

## VILLAGE OF CHATHAM ZONING ORDINANCE

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, ILLINOIS, AS FOLLOWS:

### CHAPTER 1: GENERAL PROVISIONS

#### 1.01 TITLE

This Ordinance shall be known, cited and referred to as:

VILLAGE OF CHATHAM ZONING ORDINANCE

#### 1.02 INTENT AND PURPOSE

a. The purpose of this Ordinance is to:

1. Promote and protect the public health, safety, comfort, convenience, prosperity and general welfare.
2. Secure adequate light, clean air and safety from fire and other dangers.
3. Conserve the value of land and buildings throughout the Village of Chatham by preventing incompatible uses.
4. Promote the goals of the Chatham Comprehensive Plan.

b. This Ordinance shall accomplish these purposes by:

1. Organizing the Village into districts regulating and restricting therein the location and use of buildings, structures and land.
2. Regulating the height and bulk of buildings and other structures.
3. Regulating the building or setback lines along streets, alleys and property lines.
4. Regulating the intensity of the use of lot areas and determining the area of open spaces surrounding buildings.
5. Providing for certain special permitted uses and variances.
6. Regulating accessory off-street parking and loading facilities.
7. Defining the powers and duties of the administrative officers and bodies as provided herein.
8. Providing procedures for variances from the requirements of this Ordinance under certain circumstances.
9. Providing for the amendment of such regulations and boundaries of the respective districts.

10. Prescribing penalties for the violation of the provisions of this Ordinance or of any amendment thereto.

#### 1.03 RULES FOR CONSTRUCTION

The language of this Ordinance shall be interpreted in accordance with the following rules of construction:

1. Where the context admits, the singular number includes the plural and the plural, the singular.
2. The word "shall" is mandatory, while the word "may" is permissive.
3. All measured distances shall be to the nearest integral foot. If a fraction is one-half or less, the integral foot next below shall be taken.
4. Whenever a word, a phrase or a term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as set forth in the definition thereof.

#### 1.04 DEFINITIONS

The following words, phrases, and terms, whenever they occur in this Ordinance, shall be interpreted as herein defined:

##### ACCESSORY USE, ACCESSORY BUILDING OR USE

- a. "Accessory building or use" means a subordinate building or use which is located on the same lot on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use, when permitted by district regulations.
- b. An "accessory use" includes, but is not limited to, the following:
  1. A children's playhouse, garden house, and private greenhouse;
  2. A garage, shed or building for domestic storage;
  3. Storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by the district regulations.
  4. Storage of goods used in or produced by manufacturing activities, on the same lot or parcel of ground with such activities, unless storage is excluded by the district regulations.
  5. Off-street motor vehicle parking areas, and loading and unloading facilities;
  6. Signs, as permitted and regulated by the Village Sign Ordinance.
  7. A private residential swimming pool.

### AGRICULTURE

The growing, harvesting and storing of crops, including but not limited to legume, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, nurseries, orchards, forestry and greenhouses; the keeping, raising and feeding of including but not limited to, poultry, swine, sheep, beef cattle, ponies, horses, bees, fur farms, and fish and wildlife farms; farm buildings used for growing, harvesting and preparing crop products for market, for agricultural products, farm buildings for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry products for market; farm dwellings occupied by farm owners, operators, tenants or farm workers.

### ALLEY

A public way with a width not exceeding 20 feet in right-of-way used primarily as a service access to the rear or side of a property which abuts on a street.

### ANIMAL HOSPITAL (VETERINARY CLINIC)

Any building or portion thereof designed or used for the veterinary care, observation, or treatment of animals.

### APARTMENT

A room or suite of rooms arranged, designed, used or intended to be used as a single housekeeping unit, located in a multiple family building.

### ASSISTED CARE FACILITY

A residential facility, usually for older or partially disabled persons, housing six or fewer residents, with two or fewer live-in staff, providing shared food preparation service and dining areas and other common facilities. An Assisted Care Facility does not provide health care. If an Assisted Care Facility is located in an R-2 zone, no more than 4 motor vehicles shall be parked on site by the residents and staff at the Facility.

### AUTOMOBILE REPAIR

Engine rebuilding, major reconditioning or replacement of worn or damaged motor vehicles and components or trailers; collision service, including body, frame or fender straightening or repair; and overall painting of vehicles.

### AUTOMOBILE SERVICE STATION

A place where fuel, lubricating oil or grease, for operation of automobiles, are offered for sale directly to the public on the premises, and including minor accessories and services for automobiles including washing of automobiles incidental to the sale of fuel, lubricating oil or grease and not including automobile repairs. When the dispensing, sale or offering for sale of motor fuels or lubricants is incidental to the conduct of a public garage, the premises shall be classified as a public garage.

### BASEMENT

A portion of a building located partly or wholly underground.

BED AND BREAKFAST

A building, or portion thereof, containing lodging rooms, which accommodate three or more persons who are not members of the keeper's family, and where lodging rooms, or meals, or both, are provided for compensation.

BUILDABLE AREA

The space remaining on a zoning lot after the minimum open space requirements of this title have been complied with.

BUILDING

Any structure having a roof supported by columns or walls built for the support, shelter or enclosure of any kind, but not including any vehicle, trailer, nor any moveable device, such as furniture, machinery or equipment.

BUILDING AREA

The area bounded by the exterior dimensions of the outer walls at the ground line.

BUILDING, DETACHED

A building surrounded by open space on the same lot.

BUILDING HEIGHT

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

BUILDING, PRINCIPAL

A non-accessory building in which the principal use of the lot on which it is located, is conducted.

BULK

The term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another, and including the following:

- a. Size and height of buildings;
- b. Location of exterior walls at all levels in relation to lot lines, streets or to other buildings;
- c. Gross floor area of buildings in relation to lot area (floor area ratio);
- d. All open spaces allocated to buildings;
- e. Amount of lot area provided per dwelling unit.

BUSINESS

Any occupation, employment, profession or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials or where services are offered for compensation.

CAR WASH

A building equipped for washing automobiles and other motor vehicles for a consideration, whether the vehicles are washed by hand or by machinery.

CARPORT

A roofed accessory building or structure providing space for the parking of motor vehicles and lattice, or other material. When attached to a principal building, a carport shall be considered a part of the principal building and subject to all applicable bulk regulations for the district in which it is located.

CLUB OR LODGE, PRIVATE

A non-profit association, or 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.

COMMUNITY CENTER

A building or other facility used for programs generally open to the public and designed to serve significant segments of the community.

CONGREGATE HOUSING

A residential facility, usually for older or partially disabled persons, containing 4 or more dwelling units or rooming units providing shared food preparation service and dining areas and other common facilities. A congregate facility does not provide health care.

CORNER SIDE LOT LINE

Side lot line abutting a street.

DAY CARE CENTER

Day Care Center has the same meaning as in section 2-09 of the Child Care Act of 1969, 225 ILCS 10/2-09, meaning a child care facility which regularly provides day care for less than 24 hours per day for (1) more than 8 children in a family home or (2) more than 3 children in a facility other than a family home, subject to the qualifications and exclusions in that Act.

DAY CARE HOME

Day Care Home means a family home which receives more than three up to a maximum of eight children for less than 24 hours per day.

DENSITY

The number of living units per acre allowable under the schedule of district regulations.

DISTRICT

A geographical area in which the use regulations are uniform.

DWELLING

A building or portion thereof designed and used exclusively for residential purposes.

DWELLING UNIT

One or more rooms in a dwelling intended to be occupied as separate living quarters, and containing independent cooking and sleeping facilities.

DWELLING, SINGLE-FAMILY

A detached residential building containing one dwelling unit.

DWELLING, TWO-FAMILY (DUPLEX)

A detached residential building containing two dwelling units.

DWELLING, MULTIPLE-FAMILY (APARTMENT)

A building or portion thereof containing three or more dwelling units.

FAMILY

One or more persons related by blood, marriage or adoption, or a group of not more than five persons not so related, maintaining a common household in a dwelling unit.

FAMILY CARE FACILITY

A facility licensed or approved by the State of Illinois having not more than two staff or supervisory personnel, which provides shelter, counseling and other rehabilitative services in a family-like environment to six or fewer residents who are not legally related to the facility operators or supervisors, and who by reason of mental or physical disability, chemical or alcohol dependency, family or school adjustment problems, require a minimal level of supervision, but do not require medical or nursing care or general supervision. A family care facility may include uses such as foster homes, halfway houses, community residential alternative facilities, or home individual programs.

FENCE

A barrier intended to prevent escape or intrusion, to mark a boundary or to create a sense of privacy or security.

FENCE, PRIVACY OR SOLID

A fence, including solid entrance and exit gates, which effectively conceals from view from adjoining property and streets, materials that are stored and activities conducted behind such fence.

FLOOD-CREST ELEVATION

The maximum instantaneous elevation of the water surface during the period of a 100-year flood as established by the U.S. Federal Management Agency, Federal Insurance Administration.

#### FLOOD-PLAIN AREA

That continuous area, adjacent to a stream or stream bed or other natural drainage channels or areas, whose elevation is equal to or lower than the 100-year flood-crest elevation as established by survey or as indicated in the study, including any land of higher elevation having an area of less than ten acres which is completely surrounded by land equal to or lower than the flood-crest elevation.

#### FLOOR AREA, GROSS

For the purpose of determining Floor-Area Ratio, the floor area of a building or buildings shall be the sum of the gross horizontal areas of the several floors of such buildings or buildings-measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings. In particular, "gross floor area" shall include:

- a. Basement space, if at least one-half of the basement story height is above the established curb level.
- b. Elevator shafts and stairwells at each floor.
- c. Floor space used for mechanical equipment where the structural headroom exceeds seven and one-half feet; except equipment, open or enclosed, located on the roof, i.e., bulkheads, water tanks, and cooling towers.
- d. Attic floor space where the structural headroom exceeds seven and one-half feet.
- e. Interior balconies and mezzanines.
- f. Enclosed porches, but not terraces and breezeways.

#### FLOOR AREA RATIO

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

#### GARAGE, PRIVATE

An accessory building or an accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business, service or industry connected directly or indirectly with automotive vehicles is carried on.

#### GARAGE, PUBLIC

Any building where automotive vehicles are painted, repaired, rebuilt, reconstructed, and/or stored for compensation.

#### GROUP CARE FACILITY

A facility licensed or approved by the State of Illinois, having not more than three staff or supervisory personnel, which provides shelter, counseling, and other rehabilitative services in a family-like environment to more than six but less than 15 residents who are not legally related to the facility operators or supervisors, and who by reason of mental or physical disability, chemical or alcohol dependency, family or school

adjustment problems require a minimal level of supervision, but do not require medical or nursing care or general supervision.

#### HOME OCCUPATION

A "home occupation" is an occupation or profession customarily carried on in a dwelling unit by a person or persons residing in that dwelling unit, and which is clearly incidental or secondary to the residential use of the dwelling unit and does not involve the conduct of a retail business, and which conforms to the following additional conditions:

- a. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the principal building.
- b. No home occupation shall be conducted in any accessory building.
- c. No traffic shall be generated by such home occupation in greater volumes than in a single family residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in required front yard.
- d. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference reasonably offensive to neighbors, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Home occupation includes day care for 3 or fewer children cared for solely by a person residing in the dwelling units.

#### HOTEL

A building in which lodging is provided and offered to the public for compensation and is open to transient guests.

#### HOUSING, MULTIPLE-FAMILY

A building or portion thereof containing three or more dwelling units.

#### HOUSING UNIT

One or more rooms which constitute a separate, independent housekeeping establishment containing independent kitchen, sleeping and sanitary facilities.

#### INTERIOR SIDE LOT LINE

Side lot line that does not abut a street.



#### JUNK YARD

An open area or fenced-in enclosure where used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A junk yard includes an auto-wrecking yard, but does not include uses established entirely within enclosed buildings.

#### KENNEL, COMMERCIAL

Any lot or premises on which two or more dogs, at least four months of age, are kept, boarded for compensation, or kept or bred for sale.

#### LIMITED REZONING AMENDMENTS

The reclassification of a property from one zoning classification to another, provided all of the following standards are met:

- a. The zoning request is not being submitted in conjunction with a subdivision action; and
- b. Final platting of the property has been approved by the Village Board in the subdivision process; and
- c. The zoning classification from which reclassification is sought is not P-1.

#### LOADING, OFF-STREET

A space, accessible from a street, alley or way, in a building or on a lot for the use of trucks while loading or unloading merchandise or materials.

#### LOT

For purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- a. A single lot of record.
- b. A portion of a lot of record.
- c. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.
- d. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

#### LOT AREA

The area of a horizontal plane bounded by the vertical planes through front, side and rear lot lines.

#### LOT, CORNER

A lot situated at the junction of and abutting on two or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is 135 degrees or less.

LOT, DEPTH

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 alley, the lot line shall be deemed to be the street or alley right-of-way line.

LOT LINE, FRONT

That boundary of a lot which is along an existing or dedicated street. The owner of a corner lot may select either street lot line as the front lot line.

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 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 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.

LOT, MOBILE HOME

The area assigned to a mobile home in a mobile home park.

LOT OF RECORD

A lot which is part of a subdivision recorded in the office of the Sangamon County Recorder of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT, REVERSED

A lot which the frontage is at right angles or approximately right angles (interior angle less than 135 degrees) to the general pattern in the area.

LOT, THROUGH

A lot defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

LOT, WIDTH

Width of a lot shall be considered to be the distance between straight lines connecting front and rear lots lines at each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 per cent of the required lot width except in the case of lots on the turning circle of cul-de-sac where the 80 per cent requirement shall not apply.

MOBILE HOME

Mobile Home means a structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling for one or more persons. The term "mobile home" shall include manufactured homes constructed after June 30, 1976, in accordance with the Federal "National Manufactured Housing Construction and Safety Standards Act of 1974".

MOBILE HOME PARK

A contiguous parcel of land which has been planned and improved for the placement of mobile homes. Developments or portions of development intended for the sale of individual lots or parcels for the placement of mobile homes on permanent foundations shall not be included within the definition of mobile home park.

MODULAR HOME

A factory-built home which is subject to regulation by the Illinois Department of Public Health. By law a modular home must have affixed to it a yellow seal in the shape of the State of Illinois on the electrical panel box, or a similar seal of the State of Indiana. A modular home on a permanent perimeter foundation extending below the frost depth qualifies as a single family structure in any zone in which single family structures are allowed.

MOTEL

A building containing lodging rooms having adjoining individual bathrooms; where each lodging room has a doorway opening directly to the outdoors; and where more than 50 per cent of the lodging rooms are for rent to transient tourists for a continuous period of less than 30 days.

MOTOR FREIGHT TERMINAL

A building or premises in which freight is received or dispatched by motor vehicle.

MOTOR VEHICLE

Any self-propelled wheeled vehicle designated or intended primarily for the transportation of persons or goods along public streets, alleys or other public ways.

NAMEPLATE

A sign indicating the name and/or address of a building or the name of an occupant thereof.

NONCONFORMING

Any building, structure or land lawfully occupied by a use or lawfully established at the time of the passage of the ordinance or amendments thereto, which does not conform after the passage of the ordinance or amendments thereto.

#### NURSING HOME

A private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. Such a home may contain equipment for surgical care or for treatment of a disease or injury, but does not include maternity care or mental illnesses. Includes intermediate care facilities licensed by the State of Illinois.

#### OPEN SALES LOT

Any land used or occupied for but not limited to the purpose of buying and selling secondhand passenger cars and/or trucks, motor scooters, motorcycles, boats, trailers, aircraft, and monuments, and for the storing of same prior to sale.

#### PATIO

A recreation area adjoining a residential structure which is either paved or constructed of flagstones or the like, which is not raised above the ground level, and which is not covered with a roof or other structure.

#### PLANNING COMMISSION

The Chatham Planning Commission.

#### PLANNED UNIT DEVELOPMENT

See Chapter 4.

#### PORCH

A covered or roofed entrance to a building, or covered or roofed patio deck.

#### PUBLIC OPEN SPACE

Any publicly-owned open area, including, but not limited to, the following: parks, playgrounds, forest preserves, beaches, waterways, parkways and streets.

#### PUBLIC SERVICE AREA

An area including such uses as fire and police stations, telephone exchanges, radio and television transmitting and relay stations and towers, filter plants and pumping stations and similar uses.

#### RECYCLING CENTER

A facility for the collection of recyclable materials defined as such by Village ordinances pertaining to recycling.

#### RECREATION SPACE

The total area in square feet which is countable as open space but is not paved in streets, walks or driveways and is suitably improved for public or private (recreation pursuits) of all residents. Recreation space should provide for active and passive recreation activities. That part of a recreation area having a dimension of less than twenty feet shall not be included as countable recreation space. In addition, countable recreation space must be at least twenty feet away from any residential wall containing a window on the ground floor.

REFUSE

All waste products resulting from human habitation, except sewage.

RESIDENCE

The act or condition of residing or dwelling in a place.

RETAIL

Retail refers to the sale of relatively small quantities of commodities and services directly to customers.

SANITARY LAND FILL

A method of disposing of refuse by spreading and covering with earth.

SETBACK, FRONT-YARD

The minimum horizontal distance permitted between the front line or side line of the building and the lot line nearest the street line, disregarding steps and unroofed porches.

SHED

A storage structure not intended for dwelling purposes or for storage of automobiles.

STORY

That portion of a building included between the surface of any floor and the floor next above, or if there is no floor above, the space between the floor and the ceiling next above. A basement shall be counted as a story for the purposes of this Ordinance when more than one-half of such basement height is above the adjacent ground level.

STREET

The entire width between boundary lines of every way publicly maintained when any part thereof is open to the public for purposes of vehicular travel.

STREET LINE

The dividing line between a lot and the right of way of a contiguous street.

STRUCTURAL ALTERATIONS

Any change, other than incidental repairs, in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders; or any substantial change in the roof or exterior walls.

STRUCTURE

Anything erected, the use of which requires a fixed location on the ground, or attached to something having a permanent location on the ground. A sign, billboard, or other advertising medium detached or projecting shall be construed to be a structure.

### SWIMMING POOL

"Swimming pool" is a receptacle for water, or an artificial pool of water having a depth at any point of more than two feet (2'), intended for the purpose of immersion or partial immersion therein of human beings, and including all appurtenant equipment, constructed, installed and maintained in or above the ground inside or outside of a building. There are three types of swimming pools, for purposes of this Ordinance.

- a. A "private residential swimming pool" is a swimming pool maintained by an individual primarily for the sole use of his or her household and guests and not for the purpose of profit or in connection with any business operated for profit. Private residential swimming pools shall be permitted in single family and duplex residential zones only as an accessory use.
- b. A "public swimming pool" is a swimming pool maintained by individuals for the use of more than one household, or owned or maintained by a club or other not-for-profit organization, corporation or homeowners association for the use of its members, or owned or maintained by any person or entity for profit, or maintained by a school, park district, municipality or other public not-for-profit organizations.
- c. "Juvenile pool" refers to a receptacle for water or an artificial pool of water having a depth of less than two feet (2'), intended for the purpose of immersion or partial immersion therein of human beings.

### USE

The purpose or activity for which the land, or building thereof, is designed, arranged or intended, or for which it is occupied or maintained.

### USE, ACCESSORY

A subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located on the same lot as the principal building or use except for such accessory parking facilities as are specifically authorized to be located elsewhere.

### USE, NON-CONFORMING

Any lawfully established use of a building or premises which on the effective date of this ordinance does not comply with all of the applicable use (no bulk) regulation of the zoning district in which such building or premises shall be located. For the purpose of this ordinance, any use lawfully established on the effective virtue of lacking off-street parking or loading facilities as required hereinafter for new uses, shall not be deemed a non-conforming use.

### USE, PRINCIPAL

The main use of land or buildings as distinguished from a subordinate or accessory use.

VILLAGE

The Village of Chatham, Illinois.

VILLAGE'S CONSULTING ENGINEER

A registered professional engineer retained by the Village to perform engineering services.

VISION CLEARANCE TRIANGLE

A triangular space at either:

- a. The corner lot which is bounded by the street right-of-way lines; or
- b. The intersection of the street line and the left side of the line of a private driveway at an egress point facing the public right-of-way which consists of the street lines or street and driveway lines as the case may be, and a setback line connecting points determined by measurements from intersection of the street and driveway lines.

YARD

An open space on a lot which is unoccupied and unobstructed from the ground level to the sky. A yard extends along a line and at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

YARD, FRONT

A yard extending along the full width of the front lot line between side lot lines.

YARD, REAR

A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

YARD, SIDE

A yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of the front yards required. In the case of corner lots, yards remaining after full- and half-depth front yards have been established shall be considered side yards.

ZONING ADMINISTRATOR

Whenever in this ordinance the term Zoning Administrator is used, it shall mean the Zoning Administrative Officer and such deputies or assistants as have been or shall be duly authorized by the Village.

ZONING BOARD

The Chatham Zoning Board of Appeals.

ZONING LOT

"Zoning lot" means a plot of ground, made up of one or more parcels, which is or may be occupied by a building or buildings, including the open spaces required by this ordinance.

ZONING MAPS

The maps incorporated into this ordinance.

CHAPTER 2: DISTRICT REGULATIONS -- GENERAL PROVISIONS

2.01. ALLOWABLE USE OF LAND OR BUILDINGS.

The following uses of land or buildings listed below are allowed in the districts indicated hereinafter under the conditions specified in this Ordinance.

- a. Uses lawfully established on the effective date of this Ordinance.
- b. Permitted uses as established in Chapter 3.
- c. Special uses as established in Chapter 3.
- d. Accessory uses, subject to Section 2.04 hereof.

2.02. CONTROL OVER USE

In all districts, after the effective date of this Ordinance, and subject to the provisions as set out in Chapter 6 on Non-Conforming Uses:

- a. Any tract of land may be used.
- b. Any lawfully existing or new building or other structure may be used, relocated, enlarged, converted, extended, reconstructed or altered.
- c. The use of any lawfully established existing building or other structure, or tract of land may be continued, changed, extended or enlarged.
- d. Special uses allowed by these regulations for the district in which such building or other structure, or tract of land is located, may be used as specified in the district regulations and shall conform to other regulations set forth for that district, and to other applicable regulations of this ordinance.

2.03. CONTROL OVER BULK

In all districts, after the effective date of this Ordinance and subject to the provisions of Chapter 6 on non-conforming uses, any new building or other structure shall conform to all the bulk, height and area requirements set forth in the regulations for the district in which such building or other structure is located, and to all other applicable regulations of this Ordinance.



#### 2.04. ACCESSORY BUILDINGS, STRUCTURES AND USES

- a. Compatibility. Accessory buildings, structures and uses shall be compatible with the principal uses and shall not be established prior to the establishment of the principal use.
- b. Location. No accessory buildings or structure, unless it conforms with the requirements of accessory buildings for conditional uses, shall be erected or altered at, nor moved to, a location within ten feet of the nearest wall of the principal building, nor within the required area of a front or side yard. An accessory building, structure of use in a rear yard shall be not less than three feet from any property line, except that on a corner lot, a reversed corner lot, or a through lot, such accessory building, structure or use shall be set back from the property line adjoining a street the distance required herein for a specific permitted or special use. No accessory building shall be located on an underground utility easement or on a drainage easement or so as to interfere with the easement.
- c. Encroachment. No accessory building, structure, or use shall encroach upon that side yard of a corner lot which is adjacent to the street, upon that side of a reversed corner lot which is adjacent to the street, upon that part of a rear yard, or of a through lot, which is within 35 feet from the street line abutting the rear lot line, or upon a front yard, except as permitted herein for specific uses.
- d. Height of Accessory Buildings. No building or structure, accessory to dwelling uses, shall have more than one story nor exceed 17 feet in height unless otherwise permitted.
- e. A private residential pool is an accessory use. See Section 5-04 of this Ordinance for further pool regulations.

#### 2.05. YARDS, GENERAL

- a. Location.

All yards and other open spaces allocated to a building (or group of buildings comprising one principal use) shall be located on the same lot as such building. The maintenance of yards and other open space 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, other open space, or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, other open space, or minimum lot area requirements for any other building.

- b. Lot Division.

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

c. Reduction.

No yards, now or hereafter provided for a building existing on the effective date of this Ordinance, shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this Ordinance for equivalent new construction.

2.06. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS

No obstructions shall be permitted in any required yard except as follows:

- a. In any yards: marquees and awnings adjoining the principal building overhanging roof eaves; chimney, if they do not exceed ten percent of the depth of the yard; and ornamental light standards, domestic television and radio antenna, flag poles, arbors, trellises, trees, shrubs, coin operated telephone, permitted signs and outdoor fuel dispensing equipment. On corner lots, obstructions not higher than 30 inches above curb level, if located in that portion of a required front yard or side yard situated within 20 feet of the lot corner formed by the intersection of any two street lines.
- b. In side yards: open accessory off-street parking spaces, except in a side yard abutting a street.
- c. In rear yards: enclosed, attached or detached off-street parking spaces; open off-street parking spaces; accessory sheds; tool rooms; and any farm accessory building; or any similar structures customarily accessory to the principal use; and balconies, breezeways and open porches.

2.07 BUILDING ERECTION AND CONSTRUCTION REQUIREMENTS

- a. Permits. No application for a building permit zoning certificate shall be approved by the Zoning Administrator, and no permit or license shall be issued by any other village department which would authorize the use or change in use of any land or building contrary to the provisions of this ordinance, or the erection, moving, alteration, enlargement or occupancy of any building designed or intended to be used for a purpose or in a manner contrary to the provisions of this ordinance.
- b. Building Construction -- Compliance with District Limitations. No building shall be erected, reconstructed, relocated or structurally altered so as to have a greater height or bulk, or smaller open space about it than permissible under the limitations set forth in this ordinance for the district in which such building is located.
- c. Building Construction -- Open Space Requirements. No space allocated to a building or dwelling group for the purpose of complying with the side, rear or front yard, or court or other open space, or lot area requirements shall thereafter, by reason of change in ownership, be used to satisfy the yard, open space or lot area requirements of any other building or dwelling group.

- d. Building Construction -- Usable Open Space. No usable open space or off-street parking space or loading space existing or provided for any building shall be reduced below the minimum requirements set forth in this ordinance for such usable open space, parking space, or loading space, nor further reduced if already less than such minimum requirements.
- e. Lot Area and Dimension. Any single lot or parcel of land which was of record on July 1, 1982, that does not meet the requirements for yards or usable open space, may be utilized for a permitted use; provided, that front and rear yards are not less than seventh-five percent of the required minimum and that side yards shall not be not less than 3 feet.
- f. Building Location. Except as otherwise provided for in this ordinance, every building shall be constructed or erected upon a lot, or parcel of land, which abuts upon a public, fully dedicated street or permanent easement of access to a public street.
- g. Buildings Under Construction. Nothing in this ordinance shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the adoption of the ordinance and upon which building construction is diligently carried on; provided, that such building shall be completed within one year from the date of passage and publication of the ordinance.
- h. Accessory Buildings. Conformance to Regulations Applicable to Main Buildings.  
  
Where an accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations pertaining to the main building.
- i. Accessory Building Placement. An accessory building may not be located nearer to any interior lot line than that permitted for the main building, when any part of the accessory building is on line with the main building if extended. However, subject to restrictions on buildings with easement when an accessory building is located in the rear yard, it may then be located within three feet of an interior lot line, but not nearer than five feet of the rear lot line.
- j. Accessory Building, Construction Prior to that of Main Building. An accessory building shall not be erected more than 60 days prior to the establishment or construction of the main building to which it is accessory.
- k. Accessory Building, Prohibited Locations. No accessory building shall be located on a reversed corner lot beyond the front yard required on the adjacent lot to the rear, nor be located nearer than three feet to the side lot line of the adjacent lot.
- l. Excavation, Zoning Certificate. The excavations from or deposits on the earth of rock, stone, gravel, sand, earth, minerals, or building or construction materials shall not be construed to be permitted use in any district established by this ordinance unless and until a land use zoning certificate

has first been secured therefore, except for the following defined extractions and deposits:

1. Excavations for the foundation or basement of any building or for a swimming pool for which a land use permit or a building permit has been issued, or deposits on the earth of any building or construction materials to be used in a structure for which such zoning permit and building permit has been issued.
2. Grading of any parcel of land for a permitted use where no bank is left standing and exposed of more than ten feet in vertical height, or when less than one thousand cubic yards of earth is removed from the premises.
3. Grading in a subdivision which has been approved by the Village in accordance with the Village subdivision regulations and any amendments thereto.
4. Excavation by any public agency or public utility for the installation, operation, inspection, repair or replacement of any of its facilities.

2.08 PROCEDURE FOR ZONING OF TERRITORY TO BE ANNEXED OR ANNEXED TERRITORY

All land which may hereafter become a part of the Village of Chatham, Illinois as a result of annexation shall be classified and placed in zoning districts in the following manner:

- a. Automatic Zoning. Unless otherwise provided pursuant to an annexation agreement, any area which is annexed to the Village shall automatically be classified P-1, Pre-Urban District. Only those uses actually in effect on the date of annexation, or uses permitted in both the R-1 zone and the P-1 zone, may continue until such time as the lot is rezoned from P-1 to some other classification.
- b. Procedures in Event of An Annexation Agreement. When land is annexed pursuant to an annexation agreement, which contains provisions relating to zoning, all hearings which would be required with respect to such zoning provisions if the land were already in the Village shall be conducted prior to the Village's execution of the annexation agreement.

2.09 INCORPORATION OF THE ZONING MAP.

The location and boundaries of the districts established by this ordinance are set forth in the "Zoning District Map", dated November, 1994, as amended from time to time by subsequent ordinances amending or adding to same, which is hereby incorporated as part of this Ordinance. The Zoning Map, including all amendments thereto, shall be as much a part of this ordinance as if fully set forth and described herein. Said map shall be filed with the office of the Village Clerk and shall be made available to public reference at all times during which those offices are open.

2.10 MISCELLANEOUS.

- a. 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 shall consult the Zoning Board of Appeals

for an interpretation.

- b. 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 for a period not to exceed six months. This temporary certificate may be renewed semi-annually but in no case shall the effective space of the certificate exceed two years.
- c. Flood Hazard Area. No building or structure other than those accepted by this ordinance shall be erected within the flood plain boundary illustrated on the Zoning District Map. The flood plan area shown on the map is derived from the Flood Hazard Boundary Map for Chatham and vicinity prepared by the U.S. Federal Emergency Management Agency, Federal Insurance Administration.

#### 2.11 EXCEPTIONS.

- a. Exceptions to Use Regulations. The following uses are exempted in all districts by this ordinance and permitted by right: public rights-of-way by easement; telephone booths; poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar distributing equipment for telephone or other communication and electric power, gas, water and sewer lines.
- b. Exceptions to Height Regulations. The height limitations of this ordinance shall not apply to the following structures: cooling towers, church spires, belfries, cupolas, elevator bulkheads and domes not intended for human occupancy; monuments, water towers, transmission towers, chimneys, smoke stacks, derricks, conveyors, flag poles, radio towers, masts, aerials and necessary mechanical appurtenances.

### CHAPTER 3: ZONING DISTRICTS

#### 3.01 ESTABLISHMENT OF DISTRICTS

In order to carry out the purposes and provisions of this ordinance, the following districts are hereby established:

- a. PREURBANIZED DISTRICT.

- P-1 Preurbanized District.

- This district provides for low density uses presenting a rural appearance.

- b. RESIDENCE DISTRICTS.

- 1. R-1 Residential, Single Family, Low Density.

- This District is intended to provide a suitable open character for single-family detached dwellings at the lowest densities, and community facilities and public open spaces which serve the residents of these districts or are benefitted by an open residential environment.

2. R1A Residential, Single Family, Low Density.

This District is intended to provide a suitable open character for single-family detached dwellings at low densities, and community facilities and public open spaces which serve the residents of these districts or are benefitted by an open residential environment

3. R-2 Residential, Single Family and Two-Family, Low Density.

This District is intended to provide a suitable open character for single and two-family detached dwellings at medium densities, and community facilities and public open spaces which serve the residence of these districts or are benefitted by an open residential environment at medium densities.

4. R-3 Residential District, Multiple Family, Medium Density.

This District provides a suitable open character for multiple family dwellings at medium densities and community facilities and public open spaces which serve the residents of these districts or are benefitted by an open residential environment at medium densities.

5. RM-4 Residential-Mobile Home

This District allows exclusively mobile home parks.

6. R0-5 Residential-Office, Duplex and Multiple Family, High Density. (Obsolete)

This zoning district classification, allowed by the 1982 Zoning Ordinance, provided for a mixture of single duplex and multiple family residences and offices. It is considered to be a potential transitional district to serve as a buffer between business and residential areas and business and industrial areas. The Village Board hereby declares this zoning classification to be obsolete and no longer appropriate for the Village of Chatham. No further rezonings to this classification will be allowed. Properties zoned R0-5 as of the date of this ordinance shall continue to be subject to the use regulations for the R0-5 zone contained in the 1982 Ordinance. They shall be subject to the height and bulk regulations contained in the Schedule of Height and Bulk Regulations by Districts, Section 3.05 hereto.

c. BUSINESS DISTRICTS.

1. B-1 Community Business District

This District provides for community wide retail shopping and personal services. It is intended to be located to serve a wide area and be easily accessible to a large number of people.

2. B-2 General Business District

This District provides for the business and services needed by the population of the community.

d. INDUSTRIAL DISTRICTS.

1. I-1 Restricted Performance Manufacturing.

This District provides for a range of light manufacturing uses.

2. I-2 General Performance Manufacturing.

This District provides for heavier manufacturing uses than I-1, or uses creating appreciable truck and/or train usage.

e. PLANNED UNIT DEVELOPMENTS -- See Chapter 4.

3.02 INCORPORATION OF MAPS.

The location and boundaries of districts established by this ordinance are shown upon the zoning map, dated November, 1994, as amended from time to time by subsequent ordinance amending or adding to same, which is hereby incorporated as a part of this Ordinance.

3.03 BOUNDARIES OF DISTRICTS.

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

- a. District boundary lines are either the center lines of railroads, highways, streets, alleys, or easements; and lot lines and tract lines, or such lines extended, unless otherwise indicated.
- b. Wherever a district is indicated as a strip adjacent to and paralleling a railroad, highway or street, the depth of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the center line of a railroad, street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from the center lines of railroad, highway or street rights-of-way unless otherwise indicated.
- c. Where a district boundary line divides a lot in single ownership, the regulations for either portion of the lot may, at the owner's discretion, extend to the entire lot, but not more than 25 feet beyond the boundary line of the district.

3.04 SCHEDULE OF USE REGULATIONS BY DISTRICTS

The following schedule sets forth the permitted uses and special uses for the various zoning districts.

a. PREURBANIZED DISTRICT, P-1

Permitted Uses

Agriculture  
Animal Hospital  
Home Occupations  
Residences, Single Family

Special Uses

Campgrounds  
Cemeteries and Mausoleums  
Churches  
Fruit and Vegetable Stands  
Golf Courses  
Greenhouses  
Heliports and Airports  
Historic Sites  
Kennels  
Nurseries  
Nursery School  
Parks, Public  
Planned Unit Developments  
Police and Fire Stations  
Private Outdoor Recreation (including stables)  
Public Outdoor Recreation  
Public Swimming Pool  
Satellite Receiving Station or Uplinks, Commercial  
Schools, Elementary and High  
Wildlife Game Preserve

b. RESIDENTIAL, SINGLE FAMILY, LOW DENSITY, R-1

Permitted Uses

Home Occupations  
Public Open Spaces  
Single-Family Dwelling Units

Special Uses

The following institutional uses, provided that principal buildings shall be located not less than 20 feet from adjoining lot lines in a residential district.

Cemeteries  
Churches  
Day Care Home  
Golf Course  
Police and Fire Stations  
Private Outdoor Recreation Centers  
Public Libraries  
Public Open space, including customary public parks  
Public Outdoor Recreation Centers  
Public Swimming Pool  
Schools, Public or Private, to be used for elementary, junior and senior high, with adjacent space for playgrounds, athletic fields, dormitories and other accessory uses required for operation  
Seminaries, convents, monasteries and similar religious institutions, including dormitories and other accessory uses required for operation



c. RESIDENTIAL, SINGLE FAMILY, LOW DENSITY, R-1A

Permitted Uses

Same as R-1 District

Special Uses

Same as R-1 District

d. RESIDENTIAL, SINGLE FAMILY AND TWO-FAMILY, LOW DENSITY, R-2

Permitted Uses

Same as R-1 District  
Duplexes

Special Uses

Same as R-1 District  
Assisted Care Facility

e. RESIDENCE DISTRICT, MULTIPLE FAMILY, MEDIUM DENSITY, R-3

Permitted Uses

Day Care Homes  
Multiple Family, Attached Dwelling Units  
Congregate Housing  
Assisted Care Facility

Special Uses

Same as R-1 District  
Nursing Homes  
Family Care Facility  
Group Care Facility  
Shelter Care Facility

f. RESIDENCE-MOBILE HOME DISTRICT, RM-4

g. RESIDENCE-OFFICE DISTRICT  
(Obsolete -- See Appendix A)

h. COMMUNITY BUSINESS DISTRICT, B-1

Permitted Uses

Antique, Coin, Stamp and Other Collectibles Shop  
Art Galleries  
Art Supplies  
Banks and Financial Institutions  
Barber Shops  
Beauty Parlors

Bed and Breakfast  
Book Stores  
Restaurants without drive-through facilities  
Camera and Photographic Supply  
Candy Shops  
Churches  
Clubs -- Private  
Convenience Stores, no gasoline sales  
Day Care Center  
Delicatessens  
Dress Making  
Drug Store without liquor sales  
Dry Cleaning  
Funeral Homes  
Gift Shops  
Ice Cream Shops  
Jewelry Stores  
Laundromat  
Libraries  
Locksmith Shops  
Millinery Shops  
Museums  
Offices  
Parking, Off-street  
Public Swimming Pool  
Shoe Repair  
Stationery store  
Tailor Shops  
Video Sales and Rentals

Special Uses

Animal Hospital without outside runs or boarding  
Community Centers  
Fire Stations  
Health Service Facility  
Owner-occupied Dwelling Units Above First Floor  
  
Satellite Receiving Station or uplinks, commercial

i. **GENERAL BUSINESS DISTRICT, B-2**

Permitted Uses

Uses permitted in the B-1 District

Advertising sign shops  
Animal Hospitals  
Auction houses and rooms, excluding livestock  
Auto Parts  
Automobile service stations  
Automotive repairs and auto body repair and painting  
Bakers  
Banquet Halls  
Boat Sales  
Bicycle stores, sales, rentals and repairs  
Blueprinting establishments  
Bowling alleys  
Building material sales without outdoor storage

Business machine sale and services  
Business schools  
Car Wash  
Carpet and rug stores  
Casket and casket supplies  
Catering establishments  
Clothing and costume rental establishments  
Commercial printing  
Community centers  
Construction offices  
Crematorium  
Currency exchanges  
Dance halls  
Diet centers  
Dental laboratories  
Department stores  
Drug sales with liquor sales  
Electric shops  
Electrical appliance stores  
Electronic sales and service  
Exterminating  
Feed stores  
Frozen food shops and lockers  
Fuel sales, retail only  
Furniture stores  
Furrier shops  
Garages  
Garden supply stores  
Greenhouses  
Grocery stores  
Gymnasium  
Hat and repairs  
Hardware stores  
Hobby shops  
Hotels  
Household appliance stores  
Ice sales, retail only

Interior decoration shops  
Laundries  
Leather goods  
Liquor stores  
Mail order houses  
Meeting halls  
Medical appliances  
Medical laboratories  
Motels  
Motor vehicle equipment sales  
Motor vehicle sales  
Musical instrument, sales and repairs  
Newspaper offices  
Office supply stores  
Orthopedic appliance stores  
Paint  
Parking, commercial  
Pet shops  
Pawn shops  
Photographic, studio, sales and service  
Picture framing  
Plumbing shop  
Private Club or Lodge  
Pool Halls

Post office  
Public Swimming Pool  
Radio broadcasting  
Recording studios  
Recreation building  
Research laboratories  
Restaurants, with drive-through facilities  
Restaurants and bars with live entertainment and dancing  
School supply stores  
Schools, dance, music  
Sewing machine sales and service  
Shoe stores  
Skating rinks, indoor  
Small engine repair  
Sporting goods  
Taverns  
Taxidermists  
Telephone offices  
Testing laboratories  
Television broadcasting studios  
Theaters  
Toy stores  
Trade schools  
Trailer sales  
Transportation ticket offices  
Travel bureaus  
Variety stores  
Video arcades  
Vending machines, sales and service  
Wholesale establishments - storage limited to samples  
All retail uses compatible with the foregoing list

Special Uses

Antenna towers  
Electrical distribution centers  
Fire stations  
Hospitals  
Police stations  
Private outdoor recreation centers  
Public outdoor recreation centers  
Zoo

j. **RESTRICTED PERFORMANCE MANUFACTURING, I-1**

Permitted Uses

- a. Uses permitted in the I-1 District are subject to the following condition: Dwelling units and lodging rooms are not permitted, except for watchmen's quarters.
- b. The following uses are permitted in the I-1 District:
  1. Any establishment, engaged in production, processing, cleaning, servicing, testing, repair or storage of materials, goods, or products.

2. The following additional uses:

Arenas, open or enclosed  
Auditoriums, open or enclosed  
Auto laundries  
Automobile service stations  
Building material sales with outside storage  
Bus terminals and garages  
Cartage and express facilities  
Construction equipment storage  
Contractors' office, shops and yards  
Dental service facilities  
Dry cleaning plant  
Dwelling units for watchmen and their families,  
when located on the premises where employed  
Electric, wholesale  
Electric, gas, telephone and water service substations  
Extermination  
Feed sales and service  
Fertilizer sales and services  
Fire stations  
Food locker  
Fuel sales  
Furniture, repair and upholstery  
Garages for storage, repair and servicing of  
motor vehicles  
Gas regulator stations  
Grain elevators  
Greenhouses - wholesale  
Highway maintenance shops and yards  
Hotels sleeping, lodging, eating and related facilities  
Ice sales  
Laundries  
Machinery sales  
Mail order houses  
Medical service facilities  
Motor freight terminals  
Offices and lodges of labor organizations  
Packing and crating  
Police stations  
Publishing establishments  
Railroad passenger stations  
Recreational center building (public and private)  
Restaurants - including the sale of liquor in conjunction  
therewith  
Satellite Receiving Station or uplink, commercial  
Stadiums, open or enclosed  
Taverns  
Telephone exchanges  
Telephone transmission equipment buildings  
Temporary buildings for construction purposes for a  
period not to exceed the duration of such construction  
Temporary real estate tract offices, for the purposes of  
conducting the sale of lots of the tract upon which  
such tract office is located, for a period not to  
to exceed two years  
Truck wash  
Waterworks  
Warehouses  
Weighing stations

Wholesale establishments  
Accessory uses, incidental to and on the same lot and  
zoning district as the principal use

Special Uses

Airports, private and commercial  
Auxiliary facilities  
Flying schools  
Grain elevators  
Hangars  
Heliports and other flight strips

k. **GENERAL PERFORMANCE MANUFACTURING; I-2**

1. Permitted Uses

All permitted uses in I-1

Air-freight terminals  
Fertilizer manufacturing  
Railroad-classification yards  
Railroad-freight terminals  
Railroad-switching yards  
Railroad-repair shops  
Roundhouses

2. Special Uses

Same as I-1

Bulk Fuel Sales  
Junk Yards  
Sanitary landfill  
Radio and TV transmitting or relay stations and antennas  
Utility-transmission towers  
Extraction of minerals

1. **PLANNED UNIT DEVELOPMENT**

See Chapter 4.

3.05 SCHEDULE OF HEIGHT AND BULK REGULATIONS BY DISTRICTS.

Dimensions requirements by district shall be as follows:

| <u>District</u> | Minimum Area (Sq.Ft.)              | Minimum Width (Feet) | Minimum Yard Setbacks (feet) |             |                 | Side          |     | Maximum Bldg. Height (Feet) |
|-----------------|------------------------------------|----------------------|------------------------------|-------------|-----------------|---------------|-----|-----------------------------|
|                 |                                    |                      | <u>Front</u>                 | <u>Rear</u> | <u>Interior</u> | <u>Corner</u> |     |                             |
| P-1             | 43,560                             | 180                  | 30                           | 30          | 25              | 30            | 35  |                             |
| R-1             | 12,000                             | 80                   | 30                           | 30          | 10              | 30            | 35  |                             |
| R-1A            | 10,000                             | 70                   | 30                           | 25          | 8               | 25            | 35  |                             |
| R-2             | 5,000 per dwelling unit            | 70                   | 30                           | 25          | 8               | 25            | 35  |                             |
| R-3             | 3,500 per dwelling unit            | 70                   | 25                           | 25          | 5               | 25            | 50b |                             |
| R-M4            | 10,000                             | 65                   | 30                           | 25          | 8               | 25            | 35  |                             |
| R-O5 (obsolete) | 1,500 per office                   | 60                   | 20                           | 20          | 5               | 20            | 30  |                             |
| B-1             | None                               | None                 | 20a                          | 20          | None c          | None          | 35  |                             |
| B-2             | None                               | None                 | 20a                          | 20          | None c          | None          | 50b |                             |
| I-1             | None                               | None                 | 25                           | None        | 10d             | None          | 50b |                             |
| I-2             | None                               | None                 | 20a                          | None        | 10d             | None          | 80b |                             |
| PUD             | xxxxxxx See Note e xxxxxxxxxxxxxxx |                      |                              |             |                 |               |     |                             |

- a. Where adjacent structures have front yard setbacks different from those required, the minimum front yard setback shall be the average setback of such structures.
- b. Buildings over 35 feet in height shall have an additional 5 feet of side yard for each ten feet of height over 30 feet.
- c. A lot within a B District abutting a lot within an R District shall maintain a side yard equal to one-half the front yard required in the abutting R District.
- d. A lot within an I District abutting a lot within an R District shall maintain a side yard of twenty-five feet, and not permit parking of automobiles closer than five feet to the R District lot.
- e. A lot within a PUD district abutting a lot within an R District shall maintain a setback from the boundary of the R District of one-half the lot width required in the abutting R District.

## CHAPTER 4: PLANNED UNIT DEVELOPMENTS

### 4.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Developer. The person, firm or corporation proposing to develop the Planned Unit Development. If such person is different from the owner of record, the owner of record shall join in all submissions required by this Chapter.

Net Development Area. An arithmetic value determined for the purpose of calculating the allowable number of dwelling units. The net development area shall be determined by subtracting from the total planned unit development area the area set aside for:

- a. Right of way;
- b. Churches;
- c. Schools
- d. Commercial, offices, and other non-residential uses;
- e. Water bodies except where the shoreline has been incorporated in the common open space plan; provided that in no case shall the submerged land constitute more than 10% of the net development area.

Open Space. Land or water that is not built upon or used for parking and is used for creation, conservation, or aesthetic purposes. To qualify as open space under this chapter, the land:

- a. Must be owned in perpetuity by a homeowner or property owners' association;
- b. Cannot be required side, rear or front yards;
- c. Cannot be a right-of-way or easement; and
- d. Must have guaranteed access.

Planned Unit Development. A subdivision or development having a PUD zoning district classification that allows the development of ten or more acres of land with variations of some of the restrictions of standard zoning and subdivision regulations.

### 4.02 PURPOSE.

Traditional land development through subdivision is in general designed to apply to individual lots, sometimes making innovative, creative, and efficient land development more difficult than necessary. It is the purpose of a planned unit development to provide innovation, creativity and efficiency by:

- a. Producing a development which would be as good as or better than traditional development;
- b. Permitting developments which will provide a desirable and stable environment in harmony with the surrounding area and in accord with adopted plans for the Village.
- c. Permitting flexibility that will encourage a more creative approach in the development of land, which will result in a more efficient, aesthetic and desirable integration of open space with housing and other land uses.



d. Protecting and preserving scenic and natural features such as streams, trees and topographic features;

e. Permitting development of more energy efficient living areas by encouraging bicycle and pedestrian circulation facilities which will reduce reliance on automobiles, allowing for the proper orientation of streets, lots, and buildings to facilitate current and future solar energy application, and in general promoting a way of life that will lessen the consumption of scarce energy resources;

f. Encouraging a more stable neighborhood by permitting a mixture of housing types.

#### 4.03 PERMITTED USES.

The planned unit development district allows all permitted uses and conditional permitted uses in all districts of the Chatham Zoning Ordinance except for the RM4, I-1 and I-2 districts. The uses may be mixed if arranged in such a way as to ensure compatibility among users.

#### 4.04. MINIMUM SIZE.

The planned unit development must be at least ten acres in area and of reasonable dimensions to allow a practical arrangement of improvements, open spaces, and land uses.

#### 4.05. VARIANCE.

The provisions or requirements of this chapter may be varied by the Village Board upon application to the Planning Commission at the time of the Preliminary PUD Application submission. The planning commission shall make whatever recommendations it deems in the best interest of the Village with respect to the requested variance and the Village Board shall either approve or reject such recommendation as a part of its approval of the planned unit development zoning classification.

#### 4.06. MAXIMUM DENSITY.

a. The aggregate residential densities within a planned unit development shall not exceed 35 persons per acre of the net development area. Computation of the net development area shall include public parks and open space. Computation of the net development area shall not include non-residential areas or rights-of-way. Water bodies will be included in the computation of the net development area when the shorelines are incorporated in the common open space plan; provided that in no case shall the submerged land constitute more than 10% of the net development area.

b. To calculate the persons per acre of the net development area for compliance with this density requirement, the following schedule of persons per unit in single, duplex, and multiple family dwellings shall be used:

| Bedrooms per Dwellings<br>Unit in Duplex and Multiple<br>Family Dwellings | Persons<br>per Unit |
|---|---------------------|
| 0 Bedroom   | 1.0                 |
| 1 Bedroom   | 1.5                 |
| 2 Bedrooms  | 2.4                 |
| 3 Bedrooms  | 3.0                 |
| 4 Bedrooms  | 3.5                 |
| For single-family dwellings   | 3.5                 |

#### 4.07. PROCEDURE

a. The procedure for approval of PUDs consist of the following discrete steps in the following order:

1. Preapplication conference (optional)
2. Conceptual PUD Submission Plan
3. Preliminary PUD Plan
4. PUD Zoning Application
5. Plat/Plan Submission
6. Construction Plan submission

b. In order to obtain a PUD zoning classification, the procedures set forth in this chapter must be followed step by step without variation or exception. When a PUD classification has been granted, the approved site plans and supporting documentation shall control use of land, regulate the spacing and height structures, control use of signs, and outline any deviations from the zoning and subdivision regulations of the Village. Where no indication or exception is given to the zoning or subdivision regulations of the Village, the requirements of the appropriate section of the zoning or subdivision regulations shall apply.

#### 4.08 PREAPPLICATION CONFERENCE.

To assist developers in the preparation of a planned unit development, a pre-application conference with the Zoning Administrator may be requested by the developer. The purpose of the meeting will be to ensure that the developer fully understands the procedures and required submissions necessary for obtaining a PUD zoning classification as well as to make an initial assessment as to the suitability of the site for a PUD. The Zoning Administrator shall point out any potential problems that might be anticipated and make suggestions for their resolution, if resolution is possible. Within ten days following the conference, the Zoning Administrator shall inform the developer in writing to proceed with the Conceptual PUD submission. If the Zoning Administrator has ascertained that there are problems with the site, he shall so inform the developer in his letter and make clear that the problem or problems must be addressed before approval of the PUD submission and resolved prior to Preliminary Plan approval by the Planning Commission.

#### 4.09 CONCEPTUAL PUD SUBMISSION.

a. The first stage of the PUD process is submission of a conceptual submission consisting of the location map, along with a narrative describing the developer's plans for the planned unit development including, but not limited to:

1. A general description of the proposed site;
2. The overall concept for development, including the type of land uses to be included, their approximate location, and the approximate percentage of the development that the land uses will occupy;
3. A preliminary sketch of automobile and pedestrian circulation systems; and
4. The availability and adequacy of utilities to serve the development.

b. The purposes of the conceptual PUD submission is:

1. To enable the technical personnel of the Village to formally address the adequacy of utilities to serve the site;

2. To make a preliminary assessment of the impact of the planned unit development of the vicinity and the Village as a whole;
3. Insure that the proposal is in accord with the official Village plan; and
4. To determine if the proposed planned unit development is in accord with the purposes of the PUD District.

#### 4.10 REVIEW OF CONCEPTUAL PUD SUBMISSION

a. The owner/developer shall submit to the Zoning Administrator 12 copies of the location map and other required submissions. The Planning Commission shall, after consultation with the Village's Consulting Engineer, complete its review within 30 days and direct any comments in writing that they might have to the Village Board. The Planning Commission shall indicate if the developer should or should not proceed with the Preliminary Plan before any problems the Planning Commission has identified, if any, are resolved.

b. After all the comments of the Planning Commission have been received, the Village Board shall consider the Conceptual PUD Submission at its next regularly scheduled meeting and by resolution approve, disapprove or approve subject to modification, the Conceptual PUD Submission.

#### 4.11 TECHNICAL REQUIREMENTS FOR LOCATION MAP.

The location map shall consist of data added to an existing base map such as a United States Geological Survey map, a township base map that can be obtained from the regional planning commission office, or other base map to a suitable scale covering an area of at least a one-mile radius from the tract proposed for a planned unit development. If possible, the map should be no smaller than 8-1/2 inches by 14 inches. The location map shall show the following information:

- a. The outline of the proposed planned unit development with approximate boundary dimensions and total acreage;
- b. Existing streets and principal utility lines of adjacent property expected to serve the PUD;
- c. North point, scale, and date;
- d. The title of the proposed PUD along with the names and addresses of the owner/developer, engineer, and professional land surveyor;
- e. A legal description for the property;
- f. The approximate percentage of the planned unit development to be occupied by the proposed land uses along with a sketch showing their approximate location in relation to proposed streets and pedestrian ways;
- g. The approximate densities of the areas within the PUD which will be occupied by dwelling units. This information should be presented for the project as a whole and for the individual areas within the PUD which will be occupied by different housing types;
- h. A signed statement by the owner/developer or his agent stating that the owner/developer holds fee title to the land for the proposed PUD.

#### 4.12 PRELIMINARY PUD PLAN PROCEDURE.

a. Following notification from the Zoning Administrator that the Conceptual PUD Submission is approved, the developer shall file 12 copies of the Preliminary Plan in the office of the Village Zoning Administrator at least ten days before the meeting of the Planning Commission.

b. The Preliminary PUD Plan shall include sufficient information and drawings at a fixed scale along with written statements to properly document all items called for below. The submissions shall include:

1. The name of the proposed PUD.
2. The name of the owner and developer of the PUD. If the owner or developer is a trust, the beneficiaries of the trust shall be listed in an affidavit.
3. The layout of the vehicular circulation system. A traffic analysis is required where the number of dwellings for the PUD exceeds 200. This shall include the assignment of traffic generated by the PUD on the existing street network and those streets included in the comprehensive plan. The area on which traffic volume assignments shall be made includes all street sections where the traffic volume attributable to the PUD would be equal to or greater than 10% of the total after the surrounding area is developed at the density permitted under its current zoning.
4. The layout of the pedestrian circulation system.
5. Identification of outstanding topographical problems, if any.
6. The approximate location of lot lines for the exchange of ownership, if any.
7. The location, quantity, and use of open space along with a maintenance plan in general terms.
8. The control over height, spacing and setback of structures, given by individuals areas within the proposed planned unit development. The restrictions shall be stated in the same terms that are used in the zoning code.
9. The general drainage pattern within the proposed planned unit development and general plans for retention.
10. The proposed parking facilities stated in ratios as they are in the zoning acct.
11. The general development schedule, particularly indicating phases if the planned unit development is to be constructed over a period of years.
12. A statement granting blanket easements to the appropriate utilities.
13. A list of uses to be included in the planned unit development. Separate lists shall be prepared for individual areas or phases within the planned unit development.
14. Illustrate the location of the land uses.

15. Indicate the approximate quantity of land area to be devoted to each land use.
16. Explain how the planned unit development land uses relate to the surrounding area.
17. Give the population density in terms of persons per acre of the net development area for the project as a whole and for the areas to be developed individually.
18. Floor area ratios for non-residential uses.

#### 4.13 TENTATIVE APPROVAL

a. At its first regularly scheduled meeting after receipt of the Village's Consulting Engineer's comments regarding the Preliminary PUD Plan, the Planning Commission shall review the Plan and shall make a recommendation to the Village Board regarding the Plan. In formulating its recommendations the Planning Commission shall make written findings as to each of the following issues:

1. whether the PUD will meet the use and density requirements of this ordinance, including sections 4.03 through 4.07.

2. whether the proposals for maintenance and conservation of the common open space are reliable.

3. whether the proposed planned unit development shall retain as much of the natural features of the site as is feasible including but not limited to:

- i. Existing trees.
- ii. Natural water bodies.
- iii. Steep slopes.

4. Whether provision for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation, and visual enjoyment is adequate.

5. In the case of a proposed planned unit development which contemplates construction over a period of years, whether the terms and conditions intended to protect the interest of the public and of the residents, occupants and owners of the proposed planned unit development in the total completion of the project are adequate.

6. Whether the proposed planned unit development will not have an unreasonably adverse impact upon the area in which it is proposed to be established.

7. Whether the proposed planned unit development is in accord with the general purposes of planned unit development set forth in this ordinance.

b. If upon meeting, the Planning Commission finds that the proposed Preliminary Plan and documentation satisfies the requirements of this chapter, the chairman of the Planning Commission shall certify the approval of the commission of the plan in substantially the following language:

The Preliminary Plan as shown herein is recommended for approval.

Dated: \_\_\_\_\_

By: \_\_\_\_\_

c. No Preliminary Plan shall be approved by the Planning Commission unless there has been a prior review by the Village's Consulting Engineer .

#### 4.14 REVIEW OF PRELIMINARY PLAN BY VILLAGE BOARD

The Planning Commission shall forward its findings and the minutes of its meeting to the Village Board, which shall by resolution approve or disapprove the Preliminary Plan meeting. Approval of the Plan shall be conditional on zoning.

#### 4.15 ZONING PROCEDURES.

a. Once the Preliminary PUD Plan has been approved by the Village Board, the petition for PUD zoning may be filed for consideration at a public hearing by the Planning Commission. The petition for PUD zoning shall be filed and the hearing shall be held in accord with the standard hearing requirements for zoning district amendments, except that each petition shall have attached a copy of the approved Preliminary Plan.

b. Once the Planning Commission has concluded its hearing and made a recommendation to the Village Board, the Village Board may, in accord with standard zoning requirements, approve or deny the petition for PUD zoning, except that if the petition is approved on condition or denied subject to certain requested revisions, the petitioner may immediately file revised Preliminary Plan, and subject to the required approvals as outline above, an amended PUD zoning petition. If the Preliminary Plan and Zoning are approved, the Village President shall sign the Preliminary Plan and documentation and enter them into the official records of the Village.

#### 4.16 SITE PLAN/FINAL PLAT REVIEW.

a. If the Developer intends to sell individual lots within the Planned Unit Development, it shall be platted in accordance with the final plat procedures of the Village Subdivision Ordinance. The approved Preliminary PUD Plan submission shall serve as the Preliminary Plan, for purposes of the Zoning Ordinance. However, only one final plat shall be permitted for a PUD.

b. If the Developer does not intend to sell individual lots within the Planned Unit Development, or if any individual lot will have an internal network of roads, utilities or other facilities, the developer shall submit 12 copies of a Site Plan for the PUD or for the individual lots within the PUD to the Zoning Administrator. Any Site Plan for the individual lots shall be submitted simultaneously with the Final Plat.

c. The Site Plan shall contain, as a minimum, the following information, drawn to scale as in the case of a final plat:

1. The name of the PUD, its owner and developer.
2. Locations and heights of all buildings.
3. Existing and proposed changes in topography at one foot contour intervals.
4. The pattern of surface water drainage.

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1. The name of the proposed PUD.
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3. The layout of the vehicular circulation system. A traffic analysis is required where the number of dwellings for the PUD exceeds 200. This shall include the assignment of traffic generated by the PUD on the existing street network and those streets included in the comprehensive plan. The area on which traffic volume assignments shall be made includes all street sections where the traffic volume attributable to the PUD would be equal to or greater than 10% of the total after the surrounding area is developed at the density permitted under its current zoning.
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- i. Existing trees.
- ii. Natural water bodies.
- iii. Steep slopes.

4. Whether provision for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation, and visual enjoyment is adequate.

5. In the case of a proposed planned unit development which contemplates construction over a period of years, whether the terms and conditions intended to protect the interest of the public and of the residents, occupants and owners of the proposed planned unit development in the total completion of the project are adequate.

6. Whether the proposed planned unit development will not have an unreasonably adverse impact upon the area in which it is proposed to be established.

7. Whether the proposed planned unit development is in accord with the general purposes of planned unit development set forth in this ordinance.

b. If upon meeting, the Planning Commission finds that the proposed Preliminary Plan and documentation satisfies the requirements of this chapter, the chairman of the Planning Commission shall certify the approval of the commission of the plan in substantially the following language:



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By: \_\_\_\_\_

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b. Once the Planning Commission has concluded its hearing and made a recommendation to the Village Board, the Village Board may, in accord with standard zoning requirements, approve or deny the petition for PUD zoning, except that if the petition is approved on condition or denied subject to certain requested revisions, the petitioner may immediately file revised Preliminary Plan, and subject to the required approvals as outline above, an amended PUD zoning petition. If the Preliminary Plan and Zoning are approved, the Village President shall sign the Preliminary Plan and documentation and enter them into the official records of the Village.

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b. If the Developer does not intend to sell individual lots within the Planned Unit Development, or if any individual lot will have an internal network of roads, utilities or other facilities, the developer shall submit 12 copies of a Site Plan for the PUD or for the individual lots within the PUD to the Zoning Administrator. Any Site Plan for the individual lots shall be submitted simultaneously with the Final Plat.

c. The Site Plan shall contain, as a minimum, the following information, drawn to scale as in the case of a final plat:

1. The name of the PUD, its owner and developer.
2. Locations and heights of all buildings.
3. Existing and proposed changes in topography at one foot contour intervals.
4. The pattern of surface water drainage.

5. The location of lot lines and setback lines from the streets and easements.
6. The detailed maintenance plan for open space and responsibilities for all public and private improvements.
7. The locations of streets, sidewalks, pedestrian and bicycle paths, and the type of pavement and curbs.
8. The location of sewers, water mains, utilities and fire hydrants.
9. The type and location of the street lighting system.
10. The major landscaping plans for the development.
11. A certificate lettered on the plan indicating that the owner/developer agrees to abide by the plan for the physical development of the site and that future owners will be required to abide by the same covenant.
12. Any proposed restrictive covenants.
13. All certificates as required in the case of a final plat.

d. The Site Plan shall be reviewed and approved by the Planning Commission and Village Board using the same procedures and criteria as in the case of a final plat under the Subdivision Ordinances. The Site Plan shall, upon approval by the Village Board, be filed for record by the Developer with the Sangamon County Recorder of Deeds.

#### 4.17 CONSTRUCTION PLANS.

a. After receiving approval of the Preliminary Plan and before approval of the Final Plat and Site Plan, the developer shall submit two sets of construction plans to the Village's Consulting Engineer, one set to the Electric Department of the Village and one set to the Chatham Fire Protection District.

b. The construction plans shall be prepared for the area to be covered by individual final plats or site plans except when specific additional information is requested by the Village's Consulting Engineer.

#### 4.18 REQUIRED INFORMATION.

a. The construction plans shall be submitted on appropriate size sheets (24 inches by 36 inches) and to a minimum scale of one inch equals 100 feet. Construction plans shall contain the following information:

1. Cover sheet containing the location of the development; symbols that are used; index to sheets; summary of quantities; scales that are used; appropriate place for approval of the engineer; and the signature and seal of a registered professional engineer.
2. North arrow and bench marks with their elevations noted. Bench marks shall be referenced to mean seal level datum as determined by the United States Geological Survey, current datum.
3. Plan sheets showing the locations of all existing and proposed streets, right-of-way lines, sanitary sewers, storm sewers, sidewalks, drainage ditches, easements, rear lot drainage,

direction of storm drainage flow, survey monuments, water mains, fire hydrants, and any other appurtenance or structure that might influence design considerations.

4. Profile sheets indicating the existing ground line and proposed grades and elevations for all proposed streets, sanitary sewers, storm sewers, drainage structures, drainage ditches and rear lot drainage. Elevations shall be referenced to the current United States Geological Survey datum.
5. Typical sections showing right-of-way lines, proposed pavement widths, pavement thickness, base thickness, sub-base thickness, subgrade, crown, curbs and gutters, sidewalks, and design data when required.
6. Detailed sheets showing the details of manholes, inlets, catch basins, curb and gutters, drainage structures, and any other structure or appurtenance to be constructed, or reference made to the latest edition of the Standard Specifications for Road and Bridge Construction or the latest edition of Standard Specifications for Water and Sewer Main Construction in Illinois or the latest edition of the Highway Standards published by the State Department of Transportation.
7. Design computations for storm sewer design, special structures, and pavement designs when required, certified by a professional engineer.

b. Basic review of the construction plans shall be completed by the Village's Consulting Engineer within 30 days of the submission date. When construction plans have been resubmitted, they will be re-reviewed and returned to the developer's engineer within 14 days, unless review time is extended by the Village's Consulting Engineer in a letter listing reasons for the extension. This letter will be sent to the engineer who submitted the construction plans. When the construction plans have been approved by the Village's Consulting Engineer and the Village's Consulting Engineer has determined that the other Village departments have approved the construction plans, the developer may install the required public improvements.

c. The Village's Consulting Engineer shall notify the developer when the construction plans are approved and shall send a copy of such approval to the Planning Commission. Once the construction plans have been approved, the developer may proceed with the next step.

#### 4.19 STANDARDS FOR APPROVAL OF CONSTRUCTION PLANS.

Construction plans shall meet the requirements of the current Village Subdivision Ordinance except where such requirements have been explicitly waived in the Preliminary PUD Plan approval process.

#### 4.20 MINIMUM DEVELOPMENT STANDARDS.

a. The uniqueness of each proposal for a planned unit development allows that the requirements for the public improvements serving the development and for the location of the building in the development are subject to modification from the requirements of the prevailing land subdivision regulations.

b. The planning commission may, therefore, recommend waivers or modifications of such requirements if it finds that the requirements are not necessary for the best interest of the residents of the development and that such action is not inconsistent with the interest of the entire Village. No such modification shall be less than the standards indicated below. Where no

indication or exception is given in the PUD zoning district classification, the requirements shall be as stated in the appropriate portion of the land subdivision regulations except that for private ways the requirements for the ways shall be only as noted below:

1. Off street parking.

- i. A minimum number of off-street parking spaces shall be provided as follows:

| <u>Building Classification</u> | <u>Minimum Number of<br/>Off-Street Parking Spaces</u> |
|--------------------------------|--|
| Single-family, two-family      | 2 space per unit                                       |
| Multiple-family buildings      | 2-1/2 spaces per unit                                  |

Where on-street parking is not provided, an additional amount of off-street parking spaces shall be provided for guests and others at a minimum of 1/2 space per unit.

- ii. Off-street parking spaces shall be constructed in accordance with the rules and regulations for the zoning code. For residential use, off-street parking facilities shall be located not more than 300 feet from the dwelling served.
2. Setback. The minimum setback is 20 feet from the public right-of-way.
3. Setback from Adjoining Residential Districts -- see Schedule, Section 3.05.
4. Public streets.
- i. Provisions shall be made for the continuation and extension of thoroughfare streets adjacent to or through a planned unit development in accordance with the street and thoroughfare plan contained in the land subdivision regulations.
- ii. A planned unit development that adjoins or includes an existing street shall have a dedicated additional right-of-way, if needed, to meet the minimum street width requirements called for on the official street and thoroughfare plan of the Village. The entire additional right-of-way shall be provided where the PUD is on both sides of the existing street. When the PUD is located on one side of the street, 1/2 of the right-of-way shall be provided. However, in no case shall the resulting right-of-way be less than 50 feet.
- iii. When a PUD or portion thereof adjoins a major thoroughfare, as indicated on the official street and thoroughfare plan, access shall be reasonably restricted so that ingress or egress to the major thoroughfares shall occur at 400 foot intervals or longer. Residential lots and business and industries development shall be provided with a frontage on a marginal access