

Rantoul Village Board of Trustees
Regular Study Session
Municipal Building Conference Room
September 5, 2017
6:00 pm

Order of Business

Board Packet Page(s)

1. Call to Order – Mayor Smith
Roll Call
2. Public Participation
Citizens wishing to address the Village Board with respect to any item of business listed on the agenda are asked to complete a public participation form and submit it to the Village Clerk prior to the meeting. Comments will be limited to three minutes for each speaker.
3. Items from the Mayor
4. Items from Trustees
5. Items from the Clerk
 - A) Destruction of [Audio Tapes](#) per Board Policy 1-6
6. Items for the Consent Agenda
 - A) Approval of Minutes, Regular Study Session, [August 1, 2017](#)
 - B) Approval of Minutes, Regular Board Meeting, [August 8, 2017](#)
 - C) Approval of Minutes, Special Board Meeting, [August 24, 2017](#)
 - D) Approval of Bills and Monthly Financial Reports
7. Administrator Report
 - A) Discussion and **presentation on Employee’s Retirement**
 - B) Amending the pay plan to include [Community Development Director](#) 7-11
8. Items from Comptroller
 - A) Budget Amendment [BA-FY #18-01](#) – Public Works 12
 - B) Budget Amendment [BA-FY #18-02](#) – Recreation Dept. 13
9. Items from Economic Development
 - A) Approval of [Micro Loan](#) to Midwest Prep Academy - \$20,000.00 14-16
and of EDA Revolving Loan to Eaker, Inc. - \$70,000.00
 - B) Update on Housing [Tax Incentive Program](#) 17
10. Items from Public Works
 - A) Purchase of [Utility Equipment](#) 18-23
 - B) Final [Change Order #1](#) on Rudzinski Pond Project - \$19,150.33 24-41
 - C) Acceptance of donated property from [Robeson/Roessler](#) Subdivision 42-45
 - D) Acceptance of deeds for [Parcels D2, D3 & D5](#) 46-63
 - E) [Amendment](#) to EDC Agreement re Utility Systems 64-118

<i>Order of Business</i>	<i>Board Packet Page(s)</i>
11. Items from Inspection	
A) Planning and Zoning Text amendment – Chapter 46	112-121
B) Approval of Zoning Map amendments	122-125
12. Items from Human Resources	
A) Forum Wellness Program	126
B) Amend Personnel Code regarding job advertisements	127
13. Items from Counsel	
14. Public Participation for non-agenda items	
<i>Citizens wishing to address the Village Board with respect to any matter not on the agenda are asked to complete a public participation form and submit it to the Village Clerk prior to the meeting. Comments will be limited to three minutes for each speaker.</i>	
15. Closed session for personnel	
Motion to enter into closed session pursuant to 5 ILCS 120/2 (C) 1, to consider the employment, compensation, discipline, performance, or dismissal of an employee	
16. Adjournment	

Statement Regarding Compliance with the Americans with Disabilities Act (ADA)

The Village of Rantoul wishes to ensure that its programs, services, and activities are accessible to individuals with disabilities. All Village Board meetings are wheelchair accessible. Persons who require an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Village of Rantoul should contact the ADA Coordinator at (217) 892-6821. TTY users should dial 7-1-1 or call the Illinois Relay Center at 1-800-526-0844 (TTY) or 1-800-526-0857 (V). TTY users requiring Spanish language assistance should call 1-800-501-0864 (TTY).

We would appreciate advance notice of at least 48 hours for any requests to receive an agenda in an alternate format or other types of auxiliary aids and services.

**BOARD OF TRUSTEES
VILLAGE OF RANTOUL**

AGENDA ITEM	PAGE	OF
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ITEM: Disposal of Audio and Video Tapes	DEPARTMENT: Clerk
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AGENDA SECTION:	AMOUNT:
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ATTACHMENTS: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> OTHER (See Summary) <input checked="" type="checkbox"/> SUPPORTING DOCUMENTS	DATE: September 1, 2017
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SUMMARY HIGHLIGHTS:

Based on the Village of Rantoul Verbatim Recording Records Policy and the Local Records Commission (State of Illinois) the attached list of tapes have been retained for the proper time period and are eligible for disposal.

The Village Policy requirements are:

- 1) the tapes must be at least 4 years old
- 2) no pending or anticipated litigation or other matters before the Board that would necessitate maintaining the record
- 3) there is no benefit or historical value in maintaining the record

The Local Record Commission requires video tapes to be held 30 days after the final airing. Audio tapes must be retained for 30 days after the acceptance of the written minutes.

The last disposal request was on March 3, 2015.

RECOMMENDED ACTION:	Approve disposal of audio tapes per Village Policy
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DEPARTMENT HEAD APPROVAL	VILLAGE ADMINISTRATOR
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AGENDA PAGE NUMBER:

MASTER AUDIOTAPE INDEX

Submitted September 1, 2017

Request to Destroy per Village Policy



Tap# #	Meeting	Date(s)	Status
1			Active
15			Active
27			Active
31			Active
35			Active
43			Active
45			Active
45			Active
51			Active
56			Active
60			Active
72			Active
75			Active
79			Active
89			Active
89A			Active
91			Active
100			Active
121			Active
124	Economic Development Commission	08/24/1999	Active
125			Active
136			Active
137			Active
141			Active
143			Active
148			Active
149			Active
154			Active
158			Active
162	Zoning Department	08/24/1999	Active
165			Active
166			Active
168			Active
174	Zoning Department	08/24/1999	Active
176			Active
185			Active
190			Active

199	Zoning Board of Appeals	03/22/2001	Active
200	Plan Commission	03/27/2001	Active
213	Plan Commission	07/19/2001	Active
227	Plan Commission	11/20/2001	Active
233	Zoning Board of Appeals	01/16/2002	Active
236	Plan Commission	01/29/2002	Active
243	Zoning Board of Appeals	03/28/2002	Active
250	Zoning Board of Appeals	04/24/2002	Active
263	Zoning Board of Appeals	07/16/2002	Active
277	Zoning Board of Appeals	11/19/2002	Active
287	Plan Commission	02/20/2003	Active
299	Zoning Board of Appeals	04/23/2003	Active
303	Plan Commission	05/29/2003	Active
309	Zoning Board of Appeals	07/10/2003	Active
312	Plan Commission	08/07/2003	Active
315	Plan Commission	09/01/2003	Active
317	Plan Commission	09/16/2003	Active
320	Plan Commission	10/23/2003	Active
323	Plan Commission	11/20/2003	Active
338	Plan Commission	02/19/2004	Active
349	Plan Commission	05/03/2004	Active
380	Zoning Board of Appeals	10/23/2004	Active
392	Plan Commission - Comp. Plan	12/13/2004	Active
394	Regular Study Session	01/04/2005	Active
395	Zoning Board of Appeals	01/06/2005	Active
396	Plan Commission - Comp. Plan	01/10/2005	Active
401	Plan Commission - Comp. Plan	01/24/2005	Active
405	Regular Study Session	02/01/2005	Active
407	Plan Commission	02/07/2005	Active
408	Regular Study Session	03/01/2005	Active
410	Plan Commission - Comp. Plan	03/14/2005	Active
412	Special Board Meeting Study Session	Regular 05/03/2005	Active
414	Plan Commission	05/16/2005	Active
415	Regular Study Session (1 of 2)	06/07/2005	Active
416	Regular Study Session (2 of 2)	06/07/2005	Active
419	Zoning Board of Appeals	06/16/2005	Active
420	Plan Commission - Comp. Plan	06/20/2005	Active
422	Regular Study Session	07/05/2005	Active
425	Plan Commission	07/25/2005	Active
428	Plan Commission	08/23/2005	Active
429	Regular Study Session	09/06/2005	Active
432	Plan Commission	09/26/2005	Active
437	Zoning Board of Appeals	10/18/2005	Active
441	Plan Commission	10/17/2005	Active
443	Plan Commission	10/26/2005	Active

444	Zoning Board of Appeals	10/27/2005	Active
445	Regular Study Session (1 of 2)	11/01/2005	Active
446	Regular Study Session (2 of 2)	11/01/2005	Active
448	Plan Commission	11/21/2005	Active
449	Zoning Board of Appeals	11/22/2005	Active
450	Regular Study Session	12/06/2005	Active
456	Regular Study Session	01/03/2006	Active
459	Plan Commission - Comp. Plan	01/30/2006	Active
462	Plan Commission	02/27/2006	Active
465	Plan Commission	03/27/2006	Active
468	Plan Commission	04/24/2006	Active
476	Plan Commission	05/25/2006	Active
489	Plan Commission	09/25/2006	Active
514	Zoning Board of Appeals	02/05/2007	Active
537	Zoning Board of Appeals	05/21/2007	Active
545	Plan Commission	08/02/2007	Active
547	Plan Commission	08/09/2007	Active
550	Plan Commission	08/27/2007	Active
552	Plan Commission	09/06/2007	Active
557	Plan Commission	10/29/2007	Active
573	Plan Commission	02/25/2008	Active
590	Plan Commission	04/23/2008	Active
596	Plan Commission	05/27/2008	Active
600	Plan Commission	06/30/2008	Active
604	Plan Commission	07/14/2008	Active
608	Plan Commission	08/04/2008	Active
613	Plan Commission	08/25/2008	Active
615	Plan Commission	09/03/2008	Active
621	Plan Commission	10/20/2008	Active
624	Plan Commission	11/24/2008	Active
628	Plan Commission	12/15/2008	Active
636	Plan Commission	03/12/2009	Active
667	Plan Commission	02/03/2010	Active
661	Plan Commission	12/14/2009	Active
666	Special Board Meeting	01/26/2010	Active
686	Plan Commission	08/09/2010	Active
693	Plan Commission - Comp. Plan	09/27/2010	Active
697	Plan Commission	10/23/2010	Active
703	Regular Study Session	01/04/2011	Active
704	Regular Board Meeting	01/11/2011	Active
706	Regular Board Meeting	02/08/2011	Active
708	Regular Study Session	03/01/2011	Active
710	Regular Board Meeting	03/08/2011	Active
711	Special Board Meeting	03/14/2011	Active
712	Budget Mtg/Regular Study Session	04/05/2011	Active
714	Regular Board Meeting	04/12/2011	Active

715	Zoning Board of Appeals	04/25/2011	Active
716	Special Board & Study Session	05/03/2011	Active
717	Regular Board Meeting	05/10/2011	Active
718	Regular Study Session	06/07/2011	Active
720	Regular Board Meeting	06/14/2011	Active
721	Regular Study Session	07/05/2011	Active
722	Regular Board Meeting	07/12/2011	Active
724	Zoning Board of Appeals	07/14/2011	Active
725	Special Board Meeting	07/19/2011	Active
726	Special Board & Study Session	08/02/2011	Active
727	Regular Board Meeting	08/09/2011	Active
728	Plan Commission	08/22/2011	Active
729	Regular Study Session	09/06/2011	Active
731	Regular Board Meeting	09/13/2011	Active
732	Plan Commission	09/26/2011	Active
733	Regular Study Session	10/04/2011	Active
734	Regular Board Meeting	10/11/2011	Active
735	Regular Study Session	11/01/2011	Active
736	Regular Board Meeting	11/08/2011	Active
737	Regular Study Session	12/05/2011	Active
738	Regular Board Meeting	12/13/2011	Active
738	Special Board Meeting	12/15/2011	Active
739	Regular Study Session	01/03/2012	Active
741	Regular Board Meeting	01/10/2012	Active
	Regular Study Session	02/07/2012	Active
742	Regular Board Meeting	02/14/2012	Active
	Regular Study Session	03/06/2012	Active
743	Regular Board Meeting	03/13/2012	Active
744	Special Board Meeting	03/19/2012	Active
745	Zoning Board of Appeals	03/29/2012	Active
746	Public Hearing, Study Session, Board Meeting	04/03/2012 04/10/2012	Active
748	Regular Study Session	05/01/2012	Active
750	Regular Board Meeting	05/08/2012	Active
751	Plan Commission	05/29/2012	Active
	Regular Study Session	06/05/2012	
752	Board Meeting	06/12/2012	Active
	Special Study Session	06/26/2012	
753	Special Board Meeting	06/28/2012	Active
	Special Board Meeting	07/03/2012	
	Study Session	07/03/2012	
754	Meeting	07/10/2012	Active
	Special Board Meeting	07/24/2012	
	Regular Study Session	08/07/2012	
756	Regular Board Meeting	08/12/2012	Active
	Regular Study Session	09/04/2012	
757	Regular Board Meeting	09/11/2012	Active

758	Plan Commission		09/24/2012	Active
	Regular Study Session		10/02/2012	
759	Regular Board Meeting		10/09/2012	Active
761	Plan Commission		10/22/2012	Active
	Regular Study Session		11/06/2012	Active
	Regular Board Meeting		11/13/2012	Active
762	Continued Board Meeting		11/20/2013	Active
	Regular Study Session	Regular	12/04/2012	
764	Board Meeting		12/11/2012	Active
765	Regular Study Session/Board		01/08/2013	Active
	Regular Study Session	Regular	02/05/2013	Active
767	Board Meeting		02/12/2013	Active
	Regular Study Session		03/05/2013	Active
	Regular Board Meeting		03/12/2013	Active
769	Special Board Meeting		03/19/2013	Active
	Public Hearing - Budget		04/02/2013	Active
	Regular Study Session		04/02/2013	Active
770	Regular Board Meeting		04/09/2013	Active
771	Regular Board Meeting - Tape 2		04/09/2013	Active
	Special Board Meeting		05/07/2013	Active
772	Regular Study Session		05/07/2013	Active
773	Regular Board Meeting		05/14/2013	Active
774	Regular Study Session		06/04/2013	Active
776	Regular Board Meeting		06/11/2013	Active
	Regular Study Session		07/02/2013	
777	Regular Board Meeting		07/09/2013	Active
778	Regular Study Session		08/06/2013	Active
779	Regular Board Meeting		08/06/2013	Active
	Special Board Meeting		09/03/2013	
	Public Hearing		09/03/2013	
780	Regular Study Session		09/03/2013	Active
	Regular Study Session		10/01/2013	
	Regular Board Meeting		10/08/2013	
781	Special Board Meeting		10/10/2013	Active
782	Plan Commission		10/07/2013	Active
784	Zoning Board of Appeals		10/21/2013	Active
	Regular Study Session		11/05/2013	
785	Special Board Meeting		11/05/2013	Active
787	Plan Commission		11/26/2013	Active
788	Zoning Board of Appeals		11/26/2013	Active
782	Plan Commission		10/07/13	Active
789	Regular Study Session		12/03/2013	Active
790	Regular Board Meeting		12/10/2013	Active

**Rantoul Village Board of Trustees
Regular Study Session
August 1, 2017**

LOUIS B. SCHELLING MEMORIAL BOARD ROOM
RANTOUL MUNICIPAL BUILDING, 333 S. TANNER, RANTOUL, IL.

A regular Study Session of the Board of Trustees of the Village of Rantoul was held at 6:00 P.M. Mayor Smith called the proceeding to order.

Roll Call

The Village Clerk called the roll, finding the following members physically present:

Mayor Smith and Trustees Hank Gamel, Sam Hall, Terry Workmen, Jennifer Fox, Rich Medlen, and Chad Smith – 7.

The following representatives of Village departments were also present:

Jeff Fiegenschuh, Village Administrator; Scot Brandon Comptroller; Luke Humphrey, Recreation Director; Greg Hazel, Public Works Director; and Village Clerk Mike Graham.

Public Participation

"NONE"

Items from the Mayor

The Mayor had the following items;

- Swearing in of new Chief of Police, Anthony Brown.
- Appointment of Sherry Johnson to Citizens Advisory Committee.
- Introduction of Beatrice Pace & Benna Johnson as New Part-time Employees in the Neighborhood Services Department.

Items from Trustees

Trustee Workmen inquired about the Zoning Code updates and why it was taking so long to accomplish. David Silver explained the process and indicated that he was trying to bring back the changes to the Rantoul Village Board in September or October for Board action.

Items from the Clerk

The Clerk had no items for this Study Session.

Items from Administrator

Jeff Fiegenschuh, Village of Rantoul Administrator, had the following items for the Board;

- Approval of Village Leadership Policy.
- Update Sick Leave Policy to include siblings.
- Update of Housing Incentive Program.
- Approval of updated EDA Revolving Loan Guidelines.

The Board had no problems and all of the above noted items will be taken to the Rantoul Village Board Meeting, Tuesday August 8, 2017.

“NOTE FROM RANTOUL VILLAGE CLERK, UNLESS OTHERWISE SPECIFIED BELOW ALL OF THE AGENDA ITEMS BELOW HAD LITTLE OR NO VILLAGE BOARD OF TRUSTEES DISCUSSION AND WILL BE TAKEN TO THE REGULAR VILLAGE BOARD MEETING, TUESDAY, August 8, 2017.”

- Approval of Minutes, Special Board Meeting July 5, 2017.
- Approval of the Minutes, Regular Study Session, July 5, 2017.
- Approval of the Minutes, Regular Board Meeting, July 11, 2017.
- Approval of Bills and Monthly Financial Reports.
- Approval of Micro Loan Request – Perry Johnson \$10,000.00.
- Change Order on Elevated Tank Project - \$48,125.00.
- Declare three cranes/lifts as surplus property.
- Change property conveyance method for Parcel A1b-7.
- Contract with Owens Excavating for Rantoul Motel Demolition - \$39,250.00.
- IMRF Resolution certifying eligibility for certain elected positions
- Approve proposal from Bravo Services, Incorporated for cleaning services for Seven Buildings - \$63,840.00 annually.
- Approval of CDBG Annual Action Plan.

The Trustees had no objections to these items being taken to the Regular Village Board of Trustees meeting on Tuesday, August 8, 2017.

Public Participation

“NONE”

Adjournment

There being no further business to come before the Board, Mayor Charles Smith declared the proceeding adjourned.

MEETING ADJOURNED AT 7:08 P.M.

Mike Graham
Village Clerk

APPROVED September 12, 2017

Charles Smith
Village President

ATTEST:

Mike Graham
Village Clerk

I, Mike Graham, Village Clerk of the Village of Rantoul, Illinois do hereby certify that the foregoing minutes are a true and correct copy of the Regular Study Session of the Board of Trustees held August 1, 2017, as the same appears on the records of the Village now in my custody and keeping.

Mike Graham
Village Clerk

**Rantoul Village Board of Trustees
Regular Board Meeting
August 11, 2017**

LOUIS B. SCHELLING MEMORIAL BOARD ROOM
RANTOUL MUNICIPAL BUILDING, 333 S. TANNER, RANTOUL, IL.

A regular Meeting of the Board of Trustees of the Village of Rantoul was held at 6:00 P.M. Mayor Charles Smith called the proceeding to order.

Invocation & Pledge of Allegiance

The Invocation was given by Pastor Dr. Kenneth Crawford, First Baptist Church, opening the meeting with a prayer. Following the invocation, Trustee Fox led the audience in recitation of the Pledge of Allegiance.

Roll Call

The Village Clerk called the roll, finding the following members present:

Mayor Charles Smith and Trustees, Hank Gamel, Terry Workman, Jennifer Fox, Rich Medlen and Chad Smith- 6.

The following representatives of Village Departments were also present: Jeffrey Fiegenschuh, Village Administrator; Scot Brandon, Comptroller; Kenneth Beth, Attorney; David Silver, Inspection Department; Greg Hazel, Public Works Director; Luke Humphrey, Recreation Department; Ken Waters, Fire Chief, Tony Brown, Chief of Police, Brenda Runyon, Neighborhood Services Director and Mike Graham, Village Clerk.

Approval of Agenda

Trustee Gamel moved to approve the agenda as amended for the meeting. Trustee Workmen seconded the motion. Motion carried, **5 - 0**.

Presentation of Rantoul Scholarship to Cylie Couch.

Swearing in of Hanna Mennenga a New Police Officer.

Public Participation

"NONE"

"NOTE FROM THE RANTOUL VILLAGE OF CLERK. ALL OF THE AGENDA ITEMS LISTED BELOW CARRIED BY ROLL CALL VOTE OF 5 TO 0. UNLESS OTHERWISE NOTED BELOW."

Approval of the Consent Agenda by Omnibus Vote. Trustee Medlen moved for approval of the Consent Agenda and Trustee Smith seconded the motion.

Motion to approve Micro Loan Request from Perry Johnson - \$10,000.00
Trustee Gamel moved for approval and Trustee Medlen seconded the motion.

Motion to authorize and approve Change Order on Elevated Tank Project - \$48,125.00, subject to further structural investigation and review, by the Director of Public Works, Mr. Hazel. Trustee Fox moved for approval and Trustee Medlen seconded the motion.

Motion to authorize and approve contract with Owens Excavating for Rantoul Motel Demolition - \$39,250.00. Trustee Workmen moved for approval and Trustee Fox seconded the motion.

Motion to authorize and approve contract with Bravo Services, Incorporated for cleaning seven Village of Rantoul Buildings - \$63,840.00 annually. Trustee Fox moved for approval and Trustee Medlen seconded the motion.

Motion to pass Ordinance No. 2536, AN ORDINANCE SUPPLEMENTING AND AMENDING Section 24-177(a) OF THE VILLAGE OF RANTOUL CODE IN CONNECTION WITH SICK LEAVE ALLOWANCE. Trustee Medlen moved for approval and Trustee Workmen seconded the motion.

Motion to pass Ordinance No. 2537, AN ORDINANCE ADOPTING AND APPROVING AN EDA REVOLVING LOAN FUND PLAN. Trustee Workmen moved for approval and Trustee Fox seconded the motion.

Motion to pass Ordinance No. 2538, AN ORDINANCE AUTHORIZING THE CONVEYANCE OF PERSONAL PROPERTY OWNED BY THE VILLAGE OF RANTOUL, ILLINOIS (CRANES/LIFTS). Trustee Fox moved for approval and Trustee Medlen seconded the motion.

Motion to pass Resolution No. 8-17-1241, A RESOLUTION RELATING TO PARTICIPATION BY ELECTED OFFICIALS IN THE ILLINOIS MUNICIPAL RETIREMENT FUND. At this point, Trustee Chad Smith asked how the Rantoul Village Board was going to verify the Elected President and Elected Village Clerk's hours to satisfy the one thousand hour requirement. The Village Administrator said that he could personally vouch that Charles Smith, President of the Rantoul Village Board, qualified for the one thousand hour requirement. Mr. Mike Paul Red Graham, Elected Village Clerk, then passed out a six page Letter Dated August 1, 2017, attached to the minutes, stating his qualifications for the one thousand hour rule required by the Illinois Municipal Retirement Fund for Elected Public Officials. Trustee Workmen moved for approval and Trustee Medlen seconded the motion.

Motion to pass CD Resolution No. 290, A RESOLUTION OF THE PRESIDENT AND BOARD OF TRUSTEES TO APPROVE THE 2017 ANNUAL ACTION PLAN (B-17-MC-17-0019) AND TO FILE A SUBMISSION FOR ASSISTANCE UNDER THE HOUSING AND COMMUNITY DEVELOPMENT ACT, AS AMENDED. Trustee Medlen moved for approval and Trustee Workmen seconded the motion.

Public Participation

Janet Brotherton introduced the new Executive Director of the Rantoul Area Chamber of Commerce, Brenda Allen, who spoke briefly, while Mrs. Brotherton handed out a list of future Rantoul Area Chamber of Commerce activities to the Rantoul Village Board of Trustees.

Public Announcements

"NONE"

Trustee Fox moved to adjourn the Regular Village Board Meeting and Trustee Medlen seconded the motion. The Motion carried **5 – 0**.

The Rantoul Village Board of Trustees adjourned at 6:30 P.M.

Approved September 12, 2017

Charles Smith
Village President

ATTEST:

Mike Graham
Village Clerk

I, Mike Graham, Village Clerk of the Village of Rantoul, Illinois, do hereby certify that the forgoing minutes are a true and correct copy of the Regular Meeting of the Board of Trustees held August 11, 2017 as the same appears on the records of the Village now in my custody and keeping.

Mike Graham, Village Clerk

Rantoul Village Board of Trustees
Special Board Meeting
Thursday, August 24, 2017, 6:00 P.M.
Minutes

President Smith called the meeting to order at 6:00P.M. The Clerk Called the Roll finding the following members present; President Smith, Trustees Gamel, Hall, Workmen, Fox, Medlen and Chad Smith - 7.

Motion to enter into Closed Session pursuant to 5 ILCS 120/2/(C) 6, to consider the setting of a price for sale or lease of property owned by the public body.

And

Motion to enter into Closed Session pursuant to 5 ILCS 120/2 (C) 1, to consider the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity.

Trustee moved Hall to go into closed Session and Trustee Workmen seconded the motion

The motion carried on a Roll Call Vote by 6 – 0.

The Rantoul Village Board entered into Closed Session at 6:02 P.M.

The Rantoul Village board Returns into Open Session at 7:35 P.M.

Motion to Adjourn

Trustee Medlen moved to adjourn the Special Meeting and Trustee seconded Workmen the motion.

The Clerk Called the Roll and motions passed 6 – 0.

The Village Board of Trustees Adjourned at 7:36 P.M.

Mike Graham
Village Clerk

APPROVED September 12, 2017

Charles Smith
Village President

ATTEST:

Mike Graham
Village Clerk

I, Mike Graham, Village Clerk of the Village of Rantoul, Illinois do hereby certify that the foregoing minutes are a true and correct copy of the Regular Study Session of the Board of Trustees held August 1, 2017, as the same appears on the records of the Village now in my custody and keeping.

Mike Graham
Village Clerk

**BOARD OF TRUSTEES
VILLAGE OF RANTOUL**

AGENDA ITEM

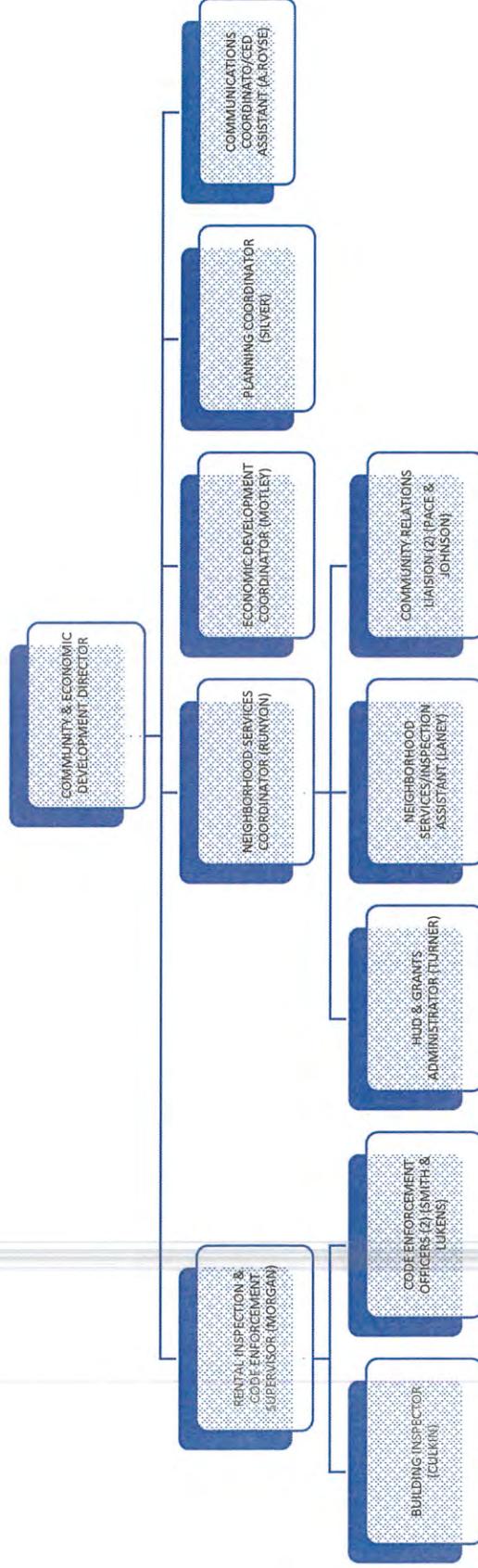
PAGE 1 OF 2

ITEM: Update to FY 18 Pay Plan-Refilling Position	DEPARTMENT: Administration/Human Resources
AGENDA SECTION:	AMOUNT: TBD
ATTACHMENTS: <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> OTHER (See Summary Highlights) <input checked="" type="checkbox"/> SUPPORTING DOCUMENTS	DATE: 09/05/17
SUMMARY HIGHLIGHTS: <p>Since Dan Culkin's retirement in May 2017 the department has been without a department director. Prior to Dan's retirement, a committee of staff and elected officials was formed to assist the Village Administrator with reorganizing for inspections department in an effort to increase efficiencies and refocus the department towards a more education orientated enforcement.</p> <p>Unfortunately due to other projects and staffing issues the reorganization did not fully materialize. Our team did however begin the process by adding the Neighborhood Services Coordinator and reclassifying the old Community Development position into the HUD/Grants Administrator. Over the past several months, our team has been looking at ways to complete the reorganization by brining economic development into the fold.</p> <p>This concept will ensure that our economic development official works closely with our inspections and planning people. This increased communication will ensure that potential developers receive one unified message on what is allowed and not allowed. This also ensures that our employees are cross trained and can answer questions that are not necessarily related to their specific job duties.</p> <p>At this point I am recommending that the village board adopt an ordinance that amends the village pay plan to refill the community development position. This new position will be a department head level positon that is appointed by the Mayor and Village Board, but reports directly to the Village Administrator. Once the position is filled, the new CDD and new Village Administrator can make recommendations to the board on how best to complete the final stages of the reorganization.</p> <p>Included with this staff report is a copy of the updated Community/Economic Development Director job description, a copy of the job announcement (this will be a national search) and a possible organizational chart for the future reorganization. If any internal candidates apply and are hired their positions will not be backfilled and those savings will help fund the position. Finally the position will be funded through the corporate fund (40%), the ED Fund (40%) and the Hotel/Motel Tax fund (20%). If an internal candidate is hired the position may be cost neutral.</p>	

RECOMMENDED ACTION: Approve the ordinance amending the FY 18 pay plan to include a new Community/Economic Development Director

DEPARTMENT HEAD APPROVAL:

VILLAGE ADMINISTRATOR:
Jeffrey Fiegenschuh, Administrator



Position Title	Education	Experience	Decision Making	Policy	Plan	Contact	Supervision	Work Conditions	Use of Tech	TOTAL
Economic Development Director	90	100	100	85	95	100	95	30	50	745
Comptroller	90	100	115	85	95	100	65	30	65	745
Director of Public Works	90	100	115	85	95	100	95	30	65	775
Assistant Director Public Works	80	100	100	75	95	100	85	30	65	730
Superintendent of Recreation	80	100	100	75	95	85	85	45	50	715



The Village of Rantoul seeks an experienced, innovative, and dynamic professional to serve as the Community and Economic Development Director. The Economic and Community Development Director will lead the Village's economic development efforts, along with overseeing the Neighborhood Services, Planning & Zoning, Building Inspection, and Economic Development departments. The Community and Economic Development Director will guide an economic development strategy focusing on the I-57 area and downtown revitalization, strengthen Village-Industry Relationships with industrial park employers and small business owners throughout the Village, and work to continue the Village's relationships built with the schools and community agencies.

A Bachelor's Degree in Public Administration, Business Administration, Urban Planning, or a closely related field is required. A Master's Degree is preferred. Seven to ten years of progressively responsible senior level management is also required. The selected applicant will have a comprehensive knowledge of economic development, urban planning and development concepts and techniques, and the ability to facilitate the development of a solutions-based, customer-service focused department.

The annual starting salary is competitive, dependent on qualifications, plus a competitive benefits package. Residency within the Village's corporate limits within six months of completing the six month probationary period is **required**. The Village of Rantoul is an Equal Opportunity Employer, committed to providing equal opportunity in recruitment, hiring, and all other employment practices and decisions.

Applications will be accepted at www.myrantoul.com. Questions can be directed to the Human Resources Manager by phone at (217) 892-6856 or by email at hr@myrantoul.com. Completed applications must be received by August 27, 2017.

BUDGET AMENDMENT

BA-FY #18-02

REQUESTED BY:	DEPARTMENT/FUND	DEPT. PRIORITY
RECREATION DEPARTMENT	FUND <u>001 CORP</u> DEPT	

THIS BUDGET INCREASE IS:
 _____ FOR A RECURRING EXPENSE X FOR CAPITAL OUTLAY
 X FOR A ONE-TIME EXPENDITURE X FOR O&M EXPENSE

COST DETAIL

ACCOUNT CODE	FY 17-18 BUDGET	AMENDED BUDGET	DIFFERENCE
001-0230-470-7540 MACHINERY & EQUIPMENT	\$0	\$40,000	\$40,000
001-0000-337-0000 LOCAL GOV'T GRANTS	\$10,000	\$50,000	\$40,000

DESCRIPTION: This budget amendment is for the agreement with the Rantoul Park District. The agreement was reached after our budget was completed. The Park District has agreed to give the Village \$50,000 for the purchase of equipment and supplies to be used in the maintenance of Park District property.

JUSTIFICATION:

PREPARED BY: <i>SP</i>	DATE: <i>8/25/15</i>	COMPTROLLER REVIEW: <i>81</i>	DATE: <i>8/25/15</i>
BUDGET OFFICER REVIEW: <i>JF</i>	DATE: <i>8-25-17</i>	ORD. #	DATE:
MAYOR/BOARD APPR.	DATE	INPUT INTO SYSTEM	DATE

wpl\budget\forms7

CAPITAL BUDGET OR O&M BUDGET- TO MAKE A CHANGE DURING CURRENT BUDGET YEAR



333 S. Tanner Street
P.O. Box 38
Rantoul, IL 61866

Phone 217.892.6800
Fax 217.892.5501

TO: Board of Trustees
FROM: R. Motley, Economic Development, on behalf of Micro Loan & EDA Loan Committees
RE: Recommended Loans
DATE: August 29, 2017

On August 29, 2017, the Micro Loan & EDA Loan Committees held a joint meeting to discuss two loan requests. The committee recommends both to the Board for approval.

Micro Loan

Borrower: Midwest Preparatory Academy, Inc.

Loan Amount: \$20,000

Term: 7 years

Rate: 2%

Collateral: Lien on fitness equipment

Midwest Preparatory Academy opened a facility in Rantoul in July, housing a prep school for post-high school football athletes. The goal is to prepare these young men for college both academically and athletically. The term is July-November. The school is leasing space from the Village for the fields, locker rooms and classroom space. The team is housed at The Quarters Inn and their meals are catered by C&C Kitchen. They have been using The Forum for training, but would prefer to have their own equipment and space, which will also be available in the off season to Rantoul residents.

EDA Loan

Borrower: Eaker, Inc.

Loan Amount: \$70,000

Term: 10 years

Rate: 4%

Collateral: Second mortgage on 507 S. Tanner, Rantoul

Jobs Retained/Created: 5-6

Dale Eaker, the owner of Goodyear Tire currently located in downtown Rantoul on Sangamon, is moving his business to 507 S. Tanner. He has purchased the real estate and will remodel the building to add 3 service bays in order to be able to service semi-trucks. He has invested approximately \$120,000 in the purchase, which, along with his current equipment value, will qualify him to borrow under the EDA loan guidelines.



MIDWESTERN PREPARATORY ACADEMY

LOAN REQUEST

Midwestern Preparatory, now beginning our fourth year, has relocated its facilities to the former University of Illinois summer camp in the City of Rantoul in Illinois.

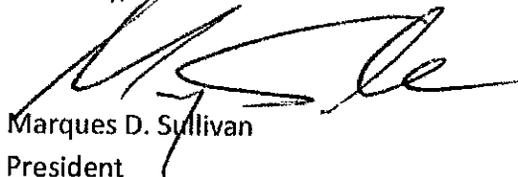
We have put a lot of research and thought into making the move to Rantoul. We came to the conclusion that moving our program to the facilities available in Rantoul will not only will allow us to continue our current football and academic enhancement programs, it will allow us to move forward and expand into additional sports programs that will encompass both men and women thus allowing Midwest Prep Academy to function as a Post Graduate facility year round. The move to this new facility will also allow us to offer summer football training for both High School and Grade School athletes looking to improve their skills and techniques as well.

That being said, Midwest Prep Academy is seeking a loan in the amount of \$20,000 to be paid back to the lender within 7 years in order to build out the garage area at our current location into a training facility and to purchase equipment.

Attached is our current business plan, 2016 Financial Statement, a list of items we will need to purchase, our projected operating costs and earnings.

Management is certain that with its relocation to Rantoul, Midwestern Preparatory Academy will be the Premier Post Graduate Program that can help student athletes achieve their dream of receiving a college education where tuition costs can be paid for with athletic and academic scholarship opportunities offered by many Colleges and Universities.

Sincerely,



Marques D. Sullivan
President

Midwestern Preparatory Academy
1112 Enterprise Dr. Rantoul, IL 61866
info@midwestprepacademy

EAKER INC
211 E. Sangamon Ave.
Rantoul, IL 61866
(217) 893-4131

Business Plan

After renting a building for the past 35 years, we have purchased our own building. However, to make building suitable for our needs we will need to add on to the existing building. We would like to add 3 more bays 30' x 50', one of which will be big enough to get a semi truck in, to the existing building with a cost of approximately \$125,000.00. To be able to accomplish this expansion we would like to borrow \$70,000.00 from the Village of Rantoul with the remainder being paid for from our corporate account.

This expansion will not only allow us to take care of our current customers but will also allow us to expand our customer base by adding the addition of being able to repair Semi trucks.



333 S. Tanner Street
P.O. Box 38
Rantoul, IL 61866

Phone 217.892.6800
Fax 217.892.5501

TO: Rantoul Village Board of Trustees
FROM: R. Motley, Economic Development
RE: Update on Housing Tax Incentive Program
DATE: 8/31/17

In reviewing the proposed housing tax rebate program, it became known that the school districts cannot participate in a tax rebate unless the property is in an Enterprise Zone. The Village, as a home-rule community, is authorized to rebate its own portion of the taxes; however, this total amount is less than 15% of the bill, whereas with the school districts, the amount is approximately 75%. As the current Enterprise Zones in Rantoul cover primarily commercial property, it will be necessary to extend the zones to cover more property—in effect, the entire Village—in order to implement an attractive incentive program.

The work to extend the Enterprise Zone will take some months to complete and will cost up to \$30,000 (\$15,000 for the Enterprise Zone document creation (Moran Economic Development) and \$15,000 for additional survey work by the engineer (Berns Clancy)). The Village will need to work with the schools and other taxing bodies to implement the expanded Enterprise Zone; however, schools are reimbursed by the state for their portion of the taxes, eliminating that barrier.

This project represents an investment in the future residential and commercial growth of Rantoul. Anecdotally, there has been a lot of interest in this program and we recommend moving forward to implement the entire Village Enterprise Zone. In addition, with the entire Village in an Enterprise Zone, additional incentives will be available for businesses in the form of sales tax rebates on new construction and real estate tax abatement for 5 years.

**BOARD OF TRUSTEES
VILLAGE OF RANTOUL**

AGENDA ITEM	PAGE ____ OF ____
ITEM: Electric Utility Equipment & Material	DEPARTMENT: Public Works
AGENDA SECTION:	AMOUNT: <u>\$57,201.00 – Total</u> \$45,201.00 – Cable \$12,000.00 – Cable terminating materials & Contingency
ATTACHMENTS: <input type="checkbox"/> RESOLUTION <input checked="" type="checkbox"/> OTHER (See Summary Highlights) <input checked="" type="checkbox"/> SUPPORTING DOCUMENTS	DATE: August 30, 2017
<p>SUMMARY HIGHLIGHTS: This Agenda Item provides for the purchase of electric utility equipment and materials for improving the operation of the electric system. An Invitation of Bid (Bid #VRNTL-18-B-02) was published on August 9, 2017 with bids being received on August 25, 2017 at 2:00P.M. The purchase of 5,700' of underground primary cable will be used to replace the existing underground primary cable along Veterans Parkway from Chanute Street to McChord, which in recent years has experienced multiple cable failures.</p> <p>A summary of the lowest responsive bids meeting specifications and the vendors are as follows: Part #1 – Purchase a 2500kva 13.8kv-277/480v pad-mounted transformer. Addendum #1 was issued to defer this purchase.</p> <p>Part #2 – Purchase of 5,700' of 15kv 250mcm copper underground primary distribution cable-jacketed. Recommend rejecting all 250mcm cable bids and use 350mcm cable.</p> <p>Part #3 – Purchase of 5,700' of 15kv 350mcm copper underground primary distribution cable-jacketed. Recommend accepting the bid from Anixter in the amount of \$45,201.00.</p> <p>A contingency fund of \$12,000.00 is requested to purchase the necessary cable terminating materials and allow for any variance in the material component costs and actual cable length manufactured. This cable replacement project is include in the 2017/18 Budget.</p>	
<p>RECOMMENDED ACTION: Authorize the approval of the purchase of 5,700' of 15kv 350mcm copper underground primary distribution cable-jacketed from Anixter in the amount of \$45,201.00; and to reject the bids for Part #2 (250mcm copper primary cable). A contingency fund of \$12,000.00 is requested to purchase the necessary cable terminating materials and allow for any variance in the material component costs and actual cable length manufactured.</p>	
<p>DEPARTMENT HEAD APPROVAL: G. Gregory Hazel, P.E. </p>	<p>VILLAGE ADMINISTRATOR: </p>
AGENDA PAGE NUMBER:	

INVITATION FOR BID

Bid #VRNTL-18-B-02, for

“Purchase of Electric Utility Equipment and Materials”

THE VILLAGE OF RANTOUL, ILLINOIS, will receive separate sealed bids for the purchase of electric utility equipment and materials which will include the following items: one (1) 2500kva 13.8kv-277/480v pad-mounted transformer; 5,700’ of 15kv 250mcm copper underground primary distribution cable-jacketed; and 5,700’ of 15kv 350mcm copper underground primary distribution cable-jacketed.

Bids will be received until closing time of **2:00 P.M.** prevailing time on **August 25, 2017** at the Rantoul Municipal Building, 333 South Tanner Street, Rantoul, Illinois. Any Bid received after the closing time will not be considered and will be returned unopened. Bids submitted by mail should be identified on the outside of the envelope as a bid for:

“Purchase of Electric Utility Equipment and Materials”

“Purchase of 2500kva 13.8kv-277/480v pad-mounted transformer, Bid #VRNTL-18-B-02 Part #1”; and/or

“Purchase of 5,700’ of 15kv 250mcm copper underground primary distribution cable-jacketed, Bid #VRNTL-18-B-02 Part #2”; and/or

“Purchase of 5,700’ of 15kv 350mcm copper underground primary distribution cable-jacketed, Bid #VRNTL-18-B-02 Part #3”.

Bids should be addressed and submitted to the attention of:

Scot Brandon, Comptroller
Village of Rantoul
P.O. Box 38
333 S. Tanner St.
Rantoul, Illinois 61866

Any questions regarding the equipment or material, please contact:

G. Gregory Hazel, P.E., Director of Public Works
200 W Grove Ave
Rantoul, IL 61866
g-hazel@myrantoul.com
(217) 892-6526

The Invitation for Bid (IFB) is available through the Village of Rantoul web site at <http://www.village.rantoul.il.us/Bids.aspx> or at the Rantoul Municipal Building, 333 South Tanner Street, Rantoul, Illinois.

The contract to be entered into shall be conditioned as provided by law. The Village of Rantoul, Illinois, reserves the right to reject any or all bids and to waive any informalities. No Bid shall be withdrawn after the opening of bids without consent of the Village of Rantoul, Illinois, for a period of sixty (60) days.

VILLAGE OF RANTOUL

Dated: August 4, 2017

By:

Scot Brandon
Comptroller

ADDENDUM NO. 1

Issued to All Bid Document Holders of Record

Date: August 9, 2017
Project Name: Purchase of Electric Utility Equipment and Material
Village Bid No.: VRNTL-18-B-02

This Addendum forms a part of the Contract described above. The original Contract Documents and any prior Addenda remain in full force and effect except as modified by the following which shall take precedence over any contrary provisions in the prior documents.

The Village is withdrawing the purchase of the 2500kva 13.8kv-277/480v pad-mounted transformer, Bid # VRNTL-18-B-02 Part #1 at this time. Village equipment needs have changed and will be deferred.

Each Bidder shall acknowledge receipt of this Addendum by affixing his signature below, by noting this Addendum on his Bid Form, and by attaching this Addendum to his Bid. *Failure to acknowledge any Addendum shall be considered sufficient cause for rejection of your bid.*

Village of Rantoul
Scot Brandon, Comptroller
333 S Tanner St
P.O. Box 38
Rantoul, IL 61866

ACKNOWLEDGEMENT

The undersigned acknowledges receipt of this Addendum and the Bid submitted is in accordance with information, instructions and stipulations set forth herein.

Bidder: _____]

By: _____]

Date: _____]

TO: Rantoul Press
Fax: (217) 893-9451

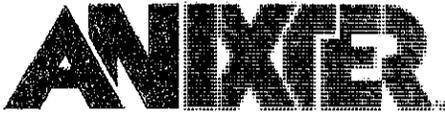
FROM: Scot Brandon

DATE: August 4, 2017

RE: Legal Ad

Please place the attached ad in your Wednesday, August 9, 2017 publications.

If you have any questions please call me at 892-6828.



1100 Old State Road
PO Box 729
Mattoon, IL 61938

OKONITE SEALED BID

www.anixterpowersolutions.com

Phone: 217.235.0546
Fax: 217.235.0024

Quotation: U00514580.00

To: **VILLAGE OF RANTOUL**
ACCOUNTS PAYABLE
P O BOX 38
RANTOUL, IL 61866

Issued Date: **Aug 22, 2017**

Expiration Date: **Sep 21, 2017**

Sales Contact: **Susie Titus**

Attn: (P) 217.258.0940
Phone: (F) 217.235.0024
Fax: susie.titus@anixter.com

Item	CustLine	Product and Description	Quantity	Price	Unit	Extended
1	140-23-9231	250MCM 15KV 220 MIL CU OKN CABLE 2 X 2850 FT REELS DEL: 6-8 WEEKS	5700	6.180	FT	35,226.00
		<i>Reject</i>				
2	140-23-9234	350MCM 15KV 220 MIL CU OKN CABLE 2 X 2850 FT REELS DEL: 6-8 WEEKS	5700	7.930	FT	45,201.00
		<i>Accept</i>				
SECTION TOTAL:						\$80,427.00
QUOTE TOTAL:						\$80,427.00

Special Notes

- * LENGTH TOLERANCE: -05% MINIMUM, +05% MAXIMUM
- * PRICES SUBJECT TO METALS IN EFFECT AT TIME OF SHIPMENT. QUOTED WITH A COPPER BASE OF 2.9060.

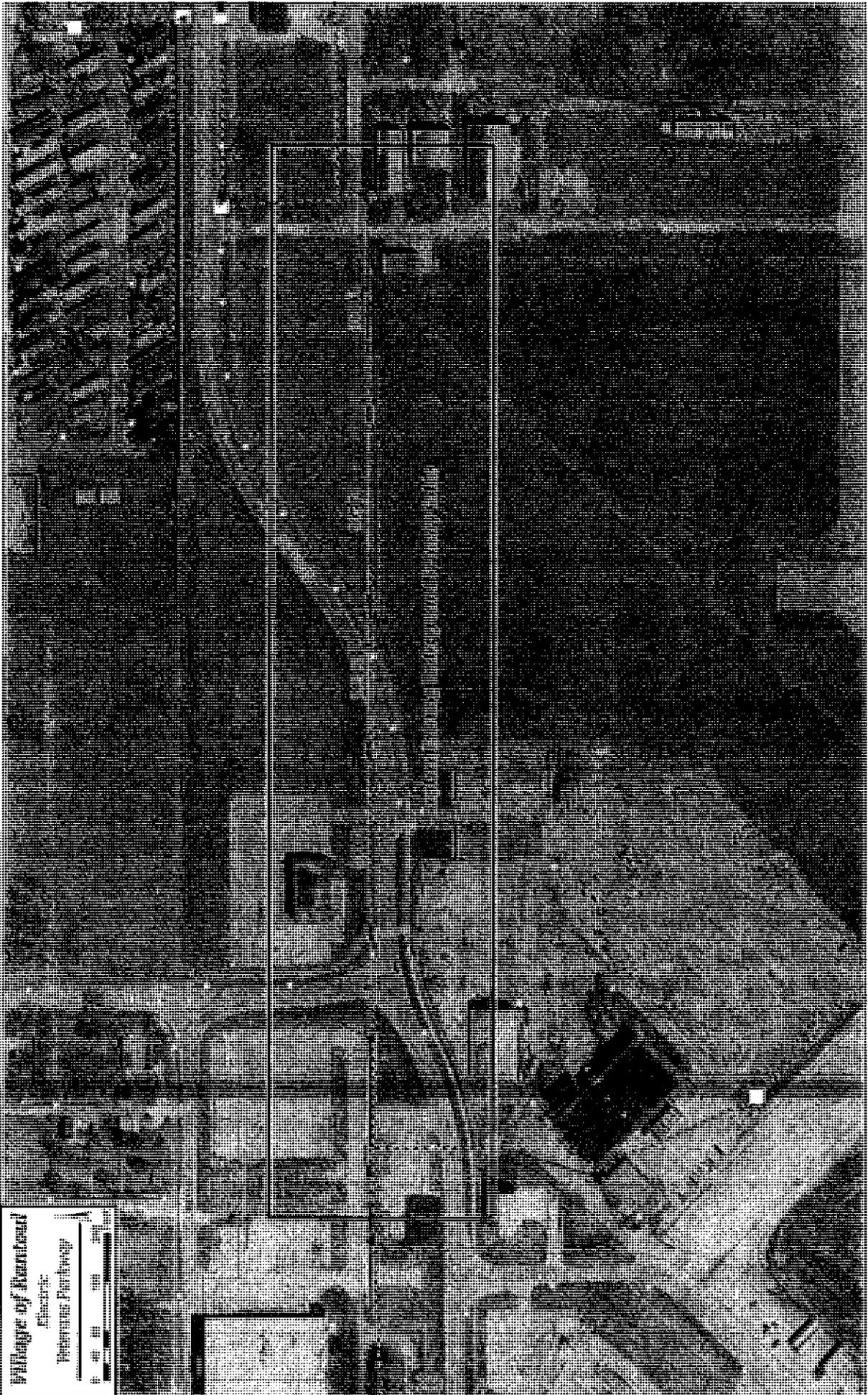
For the latest terms & conditions please visit: <https://www.anixterpowersolutions.com/site/legal/purchase-terms.html>

Anixter Power Solutions offers the industry's most extensive and dynamic portfolio of products, services and solutions for the Public Power, Investor-owned Utilities, Construction and Industrial markets.

BID Attached

*Anixter
Susie Titus*

Village of Bartlett
Electric
Reference Drawing



**BOARD OF TRUSTEES
VILLAGE OF RANTOUL**

AGENDA ITEM	PAGE ____ OF ____
ITEM: Rudzinski Pond Sediment Removal – Change Order #1 Revised (final quantities)	DEPARTMENT: Public Works & Recreation Departments
AGENDA SECTION:	AMOUNT: \$182,855.39 – Approved Contract Amount +\$37,435.98 – <u>Change Order #1 Revised</u> \$220,291.37 – Final Contract Amount -\$201,141.04 – Approved Contract Amount with <u>Contingency (10%)</u> \$19,150.33 – Total Additional Funding Request
ATTACHMENTS: (X) SUPPORTING DOCUMENTS	DATE: August 8, 2017
SUMMARY HIGHLIGHTS: <p>This Agenda Item provides for the contract changes (Change Order #1 Revised) which occurred during the Rudzinski Park pond sediment removal project. In July 2017, an initial request was made to approve additional funding (Change Order #1) in the amount of \$7,238.61. Following this approval, the engineers determined that the scope of work was not fully captured and the change order was incomplete. To correct, an updated change order has been prepared (Change Order #1 Revised) in the amount of \$19,150.33 and is being brought forward for consideration.</p> <p>This revised change order is the result of a change in plan quantities of the clay liner material. In the initial change order, the Village’s credit was based on 550 cubic yards of clay liner material less than plan quantities. Following further analysis of the survey data, it was determined that the credit should be based on only 285 cubic yards. This quantity change results in a reduced credit to \$9,145.65 to the Village, as opposed to the expected credit of \$17,649.50. The Village remains responsible for this difference of \$8,503.85.</p> <p>In addition, Extra Work Item #2 in the amount of \$3,407.87 is now included for the contractor’s furnishing and installing addition erosion control stone (rip-rap) at the three (3) storm line inlets.</p> <p>The original contract was approved and awarded in November 2016 to Cross Construction which included the base bid component (\$92,113.58), the alternate bid (\$90,741.81), and a contingency fund (\$18,285.55). The contingency fund (10%) was requested to address any variance in excavation quantities or unforeseen conditions. As previously detailed, the sediment removal quantities were significantly greater than anticipated, which resulted in increased hauling and sediment management costs. Savings occurred during the reshaping of the pond and the reduced material needs (clay liner) which offset a portion of the other work.</p> <p>To finalize this work and contract, it is requested that Change Order #1 Revised be approved (replacing the previous Change Order #1) and that the remaining project cost differential of \$19,150.33 be allocated from the Village’s storm water fund.</p>	
RECOMMENDED ACTION: Authorize the approval of Change Order #1 Revised (\$37,435.98) and additional project funding of \$19,150.33 from the storm water fund to complete and finalize the Rudzinski Park pond sediment removal project.	
DEPARTMENT HEAD APPROVAL: G. Gregory Hazel, P.E. 	VILLAGE ADMINISTRATOR: 
AGENDA PAGE NUMBER:	



01-05-2015 Form CO-2

CHANGE ORDER NO. 1 REV.
For Contract between Owner and Contractor

Project Name: Rudzinski Park Pond Sediment Removal BMcD Project No. 95806
Owner: Village of Rantoul Client Project No. N/A
Contractor: Cross Construction, Inc. Contract No. N/A

The below noted modification(s) to subject Contract are directed by Owner and accepted by Contractor (any applicable attachments are specifically identified):

This Change Order addresses final balancing of quantities for each pay item as well as extra work associated with managing of the sediment that was removed from the pond and the installation of stone rip-rap at the pond inflows. Please see attached letter of explanation for Change Order No. 1.

As a result of the modification(s) described above:

The revised Contract Price is:

Original Contract Price \$ 182,855.39
Total net amount of all previous Change Orders (+ or -) \$ 0.00
Total net amount of all previous variable quantity adjustments (+ or -) \$ 0.00
Total net amount of this Change Order (+ or -) \$ +37,435.98
Current Contract Price, including this Change Order \$ 220,291.37

The revised Contract Time is:

	Substantial Completion	Ready for Final Payment
Original Completion Date(s).....	<u>1/26/17</u>	<u>2/10/17</u>
Total net time adjustment* of all previous Change Orders(+ or -)	<u>0</u>	<u>0</u>
Total net time adjustment* of this Change Order.....(+ or -)	<u>0</u>	<u>0</u>
* Time adjustment is specified in: <input type="checkbox"/> Working Days <input type="checkbox"/> Calendar Days <input type="checkbox"/> Other		
Current Completion Date(s), including this Change Order	<u>1/26/17</u>	<u>2/10/17</u>

The price and/or time extension set forth in this Change Order is full compensation for all costs and delays, direct and indirect, incurred in connection with the conditions giving rise to this Change Order, the work specified herein, and any consequential costs, delays, or effects on unchanged work resulting therefrom.

This Change Order, when executed, constitutes a modification to the Contract and all provisions of the Contract, except as modified above and by any previous Change Orders, shall apply hereto.

BURNS & McDONNELL

01-05-2015 Form CO-2

OWNER

By _____

Date _____

CONTRACTOR

CROSS CONSTRUCTION INC.

By _____

Date 7/28/2017

The conditions of the Change Order are noted for compliance and payment.

BURNS & McDONNELL

By [Signature]

Date 07/28/2017



July 28, 2017

Mr. Greg Hazel, P.E.
Director of Public Works
Department of Public Works
200 West Grove Avenue
Rantoul, Illinois 61866

Re: Rudzinski Park Pond Sediment Removal Project
Change Order No. 1 - Revised

Dear Mr. Hazel:

The following information is regarding Change Order No. 1 for the subject Project and details the changes to the Contract because of balancing the final quantities for each pay item (see attached spreadsheet for final quantities) as well as any extra work that was performed as a part of the Project. The following information details each change and the subsequent impact to the final cost:

1. **Sediment Removal:** As a part of the design of this Project, the entire pond was surveyed to determine the quantity of sediment that would need to be removed prior to the pond being able to be re-contoured. Once the sediment was removed, it was found that there was still a significant quantity of material that was unsuitable for grading purposes which had to be removed from the pond as well. The additional quantity of material that had to be removed increased the final quantity to 2,746 cubic yards over the plan quantity for this item. This change resulted in an increase of **\$19,222.00** to the Project cost.
2. **Sediment Hauling:** Because of the increase described in Item CO1, the same additional quantity of material had to be hauled off-site. This change resulted in an increase of **\$16,476.00** to the Project cost.
3. **Sediment Disposal:** Because of the increase described in Item CO1, the same additional quantity of material had to be disposed of off-site. This change resulted in an increase of **\$27.46** to the Project cost.
4. **Silt Fence:** The engineering plans called for silt fence to be installed around the perimeter of the pond during construction. However, the engineering plans for the Shared Use Path Project had also called for silt fence to be installed as a part of that project which was still in place. Because of this, the silt fence under this Contract could be eliminated. This change resulted in a deduction of **\$6,391.88** from the Project cost.
5. **Temporary Fence:** The engineering plans called for the installation of 98 feet of temporary fence around the contractor's staging area. However, the contractor only needed to install 75 feet of the fence to accomplish the work. This change resulted in a deduction of **\$139.12** from the Project cost.
6. **Earth Excavation:** The engineering plans called for 2,541 cubic yards of soil to be excavated from the pond as a part of the re-contouring of the pond. However, with so much additional sediment being removed, there was less earth excavation that had to be



Mr. Greg Hazel, P.E.
Department of Public Works
July 28, 2017
Page 2

- performed. This pay item was reduced by 1,491 cubic yards. This change resulted in a deduction of **\$18,876.06** from the Project cost.
7. **Embankment:** This pay item was to account for material that had to be brought into the site to accomplish the re-contouring of the pond and meet the final elevations per the engineering plans. The Contractor had to bring in an additional 68 cubic yards over the plan quantity. This change resulted in an increase of **\$1,395.36** to the Project cost.
 8. **Clay Liner:** The engineering plans called for the Contractor to ensure that the existing clay liner for the pond not be reduced to ensure that the pond's ability to hold water was maintained. The excavation did not impact the liner as much as was anticipated based on the available information resulting in a reduction of 285 cubic yards from the plan quantity. This change resulted in a deduction of **\$9,145.65** from the Project cost.
 9. **Extra Work Item 1:** During the Pre-Bid Meeting for this Project, one of the Bidders asked if the Village owned any property that could be used to dispose of the sediment removed from the pond. To keep the Project's costs to a minimum, the Village identified a parcel of land that could be used to dispose of the excavated material. In addition, the Village agreed to be responsible for moving the material, final grading of the material, and restoration of the parcel of land. This information was communicated to the Bidders as a part of Addendum No. 1.

- Once the Project began and the Contractor began hauling sediment to the agreed upon location, it became evident that the consistency of the material being removed from the pond was going to require that the Village dedicate personnel and equipment to material management all day each day that the Contractor was hauling material. In addition, the Village's equipment was not designed to operate in the conditions that the sediment presented. To keep the Project moving forward, the Contractor placed their own equipment at the dump site with an operator each day that sediment was being hauled. The Contractor ended up spending 121 total hours performing material management at the dump location. This change resulted in an increase of **\$31,460.00** to the Project cost.
10. **Extra Work Item 2:** Once the pond had been finish graded, the intent was to refill Rudzinski Pond by slowing allowing water back in from the existing pond upstream of Rudzinski Park to the southwest. However, severe storms began to strike Rantoul and the sudden inflow of stormwater began to damage the banks of the newly graded pond at the storm sewer inflows. It was necessary to install stone rip-rap at these locations to prevent the pond banks from eroding in these areas. This change resulted in an increase of **\$3,407.87** to the Project cost.

Considering the cost impacts of all (10) items above, the net change to the Contract is an increased cost of \$37,435.98 (20.47%) which results in an overall Contract Price of \$220,291.37. It should be noted that even with this increase in the Project cost, the Village was able to get this



Mr. Greg Hazel, P.E.
Department of Public Works
July 28, 2017
Page 3

Project completed for more than \$200,000 less than the second lowest bidder and more than \$127,000 under the original amount budgeted to complete the Project.

Should you have any questions or require additional information, please feel free to contact me at screde@burnsmcd.com or (630) 710-8667.

Sincerely,

A handwritten signature in cursive script that reads "Stephen T. Crede".

Stephen T. Crede
Project Manager

STC/stc

Attachment

cc: Mr. Randy Patchett, Burns & McDonnell
Mr. Joe Darlington, Burns & McDonnell

**VILLAGE OF RANTOUL
RUDZINSKI PARK POND SEDIMENT REMOVAL
FINAL QUANTITIES - CROSS**

BASE BID ITEMS:

ITEM NO.	ITEM	UNIT	TOTAL UNITS	CROSS CONSTRUCTION	
				UNIT COST	TOTAL COST
1	MOBILIZATION	L SUM	1	\$ 2,500.33	\$ 2,500.33
2	CONSTRUCTION LAYOUT & SURVEYING	L SUM	1	\$ 4,950.00	\$ 4,950.00
3	DEWATERING	L SUM	1	\$ 9,755.75	\$ 9,755.75
4	SEDIMENT REMOVAL	CU YD	6,758	\$ 7.00	\$ 47,306.00
5	SEDIMENT HAULING	CU YD	6,758	\$ 6.00	\$ 40,548.00
6	SEDIMENT DISPOSAL	CU YD	6,758	\$ 0.01	\$ 67.58
7	REPAIR EXISTING OUTFALL STRUCTURE	L SUM	1	\$ 4,891.51	\$ 4,891.51
8	PRECAST CONCRETE FLARED END SECTION, 24-INCH DIAM	EACH	1	\$ 1,774.91	\$ 1,774.91
9	PRECAST CONCRETE FLARED END SECTION, 12-INCH DIAM	EACH	1	\$ 1,697.91	\$ 1,697.91
10	SILT FENCE	LF	0	\$ 3.98	\$ -
11	TEMPORARY FENCE	LF	75	\$ 6.05	\$ 453.68
12	RESTORATION	L SUM	1	\$ 7,362.37	\$ 7,362.37
TOTAL:				\$ 121,308.04	\$ 121,308.04

ALTERNATE BID ITEMS:

ITEM NO.	ITEM	UNIT	TOTAL UNITS	CROSS CONSTRUCTION	
				UNIT COST	TOTAL COST
A1	EARTH EXCAVATION	CU YD	1,050	\$ 12.66	\$ 13,293.00
A2	EMBANKMENT	CU YD	1,773	\$ 20.52	\$ 36,381.96
A3	CLAY LINER	CU YD	450	\$ 32.09	\$ 14,440.50
TOTAL:				\$ 64,115.46	\$ 64,115.46

TOTAL CONTRACT VALUE:

CROSS CONSTRUCTION	
BASE:	\$ 121,308.04
ALTERNATE:	\$ 64,115.46
TOTAL:	\$ 185,423.50

TOTAL EXTRA WORK ITEMS:

ITEM NO.	ITEM	UNIT	TOTAL UNITS	CROSS CONSTRUCTION	
				UNIT COST	TOTAL COST
EW1	SPREADING MATERIAL AT DUMP SITE	HR	121	\$ 260.00	\$ 31,460.00
EW2	INSTALLATION OF STONE RIP-RAP	L SUM	1	\$ 3,407.87	\$ 3,407.87
TOTAL:				\$ 34,867.87	\$ 34,867.87

TOTAL CONTRACT VALUE + EXTRA WORK ITEMS:

CROSS CONSTRUCTION	
BID ITEMS	\$ 185,423.50
EXTRA WORK	\$ 34,867.87
TOTAL:	\$ 220,291.37

**BOARD OF TRUSTEES
VILLAGE OF RANTOUL**

AGENDA ITEM	PAGE _____ OF _____
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<p>ITEM: Rudzinski Pond Sediment Removal – Change Order #1 (final quantities)</p>	<p>DEPARTMENT: Public Works & Recreation Departments</p>
<p>AGENDA SECTION:</p>	<p>AMOUNT: \$182,855.39 – Approved Contract Amount + \$25,524.26 – <u>Change Order #1</u> \$208,379.65 – Final Contract Amount -\$201,141.04 – Approved Contract Amount with <u>Contingency (10%)</u> \$7,238.61 – Additional Funding Request</p>
<p>ATTACHMENTS: (X) OTHER (See Summary Highlights) (X) SUPPORTING DOCUMENTS</p>	<p>DATE: June 16, 2017</p>
<p>SUMMARY HIGHLIGHTS:</p> <p>This Agenda Item provides for the contract changes (Change Order #1) which occurred during the Rudzinski Park pond sediment removal project. This work consisted of the removal of approximately 4,012 cubic yards of sediment; the removal and replacement of three (3) flared end culvert sections; as well as landscape restoration. The project also provided an alternate bid which included the regrading of the pond bottom and banks equaling approximately 2,541 cubic yards of earth excavation, 1,075 cubic yards of embankment, and providing approximately 735 cubic yards of clay liner.</p> <p>This project was undertaken to remove the forty (40) plus years of sediment buildup in the bottom of the pond; address the advanced vegetation growth due to the sediment buildup; improve the aquatic life within the pond (to be stocked); and improve the storm water capability of the pond.</p> <p>A contract was approved and awarded in November 2016 to Cross Construction which included the base bid component (\$92,113.58), the alternate bid (\$90,741.81), and a contingency fund (\$18,285.55). The contingency fund (10%) was requested to address any variance in excavation quantities or unforeseen conditions.</p> <p>As detailed in the attached documents, the sediment removal quantities were significantly greater than anticipated, which resulted in increased hauling and sediment management costs. Savings occurred during the reshaping of the pond and the reduced material needs (clay liner) which offset a portion of the other work. (The clay material was to ensure that the pond ultimately held water when the project was completed.)</p> <p>To finalize this work and contract, it is requested that Change Order #1 be approved and that the remaining project cost differential of \$7,238.61 be allocated from the Village’s storm water fund.</p>	
<p>RECOMMENDED ACTION: Authorize the approval of Change Order #1 (\$25,524.26) and additional project funding of \$7,238.61 from the storm water fund to complete and finalize the Rudzinski Park pond sediment removal project.</p>	
<p>DEPARTMENT HEAD APPROVAL: G. Gregory Hazel, P.E. </p>	<p>VILLAGE ADMINISTRATOR:</p>
<p>AGENDA PAGE NUMBER:</p>	

REFERENCE



01-05-2015 Form CO-2

CHANGE ORDER NO. 1
For Contract between Owner and Contractor

Project Name: Rudzinski Park Pond Sediment Removal BMcD Project No. 95806
Owner: Village of Rantoul Client Project No. N/A
Contractor: Cross Construction, Inc. Contract No. N/A

The below noted modification(s) to subject Contract are directed by Owner and accepted by Contractor (any applicable attachments are specifically identified):

This Change Order addresses final balancing of quantities for each pay item as well as extra work associated with managing of the sediment that was removed from the pond. Please see attached letter of explanation for Change Order No. 1.

As a result of the modification(s) described above:

The revised Contract Price is:

Original Contract Price \$ 182,855.39
Total net amount of all previous Change Orders (+ or -) \$ 0.00
Total net amount of all previous variable quantity adjustments (+ or -) \$ 0.00
Total net amount of this Change Order (+ or -) \$ +25,524.26
Current Contract Price, including this Change Order \$ 208,379.65

The revised Contract Time is:

	<u>Substantial Completion</u>	<u>Ready for Final Payment</u>
Original Completion Date(s).....	<u>1/26/17</u>	<u>2/10/17</u>
Total net time adjustment* of all previous Change Orders(+ or -)	<u>0</u>	<u>0</u>
Total net time adjustment* of this Change Order.....(+ or -)	<u>0</u>	<u>0</u>
* Time adjustment is specified in: <input type="checkbox"/> Working Days <input type="checkbox"/> Calendar Days <input type="checkbox"/> Other _____		
Current Completion Date(s), including this Change Order	<u>1/26/17</u>	<u>2/10/17</u>

The price and/or time extension set forth in this Change Order is full compensation for all costs and delays, direct and indirect, incurred in connection with the conditions giving rise to this Change Order, the work specified herein, and any consequential costs, delays, or effects on unchanged work resulting therefrom.

This Change Order, when executed, constitutes a modification to the Contract and all provisions of the Contract, except as modified above and by any previous Change Orders, shall apply hereto.

REFERENCE



01-05-2015 Form CO-2

OWNER

CONTRACTOR

By _____

By _____

Date _____

Date _____

The conditions of the Change Order are noted for compliance and payment.

BURNS & McDONNELL

By _____

Date _____

June 13, 2017

Mr. Greg Hazel, P.E.
Director of Public Works
Department of Public Works
200 West Grove Avenue
Rantoul, Illinois 61866

Re: Rudzinski Park Pond Sediment Removal Project
Change Order No. 1

Dear Mr. Hazel:

The following information is regarding Change Order No. 1 for the subject Project and details the changes to the Contract because of balancing the final quantities for each pay item (see attached spreadsheet for final quantities) as well as any extra work that was performed as a part of the Project. The following information details each change and the subsequent impact to the final cost:

1. **Sediment Removal:** As a part of the design of this Project, the entire pond was surveyed to determine the quantity of sediment that would need to be removed prior to the pond being able to be re-contoured. Once the sediment was removed, it was found that there was still a significant quantity of material that was unsuitable for grading purposes which had to be removed from the pond as well. The additional quantity of material that had to be removed increased the final quantity to 2,746 cubic yards over the plan quantity for this item. This change resulted in an increase of **\$19,222.00** to the Project cost.
2. **Sediment Hauling:** Because of the increase described in Item CO1, the same additional quantity of material had to be hauled off-site. This change resulted in an increase of **\$16,476.00** to the Project cost.
3. **Sediment Disposal:** Because of the increase described in Item CO1, the same additional quantity of material had to be disposed of off-site. This change resulted in an increase of **\$27.46** to the Project cost.
4. **Silt Fence:** The engineering plans called for silt fence to be installed around the perimeter of the pond during construction. However, the engineering plans for the Shared Use Path Project had also called for silt fence to be installed as a part of that project which was still in place. Because of this, the silt fence under this Contract could be eliminated. This change resulted in a deduction of **\$6,391.88** from the Project cost.
5. **Temporary Fence:** The engineering plans called for the installation of 98 feet of temporary fence around the contractor's staging area. However, the contractor only needed to install 75 feet of the fence to accomplish the work. This change resulted in a deduction of **\$139.12** from the Project cost.
6. **Earth Excavation:** The engineering plans called for 2,541 cubic yards of soil to be excavated from the pond as a part of the re-contouring of the pond. However, with so much additional sediment being removed, there was less earth excavation that had to be

Mr. Greg Hazel, P.E.
Department of Public Works
June 13, 2017
Page 2

- performed. This pay item was reduced by 1,491 cubic yards. This change resulted in a deduction of **\$18,876.06** from the Project cost.
7. **Embankment:** This pay item was to account for material that had to be brought into the site to accomplish the re-contouring of the pond and meet the final elevations per the engineering plans. The Contractor had to bring in an additional 68 cubic yards over the plan quantity. This change resulted in an increase of **\$1,395.36** to the Project cost.
 8. **Clay Liner:** The engineering plans called for the Contractor to ensure that the existing clay liner for the pond not be reduced to ensure that the pond's ability to hold water was maintained. The excavation did not impact the liner as much as was anticipated based on the available information resulting in a reduction of 550 cubic yards from the plan quantity. This change resulted in a deduction of **\$17,649.50** from the Project cost.
 9. **Extra Work Item 1:** During the Pre-Bid Meeting for this Project, one of the Bidders asked if the Village owned any property that could be used to dispose of the sediment removed from the pond. To keep the Project's costs to a minimum, the Village identified a parcel of land that could be used to dispose of the excavated material. In addition, the Village agreed to be responsible for moving the material, final grading of the material, and restoration of the parcel of land. This information was communicated to the Bidders as a part of Addendum No. 1.

Once the Project began and the Contractor began hauling sediment to the agreed upon location, it became evident that the consistency of the material being removed from the pond was going to require that the Village dedicate personnel and equipment to material management all day each day that the Contractor was hauling material. In addition, the Village's equipment was not designed to operate in the conditions that the sediment presented. To keep the Project moving forward, the Contractor placed their own equipment at the dump site with an operator each day that sediment was being hauled. The Contractor ended up spending 121 total hours performing material management at the dump location. This change resulted in an increase of **\$31,460.00** to the Project cost.

Considering the cost impacts of all (9) items above, the net change to the Contract is an increased cost of \$25,524.26 (13.95%) which results in an overall Contract Price of \$208,379.65. It should be noted that even with this increase in the Project cost, the Village was able to get this Project completed for more than \$100,000 less than the second lowest bidder and more than \$139,000 under the original amount budgeted to complete the Project.



REFERENCE

Mr. Greg Hazel, P.E.
Department of Public Works
June 13, 2017
Page 3

Should you have any questions or require additional information, please feel free to contact me at screde@burnsmcd.com or (630) 710-8667.

Sincerely,

A handwritten signature in cursive script that reads "Stephen T. Crede".

Stephen T. Crede
Project Manager

STC/stc

Attachment

cc: Mr. Randy Patchett, Burns & McDonnell
Mr. Joe Darlington, Burns & McDonnell

REFERENCE

VILLAGE OF RANTOUL
 RUDZINSKI PARK POND SEDIMENT REMOVAL
 FINAL QUANTITIES - CROSS

BASE BID ITEMS:

ITEM NO.	ITEM	UNIT	TOTAL UNITS	CROSS CONSTRUCTION	
				UNIT COST	TOTAL COST
1	MOBILIZATION	L SUM	1	\$ 2,500.33	\$ 2,500.33
2	CONSTRUCTION LAYOUT & SURVEYING	L SUM	1	\$ 4,950.00	\$ 4,950.00
3	DEWATERING	L SUM	1	\$ 9,755.75	\$ 9,755.75
4	SEDIMENT REMOVAL	CU YD	6,758	\$ 7.00	\$ 47,306.00
5	SEDIMENT HAULING	CU YD	6,758	\$ 6.00	\$ 40,548.00
6	SEDIMENT DISPOSAL	CU YD	6,758	\$ 0.01	\$ 67.58
7	REPAIR EXISTING OUTFALL STRUCTURE	L SUM	1	\$ 4,891.51	\$ 4,891.51
8	PRECAST CONCRETE FLARED END SECTION, 24-INCH DIAM	EACH	1	\$ 1,774.91	\$ 1,774.91
9	PRECAST CONCRETE FLARED END SECTION, 12-INCH DIAM	EACH	1	\$ 1,697.91	\$ 1,697.91
10	SILT FENCE	LF	0	\$ 3.98	\$ -
11	TEMPORARY FENCE	LF	75	\$ 6.05	\$ 453.68
12	RESTORATION	L SUM	1	\$ 7,362.37	\$ 7,362.37
				TOTAL:	

ALTERNATE BID ITEMS:

ITEM NO.	ITEM	UNIT	TOTAL UNITS	CROSS CONSTRUCTION	
				UNIT COST	TOTAL COST
A1	EARTH EXCAVATION	CU YD	1,050	\$ 12.66	\$ 13,293.00
A2	EMBANKMENT	CU YD	1,773	\$ 20.52	\$ 36,381.96
A3	CLAY LINER	CU YD	185	\$ 32.09	\$ 5,936.65
				TOTAL:	

TOTAL CONTRACT VALUE:

CROSS CONSTRUCTION	
BASE:	\$ 121,308.04
ALTERNATE:	\$ 55,611.61
TOTAL:	

TOTAL EXTRA WORK ITEMS:

ITEM NO.	ITEM	UNIT	TOTAL UNITS	CROSS CONSTRUCTION	
				UNIT COST	TOTAL COST
EW1	SPREADING MATERIAL AT DUMP SITE	HR	121	\$ 260.00	\$ 31,460.00
				TOTAL:	

TOTAL CONTRACT VALUE + EXTRA WORK ITEMS:

CROSS CONSTRUCTION	
BID ITEMS	\$ 176,919.65
EXTRA WORK	\$ 31,460.00
TOTAL:	

BOARD OF TRUSTEES
VILLAGE OF RANTOUL

AGENDA ITEM	PAGE ___ OF ___
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ITEM: Rudzinski Pond Sediment Removal – Cross Construction Inc.	DEPARTMENT: Public Works & Recreation Departments
AGENDA SECTION:	AMOUNT: \$92,113.68 – Base Bid \$90,741.81 – Alternate #1 <u>\$18,285.55 - Contingency (10%)</u> \$201,141.04
ATTACHMENTS: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input checked="" type="checkbox"/> OTHER (See Summary Highlights) <input checked="" type="checkbox"/> SUPPORTING DOCUMENTS	DATE: October 24, 2016

SUMMARY HIGHLIGHTS:

This Agenda Item provides for the pond sediment removal at Rudzinski Park. This work consists of the removal of approximately 4,012 cubic yards of sediment; the removal and replacement of three (3) flared end culvert sections; as well as landscape restoration. The project also includes an alternate bid which includes the regrading of the pond bottom and banks equaling approximately 2,541 cubic yards of earth excavation, 1,075 cubic yards of embankment, and providing approximately 735 cubic yards of clay liner.

Bids were received on October 20, 2016 at 2:00pm. Cross Construction, Inc. provided the lowest apparent base bid in the amount of \$92,113.68 with an alternate bid amount of \$90,741.81. A copy of the bid tabulation and the engineer's recommendation are attached for reference.

It is recommended that both the base bid and the alternate bid be awarded to remove the necessary sediment and to reshape the embankment of this pond. A contingency fund in the amount of \$18,285.55 (10.0%) is requested to address any variance in excavation quantities or unforeseen conditions.

RECOMMENDED ACTION: Authorize the award of a contract with Cross Construction in the base bid amount of \$92,113.68 with an alternate bid amount of \$90,741.81. A contingency fund in the amount of \$18,285.55 (10.0%) is requested to address any variance in excavation quantities or unforeseen conditions to remove the pond sediment at Rudzinski Park.

DEPARTMENT HEAD APPROVAL: G. Gregory Hazel, P.E. 	VILLAGE ADMINISTRATOR:
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AGENDA PAGE NUMBER:

BID TABULATION

PROJECT: Rudzinski Pond Sediment Removal

OWNER: Village of Rantoul

By: Village of Rantoul, Department of Public Works – October 20, 2016 2:00pm
Cost Opinion: Base Bid of \$248,517.00 and Alternate #1 of \$99,115.00

Bidder	Base Bid	Alternate Bid	Total
Cross Construction Inc. 3615 N. Countryview Road Urbana, Illinois 61802	\$92,113.68	\$90,741.81	\$182,855.49
Mid Illinois Concrete 1801 E University Avenue Urbana, IL 61802 (217) 366-3444	\$194,845.00	\$113,681.00	\$308,526.00
Shoreline Builders 10716 122nd Street Pleasant Prairie Wisconsin 53158 (262) 857-7256	\$279,280.08	\$149,334.50	\$428,614.58
Superior Seawalls 11900 315th St Ct West Illinois City, IL 61259 (877) 875-2463	\$397,132.00	\$295,102.00	\$692,234.00
	\$	\$	
	\$	\$	
	\$	\$	

October 21, 2016

Mr. Greg Hazel
Director of Public Works
Village of Rantoul
200 West Grove Avenue
Rantoul, Illinois 61866

Re: Rudzinski Park Pond Sediment Removal
Letter of Recommendation to Award

Dear Mr. Hazel:

This letter is in regard to the Bid Opening that was held for the Rudzinski Park Sediment Removal project at the Village of Rantoul Municipal Building on Thursday, October 20, 2016 at 2:00 pm. There were four (4) Bids received, opened, and publicly read. All of the Bids were then given to Burns & McDonnell for review of completeness and accuracy.

The project included a Base Bid of approximately 4,012 cubic yards of sediment removal, removal and replacement of three flared end sections, as well as landscape restoration and other related items of work.

The project also includes an Alternate Bid including removal of the pond bottom and banks equaling approximately 2,541 cubic yards of earth excavation, 1,705 cubic yards of embankment, and providing approximately 735 cubic yards of clay liner.

Based on our review, the apparent low bidder was Cross Construction, Inc. with a Base Bid of \$92,113.58. The Alternate Bid submitted by Cross Construction was \$90,741.81. The Total Bid submitted by Cross Construction was \$182,855.39.

A summary of the bid prices submitted is provided in the table below:

CONTRACTOR NAME	BASE BID	ALTERNATE BID	TOTAL
Superior Seawalls, Inc.	\$ 397,132.00	\$ 295,102.00	\$ 692,234.00
Shoreline Builders	\$ 279,280.08	\$ 149,334.50	\$ 428,614.58
Mid Illinois Concrete & Excavation, Inc.	\$ 194,845.00	\$ 113,681.00	\$ 308,526.00
Cross Construction, Inc.	\$ 92,113.58	\$ 90,741.81	\$ 182,855.39

The engineer's opinion of probable cost (EOPC) for the Base Bid was \$248,517. The EOPC for the Alternate Bid was \$99,115. The total EOPC was \$347,632.



REFERENCE

Based on the information above and our review of all the Bids and accompanying documents, Burns & McDonnell recommends that the Village of Rantoul award the Contract for the Rudzinski Park Pond Sediment Removal project to Cross Construction, Inc. with a Base Bid of \$92,113.58. The Village may elect to award the Alternate Bid for \$90,741.81 at its discretion. The total value of the Contract including the Alternate Bid is \$182,855.39.

Should you have any questions or require additional information, please feel free to contact me at jdarlington@burnsmcd.com or (630) 724-3809.

Sincerely,

A handwritten signature in cursive script that reads "Joseph M. Darlington".

Joseph M. Darlington, P.E.
Civil Engineer

cc: Pete Passarelli, Village of Rantoul
Randy Patchett, P.E., BMcD
Stephen Crede, BMcD

**BOARD OF TRUSTEES
VILLAGE OF RANTOUL**

AGENDA ITEM	PAGE <u> </u> OF <u> </u>
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ITEM: Property Donation: Robeson-Roessler Subdivision No. 3	DEPARTMENT: Administration / Public Works
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AGENDA SECTION:	PROJECT AMOUNT: \$
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ATTACHMENTS: <input type="checkbox"/> RESOLUTION <input checked="" type="checkbox"/> OTHER (See Summary Highlights) <input checked="" type="checkbox"/> SUPPORTING DOCUMENTS	DATE: August 22, 2017
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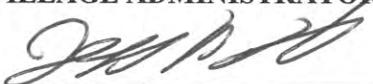
SUMMARY HIGHLIGHTS:

This Agenda Item provides for the acceptance of 2.44 acres (Tract 2) of the Robeson-Roessler Subdivision No 3 plat, which is proposed to be donated to the Village of Rantoul by the owners.

This subdivision was previously under one development and extended from S. Century to Enterprise Drive (between Neal Drive & Flessner Avenue). Over time and through various sales, the property has been sold except for this small tract of land.

While a highly visible lot, this tract's value is compromised by a sanitary sewer which extends north & south through the middle of the lot making a stand-alone development difficult. Until the sanitary sewer main is rebuilt and relocated, the best use is open-green space, parking, or perhaps utilized by an adjoining property owner.

RECOMMENDED ACTION: Authorize the acceptance of 2.44 acres (Tract 2) of the Robeson-Roessler Subdivision No 3 plat, which is proposed to be donated to the Village of Rantoul by the owners.

DEPARTMENT HEAD APPROVAL: G. Gregory Hazel, P.E.	VILLAGE ADMINISTRATOR: 
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AGENDA PAGE NUMBER:

Village of Rantoul Century & Flessner (Altamont)

16.95 Total Acres

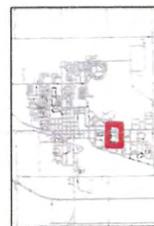
- Electric**
- Meter
 - ▲ Transformer
 - Streetlight
 - ⚡ Structure Pole
- Storm Water**
- Inlet
 - Manhole
 - Manhole

- Primary (OH)
 - Secondary (OH)
 - Primary UG
 - Secondary (UG)
- Sanitary Sewer**
- Main
 - Inlet/Lead
 - Main Line
 - Lateral Line

- Water Distribution**
- Hydrant
 - Main Valve
 - Water Main
 - Service Line
- Fiber**
- Existing Fiber Optic Line

***2014 Aerial Image provided by
Champaign County GIS Consortium

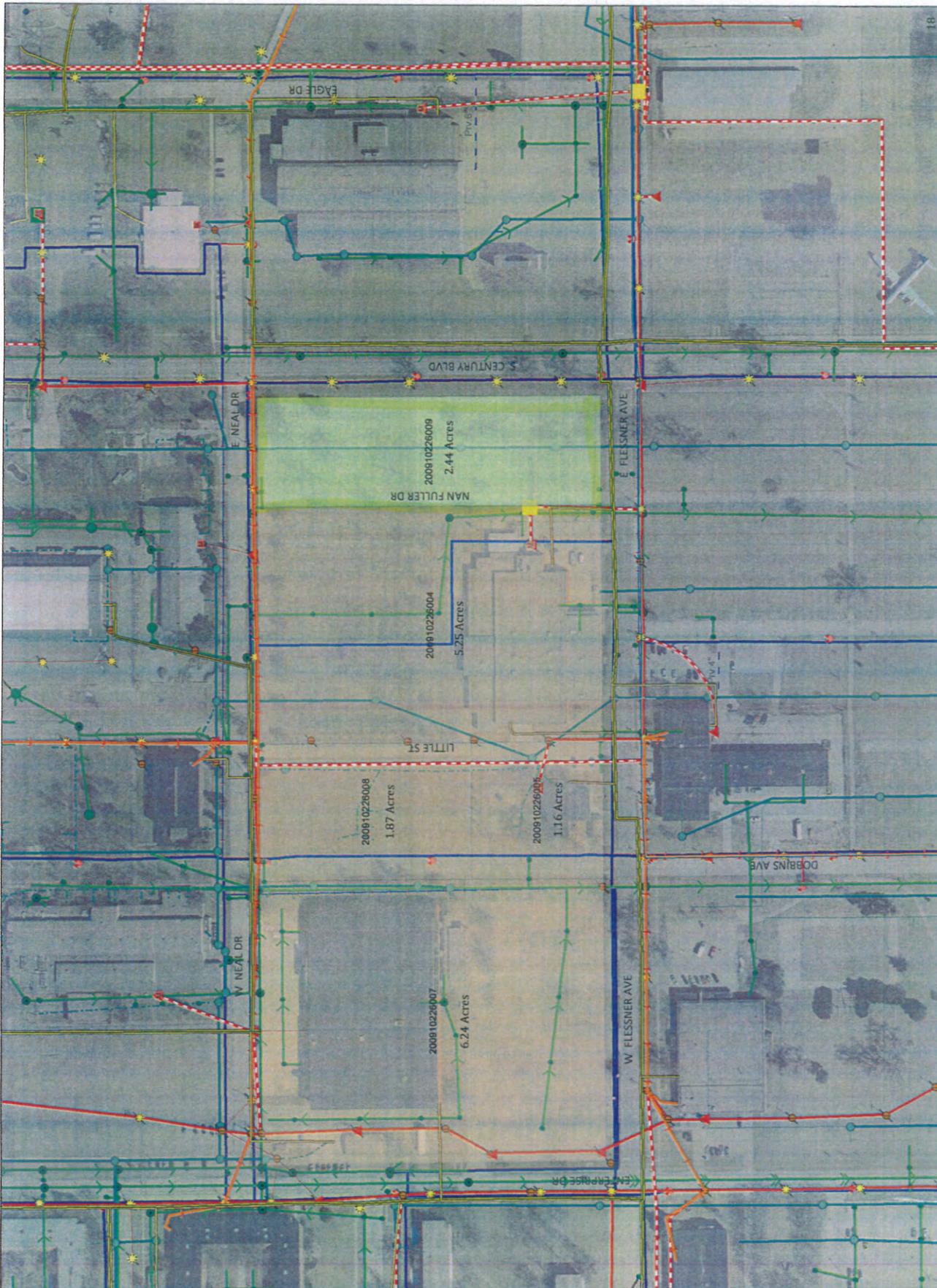
0 30 60 120 180 Feet



Village of Rantoul
Public Works Dept.
200 W. Grove Avenue
Rantoul, IL 61866
(217) 892-2178

08/17/2017

NOTE: This product was prepared for informational and general reference purposes. The Village of Rantoul shall assume no liability for any error, omissions, or inaccuracies in the information provided.





PRESENTED FOR RECORD TO BE: RETURN ORIGINAL TO: MSA PROFESSIONAL SERVICES, CHAMPAIGN, IL 61820

2015R22709 RECORD: 11/30/2015 1:54:13 PM CHAMPAIGN COUNTY HADJIBAHA A. FRASCA, RECORDER RHPSP Fee: \$9.00 PAGES 13 PLAT ACT: PLAT PAGE: 1

DESIGNER STATEMENT: I, William E. Robinson, being Licensed Professional Engineer 20877, and Robinson, Bradshaw & Black Professional Land Surveyors 2011, do hereby certify that the following described plat is in compliance with the provisions of the Illinois Surveying Act, Chapter 120, Illinois Compiled Statutes (605 CS) 120-0.1, and that the same was prepared by me or under my direct supervision and control, and that the same was prepared in accordance with the provisions of the Illinois Surveying Act, Chapter 120, Illinois Compiled Statutes (605 CS) 120-0.1, and that the same was prepared in accordance with the provisions of the Illinois Surveying Act, Chapter 120, Illinois Compiled Statutes (605 CS) 120-0.1.

CONTRACTOR STATEMENT: I, William E. Robinson, being Licensed Professional Engineer 20877, and Robinson, Bradshaw & Black Professional Land Surveyors 2011, do hereby certify that the following described plat is in compliance with the provisions of the Illinois Surveying Act, Chapter 120, Illinois Compiled Statutes (605 CS) 120-0.1, and that the same was prepared by me or under my direct supervision and control, and that the same was prepared in accordance with the provisions of the Illinois Surveying Act, Chapter 120, Illinois Compiled Statutes (605 CS) 120-0.1.

MINOR PLAT ROBESON-ROESSLER SUBDIVISION NO. 3 PART OF THE NORTHEAST QUARTER OF SECTION 10 TOWNSHIP 21 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN CHAMPAIGN COUNTY, ILLINOIS

OWNER: ROBESON, ROESSLER & ASSOCIATES, LLC CHAMPAIGN, ILLINOIS 61820

PROPERTY BOUNDARY: PROPERTY LINE, RIGHT-OF-WAY CENTERLINE, EASEMENT LINE, CURB AND GUTTER, EASE OF PARKING, SIDE OF DRIVEWAY, SANITARY SEWER PIPE, STORM SEWER PIPE, STORM SEWER CURE INLET, SANITARY SEWER CURE INLET, CLEAN OUT, GUY ANCHOR, ELECTRIC METER, GAS METER, GAS VALVE, PORT INDICATOR VALVE, WETNESS CORNER, RIGHT OF WAY, POINT OF COMMENCEMENT, POINT OF BEGINNING, BOUNDARY DIMENSION, DIMENSION OF RECORD (SCALE)

FLOOR ZONE CLASSIFICATION: This tract of land is located in Zone "C", as defined by the Village of Rantoul, Illinois, and is zoned C-2. The proposed plat is in compliance with the provisions of the Village of Rantoul, Illinois, Ordinance No. 11-01-01, and that the same was prepared in accordance with the provisions of the Village of Rantoul, Illinois, Ordinance No. 11-01-01.

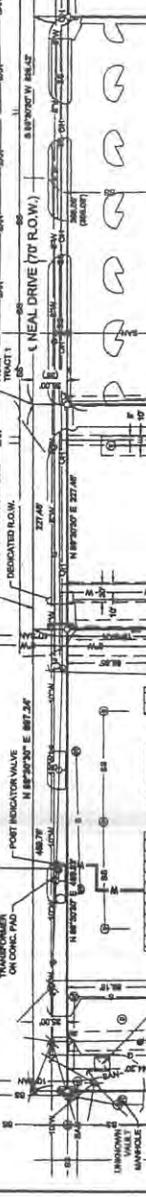
CONSTRUCTION NOTES: 1. All dimensions are between exterior walls unless otherwise indicated. 2. All bearings are based on an assumed local datum. 3. The portion of the described land which is 600 feet of a point on a road corner shall remain with the adjacent owner. 4. All public utilities and storm water management to serve this subdivision are shown. 5. The subject tract encompasses a total of 11,262 acres, more or less. 6. Rantoul, Champaign County, Illinois.

CONTRACTOR STATEMENT: I, William E. Robinson, being Licensed Professional Engineer 20877, and Robinson, Bradshaw & Black Professional Land Surveyors 2011, do hereby certify that the following described plat is in compliance with the provisions of the Illinois Surveying Act, Chapter 120, Illinois Compiled Statutes (605 CS) 120-0.1, and that the same was prepared by me or under my direct supervision and control, and that the same was prepared in accordance with the provisions of the Illinois Surveying Act, Chapter 120, Illinois Compiled Statutes (605 CS) 120-0.1.

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CONTRACTOR STATEMENT: I, William E. Robinson, being Licensed Professional Engineer 20877, and Robinson, Bradshaw & Black Professional Land Surveyors 2011, do hereby certify that the following described plat is in compliance with the provisions of the Illinois Surveying Act, Chapter 120, Illinois Compiled Statutes (605 CS) 120-0.1, and that the same was prepared by me or under my direct supervision and control, and that the same was prepared in accordance with the provisions of the Illinois Surveying Act, Chapter 120, Illinois Compiled Statutes (605 CS) 120-0.1.



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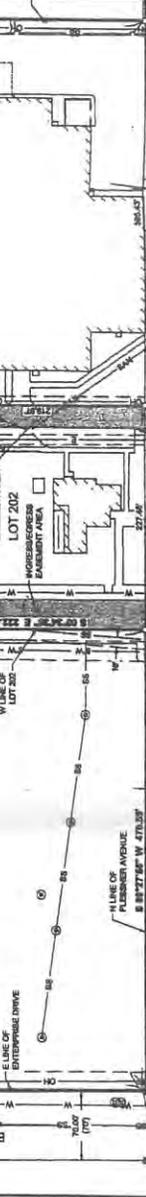
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MSA PROFESSIONAL SERVICES logo and contact information. Includes address: 201 W. SPRINGFIELD AVE., SUITE 400, CHAMPAIGN, ILLINOIS 61820. Phone: 217-244-8100. Website: www.msa-engineers.com.

**BOARD OF TRUSTEES
VILLAGE OF RANTOUL**

ITEM: Village acceptance of the deeds for Parcels D2, D3, & D5	DEPARTMENT: Public Works Airport/EDC
AGENDA SECTION:	AMOUNT: NA
ATTACHMENTS: <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> OTHER (See Summary Highlights) <input type="checkbox"/> SUPPORTING DOCUMENTS	DATE: September 5, 2017
SUMMARY HIGHLIGHTS: This Agenda Item provides for the formal acceptance of the deeds for parcels D2, D3 & D5. These parcels include the three (3) landfill areas located in the southeast portion of the former base area. The Environmental Covenant which comes with this property and protects the Village was previously approved by the Village. Additional supporting documentation (the deeds) will be forwarded from the Air Force prior to the September Board Meeting.	
RECOMMENDED ACTION: Authorize the Village's acceptance of the deeds for parcels D2, D3 & D5 from the Air Force.	
DEPARTMENT HEAD APPROVAL: G. Gregory Hazel, P.E. Eric Vences 	VILLAGE ADMINISTRATOR: 

**BOARD OF TRUSTEES
VILLAGE OF RANTOUL**

AGENDA ITEM	PAGE _____ OF _____
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ITEM: Environmental Covenant	DEPARTMENT: Public Works
AGENDA SECTION:	AMOUNT: N/A
ATTACHMENTS: () SUPPORTING DOCUMENTS	DATE: April 26, 2017
<p>SUMMARY HIGHLIGHTS:</p> <p>The purpose of this agenda item is to seek Board approval of an Environmental Covenant between the Village of Rantoul and the Illinois Environmental Protection Agency to document certain activity and use limitations on certain property that will be transferred to the Village from the Air Force.</p> <p>The agreement was drafted by Barry Steinberg, the attorney assisting the Village with environmental issues related to the former Chanute Air Force Base. The agreement is a necessary part of the zero cost negotiated sale of parcels D2, D3 and D5 (see attached map) from the Air Force to the Village. Parcel D5 is the location of the IMEA 1 MW Solar Site. Parcels D2 and D3 are subject to the agreement while Parcel D5 is not subject to any activity or use limitations.</p> <p>The Environmental Covenant is a result of the environmental work that the United States Air Force did related to Landfills 1, 2, 3 and 4. The activity and use limitations are required under the plan for environmental remediation documented in Record of Decision (ROD): <i>Record of Decision for Operable Unit (OU) 1 and OU-2: Landfill 1 (LF016); and OU-2: Landfill 2 (LF017), Landfill 3 (LF018), and Landfill 4 (LF019).</i></p> <p>This Environmental Covenant specifically relates to the land activity and use limitations for Landfills 2 and 3, as depicted in Appendix A of the Agreement.</p> <p>The Activity and Land use restrictions are described below:</p> <p style="margin-left: 40px;">A. Institutional Controls (ICs) to Prohibit Groundwater Use:</p> <ul style="list-style-type: none"> • Grantor covenants and agrees that it will not extract groundwater from the property for any purpose other than remediation or monitoring. • Grantor covenants and agrees that it will not conduct or allow others to conduct activities that would cause disturbance of any equipment or systems associated with groundwater remediation or monitoring. 	

- Grantor covenants and agrees that it will not conduct or allow others to conduct activities that would limit access to any equipment or systems associated with groundwater remediation or monitoring.
- Grantor covenants and agrees that it will not conduct or allow others to conduct activities that would cause disturbance to soil within the IC boundaries without first providing notification to Illinois' Joint Utility Locating Information for Excavators (JULIE) and obtaining approval from the USAF for those activities.

B. ICs to Prevent Residential Use, 24-Hour Occupancy, and the Housing of Sensitive Subpopulations

- Grantor shall not use existing buildings or construct new buildings for any of the following uses: residential uses; occupancy on a 24-hour basis; and uses to house, educate or provide care for children, the elderly, the infirm, or other sensitive subpopulations.
- Grantor shall not dispose off-site any soil without proper characterization and waste disposal per applicable Illinois EPA and USEPA regulations.

C. ICs to Maintain Landfill Cap Integrity

- Grantor shall not allow any activity that may impact effectiveness and integrity of the multilayered landfill caps.
- Grantor shall maintain access restrictions to the landfill caps.

D. ICs to Prevent Access

- Grantor shall not disturb the fences and locked gates that surround the Property.
- Grantor shall not disturb or remove the "Danger: Unauthorized Personnel Keep Out" signs that are on the fences and gates that surround the Property.

The Village is required to provide the right of access to the Air Force and the Illinois EPA and an annual confirmation of compliance with the activity and use limitations to the Illinois EPA.

The Air Force will continue to maintain the responsibility of managing the landfills and maintaining the fences and gates surrounding the landfills.

RECOMMENDED ACTION:

Recommend that the Village Board approve the Environmental Covenant for signature by the Village President.

DEPARTMENT HEAD APPROVAL:

G. Gregory Hazel, P.E

VILLAGE ADMINISTRATOR:

AGENDA PAGE NUMBER:

[space above reserved for recording information]

This instrument was prepared by:

Barry Steinberg
Kutak Rock LLP
1625 Eye Street NW, Suite 800
Washington, DC 20006

Please return this instrument to:

Barry Steinberg
Kutak Rock LLP
1625 Eye Street NW, Suite 800
Washington, DC 20006

ENVIRONMENTAL COVENANT

1. This Environmental Covenant is made this _____ day of _____, 2017, by and among the Village of Rantoul, IL and the Holders/Grantees further identified in paragraph 3 below pursuant to the Uniform Environmental Covenants Act, 765 ILCS Ch. 122 (UECA) for the purpose of subjecting the Property to the activity and use limitations described herein.

2. **Property and Grantor.**

A. **Property:** The real property subject to this Environmental Covenant is located at Former Chanute Air Force Base (AFB) in the Village of Rantoul, Champaign County, Illinois and is legally described in Appendix A, hereinafter referred to as the "Property".

B. **Grantor:** The Village of Rantoul, IL is the current fee owner of the Property and is the "Grantor" of this Environmental Covenant. The mailing address of the Grantor is 333 S. Tanner Street, P.O. Box 38, Rantoul, IL 61866.

3. **Holders (and Grantees for purposes of indexing).**

A. Illinois Environmental Protection Agency (EPA) is a "Holder" (and Grantee for purposes of indexing) of this Environmental Covenant pursuant to its authority under Section 3(b) of UECA. The mailing address of Illinois EPA is 1021 N. Grand Avenue East, P.O. Box 19276, Springfield, IL 62794-9276.

B. The Village of Rantoul, IL is a Holder (and Grantee for purposes of indexing) of this Environmental Covenant pursuant to UECA. The mailing address of the Village of Rantoul, IL is 333 S. Tanner Street, P.O. Box 38, Rantoul, IL 61866. Regardless of any future transfer of the Property, the Village of Rantoul, IL shall remain a Holder of this Environmental Covenant.

4. **Agencies.** The Illinois EPA and United States Air Force (“USAF”) are “Agencies” within the meaning of Section 2(2) of UECA. USAF has chosen and Illinois EPA has concurred in the environmental response project described in paragraph 5 below, and both Agencies may enforce this Environmental Covenant pursuant to Section 11 of UECA.

5. **Environmental Response Project and Administrative Record.**

A. This Environmental Covenant arises under an environmental response project as defined in Section 2(5) of UECA.

B. The Property is part of the Former Chanute AFB, Rantoul, IL undergoing environmental remediation pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C §§ 9601 et seq. Activity and use limitations are required under the plan for environmental remediation reflected in the following Record of Decision (ROD): *Record of Decision for Operable Unit (OU) 1 and OU-2: Landfill 1 (LF016); and OU-2: Landfill 2 (LF017), Landfill 3 (LF018), and Landfill 4 (LF019)*. Illinois EPA concurred with the ROD.

The ROD requires implementation and compliance with land activity and use limitations for portions of Former Chanute AFB Sites LF017 (Landfill 2) and LF018 (Landfill 3). These portions of LF017 and LF018, which constitute the Property, are described in Appendix A of this environmental covenant. The land activity and use limitations prevent unacceptable exposures to hazardous substances remaining at the Sites.

C. Grantor wishes to cooperate fully with the Agencies in the implementation, operation, and maintenance of all response actions at the Sites.

D. The Administrative Record for the environmental response project at the former Chanute AFB, Rantoul, Illinois is maintained at <http://afcec.publicadmin-record.us.af.mil/Search.aspx>. Persons may also contact the Freedom of Information Action (FOIA) Officer, Illinois EPA, Bureau of Land, #24, 1021 N. Grand Avenue East, P.O. Box 19276, Springfield, IL 62794-9276 for the Administrative Record or other information concerning the Site.

6. **Grant of Covenant. Covenant Runs With The Land.** Grantor creates this Environmental Covenant pursuant to UECA so that the Covenant Activity and Use Limitations and associated terms and conditions set forth herein shall “run with the land” in accordance with Section 5(a) of UECA and shall be binding on Grantor, its heirs, successors and assigns, and on all present and subsequent owners, occupants, lessees or other person acquiring an interest in the Property.

7. **Activity and Use Limitations.** The following Activity and Use Limitations apply to the use of the Property:

A. **Institutional Controls (ICs) to Prohibit Groundwater Use:**

- Grantor covenants and agrees that it will not extract groundwater from the property for any purpose other than remediation or monitoring.
- Grantor covenants and agrees that it will not conduct or allow others to conduct activities that would cause disturbance of any equipment or systems associated with groundwater remediation or monitoring.

- Grantor covenants and agrees that it will not conduct or allow others to conduct activities that would limit access to any equipment or systems associated with groundwater remediation or monitoring.
- Grantor covenants and agrees that it will not conduct or allow others to conduct activities that would cause disturbance to soil within the IC boundaries without first providing notification to Illinois' Joint Utility Locating Information for Excavators (JULIE) and obtaining approval from the USAF for those activities.

B. ICs to Prevent Residential Use, 24-Hour Occupancy, and the Housing of Sensitive Subpopulations

- Grantor shall not use existing buildings or construct new buildings for any of the following uses: residential uses; occupancy on a 24-hour basis; and uses to house, educate or provide care for children, the elderly, the infirm, or other sensitive subpopulations.
- Grantor shall not dispose off-site any soil without proper characterization and waste disposal per applicable Illinois EPA and USEPA regulations.

C. ICs to Maintain Landfill Cap Integrity

- Grantor shall not allow any activity that may impact effectiveness and integrity of the multilayered landfill caps.
- Grantor shall maintain access restrictions to the landfill caps.

D. ICs to Prevent Access

- Grantor shall not disturb the fences and locked gates that surround the Property.
- Grantor shall not disturb or remove the "Danger: Unauthorized Personnel Keep Out" signs that are on the fences and gates that surround the Property.

8. **Right of Access.** Grantor consents to officers, employees, contractors, and authorized representatives of the Holders, Illinois EPA, and USAF entering and having continued access at reasonable times to the Property for the following purposes:

A. Implementing, operating and maintaining the environmental response project described in paragraph 5 above;

B. Monitoring and conducting periodic reviews of the environmental response project described in paragraph 5 above including without limitation, sampling of air, water, groundwater, sediments and soils;

C. Verifying any data or information submitted to the USAF or Illinois EPA by Grantor and Holders; and

D. Verifying that no action is being taken on the Property in violation of the terms of this instrument, the environmental response project described in paragraph 5 above or of any federal or state environmental laws or regulations;

Nothing in this document shall limit or otherwise affect the USAF's and Illinois EPA's rights of entry and access or the USAF and Illinois EPA's authority to take response actions

under CERCLA, the National Oil and Hazardous Substances Contingency Plan, Resource Conservation and Recovery Act or other federal and state law.

9. **Reserved Rights of Grantor:** Grantor hereby reserves unto itself, its successors, and assigns, including heirs, lessees and occupants, all rights and privileges in and to the use of the Property that are not incompatible with the activity and use limitations identified herein.

10. **No Public Access and Use:** No right of access or use by the general public to any portion of the Property is conveyed by this instrument.

11. **Future Conveyances, Notice and Reservation:**

A. Grantor, its heirs, successors and assigns, and all present and subsequent owners, or other person acquiring an interest in the Property, agree to include in any future instrument conveying any interest in any portion of the Property, including but not limited to deeds, leases, easements and mortgages, a notice and reservation which is in substantially the following form:

THE INTEREST CONVEYED HEREBY IS SUBJECT TO AND GRANTOR SPECIFICALLY RESERVES THE ENVIRONMENTAL COVENANT EXECUTED UNDER THE UNIFORM ENVIRONMENTAL COVENANTS ACT (UECA) AT 765 ILCS CH. 122 RECORDED IN THE OFFICIAL PROPERTY RECORDS OF CHAMPAIGN COUNTY, ILLINOIS ON _____ AS DOCUMENT NO. _____, IN FAVOR OF AND ENFORCEABLE BY GRANTOR AS A UECA HOLDER, USAF AS AN AGENCY, AND THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY AS A UECA HOLDER.

B. Grantor agrees to provide written notice to Illinois EPA and USAF within 30 days after any conveyance of fee title to the Property or any portion of the Property. The notice shall identify the name and contact information of the new owner in fee, and the portion of the Property conveyed to that owner.

12. **Enforcement and Compliance.**

A. **Civil Action for Injunction or Equitable Relief.** This Environmental Covenant may be enforced through a civil action for injunctive or other equitable relief for any violation of any term or condition of this Environmental Covenant, including violation of the Activity and Use Limitations under Paragraph 7 and denial of Right of Access under Paragraph 8. Such an action may be brought individually or jointly by:

- i. Illinois EPA;
- ii. the Holders of the Environmental Covenant; or,
- iii. USAF.

B. **Other Authorities Not Affected. No Waiver of Enforcement.** All remedies available hereunder shall be in addition to any and all other remedies at law or in equity, including CERCLA. In addition, nothing in this Environmental Covenant affects the USAF's or Illinois EPA's authority to enforce a consent order, consent decree or other settlement agreement entered into by the USAF or Illinois EPA. Enforcement of the terms of this instrument shall be at the discretion of the Holders, the USAF, and Illinois EPA and any forbearance, delay or omission to exercise its rights under this instrument in the event of a breach of any term of this

instrument shall not be deemed to be a waiver by the Holders, the USAF, or Illinois EPA of such term or of any subsequent breach of the same or any other term, or of any of the rights of the Holders, USAF, or Illinois EPA.

C. Former Owners And Interest Holders Subject to Enforcement. A fee owner, or other person that holds any right, title or interest in or to the Property subsequent to the effective date of this Environmental Covenant remains subject to enforcement with respect to any violation of this Environmental Covenant by the owner or other person, which occurred during the time when the owner or other person was bound by this Environmental Covenant regardless of whether the owner or other person has subsequently conveyed the fee title, or other right, title or interest, to another person. This paragraph shall not apply to the USAF, which is subject to enforcement as a former owner solely under the provisions of CERCLA.

13. Waiver of certain defenses: This Environmental Covenant may not be extinguished, limited, or impaired through issuance of a tax deed, foreclosure of a tax lien, or application of the doctrine of adverse possession, prescription, abandonment, waiver, lack of enforcement, or acquiescence, or similar doctrine as set forth in Section 9 of UECA.

14. Representations and Warranties: Grantor hereby represents and warrants to the Illinois EPA, the USAF and any other signatories to this Environmental Covenant that at the time of execution of this Environmental Covenant; (i) the Grantor is lawfully seized in fee simple of the Property to the extent acquired through a quitclaim deed from the USAF; (ii) the Grantor has a good and lawful right and power to sell and convey it or any interest therein; (iii) the Property is free and clear of encumbrances, except those noted on **Appendix B [or which otherwise survive]**; and (iv) the Grantor will forever warrant and defend the title to the Property as it may have and the quiet possession thereof. Grantor will provide a recorded copy of this Environmental Covenant to all holders of record of the encumbrances including those entities noted on **Appendix B**.

15. Amendment or Termination. This Environmental Covenant may be amended or terminated by consent only if the amendment or termination is signed by the Illinois EPA and the USAF, and the current owner of the fee simple of the Property, unless waived by the Agencies. If Grantor no longer owns the Property at the time of proposed amendment or termination, Grantor waives the right to consent to an amendment or termination of the Environmental Covenant. An amendment or termination of this agreement may be required, for example, if the level of contamination at a portion of or the entire site were to meet revised residential standards for cleanup, or if a portion of or the entire site was cleaned up to meet unrestricted use standards. Amendment or termination may apply to a portion of or the entire site.

16. Notices: Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and shall either be served personally or sent by first class mail, postage prepaid, addressed as follows:

To Grantor:

Village of Rantoul, IL
Village President
333 S. Tanner Street, P.O. Box 38,
Rantoul, IL 61866

To USAF:

AFCEC/CIB
2261 Hughes Avenue, Suite 155
Joint Base San Antonio Lackland, TX 78236-9853

To Illinois EPA:

Illinois Environmental Protection Agency
Attn: Uniform Environmental Covenant Counsel
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

17. Recording and Notice of Environmental Covenant, Amendments and Termination.

A. The Original Environmental Covenant. An Environmental Covenant must be recorded in the Office of the Recorder or Registrar of Titles of the county in which the property that is the subject of the Environmental Covenant is located. Within 30 days after the Illinois EPA and the USAF (whichever is later) sign and deliver to Grantor this Environmental Covenant, the Grantor shall record this Environmental Covenant in the office of the County Recorder or Registrar of Titles for the County in which the Property is located.

B. Termination, Amendment or Modification. Within 30 days after Illinois EPA and the USAF (whichever is later) sign and deliver to Owner any termination, amendment or modification of this Environmental Covenant, the Owner shall record the amendment, modification, or notice of termination of this Environmental Covenant in the office of the County Recorder or Registrar of Titles in which the Property is located.

C. Providing Notice of Covenant, Termination, Amendment or Modification. Within 30 days after recording this Environmental Covenant, the Grantor shall transmit a copy of the Environmental Covenant in recorded form to:

- i. Illinois EPA;
- ii. USAF;
- iii. each person holding a recorded interest in the Property, including those interests in **Appendix B** (if the address of the person is stated in the recorded instrument);
- iv. each person in possession of the Property; and

- v. each political subdivision in which the Property is located.

Within 30 days after recording a termination, amendment or modification of this Environmental Covenant, the Owner shall transmit a copy of the document in recorded form to the persons listed in items i to v above.

18. Compliance and Compliance Reporting. The Owner shall submit to Illinois EPA reports that include confirmation of compliance with the Activity and Use Limitations provided in Paragraph 7. The Owner shall notify Illinois EPA and USAF as soon as practicable, of any actions or conditions that would constitute a breach of the Activity and Use Limitations contained in Paragraph 7 or any other action that may interfere with the effectiveness of the Activity and Use Limitations. The Owner shall address such actions or conditions as soon as practicable, but in no case will the process be initiated later than ten (10) days after the Owner has become aware of the breach. Additionally, the Owner is required to submit to Illinois EPA, on an annual basis on the date of recording of this instrument, the following certification statement:

“I certify under penalty of law that the specific Activity and Use Limitations identified in Paragraph 7 of the Uniform Environmental Covenant for [SUBJECT PROPERTY] remain in place. I am aware that any person who knowingly makes a false, fictitious, or fraudulent material statement to the Illinois EPA, either orally or in writing, commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony (415 ILCS 5/44(h)(8)).”

19. General Provisions:

A. Controlling law: This Environmental Covenant shall be construed according to and governed by the laws of the State of Illinois and the United States of America.

B. Liberal construction: Any general rule of construction to the contrary notwithstanding, this instrument shall be liberally construed in favor of the establishment of activity and use limitations that run with the land to effect the purpose of this instrument and the policy and purpose of the environmental response project and its authorizing legislation. If any provision of this instrument is found to be ambiguous, an interpretation consistent with the purpose of this instrument that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. No Forfeiture: Nothing contained herein will result in a forfeiture or reversion of Grantor's title in any respect.

D. Joint Obligation: If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

E. Captions: The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

20. Effective Date. This Environmental Covenant is effective on the date of acknowledgement of the signature of the Illinois EPA and the USAF, whichever is later.

21. **List of Appendices:** The appendices referenced below are incorporated into this Environmental Covenant by this reference.

Appendix A – Legal Description and map of the Property

Appendix B – List of Recorded Encumbrances

[Signature Pages follow]

THE UNDERSIGNED REPRESENTATIVE OF THE GRANTOR REPRESENTS AND CERTIFIES THAT HE/SHE IS AUTHORIZED TO EXECUTE THIS ENVIRONMENTAL COVENANT.

IN WITNESS WHEREOF, THIS INSTRUMENT HAS BEEN EXECUTED ON THE DATES INDICATED BELOW:

FOR THE GRANTOR:

The Village of Rantoul, IL

By: _____ (signature)
Charles Smith
Village President

State of Illinois)
) SS.
County of Champaign)

On _____, 20___, this instrument was acknowledged before me by, CHARLES SMITH, Village President of the Village of Rantoul, Illinois.

_____(signature)
Notary Public
My Commissioner Expires _____

FOR THE HOLDERS/GRANTEES:

The Illinois Environmental Protection Agency

By: _____ (signature)

Alec Messina
Director

State of Illinois)
)SS.
County of)

This instrument was acknowledged before me on _____, 20____, by ALEC MESSINA, Director of the Illinois Environmental Protection Agency, a state agency, on behalf of the State of Illinois.

_____ (signature)

Notary Public

My Commission Expires _____

FOR THE UNITED STATES AIR FORCE

THE UNITED STATES OF AMERICA, acting by
and through the Secretary of the Air Force

BY:

STEPHEN G. TERMAATH
Chief, BRAC Program Management Division
Installations Directorate
Air Force Civil Engineer Center

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

Before me, a Notary Public, on this day personally appeared STEPHEN G. TERMAATH, Chief, BRAC Program Management Division, Installations Directorate, Air Force Civil Engineer Center, on behalf of The United States of America, acting by and through the Secretary of the Air Force, known to me to be the person whose name is subscribed to the forgoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____,
2017.

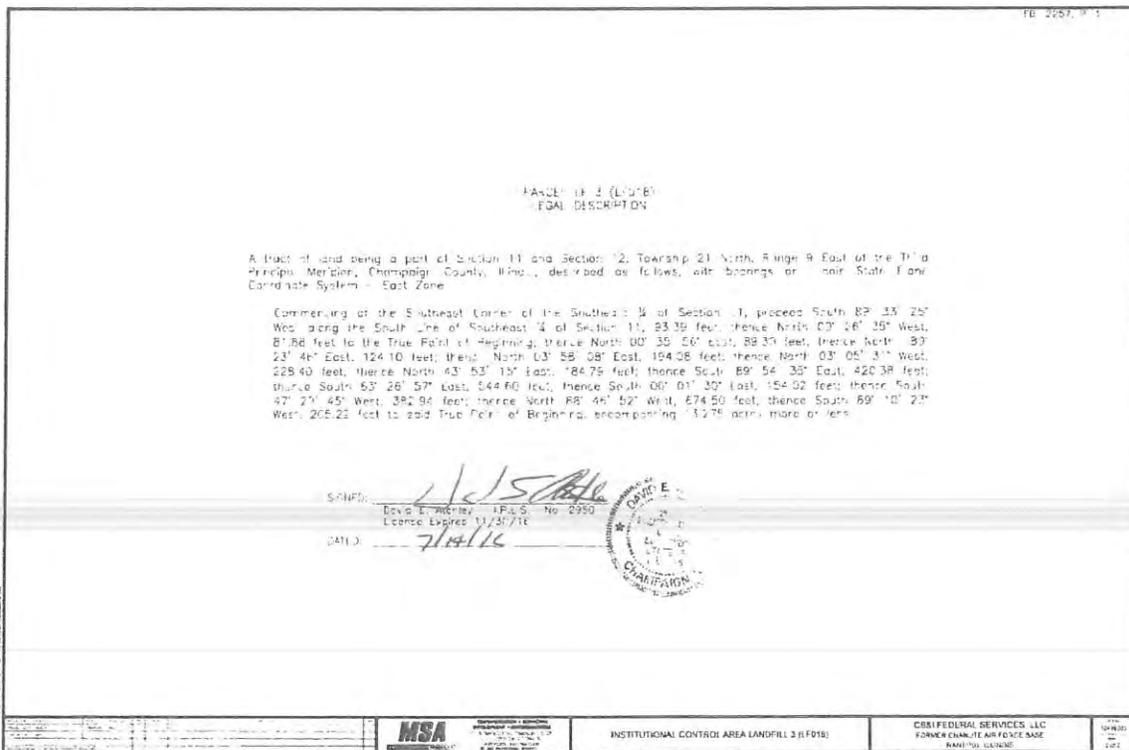
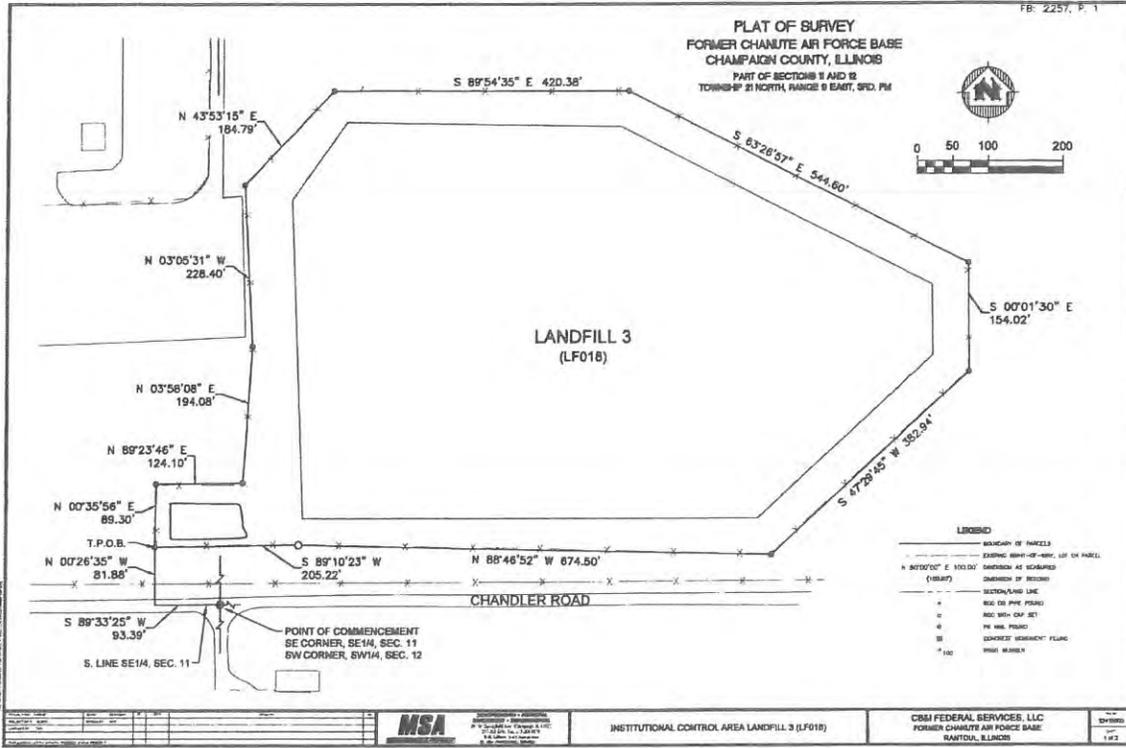
Notary Public, State of Texas

Commission Expiration Date:

Appendix A

Legal Description of the Property

Landfill #3 Pin 200912400003



Appendix B
List of Recorded Encumbrances

[This appendix should be a list of the documents that grant encumbrances and must provide the recording information for the listed documents.]

1. Quitclaim Deed (Parcel(s) D2, D3, and D5 at the Former Chanute Air Force Base, Illinois), effective as of _____, 2017, by and between THE UNITED STATES OF AMERICA, acting by and through the Secretary of the Air Force, under and pursuant to the powers and authority contained in the Base Closure and Realignment Act of 1988, Pub. L. No. 100-526, as amended (10 U.S.C. § 2687 note), and delegations and regulations promulgated thereunder, and the VILLAGE OF RANTOUL, a municipality duly authorized and existing under the constitution and laws of the State of Illinois, and recorded in [Volume] _____, [Page] _____, of the [Real Property] Records of Champaign County, Illinois.

**BOARD OF TRUSTEES
VILLAGE OF RANTOUL**

ITEM: First Amendment to EDC Agreement and the transfer of ownership of the utility systems to the Village	DEPARTMENT: Public Works Airport/EDC
AGENDA SECTION:	AMOUNT: NA
ATTACHMENTS: <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input checked="" type="checkbox"/> OTHER (See Summary Highlights) <input checked="" type="checkbox"/> SUPPORTING DOCUMENTS	DATE: September 1, 2017
SUMMARY HIGHLIGHTS: <p>This Agenda Item provides for the formal transfer of ownership of the utility systems to the Village of Rantoul from the United States Air Force. Since base closure, the Village has operated the utilities under the lease agreement and with the assistance of Caretaker, the Air Force, various grants and user fees have systematically incorporated the utilities into the operations and functionality of the existing Village systems.</p> <p>This transfer of ownership is through a “Bill of Sale” for each utility (Stormwater, Sanitary Sewer, Potable Water, Electric Distribution, and all related Real & Personal Property) through the “First Amendment to the Economic Development Conveyance Agreement” (EDC). The EDC itself was approved on September 10, 2014 and replaces a Health & Human Services (then a Federal Aviation Administration (FAA)) agreement as the desired and more efficient conveyance mechanism.</p> <p>Additional supporting documentation will be forwarded (prior to the September Board Meeting) which will include the Finding of Suitability of Transfer for these utilities.</p>	
RECOMMENDED ACTION: Authorize the approval of First Amendment to the Economic Development Conveyance Agreement (EDC) which allows for the transfer of ownership through a Bill of Sale for the various utility systems (Stormwater, Sanitary Sewer, Potable Water, Electric Distribution, and all related Real & Personal Property).	
DEPARTMENT HEAD APPROVAL: G. Gregory Hazel, P.E. Eric Vences 	VILLAGE ADMINISTRATOR: 

**FIRST AMENDMENT
TO
ECONOMIC DEVELOPMENT CONVEYANCE AGREEMENT
(THE FORMER CHANUTE AIR FORCE BASE)**

THIS FIRST AMENDMENT TO ECONOMIC DEVELOPMENT CONVEYANCE AGREEMENT (this “**First Amendment**”) is made and entered into _____, 2017 (the “**Effective Date**”), by and between THE UNITED STATES OF AMERICA, acting by and through the Secretary of the Air Force (the “**Government**”) and the VILLAGE OF RANTOUL, ILLINOIS, serving as the local redevelopment authority (the “**Redevelopment Authority**”) for the former Chanute Air Force Base, Illinois (“**Chanute**”), which was recognized by the Department of Defense and also granted implementation status on September 15, 2006.

RECITALS

A. The Government and Redevelopment Authority executed an Economic Development Conveyance Agreement effective September 10, 2014 (the “**EDC Agreement**”), which provides for the transfer by the Government to the Redevelopment Authority of real and personal property, including utility system infrastructure, located on the Land to facilitate the economic redevelopment of Chanute.

B. The Redevelopment Authority and Government also desire to have the Government transfer to the Redevelopment Authority any other personal property and utility system infrastructure which the Government owns that was used in connection with the operation of Chanute.

C. Capitalized terms used in this First Amendment shall have the meanings ascribed to them in **Exhibit F** to the EDC Agreement.

AGREEMENTS

In consideration of the recitals above, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged the Parties agree as follows::

1. Section 1 of the EDC Agreement is hereby deleted and the following provision substituted therefor:

Sale and Conveyance. The Government shall convey/transfer to the Redevelopment Authority, and the Redevelopment Authority shall accept from the Government for the consideration described in **Section 2** below, subject to the terms, conditions, obligations, and agreements stated in this Agreement, the following real property, improvements, personal property and utility system infrastructure referred to in this Agreement (collectively, the “**EDC Property**”): the tracts or parcels of land situated in the Village of Rantoul, Champaign County, Illinois, described in **Exhibit A** and depicted in **Exhibit A-**

1, together with all mineral rights, water rights and other rights and interests appurtenant to the land (the “**Land**”); all improvements and facilities located on or beneath the surface of the Land (the “**Improvements**”); all fixtures installed in the Improvements; and all personal property owned by the Government and located inside the Improvements and elsewhere on Chanute not previously transferred to the Redevelopment Authority (the “**Personal Property**”); and all utility system infrastructure that the Government owns which was used in connection with the operation of Chanute (“**Utility System Infrastructure**”). All improvements or personal property owned by the Government and associated with implementing and monitoring environmental remedial actions located on the Land, as described in **Exhibit B**, and elsewhere on Chanute are excluded from the EDC Property.

2. Section 5(a) is hereby deleted and the following provision is substituted therefor:

(a) The Government, at its expense, shall deliver or cause to be delivered to the Redevelopment Authority the documents below, as applicable, and/or accomplish the following:

(i) A Quitclaim Deed, substantially in the form attached to this Agreement as **Appendix 1** (the “**Deed**”), executed and acknowledged by the Government;

(ii) A Bill of Sale, substantially in the form attached to this Agreement as **Appendix 2** (the “**BOS**”), that shall transfer any surplus Personal Property and Utility System Infrastructure located on the EDC Property or elsewhere on Chanute which is part of the Disposal Phase that is then owned by the Government (but not listed on **Exhibit B**) identified by the Redevelopment Authority as “needed for redevelopment” and determined by the Government to be “available for reuse” to the Redevelopment Authority (as both quoted phrases are used in the Base Redevelopment and Realignment Manual of DoD – DoD 4165.66-M, March 1, 2006), executed and acknowledged by the Government (if any personal property will be transferred in that Disposal Phase);

(iii) a copy of duly executed FOST(s);

(iv) to the extent known and assignable, assignment of easements or rights of way, if any, held by the Government over, under or through property owned by other Persons necessary for the operation, maintenance or improvement of the Land or Improvements; and

(v) termination of Government contracts or outgrant leases, if applicable.

This Agreement, the BOSs and the Deeds, as the same may be amended or modified in accordance with their terms, collectively are referred to herein as the “**EDC Documents**.”

The Government shall provide written notice to the Redevelopment Authority of any changes to the forms of the EDC Documents attached as appendices to this Agreement in advance of each Closing. If the Redevelopment Authority objects to any material change by the Government to the form of an EDC Document, the Redevelopment Authority shall notify the Government of its objection and either Party may terminate this Agreement if the objection is not mutually resolved within thirty (30) days after delivery of such notice

3. The form of BOS attached to the EDC Agreement as **Appendix 2** is hereby deleted and the form of BOS attached to this First Amendment as **Exhibit A** is substituted therefor.

4. **Exhibit F**, Defined Terms, is amended to add the following definition of Utility System Infrastructure:

“**Utility System Infrastructure**” has the meaning set forth in Section 5(a).

5. Except as amended in this First Amendment, the EDC Agreement continues in full force and effect.

6. This First Amendment may be executed in counterparts, each of which shall constitute an original and all of which shall constitute one and the same instrument.

(The remainder of this page is intentionally left blank)

[Government Signature Page]

IN WITNESS WHEREOF, the Parties hereto have caused this First Amendment to be executed as of the Effective Date.

THE UNITED STATES OF AMERICA, acting
by and through the Secretary of the Air Force

By: _____
ROBERT E. MORIARTY, P.E., SES, DAF
Director, Installations Directorate

[Redevelopment Authority Signature Page]

VILLAGE OF RANTOUL,

a municipality duly authorized and existing under
the Constitution and laws of the State of Illinois,
serving as the Redevelopment Authority

By: _____

Printed Name and Title

EXHIBIT A
FORM OF BILL OF SALE

DEPARTMENT OF THE AIR FORCE
[PERSONAL PROPERTY]
[ELECTICAL DISTRIBUTION UTILITIES]
[POTABLE WATER UTILITIES]
[SANITARY SEWER UTILITIES]
[STORMWATER SYSTEM UTILITIES]
BILL OF SALE
CHANUTE AIR FORCE BASE, RANTOUL, ILLINOIS

THIS BILL OF SALE (“**Bill of Sale**”) is made as of _____, 2017 (the “**Effective Date**”) by and between the UNITED STATES OF AMERICA, acting by and through the Secretary of the Air Force (the “**Government**”) and the VILLAGE OF RANTOUL, a municipality duly authorized and existing under the constitution and laws of the State of Illinois, (the “**Redevelopment Authority**”).

RECITALS

A. The Government and Redevelopment Authority executed an Economic Development Conveyance Agreement dated September 10, 2014, which provides for the conveyance of portions of the former Chanute Air Force Base, Rantoul, Illinois.

B. As of the Effective Date, the Government and Redevelopment Authority amended the Economic Development Conveyance Agreement by execution of a First Amendment to Economic Development Conveyance Agreement (as amended, the “**EDC Agreement**”) to provide for the transfer of [personal property][overhead and buried electric utility lines][potable water lines][sanitary sewer lines][stormwater utilities infrastructure] (i) located on the former Chanute Air Force Base, as more particularly described on **Exhibit A**; (ii) owned by the Government; and (iii) identified by the Redevelopment Authority as “needed for redevelopment” and determined by the Government to be “available for reuse” to the Redevelopment Authority (as both quoted phrases are used in the Base Redevelopment and Realignment Manual of DoD – DoD 4165.66-M, March 1, 2006) [(“**Personal Property**”)][(“**Electric Utilities Infrastructure**”)][(“**Potable Water Utilities Infrastructure**”)][(“**Sanitary Sewer Utilities Infrastructure**”)][(“**Stormwater Utilities Infrastructure**”)].

AGREEMENTS

NOW THEREFORE, the Government, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby transfers, sets over, and delivers to the Redevelopment Authority, all of its right, title, and interest in and to the [Personal Property][Electric Utilities Infrastructure][Potable Water Utilities Infrastructure][Sanitary Sewer Utilities Infrastructure][Stormwater Utilities Infrastructure]. EXCEPT AS OTHERWISE PROVIDED BY APPLICABLE LAW, THE GOVERNMENT SPECIFICALLY DISCLAIMS AND EXCLUDES ANY IMPLIED WARRANTIES OF CONDITION, OF FITNESS FOR A

PARTICULAR PURPOSE, AND OF MERCHANTABILITY UNDER THE COMMERCIAL CODE OF THE STATE OF ILLINOIS. THE [PERSONAL PROPERTY][ELECTRIC UTILITIES INFRASTRUCTURE][POTABLE WATER UTILITIES INFRASTRUCTURE][SANITARY SEWER UTILITIES INFRASTRUCTURE][STORMWATER UTILITIES INFRASTRUCTURE] IS TRANSFERRED ON A STRICTLY "AS IS, WHERE IS" BASIS TO HAVE AND TO HOLD, subject to the following:

1. Except as otherwise provided by Applicable Law, the Redevelopment Authority expressly waives all claims against the Government for any loss or damage to property, or personal injury or death caused by, incident to, or arising from, the Redevelopment Authority's possession and use of the [Personal Property][Electric Utilities Infrastructure][Potable Water Utilities Infrastructure][Sanitary Sewer Utilities Infrastructure][Stormwater Utilities Infrastructure]. To the extent permitted by law, the Redevelopment Authority shall indemnify, save harmless, and defend the Government from and against all claims, demands, actions, liabilities, judgments, suits, costs, and attorneys' fees arising out of, claimed on account of, or in any manner predicated on personal injury, death, or property damage caused by or resulting from possession and use of the [Personal Property][Electric Utilities Infrastructure][Potable Water Utilities Infrastructure][Sanitary Sewer Utilities Infrastructure][Stormwater Utilities Infrastructure]. The Government will give the Redevelopment Authority notice of any claim that may be covered by this indemnity as soon as practicable after receiving the notice thereof.
2. Capitalized terms used but not defined in this Bill of Sale shall have the meanings set forth in Exhibit F to the EDC Agreement.
3. The following Exhibit[s] [is][are] attached to and made part of this Bill of Sale:

Exhibit A - Property Description of the former Chanute Air Force Base
[Exhibit B- [Electric][Potable Water][Sanitary Sewer][Stormwater] Utilities Infrastructure Map]
IN WITNESS WHEREOF, I have hereunto set my hand at the direction of the Secretary of the Air Force, this _____ day of _____, 2017.

UNITED STATES OF AMERICA,
acting by and through the Secretary of the Air Force

By: _____
Stephen G. TerMaath
Chief, BRAC Program Management Division
Installations Directorate
Air Force Civil Engineer Center

ACCEPTANCE

The Redevelopment Authority, through its authorized representative, hereby accepts title to the conveyed [Personal Property][Electric][Potable Water][Sanitary Sewer][Stormwater][Utilities Infrastructure]] subject to the terms and conditions contained in the Bill of Sale set forth above.

Executed on behalf of the Redevelopment Authority on _____, 2017.

VILLAGE OF RANTOUL,

a municipality duly authorized and existing under the Constitution and laws of the State of Illinois, serving as the Redevelopment Authority

By: _____

Title: _____

EXHIBIT A

PROPERTY DESCRIPTION OF THE FORMER CHANUTE AIR FORCE BASE

[EXHIBIT B

**[ELECTRIC][POTABLE WATER][SANITARY SEWER][STORMWATER] UTILITIES
INFRASTRUCTURE MAP]**

**DEPARTMENT OF THE AIR FORCE
STORMWATER UTILITIES
BILL OF SALE
CHANUTE AIR FORCE BASE, RANTOUL, ILLINOIS**

THIS BILL OF SALE (“**Bill of Sale**”) is made as of _____, 2017 (the “**Effective Date**”) by and between the UNITED STATES OF AMERICA, acting by and through the Secretary of the Air Force (the “**Government**”) and the VILLAGE OF RANTOUL, a municipality duly authorized and existing under the constitution and laws of the State of Illinois, (the “**Redevelopment Authority**”).

RECITALS

A. The Government and Redevelopment Authority executed an Economic Development Conveyance Agreement dated September 10, 2014, which provides for the conveyance of portions of the former Chanute Air Force Base, Rantoul, Illinois.

B. As of the Effective Date, the Government and Redevelopment Authority amended the Economic Development Conveyance Agreement by execution of a First Amendment to Economic Development Conveyance Agreement (as amended, the “**EDC Agreement**”) to provide for the transfer of stormwater utilities infrastructure (i) located on the former Chanute Air Force Base, as more particularly described on **Exhibit A**; (ii) owned by the Government; and (iii) identified by the Redevelopment Authority as “needed for redevelopment” and determined by the Government to be “available for reuse” to the Redevelopment Authority (as both quoted phrases are used in the Base Redevelopment and Realignment Manual of DoD – DoD 4165.66-M, March 1, 2006) (“**Stormwater Utilities Infrastructure**”).

AGREEMENTS

NOW THEREFORE, the Government, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby transfers, sets over, and delivers to the Redevelopment Authority, all of its right, title, and interest in and to the ~~Electric Utilities~~ ^{STORMWATER} Infrastructure. EXCEPT AS OTHERWISE PROVIDED BY APPLICABLE LAW, THE GOVERNMENT SPECIFICALLY DISCLAIMS AND EXCLUDES ANY IMPLIED WARRANTIES OF CONDITION, OF FITNESS FOR A PARTICULAR PURPOSE, AND OF MERCHANTABILITY UNDER THE COMMERCIAL CODE OF THE STATE OF ILLINOIS. THE STORMWATER UTILITIES INFRASTRUCTURE IS TRANSFERRED ON A STRICTLY “AS IS, WHERE IS” BASIS TO HAVE AND TO HOLD, subject to the following:

1. Except as otherwise provided by Applicable Law, the Redevelopment Authority expressly waives all claims against the Government for any loss or damage to property, or personal injury or death caused by, incident to, or arising from, the Redevelopment Authority’s possession and use of the Stormwater Utilities Infrastructure. To the extent permitted by law, the Redevelopment Authority shall indemnify, save harmless, and defend the Government from and against all claims,

demands, actions, liabilities, judgments, suits, costs, and attorneys' fees arising out of, claimed on account of, or in any manner predicated on personal injury, death, or property damage caused by or resulting from possession and use of the Stormwater Utilities Infrastructure. The Government will give the Redevelopment Authority notice of any claim that may be covered by this indemnity as soon as practicable after receiving the notice thereof.

2. Capitalized terms used but not defined in this Bill of Sale shall have the meanings set forth in Exhibit F to the EDC Agreement.

3. The following Exhibits are attached to and made part of this Bill of Sale:

Exhibit A - Property Description of the former Chanute Air Force Base

Exhibit B – Stormwater Utilities Infrastructure Map

IN WITNESS WHEREOF, I have hereunto set my hand at the direction of the Secretary of the Air Force, this _____ day of _____, 2017.

UNITED STATES OF AMERICA,
acting by and through the Secretary of the Air Force

By: _____
Stephen G. TerMaath
Chief, BRAC Program Management Division
Installations Directorate
Air Force Civil Engineer Center

ACCEPTANCE

The Redevelopment Authority, through its authorized representative, hereby accepts title to the conveyed Stormwater Utilities Infrastructure subject to the terms and conditions contained in the Bill of Sale set forth above.

Executed on behalf of the Redevelopment Authority on _____, 2017.

VILLAGE OF RANTOUL,

a municipality duly authorized and existing under the Constitution and laws of the State of Illinois, serving as the Redevelopment Authority

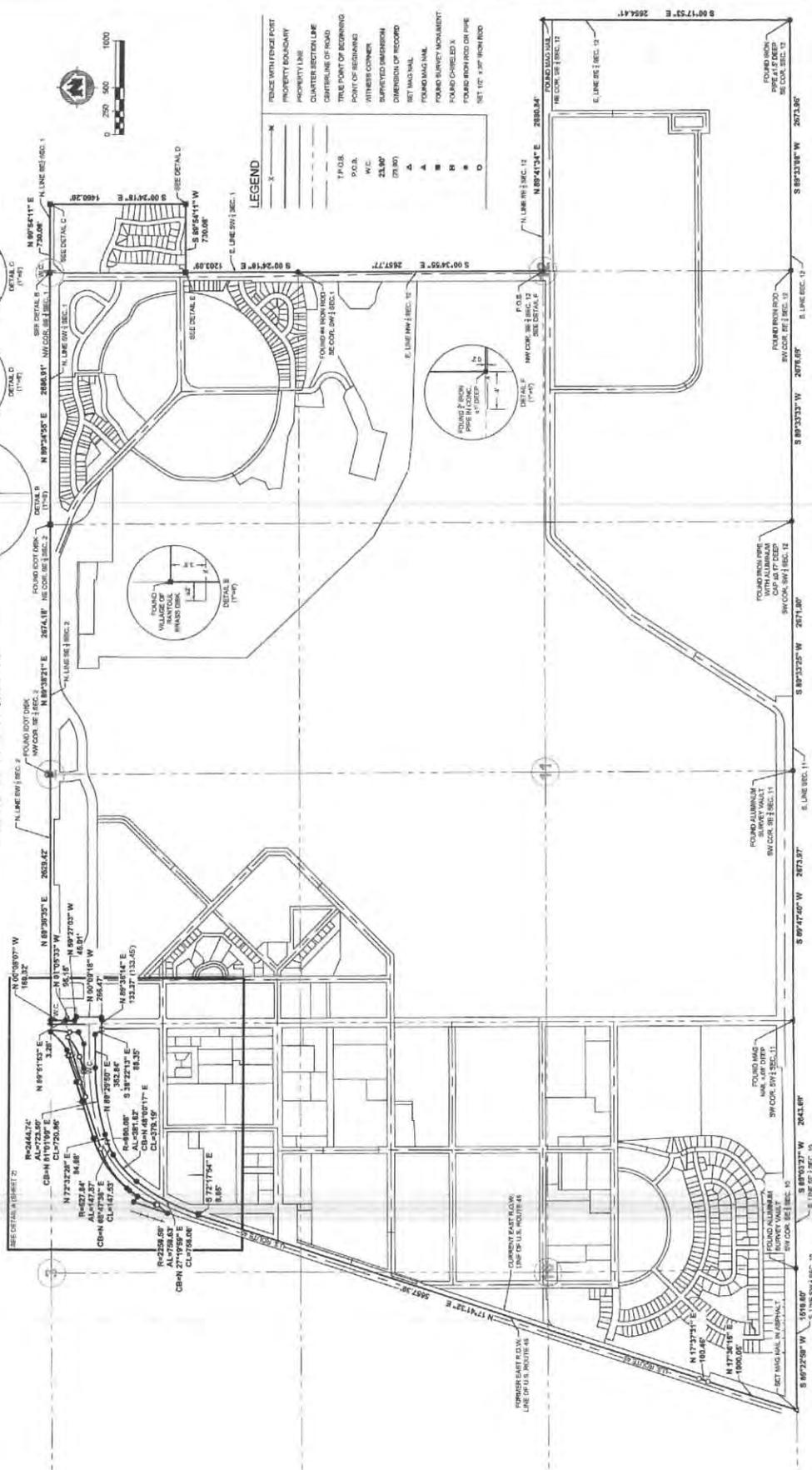
By: _____

Title: _____

EXHIBIT A

PROPERTY DESCRIPTION OF THE FORMER CHANUTE AIR FORCE BASE

PLAT OF SURVEY
BOUNDARY SURVEY OF
ORIGINAL CHANUTE AIR FORCE BASE
PART OF SECTIONS 1, 2, 3, 10, 11, AND 12 OF
TOWNSHIP 21 NORTH, RANGE 9 EAST, 3RD P.M.
CHAMPAIGN COUNTY, ILLINOIS

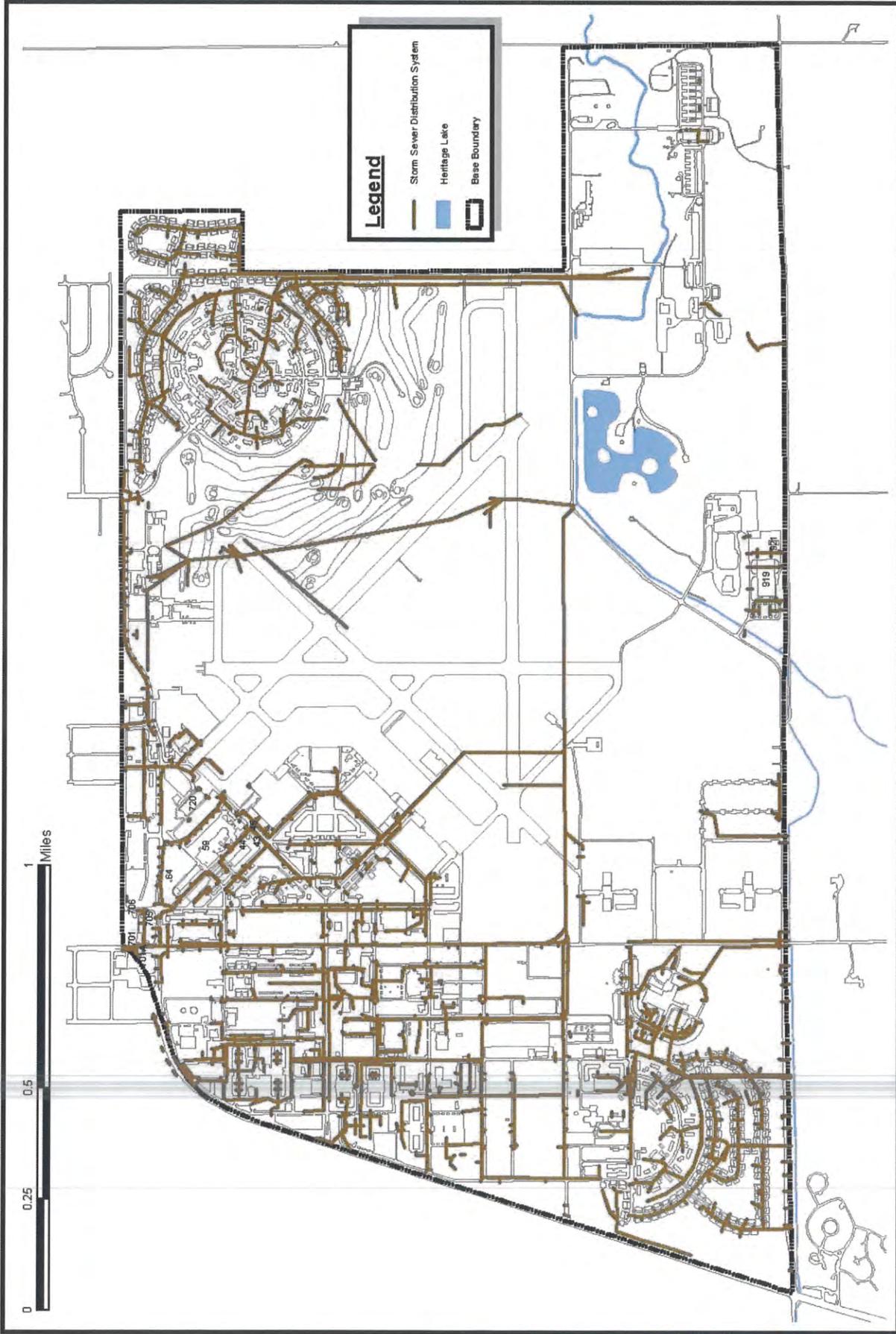


- LEGEND**
- FENCE WITH FENCE POST
 - PROPERTY BOUNDARY
 - MONUMENT LINE
 - QUARTER SECTION LINE
 - CENTERLINE OF ROAD
 - TRAIL POINT OF BEGINNING
 - POINT OF BEGINNING
 - INTERIOR CORNER
 - SURVEYED DIMENSION
 - DIMENSION OF RECORD
 - SET MONUMENT
 - FOUNDING MARK
 - FOUNDING MONUMENT
 - FOUND CORNER
 - FOUND MONUMENT ON PIPE
 - SET 1/2" 1/2" IRON ROD

PROJECT NO.	14755002
PROJECT DATE	1/23/20
PROJECT NAME	CHANUTE BOUNDARY SURVEY
PROJECT LOCATION	TETRA TECH CHAMPAIGN, ILLINOIS
DATE	1/23/20
BY	CHAMUTE SURVEYING
CHECKED BY	TETRA TECH
SCALE	AS SHOWN
APP. DATE	1/23/20
APP. BY	CHAMUTE SURVEYING
APP. TITLE	REGISTERED PROFESSIONAL SURVEYOR
APP. NO.	14755002
APP. EXPIRES	12/31/2024
APP. STATE	ILLINOIS
APP. COUNTY	CHAMPAIGN
APP. TOWNSHIP	21 NORTH
APP. RANGE	9 EAST
APP. SECTION	1, 2, 3, 10, 11, 12
APP. COUNTY	CHAMPAIGN
APP. STATE	ILLINOIS

EXHIBIT B

STORMWATER UTILITIES INFRASTRUCTURE MAP



Air Force
Civil Engineer Center
August 2017



Exhibit B
Storm Sewer Infrastructure Map
Former Chanute AFB
Rantoul, Illinois

Document Path: O:\GIS\Arcview\Projects\Chanute\Parcels_tobe_Deeded\Infrastructure Map\Storm Sewer.mxd

**DEPARTMENT OF THE AIR FORCE
SANITARY SEWER UTILITIES
BILL OF SALE
CHANUTE AIR FORCE BASE, RANTOUL, ILLINOIS**

THIS BILL OF SALE (“**Bill of Sale**”) is made as of _____, 2017 (the “**Effective Date**”) by and between the UNITED STATES OF AMERICA, acting by and through the Secretary of the Air Force (the “**Government**”) and the VILLAGE OF RANTOUL, a municipality duly authorized and existing under the constitution and laws of the State of Illinois, (the “**Redevelopment Authority**”).

RECITALS

A. The Government and Redevelopment Authority executed an Economic Development Conveyance Agreement dated September 10, 2014, which provides for the conveyance of portions of the former Chanute Air Force Base, Rantoul, Illinois.

B. As of the Effective Date, the Government and Redevelopment Authority amended the Economic Development Conveyance Agreement by execution of a First Amendment to Economic Development Conveyance Agreement (as amended, the “**EDC Agreement**”) provides for the transfer of sanitary sewer lines (i) located on the former Chanute Air Force Base; (ii) owned by the Government; and (iii) identified by the Redevelopment Authority as “needed for redevelopment” and determined by the Government to be “available for reuse” to the Redevelopment Authority (as both quoted phrases are used in the Base Redevelopment and Realignment Manual of DoD – DoD 4165.66-M, March 1, 2006) (“**Sanitary Sewer Utilities Infrastructure**”).

AGREEMENTS

NOW THEREFORE, the Government, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby transfers, sets over, and delivers to the Redevelopment Authority, all of its right, title, and interest in and to the Sanitary Sewer Utilities Infrastructure. EXCEPT AS OTHERWISE PROVIDED BY APPLICABLE LAW, THE GOVERNMENT SPECIFICALLY DISCLAIMS AND EXCLUDES ANY IMPLIED WARRANTIES OF CONDITION, OF FITNESS FOR A PARTICULAR PURPOSE, AND OF MERCHANTABILITY UNDER THE COMMERCIAL CODE OF THE STATE OF ILLINOIS. THE SANITARY SEWER UTILITIES INFRASTRUCTURE IS TRANSFERRED ON A STRICTLY “AS IS, WHERE IS” BASIS TO HAVE AND TO HOLD, subject to the following:

1. Except as otherwise provided by Applicable Law, the Redevelopment Authority expressly waives all claims against the Government for any loss or damage to property, or personal injury or death caused by, incident to, or arising from, the Redevelopment Authority’s possession and use of the Sanitary Sewer Utilities Infrastructure. To the extent permitted by law, the Redevelopment Authority shall indemnify, save harmless, and defend the Government from and

against all claims, demands, actions, liabilities, judgments, suits, costs, and attorneys' fees arising out of, claimed on account of, or in any manner predicated on personal injury, death, or property damage caused by or resulting from possession and use of the Sanitary Sewer Utilities Infrastructure. The Government will give the Redevelopment Authority notice of any claim that may be covered by this indemnity as soon as practicable after receiving the notice thereof.

2. Capitalized terms used but not defined in this Bill of Sale shall have the meanings set forth in Exhibit F to the EDC Agreement.

3. The following Exhibits are attached to and made part of this Bill of Sale:

Exhibit A - Property Description of the former Chanute Air Force Base

Exhibit B – Sanitary Sewer Utilities Infrastructure Map

IN WITNESS WHEREOF, I have hereunto set my hand at the direction of the Secretary of the Air Force, this _____ day of _____, 2017.

UNITED STATES OF AMERICA,
acting by and through the Secretary of the Air Force

By: _____

Stephen G. TerMaath
Chief, BRAC Program Management Division
Installations Directorate
Air Force Civil Engineer Center

ACCEPTANCE

The Redevelopment Authority, through its authorized representative, hereby accepts title to the conveyed Sanitary Sewer Utilities Infrastructure subject to the terms and conditions contained in the Bill of Sale set forth above.

Executed on behalf of the Redevelopment Authority on _____, 2017.

VILLAGE OF RANTOUL,

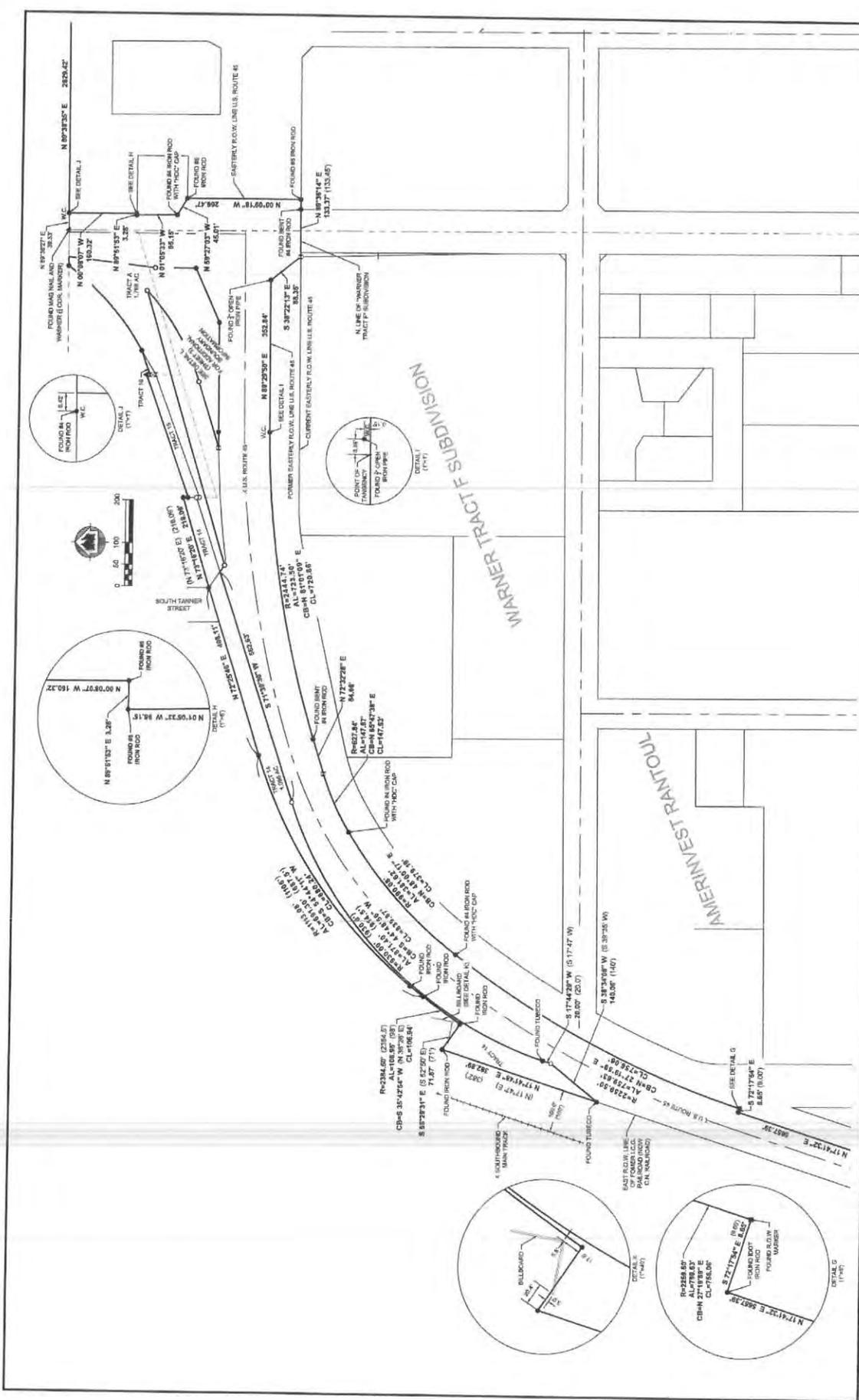
a municipality duly authorized and existing under the Constitution and laws of the State of Illinois, serving as the Redevelopment Authority

By: _____

Title: _____

EXHIBIT A

PROPERTY DESCRIPTION OF THE FORMER CHANUTE AIR FORCE BASE



MSA MISSOURI SURVEYING ASSOCIATION 201 W. CENTRAL EXP. # 210 ST. LOUIS, MO 63105 TEL: 314.241.2000 FAX: 314.241.2001 WWW.MSA-MO.COM		CHAMUTE BOUNDARY SURVEY TETRA TECH CHAMPAIGN, ILLINOIS	
PROJECT NO. 14755002 SHEET NO. 2 OF 3 DATE 10/15/2014 DRAWN BY TETRA TECH CHECKED BY TETRA TECH SCALE AS SHOWN		PLAN DATE DRAWN BY CHECKED BY SCALE AS SHOWN	
PROJECT TITLE: CHAMUTE BOUNDARY SURVEY SHEET NO.: 2 OF 3 DATE: 10/15/2014 DRAWN BY: TETRA TECH CHECKED BY: TETRA TECH SCALE AS SHOWN		PLAN DATE DRAWN BY CHECKED BY SCALE AS SHOWN	

EXHIBIT B

SANITARY SEWER UTILITIES INFRASTRUCTURE MAP

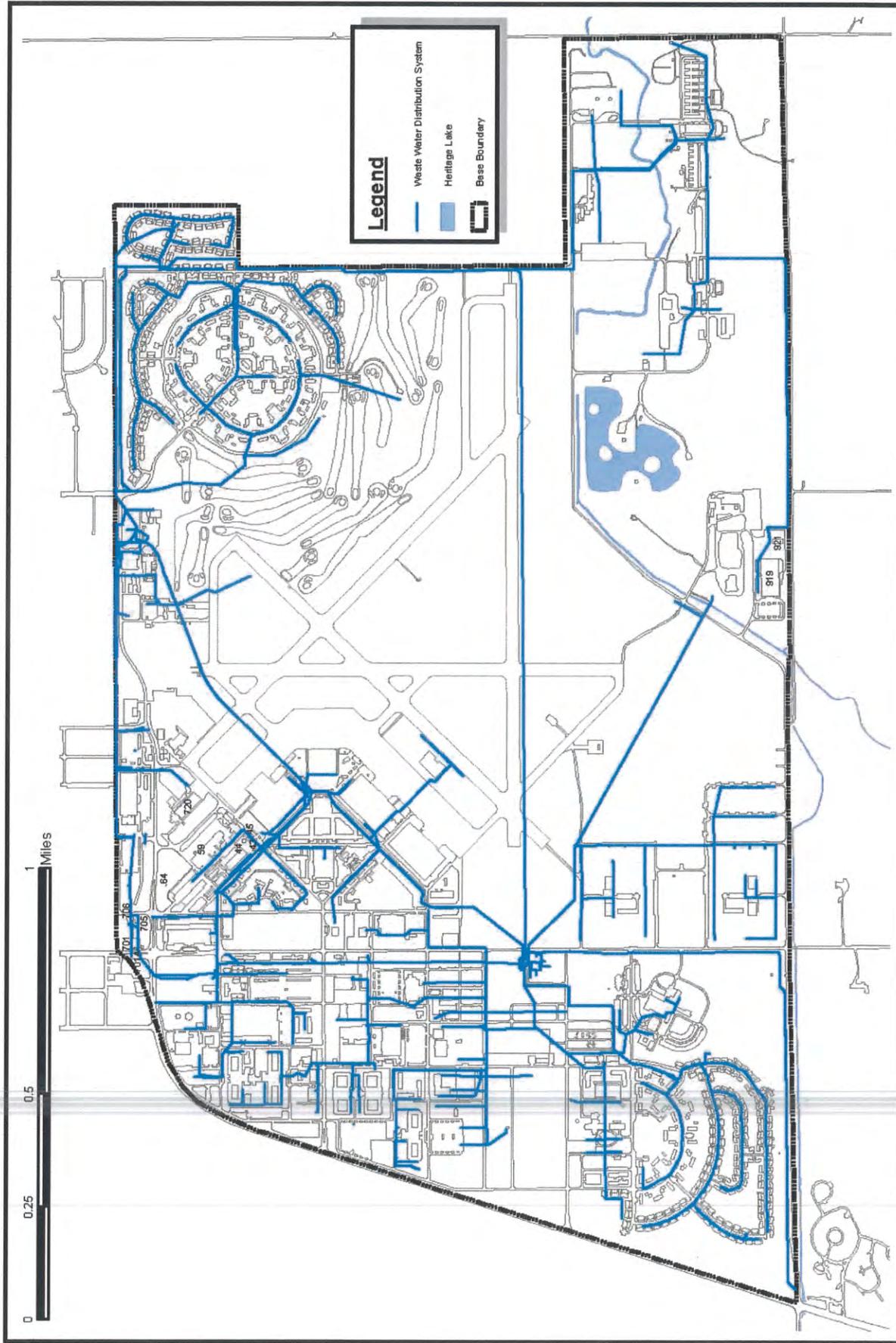


Exhibit B
Waste Water Infrastructure Map
Former Chanute AFB
Rantoul, Illinois



Air Force
 Civil Engineer Center
 August 2017



**DEPARTMENT OF THE AIR FORCE
POTABLE WATER UTILITIES
BILL OF SALE
CHANUTE AIR FORCE BASE, RANTOUL, ILLINOIS**

THIS BILL OF SALE (“**Bill of Sale**”) is made as of _____, 2017 (the “**Effective Date**”) by and between the UNITED STATES OF AMERICA, acting by and through the Secretary of the Air Force (the “**Government**”) and the VILLAGE OF RANTOUL, a municipality duly authorized and existing under the constitution and laws of the State of Illinois, (the “**Redevelopment Authority**”).

RECITALS

A. The Government and Redevelopment Authority executed an Economic Development Conveyance Agreement dated September 10, 2014 (the “**EDC Agreement**”), which provides for the conveyance of portions of the former Chanute Air Force Base, Rantoul, Illinois.

B. As of the Effective Date, the Government and Redevelopment Authority amended the Economic Development Conveyance Agreement by execution of a First Amendment to Economic Development Conveyance Agreement (as amended, the “**EDC Agreement**”) to provide for the transfer of potable water lines (i) located on the former Chanute Air Force Base, as more particularly described on **Exhibit A**; (ii) owned by the Government; and identified by the Redevelopment Authority as “needed for redevelopment” and determined by the Government to be “available for reuse” to the Redevelopment Authority (as both quoted phrases are used in the Base Redevelopment and Realignment Manual of DoD – DoD 4165.66-M, March 1, 2006) (“**Potable Water Utilities Infrastructure**”).

AGREEMENTS

NOW THEREFORE, the Government, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby transfers, sets over, and delivers to the Redevelopment Authority, all of its right, title, and interest in and to the Potable Water Utilities Infrastructure. EXCEPT AS OTHERWISE PROVIDED BY APPLICABLE LAW, THE GOVERNMENT SPECIFICALLY DISCLAIMS AND EXCLUDES ANY IMPLIED WARRANTIES OF CONDITION, OF FITNESS FOR A PARTICULAR PURPOSE, AND OF MERCHANTABILITY UNDER THE COMMERCIAL CODE OF THE STATE OF ILLINOIS. THE POTABLE WATER UTILITIES INFRASTRUCTURE IS TRANSFERRED ON A STRICTLY “AS IS, WHERE IS” BASIS TO HAVE AND TO HOLD, subject to the following:

1. Except as otherwise provided by Applicable Law, the Redevelopment Authority expressly waives all claims against the Government for any loss or damage to property, or personal injury or death caused by, incident to, or arising from, the Redevelopment Authority’s possession and use of the Potable Water Utilities Infrastructure. To the extent permitted by law, the Redevelopment Authority shall indemnify, save harmless, and defend the Government from and

against all claims, demands, actions, liabilities, judgments, suits, costs, and attorneys' fees arising out of, claimed on account of, or in any manner predicated on personal injury, death, or property damage caused by or resulting from possession and use of the Potable Water Utilities Infrastructure. The Government will give the Redevelopment Authority notice of any claim that may be covered by this indemnity as soon as practicable after receiving the notice thereof.

2. Capitalized terms used but not defined in this Bill of Sale shall have the meanings set forth in Exhibit F to the EDC Agreement.

3. The following Exhibits are attached to and made part of this Bill of Sale:

Exhibit A - Property Description

Exhibit B – Potable Water Utilities Infrastructure Map

IN WITNESS WHEREOF, I have hereunto set my hand at the direction of the Secretary of the Air Force, this _____ day of _____, 2017.

UNITED STATES OF AMERICA,
acting by and through the Secretary of the Air Force

By: _____

Stephen G. TerMaath
Chief, BRAC Program Management Division
Installations Directorate
Air Force Civil Engineer Center

ACCEPTANCE

The Redevelopment Authority, through its authorized representative, hereby accepts title to the conveyed Potable Water Utilities Infrastructure subject to the terms and conditions contained in the Bill of Sale set forth above.

Executed on behalf of the Redevelopment Authority on _____, 2017.

VILLAGE OF RANTOUL,

a municipality duly authorized and existing under the Constitution and laws of the State of Illinois, serving as the Redevelopment Authority

By: _____

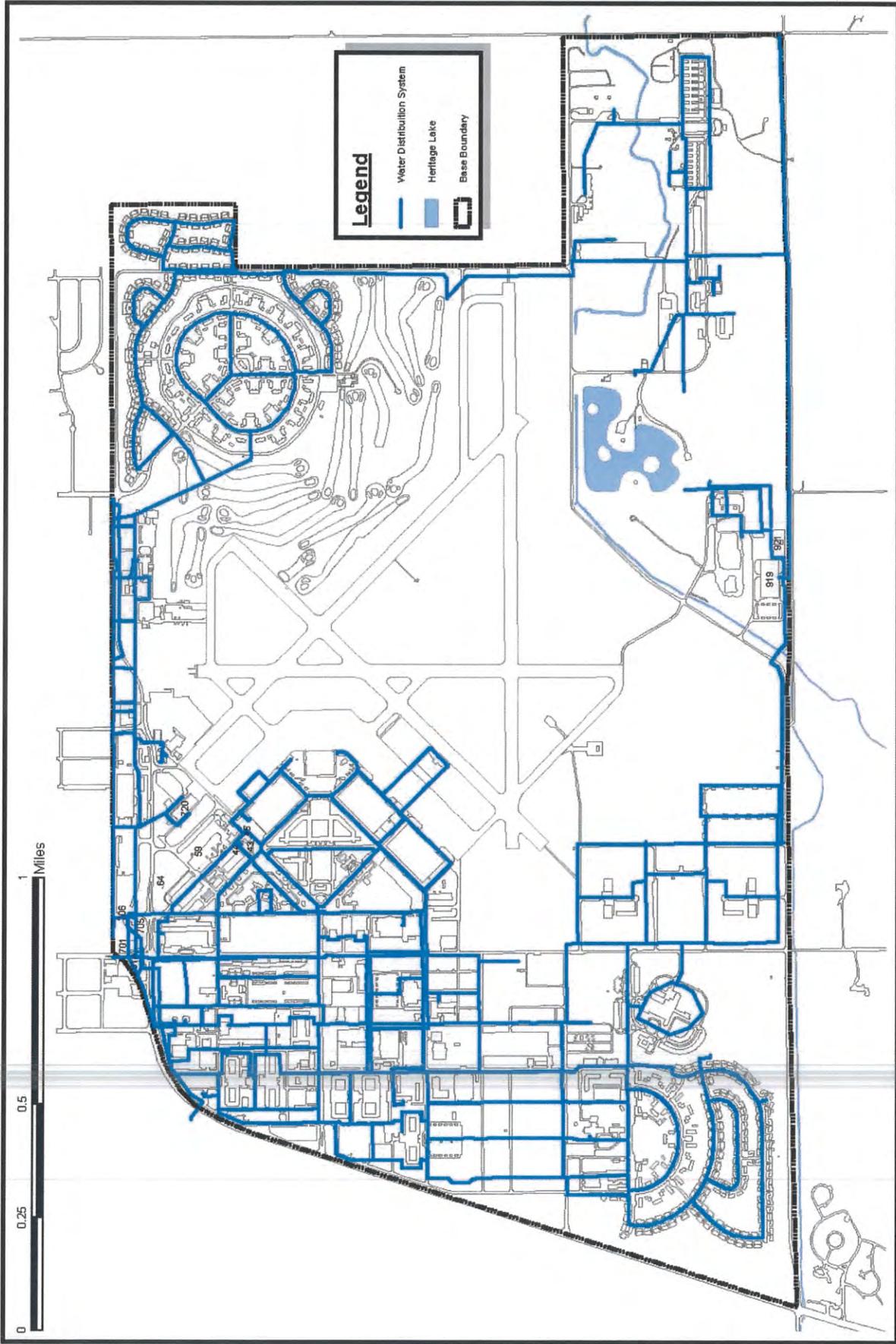
Title: _____

EXHIBIT A

PROPERTY DESCRIPTION OF THE FORMER CHANUTE AIR FORCE BASE

EXHIBIT B

POTABLE WATER UTILITIES INFRASTRUCTURE MAP



Air Force
Civil Engineer Center
August 2017



Exhibit B
Water Utilities Infrastructure Map
Former Chanute AFB
Rantoul, Illinois

**DEPARTMENT OF THE AIR FORCE
ELECTRICAL DISTRIBUTION UTILITIES
BILL OF SALE
CHANUTE AIR FORCE BASE, RANTOUL, ILLINOIS**

THIS BILL OF SALE (“**Bill of Sale**”) is made as of _____, 2017 (the “**Effective Date**”) by and between the UNITED STATES OF AMERICA, acting by and through the Secretary of the Air Force (the “**Government**”) and the VILLAGE OF RANTOUL, a municipality duly authorized and existing under the constitution and laws of the State of Illinois, (the “**Redevelopment Authority**”).

RECITALS

A. The Government and Redevelopment Authority executed an Economic Development Conveyance Agreement dated September 10, 2014, which provides for the conveyance of portions of the former Chanute Air Force Base, Rantoul, Illinois.

B. As of the Effective Date, the Government and Redevelopment Authority amended the Economic Development Conveyance Agreement by execution of a First Amendment to Economic Development Conveyance Agreement (as amended, the “**EDC Agreement**”) to provide for the transfer of overhead and buried electric utility lines (i) located on the former Chanute Air Force Base, as more particularly described on **Exhibit A**; (ii) owned by the Government; and (iii) identified by the Redevelopment Authority as “needed for redevelopment” and determined by the Government to be “available for reuse” to the Redevelopment Authority (as both quoted phrases are used in the Base Redevelopment and Realignment Manual of DoD – DoD 4165.66-M, March 1, 2006) (“**Electric Utilities Infrastructure**”).

AGREEMENTS

NOW THEREFORE, the Government, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby transfers, sets over, and delivers to the Redevelopment Authority, all of its right, title, and interest in and to the Electric Utilities Infrastructure. EXCEPT AS OTHERWISE PROVIDED BY APPLICABLE LAW, THE GOVERNMENT SPECIFICALLY DISCLAIMS AND EXCLUDES ANY IMPLIED WARRANTIES OF CONDITION, OF FITNESS FOR A PARTICULAR PURPOSE, AND OF MERCHANTABILITY UNDER THE COMMERCIAL CODE OF THE STATE OF ILLINOIS. THE ELECTRIC UTILITIES INFRASTRUCTURE IS TRANSFERRED ON A STRICTLY “AS IS, WHERE IS” BASIS TO HAVE AND TO HOLD, subject to the following:

1. Except as otherwise provided by Applicable Law, the Redevelopment Authority expressly waives all claims against the Government for any loss or damage to property, or personal injury or death caused by, incident to, or arising from, the Redevelopment Authority’s possession and use of the Electric Utilities Infrastructure. To the extent permitted by law, the Redevelopment Authority shall indemnify, save harmless, and defend the Government from and against all claims,

demands, actions, liabilities, judgments, suits, costs, and attorneys' fees arising out of, claimed on account of, or in any manner predicated on personal injury, death, or property damage caused by or resulting from possession and use of the Electric Utilities Infrastructure. The Government will give the Redevelopment Authority notice of any claim that may be covered by this indemnity as soon as practicable after receiving the notice thereof.

2. Capitalized terms used but not defined in this Bill of Sale shall have the meanings set forth in Exhibit F to the EDC Agreement.

3. The following Exhibits are attached to and made part of this Bill of Sale:

Exhibit A - Property Description of the former Chanute Air Force Base

Exhibit B – Electric Utilities Infrastructure Map

IN WITNESS WHEREOF, I have hereunto set my hand at the direction of the Secretary of the Air Force, this _____ day of _____, 2017.

UNITED STATES OF AMERICA,
acting by and through the Secretary of the Air Force

By: _____

Stephen G. TerMaath
Chief, BRAC Program Management Division
Installations Directorate
Air Force Civil Engineer Center

ACCEPTANCE

The Redevelopment Authority, through its authorized representative, hereby accepts title to the conveyed Electric Utilities Infrastructure subject to the terms and conditions contained in the Bill of Sale set forth above.

Executed on behalf of the Redevelopment Authority on _____, 2017.

VILLAGE OF RANTOUL,

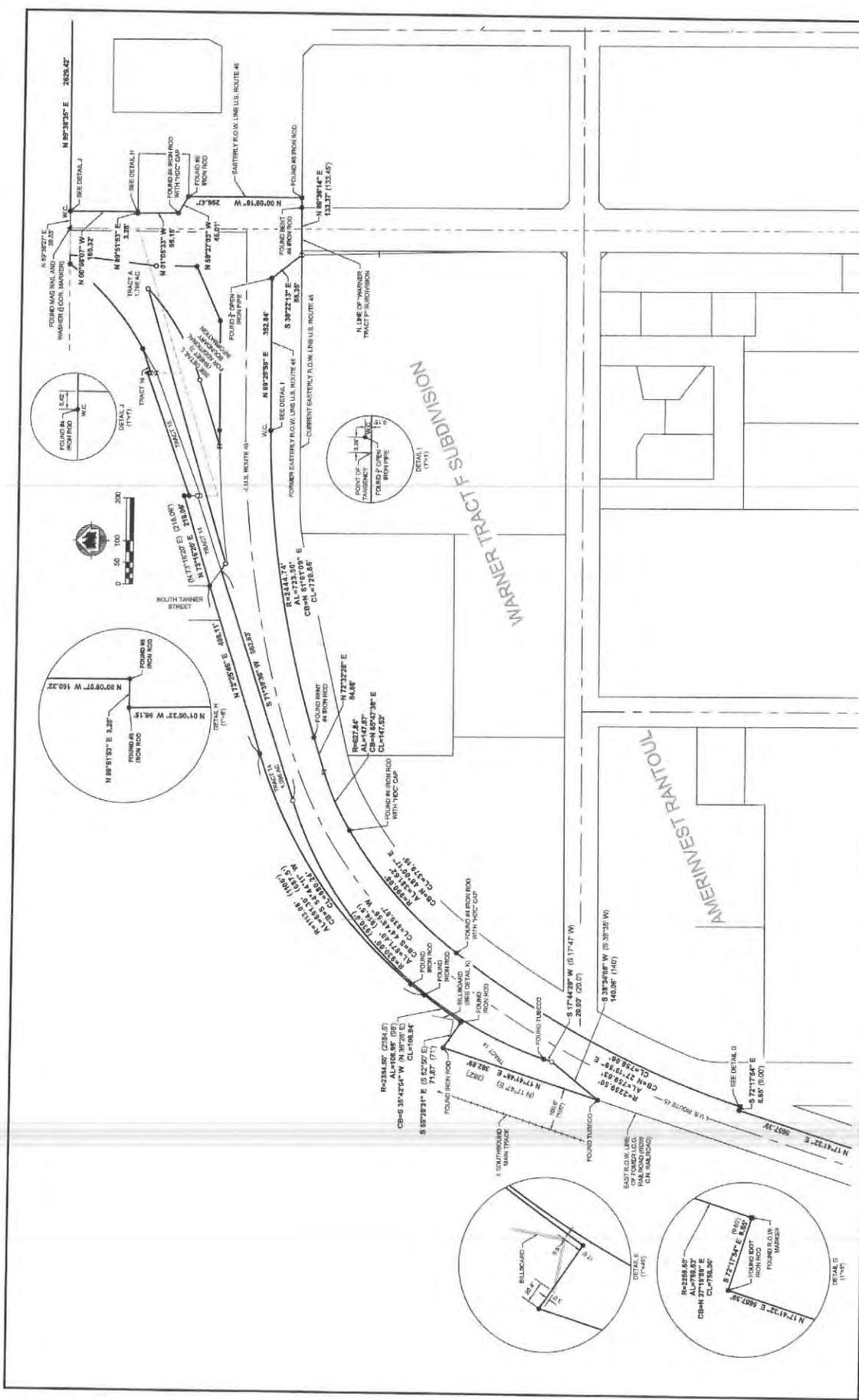
a municipality duly authorized and existing under the Constitution and laws of the State of Illinois, serving as the Redevelopment Authority

By: _____

Title: _____

EXHIBIT A

PROPERTY DESCRIPTION OF THE FORMER CHANUTE AIR FORCE BASE



PROJECT NO.		DATE		REVISION	
14755002		11/11/2011			
PROJECT DATE		DRAWN BY		CHECKED BY	
11/11/2011		J.P.P.		J.P.P.	
<p> MSA MISSOURI SURVEYING & APPRAISAL, INC. 2011 S. 27th Street, Springfield, IL 62761 Phone: 417-831-1111 Fax: 417-831-1112 Website: www.msa-il.com </p>					
CHANUTE BOUNDARY SURVEY TETRA TECH CHAMPAIGN, ILLINOIS		DETAIL A		SHEET 14755002 2 OF 3	

EXHIBIT B
ELECTRIC UTILITIES INFRASTRUCTURE MAP



Exhibit B
Electric Utilities Infrastructure Map
Former Chanute AFB
Rantoul, Illinois



Air Force
 Civil Engineer Center
 August 2017



Document Path: O:\GIS\arcview\Projects\Chanute\BIP\Parcels_Lobe_Developed\Infrastructure Map\Electric Utilities.mxd

**DEPARTMENT OF THE AIR FORCE
PERSONAL PROPERTY
BILL OF SALE
CHANUTE AIR FORCE BASE, RANTOUL, ILLINOIS**

THIS BILL OF SALE (“**Bill of Sale**”) is made as of _____, 2017 (the “**Effective Date**”) by and between the UNITED STATES OF AMERICA, acting by and through the Secretary of the Air Force (the “**Government**”) and the VILLAGE OF RANTOUL, a municipality duly authorized and existing under the constitution and laws of the State of Illinois, (the “**Redevelopment Authority**”).

RECITALS

A. The Government and Redevelopment Authority executed an Economic Development Conveyance Agreement dated September 10, 2014, which provides for the conveyance of portions of the former Chanute Air Force Base, Rantoul, Illinois.

B. As of the Effective Date, the Government and Redevelopment Authority amended the Economic Development Conveyance Agreement by execution of a First Amendment to Economic Development Conveyance Agreement (as amended, the “**EDC Agreement**”) to provide for the transfer of personal property (i) located on the former Chanute Air Force Base, as more particularly described on **Exhibit A**; (ii) owned by the Government; and (iii) identified by the Redevelopment Authority as “needed for redevelopment” and determined by the Government to be “available for reuse” to the Redevelopment Authority (as both quoted phrases are used in the Base Redevelopment and Realignment Manual of DoD – DoD 4165.66-M, March 1, 2006) (“**Personal Property**”).

AGREEMENTS

NOW THEREFORE, the Government, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby transfers, sets over, and delivers to the Redevelopment Authority, all of its right, title, and interest in and to the Personal Property. EXCEPT AS OTHERWISE PROVIDED BY APPLICABLE LAW, THE GOVERNMENT SPECIFICALLY DISCLAIMS AND EXCLUDES ANY IMPLIED WARRANTIES OF CONDITION, OF FITNESS FOR A PARTICULAR PURPOSE, AND OF MERCHANTABILITY UNDER THE COMMERCIAL CODE OF THE STATE OF ILLINOIS. THE PERSONAL PROPERTY IS TRANSFERRED ON A STRICTLY “AS IS, WHERE IS” BASIS TO HAVE AND TO HOLD, subject to the following:

1. Except as otherwise provided by Applicable Law, the Redevelopment Authority expressly waives all claims against the Government for any loss or damage to property, or personal injury or death caused by, incident to, or arising from, the Redevelopment Authority’s possession and use of the Personal Property. To the extent permitted by law, the Redevelopment Authority shall indemnify, save harmless, and defend the Government from and against all claims, demands,

actions, liabilities, judgments, suits, costs, and attorneys' fees arising out of, claimed on account of, or in any manner predicated on personal injury, death, or property damage caused by or resulting from possession and use of the Personal Property. The Government will give the Redevelopment Authority notice of any claim that may be covered by this indemnity as soon as practicable after receiving the notice thereof.

2. Capitalized terms used but not defined in this Bill of Sale shall have the meanings set forth in Exhibit F to the EDC Agreement.

3. The following Exhibit is attached to and made part of this Bill of Sale:

Exhibit A - Property Description of the former Chanute Air Force Base

IN WITNESS WHEREOF, I have hereunto set my hand at the direction of the Secretary of the Air Force, this _____ day of _____, 2017.

UNITED STATES OF AMERICA,
acting by and through the Secretary of the Air Force

By: _____
Stephen G. TerMaath
Chief, BRAC Program Management Division
Installations Directorate
Air Force Civil Engineer Center

ACCEPTANCE

The Redevelopment Authority, through its authorized representative, hereby accepts title to the conveyed Personal Property subject to the terms and conditions contained in the Bill of Sale set forth above.

Executed on behalf of the Redevelopment Authority on _____, 2017.

VILLAGE OF RANTOUL,

a municipality duly authorized and existing under the Constitution and laws of the State of Illinois, serving as the Redevelopment Authority

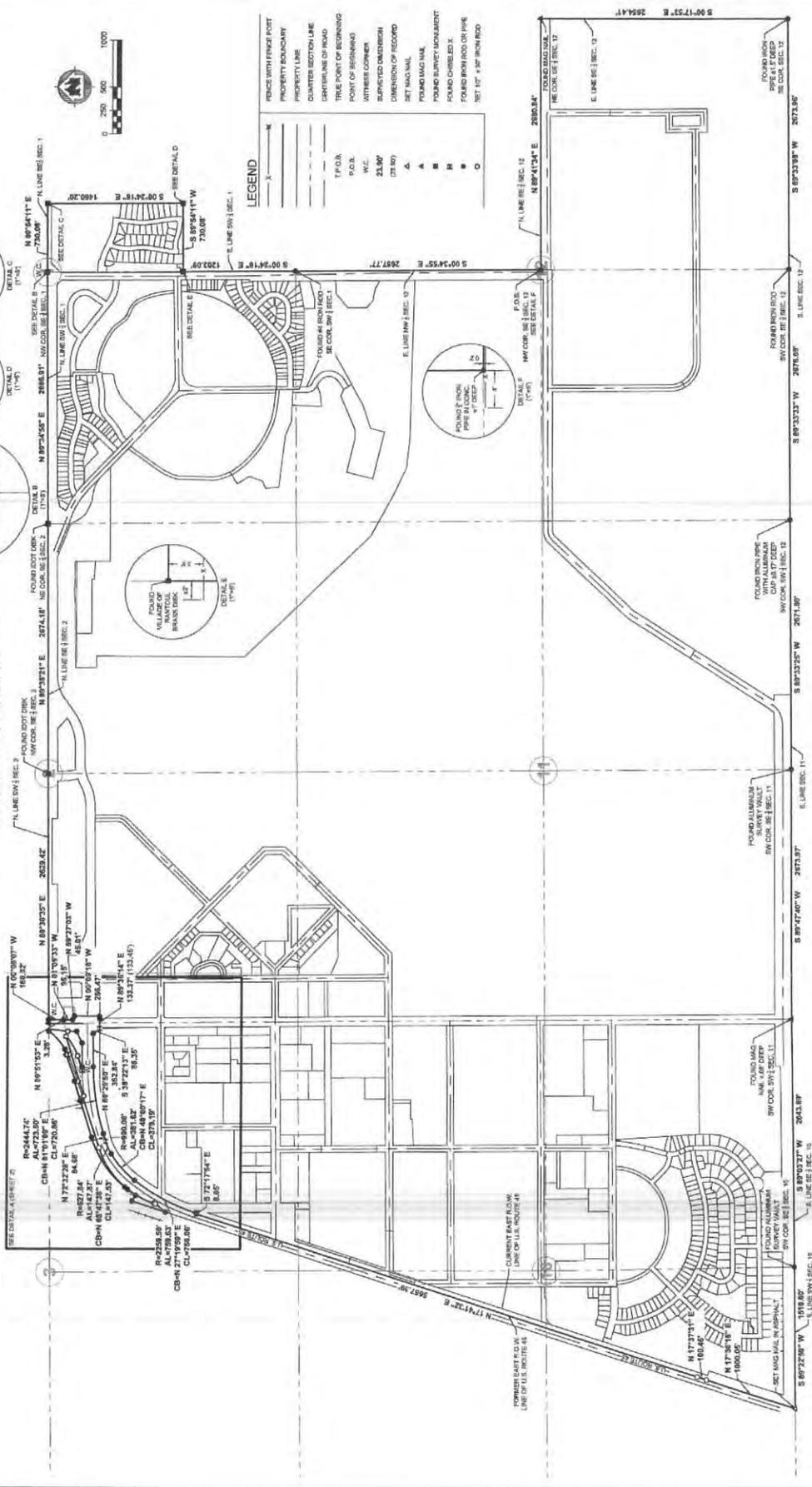
By: _____

Title: _____

EXHIBIT A

PROPERTY DESCRIPTION OF THE FORMER CHANUTE AIR FORCE BASE

PLAT OF SURVEY
BOUNDARY SURVEY OF
ORIGINAL CHANUTE AIR FORCE BASE
PART OF SECTIONS 1, 2, 3, 10, 11, AND 12 OF
TOWNSHIP 21 NORTH, RANGE 9 EAST, 3RD P.M.
CHAMPAIGN COUNTY, ILLINOIS



LEGEND

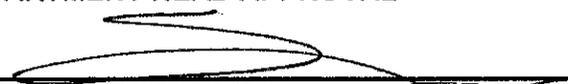
—	FENCE WITH FENCE POST
---	PROPERTY BOUNDARY
---	PROPERTY LINE
---	QUARTER SECTION LINE
---	CENTERLINE OF ROAD
---	TRUE POINT OF BEGINNING
---	WITNESS CORNER
---	SLANTED DIMENSION
---	DIMENSION OF RECORD
---	SET BACK MAIL
---	FOUND SURVEY MONUMENT
---	FOUND CURBED X
---	FOUND IRON ROD OR PIPE
---	SET 6\"/>

PROJECT NO.	14758002
DATE	10/11/2011
PROJECT NAME	CHANUTE BOUNDARY SURVEY
DATE	10/11/2011
PROJECT NO.	14758002
DATE	10/11/2011
PROJECT NAME	TETRA TECH
DATE	10/11/2011
PROJECT NO.	14758002
DATE	10/11/2011
PROJECT NAME	CHAMPAIGN, ILLINOIS
DATE	10/11/2011

PLAT OF SURVEY

BOARD OF TRUSTEES
VILLAGE OF RANTOUL

AGENDA ITEM PAGE OF

ITEM: Approval Of Planning and Zoning Commission text ammendment to chapter 46 of Village ordinances	DEPARTMENT: Inspection
AGENDA SECTION:	AMOUNT: N/A
ATTACHMENTS: <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> OTHER (See Summary) <input checked="" type="checkbox"/> SUPPORTING DOCUMENTS	DATE: Aug 29th, 2017
SUMMARY HIGHLIGHTS:	
<p>Zoning Text Ammendment.</p> <p>-Please reference the memoradum attached hereto.</p>	
RECOMMENDED ACTION: Staff agrees with Planning and zoning commssion recommendation for approval	
DEPARTMENT HEAD APPROVAL 	VILLAGE ADMINISTRATOR 
AGENDA PAGE NUMBER:	



Memorandum

Date: August 30, 2017
To: David Silver, Village of Rantoul Planning & Zoning Administrator
From: Susan Monte and Kathleen Oldrey, RPC Planners
Re: Rantoul Zoning Ordinance Update Final Draft

The **Rantoul Zoning Ordinance Update Final Draft dated August 30, 2017** (provided separately) contains the proposed text amendments and zoning map amendments that were reviewed and approved unanimously by the Planning and Zoning Commission at public hearings held on July 24, 2017, August 14, 2017, and August 28, 2017. This memorandum contains an overview of the proposed text amendments and zoning map amendments included in the Final Draft.

Proposed Text Amendments as part of the Rantoul Zoning Ordinance Update

As part of the Zoning Ordinance Update project, the following proposed text amendments to the Village of Rantoul Zoning Ordinance are included in the Rantoul Zoning Ordinance Final Draft dated 8/30/2017.

- a) Reorganized content to improve clarity and readability.
- b) Updated definitions.
- c) Updated ordinance purpose statement and district purpose statements.
- d) Renamed zoning districts as follows:
 - "CR-1 Airfield District" to "AF Airfield District"
 - "CR-3 Institutional District" to "IN Institutional District"
 - "CR-4 Public Recreation District" to "RC Recreation District"
 - "CR-5 Special Reuse District" to "CR Chanute Reuse Overlay District"
- e) Elimination of the following zoning districts:
 - R-1A Single-Family Residential District
 - R-2A Traditional Neighborhood Residential District
 - CBE Central Business Extended District
 - OP Office Park District
 - CR-2 Aviation Support District
- f) Updated design standards applicable to new construction, substantial repair or rehabilitation of existing structures, and additions to existing structures. Addition of avoidance of visual monotony standards for townhouses. Reduction of certain building design standards.
- g) Updated authorized principal and temporary use assignments in each zoning district. Some uses were reassigned from special use to permitted by right and vice versa to better fit the purpose of the zoning districts. Addition of principal use and temporary use standards to supplement the authorized use table.

(continued)

Proposed Text Amendments (continued)

- h) Updated site development standards, including home occupation standards. Addition of new site development standards, including standards for solar and wind energy systems.
- i) Updated provisions regarding parking standards, sign regulations, landscape and screening standards, nonconformities, and enforcement.



CHAMPAIGN COUNTY
REGIONAL PLANNING
COMMISSION

- j) Improved provisions regarding ordinance administrators, permit applications, notification requirements, and zoning procedures.



CHAMPAIGN COUNTY
REGIONAL PLANNING
COMMISSION

Village of Rantoul Zoning Ordinance Update

Final Draft

8/30/2017

1776 E. Washington St, Urbana, IL 61802

P 217.328.3313 **F** 217.328.2426 **TTY** 217.384.3862

CCRPC.ORG

PEOPLE. POSSIBILITIES.

Table of Contents

Article 1: Title	1
Article 2: Definitions	6
Article 3: Zoning Districts	27
Article 4: Residential	31
Article 5: Central Business and Commercial	39
Article 6: Institutional and Recreation	46
Article 7: Industrial and Agriculture	50
Article 8: Airfield and Chanute Reuse Overlay	54
Article 9: Authorized Uses	57
Article 10: Planned Unit Developments	75
Article 11: Site Development Standards	89
Article 12: Off-Street Parking and Loading	118
Article 13: Landscape and Screening Requirements	129
Article 14: Sign Regulations	137
Article 15: Ordinance Administrators	153
Article 16: Permit Application Procedures	156
Article 17: Zoning Application Procedures	165
Article 18: Nonconformities	177
Article 19: Enforcement	181

ARTICLE 1: TITLE, PURPOSE, & APPLICABILITY

Sec. 46-1. – Title.

This Chapter is a recodification of the Rantoul Zoning Ordinance as adopted by Ordinance No. 2154 on August 12, 2008. This Chapter as so recodified shall be known and may be cited as the “Rantoul Zoning Ordinance,” or “Zoning Ordinance.”

Sec. 46-2. – Purpose.

The intent of this Chapter is to establish land use regulations to serve the village. The purpose of this Chapter is:

1. To promote and protect public health, safety, and welfare.
2. To secure adequate light, air, privacy, and convenience of access to property.
3. To promote the orderly development of the village in accordance with the comprehensive plan.
4. To protect the character and maintain the stability of the village’s residential, commercial, and industrial areas.
5. To divide the municipality into zoning districts according to use of land and structures, height and bulk of structures, intensity of use of lot area, or other classification, as deemed best suited to carry out the purposes of this Chapter.
6. To establish reasonable standards to which structures must conform.
7. To prevent overcrowding of land and undue concentration of structures by regulating and limiting the use and bulk of structures in relation to the surrounding land.
8. To regulate the intensity of the use of land.
9. To provide for safe and efficient traffic circulation.
10. To prohibit uses or structures incompatible with the character of development or intended uses with specified zoning districts.
11. To protect against fire, explosions, noxious fumes, and other dangers.
12. To otherwise avoid or decrease the hazards to persons or damage to property resulting from the accumulation or runoff of stormwater and floodwater.
13. To provide for the gradual elimination of nonconformities.
14. To define and limit the powers and duties of the administrative officers and bodies as provided in this Chapter.

Sec. 46-3. – Compliance with regulations.

It is unlawful to perform any one or more of the following acts except in compliance with the provisions of this Chapter:

1. To erect a new building or structure.
2. To erect more than one main building on one lot, except in compliance with Article 11 of this Chapter.
3. To have more than one principal use on one lot.
4. To excavate for or build any foundation.
5. To relocate, enlarge, structurally alter, or reconstruct any building or structure.
6. To establish, expand, enlarge, relocate, or change any use of a building, structure, or land.
7. To establish, expand, enlarge, relocate, or change any nonconforming use.

Sec. 46-4. – Evasion of area, yard, and parking regulations.

1. It is unlawful to lease, sell, convey, or use a portion of an improved lot when the effect of such action is one of the following:

- a. To reduce the area of the lot below the minimum area requirements of this Chapter;
- b. To reduce the depth or width of a yard to less than the minimum depth or width required by this Chapter; or
- c. To reduce the number of parking spaces on the lot below the minimum number of such spaces required by this Chapter, except as otherwise provided.

2. It is unlawful to lease, sell, convey or use a lot or a portion of a lot that is used for required off-street parking without providing other parking facilities that meet the requirements of this Chapter, except as otherwise provided.

Sec. 46-5. – Scope of regulations.

1. Territorial application

This Chapter applies to all land use and structures within the corporate limits of the village.

2. Relation to private agreements

This Chapter is not intended to abrogate or nullify any easement, covenant, or private agreement. However, where the provisions of this Chapter are more restrictive or impose higher standards or

requirements than such easements, covenants, or private agreements, the requirements of this Chapter govern.

3. Relation to other laws and regulations

Unless otherwise specifically provided, this Chapter controls over less restrictive statutes, building code provisions, ordinances, or regulations. More restrictive statutes, building code provisions, ordinances, or regulations control over the provisions of this Chapter.

Sec. 46-6. – Transition rules.

1. Existing illegal structures and uses

A structure or use that does not comply with the provisions of this Chapter at the time of the adoption of this Chapter, but is subsequently brought into compliance with the provisions of this Chapter is deemed to be in compliance as of the effective date of this Chapter.

2. Existing uses

- a. If a structure or land is used in a manner that was classified as a permitted use prior to the effective date of this Chapter, and now that use is classified as a special use as of the effective date of this Chapter, that use is deemed a lawful special use. Any subsequent addition, enlargement, or expansion of that use must conform to the procedural and substantive requirements of this Chapter for special uses.
- b. If a structure or land is used in a manner that was classified as a special use prior to the effective date of this Chapter, and that use is now classified as a permitted use as of the effective date of this Chapter, that use is deemed a lawful permitted use. Any subsequent addition, enlargement, or expansion of that use must conform to any Chapter requirements for such permitted use and is no longer subject to the conditional use Chapter under which it was originally approved.
- c. If a structure or land is used in a manner that was classified as a permitted or special use prior to the effective date of this Chapter, but this Chapter no longer classifies that use as either a permitted or special use in the district in which it is located, that use is deemed a nonconforming use and is controlled by the provisions of Article 18 of this Chapter.

3. Structures rendered nonconforming

If a structure existing on the effective date of this Chapter was a conforming structure before the effective date of this Chapter, but that structure does not meet all standards set forth in this Chapter for the

district in which it is located, that structure is deemed a nonconforming structure and is controlled by the provisions of Article 18 of this Chapter.

4. Lots rendered nonconforming

If a lot of record existing on the effective date of this Chapter was a conforming lot before the effective date of this Chapter, but that lot does not meet all standards set forth in this Chapter for the district in which it is located, that lot is deemed a nonconforming lot of record and is controlled by the provisions of Article 18 of this Chapter.

5. Previously issued building permits

If a building permit for a structure was lawfully issued prior to the effective date of this Chapter, and if construction has begun within six months of the issuance of that building permit and is diligently pursued to completion, the structure may be completed in accordance with the plans on the basis of which the building permit was issued and may, upon completion, be occupied under the certificate of occupancy for the originally intended use. The structure will be subject thereafter, if applicable, to the provisions of Article 18 of this Chapter.

6. Previously granted special uses and variances

All special uses and variances granted prior to the effective date of this Chapter, except as deemed permitted or legal by this Chapter, remain in full force and effect. The recipient of the special use or variance may proceed to develop and use the property in accordance with the approved plans and all applicable conditions. However, if the recipient has failed to act on the special use or variance before the approval expires, including any periods of extension granted, the provisions of this Chapter will govern.

7. Pending applications

An application that has been deemed complete and scheduled for a public hearing or meeting, as applicable, is subject to the applicable provisions of this Chapter.

Sec. 46-7. – Interpretation.

1. In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of health, safety, morals, comfort, prosperity, and general welfare.

2. The provisions in this Chapter are cumulative and represent additional limitations upon all other laws and Chapters, previously passed or that may be passed at a later date, governing any subject matter in this Chapter.

Sec. 46-8. – Separability.

If any section, paragraph, subdivision, clause, sentence, or provision of this Chapter is adjudged to be invalid by any court of competent jurisdiction, that judgment does not affect, impair, invalidate, or nullify the remainder of this Chapter. The effect of the judgment is confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the dispute in which judgement or decree was rendered.

Secs. 46-9. – 46-20. – Reserved.

ARTICLE 2: DEFINITIONS

Sec. 46-21. – Rules of interpretation

1. Any term not defined in this Chapter has the meaning of common or standard use.
2. When it is consistent with the context, the following use of words applies for purposes of this Chapter:
 - a. The present tense includes the future tense. All provisions that are stated to apply in the present are implied to apply in the future.
 - b. The singular includes the plural. All provisions that are stated to apply to a single person, lot, or entity are implied to apply to multiple people, lots, and entities.
 - c. The term “person” includes a legal entity as well as an individual.
 - d. The term “lot” includes the word “plot,” “parcel,” and “tract.”
 - e. The term “shall” is always mandatory.
 - f. The terms “used” and “occupied,” as applied to any land or building, include the terms “intended, arranged, or designed to be used or occupied.”
 - g. The masculine gender includes the feminine.
 - h. The words “village” and “municipality” refer to the Village of Rantoul.
 - i. The acronym “PZC” means the Village of Rantoul Planning and Zoning Commission.
 - j. The words “Administrator,” “Zoning Administrator,” and “Zoning Officer” refer to the official appointed by the Village President to administer this Chapter.
 - k. The term “Village Board” means the President and Board of Trustees of the village.

Sec. 46-22. – Rules of construction

1. All distances must be measured to the nearest integral foot.
2. The body text of the Chapter governs over any diagram, title, subtitle, or heading.

Sec. 46-23. – General definitions

The following words, terms and phrases, when used in the Chapter, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accent:

An area covering no more than 25 percent of a building’s surface area visible to the public.

Accessory building:

A building on the same lot with the principal structure or use and subordinate to and used for purposes customarily incidental to the principal structure or use.

Accessory structure:

A structure on the same lot with the principal structure or use that is subordinate to and used for purposes customarily incidental to the principal structure or use.

Accessory use:

A use on the same lot that is customarily incidental and subordinate to the principal use or structure.

Adult use:

A business that sells or disseminates explicit sexual material, and at which access to the public display of explicit sexual material is restricted to persons 18 years of age or older. An adult bookstore, adult cabaret, or adult motion picture theater are considered adult uses and are defined as follows:

Adult retail: A business which offers for sale or rent 15 percent or more of materials consisting of any of the following: publications, books, magazines, periodicals, photographs, films, motion pictures, video cassettes, DVDs, or other video reproductions, or other visual representations that depict or describe specified sexual activities or specified anatomical areas, or instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

Adult arcade: A business where, for any form of consideration, one or more still or motion picture projectors, slide projectors or similar machines are used to show files, motion pictures, video cassettes, DVDs, slides, computer generated graphics, or other photographic reproductions which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult cabaret: A business that features dancers, go-go dancers, exotic dancers or similar entertainers, or live entertainment, in which persons regularly appear in a state of nudity, or where live performances are characterized by the exposure of specified anatomical areas or by specified sexual activities. Adult cabaret establishments specifically exclude

minors, or minors are specifically prohibited by statute or ordinance, regardless of whether any such business is licensed to sell alcoholic beverages.

Adult motion picture theater: A business used for presenting motion pictures that are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons.

Adult hotel/motel: A hotel or motel or similar business establishment that rents, leases, or lets any room for less than a six-hour period, or rents, leases, or lets any single room more than twice in a 24-hour period.

The following definitions describe the sexually oriented activities contained within the general definitions for the above adult uses:

Sexually oriented devices: Any artificial or simulated specified anatomical area or other device or paraphernalia that is designed in whole or part for specified sexual activities.

Sexual anatomical area: Less than completely and opaquely covered genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola, or human male genitals in a discernable turgid state, even if completely and opaquely covered.

Specified sexual activities: Any activity that includes human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; or fondling or erotic touching of human genitals, pubic regions, buttocks, or female breasts, even if completely and opaquely covered.

Automobile repair, major:

Services including the general repair, rebuilding, or reconditioning of engines, motor vehicles, and trailers; collision services such as body, frame, and fender repair; vehicle painting; and providing service to trucks with a capacity greater than 1.5 tons.

Automobile repair, minor:

Services including the maintenance, repair, and replacement of parts of passenger cars and trucks not exceeding a capacity of 1.5 tons, and excluding any activities defined by this Chapter as major automobile repair.

Automobile salvage yard:

A lot, land, building, or structure, or part of a lot, land, building, or structure, used primarily for the collection, storage, and/or sale of scrap metal, machinery, appliances, or vehicles and vehicle parts not in operable condition.

Basement:

The part of any building that is wholly or partly below ground level.

Billboard:

Any structure or portion of a structure whose primary purpose is the outdoor display of signs or advertisements, not including temporary signs advertising the sale or lease of the premises on which they are located.

Block:

A tract of land that is bounded by streets, public parks, railroad rights-of-way, and/or the village corporate boundary.

Boardinghouse:

A building where meals, lodging, or both are regularly provided, by prearrangement and for compensation, to five or more persons. Boardinghouses are not open to transient guests.

Bright or brilliant color:

Highly saturated chroma as defined in the Munsell System of Color Notation.

Building:

Any structure that:

1. is permanently affixed to the land;
2. is intended for the support, enclosure, or shelter of persons, animals, or property;
3. is bounded by either open area or the lot lines of a zoning lot; and
4. has one or more floors and a roof.

Building area:

The total area of all buildings above ground level on a lot, with each building measured at the greatest outside dimensions, including covered porches and breezeways and excluding uncovered porches, patios, terraces, steps, awnings, marquees, and nonpermanent canopies or planters.

Building, attached:

A building that has two or more party walls in common with another building.

Building, detached:

A building that has no party wall.

Building height:

A building's vertical measurements from the mean level of the ground abutting the building to a point midway between the highest and lowest points of the roof. Building height does not include chimneys, spires, towers, elevator penthouses, tanks, flagpoles, aerials, stacks, beacons, and similar projections of the building.

Building line:

A line usually parallel to the front, side, or rear lot line, set to provide the required yards around a building or structure.

Building, semidetached:

A building that has only one party wall in common with another building.

Café:

A food service establishment with a maximum seating capacity of 50 people, where food consumption takes place on the premises. A café must not include drive-in or drive-through facilities or curbside service.

Certificate of occupancy:

A certificate issued by the zoning administrator in accordance with the provisions of this Chapter, authorizing the occupancy of a building or the use of a building, structure, or lot, and/or certifying the nonconforming status of a building, structure, or lot.

Club:

A building and/or facilities owned and operated on a not-for-profit basis by a corporation or association of persons for social or recreational purposes.

Community residence:

A single dwelling unit occupied on a relatively permanent basis by a group of persons with disabilities in a family-like environment, plus paid professional support staff present at the residence on a 24-hour basis. Paid professional support staff may also live in the residence.

Community residence, family:

A community residence occupied by no more than eight persons with disabilities, plus paid support staff.

Community residence, group:

A community residence occupied by nine to 15 persons with disabilities, plus paid support staff.

Crop production:

The growing, harvesting, and storing of crops, including legumes, hay, grain, fruit, truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, and forestry; accessory farm dwellings; and accessory farm buildings used for growing, harvesting, or preparing crop products for market or for use on the farm.

Day care, adult

Any facility or portion thereof operated for the purpose of providing care, protection, supervision, training, or other programs to adult individuals during part of a 24-hour day. This term excludes public and private educational facilities and any facility offering care to individuals for a full 24-hour period.

Day care facility:

Any facility operated for the purpose of providing care, protection, and/or guidance to 10 or more individuals during part of a 24-hour day. This term includes nursery schools, preschools, day care centers, and other similar uses, but excludes public and private educational facilities and any facility offering care to individuals for a full 24-hour period. A day care facility is not permitted as a home occupation.

Day care home:

Any facility operated for the purpose of providing care, protection, and/or guidance to a maximum of nine individuals at any one time during part of a 24-hour day. This term includes nursery schools, preschools, day care centers, and other similar uses, but excludes public and private educational facilities and any facility offering care to individuals for a full 24-hour period. A day care home is permitted as a home occupation.

Dwelling, single-family:

A building containing one dwelling unit.

Dwelling, duplex:

A building containing two dwelling units.

Dwelling, multi-family:

A building containing three or more dwelling units.

Dwelling unit:

A building or portion thereof designed for occupancy by one family for residential purposes, having a kitchen, bathroom and its own independent access from the exterior of the building or from a common interior hallway.

Façade:

A face or elevation of a building.

Family:

A household that consists of:

1. Two or more persons related by blood, marriage, or adoption, living together as a single housekeeping unit;
2. Two or more unrelated persons living together as a single housekeeping unit; or
3. One person living alone as a single housekeeping unit

Farm dwelling:

A dwelling located on a farm and occupied by persons primarily engaged in crop production or agricultural operations.

Frontage:

The portion of a lot abutting a public street.

Gross floor area:

The total area of all floor levels of a building or structure, measured to the outer face of the exterior wall, or in the absence of an exterior wall, to the furthest extension of the edge of the floor surface. The gross floor area includes public egress/ingress, balconies, stairs, and stairwells, but excludes:

1. Areas used for parking facilities within the principal building or structure.
2. Areas used as private balconies.
3. Areas used for basements in single-family dwellings.
4. Areas used for and solely dedicated to the housing of mechanical systems.
5. Areas used as unfinished attics.

Gross floor area ratio:

The gross floor area of the building, buildings, structure, or structures on a zoning lot divided by the area of such zoning lot.

Halfway house:

A temporary residential living arrangement for persons who are receiving therapy and counseling from paid professional support staff present at all times that residents are present, in operation for any of the following purposes:

1. To help residents recuperate from the effects of drug or alcohol addiction.
2. To help residents reenter society while in supervised housing and under the constraints of alternatives to imprisonment including, but not limited to, pre-release, work release, and probationary programs.
3. To help residents with family or school adjustment problems that require specialized attention and care in order to achieve personal independence.
4. To provide temporary shelter to persons who are victims of domestic abuse.

Home occupation:

Any occupation for gain or support carried on as an accessory use in a dwelling unit or an accessory structure to that dwelling unit, by a resident of that dwelling unit and in accordance with the provisions of this Chapter.

Hospice:

A temporary residential living arrangement for persons with a disease that requires full-time support, therapy, and/or treatment.

Hotel:

A building in which lodging or lodging and meals are regularly provided or offered to the public for compensation and that is customarily open to transient guests.

Industrial – Light:

The manufacturing of finished products or parts from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and storage, sales, and distribution of such products, provided that all industrial activities and any noise, odor, smoke, heat, glare, or vibration resulting from the industrial activities are contained entirely within a building. A light industrial use may also include a showroom, ancillary sales of products related to the items manufactured or stored on-site, and/or ancillary outdoor storage.

Industrial – General:

The manufacturing of products from processed or unprocessed raw materials, including processing, fabrication, assembly, treatment, packaging, storage, sales, and/or distributions of such products. This manufacturing may produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land users but is not offensive or obnoxious. General industrial uses may also include ancillary outdoor storage areas.

Industrial – Heavy:

The manufacturing or compounding of raw materials, which may include the storage of large volumes of highly flammable, toxic, or explosive matter. This manufacturing may involve outdoor operations as part of their manufacturing process. Heavy manufacturing processes have greater than average impacts on the environment, and may have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards.

Industrial planned unit development:

A planned unit development designed to accommodate a community of compatible and permitted industry. Industrial planned unit developments may be promoted or sponsored by private developers, community organizations, or government organizations.

Institutional use:

Any public, quasi-public, or non-profit use including, but not limited to, a library, park, public or private school, hospital, or any other structure or land used exclusively for any such public, quasi-public, or nonprofit purpose.

Junkyard or automobile salvage yard:

A lot, land, building, or structure, or part thereof, used primarily for the collection, storage, or sale of scrap metal, or for the collection, dismantling, storage, and salvage of machinery, appliances, or vehicles not in running condition and for the sale of parts therefrom.

Kennel:

An establishment that harbors dogs or cats, regardless of age, for the purpose of breeding, training, racing, boarding, or sale for compensation, or that houses more than five fully grown animals for compensation, or in which more than five fully-grown household animals are offered for sale.

Lot:

A designated parcel tract, or an area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon as a unit.

Lot area:

The total area within the lot lines.

Lot, corner:

A lot at the intersection of and with frontage on two streets.

Lot, interior:

A lot with only one street frontage.

Lot of record:

1. A parcel of land whose deed has been recorded with the county recorder's office.
2. A lot that is part of a subdivision and whose plat has been recorded with the county recorder's office.

Lot, through:

A lot with frontage on two parallel or approximately parallel streets.

Lot, zoning:

A single tract of land located within a single block that is designated by the owner or developer at the time of application for a building permit as a tract to be used, developed, or built upon as a unit under single ownership or control. A zoning lot may or may not coincide with a lot of record.

Lot line:

The property line bounding a lot, between any lot and any contiguous lot or right-of-way.

Lot line, front:

The property line dividing a lot from the adjacent street or right-of-way.

Lot line, rear:

The property line opposite the front lot line.

Lot line, side:

Any property line other than a front or rear lot line. A side lot line separating one lot from another lot or lots is an interior side lot line.

Lot width:

The distance between side lot lines at the front building line, parallel to the front right-of-way.

Manufacturing, artisanal

The fabrication, assembly, and packaging of products produced in small batches, using handmade or minimally automated methods and generating no or minimal nuisances.

Medical cannabis cultivation center:

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to perform necessary activities to provide usable medical cannabis to only medical cannabis dispensaries licensed by the Illinois Department of Financial and Professional Regulation.

Medical cannabis dispensary:

A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from only medical cannabis cultivation centers licensed by the Illinois Department of Agriculture, for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to qualifying patients.

Micro-brewery:

A facility for the production and packaging of malt beverages of low alcoholic content in quantities not to exceed 15,000 barrels per year, which may include a tasting room that allows customers to taste samples of products manufactured on-site and purchase related sales items.

Micro-distillery:

A facility for the production and packaging of alcoholic beverages in quantities not to exceed 12,000 gallons per year, which may include a tasting room that allows customers to taste samples of products manufactured on-site and purchase related sales items.

Micro-winery:

A facility for the production and packaging of any alcoholic beverages obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, in quantities not to exceed 25,000 gallons per year, which may include a tasting room that allows customers to taste samples of products manufactured on-site and purchase related sales items.

Mobile home:

A structure that is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation, when connected to the required utilities. A mobile or manufactured home includes plumbing, heating, air conditioning, and electrical systems, and is transportable in one or more sections. While in traveling mode, it may be eight feet or more in width and 40 feet or more in length, and, when erected on-site, is 320 square feet or more. This definition excludes: motor vehicles, boat trailers, single or dual axle utility trailers, specified construction trailers, campers, trailers, and recreational vehicles.

Mobile home park:

A contiguous parcel of land planned and improved for the placement of five or more mobile homes.

Motel:

A building in which lodging or lodging and meals are regularly provided or offered to the public for compensation and that is customarily open to transient guests. A motel is distinguished from a hotel primarily by reason of providing direct independent access to and adjoining parking for each lodging unit.

Nonconforming:

A lawful building, use, or lot whose design, size, or use does not conform with the requirements of the zoning district or districts in which it is located.

Nonconforming building or structure:

A building or structure that was lawfully existing at the time this Chapter became effective, but that does not conform to the development regulations set forth in this Chapter for the district in which it is located or otherwise does not conform to other relevant village regulations pertaining to its use. This term also includes any building or structure that is rendered nonconforming by any annexation or other subsequent amendment to this Chapter.

Nonconforming lot:

A lot that lawfully existed on the effective date of the adoption or amendment of this Chapter that does not conform to the regulations and standards set forth in this Chapter of the district in which it is located. This term also includes any lot that is rendered nonconforming by any annexation or other subsequent amendment to this Chapter.

Nursing home:

A building that houses, and in which services are provided for, ill and aged persons.

Open space:

The portion of the ground level area of a lot that is unobstructed from the ground level upwards and that meets the following criteria:

1. At least 50 percent of the area is comprised of lawns, live plantings, or other permeable groundcover;
2. No more than 50 percent of the area is covered by paving for sidewalks or for leisure and recreational areas such as patios, tennis courts, and swimming pools; and
3. No part of the area is used for parking, drives, or loading areas.

Open storage:

An area used for the accumulation of stock or supplies to be drawn upon as needed for later use, not including the storage of automobiles for automobile sales businesses or farm equipment for implement sales businesses.

Owner, Ownership:

An individual, firm, association, syndicate, partnership, corporation, company, organization, trust, or any other legal entity having a proprietary interest in a use, structure, premises, lot, or tract of land.

Parking area:

An open, hard-surfaced area of land, not including streets and public rights-of-way, that is designed, arranged, and made available for the storage of passenger automobiles and commercial vehicles.

Parking area, private:

A parking area that is an accessory use for a residential building, and that is reserved for the parking of passenger automobiles and commercial vehicles of occupants and personal guests of the residential building.

Parking area, public:

A parking area for the storage of passenger automobiles and commercial vehicles with under a two-ton capacity, available to the public for compensation, for free, or as an accommodation for clients and customers.

Parking space:

A space for parking a vehicle, either indoors or outdoors, provided with but not including a driveway or other means of access.

Party wall:

A wall used or adapted for joint service between two adjacent buildings.

Permitted use:

A use, building, or structure allowed by right in a particular zoning district or specifically authorized by a valid special use permit.

Place of worship:

A building, including any customary accessory buildings or uses, where people regularly assemble for religious worship and that is maintained and controlled by a religious body organized for the purposes of public worship.

Planned unit development:

An area designed and developed according to the standards of Article 10 of this Chapter, for which a single site plan has been prepared that establishes at least, but not limited to, the following: land uses; open space allocations; site circulation for pedestrians, bicycles, and automobiles; parking; setbacks; housing densities; building separation distances; land coverage; landscaping; building heights; accessory uses; and architectural treatment.

Plat:

A map, plan, or layout showing the subdivision of land and indicating the location and boundaries of individual lots.

Porch:

A ground level or first-story above-grade, unenclosed platform, supported from the ground and extending out from the main part of a building. Porches may be roofed, and may have railings not exceeding 42 inches in height.

Premises:

A lot or tract of land, including any structures, buildings, or other improvements located on that lot.

Public utility or public service facility:

1. Substations for electric, oil, or gas service, metering and regulating;
2. Public transit facilities;
3. Railroad facilities;
4. Telephone exchanges or other communications equipment or facilities;
5. Water or sanitary sewer pumping stations;
6. Any other public utility facility.

Recreational vehicle:

Boats and boats trailers, travel trailers, pickup campers or coaches designed to be mounted on automobiles, motorized dwellings, tent trailers, or other motorized or non-motorized vehicle used primarily for recreational purposes and not used commercially. Mobile homes are not considered recreational vehicles.

Recycling business:

A business that is

1. primarily engaged in converting ferrous or nonferrous metals or other materials into raw material products having prepared grades and an existing or potential economic value; or
2. using raw materials products of that kind in the production of new products; or
3. obtaining or storing ferrous or nonferrous metals or other materials for a purpose described by subsections 1. or 2. above.

Right-of-way:

The entire dedicated tract or strip of land that is legally used by the public for circulation or service.

Roof, blue:

A roof designed to store water and discharge rainfall.

Roof, green:

A roof that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigations systems.

Roof, white:

A roof designed to deliver high solar reflectance, reducing heat transfer to the building and the ability to radiate absorbed or non-reflected solar energy.

Roominghouse:

A building where accommodations are provided, by prearrangement and for compensation, in one room or a series of closely associated rooms. Accommodations include common cooking facilities. Maximum occupancy capacity is 15 people.

Townhouse:

A single-family dwelling unit that is part of a townhouse building.

Townhouse building:

A building containing a row of three or more single-family dwelling units, where each unit is separated from the adjoining units by party walls without openings and where each unit has independent access to the exterior of the building on the ground story.

School:

A building or group of buildings, and all associated structures, facilities, and grounds, in and on which instruction is given.

School, business or trade:

A private school or college that is conducted as a commercial enterprise and not owned, conducted, or sponsored by a religious or charitable organization. Instruction at trade or business schools may include, but is not limited to, cosmetology, dance, industrial skills, IT skills, and instrumental music.

Shopping center, convenience:

A shopping center located on a site of between one half acre and four acres in area, with between 12,000 and 50,000 square feet of combined building area, that is designed and developed according to the commercial planned unit development procedures and standards specified in Article 10 of this Chapter.

Shopping center, general:

A shopping center located on a site of more than four acres, with a combined building area of more than 50,000 square feet, that is designed and developed according to the commercial planned unit development procedures and standards specified in Article 10 of this Chapter.

Sign:

Any words, lettering, figures, numerals, emblems, devices, trademarks, or trade names, or any combination thereof, which provides information and is designed to attract attention or convey a message.

Solid waste facility

All continuous land and structures, other appurtenances, and improvements on the land, used for processing, storing, or disposing of solid waste, or used for the purpose of processing, extracting, converting, or recovering energy or materials from solid waste. A facility may consist of several processing, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations thereof).

Solid waste transfer station:

A facility where solid waste materials are taken from smaller collection vehicles (e.g., compactor trucks) and placed in larger transportation vehicles (e.g., over-the-road tractors utilizing trailers that are top-loaded) for movement to designated disposal areas.

Special use:

A use that is potentially appropriate in and compatible with other uses in its district, but, due to the scale or nature of the use, has the potential to adversely impact adjacent uses, structures, or public services and facilities. A special use may be permitted based on the discretionary review of the Village Board pursuant to and in compliance with procedures specified in Article 17 of this Chapter.

Story:

The portion of a building between the upper surface of any floor and the upper surface of the floor above, and any portion of a building used for human occupancy between the topmost floor and the roof. A basement is not counted as a story unless the height of the surface of the first floor

above the average elevation of the finished lot grade at the front of the building is greater than four feet.

Street, private:

A service way providing access to a property that is for the use of a limited number of persons or purposes and that has not been publicly dedicated.

Street, public:

1. A right-of-way established by or maintained under public authority;
2. A private street open for public uses, or;
3. A private street plotted or laid out for ultimate public use, whether or not already constructed.

A street may be designated as an avenue, boulevard, drive, highway, lane, parkway, place, road, thoroughfare, or as another appropriate name.

Structure:

Any building or other constructed feature that requires attachment to the ground, including but not limited to advertising signs, billboards, poster panels, and supports and frames of such structures.

Structure, principal:

The structure in or on which the principal use is conducted on the lot on which it is located.

Truck terminal:

Premises used for the loading and/or unloading of trucks that can accommodate the simultaneous loading and/or unloading of five or more trucks. The storage of cargo on truck terminal premises must be incidental to the primary function of motor freight shipment.

Use:

The specific purpose for which land, a structure, or a building is designed, arranged, or intended, or for which it is or may be occupied or maintained.

Variance:

Permission or approval granted in accordance with Article 17 of this Chapter, constituting a modification of or deviation from the exact provisions of the this Chapter as applied to a specific property.

Warehouse:

A building used for the storage of raw materials, goods, or equipment, including vehicles, but not used for manufacturing, assembly, construction, repair, sales, or other activity except the packaging of goods and materials for shipment.

Warehouse, Mini-

A storage enterprise dealing with the reception of residential or commercial goods. Separate storage units are rented to individual customers who are entitled to exclusive and independent access to their respective units.

Yard:

An open space that is on the same lot as a structure, lying between the structure and the nearest lot line, and that is unoccupied and unobstructed from the surface of the ground upward, except as specifically provided in this Chapter.

Yard, front:

The minimum required open space, extending the full width of the lot from the right-of-way line to the nearest point of the nearest building or structure.

Yard, rear:

The minimum required open space, extending the full width of the lot from the rear lot line to the nearest point of the nearest building.

Yard, required:

The minimum required open space of any yard whose dimensions are set by this Chapter. Yard dimension requirements apply to all lots, whether or not a building or buildings exist on the lot.

Yard, side:

The minimum required open space, extending the full depth of the lot from the side lot line to the nearest point of the main building.

Zoning administrator:

The person designated by the village president for the purpose of administering provisions of this Chapter.

Secs. 46-24. – 46-34. – Reserved.

ARTICLE 3: DISTRICTS AND BOUNDARIES

Sec. 46-35. – Number and designation of districts.

In order to carry out the purposes of the Chapter as specified in Section 46-2, the village is divided into the following zoning districts:

1. Agricultural district

AG Agriculture District

2. Residential districts

R-1 Single-Family Residential District

R-2 Single-Family Residential District

R-3 Single-Family/Duplex Residential District

R-4 General Multifamily Residential District

M-1 Mobile Home District

3. Commercial districts

CB Central Business District

C-1 Neighborhood Commercial District

C-2 General Commercial District

C-3 Interstate Commercial District

C-4 Commercial/Industrial District

4. Industrial districts

I-1 Industrial District

I-2 Industrial District

5. Other districts

AF Airfield District

IN Institutional District

RC Recreation District

CR Chanute Reuse Overlay District

Sec. 46-36. – Official zoning map.

1. The boundaries of the districts established in Section 46-35 exist as shown on a map designated as the Official Zoning Map. The Official Zoning Map is incorporated into, and made an integral part of, this Chapter.

2. The Official Zoning Map, or reproductions of it, certified as showing the districts created and approved, shall be available for public reference in the office of the Village Clerk and on the Village website.

3. At least once annually, no later than March 31 of each year or more frequently as may be necessary, the zoning administrator shall prepare an updated Official Zoning Map that includes any changes affecting district boundary lines or other matter portrayed on the Official Zoning Map, enacted by amendment to this Chapter or otherwise, during the preceding calendar year. Any change that affects the boundaries of districts or the classification of land will be in full force and effect 10 days after the publication of the amending ordinance, regardless of whether the change has yet been incorporated in the Official Zoning Map. If no changes to the Official Zoning Map were made in the preceding calendar year, no new map need be prepared. Copies of all amending ordinances and of the Official Zoning Map shall be available for public reference in the office of the Village Clerk.

Sec. 46-37. – Interpretation of district boundaries.

Where uncertainty exists with respect to the boundaries of any districts as shown on the Official Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the centerlines of alleys, streets or highways, said alley, street lines, or highway right-of-way lines function as such boundaries.

2. Where district boundaries are so indicated that they approximately follow the lot lines, such lines function as said boundaries.

3. Where a district boundary line does not coincide with any of the lines described in Items 1 or 2 of this section, the district boundary line in question is located where shown on the Official Zoning Map.

4. Whenever any street, alley or other public way is legally vacated, the districts adjacent to each side of the vacated public way shall automatically extend to the center of the vacated public way. All area included in the vacated public way shall be subject to all appropriate regulations of the extended districts.

Sec. 46-38. – Classification of land subsequently in village jurisdiction.

1. Automatic classification

All land that may hereafter be incorporated into the jurisdictional area of the village, whether through annexation or otherwise, will automatically be classified from its current classification under the county zoning ordinance to a classification under this Chapter, as indicated in Table 3-1, unless a valid annexation agreement in effect provides otherwise:

Table 3-1. County Zoning District to Village Zoning District Conversion

Zoning District in Champaign County	Village Zoning District
C-R	AG
AG-1	AG
AG-2	AG
R-1	R-1
R-2	R-2
R-3	R-3
R-4	R-4
R-5	R-3
B-1	C-1
B-2	C-1
B-3	C-2
B-4	C-2
B-5	C-2
I-1	I-1
I-2	I-2

2. Annexation agreements.

All land that is the subject of an annexation agreement concerning its zoning classification will, unless the annexation agreement expressly provides otherwise, be automatically reclassified from its current zoning classification under the Champaign County Zoning Ordinance to a zoning classification pursuant to and in accordance with the provisions of the annexation agreement upon the effective date of the annexation agreement.

Secs. 46-39. – 46-50. – Reserved.

ARTICLE 4: RESIDENTIAL DISTRICTS

Sec. 46-51. – District purpose statements.

1. R-1 Single-Family Residential District

The R-1 Single-Family Residential District is intended for areas of detached single-family dwellings sited on lots with a minimum area of 7,000 square feet that are served by municipal sewer and water. Limited compatible uses such as recreational, educational, and cultural facilities may be permitted.

2. R-2 Single-Family Residential District

The R-2 Single-Family Residential District is intended for areas of detached single-family dwellings sited on lots with a minimum area of 6,000 square feet that are served by municipal sewer and water. Limited compatible uses such as recreational, educational, and cultural facilities may be permitted.

3. R-3 Single-Family/Duplex Residential District

The R-3 Single-Family/Duplex Residential District is intended for areas of medium-density single-family detached dwellings and duplex dwellings that are served by municipal sewer and water. This district also allows for higher-density residential uses with a special use permit, and for compatible recreational, educational, and cultural facilities.

4. R-4 General Multifamily Residential District

The R-4 General Multifamily Residential District is intended for areas of single-family detached dwellings, duplex dwellings, townhomes, and multi-family dwellings, served by municipal sewer and water, and compatible recreational, educational, and cultural facilities.

5. M-1 Mobile Home District

The M-1 Mobile Home District is intended to provide for mobile homes in existing mobile home parks, served by municipal sewer and water.

Sec. 46-52. – Common lot line dwelling units.

1. Common lot line dwelling units in R-1 and R-2 districts

Not more than two common lot line dwelling units shall be permitted to be attached in the R-1 and R-2 districts. Table 4-1 contains the standards for minimum lot area, lot width, and building size for each such common lot line dwelling unit.

2. Common lot line dwelling units in R-3 and R-4 districts

Not more than six common lot line dwelling units shall be permitted to be attached in the R-3 and R-4 districts. Table 4-1 contains the standards for minimum lot area, lot width, and building size for each such common lot line dwelling unit.

Sec. 46-53. – Additional use regulations within the R-4 General Multifamily Residential District.

1. When designed as an integral part of a residential use on the same zoning lot in the R-4 district, any use permitted on the C-1, C-2, or CB districts shall be permitted on the ground level in the R-4 district provided that such use:

- a. does not exceed 25 percent of the zoning lot area; and
- b. does not exceed 1,500 square feet for any individual use or 5,000 square feet for any aggregate use.

Sec. 46-54. – Area, height, and placement requirements.

Table 4-1 establishes area, height, and placement requirements for structures and uses in the residential districts. These regulations apply to all structures and uses within each district unless a different standard is listed for a specific use.

Table 4-1. Table of Area, Height, and Placement Regulations in Residential Districts

	R-1	R-2	R-3	R-4	M-1
Minimum Lot Area (square feet)					
Single-family dwelling	7,000	6,000	6,000	6,000	3,200
Duplex dwelling			7,500	7,500	
Townhouse building			8,500	8,500	
Multi-family dwelling ¹				4,500 – 7,500	
Average Lot Width at Building Line (feet)					
Single-family dwelling	70	50	50	50	
Duplex dwelling			30	25	
Townhouse			20	20	
Minimum Open Space					
Single-family dwelling or duplex dwelling	70%	70%	70%	70%	60%
Townhouse building or multi-family dwelling			70%	60%	
Minimum Building Size at Ground Level excluding Unenclosed Porches, Terraces, and Garages (square feet)					
One-story	1,080	1,080	680	680	
Two or more stories	600	600	400	400	
Maximum Building Height²					
Feet	35	35	35	35	30
Stories	2.5	2.5	2.5	2.5	
Required Yard Setback (feet)					
Front	25	25	25	25	15
Corner Side	25	25	25	25	10
Side ³	10	5	5	5	10
Rear	30	20	25	25	10

Table 4-1 Notes:

1. For a multi-family dwelling in the R-4 district, the minimum lot area required per dwelling unit is as follows:

- One bedroom: 1,500 square feet
- Two-bedroom: 2,000 square feet
- Three-bedroom: 2,500 square feet

2. For nonresidential principal buildings, the height may be increased to 65 feet, provided one corresponding foot of width or depth is added to each yard requirement for every foot of height in excess of 35 feet. For semi-detached duplex dwellings, a side yard is required only along the side lot line where the party wall between dwellings is not located

3. For a townhouse building, a side yard is required only for end units.

Sec. 46-55. – Dimensional and placement standards for accessory structures.

1. Chimneys, towers, elevator bulkheads, public monuments, stacks, tanks, spires, church steeples, antennas, flag poles, and necessary mechanical devices accessory to the principal use on a lot may be erected to a height of no more than 65 feet if any such structure or facility is set back from the nearest property line by 50 percent of the structure's height.

2. Table 4-2 establishes height and placement requirements for accessory structures in the residential districts, unless a more restrictive standard for a specific accessory structure is provided in Article 11: Site Development Standards.

Table 4-2. Dimensional and Placement Standards for Accessory Structures in Residential Districts

	R-1	R-2	R-3	R-4	M-1
Maximum dimensions of a detached garage structure accessory to any residential use					
Width (feet)	30	30	30		
Depth (feet)	26	26	26		
Maximum height of a detached garage accessory to any residential dwelling use					
Height (feet)	14	14	14	20 ¹	
Number of Stories	1	1	1		
Maximum height of other structure accessory to any residential dwelling use²					
Height (feet)	14	14	14	14	
Number of Stories	1	1	1	1	
Required yard setback for a detached garage accessory to any residential dwelling use					
Side yard not abutting a street (feet)	10	5	5	5	
Rear (feet)	10	10	10	25	
Required yard setback for other detached structure accessory to any residential use					
Side yard not abutting a street (feet)	2	2	2	5	
Rear (feet)	3	3	3	25	

Table 4-2 Notes:

1. In the R-4 District, the maximum height for a detached garage may not exceed the height of the principal building.

2. Except as allowable in accordance with provisions of Section 46-54, Item 1.

Sec. 46-56. – Design standards: R-1, R-2, R-3, and R-4 Districts.

1. The following design standards apply to new construction, substantial repair or rehabilitation meant to remedy damage or deterioration of the exterior façade of an existing structure, and additions to an existing structure. These standards are not intended to restrict imagination, innovation, or variety, but rather to promote design principles for creative solutions that uphold property values and avoid monotony of design.

- a. Only those standards that relate to the specific repair, rehabilitation, or addition apply.
- b. These standards do not apply to interior remodeling or improvements.
- c. Buildings that are part of a planned unit development are exempt from the standards of this section.
- d. No required building permit will be issued except upon submittal of a development plan, as may be required upon determination by the zoning administrator for PZC review and approval in conformance with the procedures set forth in Article 16: Building Permit Application Procedures.

2. Building color

If used, bright or brilliant colors shall be used for accent only and must be limited to 25 percent of the building façade.

3. Avoidance of visual monotony

- a. Building wall façades fronting a public way or adjacent to residential zoning must incorporate at least two of the following elements or equivalent design elements:
 - i. Change in wall plane
 - ii. Mix of building materials
 - iii. Decorative building materials
 - iv. Decorative windows or doors
- b. Each building must have a clearly defined, prominent, primary entrance that features at least two of the following or equivalent design elements:
 - i. Canopies and awnings
 - ii. Porticos, arches, pillars
 - iii. Decorative doors
 - iv. Entry recesses or projections
 - v. Raised cornice, parapets
 - vi. Peaked roof forms
- c. Rooflines exceeding 75 feet in length fronting a public street or adjacent to a residential district shall incorporate one of the following elements:
 - i. Change in roof plane
 - ii. Mix of roof styles
 - iii. Decorative roof materials
 - iv. Dormers, gables, gable vents, mansards
 - v. Cupolas, steeples, clock tower

4. Single-family detached dwellings in subdivisions platted on or after January 1, 2008, and duplex dwellings in subdivisions platted on or after [date of adoption of this Chapter], shall not be similar in appearance, identical, or nearly identical.
 - a. A single-family detached dwelling is similar in appearance, identical, or nearly identical to another single-family detached dwelling in a subdivision if it is located within a distance of four adjacent lots on the same side of the street, or within a distance of two adjacent lots immediately across the same street, from another single-family detached dwelling and if any three same of the following characteristics are present in both single family dwellings:
 - i. Roof type (gable, hip, mansard, gambrel, flat or combination);
 - ii. Roof height;
 - iii. Approximate dimensions (height and length) of the façade closest to the front lot line;
 - iv. Shape of the front façade silhouette;
 - v. Relative locations and sizes of windows in the front elevation;
 - vi. Relative location and dimensions of garage door, if included on the front elevation;
and
 - vii. Type of siding (e.g., brick veneer, lapped horizontal siding, half-timber, board and batten, shakes, etc.) on the front elevation.
 - b. A duplex dwelling shall be deemed to be similar in appearance, identical, or nearly identical to another duplex dwelling in the same subdivision if located within a distance of four adjacent lots on the same side of the street, or within a distance of two adjacent lots immediately across the same street, from another duplex dwelling with any three same characteristics listed in Item 3.a. above.
5. Townhouse dwellings and townhouse buildings in subdivisions platted on or after [date of adoption of this Chapter] shall not be similar in appearance, identical, or nearly identical.
 - a. A townhouse building shall be deemed to be similar in appearance, identical, or nearly identical to another townhouse building if located adjacent on the same side of the street or across the same street from a townhouse building that has three characteristics listed in Item 3.a. above that are the same.
 - b. The orientation of townhouse buildings to the street must be varied to avoid a regular pattern.
 - c. To allow for lessening of the visual impact of individual adjacent driveways and visual dominance of townhouse buildings in a townhouse development, a planting area with a minimum width of eight feet and a minimum length of 18 feet shall be provided between adjacent driveways located in required front yards or corner side yards.

Secs. 46-57. – 46-60. – Reserved.

ARTICLE 5: CENTRAL BUSINESS DISTRICT & COMMERCIAL DISTRICTS

Sec. 46-61. – District purpose statements.

1. C-1 Neighborhood Commercial District

The C-1 Neighborhood Commercial District is intended for primarily retail uses that serve the adjacent neighborhoods. The C-1 District applies to clusters of commercial uses in close proximity to residential neighborhoods.

2. CB Central Business District

The CB Central Business District is intended to provide for a mix of commercial, residential, and other uses in a walkable environment in the historical central business area of the village. Future mixed-use development is encouraged, and residential dwelling units are permitted above the ground floor. The essential interdependence of activities is given precedence over any desire to require automobile parking spaces adjacent to each building, although provisions are made for the cooperative development of off-street parking facilities.

3. C-2 General Commercial District

The C-2 General Commercial District is intended to provide a variety of commercial uses meeting the general shopping, service, and business needs of the Village and wider geographic area.

4. C-3 Interstate Commercial District

The C-3 Interstate Commercial District is intended to provide for large, high-intensity commercial uses that draw customers from a regional market area. This district is most appropriately located along major thoroughfares and highways with high visibility and accessibility.

5. C-4 Commercial/Industrial District

The C-4 Commercial/Industrial District is intended to provide for a mix of commercial and light industrial uses related to research and development, engineering and testing, office uses, warehousing, and limited manufacturing and industrial activities that will not have an adverse effect upon the district or neighboring properties. In addition, lower-intensity commercial uses are permitted in this district to provide convenient access to goods and services for employees and patrons in this district. Light industrial uses are permitted by right, and general industrial

uses may be permitted as a special use, depending on the attributes of the proposed general industrial use. This district may be located adjacent to recreation, residential or institutional uses with appropriate screening or other conditions and restrictions.

Sec. 46-62. – Area, height, and placement requirements.

Table 5-1 establishes area, height, and placement requirements for the commercial districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use.

Table 5-1. Table of Area, Height, and Placement Regulations in Commercial Districts

	C-1	CB	C-2	C-3	C-4
Minimum Lot Area (square feet)	6,000		6,000		
Average Lot Width at Building Line (feet)	50		50		
Maximum Floor Area Ratio	0.83		1.00	1.00	
Minimum Open Space	50%	10%	10%		10%
Maximum Building Height¹					
Feet	30	45	35	40 ²	35
Stories	2		2.5	3 ²	2.5
Required Yards (feet)					
Front	25		10	50	35
Corner Side	12		5	50	15
Side ³	12		5	50	15
Rear	30		5	50	35
Required Yard if Adjacent to Interstate (feet)	100		100	100	100
Landscape Buffer⁴ if Adjacent to Interstate (feet)	25		25	25	25
Landscape Buffer⁴ if Adjacent to Residential District (feet)	15	15	15	15	15

Table 5-1 Notes:

1. For nonresidential principal buildings, the height may be increased to 65 feet, provided one corresponding foot of width or depth is added to each yard requirement for every foot of height in excess of 35 feet.
2. Maximum height may be increased, if applicable, to a height that is equal to 50 percent of the horizontal distance from the building to any property line.
3. Except where a party wall exists with an adjoining building.
4. The landscape buffer requirement, if applicable, is more restrictive than the required yard, and the landscape buffer requirement governs. A landscape buffer must meet requirements as established in Article 13 of this Chapter.

Sec. 46-63. – Dimensional and placement standards for accessory structures.

1. Chimneys, towers, elevator bulkheads, public monuments, stacks, tanks, spires, church steeples, antennas, flagpoles, and necessary mechanical devices accessory to the principal use may be erected to a height of no more than 65 feet, if any such structure or facility is set back from the nearest property line by 50 percent of the structure's height.
2. Temporary storage of inoperable vehicles in a required yard
 - a. Where the permitted principal use is vehicular sales or vehicular repair, the temporary storage of wrecked, damaged, disrepaired, or otherwise inoperable vehicles that are scheduled for repair or maintenance in the regular course of business of a permitted use in the C-2 or C-3 District is permitted in any side or rear yard that is completely enclosed or surrounded by a visual barrier that complies with the standards set forth in Article 13 of this Chapter.
 - b. On corner lots located at the intersection of any two streets, the required front yard not otherwise designated as the mailing or postal address of the corner lot may be treated as a side yard where such temporary storage shall be permitted.

3. Fuel dispensing devices in C-3 District

Fuel dispensing devices in the C-3 district are exempt from the front yard and corner side yard requirements but must be set back from the front lot line and corner side yard lot line by a distance of at least 35 feet.

Sec. 46-64. – Design standards in the C-1, C-2, C-3, and C-4 Districts.

1. The following design standards apply to new construction, substantial repair or rehabilitation meant to remedy damage or deterioration of the exterior façade of an existing structure, and additions to an existing structure.

- a. Only those standards that relate to the specific repair, rehabilitation, or addition apply.
- b. These standards do not apply to interior remodeling or improvements.
- c. Buildings that are part of a planned unit development are exempt from the design standards of this section.
- d. No required building permit will issued except upon submittal of a development plan, as may be required upon determination by the zoning administrator for PZC review and approval in conformance with the procedures set forth in Article 16: Building Permit Application Procedures.

2. Building design and materials

- a. It is required that the following building materials not be used as primary surface finish material, but instead, if used, that they be used only as decorative or detail elements or as part of the exterior construction that is not used as a surface finish material:
 - i. Corrugated metal.
 - ii. Aluminum, steel, or other metal sidings
 - iii. Exposed aggregate (rough finish) concrete wall panels
 - iv. Exterior insulating finish systems (EIFS); especially the use of EIFS as a primary or decorative building material at any point up to four feet in height on a structure's façade.
 - v. Plastic
 - vi. Vinyl
- b. It is required that use of the following building materials be avoided:
 - i. Plain concrete block
 - ii. T-111 composite plywood siding

3. Entrance design and siting

- a. It is required that all buildings have a public entrance from the sidewalk along the primary building frontage, and that public entrances be visually distinctive from the remaining portions of the façade along which they are located.
- b. It is required that a pedestrian link be provided to connect to existing public right-of-way sidewalks and any adjacent development to ensure safe pedestrian access between the development and adjacent uses outside the development.

4. Façade design

- a. It is required that building facades in excess of 50 feet along public rights-of-way include a repeating pattern with no less than two of the following elements: color change, texture change, material module change, or a wall articulation change of no less than two feet in depth, such as a reveal, pilaster, or projecting rib. It is required that such façade elements repeat at intervals of no more than 40 feet.
- b. It is required that, if used, bright or brilliant colors be used for accent only and be limited to 25 percent of the building façade.

5. Window design

- a. It is required that building facades that are adjacent to a public street include windows to maintain a minimum transparency of 30 percent, measured between two and 10 feet in height from grade.
- b. It is required that windows be constructed of clear or lightly tinted glass, and that the use of tinted glass above 20 percent and reflective glass be avoided.

6. Roof design

- a. It is required that rooflines of buildings that are over 100 linear feet in façade length be varied, with a variation in roof height occurring no more than every 50 linear feet of building frontage, with a minimum dimension of two feet for vertical variation.
- b. It is required that parapet walls feature three-dimensional cornice treatments or other shadow-creating details along their tops.
- c. It is required that roof-top mechanical and other equipment be screened from public streetscape view.
- d. Green roof, blue roof, and white roof designs are encouraged.
- e. It is required that use of the following roof materials be avoided:
 - i. Corrugated metal, not including standing seam metal roofs

- ii. Reflective surfaces that produce glare, not including solar panels

Sec. 46-65. – Design standards in the CB District.

1. Items 1., 2., 3., and 6. of Section 46-64 shall apply to new construction in the CB District, including the substantial repair or rehabilitation meant to remedy damage or deterioration of the exterior façade of an existing structure, and additions to an existing structure.

2. Façade design

- a. It is required that new construction of a building façade along a public street avoid excessive monotony in design by having no more than 15 feet of blank wall length without an interruption by at least two of the following: change in plane, change in texture or masonry pattern, windows, trellises with vines, or an equivalent.
- b. It is required that exterior colors, if used, be limited to low to medium saturated chroma, as explained in the Munsell System of Color Notation for primary building colors, and that highly saturated colors, if used, be used only for accent or trim.

3. Window design

- a. It is required that ground floor building facades that are adjacent to a public street include windows to maintain a minimum transparency of 50 percent, measured between two and 10 feet in height from grade.
- b. It is required that windows cover no less than 30 percent on the second floor upper building façade adjacent to a public street, and that windows on the second and higher floors appear operable.
- c. It is required that windows be constructed of clear or lightly tinted glass, and that the use of tinted glass above 20 percent and reflective glass be avoided completely.

4. Awnings and canopies are permitted with the following restrictions:

- a. It is required that all awnings be made of cloth fabric or a cloth composite that has the appearance of cloth.
- b. It is required that no interior lighting be installed within the actual structure of awnings over any public right-of-way except at the building entryway, where light up to five footcandles at grade is encouraged.
- c. It is required that awnings and canopies be mounted no higher than 12 inches below the storefront

cornice, and that all awnings and canopies have a minimum vertical clearance of eight feet above the sidewalk.

- d. It is required that awnings and canopies be attached directly to the building without requiring poles or sidewalk support.
- e. It is required that on buildings wider than 25 feet, that awnings and canopies be segmented to articulate each display window.
- f. It is required that awnings and canopies not cover more than 25 percent of storefront windows.

Secs. 46-66 – 46-70. – Reserved.

ARTICLE 6: INSTITUTIONAL DISTRICT & RECREATION DISTRICT

Sec. 46-71. – District purpose statements.

1. IN Institutional District

The IN Institutional District is intended to provide for institutional uses including, but not limited to, educational facilities, health care facilities, and places of worship.

2. RC Recreation District

The RC Recreation District is intended to provide active and passive recreational areas, including, but not limited to, golf courses, tennis courts, swimming facilities, youth centers, athletic facilities, parks and open space, and related uses.

Sec. 46-72. – Area, height, and placement requirements.

Table 6-1 establishes area, height, and placement requirements for the Institutional and Recreation Districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use.

Table 6-1. Table of Area, Height, and Placement Regulations for Institutional and Recreation Districts

	IN	RC
Minimum Lot Area (square feet)	50,000	50,000
Average Lot Width at Building Line (feet)	100	100
Maximum Floor Area Ratio	0.83	1.00
Minimum Open Space	50%	
Maximum Building Height¹		
Feet	35	35
Stories	2.5	2.5
Required Yards (feet)		
Front	30	30
Corner Side	50	50
Side	20	20
Rear	50	50
Required Yard if Adjacent to Interstate (feet)	100	100
Landscape Buffer² if Adjacent to Interstate (feet)	25	25
Landscape Buffer² if Adjacent to Residential District (feet)	15	15

Table 6-1 Notes:

1. For nonresidential principal buildings, the height may be increased to 65 feet, provided that one corresponding foot of width or depth is added to each yard requirement for every foot of height in excess of 35 feet.
2. A landscape buffer must meet requirements as established in Article 13 of this Chapter.

Sec. 46-73. – Dimensional and placement standards for accessory structures.

1. Chimneys, towers, elevator bulkheads, public monuments, stacks, tanks, spires, church steeples, antennas, flagpoles, and necessary mechanical devices accessory to the principal use may be erected to a

height of no more than 65 feet, if any such structure or facility is set back from the nearest property line by 50 percent of the structure's height.

Sec. 46-74. – Design standards in the IN and RC Districts.

1. The following design standards apply to new construction, substantial repair or rehabilitation meant to remedy damage or deterioration of the exterior façade of an existing structure, and additions to an existing structure.

- a. Only those standards that relate to the specific repair, rehabilitation, or addition apply.
- b. These standards do not apply to interior remodeling or improvements.
- c. Buildings that are part of a planned unit development are exempt from the design standards of this section.
- d. No required building permit will be issued except upon submittal of a development plan, as may be required upon determination by the zoning administrator for PZC review and approval in conformance with the procedures set forth in Article 16: Building Permit Application Procedures.

2. Building design and materials

- a. It is required that the following building materials not be used as primary surface finish material, but instead, if used, that they be used only as decorative or detail elements or as part of the exterior construction that is not used as a surface finish material:
 - i. Corrugated metal
 - ii. Aluminum, steel, or other metal sidings
 - iii. Exposed aggregate (rough finish) concrete wall panels
 - iv. Exterior insulating finish systems (EIFS); especially the use of EIFS as a primary or decorative building material at any point up to four feet in height on a structure's façade.
 - v. Plastic
 - vi. Vinyl
- b. It is required that the following building materials be avoided:
 - i. Plain concrete block
 - ii. T-111 composite plywood siding

3. Entrance design and siting.

- a. It is required that all buildings have a public entrance from the sidewalk along the primary building frontage, and that public entrances be visually distinctive from the remaining portions of

the façade along which they are located.

- b. It is required that a pedestrian link be provided to connect to existing public right-of-way sidewalks and any adjacent development to ensure safe pedestrian access between the development and adjacent uses outside the development.

4. Façade design

- a. It is required that building facades in excess of 50 feet along public rights-of-way include a repeating pattern with at least two of the following elements: color change, texture change, material module change, or a wall articulation change of no less than two feet in depth, such as a reveal, pilaster, or projecting rib. It is required that such facade elements repeat at intervals of no more than 40 feet.
- b. It is required that, if used, bright or brilliant colors be used for accent only and be limited to 25 percent of the building façade.

5. Window design

- a. It is required that building facades that are adjacent to a public street include windows to maintain a minimum transparency of 30 percent, measured between two and 10 feet in height from grade.
- b. It is required that windows be constructed of clear or lightly tinted glass, and that the use of tinted glass above 20 percent and reflective glass be avoided.

6. Roof design

- a. It is required that rooflines of buildings that are over 100 linear feet in façade length be varied, with a variation in roof height occurring no more than every 50 linear feet of building frontage, with a minimum dimension of two feet for vertical variation.
- b. It is required that parapet walls feature three-dimensional cornice treatments or other shadow-creating details along their tops.
- c. Green roof, blue roof, and white roof designs are encouraged.
- d. It is required that use of the following roof materials be avoided:
 - i. Corrugated metal, not including standing seam metal roofs
 - ii. Reflective surfaces that produce glare, not including solar panels

Secs. 46-75. – 46-80. – Reserved.

ARTICLE 7: INDUSTRIAL DISTRICTS & AGRICULTURAL DISTRICT

Sec. 46-81. – District purpose statements.

1. I-1 Industrial District

The I-1 Industrial District is intended to provide for light industrial, manufacturing, processing, and assembly plants where the scale of operations is such that the resulting amount of dust, gas, smoke, odor, or noise will not be detrimental to property or to the health of people in surrounding residential or commercial districts.

2. I-2 Industrial District

The I-2 Industrial District is intended to provide for the more intense types of industrial and manufacturing uses that generally exhibit higher levels of objectionable external effects. Uses permitted in this district may provide for basic industries needed to expand employment opportunities within the village. This district should not be located adjacent to residential districts, and its contiguity to commercial, recreational, and institutional areas should be avoided wherever possible.

3. AG Agriculture District

The AG Agriculture District is intended to prevent scattered or sprawling development in areas that are presently used for agricultural purposes or that are predominantly vacant, and to ensure that large areas of vacant land can be preserved for future development according to economic and physical need.

Sec. 46-82. – Area, height, and placement requirements.

Table 7-1 establishes area, height, and placement requirements for the I-1 Industrial, I-2 Industrial, and AG Agriculture Districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use.

Table 7-1. Table of Area, Height, and Placement Regulations for I-1 Industrial, I-2 Industrial, and AG Agriculture Districts

	I-1	I-2	AG
Minimum Lot Area (square feet)	8,000	50,000	25,000 ¹
Average Lot Width at Building Line (feet)	70	100	100 ¹
Minimum Open Space	50%	50%	80%
Maximum Building Height¹			
Feet	35	35	35
Stories	2.5	2.5	2.5
Minimum Building Size at Ground Level, excluding Unenclosed Porches, Terraces, and Garages (square feet)			
One story			680 ¹
Required Yards (feet)			
Front	30	30	25
Corner Side	10	20	25
Side	10	20	10
Rear	20	50	25
Corner Side adjacent to Residential District	50		
Side adjacent to Residential District	20		
Rear adjacent to Residential District	50		
Required Yard if Adjacent to Interstate (feet)	100	100	100 ¹
Landscape Buffer² if Adjacent to Interstate (feet)	25	25	
Landscape Buffer² if Adjacent to Residential District (feet)	15	15	15

Table 7-1 Notes:

1. Minimum for a residential building.

2. For nonresidential principal buildings, the height may be increased to 65 feet, provided that one corresponding foot of width or depth is added to each yard requirement for every foot of height in excess of 35 feet.

Sec. 46-83. – Dimensional and placement standards for accessory structures.

1. Chimneys, towers, elevator bulkheads, public monuments, stacks, tanks, spires, antennas, flagpoles, and necessary mechanical devices accessory to the principal use may be erected to a height of no more than 65 feet, if any such structure or facility is set back from the nearest property line by 50 percent of the structure's height.

Sec. 46-84. – Design standards in the I-1, I-2, and AG Districts.

1. The following design standards apply to new construction, substantial repair or rehabilitation meant to remedy damage or deterioration of the exterior façade of an existing structure, and additions to an existing structure.

- a. Only those standards that relate to the specific repair, rehabilitation, or addition apply.
- b. These standards do not apply to interior remodeling or improvements.
- c. Buildings that are part of a planned unit development are exempt from the design standards of this section.
- d. No required building permit will be issued except upon submittal of a development plan, as may be required upon determination by the zoning administrator for PZC review and approval in conformance with the procedures set forth in Article 16: Building Permit Application Procedures.

2. Entrance design and siting.

- a. It is strongly encouraged that all buildings have a public entrance from the sidewalk along the primary building frontage, and that public entrances be visually distinctive from the remaining portions of the façade along which they are located.
- b. It is strongly encouraged that a pedestrian link be provided between existing public right-of-way sidewalks and any adjacent commercial development to ensure safe pedestrian access between the development and adjacent commercial uses outside the development.

3. Façade design

- a. It is strongly encouraged that building facades in excess of 50 feet along public rights-of-way include a repeating pattern with at least two of the following elements: color change, texture

change, material module change, or a wall articulation change of no less than two feet in depth, such as a reveal, pilaster, or projecting rib. It is strongly encouraged that such facade elements repeat at intervals of no more than 40 feet.

- b. It is strongly encouraged that, if used, bright or brilliant colors be used for accent only and be limited to 25 percent of the building façade.

4. Roof design

- a. It is strongly encouraged that rooflines of buildings that are over 100 linear feet in façade length be varied, with a variation in roof height occurring no more than every 50 linear feet of building frontage, with a minimum dimension of two feet for vertical variation.
- b. Green roof, blue roof, and white roof designs are encouraged.

Secs. 46-85. – 46-90. – Reserved.

ARTICLE 8: AIRFIELD DISTRICT & CHANUTE REUSE OVERLAY DISTRICT

Sec. 46-91. – District purpose statements.

1. AF Airfield District

The AF Airfield District is intended to provide for a regional airport with any supporting structures, uses, and equipment necessary for its operation.

2. CR Chanute Reuse Overlay District

The CR Chanute Reuse Overlay District is an overlay district that encompasses the area formerly constituting Chanute Air Force Base in the Village. The CR District modifies or supplements the standards and requirements of the underlying districts. Those standards and requirements of the underlying districts that are not specifically modified by the terms of the CR district shall remain in full force and effect.

3. The CR District is intended:

- a. to provide for the appropriate use of any land located in the former Chanute area from and after the date of any respective conveyance by the United States of America of any interest in such land to any other party; the United States of America relinquished and retroceded its operational and exclusive jurisdiction over Chanute, and the governor of the state accepted such jurisdiction for and on behalf of the state on January 4, 1994; and
- b. to alleviate any practical difficulties or unnecessary hardships that may be associated with the strict application of the provisions of this Chapter in connection with any subdivision of land upon Chanute due to the unusual conditions associated with existing development on Chanute and/or the size or shape of the tracts of land so transferred by the United States to any other party.

Sec. 46-92. – Area, height, and placement requirements.

1. All structures and buildings shall conform, as applicable, to the regulations and standards of the Federal Aviation Administration, Federal Communications Commission, and Illinois Department of Transportation, Division of Aeronautics.

2. Buildings and structures in the AF District must not exceed a height of 50 feet provided all provisions of this Chapter are met.

3. Buildings and structures in zoning districts governed by the CR District standards are subject to the dimensional and placement standards for the district in which they are located.

Sec. 46-93. – Chanute Reuse Overlay District standards.

1. Requested and approved waivers

- a. Any building or structure that lawfully existed on the date of any respective conveyance by the United States of America to any other party of the underlying land (an "existing structure"), and the respective zoning lot upon which such existing structure is located, as such zoning lot is so created and established on a recorded final plat for the subdivision of land (a "Final Plat") upon the area formerly constituting Chanute Air Force Base ("Chanute"), which was duly authorized and approved by the Village Board in connection with the village Subdivision Ordinance 1988, as supplemented and amended (the "subdivision ordinance"), shall be entitled to have such height, minimum lot area, lot width, front yard, side yard, rear yard and building coverage with respect thereto as is specifically identified on such final plat or supporting documents as a requested waiver duly granted by the Village Board in connection with any such requirement as may otherwise be provided in the subdivision ordinance or in this Chapter for the applicable district where any such existing structure or zoning lot is located.
- b. For the purposes of this section, any existing structure consisting of a duplex dwelling, a rowhouse or townhouse building, or a multi-family dwelling shall be deemed to be one existing structure occupying one zoning lot. Anything in this Chapter to the contrary notwithstanding, no such zoning lot (or smaller subdivided lot per dwelling unit) shall be further reduced, nor shall any existing structure be further enlarged, extended, expanded, or altered in any manner so as to further reduce any requirement as waived by the Village Board for any height, lot area, lot width, front yard, side yard, rear yard or building coverage requirement as provided in this Chapter for the applicable district where any such existing structure or zoning lot is located, unless a variance is otherwise granted for such purpose under and pursuant to the applicable provisions of this Chapter.

2. Common lot line dwelling units or condominiums

In connection with any final plat for Chanute that proposes any conveyance of ownership of any dwelling unit within a duplex dwelling, rowhouse or townhouse building, or multi-family dwelling must be separated from any other attached dwelling unit by a soundproof fire separation wall with a fire-resistive rating in compliance with the building code. Such dwelling unit must also, to the extent practicable, have independent heating, electrical, water and wastewater systems with separate meters for

each dwelling unit. In addition, each such final plat must be accompanied by a form of covenants and restrictions set forth in an owner's certificate or an agreement by and between the original owner and any future owner who may own, use, rent, or otherwise occupy the dwelling unit, which shall provide for each of the following, as applicable:

- a. The establishment of a homeowner's association, which may be an incorporated association or other declarant entity, including provisions for a governing board and for dues and assessments to preserve and maintain all common facilities that may be accomplished by a lien on any individual dwelling unit within the existing structure if the dues and assessments remain unpaid.
- b. Rules and regulations regarding the maintenance, upkeep, and repair of any existing structure, including, but not limited to, party walls; any common areas; roofs; any areas of pavement surfaces, including private sidewalks, drives, off-street parking facilities; and similar improvements.
- c. The repair and maintenance of any private sewers, water lines, or electrical facilities.
- d. Where separate meters are not provided for heating, electrical, water and wastewater systems for each dwelling unit, provisions for the payment of any such utility services.
- e. Insurance to cover any existing structures, public liability insurance, and, if desired, homeowner's insurance for each individual dwelling unit.
- f. The repair or reconstruction of any individual dwelling unit when an individual dwelling unit within an existing structure is damaged or destroyed.

Secs. 46-94. – 46-100. – Reserved.

ARTICLE 9: AUTHORIZED USES

Sec. 46-101. – General use permission.

No structure or land may be used or occupied except in conformity with the regulations for the zoning district in which it is located.

Sec. 46-102. – Authorized use table.

1. Table 9-1 identifies the principal, special, and temporary uses allowed within each zoning district.
2. Based on Table 9-1 specifications:
 - a. If a use or activity requires a building permit, then that use or activity may be authorized upon application for and issuance of a building permit in accordance with Article 16 of this Chapter.
 - b. If a use or activity requires a special use permit, then that use or activity may be authorized upon application for and issuance of a special use permit in accordance with Article 17 of this Chapter.
 - c. A temporary use may be authorized upon application for and issuance of a temporary use permit in accordance with Article 16 of this Chapter.
3. If Table 9-1 contains a cell that is blank, then that use is not allowed in the district.

Sec. 46-103. – Interpretation of materially similar uses.

1. It is the intent of Table 9-1 to group similar or compatible land uses into specific zoning districts, either as permitted uses or as uses authorized by a special use permit.
2. All questions regarding a use not included in Table 9-1 should be presented to the Zoning Administrator. The Zoning Administrator will interpret whether a use not included in Table 9-1 can reasonably be interpreted to fit into a use category where similar uses are described, and will record his or her decision in writing.

Sec. 46-104. – Uses preempted by state statute.

Notwithstanding any provision of this section to the contrary, uses that are required to be permitted in any zoning district by state statute may be permitted in accordance with state law whether or not the use is included in Table 9-1.

P	By right with a Building Permit required
S	Special Use Permit required
T	By right with a Temporary Use Permit required
	Not permitted

Table 9-1. Table of Authorized Uses by District

Principal Uses	AG	R-1	R-2	R-3	R-4	M-1	C-1	CB	C-2	C-3	C-4	AF	IN	RC	I-1	I-2
Agriculture																
Agriculture	P															
Crop production	P	P	P	P	P						S			S	S	S
Commercial breeding facility	P										S				S	
Feed and grain sales	P								P		P				P	
Grain storage elevator and bins	S										S				S	S
Livestock sales facility and stockyards	S															
Medical cannabis cultivation center	P										P				P	P
Plant nursery or greenhouse	P						P	S	P	P	P				P	
Roadside produce sales stand	P						P		P							
Commercial Buildings																
Vehicular Sales and Service Businesses																
Automobile accessory sales									P	P	P				P	
Automobile sales									P	P	P				P	
Automobile repair, major									P		P				P	
Automobile repair, minor									P	P	P				P	

Principal Uses	AG	R-1	R-2	R-3	R-4	M-1	C-1	CB	C-2	C-3	C-4	AF	IN	RC	I-1	I-2
Vehicular Sales and Service Businesses (continued)																
Automobile washing facility									P	P	P				P	
Bus, truck, mobile home, or large vehicle dealers									S	P	P				P	
Farm equipment sales and service									P		P				P	
Gasoline station									P	P						
Rental car service									P	P	P					
Towing service									S		P				P	
Vehicle care center									P	P	P				P	
Hotels and Other Accommodation Services																
Bed and breakfast inn		S	S	S	P		P	P	P		P					
Boardinghouse or roominghouse					P											
Hotel								P	P	P						
Motel									P	P						
Resort or organized camp														P		
Other Commercial Uses																
Adult entertainment uses								P	P	P	P					
Auction sales (non-animal)								P	P		P					
Café							P	P	P		P					
Convenience store								P	P	P	P					
Country club or golf course		S	S	S	S									P		

Principal Uses	AG	R-1	R-2	R-3	R-4	M-1	C-1	CB	C-2	C-3	C-4	AF	IN	RC	I-1	I-2
Other Commercial Uses (continued)																
Day care facility (includes day care facilities, day care homes, and adult day cares)							P	P	P				P	P		
Department store building								P	P	P	P					
Driving range	P	S	S	S	S				P					P		
Fitness, recreational sports, gym, or athletic club					P		P	P	P	P	P			P		
Kennel	S															
Medical cannabis dispensary							P	P	P	P	P				P	
Miniature golf course								S	P					P		
Movie theater, indoor							P	P	P	P	P					
Movie theater, drive-in	S								S	S				S		
Office building with first-floor retail uses								P	P	P	P					
Office building with upper-floor residential uses							P	P	P	P	P					
Office or bank building, stand-alone, no drive-through facility							P	P	P	P	P					
Indoor recreational facility								P	P	P	P			P		
Outdoor recreational facility							P		P	P	S			P		

Principal Uses	AG	R-1	R-2	R-3	R-4	M-1	C-1	CB	C-2	C-3	C-4	AF	IN	RC	I-1	I-2
Other Commercial Uses (continued)																
Planned Unit Development: Shopping center, convenience							S	S	S	S	S					
Planned Unit Development: Shopping center, general								S	S	S	S					
Planned Unit Development: Other commercial								S	S	S	S					
Restaurant							P	P	P	P	P					
Stand-alone store or shop building							P	P	P	P	P					
Shop or store building, with drive-through facility							P	S	P	P						
Self-storage facility									S	S					P	P
Supermarket or grocery store							P	P	P	P	S					
Tattoo or piercing parlor								P	P	P	P					
Tavern, bar, or nightclub								P	P	P	P					
Wholesale produce terminal								S	S	P					P	
Industrial Buildings and Structures																
Automobile salvage yard , junkyard											S				P	P
Construction or demolition business										P	P				P	P
Construction yard storage										P	P				P	P
Industrial – Light											S				P	P

Principal Uses	AG	R-1	R-2	R-3	R-4	M-1	C-1	CB	C-2	C-3	C-4	AF	IN	RC	I-1	I-2
Industrial Buildings and Structures (continued)																
Industrial – General															P	P
Industrial - Heavy															S	P
Industrial planned unit development															S	S
Landscape business									P	P	P				P	P
Manufacturing facility, artisanal							S	S	P	P	P				P	P
Micro-brewery, micro-distillery, micro-winery								P	P	P	P				P	P
Mini-warehouses									S	P	P				P	P
Recycling business								S	S	S	S				P	P
Solid waste facility															S	S
Solid waste transfer station															S	S
Warehouse with less than 6,000 sq. ft. gross floor area per floor, no outside storage of any kind, and no outside truck parking.											P				P	P
Warehouse											S				P	P
Institutional and Community Facilities																
Animal clinic or animal hospital with no outdoor kennel or outdoor storage	P							S	P	P	P	P			P	
Animal clinic or animal hospital	P							S	S	S	S	S			P	
Cemetery	P															

Principal Uses	AG	R-1	R-2	R-3	R-4	M-1	C-1	CB	C-2	C-3	C-4	AF	IN	RC	I-1	I-2
Institutional and Community Facilities (continued)																
Correctional or rehabilitation facility					S								S		S	S
Emergency and relief services								S	P		P					
Funeral home							S	S	P	P	P					
Hospital									S	S	S		P			
Lodge or club								P	P	P	P			P		
Medical clinic							P	P	P	P	P		P			
Methadone treatment facility	S				S			P	S				P		P	
Mortuary								S	P	P	P		S			
Cremation facility															S	S
Municipal or government building							P	P	P		P		P	P	P	P
Community arts or education facility								P	P	P	P		P	P		
Other social assistance, welfare, or charitable service							P	P	P	P	P		P			
Place of worship	S	S	S	P	P		P	P	P	P	P		P			
Planned unit development													S	S		
Police station or fire station	S	S	S	S	S		P	S	P		P	P	P	P		
Public or private library, museum or gallery		S	S	S	S		P	P	P		P		P			

Principal Uses	AG	R-1	R-2	R-3	R-4	M-1	C-1	CB	C-2	C-3	C-4	AF	IN	RC	I-1	I-2
Institutional and Community Facilities (continued)																
School, including public and private elementary, middle, and high schools	S	P	P	P	P								P			
University/college					S				P				P			
Vocational, trade or business school					S			S	P		P		P		P	
Public Assembly Facilities																
Camp or picnic area	P												P	P		
Exhibition, convention, or conference structure								S	P	P			P	P		
Passive open space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public fairgrounds	S													S		
Public park	S	S	S	S	S		P	P	P	P	P	P	P	P	S	S
Sports stadium or arena									P	P			P	P		
Theater, indoor								P	P	P	P			P		
Theater, outdoor								S	S					P		
Residential Buildings																
Dormitory					P								P			
Dwelling, accessory unit		S	S	S												
Dwelling, duplex				P	P											
Group community residence, Family community residence, Halfway house, Hospice		S	S	S	P											

Principal Uses	AG	R-1	R-2	R-3	R-4	M-1	C-1	CB	C-2	C-3	C-4	AF	IN	RC	I-1	I-2
Residential buildings (continued)																
Dwelling, loft on 2nd and above floors							P	P	P		P					
Dwelling, multi-family					P		S	S	P		P					
Dwelling, multiple-unit common-lot-line		P	S	P	P											
Dwelling, single-family	P	P	P	P	P	P	S		S							
Dwelling, two-unit common-lot-line		P	P	P	P											
Nursing or retirement home or assisted living facility		S	S	S	P		P	S	P		S		P			
Residential planned unit development	S	S	S	S	S											
Shelters (emergency or homeless)					S			S	S				P			
Temporary Uses																
Farmers market							T	T	T	S	S					
Food truck or other mobile food vendor							S	S	S		S					
Temporary mobile sales	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Real estate sales office/model unit		T	T	T	T	T										
Temporary contractor's office	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Temporary outdoor entertainment/promotional event	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S

Principal Uses	AG	R-1	R-2	R-3	R-4	M-1	C-1	CB	C-2	C-3	C-4	AF	IN	RC	I-1	I-2
Temporary Uses (continued)																
Temporary outdoor sales	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Transportation-Related Facilities																
Air freight terminal												P				
Airport												S				
Aviation sales, service or storage												P				P
Heliport, Helipad, or Ultralight Aircraft Landing Area												S				
Passenger terminal (bus or rail)								S	P		P	P				
Principal use parking garage or lot								S	P		S					
Public transit facility							S	S	S	S	S		S	S	P	P
Railroad yard and freight terminal															P	P
Truck stop									S						P	
Truck terminal/truck wash															P	P
Utilities and Other Non-Building Structures																
Aboveground LP tanks and tanks for storage of other flammable liquids and gases used on premises for production purposes only															S	S

Principal Uses	AG	R-1	R-2	R-3	R-4	M-1	C-1	CB	C-2	C-3	C-4	AF	IN	RC	I-1	I-2
Utilities and Other Non-Building Structures (continued)																
Artificial lake of one or more acres	S														S	S
Community garden	P	S	S	S	S		S				S			S		
Electrical substation	P	P	P	P	P	P	P	S	P	P	P	P	P	P	P	P
Radio, television, or wireless transmitter	S							S	S		S				P	P
Sanitary landfill	S															
Sewage treatment plant or lagoon	S														P	P
Utility provider							S	S	P		P				P	P
Water supply-related facility	P	P	P	P	P					P					P	P
Water treatment plant	S														P	P

Sec. 46-105. – Principal use standards.

Where applicable, principal uses are required to comply with all use standards of this section, whether a permitted or special use, in addition to all other regulations of this Chapter.

1. Adult use

- a. No adult use may be maintained or operated in any manner that causes, creates, or allows public viewing of any adult material from any sidewalk, public or private right-of-way, or any property other than the lot or parcel on which the licensed premises is located.
- b. No portion of the exterior of an adult use may install or contain any flashing lights, searchlights, or spotlights, or any other similar lighting systems, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent specifically set forth in Article 14 of this Chapter.
- c. No adult use may be operated within 1,000 feet of an existing:
 - i. Place of worship
 - ii. Educational facility
 - iii. Park, playground, or public multi-use trail

- iv. Residential district or residential dwelling of any type
- v. Designated historical or cultural district
- vi. Cemetery
- vii. Day care center
- viii. Forest preserve
- ix. Retail sales of alcohol
- x. Indoor or outdoor recreation facility that holds youth activities

2. Automobile repair/service: minor and major

- a. Automobile repair/service establishments may not store the same vehicles outdoors on the site for longer than seven days once repair is complete. Only vehicles that have been or are being serviced may be stored outdoors.
- b. All repair and service operations must be performed within a fully enclosed building with closed garage doors. All equipment and parts must be stored indoors.
- c. Automobile repair/service establishments must be screened along interior side and rear lot lines with a solid wall or fence with a height of at least five feet.
- d. No partially dismantled, wrecked, or unlicensed vehicle may be stored outdoors on the premises. This standard does not apply to vehicles under repair.
- e. The sale of new or used automobiles is prohibited.
- f. No motor vehicles may be stored and no repair work may be conducted in the public right-of-way.

3. Community residence

- a. Community residences must meet all federal, state, and local requirements including, but not limited to, licensing, health, safety, and building code requirements.
- b. A copy of state license must be posted and/or otherwise available for public view at the residence at all times.
- c. The lot line of a community residence, family community residence, or group community residence must be at least 500 feet from the nearest lot line of any other community residence, family community residence, or group community residence.

4. Conversion of dwellings

A single-family detached dwelling existing on February 2, 1991, may be converted into and used as a two-family or multifamily dwelling, when authorized as a special exception by the PZC, provided that:

- a. The plan for the conversion of such dwelling shall be submitted to the PZC.
- b. The plan shall provide not less than one on-site parking space per family and must meet site perimeter landscape requirements as applicable.
- c. There shall be no external alteration of the building except as may be necessary for reasons of safety. Fire escapes and outside stairways shall, where practical, shall be located to the rear of the building.
- d. The PZC shall specify the maximum number of dwelling units permitted to occupy such dwelling, and prescribe such further conditions and restrictions in respect to conversion and use of such dwelling, and to the use of the lot, as the commission may consider appropriate.
- e. If meeting the requirements for use in commercial district, existing single-family dwellings that are presently located in commercial districts may be altered to the extent as permitted in the respective district.

5. Contractor storage yard and storage yard (outdoor)

- a. A contractor storage yard and any outdoor storage associated with light or general industrial uses must be completely enclosed along all lot lines by a solid fence or wall of at least eight feet in height, including ingress and egress. Fences or walls along the front or corner side lot line must be set back a minimum of 10 feet and must comply with visibility triangle requirements as indicated in Article 11 of this Chapter, whichever is the greater setback.
- b. The contractor storage yard or outdoor storage yard must be screened in accordance with requirements of Article 13 of this Chapter if the contractor storage yard or outdoor storage yard is not fully screened from public view by a principal building and is located:
 - i. within a commercial district;
 - ii. adjacent to the central business district; or
 - iii. adjacent to a residential district
- c. Storage of any kind is prohibited outside the fence or wall. No items stored within the fence may exceed the height of the fence or wall.
- d. Outdoor storage areas must be surfaced with an all-weather dust-free material and graded to drain all surface water.

6. Day care center

- a. Day care centers must meet all federal, state, and local requirements including, but not limited to, licensing, health, safety, and building code requirements.
- b. Open space and/or recreational areas must be provided as required by the State of Illinois licensing requirements. The outdoor recreational areas must be separated from parking areas and enclosed by a semi-open or closed fence of at least six feet in height. No open space or recreational areas may be located within a required setback.
- c. A pick-up/drop-off area must be provided. When a day care center is part of a multi-tenant retail center, the pick-up/drop-off area must not interfere with vehicle circulation in the parking lot, including blocking the drive aisle.

7. Dwellings in the Commercial/Industrial District and Industrial District

One single-family detached dwelling may be used on any lot located in any industrial district that is unimproved and held in single separate ownership as of February 2, 1991. Such lot shall be used only for such dwelling purposes and accessory uses customarily incidental thereto.

8. Helipad, or heliport, or ultralight aircraft landing area

- a. The helipad or heliport must meet all applicable standards of the U.S. Department of Transportation, Federal Aviation Administration, and the Illinois Department of Transportation, Division of Aeronautics, and must be designed and constructed in accordance with all state and federal regulations.
- b. All structures must meet the setback requirements of the zoning district in which it is located.

9. Mobile home

- a. All inhabited mobile homes must be located in a mobile home park.
- b. No mobile homes shall be located and used for living, sleeping, business, commercial or storage purposes outside of an approved mobile home park.

10. Medical marijuana cultivation center

In accordance with Illinois state law, a medical marijuana cultivation center may not be located within 2,500 feet of:

- a. a pre-existing primary or secondary educational facility;
- b. a day care center; or
- c. any residential zoned property.

Any subsequent amendment to Illinois state law that is more restrictive than this standard will control.

11. Medical marijuana dispensary

In accordance with Illinois state law, a medical marijuana dispensary may not be located:

- a. within 1,000 feet of a pre-existing primary or secondary educational facility;
- b. a day care center; or
- c. in a residential dwelling or within a residential district.

Any subsequent amendment to Illinois state law that is more restrictive than this standard will control.

12. Outdoor market

- a. Temporary stalls or tables are permitted. All tents must meet Village Fire Code requirements.
- b. Sales may involve new and/or used items. The sale of vehicles, heavy equipment, boats, watercraft, agricultural machinery, and similar goods is prohibited.
- c. Any sales of food products must meet all rules and regulations of, and require approval of, the Champaign County Health Department.
- d. Individual sellers at the outdoor market need not be the same each time the market is in operation.

Sec. 46-106. – Temporary use standards.

Temporary uses are required to comply with the use standards of this section, in addition to all other regulations of this Chapter. Applicants for a temporary use must apply for a temporary use permit, or a special use permit if so indicated in Table 9-1. The following standards apply to temporary uses located on private property.

1. Farmers' market

- a. The timeframe of a farmers' market, including number of days per week and overall duration of the event, will be determined and approved as part of the temporary use permit or special use permit.
- b. A management plan is required as part of the special use permit application that demonstrates the following:
 - i. An established set of operating rules addressing the governance structure of the market, hours of operation, maintenance, and security requirements when open to the public.

- ii. General layout of vendor stalls; visitor facilities, such as seating areas and restrooms; parking facilities; and all ingress and egress points to the site.
- iii. Provisions for waste removal and recycling.
- iv. The days and hours of internal operation, including vendor set-up and take-down times.

2. Real estate sales office/model unit

- a. A real estate sales office/model unit(s) is allowed in any approved residential subdivision or within a multi-family dwelling. Multiple model units are allowed.
- b. The temporary use permit will be valid for no more than one year, but may be renewed. However, a temporary use permit for a multi-family rental models has no expiration.
- c. The real estate sales office/model unit(s) must be removed and closed within 30 days after the sale of the last unit of the development.
- d. All activities conducted within any real estate sales office/model unit(s) must be directly related to the construction and sale of properties within the development in which it is located. Use of a real estate sales office/model unit as a general office of operation of any firm is prohibited.

3. Temporary contractor's office

- a. A temporary contractor's office is allowed as incidental and accessory to a construction project.
- b. The temporary use permit shall be valid for a six-month period and is renewable for six successive periods at the same location.
- c. The temporary contractor's office must be removed within 30 days of completion of the construction project.

4. Temporary mobile sales

- a. The timeframe of a temporary mobile sales use shall be determined and approved as part of the special use permit.
- b. The special use permit shall be evaluated based on the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impacts, including noise, on other properties.
- c. All mobile food establishments must be properly licensed by the Champaign County Health Department.
- d. If the mobile sales establishment operator is not the owner of the site where the truck or trailer will be located, written permission from the property owner must be submitted as part of the

special use permit application.

- e. Sale of alcohol is prohibited.
- f. During mobile food sales business hours, the permit holder must provide a trash receptacle for customer use and must keep the area clear of litter and debris at all times.
- g. Outdoor seating may be provided for temporary mobile food sales on the site, but no seating may be permanently installed. No seating will be allowed that reduces the amount of parking required for the site to below the Chapter requirement.
- h. A permanent water or wastewater connection is prohibited.
- i. Electrical service may be provided only by temporary service or other connection provided by an electric utility, or an on-board generator.
- j. Drive-through service is prohibited.
- k. A mobile sales establishment is limited to signs attached to the exterior of the truck or trailer that must be mounted flat against the truck or trailer with a maximum projection of six inches, and one A-frame sign.

5. Temporary outdoor entertainment/promotional event

- a. A management plan is required as part of the special use permit application that demonstrates the following:
 - i. General layout of performance areas; visitor facilities, such as seating areas and restrooms; parking areas; and all ingress and egress points to the site.
 - ii. Provisions for waste removal and recycling.
 - iii. The days and hours of operation, including set-up and take-down times.
 - iv. A description of crowd control and security measures.
- b. Any temporary structures must be removed within three days of the conclusion of the event.

6. Temporary outdoor sales

- a. A management plan is required as part of the special use permit application that demonstrates the following:
 - i. An established set of operating rules addressing the governance structure of the sales event, hours of operation, maintenance, and security requirements.
 - ii. General layout of vendor stalls; visitor facilities, such as seating areas and restrooms; parking areas; and all ingress and egress points to the site.
 - iii. Provisions for recycling and waste removal.
 - iv. The days and hours of operation, including vendor set-up and take-down times.

- b. Any temporary structures must be removed within three days of the conclusion of the event.
- c. Temporary outdoor sales events are limited to four events per calendar year and a maximum duration of seven days per event, with the following exceptions:
 - i. A special use permit for a seasonal sale, such as Christmas tree lots or pumpkin patches, are limited to four events per calendar year and a maximum duration of 45 days. There is no minimum time between events.
- d. Temporary outdoor sales of vehicles must conform to the following additional standards:
 - i. The special use permit shall be evaluated based on the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impacts, including noise, on other properties.
 - ii. A site plan is required as part of the special use permit application that describes all ingress and egress routes for all vehicles, all structures, and the general display area of vehicles. Dead-end parking aisles shall be prohibited. All exits and entrances must be clearly marked.
 - iii. Repair and service of vehicles is prohibited.
 - iv. All vehicles on display must be operable.
- e. No sales and display area is permitted in any public right-of-way or in any required setback.
- f. A portion or a parking area may be used for temporary outdoor sales on a temporary basis, in terms of both display structure and goods displayed or sold. Permanent display structures are prohibited in parking areas. No more than 10 percent of the required parking area for the existing use may be used for the temporary outdoor sales and display.

Sec. 46-107. – 46.110. – Reserved.

ARTICLE 10: PLANNED UNIT DEVELOPMENTS

Sec. 46-111. – Intended purpose.

Planned unit developments (PUDs) are of such substantially different characteristics from permitted uses and subdivision ordinance control that specific and additional standards and exceptions are set out to guide the recommendations of the PZC and the action of the Village Board.

Sec. 46-112. – Uses permitted.

1. Residential PUDs permitted under the provisions of this section in the Agriculture District and R-1, R-2, R-3, and R-4 residential districts may include any permitted or special use in the Agriculture District or residential districts as a principal or accessory use. A maximum of 10 percent of the gross site area of a residential PUD may be devoted to commercial uses that are permitted by right (with issuance of a building permit) or as a special use in the commercial districts, including the required parking and any other accessory uses.
2. Commercial PUDs, general shopping centers, and convenience shopping centers are permitted under the provisions of this section in the C-1 Neighborhood Commercial District, CB Central Business District, C-2 General Commercial District, C-3 Interstate Commercial District, and C-4 Commercial/Industrial District.
3. Industrial PUDs are permitted under the provisions of this section in the I-1 Industrial District and I-2 Industrial District.
4. A PUD in the Institutional District or Recreation District may include any permitted or special use in the Institutional or Recreation Districts. A maximum of 10 percent of the gross site area of a PUD in the Institutional District or Recreation District may be devoted to commercial uses that are permitted by right (with issuance of a building permit) or as a special use in the commercial districts, including the required parking and any other accessory uses.
5. The particular uses included in a proposed PUD are subject to the review and approval procedures specified in this Article, and are not permitted by right.

Sec. 46-113. – PUD standards.

1. Minimum size.
 - a. In order to qualify as an industrial PUD, a residential PUD, or a PUD in the Institutional or Recreational Districts, the parcel of land to be developed must comprise a total area of 200,000 square feet of contiguous land under single ownership, or with the consent of the owners of all land to be included. However, on any lot or group of adjoining lots recorded prior to November 1,

1980, a PUD is permitted if:

- i. The lots are surrounded on all sides by public streets, alleys, or other public land; or
 - ii. The lots comprise one acre or more in area with a minimum dimension of 200 feet.
 - b. A commercial PUD that is a shopping center may fall into the two following size classifications:
 - i. General: A shopping center located on a site with a minimum land area of four acres and a combined building area of 50,000 square feet.
 - ii. Convenience: A shopping center located on a site with a land area that is greater than 0.5 acres and less than four acres, with a combined building area between 12,000 and 50,000 square feet.
 - c. The minimum lot size for a commercial PUD that is not a general shopping center or a convenience shopping center shall be 200,000 square feet.
2. The front yard shall be a minimum of 30 feet in all districts.
3. The rear yard and side yards shall be a minimum of 25 feet and shall be considered as the perimeter area less the front yard.
4. Maximum building coverage
 - Agricultural District: 30 percent.
 - R-1, R-2, R-3, or R-4 residential districts: 30 percent.
 - IN Institutional or RC Recreation districts: 50 percent.
 - C-1, CB, C-2, C-3, or C-4 commercial districts: 50 percent.
 - I-1 and I-2 Industrial districts: 50 percent.
5. Maximum building height in all districts is 35 feet, or three stories
6. Minimum area in common open space
 - Agricultural District: 15 percent.
 - R-1, R-2, R-3, or R-4 residential districts: 15 percent.
 - C-1, CB, C-2, C-3, or C-4 commercial districts: 10 percent.
 - IN Institutional District or RC Recreation District: 10 percent.
 - I-1 Industrial District or I-2 Industrial District: five percent.

Sec. 46-114. – General goals.

1. General goals of a planned unit development:

- a. To promote flexibility in design and permit planned diversification in the location of structures;
- b. To promote an efficient use of land, and to facilitate the conservation of energy and a more efficient arrangement of buildings, circulation systems, land uses, and utilities;
- c. To preserve to the greatest extent possible the existing landscape features and amenities, and to utilize such features in a harmonious fashion;
- d. To provide for more usable and suitably located recreation facilities and other public and common facilities that would otherwise be provided under conventional land development procedures;
- e. To combine and coordinate architectural styles, building forms, and building relationships within the PUD.

Sec. 46-115. – Procedure for submission and review.

Procedure for PUD submission and approval shall be accomplished in accordance with the procedures indicated in this section.

1. Preliminary conference

Prior to the preparation of a formal application, the applicant shall meet with the PZC to give the applicant the opportunity to be advised of the procedures and policies that may affect the application and to obtain whatever information the commission deems necessary concerning the application prior to its submission. At this time, the applicant may ask for a waiver of the preliminary plan submission if the plan falls into the category of convenience shopping center as defined in Article 2 of this Chapter. All final plan submission procedures must be followed.

2. Preliminary development plan submission.

The applicant shall submit a completed PUD application to the Zoning Administrator, including 12 copies of the preliminary development plan and an application fee as provided for by the Village Subdivision Ordinance. The preliminary development plan must contain all of the following material:

- a. The name and address of all owners of the site proposed for development, as well as the name and address of all professional site planners, architects, engineers, surveyors, or other consultants. The applicant shall promptly inform the secretary of the PZC of any changes that may occur in this information prior to the approval of the final development plan by the Village Board.

- b. A legal description of the site proposed for development.
- c. A general area plan showing the intended use and future street locations for adjacent areas, when the proposed PUD is intended to represent a single phase of a longer-range development.
- d. The location of all property lines, existing streets, easements, utilities, and any other significant physical features.
- e. Date, north arrow, and graphic scale (not less than one inch to 50 feet) of all drawings submitted.
- f. Present and proposed zoning.
- g. An indication of the existing conditions on the tract, including contour lines at intervals of two feet or less; watercourses, floodplain areas, and existing drainage facilities; wooded areas and isolated trees of six inches or more in diameter; existing streets, sidewalks or other improvements; and existing buildings and structures, with an indication of those which will be removed and those which will be retained as part of the development.
- h. An indication of the area surrounding the site, showing land use, public facilities, existing zoning, and any notable physical features.
- i. A site plan of the proposed development, indicating the general location of the following:
 - i. All buildings, structures, and other improvements;
 - ii. Common open space;
 - iii. Off-street parking facilities and number of parking spaces to be provided;
 - iv. Sidewalks;
 - v. Illuminated areas;
 - vi. Use of open space being provided;
 - vii. Screening or buffering of the development perimeters;
 - viii. Identification of public streets;
 - ix. All utilities, including storm drainage, sanitary sewer, and water service;
 - x. Other documents, explaining other circumstances, as the PZC may require.
- j. Quantitative data indicating the following:
 - i. Total number of dwelling units (if applicable);
 - ii. Proposed lot coverage of buildings and structures, as a percentage of the total area;
 - iii. Approximate gross and net residential densities, excluding all streets and roadways (if applicable);
 - iv. The floor area of all buildings or structures;
 - v. Other calculations, as the PZC may require.
- k. Elevation or perspective drawings of all buildings and improvements. The drawings need not be final architectural or engineering plans, but should be sufficient to show the developer's intent.

1. A development schedule indicating:
 - i. The approximate date when construction of the project will begin;
 - ii. The stages in which the project will be built, and the approximate date when construction of each stage will begin;
 - iii. The approximate dates when the development of each of the stages will be completed;
 - iv. The area and location of common open space that will be provided at each stage.
- m. If the applicant intends to sell or lease all or a portion of the PUD after the project is approved, a statement shall be presented to the commission to stipulate the conditions of sale and maintenance of such developed properties and to present any covenants, deed restrictions, or other similar agreements between the applicant and future owners.

3. Preliminary development plan review

- a. Upon receipt of the PUD application, the required material, and the applicable fees, the chair of the PZC shall schedule, and the PZC shall hold, a public hearing in accordance with the procedures for considering a special use. Within 30 days after completing the public hearing, the PZC shall recommend approval or disapproval, or, at the request of the applicant, continue discussion of the preliminary development plan. The PZC shall consider the proposed PUD in accordance with the definitions and goals of this section and the minimum requirements set forth in this section.
- b. The PZC shall forward the preliminary development application, the preliminary development plan, and its recommendation on the preliminary development application to the Village Board. The recommendation may include revisions of, additions to, or deletions from the application and development plan submitted by the applicant.
- c. It shall be the responsibility of the applicant to submit a reproducible copy of the preliminary development plan as approved by the PZC. This plan shall incorporate all revisions recommended by the PZC, and shall be submitted to them for their final review and approval before being forwarded to the Village Board. In the event that a PUD would require a change of zoning, then an application for such a change may be submitted in conjunction with the PUD application, to be considered simultaneously with the PUD proposal, in accordance with the procedures for amending this Chapter. However, any required change of zoning shall not be granted except in conjunction with approval by the Village Board of the final development plan of the PUD. If no construction has begun or no approved use has been established in the PUD within one year from the date of approval of the change of zoning and of the final development plan by the Village

Board, the change of zoning, as well as the approval of the final development plan, will lapse and be void and no longer in effect.

4. Preliminary development plan approval

- a. Approval of the preliminary development plan by the Village Board shall constitute approval of the basic provisions and outlines of the plan. Approval shall not be construed as an implied waiver of any regulation or provision of this Chapter or the Village Code; a waiver of any such requirement shall be expressed in written form. Village Board approval shall be valid for six months from the date of passage of the ordinance or resolution detailing the approval. The Village Board may, at its discretion, extend the validity of the preliminary approval for an additional six months.
- b. In approving a preliminary development plan, the Village Board may include revisions of, additions to, or deletions from the application and development plan submitted by the applicant, or from those recommended by the PZC. It shall be the responsibility of the applicant to submit a reproducible copy of the preliminary development plan as approved by the Village Board, with the plan as approved by the Village Board containing a signature block for the signature of the village president should that plan differ in any respect from that recommended by the PZC. A reproducible copy shall be submitted to the village president for his signature.
- c. In case of a written protest against any proposed PUD, signed by the owners of 40 percent of neighboring lots, or lots that are wholly or partially within an area defined by a line extended 250 feet outward in all directions from the perimeter of the PUD, and filed with the Village Clerk prior to the commencement of the Village Board meeting at which a vote on the proposed PUD is taken, the approval shall not be granted except by a favorable vote of two-thirds of the members of the Village Board then holding office and not abstaining from voting on the question. For the purposes of this section, if any lot or property seeking to protest has multiple owners, such lot shall be counted as protected if at least 50 percent of all owners of such lots sign the protest document. The protest document need not be submitted as evidence at the public hearing, but must bear the signatures and common street address of those signing such document, and identify the property that each signatory owns. For the purposes of this section, the perimeter of the subject lot shall be the property line of the lot of land, excluding any land within a dedicated public right-of-way or railroad right-of-way. The owner of property shall be any of the following: the record owner of the fee title, the contract seller, and the contract buyer of such property.

5. Final development plan submission. While the preliminary approval is still valid, the applicant shall file the final development plan with the Zoning Administrator, including the original and 12 copies of the final development plan, containing all information, plans, and data required in this Article for the entire area of the PUD given preliminary approval. The final PUD plan shall include, but not be limited to, the following:

- a. All material required for the preliminary plan submission;
- b. An accurate legal description and property survey by a registered land surveyor of the entire area included within the PUD;
- c. Designation of the location of all proposed structures, and the internal uses to which each building shall be put, in sufficient detail to determine off-street parking requirements;
- d. Architectural elevations, pavement types, culverts, common open space, recreation facilities, sidewalks, illumination, landscaping, and any other pertinent features of the PUD;
- e. Certificates, seals, and signatures required for the dedication of land, recording the documents, and such other legal documents as may be required;
- f. Accurate tabulations on the use of the area, including land area, number of buildings, number of dwelling units per acre (if applicable), total common open space, percentage of building coverage of the total area, percentage of paved area, and total number of parking spaces provided;
- g. All curb cuts, driving lanes, parking and loading area, public transportation points, street signs, and illuminated facilities for same;
- h. The plan shall include provisions for and indicate all utility services, including water, sanitary sewer, gas, electric, Internet service, and cable TV. Each unit shall be served by separate utility service lines;
- i. Any other plans or specifications that may be necessary for final engineering approval of drainage, street design, and other facilities by the village engineer or PZC, as well as plans necessary for approval by the Zoning Administrator such as a lighting plan, exterior building design plan, or landscape plan.

6. Final development plan review

Upon receipt of the final PUD development plan, the PZC shall review the submitted documents and ascertain whether the final plans substantially conform to the approved preliminary development plan; following this review, the PZC shall forward to the Village Board its recommendation, the final plan, and any necessary supporting information.

7. Final development approval

- a. The Village Board shall consider the final development plan and the recommendation of the PZC, and shall vote whether or not to approve the plan. In case of a written protest against the proposed PUD at this stage, the provisions of subsection 4 (c) of this section shall apply.
- b. Upon approval by duly enacted ordinance of the final development plan by the Village Board, the Village Clerk, upon direction of the applicant and receipt of the recording fees from the applicant, shall record the final development plan and all dedications, covenants, and any other documents that may be required by the village. The final development plan, as approved by the Village Board, shall be recorded within six months following passage of the ordinance approving the final development plan; if not so recorded, the approval thereof shall be automatically withdrawn.
- c. After the Village Clerk has received official written notice of the recording of the necessary documents, he or she shall notify the Zoning Administrator so that a special use permit may be issued. The Zoning Administrator shall then issue a permit for the PUD according to the approved plan. No construction shall begin upon the project until the provisions of this section are met, along with all other applicable village codes and ordinances.

8. PUD phases

The final development approval may be granted in phases. Each final development approval of a phase shall be recorded in the same manner as a final development approval of the entire PUD.

9. Performance schedule

The applicant shall conform to the development schedule as required above. If no construction has begun or no approved use has been established in the PUD within one year of the date of approval of the final development plan by the Village Board, the approval of the final development plan shall lapse and be void and no longer in effect. At its discretion and for good cause, the Village Board may by resolution extend the period for the beginning of construction, the establishment of an approved use, or completion of a phase of development as indicated in the development schedule for one additional year. If a final development plan lapses under the provisions of this section, the Zoning Administrator shall notify the applicants at the address given on the plan submittal.

10. Abandonment of PUD and lapsing of PUD approval

- a. Once the final development plan for a PUD is recorded, if the petitioner desires to abandon and vacate the final development plan, the petitioner shall petition the Village Board for the passage of an ordinance vacating such final development plan. In considering such a request, the Village

Board may consult the PZC. If such an ordinance is passed, the Village Clerk shall record the ordinance with the County Recorder, with the recording fee to be paid by the petitioner. Unless such an ordinance is approved by the Village Board and duly recorded, no construction shall be undertaken or use established on the property included in the PUD, except in accordance with the approved PUD plan.

- b. If the final approval of a PUD lapses under the provisions of this section, the Village Board shall pass an ordinance declaring such PUD final development plan null and void under the terms of this section, and shall direct the Village Clerk to record an ordinance to this effect.

Sec. 46-116. – General review criteria.

The PZC's review of the PUD preliminary and final applications and development plans and the commission's recommendations to the Village Board, shall be based on the following general criteria:

1. The use or uses within the PUD shall be compatible with surrounding land uses.
2. The intensity of development shall impose no unreasonably adverse effects on surrounding property.
3. Ingress and egress to the PUD shall be provided in a manner to facilitate access by emergency vehicles and ensure efficient and safe traffic circulation in the vicinity.
4. Street construction, regardless of ownership, shall be made in conformance with the minimum pavement widths and thickness described in the Village Subdivision Ordinance.
5. Adequate and safe locations of play areas for children as well as other recreational areas shall be provided in residential PUDs.
6. Open space at external boundaries of the site shall be adequately landscaped and maintained to avoid erosion.
7. Buildings shall be oriented to ensure adequate light and air.
8. The provisions of all other sections of this Chapter shall be met, unless specifically excluded by this section or waived by the Village Board.

9. All construction shall conform to the requirements of all ordinances of the Village.

Sec. 46-117. – Development standards.

1. All PUDs are subject to the standards contained in Section 46-113. Commercial uses in residential PUDs are also subject to the development standards, parking requirements, and sign regulations of the residential district in which the PUD is located.
2. Two off-street parking spaces shall be provided for each dwelling unit in the development. Each space must be located within the PUD, and not farther than 300 feet from a ground floor entrance to the dwelling or to the building in which the dwelling unit is located.
3. Provisions for fire protection and emergency access shall be subject to applicable codes, and shall be reviewed by the fire chief and police chief. The fire chief and police chief shall submit their recommendations to the PZC in writing.
4. Exterior lighting within the PUD shall be of such quality as to promote safety and convenience, and shall conform to all relevant Village ordinances.
5. The minimum proportion of the gross site area in open spaces that are required to be commonly owned and maintained in residential PUDs is described in section 46-113. Such common space may be dedicated to the public. At least 10 percent of the minimum required common open space in residential PUDs containing single-family and duplex houses, or 15 percent of residential PUDs including multi-family dwellings, must be devoted to active recreational use. The area of each parcel of open space to be used for active recreation shall not be less than 6,000 square feet, with a minimum dimension of 30 feet.
6. All PUDs, regardless of the zoning district, shall be provided with adequate public sanitary sewer service prior to occupancy. Refuse removal and recycling service shall be provided to the entire development consistent with Village policy.
7. Adequate storm drainage shall be provided with the requirements of the Village Subdivision Ordinance.

8. The electrical distribution system and all telephone service in all PUDs shall be underground.
9. All other codes, ordinances, and rulings of the Village, unless specifically modified by this section or by the Village Board, must be fully complied with.

Sec. 46-118. – Issuance of permits.

1. Required certificates and bonds

Prior to final approval of the PUD, the applicant must comply with the following:

- a. The applicant shall designate the common open space to be dedicated in accordance with this section. All common open space, upon mutual agreement of the village and the applicant, shall be:
 - i. Conveyed to a municipal or public corporation, or conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the owners and residents of the PUD, adjoining property owners, or any one or more of them, by providing perpetual maintenance of all lands in common in the PUD. All lands so conveyed shall be subject to the right of the grantee to enforce maintenance and improvement of the common open space.; or
 - ii. Guaranteed by a restrictive covenant describing the open space and its maintenance and improvement, running with the land for the benefit of residents of the PUD or adjoining property owners or both.
- b. The construction and maintenance of all public facilities and improvements that are a part of the PUD shall be guaranteed to the village in cash or corporate surety bonds as approved by the village attorney. The guarantee for construction shall be a sum equal to 120 percent of the estimated cost, as determined by the village engineer. Maintenance shall be guaranteed to the Village and extended for a period of 18 months after final acceptance of facilities by the Village. The maintenance guarantee shall be made in a sum equal to 15 percent of the estimated cost of construction, and shall be made effective immediately upon acceptance of the construction of the public facility improvements. After such 18 months, the deposit shall be refunded if no defects have developed. If any defects have developed, then the balance of the deposit shall be refunded after reimbursement for amounts expended in correcting defective facilities.
- c. The applicant shall submit a certificate from the county clerk stating that no delinquent taxes or unpaid special assessments constituting a lien on the whole or any part of the property of the PUD are unpaid or exist. Such certificate shall be made a part of the PUD documents prior to its submission to the PZC for final recommendation.

- d. Final agreements, provisions, or covenants shall govern the use, maintenance, and continued protection of the PUD.
- e. Public street right-of-way dedications shall be made in conformance with the approved PUD plan. However, the requirement that sidewalks be constructed on both sides of every street may be waived if pedestrian circulation is provided for in a manner acceptable to the PZC and Village Board. Common open space to be dedicated in accordance with this section shall be designated by the applicant with the required documents for such dedication.

2. Building permits

The Zoning Administrator shall issue a building permit for the buildings in the area approved for the PUD. He or she shall also issue a certificate of occupancy for any completed building or structure located in the area covered by the approved PUD, only if the completed building or structure conforms to the approved final development plan and to all other applicable ordinances and regulations, and provided further that sufficient site development is completed to present no health or safety hazards to the occupants. No certificate of occupancy for a commercial use in a residential PUD shall be issued until at least 25 percent of the total residential floor space is built and certificates of occupancy have been issued for the constructed residential spaces.

3. Changes in the approved final development plan

No changes may be made in the final development plan during the construction of a PUD, except upon application to the appropriate agency under the procedures provided as follows:

- a. Minor changes in the location, sitting, and height of buildings and structures may be authorized, in writing, by the Zoning Administrator, if required by engineering or other circumstances not foreseen at the time the final plan was approved. No amendment to the approving ordinance shall be needed in such cases. No changes authorized by this subsection may cause any of the following:
 - i. A change in the use or character of the development;
 - ii. An increase in the overall coverage of structures;
 - iii. An increase in the intensity of use;
 - iv. An increase in the problem of traffic circulation and public utilities;
 - v. A reduction in approved open space;
 - vi. A reduction of off-street parking and loading space;
 - vii. A reduction in required pavement widths.
- b. All other changes in use; rearrangement of lots, blocks, and building tracts; or any changes in the

provision of common open spaces and changes other than listed in subsection 3.a. i–vii of this section, must be made by duly enacted ordinance by the Village Board, after a report from the Zoning Administrator. Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the final plan was approved, or by changes in community policy. Any changes that are approved in the final plan must be recorded as amendments in accordance with the procedure established for the recording of the initial final plan documents.

Sec. 46-119. – Changes in ownership.

1. If the ownership of any parcel of land included within a PUD application changes after the application has been submitted, but prior to approval of the preliminary plan of the PUD by the Village Board, the new owner of the property shall be regarded as excluded from the application unless the new owner affirmatively joins in the application for the PUD.
2. If the ownership of any parcel of land included within a PUD application changes after approval of the preliminary plan, but prior to the approval of the final development plan by the Village Board, then the new owner shall be regarded as subject to and joining in the preliminary plan, unless said new owner notifies the secretary of the PZC in writing of his or her desire to be excluded from the preliminary plan.
3. If any parcel of land included within the PUD has a change of ownership after final approval of the PUD by the Village Board, then the new owner or owners shall take the land subject to all of the conditions and requirements set forth in the final development plan as approved, and the applicable portions of this Chapter.
4. Nothing in this section shall be construed as exempting any transaction from compliance with all applicable state law and village ordinances.
5. Violation of the terms and conditions of the special use permit for a PUD shall be deemed a violation of this Chapter. Extension of any time period, or changes in the development schedule or other time sequence that was approved as part of the special use permit, may be approved only by the Village Board. Any such extension or change that is not so authorized shall be deemed a violation of this Chapter, as provided in this subsection.

Secs. 46-120. – 46-130. – Reserved.

ARTICLE 11: SITE DEVELOPMENT STANDARDS

Sec. 46-131. – Number of structures on a lot.

In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Chapter shall be met for each structure as though it were on an individual lot.

Sec. 46-132. – Access to a lot.

All lots must front on a public or private street. Frontage on an alley or an interstate highway does not satisfy this requirement.

Sec. 46-133. – Visibility clearance at intersections and driveways.

1. Visibility Clearance at Intersections

Except as otherwise provided in this section and in Sec.46-134 (Fence or Wall), visibility at intersections must be clear and unimpeded. Nothing may be installed, erected, placed, planted, maintained, or allowed to grow in the area described below.

- a. At a height between 2.5 and 10 feet above centerline grades of the intersecting streets (Street 1 and Street 2), and,
- b. If the intersection is controlled by a traffic signal or stop sign, in the triangular area between the following three points:
 - i. Point A: Located at the intersection of the right-of-way lines.
 - ii. Point B: Following the right-of-way line of Street 1, located away from Point A by the distance of the required front yard depth of the adjacent lot.
 - iii. Point C: Following the right-of-way line of Street 2, located away from Point A by the distance of the required front yard depth of the adjacent lot.
- c. If the intersection is not controlled by a traffic signal or stop sign, in the triangular area between the following three points:
 - i. Point A: Located at the intersection of the right-of-way lines.
 - ii. Point B: Following the right-of-way line of Street 1, located away from Point A by twice the distance of the required front yard depth of the adjacent lot.
 - iii. Point C: Following the right-of-way line of Street 2, located away from Point A by the distance of the required front yard depth of the adjacent lot.

2. Visibility Clearance at Driveways

To prevent obstruction of sight lines, nothing shall be constructed, erected, placed, planted, maintained, or allowed to grow in such a manner as to materially impede vision in the driveway visibility triangle defined as an area bounded by the front or side lot line, each side of any driveway, and a straight line joining points on the lot line measured 10 feet from the driveway and points along the driveway measured 10 feet from the lot line. Trees within this visibility triangle shall be trimmed so that the lower foliage line is maintained at least six feet above the crown of the adjoining pavement, except trees need not be trimmed in excess of one-third of their total height.

Sec. 46-134. – Fence or wall.

1. A building permit is required for all fences and walls.
2. Any fence or wall, bounding any yard and in any district, must be constructed or installed with any posts, other supporting material, or rough or unfinished material facing the interior of the lot on which the fence or wall is located.
3. A fence or wall may be erected along property lines, but must not encroach within six inches of existing public sidewalks or public rights of way. Fences built on or within a public easement may be removed by the village or at the direction of the village at the owner's expense in the event that repairs, maintenance, replacements or improvements are deemed necessary by the village in such easements.
4. A fence or wall must not obstruct the intersection visibility clearance area or driveway visibility clearance areas as described in Sec. 46-133. Fence or wall height shall be limited to 2.5 feet in these areas.
5. Fences or walls that do not exceed eight feet in height are permitted in any required side or rear yard of any zoning district.
6. Fences or walls in any required front yard of a residential district are permitted only as follows:
 - a. No chain link fences shall be permitted in a residential front yard.
 - b. Fences or walls providing less than 70 percent open visibility must not exceed three feet in height, subject to the provisions of Item 4 of this section.
 - c. Fences or walls providing 70 percent or more open visibility must not exceed four feet in height, subject to the provisions of Item 4 of this section.

- d. On corner lots located at the intersection of any two street rights-of-way, the portion of the required front yard not designated as the mailing or postal address of the corner lot, and that does not extend into or overlap the required front yard designated as the mailing or postal address, may be treated as a side yard, and fences, walls and hedges that do not exceed six feet in height shall be permitted; provided, however, that
 - i. such fences, walls and hedges are not permitted within five feet of any front lot line treated as being within a side yard; and
 - ii. are subject to the restrictions contained in Section 46 -133.

7. Fences or walls in any required front yard of a non-residential district are permitted only as follows:

- a. No chain link fences shall be permitted in a non-residential front yard.
- b. Fences or walls providing less than 70 percent open visibility must not exceed three feet in height, subject to the provisions of Item 4 of this section.
- c. Fences or walls providing 70 percent or more open visibility must not exceed six feet in height subject to the provisions of Item 4 of this section.
- d. On corner lots located at the intersection of any two street rights-of-way, the portion of the required front yard not otherwise designated as the mailing or postal address of the corner lot, and that does not extend into or overlap the required front yard designated as the mailing or postal address (or the lesser distance as is parallel to the face of an existing building designated as the mailing or postal address and used for the principal use in the CB district), may be treated as a side yard, and fences and walls that do not exceed six feet in height shall be permitted; provided, however, that such fences and walls shall be not permitted within:
 - i. 10 feet of any front lot line treated as being within a side yard; or
 - ii. within the intersection visibility area or driveway visibility area described under Section 46-133.

8. Any fence or wall must meet the following requirements:

- a. Fencing materials may include ornamental metal fencing, decorative wood fencing, or decorative vinyl fencing.
- b. Chain-link fencing shall only be permitted as a fencing material under circumstances when it is used for the purpose of protecting persons or property and promoting public safety:
 - i. in the Airfield (AF) District, the Industrial/Commercial (IC) District, Industrial (I) District, or

- ii. in any zoning district for a non-residential development provided that the chain-link fencing material is vinyl-coated.
- c. Noncommercial grade solid wood stockade fencing and corrugated sheet metal fencing are prohibited as fencing materials.
- d. Wall materials may include masonry and precast decorative concrete panels. “Jersey” style modular concrete or plastic barriers are prohibited as a wall material.
- e. Masonry or concrete walls must have a column or other design variation every 20 feet.
- f. Materials and colors of fences and walls must be compatible with surrounding development and must be durable and intended for outdoor usage.
- g. It shall be unlawful for any person to erect or maintain a fence or wall equipped with barbed wired, razor wire or any similar or other sharp or sharp-pointed material.
- h. No person shall erect or maintain anywhere in the village an aboveground electrically charged fence or wall.

Sec. 46-135. – Yards.

1. Except as otherwise provided in this Chapter, required yards must be kept unobstructed and open to the sky for their entire depth and area.
2. No building, structure, or portion thereof, or mechanical equipment shall be erected in, occupy or obstruct a required yard, except as follows:
 - a. Cornices, sills, belt courses, eaves and other ornamental features to a distance of not more than 2.5 feet.
 - b. Fire escapes to a distance of not more than five feet.
 - c. Uncovered stairways and necessary landings, to a distance of not more than 4.5 feet.
 - d. Bay windows and chimneys to a distance of not more than three feet, provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located, and provided further that in no case shall a bay window or chimney project into a required side yard more than one-third of said side yard.
 - e. Terraces and open unenclosed porches (e.g., porches that may have roofs and mesh screening but that are not glassed in or otherwise walled or enclosed above a height of 2.5 feet above the porch floor) to an encroachment of five feet into a minimum required yard, regardless of the average setback, but not within five feet of the lot line. Open guardrails, when required by the building code, are not construed as a violation of this requirement. In addition, ramps or other structures for accessibility may encroach into required yards.

- f. Porte-cocheres or canopies, to a distance of no more than 2.5 feet.
- g. Driveways, walks, fences and underground structures.
- h. Concrete, asphaltic concrete, or other all-weather surfaces; provided, however, that parking is allowed only in accordance with provisions of Article 12 of this Chapter.
- i. Accessory structures in the R-1A, R-1, R-2A and R-2 districts.
- j. Flagpoles, decorative lights, lattices, birdbaths, birdhouses, and other landscape features.
- k. Open private balcony, provided that it does not occupy in the aggregate more than one-third of the length of the building wall per floor on which it is located. In no case shall any private open balcony be located within five feet of the property line.

Sec. 46-136. – Topsoil removal.

1. Excavations of or the removal of topsoil from any property in the Village is prohibited except as such excavations or removal of topsoil is incidental to the erection and maintenance of structures or the use of property permitted by this and other ordinances of the Village.

2. If incidental to the erection and maintenance as indicated in item 1. above, no removal for sale of sod, loam, clay, sand, gravel, or stone in connection with the construction of a building or other structure on the same zoning lot, or in connection with the regrading of a zoning lot, shall occur below legal street grade.

Sec. 46-137. – Accessory structures and uses.

All accessory structures are subject to the following regulations, in addition to any other specific regulations within this Chapter.

1. No accessory structure may be constructed on a zoning lot prior to construction of the principal building to which it is an accessory.

2. No accessory building shall be erected in any required yard, except as provided in Section 46-135.

3. No separate accessory building shall be erected within five feet of any other building.

4. A building permit is required for the construction of an accessory structure, unless specifically exempted by this Chapter.

5. In no case shall the detached accessory structure exceed the height of the principal structure, except when the detached accessory structure is a wind turbine, amateur (HAM) radio antenna, or flagpole.

Sec. 46-138. – Amateur (HAM) Radio Equipment.

1. Towers that solely support amateur (HAM) radio equipment are permitted only in the rear yard, and must be located a minimum of 10 feet from any lot line. Towers are limited to the maximum building height of the applicable district plus an additional 10 feet.

2. Antennas may be ground- or building-mounted and are limited to the maximum building height of the applicable district plus an additional 10 feet.

3. An antenna or tower that is proposed to exceed the height limitation of the district in which it is located requires a special use permit. The operator must provide evidence that a taller tower and/or antenna is necessary to engage successfully in amateur radio communications.

4. Radio antennas and/or towers owned and operated by the Village are exempt from these requirements and other requirements of this Chapter.

Sec. 46-139. – Clothing or goods donation boxes.

1. Clothing or goods donation boxes are permitted for nonresidential uses only.

2. Only one clothing or goods donation box is permitted per lot.

3. The clothing or goods donation box must be accessory to and owned by the principal use on the site. However, clothing or goods donation boxes that are not accessory to the principal use on the site shall be allowed on Village-owned property with the permission of the Village.

4. Clothing or goods donation boxes may only be located along the facade of the building or in the corner side yard, interior side yard, or rear yard, and must be a minimum of 10 feet from any lot line. No clothing or goods donation box may be located within a parking space. No clothing or goods donation box may interfere with vehicle circulation on the site.

5. The area surrounding the clothing or goods donation box must be kept clean and free of junk, debris or other material.
6. Clothing or goods donation boxes must be maintained in good condition with no structural damage, holes, visible rust, or graffiti.
7. Clothing or goods donation boxes must be locked or otherwise secured.
8. Clothing or goods donation boxes must provide the following contact information on the front of each donation box: name, address, email address, and phone number of the operator.
9. Clothing or goods donation boxes are limited to six feet in height and 60 cubic feet in size.

Sec. 46-140. – Home occupation.

1. The home occupation must be conducted by an individual or individuals permanently residing on the premises.
2. No more than one person shall be employed in the home occupation, other than an occupant or occupants of the premises.
3. Signs, displays, or activities that indicate from the exterior that the structure is being used for any purpose other than that of a residence are prohibited, with the exception of one non-illuminated identification sign on the wall of the structure not exceeding two square feet in area.
4. The home occupation and all related activity, including storage, must be conducted completely within the dwelling unit or permitted accessory structure.
5. No commodities shall be sold or services rendered that require receipt or delivery of merchandise, goods, or equipment other than by a passenger motor vehicle or by parcel or letter carrier mail services, using vehicles typically employed in residential deliveries.
6. Alterations to the residence or permitted accessory structures that would alter the residential character of the dwelling are prohibited.

7. The home occupation and any related activity must not create any traffic hazards or nuisances in public rights-of-way. All vehicle parking generated by such operations must be located on the lot of the home occupation.

8. There must be no perceptible noise, odor, smoke, electrical interference, vibration, or other nuisance emanating from the structure where the home occupation is located, in excess of that normally associated with residential use.

9. Repair and service of vehicles or industrial machinery are prohibited as a home occupation.

10. Commercial breeding is prohibited as a home occupation.

Sec. 46-141. – Outdoor lighting.

1. Definitions:

Cutoff luminaire:

A luminaire containing elements such as shields, reflectors, or refractor panels that direct and cutoff a direct view of the light source at a cutoff angle.

Floodlight:

Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Foot-candle:

A unit of measurement of light emitted, equal to one lumen per square foot.

Glare:

The sensation produced by light within the visual field that are sufficiently greater than the light to which the eyes are adapted, which causes annoyance, discomfort, or loss in visual performance and visibility.

Lamp:

The part of the luminaire that produces the actual light.

Light pollution:

Any adverse effect of artificial lighting, including but not limited to uplighting and sky glow, both of which diminish the ability to view the night sky, and light trespass.

Lumen:

A unit of luminous flux. Luminous flux indicates how much light is perceived by the human eye. For the purposes of this section, the lumen output values shall be the initial lumen output ratings of a lamp.

Luminaire:

A complete lighting system, including a lamp and a fixture.

Outdoor lighting:

Outdoor, electrically powered illuminating devices, other outdoor lighting or reflective surfaces, and similar devices, whether permanently installed or portable, used for illumination or advertisement.

2. Lighting plan required.

- a. A lighting plan is required for development that includes:
 - i. non-residential uses in residential zoning districts;
 - ii. developments that involve residential buildings containing more than four dwelling units;
 - iii. commercial, industrial, institutional, and public uses;
 - iv. Planned Unit Developments; or
 - v. a parking lot or parking area containing more than four parking spaces and located adjacent to a residential property.

Single-family dwellings, duplex dwellings, farm dwellings, and farm structures are exempt from a required lighting plan, but are still subject to the applicable lighting requirements.

3. Any lighting plan must include the following information:

- a. A site photometric plan indicating foot-candle levels at grade to the lot lines.
- b. Specifications for all luminaires, poles, and luminaire mounting arms.
- c. Lighting specifications including foot-candle initial averages and maximum-to-minimum

uniformity ratio.

- d. The location, mounting height, and lamp intensity for all exterior luminaries.
- e. An after-hours security lighting plan indicating not more than 33 percent of site lighting as operational.

4. Outdoor lighting must not create a glare that may be hazardous for motorists, bicyclists, or pedestrians.

5. In order to prevent unreasonable light pollution, any luminaire and all wall-mounted luminaries used for area light must use a cutoff luminaire positioned in a way that the cutoff effect is maximized. Tilt arms are prohibited.

6. Facade and fascia lighting must be as follows:

- a. The exterior building facade lighting power must not exceed 0.25 W/ft^2 of the illuminated area. Floodlights used for facade lighting may be no farther from the building than one-third the distance of the building height. The mounting height of such floodlights must not exceed the building height.
- b. Fascia lighting is limited to the side of the building facing the street and must not exceed an area twice the size of the building sign.

7. Outdoor lighting must consider existing light sources that impact the site and land uses that will be impacted by the lighting.

- a. In order to prevent lighting redundancy, proposed new outdoor lighting must factor in existing light affecting the site, including light provided by public light fixtures.
- b. All outdoor lighting must have fixtures that shield affected residential areas and public rights-of-way from direct light.

8. The requirements of light levels, luminaire mounting position, and timing of parking areas are as follows:

- a. Lighting levels must meet a uniformity ratio of 20:1.
- b. Average initial light levels must not exceed one foot-candle in residential zoning districts, and must not exceed two foot-candles in other districts regulated by this article.
- c. Light levels created by proposed new outdoor lighting must not exceed one foot-candle at the property line.

- d. All lighting under a canopy must be cutoff or recessed, with no lens dropping below the horizontal plane of the canopy. Light levels under the canopy must not exceed an average of 25 foot-candles at grade.
- e. Areas dedicated to the display of merchandise may have an average light level of up to 10 foot-candles.
- f. All exterior lighting shall be controlled by a photo sensor or time switch that automatically reduces exterior lighting when sufficient daylight is available, and automatically extinguishes no more than one hour after the close of business, excluding lighting for security purposes. Site security lighting shall not exceed 33 percent of the luminaires. Individual luminaires may not increase intensity for security lighting purposes.

9. The exceptions to lighting of this section are as follows:

- a. All temporary lighting needed by police, fire, or other municipal departments, emergency services, as well as all vehicular luminaires, are exempt from the requirements of this article.
- b. All hazard warning luminaires required by law are exempt from the requirements of this article.
- c. Recreational and outdoor event lighting is exempt only during times the lighted area is actually in use. Recreational and outdoor event lighting must be installed in a way that minimizes light emitted above the horizontal and onto adjacent property.
- d. Lighting associated with a holiday.
- e. Other exceptions as required by law.

Sec. 46-142. – Mobile home parks.

1. Area and density

Any mobile home park must contain an area of at least four acres or a maximum density of eight mobile home sites per acre of land. However, any mobile home park that existed as of January 1, 1988 with a total area of less than four acres or a total density of more than eight mobile home sites per acre of land may continue, but may not be altered or added to unless such alteration or addition is in conformity with this section.

2. Yard requirements

Any mobile home park must have a required front yard of at least 35 feet and a required side and rear yard of at least 15 feet.

3. Screening

Any mobile home park adjacent to any lot in any residential district must be screened from the adjacent lot by a visual barrier that is at least six feet in height and that complies with the standards set forth in this Chapter.

4. Compliance with law

Any mobile home park must comply with all applicable requirements of the Mobile Home Park Act (210 ILCS 115/1 et seq.).

Sec. 46-143. – Outdoor sales and display.

1. Retail establishments are permitted accessory outdoor sales and display of merchandise. However, outdoor storage of goods not offered for sale by the establishment is prohibited.
2. No sales and display area is permitted in any public right-of-way or in any required setback unless may be specifically allowed in the building permit, special use permit, or temporary use permit issued to allow for an accessory sidewalk café or similar accessory outdoor use. The sales and display area must be located within 15 feet of the principal building. Minimum pedestrian and vehicular access requirements must be maintained.
3. A portion of the parking area may be used for outdoor sales and display on a temporary basis, no more than twice in a calendar year for a maximum of 45 days. Permanent display structures are prohibited in parking areas. No more than 10 percent of the required parking area for the existing use may be used for the temporary outdoor sales and display. A temporary use permit is required for this activity.

Sec. 46-144. – Refuse and recycling containers.

1. Refuse and recycling containers regulations apply only to multi-family dwellings and non-residential uses.
2. All refuse and recycling containers must be fully enclosed on three sides by a solid fence, wall, or wall of the principal building. Such solid fence, wall, or wall of the principal building must be at least six feet in height, but no taller than eight feet in height. The enclosure must be gated. Such gate must be solid and must remain closed when not in use.

3. When the extension of a principal building is used as a screening wall, the wall must be of the same building materials as the principal building. Such wall must not be the gated enclosure.

Sec. 46-145 – Large satellite dish antennas.

1. Definitions:

Large satellite dish:

The part of a satellite signal-receiving antenna characteristically shaped like a saucer or dish that is over 3.28 meters or six feet in diameter.

Dish-type satellite signal receiving antennas, earth stations, or ground stations:

One or a combination of the following:

- a. A signal receiving device (antenna, dish antenna or dish type antenna), the purpose of which is to receive communication or other signals from satellites in Earth orbit.
- b. A low noise amplifier (LNA) that is situated at the focal point of the receiving component, the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.
- c. A coaxial cable to carry or transmit said signals to a receiver.

Grounding rod:

A metal pole permanently positioned in the earth to serve as an electrical conductor through which electrical current may safely pass and dissipate.

Receiver:

A television set or radio receiver.

2. Building permit required

- a. A building permit is required prior to construction or installation of a large satellite dish antenna earth station.
- b. To apply for a building permit, the owner, or occupant with written permission from the owner, of any lot, premises or parcel of land within the village, who desires to construct a large satellite dish antenna earth station must submit a written application upon forms provided and approved by the Zoning Administrator, including a plot plan of the lot.

3. Location of Earth Station

a. Ground-Mounted:

- i. No earth station shall be constructed in any front or side yard. Any earth stations must be constructed to the rear of the residence or main structure
- ii. Any earth station, including its concrete base slab or other structure, must be constructed at least five feet from any property line or easement.
- iii. No earth station shall be linked, physically or electronically, to a receiver that is not located on the same lot, premises, or parcel of land as is the earth station.
- iv. Earth stations have a maximum allowable height from grade of 15 feet.
- v. No ground-mounted earth station shall be constructed upon the rooftop of any garage, residential dwelling, church, school, apartment building, hospital, or other commercial building or structure.

b. Roof-Mounted:

- i. Roof-mounted earth stations must be mounted directly upon the roof of a primary or accessory building, and must not be mounted upon appurtenances such as chimneys, towers, trees, poles or spires, except by variance.
- ii. A roof-mounted earth station must not exceed a height of more than six feet from the base of the roof.

Sec. 46-146. – Solar energy systems.

1. General Requirements

Building-mounted, building-integrated, flush-mounted, and ground-mounted solar energy systems must be erected and installed in accordance with this Chapter and all state and federal laws and regulations. All solar energy systems are subject to the following standards:

- a. Solar energy systems are permitted only as an accessory to a principal building or use.
- b. Solar energy systems must be installed according to manufacturer specifications and in accordance with all applicable Village codes and ordinances.
- c. Electric solar energy system components must have a UL listing.
- d. No grid-intertied photovoltaic system shall be installed until evidence is provided to the Village that the owner has submitted notification to the utility company of his or her intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.
- e. If more than one roof area contains solar collectors that are building-mounted, the Fire Department must review and approve the installation of the solar collectors to verify that adequate roof access is provided to emergency personnel in the case of an emergency.

2. Self-Contained Solar Energy System

Self-contained solar energy systems must comply with the following restrictions:

- a. On property used or zoned for residential or non-residential purposes, self-contained solar energy systems that are ground-mounted are limited to an aggregate solar collector surface area of less than or equal to six square feet.
- b. On property used or zoned for residential purposes, self-contained solar energy systems that are building-mounted are limited to an aggregate solar collector surface area of less than or equal to six square feet.

3. Building-Mounted Solar Energy System

a. Residential Use or District

- i. Building-integrated and/or flush-mounted solar energy systems are permitted on any roof area.
- ii. Non-flush-mounted solar energy systems are permitted on a building with a flat roof if the solar collector is completely screened from view to an observer five feet above the ground at any point along an abutting lot line.
- iii. Non-flush-mounted solar energy systems that cannot be screened from view require approval of a special use permit. However, a non-flush-mounted system is prohibited on any roof that is adjacent to the front setback and/or corner side setback.
- iv. The solar collector surface area is limited to 80 percent coverage of any roof area upon which the collectors are mounted, and must be set back from the roof edge by at least one foot. Requests for solar collector coverage greater than 80 percent of any roof area require approval of a special use permit.
- v. Non-flush-mounted solar energy systems must not extend above the highest point on the roofline, unless a special use permit is approved.
- vi. Building-integrated and/or flush-mounted solar energy systems must not project beyond the exterior wall of any building on which the system is mounted or built.

b. Non-Residential Use or District

- i. Building-integrated and/or flush-mounted solar energy systems are permitted on any roof area.
- ii. Non-flush-mounted solar energy systems are permitted on a building with a flat roof if the solar collector is completely screened from view to an observer five feet above the ground at any point along an abutting lot line.

- iii. Non-flush-mounted solar energy systems that cannot be screened from view require approval of a special use permit. However, a non-flush-mounted system is prohibited on any roof that is adjacent to the front setback and/or corner side setback.
- iv. The solar collector surface area is limited to 80 percent coverage of any roof area upon which the collectors are mounted, and must be set back from the roof edge by at least one foot. Requests for solar collector coverage greater than 80 percent of any roof area require approval of a special use permit.
- v. Non-flush-mounted solar energy systems must not extend above the highest point on the roofline or a parapet wall, unless a special use permit is approved.
- vi. Building-integrated and/or flush-mounted solar energy systems must not project beyond the exterior wall of any building on which the system is mounted or built.

3. Ground-Mounted Solar Energy System

Ground-mounted solar energy systems require approval of a special use permit and must meet the requirements of this section.

- a. Ground-mounted solar energy systems are limited to a maximum height of 15 feet, unless the solar collector is attached to a conforming parking lot light pole or other monopole structure accessory to the lot.
- b. When a solar collector is attached to a conforming parking lot light pole or other permitted monopole structure that is accessory to the lot, the solar collector must not extend more than five feet above the height of the parking lot light pole or other monopole structure.
- c. Ground-mounted solar energy systems must be set back a distance less than or equal to the system height or five feet, whichever is greater, measured from the edge of the system to the nearest property line. However, a solar collector attached to a conforming parking lot light pole or other permitted monopole structure accessory to the lot may have a setback less than five feet.
- d. On property used or zoned for residential purposes, no part of a ground-mounted system is permitted in the front or corner side yard.
- e. No part of a ground-mounted system may be located in or encroach into a dedicated easement.

Sec. 46-147. – Swimming pools and hot tubs.

- 1. Private swimming pools and hot tubs are permitted as an accessory to a residential use.
- 2. Private swimming pools and hot tubs must be operated for the exclusive use of residents of the lot and their invited guests. No private swimming pool or hot tub may be operated as a business or private club.

3. No private swimming pool or hot tub, or portion thereof, including but not limited to aprons, walks, and mechanical equipment integral to the pool, may be located within a front yard, or within a required corner side or interior side yard.
4. Private swimming pools and hot tubs must be located at least 10 feet from a rear lot line unless approved in a side yard by variance, and cannot encroach into any easement.
5. Non-residential swimming pools and/or hot tubs must be set back at least 100 feet from adjacent residential property lines.
6. All swimming pools must construct barriers in accordance with the requirements of the Illinois Swimming Pool and Bathing Beach Act (210 ILCS 125/3.01).
7. No swimming pool shall be installed beneath, or have any edge of the pool:
 - a. within 10 feet measured horizontally from an overhead or underground electrical wire, telephone wire, cable TV wire, or any other type of wire; or
 - b. with 25 feet measured horizontally from high voltage electrical feeder wires.All diving boards, diving platforms, and diving towers must maintain a 17-foot distance, measured horizontally, from all wires. No pool shall be constructed within five feet of any type of buried wire.
8. In-ground swimming pools must not be installed within a utility easement.
9. The installation of a swimming pool, equipment, and paving must not change the existing water drainage characteristics of the site so as to cause water to drain onto an adjacent property.
10. Swimming pools, in ground or aboveground, of a design water depth of two or more feet must be enclosed by a fence of at least four feet or another barrier, constructed with minimal horizontal rungs in order to discourage climbing by children.
 - a. The maximum width of openings in the fence is four inches. The maximum spacing between the bottom of the fence and the ground is two inches.
 - b. A permanent in-ground swimming pool or fixed above-ground pool, with or without raised decking, must have a privacy fence and gated around the pool or perimeter of the yard. The minimum height of this privacy fence is six feet.
 - c. If the swimming pool is an above-ground pool at least four feet high, the pool wall may serve as a

barrier but a fence (and gate as described in Item 11 below) is still required around the access ladder to the pool.

11. Gates in fences shall swing outward, shall be self-closing, and shall be self-latching with the latch located on the pool-side of the gate.

- a. Gates must be at least four feet in height. The maximum width of gate openings is four inches. The maximum spacing between the bottom of the gate and the ground is two inches.
- b. Gates must be constructed with minimal horizontal rungs in order to discourage climbing.
- c. Where a minimum fence height of six feet is required, a minimum gate height of six feet is also required.

12. If the house or other structure has a door leading directly into the fenced pool area, an automatic audible alarm capable of producing a minimum of 120 decibels is required to sound when the door leading directly to the fenced pool area is opened.

13. Swimming pool filter equipment must not be installed in a location where a child could climb on the equipment to gain access to the swimming pool.

14. The swimming pool must not be filled with water until after the fence, gates, and door alarms have been installed.

Sec. 46-148. – Water features.

Water features for single-family and duplex dwellings are limited to a maximum depth of 24 inches and a maximum surface area of 250 square feet, and do not require a building permit. Water features included in other developments require a building permit but are not subject to these limitations.

Sec. 46-149. – Wind energy systems.

1. Applicability

- a. The provisions of this Section apply to wind energy systems erected and operated within the corporate limits of the Village.
- b. Pre-existing wind energy systems as of [date of approval of this Chapter] are exempt from the provisions of this Section, with the exception of maintenance and removal of abandoned systems.

2. The purpose of these regulations is to provide a uniform and comprehensive set of standards for the siting, installation, and operation of wind energy systems within the village. These regulations are intended to protect the public health, safety, and welfare of the community without unduly restricting the use of wind energy systems.

3. Wind Energy System Definitions

Ambient Sound:

The sound at a given location, usually a composite of sounds from many sources, near and far. For the purpose of this Section, the ‘ambient sound level’ shall mean the quiescent background level (e.g., the quietest of 10-second average sound levels measured when there are no nearby or distinctly audible sound sources). Daytime ambient measurements should be made during mid-morning weekday hours and nighttime measurements should be made after midnight.

Building-Mounted Wind Energy System (BMWES):

A wind energy system mounted on a building.

On-Site Wind Energy System (OWES):

A wind energy system with a total rated capacity of between 101 and 250 kilowatts, that is incidental and subordinate to, and that generates power for, the principal use of the zoning lot on which it is located. Excess electricity may be used by the utility company in exchange for a reduction in cost of electrical power supplied by that company.

Private Waiver:

A written statement signed by a landowner asserting that he or she has agreed to waive a specific small wind energy system (SWES) separation distance requirement or rotor diameter size limit, and has knowingly agreed to accept the consequences of the waiver.

Rotor:

The rotating part of a wind turbine, including the blades, blade assembly, and rotating portion of the generator.

Rotor Diameter:

The diameter of the circle swept by the rotor.

Shadow Flicker:

A repetitive oscillation of light and shadow cast when light passes through and is interrupted by moving wind turbine blades.

Small Wind Energy System (SWES):

A wind energy system with a total rated capacity of no more than 100 kilowatts that is incidental and subordinate to, and that generates power for, the principal use of the zoning lot on which it is situated. Excess electricity may be used by the utility company in exchange for a reduction in cost of electrical power supplied by that company.

Sound Level:

The A-weighted sound pressure level in decibels (dB) (or the C-weighted level, if specified), as measured using a sound level meter that meets the requirements of a Type 2 or better precision instrument according to the American National Standards Institute (ANSI) S1.4. The “average” sound level is time-averaged over a suitable period using an integrating sound level meter that meets the requirements of ANSI S12.43.

Test Wind Tower:

A temporary wind speed indicator constructed to analyze the potential for utilizing a wind energy system at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

Total Extended Height:

The height of a wind energy system turbine as measured from natural grade to the tip of the rotor blade at its highest point of travel.

Wind Energy System:

All necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, tower, electrical components, foundation, transformer, and electrical cabling.

4. Test Wind Tower

A Test Wind Tower shall be permitted in all zoning districts as a temporary use for no more than 18 months. An extension of this time period, not to exceed an additional 18 months, may be granted at the discretion of the Village Board upon submittal and review of sufficient evidence to support the requested extension.

5. Table 11-1 contains an overview of wind energy systems zoning restrictions. Table 11-2 describes the type of authorization required for wind energy systems as an accessory use.

Table 11-1. – Overview of Wind Energy Systems Zoning Restrictions

Use Type	Zoning Districts ¹	Maximum Height ²	Maximum Rotor Diameter	Minimum Setback
BMWES: Building-Mounted Wind Energy System	All	10 feet, as measured from the highest point of the roof , for all uses in Residential District; 15 feet, as measured from the highest point of the roof , for all uses in non-residential zoning districts non-residential zoning districts	10 feet	Same as the required minimum yard (front, rear, side) for the zoning district in which it is located
SWES: Small Wind Energy System	All	125 feet in Residential District; 155 feet in non-Residential District	15 – 75 feet, depending on lot size ²	A distance equal to the <i>total extended height</i> from lot boundary lines, public right-of-ways, railroad right-of-ways, and overhead utility lines.
OWES: On-Site Wind Energy System	Agriculture Industrial	175 feet	15 – 75 feet, depending on lot size ³	A distance equal to the <i>total extended height</i> from lot boundary lines, public right-of-ways, railroad right-of-ways, and overhead utility lines.

Table 11-1 Notes:

1. Table 11-2 contains specific limitations with regard to permitting requirements for a wind energy system as an accessory use in each zoning district.
2. Except for a BMWES, the ‘maximum height’ refers to total extended height of each wind energy system.
3. The maximum rotor diameter shall be limited based on specified separation distances in this section

Table 11-2. Authorization Required for Wind Energy Systems as an Accessory Use¹

P	By right with a Building Permit required
S	Special Use Permit required
	Not Permitted

Table 11-2. Authorization Required for Wind Energy Systems as an Accessory Use¹

Accessory Uses	AG	R-1	R-2	R-3	R-4	M-1	C-1	CB	C-2	C-3	C-4	AF	IN	RC	I-1	I-2
Building-mounted wind energy system	P	P	P	P	P	P	P	P	P	P	P	P ²	P	P	P	P
Small wind energy system Total extended height:																
≤ 45 feet	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
> 45 feet and ≤ 50 feet	P	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P
> 50 feet and ≤ 60 feet	P	S	S	S	S	S	P	P	P	P	P		S	S	S	S
≥ 60 feet and ≤ 125 feet	S	S	S	S	S	S	S	S	S	S	S		S	S	S	S
≥ 125 feet and ≤ 155 feet							S	S	S	S	S		S	S	S	S
On-site wind energy system Total extended height:																
≤ 100 feet	P														P	P
> 100 feet and ≤ 175 feet	S														S	S

Table 11-2 Notes:

1. All structures must conform, as applicable, to the regulations and standards of the Federal Aviation Administration, Federal Communications Commission, and Illinois Department of Transportation, Division of Aeronautics.

2. Structures in the AF District must not exceed a height of 50 feet.

6. Building-Mounted Wind Energy System (BMWES)

- a. A BMWES is considered an accessory use in all zoning districts.
- b. A BMWES is subject to the following requirements:
 - i. A BMWES must meet the design standards set forth in item 9 of this section.
 - ii. The maximum height of a BMWES is 10 feet, as measured from the highest point of the roof for all uses in a residential district, and 15 feet, as measured from the highest point of the roof for all uses in non-residential zoning districts.
 - iii. The rotor diameter of a BMWES must not exceed 10 feet.
 - iv. The minimum setback for a BMWES must be equal to the required minimum yard (front, rear, and side) for the zoning district in which it is located. The setback must be measured horizontally from the farthest outward extension of all moving parts to the nearest lot line.
 - v. If more than one BMWES is installed, a minimum distance equal to the height of the highest BMWES must be maintained between the base(s) of each BMWES.
 - vi. The maximum number of BMWES on a property shall be based on setback and separation requirements as set forth in the above items iv. and v.
 - vii. The building upon which the BMWES is to be mounted must be able to safely support operation of the BMWES.

7. Small Wind Energy System (SWES)

- a. A SWES is considered an accessory use in all zoning districts.
- b. A SWES must to the following requirements:
 - i. A SWES shall meet the design standards set forth in item 9 of this section.
 - ii. The total extended height of a SWES must not exceed 125 feet in residential districts and 155 feet in non-residential zoning districts.
- c. The maximum allowable rotor diameter of a SWES is as follows:
 - i. 15 feet on a lot with less than one acre of lot area.
 - ii. 24 feet on a lot with one acre or more of lot area.
 - iii. Rotor diameter greater than 24 feet may be authorized as follows:
 - (a) when the separation distance from the SWES to the nearest dwelling under other ownership is at least 8.3 times the rotor diameter, up to a maximum diameter of 75 feet; and

- (b) when the lot area is three acres or larger.
- d. The minimum setback for a SWES is the distance equal to the total extended height of the SWES from all lot lines, public right-of-ways, railroad right-of-ways, and overhead utility lines. The setback must be measured from the center of the SWEC tower's base.
- e. The requirements of items c) and d) above may be lessened if a variance is granted by the PZC or Village Board, and provided that prior to the decision regarding such a variance request, that each landowner with property that falls within the required setback distance as indicated in item c) and item d) above:
 - i. submits for review a signed private waiver that establishes a specific agreement for a lesser requirement with regard to either item c) or item d), or both item c) and item d) above, which includes the landowner's acknowledgement and acceptance of the consequences of the waiver; and
 - ii. the signed private waiver is recorded as part of the chain of title in the deed to any relevant tract of land prior to the authorization of any permit.
- f. No SWES guide wire anchors may extend closer than 10 feet to the lot line, or the distance of the required setback in the respective zoning district, whichever results in a greater setback.
- g. No part of a SWES shall be located on any public easement.
- h. In residential districts and commercial zoning districts, a SWES must be located entirely behind the principal building.

8. On-Site Wind Energy System (OWES)

- a. An OWES shall be considered an accessory use in the Agriculture District, I-1 Industrial District, and I-2 Industrial District.
- b. An OWES shall be subject to the following requirements:
 - i. An OWES shall meet the design standards set forth in item 9 of this Section.
 - ii. The total extended height of an OWES must not exceed 175 feet. If located within 500 feet of an existing off-site dwelling or boundary of a residentially zoned lot, the total extended height must not exceed 155 feet.
 - iii. The maximum allowable rotor diameter of an OWES shall be as follows:
 - (a) 15 feet on a lot with less than one acre of lot area.
 - (b) 24 feet on a lot with one acre or more of lot area.
 - (c) Rotor diameter greater than 24 feet may be authorized as follows:
 - when the separation distance from the OWES to the nearest dwelling under other ownership is at least 8.3

times the rotor diameter, up to a maximum diameter of 75 feet; and

- when the lot area is three acres or larger.

- iv. The minimum setback for an OWES is the distance equal to the total extended height of the OWES from all lot lines, public right-of-ways, railroad right-of-ways, and overhead utility lines. The setback shall be measured from the center of the OWES tower base.
- v. No OWES guide wire anchors may extend closer than 10 feet to the lot line, or the distance of the required setback in the respective zoning district, whichever results in a greater setback.
- vi. No part of an OWES shall be located on any public easement.

9. Visual Appearance Design Standards

In addition to all other applicable requirements of this section, wind energy systems must be constructed in conformance with the following design standards:

- a. SWES are required to have a monopole type tower.
- b. A wind energy system must be the color supplied by the manufacturer or a non-reflective, non-obtrusive color such as off white or light gray. The required coloration and finish must be maintained throughout the life of the system.
- c. No illumination of a wind energy system shall be allowed unless required by the Federal Aviation Administration. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to surrounding land uses.
- d. Signs, commercial markings, messages, or banners on the wind energy system are prohibited, except for one warning sign of no more than four square feet in area.
- e. All on-site electrical transmission lines connecting a wind energy system to a building or public utility electricity distribution system or substation must be located underground. Plans must be submitted showing the location of underground conduit and cable located within the public right-of-way.

10. Safety Standards

In addition to all other applicable requirements of this section, wind energy systems shall be constructed in conformance with the following safety standards:

- a. All wind energy systems must be equipped with an automatic over-speed control to render the system inoperable when winds are blowing in excess of the speeds for which the system is

designed, and a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system.

- b. On a tower-mounted wind energy system with a vertically mounted rotor, a minimum clearance of 10 feet between the ground and the lowest arc of the rotor blades is required. On a tower-mounted wind energy system with a horizontally mounted rotor, a minimum clearance of 20 feet between the ground and the lowest arc of the rotor blades is required.
- c. Wind energy system towers must be designed to discourage unauthorized climbing by removal of climbing rungs to a height of 12 feet, or by using a six-foot height fence with locking gates and doors and other applicable anti-climbing measures.
- d. All ground-mounted electrical and control equipment must be labeled and secured to prevent unauthorized access.
- e. At a minimum, a wind energy system must be engineered to withstand a wind velocity of 110 miles per hour.
- f. All wind energy systems must be designed and sited so that they shall not cause any significant electromagnetic interference with any radio, television, microwave communication, or satellite navigation on other properties.
 - i. All wind energy systems must comply with the Federal Communication Commission (FCC) requirements for electromagnetic interference, including FCC Part 15.
 - ii. All wind energy system turbines must utilize nonmetallic rotor blades.
- g. A wind energy system must not produce vibrations detectable by persons without the aid of scientific instruments on any adjacent property.
- h. All wind energy systems must conform to applicable industry standards, including those of the American National Standards Institute (ANSI).
- i. Wind energy systems must be designed and located to minimize shadow flicker.
 - i. Shadow flicker expected to fall on a dwelling shall be considered acceptable provided that the shadow flicker will not fall on the location of concern for more than 30 hours per year.
 - ii. Wind energy systems with a total extended height over 155 feet must be sited in a manner that does not result in significant shadow flicker impacts on adjacent properties. Significant shadow flicker impacts are defined as surpassing the threshold as described in item i. above.
 - iii. A building permit and special use permit application for a wind energy system with a total extended height over 155 feet must include a shadow flicker study. The applicant has the burden of providing evidence that the shadow flicker will not have

significant adverse impact. Using available software, the applicant must show calculated locations of shadow flicker caused by the wind energy system and the expected duration in total number of hours per year of the flicker cast upon adjacent dwellings and within the boundary of adjacent residentially zoned lots. Potential shadow flicker must be addressed either through siting or through other approved mitigation measures.

j. Sound Level Limitations

- i. No wind energy system or combination of wind energy systems on a single lot shall create noise that exceeds the regulatory standards set by the Illinois EPA Pollution Control Board at any property line where the wind energy system is located. Measurement of sound levels must not be adjusted for, or averaged with, non-operating periods. Any wind energy system exceeding this level must immediately cease operation upon notification by the Village and may not resume operation until the noise levels have been reduced in compliance with the required standards and verified by an independent third party inspector approved by the village, at the property owner's expense. Only upon Village Board review and acceptance of the third party noise level report may the wind energy system resume operation.

11. Additional Permit Application Requirements

In addition to the requirements established in Article 16 for a building permit application, a permit application for a wind energy system must include:

- a. A copy of the manufacturer's standard drawings of the wind turbine structure and stamped engineering drawings of the tower, base, footings, and/or foundations as provided by the manufacturer, sufficient to prove that the wind energy system is safe for the use intended. Wet stamps are not required.
- b. A copy of the wind turbine manufacturer's certification of compliance with FCC requirements with the building permit application.
- c. Certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), National Renewable Energy Laboratories (NREL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party.
- d. Evidence must be given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.
- e. Such evidence and documentation as required to verify that the wind energy system meets all

other zoning ordinance requirements.

12. Maintenance

All wind energy systems must be maintained in good condition and in safe working order throughout the life of the system. If the system is not maintained in operational condition and/or poses a potential safety hazard, the owner must immediately correct the situation at his or her own expense. Any wind energy system found to be unsafe by the Zoning Administrator or Village Board-appointed designee must stop operation immediately upon notification by the Village. If the owner fails to correct the unsafe condition, the village president or his or her appointed designee may remove or cause to be removed, altered, or repaired, at cost to the owner, an unsafe wind energy system immediately and without notice, if, in his or her opinion, the condition of the system is such that it presents an immediate threat to the safety of the public.

13. Removal of an Inoperable Wind Energy System

A wind energy system or individual turbine is considered a public nuisance if it has been inoperable or has not been operated to generate any electricity for 180 or more consecutive days. If a wind energy system is derelict for 180 or more consecutive days, the owner shall be notified that they must, within six months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six-month period, then the owner shall be required, at his or her own expense, to remove the wind energy system. Removal of a wind energy system that constitutes a public nuisance must include removal of the turbines, tower, and any above ground improvements, including fencing. If the owner fails to remove the wind energy system within one month, the Village Board or appointed designee shall send a notice that the wind energy system is in violation of this Chapter and subject to a daily fine as provided for in this Chapter.

14. Violation

Should a wind energy system or any part thereof violate the requirements of this Section, the owner must cease operations immediately. Upon receipt of a complaint or the notice of a complaint, the Zoning Administrator must make a determination as to whether there is a violation requiring the immediate cessation of operation. The system may resume operation once the violation(s) have been remedied

15. Pre-Existing Wind Energy Systems

- a. Pre-existing wind energy systems are allowed to continue. Routine maintenance are permitted for

such pre-existing systems.

- b. A building permit and any other necessary zoning and development approvals must be obtained to alter, enlarge, extend, replace, or relocate a pre-existing wind energy system.
- c. If a pre-existing wind energy system is nonconforming with this Section, it must not be altered, enlarged, extended, or relocated in such a way that the nonconformity of the system is increased.
- d. Pre-existing wind energy systems that are substantially damaged or destroyed must be rebuilt to conform to this section.

Sec. 46-150. – 46-160. – Reserved.

ARTICLE 12: OFF-STREET PARKING AND OFF-STREET LOADING

Sec. 46-161. – Applicability; off-street parking.

Off-street parking facilities required by this article shall be provided whenever a building or structure is erected, converted, enlarged, or structurally altered, or whenever a use of land, building, or structure is established, expanded, or changed. However, this shall not prohibit the owner of an existing building occupied by a conforming use from converting, enlarging, or structurally altering the building for the purpose of meeting the minimum requirements of applicable health, fire, and safety regulations; provided, however, that no increase in the occupancy or intensity of the existing use of such building shall be permitted unless authorized by the PZC.

Sec. 46-162. – Existing parking facilities.

Accessory off-street parking facilities in existence on February 2, 1991, and located on the same lot as the building or use served must not be reduced below, or, if already less than, must not be further reduced below the requirements for a similar new building or use under the provisions of this Chapter.

Sec. 46-163. – Location of parking facilities.

1. All off-street parking areas required by this article must be provided on the zoning lot to whose use they are accessory, except as provided in this article.

2. Accessory off-street parking may be provided in a location other than on the zoning lot where the principal use is located, only if so authorized by the PZC. Such parking areas may be located only in the same district in which the principal use is located, or in another district in which the principal use is permitted. They must be within 300 feet of the principal use, measured from the nearest point of the lot containing the parking facility to the nearest point of the lot occupied by the building or use that the parking is required to serve. If the principal use is or becomes a nonconforming use, no expansion of off-street parking facilities not located on the site of the principal use will be allowed.

3. When off-street parking facilities are provided on a lot other than the lot upon which the building or use requiring the facilities is located, the owner must submit a written document in a form acceptable to the village attorney, on behalf of him- or herself and his or her successors and assigns in the ownership of said lot. This document must state that the lot or portion of the lot on which the parking facility is located will be used and maintained solely for off-street parking purposes accessory to the principal use, as long

as the structures comprising the principal use continue to exist without sufficient parking elsewhere or upon the lot with the principal use.

Sec. 46-164. – Parking in required yards.

Parking in required yards, whether voluntary or required, is prohibited except as permitted in accordance with the following regulations:

1. Front yard

a. CB, R-1, R-2, R-3, R-4 and M-1 districts:

- i. No motor vehicles are permitted to park in any front yard of the residential districts (R-1, R-2, R-3, R-4, or M-1) or the Central Business District, except if it is physically impossible to provide for parking in the side yard or rear yards. In such cases, parking by licensed passenger vehicles and pickup trucks with an empty weight of less than 8,000 pounds will be permitted on improved driveways in the front yard, provided that all vehicles will be more than five feet from the owner's front property line. Parking spaces allowed by this exception must not be enclosed or covered.
- ii. In the residential districts (R-1, R-2, R-3, R-4, or M-1), parking within five feet of the front property line is permitted for no more than 24 consecutive hours for the purposes of loading and unloading.

b. R-3 and R-4 residential districts.

- i. When a townhouse building is located on a street that is a cul-de-sac, off-street parking is permitted in the front yard. No more than two parking spaces for each dwelling unit are allowed in the front yard in such cases. Parking spaces allowed by this exception must not be enclosed or covered. Only licensed passenger vehicles and pickup trucks with an empty weight of less than 8,000 pounds will be permitted to be parked in these areas.

c. Parking is permitted in the required front yards of the following districts:

- AG Agriculture District
- C-1 Neighborhood Commercial
- C-2 General Commercial
- C-3 Interstate Commercial
- C-4 Commercial/Industrial
- RC Recreation
- IN Institutional

I-1 Industrial

I-2 Industrial

2. Side yard

When parking is situated in a side yard, a solid fence, wall, or planted screen of not less than three feet in height must be provided between the parking area and any abutting residential property in accordance with the parking lot site perimeter screening requirement of Article 13.

3. Rear yard.

Parking spaces may be situated in any rear yard.

4. Open lot

When parking space is provided on a lot with no principal building, the parking spaces may be situated anywhere on the lot except within seven feet of a property line facing a street. This provision shall not, however, be interpreted to permit parking spaces for a tourist or trailer camp to be situated in a required front yard or side yard. The provisions of this subsection also apply to public parking lots.

5. Corner lot

Where a lot is located at the intersection of two or more streets, no parking shall be allowed at any time within a triangular area having as vertices the following three points:

- a. The point of intersection of the centerline of the two intersecting streets, and
- b. the point on each street centerline located 40 feet plus one-half of the average right-of-way of the other street from the point of intersection of the centerline of the two intersecting streets.

This provision applies to the intersection of any streets on which the lot has frontage.

Sec. 46-165. – Design and specifications of off-street parking.

1. The requirements set forth in Table 12-1 govern the development of required off-street parking stalls and parking lot aisles. These requirements do not affect the parking stalls or parking lot aisles developed under the provisions of any previous zoning ordinance.

Table 12-1. Design Specifications of Off-Street Parking Stalls and Parking Aisles

Angles (degrees from curb)	Spaces		Aisles	
	Width (feet)	Length (feet)	One-way (feet)	Two-way (feet)
0 (Parallel)	9	19.5	12	18
30	9	19.5	16	18
45	9	19.5	9	18
60	9	19.5	9	18
90	9	19.5	23	23

2. Provisions for Accessible Parking Spaces

All off-street parking lots must provide accessible parking spaces in conformance with the State of Illinois Vehicle Code, the Americans with Disabilities Act, and Illinois Environmental Barriers Act.

3. In no case may the paved surface of a parking lot be greater than 90 percent of the property on which the parking lot is located.

Sec. 46-166. – Required spaces.

The minimum number of off-street parking spaces accessory to designated uses shall be provided as follows:

1. Residential Buildings, Hotels, and Other Accommodation Services

- a. Hotel, motel, boardinghouse, resort, residential planned development, nursing home, retirement or assisted living facility: One for each unit.
- b. Multi-family dwellings: Two for each dwelling unit.
- c. Single-family dwellings: Two for each dwelling unit, but no more than four per dwelling unit.
- d. Mobile home: Two for each mobile home.

2. School, institution, community, or other places of assembly uses.

- a. Places of worship: One for every 10 seats in the general assembly area.
- b. Schools: One for each faculty member and employee plus one for every 10 students.

- c. Business or commercial uses: One for every 150 square feet of floor area.
- d. Institutional or community facilities: One for every 250 square feet of floor area or 30 percent of the maximum number of people that can be accommodated in the facility.
- e. Library: One for every 500 square feet of floor area.
- f. Medical and dental clinics: One for every 200 square feet of floor area.

3. Recreational uses

- a. Bowling alleys: Seven per lane.
- b. Golf courses: Three for each tee.
- c. Tennis courts: Two per court.
- d. Theater or auditorium: One for every 10 seats.

4. Commercial uses

- a. Retail: One for each 250 square feet of floor area.
- b. Bank or savings and loan: One for each 200 square feet of floor area.
- c. Professional office: One for each 400 square feet of floor area.
- d. Shop: One for each 200 square feet of floor area.
- e. Retail store featuring furniture, appliances, or motor vehicle sales: One for each 400 square feet of floor area.
- f. Restaurants, nightclubs, taverns: One for each 100 square feet.

5. Manufacturing and industrial uses

- a. Manufacturing plant: One for each employee or one for each 1,000 square feet of floor space, whichever is greater.
- b. All other: one for each 300 square feet.
- c. Repair and service: Motor vehicle repair work and service is not permitted to take place in required parking areas.

Sec. 46-167. – Rules for computing parking spaces.

In computing the number of required off-street parking spaces, the following rules apply:

1. Floor area

In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, floor area shall mean the gross floor area as defined in Article 2.

2. Where fractional spaces result, the number of parking spaces required is the nearest whole number.
3. In the case of mixed uses, the parking spaces required equals the sum of the requirements of the various uses computed separately.
4. Whenever a building or use constructed or established after January 1, 1960, is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or other size or occupancy characteristic, parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to January 1, 1960, is reconstructed or is enlarged to the extent of 20 percent or more in floor area, the building or use in its entirety must then comply with the parking requirements set forth in this article. Any enlargement or change in use of less than 20 percent of the gross floor area must be provided with parking based on the enlargement or change.

Sec. 46-168. – Minimum improvement and maintenance standards.

1. All open parking areas provided in compliance with this Chapter must be surfaced with a durable, dustproof surface consisting of concrete, bituminous concrete, or permeable pavement, properly installed, sealed, and/or surface-treated as appropriate to the surface type and as approved by designated engineering personnel of the Village. Parking areas must be maintained in a usable, dustproof condition and graded and drained to dispose of all surface water.
2. Whenever lighting is provided, it must be hooded or shielded so as to reflect light away from abutting or neighboring property, including the public right-of-way.
3. The location of each parking space and the direction of movement along the access driveways must be indicated by painting upon the surface of the lot.
4. Provisions of Article 13 landscape and screening requirements shall apply to:
 - a. off-street parking area containing more than four parking spaces and located adjacent to a residential property;
 - b. the parking lot perimeters and parking lot interiors of all new private and public off-street parking lots; or
 - c. any expansion of any existing parking lot by more than 25 percent of the number of existing spaces.

Sec. 46-169. – Bicycle parking requirements.

All developments involving the construction of a new parking lot shall provide at least one bicycle parking space. For parking lots exceeding 50 automobile spaces, one bicycle parking space must be provided for every 50 automobile parking spaces, with a maximum of 20 bicycle parking spaces required.

Sec. 46-170. – Employee parking

1. Spaces required

Parking spaces required on the basis of the number of employees must be based on the maximum number of employees on duty, residing, or both, on the premises at any one time.

2. Standards

In addition to all standards of this Chapter,

- a. Any off-street parking area and access drive must be graded and surfaced in such a way as to drain as required.
- b. A substantial barrier on or adjacent to the lot line along all open off-street parking spaces must be installed, and this barrier must be so located that no portion of any vehicle parked on the lot may extend over the lot line.

Sec. 46-171. – Commercial, industrial, or residential access drives

No person may construct, build, establish, or maintain any access drive over, across, or upon any public sidewalk or parkway in any commercial, industrial, or residential district without first obtaining a building permit to do so from the Zoning Administrator, in accordance with the provisions of this section.

1. Definitions:

Access Drive:

A private drive intended to provide for the serving of or admission to an establishment.

Parkway:

An unpaved public strip of land located between a public street and right-of-way line.

Service drive:

With regard to commercial or industrial uses only, a service drive means an access drive primarily used by vehicles serving one or more establishments.

2. Three copies of a site plan must be filed with the Zoning Administrator for examination and subsequent approval or disapproval. The site plan submitted to the Zoning Administrator must be drawn to a scale of 20 feet or less to the inch. In unusual instances, the Zoning Administrator may allow a variation from the required scale. The Zoning Administrator will retain two copies of the site plan and return one copy of the plan to the petitioner upon approval or disapproval thereof. The site plan must contain the following information:

- a. The north point, scale and date;
- b. The exact property lines of the property for which the access drive approval is requested, including existing street and right-of-way lines;
- c. Adjacent properties on the same frontage and adjacent properties on the opposite frontage, indicating location of ingress and egress to such properties;
- d. The exact location and dimensions of facilities of ingress and egress to the subject property or properties; existing and proposed curb cuts, if any; and the proposed directions of traffic flow on the subject property or properties and into and from public ways;
- e. The exact location and dimensions of service drives;
- f. The name and address of the person seeking approval of proposed access drive. Provisions shall be made on the face of the site plan for the approval of the Zoning Administrator.

3. The Zoning Administrator will determine whether the proposed access drive conforms to the following requirements:

- a. With regard to commercial or industrial uses only, no properties will have more than two access drives per frontage. For the purpose of this section, a property shall be defined as:
 - i. A platted lot under single ownership that is of record at the time of passage of this Chapter;
 - ii. Two or more platted lots or combinations of lots and portions of lots with continuous frontage under single ownership, which are of record at the time of passage of this amendment; or
 - iii. An unplatted parcel of land with continuous frontage under single ownership.
- b. No access drive may be located less than 200 feet from any parallel access drive on the same property, measured from centerline to centerline.

- c. No access drive may be located less than 200 feet from any parallel street, measured from centerline to centerline; except in cases where a major street intersects another street. In such cases, no access drive may be located less than 400 feet from either intersecting street, measured from centerline to centerline.
- d. No on-site vehicular parking aisle or access drive may be located less than 30 feet from any parallel public street, measured from the nearest curb line of the aisle or access drive to the nearest right-of-way line of the parallel public street.
- e. No access drive may be less than 12 feet nor more than 35 feet in width, measured at right angles to the centerline.
- f. Party drives will be allowed to occupy a required side yard provided that said drive is at least 16 feet wide, the centerline of which shall be the property line dividing the two properties; provided that the parties concerned enter into a written contract for said party drive; and provided that said contract is recorded with the county recorder.

4. Access drives for automobile service stations

An automobile service station may have up to, but no more than, two access drives per street frontage. Access drives must be at least 25 feet apart, measured from their nearest curblines.

5. A specific land parcel to be developed with any uses including a drive-in or drive-through facility requiring a continuous flow of one-way traffic onto and off of the particular parcel, and which has a frontage of less than 210 feet, will be permitted two access drives per frontage provided one access drive is for entrance only and one access drive is for exit only.

6. The proposed location of the access drive shall also make due provision for:

- a. Automotive, bicycle, and pedestrian safety;
- b. Traffic flow and control;
- c. Accessibility for emergency vehicles; and
- d. The economic, noise, glare, or odor effects of the proposed access drives, loading areas, and parking areas on adjoining properties.

7. If any lot by reason of location or size cannot be developed in accordance with the above requirements, access must be provided at locations that most closely comply with these regulations. Under no circumstances may access be denied to any property.

8. Within 10 days after receiving the site plan, the Zoning Administrator will approve or disapprove the location of the proposed access drive. If the decision is negative, the Zoning Administrator will state his or her reasons in writing.

9. Proposed access drives on marked state and federal highways and streets must also be constructed under a permit issued by the State Department of Transportation.

Sec. 46-172. – Applicability; off-street loading.

Off-street loading facilities must be provided wherever a building or structure is erected, converted, enlarged, or structurally altered, or whenever a use of land, building, a structure is established, expanded, or changed for any commercial or industrial district.

1. Location

All required loading spaces must be located on the same lot as the use served. No permitted or required loading spaces may be located within 40 feet of the nearest point of the intersection of any two streets.

2. Area

A required off-street loading space must be at least 12 feet wide by at least 40 feet long, not including aisle and maneuvering space, and must have a vertical clearance of at least 14 feet.

3. Access

Each required off-street loading space must be designed with appropriate means of vehicular access to a street or alley in a manner that will least interfere with traffic movement.

4. Surfacing

All open off-street loading spaces must be surfaced with a durable, dustproof surface consisting of concrete, bituminous concrete, or permeable pavement, properly installed, sealed, and/or surface-treated as appropriate to the surface type and as approved by designated engineering personnel of the Village.

5. Utilization

Space allocated to any off-street loading space must not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

6. Table 12-2 indicates the number of required off-street loading spaces for a building or structure in all non-residential districts:

Table 12-2. Number of Required Off-Street Loading Spaces for a Building or Structure in Non-Residential Districts.

Floor Area Per Establishment (Square Feet)	Required Number
3,500—10,000	1
10,000—40,000	2
40,000—100,000	3
Each additional 100,000	Add 1 per 100,000 sq. ft.

Sec. 46-173. – Fire lane and emergency vehicle lane.

A strip of pavement with a minimum width of 15 feet must be provided in all public parking lots adjacent to commercial buildings where the length of the building is greater than 100 feet as measured on the street side of the building. This strip is intended to provide access to emergency vehicles at all times. The sidewalk must not be included as a part of this area. "No Parking" signs shall be posted and maintained to prohibit parking in this area.

Secs. 46-174. – 46-180. – Reserved.

ARTICLE 13: LANDSCAPE & SCREENING

Sec. 46-181. – Landscape and screening definitions.

Berm:

A raised form of earth to provide screening or to add visual interest.

Buffer area:

Land area with landscape plantings or other components used to visibly separate one use from another, or to shield or block noise, lights, or other nuisances.

Landscape area:

The portion of a lot, excluding parking lot paved surfaces, that consists of elements of nature, topography, and human-made objects combined in relation to one another, including but not limited to trees, shrubs, vines, ground cover, flowers, grass, rock, stone, and architectural or structural features such as fountains, reflecting pools, artwork, screens, fences, and benches. For the purposes of this article, nonvegetative components may comprise up to 25 percent of a required landscape area.

Mechanical equipment:

Equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

Ornamental grass:

An annual or perennial grass plant valued for its texture and color in the landscape.

Plant materials:

Trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs.

Screen:

A structure or planting that conceals the view of the areas behind such structure or planting.

Shrub:

A multi-stemmed woody plant other than a tree.

Significant tree:

Any deciduous tree with at least a 12-inch diameter as per standard diameter breast height, or any evergreen tree eight feet or more in height.

Streetscape:

The scene as may be observed along a public street or way composed of natural and human-made components, including buildings, paving, planting, street hardware, and miscellaneous structures.

Sec. 46-182. – Applicability.

1. The landscape and screening requirements of this article shall apply to any development that includes:
 - a. a newly constructed or erected principal structure that is a nonresidential building or a residential building containing more than four dwelling units;
 - b. open off-street parking area containing more than four parking spaces and located adjacent to a residential property; or
 - c. Planned Unit Development.

That portion of any development that includes authorized surfaces dedicated to the display and sale of equipment, product, or merchandise are exempt from the landscape and screening requirements of this article.

Sec. 46-183. – Buffer areas required.

1. A lot in the C-1, C-2, C-3, and CB districts that is adjacent to a lot in a residential district must contain a buffer area at least 15 feet wide to separate itself from the adjacent residential district lot.
2. In the C-4, I-1, I-2, RC, or IN districts, the required side and rear yards of a lot that is adjacent to a lot in a residential district must not be less than 40 feet, and must include a buffer area at least 20 feet in width or depth.
3. A lot located adjacent to Interstate 57 is required to have a yard at least 100 feet in width or depth, which includes a buffer area at least 25 feet in width or depth, to separate itself from the adjacent Interstate 57.

4. Each of the required buffer areas in (1), (2), and (3) above must additionally comply with the screen and landscape planting requirements for parking lot site perimeters in Sec. 46-187.

Sec. 46-184. – Areas that require a screen.

1. When required by this Chapter, a screen must be designed, constructed or planted, and maintained in accordance with this section.

2. Unless otherwise specifically provided, areas subject to this section must be effectively screened by a visual barrier through any combination of fences, walls, berming, or plant materials in accordance with the following standards:

- a. Outdoor storage, which includes, but is not limited to, the placing, maintaining, or keeping of raw materials, junk or salvage items, inoperable vehicles, wholesale commercial products not on display, construction materials, and machinery must be screened by a visual barrier with a minimum height of six feet and a maximum height of eight feet, to ensure that such outdoor storage is not visible from any public street or adjacent lot.
- b. Outdoor refuse dumpsters, recycling containers, compacting equipment, pallet storage, baled cardboard and other refuse or any recycling materials that are visible from a public street or adjoining lot when viewed from an observation height of five feet must be enclosed and screened on all sides by an opaque fence or wall to a height sufficient to provide screening of the dumpster, container, equipment, pallet or other material. Such enclosures must be gated and situated on a paved surface. No material that is visible above the height of the enclosure may be stored in the enclosure.
- c. Mechanical equipment located on the surface or on a rooftop must be located or be screened by a visual barrier so as to not be visible from a public streetscape view.
- d. Buffer areas and parking lot perimeter areas must comply with screen or planting requirements as required in Section 46-187.
- e. Screening and landscape areas, whether or not required by this Chapter, must not obstruct or interfere with visibility clearance areas at intersections and driveways as specified in Section 46-133.

Sec. 46-185. – Standards for landscape and site treatment.

This section sets forth minimum landscaping requirements. The Morton Arboretum Tree and Shrub Handbook is hereby adopted as a guide for appropriate plantings. A copy of this handbook is on file with the village clerk.

1. Natural or existing topographic patterns must be preserved and developed. Modification to topography will be permitted only where maintaining the natural or existing topography is not technically feasible due to site construction, or where it contributes to improved site appearance.
2. Trees are a critical part of the vegetation that serve to decrease and filter stormwater runoff, to mitigate the urban heat island effect created by paved and other built surfaces, to remove pollutants from the air, to abate visual and noise pollution, and to provide habitat for wildlife. Tree removal increases the burden on the community to effectively address these issues. The goals of the tree preservation provisions are to reduce tree loss during development, to reduce damage to standing trees during construction, to provide for replacement of trees lost during construction, to provide for the planting of trees where none existed previously, and to provide for the maintenance of preserved trees after construction is completed.
3. All healthy significant trees on a site must be preserved where feasible. No tree may be removed until it is determined that it is not a healthy, significant tree. Where preservation is not feasible, significant trees that are removed must be replaced on-site.
4. It is preferred that all replacement trees be planted on-site. However, where this is not feasible, the applicant may pay a fee in lieu of the replacement tree as provided in Section 46-186 (3)(d).
5. For every significant tree removed from a site there must be a tree replacement ratio, as follows:
 - a. Less than one acre: One to one ratio of replacement tree to removed tree, with at least one six-inch caliper or two four-inch caliper replacement trees.
 - b. One acre up to 10 acres: 1.5 to one ratio of replacement tree to removed tree, with at least one six-inch caliper, or two four-inch caliper replacement trees.
 - c. More than 10 acres: Two to one ratio of replacement tree to removed tree, with at least one six-inch caliper or two four-inch caliper replacement trees.
6. Where vegetation exists along a site's perimeter and provides a screen to adjacent properties, such vegetation must not be removed unless the vegetation is found to be unhealthy. If a new landscaping plan

is approved for the perimeter, the new plantings must be phased into the existing vegetative screen so as to maintain a continuous screening effect for neighboring properties.

7. If a berm is provided as part of a landscape area, the following requirements apply:

- a. A berm must have earthen sides and a crest area of at least four feet in width.
- b. The slope of the berm may not exceed one foot of vertical rise per three feet in horizontal distance.
- c. Organic topsoil must cover the entire berm in a way that facilitates plant growth.

Sec. 46-186. – General site landscape requirements.

1. A landscape plan must be prepared and submitted as part of the building permit application to the Zoning Administrator for review for developments identified in Section 46-182 of this Article. The landscape plan must include plant location, number, species, size, and expected maturity size. A landscape plan must be to scale and must include a directional north arrow. The landscape plan must indicate the mature height and spread of any tree, as well as overhead and underground utilities, driveways, sidewalks, road signs, and lighting.

2. In a development that involves the erection or new construction of a principal building as indicated in 46-182, the general site landscape requirements are as follows:

- a. One canopy tree shall be planted every 50 feet along any public or street frontage between the front lot line and the back of the curb or roadway, but must not encroach within the intersection visibility area or driveway visibility area specified in Sections 46-133.
- b. At least 20 percent of the total lot area, exclusive of any public or street frontage, shall include a landscape area, with the exception of development within the Central Business District.
- c. Except for any landscaping required to be located along any parking lot perimeter or any parking lot interior, plant materials are not required to be evenly spaced throughout the site landscape area.

3. The minimum number of trees, shrubs and plantings required to satisfy the parking lot perimeter, the parking lot interior, buffer area requirements, and screening requirements, as applicable, must be provided. Required plantings for remaining site landscape areas are as follows:

- a. One tree for each 2,500 square feet of remaining landscape area. Significant trees preserved on-site count toward the number of trees for the landscape area.

- b. Three shrubs for each 1,000 square feet of remaining landscape area. Shrubs may be replaced with ornamental grasses or perennials; however, such replacement shall not exceed 50 percent of the required number of shrubs.
- c. Outside of tree and shrub masses, the landscape area must be planted in sod, turf, grass, groundcover, perennials, or other vegetable cover, and may include the placement of rock, mulch and related landscape materials associated with any such planting.
- d. When planting within the landscape area is not feasible, the applicant may pay a fee in lieu to the village. This fee will be used to pay for a comparable planting on village property. The fee shall be in the amount determined by the Zoning Administrator, based on the fee schedule established by the Village Board.
- e. In locations where plants will be susceptible to injury by pedestrians or motor traffic, such plants must be protected by appropriate curbs, tree guards, or other devices where possible.

Sec. 46-187. – Landscape requirements for parking lot perimeters.

1. The requirements of this section apply to the parking lot perimeters of all new private and public off-street parking lots, and to any expansion of any existing lot by more than 25 percent of the number of existing spaces.
2. All parking lots must be screened from public streets and adjacent residential properties by complying with one of the following parking lot perimeter options:
 - a. If abutting a public street, a parking lot perimeter area must have a minimum width of seven feet to accommodate a two-foot vehicle overhang and a five-foot wide landscape area.
 - b. If abutting a residential district, a parking lot perimeter area must have a minimum width of 10 feet, and include a screen consisting of an opaque fence, wall, berm, or evergreen shrub planting hedge not less than three feet in height.
3. The following plant materials must be provided, at a minimum, in the landscape areas of a parking lot perimeter:
 - a. One canopy, ornamental or evergreen tree for every 50 linear feet of perimeter area, excluding driveway openings. Trees may be spaced evenly or grouped.
 - b. Organic mulch, vegetative groundcover, or decorative landscape rock.

A reduction in the amount of canopy, ornamental or evergreen trees required by these provisions adjacent to any public street may be obtained when the existing on-site trees are taken into account.

Sec. 46-188. – Landscape requirements for parking lot interiors.

1. All new private and public off-street parking lots with 40 or more parking spaces and any expansion of an existing lot by more than 25 percent so as to contain 40 or more spaces are subject to the parking lot interior landscape requirements of this section.

2. Minimum landscape coverage are as follows:

- a. Parking lots with 40-200 spaces must include landscape areas on at least seven percent of the interior lot area.
- b. Parking lots with more than 200 spaces must include landscape areas on at least five percent of the interior lot area.

3. The requirements for interior landscape areas are as follows:

- a. Interior landscape areas must be evenly distributed throughout the parking lot. Required plantings must also be evenly distributed in the landscape areas.
- b. Landscaped areas may be in any shape or configuration, and all landscape areas must be a minimum of 150 square feet.

4. Minimum plant quantity are as follows:

- a. 40-200 parking spaces: Two trees and five shrubs or ornamental grasses per 20 spaces.
- b. Over 200 parking spaces: Two trees and five shrubs or ornamental grasses per 40 spaces.

5. Trees must be distributed evenly throughout the parking lot interior and not clustered.

Sec. 46-189. – Landscape material minimum standards.

1. The selection of plant materials shall be based on the village's climate and site conditions. Plant material shall be selected for interest in its structure, texture, and color and for its ultimate growth. Plants that thrive in Hardiness Zone 5 and are harmonious to the design and of good appearance shall be used. Plant diversity is required for the health of the overall landscaped area.

2. All plants must be A-Grade or No. 1 Grade and free of defects. All plants must be of normal health, height, leaf density, and spread as defined by the American Standard for Nursery Stock, ANSI Z60.1

latest available edition, or the American Association of Nurserymen. Plants must have full, even, well-developed branching and a dense, fibrous, and vigorous root system.

3. The following minimum sizes are required:

- a. Canopy tree: 2.5-inch diameter breast height, balled and burlapped.
- b. Ornamental tree: Two-inch diameter breast height, balled and burlapped, or seven feet for a multi-stemmed tree.
- c. Evergreen tree: Six feet high, balled and burlapped.
- d. Shrubs: 18-inch balled and burlapped, or three-gallon minimum container size.
- e. Ornamental grasses: One-gallon minimum container size.
- f. Perennials: One-gallon minimum container size.

Sec. 46-190. – Site maintenance for good appearance.

1. Landscape materials, other than plant materials, that have deteriorated or have been damaged or defaced, must be properly repaired or replaced.

2. Plant materials that have deteriorated or died must be replaced with healthy plantings, or the area must be redesigned with other treatment to provide an attractive appearance.

3. Plant materials must be kept watered, fed, cultivated, and pruned as required to give a healthy and well-groomed appearance during all seasons.

Secs. 46-191 - 46-200. – Reserved.

ARTICLE 14: SIGN REGULATIONS

Sec. 46-201. – Intended purpose.

This article is intended to promote the public health and safety by reducing the distracting characteristics of signs along public streets and highways and by prohibiting signs that interfere with public traffic-control devices. This article is also intended to reduce possible confusion that may result from the size, height, and location of signs. This article does not apply to nor regulate signs on trucks or other motor vehicles.

Sec. 46-202. – Signs allowed in all districts without a building permit.

The following types of signs are allowed in all districts:

1. Public signs

Signs of a public, noncommercial nature, including safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques, and all signs erected by or on order of a public officer in the performance of a public duty.

2. Flags

Flags bearing the official design of a nation, state, municipality, or noncommercial organization or institution.

3. Identification signs

Signs that identify the business, owner, manager, or resident and set forth the address of the premises where the sign is located and that contain no other material; there may be two such signs per premise, each sign not to exceed one square foot in area. The total height of such sign, if freestanding, must not exceed five feet.

4. Institutional signs

Any sign meeting the requirements of this Chapter that sets forth or denotes the name, symbol, or an announcement for any institutional use when located on the premises of an institutional use, provided the sign does not exceed a total of 20 square feet in display surface. If building-mounted, institutional signs must be flat wall signs, and must not project above the roofline or front facade of the building. If freestanding, the total height must not exceed six feet.

5. Private traffic direction signs and related signs

Signs directing traffic movement onto premises or within premises, when such signs are located on the premises, must not exceed five square feet in area for each sign and, if freestanding, must not exceed eight feet in total height. Such signs are considered to include parking directions, exit or entrance signs, drive-up window signs, restroom signs, and other signs for navigational purposes. Horizontal directional signs flush with paved areas are exempt from these standards.

6. Community event signs

Signs advertising a public entertainment or event of public interest, provided the placing of the signs is approved and the locations designated by the Zoning Administrator or appointed assistant or deputy. These signs must remain in place for no more than 21 days before and seven days after the event, and must not exceed 40 square feet in area.

7. Political campaign signs

Signs or posters relevant to political issues and pertinent data, or announcing the candidates seeking public political office, up to an area of 10 square feet. These signs shall be confined to private property. Signs posted relevant to an election must be removed within seven days after the election for which they were posted.

8. Individual property sale or rental signs

Any sign on private property announcing the name of the owner, manager, real estate dealer, or other person directly involved in the sale or rental of the property, or announcing the purpose for which it is being offered. Such signs may be freestanding or wall-mounted only. Signs may not emit direct illumination, and must be removed within 14 days after the sale or rental of the property. These signs must not be placed on the public right-of-way.

9. Shopping center signs

Establishments that are part of a recognized and identifiable shopping center complex may have individual store identification sign not to exceed one square foot per linear foot of establishment frontage. Shopping center identification signs must not exceed 200 square feet. Not more than one identification sign per lot frontage may be erected.

10. Highways signs

If a sign in the commercial districts or industrial districts are: directed primarily toward the users of an interstate highway; within 2,000 feet of the centerline of an interstate highway; and more than 500 feet from any residential district, school, park, hospital, or nursing home, it may rise only to such a height as to be visible from a distance of one half mile from the highway. Such a sign must not exceed a height of 80 feet and an area of 150 square feet. All highway signs must be in accordance with a permit issued by the state Department of Transportation in accordance with their permit requirements.

11. Subdivision sign

- a. Any sign announcing the name of the architects, engineers, contractors, or other individuals or firms involved with the subdivision of property (but not including any advertisement of any product) or announcing the character of the subdivision or the purpose for which it is intended.
- b. These signs must be confined to the site of the subdivision and shall be permitted for one year from the date of erection of the first of such signs. If development of the subdivision is not completed within one year after erection of the signs, the sign shall be permitted to exist for an additional period not to exceed one year.

12. Subdivision or mobile home park name signs.

Signs announcing the name of a subdivision or a mobile home park must conform to the following requirements:

- a. Maximum number of signs: One sign per street bordering or entering the subdivision.
- b. Maximum area of sign: 100 square feet (not including structures).
- c. Maximum height of sign: Eight feet.
- d. Location of sign: Signs must conform to the setback requirement for structure in applicable districts.

13. Construction signs

Any sign announcing the name of architects, engineers, contractors, or other individuals or firms involved with the construction, alteration, or repair of a building (but not including any advertisement of any product); announcing the character of the building enterprise or the purpose for which the building is intended; or indicating the presence of underground public utility structures to avoid damage to structures by excavation.

- a. Such signs must be confined to the site of the construction, alteration, or repair, and must be removed within 21 days after completion of the work.

- b. Signs must conform to the standards provided for individual property sale or rental signs set forth in Subsection 8 of this section.

14. Portable or temporary sign in a commercial district; provided, however, that any such portable or temporary sign shall be permitted under the following terms and conditions:

- a. Maximum number permitted: one sign per business;
- b. Maximum area of signs: 16 square feet;
- c. Maximum height of signs: four feet;
- d. Location of signs: Signs shall not extend over any public right-of-way or be permitted to be located within the triangular area of a corner lot as specified in Section 46-134; and
- e. Duration: Signs shall only be displayed during hours when the business to which such sign relates is open for business, after which time such sign shall be removed to either an area immediately adjacent to the main building on such lot or an enclosed area inaccessible to the public.

15. Holiday signs

Signs or displays either illuminated or unilluminated that contain or depict a message pertaining to a national, state, community, or religious holiday, and no other matter, and that are displayed for a maximum of 45 days.

16. Underground public utility warning signs

Standard types of warning signs marking the routes of underground public utility pipes, conduits, and cables.

17. House or building address

Any sign that sets forth the house or building address, provided that the individual characters of the signs do not exceed six inches in height. There shall not be more than one such nameplate per dwelling.

18. Garage sale signs

Garage sale signs will be permitted, with a maximum area of four square feet, and posted for a maximum of five days before being removed by the poster of the sign.

19. Auctions and open houses

Signs announcing auctions and open houses may be posted on private property; such signs must not exceed five square feet in area and may be posted for a maximum of 48 hours.

Sec. 46-203. – Measurement standards and definitions.

The following standards and definitions shall apply to this article, in addition to any others that are contained in Sections 46-7 through 46-10:

1. Measurement of sign area:

- a. Flat sign: The area of the smallest geometric figure encompassing the sign; or
- b. Volumetric sign: The area of the smallest geometric figure encompassing the maximum projected area of the volume on a flat plane that completely encloses the extreme limits of the sign, including any frame, structural trim, or other material forming an integral part of the display as used to differentiate such sign from the background against which it is placed. Such measurement shall exclude the necessary supports or uprights on which the sign is placed, unless the supports or uprights constitute part of the display.

2. Measurement of freestanding sign height:

Freestanding signs are measured from the point where the sign is placed in the ground to the uppermost extremity of the sign.

3. Measurement of business frontage:

Business frontage is the linear footage of a lot, facing the public right-of-way, owned or rented by a person, business, or enterprise and intended for business usage.

4. Electronic message board:

Any sign with a fixed or changing message composed of electronically changeable light emitting diode (LED) or other lighted letters or numerals.

5. Integral signs:

Names of buildings, dates of construction, commemorative tablets and similar markers, when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the building or structure.

6. Manual message board:

Any sign with a fixed or changing message composed of manually changeable letters or numerals.

Sec. 46-204. – Prohibited signs.

The following signs are prohibited by this Chapter:

1. Any sign that, because of its size, location, movement, content, coloring, or manner of illumination, constitutes an obvious traffic hazard or a detriment to traffic safety by obstructing or detracting from the visibility of any official traffic-control device.
2. Any sign that contains or is an imitation of an official traffic sign or signal, except for private traffic direction or traffic control.
3. Any sign that contains blinking, flashing, or traveling lights or that displays an electronic message, unless otherwise permitted in Sections 46-205 and 46-206.
4. Any sign that, for 30 consecutive days, has directed attention to a product, place, activity, person, institution, or business that was formerly but is no longer in operation or existence on the premises.
5. Any portable or temporary sign or signs of a type not defined in Section 46-202.
6. Beacon lights used in connection with a sign or to draw attention to any property or event.
7. Illuminated signs that permit light to shine directly upon adjacent property in a way that is either objectionable or constitutes an unreasonable interference with the use of the adjoining property or the use of an adjoining public street.
8. No business shall be permitted to have more than three permitted signs that are visible to the public from a public street or from a parking area, except on-premises directional signs.
9. The use of vehicles or equipment for signs except where the primary purpose of such vehicle or equipment is not the display of signs. As used herein, the primary purpose of any such vehicle or equipment shall not be considered as being for the display of signs where the signs are painted upon or

directly applied to an integral part of the vehicle or equipment and the vehicle or equipment is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used in the daily function of the business to which such signs relate.

Sec. 46-205. – Commercial districts.

The types of on-premises signs set forth in this section are permitted in commercial districts when the advertising on the signs is for the business conducted or products or services offered upon the premises where the signs are maintained. On-premises signs may also display the date, time, and/or temperature, subject to the limitations for each such type of sign as described in this section.

1. Freestanding sign

- a. Maximum number of signs: Two signs per business;
- b. Maximum area of sign: 100 square feet;
- c. Maximum height of sign: 20 feet;
- d. Unless the height of any freestanding sign is a minimum of eight feet above ground, the area surrounding the base of any such sign must be maintained as a green area of at least 100 square feet and planted in grass, shrubs or plants;
- e. Minimum lot size for one sign is 5,000 square feet; and
- f. Location of sign: Signs must not extend over the public right-of-way and are subject to the visibility requirements of Section 46-133. No freestanding signs are permitted within 50 feet of any residential district where the nearest lot contains a dwelling unit, public school, park, hospital, or nursing home.

2. Wall signs and wall mounted signs

- a. Maximum number of signs: No limit;
- b. Maximum area of signs: 10 percent of wall area not to exceed 150 square feet. For every 100 feet from the centerline of an adjacent highway, the sign area may increase by 10 percent (measured from the sign to the centerline); and
- c. Maximum height and location: Signs must not extend beyond the top or ends of the wall surface on which they are placed.

3. Projecting signs

- a. Maximum number of signs: One sign per business;
- b. Maximum area of signs: 32 square feet;

- c. Maximum height of signs: Signs must be at least eight feet above the ground. Signs must not extend above the portion of the roof immediately adjacent to the sign; and
- d. Location of the signs: Signs must not extend over any public right-of-way.

4. Roof signs

- a. Maximum number of signs: One sign per business;
- b. Maximum area of signs: 75 square feet; and
- c. Maximum height of signs: Eight feet as measured from that part of the roof immediately below the sign. In no case may the height exceed the maximum height authorized in the zoning district.

5. Signs attached to or part of canopies, awnings, and entrance structure

- a. Maximum number of signs: One sign per business;
- b. Maximum area of signs: 15 square feet if the sign is not the only sign for its business. If such sign is the only sign for its business, then the maximum area for the sign may be increased up to a maximum area of no more than 30 percent of the total area of any such canopy, awning, or entrance structure if the writing, representation, emblem, or other figure of similar character constituting the display of such sign is an integral part of any such canopy, awning, or entrance structure. A display shall be deemed an integral part of the canopy, awning, or entrance structure if the display does not project more than one-half inch from the canopy, awning, or entrance structure;
- c. Height of signs: There must be at least eight feet of clearance between the ground and the bottom edge of the sign;
- d. Location of signs: No sign may project more than two feet from any canopy, or awning or other such structure; and
- e. A canopy or awning may extend within the limits of the right-of-way by a distance not to exceed 12 feet. A canopy or awning may not extend closer than six inches from the back of the curb or edge of the pavement of a street, whichever case applies.

6. Property sale and rental signs

- a. Maximum number of signs: One per frontage;
- b. Maximum area of signs: 50 square feet;
- c. Maximum height of signs: 25 feet; and
- d. Location of signs: No sign shall be located upon the public right-of-way.

7. Signs directed toward users of interstate highways

- a. Maximum number of signs: One sign per business;
- b. Maximum area of signs: 170 square feet per face with a maximum of two faces per sign;
- c. Minimum height of sign: 50 feet
- d. Maximum height of sign: 80 feet; and
- e. Location of signs: Signs directed primarily toward the users of an interstate highway must be located within 2,000 feet of the centerline of the interstate highway and more than 500 feet from any residential zoning district, school, park, hospital, or nursing home.

8. Manual message boards or electronic message signs

- a. Maximum number of signs: One manual message board or one electronic message sign attached to or made a part of any applicable type of sign as set forth in subsections 1 to 3 of this section;
- b. Maximum area of signs: No more than 50 percent of the total maximum area of the applicable type of sign as set forth in this Chapter;
- c. Display restrictions: The message on any electronic message sign shall be constant or steady in nature; features of an electronic message sign may not be in motion (e.g., scroll, travel, grow, melt, snow, etc.) at a rate faster than one frame per one second. No electronic message sign may have both the background and foreground in motion simultaneously. Messages may not change at a rate greater than once every four seconds. Electronic message unit signs must adjust brightness in response to changes in light levels so that such signs are not unreasonably bright for the safety of the motoring public and the comfort of the neighboring uses. The spillover at any property line must not exceed 0.5 foot-candles.
- d. Location: No electronic message sign may be located within 100 feet of the lot line of any residential use.

Sec. 46-206. – Industrial districts.

The types of on-premises signs set forth in this section are allowed or permitted in industrial districts when the advertising on such signs is for the business conducted or the products manufactured, assembled, processed or otherwise provided upon the premises where the signs are maintained. On-premises signs may otherwise displays the date, time, and/or temperature, subject to the limitations for each such type of sign as described in this section.

1. Freestanding signs

- a. Maximum number permitted: One sign per business with up to 300 feet of frontage, with one

additional sign allowed for each 300 feet thereafter;

- b. Maximum area of sign: 150 square feet;
- c. Maximum height of sign: 25 feet;
- d. Unless the height of any freestanding sign is at least eight feet above ground, the area surrounding the base of any such sign shall be maintained as a green area of at least 100 square feet and planted in grass, shrubs or plants; and
- e. Location of sign: Signs must conform to the building setback lines in their district and are subject to the visibility requirements of Section 46-133. No freestanding signs are permitted within 50 feet of any residential district where the nearest lot contains a dwelling unit, public school, park, hospital, or nursing home.

2. Wall signs and wall mounted signs

- a. Maximum number permitted: no limit;
- b. Maximum area of all wall signs per frontage: 15 percent of wall area not to exceed 200 square feet; and
- c. Maximum height and location of signs: Signs must not extend beyond the top or ends of the wall surface on which they are placed.

3. Projecting signs.

- a. Maximum number of signs: One sign per business;
- b. Maximum area of signs: 100 square feet; and
- c. Maximum height of signs: Signs must be at least eight feet above the ground, and must not extend above the portion of the roof immediately adjacent to the sign.

4. Roof signs

- a. Maximum number permitted: one sign per business;
- b. Maximum area of sign: 100 square feet;
- c. Maximum height of signs: 11 feet as measured from the part of the roof immediately below the sign, but in no exceeding the maximum building height authorized in the zoning district; and
- d. Location of signs: Signs must be wholly located within the roof area of the structure.

5. Signs attached to canopies, awnings, and entrance structure

- a. Maximum number permitted: one sign per business;
- b. Maximum area of signs: 20 square feet, if such sign is not the only sign for its business. If such

sign is the only sign for such business, then the maximum area of the sign may be increased up to a maximum area of no more than 30 percent of the total area of a canopy, awning, or entrance structure if the writing, representation, emblem, or other figure of similar character constituting the display of the sign is an integral part of the canopy, awning, or entrance structure. The display shall be deemed an integral part of such canopy, awning, or entrance structure if the display does not project more than one-half inch from any such canopy, awning, or entrance structure;

- c. Maximum height of signs: There must be at least eight feet of clearance between the ground and the bottom edge of the sign;
- d. Location of signs: No sign may project more than two feet from any canopy, awning, or other such structure; and
- e. A canopy or awning may extend within the limits of the right-of-way by a distance not to exceed 12 feet. A canopy or awning may not extend closer than six inches from the back of the curb or edge of the pavement of a street, whichever case applies.

6. Property sale and rental sign

- a. Maximum number of signs: One sign per frontage up to 200 feet and one additional sign for each 300 feet thereafter;
- b. Maximum area of sign: 150 square feet;
- c. Maximum height of signs: 25 feet; and
- d. Location of signs: Signs must not be placed within 15 feet of the public right-of-way.

7. Signs directed toward users of interstate highway

- a. Maximum number of signs: One sign per business;
- b. Maximum area of signs: 170 square feet per face with a maximum of two faces per sign;
- c. Minimum height of signs: 50 feet;
- d. Maximum height of signs: 80 feet; and
- e. Location of signs: Signs directed primarily toward the users of an interstate highway must be located within 2,000 feet of the centerline of such interstate highway and more than 500 feet from any residential zoning district, school, park, hospital, or nursing home.

8. Manual message boards or electronic message signs

- a. Maximum number of signs: One manual message board or one electronic message sign attached to or made a part of any applicable type of sign as set forth in subsections 1 to 3 of this section;

- b. Maximum area of signs: No more than 50 percent of the total maximum area of the applicable type of sign as set forth in subsections 1 to 3 of this section, or no more than 50 percent of such other total maximum area of the applicable type of sign as may otherwise be allowed under the provisions of this Chapter;
- c. Display restrictions: The message on any electronic message sign shall be constant or steady in nature; features of an electronic message sign may not be in motion (e.g. scroll, travel, grow, melt, snow, etc.) at a rate faster than one frame per one second. No electronic message sign may have both the background and foreground in motion simultaneously. Messages must not change at a rate greater than once every four seconds. Electronic message unit signs must adjust brightness in response to changes in light levels so that such signs are not unreasonably bright for the safety of the motoring public and the comfort of the neighboring uses. The spillover at any property line shall not exceed 0.5 foot-candles.
- d. Location: No electronic message sign may be located within 100 feet of the lot line of any residential use.

Sec. 46-207. – Institutional use signs.

The types of on-premises signs set forth in this section shall be allowed or permitted for any institutional use when the advertising on such signs is for the institutional use conducted upon the premises where any such signs are maintained. On-premises signs may display the date, time, and temperature, subject to the limitations for each such type of sign as respectively contained herein.

1. Freestanding signs

- a. Maximum number of signs: One freestanding sign is permitted per institutional use premises.
- b. Type: Monument style.
- c. Maximum area of sign: 70 square feet.
- d. Maximum height of sign: Eight feet.

2. Wall signs: Permitted in accordance with subsection 46-235(2).

3. Manual message boards or electronic message signs. Only one manual message board or electronic message sign shall be permitted for each institutional use premises and each such sign shall meet the following standards:

- a. Design: Must be incorporated into the permitted monument sign, making the electronic message sign an integral part of the sign. The message portion of the sign must not exceed more than 50

percent of the face of the sign or 17.5 square feet, whichever is smaller.

- b. Operation: If located within any area or district zoned for residential use, any such sign must not be located within 50 feet of any residential use and may only operate between the hours of 6 a.m. and 11 p.m.
- c. Display restrictions: The message on any electronic message sign shall be constant or steady in nature; features of an electronic message sign may not be in motion (e.g. scroll, travel, grow, melt, snow, etc.) at a rate faster than one frame per one second. No electronic message sign may have both the background and foreground in motion simultaneously. Messages must not change at a rate greater than once every four seconds. Electronic message unit signs must adjust brightness in response to changes in light levels so that such signs are not unreasonably bright for the safety of the motoring public and the comfort of the neighboring uses. The spillover at any property line shall not exceed 0.5 foot-candles.
- d. Location: Except as otherwise provided in subsection 3.b. above, no electronic message sign may be located within 100 feet of the lot line of any residential use. Electronic message signs must be located on arterial or collector streets as designated in the comprehensive plan of the village and must be separated from each other by at least 100 feet.

Sec. 46-208. – Building permits for signs.

1. Requirements.

- a. It shall be unlawful for any person to install, construct, erect, alter, reconstruct, or relocate any sign or signs without obtaining a valid building permit, in writing, from the Zoning Administrator, and making payment of a fee in the amount determined by the Village Board, unless such signs are allowed without a permit by Section 46-202. It is similarly unlawful for any person to cause a sign to be installed, constructed, erected, altered, reconstructed, or relocated without fulfilling the conditions noted above.
- b. Relocation or reconstruction of signs that conform to all requirements of this Chapter, when such signs existed as of February 2, 1991, is exempted from the requirement for a building permit as described, provided such signs continue to conform to all requirements of this Chapter following relocation or reconstruction. A building permit is required for the alteration, relocation, or reconstruction of any nonconforming sign.

2. Application for a building permit. The owner of the sign or his or her agent must file an application for a building permit with the Zoning Administrator. The application must contain the following information:

- a. Name, address, and telephone number of the owner of the sign, and agent, if any;

- b. Location of building, structure, or lot to which or upon which the sign is to be attached or erected;
- c. Position of the sign in relation to nearby building or structures;
- d. Two prints or ink drawings of the plans and specifications, indicating the method of construction and attachment to the building or the ground. No such prints or ink drawings shall be required for signs that:
 - i. have a fair market value of less than \$500;
 - ii. are erected in compliance with a standard method;
 - iii. have plans already with the Village; or
 - iv. have drawings already on file with the Zoning Administrator;
- e. Name of person, firm, corporation, or association erecting the sign;
- f. Evidence of written consent of the owner of the buildings, structure, or land to which or on which the sign is to be erected;
- g. Fee for special use will be in the amount determined by the Village Board;
- h. Other information as required by the Zoning Administrator to show full compliance with this and all other laws and ordinances of the village.

3. Inspection upon completion

The applicant who has been issued a building permit for construction, installation, erection, relocation, or alteration of a sign, shall, upon completion of the work, notify the Zoning Administrator, who shall inspect the condition of the sign with respect to its safety and location. If the Zoning Administrator finds that the sign, with respect to its safety and location, has been constructed in compliance with the ordinances of the village, he or she shall then issue the applicant a building permit in writing, authorizing the applicant to operate and maintain the sign.

4. Nullification

If the work authorized under a building permit to build has not been substantially completed within six months after the date of its issuance, the building permit shall become void.

5. Revocation

Building permits granted under the terms of this Chapter are not transferable. The Zoning Administrator is authorized to revoke any building permit issued by him or her if the holder of the permit fails to comply with any provision of this Chapter.

6. Building permit exceptions

The following operations shall not be considered as creating a sign, and shall not require a building permit:

- a. The changing of the advertising copy or message on an approved painted or printed sign, or on changeable letter panels or bulletin boards specifically designed for the use of replaceable copy.
- b. Painting, repainting, cleaning, and other normal maintenance and repair of a sign or sign structure.

7. Issuance of building permit

The Zoning Administrator shall issue the building permit within 30 days of application, once all of the requirements of this section are met and the appropriate fee is paid according to Section 46-371.

Sec. 46-209. – Nonconforming signs.

1. Signs that do not conform to the provisions of this Chapter as of February 2, 1991, are considered nonconforming uses.

2. A nonconforming sign may not be:

- a. Changed to another nonconforming sign;
- b. Structurally altered in order to prolong the life of the sign;
- c. Expanded;
- d. Re-established after a removal of 90 days;
- e. Re-established after damage or destruction, if the estimated expense of reconstruction exceeds 50 percent of the appraised replacement cost at the time of the damage or destruction;
- f. Routinely maintained where the cost of such repair or maintenance exceeds five percent of the current replacement costs for any period of 12 months. However, nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any sign or part of a sign declared to be unsafe by any official charged with protecting public safety;
- g. Relocated, unless relocation brings the sign into conformance with all the requirements of this Chapter; however, where a nonconforming sign is located within a right-of-way taken or acquired by a public body for street improvement purposes, then the relocation of such a sign is permitted.

3. All nonconforming signs shall be removed or brought into conformity with this Chapter within 10 years of February 2, 1991. The owner of a nonconforming sign may request approval for continuance as per Section 46-172.

Sec. 46-210. – Enforcement and penalties.

1. The Zoning Administrator is authorized and directed to administer and enforce all provisions of this article. Whenever necessary, officials of other departments of the village may give assistance, as is consistent with the usual duties of their respective departments. Upon presentation of proper credentials, the Zoning Administrator or his or her duly authorized representative may enter any premises when necessary to perform any duty imposed upon him or her by this article at reasonable times.

2. Whenever it shall appear to the Zoning Administrator that any sign has been constructed or erected or is being maintained in violation of any of the terms of this Chapter, or after a building permit for a sign has been revoked or become void, or that a sign is unsafe or in such conditions as to be a menace to the safety of the public, the Zoning Administrator shall issue a notice in writing to the owner or lessee of the sign, or the owner of the premises upon which the sign is erected or maintained. Such notice will inform such person of the violation, and shall direct him or her to make such alteration, repair, or removal as is necessary to secure compliance with this Chapter within a reasonable time limit of between 20 and 60 days.

3. A sign must be removed by the owner or lessee of the premises upon which the sign is located when the business that the sign advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Zoning Administrator shall notify the owner or lessee in writing, and allow 15 days for removal.

4. Signs may be inspected periodically by the Zoning Administrator for compliance with this Chapter, and with other ordinances of the village. All signs and their component parts are to be kept in good repair, and in safe, sanitary condition.

Secs. 46-211 – 46-220. – Reserved.

ARTICLE 15: ORDINANCE ADMINISTRATORS

Sec. 46-221. – Zoning Administrator.

The Zoning Administrator, and such deputies or assistants that have been or shall be duly appointed by the village president, shall enforce this Chapter. In addition to enforcement of this Chapter, the Zoning Administrator shall carry out the following responsibilities:

1. To issue all building permits and certificates of occupancy and make and maintain records thereof.
2. To issue temporary use permits that do not require a special use permit, where authorized by this Chapter, and keep permanent and accurate records thereof.
3. To conduct inspections of buildings, structures, and uses of land to determine compliance with the terms with the terms of this Chapter.
4. To maintain permanent and current records of the Chapter, including, but not limited to, all maps, amendments, special uses, variances, appeals, and applications.
5. To receive, file, and forward to the PZC all completed applications for special uses or petitions for amendments to this Chapter.
6. To receive, file, and forward to the PZC all completed applications for appeals, variances, and other matters on which the PZC is authorized to decide under this Chapter.
7. To provide clerical and technical assistance as may be required by the PZC in the exercise of its duties.
8. In the event that any regulations and standards of this Chapter are being violated, immediately upon his or her knowledge of such violation, to notify the perpetrator of such violation in writing, indicating the nature of the violation and the action necessary to correct it. The Zoning Administrator shall:
 - a. order the discontinuance of any illegal use of any land or structure, or any additional change or alteration thereto, except as permitted by this Chapter; or
 - b. order the discontinuance of any illegal work being done; or
 - c. take other action authorized by this Chapter to ensure compliance with or to prevent violation of its regulations and standards.

When necessary, the Zoning Administrator, after investigation and recommendation, may inform the village attorney, who shall, in turn, institute any appropriate action or proceeding in law or equity to restrain, correct, or abate such violation, or to recover an appropriate fine for violation of this Chapter.

Sec. 46-222. – Planning and Zoning Commission.

The Planning and Zoning Commission (PZC) has the following powers, pursuant to this Chapter:

1. To hear and decide all matters specifically referred to it by the provisions of this Chapter.

2. In connection with requests for variances from the terms provided in this Chapter:
 - a. The PZC is authorized to hear and decide to grant a specific variance and to hear and decide to recommend approval of a general variance to the Village Board. The Village Board shall grant or deny any general variance in the manner specified in Article 17 of this Chapter.
 - b. Under no circumstances shall the PZC decide to grant a variance to allow a use not permitted either by right, by special use permit, or by building permit under the terms of this Chapter in the applicable district involved, or any use expressly or implicitly prohibited by the terms of this Chapter in the applicable district involved, except in the case of an appeal regarding the decision of the Zoning Administrator pursuant to the provisions of Article 17 of this Chapter.
 - c. To hold a public hearing, set forth its findings of fact, and make recommendations to the Village Board on zoning text amendment applications, zoning map amendment applications, and special use applications in the manner prescribed in Article 17 for special uses and amendments.
 - d. To hold a public hearing, set forth its findings of fact, and make recommendations to the Village Board on general variance applications in the manner prescribed in Article 17 for general variance applications.
 - e. To hold a public hearing, set forth its findings of fact, and decide specific variance applications in the manner prescribed for specific variance applications in Article 17.
 - f. To hold a public meeting to review and decide an appeal regarding the decision of the Zoning Administrator with regard to a specific variance application or interpretation.
 - g. To periodically initiate, direct, and review studies of the provisions of this Chapter and to make reports of its recommendations to the Village Board not less frequently than once a year;
 - h. To review preliminary plats for subdivisions within 1.5 miles of the Village for approval or disapproval, as provided for in the Subdivision Ordinance;
 - i. To review and make recommendations to the Village Board for the approval of final plats within the Village and within 1.5 miles of the Village as provided for in the Subdivision Ordinance; and

- j. To hear and report upon all matters that it is required to consider under this Chapter or any other ordinance.

Sec. 46-223. – Village Board.

1. The Village Board has the following specific powers, pursuant to this Chapter:

- a. To make final decisions on zoning text amendment and zoning map amendment applications.
- b. To make final decisions on special use applications.
- c. To make final decisions on general variance applications.
- d. To make final decisions on zoning appeals.
- e. To make final decisions on planned unit development (PUD) applications.
- f. To make final decisions on all other petitions related to this Chapter.

2. All decisions and findings of the Village Board related to the Zoning Ordinance, shall, in all instances, be the final legislative decisions and shall be subject to judicial review as provided by law. In the case of zoning amendments, variations, special uses, PUDs, and other actions that require approval by ordinance, the enactment of the approving ordinance shall be the final administrative decision and shall be subject to judicial review as provided by law.

Secs. 46-224 – 46-230. – Reserved.

ARTICLE 16: BUILDING PERMIT APPLICATION & PROCEDURES

Sec. 46-231. – Building permit required.

1. No building or structure shall be erected, reconstructed, enlarged, or moved until a building permit has been applied for in writing and issued by the Zoning Administrator or a designee authorized by the village president. The building permit must be posted in a prominent place on the premises prior to and during the period of erection, reconstruction, enlargement, or moving. No building permit shall be issued unless the application, plat, and building plans disclose that the application is for:

- a. The erection, reconstruction, conversion, enlargement, or structural alteration of a building entirely occupied by a conforming use, and that the applicable height, area, floor area ratio, open space ratio, yard, and parking regulations are fully met;
- b. The reconstruction of a building, occupied wholly or partly by a nonconforming use that has been damaged by fire, explosion, or act of God, and that such reconstruction is authorized under the provisions of this Chapter; or
- c. The conversion or structural alteration of a building other than a dwelling, occupied wholly or partly by a nonconforming use; that the applicable height, area, floor area ratio, open space ratio, yard, and parking regulations are fully met; and that such conversions or structural alteration is authorized under the provisions of this Chapter.

2. The building permit, if issued, shall state upon its face the purposes for which the building or structure will be used and whether this use is conforming or nonconforming in character.

Sec. 46-232. – Application procedure for building permits.

1. The application must be made by the owner or lessee of the property, the agent of either, or the architect, engineer, or builder employed in connection with the proposed work. If the application is made by a person other than the owner in fee, it must be accompanied by an affidavit of the owner in fee, authorizing the application.

2. Nothing in this Chapter will prohibit the filing of amendments to an application, plan, or other record at any time before the completion of the work for which the building permit is issued. Such amendments must be filed with, and will be deemed a part of, the original application, if approved before the certificate of occupancy has been issued. Otherwise, a new application for the alteration must be made and a new building permit secured.

3. Each application for a building permit must be accompanied by a plat, drawn to scale and showing the actual dimensions of the lot to be built upon, the size and location of the structures to be erected or altered, and any other information as may be necessary to provide for the enforcement of this Chapter. Two copies of the plat must be submitted. Any variance or special use permit that may have been granted for the proposed building, structure, or use must be noted upon the application.

4. The Zoning Administrator will examine applications for permits within a reasonable time after filing. If, after examination, he or she finds no objections to the application, and it appears that the proposed work will be in compliance with the applicable laws and ordinances, and that the proposed construction or work will be safe, he or she will approve the application and issue a building permit for the proposed work as soon as is practicable. Every permit issued in accordance with these provisions shall bear the signature of the Zoning Administrator or his or her authorized subordinate. If his or her examination reveals otherwise, he or she will reject the application, note his or her findings in a written report to be attached to the application, and deliver a copy to the applicant.

5. The Zoning Administrator may revoke a permit, certificate of occupancy, or approval issued if there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit, certificate, or approval was based.

6. The Zoning Administrator may issue a building permit for the construction of part of a building or structure before the entire plans and detailed statements of the building or structure have been submitted or approved, provided that adequate information has been submitted for the relevant part of the building or structure and has been found in compliance with this Chapter.

7. All work performed under a building permit issued by the Zoning Administrator must conform to the approved application and plans and any approved amendments to the application and plans.

8. It is unlawful to reduce or diminish the area of a lot or plat for which a plot plan has been filed and has been used as the basis for a permit, unless a revised plot plan showing the proposed changes in conditions is filed and approved. This does not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

9. A building permit under which no work is commenced within six months after issuance will expire by limitation, and a new building permit must be secured before work is started. The Zoning Administrator will give written notice of the expiration date to the applicant at the time the building permit is issued.

10. If the work described on the building permit is not substantially completed within one year from the issuance of the building permit, the building permit will expire and be canceled by the Zoning Administrator. The Zoning Administrator will furnish written notice of the expiration to the applicant, together with notice that further work as described on the expired building permit must not proceed unless and until a new building permit has been issued. However, for commercial, institutional, and industrial buildings, the building permit may extend for such additional period as set forth in the application for the building permit as the time necessary to complete the building.

11. A copy of the building permit will be kept on the premises for public inspection until the completion of the work. The Zoning Administrator will require a certified copy of the approved plans to be kept on the premises at all times until the completion of the work.

12. No building permit will be issued until an application for a certificate of occupancy for the same property has been filed. This application must include the estimated or approximate time of completion of the work for which the building permit is requested.

Sec. 46-233. – Application for a temporary use permit.

1. A temporary use permit allows for the short-term use and/or placement of structures on a lot. The temporary use permit regulates temporary uses that occur entirely on and within a lot. Temporary uses located within the public right-of-way are regulated separately by the Village Code.

2. A property owner in the Village, or person expressly authorized in writing by the property owner, may initiate a temporary use permit application.

3. All applications for temporary use permits must be filed with the Zoning Administrator in accordance with the building permit application requirements described in Sec. 46-232.

4. All temporary uses must comply with the requirements of this Chapter, including the temporary use standards of Article 9 and the following standards:

- a. Unless expressly allowed by this Chapter, the temporary use or structure must comply with the

yard and bulk requirements of the district in which it is located.

- b. The temporary use must not cause, or threaten to cause, an on-site or off-site threat to the public health, safety, and welfare.
- c. The temporary use must be operated in accordance with such restrictions and conditions as the Police and Fire Department may require. If required by the Village, the operator of the temporary use must employ appropriate security personnel.
- d. The temporary use must not conflict with another previously authorized temporary use.
- e. The temporary use must provide adequate parking if needed and, if located on a lot of an operational principal use, must not impact the parking and site circulation of the principal use.

5. The Zoning Administrator must render a decision on a temporary use permit that does not require a special use permit within 30 days of the date the application is deemed complete. The Zoning Administrator must review and evaluate the application, pursuant to the standards of this section, and approve, approve with conditions, or deny the application.

6. The temporary use permit is valid only for the time period granted as part of the approval.

Sec. 46-234. – Certificate of occupancy.

1. No land shall be occupied or used, and no building erected or altered shall be occupied or used, in whole or in part, for any purpose until a certificate of occupancy has been issued by the Zoning Administrator, stating that the building or structure complies with all applicable building and health laws and ordinances, and with the provisions of this Chapter. No change of use shall be made in any building or part of a building without a building permit having been issued by the Zoning Administrator, and no building permit shall be issued to make such change unless it is in conformity with the provisions of this Chapter and any amendments to this Chapter.

2. Nothing in this section shall prevent the continuance of the present occupancy or use of any existing building, except as may be necessary for safety of life and property.

3. Certificates for occupancy and compliance must be applied for concurrently with the application for a building permit. The certificate of occupancy and completion will be issued within 21 days after receipt of notice of completion of erection or alteration of such building, and proof of compliance with requirements of this and other applicable ordinances.

4. A record of all certificates will be kept on file in the office of the Zoning Administrator, and copies will be furnished on request to any person having proprietary or tenancy interest in the building affected. A fee in the amount determined by the Village Board will be charged for each original certificate and for each copy of a certificate.

Sec. 46-235. – Review of building design and landscape standards.

1. An application for a development must include the following information, as applicable:
 - a. Elevation drawings, scaled and dimensioned, indicating the materials and colors of all proposed structures and improvements;
 - b. A compilation of contextual photographs, indicating the subject property, all abutting properties, and all facing properties;
 - c. For applications for new construction, building modifications, and building expansions: color samples of materials or finish on building exterior, or a color rendering, floor plans, a roof plan, a site section and wall sections as necessary to articulate the relationship of materials;
 - d. A landscape plan for applications for a new development to indicate required buffer area, screening, landscape area, parking lot perimeter, or parking lot interior in accordance with provisions of Article 13;
 - e. For applications requiring lighting approval, a lighting plan meeting the requirements of Section 46-141.

2. Authority regarding required submittal.

The Zoning Administrator has the authority to waive submittal of any of the application items for new development specified in Item 1 above if it is found that the nature of the development applied for is such that the review of such items is not necessary to ascertain compliance with this Article. If additional information or material is required in order to conduct such review, the Zoning Administrator is authorized to require any such additional items to be prepared. All such information, materials, or items must be prepared by a registered design professional if required by the building code or residential code as adopted in the Village Code.

Sec. 46-236. – Procedure for review of building permit applications for a development that must meet building design, outdoor lighting, and landscape standards.

1. After the filing of a complete application, the Zoning Administrator will:

- a. Issue an approval of the development plan provided if all applicable requirements of this Chapter are met;
- b. Issue an approval of the development plan that varies from applicable building design standards, outdoor lighting standards, or landscape standards as indicated in item C. below if the applicant has demonstrated that such variation is necessary due to the unavailability of authorized materials or a similarly valid circumstance, and that the variation will be aesthetically equal to or better than the applicable design standards and will not conflict with the intent of this article;
- c. Refer the development plan to the PZC if the development plan includes a request for one or more waivers of:
 - i. the building design standards set forth in Articles 4 through 7 of this Chapter;
 - ii. the outdoor lighting standards set forth in Section 46-141 of this Chapter;
 - iii. the landscape area, parking lot perimeter, or parking lot interior standards set forth in Article 13 of this Chapter.
- d. Deny the application if the development plan fails to satisfy the applicable design standards set forth in this article, or contains any false, fraudulent, or misleading material statement.

2. In the event the Zoning Administrator denies an application for a waiver of building design standards, outdoor lighting standards, landscape area standards, parking lot perimeter standards, or parking lot interior standards, the Zoning Administrator will notify the applicant in writing of such denial by first class mail and the applicant will have the right to appeal the denial to the PZC. This appeal must be made in writing by the applicant and filed with the Zoning Administrator within 21 days after the date that notice of the denial was mailed to the applicant.

3. Referral to PZC

Upon an appeal of the denial of a development plan by the Zoning Administrator, or the referral to the PZC of a development plan that involves a request for one or more waivers of the applicable design standards set forth in this article, the Zoning Administrator will schedule a public meeting to be held at the next regular or special meeting of the PZC. The Zoning Administrator will send written notice of the time and place of the scheduled public meeting by first class mail to the applicant. In the case of an appeal, the public meeting will be scheduled to take place at least five business days after the date that the written notice is mailed to the applicant.

4. Review by PZC

In reviewing a proposed development plan that involves an appeal of the denial of a development plan by the Zoning Administrator or a request for one or more waivers of the applicable design or landscape standards as indicated in item 3 above, the PZC will apply the applicable design and landscape standards as set forth in this Chapter. If the PZC finds that the applicant has complied with all of the applicable design and landscape standards in connection with an appeal, the PZC will approve the development plan. If the PZC finds that the applicant has not complied with all of the applicable design standards or has requested one or more waivers of the applicable design standards, the PZC may take one of the following actions:

- a. Issue a conditional approval of the development plan, in which the applicant agrees to implement all additional design, outdoor lighting, and/or landscape elements and to remove all rejected design and/or landscape elements as required by the PZC.
- b. Grant one or more minor waivers of the applicable design, outdoor lighting, and/or landscape standards set forth in this article. A “minor waiver” is one that does not reduce any applicable required design standard by more than 10 percent, and that meets the following conditions:
 - i. Is necessary due to special conditions and circumstances related to the development that are not generally applicable to other developments in the same zoning district;
 - ii. Represents generally the minimum deviation necessary to accommodate the applicant's request;
 - iii. Will be in harmony with the general purpose and intent of this article.
- c. Forward to the Village Board any recommendation for the approval or rejection of one or more major waivers of the applicable design or landscape standards set forth in this article. A “major waiver” includes any waiver that does not qualify as a minor waiver as defined above.
- d. Deny the appeal entirely.

5. Additional documentation

In the event the PZC requires additional documentation or material in order to conduct its review, the PZC may continue its consideration of the development plan for a period not to exceed 30 days in order to receive and consider any such additional documentation or material.

6. Decisions of the PZC

Within five business days of the close of review by the PZC, the PZC will notify the applicant in writing by first class mail of its decision regarding the proposed development plan.

7. Review by Village Board

Any applicant may appeal the decision of the PZC to the Village Board. Any such appeal shall be in writing and must be filed with the village clerk within 21 days of the date that notice of the PZC's decision was mailed to the applicant. The Village Board will also consider any major waiver forwarded to them by the PZC in conformance with the procedures set forth in this Article.

8. Procedure for review

Any such appeal or consideration of one or more major waivers will be scheduled for the next scheduled regular or special meeting of the Village Board occurring after the receipt of any such written appeal or forwarded recommendation for any major waivers by the PZC. The Village Board, in reviewing any such appeal or forwarded recommendation for any major waivers, may consider the development plan submitted to the PZC, as well as any additional information or material presented by the applicant before the Village Board. Unless extended by agreement, the Village Board will render a decision on the appeal or on the granting of any one or more major waivers no later than its next scheduled regular or special meeting following the meeting at which the appeal or the recommendation for any one or more major waivers was presented. The Village Board, in reviewing any such appeal or forwarded recommendation of any major waivers, will be guided by the applicable design or landscape standards contained in this Chapter. However, the Village Board may waive any such applicable building design, outdoor lighting standards, or landscape standards when the deficiencies will further the purposes of this Chapter. The Village Board may approve the development plan as presented; approve the development plan conditionally, pending modification; approve the development plan and grant any one or more minor or major waivers; reject the development plan entirely; or remand the development plan to the PZC for further review. Unless agreed to by the applicant, no development plan may be remanded to the PZC by the Village Board more than once.

9. Appeal of the Village Board

Any applicant aggrieved by the decision of the Village Board may further cause such decision to be reviewed in the manner provided by law.

10. Exclusivity of procedures

The appeal and waiver procedures as set forth in this article are exclusive and are in lieu of the right of any applicant to request a variance from the PZC or the Village Board in connection with any of the applicable building design, outdoor lighting, and/or landscape standards set forth in this Chapter.

Secs. 46-237. – 46-240. – Reserved.

ARTICLE 17: ZONING CHANGE APPLICATION & REVIEW

Sec. 46-241. – Procedure for submission and review.

The application and review process for zoning change applications, including applications for variances, special use permits, and amendments shall be as follows. Further review procedures for variances, special use applications, amendments, and appeals, specific to each type of application, are detailed in Sections 46-244, 46-245, 46-246, and 46-247.

1. Filing and pre-application conference
 - a. All zoning change applications must be filed with the Zoning Administrator. The application must be on forms provided by the Village and filed in the quantity required by the instructions.
 - b. Prior to formal submission of a zoning application, the petitioner may request a pre-application conference with the Zoning Administrator. The purpose of the pre-application conference, which does not require a formal application or fees, is to provide informal advice and assistance to the petitioner. Any opinions or advice provided are not binding with respect to any official action that may be taken on the application.
2. Completeness
 - a. The application must include all information, plans, and data as specified in the application requirements. Any required plans must be at a scale sufficient to permit a clear and precise understanding of the proposal, unless specifically required to be at a set scale.
 - b. The Zoning Administrator will examine all applications within 15 days of filing to determine completeness. If the application does not include all the submission requirements for the application, the Zoning Administrator shall inform the petitioner and shall place the application on hold pending submission of a completed application. The Zoning Administrator will take no further steps to process the application until all deficiencies are remedied.
 - c. After an application is determined to be complete, any substantive change made by the petitioner to the application requires resubmission of the entire application and a new completeness review. However, such revisions do not require an additional payment of fees.

- d. Once the application is under consideration by the appropriate body, additional information or revisions requested during review do not constitute a substantive change to the application.
3. Fees
 - a. Each application must be accompanied by the required filing fee as determined by the Zoning Administrator based on a fee schedule established by the Village Board. The failure to pay such fee when due is grounds for refusing to process the application and renders the application incomplete.
 - b. If an application is submitted by the Village Board or Zoning Administrator, then all fee requirements are waived.
 4. Forwarding of completed application and scheduling of public hearing
 - a. Once an application has been determined to be complete, the Zoning Administrator will forward the completed application to the PZC and schedule a public hearing for the review and discussion of the completed application.
 - b. Notification of the public hearing will take place per the requirements of Section 46-242.
 - c. The public hearing will proceed per the requirements of Section 46-243.
 5. Withdrawal or lapse of application
 - a. A petitioner has the right to withdraw an application at any time prior to the final decision on the application by the Village Board, PZC, or Zoning Administrator, including the ability to withdraw the application if it has been tabled by one of them. The petitioner must submit a request for withdrawal in writing. There will be no refund of fees.
 - b. Any application required by this Chapter that is not processed in accordance with this Chapter within a one-year period will automatically lapse and become null and void without further action by the Village.
 6. Consideration of successive applications
 - a. Within one year of the date of denial, a subsequent application for the same zoning approval will not be reviewed or heard unless there is substantial new evidence available, or a significant mistake of law or fact affected the prior denial.
 - b. If the application is resubmitted sooner than one year from the date of denial, the subsequent application must include a detailed statement of the grounds justifying its consideration.

- c. The Zoning Administrator will make a determination as to whether the subsequent application is appropriate for resubmittal prior to the expiration of the one-year requirement. If the Zoning Administrator finds that there are no new grounds for consideration of the subsequent application the Zoning Administrator shall summarily, and without hearing, deny the request.

Sec. 46-242. – Notification requirements.

1. Published notice in newspaper.

At least 15 days, but no more than 30 days, before any public hearing required by this Chapter, the Zoning Administrator will publish notice of the time and place of the public hearing in a newspaper of general circulation in the Village. The notice of such hearing shall contain the common street address and property index number (PIN) of the property for which such action is sought, or a legal description if a street address is not available, as well as a brief description of the proposed action. The cost of such publication shall be paid by the petitioner, and is in addition to the application fee.

2. Mailed notifications.

Any applicant for any public hearing under this Chapter shall furnish the Zoning Administrator with a complete list of names and last known addresses of owners of properties subject to the petition. Documentation of ownership in the form of an owner's policy or title insurance, warranty deed evidencing ownership of title, trust agreement certified by trustee with evidence of all current ownership of beneficial interest, purchase contract, or records from the County Recorder of Deeds, shall also be submitted. Not less than 10 days, but not more than 30 days before a public hearing, the Zoning Administrator shall send written notice by first class mail to the owners of the subject property as identified herein, concerning the place and time for the first hearing of the petition. Said notification letter shall state the name and address of the petitioner, the name and address of the owner of the property, the location of the property, and a brief statement of the nature of the requested action. Said letter shall be sent to the last known taxpayers of record, as reflected in the Champaign County records, of all property adjacent to or within 250 feet in any direction of the property for which the application for action is requested. If any part of a condominium property is located within 250 feet of the subject property, said letter shall be sent to each taxpayer of record of the condominium. The measurement of all public roads, streets, alleys, and other public ways shall be excluded in determining the 250-foot requirement. If, after a bona fide effort to serve such written notice, there are returned notices, the notice requirements of this section shall be deemed satisfied.

3. Notice by Sign

- a. In any case where a property owner, or a person acting on behalf of said property owner, is requesting a public hearing under this Chapter for any zoning action concerning that property, the property owner shall permit the Zoning Administrator or his or her designee to post a sign on said property, visible from adjacent roadways, to notify the public about the public hearing. In cases where someone other than the owner or someone acting on the owner's behalf is the petitioner for the public hearing, the required sign shall be posted by the Zoning Administrator or his or her designee on the public right of way adjoining the subject property. Said sign or signs shall be posted not less than 15 days but not more than 30 days prior to the date of the opening of the public hearing. A good faith effort shall be made to keep the signs in place until the date of commencement of the public hearing. Said signs shall be removed no later than 10 days after the completion of the final public hearing.
- b. The required sign shall contain the words "NOTICE OF PUBLIC HEARING" at the top of the sign. The sign must indicate the nature of the zoning change being requested and the time, date, and location of the public hearing. In addition, the sign must indicate the phone number of the Village Inspection and Planning Department.
- c. The Zoning Administrator may waive the requirement to post the sign in cases involving multiple lots to avoid confusing the public or to avoid an unreasonable burden on Village staff. Such waiver shall be made a part of the record of the case.
- d. A good faith effort shall be made to comply with the requirements of Items 3(a) and 3(b) of this section. However, compliance with those requirements shall not be regarded as jurisdictional.

4. Continued public hearings

In the instance a public hearing is continued to a later date, the date and time of the continued public hearing shall be announced at the time and place of the hearing being continued, and the continued hearing's notice requirements shall be deemed satisfied. If for any reason the continued public hearing date or time needs to be changed, the Zoning Administrator shall, in his or her best effort, provide the public with the new date and time of the continued hearing by:

- a. Posting the continued meeting or hearing notice at the Village Building; and
- b. Posting the continued meeting or hearing notice on the Village's website.

In the event a quorum is not present for the initial meeting or a continued meeting, a majority of the board or commission members present may reschedule the meeting to a new date and time. In the event a meeting is canceled prior to the scheduled meeting, any agenda items will be continued to the next

regular meeting or to a posted special meeting. No additional mailed or published notices shall be required for continued or canceled meetings.

Sec. 46-243. – Public hearing.

1. Pre-Hearing Examination

Once required notice is given, any person may examine the application and any related material submitted in support of or in opposition to the application during normal business hours. Upon reasonable request, any person may obtain copies of the application and related material. A fee may be charged for such copies.

2. Conduct of the Public Hearing

The public hearing shall be conducted in accordance with all applicable requirements of Illinois law and the rules and regulations of the body conducting the hearing.

3. The body conducting the hearing may continue a public hearing. No new notice is required to reopen the public hearing if the hearing is continued to a specific date, provided that a public announcement of the future date, time, and place of the continued hearing is made at the current hearing and recorded in the minutes. If the hearing is adjourned rather than continued to a date specified, notice must be given in the same manner which would have been required for the initial public hearing.

Sec. 46-244. – Variance.

1. Public hearing for a variance

- a. The PZC shall hold a public hearing to consider a request for a variance.
- b. The PZC may, by majority vote, postpone, continue or adjourn a public hearing to consider a variance.
- c. At any public hearing conducted by the PZC to consider a variance, the petitioner will have the burden of proving, by preponderance of the evidence, that each of the four criteria in connection with the specific findings of the PZC, as specified in Section 46-244 (2), has been satisfied. The sole burden of producing evidence that will satisfy each of such criteria is upon the petitioner. The fact that the property in question, or any other property, does not conform to the provisions of this Chapter for the applicable district involved does not provide the basis, in whole or in part, for any such specific finding of fact.

2. Findings of fact

The PZC or Village Board will not decide to grant a variance from the terms of this Chapter unless the PZC and, if applicable, the Village Board, based solely on the evidence presented, make a finding of fact that the granting of the variance will be in harmony with the general purpose and intent of this Chapter; that there exists a practical difficulty or particular hardship which provides the basis for a variance; and that the granting of the variance will not be unreasonably injurious or detrimental to the neighborhood or otherwise injurious or detrimental to the public welfare. Any such finding of fact shall always include a specific finding that each of the following four criteria has been satisfied:

- a. The variance requested is necessary due to special conditions and circumstances relating to the property or structure involved, or to the use or occupancy thereof, which are not generally shared with other properties or structures in the same district; the proposed variance will not serve as a special privilege but will alleviate some demonstrable and unusual condition or circumstances;
- b. The literal interpretation of the provisions of this Chapter would impose or deprive the applicant of rights commonly enjoyed by other properties or structures in the same district under the terms of this Chapter;
- c. The variance requested will not alter the essential character of the neighborhood; impair an adequate supply of light and air to adjacent property; substantially increase congestion in the streets; increase the danger of fire or other casualty or crime; diminish the value of nearby properties; or impair the public health, safety, and welfare; and
- d. The special conditions, circumstances, or hardships are not the result of any actions of the petitioner.

3. Specific variances

After the PZC has made each of the specific findings of fact as specified in Section 46-244 (2), the PZC shall have the authority to grant any specific variance for the following purposes only and no other:

- a. To permit a variance of no more than 25 percent of the following:
 - i. The number of parking spaces required by Article 12 of this Chapter.
 - ii. The depth of the front yard as specified in this Chapter; except that on a corner lot where the building will front or face the long dimension of the lot, making the long dimension of the lot the front yard, the PZC is hereby authorized to vary the depth of this type of front yard to as little as five feet.
 - iii. The depth of the side yard as specified in this Chapter; except that on a corner lot where the building will front or face the short dimension of the lot like the other

buildings in the block, making the long dimension of the lot a side yard, the PZC is hereby authorized to vary the depth of this type of side yard to as little as five feet.

- b. To permit a variance from the rear yard requirement to allow a reduction of a rear yard depth to as little as 7.5 feet. On corner lots where buildings front or face on the long dimension of a lot, and on triangular, irregular, and oddly shaped lots, the PZC is authorized to vary the rear yard setback requirements to as little as five feet.
- c. To permit the inclusion, as part of the required rear yard, of up to one-half of a public alley that abuts the rear yard, provided that the depth of the rear yard on the lot is not less than five feet.
- d. To permit a building to exceed the height limit by no more than 10 percent of the height limit established by this Chapter.
- e. To permit the creation of a new lot that has less lot area than required by this Chapter, provided that this variance shall not exceed 10 percent of the required lot area and, in the case of any lot lawfully existing on February 2, 1991, to permit a reduction in the required lot area by no more than 20 percent.
- f. To permit the creation of a new lot that has less width than required by this Chapter, provided that this variance shall not exceed 15 percent of the required lot width and, in the case of any lot lawfully existing on February 2, 1991, to permit a reduction in the required lot width by no more than 25 percent.
- g. To permit a reduction in a required side yard to as little as two feet in the case of any structure lawfully existing on February 2, 1991.
- h. To permit an increase in the occupancy or intensity of the existing use of a building whose parking is inadequate, as provided in Article 12 of this Chapter.
- i. To permit accessory off-street parking in a location other than the zoning lot of the principal use, as provided in Article 12 of this Chapter.
- j. To permit the postponement of the termination of any nonconforming use required by this Chapter for a period of no more than five years.
- k. To allow a sign to exceed the maximum height or area or to reduce the minimum setback for a sign as provided in Article 14 of this Chapter by no more than 15 percent of the specified requirement.

4. General variances

- a. Apart from and in addition to the specific variances specified in Section 46-244 (3), the PZC shall consider any request for any other variance as a general variance, provided that any such request is consistent with the intent of this Chapter. Any such general variance will be forwarded to the Village Board only if the PZC makes a final decision to recommend its approval. If the PZC

decides not to recommend approval of any such general variance, the request for any such general variance will be deemed denied, and the specific findings of the PZC will be the final decision on any such variance. The Village Board has the sole authority to grant or deny any request for a general variance that the PZC forwards in conformance with the procedures outlined below.

- b. The Zoning Administrator will prepare a decision sheet that includes the PZC's specific findings of fact as specified in Item 2 of this section, and its decision to recommend or to deny the request for the general variance, for the PZC chairperson's signature. If the PZC's decision is to forward the request for the general variance to the Village Board with a recommendation for approval, the Zoning Administrator will forward to the Village Board the PZC's decision sheet, the variance application, the names and addresses of all persons appearing before the PZC on such request, summaries of the testimony of all persons appearing before the PZC on such request, and any other relevant information.
- c. The Village Board will consider any such request for a general variance at a regular meeting of the Village Board. The Village Board need not take additional testimony or other evidence regarding such request for a general variance. If the Village Board decides by a duly adopted motion to receive additional evidence in connection with such request, such additional evidence shall be received only after public notice and an opportunity to be heard is afforded to any interested party as provided in this Article. The Village Board will act on the information presented in the PZC's specific findings of fact, the summary of the testimony or other evidence presented to the PZC at the public hearing, and the additional evidence received by the Village Board in the manner specified in this item, if any.
- d. After consideration of any such request for a general variance, together with the PZC's decision sheet and recommendation and any additional evidence received by the Village Board, if the Village Board determines to approve the general variance as recommended by the PZC, it shall adopt by ordinance those specific findings of fact as specified in Item 2 of this section forwarded by the PZC, or supported by any additional evidence, with which the Village Board agrees. In approving a general variance, the Village Board may adopt any conditions recommended by the PZC or any other or different conditions the Village Board deems to be supported by the record.
- e. The Village Board may refer any request for a general variance back to the PZC for further consideration if the Village Board determines that the specific findings of fact as specified in Item 2 of this section are insufficient. The Village Board must specify wherein such specific findings of fact are insufficient. When the PZC rehears the matter, it shall be in accordance with the notice and public hearing requirements as otherwise provided in this Article. In any case, the Village Board must approve or deny the request for a general variance within 120 days of the date of the

meeting of the PZC at which the PZC first recommended approval of the request for a general variance.

- f. The consideration of a request for a general variance shall not preclude the PZC from granting a lesser, specific variance on the same case if it is within the authority of the PZC to do so as specified in Article 15, if the specific variance is in substantial conformance with the intent of the request for the general variance and is supported by the specific findings of fact to be made by the PZC as required by Item 2 of this section. If such specific variance is granted in the manner set forth above, the approval of the Village Board shall not be required.
- g. The Village Clerk will notify the petitioner in writing of the final decision of the Village Board regarding any request for a general variance forwarded by the PZC to the Village Board in accordance with provisions of this article.

5. Conditions

In granting a request for a variance, the PZC or the Village Board may prescribe appropriate conditions and safeguards in conformity with this Chapter. Violations of such conditions and safeguards, when made a part of the terms and conditions under which any request for either a specific variance or a general variance is granted, shall be deemed a violation of this Chapter and is punishable under the provisions of this Chapter.

Sec. 46-245. – Special uses.

1. Purpose

The development and execution of this Chapter is based upon the division of the village into districts, within which the use of land and buildings, and the bulk and location of buildings or structures, are essentially uniform. It is recognized, however, that there are special uses, which, because of their unique character, cannot be properly classified into any particular district or districts without consideration in each case of the impact of those uses upon neighboring lands and the public need for the particular use in the particular location. Such special uses fall into two categories:

- a. Uses operated by a public agency, publicly related utilities, or uses traditionally in the public interest.
- b. Uses entirely private in character, but of such a nature that the operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

2. An application for special use shall be filed with the Zoning Administrator on a form provided by the village. The Zoning Administrator will review and process an application in accordance with law, give

notice of the public hearing, and after the public hearing is held, forward the recommendation of the PZC to the Village Board for final action.

3. Special uses will be authorized only by the Village Board, provided that no application for a special use be acted upon by the Village Board until after a public hearing is scheduled, noticed, and held by the PZC, and the PZC forwards its findings of fact and recommendations in a report to the Village Board.

4. Special use standards

No special use will be granted by the Village Board unless the special use:

- a. Is deemed necessary for the public convenience at that location;
- b. Is designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected; and
- c. Will not cause substantial injury to the value of other property in the neighborhood in which it is located.

5. Conditions

- a. The PZC may recommend and the Village Board may provide such conditions and restrictions upon the construction, location, and operation of a special use, including, but not limited to, the location of points of vehicular ingress and egress, off-street parking and loading, and building setbacks. Such conditions and restrictions provided must have been deemed necessary by the PZC and/or Village Board to promote the general objectives of this Chapter, and to minimize any injury to the value of property in the neighborhood.
- b. Failure to maintain such conditions or restrictions as may have been imposed will constitute grounds for revocation of the permit for such special use.
- c. All petitioners who are granted a special use must obtain a building permit and commence construction within 18 months of the passage of an ordinance approving the special use. Any failure to do so shall result in such special use permit being automatically revoked and the property subject to all of the applicable provisions of this Chapter.

Sec. 46-246. – Amendments.

1. The regulations imposed and the districts created under this Chapter may be amended by the Village Board from time to time by ordinance.

2. All amendments to this Chapter may be initiated in any of the following methods:

- a. By the written request of the legal or equitable owner, a contract, purchaser, or holder of a binding option, which is filed with the Zoning Administrator.
- b. By resolution of the Village Board.
- c. By approved motion of the PZC.

3. No such amendment shall be made without a public hearing before the PZC, which will report its findings and recommendations to the Village Board within 30 days after the final adjournment of such public hearing.

Sec. 46- 247. – Appeals.

1. Purpose

An appeal to the PZC may be taken by any person, group, or public or private organization affected by any order, requirement, decision, or determination made by the Zoning Administrator under this Chapter. An appeal may consist of a request for a determination with regard to the exact location of any district boundary if there is uncertainty with respect thereto.

2. Applying for an appeal

The following procedures shall apply:

- a. Within 45 days of the action complained of by the appellant, the appellant shall file a notice of appeal with the Zoning Administrator. The notice of appeal must describe the order, requirement, decision, or determination appealed from, and must specify the grounds for the appeal.
- b. The notice of appeal must be accompanied by the required filing fee as determined by the Zoning Administrator based on a fee schedule established by the Village Board. The failure to pay such fee when due is grounds for refusing to process the notice of appeal and renders the application for an appeal as incomplete.
- c. Upon receipt of the notice of appeal, completed as described in Item A. above, and upon receipt of the required filing fee as described in Item B. above, the Zoning Administrator shall assemble all the documents and files that constitute the record upon which the action appealed from was taken. The Zoning Administrator shall fix a reasonable time within 30 days of the receipt of the notice of appeal for a hearing on the appeal.
- d. The Zoning Administrator will give due notice of the hearing in writing to the appellant, PZC members, and any other person directly interested in the outcome of the appeal. It shall not be necessary to publish any notice of a hearing on an appeal.

- e. The hearing will be held in accordance with the procedures established by the PZC, and the PZC will decide the appeal within a reasonable time after the hearing. However, a hearing may be postponed, as may be necessary in the judgment of the PZC, in order to give any such appeal adequate consideration.
- f. The PZC shall not permit a variance in the application of the ordinance by its decision on an appeal. However, this shall not limit an appeal and a request for a variance from going forward simultaneously.
- g. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the PZC, after notice of appeal has been filed, that a stay would, in the Zoning Administrator's opinion, cause imminent peril to life or property. In such event, such proceedings shall not be stayed otherwise than by a restraining order that may be granted by a court of competent jurisdiction.

Sec. 46-248 – 46-250. – Reserved.

ARTICLE 18: NONCONFORMITIES

Sec. 46-251. – Continuance of nonconformities.

1. Any nonconforming use, building, structure, or lot, as defined herein, may be continued under the regulations of this article. This article shall not be interpreted as authorizing the continuation of any noncompliance with the regulations of this Chapter that did not lawfully exist on the date the ordinance from which this Chapter is derived became effective as to such structure, building, use, lot, or land. Any nonconformity that conformed with the provisions of any previous zoning ordinance applicable to it, or that was rendered nonconforming by an amendment to this Chapter, shall be considered lawful, and may continue as a nonconformity under the provisions of this Chapter.

2. If a building, structure, land, or use thereof that becomes subject to the provisions of this Chapter in the future, whether by annexation to the Village or otherwise, does not conform with all applicable provisions of this Chapter, it shall be considered lawful and may continue as a nonconformity under the provisions of this article. No building, structure, lot, land, or use thereof that does not conform to the applicable regulations of this Chapter, and does not qualify as an authorized nonconformity as herein defined, shall be considered lawful or be permitted to continue under the provisions of this Chapter.

3. The regulations of this article pertaining to a building or structure occupied by a nonconforming use apply not only to a building that is completely occupied by such a use, but also to a building that is only partly occupied by such a use.

Sec. 46-252. – Extension or expansion of nonconformities.

1. No nonconforming use occupying a portion of a building shall be extended or expanded into any other portion of the building, beyond that part of the building in such use. In no case shall any addition be made that will provide for the expansion of the nonconforming use.

2. No nonconforming use of land, except accessory parking, shall be extended or expanded.

3. No nonconforming building or structure shall be enlarged, extended, expanded, or altered in any way that would increase its nonconformity, nor shall a nonconforming building revert to a prior state of greater nonconformity. No nonconforming structure shall be moved for any reason or by any distance, unless it shall become a conforming structure or building by being moved.

Sec. 46-253. – Change of nonconforming use.

1. The substitution of one nonconforming use for another, or the addition of another nonconforming use to a present nonconforming use, may be permitted when authorized by this Section. The application for such a substitution or addition shall be referred to the PZC, which shall, within 30 days after receiving the application, direct the Zoning Administrator whether authorize the issuance of such an addition or substitution only if, in the judgment of the PZC:

- a. the addition or substitution is equally or more appropriate to the district in which it is located than the present use;
- b. the addition or substitution does not increase congestion in the streets or endanger the health, safety, morals, or general welfare of the district in which it is located; and
- c. if it complies with all parking regulations applicable to the new use.

No such substitution or addition will have the effect of postponing the date of termination of the nonconforming use as provided in Section 46-254.

2. If a use of a building occupied by a nonconforming commercial or industrial use is added to or substituted for the former or present use as provided above, then the PZC may authorize the conversion, structural alteration or enlargement of such a building, or the construction of new structures, provided that such conversion, structural alteration, enlargement, or construction makes the nonconforming use more compatible and visually less nonconforming with the district in which it is located.

3. Whenever a nonconforming use of a building, structure, or land is substituted for another nonconforming use, then the use must not revert to the prior use at any point in the future, nor be substituted for by any other nonconforming use, except in accordance with the provisions of this section.

Sec. 46-254. – Discontinuance or abandonment of nonconformities.

1. If a nonconforming use of land is discontinued for a period of more than six months, it shall be presumed to be abandoned, and the land shall not be used for any use that does not conform with the use regulations of this Chapter at any point in the future. If a nonconforming use of a building is discontinued for a period of more than 12 months for any reason other than damage of the building by fire, explosion, or act of God, or for a period of more than 18 months due to damage of the building by fire, explosion, or act of God, then the use must not be resumed or re-established, and the building must not be used for any use which does not conform with the use regulations of this Chapter.

2. If the use of a building, structure or land is changed from a nonconforming use to a conforming use, then the nonconforming use shall be deemed to have been abandoned and the use of the building, structure, or land shall not be changed to a use that does not conform with the use regulations of the district in which the building, structure, or land is situated, except as provided above.

Sec. 46-255. – Repairs and restoration of nonconforming buildings.

1. Only ordinary repairs and maintenance, including replacement of roof covering, are permitted on any building occupied by a nonconforming use. In no case shall such repairs include structural alteration, except as otherwise provided herein.

2. Any lawful nonconforming building or other structure that has been involuntarily damaged or destroyed by fire, explosion, windstorm, or other similar active cause, to an extent of not more than 75 percent of its fair market value, may be reconstructed in the same location, provided that:

- a. the reconstructed building or structure shall not exceed the height, area, or volume of the damaged or destroyed building or structure; and
- b. reconstruction shall begin within one year from the date of damage or destruction and shall be carried on without interruption.

Sec. 46-256. – Abandonment.

If a lawful nonconforming use of a building or other structure is abandoned or discontinued for a continuous period of one year or more, or if a lawful nonconforming use of land is abandoned or discontinued for a continuous period of six months or more, subsequent use of such building or structure or land must be in conformity with the provisions of this Chapter.

Sec. 46-257. – Lots nonconforming as to area and width regulations and lots of unusual dimensions.

1. When authorized as a special exception by the PZC, a building may be erected or altered on any lot previously platted and approved by the Village that is not of the required minimum area or width or is of such unusual dimensions that the owner would have difficulty in providing the required open spaces for the district in which the lot is situated.

2. Where two or more contiguous undeveloped lots are held in single ownership within a subdivision which has been previously platted and approved by the Village and the lots are individually not of the required minimum area or width for the district in which they are situated, no special exception shall be required for the issuance of building permits provided that such lots are developed to provide the minimum lot frontage required for each structure.

Sec. 46-258. – Subdivisions previously approved.

In the case of a subdivision plat for the subdivision of which two or more parcels or lots for the purpose of development or sale has been duly approved and recorded as required by law, which subdivision plat does not make provisions for full adherence to the regulations of this Chapter governing minimum lot areas or widths, front, side or rear yards, or building coverage but was in conformity with the regulations that were effective at the time such subdivision plat was approved and recorded, such development and sale may proceed when authorized as a special exception by the PZC with respect to the whole or part of the plat of subdivision.

Sec. 46-259. – Nonconforming mobile homes.

All mobile homes as defined by this Chapter situated in any district that are not in an M-1 district on February 2, 1991, are considered nonconforming uses. Such trailers or mobile homes are be subject to the provisions of this Article and subsequent use of such property shall be governed by the regulations of the respective district in which the property is located.

Secs. 46-260 – 46-265. – Reserved.

ARTICLE 19: ENFORCEMENT

Sec. 46-266. – Enforcement.

The Zoning Administrator or his or her duly authorized representative is authorized and directed to administer and enforce all the provisions of this Chapter.

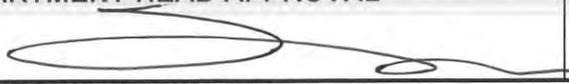
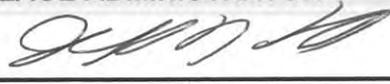
Sec. 46-267. – Violation, penalty and enforcement.

1. Any person who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of any of the provisions of this Chapter shall be subject to penalties as set forth in Section 1-23. Each day that a violation is permitted to exist shall constitute a separate offense.

2. In case any building, structure, or sign is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, sign, or land is used in violation of this Chapter or other regulation made under authority conferred by this Chapter, the Village, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful action, to abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

Sec. 46-268 – 46-270. – Reserved.

**BOARD OF TRUSTEES
VILLAGE OF RANTOUL**

AGENDA ITEM	PAGE	OF
ITEM: Approval Of Zoning Map ammendment	DEPARTMENT: Inspection	
AGENDA SECTION:	AMOUNT: N/A	
ATTACHMENTS: () ORDINANCE () RESOLUTION (x) OTHER (See Summary) (X) SUPPORTING DOCUMENTS	DATE: Aug 29th, 2017	
SUMMARY HIGHLIGHTS:		
<p align="center">Zoning Text Ammendment.</p> <p>-Please reference the memoradum attached hereto.</p>		
RECOMMENDED ACTION: Staff agrees with Planning and zoning commission recommendation for approval		
DEPARTMENT HEAD APPROVAL 	VILLAGE ADMINISTRATOR 	
AGENDA PAGE NUMBER:		

Proposed Zoning Map Amendments as part of the Rantoul Zoning Ordinance Update

Two groups of proposed zoning map amendments are included in the Proposed Final Draft of the Village of Rantoul Official Zoning Map provided as Attachment A:

- 1) Eliminate the CR-2 Aviation Support District and rezone properties in specific areas to C-4 Commercial/Industrial, C-2 General Commercial, RC Recreation, IN Institutional, and I-1 Industrial

The district "CR-2 (Chanute Reuse 2) Aviation Support District" is recommended to be deleted, as it does not accurately reflect its intended purpose, its current uses, and the desired future land uses of the Village of Rantoul. Areas formerly zoned as CR-2 are proposed to be rezoned to C-4 Commercial/Industrial, I-1 Industrial, C-2 General Commercial, RC Recreation, and IN Institutional as shown in the Final Draft of the Official Zoning Map. Attachment B includes a brief description of the proposed rezoning from CR-2.

- 2) Rezone properties from C-2 General Commercial District to CB Central Business District

An area of "C-2 General Commercial District" is proposed to be rezoned to "CB Central Business District," to allow for zoning provisions that will promote downtown, mixed-use, and mixed-density development in a suitable area of the Village.

Attachments

- A Proposed Final Draft of Village of Rantoul Official Zoning Map
- B Highlight of proposal to rezone CR-2 district

**BOARD OF TRUSTEES
VILLAGE OF RANTOUL**

AGENDA ITEM

PAGE 1 OF 1

ITEM: Forum Wellness Program	DEPARTMENT: Human Resources/Wellness Committee
AGENDA SECTION:	AMOUNT:
ATTACHMENTS: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input checked="" type="checkbox"/> OTHER (See Summary Highlights) <input checked="" type="checkbox"/> SUPPORTING DOCUMENTS	DATE: 08/31/2017
SUMMARY HIGHLIGHTS: The Wellness Committee would like to submit the "Forum Wellness Program" for consideration by the Village Board. This program would promote wellness Village-wide, as well as encourage more employees to utilize the Forum Fitness Center. Employees would exercise at the Forum 3 times per week, for a minimum of 30 minutes per session. Those employees who meet this target (155 visits) would earn 8 hours of personal leave. This time would not be eligible to be paid out, but rather would allow employees the equivalent of a day off of work, pending supervisory approval. Employees who do not meet this target would be eligible for 4 hours of personal leave by going twice a week (105 visits). This program would run from January 1, 2018 – December 31, 2018.	
RECOMMENDED ACTION: Approve the 2018 Forum Wellness Program	
DEPARTMENT HEAD APPROVAL: <i>Katie Johnston</i>	VILLAGE ADMINISTRATOR:

**BOARD OF TRUSTEES
VILLAGE OF RANTOUL**

AGENDA ITEM

PAGE 1 OF 1

ITEM: Vacant Position Advertisements	DEPARTMENT: Human Resources
AGENDA SECTION:	AMOUNT:
ATTACHMENTS: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input checked="" type="checkbox"/> OTHER (See Summary Highlights) <input checked="" type="checkbox"/> SUPPORTING DOCUMENTS	DATE: 09/01/2017
SUMMARY HIGHLIGHTS: The hiring landscape has changed significantly over the past several years, with more applicants searching and applying for jobs online than in other traditional mediums. The Village has moved towards listing jobs online more than in the past, in order to find and hire qualified candidates. In addition to Village sites, we have listed past positions on specialized websites, such as the Illinois Municipal League classified website, the American Public Works Association website, and governmentjobs.com. Each of these sites charge a fee to use their services, with the postings being paid through each department's advertising budget. As it currently stands, the Personnel code requires any open position in the Village to be listed within a newspaper classified advertisement. This requirement was established with the Village Code of 1977. With positions being listed online, the requirement to post every open job in the classified section adds unnecessary expense to the majority of jobs that are posted. This agenda item seeks to modify this requirement. The HR Manager would post any open listing in at least three different physical or web-based locations, up to and including the Village website, Village social media, and on the bulletin board at Village Hall. While the newspaper may still be utilized, it would not be required as it is now. This would save each department money, as well as allow us to target our advertising dollars to find the most qualified candidates.	
RECOMMENDED ACTION: Modify the newspaper advertising requirement	
DEPARTMENT HEAD APPROVAL: <i>Katie Johnston</i>	VILLAGE ADMINISTRATOR: