abandoned, unsafe, or in any way not in compliance with Village Ordinances, he or she shall issue a written order to the Permittee or owner stating the nature of the violation and requiring the repair, replacement, or removal of the sign within ten (10) working days from the date of the order. If after ten (10) working days of issuance of an order has not been complied with, or if a sign constitutes an immediate hazard to the public safety, the Building and Zoning Director or his/her designated representative may recommend to the Village Board to authorize judicial process to cause the sign to be removed or repaired pursuant to the provisions concerning Unsafe Buildings of Article 11, Chapter 24, of the Illinois Municipal Code. After removal of a sign through judicial process, the Building and Zoning Director or his/her designated representative shall send a notice to the property owner stating the nature of the removal work performed and demanding payment of the cost thereof plus ten percent (10%) for inspection and administrative costs. If said amount is not paid within thirty (30) days of the notice, it shall become a lien against the property owner upon which the sign was located.

11.03 PERMIT AND REGULATION EXEMPT SIGNS

The following signs and displays are exempt from the permit required and subject only to the provisions of Section 11.02.

A. Holiday Decorations. Displays of a primarily decorative nature clearly incidental and customary and commonly associated with any national, local, or religious holiday.

B. Memorial signs and tablets displayed on private property.

C. Scoreboards, when used in conjunction with an athletic activity.

11.04 PERMIT EXEMPT SIGNS

The following signs are exempt from the permit requirements, but must comply with the regulations established herein.

A. Contractor's Signs. Temporary signs identifying individual contractors on a construction site shall be freestanding signs and setback not less than ten (10) feet from any lot line and shall not exceed six (6) feet in height and shall not be illuminated. Signs may not be erected or maintained more than three (3) days before construction begins and shall be removed within five (5) days after completion of construction or expiration of the building permit.

1. Residential Lots Signs shall not exceed six (6) square feet in area, provided that no more than one (1) such sign shall be permitted in each yard abutting a street

2. Commercial Lots Signs shall not exceed three (3) square feet in area and are limited to one sign per contractor per street frontage

B. Four (4) flags having a maximum size of thirty-six (36) inches by sixty (60) inches and so long as all flag poles are freestanding or attached to the principal building or garage.

C. Garage and Yard Sale Signs. Signs shall not be more than six (6) square feet in area, provided that no more than one (1) such sign shall be permitted in each yard abutting a street; signs shall be freestanding signs and setback not less than ten (10) feet from any lot line and shall not exceed six (6) feet in height and shall not be illuminated. Signs may not be erected or maintained more than three (3) days prior to the beginning of the sale and shall be removed within five (5) days after the conclusion of the sale.

D. Governmental and Utility Signs. Informational signs or displays maintained by a government body or public utility, including traffic or parking regulatory devices, legal notices, warning of hazards, and similar displays.

E. Government Mandated Signs. Street address numerals, public hearing signs and other signs or exterior displays required to be maintained by government order or regulations, provided that the content and size thereof does not exceed that required by such order or regulation. Mail boxes and neighborhood Delivery Cluster Box Units may only display names, addresses, and user information. Such mail structures may not be used for advertising any commercial, sales, home occupation activity, or garage sales and the like.

F. Legal notices, identification, informational, directional, traffic, or other sign erected or required by governmental authority under any law, statute or ordinance.

G. "No Trespassing", 'Beware of Dog", "No Dumping" and other similar warning signs not larger than two (2) square feet in area, provided that no more than one (1) such sign shall be permitted in each yard abutting a street. In residential zoning districts, these signs may be attached to a fence or gate only. In non-residential zoning districts, these signs may be attached to a fence or gate, or may be freestanding; however a freestanding sign shall be setback not less than ten (10) feet from any lot line and shall not exceed six (6) feet in height and shall not be an illuminated sign.

H. Political and Election Campaign Signs. The following rules shall apply to signs identifying a political candidate, party or issue subject to an upcoming election:

1. Signs shall not be attached to fences, trees, utility poles or light poles, similar structures or placed within the public right-of-way. Such signs shall not be erected within sight triangle areas or other areas where safety concerns exist.

2. Signs may be illuminated subject to Section 11.02H.

3. Signs shall not exceed sixteen (16) square feet in area per face.

4. A sight triangle shall be maintained as defined in Section 11.11.

5. Sign shall not exceed six (6) feet in height.

6. Signs shall not be posted or attached to any parked or stationary semi-trailer or similar type trailer.

I. Roadway Directional or Informational Signs. Signs erected within the Village's right-of-way shall be installed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) 2003 edition, or the latest edition and the Illinois Supplement to the National Manual on Uniform Traffic Control Devises (ILMUTCD). In addition, the person or entity seeking to erect such sign shall provide the Village with a liability waiver.

J. Signs for patriotic, religious, ideological, or other noncommercial expressive purposes. Signs shall not be more than six (6) square feet in area, provided that no more than one (1) such sign shall be permitted in each yard abutting a street; signs shall be freestanding signs and setback not less than ten (10) feet from any lot line and shall not exceed six (6) feet in height and shall not be illuminated.

K. Signs or banners giving notice of noncommercial events and activities are permitted in any district provided that such signs may not be erected or maintained more than ten (10) days prior to the date of which the event or activity advertised is to occur or be conducted and shall be removed within five (5) days after the termination thereof.

L. Permanent Directional Signage.

1. Signs shall provide directional messages for buildings or other permanent structures.

2. Signs shall not exceed four (4) square feet in surface area per face and three (3) feet in overall height. A sign shall be limited to a maximum of two (2) sign faces.

3. Signs shall be free standing, not attached to any utility pole or structure or any traffic control sign and be setback a minimum of five (5) feet from the curb or edge of pavement.

4. No attention attracting devices, including but not limited to, pennants, streamers, balloons, inflatable shapes, banners, or flashing lights shall be attached to a directional sign, but signs may be illuminated subject to Section 11.02H.

5. Signs shall be professionally designed and constructed of the following materials: brick, stone, or other masonry materials, redwood, cedar or other high quality hardwoods. Lettering, ornaments or other graphics on the structure must be constructed of stone, wrought iron, anodized aluminum or engraved into a quality hardwood like redwood or cedar.

M. Small Real Estate Signs. Signs shall not be more than six (6) square feet in area, provided that no more than one (1) such sign shall be permitted in each yard abutting a street. Real estate signs shall be freestanding signs and setback not less than ten (10) feet from any lot line and shall not exceed six (6) feet in height and shall not be illuminated. Signs may not be erected or maintained more than three (3) days before the property is available for viewing and shall be removed within five (5) days after the closing date.

N. Temporary Directional Signage

1. Signs shall provide directional messages for commercial or noncommercial events or activities at a specified address within the Village limits.

2. Signs shall be permitted within the Village's public right-of-way only.

3. Signs shall not exceed four (4) square feet in surface area per face and three (3) feet in overall height. A sign shall be limited to a maximum of two (2) sign faces.

4. Signs may be in place only on the days of the event or activity and only between the hours of 8:00 a.m. and 6:00 p.m.

5. Signs shall be free standing, not attached to any utility pole or structure or any traffic control sign and be setback a minimum of five (5) feet from the curb or edge of pavement.

6. No attention attracting devices, including but not limited to, pennants, streamers, balloons, inflatable shapes, banners, flashing lights or other illumination shall be attached to a directional sign or placed in the public right-of-way.

7. Each sign shall have attached an adhesive label or other means to identify the name, address and telephone number of the person responsible for the placement and removal of each sign.

8. No more than four (4) directional signs for each event or activity shall be placed in the public right-of-way.

9. No sign greater than thirty (30) inches in height shall be placed within any portion of the sight triangle as defined in Section 11.11.

10. If an owner of the lot adjacent to a right-of-way objects to the posting of a directional sign within the adjacent right-of-way, the sign shall not be posted or shall be immediately removed.

11. If a sign is removed by a Village official it will be retained for a period of five (5) days and then destroyed. The owner of such signs may claim them at the Village Hall between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

O. Window Signs. Illuminated or non-illuminated window signs posted in public view shall not cover more than 35% of the window or surface area through which or on which they are seen and shall be prohibited when the business is located on a lot adjacent to or across the street from any residential use or district. Illuminated window signs shall be turned off one (1) hour after closing of the business.

11.05 PROHIBITED SIGNS – ALL DISTRICTS

The following signs and displays, as they are defined herein, are prohibited in all zoning districts:

A. Attention getting devices, except as regulated by Section 11.09 herein.

B. Billboard and Off-premise signs.

C. Any signs that have been attached to a light or utility pole, except for banners installed by governmental agencies.

D. Projecting signs, except as permitted within the Downtown Sign District.

E. Any sign which is located in or which extends over the public right-of- way except as otherwise permitted within this Section.

F. Roof signs, either painted directly on the roof, or parapet line.

G. Temporary and portable signs, except as regulated by Section 11.09 herein.

H. Temporary Vehicle Signs, other than professionally designed magnetic signs, when displayed on a parked car, truck, semi-trailer, trailer, or other vehicle to advertise a business, service, product, or other commercial activity.

I. Any signs that are determined to constitute a traffic hazard by reason of size, location, content, color or type of illumination.

J. All other signs not expressly permitted or regulated herein.

K. Pole signs.

11.06 RESIDENTIAL DISTRICTS

In all residential districts, the following types of signs are permitted in accordance with the regulations set forth herein:

A. Nameplates and Identification Signs, subject to the following:

1. For one- and two-family dwellings, there shall be not more than one (1) nameplate, not exceeding two (2) square feet in area, for each dwelling unit indicating the name or address of the occupant.

2. For multiple-family dwellings, and apartments, a single identification sign not exceeding six (6) square feet in area and indicating only the name and address of the building and the name of the management thereof may be displayed.

B. Permanent Subdivision Entrance Signs, subject to the following:

1. Permanent subdivision entrance signs shall only be permitted for subdivisions containing twenty (20) lots or greater and for multiple-family developments or complexes.

2. The sign contains only the name of the subdivision or multiple-family residential complex and appropriate logo, identifying the subdivision or complex.

3. Only one (1) sign can be erected on each side of the street leading into such subdivision or complex ("entrance"), for a total of two (2) signs per entrance.

4. If there is more than one (1) street leading into such subdivision or complex, the developer of the subdivision at the time of Preliminary PUD and Subdivision Plat review shall identify a primary (main) and secondary entrance into the subdivision. The sign for the entrance designated as the primary (main) entrance into the development shall be subject to the provisions of this section. The sign for the entrance designated as the secondary entrance shall be one-half the size and height of the primary sign.

5. All signs shall be setback a minimum of ten (10) feet from the property line. However, the sign shall not be located within the sight triangle.

6. All signs shall be located within either a sign easement or in a designated outlot as common property. No signs shall be located on public right-of-way or other public property.

7. A homeowner's association or management company shall be responsible for the maintenance of such signs.

8. The sign area shall not exceed forty (40) square feet in area, including text and logo identifying the subdivision or complex.

9. The maximum height of the sign shall be ten (10) feet, including ornamentation.

10. The signs shall be constructed of the following materials: brick, stone, or other masonry materials, redwood, cedar or other high quality hardwoods. Lettering, ornaments or other graphics on the structure must be constructed of stone, wrought iron, anodized aluminum or engraved into a quality hardwood like redwood or cedar.

11. The area surrounding the signs shall be landscaped in an attractive manner, with dense cluster at the base that is equally attractive in winter and summer.

12. Permanent neighborhood identification sign/s shall be reviewed on a case by case basis as part of the Preliminary PUD process.

C. Temporary Subdivision Signs, subject to the following:

1. Construction/"Coming Soon" Sign. One (1) per subdivision and shall not exceed thirty-two (32) square feet and ten (10) feet in height. The sign/s shall be removed within six (6) months of ninety (90) percent of the lot sales within the subdivision or upon the subdivision being turned over to the homeowners association, whichever occurs first.

2. Model Home Signs

   a. Each type of model home is allowed one (1) identification sign in front of each model home.

   b. Signs shall not exceed four (4) square feet in area and three (3) feet in height.

   c. Signs shall be removed upon issuance of an occupancy permit for the model.

3. On-Site Directional Signs

   a. Signs may be placed from the entrances to the subdivision to the model home area, at each corner.

   b. Signs shall not to exceed six (6) square feet in area and six (6) feet in height including ornamentation.

   c. Items of information shall be limited to: Name of subdivision or builder and logo; and arrows and/or words or direction.

   d. Signs shall not be located within public right-of-way.

   e. The sign/s shall be removed within six (6) months of ninety (90) percent of the lot sales within the subdivision or upon the subdivision being turned over to the homeowners association, whichever occurs first.

4. On-Site Marketing Signs

a. Signs shall not exceed thirty-two (32) square feet in area within the subdivision or at entrances, and ten (10) feet in height including ornamentation.

b. Only one (1) sign is allowed per entrance with a maximum of three (3) in each subdivision or complex for the sale of lots or homes or the renting of units within a complex.

c. Signs shall not be located within public right-of-way.

d. No limitation on the items of information.

e. The sign/s shall be removed within six (6) months of 90% of the lot sales within the subdivision or upon the subdivision being turned over to the homeowners association, whichever occurs first.

5. On-Site Amenity Signs.

a. Signs shall not exceed sixteen (16) square feet in area within the subdivision or at entrances, and five (5) feet in height including ornamentation.

b. A maximum of five (5) signs are allowed, and can be located within the subdivision or complex or on the perimeter of the property.

c. Signs shall not be located within the public right-of-way.

d. No limitation on the items of information.

e. The sign/s shall be removed within six (6) months of 90% of the lot sales within the subdivision or upon the subdivision being turned over to the homeowners association, whichever occurs first.

11.07 BUSINESS AND OFFICE DISTRICTS

In all business and office districts, unless otherwise permitted, the following types of signs are permitted in accordance with the regulations set forth herein:

A. Wall Signs

1. Sign Area.

   a. The maximum area of such signs shall not exceed one (1) square foot in area for each one (1) lineal foot of façade of that portion of the building of which the tenant or owner-occupant is in possession and to which the sign is attached.

   b. No sign shall extend more than seventy-five (75) percent of the width of the façade of the total building or the individual tenant space to which it is attached.

2. Location.

   a. Signs shall be permitted on any elevation directly adjacent to a public right-of-way and/or on any elevation containing a public entrance.

   b. Signs shall not be permitted on any elevation or wall facing the side of any adjoining lot used for residential or located within a residence district. In this section, a window shall be construed as a wall when facing the side of any adjoining lot located in a residence district.

   c. Wall Signs may be located on the vertical face of a mansard roof, provided that the sign does not extend above the top of the building.

B. Monument Signs

1. Sign Area. One (1) sign not to exceed fifty (50) square feet in area. Only one side of the sign is counted toward the sign area.

2. Height. One (1) sign not to exceed ten (10) feet.

3. Location. Signs shall front the principal street, a parking area, or in the case of a corner building, the side street as well. Signs shall be setback a minimum of ten (10) feet from any lot line or driveway, except on corner lots signs shall not be located within the sight triangle as established herein.

C. Canopy and Awning Signs

1. Sign area shall be included in the total wall sign area permitted for a building.

2. Canopies and awnings are limited to two (2) colors in addition to black and white. Logos are exempt from this provision.

D. Construction/"Coming Soon" Signs. One sign that shall not exceed thirty-two (32)

square feet and twenty (20) feet in height. The sign/s shall be removed upon the businesses receiving a certificate of occupancy. A construction sign shall be a wall or ground sign.

E. Sandwich Board Signs. Sandwich Board Signs are exempt from permit requirements.

a. Sign Area. Sign shall not exceed six (6) square feet in area.

b. Height. Sign shall not exceed four (4) feet in height.

c. Location. Sign shall be located within ten (10) feet of the entrance to the business that is being advertised on the sign. All sandwich board signs shall be removed at the close of business, during severe weather events, or during snow removal operations, and may not obstruct pedestrian traffic.

F. Development Signs.

1. Sign Area. One (1) sign not to exceed one hundred (100) square feet in area.

2. Height. One (1) sign not to exceed twenty-five (25) feet.

3. Location/Setback. Signs shall front the principal street, a parking area, or in the case of a corner building, the side street as well. Signs shall be setback a minimum of ten (10) feet from any lot line or driveway, except on corner lots signs shall not be located within the sight triangle as established herein.

4. Planned Unit Developments (PUD). Signs for shopping centers or office parks developed as Planned Unit Developments (PUD) shall be subject to the provisions established herein, except when a shopping center or office park is located on a corner lot, then two (2) development signs shall be permitted. Any request for additional signs beyond the provisions of this section may be considered on case-by-case basis at the time of Preliminary PUD review.

G. Large Real Estate Signs

1. Size

a. Ground signs. A sign shall not exceed one hundred (100) square feet in area.

b. Wall Signs. The maximum area of such signs shall not exceed one-half (1/2) square feet in area for each one (1) lineal foot of façade of that portion of the building of which the tenant or owner-occupant is in possession and to which the sign is attached, however the maximum sign area shall not exceed fifty (50) square feet.

2. Height. A ground sign shall not exceed fifteen (15) feet in height.

3. Number. No more than one (1) sign per zoning lot, except on a corner lot, then two (2) signs shall be permitted with one (1) facing each street.

H. Menu Board Signs

1. The menu board sign shall be accessory to the respective uses.
2. The menu board sign shall not exceed thirty-six (36) square feet in area.
3. The menu board sign shall not exceed eight (8) feet in height.

I. Message Board Signs. Message board signs may be displayed on Development and Monument Signs and shall comply with the following:

1. The message board may not occupy more than twenty-five (25) percent of the development or monument sign area, and shall be located in the lower half of the sign area
2. The message board shall be designed to be compatible in design and appearance with the development or monument sign.
3. The message board may be used only for a business or businesses occupying the lot in the case of a monument sign, or the development, in the case of a development sign, in which the sign is located.
4. The sign is permitted to change no more than once every 20 seconds, and shall contain a static message with text that does that does not grow, melt, scroll, travel, roll, twinkle, snow, rotate, flash, blink, spin, wave or present any animations.
5. Electronic message boards must maintain a uniform color in text and background, and shall not display light of such intensity to cause glare or otherwise impair the vision of motorists or result in a nuisance to motorists.
6. Temporary signs cannot contain changeable signage.

J. Temporary and Portable Signs, as regulated by Section 11.10 herein.

K. Tenant Identification Panels on Development Signs. Panels may be displayed on the development sign and must comply with the following:

1. Panels must be subordinate in design and appearance to the development sign.
2. Panels must not be smaller than six (6) square feet in area.
3. Panels must be compatible as to size and shape, type and design.
4. The total sign area of all tenant identification panels will be included in the overall calculation of the maximum development sign area.

11.075 SPECIAL DISTRICTS AND USES

Unless otherwise stated in this section, signs shall meet the requirements of the zoning district in which they are located.

A. Downtown Sign District. This district shall include the area as shown on the map "Downtown Sign District" as included in this section.

1. Wall Signs - Size. Lettering shall not exceed eighteen (18) inches in height, and overall sign height shall not exceed thirty (30) inches

2. Monument Signs.

   i. Sign Area.

      a. Single Tenant Building. One (1) sign not to exceed ten (10) square feet in area.

      b. Multi-Tenant Building. One (1) sign not to exceed thirty (30) square feet in area.

   ii. Height.

      a. Signs for a single tenant building shall not exceed three and one-half (3 1/2) feet in height.

      b. Signs for a multi-tenant building shall not exceed five (5) feet in height.

   iii. Location/Setback. Where possible, the setbacks established herein shall apply. However, on a lot where the established setback for a ground sign cannot be met, an appropriate setback shall be determined by the Community Development Director or his/her designated representative, on a case-by-case basis

3. Ground Signs. Ground signs that are not monument signs are not permitted, except that those existing as of January 1, 2012 shall be allowed to continue in use

4. Projecting Signs.

   a. One projecting sign is permitted for each first floor business, and second floor businesses may also be permitted one projecting sign, provided the sign is located directly above or within five feet of the first floor entrance.

   b. Sign shall not project more than three (3) feet beyond the front of the building or closer than two (2) feet from the curb, and the bottom of such signs shall not be less than ten (10) feet above the finished grade of the sidewalk. In the case of a corner building, the same regulations shall apply to the wide wall abutting the street.

c. The sign shall not exceed ten (10) square feet in area and its location and arrangement shall be subject to approval by the Building and Zoning Director or his/her designated representative. Only one side shall count toward the sign area.

5. Sandwich Board Signs. Sandwich Board Signs are exempt from permit requirements.

   a. Sign Area. Sign shall not exceed six (6) square feet in area.

   b. Height. Sign shall not exceed four (4) feet in height.

   c. Location. Sign shall be located within ten (10) feet of the entrance to the business that is being advertised on the sign. All sandwich board signs shall be removed at the close of business, during severe weather events, or during snow removal operations, and may not obstruct pedestrian traffic.

6. Canopy and Awning Signs. Awnings should be constructed of cloth or cloth-like materials and should be complementary in placement, proportion and color to the building's existing fixtures and existing awnings and canopies of adjacent buildings. Sign area shall be included in the total wall sign area permitted for a building. Backlit awnings are prohibited.

7. Message Board Sign. Message board signs are prohibited.

8. Lettering and Graphics. Certain lettering and graphics may not be appropriate in the Downtown Sign District. Contact the Village or refer to the Downtown Oswego Design Guidelines for information.

9. Lighting. Certain backlit signs may not be appropriate in the Downtown Sign District. Contact the Village or refer to the Downtown Oswego Design Guidelines for information.

10. Design and Construction. Signs constructed within the Village's Downtown Area shall be designed in a manner representative of the historic period of the area. When appropriate, restoring a historic downtown Oswego sign shall be considered.

11. Temporary Signs. Temporary signs for downtown businesses shall comply with the standards as set forth in Section 11.09 of this Code with the following:

    a. Not more than six (6) permits shall be permitted on any tenant in any calendar year.

    b. Temporary signage for general downtown activities as defined by Section 11.11 Definitions of this Code shall be limited to six (6) permits for each individual sign and shall not be displayed for more than 120 days.

B. Vehicle Sales Facilities. For Vehicle Sales Facilities in excess of four (4) acres in size, the following regulations shall apply.

1. Ground Sign

   a. Area.

      i. Primary. One (1) primary sign not to exceed two hundred and twenty (220) square feet in area.

      ii. Secondary. Two (2) secondary signs not to exceed one hundred (100) square feet in area.

   b. Height.

      i. Primary. One (1) sign not to exceed twenty-five (25) feet.

      ii. Secondary. One (1) sign not to exceed ten (10) feet.

2. Temporary Signs for Vehicle Sales Facilities.

   a. Grand Opening, grand re-opening, temporary or special event signs, banners, streamers, pennants, and flags

      i. Grand opening or grand re-opening signs, banners, streamers and pennants temporary sign shall be located entirely within the zoning lot of the business or activity for which the sign, banners, streamers or pennants are being requested.

      ii. Grand-opening or grand re-opening signs, banners, streamers and pennants shall not be displayed for more than ten (10) consecutive days in any calendar year. For purposes of this Section, a grand opening grand re-opening, temporary or special event sign, banners, streamers and pennants displayed for less than ten (10) days constitutes the ten (10) day period as referenced above.

      iii. Not more than eight (8) permits shall be permitted on any tenant in any calendar year. Permits may run concurrently or consecutively with each other.

   b. Portable Signs

      i. A portable sign shall not exceed fifty (50) square feet in area and ten (10) feet in height.

      ii. A portable sign shall not contain lettering that extends beyond the frame of the actual sign structure.

      iii. A portable sign shall be located entirely within the zoning lot of the business or activity for which the sign is being requested.

iv. Not more than one (1) portable sign shall be displayed on any lot at any one time, whether or not the lot has more than one user, tenant or occupant and a maximum of four (4) permits are permitted in any calendar year.

v. A portable sign may not be displayed more than ten (10) days prior to the date of which the event or activity advertised is to occur or be conducted, and shall be removed within three (3) days after the termination thereof.

vi. A portable sign may not be permanently anchored or fastened down, in order to be used as permitted signs in any circumstance.

C. Gasoline Service Stations. Gasoline Service Stations shall be permitted a maximum of two (2) signs attached to a canopy. Sign area shall be included in the total wall sign area permitted for a building. One changeable copy sign is allowed as permitted by law to display fuel prices.

D. Religious Institutions. Signage for religious institutions shall be subject to Section 11.07.

11.08 MANUFACTURING DISTRICT

In all manufacturing districts, the following types of signs are permitted subject to the following regulations:

A. Number. Either one (1) wall or one (1) ground sign per zoning lot, except on a corner lot, then two (2) signs shall be permitted with one facing each street.

B. Wall signs.

1. Sign Area The maximum area of such signs shall not exceed 1.5 square feet in area for each one (1) lineal foot of façade of that portion of the building of which the tenant or owner-occupant is in possession and to which the sign is attached. No building/wall sign shall extend more than seventy-five (75) percent of the width of the façade of the total building or the individual tenant space to which it is attached.

2. Location Signs shall be permitted on any elevation directly adjacent to a public right-of-way and/or on any elevation containing a public entrance, however, signs shall not be permitted on any elevation or wall facing the side of any adjoining lot used for residential or located within located in a residence district. In this Section, a window shall be construed as a wall when facing the side of any adjoining lot located in a residence district.

C. Ground Signs.

1. Sign Area One (1) sign not to exceed one hundred (100) square feet in area

2. Height. One (1) sign not to exceed fifteen (15) feet.

3. Location/Setback. Signs shall front the principal street, a parking area, or in the case of a corner building, the side street was well. Signs shall be setback a minimum of ten (10) feet from any lot line or driveway, except on corner lots signs shall not be located within the sight triangle as established herein.

D. Construction Signs. One (1) sign not to exceed one hundred (100) square feet in area and twenty (20) feet in height. A construction sign shall be a wall or ground sign

E. Planned Unit Development. Signs for industrial parks or centers developed as Planned Unit Developments (PUD) shall be subject to the provisions established herein, except when an industrial park or center is located on a corner lot, then two (2) development signs shall be permitted. Any request for additional signs beyond the provisions of this section may be considered on cases by case basis at the time of Preliminary PUD review.

F. Large Real Estate Signs

1. Sign Area

a. Ground signs. A sign shall not exceed one hundred (100) square feet in area.

b. Building/Wall Signs. The maximum area of such signs shall not exceed one-half (1/2) square feet in area for each one (1) lineal foot of façade of that portion of the building of which the tenant or owner-occupant is in possession and to which the sign is attached, however the maximum shall not exceed fifty (50) square feet in area.

2. Height. A ground sign shall not exceed fifteen (15) feet in height.

3. Number. No more than one (1) sign per zoning lot, except on a corner lot, then two (2) signs shall be permitted with one facing each street.

G. Temporary and Portable Signs, as regulated by Section 11.09 herein.

H. Tenant Identification Panels on Development Signs. Panels may be displayed on the development sign and must comply with the following:

1. Panels must be subordinate in design and appearance to the development sign.

2. Panels must not be smaller than six (6) square feet in area.

3. Panels must be compatible as to size and shape, type and design.

4. The total sign area of all tenant identification panels will be included in the overall calculation of the maximum development sign area.

11.09 TEMPORARY AND PORTABLE SIGNS

Temporary and portable signs may be erected and maintained in accordance with the following provisions:

A. Grand Opening, grand re-opening, temporary or special event signs, banners, streamers, pennants, and flags

1. Grand opening or grand re-opening signs, banners, streamers and pennants temporary sign shall be located entirely within the zoning lot of the business or activity for which the sign, banners, streamers or pennants are being requested.

2. Grand-opening or grand re-opening signs, banners, streamers and pennants shall not be displayed for more than fourteen (14) consecutive days in any calendar year. For purposes of this Section, a grand opening grand re-opening, temporary or special event sign, banners, streamers and pennants displayed for less than fourteen (14) days constitutes the fourteen (14) day period as referenced above.

3. Not more than four (4) permits shall be permitted on any tenant in any calendar year. Permits may run concurrently or consecutively with each other. If a permit is to run concurrently, only one application and fee shall be required.

B. Portable Signs

1. A portable sign shall not exceed thirty-two (32) square feet in area and six (6) feet in height.

2. A portable sign shall not contain moving images, flashing lights or other attention getting devices.

3. A portable sign shall not contain lettering that extends beyond the frame of the actual sign structure.

4. A portable sign shall be located entirely within the zoning lot of the business or activity for which the sign is being requested.

5. Not more than one (1) portable sign shall be displayed on any lot at any one time, whether or not the lot has more than one user, tenant or occupant and a maximum of two (2) permits are permitted in any calendar year.

6. A portable sign may not be displayed more than ten (10) days prior to the date of which the event or activity advertised is to occur or be conducted, and shall be removed within three (3) days after the termination thereof.

7. A portable signs may not be permanently anchored or fastened down, in order to be used as permitted signs in any circumstance.

C. Inflatable Devices, Balloons

1. Only one (1) such inflatable device or balloon shall be allowed per lot at any one time.

2. The inflatable device or balloon shall be allowed for a period of no more than fourteen (14) days in any calendar year.

3. Inflatable devices, balloons shall be permitted only on property having a commercial, office or manufacturing zoning designation.

4. The inflatable device or balloon shall be setback a minimum of twenty (20) feet from the public right-of-way.

5. Any advertising/signs attached to such inflatable device of balloon shall not exceed thirty-two (32) square feet in area.

11.10 ADMINISTRATION

A. Permits. Unless exempted from the requirements of this section, no person shall erect or display a sign unless issued a sign permit.

1. Contents of Sign Permit Application. An application for a Sign Permit shall be made upon forms provided by the Building and Zoning Department and shall include the following information:

   a. The name, address, and telephone number of the applicant, of the owners or managers of the property on which the sign is to be displayed, and of the intended owner of the sign.

   b. The location of the property where the sign is to be displayed.

   c. A site plan showing the position of the sign in relation to nearby buildings, structures, rights-of-way, and street grade, and the locations and sign areas of all existing signs on the same premises.

   d. A copy of plans and specifications showing methods of construction and support, all dimensions of the sign, and all electrical components, if any.

   e. An elevation sketch showing all exposed surfaces of the sign and all proposed messages or representations thereupon, accurately represented as to shape, size, proportion and color.

   f. Name, address, and phone number of the party that is to erect the sign. Sign contractor must be registered and bonded with the Village prior to the issuance of any sign permit.

   g. Written consent of the owners of the property on which the signs are to be displayed, if other than the applicant.

   h. Other information required by the Building and Zoning Director or his/her designated representative to ascertain compliance with Village regulations.

   i. A non-refundable fee as established by the Village Board.

   j. The signature of the applicant on the Permit Application.

2. Issuance of Sign Permits. The Building and Zoning Director or his/her designated representative shall issue a Sign Permit for any sign for which a complete and accurate Sign Permit Application has been filed when he or she has determined that the sign is in compliance with this and other applicable Village Ordinances.

3. Suspension, Revocation, and Denial. A Sign Permit shall become void if the sign authorized thereby has not been completely installed within six (6) months of the date the Sign Permit was issued. The Building and Zoning Director or his/her designated representative shall give written notice to the applicant of denial of a Sign Permit Application together with the reasons for the denial. The Building

and Zoning Director or his/her designated representative may suspend or revoke, in writing to the permittee, any Sign Permit issued on the basis of misstatement of fact.

4. Registered Sign Contractor. No person shall perform any work or service for any person for compensation, in or in connection with erection, construction, enlargement, alteration, repair, moving, improvement, maintenance, conversion or manufacture of any sign in the Village, or any work or service in connection with causing any such work to be done unless such person or firm is registered as a sign contractor by the Village.

5. Permit Fees

   a. Permanent signs, including wall signs and ground signs.

      i. Non-illuminated signs: $3.00 per square foot of sign area.

      ii. Illuminated signs: $25.00 plus $3.00 per square foot of sign area.

   b. Temporary and Portable signs: $10.00 per sign.

   c. Sign Face Changes: $1.50 per square foot of sign area.

B. Final Inspection. The sign contractor shall notify the Building and Zoning Department upon completion of the work for which a permit is required and so schedule a final inspection by appropriate inspectors.

C. Appeals and Variances. Variances and appeals relating to the application of sign regulations and decisions of the Building and Zoning Director or his/her designated representative, pertaining thereto shall be as provided for all as other provisions of this Ordinance.

D. Penalties. Any person who violates, omits, neglects or refuses to comply with any provisions herein, after notification by certified or registered mail, shall be subject to a suit for injunction as well as the following minimum fine schedule:

1st Offense:	$75.00
2nd Offense:	$150.00
3rd Offense:	$300.00
4th Offense and above:	$500.00

An offense is deemed to occur whenever a person fails to comply with the terms of a notice of violation. The applicable fine will accrue each day a sign is in violation of the provisions herein.

11.11 DEFINITIONS

As used in this Section, the following terms and words shall have the meaning ascribed to them as defined below:

ABANDONED SIGN: Any sign or part of a sign on a building or on the ground (freestanding) that remains after the business identified on the sign no longer occupies the tenant space, building or property.

***ADVERTISING SIGN*:** A sign which directs attention to a business or profession conducted or to a commodity or service sold, offered, or manufactured or an entertainment offered on the premises where the sign is located or to which it is affixed.

***AMENITY SIGN*:** A temporary sign constructed for a developing residential subdivision or complex identifying the amenities to be offered within the subdivision or complex. An amenity sign shall not be considered as a marketing sign.

ANIMATED OR MOVING SIGN: Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

***ATTENTION GETTING DEVICE*:** Any pennant, flag, valance, banner, propeller, spinner, streamer, searchlight, balloon and similar device or ornamentation designed for purposes of attracting attention, promotion or advertising, and includes flashing, animated, moving, or rotating signs, signs with moving parts, and audible signs.

AWNING: An overhanging roof like structure stretched over a frame to provide shelter or shade. It may be constructed of canvas or other materials, permanent or collapsible, but by definition does not include any lettering, signage or advertising information.

AWNING SIGN: A sign attached to or incorporated in any awning.

BANNER: A temporary sign composed of flexible material either enclosed or not enclosed in a rigid frame.

***BILLBOARD*:** A sign or graphic structure which advertises products or services not sold or distributed on the premises on which the sign or graphic is located.

BUSINESS SIGN: A sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the premises where the sign is located.

CANOPY: An ornamental, overhanging, roof like structure designed for shade or shelter, including awnings, constructed for canvas or other material, but by definition does not include any lettering, signage or advertising information.

CANOPY SIGN: A sign attached to or incorporated in any canopy.

CONSTRUCTION SIGN: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects,

engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

CONTRACTORS SIGN: A temporary sign erected on a residential property indicating the name of a contractor, or contracting company performing repair work, maintenance work or construction on the property.

DEVELOPMENT SIGN: A monument sign designating the name of a planned unit development or existing commercial development that exceeds ten acres in size or consists of at least ten business establishments.

DIRECTIONAL SIGN: Signs limited to directional messages, principally for pedestrian or vehicular traffic, but does not identify the establishment itself or other goods or services available at the establishment and does not contain other advertising messages.

***DIRECTORY SIGN*:** A sing listing the names, and location of various activities conducted within a building or group of buildings.

FLASHING SIGN: Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

***GARAGE/YARD SALE DIRECTIONAL SIGN*:** A temporary sign directing the public to a specific location in which the sale of personal property is being conducted.

***GENERAL DOWNTOWN ACTIVITIES*:** Activities that are associated with community events, multiple businesses, and provide amenities not directly associated to a specific business. These events often are associated with street closures as they often take place outside the existing structures and businesses.

GRAND OPENING SIGN: A temporary sign or a portable sign used for the purpose of advertising a grand opening of a new business. A grand opening sign may be a wall, marquee, canopy, awning, or freestanding sign.

GROUND SIGN: A sign erected on a supporting structure, not attached in any way to a building.

***HEIGHT OF SIGN*:** The distance between grade, before any berming, at the base of or below the middle of the sign and the highest point of the sign.

***HISTORIC SIGN*:** A sign designated by the Historic Preservation Commission or a local authority as having historical or architectural significance in the history of Oswego.

ILLUMINATED SIGN: A sign which has characters, letters, figures, or outlines illuminated by electric lights, luminous tubes, or any other means of illumination.

INFLATABLE SIGN: Any display capable of being expended by air or other gas and used on a permanent or temporary basis to advertise a product or event.

***MARKETING SIGN*:** A temporary sign constructed for a developing residential subdivision or

complex identifying the name of development and prices of the homes being sold or rents of the units being rented. A marketing sign shall not be considered as an amenity sign.

***MARQUEE*:** A permanent roofed structure projecting over public property and attached to a building and supported by the building or column supports from grade level or a combination of both, but by definition does not include any lettering, signage or advertising information.

MARQUEE SIGN: A sign which is attached to or incorporated into a marquee.

MENU BOARD SIGN: A sign, provided for patrons waiting in a vehicle, identifying the product/service and cost of the product/service available for sale. These signs are typically associated with a drive-thru restaurant or a car wash.

MESSAGE BOARD: A sign designed so that characters, letters, or illustrations can be changed or rearranged electronically, electrically, or manually without altering the face or surface of the sign.

MONUMENT SIGN: A ground sign which is completely or principally supported by a short wall typically constructed of material to match the architecture of the principal building, in which the base is a minimum of eighty (80) percent of the width of the sign, and is permanently anchored in or upon the ground.

NON-CONFORMING SIGN: Any sign lawfully existing on the effective date of an ordinance, or amendment thereto, that renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

OFF-PREMISE SIGN: A sign that directs attention to a business, commodity, service or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

***OPEN HOUSE DIRECTIONAL SIGN*:** A temporary sign directing the public to a specific location for the purposes of viewing a residence that is on the market “for sale”.

OUTLOT: A lot secondary to the principal use of the shopping center.

OVERHANGING SIGN: Any sign, awning sign, canopy sign or marquee sign, whether or not attached to a building that overhangs any public sidewalk, public street, public alley, or other public way.

PAINTED WALL SIGN: definition of wall sign includes “painted” signs

POLE SIGN: A ground sign whose sign face or sign cabinet is supported by a pole.

POLITICAL SIGN: A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

PORTABLE SIGN: A sign that is designed to be moved from place to place, not permanently or temporarily attached to ground or building and often contains changeable copy.

PROJECTING SIGN: A sign that is attached to a wall in a perpendicular manner.

***QUASI-PUBLIC SIGN*:** A sign owned by a nonprofit, religious or eleemosynary institution for purposes of advertising or announcing the quasi-public use.

RACEWAY: The structural support for letters and symbols of a wall mounted sign.

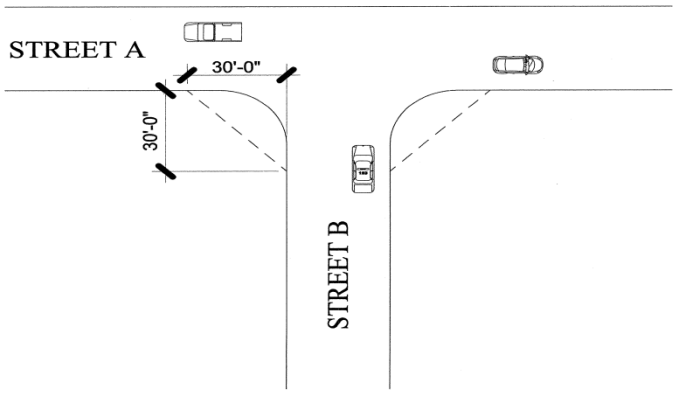
REAL ESTATE SIGN, SMALL: A sign, having a maximum size of six (6) square feet in area, pertaining to the sale or lease of the property, or a portion of the property, on which the sign is located.

REAL ESTATE SIGN, LARGE: A sign, having a size of greater than six (6) square feet in area but in accordance with the maximum size and height provisions as specified in the respective zoning districts, pertaining to the sale or lease of the property, or a portion of the property, on which the sign is located.

ROOF SIGN: A sign attached to and extending above the roof parapet or eaves of a building.

***SANDWICH BOARD SIG*N**: A sign with no more than two (2) sides, informing the general public of an event or particular item or items that is/are offered a specific and proximate commercial enterprise. A sandwich board sign shall not be permanently anchored to the ground.

SIGHT TRIANGLE: A triangular-shaped land established at street intersections or public access ways (driveways) in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. The sight triangle is measured as follows:



SIGN: Any object, device, display or structure, or part thereof, situated outdoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images. The term "sign" includes, but is not limited to, every projecting sign, ground sign, monument sign, window sign, vehicle sign, awning, canopy, marquee, changeable copy sign, illuminated sign, flashing sign, animated sign, temporary sign, portable sign, pennants, banners, streamers, or another attention getting device, or other display whether affixed to a building or separate from any building.

TEMPORARY SIGN: A sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material and designed or intended to be displayed for a short period of time.

TENANT IDENTIFICATION SIGN: A sign giving the name of a tenant on a lot on which two (2) or more tenants or businesses are located. Said sign shall only indicate the name of the tenant or business establishment or a logo or symbolic representation of the type of business. Tenant identification signs shall be uniform in size and be designed for maximum legibility.

VEHICLE SIGN: A sign or advertisement posted on a vehicle, either permanently or temporarily.

WALL SIGN: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign.

***WINDOW SIGN*:** A permanent or temporary sign which is applied or attached to or located within three (3) feet of the interior of a window, which may be seen through the window from the exterior of the structure.\

11.12 SIGN MEASUREMENT

The following section shall be used to determine the criteria for how sign dimensions are measured for the purpose of this section and for permitting within the Village. (Include illustrations for measurement)

A. Sign Area, Sign Area shall be determined by the height (A) and width (B) as stated below. When calculating sign area for a ground sign, only one side shall be used.

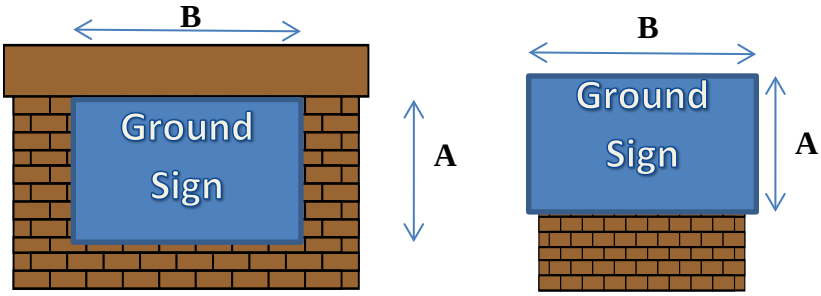
1. Ground Sign: The sign area shall be the extreme outer dimension of the freestanding structure, excluding the support structure and architectural features.

2. Ground Sign (Multiple Elements): For monument signs that contain multiple cabinets on one structure, the modules together are counted as one sign face in order to compute the sign area.

3. Wall Sign (Single Element): The sign area is determined by calculating the measurements of the outer dimensions of the frame or cabinet surrounding the sign.

4. Wall Sign (Multiple Elements): When signs are constructed of individual elements, the area of all sign elements, which together convey a single, complete message, shall be considered as a single sign. The sign area is determined by calculating the area of an imaginary rectangle, circle, triangle, or parallelogram drawn around the sign elements.

5. Awning and Canopy: When signs are incorporated into the awning, or canopy, the sign area is determined by computing the area of an imaginary rectangle, circle, triangle, or parallelogram drawn around the sign.



B. Sign Height. Ground Sign: The overall height of a freestanding sign or sign structure is measured from the average finished grade at the base of the sign to the highest points of the sign structure.

(Ord. 12-59, 9/18/2012)

SECTION 12.00 – OFF-STREET PARKING AND LOADING

12.01 OFF-STREET PARKING

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

B. General Provisions – Parking and Loading

1. Scope of Regulations. The off-street parking and loading provisions of this ordinance shall apply as follows:

a. For all buildings and structures erected and all uses of land established after the effective date of this ordinance, accessory parking and loading facilities shall be provided as required by the regulations of the district in which such building or uses are located. However, where a permit has been issued prior to the effective date of this ordinance, and provided that construction is begun within one (1) year of such effective date, and diligently prosecuted to completion, parking and loading facilities as required hereinafter need not be provided.

b. When the intensity of use of any building, structure or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use.

However, no building or structure lawfully erected or use lawfully established prior to the effective date of this ordinance shall be required to provide such additional parking or loading facilities unless and until the aggregate increase in units of measurement shall equal not less than fifteen (15) percent of the units of measurement existing upon the effective date of this ordinance, in which event parking or loading facilities as required herein shall be provided for the total increase.

c. Whenever the existing use of a building or structure shall be changed hereafter to a new use, parking and loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to the effective date of this ordinance, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions of this ordinance.

2. Existing Parking and Loading Facilities. Accessory off-street parking or loading facilities which are located on the same lot as the building or use served and which were in existence on the effective date of this ordinance or were provided voluntarily after such effective date shall not hereafter be reduce below, or if already less than, shall not further be reduced below, the requirements of this ordinance for a similar new building or use.

3. Permissive Parking and Loading Facilities. Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings provided that all regulations herein governing the location, design, improvement and operation of such facilities are adhered to.

4. Damage or Destruction. For any conforming or legally non-conforming building or use which is in existence on the effective date of this ordinance, which subsequent thereto is damaged or destroyed by fire, collapse, explosion or other cause, and which is reconstructed, re-established or repaired, off-street parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this ordinance for equivalent new uses or construction.

5. Control of Off-Site Parking Facilities. When required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities other than on the same zoning lot until and unless the Zoning Board of Appeals has reviewed the plans and heard the applicant and made findings that the common ownership or possession of the zoning lot and the site of the parking facilities are reasonably certain to continue and that the off-site parking facilities will be maintained at all times during the life of the proposed use or building.

6. Submission of Plot Plan. Any application for an improvement location permit for certificate of occupancy where no permit is required, shall include therewith a plot plan – drawn to scale and fully dimensioned – showing any parking or loading facilities to be provided in compliance with this ordinance.

7. Storage of Snow Removal Equipment and Salt or Other De-icing Agents

   a. In Residential Districts. No snow removal equipment and no salt or other de-icing agents shall be stored within the parking lot or in a covered structure or container in any multiple family residential zoning district, or any single-family residential zoning district in which the development contains a clubhouse amenity.

b. In Business/Commercial Districts. No snow removal equipment and no salt or other de-icing agents shall be stored within the parking lot, loading area, or behind a building, or in a covered structure or container in any business/commercial zoning district.

c. In Manufacturing Districts. Snow removal equipment and salt or deicing agents shall be stored within a rear yard only. Any story salt or deicing agent shall be placed in a covered structure or container that does not allow for direct contact with any pervious or impervious surface. Said cover shall be secured to prevent the salt or other deicing agent from contact with the elements.

8. Storage of Products in a Trailer or Other Similar Storage Container

a. In Business/Commercial districts. No product sold by the business occupying the property shall be stored in a trailer or other similar container within a parking lot, loading area or behind a building in any business/commercial zoning district.

b. In Manufacturing Districts. No products manufacture or distributed by the business occupying the property shall be stored in a trailer or other similar storage container located on the property within a parking lot, loading area or behind a building in any manufacturing zoning district, except for manufactured or distribution projects being stored in trailers awaiting shipment to off-site destinations.

9. Automobiles Displayed and Advertised "For Sale". Automobiles may display a "For Sale" sign only within Manufacturing District parking lots provided the automobile meets the following requirements:

a. The "For Sale" sign may only be displayed in an automobile for fourteen (14) consecutive days out of a calendar month at a particular Manufacturing District subdivision.

b. The automobile may only be parked with a "For Sale" sign during the business's work hours or from 8:00 am to 9:00 pm, whichever time duration is shorter.

c. The said automobile shall be owned by either the business owner or a business employee.

d. The automobile displaying the "For Sale" sign may be owned by a customer of the particular business as long as he/she is shopping in the business at that time.

This regulation prohibits all recreational vehicles, including but not limited to camping trailers, campers, boats, boat trailers, other watercraft such as wave runners, jet skis, etc., or snowmobiles.

10. Storage of Commercial Vehicles or Contractor's Equipment in Business/Commercial Districts

    a. Privately owned commercial vehicles or contractors equipment. No privately owned commercial vehicle, including but not limited to truck cabs or trailers, or contractor's equipment shall be stored or parked within any parking lot or loading area or behind a commercial center or building in any business/commercial zoning district unless said vehicle is used in conjunction with a business occupying the property or said vehicles is being used to make a delivery or render a service to a business occupying the property.

    b. Commercial Vehicles and Contractor's Equipment Used as Signage. No commercial vehicle or contractor's equipment containing business signage and used in conjunction with a business occupying the property shall be parked or stored within the parking area/lot adjacent to a public roadway. Said commercial vehicles or contractor's equipment shall be parked or stored only within that portion of the parking area/lot adjacent to the building or tenant space of the business occupying the property.

C. Additional Regulations – Parking

1. Use of Parking Facilities. Off-street parking facilities accessory to residential use and developed in any residential district in accordance with the requirements of this section shall be used solely for the parking of passenger automobiles owned by occupants of the dwelling structures to which such facilities are accessory or by guests of said occupants. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or for the parking of automobiles belonging to the employees, owners, tenants, visitors or customers of business or manufacturing establishments.

2. Joint Parking Facilities. Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituent use would be permitted, provided that the total number or spaces so located together shall not be less than the sum of the separate requirements for each use.

3. Computation. When determination of the number of off-street parking spaces required by this ordinance results in a requirement of a fractional space, any fraction of one-half (1/2) or less may be disregarded, while a fraction in excess of one-half (1/2) shall be counted as one (1) parking space.

4. Size. A required off-street parking space shall be at least nine (9) feet in width and at least twenty (20) feet in length, exclusive of access drives or aisles, ramps, columns or office or work areas. Such space shall have a vertical clearance of at least seven (7) feet. Aisle widths shall be not less than the following:

perpendicular parking twenty (20) feet, angle parking two-way traffic sixteen (16) feet, one-way twelve (12) feet.

5. Access. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements. No driveway across public property nor curb cut shall exceed a width of forty (40) feet.

6. In Yards. Off-street parking required for uses permitted in residential districts may be located in a required rear yard only. Off-street parking for permitted uses in business districts may be located in a required rear or side yard, except the ten (10) feet adjacent to the rear or side lot line adjacent to a residential district. Off-street parking for permitted uses in manufacturing and industrial districts may be located in a required rear, side or front yard, except the ten (10) feet adjacent to a residential district. Said front yard parking shall be limited to motor vehicles under one and one-half (1 ½) ton capacity.

D. Design and Maintenance

1. Open and Enclosed Parking Spaces. Accessory parking spaces located on the same lot as occupied by the use served may be open to the sky or enclosed in a building.

2. Screening and Landscaping. All open automobile parking areas containing more than four (4) parking spaces shall be effectively screened on each side adjoining or fronting on any property situated in a residence district or any institutional property by a wall, fence of densely planted compact hedge not less than five (5) feet nor more than seven (7) feet in height. Such required screening shall conform with the front yard requirements of the district in which the parking is located.

3. Surfacing. All open off-street parking areas, except a single parking space accessory to a one-family dwelling, shall be improved with a compacted macadam base or equal, not less than four (4) inches thick, surfaced with asphaltic concrete or some comparable all-weather dustless material.

4. Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to create nuisance.

5. Signs. Accessory signs are permitted in parking areas.

6. Repair and Service. No motor vehicle repair work of any kind shall be permitted in conjunction with an accessory open off-street parking facilities provided in a residence district, except when approved as part of a planned development.

The sale of gasoline and motor oil in conjunction with accessory off-street parking facilities is not permitted in any residence district.

7. Floor Area Exemptions. When two (2) or more uses are located on the same zoning lot, only one (1) exemption in terms of floor area – as set forth in the Schedule of Parking Requirements below – shall be permitted.

E. Location of Accessory Off-Street Parking Facilities. The location of off-street parking spaces in relation to the use served shall be as prescribed hereinafter. All distances specified shall be walking distances between such parking spaces and a main entrance to the use served.

1. For Uses in a Residence District. Parking spaces accessory to dwelling shall be located on the same zoning lot as the use served. Spaces accessory to uses other than dwellings may be located on a lot adjacent to, or directly across a street or alley from, the lot occupied by the use served, but in no case at a distance in excess of three hundred (300) feet from such use.

2. For Uses in Business and Manufacturing Districts. All required parking spaces shall be within five hundred (500) feet of the use served, except for spaces accessory to dwelling units (except those located in a transient hotel) which shall be within three hundred (300) feet of the use served. However, no parking spaces accessory to a use in a business or manufacturing district shall be located in a residences district, except that private, free, off-street parking accessory to such uses and municipal parking lots may be allowed by special use permit in accordance with the administrative section, within two hundred (200) feet of and adjacent to any business or industrial district.

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

Shared Parking. In commercial and/or mixed use developments, the Village will consider the utilization of shared parking with abutting properties, provided the peak hour demands of the parties involved do not overlap. Up to thirty (30) percent of total required parking may be allowed on a joint use basis. A parking analysis justifying substantiated projections of peak parking demand for the entire development must be completed and submitted to the Plan Commission for review and recommendation, with ultimate approval by the Village Board.

1. Residential Uses as follows:

a. One Family Dwellings and Two Family Dwellings. Two (2) parking spaces shall be provided for each dwelling unit.

b. Multiple Family Dwellings (including apartment-hotels). One and one-half (1 ½) spaces per dwelling unit shall be provided for each efficiency and one (1) bedroom unit. Two (2) spaces per dwelling unit shall be provided for dwelling units containing two (2) or more bedrooms.

c. Tourists Courts, Tourist Homes, Motels and Motor Hotels. One (1) parking space shall be provided for each dwelling unit or lodging room, plus one (1) space for the manager and each employee, plus parking as required herein for other ancillary uses such as restaurants and meeting rooms.

d. Hotels, Transient. One (1) parking space shall be provided for dwelling unit and one (1) parking space for each two (2) lodging rooms shall be provided.

e. Lodging Houses. One (1) parking space shall be provided for each two (2) lodging rooms, plus one (1) space for the owner or manager.

f. Private Clubs and Lodges. One (1) parking space shall be provided for each two hundred (200) square feet of floor area.

2. Retail and Service Uses, as follows:

a. Shopping Centers:

Up to 400,000 square feet floor area	5.0 spaces / 1,000 square feet
400,001 to 600,000 square feet floor area	4.5 spaces / 1,000 square feet
600,001 or more square feet floor area	4.0 spaces / 1,000 square feet

b. Retail Stores and Banks. One (1) parking space shall be provided for each two hundred (200) square feet of floor area.

Drive-in banks or other similar drive-in establishments shall provide three (3) stacking spaces per teller or customer service window.

c. Automobile Service Stations. At least two (2) parking spaces for each service bay, plus one (1) parking space for each employee, but not less than five (5) parking spaces.

d. Automobile Laundry. Stacking spaces shall be provided to accommodate waiting vehicles equal in number to five (5) times the maximum capacity of the car wash for each wash rack plus one (1) parking space for each employee (during peak shift). Maximum capacity shall mean the greatest number of automobiles undergoing some phase of laundering at the same time.

e. Bowling Alleys. Five (5) parking spaces shall be provided for each alley, plus such additional spaces as may be required herein for affiliated uses – bars, restaurants and the like.

f. Establishments Dispensing Food or Beverage for Consumption on the Premises. One (1) parking space shall be provided for each one hundred (100) square feet of floor area.

i. Carry-Out	One (1) parking space for each delivery vehicle and employee plus one (1) space for each two hundred (200) square feet of floor area.
ii. Drive-in/Through	Ten (10) stacking spaces, in addition to the required spaces for floor area.

g. Furniture and Appliance Stores, Household Equipment or Furniture Repair Shops. One (1) parking space shall be provided for each six hundred (600) square feet of floor area.

h. Motor Vehicle Sales and Machinery Sales. One (1) parking space shall be provided for each three hundred (300) square feet of floor area.

i. Theaters (indoors). One (1) parking space shall be provided for each three (3) seats.

j. Undertaking Establishments, Funeral Parlors. Twenty (20) parking spaces shall be provided for each chapel or parlor plus one (1) parking space for each funeral vehicle kept on the premises; in addition, there shall be provided stacking space for not less than ten (10) automobiles for funeral procession assembly.

k. Offices – Business, Professional and Governmental, Banks:

All office uses	3.3 spaces per 1,000 square feet floor area
Bank drive-through facilities	4 stacking spaces per teller/service window, in addition to the required spaces for floor area (Ordinance 01-104)

l. Wholesale Establishments (but not including Warehouses and Storage Buildings Other Than Accessory). One (1) parking space shall be provided for each six hundred (600) square feet of floor area.

m. Establishments Engaged in Production, Processing, Cleaning, Servicing, Testing or Repair of Materials, Goods or Products. One (1) parking space shall be provided for each employee, based upon greatest number of employees on any one shift, plus one (1) parking space for each vehicle used in the conduct of the enterprise.

n. Warehouses and Storage Buildings. One (1) parking space shall be provided for each employee, based upon greatest number of employees on any one shift, plus one (1) parking space for each vehicle used in the conduct of the enterprise.

3. Community Service Uses, as follows:

a. Church, School, College and Other Institutional Auditoriums. One (1) parking space shall be provided for each three (3) auditorium seats. Adequate space shall be provided for buses used in connection with the activities of the institution, and all loading and unloading of passengers shall take place upon the premises.

b. Colleges, Universities and Business, Professional and Trade Schools. One (1) parking space shall be provided for each three (3) employees, and one (1) parking space shall be provided for each four (4) students based on the maximum number of students attending classes on the premises at any one time during any twenty-four (24) hour period.

c. Clinics, Health Centers, and Similar Uses. One (1) parking space shall be provided for each employee and doctor, plus one (1) space for each two hundred (200) square feet of floor space.

d. Hospitals. One (1) parking space shall be provided for each two (2) hospital beds, plus one (1) parking space for each two (2) employees, other than the staff doctors, plus one (1) parking space for each doctor assigned to the staff.

e. Libraries, Art Galleries and Museums – Public. One (1) parking space shall be provided for each one thousand (1,000) square feet of gross floor area.

f. Municipal or Privately-Owned Recreation Building or Community Center. One (1) parking space shall be provided for each employee, plus one (1) parking space for each three hundred (300) square feet of floor space.

g. Public Utility and Public Service Uses. One and one-half (1 ½) parking spaces shall be provided for each employee, plus one (1) parking space for each vehicle used in the conduct of the enterprise.

h. Schools – Nursery, Elementary, and High. One (1) parking space shall be provided for each employee, plus ten (10) spaces for each one hundred (100) pupils.

4. Places of Assembly; Stadiums, Arenas, Auditoriums (other than church, college, or institutional schools), Convention Halls, Exhibition Halls, and other similar

places of assembly. Parking spaces equal in number of fifty (50) percent of the capacity in persons shall be provided.

5. Miscellaneous Uses, as follows:

   a. Fraternities, Sororities and Dormitories. One (1) parking space shall be provided for each five (5) active members, plus one (1) parking space for the manager thereof.

   b. Rest Homes or Nursing Homes. One (1) parking space shall be provided for each four (4) beds, plus one (1) parking space for each two (2) employees, (other than staff doctors), plus one (1) parking space for each doctor assigned to the staff.

   c. Sanitariums, Convalescent Homes or Institutions for the Aged or for Children. One (1) parking space shall be provided for each four (4) beds, plus one (1) parking space for each two (2) employees (other than staff doctors), plus one (1) parking space for each doctor assigned to the staff.

   d. Theaters – Automobile Drive-In. Reservoir parking spaces equal to ten (10) percent of the vehicle capacity of such theaters shall be provided.

6. For the following uses, parking spaces shall be provided in adequate number – as determined by the Zoning Administrator – to serve persons employed or residing on the premises as well as the visiting public.

   a. Airports or aircraft landing fields; heliports.

   b. Convents and monasteries.

   c. Crematories and mausoleums.

   d. Fraternal or religious institutions.

   e. Outdoor amusement establishments – fairgrounds, permanent carnivals, kiddie parks, and other similar amusement centers.

   f. Rectories and parish houses.

   g. Swimming pools.

7. Mixed Uses. When two (2) or more uses are located on the same zoning lot within the same building, parking spaces equal in number to the sum of the separate requirements for each use shall be provided. No parking space or portion thereof shall serve as a required space for more than one (1) use unless otherwise authorized by the Zoning Board of Appeals.

8. Other Uses. For uses not listed heretofore in this schedule of parking requirement, parking spaces shall be provided on the same basis as required for the most similar listed use, or as determined by the Zoning Administrator.

G. Bicycle Parking. All non-residential uses containing ten (10) or more automobile parking spaces shall provide bicycle parking facilities at the rate of three (3) bicycle parking spaces for the first thirty (30) automobile parking spaces provided and one (1) additional bicycle parking space for each ten (10) additional automobile parking spaces provided, up to a maximum of thirty (30) bicycle parking spaces. Bicycle racks shall be installed to support the frame of the bicycle and not just the wheel. (ORDINANCE 01-104)

H. Additional Regulations – Off-Street Loading

1. Location. All required loading berths shall be located on the same zoning lot as the use served. No loading berth for vehicles over two (2) tons capacity shall be closer than fifty (50) feet to any property in a residence district unless completely enclosed by building walls, or a uniformly painted solid fence or wall, or any combination thereof, not less than six (6) feet in height. No permitted or required loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two (2) streets.

2. Size. Unless otherwise specified, a required loading berth shall be at least ten (10) feet in width, be at least twenty-five (25) feet in length, exclusive of aisles and maneuvering space, and shall have a vertical clearance of at least fourteen (14) feet.

3. Access. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.

4. Surfacing. All open off-street loading berths shall be improved with a compacted macadam base, not less than seven (7) inches thick, surfaced with not less than two (2) inches of asphaltic concrete or some comparable all-weather dustless material.

5. Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any residence or business district.

   Space allocated to any off-street berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

   For special exceptions other than prescribed for hereinafter, loading berths adequate in number and size to serve such uses, as determined by the Zoning Administrator, shall be provided.

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

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

SCHEDULE OF LOADING REQUIREMENTS

Use	Gross Floor Area in Square Feet	Required Number and Minimum Horizontal Dimensions of Berths
a. Hospital, sanitariums and other institutional uses.	10,000 to 200,000	1 – (10 ft. x 25 ft.)
b. Hotels, clubs and lodges, except as set forth in item e. below	For each additional 200,000 or fraction thereof	1 additional (10 ft. x 25 ft)
c. Hotels, clubs and lodges, when containing any other following; retail shops, convention hall, auditoriums, exhibition halls, or business or professional offices (other than accessory).	10,000 to 20,000	1 – (10 ft. x 25 ft.)
	20,000 to 150,000	1 – (10 ft. x 50 ft.)
	For each additional 150,000 or fraction thereof.	1 additional (10 ft. x 50 ft)
d. Retail stores	5,000 to 10,000	1 – (10 ft. x 25 ft.)
e. Establishments dispensing food or beverages for consumption on the premises	10,000 to 25,000	2 – (10 ft x 25 ft. ea.)
f. Motor vehicle and machinery sales	25,000 to 40,000	2 – (10 ft x 50 ft. ea.)

g.	Wholesale establishments (but not including warehouse and storage buildings other than accessory).	For each additional 200,000 or fraction thereof.	1 additional (10 ft. x 50 ft)
h.	Auditoriums, convention halls, sports arenas, stadiums, halls	One (1) plus one (1) additional berth for each 100,000 square feet of gross floor area	10 ft. x 25 ft.
i.	Bowling alleys	One (1) plus one (1) additional berth for each 100,000 square feet of gross floor area	10 ft. x 50 ft.
j.	Banks and offices – business, professional, and governmental	One (1) for each structure 10,000 square feet of gross floor area plus one (1) berth for each additional 100,000 square feet or fraction thereof of gross floor area	10 ft. x 25 ft.
k.	Manufacturing uses of any establishments engaged in production, processing, cleaning, servicing, testing or repair of goods, materials or products	One (1) for each structure plus one (1) for each 60,000 square feet of gross floor area over 40,000 square feet	1 – (10 ft. x 25 ft.) Additional 10 ft. x 50 ft.
l.	Warehouses and storage buildings	One (1) for each structure plus one (1) for each additional 100,000 square feet of gross floor area	10 ft. x 50 ft.
m.	Theatres	One (1) for each structure 8,000 - 25,000 plus one (1) for each additional 50,000 square feet or fraction thereof of gross floor area	10 ft. x 25 ft.
n.	Undertaking establishments and funeral parlors	One (1) for each structure 8,000 – 100,000 square feet of gross floor area plus one (1) for each additional 100,000 square feet or fraction thereof of gross floor area	10 ft. x 25 ft.

12.02 PARKING AND STORING RECREATIONAL VEHICLES

A. Application. These regulations shall apply to all recreational vehicles.

B. Recreational Vehicle Defined. Under this ordinance a recreational vehicle is defined as including but not limited to the following: camping trailer, motor home, mini motor home, travel trailer, truck camper, van camper, conversion van, box camper, boat, jet ski, snowmobile and trailer.

C. Parking on Village Streets. No recreational vehicle shall be parked on any street between the hours of 10:00 p.m. and 5:00 a.m.

D. One Recreational Vehicle Maximum. Only one (1) recreational vehicle may be parked or stored outside of a completely enclosed structure on the premises of a residential lot. In instances where multiple recreational vehicles are located on the same one trailer, that one trailer and the recreational vehicles on that one trailer shall be considered "one" (1) recreational vehicle

E. Front Yard Prohibited. A recreational vehicle may not be parked or stored in the front yard of any residential lot.

F. Rear or Side Yard Allowed. A recreational vehicle may be parked or stored in the rear yard or the side yard of any residential lot as long as no portion of the recreational vehicle is parked or stored in the front yard.

G. Improved Surface. A recreational vehicle must be parked or stored on an improved surface. Under this ordinance an improved surface shall be defined as a compacted macadam base or equal, not less than four (4) inches thick, surfaced with asphaltic concrete or some comparable all-weather dustless material.

H. Loading/Unloading. A recreational vehicle may be parked in the driveway of a residential lot for up to seventy-two (72) hours within a one (1) week period for the purpose of loading and unloading the recreational vehicle. For the purposes of this section, loading and unloading shall be defined as maintenance and packing the recreational vehicle for the purposes of a recreational use.

I. Exception and Non-Resident Permit

1. In addition to the parking permitted under section (H) above, a Village resident may apply for an exception permit from the Village Administrator allowing the resident to park or store a recreational vehicle on the resident's property for up to seventy-two (72) hours. A resident may receive a maximum of two (2) exception permits within a twelve (12) month period.

2. A Village resident may apply for an exception permit from the Village Administrator allowing the resident to park a recreational vehicle in the driveway of the resident's property if the recreational vehicle is used on a daily basis as the resident's principal means of transportation. A permit granted under this provision shall expire after one (1) year or on the date that the recreational vehicle

is no longer used on a daily basis as the resident's principal means of transportation. The renewal of an exception permit shall be subject to the review and approval of the Village Administrator.

3. A non-resident of the Village who is an owner or operator of a recreational vehicle must obtain a temporary parking permit from the Village in order to park or store a recreational vehicle on a residential lot in the Village. Such permit may be issued if:

   a. The owner or operator of the recreational vehicle is not a resident of the Village; and,

   b. The non-resident owner or operator will be or is in the Village for the purpose of visiting a resident of the Village; and,

   c. The resident of the Village approves of the parking or storing of the recreational vehicle on his/her residential lot; and,

   d. The period that the recreational vehicle will be parked or stored on the residential lot will not exceed the following;

      i. Fourteen (14) consecutive days in a one (1) year period or

      ii. Twenty-one (21) non-consecutive days within a one (1) year period.

4. In the event of an actual hardship, the Village Administrator may issue a temporary permit to allow parking a recreational vehicle on lot for a good cause shown on a case by case basis.

J. Blocking Sidewalk/Visibility Prohibited

1. No recreational vehicle shall be parked or stored in such a way as to block any portion of the sidewalk.

2. No recreational vehicle shall be parked or stored in such a way as to block the visibility of oncoming traffic so as to create a safety hazard.

K. Violations, Penalty, and Enforcement

1. When a person, firm, or corporation is in violation of this ordinance, the Village shall issue a written notice of the violation to the offender.

2. If a resident offender has not had a violation of this ordinance within the twelve (12) months preceding the violation at issue, the resident offender shall be given a ten (10) day grace period in which to come into compliance with the ordinance. If the resident offender is not in compliance with the ordinance on the eleventh (11th) day a fine shall be imposed for the violation and each day thereafter that the resident offender is not in compliance shall constitute a separate offense.

3. If a non-resident offender has not had a violation of this ordinance within the twelve (12) months preceding the violation at issue, the non-resident offender shall be given a three (3) day grace period in which to come into compliance with the ordinance. If the non-resident offender is not in compliance with the ordinance on the fourth (4th)day a fine shall be imposed for the violation and each and every day thereafter that the non-resident offender is not in compliance shall constitute a separate offense.

4. If an offender has violated this ordinance within the twelve (12) months preceding the violation at issue, there shall be no grace period for the violation at issue.

5. Each day that a violation is permitted to exist after notification thereof shall constitute a separate offense.

6. Fines shall be imposed based on the following schedule:

    a. A $25 fine for the first offense.

    b. A $50 fine for the second offense.

    c. A $100 fine for the third offense.

    d. A $250 fine for the fourth offense.

    e. A $500 fine for the fifth offense.

    f. A $500 fine for each offense after the fifth offense. (ordinance 02-11)

12.03 PARKING COMMERCIAL VEHICLES IN A RESIDENCE DISTRICT

A. For the purposes of this Section a Commercial motor vehicle is defined as: Any self-propelled or towed vehicle used on public roads and/or highways to transport passengers or property when the vehicle has a gross vehicle weight, a gross vehicle weight rating, a gross combination weight, or a gross combination weight rating of 12,001 or more pounds; or registered with the State of Illinois as a category F or higher license plate; or the vehicle is used or designed to transport more than fifteen (15) passengers, including the driver; or the vehicle is designed to carry fifteen (15) or fewer passengers and is operated by a contract carrier transporting employees in the course of their employment on a highway of this State; or the vehicle is used or designed to transport between nine (9) and fifteen (15) passengers, including the driver, for direct compensation; or the vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under the Illinois Hazardous Materials Transportation Act.

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 use commercially.

GROSS VEHICLE WEIGHT RATING (GVWR): The value specified by the manufacturer of manufacturers as the maximum loaded weight of a single vehicle. The GVWR of a combination of vehicle (commonly referred to as the "gross combination weight rating" or GCWR) is the GVWR of the power unit plus the GVWR of the towed unit or units. In the absence of a value specified by the manufacturer, GCWR is determined by adding the GVWR of the power unit and the total weight of the towed unit and any load on the unit.

Commercial vehicles may be parked in residential zoned areas as follows:

1. The vehicle does not exceed the standards of State of Illinois license plate classification of "D" (8,001-12,000 pounds).

2. The vehicle meets the requirements of subsection B.1 and, if the vehicle is provided with business signage on the front, side, or rear of the vehicle, is not parked or left unattended for more than seventy-two (72) consecutive hours.

    a. If the vehicle is provided with business signage and has to be parked for more than seventy-two (72) consecutive hours, a permit can be applied as provided herein.

    b. The permit will be issued by the Building/Zoning official or his/her designee if he/she determines that the vehicle and owner/driver have demonstrated in writing just cause and have complied with the requirements of this section.

        i. The permitted vehicle shall display the issued permit card on the dashboard at all times.

ii. The issued permit card shall include:

a) Vehicle type, make, year and color.

b) License plate number.

c) Vehicle identification number (VIN #).

c. For vehicles requiring a permit, the permit fee shall be twenty-five ($25.00) dollars and the permit will be valid for not more than fourteen (14) consecutive days. No more than two (2) permits shall be issued per residence per calendar year.

d. Only one permit shall be issued per residence at any one time.

3. Local, state and federal governments are exempt from these provisions.

4. In cases of emergency, nothing in this section shall be construed to prevent a vehicle exceeding the standards of State of Illinois license plate classification of "D" (12,001 pounds) from being in a residential district to perform work necessary to ensure the health, safety and welfare of the general public and individuals at any time.

5. Delivery vans or service vehicles shall be exempt while in the process of delivering merchandise or while making service calls.

B. Penalty: Violation of any such provision of this section shall be punished by a fine of not less than fifty-five ($55.00) dollars or more than seven hundred fifty ($750.00) dollars. Each day any violation of any provision of this section or of any ordinance shall constitute a separate offense. Any second offense committed by the same person within a twelve (12) month rolling period shall result in a fine of not less than one hundred ($100.00) dollars. Any third or subsequent offense committed by the same person within a twelve (12) month rolling period shall result in a fine of not less than one hundred fifty ($150.00) dollars but no more than seven hundred fifty ($750.00) dollars.

(Ord. 09-31, 5/5/2009)
(Ord. 12-56, 9/18/2012)

SECTION 13.00 – ADMINISTRATION AND ENFORCEMENT

13.01 GENERAL PROVISIONS

A. The administration of this Ordinance is hereby vested in the following officers of the Village:

1. The Office of the Zoning Administrator;

13.02 OFFICE OF THE ZONING ADMINISTRATOR

A. Appointment. The Zoning Administrator shall be appointed by the Village President with the advice and consent of the Village Board. The Director of the Department of Community Development shall be the Zoning Administrator.

B. Duties of the Zoning Administrator. The Zoning Administrator and/or his duly appointed and acting assistants shall administer and enforce this ordinance. It shall be the duty of the Zoning Administrator to:

1. Register all nonconforming uses;

2. Conduct and oversee inspections of structures and use of land to determine whether there is compliance with this ordinance, and, in the case of any violation, to notify in writing the person or persons responsible, specifying the nature of the violation and ordering corrective action;

3. Issue violation notices that require compliance within ten (10) calendar days, and advise suspected violators of their right of appeal;

4. Require that all construction of work of any type be stopped when such work is not in compliance with this Section;

5. Serve as an advisor on the Planning and Zoning Commission and forward applications for amendments to the Zoning Title text or map and special uses, applications for appeals and variations, and all applications for development;

6. Review all cases of encroachment into required yards;

7. Interpret the zoning regulations when questions arise;

8. Determine which uses, though not contained by name in a zoning district list of permitted uses, are of the same general character and are permitted within the zoning district;

9. Determine the parking or loading class of a use which is not contained by name in a parking or loading class;

10. Receive and process applications for an occupancy certificate upon the completion of a structure or when there is a change of use as herein provided;

11. Maintain permanent and current records and maps required by this ordinance, on occupancy permits, inspections and all official action of appeals, variations, amendments, non-conforming uses, and useful life determination;

12. Prepare and submit an annual report to the President and Village Board on the administration of this ordinance, setting forth such statistical data and information

as may be of interest or value in advancing and furthering the purpose of this ordinance;

13. Issue all certificates of occupancy, and make and maintain records thereof;

14. Determine amendments to be classified as major, minor, or incidental;

15. Maintain for distribution to the public copies of the zoning map, the Zoning Ordinance, and the rules of the Planning and Zoning Commission; and,

16. Assists in the review and preparation of Official Plan, special area plans, improvement programs, incentives, regulations and proposed amendments thereto. Conduct or cause to be conducted surveys, investigations and studies, and to prepare or cause to be prepared such reports, maps, charts and exhibits as requested by other Departments and the Village Board.

13.05 VARIATIONS

A. Authorization. The Planning and Zoning Commission may recommend approval, approval with conditions, or denial of such variations from the terms of this Ordinance as will not be contrary to the public interest. Variations may be authorized only when the Board has made findings of fact based upon the standards set out in Section 13.05 – D, that owing to special conditions a literal enforcement of the provisions of this ordinance will, in an individual case, result in practical difficulties or particular hardship for the owner, lessee or occupant of land or a structure.

B. Application. An application for a variation shall be filed with the Zoning Administrator who shall forward without delay a copy of each to the Planning and Zoning Commission. An application for a variation shall be processed in accordance with the provisions of Section 13.09 of this Section. An application for a variation shall be valid for a period of two (2) years from the date on which the application is filed with the Department of Community Development.

C. Hearing and Notice. The Board shall select a reasonable time and place for the hearing no more than ninety (90) days from the date the application for variation is received by the Zoning Administrator. All hearings and publishing information in Section 13.09 is to be followed.

D. Standards for Variations. The Village Board shall not vary the regulations of this Ordinance unless the Planning and Zoning Commission shall make findings of fact based upon the evidence as presented that:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations of the district in which it is located;

2. The alleged hardship has not been directly created by any person presently having a proprietary interest in the premises;

3. Strict enforcement of this title would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district;

4. The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood and will not alter the essential character; and

5. The proposed variation is in harmony with the spirit and intent of this ordinance.

E. Decisions on Variations. The Planning and Zoning Commission shall make a recommendation on all requests for variations to the Village Board within forty-five (45) days of the last public hearing thereon unless the applicant shall have consented to a longer period. All such recommendations shall be accompanied by findings of fact. The

Board may impose conditions and restrictions upon the location, construction, design and use of the property benefited by a variation as may be necessary or appropriate to comply with the foregoing standards and to protect adjacent property and property values. The concurring vote of four (4) members of the Commission shall be necessary to render a recommendation on a variation. If the applicant does not agree with the final decision of the Planning and Zoning Commission, an appeal may be made to the Village Board. If approved the Village Board shall adopt an ordinance approving the same.

F. Adjustments. The Zoning Administrator is authorized to approve adjustments to the setback requirements for new construction if the construction results in a violation of a required setback that is one (1) foot or less without requiring review and approval of the Planning and Zoning Commission and the Village Board. The Zoning Administrator may at their discretion forward adjustments to the Planning and Zoning Commission and Village Board for approval.

G. Effective Period

1. No variation shall be valid for a period longer than two (2) years from the date of the ordinance granting the variation unless a building permit is obtained within such period and the erection or alteration of a building or structure is started or the use is commenced within such period.

2. Where conditions have not substantially changed since the date on which the variation was authorized, the owner of a parcel for which a variation has been authorized may, within one (1) year prior to expiration of said variation, request the Village Board to extend the effective period of said variation for no more than one additional period of up to one (1) year without reapplication to the Planning and Zoning Commission.

3. A variation shall not be valid if a building, structure, or use of land for which a variation has been granted is destroyed or damaged by fire, collapse, explosion, or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed fifty (50) percent of the replacement cost of the building, structure, or use of land at the time of destruction or damage.

4. In the event such damage or destruction is less than fifty (50) percent of the replacement cost of the building, structure or use of land, the variation shall be valid only if such restoration is started within six (6) months from the date of partial destruction, restoration proceeds and does not cease for a period of sixty (60) days, completion is accomplished within twenty four (24) months from the date of partial destruction, and the building structure or use is substantially the same as prior to such damage or destruction.

13.06 APPEALS

A. Procedure for Appeals to a Decision by the Zoning Administrator. An appeal from a decision of the Zoning Administrator made in interpreting this ordinance may be taken to the Planning and Zoning Commission by any person, firm or corporation aggrieved by said decision or by any officer, department, board or bureau of the Village. Such appeal shall be taken within forty-five (45) days of the action, by filing with the Zoning Administrator an application of stay, specifying the ground thereof, and by filing said appeal and a copy of said notice of appeal with the Planning and Zoning Commission. The Zoning Administrator shall forthwith transmit to the Planning and Zoning Commission all of the papers constituting the records upon which he made the decision from which appeal has been taken. The notice of appeal and the appeal itself shall be filed in such number of copies, be in such form, and contain such information as the Commission may provide from time to time by general rule.

B. Action on Appeal. An appeal shall stay all proceedings in furtherance of the decision appealed from unless the Zoning Administrator certifies to the Planning and Zoning Commission after the notice of appeal has been filed that, by reason of facts stated in the application for stay, a stay would, in his/her opinion, cause imminent peril to life or property, in which case the proceedings may be stayed by a restraining order, which may be granted by the Commissioner by a court of record upon application following notice to the Zoning Administrator, and upon due cause shown. The Commission shall select a reasonable time and place for the public hearing on the appeal, shall give due notice thereof to the parties having a known interest therein and shall render a written decision without unreasonable delay. Upon the concurring vote of four (4) members, the Commission may reverse or affirm, in whole or in part, or may modify the decision from which the appeal was taken, and to the end the Commission shall have all the powers of the Zoning Administrator with respect to such decision.

13.07 TEXT AND MAP AMENDMENTS

A. Authority. The Village Board, after receiving a report from the Planning and Zoning Commission containing its findings and recommendation for the map amendment and recommendations for the text amendment, may amend the regulations of this title or may amend the zoning district boundary lines.

B. Standards for Amendments. The Commission shall not recommend nor shall the Village Board grant an amendment to alter the zoning district boundary lines unless it shall make findings based upon the evidence presented to it in each specific case that:

1. The amendment promotes the public health, safety, comfort, convenience and general welfare;

2. The amendment complies with the policies and official land use plan and other official plans of the Village;

3. The trend of development in the area of the subject property is consistent with the requested amendment;

4. The requested zoning classification permits uses which are more suitable than the uses permitted under the existing zoning classification;

5. The property cannot yield a reasonable return if permitted to be used only under the conditions allowed under the existing zoning classification;

6. The subject property has not been utilized under the existing zoning classification for a substantial period of time; and

7. The amendment, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

C. Procedure. An application for an amendment shall be processed in accordance with the provisions of Section 13.09 of this Section.

D. Initiation of Amendment. Amendments to the text of these regulations or the Zoning District Map may be initiated by the Village Board, the Planning and Zoning Commission, the Community Development Director, any resident of the Village of Oswego or any developer of any property located within the Village of Oswego or its planning jurisdiction.

E. Action of the Planning and Zoning Commission

1. The Planning and Zoning Commission shall conduct a public hearing to consider any amendment to the text of these regulations or the Zoning District Map in accordance with the provisions of Section 13.09.

2. The Planning and Zoning Commission shall review the proposed amendment, the recommendations of the Director of Community Development and the testimony and evidence presented at the public hearing. The Commission shall recommend,

with or without conditions to the Village Board approval or denial of the amendment.

F. Decision of the Village Board. After recommendation by the Planning and Zoning Commission, the Village Board may, by ordinance, grant or grant with modification, an amendment. If the Village Board does not approve of an amendment after recommendation by the Planning and Zoning Commission, it may deny the amendment or refer the proposed amendment back to the Plan Commission for further consideration. If the Village Board does not concur with the recommendation of the Planning and Zoning Commission to deny the favorable vote, then the majority of the Corporate Authorities shall be necessary to pass an ordinance granting the amendment.

G. Conditions and Restrictions. The Planning and Zoning Commission may recommend and the Village Board may impose conditions and restrictions upon the premises benefited by an amendment as may be necessary to comply with the standards set forth in this Section, particularly considering the uniqueness of location of the property and the overriding public benefit to be derived by allowing the rezoning subject to conditions. They shall relate directly to the regulations and provisions of this title.

If a time limit is set forth by which conditions and restrictions must be completed, they shall be so completed in the time specified. If no such time limit is specified, then the conditions and restrictions shall be completed within two (2) years. The applicant shall be obliged to fulfill and maintain all conditions and restrictions for as long as the amendment is utilized or in effect.

Such conditions and restrictions shall directly benefit the premises described in the amendment and shall be imposed only if the Village Board finds them necessary to prevent circumstances which may be adverse to public health, safety and welfare. Such conditions and restrictions shall be reasonable in order to fulfill public needs emanating from the proposed land use. Changes or alterations of conditions and restrictions shall be processed in the manner set forth in this Section for amendments.

13.08 SPECIAL USE PERMITS

A. Purpose. This Section is based upon the division of the Village into districts, within which the uses of land and the use and bulk of buildings and structures are substantially uniform. It is recognized, however, that there are special uses which, because of their unique characteristics, can only be properly classified in any particular district upon consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such special uses fall into two categories:

1. Uses publicly operated or traditionally affected with a public interest; and

2. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property, public facilities or the Village as a whole.

B. Authority. Special use permits may be granted by the Village Board, but only in accordance with the requirements set forth in this Section.

C. Procedure. An application for a Special Use shall be processed in accordance with the provisions of Section 13.09 of this Section.

D. Report and Recommendation by Planning and Zoning Commission. Within sixty (60) days after the close of the hearing, unless the applicant shall have consented to a longer period, the Commission shall transmit to the Village Board a written report giving its findings and recommendation for action to be taken by the Village Board on the application. The report shall include any recommended conditions or restrictions to be imposed upon the premises benefited by the special use permit.

E. Standards for Special Uses. A special use permit for the uses listed in each applicable zoning district may be granted and the applicable district regulations modified only if evidence is presented to establish that:

1. The proposed building or use at the particular location requested is necessary or desirable to provide a service or a facility which is in the best interest of the public convenience and will contribute to the general welfare of the neighborhood or community;

2. The proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matter affecting the public health, safety and general welfare;

3. The proposed building or use will be designed, arranged and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations;

4. The proposed building or use has been considered in relation to the goals and objectives of the Official Plan of the Village; and

5. There shall be reasonable assurance that the proposed building or use will be completed and maintained in a timely manner, if authorized.

F. Effective Period. No special use permit shall be valid for a period longer than one (1) year from the date it is granted unless a building permit or certificate of occupancy is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period. The Village Board may grant one extension of this period, valid for no more than one hundred eighty (180) days, upon written application and good cause shown, without notice or hearing. If any special use is abandoned, is discontinued for a continuous period of one (1) year, the special use permit for such use shall become void, and such use shall not thereafter be reestablished unless a new special use permit is obtained.

G. Decision by Village Board. The Village Board, upon report of the Planning and Zoning Commission and without further public hearing, may grant or deny any proposed special use in accordance with this ordinance and applicable laws of the state, or may refer it back to the Planning and Zoning Commission for further consideration. If approved the Village Board shall adopt an ordinance to approve the same.

H. Conditions and Restrictions. The Planning and Zoning Commission may recommend and the Village Board may impose conditions and restrictions upon the premises benefited by a special use as may be necessary to comply with the standards set forth in this Section.

If a limit is set forth by which conditions and restriction must be completed, they shall be so completed in the time specified. If no such time limit is specified, then the special use and restrictions shall be completed within one (1) year. The applicant shall be obliged to fulfill and maintain all conditions and restrictions for as long as the special use is utilized or in effect.

13.09 APPLICATIONS FOR VARIATIONS, AMENDMENTS, SPECIAL USES

The following procedures and requirements shall be applicable to any request for a variation, amendment, special use:

A. Form. The applicant shall receive an application from the Community Development Department and fill out necessary information within the form.

B. Public Hearing Notification Requirement. A public hearing is required before the Planning and Zoning Commission. The following notifications shall be required:

1. Publish Notice. Notice of the time and place of such hearings shall be published at least once, not more than thirty (30) days and not less than fifteen (15) days before the hearing, in a newspaper of general circulation in the Village. The published notice may be supplemented by such additional form of notices as the Planning and Zoning Commission.

2. Sign. At least fifteen (15) days prior to such public hearing, notice thereof shall be posted on the road or street frontage (or if there is no road frontage, at a location determined by the Community Development Director) of the land being the subject matter of the application. The sign shall be approximately eighteen (18) inches by twenty-four (24) inches in size. The Village Community Development Department shall provide the sign blanks and sign support system that must be used by the petitioner. The sign shall bear the following information:

   a. Zoning hearing.

   b. The action proposed.

   c. Time, date and location of meeting.

   The applicant shall remove all signs and return the sign support system to the Village within forty-eight (48) hours of the Planning and Zoning Commission public hearing. Prior to the public hearing, the petitioner shall submit an affidavit stating that all signs were posted in accordance with this subsection.

3. Notice to Adjoining Landowners. An applicant seeking an approval requiring a public hearing under this Section shall notify persons designated on the County records to receive property tax bills for property adjacent to or within two hundred fifty (250) feet (exclusive of public right-of-way) of the property in question of the public hearing to be conducted. Such notification shall be on a form provided by the Village, which shall include the requested action, the location of the property and the time, date, and place of the public hearing. Such notice shall be by certified mail, return receipt requested, and mailed at least fifteen (15) days, but no more than thirty (30) days prior to the hearing. The applicant shall provide an affidavit prior to the public hearing attesting that notice has been mailed, and attach a copy of the notice and the return receipts.

13.10 FEES

A. The following fees shall be in effect until altered or amended by the Village Board and said fees shall be paid upon submittal of application unless otherwise noted. All projects will be reviewed by Village Staff and consultants. Fees will apply for all reviews.

CONCEPT PLAN REVIEW

Filing Fee: $100+ $5/Acre

Review Fee: $1500+ $100/Acre

SITE PLAN REVIEW FOR COMMERCIAL & INDUSTRIAL

Filing Fee: $750

Review Fee: Billed according to staff review time

VARIATIONS (PUBLIC HEARING)

Filing Fee: $150

Review Fee: Billed according to staff review time

REZONING (PUBLIC HEARING)

Filing Fee: $200 (up to 2 Acres)+ $200/Acre in excess of 2 Acres
Maximum fee of $1,000

Review Fee: Billed according to staff review time

ANNEXATION (PUBLIC HEARING)

Filing Fee: $200 (up to 2 Acres)+ $200/Acre in excess of 2 Acres
Maximum fee of $1,000

Review Fee: Billed according to staff review time

SPECIAL USE PERMIT (PUBLIC HEARING)

Filing Fee: $200 (up to 2 Acres)+ $200/Acre in excess of 2 Acres
Maximum fee of $1,000

Review Fee: Billed according to staff time

APPEALS HEARING (PUBLIC HEARING)

$150 per hearing

B. Refunds. When any petition is withdrawn prior to the required publication of legal notice, a refund of the entire fee will be given to the petitioner with the exception that $50.00 will be withheld for administrative costs.

When any petition is withdrawn after publication of the required legal notice, but prior to the required public hearing, a refund will be given to the Petitioner of one-half (1/2) of the fee. When any petition is withdrawn after the required public hearing, no refund will be given.

If a petition must be re-published prior to the public hearing due to a petitioner's (or his authorized agent) defect in the legal notice, or the petitioner (or his authorized agent) requests the hearing be postponed, the petitioner will be charged an additional fee equal to the cost of republishing the required notice for the hearing plus a $50.00 charge for administrative costs.

13.11 SEPARABILITY

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

13.12 VIOLATION, PENALTY, ENFORCEMENT

Any person, firm, or corporation, who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance, shall upon convictions be fined not less than one hundred fifty (150) dollars, not more than seven hundred fifty (750) dollars for each offense. Each day that a violation is permitted to exist after notification thereof shall constitute a separate offense.

SECTION 14.00 – PLANNED UNIT DEVELOPMENTS

14.01 GENERAL PROVISIONS

A. Purpose. The Planned Unit Development is a concept which encourages improved design in the development of land by providing relief from zone requirements which are designed for conventional developments but which may cause complication for desirable but unconventional development.

In addition to the general purpose of this ordinance, the purpose of this section is to establish standards and procedures for Planned Unit Developments in order that the following objectives may be obtained:

1. Environmental design in the development of land that would be better than is possible through the strict application of ordinance requirements.

2. Diversification in the uses permitted and variation in the relationship of uses, structures, open spaces, and heights of structures in development conceived as cohesive unified projects.

3. Provision for functional, aesthetic and beneficial use of open areas.

4. Preservation of natural features of the site.

5. Provision for a safe and desirable living environment for residential areas characterized by a unified building and site development program.

6. Rational and economic development in relation to public services.

7. Creation of a variety of housing types, within compatible neighborhood arrangements, to provide a greater choice of types of environment and living units.

B. Design Standards

1. Ownership and Control. A proposed planned unit development shall be under single ownership or unified control at the time of filing an application for approval of the planned unit development, or the applicant shall provide written evidence of the applicant's ability to gain unified control of the property if the planned unit development is approved.

2. Common Open Space Requirements. Open space requirements should, at a minimum, follow the Village of Oswego Official Plan open space requirements. The following items may be included in the common open space requirement:

a. Green space corridors.

b. Stormwater management.

c. Parks.

d. Club Houses.

e. Buffers.

f. Natural water features, wetlands, and conservation areas.

g. Boulevards.

h. Bike and Hiking Trails.

i. Common open space in multi-family developments with a minimum of twenty (20) feet from the exterior building footprint.

j. Other areas, not named above, approved by the Community Development Director.

3. Park and School Sites. A planned unit development shall provide for the dedication of land for park and recreational purposes and land for school sites or a cash contribution in lieu of actual land dedication, or a combination of both, all in accordance with the dedication requirements of the Village Code.

4. Landscaping, Screening, and Tree Preservation. A planned unit development shall comply with regulations for landscaping, screening, and tree preservation as set forth in this code.

5 Lighting. A planned unit development shall comply with regulations for exterior lighting as set forth in the Subdivision Control Regulations.

6. Public Improvements. All public improvements shall conform to the regulations set forth in the Subdivision Control Regulations.

7. Principal Structures. The provisions of this code which prohibit the utilization of any parcel of land or lot for the purpose of erecting more than one principal building or structure may be waived by the Village for buildings and structures in planned unit developments.

8. Relationship to Adjoining Land. A planned unit development shall be divided with connections to adjoining land. Designs should emphasize accessibility, open view, and connections with the larger communities and discourage development that divides neighborhoods or restricts access to adjacent property. The design of lots, streets, sidewalks, and paths within a planned unit development shall make

provisions for the continuation of such existing or proposed features to adjoining areas.

9. Sign Requirements. All signs in any Planned Unit Development shall comply with regulations for signs as set forth in this code and/or have a general theme, plan or policy for all the signs proposed. A signage plan shall be submitted with the development site plan and any such approved plan or policy for signs shall be included as part of the approval of the site development plan. Due consideration shall be given to a harmonious relationship of signs to buildings within the development as well as to buildings adjacent to the development.

10. Accessibility of Site. Any streets, alleys and driveways proposed shall be adequate to serve the residents, occupants, visitors and anticipated traffic of the Planned Unit Development, but may be designed so as to discourage outside through traffic from traversing the development. The entrance points or locations of the streets, alleys, and driveways upon previously existing public roadways shall be subject to the approval of the Plan Commission. Traffic controls on public roadways within or adjacent to the development will be provided where determined necessary by the Village Board. Traffic control device installations shall be done in accordance with installation schedules and standards as applied to all public streets. If traffic control devices are required to prevent or relieve hazards or congestion on adjacent streets and the proposed control device is not within the normal or scheduled sequence of installations, such devices may be required at the developer's expense upon permission by the Village Board.

11. Off-Street Parking. Parking shall be conveniently accessible to all dwelling units and other uses, and shall be provided pursuant to the minimum requirements of the Zoning Ordinance. Where appropriate, common driveways, parking areas, walks and steps shall be provided, maintained, and lighted for night use. Screening of parking and service areas shall be required.

12. Pedestrian Circulation. The pedestrian circulation system and its related walkways shall be insulated as completely as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement. This shall include, when deemed to be necessary by the Plan Commission, pedestrian underpasses or overpasses in the vicinity of schools, playgrounds, local shopping areas, non-residential areas, and other neighborhood uses which generate a considerate amount of pedestrian traffic.

13. Utilities. The Planned Unit Development shall provide for underground installation of utilities (including electricity and telephone) in both public ways and private extensions thereof. Provisions shall be made for acceptable design and construction of storm sewer facilities including grading, gutter, piping, and treatment of turf to handle storm waters, prevent erosion and the formation of dust. Utilities and maintenance of facilities shall be in accordance with the requirements and regulations of the Village.

C. General Standards Specific for Business and Industrial Park Planned Unit Developments. A business or industrial planned unit development shall be consistent with the following general standards for use of land, type, bulk, design and location of buildings, the intensity of use, the open space, provided;

1. The establishment of a planned unit business or industrial development on the proposed site shall be consistent with the official land use plan of the Village of Oswego and with the appropriate and orderly development or redevelopment, of the portion of the Village in which it is to be located.

2. The proposed development shall not injure nor damage the use, value, and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the official land use plan of the Village.

3. The site shall be accessible from public roads that are adequate to carry the traffic that will be imposed by the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development. Traffic control signals shall be provided without expense to the Village when the Village Board determines that such signals are required to prevent traffic hazards or congestions.

4. The entire tract or parcel of land to be occupied by the proposed plan unit development shall be held in a single ownership, or if there are two (2) or more owners, the application for such proposed development shall be filed jointly by all such owners.

5. The plan shall contain such proposed covenants, easements and other provisions relating to the bulk and location of buildings, uses and structures, and public facilities, as are necessary for the welfare of the residents and occupants of the planned unit development and are not inconsistent with the best interests of the residents and occupants of the Village. Such covenants, easements and other provisions, if part of the plan unit development as finally approved, may be modified, removed or released only with the consent of the Village Board after a public hearing before, and recommendations by, the Plan Commission as provided in this section. All such covenants shall specifically provide for enforcement by the Village, in addition to the landowners within the development.

6. Water supply, sanitary sewage disposal, and stormwater drainage facilities that are adequate to serve the proposed development shall be provided.

7. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the surrounding land uses. Any part of a proposed development not used for structures, parking and loading areas or access ways, shall be landscaped or otherwise improved.

8. No building or other structure that exceeds fifty (50) feet in height shall be located within two hundred (200) feet of the lot line of such development and no building or other structure that exceeds thirty-five (35) feet in height shall be located within one hundred (100) feet of line of such development, provided that an exception may be made for elevator penthouses, water towers, decorative building projections, and development consistent with the Villages Downtown Comprehensive Plan.

9. When structures or uses in a planned unit business or industrial developments abut a residence district or residential buildings in the same development, sight-proof screening shall be provided. In no event shall any structure in a planned unit business or industrial development be located nearer than one hundred (100) feet to a residential building.

10. All business shall be conducted, all merchandise and materials shall be displayed and stored, and all manufacturing and processing shall be conducted within a completely enclosed building, provided, however, that when a gasoline service station is permitted in a planned unit business development, gasoline may be sold from pumps outside of the building.

11. Off-street parking and loading spaces shall be provided as required by this Ordinance.

12. All signs located in the development shall comply with the sign restrictions applicable in the zoning district in which the planned unit development is located.

13. All business and industrial planned unit developments shall comply with the performance standards specified for the district in which the development is located by this Ordinance.

D. Application/Procedures

1. Before submitting an application for a Planned Unit Development, the applicant shall confer with the Community Development Department and the Oswego Building Department to obtain information and guidance before entering into binding commitments or incurring substantial expense.

2. Application shall be made on forms supplied by the Village of Oswego.

3. Application for approval of a Planned Unit Development shall be made in accordance with the provisions of this ordinance relating to special uses, except as specifically provided herein to the contrary.

4. All Preliminary Plan Unit Developments shall have a public hearing in accordance with Special Use Permits, subject to the following notifications:

a. Published Notice. Notice of the time and place of such hearings shall be published at least once, not more than thirty (30) days and not less than fifteen (15) days before the hearing, in a newspaper of general circulation in the Village. The published notice may be supplemented by such additional form of notices as the Plan Commission or Zoning Board of Appeals may require by rule.

b. Sign. At least fifteen (15) days prior to such public hearing, notice thereof shall be posted on the road or street frontage (or if there is no road frontage, at a location determined by the Community Development Director) of the land being the subject matter of the application. The sign shall be approximately eighteen (18) inches by twenty-four (24) inches in size, and shall be mounted at least three (3) feet off the ground. The Village Community Development Department shall provide the signs and sign support system that must be used by the petitioner. The sign shall bear the following information:

i. Zoning hearing

ii. The action proposed

iii. Time, date and location of meeting.

The applicant shall remove and return all signs within forty-eight (48) hours of the Plan Commission or Zoning Board of Appeals public hearing. Prior to the public hearing, the petitioner shall submit an affidavit stating that all signs were posted in accordance with this subsection.

c. Notice to Adjoining Landowners. An applicant seeking an approval requiring a public hearing under this chapter shall notify persons designated on the County records to receive property tax bills for property adjacent to or within two hundred fifty (250) feet (exclusive of public right-of-way) of the property in question of the public hearing to be conducted. Such notification shall be on a form provided by the Village, which shall include the requested action, the location of the property and the time, date, and place of the public hearing. Such notice shall be by certified mail, return receipt requested, and mailed at least fifteen (15) days, but no more than thirty (30) days prior to the hearing. The applicant shall provide an affidavit prior to the public hearing attesting that notice has been mailed, and attach a copy of the notice and the return receipts.

5. An application must be accompanied by either a Conceptual Development Plan or a Preliminary Development Plan. In either case, the application and accompanying drawing(s) shall be submitted to the Plan Commission for public hearing and analysis.

14.02 CONCEPTUAL PLANNED UNIT DEVELOPMENT PLAN – OPTIONAL

An applicant may submit a Conceptual Development Plan to the Plan Commission for tentative review and approval in order to discover whether the Village will accept a Planned Unit Development of the type proposed at the site proposed. A Conceptual Development Plan must include maps and filing of a written statement and must describe enough of the surrounding area to show the relationship of the Planned Unit Development to adjoining uses both existing and proposed. An applicant shall pay the customary review and filing fees pursuant to the other provisions of this ordinance.

A. Maps which are part of the Conceptual Development Plan may be in general form, and shall contain the proposed land uses, the natural features of the site, the character and approximate density of dwellings, the approximate location of major thoroughfares and the water, sewage and drainage systems proposed.

B. The written statement shall contain a general explanation of the size and character of the present ownership of all the land within the Planned Unit Development and expected schedule of construction.

Approval of Conceptual Development Plan. The Oswego Plan Commission shall review the Conceptual Development Plan within ninety (90) days after receipt of such plan, and shall prepare a written report containing its recommendations to the Village Board and the applicant. Village Board may then act upon the Plan Commission's recommendation.

14.03 PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN

A. Preliminary Planned Unit Development Plan. A Preliminary Planned Unit Development is required of all applicants for a Planned Unit Development permit. The Preliminary Development Plan shall contain all items required for a Conceptual Development Plan if no Conceptual Development Plan has been filed, and shall also include all of the following.

1. A Preliminary Site Plan for commercial parcels showing all existing structures within one hundred (100) feet of the property. It shall also indicate the parcel size, parking spaces required and provided, floor area ratio, and percentage of impervious surfaces.

2. A Preliminary Plat showing approximate location of lots, blocks, streets, easements, and dedications. Also include charts with density, lot sizes, number of dwelling units and show areas reserved as common spaces, basins, public parks, school sites, and similar areas.

3. Preliminary Elevations. A schematic design shall be provided indicating the architectural character of all proposed structures and improvements except single-family detached residences and their accessory buildings. The drawings need not be the result of final architectural decisions and need not be in detail.

4. If required, a development schedule indicating (1) the approximate date when construction of the project can be expected to begin; (2) the stages in which the project will be built and the date when construction of each stage can be completed; and (3) the area and location of common open space that will be provided at each stage.

5. If required, a circulation diagram indicating the proposed movement of vehicles, goods, and pedestrians within the development to and from existing thoroughfares and/or traffic study, if applicable.

6. A Landscaping and Tree Preservation Plan and comprehensive drainage plan with analysis of the impact that the development creates on site and on the surrounding area.

7. Photometrics.

8. Civil Engineer Drawings as defined by the Subdivision and Development Control Regulations.

B. Approval of Preliminary Planned Unit Development Plan.

1. The Plan Commission shall review the Preliminary Planned Unit Development Plan and shall recommend whether it is in substantial compliance with the Conceptual Development Plan and if it complies with all other standards in this

ordinance for Planned Unit Development which were not considered when the Conceptual Development Plan was approved.

2. The Plan Commission shall within sixty (60) days of receiving a Preliminary Development Plan complete in all respects, hold a public hearing after due public notice, and shall within sixty (60) days thereof, unless the petitioner agrees to a later period of time, recommend to the Village Board the approval or denial of the proposed Planned Unit Development and shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth particularly in what respects the proposal would or would not be in the public interest including, but not limited to, findings of fact on the following:

   a. In what respects the proposed plan is or is not consistent with the stated purpose of the Planned Unit Development regulations.

   b. The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to the density, dimension, area, bulk, and use, and the reasons why such departures are or are not to be in the public interest.

   c. The extent to which the proposed plan meets the requirements and standards of the Planned Unit Development regulations.

   d. The physical design of the proposed Planned Unit Development and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, provide for and protect designated common open space, and further the amenities of light and air, recreation and visual enjoyment.

   e. The compatibility of the proposed Planned Unit Development with the adjacent properties and neighborhood.

   f. The desirability of the proposed Planned Unit Development to physical development and economic well-being of the entire community.

   g. The conformity with the recommendations of the Official Plan.

   h. Compliance with the findings required in Section 13 for Special Uses.

14.04 FINAL PLANNED UNIT DEVELOPMENT PLAN

A. Final Planned Unit Development Plan. The applicant shall file with the Plan Commission a Final Development Plan for the first stage of development, containing in final form the information required in the Preliminary Plan. The Final Development Plan shall also include the following:

1. A final plat suitable for recording with the County Recorder of Deeds. A Final Plat will have an accurate legal description showing approximate location of lots, blocks, streets, easements, and dedication. The plat is to also provide charts with density, lot sizes, number of dwelling units and areas reserved as common spaces, basins, public parks, school sites and similar areas. Additionally certificates, seals and signatures are required for the dedication of land, and for recording the document. See the subdivision and control regulations ordinance for specifics.

2. A Final Site Plan for commercial parcels, showing anything existing within one hundred (100) feet. Include the parcel sizes, amount of parking spaces required and provided, floor area ratio, and percentage of impervious surfaces.

3. Final Elevations. Schematic design presentation indicating the architectural character of all proposed structures and improvements except single-family detached residences and their accessory buildings. The drawings need not be the result of final architectural decisions and need not be in detail.

4. If required, a development schedule indicating (1) the approximate date when construction of the project can be expected to begin; (2) the stages in which the project will be built and the date when construction of each stage can be completed; and (3) the area and location of common open space that will be provided at each stage.

5. If required, a circulation diagram indicating the proposed movement of vehicles, goods, and pedestrians within the development to and from existing thoroughfares and/or traffic study if applicable.

6. A Landscaping and Tree Preservation Plan and comprehensive drainage plan with analysis of the impact that the development creates on site and on the surrounding area.

7. Photometrics

8. Civil Engineer Drawings as defined by the Subdivision and Development Control Regulations.

9. Landscaping and Tree Preservation Plan.

10. Utilities and drainage plan.

11. If required, a final development and construction schedule.

B. Approval of Final Development Plan.

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

2. The Village Board shall approve the Final Development Plan if it is in conformity with the Preliminary Development Plan and pass any necessary ordinances.

3. If the Plan Commission finds that the Final Development Plan does not substantially conform to the Preliminary Development Plan it shall so notify the applicant and the Village Board in writing within thirty-five (35) days of their recommendation.

14.05 FAILURE TO BEGIN DEVELOPMENT

If no substantial construction has begun or no use established in the Planned Unit Development within the time stated in the final development and construction schedule of the Final Development Plan, the special use permit for Planned Unit Development shall lapse upon written notice to the applicant from the Village Board, and shall be of no further effect. In its discretion and for good cause, the Village Board may extend for a reasonable time, not to exceed one (1) year, the period for the beginning of construction or the establishment of a use. The zoning regulations applicable before the special use for the Planned Unit Development was approved shall remain in effect unless approval for the plan lapses. The Village Board may extend the time limits in up to one (1) year increments.

14.06 ZONING ADMINISTRATION - PERMITS

A. The Zoning Administrator may issue permits for site or building construction for that part of the development plan that has been approved in the area covered by the approved Final Development Plan for work in conformity with the approved Final Development Plan and with all other applicable ordinances and regulations.

B. The Zoning Administrator shall not issue an occupancy permit for any building or structure shown on the development plan of any stage of the Planned Unit Development unless the open space and public facilities allocated to that stage of the development schedule have been conveyed to the proper authorities. The Zoning Administrator shall issue a certificate of occupancy for any completed building or structure located in an area covered by the approved Final Development Plan if the completed building or structure conforms to the requirements of the approved Final Development Plan and all other applicable regulations and ordinances of the Village.

14.07 ENFORCEMENT OF DEVELOPMENT SCHEDULE

A. The Zoning Administrator shall periodically review all permits issued for the Planned Unit Development, examine all construction that has taken place in the Planned Unit Development site, and compare actual development with the approved development schedule.

B. If the Zoning Administrator shall find that the owners of the property in the Planned Unit Development area have failed to meet the approved development schedule, or that the rate of construction of units is greater than the rate at which common open spaces and public and recreational facilities have been constructed, he shall notify the Plan Commission and the Village Board in writing.

C. Within thirty (30) days of such notice, the Village Board shall either revoke the special use permit, and the land shall revert to its former classification, or, for good cause shown by the landowner, the time limits of the development schedule may be extended for a reasonable time.

14.08 AMENDMENTS TO PUDS – MAJOR/MINOR CHANGES

Planned unit developments shall be constructed in accordance with the approved preliminary or final plat of planned unit development and all supporting data. The final plat shall control and limit the use of the parcel of land (including the general internal use of buildings and structures) and the location of buildings and structures in the planned unit development as indicated on the plat. Changes to the planned unit development shall be considered to be either a major, minor, or incidental change.

A. Major changes. Major Changes are modifications which alter the concept or intent of the planned unit development. All Major Changes shall have a public hearing during the Plan Commission meeting. Once hearing Plan Commission recommendation for a major change, the Village Board shall approve, approve with conditions, or deny a major change. Factors which shall be considered in determining whether a proposed change constitutes a major or a minor change include:

1. Nonresidential Components of a Planned Unit Development

   a. The proposed change to the following components which constitute a greater than ten (10) percent cumulative increase or decrease, based on the later of the first preliminary plat or the most recent preliminary plat that incorporates any major changes to the original planned unit development: Gross floor area of a single nonresidential building; acres of area used for nonresidential purposes; total gross floor area of all nonresidential buildings within the project; total number of parking spaces for the project.

   b. Change in location or type of land use.

   c. Change in type, number or location in distance greater than ten (10) feet of a building.

   d. Greater than a ten (10) percent increase in the height of a building.

   e. Change in the functional classification of a roadway.

   f. Reduction in the acreage of open space or common open space by ten (10) percent.

2. Residential Components of a Planned Unit Development

   a. The proposed change constitutes a greater than ten (10) percent cumulative change in the number of dwelling units in the planned unit development, based on the first preliminary plat approved by the Village for the project.

b. The proposed change constitutes a greater than ten (10) percent cumulative change in the height of any building or structure in the planned unit development other than single-family detached dwelling units, based on the first preliminary plat approved by the Village for the project.

c. Change in type, number or location in distance greater than ten (10) feet of a building.

d. Change in the functional classification of a roadway.

e. Reduction in the acreage of open space or common open space by ten (10) percent.

f. Change in the functional classification of a roadway.

3. All Major amendments to the Planned Unit Development shall have a public hearing subject to the following notifications;

a. Published Notice. Notice of the time and place of such hearings shall be published at least once, not more than thirty (30) days and not less than fifteen (15) days before the hearing, in a newspaper of general circulation in the Village. The published notice may be supplemented by such additional form of notices as the Plan Commission or Zoning Board of Appeals may require by rule.

b. Sign. At least fifteen (15) days prior to such public hearing, notice thereof shall be posted on the road or street frontage (or if there is no road frontage, at a location determined by the Community Development Director) of the land being the subject matter of the application. The sign shall be approximately eighteen (18) inches by twenty-four (24) inches in size, and shall be mounted at least three (3) feet off the ground. The Village Community Development Department shall provide the signs and sign support system that must be used by the petitioner. The sign shall bear the following information:

i. Zoning hearing.

ii. The action proposed.

iii. Time, date and location of meeting.

The applicant shall remove and return all signs within forty-eight (48) hours of the Plan Commission or Zoning Board of Appeals public hearing. Prior to the public hearing, the petitioner shall submit an affidavit stating that all signs were posted in accordance with this subsection.

c. Notice to Adjoining Landowners. An applicant seeking an approval requiring a public hearing under this chapter shall notify persons designated on the County records to receive property tax bills for property adjacent to or within two hundred fifty (250) feet (exclusive of public right-of-way) of the property in question of the public hearing to be conducted. Such notification shall be on a form provided by the Village, which shall include the requested action, the location of the property and the time, date, and place of the public hearing. Such notice shall be by certified mail, return receipt requested, and mailed at least fifteen (15) days, but no more than thirty (30) days prior to the hearing. The applicant shall provide an affidavit prior to the public hearing attesting that notice has been mailed, and attach a copy of the notice and the return receipts.

4. An application must be accompanied by either a revised preliminary plat of planned unit development and supporting data shall be submitted with an application for a major change. If a final plat of planned unit development has also been approved, a revised final plat shall also be submitted with the revised preliminary plat of planned unit development, and the final plat of planned unit development shall also be subject to the procedure set forth in this subsection for the approval of a major change.

B. Minor Changes. Minor changes are modifications that are not defined as major changes and do not alter the concept or intent of a planned unit development. Minor changes not approved through the administrative adjustment process set forth in the following subsection may be approved by the Village Board without the review and recommendation of the Plan Commission unless the Village Board refers a request for a minor change to the Plan Commission for review and recommendation.

C. Incidental Changes. Incidental changes which meet the criteria set forth in this subsection may be approved by the Community Development Director or his or her designee through an administrative adjustment process without the approval of Village Board if the proposed incidental change does not result in the following:

1. Any increase in density.

2. Any change in circulation patterns or access.

3. Any change in mixture of dwelling unit types.

4. Any change in grading or utility provisions.

5. Any change in the mixture of land uses.

6. Any reduction of an amount of common open space, landscaping or buffering.

7. A change to exterior elevations of buildings which alter rooflines, building materials, approved color schemes, or result in a change in architectural style.

8. Other changes of similar scale, proportion or use.

14.09 FEES

The following fees shall be in effect until altered or amended by the Village Board:

PRELIMINARY PUD AND PLAT (PUBLIC HEARING)	
Filing Fee:	$100 + $5/Lot
Review Fee:	$1500 + $100/Acre

FINAL PUD AND PLAT	
Filing Fee:	$100 + $5/Lot
Review Fee:	$1500 + $100/Acre

MAJOR AMENDMENT TO PRELIMINARY OR FINAL PUD AND PLAT	
Filing Fee:	$100 + $5/Lot
Review Fee:	$1500 + $100/Acre

MINOR AMENDMENT TO PRELIMINARY OR FINAL PUD AND PLAT	
Filing Fee:	$100 + $5/Lot
Review Fee:	$500 + $50/Acre

Review Fees. All PUD/Plat reviews and/or approval, whether conceptual, preliminary or final, and major/minor amendments must be accompanied by a deposit into a non-interest bearing account to be held by the Village Clerk, with a minimum initial deposit stated above. The applicant or petitioner, as the case may be, shall be obligated to reimburse the Village of Oswego for all expenses incurred by the Village relative to the request, including but not limited to charges for publication of notices, fees for consulting engineers, planners, traffic experts, attorneys, surveyors, soil analysis, laboratory testing, recording secretary and court reporter. The funds deposited in such escrow account shall be used by the Village of Oswego for the payment of such expenses, but the obligation of the applicant or petitioner to reimburse the Village shall not be limited by the amount on deposit from time to time.

In addition to the foregoing charges, the applicant or petitioner, as the case may be, shall reimburse the Village of Oswego for the time of staff personnel required for reviews and site inspections at two (2) times the respective actual hourly rate of the following personnel, as established from time to time by the Village Clerk, based upon their respective salary scales. Such reimbursement shall include, without further charge, routine secretarial and clerical charges, provided, however, that extraordinary or overtime secretarial or clerical services required by the petitioner of applicant to meet his or her request for an expedited schedule shall be charged to the petitioner or applicant.

Where it appears from the initial conference and/or public hearings, that the proposed project will involve additional expenditures, the applicant or petitioner shall be required to deposit with

the Village Clerk such additional amounts reasonably necessary to pay the estimated amount of such expenses and charges. Any portion of such deposit not expended by the Village shall be refunded to the applicant or petitioner at such time as no further expenditures or charges by the Village of Oswego are reasonably anticipated. If any applicant or petitioner fails to comply with any of the foregoing provisions, the Village, in addition to such other remedies as provided by law or the provisions of this ordinance or other applicable ordinances, may refuse:

1. To process applications for permits,

2. To make inspections as otherwise required, or

3. To issue any applicable permits.

In addition to the foregoing remedies, and not by way of limitation, the Village may bring any action at law to collect any amounts due under any of the foregoing provisions. All legal fees, court costs and action expenses incurred by the Village of Oswego in bringing such an action shall be paid by the applicant. All such fees shall be payable to the Village of Oswego by certified check or money order.

SECTION 15.00 – AGRICULTURAL DISTRICTS

15.01 A-1 AGRICULTURAL DISTRICT

The regulations for the Agriculture District are intended to govern the use of the land and buildings and structures, and the uses thereof within the areas of the Village where soil, topographic and other conditions are best adapted to the pursuit of agriculture. These regulations are also intended to provide for the protection, conservation, and utilization of natural resources; to preserve the value of existing and future open space recreation facilities; to prevent or minimize conflicts between agricultural and non-agricultural land uses, and to provide for low density residential development in areas where such development is compatible with agricultural uses. It is essential that scattered, indiscriminate urban development within areas best suited for agriculture be precluded and that orderly urban development be facilitated

It is hereby declared the legislative intent and purpose of this Section that land in the Village which is productive should remain in productivity for agricultural purposes until such time as the natural growth of the Village precludes preservation thereof. It is further the declared intent that single family dwellings, or any residential use, be limited since the primary purpose of dwellings in agriculture zoned lands should be subservient to and in connection with the productivity of said lands. It is further expressly noted that the frequency of parcels of land less than sixty (60) acres in size used for agricultural purposes is minimal; that the greater preponderance of parcels used for productive agricultural purposes exceed sixty (60) acres in size. It is acknowledged however, that some lands, because of topographical or other unusual conditions may be properly used for limited residential purposes, and pursuant thereto isolated residential zoning may be allowed

A. Permitted Uses

1. Agricultural.

2. Single Family Residential Use, provided it is:

   a. A single-family dwelling on a zoning lot zoned as Residential R-1.

   b. Residential structures existing on zoning lots classified as Agricultural A-1 of the date of adoption of this Ordinance.

3. Signs, as permitted and regulated in Section 11.00.

B. Accessory Uses

1. Those customarily accessory to the pursuit of agriculture, provide that structures for the shelter of livestock, poultry, and other farm animals shall be located not less than one hundred (100) feet from a lot line.

2. Roadside stands for the sale of produce or poultry grown and raised on or in the immediate area of the premises, but not including live animals, and provided that such stands shall contain not more than six

hundred (600) square feet of floor area. Each roadside stand shall have facilities approved by the Village Engineer for vehicular ingress and egress, and adequate off-street parking.

C. Building Setback Line. Every building hereafter erected or enlarged shall provide and maintain a setback from the public street in accordance with the following requirements:

1. Primary thoroughfares, one hundred (100) feet from the right-of-way.

2. All other streets, seventy-five (75) feet from the right-of-way.

D. Side Yards. Each building hereafter erected or remodeled shall have a side yard on each side of each building of not less than fifty (50) feet.

E. Building Permits, Codes and Fees. All buildings and structures used for agricultural purposes, and all non- agricultural and residential use buildings and structures shall be subject to building permits, codes and fees.

SECTION 16.00 – INTERIM DEVELOPMENT ORDINANCE STANDARDS

16.01 PURPOSES AND LEGISLATIVE FINDINGS

A. The Village of Oswego Board of Trustees has established specific development policies, including:

1. The Village intends to maintain and enhance its small-town character through a land use strategy that permits continued growth but allows the Village to maintain a visual identity distinct from that of its neighbors as a freestanding community.

2. The Village shall aggressively pursue proactive strategies to improve and expand the Village Center. Improvement and expansion will require relocating most uses between the current Village Center and the Fox River. Such action will require developing a Relocation Plan for existing uses. Future commercial development shall be directed to the Village Center.

3. The Village shall promote strategic commercial growth in terms of use and property location. Through the Oswego Economic Development Corporation, the Village plans to conduct market analyses of the type of commercial development it anticipates to determine the desirability of these uses.

4. The Village will improve the general quality of suburban development by providing flexible lot sizes to create needed open space.

5. The Village will require developments be designed as parts of neighborhoods rather than individual projects. To achieve the aforementioned development pattern, developers must provide a greater diversity at a small scale -- almost to the block level. Developments shall link to adjoining properties via roads, pedestrian and bicycles systems, and open space.

6. The Village shall designate rural areas at the fringe of the community. Three land use districts shall be considered. First, the Village will consider a true agricultural land use district to preserve agricultural uses. Second, the Village will consider a countryside land use district to permit more density while still promoting agricultural uses. Finally, the Village will consider a low-density estate land use district using extensive landscaping and other elements to portray a very rural atmosphere and provide greater housing opportunities.

7. The Village shall require design controls. <u>All</u> developments will provide more and higher-quality landscape material and develop comprehensive sign packages that respect the desired character of the particular land use district. Residential developments shall adhere to stringent monotony regulations; nonresidential developments shall not be permitted to use certain types of building materials. The Village will support density incentives to landowners who volunteer for a design review, meaning more landscaping, smaller signs, and less dwelling units

or floor area for projects not seeking architectural approval. Density bonuses shall rely on economic incentives.

8. The Village shall require greenways. Developers will provide specific recreation-oriented parks and designate and improve stream corridors as greenways running through the community. These greenways shall provide pedestrian and bicycle linkages. Further, the Village shall permit developers to dechannelize streams to increase flood storage. The stream corridors are an important element of the community character.

9. The Village shall pursue a strategy of balanced growth. Residential, retail, office, and industrial uses shall be properly balanced to ensure a strong community and tax base. A stable balanced growth strategy must include a diversified employment base. The Village should develop an evaluation system to rate prospective businesses for their impact on the community.

10. The Village shall pursue a long-term regional land use strategy based on an intergovernmental Local Land Resources Management Plan. At a minimum, the County and the various municipalities within the planning area should develop highly complementary zoning and subdivision regulations. Ultimately, permanent municipal boundaries should be determined so that the County can turn over all zoning and subdivision regulations to the municipalities.

B. This Interim Development Ordinance is intended to provide improved control and greater flexibility for the Village regarding new development during the period prior to adopting amendments to the Comprehensive Plan and a new Land Development Ordinance to implement that Plan while still permitting development to proceed. This Ordinance will enable the Village to protect Village residents, and implement the policies in Section 16.01A.

C. To meet the intent of Section 16.01B, the Village has determined the optimum approach is to classify most uses in each zoning district as a Special Use. The Special Use designation provides the Village with full design review of each development for conformance with the policies in Section 16.01A and other Plan policies as they are adopted.

D. These regulations specifically repeal the permitted and Special Uses listed in Section 6, 7, 8, 9 and 15 of the base zoning ordinance.

16.10 ZONING DISTRICT OVERLAY

This Ordinance preserves the base zoning map but establishes an overlay district over the incorporated area of the Village of Oswego. Similarly, this overlay district covers all base zoning districts shown on the base zoning map. Any land annexed after the effective date of this Ordinance shall automatically be zoned R*E* and included in the overlay district.

16.11 ZONING MAP

The base zoning map dated July 18, 1994, *and any amendments adopted by ordinance* remain in effect as modified by Section 16.10. Similarly, the base zoning districts on the map remain in effect. Any amendment to a base zoning district(s) or the base zoning ordinance shall be pursuant to Section 14.00 of the base zoning ordinance effective December 2, 1974 (Section 14.04) and the applicable Illinois Statutes.

16.12 PERMITTED USES IN THE OVERLAY DISTRICT

A. Permitted Uses. Only the following uses are permitted as a matter of right in the overlay district:

1. Agricultural.

2. Single-Family dwelling units on lots of record as of the effective date of this Ordinance, provided said lots have public sewer and water or, if said lots are served by septic and well, have a one (1) acre minimum lot area. For the purpose of this Ordinance, lots of record are defined as any lot officially recorded in the Kendall County Recorder of Deeds.

3. Single-family dwelling units on lots with a three (3) acre minimum lot area.

4. Certain non-residential uses that meet the requirements of F. below. These uses shall be required to submit a site plan review for approval by the Village.

B. Prohibited Uses. Except as provided in C. below, the following uses shall be prohibited:

1. Any use prohibited in the base zoning ordinance.

2. Any new industrial use within the Village Center as defined on Map 16-1 of this Section.

C. Exception to Prohibited Uses. In the Village Center, where the proposed use is an expansion of an existing use and such existing use would be prohibited by this Ordinance if such use were a new use, then the expansion may be treated as a Special Use. In addition, any use permitted in any base zoning district within the Village Center may be considered as part of an existing use. See Map 16-1.

D. Special Uses. Except for the uses listed in Section 16.12 A, the permitted and Special Uses listed in the base zoning ordinance shall be classified only as Special Uses under this Ordinance, requiring review by the Plan Commission and approval by the Village Board. The Special Uses shall be classified as follows:

1. Single-parcel nonresidential developments and subdivisions with less than twenty (20) residential lots shall be Special Uses.

2. All other uses shall be Planned Unit Developments (PUDs).

E. Uses Not Listed. If a use is not listed in any base zoning district, then the Building & Zoning Administrator shall compare that use to other uses in the appropriate base zoning district. If the use is less intensive than uses listed as permitted or Special Uses in said district (in terms of gross density, floor area, impervious surface, height, and/or trip generation), then the Building & Zoning Administrator shall determine that the use is a Special Use. If the use is more intensive than the permitted or Special Uses in said district (in terms of gross density, floor area, impervious surface, height, and/or trip generation), then the Building & Zoning Administrator shall determine that the use is a prohibited use.

F. Property Under Development

1. Any *residential* applicant who has started the preliminary or final plat process, received preliminary or final plat approval, filed for a Special Use permit, filed for a temporary use permit, filed for a site development permit, or filed for a building permit before January 6, 1997 (adoption date) shall proceed under the provisions of the base zoning ordinance.

2. The M-1 and M-2 zones within existing industrial or business parks and commercial centers having covenants with architectural design standards approved by the Village Board are exempt from the Special Use permit needs. Any change to the covenants shall be subject to Village review and approval. All such uses shall be required to get staff site plan approval from the Village.

3. Other non-residential Developments permitted by the underlying zoning and served by water and sewer on lots of record having no residential property abutting the site, and platted non-residential lots approved prior to January 10, 1997, shall be permitted without a Special Use permit. Development plans for eligible lots shall be required to meet the current landscaping provisions of the Ordinance, provide buffer yards, meet all density and bulk standards, adhere to the design and material standards and meet lighting standards. These developments shall be required to undergo a staff site plan review. No parcel in the Village Center (Map 16-1) shall be eligible under this provision.

4. Non-residential Design standards apply to all building lots that abut an arterial or collector street except those exempted in 2 above.

   a. The following wall materials shall be permitted; brick, split face block, stone, architectural precast concrete with exposed aggregate face or rough textured surface, glass curtain walls, synthetic plaster, stucco, wood or limited decorative metal.

   b. Pole barns, smooth concrete block, smooth precast concrete, and metal siding are prohibited unless specifically approved by the Village. Any building desiring to use prohibited materials shall be reviewed as a Special Use. The Special Use review shall be limited to design and landscaping to enhance the appearance of the building. The Village may require exterior design enhancement or additional landscaping if the building's architecture is deemed to detract from the streetscape of the Village.

   c. The following streets shall be considered to be arterials or collectors: U.S. Route 30 and Business Route 30, State Routes 34, 25, 31, 71, Douglas Road, Grove Road, Orchard Road, Wolf's Crossing Road, 5th Street, Mill Road, Kendall Point Drive, Woolley Road, Plainfield Road, Harvey Road, Collins Road, Minkler Road, and Washington Street.

5. Any non-residential use shall comply with the following lighting standards:

a. All fixtures shall be cut-off fixtures that limit lighting that is visible or measurable at the property line.

b. Abutting or nearby residential properties shall not be able to see the actual light source, unless the luminaries are less than one hundred (100) watt incandescent. The maximum illumination at a property line with abutting residential shall not exceed two-tenths (.2) foot-candles.

c. On abutting non-residential properties or public streets the maximum illumination at the property line shall be five (5) foot-candles. Where residential is across a street, the maximum illumination at the use's boundary shall be two (2) foot-candles.

d. Any lighting fixture or luminaries that exceeds thirty-two (32) feet in height or proposes more than four hundred (400) watts, or more than three (3) luminaries per pole shall be approved as a Special Use and reviewed for impact on all surrounding uses.

16.20 SPECIAL USE AND PLANNED UNIT DEVELOPMENT (PUD) STANDARDS

When evaluating whether to recommend approval of a Special Use permit or Special Use permit for a Planned Unit Development (PUD), the Plan Commission shall consider general and specific standards for Special Uses and PUDs as set forth in Section 16.21 and 16.22. Additional standards shall apply to the Village Center as set forth in Section 16.22. Also, the Plan Commission shall consider site design standards as set forth in Section 16.23.

16.21 GENERAL STANDARDS

No Special Use permit, including a Special Use permit for a Planned Unit Development (PUD), shall be granted unless the Village Board finds that the proposed use and/or plan meets the general standards in this Section. Also, uncertainty (whether or not the proposed use is consistent with this Section or the Comprehensive Plan and Land Development Ordinance to be adopted as a result of the ongoing planning and regulatory process conducted by the Village) is a reason to deny an application.

A. The proposed use and/or plan must be consistent with the policies of Section 16.01A.

B. The proposed use and/or plan shall meet the standards of the applicable base zoning district set forth in Articles 6, 7, 8, 9 and 15 of the base zoning ordinance. Further, proposed PUDs shall meet the general density and use standards of the applicable base zoning district as set forth in Articles 6, 7, 8, 9 and 15 of the base zoning ordinance.

C. The proposed use and/or plan shall be consistent with the Comprehensive Plan to be adopted as a result of the ongoing planning and regulatory process conducted by the Village. In considering this criteria, any and all information and data available from the process to develop the Comprehensive Plan, including but not limited to discussion papers, draft text, and maps, shall be used to review the proposed use and/or plan for consistency.

D. The proposed use and/or plan shall be consistent with the Land Development Ordinance to be adopted as a result of the ongoing planning and regulatory process conducted by the Village. In considering this criteria, any and all information and data available from the process to develop the Land Development Ordinance, including but not limited to discussion papers, draft text, and maps, shall be used to review the proposed use and/or plan for consistency. Specifically, density or intensity standards and performance-oriented standards contained in such works shall be met.

16.22 SITE-SPECIFIC STANDARDS

No Special Use permit, including a Special Use permit for a Planned Unit Development (PUD), shall be granted unless the Village Board finds that the proposed use and/or plan is appropriate in the proposed location and meets the following criteria. Also, uncertainty (whether or not the proposed use is consistent with this Section or the Comprehensive Plan and Land Development Ordinance to be adopted as a result of the ongoing planning and regulatory process conducted by the Village) is a reason to deny an application.

A. The proposed use and/or plan shall be consistent with the land use and character of the Comprehensive Plan and Land Development Ordinance to be adopted as a result of the ongoing planning and regulatory process conducted by the Village.

B. The proposed use and/or plan shall be adequately served by public infrastructure including but not limited to roads, water, sanitary sewer, stormwater drainage, schools, parking and refuse disposal.

C. All necessary improvements to the infrastructure listed in Section 16.22B shall provide safe access and service to the proposed site. In considering these criteria, the Plan Commission shall evaluate the relationship and service of the subject site to surrounding or intervening sites. No Special Use permit, including a Special Use permit for a Planned Unit Development shall be approved if it would limit the development potential of an intervening site. For the purpose of this Ordinance, an intervening site is defined as any parcel located between the subject property and the source of infrastructure. No Special Use permit, including a Special Use permit for a Planned Unit Development, shall be approved if the proposed use and/or plan would create substantial or undue adverse impacts to the infrastructure listed in Section 16.22B.

D. The proposed use and/or plan shall be compatible with the character of the surrounding area and provide sufficient diversity of uses and housing types within the development to create and enhance Village community.

E. The proposed use and/or plan shall not foreclose more appropriate development or redevelopment of an area to be proposed in the Comprehensive Plan to be adopted as a result of the ongoing planning and regulatory process conducted by the Village. This item is particularly critical in the Village Center, along major arterial or collector roads, or along stream and river corridors.

F. The proposed use and/or plan shall not have an adverse impact on surrounding uses or alter the future character of the area to be proposed in the Comprehensive Plan to be adopted as a result of the ongoing planning and regulatory process conducted by the Village.

G. The proposed use and/or plan shall not adversely impact the property value or use of surrounding properties.

H. The proposed use and/or plan shall not create substantial or undue adverse impacts affecting health, safety or general welfare.

I. The proposed use and/or plan shall provide superior design, open space and landscaping to enhance and protect the character of the neighborhood and Village. Open space shall be planned to promote the desired community character, protect natural resources and provide buffering and recreation areas.

J. The proposed use and/or plan shall provide vehicular, pedestrian, and/or bicycle linkages to surrounding properties and the Village's growth areas.

K. The proposed use and/or plan shall not discourage or preclude the desirable future development of the surrounding area.

L. Village Center. For Special Uses or Planned Unit Developments (PUDs) in the Village Center, existing uses shall be permitted to continue unless otherwise incompatible with long-term goals for the Village Center. The following additional criteria shall be evaluated when considering Special Use or PUD applications:

1. The proposed use shall not alter the exterior building or exterior conditions on the site in a manner inconsistent with the Village Center revitalization and expansion efforts.

2. The proposed use shall be part of an existing use and building, not resulting in a significant change of the current use.

3. The proposed use shall provide significant design improvements that enhance the urban character of the Village Center.

4. The proposed use shall not adversely affect future conversion to a more appropriate use(s).

5. Should the proposed use be treated as a temporary use? In other words, should conditions be imposed upon the proposed use that allows the Village to terminate the use or extend the life of the use on a fixed review schedule?

16.23 SITE DESIGN STANDARDS

No preliminary plat or site plan approval for Special Uses or Planned Unit Developments (PUDs) shall be granted unless the Village Board finds that the proposed use and/or plan meets the following criteria. Also, uncertainty (such as whether or not the proposed use is consistent with this Section or if the applicant does not provide adequate data to make a determination) is a reason to deny an application.

A. The proposed use and/or plan shall provide adequate lot sizes, setbacks and right-of-ways for the proposed use. Within subdivisions containing eighty (80) residential lots or more, lot sizes and setbacks shall provide a variety of housing opportunities within the development rather than for a single-market segment.

B. The proposed use and/or plan shall provide open space, or increased lot sizes to create the desired community character.

C. The proposed use and/or plan shall orient any building(s) to account for the area topography and roads. Preserving vistas over natural areas and protecting future residents from traffic noises or other undesirable impacts is required.

D. The proposed use and/or plan shall provide an architectural design that promotes the desired community character of the area, provides diversity, avoids monotony and ensures that the building(s) does not detract from or lower the quality of the area, or discourage desired future development.

E. The proposed use and/or plan shall provide landscaping, streetscaping and bufferyards to promote the desired community character and ensure neighbors and future residents are protected from potential adverse impacts associated with the proposed use and/or plan. For the purpose of this Ordinance, bufferyards are defined as the combination of land and landscaping to eliminate or mitigate potential adverse impacts that may be inherent in the proposed use and/or plan, including but not limited to dirt, litter, noise, glare of lights, signs, and unsightly buildings and parking areas. A full range of landscaping techniques, from formal to natural, shall be used where appropriate.

F. The proposed use and/or plan shall provide a comprehensive sign proposal that promotes the character for the community and has a unified design while providing adequate notice of the uses on site. Signs shall promote harmony and not contribute to cluttered, confusing or competing streetscapes.

G. The proposed use and/or plan shall provide residential density, building bulk, massing and placement to contribute to the desired community character.

H. The proposed use and/or plan shall be designed to ensure that vehicular access provides adequate regional and village-wide traffic movements. Developer provided roads, access limitations and access spacing shall ensure safe and adequate capacity on Village arterial and collector roads. The proposed use and/or plan shall ensure safe access from the development to surrounding roads. The internal layout of streets, access drives and parking shall ensure safe movement on the local street or property. Pedestrian access and

movement shall promote access from residential areas to commercial areas and a community-wide pedestrian and bicycle system.

I. The proposed use and/or plan shall design lighting to avoid excessive lighting and glare. The proposed use and/or plan shall protect residential areas from light invasion by designing the lighting systems to contain light on site and providing landscaped bufferyards.

J. The proposed use and/or plan shall protect environmental resources and respect unique site conditions, in particular the Village's major stream and river valleys. Minor streams modified for agricultural purposes must be naturalized. On-site floodplain storage capacity shall be enhanced and stormwater management plans required. Mature vegetation shall be protected within the design of the proposed use and/or plan.

K. The proposed use and/or plan shall adhere to base zoning district regulations where they do not conflict with the Comprehensive Plan and Land Development Ordinance to be adopted as a result of the ongoing planning and regulatory process conducted by the Village. The Special Use permit, including any Special Use permit for a planned unit development, shall impose additional conditions to approval to promote the desired diversity and community character within the Village.

16.30 SUBMISSION PROCEDURES FOR SPECIAL USE PERMIT APPROVAL OR SPECIAL USE PERMIT APPROVAL FOR A PLANNED UNIT DEVELOPMENT (PUD)

The following items are required to constitute a complete Special Use or Planned Unit Development (PUD) application under this Ordinance. The Plan Commission shall not consider incomplete applications.

A. Applicability. The procedures set forth in this Section govern submitting applications for preliminary and final Special Use permit approval or Special Use permit approval for a PUD.

B. Initiation. An application for Special Use permit approval or Special Use permit approval for a PUD may be filed by the owner of, or any person having a contractual interest in, subject property.

C. Pre-Application Meeting. Prior to filing any application for Special Use permit approval or Special Use permit approval for a PUD, the prospective applicant shall, by letter to the Building & Zoning Administrator, request a pre-application meeting with relevant Village staff and consultants and the Building & Zoning Committee.

Such requests shall include a brief and general description of the nature, location, and extent of the proposed project and a list of any professional consultants advising the prospective applicant with respect to the proposed project.

Upon receipt of such request, the Village shall promptly schedule such a meeting and notify the prospective applicant and any government or private bodies, groups or individuals that the Village believes may have a special interest in the subject matter of the time and place of such meeting. Such meeting shall not be held unless the applicant agrees to reimburse the Village for fees incurred by all consultants who advise the Village about land development issues.

The purpose of the meeting shall be too broadly acquaint all parties with the proposals and to hear the views and concerns of all other parties at a time when positions are still flexible and adjustment is still possible. All necessary fees shall also be outlined for the developer. Following the pre-application meeting, the application (if filed) and any other conditions shall be sent to the Village board for referral and formal application to the Plan Commission.

D. All Applications. Sketch plans, preliminary plans and final plans shall be submitted to the Village Building & Zoning Administrator and Village Planner three (3) weeks prior to the date of the Plan Commission meeting. Thirty-four (34) copies of the application shall be submitted to the Village Building & Zoning Administrator. Two (2) additional copies of the application shall be forwarded directly to the Village Planner. If an applicant fails to provide the Building & Zoning Administrator and Village Planner with the required application three (3) weeks prior to the Plan Commission meeting, the application shall not be included on the Plan Commission agenda.

E. Optional Sketch Plan. Applicants for a Special Use or PUD approval may, at their option, submit a sketch plan for review prior to submitting a preliminary plan for approval. Any applicant submitting a sketch plan for review must request in writing the specific points or aspects of the plan to which a response from the Plan Commission is requested. The review of the materials shall not begin until all required materials and fees have been received by the Building & Zoning Administrator.

The sketch plan submittal shall, unless additional information is required or specific information is waived by the Building & Zoning Administrator, contain the following information:

1. The applicant's name and address and his interest in the subject property.
2. The owner's name and address, if different than the applicant, and the owner's signed consent to the filing of the application.
3. The zoning classification and present use of the subject property and surrounding properties.
4. The names and addresses of all property owners adjacent to or across any street or rivers within four hundred (400) feet of the subject property as shown on the most recent tax records.
5. A written statement generally describing the proposed project and its relationship to the development and use of neighboring property. The statement shall include a description of the applicant's planning objectives, the approaches to be followed in achieving those objectives and the rationale governing the applicant's choices of objectives and approaches.
6. A location map showing the location of the subject site.
7. A sketch plan drawn to scale of not less than one hundred (100) feet to the inch illustrating the proposed development and use including:
    a. The location of proposed lots, buildings, paved areas and curb cuts as well as the floor area and number of units.
    b. The location of physical features of the site including, but not limited to, existing vegetation and topography.
    c. A general landscaping plan showing the vegetation to be preserved and any new landscaping to be planted.
    d. Areas where major cut and fill will be done as well as the location for stormwater facilities.
    e. Any aspects of the plan that the applicant has requested for review.
8. Total trip generation projected for the development.
9. A description of sign controls.

10. Any additional information that will be necessary to obtain a review by the Plan Commission by the points requested by the applicant.

11. Any other or further information that the Plan Commission may deem to be necessary or appropriate.

The Plan Commission will respond to the sketch plan submittal relative to the points or aspects of the plan that the applicant has requested for review or relative to whatever the Plan Commission may deem to be appropriate. The response of the Plan Commission shall be conditioned by the right of the Plan Commission, in recommending preliminary approval of the Special Use permit or Special Use permit for the PUD, to modify the requirements for preliminary approval on the basis of information, data and policies developed in the course of the ongoing planning and regulatory process following the review of the sketch plan submittal.

F. Preliminary Plan. All applications for preliminary plan approval shall be submitted as provided in this Section. The time for the Commission's review shall not begin to run until the submission of a complete application with the required fee. Unless the applicant is informed in writing by the Building & Zoning Administrator within ten (10) days following the actual submission of the application that it is incomplete, said application shall be deemed complete as of the date it was submitted.

The application shall, unless additional information is required or specific information is waived by the Plan Commission in granting a preliminary approval, contain the following information and documentation:

1. The applicant's name, address and interest in the subject property.

2. The owner's name and address, if different than the applicant, and the owner's signed consent to the filing of the application.

3. The street address or legal description of the property.

4. A location map showing the location of the subject site.

5. The names and addresses of all professional consultants advising the applicant with respect to the proposed planned development.

6. The zoning classification and present use of the subject property and surrounding properties.

7. The names and addresses of all property owners adjacent to or across any streets or rivers within four hundred (400) feet of the subject property as shown on the most recent tax records.

8. A written statement generally describing the proposed project and its relationship to the development and use of neighboring property. The statement shall include a description of the applicant's planning objectives, the approaches to be followed in achieving those objectives and the rationale governing the applicant's choices of objectives and approaches.

9. A preliminary plat of subdivision and accompanying documents and plans, if subdivision approval is required.

10. A site plan, based on the latest tax map information and drawn to a scale of not less than one hundred (100) feet to the inch, on one (1) or more sheets, illustrating the proposed development and use and including:

    a. A survey, certified by a registered land surveyor, showing property boundary lines and dimensions; available utilities; easements, streets, rail lines and public rights-of-way crossing and adjacent to the subject property; and a key map locating the site with reference to existing streets and rights-of-way.

    b. Any proposed regrading of the subject property and any significant natural topographical or physical feature of the property, including location and extent of tree cover including single trees in excess of eight (8) inches DBH; location and extent of water courses, marshes and flood plains on or within one hundred (100) feet of the subject property; existing drainage patterns; views; soils (investigation and report per Subdivision Regulations); and existing contours with one (1) foot intervals. For the purpose of this Ordinance, DBH (Diameter at Breast Height) is defined as the measurement of the diameter of a tree trunk measured four and one-half (4.5) feet above the natural grade.

    c. The location, size, use, and arrangement of proposed buildings and existing buildings which will remain, if any, including outside dimensions, height in stories and feet, floor area ratio, total floor area and number and size of dwelling units, rooming units and individual commercial or manufacturing units.

    d. Minimum yard dimensions and, where relevant, relation of yard dimensions to the height of any building or structure.

    e. Location, dimensions and number of all existing and proposed vehicular and pedestrian circulation elements, including streets and roadways, driveways, entrances, curbs and curb radii, curb cuts, parking stalls, loading spaces and access aisles; sidewalks, walkways and pathways, including slope and gradient of vehicular elements; and total lot coverage of all circulation elements, divided as between vehicular and pedestrian ways.

    f. Utility plans, indicating placement of existing and proposed water mains, sanitary sewer, gas, electric and telephone lines, and related facilities.

    g. All existing and proposed surface and subsurface drainage facilities.

    h. Location, size and arrangement of all outdoor signs, lighting and refuse storage areas. Lighting details shall include type of standards, location, radius of light and intensity in foot-candles.

i. Location and height of fences or screen plantings and type or kind of building materials or plantings to be used for fencing or screening.

j. Preliminary sketches of proposed structures.

k. A detailed landscaping plan, including planting schedule and maintenance plan prepared by a landscape architect.

l. Location, designation and total area of all usable open space.

m. The location, use, size and height in stories of structures and other land uses on properties within two hundred (200) feet of the subject property and for five hundred (500) feet along any arterial or major collector street, frontage including access points to such uses.

n. The location of other proposed developments within one thousand three hundred twenty (1,320) feet.

o. A development study setting forth the impacts on the various public facilities and schools serving the site. Any extensions of off-site improvements for water, sewer, streets, parks or schools necessitated by the proposed development.

p. A soil erosion and sedimentation control plan, pursuant to the requirements of the Village's Zoning and Subdivision Regulations.

q. Any other information that may be required on the site plan by the Plan Commission to determine that the application is in compliance with the codes, resolutions and ordinances of the Village.

r. All subdivision legends required by the Village shall be included on the plat and/or plan.

11. Traffic, transit, and pedestrian circulation studies indicating the relationship of the site plan to existing and projected transit, vehicular and pedestrian traffic volumes and use in the immediate area based upon both existing and planned traffic, transit and pedestrian systems and use. Conformance with PACE Development Guidelines is expected. Deviations must be noted.

12. A tabulation of the following information:

a. Total number of dwelling units or rooming units proposed by type of structure and number of bedrooms.

b. Total square feet of building floor area proposed for commercial uses and for industrial uses, by general type of use.

c. Total land area, expressed in acres and as a percent of the total development area, proposed to be devoted to residential uses, by type of structure; commercial uses; industrial uses; public and private open space;

streets; off-street parking and loading areas; and miscellaneous impervious areas.

d. Proposed number of off-street parking and loading spaces for each proposed type of land use.

13. If the development is proposed for construction in stages or units during a period extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted, stating the approximate beginning and completion date for each such stage or unit, the proportion of the total public and private open space and the proportion of each type of proposed land use to be provided or constructed during each such stage; the public and private infrastructure and utility systems to be constructed in each stage; and the overall chronology of development to be followed from stage to stage.

14. If any stage or unit is proposed to contain a proportion of open space or other public or private recreation or service facilities less than the proportion of such facility throughout the entire development, a statement of what bond, credit, escrow or other assurance is proposed to ensure the development or provision of such open space or other facility.

15. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed development.

16. For any proposed commercial or industrial project, a tabulation of the expected number of employees.

17. A description of sign controls.

18. A preliminary indication of any architectural, site design guidelines or other covenants to be imposed by the developer.

19. Such other and further information or documentation as the Plan Commission may deem to be necessary or appropriate to a full and proper consideration and disposition of the particular application.

G. Distribution of Applications. Upon determining that the application is complete, the Building and Zoning Administrator shall distribute the Special Use of PUD application for review and report from appropriate Village officials and consultants.

H. Final Plan. All applications for final plan approval of a Special Use or PUD shall be submitted as provided in this Section. The time for the Commission's review shall not begin to run until the submission of a complete application with the required fee. Unless the applicant is informed in writing by the Building & Zoning Administrator within thirty (30) days following the actual submission of the application that it is incomplete, said application shall be deemed complete as of the date it was submitted.

The application shall, unless additional information is required or specific information is waived by the Plan Commission in granting a preliminary approval, contain the following information and documentation:

1. The applicant's name, address and interest in the subject property.
2. The owner's name and address, if different than the applicant, and the owner's signed consent to filing the application.
3. The address or legal description of the property for which final approval is sought.
4. The date of which preliminary approval was granted.
5. A final version of the site plan containing any revisions required as a condition of preliminary approval.
6. All certificates, seals and signatures required for the dedication of land and recordation of documents and any bonds or guarantees required.
7. A final plat of subdivision if subdivision is required.
8. Architectural drawings of all structures of sufficient nature to determine the general appearance of the structures.
9. Final engineering for all earthwork, utilities, drainage facilities and streets.
10. Final landscape plans with all installation details and a listing of plant materials and their location.
11. Any architectural, site design guidelines or other covenants to be imposed by the developer.
12. Such other and further information as the Plan Commission or the Village of Oswego Board of Trustees shall find necessary to a full consideration of the entire proposed development or any state or unit thereof.

SECTION 17.00 – LANDSCAPING

17.01 PURPOSE

The purpose of this Section is to preserve and promote the health, safety and general welfare of the public. This Section promotes compatibility among land uses within the community through the preservation and installation of vegetation, screening and other landscaping material. These regulations are intended to minimize the harmful or nuisance effects resulting from noise, heat, glare and accumulation of dust and to provide shade, air purification, oxygen regeneration, ground water recharge, stormwater run-off retardation and privacy from noise and visual intrusion of objectionable sights and activities.

17.02 DEFINITIONS

ARTERIAL ROADWAYS: Arterial Roadways provide regional roadway access within an area. These are typically State, Federal, County and larger local routes and are major roadways that receive traffic from other routes. The following are examples of arterials: IL Route 126, IL Route 25, Orchard Road, IL Route 71, IL Route 31, US Route 30, US Route 34, Ridge Road, and Plainfield Road. Also, future arterial roadways will include Wolfs Crossing Road, Cherry Road, Collins Road, Minkler Road, Wheeler Road, Stewart Road, and Wikaduke Trail**.**

BERM: An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

BUFFER: A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.

CALIPER: A circumferential measurement of a tree's trunk recorded six (6) inches above grade for those trees having a caliper of four (4) inches or less, and twelve (12) inches above grade for those trees with a caliper of above four (4) inches.

COLLECTOR ROADWAYS: Designed to collect traffic from local roads and direct the traffic into the arterial system. These roads are typically county and local roadways that have greater regional importance. The following are existing collectors: Fifth Street, Grove Road, Harvey Road, Mill Road, Reservation Road, and Woolley Road.

COLLECTOR RIGHT-OF-WAY: See Subdivision Regulations, Figure 2, Street Geometric Criteria.

DECIDUOUS: A plant with foliage that is shed annually.

EVERGREEN: A plant with foliage that persists and remains green year-round.

***LANDSCAPED* AREA:** An area which consists of living landscape material.

LANDSCAPING: The improvement of a lot, parcel or tract of land with grass, shrubs, and trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing affect.

LIVING LANDSCAPE: Low growing woody or herbaceous ground cover, turf, shrubs, and trees.

NATURALIZED LANDSCAPE: Ecologically sensitive landscaping that uses regionally native plant species to create, improve or restore specialized and self-sustaining plant communities (prairie, woodland, etc.).

OVERSTORY TREE: A self-supporting woody plant having at least one well-defined stem or trunk, normally attaining a mature height and spread of at least thirty (30) feet, and having a trunk that may at maturity, be kept clear of leaves and branches at least eight (8) feet above grade.

PARKWAY: That portion of Village owned property between the curb line, shoulder line, traveled portion of the roadway or alley and the private property line.

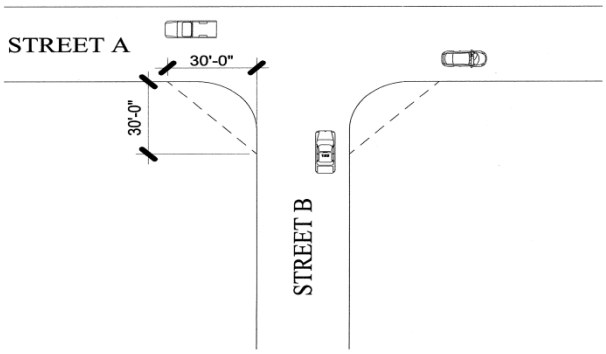
PRESERVABLE TREE: Any tree free of disease (see Tree Preservation Section 17.08).

REMOVE OR REMOVAL: The physical removal or effective removal through cutting, chopping, sawing, damaging, topping, poisoning or other direct or indirect action intended to result in the death of a tree. It shall not mean normal pruning or trimming of a tree.

RESIDENTIAL RIGHT-OF-WAY: See Subdivision Regulations, Figure 2, Street Geometric Criteria.

SCREEN: An area of planting which provides an effective visual barrier.

SIGHT TRIANGLE: A triangular-shaped land established at street intersections or public access ways (driveways) in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. The sight triangle is measured as follows:



TRANSITION YARD: That portion of yard that separates two incompatible uses.

UNDERSTORY TREE: A self-supporting woody plant having at least one well-defined stem or trunk and normally attaining a mature height and spread of less than thirty (30) feet with branching less than eight (8) feet above grade.

VEHICULAR USE AREAS: All areas subject to vehicular traffic including, but not limited to, access ways, driveways, loading areas, service areas and parking stalls for all types of vehicles. This definition shall not apply to covered parking structures or underground parking lots.

17.03 SCOPE

A. All new residential developments of five (5) units or more and all non- residential development shall comply with all of the standards provided in this Section.

B. For all additions, alterations, enlargements, or increases in parking areas, except for single-family dwellings, the following rules will apply: If the total of the existing such area(s) is increased ten (10) percent or less, no additional landscaping is required. If the total of the existing such area(s) is increased more than ten (10) percent but less than fifty (50) percent, such landscaping is required for that portion of the lot which is faced by the expanded area(s). If the total of the existing such area(s) is increased fifty (50) percent or more, such landscaping is required for the entire development. The percentage of increase shall be calculated by combining all increases in floor area and parking area(s).

C. Any change in land use of a property shall require the corresponding change in bufferyard requirements.

D. No certificate of occupancy shall be issued until the landscaping is completed and certified by an on-site inspection. If at any time the landscaping cannot be completed because of weather related issues, the landscaping may be bonded through the Building and Zoning Department and installed at a later time. In this case, only a certificate of temporary occupancy can be issued. The bond should be one hundred ten (110) percent of the estimated cost for the landscape improvements.

E. All landscaping as required in this Section shall supersede all other landscaping requirements contained within the Village Code.

F. All requirements in this Chapter are minimum requirements. Provision of landscaping in excess of these requirements is encouraged and may be required when necessary to achieve the purpose of these regulations.

17.04 CRITERIA FOR APPROVAL OF LANDSCAPING PLANS

The following criteria shall be used to evaluate proposed landscaping plans:

A. Landscaping materials that are native to the area should be selected when possible, and can be used for landscape bonuses; see Section 17.10 Alternate Compliance and Landscape Credit.

B. As an architectural feature, landscaping should visually soften the mass of the buildings, parking areas and other structure.

C. Landscaping should reduce the intrusion of headlights and other glare.

D. Landscaping should provide a safety barrier between vehicles and pedestrians.

E. Landscaping should offer a visual separation or screen between land uses that have intense activities or significantly different appearances, or that are otherwise incompatible to some degree, as determined by the Village of Oswego.

F. Landscaping should be designed to trap noise, odor and dust, control erosion and allow groundwater recharge.

G. Landscaping should preserve existing natural vegetation and other natural features of a site so as to enhance overall site design and protect animal populations and other ecological systems, wherever possible there should be no mass grading on parks/natural areas.

H. Landscaping should ensure the proper long-term maintenance and replacement of landscaping as needed.

I. Landscaping shall not hinder visibility at intersections (at least a 30 foot sight triangle at intersections).

J. Landscaping will utilize Best Management Practices (BMP) and Low Impact Design (LID) principles that are reviewed and approved by the Village.

17.05 SUBMITTAL REQUIREMENTS

The landscaping plan shall include all of the following:

A. The plan must be prepared by a landscape professional and must include their name, address, and phone number;

B. Location, quantity, size, and type of existing on-site vegetation to be utilized, and/or removed if applicable;

C. Location, quantity, size and type of proposed landscaping on a site plan, showing its relation to other site features such as utilities (including light poles and fire hydrants) easements, berming, and grading;

D. All proposed building footprints, parking areas, pedestrian ways, and driveways;

E. Scale and North arrow;

F. Location of underground irrigation system, if any;

G. Symbols representing proposed plant material shall be drawn to scale showing two thirds of full mature size and labeled as to quantity and type;

H. A separate table for each required landscape area shall accompany the plan, indicating square feet of landscape area, total species (botanical and common), size, substitutions, quantity of plants required, and quantity of plants provided. For bufferyards, bufferyard length and width should also be indicated;

I. General Requirements and Planting Details stated on the plan; (see Section 17.09 and Appendix C)

J. Areas of Stormwater Retention/Detention pond(s) and notes deferring to the improvement plan(s); (See Section 17.06I)

K. Any other information that may be needed to show compliance with this Section.

17.06 SITE AND LANDSCAPING DESIGN STANDARDS

A. Landscaping is required as a buffer between specified uses on lots, in open spaces, in parking areas, and along roads and streets. The following is a list of the required landscaping;

1. Bufferyards Required.
2. Onlot Landscaping.
3. Parking Lot Landscaping.
4. Fences, Walls, Berms, and Hedges.
5. Street Trees.
6. Median Landscaping.
7. Stormwater Retention/Detention Areas.

B. For landscaping creativity a mixture of canopy, understory, and evergreens trees; shrubs, perennials and grasses should be used. The following substitution rates may be used. Please include all substitution within the charts required by Section 17.05H.

1. 1 canopy tree – 2 evergreens
2. 1 canopy tree – 3 understory trees
3. 1 canopy tree – 12 shrubs
4. 3 gal. ornamental grass – 1 shrub
5. 3 gal. perennials – 1 shrub

C. Bufferyards Required. Every development shall provide sufficient screening so that neighboring properties are effectively shielded from any adverse impacts of that development or so that the new developing use shields itself from negative impacts of adjoining uses already in operation. Bufferyards are required, as indicated in Table A-1, under the following conditions:

1. Bufferyards located along the outer perimeter of a lot or parcel shall extend to the lot or parcel boundary line.
2. Bufferyards shall not be located on any portion of an existing or dedicated public or private street or right-of-way. Bufferyards that are located on the lot shall be placed within a separate landscape easement.
3. Along a property line where adjoining properties are a different zoning classification.
4. Along a property boundary within the same zoning district for limited and conditional uses.

5. Along all arterial, collector, and local streets, except on local streets, when the adjacent zoning use across the street is the same, only street trees are required, when approved by Community Development.

6. When a parcel abuts a utility right-of-way, then the bufferyard shall be determined by what the zoning district is on the opposite side of said right-of-way. Residential parcels that abut railway tracks shall use Bufferyard D.

7. When a berm is required by any part of this Ordinance, the height of the berm should be measured (base to top) from the highest adjacent elevation. For instance, a berm located in a street buffer would be measured from the elevation of the road if the road is at an elevation of 670' and the lot on the other side of the bufferyard is at an elevation of 665'. If a three (3) foot berm is requested the top of the berm will have an elevation of approximately 673'.

8. Existing trees and vegetation within a required buffer may be counted toward the total bufferyard plant material requirements. If existing trees and plants do not fully meet the standards for the type of buffer required, additional vegetation shall be planted. Other existing site features within the required buffer area which do not otherwise function to meet the standards for the required buffer shall be screened from the view of other properties or removed, as determined during review and approval of the site plan or major Special Use.

9. Table A-1 determines the bufferyards required under specified conditions of proposed land uses to adjacent uses. The letters in the table represent the buffering level to be provided by the use per one hundred (100) linear feet. Bufferyard Exhibits A – E show the plant materials to be provided according to the bufferyard width. If a proposed land use is not shown on the chart, the Department of Community Development shall determine the appropriate bufferyard. Any decision by the Department of Community Development may be appealed to the Plan Commission and Village Board.

TABLE A-1

Proposed Land Use	**Adjacent Land Uses**										
Developed Land							**Vacant Land**		**Roads**		
	Single-family	Multi-family	Retail	Office	Indus-trial	Gov't /Instit	Res.	Non-Res.	Arterial[1]	Collector[1]	Local[2]
Single-family R-1, R-2	N/A	B	D	D	E	C	B	D	C	B	S[3]
Multi-family R-3, R-4	B	A	C	C	E	C	C	C	C	B	S[3]
Retail B-1, B-2, B-3	D	C	B	B	C	C	D	C	C	B	S[3]
Office B-1, B-2	D	C	B	B	D	C	D	C	C	B	S[3]
Industrial M-1, M-2	E	E	D	D	B	C	E	D	C	B	S[3]
Gov't/ Instit.	C	C	C	C	C	B	D	C	C	B	S[3]

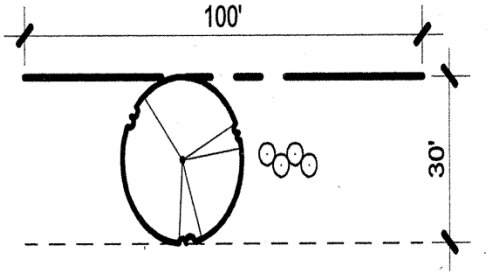
[1] Residential Bufferyards that are adjacent to Arterial and Collector Roads are required to have a 4-5 foot berm when approved by engineering.

[2] On local streets where the use is identical on both sides, only street trees are required when approved by Community Development.

[3] Street trees (see Section 17.09B).

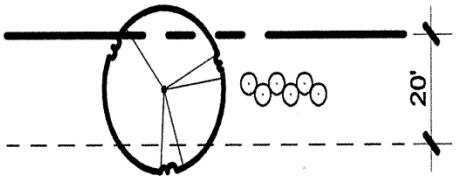
BUFFERYARD A

PER 100 LINEAR FEET

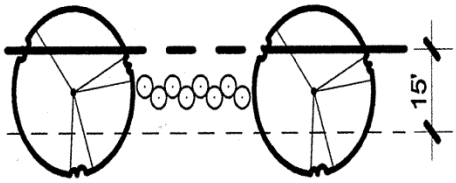


1.2 CANOPY
4 SHRUBS
(30' bufferyard)

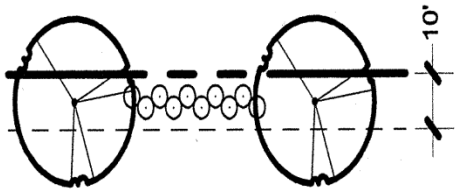
APPLICATIONS:
MULTI-FAMILY ADJACENT MULTI-FAMILY



1.4 CANOPY
6 SHRUBS
(20' bufferyard)

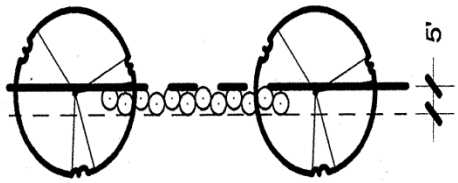


1.6 CANOPY
8 SHRUBS
(15' bufferyard)



1.8 CANOPY
10 SHRUBS
(10' bufferyard)

EVERGREEN TREES PROHIBITED IN BUFFERYARDS 10' WIDE OR SMALLER



2 CANOPY
12 SHRUBS
(5' bufferyard)

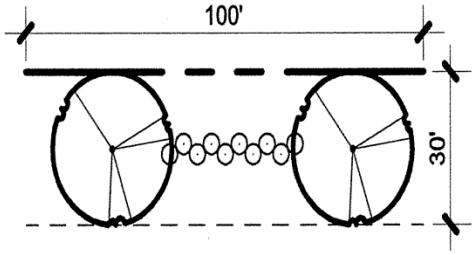
EVERGREEN TREES PROHIBITED IN BUFFERYARDS 10' WIDE OR SMALLER

ALL TREES TO BE PLANTED AT A MINIMUM DISTANCE OF 5 FEET FROM EDGE OF PAVEMENT. WHEN WITHIN 5 FOOT BUFFERYARDS,TREES MAY BE PLANTED A MINIMUM OF 4' FROM THE EDGE OF PAVEMENT.

BUFFERYARD B

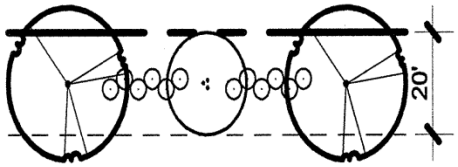
PER 100 LINEAR FEET

2.2 CANOPY
.4 UNDERSTORY
10 SHRUBS
(30' bufferyard)

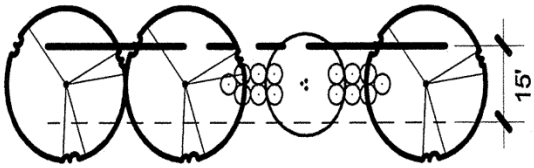


APPLICATIONS:
SINGLE FAMILY ADJACENT MULTIFAMILY
SINGLE FAMILY ADJACENT VACANT
MULTI-FAMILY ADJACENT SINGLE FAMILY
RETAIL ADJACENT COLLECTOR
RETAIL ADJACENT OFFICE
RETAIL ADJACENT RETAIL
OFFICE ADJACENT COLLECTOR
OFFICE ADJACENT OFFICE
OFFICE ADJACENT RETAIL
INDUSTRIAL ADJACENT COLLECTOR
INDUSTRIAL ADJACENT INDUSTRIAL

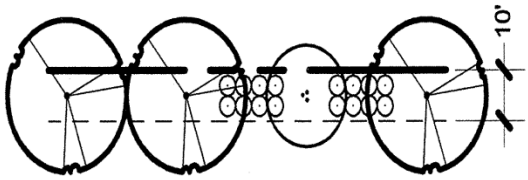
2.4 CANOPY
.6 UNDERSTORY
12 SHRUBS
(20' bufferyard)



2.8 CANOPY
.8 UNDERSTORY
14 SHRUBS
(15' bufferyard)

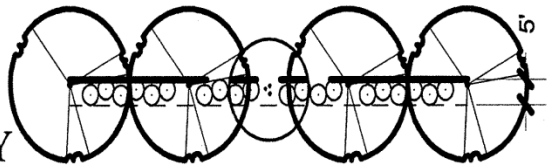


3.2 CANOPY
1 UNDERSTORY
16 SHRUBS
(10' bufferyard)



EVERGREEN TREES PROHIBITED IN BUFFERYARDS 10' WIDE OR SMALLER

3.6 CANOPY
1.2 UNDERSTORY
20 SHRUBS
(5' bufferyard)

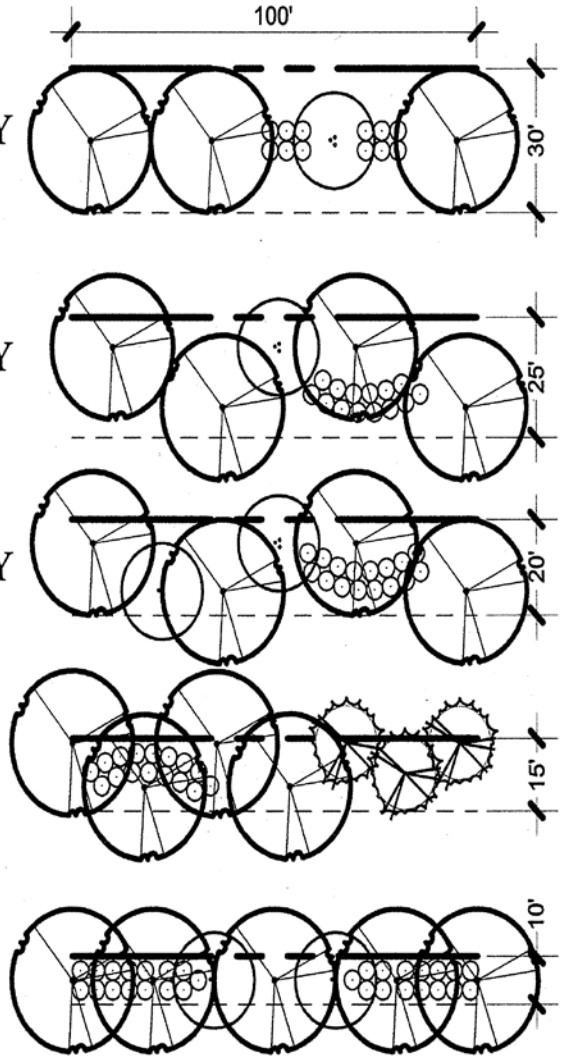


EVERGREEN TREES PROHIBITED IN BUFFERYARDS 10' WIDE OR SMALLER

ALL TREES TO BE PLANTED AT A MINIMUM DISTANCE OF 5 FEET FROM EDGE OF PAVEMENT. WHEN WITHIN 5 FOOT BUFFERYARDS,TREES MAY BE PLANTED A MINIMUM OF 4' FROM THE EDGE OF PAVEMENT.

BUFFERYARD C

PER 100 LINEAR FEET



3 CANOPY
1.2 UNDERSTORY
12 SHRUBS
(30' bufferyard)

3.5 CANOPY
1.4 UNDERSTORY
14 SHRUBS
(25' bufferyard)

4 CANOPY
1.6 UNDERSTORY
16 SHRUBS
(20' bufferyard)

4.2 CANOPY
1.5 EVERGREEN
16.2 SHRUBS
(15' bufferyard)

4.5 CANOPY
2 UNDERSTORY
30 SHRUBS
(10' bufferyard)

ALL TREES TO BE PLANTED AT A MINIMUM DISTANCE OF 5 FEET FROM EDGE OF PAVEMENT. WHEN WITHIN 5 FOOT BUFFERYARDS,TREES MAY BE PLANTED A MINIMUM OF 4' FROM THE EDGE OF PAVEMENT.

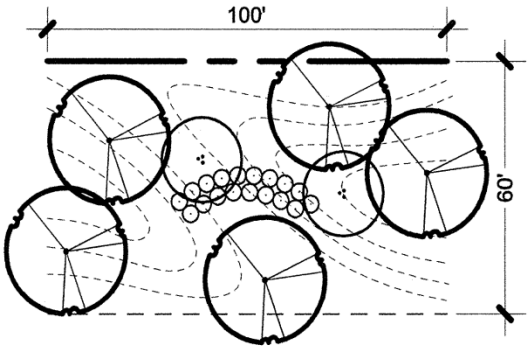
APPLICATIONS:
MULTIFAMILY ADJACENT OFFICE
MULTIFAMILY ADJACENT RETAIL
MULTIFAMILY ADJACENT VACANT
RETAIL ADJACENT ARTERIAL
RETAIL ADJACENT INDUSTRIAL
RETAIL ADJACENT MULTIFAMILY
RETAIL ADJACENT VACANT
OFFICE ADJACENT ARTERIAL
OFFICE ADJACENT MULTIFAMILY
OFFICE ADJACENT VACANT
INDUSTRIAL ADJACENT ARTERIAL
INDUSTRIAL ADJACENT RETAIL

EVERGREEN TREES PROHIBITED IN BUFFERYARDS 10' WIDE OR SMALLER

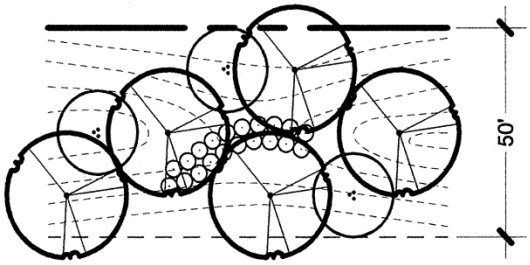
BUFFERYARD D

PER 100 LINEAR FEET

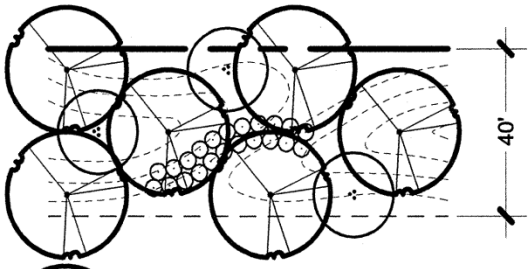
4.8 CANOPY
2.4 UNDERSTORY
18 SHRUBS
(60' bufferyard)



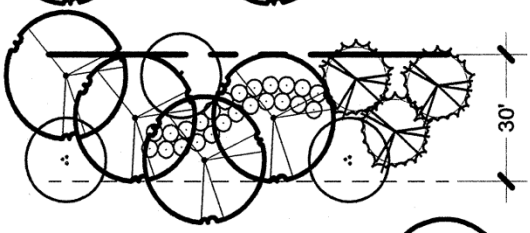
5.2 CANOPY
2.7 UNDERSTORY
20 SHRUBS
(50' bufferyard)



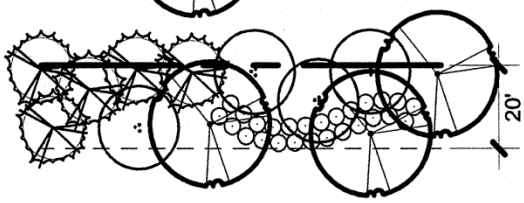
6 CANOPY
3 UNDERSTORY
22 SHRUBS
(40' bufferyard)



4 CANOPY
3.3 UNDERSTORY
3 EVERGREEN
24 SHRUBS
(30' bufferyard)



3 CANOPY
3.6 UNDERSTORY
5 EVERGREEN
26 SHRUBS
(20' bufferyard)



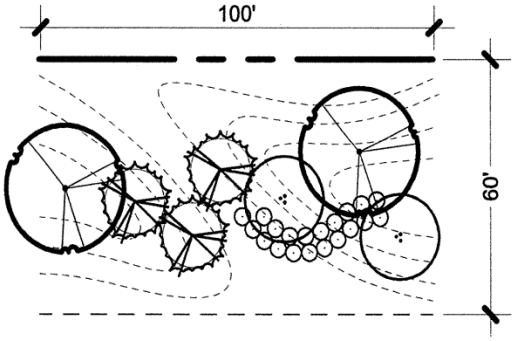
ALL TREES TO BE PLANTED AT A MINIMUM DISTANCE OF 5 FEET FROM EDGE OF PAVEMENT. WHEN WITHIN 5 FOOT BUFFERYARDS,TREES MAY BE PLANTED A MINIMUM OF 4' FROM THE EDGE OF PAVEMENT.

APPLICATIONS:
SINGLE FAMILY ADJACENT ARTERIAL
SINGLE FAMILY ADJACENT COLLECTOR
SINGLE FAMILY ADJACENT OFFICE
SINGLE FAMILY ADJACENT RETAIL
SINGLE FAMILY ADJACENT VACANT
MULTIFAMILY ADJACENT ARTERIAL
MULTI-FAMILY ADJACENT COLLECTOR
MULTIFAMILY ADJACENT INDUSTRIAL
RETAIL ADJACENT SINGLE FAMILY
RETAIL ADJACENT VACANT
OFFICE ADJACENT INDUSTRIAL
OFFICE ADJACENT SINGLE FAMILY
OFFICE ADJACENT VACANT
INDUSTRIAL ADJACENT OFFICE
INDUSTRIAL ADJACENT VACANT

BUFFERYARD E

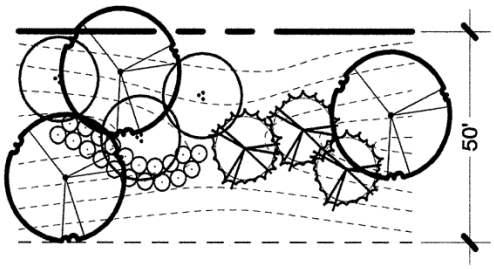
PER 100 LINEAR FEET

3 CANOPY
2 UNDERSTORY
3 EVERGREEN
18 SHRUBS
(60' bufferyard)

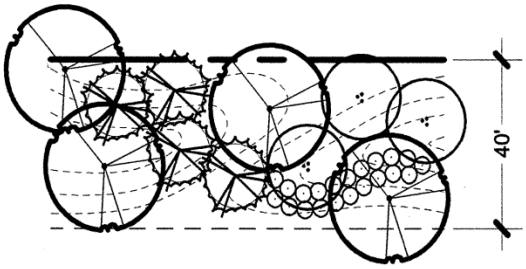


APPLICATIONS:
SINGLE FAMILY ADJACENT INDUSTRIAL
INDUSTRIAL ADJACENT SINGLE FAMILY
INDUSTRIAL ADJACENT MULTIFAMILY

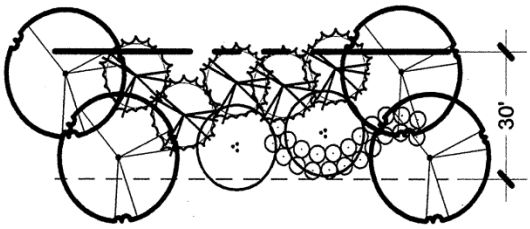
3.4 CANOPY
2.6 UNDERSTORY
3 EVERGREEN
20 SHRUBS
(40' bufferyard)



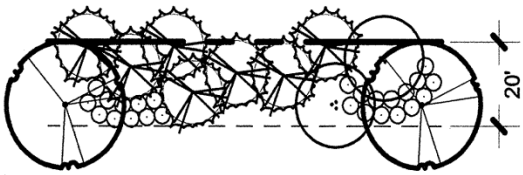
3.6 CANOPY
3 UNDERSTORY
4 EVERGREEN
20 SHRUBS
(40' bufferyard)



4 CANOPY
1 UNDERSTORY
5 EVERGREEN
22 SHRUBS
(30' bufferyard)



2 CANOPY
2 UNDERSTORY
8 EVERGREEN
25 SHRUBS
(20' bufferyard)



ALL TREES TO BE PLANTED AT A MINIMUM DISTANCE OF 5 FEET FROM EDGE OF PAVEMENT. WHEN WITHIN 5 FOOT BUFFERYARDS,TREES MAY BE PLANTED A MINIMUM OF 4' FROM THE EDGE OF PAVEMENT.

D. On Lot Landscaping

All lots shall be sodded or seeded and are required to have on lot landscaping according to the following:

1. Single-family Lots: Two (2) canopy trees per lot.

2. Attached Single-family: One (1) canopy tree per dwelling unit.

3. Multi-family: Two (2) canopy trees and fifteen (15) shrubs for every four (4) dwelling units.

   a. Foundations

      i. Foundation landscaping shall be provided at a minimum on the front and side yards of the building.

      ii. The foundation landscaping shall be located in a planting bed a minimum of eight (8) feet wide adjacent to the building.

4. Non-Residential

   a. Areas of the lot not covered by structures or pavement shall be planted with live landscaping.

   b. Decorative stone, brick, or pavement may be used for edging planting beds but may not cover more than fifteen (15) percent of the landscaped area.

   c. Shade trees are to be located on the south side of buildings wherever feasible to block summer sun.

   d. Plantings shall be clustered along long walls and fences to soften the visual effect of the horizontal lines.

   e. The precise location of all plantings shall be shown on the landscaping plan. The plantings shall be far enough away from the foundation and pavement to allow roots to spread and mature growth to occur. Plantings may be clustered along the building wall.

   f. Building foundations shall be landscaped to provide massings of natural colors and shapes to offset the mass of the building and provide visual relief to the straight lines of building architecture, parking lots and other man-made features. A minimum eight (8) foot wide landscaped area shall front not less than eighty (80) percent of the front and sides of all buildings and along the rear walls of non-residential buildings wherever feasible.

   g. Courtyards, berms and other landscaping features may be allowed if approved in the landscaping plan.

h. None of the onlot landscaping shall block any traffic devices or signs.

E. Parking Lot Landscaping

In addition to the on lot landscaping required by Section 17.06D above, the following standards shall apply to parking lots with twelve (12) spaces or more:

Design Standards. The design of the landscaped areas, the selection of plant materials, and the vehicular use area shall meet the following standards:

1. The following landscape and infiltration treatments shall be in place as conditions allow within parking lots and are included as bonuses within Section 17.10.

   a. Infiltration bio-swales.

   b. Vegetated swales.

   c. Vegetated filter strips.

   d. Infiltration basins/trenches.

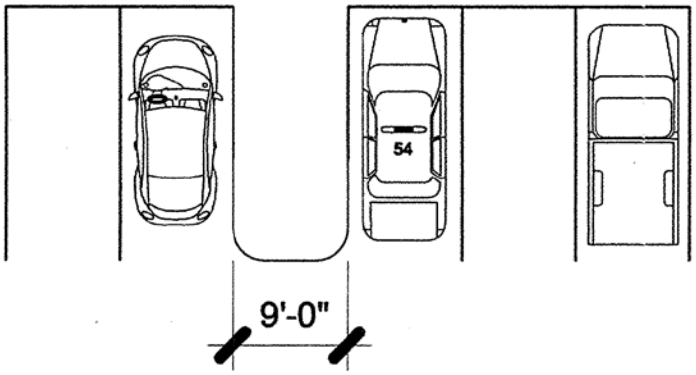
   e. Sand filters.

2. Portland Cement Concrete Curbs shall be provided between vehicular use areas and landscaped areas.

3. Portland Cement Concrete Curbed landscaping islands shall be placed at the ends of each row of parking. These islands shall be a minimum of nine (9) feet wide and shall extend the length of the parking stalls. They shall be landscaped with trees, shrubs, flowers or groundcover using the conditions below (17.06 C.4.b, c, d).

4. The interior of a parking lot with more than twelve (12) cars shall include landscape islands planted with overstory trees at a ratio of one (1) landscape island for every twelve (12) parking spaces (except nosed-in parking should be under Community Developments discretion). They shall be evenly dispersed throughout the parking area. The landscape islands shall meet the following requirements:

   a. The minimum area of a landscape island for each tree shall be one hundred eighty (180) square feet with a minimum width of nine feet (9’) back of curb to back of curb. These landscape islands shall be curbed with a Portland Cement Concrete barrier curb. Landscape islands may be combined to create larger planting islands within the parking lot.



MINIMUM REQUIRED WIDTH FOR ISLAND - PARALLEL SPACES

b. Small shrubs, flowers and groundcovers other than turf grass may be planted in the landscape islands, in addition to the required overstory trees.

c. Plant materials other than groundcover shall be set back a minimum of three (3) feet from the curb to avoid damage from overhanging car bumpers and doors.

d. Plant materials other than overstory trees shall be limited to a mature height of no more than twenty-four (24) inches within ten (10) feet of any curb at a driveway intersection.

F. Fences, Walls, Berms and Hedges

Fences, walls, berms and/or hedges may be required to supplement required plant materials if the Department of Community Development determines that additional screening is necessary to shield a proposed land use from adjacent uses. Fences, walls, or berms may be used to replace a percentage of landscaping as determined by the Community Development Director for that specific project at that time. If required, fences, walls, berms or hedges shall be constructed in accordance with the following specifications:

1. Fences, walls and solid hedgerows shall be a minimum of three (3) feet in height in residential areas and a maximum of six (6) feet in height in commercial and manufacturing districts. All fences and hedge rows must follow Section 10.02 of the Oswego Zoning Ordinance.

2. Fences built by the developers located along roadways for residential developments are preferred to be of iron and brick only.

3. Earthen berms shall not be less than three (3) feet in height and shall be covered with grass or other living vegetative ground cover.

G. Street Trees

1. Trees shall be planted in the parkway along all streets no closer than five (5) feet from driveways and forty (40) feet from intersections, as measured from the right of way lines extended. In addition, no trees shall be planted within five (5) feet of a fire hydrant or underground utility or fifteen (15) feet from above ground utility structure or pole and stay clear of all traffic control devices and signs.

2. Trees shall be planted on maximum forty (40) foot spacing such that the total number of trees shall equal or exceed the ratio of one (1) tree for each forty (40) feet of street frontage, except as specified below.

3. For single-family lots, trees may not be placed on the lot line.

4. The parkway plantings prohibit single species plantings. There shall be no more than five (5) of the same species in a row and ten (10) species within an area. A combination of species must be planted in case of disease. To ensure plant diversity, a minimum number of species of trees shall be required on each parcel as follows:

Size of Parcel (Acres)	**Quantity of Tree Species**
0 up to but not including 5	3
5 up to but not including 15	5
15 up to but not including 30	7
30 up to but not including 110*	10
110 or more	Up to 20 species

5. Plantings under utility wires are discouraged. If overhead utilities exist, plant selection shall be made from the approved understory plant list and spacing requirement shall be reduced to one (1) tree per twenty-five (25) linear feet.

6. Trees shall have a trunk diameter of not less than two and one-half (2.5) inches. Caliper of the trunk of nursery stock shall be measured six (6) inches above the ground for up to and including four (4) inch caliper size, and twelve (12) inches above the ground for larger sizes. The root system of all trees shall be BALLED AND BURLAPPED with a minimum ball diameter of twenty-eight (28) inches for two and one-half (2.5) inch caliper trees.

7. The street ROW landscape strip may be used as a planted bio-infiltration system with approval of the Community Development Department.

8. If parkway trees cannot be placed in the right-of-way they shall be placed within the subject property.

9. Watering bags/rings shall be installed, where feasible, for all street trees when planting between the times of June 1 – September 15.

H. Median Landscaping

The following information is to be used as general guidelines for designing parkway medians. It is intended for use as a resource to develop median designs. Several recommendations are subjective in nature and may require modification to fit median openings, width or stopping site distances. It is important that significant deviations from the guide be based on operational experience and objective analysis. These guidelines do not pertain to the design of bioswales.

1. Landscape elements within a median should include shade trees, ornamental trees, shrubs, low-growing evergreens, perennials, grasses and groundcovers. Species shall be heat, drought and salt tolerant.

2. Median plant heights refer to the mature plant height with the exception of all shade and ornamental trees. Any Variance from the following guidelines must be approved by the Village:

   a. In the first twenty-five (25) lineal feet of the median, all plant material shall be no taller than one (1) foot at mature height and no shade or ornamental trees can be located in this area.

   b. Twenty-five (25) to fifty (50) feet from the intersection no plant material shall be taller than eighteen (18) inches at mature height and no shade or ornamental trees can be located in this area.

   c. Fifty (50) to seventy-five (75) lineal feet from the intersection, plant height shall be no taller than twenty-four (24) inches at mature height. Shade and ornamental trees may be located in this area as long as it does not affect visibility.

   d. For the remainder of the median, until seventy-five (75) lineal feet from an intersection, opening, or the end of the median, no plant height shall reach above thirty (30) inches at mature height. Shade and ornamental trees can be located in this area as long as they do not affect visibility.

   e. Any plant material located within site triangles shall be no taller than twenty-four (24) inches at mature height. Site triangles are dependent upon the intersection stopping site distances.

   f. Shade and ornamental trees must be single stem and pruned up to a minimum of six (6) feet. No ‘clump varieties’ will be accepted.

   g. A “clear zone” in the first one and one-half (1.5) feet from the curb towards the center of the median on both sides of the median shall have no

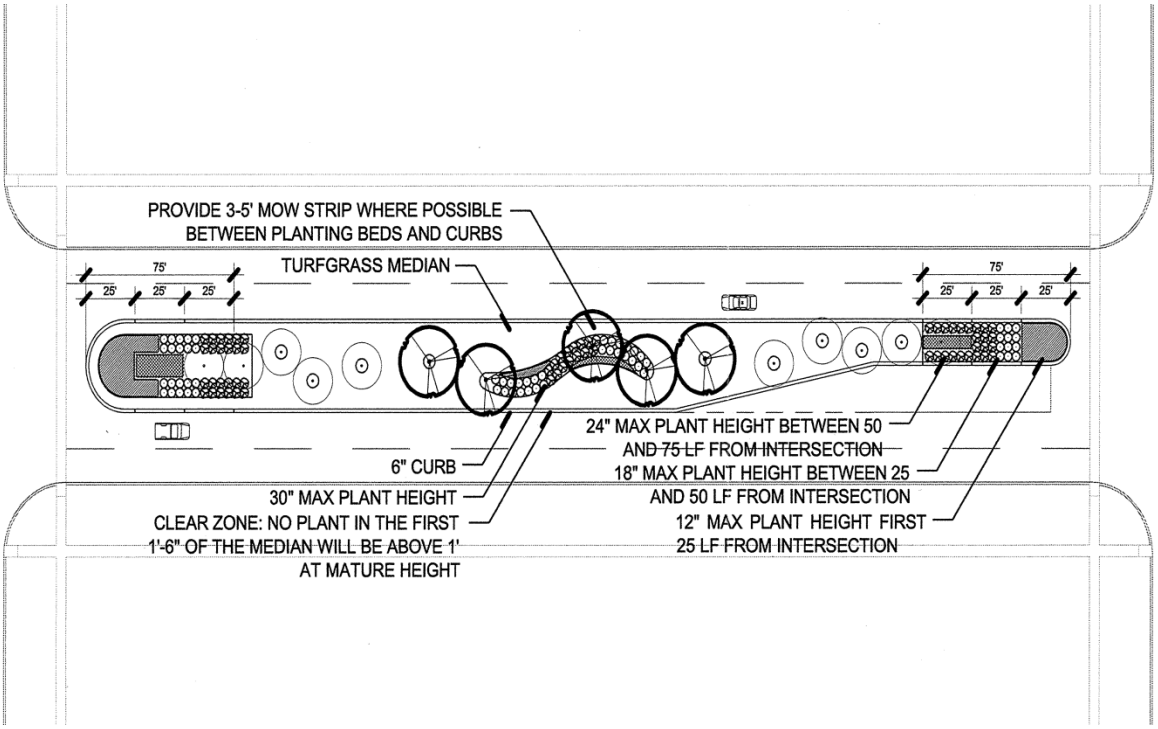
plant material taller than one (1) foot to allow turn lanes clear visibility of oncoming traffic.

h. Design shall be sensitive to the crown of the median. Plant material cannot be higher than thirty-six (36) inches above the pavement at mature height.

3. Tree distance to intersection. No shade or ornamental tree shall be closer than fifty (50) feet to the right-of-way of an intersection. Shade trees should be spaced one (1) tree per thirty (30) to fifty (50) lineal feet and ornamental trees should be spaced one (1) tree per fifteen (15) to twenty (20) lineal feet, depending on the mature canopy of the species.

4. A separate landscape plan shall be submitted of the public landscape(s) for any part of the median that is to be maintained by the Village to provide clear definition for maintenance workers between public/private properties.

5. The use of loose stone, rock, or gravel is prohibited on public parkways.



I. Stormwater Retention/Detention Areas

1. Perimeter Areas. Areas not falling under the on-lot/perimeter landscaping requirements shall be landscaped with ten (10) understory, fifteen (15) evergreens, and thirty-five (35) shrubs per acre. Substitutions may be used from Section 17.06B.

2. Stormwater Management Basins. Stormwater management basins are to be designed to provide required stormwater storage as well as desirable environmental functions and values. Desirable environmental functions and values include surface water filtering to improve downstream water quality, groundwater recharge, wildlife habitat, erosion control and aesthetically pleasing open space in a residential setting. Deep rooted native plants are to be planted around all drainage swales, detention basins, and edges of streams, lakes and wetlands unless approved under Community Development discretion.

   a. Natural Landscape Specialist Prequalification. Naturalized landscapes are to be installed and managed by individuals/companies with qualifications and/or experience with such landscapes. Qualifications are to be provided to the Village of Oswego through submittal of references, photographs, resumes and/or other means that demonstrate the ability to install and/or manage naturalized landscapes.

   b. Stormwater Retention/Detention Pond Improvement Plan. Landscape improvement plans must be provided for all stormwater retention/detention facilities. The plan must demonstrate the ability of the proposed plant material to survive expected periods of inundation, based upon hydrologic studies.

   c. Components of a Stormwater Retention/Detention Pond Improvement Plan. Stormwater Retention/Detention pond improvement plans shall include the following:

      i. North Arrow and Scale.

      ii. Identification of all plant zones by elevation range.

      iii. Location of existing and/or proposed inlets/outlets.

      iv. Identification of all seed mixes and planting rates per plant zone.

      v. Perimeter landscaping.

      vi. Planting schedule.

   d. Short Term Monitoring and Maintenance Plan (First five years). The developer is to notify the Village a minimum of twenty-four (24) hours prior to the start of plant installation. Following substantial completion, the developer is to submit documentation that natural area landscape installation or re-vegetation has been completed. Nursery packing lists indicating the species and quantities of materials installed are to accompany this notice. The developer (or a designated representative) is to submit an annual monitoring report to the Village of Oswego by February 28 of the following year evaluating the progress of the naturalized landscape toward design goals. The report shall include the following:

i. Site Location.

ii. Names, addresses, and telephone numbers of the party or parties responsible for near-term monitoring and management.

iii. Schedule of expected monitoring visits, debris management, stormwater structure maintenance, prescribed burn, and invasive weed control.

iv. Erosion and sedimentation problems.

v. Water level or drainage problems.

vi. Areas of bare soil larger than three (3) square-feet.

vii. Observations on specific management strategies necessary to achieve acceptance requirements.

viii. Summary of annual monitoring observations; including five (5) to ten (10) photographs representative of at least twenty (20) percent of each vegetative community to identify the following:

a) The limits of all vegetation areas by general community type and dominant species within each planting zone.

b) All plant species in each planting zone.

c) The five (5) most dominant species within each planting zone.

d) The percent survival of planted species.

e) The approximate percent ground cover by native species within each planting zone.

f) The percent ground cover by non-native or invasive species in each planting zone.

g) Erosion and sedimentation problems.

h) Water level or drainage problems.

i) Areas of bare soil larger than three (3) square-feet.

j) Observations on specific management strategies necessary to achieve acceptance requirements.

ix. Tabular summary of annual progress relative to acceptance standards.

e. <u>Long Term Operation and Maintenance Plan including the following:</u> Every five (5) years following Village acceptance of the naturalized

landscape plantings, the owner of the property shall submit a report to the Village on the condition of naturalized landscapes, recommended management actions to correct deficiencies, and a proposed schedule for implementing the recommended actions. Following implementation of corrective actions, documentation is to be provided to the Village demonstrating that deficiencies have been corrected.

i. Names, addresses and telephone numbers of the party or parties legally responsible for operation and management of the stormwater facility.

ii. Written documentation of acceptance by public agencies, as applicable, including associated capital expenses.

iii. A copy of the terms demonstrating that the long-term management agreement is recorded against all lots in the project.

iv. Location map identifying all permanent access (public and private), boundaries between traditional turf grass areas and the naturalized areas covered by the plan, overland flow paths, and control structures.

v. Educational pamphlet to be distributed at closing for all lots in the development that the stormwater retention/detention facility serves.

vi. Schedule of expected long-term management activities.

f. Naturalized Landscape Reporting, Monitoring and Acceptance Standards.

Satisfactory landscape development associated with naturalized vegetation in stormwater facilities or other naturalized areas will be based on the following:

i. Within three (3) months of seed installation (or three (3) months after the start of the growing season following dormant seeding), at least ninety (90) percent of the seeded area, as measured by aerial cover, will be vegetated or otherwise stabilized against erosion.

ii. Naturalized landscapes shall not have single areas of more than three (3) square-feet devoid of vegetation, as measured by aerial coverage.

iii. Seeded areas shall have no rills or gullies and basin shorelines shall be adequately protected against erosion.

iv. Areas seeded to turf grass or low-maintenance turf shall have ninety-five (95) percent ground cover.

v. Emergent areas shall have minimum of thirty-five (35) percent ground cover (avg. fifty (50) percent) and other wetland and prairie areas shall have a minimum of thirty-five (35) percent ground cover (avg. sixty (60) percent) by species in the approved plant list and/or native species with native coefficient of conservation (c-) values $\geq$2 (per Swink and Wilhelm 1994 or more current version).

vi. Naturalized landscapes shall have a minimum of thirty (30) percent presence by species seeded or planted for the permanent matrix and/or native species with C-value$\geq$ 2 (per Swink and Wilhelm 1994 or more current version).

vii. Installed woody materials shall be alive, in healthy condition and representative of the species.

viii. No specific plant community, individual or collective, shall have more than twenty-five (25) percent cover of non-native or weedy species.

ix. None of the three (3) most dominant species may be non-native or weedy, including but not limited to Barnyard grass, Canada thistle, Common reed, Kentucky bluegrass, Purple loosestrife, Reed canary grass, Sandbar willow, Common and Giant rag weed or Sweet clover unless indicated on the approved planting plan.

x. Cattails do not count towards the twenty-five (25) percent weed criterion provided they represent no more than twenty (20) percent cover.

g. Prohibited Activities within naturalized landscape areas. The following activities are prohibited within areas of naturalized landscaping except as needed to achieve and maintain a naturalized landscape consistent with approved plan and as directed by the Village:

i. Dumping of yard waste, fill material or debris.

ii. Replacement of approved vegetation with non-approved materials.

iii. Construction or placement of structures.

iv. Application of pesticides, fertilizer or herbicides.

v. Mowing.

vi. Commercial, industrial, agricultural, residential developments, buildings, or structures, including but not limited to signs, billboards, other advertising material, or other structures.

vii. Removal or destruction of trees or plants, draining, plowing, mining, removal of topsoil, sand, rock, gravel, minerals or other material.

viii. Operation of snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles.

ix. Roads and Right-of-ways.

x. Parking.

17.07 PLANTING MATERIAL

See appendix A and B

17.08 TREE PRESERVATION

Existing Tree Preservation and Vegetation. For any parcel of land with a proposed site plan or development plan containing existing trees or natural landscape, shall include a tree preservation plan including natural landscape sensitivity submitted at the time of application for preliminary plan/plat approval. Said tree preservation and landscape sensitivity plan shall be reviewed by the Village Staff, Plan Commission and approved by the Village Board as part of the Preliminary Development Plan. Credit against the landscape requirements of this Ordinance may be allowed by the Village Planner or his/her designee for existing vegetation and other landscape features of a quality which the applicant proposes to preserve on an equal basis. In all cases, the Village Planner or his/her designee may attach conditions to the granting of said credit to secure or enhance the continued well-being of all vegetation for which credit is being given during the period of construction upon the site covered by the plan. The existing vegetation for which credit is given shall be shown and labeled on the landscape plan.

A. The following is to be included on the tree preservation plan:

1. Delineation of areas to be cleared during development activities.
2. Restoration of vegetation proposed for all surfaces to be exposed during development activities, including any dredged, filled or graded areas.
3. The location and extent of natural area buffers and method of implementation; any use restrictions and method of implementation.
4. All approved measures to mitigate the loss or impact to the natural landscape shall become conditions for approval of the project.
5. Survey showing location of each existing trees six (6) inches or greater in diameter.
6. Species, size and condition of each tree.
7. Trees, which are noteworthy due to size, age, historic, cultural or aesthetic value.
8. Trees to be removed. Include a statement indicating the reason why the tress will be removed.
9. Location and type of tree protective fencing (orange snow fence or red picket fence).
10. Proposed grading and site changes around trees to be preserved. In addition, when a house/structure footprint is available, it shall be drawn on the plan and staked on the lot for the division's Tree Preservation Review.
11. A statement concerning where and how deliveries for construction purposes are to be made to the site. Deliveries for the construction of a house or building shall not be made through the rear of the lot, unless permitted by the Village.
12. Location, size, number and species of replacement trees. These shall be labeled to differentiate them from other landscaping being provided.

B. The Developer shall follow the design criteria as outlined below:

1. As many as possible of the trees on the site that are six (6) inches or greater in diameter or eighteen and eight-tenths (18.8) inches in circumference (as measured two (2) feet above grade) shall be saved. In the event a tree has more than one trunk, each trunk which is greater than six (6) inches in diameter measured two (2) feet above grade, shall count as a separate tree. The developer is encouraged to save as many trees as possible.

2. Each tree (six (6) inches or greater in diameter) removed on the site in accordance with the Tree Preservation Plan shall be replaced with the quantity of replacement trees in an amount equal to what is being removed. Replacement trees shall be a minimum of two and one-half (2.5) inches in diameter. (For example, one (1) six (6) inch diameter tree to be removed shall be replaced with three (3) two and one-half (2.5) inch diameter trees).

3. Replacement trees shall be planted according to the procedures specified for parkway trees. Replacement shall occur in areas that will safely accommodate tree growth within the boundaries of the development. The location, type and size of trees to be planted as replacements shall be indicated on the Tree Preservation Plan or Landscape Plan.

   In the event there is not adequate room on the site to plant the required replacement trees, as determined by the Village Arborist, on a case by case basis, other plant material may be planted as a substitute. See substitutions in Section 17.06B.

4. Trees located in the proposed rights-of-way shall not be considered desirable.

5. All trees six (6) inches or greater in diameter which are severely diseased or structurally unsound shall be labeled as such on the Tree Preservation Plan. If, in the opinion of the Village, corrective measures would be ineffective toward saving these trees and the trees pose a threat to the health, safety and welfare of the community, these trees shall not count towards the total number of trees to be preserved or replaced.

C. After notification to the property owner, the Village, at its discretion, has the right to retain a professional tree consultant/forester to review submitted tree preservation plans and submit a written report to the Plan Commission. All expense incurred by the Village for the use of the tree consultant shall be reimbursed by the owner/developer.

D. At the time of final plan/plat approval of the project by the Village Board, the approved tree plan will become part of the final plan/plat, and the developer shall not deviate from the approved plans during construction.

1. Prior to commencing any grading or construction activity on a site, the developer shall tag the trees that are planned to be removed, and fence off an area large enough to accommodate the construction of the building/structure and accessory uses and appurtenances. Trees up to six (6) inch caliper to be saved in any

development shall be surrounded by orange plastic or red picket snow fencing placed fifteen (15) feet beyond the drip line of each such tree. Trees greater than six (6) inch caliper shall have the fence placed twenty-five (25) feet beyond (or greater depending on species) the dripline. The area within this fence shall be known as the Root Preservation Zone. The snow fencing shall be secured in place by posts spaced six (6) feet apart and sunk two (2) feet into the ground with a minimum above ground height of four (4) feet. If a proposed structure will encroach upon the root preservation zone, then the location of the fenced off area may be adjusted as approved by the Village representative.

2. No mechanical vehicles or construction machinery shall be allowed within any fenced off area surrounding a tree to be saved. In addition, any construction activity which endangers the health of any tree in the fenced off area shall be prohibited. This includes, but is not limited to, stockpiling of materials within the Root Preservation Zone, flooding and the deposit of wash water in the root preservation zone.

3. Encroachment into the Root Preservation Zone, whether by equipment or materials detrimental to the health of the tree, shall result in a fine of three hundred (300) dollars per occurrence, to be paid by the builder, and stoppage of all construction activities until all provisions of this code have been met to the satisfaction of the Village Arborist.

4. In the event that any tree in a protected area is damaged in any way, a fine of one thousand (1,000) dollars shall be paid by the builder and all construction activities stopped until all provisions of this code have been met to the satisfaction of the Village Arborist. In addition, corrective measures shall be taken to repair, treat and/or trim away the damaged portion of the tree, as recommended by the Village Arborist, prior to construction activities recommencing.

5. If a tree is:

   a. Damaged beyond saving by reasonable measures.

   b. Damaged such that corrective measures would result in a disfigured, aesthetically undesirable appearance.

   c. Otherwise destroyed or razed, the builder shall supply replacement trees, at the builder's sole cost and expense, within thirty (30) days. In addition, the builder shall be fined not less than five hundred (500) dollars or more than one thousand (1000) dollars for each damaged/destroyed tree larger than six (6) inches in diameter and less than ten (10) inches in diameter. For each damaged/destroyed tree in excess of ten (10) inches in diameter, the builder shall be fined not less than fifty (50) dollars or more than one hundred (100) dollars for each inch of tree diameter. Replacement trees shall be a minimum of four (4) inches (in open areas) and shall be taken from the approved list. The quantity of replacement trees required shall be based on the size of the existing tree which was severely

damaged/destroyed, as indicated in the chart below. The builder shall post a financial guarantee in the corresponding amount listed in the chart to ensure that the trees will be planted. Construction activities shall not recommence until the trees are planted or a financial guarantee is provided in a form acceptable to the Village.

Size of Existing Tree (Diameter in inches)	Number of Replacement trees (4" diameter)	Financial Guarantee per replacement tree
36 or greater	8	$2,600.00
30-35	7	2,275.00
24-29	6	1,950.00
18-23	5	1,625.00
12-17	4	1,300.00
6-11	3	975.00

6. If, in the opinion of the Village, there is not adequate room on the site for all of the replacement trees, the dollar amount that corresponds to the unplantable trees shall be used to plant parkway trees elsewhere in the Village. The Village shall determine the location of these trees.

E. All replacement trees shall be guaranteed to live and thrive for up to two (2) years after Village acceptance of the improvements. Documentation of the guarantee shall be provided to the Village Engineer prior to acceptance of the improvements. In the event that a replacement tree dies or is in a declining condition, the tree shall be replaced by the party bound by the guarantee with another tree of the same species and size (or equivalent).

F. Tree Removal

1. Prior to removal of any trees, the developer shall call the Public Works Department at least twenty-four (24) hours in advance of any cutting operation to obtain tree removal permission. Any tree removal contractor must be registered with the Village. The Public Works Director, or his agent, shall then inspect the site to ensure that only the trees indicated for removal on the approved tree preservation plan are tagged to be removed and any other conditions specified in the approved tree plan are adhered to. The Public Works Director, or his agent, shall then issue tree removal permission for the tree cutting operation to commence. The Public Works Department will make periodic inspections of the site after the initial tree cutting operation has begun.

2. The owner will be required to pay a fee at the time of application for a tree removal permit for an individual lot. The fee of one hundred (100) dollars shall cover the cost of up to three (3) inspections. In the event that more than three (3) inspections are needed and conducted, the owner will be billed sixteen (16)

dollars and fifty (50) cents for each additional inspection. Tree removal permits for mass grading, right-of-way clearance and other mass removals shall be billed at the standard hourly rate.

3. If the developer desires to remove existing trees after receiving preliminary development plan approval but prior to obtaining final approval of the development plan and tree preservation plan, he shall post a financial guarantee at the time of application for tree removal permit in the amount of one hundred twenty-five (125) dollars per inch caliper of each tree proposed to be removed. Upon obtaining final approval of the development plan and the tree preservation plan, the financial guarantee shall be released. In the event that trees are removed but final development plan approval is not obtained and the project is abandoned, the amount of the bond, which corresponds to the actual trees removed, shall be used to replant trees in the community. The location, size and type of trees planted shall be at the discretion of the Public Works Director.

G. In addition to the fines above, failure of the developer to contact the Village Public Works Director or his assign before removing any tree will result in a fine of one thousand (1,000) dollars per tree, which has been cut. And/or stoppage of all construction activity shall cease until such time as all provisions of this code have been met, to the satisfaction of the Village Public Works Director or his assignee.

17.09 STANDARDS, GUIDELINES AND GENERAL REQUIREMENTS

A. General Standards (to be copied onto landscape plans)

1. Time for Installation. All landscaping for single-family residential developments of five (5) units or more shall be completed in accordance with the approved site plan at the time that seventy (70) percent of the development is completed or within the next planting season following occupancy, whichever comes first. If the development is built in phases, then the landscaping shall be completed as seventy (70) percent of each phase is completed or within the next planting season following occupancy, whichever comes first. All commercial development landscaping shall be in place prior to any occupancy permits being issued. If plantings cannot be installed, the Building and Zoning Administrator may issue a temporary permit and take surety until the landscaping is completed equal to one hundred ten (110) percent of the estimated cost for landscaping improvements. Installation of landscaping is best between the months of March 15 and June 1 and September 15 through December 1. Installation of herbaceous material is recommended March 15 through June 15, and September 15 through October 15.

2. Replacement. All landscaping shall be guaranteed for two (2) years from the date of acceptance and shall be replaced by the applicant at no charge to the Village should they die or be in a declining condition in the opinion of the Village Arborist. The replacement tree shall be the same size, species and quality, unless said species is no longer on the approved species list, and shall carry the same two (2) year guarantee. The Village may use the bond or surety to replace plants if the developer fails to perform adequately. After the initial two (2) year period, the landowner or, in the case of plant material in common open space, the homeowners or property owners' association shall be responsible for maintaining and replacing any plants that die.

3. Revisions. Once a landscape plan has been approved and a building permit issued, the village staff may authorize minor revisions to the approved landscape plan including the substitution of equivalent plantings and ground covers where such revisions do not diminish the benefits of the approved landscape plan.

   A revision shall be considered minor where there is no reduction in the quantity of plant material, no significant change in size or location of plant material, and new plants are of the same general category (overstory, ornamental, evergreen, etc.) and have the same general design characteristics (mature size, spread, density) as the materials being replaced.

4. Tree Quality. All plant material shall be balled and burlapped (B & B) or grown in nurseries from the Central or Northern Illinois region and licensed by the State of Illinois. Plant sizes, handling and installation shall conform to the minimum standards established by the American Association of Nurserymen. All plants used to fulfill the landscape requirements shall come from the permitted plant list in appendices A-E. Trees selected for planting in Oswego shall be healthy, free of infections and diseases, bark bruises, and scrapes on the trunk or limbs before and

after planting. Selected trees shall have a straight trunk with limbs not lower than five (5) feet above the ground.

5. Sod and seed areas. A guarantee of a minimum of two (2) growing seasons shall cover all sodded/seeded areas. For purposes of this Section, a growing season for sodded/seeded areas is September 1 through May 31. A sod watering permit may be submitted to the Public Works Department free of charge when sod/seed is first planted for a permit to water for ten (10) consecutive days.

6. The applicant shall provide the Arborist with a minimum twenty-four (24) hour notice prior to beginning of planting.

7. Irrigation. The landscaping areas should use plants that can survive with the area's natural rainfall and do not need irrigation. Where the planting areas cannot naturally be provided with adequate moisture because they are surrounded by large areas of paving, an irrigation system shall be installed to ensure the plants receive adequate moisture.

8. All tags, wires, plastic ties and rope shall be removed from each tree to prevent girdling the tree. The burlap shall be removed a minimum from the upper third of the root ball. If plastic "burlap" is used, it shall be removed in its entirety from the root ball. All wire baskets are to be removed.

B. Planting Specifications

1. The perimeter of the planting hole shall extend a minimum of two (2) feet beyond the sides of the root ball on all sides. The sides of the hole shall slope gradually, making the hole saucer-shaped or bowl-shaped. The hole shall be no deeper than necessary to cover the root ball.

2. A doughnut-like circle of soil shall be cultivated eight (8) to twelve (12) inches deep and eighteen (18) inches wide around the root ball. A three (3) inch layer of organic mulch shall be spread over the planting hole coming no closer to the trunk than six (6) inches. The trees shall be initially watered to remove air pockets from the soil and later as necessary to maintain a healthy, vigorous condition.

3. Each tree will be properly pruned back to compensate for any root loss. Such pruning may include roots and lateral branches (up to one-third (1/3) of their length) but in no case may the main leader be cut. Any tree which has the main leader cut in any way will be removed and replaced. Any damaged or broken branches shall be removed at this time.

4. All excess soil, clay and construction debris shall be removed from the planting site, prior to planting the individual tree.

5. Trees shall have a trunk diameter of not less than two (2) inches. Caliper of the trunk of nursery stock shall be measured six (6) inches above the ground for up to and including four (4) inch caliper size, and twelve (12) inches above the ground for larger sizes. The root system of all trees shall be BALLED AND

BURLAPPED or bagged with a minimum ball diameter of twenty-eight (28) inches for two and one-half (2.5) inch caliper trees.

6. Tree holes may be machine dug, provided that all sides of holes dug in such manner shall be scored to prevent glazing. If any existing lawn is damaged, it shall be the responsibility of the applicant to restore said lawn to its original condition. All trees shall be hand planted and planted straight.

7. Trees and shrubs located in a planting bed shall be mulched with a minimum of three (3) inches of shredded hardwood bark, wood chips or other organic mulch. All flower and groundcover beds shall be mulched with a minimum one and one-half (1.5) to two (2) inch depth shredded hardwood bark, wood chips or other organic mulch.

8. Pruning. The owner of trees overhanging public streets or right-of-way shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8) feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. Public Works will have to be notified of any tree located in the public ROW that needs to be removed. The Village shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light or interferes with the visibility of any traffic control device or sign. The property owner will be charged the cost of such service that the Village initiates for public safety.

9. Tree topping. It shall be unlawful for any person to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from the Ordinance at the determination of the Public Works Director or his assigned.

10. Dead or diseased tree removal on private property. The Village shall have the right to cause the removal of any dead or diseased trees on private property within the Village, when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees within the Village. The Village will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of the service of notice. In the event of failure of the owners to comply with such provisions, the Village shall have the authority to remove such trees and charge the cost of removal to the property owner.

11. Public tree care. The Village shall have the right to plant, prune, maintain and remove trees, plants and shrubs, within the right-of-ways of all streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to ensure public

safety or to preserve or enhance the symmetry and beauty of such public grounds. The Village may remove any tree or part thereof, which is in an unsafe condition or by reason of its own nature, is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is infected with any injurious fungus, insect or other pest.

12. Species Diversity. Diversity among required plant material shall be required not only for visual interest, but to reduce the risk of losing a large population of plants due to disease. Table L indicates the percentage of diversity required based on the total quantity of species being used for a particular plant type. For instance, if a development is using forty-five (45) canopy trees, then there cannot be more than eighteen (18) or less than five (5) of any one species and there has to be a minimum of five (5) different species.

Table L

DIVERSITY REQUIREMENTS

Total Number of Plants per Plant Type	Maximum of any Species	Minimum of Any Species	Minimum Number of Species
1-4	100%	N.A.	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

13. Soil Preparation. All development that disturbs the soil in any way shall have topsoil replaced. All unpaved areas shall have a minimum depth of six (6) inches of pulverized topsoil. To ensure proper subsurface drainage, the subgrade shall be graded with a positive pitch prior to placement of topsoil.

14. All sidewalks and paths shall be at least ten (10) feet from the trunks of large trees unless otherwise approved by the Community Development Department where the placement of the sidewalk would require the removal of an existing large tree to meet this requirement or where there is not enough space on the site to accommodate both the tree and the sidewalk.

C. Tree and Shrub Planting Details (to be copied on the landscape plans). See Appendix C.

17.10 ALTERNATE COMPLIANCE AND LANDSCAPE CREDIT

As a part of the approval process, the Plan Commission may recommend and the Board of Trustees may approve a bonus in the form of reduction(s) to the required setbacks of buildings, lot area, floor area ratios, parking, and/or number of subdivision entry signs based on minimum compliance with the requirements in this Section and one (1) or more of the following:

A. The number of trees and shrub clusters exceeds by at least twenty-five (25) percent the number of trees and shrub clusters required, and/or are closer or clustered more than required.

B. Automatic garden sprinklers are installed.

C. Use of native landscaping accounting for a least seventy-five (75) percent of the trees, seventy-five (75) percent of the shrubs and seventy (75) percent of the perennials.

D. In the nonresidential districts, the minimum specified bufferyard requirements are exceeded by twenty-five (25) percent of the minimum width.

E. Front setbacks for parking lots substantially exceed the minimum required by at least fifty (50) percent.

F. Earth berms with a slope of less than twenty-five (25) percent are used instead of fences or walls to satisfy a solid screening requirement.

G. Incentive for existing quality tree preservation.

H. Using Bioswales and filter strips wherever possible.

APPENDIX A

PERMITTED PLANT MATERIAL SPECIES

Botanical Name	Common Name	Street & Parking Lot	General
CANOPY TREES			
Acer freemanii 'cultivars'	Freeman Maple	yes	yes
Acer miyabei 'Morton'	State Street Miyabe Maple	yes	yes
Acer platanoides 'cultivars'	Norway Maple	no	yes
Acer nigrum	Black Maple	no	yes
Acer rubrum 'cultivars'	Red Maple	no	yes
Acer saccharum 'cultivars'	Sugar Maple	yes	yes
Aesculus glabra	Ohio Buckeye	no	yes
Aesculus hippocastanum	Horsechestnut	no	yes
Celtis occidentalis	Common Hackberry	yes	yes
Ginkgo biloba 'cultivars'	Ginkgo (male only)	yes	yes
Gleditsia triacanthos var. inermis 'cultivars'	Thornless Honeylocust	yes	yes
Gymnocladus dioicus	Kentucky Coffeetree	yes	yes
Liriodendron tulipifera	Tulip Tree	yes	yes
Metasequoia glyptostroboides	Dawn Redwood	no	yes
Nyssa sylvatica	Black Tupelo	no	yes
Platanus occidentalis	Sycamore	no	yes
Pyrus calleryana 'cultivars'	Callery Pear	yes	yes
Quercus alba	White Oak	no	yes
Quercus bicolor	Swamp White Oak	no	yes
Quercus coccinea	Scarlet Oak	no	yes
Quercus imbricaria	Shingle Oak	no	yes
Quercus macrocarpa	Bur Oak	yes	yes
Quercus muhlenbergii	Chinkapin Oak	no	yes
Quercus robur	English Oak	no	yes
Quercus rubra	Red Oak	yes	yes
Quercus velutina	Black Oak	no	yes
Taxodium distichum	Baldcypress	yes	yes
Tilia americana 'varieties'	American Linden or Basswood	yes	yes

Tilia cordata 'varieties'	Littleleaf Linden	yes	yes
Tilia tomentosum 'varieties'	Silver Linden	yes	yes
Ulmus carpinifolia 'varieties'	Pioneer or Homestead or approved disease resistant Smoothleaf Elm	yes	yes
Ulmus x 'Morton'	Accolade Elm or approved disease resistant variety	yes	yes
UNDERSTORY TREES			
Acer campestre	Hedge Maple	yes	yes
Acer ginnala 'varieties'	Amur Maple	yes	yes
Alnus glutinosa	Black Alder	yes	yes
Amelanchier canadensis 'varieties'	Shadblow Serviceberry	yes	yes
Amelanchier grandiflora 'varieties'	Apple Serviceberry	yes	yes
Amelanchier laevis	Allegheny Serviceberry	no	yes
Betula nigra 'varieties'	River Birch	yes	yes
Betula platyphylla var. japnica 'Whitespire'	Whitespire White Birch (Senior)	yes	yes
Carpinus betulus 'varieties'	American Hornbeam	no	yes
Carpinus caroliniana	Ironwood	no	yes
Cercis canadensis	Eastern Redbud	no	yes
Cornus alternifolia	Pagoda Dogwood	no	yes
Cornus mas	Cornelian Cherry Dogwood	no	yes
Crataegus viridis 'Winter King'	Winter King' Green Hawthorn	no	yes
Crataegus crusgalli 'var inermis	Thornless Cockspur Hawthorn	no	yes
Crataegus phaenopyrum	Washington Hawthorn	no	yes
Magnolia soulangiana	Saucer Magnolia	no	yes
Magnolia stellata	Star Magnolia	no	yes
Malus spp.	Crabapple	yes	yes
Ostrya virginiana	Hophornbeam	yes	yes
Syringa pekinensis 'varieties'	Peking Tree Lilac	yes	yes
Syringa reticulata 'varieties'	Japanese Tree Lilac	yes	yes
Viburnum lentago	Nannyberry	no	yes

EVERGREEN TREES			
Abies concolor	White Fir	yes	yes
Picea abies 'varieties'	Norway Spruce	yes	yes
Picea glauca 'Densata'	Black Hills Spruce	no	yes
Picea pungens 'varieties'	Colorado Blue Spruce	yes	yes
Pinus nigra 'varieties'	Austrian Pine	yes	yes
Pinus stobus 'varieties'	White Pine	no	yes
Pinus sylvestris 'varieties'	Scotch Pine	no	yes
Pseudotsuga menziesii	Douglas Fir	no	yes
Tsuga canadensis	Canadian Hemlock	no	yes
SHRUBS			
Aesculus parviflora	Bottlebrush Buckeye	yes	yes
Amelanchier alnifolia 'Regent'	Regent Serviceberry	no	yes
Arborvitae spp.	Arborvitae	no	yes
Aronia arbutifolia 'varieties'	Red Chokeberry	yes	yes
Aronia melanocarpa 'varieties'	Black Chokeberry	yes	yes
Berberis thunbergii 'varieties'	Japanese Barberry	yes	yes
Buxus microphylla	Japanese Boxwood	yes	yes
Buxus sempervirens	English or Common Box	yes	yes
Cephalanthus occidentalis	Buttonbush	yes	yes
Clethera alnifolia 'varieties'	Summersweet clethra	yes	yes
Cornus racemosa	Gray Dogwood	no	yes
Cornus sericea 'varieties'	Red-osier or Redtwig Dogwood	yes	yes
Corylus americana	American Hazelnut	no	yes
Cotoneaster acutifolius	Peking Cotoneaster	yes	yes
Cotoneaster apiculatus	Cranberry Cotoneaster	yes	yes
Cotoneaster lucidus	Hedge Cotoneaster	yes	yes
Cotoneaster spp.	Other Cotoneaster	yes	yes
Euonymus alata 'varieties'	Burning Bush	yes	yes
Euonymus fortunei 'varieties'	Wintercreeper Euonymus	yes	yes

Forsythia spp.'varieties'	Forsythia	yes	yes
Fothergilla gardenii 'varieties'	Dwarf Fothergilla	no	yes
Hamamelis vernalis 'varieties'	Vernal Witchhazel	yes	yes
Hamamelis virginiana	Common Witchhazel	no	yes
Hydrangea spp.	Hydrangea	no	yes
Hypericum kalmianum	Kalm St. Johnswort	yes	yes
Ilex verticillata 'varieties'	Winterberry	no	yes
Itea virginica 'varieties'	Sweetspire	yes	yes
Juniperus spp.	Juniper	yes	yes
Kerria japonica	Japanese Kerria	no	yes
Kolkwitzia amabilis	Beautybush	no	yes
Ligustrum spp.	Privet	yes	yes
Physocarpus opulifolius 'varieties'	Common Ninebark	no	yes
Potentilla fruticosa 'varieties'	Bush Cinquefoil	no	yes
Rhus aromatica 'varieties'	Fragrant Sumac	yes	yes
Rhus glabra 'varieties'	Smooth Sumac	yes	yes
Rhus typhinia 'varieties'	Staghorn Sumac	yes	yes
Ribes alpinum 'varieties'	Alpine Currant	yes	yes
Rosa 'varieites'	Hardy Landscape/ Shrub Rose	yes	yes
Spiraea x bumalda 'varieties'	Bumald Spirea	yes	yes
Spiraea japonica 'varieties'	Japanese Spirea	yes	yes
Spiraea spp.	Other Spirea	yes	yes
Stephanandra incisa	Cutleaf Stephanandra	no	yes
Syringa meyeri 'Palibin'	Dwarf Korean Lilac	yes	yes
Syringa patula 'varieties'	Manchurian Lilac	yes	yes
Syringa vulgaris 'varieties'	Common Lilac	yes	yes
Taxus spp.	Yew	yes	yes
Viburnum spp.	Viburnum	yes	yes
Weigela florida 'varieties'	Old Fashioned Weigela	yes	yes

PERENNIALS AND GROUNDCOVERS			
Achillea spp.	Yarrow	yes	yes
Ajuga reptans 'varieities'	Bugleweed	yes	yes
Andropogon gerardii	Big Bluestem	yes	yes
Anemone spp.	Anemone	no	yes
Aquilegia spp.	Columbine	yes	yes
Artemisia 'varieties'	Wormwood	yes	yes
Asclepias tuberosa	Butterfly Milkweed	yes	yes
Aster spp.	Aster	yes	yes
Astilbe 'varieties'	Hybrid Astilbe	yes	yes
Baptisia spp.	False Indigo	yes	yes
Brunnera macrophylla 'varieties'	Heartleaf Brunnera	no	yes
Cimicifuga spp.	Bugbane	yes	yes
Coreopsis spp.	Tickseed	yes	yes
Dianthus spp	Pinks	yes	yes
Dicentra spp.	Bleeding Heart	no	yes
Echinacea spp.	Coneflower	yes	yes
Euonymus fortunei 'coloratus'	Purpleleaf Wintercreeper	yes	yes
Eupatorium spp.	Joe Pye Weed	yes	yes
Gaillardia spp.	Fiesta Daisy	yes	yes
Geranium spp.	Hardy Geranium	yes	yes
Hedera helix 'varieties'	English Ivy	yes	yes
Heliopsis spp.	Ox Eye Sunflower	yes	yes
Hemerocallis 'varieties'	Daylily	yes	yes
Heuchera 'varieties'	Alumroot, Coralbell	yes	yes
Hosta 'varieties'	Hosta	yes	yes
Iris spp.	Iris	yes	yes
Liatris spp.	Blazing Star, Gay Feather	yes	yes
Leucantheum superbum 'varieties'	Shasta Daisy	yes	yes
Lysimachia spp.	Creeping Jenny	yes	yes
Monarda 'varieties'	Bee Balm	yes	yes
Myostis spp.	Forget-Me-Not	yes	yes

Nepeta spp.	Catmint	yes	yes
Pachysandra terminalis 'varieties'	Japanese Spurge	yes	yes
Parthenocissus quinquefolia	Virginia Creeper	yes	yes
Penstemon 'varieties'	Beard Tongue	yes	yes
Perovskia atriplicifolia 'varieties'	Russian Sage	yes	yes
Rudbeckia spp.	Coneflower	yes	yes
Salvia spp.	Salvia	yes	yes
Scabiosa spp.	Pincushion Flower	yes	yes
Sedum spp.	Stonecrop	yes	yes
Solidago spp.	Goldenrod	yes	yes
Thymus spp.	Creeping Thyme	yes	yes
Tiarella 'varieties'	Foamflower	no	yes
Vinca minor 'varieties'	Common Periwinkle	yes	yes
Viola 'varieties'	Violet	yes	yes
ORNAMENTAL GRASSES			
Calamagrostis acutiflora 'varieties'	Feather Reed Grass	yes	yes
Carex spp.	Sedge Grass	yes	yes
Chasmanthium latifolium	Northern Sea Oats	yes	yes
Elymus arenarius 'Blue Dune'	Blue Lyme Grass	yes	yes
Eragrostis spectabilis	Purple Love Grass	yes	yes
Erianthus ravennae	Ravenna /Plume Grass	no	yes
Festuca spp.	Blue Fescue	yes	yes
Helictotrichon sempervirens	Blue Oat Grass	yes	yes
Miscanthus sinensus 'varieties'	Japanese Silver Grass	yes	yes
Panicum virgatum 'varieties'	Switch Grass	yes	yes
Pennisetum spp.	Hardy Fountain Grass	yes	yes
Sorghastrum nutans 'varieties'	Indian Grass	yes	yes
Sporobolus heterolepis 'varieties'	Prairie Dropseed	yes	yes

Note: Except as specifically granted by the Village Board as part of the landscape plan approval, permitted plantings shall be limited to the following species in Appendix A (all varieties of these species shall be submitted for their review and approval by staff).

APPENDIX B

PROHIBITIED WOODY PLANT MATERIALS

Botanical Name	Common Name
Acer negundo	Boxelder
Acer saccharinum	Silver Maple
Alianthus altissima	Tree of Heaven
Elaeagnus angustifolia	Russian Olive
Fraxinus spp.	All Ash Species and Varieties
Morus spp.	All Mulberry Species and Varieties
Lonicera japnonica	Japanese Honeysuckle
Populus spp.	All Cottonwood Species and Varieties
Rhamnus spp.	All Buckthorn Species and Varieties
Salix spp.	All Willow Species and Varieties
Ulmus pumila	Siberan Elm

Note: In addition to the plants on this list, all material identified as noxious or invasive as determined by the IDNR and USDA are also prohibited. Any noxious or invasive plants that exist on a proposed site are reccommended for removal, disposal and control.

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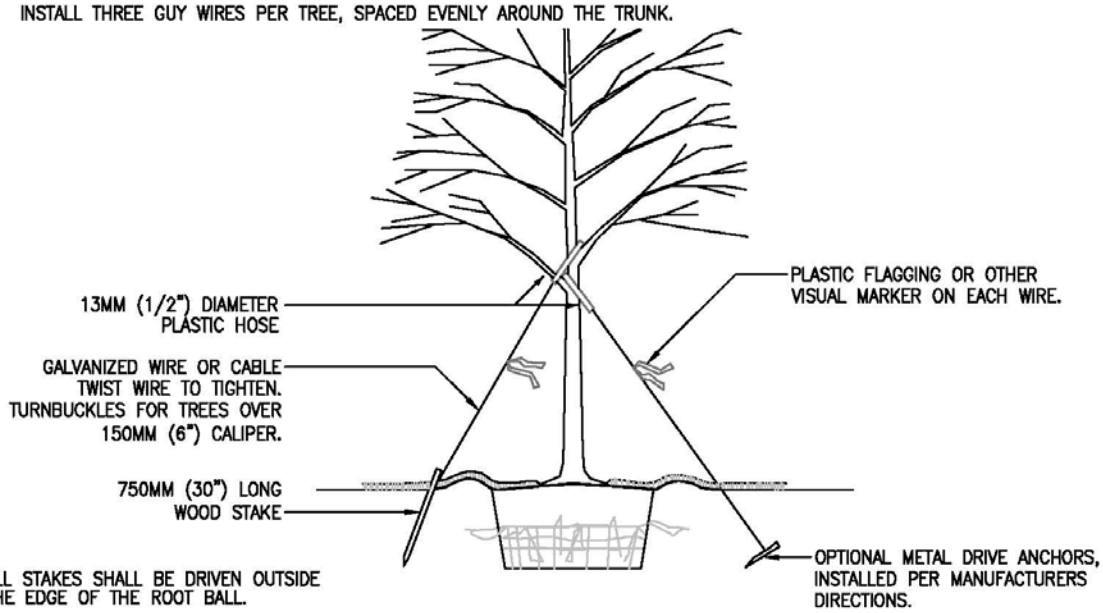
WIRE OR CABLE SIZES SHALL BE AS FOLLOWS:
TREES UP TO 65 MM (2.5 IN.) CALIPER – 14 GAUGE
TREES 65 MM (2.5 IN.) TO 75 MM (3 IN.) CALIPER – 12 GAUGE

TIGHTEN WIRE OR CABLE ONLY ENOUGH TO KEEP FROM SLIPPING. ALLOW FOR SOME TRUNK MOVEMENT. PLASTIC HOSE SHALL BE LONG ENOUGH TO ACCOMMODATE 35MM (1.5 IN.) OF GROWTH AND BUFFER ALL BRANCHES FROM THE WIRE.

TUCK ANY LOOSE ENDS OF THE WIRE OR CABLE INTO THE WIRE WRAP SO THAT NO SHARP WIRE ENDS ARE EXPOSED.

INSTALL THREE GUY WIRES PER TREE, SPACED EVENLY AROUND THE TRUNK.



ALL STAKES SHALL BE DRIVEN OUTSIDE THE EDGE OF THE ROOT BALL.

ASSURE THAT THE BEARING SURFACE OF THE PROTECTIVE COVERING OF THE WIRE OR CABLE AGAINST THE TREE TRUNK IS A MINIMUM OF 12 MM (0.5 IN.).

REMOVE ALL STAKING AS SOON AS THE TREE HAS GROWN SUFFICIENT ROOTS TO OVERCOME THE PROBLEM THAT REQUIRED THE TREE TO BE STAKED. STAKES SHALL BE REMOVED NO LATER THE END OF THE FIRST GROWING SEASON AFTER PLANTING.

TREES NORMALLY DO NOT NEED TO BE STAKED AND STAKING CAN BE HARMFUL TO THE TREE. STAKING SHOULD BE DONE ONLY WITH THE APPROVAL OF THE LANDSCAPE ARCHITECT IF IT IS EXPECTED THAT THE TREE WILL NOT BE ABLE TO SUPPORT ITSELF. THE FOLLOWING ARE REASONS WHY TREES DO NOT REMAIN STRAIGHT.

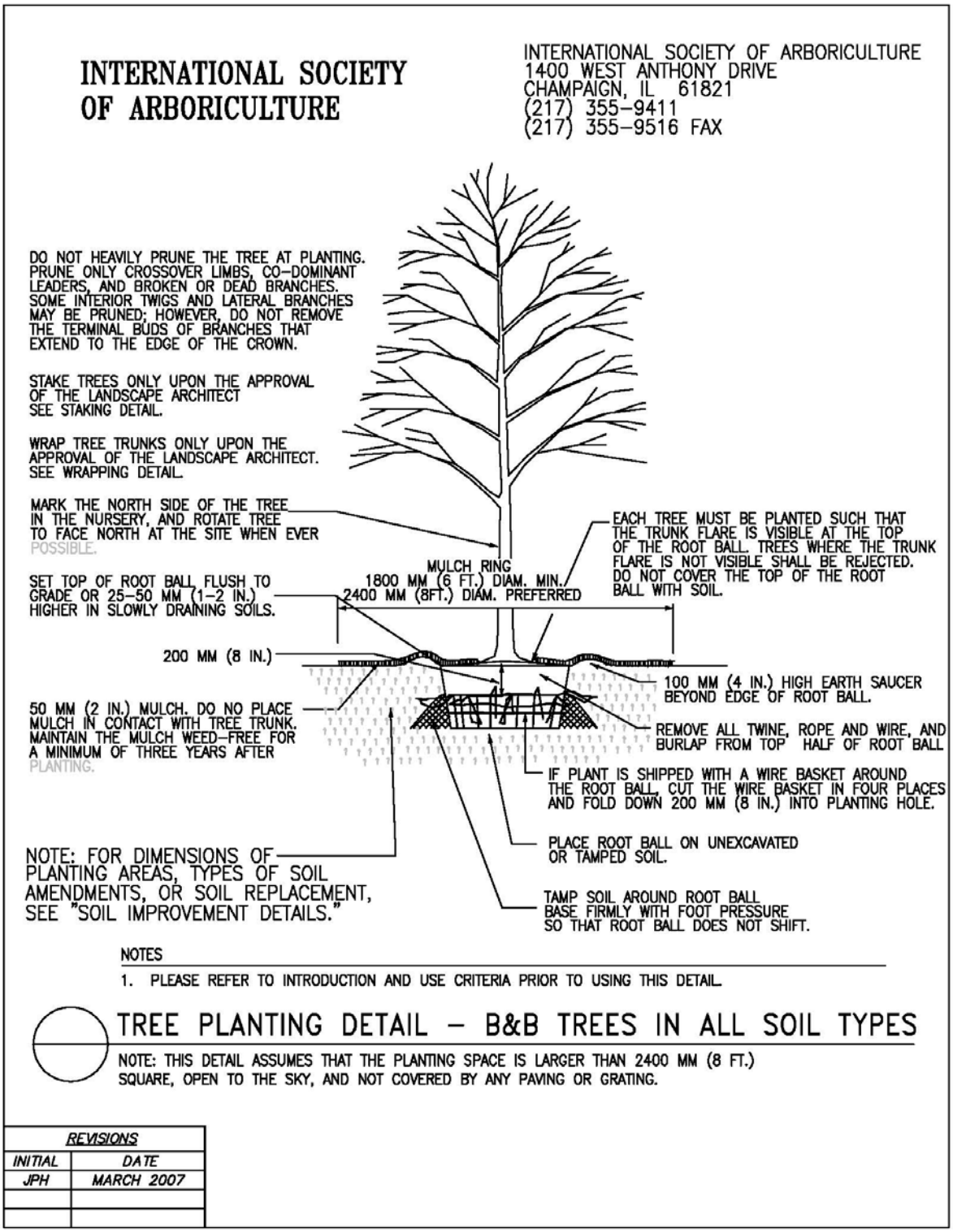
- TREES WITH POOR-QUALITY ROOT BALLS OR ROOT BALLS THAT HAVE BEEN CRACKED OR DAMAGED. REJECT RATHER THAN STAKE.
- TREES THAT HAVE GROWN TOO CLOSE TOGETHER IN THE NURSERY, RESULTING IN WEAK TRUNKS. REJECT RATHER THAN STAKE.
- PLANTING PROCEDURES THAT DO NOT ADEQUATELY TAMP SOILS AROUND THE ROOT BALL. CORRECT THE PLANTING PROCEDURE.
- ROOT BALLS PLACED ON SOFT SOIL. TAMP SOILS UNDER ROOT BALL PRIOR TO PLANTING.
- ROOT BALLS WITH VERY SANDY SOIL OR VERY WET CLAY SOIL. STAKING ADVISABLE.
- TREES LOCATED IN A PLACE OF EXTREMELY WINDY CONDITIONS. STAKING ADVISABLE.

NOTES:

1. PLEASE REFER TO INTRODUCTION AND USE CRITERIA PRIOR TO USING THIS DETAIL.

TREE STAKING DETAIL – TREES 75MM (3 IN.) CALIPER OR LARGER

REVISIONS	
INITIAL	DATE
JPH	MARCH 2007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DO NOT HEAVILY PRUNE THE TREE AT PLANTING. PRUNE ONLY CROSSOVER LIMBS, CO-DOMINANT LEADERS, AND BROKEN OR DEAD BRANCHES. SOME INTERIOR TWIGS AND LATERAL BRANCHES MAY BE PRUNED; HOWEVER, DO NOT REMOVE THE TERMINAL BUDS OF BRANCHES THAT EXTEND TO THE EDGE OF THE CROWN.
STAKE TREES ONLY UPON THE APPROVAL OF THE LANDSCAPE ARCHITECT SEE STAKING DETAIL.
WRAP TREE TRUNKS ONLY UPON THE APPROVAL OF THE LANDSCAPE ARCHITECT. SEE WRAPPING DETAIL.
MARK THE NORTH SIDE OF THE TREE IN THE NURSERY, AND ROTATE TREE TO FACE NORTH AT THE SITE WHEN EVER POSSIBLE.
SET TOP OF ROOT BALL FLUSH TO GRADE OR 25-50 MM (1-2 IN.) HIGHER IN SLOWLY DRAINING SOILS.
MULCH RING
1800 MM (6 FT.) DIAM. MIN.
2400 MM (8FT.) DIAM. PREFERRED
EACH TREE MUST BE PLANTED SUCH THAT THE TRUNK FLARE IS VISIBLE AT THE TOP OF THE ROOT BALL. TREES WHERE THE TRUNK FLARE IS NOT VISIBLE SHALL BE REJECTED. DO NOT COVER THE TOP OF THE ROOT BALL WITH SOIL.
200 MM (8 IN.)
100 MM (4 IN.) HIGH EARTH SAUCER BEYOND EDGE OF ROOT BALL.
50 MM (2 IN.) MULCH. DO NO PLACE MULCH IN CONTACT WITH TREE TRUNK. MAINTAIN THE MULCH WEED-FREE FOR A MINIMUM OF THREE YEARS AFTER PLANTING.
REMOVE ALL TWINE, ROPE AND WIRE, AND BURLAP FROM TOP HALF OF ROOT BALL
IF PLANT IS SHIPPED WITH A WIRE BASKET AROUND THE ROOT BALL, CUT THE WIRE BASKET IN FOUR PLACES AND FOLD DOWN 200 MM (8 IN.) INTO PLANTING HOLE.
PLACE ROOT BALL ON UNEXCAVATED OR TAMPED SOIL.
NOTE: FOR DIMENSIONS OF PLANTING AREAS, TYPES OF SOIL AMENDMENTS, OR SOIL REPLACEMENT, SEE "SOIL IMPROVEMENT DETAILS."
TAMP SOIL AROUND ROOT BALL BASE FIRMLY WITH FOOT PRESSURE SO THAT ROOT BALL DOES NOT SHIFT.
NOTES
1. PLEASE REFER TO INTRODUCTION AND USE CRITERIA PRIOR TO USING THIS DETAIL.
TREE PLANTING DETAIL – B&B TREES IN ALL SOIL TYPES
NOTE: THIS DETAIL ASSUMES THAT THE PLANTING SPACE IS LARGER THAN 2400 MM (8 FT.) SQUARE, OPEN TO THE SKY, AND NOT COVERED BY ANY PAVING OR GRATING.
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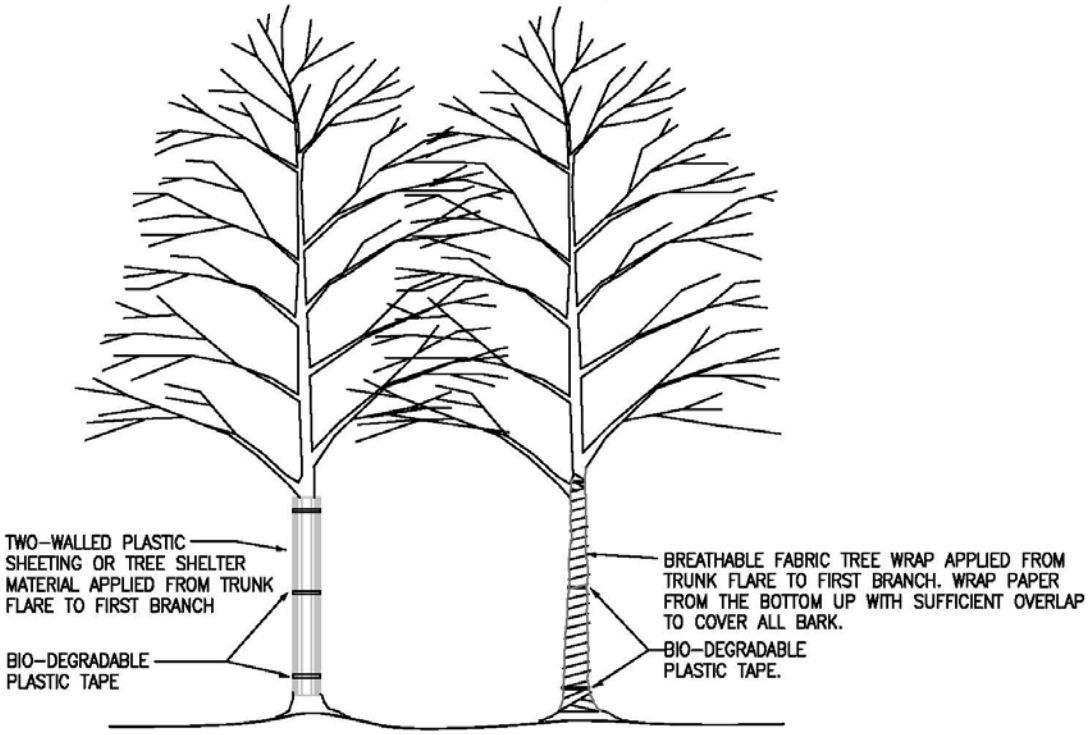

APPLY THE PLASTIC SHEETING LOOSELY AROUND THE TRUNK TO LEAVE A 12 MM (0.5 IN.) GAP BETWEEN THE TRUNK AND THE SHEETING.

OPTION 1 OPTION 2

TREE WRAP SHOULD BE INSTALLED AT TIME OF PLANTING AND BE REMOVED WHEN DIRECTED BY THE LANDSCAPE ARCHITECT, BUT NO LATER THAN 12 MONTHS AFTER PLANTING.

TREES WHOSE NORTH ORIENTATION IS NOT CHANGED FROM THE NURSERY DO NOT NEED TO BE WRAPPED EXCEPT TREES WITH VERY THIN BARK, SUCH AS RED MAPLE, SHOULD BE WRAPPED IF APPROVED BY THE LANDSCAPE ARCHITECT.

NOTES

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TREE WRAPPING DETAIL

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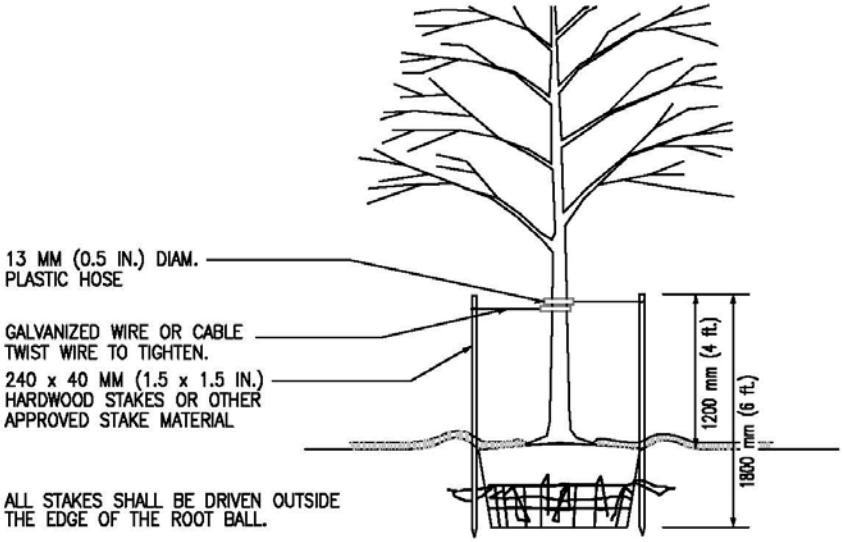
TREES 65 MM (2.5 IN.) TO 75 MM (3 IN.) CALIPER – 12 GAUGE

TIGHTEN WIRE OR CABLE ONLY ENOUGH TO KEEP FROM SLIPPING. ALLOW FOR SOME TRUNK MOVEMENT. PLASTIC HOSE SHALL BE LONG ENOUGH TO ACCOMMODATE 35MM (1.5 IN.) OF GROWTH AND BUFFER ALL BRANCHES FROM THE WIRE.

TUCK ANY LOOSE ENDS OF THE WIRE OR CABLE INTO THE WIRE WRAP SO THAT NO SHARP WIRE ENDS ARE EXPOSED.



ASSURE THAT THE BEARING SURFACE OF THE PROTECTIVE COVERING OF THE WIRE OR CABLE AGAINST THE TREE TRUNK IS A MINIMUM OF 12 MM (0.5 IN.).

REMOVE ALL STAKING AS SOON AS THE TREE HAS GROWN SUFFICIENT ROOTS TO OVERCOME THE PROBLEM THAT REQUIRED THE TREE TO BE STAKED. STAKES SHALL BE REMOVED NO LATER THE END OF THE FIRST GROWING SEASON AFTER PLANTING.

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- TREES LOCATED IN A PLACE OF EXTREMELY WINDY CONDITIONS. STAKING ADVISABLE.

NOTES

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TREE STAKING DETAIL – TREES 75MM (3 IN.) CALIPER OR LESS

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SECTION 18.00 – HISTORIC PRESERVATION

18.01 AUTHORIZATION

This Section is authorized by the Illinois Historic Areas Preservation Act, Chapter 65, Section 5/11-13-1 and 5/11-48.2-1 et. Seq. of the Illinois Compiled Statutes, which have granted powers to the Village President and Board of Trustees of the Village Oswego to provide for official landmark designation by ordinance of areas, places, buildings, structures and other objects having a special, historical, community or aesthetic interest or value, and in connection with such areas so designated by ordinance to impose regulations governing the construction, alteration, demolition and use, and to adopt other additional measures appropriate for their preservation, protection, enhancement, rehabilitation, reconstruction, perpetuation or use.

18.02 PURPOSE

The purpose of this Section is to promote the educational, cultural, economic and general welfare of the community and to promote the protection, enhancement, perpetuation and use of improvements of special character or historical interest or value in the interest of the health, prosperity, safety and general welfare of the people of the Village of Oswego by:

1. Providing a mechanism to identify and preserve the distinctive historic, architectural, and/or landscaping characteristics of the Village of Oswego which represent elements of the Village's cultural, social, economic, political and architectural history;

2. Promoting civic pride in the beauty and significant accomplishments of the past as represented in the Village's landmark and historic districts;

3. Providing a positive force to help stabilize and improve the property value of the Village's landmarks and historic districts;

4. Protecting and enhancing the attractiveness of the Village to its residents and visitors, and thereby supporting and promoting commerce and providing economic benefit to the Village;

5. Fostering and encouraging preservation, restoration and rehabilitation.

18.03 CREATION AND ORGANIZATION OF COMMISSION

The Commission shall be organized and have those powers and duties set forth in Title 2 of Chapter 6 of the Oswego Code of Ordinances.

18.04 LANDMARK AND HISTORIC DISTRICT DESIGNATION

A. Application and Nomination. Any person, group of persons, or association including, but not limited to the Oswego Historic Preservation Commission, may apply for historic landmark designation for any structure, building or site within the boundaries of the Village of Oswego which may have historic or architectural significance as defined by this Ordinance. Nominations shall be made to the Historic Preservation Commission on the appropriate form. Completed forms shall be submitted to the Community Development Department for formal review by the Historic Preservation Commission and the Village Board of Trustees. Applications shall provide the following information:

1. Name(s) and address(es) of the owner(s) of record of the property proposed for designation;

2. Legal description and common street address of the property;

3. Scaled plan of the site with photographs;

4. Written statement describing the property and setting forth reasons the property, structure or area is eligible for nomination, including a statement indicating which criteria in this Ordinance are applicable;

5. Proof of written notification to property owner(s) of the application;

6. Proper application fee and completed application forms as provided by the Community Development Department.

Persons wishing guidance or advice prior to completing an application may contact the Community Development Department.

B. Criteria for Landmark Designation. Village Staff shall upon receipt of a complete application, make a preliminary determination as to whether the nominated structure or property meets one or more of the following criteria:

1. The property possesses significant value as part of the historical, cultural, artistic, social, ethnic or other heritage of the Nation, State, County or Community;

2. The property is associated with an important person or event in National, State, County or Village history;

3. The property is representative of the distinguishing characteristics of an architectural type inherently valuable for the study of a period, style, craft, method of construction or use of indigenous materials;

4. The property is associated with the notable work of a master builder, designer, architect or artist whose individual genius has influenced an era;

5. The property is identifiable as an established and familiar visual feature in the community owing to its unique location or physical characteristics;

6. The property is characteristic of a particularly fine or unique example of a utilitarian structure, including but not limited to farmhouses, gas stations and other commercial structures, with a high level of integrity and architectural significance;

7. The property is one of few remaining examples of a particular architectural style or use, or is an example which clearly represents a major architectural style, and has undergone little or no alteration since its construction and/or;

8. Area that has yielded or may be likely to yield, information important in history or prehistory.

C. Landmark Property Owner Consent. The Historic Preservation Commission, Officials, and Staff of the Village of Oswego may only author and put forth for consideration nomination applications for landmarks, which have property owner consent.

Submitted landmark applications, which do not have property owner consent, require a supermajority vote of the Historic Preservation Commission to recommend approval and a supermajority vote of the Village Board to approve the designation of landmark. A supermajority shall be defined as three-quarters (3/4) of the corporate authority.

D. Criteria for Historic District Designation. Village Staff shall upon receipt of a complete application, make a preliminary determination as to whether the nominated district meets one or more of the following criteria:

1. A significant number of structures in the proposed district meet the landmark criteria;

2. The area contains a contiguous grouping of properties having a sense of cohesiveness expressed through a similarity in style, period or method of construction;

3. The historic district contains one or more landmarks along with such other buildings, places or areas within its definable geographic boundaries which, while not such historic significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks;

4. Establishing a sense of time and place unique to the Village of Oswego and/or;

5. Exemplifying or reflecting the cultural, social, economic, political or architectural history of the Nation, State, County or Village.

E. Contributing and Noncontributing Properties. All properties within the boundaries of the proposed historic district shall be identified as either “contributing” or “noncontributing” properties. Both contributing and noncontributing properties must adhere to all of the historic district procedures and guidelines set forth in this Ordinance and applicable design guidelines adopted for the particular historic district. Certificates of Appropriateness and Economic Hardship for noncontributing properties are to be reviewed for the proposed work’s impact to the property itself, district, neighborhood and adjacent properties. The intent of this Section is not to review a noncontributing property

within a historic district by the same historical requirements as contributing, historic properties. However, proposed work to a noncontributing property must be sensitive to the significance of the historic district and the architecture of the property itself.

F. District Property Owner Consent. Historic District nominations require owner consent from a minimum of fifty-one (51) percent of the properties falling within the boundaries of the proposed historic district. The owners' consent must be submitted on the proper forms with the nomination application at the time of submittal.

G. Application Scheduling and Notification for Landmarks and Historic Districts

1. Public Hearing. The Community Development Department shall schedule a public hearing before the Historic Preservation Commission. The Historic Preservation Commission shall hear public testimony regarding the applications for landmark and historic districts and shall review and evaluate the application according to the criteria established by this Ordinance.

2. Published Notice. The Village Clerk shall publish a notice in a newspaper of general circulation in the Village of Oswego at least once, not more than thirty (30) days and not less than fifteen (15) days before the hearing. The notice shall describe the property proposed for designation, and set forth the date, time, place and purpose of the public hearing. The published notice may be supplemented by such additional form notice as the Historic Preservation Commission may provide by rule.

3. Notice by Sign. At least fifteen (15) days, but no more than thirty (30) days prior to the date of the public hearing, notice thereof shall be posted as hereafter provided. The sign(s) shall be approximately eighteen (18) inches by twenty-four (24) inches in size, and shall be mounted at least three (3) feet off the ground. The Village Community Development Department shall provide the sign blanks and sign support system that must be used by the applicant. The sign shall bear the following words "NOTICE OF PUBLIC HEARING." The sign must also indicate the date, time, place and purpose of the hearing. The sign shall be posted not less than fifteen (15) days prior to the public hearing.

   The public hearing posting of the land or area which is the subject matter of an application for Historic District shall be completed in such a manner to provide description of District boundary lines at locations and quantities in accordance with the Community Development Director's review and recommendation.

   The sign for public hearing posting of a building or structure for Landmark status shall be on the road or street frontage of the building or structure. If there is no road or street frontage, than at a location determined by the Community Development Director.

   The applicant shall remove all signs within forty-eight (48) hours of the Historic Preservation Commission recommendation to the Village Board. The petitioner shall submit to the Historic Preservation Commission, before the public hearing, an affidavit stating that all signs were posted in accordance with this Ordinance.

4. Notice to Landowners. The applicant shall notify persons designated on the County records to receive property tax bills for property, which is the subject of a public hearing either for designation as a landmark or property within a historic district. Such notification shall include a statement summarizing how the landmark or district meets the criteria set forth by this Ordinance, the location of the property, and the time, date and location of the public hearing. Such notice shall be by certified mail, return receipt requested, and mailed at least five (5) days, but not more than fifteen (15) days prior to the hearing. The applicant shall provide an affidavit prior to the public hearing attesting that notice has been mailed, and attach a copy of the notice and return receipts.

5. The requirement to post signs and give notices set forth in this Section is not jurisdictional and the failure to post any sign(s) or to give notice shall not affect the validity of any action taken.

H. Public Hearing. The Community Development Department shall prepare a report regarding the nomination for presentation at the public hearing. Testimony and other evidence concerning the compliance of the proposed landmark or historic district with the criteria required for designation as provided in this Ordinance shall be taken at the public hearing before the Historic Preservation Commission. Interested parties including the owner of any proposed landmark or any property within a proposed district shall be allowed reasonable opportunity to present or respond to evidence and to cross-examine witnesses.

The Historic Preservation Commission shall recommend approval or denial of the application by motion and majority vote, except as provided in Section 18.04B. The Historic Preservation Commission may incorporate into its motion findings in support of its decision. The Historic Preservation Commission's evaluation and recommendation and all available information shall be forwarded to the Village Board of Trustees for formal consideration within forty-five (45) days of the public hearing.

I. Village Board Consideration. After the Historic Preservation Commission has made its recommendation, the Village shall approve or deny the Historic Preservation Commission's recommendation. The Village Board shall consider the following in taking action on the application for landmark or historic district:

1. The extent to which the application meets the criteria;

2. Whether the designation is consistent with the intent and objectives of this Ordinance, and the intent of the Village Zoning Ordinance;

3. Whether the property owner has demonstrated that the owner is deprived of all reasonable use or return on the property if it is so designated; and

4. Whether the property owner(s) consents to the designation.

When the Historic Preservation Commission recommends denial, the designation shall not be approved except by a supermajority vote of the Village Board of Trustees. A supermajority shall be defined as three-quarters (3/4) of the corporate authority. If the

Board of Trustees denies the application for designation, an application cannot be resubmitted to the Community Development Department for ninety (90) days.

Approval by the Board of Trustees of a designation of a landmark and/or historic district must be formalized by Ordinance and recorded with the Kendall County Recorder.

J. Owner's Objections. The property owner of record may file a formal objection against the designation of their property as a landmark or being within a historic district. A valid objection shall meet the following requirements:

1. The objection shall be filed with the Village Clerk by 5:00 p.m., three (3) business days prior to a Village Board action;

2. A written objection shall be signed by the owners of forty (40) percent or more of the property included within the boundary of the proposed historic district. Each property shall be entitled to one (1) vote. In the case of a property with more than one (1) record owner, the objection must be signed by each record owner. In the case of a property containing more than one (1) lot of record, each lot of record improved with a structure or determined to be vacant and buildable shall be entitled to one (1) vote. A property owned land trust may execute an objection only if executed by the trustee. Ownership shall be determined by the legal records.

3. The objection document shall identify the proposed nomination, shall contain a statement of objection against the nomination, and shall attest that the signatories are the legal owners of the subject property.

4. The objection document shall bear the signatures, common street addresses, and property identification number of those signing the document, and shall identify the property which each signatory owns. Each signature shall be notarized.

5. The Historic Preservation Commission and Village Board of Trustees shall take into consideration the filed, written objection when considering an application for designation as a landmark or historic district.

18.05 CERTIFICATE OF APPROPRIATENESS

A. Statement of Intent. The intent of this paragraph is to ensure that a property designated as a landmark or a property within a historic district is in harmony with other adjacent properties. This regulation is not intended to require reconstruction, renovation or restoration, or to prohibit demolition, or to impose architectural style.

B. Scope. Construction, alteration, or demolition of property designated as a landmark or a property within a historic district shall be regulated as follows:

No activity involving the exterior of the structure, including alterations, relocation, additions, new construction or exterior demolition shall be performed on property and improvements which have been designated under this Ordinance as landmarks or historic districts without first having obtained a Certificate of Appropriateness issued by the Historic Preservation Commission.

The following actions do not qualify for the need to apply for a Certificate of Appropriateness:

1. Changing the exterior paint scheme or colors.
2. Installing or changing storm doors, storm windows, screens, window air conditioners or satellite dishes.
3. Normal repair and maintenance of existing exterior architectural features which does not change the basic structural appearance.
4. Installing and repairing walks, patios or driveways.
5. Installing outside storage and mechanical equipment not visible from the street.
6. Installing, removing or changing landscaping.
7. Modifications, alterations, and maintenance of the building interiors.

If a landmark or historic district was nominated and designated as such based on the architectural, historical, cultural, and/or archeological significance of the above mentioned features, then the proposed work effecting said feature is not excluded from applying for and securing a Certificate of Appropriateness.

C. Considerations for Issuing a Certificate of Appropriateness. The Historic Preservation Commission shall consider the following criteria when evaluating proposed work that requires a Certificate of Appropriateness:

1. The effect of the proposed construction, alteration, removal, or demolition upon the exterior architectural features and upon the historic, aesthetic or architectural value of the landmark or historic district.
2. The maintenance of the significant original qualities or character of the landmark, structure or property within a historic district including, if significant, its

landscape. The removal or alteration of any historic or distinctive architectural features should be avoided when possible.

3. The compatibility of a proposed structure to be relocated to the district, additions and new construction to the original architecture of the landmark or styles within the historic district shall be evaluated against the Oswego Design Guidelines.

D. Specific Criteria for Construction, Alteration and Demolition. Construction, alteration and demolition shall be undertaken only in accordance with the following standards:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or ornament from other buildings shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced whenever feasible. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the original to the most practical extent.

7. Chemical or physical treatments, such as sandblasting, shall not be used unless recommended by a consultant in the field of architectural restoration. Sales people and contractors do not qualify as consultants.

8. Additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible in mass, scale, and balance.

9. Additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

E. Procedure. An owner, or representative of the owner, of a property designated as a landmark or a property within a historic district must apply for and secure a Certificate of Appropriateness from the Historic Preservation Commission.

1. Building Permit Application. Any application for a building permit, including plans and specifications as required for designated landmarks or for structures

within a historic district shall be sent by the Village Building Officials to the Community Development Department within seven (7) calendar days after the Building Official receives the building permit application.

2. Initial Evaluation. The Community Development Department, upon receipt of the application, shall determine whether the proposed activity required a Certificate of Appropriateness as required by this Ordinance. If the Community Development Department determines that the proposed activity does require a Certificate of Appropriateness, the applicant shall be advised that a formal request for a Certificate of Appropriateness is necessary.

3. Certificate of Appropriateness Application. Upon receipt of a completed application for Certificate of Appropriateness, the Community Development Department shall forward the request to the following Historic Preservation Commission meeting for review and recommendation. The Historic Preservation Commission shall evaluate the application according to the standards and criteria set forth in this Ordinance and all applicable Village codes and guidelines.

F. Commission Review. The Historic Preservation Commission shall review the application and determine if the proposed work is clearly consistent with the design standards established for the landmark or historic district in which the property is located. The Historic Preservation Commission shall approve, approve with modifications, or deny the application. If the applicant does not agree with the Historic Preservation Commission's decision to modify the application for Certificate of Appropriateness, the application shall be denied. If the Certificate of Appropriateness application is approved, or approved with modifications, the Historic Preservation Commission shall issue a Certificate of Appropriateness.

If the Historic Preservation Commission finds that the proposed work is clearly inconsistent with applicable criteria, the Certificate of Appropriateness shall be denied. No application for a Certificate of Appropriateness, which is substantially the same as one, which has been denied previously shall be considered by the Historic Preservation Commission for one (1) year, or if appealed, for one (1) year after the same was denied by the Village Board.

The Building and Zoning Department may issue a building permit only consistent with the Certificate of Appropriateness. The Building and Zoning Department shall not issue a building permit in cases where the Certificate of Appropriateness was denied.

G. Issuance. If granted, a Certificate of Appropriateness shall be valid for six (6) months to start and continue the approved work. After the issuance, no change may be made in the proposed work without resubmittal of an application. The Certificate of Appropriateness shall be considered as part of and necessary for an approved Village of Oswego Building Permit.

H. The Appeal Process. An applicant whose application for a Certificate of Appropriateness is denied by the Historic Preservation Commission may appeal the Historic Preservation Commission's decision in writing to the Village Board. The Village Board shall take

action on the appeal within forty-five (45) days. The Village Board may modify the decision after due consideration of the facts contained in the record submitted by the Historic Preservation Commission on the denied application.

The Village Board decision shall be based solely on a determination as to whether the proposed work is in accordance with applicable standards. If the Village Board approves the application as submitted, or approves the application with modifications, the Community Development Department shall notify the applicant and Historic Preservation Commission in writing. If the Village Board concurs with the decision of the Historic Preservation Commission to deny the application, the Village Board's decision shall be final. The Community Development Department shall notify the applicant and Historic Preservation Commission in writing.

I. Emergency Work. If emergency circumstances affect a landmark or structure within a historic district which requires immediate relief, repair or demolition, the Building and Zoning Department shall certify that such conditions exist, and be abated as quickly as possible. This paragraph applies only to situations that make it impractical for the Historic Preservation Commission to consider a Certificate of Appropriateness. A Certificate of Appropriateness shall be required in the event that the Village Administrator requires exterior alterations to an existing structure to comply with a building or life safety code.

18.06 CERTIFICATE OF ECONOMIC HARDSHIP

A. Scope. The Historic Preservation Commission may issue a Certificate of Economic Hardship to allow the performance of work for which a Certificate of Appropriateness would have been denied if there was no demonstrated economic hardship.

B. Submittal Requirements. An applicant for a Certificate of Economic Hardship may submit documentation to demonstrate why a reasonable return cannot be obtained on the property and/or why the appropriate work cannot be afforded at the time of application. The following information may be reviewed by the Historic Preservation Commission in order to make a determination on the application:

1. The amount paid for the property, the date of purchase, and the party from whom purchased (including description of the relationship, if any between the owner and the persons from whom the property was purchased).

2. The assessed value of the land and improvements thereon according to two (2) most recent assessments.

3. Real estate taxes from the two (2) previous years.

4. Remaining balance on the mortgage, if any, and the annual debt service, if any, for the two (2) previous years.

5. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing, or ownership of the property.

6. Any listing of the property for sale or rent, price asked, and offers received, if any.

7. Any consideration by the owners regarding potential adaptive uses for the property.

8. If the property is income-producing, the annual gross income from the property for the previous two (2) years, itemized operating and maintenance expenses for the two (2) previous years, and annual cash flow before and after debt service, if any during the same period.

9. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture or other.

10. A written review on the particular application by the Oswego Economic Development Corporation and/or the Village of Oswego Finance Director.

C. Findings. If the Historic Preservation Commission finds that without approval of the proposed work, the property and improvements cannot be put to a reasonably beneficial use or the owner cannot obtain a reasonable economic return there from or the owner must complete repair and maintenance to the property but cannot afford the appropriate work, then the Historic Preservation Commission shall issue a Certificate of Economic

Hardship approving the proposed work. If the Historic Preservation Commission finds otherwise, it shall deny the request for a Certificate of Economic Hardship.

D. The Appeal Process. An applicant whose application for a Certificate of Economic Hardship is denied by the Historic Preservation Commission may appeal the Historic Preservation Commission's decision in writing to the Village Board. The Village Board shall take action on the appeal within forty-five (45) days. The Village Board may modify the decision after due consideration of the facts contained in the record submitted by the Historic Preservation Commission on the denied application.

The Village Board decision shall be based solely on a determination as to whether the proposed work is in accordance with applicable standards. If the Village Board approves the application as submitted, or approves the application with modifications, the Community Development Department shall notify the applicant and Historic Preservation Commission in writing. If the Village Board concurs with the decision of the Historic Preservation Commission to deny the application, the Village Board's decision shall be final. The Community Development Department shall notify the applicant and Historic Preservation Commission in writing.

18.07 ENFORCEMENT AND PENALTIES

A. Fees and Penalties. The Historic Preservation Commission may establish an appropriate system of processing fees for the review of landmark and historic district nominations and Certificates of Appropriateness.

Any person who undertakes or causes an alteration, construction, demolition, or removal of any nominated or designated landmark or property within a nominated or designated historic district without a valid Certificate of Appropriateness shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars ($50.00) nor more than seven hundred fifty dollars ($750.00). Every day such violation shall continue to exist shall constitute a separate violation. The Village Administrator may institute any appropriate action or proceeding in the name of the Village of Oswego to enjoin, correct or abate any violation of this Ordinance.

18.08 DEFINITIONS

ALTERATION: Any act or process that changes one or more of the exterior architectural features of the structure, including, but not limited to the erection, construction, reconstruction or removal of any structure.

AREA: A specific geographic division of the Village of Oswego.

ADDITION: Any act or process which changes one or more of the exterior architectural features of a structure designated for preservation by adding to, joining with or increasing the size or capacity of the structure.

CERTIFICATE OF APPROPRIATENESS: A certificate issued by the Historic Preservation Commission authorizing issuance of a permit for alterations, construction, removal or demolition of a landmark structure or a building or site within a designated district.

CERTIFICATE OF ECONOMIC HARDSHIP: A certificate issued by the Historic Preservation Commission authorizing an alteration, relocation, construction, removal or demolition of a landmark or structure within a historic district for which a Certificate of Appropriateness has previously been denied, but for which economic hardship has been determined.

HISTORIC PRESERVATION COMMISSION: The Oswego Historic Preservation Commission.

CONSTRUCTION: The act of altering an existing structure, building an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

CONTRIBUTING STRUCTURE: Any regulated structure that is located within a historic district and which: (a) is a designated landmark; (b) meets the criteria for a landmark but has not been officially designated as a landmark; or (c) does not meet the criteria for a landmark, but nevertheless contributes to the overall special characteristics of the historic district, landmark(s) or the contributing regulated structures located within the historic district; and therefore is contributing to the overall character and designation of the historic district.

DEMOLITION: Any act or process that destroys in part or in whole a landmark or site within a historic district.

DESIGN GUIDELINES: Any design standard specified by the Commission for alteration, construction, or relocation that is unique to a particular Landmark or District to be used in conjunction with other design standards in this Section, and the Secretary of Interior's Standards for Rehabilitation of Historic Properties, as amended.

EXTERIOR ARCHITECTURAL APPEARANCE: The architectural composition of the exterior of a structure, including, but not limited to type, color, and texture of building material, and the type, design and character of windows, doors, light fixtures, signs and ornamental features.

HISTORIC DISTRICT: An area designated as a historic district by Village ordinance and which may contain within definable geographic boundaries one or more landmarks; and which may have within its boundaries contributing regulated structures.

HISTORIC ARCHITECTURAL SIGNIFICANCE: A characteristic of a building or structure evidenced by any one or combination of the following:

1. Having been designed by or associated with a notable architect or builder;
2. Being an example of a particular style in terms of detail, material, and/or workmanship, and possessing a high degree of stylistic integrity, having undergone little or no alteration since its construction;
3. Being one of a contiguous groupings of building or structures having a sense of cohesiveness of design expressed through a similarity of characteristics of a style, scale, period, or method of construction and accenting the contextual significance of the whole neighborhood.

LANDMARK: A property, structure or natural object designated as a 'landmark' by the ordinance of the Village, that is worthy of rehabilitation, restoration and presentation because of its historic or architectural significance to the Village.

NON-CONTRIBUTING STRUCTURE: A designation applied to a regulated structure within an historic district indicating that it is not representative of the qualities that give the district historic significance, does not meet the criteria for designation set forth within this Ordinance, and therefore does not contribute to the overall character and designation of the historic district.

OWNER OF RECORD: The person, corporation or other legal entity listed as the Owner on the records of the County Recorder of Deeds.

REHABILITATION: The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

REMOVAL: Any complete relocation of a structure on its site or to another site.

REPAIR: Any change that does not require a building permit that is not construction, relocation or alteration.

STRUCTURE: An improvement upon land, other than the land itself, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground including, but not limited to, buildings, decks, fences and freestanding signs.

SECTION 21.00 – TATTOO AND BODY PIERCING ESTABLISHMENTS

21.01 DEFINITIONS

For purposes of this Chapter, the words and terms defined below shall have the following meanings:

BODY PIERCING: Any procedure whereby a part or parts of the human body are pierced by a sharp instrument in order to allow insertion of a piece or pieces of jewelry, a ring(s) or other ornamental device(s) through the orifice(s) thus created.

OPERATOR: Any individual, firm, company, corporation or association that owns or operates an establishment where tattooing or body piercing is performed and any individual who performs or practices the art of tattooing or body piercing other human beings.

TATTOO, TATTOOED, TATTOOING: Any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin by the aid of needles or other instruments designed to touch or puncture the skin.

21.02 LICENSE REQUIRED

It shall be unlawful for any person, firm or corporation to maintain and operate a tattoo establishment, with or without body piercing, or a body piercing establishment without first having obtained a license as hereinafter provided.

21.03 APPLICATION FEE

Every applicant for a license to maintain, operate or conduct a tattoo or body piercing establishment shall file an application upon a form provided by the Village Clerk and pay a nonrefundable filing fee of One Hundred Dollars ($100.00) to the Village Clerk. The Village Clerk shall, within fifteen (15) days thereafter, refer copies of such application and all additional information to the Police Department, Building Department and Village President. The Village departments shall, within forty-five (45) days, inspect the premises proposed to be operated as a tattoo or body piercing establishment, and make recommendations to the Clerk concerning the compliance with the codes of the Village. Upon receipt of the recommendations of the respective Village departments, the Clerk shall notify the applicant as to whether his application has been granted, denied or held for further investigation. The period of such additional investigation shall not exceed an additional thirty (30) days.

21.04 LICENSE FEE, DURATION

The license fee as provided for herein shall be one hundred dollars ($100.00) per annum.

21.05 PREMISES

No tattoo or body piercing establishment shall receive a license or be operated, established or maintained unless the establishment shall comply with each of the following minimum regulations:

A. The establishment shall have a certificate of compliance or inspection by the Kendall County Health Department, if available.

B. The room in which tattooing or body piercing is done shall have an enclosed area of not less than five hundred (500) square feet. The walls, floors and ceiling shall have an impervious, smooth and washable surface.

C. Toilet facilities shall be provided within the establishment. When five (5) or more employees or patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided. Lavatories shall be provided with both hot and cold running water and shall be installed in the toilet room. Lavatories shall be provided with soap and a dispenser with sanitary towels.

D. All tables and other equipment shall be constructed of easily cleanable material, shall be painted or finished in a light color, with a smooth washable finish, and shall be separated from waiting customers or observers by a solid wall or door totally eliminating any view into the tattooing or body piercing room.

E. Closed cabinets shall be provided for use in the storage of clean linens, towels, needles, and other materials and instruments used in tattooing or body piercing. All used linens, towels, equipment, instruments and other materials shall be kept in properly covered containers or cabinets which shall be kept separate from the clean storage areas.

F. The entire premises and equipment shall be maintained in a clean, sanitary condition and in good repair.

G. No tattoo or body piercing establishment shall be open to the public for business between the hours of 10:00 p.m. and 7:00 a.m.

H. The main entrance door of any tattoo or body piercing establishment shall be visible from a public street and shall remain unlocked during business hours.

I. The business shall also comply with all of the terms and conditions set forth within Title 3 of the Municipal Code with respect to business registration.

21.06 OPERATING REQUIREMENTS

A. The operator shall wash his hands thoroughly with antiseptic soap and water before starting any tattoo or body piercing; the hands shall be dried with individual, single use towels.

B. The area on the patron to be tattooed or pierced shall first be thoroughly washed with a sterile, single use sponge with warm water containing an antiseptic liquid soap. For a tattoo, the area should be shaved with a safety razor, using single service blades for each customer or patron, followed by a solution of seventy (70) percent alcohol to be applied to the area before tattooing is begun.

C. Only petroleum jelly in collapsible metal or plastic tubes shall be used on the area to be tattooed, and it shall be applied with sterile gauze.

D. Single service or individual containers of dye or ink shall be used for each tattoo patron, and the container therefore shall be discarded immediately after completing work on each patron. Any dye in which the needles are dipped shall not be used on another person. All needles, pigments, dyes, colors and any other material used in tattooing or body piercing and all bandages and surgical dressings used in connection with tattooing or body piercing shall be sterile and free from bacteria, virus particles and noxious agents and substances. After completing work on any person, the tattooed or pierced area shall be washed with sterile gauze and seventy (70) percent alcohol solution and allowed to dry. A sterile gauze dressing shall be fastened to the tattooed area.

E. No tattooing or body piercing shall be done on any skin surface that has rash, pimples, boils, infections or manifests any evidence of unhealthy conditions. No person, customer, or patron having any communicable disease shall be tattooed or pierced. All infections resulting from the practice of tattooing or body piercing which become known to the operator shall be promptly reported to the Village by person owning or operating the tattooing or body piercing establishment, and the infected client shall be referred to a physician.

F. No skin area shall be penetrated, abraded, or treated with chemicals for the purpose of removing, camouflaging or altering any blemish, birthmark, scar or tattoo.

G. Operators shall at all times, while in the performance of their duties, wear uniforms or garments which cover the torso, and said garments shall be kept clean and in a sanitary condition.

H. No person, while on the premises of any tattoo or body piercing establishment, shall possess, sell, dispense, provide, give, keep or maintain any alcoholic beverage.

I. No intoxicated person shall be tattooed or pierced by an operator on the licensed premises.

J. Operators shall at all times comply with the regulations of the Department of Labor's Occupational Safety and Health Administration, as presently existing or hereafter

amended, with respect to occupational exposure to blood, bloodborne pathogens or other potentially infectious materials, which regulations are incorporated by reference herein.

21.07 CARE AND STORING OF INSTRUMENTS

A. Storing of Instruments. All clean and ready to use instruments and single service needles shall be kept in a closed glass or metal case or storage compartment while not in use. The cabinet shall be maintained in a sanitary manner at all times.

B. Sterilizing of Instruments. A steam sterilizer (autoclave) shall be provided for sterilizing all instruments before use on any customer, person or patron. Sterilization of equipment will be accomplished by exposure to live steam for at least thirty (30) minutes at a minimum pressure of fifteen (15) pounds per square inch, temperature of 240 F or 116 C.

C. Use of Instruments. The needles and instruments required to be sterile shall be so used, handled and temporarily placed during tattooing or piercing so that they will not be contaminated.

21.08 RECORDS

Permanent records for each patron or customer shall be maintained by the licensee or operator of the establishment. Before the tattooing or body piercing operation begins, the patron or customer shall be required personally to enter, on a record form provided for such establishments, the date, his name, address, age and his signature. The records shall be maintained in the tattoo or body piercing establishment and shall be available for examination by the Village. Records shall be retained by the operator or licensee for a period of not less than two (2) years. In the event of a change of ownership or closing of the business, all such records shall be made available to the Village.

21.09 INSPECTIONS

Any authorized police officer or authorized member of the police department or building department of the Village may make an inspection of each establishment granted a license under the provisions of this Chapter for the purposes of determining compliance with the provisions of this Chapter.

21.10 LICENSE REVOCATION AND SUSPENSION

It shall be cause for revocation or suspension that a licensee has violated the provisions of this Chapter or any code or ordinance of the Village relative to operation of the business or use of the premises, has made a false statement on any application for license under this Chapter or, in the event that the licensee shall refuse to permit any authorized police officer or authorized member of the police department or building department of the Village to inspect the premises or the operations thereof at reasonable times.

21.11 TRANSFER OF LICENSE PROHIBITED

No license for the operation of a tattoo or body piercing establishment shall be transferable.

21.12 DISPLAY OF LICENSE REQUIRED

Each licensee shall display a valid current license in a conspicuous place within the licensed establishment so that the same may be readily seen by persons entering the establishment.

21.13 EXEMPTIONS

The provisions of this Chapter shall not apply to licensed medical doctors or doctors of osteopathic medicine who perform body piercing or tattoo individuals while in the course of their medical practice.

21.14 REQUIREMENT FOR BODY PIERCING

Body piercing may be performed within such licensed tattoo establishments. The piercing of ears shall be exempt from the provisions of this Chapter.

21.15 AGE REQUIREMENTS

No person under the age of eighteen (18) may be tattooed or pierced except by a person authorized to practice medicine or osteopathic medicine as hereinabove set forth.

21.16 COMPLIANCE WITH STATE AND COUNTY REQUIREMENTS

The operator of a tattoo or body piercing establishment shall comply with all state and county health requirements applicable to such establishments, and if there is any conflict between the provisions of this Ordinance and such state or county requirements, the state or county requirements shall control.

21.17 MALPRACTICE INSURANCE

The operator shall keep and maintain malpractice insurance in an amount of at least one hundred thousand (100,000) dollars and shall provide evidence of such insurance upon application for or renewal of each license.

21.18 PENALTY

In addition to license suspension or revocation as hereinabove provided, any person, firm or corporation violating any of the provisions of this Chapter shall be fined not less than seventy-five (75) dollars nor more than five-hundred (500) dollars, and a separate offense shall be determined to have been committed each day during which or on which the violation occurs or continues.

LAND/CASH ORDINANCE

000.201 GENERAL PROVISIONS

000.201.010 Citation

These regulations shall be known, cited, and referenced as the Land/Cash Ordinance of the Village.

000.201.020 Findings and Purpose

A. It is declared to be the policy of the Village of Oswego that the provision of various public facilities required to serve new development is subject to the control of the Village in accordance with the Comprehensive Plan of the Village for the orderly, planned, efficient and economical development of the Village.

B. New development causes and imposes increased and excessive demands upon public facilities that are specifically and uniquely attributable to those developments. Affected facilities include the public school district and the park district.

C. Planning projections indicate that such development shall continue and shall place ever-increasing demands on the Village, the school district and the park district.

D. Development potential and property values are influenced and affected by Village policy as expressed in the Comprehensive Plan and as implemented by the Village Zoning Ordinance, the Village Subdivision and Development Control Regulations, and the capital improvement budget.

E. To the extent that new development places demands upon public facilities which are specifically and uniquely attributable to that development, those demands should be satisfied by requiring that developments creating the demands pay the cost of meeting the demands.

F. The amount of land or cash fees to be required of new development shall be determined by the proportionate share cost of the additional public facilities needed to support such development, which public facilities shall be identified in the respective District's Capital Improvement Program or in a capital improvement budget.

G. The Village Board, after careful consideration and input from the respective District, hereby finds and declares that the dedication of land or the payment of cash fees required of new development to finance specified public facilities, the demand for which is created by such development, is in the best interests of the general welfare of the Village and its residents, is equitable, and does not impose an unfair burden on such development. Therefore, the Village Board deems it necessary and desirable to adopt this Ordinance as herein set forth.

000.201.030 Intent

This Ordinance is intended to require the dedication of land, or the payment of cash fees, calculated pursuant to this Ordinance, at the time of building permit issuance, unless otherwise agreed to by the respective District.

000.201.040 Applicability

This Ordinance shall be uniformly applicable to development which occurs within the Village with the exception of exempted development including the following:

A. Development of property for which an equivalent land dedication or cash fee payment has been made subject to the requirements of a prior ordinance.

B. Development of property owned by a public school district, a public park district, a public library district, or a public fire protection district.

000.201.050 Requirement

No building permit as herein defined shall be issued for a nonexempt development unless the applicant therefore has dedicated land or paid the cash fee imposed by and calculated pursuant to this Ordinance. Prior to or concurrent with issuance of a building permit, approval of a site plan, approval of a final plat of subdivision, or approval of a final Planned Unit Development (PUD); the Village shall calculate with consultation of the respective District, the land or cash fee for school site and park site to serve the immediate and future needs of the development. Cash payment in lieu of land dedication or a combination of both, at the discretion of the respective District, in accordance with Sections 000.204.050 and 000.204.060 of this Ordinance, may be required.

An amendment to an approved site plan, final plat of subdivision, Final Planned Unit Development (PUD), or an Annexation Agreement shall require compliance with this Ordinance to the extent that such amendment results in the calculation of a greater land dedication or cash fee for the school district or the park district.

000.202 DEFINITIONS

For the purposes of the regulations codified in this Ordinance, the terms and words used in this Ordinance shall be used, interpreted, and defined as follows:

000.202.010 ***BUILDING PERMIT***: The permit required for new construction and building additions pursuant to the Oswego Building Code. The term building permit, as used herein, shall not be deemed to include permits required for remodeling, for rehabilitation, or for other improvements to an existing structure, or for rebuilding a damaged or destroyed structure; provided there are no increases in the number of dwelling units or bedroom counts for residential development resulting therefrom.

000.202.020 ***CAPITAL BUDGET***: The portion of the Village of Oswego annual budget devoted to funding of capital improvement projects. The portion of the annual budget of a public school district serving the Village of Oswego devoted to funding of capital improvement projects. The portion of the Oswegoland Park District annual budget devoted to funding of capital improvement projects.

000.202.030 ***CAPITAL IMPROVEMENT***: A project, facility, or piece of equipment with a useful life in excess of three (3) years.

000.202.040 ***CAPITAL IMPROVEMENT PROGRAM (CIP)***: A multi-year program identifying future capital improvements and indicating planned sources of funding for those improvements.

000.202.050 ***COMPREHENSIVE PLAN***: The Comprehensive Plan of the Village of Oswego as recommended by the Plan Commission and adopted by the President and Board of Trustees of the Village of Oswego.

000.202.060 ***COST***: Expenditures incurred or estimated to be incurred to fund a capital improvement project. These costs may include acquisition of land, site preparation, construction of infrastructure, construction of improvements, equipping of facilities; and administrative, architectural, engineering, legal, and planning expenses incurred in connection with a project.

000.202.070 ***DEMAND UNIT***: A unit associated with a new development that generates the need for expansion of or improvement to public facilities.

000.202.080 ***DETENTION BASIN***: A dry bottom area of land which provides for the temporary storage of stormwater run-off.

000.202.090 ***DEVELOPER***: The owner of record of land proposed for development or his/her representative in the development process.

000.202.100 ***DEVELOPMENT***: Any change to improved or unimproved real property, the use of any principal structure or land, or any other activity that requires issuance of a building permit.

000.202.110 ***DEVELOPMENT IMPACT FEE***: A special and additional fee imposed at building permit issuance and calculated based upon the costs of public facilities in proportion to development creating the need for such facilities.

000.202.120 ***GROSS ACREAGE***: The entire area of a parcel of real property or a building site expressed in acres or portions thereof.

000.202.130 ***MAL***: The professional designation "Member, Appraisal Institute" as conferred by The American Institute of Real Estate Appraisers.

000.202.140 ***PARK DISTRICT***: Any public park district situated wholly or partially within the Village providing open space amenities and recreational programs including the Oswegoland Park District.

000.202.150 ***PLANNED UNIT DEVELOPMENT***: A unified development of one or more parcels of contiguous land in a single ownership or unified control including two or more principal buildings or uses, and where the specific requirements of a given zoning district may be modified if an application is processed and approved under the Planned Unit Development procedures of the Subdivision and Development Control Regulations and the Zoning Ordinance.

000.202.160 ***PROPORTIONATE SHARE***: The cost of a public facility, or capital improvement project specifically and uniquely attributable to a new development after the consideration of the generation of additional demand from the new development.

000.202.170 ***PUBLIC FACILITY***: Any or all of the following facilities to be financed in whole or in part by cash fees:

A. School sites.

B. Park sites.

000.202.180 ***RESIDENTIAL DEVELOPMENT***: Any change to improved or unimproved real property including a principal structure, all or a portion of which is designed or intended for use as a residence.

000.202.190 ***RETENTION BASIN (POND)***: A pond, pool, or basin used for the permanent storage of water runoff.

000.202.200 ***SCHOOL DISTRICT***: Any public school district situated wholly or partially within the Village providing elementary, junior high, and high school education; including Oswego Community Unit School District #308.

000.202.210 ***SERVICE STANDARD***: The level of service delivery associated with a public facility for which a land dedication or cash fee shall be required.

000.202.220 ***SITE PLAN***: A document prepared to scale indicating accurately the dimensions and boundaries of a site; and showing the location of all proposed buildings, structures, uses, and principal site development features for a parcel of land.

000.202.230 ***SPECIFICALLY AND UNIQUELY ATTRIBUTABLE***: An identifiable portion of the need for additional public facilities or capital improvement projects resulting from a proposed development.

000.202.240 ***SUBDIVISION AND DEVELOPMENT CONTROL REGULATIONS***: The adopted Ordinance of the Village of Oswego regulating the processes and design standards applicable to the division of and development of land within the Village.

000.202.250 ***VILLAGE***: The Village of Oswego, Illinois.

000.202.260 ***VILLAGE BOARD***: The Oswego Village Board of Trustees.

000.202.270 ***WETLAND***: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

000.202.280 ***ZONING DISTRICT***: A specifically delineated area or district in a municipality within which uniform regulations and requirements govern the use, placement, spacing and size of land and buildings.

000.202.290 ***ZONING ORDINANCE***: The adopted Ordinance of the Village of Oswego classifying land for use and regulating the use of land within the Village.

000.203 ADMINISTRATION

000.203.010 General Procedures for Land Dedication or Cash Fees

A. Calculation of Land Dedication or Cash Fees. Land dedication or cash fees established pursuant to this Ordinance shall be calculated based on the procedures summarized in Section 000.204 of this Ordinance.

B. Dedication of Land. School sites required pursuant to this Ordinance shall be dedicated to Oswego Community Unit School District #308, Yorkville School District #115, and any other applicable school district in which a development may be constructed. Park sites required pursuant to this Ordinance shall be dedicated to the Oswegoland Park District.

C. Collection of Cash Fees

1. Park District. The cash contribution in lieu of park and recreation land dedication shall be paid directly to the Treasurer or designated official of the park district at its administrative office. The district shall issue a receipt indicating payment amount, date paid, and name of remitter. Prior to the issuance of a building permit, the developer shall bring said receipt to the Village as evidence that the cash fees have been paid.

2. School District. The cash contribution in lieu of school sites shall be paid directly to the Treasurer or designated official of the school district at its administrative office. The district shall issues a receipt indicating payment amount, date paid, and name of remitter. Prior to the issuance of a building permit, the developer shall bring said receipt to the Village as evidence that the cash fees have been paid.

000.203.020 Use of Dedicated Land or Cash Fees

Dedication of land or payment of cash fees pursuant to this Ordinance shall be restricted to use solely and exclusively for financing directly, or as a pledge against bonds, revenue certificates, and other obligations of indebtedness for the cost of public facilities.

A. Park District. Said funds shall be used by the Park District for the acquisition of park and recreational land which will be available to serve the immediate and future needs of the residents of the subdivision or development or for improvements of other existing local park and recreation sites and facilities which serve such needs.

B. School District. Said funds shall be used by the school district for the acquisition of land for a school site to serve the immediate or future needs of children from that subdivision or development, or site improvements, which include school buildings or other infrastructure necessitated in specifically and uniquely attributed to the subdivision or development.

000.203.030 Effect of Land Dedication or Cash Fees on Zoning Ordinance and Subdivision and Development Control Regulations

This Ordinance shall not affect, in any manner, the permissible use of property, density of development, design, and improvement standards and requirements; or any other aspect of the development of land or provision of public improvements subject to the zoning and subdivision and development control regulations or other regulations of the Village, which shall be operative and remain in full force and effect without limitation with respect to all such development.

000.203.040 Land Dedication or Cash Fees as Additional and Supplemental Requirement

Dedication of land or payment of cash fees is additional and supplemental to, and not in substitution of, any other requirements imposed by the Village on the development of land or the issuance of building permits.

000.204 CALCULATIONS

000.204.010 Criteria for Determining School Site

The following criteria shall govern the calculation of school site:

A. Requirement and Population Ratio. The ultimate estimated number of students to be generated by the residential subdivision or development shall be the relevant demand unit, and shall be directly related to the amount of land required for a school site. The school site requirement shall be determined by obtaining the product of the following: (1) estimated number of students to be served in each school classification divided by the (2) maximum recommended number of students to be served in each such school classification as established in this Ordinance multiplied by the (3) recommended number of acres for a school site of each school classification as established in this Ordinance. The product thereof shall be the acres of land deemed needed to have sufficient school site land to serve the estimated increased number of students in each such school classification. The school site cash fee shall be the dollar amount equal to the product of the number of acres required for school site times the fair market value of land per acre established in this Ordinance.

B. School Classification and Size of School Site. School classifications and the size of school sites within the Village shall be determined in accordance with the following criteria:

School Classification By Grade	*Maximum Number of Students Per Classification*	*Minimum Usable acreage of Land per each Classification*
Elementary or Grades 0-5	*600*	*15*
Junior High or Grades 6-8	*900*	*25*
High School or Grades 9-12	*2,400*	*80*

C. Location. Where the dedication of land is required, the standards adopted by the affected school district shall be used as guidelines in locating sites.

000.204.020 Criteria for Determining Park Site

The following criteria shall govern the calculation of park site:

A. Requirement and Population Ratio. The ultimate estimated population to be generated by the residential subdivision or development shall be the relevant demand unit, and shall be directly related to the amount of land that would be required for a park site. The park site requirement shall be determined by obtaining the product of the following: (1) estimated population to be served by the park system divided by (2) one thousand (1,000) multiplied by the (3) required number of acres of park as established in this Ordinance. The product thereof shall be the acres of land deemed needed to have sufficient park site land to serve the estimated increased population. The park site cash fee shall be the

dollar amount equal to the product of the number of acres required for park site times the fair market value of land per acre established in this Ordinance.

B. Park Site Classification and Acreage per Population. Park site classifications and the minimum acres of park site shall be ten (10) acres per one thousand (1,000) population.

C. Location. Where the dedication of land is required, a Comprehensive Park District Plan and/or appropriate standards adopted by the park district shall be used as a guideline in locating sites.

000.204.030 Determination of Land Value and Distribution of Cash Fee

Determination of Land Value. The land value or cash fee for school site and park site shall be based on the fair market value of an acre of land in the area improved as specified in this Ordinance. It has been determined that the present fair market value of such improved land in and surrounding the Village is One Hundred Ten Thousand (110,000) Dollars per acre. The specified land value shall be increased annually by four (4) percent. The adjusted land value shall become effective May 1, 2006 and subsequently be adjusted annually on January 1 of each following year.

The land value shall be used in making any calculation in this Ordinance unless the subdivider or developer files a written objection hereto. In the event of any such objection, the subdivider or developer, at his/her own cost, shall obtain and submit an independent appraisal from an MAI designated appraiser indicating the fair market value of such comparable improved land in the area of the proposed development. Final determination of said fair market value per acre of such improved land shall be made by the Village Board in its sole discretion based on such information submitted by the subdivider or developer and from other sources which may be submitted to the Village Board by the school district, the park district, or others.

000.204.040 Dwelling Unit Population Formula

Calculation of required land or cash fee shall be made in accordance with the population density factors contained in the Table of Estimated Ultimate Population Per Dwelling Unit (1996), published by Illinois School Consulting Service (Figure 3).

In the event a subdivider or developer files a written objection to the use of the Table of Estimated Ultimate Population Per Dwelling Unit, the subdivider or developer shall obtain and submit, at his/her own cost, a demographic study showing the estimated population to be generated from the development; and in that event, final determination of the density formula to be used in such calculations shall be made by the Village Board, in its sole discretion, based upon such demographic information submitted by the subdivider or developer and from other sources which may be submitted to the Village Board by the school district, the park district, or others.

000.204.050 Cash Contribution in Lieu of Park and School Sites

When available land is inappropriate for park, recreational, or school sites, the Village of Oswego with consultation from the respective districts shall require a cash contribution in lieu of the land dedication by the subdivider or developer.

000.204.060 Combination Land Dedication and Cash

There will be situations in subdivisions or developments when a combination of land dedication and a contribution in lieu of land are both necessary. The Village of Oswego with consultation from the respective district/s shall require both a land dedication and a cash contribution in the following situations:

A. Only a portion of the land to be developed is proposed as the location for a park or school site. That portion of the land within the subdivision or development falling within the park or school location shall be dedicated as a site as stated earlier, and a cash contribution in lieu thereof shall be required for any additional land that would have been required.

B. A major part of the local park, recreation or school site has already been acquired and only a small portion of land is needed from the development to complete the site. The remaining portions shall be required by dedication and a cash contribution in lieu thereof shall be required.

000.205 LAND DEDICATION

000.205.010 Reservation of Additional Land

Where a land dedication is required and the Comprehensive Plan or the standards of the Village, the school district, or the park district call for a school site or park site in a particular development; the land needed beyond the required dedication shall be reserved by the Village in accordance with the Illinois Municipal Code (65 ILCS5/11-12- 8).

000.205.020 Combining with Adjoining Development

Where a land dedication is required and where practical, a school site or park site may be combined, upon agreement with the respective Districts, with dedications from adjoining developments in order to produce a usable school site or park site.

000.205.030 Park Site Standards

The slope, topography, and geology of the dedicated site, as well as its surroundings, must be suitable for its intended purpose. The future park site shall be not less than five (5) acres in area and shall be contiguous in one location, designed and graded relatively flat (2-3% slope) with positive drainage which will allow for the construction of an active park with facilities such as playground, sitting area, shelter, basketball court, baseball/soccer fields, bike trail and parking lots.

The future park site shall receive a minimum of six (6) inches of topsoil, fine graded and seeded with cool season turf grass to provide an acceptable stand of grass. The Park District will provide the specifications for the park development, types and mixes of fertilizer and seed, the standards for final acceptance of established turf, and any other improvements agreed upon. The future park site shall be maintained by the developer until it is acceptable and deeded to the Park District.

The park site shall not be included as part of a stormwater management system, and shall be above all known maximum flood levels in the area. Stormwater detention for the park site shall be accommodated off site in other detention areas.

Wetlands, floodplains, detention areas, stormwater retention basins, and areas of steep slope shall not be accepted as park site; and shall not serve as a credit toward the required park site.

If the Park District decides it is in the best interests of the community to take ownership and maintenance (with no credit being given) of an existing or proposed wetland, the developer may be required to provide three (3) years of management and maintenance after the initial establishment.

000.205.031 Dedication and Improvement Agreement

Prior to or concurrent with the review of the final plat or PUD, the subdivider or developer shall enter into a "Dedication and Improvement Agreement" with the Park District. A copy of this approved Agreement shall be submitted, by the subdivider or developer, to the Village prior to the recording of the final plat or PUD.

000.205.040 School Site Standards

The developer shall provide the School District with the following:

A. A phase I environmental study of the site or other appropriate environmental study.

B. A topographical survey and specific boundary outline of the proposed site topography will be based on a minimum two (2)-foot contour interval.

C. A plan demonstrating how the site is to be drained with storm sewers and service by sanitary sewers and water.

D. An accurate delineation of adjacent flood plain areas, if any.

E. Soil borings from the location in the numbers deemed necessary.

F. A report from a competent soils engineer with regard to the requested soil borings. This report will include an opinion on whether the soils are capable of supporting a two-story structure (with or without basement facilities), and whether any special construction techniques will be required with regard to footings or preparation of the soil foundation.

G. A timetable for delivery of the proposed site, to be agreed upon by the developer and the School District.

For sites donated by the developer under this Ordinance, the slope, topography and geology of the dedicated as well at its surroundings must be suitable for school purposes. Grading on sites dedicated for school uses will be performed according to plans and specifications provided by the school district. The required stormwater management should be provided by the developer off-site. The school district reserves the right to waive some or all of the above criteria for improved sites if the district deems them unnecessary or undesirable for expected future uses of the land.

000.205.041 Dedication and Improvement Agreement

Prior to or concurrent with the review of the final plat or PUD, the subdivider or developer shall enter into a "Dedication and Improvement Agreement" with the school district. A copy of this approved Agreement shall be submitted, by the subdivider or developer, to the Village prior to the recording of the final plat or PUD.

000.205.050 Notification Process

A. The Village shall recommend that developers meet with and discuss open space and school needs with both the park and school districts prior to making a formal plat or plan submittal to the Community Development Department. The Village shall also notify both the school and park districts when a project has been formally submitted to the Community Development Department for review. As part of the review process, both the school district and park district shall be given copies of the applicable plats and plans for their review and comment/s. Each district shall respond in writing to the Village identifying their respective needs.

B. Prior to review of a plat or plan by the Plan Commission, each district shall notify the Village in writing of its desire to accept land, cash, or a combination of land and cash, in fulfillment of the developer's obligation under this Ordinance.

000.205.060 Security for Developer Performance

000.205.061 Performance Bond

If the Developer is to perform any work in furtherance of and attributable to the land dedication, including but not limited to stormwater maintenance and/or active sporting facility construction, grading and/or site development, readying the site for utilities, streets, sidewalks, and/or other improvements, or any work agreed to be performed by the developer (whether upon the site, or off-site), then as security for the full and faithful performance of said work, the developer shall provide directly to the school or park district a specific Performance Bond (or other acceptable form of financial guarantee, if approved strictly and solely at the discretion of the school or park district) in an amount and form sufficient to provide adequate security for the work required by this Ordinance and otherwise agreed upon. Performance for the installation of utilities, stormwater management facilities, curb and gutter, sidewalks, street trees, and other infrastructure required by the Village, and already covered by a financial guarantee to the Village need not be included.

000.205.062 Direct Payment

In lieu of a performance bond or other acceptable financial guarantee and upon agreement with the school or park district, the developer may make direct payment to the school or park district of an amount deemed sufficient to complete the expected work. Thereafter, the work will be performed by the school or park district, and the developer shall be released from that portion of the work attributed to the dedication.

000.205.063 Condition of Final Plat

Said provision of a performance bond or other acceptable financial guarantee or direct payment, as specified above, shall be required prior to Village approval of the final plat in which the school or park site is located. Each district accepting land shall provide written notification to the Village that this requirement has been satisfied.

000.205.070 Conveyance of Land

A. The subdivider or developer shall convey to the respective school district or park district, the lands required under this Ordinance within ninety (90) days after said request by said districts.

B. The manner of conveyance will be by Warranty Deed naming the respective school or park district as the grantee. The deed shall be accompanied by a commitment for a policy of title insurance as evidence that the developer hold merchantable title. All unacceptable title encumbrances shall be removed by the developer prior to submitting the deed and commitment for title insurance policy. Both the deed and the commitment for title insurance policy shall be delivered directly to the office of the school or park district. The developer shall not record any deed or conveyance. After review of the status of

title, the school or park district shall record the deed or, if title is unacceptable, return the deed to the developer with an explanation of the title defects.

C. The developer shall ascertain the pro rata real estate taxes through the date of delivery of the deed and commitment for policy of title insurance to the school or park district. The developer shall make payment in said amount to the school or park district at the same time that the deed and commitment for title insurance policy is delivered.

000.206 MISCELLANEOUS PROVISIONS

000.206.010 Refund

If any portion of a cash contribution in lieu of park or school sites is not expended for the purposes set forth herein within ten (10) years from the date of receipt, it shall be refunded to the lot owner or owners of those lots for which the contribution was made which owner or owners are determined at the time the date of refund is established. Any request for a refund shall be made in writing to the respective district.

000.206.020 Indemnification

Indemnification and Hold Harmless Agreements are required from all taxing districts receiving land, cash in lieu of land, or a combination of cash and land per the terms of this Ordinance, prior to the receipt of said donations.

TABLE OF ESTIMATED ULTIMATE POPULATION PER DWELLING UNIT
CHILDREN PER UNIT

Type of Unit	Pre-School 0-4 Years	Elementary Grades K-5 5-10 Years	Junior High Grades 6-8 11-13 Years	Total Grades K-8 5-13 Years	High School Grades 9-12 14-17 Years	Adults 18 Years	Total Per Dwelling Unit
Detached Single-family							
2 Bedroom	0.113	0.136	0.048	0.184	0.020	1.700	2.017
3 Bedroom	0.292	0.369	0.173	0.542	0.184	1.881	2.899
4 Bedroom	0.418	0.530	0.298	0.828	0.360	2.158	3.764
5 Bedroom	0.283	0.248	0.248	0.593	0.300	2.594	3.770
Attached Single-family							
1 Bedroom	0.000	0.000	0.000	0.000	0.000	1.193	1.193
2 Bedroom	0.064	0.088	0.048	0.136	0.038	1.752	1.990
3 Bedroom	0.212	0.234	0.058	0.292	0.059	1.829	2.392
4 Bedroom	0.323	0.322	0.154	0.476	0.173	2.173	3.145
Apartments							
Efficiency	0.000	0.000	0.000	0.000	0.000	1.294	1.294
1 Bedroom	0.000	0.002	0.001	0.003	0.001	1.754	1.758
2 Bedroom	0.047	0.086	0.042	0.128	0.046	1.693	1.914
3 Bedroom	0.052	0.234	0.123	0.357	0.188	2.526	3.053

Note:
There are only three significant categories provided in this chart. Because of the similarity of yields of all types of attached single-family dwelling units, only one category is provided. The same is true with apartments; thus, only one category. Because of the relatively short history of some newer types of detached and attached single-family units, individual evaluations may be necessary.

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TABLE OF ESTIMATED ULTIMATE POPULATION PER DWELLING UNIT
CHILDREN PER UNIT

Type of Unit	Pre-School 0-4 Years	Elementary Grades K-6 5-11 Years	Junior High Grades 7-8 12-13 Years	Total Grades K-8 5-13 Years	High School Grades 9-12 14-17 Years	Adults 18 Years	Total Per Dwelling Unit
Detached Single-family							
2 Bedroom	0.113	0.143	0.041	0.184	0.020	1.700	2.017
3 Bedroom	0.292	0.422	0.120	0.542	0.184	1.881	2.899
4 Bedroom	0.418	0.644	0.184	0.828	0.360	2.158	3.764
5 Bedroom	0.283	0.461	0.132	0.593	0.300	2.594	3.770
Attached Single-family							
1 Bedroom	0.000	0.000	0.000	0.000	0.000	1.193	1.193
2 Bedroom	0.064	0.106	0.030	0.136	0.038	1.752	1.990
3 Bedroom	0.212	0.227	0.065	0.292	0.059	1.829	2.392
4 Bedroom	0.323	0.370	0.106	0.476	0.173	2.173	3.145
Apartments							
Efficiency	0.000	0.000	0.000	0.000	0.000	1.294	1.294
1 Bedroom	0.000	0.002	0.001	0.003	0.001	1.754	1.758
2 Bedroom	0.047	0.100	0.028	0.128	0.046	1.693	1.914
3 Bedroom	0.052	0.278	0.079	0.357	0.188	2.526	3.053

Note:
There are only three significant categories provided in this chart. Because of the similarity of yields of all types of attached single-family dwelling units, only one category is provided. The same is true with apartments; thus, only one category. Because of the relatively short history of some newer types of detached and attached single-family units, individual evaluations may be necessary.

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Number 96-A

LAND/CASH WORK SHEET
FOR OSWEGO SCHOOL DISTRICT # 308

Name of Development _____

Total units in development _____

Estimated Population per Dwelling Unit*:

Elementary _____ X (_____)** = _____
Junior High _____ X (_____)** = _____
High School _____ X (_____)** = _____

Estimated children per school classification X Maximum students per classification			Minimum ACRE per classification of school size			Acres to be dedicated
Elementary	(_____) / 600	=	_____ X	15 Acres	=	( ) Acres
Junior High	(_____) / 900	=	_____ X	25 Acres	=	( ) Acres
High School	(_____) / 2400	=	_____ X	80 Acres	=	( ) Acres

Total Acres to be Donated = ( ) Acres

( ) Total Acres X ( ) Assessment of Improved value per acre = $_____ Total Value

Total Value _____ / Total Units = $_____ Per Unit

* Based upon number of bedrooms per type of unit.
** Use figures from 1996 Illinois School Consulting Service/Ehlers & Associates, Inc. Table of Estimated Ultimate Populations Per Dwelling Unit.

OSWEGOLAND PARK DISTRICT
LAND/CASH WORKSHEET

Name of Development: _____ Date: _____

Total units in development: Single-family _____

Multi-Family _____

Apartment _____

Estimated Population per Dwelling Unit:

Single-family

2 bedroom _____	X	2.017	=	_____
3 bedroom _____	X	2.899	=	_____
4 bedroom _____	X	3.764	=	_____
5 bedroom _____	X	3.770	=	_____

Multi-Family

1 bedroom _____	X	1.193	=	_____
2 bedroom _____	X	1.990	=	_____
3 bedroom _____	X	2.392	=	_____
4 bedroom _____	X	3.145	=	_____

Apartment

Efficiency _____	X	1.294	=	_____
1 bedroom _____	X	1.758	=	_____
2 bedroom _____	X	1.914	=	_____
3 bedroom _____	X	3.053	=	_____

TOTAL POPULATION = _____

Name of Development: _____

Total Population	X	Required Acreage (10) / Required per 1.000 Population	=	Total Acres to be Donated
_____ / Total Population	X	10 / 1,000	=	_____ / Total Acres to be Donated

Total Acres to be Donated	_____	X	$110,000*	=	$_____
Less Acres of Land Donated	_____	X	$110,000*	=	$_____
Equals Balance Due in Cash	_____	X	$110,000*	=	$_____

Prepared By: _____

* The specified land value shall be adjusted annually by 4% January 1 of each year beginning January 1, 2007.