

VILLAGE OF BEECHER, WILL COUNTY, ILLINOIS

ORDINANCE NO. 1418

AN ORDINANCE REPLACING ORDINANCE NO. 1046, AND REPEALING ALL VILLAGE CODE SECTIONS AND ORDINANCES, OR PARTS THEREOF, IN CONFLICT THEREWITH.

WHEREAS, the Corporate Authorities of the Village of Beecher, Will County, Illinois, adopted a Comprehensive Plan on October 15, 2019, which Comprehensive Plan includes physical factors, population, housing, land uses, goals and objectives, general development plan (map) including land use plan, thoroughfare (transportation) plan, community facilities, existing subdivision regulations and existing zoning pursuant to Illinois Compiled Statutes.

WHEREAS, the Corporate Authorities of the Village of Beecher, Will County, Illinois, have been advised by the Village Planner that Village Zoning Ordinance No. 1046, passed and adopted on June 13, 2006, requires extensive amendments.

WHEREAS, the Planning and Zoning Commission of the Village of Beecher, did on January 23, 2025, after due notice and publication, conduct a hearing on a proposed Zoning Ordinance to replace Ordinance No. 1046 and unanimously recommended approval of same.

WHEREAS, the Corporate Authorities of the Village of Beecher, Will County, Illinois, have been advised that this proposed Ordinance comprehensively amends and replaces Ordinance No. 1046, for the purpose of classifying property within the Village of Beecher in accordance with 65 ILCS 5/11-13-1 *et seq.*, as amended from time to time, so that adequate light, pure air, and safety from fire and other dangers may be secured, that the taxable value of land and buildings throughout the municipality may be conserved, that congestion in the public streets may be lessened or avoided, that the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters may be lessened or avoided, and that the public health, safety, comfort, morals, and welfare may otherwise be promoted and to insure and facilitate the preservation of sites, areas, and structures of historical, architectural and aesthetic importance.

WHEREAS, the Corporate Authorities of the Village of Beecher, Will County, Illinois, having reviewed the Village Zoning Ordinance No. 1046 provisions, as amended from time to time, and the text of the proposed replacement Zoning Ordinance, now concur that it is advisable, necessary, and in the best interests of the residents of the Village of Beecher that the Village Zoning Ordinance No. 1046 be replaced in its entirety by this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BEECHER, WILL COUNTY, ILLINOIS, AS FOLLOWS:

SECTION ONE: That the Village Board of the Village of Beecher, Will County, Illinois, does hereby adopt the document entitled “**VILLAGE OF BEECHER ZONING ORDINANCE DATED MARCH 2025**”, attached hereto, and incorporated by reference as if fully set forth herein.

SECTION TWO: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law, and is enacted pursuant to the statutory non-Home Rule Authority of the Village of Beecher as granted by 65 ILCS 5/11-13-1, *et seq.*

PASSED and APPROVED this 10th day of March, 2025.

Yeas:	<u>5</u>
Nays:	<u>0</u>
Abstain:	<u>0</u>
Present:	<u>0</u>

Marcy Meyer, Village President

ATTEST:

Janett McCawley, Village Clerk

VILLAGE OF BEECHER ZONING ORDINANCE



DATED MARCH 2025

TABLE OF CONTENTS

SECTION 1 TITLE 5

SECTION 2 INTENT 6

SECTION 3 ADMINISTRATION AND ENFORCEMENT 8

SECTION 4 GENERAL PROVISIONS 57

SECTION 5 NON-CONFORMING BUILDINGS, STRUCTURES, AND USES 80

SECTION 6 ZONING DISTRICTS 82

SECTION 7 RESIDENTIAL DISTRICTS 90

SECTION 8 BUSINESS DISTRICTS 98

SECTION 9 INDUSTRIAL DISTRICTS 101

SECTION 10 PARKING AND LOADING 104

SECTION 11 SIGNS 118

SECTION 12 PERFORMANCE STANDARDS 141

SECTION 13 MISCELLANEOUS USES 145

SECTION 14 RULES AND DEFINITIONS 157

SECTION 1 TITLE

This Ordinance, including the Zoning District Map, made a part hereof, shall be known, cited, and referred to as the **BEECHER ZONING ORDINANCE, as amended, March 2025.**

SECTION 2 INTENT

This Ordinance is based on the Beecher 2040 Plan for the Future (Comprehensive Plan) for the Village of Beecher adopted by The Village Board on October 15, 2019, and subsequently recorded in the County of Will. Said Comprehensive Plan includes sections on demographics, existing and future land uses, population growth and goals, planning policies, housing, parks and recreation, transportation, downtown planning, employment, sustainability, and implementation.

This Ordinance is adopted with the following intent:

1. To promote and protect the public health, safety, morals, convenience, and general welfare of the people;
2. To provide adequate natural light, pure air, and safety from fire and other dangers;
3. To divide the Village of Beecher into zones or districts and classify, restrict, and regulate therein trades and industries, and the location, construction, reconstruction, alteration, and use of buildings, structures, and land, whether for residence, business, manufacturing, or other specified uses;
4. To fix reasonable standards to which buildings and structures shall conform and to provide that alterations or remodeling of existing buildings or structures be conducted in accordance with current standards as set forth herein;
5. To protect the character and maintain the stability of residential, business, and industrial areas within the Village of Beecher and to promote the orderly development of such areas;
6. To limit congestion in the public streets;
7. To prevent the unproductive or overly intensive development of land through managing the height and bulk of buildings hereafter erected as related to land area;
8. To establish and regulate building or setback lines on or along streets, alleys, trafficways, drives, parkways, storm or flood water runoff channels or basins, or property lines to secure development that enhances its surroundings and the Village;
9. To regulate and manage the intensity of the use of lot areas and regulate and determine the area of open spaces within and surrounding such buildings;
10. To prohibit buildings, structures, or uses which are incompatible with the character of other appropriate existing or intended uses within specified zoning districts;
11. To require that additions, alterations, or remodeling of existing structures meet the requirements of this Chapter and the Village Code;
12. To provide for the gradual elimination of those existing uses, buildings, and structures which are incompatible with the character of the districts in which they are made or located, including without being limited thereto;
 - a. To eliminate such uses of unimproved lands or lot areas when the existing rights of the persons in possession thereof are terminated or when the uses to which they are devoted are discontinued;
 - b. To eliminate uses to which such buildings and structures are devoted if they are adaptable for permitted uses; and
 - c. To eliminate such buildings and structures when they are destroyed or damaged in

major part or when they have reached the age fixed by the corporate authorities of the municipality as the normal, useful life of such buildings or structures.

13. To protect the air, water, and land resources of the Village from the hazards of pollution;
14. To protect land and buildings and the lawful uses of land and buildings from natural hazards including flooding and erosion;
15. To encourage the construction and maintenance of a full range of housing opportunities so as to enable all persons working within the village to reside therein;
16. To conserve and enhance the taxable value of land and buildings throughout the Village of Beecher;
17. To define and limit the powers and duties of the administrative officers and bodies as provided herein;
18. To prescribe the penalties for the violation of the provisions of this Ordinance or any amendments thereto; and
19. To encourage development so there is compliance with the Comprehensive Plan.

SECTION 3 ADMINISTRATION AND ENFORCEMENT

3-1 HOW TO USE THIS SECTION.

This Section provides the procedural requirements for obtaining relief under this code, including special use permits, planned unit developments, variations, appeals, amendments, and site plan approval. In addition, this Section explains the authority of the Planning and Zoning Commission, as well as the administrative officers with specific authority to interpret, apply, and enforce the provisions of this code. The provisions that follow are complex, but are designed to ensure a fair, predictable process for property owners and people wanting to improve and develop property. Specific questions about this Section should be directed to the Zoning Administrator.

3-2 ADMINISTRATIVE OFFICIALS AND BODIES.

1. General Provisions. The administration of this ordinance is hereby vested in the following:
 - a. Zoning Administrator;
 - b. Planning and Zoning Commission; and
 - c. Village Board.
2. Zoning Administrator.
 - a. General Powers. The Village Administrator, or his/her designee shall act as the Zoning Administrator. The Zoning Administrator will be charged with the administration and enforcement of this code, and such other responsibilities as may be delegated by the Village Board from time to time. In addition to the jurisdiction, authority, and duties conferred on the Zoning Administrator by state statutes and village codes and ordinances, the Zoning Administrator will have all powers necessary to such administration and enforcement, and will, in particular, have the jurisdiction, authority, and duties set forth in this Subsection 3-2.2.
 - b. Rules, Regulations; Application Forms. The Zoning Administrator will prepare, adopt, and issue procedural rules, regulations, and forms that, in the Zoning Administrator's opinion, are necessary for the effective administration and enforcement of this code.
 - c. Staff Assistance to the Planning and Zoning Commission. The Zoning Administrator will make staff and consulting assistance available to the Planning and Zoning Commission.
 - i. Attend the meetings of the Planning and Zoning Commission (PZC);
 - ii. Inform the Planning and Zoning Commission of all relevant facts and information with respect to any matter brought before either body;
 - iii. Assist the Planning and Zoning Commission with research and making recommendations on matters brought before either body; and
 - iv. Perform such other duties as may be assigned to the Zoning Administrator by this code, the Village Board, or by the direction of the Village President.
 - d. Records. The Zoning Administrator will, subject to Village record retention policies, maintain:
 - i. Permanent and current records of this code, including all maps; amendments; special use permits; planned development and site plan approvals and denials; interpretations; and decisions rendered by the Planning and Zoning

- Commission, village attorney, and the Zoning Administrator, together with relevant background files and materials and final disposition of the Village Board; and
- ii. A current file of all certificates of zoning compliance, certificates of occupancy, and notices of violations, terminations, discontinuance, or removal, issued by or in the possession of the Zoning Administrator's office, for such times necessary to ensure continuous compliance with the provisions of this code.
 - iii. All official documents shall be recorded with the Will County Recorder of Deeds within sixty (60) days of approval by the Planning and Zoning Commission and/or the Village Board.
- e. Zoning Text; Zoning Map. The Zoning Administrator will prepare and have available for public inspection on or before March 31st of each year:
- i. The compiled text of this code in book or pamphlet form, including all amendments through the preceding December 31st; and
 - ii. The official zoning map, showing the zoning districts, divisions and classifications in effect on the preceding December 31st.
 - iii. The Zoning Administrator will, at all other times, maintain, and have available for reproduction, at least one (1) up-to-date copy of both this code text and the zoning map, showing all amendments through the most recent meeting of a Village Board for which official minutes have been approved.
- f. Applications. Receipt, Processing, Referral to Interested Parties and Agencies. The Zoning Administrator will receive all applications required to be filed pursuant to this code and determine when any application is complete. Upon receipt of an application, the Zoning Administrator will process it, including referral to and retrieval from each department, board, or commission of the village, or other government, with any interest or duty with respect to such application. Unless otherwise provided, the Zoning Administrator may waive any application requirements that require the submission of supporting information where the applicant demonstrates to the satisfaction of the Zoning Administrator that the information required is not relevant to or necessary for the determination of the application submitted.
- g. Investigation of Applications. Whenever the Planning and Zoning Commission, or the Village Board will, by general rule or specific direction, so request, the Zoning Administrator will conduct or cause to be conducted surveys, investigations, and field studies, and will prepare or cause to be prepared reports, maps, photographs, charts, and exhibits, as will be necessary and appropriate to the processing of any application filed pursuant to this code.
- h. Zoning Certificates. Pursuant to Subsection 3-2.2 of this Section, the Zoning Administrator will review all applications for certificates of zoning compliance and certificates of occupancy and approve or disapprove such applications and issue or refuse to issue such certificates based on compliance or noncompliance with the provisions of this code.
- i. Interpretations. Pursuant to the provisions of Subsection 3-2.2 of this Section, the Zoning Administrator will issue written interpretations of the meaning and applicability of this code. Any interpretation of this code that may be rendered by the

- Zoning Administrator will be kept on file with the Zoning Administrator and will be a public record of the village.
- j. Planned Development and Site Plan Modifications. Pursuant to the provisions of this Section, the Zoning Administrator will have authority to permit adjustments to final plans for planned developments and to site plans.
 - k. Extensions of Time.
 - i. The Zoning Administrator may, upon written request, for good cause shown and without any notice or hearing, grant extensions of any time limit imposed on an applicant or permittee by this code unless state law, or a village ordinance or resolution expressly provides otherwise. The total period of time granted by any extension or extensions will not exceed the length of the original period or ninety (90) days, whichever is less.
 - ii. The Village Board may, upon written request, for good cause shown, and without any notice or hearing, grant extensions of any time limit imposed on an applicant or permittee by this code by ordinance duly adopted. The total period of time granted by such extension or extensions will be specifically stated in the ordinance.
 - l. Inspection and Enforcement. The Zoning Administrator will undertake regular and continuing programs of inspection of work approved and underway and of existing structures and uses as may be feasible and proper; will undertake additional inspections as may be necessary to the performance of his or her duties under this code; will receive from any person complaints alleging, with particularity, a violation of this code; and when appropriate will cause investigations and inspections as may be warranted under the circumstances. Upon finding the existence of any violation of this code, the Zoning Administrator will take or direct all actions necessary or appropriate to promptly end and correct the violation, and ensure future compliance with this code.
 - m. Reports. The Zoning Administrator will, from time to time, prepare and submit a report to the Village Board and the Planning and Zoning Commission concerning the administration of the land use and development regulations of the village, with information and statistical data useful in advancing and furthering the goals and purposes of these regulations and recommendations for the improvement of these regulations and their administration.
3. Planning and Zoning Commission (PZC).
- a. Establishment and Membership. A Planning and Zoning Commission (PZC) is hereby established and its membership and their respective terms are determined as provided in Chapter 15 of the Village Code of Ordinance, as amended.
 - b. Membership. The Planning and Zoning Commission will consist of seven (7) members appointed by the Village President with the advice and consent of the Village Board. Each member must be a resident of the Village. The Village President, with the advice and consent of the Village Board, will select one (1) member to serve as the chairperson. The Village President, subject to approval by the Village Board, will have the power to remove, after a public hearing, any member for cause. Vacancies will be filled as soon as possible for the unexpired term of any member who vacates their

position. In the event that the office of chairperson is vacated, the Village President will, as soon as practicable, appoint, (a) at the Village President's sole discretion, one (1) of the current commissioners, or, (b) with the advice and consent of the Village Board, appoint a newly appointed member to fill the chairperson vacancy.

- c. Term. Planning and Zoning Commission members will be appointed to the following terms one for one (1) year, two for two (2) years, two for three (3) years, and two (2) for four (4) years, the successor to each member so appointed to serve for a term of three (3) years.
- d. Planning and Zoning Commission Authority and Procedures. The Planning and Zoning Commission is hereby vested with the following powers and duties:
 - i. To hear, consider, and recommend to the Village Board matters dealing with amendments to this code;
 - ii. To hear, consider, and recommend to the Village Board matters dealing with the granting of special uses;
 - iii. To consider and recommend to the Village Board matters dealing with the granting of planned developments;
 - iv. To hear and decide, as a final decision of the village, appeals from any order, requirement, decision, or determination to be made by the zoning administrator under this ordinance;
 - v. To hear and decide, as a final decision of the village, variations from the terms provided in this ordinance in the manner and subject to the standards set forth in this Section, including any variation requested in connection with special uses, rezoning, subdivisions, annexation requests, or other zoning approval request;
 - vi. To prepare and recommend to the Village Board a new comprehensive plan for the present and future development or redevelopment of the village and contiguous unincorporated territory within one and one-half (1½) miles of the corporate limits of the village and not located in any other municipality;
 - vii. To designate, subject to final consideration, evaluation, and approval of the Village Board, land suitable for annexation to the village and the recommended zoning classification for such land upon annexation;
 - viii. To recommend to the Village Board, from time to time, amendments to the comprehensive plan or any part thereof;
 - ix. To prepare and recommend to the Village Board, from time to time, plans or recommendations for specific improvements in furtherance of the comprehensive plan's goals and objectives;
 - x. To give aid to the officials of the village charged with the direction of projects for improvements set forth in the comprehensive plan, or parts thereof;
 - xi. To consider and recommend to the Village Board all matters which it is required to act upon under the terms of this code or under the law;
 - xii. To recommend, subject to final consideration, evaluation and approval by the Village Board, reasonable standards of design for subdivisions and for resubdivisions of unimproved land and of areas subject to redevelopment with respect to public improvements;

- xiii. To study and make recommendations regarding matters dealing with the planning of the community;
 - xiv. To direct and review, from time to time, studies of the provisions of this code, and to make recommendations to the Village Board regarding any changes to the ordinance;
 - xv. To cooperate with the municipal or regional planning commissions and other agencies or groups to further local planning initiatives and to assure harmonious and integrated planning for the area;
 - xvi. To hear and decide all matters referred to it or upon which it is required to pass under this ordinance.
- e. Meetings and Procedures.
- i. All meetings and hearings of the Planning and Zoning Commission will be held on dates as determined by annual resolution of the Village Board and pursuant to the requirements of the Illinois Open Meetings Act, 5 ILCS 120/1 et seq., as the same may be amended from time to time. Additional meetings of the Planning and Zoning Commission may be held on the call of the chair, or upon a majority of the commissioners then holding office, and upon proper notice.
 - ii. Minutes and Records. The Planning and Zoning Commission will keep minutes of its proceedings summarizing said meeting and showing the vote of each commissioner upon questions considered. Findings of fact will be included in the minutes of each case and the reasons for recommending or denying any matter will be specified.
 - iii. Necessary Vote. The concurring vote of at least a majority of the currently present commissioners will be necessary to take any action or adopt any motion to recommend approval of any matter or application. Any lesser vote on any such motion, even if a majority of those voting, will be considered a final decision to recommend denial of such matter or application.
 - iv. Rules of Procedure, The Planning and Zoning Commission may adopt rules of procedures for the conduct of its meetings and hearings.
- f. Records and Decisions.
- i. The transcript of testimony, if any; the minutes of the staff secretary; all applications, requests, exhibits, and papers filed in any proceeding before the Planning and Zoning Commission; and the decision of the Planning and Zoning Commission will constitute the record. The Planning and Zoning Commission may rely on the personal knowledge of its members, on its inspections of the property, and on any reports available to it; provided, however, that the Planning and Zoning Commission will make the particular knowledge, inspection, or report a matter of record at the public hearing and afford every party reasonable time to respond to it.
 - ii. Every decision of the Planning and Zoning Commission that is deemed to be a final decision on a matter will be in writing and include findings of fact; refer to all the evidence in the record and to the exhibits, plans, or specifications upon which the decision is based; specify the reason or reasons for the decision; contain a conclusion or statement separate from the findings of fact

setting forth the specific relief granted or denying relief; and expressly set forth any limitations or conditions imposed on any relief granted or work or use authorized.

- iii. Every decision of the Planning and Zoning Commission that is deemed to be a recommendation to the Village Board may be made by written resolution or by written report of the chairperson, prepared by the Zoning Administrator or his/her designee, to the corporate authorities in accordance with the provisions of this Subsection 3-2.3.
 - iv. In any case where this code provides that the failure of the Planning and Zoning Commission to act within a fixed period is deemed to be a denial of an application, the failure will, notwithstanding the absence of required findings and conclusions, be considered to be a decision of the Planning and Zoning Commission rendered on the day following the expiration of such fixed period.
 - v. All records and decisions of the Planning and Zoning Commission will be subject to the provisions of the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq., as amended, and the village's freedom of information policies and procedures, as amended and on file with the Village Clerk's office.
 - g. An appeal from any final decision of the Planning and Zoning Commission may be taken in the manner provided in Article III of the Illinois Code of Civil Procedure pertaining to Administrative Review, 735 ILCS 5/3-101 et seq., as amended.
4. Village Board.
- a. Village Board Authority and Procedure. Except in the case of any matter decided by the Planning and Zoning Commission for appeals from decisions and interpretation by the Zoning Administrator under Subsection 3-2.2 and variations under Subsection 3-4.3 of this code, the Village Board has reserved for itself final decision-making authority, by ordinance duly adopted, for any matter recommended to it by the Planning and Zoning Commission under the following Subsections of this code:
 - i. adoption of or amendment to the comprehensive plan or official map;
 - ii. amendments under Subsection 3-4.4 of this code;
 - iii. special use permits under Subsection 3-4.5 of this code;
 - iv. planned unit development under Subsection 3-4.6 of this code; and
 - v. any other matter under this code determined, from time to time, to be at the exclusive legislative discretion of the Village Board.
 - b. Meeting and Procedures.
 - i. All final decisions of the Village Board under this code will be made in a regular or special meeting of the Village Board conducted pursuant to the Illinois Open Meetings Act, 5 ILCS 120/1 et seq., as amended.
 - ii. Necessary Vote. The concurring vote of at least a majority of the currently elected trustees will be necessary to adopt any ordinance making a final decision approving any matter under Subsection 3-2.4.a of this code. Any lesser vote on any such motion, even if a majority of those voting, will be considered a final decision to recommend denial of such matter.
 - c. Ordinances. Any ordinance adopted by the Village Board approving any matter under Subsection 3-2.4.a of this code will be recorded against the subject property in the

office of the county recorder where the subject property is located. The person or entity that is granted the approval will bear the cost of the recording.

3-3 ZONING APPLICATIONS AND NOTICE REQUIREMENTS.

1. Applications.

a. General Requirements for All Applications.

- i. Place of Filing. All applications required pursuant to this code will be filed with the Zoning Administrator.
- ii. Form, Number, Scale. In addition to any specific application requirements for zoning procedures set forth in Subsection 3-4.1.d of this code, all applications filed pursuant to this code will be on forms supplied by the village and will be filed electronically as a PDF, or similar format, and in such number of physical duplicate copies as the Zoning Administrator designates. All plans filed as part of any application will be at a scale sufficient to permit a clear and precise understanding of the contents of the plan and the proposal being made and will be folded to a convenient size for handling and filing in standard, legal-size file drawers. Every application submitted pursuant to this code will contain at least the following information:
 - (1) The owner's name and address.
 - (2) The applicant's name and address, if different than the owner, and the applicant's interest in the property.
 - (3) The names, addresses, and telephone numbers of all professional consultants, if any, advising the applicant with respect to the application.
 - (4) The name and address and the nature and extent of the interest of any officer or employee of the village in the owner, the applicant, or the property.
 - (5) The address and legal description of the property.
 - (6) A description or graphic representation of the proposal for which approval is being sought and of the existing zoning classification, use, and development of the property. The scope and detail of such description shall be appropriate to the subject matter of the application, with special emphasis on those matters likely to be affected or impacted by the approval being sought in the application.
 - (7) Proof of control or ownership, in the case of site-specific applications, and the owner's signed consent to the filing of the application if the owner is different than the applicant.

iii. Filing Deadlines.

- (1) Applications Requiring Hearings. Applications requiring a public hearing will not be scheduled for such hearing unless and until, in the determination of the Zoning Administrator, the application is complete, filed in proper form and number, and containing all required information. The Planning and Zoning Commission shall conduct a workshop no later than sixty (60) days following the submission of a complete application.

- (2) Applications Not Requiring Hearing. Applications that do not require a public hearing will be filed, in proper form and number, and containing all required information, as determined by the Zoning Administrator, at least thirty-five (35) days prior to the time when action on the application is requested. Applications will be processed on a first-filed, first-processed basis.
 - (3) Supplemental Data. Whenever supplemental data in connection with a previously filed application is required by the village or offered by the applicant, it will be submitted at least seven (7) days prior to the date on which it is to be considered at a hearing or a meeting or acted upon in connection with such application. The filing of such data will, at the discretion of the Zoning Administrator and of the body hearing the application, delay a requested or scheduled hearing date.
- iv. Fees.
- (1) Fee Established. Every application filed pursuant to this code will be subject to a non-refundable application and filing fee established by the village, by annual resolution duly adopted by the Village Board, plus all recoverable costs, as established in Subsection 3-3.1.a of this code, incurred by the Village in processing such application.
 - (2) Village Lien. The applicant and, if different, the owner of the property, will be jointly and severally liable for the payment of the fee and recoverable costs. By signing the application, the owner will be deemed to have agreed to pay the fee and recoverable costs and to consent to the filing and foreclosure of a lien on the subject property to ensure collection of any such fee and recoverable costs, plus the costs of collection, which has not been paid within thirty (30) days following the mailing of a written demand for such payment to the owner at the address shown on the application. Any lien filed pursuant to this Subsection 3-3.1.a may be foreclosed in the manner provided by statute for mechanics liens. The Planning and Zoning Commission shall withhold any recommendations until any past due fee is paid in full.
- v. Recoverable Costs. For purposes of calculating the fee due pursuant to Subsection 3-3.1.a of this code, the actual costs incurred by the Village in processing an application will be deemed to consist of the following items of direct and indirect expense:
- (1) Legal Publication (direct cost);
 - (2) Recording Secretarial Services (direct cost);
 - (3) Court Reporter (direct cost);
 - (4) Administrative Preparation and Review (hourly salary times a multiplier to be established from time to time by the Zoning Administrator at a level sufficient to recover one hundred (100) percent of the direct and indirect cost of such service);
 - (5) Document Preparation and Review (hourly salary times a multiplier to be established from time to time by the Zoning Administrator at a level

sufficient to recover one hundred (100) percent of the direct and indirect cost of such service);

- (6) Professional and Technical Consultant Services (direct cost);
- (7) Legal Review, Consultation, and Advice (direct cost);
- (8) Copy Reproduction (direct cost); and
- (9) Document Recordation (direct cost).

vi. Recoverable Costs Payment and Escrow.

- (1) Initial Payment and Escrow. Every application filed pursuant to this Code shall be accompanied by the required application fee plus an optional additional amount for recoverable costs as provided in Subsection 3-3.1.a as determined by the Zoning Administrator, to be deposited in an application fee escrow. No interest shall be payable on any escrow.
- (2) Charges Against Escrow. From the date of filing of any application pursuant to this code, the village will maintain an accurate record of the recoverable costs of processing the application. The Zoning Administrator will, from time to time, draw funds from the escrow account to pay recoverable costs.
- (3) Additional Escrow Deposits. In the event the Zoning Administrator determines the escrow account is, or is likely to become, insufficient to pay recoverable costs, the Zoning Administrator will demand from the applicant an additional deposit in an amount deemed sufficient to cover foreseeable additional recoverable costs. Unless and until such additional amount is deposited by the applicant, the Zoning Administrator may direct that processing of the application be suspended or terminated.
- (4) Final Settlement. As soon as practicable following final action on an application, the Zoning Administrator will cause a final accounting to be made of the escrow deposits with an application and make a final charge against the escrow deposits. A copy of the accounting will be provided to the applicant. If the amount in the escrow account is insufficient to pay the total actual costs, a written demand for payment of the balance due will be mailed to the applicant and owner. Any unused balance remaining in the escrow account after paying all recoverable costs will be returned to the applicant.

vii. Condition of All Applications, Approvals, and Permits; Time Periods.

- (1) No application filed pursuant to this code will be considered complete unless and until all fees and deposits due pursuant to this Subsection 3-3.1.a have been paid. Every approval granted and every permit issued pursuant to this code will be deemed to be conditioned upon payment of fees as required by Subsection 3-3.1.a.
- (2) Where this Code provides that the passage of time without decision or action is deemed an approval or a recommendation for approval, time periods will be tolled during any period of non-payment, but will otherwise continue to run. The failure to fully pay any fee or deposit, when due, will be grounds for refusing to process an application and for denying or

revoking any permit or approval sought or issued with respect to the land or development to which the unpaid fee or deposit relates.

- viii. Specified Public Bodies Exempt. The provisions of this Subsection 3-3.1.a will not apply to, and no fee will be required of, any public body or agency exempted through an active intergovernmental agreement with the Village or state statute.
 - b. Concurrent Applications. Where a proposed use or development requires more than one (1) approval pursuant to this code, applications for all approvals may be filed concurrently notwithstanding the fact that approval of one (1) application may be a precondition to approval of other applications. The applications may, at the discretion of the official, officials, body, or bodies charged with review of the applications be processed together; provided, however, that no application will be approved unless all applications that are a precondition to its approval have first been approved.
 - c. Withdrawal of Application. An applicant may withdraw an application in writing addressed to the Zoning Administrator at any time prior to a final decision having been rendered; provided that the applicant will have paid all applicable application fees and village incurred recoverable costs pursuant to the Village Code. The applicant will have the right to refile with a new application, but any refiling will be an entirely new filing and subject to the procedures and fees of this code in the same manner as any other new application.
 - d. Successive Applications.
 - i. Second Applications Without New Grounds Barred. Whenever any application filed pursuant to this code has been finally denied on its merits, a second application, seeking essentially the same relief will not be brought unless, in the opinion of the Zoning Administrator substantial new evidence is available or a mistake of law or fact significantly affected the prior denial.
 - ii. New Grounds to be Stated. A second application must include a detailed statement of the grounds justifying consideration of such application.
 - iii. Exception. Whether or not new grounds are stated, a second application filed more than two (2) years after the final denial of a prior application will be heard on the merits as though no prior application had been filed. The applicant will, however, be required to place in the record all evidence available concerning changes of conditions or new facts that have developed since the denial of the first application. In the absence of this evidence, it will be presumed that no new facts exist to support the new petition that did not exist at the time of the denial of the first application.
2. Public Meetings and Hearing Notices.
- a. Notice to be Given. Notice of public hearings and meetings set pursuant to this code will be given by the Zoning Administrator or the applicant, as the case may be, in the form and manner and to the persons specified in this Subsection 3-3.2.
 - b. Content of Notice. All notices will include:
 - i. the date;
 - ii. name and address of the applicant(s);

- iii. name and address of the legal title owner(s), or beneficial owner(s), if different from the applicant(s);
 - iv. the village body or commission that will conduct the hearing or meeting;
 - v. time and place of the hearing or meeting;
 - vi. a description of the matter to be heard or considered;
 - vii. the common street address or particular location, as well as the parcel index number of the property; and
 - viii. any additional information deemed necessary and appropriate by the Zoning Administrator to ensure that the public is adequately apprised of the matter to be considered.
- c. Persons Entitled to Notice.
- i. All Hearings. Notice of every hearing set pursuant to Section 3-3 will be given not less than fifteen (15) nor more than thirty (30) days in advance of any scheduled public hearing in the following manner and in the form approved by the Zoning Administrator:
 - (1) By the zoning administrator via regular mail, or other personal or express delivery to all surrounding property owners as determined by the most current taxpayer records in the county where the subject property is located, within two hundred fifty (250) feet, exclusive of right of way, of the subject property.
 - (2) Where a multi-family property is within the personal notice area and that property has a homeowners' association, notice only needs to be sent to the homeowners' association's president, or similar official, and its registered agent, if any. Supplemental or additional notices may be required by the Zoning Administrator and may include, but not be limited to, all taxing jurisdictions that serve the property, including the village. Proof of mailing will be provided by the applicant in the form of an affidavit of mailing, in format approved by the village attorney.
 - (3) By the Zoning Administrator in a newspaper of general circulation in the Village.
3. General Public Meetings and Hearing Procedures.
- a. Setting Hearing or Meeting; Time Limitation. When the provisions of this code require a public hearing or meeting in connection with any application, the body charged with conducting the hearing or meeting will, upon receipt of a properly completed application, fix a reasonable time and place for the hearing or meeting; provided, however, that a pre-hearing or pre-meeting workshop will be commenced no later than sixty (60) days, and the actual hearing or meeting concluded no later than one hundred twenty (120) days, following the receipt of the subject application unless the applicant agrees to an extension or unless the hearing or meeting agenda of the body is completely committed during that time.

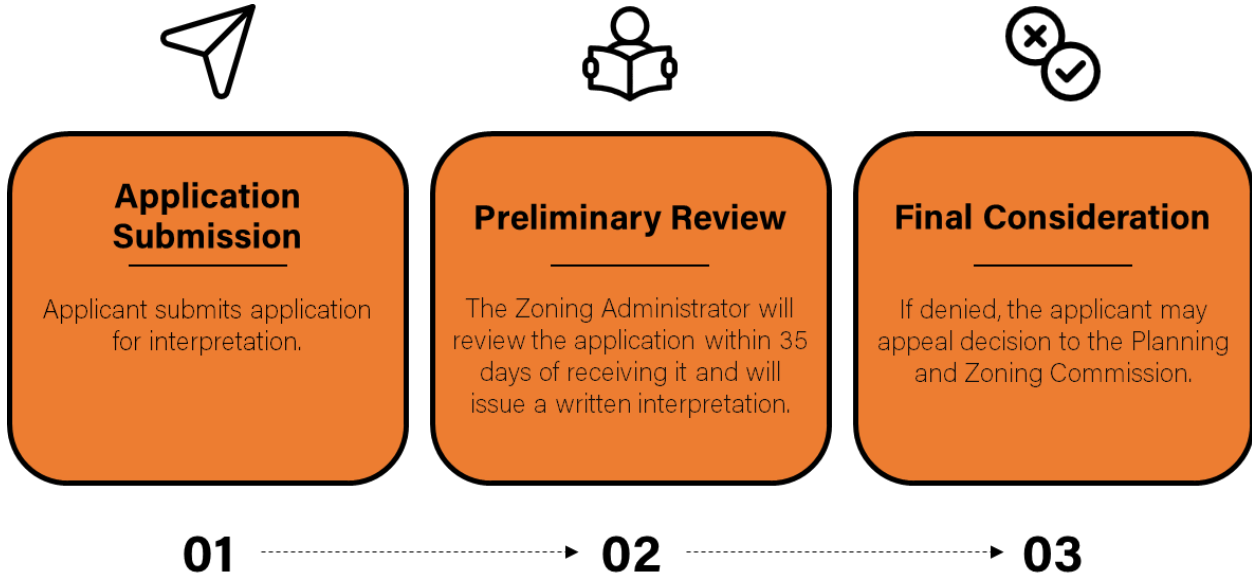
3-4 ZONING PROCEDURES.

- 1. Interpretations.

- a. Authority. The Zoning Administrator, subject to the provisions of this Subsection 3-4.1, may render interpretation of the application of the provisions of this code.
- b. Purpose. The Zoning Administrator's interpretation authority recognizes that the provisions of this code do not address every specific situation to which they may have to be applied. However, many situations can be readily addressed by an interpretation of specific provisions of this code based on the general and specific purposes for which those provisions have been enacted and the specific facts of a given situation.
- c. Parties Entitled to Interpretations. Applications for interpretations may be filed by any person having an interest in the circumstances giving rise to the need for an interpretation; provided, however, that interpretations shall not be sought by any person based solely on hypothetical facts or where the interpretation would have no effect other than as an advisory opinion.
- d. Procedure.
 - i. Application. Applications for interpretations of this code will be filed with the Zoning Administrator on an application form, approved in form and substance by the Zoning Administrator, available in the Zoning Administrator's office.
 - ii. Action on Application. Within thirty-five (35) days following the receipt of a properly completed application for interpretation, the Zoning Administrator will inform the applicant in writing of his or her interpretation, stating the specific precedent, reasons, and analysis upon which the determination is based. The Zoning Administrator may also forward the applications directly to the Planning and Zoning Commission for a determination. Failure of the Zoning Administrator to act within thirty-five (35) days, or such further time to which the applicant may agree, will be deemed to be a decision denying the application.
 - iii. Appeal. Appeals from the Zoning Administrator's interpretation may be taken to the Planning and Zoning Commission as provided in Subsection 3-4.2 of this Section.
 - iv. Standards for Use Interpretations. The following standards will guide the Zoning Administrator and, in the case of an appeal of the Zoning Administrator's interpretation, the Planning and Zoning Commission in issuing use interpretations:
 - (1) Limitations on Favorable Use Interpretations.
 - (a) No use interpretation finding a particular use to be permitted or specially permitted in a particular district will be valid for a period longer than six (6) months from the date of the interpretation unless a building permit is issued, and construction is actually begun within that period and is diligently pursued to completion, or a certificate of occupancy is obtained and a use commenced within that period.
 - (b) A use interpretation finding a particular use to be permitted or specially permitted in a particular district will only authorize the particular use for which it was issued, and will not be deemed to

authorize any similar use for which a separate use interpretation has not been issued.

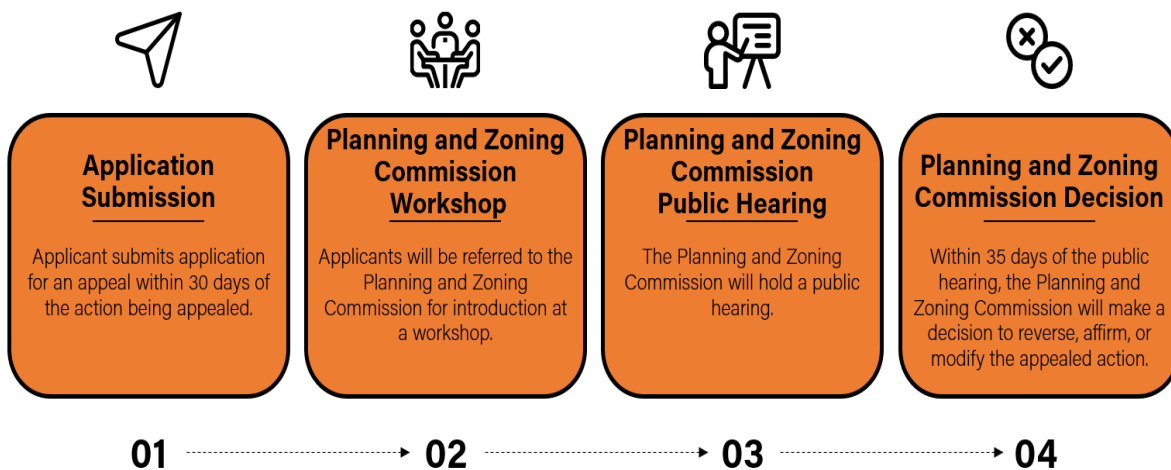
- (c) The interpretation will automatically expire and cease to be of any force or effect if the use for which it was issued is, for any reason, discontinued for a period of six (6) consecutive months or more.



2. Appeals.

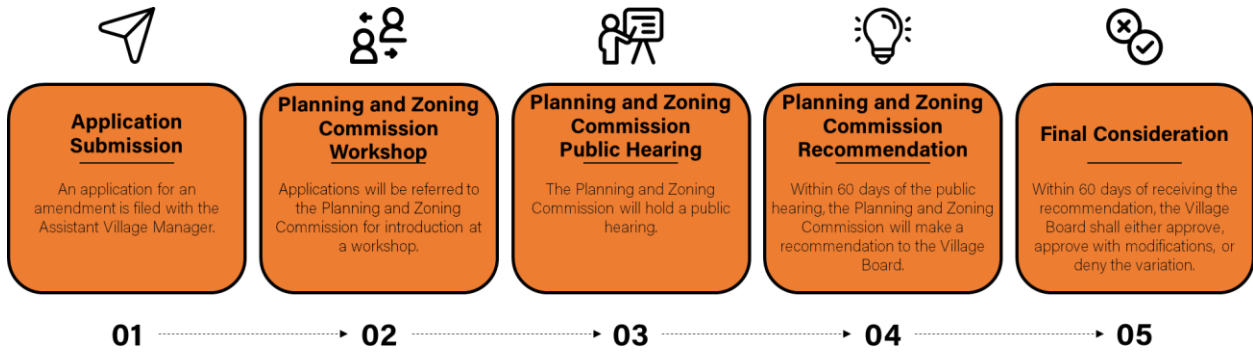
- a. Authority. The Planning and Zoning Commission has exclusive jurisdiction over appeals from decisions of the Zoning Administrator made under this code.
- b. Purpose. This appeal process is provided to mitigate against arbitrary or erroneous applications of this code by the Zoning Administrator and to avoid the need for litigation in resolving such actions. However, the Planning and Zoning Commission will give proper deference to the determination of the Zoning Administrator and those charged with applying the standards and intent of this code.
- c. Parties Entitled to Appeal. An appeal may be taken to the Planning and Zoning Commission by any person, firm, or corporation aggrieved by a decision of the Zoning Administrator made under this code.
- d. Procedures.
 - i. Applications. Applications for appeals from decisions of the Zoning Administrator made under this code will be filed with the Zoning Administrator on an application form, approved in form and substance by the Zoning Administrator and Village Attorney, available in the Zoning Administrator's office. In addition to the general requirements for all applications set forth in this Section the following additional information must be submitted with an application for appeal:
 - (1) A description and, as appropriate, a graphic illustrating the situation for which the appeal is being sought, as well as the existing zoning classification, use, and development of the property.

- (2) The Section of this code and the written determination from which an appeal is sought.
 - (3) A narrative of any specific situation giving rise to the original determination and the appeal.
 - (4) A statement of the applicant’s position as to alleged errors in the determination or failure to act being appealed, and why the relief sought is justified and supported by this code.
- ii. **Timing to File Appeal.** An appeal must be filed within thirty (30) days of a written determination by the Zoning Administrator. The Zoning Administrator will promptly transmit to the Planning and Zoning Commission the application for appeal together with all materials constituting the record upon which the action appealed from is taken.
 - iii. **Automatic Stay.** An appeal will stay all actions in furtherance of the matter appealed from; unless the Zoning Administrator determines that current conditions cause imminent danger to life or property, in which case the proceedings will not be stayed, absent a restraining order, and actions needed to mitigate such danger will be taken as soon as possible.
 - iv. **Prior to scheduling a Public Hearing,** the Planning and Zoning Commission will hold an informal workshop to introduce the appeal and obtain general background information from the applicant.
 - v. **Planning and Zoning Commission Public Hearing.** The Planning and Zoning Commission will hold a public hearing regarding the appeal at a regular or special meeting and give written notice of no less than fifteen (15) days to the applicant. Any person may appear and testify at the public hearing, either in person, in writing, or by duly authorized agent.
 - vi. **Timing for Decision.** Within thirty-five (35) days after the close of the public hearing, the Planning and Zoning Commission will issue a written final decision on the appeal.



3. Variations.
 - a. Authority.
 - i. The Planning and Zoning Commission has advisory jurisdiction over granting variations from the provisions of this code, and are not otherwise defined as administrative variations.
 - ii. The Village Board has exclusive jurisdiction over granting variations, by ordinance duly adopted, only after receiving a recommendation from the Planning and Zoning Commission, and not otherwise defined as de minimis variations.
 - iii. The Zoning Administrator has exclusive jurisdiction over granting administrative variations.
 - b. Purpose. In certain circumstances, strict application of the regulations of this code may cause practical difficulties or a particular hardship relating to construction or alteration of buildings or structures. Variations will not be granted as temporary measures or to permit a use of land not otherwise authorized by a district's use or special use provisions.
 - c. Parties Entitled to Variations. Applications for variations may be filed by the owner of, or any person, firm, or corporation having a contractual interest in, the property.
 - d. Variations to be Considered.
 - i. The only variations that may be considered from the regulations of this code are those pertaining to the dimensional bulk regulations applicable to properties by each zoning district that are not otherwise de minimis variations.
 - ii. An administrative variation is a change in any dimensional bulk regulation that does not exceed five (5) percent of the required dimension measurement, or as otherwise specified in this Ordinance.
 - e. Procedures – Planning and Zoning Commission and Village Board Granted Variations.
 - i. Applications. Applications for variations from the requirements of this code will be filed with the Zoning Administrator on an application form, approved in form and substance by the Zoning Administrator, available in the Zoning Administrator's office. In addition to the general requirements for all applications set forth in this Section, the following additional information must be submitted with an application for variations:
 - (1) Current plat of survey locating lot lines and all existing structures.
 - (2) A description and, as appropriate, a graphic illustrating the situation for which the variation is being sought, as well as the existing zoning classification, use, and development of the property.
 - (3) The Section(s) of this code from which the variation is sought.
 - (4) A narrative of any specific situation giving rise to the variation and how the variation is consistent with the standards and the guidelines for variations in this Section.
 - ii. Prior to scheduling a Public Hearing, the Planning and Zoning Commission will hold an informal workshop to introduce the application and obtain general background information from the applicant.

- iii. Planning and Zoning Commission Public Hearing. The Planning and Zoning Commission will hold a public hearing regarding a variation at a regular or special meeting. Any person may appear and testify at the public hearing, either in person, in writing, or by duly authorized agent.
- iv. Timing for Decision or Recommendation by Planning and Zoning Commission.
 - (1) In all instances where the Planning and Zoning Commission has exclusive jurisdiction over granting a variation, within sixty (60) days after the close of the public hearing, the Planning and Zoning Commission will issue a written final decision on the variation, prepared by the Zoning Administrator. The failure of the Planning and Zoning Commission to act within sixty (60) days, or such further time to which the applicant may agree, will be deemed to be a decision denying the variation.
 - (2) In all instances where the Village Board has exclusive jurisdiction over granting a variation, within thirty-five (35) days of the close of the public hearing, the Planning and Zoning Commission will make a recommendation that is forwarded to the next available Village Board meeting for approval, approval with modification, or denial of the variation. Failure to do so within thirty-five (35) days, or a longer period if agreed to by the applicant, will be deemed a recommendation for denial of the variation.
- v. Decision by the Village Board. Within sixty (60) days following receipt of a recommendation by the Planning and Zoning Commission, or such longer time as may be agreed to by the applicant, the Village Board will either approve the variation, approve the variation with modifications, deny the variation by ordinance duly adopted, or remand the matter back to the Planning and Zoning Commission for further deliberation. Failure of the Village Board to act within sixty (60) days following receipt of a recommendation from the Planning and Zoning Commission, or such longer time as may be agreed to by the applicant will be deemed a denial of the variation.
- vi. Special Variations Procedures in Connection with Other Applications. Whenever any other application is filed for relief under Subsections 3-4.3.d or 3-4.3.e pursuant to this code as a companion to an application for a variation and such companion application requires final approval by the Village Board, the authority to hear and decide the application for variation may, pursuant to the request of the applicant made at the time of the filing of the applicant's application, be reserved to the Village Board. For such purposes, the Village Board shall have all of the authority granted to, and shall be subject to all of the limitations imposed on, the Planning and Zoning Commission by this Subsection 3-4.3.e.



f. Procedures – Administrative Variations.

- i. An administrative variation is a change in any dimensional bulk regulation that does not exceed ten percent (10%) of the required dimension measurement, or as otherwise specified in this Ordinance.
- ii. Applications. Applications for administrative variations from the requirements of this code will be filed with the Zoning Administrator on an application form, approved in form and substance by the Zoning Administrator, available in the Zoning Administrator’s office. In addition to the general requirements for all applications set forth in Subsection 3-4.1.a and those for variations set forth in Subsection 3-4.3.e, the following additional information must be submitted with an application for administrative variations:
 - (1) Letters from all adjoining property owners that are directly affected by the request, stating the following:
 - (a) Name of the applicant seeking the variation;
 - (b) Address of the subject property;
 - (c) Name and address of adjoining property owners; and
 - (d) Statement that the adjoining property owner understands the request and does not object to the variation request.
 - (2) Adjoining Property Owner Objection. In the event that an adjoining property owner objects to the administrative variation, the application for an administrative variation under this Section will be subject to the requirements for a public hearing for a variation with the Planning and Zoning Commission.
 - (3) Approval. If the Zoning Administrator finds the administrative variation request to meet the standards contained in Subsection 3-4.3.g, the Zoning Administrator will notify the applicant and the Village Board.
- g. Standards For Administrative Variations. Administrative variations will only be granted when the request is consistent with the general purpose and intent of this Ordinance and the applicant has demonstrated in writing the satisfaction of the following standards:
 - i. Hardship Or Unintentional Human Error. That a particular hardship or practical difficulty exists that is unique to the subject property and does not apply generally to properties in the zoning district, and that the strict enforcement

- of the zoning requirement deprives the applicant of the reasonable use of the property.
- ii. Prohibitions. That the granting of the variation will not:
 - (1) Impair an adequate supply of light and air to the adjacent property;
 - (2) Increase the hazard from fire or other dangers to said property;
 - (3) Diminish the value of land and buildings in the immediate neighborhood;
 - (4) Unduly increase traffic congestion in the public streets and highways;
 - (5) Increase the potential for flood damages to adjacent property;
 - (6) Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of the Village; and
 - (7) That the granting of the variation will be in harmony with the essential character of the neighborhood.
 - III. See Section 3-4.9 Fences for specific standards for Administrative Variations relating to residential corner lots.
 - h. Standards for Non-Administrative Variations. No application for variation from the requirements of this code will be approved without an affirmative written finding regarding the following standards:
 - i. That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located;
 - ii. That the plight of the owner is due to unique circumstances;
 - iii. That the variation, if granted, will not alter the essential character of the locality;
 - iv. That the particular physical surroundings, shape, or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out;
 - v. That the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification;
 - vi. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property;
 - vii. That the alleged difficulty or hardship has not been created by any person presently having an interest in the property;
 - viii. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
 - ix. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.
 - i. Conditions on Variations. The Planning and Zoning Commission may require such conditions and restrictions upon the property benefited by a variation necessary to comply with the standards set forth in this Section to reduce or minimize the injurious effect of such variation upon other property in the neighborhood and to implement

the general purpose and intent of this ordinance. Failure to comply with or maintain such conditions will be grounds for the Village Board to revoke the variation.

- j. Terms and Property Rights.
 - i. The terms of relief granted shall be specifically set forth in resolution, duly adopted by the Planning and Zoning Commission, with the findings of fact. The approval of a variation does not grant any rights related to the property other than those specified in the resolution approving the variation. All other village processes and approvals must be met including, without limitation, building permits, subdivision approval, authorization of occupancy, and authorization of zoning.
 - ii. A variation will automatically expire and be of no force and effect six (6) months after approval by the Planning and Zoning Commission unless the applicant applies for and obtains a building permit and construction or alteration of the building is started or the use is commenced within this six (6)-month period; provided, however, that a time extension may be granted in keeping with the following:
 - (1) The Zoning Administrator may grant an extension of one hundred eighty (180) days within which a permit is to be issued and construction begun, provided the applicant provides evidence of the delay being caused by factors beyond their reasonable control.
 - (2) The Planning and Zoning Commission may grant a second one-hundred-eighty (180)-day extension if a building permit and work on the project has not commenced within eighteen (18) month time frame, if the applicant provides evidence of the delay being caused by factors beyond their control.
 - iii. Every variation granted under this Subsection 3-4.3 will not be transferable and run with the land.
4. Amendments.
- a. Authority. The regulations established, and the districts created by this code may, from time to time, be amended at the legislative discretion of and by an ordinance duly adopted by the Village Board, only after receiving a recommendation from the Planning and Zoning Commission.
 - b. Purpose. Amendments to this Section are intended to revise or refine the zoning code or zoning map as needed to keep it a current and effective tool for development regulation. Amendments should reflect new conditions or newly identified situations, technologies, business approaches, or unexpected conditions. The amendment process is not appropriate solely to relieve a particular inconvenience for an individual applicant, as such amendments affect other aspects of the code or surrounding properties.
 - c. Parties Entitled to Amendments. Applications for amendments may be filed by:
 - i. the owner of, or any person, firm, or corporation having a contractual interest in, a property to be affected by the amendment; or

- ii. by the village, through the Zoning Administrator, on the Zoning Administrator’s own initiative, or at the direction of the Planning and Zoning Commission, or Village Board.
- d. Procedures.
- i. Applications. Applications for amendments to this code or to the official zoning map will be filed with the Zoning Administrator on an application form, approved in form and substance by the Zoning Administrator, available in the Zoning Administrator’s office. In addition to the general requirements for all applications set forth in Subsection 3-4.1.a of this Section, the following additional information must be submitted with an application for an amendment:
 - (1) All applications for amendments must include:
 - (a) Property owners within two-hundred fifty (250) lineal feet, excluding street rights-of-way, in all directions from the subject property as shown in the records of the Offices of the Assessor of Will County, as appropriate;
 - (b) Property owners located on the same frontage or frontages as the front lot line or corner side lot line of the subject property or on a frontage directly opposite any such frontage or on a frontage immediately adjoining or across an alley from any such frontage, as shown in the records of the Offices of the Assessor of Will County, as appropriate;
 - (c) A statement of how the Amendment sought would satisfy each of the standards in Subsection 3-4.4.e of this Section; and
 - (d) Other materials deemed necessary by the Zoning Administrator for the Village to conduct a thorough assessment of the proposed Amendment.
 - (2) Map Amendments applications must include:
 - (a) A graphic depicting proposed development or future use of the subject property;
 - (b) Description of the property characteristics preventing compliance with the existing zoning;
 - (c) A narrative describing any proposed use or development of the subject property, as well as such development’s compliance with the proposed zoning district; and
 - (d) Description of the length of time, if any, that the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property.
 - ii. Prior to scheduling a Public Hearing, the Planning and Zoning Commission will hold an informal workshop to introduce the application and obtain general background information from the applicant.
 - iii. Planning and Zoning Commission Public Hearing. The Planning and Zoning Commission will hold a public hearing regarding an Amendment at a regular

- or special meeting. Any person may appear and testify at the public hearing, either in person, in writing or by duly authorized agent.
- iv. Timing for Recommendation by Planning and Zoning Commission. Within thirty-five (35) days of the close of the public hearing, the Planning and Zoning Commission will make a recommendation that is forwarded to the next available Village Board meeting for approval, approval with modification, or denial of the variation. Failure to do so within thirty-five (35) days, or longer period if agreed to by the applicant, will be deemed a recommendation for denial of the Amendment.
 - v. Decision by the Village Board. Within sixty (60) days following receipt of a recommendation by the Planning and Zoning Commission, or such longer time as may be agreed to by the applicant, the Village Board will either approve the Amendment, deny the Amendment by ordinance duly adopted, or remand the matter back to the Planning and Zoning Commission for further deliberation. Failure of the Village Board to act within sixty (60) days following receipt of a recommendation from the Planning and Zoning Commission, or such longer time as many be agreed to by the applicant will be deed a denial of the Amendment.
- e. Standards for Amendments. The decision whether to approve or deny an amendment to the village's zoning text or to the zoning map is left to the legislative discretion of the Village Board, after review and recommendation by the Planning and Zoning Commission. However, in no event will any application for amendments to the village's zoning text or zoning map be approved without a satisfactory finding regarding the following standards:
- i. Potential Impacts. The amendment will not adversely impact existing land uses in proximity to the property, or, in the case of a text amendment, the overall zoning district purpose or intent of a code Section proposed for amendment. The amendment should not unreasonably affect the value, use and enjoyment of nearby properties.
 - ii. Trend of Development and Consistency. Map amendments should be a logical extension of the trend of development in the area around the property, or consistent with the current village comprehensive plan. In the case of a text amendment, the amendment will be consistent with the overall zoning district purpose or intent of a code Section proposed for amendment.
 - iii. Externalities. Relevant physical or market conditions that may have changed to make the existing zoning of a property inappropriate, or that make the proposed text amendment necessary for this Section to be in keeping with the desirable development of the village will be specified.
 - iv. Village Plans. Amendments will be consistent with the village's current comprehensive plan, official map, and all other plans and policies adopted by the village.
 - v. Zoning Appropriateness. The extent to which use of the property (or relevant properties in the case of a text amendment) is diminished by the current

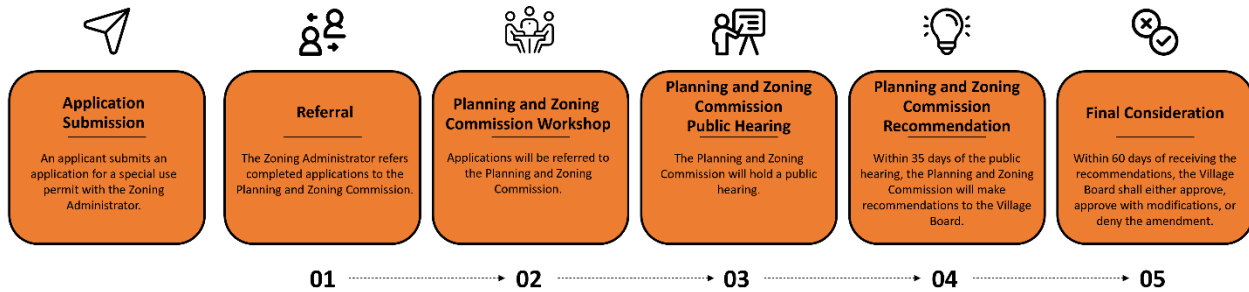
zoning standards or designation and is no longer suitable for the underlying zoning shall be specified.



5. Special Use Permits.

- a. Authority. The districts created by this code include those uses permitted by right and those authorized by special use permit. Special use permits may be approved and authorized by ordinance duly adopted by the Village Board, only after receiving a recommendation and related finding of fact from the Planning and Zoning Commission.
- b. Purpose. The development and execution of the zoning code is based upon the division of the village into districts, within any one (1) of which the use of land and buildings and structures, as related to the land, are essentially uniform. It is recognized, however, that there are special uses which, because of their unique character, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring lands and upon the public need for the particular use at the particular location. Special uses fall into two (2) categories:
 - i. Uses operated by a public agency or publicly regulated utilities or uses traditionally affected with a public interest; or
 - ii. Uses entirely private in character, but of such a nature that the operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities. These include planned unit developments, as more specifically addressed in Subsection 3-4.6 of this Section.
- c. Parties Entitled to Special Use Permits. Applications for special use permits may be filed by the owner of, or any person, firm, or corporation having a contractual interest in, the property.
- d. Procedures.
 - i. Applications. Applications for special use permits to this code will be filed with the Zoning Administrator on an application form, approved in form and substance by the Zoning Administrator, available in the Zoning Administrator’s office. In addition to the general requirements for all applications set forth in Subsection 3-4.1.a, the following additional information must be submitted with an application for a special use permit:
 - (1) A current survey, certified by an Illinois registered land surveyor, of the subject property.

- (2) Identification of existing zoning on subject property and within two hundred and fifty (250) feet.
- (3) A site plan meeting the requirements of Subsection 3-4.7 of this Section.
- ii. Planning and Zoning Commission Workshop. The Planning and Zoning Commission will hold an informal workshop to introduce the special use request at a regular or special meeting. Any person may appear and participate in the workshop, either in person, in writing, or by duly authorized agent.
- iii. Planning and Zoning Commission Public Hearing. The Planning and Zoning Commission will hold a public hearing regarding the special use permit at a regular or special meeting. Any person may appear and testify at the public hearing, either in person, in writing, or by duly authorized agent.
- iv. Timing for Recommendation. Within thirty-five (35) days of the close of the public hearing, the Planning and Zoning Commission will make a recommendation that is forwarded to the next available Village Board meeting for approval, approval with modification, or denial of the special use permit. The Planning and Zoning Commission will include any recommended conditions on the issuance of the special use permit. Failure to do so within thirty-five (35) days, or a longer period if agreed to by the applicant, will be deemed a recommendation for denial of the special use permit.
- v. Decision by the Village Board. Within sixty (60) days following receipt of a recommendation by the Planning and Zoning Commission, the Village Board will either approve the special use permit with conditions, approve the special use permit with modifications, including modification to or addition of conditions, deny the special use permit, or remand the matter back to the Planning and Zoning Commission for further deliberation. Failure of the Village Board to act within sixty (60) days following receipt of a recommendation from the Planning and Zoning Commission, or such longer time as may be agreed to by the applicant will be deemed a denial of the special use permit.
- e. Standards for Special Use Permits. No application for a special use permit will be approved without an affirmative written finding regarding the following standards:
 - i. The approval of such special use is in the public interest and not solely for the interest of the applicant;
 - ii. That the proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;
 - iii. That such use will not under the circumstances of the particular case be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity; and
 - iv. That the proposed use will comply with the regulations and conditions specified in this ordinance for such use, and with the stipulations and conditions made a part of the authorization granted by the Village Board.



- f. **Conditions on Special Use Permits.** The Planning and Zoning Commission and Village Board may require such conditions and restrictions upon the special use permit necessary to comply with the standards set forth in this Section to reduce or minimize the injurious effect of the special use permit upon other property in the neighborhood and to implement the general purpose and intent of this ordinance. Failure to comply with or maintain such conditions will be grounds for the Village Board to revoke the special use permit.
- g. **Terms and Property Rights.**
- i. The terms of relief granted will be specifically set forth in the ordinance duly adopted by the Village Board, with the findings of fact. The approval of a special use permit does not grant any rights related to the property other than those specified in the ordinance approving the special use permit. All other village processes and approvals must be met including, without limitation, building permits, subdivision approval, authorization of occupancy, and authorization of zoning.
 - ii. A special use permit will automatically expire and be of no force and effect one (1) year after approval by the Village Board unless the applicant applies for and obtains a building permit and construction or alteration of the building is started or the use is commenced within this six (6)-month period; provided, however, that a time extension may be granted in keeping with the following:
 - (1) The Zoning Administrator may grant an extension of one hundred eighty (180) days within which a permit is to be issued and construction begun, provided the applicant provides evidence of the delay being caused by factors beyond their reasonable control.
 - (2) The Village Board may grant a second one-hundred eighty (180) day extension if a building permit and work on the project has not commenced within an eighteen (18)-month time frame, if the applicant provides evidence of the delay being caused by factors beyond their control.
 - iii. A special use permit is granted to and personal to the applicant and is not transferable to any other party and will not run with the land, unless specifically approved by the Village Board. However, as more specifically provided in this Subsection 3-4.6, special use permits for planned unit development will run with the land and be transferable to other parties.

- iv. A special use permit will automatically expire and no longer be in effect if the use to which it was granted, for any reason, is discontinued for a period of one (1) year.
6. Special Use – Planned Developments.
- a. Authority. The districts created by this code include the ability to creatively address unique development concepts that may include single land use categories or mixed land uses through a planned development process. Special use planned developments may be approved and authorized by ordinance duly adopted by the Village Board, only after receiving a recommendation from the Planning and Zoning Commission.
 - b. Purpose.
 - i. Planned developments are complex and of a different character than other special uses, requiring the establishment of more specific procedures, standards, and exceptions in order to guide the recommendations of the Planning and Zoning Commission and to facilitate appropriate action of the Village Board.
 - ii. Planned developments allow greater design flexibilities than is permitted by the standard regulations for land developments where the planned development would better utilize the topographic and natural character of the site and would produce a more economical and stable development while encouraging the conservation of natural features.
 - iii. Planned developments are generally intended to provide for projects incorporating a single type of use or a variety of related and complementary uses which are planned and developed as a unit. Planned developments may provide for a wide range of development techniques and ownership methods, including conventional subdivisions, cluster developments, condominium ownership of land and buildings, or other ownership techniques. The entire development will be controlled by means of a special use planned unit development ordinance and site plan which establishes densities and the approximate location of buildings and extent of the features of the planned unit development in keeping with the land use policies of the Beecher comprehensive plan.
 - iv. The following objectives may be obtained through the use of the planned development procedure:
 - (1) To ensure that the future growth and development which occurs is in accordance with the current comprehensive plan and planning policies of the village;
 - (2) To provide a more desirable living environment by preserving and integrating the natural environmental and landscape features of the property into land development;
 - (3) To encourage developers to use a more creative approach to site design by recognizing and respecting the natural limitations and constraints of sites;
 - (4) To encourage a more aesthetic, efficient, and ecologically compatible use of land through a site design process which incorporates and integrates

natural site features in a manner which minimizes development costs and services;

- (5) To encourage the provision of usable open space within a reasonable distance of all dwelling units;
 - (6) To facilitate in a cost-effective manner the development and maintenance of adequate public services such as transportation, water, sewage, storm drainage, usable open space, and parks;
 - (7) To encourage patterns of land use which decrease trip lengths of automobile travel and encourage trip consolidation;
 - (8) To increase public access to mass transit, bicycle routes, and other alternative modes of transportation;
 - (9) To reduce energy demand and consumption;
 - (10) To provide for usable and suitably located recreation facilities, schools, and other public and private facilities;
 - (11) To encourage the introduction of related and complementary uses that best promote the public health, safety, and general welfare; and
 - (12) To allow clustering of residential uses on smaller lots to conserve open space.
- c. Parties Entitled to Special Use Planned Developments. Applications for special use planned developments may be filed by the owner of, or any person, firm, or corporation having a contractual interest in a property.
- d. General Requirements for all Planned Developments. The basic provisions and requirements concerning planned development are as follows:
- i. A planned development will initially be under single ownership or unified control at the time of filing the application.
 - ii. A planned development shall be a minimum of three (3) acres in size.
 - iii. A planned development will not be subject to the bulk regulations of the zoning district where it is located, unless the planned unit development is a mixed use or commercial planned unit development that abuts residentially zoned land, in which case the perimeter yards of the entire planned unit development must adhere to the applicable yard setbacks of the zoning district.
 - iv. Public improvements will be constructed in accordance with existing ordinances and regulations of the village.
 - v. Residential planned developments will provide for dedication or reservation of land for park and recreational purposes, and land for school sites, or cash contributions in lieu of actual land dedication, or a combination of both in accordance with the subdivision regulations of the village.
 - vi. The Village Board may, upon recommendation of the Planning and Zoning Commission as to benefits to the village, grant waivers and departures from standards for the lot, yard, and bulk regulations of this ordinance for planned developments if such waivers and departures are consistent with the general purpose of the ordinance and will result in better site planning and be of

- greater benefit both to the occupants of the planned development, to the surrounding neighborhood, and to the village as a whole.
- vii. The planned development will not have negative impacts on existing or proposed transportation systems and generally consistent with the comprehensive plan. The planned development will not create any negative impact on public services.
 - viii. All planned unit developments, except commercial redevelopment planned unit developments, will contain at least one (1) acre of land as an integral unit. However, the Planning and Zoning Commission may, upon an applicant presenting information and plans demonstrating that a smaller area is appropriate, recommend and the Village Board may, at its sole and absolute discretion, grant exceptions to this minimum land requirement as part of the special use ordinance authorizing the planned development. Commercial redevelopment planned unit developments will have no minimum size requirements.
- e. Procedures – Pre-application Conference.
- i. The extent and scope of planned developments require a significant investment of time and resources on the part of the applicant. The village requires planned development applicants to have a preapplication conference with the Zoning Administrator, Village Engineer, and Village President. The pre-application conference is coordinated by the Zoning Administrator and is conducted in a public meeting before the Village Board. After the pre-application conference, the Village Board shall forward the application for a PUD to the Planning and Zoning Commission for formal review.
 - ii. The preapplication conference enables the applicant to present the planned development concept before investing significant time and resources into a planned development project and obtain useful information and suggested guidance on aspects of the proposed planned development. The preapplication conference in no way whatsoever binds, or otherwise legally obligates, the applicant or the village to any part of the proposed planned development and is advisory only. Among the purposes of the preapplication meeting, aside from the overall concept, are:
 - (1) Procedures to be followed to review a proposed development;
 - (2) Information to be submitted with an application to facilitate review of the proposed planned development; and
 - (3) Any special or unusual concerns that may affect the design of the development.
- f. Procedures – Preliminary Plan. Planned development is formally processed in two (2) stages, the preliminary plan stage and final plan stage. The following explains the preliminary plan process.
- i. Preliminary Plan Purpose. The preliminary plan stage provides the applicant an opportunity to submit a plan showing the basic scope, character and nature of the entire proposed planned development without incurring undue cost. The preliminary plan is the basis on which the required public hearing is held,

permitting public consideration of the proposal at the earliest possible stage. In order to permit the village and the applicant to proceed with some assurance, approval of the preliminary plan binds the applicant and the Village with respect to the following basic elements of development:

- (1) Categories of uses to be permitted;
- (2) location of residential and nonresidential land uses;
- (3) maximum density of residential uses and intensity of nonresidential uses;
- (4) architectural style of the proposed development;
- (5) General location and extent of public and private open space, including recreational amenities;
- (6) Anticipated location of vehicular and pedestrian circulation systems;
- (7) Staging of development; and
- (8) Nature, scope, and extent of public dedications, improvements, or contributions to be provided by the applicant.

ii. Applications. Applications for preliminary plan approval will be filed with the Zoning Administrator on an application form, approved in form and substance by the Zoning Administrator, available in the Zoning Administrator's office. In addition to the general requirements for all applications set forth in Subsection 3-4.1.a, the following additional information must be submitted with an application for a special use permit, unless waived by the Zoning Administrator or Planning and Zoning Commission, at their sole and absolute discretion:

- (1) Maps. The following maps and surveys that must be drawn at a scale of one hundred (100) feet to the inch (one (1) inch equals one hundred (100) feet) and show an additional two hundred (200) feet on adjacent property around the perimeter of the proposed development:
 - (2) Boundary survey. A boundary line survey of the property that must be prepared and certified by a registered land surveyor.
 - (3) Topography. A topography map showing existing topographic features of the land with contours shown at intervals no greater than two (2) feet. Topographic data will refer to the U.S.G.S. North American Datum—Mean Sea Level Elevation.
- (4) Site analysis. A detailed site analysis of the property which shall show the following information:
 - (a) Physical factors information:
 - (i) Existing land uses both on the site and adjacent to it;
 - (ii) Soil survey and report from the Will-South Cook Soil and Water Conservation District;
 - (iii) Portions of the site in any floodway and floodplain fringe area;
 - (iv) Streams, drainage ditches, culverts, and standing water;
 - (v) Isolated preservable trees six (6) inches or more in diameter at one (1) foot above ground level;
 - (vi) Traffic study and/or plan; and

- (vii) General directions of the stormwater run-off across the property.
 - (viii) Other information.
 - (5) Preliminary land use plan. A proposed land use plan which shall be drawn upon a print of the topographic map for the site. The proposed land use plan shall contain the following information:
 - (a) Identification and description:
 - (i) Name of the planned unit development;
 - (ii) Location of the subject site by Section, town, and range or by other approved legal description;
 - (iii) Name and address of the site planner and or engineer;
 - (iv) Name and address of legal title owner or beneficial owner, and developer if different;
 - (v) Scale, north point, and date of preparation; and
 - (vi) Acreage.
 - (6) Design feature information showing:
 - (a) Right-of-way alignments, widths, and proposed names for all streets. Streets should have a simple phonetic spelling and not duplicate or create confusion with the names of existing village streets. All street names will be approved by the village police and fire departments;
 - (b) The location and height of all nonresidential, multi-family, or single-family attached buildings and structures;
 - (c) Off-street parking and service areas;
 - (d) All areas to be dedicated as common open space and all sites to be conveyed, dedicated, or reserved for parks, playgrounds, school sites, public buildings, and similar public and quasi-public uses;
 - (e) All other information necessary to clearly show the proposed elements of the planned development;
 - (f) Preliminary engineering plan. Preliminary engineering plans for all public or private improvements. The preliminary engineering plans will be approved by the village engineer; and
 - (g) Preliminary plat. A preliminary plat prepared in accordance with the procedures of the village's subdivision control ordinance.
- iii. Written Documents. Written documents that will be included as part of the application for approval of the preliminary plan are:
 - (1) Statement of Objectives. A statement of planning objectives to be achieved by the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
 - (2) Statement of Ownership and Occupancy Intentions. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the land areas or structures.

- (3) Statement of Public Benefits. A statement on the benefits of the planned unit development for the village, including unique uses, design, etc.
- (4) Private Facilities and Improvements; Owners' Association Declaration. When private improvements and facilities are made part of a planned development, the applicant will submit, as part of the application, the method and arrangement whereby these private improvements and facilities will be operated and maintained. When there are private improvements and facilities to be held in common ownership, a draft owners' association declaration that must include, in substantially similar and relevant form, the following association covenants, conditions, and restrictions:
- (a) The membership in the owners' association shall be mandatory for each and every owner, and successive owner, of all located on the property.
 - (b) The owners' association will be responsible for the continuity, care, conservation, maintenance and operation, in a first-rate condition, and in accordance with predetermined standards, of the common areas, including without limitation all equipment, appurtenances, ponds, detention facilities, and perimeter fencing located on or within the common areas and the cost of power required for the affected equipment and appurtenances.
 - (c) The owners' association shall be responsible for casualty and liability insurance, and the village will be named as an additional insured on all policies of liability insurance obtained by the owners' association.
 - (d) The owners on the property or the owners' association, as applicable, will be responsible real estate taxes for the common areas.
 - (e) The owners on the property will pay their pro rata share of all costs and expenses incurred by the owners' association by means of an assessment to be levied by the owners' association that meets the requirements for becoming a lien on the property in accordance with the statutes of the state of Illinois.
 - (f) The owners' association will have the right to adjust the assessment to meet changed needs except any assessment imposed by the village. The membership vote required to authorize an adjustment shall not be fixed at more than fifty-one (51) percent of the members voting on the issue.
 - (g) The owners' association shall be created and established prior to the sale of any portion of the property.
 - (h) The village, as well as the owners on the property, will have the right to enforce the declaration.
 - (i) The village will have the right, but not the obligation, after ten (10) days written notice to the owners' association, (i) to perform any

maintenance or repair work that, in the sole opinion of the village, the owners' association has neglected to perform on the common areas, (ii) to assess the membership for that work, (iii) to file a lien against the property of the owners' association or the property of any member failing to pay the assessment, and (iii) and to enforce the lien in the manner provided by law for mortgage foreclosure proceedings.

- (j) The declaration will run with and bind any and all portions of the property, and will be binding on the developer, and its successors in interest, to all portions of the property; provided, however, that the declaration may provide for its amendment, modification, or termination at any time upon obtaining the prior consent of the village to said amendment, modification, or termination.
- (5) Quantitative summary. A quantitative summary including, but not limited to, the following:
- (a) Acreage and square footage of the property;
 - (b) Residential density;
 - (c) Total square footage of coverage by principal buildings;
 - (d) Total square footage of coverage by accessory buildings;
 - (e) Square footage of roads;
 - (f) Square footage of exterior parking areas;
 - (g) Number of parking spaces;
 - (h) Percentage of ground cover for principal buildings, accessory buildings, parking areas, roads, and recreational facilities, individually and collectively;
 - (i) Square footage of uncovered ground on site; and
 - (j) Square footage of commonly owned and maintained open space.
- (6) Open space statement. A statement describing why the area for usable common open space was chosen, the unique advantages it offers, and how it is envisioned that residents will utilize the space either actively or passively.
- (7) Staging; Construction Schedule. The stages in which the project will be built and the approximate dates when construction of each stage can be expected to begin and to end, with emphasis given to area density, use, and public facilities such as open space to be developed in each stage.
- (8) Market research report. If retail development is planned, adequate evidence to establish the demand for the retail development will be provided in the form of a market research report examining retail supply and demand.
- (9) Other information. Other information may be requested if the Planning and Zoning Commission finds that the planned development may create special problems for traffic, parking, landscaping, or economic feasibility. The information may include, but is not limited to, any of the following:
- (a) An off-street parking and loading plan;

- (b) A traffic study indicating the volume of traffic to be generated by the planned development or a phase of it and proposing any special engineering design features or traffic regulation devices needed to ensure the proper safety of traffic circulation to, through, and around the planned development or a phase of it;
 - (c) A tax impact study detailing the impact which the planned development will have upon all taxing bodies. In addition, the expected number of students to be generated by any residential portion of it will be quantified in accordance with the village subdivision regulations; and
 - (d) A landscaping planting plan, indicating the height, size, location, quantities, and variety of stock to be planted, using botanical and common names.
- (10) Planning and Zoning Commission Public Hearing on Preliminary Plan. The Planning and Zoning Commission will hold a public hearing regarding the preliminary plan at a regular or special meeting. Any person may appear and testify at the public hearing, either in person, in writing, or by duly authorized agent.
- (11) Timing for Recommendation on Preliminary Plan. Within thirty-five (35) days of the close of the public hearing, the Planning and Zoning Commission will make a recommendation that is forwarded to the next available Village Board meeting for approval, approval with modification, or denial of the preliminary plan for the special use planned development. The Planning and Zoning Commission will include any recommended conditions on the approval of the preliminary plan and issuance of the special use planned development ordinance. Failure to do so within thirty-five (35) days, or longer period if agreed to by the applicant, will be deemed a recommendation for denial of the preliminary plan and special use planned development ordinance.
- (12) Decision by the Village Board on Preliminary Plan.
- (a) Within sixty (60) days following receipt of a recommendation by the Planning and Zoning Commission, the Village Board will either approve the preliminary plan and special use planned development ordinance with conditions, approve with modifications, including modification to or addition of conditions, deny the special use planned development ordinance, or remand the matter back to the Planning and Zoning Commission for further deliberation. Failure of the Village Board to act within sixty (60) days following receipt of a recommendation from the Planning and Zoning Commission, or such longer time as many be agreed to by the applicant will be deemed a denial of the special use planned development ordinance.

- (b) If the preliminary plan is disapproved, the Village Board will file a written decision that will be filed with the Clerk, and a copy sent to the applicant.
 - (c) If the preliminary plan is approved, the Village Board will authorize the applicant to submit a final development plan for the planned unit development, which final plan must be submitted for approval not more than one (1) year from the date of approval of the preliminary plan and special use planned development ordinance.
- (13) Standards for Special Use Planned Developments. No application for a special use planned development will be approved without an affirmative written finding regarding the following standards:
- (a) Each of the standards for special use permits set forth in Subsection 3-4.6.f of this Section.
 - (b) General. The following general standards:
 - (i) The uses permitted by such exceptions as may be requested or recommended are necessary or desirable and appropriate to the purpose of the development.
 - (ii) The uses permitted in such development are not of such a nature or so located as to exercise an undue detrimental influence or effect upon the surrounding neighborhood.
 - (iii) The site plan effectively treats the developmental possibilities of the property, making appropriate provisions for the preservation of streams, wooded areas, floodplain areas, and similar physical features.
 - (iv) All minimum requirements pertaining to business, office research, residential, industrial, or other uses established in the planned development will conform to the requirements for each individual classification as established elsewhere in this ordinance. These minimum requirements, however, may be specifically varied in the ordinance granting and establishing a planned unit development use.
 - (v) The suitability of the arrangements for operating and maintaining private improvements facilities and whether the owners' association declaration meets the minimum requirements set forth in this Section.
 - (vi) Any waiver or departures from standards from applicable bulk regulations will be solely for the purpose of promoting an integrated site plan which is more beneficial to the occupants of the planned development as well as the neighboring property, that would be obtained under the bulk regulations of this ordinance for buildings developed on separate zoning lots.
 - (vii) Off-street parking and loading shall be provided in accordance with the provisions set forth in this ordinance.

- (viii) All signs shall follow the provisions of this ordinance unless otherwise amended by the PUD.
- (ix) All planned unit developments shall comply with the performance standards set forth in this ordinance.
- (x) The planned development will be accessible from public roads which are adequate to carry the traffic that will be imposed upon them by the planned development. The streets and driveways on the site of the planned development will be adequate to serve the enterprises located in the proposed development. Traffic-control signals will be provided without expense to the village when the Village Board, or other agency having jurisdiction over adjacent rights-of-way, determine that signals are required to prevent traffic hazards or congestion in adjacent streets.
- (xi) Planned developments must provide for underground installation of all utilities in both public ways and private extensions thereof. Provisions shall be made for acceptable design and construction of stormwater facilities including grading, gutter, piping, and treatment of turf to handle stormwaters.
- (xii) Limitation on Preliminary Plan Approval. Approval of the preliminary plan will not constitute approval of the final plan. Rather it is deemed an expression of approval of the layout submitted on the preliminary plan as a guide to the preparation of the final plan or plans. No building permit will be issued for any structure until a final plan has been approved and filed with the Will County recorder of deeds, as appropriate.
- (xiii) Optional Submission of Final Plan. The applicant may, at its option, submit a final plan for the proposed planned development pursuant to the requirements of Subsection 3-4.6.f of this Section simultaneously with the submission of the preliminary plan pursuant to the requirements of this Subsection 3-4.6.e The Planning and Zoning Commission and the Village Board will consider the plans simultaneously and will grant or deny final plan approval in accordance with the provisions of Subsection 3-4.6.f of this Section.



g. Procedures – Final Plan.

- i. Final Plan Purpose. The final plan is intended to particularize, refine, and implement the preliminary plan and to serve as a complete, thorough and permanent public record of the planned development and the manner in which it is to be developed.
- ii. Application. Upon or within two (2) years after approval of the preliminary plan and special use planned development ordinance, the applicant will file with the Zoning Administrator an application for final plan approval. Applications for final plan approval will be filed with the Zoning Administrator on an application form, approved in form and substance by the Zoning Administrator, available in the Zoning Administrator’s office. An application for final plan approval may include the entire area included in the approved preliminary plan or one (1) or more phases, stages, or units of the preliminary plan. In addition to the general requirements for all applications set forth in this Section, the following additional information must be submitted with an application for final plan, or the first phase, stage, or unit submitted for final plan approval:
 - (1) All public improvements required or proposed for the entire area included in the approved preliminary plan.
 - (2) All open space required or proposed for the entire area included in the approved preliminary plan.
 - (3) approved preliminary plan.
 - (4) The payment of all fees required by this ordinance.
 - (5) Preliminary plan action by Planning and Zoning Commission.
- iii. Planning and Zoning Commission Final Plan Process.
 - (1) Public Meeting. A public meeting will be set and conducted by the Planning and Zoning Commission to determine whether the final plan substantially complies with the preliminary plan.
 - (2) Timing for Recommendation. Within sixty (60) days following the filing of an application for approval of a final plan, or one (1) or more phases, stages, or units of the preliminary plan, the Planning and Zoning

Commission will, with such aid and advice of village staff and consultants as may be appropriate, review and make a recommendation on the final plan.

- (3) Final Plan Evaluation. The Planning and Zoning Commission will consider the following when evaluating the final plan, or one (1) or more phases, stages, or units of the preliminary plan:
 - (a) Whether the final plan is in substantial conformity with the approved preliminary plan;
 - (b) The merit or lack of merit of any departure of the final plan from substantial conformity with the approved preliminary plan;
 - (c) Whether the final plan complies with any and all conditions imposed by approval of the preliminary plan; and
 - (d) Whether the final plan complies with the provisions of this code and all other applicable federal, state, and village codes, ordinances, and regulations.
- (4) Forms of Recommendation.
 - (a) Approval Based on Substantial Conformity. If the Planning and Zoning Commission find substantial conformity between the final plan and the approved preliminary plan and further finds the final plan to be in all other respects complete and in compliance with any and all conditions imposed by approval of the preliminary plan and with the provisions of this code and all other applicable federal, state and village codes, ordinances and regulations, it will transmit the plan to the Village Board with its recommendation that the Village Board approve the final plan, with or without modifications and conditions to be accepted by the applicant as a condition of approval.
 - (b) Recommendation of Denial. In any case where the Planning and Zoning Commission finds that the final plan is not in substantial conformity with the approved preliminary plan and does not merit approval, or in any case where it requires modifications of a final plan that are not accepted by the applicant, the Planning and Zoning Commission will transmit the final plan to the Village Board together with its recommendation and specific reasons in support of its recommendation that the final plan not be approved.
 - (c) Failure to Act. The failure of the Planning and Zoning Commission to act within the sixty (60)-day period specified in Subsection 3-4.6.g.iii of this Section, or such further time as the applicant may agree, will be deemed to be a recommendation to the Village Board to approve the final plan as submitted.
 - (d) Village Board Final Plan Process.
 - (i) Action by Village Board. Within sixty (60) days following the receipt of the recommendation of the Planning and Zoning

Commission, or its failure to act, the Village Board will take action in accordance with the following:

- 1) Approval Based on Substantial Conformity. If the Planning and Zoning Commission has recommended approval of a final plan, the Village Board will, unless it specifically rejects one (1) or more of the findings of the Planning and Zoning Commission on the basis of expressly stated reasons, approve the final plan by ordinance.
 - 2) Approval Notwithstanding Planning and Zoning Commission Recommendation of Denial. If the Planning and Zoning Commission has recommended denial of a final plan, the Village Board may, if it finds that the final plan merits approval and otherwise conforms to the requirements of this code, approve the final plan by ordinance.
 - 3) Referral Back to Planning and Zoning Commission. The Village Board may refer the final plan back to the Planning and Zoning Commission for further consideration.
 - 4) Conditions on Final Plan Approval. The approval of any final plan may, in addition, be granted, with or without modifications and conditions to be accepted by the applicant as a condition of approval.
 - 5) Failure to Act. The failure of the Village Board to act within sixty (60) days, or such further time to which the applicant may agree, will be deemed to be a decision denying final plan approval.
- (5) Coordination With Subdivision Ordinance. When a subdivision of land subject to the subdivision ordinance is proposed in connection with a planned development, review of the final plat of the proposed subdivision will be carried out simultaneously with review of the final plan by both the Planning and Zoning Commission and Village Board.
- (6) Post Final Plan Procedures.
- (a) Recording of Final Plan. When a final plan is approved, the Zoning Administrator will cause the final plan, or the or one (1) or more phases, stages, or units of the final plan, to be recorded with the Recorder of Deeds of Will County, as appropriate.
 - (b) Limitation on Final Plan Approval. Construction will commence in accordance with the approved final plan within one (1) year after its approval, or within such shorter time as may be established by the approved development schedule. Failure to commence construction within any such period will, unless an extension of time has been granted by the Village Board pursuant to this

Section, automatically render void the final plan approval and all approvals of the planned development and all permits based on such approvals, and the Zoning Administrator will, without further direction, initiate an appropriate application to revoke the special use permit for all portions of the planned development that have not yet been completed.

(c) Building and Other Permits.

(i) Appropriate officials of the village may, upon, but not before, receiving notice from the Zoning Administrator that the documents required for final plan approval have been approved, and upon proper application by the applicant, issue building and other permits to the applicant for the development, construction and other work in the area encompassed by the approved final plan; provided however, that no permit will be issued unless the appropriate official is first satisfied that the requirements of any codes or ordinances of the village, in addition to this code, that are applicable to the permit sought have been satisfied.

(ii) Building permits may, however, be withheld at the discretion of the Zoning Administrator or the Village Board at any time it is determined that the development of the planned development is not proceeding in strict compliance with the approved final plan.

h. Changes After Final Plan Approval.

- i. De Minimus Change. The Zoning Administrator, in consultation with other village departments, as appropriate, may authorize de minimus changes to an approved final plan when the adjustments are necessary in light of technical or engineering considerations.
- ii. Minor Change. Any adjustment to an approved final plan, that does not result in a change to the concept or intent of the planned unit development, and which changes are less than a five (5) percent change in any restriction set forth in the final plan or pursuant to any relevant ordinance or agreement for the planned unit development, will be considered a minor adjustment and will be granted only after application to, and approval by, the Village Board, by ordinance duly adopted. A minor change will not require a public hearing before the Planning and Zoning Commission.
- iii. Major Change. Any adjustment to an approved final plan that results in alteration of the concept or intent of the planned unit development, or which changes are greater than five (5) percent change in any restriction set forth in the final plan or pursuant to any relevant ordinance or agreement for the planned unit development, will be granted only after application to, and approval by, the Village Board, by ordinance duly adopted. Application for a

major adjustment will be considered at a public hearing before the Planning and Zoning Commission.

7. Site Plan Review.

- a. Authority. The Zoning Administrator will perform a site plan review for uses and developments requiring building permits for construction in the zoning districts and other instances noted in Subsection 3-4.7.d of this Section. This will not include cases in which building permit applications are made only for to the interior or façade of a structure. In cases where a building permit application includes site development and interior or façade construction, proposed improvements to the interior or façade will not be part of the site plan review consideration. Site plan review approval is not required for applications considered through a special use process, as those matters are reviewed during the village's review of the special use application.
- b. Purpose. Site plan review addresses uses, developments, and redevelopments appropriate for a zoning district, but considers that there may be potential adverse impacts for how a site is designed or used, and that require a more detailed evaluation than is otherwise incorporated to building permit, life safety, and related considerations. The standards and procedures in this Subsection 3-4.7 are designed to provide a thoughtful and efficient evaluation of such development applications.
- c. Parties Who may submit for Site Plan Review. Applications for site plan review may be filed by the owner of, or any person, firm, or corporation having a contractual interest in, the property.
- d. Site Plan Review Required. The Zoning Administrator will conduct site plan review for sites located in the following zoning districts, and notify the Planning and Zoning Commission of such review, in the following instances:
 - i. The following zoning base and overlay districts:
 - (1) Any development or redevelopment in a Tax Increment Financing District;
 - (2) Any development or redevelopment in the B-1 Historic Downtown Business District; and
 - (3) Any development or redevelopment in the B-3 General Business District;
 - ii. Any development or redevelopment, other than for one (1) single family detached dwelling unit, involving a parcel under single ownership or control having an area in excess of twenty thousand (20,000) square feet.
 - iii. Any development or redevelopment involving the creation or expansion of a parking lot or garage or a loading space.
 - iv. Any nonresidential development on a lot abutting or across a right of way from any residential district.
 - v. Any development or redevelopment involving a personal wireless services antenna, with or without an antenna support structure, that is not a special permit use.
- e. Procedures.
 - i. Applications. Applications for site plan review will be filed with the Zoning Administrator on an application form, approved in form and substance by the Zoning Administrator, available in the Zoning Administrator's office. In addition to the general requirements for all applications set forth in

Subsection 3-3.1.a, the following additional information must be submitted with an application for site plan review:

(1) Plans/Drawings:

- (a) A graphic depicting proposed development of the property.
- (b) A current survey, certified by a registered land surveyor, of the subject property.

(2) A description and graphic describing the proposal for which site plan approval is being sought and of the existing zoning classification, use, and development of the property.

(3) A graphic rendering of the existing conditions, which depicts all significant natural, topographical, and physical features of the subject property including, drainage structure and pattern, relevant soil conditions, and topographical contours at one (1)-foot intervals;

(4) The location, use, size, and height in stories and feet of structures and other land uses on adjacent properties.

(5) Data and related calculations concerning proposed structures and existing structures that will remain, including:

- (a) Location, size, use, and height;
- (b) Where relevant, gross floor area and floor area ratio;
- (c) Where relevant, number and size of dwelling units, by dwelling unit type and number of bedrooms; and
- (d) Building coverage.

(6) Yard and setback dimensions and dimensions related to the height, width, and depth of any structure, as well as proximity to property lines.

(7) A vehicular and pedestrian circulation plan showing the location, dimensions, gradient and number of all vehicular and pedestrian circulation elements.

(8) All existing and proposed drainage, retention, and detention facilities, and existing and proposed utilities and easements.

(9) Location, size and arrangements of all outdoor signs and lighting.

(10) Location and height of fences or screen plantings and the type or kind of building materials or plantings to be used for fencing or screening.

(11) Location, designation, and total area of all usable open space.

(12) A detailed landscaping plan, showing location, size, and species of all trees, shrubs, and other plant material.

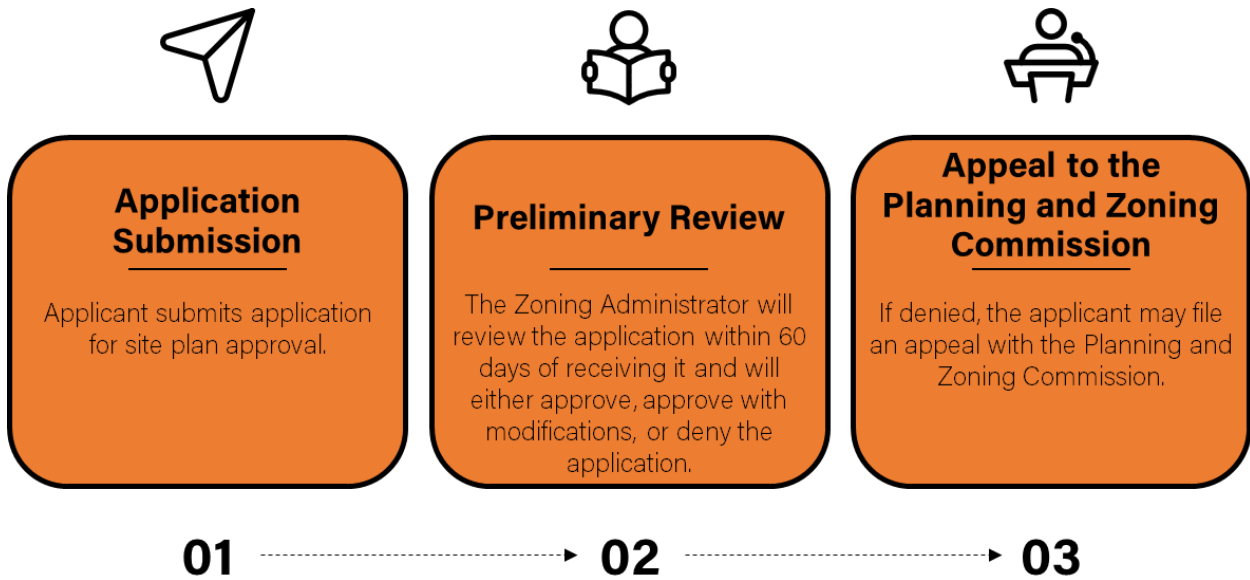
(13) A traffic study, if deemed necessary by the Zoning Administrator.

ii. Decision by Zoning Administrator. Within sixty (60) days following receipt of an application for site plan review, the Zoning Administrator will either:

- (1) approve the site plan as submitted;
- (2) approve it subject to conditions based on the standards noted below, with a written explanation to the applicant;
- (3) Forward the Site Plan to the Planning and Zoning Commission (PZC) for review; or

- (4) deny approval of the site plan with written findings provided to the applicant pursuant to the standards below. The failure of the Zoning Administrator to act within sixty (60) days, or such further time to which the applicant may agree, will be deemed to be a decision approving the site plan as submitted. In reviewing a submitted site plan regarding the standards below, the Zoning Administrator may suggest alternative site plan or design approaches that could address specified deficiencies or may note that such deficiencies that cannot be avoided would have a minimal adverse impact on the property or nearby properties.
- iii. Effect of Zoning Administrator Action. Approval of a site plan by the Zoning Administrator, acceptance of required modifications by the applicant, or agreement by the applicant and Zoning Administrator on an approach to address required modifications will constitute final action regarding site plan review. All other village building permit and village code requirements must still be met for the proposed construction.
- iv. Appeals. If the Zoning Administrator denies a site plan review application and the applicant wishes to appeal that denial, the applicant will file such appeal in accordance with this Section.
- v. Standards for Site Plan Review. In considering a site plan submitted for review pursuant to this Subsection 3-4.7, the Zoning Administrator will consider the following standards:
 The application must be complete as specified in this chapter, other Village regulations, or other requirements specified by the village.
 - (1) Any other application for approval by the village or other jurisdiction relevant to items considered under site plan review must be successfully secured.
 - (2) The proposed site plan or design is internally logical and safe and facilitates clear understanding of travel and circulation within the property, as well as to and from the site by vehicles, pedestrians, and bicyclists.
 - (3) The proposed site plan and design do not interfere with easements or rights-of-way, or create traffic hazards or congestion on surrounding public streets.
 - (4) The proposed site plan or design does not adversely impact use and enjoyment of surrounding properties.
 - (5) Outdoor storage is adequately screened.
 - (6) The proposed site plan, or design, does not create adverse impacts related to drainage or erosion for the subject site or nearby properties, and complies with all local, county, state, and federal requirements.
 - (7) The proposed site plan or design should not place unreasonable burdens on village or other utility systems serving the site or area. The site plan should integrate site utilities into the overall existing and planned utility systems serving the village.

- (8) The proposed site plan or design must provide for required public improvements as may be directed in this Section, the comprehensive plan, village planning documents, or other aspects of this code.
- (9) The proposed site plan or design shall not adversely impact the public health, safety or general welfare of the village.
- f. Time Constraints. Unless an extension is granted by the Zoning Administrator as a result of a written request by the applicant showing good cause and external factors necessitating an extension, no site plan or design approval will be valid for a period longer than six months (6) unless a building permit is issued. Within one (1) year of site plan review approval, construction must have begun and (if not completed) be actively pursued to completion.
- g. Modifications.
 - i. During development of the site, the Zoning Administrator may approve an adjustment to the approved site plan if such change could have been authorized in the course of the original review.
 - ii. Amendments to Site Plan Following Completion of Development. After a site is developed in accordance with an approved site plan, the site plan may be altered, if in the determination of the Zoning Administrator and based on the standards for review in Subsection 3-4.7.e.v, in the same manner and subject to the same limitations as provided for the original approval of site plans.



- 8. Certificate of Zoning Compliance.
 - a. Authority. The Zoning Administrator will have authority to issue certificates of zoning compliance, but only in accordance with the provisions of this Section 3-4.8.
 - b. Purpose. The certificate of zoning compliance is intended to serve two (2) general purposes. First, it provides a procedure for reviewing plans for conformance with this code and a means for evidencing such conformance. Second, it serves as an adjunct to, and must be filed prior to or with, all other applications filed pursuant to this code

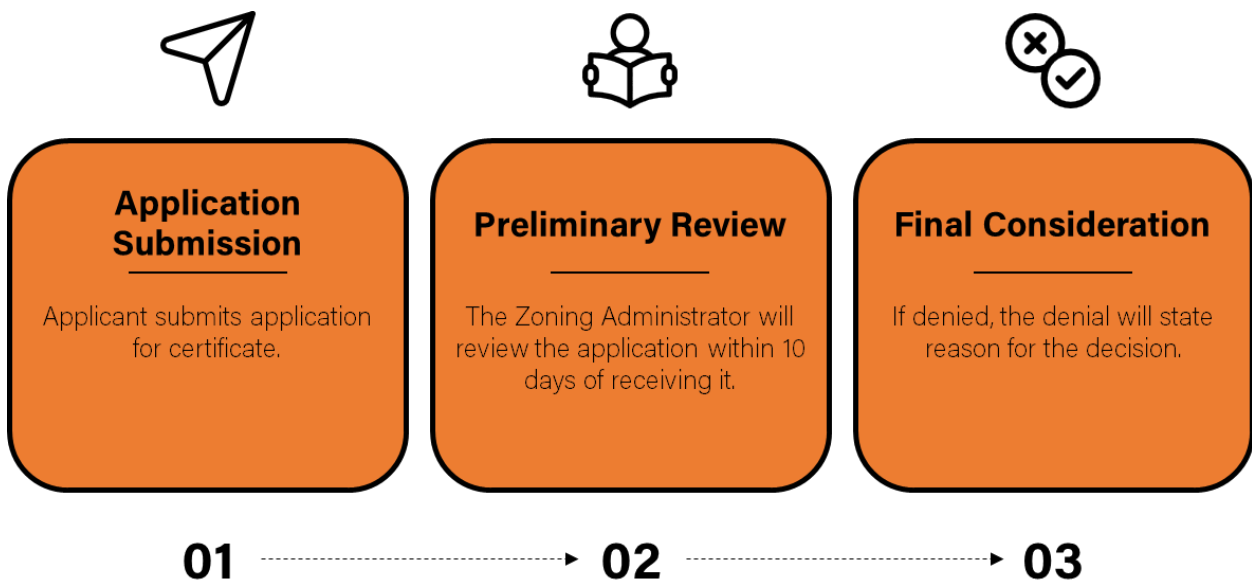
with respect to a specific use or development proposal. When so filed, it serves as a vehicle for routine plan review by the Zoning Administrator prior to consideration of special requests by other officials, boards, and commissions, avoiding needless special reviews of defective plans.

- c. Except where expressly waived by another provision of this code, unless a certificate of zoning compliance has first been obtained from the Zoning Administrator:
 - i. the construction, repair, structural alteration, remodeling, alteration, or moving of any structure shall not be commenced;
 - ii. no land vacant on the effective date of this Code shall be used or occupied for any purpose, except the raising of crops;
 - iii. the grading, excavation, or improvement of land preliminary to any construction on or use of such land shall not be commenced; and
 - iv. building or other permits pertaining to the construction, repair, remodeling, structural alteration, or moving of any structure or the use of any land or structure shall not be issued by the Village.
 - v. In any case where a certificate of zoning compliance is not required under this code, the Zoning Administrator will, upon written request, issue a certificate verifying this fact.
- d. Relation to Other Applications. No application for a zoning variation, special use permit, map amendment, or formal application for approval of a planned unit development will be processed, unless an application for a certificate of zoning compliance is first received, processed, and approved, or denied solely on one (1) or more grounds that form the basis for the application. It is the intent of this Subsection 3-4.8.d that no application filed for a specific use or development proposal will be processed until the Zoning Administrator is satisfied that the proposed use or development complies with the provisions of this code in all respects except those within the scope of such application.
- e. Procedure.
 - i. Application. Applications for certificates of zoning compliance will be filed with the Zoning Administrator on an application form, approved in form and substance by the Zoning Administrator, available in the Zoning Administrator's office. In addition to the general requirements for all applications set forth in Subsection 3-2.1.a, the following additional information must be submitted with an application for site plan review:
 - (1) A description or graphic representation of any development or construction that will occur or any use that will be established or maintained if the requested relief is granted.
 - (2) A table showing the following, if applicable:
 - (a) The total lot area of the subject property, in acres and in square feet;
 - (b) The total existing and proposed lot area, expressed in acres, in square feet, and as a percent of the total development area, devoted to residential uses, by type of structure, commercial uses,

- office uses, industrial uses, and institutional uses, open space, rights-of-way, streets, and off-street parking and loading areas; and
- (c) The existing and proposed:
 - (i) Number of dwelling units, by number of bedrooms and dwelling unit gross
 - (ii) Gross and net floor area devoted to residential uses, commercial uses, office uses, industrial uses, institutional uses, and recreational uses.
 - (3) A table listing all bulk, space, and yard requirements, all parking requirements, and all loading requirements applicable to any proposed development or construction and showing the compliance of such proposed development or construction with each such requirement. Where any lack of compliance is shown, the reason therefor shall be stated and an explanation of the village's authority, if any, to approve the application despite such lack of compliance shall be set forth.
 - (4) The certificate of a registered architect or civil engineer licensed by the state of Illinois, or of an owner-designer, that any proposed use, construction, or development complies with all the provisions of this code and other village ordinances or complies with such provisions except in the manner and to the extent specifically set forth in said certificate.
- ii. Action on Application. Within thirty (30) days following receipt of a completed application for a certificate of zoning compliance, the Zoning Administrator shall cause the application and related submissions to be reviewed for compliance with this code (and the Subdivision Ordinance as applicable) and will inform the applicant whether the application has been granted or denied. In any case where an application is granted, the Zoning Administrator will issue a certificate of zoning compliance, which will state on its face, in bold type, that **“THIS CERTIFICATE DOES NOT SIGNIFY BUILDING CODE REVIEW OR APPROVAL AND IS NOT AUTHORIZATION TO UNDERTAKE ANY WORK WITHOUT SUCH REVIEW AND APPROVAL WHERE EITHER IS REQUIRED. BEFORE ANY STRUCTURE TO WHICH THIS CERTIFICATE IS APPLICABLE MAY BE OCCUPIED OR USED FOR ANY PURPOSE, A CERTIFICATE OF OCCUPANCY MUST BE OBTAINED.”** In any case where an application is denied, the Zoning Administrator will state specific reasons for the denial and cite the specific provisions of this code upon which the denial is based. If relief from such demand would be available pursuant to a companion application filed in connection with the application for a certificate of zoning compliance, the Zoning Administrator will inform the applicant and promptly process the companion application. If the application is approved, the Zoning Administrator will issue the requested certificate of zoning compliance in accordance with the terms and conditions of such approval. If relief from the Zoning Administrator’s denial of a certificate of zoning Compliance would be available by variation, special use permit, or site plan review, but no

application has been filed, the Zoning Administrator will state this and refer the applicant to the appropriate provisions of this code.

- f. Contents of Certificate. Each certificate of zoning compliance issued pursuant to this Section will state the specific use of the property for which it is issued; will identify the specific plans; if any, pursuant to which it is issued; and will set forth any conditions imposed in connection with any approval granted pursuant to this code.
- g. Filing of Certificates. Every certificate of zoning compliance issued pursuant to this Section will be kept on file with the Zoning Administrator and will be a public record open to inspection in accordance with the provisions of the Illinois Freedom of Information Act.
- h. Effect of Issuance of Certificate of Zoning Compliance. The issuance of a certificate of zoning compliance will not authorize the establishment, expansion, or extension of any use nor the development, construction, relocation, alteration, or moving of building or structure, but will merely authorize the preparation, filing, and processing of applications for any additional permits and approvals that may be required by the codes and ordinances of the village, including, but not limited to, a building Permit, a certificate of occupancy, and subdivision approval.
- i. Limitations on Certificates. Subject to an extension of time granted by the Zoning Administrator pursuant to Section 3-2.2, a certificate of zoning compliance will become null and void six (6) months after the date on which it was issued unless within such period construction, repair, remodeling, structural alteration, or moving of a structure is commenced or a use is commenced.
- j. Void Certificates. Any certificate of zoning compliance issued in violation of the provisions of this code, whether intentionally, negligently, or innocently, will be void from issuance and will give rise to no rights whatsoever.



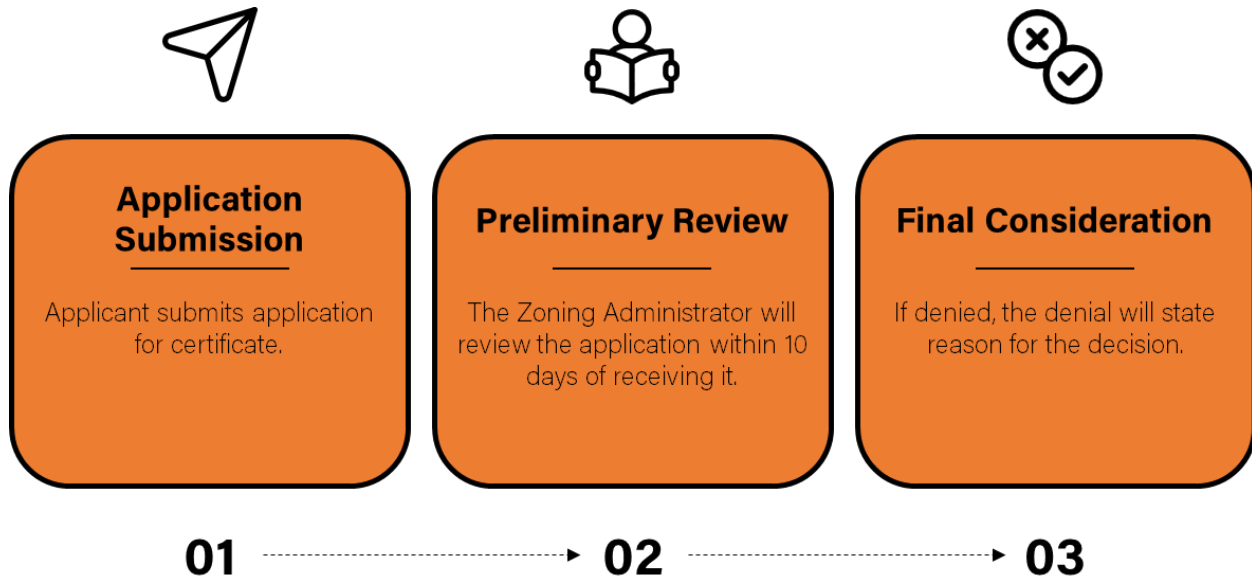
9. Certificate of Occupancy.

- a. Authority. The Zoning Administrator or the Building Inspector shall have authority to issue certificates of occupancy; provided, however, that no certificate will be issued except in accordance with the provisions of this Section 3-4.9 and the provisions of the Village Municipal Code governing development, building, and related matters.
- b. Purpose. For the purposes of this code, the certificate of occupancy provides a procedure for the inspection of completed premises to ensure their compliance with this code and approved plans prior to commencement of the use or occupancy of such premises. The certificate of occupancy may also evidence compliance with other provisions of the Village Municipal Code, as set forth in those provisions.
- c. Certificate Required. Unless a certificate of occupancy has been obtained certifying compliance with the provisions of this code:
 - i. No structure, or addition thereto, constructed, reconstructed, remodeled, altered, or moved after the effective date of this code will be occupied or used for any purpose;
 - ii. No land vacant as of the effective date of this code will be used or occupied for any purpose;
 - iii. Except for changes involving only substitution of occupants in existing dwelling units, no use or occupancy of any land or structure will be changed to any other use or occupancy, whether or not construction, remodeling, alteration, or moving is involved.
- d. Procedure.
 - i. Application. Where no certificate of zoning compliance is required, applications for certificates of occupancy will be filed in accordance with the requirements of Section 3-4.9.c. Where a certificate of zoning compliance has been issued, the application for that certificate will also be treated as the application for a certificate of occupancy and will be processed as such at such time as the applicant notifies the Zoning Administrator in writing that the subject structure or use is ready for a certificate of occupancy in accordance with the certificate of zoning compliance. In any case where the structure or use involved has been constructed or established pursuant to any approval granted pursuant to this code, the application will be accompanied by “as built” plans depicting the structure or use as built and bearing the certificate of a surveyor, engineer, architect, land planner, or owner-designer, as may be appropriate, certifying that the structure or use as built conforms in all respects to the approval granted.
 - ii. Action on Application. Within ten (10) days following the receipt of a completed application, the Zoning Administrator will cause the subject structure or premises to be inspected and will take on the following actions based on such inspection:
 - (1) If all work has been completed and the structure and use thereof are in full and complete compliance with all applicable provisions of this Code, other relevant codes and ordinances of the village, the applicant’s plans as approved and any conditions attached to any approval issued pursuant to this code, the Zoning Administrator will issue a Certificate of Occupancy;

- (2) If, however, all work is not complete or is in any manner not in full compliance with all applicable requirements, the Zoning Administrator will deny the application and will inform the applicant in writing of the specific deficiencies on which such denial is based, citing the particular provisions of the codes and ordinances of the village, the particular items in the applicant's plans or the applicable special approval conditions with respect to which compliance is lacking.
- e. Contents of Certificates. In addition to the matters required to be contained in a certificate of occupancy pursuant to other applicable provisions of the village municipal code, each certificate of occupancy issued pursuant to this Subsection 3-4.9.e will state the specific use of the subject property for which it is issued; will identify the specific plans, if any, pursuant to which it is issued and will set forth any conditions imposed in connection with any approval granted pursuant to this code.
 - f. Filing of Certificates. Every certificate of occupancy issued pursuant to this Subsection 3-4.9.f will be kept on file with the Zoning Administrator and will be a public record open to inspection pursuant to the provisions of the Illinois Freedom of Information Act.
 - g. Temporary Certificate of Occupancy. Notwithstanding the provisions of Section 3-4.9, where construction, repair, remodeling, or structural alteration of a structure does not require the vacating of the structure, or where parts of the structure are finished and ready for occupancy before the completion of construction, repair, remodeling, or structural alteration and are certified upon inspection to be safe for use or occupancy and to be in full compliance with all applicable provisions of this code, other relevant codes, and ordinances of the village, the applicant's plans as approved and any conditions attached to any approvals issued pursuant to this code with respect to such structure or its premises, a temporary certificate of occupancy may be issued for a period not to exceed six (6) months from its date, which temporary certificate shall bear on its face, in bold type, a statement of its temporary nature; provided, however, that no such temporary certificate will be issued pursuant to this code unless the structure also qualifies for a temporary certificate of occupancy issued pursuant to the village building code.
 - h. Certificate of Occupancy for Existing Uses. The Zoning Administrator may issue a certificate of occupancy certifying the lawful existence and use of any existing structure or use in the same manner, and subject to the same standards and limitations, as authorized by this Subsection 3-4.9.h with respect to new structures and uses. A certificate of occupancy will be prima facie evidence of the facts contained in it with respect to any structure or use as of the date of its issue and remain effective for that purpose for so long as neither the use or structure nor the applicable provisions of this code are changed.
 - i. Certificate of Occupancy for Legal Nonconformities. The Zoning Administrator may issue a Certificate of Occupancy certifying the lawful existence and use of any nonconforming use, structure, lot, or sign in the same manner, and subject to the same standards and limitations, as authorized by this Subsection 3-4.9.i with respect

to new structures and uses and subject also to the additional standards and limitations set forth in Subsection 3-3.1.a of this code.

- j. Void Certificates. Any certificate of occupancy issued in violation of the provisions of this code, whether intentionally, negligently, or innocently, shall be void ab initio and give rise to no rights whatsoever.



10. Enforcement and Penalties.

- a. General Enforcement Authority and Duty. Upon finding the existence of any violation of this code, the Zoning Administrator will have the authority and duty to take or direct all actions necessary or appropriate to punish and abate such violation.
- b. Civil and Administrative Enforcement.
 - i. Stop and Cease-and-Desist Orders. Upon finding the existence of any violation of this code, the Zoning Administrator will notify, in writing, the person responsible for the violation, indicating the nature of the violation and ordering the action necessary to correct it; specifically, the Zoning Administrator will order the discontinuance of any illegal use of land or structures; the removal of illegal structures, additions or alterations; and the discontinuance of illegal work being done.
 - ii. Legal Actions. In the enforcement of this code, the Zoning Administrator will exercise all the powers authorized by the statutes of the state of Illinois and the codes and ordinances of the village to ensure compliance with, or to prevent or abate any violation of, the provisions of this code, and in particular, will, where necessary or appropriate, institute or cause to be instituted by the village attorney in the name of the Village of Beecher any and all actions, legal or equitable, including appeals, that may be required for the enforcement of this code.

- iii. Abatement; Liens. Where authorized by state statute, the Zoning Administrator may order any work necessary to abate any violation of this code and will assess the cost of such work to the property owner. Upon the failure of the owner to pay such cost, the Zoning Administrator will file a lien for the costs, and for all costs of collection, against the property in question.
- iv. Revocation of Permits. The violation of any provision of this code, or of any permit or approval granted pursuant to it, or of any condition imposed pursuant to it will be grounds for the revocation of any approval granted pursuant to this code and affecting the property involved in the violation. The Zoning Administrator may recommend, and the Village Board may order such revocation; provided, however, where the original approval was granted following a public hearing required pursuant to this code, the revocation will be preceded by a public hearing before the Village Board.
- v. Fines. In the enforcement of this code, the Zoning Administrator will, where necessary and appropriate, order the issuance and enforcement of citations to recover fines and penalties for the violation of this code as authorized by state law and this code.
- c. Penalties. Any person who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of, any provision of this code will be subject to a fine of not less than one hundred (100) dollars nor more than seven hundred fifty (750) dollars for each offense. Each day violation continues to exist will constitute a separate offense.
- d. Private Remedies Preserved. Nothing in this Part shall be interpreted to prevent any person entitled to relief in law or equity by reason of a violation of the provisions of this Code from bringing an appropriate action to secure such relief.

3-5 – 99: RESERVED.

SECTION 4 GENERAL PROVISIONS

4-1 INTERPRETATIONS.

1. Minimum Requirement. The provisions herein shall be held to be the minimum requirements for the promotion of public health, morals, and welfare.
2. Relationship with Other Laws. Where the conditions imposed by any provision herein upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision herein or any other law, ordinance, resolution, rule, or regulations of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.
3. Effect of Existing Agreement. The ordinance is not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations of the Ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements herein shall govern.

4-2 SEPARABILITY.

It is hereby declared to be the intention of the Village of Beecher that the several provisions of this Zoning Ordinance are separable in accordance with the following:

1. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions not specifically included in said judgment; and
2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or other structure such judgment shall not affect the application of said provision to any property, building, or structure, not specifically included in said judgment.

4-3 REPEAL.

Ordinance No. 1046 in its entirety, relating to the zoning of land is hereby repealed and all other Ordinances or parts of Ordinances of the Village of Beecher unconstitutional or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

4-4 USE RESTRICTIONS.

The following use restrictions and regulations shall apply:

1. Principal Uses. Only those principal uses specified for a district (Section 6-6 – District Use Table) or on a Planned Unit Development (PUD) plat (Subsection 3-4.6 – Planned Developments), their essential services, and those uses specified in this Section, shall be permitted in that district.
2. Accessory Uses and Structures. Accessory uses and structures are permitted in any zoning district (Section 4-12 – Accessory Buildings, Structures, and Uses of Land), but not until their principal structure is present and/or under construction.
3. Uses by Special Permit (Special Uses). Special Uses and their accessory uses are permitted

in all zoning districts after review by the Planning and Zoning Commission and Village Board, according to the procedure set forth in (Subsection 3-4.5 – Special Uses).

4. Unclassified or unspecified uses. In case of uncertainty where the Zoning Administrator is unable to determine literally whether a use is permitted as a principal or accessory use, he/she shall consult the Planning and Zoning Commission for an interpretation.
5. Temporary Uses. Temporary uses, such as real estate field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Zoning Administrator through the issuance of a Certificate of Occupancy (Subsection 3-4.9 – Certificates of Occupancy) for a period not to exceed six (6) months. This temporary certificate may be renewed semiannually but in no case shall the effective period of the certificate exceed two (2) years.
6. Performance Standards. Performance standards listed in (Section 12 – Performance Standards) of the Zoning Ordinance shall apply to all uses in all zoning districts unless specifically waived by the Village Board after consulting with the Planning and Zoning Commission.

4-5 SCOPE OF REGULATIONS.

1. Change in Buildings, Structures, or Uses. Except as may otherwise be provided, all buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocations of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter, shall be subject to all regulations herein which are applicable to the zoning district in which such buildings, uses or land shall be located.
2. Non-Conforming Buildings, Structures, and Uses. Any lawful building, structure, or use existing at the time of the enactment of the Zoning Ordinance may be continued, even though such building, structure, or use does not conform to the provisions herein for the district in which it is located, and whenever a district shall be changed hereafter, the then existing lawful use may be continued, subject to the provisions in Section 5 – Nonconforming Uses).
3. Building or Structure. Where the word “building” is used in this Ordinance, it shall also include structure. See Section 14 – Definitions.
4. Building Permits. Where a building permit for construction of a building or structure or part thereof has been issued in accordance with law prior to the effective date of the Ordinance, and provided that construction is begun within ninety (90) days of such effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit was issued, and further may, upon completion be occupied under a Certificate of Occupancy by the use for which originally designated subject thereafter to the provisions of Subsection 3-4.9 – Certificates of Occupancy.
5. Lots of Record. A lot of record at the time of the adoption of this Ordinance in a residence district which is unable to meet the requirements of this Ordinance as to area, lot width, and yard requirements may be used for a single-family detached dwelling, provided it shall meet all the other requirements of this Ordinance. However, when two (2) or more parcels of land, each of which lacks adequate area and dimensions to qualify for a

permitted use under the requirements of the use district in which they are located, are contiguous and are held in one ownership, at the time of or subsequent to the adoption of this amendment, they shall be used as one zoning lot for such use.

6. Construction in Process. Where construction of a building or structure has begun prior to the effective date of this Ordinance and is being diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit was issued, and further may upon completion be occupied under a certificate of occupancy subject to the provisions herein set forth in Section 5 – Nonconforming Uses.
7. Consultants. The Planning and Zoning Commission and the Village Board may utilize the services of professional consultants for research, investigation, and professional opinion, for assistance in arriving at recommendations or decisions. The applicant whose request to either the Planning and Zoning Commission, or Village Board, requires the use of such professional services, shall reimburse the Village the reasonable cost it incurred for the services rendered by its consultants, within ten (10) days after the submission of the bill by the Village. The consultants shall bill for their services at the same hourly rate which they normally charge municipal clients. The Village consultants shall include, but not be limited to, the persons who provide the Village with advice in the field of engineering, law, planning, traffic, design, and finance.

4-6 USE AND BULK REGULATIONS.

1. Control Over Use. No building, structure, or land shall hereafter be used or occupied and no building or part thereof, or other structure shall be erected, raised, moved, reconstructed, extended, enlarged, or altered except in conformity with the regulations herein specified for the district in which it is located, except as otherwise provided by law, as authorized by a pre-existing Section of this Zoning Ordinance.
2. Control Over Bulk. All new buildings and structures shall conform to the building regulations established herein for the zoning district in which each building shall be located, except that chimneys, cooling towers, elevator bulkheads, fire towers, stacks, and necessary mechanical appurtenances shall be permitted to exceed the maximum height provisions when erected in accordance with all other Ordinances of the Village of Beecher.
3. Control Over Residences. All buildings intended for human occupancy within the Village of Beecher shall have potable water and sanitary sewer service provided by the Village unless otherwise granted by the Village under Chapter 5 in the Code of Ordinances.

4-7 LOT COVERAGE.

1. Maintenance of Yards, Courts, and Other Open Spaces. The maintenance of yards, courts, and other open spaces and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, courts, or other open space or minimum lot area allocated to any building, shall by virtue of change of ownership or for any reason be used to satisfy yard, court, or other open space, or minimum lot area requirements for any other building.

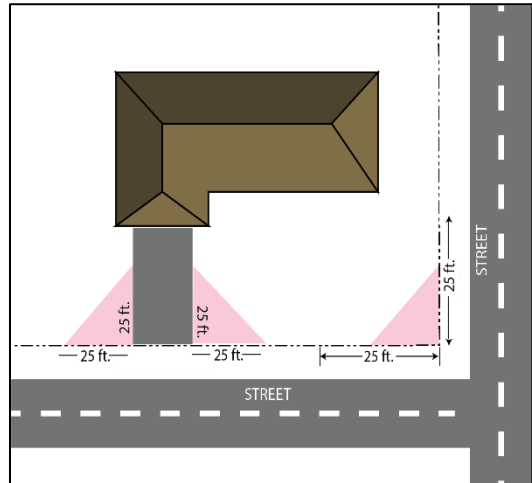
2. Division of Zoning Lots. No improved zoning lot shall hereafter be divided into two (2) or more zoning lots unless all improved zoning lots resulting from each subdivision shall conform with all the applicable bulk regulations of the zoning district in which the property is located.
3. Access Across Residential Property. No land which is located in a Residential District shall be used for vehicular access purposes to any lot which is located in a Commercial or Industrial District, or used for any purpose not permitted in a Residential District, except in the case of an approved Special Use or Planned Development.
4. Location of Required Open Space. All yards, courts, and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group.
5. Required Yards for Existing Buildings. No yards now or hereafter provided for a building existing on the effective date of the Zoning Ordinance shall subsequently be reduced below or further reduced below if already less than the minimum yard requirements of the Zoning Ordinance for equivalent new construction.
6. Front Yard Setback and Corner Side Yard. On streets where a front yard and/or corner side yard setback has been maintained for buildings existing on lots or tracts having a frontage of fifty (50) percent or more of the total frontage on one (1) side of that portion of any street lying between two (2) intersecting streets, there shall be maintained a front yard setback of not less than the average setback of the aforementioned existing buildings or thirty (30) feet, whichever is smaller.
7. Any changes in the front yard setback and/or corner side yard requirement shall be submitted to the Planning and Zoning Commission for its review and recommendation, and for the consideration for approval by the Village Board.
8. Minimum Space Between Detached Buildings. The minimum space between detached buildings or structures shall be not less than the required width of the combined side yards for any new developments, alterations, or additions approved after the effective date of this Zoning Ordinance.
9. One Principal Building, Structure and Use. Every building hereafter erected or structurally altered shall be located on a zoning lot as herein defined and in no case shall there be more than one principal building, structure, or use on a zoning lot except in a planned development, as a Special Use where permitted as such, or as otherwise provided in this Zoning Ordinance.
10. Lot Area and Lot Width. No zoning lot containing a building, structure, or use shall hereafter be divided in order to secure one (1) or more additional lots for transfer of Ownership and establishment of a principal use thereon, unless each lot, including also the lot containing the building, structure or use, resulting from such division, shall have the minimum lot area and lot width as required in this Zoning Ordinance for the district in which the lot is located.
11. Lots in Single Ownership. Any single zoning lot or parcel of land, held in one ownership which was of record at the time of adoption of this Zoning Ordinance, that does not meet the requirements for minimum lot width and area, may be utilized for a permitted use, provided that the yards are fifty (50) feet at the building line with a total area of seven thousand two hundred (7,200) square feet, whichever is greater. Lot coverage shall not

exceed forty (40) percent with a minimum of five (5) feet for side yard setbacks and forty (40) feet for rear yards. Front yards shall be at the established building line.

12. Buildings and structures Constructed on a Zoning Lot. Every building or structure shall be constructed or erected upon a Zoning lot or parcel of land which abuts a public street unless a permanent easement of access to a public street is of record prior to the application for a building permit.
13. Unique Land Planning Designs. Where unique land planning designs are employed in a subdivision or planned development to conserve the natural character of the land or to create a functional or compatible arrangement of buildings, structures, or uses, a lot which does not abut upon a public or private street may be permitted provided that:
 - a. Adequate provision is made for free access to the lot for the property owner, or in the case of a non-residential lot, for those persons who would normally require access to the lot.
 - b. Adequate provision is made for the unobstructed access of fire-fighting equipment, police protection, rubbish collection, and other governmental services.
 - c. Adequate provision is made for the extension and maintenance of public and private utility services.
 - d. The arrangement will not contribute toward congestion in nearby streets as a result of delivery services, lack of guest parking, or other reasons.

4-8 VISION CLEARANCE TRIANGLE.

1. All corner lots shall provide for a clear sight distance (traffic view obstruction triangle), not less than two and one-half (2½) feet in height above the elevation at the center line of the traveled way, free from all buildings, structures, plant materials, play equipment, or parking, loading, or storage uses in accordance with the following specifications:
 - a. All Residence Districts, a sight distance of not less than twenty-five (25) feet measured along the intersecting street right-of-way line bordering corner lots.
 - b. All Business or Industrial Districts, a sight distance of not less than twenty-five (25) feet measured along the intersecting street right-of-way line bordering corner lots except as herein provided.



4-9 HEIGHT LIMITATIONS.

1. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, sky lights, towers, steeples state lofts and screens, flagpoles, chimneys, smokestacks, individual domestic radio, television aerials and

wireless masts, water tanks, or similar structures may be erected above the height limits when recommended by the Planning and Zoning Commission and approved by the Village Board. No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located; nor shall such structure have a total area greater than twenty-five (25) percent of the roof area of the building; nor shall such structure be used for any residential, commercial, or industrial purpose other than a use incidental to the main use of the building.

2. Public, semi-public hospitals, institutions, schools, or public utility and service buildings, when permitted in a zoning district, may be erected to a height not exceeding thirty-five (35) feet without a special use permit, provided said specified buildings shall be set back from the front, rear, and side lot lines on the ratio of two (2) feet for every one (1) foot of building height greater than forty (40) feet; provided, however, that said specified requirements shall apply in addition to the other requirements for building line setbacks and for rear and side yards specifically set forth in this Zoning Ordinance.

4-10 REQUIRED SETBACKS.

Setback lines shall be maintained on all lots that abut streets and thoroughfares. The minimum setback on lots abutting a street or thoroughfare shall be the distance required for a front yard, or side yard, adjoining a street, in the district where such lots are located, measured from the existing right-of-way line of the street or thoroughfare, or from the proposed right-of-way line as designated on the *Comprehensive Land-Use Transportation Plan* (map) and as duly established by other Ordinances or as established by County or State highway authorities – whichever has the greatest right-of-way width requirements.

4-11 REQUIRED YARDS.

1. All yards and other open spaces as required by this Zoning Ordinance shall be located on the same zoning lot as the principal building or use. No legally required yard, open space, or lot area for any use or building shall be used to satisfy yard, open space, or lot area requirements for any other structure or use.
2. On a corner lot, the front lot line shall be the lot line having the shortest dimension along the street right-of-way line. The required front yard setback on corner lots shall apply to each side of the lot facing a street unless otherwise allowed as part of this Zoning Ordinance.
3. No yards allocated to a building or use existing on the effective date of this Zoning Ordinance shall be subsequently reduced or further reduced below the yard requirements of this Zoning Ordinance, except a yard adjoining a street may be reduced in depth in the event and to the extent the right-of-way width, of such street adjoining such yard is subsequently increased.
4. Where fifty (50) percent or more of the frontage on one side of a street between two (2) intersecting streets is developed with buildings that have observed, within a variation of five (5) feet or less, a front yard greater in depth than required herein, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.

4-12 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS.

The following accessory buildings, structures, and uses are permitted and shall not be considered to be obstructions when located in the required yards specified. (A “P” denotes that the obstruction is permitted, and an “X” denotes that the obstruction is not permitted).

Table 4-1

Projection or Accessory Use	Front Yard	Side Yard (Interior)	Side Yard (Corner) or Second Front Yard	Rear Yard
Air Conditioning (window)	P	P	P	P
Air Conditioning (ground)	X	P	X	P
Antennas	X	P	P	P
Arbors/Trellises	P	P	P	P
Awnings	P	P	P	P
Balconies	P	P	P	P
Bay Windows	P	P	P	P
Canopies (free standing)	X	X	X	P
Carports	X	P	X	X
Chimneys	P	P	P	P
Decks	X	P	P	P
Dog Run	X	P	X	P
Eaves	P	P	P	P
Flagpoles	P	P	P	P
Garages	P	P	P	P
Gardens	P	P	P	P
Generators	X	P	X	P
Greenhouse	X	P	X	P
Gutters	P	P	P	P
Loading	X	X	P	P
Patios	P	P	P	P
Porches	P	P	P	P
Sheds	X	X	X	P
Stairways	P	P	P	P
Swimming Pools	X	X	X	P
Walls	P	P	P	P
Solar energy systems (roof mounted)	Permitted on rooftop only			
Other	X	X	X	P

The Zoning Administrator shall have the authority to grant an Administrative Variance (Section 3-4.3.f) to allow prohibited obstructions in required yards.

4-13 BUILDING AND STRUCTURE GRADES.

All buildings and structures shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building or structure. Yards shall be graded in such manner as will prevent the accumulation of surface water on the lot and not increase the natural run-off of surface water onto adjacent properties. All yards shall have a minimum of one (1) percent slope from the foundation to the property line.

4-14 USES NOT SPECIFICALLY PERMITTED IN DISTRICTS.

When a use is not specifically listed in the Sections devoted to Permitted Uses, it shall be assumed that such uses are hereby expressly prohibited, unless recommended by the Planning and Zoning Commission, and approved by the Village Board, that said use is similar to and not more objectionable than uses listed and such uses may then be permitted.

4-15 EXEMPTIONS.

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

4-16 TEMPORARY USES.

Temporary uses may be permitted in any zoning district, provided such use will not create a nuisance and is approved by the Village Board. Each temporary use permit shall specify the location, time period such permit shall be valid, and any other terms or conditions that the Village Board deems necessary in granting the approval.

4-17 LOT AREA AND DIMENSION.

1. Contiguous Parcels. When two (2) or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the use district in which they are located and contiguous and are held in one (1) ownership, they shall be used as one (1) zoning lot for such use.
2. Lots or Parcels of Land of Record. Any single lot or parcel of land, held in one (1) ownership, which was of record at the time of adoption of the Ordinance that does not meet the requirements for minimum lot width and area may be utilized for a permitted use, provided that the yards are fifty (50) feet at the building line with a total area of seven thousand two hundred (7,200) square feet, whichever is greater.
3. Lot coverage shall not exceed forty (40) percent with a minimum of five (5) feet for side yard setbacks and forty (40) feet for rear yards. Front yards shall be at the established building line.

4-18 ACCESS TO PUBLIC STREETS.

Except as otherwise provided for herein, every building shall be constructed or erected upon a lot or parcel of land which abuts a public street, unless a permanent easement of access to a public street was of record prior to the adoption of the Zoning Ordinance. Flag lots (Section 14 – Definitions) shall not be permitted.

4-19 NUMBER OF BUILDINGS ON A ZONING LOT.

Except in the case of a Planned Development (Subsection 3-4.6) or as a Special Use (Subsection 3-4.5) where permitted as such, not more than one (1) principal detached building shall be located on a zoning lot, nor shall a principal detached building be located on the same zoning lot with any other principal building.

4-20 TWO USES ON A ZONING LOT.

Where two (2) or more Permitted or Special Uses, each requiring a minimum lot area, are provided on the same zoning lot, the required lot area for such uses shall be the sum (total) of the areas required for each individual use.

4-21 REZONING OF PUBLIC AND SEMI-PUBLIC AREAS.

An area indicated on the zoning map as a public park, recreation area, public school site, cemetery, or other similar open space, shall not be used for any other purposes than that which it is zoned and planned for, and when the use of the area is discontinued, it shall be rezoned to the most restrictive adjoining district until appropriate zoning authorized by the Village Board.

4-22 ACCESSORY BUILDING, STRUCTURES AND USES.

1. Accessory uses shall be compatible with the principal use and shall not be established prior to the establishment of the principal use, and shall not include the keeping, propagation, or culture of pigeons, poultry, or livestock, whether or not for profit. Private swimming pools shall be a permitted accessory use in any Residence District, provided it conforms to regulations of this Ordinance and other applicable ordinances of the Village of Beecher.
2. No accessory building, unless it is structurally a part of the principal building, and unless it conforms with requirements of accessory building for Special Uses shall be erected or altered, nor moved to a location within ten (10) feet of the nearest wall of the principal building, nor within the required area for front or side yard of the lot. An accessory building in a rear yard shall be not less than five (5) feet from any property line and shall not be constructed upon any recorded easement.
3. No accessory building shall encroach upon the side yard of a corner lot which is adjacent to the street, nor upon that side yard of a reversed corner lot which is adjacent to the street, nor upon the rear yard of a through lot, unless screened by a privacy fence (Section 4-28). If such fence is removed, it must be replaced, or the accessory building removed, within ninety (90) days.
4. No accessory building shall have more than one (1) story, nor exceed eighteen (18) feet in height, unless otherwise permitted and approved as accessory to business and manufacturing uses, or to authorized Special Uses, unless otherwise approved by the Village Board.

5. Towers shall be deemed accessory structures if the following criteria are met:
 - a. That no part of any tower shall project through a horizontal plane more than fifteen (15) feet above the maximum building height for the Zoning District in which it is located, except that if the tower is designed to extend and retract, then it may be extended temporarily beyond that maximum horizontal plane but only while receiving or transmitting signals.
 - b. The setback for the base of any tower shall be a minimum of ten (10) feet from all property lines and any public easements for towers up to thirty (30) feet in height. For towers over thirty (30) feet in height, the required setback shall be increased by one (1) foot for every two (2) feet of increased tower height. All elements of the tower, including guy-wire posts, shall be setback a minimum of ten (10) feet from any public easements.
 - c. All towers shall be in compliance with all adopted codes and ordinances of the Village (Section 13-8 – Communication and Other Towers) as well as any current applicable rules and regulations of the FCC and/or FAA and the Electronic Industries Association Manual on Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, document RS-222C (Revision of RS-222B) dated March 1976, or as amended, and any and all building codes and ordinances of the Village of Beecher.

4-23 TEMPORARY BUILDINGS.

1. A temporary real estate office may be allowed in conjunction with a new housing development, limited to the selling or renting of new units in such development, but in no case to be in operation for more than one (1) year following completion of construction of said housing development, unless approval is obtained from the Village Board.
2. Temporary buildings for construction purposes may be allowed in any zoned district for a period not to exceed two (2) years or until the designated time period, activity, to use for which the temporary structure was erected has ceased or unless approval to extend the time period is obtained from the Village Board.

4-24 PERFORMANCE STANDARDS.

The Performance Standards shall apply to all Districts as provided in Section 12 – Performance Standards.

4-25 EXISTING SPECIAL USES.

Where a use is classified as a Special Use (Section 3-4.5 – Special Uses) and exists as a permitted use at the date of the adoption of this Ordinance, it shall be considered a legal special use, without further action by the Village Board, the Zoning Administrator, or the Planning and Zoning Commission.

4-26 LANDSCAPING.

1. When a landscape plan is required by this Zoning Ordinance, the Landscape plan shall include:
 - a. Title block including the name of the plan, designer's name, scale of the plan,

- north point, and date of the plan;
 - b. List all types and varieties of plant material to be installed;
 - c. Number (quantity) of each type of plant material to be installed;
 - d. Key numbers on the landscape plan to identify where each type of plant material is to be installed;
 - e. Contouring, shaping, and preparation of landscape areas;
 - f. Landscape plans shall be required for all subdivisions in all districts;
 - g. Use and placement of non-plant elements within the area to be landscaped;
 - h. A complete cost estimate for landscape construction and installation from landscape architect and/or contractor; and
 - i. The landscape plan shall also incorporate existing significant trees, three (3) inches in caliper or larger and other existing natural vegetation which is to be preserved on the site.
2. The minimum landscape requirements may include natural fences.
 3. Landscape materials shall be selected and sited to produce a hardy and drought- resistant landscape area. Selection shall include: consideration of soil type and depth; spacing for opacity; exposure to sun, wind, and water; slope and contours of the site; building walls, overhangs, and compatibility with existing native vegetation preserved on site.
 4. Screening and Buffering. Screening shall be used to reduce or eliminate the visual impacts of the following:
 - a. Service areas and facilities, including trash containers and loading areas;
 - b. Storage areas;
 - c. Off-street parking;
 - d. At and above grade electrical and mechanical equipment such as transformers, heat pumps, and air conditioners; and
 - e. Other areas or uses as required by this Ordinance.
 - f. Screening may be accomplished by sight-obscuring plant materials (generally evergreens), earth berms, walls, fences, or other design techniques. Buffering shall be used to mitigate adverse visual impacts, dust, noise, or pollution and provide compatibility between dissimilar adjoining uses. Special consideration will be given to buffering and screening between residence and business and/or industrial uses in visually sensitive areas.
 5. Planting and Maintenance:
 - a. No sight-obscuring plant material exceeding three (3) feet in height, at maturity above street grade, shall be located within a triangular area measured twenty-five (25) feet from the intersections of any two (2) street right-of-way lines in compliance with Section 4-8 of this Zoning Ordinance. Existing trees located within the twenty-five (25) foot triangular area of any such intersections shall be maintained to allow eight (8) feet of vision clearance below the lowest hanging branches in areas facilitating vehicular traffic.
 - b. Plant material, including deciduous and evergreen trees, shall not cause a hazard. Landscape plant material overhanging walks, pedestrian paths, and seating areas shall be pruned to a minimum height of eight (8) feet and to a minimum height of fifteen (15) feet over streets and vehicular traffic areas.

- c. Landscape plant materials shall be selected which do not generally interfere with utilities above or below ground level at maturity.
- d. Landscape plant materials shall be installed in accordance with current standards of the American Association of Nurserymen.
- e. Landscape plant materials shall be properly guyed and staked in accordance with current industry standards as necessary. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic.
- f. Plant materials shall be hardy and have vigorous root systems, and be free from defects, diseases and infections.
- g. Deciduous trees shall be fully branched, and have a minimum caliper of three (3) inches (measured six (6) inches above ground level) and a minimum height of fourteen (14) feet at the time of planting.
- h. Evergreen trees shall be a minimum of five (5) feet in height, fully branched.
- i. Shrubs shall be supplied in a minimum of eight (8)-inch burlap balls or one (1) gallon containers with a minimum height spread of twelve (12) to eighteen (18) inches.
- j. Ground cover plants shall be planted so that an affective covering is obtained within three (3) growing seasons.
- k. Appropriate methods of care and maintenance of landscape plant materials shall be provided by the owner of the property.
- l. Landscape plant materials shall be protected from damage due to heavy foot traffic or vehicular traffic by protective tree grates, pavers, or other suitable methods, where appropriate.

4-27 RECOMMENDED PLANT VARIETIES.

The Village encourages the use of native plant species indigenous to Beecher and the surrounding areas. The following varieties of plants, while not required, are recommended for use in areas covered by this Section.

Recommended Canopy Trees for Parkway Plantings	
For use where overhead wires do not exist minimum mature height of 30 feet or more.	
Botanical Name	Common Name
Acer x freemanii	Freeman Maple
Acer platanoides cultivars	Norway Maple
Acer rubrum 'Red Sunset'	Red Sunset Red Maple
Acer saccharum	Sugar Maple
Acer saccharum 'Green Mountain'	Green Mountain Sugar Maple
Acer saccharum 'Wright Brothers'	Wright Brothers Sugar Maple

Recommended Canopy Trees for Parkway Plantings

For use where overhead wires do not exist minimum mature height of 30 feet or more.

Botanical Name	Common Name
<i>Aesculus hippocastanum</i>	Common Horsechestnut
<i>Carya ovata</i>	Shagbark Hickory
<i>Celtis occidentalis</i>	Common Hackberry
<i>Celtis occidentalis</i> 'Prairie Pride'	Prairie Pride Hackberry
<i>Corylus colurna</i>	Turkish Filbert
<i>Ginkgo biloba</i> (male only)	Ginkgo
<i>Ginkgo biloba</i> 'Autumn Gold'	Autumn Gold Ginkgo
<i>Ginkgo biloba</i> 'Fairmount'	Fairmount Ginkgo
<i>Ginkgo biloba</i> 'Lakeview'	Lakeview Ginkgo
<i>Ginkgo biloba</i> 'Princeton Sentry'	Princeton Sentry Ginkgo
<i>Gleditsia triacanthos inermis</i> 'Greenglory'	Greenglory Honeylocust
<i>Gleditsia triacanthos inermis</i> 'Halka'	Halka Honeylocust
<i>Gleditsia triacanthos inermis</i> 'Shademaster'	Shademaster Honeylocust
<i>Gleditsia triacanthos inermis</i> 'Skyline'	Skyline Honeylocust
<i>Gymnocladus dioica</i>	Kentucky Coffeetree
<i>Juglans nigra</i>	Black Walnut
<i>Liquidambar styraciflua</i>	Sweetgum
<i>Liriodendron tulipifera</i>	Tulip Tree, Yellow Poplar
<i>Ostrya virginiana</i>	Ironwood
<i>Phellodendron amurense</i>	Amur Corktree
<i>Quercus alba</i>	White Oak
<i>Quercus bicolor</i>	Swamp White Oak
<i>Quercus imbricaria</i>	Shingle Oak
<i>Quercus macrocarpa</i>	Bur Oak
<i>Quercus muehlenbergii</i>	Chinquapin Oak

Recommended Canopy Trees for Parkway Plantings	
For use where overhead wires do not exist minimum mature height of 30 feet or more.	
Botanical Name	Common Name
Quercus robur	English Oak
Quercus rubrum	Red Oak
Quercus imbricaria	Shingle Oak
Tilia americana	American Linden
Tilia americana 'Fastigiata'	Pyramidal American Linden
Tilia americana 'Redmond'	Redmond American Linden
Tilia cordata 'Chancellor'	Chancellor Linden
Tilia cordata 'Glenleven'	Glenleven Linden

(1) Recommended Canopy Trees for Parkway Plantings	
For use where overhead wires exist 15-30 feet maximum mature height.	
Botanical Name	Common Name
Acer Ginnala	Amur Maple
Amelanchier canadensis	Serviceberry
Carpinus carolinia	Ironwood (American Hornbeam)
Cercis candensis	Redbud
Cornus mas	Corneliancherry Dogwood
Cornusmas alternifolia	Pagoda Dogwood
Crataegus phaenopyrum	Washington Hawthorn
Crataegus crus-galli	Cockspur Hawthorn
Hammamelis virginiana	Witch Hazel
Malus sp.	Flowering Crab Sp.
Ostrya virginiana	Ironwood
Syringa reticulati clutivar	Japanese Tree lilac "Ivory Silk"
Viburnum lentago	Nannyberry
Viburnum prunifolium	Blackhaw Viburnum

(2) Buffer Yard Plantings - Recommended Canopy Trees

For use in non-vehicular use areas only minimum mature height 30 feet or more.

Botanical Name	Common Name
Acer platanoides	Norway maple
Acer saccharinum	Silver maple
Acer saccharum	Sugar maple
Betula nigra	River birch
Betula papyrifera	Paper Birch
Cercidiphyllum japonicum	Katsuratree
Fagus grandifolia	American Beech
Fagus sylvatica	European Beech
Ostrya virginiana	Ironwood
Quercus alba	White Oak
Quercus Rubra	Red Oak
Tillia Americana	American Linden

(3) Buffer Yard Plantings - Recommended Evergreen Trees

For use in property line buffers or site element screens minimum height 20 feet.

Botanical Name	Common Name
Abies concolor	White Fir
Picea abies	Norway Spruce
Picea glauca	White Spruce
Picea glauca	Black Hills Spruce
Picea omorika	Siberian Spruce
Picea pungens	Colorado Spruce and cultivars
Pinus mugo	Swiss Mountain Pine, Mugo Pine
Pinus nigra	Austrian Pine
Pinus strobus	White Pine

(3) Buffer Yard Plantings - Recommended Evergreen Trees

For use in property line buffers or site element screens minimum height 20 feet.

Botanical Name	Common Name
<i>Pinus sylvestris</i>	Scots Pine, Scotch Pine
<i>Pseudotsuga menziessii</i>	Douglas Fir

(4) Buffer Yard Plantings - Recommended Understory Plantings

For use in property line buffers or site element screens minimum mature height 15 feet or more.

Botanical Name	Common Name
<i>Cornus racemosa</i>	Gray Dogwood
<i>Cornus amomum</i>	Silky Dogwood
<i>Cornus mas</i>	Corneliancherry Dogwood
<i>Euonymus alatus</i>	Burning Bush
<i>Euonymus europaeus</i>	European Euonymus
<i>Lindera benzoin</i>	Spicebush
<i>Lonicera fragrantissima</i>	Winter Honeysuckle
<i>Rhus glabra</i>	Smooth Sumac
<i>Rhus typhina</i>	Staghorn Sumac
<i>Syringa reticulata</i>	Japanese Tree Lilac
<i>Viburnum dentatum</i>	Arrowwood Viburnum
<i>Viburnum lantana</i>	Wayfaringtree Viburnum
<i>Viburnum lentago</i>	Nanyberry Viburnum
<i>Viburnum opulus</i>	European Cranberrybush
<i>Viburnum prunifolium</i>	Blackhaw Viburnum
<i>Viburnum trilobum</i>	American Cranberrybush

(5) Buffer Yard Plantings—Recommended Shrub Plantings**For use in property line buffers or site element screens maximum mature height 15 feet or less.**

Botanical Name	Common Name
Aronia melanocarpa	Black Chokeberry
Berberis thunbergii	Japanese Barberry
Buxus microphylla koreana	Korean Boxwood
Cornus Sericea	Redosier Dogwood
Cotoneaster muliflorus	Many-Flowered Cotoneaster
Euonymus fortuneii 'Sarcoxie'	Sarcoxie Wintercreeper
Forsythia 'Bonxensis'	Bronx Forsythia
Forsythia x intermeiad	Border Forsythia
Ilex verticilata	Winterberry
Ilex x meservae	Blue Holly
Juniperus chinensis	Chinese Junipers
Juniperus horizontalis	Dwarf Creeping Juniper
Ligustrum x vicaryi	Golden Vicary Privet
Potentilla fruticosa	Potentilla
Rhus aromatica 'Gro-Low'	Grow Low Sumac
Ribes Alpinum	Alpine Currant
Sambucus canadensis	Elderberry
Spirea japonica	Japanese Spirea
Spirea x bumalda	Bumald Spirea
Syringa meyeri	Meyer's Lilac
Syringa patula 'Ms. Kim'	Miss Kim Korean Lilac
Taxus cuspidata	Japanese Yew
Taxus x media 'Tauntonii'	Taunton Yew
Viburnum carlesii 'Compacta'	Dwarf Koreanspice Viburnum
Viburnum trilobum 'Compactum'	Compact American Cranberrybush

(5) Buffer Yard Plantings—Recommended Shrub Plantings	
For use in property line buffers or site element screens maximum mature height 15 feet or less.	
Botanical Name	Common Name
Viburnum trilobum 'Hahs'	Hahs American Cranberrybush

(6) Buffer Yard Plantings—Recommended Shrub Plantings	
For use in property line buffers or site element screens clipped hedges, 3-5 feet height.	
Botanical Name	Common Name
Berberis thunbergii	Japanese Barberry
Cotoneaster acutifolius	Peking Cotoneaster
Euonymus alatus	Winged Euonymus
Euonymus alatus compactus	Dwarf winged Euonyums
Forsythia sp	Forsythia
Juniperus virginiana	Eastern Red Cedar
Ligustrum lucidum	Privet
Physocarpus opulifolius	Common Ninebark
Ribes alpinum	Alpine Currant
Spirea prunifolia	Bridalwreath Spirea
Syringa meyeri	Meyer's Lilac
Syringa patula 'Ms. Kim'	Miss Kim Korean Lilac
Taxus x media	Anglojap Yew
Thuja occidentalis 'Technyi'	Mission Arborvitae
Viburnum dentatum	Arrowwood Viburnum
Viburnum trilobum 'Compactum'	Compact American Cranberrybush

4-28 FENCES.

The following requirements for fences shall apply to all Zoning Districts.

1. General Requirements.
 - a. Fences, walls, or shrubbery shall not be erected, constructed, or maintained in conflict with the corner lot vision clearance specification established in Section 4.8 – Vision

Triangle of this Ordinance.

- b. No fence or shrubbery may be erected, constructed, or maintained to impede the natural storm water runoff on any portion of that lot or any adjoining lot.
 - c. Where there is a change in grade between adjoining lots, the height of fences shall be measured from the average grade within six (6) feet on either side of the line where the fence is to be erected. If the grade change is greater than one (1) foot within this (12) twelve-foot area, it will be necessary to provide a detail showing the cross section of the terrain at the fence line. This detail shall be reviewed by the Building Inspector to determine the average grade height.
 - d. Interior Lots – Fences shall not be allowed or installed in front yards or in side yards of the lot beyond the middle point of the side yard to the front of the lot. The middle point of the side yard is defined as the middle of the main building which is one-half ($\frac{1}{2}$) of the distance from the rear of the main building foundation line to the front of the main building foundation line of the residence constructed of the lot. Open porches and stairs are not considered when determining the main building line.
 - e. Corner Lots – Fences shall be permitted on the rear and side yards provided that fences shall not be permitted in the front yards (yards fronting the street) in front of or beyond the main building foundation. Open porches and stairs are not considered when determining the main building line. However, the Zoning Administrator may grant an Administrative Variance (Subsection 3-4.3.f) to allow a fence to exceed the main building foundation.
 - f. Fences shall not be permitted in the front yard except when a variance is requested and approved by the Planning and Zoning Commission.
2. Required Fences. Fences are required and shall be constructed as follows:
- a. When a building or use is within fifty (50) feet of a residentially zoned property, a minimum six (6)-foot solid fence is required along the lot line of lots in districts zoned business and industrial where such lot line abuts a lot in the Residence District when the residential use predates the business or manufacturing use. Fences up to eight (8) feet in height or landscaping in lieu of fences may be allowed if recommended and/or required by the Planning and Zoning Commission and approved by the Village Board.
 - b. The owner of the business or industrial lot shall be responsible for the erection and maintenance of the required fences or landscaping.
 - c. A minimum six (6)-foot high solid fence shall be erected along the lot line of lots in R-3 General Residence District which are being developed with multi-family dwelling units, where such lot lines abut a lot in R-1 or R-1A Single Family Residence District or R-2 Two- Family Residence District. Fences up to eight (8) feet in height or landscaping in lieu of fences may be allowed and/or required if recommended by the Planning and Zoning Commission and approved by the Village Board. The purpose of the fence is to effectively screen the activities of the multi-family dwelling units in the R-3 General Residence District from the R-1, R-1A, and R-2 Districts. Ownership and maintenance of fences in an R-3 district, or R-3 Section of a Planned Development, shall be the responsibility of the Homeowners Association.
3. Swimming Pools. The following requirements shall apply to swimming pools. Permanent swimming pools shall be completely enclosed with a minimum four (4)-foot-high fence

and gate. Fences shall be constructed of chain link or other materials equivalent to the following chain link specifications:

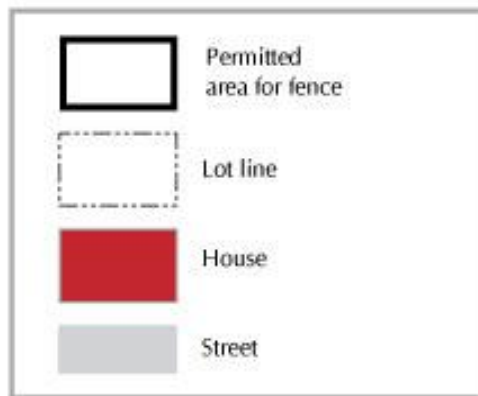
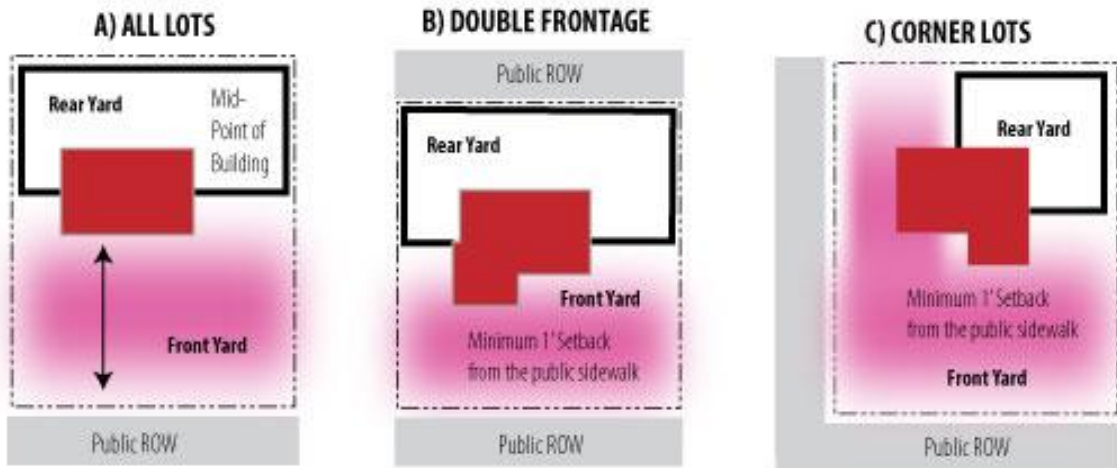
- a. Fence fabric shall have a maximum two (2)-inch opening and shall be made of galvanized or plastic coated eleven (11) gauge steel wire or equivalent aluminized steel wire grid. Line posts, terminal posts, swing gate posts, and braces shall be of galvanized steel pipe or H-column construction. Post heights shall be sufficient to accommodate the fabric and shall extend a minimum of two (2) feet into concrete footings. The bottom of the wire mesh fabric shall not be installed more than three (3) inches above grade. The spacing of posts shall not be greater than ten (10) feet on center. Swing gates shall employ positive self-closing devices with suitable latches and padlocks. The latch shall be located a minimum of thirty-six (36) inches above grade.
 - b. An equivalent fence shall be defined as one which provides equal or better protection against the possibility of a person accidentally falling into the swimming pool. The Building Inspector shall determine such equivalency.
 - c. If the swimming pool is so located on the lot that a fence, with gate, on the lot or elsewhere meets the above requirements, a separate fence around the swimming pool is not required. If said fence terminates within three (3) inches of a dwelling, garage, or any structure on the premises and is otherwise arranged so that the only access to the pool necessitates that a person passes through two (2) or more lockable doorways, or the gate in the fence, the fence need not be continuous, but may be interrupted by said structures.
 - d. When the pool is not in use under the supervision of the owner, and/or agent, tenant, or other responsible person, all access gates or doors leading directly to the pool area shall be securely locked.
 - e. All portable swimming pools shall be completely enclosed as if they were permanent swimming pools. Fences around and attached to raised decks will be permitted as long as they satisfy the above requirements.
 - f. The swimming pools shall be kept in full view from inside the dwelling unit. No shrub, bush, tree, structure, equipment, or anything else which would impair vision except an open fence and gate shall be placed so as to impair the visibility of the entire area of the pool surface from the dwelling on the premises.
 - g. Comply with all Codes and Ordinances of the Village of Beecher governing the installation and use of swimming pools.
4. Prohibited Fences and Gates in All District. The following fences are hereby prohibited:
- a. Barbed wire, chicken wire, (unless to enclose a rear or side yard garden) hog wire, rope, cable, electrically charged wire, and other similar materials except that barbed wire may be used on top of permitted fences in the industrial district and on fences enclosing property owned by a government agency unless recommended by the Planning and Zoning Commission and approved by the Village Board.
 - b. Snow fences, except those erected for the sole purpose of controlling drifting snow between November 1st and March 31st, installed only on that portion of a lot which faces or abuts a road, street, or highway.
 - c. Chain link fences with barbed ends up.
 - d. No gate or fence is permitted across a driveway in the front yard setback on any

Residential District.

- e. Any fence on a corner lot which extends closer to the adjoining street than the front yard or side yard setback lines except for open decorative fences and landscaping under three (3) feet high. Front yard decorative fences and landscaping shall be approved by the Zoning Administrator.
 - f. Any fence, that would be closer to any street or roadway than the front setback lines established by the building setbacks as actually located on the lots except that a required fence or a decorative open fence or landscape fence under three (3) feet high is allowed.
5. Development Fence. If a development fence is to be provided, a plan shall be provided showing the location of the fence, type of fence to be used, and an estimate of life of the fence. All of these items shall be reviewed by the Building Department prior to issuing a permit for said fence. When a replacement of the development fence is required, the Building Department shall approve the replacement fence as to its compatibility with abutting fence located along the public right-of-way prior to the issuance of a fence permit.
6. Fence Construction. Fence permits: A fence permit is required for the construction of all fences. Provide the Building Department with a copy of the Plat of Survey showing the proposed location of the fence. Complete a fence permit application answering all necessary questions and pay the appropriate permit fee.
7. Location.
- a. All fences shall be properly constructed on the fence owner's property.
 - b. All fences shall be permanent and not temporary except for garden fences enclosing a garden in a rear yard or side yard not exceeding four (4) feet in height.
 - c. Except as follows, all permitted fences shall be constructed within one foot (1) of the fence owner's side or rear lot lines:
 - i. Except where the permitted fence returns to the existing building or structure to enclose a yard;
 - ii. Except for patio privacy fences not exceeding six (6) feet in height within the buildable area of the lot;
 - iii. Except for dog enclosures or runs not exceeding six (6) feet in height or enclosing greater than twenty (20) percent of the rear yard, constructed in the rear yard or buildable lot area and set back not less than five (5) feet from all property lines. A corner zoning lot shall be considered as having two (2) front yards.
8. Fence Installation. All fences shall be installed so that the finished side faces towards the nearest lot line. All structural supports, if exposed, shall be located in such a manner so as to face the principal building on the lot on which the fence is located.
9. Fence Heights and Fence Construction. Permitted fences as previously allowed may be constructed to the following heights in the following Zoning Districts:
- a. Residence Districts.
 - i. In a residential district, wooden, plastic, or any privacy type fence made of a solid material shall be permitted up to a height of six (6) feet. For any fence made of wood, plastic, or other solid material, there shall be a minimum of

three (3) feet of open space between a fence and any sidewalk or right-of-way. Fences shall not be painted or made of materials with any color other than white or earth tones except chain link fences which shall be their natural metal color.

- ii. Solid fences which serve to screen or hide adjacent business or manufacturing activities may be up to eight (8) feet in height if recommended by the Planning and Zoning Commission and approved by the Village Board.
- iii. Open fences abutting regulation size tennis courts may be up to ten (10) feet high.
- iv. Open fences – six (6) feet high. Any chain link fence shall be considered an open fence.
- v. Open fences at public baseball fields.
- vi. A solid patio fence may be erected to a height measured from grade not to exceed six (6) feet and a distance not to exceed twenty-four linear (24) feet along the rear lot line or that portion of the interior side lot line, provided that in no case shall any portion of the screen be placed so as to impair the visibility of the entire area of a swimming pool from the principal dwelling on the premises and such screen is no closer than one (1) foot to any interior side or rear lot line.



See Section 3-4.f Administrative Variances for exceptions from residential corner lot fences.

- b. Business District. Any type of fence, maximum eight (8) feet high. See Section 8 - Business Districts.
 - c. Industrial District. Any type of fence, maximum eight (8) feet high, or up to twelve (12) feet high when approved by the Village Board. See Section 9 - Industrial Districts.
10. Non-Conforming Fences. A fence which does not comply with this Ordinance but which is in place on or before the effective date of this Ordinance and which is destroyed by fire or other casualty or act of God or deteriorates to the extent that the cost of restoration to the condition in which it was before the occurrence will exceed fifty (50) percent of the cost of restoration of the entire fence now, shall not be restored unless said fence restoration is approved by the Village Board and otherwise conforms to all regulations of this Ordinance. In the event that such damage or destruction is less than fifty (50) percent of the cost of restoration of the fence, no repairs or reconstruction shall be made unless such restoration is started within ninety (90) days from the date of partial destruction and is diligently prosecuted to completion.

4-29 – 99: RESERVED.

SECTION 5 NON-CONFORMING BUILDINGS, STRUCTURES, AND USES

5-1 STATEMENT OF PURPOSE.

This Section regulates uses and structures that do not conform to the regulations of this Ordinance and specifies the terms and conditions under which such nonconforming uses and structures lawfully existing upon the adoption of this Ordinance may be permitted to continue. The continuation of nonconforming uses and structures can substantially and adversely impact the orderly development of the Village, property values, and the community's character. Accordingly, imposing reasonable conditions on the existence and continued operation of nonconforming uses and structures is necessary.

5-2 AUTHORITY TO CONTINUE NON-CONFORMING BUILDINGS, STRUCTURES AND USES.

For the purposes of this Section, a building or structure lawfully constructed or established on the effective date of this Ordinance shall be deemed to include any building or structure for which a building permit has been lawfully issued prior to such date, and on which construction is begun within the required period of time as set forth in this Ordinance.

1. Continuation of Use. Any use of land lawfully existing upon the adoption of this Ordinance or any amendment hereto can continue, provided that:
 - a. If the use is located in a principal building or structure, the use may be continued during the remainder of the building or structure's normal life or until the building or structure has deteriorated to the extent that it is no longer safe or habitable; or
 - b. If the use does not involve a principal building or structure, it may be continued as long as no new principal or accessory building or structure is erected.
2. Compliance with Codes. The continuance of all nonconforming uses shall be subject to compliance with the regulations of this Ordinance.
3. Unlawful Uses Prohibited. No use that was not lawfully existing at the time of the adoption of this Ordinance or any amendment hereto shall become or be made lawful solely by the adoption of this Ordinance or its amendment.
4. The Village Board may grant, by majority vote, permanent non-conforming status to a building or structure upon request of the property owner after a public hearing as specified in Section 3-3.2 of this Ordinance.

5-3 RESTRICTIONS ON NON-CONFORMING BUILDINGS, STRUCTURES AND USES.

Any lawfully existing building or structure which does not conform to the regulations of the district in which it is located shall be subject to the provisions of this subsection.

1. Nothing in this Section shall prevent reconstructing, repairing, or rebuilding a structure containing a nonconforming use rendered necessary by wear, tear, or deterioration provided that the cost of such work shall not exceed fifty (50) percent of the replacement cost of such structure at the time such work is completed, as determined by the Zoning Administrator.
2. If a structure containing a nonconforming use is damaged by fire, collapse, explosion, or other casualty or act of god to the extent that the cost of restoring the structure to its

condition immediately preceding the occurrence exceeds fifty (50) percent of the replacement cost of the building or structure at the time immediately preceding the occurrence, as determined by the Zoning Administrator, the nonconforming use must cease and any reconstruction, construction, rebuilding, repairs, and use must comply with all Village codes, ordinances, rules, and regulations as if it were a new use, as amended, including the use regulations of the zoning district in which the structure is located.

3. If damage to a structure is fifty (50) percent or less of the cost of replacing the structure to its condition immediately preceding the occurrence causing the damage, as determined by the Zoning Administrator, the nonconforming use shall not be reestablished if the nonconforming use is discontinued for one year or longer.

5-4 EXPANSION OF LEGAL NON-CONFORMING USE.

A nonconforming use shall not be expanded or extended into any portion of the building, structure, or lot that was not occupied by the nonconforming use when this Ordinance was adopted.

5-5 DISCONTINUANCE OF LEGAL NONCONFORMING USE.

If a nonconforming use is discontinued for a period of one (1) year or longer, it shall not be reestablished and any subsequent use of the building, structure, or lot shall conform to the use regulations of the zoning district in which such building, structure, or lot is located.

5-6 CHANGE OF LEGAL NONCONFORMING USE.

A nonconforming use may be changed to a new use only if the new use conforms to the use regulations of the zoning district in which the building, structure, or lot is located.

5-7 RELOCATION OF NON-CONFORMING BUILDING OR STRUCTURE.

No building or structure containing a nonconforming use shall be moved in whole or in part to any other location on the same or any other lot unless the use conforms to the use regulations of the zoning district in which the building or structure is to be located.

5-8 – 99: RESERVED.

SECTION 6 ZONING DISTRICTS

6-1 ZONING DISTRICTS.

For the purposes and provisions of this Ordinance, the Village of Beecher is hereby divided into the following districts:

Residential Districts

- AG-1 Agriculture District
- R-E Single-Family Residence Estate District
- R-1 Single Family Residence District
- R-1A Single Family Residence District for Subdivisions platted prior to the adoption of this ordinance.
- R-2 Two Family Residence District
- R-3 Multi-Family Residence Distinct

Business/Commercial Districts

- B-1 Historic Downtown Business District
- B-3 General Business District (Business and Service)
- G/I Government and Institutional District
- O/S Open Space District

Industrial Districts

- I-1 Limited Industrial District

6-2 OFFICIAL ZONING MAP.

The location and boundaries of the districts established by this Zoning Ordinance are set forth on the “Official Zoning District Map of Beecher” which is incorporated herein and hereby made a part of this Ordinance. The said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Ordinance as though fully set forth and described herein. The said map shall be filed with the office of the Village Clerk and certified copies thereof at the office of the Zoning Administrator and shall be open to public reference at all times during which these offices are open.

6-3 ZONING DISTRICT BOUNDARIES.

When uncertainty exists with respect to the boundaries of the various districts, as shown on the Beecher Zoning Map, the following rules shall apply:

1. District boundary lines are either the center lines of railroads, highways, streets, alleys, easements, or tract or lot lines, or such lines extended unless otherwise indicated.
2. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street, highway, or railroad, the depth of such strips shall be in accordance with the dimensions shown on the maps measured at right angles from the centerline of a street, highway or railroad, and the length of frontage shall be in accordance

with dimensions shown on the map from center lines of streets, highways or railroad rights-of-way unless otherwise indicated.

3. Where a lot held in one (1) ownership and of record on the effective date of the Ordinance is divided by a district boundary line, the entire lot may be construed to be within the less restricted district, if it increases the less restricted frontage of the lot by less than twenty-five (25) feet, it shall be construed in the more restrictive zoning district.
4. Questions concerning the exact location of district boundary lines shall be determined by the Zoning Administrator.

6-4 ANNEXED TERRITORY.

Whenever any parcel of land is hereafter annexed to the Village, in any manner whatsoever, such territory, upon annexation, shall be classified or zoned under this Ordinance as an AG-I Agriculture District, except as may be provided for by a pre-annexation agreement or an annexation agreement after public hearing by the Planning and Zoning Commission in accordance with the provisions of Section 3-2.3 of this Zoning Ordinance.

6-5 ZONING OF PUBLIC WAYS.

All streets, alleys, public ways, waterways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting on such streets, alleys, public ways and railroad rights-of-way or waterways. Where the centerline of a street, alley, public way, waterway, or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

6-6 ZONING DISTRICT USE TABLE.

The following table lists permitted and special uses in each classified zoning district. (A “P” denotes that the use is a permitted use, an “S” denotes that the use is a special use, and an “X” denotes that the use is prohibited (not permitted)).

Table 6-1

	AG-1	R-E	R-1	R-1A	R-2	R-3	B-1	B-3	G/I	I-1
Agricultural Uses										
Animal kennels and veterinary establishments	S	X	X	X	X	X	X	S	X	P
Buying and selling of livestock	S	X	X	X	X	X	X	X	X	P
Farm implement stores	S	X	X	X	X	X	X	S	X	P
Farming equipment stores	S	X	X	X	X	X	X	S	X	P
Farming, horticulture, forestry, crop and tree farming, truck farming,	P	X	X	X	X	X	X	X	X	P

	AG-1	R-E	R-1	R-1A	R-2	R-3	B-1	B-3	G/I	I-1
Agricultural Uses										
gardening, dairy fanning, stock raising, horse breeding, domestic animals										
Feed and seed stores	P	X	X	X	X	X	X	P	X	P
Feedlots	S	X	X	X	X	X	X	X	X	P
Fertilizer and seed sales	S	P	X	X	X	X	X	X	X	P
Grain elevators and grain storage facilities	S	X	X	X	X	X	X	X	X	P
Greenhouses and nurseries	P	S	X	X	X	X	X	X	X	P
Homestead farms	P	P	X	X	X	X	X	X	X	P
Research and/or experimental farms	P	P	X	X	X	X	X	X	X	P
Riding stables	S	P	X	X	X	X	X	X	X	P
Sale of agricultural products produced on the premises	P	P	X	X	X	X	X	X	X	P
The sale of farm supplies by farmers as agents, or grain elevators or similar commercial facilities are not maintained on the farm premises	P	S	X	X	X	X	X	X	X	P

	AG-1	R-E	R-1	R-1A	R-2	R-3	B-1	B-3	G/I	I-1
Residential Uses										
Assisted Living/Memory Care	X	X	X	X	X	S	X	P	X	X
Daycare Home	X	P	P	P	P	X	X	X	X	X
Dwellings, single-family detached	X	P	P	P	X	X	X	X	X	X
Dwellings, single-family attached	X	X	X	X	P	X	X	X	X	X
Dwellings, multiple-family	X	X	X	X	X	P	X	X	X	X
Dwellings, units above the first floor	X	X	X	X	X	X	S	S	X	X
Group Community Residence	X	S	S	S	S	S	X	X	X	X

	AG-1	R-E	R-1	R-1A	R-2	R-3	B-1	B-3	G/I	I-1
Residential Uses										
Mobile home parks	X	X	X	X	X	S	X	X	X	X
Senior Independent Living	X	X	X	X	X	S	X	X	X	X
Short-term rentals	S	S	S	S	S	S	X	X	X	X
Skilled Care Housing	X	X	X	X	X	S	X	S	X	X
Dwellings for watchmen and operating personnel and their families	X	X	X	X	X	X	X	X	X	S

	AG-1	R-E	R-1	R-1A	R-2	R-3	B-1	B-3	G/I	I-1
Medical Uses										
Hospitals	X	S	S	S	S	S	S	S	X	X
Medical/dental clinics	X	X	X	X	X	X	P	P	X	X

	AG-1	R-E	R-1	R-1A	R-2	R-3	B-1	B-3	G/I	I-1
Cultural, Educational, and Institutional Uses										
Cemeteries / burial buildings / crematoria	X	S	S	S	S	S	X	X	X	X
Funeral parlors	X	X	X	X	X	S	S	S	X	X
Libraries	X	X	S	S	S	P	P	P	P	X
Nursery schools / pre-schools (public, non-profit, or private)	X	S	S	S	S	S	S	S	X	X
Rehabilitation Facilities	X	X	X	X	X	S	S	S	X	X
Religious institutions	S	S	S	S	S	S	S	S	P	X
Schools (public, non-profit, or private)	S	S	S	S	S	S	P	P	P	P
Schools (Trade)	X	X	X	X	X	X	S	S	X	X

	AG-1	R-E	R-1	R-1A	R-2	R-3	B-1	B-3	G/I	I-1
Recreational Uses										
Amusement establishments, indoor: including bowling alleys, billiard parlors, gymnasiums, swimming pools, dance halls, skating rinks, and other similar recreational establishments	X	X	X	X	X	X	S	S	X	S

	AG-1	R-E	R-1	R-1A	R-2	R-3	B-1	B-3	G/I	I-1
Recreational Uses										
Amusement establishments, outdoor: including driving ranges, miniature golf, carnivals, circuses, and other similar recreational establishments	X	X	X	X	X	X	S	S	X	S
Dog Park	X	S	S	S	S	S	X	X	X	X
Emergency Shelter	X	X	X	X	X	S	S	S	X	X
Golf courses, not including driving ranges or miniature golf courses	X	S	S	S	S	S	X	X	X	X
Hunting, fishing, game preserves, and recreational clubs or camps	S	X	X	X	X	X	X	X	X	X
Membership riding clubs, including but not limited to: polo clubs, rodeo clubs, and similar uses	S	X	S	S	S	S	X	X	X	X
Community recreation centers (public)	X	X	S	S	S	S	S	S	X	X
Parks / playgrounds/ forest preserves	S	S	S	S	S	S	S	S	X	X
Clubs and lodges (private, fraternal, or religious)	X	X	X	X	X	S	P	P	X	X
Sports fields	X	S	S	S	S	S	X	X	X	X

	AG-1	R-E	R-1	R-1A	R-2	R-3	B-1	B-3	G/I	I-1
Retail and Service Uses										
Arts and crafts studios and galleries	X	X	X	X	X	X	P	P	X	X
Automobile rental and leasing agencies	X	X	X	X	X	X	X	S	X	X
Automobile body / repair shop	X	X	X	X	X	X	X	S	X	S
Automobile dealerships	X	X	X	X	X	X	X	S	X	X

	AG-1	R-E	R-1	R-1A	R-2	R-3	B-1	B-3	G/I	I-1
Retail and Service Uses										
Automobile laundries / car wash	X	X	X	X	X	X	X	S	X	X
Automobile service stations / gas stations	X	X	X	X	X	X	X	S	X	S
Adult entertainment facilities	X	X	X	X	X	X	X	S	X	X
Animal hospitals	X	X	X	X	X	X	X	S	X	X
Assembly halls / banquet halls	X	X	X	X	X	X	S	S	S	S
Banks and financial institutions	X	X	X	X	X	X	P	P	X	X
Banquet Hall	X	X	X	X	X	X	S	S	S	S
Building trades, show rooms, and distributions	X	X	X	X	X	X	S	P	X	P
Business and professional offices	X	X	X	X	X	X	P	P	X	P
Building material sales	X	X	X	X	X	X	X	S	X	P
Carpet and rug cleaning services	X	X	X	X	X	X	X		X	P
Catering services	X	X	X	X	X	X	P	P	X	P
Coffee shops / restaurants / breweries / taverns	X	X	X	X	X	X	P	P	X	X
Currency exchange	X	X	X	X	X	X	X	S	X	X
Day / child care centers	X	X	X	X	X	S	S	S	X	S
Drive-up / drive-through establishments	X	X	X	X	X	X	S	S	X	X
Event Center (Private)	X	X	X	X	X	X	X	S	X	X
Food / grocery stores	X	X	X	X	X	X	P	P	X	X
Fraternal, philanthropic, and eleemosynary institutions	X	X	X	X	X	X	P	P	X	X
Greenhouses / garden centers / landscape nurseries	X	X	X	X	X	X	X	P	X	P
Hotels / motels	X	X	X	X	X	X	S	P	X	X
Laundromats	X	X	X	X	X	X	P	P	X	P
Liquor stores	X	X	X	X	X	X	P	P	X	X
Machinery sales	X	X	X	X	X	X	X		X	P
Flea Markets	X	X	X	X	X	X	X	S	X	X
Pet and animal sales and services	X	X	X	X	X	X	X	P	X	X
Office, General	X	X	X	X	X	X	P	P	X	S
Retail, General	X	X	X	X	X	X	P	P	X	S
Service, General	X	X	X	X	X	X	P	P	X	S
Tattoo Parlor	X	X	X	X	X	X	X	S	X	S
Transportation facilities	X	X	X	X	X	X	X	X	X	S
Theaters	X	X	X	X	X	X	X	P	X	X
Wholesale businesses	X	X	X	X	X	X	X	X	X	P

	AG-1	R-E	R-1	R-1A	R-2	R-3	B-1	B-3	G/I	I-1
Public Utilities										
Governmental buildings and facilities	S	S	S	S	S	S	S	S	P	P
Heliports and Helipads	X	X	X	X	X	X	X	X	X	S
Monument establishments	X	X	X	X	X	X	X	S	X	P
Public parking garages	X	X	X	X	X	X	S	S	S	S
Railroad passenger stations	S	S	S	S	S	S	S	S	S	P
Small cell facilities	S	S	S	S	S	S	P	P	X	P
Stormwater control facilities	X	X	X	X	X	X	X	X	P	X
Telecommunication towers	X	X	X	X	X	X	S	S	X	S
Utility facilities and services	S	S	S	S	S	S	S	S	P	P

	AG-1	R-E	R-1	R-1A	R-2	R-3	B-1	B-3	G/I	I-1
Industrial uses										
Building material storages and millworks	X	X	X	X	X	X	X	S	X	P
Creamery and bottling plants	X	X	X	X	X	X	X	X	X	S
Data processing and computer centers	X	X	X	X	X	X	X	S	X	P
Frozen food lockers	X	X	X	X	X	X	X	X	X	S
Fuel and ice retail sales and storages	X	X	X	X	X	X	X	S	X	S
Light distribution not including bulk commodities or motor freight terminals	X	X	X	X	X	X	X	S	X	P
Light industry and manufacturing	X	X	X	X	X	X	X	S	X	P
Medium and heavy industry and manufacturing	X	X	X	X	X	X	X	X	X	S
Micro-brewery, micro-distillery, micro-winery	X	X	X	X	X	X	S	S	X	P
Motor freight terminals	X	X	X	X	X	X	X	X	X	S
Recycling Center	X	X	X	X	X	X	X	X	X	S

	AG-1	R-E	R-1	R-1A	R-2	R-3	B-1	B-3	G/I	I-1
Research laboratories	X	X	X	X	X	X	X	X	X	P
Industrial uses										
Warehouses	X	X	X	X	X	X	X	X	X	S

	AG-1	R-E	R-1	R-1A	R-2	R-3	B-1	B-3	G/I	I-1
Miscellaneous										
Home occupations	P	P	P	P	P	P	X	X	X	X
Accessory uses in accordance with the provisions of Section 4-12	X	P	P	P	P	P	X	X	X	X
Accessory uses to the above allowable Special Uses, including, but not limited to, off-street parking and off-street loading	X	S	S	S	S	S	X	X	X	X
Cannabis dispensary	X	X	X	X	X	X	S	S	X	X
Cannabis cultivation center	S	X	X	X	X	X	X	X	X	X
Flood plain development	S	X	X	X	X	X	X	X	X	X
More than one building on a zoning lot	P	X	P	P	P	P	X	S	X	P
Planned Unit Development	X	X	S	S	S	S	S	S	X	S
Signs	X	P	P	P	P	P	P	P	P	P
Temporary buildings	P	P	P	P	P	P	P	P	P	P
Temporary use in compliance with Section 4-4.5 as approved by the Village Board	S	X	X	X	X	X	S	S	S	S

6-7 – 99: RESERVED.

SECTION 7 RESIDENTIAL DISTRICTS

7-1 AG-1 AGRICULTURE DISTRICT.

Purpose: The Agriculture District outlined herein is designed to provide for and allow agricultural uses, to preserve fertile and tillable soils suitable for agricultural uses, to enhance and maintain the sound economic base that agricultural pursuits provide, to guard and protect the sociological relationships that are a necessary part of the lives and well-being of rural people, and to allow for the incorporation of agricultural areas surrounding the Village so as to allow these areas to benefit from the services available within the Village.

Permitted Uses: Permitted Uses in the AG-1 District are listed in the Zoning District Use Table (Table 6-1).

Special Uses: Special Uses in the AG-1 District are listed in the Zoning District Use Table (Table 6-1).

Parking Requirements: Parking requirements in the AG-1 District are listed in Section 10 - Parking.

Bulk Space and Yard Regulations: Bulk regulations in the AG-1 District including regulations regarding lot area, lot width, yard areas, building coverage, and building height are listed in (Table 7-1.1) and illustrated below.

Accessory Buildings: Maximum of five (5) accessory buildings on a zoning lot.

Table 7-1	
AG-1 Agriculture District	
Minimum Lot Area	10 ac.
Minimum Lot Width at front yard line	300 ft.
Minimum Front Yard Setback	40 ft. (including 20 ft. greenspace)
Minimum Side Yard	20 ft. (45 ft. combined)
Minimum Rear Yard	50 ft. (150 ft. abutting residential)
Minimum Corner Side Yard	N/A
Maximum Building Coverage	N/A
Maximum Building Height	40 ft. (or 2.5 stories)
Minimum Building size (footprint)	50 ft. x 40 ft.

AG-1 AGRICULTURE DISTRICT

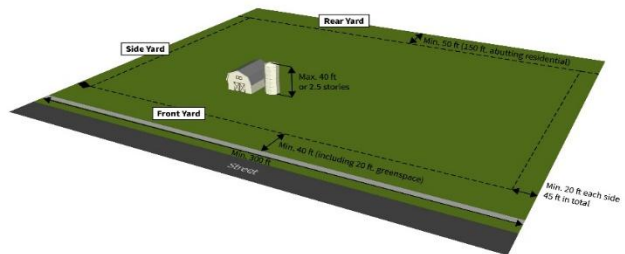


Figure 7-1: AG-1 Bulk Regulations Illustration

General Requirements.

All activities and operations shall be within completely enclosed buildings, or may be outdoors if completely screened by a solid wall or uniformly painted solid fence not less than eight (8) feet in height, and if there is no open storage at a greater height than that of the enclosing fence, except that off-street parking and off-street loading and unloading spaces may be located in accordance with requirements set forth in Section 10 – Parking.

Any use established in an Industrial District hereafter shall be operated in such a manner as to comply with applicable Performance Standards as hereinafter set forth in (Section 12 – Performance Standards) governing noise, smoke, particulate matter, toxic or noxious matter, odors, fire and explosive hazards, or vibration, glare or heat; and no use already established on the effective date of this Ordinance shall be so altered or modified as to conflict with such applicable Performance Standards.

Conditions of Use.

Any production, processing, cleaning, servicing, testing repair, or storage of goods, materials, or products shall conform with the Performance Standards set forth herein.

All business, production, servicing, and processing shall take place within completely enclosed buildings unless otherwise specified. Within one hundred fifty (150) feet of a Residence District, all storage shall be in completely enclosed buildings or structures, and storage located elsewhere in this district may be open to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto) not less than six (6) feet high, but in no case lower in height than the enclosed storage and shall be suitably landscaped. However, open off-street loading facilities and open off-street parking of motor vehicles displaying Class "B" or less license plates may be unenclosed throughout the district, except for such screening of parking and loading facilities as may be required under the provisions of Section 10 – Parking.

Uses established on the effective date of this Ordinance and by its provisions rendered non-conforming shall be permitted to continue, subject to the regulations of Section 5 – Nonconforming Uses.

Uses established after the effective date of this Ordinance shall conform fully to the Performance Standards (Section 12) set forth for the zoning district.

7-2 R-E SINGLE FAMILY RESIDENCE ESTATE DISTRICT.

Purpose: The Single-Family Residence Estate District is intended to provide for single-family residences on large lots in a semi-rural environment.

Permitted Uses: Permitted Uses in the R-E District are listed in the Zoning District Use Table (Table 6-1).

Special Uses: Special Uses in the R-E District are listed in the Zoning District Use Table (Table 6-1).

Parking Requirements: Parking requirements in the R-E District are listed in Section 10 - Parking.

Bulk Space and Yard Regulations: Bulk regulations in the R-E District including regulations regarding lot area, lot width, yard areas, building coverage, and building height are listed in (Table 7-2) and illustrated below.

Accessory Buildings: Maximum of three (3) accessory buildings on a zoning lot.

Table 7-2	
R-E Single Family Residence Estate District	
Minimum Lot Area	2.5 acres (Residential) 5 acres (Nonresidential)
Minimum Lot Width at front yard line	200 ft. (Residential) 300 ft. (Nonresidential)
Minimum Front Yard Setback	50 ft.
Minimum Side Yard	30 ft. (50 ft. combined)
Minimum Rear Yard	75 ft.
Minimum Corner Side Yard	N/A
Maximum Lot Coverage	10%
Maximum Floor Area	Single floor: 1,800 sq ft. Multi-floor: 1,250 sq ft. (First floor), 2,400 sq ft. (Total)
Minimum Building Width	35 ft.
Maximum Building Height	35 ft. (or 2.5 stories)
Maximum Floor Area Ratio	N/A

R-E SINGLE FAMILY RESIDENCE ESTATE DISTRICT



Figure 7-2: R-E Bulk Regulations Illustration

7-3 R-1 SINGLE FAMILY RESIDENCE DISTRICT.

Purpose: The R-1 Single-Family Residence district shall be the primary zoning district for new residential construction in the Village of Beecher.

Permitted Uses: Permitted Uses in the R-1 District are listed in the Zoning District Use Table (Table 6-1).

Special Uses: Special Uses in the R-1 District are listed in the Zoning District Use Table (Table 6-1).

Parking Requirements: Parking requirements in the R-1 District are listed in Section 10 - Parking.

Bulk Space and Yard Regulations: Bulk regulations in the R-1 District including regulations regarding lot area, lot width, yard areas, building coverage, and building height are listed in (Table 7-3) and illustrated below.

General Requirements: All air conditioners and other mechanical equipment shall be placed in accordance with Section 4-12 Permitted Obstructions in required Yards.

Table 7-3	
R-1 Single Family Residence District	
Minimum Lot Area	11,250 sq. ft.
Minimum Lot Width at front yard line	75 ft.
Minimum Front Yard Setback	30 ft.
Minimum Side Yard	10 ft. (20 ft. combined)
Minimum Corner Side Yard	30 ft.
Minimum Rear Yard	40 ft.
Maximum Lot Coverage	30%
Minimum Floor Area	Single floor: 1,800 sq ft. Multi-floor: 1,250 sq ft. (First floor), 2,200 sq ft. (Total)
Minimum Building Width	35 ft.
Maximum Building Height	35 ft. (or 2.5 stories)
Maximum Floor Area Ratio	0.4

R-1 SINGLE FAMILY RESIDENCE DISTRICT

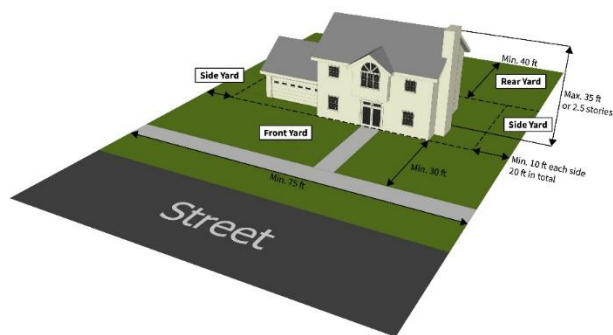


Figure 7-3: R-1 Bulk Regulations Illustration

7-4 R-1A SINGLE FAMILY RESIDENCE DISTRICT.

Purpose: The R-1A Single Family Residence District is hereby created to prevent single family lots less than seventy-five (75) feet in width and a lot area of less than eleven thousand two hundred fifty (11,250) square feet from being classified as non-conforming lots.

Permitted Uses: Permitted Uses in the R-1A District are listed in the Zoning District Use Table (Table 6-1).

Special Uses: Special Uses in the R-1A District are listed in the Zoning District Use Table (Table 6-1).

Parking Requirements: Parking requirements in the R-1A District are listed in Section 10 - Parking.

Bulk Space and Yard Regulations: Bulk regulations in the R-1A District including regulations regarding lot area, lot width, yard areas, building coverage, and building height are listed in (Table 7-4) and illustrated below.

Table 7-4 R-1A Single Family Residence District	
Minimum Lot Area	6,200 sq. ft.
Minimum Lot Width at front yard line	50 ft.
Minimum Front Yard Setback	25 ft.
Minimum Side Yard	5 ft. (10 ft. combined)
Minimum Corner Side Yard	25 ft.
Minimum Rear Yard	40 ft.
Maximum Lot Coverage	40%
Minimum Floor Area	Single floor: 1,500 sq ft. Multi-floor: 1,250 sq ft. (First floor), 2,000 sq ft. (Total)
Minimum Building Width	28 ft.
Maximum Building Height	35 ft. (or 2.5 stories)
Maximum Floor Area Ratio	0.4

R-1A SINGLE FAMILY RESIDENCE DISTRICT

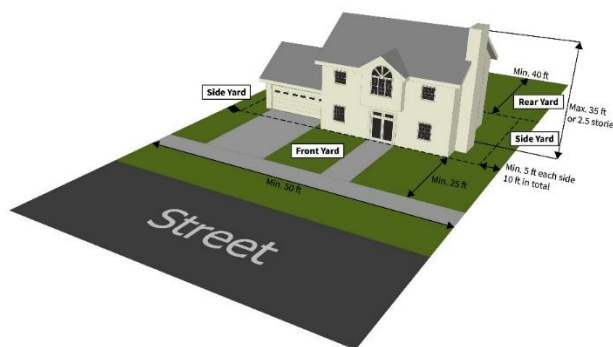


Figure 7-4: R-1A Bulk Regulations Illustration

7-5 R-2 TWO-FAMILY RESIDENCE DISTRICT.

Purpose: The R-2 Single-Family Residence district shall be the primary zoning district for new residential construction in the Village of Beecher.

Permitted Uses: Permitted Uses in the R-2 District are listed in the Zoning District Use Table (Table 6-1).

Special Uses: Special Uses in the R-2 District are listed in the Zoning District Use Table (Table 6-1).

Parking Requirements: Parking requirements in the R-2 District are listed in Section 10 - Parking.

Bulk Space and Yard Regulations: Bulk regulations in the R-2 District including regulations regarding lot area, lot width, yard areas, building coverage, and building height are listed in (Table 7-5) and illustrated below.

R-2 TWO-FAMILY RESIDENCE DISTRICT

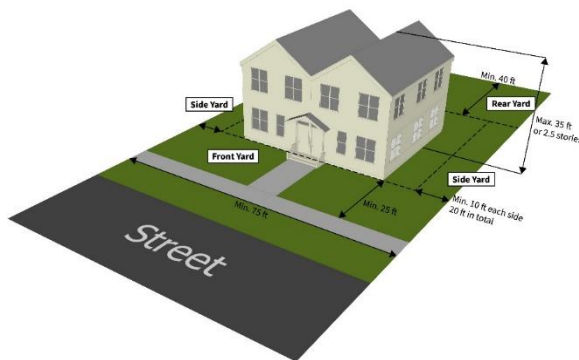


Table 7-5	
R-2 Two-Family Residence District	
Minimum Lot Area	Single-family: 5,000 sq. ft. Two-family: 10,000 sq. ft.
Minimum Lot Width at front yard line	Single-family: 37.5 ft. Two-family: 75 ft.
Minimum Front Yard Setback	25 ft.
Minimum Side Yard	10 ft. (20 ft. combined)
Minimum Corner Side Yard	25 ft.
Minimum Rear Yard	40 ft.
Maximum Lot Coverage	Single-family: 35% Two-family: 30%
Maximum Density	5 units/ac.
Minimum Floor Area	Single floor: 1,200 sq ft. Multi-floor: 900 sq ft. (First floor), 1,500 sq ft. (Total)
Minimum Building Width	28 ft.
Maximum Building Height	35 ft. (or 2.5 stories)
Maximum Floor Area Ratio	N/A

Figure 7-5: R-2 Bulk Regulations Illustration

7-6 R-3 GENERAL RESIDENCE DISTRICT.

Purpose: The R-3 General Residence District is established to provide for a wider variety of dwelling accommodations with a higher density of dwelling units; to provide for multiple-family dwellings with open space for family living; and to provide for a transition between nonresidential areas and single-family areas of lower density.

Permitted Uses: Permitted Uses in the R-3 District are listed in the Zoning District Use Table (Table 6-1).

Special Uses: Special Uses in the R-3 District are listed in the Zoning District Use Table (Table 6-1).

Parking Requirements: Parking requirements in the R-3 District are listed in Section 10 - Parking.

Bulk Space and Yard Regulations: Bulk regulations in the R-3 District including regulations regarding lot area, lot width, yard areas, building coverage, and building height are listed in (Table 7-6) and illustrated below.

Table 7-6	
R-3 General Residence District	
Minimum Lot Area	Single-family: 11,250 sq. ft. Two-family: 5,000 sq. ft. Multi-family: 4-bedroom: 7,500 sq. ft. 3-bedroom: 6,500 sq. ft. 1 & 2-bedroom: 5,500 sq. ft.
Minimum Lot Width at front yard line	70 ft.
Minimum Front Yard Setback	25 ft.
Minimum Side Yard	Two-family: 5 ft. (15 ft. combined) Multi-family: 10 ft. (25 ft. combined)
Minimum Corner Side Yard	25 ft.
Minimum Rear Yard	40 ft.
Maximum Lot Coverage	Single-family: 30% Two-family: 35% Multi-family: 30%
Minimum Floor Area	Efficiency or 1-bedroom: 900 sq. ft. 2-bedroom: 1,000 sq. ft. 3-bedroom: 1,200 sq. ft. 4 or more bedroom: 1,500 sq. ft.
Minimum Building Width	N/A
Maximum Building Height	35 ft. (or 2.5 stories)
Maximum Floor Area Ratio	N/A

General Requirements – Spacing Between Buildings.

1. When the front wall of a building faces the front wall or rear wall of the nearest building, the distance between the two (2) building walls shall be not less than sixty (60) feet.

2. When the rear wall of a building faces the rear wall of the nearest building, the distance between the two (2) building walls shall be not less than fifty (50) feet.

3. When the side wall of a building faces the front or rear wall of the nearest building, the distance between the two (2) building walls shall be not less than forty (40) feet, except when the side wall contains more than two (2) windows on a floor that are not from bathrooms or storage rooms, such distance between buildings shall be not less than fifty (50) feet, or sixty (60) feet if a main entrance doorway is in such side wall.

4. When the side wall of a building faces the side wall of the nearest building, the distance between the two (2) building walls shall be not less than twenty (20) feet, except when the facing side walls of either of such buildings contain more than two (2) windows on a floor that are not from bathrooms or storage rooms, such distance between the two (2) buildings shall be not less than fifty (50) feet, or sixty (60) feet if a main entrance doorway is in such side wall.

5. A wall of a building forming the end of a court shall be not less than ten (10) feet from the nearest wall of a detached building forming a side of the court, and a building forming the end of the court may be attached to one or both of the buildings forming the sides of the court, provided the distance between facing walls of the buildings forming the sides of the court is not less than the applicable requirements, as set forth above.

6. Where buildings are not parallel to each other, the required spacing shall be measured at the midpoint of the distance along which they face each other; however, the spacing between the buildings at the narrowest point shall in no event be less than the required distance.

7. For buildings over two (2) stories in height, there shall be one-half ($\frac{1}{2}$) foot additional spacing between buildings (as required above) for each additional one (1) foot that the related buildings exceed an average of thirty-five (35) feet in height.

R-3 GENERAL RESIDENCE DISTRICT

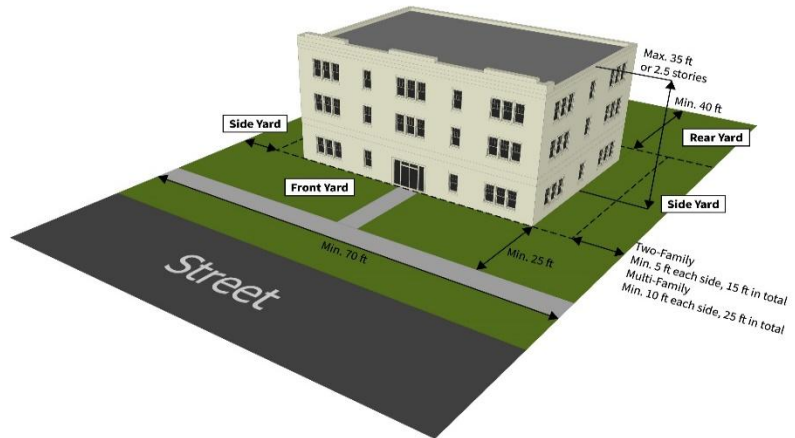


Figure 7-6.2: R-3 Bulk Regulations Illustration

SECTION 8 BUSINESS DISTRICTS

8-1 B-1 HISTORIC DOWNTOWN BUSINESS DISTRICT.

Purpose: The Historic Downtown Business District as delineated on the Zoning District Map includes the older and original business area of the Village. The district will provide for the retail business which is needed to serve the day-to-day and general shopping needs of adjacent residential neighborhoods.

Permitted Uses: Permitted Uses in the B-1 District are listed in the Zoning District Use Table (Table 6-1).

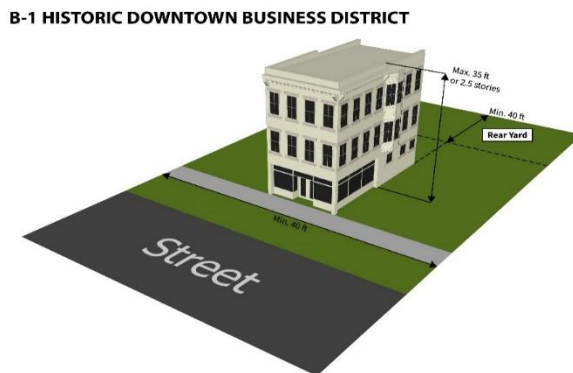
Special Uses: Special Uses in the B-1 District are listed in the Zoning District Use Table (Table 6-1).

Parking Requirements: Parking requirements in the B-1 District are listed in Section 10 - Parking.

Bulk Space and Yard Regulations: Bulk regulations in the B-1 District including regulations regarding lot area, lot width, yard areas, building coverage, and building height are listed in (Table 8-1) and illustrated below.

Table 8-1	
B-1 Historic Downtown Business District	
Minimum Lot Area	5,000 sq. ft.
Minimum Lot Width at front yard line	40 ft.
Minimum Front Yard Setback	N/A
Minimum Side Yard	N/A
Minimum Corner Side Yard	N/A
Minimum Rear Yard	30 ft.
Maximum Lot Coverage	N/A
Maximum Density	N/A
Maximum Floor Area	N/A
Minimum Building Width	N/A
Maximum Building Height	35 ft. (or 2.5 stories)
Maximum Floor Area Ratio	1.0

Figure 8-1: B-1 Bulk Regulations Illustration



8-2 B-3 GENERAL BUSINESS AND SERVICE DISTRICT.

Purpose: The B-3 General Business and Service District is intended to accommodate a wide variety of related shopper-type businesses along with personal services and other complementary uses.

Permitted Uses: Permitted Uses in the B-3 District are listed in the Zoning District Use Table (Table 6-1).

Special Uses: Special Uses in the B-3 District are listed in the Zoning District Use Table (Table 6-1).

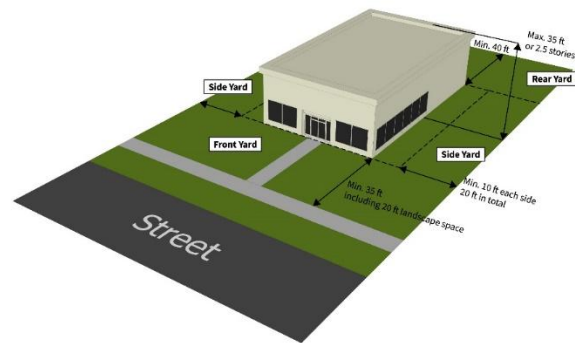
Parking Requirements: Parking requirements in the B-3 District are listed in Section 10 - Parking.

Bulk Space and Yard Regulations: Bulk regulations in the B-3 District including regulations regarding lot area, lot width, yard areas, building coverage, and building height are listed in (Table 8-2) and illustrated below.

Figure 8-2: B-3 Bulk Regulations Illustration

Table 8-2	
B-3 General Business and Service District	
Minimum Lot Area	15,000 sq. ft.
Minimum Lot Width at front yard line	N/A
Minimum Front Yard Setback	35 ft.
Minimum Side Yard	10 ft. (20 ft. combined)
Minimum Corner Side Yard	N/A
Minimum Rear Yard	40 ft.
Minimum Lot Coverage	25%
Maximum Density	N/A
Maximum Floor Area	N/A
Minimum Building Width	N/A
Maximum Building Height	35 ft. (or 2.5 stories)
Maximum Floor Area Ratio	1.0

B-3 GENERAL BUSINESS AND SERVICE DISTRICT



8-3 G/I GOVERNMENT AND INSTITUTIONAL DISTRICT.

Purpose: The Government and Institutional District exists to acknowledge municipal and other public oriented uses and separate them from residential, commercial and industrial districts.

Permitted Uses: Permitted Uses in the G/I District are listed in the Zoning District Use Table (Table 6-1).

Special Uses: Special Uses in the G/I District are listed in the Zoning District Use Table (Table 6-1).

Parking Requirements: Parking requirements in the G/I District are listed in Section 10 - Parking.

Bulk Space and Yard Regulations: Bulk regulations in the G/I District including regulations regarding lot area, lot width, yard areas, building coverage, and building height are listed in (Table 8-3).

Table 8-3	
G/I Government and Institutional District	
Minimum Lot Area	Not less than the minimum lot area of the least restrictive adjacent district.
Minimum Front Yard Setback	The same as the least restrictive adjacent district.
Minimum Side Yard	
Minimum Corner Side Yard	
Minimum Rear Yard	The same as the least restrictive adjacent district.
Minimum Lot Coverage	
Maximum Density	
Maximum Floor Area	N/A
Minimum Building Width	N/A
Maximum Building Height	35 ft. (or 2.5 stories) 60 ft. (If including architectural features)
Maximum Floor Area Ratio	1.0

8-4 O/S OPEN SPACE DISTRICT.

Purpose: The Open Space District exists to acknowledge dedicated lands intended to remain as open space and separate them from developed residential, commercial and industrial districts.

Permitted Uses: Open space. The O/S district is intended to remain undeveloped.

Special Uses: Permitted and Special Uses in the G/I District may be allowable in the O/S district as a Special Use, as listed in the Zoning District Use Table (Table 6-1).

Parking Requirements: Parking for associated parks and open space areas as listed in Section 10 - Parking.

Bulk Space and Yard Regulations: Development is not permitted in the O/S district. Bulk requirements including setbacks and buildings heights for approved special uses are listed in (Table 8-3).

SECTION 9 INDUSTRIAL DISTRICTS

9-1 I-1 LIMITED INDUSTRIAL DISTRICT.

Purpose: The 1-1 Limited Industrial District is intended to provide lands for development by industrial firms that have high standards of performance and that can locate in close proximity to residential and business districts without adversely affecting such areas. The district regulations are designed to permit the operations of most manufacturing, wholesaling and warehousing activities with adequate protection to adjacent uses and sufficient control of external effects to be compatible with neighboring uses.

Permitted Uses: Permitted Uses in the I-1 District are listed in the Zoning District Use Table (Table 6-1).

Special Uses: Special Uses in the I-1 District are listed in the Zoning District Use Table (Table 6-1).

Parking Requirements: Parking requirements in the I-1 District are listed in Section 10 - Parking.

Bulk Space and Yard Regulations: Bulk regulations in the I-1 District including regulations regarding lot area, lot width, yard areas, building coverage, and building height are listed in (Table 9-1) and illustrated below.

Table 9-1	
I-1 Limited Industrial District	
Minimum Lot Area (sq. ft.)	20,000 sq.ft.
Minimum Lot Width at front yard line (ft.)	100 ft.
Minimum Front Yard Setback (ft.)	40 ft. (including 20 ft. greenspace)
Minimum Side Yard (ft.)	20 ft. (45 ft. combined)
Minimum Rear Yard	50 ft. (150 ft. abutting residential)
Minimum Corner Side Yard (ft.)	N/A
Maximum Building Coverage	N/A
Maximum Building Height	40 ft. (or 2.5 stories)
Maximum Floor Area Ratio	0.5

I-1 LIMITED INDUSTRIAL DISTRICT

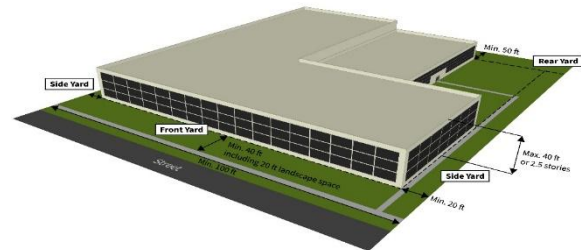


Figure 9-1: I-1 Bulk Regulations Illustration

General Requirements.

1. All activities and operations shall be within completely enclosed buildings, or may be outdoors if completely screened by a solid wall or uniformly painted solid fence not less than eight (8) feet in height, and if there is no open storage at a greater height than that of the enclosing fence, except that off-street parking and off-street loading and unloading spaces may be located in accordance with requirements set forth in Section 10 – Parking.
2. Any use established in an Industrial District hereafter shall be operated in such a manner as to comply with applicable Performance Standards as hereinafter set forth in (Section 12 – Performance Standards) governing noise, smoke, particulate matter, toxic or noxious matter, odors, fire and explosive hazards, or vibration, glare or heat; and no use already established on the effective date of this Ordinance shall be so altered or modified as to conflict with such applicable Performance Standards.

Conditions of Use.

1. Any production, processing, cleaning, servicing, testing, and repair or storage of goods, materials, or products shall conform with the Performance Standards set forth herein.
2. All business, production, servicing, and processing shall take place within completely enclosed buildings unless otherwise specified. Within one hundred fifty (150) feet of a Residence District, all storage shall be in completely enclosed buildings or structures, and storage located elsewhere in this district may be open to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto) not less than six (6) feet high, but in no case lower in height than the enclosed storage and shall be suitably landscaped. However, open off-street loading facilities and open off-street parking of motor vehicles displaying Class "B" or less license plates may be unenclosed throughout the district, except for such screening of parking and loading facilities as may be required under the provisions of Section 10 – Parking.
3. Uses established on the effective date of this Ordinance and by its provisions rendered non-conforming shall be permitted to continue, subject to the regulations of Section 5 – Nonconforming Uses.
4. Uses established after the effective date of this Ordinance shall conform fully to the Performance Standards (Section 12) set forth for the district.

SECTION 10 PARKING AND LOADING

10-1 PURPOSE AND INTENT.

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

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

10-2 OFF-STREET PARKING REQUIRED.

All new development shall be provided with adequate off-street automobile parking facilities, either within a private garage constructed on the lot or parcel of land occupied by the main building or use or within an open area properly located and improved in accordance with the requirements of this Section.

1. All zoning districts. The provisions for off-street parking and loading specified in this Section shall apply to all zoning districts.
2. Existing buildings. For existing buildings and existing land uses, the following provisions shall apply:
 - a. At the time the ordinance is adopted. The minimum number of parking spaces designated for specific land uses in this Section shall not be applied to existing structures or for structures that have an approved building permit on the date of the adoption of this ordinance.
 - b. Subsequent expansions. If such land, structures or uses are enlarged, expanded or changed, there shall be provided and maintained, for the increment of expansion only, at least the amount of off-street parking space that would be required if the increment were a separate structure or use established or placed into operation after the effective date of this ordinance.
 - c. Change in land use. Where land uses change in an existing building, the parking standards for the new land use shall apply.
3. New buildings. All buildings constructed after the effective date of this Zoning Ordinance shall provide for parking that conforms to the standards of this Section.

10-3 EXEMPTIONS FROM OFF-STREET PARKING REQUIREMENTS.

1. The off-street parking regulations set forth in this Section, except as required for residential uses, may be exempted by the Planning and Zoning Commission for new buildings or structures, or any existing principal building or structure which is enlarged or

increased in capacity after the adoption of the ordinance from which this Section is derived, when located within the historic downtown area.

2. This provision in no way affects required off-street loading spaces.
3. Individuals or corporations may apply for variations from this Section according to procedures established in Subsection 3-4.3 Variations.

10-4 COMPUTATIONS RESULTING IN FRACTIONAL PARKING SPACES.

When units of measurement determining the number of required off-street parking and off-street loading spaces result in a requirement of a fractional space, any fractional result of a calculation shall be rounded up to the nearest whole number and shall require one (1) off-street parking or off-street loading space.

10-5 LOCATION OF OFF-STREET PARKING SPACES.

Off-street automobile parking facilities shall be located as specified in this Section. Where a distance is specified, such distance shall be walking distance measured from the nearest point of the parking area to the nearest entrance of the building that the parking area is required to serve:

1. For residential uses, the required off-street parking spaces shall be on the same lot with the building they are required to serve.
2. For rooming houses, lodging houses, clubs, hospitals, sanitariums, asylums, orphanages, homes for the aged, convalescent homes, dormitories, sororities, and fraternity houses, and for other similar uses, the off-street parking facilities required shall be on the same lot or parcel of land as the main building or buildings being served, or within three-hundred (300) feet of the main building or buildings being served; provided that they are adjacent to, or across the street or alley from, the main building they are intended to serve, measured between the nearest point of the off-street parking area and the nearest entrance to the main building or buildings.
3. For uses other than those specified in this Section, the off-street parking facilities shall be provided on the same lot or parcel of land as the main building being served, or on a separate lot or parcel of land, and not over three hundred (300) feet from the entrance of the main building; provided that they are adjacent to, or across the street or alley from, the main building, measured from the nearest point of the parking area; provided that the separate lot or parcel of land intended for the parking facilities is located in the same district as the principal permitted uses or in a less restricted district.

10-6 SHARED PARKING.

1. Description. Shared parking is an arrangement whereby two or more owners of non-residential properties with different peak-hour parking demands use the same off-street parking spaces to satisfy their off-street parking requirements.
2. Approval. The Zoning Administrator is authorized to allow shared parking arrangements for non-residential uses with different hours of operation. The Zoning Administrator may allow up to one hundred (100) percent of the parking required for a use with peak weekday daytime demand to be supplied with parking spaces provided for a use with peak weekday nighttime or Sunday demand and vice versa. In order to approve a shared parking arrangement, the Zoning Administrator must find:

- a. That, based on evidence provided by the property owners, that there is no substantial conflict or overlap in the principal operating hours for which the shared parking is proposed; and
 - b. That the shared parking facility is located within three hundred (300) feet walking distance of each of the uses, as measured from the entrance of each use to the nearest parking space in the facility.
 - c. That there are convenient, visible pedestrian connections between the facility and all of the sharing properties.
3. Agreement. The parties involved shall execute an agreement on the shared parking and file it with the Zoning Administrator. The shared parking shall remain in effect only so long as the agreement remains in force. If the agreement is no longer in force, then the property owners must provide parking as otherwise required by this Ordinance.

10-7 COLLECTIVE PARKING AND REDUCTION IN PARKING REQUIREMENTS.

1. Description. Collective parking is an arrangement whereby two or more commercial properties use the same parking lot to fulfill their off-street parking requirements.
2. Approval. The Zoning Administrator is authorized to allow collective parking arrangements that reduce the off-street parking requirements for each participating commercial property by twenty (20) percent. In order to approve such an arrangement, the Zoning Administrator must find that:
 - a. That the shared parking facility is located within six hundred (600) feet walking distance of each of the uses, as measured from the entrance of each use to the nearest parking space in the facility.
 - b. There are convenient, visible pedestrian connections between the facility and all of the sharing properties.
3. Agreement. The parties involved shall execute an agreement on the collective parking and file it with the Zoning Administrator. The collective parking shall remain in effect only so long as the agreement remains in force. If the agreement is no longer in force, then the property owners must provide parking as otherwise required by this Ordinance.

10-8 USE OF OFF-STREET PARKING FACILITIES.

1. A required off-street parking space, or a required off-street parking lot or facilities serving residential uses and in a residential district, including the driveway thereof, shall be used only for the parking of passenger automobiles of two axles or fewer, designed to carry nine (9) or fewer passengers, trucks of less than seven (7) feet and six (6) inches in height, measured from the highest point to the ground with fully inflated tires, and recreational vehicles, the same being any vehicle originally designed or permanently converted and used for living quarters or for human habitation and not used as a commercial vehicle, including a house trailer, camper or private living coach. However, said recreational vehicle shall not be used for living quarters or for human habitation when parked in a residential district.
2. Notwithstanding any other provision of this Section, no motor vehicle shall be parked in the required front yard in any residential zoning district unless said vehicle is parked upon a driveway. Said driveway shall be paved as provided for in this Section. For the purposes

of this Subsection, a driveway must have an appropriate curb cut if connected to a street.

10-9 REDUCTION OF EXISTING OFF-STREET PARKING FACILITIES.

Existing off-street parking facilities provided at the effective date of the ordinance from which this Section is derived and actually being used for the parking of automobiles in connection with the operation of an existing building or land use, shall not be reduced in space or facility to less than that hereinafter required under the provisions of this Section for a similar new building or new land use, except as otherwise provided in this Section.

10-10 CHANGE IN INTENSITY OF USE.

Wherever, in a building or structure erected prior to or after the effective date of the ordinance from which this Section is derived, there is an increase in the intensity of use by increasing the number of dwelling units, guestrooms, floor area, seating capacity, number of employees, or in any other unit of measurement specified in this Section, which creates a need for additional parking spaces or loading and unloading spaces as required hereinafter, off-street parking and loading facilities shall be provided on the basis of the increased units of measurement of the new use or of the altered or expanded existing use, and such parking and loading facilities shall be maintained thereafter in connection with such buildings or structures.

10-11 FLOOR AREA DEFINED.

The term "floor area," as employed in this Section, in the case of office, merchandising, or service types of use, shall mean the gross floor area of a building or structure intended to be used for service to the public as customers, patrons, clients, patients or tenants, including area occupied by fixtures and equipment used for display or sale of merchandise. The term "floor area," for the purpose of this Section, shall not include area used for storage accessory to the principal use of a building.

10-12 PARKING REQUIREMENTS FOR UNLISTED OR MIXED USES.

1. In the case of a use not specifically mentioned in this Section, the requirements for off-street parking facilities for a similar use, as determined by the Zoning Administrator, which is so mentioned shall apply.
2. In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum total of the requirements of the various uses computed separately, in accordance with the requirements set forth in Section, and off-street parking facilities for any other use, except as specified in this Section for shared parking or collective parking.

10-13 OFF-SITE PARKING FACILITIES.

Where required parking facilities are provided off the site of the main building or structure generating the need for parking facilities, in accordance with the provisions of this Section, the following additional regulations shall apply:

1. The land upon which the parking facilities are located, or to be located, shall be in the same possession, either by deed or long-term lease, as the property occupied by the use to which the parking facilities are auxiliary, in which case the owner of the land shall be bound by covenants of record filed in the office of the Will County Recorder of Deeds

requiring the owner, his heirs or assigns to maintain the required number of parking facilities throughout the existence of the principal use, or until such time as it is proved that the parking facilities are no longer needed in the interest of the public convenience, safety, and general welfare.

10-14 DESIGN STANDARDS FOR PARKING FACILITIES.

All off-street automobile parking facilities shall be designed with appropriate means of vehicular access to a street or alley, in a manner which will least interfere with traffic movements.

1. With the exception of single-family residential, all driveways, approaches, and parking areas shall have a cast in place, concrete, barrier-type curb, not less than six (6) inches in height wherever the impervious surface meets green space, landscaping buffers, planted areas, etc., and along their entire perimeter.
2. No driveway or curb cuts in any single-family residential district shall exceed twenty (20) feet in width at the right-of-way line, and twenty-four (24) feet in width at the back of curb approach meeting the roadway.
3. No signs shall be displayed in any parking area within any residential district, except such signs as may be necessary for the orderly use of such facilities.
4. Each parking space shall be not less than nine (9) feet in width and twenty (20) feet in length, as measured from the back of curb to the end of the stall.
5. Aisles between parked vehicles shall be not less than twelve (12) feet in width when serving automobiles parked at a forty-five (45) degree angle in one direction, nor less than twenty-two (22) feet in width when serving automobiles parked at a forty-five (45) degree angle in both directions, nor less than twenty-two (22) feet in width when serving automobiles parked perpendicular to the aisles and accommodating two-way traffic movements.

10-15 SETBACKS FOR PARKING AREAS.

The parking area, if on the same lot with a main building, shall not be located within the front yard required for such building, except that in the B-3 General Business District, I-1 Limited Industrial District parking may be permitted in the front yards, provided it maintains not less than a twenty (20)-foot setback from the street right-of-way. If not on the same lot with the main building, the paved parking area shall not be closer to any street line than the established building line on adjacent properties, or less than the setback required for the district in which the parking area is located, whichever is closer, but never less than twenty (20) feet. Further, any wall, fence, or hedge developed around the parking area shall observe the yard requirements of this Section.

10-16 SURFACING OF PARKING AREAS.

All open off-street parking areas shall be improved with a compacted Type-B base course, not less than eight (8) inches in thickness, surfaced with either an asphalt or concrete surface, and with the exception of single-family residential districts, shall be encompassed on all edges with a cast in place, concrete, barrier-type curb.

10-17 SCREENING AND LANDSCAPING.

1. Screening. All automobile parking areas shall be effectively screened on each side which

adjoins or fronts any residential and/or institutional district and/or use, by a wall, solid fence, or densely planted compact hedge. Such wall, fence, or hedge shall be not more than six (6) feet in height and shall be maintained in good condition.

2. Landscaping. All open off-street automobile parking areas either created or redesigned and rebuilt subsequent to the adoption of the ordinance from which this Section is derived, containing twenty (20) or more parking stalls and an area of ten thousand (10,000) square feet or more, shall provide and maintain canopy-type shade trees along with other forms of vegetation hardy to this region, in tree islands and planting buffer strips totaling not less than three (3) percent of the surfaced parking area. The minimum size of each tree island or planting strip shall be not less than fifty (50) square feet. The size, type and location of the islands and planting strips and the plant material shall be indicated on the plans required for obtaining a Building Permit.

10-18 LOCATION OF ACCESSORY OFF-STREET PARKING.

The location of off-street parking spaces in relation to the use served shall be as prescribed hereinafter. All distances specified shall be walking distances between such parking spaces and a main entrance to the use served. Required parking areas must be located off-street and on the same lot as the building or use they are required to serve, unless specified below:

1. Parking areas are permitted encroachments only as indicated in this Section or otherwise allowed by this Ordinance:
 - a. In commercial and industrial zoning districts and for multiple family uses:
 - i. Parking areas may encroach into required side yards and required rear yards.
 - ii. Parking areas shall not encroach into front yards; except for properties zoned B-1, B-3, and I-1 where a minimum front yard setback of twenty (20) feet shall be maintained for all parking areas.
 - b. In commercial and industrial zoning districts and for multiple family uses adjacent to properties with single family detached, single family attached, or two-family dwellings, parking areas may encroach into required side yards and required rear yards except that a minimum setback of ten (10) feet shall be maintained for all parking areas.
 - c. In commercial and industrial zoning districts:
 - i. Parking areas may be provided on the same lot or property being served, or on a separate lot or property, so long as all parking areas located on a separate property are located within six hundred (600) feet of a main entrance of the related building or use. The zoning classification of such separate lot or property where the off-street parking areas are located shall not be zoned for single-family residential.
 - ii. Ten (10) percent of the required parking and no less than five (5) spaces shall be accessible to visitors outside of any fenced-in or secured area.
 - iii. Clearly identifiable and safe pedestrian paths shall be provided from parking areas to the main building entrance.
2. Control of off-site Parking Areas. When required accessory off-street parking areas are provided elsewhere than on the lot on which the principal use served is located, they shall be in the same possession, either by deed or long-term lease, as the property occupied

by such principal use, and the owner shall be bound by covenants filed of record in the Will County Recorder of Deeds requiring the owner and his or her heirs and assigns to maintain the required number of parking spaces during the existence of said principal use.

10-19 ACCESSIBLE PARKING.

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

1. Required Spaces. Parking spaces for persons with disabilities shall be provided in all off-street Parking Areas where parking is provided for employees, visitors, or both, with the exception of single family detached and townhomes uses. The number of accessible parking spaces shall be included in the total number of required parking spaces and shall be in accordance with the applicable requirements of the Illinois Accessibility Code, as amended from time to time, and all additional governing codes and applicable laws.
2. Such spaces shall comply with the design standards presented in the State of Illinois Accessibility Code, provided that in no instance shall the width of any one (1) space be less than sixteen (16) feet, nor the length less than twenty (20) feet. Such spaces shall be identified by a sign and pavement markings indicating parking for persons with disabilities only. Such spaces shall be the spaces closest to the entrance of the building or structure, and shall be connected by a paved surface designed to provide safe and easy access. Such spaces shall otherwise be in accordance with the Illinois Vehicle Code.
3. Accessible Parking Space Requirements. (source: IllinoisAttorneygeneral.gov)

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

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

10-20 SCHEDULE OF PARKING REQUIREMENTS.

1. Off-street parking spaces shall be provided for all uses listed below in at least the minimum amounts specified.

- a. The minimum number of usable off-street parking or stacking spaces shall be provided as noted in Table 10-20.1 below.
- b. All references to “square feet” are calculated as “gross square feet of building floor area.”
- c. Mixed uses. When two or more uses are located on the same lot or within the same building, parking spaces equal in number to the sum of the separate requirements for each such use shall be provided. No parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Planning and Zoning Commission.

Table 10-2: Off-Street Parking Ratio Requirements.	
Land Use	Parking Required
Residential Uses	
Dwelling, single-family	2 spaces per dwelling unit
Dwelling, multi-family	1.25 spaces per dwelling unit
Daycare home	2 spaces in addition to those required for the residence
Mobile home park	1.5 spaces per dwelling unit
Group community residence	1.25 spaces for each sleeping room
Senior independent living	1 space per dwelling unit
Skilled care housing	0.75 spaces per dwelling unit

Land Use	Parking Required
Commercial Uses	
Animal hospitals	2 spaces per employee
Arts studios	4 spaces per 1,000 square feet
Automobile and/or truck rental	2.5 spaces per 1,000 square feet
Automobile and/or truck sales (new and used)	2.5 spaces per 1,000 square feet of sales and office area
Automobile and/or truck repair	4 spaces per service bay + 2.5 spaces per 1,000 square feet of office
Bakeries/coffee shops	10 spaces per 1,000 square feet with eat in option 4 spaces per 1,000 square feet if retail only
Banks and financial institutions	2.5 spaces per 1,000 square feet
Banquet halls	1 space per 3 persons of capacity
Brew pubs (restaurants)	10 spaces per 1,000 square feet
Bowling alleys	5 spaces per bowling alley + 3.3 spaces per 1,000 square feet used for bars, restaurants, etc.
Car wash	2.5 spaces per 1,000 square feet of office or retail area + 3 spaces per car wash bay
Currency exchanges	3.3 spaces per 1,000 square feet
Daycare centers	2.5 spaces per 1,000 square feet
Funeral homes	2.5 spaces per 1,000 square feet of office area + 1 space per 3-person capacity in chapel area

Land Use	Parking Required
Commercial Uses	
Gas/fueling stations	4 spaces per 1,000 square feet of total retail space + spaces required per this Table 10-20.1 for restaurants or other accessory spaces. One-half (½) the number of gas pumps may be counted as parking spaces.
General commercial uses	3.3 spaces per 1,000 square feet, or 6 spaces per 1,000 square feet in integrated center
Home/garden stores	4 spaces per 1,000 square feet
Hotels/motels	1 space per guestroom + spaces required per this Table 10-20.1 for any banquet, office, meeting, or other accessory spaces.
Indoor retail sales of goods	4 spaces per 1,000 square feet
Kennels	3.3 spaces per 1,000 square feet
Laundromats	1 space per 3 employees
Liquor stores	4 spaces per 1,000 square feet
Medical and recreational cannabis dispensaries	4 spaces per 1,000 square feet
Medical and dental clinics	4.5 spaces per 1,000 square feet
Offices, professional and business	4 spaces per 1,000 square feet
Personal services	4 spaces per 1,000 square feet
Pet daycare	3.3 spaces per 1,000 square feet
Pet stores	4 spaces per 1,000 square feet
Restaurants	10 spaces per 1,000 square feet
Riding stables	1 space per employee and enough additional space for public (as determined by the Zoning Administrator)
Taverns, restaurants, and brewpubs	parking spaces equal to 30% of capacity in persons
Tattoo parlor	3.3 spaces per 1,000 square feet
Veterinary clinics	4.5 spaces per 1,000 square feet
Video gaming cafés	10 spaces per 1,000 square feet

Land Use	Parking Required
Public, Cultural, Recreation, and Other Institutional Uses	
Assembly/meeting halls	1 space per 3 persons of capacity
Country clubs	1 space per 3 persons of capacity
Dog parks	1 space per 3 persons of capacity
Golf courses	40 spaces per each 9 holes + additional parking spaces applicable to any accessory retail, service or banquet area
Government buildings and facilities	3.3 spaces per 1,000 square feet
Hospitals	1 space per bed + 4 spaces per 1,000 square feet of

Land Use	Parking Required
Public, Cultural, Recreation, and Other Institutional Uses	
	administrative office + additional spaces as required per labs, clinics, or other accessory use
Indoor athletic facilities	5 spaces per 1,000 square feet
Indoor entertainment and amusement facilities	1 per 3 seats, game stations, or other unit so determined by the Zoning Administrator + parking as required in this Table 10-20.1 for restaurants or other accessory uses
Lighted sports fields	1 space per 3 persons of design capacity
Miniature golf course	1.5 spaces per tee plus spaces for accessory functions as required by this Table 10-20.1
Museum or cultural facility	2.5 spaces per 1,000 square feet
Public recreational facilities	1 space per 4 persons of capacity + 1 space per employee
Public parks	1 space per 3 persons of design capacity
Religious Institutions	1 per 3 seats (fixed seating or seating capacity) in main assembly area
Schools (Public, non-profit or private)	0.4 spaces per total students, faculty and staff
Emergency shelters	1 space per bed + 4 spaces per 1,000 square feet of office space
Community swimming pool	1 space per every 4 persons of capacity
Rehabilitation facilities	1 space per bed + 4 spaces per 1,000 square feet of office space

Land Use	Parking Required
Industrial Uses	
Cannabis-related production and manufacture	2 spaces per 1,000 square feet (except office area calculated at 4 spaces per 1,000 square feet)
General industry	1 space per 1.3 employees (maximum number of employees at one time in plant)
Greenhouses	2.5 spaces per 1,000 square feet of indoor sales area + 1.5 spaces per 1,000 square feet of outdoor sales area
Manufacturing, general	2 spaces per 1,000 square feet (any office area calculated at 4 spaces per 1,000 square feet)
Manufacturing, light	2 spaces per 1,000 square feet (any office area calculated at 4 spaces per 1,000 square feet)
Medical cannabis cultivation centers	2 spaces per 1,000 square feet (except office area calculated at 4 spaces per 1,000 square feet)
Microbrewery	2 spaces per 1,000 square feet (except office area calculated at 4 spaces per 1,000 square feet)
Microdistillery	2 spaces per 1,000 square feet (except office area

Land Use	Parking Required
Industrial Uses	
	calculated at 4 spaces per 1,000 square feet)
Microwinery	2 spaces per 1,000 square feet (except office area calculated at 4 spaces per 1,000 square feet)
Recycling centers	1.5 spaces per 1,000 square feet (any office area calculated at 4 spaces per 1,000 square feet)
Research and development facilities	2 spaces per 1,000 square feet
Warehousing	1 space per 1,000 square feet (any office area calculated at 4 spaces per 1,000 square feet)
Adult regulated use	4 spaces per 1,000 square feet
Cemeteries	2.5 spaces per 1,000 square feet of office area + 1 space per 3-person capacity in chapel area

2. Residential Visitor Parking. All residential developments listed in Table 10-20.2 below shall provide the following number of off-street visitor parking spaces in addition to the parking required for the residents:
 - a. Any fractional requirement of a visitor parking space shall be rounded up to one (1) parking space.
 - b. Visitor parking spaces shall be grouped in a location that is convenient to visitors and shall be accessible at all times. Visitor parking spaces shall not be located within a secured private or common parking garage that requires a key, handset, or other electrical or mechanical device to gain access to such spaces.

Table 10-3: Off-Street Visitor Parking Spaces.	
Residential Uses	Visitor Parking Spaces
Two Family Dwellings	0.15 spaces per dwelling unit
Townhomes	
Multi-Family Dwellings and attached single-family dwellings	0.15 spaces per dwelling unit. A minimum of 2 spaces is required if less than 8 units are provided
(*If a use is proposed that is not listed above, approval from Zoning Administrator is required)	

3. Drive-Thru Stacking. Every drive-thru establishment, constructed after the effective date of this Ordinance, shall provide a minimum of five (5) stacking spaces per drive-thru facility lane, unless otherwise stated within this Section or determined by the Village Board as part of a special use or planned development review.
 - a. The stacking spaces shall be designed so as not to interfere with the ingress and egress to the off-street parking, traffic circulation on- or off-site, and traffic visibility.
 - b. Drive-thru facilities shall not be located in the front of the principal building and the maneuvering space shall be provided in the side or rear yard.
 - c. Drive-thru establishments shall provide a bypass lane in a width and configuration

- approved by the Village Engineer.
- d. Stacking spaces should be separated from pedestrian paths or marked with signs to indicate such path to drivers and requirement to yield to pedestrians.
- 4. Additional Standards.
 - a. Stacking spaces shall not be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials, or supplies.
 - b. Each off-street stacking space shall not be less than nine (9) feet in width and nineteen (19) feet in length, exclusive of access drives.

10-21 OFF-STREET PARKING SPACE DESIGN CHART.

Table 10-4

Parking Angle	Aisle Width*	Stall Width	Stall Length	Total, 1 Tier Plus Maneuvering	Total 2 Tiers Plus Maneuvering
90°	22'	9'	19'	40'	60'
75°	20'	9'	19'	39.5'	59'
60°	18'	9'	19'	37'	55.4'

**Two-way traffic in 90° aisles only*

10-22 ADDITIONAL REGULATIONS – OFF-STREET LOADING.

1. Location. All required off-street loading berths shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into a street or alley. No permitted or required off-street loading berth in any district shall be located within twenty-five (25) feet of the nearest point of intersection of any two (2) streets, nor shall it be located in a required front yard. In Industrial Districts off-street loading berths for vehicles of more than two (2) ton capacity shall not be located (a) within a side yard abutting a Residence District or abutting a street which at the place of abutment fronts on a Residence District; (b) within forty (40) feet of the lot line of any side yard abutting a street which at the place of abutment does not front a Residence District; nor (c) within that part of a rear yard abutting a Residence District which part would be a side yard if the main building on the premises was extended in direct line to the rear lot line of the premises.
2. Size. Unless otherwise specified in the Schedule of Loading Requirements, a required loading berth shall be not less than twelve (12) feet in width by at least sixty (60) feet in length exclusive of aisles and maneuvering space, and shall have a vertical clearance of at least fourteen (14) feet.
3. Access. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements and shall meet the applicable surfacing requirements of 10.07.4 and shall be subject to approval of the Building Inspector.
4. Surfacing. Any open off-street loading berths, loading area, or areas intended to be used for dumpsters over two (2) cubic yards capacity, the parking of semi-trailers without tractor attached or other heavy concentrated loads, shall be improved with a minimum ten (10)-inch thick compacted stone base and shall be surfaced with not less than eight

(8)-inch of unreinforced six (6) bag air entrained concrete or six (6)-inch thick six (6) bag mix air-entrained concrete with 6x6 #6 welded wire reinforcing, or an equivalent improvement as approved by the Village Board.

5. Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any District.
6. Screening and Landscaping. All open trailer and truck parking areas shall be effectively screened on each side adjoining or fronting on any property located in or adjacent to a Residence District by a wall fence (not to exceed eight (8) feet in height with metal or plastic inserts in chain link) or densely planted compact hedge. Such required screening shall conform to the front and side yard setback requirements of the zoning district in which the parking is located.
7. Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
8. For Special Uses other than prescribed for hereinafter loading berths adequate in number and size to serve such uses, as determined by the Zoning Administrator shall be provided.
9. Uses for which off-street loading facilities are required herein but which are located in buildings of less floor area than the minimum prescribed for such required facilities shall be provided with adequate receiving facilities off any adjacent alley service drive, or open space on the same lot which is accessible by motor vehicle.

10-23 SCHEDULE OF LOADING REQUIREMENTS.

For the uses listed in the following Table 10-23.1, off-street loading berths shall be provided on the basis of gross floor area of buildings or portions thereof devoted to such uses in the amounts shown herein.

Table 10-5

Uses	Gross Floor Area in Square Feet	Required Number a Minimum Horizontal Dimensions of Berths
Hospitals, sanitariums and other institutional uses	10,000 to 200,000 For each additional 200,000 or fraction thereof	1 – 12' x 30' 1 additional 12' x 30'
Hotels, clubs, lodges except as set forth in c, below	10,000 to 20,000 20,001 to 150,000 For each additional 150,000 or fraction thereof	1 – 12' x 30' 2 – 12' x 30' 1 additional 12' x 30'
Retail stores, furniture, household equipment and appliance stores, repair shops, wholesale stores, and establishments handling the sale and consumption of food on the premises. Compliance will be individually according	5,000 to 10,000 10,001 to 25,000 25,001 to 40,000 40,001 to 100,000 For each additional 100,000 or fraction thereof	1 – 12' x 30' 2 – 12' x 30' 3 – 12' x 60' 4 – 12' x 60' 1 additional 12' x 60'

Uses	Gross Floor Area in Square Feet	Required Number a Minimum Horizontal Dimensions of Berths
to gross floor area,		
Motor vehicle and machinery sales	40,000 to 100,000	3 – 12' x 60'
Auditorium, convention halls, exhibition halls, sport arenas, stadiums, bowling alleys	10,000 to 20,000 20,001 to 100,000 For each additional 100,000 or fraction thereof	1 – 12' x 30' 2 – 12' x 30' 1 additional 12' x 60'
Banks and offices – business, professional & government	10,000 to 100,000 For each additional 100,000 or fraction thereof For each additional 500,000 or fraction thereof	1 – 12' x 30' 1 additional 12' x 30' 1 additional 12' x 60'
Manufacturing or establishment engaged in production, processing, cleaning, servicing, testing or warehousing and storage of goods, materials or product.	5,000 to 20,000 20,001 to 50,000 For each additional 50,000 or fraction thereof	1 – 12' x 60' 2 – 12' x 60' 1 additional 12' x 60'
Theaters	8,000 to 50,000 For each additional 50,000 or fraction thereof	1 – 12' x 30' 1 additional 12' x 30'
Undertaking and funeral parlors	8,000 to 100,000 For each additional 100,000 or fraction thereof	1 – 12' x 30' 1 additional 12' x 30'

10-24 – 99: RESERVED.

SECTION 11 SIGNS

11-1 PURPOSE AND INTENT.

The purpose of this Section is to set out sign regulations that preserve the right of free speech and expression, yet also provide for design, construction, and placement of signs that:

1. Promote the health, safety, and general welfare of the Village from signs that are unsafe, or interfere with drivers, bicyclists, or pedestrians;
2. Enhance the appearance and economic value of the Village by avoiding sign clutter that can compromise the character, quality, and viability of commercial corridors;
3. Are compatible with surroundings and not a nuisance to occupants of adjacent and contiguous property due to brightness, reflectivity, bulk, or height;
4. Assist in wayfinding; and
5. Are aesthetically pleasing, of appropriate scale, and integrated with the built environment, in order to meet the objectives related to the quality and character of development set forth in the Village of Beecher Comprehensive Plan.

11-2 SCOPE.

The regulations of this Section shall provide a balanced and fair legal framework for design, construction, and placement of signs. The Section promotes the safety of persons and property by ensuring that signs do not create a hazard. To accomplish these aims, the Section governs the installation, use, display, enlargement, alteration, maintenance, location, and removal of all signs within the Village. The regulations are based on the style and format of sign structures, and not their content.

11-3 ADMINISTRATION.

It shall be the responsibility of the Zoning Administrator, or his/her designee, to administer this Section.

11-4 VIOLATIONS AND ENFORCEMENT.

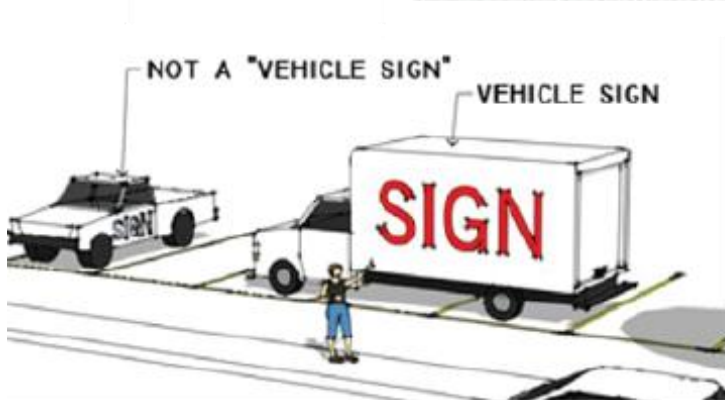
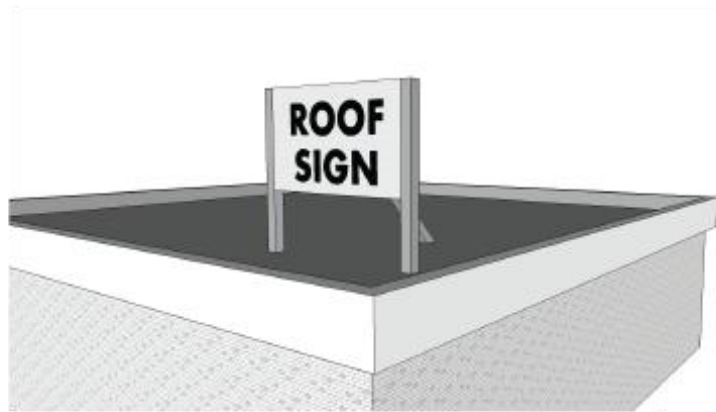
It shall be unlawful to display any sign in violation of the provision of this Section. Each day of any such violation shall constitute a separate offense under this Section. Any person who owns or manages a building or premises and any occupant thereof who displays a sign shall comply with the provisions of this Section. The Zoning Administrator is hereby designated and authorized to enforce this Section.

11-5 GENERAL PROVISIONS.

1. Code Applicability. All sign elements (including but not limited to electrical and structural elements) shall meet the construction and standards of this Section and the requirements of Title 4 – Building Regulations of the Beecher Village Code.
2. Illumination of Signs.
 - a. All lighting of signs shall be directed only at the face of the sign and shall be shielded so as not to be visible from the property line or directly cast light on any right of way or adjacent property.

- b. No reflective material may be included in a sign so as to reflect light directly upon an adjacent right of way or residential property.
 - c. In no case shall the lighting intensity of any sign exceed the limit of one (1) footcandle at a commercial property line and one-half ($\frac{1}{2}$) footcandle at a residential property line. In no instance shall a sign emit more than seventy-five (75) footcandles, at a distance of ten (10) feet from the sign.
 - d. Illuminated signs with revolving or rotating beams or beacons are not permitted. In addition, no sign may be illuminated by any flashing, blinking, or intermittent lights, or lights that change in intensity.
 - e. Signs that are illuminated shall be in good working order. Signs with partially working lights shall not be illuminated until repaired.
 - f. No Temporary sign shall be illuminated.
 - g. Window Signs that are illuminated with neon lighting or comparable lighting are allowed in accordance with the standards detailed in this Section and Section 9 Performance Standards.
 - h. Signs with LED Lighting. The light level of an illuminated sign lit with LED bulbs shall be no greater than 5,000 nits of luminance from dawn to dusk, and no greater than 150 nits of luminance from dusk to dawn.
3. Maintenance, Inspection, and Removal.
- a. Maintenance. The routine maintenance or changing of parts is permissible without a permit, provided that such change does not alter the surface area, height, copy, or otherwise make the sign nonconforming.
 - b. All signs, support structures, and the required landscaped area immediately adjacent shall be maintained in a manner that is consistent with the approved plans, safe, secure, and not a danger or nuisance to the public.
 - c. Unsafe Signs. Any sign that is found by the Zoning Administrator to pose an immediate peril to persons or property shall be removed or repaired by the property owner within the timeframe provided by the Zoning Administrator. If the property owner fails to act in the manner and timeframe specified by the Zoning Administrator, the sign may be removed by the Village without further prior notice to the owner thereof. The cost of sign removal or other actions deemed necessary by the Village in regard to said unsafe sign will be the responsibility of the property owner.
4. Abandoned Signs.
- a. The sign face of any signs associated with a use that vacates a premises shall be removed within thirty (30) calendar days of said vacation. Any remaining sign structure shall be maintained in a safe and tidy manner.
 - b. Should any signs associated with a use that vacates a premise be nonconforming per the standards of this Section, and use of the business location be discontinued for a period of ninety (90) calendar days, regardless of any intent to resume such use, said sign shall not be reestablished or continued, and shall be immediately removed from the premises or brought into conformity with this Section.
5. Paint and Finishes. Paint and other finishes shall be maintained in good condition. Peeling finishes shall be repaired. Signs with running colors shall be repainted, repaired, or removed.

- a. Exemption for Addressing. The posting of building addresses in locations that are visible from the street is necessary for the effective delivery of public safety services; and the efficient and timely delivery of emergency services is a compelling governmental interest. Accordingly, the Village requires that street addresses shall be posted so as to be readily visible from adjacent rights of way. Because address signs are required, numbers and letters used for addressing are not included in the calculation of sign area if they are not more than fourteen (14) inches in height, or as otherwise approved by the Beecher Police Department or the Beecher Fire Protection District based on visibility and fire safety concerns.
 - b. Signs Permitted before Effective Date. If a permit for a sign has been issued in accordance with all Village ordinances in effect prior to the effective date of this Section, and provided that sign construction is begun within six (6) months of the effective date of this Section and diligently pursued to completion, said sign may be completed in accordance with the approved plans for which the permit has been issued, subject thereafter, if applicable, to the provisions of this Zoning Ordinance regarding nonconforming structures (Section 5 - Nonconforming Uses).
 - c. Relationship to other Regulations. These regulations recognize other Village regulations pertaining to signage. Where any provision of this Section covers the same subject matter as other regulations, the more restrictive regulation shall apply.
6. Prohibited Signs. The following signs are prohibited in all areas of the Village:



- a. Attention Getting Devices, including searchlights, pennants, banners, propellers, spinners, streamers, balloons, and similar devices;
 - b. Moving Signs. Moving signs shall not include barber poles, electronic message signs, flags, street clocks, and other signs as established by this Section;
 - c. Off Premises signs;
 - d. Painted wall signs, except as specifically permitted by the Village Board;
 - e. Pole Signs;
 - f. Portable signs, except as specifically permitted in this Section.
 - g. Roof Signs;
 - h. Signs with more than two (2) sign faces;
 - i. Signs that are a traffic hazard;
 - j. Signs that are animated or supported by manufactured air pressure;
 - k. Temporary window signs in excess of twenty-five (25) percent of total window area (defined as window area located between architectural features (piers));
 - l. Vehicle signs;
 - m. Signs placed in vehicles containing more than six (6) square feet in total size;
 - n. Other signs as may be prohibited in the Beecher Village Code.
7. Permitted Locations. All signs shall comply with the following standards:
- a. Public Property. Signs may only be placed on public property by a government agency or as authorized in this Section. Any sign placed on public property without authorization by the Village may be removed without notice.
 - b. Private Property. Signs may only be placed on private property with prior consent of the property owner and, if applicable, pursuant to an approved building permit issued by the Zoning Administrator.
8. Prohibited Locations. In addition to the setback requirements of this Section, and the other restrictions of this Zoning Ordinance, all signs shall comply with the following standards:
- a. A minimum clear sight distance at all intersections shall be in accordance with provisions for a Clear Vision Triangle as defined in this Section. Signs found to otherwise be a visual obstruction by the Zoning Administrator shall be removed.
 - b. Signs shall not block or interfere with building features necessary for safety or convenient ingress or egress, including doors, windows, fire escapes, or required exit-ways;
 - c. A sign mounted on the exterior of a building shall not conceal any windows, doors, or unique architectural features. This standard does not apply to window signs.
 - d. Signs may not be in or over public rights-of-way, except:
 - i. traffic control signs installed by a governmental entity or which are required to be installed by a governmental entity;
 - ii. signs posted by governmental entities that support event or emergency management, such as wayfinding to event or disaster relief locations;
 - iii. banners posted by the Village on utility or light poles.
 - iv. signs constructed by the Village or another governmental or quasi-governmental entity pursuant to terms and conditions set forth in an approved intergovernmental agreement with the Village.

- v. Signs may not be located within easements for overhead utilities (placement in other utility easement areas is allowed only if approved by the utility service provider and if the other applicable requirements of this Zoning Ordinance are met).
9. Prohibited Design Elements. The following elements shall not be used as an element of signs or sign structures, whether temporary or permanent:
- a. Flashing lights;
 - b. Motor vehicles, unless:
 - i. the vehicles are functional, used as motor vehicles, and have current registration and tags;
 - ii. the display of signage is incidental to the motor vehicle use; and
 - iii. the motor vehicle is properly parked in a marked parking space or is parked behind the principal building.
 - c. Semi-trailers, shipping containers, or portable storage units, unless:
 - i. the trailers, containers, or portable storage units are functional, used for their primary storage purpose, and, if subject to registration, have current registration and tags;
 - ii. the display of signage is incidental to the use for temporary storage, pick-up, or delivery; and
 - iii. the semi-trailer is parked in a designated loading area or on a construction site at which it is being used for deliveries or storage.
 - d. Sound, smoke, or odor emitters; and
 - e. Spinning or moving parts.
10. Prohibited Content. The following content is prohibited without reference to the viewpoint of the individual source (the narrow classifications of content that are prohibited by this Section are either not protected by the United States or Illinois Constitutions, or are offered limited protection that is outweighed by the substantial governmental interests in protecting the public safety and welfare):
- a. Text or graphics that present a clear and present danger due to their potential confusion with traffic control signs or signs that provide public safety information (for example, signs that use the words "Stop," "Yield," "Caution," or "Danger," or comparable words, phrases, symbols, or characters in such a manner as to imply a safety hazard that does not exist);
 - b. Text or graphics of an indecent or immoral nature and harmful to minors;
 - c. Text or graphics that advertise unlawful activity; or
 - d. Text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats.
11. Prohibited Mounts. No sign, whether temporary or permanent, shall be posted, installed, or mounted on any of the following locations:
- a. Trees; or
 - b. Utility poles (including light poles, or on utility cabinets, except signs posted by the Village or the utility provider that are necessary for public safety or identification of the facility by the utility provider).
12. Variances. Variances to sign regulations may be granted by the Village of Beecher

provided that:

- a. The procedures and standards for Variances (Section 3 – Administration and Enforcement) are followed;
 - b. In addition to the Standards for Variance (Section 3-4.3 Variations) of this Zoning Ordinance, the Village shall consider the extent to which the sign is necessarily visible from the adjacent right of way. Lack of visibility as may be caused by the standards of this Section may be considered a hardship as part of the Village’s consideration.
13. Regulations for Non-Conforming Signs. Legally permitted signs installed prior to the adoption date of this Section may be allowed to continue as an accessory structure on the Lot on which they are located subject to Section 11-20 Legal Nonconforming Signs.

11-6 SIGN PERMITS.

1. It shall be unlawful for any person to erect, construct, alter, or locate any sign or part of a sign in the Village of Beecher without first obtaining a sign permit from the Zoning Administrator and paying the required fee. The routine maintenance or changing of parts is permissible, provided that such change does not alter the surface area, height, copy, or otherwise make the sign non-conforming.
2. Upon receipt of a sign permit, the Village may evaluate whether the existing signage and sign components are conforming to past permits issued or existing regulations, and if not, that the non-conforming or illegal signs shall be removed prior to issuance of the new permit.
3. All construction, relocation, enlargement, alteration, and modification of signs within the Village shall conform to the requirements of this Section, as well as all State and Federal regulations concerning signs and advertising.
4. Signs that Do Not Require a Sign Permit. Signs are approved by issuance of a sign permit. However, there are some signs that do not require a sign permit. The following signs do not require a sign permit but may require a building or electrical permit or other related permit (if subject to building or electrical regulations of the Village Code). The Village may require applicants to submit photometric (lighting) plans demonstrating compliance with this Section as a condition to issuance of a sign permit. Temporary signs that do not require permits shall still comply with the standards of this Section, and those of Section 4 General Provisions.
 - a. A-Frame Signs;
 - b. Bumper Stickers. Bumper stickers on vehicles;
 - c. Carried Signs. Signs that are being carried by people (however, such signs are not exempt if they are set down or propped on stationary objects);
 - d. Flags. Flags that are not larger than thirty (30) square feet in area that are affixed to permanent flagpoles or flagpoles that are mounted to buildings (either temporary or permanent);
 - e. Interior Signs. Signs intended to provide information for interior use of a property and that are not visible from adjoining property or public rights-of-way;
 - f. Official and Legal Notice. Official and legal notice signs that are issued by any court, public body, person, or officer in performance of a public duty, or in giving any legal notice;

- g. Outdoor Political Campaign Signs. Other than regulations as to size, nothing in this Section prohibits the display of outdoor political campaign signs on private commercial and/or residential properties;
- h. Feather Signs. Up to two (2) feather signs are permitted per zoning lot. All Feather signs must be removed and stored indoors each night after sunset.
- i. Signs with De Minimus Area. Signs that are affixed to a building or structure (even if wall signs are not permitted in the district or for the use), which do not exceed one (1) square foot in sign area, provided that only one (1) such sign is present on each elevation that is visible from public rights-of-way or neighboring property; and signs that are less than three-fourths ($\frac{3}{4}$) of a square foot in area that are affixed to machines, equipment, fences, gates, walls, gasoline pumps, public telephones, or utility cabinets.
- j. Traffic Control Signs. Traffic control signs and other signs related to public safety that the Village or another jurisdiction installs or requires a developer to install;
- k. Window Displays. Merchandise, fixtures, or models of products incorporated into a window display.

11-7 SIGN MEASUREMENT STANDARDS.

The following standards shall control the measurement of sign area and sign height.

1. Gross Sign Area.
 - a. Gross Sign Area is calculated as the area within a continuous perimeter with up to eight (8) straight sides that encloses the limits of text and graphics of a sign, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign's message from the background against which it is placed.
 - b. Gross Sign Area excludes the structure upon which the sign is placed (unless the structure is an integral part of the display or used to differentiate it), but includes any open space contained within the outer limits of the display face of a sign, or between any component, panel, strip, or figure of any kind composing the display face, whether this open space is enclosed by a frame or border or not.
 - c. For double-faced signs, only one display face is measured if the sign faces are parallel or form an interior angle of less than forty-five (45) degrees, provided that the signs are mounted on the same structure. If the faces are of unequal area, then Gross Sign Area is equal to the area of the larger face.
2. Sign Face.
 - a. Wall Signs. A two-dimensional area on the facade of a building that describes the largest square, rectangle, or parallelogram which is free of architectural details.
 - b. Window Signs. The area of glass within a window frame.
 - c. Other Signs. The area of the face of the sign which is designed to be used for text and graphics (the gross sign area does not include the sign's supporting frame or structure, if any, provided that such frame or structure is not designed to display text or graphics).
3. Signable Area Ratio. Signable area ratio is the sign area divided by the gross sign area. It is expressed as a percentage (%).

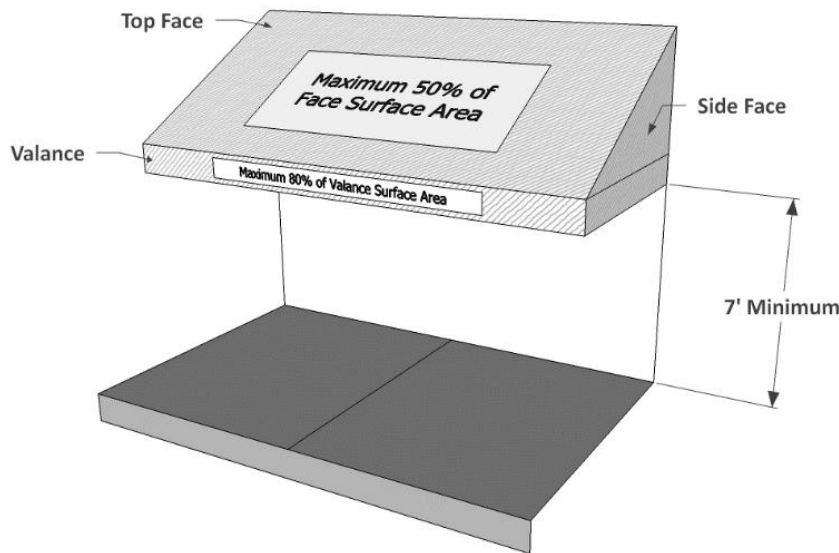
4. Relationship Between Maximum Sign Area and Maximum Signable Area Ratio. Where both a maximum sign area and a maximum signable area ratio are set out, the standard that results in a polygon that encloses all of the text and graphics and framing that differentiates them from the wall.
5. Measurement of Height for Freestanding Signs. The vertical distance to the top of the sign face or sign structure, whichever is higher, measured from the elevation of the average grade around the base of the sign.

11-8 SIGNS REQUIRING A PERMIT.

Permanent signs identified in this Section shall be allowed in the Village of Beecher, subject to the regulations of this Section, provisions of the Village Code, and receipt of a sign and/or building permit as may be approved by the Zoning Administrator.

1. Awning Signs. Awnings that do not display signs are not subject to the regulations of this Section.
 - a. Location. Awning signs are allowed in the B-1, B-3, and I-1 zoning districts, and in all residential districts for multi-unit dwelling uses and non-residential uses.
 - b. Size.
 - i. Eighty (80) percent of maximum valance area for copy and graphics on valance;
 - ii. Fifty (50) percent of maximum top surface area for copy and graphics on top surface areas.
 - iii. No signs shall be located on the side surface areas of an awning.
 - c. Additional Regulations.
 - i. One sign is permitted per awning top surface area.
 - ii. Awning signs shall be displayed on awnings constructed out of durable, weather-resistant material such as canvas, nylon, vinyl-coated fabric, or metal.
 - iii. Awning with signs and awning signs shall be generally aligned with awning and awning signs that are attached to adjacent storefronts or buildings to maintain a sense of visual continuity.
 - iv. Awning signs shall not be backlit or otherwise internally illuminated.

- v. All awnings shall be constructed and erected so that the lowest portion thereof shall be not less than seven (7) feet above the level of the adjacent sidewalk.



2. Canopy-Mounted Signs.

a. Location.

- i. Canopy-mounted signs are allowed in the B-1, B-3, and I-1 zoning districts, and in all residential districts for multi-unit dwelling and uses non-residential uses.

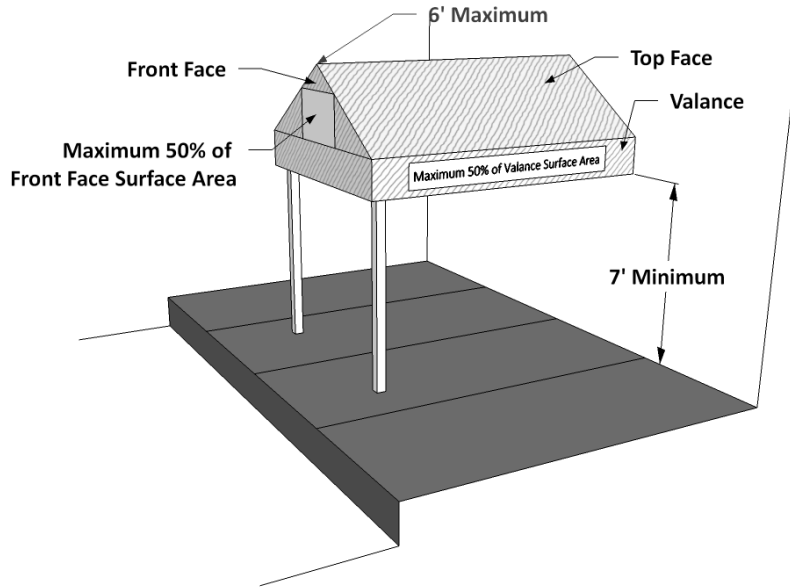
b. Size.

- ii. Front Face - Any sign located on the front face of a canopy may take up a maximum of fifty (50) percent of the total front face surface area.
- iii. Any sign located on the front face of a canopy of a Gas/Fueling Station may take up a maximum of twenty-five (25) percent of the total front face surface area.
- iv. Top Face - No signs are allowed on the top face of any canopy.
- v. Valance - Any sign or words on the valance of a canopy may take up a maximum of fifty (50) percent of the total valance surface.
- vi. Any sign located on the valance of a canopy of a Gas/Fueling Station may take up a maximum of twenty-five (25) percent of the total valance surface area.

c. Additional Regulations.

- vii. The canopy upon which the canopy-mounted sign is displayed may project from the front, side, rear, or corner side façade of the building to which it is attached and shall not project more than six feet.
- viii. The canopy upon which the canopy-mounted sign is displayed shall be located at least seven feet above grade, and the canopy-mounted sign shall not extend below the lowest point of the canopy on which it is displayed.

c.



3. Signs Adjacent to Drive-Through Lanes.

a. Location.

- i. Signs adjacent to drive-through lanes are allowed for any drive-thru establishment in the B-1 and B-3 districts.
- ii. Menu board signs shall be located a minimum of fifteen (15) feet from any residential zoned lot line.

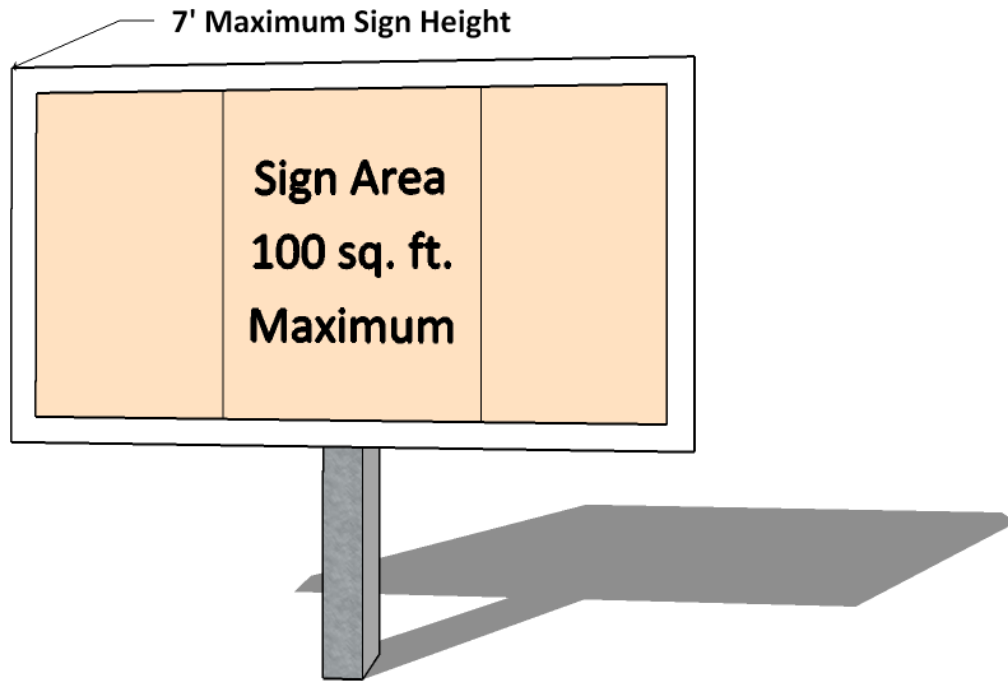
b. Size.

- i. Signs Adjacent to drive-through lanes shall not exceed one hundred (100) square feet in area and seven (7) feet in height.

c. Additional Regulations.

- i. Signs Adjacent to Drive Through Lanes signs may be displayed as wall signs, monument signs or pole signs.
- ii. Up to two (2) signs adjacent to drive-through lanes are allowed per drive-through lane and shall when added together not exceed the total size allowed for one such sign.
- iii. Internally illuminated menu board signs are allowed only in accordance with Section 11-5.2 – Illumination of Signs.

- iv. Menu boards may include an electronic screen to display information to customers.



4. Monument Signs.

a. Location.

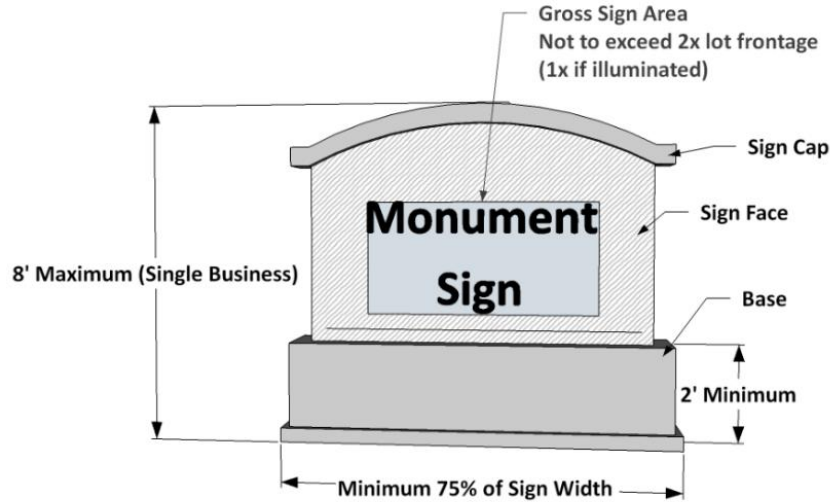
- i. Monument signs are allowed in all zoning districts.
- ii. In residential zoning districts, two monument signs are allowed per subdivision or development access, located on commonly owned private open space or in right-of-way areas as approved by the Village Board.
- iii. In B-1, B-3, and I-1 zoning districts, one ground sign (monument) is permitted per principal structure.

b. Size.

- i. In residential zoning districts permitted monument signs shall meet the following requirements.
 - (1) The Sign Face may be up to thirty-two (32) square feet.
 - (2) Gross sign area shall be a maximum of sixty (60) percent of the sign face.
 - (3) The maximum sign height shall be six (6) feet.
- ii. In B-1, B-2, and B-3 zoning districts permitted monument signs shall meet the following requirements.
 - (1) Where the property has multiple road frontages, the largest shall be used to calculate sign area.
 - (2) In no case shall gross sign area exceed one hundred (100) square feet in size.
 - (3) In no case shall a sign located on a property with a single business exceed

eight (8) feet in height.

- (4) In no case shall a sign for a development with multiple tenants exceed fifteen (15) feet in height.



- iii. In industrial (I-1) zoning districts, permitted monument signs shall meet the following requirements.
- (1) Where the property has multiple road frontages, the largest shall be used to calculate sign area.
 - (2) In no case shall sign area exceed one hundred (100) square feet in size.
 - (3) In no case shall a sign located on a property with a single business exceed eight (8) feet in height.
 - (4) In no case shall a sign for a development with multiple tenants exceed fifteen (15) feet in height.
 - (5) Sign height shall include the required base.
 - (6) On properties of ten (10) acres or greater, a monument sign may be up to eighteen (18) feet in height and two hundred fifty (250) square feet.

c. Additional Regulations.

- i. No portion of a sign may extend over a property line.
- ii. Monument signs shall be located a minimum of five (5) feet from any front or corner side lot line, and ten (10) feet from any interior side lot line.
- iii. Base:
 - (1) Landscape. All monument signs shall provide landscaping around its base. Landscape must extend a minimum of three (3) feet from the sign base on all sides as approved by the Zoning Administrator or designee, who will require a mix of evergreen and deciduous small shrubs a minimum of eighteen (18) inches in height at planting, and perennials and annuals under the sign face. The remainder of the required landscape area on the sides must be planted with a mix of larger ornamental deciduous or

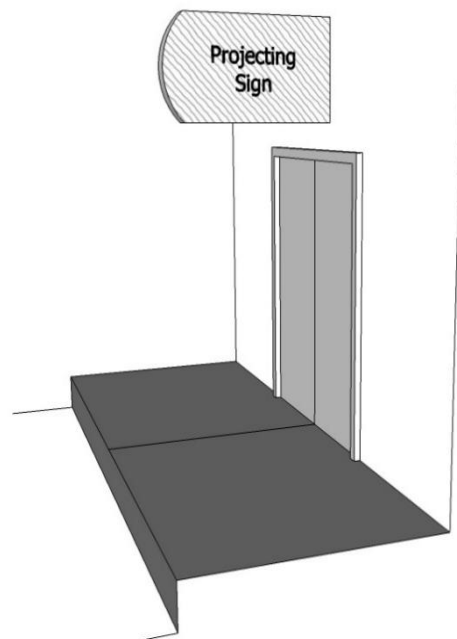
evergreen trees or shrubs, perennials, or other live groundcover. All landscape beds must be spade-edged and mulched with a minimum of three (3) inches of hardwood ground cover material.

- (2) Monument signs shall be mounted on a base made of decorative masonry or stone.
- (3) The sign base shall be a minimum of two (2) feet in height.
- (4) The sign base of any monument sign shall be a minimum of seventy-five (75) percent of the width of the sign.

5. Projecting (Blade) Signs.

- a. Location: Projecting signs are allowed in the B-1 and B-3 zoning districts.
- b. Size: Projecting signs shall be not more than eight (8) square feet.
- c. Additional Regulations.

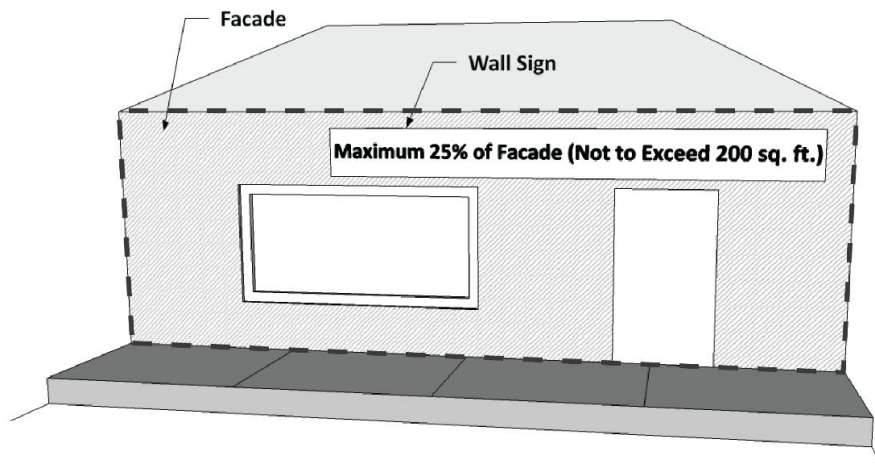
- i. One (1) projecting sign is allowed per ground floor tenant, except that establishments located in a corner unit may have two breezeway signs if there are two entry doors.
- ii. A projecting sign shall be located at least eight (8) feet above grade.
- iii. A projecting sign may be attached to the under-side of a covered walkway or extend perpendicular to the face of the building, in which case they shall not extend more than four (4) feet from the face of the building to which it is attached.
- iv. A projecting sign is allowed under a covered walkway in a shopping center.



6. Wall Signs.

- a. Location.
 - i. Wall Signs are allowed in all zoning districts.
 - ii. In Residential Districts, wall signs shall be allowed only for non-single-family uses.
 - iii. In Residential Districts, one (1) wall sign is allowed per building.
 - iv. In B-1, B-3, and I-1 zoning districts, one (1) wall sign is permitted per individual tenant space in a multi-tenant structure.
- b. Size.
 - i. In residential zoning districts, permitted wall signs shall meet the following requirements.
 - (1) The gross sign area shall not exceed ten (10) percent of the wall area to which the sign is affixed.

- (2) No sign shall exceed one hundred (100) square feet.
- ii. In B-1 and B-3 zoning districts permitted wall signs shall meet the following requirements.
- (1) Wall signs shall not exceed twenty-five (25) percent of the square footage of the façade on which the sign is located (façade is defined as including glass area within the wall on which the sign is to be affixed).
 - (2) In no case shall a wall sign exceed one hundred (100) square feet in area.
 - (3) For one-story multi-tenant commercial buildings (shopping centers), each tenant space is allowed one (1) wall sign equal in area to twenty-five (25) percent of the front façade of the leased tenant space. In no case shall said sign exceed two hundred (200) square feet.



- (4) One (1) additional wall sign shall be allowed on a second facade (sides of the building not facing the street and visible from a parking lot or second right of way) provided the sign on the second exposure may be no greater than the sign on the front facade.
- (5) In industrial (I-1) zoning districts, permitted wall signs shall meet the following requirements.
 - (a) For buildings containing a single user, the wall sign shall not exceed ten (10) percent of the square footage of the façade on which the sign is located (façade is defined as including glass area within the wall on which the sign is to be affixed). In no case shall said sign exceed one hundred (100) square feet in area.
 - (b) For multitenant buildings, each tenant space is allowed one wall sign equal in area to ten (10) percent of the front façade of the leased tenant space. In no case shall said sign exceed one hundred (100) square feet.
 - (c) One (1) additional wall sign shall be allowed on a second facade (sides of the building not facing the street and visible from a

parking lot or second right of way) provided the cumulative total area of both signs does not exceed the maximum allowable area for a single wall sign.

c. Additional Regulations.

- i. Wall signs shall not extend beyond the roof ridgeline of the building.

7. Manually Changeable Copy Signs.

a. Location. Manual Changeable Copy signs are allowed in the B-1, B-3, and I-1, and in all residential districts for multi-unit dwelling uses and non-residential uses.

b. Size. A manually changeable copy sign may be displayed as part of a monument or wall sign and shall not occupy more than fifty (50) percent of the total sign face of the monument of such sign.

c. Additional Regulations.

- i. Manually Changeable Copy signs in residential districts for multi-unit dwelling uses and non-residential uses located upon land less than three (3) acres in size shall be permitted subject to the following conditions:

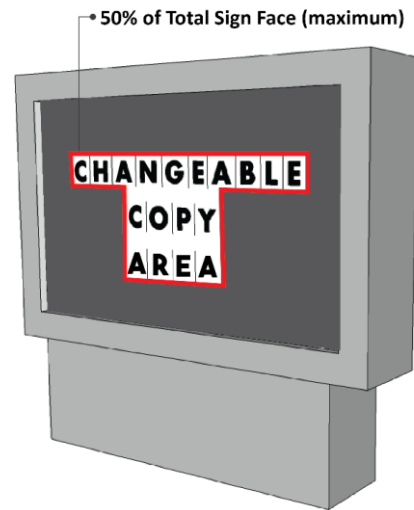
- (1) There shall be not more than one (1) such sign per lot.
- (2) No sign shall exceed twenty-four (24) square feet in area.
- (3) No sign shall be closer than eight (8) feet to any other lot.
- (4) The top of a sign shall not be higher than eight (8) feet above grade.

- ii. Manually Changeable Copy signs in residential districts for multi-unit dwelling uses and non-residential uses located upon a property of three (3) acres or more in size shall be permitted subject to the following conditions:

- (1) One (1) Manually Changeable sign, in the form of a monument sign, shall be permitted.
 - (a) Sign shall not exceed ten (10) percent of the lot's frontage or one hundred (100) square feet, whichever is less.
 - (b) Sign height shall not exceed six (6) feet.

- iii. Monument or wall signs which enclose the manual changeable copy message center sign shall all sides be finished of brick, stone, stucco, powder coated, or comparably finished metal. Gaps between the message center and the finish are permitted to accommodate locks and hinges for a cover for the changeable copy area, but only to the extent necessary for such locks and hinges to operate.

- iv. Manual changeable copy message centers, including their frames, shall make up not more than fifty (50) percent of the sign area. The balance of the sign area shall utilize permanently affixed letters or symbols.



- v. Gas / Fueling Stations may have a changeable electronic message board sign for that portion of the sign that displays the price of fuel.



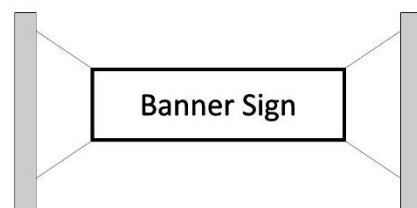
8. Electronic Message Signs.

- a. Location. Electronic Message signs, which may be displayed, as a part of a ground sign (monument), are allowed in the B-1, B-3, and I-1 zoning districts.
- b. Additional Regulations.
 - i. One (1) electronic message sign is allowed per property.
 - ii. No sign containing a Changeable Copy Sign may also contain an electronic message sign.
 - iii. Electronic message centers are only permitted on monument signs which enclose the electronic message center component on all sides with a finish of brick, stone, stucco, powder-coated (or comparably finished) metal, or the surface of the sign face.
 - iv. Electronic Message Signs shall change messages no more than once every thirty (30) seconds.
 - v. Electronic message signs shall display static messages that do not contain a light source that flashes, blinks, strobes, travels, chases, rotates, or changes in intensity, brightness, or color.
 - vi. Transitions between messages shall be instantaneous.
 - vii. Every Electronic Message Sign must have the capability to lower the intensity of the light being emitted after it is erected and must allow for day/night switching of light level intensity.
 - viii. Electronic message signs shall be designed to default to a static display in the event of mechanical failure.
 - ix. Photometric Plan. The Village may require applicants to submit photometric (lighting) plans demonstrating compliance with this Section as a condition to issue a sign permit.

9. Temporary Banner Signs.

a. Location.

- i. Banner signs are allowed for non-residential uses in all zoning districts and may be displayed attached to walls, displayed on windows, or displayed as a free-standing sign.



b. Size.

- ii. Banners attached to a building shall not exceed ten (10) percent of the wall area of the premises and in no case shall it exceed one hundred (100) square feet.
- iii. Banners displayed in windows may only be displayed if there are no other window signs and the banner covers no more than twenty-five (25) percent of the window area.
- iv. Banners displayed as free-standing signs shall be no more than thirty-two (32) square feet in size.

c. Additional Regulations.

- i. Banners displayed as free-standing signs shall be supported by a post on either side of the banner.
- ii. Banners displayed as free-standing signs may be located in front or side yards, a minimum of fifteen (15) feet from any property line.
- iii. One temporary banner sign is allowed per property in Residential Districts.
- iv. Banners are limited to a display period of sixty (60) calendar days, up to two (2) times per year per calendar year (up to a total of one hundred twenty (120) days per year).
- v. Banners shall not be illuminated.
- vi. Banners shall not project above the roof of the building to which it is attached.
- vii. Banners shall not encroach into the public right-of-way.
- viii. One banner is allowed per business, which may be displayed as a wall sign or window sign in commercial and industrial zoning districts.
- ix. Temporary signs shall not be displayed when weather conditions exist that may damage the sign or create a safety risk, such as high winds, heavy rain, or excessive snow.

10. Temporary Construction Signs.

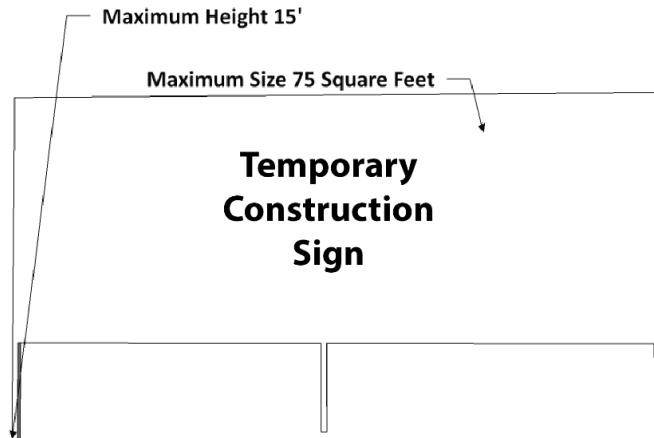
a. Location. Temporary construction signs are allowed in all zoning districts for nonresidential land uses.

b. Size. One Hundred (100) square feet each.

c. Additional Regulations:

- i. No temporary construction sign shall project higher than fifteen (15) feet above curb level.
- ii. No temporary construction sign shall be located nearer than twenty-five (25) feet to the property line upon which the sign is erected.
- iii. Temporary construction signs are allowed during initial development of a

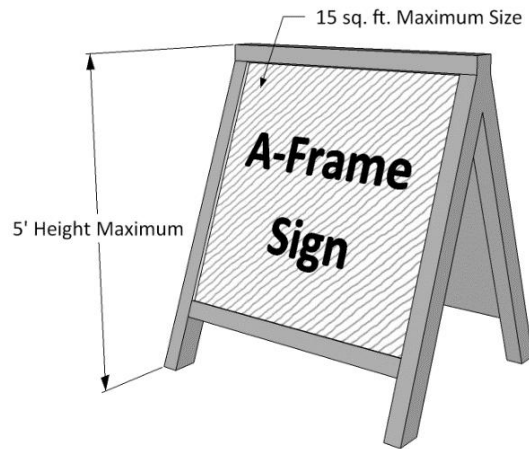
- property or structure.
- iv. The sign permits shall be issued only once an active building permit is issued for the site and shall be removed prior to issuance of a certificate of occupancy.
- v. Illumination is prohibited.



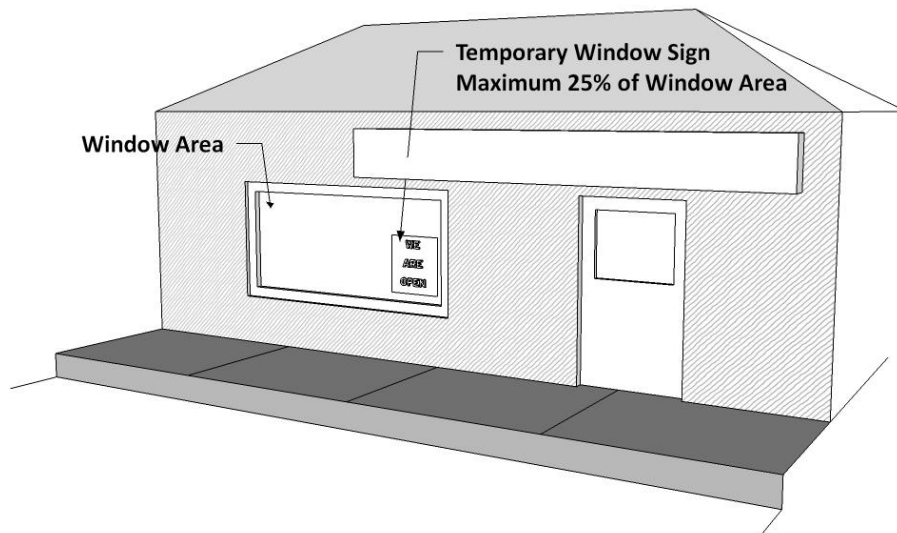
11-9 SIGNS NOT REQUIRING A PERMIT.

This Section sets out which forms of signs not requiring a permit are allowed in each zoning district, and the size and height standards that apply to them. These signs are allowed in accordance with the provisions of this Section, except that where other Sections of the Village Code regulate such signs, the more restrictive regulation shall apply.

1. A-Frame Signs.
 - a. Location. A-frame signs are allowed in B-1 and B-3 Zoning Districts.
 - b. Size.
 - i. The size of an A-Frame sign shall be calculated based on one face of the signs.
 - ii. A-frame signs shall be no larger than fifteen (15) square feet, nor exceed five (5) feet in height.
 - c. Additional Regulations.
 - i. A-frame signs may be located on private property only.
 - ii. A-Frame signs located on private sidewalks shall maintain at least four feet of sidewalk width and must not interfere with pedestrian traffic or accessibility per the Americans with Disabilities Act.
 - iii. A-frame signs must be located within ten (10) feet of the primary entrance of the business.
 - iv. One A-frame sign is allowed per business.



- v. A-frame signs may be displayed during operating hours of the business to which it is related.
 - vi. A-frame signs shall not be displayed when weather conditions exist that may damage the sign or create a safety risk, such as high winds, heavy rain, or excessive snow.
2. Window Signs.
- a. Location. Window signs are allowed in all Zoning Districts.
 - b. Size.
 - i. Window signs shall not occupy more than twenty-five (25) percent of the total ground floor window area on each building façade.
 - ii. Total window area on which to define permitted twenty-five (25) percent shall be the window area between the structural elements (pillars) defining the window area.
 - iii. Temporary Window signs shall not be located above the ground floor.
 - c. Additional Regulations.
 - i. Neon, LED, or any similar rope lighting shall not be permitted to outline or be used as a design feature in windows.
 - ii. Each business is allowed one illuminated sign per building frontage, which shall not exceed nine (9) square feet in total.
 - iii. No other lighting in the window is permitted.



3. Yard Signs.
- a. Location. Yard signs are allowed in all zoning districts.
 - b. Size.
 - i. In residential districts, yard signs shall not exceed eight (8) square feet in area per sign and four (4) feet in height.
 - ii. In non-residential districts, yard signs shall not exceed twenty (20) square feet in area per sign and eight (8) feet in height.
 - c. Additional Regulations.
 - i. Two (2) yard signs are allowed per street frontage.

- ii. The display of temporary signs shall be limited to a cumulative total of one hundred twenty (120) calendar days per calendar year per premises.
- iii. Yard signs shall be a minimum of five (5) feet from any property line.
- iv. Yard signs shall not create a hazard for any person or property.
- v. Yards signs placed in reference to construction work on premises must be in connection with an active, approved building permit, and shall be removed no later than ten (10) days after expiration of the building permit, or issuance of an occupancy permit, whichever occurs first.
- vi. Yard signs placed subject to sale or rent of a property shall be removed no later than seven (7) days after the sale, rental, or lease agreement signing for the subject property.
- vii. Yard signs placed in connection with a commercial sales event shall not be erected more than thirty (30) days prior to the event and shall be removed immediately after the termination of the event of activity.
- viii. Yard signs shall not be displayed when weather conditions exist that may damage the sign or create a safety risk, such as high winds, heavy rain, or excessive snow.

11-10 CONSTRUCTION REQUIREMENTS.

1. Date of erection, name of permittee, and voltage to be on sign. Every sign hereafter erected shall have painted in a conspicuous place thereon, in legible letters, the date of erection, the name of the permittee, and the voltage of any electrical apparatus used in connection therewith.
2. Wind pressure and dead load requirements. Any sign shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of net surface area; and shall be constructed to receive dead loads as required in the building code and other ordinances of the Village of Beecher.
3. Fireproof construction. No sign, the majority of the display area of which is within four (4) feet of any building, or which is greater than 18 square feet in area, shall be constructed at any location within the Village fire limits unless the face is constructed of noncombustible material.
4. Obstruction to doors, windows or fire escapes. No sign, retractable canopy or awning shall be erected, relocated or maintained so as to prevent free ingress to, or egress from, any door, window or fire escape. No sign, retractable canopy or awning of any kind shall be attached to a standpipe or fire escape.
5. Signs not to constitute traffic hazards. In order to obtain and secure reasonable traffic safety, it shall be unlawful for any person to erect or maintain any sign, retractable canopy or awning in such a manner as to obstruct free and clear vision, or as to distract the attention of the driver of any vehicle by reason of the position, shape, color or intensity thereof. Pursuant to the foregoing, no sign, retractable canopy or awning shall be erected or maintained in such manner as to likely to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or devise. Accordingly, no sign, retractable canopy or awning shall make use of the words "stop," "go," "look," "slow," "danger," or any other similar word, phrase, symbol, or character, or employ any red,

yellow, orange, green or other colored lamp or light, in such a manner as to interfere with, mislead, or confuse traffic.

11-11 INSPECTIONS.

The Building Inspector shall make inspections of signs as necessary, and for this purpose, has the right during business hours to enter the premises where a sign is maintained. If it is found that a sign is out of repair, unsafe, or nonconforming to this Section, the owner shall be notified in writing of the condition, and if the owner does not remedy the sign within thirty (30) days from the time of the service of the notice, the Building Inspector shall act in accordance with Section 11-17 Building and electrical codes.

11-12 NUISANCES.

Any sign displayed in violation of this Section is hereby deemed a public nuisance. Any sign, retractable canopy or awning which is immediately dangerous to persons or property is its existing condition, or which is declared to be a hazard by the Village of Beecher is hereby declared to be a nuisance and may be abated as such.

11-13 MAINTENANCE.

All signs, retractable canopies, and awnings shall be kept and maintained in a safe, neat and orderly condition and appearance, and shall be repainted or otherwise maintained periodically by the permittee to prevent corrosion or deterioration caused by weather or age, and to keep the same in safe, neat and orderly condition and appearance.

11-14 REMOVAL OF CERTAIN SIGNS.

Any sign, retractable canopy, or awning now or hereafter existing, which advertises a business no longer being conducted, or a product no longer being sold, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure or premises upon which such sign may be found, within thirty (30) days after receipt of written notice by the Village to so act. Upon failure to comply with such notice within the time specified in such order, the Building Inspector is hereby authorized to cause removal of such sign. Any expense incident thereto shall be paid by the owner, agent, or person having beneficial use of the building, structure, or premises to which such sign is attached.

11-15 UNSAFE AND UNLAWFUL.

If the Building Inspector shall find that any sign, retractable canopy or awning is unsafe or insecure or is a menace to the public, has been constructed or erected, or is being maintained in violation of the provisions of this Section, the Building Inspector shall give written notice of such finding to the permittee of the same. If the permittee fails to remove or alter the sign, retractable canopy, or awning so as to bring it into compliance with the standards established by this Section within thirty (30) days after receipt of such notice, such sign, retractable canopy or awning may be removed by the Village at the expense of the permittee. If upon reasonable and diligent search, the permittee cannot be found so that the notice described in this section cannot be given, then the Village may remove the sign, retractable canopy, or awning or, in the alternative, may send written notice of the Building Inspector's finding to the owner of the

building, structure of premises. If the owner then fails to remove or alter the sign, retractable canopy, or awning so as to bring it into compliance with the standards established by this Section within thirty (30) days after receipt of such notice, such sign, retractable canopy or awning may be removed by the Village at the expense of the owner. The Village may cause any sign, retractable canopy, or awning which the Building Inspector finds to be an immediate peril to persons or property to be removed summarily and without notice.

11-16 EXEMPTIONS AND ZONING RESTRICTIONS.

The provisions of this section regulating the location, placement, gross surface area, projection, height limitation, and number of signs or other advertising structures shall be subject to and may be further restricted by any applicable provision of the present or hereafter adopted zoning ordinance of the Village including provisions therein relating to nonconforming structures and uses.

11-17 BUILDING AND ELECTRICAL CODES.

All signs erected or constructed shall conform to all technical and structural requirements of the Village building and electrical codes.

11-18 PERMITS AND FEES.

1. A permit shall be obtained from the Building Inspector on written application therefore, by any person seeking to construct, erect or maintain any sign over three (3) square feet in area, except for temporary nonstructural signs. Such application shall be accompanied by plans and specifications which show the size, character, material, location, bracing, anchorage, support, means of attachment and other structural characteristics thereof, and of its frame and mounting. Prior to the issuance of a permit, the application plans and specifications shall be approved by the Building Inspector.
2. No permit shall be issued if the Building Inspector shall determine that the sign will constitute a hazard to traffic or the public by reason of obstruction of view, distraction, or endangering the safety of persons using public property. Any permit required elsewhere in this Code for electrical work in connection with any sign must be obtained in addition to the sign permit provided for in this section.
3. The fee to be charged for each permit issued pursuant to this Section shall be established by the Village of Beecher fee schedule in the Municipal Code, as may be amended from time to time.
4. Upon certification that a requested sign is in conformance with all the requirements and restrictions of this Section, the sign is located within a business or manufacturing/industrial zoning district, and all fees have been paid, the Building Inspector shall issue a permit for the erection or placement of the requested sign.

11-19 VARIATIONS.

1. Upon an application or permit to construct, alter, or maintain any sign which does not conform to the regulations of this Section, upon a finding by the Village Board that a particular hardship does exist, the Village Board may grant a variation in the application of the regulations of this Section but in harmony with the general purposes on intent of

this Section.

11-20 LEGAL NONCONFORMING SIGNS.

Signs which were erected on or before the enactment of this Ordinance and no longer conform shall be subject to the following provisions:

1. The size, shape, context, wording, and appearance of such sign shall not be changed or altered unless necessary to comply with this Section, as amended.
2. The sign face may be repaired or replaced, but not enlarged.
3. Regular maintenance may be conducted on the sign face and sign structure.
4. Existing poles signs may be replaced in place if damaged but no new pole signs shall be permitted.
5. If such damage or construction is less than fifty (50) percent of the construction cost of a comparable new sign, all repairs shall be completed within one hundred eighty (180) days from the date of the partial destruction.
6. If such damage or destruction is less than fifty (50) percent of the construction cost of a comparable new sign and repair construction is not completed within one hundred eighty (180) days from the date of partial destruction, then the damaged nonconforming sign shall not be restored unless the sign is made to conform to all regulations of this Section.
7. Such signs shall be properly maintained as required by this Section, but authorized maintenance shall not include the right to change or alter the size, shape, context, wording, or appearance of such sign.
8. No sign which projects more than twenty-four (24) inches into a public right-of-way shall be approved or erected.

11-21 – 99: RESERVED.

SECTION 12 PERFORMANCE STANDARDS

12-1 PURPOSE AND INTENT.

This Section provides that no commercial or manufacturing property (or structure) shall create dangerous, injurious, or noxious conditions that may adversely affect adjoining properties or surrounding areas. All uses permitted by this Section may be conducted so long as acceptable measures and safeguards are employed to limit potential adverse impacts to acceptable limits, as established by the following performance standards and other requirements of the Village of Beecher Municipal Code.

12-2 COMPLIANCE WITH PROVISIONS.

1. Any use established in the I-1 Limited Industrial District after the effective date of this Ordinance shall be so operated as to comply with these Performance Standards governing (1) noise; (2) vibration; (3) air pollution; (4) fire and explosion hazards; and (5) glare, as set forth hereinafter.
2. Uses already established on the effective date of this Ordinance shall be permitted to be altered, enlarged, expanded, or modified, provided that the additions or changes comply with the Performance Standards as outlined in this Section.

12-3 NOISE.

1. Shall apply to all non-residential uses.
2. Sound pressure levels shall be in keeping with current State of Illinois standards as prescribed by the Illinois Pollution Control Board (Subtitle H: Noise), as may be amended from time to time.
3. Exceptions. The following activity shall be exempted from the rules and regulations of this Subsection:
 - a. Sound emitted from emergency warning or safety devices.
 - b. Sound emitted from lawn care maintenance equipment used during daylight hours.
 - c. Sound emitted from vehicles, snowblowers, and similar equipment used for snow removal and hauling operations.
 - d. Sound emitted from equipment being used for construction between the hours of 7:00 a.m. to 7:00 p.m., of each day, or for such additional hours as may be authorized by the Zoning Administrator.
 - e. Sound emitted from trucks and vehicles entering or leaving industrial-zoned property, except as may be caused by idling engines, off-the-road vehicles, mixers on ready-mix concrete trucks, and trailer-mounted refrigeration units.

12-4 VIBRATION.

1. Shall apply to all non-residential uses.
2. Any process or equipment that produces intense earth-shaking vibrations - such as are created by drop forges, hydraulic surges, or other processes - shall be set back at least five hundred (500) feet from the property boundaries on all sides. However, in no case shall

such vibrations be allowed to create a Public Nuisance or hazard beyond the property boundaries.

3. Exceptions. The provisions of this Section shall not apply to sound emitted from equipment being used for permitted construction between the hours of 7:00 a.m. and 7:00 p.m., of each day.

12-5 AIR POLLUTION.

Any visual emissions, particulate matter emissions, odor, airborne toxic material, and other air pollution shall meet the current standards of the *Illinois Pollution Control Board; Title 35, Subtitle B, "Air Pollution", Chapter I, Pollution Control Board*, as may be amended from time to time.

12-6 TOXIC SUBSTANCES.

1. Toxic Substances Definition.
 - a. Highly Toxic Substances: A highly toxic substance is hereby defined as a chemical or substance that is listed as an Extremely Hazardous Substance by the Environmental Protection Agency (EPA), as may be amended from time to time.
 - b. Toxic Substance. Any gas, liquid, solid, semisolid substance, or mixture of substances, which if discharged into the environment could, alone or in combination with other substances is likely to be present in the environment, cause or threaten to cause bodily injury, illness or death to members of the general public through ingestion, inhalation, or absorption through any bodily surface. In addition, substances which are corrosive, irritants, strong sensitizers, or radioactive substances (other than highly toxic radioactive substances) shall be considered toxic substances for the purposes of this regulation.
2. Toxic Substances Regulation.
 - a. Highly Toxic Substances. The storage, use, or handling of highly toxic material shall be as required by all applicable regulations of the Illinois Pollution Control Board, the 2015 International Building Code (as adopted by the Village of Beecher), the National Fire Protection Association - National Fire Codes (as adopted by the Village of Beecher), and all other applicable Village regulations and ordinances, as adopted or amended from time to time.
 - b. Toxic Material. The use, storage, handling, or transport of toxic substances shall comply with applicable regulations of the Illinois Pollution Control Board, the National Fire Protection Association - National Fire Codes (as adopted by the Village of Beecher), the 2015 International Building Code (as adopted by the Village of Beecher), and all other applicable Village regulations and ordinances, as may be adopted or amended from time to time.
 - c. Permit Required. Any person, firm, or corporation engaged in the use, storage, handling, or transportation of Highly Toxic substances shall be required to obtain a permit from the Beecher Fire Prevention District. Permit applicants shall provide all information as determined necessary by the Beecher Fire District to ascertain compliance with the above-referenced and adopted rules and regulations. The Beecher Fire District shall make an inspection of the applicant's premises to determine such compliance prior to the issuance of the permit.

12-7 WATER POLLUTION.

All land uses shall comply with all applicable rules and regulations of the State of Illinois Pollution Control Board regarding water pollution, Title 35, Subtitle C, entitled "Water Pollution", as amended from time to time.

12-8 FIRE AND EXPLOSION HAZARD.

Materials that present potential fire and explosive hazards shall be transported, stored, and used only in conformance with all applicable federal, state, and Village laws and regulations.

12-9 STORAGE AND USE OF MATERIALS.

The storage, use, or manufacture of materials referenced in this Section shall be regulated as follows:

1. The storage, use, or manufacture of materials or products conducted within completely enclosed buildings shall be in keeping with the 2015 International Building Code or as adopted by the Village of Beecher and any other applicable Village codes and ordinances.
2. The storage or utilization of flammable liquids and gases shall be conducted only in accordance with all applicable federal, state, and Village laws.
3. All flammable liquid and gas storage tanks shall be a minimum of fifty (50) feet from all lot lines.
4. All equipment storage areas shall be graded for proper drainage and provided with an all-weather surfacing maintained at all times in such a manner as to prevent the release of dust and to be free of dust, trash, and debris.

12-10 ODOR.

The release of materials intrinsically odorous or capable of being odorous, either by bacterial decomposition or chemical reaction, which renders it perceptible from beyond the lot, shall be prohibited.

12-11 SEWAGE WASTE.

Sewers and sewage discharge shall meet the requirements of the 2015 International Building Code as adopted by the Village of Beecher, and all appropriate Village codes and ordinances and all applicable Illinois Environmental Protection Agency (IEPA) requirements.

12-12 ELECTRO-MAGNETIC INTERFERENCE.

Electromagnetic interference from any equipment or business operations shall not adversely affect the operation of any equipment located on adjacent or nearby properties.

12-13 GLARE.

All lighting shall meet the following requirements:

1. All lighting sources, on properties other than those zoned for single-family residential use, shall be arranged to reflect light away from adjoining properties in a manner that does not produce glare clearly visible beyond a property line so as to cause nuisance or impairment of vision. Glare is best reduced when the light source is not visible from

adjacent properties. Therefore, the use of lenses, deflectors, shields, louvers, or prismatic control devices shall be used to eliminate nuisance and hazardous lighting to facilitate compliance with this requirement.

2. In all residential zoning districts, no light source shall cause illumination in excess of one (1) foot-candle in residential districts at any property lot line.

12-14 – 99: RESERVED.

SECTION 13 MISCELLANEOUS USES

13-1 FLOOD PLAIN AREAS.

No building shall be erected in areas subject to flooding, as determined in the flood plain maps (Beecher Quadrangle - East and West) of the Northeastern Illinois Planning and Zoning Commission and FEMA, unless suitable provisions for drainage are approved by the Village Engineer, constructed, inspected, and accepted.

13-2 RECREATION TRAILERS, CAMPERS AND BOATS.

1. All trailers, recreation trailers, campers, and boats parked for more than three (3) consecutive days in residence districts shall be screened from view by fences or plantings or stored in an accessory building observing all yard and accessory building provisions of this Ordinance. Such vehicles shall not be connected to municipal utilities.
2. A trailer, recreational trailer, camper, or boat shall not be permitted in a Village easement, right-of-way, or in a front yard for more than three (3) consecutive days. Inoperable vehicles in open view are not permitted in any residence district for a period of more than three (3) consecutive days.

13-3 OPEN STORAGE.

The open storage of junk, refuse, scrap, disabled or damaged motor vehicles, whether awaiting repair or not, shall be prohibited in all residential and commercial zoning districts. Where open storage is permitted by this Ordinance, such storage shall be screened from public view, or an adjoining property, by an enclosed wall or solid fence not less than eight (8) feet in height.

13-4 HOME OCCUPATIONS.

In all Residence Districts, a home occupation shall be permitted without requiring a Special Use Public Hearing provided that:

1. It is conducted entirely within the dwelling by a person residing in the dwelling and only when such home occupation is incidental and secondary to the use of the dwelling for dwelling purposes.
2. The entrance to the space devoted to such occupation is from within the dwelling and the portion of the dwelling devoted to such occupation shall not exceed thirty (30) percent of the gross floor area of the dwelling.
3. There is no display, activity, or storage of equipment that will indicate from the exterior of the dwelling that it is being used in whole or in part for any use other than a dwelling.
4. No product assembled or made on the premises shall be offered for sale in any dwelling unit.
5. Teaching of musical instruments, arts and crafts, and dancing shall be conducted only in a single family detached dwelling and then, to not more than four (4) pupils at one (1) time.
6. There shall be no employees who are not residents of the home.
7. Deliveries shall only be accepted from general delivery services such as the U.S. Post Office, UPS, or similar service.

8. Vehicle or engine or auto repair, and auto sales, shall not be allowed as a home occupation.
9. Home occupations not meeting the above criteria shall be permitted by Special Use only.

13-5 TEMPORARY MODEL HOME REGULATIONS.

Temporary model homes shall be used primarily to offer for sale or rental dwelling units located within the same subdivision or Planned Development in which the model home is located. The following regulations shall govern the operation of a model home.

1. Upon request by the Village, the owners of the property shall provide information relating to the use of the model home, including, but not limited to, a record of sales or rentals made from the model home.
2. Building materials may be stored within the model home, but not upon the lot on which a model home is situated.
3. Sales offices, rental offices, and construction offices may be contained in a model home; provided that the appearance of the model home is not substantially different from that of the other dwelling units in the subdivision or planned development.
4. A temporary off-street parking lot may be permitted if recommended by the Zoning Administrator.
5. Exterior floodlights may be used to illuminate the model home; provided that lights are sufficiently screened so that private dwelling units and traffic are not adversely affected by the floodlights. The exterior floodlights shall be turned off no later than 10 p.m.
6. Signs shall be allowed as permitted in Section 11.
7. A model home shall be used in conformance with the applicable zoning or removed after the subdivision or planned development is completed or after a period of thirty-six (36) months, whichever comes first. Any parking or signage which existed in construction with the use of the model home shall be removed.

13-6 ANIMAL ENCLOSURES (DOG RUNS).

1. An animal enclosure is an area enclosed by fencing material prescribed in this Section, which is intended to impound on a full-time or part-time basis, any household pet or other animal legally permitted within the zoning district. Occupancy of the shelter shall be limited by the terms of the Village Code to no more than three (3) dogs. An animal enclosure may contain a dog house or other similar fully enclosed shelter not to exceed a total of eight (8) square feet in floor area. The shelter shall be constructed or located in such a manner as to prevent the escape of the animal which will occupy the animal enclosure.
2. Placement of the animal enclosure shall be limited to the rear yard of a zoning lot and shall conform to the side yard setback requirements of the zoning district in which the zoning lot is located, An animal enclosure shall be no larger than ten (10) feet wide and twenty (20) feet in length, measured perpendicular from the width. The maximum height of the fencing material may not exceed six (6) feet and fencing material shall be limited to wire mesh and chain-link fencing material. The surface of the enclosure shall be of concrete, asphalt, concrete paving blocks, or other impervious material as approved by the Village.

3. In any event that the homeowner or occupant no longer houses an animal on the property, the owner shall remove the animal enclosure no later than ninety (90) days of the date the animal is no longer housed on the property or upon notice to the Village that a dog license is not renewed for a dog housed on the property where an animal enclosure has been permitted.
4. All animal enclosures shall only be constructed on a zoning lot upon issuance of a Building Permit by the Village.

13-7 MANUFACTURED HOMES.

1. It is the intent of this Ordinance to allow Manufactured Homes meeting the definition of Dwelling, Single-Family as defined in the AG-I Agriculture District, R-E Residential Estate District, R-I Single-Family Residence District, R-2 Two-Family Residence District, and R-3 General Residence District in which similar dwellings constructed on a site are permitted.
2. There shall be a similarity in exterior appearance between such residentially designed manufactured homes and dwellings which have been constructed under these and other lawful regulations on adjacent lots in the same zoning district.
3. Standards.
 - a. Manufactured single-family detached homes shall not include a Mobile Home.
 - b. A Manufactured Home shall meet the standards of the most recently adopted Village Municipal Code and Building Code, when used as a place of human habitation.
 - c. Prior to issuing a Zoning Certificate for a Manufactured Home by the Zoning Administrator, the following conditions shall be in compliance:
 - i. A roof shall be pitched using a ratio of not less than three (3) to twelve (12) inches or greater and covered with durable material that is residential in appearance, including, but not limited to, approved wood, asphalt composition shingles, wood shake shingles, but excluding corrugated aluminum, corrugated fiberglass or metal roof.
 - ii. Exterior siding shall be residential in appearance and cannot have a high-gloss finish including, but not limited to, clapboard, simulated clapboard such as conventional vinyl or metal siding, wood shingles, brick or brick veneer or similar material but excluding smooth, ribbed or corrugated metal or plastic panels.
 - iii. The towing devices, hitches, axles, and wheels shall be removed.
 - iv. At each door (entrance or exit) of the Manufactured Home there shall be a permanent stoop that is not less than thirty-six (36) inches by thirty-six (36) inches.
 - v. The Manufactured Home shall be oriented on a zoning lot so that its long axis is parallel with the street. A perpendicular or diagonal placement may be permitted if there is a building addition or substantial landscaping so that the narrow dimension of the dwelling unit is not less than fifty (50) percent of the dwelling unit's long dimension.
 - vi. The zoning lot shall be landscaped to ensure compatibility with surrounding properties.
 - vii. The home shall not be less than twenty-eight (28) feet in width.

- viii. Recent photographs or brochures showing the front, side, and rear of the Manufactured Home shall be submitted when filing the application requesting the issuance of a Zoning Certificate.
- ix. All Manufactured Homes, in addition to the above, shall also be in compliance with all applicable codes and ordinances of the Village of Beecher.

13-8 COMMUNICATION AND OTHER TOWERS.

1. Intent To Provide for Communication Services. It is the intent of this ordinance to allow communication and other similar towers to serve the ever-changing technology in the field of personal and business communications for wireless communications as defined in the Telecommunications Act of 1996 which includes Federal Communications Commission (FCC) licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar services that currently exist or that may in the future be developed. The term tower shall include all communication towers, other antenna support structures, antennas, buildings/facilities, and any similar structures necessary for the provision of wireless communication services.
2. Policy of Collocation of Antenna and Antenna Arrays on Existing Structures. It is the policy of the Village to encourage the collocation of antenna and antenna arrays on existing structures including the existing water tower, the proposed water tower, and Farmers Cooperative Elevator. Location of an antenna/antenna array and related equipment shall be permitted as a special use pursuant to the provisions of this ordinance. A proposal for the location of a new tower or communication structure for the purpose of collocation of wireless communication antenna/antenna arrays to be occupied by two or more service providers (Within a reasonable time period as determined by the Board of Trustees) and which meets the location requirements and construction standards set forth in paragraph 4 below, may be permitted as a special use on any new water tower owned by the Village.
3. Restriction Upon the Location of New Towers Unless Standards Are Met. It is a policy of the Village to prohibit the location of any additional towers or other communications support structures within Village limits unless the applicant can demonstrate to the reasonable satisfaction of Planning and Zoning Commission and the Board of Trustees that the following conditions exist and the location of the proposed tower or other communication support structure meets the location requirements and construction standards as set forth in paragraph five (5) below:
 - a. There is no existing tower or other communication support structure located within the Village limits and the one-and-one-half (1½) mile jurisdictional planning area for which the applicant's proposed antenna or antenna array can be attached which meets the applicant's engineering requirements.
 - b. There is no existing tower or other support structure located within the Village limits and the one-and-one-half (1½) mile jurisdictional planning area having sufficient height to meet the applicant's engineering requirements.
 - c. There is no existing tower or other support structure located within the Village limits and the one-and-one-half (1½) mile jurisdictional planning area having sufficient structural strength to support the applicant's proposed antenna or antenna array.

4. Location Requirements, Construction Standards, and Other Conditions. All newly constructed towers, communication support structures, and any related equipment shall conform to the following location requirements, construction standards, and other conditions as follows:
 - a. Towers, not otherwise permitted in Subsection 13-8.2 above, shall be allowed as a special use in the AG-1 Agriculture, B-3 General Business, and I-1 Limited Industrial zoning districts. Towers shall be prohibited from the R-E Residential Estate, R-1 Single Family Residential, R-1A Single Family Residential, R-2 Two-Family Residence, R-3 Two-Family Residence, and B-1 Historic Downtown Business.
 - b. The minimum lot size shall contain one (1) acre of land area. All lots shall have a minimum of one hundred twenty-five (125) feet of road or street frontage.
 - c. The base of the tower or other communication structure shall be of the self-supporting pole type and not be of the construction which requires cable support of any type.
 - d. The tower must be setback from all property lines at a distance equal to its height, unless engineering plans and specifications have been verified by the Village Engineer that the structural integrity of the tower will withstand the maximum high wind service or Village Building Code specifications, and associated impacts, and the likelihood of a tower failure is minimal.
 - e. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than thirty (30) feet.
 - f. Accessory structures shall not exceed six hundred (600) square feet of gross building area.
 - g. All other requirements of the zoning district in which the tower is located shall be complied with.
 - h. Security to prevent unauthorized access shall be provided for all fence and building enclosures. A written agreement with the Fire District concerning access for fire safety shall be provided to the Village, prior to approval of the special use.
 - i. Engineering plans and specifications for the tower, prepared by a State of Illinois Registered Engineer specializing in structural engineering, shall be provided with the application for the special use.
 - j. Engineering plans and specifications for the tower mounting foundation and the foundation for structure shall be prepared by the State of Illinois Registered Engineer. These shall accompany the application for special use. Engineering plans shall include soil boring information for the site of the tower mounting foundation and any other foundation in excess of four (4) feet in depth. Soil conditions must be determined suitable for the tower mount foundation by the Village Engineer.
 - k. The applicant shall provide inspection and verification that the installation of the tower, mount, and foundation has been installed in compliance with the plans and specifications and all applicable codes and standards. Inspections and verification procedures shall be subject to approval of the Village.
 - l. All towers shall meet the standards of the Federal Aviation Administration, Federal Communications Commission, and any other applicable regulatory State of Illinois or Federal agency.

- m. Communication towers in excess of one hundred (100) feet in height above grade level shall be prohibited within a two (2)-mile radius of a public or private airport runway or helipad.
- n. No part of any tower shall be constructed, located, or maintained at any time, permanently or temporarily, on or upon any required setback area for the district in which the tower will be located. In no case shall a tower be located within thirty (30) feet of a property line.
- o. Metal towers shall be constructed of, or treated with, corrosive resistant material acceptable to the Village.
- p. Towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations, and standards.
- q. All attachments to any tower shall be designed to withstand the maximum uniform wind loading as prescribed in the Village Building Code.
- r. All signals and remote-control conductors extending substantially horizontally above the ground between the tower and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried safety equipment.
- s. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned or leased by the applicant, including fire safety equipment.
- t. The base of the tower shall occupy no more than five hundred (500) square feet of area.
- u. Minimum spacing between tower locations shall be one (1) mile in order to prevent a concentration of towers in one area.
- v. Height of the tower shall not exceed three hundred (300) feet, and no tower located within five hundred (500) feet of any residential area shall exceed one hundred seventy-five (175) feet in height from grade.
- w. Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
- x. Existing on-site vegetation shall be preserved to the maximum extent possible.
- y. There shall not be displayed advertising or identification of any kind intended to be visible from the ground mounted on the tower or other structures, except for emergency purposes.
- z. Any attachments to the tower shall be painted to match the exterior treatment of the tower. The chosen paint scheme should be designed to minimize off-site visibility of the tower as determined by the Village.
- aa. All structures shall be subject to any state and federal regulations concerning nonionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the tower shall be made to conform to the extent required by such standards or the special use approval will be subject to revocation by the Village Board. Costs for testing and verification or compliance shall be borne by the owner of the tower.
- bb. There shall be no employees located on the site on a permanent basis to service or maintain the tower or attachments, unless specifically approved as part of the special use approval. Occasional or temporary repair and service activities are excluded from

this restriction.

- cc. All parking and drive areas must be paved with material meeting the standards of the Village.
 - dd. A vegetative buffer shall be required where the property adjoins any residentially zoned property or land use. The tower owner shall plant two (2) alternating rows of evergreen trees with a minimum height of five (5) feet on twenty (20)-foot centers along the entire perimeter, and twenty (20) feet beyond but no further than the property line, of the tower and structure, to provide a visual sight barrier from the adjoining residential zoned properties and the tower and structures. In no case shall the evergreens be any closer than ten (10) feet to the tower or structure.
5. The tower shall be removed by the property owner or property lessee within six (6) months of being abandoned. Notice of the abandonment of the tower shall be provided to the Village ninety (90) days prior to abandonment.
 6. The applicant shall incur all costs associated with the Village review of the application for the special use.

13-9 INOPERABLE VEHICLES/VEHICLE REPAIR.

Inoperable vehicles or vehicles in need of repair shall not be parked in the front yard longer than seven (7) days on property zoned for automobile repairs. Such repairs shall be prohibited in all other districts.

13-10 AGRICULTURAL PROCESSING PLANTS.

Agricultural processing plants in any district which process agricultural products produced on the premises or within a contiguous area shall be so located as to provide convenient trucking access with a minimum of interference to normal traffic; and shall provide parking and loading spaces. Proponents shall show that adequate measures shall be taken to control odor, dust, noise and water disposal so as not to constitute a nuisance and shall show that the proposed source of water will not deprive others of normal supply.

13-11 ANIMAL FEED YARDS.

Animal feed yards, animal sales yards, riding academies and public stables shall be located no closer than two-hundred (200) feet from any property line; shall provide automobile and truck egress; and shall provide parking and loading spaces, so designed as to minimize traffic hazard and congestion. Proponents shall show that odor, dust, noise, and drainage shall not constitute a nuisance or a hazard to adjoining property or uses.

13-12 ANIMAL HOSPITALS.

Animal hospitals shall be located no closer than one hundred (100) feet to any residential district, restaurant, hotel, or motel in any district, and shall show that adequate measures and controls shall be taken to prevent offensive noise and odor. No incineration of refuse shall be permitted on the premises.

13-13 CEMETERIES.

It is unlawful for any person to establish a cemetery or to bury any person within the Village limits, or within one and one half (1.5) miles of the Village limits, except in an established cemetery. Cemeteries, crematories, and mausoleums shall provide entrance on a major street or road with ingress or egress so designed as to minimize traffic congestion; shall provide required off-street parking space; and shall provide a minimum six-foot-high wall or minimum three-foot-thick, six-foot-high evergreen hedge, or provide a minimum twenty (20) feet of permanently maintained planting strip on all property lines abutting any residential zoning district or residential street.

13-14 GOLF COURSES AND COUNTRY CLUBS.

The following shall apply to county clubs and golf courses:

1. No building shall be located within one hundred (100) feet of any residential district.
2. Facilities such as restaurants and bars may be permitted when conducted and entered from within the building.
3. Swimming pools, tennis courts, and the like shall be located not less than twenty-five (25) feet from any property line, and adjoining property in any residence or commercial district shall be effectively protected by a wall, hedge and/or screen planting.

13-15 DAY CARE CENTERS.

Day care centers/schools having more than five (5) children shall maintain a solid board, chain-link, or masonry fence no more than six (6) feet high on any property line abutting a residential district. A day nursery school shall be located only on a lot of at least ten thousand (10,000) square feet in area.

13-16 ADULT ENTERTAINMENT FACILITIES.

Adult entertainment businesses, meeting the definition of adult entertainment business as set forth in Section 14 – Rules and Definitions, or those similar in character, shall be subject to the following special provisions:

1. All business shall be the principal use of a building located in the B-3 General Business District.
2. No business shall be located within 1,000 feet, measured from the perimeter of the building to the lot line of a zoning lot containing a residential, commercial or public building.
3. All business shall be conducted in an enclosed building having an occupancy of less than 25 persons, as determined by the Chief of the Beecher Fire Protection District based on nationally recognized occupancy standards established by the National Fire Insurance Board or equivalent nationally recognized professional building or fire protection standard organization.
4. Any building used may not have more than forty percent (40%) of the floor area devoted to storage purposes incidental to such primary use.

13-17 ADULT USE CANNABIS.

1. Purpose and Applicability: It is the intent and purpose of this Section to provide

regulations regarding the cultivation, processing, and dispensing of adult-use cannabis occurring within the corporate limits of the Village of Beecher. Adult-Use Cannabis Business Establishments shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (“Act”), as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the State or Village regulations shall apply. Adult-Use Cannabis Craft Grower; Adult-Use Cannabis Cultivation Center; Adult-Use Cannabis Dispensing Organization; Adult-Use Cannabis Infuser Organization; Adult-Use Cannabis Processing Organization; Adult-Use Cannabis Transporting Organization; on-site consumption or use; and the retail sale of cannabis products are prohibited uses in all zoning districts except as specifically provided in this Ordinance.

2. Adult-Use Cannabis Business Establishment requiring approval of a special use in the respective districts in which they are requested shall be processed in accordance with Section 12-6 and as provided herein. In further determining compliance with Section 12-6, the following components of the Adult-Use Cannabis Business Establishment shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:
 - a. Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property;
 - b. Proposed structure in which the facility will be located, including co-tenancy (if in a multi-tenant building), total square footage, security installations/security plan, and building code compliance;
 - c. Hours of operation and anticipated number of customers/employees;
 - d. Anticipated parking demand based on Section 10 – Parking and available private parking supply;
 - e. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways;
 - f. Site design, including access points and internal site circulation;
 - g. Proposed signage plan; and
 - h. Compliance with any specific requirements provided hereinafter for Adult-Use Cannabis Craft Grower; Adult-Use Cannabis Cultivation Center; Adult-Use Cannabis Dispensing Organization; Adult-Use Cannabis Infuser Organization; Adult-Use Cannabis Processing Organization; and Adult-Use Cannabis Transporting Organization as applicable.
3. Adult-Use Cannabis Craft Grower Special Use Additional Requirements: In I-1 and AG-1 zoning districts, Adult-Use Cannabis Craft Grower may be allowed by Special Use, and such proposed Facility must comply with the following:
 - a. Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section;
 - b. Facility may not be located within 1,500 feet of the property line of a pre-existing property zoned or used for residential purposes; and

- c. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
4. Adult-Use Cannabis Cultivation Center Special Use Additional Requirements: In AG-1 zoning districts, Adult-Use Cannabis Cultivation Center may be allowed by Special Use and such proposed Facility must comply with the following:
- a. Facility may not be located within one thousand five hundred (1,500) feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section;
 - b. Facility may not be located within one thousand five hundred (1,500) feet of the property line of a pre-existing property zoned or used for residential purposes; and
 - c. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
5. Adult-Use Cannabis Dispensing Organization Special Use Additional Requirements: In B-1 and B-3 zoning districts, Adult-Use Cannabis Dispensing Organization may be allowed by Special Use, and such proposed Facility must comply with the following:
- a. Facility may not be located within one thousand five hundred (1,500) feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, church, or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section;
 - b. Facility may not be located in a dwelling unit or within two hundred fifty (250) feet of the property line of a pre-existing property zoned or used for residential purposes;
 - c. At least seventy-five (75) percent of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall also sell food for consumption on the premises other than as authorized herein in the same tenant space; and
 - d. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
6. Adult-Use Cannabis Infuser Organization Special Use Additional Requirements: In B-3 and I-1 zoning districts, Adult-Use Cannabis Infuser Organization may be allowed by Special Use, and such proposed Facility must comply with the following:
- a. Facility may not be located within one thousand five hundred (1,500) feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section;
 - b. Facility may not be located in a dwelling unit or within two hundred fifty (250) feet of the property line of a pre-existing property zoned or used for residential purposes;
 - c. At least seventy-five (75) percent of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Act; and

- d. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
7. Adult-Use Cannabis Processing Organization Special Use Additional Requirements: In I-1 and AG-1 zoning districts, Adult-Use Cannabis Processing Organization may be allowed by Special Use, and such proposed Facility must comply with the following:
 - a. Facility may not be located within one thousand five hundred (1,500) feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section;
 - b. Facility may not be located in a dwelling unit or within two hundred fifty (250) feet of the property line of a pre-existing property zoned or used for residential purposes;
 - c. At least seventy-five (75) percent of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Act; and
 - d. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
8. Adult-Use Cannabis Transporting Organization Additional Requirements: In B-3 and I-1 zoning districts, Adult-Use Transporting Organization may be allowed by Special Use, and such proposed Facility must comply with the following:
 - a. Facility may not be located within one thousand five hundred (1,500) feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section;
 - b. Facility may not be located in a dwelling unit or within two hundred fifty (250) feet of the property line of a pre-existing property zoned or used for residential purposes;
 - c. The transporting organization shall be the sole use of the tenant space in which it is located; and
 - d. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
9. Additional Requirements: Petitioners shall install building enhancements, such as security cameras, lighting, or other improvements, as set forth in the Special Use Permit, to ensure the safety of employees and customers of the Adult-Use Cannabis Business Establishments, as well as the surrounding area. Such improvements shall be determined based on the specific characteristics of the floor plan for an Adult-Use Cannabis Business Establishment and the site on which it is located consistent with the requirements of the Act. Further, a condition of approval of a special use shall be that no one under the age of twenty-one (21) shall be permitted inside any location where cannabis is being sold, cultivated, or dispensed.
10. Co-Location of Cannabis Business Establishments. The Village of Beecher may approve the co-location of an Adult-Use Cannabis Dispensing Organization with an Adult-Use Cannabis Craft Grower Center or an Adult-Use Cannabis Infuser Organization, or both, subject to the provisions of the Act and Subsection 3-4.6 – Special Uses.

13-18 SHORT-TERM RENTAL (i.e. airBnB, Vacation Rentals, etc.).

1. The owner must apply for and obtain a certificate of occupancy from the Zoning Administrator to meet any additional safety requirements of a transient use.
2. Requirements. Short Term Rentals must be registered with the Village of Beecher.

13-19 – 99: RESERVED.

SECTION 14 RULES AND DEFINITIONS

In the construction of this Ordinance, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise.

ACCESSORY BUILDING, STRUCTURE, OR USE: An accessory building, structure, or use is one which:

1. is subordinate to and serves a principal building or principal use;
2. is subordinate in building area, intensity, of use or purpose to the principal building or principal use served;
3. contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and
4. is located on the same zoning lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to be located other than on the same zoning lot with the building or use served.

Accessory buildings or accessory portions of principal buildings shall not be included as required square footage in residential districts.

ADULT ENTERTAINMENT: Adult Entertainment means any adult book store, adult motion picture theater, adult mini-motion picture theater, massage parlor or commercial establishment which for a fee or incidentally to another service, presents material or exhibition distinguished or characterized by an emphasis on matter depicting, describing or relating to “specific sexual activities” or “specified anatomical areas” as defined below for observation by patrons therein:

Specified sexual activities – shall mean 1) human genitals in a state of sexual stimulation or arousal, 2) acts of human masturbation, sexual intercourse or sodomy, and 3) fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Specified anatomical areas – shall mean less than completely opaquely covered, 1) human genitals, 2) pubic region, 3) buttock, 4) female breast below a point immediately above the top of the areola, and 5) human male genitals in a discernible turgid state, even if completely and opaquely covered.

Massage Parlor – shall mean any commercial establishment which for a fee provides for the manipulation, or rubbing of body parts, except manipulation of body parts for remedial purposes performed by state licensed practitioners with the minimal qualifications of a physical therapist.

“ADULT-USE CANNABIS BUSINESS ESTABLISHMENT:

An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

ADULT-USE CANNABIS CRAFT GROWER:

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER:

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS DISPENSING ORGANIZATION:

A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER:

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR:

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER:

An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.”

AGRICULTURAL USE: An Agricultural Use is any land or building used for a purpose of producing grain, fruit, nursery stock, dairy products, vegetables, livestock or fowl, or other crops and animal husbandry.

ALLEY: An Alley is a dedicated public way providing a secondary means of ingress to or egress from land or buildings, land or structures thereon, as designated upon the Zoning Map.

ALTERATION: Alteration shall mean any change in size, shape, character, occupancy, or use of a building or structure.

AMUSEMENT MACHINES: Amusement machines are any mechanical, electronic, coin operated games, and/or devices for the amusement of patrons. This definition shall not be construed to include coin operated music players, coin operated mechanical kiddy rides, or coin operated television.

ANIMAL ENCLOSURE: An animal enclosure is an area enclosed by fencing material which is intended to impound, on a full-time or part-time basis, any household pet or other animal legally permitted within the zoning district.

ANIMAL HOSPITAL: An animal hospital is any building or portion thereof designed or used for the care, observation or treatment of domestic animals.

APARTMENT: See "Dwelling."

APARTMENT HOTEL: See "Dwelling."

ARCADE: An arcade is a continuous area at ground level open to a street or plaza, which is open and unobstructed to a height of not less than twelve (12) feet, and which is accessible to the public at all times. Any portion of an arcade occupied by building columns, landscaping, statuary, or pools shall be considered to be a part of an arcade for the purpose of computing a floor area premium credit. The term "arcade" shall not include off-street loading areas, driveways, off-street parking areas or pedestrian ways accessory thereto.

Arcade Enclosed: An enclosed arcade is one with less than twenty-five (25) percent of its perimeter abutting a street or plaza.

Arcade, Entrance To: An entrance to an arcade is an opening in a building wall, or between building walls, side lot lines, or rear lot lines, at ground level, unobstructed by any solid matter, but this shall not be construed to prohibit air curtains.

Arcade, Unenclosed: An unenclosed arcade is one with twenty-five (25) percent or more of its perimeter abutting a street or plaza.

AREA, GROSS: The gross area of a parcel or development is the total area in acres in fee ownership, which excludes right-of-way already dedicated and includes non-residential land uses and private streets.

AREA, NET: The net area of a parcel or development is the area in acres of the actual tract of land upon which the dwelling units are proposed to be located. This area shall include the site, for all principal and accessory building(s) and associated parking area, but does not include common open space or recreational facilities, or the vehicular circulation system, either private or public.

ATTIC: The space between the ceiling beams of the top habitable story of a building and the roof rafters.

ATRIUM: An atrium is a covered space which extends vertically two (2) or more stories through a building.

AUDITORIUM: Auditorium is a room, hall or building made a part of a church, theater, school, recreation building or other building assigned to the gathering of people as an audience to hear lectures, plays, and other presentations.

AUTOMOBILE LAUNDRY: An automobile laundry is a building or portion thereof, containing facilities for washing motor vehicles, using automatic production-line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices; or providing space, water and equipment for the hand washing of automobiles, whether by the customer or the operation.

AUTOMOBILE MINIMARKET: An automobile service station which offers or includes as an accessory use, the retail sale of merchandise or services not related to the maintenance, service or repair of motor vehicles.

AUTOMOBILE SERVICE STATION: Any building, land area, or other premises, or portion thereof, used or intended to be used for the retail dispensing or sale of vehicular fuel, and may include any operations specified under the definition of Motor Vehicle Body Shop.

AUTOMOBILE WRECKING YARD: An automobile wrecking yard is any place where three (3) or more motor vehicles not in running condition, or the parts thereof, are stored in the open and are not being restored to operation; or any land, building or structure used for the wrecking or storing of such automobiles or the parts thereof.

AWNING: An awning is a roof-like cover temporary in nature, which projects from the wall of a building and may be retractable in operation

BANQUET HALL: Banquet hall is a building, or portion thereof, primarily intended to accommodate large groups of diners or patrons.

BANK: A bank is an establishment for the custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds by drafts or bills of exchange. A bank shall be construed to mean an establishment wherein all business is transacted with customers totally within a building, and shall not include drive-in teller windows, booths, and accessory buildings designed to serve customers while in their automobiles.

BANNER: A banner is a flag, emblem, insignia, coat of arms, logo of a nation, political unit, corporation, company, school, or religious group made of fabric with no enclosing framework. A banner may include seasonal identity and may be changed every recognized season per calendar year.

BASEMENT: A basement is a portion of a building partly or wholly below the finished grade level and so located that the vertical distance from said grade level to its floor is greater than the vertical distance from said grade level to its ceiling. A basement shall be considered a half story if the vertical distance from the average ground level to the ceiling is greater than the average ground level to the floor. Basements shall not be included when determining Floor Area Ratio or Gross Floor Area unless used as commercial space in a commercial building. See Illustration.

BLOCK: A block is a tract of land bounded by street rights-of-way, or by a combination of street rights-of-way and public parks, cemeteries, railroad and utility rights-of-way, bulkhead lines or shorelines of waterways, or corporate boundary lines.

BOARDING HOUSE: See “Lodging House.”

BUILDABLE AREA: Buildable area is that space remaining on a lot after all yard and/or setback requirements have been complied with.

BUILDING: A building is any structure, with a permanent roof, separated on all sides from adjacent open space by exterior or party walls built for the support, shelter, or enclosure of persons, animals, chattels or moveable property of any kind, and which is permanently affixed to the ground.

Building, Accessory: See “Accessory Building, Structure, or Use.”

Building, Completely Enclosed: A building or structure separated on all sides from the adjacent open space or from other buildings or structures by a permanent roof and party wall, and by exterior walls, and may contain windows and normal entrance or exit doors.

Building, Detached: A detached building is one surrounded by open space on the same zoning lot.

BUILDING HEIGHT: The vertical distance to the highest point of the roof for flat roofs including parapet walls and penthouses or other roof structures when the aggregate area of such roof structures exceeds thirty (30) percent of the total roof area; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip, and gambrel roofs, measured from the curb level if the building is not more than the required setback from the front line or from the grade in all other cases. See illustrations.

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

BUILDING, STRUCTURE, OR USE, PRINCIPAL: A principal building, structure or use is the primary structure or building housing the permitted or special use allowed within the zoning district.

BUILDING TEMPORARY: A temporary building is a structure designed, built, erected or occupied for short and/or intermittent periods of time, and shall include tents, lunch wagons, dining cars, trailers, and other roofed structures on wheels or other supports used for residential, business,

mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. For the purpose of this definition “roof” shall include an awning or other similar covering whether or not it is permanent in nature.

BULK: Bulk is the term used to determine the size and placement of buildings or structures; and the location of same with respect to one another, and includes the following:

1. size and height of buildings;
2. location of exterior walls at all levels in relation to lot lines, streets or to other buildings;
3. gross floor area of buildings in relation to lot area (floor area ratio);
4. all open spaces allocated to buildings; and
5. amount of lot area and lot width provided per dwelling unit.

BUSINESS OR SERVICE: A business or service is any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor, and materials, or where services are offered for compensation.

CANOPY: A canopy shall include any structure, other than an awning; made of cloth or metal with frames attached to a building, projected over a thoroughfare, and carried by a frame supported by the ground or sidewalk.

CARPORT: A carport is a roofed automobile shelter with two (2) or more open sides, and attached to the principal structure. (for stand-alone structures, see “canopy”)

CAR WASH: See “Automobile Laundry.”

CELLAR: See “Basement.”

CEMETERY: A cemetery is a parcel of land or structure dedicated to and at least a portion of which is being used for the interment of human remains and may include crematories, mausoleums, and columbariums.

CHILD CARE CENTER: A child care center is a day care center which receives preschool or school-age children, both, for short term or extended hours of care, or out of school hours, and which provide essential personal care, protection, supervision, training, and programs to meet the needs of the children served.

CLINIC: See “Health Care Facilities.”

CLUB OR LODGE, PRIVATE: A private club or lodge is a group or association of persons who are bona fide members paying dues, which owns, hires, or leases a building or portion thereof; the use of such premises being restricted to members and their guests. The affairs and management of such private club or lodge are conducted by a Board of Directors, Executive Committee, or similar body chosen by the members or owners. It shall be permissible to serve food and meals on such premises, to members and their guests, provided adequate dining room space and

kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale of alcoholic beverages is in compliance with the applicable federal, state and municipal laws.

CLUSTERING (OF RESIDENCES): A clustering is a grouping of residential buildings around courts, cul-de-sacs, or short streets more closely than in conventional residential plans, in order to preserve natural site amenities and open space.

COMMISSION: See “Planning and Zoning Commission.”

COMMON CARRIER: Individual or organization holding itself out to the general public to provide motor vehicle or rail transportation of persons or property over regular routes and without right of refusal if the approved fare or charge is paid.

COMMUNITY CENTER: A community center is a building, together with lawful accessory buildings and uses, used for recreational or cultural activities and not operated for profit. Membership shall be restricted to persons living in a specified geographical area and shall not be based upon any other criteria.

Community Center, Theatrical: A theatrical community center is a building or portion thereof, used for a not-for-profit organization chartered by the State of Illinois, or local political jurisdiction, which has as its purpose(s) the promotion, instruction, study, and production of theater art forms.

Community Recreational Facility: Community recreational facilities include swimming and/or other racquet sport facilities, not operated for profit. Membership shall be restricted to persons living in a specific geographical area and shall not be based upon any other criteria.

COMPLETELY ENCLOSED STRUCTURE: See “Building, Completely Enclosed.”

COMPREHENSIVE PLAN: Comprehensive Plan is a plan for the Village of Beecher including graphic and written proposals indicating the general locations recommended for the streets, parks, schools, public buildings, land use areas, and all physical developments of the Village, including any unit or part of such plan separately adopted, and any amendment to such plan and parts thereof, recommended by the Village Planning and Zoning Commission and adopted by the Village Board.

CONDOMINIUM: A condominium is a form of real estate ownership in which designated units, including volumes of space, are owned by individual owners who, by virtue of their unit ownership, have joint use of, interest in, and ownership of halls, entrance ways, service facilities, lands and such other improvements as may be included in the Condominium Declaration required by the Condominium Property Act of the State of Illinois.

CONTIGUOUS: Contiguous means in contact, adjoining, or touching another building, structure, property or boundary, which is distinguished from being adjacent.

COOPERATIVE: Cooperative is the mutual ownership of property by shareholders in which title to the land and building is held by a corporation.

CURB LEVEL: Curb level is the level of the established curb in front of the building measured at the center of such front. When a building faces more than one (1) street, the curb level shall be the average of the levels of the curbs at the center of the front of each street. Where no curb level has been established, it shall be deemed to be the established level of the center line of the street surface in front of a building or structure measured at the center line of such front.

DAY CARE CENTER: The provider of supplemental care and supervision for non-related adults or children, on a regular basis, for less than twenty-four (24) hours a day, and under license by the appropriate state agency.

DENSITY: The number of families, individuals, dwelling units, or buildings per unit of land.

DENSITY, GROSS: Gross density is the numerical value used as measurement for the general intensity of a residential development. Gross density is obtained by dividing the total number of dwelling units in a development by the gross area in acres within the development, the result being the number of dwelling units per gross acre of land. See also "Floor Area Ratio."

DENSITY, NET: Net density is the numerical value used as a measurement for the specific intensity of that portion of a development upon which buildings are placed. Net density is obtained by dividing the total number of dwelling units in a development by the net area in acres within the development, the result being the number of dwelling units per net acre of land. See also "Floor Area Ratio."

DETENTION BASIN: A detention basin is a covered or uncovered reservoir designed to hold an excessive accumulation of storm water so as to reduce peak flow in a storm water drainage system.

DEVELOPMENT: Development means any man-made change to real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DEVELOPMENTALLY DISABLED PERSON: A developmentally disabled person is a person suffering from a developmentally disabling disease, including, but not limited to, mental retardation, epilepsy, autism, cerebral palsy, or dyslexia.

DISTRIBUTION: Distribution is the process by which commodities get to the consumer. Distribution shall not be interpreted as warehousing.

DISTRICT: A district is an area within which certain uniform regulations and requirements or various combinations thereof, apply under the provisions of this Ordinance.

DRIVE-IN ESTABLISHMENT: A drive-in establishment is a place of business being operated for the sale and purchase at retail of food and other goods, services, or entertainment, which is designed and equipped so as to allow its patrons to be served or accommodated while remaining in their automobiles (e.g., restaurants, cleaners, banks, theaters).

DRIVEWAY: A driveway is a pathway for motor vehicles from a street to an off-street building, facility, or a parking area.

DWELLING: A dwelling is a building, or portion thereof, designed or used exclusively for residential occupancy including single family dwellings, two (2) family dwellings, and multiple-family dwellings, but not including mobile homes, hotels, motels, and rooming, boarding, or lodging houses.

Dwelling, Apartment: An apartment is a room or suite of rooms in a multiple-family building which is arranged, designed, used or intended to be used as a single unit with complete bath (water closet, tub and/or shower, and sink) and kitchen facilities (sink, stove, refrigerator, and storage facilities) permanently installed for each separate apartment.

Dwelling Apartment, Elderly: An apartment for the elderly is a room or suite of rooms in a multiple-family building which is arranged, designed, used or intended to be used as a single unit and complete kitchen, and bath facilities may or may not be included for each separate apartment.

Dwelling, Apartment Hotel: An apartment hotel in which at least ninety (90) percent of the hotel accommodation is for occupancy by the permanent guests. An apartment hotel having not less than fifty (50) guest rooms may have a dining room open to the public which is accessible only from an inner lobby or corridor.

DWELLING UNIT: A dwelling unit consists of one (1) or more rooms which are arranged, designed or used as living quarters for one (1) family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall be included in each dwelling unit.

Dwelling Unit, Efficiency: An efficiency dwelling unit consists of one (1) principal room for living, sleeping, and eating plus facilities for cooking and complete bath and toilet facilities.

Dwelling Unit, Modular: A modular dwelling unit is a factory-fabricated, transportable building designed to be used or to be incorporated with similar units at a building site into a modular structure that will be a finished building in a fixed location on a permanent foundation. The term is intended to apply to major assemblies, and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated subelements incorporated into a structure at the site. For the purpose of this Ordinance, a modular unit shall be deemed a Single Family Dwelling and shall not be deemed a Mobile Home.

Dwelling Unit, Multiple-Family: A multiple-family dwelling unit shall be a dwelling unit in a building or portion thereof, consisting of three (3) or more dwelling units with varying arrangements of entrances and party walls. The definition of multiple-family dwelling unit may include, but shall not be limited to the following terms: apartment, condominium, cooperative, quadrominium, three-flat, and triplex.

Dwelling Unit, Single Family: A single family dwelling unit is a building containing a single dwelling unit only, which is separated from all other dwelling units by open space.

Dwelling Unit, Single Family, Attached (Group, Rowhouse, Townhouse): An attached single family dwelling is a building consisting of not more than five (5) dwelling units which are attached by common vertical side walls, with each dwelling unit having two (2) separate entrances at grade level. An attached single family dwelling unit shall include the terms: townhouse and rowhouse.

Dwelling Unit, Two (2) Family: A two (2) family dwelling unit is a building consisting of two (2) dwelling units which may be either attached, side-by-side, or one (1) above the other, with each dwelling unit having a separate or combined entrance or entrances.

EASEMENT: An easement is an authorization or grant by a property owner for the use by another party and for a specific purpose of any designated part of the property.

EDUCATIONAL INSTITUTION, PRIVATE: A private or parochial educational institution is every private school or educational institution, however designated, which offers a program of college, professional, preparatory, high school, junior high school, elementary, kindergarten or any combination thereof; but such term does not include: (a) any institution which is under the supervisory jurisdiction of an established Illinois Public School District or, (b) any activity offering instruction which is carried on by a single teacher, tutor, or instructor having a total enrollment of not more than eight (8) students or, (c) any day care or foster home care having eight (8) children or less under twelve (12) years of age, including all children of the operator's or owner's family, living on the premises. No private educational institution shall be deemed a home occupation.

ERECTED: The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection.

EXCAVATING-FILLING: Excavating-filling shall mean any substantial changing of the grade or sub-grade of a tract of land by cutting, scraping, grading, trenching, digging, filling- in, or otherwise re-shaping the natural contour of the ground. The following shall not be construed as excavating filling:

1. Any cutting, grading, trenching, digging, or backfilling of any foundation of a building approved for construction;
2. Any cutting, grading, trenching, digging, or backfilling of any septic tank site, including septic field which has been approved for construction or reconstruction; or
3. Top dressing in an area of existing homes, which top dressing does not change the drainage patterns.

FAMILY: Family means the following:

1. Two (2) or more individuals related by blood, marriage, or legal adoption (including foster children), together with domestic servants and not more than two (2) gratuitous guests, living as a single, not for profit housekeeping unit occupying a dwelling unit;
2. Three (3) or fewer individuals not related by blood, marriage, or legal adoption (including

foster children), living as a single, not for profit housekeeping unit occupying a dwelling unit. Servants or guests residing with said family shall be included in the unrelated person attained by this definition, and shall not be in addition thereto; or

3. No more than two (2) individuals who are not necessarily related to each other by blood, and their dependents, together with domestic servants and not more than two (2) gratuitous guests, living as a single, not for profit housekeeping unit occupying a dwelling unit.

FAMILY-CARE HOME FOR THE DEVELOPMENTALLY DISABLED: Means a dwelling for five (5) or fewer developmentally disabled persons, in which the program's size and content are structured to meet the individual social, habilitative, and respite needs of the persons residing therein, in a residential community setting. Prior to admitting residents, this dwelling shall comply with applicable licensing standards of the appropriate Federal, State, or local agencies, and may, in addition, house such minimum staff persons as may be required to meet the standards of the licensing agencies.

FENCE: Structure or natural growth used as a boundary, screen, separation, means of privacy, protection or confinement with the following types:

Fence, Natural: A natural fence is a fence of natural growth, such as trees, deciduous shrubs, evergreens.

Fence, Open: An open fence is a fence where visibility at right angles to any surface thereof is not reduced by more than sixty-seven (67) percent opacity.

Fence, Solid: A fence, including gates, which conceals from view of adjoining properties, open storage of materials, and/or operations conducted behind the fenced area, at greater than sixty-seven (67) percent opacity (less than thirty-three (33) percent of the face area of the solid fence consists of openings (two (2) solid per one (1) open) at right angles to the fence).

FESTIVAL: A festival is any fair, festival or similar activity where patrons watch or participate in entertainment, including, but not limited to, music, shows, concerts, and revivals. For the purpose of this Ordinance, a Carnival and/or a Circus shall be deemed a Festival.

FLAG LOT: A lot not fronting or abutting a public roadway and where access to the public roadway is limited to a narrow private right of way.

FLOOR AREA: For the purpose of determining the floor area ratio, conversions of existing structures, and maximum size of business establishments, floor area shall mean the sum of the horizontal area of floor space contained in all floors, excluding basements unless used for commercial purposes in a commercial building, of a building or buildings on a zoning lot, measured in square feet from the exterior faces of the exterior walls of each building, or from the center line of party walls separating two (2) buildings.

Floor Area shall also include the following:

1. space devoted to elevator shafts and stairwells on each floor;
2. floor space used for mechanical equipment when the structural headroom exceeds seven (7) feet ten (10) inches in height, except equipment such as bulkheads, water tanks, and cooling

- towers when located on the roof, whether or not such equipment is in the open or enclosed;
3. floor space in that part of a one half (½) story where headroom is seven (7) feet ten (10) inches or more in height;
 4. floor space devoted to interior balconies, mezzanines, and enclosed porches;
 5. floor space devoted to accessory uses in the principal building and in the accessory building or buildings; and
 6. floor space devoted to enclosed off-street parking and off-street loading.

For the purpose of determining off-street parking: and off-street loading requirements: The sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use requiring off-street parking and off-street loading. However, such floor area shall not include atriums, elevator shafts; floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement/cellar floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

FLOOR AREA RATIO: The numerical value obtained through dividing the total floor area of a building or buildings by the gross lot area on which such building or buildings are located.

FRONTAGE: Frontage is all the property fronting on one (1) side of a street between the two (2) nearest intersecting streets, measured along the line of the street, or if dead ended, then all of the property abutting on one (1) side between an intersecting street and the dead end of the street.

GARAGE, PRIVATE: A private garage is an accessory building or an accessory portion of the principal building or both which is intended and used to store motor vehicles designed to carry not more than ten (10) passengers.

GARAGE, PUBLIC PARKING: A public parking garage is any structure intended to be used for the temporary, daily or off-street parking of passenger vehicles and commercial vehicles under one and one-half (1½) tons rated capacity and available to the public, whether for compensation, free, or an accommodation to clients or customers. All temporary outdoor storage of motor vehicles waiting to be repaired shall be screened by a solid wall or fence not less than six (6) feet in height.

GARAGE, STORAGE: A storage garage is any building used for the storage only of motor vehicles pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired or sold. All temporary outdoor storage of motor vehicles waiting to be repaired shall be screened by a solid wall or fence not less than six (6) feet in height.

GOLF COURSE: Public, semi-public, or private golf courses are grounds over which the game of golf is played, including accessory buildings and land uses incidental thereto, and consisting of at

least thirty (30) acres for each standard nine-hole course; and ten (10) acres for nine-hole "par-3" course.

GRADE: For the determination of Building or Structure Height, Grade is defined as follows:

1. As applied to a building ten (10) feet or less from a street property line, grade shall be the established sidewalk elevations. Where no sidewalk is established, the elevation at the centerline of the traveled way shall be used;
2. As applied to a building more than ten (10) feet from a street property line, grade shall be the average finished ground elevations at the building walls;
3. As applied to a building facing two (2) streets having different elevations, grade shall be determined by the sidewalk elevation of the lower-level street; or
4. Buildings in the Business and Industrial Districts, when adjacent to a Residence District, the building height is to be measured from the average of the grade elevation at the property line adjoining the residence district.

GRADING: See "Excavating-Filling."

GUEST, PERMANENT: A permanent guest is a person who occupies or has the right to occupy a hotel or apartment hotel accommodation as his/her domicile and place of permanent residence.

HEALTH CARE FACILITIES: Health Care Facilities means a Clinic or Hospital.

Clinic: A clinic is a building containing an association or group of physicians, dentists, clinical psychologists, and similar professional health care practitioners, including allied professional assistants who are assembled for the purpose of carrying on their professions. The health care facility may include apothecary, dental, medical laboratories, and/or X-ray facilities, but shall not include in-patient care of operating rooms for major surgery.

Hospital: A hospital is any institution, place, building, or agency, public or private, whether organized for profit, or not, devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of two (2) or more unrelated persons admitted for overnight stay or longer in order to obtain medical, including obstetric, psychiatric and nursing, care of illness, disease, injury, infirmity, or deformity. The term hospital, without regard to length of stay, shall also include:

1. any facility which is devoted primarily to providing psychiatric and related services and programs for the diagnosis and treatment or care of two (2) or more related persons suffering from emotional or nervous disease; and
2. all places where pregnant women are received, cared for, or treated during delivery irrespective of the number of patients received.

The term hospital includes general and specialized hospitals, tuberculosis sanitarium, mental or physical hospitals and sanitarium, and includes maternity homes, lying-in-homes, and homes for unwed mothers in which aid is given during delivery.

HOME OCCUPATION: A Home Occupation is any use customarily conducted entirely within the dwelling and carried on entirely by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character

thereof, provided that no article or service is sold or offered for sale on the premises and that such occupation shall not require internal or external alterations or construction features equipment, machinery, outdoor storage or signs. No signs may be attached to the building or placed on the premises.

HOTEL: A hotel is a building which is used as a temporary abiding place, for remuneration with or without meals, containing five (5) or more guest rooms or suites where no provision for cooking is made in any individual guest room or suite, and which provides maid, butler and linen service and which maintains a hotel register.

JUNK: Junk shall mean any motor vehicle, machinery, appliances, product, or merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

JUNK YARD: Junk yard includes automobile wrecking yards and salvage areas and includes any area of more than two hundred (200) square feet for the storage, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof, but does not include uses established entirely within enclosed buildings.

KENNEL: A kennel is any premises portion on which three (3) or more dogs, cats, or other household domestic animals over four (4) months of age, or any combination thereof, are kept or which more than two (2) such animals are maintained, boarded, bred, or cared for in return for remuneration, or are kept for the purpose of sale.

LABORATORY: A laboratory is a place devoted to experimental, routine study or basic study such as testing and analytical operations and in which manufacturing of product or products, except prototypes, is not performed.

LAUNDERETTE: A launderette is a business that provides coin operated self-service type washing, drying, dry-cleaning, and ironing facilities, providing that: (a) not more than four (4) persons, including owners, are employed on the premises; and (b) no pick-up delivery service is maintained.

LODGING HOUSE: A lodging house is a residential building, or portion thereof other than a motel or hotel, which accommodates persons who are not members of the owner's family, which may include meals, and lodging compensation is paid on a weekly or monthly basis. Also known as Boarding House and Rooming House.

LODGING ROOM: A lodging room is a room rented as sleeping and living quarters, but without cooking facilities, and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one (1) lodging room.

LOT: Lot is a “Lot of Record” or a “Zoning Lot”:

Lot of Record: Lot of record is a lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Deeds of Will County; or a parcel of land, the Deed to which was recorded in the office of said Recorder of Deeds pursuant to the Illinois State Statutes (Revised) Chapter 109 (Plats Act), paragraph 1. (b).

Lot, Zoning: A zoning lot is a single tract of land, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. Therefore, a zoning lot or lots may or may not coincide with a lot of record. A parcel of land may not be declared to be a zoning lot where such zoning lot crosses zoning district boundary lines.

Lot, Corner: A corner lot is one situated at the intersection of two (2) or more streets, where the interior angle of such intersection coterminous with the right-of-way lines of such streets does not exceed one hundred thirty-five (135) degrees. See “Illustrations.”

Lot, Reversed Corner: A reversed corner lot is a lot where the lot rear abuts upon either side of another lot whether across an alley or not.

Lot, Interior: An interior lot is any lot other than a corner lot or reversed corner lot.

Lot, Through: Through lot is any interior lot which has a pair of opposite lot (double frontage) lines along two (2) substantially parallel streets. See “Illustrations.”

LOT AREA: Lot area, except as hereinafter provided within specific zoning districts, is the area of a horizontal plane bounded by the lot lines.

LOT COVERAGE: Lot coverage is that portion, expressed by a percentage, of a lot permitted to be covered by buildings, driveways, parking areas, and other impervious surfaces and structures including, but not limited to, sheds and swimming pools. It is calculated by dividing the total area of impervious surface by the total lot area and multiplying by 100.

LOT DEPTH: Lot depth is the mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

LOT LINE: A property boundary line of any lot held in single or separate ownership except that where any portion of the lot extends into the abutting street or ally, the lot line shall be deemed to be the street or alley right-of-way lines.

Lot Line, Front: That boundary line of a lot which is along an existing or dedicated street lot line and which is established by the owner as a front lot line. On corner lots, the owner may select either street lot line as the front lot line, except if expressed on the subdivision plat.

Lot Line, Rear: That boundary of a lot which is most distant from, and is, or is approximately parallel to the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot Line, Side: Any boundary of a lot which is not a front or rear lot line.

MANUFACTURED HOME: A manufactured home is a structure, transportable in one (1) or more sections, which is to be used as a dwelling with a permanent foundation and when connected to

the required utilities, including the plumbing, heating, air- conditioning, and electrical systems contained therein, shall also be defined as a “building.” Any wheels, axles, and hitches shall be removed.

MARQUEE: A marquee shall include any hood or awning of permanent construction projecting from the wall of a building above an entrance and/or extending over a thoroughfare.

MOBILE HOME: A Mobile Home is any trailer designed and constructed for dwelling purposes which contains cooking, sanitary, and electrical facilities and has a gross floor area of two hundred twenty (220) square feet or more.

MOBILE HOME PARK: A Mobile Home Park is any premise occupied or designed to accommodate two (2) or more mobile homes which are to serve for dwelling or sleeping purposes of families.

MODULAR HOME: Dwelling units of standardized size and design that can be arranged or put together in various ways. See also “Dwelling Unit, Modular.”

MINI-WAREHOUSE: A building containing separate storage areas of varying sizes which are leased or rented on an individual basis.

MOTEL: A motel is a series of attached, semi-attached or detached guest rooms or suites for the accommodation primarily of automobile transient guests which does not include individual cooking or kitchen facilities and which provides the unit with convenient access to off-street parking spaces for the exclusive use of the guests or occupants of the premises.

MOTOR FREIGHT TERMINAL: A building and premises in which freight, brought by motor truck or railroad, is received, sorted, and/or stored for routing for local, intrastate, and/or interstate shipment by common carrier. Stored freight shall not be interpreted as operating a warehouse.

MOTOR VEHICLE: A Motor Vehicle is every vehicle which is self-propelled and which vehicle is capable of being licensed for operation upon the streets and highways of the State of Illinois. For this Ordinance, motor vehicles are divided into two (2) divisions:

First Division: Those motor vehicles which are designed for the carrying of not more than ten (10) persons.

Second Division: Those motor vehicles which are designed for carrying more than ten (10) persons, those designed or used for living quarters and those motor vehicles which are designed for pulling or carrying freight or cargo, and those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division.

Vehicle, Abandoned: Abandoned vehicles are all vehicles in a state of disrepair rendering the vehicle incapable of being driven in its condition; or any vehicle that has not been moved or used for seven (7) consecutive days or more and is apparently deserted.

Vehicle, Commercial: A commercial vehicle is any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, and all vehicles displaying commercial advertising or commercial name.

MOTOR VEHICLE BODY SHOP: Any building or portion thereof, used for the repair or straightening of a motor vehicle body or frame, or painting of motor vehicles. Maintenance, service, and engine repair may be performed as an ancillary function of the bodywork.

MOTOR VEHICLE REPAIR SHOP: Any building or portion thereof used for the repair or replacement of engines, transmissions, differentials, drive trains, or any parts thereof, in addition to the replacement of parts, service, and incidental repairs to motor vehicles, including any operations specified under the definition of Motor Vehicle Body Shop. All storage of vehicles shall be within a screened area.

MOVING AND STORAGE BUILDING: A building in which household goods and similar materials brought by motor truck are received and stored for future recall. Stored freight and household goods shall not be interpreted as operating a warehouse.

NON-CONFORMING BUILDING OR STRUCTURE: Non-conforming building or structure is any building or structure which is not permitted in the zoning district in which the building or structure is located, but which conformed with all codes, ordinances and other legal requirements applicable at the time such building or structure was established.

NON-CONFORMING USE: Non-conforming use is any use of land, buildings, or structures of which the use is not permitted in the zoning district in which the use is located, but which use conformed with all of the codes, ordinances, and other legal requirements applicable at the time when such use was established.

NOT-FOR-PROFIT OR NOT-FOR-PROFIT CORPORATION: Not-for-profit or not-for-profit corporation is any corporation chartered as such by the State of Illinois; no part of its income of which is distributable to its members, directors or officers; provided, however, that the payment of reasonable compensation for services rendered and the making of distributions upon dissolution or final liquidation as permitted by the Corporation Act of the Illinois Revised Statutes shall not be deemed a distribution of income.

NOTICE, LEGAL PUBLICATION: Notice, legal publication shall be in compliance with 65 ILCS 5/11-13-6, of the Illinois Revised Statutes. In addition to the notice requirements otherwise provided in 65 ILCS 5/11-13-6, an applicant for variation or special use shall, not more than 30 days before filing an application for variation or special use with the board of appeals, serve written notice, either in person or by registered mail, return receipt requested, on the owners, as recorded in the office of the Recorder of Deeds in Will County, and as appears from the authentic tax records of such Will County, of all property within two hundred fifty (250) feet in each direction of the location for which the variation or special use is requested; provided, the number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the two hundred fifty (250) feet requirement.

NURSING HOME: An establishment for the care of children or the aged or infirmed. Such a home does not contain equipment for medical and surgical care or for the treatment of disease or injury nor does it provide care in maternity or mental illness, or physical infirmities.

NURSERY SCHOOLS: Nursery schools mean day care centers which receive children between the ages of two (2) and six (6) years and which are established and professionally operated primarily for educational purposes to meet the development needs of the children served. See also "Day Care Center."

OFFICE: A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government.

OFFICE, PROFESSIONAL: Professional office is an office of a recognized profession, such as, but not limited to, architects, attorneys, engineers, doctors, maintained for the conduct of that profession.

OFF-STREET LOADING AND UNLOADING, SPACE OR BERTH: Off-street loading and unloading space or berth is a hard surfaced area of land other than a street, the principal use of which is for the loading and unloading of goods or materials from motor vehicles and trailers to avoid undue interference with streets, alleys and access drives.

OFF-STREET PARKING SPACE: Off-street parking space is a space within a public or private parking area in compliance with the requirements set forth in Section 10.00 herein.

OPEN SALES LOT: Open sales lot is a lot or parcel of land used or occupied for the purpose of buying, selling, rental or trading of all goods and commodities and including the storage of same prior to rental, sale or exchange.

OPEN SPACE: Open Space is defined as follows:

Public Open Space: Public open spaces are areas permanently reserved for open space purposes which are owned, operated and maintained by local political jurisdiction with no limitations on access or use.

Private Space: Private open spaces are areas reserved by owner's choice, which are under private ownership and management, and which have some limitations on access or use and are not controlled by public.

Planned Residential Open Space:

1. Private Open Space: Private open space is a parcel of land located immediately adjacent to an individual dwelling unit, owned and maintained by its resident(s), and reserved exclusively for their use.
2. Common Open Space: Common open space is a parcel or parcels of land exclusive of permanent buildings or structures, reserved primarily for the leisure and active recreational use of the planned residential development, residents and owners, operated and maintained by such residents/owners as an undivided portion of such land, or where such land is in common ownership, generally through a homeowners association.

OUTDOOR ENTERTAINMENT: Entertainment as part of a coffeehouse, restaurant, or tavern which takes place in the outdoor seating area.

OUTDOOR SEATING: Dining and/or drinking area of designated size with seats and/or tables located outdoors of a contiguous building which serves food and/or beverages, such as a coffeehouse, restaurant, or tavern. This seating may be in addition to the indoor seating area.

PARKING AREA, PRIVATE: Private parking area is an open, hard-surfaced area, other than a street, designed, arranged and made available for the storage of private passenger automobiles only for occupants of the building or buildings for which the parking area is accessory thereto.

PARKING AREA, PUBLIC: Public parking area is an open, hard-surfaced area, other than a street, intended to be used for the temporary, daily off-street parking of passenger automobiles and commercial vehicles and available to the public whether for compensation, free, or as an accommodation to clients or customers. Commercial vehicles shall be limited to those displaying Class "B" license plates and shall not include any combination of a trailer or a semi-trailer.

PARKING AREA, TRUCK: A truck parking area is any land used or intended to be used for the storage and parking of trucks, trailers, tractors, which includes commercial vehicles, while not loading or unloading, which displays Class "B" & "C" license plates.

PARTY WALL: A wall starting from the foundation and extending continuously through all stories to or above the roof which separates one (1) building from another and is in joint use by each building.

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

PLANNED DEVELOPMENT: Planned Development means a parcel of land or contiguous parcels of land of a size sufficient to create its own character, controlled by a single landowner or by a group of landowners in common agreement as to control, to be developed as a single entity; the character of which is compatible with adjacent parcels, and the intent of the zoning district or districts in which it is located; the developer or developers may be granted relief from specific land-use regulations and design standards, and may be awarded certain premiums in return for assurances of an overall quality of development, including any specific features which will be of exceptional benefit to the Village as a whole and which would not otherwise be required by the Zoning Ordinance.

The area of a Planned Development shall remain under one (1) ownership or unified control unless safeguards are provided that, in the opinion of the Planning and Zoning Commission and Board of Trustees, will provide for the continuation of the original Planned Development concept and as may be modified from time to time. Planned Developments may be residential,

commercial, office research or industrial, or a combination of these uses. Residential Planned Development shall be a minimum of ten (10) acres. Commercial, office research and industrial Planned Developments shall be a minimum of two (2) acres. Also known as “Planned Unit Development.”

PLANNING AND ZONING COMMISSION: The Planning and Zoning Commission of the Village of Beecher and referred to as the “Commission.”

PLAZA: A plaza is an open area at ground level accessible to the public at all times, and which is unobstructed from its lowest level to the sky. Any portion of a plaza occupied by landscaping, statuary, pools, and open recreation facilities shall be considered to be a part of the plaza for the purpose of computing a floor area premium credit. The term “plaza” shall not include off-street loading areas, driveways, off-street parking areas, or pedestrian ways accessory thereto.

Plaza, Enclosed: An enclosed plaza is one with less than twenty-five (25) percent of its perimeter abutting a street or plaza.

Plaza, Unenclosed: An unenclosed plaza is one with twenty-five (25) percent or more of its perimeter abutting a street or plaza.

RECREATIONAL CENTER: A recreational center is a building, buildings, or use of land operated on a profit basis, with or without membership requirements for the provision of entertainment, sport or health activities delivered directly to the consumer; including but not limited to skating rink, bowling alley, pool hall, racquet club, swim club, health club, indoor golf center, or indoor archery, pistol, or rifle range. Accessory sales of related sporting goods shall occupy not more than ten (10) percent of the total floor area.

RECREATIONAL VEHICLE: Every camping trailer, motor home, mini motor home, travel trailer, truck camper or van camper used primarily for recreational purposes and not used commercially nor owned by a commercial business.

REFUSE: Refuse is all waste products resulting from human habitation, except sewage.

RENTAL, SHORT-TERM: See “Short-Term Rental”.

RESEARCH LABORATORY: A building or group of buildings in which are located facilities for scientific research investigation testing or experimentation, but not facilities principally for the manufacture or sale of products.

RESTAURANT: A restaurant is a retail establishment engaged primarily in the sale of prepared food and/or drinks of any kind for consumption therein; provided, however, that a drive-in restaurant shall not be considered a restaurant within the scope of this definition.

RESTAURANT, DRIVE-IN: A drive-in restaurant is a building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a portion of the consumption takes place or is designed to take place outside of the confines of the building.

RETAIL: Retail refers to the sale of commodities directly to customers when such commodities are used or consumed by the customer and not purchased primarily for the purpose of resale.

RETENTION: A wet bottom storm water storage area that is designed to be maintained with a free water surface or pond.

RIGHT-OF-WAY: Right-of-way is a strip of land dedicated to the public and occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water line, sanitary or storm sewer line or for another special use. The use of the term “right-of-way” for land platting purposes shall mean every right-of-way hereinafter established and shown on a Final Plat which is to be separate and distinct from the lots or parcels adjoining such right-of-way, and not included within the delineations or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, waterlines, sanitary sewer, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the Plat on which such right-of-way is established.

SATELLITE DISH ANTENNA: A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia, and is used to transmit and/or receive radio or electromagnetic waves.

SETBACK: Setback is the minimum horizontal distance between a street line and the nearest wall of a building, side of a structure facing such street line, or edge of the area of operation of a principal use when no building or structure is involved.

SHORT-TERM RENTAL: Temporary rental lodging (airBnB, etc.) as described in Section 13-18 Short Term Rental.

SIGN: A Sign is a name, identification, description, illustration, display, or device which is affixed to, painted or represented upon a structure or land and which directs attention to a product, place, activity, person, institution, or business. For the purpose of definition, a sign may be single face or double face. A sign shall not include any display of any court, public or official notice, nor shall it include the flag, emblem, insignia of a nation, political unit, school, religious or charitable institution or organization. A sign shall also include a permanent sign located within a building in such a manner as to be viewed or intended for view primarily from the exterior of the building.

SIGN, ADVERTISING: An Advertising Sign is a structure, including billboards, on which is portrayed information which directs attention to a business, commodity, service, or entertainment or other activity not related to use on the lot upon which the sign structure is located.

SIGN, A-FRAME: A type of portable sign that is intended to be placed on a hard surface, most commonly a sidewalk.

SIGN, ANIMATE: Any sign, or any part thereof which changes physical position by means of movement, rotation or change in illumination to depict movement.

SIGN, AWNING: A sign that is mounted, painted, or attached to an awning or other window or door canopy. Any projecting canvas or other material over a structural framework used for a small amount of shelter or shade on a facade that has signage displayed on the visible surface.

SIGN, BANNER: All signs which are placed over or across any street or public way shall be hung to withstand a horizontal wind pressure of thirty-five (35) pounds per square foot. No such banner sign shall be erected over or across any street or public way without the permission of the Village Board. See also "Banner."

SIGN, BUSINESS: A Business Sign is a sign which directs attention to a business, commodity, service, entertainment or other activity conducted on the lot upon which such sign is located.

SIGN, CANOPY: A permanent advertising sign located on a canopy.

SIGN, CHANGEABLE COPY: A sign wherein provision is made for letters or characters to be placed in or upon the surface area, either manually or electronically, to provide a message or picture.

SIGN CLEARANCE: Sign clearance is the distance between the bottom of a sign face or structural element that is not affixed to the ground and the nearest point on the surface under it. 'See Article X Signs'.

SIGN, DIRECTIONAL: Any sign on a lot that directs the movement or placement of pedestrian or vehicular traffic with or without reference to, or inclusion of, the name of a product sold or service performed on the lot or in a building, structure or business enterprise occupying the same.

SIGN, ELECTRONIC MESSAGE: A sign which exhibits changing and/or illuminated messages.

SIGN, ENTRANCE: A Sign whose copy is limited to the name, logo, trademark or other identifying symbol and address of a building, business, development or establishment or any combination when located on the premises and may additionally include the words "entrance", "exit", "in", or "out."

SIGN FACE: The area of a sign which shall be computed by applicable mathematical formula for the shape of the sign face including both copy, background, and any frame of boxed display or, for a sign made up of separate letters or characterizations connected in meaning, by computing the area lying within straight lines connecting the extreme projections, corners or edges of the letters, characters and other figures composing the sign taken as a whole. Where a freestanding sign is multisided, one-half of the total surface area including copy, background, and any frame or display shall be the sign area.

SIGN, FEATHER: A temporary sign typically supported on a single pole with the message on one side of that pole and unsupported on the other.

SIGN, FLASHING: A Flashing Sign is an illuminated sign on which the artificial light is not maintained constant or stationary in intensity or color at all times when such sign is in use. For the purpose of this Ordinance, a revolving sign, or any advertising device which attracts attention by moving parts, operated by mechanical equipment or movement is caused by natural sources, whether or not illuminated with artificial lighting, shall be considered a flashing sign.

SIGN, FREESTANDING: A permanent sign that is self-supporting in a fixed location and not attached to a building.

SIGN, GROSS SURFACE AREA OF: The Gross Surface Area of a Sign is the entire area within a single continuous perimeter enclosing the extreme limits of a sign with straight lines at right angles.

SIGN, GROUND: A Ground Sign is a sign which is supported by one (1) or more uprights or braces in or fixed upon the ground.

SIGN, IDENTIFICATION: An Identification Sign is a sign indicating the name and address of a building, or the name of an occupant thereof, and the practice of a permitted occupation therein.

SIGN MESSAGE: The thought or idea conveyed or expressed by the words, letters, insignia, figures, designs, fixtures, colors, motion, illumination, sound or projecting images or any combination thereof.

SIGN, MONUMENT: A freestanding sign, other than a pole sign, in which the entire bottom is in contact with or close to the ground.

SIGN, MOVING: A sign or other advertising device having moving, revolving, or rotating parts.

SIGN, NEON: A sign consisting of glass tubing, bent to form letters, symbols, or other shapes and illuminated by neon or a similar gas through which an electrical voltage is discharged.

SIGN, POLE: A pole sign is a sign mounted on a free-standing pole or other support so that the bottom edge of the sign face is not less than six (6) feet above grade.

SIGN, LANTERN POST: A lantern post sign is a pole type sign including an electric lantern light on which a nameplate may be attached.

SIGN, OFF-PREMISE: A sign advertising a land use, business, product or service not located or available upon the premises whereon the sign is located.

SIGN, PAINTED WALL: A sign that comprises only paint applied on a building or structure

SIGN, PERMANENT: A sign constructed of durable material and affixed, lettered, attached to or placed upon a fixed, non-movable, nonportable supporting structure.

SIGN, POLE: A freestanding sign that is affixed, attached, or erected on a pole or poles and that is not itself an integral part of or attached to a building or structure, and has no structural base on which the sign is located.

SIGN, PORTABLE: A sign that is designed to be easily moved from one location to another, and when placed, is neither fastened to a permanent structure or building, nor mounted in the ground. Portable signs include signs mounted on trailers, wheeled carriers, or frames that are designed to be placed onto a surface without being secured to it.

SIGN, PROJECTING: A Projecting Sign is a sign which is affixed to any building wall or other structure and extends beyond the building wall or parts thereof or structure more than eighteen (18) inches.

SIGN, ROOF: A Roof Sign is a sign erected, constructed, and maintained above the roof of any building.

SIGN STRUCTURE: A sign structure shall include, but not be limited to, the supports, uprights, braces, backing, sign board, and framework designed to contain a sign message. Sign structure is not meant to include the message conveyed by the sign.

SIGN, TEMPORARY: A Temporary Sign shall include any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wall board or other light materials with or without frames, intended to be displayed for a period time not to exceed forty-five (45) days.

SIGN, TEMPORARY CONSTRUCTION: A temporary sign made of wood or other sturdy materials located on a site only for the time period that a building permit is active for the property.

SIGN, VEHICLE: A sign attached to or painted on a vehicle parked and visible from the public right-of way, unless said vehicle is used for transporting people or materials in the normal operations of the business and it is properly parking in a designated parking space. Signs attached to trailers or inoperable vehicles are presumed to be vehicle signs if they are parked in plain view from the right-of-way. Bumper stickers are not vehicle signs.

SIGN, WALL: A Wall Sign is a sign which is affixed to an exterior wall of any building, when such sign shall project not more than eighteen (18) inches from any building wall or parts thereof.

SIGN, WINDOW: A sign which is applied or attached to the exterior of a window, or applied to, attached to, or located within one foot (1') of the interior of a window, which can be seen through the window from the exterior of the structure.

STORAGE: Storage is a space or area in the same building as the principal use for the storing of goods or merchandise which are distributed or utilized on premises.

STORM WATER RUNOFF CONTROL: (See also Village Ordinance No.1002)

1. Base Flood Elevation: Base flood elevation means that elevation determined from the elevation of the flood crest profile of the 100 year flood as determined by the Federal Emergency Management Agency (FEMA) where information is available of the highest flood of record, as determined by the Beecher Village Engineer from the best available sources of information.
2. Floodwater (Storm water) Management Regulations: Floodwater management regulations include: the Will County Storm water Management Ordinance, zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as flood plain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
3. Flood or Flooding: Flood or flooding means a generally and usually temporary condition of partial or complete inundation of normally dry land areas from:
 - a. the overflow of inland waters;
 - b. the unusual and rapid accumulation of runoff of surface waters from any source; and/or
 - c. high groundwater tables resulting in soil saturation.
4. Flood Crest: Flood crest means the maximum state or elevation reached by the waters of a flood at a given location.
5. Flood Fringe: The flood fringe is that portion of the flood plain which is adjacent to the floodway and provides temporary storage of excess flood waters beyond the capacity of the floodway.
6. Flood Insurance Study (FIS): Flood insurance study means the official report and maps provided to communities in which FEMA provides flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.
7. Flood Plain: Flood plain means that the land area adjacent to surface water bodies or waterways that is subject to periodic inundation when greater than normal water flows are experienced. The flood plain may be identified according to the frequency of the flood flow that inundates it. For examples, the portion of the flood plain inundated by the flow which is equaled or exceeded once in ten (10) years in the ten (10)-year flood plain. The flood plain inundated by a hundred year flood is the one hundred (100)-year flood plain.
8. Flood Proofing: Flood proofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their content.
9. Floodway: Floodway means the channel of a river or other watercourse and the adjacent land areas that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one-tenth (1/10) of one (1) foot.
10. Floodway Encroachment Lines: Flood encroachment lines are the lines marking the limits of floodways on federal, state, and local flood plain maps.
11. Freeboard: Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for

a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

12. Habitable Floor: Habitable floor means any floor usable for living purposes, which include: working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a habitable floor.
13. Intermediate Regional Flood: Intermediate regional flood means a flood having an average frequency of occurrence on the order of one (1) in one hundred (100) years (i.e. with a one (1) percent chance of being equaled or exceeded in any given year). This flood is based on a statistical analysis of stream flow records available for the watershed and analysis of rainfall and water runoff characteristics in the general region of the watershed.
14. Such a flood may, of course, occur in any year at any time, although its statistical frequency is one (1) year in one hundred (100) years. It is also known as the base flood.
15. Mean Sea Level: Mean sea level means the average height of the sea as established at New York City for all stages of the tide.
16. Substantial Improvement: Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:
 - a. before the improvement or repair is started, or
 - b. if the structure has been damaged and is being restored before the damage occurred.
 - c. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:
 - d. any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
 - e. any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

STORY: A Story is that portion of a building, other than a Basement or mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. A "Mezzanine" shall be deemed a full story when it covers more than fifty (50) percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.

STORY, HALF. A Half Story is the part of a building between a pitched roof and the uppermost full story, said span having a floor area which does not exceed one-half ($\frac{1}{2}$) the floor area of said full story. It may also include basement areas when in a basement the vertical distance from the average ground level to the ceiling is greater than the average ground level to the floor.

STREET: A Street is a public thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare, except an alley.

1. Arterial Street: An arterial street is a major or minor street of greater continuity which is intended to serve as a large volume traffic-way for both the immediate area and region beyond, and may be designated on the Village's Comprehensive Plan, as a principal or minor arterial, parkway, toll way, freeway, expressway, or equivalent term to identify those streets comprising the basic structure of the street plan.
2. Collector Street: A collector street is a secondary street used primarily to carry traffic from minor streets to arterials.
3. Minor Street: A minor street is a street of limited continuity used primarily for access to abutting residential properties.
4. Frontage Road: A frontage road is a minor street paralleling, adjacent and often within the right-of-way of an arterial which provides access to local street systems and protection from through traffic.
5. Other Streets:
 - a. Cul-de-Sac Street: is a minor street of short length, having one (1) end open to traffic and being permanently terminated at the other end by a vehicular turnaround.
 - b. Private Street: is an undedicated street which is privately owned and maintained, or an easement of access benefiting a dominant tenant.

STRUCTURE: A Structure is anything constructed or erected which requires permanent location on the ground or attachment to something having such location.

1. Structure, Detached: A detached structure is any structure having no party wall or common wall with another structure. Bridges, tunnels, breezeways, and other similar means of connecting one (1) structure to another shall not, for the purposes of this Ordinance, be considered to constitute a party wall or a common wall.
2. Structure, Temporary: Except as hereinafter provided a temporary structure is a structure designed for a limited period of time or tenure on a zoning lot. A sign, billboard or other advertising device detached or projecting shall not be constructed to be temporary.

SWIMMING POOL: Any structure intended for recreational bathing that contains water over twenty-four (24) inches deep. This includes in-ground, above-ground, and on-ground swimming pools, hot-tubs and spas.

SWIMMING POOLS, PERMANENT: Permanent swimming pools are built above or below grade. These swimming pools shall have a foundation or rigid structure and cannot be disassembled.

SWIMMING POOLS, PORTABLE: Portable swimming pools are those maintained above grade and can readily be disassembled and stored. For the purpose of this Ordinance, portable swimming pools are presumed to require re-erection each year.

SWIMMING POOL, PRIVATE (SINGLE-USE): A private swimming pool, single-use, is a swimming pool and the apparatus and equipment pertaining to the swimming pool, maintained by an individual for the sole use of a family and guests, without charge for admission, and not for purpose of profit or in connection with any business operated for profit, located on a lot as an accessory use to a single-family detached dwelling unit.

SWIMMING POOL, PUBLIC: A swimming pool and the apparatus and equipment pertaining to the swimming pool, maintained and operated by a municipality or other units of government for the general public whether or not an admission fee is charged.

SWIMMING POOL, QUASI-PUBLIC: A swimming pool and the apparatus and equipment pertaining to the swimming pool, maintained and operated by a hotel, motel or association, or non-profit organizations for the exclusive use by the room occupants or members of the association or non-profit organization.

TAVERN OR LOUNGE: A tavern or lounge is a building, or portion thereof, where liquors are sold to be consumed on the premises but not including restaurants where the principal business is serving food.

TOWER: A tower is a structure or antenna attached to a building or a detached structure or antenna affixed to the ground, used in the generation of electrical power or in the transmission, relaying or receiving of microwaves or radio or television communications or to support a windmill.

USE: Use is any purpose for which a building, structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also, any activity, occupation, business, or operation carried on, or intended to be carried on, in or on a structure on a tract of land, and shall comply with all Performance Standards contained in this Ordinance.

1. Use, Principal: Principal Use is the main use of land or buildings as distinguished from a subordinate or accessory use. The principal use may be either a Permitted or a Special Use.
2. Use, Special: Special Use is a use, either public or private, which, because of its unique characteristics, cannot be properly classified as a Permitted Use in a particular district or districts.
3. Use, Lawful: The use of any building, structure or land that conforms with all of the regulations of this Ordinance or any amendment hereto and which conforms with all of the codes, ordinances, and other legal requirements, as existing at the time of the enactment of this Ordinance or any amendment thereto, for the structure or land that is being considered.
4. Use, Permitted: Any use which is or may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and when applicable, Performance Standards of this Ordinance for the district in which such use is located.
5. Use, Prohibited: Any use which is not specifically listed as a permitted use or a special use on the Permitted Use Table 6-1 is not allowed.
6. Use, Accessory: See "Accessory Building Structure or Use."

VARIATION: A variation is a relaxation of the terms of the Zoning Ordinance where such variations will be in harmony with the general purpose and intent and not contrary to the public interest, and where, due to conditions, peculiar to the property and not the direct result of the actions of the owner, a literal enforcement of the Ordinance would result in practical difficulties or unnecessary hardship. Variations may be granted in the use, construction, or alteration of a

building or structure, from the standards established in the Beecher Subdivision Ordinance or in the use of land.

VETERINARY CLINIC: Veterinary clinic is a facility rendering surgical and medical treatment to animals and household pets, and providing for overnight accommodations for animals under treatment or observation. For the purpose of this Ordinance, animals shall be deemed to be ordinary household pets, excluding equines or other such animals not normally housed or cared for entirely within the confines of a residence.

VETERINARY HOSPITAL: A veterinary hospital is a facility rendering surgical and medical treatment to animals, and having no limitation on overnight accommodation for such animals. Crematory facilities shall not be allowed in a veterinary hospital unless approved by the Illinois Environmental Protection Agency. For the purpose of this Ordinance, where a veterinary hospital is permitted, a veterinary clinic shall also be permitted.

VILLAGE BOARD: Village Board shall mean the President and Village Board of Beecher, Illinois. Also known as “Corporate Authorities” and sometimes referred as the “Village Board.”

WAREHOUSE: A warehouse is a building, structure, or part thereof used principally for the storage of any goods or merchandise, and not for retail sale of such goods.

WETLAND: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

WHOLESALE ESTABLISHMENT: Wholesale establishment is any building, wherein the primary occupation is the sale of merchandise in gross for resale, and any such building wherein the primary occupation is the sale of merchandise to institutional, commercial and industrial consumers and not for retail sale of such goods and merchandise.

YARD: Yard is an open space on the same zoning lot with a use, building or structure unoccupied and unobstructed from its lowest level to the sky. A yard extends along a lot line, and to such a depth or width specified in the yard requirements for the zoning district in which such zoning lot is located. (See illustrations).

1. Yard, Front: A Front Yard is a yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.
2. Yard, Rear: A Rear Yard is a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.
3. Yard, Side: A Side Yard is a yard between a main building and the side lot line) extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the main

building.

4. Yard, Corner Side: A corner side yard is a side yard which adjoins any street to a width specified in the yard requirements for the zoning district.

ZERO LOT LINE: Zero lot line is a development approach in which a building is sited on one (1) or more lot lines with no yard.

ZONING ADMINISTRATOR: The Zoning Administrator is that person designated as Zoning Administrator who is appointed by the Village President with the consent of the Village Board. The Zoning Administrator is hereby authorized to administer and enforce the provisions of the Zoning Ordinance, making such determinations, interpretations and orders as are necessary therefore, and requiring such plats, plans, and other descriptive material in connection with applications/permits as are necessary to comply with this Ordinance.

ZONING, CERTIFICATE: A zoning certificate is a certificate issued by the Zoning Administrator, certifying that any proposed use, building or structure to be located on a zoning lot is in accordance with all of the regulations of this Ordinance.

ZONING DISTRICT: A zoning district is a section or sections of territory for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

ZONING LOT: See "Lot, Zoning."

ZONING MAP: Zoning Map is the map incorporated herein, as part hereof designating the zoning district.