

**AN ORDINANCE AMENDING CHAPTER 122 OF THE  
CITY OF ROLLING MEADOWS CODE OF ORDINANCES TO ADOPT  
AND APPROVE A ZONING ORDINANCE AND A ZONING MAP**

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**WHEREAS**, the City of Rolling Meadows ("City") is an Illinois municipal corporation and home rule unit of local government organized and operating in accordance with the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.* ("Code"); and

**WHEREAS**, the Code (65 ILCS 5/11-13-1; 5/11-13-1.1; 5/11-13-2; 5/11-13-14; and 5/11-13-19) authorizes the City to adopt and amend zoning regulations and zoning maps governing the development and use of property in the City; and

**WHEREAS**, the Code (65 ILCS 5/11-13-1(4)) authorizes the City to classify, regulate, and restrict the location of buildings designed for business and other uses; and

**WHEREAS**, the Code (65 ILCS 5/11-13-1(4), 1(6), 1(7)) authorizes the City to limit the intensity of uses throughout the City and to prohibit uses and buildings that are incompatible with the character of its zoning districts; and

**WHEREAS**, the City previously adopted land use regulations, which are currently located in Chapter 122 of the City of Rolling Meadows Code of Ordinances ("Zoning Regulations"); and

**WHEREAS**, the City wishes to replace the Zoning Regulations with the zoning code attached as Exhibit A to this Ordinance ("Code") and adopt the zoning map attached as Exhibit B to this Ordinance ("Zoning Map"); and

**WHEREAS**, beginning in 2019, City staff, the City's professional planning consultant, and the City's Planning & Zoning Commission (PZC) conducted a comprehensive analysis of the Zoning Regulations, prepared the Code, and prepared the Zoning Map; and

**WHEREAS**, the PZC conducted two (2) public meetings over the course of two (2) months to evaluate and discuss the Code and the Zoning Map; and

**WHEREAS**, on September 24, 2020, the PZC convened a public hearing to review and consider the Code and the Zoning Map; and

**WHEREAS**, the City published notice of the public hearing on September 8, 2020 in the Daily Herald, a newspaper published in Cook County and generally circulated in the City, distributed a hearing notice by mail to 56 owners or occupants of property in the City, posted information concerning the hearing on the City's website, [www.cityrm.org](http://www.cityrm.org), distributed hearing information over the City's social media channels and newsletters, and otherwise publicized the hearing using means reasonably available to the City; and

**WHEREAS**, at the conclusion of the PZC's September 24 discussion, the PZC continued the public hearing to October 6, 2020 to allow for further discussion; and

**WHEREAS**, on October 6, 2020, the PZC continued discussing the Code and the Zoning Map, closed the public hearing, and by a vote of 5-0 with 3 absent, recommended that the City Council adopt the Code and the Zoning Map; and

**WHEREAS**, the PZC found that adopting the Code and Zoning Map would encourage residential reinvestment and development, help the City target economically desirable businesses, enhance City aesthetics, allow the City to capitalize on new technology, increase user-friendliness, and protect and promote the public health, safety and welfare; and

**WHEREAS**, the City Council has reviewed and concurs with the PZC's findings and recommendation; and

**WHEREAS**, the City Council wishes to adopt the Code and Zoning Map in accordance with this Ordinance's terms;

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROLLING MEADOWS, COOK COUNTY, ILLINOIS, IN EXERCISE OF ITS HOME RULE AUHTORITY, AS FOLLOWS:**

**SECTION ONE:** The foregoing recitals are incorporated in this Section as though fully set forth herein.

**SECTION TWO:** The City Council finds that it is in the City's best interests to adopt and approve the Code and the Zoning Map.

**SECTION THREE:** The Code attached as Exhibit A to this Ordinance is approved and adopted as Chapter 122 of the City of Rolling Meadows Code of Ordinances.

**SECTION FOUR:** The Zoning Map attached as Exhibit B to this Ordinance is approved and adopted as the City's official zoning map, and the properties identified on the Zoning Map are hereby zoned in accordance with the Zoning Map's designations.

**SECTION FIVE:** In the event that a conflict exists between the terms of this Ordinance and any other ordinance or resolution of the City, the terms of this Ordinance shall govern.

**SECTION SIX:** If any part, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the remaining sections, subsections and clauses shall not be affected thereby.

**SECTION SEVEN:** This Ordinance shall be in full force and effect from and after January 1, 2021, and the provisions of the City of Rolling Meadows Code of Ordinances amended herein shall be reprinted with the changes.

[Signature page follows]

**PASSED** by the City Council of the City of Rolling Meadows this 10th day of November, 2020,  
pursuant to roll call vote as follows:

AYES: D'Astice, Sanoica, Cannon, Budmats, O'Brien, Vinezeano, Bisesi

NAYS: 0

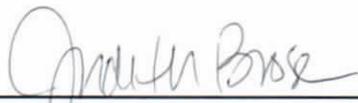
ABSENT: 0

ABSTAIN: 0

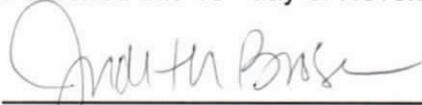
Passed and Approved this 10th day of November, 2020.

  
\_\_\_\_\_  
Joe Gallo, Mayor

ATTEST:

  
\_\_\_\_\_  
Judith Brose, Deputy City Clerk

Published this 13<sup>th</sup> day of November, 2020.

  
\_\_\_\_\_  
Judith Brose, Deputy City Clerk

City of Rolling Meadows Zoning Ordinance -- City Code Chapter 122  
CITY COUNCIL ADOPTION DRAFT  
Last modified: October 22, 2020

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# **ARTICLE I**

## **TITLE, PURPOSE, AND INTENT**

### **I-1 - TITLE**

This Chapter of the Code of Ordinances, City of Rolling Meadows (City Code) shall be known, cited, and referred to as the “City of Rolling Meadows Zoning Ordinance” (Zoning Ordinance).

### **I-2 - PURPOSE AND INTENT**

This Chapter is adopted for the purpose of improving and protecting the public health, safety, comfort, convenience, and general welfare of the people. The fulfillment of this purpose is to be accomplished by pursuing the following objectives:

**I-2-A.** To lessen congestion on the public streets.

**I-2-B.** To avoid undue concentration of population.

**I-2-C.** To prevent the overcrowding of land, thereby ensuring proper living and working conditions and preventing the development of blight and slums.

**I-2-D.** To establish adequate standards for the provision of light, air, and open spaces.

**I-2-E.** To facilitate the provision of adequate public services such as transportation, water, sewerage, open space, and parks.

**I-2-F.** To zone all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

**I-2-G.** To protect all areas alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses shall not be usurped by inappropriate uses within the parameters of the standards and requirements of this Chapter.

**I-2-H.** To avoid the inappropriate development of lands and provide for adequate drainage, curbing or erosion, and reduction of flood damage.

**I-2-I.** To fix reasonable standards to which buildings, structures, and land shall conform.

**I-2-J.** To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed herein.

**I-2-K.** To foster a more rational pattern of relationship between residential, business, and manufacturing uses for the mutual benefit of all.

**I-2-L.** To isolate or control the location of unavoidable nuisance-producing uses.

**I-2-M.** To define the powers and duties of the administrative and enforcement officers and bodies.

**I-2-N.** To prescribe penalties for any violation of the provisions of this Chapter, or of any subsequent amendments hereto.

The standards and requirements contained in this Chapter and the district mapping reflected on the City of Rolling Meadows Zoning Map are intended to implement the City of Rolling Meadows Comprehensive Plan, including the land use component, and the planning policies of the City.

### **I-3 - INTERPRETATION**

In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. Where the conditions imposed by any provision of this Chapter, upon the use of buildings, structures, or land, or upon the bulk of buildings or structures, are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Chapter or of any other law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

### **I-4 - PRIVATE AGREEMENTS**

This Chapter is not intended to abrogate any easement, covenant, or any other private agreement; provided, that where the regulations of this Chapter are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Chapter shall govern.

### **I-5 - PROVISIONS SEPARABLE**

The provisions of this Chapter are separable as follows:

**I-5-A.** If any court of competent jurisdiction shall adjudge any provision of this Chapter, or any amendment hereto, to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgment.

**I-5-B.** If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Chapter, or any amendments hereto, to a particular building, structure, use, or property of land, such judgment shall not affect the application of said provision to any other building, structure, or property not specifically included in said judgment.

### **I-6 - APPLICATION OF REGULATIONS**

All buildings or structures erected hereafter, all uses of buildings, structures, or land established hereafter, and all structural alteration or relocation of existing buildings or structures occurring hereafter shall be subject to all regulations of this Chapter, or any amendment hereto, which are applicable to the zoning districts in which such buildings, structures, or properties shall be located.

### **I-7 - PREVIOUSLY APPROVED PLANS**

**1-7-A. Building Permits.** Where a building permit for a building or structure has been issued in accordance with law prior to the effective date hereof, or any amendment hereto, and provided that construction was begun before the effective date hereof, or any amendment hereto, and completion is accomplished within eighteen (18) months of the adoption of these regulations, or any amendment hereto, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further, may, upon completion, be occupied for the use for which originally designated, subject thereafter to the provisions of Article VII, Nonconforming Uses and Structures, of this Chapter.

**1-7-B. Existing Planned Developments:** Prior to the effective date of this Chapter (\_\_\_\_\_, 2020) Planned Developments were approved by City Council action, not specifically a Special Use permit. Any Planned Development approved prior to the effective date of this Chapter will continue to be lawful and subject to the terms and conditions set forth in the ordinance approving the Planned Development. Individual uses and structures in a Planned Development shall comply with the specific use, building location, height, building size, gross and net floor area ratios, lot size, open space ratio, and landscape surface ratio requirements set forth as conditions to the approval of the Planned Development, as well as those uses, restrictions, and requirements contained in Article VI-5 of this Chapter.

**I-8 - COMPLIANCE WITH CHAPTER**

It shall be unlawful for any person to violate, disobey, neglect, omit, refuse to comply with, or resist the enforcement of any of the provisions of this Chapter.

**I-9 - PENALTY**

Any person who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the Sections of this Chapter shall be fined in accordance with the schedule of rates, fees, fines and penalties as adopted by the City Council from time to time and found in Appendix B of the City Code. Each day that a violation is permitted to exist shall constitute a separate offense.

**I-10 - ZONING DISTRICT CLASSIFICATIONS**

For the purpose of this Chapter, the City is hereby divided and classified into the following zoning districts:

<b>Residence Districts</b>	
<b>R-1</b>	Single-family residence district (32,600 square feet minimum lots)
<b>R-2</b>	Single-family residence district (10,000 square feet minimum lots)
<b>R-3</b>	Single-family residence district (7,800 square feet minimum lots)
<b>R-4</b>	Townhome residence district
<b>R-5</b>	Multi-family residence district
<b>Commercial Districts</b>	
<b>C-1</b>	Community commercial district
<b>C-2</b>	Corridor commercial district
<b>C-3</b>	Office, institutional and research district
<b>Manufacturing Districts</b>	
<b>M-1</b>	Business park district
<b>M-2</b>	Manufacturing district

# ARTICLE II DEFINITIONS

## II-1 - RULES OF WORD CONSTRUCTION

**II-1-A.** Words used in the present tense shall include the future.

**II-1-B.** The word "shall" is mandatory and not discretionary.

**II-1-C.** The word "may" is permissive.

**II-1-D.** Words in the singular number shall include the plural number, and words in the plural shall include the singular number.

**II-1-E.** All definitions shall be gender neutral.

**II-1-F.** The word "City" means the City of Rolling Meadows, Illinois.

**II-1-G.** Whenever a word or term defined hereinafter appears in the text of this Code, its meaning shall be construed as set forth in the definition thereof. Any word not defined in this Code shall be construed as defined in normal dictionary usage.

## II-2 - DEFINITIONS:

The words defined are those which have special or limited meanings as used in this Code. Words whose meanings are self-evident as used in this Code are not defined.

**ABANDONMENT.** An action to give up one's rights or interests in property. A use that has not conducted regular, lawful business operations for a period of six (6) consecutive months or more.

**ABUTTING:** See Adjacent.

**ACCESSORY STRUCTURE:** A structure, detached or attached, that is located on the same lot as the principal structure, and is subordinate and customarily incidental to the use of the principal structure. Such structure is smaller in size than the principal building.

**ACCESSORY USE:** A use that is subordinate in area, extent, and purpose to the principal use, contributes to the comfort, convenience, or operation of the principal use; and is located on the same lot as the principal use.

**ADULT-USE CANNABIS BUSINESS ESTABLISHMENT** means an adult-use cannabis cultivation center or an adult-use cannabis dispensing organization, as permitted by the city as a special use in the designated zoning district and regulated by this chapter. For purposes of the city's zoning ordinance, the businesses of adult-use cannabis craft grower, adult-use cannabis infuser organization, adult-use cannabis processing organization, and adult use cannabis transporting organization are specifically excluded from the definition of the term "adult-use cannabis business establishment," as such uses are prohibited uses in any zoning district of the city.

**ADULT-USE CANNABIS CRAFT GROWER** means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act.

**ADULT-USE CANNABIS CULTIVATION CENTER** means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act.

**ADULT-USE CANNABIS DISPENSING ORGANIZATION** means a facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act.

**ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER** means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product.

**ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR** means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act.

**ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER** means an organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act.

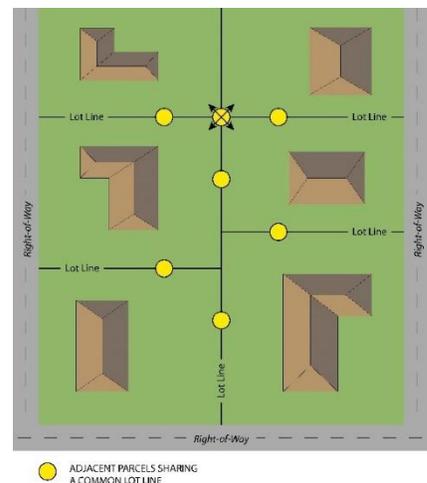
**ADJACENT:** The condition of sharing a common property line.

**ADULT REGULATED USE:** Any business or establishment that offers its patrons services, entertainment, or products, characterized by an emphasis on matter depicting or relating to specified anatomical areas or specified sexual activities.

**ALLEY:** A narrow thoroughfare which abuts generally the rear of premises or service entrances of abutting buildings and which is not generally used as a thoroughfare by both pedestrians and vehicles or which is not used for general traffic.

**ALTERATION:** Any change in structure, size, shape, character, occupancy or use of a building or structure or any part thereof.

**ANIMAL SHELTER:** Any facility where homeless, stray, abandoned, rescued or unwanted animals are received, harbored, maintained or made available for adoption to the general public and which is owned, operated or maintained by a humane society, animal welfare society, or similar organization devoted to the welfare, protection or humane treatment of animals.



**ANTENNA STRUCTURE:** Any structure or device designed for the purpose of collecting or transmitting electromagnetic waves for telephonic, radio, data, Internet or other communications, including appurtenant equipment attached to a tower, building or similar structure for the purpose of providing personal wireless services.

**APARTMENT:** A dwelling unit in a Multiple-Family building.

**ARTS STUDIO, WORKSPACE OR TEACHING:** Studio for professional work or teaching of any form of fine arts, such as photography, music, drama, and dance.

**ASSEMBLY / MEETING HALLS:** A meeting place at which the public or membership groups are assembled regularly or occasionally, including but not limited to schools, churches, theaters, auditoriums, funeral homes, stadiums, and similar places of assembly.

**ASSISTED LIVING/MEMORY CARE HOUSING:** A residential facility providing care for persons with a disability or seniors needing assistance for a range of daily or medical needs. Staff persons provide on-site care, training, or support for the residents. The facility provides, or contracts to provide, supervisory care services, personal care services, directed care services on a continuous basis. These facilities are commonly designated as, assisted living, or skilled / memory care.

**ATTENTION-GETTING DEVICE:** Any pennant, flag, valance, banner, propeller, spinner, streamer, searchlight, balloon, and similar device or ornamentation designed for the purpose of attracting attention, promotion, or advertising.

**AUTOMOBILE / TRUCK RENTAL:** An establishment where contracts are prepared, or reservations accepted for the rental or leasing of motor vehicles. This term includes incidental storage of vehicles but does not include on premise maintenance of vehicles or a tool/equipment rental facility.

**AUTOMOBILE / TRUCK REPAIR / MAINTENANCE:** Any building or part thereof where automotive vehicles are painted, repaired, rebuilt or reconstructed for compensation.

**AUTOMOBILE OIL CHANGE / REPAIR FACILITY:** Operations that provide lubrication and/or checking, changing, or additions of those fluids and filters necessary to the maintenance of a vehicle. These services typically will be provided while customers wait or vehicles are left for short duration. Services may include, but are not limited to, windshield repair or replacement, stereo installation, alarm installation, or tire service and installation.

**AUTOMOBILE / TRUCK SALES (NEW AND USED):** The use of any building or portion thereof, or other premises, for the display and sale of new motor vehicles, or used motor vehicles as an ancillary use of a lot, and any warranty repair work and other repair service conducted as an accessory use.

**AVERAGE FRONT YARD:** The front yard established when more than 25 percent all of the improved lots in any one block are developed with buildings which establish a front yard setback greater or less than a defined distance.

**BAKERY / COFFEE SHOP:** An establishment that sells beverages and baked products for consumption on or off-site.

**BANKS AND FINANCIAL INSTITUTIONS:** A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as loan-making, investments, and fiduciary activities.

**BANQUET HALL:** An establishment which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, and other similar events. Such a use may or may not include: 1) kitchen facilities 2) the sale of alcoholic beverages for on-premises consumption during scheduled events.

**BASEMENT:** A story having part but not more than one-half of its height above grade on not less than three sides. A basement is counted as a half-story for the purpose of height regulation if used for dwelling purposes.

**BED AND BREAKFAST.** An operator-occupied residence providing accommodations for a charge to the public. Bed and breakfast establishments do not include motels, hotels, boarding houses, or food service establishments.

**BERM.** An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

**BLOCK:** That property abutting on one side of a street between the two nearest intersecting streets, railroad rights-of-way, or other natural barriers.

**BREW PUB:** A full-service restaurant where beer is brewed or manufactured on the premises, with the primary distribution being in the adjoining full-service restaurant.

**BUFFER:** An area of land left open with planted ground cover or landscaped to eliminate or minimize potential impacts of adjacent structures or land uses.

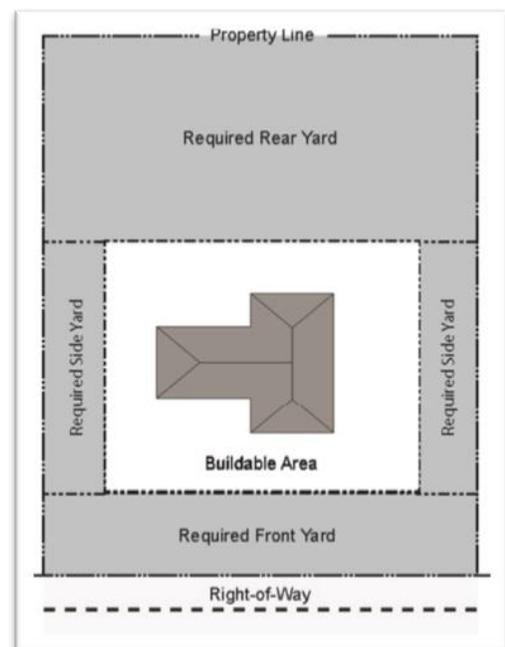
**BUILDABLE AREA:** The space remaining on a lot, after the minimum setbacks have been complied with.

**BUILDING:** A structure enclosed within exterior or common walls designed for the housing, shelter, enclosure and / or support of individuals, animals or property of any kind.

**BUILDING PERMIT.** A permit issued by the City for the construction, alteration, removal or demolition of a building or structure.

**BULK:** A term referring to the collective regulations of a property that generally define the size and setback of structures on that property. These regulations include but are not limited to: Minimum Lot Area, Minimum Lot Width, Minimum Front Yard Setback, Minimum Side Yard, Minimum Rear Yard, Maximum Building Coverage, Maximum Building Height, and Floor Area Ratio (FAR).

**CABANA:** An accessory structure that is a lightweight shelter containing an open side.



**CARPORT:** An accessory structure being open on at least two sides, intended for the sole use of sheltering automobiles.

**CAR WASH:** A building or portion thereof containing facilities for washing cars, vans, or similarly sized motor vehicles, using production-line methods and mechanical devices, or containing facilities for washing such motor vehicles, using self-service mechanical devices.

**CEMETERY:** Land used for the burial of the dead and dedicated for cemetery purposes including but not limited to columbaria, mausoleums, necessary sales, and maintenance facilities.

**COMMON OPEN SPACE:** Open space that is held in ownership, maintained, used, and for the benefit of multiple owners with a common interest in the property, which may or may not be accessible to the general public.

**COMMUNITY SWIMMING POOLS:** A recreational facility designed and intended for water contact and swimming activities that is operated for public use, including pools operated by Homeowner's Associations for the use of their residents only.

**COMPREHENSIVE PLAN:** The official adopted plan for the physical development, conservation, and redevelopment of the City.

**CORNER LOT:** See Lot, corner.

**COUNTRY CLUB:** A club with recreation facilities for members, their families, and invited guests.

**CURB LEVEL:** See GRADE.

**CURRENCY EXCHANGE:** A commercial use that exchanges common currencies, sells money orders or cashier's checks, and cashes checks as its principal business activity. This shall not include banks and financial institutions.

**DAYCARE CENTER:** Any facility operated in a non-residential dwelling for the purpose of providing care, protection, and guidance to children or adults during only part of a 24-hour day. This term includes nursery schools, preschools, and other similar uses but excludes public and private educational facilities or any 24-hour care facility.

**DAYCARE HOME:** A residential dwelling in which a permanent occupant of the dwelling provides for the care of children or adults for less than 24 hours per day.

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

**DECK.** An uncovered and open platform built above grade typically supported by pillars or posts. Decks may or may not be attached to a principal or accessory structure.

**DENSITY:** The number of housing units divided by the total land amount in acres of the property including land covered by wetlands, water bodies, public parks and trails, public open space, road rights-of-way, and other environmentally sensitive areas.

**DENSITY, NET:** The number of housing units divided by the net acreage, which is the total land amount in acres not including land covered by wetlands, water bodies, public parks and trails, public open space, road rights-of-way, and other environmentally sensitive areas.

**DEVELOPMENT.** Any construction, change or other action related to a structure or land (other than maintenance of existing structures, paved areas and landscaping, and interior remodeling of existing structures), including, without limitation, the construction or installation of new, or enlargement of existing, structures, paved areas, or utilities; dredging, filling, drilling, mining, grading, paving, or excavating operations; installation of new landscaping; and open storage of materials.

**DOG PARK:** An enclosed outdoor area intended for the exercising and/or containment of dogs and similar animals.

**DRIVE THRU, AS PART OF A PERMITTED OR PRINCIPAL USE:** An opening in the wall of a building or structure and all related drive areas, access areas, and signage designed and intended to be used to provide for sales and/or service to patrons who remain in their vehicles.

**DRIVEWAY:** Any automobile access connecting a house, garage, other structure, or parking lot with the street.

**DWELLING:** A building or portion thereof providing shelter, sanitation, cooking and sleeping accommodations and the amenities for permanent habitation. It does not include mobile homes, temporary lodging or individual sleeping rooms for rent.

**DWELLING, MULTI-FAMILY:** A building or portion thereof, designed or altered for occupancy as two or more dwelling units. Multiple-family dwellings have individual entries, are located in a single building, and are accessed through a common entrance and corridors.

**DWELLING, SINGLE-FAMILY ATTACHED:** A single-family dwelling which is joined to another dwelling at one or more sides by a party wall or walls, with each dwelling having a separate entrance, commonly known as a duplex when two attached units, and a townhome/rowhome when three or more attached units.

**DWELLING, SINGLE-FAMILY DETACHED:** A single dwelling unit designed exclusively for residential use and occupancy, which is entirely surrounded by open space and is not connected to any other dwelling unit by roof, walls or porches.

**EASEMENT:** A right to use a portion of another person's real property for certain limited purposes.

**EMERGENCY SHELTER:** A building or portion thereof in which shelter, food, lodging, and counseling is provided on an emergency basis for persons who are victims of crime or abusive treatment.

**ENCROACHMENT:** Any building, sign or other structure or object of any kind which is placed, located or maintained in, on, under or over any portion of a required yard.

**ERECT:** To build, construct, attach, manually place, suspend, or affix.

**FENCE.** A free-standing structure of metal, masonry, composite 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.

**FLOOR AREA:** The sum of all gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two units.

For the purpose of measuring Floor Area Ratio (FAR), the floor area of a building shall include:

- Basement floor area when more than one-half of the basement height is above the established grade,
- elevator shafts and stairwells at each floor,
- floor space used for mechanical equipment (except when located on the roof),
- penthouses,
- attic space having a headroom of seven feet, six inches or more,
- interior balconies and mezzanines
- structures devoted to bulk storage, \*
- enclosed porches, and
- floor area devoted to accessory uses.

The floor area of a building shall not include any space devoted to off-street parking.

**FLOOR AREA RATIO:** The ratio of building Floor Area on a lot to the net lot area (not including dedicated rights of way) of the property upon which the building and structures are located. The floor area ratio is determined as follows:

$$\frac{\text{Total Floor Area (sq. ft.)}}{\text{(divided by)}} \\ \text{Total lot area (sq. ft.)}$$

**FREQUENCY:** The number of oscillations per second in a sound wave and is an index of the pitch of the resulting sound.

**FRONTAGE:** The portion of a property or properties facing a street or right of way.

**FUNERAL HOME:** An establishment engaged in undertaking services such as preparing the dead for burial and arranging and managing funerals.

**GARAGE:** A principal or accessory structure intended for and / or used to store vehicles.

**GARAGE AND YARD SALES:** The temporary sale of miscellaneous used items commonly associated with residential use.

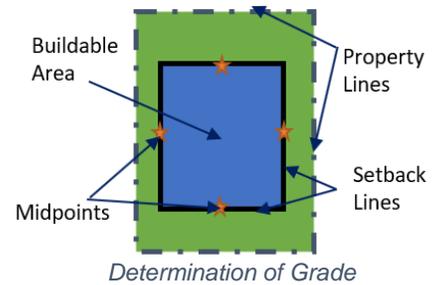
**GAS/FUELING STATIONS:** A business partly or entirely devoted to storing and dispensing of automobile fuels and accessories. Sale of convenience shopping goods to those purchasing gasoline, or others, may also be a part of this activity.

**GAZEBO:** An accessory structure covered by a roof, and may be enclosed with screening, intended to be used for outdoor activities.

**GOLF COURSE:** A facility providing a private or public golf recreation area along with accessory golf support facilities but excluding miniature golf.

**GOVERNMENT BUILDINGS AND FACILITIES:** A building owned, operated and/or occupied by a governmental agency to provide a governmental service to the public.

**GRADE:** The average elevation taken from the midpoints of lines connecting the corners of the smallest polygon formed by the intersecting lines of the minimum required front, rear, side, and / or corner side yards. Grade shall be established prior to any development, demolition, or issuance of any development related permit.

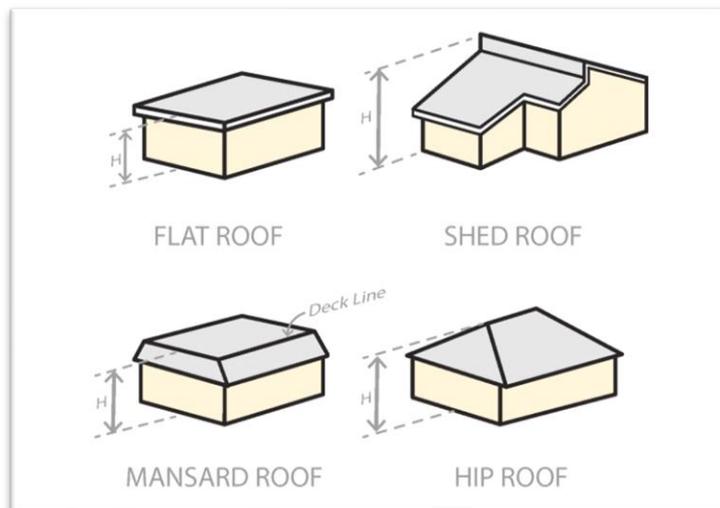


**GRADE, STREET:** The elevation of the established street in front of the building measured at curb level at the center of such front. Where no street grade has been established, the city engineer shall establish such street grade or its equivalent for the purpose of this Chapter.

**GREENHOUSE:** A business whose principal use is the growing of plants, all or part of which are sold at retail or wholesale. This shall not include accessory greenhouses in residential districts.

**GROUP COMMUNITY RESIDENCE:** A single dwelling unit occupied on a relatively permanent basis in a family-like environment by persons with disabilities, plus paid professional support staff provided by a sponsoring agency, either living with the residents on a continuous basis or present whenever residents with disabilities are present at the dwelling.

**HEIGHT:** The vertical distance measured from Grade to the highest point of the building. Where a building is located upon a terrace or slope, the height shall be measured from the lowest elevation above grade at which the building protrudes.



**HOME OCCUPATION:** Any occupation or profession conducted from a residential dwelling.

**HOME/GARDEN STORES:** A place of business where products and tools for home maintenance, repair, and improvement are sold to the consumer. These centers may include a nursery and/or greenhouse.

**HOSPITAL:** An institution providing health, medical and surgical facilities, for diagnostic, mental, and medical treatment (both surgical and nonsurgical) to inpatients with any of a wide variety of medical conditions. These establishments maintain inpatient beds, provide patients with food services and an organized staff of physicians and other medical personnel to provide patient care services. These establishments commonly provide other services, such as outpatient, diagnostic, clinical laboratory, and pharmacy services.

**HOTEL:** A commercial establishment that provides transient guests with overnight accommodations, that do not exceed 28 consecutive days, in exchange for monetary compensation. Commercial areas, meeting areas, dining areas, and other guest facilities that are open to both patrons and the general public may be included. Individual guest rooms may include limited cooking facilities, such as a microwave or mini fridge, but not a full kitchen.

**INDOOR ATHLETIC FACILITIES:** An establishment that provides health, fitness, and exercise facilities such as running, jogging, aerobics, weightlifting, court sports, swimming, or other recreational activities. May also include facilities for sports training such as baseball, soccer, gymnastics, and martial arts.

**INDOOR ENTERTAINMENT AND AMUSEMENT FACILITIES:** An establishment where entertainment, either passive or active, is provided. Activities include but are not limited to bowling, billiards, performance arts and theater, indoor play park, and other similar uses.

**INDOOR RETAIL SALES OF GOODS:** A business which displays or conducts the retail sale or rental of merchandise and is conducted primarily within an enclosed building (and may include limited outdoor display or storage, as regulated herein). Examples may include: Antique shops, furniture stores, grocery stores, hardware stores, department stores, clothing/wearing apparel stores, bookstores, sporting goods stores, drug stores, pharmacies, florist shops, and similar land uses.

**JUNKYARD:** Any parcel of land where used goods or materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled (including auto and building wrecking yards) outdoors.

**KENNEL:** An establishment where dogs, cats, or other domestic animals are temporarily boarded overnight and for compensation.

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

**LIGHTED SPORTS FIELDS:** An open area of land used for outdoor games such as baseball, football, and soccer, illuminated so as to allow athletic competition in the evening hours.

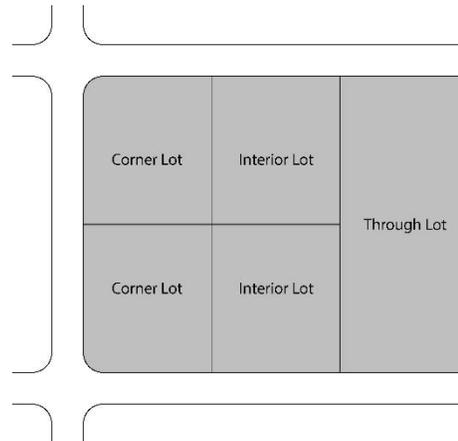
**LIQUOR STORES:** A store which sells alcoholic beverages for off-premises consumption.

**LITTLE FREE LIBRARY:** Accessory structures for the purpose of storing books for exchange within neighborhoods and for the general public and promoting access to reading materials.

**LOADING SPACE OR DOCK, OFF-STREET:** An open, hard-surfaced area of land, other than a street or a public way, the principal use of which is for the standing, loading and unloading of motor vehicles, tractors and trailers, to avoid undue interference with public streets and alleys.

**LOT:** A single, subdivided parcel of land under one ownership devoted to a common use or occupied by a single or principal building plus accessory structures and which is shown as a lot on a recorded and approved plat of subdivision.

- **LOT (CORNER):** A lot which abuts on two (2) intersecting streets.
- **LOT (THROUGH):** A lot having its front and rear lot lines adjacent to and substantially parallel with, adjacent streets (also known as a double-frontage lot).
- **LOT (INTERIOR):** A lot abutting one street and other lots on other sides.
- **LOT (REVERSE CORNER):** A corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.



**LOT AREA:** The horizontal area within the exterior lines of the lot.

**LOT COVERAGE:** The area of a lot occupied by the principal building and accessory structures, as well as patios, service walks, driveways, and other paved or concrete surfaces.

**LOT DEPTH:** The minimum horizontal distance between the front and rear lot lines.

**LOT LINE, CORNER SIDE:** The lot line, of a property adjoining to streets, coexistent with the right of way line of an adjacent street corresponding to the longer yard abutting one of those streets and located parallel or opposite an interior side yard.

**LOT LINE, FRONT:** The lot line of a property coexistent with the right of way line of any adjacent street.

**LOT LINE, INTERIOR:** A side lot line common with another lot.

**LOT LINE, REAR:** The lot line most nearly parallel to and most remote from the front lot line.

**LOT LINE, SIDE:** Lot lines other than front or rear lot lines are side lot lines.

**LOT WIDTH:** The horizontal distance between the side lot lines measured at right angles to the lot depth at the established front building line.

**MANUFACTURING, GENERAL:** The manufacture, compounding, processing, packaging or treatment of products from raw materials.

**MANUFACTURING, LIGHT:** The manufacture, compounding, assembling or treatment of articles or merchandise from previously prepared materials.

**MARQUEE:** Any hood of permanent construction projecting from the wall of a building, but not supported by the ground or sidewalk, serving the purpose of providing shelter and protection from the weather.

**MEDICAL AND DENTAL CLINICS:** A medical and / or dental facility used for offices of more than one doctor for the examination and treatment of patients, which doctors may be associated together or practicing independently of each other, while sharing the facilities and equipment therein, and shall not include a facility devoted primarily for the purpose of surgical procedures. Such facility shall not provide beds or other accommodations for the overnight stay of patients.

**MEDICAL CANNABIS CULTIVATION CENTER:** A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

**MEDICAL CANNABIS DISPENSARY:** A facility where medical cannabis, paraphernalia, or related supplies and educational materials is dispensed to registered qualifying patients operated by a medical cannabis dispensing organization.

**MICROBREWERY:** A manufacturer of alcoholic malt beverages of up to 15,000 barrels per year for the purpose of wholesale distribution of a majority of its product with incidental sales of up to 3,000 barrels to the public for on-site consumption or carryout. The microbrewery facility may include an ancillary tasting room and retail sales in which guests/customers may sample and purchase the product(s) associated with the facility's use, and/or products manufactured on-site..

**MICRODISTILLERY:** A small-scale artisan manufacturing business that blends, ferments, processes, packages, and distributes alcoholic spirits on the premises. The microdistillery facility may include an ancillary tasting room and retail component in which guests/customers may sample and purchase the product(s) associated with the facility's use, and/or products manufactured on-site. Operation of the facility shall be consistent with Illinois State law regarding "Craft Distillers".

**MICROWINERY:** Combination retail, wholesale and small-scale artisan manufacturing business that blends, ferments, processes, packages, and distributes wine for sale on or off-site. The microwinery facility may include an ancillary tasting room and retail component in which guests/customers may sample and purchase the product associated with the facility's use, and/or products manufactured on-site. Operation of the facility shall be consistent with Illinois State law regarding "Second Class Wine Makers".

**MINIATURE GOLF COURSE:** A novelty version of golf played with a putter and a golf ball on a miniature course, typically with artificial playing surfaces and including obstacles such as bridges and tunnels.

**MOBILE HOME PARK:** A parcel or tract of land developed with facilities for locating two (2) or more "manufactured homes" provided each mobile home contains a kitchen, flush toilet, and shower or bath and that such mobile home park shall be for use only by non-transient dwellers remaining continuously for more than six (6) months. It shall not include a sales lot in which motor vehicles or unoccupied trailers are parked for the purpose of inspection or sale.

**MOTEL:** See Hotel.

**MOTOR VEHICLE:** Any passenger vehicle, truck, tractor, tractor-trailer, trailer or semitrailer propelled by mechanical power.

**MUSEUM OR CULTURAL FACILITY:** A use operated by a public, private or non-profit organization that is open to the public and providing cultural services and facilities including, but not limited to cultural centers, historical societies, aquariums and libraries.

**NONCONFORMING STRUCTURE:** A structure or portion thereof lawfully existing prior to adoption of this Code, that was erected or structurally altered in such a manner that does not conform to the bulk regulations of the district in which it is located.

**NONCONFORMING USE:** A use of property or portion thereof lawfully existing prior to adoption of this Code, that does not conform to the use regulations of the zoning district in which it is located.

**OCTAVE BAND:** A means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

**OCTAVE BAND FILTER:** An electrical frequency analyzer designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals.

**ODOROUS MATTER:** Any matter or material that yields an odor which is offensive in any way.

**OBSTRUCTION:** See Encroachment.

**OFFICES, PROFESSIONAL AND BUSINESS:** The office of business and professional persons and businesses, such as 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.

**OFF-STREET PARKING AREA:** That portion of a property used for the daily parking of vehicle and the driveways and access points associated with such parking.

**OFF-STREET PARKING LOT, PRIVATE:** Parking facilities that are owned, operated and maintained by a private owner.

**OFF-STREET PARKING LOT, PUBLIC:** Parking facilities that are owned, operated and maintained by the City.

**OPEN SPACE:** That area of a planned development or lot which is unoccupied and unobstructed from its lowest level to the sky. Streets, paved areas, ground-level parking and recreational facility structures are not included in open space.

**OUTDOOR BUSINESS ACTIVITIES, PERMANENT.** Activities that include the sale, display, and/or storage of material or product not within a wholly enclosed building. Such activities are permanent and ongoing (rather than seasonal).

**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.

**PARTY WALL:** A wall separating two distinct uses or occupancies.

**PATIO.** An unenclosed surface area located at the finished lot grade, usually constructed of concrete or masonry materials.

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

**PERMITTEE:** Any person holding a permit pursuant to this chapter.

**PERSONAL SERVICES:** Establishments primarily engaged in providing individual services that are generally related to individual needs such as beauty and barber shops, financial, legal, and medical services, laundry and dry-cleaning services, tailor shops, and other similar uses.

**PERSONAL WIRELESS SERVICES.** A personal wireless service facility shall mean any facility of whatever kind or nature, except a small wireless facility, that receives, transmits or relays radio or microwave signals for cellular, PCS or other similar service. This shall include any installation or mounting structure or equipment and any appurtenant electronics necessary for the operation of the facility. This definition shall be inclusive of the definition of personal wireless service facility set forth in 47 USC 332(c)(7)(C), as amended now or in the future.

**PET DAY CARE:** Facilities that provide day care and related services for dogs and cats, such as obedience training. This does not include medical services or overnight kenneling of animals.

**PET STORES:** A retail sales establishment primarily involved in the sale of domestic animals and pet-related supplies.

**PET SUPPLY STORES:** A retail sales establishment primarily involved in the sale of pet-related supplies, but does not sell animals.

**PLANNED DEVELOPMENT:** A tract of land which is developed as a unit under single ownership or control pursuant to the requirements of the Planned Development specifications of this Chapter.

**PLAYHOUSE:** A freestanding structure, exclusively for the use of children.

**POLICE/FIRE STATIONS:** See Government Buildings and Facilities.

**PORCH:** A roofed-over structure, projecting out from the wall of a main structure and commonly open to the weather in part.

**PROPERTY:** A lot, parcel, tract, or plot of land together with the buildings and structures that may be located thereon.

**PARK, PUBLIC:** Public land that has been designated for passive recreation with limited recreational facilities, which is under the control, operation, or management of recreation authorities.

**PRINCIPAL STRUCTURE:** A structure in which is conducted the primary or predominant use of the lot on which it is located.

**PUBLIC RECREATIONAL FACILITIES:** Public land that has been designated for park or recreational activities including, but not limited to, a park, playground, nature trail, athletic field, basketball or tennis court, pedestrian/bicycle path, open space, pools, golf courses, or similar public land which is under the control, operation, or management of recreation authorities.

**PUBLIC WAY:** Any public sidewalk, street, alley, highway or other public thoroughfare.

**RECYCLING CENTER:** A building or area where the primary activity is the separation of materials prior to shipment for remanufacture into new materials. This shall not include junk yard.

**REHABILITATION FACILITIES:** A facility for the purpose of temporary short term or extended care and treatment of patients being treated for or recovering from alcoholism, drug abuse or other addiction.

**RELIGIOUS INSTITUTIONS:** Any church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.

**RESEARCH AND DEVELOPMENT FACILITIES:** Research, development, and testing laboratories that do not involve the mass manufacture, fabrication, processing, or sale of products.

**RESTAURANT:** An establishment, or part thereof, in which, for a fee, food and/or drink is prepared, served and consumed on the premises or provided as part of a carryout service for the consumption of food and drink off the premises.

**RIGHT-OF-WAY.** Area dedicated to or owned by a public body. In the case of public streets, the right-of-way normally includes the curbs, lawn strips, and lighting, sidewalks and drainage facilities and may include special features such as grade separation, landscaped areas, viaducts, and bridges.

**RINGELMANN CHART:** A chart which is described in the U.S. Bureau of Mines Information Circular 6888, and on which are illustrated graduated shades of grey for use in estimating the light-obscuring capacity of smoke and smoke density.

**RINGELMANN NUMBER:** The number appearing on the Ringelmann Chart ascribed by the observer to the density of the smoke emission. Where the density or light-obstructing capacity of the smoke as observed falls between two consecutive Ringelmann numbers, the lower Ringelmann number shall be considered the density of the smoke observed.

**SCHOOL (PUBLIC, NON-PROFIT OR PRIVATE):** An institution for the teaching of children or adults including preschools, primary and secondary schools, colleges, professional schools, business schools, trade schools, and similar facilities.

**SCHOOL ROUTE:** The public right-of-way designated by public or private schools along which children wait for buses to or from or walk to or from an elementary school, junior high school or high school.

**SCREENING.** A structure erected or vegetation planted to conceal or significantly reduce visibility of the area behind it.

**SENIOR INDEPENDENT LIVING:** A facility providing housing and services for a group of persons, typically seniors, able to meet most regular daily needs. Such facilities may include provision of meals, common dining areas, housekeeping, and personal care assistance.

**SETBACK:** The minimum horizontal distance between the wall of a building and the property line, or between the wall of a building facing a stream and the mapped centerline of the stream where stream rights-of-way are platted in accordance with the official plan and the subdivision regulations in chapter 98 of this Code.

**SETBACK LINE (CORNER SIDE):** The line between the closest point of the principal building and the lot line of the lot which abuts a street and corresponds to the longer yard adjacent to a street and located parallel or opposite an interior side property line.

**SETBACK LINE (FRONT):** The line nearest the front of and across a lot, establishing the minimum setback to be provided between the front line of any building or structure and the front property line or street right-of-way line.

**SETBACK LINE (REAR):** The line nearest the rear of and across a lot, establishing the minimum setback to be provided between the rear line of a principal building or structure and the rear property line or street right-of-way line.

**SETBACK LINE (SIDE):** The line nearest the side of a lot, between the front and rear setback line, establishing the minimum setback to be provided between the side line of a principal building or structure and adjacent property or street right-of-way line (if a reverse corner lot).

**SHORT TERM RESIDENTIAL RENTAL:** Any dwelling or portion thereof made available for use or used for accommodations or lodging of guests paying a fee or other compensation for a period of less than 30 consecutive days.

**SIGN:** Any object or device containing letters, figures and/or other means of communication or part thereof, situated outdoors or indoors, of which the effect produced is to advertise, announce, communicate, identify, declare, demonstrate, direct, display, and/or instruct potential users of a use, product and/or service.

**SMALL CELL WIRELESS FACILITY.** A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than 6 cubic feet; and (ii) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

**SMOKE UNIT:** The number obtained when the smoke density in a Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation; each reading is then multiplied by the time in minutes during which it was observed. The various products are then added together to give the total number of smoke units observed during the entire observation period.

**SOLAR-ENERGY SYSTEM:** An energy producing device which converts solar energy by means of a photovoltaic system into electrical energy.

**SOUND LEVEL:** For an operation or use, the intensity of sound, measured in decibels, produced by such operation or use.

**SOUND LEVEL METER:** An instrument standardized by the American Standards Association for measurement of intensity of sound.

**SPECIFIED ANATOMICAL AREA:**

- (1) Less than completely and opaquely covered:
  - a. Human genitals, pubic region;
  - b. Buttock, and
  - c. Female breast below a point immediately above the top of the areola;
- (2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES:**

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, oral copulation, sexual intercourse or sodomy, actual or simulated;
- (3) Fondling or other erotic touching of human genitals, pubic regions, buttock, anus or female breast.

**STOOP.** A raised platform, approached by steps and sometimes having a roof, but not enclosed, at the entrance to a building.

**STORAGE BUILDING:** Any structure that is used for storage, does not have a door or other entranceway into a dwelling unit, and the use of which is limited solely to storage of inanimate objects.

**STORY:** That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and the ceiling next above it. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each 14 feet of height or fraction thereof.

**STREET:** all property dedicated or intended for public highway, freeway or roadway purposes or subject to public easements therefor.

**STREET, PRIVATE:** Any street not owned by or dedicated to any governmental agency.

**STREET, PUBLIC:** A street that has been dedicated to and accepted by a government agency, which maintains the street under its jurisdiction.

**STRUCTURE:** Any combination of materials assembled to perform a function in a fixed location of land; includes buildings and decks.

**TATTOO PARLOR:** A commercial use where tattooing is performed for compensation.

**TERRACE, OPEN:** A level plane or platform which is located adjacent to one or more faces of the principal structure, above the average level of the adjoining ground, and which is not roofed.

**TRAILER:** A vehicle without motive power used for recreation, business or storage purposes.

**USE:** The purpose for which land or a building thereon is designed, arranged, or intended or for which it is occupied, maintained, let or leased.

**USE, ACCESSORY:** See Accessory Use.

**USE, PERMITTED:** A use allowed in a zoning district without the need for specific review and approval of the Planning and Zoning Commission, or City Council so long as it satisfies the standards and requirements established in this Code.

**USE, PRINCIPAL:** The main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be either permitted or special.

**USE, SPECIAL:** A use that meets the intent and purpose of the zoning district but which requires the review and approval of the Planning and Zoning Commission and City Council in order to ensure that any adverse impacts on adjacent uses, structures, or public services and facilities that may be generated by the use can be, and are, mitigated.

**USE, TEMPORARY:** A use established for a fixed period of time with the intent that such use will terminate upon expiration of the fixed time period unless permission to conduct the use is renewed.

**UTILITIES:** Any facilities or equipment, above or below ground-level or pole-mounted equipment that is specifically provided in connection with any utility provided by or within the City, including, without limitation, electricity, gas, communications, transportation, water or sewage. .

**VARIANCE:** A departure from strict conformance with regulations of this Code related to the area and dimensions of a lot and / or structure, which may be granted by the City owing to special circumstances creating a unique hardship (as defined in Section VI -3-C Variances of this Chapter, which spells out the procedures and standards for Variances) that makes meeting the standards of this Code otherwise not feasible for the property owner.

**VETERINARY CLINICS:** Any building or portion thereof designed or used for the care, observation or treatment of domestic animals, which may include overnight veterinary care or boarding of animals.

**VIDEO GAMING, ACCESSORY TO PERMITTED OR ACCESSORY RESTAURANTS OR BARS** means the operation of video gaming terminals, as defined in the Video Gaming Act (240 ILCS 40/1 et. Seq.), which is accessory and incidental to an authorized principal or accessory use restaurant or bar, when determined by the City that the establishment does not meet the definition of a Video Gaming Café as define herein.

**VIDEO GAMING CAFÉ** means an establishment whose primary or major focus is to operate video gaming terminals, as defined in the Video Gaming Act (240 ILCS 40/1 et. Seq.), and the service of alcohol and food is incidental to the operation of video gaming. The City shall determine whether an establishment constitutes a Video Gaming Cafe, utilizing the criteria provided in Section 6-34(12) of the City Code.

**VIDEO GAMING ESTABLISHMENT** means a “Video Gaming Café” or “Video Gaming, Accessory to Permitted or Accessory Restaurants or Bars” as defined herein.

**WAREHOUSING:** The activity and facilities related to storage and distribution of goods and products, and supplies goods to other locations for resale, as well as activities involving movement and storage of products, items or equipment of other persons, companies, or organizations.

**WIND-ENERGY SYSTEM:** An energy producing device which converts wind energy by means of a rotor to mechanical or electrical energy.

**YARD:** The open space surrounding the principal structure of any lot, unoccupied and unobstructed by any portion of that structure or accessory structure from the ground to the sky, except where specifically permitted by this Code.

**YARD, CORNER SIDE:** On properties abutting two streets, the longer yard abutting one of those streets and located parallel or opposite an interior side yard.

**YARD, FRONT:** That portion of the yard extending the full width of the lot, between the side lot lines, and measured between the front property line and the front setback line.

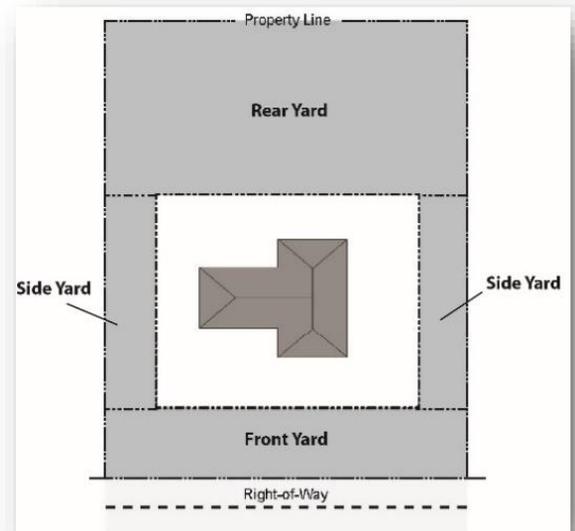
**YARD, INTERIOR SIDE:** Those portions of the yard extending from the front yard to the rear yard and measured between the side property lines and side setback lines.

**YARD, REAR:** That portion of the yard extending the full width of the lot, between the side lot lines, and measured between the rear property line and the rear setback line.

**ZONING ADMINISTRATOR:** The City official responsible for administering the various elements of this Chapter. This includes, but is not limited to, granting zoning certificates and interpreting zoning regulations. As related to this Code, the Director of Public Works or designee is the Zoning Administrator.

**ZONING DISTRICT:** A section of the City established for which regulations governing matters such as the use of buildings and premises, the height of the buildings, the size of yards and intensity of use is consistent.

**ZONING MAP:** The map or maps incorporated into this Chapter, and made a part hereof, that identify the various Zoning Districts of the City.



# ARTICLE III

## REGULATIONS OF GENERAL APPLICABILITY

### III-1 - INTRODUCTION

#### III-1-A. Scope.

No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building, structure, or land be used for any purpose other than is permitted in the district in which such is located. Further, no application for a building permit or other permit, license, or certificate shall be approved by the Zoning Administrator, their designee, or other City official unless in keeping with the provisions of this Zoning Ordinance.

**III-1-B. Concurrence with plans and other regulations.** Development plans prepared in keeping with this Chapter shall also conform to other plans and regulations of the City Code, including but not limited to:

1. *Comprehensive Plan:* The City's comprehensive plan shall provide guidance in the approval of all development under this Chapter 122: Zoning.
2. *Subdivision Ordinance:* In all cases where land is divided for the purpose of development or where a Planned Development is proposed, the provisions of Chapter 98: Subdivisions of the City Code, as applicable, shall apply in addition to the provisions in this Chapter.
3. *Floodplain Regulations:* All development shall be constructed in compliance with the floodplain regulations in Chapter 46 of the City Code.
4. *Soil Erosion:* All development shall be constructed in compliance with the soil erosion and environmental impacts matters in Chapter 38 of the City Code.

### III-2 - LOTS, SETBACK, AND HEIGHT

#### III-2-A. Yard requirements.

1. *Location.* Yard requirements shall be set forth under each zoning district for all buildings, structures, and uses of land. All required yards shall be located on the same lot as the building, structure or use of land for which such yard is required. The right-of-way of any public roadway, public alley, or public accessway which exists by dedication, recorded easement, or prescription, and which is located on the lot shall not be included as part of the required yard.
2. *Existing Buildings.* No yards existing on the effective date of this Chapter or any amendment hereto, shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this Chapter for equivalent new construction.
3. *Reverse Corner Setbacks:* In the case of a reverse corner lot in a residential zoning district, any accessory structure shall have a rear and side yard setback equal to the side yard requirements of the adjoining lot. Such structures shall not be located in any front yard.

### III-2-B. Lot area and dimensions.

1. Any single lot or property of land held by an owner, unless also owning an adjacent lot, that does not meet the requirements for minimum lot width or area may be utilized for a Permitted Use provided the lot width and area are a minimum of 90 percent of the total relevant requirement.
2. Any single lot or property held by an owner, unless also owning an adjacent lot, that does not meet the requirements for minimum lot width or area, but is a minimum of 90 percent of the total relevant requirement, setbacks on said lot may be reduced to 75 percent of the minimum required yard dimensions.

### III-2-C. Location of buildings and structures.

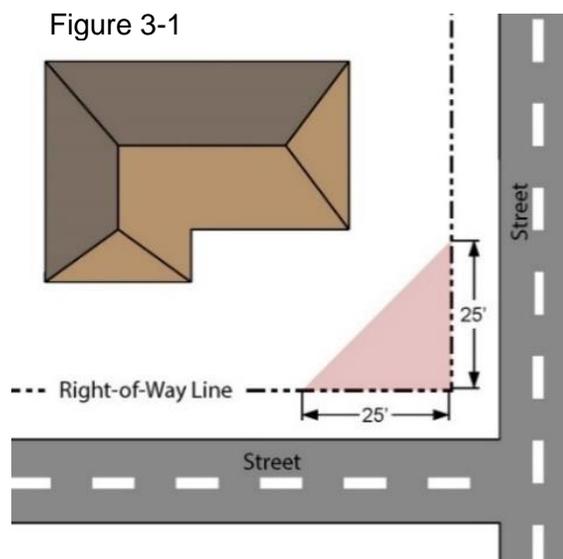
Every principal building erected shall be on a lot or property which is adjacent to a public street for a minimum distance of 25 feet.

### III-2-D. Division of lots.

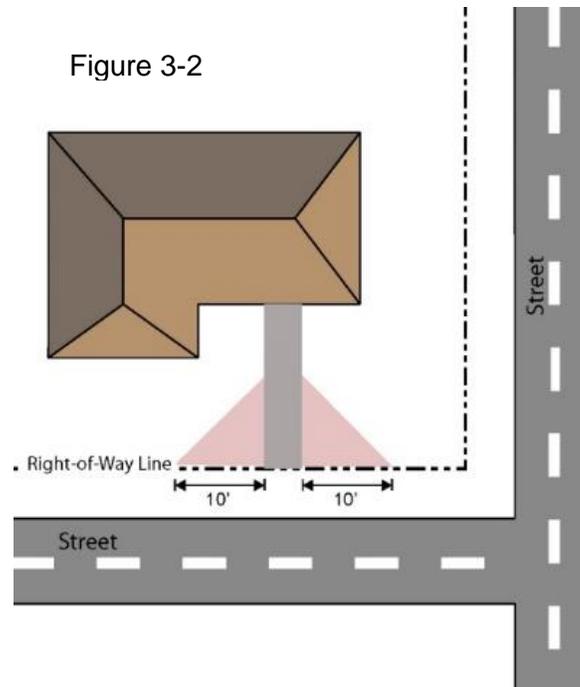
No lot shall be divided into two or more lots, and no portion of any lot may be sold, unless all lots resulting from each such division or sale shall conform with all of the bulk regulations of the zoning district in which the property is located.

### III-2-E. Clear Vision Triangle.

1. Clear Vision Triangle Defined. An area required in locations where an unobstructed view of approaching traffic is necessary for the safety of pedestrians, bicyclists and drivers.
2. Clear Vision Triangle Measurement.
  - a. At the intersection of two (2) streets, no building, structure, planting or other obstruction to the vision of drivers exceeding a height of (3) feet above the street grade may be located within twenty-five (25) feet of the intersecting right-of-way lines along corner lots (Figure 3-1).



b. At the intersection of a street and a driveway, no building, structure, planting or other obstruction to the vision of drivers exceeding a height of (3) feet above the street grade may be located within ten (10) feet of the intersection of the right-of-way line and the edge of said driveway (Figure 3-2).



### III-2-F. Building height limitations.

1. Height limitations shall be as set forth under each zoning district for all buildings, structures, and uses of land.
2. Exceptions: Roof structures for the housing of stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, steeples, flagpoles, chimneys, smokestacks, or structures deemed to be similar by the Zoning Administrator may be erected above the height limitations imposed by this Chapter. No such structure may be erected to exceed by more than ten (10) feet the height limits of the zoning district in which it is located.

### III-2-G. Permitted encroachments in required yards.

The following encroachments may be permitted when located in the required yards as specified below. Unless otherwise indicated in this Subsection III-2-G or elsewhere in this Chapter, no permitted encroachment may be located closer than five feet to a side or rear yard and no encroachment may be permitted in any easement.

1. *All yards.*
  - a. Open terraces, not over four feet above the average level of the adjoining ground, but not including a roofed-over terrace or permanently affixed awnings or canopies;
  - b. Steps, four feet or less above grade, which are necessary for access to a permitted building or for access to a lot from a street or alley;

- c. Chimneys projecting up to 24 inches into the yard;
- d. Flagpoles.
- e. Fences shall be permitted encroachments only when constructed in accordance with the requirements of Subsection III-3 of this Article.
- f. Overhanging cornices, eaves, sills, gutters or other similar architectural features projecting not more than 42 inches into the required yards.
- g. Open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers projecting into a yard not more than five feet or into a court not more than 3½ feet shall be permitted, where such are to be so placed as not to obstruct light and ventilation
- h. Open off-street parking spaces and driveways shall be permitted encroachments only when constructed in accordance with the requirements of Article IV, Off Street Parking and Loading, of this Chapter and as may be specified by the regulations of a zoning district.

**2. Front yards.**

- a. One-story bay windows projecting not more than three feet into the yard;
- b. Overhanging cornices, eaves, sills, gutters or similar architectural features projecting not more than 42 inches into the required yards;
- c. Basketball backboards and standards; provided such are a minimum of ten feet from any side lot line.
- d. Covered attached porches per the following:
  - i. Encroachment is not to exceed six feet into the required front yard;
  - ii. The encroachment may be not taller than one story, corresponding with the first story of the home;
  - iii. May not be enclosed in any manner, including but not limited to walls, screens, and windows. A railing around the porch may not exceed 42 inches in height from the floor level of the porch;
  - iv. The porch roof's architecture must substantially conform to the house roof design and may not be a metal canopy, awning, or similar materials.

**3. Rear yards.**

- a. Accessory structures as permitted in Subsection III-6-A of this Article;
- b. Balconies; breezeways and open porches covering not more than 30% of the area defined by the required rear yard;
- c. One-story bay windows projecting not more than 2½ feet into the required yard;
- d. Overhanging cornices, eaves, sills, gutters or similar architectural features projecting not more than 42 inches into the required yards.

**4. Side yards.**

- a. Overhanging cornices, bay windows, eaves, sills, gutters or other similar architectural features projecting not more than 42 inches into the required yards.

- b. Air conditioners and generators projecting not more than 3 feet into the permitted side yard.

### III-3 - WALLS, FENCES AND SCREENS

#### III-3-A. General Regulations.

1. *Applicability.* All fences and decorative walls must be erected and maintained in conformance with the requirements of this Section III-3.
2. *Permits Required.* A permit issued by the Zoning Administrator is required to erect or alter any fence within the City that is greater than 42 inches in height, notwithstanding required building permits.
3. *Existing Fencing.* Fences legally constructed prior to the effective date of this Chapter, shall be allowed to continue; provided, however, that replacement of fencing shall require conformance provisions of this Chapter.
4. *Construction.* Fences shall be erected so that all supporting members are along the property line or within the boundaries of the lot. All fences shall be constructed in such a manner that the finished side of all material used faces the exterior of the lot fenced.
5. *Barbed wire, electric, and dangerous fences.* No fence may be maintained or constructed composed in whole or part of barbed wire, or with any similar materials designed to cause injury to persons, or wire charged with electrical current, anywhere within the City. In the case of protection of properties an M Zoning District barbed wire is allowed but must be at least six feet above the sidewalk and extend inward of property. Electric fences are not allowed anywhere within the City.
6. *Height.* No fence or may be maintained or constructed in whole or part in excess from the below requirements. Fence height shall be measured as the vertical distance between the existing grade at the base of the fence and the top edge of the fence material or fence post, whichever is higher. Grade may not be modified in order to increase fence height (Table 3-1).
7. *Permitted materials.* Fences or decorative walls may be constructed with any of the following materials and shall be made of the same material on both sides; materials other than those that follow shall be subject to the approval by the Zoning Administrator upon evidence by the applicant that substituted materials are equally sturdy, safe, and similar in appearance.

#### a. Fences:

- i. Wood (board, panel or picket).
- ii. Metal (wrought iron or panel).
- iii. Chain link may be permitted in M Districts one as part of a Special Use approval and provided the following requirements are met:
  1. Slats used as part of the chain link fence must be a single color.
  2. Chain link fence must be at least six (6) feet in height
  3. Additional landscaping along the fence is encouraged.
- iv. Vinyl plastic
- v. Composite
- vi. Recycled material

b. Decorative Walls:

- i. Concrete (plain, panel or textured).
- ii. Brick (plain or glazed).
- iii. Tile or architectural block
- iv. Stone (natural, block stone or rubble stone).

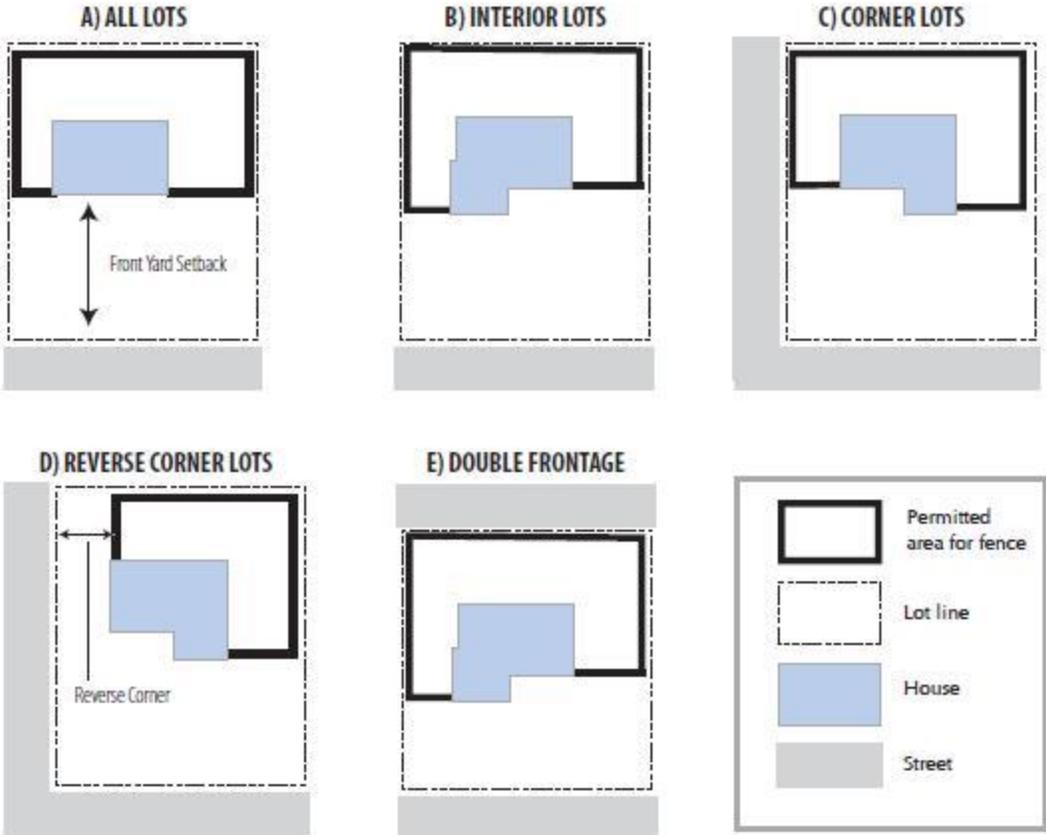
Table 3-1: Fence Height		
Zoning District/Use	Fence Height (ft)	Wall Height (ft)
Residence	6.5'	3'
Commercial / Multi-Family	8.5'	3'
Manufacturing	10.5'	4'
Uses adjacent to Interstate Highway	10'	NA
Off-Street Parking and Loading Areas and Properties Adjacent to Residential Uses.	See Article IV Off-Street Parking and Loading and Article IX Landscape and Site Development Standards	
Outdoor storage areas (Business, Manufacturing)	8'	NA

**III-3-B. Location.**

1. *All Lots: Fences shall not extend beyond the front line of a principal structure, and may connect to the boundary of the lot as shown in Figure 3-3.*
2. *Interior Lots: Fences shall be erected so that all supporting members and connecting elements are on the property line (except as needed to connect to the principal structure. In addition, fences shall be located no closer to the front lot line than to the nearest corner of the house or other principal structure. (see Figure 3-3)*
3. *Corner Lots: All fences shall be erected so that no fence shall be erected beyond the building line on either side adjacent to a street. (see Figure 3-3)*
4. *Double Frontage or Through Lot: Fences shall be erected so that all supporting members and connecting elements are on the property line. (see Figure 3-3)*
5. *Decorative Walls: Decorative walls may be located in keeping with the setback requirements of the zoning district in which the property is located, unless otherwise specified in this Chapter.*

**Figure 3-3. Permitted Fence Locations in R Districts.**

The examples illustrate various building footprints and corresponding permitted locations for fences. The illustrations are not drawn to scale and are not intended to accurately depict required setbacks or other dimensions.



**III-4 - STORING OF RECREATIONAL VEHICLES.**

**III-4-A.** Keeping, maintaining or storing any camping vehicle or house trailer on any real property within the City shall be in keeping with Section 66-30 of the City Code.

**III-4-B.** All recreational vehicles shall be stored on an improved surface as approved by the City Engineer and as may be otherwise regulated in Article IV: Off Street Parking and Loading.

**III-5 - OUTDOOR BUSINESS ACTIVITIES**

**III-5-A. General Requirements.**

1. Any outdoor business activity conducted in conjunction with a use permitted by the applicable zoning district shall do so in accordance with this Section III-4 and other applicable Sections the City Code.
2. Outdoor business activity shall be designated as permanent or temporary.

**III-5-B. Permanent Outdoor Business Activity:** A permanent outdoor activity is an ongoing accessory element of a main business operation and may include but not be limited to: Material storage, product storage, and display of goods for sale not within a wholly enclosed building.

1. Outdoor sales are allowed only in Commercial Zoning Districts and may be permitted in keeping with the following.
  - a. All other relevant City regulations must be met.
  - b. May not include storage of materials or goods not available for sale to the public.
  - c. May not exceed an area of ten percent (10%) of the indoor gross floor area of the principal structure on the site or 800 square feet, whichever is greater.
2. Permanently placed vending machines are permitted provided:
  - a. They are on a property located in a Commercial zoning district,
  - b. Said device does not exceed a volume of 120 cubic feet.
  - c. The number permitted devices is one per 5,000 square feet of lot area, not to exceed a total of six.
  - d. Placement must be adjacent to the wall of the principal structure.
3. The use of permanently parked vehicles, semi-trailers, truck bodies and drop storage containers for an outdoor business activity is prohibited.
4. Drop storage containers used for permanent storage shall be prohibited in Commercial districts.
5. All outdoor storage in Commercial and Manufacturing district shall be conducted in keeping with regulations of those districts and other requirements of the City Code.

**III-5-C. Temporary Outdoor Business Activity:** A temporary outdoor business activity is one with a limited time of operation and may or may not be associated with a principal use. Conditions applicable to all temporary outdoor business activities are as follows:

1. A permit issued by the Zoning Administrator is required for each structure, activity, or event.
2. All material or product stored and displayed must be maintained in a safe, orderly, and clean manner.
3. Seasonal sales and displays are allowed only for landscape items, arts and crafts and retail products normally found within the premises' building, and holiday decorations with the following conditions:
  - a. Must not occupy more than two percent of the lot area or 3,000 square feet, whichever is less.
  - b. Sales including a temporary tent or canopy may not occupy more than 1% of the lot area or 1,500 square feet, whichever is less.
  - c. The duration shall be for not more than 120 days per calendar year. With any one storage or display period not exceeding 90 days.

d. Shall not occupy more than 20 percent of the required Parking Area and not obstruct any parking designated for the persons with disabilities.

e. The location and arrangement is subject to the approval of the Zoning Administrator in keeping with site design and safety standards of the City Code.

**4. Sidewalk sales are allowed as follows:**

a. Must be operated by the business such sale is fronting.

b. Location and arrangement is subject to the Zoning Administrator in keeping with site design and safety standards of the City Code.

c. The duration is not to exceed four days and may occur up to a total of 16 days per calendar year.

d. A clear walkway of 5 feet shall be maintained to accommodate safe pedestrian access.

**5. Temporary automobile or boat sales are allowed in Residential Districts as follows:**

a. The area occupied is not to exceed two percent of the lot area or 5,000 square feet, whichever is less.

b. Occupy not more than ten percent of the required parking and not obstruct parking designated for persons with disabilities.

c. Location and arrangement is subject to the review and approval of the Zoning Administrator in keeping with site design and safety standards of the City Code.

d. The duration shall not exceed ten days per event not more than 30 days total per calendar year.

e. One sign of no greater than 6 square feet may be placed in the window of the vehicle.

**6. The following special activities are allowed in residential districts: church festivals, church seasonal sales, festivals and fundraisers in public parks, subject to the following:**

a. Location and arrangement is subject to the review and approval of the Zoning Administrator in keeping with site design and safety standards of the City Code.

b. One sign not exceeding 32 square feet each shall be permitted subject to the approval of the Zoning administrator so as to be in keeping other relevant standards of Article X, Signs of this Chapter.

**7. Temporary storage trailers and drop storage containers are allowed only as follows:**

a. Maximum number allowed is one per acre of land or fraction thereof with a maximum of six each not to exceed 4,160 cubic feet in volume.

b. Duration is limited to 60 consecutive days not to exceed 120 days per calendar year. Exception, in residential districts where the maximum is 11 consecutive days per calendar year.

c. The location, arrangement and contents of the storage trailer or container are subject to the approval of the Zoning Administrator in keeping with site design and safety standards of the City Code.

**8. Temporary seasonal outdoor seating.**

a. Temporary seasonal outdoor seating permitted. Temporary seasonal outdoor seating is permitted subject to the following conditions:

i. Standards for outdoor seating as set forth in Subsection III-5-c-8-b below are met.

ii. All requests for permitted temporary seasonal outdoor seating shall be renewed annually with the Zoning Administrator for compliance with the standards of this Section III-5 and other relevant Sections of the City Code.

b. *General regulations for all temporary seasonal outdoor seating areas.* The following regulations shall apply to all outdoor seating areas:

i. All applications for outdoor seating shall be submitted to the Zoning Administrator for review on forms provided by the City.

ii. Applications for outdoor seating shall be valid from April 1 to November 1 and may be renewed each year.

iii. An application for temporary seasonal outdoor seating shall include a plot plan clearly identifying the area to be used for outdoor seating in relation to the existing restaurant and all tables, chairs, waste containers and other items shall be clearly marked and to scale.

iv. The outdoor seating area shall be incidental to the operation of a restaurant, appropriately located on the premises

v. Landscaping or other form of screening a temporary outdoor seating area may be required by the Zoning Administrator in keeping with site planning and safety standards of the City Code.

vi. All outdoor seating areas shall be placed on an all-weather hard surface area.

vii. The outdoor seating area shall be immediately adjacent to the principal building, having only one row of tables, and located directly adjacent to the space which is occupied by the restaurant.

viii. Temporary outdoor seasonal seating areas shall be exempt from applicable parking requirements.

ix. No smoking shall be allowed as part of Temporary outdoor seasonal seating areas.

x. Temporary outdoor seasonal seating areas shall be contained within a barrier designating the area, said barrier provided by landscaping, planters, fencing, ropes, or other material providing equally safe conditions as may be approved by the Zoning Administrator.

xi. Temporary outdoor seasonal seating areas shall be subject to all applicable health and sanitation codes.

xii. No additional signage may be displayed as part of a temporary outdoor seasonal seating areas. Seating may be located on sidewalks or pedestrian walkways (public or private) provided that five feet of the sidewalk or walkway remains unobstructed.

xiii. If seating is provided on public property, the following shall apply:

1. The applicant shall submit a hold harmless agreement which indemnifies the City from any and all liability that may arise relating to the outdoor seating activity.
2. The applicant shall submit evidence of general liability and dram shop

insurance (if required), in an amount acceptable to the City. The policy shall include the City as a named insured and insuring the City against any liability resulting from the operation of the outdoor seating. The minimum coverage shall be at least \$1,000,000.00 for general liability insurance and \$300,000.00 dram shop insurance and shall have no less than an "A" rating by the most recent AM Best Insurance Guide.

3. All maintenance of the public right-of-way associated with the operation of the outdoor seating area shall be the responsibility of the owner of the restaurant (upkeep includes the replacement of damaged public property, etc).

**xiv.** All seating shall be a minimum of five feet from any drive aisle or point of vehicular access.

**xv.** The seating shall not occupy or interfere with the use of required parking spaces, aisles, driveways, fire lanes and fire exits.

**xvi.** The seating shall not occupy or interfere with the use of building entrances, exits and pedestrian walkways.

**xvii.** Any music shall remain at a conversational level and be discontinued by 10:00 p.m.

**xviii.** Exterior lighting shall be inwardly directed with light sources not directly visible from adjacent properties so that no direct lighting or glare is cast off-premises.

**xix.** Hours shall be limited to 6:00 a.m. to 10:00 p.m. on Sunday through Thursday and 6:00 a.m. to 11:00 p.m. on Friday and Saturday.

**xx.** All tables, chairs and other items are to be removed, and stored other than outdoors on site, by November 1<sup>st</sup> or at such time as the applicant ceases serving at the outdoor area.

**xxi.** All furnishings shall be durable, kept in a neat, orderly and clean condition.

**xxii.** Outdoor furnishings and their color should be selected for harmony and aesthetic quality with the adjoining buildings and streetscape and be capable of withstanding a wind force of 30 mph. Materials shall be of durable quality such as wrought iron, sturdy metal, heavy wood construction, or other material as approved by the Zoning Administrator; light weight material such as plastic, aluminum or other light gauge material are not permitted.

**xxiii.** Any other conditions deemed necessary by the City Manager to protect the public health, safety and welfare may be imposed.

**xxiv.** Sale and consumption of alcoholic beverages, as well as any additional related requirements on the temporary outdoor seasonal seating area, shall be regulated by the liquor license governing the restaurant.

**xxv.** Outdoor liquor service is subject to approval by the City of Rolling Meadows Liquor Commissioner.

### **III-6 - PEDESTRIAN AND BICYCLE FACILITIES**

1. Any property required by the applicable use district or planned development provisions of this Chapter to have pedestrian and bicycle facilities shall provide such facilities in accordance with this Section III-6.

2. Any developed property of five acres or more, other than those designated as a planned development, on which more than 50 percent of the site area and/or Parking Areas or parking spaces are reconfigured or altered, shall provide pedestrian and bicycle facilities as directed by this Section III-6 and approved as such by the Zoning Administrator.
3. Pedestrian walkways and bicycle paths may be either combined or separate.
  - a. Combined walkway paths shall be a minimum eight feet in width with a center stripe.
  - b. Separate walkway/paths each shall be a minimum of five feet in width.
  - c. Walkways and paths shall connect the public way (public street, sidewalk or both) and the main access to the building(s) or use. Developments five acres or more in size and bounded by more than one public street shall have walkways and paths from each street to the main building access.
  - d. Walkways and paths shall be separated from Parking Areas by a barrier, except at driveways and aisle intersections. Barriers, as approved by the Zoning Administrator, shall be an object or approved method prohibiting access of a motor vehicle, such barriers may include curbs, bumpers, posts, trees, planters or fence.
  - e. Walkways and paths shall be accessible to persons with disabilities as required by applicable law.
  - f. Design and construction of walkways, paths and related appurtenances shall be approved by the Zoning Administrator and substantially conform to the Guide for the Development of Bicycle Facilities, 1999 Edition, as published by the American Association of State Highway and Transportation Officials or other standard as specifically approved by the City Engineer.

### III-7 - ACCESSORY USES AND STRUCTURES

#### III-7-A. General standards for accessory uses and structures.

1. All accessory structures or uses, as defined herein, shall:
  - a. Be built, moved, remodeled, established, altered or enlarged only as permitted by this Chapter.
  - b. Be permitted only in connection with a principal structure and use that is permitted within the zoning district in which the property is located.
  - c. Be located on the same lot as the Permitted Use or principal building.
  - d. Be owned or operated by the same person as the Permitted Use or principal building.
  - e. Be subject to all applicable design and development standards of this Chapter and Chapter 18, Building Code of the City Code.
  - f. Be maintained in a safe, sanitary, and secure fashion.
2. *Percentage of rear yard occupied.* No accessory structures, buildings or use shall occupy more than 30 percent of the area of the rear yard.
3. *Location.*
  - a. Unless otherwise stated within this Chapter, no accessory building, structure or use shall be located in a required front, corner side, or interior side yard.

b. No accessory building, structure or use shall be located in a platted easement or drainage swale.

4. The following accessory uses and structures below are permitted in specific districts and yards (Table 3-2):

<b>Table 3-2: Accessory Uses and Structures</b>					
<b>Types of Accessory Uses and Structures</b>	<b>Required Yard</b>				<b>District</b> (R = Residential Districts) (C= Commercial Districts) (M= Manufacturing Districts)
	Front	Corner Side	Interior Side	Rear	
<b>Agricultural Structures (i.e. commercial greenhouses)</b>				P	<b>C, M</b>
<b>Cabanas/Gazebos</b>				P	<b>R</b>
<b>Detached garage(s), carport(s), and parking for the property</b>			P	P	<b>R</b>
<b>Dog Run</b>				P	<b>R</b>
<b>Fences, Walls and Hedges</b>		P	P	P	<b>R, C, M</b>
<b>Flag Poles</b>	P	P	P	P	<b>R, C, M</b>
<b>Sheds and incidental household storage buildings</b>			P	P	<b>R</b>
<b>Green houses for personal use</b>				P	<b>R</b>
<b>Playhouses or Play Structures</b>				P	<b>R</b>
<b>Porches, Patios, decks</b>	P	P	P	P	<b>R, C</b>
<b>Stoops</b>	P	P	P	P	<b>R</b>
<b>Trellis</b>				P	<b>R</b>
<b>Terrace</b>				P	<b>R</b>

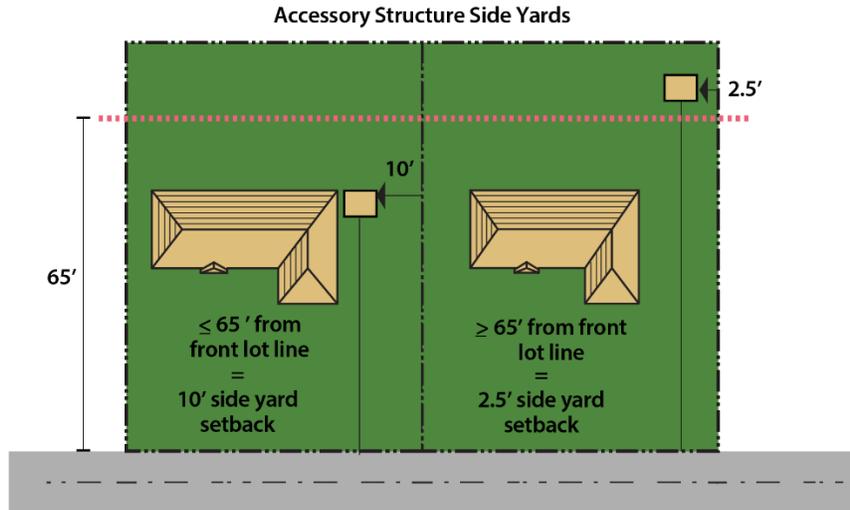
Little Free Libraries	P	P			R
Swimming pools, spas, hot tubs, and similar devices				P	R, C
Temporary storage containers used during an active construction project or moving (i.e. PODs, dumpsters)	P	P	P	P	C, M
Trash/recycling enclosures used for commercial or multi-family waste (i.e. dumpsters, large refuse containers for restaurants, apartment complexes)			P	P	R, C, M
Automated Teller Machines/Kiosk (ATM)		P	P	P	C
Drive-thrus		P	P	P	C
Outdoor dining tables and seating	P	P	P	P	C
Outdoor Sales/Storage	P	P	P	P	C
Parking Areas		P	P	P	C, M
Storage buildings			P	P	C, M
Recycling drop-off stations/small collection facility			P	P	C, M
Storage of trucks or trailers associated with the principal use				P	C, M

**III-7-B. General standards for accessory structures**

1. *Conformity to Regulations.* Where an accessory structure is attached to the principal building, it shall be subject to, and must conform to, all regulations of this Chapter applicable to the principal building, unless otherwise stated.
2. *Time of Construction.* An accessory structure shall not be erected prior to the establishment or construction of the principal building to which it is accessory.
3. *Size in Single Family Districts:* In single family districts the maximum size of an accessory building shall be nine percent of the lot size or 1,000 square feet, whichever is less.

**4. Location.**

a. Single Family Residential Districts: Side Yard: An accessory structure located in the rear of a lot in a single-family residence district shall have a side yard of not less than 2½ feet when the structure is set back 65 feet from the front lot line, and not less than 10 feet when located with a setback of less than 65 feet from the front lot line.



b. Single Family Residential Districts - Rear Yards: Accessory structures shall be a minimum of 5 feet from the rear lot line

c. Non Single-Family Districts - Rear Yards: Accessory structures shall a minimum of 10 feet from the rear lot line

**5. Height.**

a. Measurement. The maximum height of any detached accessory structure is measured from grade to the peak of the roof.

b. Residential Districts. No accessory structure in residential zoning districts, except antennas and flag poles as otherwise regulated, shall exceed 15 feet 6 inches.

c. Non-Residential Districts. No accessory structure in the non-residential zoning districts, except antennas and flag poles as otherwise regulated, shall exceed the height of the principal building or structure, or a height of twenty-five (25) feet, whichever is less.

**6. General Restrictions.**

a. No accessory structures may be designed or used for permanent or temporary housing or sleeping purposes.

b. Upon the demolition of a principal building, any remaining accessory structures on the same property as the demolished structure must also be demolished or altered to conform with this Chapter.

**III-7-C. Garages.**

1. *Requirements for attached garages.* In all residential zoning districts:

- a. The maximum width of any attached garage shall not exceed 67 percent of the full width of the building.
- b. The maximum height of any garage door shall not exceed eight (8) feet.
- c. The maximum number of garage doors facing in any one direction shall be limited to three single doors, each having a maximum width of nine feet (9), or one single door of nine (9) feet maximum width plus one (1) double door having a maximum width of 16 feet.

**2. Requirements for detached garages.** In all residential zoning districts:

- a. Maximum height of gable to ground. 15 feet 6 inches.
- b. Maximum dimensions. 624 square feet, unless within the Single Family Estate District (R-3), in which maximum dimensions shall be 864 square feet.
- c. Accessory detached garages up to 18' may be approved as a Special Use in single family residential districts.

**3. Requirements for non-residential parking structures:**

- a. Accessory parking garages in Commercial Districts shall have no more than four (4) levels of parking or shall not exceed 30 feet in height, whichever is less.
- b. Accessory parking garages in Manufacturing Districts shall have no more than four (4) levels of parking or shall not exceed 40 feet in height, whichever is less.

**III-7-D. Swimming Pools, Spas, Hot Tubs, and Similar Devices.**

- 1. Location.** Swimming pools, spas, hot tubs and similar devices shall not be located in any front yard, shall be setback at least 10 feet from the rear lot line, and shall meet the side yard setback of the district.
- 2. Security Fencing.** All outdoor swimming pools shall be enclosed by a fence. The minimum height from the pool decking shall be 48 inches and the maximum height shall be six feet (6').
- 3. Exemptions from security fencing.** The specifications required in this Subsection III-6-D shall not be required for any swimming pools or similar devices with a diameter of six (6) feet or less or designed to contain less than two (2) feet of water at any point, nor shall they be required for an aboveground spa or Jacuzzi. All other applicable requirements in Chapter 18, Buildings and Building Regulations shall apply.
- 4. Requirements.** All swimming pools, spas, hot tubs and similar devices shall meet all other relevant regulations of the City Code.

**III-7-E. Trash/recycling/grease enclosures.**

- 1. Applicability.** A permanent enclosure for storage of garbage, refuse and other waste materials shall be provided for every use, other than single-family dwelling and multiple-family dwellings of less than four (4) units.
- 2. Location and Placement.**
  - a. Trash/Recycling/Grease enclosures shall not be located in any front yard or corner side yard.

b. Placement of enclosures shall be planned and constructed in a manner that allows unobstructed access to each dumpster and the unobstructed opening of the gates during the emptying process.

c. Trash/recycling/grease enclosures shall not be located in such a manner that the service vehicle will block any street intersection.

d. When on a property adjacent to residentially zoned properties, enclosures shall be placed as far as possible from the adjacent residential property line.

**3. *Materials, Construction, and Design.***

a. The enclosure area shall be enclosed on three (3) sides with permanent materials and on the fourth side with an access gate.

b. Enclosures shall be of sufficient height to conceal contents on all sides including containers, but in no case shall be less than four (4) feet in height above grade.

c. All trash/recycling/grease enclosures shall be placed on a concrete surface as approved by the Zoning Administrator.

**4. *Screening.***

a. Screen enclosures from adjoining properties and the public right-of-way with fencing or building elements.

b. The screening shall be compatible with the color, material and texture of the building.

c. The screening shall be one or more of the following types of materials:

i. Solid stockade or solid decorative wooden fencing;

ii. Face brick wall;

iii. Decorative concrete block wall; or

iv. Reinforced wall with applied decorative finish.

**III-7-F. Drive thru.**

1. The following requirements are intended to minimize the potentially adverse effects of drive-thru activities on adjacent properties, pedestrians and traffic flow. As appropriate, additional requirements may be established per a Special Use approval.

a. Location. Drive-thru lanes shall not be placed between the front lot line and the front building line of the principal structure.

b. Hours of Operation. Hours of operation shall be restricted to the hours of 6 a.m. to 10 p.m. if the property or the drive through is located within one hundred fifty (150) feet of a residential zoning district.

c. Vehicle Stacking. The stacking area shall meet the requirements of Article IV Off-Street Parking and Loading of this Chapter.

d. Pedestrian Walkways. Pedestrian walkways shall be clearly visible, and be emphasized by enhanced paving or markings where they intersect with the drive thru.

e. Screening Requirements. Any drive-thru adjacent to a residential zoning district shall be screened with a six (6) foot high solid fence, wall, landscaping or combination thereof. All service areas and ground-mounted mechanical equipment shall be screened from ground-level view.

### **III-7-G. Home occupations.**

1. *Compliance.* Home occupations are permitted as an accessory use in residentially zoned districts, provided they are in accordance with this Subsection III-6-G and other applicable Sections of this Chapter.
2. *Standards.* The following standards shall apply to all home occupations:
  - a. The home occupation shall not change the outside appearance of the dwelling or its accessory buildings.
  - b. No more than one person other than the immediate family residing on the premises shall be involved or employed in the home occupation activities taking place on the premises.
  - c. All activities and storage shall be within an enclosed structure.
  - d. All wholesale, jobbing, or retail business shall be conducted entirely by postal mail, electronic mail, or telephone.
  - e. No more than 10% of the total combined square footage of the principal structure and accessory garage, up to a total of 500 square feet, shall be devoted to the home occupation.
  - f. A garage may be used for a home occupation only for passive incidental storage related to the business.
  - g. No more than one truck of one-ton capacity associated with the home occupation shall be kept on the premises.
  - h. No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable from adjacent or nearby properties.
  - i. A City of Rolling Meadows Business License is required for all home occupations.
  - j. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the home occupation shall be met off the street in an area other than in a required front yard.
  - k. Automotive repair shall be prohibited as a home occupation.
  - l. All requirements of Article IV: Off Street Parking and Loading shall be met.

### **III-7-H. Garage and yard sales.**

1. A premise is limited to a maximum of three sales within any 12-month period.
2. Sales are not to exceed two consecutive weekends in duration.

### **III-7-I. Little Free Libraries.**

1. Little Free Libraries are accessory structures for the purpose of storing books for exchange within neighborhoods and for the general public, and promoting access to reading materials.
2. Such accessory structures shall not be allowed in the public right-of-way, or in any easements.

3. Little Free Libraries shall not exceed five feet six inches in height from ground level to the top of the structure, and shall not have less than two feet between the ground and the bottom of the structure.

4. Installing such structures shall require a building permit and review.

5. Little Free Libraries shall be permitted encroachments in the front yard and shall be located with one foot of the property line.

### **III-7-J. Keeping of Hens and Outdoor Hen Shelters.**

1. The keeping of hens and outdoor hen shelters, also known as chicken coops, are permitted as accessory structures on residential lots as regulated by Chapter 14 Article VIII of the City Code, Section 14-160 through 14-168.

### **III-7-K. Sustainable energy systems.**

#### **1. Solar Energy Systems (SES):**

a. Purpose: The City of Rolling Meadows seeks to encourage environmentally sensitive development techniques to benefit its residents, business owners, and others in the community. This goal is supported by sustainable energy techniques such as Solar Energy Systems (SES). The purpose of this Subsection III-7-K-1 is to ensure that solar energy systems are compatible in character and appearance with the principal structure and surrounding neighborhood or area of the zoning districts in which they are located. Solar energy systems are permitted as an accessory use to any principal permitted or Special Use subject to the following development standards.

b. All SES shall meet applicable requirements of Chapter 18, Buildings and Building regulations of the City Code.

#### **c. Building Mounted Facilities**

i. Appearance and Materials: Solar energy systems shall be neutral in color and generally match the roof color of the principal structure. All such devices shall have the following characteristics:

1. Not be plastic or other non-UV stable material;
2. Include frames, where applicable, of anodized aluminum or painted steel; and
3. Where devices are encased with glass, the glass shall be nonreflective tempered glass.
4. Solar panels must be placed so that concentrated solar radiation or glare is not directed onto nearby properties or roadways.

ii. Yards: Solar energy systems shall be subject to the following yard requirements:

1. Solar energy systems are an allowed encroachment in front, side, and rear yards so long as they do not project more than five (5) feet from an exterior wall.
2. Solar energy systems shall be located flush to the exterior wall of the principal and street facing facades.
3. In side or rear wall installations, solar energy systems must be set back a minimum of three (3) feet from any property line.

iii. Height: Solar energy systems shall be subject to the following height requirements:

1. Solar energy systems may not exceed the maximum building height requirements for the district in which they are located;
2. SES located on sloped roof buildings shall not extend beyond one foot (1') above the roof surface at any point in residential zoning districts and fifteen inches (15") for all other zoning districts.
3. SES located on flat roofed buildings shall not extend beyond two feet (2') in overall height above the roof on which they are mounted in residential zoning districts or eight feet (8') in all other districts. In no case shall solar collection devices extend above the parapet wall of the structure.

**iv. Bulk Requirements:** Solar energy systems integrated into the structure or building cladding shall be subject to the yard, height and any other bulk requirements of the zoning district in which they are located.

**d. Ground Mounted Separate or Adjacent to the Principal Structure:** Solar energy systems mounted on the ground shall not:

- i.** Be more than eight (8) feet high;
- ii.** Have a footprint (as determined by a horizontal plane at the ground generated by extending all parts of the structure vertically down) greater than twenty five percent (25%) of the principal building footprint; or
- iii.** Be located in front- or street-facing yards.

**e. Accessory Structures:** Solar energy systems mounted to accessory structures:

- i.** Shall comply with all yard requirements for accessory structures; and
- ii.** May extend up to four (4) feet above the roof ridge for sloped roof structures and up to five (5) feet above the roof height for flat roofed structures.

**2. Wind Energy Systems (WES):**

**a. Purpose:** The City of Rolling Meadows seeks to encourage environmentally sensitive development techniques to benefit its residents, business owners, and others in the community. This goal is supported by sustainable energy techniques such as Wind Energy Systems (WES). The purpose of this Subsection III-7-K-2 is to ensure that wind energy systems are compatible in character and appearance with the principal structure and surrounding neighborhood or area of the zoning districts in which they are located. Wind energy systems are permitted as an accessory use to any principal permitted or Special Use subject to the following development standards.

**b. A. Wind Energy Systems:** shall be allowed as an accessory structure, provided that no more than one WES is permitted per lot; except that, more than one WES may be permitted for commercial and manufacturing properties, subject to the approval of the City Council. The following criteria have been established as minimum standards for consideration such systems:

**c. WES may only be designed for and installed on the roof of an existing principal structure and shall meet the following requirements:**

- i.** Shall be set back at least twenty feet (20') from front or exterior building lines, and at least ten feet (10') from side building lines. Setbacks shall be measured to the widest point of blade rotation or to the side of the WES, whichever is greater.
- ii.** Shall be limited to a height of no more than fifteen feet (15') above the roof peak or top

of a parapet wall, whichever is greater. Total height shall be measured from the highest point of blade rotation or the highest point of the WES, whichever is greater.

**iii.** Shall comply with all noise regulations of the City of Rolling Meadows.

**iv.** Shall be safely and securely attached to the rooftop in compliance with Chapter 18, Building Code of the City Code.

**v.** All WES structures shall conform to the appropriate City related rules and regulations pertaining to their construction, design, operation and maintenance.

**vi.** WES shall be designed to withstand a minimum wind velocity of one hundred (100) miles per hour, with an impact pressure of forty (40) pounds per square foot.

**vii.** The applicant shall submit documentation that the proposed WES will not create a nuisance to adjacent uses. In no event shall the noise level produced by a WES continuously exceed sixty-five (65) decibels as measured at the property line.

**viii.** No WES shall cause electromagnetic degradation in performance of other electromagnetic radiators, receptors, or generators of quality and proper design. The City reserves the right to revoke any Special Use permit for a WES system whenever electromagnetic interference from the WES is evident and cannot be corrected.

**ix.** WES shall not be artificially lighted, except to the extent required by the FAA or other applicable government authority.

**x.** All wind turbines shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, overspeeding and excessive pressure on the tower structure, rotor blades and turbine components.

**xi.** Signage: No signs shall be attached except for a manufacturer and/or installer identification and those required for safety; provided that they do not measure more than two (2) square feet.

**xii.** Abandonment: If a small wind energy system is inoperable or abandoned for a period of twelve (12) consecutive months; the owner may be notified by the City that the energy system must either be repaired or removed within ninety (90) days.

### **III-8 - ADULT REGULATED USES**

#### **III-8-A. Location.**

**1.** Adult regulated uses are prohibited in all districts other than the M-1 and M-2 district and are further prohibited within the following distances from the following specified uses or zones:

a. Within 1,000 feet of any residential zoning district or any single-family or multiple-family residential use.

b. Within 1,000 feet of any public or private school or day care center.

c. Within 1,000 feet of any church or other religious facility or institution.

d. Within 1,000 feet of any cemetery or mental health center.

e. Within 1,000 feet of any public housing, public library, public park or public? recreation area.

f. Within 1,000 feet of, a school route.

g. Within 1,000 feet of any other adult regulated use.

2. The distances provided in this Section III-8 shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property upon which the proposed use is to be located, to the nearest point of the property, right-of-way, or the land use district boundary line from which the proposed land use is to be separated.

3. An adult regulated use which is established in conformity with the locational restrictions of this Section III-8 shall not be made nonconforming if, subsequent to the establishment of the adult regulated use, a residential zone, public or private school, church, religious facility, mental health center, public library, public park, recreation area or school route is created or established within the distance limitations for an adult regulated use specified in this Subsection III-8-A-1. However, if any adult regulated use is terminated or discontinued for a period of 30 days or more subsequent to the location of a use imposing a distance limitation on the adult regulated use, then the adult regulated use shall become a nonconforming use.

### **III-9 - MEDICAL CANNABIS**

#### **III-9-A. Medical cannabis cultivation centers.**

1. In determining the compliance of a proposed medical cannabis cultivation center, the following components of the medical cannabis cultivation center shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of properties in the vicinity of the proposed use:

a. The issuance or absence of issuance of a valid registration as a medical cannabis cultivation center by the Illinois Department of Agriculture to the proposed medical cannabis cultivation center.

b. The existence, if any, of a medical cannabis cultivation center located within the Illinois State Police District within which the City of Rolling Meadows is located.

c. The existence, if any, of a medical cannabis cultivation center located within the City of Rolling Meadows.

d. Compliance by the medical cannabis cultivation center with the following restrictions:

i. Compliance with state law and regulations. Medical cannabis cultivation centers shall comply with the requirements of the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1, *et seq.*) and all regulations promulgated thereunder, as may be amended from time to time.

ii. Single-use property. Medical cannabis cultivation centers shall not be established in multiple use or multi-tenant properties or on a property that shares parking with other uses.

iii. Minimum distance from incompatible uses. No medical cannabis cultivation center shall be located, established, maintained, or operated on any lot that has a property line within 2,500 feet of the property line of any of the following uses:

1. A pre-existing public or private preschool or elementary or secondary school;
2. A pre-existing day care center, day care home, group day care home or part day child care facility; or
3. A pre-existing area zoned for residential use.

iv. Measurement. For the purposes of this Section III-9, distances shall be measured linearly in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot on which the medical cannabis cultivation

center is located to the nearest point on a property line of a use listed in Subsection iii, above.

**v.** Retail sales prohibited. Medical cannabis cultivation centers shall not conduct any retail sales.

**vi.** An operation plan must be submitted. An operation plan must include, but is not limited to, the security measures that will be provided such as exterior lighting, security cameras, and hours of operation.

**vii.** Drive-through facilities are prohibited.

**viii.** No outdoor, window, or on-site media display of merchandise and/or products related to a cultivation center allowed.

**ix.** No exterior signage that includes the words "marijuana," "cannabis," or any related word or symbol are allowed.

### **III-9-B. Medical cannabis dispensing facilities.**

**1.** In determining the compliance of a proposed medical cannabis dispensing facility, the following components of the medical cannabis dispensing facility shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of properties in the vicinity of the proposed use:

a. The issuance or absence of issuance of a valid registration as a medical cannabis dispensing facility by the Illinois Department of Financial and Professional Regulation to the proposed medical cannabis dispensing facility.

b. The existing number of medical cannabis dispensing facilities, if any, located within the dispensing organization district within which the City of Rolling Meadows is located as established by the regulations of the Illinois Department of Financial and Professional Regulation.

c. The existing number of medical cannabis dispensing facilities, if any, located within the City of Rolling Meadows.

d. Compliance by the medical cannabis dispensing facility with the following restrictions:

**i.** Compliance with state law and regulations. Medical cannabis dispensing facilities shall comply with the requirements of the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1, *et seq.*) and all regulations promulgated thereunder, as may be amended from time to time.

**ii.** Single-use property. Medical cannabis dispensing facilities shall not be established in multiple-use or multi-tenant properties or on a property that shares parking with other uses.

**iii.** Minimum distance from incompatible uses. No medical cannabis dispensing facility shall be located, established, maintained, or operated on property zoned for residential use, in a house, apartment, or condominium, or on any lot that has a property line within 1,000 feet of the property line of any of the following uses:

1. A pre-existing public or private preschool or elementary or secondary school;
2. A pre-existing day care center, day care home, group day care home or part day child care facility; or
3. A pre-existing area zoned for residential use.

**iv.** Measurement. For the purposes of this Subsection III-9-B, distances shall be measured linearly in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot on which the medical cannabis dispensing facility is located to the nearest point on a property line of a use listed in Subsection iii, above.

**v.** Hours of operation. Medical cannabis dispensing facilities shall only operate between the hours of 6:00 a.m. and 8:00 p.m.

**vi.** Drive-through windows. Medical cannabis dispensing facilities shall not dispense medical cannabis or other products through a drive-through window.

**vii.** An operation plan must be submitted. An operation plan must include, but is not limited to, the security measures that will be provided such as exterior lighting, security cameras, and hours of operation.

**viii.** The dispensing organization shall be the primary use of the tenant space in which it is located. Retail sales occurring within said facilities shall be accessory to the facility's intended use as a dispensing organization and shall not occupy greater than ten percent of the total square footage of the facility.

**ix.** Signage regulations:

1. No outdoor, window, or on-site media display of merchandise and/or products related to a dispensing facility allowed.
2. No exterior signage that includes the words "marijuana," "cannabis," or any related word or symbol.
3. A sign must be posted at or near all entrances that includes the following language: "Only cardholders, designated caregivers, and staff may enter these premises. Persons under the age of 18 are prohibited from entering."

**x.** Parking must be visible from the public road or private road in which it is accessible. It cannot be screened from the roadway with vegetation, fencing, or anything of similar nature.

### **III-10 - COMMUNITY RESIDENCES**

**III-10-A. Licensure.** Where a community residence or a community residence's operator is required to be licensed or certified by a State of Illinois agency or department to operate a community residence, the applicant shall: a) provide the City proof of such licensure or certification; and b) maintain at all times a current and valid license or certificate. The zoning administrator may revoke a certificate of occupancy for a community residence if its license or certification is revoked. A community residence that is not licensed or certified by the State of Illinois may only be established if a Special Use permit is approved in accordance with this Chapter.

**III-10-B.** Occupancy. Full time staff shall be included when determining the number of individuals that may occupy a community residence pursuant to Chapter 18, Building Code of the City Code. For the purposes of this Section III-10, "full time staff" shall mean staff that occupies the residence overnight.

**III-10-C.** Location. No community residence may be located within 660 feet of an existing or approved community residence, as measure from lot line to lot line, except when a Special Use permit is approved in accordance with this Chapter.

**III-11 - SMALL CELL WIRELESS FACILITIES**

**III-11-A. Compliance with Laws.**

1. All small wireless facilities must comply with the City Code and all other applicable federal, state, and local laws.
2. For small cell wireless facilities located in the right of way, see City Code Sections 82-300-303.

**III-11-B. Districts.** Small wireless facilities are allowed as Permitted Uses in all non-residential zoning districts.

**III-11-C. Special Use. Small wireless facilities allowed as a special use must be:**

1. Designed so as to completely conceal all components of the small wireless facility within a new or existing structure that is architecturally compatible with its surroundings; including, but not limited to, an antenna behind louvers, or in a false roof on a building, or inside a steeple, clock tower, flagpole (with a maximum diameter of 15 inches), campanile or bell tower; or
2. Camouflaged so as to blend into its surroundings to such an extent that it is no more obtrusive to the casual observer than the structure on which it is
  - a. Placed, such as a rooftop, lighting standard or existing tower; or
  - b. Replacing, such as a school athletic field light standard, or other similar structure.

**III-11-D. Height.**

1. The maximum height of a small wireless facility collocated on an existing structure shall be limited to 10 feet above the structure on which the small wireless facility is collocated.
2. The maximum height of a new small wireless facility which is not collocated on an existing structure may not exceed:
  - a. 10 feet in height above the tallest existing utility pole that is in place on the date the application is submitted, that is located within 300 feet of the small wireless facility and that is in the same right-of-way within the City; or
  - b. 45 feet above ground level.

**III-11-E. Special Floor Area Ratio Exception.**

1. A small wireless facility collocated on an existing structure shall not count toward any required floor area ratio.

Use	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-3	M-1	M-2
Wireless Facility, Personal	S	S	S	S	S	P	P	P	P	P

**III-12 - COLLECTION BOXES**

**III-12-A. Purpose.**

1. The City has experienced a proliferation of collection containers and their placement in required parking spaces, required landscaped areas, and residential zoning districts, often

without the property owner's permission. The proliferation of these containers has contributed to visual clutter, blight due to graffiti and poor maintenance, and the accumulation of debris and excess items outside of the collection containers. They can also interfere with the proper management of the City's waste stream. The purpose of these regulations is to promote the health, safety, and welfare of the public, and protect the property rights of the owners of the properties on which the collection containers are located, by providing minimum blight-related performance standards for the operation of collection containers, including establishing criteria to ensure that: (1) material is not allowed to accumulate outside of the collection containers, (2) the collection containers remain free of graffiti and blight, (3) the collection containers are maintained in sanitary conditions, (4) the collection containers are not placed without the approval of property owners, and (5) that contact information is readily available so that the operators can be contacted if there are any blight-related questions or concerns. This Section III-11 regulates the size, number, placement, installation and maintenance of collection containers, as is necessary to accomplish the foregoing purposes.

### **III-12-B. Permit Required; exceptions.**

1. It is unlawful to place, operate, maintain or allow a collection container on any real property unless the property owner and operator of the collection container first obtains a permit from the City.
2. An application for a collection container will be processed as ministerial action in accordance with this Section III-12. The zoning administrator will be the decision maker, subject to this Chapter's appeal process.

### **III-12-C. Application.**

1. The permit application will be made on a form provided by the zoning administrator, and include:
  - a. The signatures of the property owner and the operator of the collection container, acknowledging that they will be equally responsible for compliance with all applicable laws and conditions related to the collection containers for which they are seeking approval;
  - b. A non-refundable application fee in an amount set by resolution of the City Council;
  - c. The name, address, email, website (if available) and telephone number of the operator of the collection container and property owner on which the collection container is to be located, including 24-hour contact information;
  - d. A vicinity map showing:
    - i. The proposed location of the collection container;
    - ii. The distance between the proposed location and all existing collection containers within 500 feet of the proposed location, as measured from lot line to lot line; and
    - iii. The distance between the proposed location and all residentially-zoned property within 500 feet of the proposed location, as measured from lot line to lot line.
  - e. Photographs of the location and adjacent properties;
  - f. A site plan containing:
    - i. Location and dimensions of all property boundaries;
    - ii. Location of all buildings;
    - iii. Proposed collection container location;

- iv. Distance between the proposed collection container and property lines and buildings; and
  - v. Location and dimensions of all existing and proposed driveways, garages, carports, parking spaces, maneuvering aisles, pavement and striping/markings;
  - g. Elevations showing the appearance, materials, and dimensions of the collection container, including the information required in this Subsection III-12-C to be placed on the collection container and notice sign;
  - h. A description and/or diagram of the proposed locking mechanism of the collection container;
  - i. A maintenance plan (including graffiti removal, pick-up schedule, and litter and trash removal on and around the collection container); and
  - j. Any other information regarding time, place, and manner of the collection container's operation, placement, and maintenance that is reasonably necessary to evaluate the proposal's consistency with the requirements of this Subsection III-12-C.
- 2. Permit expiration and renewal.** A permit issued under this Subsection III-12-C-2 will expire and become null and void annually on the anniversary of its date of issuance, unless renewed prior to its expiration. An application for renewal must be submitted prior to the expiration of the permit on a form provided by the zoning administrator, and include:
- a. The signatures of the property owner and the operator of the collection container, acknowledging that they will be equally responsible for compliance with all applicable laws and conditions related to the collection containers for which they are seeking approval;
  - b. A non-refundable application fee in an amount set by resolution of the City Council;
  - c. Photographs of the location and adjacent properties taken within ten days of the submittal of the renewal application;
  - d. A detailed description of any changes to the information submitted on the previous application; and
  - e. Any other information regarding time, place, and manner of the collection container's operation, placement, and maintenance that is reasonably necessary to evaluate the proposal's consistency with the requirements of this Section III-12.

**III-12-D. Decision on application.**

- 1.** The zoning administrator will approve or deny an application within 60 days of the receipt of a completed application. If the zoning administrator fails to take action on the application within the required 60 days, the application shall be deemed approved.
- 2.** The zoning administrator will approve the application if all of the following are true; otherwise the zoning administrator may deny the application:
  - a. The applicant has submitted a complete, fully executed and accurate application accompanied by the applicable fee;
  - b. The property on which the collection container is to be located has been free of graffiti, as defined by the City Code, for at least six months prior to the submission of the application, as evidenced by City records for the property;

- c. The property on which the collection container is to be located has been free of any conditions constituting a nuisance, as defined by the City Code, for at least six months prior to submission of the application, as evidenced by City records for the property;
- d. The applicant is neither currently in violation of, nor has not been found in violation of this Section III-12 within one year prior to submission of the application; and
- e. The application will be in compliance with all of the applicable provisions of this Section III-12.
  - i. The zoning administrator will mail written notice to the applicant of the zoning administrator's decision by First Class United States mail, addressed to the applicant at the address provided on the application. If the application is denied, or approved subject to conditions, the notice will set forth the reasons for the denial or conditions, as well as the facts supporting the zoning administrator' reasons.
  - ii. The decision of the zoning administrator will be final, subject to this Chapter's appeal provisions.

### **III-12-E. Standards.**

#### **1. Location.**

- a. No collection container may be located within 500 feet from any other collection container, as measured from lot line to lot line.
- b. No collection container may be located in a residential zoning district.
- c. No collection container may be located within 500 feet of a property in a residential zoning district, as measured from lot line to lot line.
- d. No collection box may be located in front of the front line of the principal structure, as extended along the length of the property.
- e. No collection container will be located on or within:
  - i. The public right-of-way, including sidewalks;
  - ii. Area designated for landscaping;
- f. No collection container will be located in or block or impede access to any:
  - i. Required parking or driveway areas;
  - ii. Pedestrian routes;
  - iii. Emergency vehicle routes;
  - iv. Building ingress and egress;
  - v. Required access routes for persons with disabilities;
  - vi. Required or recorded easements;
  - vii. Trash enclosure areas or access to trash bins or trash enclosures; or
  - viii. Any place that would impede the functioning of exhaust, ventilation, or fire extinguishing systems.
- g. No more than one collection container will be located on any individual lot.
- h. No collection container will be located within the clear vision triangle of any intersection, or within any required yard or setback.

## 2. Physical attributes.

- a. All collection containers must:
  - i. Be fabricated of durable and waterproof materials;
  - ii. Be placed on a level impervious surface;
  - iii. Have a tamper-resistant locking mechanism for all collection openings;
  - iv. Not be electrically or hydraulically powered or otherwise mechanized; and
  - v. Not be considered a fixture of the site or an improvement to real property.
- b. Collection containers may not exceed six and one-half-feet in height, five feet in width and five feet in depth.
- c. Signage on collection containers will not exceed five-inch letter height. Collection containers must have the following information conspicuously displayed in at least two-inch type visible from the front of the collection container:
  - i. The name, address, 24-hour telephone number, and, if available, the Internet Web address, and email address of the permittee, the operator of the collection container, and the owner of the real property;
  - ii. The type of material that may be deposited; and
  - iii. A notice stating that it is strictly prohibited to leave any materials outside the collection container.

## 3. Maintenance and operation.

- a. No overflow collection items, litter, debris or dumped materials will be allowed to accumulate within 20 feet of any collection container.
- b. Collection containers will be maintained at all times in good working order, and at all times free from graffiti, removed or damaged signs and notifications, peeling paint, rust, and broken collection operating mechanisms.
- c. Collection containers will be serviced not less than weekly between 7:00 a.m. and 7:00 p.m. on weekdays and 10:00 a.m. and 6:00 p.m. on weekends. This servicing includes maintenance of the container, the removal of collected materials, and removal of any graffiti, litter, or nuisance conditions as defined in the City Code.
- d. The operator will maintain an active email address and a 24-hour telephone service with recording capability for the public to register complaints.
- e. It is strictly prohibited to allow a collection container to be used for solid waste or hazardous materials.

## 4. Removal; notice.

- a. The placement, maintenance, or site-hosting of a collection container(s) in violation of any applicable requirements set forth in this Section III-12 is hereby declared a nuisance.
- b. In addition to the penalties provided in Subsection III-12-E-5 below and provided by other law, the City may further abate such nuisance by removing and impounding the nuisance collection containers after providing reasonable notice to the permittee, operator of the nuisance collection container, and owner of the real property, by affixing signage on the nuisance collection container. The dated notice will state that the nuisance collection container will be removed and impounded within seven days of the posting of

the notice, unless the nuisance conditions are fully corrected to the satisfaction of the zoning administrator in strict accordance with the requirements of this Section III-12.

c. Following impoundment, the zoning administrator or her designee will provide written notice to any reasonably ascertainable permittee, owner of the nuisance collection container, and owner of the real property that:

i. The collection container has been impounded; and

ii. If the collection container is not claimed within 180 days of impoundment, the City will be authorized to dispose of the collection container and its contents in accordance with the Law Enforcement Disposition of Property Act, 765 ILCS 1030/3, or in any other lawful manner.

d. The permittee, the owner of the nuisance collection container, and the owner of the real property hosting the nuisance collection container are jointly and severally liable for the reasonable costs of removal, storage, and disposal incurred by the City.

e. The impounded collection container can be recovered only after the violation is corrected to the satisfaction of the zoning administrator in strict accordance with the requirements of this Section III-12, all outstanding final code violation fines, if any, have been paid in full, and a \$100.00 administrative processing fee is paid in full.

5. Penalty. Any person violating any provision of this Section III-12 shall be subject to a penalty as provided in Appendix B of the City Code. Each day that a violation exists shall be considered a separate violation of this Chapter.

### **III-13 - PERSONAL WIRELESS SERVICES**

#### **III-13-A. Purpose.**

1. The purpose of this Section III-13 is to provide specific regulations for the placement, construction and modification of personal wireless service facilities. In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, the City of Rolling Meadows finds that these regulations are necessary to:

a. Facilitate the efficient provision of personal wireless services to the residents of the City, as well as to other persons, firms, and/or corporations in the vicinity of the City;

b. Minimize adverse visual effects of personal wireless service facilities, through careful design, siting, screening, and landscape buffering standards;

c. Minimize the impacts of personal wireless service facilities on, and reduce conflicts with, the architectural, historical, tourism and economic significance of historic structures and districts designated by the Federal, State and local governments;

d. Minimize the impacts of personal wireless service facilities on, and reduce conflicts with, the architectural, historical, tourism and economic significance of the City's principal commercial and tourist areas;

e. Avoid potential damage to adjacent properties from falling ice and tower failure through structural standards and setback requirements;

f. Promote, encourage and maximize the shared use of existing and approved buildings and antenna support structures to accommodate new personal wireless service facilities in order to reduce the number of towers needed to serve the community; and

g. Promote, encourage and maximize the use of existing tall structures that have been established within the community for the collocation of new personal wireless service facilities.

### **III-13-B. Authorization.**

1. Subject to the limitations of this Section III-13, all uses and structures that are classified as Personal Wireless Services shall be subject to the following standards, regulations, and requirements at all times in those zoning districts in which they are Special Uses.

### **III-13-C. Location.**

1. Personal wireless services antennas shall be located on lawfully pre-existing antenna support structures or other lawfully pre-existing buildings or structures wherever possible. No Special Use permits authorizing construction of a new antenna support structure or addition to or expansion of an existing antenna support structure or existing building or structure shall be authorized unless the applicant is able to demonstrate that no lawfully pre-existing antenna support structure or lawfully pre-existing building or structure is available, on commercially reasonable terms, and sufficient for the location of an antenna necessary for the provision of personal wireless services.

### **III-13-D. Design of New Antenna Support Structures for Co-Location.**

1. Unless otherwise authorized by the City Council for good cause shown, every new personal wireless services antenna support structure of a tower design shall be designed, constructed, and installed to be of a sufficient size and capacity to allow the location of additional personal wireless services antennas to accommodate at least one additional personal wireless service provider on such structure in the future. Any Special Use permit for such a support structure may be conditioned upon the agreement of the applicant to allow co-location of other personal wireless service providers on commercially reasonable terms specified in such special permit.

### **III-13-E. Tower Design.**

1. Every new personal wireless services antenna support structure that is of a tower design shall:

- a. be a monopole, rather than latticework, unless otherwise authorized by the City Council for good cause shown;
- b. not be illuminated or have any signs installed thereon unless otherwise required by federal law or regulations; and
- c. be separated from any principal building by a distance that is not less than 110 percent of the height of the tower. For the purposes of this requirement, this distance shall be measured horizontally from the center of the base of the supporting structure of the tower to the point where the ground meets a vertical wall of such principal building.
- d. Any deck on such a tower shall be centered on the tower and the radius from the center of the tower to the outside of the deck shall not exceed six feet. Each side of the deck shall not exceed six feet vertically.

### **III-13-F. Antennas on Buildings and Structures.**

1. Personal wireless services antennas that are installed on buildings and structures must conform with the following:

a. Such antennas shall be located only on a lawfully pre-existing building and shall not exceed the following dimensions:

i. omnidirectional or whip antennas shall not exceed six inches in diameter and 12 feet vertically; and

ii. directional or panel antennas shall not exceed three feet horizontally and six feet vertically.

iii. Such antennas and any necessary antenna support structure shall be fully enclosed or shielded from view from any point located off the lot on which they are located by a structure otherwise permitted on the lot and all electronic equipment is fully enclosed in a structure otherwise permitted on the lot. All such antennas shall not exceed the maximum height authorized by applicable zoning district regulations, and shall not extend above the highest point of the building or structure to which they are attached or more than two feet from the exterior of any wall or roof of the building to which they are attached.

### **III-13-G. Color.**

1. Every personal wireless services antenna and antenna support structure shall be neutral colors that are harmonious with, and that blend with, the natural features, buildings, and structures surrounding such antenna and antenna support structures; provided, however, that directional or panel antennas and omnidirectional or whip antennas located on the exterior of a building that will also serve as an antenna support structure shall be of colors that match, and cause the antenna to blend with the exterior of the building.

### **III-13-H. Landscaping and Fencing.**

1. In addition to any other applicable buffer and landscaping requirements of this Chapter, all ground-mounted antennas, antenna support structures, related electronic equipment, and equipment enclosures shall be subject to the following:

a. In order to minimize the visibility of such facilities, a natural screen or fence shall be erected if not already provided, so as to provide the maximum reasonable achievable screening as determined by the City Council.

b. Any natural screen shall be a minimum of six feet in height when planted, with dense plantings spaced no more than two feet apart.

c. Any fence shall be a minimum of eight feet in height, except where fence height is otherwise limited by this Chapter, and shall be of a style of construction that provides a visual shield of the facilities.

### **III-13-I. Protection Against Climbing.**

1. Every personal wireless services antenna and antenna support structure shall be protected against unauthorized climbing or other access by the public.

### **III-13-J. Equipment Enclosures.**

1. All electronic and other related equipment and appurtenances necessary for the operation of any personal wireless services antenna shall, whenever possible, be located within a lawfully pre-existing structure or completely below grade.

2. When a new structure is needed to house such equipment, screening shall be required as approved by the Zoning Administrator to mitigate views or other potential adverse impacts on adjacent properties and include shall include one of the following: an open design fence with

landscaping, a solid fence, or other design determined by the Zoning Administrator to be as equally effective screen.

3. Any freestanding structure that is not attached to or within an existing building or located completely below grade shall not exceed a maximum height of fifteen feet.

### **III-13-K. Licenses and Permits.**

1. The operator of every personal wireless services antenna shall maintain all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of such antenna. In addition, any such operator shall annually provide copies of such licenses and permits, and provide evidence of renewal or extension thereof, to the Zoning Administrator.

### **III-13-L. Compliance with Plans.**

1. Every personal wireless services antenna and antenna support structure shall comply with all plans approved by the City.

### **III-13-M. Limited to Applicant.**

1. Every ordinance granting approval of a special permit for a personal wireless services antenna or antenna support structure shall state that any assignment or transfer of the special permit or any of the rights thereunder may be made only with the approval of the City Council.

### **III-13-N. Term Limitation.**

1. Unless otherwise provided by ordinance, every Special Use permit for a personal wireless services antenna or antenna support structure is subject to the following conditions:

a. Where the provider of personal wireless services is not the owner of the land on which such antenna or structure is located, the term of the Special Use permit is limited to the term of the lease or other agreement granting rights to use the land; and

b. The Special Use permit shall be subject to review by the City Council, at ten year intervals, to determine whether the technology in the provision of personal wireless services has changed such that the necessity for the Special Use permit at the time of its approval has been eliminated or modified, and whether the Special Use permit should be modified or terminated as a result of any such change.

### **III-13-O. Abandonment and Removal.**

1. When one or more antennas, an antenna support structure, or related equipment are not operated for the provision of personal wireless services for a continuous period of twelve months or more, such antenna, antenna support structure, or related equipment may be deemed to be abandoned and must be removed. The City will be entitled to remove such an antenna, antenna support structure, or related equipment if the owner does not remove such items within ninety (90) days following the mailing of written notice that removal is required. Such notice shall be sent by certified or registered mail, return receipt requested, by the City to such owner at the last known address of such owner. If two or more providers of personal wireless services use the antenna support structure or related equipment to provide personal wireless services, then the period of non-use under this provision shall be measured from the cessation of operation at the location of such antenna support structure or related equipment by all such providers.

### **III-13-P. Security Fund.**

1. The owner of every personal wireless services antenna shall establish a security fund in a form and in an amount as set forth in this Subsection III-13-P. The security fund shall serve as security for the removal of the antenna. The security fund shall be continuously maintained in accordance with this Subsection III-13-P at the owner's sole cost and expense until the antenna is removed.

a. Form. The owner shall provide the security fund to the City in the form of cash, unconditional letter of credit, or surety bond, in a form acceptable to the City.

b. Amount. The dollar amount of the security fund shall be equal to the City Engineer's reasonable estimated removal cost for the antenna.

c. Withdrawals. Following a removal notice provided under Subsection III-13-O above, the City may withdraw an amount from the security fund, provided that the owner or operator has not removed the antenna within the 90-day notice period.

d. Return. Upon removal of the antenna, the City will return the security fund, or such portion remaining on deposit, to the owner within a reasonable time after account is taken for all offsets necessary to compensate the City for the owner's failure to remove the antenna upon notice provided by Subsection III-13-O.

e. Rights not limited. The rights reserved to the City with respect to the security fund are in addition to all other rights of the City, whether reserved by this Section III-13 or otherwise authorized by law, and no action, proceeding or exercise of right with respect to said security fund shall affect any other right the City may have.

### **III-13-Q. Insurance.**

1. The operator of every personal wireless services antenna must tender to the Zoning Administrator, on an annual basis, proof of public liability insurance covering the facility in an amount not less than One Million Dollars (\$1,000,000.00).

## **III-14 - ADULT-USE CANNABIS**

**III-14-A. Purpose and Applicability:** It is the intent and purpose of this Section to provide regulations regarding the cultivation, craft growing, infusing and dispensing of adult-use cannabis occurring within the corporate limits of the City of Rolling Meadows. Adult-Use Cannabis Business Establishments shall comply with all regulations provided in the Cannabis Regulation and Tax Act ("Act"), the Department of Agriculture rules, and the City regulations provided in the City's Zoning Ordinance. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

**III-14-B. Special Use:** Adult-Use Cannabis Business Establishment facilities, as defined herein, require approval of a Special Use in the districts in which they are listed according to Table 5.13 Land Use Table and such request for a Special Use shall be processed in accordance with Section VI-3-E (Special Uses) of Chapter 122 (Zoning) and as provided herein below. If an Adult-Use Cannabis Business Establishment is not identified as a permitted or special use in a particular zoning district of the City, such use shall be deemed prohibited in that zoning district.

**III-14-C. Prohibited Uses:** The businesses of Adult-Use Cannabis Processing Organization, and Adult Use Cannabis Transporting Organization are prohibited uses in any zoning district of the City, and are specifically excluded from the definition of the term "Adult-Use Cannabis Business Establishment."

**III-14-D. Adult-Use Cannabis Business Establishment Facility Components:** In determining compliance with Section VI-3-E (Special Uses) of Chapter 122 (Zoning), the following components of the Adult-Use Cannabis Business Establishment facility shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties in the immediate area:

1. Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
2. Proposed structure in which the facility will be located, including total square footage, security installations/security plan and building code compliance.
3. Hours of operation and anticipated number of customers/employees.
4. Anticipated parking demand and available parking supply. On-site parking must meet the requirements of Article IV or may be supplemented with reasonably available nearby off-site parking when authorized by Article IV. Parking must be visible from the public road or private road in which it is accessible, unless otherwise authorized in writing by the Police Chief.
5. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
6. Site design, including access points, internal site circulation, and adequate loading facilities and security.
7. Proposed signage plan in compliance with the following regulations:
  - a. No outdoor, window, or on-site media display of merchandise and/or products related to marijuana or cannabis allowed.
  - b. No exterior signage that contains any statement or illustration that is: (a) is false or misleading; (b) promotes excessive consumption; (c) depicts a person under 21 years of age consuming cannabis; (d) includes the image of a cannabis leaf; or (e) includes any image designed or likely to appeal to minors, including cartoons, toys, animals, or children, or any other likeness to images, characters, or phrases that are popularly used to advertise to children, or any imitation of candy packaging or labeling, or that promotes consumption of cannabis.
8. Compliance with all requirements provided in Paragraph (e) (Adult-Use Cannabis Cultivation Center), Paragraph (f) (Adult-Use Cannabis Dispensing Organization), (g) Adult-Use Cannabis Craft Grower, (h) Adult-Use Cannabis Infuser Organization or Infuser and Paragraph (i) (Additional Requirements) of this Section III-14, as applicable.
9. Other criteria determined to be necessary to assess compliance with Section VI-3-E (Special Uses) of Chapter 122 (Zoning) of the Code of Ordinances City of Rolling Meadows, Illinois.

**III-14-E. Adult-Use Cannabis Cultivation Center:** In those zoning districts in which an Adult-Use Cannabis Cultivation Center may be located, the proposed facility must comply with the following:

1. Facility may not be located within 2,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

2. Facility may not be located within 2,500 feet of the property line of a vacant property zoned residential or a pre-existing use or structure on a property zoned or used for residential purposes.

3. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

4. For purposes of determining required parking, Adult-Use Cannabis Cultivation Center shall be in compliance with Article IV, provided, however, that the City may require that additional or less parking be provided, as a result of the analysis completed pursuant to this Section and Section VI-3-E herein. Additionally, off-site parking may be utilized when authorized and/or conditioned by the City Council in the ordinance granting the Special Use.

5. Petitioner shall file an affidavit with the City affirming compliance with Chapter 122 “Zoning”, of the Code of Ordinances City of Rolling Meadows, Illinois, and all other requirements of the Act.

**III-14-F. Adult-Use Cannabis Dispensing Organization:** In those zoning districts in which an Adult-Use Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:

1. Facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

2. Facility may not be located within 1,000 feet of the property line of a vacant property zoned residential or a pre-existing use or structure on a property zoned and used for residential purposes.

3. Single-use property. Adult-use cannabis dispensing facilities shall not be established in a multiple-use or multi-tenant properties or on a property that shares parking with other uses.

4. At least 75% of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall also sell food for consumption on the premises.

5. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

6. Adult-use cannabis dispensing facilities shall only operate between the hours of 6:00 a.m. and 8:00 p.m.

7. Facility shall not dispense cannabis or other products through a drive-through window.

8. For purposes of determining required parking, Adult-Use Cannabis Dispensing Organizations shall be in compliance with Article IV, provided, however, that the City may require that additional or less parking be provided, as a result of the analysis completed pursuant to this Section and Section VI-3-E herein. Additionally, off-site parking may be utilized when authorized and/or conditioned by the City Council in the ordinance granting the Special Use.

9. Petitioner shall file an affidavit with the City affirming compliance with Chapter 122 “Zoning”, of the Code of Ordinances City of Rolling Meadows, Illinois, and all other requirements of the Act.

**III-14-G. Adult-Use Cannabis Craft Grower:** In those zoning districts in which an Adult-Use Cannabis Craft Grower may be located, the proposed facility must comply with the following:

1. Single-use property. Adult-use cannabis craft growers shall not be established in a non-cannabis multiple-use building or multi-tenant properties, or on a property that shares parking with other uses.
2. Facility may not conduct any retail sales or distribution of cannabis other than as authorized by the Act.
3. For purposes of determining required parking, Adult-Use Cannabis Craft Growers shall be in compliance with Article IV, provided, however, that the City may require that additional or less parking be provided, as a result of the analysis completed pursuant to this Section and Section VI-3-E herein. Additionally, off-site parking may be utilized when authorized and/or conditioned by the City Council in the ordinance granting the Special Use..
4. Petitioner shall file an affidavit with the City affirming compliance with Chapter 122 “Zoning”, of the Code of Ordinances City of Rolling Meadows, Illinois, and all other requirements of the Act.

**III-14-H. Adult-Use Cannabis Infuser Organization or Infuser:** In those zoning districts in which an Adult-Use Cannabis Infuser Organization or Infuser may be located, the proposed facility must comply with the following:

1. Single-use property. Adult-use cannabis dispensing facilities shall not be established in a non-cannabis multiple-use building or multi-tenant properties or on a property that shares parking with other uses.
2. Facility may not conduct any retail sales or distribution of cannabis other than as authorized by the Act.
3. For purposes of determining required parking, Adult-Use Cannabis Infuser Organizations or Infusers shall be in compliance with Article IV, provided, however, that the City may require that additional or less parking be provided, as a result of the analysis completed pursuant to this Section and Section VI-3-E herein. Additionally, off-site parking may be utilized when authorized and/or conditioned by the City Council in the ordinance granting the Special Use.
4. Petitioner shall file an affidavit with the City affirming compliance with Chapter 122 “Zoning”, of the Code of Ordinances City of Rolling Meadows, Illinois, and all other requirements of the Act.

**III-14-I. Additional Requirements.**

1. On-site consumption. On-site consumption of cannabis or any cannabis infused product is prohibited in any Adult-Use Cannabis Business Establishment, or on any property occupied by an Adult-Use Cannabis Business Establishment.
2. Limits on Adult-Use Cannabis Business Establishments. There shall be no more than one (1) Adult-Use Cannabis Business Establishment within the corporate limits of the City of Rolling Meadows.
3. Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the special use permit, to ensure the safety of employees and customers of the Adult-Use Cannabis Business Establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for an Adult-Use Cannabis Business Establishment and the site on which it is located, consistent with the requirements of the Act.

### **III-15 - VIDEO GAMING CAFÉS**

**III-15-A. Purpose and applicability.** It is the intent and purpose of this section to provide regulations regarding video gaming cafes. Video gaming cafes are commercial enterprises with unique qualities which differentiate them from other permitted and special uses and, as such, require the imposition of certain specific regulations intended to promote the public health, safety, comfort, morals and convenience by ensuring that such uses are compatible with neighboring property. Additionally, video gaming cafes are uses that are regulated by the Illinois Gaming Board and must comply with all regulations provided in the Illinois Video Gaming Act (230 ILCS 40/1 et seq.), and as the Act may be subsequently amended from time-to-time, as well as the regulations promulgated thereunder.

**III-15-B. Special use.** Video gaming cafes, as defined herein in Article II of this Zoning Ordinance and as determined by the City and referred by the City Council in accordance with Section 6-34(12) of the City Code, requires approval of a Special Use in the respective districts in which they are listed or identified as such. Any request for a Special Use shall be processed in accordance with Section VI-3-E (Special Uses) of Chapter 122 (zoning) and as provided herein below. If a video gaming cafe is not identified as a permitted or special use in a particular zoning district of the city, such use shall be deemed prohibited in that zoning district.

**III-15-C. Submission Requirements:** The following items shall be submitted as part of the special use request for a video gaming café:

1. An accurately dimensioned site plan indicating buildings, building entrances, parking, sidewalks, adjacent streets and immediately surrounding uses. If the proposed video gaming cafe is to be in a multi-use building, all tenant spaces shall be identified by tenant name, gross square footage of the space, number of employees, and number of commercial vehicles associated with each space.
2. A scaled floor plan of the interior of the facility shall be submitted, showing the location, layout and square footage of all areas, including tables/seating, dining, bars, waiting area, offices, kitchen, video gaming devices, bathrooms, mechanicals, etc.
3. A security plan for the video gaming cafe that includes facility access controls, surveillance systems, on-site security personnel, and other security measures required by state or local regulations. Security arrangements must deter and prevent unauthorized entrance into areas containing video gaming devices, and ensure the safety of employees and customers of the video gaming café, as well as the surrounding area, and include no less than the minimum security measures required by state law. The security plan shall be reviewed and approved by the Chief of Police.
4. The proposed plan of operations of the video gaming establishment must demonstrate the intent of the organization to operate in full compliance with the Illinois Video Gaming Act, as applicable.

**III-15-D. Applicable Regulations:**

1. All video gaming cafes must receive a class GC license from the city pursuant to section 6-36 of the City Code in order to operate.
2. Size: All Video Gaming Cafés must have a minimum gross square footage of at least 1,200 square feet in size, with no more than 30 percent of the gross square footage occupied by video gaming machines and surrounding space.

- 3. Refuse Disposal Area:** All Video Gaming Café properties shall have or provide a refuse disposal area, which shall be screened on all sides by a solid wood, composite or masonry fence or an equivalent material to a height of not less than six feet (6') but no more than seven feet (7'), as approved by the Director of Public Works.
- 4. Exterior Lighting:** Parking lot lighting shall be provided to ensure not less than 1 footcandle of light at the property line. All parking lot or exterior lighting shall be inwardly directed so that no direct lighting is cast off-premises.
- 5. Outside business activity for Video Gaming Cafés** is limited to food and beverage service, and only in compliance with Section III-5 of this Chapter.
- 6. Off-street Parking and Loading:** All uses shall conform to the requirements for off-street parking and loading as set forth in Article IV of this chapter. Parking surfaces shall be in good repair, as determined by the Director of Public Works, or shall be repaired or resurfaced pursuant to properly issued permits prior to the issuance of any special use permit.
- 7. Signs:** All signs shall conform to the requirements for signs as set forth in the sign regulations set forth in Article X of the Zoning Ordinance and Section 6-36 of the City Code.
- 8. Exterior Appearance:** The exterior appearance of the building shall be compatible with commercial structures already constructed or under construction within the immediate neighborhood, to ensure against blight, deterioration, or substantial diminishment or impairment of property values in the vicinity. Necessary improvements shall be as determined by the Director of Public Works and shall be completed prior to the issuance of any special use permit.
- 9. Video Gaming Cafés** must be separated by a minimum of 900' from the next closest Video Gaming Cafe, and not more than one Video Gaming Café can operate in the same multi-tenant building. Distance shall be measured in a straight line between the two closest corners of the establishments' closet perimeter walls or corners.
- 10. All Video Gaming Cafés** shall abide by all other applicable state and City regulations and requirements including all provisions of Chapter 6 of this Code.
- 11. Video Gaming Cafés** shall obtain and maintain at all times valid licensing, certification, and/or accreditation by appropriate local, state and national bodies charged with the regulation of video gaming and shall adhere to all governing local, state and national codes and regulations.
- 12. A maximum of five (5) video gaming cafes** may operate within the City pursuant to a special use permit and may only be located in the C-1, C-2 or C-3 zoning district and in one of the following four geographic areas generally described below and identified on the Gaming License Map maintained by the City, subject to the maximum number of Video Gaming Cafes for each area as set forth below:
  - a. Area 1: (Kirchoff Road Corridor generally described as the commercially-zoned area along Kirchoff Road between Wilke Road and Rowling Road). Maximum # of Video Gaming Cafes = 2.
  - b. Area 2: (Meacham/ Plum Grove Road Corridor generally described as the commercially-zoned area along Meacham/Plum Grove Road between Algonquin Road and Illinois Avenue). Maximum # of Video Gaming Cafes = 2
  - c. Area 3: (Golf & Algonquin Road Corridor generally described as the commercially-zoned area along Golf, Algonquin and New Wilke Roads, in the vicinity of Meadows Town Mall Shopping Center). Maximum # of Video Gaming Cafes = 1

d. Area 4: (All other commercially zoned areas of the City of Rolling Meadows).  
Maximum # of Video Gaming Cafes = 0

**13.** There shall be no more than one (1) Video Gaming Café in any commercial building designated to accommodate multiple businesses.

**14.** All Video Gaming Cafés shall maintain one or more commercial-grade cooking device(s), including at least one or a combination of full-sized commercial grade ovens, grills, fryers, or ranges capable of preparing made-to-order hot items on the menu. Countertop equipment, food warmers and other holding and warming equipment are not sufficient on their own to meet this requirement. The beverage and food offerings of the establishment shall include a variety of non-alcoholic beverages and a minimum of ten (10) hot food items which shall be served during all hours of operation. No less than five (5) hot food items offered by the establishment must be prepared from scratch in the establishment and may not be pre-packaged and/or pre-prepared. An example of pre-packaged would be a pre-cooked breakfast sandwich that is heated up. An example of pre-prepared is a frozen pizza that is heated up in a standard or convection oven.

**III-15-E.** All Video Gaming Cafés that exist on July 28, 2020 will be evaluated under the criteria set forth in section 6-34 of the City Code in order to determine whether the establishment constitutes a Video Gaming Café. Any establishment that qualifies as a Video Gaming Cafe under Section 6-34 and classifies as a GC-licensed establishment under section 6-36 of the City Code and that exists prior to [date of Ordinance passage] and is in good standing with the City shall, at the time of passage of the enacting Ordinance, be granted a special use permit administratively by the City Council to be applied prospectively, upon the recommendation of the City Manager.

**III-15-F.** Any proposed text amendment with respect to the provisions of this Section , must first be reviewed by the City Council and referred from the City Council to the City's Planning and Zoning Commission prior to any consideration by the City's Planning and Zoning Commission on the text amendment.

# ARTICLE IV

## OFF-STREET PARKING AND LOADING

### IV-1 - GENERAL PROVISIONS

#### IV-1-A. Purpose.

1. The purpose of this Article is to provide off-street parking and loading areas to support the needs of current, proposed, and future uses of a property. The provisions contained in this Article are established to:

- a. Promote efficient circulation and prevent traffic congestion of the public right-of-way.
- b. Provide adequate screening and landscaping measures for parking and maneuvering areas in a manner that is visually attractive.
- c. Ensure pedestrian-friendly Parking Areas by providing safe, adequate, and convenient pedestrian routes.
- d. Provide for the accessibility needs and requirements of persons with disabilities.
- e. Allow flexible parking standards to improve circulation, promote community character, and support economic development.
- f. Provide adequate on-site bicycle parking.
- g. Provide adequate on-site vehicle parking.

#### IV-1-B. Applicability.

1. All Zoning Districts. The provisions for off-street parking and loading specified in this Article shall apply to all zoning districts, unless otherwise noted.

2. Existing Buildings. For existing buildings and existing land uses, the following provisions shall apply:

- a. At time ordinance is adopted. The minimum number of parking spaces designated for specific land uses in Section IV-8 shall not be applied to existing structures or for structures that have an approved building permit on the effective date of this ordinance. The regulations in effect at the time of permit issuance apply in those cases.
- b. Subsequent expansions. If a structure or use of land is enlarged, expanded or changed, there shall be provided and maintained, for the increment of expansion only, at least the amount of off-street parking space that would be required if the increment were a separate structure, new use established or placed into operation after the effective date of this ordinance.
- c. Change in land use. Where land uses change in an existing building, the parking standards for the new land use shall apply.

3. Existing Parking Areas. For existing Parking Areas, the following provisions shall apply:

- a. Regular maintenance (such as sealcoating) of Parking Areas shall not require the Parking Area to be brought into conformance the requirements of this Article.
- b. Parking Areas of Commercial and Manufacturing Uses for which partial reconstruction (such as grind and overlay) is conducted shall provide perimeter landscaping (as specified in Subsection IV-2-G-6-e: Perimeter Landscaping of this Article) and Interior

landscaping (as specified in Subsection IV-2-G-6-d Interior Parking Lot Landscaping of this Article); except that if complying with these requirements will reduce the number of parking spaces provided to below what is required by this Article, the Zoning Administrator may grant the minimum amount of relief from Section IV-2-G: Design and Maintenance of this Article as is necessary to make enhancements to the Parking Area that allow the minimum required number of parking spaces to be preserved.

c. Parking Areas of Commercial and Manufacturing Uses which are reconstructed to their base and properties where a new building is constructed, shall meet all requirements of this Article; except that if complying with these requirements will reduce the number of parking spaces provided to below what is required by this Article, the Zoning Administrator may grant the minimum amount of relief from Section IV-2-G: Design and Maintenance of this Article as is necessary to make enhancements to the Parking Area that allow the minimum required number of parking spaces to be preserved.

4. New Buildings. All buildings constructed after the effective date of this ordinance shall provide for parking that conforms to the standards of this ordinance.

**IV-1-C. Exemption.** When application of the off-street parking provisions specified in this Article results in a requirement of three spaces or less on a single lot in any Commercial or Manufacturing District, the standards contained in this Subsection IV-1-B shall not apply.

## IV-2 - GENERAL STANDARDS FOR OFF-STREET PARKING

**IV-2-A. Location.** Required Parking Areas must be located off-street and on the same lot as the building or use they are required to serve, unless specified below:

1. Parking Areas are permitted encroachments only as indicated in this Subsection IV-2-A-1 or otherwise allowed by this Chapter:

a. In Commercial and Manufacturing Zoning Districts and for Multiple-family uses:

i. Parking Areas may encroach into required Side Yards and required Rear Yards.

ii. Parking Areas shall not encroach into Front Yards; except for properties zoned C-2, M-1, and M-2 where a minimum Front Yard setback of 15 feet shall be maintained for all Parking Areas.

b. In Commercial and Manufacturing Zoning Districts and for Multiple-family uses adjacent to properties with Single Family Detached, Single Family Attached or Two Family Dwellings, Parking Areas may encroach into required Side Yards and required Rear Yards except that a minimum setback of 10 feet shall be maintained for all Parking Areas.

2. In Commercial and Manufacturing Zoning Districts:

a. Parking Areas may be provided on the same lot or property being served, or on a separate lot or property, so long as all Parking Areas located on a separate property are located within seven hundred and fifty (750) feet of a main entrance of the related building or use. The zoning classification of such separate lot or property where the off-street Parking Areas are located shall not be zoned for single family residential.

b. 10% of the required parking and no less than five (5) spaces shall be accessible to visitors outside of any fenced in or secured area.

c. Clearly identifiable and safe pedestrian paths shall be provided from Parking Areas to the main building entrance.

**3. Control of off-site Parking Areas.** When required accessory off-street Parking Areas are provided elsewhere than on the lot on which the principal use served is located, they shall be in the same possession, either by deed or long-term lease, as the property occupied by such principal use, and the owner shall be bound by covenants filed of record in the Cook County Recorder of Deeds requiring the owner and his or her heirs and assigns to maintain the required number of parking spaces during the existence of said principal use.

**IV-2-B. Size and Configuration.** Each required parking space shall provide safe and efficient means of vehicular access and egress to such parking space at all times. Each off-street space shall be marked on the ground to delineate its exact location. The dimensions of all parking spaces and aisles shall be as regulated in Chapter 18 of the City Code, Section 18-245(3).

**IV-2-C. Access to Public Streets and Rights of Way.**

1. Parking Areas shall be designed with appropriate means of vehicular access to a street. Such access, as well as any access to an alley or adjacent property, will be designed in such a manner as will least interfere with the movement of traffic.
2. Any driveway accessing a street from private residential property shall have a maximum width of 25 feet.
3. Any driveway accessing a street from private commercial or manufacturing property shall have a maximum width of 36 feet, unless otherwise provided in this Chapter.
4. All driveway lanes accessing a public street from private property shall have a minimum width of 12 feet.
5. The number of lanes per driveway will be determined as part of the Site Plan Review (See Article VI, Administration and Development Review). Wider driveway widths for Commercial and Manufacturing properties may be permitted through Site Plan Review upon evidence provided by the applicant and finding by the Zoning Administrator that wider lanes or additional lanes are required to provide safe access or to best manage traffic flow to and from the site.

**IV-2-D. Computation.** When determination of the number of off-street parking spaces required by this Article results in a requirement of a fractional space, any fraction in excess of one-half shall be counted as one parking space.

**IV-2-E. Utilization.**

1. Except where a Special Use has granted such authority, required accessory off-street Parking Areas shall be solely for the parking of vehicles in operating condition.
2. No vehicular repair work except emergency service shall be permitted in association with any off-street Parking Areas.

**IV-2-F. Vehicles displayed and offered for sale.** Vehicles displayed and offered for sale are subject to the following restrictions:

1. The owner of the vehicle must reside on the property on the premises where the vehicle is displayed and offered for sale.
2. Not more than two vehicles shall be displayed and offered for sale at one time.
3. Not more than four vehicles shall be displayed and offered for sale within a 12-month period.
4. Any sign displaying a vehicle for sale shall be located inside of the vehicle.

## **IV-2-G. Design and Maintenance.**

**1. Plan.** For all non-residential uses, the design of parking lots or areas shall be subject to approval through the Site Plan Review Process.

**2. Character.** Accessory parking spaces may be open to the sky, or enclosed in a parking structure.

**3. Surfacing.** All off-street parking spaces, drives, and aisles or lanes accessory to any building, structure or use shall be improved in keeping with engineering standards adopted by the City from time to time.

**4. Curbs and Wheel Guards.** All off-street parking spaces within parking lots shall provide continuous curbs. Wheel guards or bumper guards may be installed as determined through the site plan review process. Any concrete wheel guards or bumper guards shall be permanently secured to the finished surface of the Parking Area. Breaks in the curbs to facilitate drainage may be authorized by the Zoning Administrator.

**5. Striping.** All off-street parking spaces, within parking lots, shall be properly marked by a four (4) inch wide painted stripe. All such striping shall be clearly visible at all times.

**6. Screening and Landscaping.** It is the purpose and intent of this Subsection IV-2-G-6 to require adequate landscaping and site design of Parking Areas to protect adjacent property and surrounding neighborhoods against undesirable effects from the creation and operation of parking or loading areas through the screening effects and aesthetic qualities of landscaping and sound site design. It also is the intent of this Subsection IV-2-G-6 to create aesthetically appealing and safe Parking Areas for the users of such properties.

a. All parking and loading areas, including any associated mechanical equipment shall be properly screened and landscaped as listed below, unless otherwise stated within this Subsection IV-2-G-6.

b. The Zoning Administrator shall have the authority to allow alternate landscape materials to those specified in this Subsection IV-2-G-6 upon finding that specified materials are not available for installation or there otherwise exists unique circumstance or particular hardship. Also, in allowing for alternative landscape materials the Zoning Administrator shall find that such landscape materials will provide equivalent or better aesthetic character and effective screening as required by this Chapter.

c. General Parking Lot Landscaping

i. Lots with less than 3 parking spaces are not subject to the Parking Area landscaping provisions of this Subsection IV-2-G-6.

ii. The landscaping shall include, to the extent necessary, ground cover, shrubs, hedges, ornamental trees and grasses, perennials, decorative walls, or fencing as listed below.

iii. All landscaping shall be permanently maintained in good condition, satisfactory to the City, with at least the same quality and quantity of landscaping as initially approved. In the event that landscaping should die, the property owner shall replace landscaping in a timely fashion, taking into consideration the season of the year.

iv. At the time of installation, landscaped materials shall be of the following sizes:

1. 2.5 inches DBH for deciduous shade trees.

- 2. 8 feet tall for evergreen trees and ornamental trees.
- 3. 24 inch shrubs.
- 4. gallon-sized perennials.

v. All parking and loading landscape requirements within this Subsection IV-2-G-6 and Chapter 114 - Vegetation of the City Code shall be met at the time of planting.

d. Interior Parking Lot Landscaping

i. Required landscaping percentage (Table 4-2)

- 1. Landscaping must be dispersed throughout the Parking Area. A portion of the required landscaping may be located so as to provide screening of loading areas.
- 2. A landscaped area with at least one tree (as indicated in #5 below) shall be required at the end of all parking rows, and shall be equal to 180 square feet for a single row of parking or 360 square feet for a double row of parking.
- 3. A landscaped area with at least one tree shall be installed and maintained a minimum every 20 parking spaces in order to avoid large expanses of landscaped areas within the parking lot. Landscape areas shall be equal to 180 square feet for a single row of parking or 360 square feet for a double row of parking.
- 4. For every three (3) double bays of parking in a Parking Area, an intermediate parking lot island a minimum of ten (10) feet wide shall be installed between two of the those parking rows for the length of said parking rows, and serve as a safe pedestrian connection leading toward the main entrance of the principal use.
- 5. A minimum of one (1) shade tree must be provided for every parking lot island or landscaped area. In addition to the required shade trees, a minimum of 75% of every parking lot island or landscaped area must be planted in live groundcover, shrubs, perennials, or ornamental grasses.
- 6. In no case can there be less than 1 tree for every 3,000 square feet of Parking Area, including driveways and drive aisles.
- 7. No hedge, wall or berm shall exceed three (3) feet in height within ten (10) feet of any driveway opening.

Table 4-2: Required Landscaping Percentages	
Size of Parking Lot	Percentage Required For Interior Landscaping*
2,999 square feet or less	0%
3,000 to 4,999 square feet	5%
5,000 to 29,000 square feet	8%
*The required interior landscaping percentage shown above may include areas dedicated to tree planting islands, and those portions of the lot that are not dedicated to perimeter landscaping such as curbs, parking spaces and driveways.	

e. Perimeter Parking Lot Landscaping

i. Frontage along the entirety of any parking or loading area adjacent to any public or private street shall be landscaped and protected so as to separate and screen any Parking Area from the adjacent streets or residential uses.

ii. Fencing may be provided, in addition to landscaping for Parking Areas having common property lines with residential uses, upon evidence from the applicant and approval from the Zoning Administrator finding that a landscape screen is impractical to maintain and unlikely to survive.

iii. A minimum 5-foot wide, landscaped area with a continuous three (3) feet high row of shrubs or hedges must be provided between the property line and Parking Area. Plantings shall be no less than three (3) feet within two years of planting.

iv. The use of earth sculpting or berms may contribute to screening requirements, provided these are designed in any area of enough size so as to avoid erosion, drainage or maintenance problems.

v. Existing vegetation which meets, in whole or in part, the purposes of perimeter landscaping above may be applied toward requirements.

f. Transitional Screening Requirements

i. All Parking Areas adjacent to residential land uses shall install and maintain a 100% screen along all lot lines adjacent to such residential use. Except as otherwise provided, it shall have a total height at time of installation of not less than six feet (6'). A screen shall consist of one or more of the following types or as otherwise approved by the Zoning Administrator:

1. Plants: Plant materials, when used as a screen, shall consist of dense evergreen plants and any mixture as the Zoning Administrator directs, in order to adequately shield adjacent residences from lights, noises, or other potential adverse impacts. The Zoning Administrator may require that additional plantings be installed if, two (2) years after installation, plant materials have not formed a 100% screen or such a screen is not maintained.
2. Fencing: Fencing type and location shall be as allowed by this ordinance, or in the case of a Special Use or Planned Development, as approved by the City Council upon recommendation from the Planning and Zoning Commission.

g. Pedestrian Access

i. All parking lots with two or more double-loaded rows must provide internal pedestrian walkways within the Parking Area and outside of the parking row.

1. The walkway must be a minimum of five (5) feet in width.
2. One walkway is required for every two double loaded aisles.
3. The walkway must be located within the Parking Area to serve the maximum number of parking stalls.
4. All walkways must meet all ADA accessibility requirements, see Section IV: 7 Accessible Parking.

ii. All parking lots must include walkways that provide direct connections to building entrances from the spaces furthest from the entrance. At least one walkway must provide a direct connection between the building entrances and the adjacent public

rights-of-way and associated sidewalk.

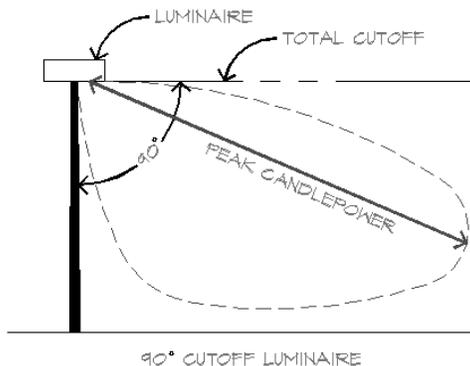
iii. All pedestrian walkways must be clearly marked with high-visibility striping, through the use of alternative materials, such as pavers. Where walkways cross a drive aisle, the walkway must have a continuous surface treatment across the drive aisle.

h. Lighting or other equipment. Any lighting used to illuminate off-street Parking Areas shall be directed or shielded away from residential properties and public streets such that the light source is not visible from the property line (so as to eliminate glare). In no case shall lighting exceed 1 foot candle measured at the property line (Figure IV-2). No lighting used to illuminate off-street Parking Areas shall create a nuisance.

i. All lighting should minimize glare by using recessed, shielded or cut off fixtures, with a cut off angle of 90 degrees or less as shown below.

ii. All lighting system designs shall be part of the Site Plan Review process.

**Figure IV-2**



i. Location. No driveways installed after the effective date of this Chapter, shall be closer than three (3) feet to the adjoining side yard.

i. Except as authorized by a shared driveway for single-family residential properties.

j. Restrictions:

i. Vehicle repair. Parking Areas shall not be used for the repair, dismantling or servicing of any vehicles, equipment, materials or supplies.

ii. Inoperable vehicles. Inoperable vehicles shall not be parked or stored in any unenclosed Parking Areas or other portion of a property.

### IV-3 - CROSS-ACCESS BETWEEN ADJACENT LOTS

Where parking lots for separate uses are adjacent to one another and the opportunity for connected cross-access exists, such access is encouraged. Cross-access should be done in a logical manner that results in safe and efficient circulation between adjacent Parking Areas.

### IV-4 - SHARED PARKING

**IV-4-A. Description.** Shared parking is an arrangement whereby two (2) or more owners of non-residential properties or uses with different peak-hour parking demands use the same off-street parking spaces to satisfy their off-street parking requirements.

**IV-4-B. General.** The Zoning Administrator may approve shared Parking Areas, subject to the following standards:

1. **Eligible Uses.** Shared parking is allowed among different use types or among uses with different hours of operation. Only those properties having and able to maintain parking in excess of minimum parking requirements may participate in shared parking arrangements.
2. **Ineligible Uses.** Accessible parking spaces (for persons with disabilities) may not be shared and must be located on-site.
3. **Location.** Shared parking spaces shall be located within 750 feet of the primary entrance of all uses served, unless shuttle bus service is provided to the parking lot.
4. **Shared Parking Study.** Applicants wishing to use shared parking as a means of satisfying parking requirements shall submit a shared parking analysis to the Zoning Administrator that clearly demonstrates the feasibility of shared parking. It shall address, at minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing parking spaces.
5. **Agreement.** Applicants must provide a shared parking agreement in a form approved by the City attorney and executed by the parties establishing the shared parking spaces and the City of Rolling Meadows. Shared parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. Should the agreement cease to be in force, parking must be provided as otherwise required within this Article. Shared parking agreements shall be recorded with Cook County Recorder of Deeds for all properties involved in the agreement.

**IV-4-C. Shared Parking within shopping centers.** Cumulative parking requirements for mixed-use occupancies may be reduced where it can be determined that the peak requirement of the several occupancies occurs at different times during the day. For a shared parking arrangement, the Zoning Administrator may make an administrative adjustment that reduces the off-street parking requirements for each participating commercial property. To approve such an administrative adjustment, the Zoning administrator shall find:

1. The collective Parking Area is located within 750 feet walking distance of each of the uses, as measured from the entrance of each use to the nearest parking space in the collective Parking Area.
2. Convenient, safe, accessible and visible pedestrian connections are located between the facilities and all of the shared properties.
3. The commercial properties do not have the same hours of operation, i.e., there is some substantial difference in business hours; an example follows:
  - a. Business 1: Monday to Friday: open 9:00 a.m. to 5:30 p.m., closed Saturday, Sunday.
  - b. Business 2: Monday to Saturday: open 11:00 a.m. to 7:00 p.m., closed Sunday.
  - c. Applicants must provide a shared parking agreement in a form approved by the City attorney and executed by the parties establishing the shared parking spaces

#### **IV-5 - BICYCLE PARKING**

**IV-5-A.** All nonresidential developments which provide automobile parking facilities shall provide bicycle parking facilities (bike racks) at a ratio of at least one (1) bicycle parking space for every ten (10) automobile parking spaces.

**IV-5-B.** Multi-family developments shall provide interior bicycle parking facilities for building residents at a ratio of at least one (1) bicycle parking space for every three (3) dwelling units. Such bicycle parking facilities must be provided near the building entrance accessible to the street. Multi-family developments shall also provide bicycle parking facilities for visitors/public at a ratio of at least one (1) bicycle parking space for every twenty (20) automobile parking spaces provided and shall meet the location criteria under Subsection IV-5-D.

**IV-5-C.** No development, except a one- or two-family development, shall have fewer than three (3) bicycle/moped parking spaces nor be required to exceed a maximum of ten (10) such spaces.

**IV-5-D.** Bicycle parking facilities for nonresidential developments and bicycle parking facilities provided for the visitors and/or public shall be located within the parkway/street furniture zone a maximum distance of fifty (50) feet from the building entrance, or shall be located at least as close as the closest automobile space.

**IV-5-E.** Each bicycle parking facility shall include a metal anchor sufficient to secure the bicycle frame when used in conjunction with a user supplied lock.

#### **IV-6 - LAND BANKED FUTURE PARKING**

**IV-6-A. Land Banking Future Parking.** The City Council may grant relief from City parking requirements to allow banking of up to twenty-five (25) percent of the required parking spaces, provided that:

1. Sufficient evidence shall be provided by the applicant that supports the reduced parking needs.
2. The area proposed for land banking of parking spaces shall be an area suitable for parking at a future time.
3. Landscaping of the land-banked area shall be in full compliance of the zoning regulations and, at a minimum, landscaped with turf. As a result of site plan review, additional landscaping of the land-banked area may be required.
4. The land banking area will not be used for any other use. The land banked Parking Area cannot be used to fulfill other landscaping requirements within this ordinance.
5. As part of the site plan review process, the applicant shall show the area to be banked on the site plan and marked as "Land-Banked Future Parking."

**IV-6-B.** The Zoning Administrator at their sole discretion, on the basis of increased parking demand for the use, or provided parking proving to be inadequate, may require the conversion of all or part of the land-banked area to off-street parking spaces. The owner may convert the land-banked area to parking prior to City notification, subject to all required permits.

#### **IV-7 - ACCESSIBLE PARKING**

**IV-7-A. ADA Compliance.** All Off-Street Parking Areas must comply with the State of Illinois Accessibility Code and the Americans with Disabilities Act of 2010 (ADA) concerning the number and design of accessible vehicle parking spaces required in parking lots and structures.

**IV-7-B. Required Spaces.** Parking spaces for persons with disabilities shall be provided in all off-street Parking Areas where parking is provided for employees, visitors or both, with the exception of single family detached and townhomes uses. The number of accessible parking spaces shall be included in the total number of required parking spaces and shall be in accordance with the applicable requirements of the Illinois Accessibility Code, as amended from time to time, and all additional governing codes and applicable laws.

**IV-7-C. Dimensions and Design.** Such spaces shall comply with the design standards presented in the State of Illinois Accessibility Code, provided that in no instance shall the width of any one (1) space be less than sixteen (16) feet, nor the length less than twenty (20) feet. Such spaces shall be identified by a sign and pavement markings indicating parking for persons with disabilities only. Such spaces shall be the spaces closest to the entrance of the building or structure, and shall be connected by a paved surface designed to provide safe and easy access. Such spaces shall otherwise be in accordance with the Illinois Vehicle Code.

**IV-7-D. Table 4-3: Accessible Parking Space Requirements**

(source:www.IllinoisAttorneyGeneral.gov)

Table 4-3: Accessible Parking Spaces	
Total Off-Street Parking Spaces Provided	# of Accessible Parking Spaces Required
1 to 25*	1*
26 to 50*	2*
51 to 75*	3*
76 to 100*	4*
101 to 150*	5*
151 to 200*	6*
201 to 300*	7*
301 to 400*	8*
401 to 500*	9*
501 to 1,000*	2% of Total Number*
Over 1,000*	20 plus 1 for each 100 over 1,000*
Medical facilities specializing in treatment	20% of total number of parking spaces*
Outpatient medical facilities	10% of total number*

\* Any update to State of Illinois or National regulations regarding Accessible Parking shall supersede these requirements.

**IV-8 - OFF-STREET PARKING RATIO REQUIREMENTS**

**IV-8-A. General Requirements.** Off-street parking spaces shall be provided for all uses listed below in at least the minimum amounts specified.

1. The minimum number of usable off-street parking or stacking spaces shall be provided as noted in Table 4-4 below.
2. All references to “square feet” are calculated as “gross square feet of building floor area.”
3. Mixed uses. When two or more uses are located on the same lot or within the same building, parking spaces equal in number to the sum of the separate requirements for each such use shall be provided. No parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Planning and Zoning Commission.

**Table 4-4: Off-street parking ratio requirements.**

LAND USE	PARKING REQUIRED
<b>Residential Uses</b>	
Dwelling, single-family detached	2 spaces per dwelling unit
Dwelling, single-family attached	2 spaces per dwelling unit
Dwelling, two-family (duplexes)	2 spaces per dwelling unit
Dwelling, multi-family	1.25 spaces per dwelling unit
Daycare home	2 spaces in addition to those required for the residence
Mobile home park	1.5 spaces per dwelling unit
Group community residence	1.25 spaces for each sleeping room
Senior independent living	1 space per dwelling unit
Skilled care housing	.75 spaces per dwelling unit
<b>Business Uses</b>	
Arts studio, workspace or teaching	4 spaces per 1,000 square feet
Automobile and / or truck rental	2.5 spaces per 1,000 square feet
Automobile and / or truck sales (new and used)	2.5 spaces per 1,000 square feet of sales and office area

Automobile and / or truck repair	4 per service bay plus 2.5 per 1,000 square feet of office
Bakery / Coffee shop	10 space per 1,000 square feet with eat in option / 4 spaces per 1,000 square feet if retail only
Banks and financial institutions	2.5 spaces per 1,000 square feet
Banquet hall	1 per 3 persons of capacity
Brew Pub (Restaurants)	10 spaces per 1,000 square feet
Car Wash	2.5 per 1,000 square feet of office / retail area plus 3 per individual wash bay
Currency exchange	3.3 spaces per 1,000 square feet
Daycare Centers	2.5 per 1,000 square feet
Funeral homes	2.5 spaces per 1,000 square feet of office area plus / 1 per 3 person capacity in chapel areas
Gas/fueling stations	4 parking space 1,000 square feet of total retail space plus spaces required per this Table 4-4 for restaurants or other accessory spaces. One – half the number of gas pumps may be counted as parking spaces.
Home/garden stores	4 spaces per 1,000 square feet
Hotel / Motel	1 space per guestroom plus spaces required per this Table 4-4 for any banquet, office, meeting, or other accessory spaces.
Indoor retail sales of goods	4 spaces per 1,000 square feet
Kennel	3.3 spaces per 1,000 square feet
Liquor stores	4 spaces per 1,000 square feet
Medical cannabis dispensary	4 spaces per 1,000 square feet
Medical and dental clinics	4.5 spaces per 1,000 square feet
Offices, Professional and Business	4 spaces per 1,000 square feet

Personal services	4 spaces per 1,000 square feet
Pet Day Care	3.3 spaces per 1,000 square feet
Pet stores	4 spaces per 1,000 square feet
Restaurants	10 spaces per 1,000 square feet
Tattoo parlor	3.3 spaces per 1,000 square feet
Veterinary clinics	4.5 spaces per 1,000 square feet
Video gaming café	10 per 1000 square feet

<b>Public, Cultural, Recreation, and Other Institutional Uses</b>	
Assembly/meeting halls	1 per 3 persons of capacity
Country club	1 per 3 persons of capacity
Dog park	1 per 3 persons of capacity
Golf course	40 spaces per each nine holes, plus additional parking spaces as applicable to any accessory retail, service or banquet area.
Government buildings and facilities	3.3 per 1000 square feet
Hospitals	1 space per bed + 4 spaces per 1,000 square feet of administrative office + additional spaces as required per labs, clinics, or other accessory use.
Indoor athletic facilities	5 per 1000 square feet
Indoor entertainment and amusement facilities	1 per 3 seat, game stations, or other unit so determined by the Zoning Administrator, plus parking as required in this Table 4-4 for restaurants or other accessory uses.

Lighted sports fields	1 space per 3 persons of design capacity
Miniature golf course	1.5 space per tee plus spaces for accessory functions as required by this Table 4-4
Museum or cultural facility	2.5 spaces per 1,000 square feet of total floor area
Public recreational facilities	1 per 4 persons of capacity + 1 per employee
Public Park	1 space per 3 persons of design capacity
Religious Institutions	1 per 3 seats (fixed seating or seating capacity) in main assembly area
Schools (Public, non-profit or private)	0.4 spaces per total students, faculty and staff
Emergency shelter	1 space per bed plus 4 spaces per 1,000 square feet of office space
Community swimming pool	1 space per every 4 people based on maximum design occupancy
Rehabilitation facilities	1 space per bed plus 4 spaces per 1,000 square feet of office space
<b>Manufacturing Uses</b>	
Cannabis-related production and manufacture	2 spaces per 1000 square feet (except office area calculated at 4 spaces per 1000 square feet).
Greenhouses	2.5 spaces per 1,000 square feet of indoor sales area + 1.5 spaces per 1,000 square feet of outdoor sales areas
Manufacturing, general	2 spaces per 1000 square feet (any office area calculated at 4 spaces per 1,000 square feet).
Manufacturing, light	2 spaces per 1000 square feet (any office area calculated at 4 spaces per 1,000 square feet).
Medical cannabis cultivation center	2 spaces per 1000 square feet (except office area calculated at 4 spaces per 1000 square feet).
Microbrewery	2 spaces per 1000 square feet (except office area calculated at 4 spaces per 1000 square feet).
Microdistillery	2 spaces per 1000 square feet (except office area calculated at 4 spaces per 1000 square feet).
Microwinery	2 spaces per 1000 square feet (except office area calculated at 4 spaces per 1000 square feet).
Recycling center	1.5 spaces per 1000 square feet (any office area calculated at 4 spaces per 1,000 square feet).

Research and development facilities	2 spaces per 1,000 square feet
Warehousing	1 space per 1000 square feet (any office area calculated at 4 spaces per 1,000 square feet).
Adult regulated use	4 spaces per 1,000 square feet
Cemeteries	2.5 spaces per 1,000 square feet of office area plus / 1 per 3 person capacity in chapel areas

**IV-9 - RESIDENTIAL VISITOR PARKING SPACES**

**IV-9-A. Visitor parking spaces.** All residential developments listed in the Table 4-5 below shall provide the following number of off-street visitor parking spaces in addition to the parking required for the residents:

<b>Residential Uses</b>	<b>Visitor Parking Spaces</b>
Two Family Dwellings	0.15 spaces per dwelling unit
Townhomes	
Multi-Family Dwellings and attached single-family dwellings	0.15 spaces per dwelling unit. A minimum of 2 spaces is required if less than 8 units are provided
(* If a use is proposed that is not listed above, approval from Zoning Administrator is required)	

1. Any fractional requirement of a visitor parking space shall be rounded up to the one (1) parking space.
2. Visitor parking spaces shall be grouped in a location that is convenient to visitors and shall be accessible at all times. Visitor parking spaces shall not be located within a secured private or common parking garage that requires a key, handset, or other electrical or mechanical device to gain access to such spaces.

**IV-10 - DRIVE-THRU STACKING**

**IV-10-A. Required spaces.** Every drive-thru establishment, constructed after the effective date of this ordinance, shall provide a minimum of five (5) stacking spaces per drive through facility lane, unless otherwise stated within this Article or determined by the City Council as part of a Special Use review.

**IV-10-B. Design and layout.**

1. The stacking spaces shall be designed so as not to interfere with the ingress and egress to the off-street parking, traffic circulation on- or off-site, and traffic visibility.
2. Drive-thru facilities shall not be located in the front of the principal building and the maneuvering space shall be provided in the side or rear yard.

3. Drive-thru establishments shall provide a bypass lane in a width and configuration approved by the City Engineer.
4. Stacking spaces should be separated from pedestrian paths or marked with signs to indicate such path to drivers and requirement to yield to pedestrians.

#### **IV-10-C. Additional standards.**

1. Stacking spaces shall not be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials, or supplies.
2. Each off-street stacking space shall not be less than eight (8) feet in width and 18 feet in length, exclusive of access drives.

### **IV-11 - GENERAL STANDARDS FOR OFF-STREET LOADING**

#### **IV-11-A. General Standards.**

1. *Loading berth, description.* An off-street loading berth shall be a hard-surfaced area of land, open or enclosed, other than a street or a public way, used principally for the standing, loading or unloading of motor trucks, tractors and trailers so as to avoid undue interference with the public use of streets and alleys. A required loading space shall be at least 12 feet in width, at least 55 feet in length, and 16 feet in height, exclusive of access aisles and maneuvering space, except as otherwise specifically dimensioned hereafter.
2. *Location.* No permitted or required loading berth shall be located along the front of any building. No berth shall be closer than 50 feet to any property or street in a residential district unless completely enclosed by building walls, or a uniformly painted solid fence or wall, or any combination thereof not less than 6 feet in height. No permitted or required loading berth shall be located within 25 feet of the nearest point of intersection of any two streets. Loading berths open to the sky may be located in any required yard, except a front yard.
3. *Central loading facilities.* Central loading facilities may be substituted for off-street loading facilities on individual lots provided the following conditions are fulfilled:
  - a. Each lot served shall have direct access to the central loading area without crossing streets.
  - b. The total number of off-street loading berths provided shall meet the minimum requirements of this Article, based on the sum of the several types of uses served. Area of types of uses may be totaled before computing number of loading berths.
  - c. No lot served shall be located more than 300 feet from the central loading area.
  - d. *Control of central loading facilities.* When the required off-street loading facilities are collectively provided and used in central loading facilities, written covenants and easements assuring their retention, maintenance, and use for such purposes shall be executed by the parties concerned. Such covenants and easements shall be reviewed by the Zoning Administrator and approved as to content and form by the City attorney and filed for record in the office of the county recorder.
4. *Measurement of berth.* When determination of the number of required off-street loading berths results in a requirement of a fractional berth, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall be interpreted as one loading berth.
5. *Surfacing.* All open off-street loading berths shall be improved in keeping with engineering standards adopted by the City from time to time.

**6. 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 and which shall be subject to approval through the Site Plan Review Process.

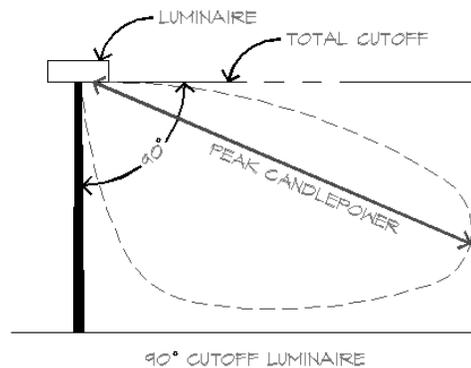
**7. Receiving facilities.** Uses for which off-street loading facilities are required in this Chapter, but which are located in buildings of less floor area than the minimum prescribed for such required facilities, or may be reasonably expected to receive or distribute goods, shall be provided with adequate receiving facilities off any adjacent alley, service drive or open space on the same lot which is accessible by motor vehicle, as shall be determined through the Site Plan Review Process.

**8. Utilization.** Space allocated to any off-street loading facility shall not be used to satisfy the requirement for any off-street Parking Area or portion thereof.

**9. Lighting.** Any lighting used to illuminate off-street loading areas shall be directed away from adjacent properties and public streets in such a way as to not create a nuisance

a. All lighting should minimize glare by using recessed, shielded or cut off fixtures, with a cut off angle of 90 degrees or less with the light source not visible from the property line.

b. All lighting system designs shall be part of the Site Plan Review process.



**10. Off-street loading and unloading facilities.** In all districts where property uses include the loading and unloading of materials or merchandise from vehicles, off-street loading and unloading facilities shall be provided in accordance with the following requirements.

**IV-11-B. Schedule of loading spaces**

1. All off-street loading space shall include an area or means adequate for maneuvering, and site ingress and egress.

2. The minimum number of off-street loading spaces required shall be based on the Gross Floor Area of the associated structure in keeping with Table 4-6 below:

<b>Gross Floor Area of Establishments (square feet)</b>	<b>Required Number of Loading Berths</b>
0 to 5,000 SF	0
5,001 SF to 50,000 SF	1
50,001 to 100,000 SF	2
For each additional 100,000 SF	1 additional

# ARTICLE V REGULATIONS FOR ZONING DISTRICTS

## V-1 - BULK, AREA AND YARD REGULATIONS BY ZONING DISTRICT

**V-1-A.** All development in the City of Rolling Meadows shall conform to the standards set out in Table 5.1 below.

**Table 5.1:** Table of Bulk, Area and Yard Regulations

District	Minimum Lot Area (sf)	Minimum Lot Width (ft)	Minimum Front Yard Setback (ft)	Minimum Side Yard Setback (ft)	Minimum Rear Yard Setback (ft)	Corner Side Yard Setback (ft)	Maximum Building Coverage	Maximum Building Height
R-1	32,600	90 ft.	30 ft.	10 ft.	25% of lot depth, not greater than 30 ft.	20 ft.	30%	35 ft
R-2	10,000	60 ft.	30 ft.	10 ft.	25% of lot depth, not greater than 30 ft.	20 ft.	30%	35 ft.;
R-3	7,800	60 ft.	30 ft.	10 ft.	25% of lot depth, not greater than 30 ft.	20 ft.	30%	35 ft
R-4 <sup>1</sup>	13,400	80 ft.	30 ft.	15 ft.	30 ft.	20 ft.	30%	30 ft
R-5 <sup>1</sup>	24,000	100 ft.	30 ft.	15 ft.	30 ft.	20 ft.	30%	50 feet
C-1	20,000	50	15	15 ft.	25% of lot depth, not greater than 30 ft.	15	30%	30 ft.;
C-2	20,000	50	90 <sup>2</sup>	Same as adjacent R district	25% of lot depth, not greater than 30 ft.	90	40%	30 ft

District	Minimum Lot Area (sf)	Maximum Lot Width (ft)	Minimum Front Yard Setback (ft)	Minimum Side Yard Setback (ft)	Minimum Rear Yard Setback (ft)	Corner Side Yard Setback (ft)	Maximum Building Coverage	Maximum Building Height
<b>C-3</b>	20,000	100	30	15 ft.	25% of lot depth, not greater than 30 ft.	30	65%	N/A
<b>M-1</b>	N/A	N/A	30	15 ft.	25 ft.	30	65%	45 ft
<b>M-2</b>	N/A	N/A	30	30 ft.	30 ft.	30	65%	200 ft

<sup>1</sup> Permitted Gross Density for Attached Single Family Dwellings = 12 Dwelling Units per acre.

<sup>1</sup> Permitted Gross Density for Multi- Family Dwellings = 24 Dwelling Units per acre.

<sup>2</sup> Parking Areas may encroach in front yards, but shall maintain a minimum Front Yard Setback of 30 feet in C-2 Districts.

**V-1-B.** The maximum floor area ratio (FAR) for Commercial, Manufacturing and Multiple Family Districts shall be as indicated in the standards for those Districts in this Article.

**V-1-C.** The maximum floor area ratio (FAR) for single family attached and detached dwellings shall be as follows (Table 5.2).

Lot Size (Square Feet)	FAR
5,000-8,400	.45
8,400-10,000	.40
10,000 – 20,000	.35
20,000 – above	.30

*Note: Area of attached and detached garages over the first 500 square feet shall be included in the gross floor area used to compute the floor area ratio.*

## V-2 - RESIDENTIAL DISTRICTS

### V-2-A. R-1 Single Family Residence District:

**1. Purpose:** The R-1 District is intended to provide for single-family detached homes at the lowest densities in the City. Lot sizes are the largest of all residential districts and standards are intended to preserve the existing quiet, strictly residential nature that characterizes this area.

**2. Permitted Uses:** Permitted Uses in the R-1 District are listed in the Zoning District Use Table 5.13.

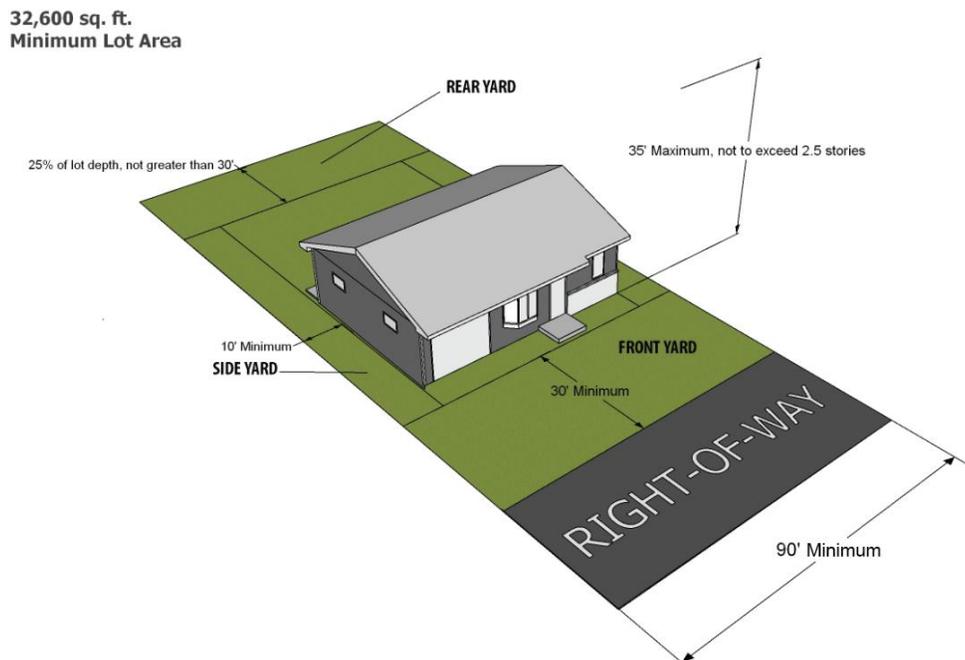
**3. Special Uses:** Special Uses in the R-1 District are listed in the Zoning District Use Table 5.13.

**4. Parking Requirements:** Parking requirements in the R-1 District are listed in Article IV.

**5. Bulk Space and Yard Regulations:** Bulk regulations in the R-1 District including regulations regarding lot area, lot width, yard areas, building coverage, and building height are listed in Tables 5.1 and 5.3, and illustrated below.

Table 5.3	
R-1 Single Family Residence District	
Minimum Lot Area (sq. ft.)	32,600
Minimum Lot Width at front yard line (ft.)	90
Minimum Front Yard Setback (ft.)	30
Minimum Side Yard (ft.)	10
Minimum Rear Yard (ft)	25% of lot depth, not greater than 30 ft.
Minimum Corner Side Yard (ft)	20
Maximum Building Coverage	30%
Maximum Building Height	35 ft.
Maximum Floor Area Ratio	See Table 5.2

**Figure 5.1:** R-1 Bulk Regulations Illustration



## **6. Additional Standards:**

### **a. Setback – Average Front Yard**

i. Where more than 25 percent all of the improved lots in any one block are developed with buildings which establish a front yard setback greater or less than 30 feet, such greater setback shall become the Average Front Yard Setback, the minimum setback for that block. No building erected, converted, enlarged, reconstructed or structurally altered shall project beyond the established Average Front Yard Setback; provided, however, that the Average Front Yard Setback shall not be required to be more than 45 feet. This setback requirements shall be observed on each street adjacent to a corner lot.

### **b. Yards (for nonresidential Permitted Uses and Special Uses)**

i. Front, side, corner side, and rear yards shall be as required for single-family dwelling uses for buildings less than 35 feet in height, but for a building 35 feet or more in height, each yard, front, side, corner side and rear, as required for single-family dwellings shall be increased in width or depth by two feet for each additional one foot of building height over 35 feet.

c. For single-family residences built prior to January 1, 1993, an attached garage may not be closer than five feet from the side property line, provided the garage is no more than 22 feet wide with a depth of no more than 20 feet.

**V-2-B. R-2 Single Family Residence District:**

**1. Purpose:** The R-2 Single Family District is the predominant residential zoning district in the City and is home to many original Kimball Hill houses that contribute, in large part, to the defining residential character of Rolling Meadows. The R-2 district provides for relatively low-density, single-family detached homes plus other compatible neighborhood uses.

**2. Permitted Uses:** Permitted Uses in the R-2 District are listed in the Zoning District Use Table 5.13.

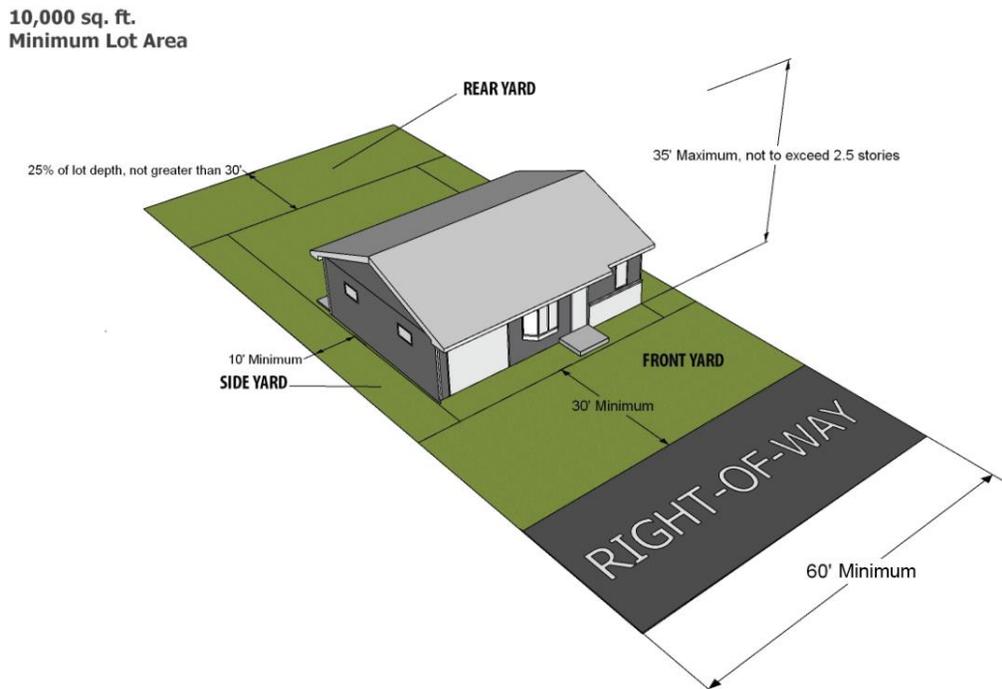
**3. Special Uses:** Special Uses in the R-2 District are listed in the Zoning District Use Table 5.13.

**4. Parking Requirements:** Parking requirements in the R-2 District are listed in Article IV.

**5. Bulk Space and Yard Regulations:** Bulk regulations in the R-2 District including regulations regarding lot area, lot width, yard areas, building coverage, and building height are listed in Tables 5.1 and 5.4 and illustrated below.

Table 5.4 R-2 Single Family Residence District	
Minimum Lot Area (sq. ft.)	10,000
Minimum Lot Width at front yard line (ft.)	60
Minimum Front Yard Setback (ft.)	30
Minimum Side Yard (ft.)	10
Minimum Rear Yard	25% of the lot depth, not greater than 30 ft.
Minimum Corner Side Yard (ft)	20
Maximum Building Coverage	30%
Maximum Building Height	35 ft
Maximum Floor Area Ratio	See Table 5.2

**Figure 5.2:** R-2 Single Family Residence District Regulations Illustration



## **6. Additional Standards:**

### **a. Lot area**

i. All corner lots in the R-2 district shall be a minimum of 10,000 square feet.

### **b. Setback – Average Front Yard**

i. Where more than 25 percent all of the improved lots in any one block are developed with buildings which establish a front yard setback greater or less than 30 feet, such greater setback shall become the Average Front Yard Setback, the minimum setback for that block. No building erected, converted, enlarged, reconstructed or structurally altered shall project beyond the established Average Front Yard Setback; provided, however, that the Average Front Yard Setback shall not be required to be more than 45 feet. This setback requirements shall be observed on each street adjacent to a corner lot.

### **c. Yards (for nonresidential Permitted Uses and Special Uses)**

i. Front, side, corner side, and rear yards shall be as required for single-family dwelling uses for buildings less than 35 feet in height, but for a building 35 feet or more in height, each yard, front, side, corner side and rear, as required for single-family dwellings shall be increased in width or depth by two feet for each additional one foot of building height over 35 feet.

d. For single-family residences built prior to January 1, 1993, an attached garage may not be closer than five feet from the side property line, provided the garage is no more than 22 feet wide with a depth of no more than 20 feet.

**V-2-C. R-3 Single Family Residence District:**

**1. Purpose:** The R-3 Single Family Residential District is similar to the R-2 district, but with slightly smaller lot sizes for single-family detached homes. The intended character is similar to R-2 and preserves quiet neighborhoods, allowing primarily residential uses plus other compatible neighborhood uses.

**2. Permitted Uses:** Permitted Uses in the R-3 District are listed in the Zoning District Use Table 5.13.

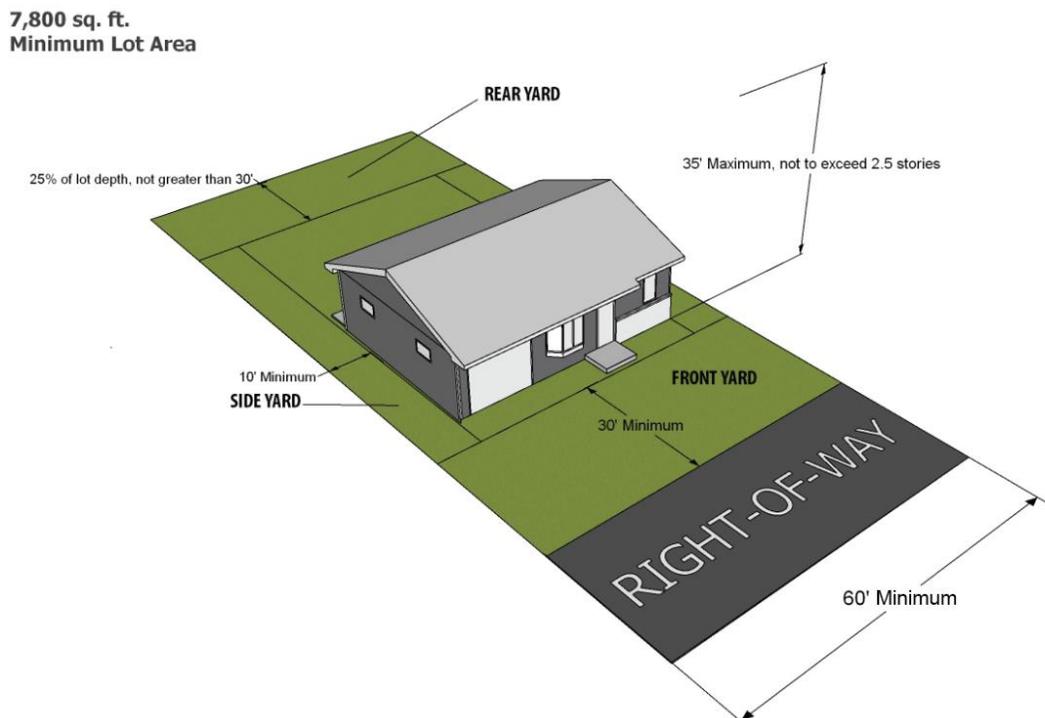
**3. Special Uses:** Special Uses in the R-3 District are listed in the Zoning District Use Table 5.13.

**4. Parking Requirements:** Parking requirements in the R-3 District are listed in Article IV.

**5. Bulk Space and Yard Regulations:** Bulk regulations in the R-3 District including regulations regarding lot area, lot width, yard areas, building coverage, and building height are listed in Tables 5.1 and 5.5 and illustrated below.

Table 5.5	
R-3 Single Family Residence District	
Minimum Lot Area (sq. ft.)	7,800
Minimum Lot Width at front yard line (ft.)	60
Minimum Front Yard Setback (ft.)	30
Minimum Side Yard (ft.)	10
Minimum Rear Yard	25% of lot depth, not greater than 30 ft.
Minimum Corner Side Yard (ft)	20
Maximum Building Coverage	30%
Maximum Building Height	35 ft
Maximum Floor Area Ratio	See Table 5.2

**Figure 5.3: R-3 General Residence District Bulk Regulations Illustration**



## 6. Additional Standards

### a. Setback – Average Front Yard

i. Where more than 25 percent all of the improved lots in any one block are developed with buildings which establish a front yard setback greater or less than 30 feet, such greater setback shall become the Average Front Yard Setback, the minimum setback for that block. No building erected, converted, enlarged, reconstructed or structurally altered shall project beyond the established Average Front Yard Setback; provided, however, that the Average Front Yard Setback shall not be required to be more than 45 feet. This setback requirements shall be observed on each street side of a corner lot.

### b. Side yards

i. On a corner lot, the side yard may be opposite either property line that is adjacent to a street, provided the yard opposite the other street is designated as the rear yard.

ii. For single-family residences built prior to January 1, 1993, an attached garage may not be closer than five feet from the side property line, provided the garage is no more than 22 feet wide with a depth of no more than 20 feet.

### c. Yards (for nonresidential Permitted Uses and Special Use).

i. Front, side, corner side, and rear yards shall be as required for single-family dwelling uses for buildings less than 35 feet in height, but for a building 35 feet or more in height, each yard, front, side, corner side and rear, as required for single-family dwellings shall be increased in width or depth by two feet for each additional one foot of building height over 35 feet.

### d. Lot area of corner lots.

i. All corner lots in the R-3 district shall be a minimum of 10,000 square feet.

e. For single-family residences built prior to January 1, 1993, an attached garage may not be closer than five feet from the side property line, provided the garage is no more than 22 feet wide with a depth of no more than 20 feet.

**V-2-D. R-4 Townhome District:**

**1. Purpose:** The R-4 Townhome District provides for a mixture of two-family detached dwellings (duplexes) and single-family attached dwellings (townhomes) at low- to moderate-densities. Related and compatible infill development is also appropriate in this district.

**2. Permitted Use:** Permitted Uses in the R-4 District are listed in the Zoning District Use Table 5.13.

**3. Special Uses:** Special Uses in the R-4 District are listed in the Zoning District Use Table 5.13.

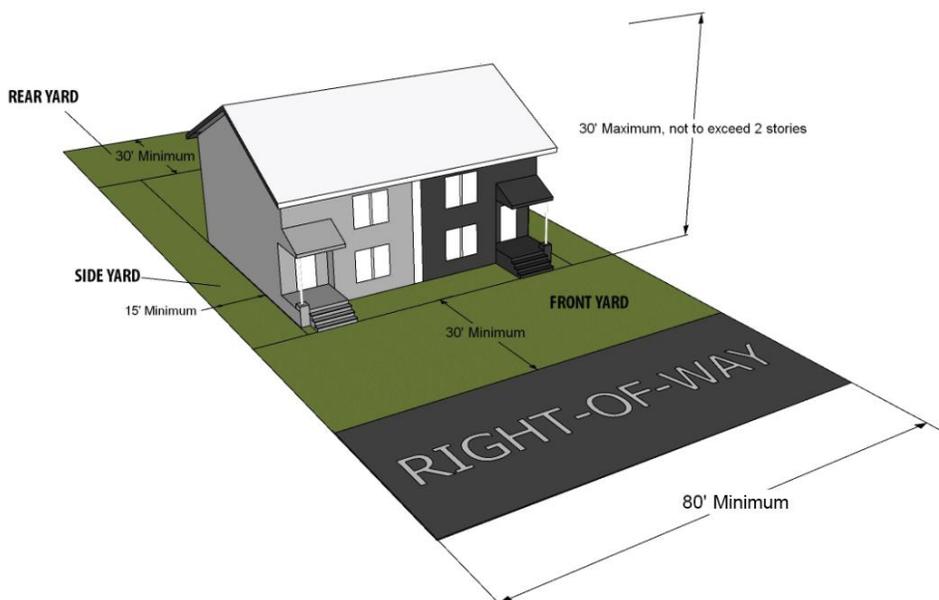
**4. Parking Requirements:** Parking requirements in the R-4 District are listed in Article IV.

**5. Bulk Space and Yard Regulations:** Bulk regulations in the R-4 District including regulations regarding lot area, lot width, yard areas, building coverage, and building height are listed in Tables 5.1 and 5.6 and illustrated below.

Table 5.6	
R-4 Townhome District	
Minimum Lot Area (sq. ft.)	13,400
Minimum Lot Width at front yard line (ft.)	80
Minimum Front Yard Setback (ft.)	30
Minimum Side Yard (ft.)	15
Minimum Rear Yard	30
Minimum Corner Side Yard (ft)	20
Maximum Building Coverage	30%
Maximum Building Height	30 feet
Maximum Floor Area Ratio	See Table 5.2

**Figure 5.4:** R-4 Townhome District Bulk Regulations Illustration

13,400 sq. ft.  
Minimum Lot Area



## **6. Additional Standards**

### **a. Setback – Average Front Yard**

i. Where more than 25 percent all of the improved lots in any one block are developed with buildings which establish a front yard setback greater or less than 30 feet, such greater setback shall become the Average Front Yard Setback, the minimum setback for that block. No building erected, converted, enlarged, reconstructed or structurally altered shall project beyond the established Average Front Yard Setback; provided, however, that the Average Front Yard Setback shall not be required to be more than 45 feet. This setback requirements shall be observed on each street side of a corner lot.

### **b. Net density**

i. All single family attached and two-family dwelling developments shall be constructed at a net density of no greater than 12 dwelling unit per acre.

ii. All multiple family dwelling developments shall be constructed at a net density of no greater than 24 dwelling unit per acre.

**V-2-E. R-5 Multi-Family Residence District:**

**1. Purpose:** The R-5 Multi-Family District provides for a mix of multi-family residential at the highest allowed densities in the City, including townhomes, duplexes, and apartments.

**2. Permitted Uses:** Permitted Uses in the R-5 District are listed in the Zoning District Use Table 5.13.

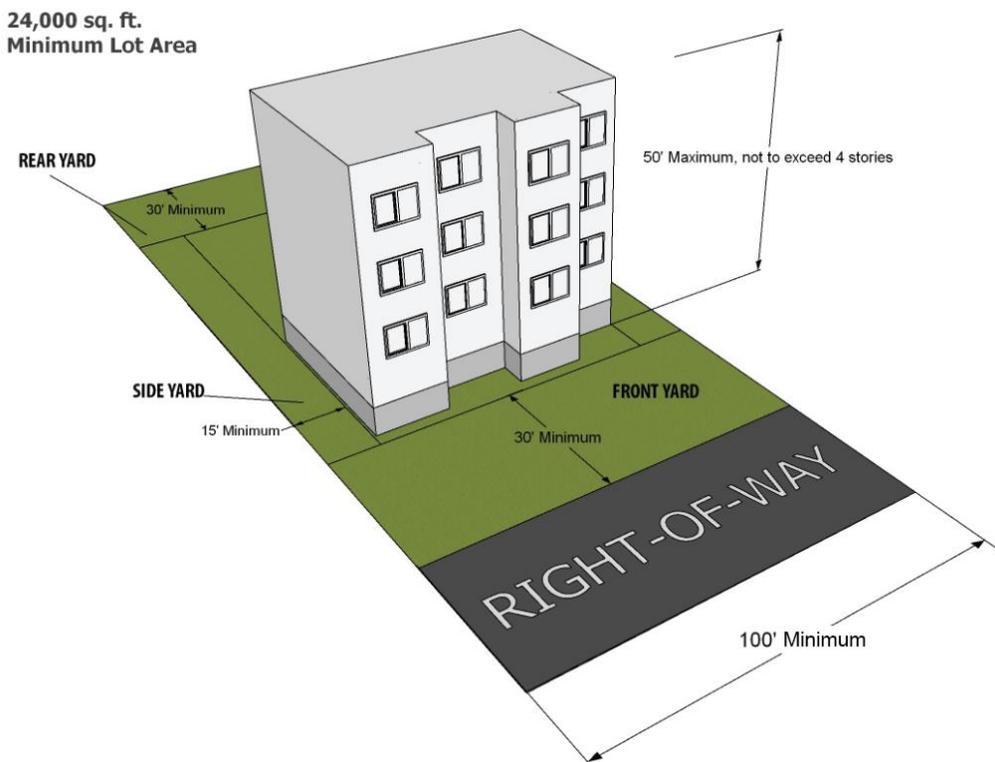
**3. Special Uses:** Special Uses in the R-5 District are listed in the Zoning District Use Table 5.13.

**4. Parking Requirements:** Parking requirements in the R-5 District are listed in Article IV.

**5. Bulk Space and Yard Regulations:** Bulk regulations in the R-5 District including regulations regarding lot area, lot width, yard areas, building coverage, and building height are listed in Tables 5.1 and 5.7 and illustrated below.

R-5 Multi-Family Residence District	
Minimum Lot Area (sq. ft.)	24,000
Minimum Lot Width at front yard line (ft.)	100
Minimum Front Yard Setback (ft.)	30
Minimum Side Yard (ft.)	15
Minimum Rear Yard	30
Minimum Corner Side Yard (ft)	20
Maximum Building Coverage	30%
Maximum Building Height	50 ft
Maximum Floor Area Ratio	1.0

**Figure 5.5:** Multi-Family Residence District Bulk Regulations Illustration



**6. Additional Standards**

a. Yards for nonresidential Permitted Uses and Special Uses:

i. For buildings 35 feet high or less, yard requirements shall be as follows:

- 1. Front yard setback: 30 ft.
- 2. Side yard setback: 10 ft.
- 3. Rear yard setback: 25% of lot depth, not greater than 30 ft.
- 4. Corner side yard setback: 20 ft.

ii. For a building greater than 35 feet in height, yard requirements shall be as indicated in Subsection 6-a-i above, and shall be increased by two feet for each additional one foot of building height over 35 feet.

b. Net density

i. All single family attached and two-family dwelling developments shall be constructed at a net density of no greater than 12 dwelling unit per acre.

ii. All multiple family dwelling developments shall be constructed at a net density of no greater than 24 dwelling unit per acre.

c. Mobile Home Parks: Any Mobile Home Park shall be developed and operated in keeping with the following:

i. Bulk Standards:

Minimum Lot Area (sq. ft.)	40,000
Minimum Lot Width at front yard line (ft.)	150
Minimum Front Yard Setback (ft.)	40
Minimum Side Yard Setback (ft.) (per side yard)	25
Minimum Rear Yard Setback (ft.)	40
Maximum Lot Coverage	20%
Maximum Building Height	Lesser of 3.5 Stories or 40'

ii. Additional Standards

- 1. Landscape Buffer: A 25-foot landscaped buffer yard is required around the perimeter of all newly developed mobile home parks. This buffer yard shall be in addition to any other setback or yard area requirement and must be approved by the Planning and Zoning Commission.
- 2. Landscape Screening: Landscape screening by trees or compact hedge of at least 75% opacity shall be provided along all property lines of the mobile home park.
- 3. Minimum Separation: A minimum separation of ten feet (10') shall be maintained between a mobile home and any other structure.
- 4. Access: Every mobile home lot shall have access to and abut a private driveway. The driveway shall have an unobstructed access to a public thoroughfare.
- 5. Street and Driveways: All streets and driveways, in every mobile home park

shall be paved with a minimum width of twenty four feet (24').

6. Common Open Space: Common open space equal to two hundred fifty (250) square feet per home shall be provided at common locations within the park.
7. Designated Operator: Every mobile home park shall have a designated operator for the park. The operator shall provide the zoning administrator with their name, office hours, office mailing address, and emergency contact persons and numbers.
8. Maintenance: It shall be the duty of the mobile home park operator to secure the maintenance of the park and ensure that the park meets all applicable state or local laws, ordinances or regulations.
9. Incidental Retail Sales: Incidental retail sales of mobile homes may be permitted in a mobile home park provided no mobile home models are located on the site of the mobile home park.
10. One for One Replacement: For the purposes of this title, the one to one replacement of a mobile home with another mobile home shall be permitted unless otherwise prohibited by Village ordinance.
11. Signs: A map, directory or sign shall be erected at each entrance to the mobile home park, which identifies the exact location of each mobile home and mobile home site. (Additional Sign standards shall be as defined in Article X of this Chapter).
12. Accessory Buildings: Accessory buildings, structures and uses, such as laundry facilities and storage areas, shall be for the sole use of the residents of the mobile home park. Offices shall be used only in the management and operation of the mobile home park. (Additional Accessory Structures standards shall be as defined in Article III of this Chapter)

## V-3 - COMMERCIAL DISTRICTS

### V-3-A. C-1 Community Commercial District

**1. Purpose:** The C-1 Community Commercial District intends to preserve and enhance the Kirchoff Road Corridor, which runs through the center of Rolling Meadows and is home to many of its most important civic and institutional uses. This district provides for a variety of community-oriented and neighborhood-scaled businesses, personal services, and recreational uses.

**2. Permitted Uses:** Permitted Uses in the C-1 District are listed in the Zoning District Use Table 5.13.

**3. Special Uses:** Special Uses in the C-1 District are listed in the Zoning District Use Table 5.13.

**4. Parking Requirements:** Parking requirements in the C-1 District are listed in Article IV.

**5. Bulk Space and Yard Regulations:** Bulk regulations in the C-1 District including regulations regarding lot area, lot width, yard areas, building coverage, and building height are listed in Table 5.1 and 5.8 and illustrated below.

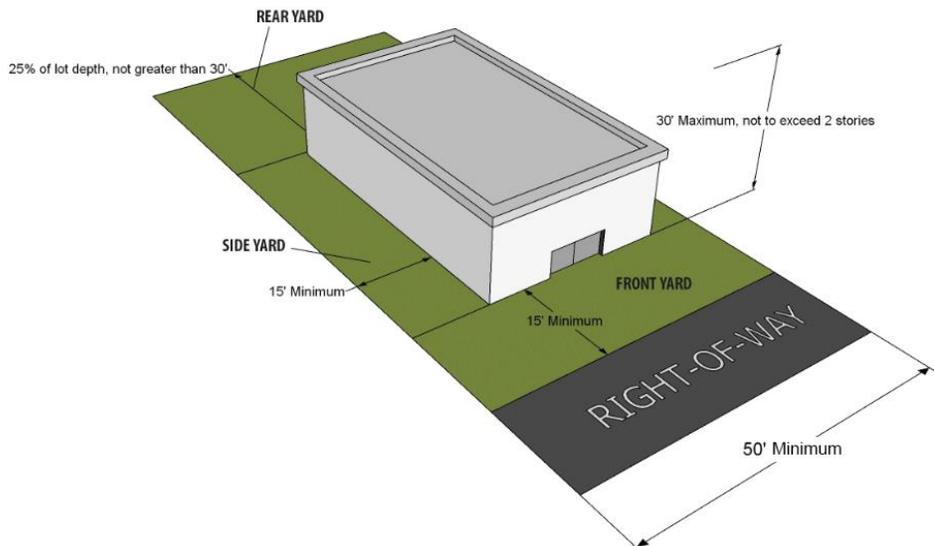
**Table 5.8**

#### C-1 Community Commercial District

<b>Minimum Lot Area (sq. ft.)</b>	20,000
<b>Minimum Lot Width at front yard line (ft.)</b>	50
<b>Minimum Front Yard Setback (ft.)</b>	15
<b>Minimum Side Yard (ft.)</b>	15
<b>Minimum Corner Side Yard (ft)</b>	See additional standards
<b>Minimum Rear Yard</b>	25% of lot depth, not greater than 30 ft.
<b>Maximum Building Coverage</b>	30%
<b>Maximum Building Height</b>	30 ft.
<b>Maximum Floor Area Ratio</b>	N/A

**Figure 5.6:** C-1 Bulk Regulations Illustration

20,000 sq. ft.  
Minimum Lot Area



## **6. Additional Standards**

### **a. Front Yards:**

i. Each main building or portion thereof serving as a non-residential use shall have a front yard of not less than 15 feet in depth; provided, however, that when off-street parking is provided in front of the building, the setback shall be as provided in Article IV, Off-Street Parking and Loading, of this Chapter.

ii. If the property is a corner lot, the front yard setback requirement will apply to both street frontages.

**b. Side Yards:** No side yards are required, except when the property is adjacent to the side of a lot in an R district, in which case there shall be a side yard on the lot in the district the same as specified for the adjacent R district. In addition, the yard shall have a six-foot fence or other screen as may be approved by the Zoning Administrator from any adjoining lot in the R district. Such fence or screening will be maintained by the owner of the commercial property.

**c. Rear Yards:** When adjoining an R-District lot, the rear yard shall have a six-foot fence or other screen as may be approved by the Zoning Administrator. Such fence or screening will be maintained by the owner of the commercial property.

**V-3-B. C-2 Corridor Commercial District**

**1. Purpose:** The C-2 District is the City’s predominant commercial use and permits any retail uses that are allowed in the C-1 District, plus additional uses that may attract visitors from within and outside of Rolling Meadows. Intended to serve major corridors such as Golf Road and Algonquin Road, this district allows for larger retail uses, as well as some office and recreational uses.

**2. Permitted Uses:** Permitted Uses in the C-2 District are listed in the Zoning District Use Table 5.13.

**3. Special Uses:** Special Uses in the C-2 District are listed in the Zoning District Use Table 5.13.

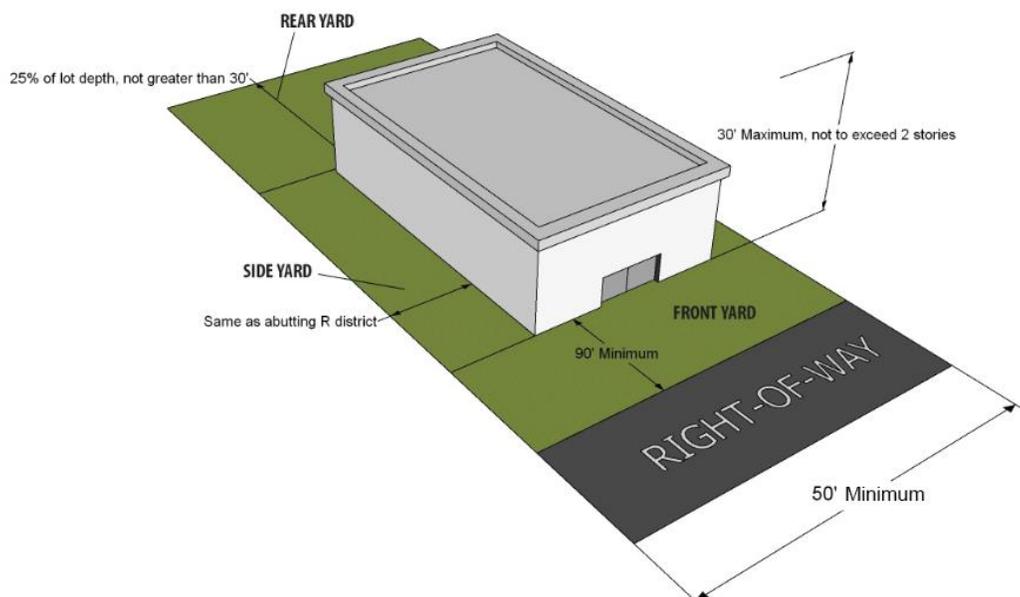
**4. Parking Requirements:** Parking requirements in the C-2 District are listed in Article IV.

**5. Bulk Space and Yard Regulations:** Bulk regulations in the C-2 District including regulations regarding lot area, lot width, yard areas, building coverage, and building height are listed in Table 5.1 and 5.9 and illustrated below.

Table 5.9 C-2 Corridor Commercial District	
Minimum Lot Area (sq. ft.)	20,000
Minimum Lot Width at front yard line (ft.)	50
Minimum Front Yard Setback (ft.)	90
Minimum Side Yard (ft.)	See additional standards
Minimum Rear Yard	25% of lot depth, not greater than 30 ft.
Minimum Corner Side Yard (ft)	90
Maximum Building Coverage	40%
Maximum Building Height	30 ft.
Maximum Floor Area Ratio	N/A

**Figure 5.7: C-2 Corridor Commercial District Bulk Regulations Illustration**

20,000 sq. ft.  
Minimum Lot Area



## **6. Additional Regulations**

**a. Side Yards:** No side yards shall be required, except where the property is adjacent to the side of a lot in an R district, in which case there shall be a side yard on the lot in the commercial district the same as specified for the residence district. In addition, the yard shall have a six-foot fence and/or screening from any adjoining lot in the R district, as approved by the Zoning Administrator. Such fence or screening will be maintained by the owner of the commercial property.

**b. Parking Setback:** Parking Areas for C-2 Zoned properties may encroach into required Front Yard Setbacks, but may be located no closer than 15 feet to the Front Property Line.

**c. Screening:** The side and/or rear of C-2 zoned property must be screened from any adjacent residential property by a wood fence a minimum of six feet in height or treated in some other manner as approved by the Zoning Administrator so as to have greater or equal screening value.

**d. Maximum Percentage of Impervious Surfaces:** For redevelopment or new construction, the maximum amount of ground covered by principal and accessory structures and all paved pedestrian and vehicle areas on each property shall not exceed 80% percent of the gross area of a lot. This requirement may be varied by the Zoning Administrator if it results in an inability to provide required parking. The amount of relief granted shall be the minimum amount possible to meet said parking requirements.

**V-3-C. C-3 Office, Institutional, and Research District**

**1. Purpose:** The C-3 District is intended to provide an organized environment for various office, institutional, and research facilities and their related uses. This district permits buildings that are larger in scale than the other two C districts, and the area is characterized by the several office buildings and campuses in the southern section of the City.

**2. Permitted Uses:** Permitted Uses in the C-3 District are listed in the Zoning District Use Table 5.13.

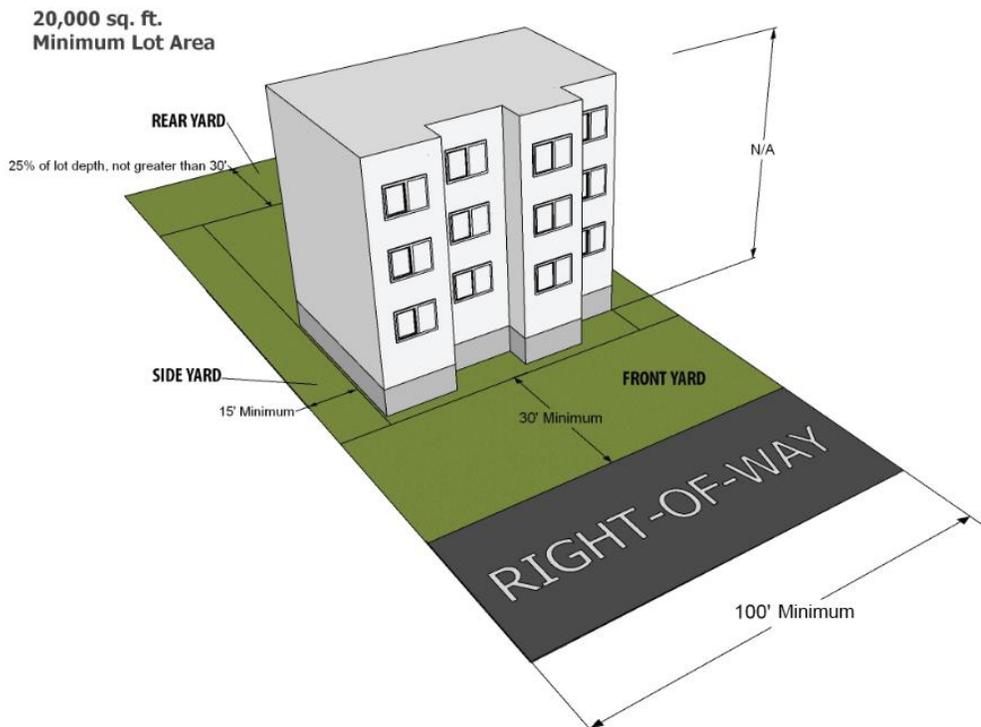
**3. Special Uses:** Special Uses in the C-3 District are listed in the Zoning District Use Table 5.13.

**4. Parking Requirements.** Parking requirements in the C-3 District are listed in Article IV.

**5. Bulk Space and Yard Regulations.** Bulk regulations in the C-3 District including regulations regarding lot area, lot width, yard areas, building coverage, and building height are listed in Table 5.1 and Table 5.10 and illustrated below.

Table 5.10 C-3 Office, Institutional, and Research District	
Minimum Lot Area (sq. ft.)	20,000
Minimum Lot Width at front yard line (ft.)	100
Minimum Front Yard Setback (ft.)	30
Minimum Side Yard (ft.)	15
Minimum Rear Yard	25% of lot depth (not to exceed 30 ft.)
Minimum Corner Side Yard (ft)	30
Maximum Building Coverage	65%
Maximum Building Height	N/A
Maximum Floor Area Ratio	1.0

**Figure 5.8: C-3 Bulk Regulations Illustration**



V-4 - MANUFACTURING DISTRICTS

V-4-A. M-1 Business Park District

**1. Purpose:** The M-1 Business Park District is intended to provide suitable space for light/low-impact manufacturing operations, warehousing, and distribution activities, as well as office building clusters and other compatible uses. These uses should be generally screened or separated from residential and commercial areas.

**2. Permitted Uses:** Permitted Uses in the M-1 District are listed in the Zoning District Use Table 5.13.

**3. Special Uses:** Special Uses in the M-1 District are listed in the Zoning District Use Table 5.13.

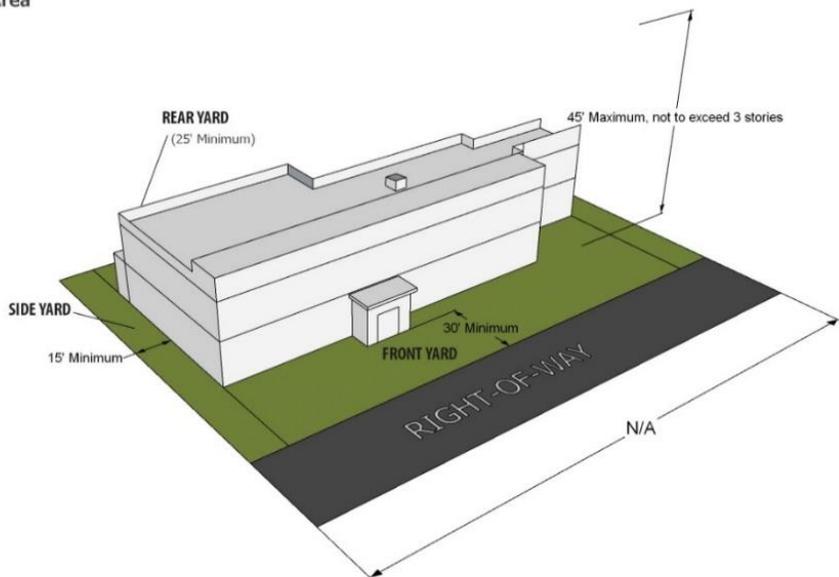
**4. Parking Requirements:** Parking requirements in the M-1 District are listed in Article IV.

**5. Bulk Space and Yard Regulations:** Bulk regulations in the M-1 District including regulations regarding lot area, lot width, yard areas, building coverage, and building height are listed in Table 5.1 and 5.11 and illustrated below.

Table 5.11	
M-1 Business Park District	
Minimum Lot Area (sq. ft.)	N/A
Minimum Lot Width at front yard line (ft.)	N/A
Minimum Front Yard Setback (ft.)	30
Minimum Side Yard (ft.)	15
Minimum Rear Yard	25 ft.
Minimum Corner Side Yard (ft)	30
Maximum Building Coverage	65%
Maximum Building Height	45 ft
Maximum Floor Area Ratio	1.0

Figure 5.9: M-1 Bulk Regulations Illustration

N/A sq. ft.  
Minimum Lot Area



## **6. Additional Standards**

### **a. Front yards**

i. Within the front yard in the M-1 District, there shall be no structure of any kind, open storage of equipment, vehicles or automobile parking, except as allowed in Section 6ii below.

ii. The following standards shall apply to all properties with front yards located along the following roadways: Golf Road, Algonquin Road, Route 53, Euclid Avenue, Hicks Road, Rohlwing Road.

1. The front yard setback shall be a minimum of 90 feet.

2. Parking Setback: Parking Areas may encroach into required Front Yard Setbacks, but may be located no closer than 15 feet to the Front Property Line.

### **b. Side or rear yards**

i. All buildings or structures and open storage areas, other than off-street Parking Areas and signs used to identify the districts, must set back on any lot at least 15 feet from any side lot line, and at least 25 feet from any rear yard line.

ii. On a corner lot the setback from the secondary street shall be 30 feet.

### **c. Screening**

i. The side and/or rear of M-1 zoned property must be screened from any adjacent residential property by a wood fence a minimum of six feet in height or treated in some other manner as approved by the Zoning Administrator so as to have greater or equal screening value.

## V-4-B. M-2 Manufacturing District

**1. Purpose:** The M-2 Manufacturing District is intended to accommodate higher-impact manufacturing and industrial uses that should be separated from commercial or residential uses.

**2. Permitted Uses:** Permitted Uses in the M-2 District are listed in the Zoning District Use Table 5.13.

**3. Special Uses:** Special Uses in the M-2 District are listed in the Zoning District Use Table 5.13.

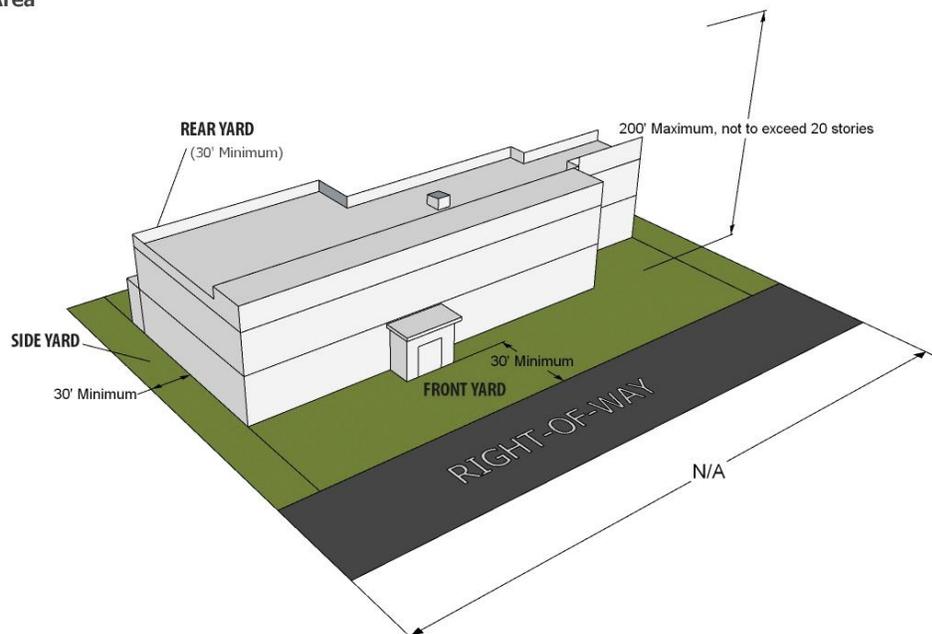
**4. Parking Requirements:** Parking requirements in the M-2 District are listed in Article IV.

**5. Bulk Space and Yard Regulations:** Bulk regulations in the M-2 District including regulations regarding lot area, lot width, yard areas, building coverage, and building height are listed in Table 5.1 and 5.12 and illustrated below.

Table 5.12	
M-2 Manufacturing District	
Minimum Lot Area (sq. ft.)	N/A
Minimum Lot Width at front yard line (ft.)	N/A
Minimum Front Yard Setback (ft.)	30
Minimum Side Yard (ft.)	30
Minimum Rear Yard (ft.)	30
Minimum Corner Side Yard (ft)	30
Maximum Building Coverage	65%
Maximum Building Height	200 ft.
Maximum Floor Area Ratio	1.0

**Figure 5.10:** M-2 Manufacturing District Bulk Regulations Illustration

N/A sq. ft.  
Minimum Lot Area



## **6. Additional Standards**

### **a. Front yards**

i. Within the front yard in the M-2 District, there shall be no structure of any kind, open storage of equipment, vehicles or automobile parking, except as allowed in Section 6ii below.

ii. The following standards shall apply to all properties with front yards located along the following roadways: Golf Road, Algonquin Road, Route 53, Euclid Avenue, Hicks Road, Rohlwing Road.

1. The front yard setback shall be a minimum of 90 feet.

2. Parking Setback: Parking Areas may encroach into required Front Yard Setbacks, but may be located no closer than 15 feet to the Front Property Line.

### **b. Screening**

i. The side and/or rear of M-2 zoned property must be screened from any adjacent residential property by a wood fence a minimum of six feet in height or treated in some other manner as approved by the Zoning Administrator so as to have greater or equal screening value.

**V-5 - PERMITTED AND SPECIAL LAND USES**

**V-5-A.** Permitted and Special Uses in all zoning districts shall be as listed in Table 5.13.

**V-5-B.** Any use of land not listed in Table 5.13 as a Permitted or Special Use shall be prohibited in the City of Rolling Meadows.

**Table 5.13:** Land Use Table

Zoning District	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-3	M-1	M-2
	Single Family	Single Family	Single Family	Townhome	Multi-Family	Community Commercial	Corridor Commercial	Office, Institutional, and Research	Business Park	Manufacturing
<b>Residential Uses</b>										
Assisted living/memory care housing								S		
Dwelling, single-family detached	P	P	P							
Dwelling, single-family attached				P	P					
Dwelling, two-family (duplexes)				S	P					
Dwelling, multi-family					P					
Daycare home	P	P	P	P						
Mobile home park					S					
Group community residence	P	P	P	P	P					
Senior independent living					S		S	S		
Skilled care housing					S		S			
<b>Business Uses</b>										
Arts studio, workspace or teaching						P	P	S	S	S
Automobile and / or truck rental							S	S	S	S
Automobile and / or truck sales (new and used)							S	S		
Automobile and / or truck repair						S	S		S	S
Bakery / Coffee shop						P	P	S		
Banks and financial institutions						P	P	P		
Banquet hall						S	P	S	S	
Brew Pub (Restaurants)						S	S	S		
Car Wash							S		S	S
Currency exchange						P	P			
Daycare Centers						S	S	S	S	S
Drive thru, as part of a permitted or primary use						S	S	S	S	S
Funeral homes						S	S	S	S	
Gas/fueling stations						S	S	S	S	S
Home/garden stores						S	S		S	
Hotel / Motel						S	P	P	P	
Indoor retail sales of goods						P	P	P	S	
Kennel									S	S
Liquor stores						P	P			
Medical cannabis dispensary									S	S

Zoning District	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-3	M-1	M-2
	Single Family	Single Family	Single Family	Townhome	Multi-Family	Community Commercial	Corridor Commercial	Office, Institutional, and Research	Business Park	Manufacturing
Medical and dental clinics						P	P	P		
Offices, Professional and Business						P	P	P	P	P
Outdoor business activities, permanent							S			
Personal services						P	P	S		
Pet Day Care						S	S		S	S
Pet stores						S	S	S		
Restaurants						P	P	P	P	
Tattoo parlor							S		S	
Veterinary clinics							S	S	S	
<b>Public, Cultural, Recreation, and Other Institutional Uses</b>										
Assembly/meeting halls						S	S	S	S	S
Country club	S	S	S							
Dog park	S	S	S			S				
Golf course	S	S	S							
Government buildings and facilities	S	S	S	S	S	P	P	P	S	S
Hospitals							S	S		
Indoor athletic facilities							S	S	S	
Indoor entertainment and amusement facilities						P	P	S		
Lighted sports fields	S	S	S	S	S	S				
Miniature golf course						P	P			
Museum or cultural facility						P	P			
Public recreational facilities	S	S	S	S	S					
Public Park										
Religious Institutions	S	S	S	S	S	S	S	S		
Schools (Public, non-profit or private)	S	S	S	S	S					
Emergency shelter					S	S	S	S		
Community swimming pool	S	S	S							
Rehabilitation facilities					S			S		
<b>Manufacturing Uses</b>										
Greenhouses									P	P
Manufacturing, general									S	P
Manufacturing, light									P	P
Medical cannabis cultivation center									S	S
Microbrewery									P	P
Microdistillery									P	P
Microwinery									P	P
Recycling center									S	S

Zoning District	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-3	M-1	M-2
	Single Family	Single Family	Single Family	Townhome	Multi-Family	Community Commercial	Corridor Commercial	Office, Institutional, and Research	Business Park	Manufacturing
Research and development facilities								P	P	P
Warehousing									P	P
Miscellaneous										
Accessory detached garages up to 18'	S	S	S							
Adult regulated use									S	S
Animal shelter									S	S
Cemeteries		S	S	S	S					
Off-street parking lot, public						S	S	S	P	P
Planned developments	S	S	S	S	S	S	S	S	S	S
Utilities	S	S	S	S	S	S	S	S	S	S
Personal Wireless Services	S	S	S	S	S	S	S	S	S	S
Small Cell Facilities	S	S	S	S	S	P	P	P	P	P

# **ARTICLE VI**

## **ADMINISTRATION AND DEVELOPMENT REVIEW**

### **VI-1 - ORGANIZATION OF ORDINANCE ADMINISTRATION**

**VI-1-A.** This Zoning Ordinance is administered by the following, as identified in this Chapter and elsewhere in the City Code:

1. Zoning Administrator
2. Planning and Zoning Commission

**VI-1-B.** The following zoning processes administered by the City are outlined in this Article.

1. Hearing Notice and Procedures
2. Appeals
3. Variances
4. Amendments (Text Amendments and Map Amendments/Rezoning)
5. Special Uses
6. Zoning Certificates
7. Site Plan Review
8. Fees

### **VI-2 - ZONING ADMINISTRATOR AND APPOINTED BODIES**

**VI-2-A. The Zoning Administrator:**

**1. Zoning Administrator and Authority:** The Zoning Administrator (or their designee) is charged to administer and enforce this Chapter. The City of Rolling Meadows Public Works Director is designated as the City's Zoning Administrator and authorized to:

- a. Issue all zoning certificates and permits required per this Chapter, and to maintain records thereof.
- b. Conduct inspections of buildings, structures, and land to determine compliance with this Chapter and the City Code and notify in writing the person responsible for any violation found, indicating the nature of the violation and directing actions necessary to correct it.
- c. Order discontinuance of illegal use of land, buildings, or structures; the removal of illegal buildings, structures, additions, or structural changes, directed to prevent violation of this Chapter shall be as authorized by Illinois law and by the City Code.
- d. Maintain permanent and current records of this Chapter, including, but not limited to all maps, Amendments, Special Use permits, Planned Developments, Variances, Appeals, applications, and records of hearings and decisions.
- e. Provide interpretations regarding the meaning and applicability of regulations in this Chapter and maintain a record of those interpretations.
- f. Receive, file, and forward to the Planning and Zoning Commission as applicable, all applications for matters pertinent to this Chapter. As needed the Zoning Administrator

shall provide facts and information needed by these bodies making findings and support matters before them.

g. Initiate, direct, and review, from time-to-time, a study of the provisions of this Chapter and make recommendations as such study requires.

h. Decide or make recommendations on all matters upon which the Zoning Administrator is required to act.

i. Make an annual report to the Planning and Zoning Commission and the City Council on the work of the Public Works Department on the enforcement of this Chapter.

## **VI-2-B. Planning and Zoning Commission:**

Provisions governing the establishment and membership of the Planning and Zoning Commission also are contained in Chapter 78 "Planning" of Article 2 "Planning and Zoning Commission" of the City Code.

### **1. Membership:**

a. The Planning and Zoning Commission shall consist of nine (9) members to be appointed by the Mayor and confirmed by the City Council. The term of each Planning and Zoning Commission member shall be for four (4) years or until their successor is appointed. If any vacancy occurs during the term of office, an appointment shall be made by the Mayor and confirmed by the City Council for the unexpired term.

b. The members of the Planning and Zoning Commission shall elect annually from among the members of the body a Chairperson and Vice Chairperson.

c. The attendance of at least five (5) members shall constitute a quorum.

### **2. Authority:** The Planning and Zoning Commission shall have the following duties and powers:

a. To prepare and recommend to the City Council a Comprehensive Plan for the present and future development or redevelopment of the City and contiguous unincorporated territory within one and one-half (1½) miles of the corporate limits of the City and not located in any other municipality.

b. To recommend to the City Council, from time to time, such changes in the Comprehensive Plan or any part thereof, as may be deemed necessary.

c. To hear, consider and recommend to the City Council matters dealing with Amendments to this Chapter.

d. To hear, consider and recommend to the City Council matters dealing with the granting of Special Uses.

e. To hear, consider and recommend to the City Council matters dealing with Variances, as authorized in this Chapter.

f. To hear, consider and recommend to the City Council appeals to a determination of the Zoning Administrator, as authorized in this Chapter.

g. To hear, consider and recommend to the City Council matters dealing with the granting of Planned Developments in the form of a Special Use.

h. To designate, subject to final consideration, evaluation and approval of the City Council, land suitable for annexation to the City and the recommended zoning classification for such land upon annexation.

- i. To study and make recommendations to the City Council regarding matters dealing with the planning and zoning of the community.
- j. To cooperate with the municipal or regional planning commissions and other agencies or groups to further local planning initiatives and to assure harmonious and integrated planning for the area.
- k. To take all actions directed by the City Council.
- l. To take all other actions authorized by law.

**3. Meeting Procedures:**

- a. All meetings of the Planning and Zoning Commission shall be held on dates as determined by annual resolution of the City Council. Additional meetings of the Planning and Zoning Commission may be held as required and upon proper notice.
- b. All hearings conducted by the Planning and Zoning Commission shall be open to the public.
- c. Minutes and Records: The Planning and Zoning Commission shall keep minutes of its proceedings summarizing said meeting and showing the vote of each member upon questions considered. Findings of fact shall be included in the minutes of each case and the reasons for recommending or denying such matter shall be specified.
- d. Voting: The concurring vote of a majority of the quorum at the hearing shall be necessary to approve any matter before the Planning and Zoning Commission.
- e. Rules of Procedure: The Planning and Zoning Commission may adopt its own rules of procedure, said rules shall not conflict with ordinances of the City or with laws of the Illinois statutes.

**4. Fees:** All fees for petitions to the Planning and Zoning Commission shall be as defined in Appendix B of the City Code.

**VI-3 - ZONING PROCEDURES**

**VI-3-A. Hearing Notice and Procedures:**

**1. Public Hearing Notice Requirements:** The following provisions, in addition to any other specific provisions set forth in the City Code, shall apply to Public Hearings required by this Chapter:

- a. Timeframe: When the provisions of this Chapter require a Public Hearing, the Zoning Administrator shall, upon receipt of a properly completed application, assign the matter a hearing date. Such hearing shall be set no later than sixty (60) days following the submission of a fully complete application, unless the Planning and Zoning Commission hearing agenda for that date is fully committed, as determined by the Zoning Administrator.
  - i. An application shall be considered “fully complete” only when all materials identified in this Chapter, other relevant City documents, and other pertinent data indicated as necessary by the Zoning Administrator have been provided. An application shall be considered complete only if the submitted material is deemed by the Zoning Administrator as sufficiently thorough to provide the information needed by the City to support making a fully informed determination on the requested matter.
- b. Content of Notice: The Planning and Zoning Commission Public Hearing notice shall contain information as determined by the Zoning Administrator.

c. Notice by Mail: The Applicant shall give notice of the public hearing by mail to the owners of all properties within two hundred and fifty feet (250'), excluding rights of way, of the property that is the subject of the application. Such notice shall be post marked not less than fifteen (15) days nor more than thirty (30) days in advance of the hearing and shall be sent by first class US Mail. Supplemental or additional notices may be required by the Zoning Administrator and may include, but not be limited to, all taxing jurisdictions that serve the property, including the City. Proof of mailing shall be provided by the Applicant in the form of an affidavit of mailing, in format approved by the City Attorney.

d. Notice by Newspaper Publication: The Zoning Administrator shall publish notice of the Public Hearing not more than thirty (30) days nor less than fifteen (15) days before the date for the hearing, in a newspaper of general circulation in the City.

e. Notice by Sign: The Zoning Administrator will provide, and the applicant shall cause to be placed on the subject property of the Public Hearing a sign containing information regarding the Public Hearing. The sign shall be placed on the property a minimum of fifteen (15) days prior to the Public Hearing and shall remain until after a final determination on the matter is made by the City Council, after which the applicant shall remove. Proof that the sign was posted shall be provided by the Applicant in the form of an affidavit, in a form approved by the City Attorney.

**2. Public Hearing Procedures:** The following provisions shall apply to Public Hearings required by this Chapter, in addition to any other specific provisions set forth in the City Code or by the Planning and Zoning Commission:

a. All hearings shall be open to the public.

b. All testimony shall be given under oath.

c. Any interested person may appear and testify at a Public Hearing, either in person or by a duly authorized agent, and may submit documentary evidence; provided, however, that the Planning and Zoning Commission may exclude immaterial or unduly repetitious evidence.

d. Procedures defined by the Planning and Zoning Commission may be applied to address processes including, without limitation: testimony, cross examination, continuation of the hearing, and the order of testimony.

e. A record shall be prepared of each Public Hearing for presentation to the City Council and include but not be limited to: meeting minutes or similar record, items submitted by applicants and those providing testimony, recommendation of the hearing body, and staff reports and exhibits provided as part of the hearing.

### **VI-3-B. Appeals:**

**1. Authority:** Appeals to determinations of the Zoning Administrator shall be heard by the Planning and Zoning Commission in a manner described in this Subsection VI-3-B.

**2. Purpose:** This appeal process is provided to mitigate against arbitrary or erroneous applications of this Chapter by the Zoning Administrator and to avoid the need for litigation in resolving such actions. However, the Planning and Zoning Commission and City Council will give proper deference to the determination of the Zoning Administrator and those charged with applying the standards and intent of this Chapter.

**3. Parties Entitled to Appeal:** An appeal may be taken to the Planning and Zoning Commission by any person, firm or corporation aggrieved by a decision of the Zoning Administrator relative to this Chapter.

**4. Procedures:** An appeal shall be filed, by application in a form defined by the City Attorney, within thirty (30) days of a written determination by the Zoning Administrator. The Zoning Administrator shall transmit to the Planning and Zoning Commission all materials constituting the record upon which the action appealed from was taken.

a. An appeal shall stay all actions in furtherance of the matter appealed from; unless the Zoning Administrator determines that current conditions cause imminent danger to life or property, in which case the proceedings shall not be stayed, absent a restraining order, and actions needed to mitigate such danger shall be taken as soon as possible.

b. The Planning and Zoning Commission shall hold a hearing regarding the Appeal at an established meeting or other date it may set, and give written notice of no less than 15 days to the interested parties.

c. Within thirty-five (35) days after closing the hearing, the Planning and Zoning Commission shall render a recommendation on the appeal to the City Council, which shall make the final decision on the appeal.

d. Any person may appear and testify at the hearing, either in person, in writing or by duly authorized agent.

### APPEALS PROCEDURE



### 5. Decisions:

a. The Planning and Zoning Commission shall recommend to City Council the affirmation or reversal, wholly, in part, or as amended, to the Zoning Administrator's determination that has been appealed.

b. A majority of the quorum at the hearing shall be required to recommend to the City Council reversal of any determination of the Zoning Administrator.

c. A final determination for the Appeal shall be made by the City Council.

**6. Materials to be Submitted:** Applications for appeals will contain at least the following information:

a. The owner's name, address, signed consent, and proof of ownership.

b. The applicant's name and address, if different than the owner, and their interest in the subject property.

- c. The names and contact information of any professional consultants advising the applicant with respect to the application.
- d. The common address of the subject property.
- e. A description and / or graphic showing the situation for which the Appeal is being sought, as well as the existing zoning classification, use and development of the subject property.
- f. The Chapter Section and determination from which an appeal is sought.
- g. A narrative of any specific situation giving rise to the original determination and the Appeal.
- h. A statement of the applicant's position as to alleged errors in the determination or failure to act being appealed, and why the relief sought is justified.

**7. Fees:** All fees for petitions to the Planning and Zoning Commission shall be as defined in Appendix B of the City Code.

### **VI-3-C. Variances:**

**1. Authority:** The City Council shall have the authority to grant Variances based on the standards outlined in this Subsection VI-3-C and upon receiving a recommendation from the Planning and Zoning Commission.

**2. Purpose:** In certain circumstances, strict application of the regulations of this Chapter may cause practical difficulties or a particular hardship relating to construction or alteration of buildings or structures. In such instances the Planning and Zoning Commission may recommend to the City Council granting Variances from strict application of the terms of this Chapter. Based on the Standards for Variance in Subsection VI-3-C-5, presented hardship due to unique factors of the site, the general purposes and intent of this Chapter, and the evidence presented at the hearing, the Planning and Zoning Commission may find that a Variance, if granted by the City Council, will be necessary to alleviate some demonstrable hardship or difficulty so great as to interfere with reasonable use of the property, and not merely an inconvenience to the applicant. Variances shall not be granted as temporary measures or to permit a land use of land not otherwise authorized.

**3. Variances to be Considered.** Variances may be considered and authorized for a specific property regarding the following standards defined in this Chapter.

- a. To modify dimensional standards as set out in Table 5.13.
- b. To modify dimensional standards associated with specific Accessory Uses in Article III, Regulations of General Applicability of this Chapter.
- c. To modify the number of required parking spaces as defined in Table 4.4 in Article IV, Off-Street Parking and Loading of this Chapter.
- d. To modify the number of required loading spaces as defined in Table 4.6 in Article IV Off-Street Parking and Loading of this Chapter.
- e. To modify dimensional standards associated with Signs as defined in Article X, Signs of this Chapter (but not the total number of signs which shall not be varied).

### **4. Procedures:**

- a. Applications for Variance shall be filed with the Zoning Administrator on forms approved by the City Attorney.

b. Public Hearing: A Public Hearing before the Planning and Zoning Commission shall be set, noticed and conducted in accordance with the provisions of this Chapter.

c. Action by the Planning and Zoning Commission: Within 35 days of the close of the Public Hearing, the Planning and Zoning Commission shall make a recommendation that is forwarded to the next available City Council meeting for approval, approval with conditions, or denial of the Variance application. Failure to do so within thirty-five (35) days, or longer period if agreed to by the applicant, shall be deemed a recommendation for denial of the Variance by the Planning and Zoning Commission.

d. Action by the City Council: Following receipt of a recommendation by the Planning and Zoning Commission, the City Council will either deny the Variance application, approve the application or approve the application with modifications or conditions.

e. If the Variance application is denied, a similar application for relief may not be brought before the City for a period of one year.

### VARIANCE PROCEDURE



**5. Standards for Variances:** No application for Variance to this Chapter shall be approved without an affirmative finding regarding the following standards. The Planning and Zoning Commission shall submit to the City Council a written recommendation and Findings of Fact for each matter it hears based these standards:

a. Unique Physical Condition: The presence of unique physical conditions related to the property that create a hardship or practical difficulty for the applicant to meet the established requirements of this Chapter. The applicant must evidence how such unique hardship or practical difficulty is more impactful to meeting the requirements of this Chapter than a mere inconvenience.

b. Impact: Granting a Variance will not substantially impact use and enjoyment of adjacent or nearby properties by impairing an adequate supply of light and air, increasing the risk from fire or other public safety hazard, or diminishing property values. To mitigate impacts, the Variance should be the least amount of relief required to accomplish the proposed development.

c. Not Self Imposed: The conditions creating the hardship or practical difficulty are a result of application of this Chapter, and not self-imposed, having been created by the applicant or by another on behalf of the applicant, or in furtherance of an opportunity for additional profit.

d. Use of Property: Use of the property possible under the standards of this Chapter, without receiving the requested Variance, would deprive the property owner of substantial rights commonly enjoyed by owners of other lots subject to the same provisions. This standard acknowledges that application of zoning standards may create somewhat increased development costs; which do not constitute, in and of themselves, a hardship.

e. Community Character: Granting a Variance will not impair the public health, safety, morals, comfort, or welfare of the community. Further, said Variance shall not significantly alter or impact the essential character or trend of development in the general area, including characteristics such as building height and setback, traffic management, landscaping, building orientation, and established aesthetic standards.

**6. Conditions on Variances:** The Planning and Zoning Commission may recommend and the City Council may impose specific conditions related to the requested Variance (such as landscaping, screening or other improvements or limitations) as needed to prevent or mitigate adverse impacts on adjacent properties or the general area. Failure to comply with or maintain such conditions will be grounds for the City Council to revoke the Variance.

**7. Limitations on Variances:**

a. Variance approval does not grant any rights related to the subject property other than those specified in the ordinance approving the Variance. All other City processes and approvals must be met including, without limitation, building permits, subdivision approval, authorization of occupancy, and authorization of zoning.

b. Unless a time extension is granted by the City Council, no Variance granted from the provisions of this Chapter is valid for a period longer than one year, unless a building permit has been issued and construction has begun and is being pursued diligently toward completion. A time extension may be granted in keeping with the following:

i. The Zoning Administrator may grant an extension of 180 days within which a permit is to be issued and construction begun, provided the applicant provides evidence of the delay being caused by factors beyond their control.

ii. The City Council may grant a second 180 day extension if a building permit and work on the project has not commenced within 18 month time frame, if the applicant provides evidence of the delay being caused by factors beyond their control.

iii. Within one year of issuance of a Variance, or an extension granted under Subsection VI-3-C-7-b-i or VI-3-C-7-b-ii above, a Certificate of Occupancy shall have been issued by the City to the project for which Variance was granted, or work on said project must continue to be pursued diligently to completion.

iv. If a building permit has not been secured and work diligently begun within one-year of approval of the Variance, or an extension granted under Subsection VI-3-C-7-b-i or VI-3-C-7-b-ii above, or a Certificate of Occupancy issued, the City Council may consider and take action to rescind the Variance.

**8. Materials to be Submitted:** Every application for Variance will contain at least the following information:

a. Plans/Drawings

i. A graphic depicting proposed development of the subject property.

ii. A current survey, certified by a registered land surveyor, of the subject property.

iii. Legal Description of property, including real estate tax number and common address.

iv. The names and contact information of any professional consultants advising the applicant with respect to the application.

b. Proof of Ownership

- i. Legal document such as a deed, title policy, contract to purchase, etc. to show ownership.
- ii. The owner's name and address, and the owner's signed consent to filing of the application.
- iii. The applicant's name and address, if different than the owner, and their interest in the subject property.

c. Description of proposed use(s).

- i. A narrative describing the proposed use and development of the subject property, as well as Chapter Section(s) for Variance(s) being sought.
- ii. Description of the subject property characteristics preventing compliance with the specified regulation.
- iii. A statement of how the Variance sought would satisfy each of the standards in Subsection VI-3-C-5 above.

d. Other materials deemed necessary by the Zoning Administrator for the City to conduct a thorough assessment of the proposed development and requested Variance.

e. Reimbursement of Fees Agreement executed by the applicant and property owner.

**9. Fees:** All fees for petitions to the Planning and Zoning Commission shall be as defined in Appendix B of the City Code.

**VI-3-D. Amendments:**

**1. Authority:** The regulations established, and the districts created by this Chapter may, from time to time, be amended by an ordinance passed by the City Council upon receiving a recommendation from the Planning and Zoning Commission. An application for a Text Amendment or a Map Amendment (Rezoning) may be filed by the City Council, Planning and Zoning Commission, or Zoning Administrator. In addition, the owner of a property or an individual or entity with a contractual interest in a property (with the authorization of the owner) may file for an Amendment to the Zoning Map, and any interested person may propose an Amendment to the text of this Chapter.

**2. Purpose:** Amendments to this Chapter are intended to revise or refine the Zoning Ordinance or Zoning Map as needed to keep it a current and effective tool for development regulation. Amendments should reflect new conditions or newly identified situations, technologies, business approaches or unexpected conditions. The Amendment process is not appropriate solely to relieve a particular inconvenience for an individual applicant, as such changes affect other aspects of the Chapter and /or surrounding properties.

**3. Procedures:**

a. Applications for Amendments shall be filed with the Zoning Administrator through procedures indicated in this Chapter. Application shall be provided on forms approved by the City Attorney.

b. Public Hearing: A public hearing shall be set before the Planning and Zoning Commission, noticed and conducted in accordance with the provisions of this Chapter.

c. Action by the Planning and Zoning Commission: Within 35 days of the close of the Public Hearing, the Planning and Zoning Commission shall make a recommendation that is forwarded to the next available City Council meeting for approval, approval with

conditions, or denial of the Amendment. Failure to do so within 35 days, or longer period if agreed to by the applicant, shall be deemed a recommendation for denial of the Amendment by the Planning and Zoning Commission.

d. Action by the City Council: Following receipt of a recommendation by the Planning and Zoning Commission, the City Council will either approve the application, approve the application with modifications or conditions, deny the application, or remand the matter back to the Planning and Zoning Commission for further deliberation.

### AMENDMENTS PROCEDURE



e. If the application for Amendment is denied, a similar application for relief may not be brought before the City for a period of one year.

**4. Standards for Amendments:** No application for Amendments to the City’s Zoning Text or Zoning Map shall be approved without a satisfactory finding regarding the following standards. The Planning and Zoning Commission shall submit to the City Council a written recommendation and Findings of Fact for each matter it hears based said standards:

- a. Potential Impacts: The amendment shall not adversely impact existing land uses in proximity to a subject property, or, in the case of a text amendment, the overall zoning district purpose or intent of a code section proposed for amendment. The Amendment should not unreasonably affect the value, use and enjoyment of nearby properties.
- b. Trend of Development / Consistency: Map amendments should be a logical extension of the trend of development in the area around the subject property, or consistent with the approved Comprehensive Plan. In the case of a text amendment, the amendment shall be consistent with the overall zoning district purpose or intent of a code section proposed for amendment.
- c. Externalities: Relevant physical or market conditions that may have changed to make the existing zoning of a property inappropriate, or that make the proposed text amendment necessary for this Chapter to be in keeping with the desirable development of the City shall be specified.
- d. City Plans: Amendments should be consistent with the City’s Comprehensive Plan, Official Map, and all other plans and policies adopted by the City.
- e. Zoning Appropriateness: The extent to which use of the subject property (or relevant properties in the case of a text Amendment) is diminished by the current zoning standards or designation and is no longer suitable for the underlying zoning shall be specified.

**5. Materials to be Submitted:** Applications for an Amendment will contain at least the following information:

**a.** All Amendments applications shall include:

- i.** The applicant's name and address, and their interest in any property subject the amendment.
- ii.** A statement of how the Amendment sought would satisfy each of the standards in Subsection IV-3-D-4 above.
- iii.** The names and contact information of any professional consultants advising the applicant with respect to the application.
- iv.** Other materials deemed necessary by the Zoning Administrator for the City to conducted a thorough assessment of the proposed Amendment.
- v.** Reimbursement of Fees Agreement executed by the applicant and property owner.

**b.** Map Amendments applications shall include:

- i.** The property owner's name and address, and the owner's signed consent to filing of the application
- ii.** Proof of Ownership: Legal document such as a deed, title policy, contract to purchase, etc. to show ownership.
- iii.** A graphic depicting proposed development or future use of the subject property.
- iv.** A current survey, certified by a registered land surveyor, of the subject property.
- v.** Legal Description of property, including real estate tax number and common address.
- vi.** Description of the subject property characteristics preventing compliance with the existing zoning.
- vii.** A narrative describing any proposed use or development of the subject property, as well as such development's compliance with the proposed zoning district.
- viii.** Description of the length of time, if any, that the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property.

**c.** Text Amendments applications shall include:

- i.** Wording of the proposed text Amendment.
- ii.** A statement of the need and justification for the proposed text Amendment.
- iii.** A narrative indicating how the request is in keeping with the City's Comprehensive Plan and Official Map. Where the approval being requested does not conform to these, reasons justifying the approval despite the lack of conformity shall be provided.

**6. Fees:** All fees for petitions to the Planning and Zoning Commission shall be as defined in Appendix B of the City Code.

### VI-3-E. Special Uses:

**1. Authority:** Special Use Permits may be granted by the City Council to authorize development of uses and structures identified as Special Uses in the regulations applicable to the district in which the subject property is located. Such approval shall follow a recommendation to the City Council by the Planning and Zoning Commission. An application for a Special Use permit may be filed by the owner of a subject property, or any person having a contractual interest in the property, with authorization of the owner.

**2. Purpose:** This Chapter provides for an orderly arrangement of compatible buildings and land uses, and for the proper location of all types of uses affording for the social and economic welfare of the City. To advance this objective, some uses require particular consideration as to their proper location in relation to adjacent properties, orientation on a subject property, and compatibility with established or intended uses, or to the planned development of the community. These are classified as Special Uses. To mitigate potential impacts of a proposed Special Use, the City Council may attach conditions to such requests, prior to approval.

#### 3. Procedures:

a. **Application:** Applications for Special Uses shall be filed with the Zoning Administrator through procedures indicated in this Chapter. Application shall be provided on forms approved by the City Attorney.

b. **Public Hearing:** A public hearing shall be set before the Planning and Zoning Commission, noticed and conducted in accordance with the meeting and notice provisions of this Chapter.

c. **Action by the Planning and Zoning Commission:** Within thirty (35) days of the close of the Public Hearing, the Planning and Zoning Commission shall make a recommendation that is forwarded to the next available City Council meeting for approval, approval with conditions, or denial of the Special Use application. Failure to do so within thirty (35) days, or longer period if agreed to by the applicant, shall be deemed a recommendation for denial of the Special Use application by the Planning and Zoning Commission.

d. **Action by the City Council:** Following receipt of a recommendation by the Planning and Zoning Commission, the City Council will either deny the Special Use application, approve the application, or approve the application with modifications or conditions.

e. If the application for Special Use is denied, similar application for relief may not be brought before the City for a period of one year.

### SPECIAL USE PROCEDURE



**4. Standards for Special Uses:** No application for Special Use shall be approved without a satisfactory finding regarding the following standards. The Planning and Zoning Commission shall submit to the City Council a written recommendation and Findings of Fact for each matter it hears based on said standards:

- a. Potential Impact: The Special Use shall not unduly impact adjacent or nearby properties or the general health, safety, and welfare of the general area and overall community. Impacts to be considered include ingress and egress to the site, potential traffic impacts from cars and trucks, and impacts to the appearance and character of the area.
- b. Consistency: The proposed Special Use shall be in keeping with the recommendations and intent of the City's Comprehensive Plan, Official Map, and all other plans and policies adopted by the City.
- c. Trend of Development: Special Uses should be a logical extension of the trend of development in the area around the subject site and not interfere with the use and development of adjacent or nearby properties.
- d. Public Facilities: Adequate public facilities and services shall be available to serve the Special Use and the property on which it is located; including, without limitation, storm water, sanitary sewer, water service, public safety service, and waste disposal services.
- e. Site Design: The on-site development design shall be understandable to users, safe, and maintainable in terms of road and pedestrian patterns, preserve natural features and incorporate such features into a maintainable development, and provide adequate parking, loading, and site maintenance.

**5. Conditions on Special Uses:** The Planning and Zoning Commission may recommend, and the City Council may impose specific conditions related to the requested Special Use (such as landscaping, screening or other improvements or limitations) as needed and appropriate to prevent or mitigate adverse impacts on adjacent properties or the general area. Failure to comply with such conditions will be grounds for the City Council to revoke the Special Use.

**6. Limitations on Special Uses:**

- a. Special Use approval does not grant any rights related to the subject property other than those rights granted in the ordinance approving the Special Use. All other City processes and approvals must be met, including but not limited to: building permits, subdivision approval, authorization of occupancy, or authorization of zoning.
- b. A Special Use granted under the provisions of this Chapter is valid for a period not longer than one year, unless a building permit has been issued and construction has begun. If such is not the case, the Zoning Administrator may grant an extension of 180 days without approval of a Special Use amendment, within which a permit is to be issued and construction begun, provided the applicant provides evidence of the delay being caused by factors beyond their control.
- c. The City Council may grant a second 180 day extension if a building permit and work on the project has not commenced within 18 month time frame, per Subsection VI-3-E-6-b above, if the applicant provides evidence of the delay being caused by factors beyond their control.
- d. Within one year of issuances of a Special Use permit, or an extension granted under Subsection VI-3-E-6-b or VI-3-E-6-c above, a Certificate of Occupancy shall have been

issued by the City to the project for which Special Use was granted, or work on said project must continue to be pursued diligently to completion.

e. If a building permit has not been secured and work diligently begun within one-year of approval of the Special Use, or an extension granted under Subsection VI-3-E-6-b or VI-3-E-6-c above, or a Certificate of Occupancy issued per Subsection VI-3-E-6-d above, the City Council may consider and take action to rescind the Special Use Permit.

f. Amendments to Special Uses: A Special Use granted by the City Council may only be amended, varied or altered through the procedures for Special Uses set out in this Chapter, as if it were a newly requested Special Use.

g. Authority to Transfer Special Uses to New Owners: A Special Use approved by the City after this Chapter's effective date (\_\_\_\_\_, 2020) shall only be valid for the owner or operator to whom the Special Use is granted, unless the City Council determines within the ordinance approving the Special Use, or any amendment thereto, that such Special Use and any associated conditions of the Special Use may be transferred to and assumed by a subsequent owner or operator. All Special Uses approved by the City on or before this Chapter's effective date (\_\_\_\_\_, 2020) may be transferred to a subsequent owner or operator upon review and determination by the Zoning Administrator that the new owner or operator is reasonably able to substantially comply with all conditions imposed on the original Special Use approval and any amendments thereto.

h. Discontinuance: A Special Use shall automatically expire and no longer be in effect if the use to which it was granted, for any reason, is discontinued for a period one year.

**7. Materials to be Submitted:** Every application for a Special Use Permit will contain at least the following information:

a. Plans/Drawings

- i. A graphic depicting proposed development of the subject property.
- ii. A current survey, certified by a registered land surveyor, of the subject property.
- iii. Legal Description of property, including real estate tax number and common address.
- iv. The names and contact information of any professional consultants advising the applicant with respect to the application.

b. Proof of Ownership

- i. Legal document such as a deed, title policy, contract to purchase, etc. to show ownership.
- ii. The owner's name and address, and the owner's signed consent to filing of the application.
- iii. The applicant's name and address, if different than the owner, and their interest in the subject property.

c. Description of proposed use(s).

- i. A narrative describing the proposed use and development of the subject property.
- ii. A statement of how the Special Use sought would satisfy each of the standards in Subsection VI-3-E-4 above.

d. Other materials deemed necessary by the Zoning Administrator for the City to conducted a thorough assessment of the proposed development and requested Variance.

e. Reimbursement of Fees Agreement executed by the applicant and property owner.

**8. Fees:** All fees for petitions to the Planning and Zoning Commission shall be as defined in Appendix B of the City Code.

### **VI-3-F. Certificate of Zoning Compliance:**

**1. Authority:** Prior to review of any application for a non-single-family building permit (or Certificate of Completion, Business License, or Certificate of Occupancy if no building permit is required), the Zoning Administrator shall determine that the application conforms with the regulations of this Chapter and certifies such by issuance of a Zoning Certificate.

**2. Purpose:** Implementation of City plans, policies and ordinances related to the built environment depends, in part, on compliance with City development regulations. This includes, but is not limited to, ensuring that land uses are located appropriately per the City zoning map, that parking and loading standards are met, and that zoning bulk standards are met. To support this objective, the Zoning Certificate process ensures that property owners making improvements do so in a manner that is in keeping with the regulations of the City and does not adversely impact neighboring properties or the community at large. This process allows for consideration of such matters prior to commencement of construction and seeks to prevent owners from inadvertently undertaking construction that is contrary to the standards of this Chapter.

### **3. Procedure:**

a. As part of a building permit process (or Certificate of Completion or Certificate of Occupancy if no building permit is required) the application shall include a request for certification by the owner or their designee that the proposed use will conform to all standards of this Chapter.

b. The Zoning Administrator, upon receipt of the application, shall conduct a review of relevant zoning standards within twenty-one (21) days, or advise the applicant as to reasons for refusing to issue the certificate, need for additional information, or reasons for any delay.

c. Zoning Certificate shall be valid only so long as the use is made of the premises for which issued and provided the information submitted to obtain same is accurate and complete. The City shall not be prevented by the issuance of the certification from terminating same if the use made of the premises is not in conformity with the certificate or City Ordinances.

d. All fees for petitions to the Planning and Zoning Commission shall be as defined in Appendix B of the City Code.

### **VI-3-G. Certificates of Occupancy or Completion:**

**1. Authority:** The Zoning Administrator will have authority to issue Certificates of Occupancy, Temporary Certificates of Occupancy, or Certificates of Completion; provided, however, that no such certificate will be issued except in accordance with the provisions of this Chapter and the other relevant provisions the City Code.

**2. Purpose:** For the purposes of this Chapter, the Certificates of Occupancy or Completion provides a procedure for the inspection of completed premises to ensure their compliance with this Chapter and approved plans prior to commencement of the use or occupancy of such premises. The Certificate may also evidence compliance with other relevant provisions of the City Code, as set forth in those provisions.

**3. Procedure:**

a. Application: Once all requirements related to a requested zoning approval, building permit, or other such regulations as may be required per the City Code have been met, the property owner (or applicant authorized by the owner) shall submit a written request for Certificate of Occupancy or Certificate of Completion.

b. Action on Application: Within five (5) business days following the receipt of a completed request for the Certificate, the Zoning Administrator will cause the subject structure or property to be inspected and will determine if all City Code requirements have been met and a Certificate of Occupancy or Completion may be issued. If all requirements have not been met, property owner (or applicant authorized by the owner) shall be provided a list of deficiencies required to be resolved prior to submitting a subsequent request for Certificate of Occupancy or Completion.

i. Temporary Certificate of Occupancy: The Zoning Administrator may grant a Temporary Certificate of Occupancy where all aspects of the site and structures are complete and ready for occupancy per the City Code, except for exterior landscaping and asphalt installation which have been delayed by limitations caused by weather. Temporary Certificates of Occupancy may only be issued between November 1st and June 1st of the following year and are valid only through the following July 1st.

ii. Certificates Issued in Error: Any Certificate of Occupancy or Completion issued in violation of the provisions of this Chapter, whether intentionally, negligently, or inadvertently, will be void.

**VI-3-H. Site Plan Review**

**1. Authority:** The Zoning Administrator shall perform a site plan review for uses and developments requiring building permits for construction in the zoning districts noted in Subsection VI-3-H-3-a below. This will not include cases in which building permit applications are made only for to the interior or façade of a structure. In cases where a building permit application includes site development and interior or façade construction, proposed improvements to the interior or façade will not be part of the site plan review consideration. Site Plan Review Approval is not required for applications considered through a Special Use process, as those matters are reviewed during the City’s review of the Special Use application. Applications for site plan review approval may be brought by the owner of a property, or persons with a contractual interest in a property, and having authorization of the owner.

**2. Purpose:** Site Plan Review addresses uses and developments appropriate for a zoning district, but considers that there may be potential adverse impacts for how a site is designed or used, and that require a more detailed evaluation than is otherwise incorporated to building permit, life safety, and related considerations. The standards and procedures in this Subsection VI-3-H are designed to provide a thoughtful and efficient evaluation of such development applications.

**3. Procedure:**

a. Site Plan Review Required: The Zoning Administrator shall conduct site plan review as outlined in this Subsection VI-3-H for sites located in the following zoning districts:

- i. R-5 Multi-Family Residential
- ii. C-1 Community Commercial
- iii. C-2 Corridor Commercial
- iv. C-3 Office, Institutional, and Research
- v. M-1 Business Park
- vi. M-2 Manufacturing

b. Zoning Administrator Approvals:

i. Application: Applications for site plan approval by the Zoning Administrator will be considered filed with the City as part of a complete building permit application for properties noted in Subsection VI-3-H-3-a above.

ii. Action by City: Based on review of the application, the Zoning Administrator will either: (1) approve the site plan as submitted; (2) approve it subject to conditions based on the standards noted below, with a written explanation to the applicant or (3) deny approval of the site plan with written findings provided to the applicant pursuant to the standards below. The failure of the Zoning Administrator to act within sixty (60) days, or such further time to which the applicant may agree, will be deemed to be a decision approving the site plan as submitted. In reviewing a submitted site plan regarding the standards below, the Zoning Administrator may suggest alternative site plan or design approaches that could address specified deficiencies or may note that such deficiencies that cannot be avoided would have a minimal adverse impact on the property or nearby properties.

iii. Effect of City Action: Approval of a site plan by the Zoning Administrator, acceptance of required modifications by the applicant, or agreement by the applicant and Zoning Administrator on an approach to address required modifications will constitute final action regarding site plan review. All other City building permit and City Code requirements must still be met for the proposed construction.

iv. Appeals: If the Zoning Administrator denies a site plan review application and the applicant wishes to appeal that denial, the applicant shall file such appeal in accordance with this Chapter.

v. Time Constraints: Unless an extension is granted by the Zoning Administrator as a result of written request by the applicant showing good cause and external factors necessitating an extension, no site plan or design approval will be valid for a period longer than six months (6) unless a building permit is issued. Within one year of site plan review approval, construction must have begun and (if not completed) be actively pursued to completion.

**4. Standards for Site Plan Review:** In considering a site plan submitted for review pursuant to this Subsection VI-3-H, the Zoning Administrator will consider the following standards:

a. The application must be complete as specified in this Chapter, other City regulations, or other requirements specified by the City.

b. Any other application for approval by the City or other jurisdiction relevant to items considered under site plan review must be successfully secured.

- c. The proposed site plan or design is internally logical and safe and facilitates clear understanding of travel and circulation within the property, as well as to and from the site by vehicles, pedestrians, and bicyclists.
- d. The proposed site plan and design do not interfere with easements or rights-of-way, or create traffic hazards or congestion on surrounding public streets.
- e. The proposed site plan or design does not adversely impact use and enjoyment of surrounding properties.
- f. Outdoor storage is adequately screened.
- g. The proposed site plan, or design, does not create adverse impacts related to drainage or erosion for the subject site or nearby properties, and complies with all local, county, state and federal requirements.
- h. The proposed site plan or design should not place unreasonable burdens on City or other utility systems serving the site or area. The site plan should integrate site utilities into the overall existing and planned utility systems serving the City.
- i. The proposed site plan or design must provide for required public improvements as may be directed in this Chapter, the Comprehensive Plan, City planning documents, or other aspects of the City Code.
- j. The proposed site plan or design shall not adversely impact the public health, safety or general welfare of the community.

**5. Modifications:**

- a. During development of the site, the Zoning Administrator may authorize an adjustment to the approved site plan if such change could have been authorized in the course of the original review.
- b. Amendments to Site Plan Following Completion of Development. After a site is developed in accordance with an approved site plan, said site plan may be altered, if in the determination of the Zoning Administrator and based on the Standards for Review in Subsection VI-3-H-4 above, in the same manner and subject to the same limitations as provided for the original approval of site plans.

**6. Submittal Requirements:** Every application submitted for site plan review will contain the following information, except that the Zoning Administrator may waive items deemed unnecessary (including those concurrently required for a building permit submittal) or require additional information as needed to conduct the review:

- a. Plans/Drawings
  - i. A graphic depicting proposed development of the subject property.
  - ii. A current survey, certified by a registered land surveyor, of the subject property.
  - iii. Legal Description of property, including real estate tax number and common address.
  - iv. The names and contact information of any professional consultants advising the applicant with respect to the application.
- b. Proof of Ownership
  - i. Legal document such as a deed, title policy, contract to purchase, etc. to show ownership.

- ii. The owner's name and address, and the owner's signed consent to filing of the application.
  - iii. The applicant's name and address, if different than the owner, and their interest in the subject property.
- c. A description and / or graphic describing the proposal for which site plan approval is being sought and of the existing zoning classification, use and development of the subject property.
- d. A graphic rendering of the existing conditions, which depicts all significant natural, topographical and physical features of the subject property including, drainage structure and pattern, relevant soil conditions, and topographical contours at one-foot intervals;
- e. The location, use, size and height in stories and feet of structures and other land uses on adjacent properties.
- f. Data and related calculations concerning proposed structures and existing structures that will remain, including:
- i. Location, size, use and height;
  - ii. Where relevant, gross floor area and floor area ratio;
  - iii. Where relevant, number and size of dwelling units, by dwelling unit type and number of bedrooms; and
  - iv. Building coverage.
- g. Yard and setback dimensions and dimensions related to the height, width and depth of any structure, as well as proximity to property lines.
- h. A vehicular and pedestrian circulation plan showing the location, dimensions, gradient and number of all vehicular and pedestrian circulation elements.
- i. All existing and proposed drainage, retention and detention facilities, and existing and proposed utilities and easements.
- j. Location, size and arrangements of all outdoor signs and lighting.
- k. Location and height of fences or screen plantings and the type or kind of building materials or plantings to be used for fencing or screening.
- l. Location, designation and total area of all usable open space.
- m. A detailed landscaping plan, showing location, size and species of all trees, shrubs and other plant material.
- n. A traffic study, if deemed necessary by the Zoning Administrator.
- o. Reimbursement of Fees Agreement executed by the applicant and property owner.

**7. Fees:** All fees for Site Plan Reviews shall be as defined in Appendix B of the City Code.

#### **VI-4 - FEES / COST RECOVERY / PENALTIES**

##### **VI-4-A. Fees:**

1. Fees Established. Every application filed pursuant to this Chapter will be subject to a non-refundable application fee in the amount established by the City Council and as defined in Appendix B to the City Code.

2. Applicants shall be responsible to cover the actual cost, as hereinafter defined, incurred by the City in processing an application.

3. The owner of the property which is the subject of the application and, if different, the applicant, will be jointly and severally liable for the payment of all fees.

**VI-4-B. Recoverable Costs:** For purposes of calculating the recoverable cost due pursuant to this Chapter, the actual costs incurred by the City in processing an application will consist of the following:

1. Legal Publication
2. Recording Secretarial or Court Report Services
3. Professional and Technical Consultant Services
4. Legal Review, Consultation, Negotiation, and Document Preparation
5. Copy Production
6. Mailing
7. Document Recordation

**VI-4-C. Recoverable Costs Fee Payment and Escrow:**

1. *Initial Payment and Escrow:* Every application filed pursuant to this Chapter will be accompanied by the required amount for recoverable costs. The funds for recoverable costs, as fixed by the Zoning Administrator, will be deposited in a cost recovery fee escrow. No interest will be payable on any such escrow.

2. *Charges Against Escrow:* From the date of filing of any application pursuant to this Chapter, the City will maintain an accurate record of the actual costs, as hereinabove defined, of processing the application. The Zoning Administrator will, from time to time, draw funds from the escrow account established for such application to pay such costs and will transfer such funds to the appropriate City accounts. The Zoning Administrator will maintain an accounting of all such drawings.

3. *Additional Escrow Deposits:* Should the Zoning Administrator at any time determine that the escrow account established in connection with any application is, or is likely to become, insufficient to pay the actual costs of processing such application, the Zoning Administrator will inform the applicant of that fact and require an additional deposit in an amount deemed to be sufficient to cover foreseeable additional costs. Unless and until such additional amount is deposited by the applicant, the Zoning Administrator may direct that processing of the application be suspended or terminated.

4. *Final Settlement:* As soon as reasonably feasible following final action on an application, the Zoning Administrator will cause a final accounting to be made of the escrow deposits made in connection with an application and the actual cost of processing the application and will make a final charge of such costs against such escrow deposits. A copy of the accounting will be provided to the owner and the applicant. If the amount in the escrow account is insufficient to pay the total actual costs, a written demand for payment of the balance due will be forwarded to the owner and the applicant. If unused balance remains in the escrow account after paying the total actual costs, it will be returned to the applicant.

5. *Condition of All Applications, Approvals and Permits; Time Periods:* No application filed pursuant to the Chapter will be considered complete unless and until all fees and deposits due pursuant to this Subsection VI-4-C have been paid. Every approval granted and every

permit issued pursuant to the City Code will, whether or not expressly so conditioned, be deemed to be conditioned upon payment of fees as required by this Subsection VI-4-C.

6. Where this Chapter provides that the passage of time without decision or action will be deemed an approval or a recommendation for approval, time periods will be tolled during any period of non-payment, but will otherwise continue to run.

7. The failure to fully pay any such fee or deposit, when due, will be grounds for refusing to process an application and for denying or revoking any permit or approval sought or issued with respect to the land or development to which the unpaid fee or deposit relates.

8. By signing the application, the applicant and owner will be deemed to have agreed to pay such fee and to consent to the filing and foreclosure of a lien on the subject property to ensure collection of any such fee, plus the costs of collection, which has not been paid within thirty (30) days following the mailing of a written demand for such payment to the owner at the address shown on the application. Any lien filed pursuant to this Subsection VI-4-C may be foreclosed in the manner provided by statute for mortgages or mechanics liens.

#### **VI-4-D. Penalties:**

1. *Penalties:* Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this Chapter shall, upon conviction thereof, be fined up to seven hundred and fifty dollars (\$750.00) for each and every offense. A separate offense shall be deemed committed on each day a violation occurs or continues.

2. *Additional Remedies:* In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Chapter, the City Attorney, in addition to other remedies, may institute any proper action or proceedings, in the name of the City to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about said premises.

### **VI-5 - PLANNED DEVELOPMENTS**

#### **VI-5-A. Purpose and Intent**

1. **Authority:** The City Council may, in accordance with the procedures and standards set out in this Chapter, grant a Planned Development in the form of a Special Use. The intent of a Planned Development is to consider developments presenting a higher form of design quality, public benefit, and a need for flexible application of certain zoning standards.

2. **Purpose:** The Planned Development is intended to encourage and provide means for desirable and quality development through greater flexibility in application of zoning regulations than permitted under the base district regulations. Latitude in application of zoning standards is to be accomplished in accordance with the purpose and intent of this Chapter, and not adversely impact the environment, property values, or the character of the neighborhood or the community. The Planned Development should create diversity and creativity in the relationship of uses, structures, and open spaces in cohesive projects. Resulting developments should be in context of the community and surrounding areas, advance economic development in the City, be supportable by local public services, and facilitate preservation of open lands and natural areas.

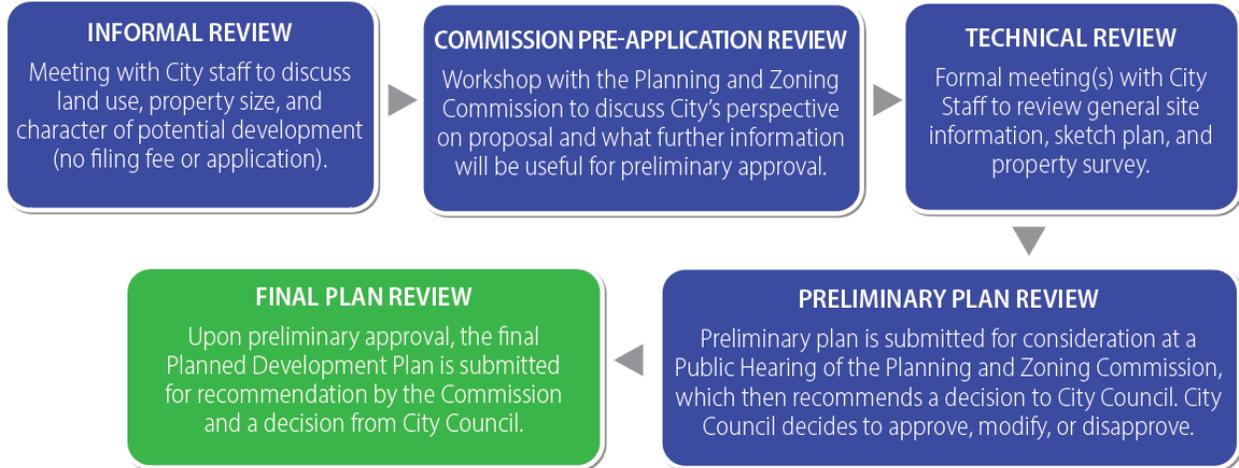
3. **Planned Development Considerations:** Planned Developments may be granted as a Special Use in any Zoning District in the City in order to accomplish the objectives outlined in

Subsection VI-5-A-2 above. The following additional requirements shall apply to Planned Developments:

- a. The dimensions, bulk and area regulations for all zoning districts as required in Section V-1 of this Article and as set forth in the schedules contained in said Section shall be applied to the total area within the Planned Development, as one lot, for the specific district in which the Planned Development is located.
- b. In considering a Planned Development, the City may provide for relief from standards related to right-of-way widths, provision for sidewalks, street lighting, and similar site design criteria contained in Chapter 98 – Subdivisions of the City Code.
- c. If more than one property is to be part of a Planned Development, all such properties must be consolidated into a single lot of record as part of the Planned Development Process.
- d. The Planned Development may, as necessary, be subdivided into multiple lots to accommodate Planned Developments that require multiple lots.
- e. A single entity shall be responsible for maintenance of any common open space, private streets, Parking Areas and other facilities intended for private use and which are not publicly maintained, and such entity shall have a right to impose a legally enforceable lien for the cost thereof.
- f. Uses permitted in the underlying zoning district shall constitute the primary type of development permitted in a planned development (greater than 60 percent of the overall land square footage). Other land uses may be permitted in the Planned Development if found to be compatible with the primary land use type, and in keeping the findings required for a Planned Development and Special Use.
- g. Approval of the Planned Development project does not constitute approval for the construction of new buildings or structures on the site. Building permits are required for each building or structure.
- h. The Gross Density of a residential Planned Development shall be equivalent to that which may be achieved through a conventional subdivision development of the subject property.

**VI-5-B. Procedure:** A Planned Development shall be granted as a Special Use in accordance with the following procedures. Applications shall be made on forms approved by the City Attorney.

## PLANNED DEVELOPMENT PROCEDURE



**1. Informal Review:** To initiate the Planned Development process, the owner / developer shall meet with City staff for an informal review of the potential development, its compliance with the City's Comprehensive Plan and development ordinances, appropriateness for the site and surrounding areas, the approval process, and related matters. The Informal Review Conference does not require formal application, fee, or filing of a Planned Development plan. To make the discussion productive, applicants are advised to provide information describing the land use, property size, and character of the anticipated development.

**2. Planning and Zoning Commission Pre-Application Review:** Prior to the applicant filing for Planned Development consideration, a workshop meeting shall be held with the Planning and Zoning Commission as an agenda item of a regularly scheduled meeting. This meeting is to benefit the applicant and provide insights and understanding as to the Planning and Zoning Commission's and City's overall perspective on how the proposed Planned Development adheres to the City's Comprehensive Plan, what information will be useful to the Planning and Zoning Commission as part of the formal approval process, and what issues the Planning and Zoning Commission notes merit consideration during the process. This information will allow the applicant to prepare necessary and appropriately detailed information for the Preliminary Plan Approval. The following materials shall be provided to the City prior to scheduling and conducting the Planning and Zoning Commission Pre-Application Review, as well as other materials that may be required by the Zoning Administrator as needed to provide useful background for the Planning and Zoning Commission:

a. Materials

- i. **General Site Information:** Data regarding site conditions, drainage, land and soil characteristics, available community facilities and utilities, existing covenants, and other related information.
- ii. **Sketch Plan:** A scaled drawing in sketch form showing the proposed location and extent of the land uses, major streets, lots, environmental areas, stormwater management facilities, and other features as needed to convey the proposed form of development.
- iii. **Property Survey:** A property survey and description of the site proposed for

development.

**iv. Proof of Ownership or Interest:** Evidence of property ownership or control.

b. Any views expressed in the course of the Planning and Zoning Commission's workshop review shall be deemed to be only preliminary and advisory and only the individual views of the member expressing them. Nothing said or done in the course of such review shall be deemed to create, or to prejudice, any rights of the applicant or to obligate the Planning and Zoning Commission, or any member of it, to recommend approval or denial of any formal application following full consideration as required by this Chapter.

**3. Technical Review:** A formal meeting to review the proposed Planned Development shall be held with City staff for preliminary consideration of the proposed development in light of the requirements of this Chapter. Materials required prior to scheduling and conducting the Technical Review, shall be the same as the Planning and Zoning Commission Pre-Application Review, as well as other materials that may be required by the Zoning Administrator as needed to provide useful background for the review team.

**4. Preliminary Plan Review:** A preliminary plan for the Planned Development shall be submitted to the Zoning Administrator for consideration by the Planning and Zoning Commission at a Public Hearing:

a. **Materials to be Submitted:** The following materials shall be submitted by the applicant for review of the Preliminary Plan Approval by the Planning and Zoning Commission in a quantity specified by the Zoning Administrator. As determined to be appropriate by the Zoning Administrator for the specific matter, the Zoning Administrator may waive any of the submittal requirements listed below, or require that additional information be submitted to provide for a thorough evaluation of the proposed Planned Development:

**i.** Written application for approval of a Planned Development on forms as approved by the City Attorney.

**ii.** The names of the owners and developers of the development site and contact information for all parties.

**iii.** Evidence that the applicant has sufficient control over the subject property.

**iv.** The names and contact information of any professional consultants advising the applicant with respect to the application.

**v.** A legal description of the area of the Planned Development.

**vi.** A statement describing the general character of the intended development.

**vii.** A statement indicating modifications requested to the underlying zoning district.

**viii.** A preliminary Plat of Subdivision (as applicable)

**ix.** An map of the project area, including the site's relationship to surrounding properties.

**x.** A development plan of the proposed project showing at least the following information:

1. Size of the development, residential density, and acres of various land uses.

2. The location and dimensions of public and private roads, driveways, Parking Areas, sidewalks and lighting.

3. The size, arrangement and location of lots and principal proposed structures.
  4. The type, size and location of accessory structures.
  5. Architectural drawings and sketches illustrating the design and character of proposed structures.
  6. The location of recreational and open space areas reserved or dedicated for public uses such as schools, parks, etc.
  7. The location of sewer and water mains.
  8. The general landscape treatment.
  9. The type, size, height, location, and illumination of all signs.
  10. Pedestrian and bicycle facilities.
- xi.** A statement showing the starting and completion dates of the project.
- xii.** Accurate topographical maps showing existing and proposed topographical data at two-foot intervals and extending within 100 feet beyond the exterior boundaries of the site, showing all public rights-of-way and all buildings accurately located within 100 feet of the exterior boundaries of such site. Such map shall contain all existing utilities, including drainage and the capacities thereof and high water elevations along streams.
- xiii.** A preliminary engineering study showing the location and adequacy of existing and proposed sanitary sewer, storm sewer, water distribution systems, and stormwater management systems.
- xiv.** An exhibit describing the existing natural and environmental resources and features on the subject property, including its vegetation, soils, geology, and attractive vistas, and the impact of the proposed Planned Development on such resources and features, including proposals to preserve or protect such resources and features.
- xv.** A Traffic Impact Study.
- xvi.** An analysis indicating market support for the proposed development, its economic impact on the City, and details of proposed uses' manner of operation.
- xvii.** The municipal services anticipated to be required to serve the site.
- xviii.** For commercial and industrial developments:
1. Gross and net number of square feet of buildings.
  2. Gross and net number of square feet of sales offices, general offices, production areas, and the number of employees anticipated in each such area.
- xix.** Outline of intended organizational structure related to property owners' association, deed restrictions, and private provision of common services.
- xx.** A statement of the applicant's intent with respect to the ownership, sale and leasing of the various completed units, structures, spaces and areas within the proposed Planned Development.
- xxi.** A fee to accompany the Planned Development application, as defined in Appendix B of the City Code.

**5. Hearing:** The Planning and Zoning Commission shall hold a Public Hearing on the application for a Planned Development. Notice and hearing procedures shall be followed as defined in Article VI, Administration and Development Review, of this Chapter.

**6. Decisions by Planning and Zoning Commission:** Following the Public Hearing and review of the preliminary Planned Development plan and supporting materials for conformity to this Chapter, the Planning and Zoning Commission shall, within sixty (60) days from date of Public Hearing, recommend approval, modification, or disapproval, and the reasons therefor, to the City Council; said recommendation shall include the Planning and Zoning Commission's findings of fact in regard to the standards for findings in this Article.

**7. Decisions by the City Council:** After receipt of the preliminary Planned Development plan from the Planning and Zoning Commission, the City Council shall approve, modify, or disapprove said plan. In the case of approval, or approval with modifications and / or conditions, the City Council shall pass an ordinance approving the preliminary plan, incorporating findings of fact as recommended by the Planning and Zoning Commission and as may be amended by the City Council.

**8. Effect of Preliminary Planned Development Plan Approval:** Approval of a preliminary Planned Development plan shall not constitute approval of the final plan. It is an approval to the layout submitted on the preliminary plan as a guide to the preparation of the final plan. The final plan shall be approved as the final Planned Development plan if it substantially conforms with the preliminary Planned Development plan.

**9. Concurrent Review:** An applicant for Planned Development may request concurrent review of Preliminary and Final Plans. Such request shall be approved at the sole determination of the Zoning Administrator. If concurrent review is authorized, the process shall include the Public Hearing required by this Section VI-5, and all materials required in for Final Plan Approval shall be provided prior to scheduling said hearing.

**10. Approval of Final Plan:** The final Planned Development plan shall conform substantially—as defined below—to the preliminary plan as approved, and if desired by the developer, it may be submitted in stages with each stage reflecting the approved preliminary plan which is proposed to be recorded and developed; provided, however, that such stages conform to all requirements of these regulations. The required procedure for approval of a final plan shall be as follows:

a. **Submission of Final Plan:** A final Planned Development plan and other supporting data required for approval shall be submitted to the Zoning Administrator within one year of Preliminary Plan approval by the City Council. In the event an application for final plan is not submitted within one year, the City will automatically rescind the preliminary plan approval. Upon written request by the applicant and showing of good cause, the City Council may extend the filing for the Final Plan by a period not to exceed one year.

b. **Required Information:** The following materials shall be submitted by the applicant for review of the Final Planned Development Plan by the Planning and Zoning Commission in a quantity specified by the Zoning Administrator. As determined to be appropriate by the Zoning Administrator for the specific matter, the Zoning Administrator may waive any of the submittal requirements listed below, or require that additional information be submitted:

i. Revised materials as outlined in Subsection VI-5-B-4-a above, showing final locations of all buildings and structures, and in substantial conformance with the preliminary plan.

ii. As required by the Zoning Administrator, any additional information to accurately define the final plan.

iii. A final Plat of Subdivision as detailed in Chapter 98 – Subdivisions of the City Code (as applicable)

iv. Plats of dedication or vacation (as applicable).

v. Declarations and covenants that establish an owner's association as needed to maintain private areas of the development.

**c. Substantial Conformance:**

i. If the submitted Final Plan is found by the Zoning Administrator to be in Substantial Conformance with the Preliminary Plan, the Zoning Administrator shall forward said plan to the Planning and Zoning Commission for their review and recommendation to the City Council.

ii. If the submitted Final Plan is found by the Zoning Administrator to deviate from the Preliminary Plan so as not to be in Substantial Conformance, the proposed Final Plan shall be reviewed by the Planning and Zoning Commission at a properly noticed Public Hearing and shall be treated as a new application for Preliminary Plan Approval.

iii. Final Plans shall be considered to be in Substantial Conformance with Preliminary Plans as long as said Final Plans are consistent in regard to all of the following 1) type of land use(s) proposed, 2) proportion of the development devoted to each proposed land use 3) have increased residential density by no greater than 5 percent, 4) have increased of nonresidential square footage by no greater than 5 percent, 5) have reduced provided parking by no greater than 5 percent, 6) have decreased the amount of dedicated open space by no greater than 5 percent, or 7) have decreased the amount of gross square footage by no greater than 5 percent,.

**d. Decisions of Planning and Zoning Commission:** After review of the final plan, the Planning and Zoning Commission shall, within sixty (60) days after a complete submittal, recommend approval or disapproval or approval subject to stated modifications and the reasons therefor to the City Council that the Final Plan is in substantial conformance with the preliminary plan.

**e. Decisions of City Council:** After receipt of the Final Plan from the Planning and Zoning Commission, the City Council shall approve or disapprove the Final Plan as being in substantial conformance with the Preliminary Plan. Such approval shall incorporate all conditions placed upon the applicant by the City Council related to obligations that are part of the development.

**f. Permits:** Permits are to be issued only after the final Planned Development plan and supporting data have been approved by the City Council.

**11. Amendments to an Approved Planned Development:** The Planned Development shall be constructed in accordance with the approved and recorded Final Plan and all supporting data. Should circumstances necessitate a Major Change to the Final Plan, such changes may be approved only by submission of a new Preliminary Plan and following the Preliminary Planned Development Plan Approval procedure and subsequent approval of the new Final Planned Development Plan, as set forth in this Article.

a. Major Changes: Major Changes are those that alter the concept or intent of the planned development including: i) increasing density by greater than 5 percent, ii)

increasing in the amount of gross square footage by greater than 5 percent, iii) increasing in the height of buildings, iv) reducing proposed open space by greater than 5 percent, v) changes in road standards, vi) or changes in the final governing agreements, provisions, or covenants.

b. **Minor Changes:** Minor changes are all changes other than those that qualify as a Major Change. The Zoning Administrator may approve minor changes in the Planned Development that do not change the concept or intent of the development, without going through the Planned Development approval steps. Approved changes shall be reported to the City Council and filed with the City Clerk.

### **VI-5-C. Findings**

1. No application for Preliminary Planned Development shall be approved without a satisfactory finding regarding the following standards. The Planning and Zoning Commission shall submit to the City Council a written recommendation and Findings of Fact for each matter it hears based on said standards:

a. The standards for Special Use, as outlined in Subsection VI-3-E-4 of this Article, shall be met by all Planned Developments.

b. Character and density of land use. The uses proposed and their density and arrangement on the site shall be of a visual and operational character which:

i. Is compatible to the physical nature of the site, with particular concern for preservation of natural features, tree growth, and open space.

ii. Would produce an attractive environment of sustained aesthetic and ecologic desirability, economic stability and functional practicality compatible with the general development plans for the area as established by the community.

iii. Would not adversely affect the anticipated provision for school or other municipal services.

iv. Would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it.

c. Economic feasibility and impact. There shall be satisfactory evidence of the planned development's economic feasibility and support of the economic prosperity of the City or the values of surrounding properties.

d. Engineering design standards. The width of street rights-of-way, width and location of streets or other paving, outdoor lighting, location of sewer and water lines, provision for stormwater drainage, or other similar environmental engineering considerations shall implement their specific function to ensure the public safety and welfare. In addition, pedestrian and bicycle facilities shall be designed to comply with Chapter 98 – Subdivisions.

e. Preservation and maintenance of open space. Adequate provision shall be made for the permanent preservation and maintenance of common open space, either by private reservation or dedication to the public.

f. Implementation schedule. A realistic schedule for the implementation of the development shall be submitted to the satisfaction of the City, including suitable phasing and assurance that each segment of the project shall constitute a logical module of development, and will not adversely effect the community as a result of termination at that point.

**VI-5-D. Existing Planned Developments:** Any Planned Development approved prior to the effective date of this Chapter (\_\_\_\_\_, 2020) will be subject to the provisions of Subsection I-7-B of this Chapter.

# **ARTICLE VII NONCONFORMING USES AND STRUCTURES**

## **VII-1 - PURPOSE AND INTENT**

This Article regulates uses and structures that do not conform to the regulations of this Chapter and specifies the terms and conditions under which such nonconforming uses and structures lawfully existing upon the adoption of this Chapter may be permitted to continue. The continuation of nonconforming uses and structures can substantially and adversely impact the orderly development of the City, property values, and the community's character. Accordingly, imposing reasonable conditions on the existence and continued operation of nonconforming uses and structures is necessary.

## **VII-2 - AUTHORITY TO CONTINUE LEGAL NONCONFORMING USES**

**VII-2-A. Continuance of Use.** Any use of land lawfully existing upon the adoption of this Chapter or any amendment hereto can continue, provided that:

1. If the use is located in a principal building or structure, the use may be continued during the remainder of the building or structure's normal life or until the building or structure has deteriorated to the extent that it is no longer safe or habitable; or
2. If the use does not involve a principal building or structure, it may be continued as long as no new principal or accessory building or structure is erected.

## **VII-2-B. Compliance with Codes.**

The continuance of all nonconforming uses shall be subject to compliance with the regulations of this Chapter.

## **VII-2-C. Unlawful Uses Prohibited.**

No use that was not lawfully existing at the time of the adoption of this Chapter or any amendment hereto shall become or be made lawful solely by the adoption of this Chapter or its amendment.

## **VII-3 - RESTRICTIONS ON LEGAL NONCONFORMING STRUCTURES**

1. Authority to Continue. Any nonconforming structure that is devoted to a use that is permitted in the zoning district in which it is located may be maintained and fully replaced so long as the structure remains otherwise lawful. No change to any nonconforming structure or building shall be authorized, including, without limitation, any structural alteration, improvement, enlargement, or restoration of such structure or building, that would create any new bulk regulation nonconformity or increase the degree of any existing bulk regulation nonconformity.
2. Repair, Maintenance, Alterations, and Enlargement. Any nonconforming structure may be repaired, maintained, altered, or enlarged; provided that no such repair, maintenance, alteration, or enlargement shall either create any new bulk regulation nonconformity or increase the degree of the existing bulk regulation nonconformity of all or any part of such structure. Any enlargement of the structure must otherwise conform with all provisions of this Chapter.
3. Moving. No nonconforming structure shall be moved in whole or in part unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being so moved.

**4. Damage or Destruction.**

**a.** For residential uses, any nonconforming structure that is damaged or destroyed to any extent, may be repaired or restored to its original condition. Notwithstanding the foregoing, all such repairs and restorations shall be in strict conformity with the regulations of the zoning district in which the property is located unless a building permit is fully applied for within six months after the date of such damage or destruction and restoration is actually begun within one year after the date of such damage or destruction and is diligently pursued to completion within a maximum of two years from the time restoration is initiated.

**b.** For non-residential uses, any nonconforming structure that is damage or destroyed to any extent shall be rebuilt in compliance with all provisions of this Chapter.

**VII-4 - RESTRICTIONS ON LEGAL NONCONFORMING USES**

**1.** Nothing in this Article shall prevent reconstructing, repairing, or rebuilding a structure containing a nonconforming use rendered necessary by wear, tear, or deterioration provided that the cost of such work shall not exceed fifty (50%) percent of the replacement cost of such structure at the time such work is completed, as determined by the Zoning Administrator.

**2.** If a structure containing a nonconforming use is damaged by fire, collapse, explosion, or other casualty or act of god to the extent that the cost of restoring the structure to its condition immediately preceding the occurrence exceeds fifty (50%) percent of the replacement cost of the building or structure at the time immediately preceding the occurrence, as determined by the Zoning Administrator, the nonconforming use must cease and any reconstruction, construction, rebuilding, repairs, and use must comply with all City codes, ordinances, rules, and regulations as if it were a new use, as amended, including the use regulations of the zoning district in which the structure is located.

**3.** If damage to a structure is fifty (50%) percent or less of the cost of replacing the structure to its condition immediately preceding the occurrence causing the damage, as determined by the Zoning Administrator, the nonconforming use shall not be reestablished if the nonconforming use is discontinued for one year or longer.

**VII-4-B. Expansion of Legal Nonconforming Use.**

**1.** A nonconforming use shall not be expanded or extended into any portion of the building, structure, or lot that was not occupied by the nonconforming use when this Chapter was adopted.

**VII-4-C. Discontinuance of Legal Nonconforming Use.**

**1.** If a nonconforming use is discontinued for a period of one year or longer, it shall not be reestablished and any subsequent use of the building, structure, or lot shall conform to the use regulations of the zoning district in which such building, structure, or lot is located.

**VII-4-D. Change of Legal Nonconforming Uses**

**1.** A nonconforming use may be changed to a new use only if the new use conforms to the use regulations of the zoning district in which the building, structure, or lot is located.

**VII-4-E. Relocation:**

1. No building or structure containing a nonconforming use shall be moved in whole or in part to any other location on the same or any other lot unless the use conforms to the use regulations of the zoning district in which the building or structure is to be located.

# **ARTICLE VIII**

## **ENVIRONMENTAL PERFORMANCE STANDARDS**

### **VIII-1 - Purpose**

This Article provides that no commercial or manufacturing property (or structure) shall create dangerous, injurious, or noxious condition that may adversely affect adjoining properties or surrounding areas. All uses permitted by this Chapter may be conducted so long as acceptable measures and safeguards are employed to limit potential adverse impacts to acceptable limits, as established by the following performance standards and other requirements of the City Code.

### **VIII-2 - Compliance with Provisions**

All uses currently existing or established in the City shall be operated in such a manner as to comply with the applicable performance standards defined in this Article. No use already established on the effective date of this Chapter shall be so altered or modified as to conflict with the applicable Performance Standards of this Article.

### **VIII-2-A. Noise: The following requirements shall apply to all nonresidential uses:**

1. Sound pressure levels shall be in keeping with current State of Illinois standards as prescribed by the Illinois Pollution Control Board (Subtitle H: Noise), as may be amended from time to time.
2. Exceptions: The following activity shall be exempted from the rules and regulations of this Subsection VIII-2-A.
  - a. Sound emitted from emergency warning or safety devices.
  - b. Sound emitted from lawn care maintenance equipment used during daylight hours.
  - c. Sound emitted from vehicles, snowblowers and similar equipment used for snow removal and hauling operations.
  - d. Sound emitted from equipment being used for construction between the hours of seven o'clock (7:00) A.M. to seven o'clock (7:00) P.M., of each day, or for such additional hours as may be authorized by the Zoning Administrator.
  - e. Sound emitted from trucks and vehicles entering or leaving industrial zoned property, except as may be caused by idling engines, off the road vehicles, mixers on ready mix concrete trucks, and trailer mounted refrigeration units.

### **VIII-2-B. Vibration: The following requirements shall apply to all nonresidential uses:**

1. Any process or equipment that produces intense earth-shaking vibrations - such as are created by drop forges, hydraulic surges or other processes - shall be set back at least five hundred (500) feet from the property boundaries on all sides. However, in no case shall such vibrations be allowed to create a Public Nuisance or hazard beyond the property boundaries.
2. Exceptions: The provisions of this Subsection VIII-2-B shall not apply to sound emitted from equipment being used for permitted construction between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M., of each day.

**VIII-2-C. Air Pollution:** Any visual emissions, particulate matter emissions, odor, airborne toxic material and other air pollution shall meet the current standards of the Illinois Pollution Control

Board; Title 35, Subtitle B, "Air Pollution", Chapter I, Pollution Control Board, as may be amended from time to time.

**VIII-2-D. Toxic Substances:** Regulations pertaining to all toxic substances shall be as follows:

1. Definitions:

a. Highly Toxic Substances: A highly toxic substance is hereby defined as a chemical or substance that is listed as an Extremely Hazardous Substance by the Environmental Protection Agency (EPA), as may be amended from time to time.

b. Toxic Substance: Any gas, liquid, solid, semisolid substance or mixture of substances, which if discharged into the environment could, alone or in combination with other substances is likely to be present in the environment, cause or threaten to cause bodily injury, illness or death to members of the general public through ingestion, inhalation, or absorption through any bodily surface. In addition, substances which are corrosive, irritants, strong sensitizers, or radioactive substances (other than highly toxic radioactive substances) shall be considered toxic substances for the purposes of this regulation.

2. Regulation:

a. Highly Toxic Substances: The storage, use or handling of highly toxic material as defined X-2-D-1 shall be as required by applicable regulations of the Illinois Pollution Control Board, the International Code Council (ICC) Codes (as adopted by Rolling Meadows), the National Fire Protection Association - National Fire Codes (as adopted by Rolling Meadows), and all other applicable City regulations and ordinances, as adopted or amended from time to time.

b. Toxic Material: The use, storage, handling or transport of toxic substances shall comply with applicable regulations of the Illinois Pollution Control Board, the National Fire Protection Association - National Fire Codes (as adopted by Rolling Meadows), the ICC International Building Code (as adopted by the City), and all other applicable City regulations and ordinances, as may be adopted or amended from time to time.

c. Permit Required: Any person, firm or corporation engaged in the use, storage, handling or transportation of Highly Toxic substances shall be required to obtain a permit from the Rolling Meadows Fire Department. Permit applicants shall provide all information as determined necessary by the Fire Department to ascertain compliance with the above referenced and adopted rules and regulations. The Fire Department shall make an inspection of the applicant's premises to determine such compliance prior to the issuance of the permit.

**VIII-2-E. Water Pollution:** All land uses shall comply with all applicable rules and regulations of the State of Illinois Pollution Control Board regarding water pollution, Title 35, Subtitle C, entitled "Water Pollution", as amended from time to time.

**VIII-2-F. Fire and Explosion Hazards:** Materials that present potential fire and explosive hazards shall be transported, stored and used only in conformance with all applicable federal, state and City laws.

**VIII-2-G. Storage and Use of Materials:** The storage, use or manufacture of materials referenced in this Subsection VIII-2-G shall be regulated as follows:

1. The storage, use or manufacture of materials or products conducted within completely enclosed buildings shall be in keeping with the ICC Codes adopted by Rolling Meadows and any other applicant Ordinances.

2. The storage or utilization of flammable liquids and gases shall be conducted only in accordance with all applicable federal, state, and City laws.
3. All flammable liquid and gas storage tanks shall be a minimum of fifty feet (50') from all lot lines.
4. All equipment storage areas shall be graded for proper drainage and provided with an all-weather surfacing maintained at all times in such a manner as to prevent the release of dust and to be free of dust, trash and debris.

**VIII-2-H. Odor:** The release of materials intrinsically odorous or capable of being odorous, either by bacterial decomposition or chemical reaction, which renders it perceptible from beyond the lot shall be prohibited.

**VIII-2-I. Sewage Waste:** Sewers and sewage discharge shall meet the appropriate City codes and all IEPA requirements.

**VIII-2-J. Electromagnetic Interference:** Electromagnetic interference from any equipment or business operations shall not adversely affect the operation of any equipment located adjacent or nearby properties.

**VIII-2-K. Glare:** All lighting shall meet the following requirements.

1. All lighting sources, on properties other than those zoned for single-family residential use, shall be arranged to reflect light away from adjoining properties in a manner that does not produce glare clearly visible beyond a property line so as to cause nuisance or impairment of vision. Glare is best reduced when the light source is not visible from adjacent properties. Therefore, the use of lenses, deflectors, shields, louvers, or prismatic control devices shall be used to eliminate nuisance and hazardous lighting to facilitate compliance with this requirement.
2. In all residential zoning districts, no light source shall cause illumination in excess of one (1) foot-candle in residential districts at any property lot line.

# ARTICLE IX

## LANDSCAPING AND SITE DEVELOPMENT STANDARDS

### IX-1 - PURPOSE

This Article establishes minimum site development and landscaping regulations for all regulated development, defined as commercial, office, and manufacturing uses and multiple-family residential uses of six (6) dwelling units or greater. The regulations set standards for screening and protecting adjacent properties from more intensive uses, on-site landscaping and the maintenance thereof. The provisions of this Article shall not supersede screening or landscaping provisions of Chapter 98 – Subdivisions or other sections of the City Code, but shall be deemed as supplemental to other standards.

### IX-2 - SCREENING AND LANDSCAPING PLAN

**IX-2-A.** Prior to the issuance of any building permit for regulated development, the developer shall submit to the City a screening and landscaping plan evidencing compliance with the terms and conditions of this Chapter. Such plan must be approved by the Zoning Administrator and, where applicable, the Planning and Zoning Commission.

### IX-3 - TRANSITIONAL SCREENING REQUIREMENTS

**IX-3-A.** Any regulated development adjacent to areas zoned for residential shall install and maintain a 100% screen along all lot lines adjacent to such residential use. Except as otherwise provided, it shall have a total height of not less than six feet (6') at time of installation. Where there is a difference in elevation on opposite sides of the screen, the height shall be measured from the highest elevation. A screen shall consist of one or more of the following types or as otherwise approved by the Zoning Administrator:

**1. Berms:** A berm may be banked on both sides or with one side banked toward the lot line with the retaining wall. A berm shall not be less than ten feet (10') wide at the base and shall be constructed of earthen materials and shall be landscaped.

**2. Plants:** Plant materials, when used as a screen, shall consist of dense evergreen plants, deciduous plants and, if part of a Special Use or Planned Development, any mixture as the Planning and Zoning Commission recommends to the City Council. Plant materials will not be limited to a maximum height. The Zoning Administrator may require that additional plantings be installed if, two (2) years after installation, plant materials have not formed a 100% screen, or such a screen is not maintained.

**3. Fencing:** Fencing type and location shall be as allowed by this ordinance, or in the case of a Special Use or Planned Development, as recommended to the City Council by the Planning and Zoning Commission.

### IX-3-B. Screening of Structures and Equipment:

1. Applicability: Screening requirements of shall apply to land use as follows:

a. For all Multi-Family Uses, screening shall be provided for Common Trash Receptacle per Subsection IX-3-B-2 below.

b. For all Commercial Uses, screening shall be provided for:

i. Common Trash Receptacle per Subsection IX-3-B-2 below

- ii. Ground Mounted Mechanical Equipment per Subsection IX-3-B-3 below
  - iii. Roof Mounted Mechanical Equipment per Subsection IX-3-B-4 below
  - iv. Loading Docks, Service Yards, and Exterior Work or Storage Areas Subsection IX-3-B-5 below:
  - v. Outdoor Storage per Section III-3-A Walls, Fences and Screens: General Regulations and as otherwise regulated by this Chapter.
- c. For all Industrial Uses, screening shall be provided where the regulated accessory function listed here is visible from a public right of way or residential property:
- i. Common Trash Receptacle per Subsection IX-3-B-2 below
  - ii. Ground Mounted Mechanical Equipment per Subsection IX-3-B-3 below
  - iii. Roof Mounted Mechanical Equipment per Subsection IX-3-B-4 below
  - iv. Loading Docks, Service Yards, and Exterior Work or Storage Areas Subsection IX-3-B-5 below:
- d. For all Industrial Uses, all Outdoor Storage shall be screened per Section III-3-A Walls, Fences and Screens: General Regulations and as otherwise regulated by this Chapter.
- 2. Screening of Common Trash and Recycling Receptacles**
- a. Shall consist of solid material screening on three sides to a height that screens the containers, having a minimum height of at least six (6') feet.
  - b. Materials used for screening shall complement the materials used in the architecture of the principal building when visible from any street. Solid board on board wood or composite fences may be used when not visible from any street. The use of material that is not solid, such as slats in chain-link, shall not be used to meet this requirement.
  - c. Materials and elevations for enclosures that are attached to buildings shall be designed to be compatible with the main structure. If enclosures are to be attached to buildings, they shall comply with applicable fire and building regulations of the City Code.
  - d. Enclosure openings directly visible from a public right-of-way and/or adjoining residential areas shall have a solid material gate.
- 3. Screening of Ground Mounted Mechanical Equipment**
- a. All ground mounted mechanical equipment shall be screened by fencing, berms, plantings or any combination of these, to sufficiently obscure such equipment from view from all adjacent streets and adjacent lots used for residential purposes.
  - b. All fences installed to satisfy the screening requirement set forth in this Section IX shall be approved by the Zoning Administrator based on whether views of said equipment from the public right of way or adjacent lots have been mitigated.
- 4. Screening of Roof Mounted Mechanical Equipment**
- a. All roof-mounted mechanical equipment that may be visible from adjacent public thoroughfares shall be screened by the use of an opaque screening material compatible with the architecture of the building or architecturally designed screening such as a parapet wall. The screening of the roof-mounted units shall be designed to blend with the building and roof materials. A determination as to whether the roof mounted equipment is adequately and appropriately screened shall be made by the Zoning Administrator based on visibility of said equipment from adjacent roadways.
- 5. Screening of Loading Docks, Service Yards, and Exterior Work or Storage Areas**

- a. Loading docks, service yards, and exterior work or storage areas shall be screened from view from public rights-of-way and adjacent lots.
- b. The screening shall consist of solid material screening or full screening landscaping, having a minimum height of at least six (6') feet.
- c. When solid material screening is provided, intermittent or foundation landscaping shall be provided, as approved by the Zoning Administrator to mitigate visual impacts of the solid material screen.

#### **IX-4 - LANDSCAPING REQUIREMENTS**

**IX-4-A. General Site Landscaping:** Landscaping consisting of standard, City-approved evergreen and deciduous trees and shrubs in combination with vines, ground cover and grass shall be installed and maintained according to the following standards.

1. All earthen areas outside of prescribed planting areas shall be covered with sod or other approved live ground cover. Stone and gravel are not approved surfaces except as may be approved by the Zoning Administrator in planting beds where it is determined that planted material is unlikely to survive or cannot be adequately maintained. Areas within prescribed planting areas shall be spade edged and mulched or regularly spaded to eliminate weeds.
2. Public right-of-way parkway landscaping for newly constructed buildings or developments is required for a minimum depth of ten feet (10') from the right-of-way line along all adjacent streets or rights of way except for the openings and the areas within ten feet (10') on either side of street openings. Within this landscaping area, there shall be the equivalent of at least one standard tree (minimum 6 feet in height at planting) and eight (8) standard shrubs (minimum 3 feet in height at planting) for each forty feet (40') of street frontage planted in a pleasing and practical arrangement along the frontage and as approved by the Zoning Administrator. To the extent practicable, these shall complement any existing standard trees or shrubs within the public right-of-way parkway landscaping area.
3. Within parking lots and drive areas, additional landscaped areas equal to at least five percent (5%) of the total area of the property is required. Within this area, the equivalent of at least one standard tree and one standard shrub is required for each five hundred (500) square feet or fraction thereof of an area to be landscaped.
4. Existing topographic patterns shall be preserved except where modification will specifically contribute to increased utility of the site and/or enhancement of the site and will not cause undue hardship on drainage/storm water detention to adjacent properties.
5. Alternative Compliance: Where it has been determined by the Zoning Administrator that site constraints related to site size, impacts from adjacent properties, visibility required for businesses, or safe operations exist that may limit the ability of a particular site to conform to requirements herein, the Zoning Administrator may evaluate the proposal and make a determination for alternative compliance. Allowed alternatives shall be found by the Zoning Administrator to be of equal or greater design quality as what would have otherwise been installed per the requirements of this Chapter.
6. Exceptions: These landscaping regulations shall not apply to Single-family land uses.

**IX-4-B. Screening Maintenance Requirements:** All landscape or other screening elements located on any lot as defined within this Chapter shall be regularly cared for and maintained free from any physical deterioration so as to maintain the originally intended design character and quality, and to not become a nuisance or hazard to any person, personal property, or public or private utility, infrastructure, or improvement.

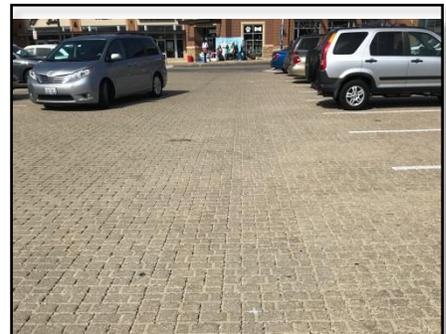
1. The owner of the premises shall be responsible for the maintenance, repair, and replacement of all landscape materials, fences, steps, retaining walls and similar landscape and screening elements, and refuse disposal areas. This shall include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants (when necessary) and the regular watering of all plants and grass.
2. Any dead, unhealthy or missing plants shall be replaced within thirty (30) days of notification by the City, unless an extension is permitted by the Zoning Administrator.
3. The City may remove or have removed any landscape element or portion thereof which encroaches or overhangs into any public right-of-way, landscape, drainage, and/or utility easement, at the property owner's expense.
4. Fences and walls shall be maintained in good repair. Openings within the barriers may be required by the City for accessibility to an area for necessary maintenance or public safety requirements.
5. The removal or replacement of any landscaping or other screening depicted on an approved screening and landscaping plan as required in 11-2 shall require City approval by the Zoning Administrator.

#### **IX-5 - BEST MANAGEMENT PRACTICES (BMPs):**

Best Management Practices (BMPs) are encouraged in developments through appropriate application of landscape design, site construction and landscape maintenance practices. Use of BMPs may be used to off-set a portion of stormwater management requirements if, at the sole discretion of the Public Works Director, the applicant provides evidence by a licensed engineer that such offsets are feasible and the applicant provides a plan for ongoing maintenance and sufficiency of such facilities. Should the applicant or subsequent owners fail to maintain BMPs as effective stormwater management elements, the Public Works Director, at their sole discretion, may require repair of such BMPs or replacement with conventional stormwater management systems as may be needed to meet the intent and standards of the City Code.

BMP practices may include but are not limited to:

**IX-5-A. Permeable Pavement and Pavers:** Permeable pavement and pavers are an alternative method of hard surface that allows stormwater runoff to filter through voids material. The use of this porous material can help promote the natural cleaning and infiltration of water, instead of allowing it to wash into streets and down storm drains. Use of this material is allowed in designated drive or path areas and is subject to approval the Public Works Director.





**IX-5-B. Bioswales or Retention Ponds:** Bioswales and Retention ponds are vegetated landscaped depressions that capture, treat, and slow down stormwater runoff. They provide a more aesthetically pleasing environment than the typical required concrete stormwater fixtures.

**IX-5-C. Parking Lot Drainage:** Stormwater drainage is an integral component in the design of parking lots. Stormwater may be infiltrated into the parking lot planting

areas and then drained to a specified area. This approach can clean, detail, and direct stormwater.



# ARTICLE X SIGNS

## X-1 - PURPOSE

The purpose of this Article is to set out sign regulations that preserve the right of free speech and expression, yet also provide for design, construction, and placement of signs that:

- A. Promote the health, safety, and general welfare of the City from signs that are unsafe, or interfere with drivers, bicyclists, or pedestrians;
- B. Enhance the appearance and economic value of the City by avoiding sign clutter that can compromise the character, quality, and viability of commercial corridors;
- C. Are compatible with surroundings and not a nuisance to occupants of adjacent and contiguous property due to brightness, reflectivity, bulk, or height;
- D. Assist in wayfinding; and
- E. Are aesthetically pleasing, of appropriate scale, and integrated with the built environment, in order to meet the objectives related to the quality and character of development set forth in the City of Rolling Meadows Comprehensive Plan.

## X-2 - SCOPE

The regulations of this Article shall provide a balanced and fair legal framework for design, construction, and placement of signs. The Article promotes the safety of persons and property by ensuring that signs do not create a hazard. To accomplish these aims, the Article governs the installation, use, display, enlargement, alteration, maintenance, location and removal of all signs within the City. The regulations are based on the style and format of sign structures, and not their content.

## X-3 - GENERAL PROVISIONS

**X-3-A. Code Applicability.** All sign elements (including but not limited to electrical and structural elements) shall meet the construction and standards of this Article and requirements of Chapter 18 of the City Code (Buildings and Building Regulations).

### **X-3-B. Illumination of Signs.**

1. All lighting of signs shall be directed only at the face of the sign and shall be shielded so as not to be visible from the property line or directly cast light on any right of way or adjacent property.
2. No reflective material may be included in a sign so as to reflect light directly upon an adjacent right of way or residential property.
3. In no case shall the lighting intensity of any sign exceed the limit of 1 footcandle at a commercial property line and one-half footcandle at a residential property line. In no instances shall a sign emit more than 75 footcandles, at a distance of 10 feet from the sign.
4. Illuminated signs with revolving or rotating beams or beacons are not permitted. In addition, no sign may be illuminated by any flashing, blinking, or intermittent lights, or lights that change in intensity.
5. Illuminated signs shall be turned off between the hours of 11:00 p.m. and 7:00 a.m., or 30 minutes after close of business, whichever is later. No sign may be illuminated past the hour of 1:00 a.m.
6. Signs that are illuminated shall be in good working order. Signs with partially working lights shall not be illuminated until repaired.

7. No Temporary sign shall be illuminated.

8. Window Signs that are illuminated with neon lighting or comparable lighting are allowed in accordance with the standards detailed in this Subsection X-3-B and Section VIII-2-K Glare.

9. Signs with LED Lighting. The light level of an illuminated sign lit with LED bulbs shall be no greater than 5,000 nits of luminance from dawn to dusk, and no greater than 150 nits of luminance from dusk to dawn.<sup>1</sup>

### **X-3-C. Maintenance, Inspection, and Removal.**

1. Maintenance. The routine maintenance or changing of parts is permissible without permit, provided that such change does not alter the surface area, height, copy, or otherwise make the sign nonconforming.

2. All signs, support structures, and the required landscaped area immediately adjacent shall be maintained in a manner that is consistent with the approved plans, safe, secure, and not a danger or nuisance to the public.

3. Unsafe Signs. Any sign that is found by the Zoning Administrator to pose an immediate peril to persons or property shall be removed or repaired by the property owner within the timeframe provided from the Zoning Administrator. If the property owner fails to act in the manner and timeframe specified by the Zoning Administrator, the sign may be removed by the City without further prior notice to the owner thereof. The cost of sign removal or other actions deemed necessary by the City in regard to said unsafe sign will be the responsibility of the property owner.

4. Abandoned Signs.

a. The sign face of any signs associated with a use that vacates a premises shall be removed within 30 calendar days of said vacation. Any remaining sign structure shall be maintained in a safe and tidy manner.

b. Should any signs associated with a use that vacates a premise be nonconforming per the standards of this Article, and use of the business location be discontinued for a period of 90 calendar days, regardless of any intent to resume such use, said sign shall not be reestablished or continued, and shall be immediately removed from the premises or brought into conformity with this Article.

5. Paint and Finishes. Paint and other finishes shall be maintained in good condition. Peeling finishes shall be repaired. Signs with running colors shall be repainted, repaired, or removed.

**X-3-D. Exemption for Addressing.** The posting of building addresses in locations that are visible from the street is necessary for the effective delivery of public safety services; and the efficient and timely delivery of emergency services is a compelling governmental interest. Accordingly, the City requires that street addresses shall be posted so as to be readily visible from adjacent rights of way. Because address signs are required, numbers and letters used for addressing are not included in the calculation of sign area if they are not more than 14 inches in height, or as otherwise approved by the Fire Chief based on visibility and fire safety concerns.

**X-3-E. Signs Permitted Before Effective Date.** If a permit for a sign has been issued in accordance with all City ordinances in effect prior to the effective date of this Article, and provided that sign construction is begun within six months of the effective date of this Article and

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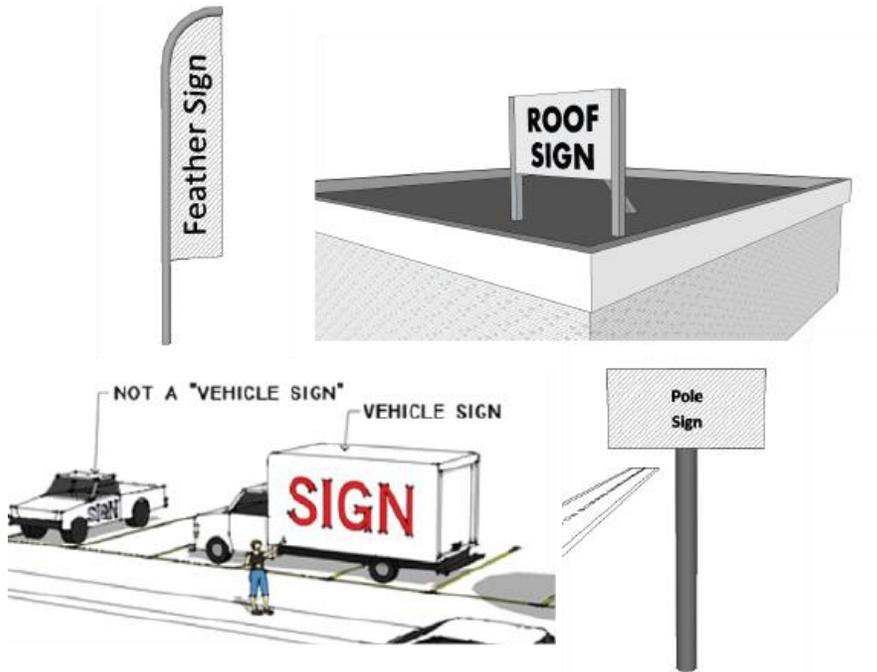
<sup>1</sup> Brightness of screens is generally expressed by a numerical value of nits. A nit is a unit of measurement of luminance, or the intensity of visible light, where one nit is equal to one candela per square meter (CD/M2).

diligently pursued to completion, said sign may be completed in accordance with the approved plans for which the permit has been issued, subject thereafter, if applicable, to the provisions of this Zoning Ordinance regarding nonconforming structures (Section VII of this Article).

**X-3-F. Relationship to Other Regulations.** These regulations recognize other regulations pertaining to signage. Where any provision of this Article covers the same subject matter as other regulations, the more restrictive regulation shall apply.

**X-3-G. Prohibited Signs:** The following signs are prohibited in all areas of the City:

1. Attention Getting Devices, including searchlights, pennants, banners, propellers, spinners, streamers, balloons and similar devices;
2. Feather signs;
3. Moving Signs. Moving signs shall not include barber poles, electronic message signs, flags, street clocks, and other signs as established by this Article;
4. Off Premises signs (except as allowed in the Illinois Rte 53 Expressway Sign Overlay District):
5. Painted wall signs;
6. Pole signs;
7. Portable signs, except as specifically permitted in Subsection X-7-A.
8. Roof Signs;
9. Signs with more than two sign faces;
10. Signs that are a traffic hazard;
11. Signs that are animated or supported by manufactured air pressure;
12. Temporary window signs in excess of twenty-five percent of total window area (defined as window area located between architectural features (piers));
13. Vehicle signs;
14. Signs placed in vehicles containing more than six (6) square feet in total size;
15. Other signs as may be prohibited in the City Code.



**X-3-H. Permitted Locations. All signs shall comply with the following standards.**

1. Public Property. Signs may only be placed on public property by a government agency or as authorized by this Section X-3-H. Any sign placed on public property without authorization may be removed without notice.
2. Private Property. Signs may only be placed on private property with prior consent of the property owner and, if applicable, pursuant to an approved building permit issued by the Zoning Administrator.

**X-3-I. Prohibited Locations.** In addition to the setback requirements of this Article, and the other restrictions of this Zoning Ordinance, all signs shall comply with the following standards:

1. A minimum clear sight distance at all intersections shall be in accordance with provisions for a Clear Vision Triangle as defined in this Chapter. Signs found to otherwise be a visual obstruction by the Zoning Administrator shall be removed.
2. Signs shall not block or interfere with building features necessary for safety or convenient ingress or egress, including doors, windows, fire escapes, or required exit-ways;
3. A sign mounted on the exterior of a building shall not conceal any windows, doors, or unique architectural features. This standard does not apply to window signs.
4. Signs may not be in or over public rights-of-way, except:
  - a. traffic control signs installed by a governmental entity or which are required to be installed by a governmental entity;
  - b. signs posted by governmental entities that support event or emergency management, such as wayfinding to event or disaster relief locations;
  - c. banners posted by the City on utility or light poles.
  - d. signs constructed by the City or another governmental or quasi-governmental entity pursuant to terms and conditions set forth in an approved intergovernmental agreement with the City.
5. Signs may not be located within easements for overhead utilities (placement in other utility easement areas is allowed only if approved by the utility service provider and if the other applicable requirements of this Zoning Ordinance are met).

**X-3-J. Prohibited Design Elements.** The following elements shall not be used as an element of signs or sign structures, whether temporary or permanent:

1. Flashing lights;
2. Motor vehicles, unless:
  - a. the vehicles are functional, used as motor vehicles, and have current registration and tags;
  - b. the display of signage is incidental to the motor vehicle use; and
  - c. the motor vehicle is properly parked in a marked parking space or is parked behind the principal building.
3. Semi-trailers, shipping containers, or portable storage units, unless:
  - a. the trailers, containers, or portable storage units are functional, used for their primary storage purpose, and, if subject to registration, have current registration and tags;

- b. the display of signage is incidental to the use for temporary storage, pick-up, or delivery; and
- c. the semi-trailer is parked in a designated loading area or on a construction site at which it is being used for deliveries or storage.

- 4. Sound, smoke, or odor emitters; and
- 5. Spinning or moving parts.

**X-3-K. Prohibited Content.** The following content is prohibited without reference to the viewpoint of the individual source (the narrow classifications of content that are prohibited by this Subsection X-3-K are either not protected by the United States or Illinois Constitutions, or are offered limited protection that is outweighed by the substantial governmental interests in protecting the public safety and welfare):

- 1. Text or graphics that present a clear and present danger due to their potential confusion with traffic control signs or signs that provide public safety information (for example, signs that use the words "Stop," "Yield," "Caution," or "Danger," or comparable words, phrases, symbols, or characters in such a manner as to imply a safety hazard that does not exist);
- 2. Text or graphics of an indecent or immoral nature and harmful to minors;
- 3. Text or graphics that advertise unlawful activity; or
- 4. Text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats.

**X-3-L. Prohibited Mounts.** No sign, whether temporary or permanent, shall be posted, installed, or mounted on any of the following locations:

- 1. Trees; or
- 2. Utility poles (including light poles, or on utility cabinets, except signs posted by the City or the utility that are necessary for public safety or identification of the facility by the utility provider).

**X-3-M. Variances:** Variances to sign regulations may be granted by the City of Rolling Meadows provided that:

- 1. The procedures and standards for Variances in Section VI-3-C of this Article are followed;
- 2. In addition to the Standards for Variance in Section VI-3-C-5-a (Unique Physical Condition) of this Chapter, the City shall consider the extent to which the sign is necessarily visible from the adjacent right of way. Lack of visibility as may be caused by the standards of this Article may be considered a hardship as part of the City's consideration.

**X-3-N. Regulations for Non-Conforming Signs:** Legally permitted signs installed prior to the adoption date of this Chapter may be allowed to continue as an accessory structure on the Lot on which they are located in keeping with the following:

- 1. Regular maintenance may be conducted on the sign face and sign structure.
- 2. The sign face may be repaired or replaced, but not enlarged.
- 3. The sign may not be replaced and shall be removed should damage, destruction, or replacement of sign structure elements exceed 50% of the total replacement cost of the sign.

## **X-4 - SIGN PERMITS**

**X-4-A.** It shall be unlawful for any person to erect, construct, alter, or locate any sign or part of a sign in the City of Rolling Meadows without first obtaining a sign permit from the Zoning Administrator and paying the fee required. The routine maintenance or changing of parts is permissible, provided that such change does not alter the surface area, height, copy, or otherwise make the sign nonconforming.

**X-4-B.** Upon receipt of a sign permit, the City may evaluate whether the existing signage and sign components are conforming to past permits issued or existing regulations, and if not, that the non-conforming or illegal signs shall be removed prior to issuance of the new permit.

**X-4-C.** All construction, relocation, enlargement, alteration, and modification of signs within the City shall conform to the requirements of this Article, as well as all State and Federal regulations concerning signs and advertising.

**X-4-D. Signs that Do Not Require a Sign Permit.** Signs are approved by issuance of a sign permit. However, there are some signs that do not require a sign permit. The following signs do not require a sign permit, but may require a building or electrical permit or other related permit (if subject to building or electrical regulations of the City Code). The City may require applicants to submit photometric plans demonstrating compliance with this Subsection X-4-D as a condition to issuance of a sign permit. Temporary signs that do not require permits shall still comply with the standards of Section X-7 Signs Not Requiring Permit, and Section X-3 General Provisions.

1. A – Frame Signs

2. Bumper Stickers. Bumper stickers on vehicles;

3. Carried Signs. Signs that are being carried by people (however, such signs are not exempt if they are set down or propped on objects);

4. Flags. Flags that are not larger than 30 square feet in area that are affixed to permanent flagpoles or flagpoles that are mounted to buildings (either temporary or permanent);

5. Interior Signs. Signs intended to provide information for interior use of a property and that are not visible from adjoining property or public rights of way;

6. Official and Legal Notice. Official and legal notice signs that are issued by any court, public body, person, or officer in performance of a public duty, or in giving any legal notice;

7. Outdoor Political Campaign Signs on Residential Property. Other than regulations as to size, nothing in this Section X prohibits the display of outdoor political campaign signs on residential property;

8. Signs with De Minimus Area. Signs that are affixed to a building or structure (even if wall signs are not permitted in the district or for the use), which do not exceed one square foot in sign area, provided that only one such sign is present on each elevation that is visible from public rights-of-way or neighboring property; and signs that are less than three-fourths of a square foot in area that are affixed to machines, equipment, fences, gates, walls, gasoline pumps, public telephones, or utility cabinets.

9. Traffic Control Signs. Traffic control signs and other signs related to public safety that the City or another jurisdiction installs or requires a developer to install;

10. Window Displays. Merchandise, fixtures or models of products incorporated into a window display.

## **X-5 - SIGN MEASUREMENT STANDARDS**

The following standards shall control the measurement of sign area and sign height.

### **X-5-A. Gross Sign Area**

1. Gross Sign Area is calculated as the area within a continuous perimeter with up to eight straight sides that encloses the limits of text and graphics of a sign, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign's message from the background against which it is placed.
2. Gross Sign Area excludes the structure upon which the sign is placed (unless the structure is an integral part of the display or used to differentiate it), but includes any open space contained within the outer limits of the display face of a sign, or between any component, panel, strip, or figure of any kind composing the display face, whether this open space is enclosed by a frame or border or not.
3. For double-faced signs, only one display face is measured if the sign faces are parallel or form an interior angle of less than 45 degrees, provided that the signs are mounted on the same structure. If the faces are of unequal area, then Gross Sign Area is equal to the area of the larger face.

### **X-5-B. Sign Face**

1. Wall Signs. A two-dimensional area on the facade of a building that describes the largest square, rectangle, or parallelogram which is free of architectural details.
2. Window Signs. The area of glass within a window frame.
3. Other Signs. The area of the face of the sign which is designed to be used for text and graphics (the gross sign area does not include the sign's supporting frame or structure, if any, provided that such frame or structure is not designed to display text or graphics).

**X-5-C. Signable Area Ratio. Signable area ratio is the sign area divided by the gross sign area. It is expressed as a percentage.**

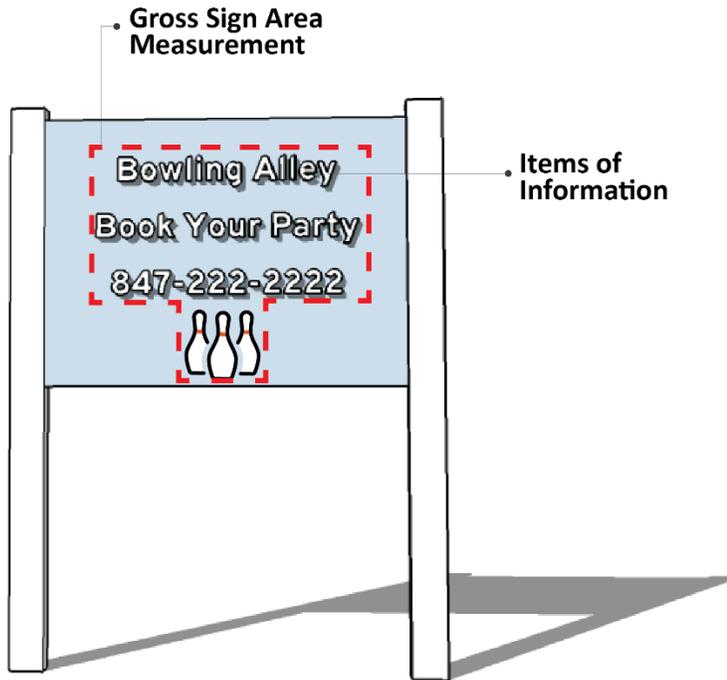
### **X-5-D. Relationship Between Maximum Sign Area and Maximum Signable Area Ratio.**

Where both a maximum sign area and a maximum signable area ratio are set out, the standard that results in a polygon that encloses all of the text and graphics and framing that differentiates them from the wall.

**X-5-E. Measurement of Height for Freestanding Signs.** The vertical distance to the top of the sign face or sign structure, whichever is higher, measured from the elevation of the average grade around the base of the sign.

**X-5-F. Items of Information.** An item of information is a word, logo, abbreviation, symbol, geometric shape, image, or number with 10 or fewer digits (punctuation of numbers does not increase the number of items of information). No sign face shall contain more than 13 items of information. (Figure 10.1 contains 7 items of information: 5 words, one 10-digit phone number, and 1 symbol).

Figure 10.1



#### X-6 - PERMANENT SIGNS REQUIRING PERMIT

Permanents signs identified below in this Section X-6 shall be allowed in the City of Rolling Meadows, subject to the regulations of this Article, provisions of the City Code, and receipt of a sign and / or building permit as may be approved by the Zoning Administrator.

**X-6-A. Awning Signs.** Awnings that do not display signs are not subject to the regulations of this Section X.

1. Location. Awning signs are allowed in the C-1, C-2, C-3, M-1 and M-2, and in all residential districts for multi-unit dwelling uses and non-residential uses.

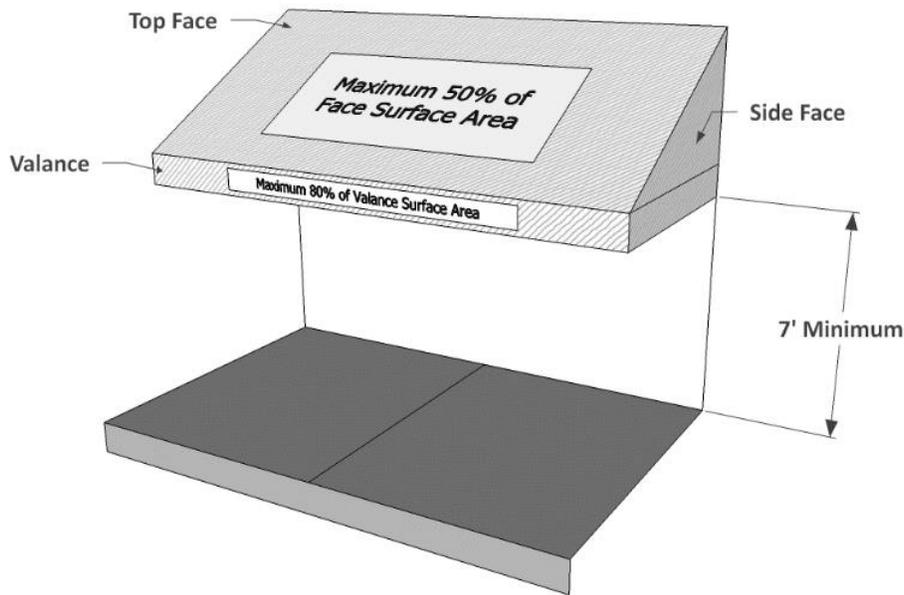
2. Size.

- a. 80% of maximum valance area for copy and graphics on valance;
- b. 50% of maximum top surface area for copy and graphics on top surface areas.
- c. No signs shall be located on the side surface areas of an awning.

3. Additional Regulations.

- a. One sign is permitted per awning top surface area.
- b. Awning signs shall be displayed on awnings constructed out of durable, weather-resistant material such as canvas, nylon, vinyl-coated fabric, or metal.
- c. Awning with signs and awning signs shall be generally aligned with awning and awning signs that are attached to adjacent storefronts or buildings to maintain a sense of visual continuity.

- d. Awning signs shall not be backlit or otherwise internally illuminated.
- e. All awnings shall be constructed and erected so that the lowest portion thereof shall be not less than 7 feet above the level of the adjacent sidewalk.



### **X-6-B. Canopy-Mounted Signs.**

#### **1. Location.**

- a. Canopy-mounted signs are allowed in the C-1, C-2, C-3, M-1 and M-2, and in all residential districts for multi-unit dwelling and uses non-residential uses.

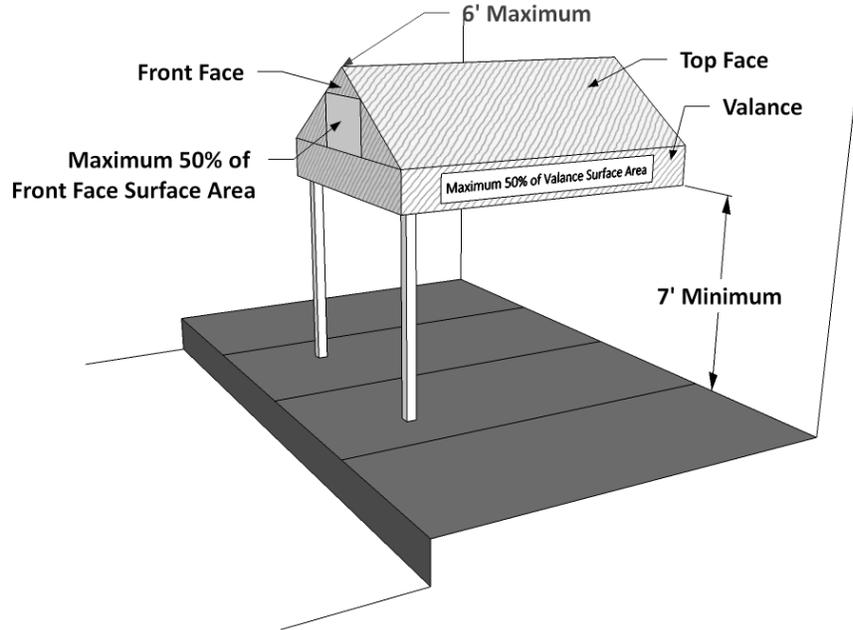
#### **2. Size.**

- a. Front Face - Any sign located on the front face of a canopy may take up a maximum of 50% of the total front face surface area.
- b. Any sign located on the front face of a canopy of a Gas/Fueling Station may take up a maximum of 25% of the total front face surface area.
- c. Top Face - No signs are allowed on the top face of any canopy.
- d. Valance - Any sign or words on the valance of a canopy may take up a maximum of 50% of the total valance surface.
- e. Any sign located on the valance of a canopy of a Gas/Fueling Station may take up a maximum of 25% of the total valance surface area.

#### **3. Additional Regulations.**

- a. The canopy upon which the canopy-mounted sign is displayed may project from the front, side, rear, or corner side façade of the building to which it is attached and shall not project more than six feet.

b. The canopy upon which the canopy-mounted sign is displayed shall be located at least seven feet above grade, and the canopy-mounted sign shall not extend below the lowest point of the canopy on which it is displayed.



### **X-6-C. Signs Adjacent to Drive Through Lanes**

#### **1. Location.**

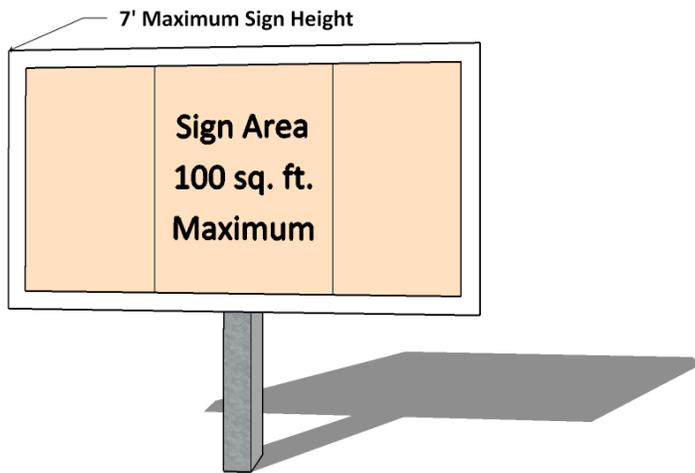
- a. Signs Adjacent to Drive Through Lanes are allowed for any drive-thru establishment in the C-1, C-2, and C-3 districts.
- b. Menu board signs shall be located a minimum of 15 feet from any residential zoned lot line.

#### **2. Size.**

- a. Signs Adjacent to Drive Through Lanes shall not exceed 100 square feet in area and seven feet in height.

#### **3. Additional Regulations.**

- a. Signs Adjacent to Drive Through Lanes signs may be displayed as wall signs, monument or pole signs.
- b. Up to two Signs Adjacent to Drive Through Lanes are allowed per drive-thru lane, and shall when added together not exceed the size allowed for one such sign.
- c. Internally illuminated menu board signs are allowed only in accordance with Section X-3-B.
- d. Menu boards may include an electronic screen to display information to customers.



#### **X-6-D. Monument Signs**

##### **1. Location.**

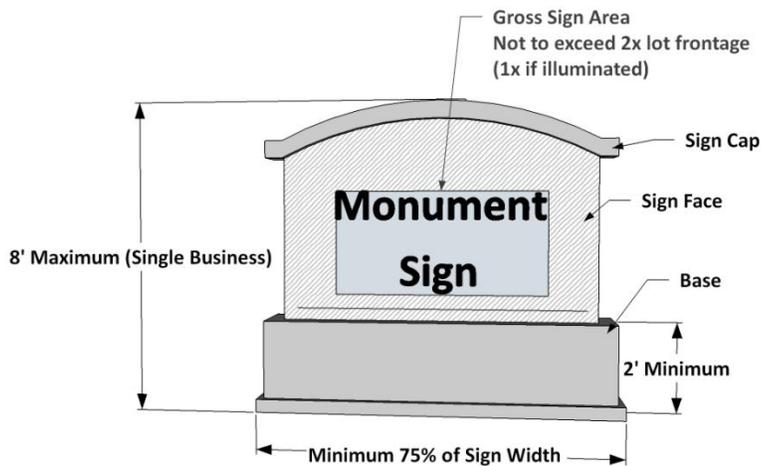
- a. Monument signs are allowed in all zoning districts.
- b. In residential zoning districts, two monument signs are allowed per subdivision or development access, located on commonly owned private open space or in right-of-way areas as approved by City Council.
- c. In C-1, C-2, C-3, M-1, and M-2 zoning districts, one monument sign is permitted per principal structure.



##### **2. Size.**

- a. In residential zoning districts permitted monument signs shall meet the following requirements.
  - i. The Sign Face may be up to 32 square feet.
  - ii. Gross sign area shall be a maximum of 60% of the Sign Face.
  - iii. The maximum sign height shall be 6 feet.
- b. In C-1, C-2, and C-3 zoning districts permitted monument signs shall meet the following requirements.
  - i. Where the property has multiple road frontages, the largest shall be used to calculate sign area.
  - ii. In no case shall gross sign area exceed 100 square feet in size.
  - iii. In no case shall a sign located on a property with a single business exceed 8 feet in height.
  - iv. In no case shall a sign for a development with multiple tenants exceed 15 feet in height.

- c. In M-1, M-2 and zoning districts permitted monument signs shall meet the following requirements.
  - i. Where the property has multiple road frontages, the largest shall be used to calculate sign area.
  - ii. In no case shall sign area exceed 100 square feet in size.
  - iii. In no case shall a sign located on a property with a single business exceed 8 feet in height.
  - iv. In no case shall a sign for a development with multiple tenants exceed 15 feet in height.
- d. Sign height shall include the required base.
- e. On properties of ten acres or greater, a monument sign may be up to 18 feet in height and 250 square feet.



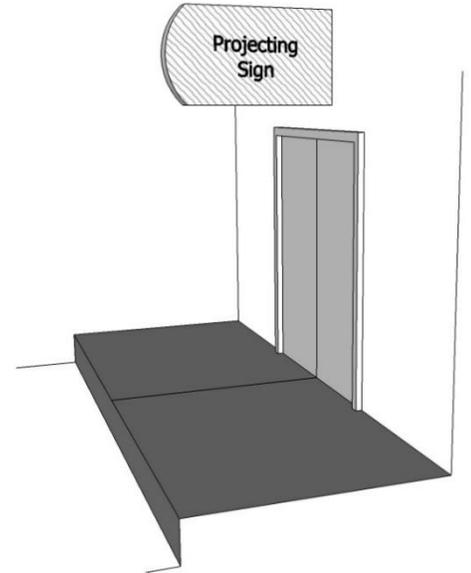
### 3. Additional Regulations.

- a. No portion of a sign may extend over a property line.
- b. Monument signs shall be located a minimum of five feet from any front or corner side lot line, and 10 feet from any interior side lot line.
- c. Base:
  - i. Landscape. All monument signs shall provide landscape around its base. Landscape must extend a minimum of three feet from the sign base on all sides as approved by the Director of Public Works or designee, who will require a mix of evergreen and deciduous small shrubs a minimum of 18 inches in height at planting, and perennials and annuals under the sign face. The remainder of the required landscape area on the sides must be planted with a mix of larger ornamental deciduous or evergreen trees or shrubs, perennials, or other live groundcover. All landscape beds must be spade edged and mulched with a minimum of 3" of hardwood ground cover material.
  - ii. Monument signs shall be mounted on a base made of decorative masonry or stone.

- iii. The sign base shall be a minimum of 2 feet in height.
- iv. The sign base of any monument sign shall be a minimum of seventy-five percent (75%) of the width of the sign.
- v. Monument signs located as part of multi-tenant developments may include no more than eight individual sign items.

**X-6-E. Projecting (Blade) Signs.**

- 1. Location: Projecting signs are allowed in the C-1 and C-2 Districts.
- 2. Size: Projecting signs shall be not more than 8 square feet.
- 3. Additional Regulations.
  - a. One projecting sign is allowed per ground floor tenant, except that establishments located in a corner unit may have two breezeway signs if there are two entry doors.
  - b. A projecting sign shall be located at least 8 feet above grade.
  - c. A projecting sign may be attached to the under-side of a covered walkway or extend perpendicular to the face of the building, in which case they shall not extend more than 4 feet from the face of the building to which it is attached.
  - d. A projecting sign is allowed under a covered walkway in a shopping center.

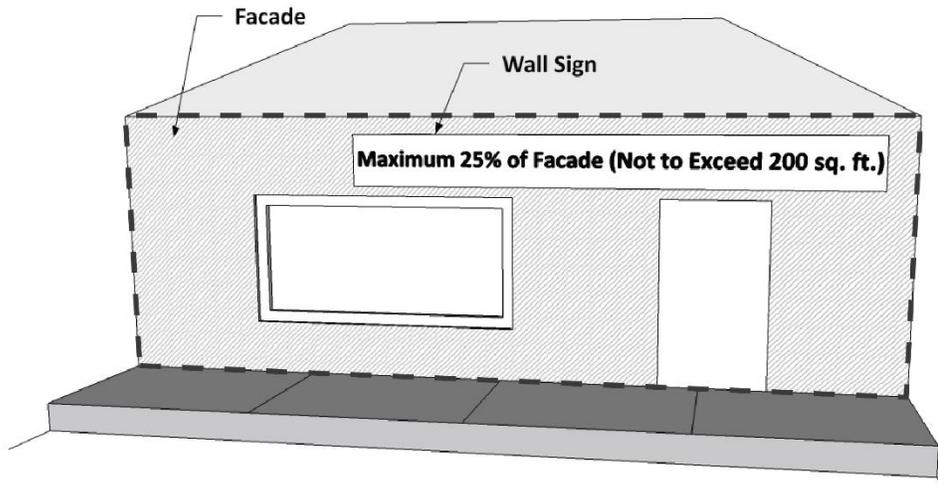


**X-6-F. Wall Signs.**

- 1. Location.
  - a. Wall Signs are allowed in all zoning districts.
  - b. In Residential Districts, wall signs shall be allowed only for non-single family uses.
  - c. In Residential Districts, one wall sign is allowed per building.
  - d. In C-1, C-2, C-3, M-1, M-2 and zoning districts, one wall sign is permitted per separate tenant space.
- 2. Size.
  - a. In residential zoning districts, permitted wall signs shall meet the following requirements.
    - i. The gross sign area shall not exceed 10 percent of the wall area to which the sign is affixed.
    - ii. No sign shall exceed 100 square feet.
  - b. In C-1, C-2, and C-3 zoning districts permitted wall signs shall meet the following requirements.
    - i. Wall signs shall not exceed 25 percent of the square footage of the façade on which the sign is located (façade is defined as including glass area within the wall on which the sign is to be affixed).
    - ii. In no case shall wall sign exceed 200 square feet in area.

iii. For one-story multi-tenant commercial buildings (shopping centers), each tenant space is allowed one wall sign equal in area to 25 percent of the front façade of the leased tenant space. In no case shall said sign exceed 200 square feet.

iv. One additional wall sign shall be allowed on a second facade (sides of the building not facing the street and visible from a parking lot or second right of way) provided the sign on the second exposure may be no greater than the sign on the front facade.



c. In M-1, M-2 and zoning districts permitted wall signs shall meet the following requirements.

i. For buildings containing a single user, the wall sign shall not exceed 10 percent of the square footage of the façade on which the sign is located (façade is defined as including glass area within the wall on which the sign is to be affixed). In no case shall said sign exceed 200 square feet in area

ii. For multitenant buildings, each tenant space is allowed one wall sign equal in area to 10 percent of the front façade of the leased tenant space. In no case shall said sign exceed 200 square feet.

iii. One additional wall sign shall be allowed on a second facade (sides of the building not facing the street and visible from a parking lot or second right of way) provided the cumulative total area of both signs does not exceed the maximum allowable area for a single wall sign.

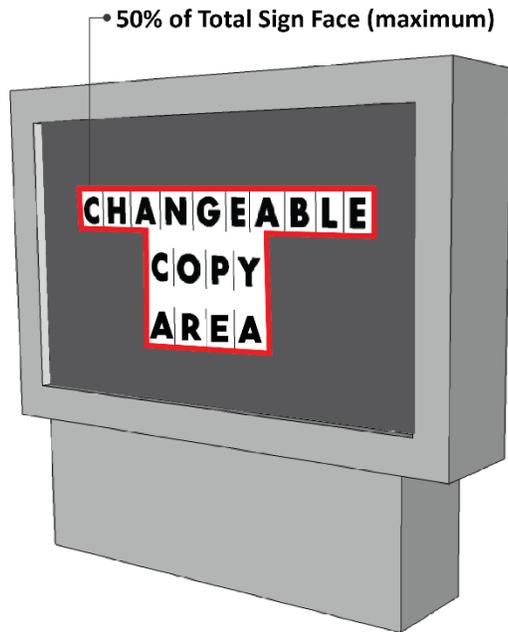
### 3. Additional Regulations.

a. Wall signs shall not extend beyond the roof ridgeline of the building.

### X-6-G. Manually Changeable Copy Signs.

1. Location. Manual Changeable Copy signs are allowed in the C-1, C-2, C-3, M-1, M-2, and in all residential districts for multi-unit dwelling uses and non-residential uses.

2. Size. A manually changeable copy sign may be displayed as part of a monument or wall sign and shall not occupy more than 50 percent of the total sign face of the monument of such sign.



### 3. Additional Regulations.

a. Manually Changeable Copy signs in residential districts for multi-unit dwelling uses and non-residential uses located upon land less than three acres in size shall be permitted subject to the following conditions:

- i. There shall be not more than one such sign per lot.
- ii. No sign shall exceed 24 square feet in area.
- iii. No sign shall be closer than eight feet to any other lot.
- iv. The top of a sign shall not be higher than 8 feet above grade.

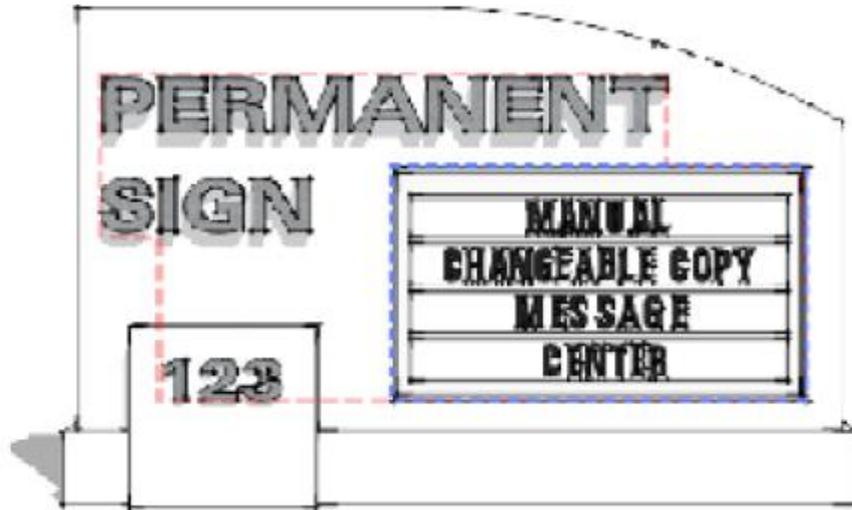
b. Manually Changeable Copy signs in residential districts for multi-unit dwelling uses and non-residential uses located upon a property of three acres or more in size shall be permitted subject to the following conditions:

- i. One Manually Changeable sign in the form of a monument sign shall be permitted.
  1. Sign shall not exceed ten percent of the lot's frontage or 100 square feet, whichever is less.
  2. Sign height shall not exceed six feet.

c. Monument or wall signs which enclose the manual changeable copy message center sign shall all sides be finished of brick, stone, stucco, powder coated or comparably finished metal. Gaps between the message center and the finish are permitted to accommodate locks and hinges for a cover for the changeable copy area, but only to the extent necessary for such locks and hinges to operate.

d. Manual changeable copy message centers, including their frames, shall make up not more than 50 percent of the sign area. The balance of the sign area shall utilize permanently affixed letters or symbols. See figure below.

e. Gas / Fueling Stations may have a changeable electronic message board sign for that portion of the sign that displays the price of fuel.



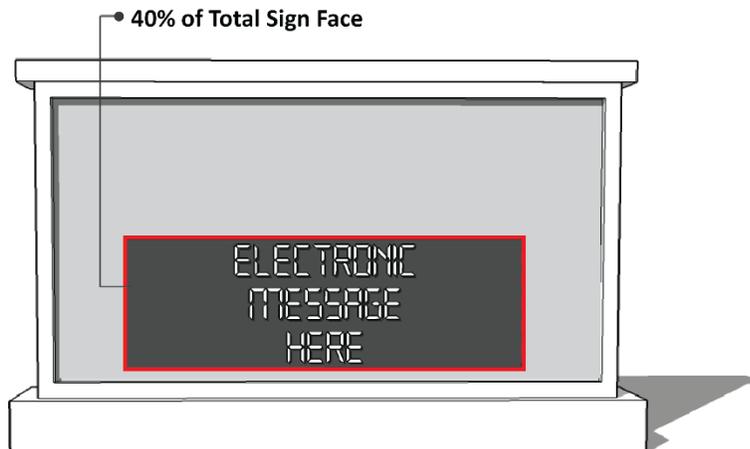
#### X-6-H. Electronic Message Signs.

##### 1. Location.

a. Electronic Message signs, which may be displayed as part of a Monument sign, are allowed in the C-1 and C-2 zoning Districts.

b. Electronic Message Signs shall be allowed only on properties that meet one of the following criteria:

- i. Government related land uses
- ii. Properties of 10 acres or more



2. Size. An electronic message sign shall not occupy more than 40 percent of the total Sign Face of the permitted monument sign area.

3. Additional Regulations.

- a. One electronic message sign is allowed per property.
- b. No sign containing a Changeable Copy Sign may also contain an electronic message sign.
- c. Electronic message centers are only permitted on monument signs which enclose the electronic message center component on all sides with a finish of brick, stone, stucco, powder coated (or comparably finished) metal, or the surface of the sign face.
- d. Electronic Message Signs shall change messages no more than once every 30 seconds.
- e. Electronic message signs shall display static messages that do not contain a light source that flashes, blinks, strobos, travels, chases, rotates, or changes in intensity, brightness, or color.
- f. Transitions between messages shall be instantaneous.
- g. Every Electronic Message Sign must have the capability to lower the intensity of the light being emitted after it is erected.
- h. Electronic message signs shall be designed to default to a static display in the event of mechanical failure.
- i. Photometric Plan. The City may require applicants to submit photometric plans demonstrating compliance with this Article as a condition to issue a sign permit.

**X-6-I. Temporary Banner Signs**

1. Location.

a. Banner signs are allowed for non-residential uses in all zoning districts and may be displayed attached to walls, displayed on windows, or displayed as a free standing sign.

2. Size.

- a. Banners attached to a building shall not exceed ten percent of the wall area of the premises and in no case shall it exceed 100 square feet.
- b. Banners displayed in windows may only be displayed if there is no other window signs and the banner covers no more than 25% of the window area.
- c. Banners displayed as free standing signs shall be no more than 32 square feet in size.

3. Additional Regulations.

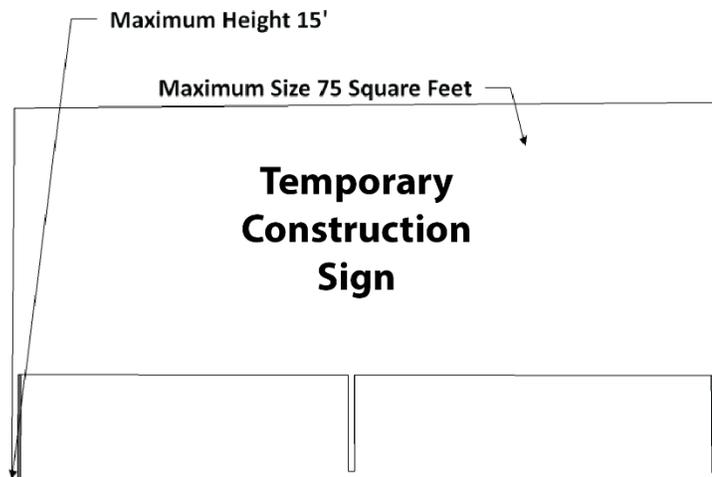
- a. Banners displayed as free standing signs shall be supported by a post on either side of the banner.
- b. Banners displayed as free standing signs may be located in front or side yards, a minimum of fifteen feet from any property line.
- c. One temporary banner sign is allowed per property in Residential Districts.



- d. Banners are limited to a display period of 30 calendar days, up to four times per year per calendar year (up to a total of 120 days per year).
- e. Banners shall not be illuminated.
- f. Banners shall not project above the roof of the building to which it is attached.
- g. Banners shall not encroach into the public right-of-way.
- h. One banner is allowed per business, which may be displayed as a wall sign or window sign in C and M Districts.
- i. Temporary signs shall not be displayed when weather conditions exist that may damage the sign or creates a safety risk, such as high winds, heavy rain, or excessive snow.

**X-6-J. Temporary Construction Signs.**

- 1. Location. Temporary construction signs are allowed in all zoning districts for nonresidential land uses.
- 2. Size. 75 square feet each
- 3. Additional Regulations:
  - a. No temporary construction sign shall project higher than 15 feet above curb level.
  - b. No temporary construction sign shall be located nearer than 25 feet to the property line upon which the sign is erected.
  - c. Temporary construction signs are allowed during initial development of a property or structure.
  - d. The sign permits shall be issued only once an active building permit is issued for the site and shall be removed prior to issuance of a certificate of occupancy.
  - e. Illumination is prohibited.



**X-7 - SIGNS NOT REQUIRING PERMIT**

This Section X-7 sets out which forms of signs not requiring a permit are allowed in each zoning district, and the size and height standards that apply to them. These signs are allowed in accordance with the provisions of this Section X, except that where other Sections of the City Code regulate such signs, the more restrictive regulation shall apply.

**X-7-A. A-Frame Signs.**

1. Location. A-frame signs are allowed in C-1 and C-2 Zoning Districts.

2. Size.

a. The size of an A-Frame sign shall be calculated based on one face of the signs.

b. A-frame signs shall be no larger than 15 square feet, nor exceed five feet in height.

3. Additional Regulations

a. A-frame signs may be located on private property only.

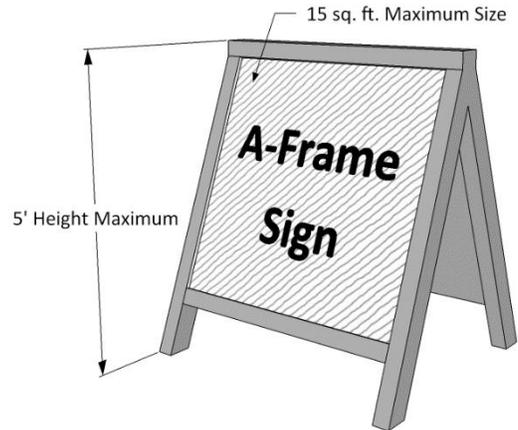
b. A-Frame signs located on private sidewalks shall maintain at least four feet of sidewalk width and must not to interfere with pedestrian traffic or accessibility per the Americans with Disabilities Act.

c. A-frame signs must be located within 10 feet of the primary entrance of the business.

d. One A-frame sign is allowed per business.

e. A-frame signs may be displayed during operating hours of the business to which it is related.

f. A-frame signs shall not be displayed when weather conditions exist that may damage the sign or creates a safety risk, such as high winds, heavy rain, or excessive snow.



**X-7-B. Window Signs.**

1. Location. Window signs are allowed in all Zoning Districts.

2. Size.

a. Window signs shall not occupy more than 25 percent of the total ground floor window area on each building façade.

b. Total window area on which to define permitted 25 percent shall be the window area between the structural elements (pillars) defining the window area.

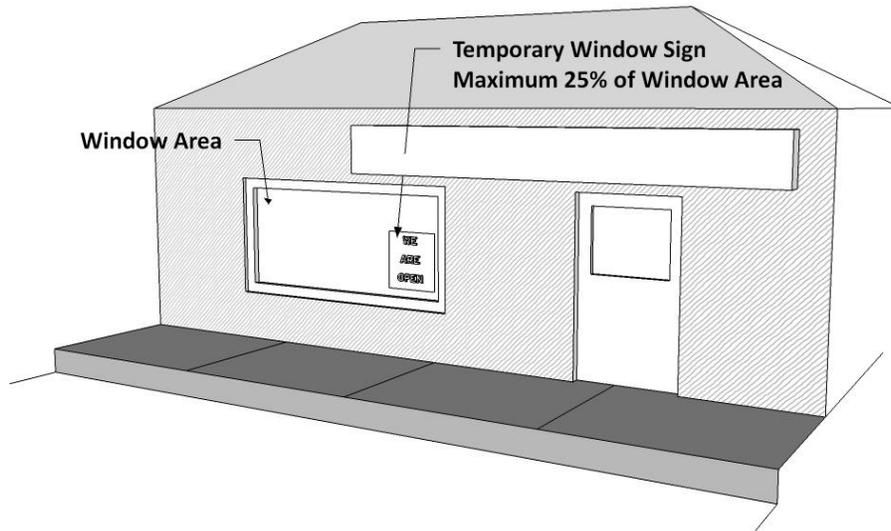
c. Temporary Window signs shall not be located above the ground floor.

3. Additional Regulations:

a. Neon, LED, or any similar rope lighting shall not be permitted to outline or be used as a design feature in windows.

b. Each business is allowed one illuminated sign in the window, which shall not exceed nine (9) square feet in total.

c. No other lighting in the window is permitted.



### **X-7-C. Yard Signs.**

1. Location. Yard signs are allowed in all zoning districts.
2. Size.
  - a. In residential districts, yard signs shall not exceed eight square feet in area per sign and six feet in height.
  - b. In non-residential districts, yard signs shall not exceed 20 square feet in area per sign and eight feet in height.
3. Additional Regulations.
  - a. Two yard signs are allowed per street frontage.
  - b. The display of temporary signs shall be limited to a cumulative total of 120 calendar days per calendar year per premises.
  - c. Yard signs shall be a minimum of five feet from any property line
  - d. Yard signs shall not create a hazard for any person or property.
  - e. Yards signs placed in reference to construction work on premises must be in connection with an active, approved building permit, and shall be removed no later than 10 days after expiration of the building permit, or issuance of an occupancy permit, whichever occurs first.
  - f. Yard signs placed subject to sale or rent of a property shall be removed no later than seven days after the sale, rental, or lease agreement signing for the subject property.
  - g. Yard signs placed in connection with a commercial sales event shall not be erected more than 30 days prior to the event and shall be removed immediately after the termination of the event of activity.
  - h. Yard signs shall not be displayed when weather conditions exist that may damage the sign or creates a safety risk, such as high winds, heavy rain, or excessive snow.

## **X-8 - Illinois Rte 53 Expressway Sign Overlay District.**

**X-8-A. Purpose.** The purpose of this district is to provide areas along the Illinois Rte. 53 Expressway through the City of Rolling Meadows for the erection of off-premises advertising signs; limit the area where such signs are permitted to certain lands zoned C-3 Office, Institutional and Research district and M-1 Business Park District and located immediately west of and adjacent to Illinois Rte. 53 Expressway generally between Euclid Avenue and US Route 14 (Northwest Highway); provide regulations for such signs; provide provisions for the construction of such signs, and locate such signs so that they are not adverse to the health, safety and general welfare of the residents of the City of Rolling Meadows.

**X-8-B. Location of district boundaries.** All incorporated land zoned C-3 in the areas bounded by: 1) IL 53, Winnetka Ave, and Winnetka Circle, 2) Rohlwing Road, Euclid Ave and Euclid entrance Ramp to IL 53 and 3) Euclid Ave, Hicks Road, and Kirchoff Road, and land zoned M-1 west of and adjacent to Illinois Rte. 53 Expressway generally between Euclid Avenue and U.S. Route 14 (Northwest Highway) in the City of Rolling Meadows. The width of the overlay district shall be 100 feet from the edge of the Rte. 53 right-of-way along that span.

### **X-8-C. Permitted Uses.**

1. Off-premise advertising signs.

### **X-8-D. Dimensional standards.**

1. Maximum height: 60 feet above the immediate adjacent expressway pavement surface to top of sign.
2. Maximum size: 1,200 square feet gross surface area per face.
3. Maximum length: 60 feet.
4. Minimum separation: 700 linear feet measured from pole-to-pole from one existing off-premises advertising sign to another existing off-premises advertising sign on the same side of the expressway.

### **X-8-E. Applicable provisions.**

1. Any new off-premises advertising signs, including electronic message and digital display signs ("digital signs"), with an advertisement or information pertaining to business conducted off the property, may be located on property within the City of Rolling Meadows' Illinois Rte. 53 Expressway sign overlay district.
2. No off-premises advertising sign shall be located in such a position that it obscures the view of vehicular or pedestrian traffic in such a manner as to endanger the safe movement thereof.
3. No off-premises advertising sign shall be located within 500 feet, measured from the closest point of the sign to the closest property line of any lot used for residential purposes. No digital off-premises advertising sign (face) shall be located within 1,000 feet of any lot used for residential purposes. Hotels and motels are not considered residential uses for purposes of this Section X-8.
4. No off-premises advertising sign shall be erected or maintained upon or above the roof of any building or structure.
5. Off-premise advertising signs shall not be "stacked" one on top of another or placed together horizontally "end-to-end" or "side-by-side."

6. Only one off-premise advertising sign shall be erected per lot.
7. Off-premise advertising signs may be single-faced or double-faced but no off-premises advertising sign shall contain more than one face on each side of the display and the surface area shall not exceed a total of 1,200 square feet of gross surface area per face.
8. No off-premise advertising sign shall exceed 60 feet above the level of the immediate adjacent expressway pavement surface.
9. Lighting:
  - a. No off-premise advertising sign shall be so illuminated that the light intensity or brightness adversely affects the safe vision of operators of vehicles moving on public or private streets, highways, or Parking Areas or of pedestrians.
  - b. No off-premise advertising sign shall be illuminated by any exposed tubes or bulbs, strobe or incandescent lamp or floodlights, nor shall any off-premises advertising sign incorporate any reflective device.
  - c. Flashing off-premise advertising signs are prohibited. In addition, no off-premises advertising sign shall contain or be illuminated by revolving, rotating, animated or any other form of moving light or lights.
  - d. No off-premises advertising sign shall be so illuminated that the light intensity or brightness causes direct glare into or upon any building or in any other way adversely affects surrounding or facing properties.
  - e. All lighting shall be shielded and directed towards the face of the sign to prevent spillage to the surrounding area.
10. Digital messaging:
  - a. Hold time: A minimum ten second hold time shall be maintained for any message, sign, logo, image or other display on an off-premises advertising sign.
  - b. Static: All messages or displays must be static. No flashing of images displayed on an off-premises advertising sign shall be permitted. "Flashing" in this context shall mean where the sign alternates suddenly between being fully illuminated and non-fully illuminated for the purpose of drawing attention to the off-premises advertising sign.
  - c. Transition time: Regardless of technology used, changes between messages or displays must be instantaneous.
  - d. No speakers or other audio systems shall be attached to the off-premises advertising sign, and no audio presentations shall emanate from the off-premises advertising sign.
  - e. No motion pictures shall be displayed on off-premises advertising signs.
11. Appearance and maintenance:
  - a. Exposed backs of signs, poles and other support structures shall be required to be painted or shielded to minimize adverse visual impacts and to present a finished appearance so as to improve the visual appearance.
  - b. Supporting structures shall be adequately screened from adjoining properties with a combination of fencing and vegetation (existing and proposed) as shown on a landscape diagram.

c. All off-premise advertising signs, including the sign faces, supporting structures, lights and landscaping shall be kept in good repair and free from tears, rust and other indication of deterioration.

d. Off-premise advertising signs and support structures shall be removed within one month of cessation of use. "Cessation of use," shall be defined as a period of 90 consecutive days in which the sign is not used or there is no intent to resume the use or activity of the sign.

**12.** All off-premises advertising signs shall be subject to the City of Rolling Meadows annual sign and inspection fee as outlined in Appendix B entitled, "Schedule of Rates, Fees, Fines and Penalties" of the City Code.

**13.** Application requirements. An applicant for an off-premise advertising sign shall first obtain an approved permit from the Illinois Department of Transportation (IDOT). Along with the IDOT permit, the application submission to the city shall also include:

a. A site plan on a current plat of survey for the property which shall show the location of the proposed sign in relation to all property lines and structures (principal and accessory) on the property, where applicable, easements, right-of-ways, utilities if nearby, etc.;

b. A general description of structural design and construction materials of the sign;

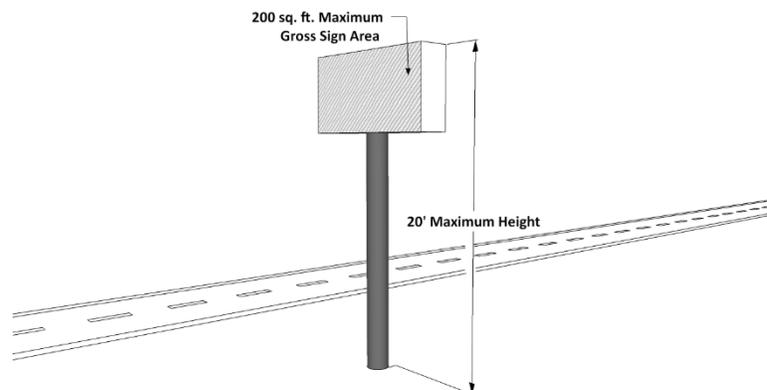
c. A color rendering/drawing of the proposed sign which shall contain specifications as to the height, perimeter, and area dimensions, means of support (support structure), methods of illumination, if any, source and location of power, and any other significant aspect of the proposed sign;

d. A written certification by a professional engineer as to the wind load, structural performance, lighting characteristics, and orientation. Verification that the underlying soil is capable of sustaining the proposed load and that the electrical and structural strength of the proposed sign is satisfactory.

e. A landscape plan encircling the support area of the sign.

f. Any other information requested by the community development department in order to carry out the purpose and intent of this overlay district.

g. Each sign face shall be considered a separate sign for purposes of permit and filing fees



## **SIGN RELATED DEFINITIONS**

**GROSS SIGN AREA:** The total area of signage permitted for any given sign. Gross Square Area may be expressed as either a number of square feet, percentage of a defined Sign Face, or other measurement.

**ILLUMINATED SIGN, EXTERNAL:** A sign illuminated by a source of light which is cast upon the surface or face of the sign to illuminate by reflection only.

**ILLUMINATED SIGN, INTERNAL:** A sign, all or any part of which is made of incandescent, neon, or other types of lamps attached thereto; or raised letters lighted by an electric lamp attached thereto; or a sign having a border of incandescent or fluorescent lamps thereto attached and reflecting light thereon; or a transparent sign whether lighted by electricity or other illuminant.

**SIGN:** Any object or device containing letters, figures and/or other means of communication or part thereof, situated outdoors or indoors, of which the effect produced is to advertise, announce, communicate, identify, declare, demonstrate, direct, display, and/or instruct potential users of a use, product and/or service.

**SIGN, A-FRAME.** A type of portable sign that is intended to be placed on a hard surface, most commonly a sidewalk.

**SIGN, ANIMATED.** Any sign, or any part thereof which changes physical position by means of movement, rotation or change in illumination to depict movement.

**SIGN, AWNING:** A sign that is mounted, painted, or attached to an awning or other window or door canopy. Any projecting canvas or other material over a structural framework used for a small amount of shelter or shade on a facade that has signage displayed on the visible surface.

**SIGN, BANNER:** A temporary advertising sign which is not attached to a permanently mounted backing.

**SIGN, CANOPY:** A permanent advertising sign located on a canopy.

**SIGN, CHANGEABLE COPY:** A sign wherein provision is made for letters or characters to be placed in or upon the surface area, either manually or electronically, to provide a message or picture.

**SIGN CLEARANCE:** Sign clearance is the distance between the bottom of a sign face or structural element that is not affixed to the ground and the nearest point on the surface under it. 'See Article X Signs'

**SIGN, DIRECTIONAL:** Any sign on a lot that directs the movement or placement of pedestrian or vehicular traffic with or without reference to, or inclusion of, the name of a product sold or service performed on the lot or in a building, structure or business enterprise occupying the same.

**SIGN, ELECTRONIC MESSAGE:** A sign which exhibits changing and/or illuminated messages.

**SIGN, FEATHER:** A temporary sign typically supported on a single pole with the message on one side of that pole and unsupported on the other. See graphic:

**SIGN, FREESTANDING:** A permanent sign that is self-supporting in a fixed location and not attached to a building.

**SIGN MESSAGE:** The thought or idea conveyed or expressed by the words, letters, insignia, figures, designs, fixtures, colors, motion, illumination, sound or projecting images or any combination thereof.

**SIGN, MONUMENT:** A freestanding sign, other than a pole sign, in which the entire bottom is in contact with or close to the ground.

**SIGN, MOVING.** A sign or other advertising device having moving, revolving, or rotating parts.

**SIGN, NEON:** A sign consisting of glass tubing, bent to form letters, symbols, or other shapes and illuminated by neon or a similar gas through which an electrical voltage is discharged.

**SIGN, OFF-PREMISE:** A sign advertising a land use, business, product or service not located or available upon the premises whereon the sign is located.

**SIGN, PAINTED WALL:** A sign that comprises only paint applied on a building or structure

**SIGN, PERMANENT:** A sign constructed of durable material and affixed, lettered, attached to or placed upon a fixed, nonmovable, nonportable supporting structure.

**SIGN, POLE:** A freestanding sign that is affixed, attached, or erected on a pole or poles and that is not itself an integral part of or attached to a building or structure, and has no structural base on which the sign is located.

**SIGN, PORTABLE:** A sign that is designed to be easily moved from one location to another, and when placed, is neither fastened to a permanent structure or building, nor mounted in the ground. Portable signs include signs mounted on trailers, wheeled carriers, or frames that are designed to be placed onto a surface without being secured to it.

**SIGN, PROJECTING:** A sign supported by a building or other structure which projects over any street, sidewalk, alley, or public way or public easement (also known as “Blade” or “Shingle” signs).

**SIGN, ROOF:** A sign upon or above the roofline or parapet of the building or structure.

**SIGN STRUCTURE:** A sign structure shall include, but not be limited to, the supports, uprights, braces, backing, sign board, and framework designed to contain a sign message. Sign structure is not meant to include the message conveyed by the sign.

**SIGN FACE:** The area of a sign which shall be computed by applicable mathematical formula for the shape of the sign face including both copy, background, and any frame of boxed display or, for a sign made up of separate letters or characterizations connected in meaning, by computing the area lying within straight lines connecting the extreme projections, corners or edges of the letters, characters and other figures composing the sign taken as a whole. Where a freestanding sign is multisided, one-half of the total surface area including copy, background, and any frame or display shall be the sign area.

**SIGN, TEMPORARY:** A structure or device used for the public display of messages or images, which is easily installed and not intended or suitable for long-term or permanent display due to lightweight or insubstantial construction materials.

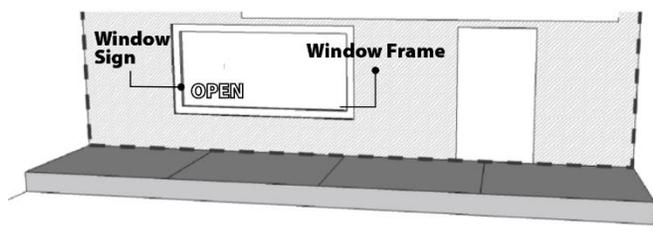
**SIGN, TEMPORARY CONSTRUCTION:** A temporary sign made of wood or other sturdy materials located on a site only for the time period that a building permit is active for the property.

**SIGN, VEHICLE:** A sign attached to or painted on a vehicle parked and visible from the public right-of-way, unless said vehicle is used for transporting people or materials in the normal operations of the business and it is properly parking in a designated parking space. Signs attached to trailers or inoperable vehicles are presumed to be vehicle signs if they are parked in plain view from the right-of-way. Bumper stickers are not vehicle signs.

**SIGN, WALL:** A sign attached to, painted on, or erected against a wall of a building, whose display surface is parallel to the face of the building, structure, or fence, and whose height does not exceed the height of the wall, structure, or fence to which said sign is attached, painted upon, or against which said sign is erected.

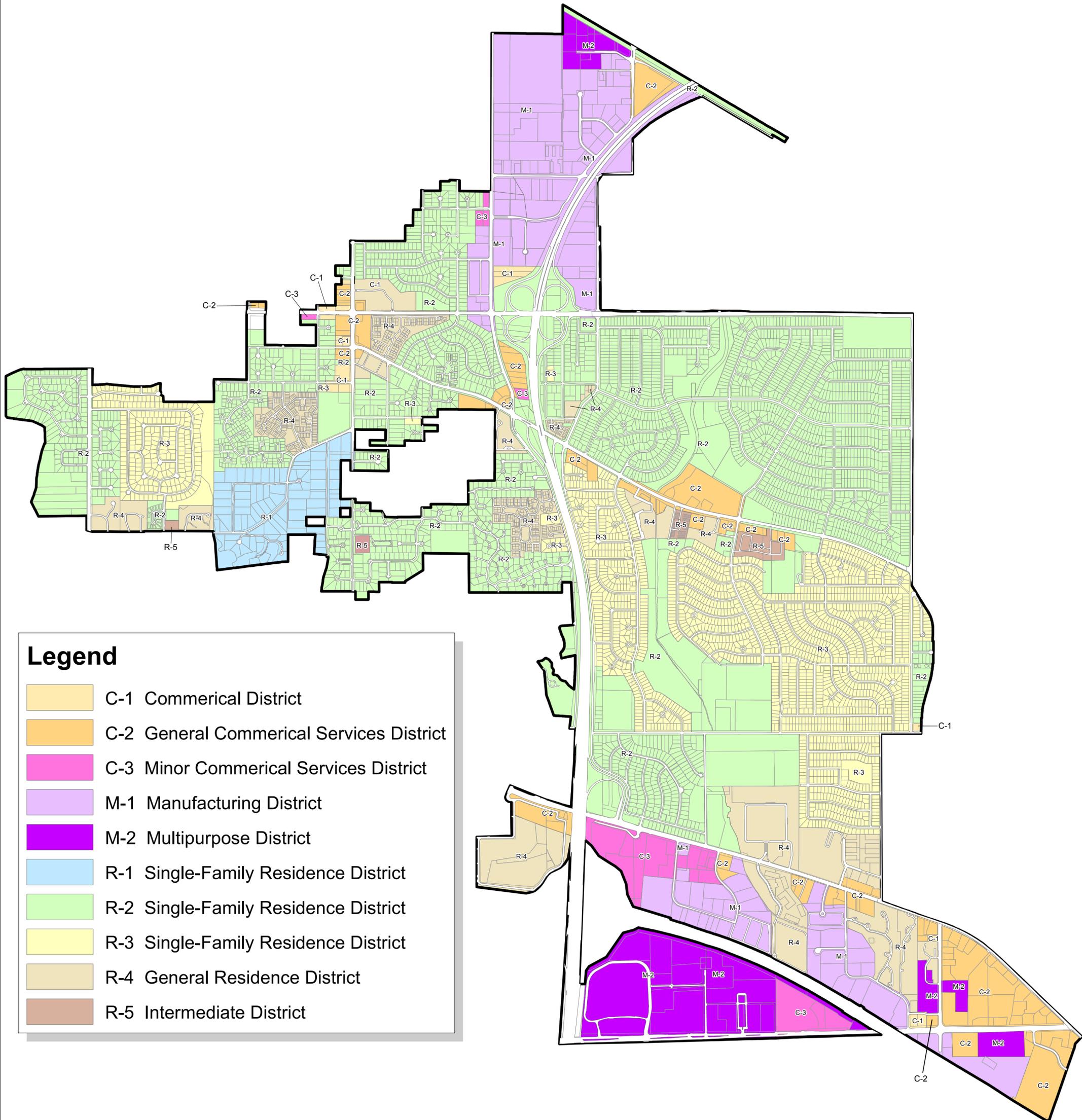
**SIGN, WINDOW:** A sign which is applied or attached to the exterior of a window, or applied to, attached to, or located within one foot (1') of the interior of a window, which can be seen through the window from the exterior of the structure.

**SIGN, YARD:** A temporary portable sign constructed of paper, vinyl, plastic, wood, metal or other comparable material, and designed or intended to be displayed for a short period of time. Also includes signs suspended from a horizontal support (a swingpost) that is attached to a vertical support mounted in the ground.

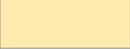
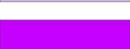
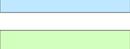
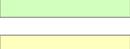




# Exhibit B City of Rolling Meadows



## Legend

-  C-1 Commerical District
-  C-2 General Commerical Services District
-  C-3 Minor Commerical Services District
-  M-1 Manufacturing District
-  M-2 Multipurpose District
-  R-1 Single-Family Residence District
-  R-2 Single-Family Residence District
-  R-3 Single-Family Residence District
-  R-4 General Residence District
-  R-5 Intermediate District

