

CHAPTER 40

ZONING CODE

ARTICLE I – GENERAL REGULATIONS

40-1-1 TITLE. This Chapter shall be known as and cited as the Zoning Code of the Village of Germantown.

40-1-2 PURPOSE. In accordance with State law, this Chapter regulates lots, structures and uses in order to preserve, protect and promote the public health, safety, and welfare. More specifically, this Chapter is intended to assist in achieving the following objectives:

- (A) To encourage the development of buildings and uses on appropriate sites in order to maximize community-wide social and economic benefits while accommodating the particular needs of all residents, and to discourage development on inappropriate sites;
- (B) To assist in implementing the Village Community Plan;
- (C) To protect and enhance the character and stability of sound existing residential, commercial, and industrial areas, and to gradually eliminate nonconforming uses and structures;
- (D) To conserve and increase the value of taxable property throughout the Village;
- (E) To ensure the provision of adequate light, air, and privacy for the occupants of all buildings;
- (F) To protect persons and property from damage caused by fire, flooding, and improper sewage disposal;
- (G) To provide adequate and well-designed parking and loading space for all buildings and uses, and to reduce vehicular congestion on the public streets and highways;
- (H) To ensure the proper design and improvement of mobile home parks;
- (I) To promote the use of signs which are safe, aesthetically pleasing, compatible with their surroundings, and legible in the circumstances in which they are seen; and
- (J) To provide for the efficient administration and fair enforcement of all substantive regulations in this Chapter. (Ill Rev. Stats., Ch. 24; Sec. 11-13-1, et seq.)
- (K) To clearly and concisely explain the procedures for obtaining variances, special use permits, amendments, and the like.

Revised Code

40-1-3 JURISDICTION. This Chapter shall be applicable to areas within the corporate limits of the Village of Germantown and areas outside the corporate limits as those areas are defined in Chapter 40-10-2.

40-1-4 INTERPRETATION, CONFLICT WITH OTHER ORDINANCES. Every provision of this Chapter shall be construed liberally in favor of the Village and every requirement imposed herein shall be deemed minimal. Whenever the requirements of this Chapter differ from the requirements of any other lawfully adopted and effective ordinances, regulation, deed restriction, or covenant, the more stringent requirement shall prevail.

40-1-5 DISCLAIMER OF LIABILITY.

(A) Except as may be provided otherwise by statute or ordinance, no official, board member, agent, or employee of the Village shall render himself/herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties under this Chapter, (“Local Governmental and Governmental Employees Tort Immunity Act”, Ill. Rev. Stats., Ch 85, Secs. 1-101).

(B) Any suit brought against any official, board member, agent or employee of the Village, as a result of any act required or permitted in the discharge of his/her duties under this Chapter, shall be defended by the Village Attorney until the final determination of the legal proceedings.

40-1-6 SEVERABILITY. If any part of this section is found to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or effectiveness of the remaining provisions of this section or any part thereof and said section shall be read as if said invalid provision was struck there from and the context thereof changed accordingly with the remainder of the section to be and remain in full force and effect.

40-1-7 REVIEW. This Chapter shall be reviewed every five (5) years after its effective date by the Zoning Board of Appeals. After the review, they shall file their reports and recommendations with the Village President and Board of Trustees.

ARTICLE II – DEFINITIONS

40-2-1 CONSTRUCTION OF TERMS. In construing the intended meaning of terminology used in this Chapter, the following rules shall be observed:

- (A) Words and phrases shall have the meanings respectively ascribed to them in Section 40-2-2 unless the context clearly indicates otherwise; terms not defined in Section 40-2-2 shall have their Standard English dictionary meanings.
- (B) Words denoting the masculine gender shall be deemed to include feminine and neuter genders.
- (C) Words used in the present tense shall include the future tense.
- (D) Words used in singular number shall include the plural number, and the plural shall include the singular.
- (E) The term “shall” is mandatory; the term “may” is discretionary.
- (F) All distances shall be measured to the nearest integral foot; six (6) inches or more shall be deemed one (1) foot.
- (G) References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.
- (H) A general term that follow or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.
- (I) The words “abutting”, “adjacent” and “contiguous” shall be synonymous.

Revised Code

40-2-2 SELECTED DEFINITIONS.

Abutting – means having a common lot line or district line. (Synonym for “adjacent” or “adjoining”.)

Access Way – means a curb, ramp, driveway or other means for providing vehicular access to an off-street parking or leading area.

Accessory Use – means any structure of use that is:

- (A) Subordinate in size or purpose to the principal structure or use which it serves;
- (B) Necessary or contributing to the comfort and convenience of the occupants of the principal structure of the use served;
- (C) Located on the same lot as the principal structure or use served.

Administrator – means the official appointed by the Village President, with the advice and consent of the Board of Trustees, or his/her representative to administer this Chapter. (Synonymous with “Zoning Administrator” or “Zoning Official”.)

Adult – means a person who has attained the age of maturity as specified by law.

Adult Entertainment Business – means any enterprise which features, for money or any other form of consideration, one or more of the following: adult live entertainment, adult motion picture theatre, adult arcade, adult bookstore, adult novelty store, adult video store, a cabaret, or an adult motel.

Agriculture – means any one or any combination of the following: the growing of farm or truck garden crops, apiculture, dairying, pasturage, horticulture, floriculture, or animal/poultry husbandry. The term “agriculture” encompasses buildings occupied as residences by persons engaged in agricultural activities. In addition, it includes accessory uses and structures customarily incidental to agricultural activities. Buildings occupied as residences by persons not engaged in agriculture shall not be considered as being used for agricultural purpose, even though they are located on agricultural land; and said buildings are subject to the provisions of this Chapter.

Aisle – means a vehicular traffic-way within an off-street parking area, used as a means of access/egress from parking spaces.

Alley – means a public right-of-way which affords a secondary means of vehicular access to abutting premises that front on a nearby street.

Revised Code

Alter – means to change the size, shape or use of a structure, or the moving from location to another.

Amendment – means a change in the provisions of this Chapter (including the District Map), properly effected in accordance with State law and the procedures set forth herein.

Anchor – means any approved device to which a mobile home is tied down to keep it firmly attached to the stand on which it is placed.

Ancillary solar equipment shall mean any accessory part or devise of a solar energy system that does not require direct access to sunlight, such as batteries, electric meters, converters, racking/supports, plumbing or water heater tanks.

Attached – as applied to buildings, means having common wall and/or common roof.

Basement – means a story having more than one-half (1/2) of its height below the average level of the adjoining ground.

Billboard – means any single or double-faced sign displaying messages of advertising not associated with the premises on which the sign is located or to which it is affixed.

Bituminous Concrete – means a mixture of petroleum by-products and gravel used for paving to form a smooth, permanent surface. It does not mean oil and chips.

Block – means an area of land entirely bounded by streets, highways, barriers, or way (except alleys, pedestrian ways or exterior boundaries of a subdivision unless the exterior boundary is a street, highway or way), or bounded by a combination of streets, public parks, cemeteries, railroad right-of-way, waterways or corporate boundary lines.

Board of Appeals – The Board of Zoning Appeals of the Village of Germantown.

Boarding House – means a building other than a hotel or restaurant where meals are provided for compensation to three (3) or more persons, but not more than ten (10) who are not members of the keeper's family, but not open on a daily, overnight or per meal basis to transient guests.

Revised Code

Buffer Strip – means an area of land undeveloped except for landscaping fences, etc., used to protect a use situated on one lot from the deleterious effects of the use on the adjacent lot.

Building – means any covered structure permanently affixed to land and designed or used to shelter persons or chattels.

Building or Structure Height – means the vertical distance measured from the average grade at the front wall of a building to the highest point of the coping of a flat roof or the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip or gambrel roofs. Chimneys, towers, cooling towers, and similar projections (other than signs) shall not be included in calculating building height.

Building Line – means the line nearest the front of and across a lot, delineating the minimum open space required between the front of a structure and the street right-of-way line.

Building-mounted SES shall mean a solar energy system that is attached to a building on a parcel as the principal method of physical support.

Bulk – means any one of any combination of the following structural or site design characteristics:

- (A) Size or heights of structure;
- (B) Location of exterior walls at all levels in relation to lot lines, streets, or other structures;
- (C) Lot area;
- (D) Yards or setbacks.

Centerline – means:

- (A) The centerline of any right-of-way having a uniform width;
- (B) The original centerline where a right-of-way has been widened irregularly;
- (C) The new centerline, whenever a road has been relocated.

Certificate of Zoning Compliance, Final – means a permit issued by the Administrator indicating that a lot or newly completed structure or use complied with all pertinent requirements of this Chapter and therefore, may be occupied or used.

Certificate of Zoning Compliance, Initial – means a permit issued by the Administrator indicating a proposed lot, structure or use is in conformity with the requirements of this Chapter.

Clinic – an establishment or hospital department where outpatients are given medical treatment or advice, especially of a specialist nature.

Revised Code

Club/Lodge – means a non-profit association of persons who are bona fide members organized for some purpose(s) and paying regular dues and whose facilities are restricted to members and their guests; not including a group organized solely or primarily to render a service customarily carried on as commercial enterprise.

Commercial-scale SES shall mean a ground-mounted SES that is primary to the principal use of the parcel.

Commercial Use/Establishment – means any use or establishment wherein goods are purchased or sold, whether to be consuming public (retail) or to other businesses (wholesale).

Conforming – means in compliance with the applicable provisions of this Chapter.

Convenience/Gasoline Service Station – means a building or premises or portion thereof used for retail sales of gasoline, oil and accessories of motor vehicles, and general convenience service goods to include the retail sale of alcoholic beverages, not for consumption on this premises where it is sold.

Conventionally Constructed-A permanent structure that is built entirely on-site, exclusive of roof trusses and floor trusses. A building or structure utilizing customary methods of carpentry and construction; a building assembled and erected at the building site using traditional or customary methods of carpentry and construction, having need of a permanent perimeter foundation. Such a building may involve the use of individual prefabricated structural-units (such as a beam, girder, plank, strut, column or truss). The term shall include buildings designed and intended for dwelling, business, educational or industrial use occupancy.

Corrective Action Order – means a legally binding order issued by the Administrator in accordance with the procedures set forth herein to effect compliance with this Chapter.

Day Care Center – means an establishment for the part-time care and/or instruction at any time of day of four (4) or more unrelated children or pre-elementary or elementary school age.

Detached – as applied to buildings, means surrounded by yards on the same lot as the buildings.

Develop – means to erect any structure or to install any improvement on a tract of land or to undertake any activity (such as grading) in preparation therefore.

Dimensions – refers to both depth and lot width.

Revised Code

District, Zoning – means a portion of the territory of the Village wherein certain uniform requirements of various combinations thereof apply to structure, lots and uses under the terms of this Chapter.

Drive-in/Drive Through – means offers goods or services directly to customers waiting in parked vehicles or that sells foods or beverages for consumption on the premises in parked motor vehicles. An establishment designed to serve a patron who is seated in an automobile. An establishment that dispenses products or services to patrons who remain in vehicles.

Driveway – means a minor way commonly providing vehicular access to a garage or off-street parking area.

Duplex – a building which contains two separate residences, with each residence for one (1) family only.

Dwelling, Multiple-Family – means a building or portion thereof containing three (3) or more dwelling units.

Dwelling, Single-Family – means a dwelling containing one (1) dwelling unit intended for the occupancy of one (1) family.

Dwelling, Two-Family – means a dwelling containing two (2) dwelling units.

Dwelling Unit – means one (1) or more rooms designed or used as living quarters by one (1) family. A “dwelling unit” always includes a bathroom and kitchen.

Easement – means a right to use another person’s real property for certain limited purposes.

Enclosed – as applied to a building, means covered by a permanent roof and separated on all sides from adjacent open space or other buildings by fixed exterior walls or by common walls, with openings only for windows and doors.

Enlarge – means to increase in size (floor area, heights, etc.) of an existing principal structure or accessory use, or to devote more land to an existing use.

Erect – means to build or construct.

Essential Governmental or Public Utility Services – The erection, construction, alteration, or maintenance by public utilities or municipal departments, or underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal system, including poles, wires, mains, drains, sewers, pipes, conduits,

Revised Code

cable, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety of general welfare, but not including buildings.

Establishment – means either of the following:

- (A) An institutional, business, commercial, or industrial activity that is the sole occupant of one or more buildings; or
- (B) An institutional, business, commercial or industrial activity that occupies a portion of a building such that:
 1. The activity is a logical and separate entity from the other activities with the building and not a department of the whole; and
 2. The activity has either a separate entrance from the exterior of the building or a separate entrance from a common and clearly defined entry way that has direct access to the exterior of the building.

Existing – means actually constructed or in operation on the effective date of this Chapter.

Family – means:

- (A) A single individual doing his/her own cooking and living upon the premises as a separate dwelling or housekeeping unit; or
- (B) A collective body of persons doing their own cooking and living together upon the premises as a separate, housekeeping unit in a domestic relationship based upon birth, marriage, or adoption;
- (C) A group of not more than three (3) unrelated persons doing their own cooking and living together on the premises as a separate housekeeping unit pursuant to a mutual housekeeping agreement (not including a group occupying a boarding or rooming house, club, fraternity or hotel).

Fence – A structure serving as an enclosure, barrier or boundary, usually made of posts, boards, wire or rails. All other materials shall require a “special use” permit prior to erection per section 40-5-4.

Floor Area, Gross – means the sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of attached buildings. “Gross Floor Area” includes basement floors, attic floor space, halls, closets, stairwells, space devoted to mechanical equipment and enclosed porches.

Foundation, Permanent – means a structural building support extending from below the frost line up to the structure and made of cast in place concrete, concrete blocks mortared together, or other material approved by the Zoning Administrator; said structural support shall be at least six (6) inches thick.

Revised Code

Frontage – means the lineal extent of the front (street side) of a lot or establishment.

Garage, Private – means a garage for four (4) or less passenger motor vehicles without provision for repairing or servicing such vehicle(s) for profit.

Ground-based, portable and/or moveable SES shall mean a solar energy system that is not permanently mounted/anchored to a parcel. These are prohibited in the Village of Germantown.

Ground-mounted SES shall mean a freestanding solar energy system that is not attached to and is separate from any building on the same parcel on which the solar energy system is located

Greenhouse – (See “Nursery”)

Hereafter – means any time after the effective date of this Chapter. *Home Occupation* – means any business, profession, or occupation conducted for gain entirely within a dwelling or on residential premises in conformity with the provisions of this Chapter.

Immobilize – as applied to a mobile home, “immobilize” means to remove the wheels, tongue, and hitch and to place on permanent foundation.

Intersection – means the point at which two (2) or more public right-of-ways (generally streets) meet.

Kennel – means a structure or premises or portion thereof which is used as a business, on which three (3) or more domesticated animals over four (4) months of age are kept.

Landfill – means a lot or part thereof used primarily for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose, of garbage, sewerage, trash, refuse, junk, discarded machinery, vehicles, or parts thereof, or waste material of any kind.

Laundries –

- (A) *Laundromat* – A business that provides home-type washing, drying and ironing machines for hire to be used by the customers on the premises. An attendant may or may not be present on the premises.
- (B) *Commercial Industrial Laundry* – A business that provides commercial washing, drying or ironing services for businesses, operated by an employee on the premises.

Revised Code

Loading Space – an off-street space or berth on the same lot with a building, or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

Lodging or Rooming House – a building with more than three (3) guest spaces where lodging is provided for compensation pursuant to previous arrangement, but not open on a daily, overnight, or per meal basis to transient guests.

Lot – means a tract of land intended as a unit for the purpose (whether immediate or future) of transfer of ownership or development. A lot may or may not coincide with a “lot of record”.

Lot, Corner – means a lot having at least two (2) adjacent sides that abut for their full length upon streets, both such side lines shall be deemed front lot lines.

Lot, Through – means a lot having a pair of approximately parallel lot lines that abut two (2) approximately parallel streets. Both such lines shall be deemed front lot lines.

Lot Area – means area of a horizontal plane bounded by the front, side and rear lines of a lot.

Lot Coverage – means the portion of a lot that is occupied by buildings or structures, including accessory buildings or structures.

Lot Depth – means the average horizontal distance between the front lot line and the rear lot line of a lot.

Lot Line, Front – means the lot line abutting the street.

Lot Line, Rear – means the interior lot line which is most distance from and most nearly parallel to the front lot line.

Lot Line, Side – any lot line other than front or rear lot line.

Lot of Record – means an area of land designated as a lot on a plat of subdivision recorded with the County Recorder of Deeds in accordance with State law.

Lot Size Requirements – refers to the lot area, width and depth requirements of the applicable district.

Revised Code

Lot Width – means the mean horizontal width of a lot measured at right angles to the side lot lines at the building line.

Maintenance – means the routine upkeep of a structure, premises or equipment including the replacement or modification of structural components to the extent necessary to keep said structure in sound condition.

Manufactured Home – means a structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to the frame, from the place of its construction to the location or subsequent location at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for one or more persons. A mobile home should not be confused with a camping trailer or recreational vehicle. A structure, transportable in one or more sections, which, in traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. All manufactured homes shall comply with the federal manufactured home construction and safety standards established pursuant to the National Manufactured Home Construction and Safety Standards Act, 42 U.S.C. 5403 and constructed after 6-15-1976. Each manufactured home unit shall contain a red metal label permanently affixed to the rear of each towable unit and comply with the requirements of the Department of Housing and Urban Development (HUD), the State of Illinois Department of Public Health and all other applicable agencies. Prior to June 5, 1976, manufactured homes were referred to “mobile home”. Characteristics of a residential manufactured home structure:

Residential character; pitched roof, front porch, landscaping

Architectural details; eave projections, covered entry, ornamental windows

Manufactured home structure features; horizontal lap siding, permanent masonry foundation, double-wide manufactured home

Manufactured Home, Immobilized – means any structure resting on a permanent foundation with wheels, tongue, and hitch permanently removed. The Village Board establishes the following criteria to complete the immobilization of a mobile home:

(A) The foundation shall extend into the ground below the frost line so as to attach and become a part of the real estate. Materials such as concrete, mortared concrete block, or mortared brick extending into the ground below the frost line shall satisfy the requirement for a permanent foundation.

(B) As an alternative to paragraph (A) above, piers may be used, extending into the ground below the frost line and sufficient in number to properly support the mobile home.

Revised Code

- (C) To complete the immobilization, wheels, tongue, and hitch must be removed. Axles must be removed.

Manufactured Home Park – means a parcel of not less than two (2) acres in area in single ownership/control, developed with facilities for accommodating occupied mobile homes in accordance with the requirements in this Chapter and chapter five (5) of the Code of Ordinances.

Manufactured Home Space – means a portion of a mobile home park designed and improved for the placement of a mobile home and the private use of the occupants thereof.

Manufactured Home Stand – means the part of a mobile home space beneath the mobile home that includes the concrete slab on which the home is placed and to which it is anchored.

Mobile or Portable Marquee – is a term used to describe any sign designed to be moved from place to place, including, but not limited to, signs, attached to wood or metal frames designed to be self-supporting and movable; or paper, cardboard, or canvas signs wrapped around supporting poles.

Modular Home – means a factory-fabricated building unit transported to a building site, mounted on a permanent foundation. Modular Home shall not be construed to include mobile homes or immobilized homes.

Motor Freight Terminal – (See “Freight Terminal”)

Non-Conforming – as applied to a lot, structure or use, means:

- (A) Lawfully existing on the effective date of this Chapter, and
- (B) Not in compliance with the applicable provisions thereof.

Nuisance – means anything, condition or conduct that endangers health or unreasonably offends the sense or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of property.

Nursery – means a tract of land which trees, shrubs, and other plants are raised for transporting and/or sale, and including any structure in which said activities are conducted.

Nursery School or Day Care Center – means an establishment for the part-time care and/or instruction at any time of day of four (4) or more unrelated children or pre-elementary or elementary school age.

Nursing Home – means a building used as a medical care facility for persons who need nursing care and medical service, but do not require intensive hospital care.

Revised Code

Office – means any building or portion thereof in which the business (usually clerical and administrative affairs) of a commercial/service enterprise or professional person is transacted.

Official Map –The official Zoning Map, as published by the Village under Section 40-3-3 of this Code.

Overlay District – means a zoning district superimposed over one or more standard (primary) zoning districts or portions thereof for the purpose of controlling developmental problems caused by such factors as steep slopes, wet soils, flooding, etc.

Parking Area/Lot, Off-Street – means land that is improved in accordance with this Chapter and used primarily for the storage of passenger motor vehicles, free of charge or for compensation, an “off-street parking lot”, depending on the circumstances of its use, may be either a principal use or an accessory use.

Parking Lot, Commercial – means land that is improved in accordance with this Chapter shall be limited to automobiles and trucks one (1) ton and under.

Parking Space, Off-Street – means an area at least twenty (20) feet long and ten (10) feet wide within an off-street parking area or garage, used for the storage of one (1) passenger motor vehicle.

Permitted Use – means any use which is or may be lawfully established in a particular district (s), provided it conforms with all the requirements applicable to such district(s).

Person – means any individual, firm, association, organization, or corporate body.

Personal-scale SES shall mean a ground-mounted or building-mounted SES that is accessory to the principal residential use of the parcel. The sale and distribution of excess available energy to an authorized public utility for distribution, if permitted, shall be incidental to this type of system, and not its primary purpose.

Planned Development means a development wherein, in accordance with an approved development plan:

- (A) Common open space is reserved;
- (B) Various housing types and other structures and uses may be mixed; and/or
- (C) Overall average density does not exceed the usual zoning district limit.

Planning Commission – means the Planning Commission of the Village of Germantown.

Revised Code

Premises – means a lot and all the structures and uses thereon.

Principal Building/Structure/Use – means the main structure erected on or the main use occupying a lot, as distinguished from an accessory (subordinate) structure or use.

Professional Office – means an office (other than a service office and other than an office for care and/or treatment of or medical attention to, animals as distinguished from persons) for the practice of professions, such as the offices of physicians, dentists, attorneys-at-law, architects, or engineers qualified to perform services of a professional nature, or the offices of a governmental agency; and where there is no storage, sale or display of merchandise on the premises.

Property Line – see “Lot Lines”.

Public Buildings – means any building owned, operated, constructed or maintained at the expense of the public of a building which provides a service or function necessary for the general health, welfare and convenience of the public.

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

Public Utilities – mean utilities which are either government-owned or owned by an established firm serving a wide geographical area and/or a substantial number of persons.

Reconstruct – as applied to nonconforming structures, “reconstruct” means to rebuild after damage or destruction.

Recreational Vehicle – is a term encompassing any type of vehicle used primarily for pleasure, such as travel trailers, motor homes, boats, snowmobiles, etc.

Refuse – means garbage (food waste) and trash, but not sewage or industrial wastes.

Relocate – means to move to another portion of a lot or to a different lot.

Repair – means to restore to sound condition, but not to reconstruct.

Restrictive – mean tending to keep within prescribed limits.

Retail – refers to the sale of goods or services directly to the consumer rather than to another business.

Revised Code

Right-of-Way, Public – means a strip of land which the owner/sub-divider has dedicated to the Village or to another unit of government for streets and alleys.

Roof Line – mean a horizontal line parallel to the average ground level of a building along the front thereof, which line delineates the highest point of a flat roof; or where the flat surface area of a gable, hip, mansard or gambrel roof is in view from the ground level, the line of demarcation between the flat surface and the vertically structure façade; or the line along the front of a building delineating the roof line between eaves and ridge for gable, hip or gambrel roofs.

Screening – means trees, shrubs, walls, solid fences, etc., used as a means of view and noise control.

Self-Storage Unit – Any building that is used for storage of individual or household possessions in individual units.

Semi-Finished Materials – means materials which have been sufficiently processed at heavy industrial facilities so that they are no longer in their raw state, but are readily usable by light industry for assembly or manufacture into consumer goods.

Service Building – means a structure within a mobile home park or travel trailer park that contains toilet facilities, clothes washers and dryers and in some instances a convenience store.

Service Station – means a building and premises or portion thereof designed and used for the retail sale of gasoline or other automotive fuel, oil and automotive parts, supplies and accessories. A service station may include facilities for washing vehicles and for making minor automotive repairs.

Service Use/Establishment – means any use or entertainment where services are provided for remuneration either to individuals or to other firms.

Setback – means the horizontal distance from the lot line in question to the side of the structure facing that lot line or to the edge of the area of operation of the principal use (in the case of a use which does not involve a structure).

Setback Line – See “Building Line”.

Sign – means any object, device, display, or structure or part thereof used to advertise, identify, display or attract attention to a person, establishment, product, service or event by any means including words, letters, figures, designs, symbols, fixtures, colors, illuminations, etc. The term “*sign*” includes, but is not limited to every projecting sign, freestanding sign, window sign, awning, canopy, marquee sign, changeable copy sign, illuminated sign, moving sign, temporary sign, portable sign, pennants, banners, streamers, or any other attention-getting devices; or other display whether affixed to a building or erected elsewhere

Revised Code

on the premises. The term “*sign*” excludes features of a building which are an integral part of the building’s design.

Sign area - means the area of the one imaginary square or rectangle which would completely enclose all the letters, parts, or symbols of a sign.

Sign, Canopy/Marquee – means any sign affixed to, painted on, or suspended from an awning, canopy, marquee, or similar overhang.

Sign, Flush-Mounted – means any sign attached to or erected against a wall of a structure with the exposed face of the sign in a plane approximately parallel to the plane or the wall and not projecting more than eighteen (18) inches. A flush-mounted sign displays only messages associated with the building to which said sign is attached.

Sign, Freestanding – means any sign supported by one or more uprights, poles, or braces placed in or upon the ground; or any sign supported by any structure erected primarily for the display and support of the sign; provided that a freestanding sign displays only messages associated with the structure to which it is attached.

Sign, Projecting – mean any sign which is suspended from or supported by a wall, awning, canopy, marquee, etc., projecting sign displays only messages associated with the structure to which it is attached.

Sign Area – means the entire area within a single, continuous perimeter enclosing the extreme limits of the message and background thereof, calculated in accordance with the provisions of this Chapter.

Sign Area Allowance – means the maximum total sign area of all signs that an establishment is permitted to display.

Skirting – means the covering affixed to the bottom of the exterior walls of a mobile home to conceal the underside thereof.

Solar collector surface shall mean any part of a solar energy system that absorbs solar energy for use in the system’s transformation process. The collector surface consists of the front of the SES, and does not include frames, supports, and mounting hardware.

Solar energy shall mean radiant energy received from the sun that can be collected in the form of heat or light by a solar energy system.

Solar energy system (SES) shall mean a system (including solar collector surfaces and ancillary solar equipment) either affixed to a permanent principal or accessory building or

Revised Code

functioning as a freestanding structure, that collects, stores, and distributes solar energy for heating or cooling, generating electricity or heating water. Solar energy systems include, but are not limited to, photovoltaic (PV) power systems and solar thermal systems.

Special Use – means a use that has unusual operational, physical, or other characteristics which distinguish it from the permitted uses of a district, but which can be made compatible with the intended overall development within a district. Special uses commonly must meet special standards not necessarily applicable to permitted uses in the district, and are allowed only by permit.

Special Use Permit – means a permit issued in accordance with the provisions of this Chapter to regulate development of a special use.

Stable – means a structure situated on the same lot as a dwelling and designed or used for housing horses for the private use of occupants of the dwelling, but not for hire.

Stop Order – means a type of corrective action order used by the Administrator to halt work in progress that is in violation of this Chapter.

Street – means a public or private way for motor vehicle travel. The term “*street*” includes a highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, drive, court, and similar designations, but excludes an alley or a way for pedestrian use only.

Street-Private – means any street providing access to abutting property that is not maintained by and dedicated to the Village or other public entity.

Stringent – means binding and/or exacting.

Structure – mean anything constructed or erected on the ground, or attached to something having a fixed location on the ground. All buildings are structures, but not all structures are buildings.

Structure Temporary – means any structure that is not attached to a permanent foundation.

Temporary construction building – means a temporary construction building shall be defined for purposes of this section as any building, structure, or trailer used for offices and/or storage of construction equipment or material while there is construction being conducted on the same lot as the temporary construction building.

Temporary Hardship – means to sustain loss or damage caused by fire or act of God to a permanent dwelling.

Revised Code

Temporary Use Permit – means a permit issued in accordance with the provisions of this Chapter and valid for not more than one (1) year, which allow the erection/occupation of a temporary structure or the operation of a temporary enterprise.

Topography – means the relief features or surface configurations of an area.

Travel Trailer Park – means a lot developed with facilities for accommodating temporarily occupied travel trailers in accordance with the requirements of this Chapter.

Use – means the purpose of activity for which the land or a structure thereon is designed, arranged, intended, occupied, or maintained, or used.

Use Variance – means a type of amendment (not a variance) that allows a use in a district where said use would not be allowed under existing provisions of this Chapter.

Utility Substation – means a secondary utility facility such as an electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, etc.

Vacant – as applied to a lot, means that no structure is situated thereon.

Variance – means a relaxation of the strict application of the lot size, setbacks, or other bulk requirements applicable lot or structure.

Village – means either the territory or the local government of the Village of Germantown.

Visual Inspection – means perceptible by the mind either in person, quality photos or video images.

Wholesale – refers to the sale of goods or services by one business to another business.

Window Sign – means any sign visible from the exterior of a building or structure which is painted directly on the surface of a window or affixed to or suspended immediately behind the window for the purpose of informing passers-by of the identity of the proprietor or business, or of the product or service which can be obtained on the premises.

Yard – means open space that is unobstructed, except as specifically permitted in this Chapter and that is located on the same lot as the principal building.

Yard, Front – means a yard which is bound by the side lot lines, front lot line, and the building line.

Yard, Rear – means a yard which is bounded by the side lot lines and rear lot line.

Revised Code

Yard, Side – means a yard which is bounded by the rear yard line, front yard line, side yard line and the side lot line.

Zoning Administrator: Zoning Official: Zoning Officer – means the Zoning Administrator of the Village of Germantown or his/her designated representative.

Zoning Map – means the map(s) and any amendments thereto designating zoning districts, and incorporated into this Chapter by reference.

Revised Code

ARTICLE III – GENERAL ZONING REGULATIONS

40-3-1 ESTABLISHMENT OF DISTRICTS. In order to implement the regulatory scheme of this Chapter so as to achieve the objectives enumerated at Section 40-1-2, the entire Village of Germantown is hereby divided into the following Zoning Districts:

<u>District</u>	<u>Designation</u>	<u>Minimum Area*</u>
Single-Family Residence	R-1	One (1) Acre
Two-Family Residence	R-2	Two (2) Acres
Community Business	B-1	One (1) Acre
Highway Business	B-2	Two (2) Acres
Industrial	I	Five (5) Acres
Agricultural	A-1	Three (3) Acres
Flood Plain Overlay	O-FP	None

*The “minimum area” requirement (which is intended to prevent spot zoning) refers to the smallest total area of contiguous parcels that can properly be given the particular district classification. The minimum area requirement is not satisfied merely because the acreage of numerous noncontiguous parcels, when aggregated, happen to equal or exceed the minimum area indicated above.

40-3-2 ZONING MAP AND DISTRICT BOUNDARIES. The boundaries of the listed zoning districts are hereby established as shown on the Official Zoning Map of the Village of Germantown. This map, including all notations and other information thereon, is hereby made a part of this Chapter by reference. The Official Zoning Map shall be kept on file in the Village Clerk’s office.

40-3-3 ANNUAL PUBLICATION. In accordance with State Law, if any changes are made in the zoning districts or regulations during a calendar year, the Village Clerk shall publish the revised zoning of the Village not later than March 31st of the following year. (Ill. Rev. Stat., Ch. 14; Sec 11-13-19)

40-3-4 DETERMINING TERRITORY OF DISTRICTS WITH PRECISION. In determining with precision what territory is actually included within any zoning district, the Administrator shall apply the following rules:

Revised Code

- (A) Where a district boundary as indicated on the zoning map approximately follows any of the features listed below on the left, the corresponding feature on the right shall be deemed the district boundary:
1. Center line of any street, alley or highway... such center line
 2. Lot line..... such lot line
 3. Railroad Tracks..... right-of-way line of such tracks
 4. Stream..... center of such stream
 5. Section, fraction or survey line..... such lines
- (B) Whenever any street, alley or other public way is legally vacated, the zoning districts adjoining each side of such vacated public way shall automatically extend to the center of such way, and all territory included in the vacated way shall thereafter be subject to all regulations of the extended districts.

40-3-5 ANNEXED TERRITORY. Upon the effective date of this Zoning Code, all territory that is hereafter annexed to the Village shall be zoned in either of the following ways: (1) R-1 single family residence district until otherwise changed by an amendment in accordance with 40-9-9; or (2) any annexation agreement executed pursuant to 65 ILCS 5-11-15-1-4 through 5/11-15-1-5.

40-3-6 GENERAL PROHIBITION. Hereafter, it shall be unlawful to do any of the following within the Village of Germantown, except in conformity with provisions of this chapter:

- (A) Erect, use, occupy, enlarge, alter use, relocate, or reconstruct any structure or part thereof;
- (B) To create any lot; or
- (C) To use, occupy, or develop any lot or part thereof.

40-3-7 UNLISTED USES PROHIBITED. Whenever any use is not specifically listed or special within a particular zoning district, such use shall be deemed prohibited in that district. However, if the Village Board, following consultation with the Zoning Administrator and the Zoning Board finds that unlisted use is similar to a compatible with the listed uses, they may allow such use by amending this Chapter in accordance with Section 40-9-9. The decision of the Village Board shall become a permanent public record, and any unlisted use that they approve shall thereafter have the same status as listed uses.

40-3-8 MEETING MINIMUM REQUIREMENTS. Except as specifically provided otherwise elsewhere in this Chapter, every lot must meet the minimum area, minimum dimensions, and minimum setback requirements of the district in which it is located independently; that is, without counting any portion of any abutting lot.

Revised Code

40-3-9 ACCESS REQUIRED. No building shall be erected on any lot unless such lot abuts, or has permanent easement of access to a public street or a private street.

40-3-10 FRONT SETBACKS – CORNER/THROUGH LOTS. Every lot with multiple frontages (such as corner or through lots) shall meet the front setback requirements of the district in which it is located on every side having frontage.

40-3-11 FRONT SETBACKS IN CERTAIN BUILT-UP AREAS. Except as specifically provided otherwise in the “B-1” Community Business District and in all residential zoning districts where lots having fifty percent (50%) or more of the frontage on one side of a street between intersections (that is, in one block) are developed with buildings, and the front setbacks of those lots do not differ by more than ten (10) feet, the minimum required front setbacks on that block shall be no less than ten (10) feet, provided however, that in any built-up area, no front setback greater than fifty (50) feet shall be required.

40-3-12 INTRUSIONS INTO YARDS. To the extent indicated below, the following features of principal buildings may intrude into required yards without thereby violating the minimum setback requirements:

<u>Features</u>	<u>Maximum Intrusion</u>
Cornices, chimneys, planters or similar Architectural features	Two (2) feet
Fire escapes	Four (4) feet
Patios	No limit
Porches, if enclosed and at ground level	Six (6) feet
Balconies and Decks	Four (4) feet
Canopies, roof overhangs	Four (4) feet

40-3-13 EXCEPTIONS TO HEIGHT LIMITS.

- (A) Necessary Appurtenances – Chimneys, church spires, parapet walls, cooling towers, elevator bulkheads, fire towers, antennas, or other necessary appurtenances commonly constructed above the roof line shall be permitted to exceed the maximum height limitations of the district in which they are located if they comply with all other pertinent ordinances of the Village.
- (B) Intersections – On corner lots, in the triangular portion of land bounded by intersecting street lines and a line joining these street lines at points thirty (30) feet from the point of intersection, no obstruction, whether natural or man-made, shall intrude into the air space that is between two (2) feet and ten (10) feet above the level of the adjacent street.

40-3-14 RESERVED.

Revised Code

40-3-14.1 SEWERS, SEPTIC TANKS. In all districts, property owners of all buildings and places where people live, work or assemble shall provide for the sanitary disposal of all sewage in accordance with the following requirements:

- (A) Whenever the public sanitary sewerage system is reasonably accessible (that is, when the distance from the property in question to the nearest public sewer where available capacity does not exceed three hundred (300) feet), all sewage shall be discharged into such system whether or not a private sewerage system already exists or is more convenient.
- (B) Whenever the public sanitary sewerage system is not reasonably accessible, a private sewerage system shall be installed and used. All private sewerage systems shall be designed, constructed, operated and maintained in conformity with the following requirements:
 1. Illinois Private Sewage Disposal Licensing Act, Illinois Revised Statutes, Chapter 111½; Sections 116.301 through 116-323, as amended from time to time;
 2. Illinois Private Sewage Disposal Code No. 4.002, promulgated by the Director of the Illinois Department of Public Health, as amended from time to time;
 3. Pertinent, current regulations issued by the Illinois Environmental Protection Agency; and
 4. Applicable Codes and regulations of the Village, particularly Chapter 15 on Subdivisions.

The Administrator shall not issue any Initial Certificate of Zoning Compliance unless, following consultation with the Village Engineer, he/she is satisfied that these requirements will be met. (Also see Chapter entitled “Utilities” of Revised Code)

40-3-15 ACCESSORY USES.

- (A) Any accessory use shall be deemed permitted in a particular zoning district if such use:
 1. Meets the definition of “accessory use” found in Section 4-2-2;
 2. Is located on the same lot and is subordinate in size to the principal structure or use served.
 3. Is accessory to a principal structure or use that is allowed in a particular zoning district as permitted or special use; and
 4. Is in compliance with restrictions set forth in Section 40-3-16.
- (B) If an accessory structure is attached to a principal structure, it shall be considered part of such principal structure. (See definition of “attached” in Section 40-2-2)

Revised Code

40-3-16 ACCESSORY USE RESTRICTIONS.

- (A) Use as Dwelling – Use of any accessory structure as a dwelling is strictly prohibited throughout the Village.
- (B) Fences in “R-1” and “R-2” districts shall have a minimum of two (2) feet setback to any side, rear and front lot line, Village street right-of-way, sidewalk or street curbing, whichever is farthest from the front lot line. In addition, in areas near street intersections, special height restrictions may be applicable to fences, walls and other obstructions.
- (C) Accessory Structures Allowed- Only two (2) accessory use structures per lot are allowed, and the combined square footage of the ground floor of both accessory use structures cannot be greater than the square footage of the ground floor of the principal dwelling.

40-3-16.1 ACCESSORY BUILDINGS.

- (A) Accessory buildings which are 120 square feet or less in size do not require a building permit, do not require placement on a concrete pad, and do not require that said building be similar in color, material and design as principal structure.
- (B) Accessory buildings which are between 120 square feet and two hundred (200) square feet in size require a building permit prior to construction or placement, must be placed and affixed on a concrete pad, a four (4) inch rock pad, or affixed to a permanent foundation. Said building, if on a rock pad or concrete pad, must also be anchored to the ground to enable it to withstand a sixty (60) mile per hour wind, and must be similar in color, material and design as principal structure.
- (C) Accessory buildings which are more than two hundred and one (201) square feet in size require a building permit prior to construction or placement, must be affixed to a permanent foundation (no portable buildings in excess of two hundred and one (201) square feet are allowed as an accessory building), and must be similar in color, material and design as principal structure.
- (D) Any accessory building placed on a concrete pad or permanent foundation requires a permit.
- (E) Height – No accessory use shall be taller/higher than twenty (20) feet in any residential district; or twenty-five (25) feet in any other zoning district provided there shall be no height limit on accessory structures related to agriculture.
- (F) Setbacks – No accessory use in any zoning district shall be located in any part of any yard (front, side or rear) that is required because of the setback regulations of such district; provided that in the Agricultural District or in

Revised Code

- (G) any Residential District, an accessory use may be located as close as five (5) feet to any side or rear lot line.
- (H) Use as Dwelling – Use of any accessory structure as a dwelling is strictly prohibited throughout the Village.
- (I) Yard coverage- In any residential district, accessory use shall not cover more than thirty percent (30%) of a required rear yard.

40-3-17 SINGLE-SIDE YARD REQUIREMENTS. Upon the issuance of a Special Use Permit by the Village Board, any building that has a zero-lot line for one side yard my thereafter be occupied in accordance with Article 6. The following regulations shall apply:

- (A) Front Yard – There shall be a front yard of not less than twenty-five (25) feet in depth.
- (B) Side Yard – The total of the side yards shall be ten (10) feet, provided that only one (1) side yard need be provided so a building is permitted with a ten (10) foot side yard on one side and with the side of the building on the lot line of the other.
On a corner lot, there shall be a side yard of not less than twenty-five (25) feet on the side of the building nearest the street. No part of any building should project over onto any neighboring lot unless an easement permitting the same has been duly executed and recorded by the owner of the neighboring lot. Two (2) buildings on neighboring lots may be built touching each other with party walls or adjacent walls, provided that such walls shall comply with all applicable provisions of the Village Building Code relating to walls between condominiums and apartments.
- (C) Lot Coverage – Not more than thirty-five percent (35%) of any lot shall be occupied by buildings of any kind.
- (D) Lot Area – Each dwelling herein after erected or structurally altered shall be on a lot having an area of not less than six thousand (6,000) square feet and a width of not less than fifty (50) feet, provided however that any lot established before the effective date of this section may be used as a building site even though it does not comply with the requirements of this Code.
- (E) Accessory Buildings – No accessory building shall encroach on any required front yard. No accessory building on any corner lot shall encroach on any side yard adjacent to the street. Accessory buildings shall include, but not be limited to, playhouses, storage buildings and garages. Accessory buildings shall not be used for dwellings.
- (F) Required Floor Area – Each single-family residence located in the single side yard in a Single-Family Residence District shall have a floor area of not

Revised Code

less than one thousand (1,000) square feet. The areas of garages, open porches, cellars and basement shall not be included.

- (G) Minimum Width – No principal building shall have a width of less than twenty (20) feet measured on the exterior walls. Attached garages and porches shall not be included in measuring the width of the principal building. (See 14-9-8, Special Uses)

40-3-18 **BUILDING PERMIT REQUIREMENTS.** On all construction, the following shall be completed before any soil disturbance is started:

- (A) Silt fence to be erected per Zoning Code 40-3-19. Silt fence can come down as soon as lot is seeded, provided that soil cannot be washed onto streets. (Revision to Code 40-3-9. In lieu of digging trench, at least two [2] feet of fence must be above ground and a minimum of six [6] inches be covered on the upward side, [direction of water flow]); and
- (B) Temporary rock drive installed;
- (C) Must keep a clean worksite. Trash must be picked up on a daily basis, and burning of construction material on-site is not permitted.

40-3-19 **EROSION CONTROL** On any construction where soil is disturbed, a Temporary Barrier of a silt fence or straw bales shall be constructed, two (2) feet from curb, drainage swale, ditch or adjacent to developed property line.

All temporary erosion controls shall remain in place at least thirty (30) days after permanent controls are in place at which time there shall be disposed of in a proper manner by developer and his/her contractor.

Specifications for Barriers:

Silt Fence Material

1. Synthetic filter fabric shall be pervious sheet of propylene nylon polyester or ethylene yarn and shall be certified by the manufacturer or supplier as conforming to the following requirements:

Physical Property Requirements

Filtering Efficiency	75% (min)
Textile Strength at 20% Elongation	Extra strength 50lbs/Lin. In (min) Standard strength 30lbs/Lin. In (min)
Flow Rate	0.3 gal/sq.ft./min. (min)

Synthetic Filter Fabric Requirements

2. Burlap shall be 10 ounce per square yard fabric;

Revised Code

3. End stakes for filter fence shall be either 2' x 2' wood or 1.33 pounds per linear foot steel with minimum length of five 5 feet. Steel posts shall have projections for fastening wire to them;
4. Stakes for filter fences shall be 1' x 2' wood (preferred) or equivalent metal with minimum length of 5 feet;
5. Wire fence reinforcement for silt fences using standard strength filter cloth shall be a minimum of 36 inches in height, a minimum of 14gauge and shall have maximum mesh spacing of 6 inches.

Construction

This sediment barrier utilizes burlap, standard strength or extra strength synthetic filter fabrics. It is designed for situations in which only sheet or overland flows are expected in special cases burlap may be used in drainage ways.

1. The height of the barrier shall not exceed 36 inches (higher barriers may impound volumes of water sufficient to cause failure of the structure).
2. The fabric shall be purchased in a continuous roll, cut to the length of the barrier to avoid the use of joints.
3. Stakes shall be spaced a maximum of 10 feet apart at the barrier location and driven securely into the ground (minimum of 12 inches). When extra strength fabric is used without the wire support fence; stake spacing shall not exceed 5 feet.
4. A trench shall be excavated approximately 6 inches wide and 6 inches deep along the line of posts and upslope from the barrier.
5. When standard strength filter fabric is used, a wire mesh support fence shall be fastened securely to the upslope side of the stakes using heavy duty wire staples at least 1 inch long, tie wires or hog rings. The wire shall extend into the trench a minimum of 2 inches and shall not extend more than 36 inches above the original ground surface.
6. The standard strength filter fabric shall be stapled or wired to the fence, and 8 inches of the fabric shall be extended into the trench. The fabric shall not extend more than 36 inches above the original ground surface. Filter fabric shall not be stapled to existing trees.
7. When extra strength filter fabric or burlap and closed post spacing are used, the wire mesh support fence may be eliminated, in such a case, the filter fabric is stapled or wired directly to the posts with all other provisions of Item 6 above applying.
8. The trench shall be backfilled and the soil compacted over the filter fabric.
9. Filter barriers shall be removed when they have served their useful purpose, but not before the upslope area has been permanently stabilized.

Plans and Specifications

Revised Code

Plans should show the location and all dimensions of the filter barriers. Sufficient detail must be shown that control measures are installed as designed. Material requirements must be specified in the Detail Drawing of erosion control measures.

ARTICLE IV – REGULATIONS FOR SPECIFIC DISTRICTS

40-4-1 “R-1” SINGLE FAMILY RESIDENCE DISTRICT. In the “R-1” Single-Family Residence District, land is principally used for or is best suited for detached, conventionally constructed, single-family dwellings and related educational, religious and recreational facilities. The regulations for this district are intended to stabilize and preserve sound existing single-family neighborhoods, and to promote the development of subdivisions offering a range of new conventionally constructed single-family housing. Other types of residences (mobile homes, duplexes, apartments, etc.) are strictly prohibited in this district.

40-4-1.1 SPECIAL RESTRICTIONS.

- (A) One Principal Building Per Lot – in the “R-1” District, only one (1) principal building shall be situated on any one (1) lot.
- (B) Manufactured Homes Prohibited
 1. No manufactured home shall be brought into or placed anywhere in the “R-1” District.
 2. No existing manufactured home in the “R-1” District shall be immobilized unless a special-use permit is granted.
 3. It shall be unlawful to replace any existing manufactured home located in the “R-1” District without a special-use permit from the Village Board of Trustees.
 4. All replacement manufactured homes must be less than three years old and must pass a building inspection by the Village Building Inspector.
 5. Same lot size/Setbacks. No manufactured home shall be placed on any individual lot unless the district’s lot size and setback requirements are strictly observed.
 6. Permanent Foundation. Manufactured homes shall be installed to the Illinois Manufactured Home Tie-Down Code (77 Illinois Administrative Code 870).
 7. Anchors. Anchors capable of withstanding a vertical tension force of four thousand eight hundred (4,800) pounds shall be installed at the corners of every manufactured home stand or as otherwise necessary for protection against high winds. Every manufactured home shall be securely tied down to such anchors.

Revised Code

40-4-1.2 **LOT AND BUILDING REQUIREMENTS.** Every principal building erected in the “R-1” District shall conform to the following requirements or covenants of the subdivision it is located within if applicable, or whichever is stricter.

- | | | |
|-----|--|----------------|
| (A) | Minimum lot area | 10,000 sq. ft. |
| (B) | Minimum lot width at the established building line | 80 ft. |
| (C) | Minimum lot depth | 100 ft. |
| (D) | Minimum setbacks | |
| | 1. From front lot line | 25 ft. |
| | 2. From either side lot line | 10 ft. |
| | 3. From rear lot line | 10 ft. |
| | 4. From side yard abutting street | 25 ft. |
| (E) | Maximum building height | 35 ft. |
| (F) | Minimum off-street parking per dwelling unit | 2 spaces |
| (G) | Minimum square footage of primary structure,
not including areas of garages, open porches,
cellars and basements | 850 sq. ft. |

40-4-1.3 **PERMITTED USES.** The following uses shall be permitted in the “R-1” Single-Family Residential District:

- (A) Agriculture, including all uses commonly classified as such, provided that the animals enumerated in Chapter 3 of the Village Code are not raised or kept within the Corporate Limits of the Village;
- (B) Parks and playgrounds;
- (C) Single-Family dwellings, conventionally constructed, but not mobile homes;
- (D) Group assembly uses such as churches, places of worship, or auditoriums.
- (E) Government uses of the Village of Germantown
- (F) Accessory uses in accordance with Section 40-3-15 and 40-3-16.

40-4-1.4 **SPECIAL USES.** The following special uses may be allowed by special-use permit in accordance with Section 40-9-8 of this Chapter in the “R-1” District:

- (A) Barber and beauty shops;
- (B) Cemeteries;
- (C) Condominiums;
- (D) Daycare centers, nursery schools;
- (E) Home occupations, but only in conformity with the requirements of Section 40-7-4;
- (F) Community centers, but limited to non-commercial activities;
- (G) Schools, elementary and secondary;
- (H) Offices for professional occupations;
- (I) Planned unit developments;

Revised Code

- (J) Utility substations, except cell phone towers which are not allowed in the R-1 district.
- (K) Government uses other than those of the Village of Germantown.
- (L) Multi-family dwellings
- (M) Manufactured or Pre-Fabricated homes on permanent foundations;
- (N) Planned developments

40-4-2 **“R-2” TWO FAMILY RESIDENCE DISTRICT.** In the “R-2” Two-Family Residence District, land is principally used for or is best suited for detached, conventionally constructed, two-family dwellings and related educational, religious, and recreational facilities. The regulations for this district are intended to stabilize and preserve sound existing two-family neighborhoods, and to promote the development of subdivisions offering a range of new conventionally constructed two-family housing. Other types of residence (mobile homes, apartments, etc.) are strictly prohibited in this district.

40-4-2.1 **SPECIAL RESTRICTIONS.**

- (A) One Principal Building Per Lot – In the “R-2” District, only one (1) principal building shall be situated on any one (1) lot.
- (B) Mobile Homes Prohibited
 1. No mobile home shall be brought into or placed anywhere in the “R-2” District.
 2. No existing **mobile** home in the “R-2” District shall be immobilized unless a special-use permit is granted.
 3. It shall be unlawful to replace any existing **mobile** home located in the “R-2” District without a special-use permit from the Village Board of Trustees.
 4. All replacement **mobile** homes must be less than three years old and must pass a visual inspection by the Zoning Board and Village Board.
 5. Same lot size/Setbacks. No **mobile** home shall be placed on any individual lot unless the district’s lot size and setback requirements are strictly observed.
 6. Permanent Foundation. Mobile homes shall be installed to the Illinois Manufactured Home Tie-Down Code (77 Illinois Administrative Code 870).
 7. Anchors. Anchors capable of withstanding a vertical tension force of four thousand eight hundred (4,800) pounds shall be installed at the corners of every mobile home stand or as otherwise necessary for protection against high winds. Every **mobile** home shall be securely tied down to such anchors.

Revised Code

40-4-2.2 LOT AND BUILDING REQUIREMENTS. Every principal building erected in the “R-2” District shall conform to the following requirements or covenants of the subdivision it is located within if applicable, or whichever is stricter:

- | | | |
|-----|---|----------------|
| (A) | Minimum lot area | 12,000 sq. ft. |
| (B) | Minimum lot width at the established building line | 80 ft. |
| (C) | Minimum lot depth | 100 ft. |
| (D) | Minimum setbacks | |
| | 1. From front lot line | 25 ft. |
| | 2. From either side lot line | 10 ft. |
| | 3. From rear lot line | 10 ft. |
| | 4. From side yard abutting street | 25 ft. |
| (E) | Maximum building height | 35 ft. |
| (F) | Minimum off-street parking per dwelling unit | 2 spaces |
| (G) | Minimum square footage of a primary structure, not including areas of garages, open porches, cellars and basements. | 1000 sq. ft. |

40-4-2.3 PERMITTED USES. The following uses shall be permitted in the “R-2” Two-Family Residential District:

- (A) Agriculture, including all uses commonly classified as such, provided that the animals enumerated in Chapter 3 of the Village Code are not raised or kept within the Corporate Limits of the Village;
- (B) Parks and playgrounds;
- (C) Single-family dwellings, conventionally constructed, but not mobile homes;
- (D) Two-family dwellings, conventionally constructed, but not mobile homes;
- (E) Accessory uses in accordance with Section 40-3-15 and 40-2-16.
- (F) Group assembly uses such as churches, places of worship, or auditoriums.
- (G) Government uses of the Village of Germantown

40-4-2.4 SPECIAL USES. The following special uses may be allowed by special-use permit in accordance with Section 40-9-8 of this Chapter in the “R-2” District:

- (A) Barber and beauty shops;
- (B) Cemeteries;
- (C) Condominiums;
- (D) Daycare centers, nursery schools;
- (E) Home occupations, but only in conformity with the requirements of Section 40-5-7;
- (F) Community centers, but limited to non-commercial activities;
- (G) Schools, elementary and secondary;
- (H) Professional Offices;

Revised Code

- (I) Utility substations, except cell phone towers which are not allowed in the “R-2” district.
- (J) Manufactured or Pre-fabricated homes on permanent foundations;
- (O) Government uses other than those of the Village of Germantown.
- (P) Planned developments

40-4-3 MULTIPLE FAMILY RESIDENCE DISTRICT. Not used.

40-4-3.1 LOT AND BUILDING REQUIREMENTS.

40-4-3.2 PERMITTED USES.

40-4-3.3 SPECIAL USES.

40-4-4 “B-1” COMMUNITY BUSINESS DISTRICT. The “B-1” Community Business District primarily encompasses the long-established commercial areas of the Village where a wide range of goods and services is offered to the general public at retail or wholesale.

40-4-4.1 LOT AND BUILDING REQUIREMENTS.

- (A) Minimum lot area None
- (B) Minimum lot width 30 ft.
- (C) Minimum lot depth None
- (D) Minimum depth of abutting side yard None
- (E) Minimum setbacks: Generally, none required except as necessary to comply with applicable off-street parking and loading requirements. However, any lot that abuts any residential district shall meet the front setback and side setback (on the side abutting the residential use) requirements of such residential district.
- (F) Maximum building height 35 ft.

40-4-4.2 USE RESTRICTIONS OF “B-1” DISTRICT.

- (A) Activities Enclosed – All repair and maintenance services shall be conducted within completely enclosed structures. Storage areas may be open to the sky, but shall be enclosed by walls or solid fences at least eight (8) feet high.
- (B) Refuse Containers – All refuse generated by facilities located within this district shall be stored in tightly-covered containers and placed in visually-screened areas.
- (C) Parking – (See 40-5-1)
- (D) Signs – (See 40-5-2)

Revised Code

40-4-4.3 PERMITTED USES. The following uses shall be permitted in the “B-1” Community Business District:

- (A) Clubs and lodges;
- (B) Commercial establishments, wholesale and retail;
- (C) Government uses of the Village of Germantown;
- (D) Medical and dental clinics;
- (E) Professional Offices;
- (F) Service establishments, except those listed in Section 40-4-4.4;
- (G) Accessory uses in accordance with Sections 40-3-15 and 40-3-16

40-4-4.4 SPECIAL USES. The following uses may be permitted as special uses in the “B-1” Community Business District in accordance with Section 40-9-8, to-wit:

- (A) Dwelling units if located above the first floor;
- (B) Government uses other than those of the Village of Germantown;
- (C) Any use such as drive-in restaurants, drive-in banks, service stations, etc. that offers goods or services directly to customers waiting in parked vehicles or that sells foods or beverages for consumption on the premises in parked motor vehicles.
- (D) Taverns;
- (E) Utility substations; except cell phone towers which are not allowed in the “B-1” district.
- (F) Group assembly uses such as churches, places of worship, or auditoriums.
- (G) Auto service stations;
- (H) Mini/self-storage;
- (I) Single-family dwellings, conventionally constructed, but not mobile homes.
- (J) Planned developments

40-4-5 “B-2” HIGHWAY BUSINESS DISTRICT. The “B-2” Highway Business District is intended to accommodate and regulate strip commercial developments and compatible uses. Since such businesses, both retail and wholesale, draw their patrons primarily from the motoring public, they typically require direct access to major streets and large lots for off-street parking and loading.

40-4-5.1 USE RESTRICTIONS FOR “B-2” DISTRICT.

- (A) Activities Enclosed – All repair and maintenance services shall be conducted within completely enclosed structures. Storage areas may be open to the sky, but shall be enclosed by walls or solid fences at least eight (8) feet high.
- (B) Refuse Containers – All refuse generated by facilities located within this district shall be stored in tightly-covered containers and placed in visually-screened areas.

Revised Code

- (C) Screening – Along the side and rear lot lines of any lot abutting any residential district, screening at least six (6) feet high, which completely blocks the view from the adjacent residential property shall be installed. The screening shall be approved by the Zoning Administrator.
- (D) Parking – (See 40-5-1)
- (E) Signs – (See 40-5-2)

40-4-5.2 LOT AND BUILDING REQUIREMENTS. Every principal building erected in the “B-2” Highway Business District shall conform to the requirements indicated below:

- | | |
|--|---------------|
| (A) Minimum lot area | 20,000 sq.ft. |
| (B) Minimum width at the established building line | 135 ft. |
| (C) Minimum lot depth | 150 ft. |
| (D) Minimum setbacks | |
| 1. From front lot line | 50 ft. |
| 2. Side yards: | |
| a. Minimum total setback from abutting street | 50 ft. |
| b. Minimum setback from either side lot line | 15 ft. |
| 3. From rear lot line | 20 ft. |
| (E) Maximum structure height | 35 ft. |

40-4-5.3 PERMITTED USES. Provided all the use restrictions of the “B-2” Highway Business District are observed, the following uses are permitted:

- (A) Any use permitted in the “B-1” Community Business District (See Section 40-4-4.3);
- (B) Clubs and lodges;
- (C) Commercial establishments, including drive-in facilities, except those prohibited within this chapter;
Such uses, as the following, are especially appropriate in this District:
 1. Bowling alleys;
 2. Furniture and appliance sales;
 3. Greenhouses;
 4. Lumber and building supplies sales;
 5. Motor vehicles sales.
- (D) Government uses;
- (E) Professional Offices
- (F) Service establishments, including drive-in facilities.
Such uses as the following are especially appropriate for this district:
 1. Animal hospitals;
 2. Banks and other financial institutions;
 3. Motels;

Revised Code

- 4. Motor vehicle services;
- 5. Restaurants;
- 6. Service stations.
- (G) Accessory uses in accordance with Section 40-3-15 and 40-3-16.
- (H) Self-Storage Units

40-4-5.4 SPECIAL USES. Provided all the use restrictions of the “B-2” Highway Business District are observed, the following uses may be allowed by special-use permit. (See Section 40-9-8)

- (A) Bus terminal and bus transportation facilities;
- (B) Group assembly uses such as churches, places of worship, or auditoriums.
- (C) Drive-in theaters;
- (D) Research and development facilities not involving explosives, flammable gases or liquids, or live animals;
- (E) Utility substations; except cell phone towers which are not allowed in the “B-2” district.
- (F) Warehousing and wholesaling of any goods except explosives, flammable gases, or live animals;
- (G) Planned developments

40-4-6 “I” INDUSTRIAL DISTRICT. The “I” Industrial District is intended to provide for areas where light industry, research facilities, warehouses, and wholesale businesses may locate without detriment to the remainder of the community. In these areas, a satisfactory correlation of factors required by such uses exists or can be readily achieved.

40-4-6.1 USE RESTRICTIONS.

- (A) Nuisances Prohibited – No production, processing, cleaning, servicing, testing, repair, sale or storage of goods, materials or equipment shall unreasonably interfere with the use, occupancy or enjoyment of neighboring properties or the community as a whole. Unreasonable interferences include, but are not limited to, excessive traffic congestion, loud or shrill noises, excessive emission of smoke, emission of toxic gases, excessive glare and noxious odors.
- (B) Activities Enclosed – All production, processing, cleaning, servicing, testing or repair activities shall be conducted within completely enclosed buildings. Storage areas may be open to the sky, but shall be enclosed by walls or fences (whether solid or chain-link), including gates, at least eight (8) feet high.

Revised Code

- (C) Buffer Strips – Wherever any industrial use located in this district abuts any residential district, a twenty (20) foot wide view and noise control buffer strip shall be installed. Such buffer strip shall consist of densely- planted shrubbery that is at least five (5) feet high when planted and that can be expected to reach a height of ten (10) feet when full grown.

40-4-6.2 LOT AND STRUCTURE REQUIREMENTS.

- | | |
|--|---------------|
| (A) Minimum lot area | 20,000 sq.ft. |
| (B) Minimum lot width at established building line | 125 ft. |
| (C) Minimum lot depth | 150 ft. |
| (D) Minimum setbacks: | |
| 1. From front lot line | 25 ft. |
| 2. From any side lot line | 25 ft. |
| 3. From rear lot line | 25 ft. |
| (E) Maximum structure height | 60 ft. |

40-4-6.3 PERMITTED USES. Provided all the use restrictions of the “I” Industrial District are observed, the following uses are permitted (See Section 40-4-5.3):

- (A) Assembly, manufacturing or processing of any commodity from semi-finished materials, provided explosives, flammable gases or liquids or live animals are not involved;
- (B) Freight and bus terminals and related mass transportation facilities;
- (C) Research and development facilities not involving explosives, or flammable gases or liquids;
- (D) Service stations;
- (E) Warehousing or wholesaling of goods, except explosives, flammable gases or liquids, or live animals;
- (F) Utility substations or government uses;
- (G) Accessory uses in accordance with Section 40-3-15 and 40-3-16.
- (H) Self-storage units

40-4-6.4 SPECIAL USES. The following special uses may be permitted as special uses in the “I” Industrial District by special-use permit in accordance with Section 40-9-8, to-wit:

- (A) Any use permitted in the “B-1” or “B-2” Districts. (See Sections 40-4-4 and 40-4-5)
- (B) Planned developments

40-4-7 RESERVED.

Revised Code

40-4-8 “A-1” AGRICULTURAL DISTRICT. The “A-1” Agricultural District encompasses areas that are presently used for agriculture pursuits, and do not wish to be developed as part of other zoning districts in the foreseeable future.

40-4-8.1 ONE DWELLING ON ONE LOT. In the “A-1” District, only one (1) dwelling shall be situated on any one lot.

40-4-8.2 LOT AND BUILDING REQUIREMENTS. Every principal building erected in the “A-1” District shall conform to the following requirements:

- | | | |
|-----|--|---------|
| (A) | Minimum lot area | 3 acres |
| (B) | Minimum lot width at the established building line | 100 ft. |
| (C) | Minimum lot depth | 100 ft. |
| (D) | Minimum setbacks: | |
| | 1. From front lot line | 30 ft. |
| | 2. From either side lot line | 10 ft. |
| | 3. From rear lot line | 30 ft. |
| | 4. From side yard abutting street | 25 ft. |
| (E) | Maximum building height | 35 ft. |
- (Does not apply to accessory agricultural structures.)

40-4-8.3 PERMITTED USES. The following uses shall be permitted in an “A-1” Agricultural District:

- (A) Single-family dwellings;
- (B) All uses commonly classified as agriculture, horticulture, or forestry operations (including the operation of machinery or vehicles associated therewith), including crop and tree farming, truck farming, gardening, nursery operations, greenhouses, dairy farming, livestock raising, animal and poultry breeding, raising and feeding;
- (C) Fishing lakes, including fee fishing clubs, providing that no building, parking lot or other intense-use activity is located nearer than one hundred (100) feet to any dwelling or another zoning district;
- (D) Temporary produce stands for the sale of agricultural produce raised on the premises, provided that adequate off-street parking is available and further, that major congestion or hazard would not be created in conjunction with the location of access thereto;
- (E) Cemeteries;
- (F) Government uses of the Village of Germantown.
- (G) Parks and playgrounds

40-4-8.4 SPECIAL USES. The following uses may be allowed by special use permit in accordance with the provisions for such in Section 40-9-8:

Revised Code

- (A) Golf courses, but not to include miniature golf courses, provided that any clubhouse, parking lot or accessory building shall be located at least five hundred (500) feet from any dwelling or another zoning district;
- (B) Gun Clubs, if properly protected and located at least one thousand (1000) feet from any dwelling, other than that of the owner or lessee, on the site; and not so operated as to withdraw land from its primary agricultural use;
- (C) Carnivals, circuses and similar temporary, transient amusement enterprises;
- (D) Public service uses, including filtration plants, pump stations, water reservoirs, public utility stations, telephone exchange facilities and such other essential services and utilities and associated distribution facilities;
- (E) Radio and television towers;
- (F) Airports;
- (G) Animal feed distributor;
- (H) Blacksmith and welding shops;
- (I) Camping trailers in conformity with this Code;
- (J) Agricultural implement sales;
- (K) Animal hospitals;
- (L) Nursing homes, hospitals;
- (M) Commercial livestock operations, stockyards, poultry feeding or agricultural processing plants, commercial grain elevators and storage facilities;
- (N) Kennels, commercial stables;
- (O) Home occupations;
- (P) Group assembly uses such as churches, places of worship, or auditoriums, to include funeral chapels or mortuary chapels, including seminaries, convents and monasteries;
- (Q) Clubs or lodges, private; but not those which have as their chief activity a service customarily carried on as a business;
- (R) Government uses other than those of the Village.
- (S) Planned developments

10-4-9 RESERVED.

40-4-10 “O-FP” FLOOD PLAIN OVERLAY DISTRICT. The O-FP Flood Plain Overlay District delineates areas in the vicinity of watercourses and tributaries in the Village subject to special requirements.

In the absence of flood protection measures, these areas are subject to periodic flooding which may result in injury to or loss of life and property, disruption of private and

Revised Code

governmental services, impairment of the municipal tax base, and the need for extraordinary relief measures. The regulations of this section are intended to restrict permitted development in flood plains to:

- (A) Uses which inherently have low flood damage potential; and
- (B) To other uses allowed in the primary zoning districts provided appropriate protective measures have been taken.

40-4-10.1 PERMITTED AND/OR SPECIAL USES. This overlay district has no effect on the classification, whether permitted, special, or prohibited, or uses in the primary zoning districts. Rather, this overlay district imposes additional restrictions on both permitted and special uses.

40-4-10.2 ADDITIONAL RESTRICTIONS. All uses, whether permitted or special, that are located in the area covered by the “O-FP” Overlay District shall not only meet all the applicable requirements of the primary district, but shall also be adequately protected against flood damage. To assure such protection, the Administrator, following consultation with technically-qualified persons, may require as necessary:

- (A) Anchorage or addition of weight to structures to resist flotation;
- (B) Installation of watertight doors and bulkheads;
- (C) Use of special paints, membranes, or mortars so as to reduce seepage through walls;
- (D) Installation of pumps to lower water levels in structure or to relieve external foundation wall flood pressure;
- (E) Reinforcement of walls to resist rupture or collapse caused by water pressure or floating debris;
- (F) Installation of valves or controls on sanitary and storm drains so that the drains can be closed to prevent backup of sewage or storm runoff into structures;
- (G) Location of electrical equipment and appliances above the level of the regulatory flood elevation;
- (H) Location of storage facilities for chemicals, explosives, flammable liquids, toxic substances, etc., above the regulatory flood elevation;
- (I) Filling and earth-moving to raise the level of proposed building site above the regulatory flood elevation; and/or
- (J) Any other reasonable flood protection measures.

In no case shall the Zoning Administrator approve any proposed flood protection measure which would result in an increase in the volume or velocity of flood-water leaving the lot in question.

ARTICLE V – SUPPLEMENTARY REGULATIONS

APPLICABILITY OF ARTICLE

This Article establishes lot and structure requirements and design/operational standards for specific, potentially troublesome structures and uses. These regulations apply in every Zoning District where the specific structure or use is permitted or allowed by special-use permit; but if more stringent regulations are applicable in any particular district, such regulations shall prevail.

40-5-1 OFF-STREET PARKING AND LOADING.

40-5-1.1 APPLICABILITY OF ARTICLE. Off-street parking and loading shall be provided in accordance with this Article for all structures and uses erected or established after the effective date of this Chapter.

40-5-1.2 EXISTING PARKING/LOADING FACILITIES.

- (A) Existing off-street parking or loading facilities located on the same lot as the use served shall not be reduced or if already less than, shall not be further reduced below the requirements and standards for similar new structures or uses.
- (B) When an existing structure or use is damaged or destroyed and subsequently repaired or rebuilt, parking/loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored, but additional parking/loading spaces need not be provided, even though they are encouraged.
- (C) Whenever the use of any structure or premises is intensified through addition of dwelling units, increased floor area, greater seating capacity, etc., additional off-street parking and loading spaces commensurate with such intensification shall be provided.
- (D) Whenever the existing use of a structure is changed to a different use, off-street or loading facilities shall be provided as required herein for such new use.

40-5-1.3 PARKING LOT DESIGN STANDARDS. All off-street parking lots shall conform to the standards indicated in the subsections which follow:

NOTE: Standards applicable to all parking areas are indicated by one asterisk (*); standards applicable to all parking areas except those accessories to single or two-family dwellings are indicated by two asterisks (**).

Revised Code

40-5-1.4 PARKING SPACES.

- (A) Every off-street parking area spaced shall be at least ten (10) feet wide and twenty (20) feet long, and shall have at least seven (7) feet of vertical clearance. Every space shall be situated so that no part of any parked vehicle overhangs the public right-of-way.*
- (B) Markings shall be laid and restored as often as necessary to clearly delineate each parking space.*

40-5-1.5 ACCESSIBLE PARKING SPACES. All off-street parking must comply with the Illinois Accessibility Code. Illinois Accessibility Code is enforced by the Illinois Attorney General's office, not the Village.

40-5-1.6 INTERIOR AISLES. Aisles within parking lots shall be sufficiently wide to permit safe and efficient vehicular movement in the aisles, and into and out of parking spaces. Aisles designed for two-way traffic shall be at least twenty-two (22) feet wide. One-way aisles designed for sixty (60) degree parking shall be at least eighteen (18) feet wide. Plans for other aisle widths with other angle parking shall be as approved by the Zoning Administrator.*

40-5-1.7 ACCESS WAYS.

- (A) Parking lots shall be designed so that ingress to or egress from a parking space is from an aisle or driveway, not directly from the public right-of-way.
- (B) No access way to any parking lot shall be located within thirty (30) feet of any corner formed by the intersection of the right-of-way of two (2) or more streets.
- (C) Parking lot access ways (as well as residential driveways and public streets) shall be aligned to form, as closely as reasonable, right angles.
- (D) The access way to every parking lot located in any Business District or in the Industrial District shall be at least twenty-four (24) feet wide as provided. *
- (E) The access way to an off-street parking lot located in any residential district shall be at least ten (10) feet wide; but if the driveway is longer than one hundred (100) feet, or serves more than the required parking for four (4) dwelling units, access shall be provided either by one two-way drive at least twenty (20) feet wide or by two (2) one-way drives, each at least twelve (12) feet wide.

40-5-1.8 SURFACING. Parking lots shall be graded and improved in accordance with the Village Street requirements elsewhere in the Section, or a material which is comparable and approved by the Zoning Administrator.

Revised Code

40-5-1.9 **LIGHTING.** Any light(s) used to illuminate any parking lot or other part of a commercial or industrial property shall be arranged or shielded so as to confine direct light rays within the lot lines of the parking lot to the greatest extent possible, and shall be shielded so as not to provide glare for traffic or nearby residences.

40-5-1.10 **LANDSCAPING.** In order to reduce heat and glare, to minimize problems with storm water run-off, to minimize blowing dust and trash, and to reduce the oppressive visual effects of large open parking areas, landscaping shall be provided and maintained within every parking lot that contains twenty (20) or more parking spaces.*

- (A) A landscaping plan (either a separate document or an element of a more inclusive development plan) shall accompany every application for an Initial Certificate of Zoning Compliance to develop any parking lot that will contain twenty (20) or more parking spaces.
- (B) The landscaping plan shall include the following information:
 - 1. Proposed type, amount, size, and spacing of plants, including trees, shrubbery and ground cover;
 - 2. Proposed size, construction materials, and drainage of landscaped islands;
 - 3. Sketch indicating proposed spatial relationship of landscaped areas, parking spaces, automobile circulation, and pedestrian movement.

40-5-1.11 **LOCATION OF PARKING.** All off-street parking shall be located in conformity with the following requirements:

- (A) For dwellings:
 - 1. Parking spaces accessory to any dwelling shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any front yard except in the driveway, but may be located in the side or rear yards.
 - 2. Each parking space accessory to a two-family dwelling shall be unobstructed so that a vehicle need not be moved in order to allow another vehicle to enter/exit the parking area.
- (B) For business/industrial uses:
 - 1. Every off-street parking space accessory to any business or industrial use shall be located within five hundred (500) feet of the use served; provided that no portion of any parking lot for non-residential uses shall extend into any residential district.
 - 2. In any business district or in the Industrial District, off-street parking facilities for different buildings or uses may be provided collectively; but only if the total number of spaces so located together is not less than the sum of the separate requirements of each use, and if all other pertinent regulations are observed.

Revised Code

40-5-1.12 DESIGN AND LOCATION OF OFF-STREET LOADING FACILITIES. All off-street loading facilities shall conform to the minimum standards indicated below:

- (A) Size of space – every off-street loading space shall be at least twelve (12) feet wide and forty-five (45) feet long exclusive of aisle and maneuver space, and shall have vertical clearance of at least fourteen (14) feet. In no case shall be vehicle being loaded or unloaded overhang into the public right-of-way.
- (B) Access way – Every off-street loading space shall have a safe means of vehicular access to a street or alley. Such access way shall be at least twelve (12) feet wide.
- (C) Surfacing – Every off-street loading space shall be improved with a compacted stone base of at least seven (7) inches thick, surfaced according to Village Street regulations or a material comparable and approved by the Zoning Administrator.
- (D) Buffer strips – No loading space or area for vehicles over two (2) ton cargo capacity shall be developed closer than fifty (50) feet to the lot line of any lot located in any Residential District unless such space/area is completely enclosed by walls, a solid fence, or closely planted shrubbery at least ten (10) feet in height and of sufficient density to block the view from residential property.
- (E) Location – Every off-street loading space shall be located on the same parcel of land as the use served, and not closer than fifty (50) feet to the intersection of the right-of-way of two (2) or more streets, and not on any required front yard.

40-5-1.13 COMPUTATION OF REQUIRED PARKING/LOADING SPACES. In computing the number of parking spaces required by this Chapter, the Zoning Administrator shall apply the following rules:

- (A) In computing parking space requirements based on the number of employees, the maximum number of employees on the premises at any period of the day shall be used. “Employee Parking” means one (1) parking space shall be required per one and one-half (1½) employees, unless otherwise stated.
- (B) In computing parking and loading space requirements on the basis of building floor area, the gross floor area shall be used.
- (C) Whenever it is necessary to translate gross parking lot area into number of parking spaces, three hundred fifty (350) square feet of gross area shall be deemed one (1) parking space.

Revised Code

(D) If computation of the number of parking or loading spaces required by this Chapter results in a fractional space, any fraction of one-half (1/2) or more shall be counted as one space.

(E) No space or portion thereof needed to satisfy the minimum applicable requirement for number of off-street parking or loading spaces shall be counted as part of the off-street parking or loading spaces required for another structure or use.

40-5-1.14 NUMBER OF PARKING AND LOADING SPACES REQUIRED.

Off-street parking and loading spaces shall be provided as indicated in tabular form below. Additionally, one (1) parking space per company vehicle, where applicable, shall be provided. For any use that is not listed in the table, the same amount of parking and loading space shall be provided as is required for the most similar listed use. The Zoning Administrator shall make the determination of similarity:

	USE	PARKING SPACES REQUIRED	LOADING SPACES REQUIRED
(A)	<u>Dwellings, Lodgings:</u> 1. Motels, Boarding house	1 space per unit, plus employee parking	1 space if the use has 20,000 sq. ft. or more of floor area
	2. Mobile Homes and Immobilized Mobile Homes	2 spaces per unit	Not Applicable
	3. Two-family dwellings	2 spaces per dwelling unit	Not Applicable
	4. Single-family dwellings	2 spaces per dwelling unit	Not Applicable
(B)	<u>Educational, Institutional and Recreational:</u> 1. Churches, assembly halls	1 space per 4 seats in the largest seating area	Not Applicable
	2. Libraries, Museums	1 space per 500 sq. ft. of floor area, plus employee parking	On review of Administrator
	3. Nursing Homes	1 space per 5 beds, plus employee parking	up to 50,000 sq.ft. of floor area 1 space; 50,001 - 100,000 sq. ft., 2 spaces
	4. Schools, Elementary and Junior High	1 space for every 20 students that the building is designed to accommodate, plus employee parking	On review of Administrator
	5. Senior High School	1 space for every 4 students that the building is designed to accommodate, plus employee parking	On review of Administrator
(C)	<u>Commercial, Office, Service:</u> 1. All commercial and service uses unless specified below	1 space per 300 sq.ft. of floor area, plus employee parking	On review of Administrator

Revised Code

2. Banks, Savings and Loans: Walk-in Drive-in	 1 space per 300 sq.ft. of floor area, plus employee parking 5 spaces per teller window	(Both walk-in and drive-in) to 30,000sq.ft. of floor area, none required. 30,001 - 100,000 sq.ft., 1 space
3. Beauty and Barber Shops	2 spaces per chair, plus employee parking	Not Applicable
4. Bowling Alleys	4 spaces per bowling lane, plus, additional spaces as required herein for affiliated uses such as taverns, plus employee parking	Not Applicable except as required for affiliated use
5. Car Wash	3 spaces per wash line	Not Applicable
6. Furniture and Appliance	1 space per 600 sq.ft. of floor space, plus employee parking	to 25,000 sq.ft. of floor space- 2 spaces; more than 25,000 sq.ft. of floor area- 2 spaces plus additional space per 25,000 sq.ft. of floor area in excess of 25,000 sq.ft.
7. Home Occupations	1 space per 150 sq.ft. of floor area devoted to the home occupation in addition to the parking requirements for the dwelling and employee parking	Not Applicable
8. Offices, generally Not medical or dental	2 spaces per 300 sq.ft. to 30,000 sq.ft. of floor area, plus employee parking	None required; or over 30,000 sq.ft - 1 space
9. Offices, medical & dental	1 space per 200 sq.ft. of floor area or 3 spaces per professional, whichever is greater, plus employee parking	Not Applicable
10. Mortuaries	1 space per 5 seats, plus 1 space per funeral vehicle, but not less than 20 spaces per Chapel or State room, plus, employee parking	1 space per 10,000 sq.ft. or more of floor area
11. Restaurants: Refreshment Stands Sit down Drive-in	 1 space per 4 seats or 1 space per 50 sq.ft. of floor area, whichever is greater, plus, employee parking 1 space per 15 sq.ft. of floor area plus employee parking	(both sit-down and drive-in): 1 space per structure having 10,000 sq.ft. or more floor area

Revised Code

	12. Service Stations	2 spaces per service stall; plus, employee parking	Not Applicable
	13. Taverns	1 space per 2 seats or 1 space per 50 sq.ft. of floor area, whichever is greater, plus, employee parking	1 space per structure having 10,000 sq.ft. or more of floor area
	14. Theaters: Indoor	1 space per 4 seats in the largest seating area, plus employee parking	Not Applicable
	Drive-In	On review of the Administrator	
	15. Motor and Machinery Sales	1 space per 600 sq.ft. of enclosed floor area, plus: up to 10,000 sq.ft. of open lot area devoted to sale/display of vehicles - 1 space per 2,500 sq.ft. of open lot area. Above 10,000 sq.ft. - 4 spaces plus 1 additional space per 2,500 sq.ft. of open lot area in excess of 10,000 sq.ft.	To 25,000 sq.ft. of floor area and open lot area - 2 spaces. More than 25,000 sq.ft. of floor area and lot area - 2 spaces plus 1 additional space per 25,000 sq.ft. in excess of 25,000 sq.ft.
(D)	<u>Industrial:</u> Any manufacturing, warehouse, or other industrial use	Employee parking (1.5 spaces per employee) plus 1 space per company vehicle, plus 1 space per 25 employees on the major shift	To 20,000 sq.ft. of floor area - 1 space; 20,000-50,000 sq.ft.

40-5-2 SIGN REGULATIONS.

40-5-2.1 GENERAL PROHIBITION. Any sign not expressly permitted in this Article shall be deemed prohibited.

40-5-2.2 COMPUTATON OF SIGN AREA ALLOWANCE. Within the limitations of restrictions as further provided in this Article, the total area of all signs which an establishment is permitted to display shall be computed according to the following formula:

One (1) square foot of sign area per one (1) foot of street frontage. Provided, however, that no establishment in any district shall display more than one hundred fifty (150) square feet of sign on any street front.

40-5-2.3 RESERVED.

Revised Code

40-5-2.4 SPECIAL SITUATIONS.

- (A) Except as specifically provided otherwise in this Article, if an establishment has frontage on two (2) or more streets, each side having such frontage shall be considered separately for purposes of determining compliance with the provisions of this Article. However, the area allowance for signs shall not be aggregated so as to permit such establishment to display on any one frontage a greater area of signs than would be permitted by application of the formula set forth above.
- (B) The side of an establishment adjacent to an off-street parking area shall not be deemed frontage unless the establishment has no other frontage.

40-5-2.5 SIGNS TO BE NON-HAZARDOUS, WELL MAINTAINED.

- (A) No sign shall be erected, relocated or maintained so as to prevent free access to egress from any door, window, fire escape or driveway.
- (B) No sign shall be erected or maintained in such a manner that it interferes with, obstructs the view of, or is likely to be confused with any authorized traffic control device.
- (C) Every sign shall be designed and constructed in conformity with any applicable provisions of the adopted Building Code.
- (D) Every sign shall be maintained in a neat and attractive condition by its owner. The sign supports shall be kept painted to prevent rust and deterioration.

40-5-2.6 ILLUMINATION. Illumination of signs is permitted, subject to the following requirements:

- (A) No sign shall employ red, yellow or green lights in such a manner as to confuse or interfere with vehicular traffic.
- (B) No sign shall have blinking, flashing, or fluttering lights or any other illuminating device which has a changing light intensity, brightness or color.
- (C) The light from any illuminated sign shall be shaded, shielded, or directed so that it creates neither a nuisance to adjacent property nor a traffic hazard.

40-5-2.7 MOVEMENT PROHIBITED. Every sign that revolves, rotates, or mechanically moves in any manner is prohibited.

40-5-2.8 NONCONFORMING SIGNS. A nonconforming sign means any lawfully erected sign or billboard that does not conform to one (1) or more provisions of this Article or any amendment thereto.

Revised Code

1. Any nonconforming sign that does not pose an imminent peril to life or property may lawfully remain subject to all the restrictions on the enlargement, alteration, or relocation, or reconstruction of nonconforming structures set forth in 40-6-4 of this Chapter; provided as follows:
 - a. Merely changing the message displayed on a nonconforming sign shall not be construed as a prohibited alteration;
 - b. Whenever any sign is nonconforming solely because it is appurtenant to a nonconforming commercial/industrial use located in any residential district, said sign shall be treated in the same manner as it would be if it were appurtenant to a commercial/industrial use located in any business district or in the Industrial District.

40-5-2.9 NOT USED.

40-5-2.10 STRICTLY PROHIBITED SIGNS. Except as specifically noted otherwise, henceforth, the following signs and street graphics are strictly prohibited throughout the Village:

- (A) Mobile/portable marquees;
- (B) Pennants, streamers, spinners or similar devices;
- (C) Signs attached to trees, fences or public utility poles, other than warning signs posted by government officials or public utilities;
- (D) Defunct signs, including the posts of other supports therefore that advertise or identify an activity, business, product, or service no longer conducted on the premises where such sign is located;
- (E) Roof-mounted signs.

40-5-2.11 SIGNS PERMITTED IN ANY DISTRICT. Any sign or other street graphic enumerated below that complies with the indicated requirements is permitted in any district of the Village. Such signs or street graphics shall not be debited against the displaying establishment's sign area allowance. (See Section 40-5-2.2)

- (A) Construction signs – identifying the architects, engineers, contractors, and other individuals or firms involved with the construction, and/or announcing the character or purpose of the building, but not advertising any product; such signs shall not exceed sixteen (16) square feet in area in residential areas and thirty-two (32) square feet in commercial and industrial areas, shall be confined to the site of the construction, and shall be removed within fourteen (14) days after the intended use of the project has begun.
- (B) Real estate signs – indicating the sale, rental, or lease of the premises on which they are located; such signs on a residential property shall not exceed four (4) square feet, on other property, such signs shall not exceed

Revised Code

- sixteen (16) square feet. No more than one (1) real estate sign per street front shall be erected on any lot. Such signs shall be removed within seven (7) days of the sale, rental or lease.
- (C) Political signs – announcing candidates seeking public/political office and/or political issues and other pertinent information: Not more than five (5) such sign shall be erected on any lot or premises. In the Agricultural District, and in any Residential District, political signs shall not exceed sixteen (16) square feet; in other districts, such signs shall not exceed thirty-two (32) square feet. Political signs must be on private property.
- (D) Garage sale signs – advertising a garage or yard sale to be held on private residential property; such signs shall not exceed four (4) square feet, and shall not be posted for longer than five (5) days.
- (E) Public interest signs and street banners – publicizing a charitable or non-profit even of general public interest: In any Residential District, public interest signs shall not exceed thirty-two (32) square feet. Public interest signs and street banners shall be permitted only for twenty-eight (28) days before and seven (7) days after the event.
- (F) Governmental, public and directional signs – such as traffic control signs; railroad crossing signs; legal notices; signs indicating the location of underground cables; no trespassing signs; no parking signs; signs indicating the entrances and exits of parking lots; signs indicating the location of public telephones; restrooms, etc.; and so forth.
- (G) Institutional signs – identifying a public, charitable, or religious institution; such signs shall be located on the premises of such institution, shall not obstruct the vision of motorists, and shall not exceed twenty-four (24) square feet.
- (H) Integral signs – carved into stone or inlaid so as to become part of the building, and containing such information as date of erection, name of building and memorial tributes.
- (I) Home occupation signs – identifying only name and occupation of the residents: Home occupation signs shall not be illuminated, and shall not exceed six (6) square feet.
- (J) Subdivision entrance signs – identifying a residential subdivision or apartment complex: Such signs shall contain no commercial advertising, and shall not exceed twenty (20) square feet.
- (K) House numbers and/or name of occupant signs – located on the lot to which the sign applies: Such signs shall not exceed two (2) square feet for single-family dwelling, not six (6) square feet for multiple-family dwelling.
- (L) Signs located in the interior of any building – or with an enclosed lobby or court of any building or group of buildings, provided such signs are

Revised Code

designed and located to be viewed exclusively by the patrons or residents of such buildings.

40-5-2.12 RESIDENCE DISTRICTS. No sign other than those listed in Section 40-5-2.11 shall be erected in any Residential District.

40-5-2.13 BUSINESS; INDUSTRIAL DISTRICTS. No establishment located in any Business District or in the Industrial District shall display on any street front a total area of sign in excess of the allowance derived by application of the formula set forth in Sections 40-5-2.4 and 40-5-2.11.

40-5-2.14 FLUSH-MOUNTED SIGNS. No Flush-mounted (wall) sign shall:

- (A) Project more than eighteen (18) inches from the wall or surface to which hit is attached; or
- (B) Extend above the roof line of the building to which it is attached.

40-5-2.15 WINDOW SIGNS. Signs permanently (i.e. longer than thirty (30) days) mounted in display windows shall be debited against the sign area allowance of the particular establishment; window signs mounted for shorter periods shall not be debited.

40-5-2.16 PROJECTION SIGNS. No establishment shall display more than one (1) projecting sign on any street front. No projecting sign shall:

- (A) Project above the roof line of the building to which it is attached; or
- (B) Extend below a point eight (8) feet above the ground or pavement; or
- (C) Project over a driveway or beyond the curb line of any public street; or
- (D) Project more than four (4) feet from the building to which it is attached; or
- (E) Exceed sixteen (16) square feet in area.

40-5-2.17 CANOPY OR MARQUEE SIGNS. Signs mounted flush on any canopy or marquee shall be considered flush-mounted (wall) signs, and shall meet the requirements of Subsection 40-5-2.14. Signs suspended beneath a canopy or marquee shall be considered projecting signs, and shall meet the requirements of Subsection 40-5-2.16.

40-5-2.18 FREESTANDING SIGNS. No establishment shall display more than one (1) freestanding sign on any street front. Freestanding signs, whether mounted on the ground or post-mounted shall comply with the following regulations:

- (A) No part of any freestanding sign shall intrude into any public right-of-way. No part of any freestanding sign that extends below a point ten (10) feet above the public right-of-way.
- (B) The area of any freestanding sign, calculated in accordance with Subsection 40-6-2.1 shall not exceed one hundred (100) square feet.

Revised Code

- (C) No part of any freestanding sign shall extend more than thirty-five (35) feet in height above the ground.
- (D) The length or width of any freestanding sign shall not exceed twelve (12) feet in any one direction.

40-5-2.19 BILLBOARDS. Billboards and other off-premises advertising signs are strictly prohibited in every district except the Industrial District. No billboard shall:

- (A) Be stacked on top of another billboard; or
- (B) Be located closer than twenty-five (25) feet to any lot line or any public right-of-way;
- (C) Be located closer than five hundred (500) feet from any other billboard on the same side of the roadway; or
- (D) Exceed three hundred (300) square feet in area.

40-5-2.20 TEMPORARY SIGNS. Temporary signs shall not remain in place for a period of more than thirty (30) consecutive days. There may be no more than (3) three 30-day periods that a sign be in place per year. Any time extension shall be applied for through the Planning Commission and with their recommendation, the Village Board may grant such time extension as seems reasonable and necessary in compliance with this Article.

40-5-2.21 ADDRESS OR STREET NUMBER SIGNAGE. The owners of residential or commercial property situated within the corporate limits of the Village of Germantown are hereby required to post, print, paint or otherwise affix the address or street number of said property on at least one building or major structure located thereon. Said address or street number is to be posted, printed, painted or affixed in such a way as to be easily visible from the closest thoroughfare or roadway that may pass in what would be considered the front of said building or structure. In the cases where numbers are not visible from the roadway, numbers should also be posted at the mailbox, or other such structure so as to be plainly visible.

40-5-3 NOT USED.

40-5-4 FENCES, WALLS.

- (A) No barbed wire or electrically-charged fence shall be erected or maintained anywhere in the Village, except by special-use permit.
- (B) No fence, wall or other obstruction shall be erected within any public right-of-way, except by written permission of the Zoning Administrator.
- (C) No fence, wall or other obstruction shall be erected in violation of the Illinois Drainage Code, Illinois Revised Statutes, chapter 45, Sections 2-1 through 2-12, as amended from time to time.

Revised Code

- (D) Every fence, wall or other obstruction shall conform to the special height restrictions applicable in areas near intersections. (See Section 40-3-13)

40-5-5 ADULT ENTERTAINMENT BUSINESSES.

(A) PURPOSE AND FINDINGS

- (1) It is the purpose of this section to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the Village, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented business with the Village. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Zoning Code to condone or legitimize the distribution of obscene material.
- (2) Based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the Village Board of Trustees, and on findings related in the cases of City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986), Young v. American Mini Theatres, 427 U.S. 50 (1976), Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991), City of Erie v. Pap-92s A.M., TDA-93 Kandyland-94, 529 U.S. 277 (2000), City of Los Angeles v. Alameda Books, Inc., 121 S Ct. 1223 (2001), Northend Cinema, Inc. v. City of Seattle, 90 Wash.2d 709 (1978), and studies in “Reports to the American Center for Law and Justice on the Secondary Impact of Sex Oriented Business,” Environmental Research Group, March 31, 1996, “Report of the Attorney General’s Working Group on the Regulation of Sexually Oriented Business,” Hubert H. Humphrey, III, Attorney General for the State of Minnesota, June 6, 1989, and “Appendix D. Summaries of Secondary Effects Reports,” Preface to the Second Edition, Community Defense Counsel, the Village Board of Trustees finds:
- a. Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make the owners of these establishments responsible for the activities that occur on their premises.

Revised Code

- b. Certain employees of sexually oriented businesses defined in the Zoning Code as adult theatres and cabarets engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments.
- c. Sexual acts, including masturbation, and oral and anal sex, occur at sexually oriented business, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows.
- d. Offering and providing such space encourages such activities, which creates unhealthy conditions.
- e. Persons frequent certain adult theatres, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.
- f. At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non-A, Non-B amebiasis, salmonella infections and shigella infections.
- g. Since 1981 and to the present, there has been an increasing cumulative number of persons testing positive for the HIV antibody test.
- h. The Surgeon General of the United States in this report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.
- i. According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
- j. Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
- k. Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view “adult” oriented films.

Revised Code

- l. Sexually oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.
 - m. Reasonable zoning and licensing procedures are appropriate mechanisms to place the burden of that reasonable regulation on the owners and the operators of the sexually oriented businesses. Further, such procedures will place an incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety, and welfare of its patrons and employees, as well as the citizens of the Village. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein.
 - n. The general welfare, health, and safety of the citizens of the Village will be promoted by the enactment of this section.
 - o. The findings noted in paragraphs (a) through (n) raise substantial governmental concerns.
 - p. The findings and opinions of the cases and studies as related in the opening of Paragraph (A)(2) of this section are the findings of the Village Board of Trustees as if set forth verbatim herein.
- (B) **APPLICABILITY**. Notwithstanding any other provision in the Village’s Municipal Code, adult entertainment businesses shall only be allowed pursuant to a Special Use Permit and only in Industrial zoned districts in the Village.
- (C) **DEFINITIONS**. Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning, and application of words and phrases used in this section.
- (1) **Adult Arcade** – Any room or area to which the public may gain admittance that also contains individual areas or stations or booths, where, for money or any other form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image-producing machines, video cassettes, CDs, slides, or other photographic reproduction of sexual activities or sexual areas as defined herein may be viewed.
 - (2) **Adult Bookstore, Adult Novelty Store, or Adult Video Store** – Any commercial establishment that does not otherwise qualify as an adult theater or nonprofit free lending library, and
 - a. Has five percent (5%) or more of its stock on the premises, or has five percent (5%) or more of its stock on display, in stores,

Revised Code

- b. periodicals, photographs, drawings, sculpture, motion pictures, films, video cassettes, video reproductions, DVDs, slides or other visual representations which depict nudity, sexual activities, sexual areas or sadomasochistic abuse, sexual excitement;
 - c. Has on the premises one or more mechanical devices intended for viewing such materials as described in the definition of Adult Arcade; or
 - d. Has for sale, rental, or display any instruments, devices or paraphernalia which are designed for use in connection with sexual activities.
- (3) Adult Entertainment Business – Any enterprise which features, for money or any other form of consideration one or more of the following:
- a. Adult live entertainment,
 - b. An adult motion picture theater;
 - c. An adult arcade;
 - d. An adult bookstore, adult novelty store, or adult video store;
 - e. A cabaret; or
 - f. An adult motel.
- (4) Adult Live Entertainment – A person appearing nude in or during a live entertainment performance.
- (5) Adult Live Entertainment Performance Area – An area where adult live entertainment shall occur.
- (6) Adult Motel – A motel, or similar commercial establishment which:
- a. Offers accommodations to the public for any form of consideration that provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, CDs, slides, or other photographic reproduction which are characterized by the depiction or description of nudity or sexual activities or sexual areas and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions, or
 - b. Offers rooms for rent for an hourly, or less than hourly, rate of time period.
- (7) Adult Motion Picture Theater – A building or structure used for presenting visual media or material distinguished or characterized by an emphasis on matter depicting or describing nudity, sexual activities or sexual areas for observation by patrons therein, and which has been given an X rating by the Motion Picture Association of America.

Revised Code

- (8) Applicant - Any person who applies for an adult entertainment business.
Special Use Permit.
- (9) Cabaret – An establishment that provides entertainment by live entertainers that are nude or in a state of nudity.
- (10) Entertainer – Any person who provides adult live entertainment in an adult entertainment business, whether or not a fee is charged or accepted for such entertainment.
- (11) Manager – Any person who manages, directs, supervises, administers, or is in charge of the affairs and/or the conduct of an adult entertainment Business.
- (12) Municipal Code – The Village of Germantown Revised Code of Ordinances.
- (12) Nude, Nudity, or State of Nudity – The appearance or less than complete or opaque covering of the anus, genitals, pubic region, buttocks, or areola of the female breast, or any artificial depiction of the same.
- (13) Obscene – An activity or material that, taken as a whole, lacks serious literary, artistic, political, or scientific value, and
- a. Taken as a whole by an average person applying contemporary community standards, appeals to a prurient interest in sex; and
 - b. Taken as a whole by an average person applying contemporary community standards, depicts patently offensive representations of:
 - (i) Ultimate sexual acts, normal or perverted, actual or simulated; or
 - (ii) Masturbation, fellatio, cunnilingus bestiality, excretory functions, or lewd exhibition of the genitals or genital area; or
 - (iii) Violent or destructive sexual acts, including but not limited to human or animal mutilation, dismemberment, rape, or torture.
- (14) Owner – The sole proprietor, significant stockholder, general partner, or significant limited partner of any adult entertainment business.
- (15) Person – Any natural person; firm; joint venture, including all participants; partnership, including all partners; association, social club, or fraternal organization, including all officers and directors; corporation, including all officers, directors and significant stockholders; estate; trust; business trust; receiver, or any other group or combination acting as a unit.

Revised Code

- (16) Sexual Activity – Any one or more of the following:
- a. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, female breasts, or artificial depiction of the same;
 - b. Sex acts, normal or perverted, actual or simulated, including intercourse, or copulation, or sodomy;
 - c. Masturbation, actual or simulated;
 - d. Excretory functions as part of or in connection with any of the activities set forth in subsection (a) through (c) of this definition.
- (17) Sexual Area – The genitalia, pubic area, buttocks, or anus of any person and the breasts of any female person.
- (19) Significant Limited Partner- Any person who owns twenty percent (20%) or greater interest in an adult entertainment business.
- (18) Significant Stockholder – Any person who owns twenty percent (20%) or greater stock interest in an adult entertainment business.
- (19) Village – The Village of Germantown, Illinois.
- (D) CONDITIONS OF USE
- (1) Before issuance of any Special Use Permit for any adult entertainment business, the Board of Appeals shall be given sixty (60) days in which to make a report and recommendation as to whether such permit shall issue after the consideration of the criteria set forth in Sections 14-5-5(D) and (E). The Board of Appeals sixty (60) day time period to make a report and recommendation shall commence upon the delivery of the completed application. The completed application will be deemed “delivered” when the Zoning Administer advised the applicant, in writing, that said application is complete. No action shall be taken upon any application for Special Use Permit until and unless the report of the Board of Appeals has been filed, provided that if no report is received from the Board of Appeals with sixty (60) days and unless an extension of time has been granted by the Village Board of Trustees, it shall be assumed that approval of the application has been given by the Board of Appeals.
 - (2) In the case of any adult entertainment business, the following special conditions shall apply:
 - a. No adult entertainment business shall be permitted within 1000 feet of the property boundaries of any school, daycare center, cemetery, public park, forest preserve, public housing, or place of religious worship. Such distance shall be measured in a straight line without regard to intervening properties from the closest exterior structural wall of the adult entertainment establishment to the closest point on any property line of the school, daycare center, cemetery, public

Revised Code

- park, forest preserve, public housing, place of religious worship, or the property zoned for residential use.
- b. No adult entertainment business shall be allowed to locate or expand within 250 feet of any other adult entertainment business. The distance between any two (2) adult entertainment businesses shall be measured in a straight line without regard to intervening structures from the closest exterior structural wall of each business.
 - (i) Measurement of Distances – For the purposes of this section, measurements shall be made in a straight line, without regard to intervening structures from the premises upon which the adult entertainment business is located to the nearest property line of the areas stated.
 - c. The property on which any adult entertainment business is located shall have a minimum of 135 feet of frontage on a public right-of-way.
 - d. The facility on which the use is located and the parking for such facility shall have a front yard setback of fifty (50) feet, a side yard setback of twenty-five (25) feet and a rear yard setback of twenty-five (25) feet.
 - e. Off-street parking shall be provided pursuant to Article VI.
 - f. All fencing and wall requirements otherwise required by Section 40-5-4 shall be observed.
 - g. The facility in which the use is located shall be designed in such a fashion that all openings, entries and windows prevent view into such facilities from any pedestrian, sidewalk, walkway, street or other public area. No adult entertainment activity whatsoever shall take place outside the adult entertainment facility.
 - h. The facility in which such a use is located shall be limited to one (1) wall-mounted sign per 1 foot of wall length, not to exceed a total of twenty-five (25) square feet, and said sign shall not flash, blink or move by mechanical means and shall not extend above the roof line of the building. Said sign shall not exceed eight feet in height from ground level. Further, no merchandise, symbol, or pictures of products or entertainment on the premises shall be displayed in window areas or on any sign or any area where such merchandise or pictures can be viewed from the exterior of the building. No flashing lights and/or lighting which leave the impression of motion and movement shall be permitted. No temporary signs shall be allowed.
 - i. **Alcoholic Beverages Prohibited** – No persons, including patrons, shall sell, or offer for sale, possess or display for sale, or permit the

Revised Code

consumption of, within the corporate limits of the Village, and alcoholic liquor upon the premises, including the parking lot area.

- j. Hours of Operation –
 - i. Open for Business: An adult entertainment business shall be permitted to remain open for business or allow or permit patrons or members to remain upon the premises between the hours of ten o'clock (10:00) AM to eleven thirty o'clock (11:30) PM on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday, and Sunday from one o'clock (1:00) PM until eleven thirty o'clock (11:30) PM.
 - ii. Restrictions: It shall be unlawful to keep open for business, to admit the public or permit patrons to remain within or upon the premises of an adult entertainment business other than the hours as set out in subsection (i) of this section. If any person, other than the persons excepted under subsection (iii) of this section, is found to be within or upon the adult entertainment business more than fifteen (15) minutes after the required closing time, the person, along with the owner, manager, or person in control of the adult entertainment business, will be subject to a violation of this section.
 - iii. Exception: This subsection does not apply to the owner, manager, or person in control of the adult entertainment business, or an employee who is performing cleaning or maintenance activities necessary for the operation of the establishment.
- k. Age Restriction –
 - i. Under Twenty-One: It shall be unlawful for any person under the age of twenty-one (21) years of age to be permitted or allowed to enter, remain within or upon the premises in which an adult use is located.
 - ii. Employees: It shall be unlawful for the owner, associate, member, representative, agent or employee of any adult entertainment business to employ in any capacity within the adult entertainment business any person who is under the age of twenty-one (21).
 - iii. Acceptable Identification: Only the following types of identification shall be accepted for the purposes of determining whether a person is old enough to enter an adult use establishment: vehicle operator's license, state

Revised Code

- photo identification card for non-drivers, visa or passport, and/or military identification card.
- l. Lighting of the parking area shall conform to the requirements of the Municipal Code.
 - m. Inspection –
 - i. Right of Entry: The Village Staff, Police Department and Fire Department shall have the authority to enter upon any premises upon which an adult entertainment business is located in order to enforce the Zoning Code of the Village, laws of the State and any State or Federal laws pertaining to the health, safety or welfare of the public to determine whether any such laws are being violated, and to examine the operations and facilities used upon the premises.
 - ii. In addition to the provisions of Subsection (i) and (ii), no Special Use Permit may be granted by the Planning Commission and the Village Board of Trustees unless it finds that the Special Use:
 - 1) Is necessary for the public convenience at that location or in case of existing nonconforming uses, that a Special Use Permit will not make the use less compatible with its surroundings;
 - 2) Is so designed, located and proposed to be operate that the public health, safety and welfare will be protected;
 - 3) Will not cause substantial injury to the value of other property in the neighborhood in which it is located;
 - 4) Will not be detrimental to the essential character of the district in which it is located.
 - iii. Every Special Use Permit granted shall be accompanied by a finding of fact specifying the reason for granting such Special Use Permit.
 - iv. The Village may revoke a Special Use Permit under this section if the proposal for which a permit has been issued is not carried out pursuant to the approved site plan.
 - v. The approval or disapproval of any application by the Planning and Zoning Commission and the Village Board of Trustees may be appealed to the Village Zoning Board of Appeals. Such appeal shall be made within ten days following approval or disapproval of the application and filed with the Village Clerk. The Zoning Board of Appeals

Revised Code

shall act on all such appeals within 30 days of receipt of the appeal.

(E) **SITE PLAN**

- (1) Each application for a Special Land Use Permit shall require the submission of an accompanying site plan.
- (2) Site plans submitted to the Village for subsequent review by the Village Staff, Planning and Zoning Commission and the Village Board of Trustees shall
 - a. Be prepared by registered design professionals licensed in the State of Illinois, such as architects, or engineers, with the appropriate seal affixed.
 - b. Be drawn to a scale of not more than one (1) inch equals fifty (50) feet and be accurate and readable so that the plan can be readily interpreted.
 - c. Include location map, north arrow, and plan scale.
 - d. State the subject site's Zoning District, subdivision name, lot number, Clinton County, Illinois permanent parcel index number (PPIN), dimensions and area, and zoning of adjacent parcels where different from site.
 - e. State the name, address and telephone/fax number, and email address of the person or firm submitting the site plan and the person or firm who desires the review comments forwarded to them.
 - f. Identify abutting property owners, names, addresses, zip codes, and PPINs on the site plan.
 - g. Include existing and proposed contour lines or elevations based on mean sea level datum at not more than five (5) foot intervals, unless otherwise waived by the Village.
 - h. Include previous or concurrent Village approvals for variances, rezonings, Special Land Use Permits, etc. with date and conditions, if applicable.
 - i. State the proposed use of the building and its construction type and setback distance (front, side, and rear yards) from adjacent property lines.
 - j. Provide overall dimensions of all buildings and gross floor area of each building.
 - k. Provide architectural renderings of all sides of all buildings and structures.
 - l. State off-street parking and loading spaces, required and proposed, including the number, size and location of those designated for the handicapped.
 - m. Delineate and dimension all areas utilized for driveways, storage and/or parking equipment, materials, and vehicles.

Revised Code

- n. Include the type, location, height, and illumination levels of parking area lighting in accordance with Village's requirements.
- o. Delineate any proposed pavement markings, directional signage, or traffic control measures.
- p. Provide dimensions of existing and proposed roadway pavement and right-of-way width for streets abutting the site.
- q. Delineate and dimension all existing and proposed curb cuts and driveway openings.
- r. Delineate all existing and proposed sidewalks and any other elements of a pedestrian circulation system.
- s. Provide for the direction of drainage flow and location of catch basins for parking areas (if required)
- t. Include a traffic study prepared by a registered traffic engineer.
- u. Include a landscape plan, which may be drawn on a site plan or a separate sheet. The landscape plan shall be drawn to scale of not more than one (1) inch equals fifty (50) feet. The plan shall, at a minimum, show the following information.
 - i. The location, approximate size, and common botanical name of existing and proposed trees and shrubs;
 - ii. The locations and details of other landscape features, including earthen berms, fences or walls;
- v. Include the location of all existing and proposed water mains, gas mains, or other public utilities within or adjacent to the development, including delineation of easements or right-of-way associated with same.
- w. Delineate location of an existing or proposed storm water detention facility sink holes and springs, ponds, creeks, or other wetland areas.
- x. Show proposed site drainage system designed in accordance with the requirements of Clinton County Soil & Water Conservation District and showing any proposed drainage swales, detention or retention areas, storm sewer systems, culverts and any other storm drainage improvements, including any off-site improvements.
- y. Include the delineation of FEMA designated floodplain and floodway boundaries, if any.
- z. Include any proposed alteration, adjustment, or change in elevation of any floodplain or floodway as designated on the FEMA floodplain and floodway maps.
- aa. State the location, dimensions, and identification of existing and proposed freestanding signs.
- bb. State the location, type, and screening of refuse collection.

Revised Code

cc. State the measurements from the building or property line to any other structures or property lines, establishing compliance or non-compliance with this Zoning Code.

(F) SEVERABILITY If any part of this section is found to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or effectiveness of the remaining provisions of this section or any part thereof and said section shall be read as if said invalid provision was struck there from and the context thereof changed accordingly with the remainder of the section to be and remain in full force and effect.

40-5-6 AGRICULTURAL ACTIVITIES. The requirements of Section 40-5-6 pertain to agricultural activities within the Agricultural District of the Village of Germantown.

- (A) Farm Animals – No barn, stable, shed, or other structure intended to shelter farm animals (including, but not limited to, horses, cattle, hogs, goats, and sheep) shall be erected closer than **five hundred (500)** feet to any existing dwelling or closer than **two hundred (200)** feet to any lot line or residential property, whichever distance is greater. Similarly, fences shall be erected, or other means shall be taken to prevent farm animals from approaching closer than **five hundred (500)** feet to any existing dwelling or closer than **two hundred (200)** feet to any lot line or residential property, whichever distance is greater. (Exception: Such footage requirements shall not apply to seasonal fencing used to contain livestock pastured for the purpose of salvaging crops, provided that such temporary fencing remains no longer than a period of **three (3) months**.)
- (B) Farm Equipment/Commodities – No agricultural equipment or commodities (including, but not limited to, baled crops, fertilizer, pesticides/herbicides) shall be stored outdoors closer than three hundred (300) feet to any existing dwelling located on an adjacent lot or closer than two hundred (200) feet to any lot line of another person’s residential property, whichever distance is greater. If said equipment/commodities are stored within a completely enclosed structure, said structure shall be located at least one hundred (100) feet from any lot line or another person’s residential property.

40-5-7 HOME OCCUPATIONS. Within the Village, every home occupation shall be considered a special use and must conform with the following regulations:

- (A) Floor Space – The total area devoted to a home occupation shall not exceed twenty-five percent (25%) of the gross floor area of the dwelling, or three hundred (300) square feet, whichever is less.

Revised Code

- (B) Dwelling Alterations – In any Residential District, a dwelling shall not be altered to accommodate a home occupation in such a way as to materially change the residential character of the building.
- (C) Outdoor Storage – In any Residential District, unenclosed storage of equipment or materials is used in connection with a home occupation is prohibited.
- (D) Nuisance – A home occupation shall not generate any offensive noise, vibration, smoke, dust, odors, heat, glare or electrical interference noticeable at or beyond the lot lines.
- (E) Parking – See Section 40-5-1.
- (F) Signs – See Section 40-5-2.
- (G) Unrelated Employees- A home occupation shall employ no more than one individual who is unrelated to the family residing on the premises.

40-5-8 RECREATIONAL VEHICLES/UTILITY TRAILERS. The regulations of this Section do not apply to travel trailers or other recreational vehicles parked in a permitted travel trailer park. The requirements of paragraphs A, C, and D do not apply to travel trailers or other recreational vehicles parked on a permitted recreational vehicle sale lot.

- (A) Not more than three (3) travel trailers, utility trailers or recreational vehicles shall be parked on any residential lot. They shall not be parked on a street. They must also have valid registration and be operational.
- (B) No travel trailer or other recreational vehicle shall be used as a dwelling.
- (C) No travel trailer or other recreational vehicle shall be used as an office or for any other commercial purposes.
- (D) Travel trailers or recreational vehicles shall be required to be two (2) feet off of the side and rear property line. For a side yard abutting street it must be ten (10) feet off the lot line.
- (E) No travel trailer or other recreational vehicle shall be parked on any front yard, except in a driveway but it must be ten (10) feet off the back of the curb or street if no curb is available.
- (F) No unlicensed mobile home may be located in a travel trailer or recreational vehicle park.

40-5-9 SERVICE STATIONS.

- (A) All gasoline pumps and other service facilities shall be located at least twenty-five (25) feet from any street right-of-way, side lot line, and rear lot line.
- (B) Every access way shall be located at least two hundred (200) feet from the principal building of any fire station, school, public library, church, park, or

Revised Code

- playground, and at least thirty (30) feet from the intersection of public streets.
- (C) Every device for dispensing or selling milk, ice, soft drinks, snacks, and similar products shall be located within or adjacent to the principal building.
 - (D) All trash receptacles, except minor receptacles adjacent to the gasoline pumps, shall be screened from view.
 - (E) Whenever the use of a service station has been discontinued for twelve (12) consecutive months or for eighteen (18) months during any three (3) year period, the Zoning Administrator shall order that all underground storage tanks be removed or filled with material approved by the Fire Chief and/or Illinois Fire Marshal.

40-5-10 SWIMMING POOLS.

- (A) No private swimming pool shall be located in any front yard or closer than ten (10) feet to any side or rear lot line.
- (B) Every swimming pool that is more than two (2) feet deep shall be enclosed by a wall or fence at least 4 feet or 48 inches in height. The fence must be a rigid type fence. The passage through such wall or fence shall be equipped with a locking gate.
- (C) Every light erected shall be shaded, shielded, or directed so that it creates neither a nuisance to adjacent property nor a traffic hazard.
- (D) All gates shall be self-latching with latches placed four (4) feet above the underlying ground or otherwise made inaccessible from the outside to small children.

40-5-11 UTILITY SUBSTATIONS. Every electrical substation, gas regulator station, telephone exchange facility, private sewage treatment plant, private water storage facility, or similar facility shall be deemed a special use, and shall conform to the following regulations:

- (A) There is not a minimum lot size requirement but every part of such facility shall be located at least twenty-five (25) feet from all lot lines, or shall meet the district setback requirements, whichever is greater.
- (B) In any Residential District, every such facility shall be designed, constructed, and operated so that it is compatible with the residential character of the area.
- (C) Screening at least ten (10) feet in height and of sufficient density to block the view from adjacent property shall be installed around every such facility. Furthermore, if the Zoning Administrator determines that such facility poses a safety hazard (for example, if there are transformers exposed), he/she shall require that a secure fence at least ten (10) feet in height be installed behind the planted screen.

Revised Code

40-5-12 PARABOLIC OR DISH-TYPE ANTENNAS.

40-5-12.1 REQUIREMENTS. Parabolic or dish-type antennas located outside of the business or residence shall meet the following requirements:

- (A) Maximum number per business lot or residence lot shall be two (2) antennas. Businesses selling these dishes shall be allowed a maximum of three (3) and only one (1) of these shall be allowed in the front of the building.
- (B) The parabolic or dish-type antenna shall be located in the rear yard, except that when the main building is on a corner lot, the parabolic or dish-type antenna cannot be closer to the adjoining side street than the primary structure is permitted to be located.
- (C) The parabolic or dish-type antenna shall be placed in the rear yard, except that if a usable satellite signal cannot be obtained from the rear of the property, such antenna may be located on the side yard of the property, subject to the approval of the Zoning Administrator and subject to the other requirements of this Section.
- (D) Screening shall be as deemed necessary by the Zoning Administrator for commercial installations.
- (E) All parts of the parabolic or dish-type antenna structure must be a minimum of three (3) feet from all property lines of the lot.
- (F) The parabolic or dish-type antenna shall be mounted on a steel pipe support embedded in a concrete foundation, and the parabolic or dish-type antenna, when turned perpendicular to the ground, together within the base, shall not extend more than fifteen (15) feet above the ground. In the event that a usable signal cannot be obtained at a height of fifteen (15) feet than the pole may be raised to a minimum height necessary to obtain a clear signal from the installation. The main diameter of the parabolic or dish-type antenna shall not exceed eleven (11) feet.
- (G) All petitions for a variance from the provisions of this Section shall be heard by the Planning Commission and as provided in 40-9-7.
- (H) A Building Permit shall be required prior to erection of any such parabolic or dish-type antenna.
- (I) No parabolic or dish-type antenna shall be roof-mounted unless the dish is six (6) feet or less in diameter and is mounted on the rear portion of the roof.
- (J) No parabolic or dish-type antenna shall be used or serve as a sign for the purpose of advertisement by a business or commercial unit.
- (K) Nuisance and Injunction – Any violation of this Section is hereby declared to be a nuisance. In addition to any other relief provided by this Code, the Village Attorney may apply to a Court of competent jurisdiction for an

Revised Code

injunction to prohibit the continuation of any violation of this Section. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

- (L) This Section shall not apply to any existing parabolic or dish-type antennae which have been installed prior to the effective date of this Code.

40-5-13A SOLAR ENERGY SYSTEMS.

40-5-13.1 INTENT. The Village of Germantown promotes the effective and efficient use of solar energy systems. It is the intent of the Village to permit these systems by regulating their siting, design, and installation to protect public health, safety and welfare, and to ensure their compatibility with adjacent and uses. Solar energy systems shall comply with the provisions of this section and are only permitted as authorized by this section. Ground mounted SES will be required to apply for a variance. Minimum usable lot size to apply for this variance is 3 acres or larger. Variances may only be applied for in commercial or industrial districts. No ground mounted SES will be allowed in residential districts.

40-5-13.2 DEFINITIONS. See 14-2-2

40-5-13.3 STANDARDS FOR SES. All electrical solar energy system components deployed in the Village of Germantown must have an Underwriters Laboratory (UL) listing or approved equivalent. Solar energy collectors shall be documented by the manufacturer as being non-reflective pursuant to recognized engineering standards showing reflectivity of less than thirty percent (30%) and shall be placed such that concentrated sunlight or glare shall not be directed onto aircraft or nearby properties or streets. Personal-scale SES is permitted subject to the standards of accessory buildings in all zoning districts, subject to the following standards:

- (a) *Application for building permit of personal-scale SES* - A personal-scale SES requires a building permit, and additional permits may be required as stated in sections (b) and (c) below. An application for a building permit shall include the following:
- i. Renderings and/or specifications of the proposed solar energy system.
 - ii. A plot plan or survey to indicate where the SES is to be installed on the property, including property setbacks and the total solar collector surface area, and total footprint of the SES.
 - iii. Elevations showing the heights of the SES.
 - iv. A description for the screening to be provided for ground-mounted SES.

Revised Code

- (b) *Ground-mounted SES* - Ground-mounted, personal-scale SES shall be subject to the following additional standards:
- i. *Setbacks*: All parts of a ground-mounted SES may be located in the rear or side yard and shall be located at least ten feet (10') from the property line. A ground-mounted SES is not permitted in the front yard, or any street-facing yards in the case of corner lots.
 - ii. *Height*: A ground-mounted SES shall not exceed six feet (6') in height in the rear or side yard, measured from the ground at the base of such equipment to the highest point of the system.
 - iii. *Installation and maintenance*: A ground-mounted SES shall be installed, maintained and used only in accordance with the manufacturer's specifications.
 - iv. *Compliance with additional codes*: A ground-mounted SES, and the installation and use thereof, shall comply with the building code, the electrical code and any other applicable local, State, or federal codes. Installation of a ground-mounted SES shall not commence until all necessary permits have been issued.
 - v. *Lot coverage*: Solar energy systems shall not occupy greater than twenty percent (20%) of the required rear setback area.
- (c) *Building-mounted SES* - Building-mounted, personal-scale SES shall be subject to the following additional standards:
- i. *Setbacks*: A building-mounted SES shall comply with all applicable area, height, and placement requirements for principal buildings or accessory buildings. Can not be higher than the peak of the building to which it is affixed.
 - ii. *Installation and maintenance*: A building-mounted SES shall be installed, maintained and used only in accordance with the manufacturer's specifications.
 - iii. *Compliance with additional codes*: A building-mounted SES, and the installation and use thereof, shall comply with the building code, the electrical code and any other local, State, or federal codes. Installation of a building-mounted SES shall not commence until all necessary permits have been issued.
 - iv. *Ancillary solar equipment*: Ancillary solar equipment shall be located inside of a building or screened from public view from a public right-of-way. All ancillary solar equipment shall be screened consistent with this section, without compromising the effectiveness of the solar collectors. Solar storage batteries that

Revised Code

are included as part of the solar collector systems shall be placed in a secure container or enclosure that complies with the requirements of the building code, and when no longer in use shall be disposed of in accordance with applicable laws and regulations.

(d) *Maintenance and removal of solar energy systems*

- (1) Renewable Energy Systems must be maintained in good repair and operable condition at all times, including compliance with all standards in applicable building and technical codes to ensure structural and technical integrity of such facilities, except for maintenance and repair outages. If a system becomes inoperable or damaged, operations must cease and be promptly remedied.
- (2) If the Village determines that a Renewable Energy System fails to comply with the applicable provisions of this Code, the Village shall provide written notification to the property owner. The property owner shall have a period of ninety (90) days from the date of notification to either restore the renewable Energy System to operation or remove the system.
- (3) In the event such Renewable Energy System is not brought into compliance with this Code within the specified time period, the Village may remove or cause the removal of said facility at the property owner's expense.
- (4) The Village may pursue any and all available legal remedies to ensure that a Renewable Energy System which fails to comply with this Code.
- (5) Any delay by the Village in taking enforcement action against the owner of a Renewable Energy System and the owner of the property, if such owner is different from the owner of such facility, shall not waive the Village's rights to take any action at a later time.
- (6) The Village may seek to have the Renewable Energy System removed regardless of the Owner's or operator's intent for said facility, and regardless of any permits that may have been issued or granted.
- (7) After the Renewable Energy System is removed, the owner of the Subject Property shall promptly restore the Subject Property to a condition consistent with the Property's condition prior to the

Revised Code

installation of the system. Installation shall comply subject to current codes.

40-5-13B WIND ENERGY SYSTEMS/WINDMILLS. Wind energy systems and windmills are prohibited within the Village of Germantown.

40-5-14 SELF STORAGE UNITS.

40-5-14.1 INTENT. The Village of Germantown understands and accepts the need for self-storage units. The purpose of this Section is to establish rules and regulations which protect nearby properties from any issues that may arise from self-storage facilities.

40-5-14.3 LOCATIONS FOR SELF-STORAGE UNITS. Self-Storage Units are only allowed in B2 (Highway Business) or I (Industrial) Zoning Districts in the Village of Germantown.

40-5-14.4 RULES FOR SELF-STORAGE UNITS.

1. Individual storage bays shall not be considered or used as a premise for assigning legal address.
2. Storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals is prohibited.
3. Uses not related to temporary storage of personal property including use as a residence, office, workshop (including vehicle, appliance, appliance or equipment repair), studio, band rehearsal area or other place of business or worship are prohibited.
4. Commercial transactions including auctions, retail or wholesale sales, or garage sales other than those associated with the rental of the storage units or the specific disposal of items within a unit by the owner of the self-storage facility are prohibited.
5. Operation of power tools, spray-painting equipment, table saws, lathers, compressors, welding equipment, kilns, or similar equipment is prohibited.
6. No items may be stored outside of the self-storage units on the property.

40-5-14.5 REQUIREMENTS FOR THE OPERATION OF SELF-STORAGE UNITS.

1. Self-service storage facilities meeting one or more of the following criteria are required to have an administrative office that includes restroom facilities, off-street parking, video security system, and other provisions as identified in Village ordinances.

Revised Code

- a. 36 or more individual storage units;
 - b. 51% or more of the buildable lot area dedicated to one or more free-standing self-service storage building;
 - c. More than 100,000 cubic feet of combined, total storage capacity in any configuration.
2. The Final Plans, to include the design of the building and the overall site plan for the property, requires approval of the Germantown Village Board in accordance with Village ordinances.

40-5-15 PORTABLE STORAGE UNITS & DUMPSTERS.

- (A) Portable Storage Units shall not be allowed on any R-1/R-2 property unless a permit is obtained pursuant to the following conditions:
1. Permit: A permit shall be obtained from the Zoning Administrator prior to the placement, location, or parking of any portable storage unit on any private property zoned R-1/R-2.
 2. Application: The application for a permit shall state the dates on which the portable storage unit will be located or placed on any private property zoned R-1/R-2, specifically including the first and last date not to exceed 30 days.
 3. Submission Date: The application shall be submitted to the Zoning Administrator at least fourteen (14) days prior to the placement of any portable storage unit.
 4. Expiration Date: Any permit shall automatically expire on the date 30 days following the issuance thereof. Said permit shall be renewable for one additional 30-day term. Residences in R-1/R-2 permits will be limited at the discretion of the Zoning Administrator.
 5. Maximum Number Permitted: Two (2) per zoning lot.
 6. Maximum Size: No individual portable storage unit shall exceed one thousand two hundred eighty (1,280) cubic feet in size.
 7. Location: Portable storage units shall have the following setbacks:

From front lot line:	Ten (10) Feet
From either side lot line:	Five (5) Feet
From rear lot line:	Five (5) Feet
From side yard abutting street:	Ten (10) Feet
 8. Encroachment prohibited: Portable storage units shall not encroach into any easement, sidewalk, street, or obstruct vision.
 9. Stacking Prohibited: Portable storage units shall not be stacked on top of any other portable storage unit, container, or similar structure.

Revised Code

10. Dumpsters: Dumpsters, or other similar containers, shall not be considered portable storage units under this section.
 11. Permit Fee: The property owner on whose property the portable storage unit is to be placed shall pay a permit fee per unit per instance as set forth in the schedule of fees.
- (B) Dumpsters: No person, firm, or corporation shall place any dumpster on any R-1/R-2 zoned property in excess of fourteen (14) days per twelve (12) month period (said time period may be extended by Zoning Administrator in case of new construction and emergencies). Said placement of a dumpster shall also be subject to the following:
1. Maximum Number Permitted: Two (2) per zoning lot.
 2. Location: Dumpsters shall have the following setbacks:

From front lot line:	Ten (10) Feet
From either side lot line:	Five (5) Feet
From rear lot line:	Five (5) Feet
From side yard abutting street:	Ten (10) Feet
 3. Encroachment Prohibited: Dumpsters shall not encroach into any easement, sidewalk, street, or obstruct vision.
 4. Waste Not To Overflow: Debris or any other waste or items placed in a dumpster shall not exceed the top or sides of any such dumpster.
 5. Stacking Prohibited: Dumpsters shall not be stacked on top of any other dumpster, container, or structure.
 6. Portable Storage Units: Portable storage units or other similar containers shall not be considered dumpsters under this section.
 7. Waste Restriction: Any waste placed into a dumpster must come from the zoning lot on which the dumpster has been placed.

40-5-16 TEMPORARY CONSTRUCTION BUILDINGS. Temporary Construction Buildings shall not be allowed on any R-1/R-2 zoned property unless a temporary permit from the Zoning Administrator is obtained. The permit application shall include a site plan of the construction and temporary construction building location and time period for beginning and ending construction. The permit shall be issued at the sole discretion of the Zoning Administrator and will be subject to the following regulations:

1. The temporary construction building must be removed immediately after the permit end date.
2. The temporary construction building must not be a public hazard, nuisance, or obstruct the public right of way.
3. The temporary construction building shall not be used as a dwelling.

Revised Code

40-5-17 COMMERCIAL KENNELS.

- (A) The lot on which any kennel is situated shall have a minimum area of three (3) acres.
- (B) Every kennel shall be located at least two hundred (200) feet from the nearest dwelling, and at least one hundred (100) feet from any lot line.

ARTICLE VI – NON-CONFORMITIES

40-6-1 PURPOSE OF ARTICLE. The requirements imposed by this Chapter are designed to guide the use of land by encouraging the development of structures and uses that are compatible with the predominant character of each of the various districts. Lots, structures and uses of land or structures that do not conform to the requirements of the district in which they are located tend to impede appropriate development. For example, non-conformities are frequently responsible for heavy traffic on residential streets, the overtaking of parking facilities, the creation of nuisances, and/or lowering of property values. The regulations of this Article are intended to alleviate such existing/potential problems by encouraging the gradual elimination of non-conformities.

40-6-2 NON-CONFORMING LOTS. Any vacant lot that does not conform to one or more of the lot sizes (area or dimensions) requirements of the district in which it is located may, nonetheless, be developed for any use permitted in that district if such vacant lot:

- (A) Was recorded in the County Recorder of Deeds office prior to the establishment of the Germantown zoning board of appeals; and
- (B) Is at least thirty (30) feet wide.

40-6-2.1 TWO OR MORE LOTS IN COMMON OWNERSHIP. If two (2) or more lots or combinations of lots and portions of lots with continuous frontage were of record and in common ownership on the effective date of this Chapter, and if one (1) or more of those lots does not meet the minimum lot width, depth, or area requirements of the district in which it is located, the land involved shall be considered an undivided parcel. No portion of any such parcel shall be developed except in compliance with this Chapter, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this Chapter.

40-6-3 NON-CONFORMING STRUCTURES. Any otherwise lawful structure which exists on the effective date of this Chapter, but which could not be erected under the terms of this Chapter because of requirements/restrictions concerning lot size, height, setbacks, or other characteristics of the structure or its location on the lot, may lawfully remain, subject to the following provisions:

Revised Code

- (A) Maintenance – A non-conforming structure may be maintained by ordinary repairs.
- (B) Enlargement, Alterations – A non-conforming structure shall not be enlarged or altered in any way which increases its non-conformity.
- (C) Relocation – A non-conforming structure shall not be moved unless, after relocation, it will conform to all the regulations of the district in which it will be situated.

40-6-4 NON-CONFORMING USES OCCUPYING A STRUCTURE. If any lawful use occupying a structure exists on the effective date of this Code, but would be allowed under the terms of this Code, such use may lawfully remain, subject to the following provisions:

- (A) Maintenance – A non-conforming structure may be maintained by ordinary repairs.
- (B) Enlargement, Alteration, Relocation – No structure housing a non-conforming use shall be enlarged, structurally altered or relocated unless the use of the structure is changed to a permitted use.
- (C) Reconstruction:
 1. Any time that a non-conforming structure has been significantly damaged or destroyed by fire, earthquake, storm, or other unforeseeable accident, that otherwise has not been declared a nuisance or structurally unsound, the owner shall be permitted to reconstruct that building to the exact specifications as it was before the accident or disaster occurred. The Zoning Administrator must approve the reconstruction plans, and a building permit and an Initial Certificate of Zoning Compliance must be applied for as with a new construction.
 2. Any non-conforming structure that was declared a nuisance by the Village Board, or was considered structurally unsound, shall not be allowed to reconstruct in noncompliance. The new building that is to be constructed shall be in total compliance with this Chapter.
- (D) Extension of Use – No conforming use may be extended to any part (s) of the structure not intended or designed for such use, nor shall the nonconforming use be extended to occupy any land outside such structure.
- (E) Change of Use – A nonconforming use occupying a structure may be changed to a similar use, to a more restrictive use, or to a conforming use. Such use shall not thereafter be changed to a less restrictive use.
- (F) Discontinuance of Use – When a nonconforming use of a structure or of a structure and premises in combination is discontinued for twelve (12) consecutive months or for eighteen (18) months during any three (3) year period, the nonconforming use shall not thereafter be resumed. Any

Revised Code

discontinuance caused by government action and without any contributing fault by the nonconforming user shall not be counted in calculating the length of discontinuance.

40-6-5 NON-CONFORMING USES OF LAND. Any lawful use of land existing on the effective date of this Code that would not be permitted under the terms of this Code may lawfully continue, subject to the following provisions:

- (A) Intensification or Extension of Use – A nonconforming use of land shall not be intensified or extended to occupy a greater area of land than was occupied by such use on the effective date of this Code.
- (B) Relocation – No nonconforming use of land shall be moved, in whole or in part, unless such use, upon relocation, will conform to all pertinent regulations of the district in which it is proposed to be located.
- (C) Change of Use – Whenever a nonconforming use of a building has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed to a less restrictive use. If no structural alterations are made, nonconforming use of the same or more restricted classification.
- (D) Discontinuance – When a nonconforming use of land is discontinued for a period of twelve (12) consecutive months or eighteen (18) months during a three (3) year period, it shall not thereafter be resumed, and any subsequent use of such land shall conform to the applicable district regulations. Any discontinuance caused by government action and without any contributing fault by the owner or operator shall not be counted in calculating the length of discontinuance.

40-6-6 NON-CONFORMING UNDER PERMIT AUTHORITY. The regulations of this Article shall not apply to any change in the existing structure or to any change in the use of a structure or of land for which a permit was issued prior to the effective date of this Code or any pertinent amendment thereto, provided that the work authorized by such permit is completed within a reasonable time.

ARTICLE VII – PLANNED DEVELOPMENTS

40-7-1 PLANNED DEVELOPMENT DEFINED. See 14-2-2

40-7-2 OBJECTIVES. This section authorizes development of Planned Developments and establishes procedures in order to achieve the objectives enumerated in Section 40-1-2 and the following additional objectives:

Revised Code

- (A) To provide a regulatory mechanism whereby the Village can be assured that upon completion approved development projects will substantially conform to the plans or models which constitute the issuance of the necessary zoning and subdivision permits;
- (B) To permit development of a wide variety of housing types and other structures and uses in a single comprehensively planned project;
- (C) To preserve the natural topography, scenic features, mature trees and historic structures existing on sites proposed for development.
- (D) To encourage innovative site layouts and coordinated architectural treatment of different housing types and other structures;
- (E) To ensure the provision of usable, common, open space in planned developments, and to spur installation of various amenities therein;
- (F) To facilitate the economical installation of standard streets, utilities and other improvements.

40-7-3 COMPLIANCE WITH REGULATIONS GENERALLY REQUIRED.

Except as specifically provided in 40-7-5, planned developments (including all structures and uses therein) shall, at a minimum, be built in conformity with all applicable codes and ordinances of the Zoning Code, Chapter 40.

40-7-4 DISTRICTS WHERE ALLOWED. Planned Developments may be

built in any Zoning District, but only upon the issuance of a special-use permit by the Village Board after a hearing before the Planning Commission. (See Section 40-9-8)

40-7-5 PERMISSABLE DEVIATION FROM CODE REQUIREMENTS.

The Planned Development concept is intended to afford both the developer and the Village considerable flexibility in formulating development proposals. Consequently, to the extent indicated in this Section, Planned Developments may deviate from generally applicable code requirements without a variance. Any proposed deviation not listed below however, shall require a variance.

- (A) Mixed Uses – Planned Developments may include all types of residential structures and any other uses approved by the Village Board, provided that in approving such mixed uses, the Village Board may attach any conditions necessary to protect the public welfare.
- (B) Lot and Structure Requirements – In Planned Developments, the Village Board may approve any reasonable deviation from the lot and structure requirements of the particular zoning district so long as the different uses within the PD are appropriately interrelated and property abutting the PD is adequately protected from any potential adverse impacts of the development. “Lot and structure requirements” means minimum

Revised Code

individual lot area, width and depth; minimum setbacks; and maximum structure height.

- (C) Accessory Uses – In PDs the Village Board may allow the developer to disregard the usual restrictions on accessory uses other than the prohibition against using an accessory structure as a dwelling.
- (D) Location of Parking/Loading Spaces – By permission of the Village Board, off-street parking and loading spaces in PDs need not be located in accordance with generally applicable requirements. The minimum number of such spaces, however, shall not be less than the number required as per Article 5 of this Chapter.

40-7-6 PROCEDURES FOR PLANNED DEVELOPMENTS. Every applicant for Planned Development approval shall comply with the procedural requirements of this Section. The required procedures are as follows:

- (A) Filing development plan with the Zoning Administrator;
- (B) Review of plans by Zoning Board of Appeals & Planning Commission
- (C) Provision by the developer of adequate assurance for the completion of required improvements as per the development plan and subdivision regulations;
- (D) Public hearing by the Zoning Board of Appeals & Planning Commission as per the requirements of Article 9, Special Procedures and Permits;
- (E) Recommendation by Planning Commission;
- (F) Decision of the Village Board regarding approval/rejection of the development plan;
- (G) Recording of development plan.

40-7-7 APPLICATION; INFORMATION REQUIRED. Every applicant for approval of a development plan shall submit to the Administrator, in narrative and/or graphic form, the items of information listed below.

40-7-8 WRITTEN DOCUMENTS.

- (A) Legal description of the total site proposed for development;
- (B) Names and addresses of all owners of property within or adjacent to the proposed Planned Development;
- (C) Statement of the planning objectives to be achieved by the PD through the particular approach proposed by the applicant, including a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
- (D) Development schedule indicating the approximate date when construction of the PD or stages of the PD can be expected to be completed;

Revised Code

- (E) Statement of the applicant's intentions with the regard to the future selling or leasing of all portions of the PD, such as land areas, dwelling units, etc.;
- (F) Date including:
 1. Total number and type of proposed dwelling units;
 2. Gross and net acreage of parcel;
 3. Acreage of gross and usable open space; and
 4. Area of any commercial uses.

40-7-9 GRAPHIC MATERIALS.

- (A) Existing site conditions, including contours at ten (10) foot intervals and locations on watercourses, flood plains, unique natural features, and wooded areas;
- (B) Proposed lot lines and plot designs;
- (C) Proposed location, size in square feet and general appearance of all existing and proposed buildings (both residential and non-residential) and other structures and facilities.
- (D) Location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses;
- (E) Existing and proposed vehicular circulation system, including off-street parking and loading areas and major points of ingress and egress to the development (notations of proposed ownership, public or private, should be included where appropriate).
- (F) Existing and proposed pedestrian circulation system, including its relationship to the vehicular circulation system and proposed treatments of points of conflict;
- (G) Existing and proposed utility systems, including sanitary sewers, storm sewers, and water, electric, gas, and telephone lines;
- (H) General landscape plan indicating the treatment of both private and common open spaces and the location of required buffer strips;
- (I) Enough information of land areas adjacent to the to the proposed PD to indicate the relationship between the proposed development and existing and proposed adjacent areas;
- (J) Any additional information required by the Village to evaluate the character and impact of the proposed PD.

40-7-10 CRITERIA CONSIDERED. The Zoning Board of Appeals shall compile a written report which either accepts or rejects the development plan. In making their decision, the Zoning Board of Appeals shall consider the following criteria:

Revised Code

- (A) The extent to which the proposed development is consistent with the Comprehensive Plan and with the purposes of this Code and of all other applicable codes and ordinances;
- (B) The extent to which the proposed development deviates from the regulations that are generally applicable to the property (including, but not limited to, the use, lot and building regulations of the district), and the apparent merits, if any of said deviations;
- (C) Whether the proposed design of the PD makes adequate provisions for vehicular and pedestrian circulation, off-street parking and loading, separation of residential and commercial uses, open space, recreational facilities, preservation of natural resources, and so forth;
- (D) The compatibility of the proposed PD with adjacent properties and surrounding area; and
- (E) Any other reasonable criteria that the Zoning Board of Appeals may devise.

40-7-11 DECISION BY VILLAGE BOARD. The Village Board shall either approve or disapprove each and every Planned Development. However, the Village Board shall not approve any PD unless:

- (A) The developer has posted a performance bond or deposited funds in escrow in the amount the Village Engineer deems sufficient to guarantee the satisfactory completion of all required improvements
- (B) The Village Attorney has stated that all legal instruments (particularly the restrictive covenants) are satisfactory; and
- (C) The proposed PD, as evidenced by the development plan, complies with all applicable codes, regulations and ordinances.

40-7-12 CHANGES IN APPROVED PLANS. No changes shall be made to any approved Development Plan, except as follows:

- (A) Minor changes, if required by engineering or other circumstances not foreseen at the time the final development plan was approved;
- (B) All other changes require a public hearing before the Planning Commission.
- (C) No approved change shall have an effect until it is recorded with the County Recorder of Deeds as an amendment to the recorded copy of the Development Plan. (See 40-9-9)

40-7-13 FAILURE TO BEGIN DEVELOPMENT. If a substantial amount of construction has not begun within the time stated in the approved construction schedule, the Development Plan shall lapse upon written notice to the applicant from the Zoning Administrator and shall be of no further effect. However, in his/her discretion and for

Revised Code

good cause, the Zoning Administrator may extend for a reasonable time, the period for the beginning of construction. If a final Development Plan lapses as per this Section, the following shall be applicable:

- (A) The special-use permit shall be automatically revoked; and
- (B) Any zoning permits shall be automatically become null and void; and
- (C) All regulations applicable before the PD was approved shall automatically be in full effect.

40-7-14 MUNICIPAL EXEMPTION. In conjunction with any existing or proposed development, the Village of Germantown shall be exempt from all of the provisions of this Section.

ARTICLE VIII – ADMINISTRATION AND ENFORCEMENT

40-8-1 ZONING ADMINISTRATOR. The Zoning Administrator is hereby authorized and directed to administer and enforce the provisions of this Chapter. This broad responsibility encompasses, but is not limited to, the following specific duties:

- (A) To review and pass upon applications for initial and final certificates of zoning compliance;
- (B) To inspect lots, structures, and uses to determine compliance with this Chapter, and where there are violations, to initiate appropriate corrective action;
- (C) To review and forward to the Zoning Board of Appeals all appeals and applications for variances, special-use permits, and forward all amendments to the Planning Commission;
- (D) To maintain up-to-date records of matters related to this Chapter including, but not limited to, district maps, certificates of zoning compliance, special-use permits, variances, interpretive decision of the Zoning Board of Appeals, amendments and all applications/documents related to any of these forms;
- (E) To re-publish the zoning district map not later than March 31st if any re-zoning or annexations have been approved during the preceding calendar year;
- (F) To provide information to the general public on matters related to this Chapter; and
- (G) To perform such other duties as the Village Board of Trustees may prescribe from time to time.

Revised Code

40-8-2 VILLAGE ENGINEER. The duties and responsibilities of the Village engineer related to the administrator and enforcement of the Zoning Code shall include, but not limited to, the following:

- (A) To provide information as requested by the Zoning Administrator, the Village Planning Commission or Zoning Board of Appeals, and the Village Board of Trustees in their review of applications for initial and final certificates of compliance, special-use permits, amendments, variances, and preliminary plat improvement plan and final plat approval;
- (B) To review as-built records submitted by sub dividers.

40-8-3 VILLAGE PLANNING COMMISSION/ZONING BOARD OF APPEALS.

- (A) Establishment – the Zoning Board of Appeals & Planning Commission is hereby established in accordance with Illinois Law (Ill. Rev. Stats., Chapter 24)
- (B) Membership, Appointment and Compensation – the Village Planning Commission/Zoning Board of Appeals shall consist of seven (7) members. Each Planning Commission member shall be appointed by the Village President with the advice and consent of the Village Board of Trustees. One of the members, so appointed, shall be named President at the time of his/her appointment. Each commission member shall receive compensation as established by the Village Board of Trustees.
- (C) Term of Office, Vacancies – Every member of the Planning Commission/Zoning Board of Appeals shall hold office for five (5) years from the date of his/her appointment, and until his/her successor has been selected and qualified. With the advice and consent of the Village Board of Trustees, the Village President may remove any member of the Planning Commission for cause after a public hearing. The terms of these seven (7) shall be staggered, with a one-year, two-year, three-year, four-year and five-year term being chosen at random. Vacancies on the Planning Commission shall be filled for the unexpired term of the member whose place has become vacant in the same manner as provided for the appointment of new members.
- (D) Meeting, Quorum – All meetings of the Zoning Board of Appeals/Planning Commission shall be held at the call of the President and at such times as the Commission may determine. All Commission meetings shall be open to the public. The Commission may adopt their own rules of meeting procedures consistent with this chapter and the applicable Illinois Statutes. The Commission may select such officers as it deems necessary. The President, or in his/her absence, the Acting President, may administer oaths and compel the attendance of witnesses. Four (4) members of the Board shall

Revised Code

constitute a quorum and the affirmative vote of at least four (4) members shall be necessary to authorize any Commission action.

- (E) Records – The Commission shall keep minutes of its proceedings and examinations. These minutes shall indicate the absence of any member, the vote or abstention of each member on each question, and any official action taken. A copy of every recommendation for or against a variance special-use permit, an amendment, or an appeal shall be filed immediately with the Village Clerk and shall be public record.
- (F) Duties of Planning Commission – The duties and responsibilities of the Village Planning Commission/Zoning Board of Appeals, related to the administration and enforcement of the Zoning Code shall include, but not limit to, the following:
 1. To provide a periodic review of the Zoning Code to the Village Board of Trustees;
 2. To hold a public hearing on all applications for special-use permits, amendments, appeals and variances within a reasonable time after the application has been transmitted by the Zoning Administrator to the Planning Commission/Zoning Board of Appeals;
 3. To submit an advisory report to the Village Board of Trustees on all applications for special-use permits, amendments, appeals and variances at the next regularly scheduled Village Board of Trustees meeting after the public hearing;
 4. To submit a review to the Village Board of Trustees of all pending and recently issued applications for building permits or for applications mentioned in the above sub-paragraph;
 5. To perform such other duties as prescribed by the Zoning Code or the Village Board of Trustees;
- (G) Decisions – The concurring vote of five (5) members of the Zoning Board of Appeals & Planning Commission shall be necessary to recommend the granting of a variance or special-use permit. The recommendation of the Commission shall be by written letter and shall contain the findings of fact.

40-8-4 VILLAGE BOARD OF TRUSTEES. The duties and responsibilities of the Village Board of Trustees related to the administration and enforcement of the Zoning Code shall include, but are not limited to, the following:

- (A) To make a decision on all applications for special-use permits, amendments, appeals, and variances at the next regularly scheduled

Revised Code

meeting following submission of an advisory report by the Village Planning commission;

- (B) To make a decision on all applications for preliminary plat and final plat review within a reasonable time after a review and the application have been submitted by the Village Planning Commission;
- (C) To make a decision on the acceptance and extension of legal assurances (i.e. performance bonds and escrow deposits);
- (D) To make a decision on the acceptance of improvements made by sub dividers for dedication;
- (E) To perform such other duties as prescribed by the Zoning Code or the Village Board of Trustees itself;
- (F) Period of Validity – No decision granting a variance or special-use permit shall be valid for a period of longer than twelve (12) months from the date of such decision unless:
 1. An application for a zoning certificate is obtained within such period and construction, moving, remodeling, or reconstruction is started, or
 2. An occupancy certificate is obtained and a use is commenced.

The Village Board may grant additional extensions from time to time, upon recommendation by the Planning Commission, not exceeding one hundred eighty (180) days each upon written application made within the initial twelve (12) month period without further notice or hearing, but said right to so extend said time shall not include the right to grant additional relief by expanding the scope of the variation.

40-8-5 SITE PLAN.

- (1) Each application for a Special Land Use Permit shall require the submission of an accompanying site plan.
- (2) Site plans submitted to the Village for subsequent review by the Village Staff, Planning and Zoning Commission and the Village Board of Trustees shall
 - a. Be prepared by registered design professionals licensed in the State of Illinois, such as architects, or engineers, with the appropriate seal affixed.
 - b. Be drawn to a scale of not more than one (1) inch equals fifty (50) feet and be accurate and readable so that the plan can be readily interpreted.
 - c. Include location map, north arrow, and plan scale.
 - d. State the subject site's Zoning District, subdivision name, lot number, Clinton County, Illinois permanent parcel index number (PPIN), dimensions and area, and zoning of adjacent parcels where different from site.

Revised Code

- e. State the name, address and telephone/fax number, and email address of the person or firm submitting the site plan and the person or firm who desires the review comments forwarded to them.
- f. Identify abutting property owners, names, addresses, zip codes, and PPINs on the site plan.
- g. Include existing and proposed contour lines or elevations based on mean sea level datum at not more than five (5) foot intervals, unless otherwise waived by the Village.
- h. Include previous or concurrent Village approvals for variances, rezonings, Special Land Use Permits, etc. with date and conditions, if applicable.
- i. State the proposed use of the building and its construction type and setback distance (front, side, and rear yards) from adjacent property lines.
- j. Provide overall dimensions of all buildings and gross floor area of each building.
- k. Provide architectural renderings of all sides of all buildings and structures.
- l. State off-street parking and loading spaces, required and proposed, including the number, size and location of those designated for the handicapped.
- m. Delineate and dimension all areas utilized for driveways, storage and/or parking equipment, materials, and vehicles.
- n. Include the type, location, height, and illumination levels of parking area lighting in accordance with Village's requirements.
- o. Delineate any proposed pavement markings, directional signage, or traffic control measures.
- p. Provide dimensions of existing and proposed roadway pavement and right-of-way width for streets abutting the site.
- q. Delineate and dimension all existing and proposed curb cuts and driveway openings.
- r. Delineate all existing and proposed sidewalks and any other elements of a pedestrian circulation system.
- s. Provide for the direction of drainage flow and location of catch basins for parking areas (if required)
- t. Include a traffic study prepared by a registered traffic engineer.
- u. Include a landscape plan, which may be drawn on a site plan or a separate sheet. The landscape plan shall be drawn to scale of not more than one (1) inch equals fifty (50) feet. The plan shall, at a minimum, show the following information.

Revised Code

- i. The location, approximate size, and common botanical name of existing and proposed trees and shrubs;
- ii. The locations and details of other landscape features, including earthen berms, fences or walls;
- v. Include the location of all existing and proposed water mains, gas mains, or other public utilities within or adjacent to the development, including delineation of easements or right-of-way associated with same.
- w. Delineate location of an existing or proposed storm water detention facility sink holes and springs, ponds, creeks, or other wetland areas.
- x. Show proposed site drainage system designed in accordance with the requirements of Clinton County Soil & Water Conservation District and showing any proposed drainage swales, detention or retention areas, storm sewer systems, culverts and any other storm drainage improvements, including any off-site improvements.
- y. Include the delineation of FEMA designated floodplain and floodway boundaries, if any.
- z. Include any proposed alteration, adjustment, or change in elevation of any floodplain or floodway as designated on the FEMA floodplain and floodway maps.
- aa. State the location, dimensions, and identification of existing and proposed freestanding signs.
- bb. State the location, type, and screening of refuse collection.
- cc. State the measurements from the building or property line to any other structures or property lines, establishing compliance or non-compliance with this Zoning Code.

ARTICLE IX – PROCEDURES

40-9-1 INITIAL CERTIFICATES OF ZONING COMPLIANCE.

- A) Initial Certificates of Zoning Compliance – Upon the effective date of this Chapter, no lot shall be created, no land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated, or reconstructed until Certificate of Zoning Compliance been issued. The Administrator shall not issue an Initial Certificate of Zoning Compliance unless, following consultation with technically qualified persons as necessary, he/she determines that the proposed activity conforms to the applicable provisions of this Chapter.

Revised Code

- (B) Application – Every applicant for an Initial Certificate of Zoning Compliance shall submit to the Zoning Administrator, in graphic and/or narrative form, all the items of information listed below that are applicable to the particular project. The Administrator shall decide which items are applicable. (Note: Filing fee required)
- (C) Items of Information:
1. Name and address of the applicant;
 2. Name and address of the owner or operator of the proposed lot, structure or use, if different from (1).
 3. Brief, general description/explanation of the proposal.
 4. Location of the proposed lot, use or structure, and its relationship to adjacent lots, uses or structures;
 5. Area and dimensions of the site, for the proposed structure or use;
 6. Existing topography of the site, and the proposed finished grade;
 7. Existing and proposed screening, landscaping, and erosion control features of the side, including the parking area;
 8. Height and setbacks of the proposed structure;
 9. Number and size of proposed dwelling units, if any;
 10. Location and number of proposed parking/loading spaces and access ways;
 1. Identification and location of all existing or proposed utilities, whether public or private; and/or
 2. Any other pertinent information that the Administrator may require.
- (D) Duration of Certificate – Initial Certificate of Zoning Compliance shall be valid for one (1) year, or until revoked for failure to abide by a corrective action order. The Administrator may renew Initial Certificates of Zoning Compliance for successive one (1) year periods upon written request, provided the applicant is making a good faith effort to complete the authorized work.
- (E) Relationship to Building Permits – Upon the effective date of this Chapter, no building permit for the erection, enlargement, extension, alteration or reconstruction of any structure shall be issued until the applicant for such permit has properly obtained an Initial Certificate of Zoning Compliance pertaining to such work.

40-9-2 FINAL CERTIFICATES OF ZONING COMPLIANCE. No lot or part thereof recorded or developed after the effective date of this Chapter, and no structure or use, or part thereof, that has been erected, enlarged, altered, relocated or reconstructed after the effective date of this Chapter shall be used, occupied, or put into operation until a Final Certificate of Zoning Compliance has been issued. The

Revised Code

Administrator shall not issue a Final Certificate of Zoning Compliance until it has been determined, by inspection, that the work authorized by the Initial Certificate of Zoning Compliance has been completed in accordance with approved plans. Failure to obtain a Final Certificate of Zoning Compliance shall constitute a separate violation of this Chapter.

40-9-3 **CORRECTIVE ACTION ORDERS.**

- (A) Corrective Action Orders – Whenever the Zoning Administrator finds, by inspection or otherwise, that any lot, structure, or use, by work thereon is in violation of this Chapter, he/she shall notify the responsible party, and shall order appropriate corrective action.
- (B) Contents of Order – The order to take corrective action shall be in writing and shall include:
1. A description of the premises sufficient for identification;
 2. A statement indicating the nature of the violation;
 3. A statement of the remedial action necessary to effect compliance;
 4. The date by which the violation must be corrected;
 5. A statement that the alleged violator is entitled to a conference with the Administrator if he/she so desires;
 6. The date by which an appeal of the Corrective Action Order must be filed, and a statement of the procedure for so filing; and
 7. A statement that failure to obey a Corrective Action Order shall result in revocation of the Certificate of Zoning Compliance and may result in the imposition of fines.
- (C) Service of Order – A Corrective Action Order shall be deemed properly served upon the owner, occupant, or operator of the offending lot, structure, or use if it is:
1. Served by him/her personally;
 2. Sent by certified mail to his/her last known address; or
 3. Posted in a conspicuous place on or about the affected premises.
- (D) Stop Orders – Whenever any work is being done in violation of an Initial Certificate of Zoning Compliance, the Administrator’s Corrective Action Order may state that the violation must cease immediately. In such case, the Corrective Action Order is equivalent to a Stop Order. (See Section 40-9-3)

40-9-4 **EMERGENCY MEASURES.** Notwithstanding any other provisions of this Chapter, whenever the Administrator determines that any violation of this Chapter poses an imminent peril to life or property, he/she may institute, without notice of hearing, any necessary proceedings to alleviate the perilous condition.

Revised Code

40-9-5 COMPLAINTS. Whenever any violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint on forms provided by the Administrator. The Administrator shall record such complaints, promptly investigate, and if necessary, institute appropriate corrective action.

40-9-6 APPEALS.

- (A) Appeals – Any person aggrieved by any decision or order of the Zoning Administrator in any matter related to the interpretation or enforcement of any provisions of this Chapter may be made and treated in accordance with Illinois Law and the provision of this Section (65 ILCS 5/11-13-12).
- (B) Filing-Record Transmittal – Every appeal shall be made within forty-five (45) days of the matter complained of by filing with the Administrator and the Zoning Board of Appeals a written notice specifying the grounds for appeal. Every appeal shall also be filed with the Soil and Water Conservation District as per State Law. Not more than five (5) working days after the Notice of Appeal has been filed, the Administrator shall transmit to the Board of Appeals all records pertinent to the case. (Note: Filing fee required) 65 ILCS 5/11-13-12)
- (C) Stay of Further Proceedings – An appeal stays all further action on the matter being appealed unless the Administrator certifies to the Zoning Board of Appeals after the Notice of Appeal has been filed with him/her, that for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the Zoning Board of Appeals or the Circuit Court grants a restraining order for due cause and so notifies the Administrator.
- (D) Public Hearing Notice – The Zoning Board of Appeals shall hold a public hearing on every appeal within a reasonable time after the filing of the appeal notice. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date and place of the hearing, and briefly describing the issue to be decided shall be given not more than thirty (30) days or less than fifteen (15) days before the hearing:
 - 1. By first-class mail to all parties whose property is within two hundred fifty (250) feet of the lot affected by the appeal; and
 - 2. By publication in a newspaper of general circulation within the Village.
- (E) Advisory Report Findings of Fact – At its next regularly scheduled meeting after the Public Hearing, the Village Planning Commission shall submit its advisory report to the Village Board of Trustees. The report shall state the Planning Commission’s recommendations regarding the appeal, and its reasons therefore.

Revised Code

- (F) Decision by the Board of Appeals – The Zoning Board of Appeals shall render a decision on the appeal within a reasonable time after the hearing. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from the extent and in the manner that they deem appropriate. In so doing, the Board of Appeals has all the powers of the Administrator.

40-9-7 VARIANCES.

- (A) Variances, Generally – A variance is relaxation of the requirements of this Chapter that are applicable to a particular lot, structure, or use. A so-called “Use Variance” (which would allow a use that is neither permitted nor special in the district in question) is not a variance, it is an amendment and may be granted only as provided for in Section 14-9-9.
- (B) Application – Every application for a variance shall be filed with the Administrator on a prescribed form. Every variance application shall also be filed with the Soil and Water Conservation District as per State Law. The Administrator shall promptly transmit said application, together with any device he/she might wish to offer, to the Zoning Board of Appeals. The application shall contain sufficient information to allow the Board of Appeals to make an informed decision and shall include, at minimum, the following:
(Note: Filing fee required) (65 ILCS 5/11-12-13)
1. Name and address of the application;
 2. Location of the structure/use for which the variance is sought;
 3. Brief description of adjacent lots, structures, and/or uses;
 4. Brief description of the problems/circumstances engendering the variance request;
 5. Brief, but specific statement, explanation of the desired variance;
 6. Specific section(s) of this Chapter containing the regulations which, if strictly applied, would cause a serious problem; and
 7. Any other pertinent information that the Administrator may require.
- (C) Public Hearing, Notice – The Zoning Board of Appeals shall hold a public hearing on each variance request within a reasonable time after the variance application is submitted to them. At the hearing any interested party may appear and testify either in person or by duly authorized agent or attorney. Notice indicating the time, date and place of the hearing, and the nature of the proposed variance shall be given not more than thirty (30) days, nor less than fifteen (15) days before the hearing:
1. By first-class mail to all parties whose property is within two hundred fifty (250) feet of the lot affected by the appeal; and

Revised Code

2. By publication in a newspaper of general circulation within the Village.
- (D) Standards for Variances – The Zoning Board of Appeals/Planning Commission, shall not grant any variance unless, based upon the evidence presented to them, they determine that:
1. The proposed variance is consistent with the general purposes of this Chapter (See Section 40-1-2);
 2. Strict application of the district requirements would result in great practical difficulties or hardship to the applicant, and prevent a reasonable return on the property;
 3. The proposed variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship, and allow a reasonable return on the property;
 4. The plight of the applicant is due to peculiar circumstances not of his/her own making;
 5. The peculiar circumstances engendering the variance request are not applicable to another property within the district, and therefore, that a variance would be a more appropriate remedy than an amendment (re-zoning); and
 6. The variance, if granted, will not alter the essential character of the area where the premises in question are located, or materially frustrate implementation of this municipality’s comprehensive plan;
 7. The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood;
 8. The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire and endanger the public safety.

The Village Board may impose such conditions and restrictions upon the location, construction, design, and use of the property benefited by a variation as may be necessary or appropriate to comply with the foregoing standards and to protect adjacent property and property values.

- (A) Advisory Report-Findings of Fact – At its next regularly scheduled meeting after the Public Hearing, the Village Planning Commission/Zoning Board of Appeals shall submit its advisory report to the Village Board of Trustees. The report shall state the Planning Commission’s recommendations regarding the variance, and its reasons therefore.
- (B) Decisions by the Board of Appeals – The Zoning Board of Appeals shall render a decision on the variance within a reasonable time after the hearing. The Board of Appeals may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from the extent and in the

Revised Code

manner that they deem appropriate. In so doing, the Board of Appeals has all the powers of the Administrator.

40-9-8 SPECIAL-USE PERMITS.

- (A) Special-Use Permits, Generally – This Chapter divides the Village into various districts, and permits in each district as a matter of right only those use which are clearly compatible with one another. Certain other uses, because of their special operational or physical characteristics, may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, manner of operation and other factors. Such special uses require careful case-by-case review, and may be allowed only after review by the Planning Commission/Zoning Board of Appeals, and final approval by the Village Board of Trustees
- (B) Application – Every applicant for a special-use permit shall submit to the Zoning Administrator in narrative and/or graphic form, the items of information enumerated below. The Administrator shall promptly transmit said application, together with any comments or recommendations that he/she may have, to the Planning Commission/Zoning Board of Appeals.
- (C) Information Required:
1. Name and address of the applicant;
 2. Name and address of the owner or operator of the proposed structure or use, if different from (1);
 3. Nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
 4. Location of the proposed use or structure, and its relationship to existing uses of structures on adjacent lots;
 5. Area and dimensions of the site for the proposed structure or use;
 6. Existing topography of the site and proposed finished grade;
 7. Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
 8. Height and setbacks of the proposed structure;
 9. Number and size of the proposed dwelling units, if any;
 10. Number and location of proposed parking/loading spaces and access ways;
 11. Identification and location of all existing or proposed utilities, whether public or private;
 12. Any other pertinent information that the Administrator may require.
- (D) Public Hearing, Notice – The Zoning Board of Appeals/Planning Commission shall hold a public hearing on each special-use permit application within a reasonable time after the application is submitted to them. At the hearing any interested party may appear and testify either in

Revised Code

person or by duly authorized agent or attorney. Notice indicating the time, date and place of the hearing, and the nature of the proposed special-use permit shall be given not more than thirty (30) days nor less than fifteen (15) days before the hearing:

1. By first-class mail to all parties whose property is within two hundred fifty (250) feet of the lot affected by the appeal; and
 2. By publication in a newspaper of general circulation within the Village.
- (E) Factor Considered for Special-Use Permits – The Zoning Board of Appeals/Planning Commission shall consider the following factors in making a recommendation to the Village Board:
1. Whether the proposed design, location and manner of operation of the proposed special-use will adequately protect the public health, safety, and welfare, and the physical environment;
 2. Whether the proposed special-use is consistent with the Village’s comprehensive plan, if any;
 3. The effect the proposed special-use would have on the value of neighboring property and on this municipality’s overall tax base;
 4. The effect the proposed special-use would have on public utilities and on the traffic circulation on nearby streets;
 5. Whether there are any facilities near the proposed special-use (such as schools or hospitals) that require special protection.
- (F) Advisory Report-Findings of Facts – At its next regularly scheduled meeting after the Public Hearing, the Village Planning Commission/Zoning Board of Appeals shall submit its advisory report to the Village Board of Trustees. The report shall state the Planning Commission’s recommendations regarding the special-use permit and its reasons therefore.
- (G) Decision by the Board of Appeals – The Zoning Board of Appeals shall render a decision on the special-use permit within a reasonable time after the hearing. The Board of Appeals may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from the extent and in the manner that they deem appropriate. In so doing, the Board of Appeals has all the powers of the Administrator.

40-9-9 AMENDMENTS.

- (A) Amendments, Generally – The Village Board of Trustees may amend this Chapter, in accordance with State Law and the provisions of this Section. Proposed alterations of district boundaries or proposed changes in the status of uses (permitted, special and prohibited) shall be deemed proposed amendments. Amendments may be proposed by the Board of Trustees, the Administrator, the Zoning Board of Appeals & Planning Commission,

Revised Code

- (B) Filing – Every proposal to amend this Chapter shall be filed with the Administrator on a prescribed form. Every amendment proposal shall also be filed with the Soil and Water Conservation District as per State Law. The Administrator shall promptly transmit said proposal, together with any comments or recommendations he/she might wish to make to the Planning Commission/Zoning Board of Appeals for a public hearing. (Note: Filing fee required)
- (C) Public Hearing, Notice – The Planning Commission/Zoning Board of Appeals shall hold a public hearing on every amendment proposal within a reasonable time after the proposal has been submitted to them. At the hearing, any interested party may appear and testify either in person or by duly authorized agent or attorney. Notice indicating the time, date and place of the hearing, and the nature of the proposed amendment shall be given not more than thirty (30) days nor less than fifteen (15) days before the hearing:
1. By first-class mail to all parties whose property is within two hundred fifty (250) feet of the lot affected by the appeal; and
 2. By publication in a newspaper of general circulation within the Village.
- (D) Advisory Report-Findings of Fact – At its next regularly scheduled meeting after the Public Hearing, the Village Planning Commission/Zoning Board of Appeals shall submit its advisory report to the Village Board of Trustees. The report shall state the Planning Commission’s recommendations regarding adoption of the proposed amendment, and their reasons therefore. If the effect of the proposed amendment would be to alter district boundaries or to change the status of any use, the Planning Commission/Zoning Board of Appeals shall include in their advisory report finds of fact concerning the following matters:
1. Existing use and zoning of the property in question;
 2. Existing uses and zoning of other lots in the vicinity of the property in question;
 3. Suitability of the property in question for uses already permitted under existing regulations;
 - i. Suitability of the property in question for the proposed use;
 - ii. The trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since the property was initially zoning or last re-zoned.
- (E) Action by the Board of Trustees – The Board of Trustees shall act on every proposed amendment at their next regularly scheduled meeting following submission of the advisory report of the Planning Commission/Zoning Board of Appeals. Without further public hearing, the Village Board may approve or disapprove any proposed amendment or may refer it back to the Planning

Revised Code

Commission for further consideration by simple majority vote of all members then holding office.

Exception – the favorable vote of at least two-thirds (2/3) of all members of the Board of Trustees is required to pass an amendment to this Chapter, when the proposed amendment is opposed, in writing, by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across the alley there from, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered.

40-9-10 FILING FEES. The Village Board of Trustees shall establish (and may amend from time to time) a schedule of filing fees for the various permits and procedures listed in this Code. Said fees are intended to defray the administrative costs connected with the processing/conducting of such permits or procedures; the fees do not constitute a tax or other revenue-raising device. All such fees shall be paid by the applicant to the Village Clerk.

40-9-11 LATE FILING FEES AND PENALTIES.

- (A) Late-Filing Fee – Any person or persons who do not submit an application for a zoning permit before the actual construction of a structure, whether of primary or accessory use, shall be charged a late-filing fee of seventy-five (\$75) dollars. This fee, plus the fee for the original permit must be paid before a permit can be obtained.
- (B) First Offense Can be Waived – It shall be at the discretion of the Zoning Administrator of the Village of Germantown to waive this late-filing fee on the first offense of this type, when he/she is of the opinion that the act was not willful.
- (C) Stop-Work Order – A Stop-Work Order shall be issued by the Zoning Administrator as soon as he/she discovers that work has started on a construction project and no permit has been obtained. This Stop-Work Order shall be in place until the permit is obtained and all late-fees and penalties have been paid in full.
- (D) Penalty – The person or persons in violation of this ordinance who have ignored a Stop-Work Order shall be fined fifty (\$50) dollars for each day of the violation.

ARTICLE X – SUBDIVISION DESIGN
GENERAL PROVISIONS

40-10-1 PURPOSE.

- (A) In accordance with State law, ILCS Chapter 65, Act 5, paragraph 11-12-8 through 11-12-12 and the Plat Act, ILCS Chapter 765, Act 205, paragraph 1 et. seq., this Code regulates the subdivision and development of land in order to implement the community sketch plan and official map.
- (B) Thus, this Code assists in achieving the following specific objectives:
1. To preserve, protect and promote the public health, safety and welfare;
 2. To provide a pleasant living and business environment by furthering the orderly layout and use of land;
 3. To avoid legal and other problems by requiring that subdivided land be properly documented and recorded;
 4. To conserve and increase the value of land, improvements and buildings throughout this municipality;
 5. To preserve the natural beauty and topography of the municipality to the maximum feasible extent;
 6. To provide adequate light, air and privacy for all residents of new developments by preventing undue concentration of population;
 7. To protect against injury or damage caused by fire, pollution, flooding, storm water runoff or erosion and sediment;
 8. To provide safe and convenient access to new developments and to avoid traffic congestion and unnecessary public expenditures by requiring the proper location, design and construction of streets and sidewalks;
 9. To provide quality control for the proper installation and maintenance of water mains, sanitary sewers storm water sewers and other utilities, streets, sidewalks and services; and
 10. To ensure that adequate parks, schools and similar facilities can be made available to serve the residents of new developments.

40-10-2 JURISDICTION. The provisions of this Code shall apply to all subdivisions/developments and planned unit developments whether residential, commercial or otherwise in nature, and to any statutes, ordinances or regulations of the governmental body or agency having jurisdiction or control, and regardless of whether the same is labeled a subdivision or not, it being the intent of this Code to apply to all types of development both within the Village and to areas lying within 1.5 miles of the Corporate limits of the Village.

Revised Code

40-10-3 INTERPRETATION.

- (A) Every provision of this Code shall be construed liberally in favor of the Village and every requirement imposed herein shall be deemed minimal.
- (B) These regulations hereby incorporate all current provisions of and future amendments to:
 - 1. ILCS Chapter 765, Act 205, Paragraph 1 et. seq.;
 - 2. ILCS Chapter 35, paragraph 414 (sic); and
 - 3. ILCS Chapter 115, paragraph 13 (sic).
- (C) Whenever the requirements of this Code differ from the requirements of any other lawfully adopted and effective ordinance, regulation, deed, restriction or covenant, the more stringent requirement shall prevail.
- (D) Notwithstanding any other provision of this “Land Subdivision and Development Code,” the Village Board of Trustees, for good cause, may impose greater or lesser restrictions than those herein specified, including, without limitation the obligation to provide insurance coverage and property owners covenants and restrictions.
- (E) The standards or requirements set forth in the Code shall be deemed the minimal acceptable standard or requirement and all actions taken pursuant to the Code shall be deemed the minimal necessary to comply with the Code.

40-10-4 DISCLAIMER OF LIABILITY.

- (A) Except as may be provided otherwise by statute or Code, no officer, board member, agent or employee of the municipality shall render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under this Code.
- (B) Any suit brought against any officer, board member, agent or employee of the municipality, as a result of any act required or permitted in the discharge of his or her duties under this Code, shall be defended by the Municipal Attorney or any other attorney which the Village may retain, until the final determination of the legal proceedings.

Statutory reference:

Local Governmental and Governmental Employees Tort Immunity Act, see ILCS chapter 745, Act 10, paragraphs 1-101.

Revised Code

40-10-5 DEFINITIONS. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Administrator – The official, or his or her duly authorized representative, appointed by the Village President with the advice and consent of the Board of Trustees who administers certain provisions of the Subdivision, the Zoning and Property Maintenance Codes. The term is synonymous with “*Building and Zoning/Code Enforcement Administrator.*”

Aerobic Treatment System, Private – A waste water treatment system, mechanically operated with the addition of air or oxygen, which serves private owner’s needs.

Alley – A public right-of-way which affords a secondary means of vehicular access to the side or rear of premises that front on a nearby street.

Amendment – A change in the provisions of this Code, properly effected in accordance with State Law and the procedures set forth herein.

Area, Gross – The entire area within the lot lines of the property proposed for subdivisions/development, including any areas to be dedicated/reserved for street and alley right-of ways for the public uses.

Area, Net – The entire area with the boundary lines of the tract proposed for subdivision, less the area to be dedicated for street and alley right-of-ways and/or other public purposes.

Arterial Street – A street designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic on a continuous route with intersections at grade and on which traffic-control devices are used to expedite the safe movement of through traffic. The following streets shall be considered “*Arterial Streets*” by the Village: *Highway 161 and Hanover Street(Breese/Germantown Road).*

Boulevard – Any street encompassing in width, as measured from one side of the right-of-way to the other side, a distance exceeding by 25% or more the minimum width requirement for the street and its use by the Ordinances of the Village, which includes a center unpaved area for trees, landscaping, grass or other vegetation.

Catch Basin – A receptacle, located where a street gutter opens into a sewer, designed to retain matter that would not readily pass through the sewer.

Revised Code

Centerline –

1. The centerline of any right-of-way having a uniform width;
2. The original centerline, where a right-of-way has been widened irregularly;
and
3. The new centerline, whenever a road has been relocated.

Centerline Offset – the distance between the centerlines of two roughly parallel streets, measured along the third street with which both parallel streets intersect.

Collector Street – A street which carries or is proposed to carry intermediate volumes of traffic from local streets to arterial streets and which may or may not be continuous.

Completion Security – Cash, certificates of deposit, treasury bills, property liens or irrevocable letters of credit posted with the Village to assure satisfactory completion of improvements.

Comprehensive Plan – The plan or any portion thereof adopted by the Board of Trustees to guide and coordinate the physical and economic development of the municipality. The comprehensive plan includes, but is not limited to, plans and programs regarding the locations, character and extent of highways, bridges, public buildings or uses, utilities, schools, residential, commercial or industrial land uses, parks, drainage facilities and the like.

Cross-Slope – The degree of inclination measured across the right-of-way rather than in the direction traffic moves on the right-of-way.

Curb and Gutter, Integral – The rim forming the edge of a street, plus the channel for leading off surface water, constructed of poured concrete as a single facility.

Cul-De-Sac – A short minor local street having only one outlet for vehicular traffic and having the other end permanently terminated by a turn-around for vehicles; the term may also be used to refer solely to the turn-around.

Dedicate – To transfer the ownership of a right-of-way, parcel of land or improvement to this municipality or other public entity without compensation.

Develop – To erect any structure or to install any improvements on a tract of land or to undertake any activity (such as grading) in preparation therefore.

Dimensions – refers to both lot depth and lot width.

Revised Code

District, Zoning – A portion of the territory of the municipality wherein certain uniform requirements or various combinations therefore apply to structures, lots and uses under the terms of the Zoning Code.

Easement – A right to use a portion of another person’s real property for certain limited purposes.

Escrow Deposit – A deposit in cash or other approved securities to assure the completion of improvements within a subdivision.

Flag Lot – A lot which does not comply with the road frontage requirements as required in the Zoning Code, and which is characterized by a narrow strip of land connecting the right-of-way to the buildable area of the lot.

Frontage – the lineal extent of the front (street-side) of a lot.

Frontage Road – A minor street fronting on an arterial street or highway (usually a limited access highway), used for access to abutting lots.

Flood Hazard Area – Land area designated on the Flood Emergency Management Administration maps.

Grade – the degree of inclination of the site or right-of-way, expressed as a percentage. The term is a synonym for “*Slope*.”

Green Space – Land devoted to parks, recreation or open spaces including by example, but not limited to subdivision entrances, unpaved areas of boulevard streets, parking islands, tails, paths, areas between the street and sidewalk and interconnections of same with other subdivisions, and specifically not including parts of one or more individual lots improved with, and/or used for another principal purpose such as housing or storm water detention.

Improvement Plans – The engineering plans showing types of materials and construction details for the structures and facilities to be installed in, or in conjunction with, a subdivision.

Improvements – Any street, curb and gutter, sidewalk, drainage ditch, sewer, catch basin, newly-planted tree, off-street parking area or other facility necessary for the general use of property owners in a subdivision.

Revised Code

Individual Sewage System – A private waste water treatment facility serving one property owner such as a septic tank or aerobic treatment system with or without a ground surface discharge.

Intersection – The point at which two or more public right-of-ways (generally streets) meet.

Local Collector Street – A street used primarily to collect limited amounts of residential traffic and for access to abutting properties and on which the speed limit is low and traffic volume is minimal.

Local Street – A street serving limited amounts of residential traffic and used for access to abutting property.

Lot – A tract of land intended as a unit for the purpose, whether immediate or future, of development or transfer of ownership. A “Lot” may or may not coincide with a lot of record.

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

Lot, Corner – A lot having at least two adjacent sides that abut for their full length upon streets.

Lot of Record – An area of land designated as a lot on a plat of subdivision recorded with the County Recorder of Deeds in accordance with State Law.

Lot, Through – A lot having a pair of approximately parallel lot lines that abut two approximately parallel streets. Both lot lines shall be deemed front lot lines.

Maintenance Bond – A surety bond, posted by the developer and approved by the municipality, guaranteeing the satisfactory condition of installed improvements for the two-year period following their dedication.

Multi-Family Dwelling – A building or portion thereof designed or altered for occupancy by two or more families living independently of each other.

Passive Use Green Space – Land in a subdivision used for subdivision entrances, unpaved areas of boulevard streets, center islands in cul-de-sac, parking islands, areas between the streets and sidewalks, trails, paths, or similar type uses that are accessible to the subdivision residents, undeveloped woods or grasslands that provide visual green space.

Revised Code

Performance Bond – A surety bond posted by the developer and approved by the municipality, guaranteeing the installation of required improvements within, or in conjunction with, a subdivision.

Planning Commission – The Planning Commission of the Village of Germantown, Illinois.

Planned Unit Development – A tract of land which is developed as a unit under single ownership or unified control, which includes two or more principal buildings or uses.

Plat, Final – The final surveyor’s maps, drawings and supporting material indicating the subdivider’s plan of the subdivision with required state and local certificates which, if approved, may be filed with the County Recorder of Deeds.

Plat, Preliminary – Preliminary engineering maps, drawings and supportive material with required indicating the proposed layout of a subdivision.

Private Street – A non-public street providing access to and owned by abutting properties requires a variance.

Public Works Director(s) – The official(s) appointed by the Village President with the advice and consent of the Board of Trustees to administer and supervise the Village Water, Sewer and Street Departments programs and related activities.

Reserve – to set aside a parcel of land in anticipation of its acquisition by this municipality (or other government entity) for public purposes.

Reserve Strip – A narrow strip of land between a public street and adjacent lots which is designated on a recorded subdivision plat or property deed as land over which vehicular travel is not permitted.

Reverse Curve – A curve in a street heading in approximately the opposite direction from the curve immediately preceding it so as to form an S-shape.

Right-of-Way, Public – A strip of land which the owner/sub divider has dedicated to the municipality or other unit of government for streets, alleys and other public improvements.

Septic Tank – A watertight, accessible, covered receptacle designed and constructed to receive sewage from a building sewer, to settle solids from the liquid, to retain floating scum accumulations, to digest organic matter and store solids through a period of retention

Revised Code

while they are and aerobically digested and allow the partially treated liquids to discharge to other treatment units or soil seepage fields.

Setback, Front – The horizontal distance between the street right-of-way lien and the building line. Minimum setback requirements are set forth in the Zoning Code.

Sewerage System, Private – A sewer system including collection and treatment facilities established, owned and operated by the developer or his assigns to service a new subdivision in an outlying area.

Sewerage System, Public – A sewer system including collection mains eight inches and larger and treatment facilities owned and operated by a municipality.

Sidewalk – A pedestrian way constructed in compliance with the standards of this Code, generally abutting or near the curb line of the street.

Stop Order – An order used by the Administrator to halt work-in-progress that is in violation of this Code.

Street –

1. A public or private way for motor vehicle travel;
2. The term “Street” includes a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court and similar designations, but excludes an alley or a way for pedestrian use only.

Structure –

1. Anything constructed or erected on the ground or attached to something having a fixed location on the ground;
2. All buildings are structures, but not all structures are buildings.

Stub Street – A street that is temporarily terminated, but that is planned for future continuation.

Sub Divider/Developer – Any person, firm, partnership, association, corporation, estate or other group or combination acting as a unit, dividing or proposing to divide land in a manner that constitutes a subdivision, as defined herein.

Subdivision/Development – Any division of land into two or more lots, except as set forth in the Plats Act, ILCS Chapter 765, Act 205, paragraph 1.

Revised Code

Subdivision, Minor – A division of land into two, but not more than four lots, all of which front upon an existing street, and not involving any new streets or easements of access. Dedication of additional right-of-way for the existing street and new utility easements will be allowed.

Topography – The relief features or surface configurations of an area of land.

Vacate – To terminate the legal existence of right-of-way or subdivision and to so note on the Final Plat recorded with the County Recorder of Deeds.

Variance, Subdivision – A relaxation in the strict application of the design and improvement standards set forth in this Code.

Village – The Village of Germantown, Illinois.

Village Engineer – A licensed professional engineer designated by the Village Board of Trustees to perform specified professional engineering services for the Village.

Zoning Map – means the map(s) and any amendments thereto designating zoning districts, and incorporated into this Chapter by reference.

ARTICLE XI – DESIGN AND IMPROVEMENT STANDARDS

40-11-1 APPLICABILITY.

- (A) No land within the subdivision and development jurisdiction of the municipality shall be subdivided, except in compliance with the regulations of this subchapter and the applicable provisions of State Law. No lot in any subdivision/development shall be conveyed until:
1. The Final Plat of the subdivision/development has been approved by the Board of Trustees and recorded in the office of the County Recorder of Deeds; and
 2. The portion of the subdivision/development in which the lot is located has been improved in accordance with the requirements of this subchapter or until a performance bond or other security has been posted to assure the completion of the improvements.
- (C) The Administrator shall not issue a building permit for any lot conveyed in violation of this Section.

40-11-2 SUITABILITY FOR SUBDIVISION, GENERALLY. Any tract of land that is unsuitable for development due to probable flooding, poor drainage, rough topography, adverse soil conditions or other features which will be harmful to the health,

Revised Code

safety and general welfare of the inhabitants of the subdivision/development and/or its surrounding areas shall not be subdivided or developed unless the sub divider/developer formulates adequate plans/methods to solve the problems caused by the adverse land conditions.

40-11-3 LOTS REQUIREMENTS.

- (A) All lots in the subdivision/development shall conform to the minimum lot area and dimension requirements of the zoning classification or district in which the subdivision/development is located. Land that is reserved for street improvements shall not be counted to satisfy these minimum requirements.
- (B) Every corner and through lot shall be large enough to permit compliance with the classifications front setback requirements on every side of the lot that faces a street.
- (C) All lot remnants shall be added to adjacent lots to avoid the creation of unusable parcels.
- (D) All lots shall contain adequate space for required off-street parking and loading.

40-11-4 ACCESS AND RELATIONSHIP TO STREET. Land shall be subdivided/developed in such a way that each lot abuts a dedicated public street. All side lot lines shall be at right angles to straight street right-of-way lines or radial to curved street right-of-way lines, except where a deviation from this rule will provide a better street and lot design.

40-11-5 REFERENCE MONUMENTS. Reinforced concrete reference monuments or steel rods set in the ground in a manner that they will not be moved by frost, shall be placed in the field in accordance with the Plats Act, as now or hereafter amended. All lots corners shall be marked by steel rods not less than 24 inches long. These pins shall be driven into the ground deep enough that they do not protrude above the ground surface more than 1 inch.

40-11-6 SIDEWALK CONSTRUCTION.

- A) Developers/Sub dividers shall construct sidewalks, at no cost to the Village, along both sides of every new or improved street within the public right-of-way, where 75% of such subdivision is completed by the developer/sub divider, and there remains lots unsold or vacant. In such case, the Village shall have discretion to determine when and under what circumstances the requisite 75% completion of the subdivision has occurred. The Village shall have no liability for any repairs to or replacement of any sidewalks installed as a consequence of this Ordinance. The Village shall have all authority,

Revised Code

granted by law, including the authority to assess liens upon non-compliant property, to see that Developers/Sub dividers adhere to the requirements of this Article.

- (B) The sub divider/ developer will not be allowed to require sidewalks if the Village Board, having considered an advisory report from the Planning Commission, determines that in the area in question, topographical conditions make the installation of sidewalks impractical.
- (C) Every sidewalk shall be constructed of brush finished concrete meeting the applicable provisions of the “Standard Specification for Road and Bridge Construction in Illinois” latest edition as modified by the following requirements:
 - 1. Every sidewalk shall be constructed to generally parallel the street and be placed to a thickness of at least four (4) inches, provided, however that any sidewalk located across a point of ingress or egress for vehicles shall be placed to a thickness of at least six (6) inches.
 - 2. Control joints shall be troweled in at intervals of five (5) feet or less.
 - 3. Expansion joints of three-fourths (3/4) inch pre-molded joint filler shall be placed at driveway crossings, or at both ends of the sidewalk, at the back of the curb with the sidewalk abuts in the event of excessively long runs, as determined by the Village Engineer.
 - 4. No sidewalk shall be constructed at a grade steeper than allowed by the Illinois Accessibility Code.
 - 5. The cross slope shall not exceed 1 to 50.
 - 6. Curbs shall be cut and sidewalks ramped at all intersections and driveways so as to enhance the mobility of handicapped individuals and comply with accessibility rules and regulations.
 - 7. All ramps at intersections and other hazardous vehicular ways shall have a detectable warning texture.
 - 8. When a sidewalk intersects with the tops of a storm sewer inlet cover, the inlet cover dimension perpendicular to the street shall be increased so that the edge of the cover which is parallel to and furthest away from the street, thereby incorporating the inlet cover into the sidewalk, as depicted on standard specifications plan sheets, as developed by the Village Engineer. These provisions shall not be required if the parkway between the sidewalk and curb is wide enough to allow an inlet cover independent of the sidewalk.
- (D) In residential areas, sidewalks shall be a minimum of five (5) feet in width.
 - 1. The sidewalk’s preferred location is along the inside edge of the outside perimeter of the subdivision’s street right-of-way.

Revised Code

2. Because driveways in a new residential subdivision cannot be effectively located until lots are sold and developed thereby inhibiting the initial installation of sidewalks throughout the development, the subdivider/developer may require that individual owners install sidewalks in accordance with these provisions at the same time that the owner's driveway is constructed. No sidewalk shall be accepted by the Village maintenance until it is approved to be properly installed in accordance with the provisions of this Ordinance.
 3. Failure of the owner to install sidewalks shall not release the subdivider/developer/Lot Owners Association from the ultimate responsibility of enforcing any Subdivision Restrictive Covenants requiring installation of the sidewalks.
- (E) The Village, at their discretion, may require sidewalks in commercial and other nonresidential areas. If required by the Village, installation shall become the responsibility of the subdivider/developer and cost for installing sidewalks shall be included in performance guarantee total amounts. In commercial and other non-residential areas, sidewalks shall be a minimum of five (5) feet in width. Because of safety considerations in the areas, sidewalks shall be located as far as practical from the traffic lanes, usually abutting the right-of-way line.

40-11-7 STREET LIGHTS.

- (A) Basic street lighting may be required by the Village at the intersection of streets or alleys, at cul-de-sac and at the terminus of dead-end streets. The distance between street lights will be no greater than four hundred (400) feet. Decorative fixtures and poles may be provided by the subdivider at his or her expense. In multi-family dwellings or commercial subdivision, lighting shall be provided by the developer within parking areas at a minimum rate of one (1) light per twenty-five (25) parking spaces or any fraction thereof.
- (B) The minimum lighting intensity of each street light shall be equivalent to a 175-watt lamp or 6,800 mercury luminary lamp. Each street light pole shall be at least sixteen (16) feet high.

40-11-8 STREET NAME AND TRAFFIC CONTROL SIGNS.

- (A) Street name and traffic control signs and the size, height, and type approved by the Village Board in conformance with the IDOT Manual on Uniform Traffic Control Devices, latest edition, shall be furnished and installed by the Village at all intersections within or abutting any subdivision/development.
- (B) Street names shall be sufficiently different in sound and spelling from other street names in the municipality so as to avoid confusion. The Village Clerk

Revised Code

shall maintain a list of existing street names for reference. A street which is planned as a continuation of an existing street shall bear the same name.

40-11-9 EASEMENTS.

- (A) Unless utilities are to be installed in the public right-of-way, easements not less than ten (10) feet wide shall be provided on each side of all rear lot lines and alongside side lot lines where necessary for storm and sanitary sewer; gas, water and other mains; and for underground electric power and telephone lines. Easements of greater width may be required along or across lots when necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement.
- (B) Adequate easements for storm water drainage shall be established along any natural drainage channel and in such other locations as may be necessary to provide satisfactory disposal of storm water from streets, alleys and all other portions of the subdivision. The location and minimum widths of the easements shall be approved by the Public Works Director.
- (C) No person shall deny access to the easements to authorized officials upon display of proper identification.
- (D) No person shall erect any structure or plant any tree or shrub in any easement or within any street or alley right-of-way.

40-11-10 UTILITIES. All utility facilities, including gas, electric power, telephone and CATV cables, shall be located underground throughout the subdivision. Underground service connections to the property line of each platted lot shall be installed at the sub divider's expense; provided that, on the recommendation of the Planning Commission, the requirements for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership.

40-11-11 WATER FACILITIES.

- (A) All platted lots shall be connected to a public water supply system at its property line. Water main loops, where required by the Village, will be paid for by the Village.
- (B) Water distribution mains shall be installed according to the specifications of the Village Public Works Department, on file in the office of the Village Clerk, and the following standards:
 1. All water distribution lines shall be at least six (6) inches in diameter; and
 2. Larger sized water mains may be required by the Village Board if the proposed water mains are located near, along or may become a main transmission line route. The Village will pay for any costs for materials and installation of larger diameter water mains over the bid cost for the minimum six (6) inch diameter water main required above.

Revised Code

40-11-12 FIRE HYDRANTS.

- (A) Fire hydrants shall be installed by the sub divider/developer throughout the subdivision at the direction of the Public Works Department and the Fire Department so as to secure the most practical and effective location for the protection of all the property involved. All fire hydrants shall have a six (6) inch barrel and shall conform to the specifications of the Village Public Works Department, on file in the office of the Village Clerk, and AWWA specifications C-502-54 with an auxiliary valve.
- (B) Fire hydrants shall be installed to the following standards:
1. A fire hydrant shall be placed at the end of each cul-de-sac and at each street intersection;
 2. Fire hydrants shall be spaced along proposed roadways so that every proposed building in a development is no further than four hundred (400) feet from a fire hydrant. Hydrant distances to buildings shall be measured along paved roadways or parking areas and not through unpaved areas;
 3. Hydrants shall be located, when possible, along property lines and placed no further off the back curb than eleven (11) feet;
 4. There shall be no object constructed, maintained or installed within five
 5. (5) feet of any fire hydrant;
 6. No barriers or obstacles may be constructed, enlarged, installed or maintained which may hide or impede the use of a fire hydrant;
 7. Fire hydrants located in parking areas shall be protected by barriers that will prevent physical damage from vehicles without obstructing the hydrant;
 8. Hydrant pumper nozzles shall be no closer to the final grade than twenty (20) inches and no higher than twenty-four (24) inches;
 9. Prior to construction of (commercial) buildings or portions thereof, all site plans shall be reviewed to determine the minimum fire flow (ISO formula).
The spacing of hydrants shall follow this schedule:
 - (a) There shall be at least one (1) fire hydrant within three hundred (300) feet of any building;
 - (b) No portion of the exterior walls of the building shall be more than two hundred (200) feet from a hydrant, where vehicular access is provided;
 - (c) Additional fire hydrants shall be provided to meet the remaining minimum fire flow, if necessary.
 - (d) Where conditions are such that item divisions (B)(8)(a) through (c) above are impractical to achieve, the Planning Commission shall consider reasonable substitutions meeting the intent of this Section, provided adequate fire protection is maintained.

Revised Code

40-11-13 SANITARY SEWERS.

- (A) Every new subdivision, development, and home within the Village's jurisdiction and within three hundred (300) feet of the Village sewage collection system shall be connected to and served by the public sanitary sewerage system unless otherwise approved by the Village Board of Trustees.
- (B) All proposed sanitary sewer facilities shall comply with the regulations of the Illinois Department of Public Health and the Illinois Environmental Protection Agency, and with all pertinent requirements of the subsection below. Sewage collection lines shall not be smaller than eight (8) inches in diameter.
- (C) Whenever the public sanitary sewer system is reasonably accessible, that is whenever the distance from any boundary of the subdivision to the nearest public sewer with available capacity does not exceed three hundred (300) feet, the sub divider shall extend the public system throughout the subdivision and provide each platted lot with a connection thereto at the lot line. The sub divider shall be responsible for obtaining any necessary easements for the sewer construction across property not owned by the sub divider and assign the easements to the Village.
- (D) In areas where the public sanitary sewer system is not reasonably accessible, but where plans for the installation of the system have been approved by the Illinois Environmental Protection Agency, the developer shall provide sanitary sewers in accordance with the plans and temporarily cap them.
- (E) Except as provided in division (B) above, whenever the public sanitary sewer system is not reasonably accessible, the sub divider shall install a private central sewer system in conformity with all applicable provisions of the Illinois Department of Public Health or the Environmental Protection Agency where applicable.
- (F) Individual sewage disposal systems shall be permitted only on lots greater in size than one (1) acre, meeting the requirements of the Illinois Department of Public Health if a public sewer system is not available.
- (G) All individual sewage disposal systems shall be designed and installed in conformity with all applicable provisions of the Illinois Department of Public Health.

40-11-14 DRAINAGE AND STORM SEWERS.

- (A) A storm water management plan shall be required for any new residential, commercial, industrial, institutional or utility development/subdivision having a gross aggregate area of one (1) acre or more.
- (B) The following rules shall govern the design of improvements with respect to managing storm water runoff:

Revised Code

1. Drainage and storm facilities shall be designed using design guidelines set forth in the latest edition of the IDOT Drainage Manual except as modified herein. Design rainfall events shall be those published by the Illinois State Water Survey recommended for this region;
2. The controlled release rate of storm water runoff from all developments described in division (A) above shall be limited to that which existed prior to development for the ten (10) year and one hundred (100) year design recurrence interval events unless a regional analysis of a critical downstream area indicates that detaining runoff from this development increases discharge peaks in this critical downstream area. Critical downstream areas shall be identified by the Village Engineer;
3. Streets, blocks, lots, parks and other public grounds shall be located and laid out in a manner as to minimize the velocity of overland flow and allow maximum opportunity for infiltration of storm water into the ground and to preserve and utilize existing and planned streams, channels and detention basins. The front face of inlet structures on streets with curb/gutter shall be set eighteen (18) inches behind the back of the curb. Inlets on streets with curb/gutter shall be spaced to insure that flows from rainfall runoff from a ten (10) year recurrence interval design storm does not encroach more than ten (10) feet into the driving lanes as measured from the back of the curb/gutter;
4. The increased storm water runoff resulting from the proposed development may be accommodated by the provision of appropriate detention facilities including wet and dry bottom reservoirs, flat roofs, parking lots or streets. The following shall govern the design of detention facilities:
 - a. Storage volume – the volume of storage potential provided in detention facilities shall be sufficient to control the release rate to the peak storm water flows in the pre-developed state for the annual to the one hundred (100) year frequency rainfall events as published by the Illinois State Water Survey rainfall for this region using SCS TR-20 design methodologies;
 - b. Release rate – At no time during the design storm shall the storm water runoff release rate exceeds the allowable release rate as set fourth in division (B) (2) above;
 - c. Release velocity – Protected channels receiving detention discharge shall incorporate features to reduce velocity to non-erosive levels at the point where such discharge enters the unprotected channel.
 - d. Accommodations – Every subdivision shall be provided with drainage facilities including inlets and storm sewers which can

Revised Code

satisfactorily accommodate the 25-year design storm runoff. Storm water flow, resulting from a 10-year recurrence interval design storm, shall not encroach more than 10 feet, as measured from the back of the curb, onto any street pavement surface. Storm sewer inlets shall be spaced along streets with sufficient capacity to insure this 10-foot-wide encroachment limitation is not exceeded;

- e. Overland flow path – An overland flow path for the 100-year recurrence interval storm event shall be established throughout any proposed development. The overland flow path must be located in a drainage easement. Building ground floor elevations, basement or crawlspace opening elevations, and garage floor elevations shall be a minimum of 1 foot above the high-water elevation of this 100-year recurrence interval storm event. These minimum elevations shall be shown on the Final Plat as well as the path easement;
- f. Regional detention facilities – Designers of detention facilities are encouraged to research options for large regional detention facilities as opposed to individual detention facilities for each development. Where it can be shown through calculation that detention for a development will increase peak flow rates in a receiving stream at critical locations due to timing of runoff peaks from upstream areas, detention facilities will not be required.

40-11-15 EROSION AND SEDIMENTATION CONTROL.

- (A) No proposed subdivision/development shall be approved unless the improvement plan indicates compliance with the following principles, standards and specifications.
- (B) The principles, standards and specifications shall be applicable during all phases of any clearing, stripping, excavating, filling, grading, construction or other activity involving the disturbance of the natural terrain or vegetative ground cover.
 1. The smallest practical area of land shall be exposed at any one-time during development;
 2. When land is exposed during the development, the exposure shall be kept to the shortest practicable period of time;
 3. Natural features such as trees, groves, waterways and other similar resources shall be preserved whenever possible in the process of development;
 4. The development shall be fitted to the topography and soils to create the least erosion potential;
 5. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development;

Revised Code

6. Permanent final vegetation and structures shall be installed as soon as practical;
 7. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development;
 8. Sediment shall be retained on the site.
- (C) All grading plans and specifications, including extensions of previously approved plans, shall include provisions for erosion and sediment control in accordance with, but not limited to the standards and specifications contained in Procedures and Standards for Soil Erosion and Sedimentation Control in Illinois.
- (D) An IEPA NPDES storm water permit may be required for any subdivision or development. The Village accepts no responsibility or liability for enforcing these requirements. It is the sub divider/developer's responsibility to submit necessary documents for any state required permit and complete all items necessary relating to storm water discharge and erosion control as required by the State.

40-11-16 DAMS AND IMPOUNDMENT STRUCTURES. Dams and berms for water impoundments, pools, ponds, reservoirs and small lakes shall be planned, designed and constructed under the supervision of a registered professional engineer and shall meet the approval of the Illinois Department of Natural Resources, if their approval is required. The Village accepts no responsibility for enforcing Illinois Department of Natural Resources requirements.

40-11-17 GREEN SPACE.

- (A) All proposed subdivisions are encouraged to contain green space. The green space shall be owned (either in fee simple or by perpetual easement), supervised, managed and maintained by the developer, subdivision property owners or owner's association. The green space should consist of passive use green space, whether developed for recreational uses or not, and may include water retention, water detention or other manmade storm water management areas; such as ponds, lakes, or natural wetlands that are part of the storm water management system. Green space should be accessible to all lots via right-of-ways or easements to preclude persons having to cross private property. Creative uses of green space are encouraged.
- (B) All subdivision covenants and restrictions shall include language requiring that if the property owners or developer fail to maintain the green space, the Village has the authority to maintain the green space and impose a lien on each lot in the subdivision for the maintenance costs incurred by the Village in performing the maintenance work. The developer shall have the duty to

Revised Code

maintain the green space until such time as seventy percent (70%) of the lots have been sold or individual property owners control the subdivision association. The developer, however, shall be responsible for the construction details and construction quality of green space areas for a two (2) year period after final acceptance.

- (C) As part of a developer's site plan approval responsibility, the developer shall be responsible for the improvements to the development for passive use green space purposes including, but not limited to finished grading and ground cover for all green spaces within the subdivision development.
- (D) In a phased subdivision, the developer should provide green space for the subdivision in proportional amounts for each phase of development.
- (E) Green space shall be protected from development through platting, deed restrictions or restrictive covenants which will ensure its perpetual use as a green space.

40-11-18 REQUIRED IMPROVEMENTS IN RECREATIONAL ACCESS WAYS.

- (A) Hard-surfaced sidewalks or access ways shall be required in all newly developed subdivisions, commercial or industrial areas connecting such areas to existing developed areas and/or to secondary streets which will allow pedestrians, bicyclists or non-motorized vehicle travel between existing and proposed developed areas.
- (B) Where a new development abuts an existing park or bike trail, or a proposed park or bike trail, a public right-of-way shall be planned and platted on the preliminary and final plat to allow access on a hard-surfaced sidewalk to the park or bike trail or a planned park or bike trail or park boundary. The sidewalk shall be constructed at the cost of the developer and shall meet Village standards for the construction of sidewalks.
- (C) Access ways shall be constructed of concrete or asphalt as determined by the Village. Where an access way meets a street, a curb cut shall be made to allow ease of access by wheeled non-motorized vehicles. The Village shall have the right to require the sub divider or developer to construct bollards on the access ways.
- (D) Public right-of ways for access ways shall be at least twenty (20) feet wide with a minimum pavement width of five (5) feet. Such public access right-of-ways shall be maintained by the Lot Owner's Association.
- (E) Each platted subdivision, commercial or industrial development which abuts an existing or proposed park or bike trail or park boundary shall provide a minimum of one (1) public right-of way access way. The Village may require more than one (1) such right-of-way upon the recommendation of the

Revised Code

Planning Commission. The layout and number of such public access ways shall be designed to provide maximum access to the park or bike trail or park boundary via the internal street or parking lot network of the development.

- (F) The public right-of-way access ways shall be designed to intersect as nearly as possible at right angles to the connecting street. The grade of the access way shall conform as closely as possible to the natural topography and shall meet all state and federal standards for construction. The public access right-of-way shall be sloped to allow for proper drainage and planted with grass or other vegetation to stabilize the soil.

ARTICLE XII – STREET DESIGN STANDARDS

40-12-1 GENERAL. All streets shall be properly integrated with the existing and proposed street system indicated in the municipal comprehensive plan and shall meet the specifications set forth and required by the Village Board of Trustees. If a municipal comprehensive plan has not been completed by the Village, final street layout shall be approved by the Village to provide for future growth of the community.

40-12-2 RIGHT-OF-WAY AND PAVEMENT WIDTHS. Every right-of-way established for subdivision or development purposes is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of the lots or parcels. All right-of-ways shall be dedicated to the public by the subdivider/developer. The minimum right-of-way and pavement widths shall be as noted in Appendix A, Table 3-A.

40-12-3 TOPOGRAPHICAL CONSIDERATIONS. Grades of street shall conform as closely as possible to the natural topography, but shall not exceed the maximum grade nor be less than the minimum grade indicated in the Table of Street Design Specifications made available by the Village. All streets shall be arranged so that as many as possible of the building sites are at or above street grade.

40-12-4 THROUGH TRAFFIC DISCOURAGED. Marginal access and local streets shall be laid out so as to discourage use by through traffic. The rigid rectangular gridiron street pattern shall be avoided, and the use of curvilinear streets, cul-de-sac or U-shaped streets shall be encouraged to affect a more desirable street layout.

40-12-5 LIMITED ACCESS TO ARTERIALS. Where a subdivision/development abuts or contains an existing or proposed arterial street, the Planning

Revised Code

Commission may recommend to the Board of Trustees that access to said arterial street be limited by one of the following means:

- (A) The developer/subdivision of lots so that they back onto the arterial street and front onto a parallel local street (double frontage lots), coupled with the installation of screening in a reserve (access-restricting) strip along the rear lot lines of the lots;
- (B) A series of cul-de-sac, U-shaped streets or short loops entered from and generally at right angles to the arterial street, with the rear lot lines of the lots at the termini of the streets backing onto the arterial street; or
- (C) A frontage road separated from the arterial street by a planting strip, but having access thereto at suitable points.

40-12-6 DEAD-END STREETS.

- (A) Temporary Stub Streets – Streets shall be so arranged to provide forth continuation of principal streets between adjacent properties when continuation is necessary for convenient movement of traffic, effective fire and police protection and efficient provisions of utilities and where the continuation comports with the Village’s official map. If the adjacent property is undeveloped and the street must dead-end temporarily, the right-of-way shall be extended to the property line and no strip that would prevent connections with future streets shall be reserved. A temporary turnabout shall be provided at the terminus of any temporary dead-end street. Temporary turnabout shall have a radius of 40 feet and a minimum depth of six (6) inches aggregate sub-grade type CA-6. Temporary easements shall be established in the last lots on either side of a temporary stub street to accommodate the required 40-foot radius pavement surface unless this requirement is waived by the Village board because of probable local traffic volume due to traffic patterns.
- (B) Permanent dead-end streets:
 1. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall be limited to twenty (20) lots in length (10 lots on each side of the road) excluding lots around the cul-de-sac.
 2. The terminus of a permanent dead-end street shall not be closer than fifty (50) feet to the boundary of an adjacent tract. A cul-de-sac turnabout, having a minimum right-of-way radius of 54 feet and a minimum pavement radius of 44 feet, measured to the back of the curb or gutter, shall be provided at the end of every permanent dead-end street.

Revised Code

40-12-7 ALLEYS.

- (A) Alleys may be allowed in single-family residence districts only with Planning Commission approval. Alleys may be required in commercial/industrial districts unless other adequate provisions for service access are made. When required or provided, alleys shall be at least ten (15) feet wide and shall be paved in accordance with the provisions of this Code. Alleys normally shall not intersect with one another nor change sharply in alignment.
- (B) Adequate vehicular turnaround space shall be provided at the terminus of any dead-end alley.

40-12-8 INTERSECTIONS.

- (A) No more than two (2) streets shall intersect at any one point.
- (B) Streets shall be laid out so as to intersect as nearly as possible at right angles; in no case shall two (2) streets intersect at any angle of less than seventy-five (75) degrees. An oblique street shall be curved approaching an intersection and shall be approximately at right angles with the intersection for at least one hundred (100) feet there from.
- (C) Proposed new intersections along one side of an existing street shall, whenever practicable, coincide with any existing intersections on the opposite side of the street.
- (D) Street jogs with centerline offsets of less than one hundred fifty (150) feet shall not be permitted, except where the intersected street has divided lanes without median breaks at either intersection.
- (E) Intersections involving collector or arterial streets shall be at least eight hundred (800) feet apart.
- (F) To permit safe vehicular movements at corners, the minimum right-of-way radius at the intersection of two (2) streets shall be twenty (20) feet, and the minimum radius at the back of the curb shall be twenty-five (25) feet.
- (G) Intersections shall be designed with a flat grade wherever practical with a slope not greater than two percent (2%) for a distance of sixty (60) feet from the nearest right-of-way line of the intersecting street at the approach to an intersection.
- (H) The cross-slopes on all streets, including intersections, shall not exceed three percent (3%).
- (I) Where any street intersection will involve earth banks or existing vegetation on the triangular area of land bounded by a line joining these right-of-way lines at points thirty (30) feet from the point of intersection, the developer shall cut such ground and/or vegetation, including trees, in connection with

Revised Code

the grading of the public right-of-way to the extent necessary to provide an adequate sight distance.

40-12-9 REVERSE CURVES. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on local collector and collector streets.

40-12-10 COST OF IMPROVEMENTS TO EXISTING STREETS. All streets and alleys shall be improved at the expense of the sub divider/developer in accordance with requirements set forth herein:

- (A) Whenever any sub divider/development abuts an existing street that is narrower than the standards indicated in the Table of Street Design Specifications, the sub divider/developer shall dedicate sufficient right-of-way on the side abutting the subdivision/development to permit compliance with those standards;
- (B) The developer/sub divider shall improve the street to the standards identified in 40-12-13 and pay one-half the cost of the improvements. Where it is not feasible to construct the street at the time of the subdivision development, a non-refundable deposit shall be made for the future street improvement in the amount of the current estimated costs of one-half of the cost of the improvements for the whole street as approved by the Village Engineer.
- (C) Whenever any subdivision/development includes an existing street, incorporating both sides of the street, that is narrower than the standards indicated in the Table of Street Design Specifications, the sub divider/developer shall dedicate sufficient right-of-way on both sides of the street within the subdivision/development to permit compliance with those standards. The developer/sub divider shall improve the street to the standards imposed per 40-12-13 and pay the entire cost of the improvements. Where it is not feasible to construct the street at the time of the subdivision development, a non-refundable deposit shall be made for the future street improvement in the amount of the current estimated costs of one-half of the cost of the improvements for the whole street as approved by the Village Engineer.

40-12-11 WHEN EXCESS RIGHT-OF-WAY REQUIRED. Right-of-way width in excess of the standards set forth in the Table of Street Design Specifications shall be required where:

- (A) Due to topography, additional width is necessary to provide adequate earth slopes; or
- (B) Due to the location of railroad tracks, additional width is needed to construct overpasses, underpasses and approaches thereto.

Revised Code

40-12-12 PRIVATE STREETS.

(A) Hereafter, it shall be unlawful to create any private street.

40-12-13 STREET IMPROVEMENTS STANDARDS. All streets and alleys shall be improved in accordance with typical roadway sections per applicable portions of the Subdivision Code to meet the current street standards as set forth in ***Table 14.1, Street Design Specifications*** located at the end of this Chapter. The extent of the improvements of the existing street will be determined by the Village Board of Trustees upon the recommendation of the Planning Commission.

ARTICLE XIII – PAVEMENT STRUCTURE

40-13-1 GENERAL.

- (A) All new streets and alleys shall be paved across the entire surface-width as specified in Table 3-B located at the end of this Chapter. This table specifies that all streets must be either a concrete or asphalt surface, according to the specifications in the table. The Village Board reserves the right to select the more appropriate option of the two, considering the engineering and traffic volume considerations.
- (B) All material types for construction are to be furnished and installed as specified in the latest edition of the Illinois Department of Transportation Standard Specifications for Road and Bridge Construction.

40-13-2 EARTH SUB-BASE.

- (A) All fill areas within proposed street right-of-ways shall be placed in eight (8) inch lifts and compacted to ninety-five percent (95%) standard proctor. The developer or contractor shall be responsible to have compaction tests performed by qualified personnel and submit copies of these tests to the Village. The number of tests will be determined by the Village Engineer. Existing undisturbed soils shall, at a minimum, have vegetative matter stripped prior to installation of roadway materials. Existing soils shall be tested by qualified personnel to determine its durability and structural adequacy as a road base in consideration of anticipated traffic volumes. Prior to installation of roadway materials, the qualified personnel shall prepare a report for the Village indicating whether or not the prepared road base is adequate, and if not, design alternatives to strengthen the road base to meet durability and structural requirements in accordance with design guidelines set forth by the Illinois Department of Transportation for low-volume residential streets.

Revised Code

(B) Materials and construction techniques shall be in accordance with the applicable sections of the latest edition of the Standards and Specifications for Road and Bridge Construction, as published by the Illinois Department of Transportation.

(C) In the event of dispute, Illinois Department of Transportation standards and specifications shall prevail.

(D) An Illinois registered professional engineer shall be required to certify any pavement design reports, compaction reports and the like that are required.

40-13-3 CURB AND GUTTER. All streets; except alleys, private drives or roads, access easements, arterial or industrial roadways; shall be constructed with Portland cement concrete mountable curb and gutter and/or V-type gutter meeting the dimensional requirements set forth in the appendix hereto attached with materials and installation meeting the applicable sections of the latest edition of the Standards and Specifications for Road and Bridge Construction, as published by the Illinois Department of Transportation.

40-13-4 MAINTENANCE RESPONSIBILITY.

(A) During construction and Subsequent to completion of street construction by the sub divider/developer, the Public Works Director, Chairperson of the Public Works Committee and Engineer employed by the Village shall make spot inspections and a final inspection of all streets to ascertain the acceptability of structural conditions, earth slopes, drainage structures, curbing and the like. If the inspection indicates no deficient items, the Village shall take formal action to accept the completed streets for maintenance and issue a formal acceptance letter establishing the date of acceptance.

(B) Should any item need correction or repair, the sub divider/developer will be notified in writing of each deficiency. No street(s) will be accepted in a subdivision/development until all streets comply with the Village's requirements to the satisfaction of the Public Works Director and Chairperson of the Streets Committee.

ARTICLE XIV – COMPLETION REQUIREMENTS

40-14-1 TIMELINESS. All improvements shall be completed within one and one-half (1½) years of recording the Final Plat with the County Recorder of Deeds.

Revised Code

40-14-2 GENERAL ASSURANCES. The Village Board shall not approve any Final Plat of subdivision, and hence, the Final Plat shall not be entitled to recording until all the requirements of the following have been met:

- (A) The subdivider has posted adequate security or property lien to guarantee the satisfactory completion of all improvements shown on the approved improvements plan;
- (B) The subdivider has provided sufficient information to show how all improvements which are intended to remain in private ownership will be perpetually maintained; and
- (C) The subdivider has posted adequate security to guarantee the satisfactory condition of all public improvements for the time period stated in 40-14-3 below.

40-14-3 COMPLETION SECURITY.

- (A) Security to guarantee the satisfactory completion of subdivision improvements shall meet the following requirements:
 1. Form – Cash, performance bond, certifications of deposit, treasury bills, property lien or an irrevocable letter of credit from a bank approved of and insured by the FDIC designating the Village as beneficiary. All security shall be in a form satisfactory to the Village Attorney. The Village shall have the right to reject any form of security it believes would be inadequate, for any reason, to guarantee the completion of all unfinished improvements.
 2. Amount – The aggregate amount of all security shall be equal to one hundred twenty-five percent (125%) of the total estimated cost of completing all the uncompleted improvements to be dedicated to the Village and inspection fees. The costs estimates shall be made by the subdivider's professional engineer, but must be approved by an engineer employed by the Village.
 3. Posted with Whom – Security for improvements which are to be dedicated to the Village shall be posted with the Village Clerk. Security for improvements to be dedicated to some other governmental entity shall be posted with the official designated by that entity.
 4. Term – The security for any subdivision improvement within the Village's subdivision jurisdiction shall be irrevocable until said improvements are completed, dedicated to and accepted by the Village.
- (B) However, if any maintenance problem occurs after dedication to and accepted by the Village, but prior to the release and return of the subdivider's maintenance bond, the subdivider's security may be used to correct the problem.

Revised Code

- (C) The Village Clerk may make partial release of the completion security from time to time, upon written authorization from the Village Board. The amount which the Village Board authorizes to be released shall be equal to the value of the subdivision improvements made after written approval as determined by the Village's professional engineer and approval by the Streets Committee Chairperson; of the improvements covered by the completion security; however, the Village Clerk will retain a maintenance security, in the amount of twenty-five percent (25%) of the cost of the improvements dedicated to the Village against the original completion security and this will not be released until all items subject to a security requirement have been satisfied.
- (D) Twenty-five percent (25%) of the amount of completion security posted with the Village shall be retained until:
1. The sub divider's professional engineer has provided a statement to the Administrator in writing that all public improvements have been satisfactorily completed;
 2. The sub divider's professional engineer has furnished supporting documentation evidencing the improvements were constructed as specified and required by the Village;
 3. All public improvements have been completed, dedicated to and accepted by the Village; and
 4. The sub divider submits an affidavit to the Village certifying that all materials, labor or other costs associated with the construction of the public improvements have been paid or arrangements have been made for the payment of such costs.
- (E) If improvements shown on approved improvement plans have not been completed within one and one-half (1½) years of the recoding of the Final Plat with the County Recorder of Deeds, the Village President, with the consent of the Board of Trustees, may elect to have the Village complete such improvements and require the sub dividers surety or bank to pay the cost of completing the improvements. Alternatively, if a property lien has been used as surety, the Village may foreclose on said lien and remedy payment for said cost based on a court's decision. Further, the Village shall have the right to demand and receive payment from the surety or bank in advance of undertaking the completion of the improvements.

40-14-4 SUB DIVIDER'S MAINTENANCE RESPONSIBILITIES. For the purpose of this Subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning:

Revised Code

Public Improvements – Those improvements which are so designated on the approved improvement plans.

- (A) The sub divider shall adequately maintain all public improvements until they have been dedicated to and accepted by the Village, the County, or the Township in which they are located or other appropriate governmental entity. Alleys shall be oiled and chipped for 2 years. Collector(Residential) shall be compacted, primed, oiled & chipped and compacted twice the first year. In the second and third year it must be swept and then oiled & chipped and compacted. In the fourth year it must be swept before the village will assume future maintenance.
- (B) Following dedication and acceptance, the Village or other governmental entity shall assume normal maintenance duties. However, if any maintenance problems occur after dedication to and acceptance by the Village, prior to the return of the sub divider’s maintenance security, then in accordance with this Section, the maintenance security shall be used to correct the problem(s).
- (C) The sub divider shall maintain all improvements not designated “public” on the approved improvements until arrangements for their perpetual maintenance are made in accordance with all applicable federal, state and local regulations.

40-14-5 MAINTENANCE SECURITY; PUBLIC IMPROVEMENTS. To ensure the satisfactory condition of public improvements after dedication and acceptance, the sub dividers shall post maintenance security with the Village.

- (A) Form – Security will be cash, certificates of deposit, treasury bills, a property lien or an irrevocable letter of credit from a financial institution approved of and insured by the FDIC. All security shall be in a form satisfactory to the Village Attorney. The Village shall have the right to reject any form of security it believes would be inadequate to guarantee the satisfactory maintenance of all improvements in question for the required time period.
- (B) Amount/purpose of security – The maintenance security shall be twenty-five percent (25%) of the cost of all improvements dedicated to and accepted by the Village to guarantee the satisfactory condition of all improvements after their acceptance by the Village.
- (C) Release of security – The maintenance security shall be retained by the Village for period not less than two (2) years from the date of final acceptance of the public improvement. At any time, subsequent to the period ending two (2) years from the date of final acceptance of the public improvement, the sub divider may request in writing that the Village release

Revised Code

the maintenance security. Upon receipt of the sub divider's written request to release maintenance security, the Village shall cause a final inspection to be made of the improvements and an advisory report to be made to the Village recommending release of all, part or none of the maintenance security and stating the reasons for the recommendation. The Village shall then act on the advisory report in responding to the sub divider's written request for release of the maintenance security.

- (D) Defective improvements – If at any time prior to final inspection and release of the maintenance security, as provided in division (C) above, the improvements are found by inspection to be defective, they shall be repaired or replaced at the sub divider's expense to the satisfaction of the Village. The Village shall have their option to either cause the improvements to be repaired or replaced and charge the costs thereof to the sub divider or to make demand upon the sub divider to cause the improvements to be repaired or replaced at the sub divider's expense. If the sub divider fails to pay costs or make repairs or replacements within 60 days after demand is made upon the sub divider by the Village or other governmental entity, the maintenance security may be used to make the required repairs or replacements. If the costs of the repairs or replacements exceed the amount of security, the sub dividers shall be personally liable for said excess costs.

Further, the excess costs shall constitute a lien on all unsold lots in the subdivision and no building permits shall be issued until all defects are corrected to the satisfaction of the Village.

ARTICLE XV – PLATS AND PLANS

40-15-1 PRE-APPLICATION CONFERENCE.

- (A) Before submitting a Preliminary Plat, the sub divider shall obtain and study a copy of the Zoning and Subdivision Code. After review of the Codes, he/she is encouraged to confer with the Village Building and Zoning Administrator, the Planning Commission, county officials and officials of other units of government which would be affected by the proposed subdivision to initiate pre-planning activities and to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of detailed plans, surveys and other data.
- (B) A sketch plan is required at this stage. The plan should show minimum design information (approximate layout, number of lots, and approximate location of proposed roadways).

Revised Code

40-15-2 PRELIMINARY PLATS.

- (A) Every person who proposes to subdivide any land within the Village's subdivision jurisdiction shall comply with the procedural and substantive provisions of the subsections below. The Planning Commission shall hold a public hearing to publicly review all Preliminary Plats. Notice indicating the time, date and place of the hearing along with a brief description of the issue to be decided shall be given from 15 to 30 days before the hearing by publishing this information in the Village's monthly newsletter or in a locally circulated newspaper.
- (B) These requirements shall not be applicable to:
1. Minor subdivisions, as defined in 40-10-5.
 2. Land that is specifically exempted from the requirements by "An Act to Revise the Law in Relation to Plats," ILCS Chapter 765, Act 205, paragraph 1 et. seq., as amended from time to time (also known as the Illinois Plat Act). The owner/developer will be required to provide that he/she is exempt under this Law.
- (C) Every Preliminary Plat shall be prepared by a land surveyor and an engineer registered in Illinois at any scale necessary for clarity provided the resultant drawing does not exceed 24 inches by 36 inches. The Preliminary Plat, together with the supporting data, shall provide all of the following information:
1. On the Plat:
 - a. Small key map showing the proposed subdivision in relation to Section or US Survey lines and to platted subdivisions and dedicated streets within 300 feet of the proposed subdivision and also showing the location of any municipal corporate limits situated within 1 and a half mile of the subdivision;
 - b. Name of the proposed subdivision;
 - c. North arrow, graphic scale and date;
 - d. Names and addresses of the owner, sub divider and registered land surveyor who prepared the plat;
 - e. A statement to the effect that "this plat is not for record;"
 - f. Locations and lengths of the boundaries of the tract to be subdivided;
 - g. Zoning District classification(s) of proposed subdivision and adjoining land (if, more than one zoning district is involved, the dividing lines must be shown);
 - h. Topography of the tract to be subdivided as indicated by two-foot contour data for land having slopes of 0% to 4%, five-foot contour data for land having slopes between 4% to 12% and ten-foot contour data for land having slopes of 12% or more;

Revised Code

- i. Locations, elevations and direction of flow of major watercourses, natural drainage ways, ponding areas, railroads, bridges and parks;
 - j. Locations and dimensions of all existing and proposed lots within the subdivision, with an identifying number and area in square feet for each lot;
 - k. Locations and right-of-way widths of all existing and proposed streets, sidewalks and alleys;
 - l. Locations, widths and purposes of all existing and proposed easements;
 - m. Locations, sizes, grades and invert elevations of all existing sewers, water mains, drains, culverts and the like on the tract to be subdivided and on adjoining tracts if the facilities are to be used or extended;
 - n. Identification and location of all proposed sanitary sewers and storm sewers within the subdivision and on adjoining tracts if said facilities are to be used or extended;
 - o. In the case of subdivision wherein individual sewage disposal systems are proposed, a statement of type of other individual treatment systems proposed;
 - p. Locations and types of all other existing and proposed utilities;
 - q. Locations and dimensions of all parcels (if any) to be reserved for greenspace, schools, parks, playgrounds or other public/semi-public purposes;
 - r. Locations of all mined out areas, air shafts and shafts;
 - s. Statement as to how all proposed easement, community and public use areas will be maintained; and
 - t. Terms or text of proposed agreements, covenants, restrictions or proposed associations.
2. Separate submission items:
- a. Documentation checklist;
 - b. Verification of submittal to Clinton County Building and Zoning Committee where applicable;
 - c. Verification of submittal to Illinois Department of Transportation District 8 Office or the Clinton County Highway Department for highway access components, where applicable;
 - d. In the case of a re-subdivision, a copy of the existing plat;
 - e. Pre-annexation agreement initiated, if applicable.
- (D) The sub divider shall file 6 copies of the Preliminary Plat and supporting information with the Village Clerk. The Village Clerk shall retain one copy in the Village Clerk's file and forward one copy to each of the following:
- 1. Planning Commission Chairman;

Revised Code

2. Village Board of Trustees;
 3. Public Works Director;
 4. Administrator; and
 5. Village Engineer.
- (E) The sub divider shall check with the Administrator to determine whether the proposed subdivision is located within the zoning district stated in the submitted information and whether the subdivision complies with all the applicable provisions of the Village Zoning Code.
- If the proposed subdivision cannot be built without a rezoning, special-use permit, or variance, the sub divider shall either first secure necessary “zoning action” through the Village Board of Trustees or apply for the same at the time he/she submits the Preliminary Plat.
- In the latter case, Preliminary Plat approval shall be conditional until the rezoning, special-use permit, or zoning variance has been granted.
- (F) For non-sewered subdivisions, the sub divider shall submit one copy of the Preliminary Plat and applicable fees, if any, to the Clinton County Department of Public Health. The agency may comment on the Preliminary Plat within 30 days after receiving it. Any comments the agency wishes the Village to consider must be in writing and must be filed with the Administrator. If written comments are not filed within 30 days, the Planning Commission shall assume that the agency has no objection to the proposed Preliminary Plat.
- (G) The Planning Commission shall either recommend approval or disapproval of the application for Preliminary Plat approval within 60 days from the date of said application or the filing of the last item of required supporting data, whichever date is later, unless the Planning Commission and the sub divider/developer mutually agree to extend this time limit. If the Planning Commission disapproves the Preliminary Plat, they shall furnish to the applicant and the Village Board of trustees within the 60-day period a written statement specifying the aspects in which the proposed plat fails to conform to this Code and/or the official map. If the Planning Commission approved the Preliminary Plat, they shall promptly so inform the Board of Trustees.
- (H) The Board of Trustees, by resolution, shall either accept or reject said plat within 60 days after their next regularly scheduled meeting following the Planning Commission’s action. If the Board of Trustees rejects the Preliminary Plat, their resolution shall specify the aspects in which the plat fails to comply with this Code and/or the official map. The Village Clerk shall attach a certified copy of the Board’s resolution of approval or rejection to the Preliminary Plat. One copy of the resolution and plat shall be retained by the Clerk, one copy shall be filed with the Administrator, and one copy

Revised Code

shall be given to the sub divider. The Board approval shall not qualify a Preliminary Plat for recording.

- (I) Preliminary Plat approval shall confer upon the sub divider the following rights and privileges:
- a. The Preliminary Plat approval will remain effective for a period of one year. During this period, the sub divider may submit all or part(s) of the Preliminary Plat for final approval. In the event that the subdivision is being developed in stages, the applicant may, by written permission of the Board of Trustees, delay submission in accordance with 40-15-4(G);
 - b. The general terms and conditions under which the Preliminary Plat approval was granted will not be changed prior to or during the Final Plat review process;
 - c. The sub divider may proceed with any detailed improvement plans for all required facilities.

40-15-3 IMPROVEMENT PLANS.

- (A) Following approval of the Preliminary Plat and prior to approval of the Final Plat by the Board of Trustees, the sub divider/developer shall furnish 6 copies of the plans and specifications for all improvements to be installed to the Village Clerk. The Village Clerk shall retain one copy for his/her file and forward one copy to each of the following:
1. Administrator;
 2. Village Board of Trustees;
 3. Public Works Director;
 4. Planning Commission Chairperson; and
 5. Village Engineer.
- (B) Improvements plans shall consist of black or blue line prints, 24 inches by 36 inches. All improvement plans must be signed and sealed by the Illinois Registered Professional Engineer responsible for their preparation.

These plans and related specifications shall provide all of the following applicable information:

1. Title page, with a key map (such as USGS topographic map) showing the relationship of the subdivision to the surrounding area, including portions of the subdivision previously developed, plus adjacent streets;
2. Title block showing names and addresses of sub divider and engineering firm, as well as the engineer's seal;
3. North arrow, graphic or bar scale and date;
4. List of the standards and specifications followed, citing volume section, page or other reference;

Revised Code

5. One or more permanent bench marks, in or near the subdivision, to which the subdivision is referenced (elevation based on mean sea level datum);
 6. Existing and proposed survey monuments;
 7. Plans, profiles and cross sections of streets showing names, right-of-way and pavement widths, elevations, paving details, grades, curbs and gutter, catch basins, sidewalks and any other improvements to be constructed within or in conjunction with the street right-of-way;
 8. Plan of any water supply system showing locations, pipe sizes, pump stations (size, capacity and type), hydrant and valve locations;
 9. Clinton County Department of Public Health preliminary approval if no public sewer system is available or an IEPA preliminary approval if a public system is proposed that does not discharge to the Germantown sewage collection system;
 10. Plan of sewage disposal system showing pipe locations, sizes, force mains, invert elevations, slopes, manhole locations, lift stations (size, capacity and type) and point of discharge:
 - a. If area is subject to flooding, any additional flood proofing measures (such as, anchoring, special pipe, ground water information and the like) shall be shown;
 - b. If a private sewage treatment system is proposed, all information required by the Clinton County Department of Public Health shall be submitted with the improvement plans such as treatment proposed, size, type, capacity, locations, outfall points and the like).
 11. Plan of natural drainage system and storm water management plan including watershed outlines with drainage computations, retention basins showing drainage areas, locations of storm sewers, culverts, drainage channels, swales, slopes, pipe sizes, invert elevations, underground drains, outlet locations, velocity reduction techniques and high-water elevations of all lakes and streams adjoining or within the tract, FEMA identified flood hazard areas and the applicable FIRM panel number;
 12. Proposed fill or other structure-elevating techniques, levees, channel modifications and other methods to overcome any flood hazards;
 13. Any proposed structural or non-structural measures to prevent soil erosion and control sedimentation;
 14. List of all improvements to be dedicated to the Village; and
 15. Cost estimates of all improvements to be dedicated to the Village, prepared by a licensed professional engineer.
- (C) The Public Works Director, Public Works Committee and the Village Engineer shall review the improvement plans. A written summary of their comments along with their recommendation regarding acceptance of the

Revised Code

improvement plan shall be forwarded to the Administrator by the Public Works Director. The recommendations of the Public Works Committee, Village Engineer, and Administrator shall be forwarded to the Planning Commission at least seven (7) days in advance of the Planning Commission meeting. Within sixty (60) days of the date improvement plans were submitted to the Village Clerk, the Administrator shall notify the sub divider/developer in writing as to whether the improvement plans are acceptable, not acceptable or acceptable with changes. If the plans are acceptable with changes, the nature of the changes shall be provided.

No building permits shall be issued and the application of the Final Plat shall not be approved by the Board of Trustees until the improvement plans satisfactorily address written change requirements provided to the developer/sub divider by the Administrator.

40-15-4 FINAL PLATS.

(A) The sub divider/developer shall file eight (8) copies of the final Plat and supporting information including as-built or record drawings of all public infrastructure installed as part of the development project with the Village Clerk. Within three (3) working days, the Clerk shall forward one (1) copy each to the following:

1. Building and Zoning Administrator;
2. Public Works Director; and
3. Village Engineer.

(B) The Final Plat shall be filed with the Village Clerk prior to the one-year anniversary date of the approval of the Preliminary Plat by the Board of Trustees.

The Village Board may at the request of the sub divider/developer extend the filing date of the Final Plat for successive one-year periods.

(C) The Village Board of Trustees shall not approve any Final Plat until and unless they determine that it is in compliance with all pertinent requirements of this Code.

Every Final Plat shall be prepared by an Illinois registered land surveyor and bear his or her signature and seal. Every Final Plat shall be prepared at a scale not greater than 100 feet equal to one inch, provided that the resultant drawing shall not exceed 24 inches by 36 inches. The Final Plat and supporting data shall portray/provide all of the following information:

1. North arrow, graphic or bar scale and date;
2. Name of sub divider;
3. Accurate metes and bounds or other adequate legal description of the tract;

Revised Code

- a. Accurate boundary lines, with dimensions and bearing or angles which provide a survey of the tract, closing with an error of closure of not more than one foot in 10,000 feet, the State Plane Coordinates (Illinois West) of all subdivision boundary corners;
 - b. Reference to recorded plats of adjoining platted land by record name, plat book and page number;
 - c. Accurate locations of all existing streets intersecting the boundaries of the subdivision;
 - d. Boundaries and dimensions of all right-of-way lines of all streets, other right-of-ways, easements (including those identified for overland flow paths), and lot lines with accurate dimensions, angles or bearing and curve data, including radii, arcs or chords, points of tangency and central angles;
 - e. Name and right-of-way width of every proposed street;
 - f. Purpose of any existing or proposed easement;
 - g. Number of each lot, lot dimension and lot areas;
 - h. Purpose(s) for which sites, other than private lots, are reserved;
 - i. Building or setback lines with accurate dimensions; and
 - j. Restrictions of all types which will run the land and become covenants in the deeds of lots, and subject to approval by the Village Board and Village Attorney;
 - k. Approximate 100-year recurrence interval FEMA identified flood hazard areas with FIRM panel number.
- (D) The County Recorder of Deeds shall not record any Final Plat located within the jurisdiction of this municipality until the Final Plat has been approved by the Board of Trustees and duly executed by the Village President and Clerk. Every Final Plat shall be recorded in the office of the County Recorder of Deeds prior to the one-year anniversary of its approval by the Village Board of Trustees.
- (E) As required by State Law, the following certificates shall be executed on the Final Plat:

1. Owner's Certificate

We, _____, as owners of the land hereon described, have caused the same to be surveyed and sub divided in the manner shown by the within _____ plat and said subdivision is to be known as “_____”. All right-of-ways and easements shown hereon are hereby dedicated to the use of the public forever including the release and waiver of the right of homestead under the Homestead Exemption laws of the State of Illinois. The utility/drainage easements as shown hereon are hereby dedicated to the Village of Germantown and the public and private utility companies,

Revised Code

4. County Clerk’s Certificate

I, _____, County Clerk of Clinton County, Illinois, do hereby certify that I find no unpaid taxes against any of the real estate included within this plat. In witness whereof, I have hereunto set my hand and affixed the seal of my office this ____ day of _____, 20__.

County Clerk

5. Certificate of Board of Trustees

I, _____, President of the Village of Germantown Board of Trustees, do hereby certify that the plat shown herein was duly presented to the Board of Trustees and approved at a meeting of same held on ____ day of _____, 20__.

Village President

Village Clerk

6. 911 Coordinator Certificate

I, _____, 911 Coordinator of Clinton County, Illinois, hereby certify that this plat has been reviewed for 911 Emergency Service and proper common addresses have been assigned.

911 Coordinator

- (F) Within 30 days from the date of application for Final Plat approval, the Public Works Director and the Administrator shall review the Final Plat and supporting data, and after consultation with technically qualified persons as necessary, shall jointly advise the Board of Trustees in writing whether it substantially conforms to the approved Preliminary Plat. A copy of their advisory report shall be forwarded to the Plan Commission. The Plan Commission may prepare an addendum to the report (should they so desire), and forward the same to the Board of Trustees.
- (G) The Board of Trustees shall either approve or disapprove the application for Final Plat approval by resolution within 60 days from the date of the application or the filing of the last item of required supporting data, whichever date is later, unless the Board and the sub divider/developer

Revised Code

mutually agree to extend this time limit. The Board of Trustees shall not approve any Final Plat unless:

1. The Final Plat substantially conforms to the approved Preliminary Plat;
2. The Final Plat manifests substantial compliance with the design and improvements standards of this Code, Zoning Code and the Official Map;
3. The sub divider/developer has posted a performance bond, filed property lien or deposited funds in escrow to guarantee the satisfactory completion and dedication of all required improvements; and Applicable approvals have been received from the following, unless waived:
 - a. Planning Commission;
 - b. Public Works Department;
 - c. Building and Zoning Department;
 - d. County or Township highway Commissioner; and
 - e. Illinois Department of Transportation.

If the Board of Trustees disapproves the Final Plat, their resolution shall specify the aspects in which the plat fails to meet the above conditions for approval. The Village Clerk shall attach a certified copy of the Board's resolution of approval or disapproval to the Final Plat. One copy of the resolution and plat shall be retained by the Clerk, one copy shall be filed with the Administrator, and one copy shall be given to the sub divider.

- (H) Once a Final Plat is approved by the Board of Trustees, it shall not be modified without a review of the Planning Commission and approval of the Board of Trustees.
- (I) The sub divider/developer shall notify the Building and Zoning Administrator and the Public Works Director of both the start and completion of construction of approved improvements.

The Public Works Director and the Building and Zoning Administrator or an engineer hired by the Village shall monitor the improvements while under construction. If the Public Works Director or an engineer hired by the Village determines that they are being built in violation of this Code, he shall promptly notify the Chairperson of the Public Works Committee of the action.

The Public Works Director and Village shall also inspect planned improvements upon their completion. The municipality shall not accept any completed improvement until all necessary documentation has been submitted.

Core samples and/or other appropriate tests may be required by the engineer employed by the Village at the expense of the developer.

Revised Code

- (J) If, after final inspection, the Village's professional engineer determines that the completed improvements conform to approved plans, he or she shall attest to this fact in a letter to the Building and Zoning Administrator.
The Village shall not accept any completed improvement until the letter has been received.
- (K) Upon completion of the approved improvements, the sub divider/developer shall file with the Administrator a set of plans showing the as-built configuration, details and any deviations from the approved plans for review by the Building and Zoning Administrator. Any deviations to the approved plans, deemed by the Building and Zoning Administrator or an engineer hired by the Village that would cause malfunctions in the proper operation of improvements shall be corrected by the sub divider/developer to the satisfaction of the Village. Upon satisfactory completion of any corrections, the sub divider/developer shall submit revised plans labeled as "Record Drawings" signed and sealed by the design engineer. One set of the subdivision plat and all development improvement plans with one complete computer file disk in AutoCAD or Micro station format and three sets of prints shall be submitted to the Administrator and kept on file.

40-15-5 VACATION ON PLATS. In accordance with State Law, any plat or part thereof may be vacated by the owner of the tract, at any time before the sale of any lot therein, by a written vacation instrument to which a copy of the plat is attached.

If there are public service facilities in any street, other public way or easement shown on the plat, the instrument shall reserve to the Village or other public entity or public utility owning the facilities the property, right-of-way and easements necessary for continuing public service by means of those facilities and for maintaining or reconstructing the same.

The vacation instrument shall be approved by the Board of Trustees in the same manner as plats of subdivision/ development and shall also be approved by the County Superintendent of Highways, the Highway Commissioner of the appropriate township, the District Engineer of the Illinois Department of Transportation and the public utilities.

In the case of the platted tracts wherein any lots have been sold, the written vacation instrument must also be signed by all the owners of lots in the tracts.

Revised Code

ARTICLE XVI – ADMINISTRATION AND ENFORCEMENT

40-16-1 BUILDING AND ZONING CORD ENFORCEMENT OFFICER.

The Administrator, except where provided for in the Subdivision Code, is hereby authorized and directed to administer and enforce the provisions of the Subdivision Code.

Cross reference:

Code Enforcement Officer, see Germantown Code of Ordinances

40-16-2 SUBDIVISION VARIANCES.

- (A) Any sub divider/developer desiring a variance from the requirements of this Code shall file a written application therefore with the Planning Commission and Administrator at the same time that he files his or her Preliminary Plat. The application shall fully explain the grounds for the variance request, and specify the section(s) of this Code which, if strictly applied would cause great practical difficulties or hardship. The Administrator shall prepare a written advisory report on every variance application and submit it, together with the completed application, to the Plan Commission.
- (B) The Planning Commission shall review the variance application and the Administrator's comments, perform on-site review when appropriate and submit their advisory report to the Board of Trustees together with their recommendation on Preliminary Plat approval. The Planning Commission's advisory report shall be responsive to all the variances standards set forth in division (C) below.

A copy of the Committee's decision, clearly stating their reasons therefore and exact terms of any variance granted, shall be attached to the Preliminary and Final Plats.

- (C) At the same meeting at which they take action on the application for Preliminary Plat approval, the Board of Trustees shall decide by resolution whether to grant or deny the requested subdivision/development variance. A copy of their decision, clearly stating their reasons therefore and the exact terms of any variance granted, shall be attached to both the preliminary and Final Plats. The Board of Trustees shall not grant any subdivision/development variances unless, based upon the information presented to them, they determine that:
1. The proposed variance is consistent with the general purposes of this Code;
 2. Strict application of the subdivision/development requirements would result in great practical difficulties or hardship to the applicant;

Revised Code

3. The proposed variance is the minimum deviation from the Subdivision/development requirements that will alleviate the difficulties/hardship;
4. The plight of the applicant is due to peculiar circumstances not of his or her own making;
5. The peculiar circumstances engendering the variance request are not applicable to other tracts and, therefore, that a variance would be a more appropriate remedy than a Code amendment; and
6. The variance, if granted, will not materially frustrate implementation of the municipal comprehensive plan including the official map.

40-16-3 REVIEW BY PLANNING COMMISSION. Amendments to this Code may be proposed by the Administrator, Board of Trustees Liaison and/or any member of the Planning Commission. Every amendment proposed must be filed on a prescribed form in the Administrator's office. The Administrator shall promptly transmit each proposal, together with any comments or recommendations he or she may wish to make to the Village Planning Commission for a public hearing.

The Planning Commission shall hold a public hearing on every amendment proposal within a reasonable time after the proposal is submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date and place of the hearing and the nature of the proposed amendment shall be given not more than 30 days, nor less than 15 days before the hearing by publication in a newspaper of general circulation within the municipality or in the Village's monthly newsletter.

Within a reasonable time after the public hearing, the Planning Commission shall submit an advisory report to the Board of Trustees. The Board of Trustees shall act on the proposed amendment at their next regularly scheduled meeting following submission of this report.

40-16-4 FEES. The sub divider shall pay the fees listed below to the Administrator at the time he or she submits the item of required information pertaining to the plat/plan in question. The Administrator shall promptly cause such fees to be deposited in the Village's general corporate fund.

- (A) Preliminary plat review: \$225;
- (B) Improvements plan review: \$10 per lot, sub lot, or tract of land shown on the plat;
- (C) Final plat review: \$100;

Revised Code

- (D) Variance rezoning request fee: \$10 per lot, sub lot, or tract of land for which a variance or rezoning is requested, plus any costs of mailing or publications.

Table 14.1: Street Design Specifications

Residential Street Classification	Max Number of Dwelling Units Served	Required R.O.W. (ft.)	Minimum Width (ft., See Note 1)	Maximum Gradient	Minimum Gradient
Alley	N/A	20	15	14%	0.5%
Private Street	150	50	32	12%	0.5%
Local	150	50	36	12%	0.5%
Local Collector	400	60	42	8%	0.5%
Collector (See Note 2)	> 400 dwelling units served	60	52	8%	0.5%
Agricultural/ Residential	--	50	30	12%	0.5%

Commercial and Industrial Street Classification	Required R.O.W. (ft.)	Rqt Pavement Width (ft., See Note 1)	Maximum Gradient	Minimum Gradient
Alley	24	16*	14%	0.5%
Local	50	30*	12%	0.5%
Collector (See Note 2)	70	48-66*	8%	0.5%

NOTES:

1. Minimum width is measured from the back-to-back of curb or gutter.
2. Minimum width may increase as needed for half-turn lanes (determined by Village Board).

* Typographical Error identified and corrected that restores these values to the 2005 Ordinance language.

Revised Code

Table 14.2: Minimum Street Construction Standards

Street Classification	Flexible Pavements		Rigid Pavements	
	Alternate #1	Alternate #2	Alternate #1	Alternate #2
Alley, Access Easement, or Private Street	1 1/2" I-II Surface	IDOT A-3	6" P.C.C	N/A
	1 1/2" I-II Binder	8" Compacted Crushed Stone (IDOT CA-6)	w/Plain Joints at 15'o.c. max. each way	
	3 1/2" B.A.M. Base			
Residential Local	1 1/2" I-II Surface	IDOT A-3	6" P.C.C	N/A
	1 1/2" I-II Binder	8" Compacted Crushed Stone (IDOT CA-6)	w/Plain Joints at 15'o.c. max. each way	
	3 1/2" B.A.M. Base			
Residential Collector	1 1/2" I-II Surface	IDOT A-3	7" P.C.C	N/A
	2" I-II Binder	8" Compacted Crushed Stone (IDOT CA-6)	w/Plain Joints at 15'o.c. max. each way	
	4 1/2" B.A.M. Base			
Commercial - Local Access	1 1/2" I-II Surface	IDOT A-3	8" P.C.C	N/A
	2" I-II Binder	8" Compacted Crushed Stone (IDOT CA-6)	w/Plain Joints at 15'o.c. max. each way	
	4 1/2" B.A.M. Base			
Commercial - Collector	1 1/2" I-II Surface	NOT ALLOWED	8" P.C.C	N/A
	2" I-II Binder		w/Plain Joints at 15'o.c. max. each way	
	4 1/2" B.A.M. Base			
Agricultural / Residential	1 1/2" I-II Surface	IDOT A-3	6" P.C.C	N/A
	1 1/2" I-II Binder	8" Compacted Crushed Stone (IDOT CA-6)	w/Plain Joints at 15'o.c. max. each way	
	3 1/2" B.A.M. Base			

KEY:

B.A.M - Bituminous Aggregate Mixture

P.C.C. - Portland Cement Concrete

Plain Joints - Keyed or sawcut joints without surface sealant

Max Lift Thickness: Crushed Stone = 8"; B.A.M. = 6"; I-II Binder = 2"; Surface = 2"

Revised Code

Additional Notes:

- (1) Equivalent pavements, in addition to those shown in Table 14.2, shall be submitted to the Public Works Director for Approval.
- (2) If total pavement thickness exceeds 8", the granular aggregate base/sub base shall extend under the curb and gutter.
- (3) All pavement types shall be constructed on a lime modified subgrade 12" in depth except for A-3 pavement type. Lime modified subgrade shall extend underneath curb & gutter.