

SECTION III
GENERAL PROVISIONS

Except as hereinafter specifically provided, the following general regulations shall apply:

A. INTERPRETATION AND APPLICATION

In interpreting and applying these regulations, the requirements contained herein are declared to be the minimum requirements necessary to carry out the purpose of these regulations. Except as hereinafter provided, these regulations shall not be deemed to interfere with, abrogate, annul, or otherwise affect in any manner whatsoever, any easements, covenants, or other agreements between parties. Whenever the provisions of these regulations impose greater restrictions upon the use of land or buildings, or upon the height of buildings, or require a larger percentage of lot to be left unoccupied than the provisions of other ordinances, rules, regulations, permits, or any easements, covenants, or other agreements between parties, the provisions of these regulations shall govern.

B. USE OF LAND OR STRUCTURES

The provisions of this Ordinance shall apply to all properties as hereinafter specifically provided:

1. **New and Existing Uses.** No building or structure or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or altered, except in conformity with the regulations herein specified for the district in which it is located;
2. **Nonconforming Uses.** Any lawful building, structure, or use existing at the time of the enactment of the Zoning Ordinance may be continued, even though such building, structure, or use does not conform to the provisions herein for the district in which it is located, and whenever a district shall be changed hereafter, the then existing lawful use may be continued, subject to the provisions of Section VI;
3. **Lot of Record.** A Lot of Record at the time of the adoption of this Ordinance which is unable to meet the requirements of this Ordinance as to area and lot width may be used, provided it shall meet all the other requirements of this Ordinance. However, when two (2) or more parcels of land, each of which lacks adequate area and dimensions to qualify for a Permitted Use under the requirements of the use district in which they are located, are contiguous and are held in one ownership, at the time of or subsequent to the adoption of this amendment, they shall be used as one zoning lot for such use; and

4. **Construction in Process.** Where construction of a building or structure has begun prior to the effective date of this Ordinance and is being diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the Building Permit was issued, and further may, upon completion, be occupied under a Certificate of Occupancy subject to the provisions herein set forth in the section pertaining to nonconforming structures and uses.

C. HEIGHT LIMITATIONS

1. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, individual domestic radio, television aerials and wireless masts, water tanks, or similar structures may be erected above the height limits when recommended by the Zoning Board of Appeals and approved by the Village Board. No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the District in which it is located; nor shall such structure have a total area greater than twenty-five (25) percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building. Provided, however, that all buildings in the Zoning Districts established by the 2011 Legacy Code (being the Downtown Core District, Downtown Flex District, Downtown General District, Neighborhood General District, Neighborhood Flex District, and Civic District) are governed by the height provisions of said Legacy Code and are, therefore, exempt from the height limitations set forth in this Section III.C.1.
2. Hospitals, institutions, schools, or public utility and service buildings, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, provided said specified buildings shall be set back from the front, rear, and side lot lines on the ratio of two (2) feet for every one (1) foot of building height greater than forty (40) feet; provided, however, that said specified requirements shall apply in addition to the other requirements for building line setbacks and for rear and side yards specifically set forth in this Ordinance. Provided, however, that all buildings in the zoning districts established by the 2011 Legacy Code (being the Downtown Core District, Downtown Flex District, Downtown General District, Neighborhood General District, Neighborhood Flex District, and Civic District) are governed by the height provisions of said Legacy Code and are therefore exempt from the height limitations set forth in this Section III.C.2.
3. Planned Unit Developments may exceed the height limits established for the district in which the structure is located, provided that the height conforms with the standards and requirements set forth in Section VII.C.2.O of this Ordinance.

D. LOTS

1. Every building hereafter erected or structurally altered shall be located on a lot as herein defined, and in no case shall there be more than one principal building on a lot except in a Planned Unit Development, or as otherwise provided in this Ordinance.
2. No lot shall hereafter be divided in order to secure one or more additional lots for transfer of ownership or establishment of a principal use thereon, unless each lot, resulting from such division, shall have the minimum lot area and lot width as required in this Ordinance for the district in which the lot is located.
3. Where two (2) or more permitted or Special Uses, each requiring a minimum lot area, are provided in the same building or on the same lot, the required lot area shall be the sum of the areas required for each use individually.
4. Every dwelling shall be constructed or erected upon a lot or parcel of land which has at least twenty (20) feet of frontage abutting upon a public street.
5. Where unique land planning designs are employed in a subdivision or a Planned Unit Development to conserve the natural character of the land or to create a functional or compatible arrangement of structures or uses, a lot which does not abut upon a public or private street may be permitted provided that:
 - a. Adequate provision is made for free access to the lot for the property owner, or in the case of a non-residential lot, for those persons who would normally require access to the lot;
 - b. Adequate provision is made for the unobstructed access of firefighting equipment, police protection, rubbish collection, and other governmental services;
 - c. Adequate provision is made for the extension and maintenance of public and private utility services; and
 - d. The arrangement will not contribute toward congestion in nearby streets as a result of delivery services, lack of guest parking, or other reasons.
6. The maintenance of yards, courts, and other open spaces and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence.

E. YARDS

1. All yards and other open spaces, as required by this Ordinance, shall be located on the same lot as the principal structure or use. No legally required yards, open space, or lot areas for any use or structure shall be used to satisfy yard, open space, or lot area requirements for any other structure or use.

2. On a corner lot, the front lot line shall be the lot line having the shortest dimension along the street right-of-way line. The required front yard setback on corner lots shall apply to each side of the lot facing a street.
3. On vacant through lots, the front lot line shall be along the street line designated by the Building Inspector except that when a front line has been established on one or more lots in the same block and all have front lot lines established along the same street line, the street line designated as the front lot line for such lot or lots shall be the front lot line on all vacant through lots in such block. On through lots, only those obstructions permitted in this Ordinance in front yards shall be located in that part of a rear yard adjoining a street that is equivalent in depth to a required front yard; however, where a no-access strip has been provided for such lots on a recorded plat, the Zoning Administrator may waive such requirements if, in his judgment, an exception to this requirement would be appropriate.
4. No yards allocated to a structure or use existing on the effective date of this Ordinance shall be subsequently reduced or further reduced below the yard requirements of this Ordinance, except a yard adjoining a street may be reduced in depth in the event and to the extent the right-of-way width of such street adjoining such yard is subsequently increased.
5. Where fifty (50) percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed (within a variation of five (5) feet or less) a front yard greater in depth than required herein, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings. Provided, however, that all building in the zoning districts established by the 2011 Legacy Code (being the Downtown Core District, Downtown Flex District, Downtown General District, Neighborhood General District, Neighborhood Flex District, and Civic District) are governed by the front yard/frontage provisions of said Legacy Code and are, therefore, exempt from the frontage/front yard requirements set forth in this Section III.E.5.

F. REQUIRED SETBACKS

Setback lines shall be maintained on all lots abutting streets and thoroughfares. The minimum setback on lots abutting a street or thoroughfare shall be the distance required for a front yard or side yard, adjoining a street, in the district where such lots are located, measured from the existing right-of-way line of the street or thoroughfare, or from the proposed right-of-way line as designated on the Official Map, and as duly established by other Ordinances or as established by county or state highway authorities, whichever has the greatest right-of-way width requirements.

Except for incidental uses, no structure shall be constructed on a dedicated public or private utility easement, nor shall any structure be constructed so as to encroach upon any easement.

G. VISIBILITY REQUIREMENTS – CORNER LOTS

No structure, wall, fence, shrubbery, or trees shall be erected, maintained, or planted on any lot which will obstruct the view of the driver of a vehicle approaching an intersection, excepting that shrubbery and low retaining walls not exceeding two (2) feet in height above the curb level and shade trees where all branches are not less than eight (8) feet above the street level will be permitted. For residential corner lots, this unobstructed area shall be a triangular section of land formed by the two street right-of-way lines and a line connecting them at points thirty (30) feet from the intersection of said right-of-way.

H. PERMITTED ENCROACHMENTS IN REQUIRED YARDS

1. Residential Zoning Districts:

Encroachments into easements shall be subject to all regulations of this Ordinance and the Village’s Building Code.

The following accessory structures and uses are permitted to encroach and shall not be considered to be obstructions when located in the required yards in lots residentially zoned (R-1, R-2, R-3, R-4, R-5, R-6, and R-7) as specified:

Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Addressed Yard	Other Yard	
Accessory structures, including but not limited to: accessory sheds, carports, detached garages, equipment shelters, and playhouses		P	P			See additional regulations in Section III. I.
Arbors	P	P	P	P	P	Must be located so as not to obstruct the line of sight of pedestrians and motorists at intersections or driveways.
Architectural features, including but not limited to: belt courses, cornices, and sills	P	P	P	P	P	Not projecting more than eighteen (18) inches from the exterior wall.
Athletic courts, including but not limited to: basketball or tennis courts			P			All athletic court areas shall be subject to Village review to ensure the court is properly designed, graded, and constructed. In no case shall an athletic court be placed closer than fifteen (15) feet to any property line.
Awnings and canopies	P	P	P	P	P	Not projecting more than ten (10) feet into the required yard and at least seven (7) feet above the average level of the adjoining ground. In no case shall awnings or canopies be placed within five (5) feet of any property line.
Balconies	P		P	P	P	Not projecting more than five (5) feet into the required yard.

Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Addressed Yard	Other Yard	
Bay windows	P		P	P	P	Not projecting more than three (3) feet into the required yard.
Breezeways			P			
Chimneys	P	P	P	P	P	Not projecting more than twenty-four (24) inches into the required yard.
Decks		P	P			In no case shall a deck be placed closer than five (5) feet to any property line.
Eaves and gutters	P	P	P	P	P	Not projecting more than four (4) feet into the required front and rear yards. Not projecting more than forty (40) percent of the required side yard, but in no case exceeding three (3) feet.
Fences		P	P		P	Not exceeding six (6) feet in height above natural grade level in the side and rear yard. Fences not exceeding six (6) feet in height above natural grade level projecting not more than ten (10) feet into the required setback on the side yard street frontage of a corner lot in a Residential Zoning District, provided that the Zoning Administrator or his designee determines that the provisions of Section III.G of this Ordinance will be maintained and that there will be no obstruction to the visibility of vehicular or pedestrian traffic. If the Zoning Administrator deems that such a visibility obstruction would occur, he may require that all portions of the fence be constructed of an open design, or of a shorter height, or a combination of both, or the Zoning Administrator may deny the request. The determination of the Zoning Ordinance may be appealed to the Zoning Board of Appeals pursuant to Section X.F of this Ordinance.
Fire escapes, open or enclosed	P	P	P	P	P	Not projecting more than five (5) feet into the required front yard or side yard adjoining a street. Not projecting more than three-and-one-half (3 1/2) feet into the required interior side yard or court.
Flag poles	P	P	P	P	P	
Fountains	P	P	P	P	P	
Mechanical equipment, including but not limited to: air conditioning units/ shelters, and generators		P	P			Equipment shall be placed as close as possible to the principal structure and in no case shall equipment be placed within five (5) feet of any property line.
Outdoor fireplaces			P		P	In no case shall an outdoor fireplace be placed closer than five (5) feet to any property line.
Patios		P	P			In no case shall a patio be placed closer than five (5) feet to any property line.

Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Addressed Yard	Other Yard	
Pergolas			P			Not to extend into the required yard more than thirty-five (35) percent of the minimum setback. In no case shall a pergola be placed closer than five (5) feet to any property line.
Plant boxes	P	P	P	P	P	
Porches and porticos	P	P	P	P	P	Not to extend into the required yard more than thirty-five (35) percent of the minimum setback. In no case shall a porch or portico be placed closer than five (5) feet to any property line. In no case shall porches or porticos extend more than fifteen (15) feet from the exterior wall. Handrails and guardrails shall conform to Village Building Code Regulations. Knee walls shall not exceed forty (40) inches in height from the porch floor.
Private swimming pools and hot tubs			P			Pools are to be placed in rear yards only. In no case shall a pool be placed closer than five (5) feet to any property line, including transitional grading, accessory items such as pavers or concrete, and equipment.
Sculptures	P	P	P	P	P	
Steps/threads	P	P	P	P	P	See the Village Building Code for additional regulations.
Trellises	P	P	P	P	P	Must be located so as not to obstruct the line of sight of pedestrians and motorists at intersections or driveways.

2. **Commercial Zoning Districts:**

Encroachments into easements shall be subject to all regulations of this Ordinance and the Village's Building Code.

The following accessory structures and uses are permitted to encroach and shall not be considered to be obstructions when located in the required yards in lots commercially zoned (B-1, B-2, B-3, B-4, and B-5) as specified:

Accessory Structures or Uses	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Addressed Yard	Other Yard	
Accessory structures, including but not limited to: accessory sheds, detached garages, and equipment shelters			P			See additional regulations in Section III. I.
Arbors	P	P	P	P	P	Must be located so as not to obstruct the line of sight of pedestrians and motorists at intersections or driveways.

Accessory Structures or Uses	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Addressed Yard	Other Yard	
Architectural features, including but not limited to: belt courses, cornices, and sills	P	P	P	P	P	Not projecting more than eighteen (18) inches from the exterior wall.
Awnings, canopies, marquees and other projections that create shaded and protected entrances	P	P	P	P	P	Not projecting more than ten (10) feet into the required yard and at least seven (7) feet above the average level of the adjoining ground. In no case shall awnings or canopies be placed within five (5) feet of the side or rear property line. Awnings and canopies with signage must conform to the Sign Regulations in Section IX.
Balconies	P		P	P	P	Not projecting more than five (5) feet into a required yard.
Bay windows	P		P	P	P	Not projecting more than three (3) feet into the required yard.
Chimneys	P	P	P	P	P	Not projecting more than twenty-four (24) inches into a required yard.
Decks		P	P			In no case shall a deck be placed closer than five (5) feet to any property line.
Eaves and gutters	P	P	P	P	P	Not projecting more than four (4) feet into the required front and rear yards. Not projecting more than forty (40) percent of the required side yard, but in no case exceeding three (3) feet.
Fences and walls		P	P			Not exceeding six (6) feet in height above natural grade level in the side and rear yard.
Fire escapes, open or enclosed	P	P	P	P	P	Not projecting more than five (5) feet into the required front yard or side yard adjoining a street. Not projecting more than three-and-one-half (3 1/2) feet into the required interior side yard or court.
Flag poles	P	P	P	P	P	
Fountains	P	P	P	P	P	
Mechanical equipment, including but not limited to; air conditioning units/shelters, and generators		P	P			Equipment shall be placed as close as possible to the principal structure and in no case shall equipment be placed within five (5) feet of any property line. Equipment shall be screened to comply with the Village Landscape Ordinance.
Patios	P	P	P	P	P	In no case shall a patio be placed closer than five (5) feet to any property line.
Pergolas	P	P	P	P	P	Not to extend into the required yard more than thirty-five (35) percent of the minimum setback. In no case shall a pergola be placed closer than five (5) feet to any property line.
Plant boxes	P	P	P	P	P	

Accessory Structures or Uses	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Addressed Yard	Other Yard	
Porches and porticos	P	P	P	P	P	Not to extend into the required yard more than thirty-five (35) percent of the minimum setback. In no case shall a porch or portico be placed closer than five (5) feet to any property line. Handrails and guardrails shall conform to Village Building Code Regulations. Knee walls shall not exceed forty (40) inches in height from the porch floor.
Projecting blade signs	P	P	P	P	P	See additional regulations in Section IX.
Sculptures	P	P	P	P	P	
Steps/threads	P	P	P	P	P	See the Village Building Code for additional regulations.
Trellises	P	P	P	P	P	

a. Additional Allowable Encroachments:

In commercially zoned lots (B-1, B-2, B-3, B-4, and B-5) that front streets or major interior access lanes, front yard areas will be primarily used for landscaping and other pedestrian-oriented uses including:

- (1) Widened sidewalks and entranceways;
- (2) Plazas, outdoor gardens, patios, and outdoor seating areas;
- (3) Water features, including bioswales or other stormwater management elements; and
- (4) Public art or outdoor architectural features like clock towers, pergolas, etc.

It is the intent of this Ordinance to help create a stronger pedestrian scale. As such, in addition to the design elements specifically permitted above, other architectural or landscape features not enumerated herein that create a stronger pedestrian connection may be permitted to extend into the required yard up to ten (10) feet. These encroachments may be approved by the Plan Commission during Site Plan Approval.

3. Industrial Zoning Districts:

Encroachments into easements shall be subject to all regulations of this Ordinance and the Village's Building Code.

The following accessory structures and uses are permitted to encroach and shall not be considered to be obstructions when located in the required yards, in lots industrially zoned (ORI, M-1, and MU-1) as specified:

Accessory Structures or Uses	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Addressed Yard	Other Yard	
Accessory structures, including but not limited to: accessory sheds, detached garages, and equipment shelters			P			See additional regulations in Section III.I.
Arbors	P		P	P	P	Must be located so as not to obstruct the line of sight of pedestrians and motorists at intersections or driveways.
Architectural features, including but not limited to: belt courses, cornices, and sills	P	P	P	P	P	Not projecting more than eighteen (18) inches from the exterior wall.
Athletic courts, including but not limited to: basketball or tennis courts			P			All athletic court areas shall be subject to Village review to ensure the court is properly designed, graded, and constructed. In no case shall an athletic court be placed closer than fifteen (15) feet to any property line.
Awnings, canopies, and other projections that create shaded and protected entrances	P	P	P	P	P	Not projecting more than ten (10) feet into the required yard and at least seven (7) feet above the average level of the adjoining ground. In no case shall awnings or canopies be placed within five (5) feet of the side or rear property line. Awnings and canopies with signage must conform to the Sign Regulations in Section IX.
Balconies	P		P	P	P	Not projecting more than five (5) feet in front yards.
Bay windows	P		P	P	P	Not projecting more than three (3) feet into the required yard.
Chimneys	P	P	P	P	P	Not projecting more than twenty-four (24) inches into a required yard.
Decks		P	P			In no case shall a deck be placed closer than five (5) feet to any property line.
Eaves and gutters	P	P	P	P	P	Not projecting more than four (4) feet into the required front and rear yards. Not projecting more than forty (40) percent of the required side yard, but in no case exceeding three (3) feet.
Fences and walls		P	P			Not exceeding six (6) feet in height above natural grade level in the side and rear yard.
Fire escapes, open or enclosed	P	P	P	P	P	Not projecting more than five (5) feet into the required front yard or side yard adjoining a street. Not projecting more than three- and-one-half (3 1/2) feet into the required interior side yard or court.
Flag poles	P	P	P	P	P	
Fountains	P	P	P	P	P	

Accessory Structures or Uses	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Addressed Yard	Other Yard	
Mechanical equipment, including but not limited to: air conditioning units/shelters, and generators		P	P			Equipment shall be placed as close as possible to the principal structure and in no case shall equipment be placed within five (5) feet of any property line. Equipment shall be screened to comply with the Village Landscape Ordinance.
Patios	P	P	P	P	P	In no case shall a patio be placed closer than five (5) feet to any property line.
Pergolas	P	P	P	P	P	Not to extend into the required yard more than thirty-five (35) percent of the minimum setback. In no case shall a pergola be placed closer than five (5) feet to any property line.
Plant boxes	P	P	P	P	P	
Porches and porticos	P	P	P	P	P	Not to extend into the required yard more than thirty-five (35) percent of the minimum setback. In no case shall a porch or portico be placed closer than five (5) feet to any property line. Handrails and guardrails shall conform to Village Building Code regulations. Knee walls shall not exceed forty (40) inches in height from the porch floor.
Projecting blade signs	P	P	P	P	P	See additional regulations in Section IX.
Sculptures	P	P	P	P	P	
Steps/threads	P	P	P	P	P	See the Village Building Code for additional regulations.
Trellises	P	P	P	P	P	

I. ACCESSORY STRUCTURES AND USES

1. All accessory structures shall be subject to the following:
 - a. Accessory structures and uses shall be compatible with the principal use;
 - b. Accessory structures and uses shall not be established prior to the establishment of the principal use;
 - c. Accessory structures which are structurally attached to a main or principal building shall be subject to all regulations of this Ordinance and the Village Building Code which are applicable to the principal building;
 - d. Accessory structures shall not be located less than ten (10) feet from a principal building unless the accessory structure meets all regulations of this Ordinance and the Village Building Code which are applicable to the principal building;
 - e. When a side yard is required, no part of any accessory structure shall be located closer than five (5) feet to the side lot line along such side yard; and

- f. When a rear yard is required, no part of any accessory structure shall be located closer than five (5) feet to the rear lot line or to those portions of the side lot lines abutting such required rear yard.
2. Residential accessory structures serving single- or two-family residences in any Residential Zoning District, and all accessory structures in the R-1 through R-5 Zoning Districts, inclusive, shall conform to the following:
 - a. All conditions of Subsection III.I.1 above must be satisfied;
 - b. The maximum floor area shall be seven hundred twenty (720) square feet;
 - c. The maximum height shall be eighteen (18) feet to the peak of the structure;
 - d. The pitch of the roof shall be found by the Zoning Administrator to be architecturally compatible with the pitch of the main roof element of the principal structure, provided that subsection (c) above shall be met;
 - e. Detached or attached garages and accessory structures shall not be utilized as living space;
 - f. Detached or attached garages and accessory structures shall not be utilized for any business related activity; and
 - g. Detached garages and accessory structures shall not be serviced by water, sanitary sewer, or natural gas.
3. Second detached garages serving single- or two-family residences in any Residential Zoning District and in the R-1 through R-5 Zoning Districts, inclusive, shall conform to the following:
 - a. All conditions of Subsections III.I.1 and III.I.2 above must be satisfied for each garage;
 - b. The property must be a minimum of fifteen thousand (15,000) square feet in lot area and ninety (90) feet in lot width; and
 - c. Both garages must be fully accessible by way of a driveway in conformance with Section 309 of the Village Building Code.

J. TEMPORARY BUILDINGS

Temporary buildings for construction purposes may be allowed in any zoning district for a period not to exceed the completion date of such construction.

K. FLOODPLAIN AREAS

No building shall be erected in areas subject to flooding, as determined in the floodplain maps (Tinley Park Quadrangle) of the Northeastern Illinois Planning Commission, unless suitable provisions for drainage are approved and constructed in accordance with the requirements of the Village's Floodplain Ordinance - Ordinance No. 73-0-003.

L. USES NOT SPECIFICALLY PERMITTED IN DISTRICTS

When a use is not specifically listed in the sections devoted to permitted uses, such uses are hereby expressly prohibited, unless by written decision of the Zoning Administrator it is determined that said use is similar to and not more objectionable than other uses listed. Such uses may then be permitted.

M. EXEMPTIONS

The regulations of this Ordinance do not specify or regulate the type or location of poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves, and other similar distributing equipment; regulator and compressor stations, and the underground storage of gas from a public utility or a natural gas company including facilities and exploratory and operating wells; or a public utility or natural gas company for telephone or other communications, electric power, gas, water, and sewer lines, provided that installation shall conform with rules and regulations of the applicable administrative authorities nor the location, use or occupancy of publicly-owned land, structures or installations of any kind whatsoever.

N. OPEN STORAGE AND OUTDOOR SALES DISPLAYS

1. **Open Storage:**

- a. The purpose and intent of the regulations established herein is to provide development and environmental performance standards for controlling the development and use of open storage areas so that such uses can be established and operated in the Village of Tinley Park without adversely affecting neighboring development or existing environmental conditions; and
- b. All open storage, as defined in Section II, shall be subject to the following:

General Requirements:

- (1) Zoning Districts Allowed: The following table shall govern the zoning districts in which open storage is allowed and to what level:

Level	R-1 through R-7	B-1 through B-5	ORI	M-1	MU-1
Level 1	X	X	P	P	P
Level 2	X	X	S	P	P
Level 3	X	X	X	S	S
Level 4	X	X	X	X	X

P = Permitted (with conditions) S = Special Use X = Prohibited

Open storage requests that require a Special Use Permit should refer to Section X.J of the Village’s Zoning Ordinance regarding the Special Use application process.

- (2) Location: Open storage shall not be located in any front or corner side yard. No open storage shall be permitted to occur in areas designated for parking, driveways, or walkways;
- (3) Maximum Lot Coverage: The following table shall govern the maximum lot area for the use of open storage within zoning districts:

Level	R-1 through R-7	B-1 through B-5	ORI	M-1	MU-1
Level 1	X	X	15%	30%	30%
Level 2	X	X	15%	30%	30%
Level 3	X	X	X	30%	30%
Level 4	X	X	X	X	X

X = Prohibited

- (4) Proximity to Residential Zones: If a Residential District abuts the property, the open storage area shall be set back from the property line on such side a minimum of fifty (50) feet in addition to the mandatory screening enumerated below.
- (5) Screening:
 - (A) Fence:
 - (i) Material: Shall be constructed in compliance with Section 311.C.1 of the Village Building Code;
 - (i.a) Chain link fencing to be concealed with landscaping, and placed on the exterior side of the fence to conceal from the street side or residential neighborhoods;
 - (ii) Opacity: Shall be a solid, one hundred (100) percent opaque wall or fence. Chain link fencing may be used in conjunction with landscaping to achieve one hundred (100) percent opacity if approved by the Village;

(iii) Height: Shall be a minimum of six (6) feet and maximum of eight (8) feet in height measured from ground level to the top of the fence; and

(iv) Gate/Doors: Shall be visually consistent with the fence or wall and secured.

(B) Landscape:

(a) Refer to §158.18.12 of the Village Landscape Ordinance for open storage landscaping requirements.

(6) Environmental Performance:

(A) Nuisance: All open storage shall be in compliance with the nuisance regulations enumerated in Title IX, Chapter 98 of the Tinley Park Municipal Code;

(B) Stormwater Runoff: Fertilizers, pesticides, and any other agent which could potentially pose a threat to water quality shall be properly stored in containers that prevent the infiltration of these agents into the stormwater system;

(C) Windborne Agents: The open storage of materials which have a tendency to become windborne such as powder, grain, stone, sand, salt, and coal is prohibited unless securely covered and contained;

(D) Organic Materials: Any open storage of decomposed, fetid, or putrescent matter shall be removed and disposed of if determined to be a nuisance, and in such manner as not to cause a nuisance and to avoid the unnecessary raising of dust or noxious material;

(E) Lighting: Any lighting of open storage areas shall be directed in a manner as to prevent spillover onto surrounding properties; and

(F) Subject to Inspection: Any open storage shall be subject to inspection by the Fire Prevention Bureau as enumerated in Ch. VII, Sec. 700.A.1 of the Village Building Code.

2. **Level 1 Open Storage**:

Submission Requirements:

a. A dimensioned sketch or drawing of the proposed location of the open storage area and any additional alterations to the site;

b. Fencing specifications including height, material, color, and style;

- c. Location, quantity, size, and type of proposed landscaping on a Site Plan, showing its relation to other site features such as utilities and easements; and
- d. Description of materials to be stored.

Approval:

- a. Subject to review by the Building and Planning Departments.

Conditions of Operation:

- a. Shall be stored in the rear of the property not in a public drainage and utility easement or in an area that will negatively impact overland drainage; and
- b. Level 1 Open Storage is intended to allow for vehicles or equipment essential to the day-to-day operation of a business. Vehicles exceeding eight thousand (8,000) pounds or equipment not essential to business operations shall be excluded from Level 1 Open Storage.

3. **Level 2 Open Storage:**

Submission Requirements:

- a. A dimensioned sketch or drawing of the proposed location of the open storage area and any additional alterations to the site;
- b. Fencing specifications including height, material, color, and style;
- c. Location, quantity, size, and type of proposed landscaping on a Site Plan, showing its relation to other site features such as utilities and easements; and
- d. Description of materials to be stored.

Approval:

- a. Subject to review by the Building and Planning Departments.

4. **Level 3 Open Storage:**

Submission Requirements for Site Plan Approval Application:

- a. A Special Use Permit application that fulfills the provisions within Section X.J of the Tinley Park Zoning Ordinance; and
- b. Description of materials to be stored.

Approval:

- a. All Level 3 Open Storage areas shall be subject to Site Plan and Special Use Permit approvals. A Site Plan Approval application must be reviewed and approved by the Village of Tinley Park Plan Commission. A Special Use Permit application must be reviewed by the Plan Commission and receive approval by the Village Board.

5. **Level 4 Open Storage:**

Conditions of Operation:

- a. Shall be prohibited within all zoning districts. The storage of junk, used lumber, or metal, refuse, scrap, disabled, or damaged motor vehicles not awaiting immediate repair, must be accommodated within a structure and in compliance with all other Village Code requirements.

Exemptions:

- a. The provisions and regulations of this Section III.N.1 shall not apply to governmental service uses.

6. **Outdoor Sales Displays:**

- a. Except for duly authorized outdoor sales lots such as automobile and motorcycle sales, the outdoor display of goods, products, or materials offered for sale shall be limited to the display of seasonal garden items only;
- b. The outdoor display of seasonal garden goods, products or materials offered for sale shall be allowed only in the business and industrial districts, and shall be subject to the provisions of this Section;
- c. The outdoor display of seasonal goods, products, or materials offered for sale shall require annual submission of a Site Plan and a written outline of the location and types of items to be displayed. This plan is required to be submitted to the Zoning Administrator for approval prior to April 1st of each year; and
- d. The outdoor display of seasonal goods, products, or materials offered for sale shall be subject to the following provisions:
 - (1) The outdoor display shall occur only between April 15th and September 15th of each year;
 - (2) The outdoor display of combustible items including, but not necessarily limited to, wood chips, mulch, etc., must be located no less than six (6) feet from any building;

- (3) The outdoor display shall not be stacked or stored higher than four (4) feet as measured from the ground up;
- (4) The outdoor display areas shall not utilize any required parking space as required by Section VIII of this Ordinance, and may only occupy parking areas where a surplus of parking spaces beyond those required by this Ordinance are provided;
- (5) The outdoor display area shall not conflict with traffic patterns of the subject property and shall not be located within any drive aisle as required by Section VIII of this Ordinance;
- (6) The outdoor display area shall not be located within the required visibility triangle on any corner lot as provided for in Section III.G of this Ordinance, nor shall it create any visibility hazard or obstruction to vehicles or pedestrians;
- (7) The outdoor display area shall not result in the reduction of sidewalks or pedestrian pathways to less than thirty-six (36) inches in width;
- (8) The outdoor display areas must be kept in a clean and orderly manner;
- (9) No other non-seasonal items may be stored or displayed in front of any building;
and
- (10) The Village reserves the right to require the owner of the property utilizing outdoor display areas to install safety signage in any amount and location if deemed necessary or desirable.

O. PORTABLE STORAGE DEVICES

1. Portable storage container units and devices shall include all types of storage devices and enclosed trailers with or without wheels.
2. Portable storage devices shall not be stored on any public street, alley, or public right-of-way in any zoning district.
3. Portable storage devices shall be maintained in good repair, structurally sound, and free from any graffiti or peeling paint.
4. Portable storage devices shall require a Temporary Use Permit, and shall be subject to the following regulations:

Residential Zoning Districts:

- a. No more than one (1) portable storage device, not exceeding outside dimensions of twelve (12) feet in length, eight (8) feet in width, and nine (9) feet in height, shall be permitted per zoning lot in all Residential Zoning Districts for no more than fourteen

(14) days per calendar year, provided they are placed on and do not extend beyond a driveway surface and do not encroach across any public sidewalk or across any property line.

Commercial Zoning Districts:

- a. No more than one (1) portable storage device not exceeding outside dimensions of forty (40) feet in length, eight (8) feet in width, and nine (9) feet in height shall be permitted per zoning lot in all Commercial Zoning Districts for no more than thirty (30) days per calendar year. Such devices shall be placed on an impervious surface of concrete or asphalt, and shall not be located in any required parking space or drive aisle as required by Section VIII of this Zoning Ordinance, or within any area that hinders access to parking spaces and/or drive aisles. Such storage devices shall not be stacked. Requests for more than one (1) such device require submission of a Site Plan for review and approval by the Zoning Administrator or his designee, prior to placing the units on the zoning lot.

Industrial Zoning Districts:

- a. No more than one (1) portable storage device not exceeding outside dimensions of forty (40) feet in length, eight (8) feet in width, and nine (9) feet in height shall be permitted per zoning lot in all Industrial Zoning Districts for no more than sixty (60) days per calendar year. Such devices shall be placed on an impervious surface of concrete or asphalt, and shall not be located in any required parking space or drive aisle as required by Section VIII of this Zoning Ordinance, or within any area that hinders access to parking spaces and or access aisles. Such storage devices shall not be stacked. Such storage devices must be screened from view on all sides. Requests for more than one (1) such device require submission of a Site Plan for review and approval by the Zoning Administrator or his designee, prior to placing the units on the zoning lot:
- b. No more than two (2) semi-trailers, with or without tractors, can be stored outside of a loading dock for loading and unloading of goods or materials, for more than five (5) days; and
- c. Portable storage container units cannot be stacked.

P. COLLECTION/DONATION DEVICES AND BOXES

- 1. Collection/donation devices (boxes) shall be prohibited within the Village of Tinley Park except as provided below:
 - a. An application letter and dimensioned Site Plan must be submitted for the approval by the Zoning Administrator or his designee. In the event this letter is being submitted by persons other than the owner of the subject property, a letter of authorization from the property owner must also accompany the application request;

- b. The collection/donation device must be manned during normal business hours seven (7) days per week; and
- c. The collection/donation device may not be located within any required parking space or drive aisle as required by Section VIII of this Zoning Ordinance.

Q. PARKING OF VEHICLES IN RESIDENTIAL ZONING DISTRICTS

- 1. The parking of vehicles in all Residential Zoning Districts shall comply with the following regulations:
 - a. Whenever a structure is erected, converted, or structurally altered for dwelling use, a minimum number of parking spaces shall be provided on the lot for each dwelling unit on the lot as required by Section VIII.A.10 of this Zoning Ordinance;
 - b. No vehicle shall be parked between the street and the front lot line. Parking of vehicles between the front line of any portion of the building and the front lot line shall be limited to private passenger automobiles not exceeding three-quarter (3/4) ton, except as specifically provided for elsewhere in this Ordinance;
 - c. No unlicensed, unregistered (Village sticker), or inoperable vehicle shall be permitted on any residential property for more than twenty-four (24) hours, unless it is in an enclosed garage; and
 - d. In Residential Zoning Districts, the following vehicles and equipment shall be stored only in a garage or fully enclosed structure:
 - i. Any truck or other type of commercial vehicle or equipment in excess of eight thousand (8,000) pounds;
 - ii. Vehicles requiring a Class D truck plate; and
 - iii. Trailers in excess of three thousand (3,000) pounds or requiring a Class TA trailer plate.
 - e. No vehicle used for transporting flammable liquids, explosives, toxic, or noxious materials shall be parked or stored in a Residential Zoning District;
 - f. Nothing in the provisions of this Ordinance shall be construed to prohibit trucks or other service vehicles from being parked on the premises temporarily for purposes of making deliveries or rendering service to the property owner;
 - g. It shall be unlawful for any person to occupy or use any recreational vehicle for living or sleeping purposes upon any street, alley, lane, highway, municipal off-street parking lot, or other public place or upon any lot, piece, parcel, or tract of land

within the Village of Tinley Park, except within a lawfully established and licensed recreational park, campground, or other like facility which is designed and equipped to operate for the purpose of providing temporary accommodations for such units, or as provided for hereinafter in Item h(5); and

- h. In all Residential Zoning Districts, it is permissible to park a recreational vehicle, trailer, or boat and trailer in the following manner:
 - (1) Parking is permitted inside any enclosed structure, which structure otherwise conforms to the zoning requirements of the particular zone where located;
 - (2) Parking is permitted outside in the side yard or rear yard provided it is not nearer than two (2) feet to the lot line;
 - (3) Parking is permitted outside on a driveway, provided:
 - i. Space is not available in the rear yard or side yard, or there is no reasonable access to either the side yard or rear yard; a corner lot is always deemed to have reasonable access to the rear yard; a fence is not necessarily deemed to prevent reasonable access;
 - ii. Inside parking is not possible; and
 - iii. The unit is parked perpendicular to the front curb.
 - (4) No part of the unit may extend over the public sidewalk or public thoroughfare (right-of-way);
 - (5) Parking is permitted only for storage purposes, and any recreational vehicle or trailer shall not be:
 - i. Used for dwelling purposes except one unit for overnight sleeping of visitors for a maximum of three (3) days in any one calendar year. Cooking is not permitted at any time; butane or propane fuel shall not be used, and the host shall receive no compensation for such parking;
 - ii. Permanently connected to sewer lines, water lines, or electricity. The recreational vehicle may be connected to electricity temporarily for charging of batteries and other purposes provided the receptacle and connection from the recreational vehicle has been inspected and approved by the Village. This connection must meet the Electrical Code of the Village, and an Electrical Permit must be obtained for all such installations; and
 - iii. Used for storage of goods, materials, or equipment other than those items considered to be a part of the unit or essential for its immediate use.

- (6) Notwithstanding the provisions of Item 3, above, for purposes of active loading and unloading, a recreational vehicle may be parked anywhere on the premises normally deemed as parking space for private passenger automobiles; and the use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use;
- (7) Subject to the exceptions set forth herein, it shall be unlawful for any owner, lessee, or occupant of any lot, piece, parcel, or tract of land within the Village of Tinley Park, whether for gain, hire, reward, or gratuity, or otherwise, to permit the same to be occupied or used by any vehicle for living or sleeping purposes; and
- (8) Nothing in the provisions of this Ordinance shall be construed to prohibit the owner or operator of any recreational vehicle from parking or storing said unit upon premises owned, leased, or otherwise lawfully occupied or used by him, so long as such unit is not occupied or used for living or sleeping purposes in violation of the provisions of this section of the Ordinance, or any other applicable ordinance or regulation of the Village of Tinley Park.

R. PARKING OF VEHICLES IN BUSINESS DISTRICTS

The parking of vehicles in all business districts shall comply with the following regulations:

1. The parking regulations for dwellings are the same as those in the Residential Zoning Districts;
2. Where any structure is erected, reconstructed, or converted for any of the business purposes permitted in this Section, there shall be provided parking spaces in the ratio of not less than one (1) parking space for each one hundred fifty (150) square feet of floor space in the building which is used for commercial purposes. Such parking space may be located on the same lot as the building or on an area within three hundred (300) feet of the building. Two (2) or more owners of buildings may join together in providing this parking space;
3. Outside parking or storage of any abandoned, damaged, inoperable, dismantled, or unregistered vehicles for more than forty-eight (48) hours shall be prohibited in all automobile service stations; and
4. Parking of trailers or trucks not registered to the business is prohibited, except when located in an enclosed area that is adequately screened from public view.

S. REGULATION OF TRAFFIC AND PARKING ON PRIVATE PROPERTY

1. Any condominium development, apartment house, or apartment project containing ten (10) or more dwelling units shall enter into a contract with the Village that will permit

the Police Department of Tinley Park to regulate traffic and access to the driveways and parking areas which are open to or used by the public, tenants, owners, guests, and employees. A written request by the owner or developer of the specific property shall be filed with the Village Clerk prior to the issuance of any Building Permits.

2. Any owner of any shopping center, business establishment, hospital, or school shall enter into a contract with the Village that will permit the Police Department of Tinley Park to regulate the parking of automobiles and the traffic at such parking areas. A written request by the owner or developer of the specific property shall be filed with the Village Clerk prior to the issuance of any Building Permits.
3. All regulations adopted and traffic control devices employed by the Village in the regulation of traffic on private drives and parking areas, or the parking of automobiles in parking lots of shopping centers, business establishments, apartment complexes or schools shall be consistent with the statutory provisions contained in chapter 95-1/2, Section 11-209 and 209.1 of the Illinois Municipal Code.

T. SITE PLAN REVIEW

No Building Permit shall be issued for the construction or alteration of any multi-family residence, business, office, or industrial building or structure until a Site Plan has been reviewed by the Planning Department Staff and approved by the Plan Commission.

The Planning Department Staff shall review the Site Plan for conformance with this Ordinance and other Codes and Ordinances of the Village, and shall make a report with recommendations to the Plan Commission. After receiving the report of the Planning Department Staff, the Plan Commission shall approve the Site Plan, with or without conditions, deny it, or refer it back to the Planning Department Staff for further study.

1. Site Plan Contents:

A Site Plan shall:

- a. Be drawn at a scale of 1" = 50' or larger;
- b. Show boundaries and dimensions graphically, contain a written legal description of the property, and indicate the date and north point;
- c. Show the present and proposed topography of the area by contour lines at one (1) foot intervals;
- d. Show, by use of directional arrow, the proposed flow of storm drainage from the site;
- e. Show the location of existing and proposed structures and indicate the number of stories, gross floor area, and entrances to all structures;

- f. Show the location and dimensions of existing and proposed curb cuts, aisles, off-street parking, loading spaces, and walkways;
- g. Indicate location, height, and material for screening walls and fences;
- h. List the type of surfacing and base course proposed for all parking, loading, and walkway areas;
- i. Describe the proposed use of the site and list the number of required off-street parking spaces. If the exact use is not known at the time of Site Plan submittal, off-street parking requirements shall be calculated by the general use group using the greatest off-street parking requirement of that use group;
- j. Show the proposed location, indicate direction, and list amount of illumination of proposed lighting facilities; and
- k. Show location of each outdoor trash storage area.

2. Conditions of Approval:

Before making a report to the Plan Commission, the Planning Department Staff shall first find that the following conditions have been met:

- a. That the proposed Use is a Permitted Use in the district in which the property is located;
- b. That the proposed arrangement of buildings, off-street parking, access, lighting, landscaping, and drainage is compatible with adjacent land uses;
- c. That the vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient, and convenient movement of traffic, not only within the site but on adjacent roadways as well;
- d. That the Site Plan provides for the safe movement of pedestrians within the site;
- e. That there is a sufficient mixture of grass, trees, and shrubs within the interior and perimeter (including public right-of-way) of the site so that the proposed development will be in harmony with adjacent land uses and will provide a pleasing appearance to the public; any part of the Site Plan area not used for buildings, structures, parking, or access-ways shall be landscaped with a mixture of grass, trees, and shrubs; and
- f. That all outdoor trash storage areas are adequately screened.

3. Assurance of Performance:

- a. At the recommendation of the Plan Commission, the Village Board may require the applicant to file with the Village Clerk a performance bond as a condition of approval to ensure completion of approved landscaping, fencing, off-street parking and loading,

drainage, and other specific items of the Site Plan. The amount of the performance bond shall be determined by the Village Board. If, upon inspection of the completed project it is found that the conditions of the Site Plan have been met, the performance bond shall be released to the applicant. If the applicant does not comply within a reasonable time with the conditions of the Site Plan, the Village Clerk shall give written notice to the applicant and the bonding company. (Reasonable time shall be determined by the life of the performance bond as stated thereupon, less sixty (60) days.) If the conditions of the Site Plan have not been met thirty (30) days prior to the expiration of the performance bond, the Village shall bring such action as is necessary to ensure completion of the Site Plan conditions. However, if the applicant can show that he has tried to the utmost of his ability to meet the conditions of the Site Plan within the time period allotted, but that adversities not of his making have been the cause of his failure to meet the Site Plan conditions, the Village Board may require that the performance bond be extended for a specified period of time.

4. Time Limitation:

- a. If no Building Permit is issued for the site within one (1) year from the date of Site Plan Approval by the Village Board, the Site Plan shall become null and void.

U. SPECIAL PROVISION PRESERVING CERTAIN RIGHTS

Special provision is hereby established preserving the rights established in unexpired annexation agreements and Ordinances No. 74-0-015, No. 74-0-016, and No. 74-0-017.

V. REGULATIONS FOR PERSONAL WIRELESS SERVICE FACILITIES

1. Locations:

- a. Subject to Site Plan Approval, any such personal wireless service facilities shall be considered a Permitted Use if located on an existing freestanding tower, including co-locations, on Village-owned property. Provided no such Village-owned property meets the needs of the Petitioner, location on an existing freestanding tower, including co-locations, on non-Village owned property shall be considered a Permitted Use. Prior to construction of such facilities, the Petitioner must receive Site Plan Approval from the Plan Commission pursuant to the Site Plan review process set forth in Section III,T of this Ordinance;
- b. Except as provided in Subsection V.1.a above, a Special Use Permit is required and may be requested pursuant to the Special Use process set forth in Section X.J for any use that satisfies the definition of personal wireless service facility, as defined herein, provided that the proposed location satisfies any one of the criteria listed below:

- (1) The proposed facility is a new structure on Village-owned property pursuant to an agreement with the Village and further provided that such facilities are so

designed so as to allow and encourage co-location by other potential users;

- (2) The proposed facility is a new structure and is on property owned by a municipal body or district (e.g. library district, park district, school district, etc.). The Petitioner must perform its due diligence and demonstrate there are no locations available that satisfy the criteria provided in V.1.a and V.1.b(1) above;
- (3) The proposed facility is within the M-1 General Manufacturing District and (a) is not within one thousand (1,000) feet of a Residential Zoning District, or (b) is separated from Residential Zoning Districts by a freeway or principal arterial as defined by the Village of Tinley Park Comprehensive Plan. Further, the Petitioner must perform its due diligence and demonstrate there are no locations that satisfy the criteria provided in V.1.a, V.1.b(1) and V.1.b(2) above. If any such locations do exist, the Special Use Permit may be denied; and
- (4) The proposed facility is attached to an existing structure within a non-residential or non-historic District. The Petitioner must perform its due diligence and demonstrate there are no locations that satisfy the criteria provided in V.1.a, V.1.b(1), V.1.b(2), and/or V.1.b(3) above. If any such locations do exist, the Special Use Permit may be denied.

2. **Maximum Height for Personal Wireless Service Facilities:**

An applicant for approval of a personal wireless facility shall demonstrate that the personal wireless facilities do not exceed the minimum height required to function satisfactorily. Under any circumstances, personal wireless facilities shall not exceed the following height restrictions unless otherwise specifically approved by grant of a Special Use Permit as per Section X.J hereof:

- a. The maximum height of a freestanding tower shall not exceed one hundred (100) feet provided; however, that an applicant requesting a freestanding tower shall demonstrate that the tower antenna is the minimum height required to function satisfactorily;
- b. If mounted on the roof of an existing building or structure, the height of an antenna shall not exceed ten (10) feet above the height of the existing structure provided; however, that the maximum height may be increased if: (1) the radio signal would be impaired or blocked off if the antenna was located near the middle of the roof; and (2) the Village Board determines that it is preferable to locate the antenna at a location other than near the edge of the roof; and
- c. An antenna attached to the side of a building, structure, or tower shall not extend above the roof of the building, structure, or tower; provided, however, if the radio signal is distorted or blocked by structures located on the roof of the building, the Village may allow the height to exceed the height of the building, structure or tower in its discretion.

3. **Screening and Site Location for Personal Wireless Service Facilities Attached to Freestanding Towers:**

- a. Support structures and antennas shall have a non-contrasting blue, gray, or similar color that minimizes their visibility and is compatible with the surrounding landscape;
- b. Personal wireless service facilities should be architecturally compatible with the surrounding buildings and land uses or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical; and
- c. Personal wireless service facilities attached to a freestanding tower shall not be located between a principal building and a street or in the front yard of the lot in question. Such freestanding tower shall be located adjacent to the rear wall of the principal building unless: (1) it is shown that an alternate location results in more effective screening or blending of the tower into the surrounding landscape; or (2) the location has the effect of interfering with the operations of the principal use on the subject property; provided, however, such personal wireless service facilities nevertheless may not be located between the principal building and the street or in the front yard of the lot in question.

4. **Screening and Site Location for Personal Wireless Service Facilities Attached to Existing Buildings or Structures:**

- a. Personal wireless service facilities may be attached to the wall or roof of a building subject to height restrictions in this Subsection therein. Such facilities shall not be attached to the front wall of a building unless it can be shown that other locations are not feasible and that the facilities shall be made to effectively blend into the architecture of the building;
- b. Personal wireless service facilities and their support structures attached to an existing building or structure shall be of a color identical to the building or that maximizes the blending of the facilities and support structures into the architecture of the building or structure; and
- c. Personal wireless service facilities and their support structures attached to an existing building or structure shall not extend more than twenty-four (24) inches beyond the wall of such building or structure.

5. **Screening and Site Location for Ground Level Equipment and Buildings:**

- a. Personal wireless service facilities may be attached to the wall or roof of a building subject to the height restrictions set fourth in this Subsection V;

- b. Landscaping consisting of shrubs and similar materials shall be provided surrounding the foundation of ground level buildings, structures, and fences subject to the review and approval of the Community Development Director;
- c. Ground level buildings and structures shall be designed and located to blend with the existing architecture and landscaping of the subject property and the surrounding area. Masonry facades shall be required for such buildings or structures unless otherwise allowed as a condition of the Special Use Approval; and
- d. Fencing may be provided as a condition of the Special Use Approval for the purpose of enclosing and screening freestanding towers or antennas and their support facilities. Such fencing shall comply with the requirements for residential fences contained in this Ordinance, except as specifically authorized by conditions for approval of a Special Use.

6. **Compliance with Governmental and other Safety Regulations:**

- a. The applicant shall demonstrate that the proposed antennas and support structure are safe and that surrounding areas will not be negatively affected by support structure failure, falling ice, or other debris. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturer;
- b. All towers and antennas shall comply with the current standards and regulations of the Federal Communications Commission, the Federal Aviation Administration, and any other agency of the federal government with the authority to regulate owners and antennas; and
- c. Upon application and approval, the Building Commissioner shall issue a Building Permit prior to construction of any tower or antenna. Said Building Permit shall verify that towers and antennas are constructed in compliance with applicable Village Building Codes and any requirements of the Electronic Industries Standards and the Federal Communications Commission, as well as the provisions herein.

7. **Co-Location and Location on Existing Structures Preferred:**

In order to minimize adverse visual impacts associated with the proliferation of towers, co-location of antennas by more than one provider on existing or new towers and location of antennas on existing buildings or structures shall take precedence over the construction of new freestanding towers. If a new, freestanding tower is proposed, Special Use Approval shall not be granted unless the applicant demonstrates compliance with the following:

- a. A diligent effort has been made to locate the antenna on an existing structure and that due to valid considerations including physical constraints and economic or technological feasibility, no other appropriate location is available;
- b. Covenants shall be recorded which require that the applicant allow, on a

commercially reasonable basis, other providers of personal wireless service facilities and other antennas to co-locate on the proposed freestanding tower, where such co-location is technologically feasible; and

- c. The Site Plan for the construction of a new, freestanding tower shall delineate an area, either on site or on adjacent property, near the base of the tower to be used for the placement of additional equipment and buildings for other users. To the extent that the site for the new freestanding tower is adequate to allow co-location on such site, the applicant must allow, on a commercially reasonable basis, other providers to locate on site.

8. **Abandonment of Towers or Antennas:**

In the event the use of a tower or antenna is discontinued for a period of sixty (60) consecutive days, the tower or antenna shall be deemed to be abandoned. The Community Development Director shall determine the date of abandonment based on documentation required from the tower owner/operator or other appropriate sources. Upon abandonment, the tower owner/operator shall have an additional sixty (60) days within which to:

- a. Reactivate the use of the tower either by said owner/operator or transfer of the tower to another owner/operator for such use within the aforesaid sixty (60) day period. Transfer of the tower to another owner/operator shall not require Special Use Approval provided use of the tower is re-activated within the sixty (60) day period, and that the use of the tower complies with all conditions of the original Special Use Approval and the terms of this Ordinance;
- b. Dismantle and remove the tower at which time any Special Use shall become null and void; and
- c. Request approval from the Board of Trustees to allow the abandoned tower or antenna to remain for a specified period of time. If said approval is granted, the tower shall be reactivated or removed within the time period approved by the Board of Trustees as per regulations herein.

W. HOME OCCUPATIONS

Home occupations shall be subordinate to the principal use of a building as a residential dwelling, and shall conform to the following provisions:

1. The primary use of the building shall be as a residential dwelling unit occupied day and night by the person(s) owning/operating the home occupation;
2. The home occupation shall not employ any other person who is not a member of the family occupying the residential dwelling unit;

3. On-site signs advertising the home occupation shall be prohibited;
4. The home occupation shall not take place in any portion of any attached or detached garage or accessory structure;
5. The home occupation shall not occupy more than twenty (20) percent of the gross floor area of the dwelling unit (excluding any garage or accessory structure). Any area of the dwelling unit (excluding any garage or accessory structure) used for the storage of materials or goods used in conjunction with the home occupation shall be included in the calculation of floor area of the home occupation;
6. The sale of goods or services from the dwelling unit shall be prohibited except by electronic means;
7. The home occupation shall not result in the dwelling unit being visited by customers or clients, except by way of authorization as a Special Use by the Village Board, as well as the issuance of a Village Business License;
8. The outdoor storage of goods or materials used in conjunction with the home occupation is prohibited; and
9. The use or storage of hazardous materials in conjunction with the home occupation shall be prohibited.