



Village of Hanover Park Administration

Municipal Building
2121 Lake Street
Hanover Park, IL 60133-4398

630-823-5600
FAX 630-823-5786
www.hpil.org

PRESIDENT
RODNEY S. CRAIG

VILLAGE CLERK
EIRA CORRAL

TRUSTEES
WILLIAM CANNON
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JENNI KONSTANZER
JON KUNKEL
RICK ROBERTS
EDWARD J. ZIMEL, JR.

VILLAGE MANAGER
JULIANA A. MALLER

VILLAGE OF HANOVER PARK DEVELOPMENT COMMISSION REGULAR MEETING

**Municipal Building, Room 214
Hanover Park, IL**

Thursday, December 12, 2013

7:00 p.m.

AGENDA

1. **CALL TO ORDER: ROLL CALL**
2. **PLEDGE OF ALLIEGENCE:**
3. **ACCEPTANCE OF AGENDA:**
4. **PRESENTATIONS/REPORTS:**
5. **APPROVAL OF MINUTES:**
 - 5-a. November 14, 2013
6. **ACTION ITEMS:**
 - 6-a. **Public Hearing:** Continued from meeting of November 12, 2013.
Initial consideration of a text amendment pursuant to the Public Act 098-0122 cited as the Compassionate Use of Medical Cannabis Pilot Program Act, on the question of whether the Zoning Ordinance should be amended to include Distribution Facilities as a Special Use or whether the Zoning or District Map should be changed.
 - 6-b. **2014 Development Commission Schedule:** Request to approve.
7. **TOWNHALL SESSION:**
Persons wishing to address the public body must register prior to Call to Order. Please note that public comment is limited to 5 minutes per speaker.
8. **OLD BUSINESS (NON-ACTION ITEMS):** None.
9. **NEW BUSINESS (NON-ACTION ITEMS):**
 - 9-a. Unified Development Ordinance Update – Development Standards of General Applicability

9-b. Community Development Update

10. ADJOURNMENT:



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Agenda Item 5a

PRESIDENT
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VILLAGE CLERK
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JULIANA A. MALLER

VILLAGE OF HANOVER PARK DEVELOPMENT COMMISSION MEETING

Municipal Building, Village Board Room 214
2121 W. Lake Street
Hanover Park, IL 60133

Thursday, November 14, 2013
7:00 p.m.

MINUTES

1. CALL TO ORDER: ROLL CALL

Chairperson Wachsmuth called the meeting to order at 7:00 p.m.

PRESENT: Commissioners: Jim Aird, Arthur Berthelot, Mark Mercier,
Gary Rasmussen, Patrick Watkins,
Chairperson Virginia Wachsmuth.

ABSENT: Commissioners: Scot Neil.

ALSO PRESENT: Director Shubhra Govind, Village Planner
Katie Bowman, Secretary Regina Mullen.

2. PLEDGE OF ALLIEGENCE:

3. ACCEPTANCE OF AGENDA:

Motion by Commissioner Berthelot to accept the Agenda, seconded by Commissioner Aird.

Voice Vote:

All AYES.

Motion Carried: Agenda Accepted.

4. PRESENTATIONS/REPORTS: None.

5. APPROVAL OF MINUTES:

5-a/b. Request to approve the Workshop Minutes of July 11 and August 8, 2013.

Motion by Commissioner Mercier to approve the Workshop Minutes of July 11, 2013 with correction of Scribner error, seconded by Commissioner Rasmussen.

Motion by Commissioner Berthelot to approve the Workshop Minutes of August 8, 2013 with correction of Scribner error, seconded by Commissioner Mercier.

Voice Vote:
All AYES.

Motion Carried: Approved Workshop Minutes of July 11, and August 8, 2013 with correction of Scribner error.

6. ACTION ITEMS:

6-a. Conduct a Public Hearing to consider a request by Adam McCabe on behalf of AT&T Mobility (applicant) on behalf of the Hanover Park Park District (property owner) for a Special Use to permit a non-Village-owned utility (wireless telecommunications tower) facility and Variance to permit a 90 foot antenna, a 30 foot variance from the maximum 60 foot antenna heights located at Seafari Springs Aquatic Center, 1700 Greenbrook Boulevard, Hanover Park, IL.

Chairperson Wachsmuth entertained a Motion to open the Public Hearing.

Motion by Commissioner Berthelot to open the Public Hearing, seconded by Commissioner Aird.

Voice Votes:
All AYES.

Motion Carried: Public Hearing opened.

The Public Notice was published in the *Daily Herald* on Thursday, October 31, 2013.

Village Planner Bowman presented a summary of the case.

Chairperson Wachsmuth requested the petitioner step up to the podium to be sworn in. Petitioner Adam McCabe, 300 Inwood Drive, Wheeling, IL 60090.

Petitioner McCabe presented his request to the Commission.

Chairperson Wachsmuth presented members of the audience an opportunity to speak on this topic. No speakers.

Chairperson Wachsmuth addressed the Commissioners for questions. Commissioners directed questions to Petitioner McCabe.

Chairperson Wachsmuth entertained a motion to close the Public Hearing.

Motion by Commissioner Berthelot to close the Public Hearing, seconded by Commissioner Mercier.

Voice Votes:

All AYES.

Motion Carried: Public Hearing closed.

Chairperson Wachsmuth – requested Village Planner Bowman present the Draft Findings of Fact.

Village Planner Bowman summarized the Draft Findings of Fact amended with the provision that all materials surrounding the tree root ball, including wiring, are to be removed prior to planting of trees.

Chairperson Wachsmuth entertained a motion to approve the Draft Findings of Facts as amended.

Motion by Commissioner Berthelot to approve the Draft Findings of Fact as amended, seconded by Commissioner Rasmussen.

Roll Call Vote:

AYES: Commissioners: Aird, Berthelot, Mercier, Rasmussen, Watkins, Chairperson Wachsmuth.

NAYS: Commissioner: None.

ABSENT: Commissioners: Neil.

Motion Carried: Approved the Draft Findings of Fact, as amended.

Chairperson Wachsmuth entertained a Motion to recommending the Board consider approving the Petitioner’s request for a Special Use to permit a non-Village-owned utility (wireless telecommunications tower) facility and Variance to permit a 90 foot

antenna, a 30 foot variance from the maximum 60 foot antenna heights located at Seafari Springs Aquatic Center, 1700 Greenbrook Boulevard, Hanover Park, IL.

Motion by **Commissioner Berthelot** to recommend the Village Board consider approving the Petitioner’s request, as amended, seconded by Commissioner Rasmussen.

Roll Call Vote:

AYES:	Commissioners:	Aird, Berthelot, Mercier, Watkins, Rasmussen, Chairperson Wachsmuth.
NAYS:	Commissioner:	None.
ABSENT:	Commissioners:	Neil.

Motion Carried: Motion approved as amended.

- 6-b. Conduct a Public Hearing** to consider a request by Adam McCabe (petitioner) on behalf of AT&T Mobility (applicant) on behalf of the Village of Hanover Park (property owner) for a Special Use and Variances to allow installation of 12 antennas for an additional wireless communications facility (non-Village-owned facility) on the existing Hanover Park water tank and construction of a 336 square foot accessory structure at 687 Hartmann Drive, Hanover Park, IL.

Chairperson Wachsmuth entertained a Motion to open the Public Hearing.

Motion by Commissioner Berthelot to open the Public Hearing, seconded by Commissioner Mercier.

Voice Votes:

All AYES.

Motion Carried: Public Hearing opened.

The Public Notice was published in the *Daily Herald* on Thursday, October 31, 2013.

Village Planner Bowman presented a summary of the case.

Chairperson Wachsmuth requested Petitioner Adam McCabe step up to the podium.

Petitioner McCabe presented his request to the Commission.

Chairperson Wachsmuth presented members of the audience an opportunity to speak on this topic. No speakers.

Chairperson Wachsmuth addressed the Commissioners for questions. Commissioners directed their questions to Petitioner McCabe.

Commissioners requested all installation and testing of generators be conducted during the daytime hours and that any damage to existing landscaping be restored.

Chairperson Wachsmuth entertained a motion to close the Public Hearing.

Motion by Commissioner Berthelot to close the Public Hearing, seconded by Commissioner Mercier.

Voice Votes:

All AYES.

Motion Carried: Public Hearing closed.

Chairperson Wachsmuth – requested Village Planner Bowman present the Draft Findings of Fact.

Village Planner Bowman summarized the Draft Findings of Fact incorporating the Commissioners request that all installation and testing of generators be conducted during the daytime hours and that any damage to existing landscaping be restored.

Chairperson Wachsmuth entertained a motion to approve the Draft Findings of Fact as amended.

Motion by Commissioner Berthelot to approve the Draft Findings of Fact as amended, seconded by Commission Rasmussen.

Roll Call Vote:

AYES:	Commissioners:	Aird, Berthelot, Mercier, Rasmussen, Watkins, Chairperson Wachsmuth.
NAYS:	Commissioner:	None.
ABSENT:	Commissioners:	Neil.

Motion Carried: Approved the Draft Findings of Fact as amended.

Chairperson Wachsmuth entertained a Motion recommending the Village Board consider approval of the Petitioner’s request, as amended, for a Special Use and Variances to allow installation of 12 antennas for an additional wireless communications facility (non-Village-owned facility) on the existing Hanover Park water tank and construction of a 336 square foot accessory structure at 687 Hartmann Drive, Hanover Park, IL.

Motion by Commissioner Berthelot to recommend the Village Board consider approving the Petitioner’s request, as amended, seconded by Commissioner Rasmussen.

Roll Call Vote:

AYES:	Commissioners:	Aird Berthelot, Mercier, Watkins, Rasmussen, Chairperson Wachsmuth.
NAYS:	Commissioner:	None.
ABSENT:	Commissioners:	Neil.

Motion Carried: Motion approved as amended.

- 6-c. Conduct a Public Hearing:** Initial consideration of a text amendment pursuant to the Public Act 098-0122 cited as the Compassionate Use of Medical Cannabis Pilot Program Act, on the question of whether the Zoning Ordinance should be amended to include Distribution Facilities as a Special Use or whether the Zoning or District Map should be changed.

Chairperson Wachsmuth noted the following: We are not discussing whether or not we wish to allow distribution facilities for this Medical Cannabis Pilot Program. We are focusing on considering a text amendment related to requiring the facility to be a Special Use or whether our Zoning or District map should be changed. This is a State of Illinois Pilot Program and it has a four year timeframe at which time it will be reviewed.

Motion by Commissioner Berthelot to open the Public Hearing, seconded by Commissioner Mercier.

Voice Votes:
All AYES.

Motion Carried: Public Hearing opened.

The Public Notice was published in the *Daily Herald* on Thursday, October 31, 2013.



Village of Hanover Park
Community Development Department

INTEROFFICE MEMORANDUM

TO: Chairman Wachsmuth and members of the Development Commission

FROM: Shubhra Govind, Director of Community and Economic Development

SUBJECT: **Continued Public Hearing Re: Zoning Regulations pertaining to Distribution Facilities for Medical Marijuana (pursuant to Public Act 098-0122 Compassionate Use of Medical Cannabis Pilot Program Act)**

ACTION REQUESTED: Continue public hearing

MEETING DATE: December 12, 2013

REQUEST SUMMARY:

Staff requests that the Development Commission **Continue** the public hearing to discuss the topic of Distribution Facilities for Medical Marijuana, pursuant to the Public Act 098-0122, and make a recommendation to the Village Board following review of information, discussion and any feedback received from the public at a future meeting.

BACKGROUND:

On November 14, 2013, the Development Commission opened a public hearing for discussing the provisions of Public Act 098-0122, called the “Compassionate Use of Medical Cannabis Pilot Program Act”. The Act goes into effect January 1, 2014, with a “sunset” provision of 4 years. It legalizes the use of medical marijuana, will allow for 22 cultivation centers and 60 Dispensing Facilities in the state. Dispensaries can only purchase/dispense product from cultivation centers within Illinois, and cultivation centers cannot dispense. There are restrictions on location of cultivation centers and dispensaries, from existing schools, daycares and areas zoned for residential use. Local Governments cannot prohibit the use but can enact ‘reasonable zoning regulations’ in addition to the standards prescribed by the state for location.

DISCUSSION:

At the Nov. 14 meeting, staff presented a preliminary analysis of potential locations that would be permissible for Cultivation Centers and Dispensing Facilities within the Village, based on the criteria prescribed in the Public Act. The Commission initiated a discussion of the use and whether or not it should be a permitted, special or conditional use. There was also preliminary discussion of potential zoning districts where the use could be allowed.

Staff also presented information about a working group that was in the process of sending a report to the DuPage Mayors and Managers Conference. Attached is a draft version of this report. It presents information about the Public Act in a factual manner, and provides some guidance to municipalities regarding major issues and steps that should be taken.

Please note the following from this draft report:

Each state agency is currently developing the administrative rules needed to implement its section of the Act. These administrative rules are to be filed with the Joint Commission on Administrative Rules (JCAR) within 120 days of the effective date of the Act. The review and approval process followed by JCAR is defined by state law. The process can take three to four months. During that period, an opportunity will be provided for public comment on the proposed rules. IDOA has advised on its website that it does not anticipate accepting applications for cultivation centers until the fall of 2014. IDPFR and IDPH will be similarly unable to act until their respective rules are finalized. Communities are encouraged to track the development of the proposed rules and comment as they feel appropriate.

The Illinois Department of Agriculture has advised on its website that it does not anticipate accepting applications for cultivation centers until the fall of 2014. Based on the amount of time that it would take a cultivation center to begin operations and produce medical marijuana for the Illinois marketplace, it will be a while before any medical marijuana dispensary would have any product to dispense.

RECOMMENDATION

Staff recommends that the Development Commission **continue the public hearing to its February meeting** to allow staff time to gather any additional information that the State may initiate following the effective date of January 1, 2014.

Staff will also request the Board to consider amending the existing moratorium to 180-days from the effective date of the Public Act.

ATTACHMENTS

- Exhibit 1 – Draft DMMC report
- Exhibit 2 – Medical Cannabis FAQs
- Exhibit 3 – Survey of other communities

Director Shubhra Govind presented a summary of the case stating that the Act goes into effect January 1, 2014, giving the state 120 days to develop application forms, criteria, etc. Though we, as a municipality, are not allowed to fully prohibit this use, the 120 days provides us time to determine reasonable Zoning regulations, identify Zoning districts, and determine if we want this as a permitted, conditional; or special use.

Director Govind presented maps designating areas that can be legally zoned for cultivating and/or dispensary facilities. Cultivation Centers cannot be located within 2500 feet of an existing daycare (including in-home), schools, or residential zones. Dispensaries cannot be located within 1000 feet of Cultivation Centers.

Staff is participating in a working group of various municipalities within DuPage County to discuss the many issues that communities will uncover. On December 11, 2013, the working group will send a recommendation to the DuPage Mayors and Managers Conference.

Director Govind recommended keeping the Public Hearing open, using this time to educate ourselves as other municipalities discuss the issue. At our next meeting we can discuss recommendations of the working group.

Director Govind will forward FAQ's to this Commission and staff will continue to research any questions or concerns raised.

Chairperson Wachsmuth presented members of the audience an opportunity to speak on this topic. No speakers.

Chairperson Wachsmuth addressed the Commissioners for questions. Commissioners directed their questions to Director Govind.

The Public Hearing remains open to continue discussion.

7. TOWNHALL SESSION: None.

Persons wishing to address the public body must register prior to Call to Order. Please note that public comment is limited to 5 minutes per speaker.

8. OLD BUSINESS (NON-ACTION ITEMS): None.

9. NEW BUSINESS (NON-ACTION ITEMS): None.

10. ADJOURNMENT:

Motion by Commissioner Mercier to adjourn, seconded by Commissioner Aird.

Voice Vote:

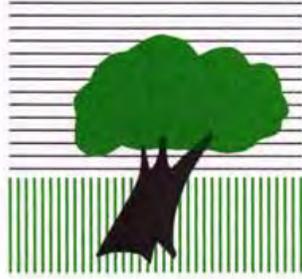
All AYES.

Motion Carried. Meeting adjourned at 8:23 p.m.

Recorded and Transcribed by:

Regina Mullen, Secretary
this 14 day of November 2013

Virginia Wachsmuth, Chairperson



DuPage Mayors and Managers Conference
Medical Marijuana and Local Government: What You Need to Know
Effective Date: December X, 2013

Disclaimer: Information provided in the following material is meant only to give general guidance. The information is not meant to replace statutory language and should not be considered legal advice.

Medical Marijuana Background

Effective January 1, 2014, the Compassionate Use of Medical Cannabis Pilot Program Act (Public Act 98-0122, the Act) will provide for the lawful use of marijuana by some by some state residents and establish a process for the licensing and operation of cultivation centers and dispensaries throughout the state.

Under the Act, twenty-two cultivation centers are allowed (not more than one in each State Police district). Sixty dispensing organizations are permitted throughout the state and are not limited in number in each State Police district.

Three state agencies have responsibility for implementing the Act. The Illinois Department of Agriculture (IDOA) is charged with licensing and regulating the twenty-two cultivation centers allowed under the Act. The Illinois Department of Financial & Professional Regulation (IDPFR) is charged with licensing and regulating dispensing organizations. The Illinois Department of Public Health (IDPH) is charged with creating one system for issuing registry identification cards to Qualifying Patients and another system for physicians (who act as the gatekeepers for access to medical marijuana) for recommending patients for inclusion in the registry.

Each state agency is currently developing the administrative rules needed to implement its section of the Act. These administrative rules are to be filed with the Joint Commission on Administrative Rules (JCAR) within 120 days of the effective date of the Act. The review and approval process followed by JCAR is defined by state law. The process can take three to four months. During that period, an opportunity will be provided for public comment on the proposed rules. IDOA has advised on its website that it does not anticipate accepting applications for cultivation centers until the fall of 2014. IDPFR and IDPH will be similarly

unable to act until their respective rules are finalized. Communities are encouraged to track the development of the proposed rules and comment as they feel appropriate.

1. Qualifying Patient Information

Qualifying Patients may obtain up to 2.5 ounces of medical marijuana in a 14 day period from an authorized dispensary. IDPH may grant a waiver allowing the possession of more than 2.5 ounces in a 14 day period. Marijuana used in marijuana infused products is counted toward the limit on the total amount of marijuana a Qualifying Patient may possess at one time.

To become a Qualifying Patient, an individual must be diagnosed by a physician as having a debilitating medical condition. Debilitating medical conditions are defined in the Act. An individual may petition IDPH for the addition of new debilitating conditions or treatments. IDPH will develop a process for considering these petitions. It should be noted that legislation has already been introduced to modify the list of debilitating medical conditions articulated in the Act. Under the Act, a physician is limited to a doctor of medicine or osteopathy with a current controlled substances license. No other licensed profession, including dentists, may recommend a patient for medical marijuana.

Only Illinois residents meeting the program requirements can participate in the program. There is no reciprocity with programs in other states.

IDPH will issue registry cards to Qualifying Patients and will maintain a registry of Qualifying Patients. The infrastructure to implement this part of the Act is under development with the administrative rules.

2. Land Use and Zoning Regulations

What You Need to Know

- "Cultivation center" is a facility operated by an organization or business that is registered by the Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis. Cultivation centers may not be located within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility, or an area zoned for residential use.
- "Dispensary" is a facility operated by an organization or business that is registered by the IDFPR to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients. Dispensaries may not be located within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care

home or part day child care facility and may not be located in any area zoned for residential use.

- Communities may enact reasonable zoning ordinances or resolutions that do not conflict with the Act or its regulations. Home rule authority is pre-empted. Cultivation centers and dispensaries must demonstrate compliance with local zoning prior to authorization by the respective state agencies.
- An outright ban on either cultivation centers or dispensaries will not likely survive a challenge.

What You Should Do

- Identify and map the schools, day care facilities, child care facilities, and residential land uses in your municipality.
- Contact the Illinois Department of Children and Family Services for information on licensed day care facilities in your municipality.
- Familiarize yourself with schools, day care facilities, child care facilities, and residential land uses in adjoining communities and map the statutory setbacks for those facilities and uses.
- Determine whether the cultivation center or dispensary uses should be identified as permitted, special or conditional under their zoning ordinance. Identification as a permitted use will likely result in one text amendment whereas a special or conditional use will require petitions to be handled on a case-by-case basis.
- Consider defining these uses in the zoning ordinance versus drawing analogies or comparisons to other uses such as drug stores. In assessing petitions, consider the impact of other activities on the premises. Paraphernalia, for example, may be sold in an establishment as a means for the delivery of the medical marijuana to the patient. Reasonable restrictions on floor area for other activities such as retail sales or prohibitions on sales from stock rooms might also need evaluation and consideration.

3. Police Enforcement Activities

What You Need to Know

- Qualifying Patients must be 18 years of age or older.
- The registry of identification cards will be available to law enforcement. In addition, IDPH is to notify the Secretary of State of card holder status for inclusion into the driving records of Qualifying Patients.
- Qualifying Patients will be permitted to smoke medical marijuana in places where the smoking of tobacco products is allowed. Smoking of medical marijuana is prohibited in any public place where an individual could reasonably be expected to be observed by others. It is prohibited in any place where smoking is prohibited by the Smoke-free Illinois Act.
- Employers may prohibit the use of medical marijuana on their premises.

- Medical marijuana cannot be used in the operation of a motor vehicle, nor can it be used within the passenger area of a vehicle on a highway. Impairment will need to be shown through standardized field sobriety tests. No objective standard akin to the 0.08% blood alcohol content for alcohol exists for marijuana impairment. Possession of a registry card does not constitute reasonable suspicion of impairment.
- Medical marijuana must be stored in a sealed, tamper evident container while in a motor vehicle.

What You Should Do

- Examine your existing ordinances for paraphernalia it relates to medical marijuana sales, possession and use.
- Evaluate existing training programs and consider modifications to address the presence of medical marijuana in the community.

4. HR Procedures and Actions

What You Need to Know

- Employers cannot discriminate against employees for being a Qualified Patient.
- As noted previously, employers may prohibit the use of medical marijuana on their premises. Provided that the policy is applied in a non-discriminatory manner, employers can enforce a drug free workplace policy. Employers who do not prohibit the use of medical marijuana may adopt reasonable regulations concerning the consumption, storage or timekeeping requirements for Qualifying Patients.
- Employers can discipline an employee for failing a drug test if failing would put the employer in violation of federal law or cause it to lose a federal contract or funding. Employers are encouraged to review grant agreements and other contracts for provisions addressing drug use in the workplace. Employees can be disciplined for violating a workplace drug policy. The Act does not exempt holders of CDL licenses from random drug testing, nor does it protect them from the consequences of failed tests. Qualified Patients can be disciplined in a non-discriminatory manner.
- Qualifying Patients will test positive. No objective standard exists for marijuana impairment.
- The Act does not create a cause of action for:
 - Actions based on the employer's good faith belief that a registered Qualifying Patient used or possessed marijuana while on the employer's premises or during the hours of employment;
 - Actions based on the employer's good faith belief that a registered Qualifying Patient was impaired while working on the employer's premises during the hours of employment; or
 - Injury or loss to a third party if the employer neither knew nor had any reason to know that the employee was impaired.
- The above immunities are not absolute nor have they been tested in court.

- Implications of the Act with respect to the Family Medical Leave Act (FMLA), Americans with Disabilities Act (ADA) and other employment related laws are yet to be determined. For example, the relationship between a “serious health condition” under the FMLA and “debilitating medical condition” in the Act is unclear.

What You Should Do

- Employers should evaluate existing policies for drug use in the workplace and make revisions as necessary to address medical marijuana concerns including, but not limited to on premises use, on premises possession, workplace impairment, circumstances for testing, and workplace safety. Policies should be placed in writing and incorporated into personnel rules and negotiated into collective bargaining agreements.
- Since there is no objective standard for marijuana impairment, employers should rely upon objective, observable factors when addressing suspected impairment. These factors will likely be similar to those for impairment due to alcohol or prescription or illegal drug use.
- Employers can require employees to provide notification of medical marijuana use; however employees cannot be penalized solely for being a Qualified Patient.
- Since implications of the Act with respect to the FMLA, ADA, and other employment related laws are yet to be determined, employers are urged to consult their legal counsel when confronted with employment related matters concerning medical marijuana.

[Close this F.A.Q. page.](#)

The Compassionate Use Of Medical Cannabis Pilot Program Act

View all answers

The Compassionate Use of Medical Cannabis Pilot Program Act FAQs

Q. How do I apply to become a dispensing organization?

A. APPLICATIONS FOR DISPENSING ORGANIZATIONS ARE NOT CURRENTLY AVAILABLE.
The Department of Financial and Professional Regulation ("DFPR") is in the process of drafting administrative rules for the implementation of the Compassionate Use of Medical Cannabis Pilot Program Act ("the Act").

Q. When will the dispensing organization registration applications be ready?

A. DFPR has 120 days from January 1, 2014 to file administrative rules with the Joint Committee on Administrative Rules (JCAR). There will then be a First Notice period that lasts a minimum of 45 days. After the First Notice period, there will be a Second Notice period that lasts for a maximum of 45 days with the possibility of a 45 day extension. Once the administrative rules are adopted, DFPR will establish the application process for dispensing organizations.

Q. What are the fees associated with applying to become a dispensing organization?

A. The fees associated with becoming a dispensing organization will be established in the administrative rules being developed by DFPR.

Q. Can I make comments on the proposed rules?

A. Once the proposed administrative rules are submitted to JCAR, they are published in the Illinois Register. Upon publication in the Register, there will be a 45 day First Notice period in which the public can submit comments to DFPR. The Notice Form that is published along with the proposed administrative rules will contain information on where the public can submit written comments.

Q. What are the specific requirements to become a dispensing organization?

A. No details other than what is provided for in the Act will be available until the administrative rules are submitted to JCAR.

Q. What statutory restrictions on becoming a dispensing organization are provided for in the Act?

A. Applicants must be 21 years of age, must submit all required materials to DFPR, must be in compliance with local zoning rules, must not have a conviction for a violent crime or a violation of state or federal controlled substance laws, must not be a principal officer or board member of a dispensing organization that has had its registration revoked, and must not be a registered qualified patient or a registered caregiver. A dispensing organization must not be located within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility. A dispensing organization may not be located in a house, apartment, condominium, or an area zoned for residential use.

Q. Where can I find the full text of the Act?

A. Please click here:<http://ilga.gov/legislation/98/HB/PDF/09800HB0001lv.pdf>

Q. Where can I find information on becoming registered patients and designated caregivers?

A. Registered patients and designated caregivers will be regulated by the Department of Public Health. Additional information can be found at <http://www.idph.state.il.us/HealthWellness/MedicalCannabis/index.htm>

Q. Where can I find information regarding becoming a cultivation center?

A. Cultivation centers will be regulated by the Department of Agriculture. <http://www.agr.state.il.us/>

Medical Marijuana Issues

Municipality	Name	Title	Phone No.	Municipality	Has your municipality approved any zoning changes to address Medical Marijuana cultivation centers or dispensing organizations?		If your municipality has not yet approved any zoning changes, are such changes being considered?		Comment	
					No	Yes	No	Yes		
1	Addison	Joseph Block	Village Manager	6306937503	Addison		1		1	
2	Elmhurst	Nathaniel Werner	Planning and Zoning Administrator	630-530-6019	Elmhurst	1			1	
4	Wheaton	Donald Rose	City Manager	630 260-2011	Wheaton	1			1	
6	Roselle	Patrick Watkins	Community Development Director	(630) 671-2820	Roselle	1			1	Public hearing occurs on November 19 before the Planning and Zoning Commission
7	Villa Park	Rich Keehner	Village Manager	630.592.6052	Villa Park	1			1	Already made changes
8	Woodridge	Michael Mays	Community Development Director	630-719-4766	Woodridge		1		1	already approved
9	Itasca	Evan Teich	Village Administrator	630-773-5568	Itasca	1			1	Yes, the Itasca Plan Commission is holding a public hearing on the subject on Nov. 20
10	Hinsdale	Kathleen Gargano	Village manager	630-789-7013	Hinsdale	1			1	Hinsdale is reviewing this matter and once the applicability to the Village is determined may take the additional steps identified below. At this point it is premature to respond to this level of detail.



Village of Hanover Park Administration

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2121 Lake Street
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Agenda Item 0a

PRESIDENT
RODNEY S. CRAIG

VILLAGE CLERK
EIRA CORRAL

TRUSTEES
WILLIAM CANNON
JAMES KEMPER
JENNI KONSTANZER
JON KUNKEL
RICK ROBERTS
EDWARD J. ZIMEL, JR.

VILLAGE MANAGER
JULIANA A. MALLER

HANOVER PARK DEVELOPMENT COMMISSION

2014 MEETING SCHEDULE

(Second Thursday of each month, unless otherwise noted)

7:00 p.m.

Municipal Building, Board Room 214

January 16 (Third Thursday of the month)

February 13

March 13

April 10

May 8

June 12

July 10

August 14

September 11

October 9

November 13

December 11



**Village of Hanover Park
Community & Economic Development Department**

INTEROFFICE MEMORANDUM

TO: Chairperson Wachsmuth and members of the Development Commission

FROM: Shubhra Govind, Director of Community & Economic Development
Katie Bowman, Village Planner

SUBJECT: **Development Standards of General Applicability Regulations Update (Accessory Structures)**

ACTION REQUESTED: Approval Disapproval Information

MEETING DATE: **December 12, 2013**

REQUEST SUMMARY

The following is scheduled for Development Commission discussion at 7:00 p.m. on December 12, 2013 in Room 214 of the Municipal Building, 2121 Lake Street:

As a part of the finalization of recommended changes to the Zoning, Sign, and Subdivision Ordinances, and incorporation of such regulations into a Unified Development Ordinance, various updates are recommended to the following sections of the Zoning Ordinance:

- Development Standards of General Applicability, Sections 1.2, 1.3, 1.4, 1.5, & 1.6

BACKGROUND

As a part of the first draft of the Unified Development Ordinance (UDO) created in 2010/2011, various updates were made to the Zoning Code, Section 6 - Development Standards of General Applicability, which includes guidelines for environmental standards, accessory and temporary structures and uses, driveways, fences, and lighting. The regulations within this section generally remained the same, except as noted below or within the document. Major changes were related to the organization of the document, including moving parking, landscaping, floodplain, and bulk regulations into different section of the code, moving driveways and fences into their own subsections within the section, and creating a new subsection on lighting standards.

As directed by the Development Commission at their meeting of April 10, 2013, and as recommended by Staff, additional updates to some of these sections are recommended at this time for the second draft of the UDO. Such updates will streamline the guidelines, ensure that they meet Village goals for high-quality aesthetics, and assist in the permitting process.

DISCUSSION

1.2, 1.3, 1.4 - Accessory Uses, Accessory Structures, Temporary Uses and Structures

Accessory uses and structures are those that are incidental or subordinate to the primary use and structure on a site. Accessory uses are subordinate and serve a principal building or use. They include things other than the primary building or use, such as sheds, patios, driveways, and fences, as well as home daycares and home occupations (businesses from the home).

Major changes to Development Standards of General Applicability approved by the Development Commission and incorporated into the first draft of the UDO in 2011 are generally related to reorganization of the regulations. Accessory uses, accessory structures, temporary uses and structures, driveways, and fences were divided into separate sections for clarity.

A new lighting section was added to limit the impact of lighting across properties and encourage environmental sustainability in keeping with current best practices. Environmental Standards (previously called Adverse Impact Performance Standards) were updated to reference current regulations and provide noise guidelines in residential districts. No updates are recommended to these sections for discussion at this time.

As a part of the first draft of the UDO, smaller updates to regulations of accessory uses and structures were added to limit their impact, including:

- Limitation of the keeping of poultry, per Village Ordinance
- Changes to Home Occupation regulations, including the permitting of up to one employee per home (previously none permitted)
 - o The restriction of commercial parking and onsite storage of merchandise or machinery was recommended as a part of the first draft, but is no longer recommended.
- Requirement that accessory structures be located within rear yard, at a minimum distance of 60 feet from the front property line.
- Limitation of two accessory structures (other than driveways, fences, and garages) per lot. This requirement does not currently exist and is no longer recommended, as there are many scenarios in which more than 2 additional accessory structures may be utilized, while remaining within normal standards.

Additional changes are recommended for regulations related to accessory structures and uses at this time as a part of the second draft of the UDO. Such changes work to make the code more clear and understandable, improve practical implementation, and provide additional conveniences to residents without negative impacts on the built environment. Recommended changes are based upon practical implementation, resident requests, and surveys of surrounding communities. Survey communities include Bartlett, Schaumburg, Roselle, Streamwood, Carol Stream, Bloomingdale, and Villa Park.

Additional changes recommended to the sections on accessory uses, accessory structures, and temporary uses and structures at this time include:

- Alphabetization of accessory structure list
- Addition of applicable references for regulations on uses and structures
- Expansion of property width in which patios can be constructed without a side yard setback (property line to property line) from 26 feet to 30 feet to correlate with existing conditions in multi-family districts.
- Addition of requirement that no more than 40% of front yard be occupied by accessory structures. This will work to limit the visual and stormwater impact of driveways and other impervious surfaces in the front yard and is in keeping with standards in other communities.
- Expansion of the maximum square footage of sheds in residential districts from 150 to 200 square feet. This is based upon resident requests and is in keeping with surrounding communities. Recently adopted regulations to permit sheds up to 400 square feet in the R residential district are also added.

1.5 – Driveways

Aside from the separation into a new section, no major changes were made to the section on driveways in the first draft of the UDO in 2011. More significant changes are recommended at this time, which are intended to reorganize the chapter for clarity and make minor adjustments to regulations which will address resident demand and improve practical implementation of the section. These include:

- Clarification of when driveways may be more than 20 feet in width and the maximum width permitted (28 feet for up to two car garages and 30 feet for 3+ car garages)
- Addition of requirement that driveways may be no more than 20 feet at the property line, and that driveways may be permitted to be widened to the total maximum width between the property line and garage/building.
- Clarification that driveway expansions must utilize the same material, except for side pavers, to encourage quality construction and appearance
- Provision to allow for driveway widening on both sides in limited circumstances, to allow for required 2 foot side setback to be maintained when possible
- Clarification of regulations for a driveway ‘swing out’ to a pad in the side yard of a property
- Clarification of requirement that driveways be distanced 6 vertical feet from front door, as measured perpendicularly from the frontage of the building.

1.6 – Fences and Natural Screening

Aside from reorganization of the sub-sections, no major changes were made to the section on fences and natural screening in the first draft of the UDO in 2011. More significant changes are recommended at this time. These changes provide a more clear organization of the section, correct practical problems in implementation, and provide ability to flexibility of the regulations when unique circumstances exist. These include:

- Reorganization of regulations to clearly note when fences may vary from standard height and location requirements
- Division of location-related regulations into a separate sub-section
- Grouping of all exceptions for nonconforming fences together
- Clarification of when fences may be permitted off of rear and side property lines, including permitting fences to be off property lines when adjacent to waterways and utilities
- Statement that when fences are off property lines or nonconforming back-to-back the area outside of the fence is to be maintained by the property owner.

Clean draft versions of fence and driveway regulations are attached as Exhibits 1 and 2. Diagrams for fence and driveway regulations, which will be updated based upon new regulations are included as Exhibit 3. The second draft of the Development Standards of General Applicability section, which includes previously approved changes and currently recommended changes (underlined) is attached as Exhibit 4. Additional photos and diagrams will be provided at the meeting.

RECOMMENDATION

Staff requests that the Development Commission review the proposed updates to the Development Standards of General Applicability section of the draft Unified Development Ordinance and provide direction for their incorporation into the 2013 second draft of the Unified Development Ordinance.

ATTACHMENTS

Exhibit 1 – Fence Regulations – Clean Draft

Exhibit 2 – Driveway Regulations – Clean Draft

Exhibit 3 – Fence & Driveway Diagrams

Exhibit 4 – Draft Development Standards of General Applicability – Article 3, Division 1
(Chapter 110, Article VI in current Municipal Code)

Exhibit 1 – Fence Regulations – Clean Draft

1.2 FENCES AND NATURAL SCREENING

a. Purpose

The purpose of a fence, shrub or hedge is to provide privacy, security and boundary definitions for residential, business, office, and industrial districts within the corporate limits of the Village. This article encourages the use of natural screening instead of fencing wherever possible.

b. Prohibited Fences

The following fences are hereby prohibited:

- (1) Barbed wire, chicken wire, hog wire, rope, cable, and electrically charged wire, except that barbed wire may be used on top of permitted fences in nonresidential districts and on fences enclosing public service and government uses;
- (2) Snow fences, except for exclusive control of snow between November 1 and March 31 and as authorized by the zoning administrator for special events or construction sites;
- (3) Chain link fences with barbed wire ends up, except as permitted fences in nonresidential districts and fences enclosing public service and government uses;
- (4) Chain link fencing with slats of any kind, except for fences of public service and government uses;
- (5) Fences constructed of wire, except chain link and 16 gauge or larger gauge wire may be attached to the interior of a split rail, or other wooden fence, provided the only supports used for the wire are the wood horizontal and vertical members of the primary fence. Wire shall not be permitted as a fence material in the required front yard and on corner lots wire shall not be permitted as fence material beyond any front yard line of the adjoining property; and
- (6) Fences constructed with wood sheet or plywood.

c. Fence Requirements for Residential Uses

- (1) Fences shall not exceed more than six feet (6') in height except decorative fences located in the front or corner side yards, which shall not exceed three feet (36") in height.
- (2) See Section 1.6.i – Nonconforming Fences, for exceptions to standard residential fence requirements.

d. Fence Requirements for Non-Residential Uses

- (1) No fence shall exceed eight feet (8') above grade. Fences in the L-O Limited Office

District shall not exceed six feet (6') in height without a special use.

e. Fence Requirements for Landscape Buffers

- (1) Any fence used as part of a landscape buffer shall be ornamental metal or solid fence constructed of wood (excluding boards less than three inches in width), brick, stone, or masonry, with metal or wooden posts with a minimum three-inch diameter.
- (2) The fence shall meet all fence height requirements specified in this Section, except that such fence shall be a minimum six feet in height when abutting a residential use.

f. Required Fences for Swimming Pools

- (1) Fences shall be required around every outdoor swimming pool capable of containing water at a depth of 24 or more inches, Such fence shall be between four feet (4') to six feet (6') in height, not including the height of the pool walls. A building or existing wall may be used as part of such fence.
- (2) The fence shall be so constructed as not to have any openings, holes, or gaps larger than four inches in any dimension, except for doors and gates. All gates or doors opening through such enclosures shall be equipped with self-closing and self-latching devices for keeping the gate or door securely closed at all times when not in actual use, except the door of any dwelling that forms a part of the enclosure need not be so equipped. This requirement shall be applicable to all new and existing outdoor swimming pools.
- (3) The fence may be located directly around the pool or along property lines and is to be fully enclosed.

g. Fence Location

- (1) Rear Yard and Side Yard Fences – Fences in the rear and side yards are to be located on or within 6 inches of the property line and are not to extend beyond the front yard line of the property or adjoining properties , except in the following instances:
 - a. Patio privacy fences and trellises not exceeding six feet in height shall be permitted within the buildable area, except that if a dwelling unit has a legal nonconforming side, corner-side or rear building line, patio privacy fences and trellises may be extended in a horizontal manner, along only one legal, nonconforming side.
 - b. A dog enclosure or run shall be permitted, not to exceed six feet in height or enclose an area greater than 20 percent of the rear yard, provided it is set back a minimum of ten feet from all property lines.
 - c. Fences, where the lot line is located in a watercourse, drainage easement, or adjacent to the Village's Sewer Treatment Plant may be located set back from the property line.
 - d. Fences adjacent to telephone, electrical, cable, gas or other utility pedestals, or

above storm manholes, catch basins, or pipes, may be located set back from the property line, provided that access to such areas is provided through a gate or other means.

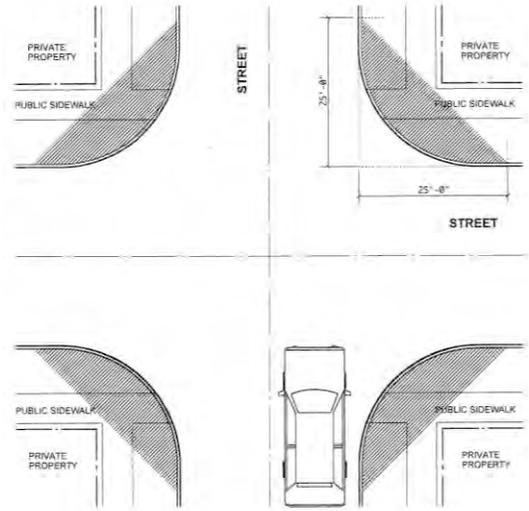
e. The location of fences off of rear and side property lines shall be approved by the zoning administrator based on the locations of other similarly situated existing nonconforming fences to establish a reasonably consistent setback from the lot line.

f. When a fence is located off of a property line, the property owner is responsible for maintaining all areas within their property.

(2) Front Yard Fences - Decorative fences shall be permitted in the front yard.

(3) Corner Side Yard Fences - On corner lots, corner side yard fences and rear yard fences other than decorative fences shall not be constructed beyond any front yard line of the adjoining property.

(4) Decorative Fences – Shall be no more than 3 feet (36 inches) in height, shall have an opacity of 50% or less, shall not include chain link, and may be located off of property lines.



Site line at intersection of streets

(5) Line of Sight Obstruction - Fences shall not be permitted within the site triangle, being at or near the street intersection in an area enclosed by a triangle, each leg of which is a distance of 25 feet, measured along each curb of the intersection streets, from the point where the extension of the curb lines intersect. Fences shall not be permitted so as to obstruct a clear view of private driveways, sidewalks, or pedestrian walks.

(6) Drainage Obstruction - Fences shall not be permitted so as to prevent natural water drainage and/or water runoff.

(7) Back to Back Fences - Fences shall not be permitted that abut existing fences, except that abutting fences shall be permitted along side and rear property lines where single-family detached and duplex residential uses abut rental residential dwellings containing four or more units. When abutting fences do exist, the owner of the property is responsible for maintenance between the fences.

(8) Public Right-of-way - Fences shall not be permitted on any portion of any public right-of-way, except fences erected by a government body.

h. General Fence Regulations

(1) Fences and related supporting structures shall be erected so that the finished side or sides of the fence shall be facing the neighboring properties or public right-of-way. Fence posts and rails shall be on the inside of the fence, facing the owner's property.



- (2) Fence posts, including crowns, are permitted to extend five inches above the height of the permitted adjoining fence panel.
- (3) No existing survey monuments or lot pins shall be disturbed by any removal, replacement, or installation of fencing. Any disturbed survey monument or lot pin shall be reestablished by a registered Illinois Land Surveyor.
- (4) All provisions of the building code of the Village shall be followed as they pertain to fences.
- (5) Public service and government uses and all regulation size tennis courts shall be exempt from the height limitations.

i. Non-Conforming Fences

When a nonconforming fence is rebuilt, it must be brought into a conformance with this Chapter except in the following situations:

- (1) Fences in the Fremont Junction Subdivision, Units 1 through 5 of Liberty Square Subdivision, Units 1 through 4 of Olde Salem Subdivision, and Units 1 through 5 of Tanglewood Subdivision shall be permitted to construct, reconstruct, replace or add to existing six-foot fences,
- (2) The end building units of Units 1 through 5 of Tanglewood Subdivision shall be permitted to construct, reconstruct, replace or add fences not on property lines, provided the fence extends from the corner of the building and connects to the rear property line in a perpendicular manner,
- (3) Units 1 through 5 of Tanglewood Subdivision shall be permitted to replace or repair existing fences not on property lines in the same location as the existing fence.
- (4) In the Hanover Terrace and Hanover Park Terrace subdivisions (Glendale Terrace), open fencing with a maximum height of four feet shall be permitted in front yards and off property lines. In no case shall fencing block vehicular access. chain link fencing shall consist of a minimum no. 9 gauge.

j. Variations

Variations to fence regulations may be granted in accordance with the variation process and standards of Article 2, Division 3 (Variations).

Exhibit 2 – Driveway Regulations – Clean Version

1.3 DRIVEWAYS

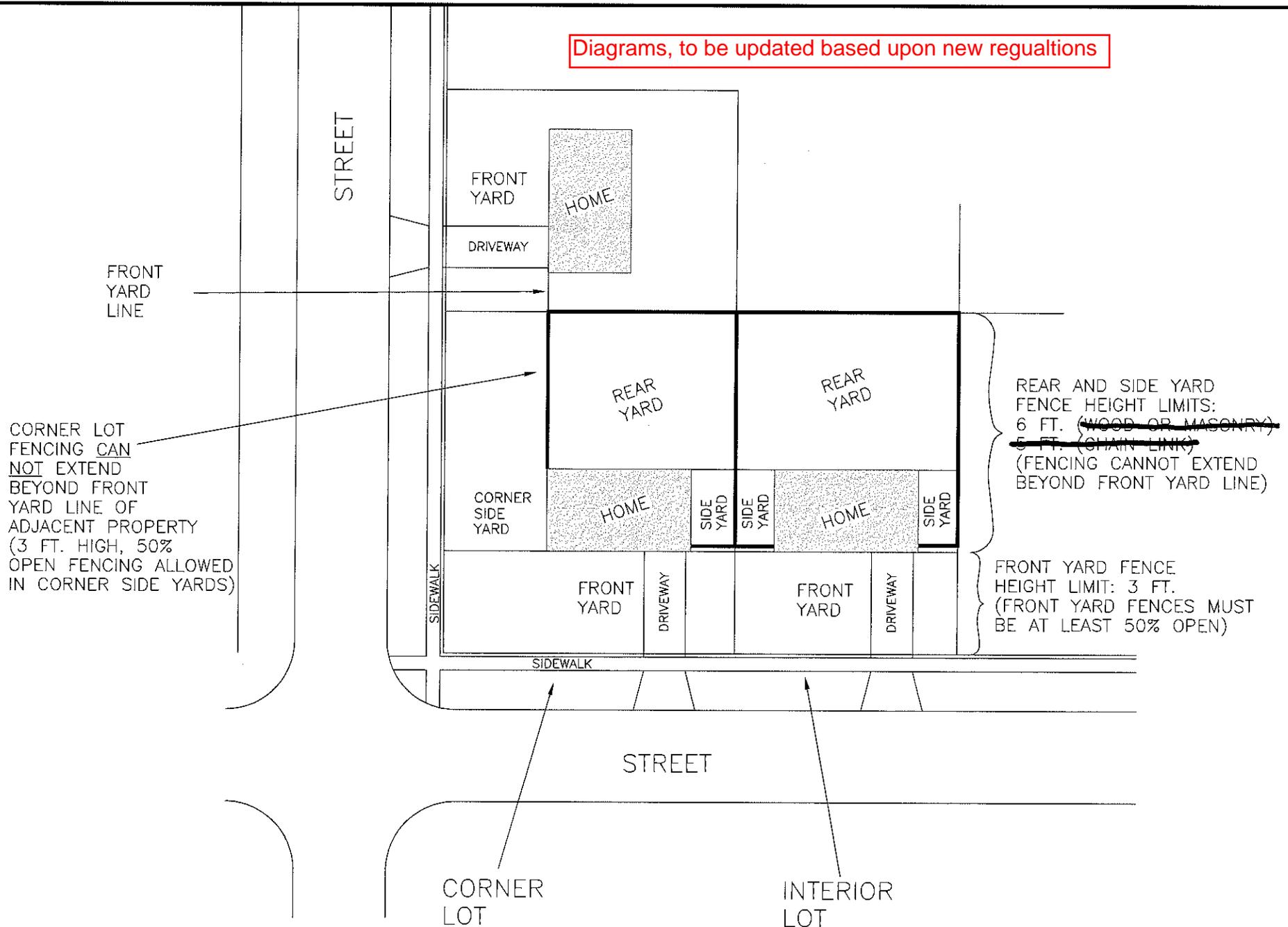
Driveways subject to the following regulations:

- a. Driveways shall not be less than nine feet nor greater than 20 feet in width, except as noted below. The area of a driveway up to 20 feet in width shall not be subject to the maximum front yard coverage and lot coverage limitations, but the area of the expanded driveway shall be included for all other determinations of lot coverage.
 - (1) Driveway widths up to 30 feet may be permitted for three or more car garages at a width of ten feet per parking stall, provided the maximum front yard coverage and lot coverage for the property are not exceeded. This provision does not include tandem garage parking spaces.
 - (2) Driveway widths up to 28 feet may be permitted, provided the maximum front yard coverage and lot coverage for the property are not exceeded
- b. In all cases, the maximum width of a driveway at the property line shall be 20 feet, with further driveway widening occurring between the front property line and the building or garage.
- c. Driveway widening shall not be within two feet of a side lot line for detached single family dwellings, except as noted below:
 - (1) There is sufficient area to expand the driveway eight feet in width
 - (2) All storm water run-off is completely retained on the lot or parcel where the driveway expansion occurs
 - (3) The front yard coverage and lot coverage limitations are both not exceeded
- d. Driveway widening shall be at the same grade and utilize the same material as the existing adjacent driveway. However, up to 18" width of brick or other semi-permanent pavers may be permitted along each side of a driveway, which shall not count towards overall width calculations.
- e. Driveway widening shall only be allowed towards the nearest lot line for detached single-family dwellings to the extent feasible, or as otherwise approved by the zoning administrator.
- f. Driveways may exceed width requirements above to provide access to a "swing out" that connects the existing driveway to a pad located in the side yard.
- g. Driveway expansions shall not be located within 6 vertical feet of a door facing the front yard, as measured perpendicularly from the building frontage.

FENCE REGULATIONS – SETBACKS

N.T.S.

Diagrams, to be updated based upon new regulations



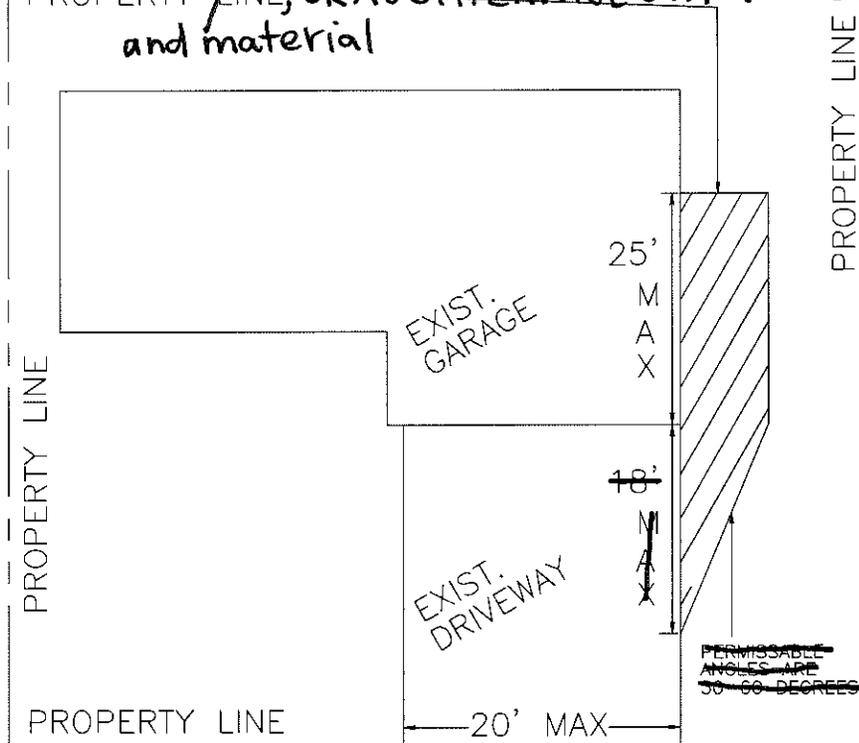
SINGLE FAMILY

DUPLEX

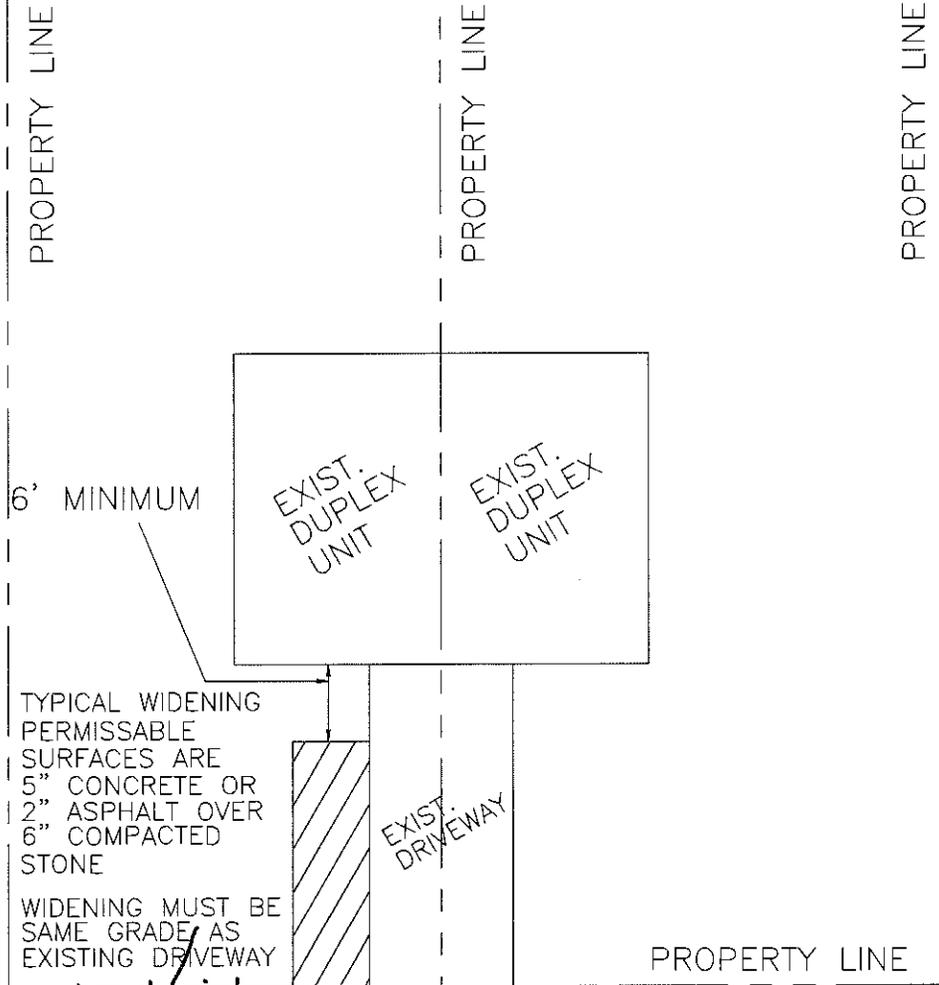
~~TYPICAL WIDENING (9' MAXIMUM)~~. PERMISSABLE SURFACES ARE 5" CONCRETE OR 2" ASPHALT OVER 6" COMPACTED STONE

DRIVEWAY EXTENSION CAN BE NO CLOSER THAN 2' FROM PROPERTY LINE AND MUST BE AT SAME GRADE AS EXISTING DRIVEWAY. WIDENING CAN OCCUR ONLY TOWARDS THE NEAREST PROPERTY LINE, OR AS OTHERWISE APPROVED.

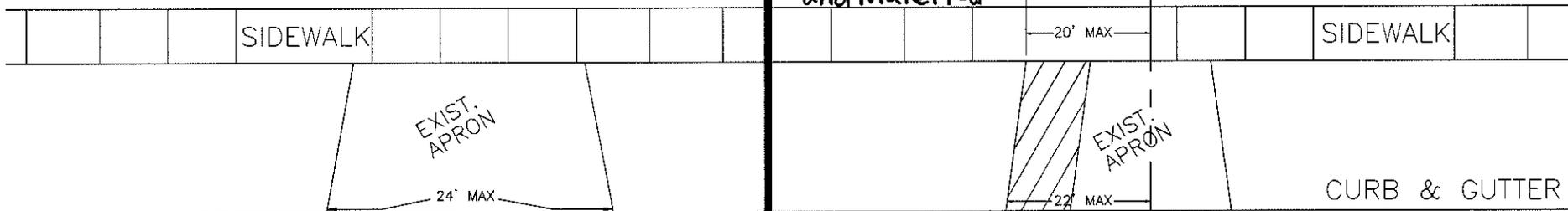
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Diagrams, to be updated based upon new regulations



and material



ARTICLE 3: GENERAL DEVELOPMENT STANDARDS

- A. **Division 1: Development Standards of General Applicability**
- B. **Division 2: Wireless Communication Facility Telecommunications**
- C. **Division 3: Nonconforming Buildings, Structures, and Uses**
- D. **Division 4: Design Guidelines**

Division 1: Development Standards of General Applicability

- 1.1 **Environmental Standards**
- 1.2 **Accessory Uses**
- 1.3 **Accessory Structures**
- 1.4 **Temporary Uses and Structures**
- 1.5 **Driveways**
- 1.6 **Fences and Natural Screening**
- 1.7 **Lighting**

1.1. ENVIRONMENTAL STANDARDS

The environmental standards set forth in this Section are designed to protect the health, safety, and welfare of the residents of the Village of Hanover Park and to protect, maintain, and enhance the quality of the man-made and natural environments of the Village. All new and existing uses established within the Village shall comply with the performance standards set forth in this Article, unless any federal, state, county or local ordinance law or regulations established are more restrictive, in which event the more restrictive standard shall apply. Uses already established on the effective date of this ordinance shall be allowed to be altered, enlarged, expanded, or modified, provided that any such additions or changes comply with the performance standards set forth in the Unified Development Ordinance.

a. **Noise and Vibrations.**

- (1) No land use or other activity within the Village shall be conducted in such a manner that it generates a level of sound on another property, as measured from any property line, greater than that allowed under the Noise Regulations of the State of Illinois, adopted by the State Pollution Control Board pursuant to the Environmental Protection Act, 415 ILCS 5/1 et seq., as amended, and appearing in Title 35, Subtitle H, of the Illinois Administrative Code, as amended.
- (2) In addition to the standards set forth above, no land use or other activity within the Village, shall be conducted in such a manner that it generates a level of sound on another property which is greater than the sound level set forth in Table 1.

Comment [KT1]: Section previously called Adverse Impact Performance Standards

Comment [KT2]: Purpose section updated, portions of section reorganized and updated based upon current regulations. Otherwise, section remains largely the same.

- (3) Sound levels shall be measured with a sound level meter manufactured according to the standards prescribed by the American National Standards Institute or its successor body.

The limits set forth in Table 1 shall not apply to the following: noises not directly under the control of the owner or occupant of the property; noises emanating from construction, repair, and maintenance activities conducted between the hours of 7:00 a.m. and 9:00 p.m.; noises emanating from safety signals, warning devices, and emergency pressure relief valves; and transient noises emanating from moving sources, such as trucks, automobiles, airplanes, and railroads.

Comment [KT3]: Updated to reflect Village standards for construction noise hours, Sec 54-324.d

TABLE 1. MAXIMUM PERMITTED SOUND PRESSURE LEVEL IN DECIBELS:

Octave Band Frequency (cycles per second)	Maximum Decibels for Parcels Located in BP, L-I, L-O Districts	Maximum Decibels for any BP, L-I, Parcels Located next to a Residential district, and all parcels located in B-1, B-2.	Maximum Decibels for Parcels Located in any Residential District
0--74	67	60	45
75--149	59	55	45
150--299	52	48	45
300--599	46	43	40
600--1,199	40	38	35
1,200--2,399	34	32	30
2,400--4,799	32	31	28
4,800 and over	32	31	28

Comment [KT4]: Amended chart to designate maximum sound pressure level by district and by octave band. Requires lower noise levels in residential districts

- (4) Vibrations. Steady-state vibrations, for the purpose of this Chapter, are vibrations that are continuous or vibrations in discrete pulses more frequent than 100 per minute. Discrete pulses that do not exceed 100 impulses per minute shall not cause displacement in excess of twice the values established in Table 2 below. Impact vibrations shall mean vibrations occurring in discrete pulses separated by an interval of at least one minute and numbering no more than eight per each 24 hour period.

- (a) Permitted vibration displacements. At no point on or beyond the boundary of any lot shall the ground-transmitted steady-state or impact vibration caused by any use or activity (except those not directly under the control of the property user) exceed the limits as established in Tables 2 and 3 below for the various industrial zones and for any industrial zone boundary abutting a residential zone.

TABLE 2. MAXIMUM PERMITTED STEADY-STATE VIBRATION DISPLACEMENT IN INCHES

Frequency (cycles per second)	BP and L-O District (inches)	L-I District (inches)	Abutting Residential (inches)	Any District
Less than 10	0.0008	0.0020	0.0004	
10--19	0.0005	0.0010	0.0002	
20--29	0.0003	0.0006	0.0001	
30--39	0.0002	0.0004	0.0001	
40--49	0.0001	0.0003	0.0001	
50 and over	0.0001	0.0002	0.0001	

TABLE 3. MAXIMUM PERMITTED IMPACT VIBRATION DISPLACEMENTS IN INCHES

Frequency (cycles per second)	BP and L-O, District (inches)	L-I District (inches)	Abutting Residential (inches)	Any District
Less than 10	0.0016	0.0100	0.0006	
10--19	0.0010	0.0050	0.0003	
20--29	0.0006	0.0030	0.0002	
30--39	0.0004	0.0020	0.0001	
40--49	0.0002	0.0015	0.0001	
50 and over	0.0002	0.0010	0.0001	

(b) Method of measurement. For the purpose of measuring vibrations, a three-component measuring system shall be used. A three-component measuring system denotes instrumentation that can measure earth-borne vibrations in three directions each of which occurs at right angles to the other two.

b. Smoke and particulate matter.

- (1) The rules and regulations of the Illinois Air Pollution Control Board shall be complied with in respect to particulate matter and gasses in emissions into air.
- (2) Open storage and open processing operations, including on-site transportation movements which are the source of wind borne dust and other particulate matter, or which involve dust or other particulate air contaminant generating equipment (such as used in paint spraying, grain handling, sand or gravel processing or storage, or sandblasting) shall be so conducted that dust and other particulate air contaminants are not transported across the boundary line of the lot on which the use is located.

c. Odors

- (1) No continuous, frequent, or repetitive emission of odors or odor-causing substances that would be offensive beyond any property line of any industrial use shall be

permitted. An odor emitted no more than 15 minutes in any one day shall not be deemed as continuous, frequent, or repetitive within the meaning of these regulations. The existence of an odor shall be presumed when analysis by a competent technician demonstrates that a discernible odor is being emitted. Any process involving the creation or emission of any odors shall be provided with a primary and a secondary safeguard system so that control will be maintained if the primary safeguard system fails. All land uses shall comply with the rules and regulations of the Illinois Pollution Control Board. Public uses located at the Metro Train Station are exempt from these odor provisions.

d. Radiation, Toxic, Fire and Explosive Hazards

- (1) The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes shall be in conformance with (a) the applicable regulations of the Atomic Energy Commission; and (b) the applicable regulations of the State of Illinois.
- (2) All land uses shall comply with the provisions of the Illinois Revised Statutes, and no explosives shall be stored, used or manufactured without first submitting to the zoning administrator a certificate of compliance from the necessary department of the State of Illinois.
- (3) No gasoline or other inflammables or explosives shall be stored unless the location, plans and construction conform to the laws and regulations of the village and the State of Illinois and have the approval of the state fire marshal.
- (4) No activities involving the storage, utilization or manufacture of materials or products that decompose by detonation shall be permitted, except such are specifically approved by the village. Such materials shall include, but shall not be confined to: all primary explosives such as lead azide, lead styphnate, fulminates, and tetrocene; all high explosives such as TNT, RDS, HMS, PETN and picric acid; propellants and components thereof such as nitrocellulose, black powder, boron dydrides, hydrazine, and its derivatives; pyrotechnics and potassium nitrate; blasting explosives such as dynamite and nitroglycerin; unstable organic compounds such as acetylides, tetrazoles, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentration greater than 35 percent and nuclear fuels, fissionable materials, and products and reactor elements such as uranium 235 and plutonium 239.

e. Glare and Heat

- (1) Every use and activity shall be so operated that it does not emit heat or heated air beyond the boundary of the lot on which it is located. No direct or sky-reflected glare shall emanate beyond the boundary of the lot on which such use or activity is located. This restriction shall not apply to signs otherwise permitted by the provisions of the Unified Development Ordinance or applicable ordinances, or to activities of a temporary or of an emergency nature. Night lighting necessary for safety and the protection of property is excluded from this provision.

f. Electromagnetic Interference

- (1) There shall be no electromagnetic interference that adversely affects the operation of any equipment other than that belonging to the creator of such interference, or that does not conform to the regulations of the Federal Communications Commission.

g. Nuisance

- (1) Emission of noxious, objectionable or annoying odor in such quantities as to be detectable at any point along a lot boundary, as outlined in Section 1.1c (Odors) is prohibited.
- (2) No use shall be operated or maintained which creates an environmental detriment or public nuisance, including but not limited to visual clutter created by excessive signage, lighting, or outdoor storage; vibration, noise, glare, heat, or odors as defined herein; or other noise and odors such as those created by pets or garbage.

h. Enforcement

- (1) The zoning administrator shall enforce the provisions of this section. Upon confirmation of a violation, enforcement and penalty provisions of Article 1, Division 2 (Administration & Enforcement) shall prevail. In addition, the zoning administrator may require of the offending industry the installation, maintenance, and operation of continuous measuring or recording instruments to demonstrate the operation and to ensure continuous compliance with the prescribed standards.

1.2 Accessory Uses

Comment [KT5]: Accessory uses & structures have been put into separate sections.

a. Accessory Use Regulations

- (1) Accessory uses shall be compatible with the principal use and shall not be established prior to the establishment of the principal use,
- (2) An accessory use must be conducted within a principal building, unless otherwise allowed in this ordinance.
- (3) An accessory use shall not include the keeping, propagation, or culture of pigeons, poultry, or livestock, whether or not for profit.

Comment [KT6]: Per Sec 14-9.12 – Animals & Fowl

b. Allowable Accessory Uses in Residential Districts

The following accessory uses are allowed in residential districts.

- (1) Day care homes, in compliance with Illinois State and other applicable regulations.
- (2) Home Occupations in accordance with Section 1.2.d – Home Occupation Regulations.

c. Allowable Accessory Uses in Non-Residential Districts

The following accessory uses are allowed in non-residential districts.

- (1) Outdoor restaurant tables and seating.
- (2) Storage of merchandise normally carried in stock on the same lot with any retail service or business use as regulated by the Unified Development Ordinance and the Municipal Code.
- (3) Storage of building materials and equipment and temporary buildings for the duration of on-site construction for which a building permit has been issued.
- (4) The following accessory uses are allowed in the BP and L-1 districts only:
 - (a) Retail business service and personal service uses, including showroom and sales areas, shall be permitted only as accessory uses, to consist of not more than 15 percent of the building area. The retail business and personal service uses shall be ones that primarily service the principal use.
 - (b) Recreational facilities, including but not limited to, tennis courts, golf courses, and jogging, walking, and biking trails and paths.
 - ~~(c) Showroom and sales area.~~

Comment [KT7]: Time period to limit storage? Size limitation?

d. Home Occupation Regulations

A home occupation operated for profit shall be permitted in all residence districts provided:

- (1) It is operated in its entirety within a building (not a temporary building) and only by the person or persons whose dwelling is on the same lot;
- (2) The use does not impact the existing character of the neighborhood, including traffic, light, and noise;
- (3) It does not have a separate entrance from the outside of the building;
- (4) It does not display or create outside the building any external evidence, including the parking of commercial vehicles, of the operation of a home occupation;
- (5) No more than three (3) pupils, clients, or customers can be present at the same time;
- (6) It does not utilize mechanical or electrical equipment other than the type normally found in a dwelling unit;
- (7) It does not include the conducting of a retail business other than by mail or delivery; manufacturing business; or repair shop of any kind ~~There is no on-site keeping, sorting or maintaining of an inventory, equipment or machinery ;~~

Comment [KT8]: Restriction of commercial vehicle parking previously considered, but no longer recommended, see reference to commercial vehicle parking regulations below.

Comment [KT9]: Prohibitions of onsite inventory previously considered, but no longer recommended.

- (8) No more than one person is employed, other than a member of the immediate family residing on the premises;
- (9) It does not utilize more than 20 percent of the gross floor area of the dwelling unit, not to exceed 500 square feet in area;
- (10) It does not involve the sale of commodities upon the premises;
- (11) It will not require more vehicle parking space than is required for residential uses servicing the dwelling unit;
- (12) Any parking of commercial vehicles shall be subject to regulations for the parking of commercial vehicles in residential districts, Article 5, Division 1, Section 1.2.g.
- (13) It will not interfere with normal television and/or radio reception in the surrounding area;
- (14) No hazard shall be created that would or could endanger the dwelling unit or its occupants or other structure or their occupants by reasons of fire, health, safety or environmental hazards, not normal and usual to residential use of the premises; and
- (15) The use does not change the exterior character of the building and does not create noise, odor, dust, vibration, fumes or smoke readily discernible at the exterior boundaries of the parcel on which they are situated.

Comment [KT10]: Previously only persons in home able to work

1.3 ACCESSORY STRUCTURES

a. General Regulations for Accessory Structures

(1) Location

Except as otherwise regulated herein, an accessory structure, excluding driveways and fences, shall conform to the following:

- (a) Shall not be located on any easement.
- (b) Shall not be located closer than ten feet to the rear lot line, five feet to the side lot line, sixty feet from the front property line, or ten feet from the principal building as measured from the overhanging eaves. Sheds may be located within 10 feet of a principal structure in the rear yard.
- (c) On lots 30-26 feet, or less in width in multifamily residential districts, at-grade decks and patios may be constructed, reconstructed, or repaired on interior multifamily units to the full width of the lot. Decks and patios on end multifamily units may be constructed to the interior side lot line and may not be closer than five feet to the exterior side lot line, or if located on a corner, must maintain the required corner-side yard setback.
- (d) No deck or patio in a multifamily district may be constructed on any easement or closer than five feet of the rear lot line.

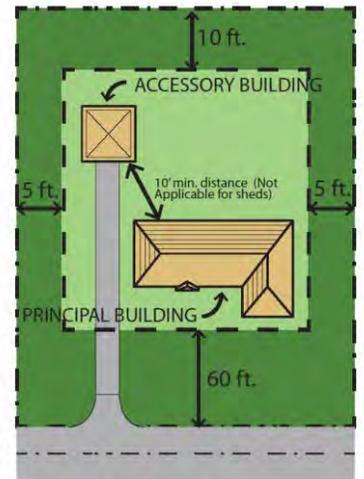


Figure 1.3 a(1)(b): Dimensions of an Accessory Structure

Comment [KT11]: 60 foot requirement from front yard added to encourage accessory structures in the rear yard – Diagram to be updated.

Comment [KT12]: Increase this minimum width to 30 feet based upon survey of multifamily developments

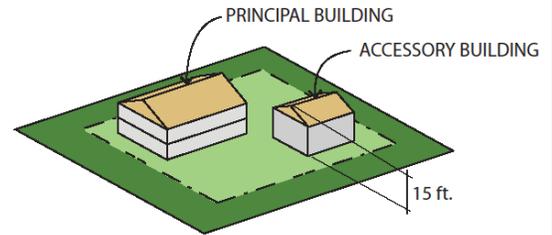
(e) Above grade decks and patios in multifamily residential districts must maintain a minimum of five feet from the side lot line and ten feet from the rear lot line. As used in this subsection, the term "at-grade" shall mean no greater than 12 inches above the ground level at the point closest to the residence.

(2) Business Park (BP) and Limited Industrial (L-I) Districts

The total of any or all such accessory structures shall not exceed three percent of the square footage of the principal building.

(3) Time of construction.

No accessory structure shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory.



~~(4) Number on a lot.~~

~~A zoning lot may not have greater than two (2) accessory structures. For the purpose of counting accessory structures, detached garages, driveways, and fences shall not be counted.~~

Comment [KT13]: This requirement does not currently exist and is no longer recommended, as there are many scenarios in which more than 2 additional accessory structures may be utilized, while remaining within normal standards.

~~(5)(4) Percentage of front and rear yard occupied~~

~~No more than 40% of a required front yard, nor more than 40% of a required rear yard, may be occupied by accessory structures. No accessory structure or structures shall occupy more than a total of 40 percent of a required rear yard.~~

Comment [BK14]: Limitation of front yard lot coverage added to limit impact of driveways on front yard, in keeping with surrounding communities.

~~(6)(5) Height of accessory structure~~

No detached accessory structure shall exceed 15 feet in height as measured to the highest point of the roofline from grade.

~~(7)(6) On reversed corner lots~~

On a reversed corner lot in a residential district, no accessory structure or portion thereof located in a required rear yard shall be closer to the side lot line abutting the street than the required front yard on the abutting lot to the rear. Further, in the above instance, no such accessory structure shall be located within five feet of any part of a rear lot line that coincides with a side lot line or portion thereof of property in a residential district.

~~(8) Detached garages and carports not to exceed 720 square feet in size, one per zoning lot.~~

b. Allowable Accessory Structures in Residential Districts

The following accessory structures are allowed in residential districts.

(1) Detached garages not exceeding 720 square feet in size, one per lot.

(2) Driveway, subject to Article 3, Division 1, Section 1.4.

Comment [KT15]: Section alphabetized

- (3) Fences, subject to Article 3, Division 1, Section 1.6.
- (4) Flagpoles, with a maximum height of 15 feet.
- (5) Hobby kennels, as permitted accessory special uses in districts where allowed and conforming with the ordinances of the Village, including but not limited to chapter 58 of the Municipal Code requiring a license to maintain a hobby kennel.
- (6) Horse stables, as permitted accessory special uses, in districts where permitted and conforming with the ordinances of the Village, including, but not limited to chapter 58 of the Municipal Code requiring a permit to maintain a stable.
- (7) Laundry drying equipment.
- (8) Playground equipment, playhouses, and gazebos.
- (9) Private tennis, racquet, and paddle ball courts, unlit.
- (10) Radio and television antennas, ground mounted, not exceeding 60 feet in height, or roof mounted, not exceeding eight feet above the highest point of the roof, in accordance with Article 3, Division 2 (Telecommunications).
- (11) Satellite dishes in accordance with Article 3, Division 2 (Telecommunications).
- (12) Sheds and/or storage buildings for garden equipment and household items ~~as accessory to dwellings~~, not exceeding ~~200450~~ square feet in ~~area~~, one per lot. However, one shed and/or storage building not exceeding 400 square feet in area may be permitted per lot in the R single-family detached residence district.
- (13) Spas and hot tubs.
- (14) Swimming pools, private, when conforming also to other codes or ordinances of the village.
- (15) Terraces, patios, decks, and outdoor fireplaces.
- (16) On properties owned by governmental bodies, accessory structures of governmental bodies may be constructed that meet the zoning requirements for principal structures in that zoning district. Accessory structures containing not-for-profit amateur athletic uses shall also be allowed on properties owned by governmental bodies and leased to that not-for-profit amateur athletic organization.
- (17) Meteorological tower subject to the following regulations:
 - (a) Located in an R-2 single-family detached residence district.
 - (b) A maximum tower height of 150 feet.
 - (c) A tower may be erected for a maximum period of 16 months and located on a minimum parcel size of 15 acres.

Comment [KT16]: Increased area recommended based upon resident requests and standards in surrounding communities.

- (d) A clear zone surrounding the tower of 1.3 times the height of the structure, measured from the outermost point on the base.
- (e) No habitable structures or off-street parking facilities shall be within the clear zone.
- (f) The clear zone must be entirely within the subject property.
- (g) No signs may be placed on the tower.
- (h) No antennas may be placed on the tower.
- (i) The base of the tower must be enclosed with eight-foot fencing not less than 20 feet in diameter around the base and each guy wire must also be enclosed with fencing or other suitable safety measures to preclude unauthorized climbing.
- (j) The tower shall be constructed and operated so that it does not interfere with television, radio, cellular telephone, or microwave reception in neighboring areas.

1.4 TEMPORARY USES AND STRUCTURES

The following accessory uses and structures are allowed in residential and commercial districts.

a. Temporary Real Estate Office

A temporary real estate office may be allowed in conjunction with development of a lot, contiguous lots, or a planned unit development limited to the selling or renting of new dwelling units in such development, but in no case to be in operation for more than one year ~~following or prior to~~ the issuance of the certificate of occupancy for the last dwelling unit or structure in such development.

b. Temporary Construction Buildings

Temporary buildings for construction purposes may be allowed in any district, but shall be removed prior to issuance of a certificate of occupancy for the principal building on the lot on which such temporary building is located.

c. Building Materials and Equipment

Storage of building materials and equipment for the duration of on-site construction for which a building permit has been issued.

4.41.5 DRIVEWAYS

Driveways subject to the following regulations:

- a.** Driveways shall not be less than nine feet nor greater than 20 feet in width, ~~unless except as noted below elsewhere in this article.~~ The area of a driveway up to 20 feet in width

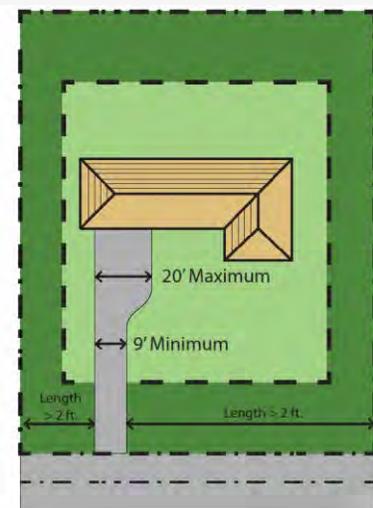


Figure 1.5a: Dimensions of a Driveway

Comment [KT17]: Moved from accessory use section.

Comment [BK18]: Driveway diagram to be updated

~~the required front or corner side yard that is expanded to meet the requirements of this section shall not be subject to the maximum front yard coverage and lot coverage limitations, but the area of the expanded driveway shall be included for all other determinations of lot coverage.~~

Comment [BK19]: A 20' driveway is permitted by right, even if over maximum lot coverage.

~~(1) However, dDriveway widths in excess of 20 up to 30 feet may be permitted for three or more car garages at a width of ten feet per parking stall, provided the maximum front yard coverage and lot coverage for the property are not exceeded is met. This provision does not include tandem garage parking spaces.~~

Comment [KT20]: Max 30' is consistent with other communities.

~~(2) Further, the dDriveway widths in excess of 20 feet but less than up to 28 feet may be permitted, provided the maximum front yard coverage and lot coverage for the property are not exceeded in the front yard but only if the lot coverage in both said front yard and the lot does not exceed the limitations for yard or lot coverage provided elsewhere in this comprehensive zoning ordinance.~~

Comment [KT21]: Added in 2010 amendment to code.

~~b. In all cases, the maximum width of a driveway at the property line shall be 20 feet, with further driveway widening occurring between the front property line and the building or garage.~~

Comment [BK22]: Limit the curb cut at the property line to maintain parkway. Will allow for widening from the curb cut to garage.

~~a-c. Driveway widening extensions shall not be within two feet of a side lot line for detached single family dwellings, except as noted below:~~

Comment [KT23]: Do we want to keep this one? Maybe only permit if required to expand from 1 -2 car widths and towards furthest lot line. Or remove.

~~(1) There is sufficient area to expand the driveway eight feet in width and~~

~~(2) All storm water run-off is completely retained on the lot or parcel where the driveway expansion occurs and~~

~~(4)(3) The front yard coverage and lot coverage limitations are both not exceeded as otherwise provided elsewhere in this comprehensive zoning ordinance.~~

Comment [KT24]: Added in 2010 amendment

~~b-d. Driveway widening extensions shall be at the same grade and utilize the same material as the existing adjacent driveway. However, up to 18" width of brick or other semi-permanent pavers may be permitted along each side of a driveway, which shall not count towards overall width calculations.~~

Comment [KT25]: We have been permitting this in practice. Allows for ped path. Language is from Streamwood regs.

~~e-e. Driveway widening shall only be allowed towards the nearest lot line for detached single-family dwellings to the extent feasible, or as otherwise approved by the zoning administrator.~~

Comment [KT26]: In many instances, the driveway may be widened by several feet on each side, causing minimal impact and permitting an additional car width without going all the way to property line and remaining at 2' from property line.

~~d-f. Driveways shall not exceed 20 feet in width except for may exceed width requirements above to provide access to a "swing out" that connects the existing driveway to a pad located in the side yard. The permissible angles for the "swing out" connection to the pad shall be between 30 and 60 degrees.~~

Comment [KT27]: Swing out regulations simplified to avoid common confusion.

~~e. The beginning of the "swing out" shall be located no further than 18 feet from the front of the dwelling.~~

~~f-g. Driveway expansions shall not be located within 6 vertical feet of a door facing the front yard, as measured perpendicularly from the building frontage.~~

Comment [BK28]: Clarified for interpretation purposes

4.51.6 FENCES AND NATURAL SCREENING

a. Purpose

The purpose of a fence, shrub or hedge is to provide privacy, security and boundary definitions for residential, business, office, and industrial districts within the corporate limits of the Village. This article encourages the use of natural screening instead of fencing wherever possible.

b. Prohibited Fences

The following fences are hereby prohibited:

- (1) Barbed wire, chicken wire, hog wire, rope, cable, and electrically charged wire, except that barbed wire may be used on top of permitted fences in nonresidential districts and on fences enclosing public service and government uses;
- (2) Snow fences, except for exclusive control of snow between November 1 and March 31 and as authorized by the zoning administrator for special events or construction sites;
- (3) Chain link fences with barbed wire ends up, except as permitted fences in nonresidential districts and fences enclosing public service and government uses;
- (4) Chain link fencing with slats of any kind, except for fences of public service and government uses;
- (5) Fences constructed of wire, except chain link and 16 gauge or larger gauge wire may be attached to the interior of a split rail, or other wooden fence, provided the only supports used for the wire are the wood horizontal and vertical members of the primary fence. Wire shall not be permitted as a fence material in the required front yard and on corner lots wire shall not be permitted as fence material beyond any front yard line of the adjoining property; and
- (6) Fences constructed with wood sheet or plywood.

Comment [BK29]: Regulations related to fence location moved to separate section.

~~c.~~ Fence Requirements for Residential Uses

- (1) ~~Solid~~ Fences shall not exceed more than six feet (6') in height, ~~while all other fences shall not exceed five feet in height~~ except decorative fences located in the front or corner side yards, which shall not exceed three feet (36") in height.
- (2) See Section 1.6.i – Nonconforming Fences, for exceptions to standard residential fence requirements.

Comment [BK30]: Regulations related to exceptions to this rule moved to nonconforming fences section.

~~d.~~ Fence Requirements for Non-Residential Uses

- (1) No fence shall exceed eight feet (8') above grade. Fences in the L-O Limited Office District shall not exceed six feet (6') in height without a special use.

e. Fence Requirements for Landscape Buffers

(1) Any fence used as part of a landscape buffer shall be ornamental metal or solid fence constructed of wood (excluding boards less than three inches in width), brick, stone, or masonry, with metal or wooden posts with a minimum three-inch diameter.

~~(2) The fence shall meet all fence height requirements specified in this Section, except that such fence shall be a minimum six feet in height when abutting a residential use. Such fences shall be located on the property line.~~

Comment [BK31]: Landscape buffer requirements are generally required as a part of overall site plan approval.

e.f. Required Fences for Swimming Pools

(1) Fences shall be required around every outdoor swimming pool capable of containing water at a depth of 24 or more inches, including family pools, by a fence. Such fence shall be between four feet (4') to six feet (6') in height, not including the height of the pool walls. A building or existing wall may be used as part of such fence.

~~(2) No person in possession of land within the Village, either as owner, purchaser, or lessee, tenant or licensee, upon which is situated a swimming pool that is so constructed as to be capable of containing water at a depth of 24 or more inches, shall fail to provide and maintain such fence or wall as herein provided.~~

~~(3)~~(2) The fence shall be so constructed as not to have any openings, holes, or gaps larger than four inches in any dimension, except for doors and gates. All gates or doors opening through such enclosures shall be equipped with self-closing and self-latching devices for keeping the gate or door securely closed at all times when not in actual use, except the door of any dwelling that forms a part of the enclosure need not be so equipped. This requirement shall be applicable to all new and existing outdoor swimming pools.

(3) The fence may be located directly around the pool or along property lines and is to be fully enclosed.

e.g. Fence Location

(1) Rear Yard and Side Yard Fences – Fences in the rear and side yards are to be located on or within 6 inches of the property line and are not to extend beyond the front yard line of the property or adjoining properties, except in the following instances: Except as provided herein all fences must be constructed of a property line

a. Patio privacy fences and trellises not exceeding six feet in height shall be permitted within the buildable area, except that if a dwelling unit has a legal nonconforming side, corner-side or rear building line, patio privacy fences and trellises may be extended in a horizontal manner, along only one legal, nonconforming side.

b. A dog enclosure or run shall be permitted, not to exceed six feet in height or enclose an area greater than 20 percent of the rear yard, provided it is set back a minimum of ten feet from all property lines.

Comment [BK32]: New section added and regulations reorganized for clarity

Comment [BK33]: Is a 10 foot setback necessary? Many communities do not require.

c. Fences, where the lot line is located in a watercourse, drainage easement, or adjacent to the Village's Sewer Treatment Plant may be located set back from the property line.

d. Fences adjacent to telephone, electrical, cable, gas or other utility pedestals, or above storm manholes, catch basins, or pipes, may be located set back from the property line, provided that access to such areas is provided through a gate or other means.

e. The location of fences off of rear and side property lines shall be approved by the zoning administrator community development director based on the locations of other similarly situated existing nonconforming fences to establish a reasonably consistent setback from the lot line.

a-f. When a fence is located off of a property line, the property owner is responsible for maintaining all areas within their property.

Comment [BK34]: Added based upon practical implication of code and utilizing example from Roselle.

(2) ~~Except as provided herein, no fence shall be constructed or installed in any front yard closer to any street or roadway than the front yard line.~~

(3) Front Yard Fences - Decorative fences, excluding chain link, shall be permitted in the front yard, and shall be constructed so as not to exceed 36 inches in height. Decorative fences may be located interior to a property line.

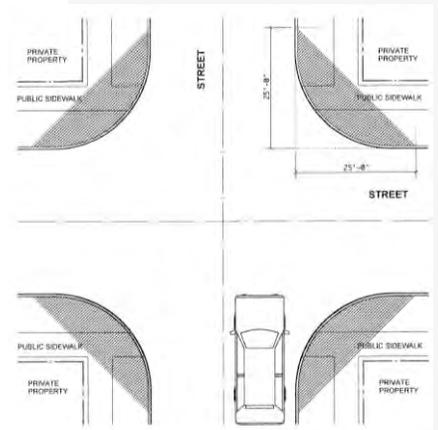
(4) Corner Side Yard Fences - On corner lots, corner side yard fences and rear yard fences other than decorative fences shall not be constructed beyond any front yard line of the adjoining property.

~~(4)~~(5) Decorative Fences – Shall be no more than 3 feet (36 inches) in height, shall have an opacity of 50% or less, shall not include chain link, and may be located off of property lines.

(6) Line of Sight Obstruction - Fences shall not be permitted within the site triangle, being at or near the street intersection in an area enclosed by a triangle, each leg of which is a distance of 25 feet, measured along each curb of the intersection streets, from the point where the extension of the curb lines intersect. Fences shall not be permitted so as to obstruct a clear view of private driveways, sidewalks, or pedestrian walks.

~~(5)~~ Drainage Obstruction - Fences shall not be permitted constructed so as to prevent natural water drainage and/or water runoff.

(7) Back to Back Fences - Fences shall not be permitted that abut existing fences, except that abutting fences shall be permitted along side and rear property lines where single-family detached and duplex residential uses abut rental residential dwellings containing four or more units. When abutting fences do exist, the owner of the property is responsible for maintenance between the fences.



Site line at intersection of streets

(8) Public Right-of-way - Fences shall not be permitted on any portion of any public right-of-way, except fences erected by a government body.

f.h. General Fence Regulations

(1) Fences and related supporting structures shall be erected so that the finished side or sides of the fence shall be facing the neighboring properties or public right-of-way. Fence posts and rails shall be on the inside of the fence, facing the owner's property.

(2) Fence posts, including crowns, are permitted to extend five inches above the height of the permitted adjoining fence panel.



~~(3)~~ No existing survey monuments or lot pins shall be disturbed by any removal, replacement, or installation of fencing. Any disturbed survey monument or lot pin shall be reestablished by a registered Illinois Land Surveyor.

~~(2)~~(4) All provisions of the building code of the Village shall be followed as they pertain to fences.

~~(3)~~(5) Public service and government uses and all regulation size tennis courts shall be exempt from the height limitations.

g.i. Non-Conforming Fences

When a nonconforming fence is rebuilt, it must be brought into a conformance with this Chapter except in the following situations:

(1) Fences in the Fremont Junction Subdivision, Units 1 through 5 of Liberty Square Subdivision, Units 1 through 4 of Olde Salem Subdivision, and Units 1 through 5 of Tanglewood Subdivision shall be permitted to construct, reconstruct, replace or add to existing six-foot fences,

(2) The end building units of Units 1 through 5 of Tanglewood Subdivision shall be permitted to construct, reconstruct, replace or add fences not on property lines, provided the fence extends from the corner of the building and connects to the rear property line in a perpendicular manner,

~~(2)~~(3) Units 1 through 5 of Tanglewood Subdivision shall be permitted to replace or repair existing fences not on property lines in the same location as the existing fence.

(4) In the Hanover Terrace and Hanover Park Terrace subdivisions (Glendale Terrace), open fencing with a maximum height of four feet shall be permitted in front yards and off property lines. In no case shall fencing block vehicular access. chain link fencing shall consist of a minimum no. 9 gauge.

i.j. Variations

(1) Variations to fence regulations may be granted in accordance with the variation

process and standards of Article 2, Division 3 (Variations).

4.61.7 LIGHTING

Comment [KT35]: New section, based upon best practices and guidance of environmental goals in Comprehensive Plan.

All outdoor lighting, except for governmental entities, shall be subject to the following requirements:

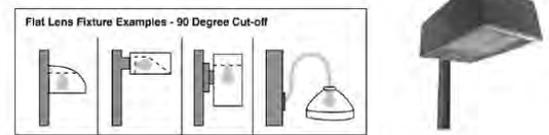
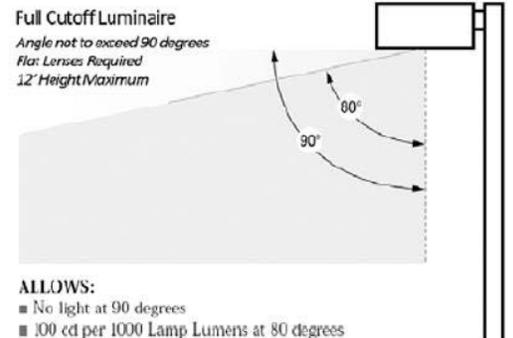
a. Glare Onto Adjacent Properties:

Lighting used to illuminate outdoor areas shall be directed in such a way as to prevent light trespass or direct glare onto adjacent properties and rights of way.

b. Fixture Design:

Outdoor lighting fixtures in nonresidential districts must comply with the following limitations:

- (1) Full cutoff luminaries with a total cutoff angle of not more than ninety degrees (90°) shall be used.
- (2) All lighting mounted under a canopy, including, but not limited to, luminaries mounted on or recessed into the lower surface of a canopy, shall be full cutoff.
- (3) Flat lenses are required for all lighting fixtures.
- (4) Wall lights, where used, shall be full cutoff and fully shielded.
- (5) Task focused lighting is permitted at gas stations, ATM drive-throughs, and similar uses as approved by the Zoning Administrator, and must include an internal louver so the light focuses directly on the task area and does not spill onto the pavement.



c. Light Intensity Levels At Property Lines:

- (1) All illumination level readings shall be taken at ground level.

d. Lighting Level Table: The following table summarizes the maximum average illumination levels for a variety of uses:

Type of Use	Maximum Foot Candle at Property Line	Average Foot Candles	Foot-Candle Average / Min. Uniform Ratio	Minimum Foot Candle for Walkway	Maximum Light Pole Height from Grade
Single Family Residential	0.2	NA	NA	NA	NA
Multi-Family	0.5 0.2 (Adjacent to Single-family)	NA	4:1	0.4	16'
Commercial	0.5	I.E.S	I.E.S Standard	0.4	25'



Industrial, Institutional		Standard Shall Apply for each specific use	Shall Apply for each specific use		
Gas Station	1	15	4:1	0.4	25'
Motor Vehicle Sales	1	30	Max to Min: 10:1	0.4	25'
Parking Lots (stand alone and those on same lot as use)	0.5	Not to Exceed 1.5	4:1	0.4	25' for commercial, industrial, institutional, gas station, and motor vehicle sales. 16' for all else.
Outdoor Recreational use (including those associated with park and institutional use)	0.5 0.2 (Adjacent to Single-family)	I.E.S Standard Shall Apply for each specific use	I.E.S Standard Shall Apply for each specific use	0.4	16'
Lighting for any other use not listed will be reviewed as part of Site Plan review to ensure the proposed illumination levels are appropriate for the property and surrounding area. Compliance will be reviewed during Site Plan Review Process as outlined in Section Xxxx.					

Figure 1.7(a): A good and bad example of glare from an adjacent property.

e. Additional Requirements in all Zoning Districts.

The following requirements and provisions shall be applicable in all zoning districts, except that they shall not apply to streetlights or to any lighting located within a public right-of-way:

- (1) Use or installation of high and low pressure sodium lights, mercury vapor, and incandescent lights is prohibited.
- (2) Exterior lights that blink or shine with an intermittent phase are prohibited; provided, however, outdoor holiday decorations are exempt from these requirements for a period of forty-five (45) days before and fifteen (15) days after the holiday for which such outdoor holiday decorations are installed.
- (3) Light levels shall be measured in the horizontal plane, at ground level unless I.E.S. standards dictate otherwise.
- (4) Any abandoned, non-functional exterior light or fixture, as well as all associated hardware including, without limitation, poles, bases, and wiring shall be immediately removed.

f. Additional Requirements for Parking Lot Lighting: All parking lots with more than four (4) spaces shall provide lighting and shall comply with the regulations as set forth in this Section:

- (1) Pole Height And Material:
 - (a) The total height of light fixtures includes pole, pole support, fixture and related equipment.
 - (b) Light poles shall be constructed of metal or other material acceptable to the Village Engineer. Wood poles are prohibited.
- (2) Glare onto adjacent properties is prohibited.
- (3) Electric lighting used to illuminate off-street parking areas or driveways shall be directed away from adjacent properties and public rights of way in such a way as to not create a nuisance.
- (4) Protection of Lighting Fixtures: Light poles in a parking lot shall be protected from vehicles by curbed landscape islands.
- g. Lighting Plan Required: A lighting plan is required for site plan review and shall be signed and sealed by a professional engineer and including, at a minimum, the following:
 - (1) All property lines, building locations, dimensions of paved areas, and location of all curbs;
 - (2) Fixture locations;
 - (3) Fixture details and height;
 - (4) Photometric data for all paved areas at a spacing of not greater than twenty feet (20') and not greater than six inches (6") above the pavement surface;
 - (5) Photometric data at all property lines at a spacing of not greater than fifty feet (50') and not greater than six inches (6") above grade;
 - (6) Scale of not less than one inch (1") to fifty feet (50');
 - (7) Details of the proposed light poles and foundations;
 - (8) Existing and proposed utilities on the subject property and in rights of way adjacent to the subject property;
 - (9) Other information, as required.
- h. Hours Of Operation: All lighting shall be reduced to security levels, as recommended in the "Illuminating Engineering Society of North America's Lighting Handbook", during hours of non-operation of the principal use on a property.
- i. Continuation of Legal Nonconforming Exterior Lights and Fixtures
 - (1) Authority to Continue. Any nonconforming exterior light or fixture may be continued so long as it otherwise remains lawful, and shall be maintained in good condition, subject to the regulations contained in this subsection.

- (2) Ordinary Repair and Maintenance. Normal maintenance and incidental repair or replacement may be performed on any nonconforming exterior light or fixture; provided, however, that any repair or replacement shall, whenever possible, eliminate or reduce any nonconformity in the element being repaired or replaced.
 - (a) Maintenance shall include the replacing, repairing, or repainting of any portion of an exterior light or fixture, including, without limitation, the renewing of any part that has been made unusable by ordinary wear and tear, weather, or accident.
 - (b) The replacing or repairing of an exterior light or fixture that has been damaged to an extent exceeding 50 percent of the appraised replacement cost shall be considered maintenance only when the exterior light or fixture conforms to all of the applicable provisions of this Article and when the damage has been caused by an act of God or violent accident.
 - (3) Alteration; Enlargement; Moving. No nonconforming exterior light or fixture shall be:
 - (a) changed or altered in any manner that would increase the degree of its nonconformity;
 - (b) enlarged or expanded;
 - (c) structurally altered to prolong its useful life;
 - (d) moved in whole or in part to any other location where it would remain nonconforming; or
 - (e) changed to another nonconforming exterior light or fixture.
 - (4) Change of Exterior Light or Fixture. A nonconforming exterior light or fixture that has been changed to eliminate its nonconformity, or any element of its nonconformity, shall not thereafter be changed to restore such nonconformity or nonconforming element.
 - (5) Damage or Destruction. Any nonconforming exterior light or fixture damaged or destroyed, by any means, to an extent of 50 percent or more of its replacement cost new shall not be restored, but shall be removed or brought into conformity with the provisions of this Article.
 - (6) Termination by Abandonment. Any nonconforming exterior light or fixture, the use of which is discontinued for a period of 90 days, regardless of any intent to resume or not to abandon such use, shall be deemed to be abandoned and shall not be reestablished or resumed. Every such nonconforming fixture shall be immediately removed or brought into conformity with the provisions of this Section.
- j. Compliance or Removal

Any nonconforming exterior light or fixture that loses its status as a legal nonconforming exterior light or fixture pursuant to this Section shall be brought immediately into compliance with the provisions of this Section, or shall be immediately removed

Medical Marijuana Issues

Municipality	Name	Title	Phone No.	Municipality	Has your municipality approved any zoning changes to address Medical Marijuana cultivation centers or dispensing organizations?		If your municipality has not yet approved any zoning changes, are such changes being considered?		Comment
					No	Yes	No	Yes	
11	Willowbrook	Tim Halik	Village Administrator 6309202261	Willowbrook	1		1		
12	West Chicago	Michael Guttman	City Administrator 630-293-2200	West Chicago	1		1		
14	Bloomingtondale	Marty Bourke	VA 630-671-5611	Bloomingtondale	1		1		Still trying to figure out the ramifications of new law.
15	lisle	Gerald Sprecher	Village Manager 630-271-4116	lisle	1		1		
16	St. Charles	Kathy Livernois	Director of HR 6303774470	St. Charles	1		1		
17	Wayne	Patricia Engstrom	clerk 630-584-3090	Wayne	1		1		
18	Naperville	Douglas Krieger	City Manager 630-420-6040	Naperville	1		1		
19	Carol Stream	Joseph Breinig	Village Manager (630) 871-6250	Carol Stream	1		1		Staff is evaluating options for both cultivation centers and dispensaries. We have mapped the statutory setbacks for both and will utilize that information in or decision making. The lead time for the state to generate its rules seems to take some of the pressure to act immediately.
20	Hanover Park	Shubhra Govind	Community and Economic Development Director 630-823-5781	Hanover Park	1		1		We have a public hearing scheduled in November to begin looking at potential zoning regulations.

Medical Marijuana Issues

Municipality	In which zoning district(s) does your new or proposed ordinance allow Medical Marijuana cultivation centers?	Briefly describe the zoning district(s) listed in your answer to the prior question.	In which district(s) does your new or proposed ordinance allow Medical Marijuana dispensing organizations?	Briefly describe the zoning district(s) listed in your answer to the prior question.	Does your new or proposed ordinance designate Medical Marijuana cultivation center as:			Comment
					Permitted Use	Special Use	Other Use (please describe)	
1 Addison	M2 General Manufacturing District		M2 General Manufacturing District		1			
2 Elmhurst								
4 Wheaton	None	No area in Wheaton would qualify under State law.	Manufacturing				1	
6 Roselle	Limited Industrial(M)and Light Industrial(all ORI)	Limited industrial is our manufacturing districts in the Village. It allows outside storage. The Light Industrial (all ORI) applies to our districts that are primarily big box office/warehouse facilities with no outside storage. Deliberation may narrow it down to only being allowed in a Limited Manufacturing District (M).	Limited Industrial(M)and Light Industrial(all ORI)	Limited industrial is our manufacturing districts in the Village. It allows outside storage. The Light Industrial (all ORI) applies to our districts that are primarily big box office/warehouse facilities with no outside storage.		1		Deliberation could change this to a Permitted Use.
7 Villa Park	M-1	Industrial zone	M-1 Industrial Zone					
8 Woodridge	none	none	RBC - Regional Business Center	Office/warehouse/industrial			1	N/A
9 Itasca	M - Manufacturing District	M - Manufacturing District allows for various manufacturing and warehouse uses. Also only district in which adult uses are allowed.	M - Manufacturing District	M - Manufacturing District allows for various manufacturing uses. Also only district in which adult uses area allowed.		1		Village Board wants to formally review each proposal for special requirements, such as security.
10 Hinsdale								

Medical Marijuana Issues

Municipality	In which zoning district(s) does your new or proposed ordinance allow Medical Marijuana cultivation centers?	Briefly describe the zoning district(s) listed in your answer to the prior question.	In which district(s) does your new or proposed ordinance allow Medical Marijuana dispensing organizations?	Briefly describe the zoning district(s) listed in your answer to the prior question.	Does your new or proposed ordinance designate Medical Marijuana cultivation center as:			Comment
					Permitted Use	Special Use	Other Use (please describe)	
11 Willowbrook	none, based on state requirements.	Given the required 2,500 foot setback from schools, daycare or residential uses, a cultivation center could not be located in Willowbrook.	M-1	Light Manufacturing		1		
12 West Chicago								
14 Bloomingdale								
15 lisle								
16 St. Charles								
17 Wayne	presumably District B	Business	B	Business - Local Shopping				Not sure
18 Naperville	Industrial	Industrial - mostly light commercial, also have stuck a microbrewery into this zoning classification,	Industrial	We don't have "medical" in Naperville, want to keep it away from "Main Street"	1			State ordinance basically ensures Naperville will not get one based on prohibited radii.
19 Carol Stream	Undetermined.		Undetermined.					Undetermined.
20 Hanover Park								

Medical Marijuana Issues

Municipality	Does your new or proposed ordinance designate Medical Marijuana disbursement organizations as:			Briefly describe the rationale behind the selections made by your municipality as described in the prior Questions.	Does your new or proposed ordinance:			Does your new or proposed ordinance include restrictions on non-Medical Marijuana retail sales at Medical Marijuana dispensing organizations?
	Permitted Use	Special Use	Other (please specify)		Comment	refer expressly to Medical Marijuana cultivation or dispensing as a use, OR	include Medical Marijuana cultivation or dispensing within a more general use.	
1 Addison	1			We use the M2 classification to zone potentially problematical uses in order to keep them out of commercial centers. These include such uses as title loans, tattoo shops, pawn shops, payday loans, day labor, and adult uses.	1			No, only what was permitted by statute
2 Elmhurst								
4 Wheaton			1	Havent decided	1			
6 Roselle	1			Deliberation could change it to a Special Use	It was based upon available land inventory, areas than minimize the impact of what would be perceived as a less than desirable use. We also considered locations of schools and churches and the necessity to provide some legitimate areas for these two uses.	1		We called it out as a separate use. It does not.
7 Villa Park			1	Conditional Use	Village wants to control locations			No - Conditional Use
8 Woodridge	1				Best zoning district that complies with state regs regarding use.	1		no
9 Itasca		1		Village Board wants to formally review each proposal for special requirements, such as security.	Until more communities in Illinois have experience with medical marijuana facilities, Itasca wishes to treat them like we do adult uses.	1		No.
10 Hinsdale								

Medical Marijuana Issues

Municipality	Does your new or proposed ordinance designate Medical Marijuana disbursement organizations as:			Briefly describe the rationale behind the selections made by your municipality as described in the prior Questions.	Does your new or proposed ordinance:		Does your new or proposed ordinance include restrictions on non-Medical Marijuana retail sales at Medical Marijuana dispensing organizations?
	Permitted Use	Special Use	Other (please specify)		Comment	refer expressly to Medical Marijuana cultivation or dispensing as a use, OR include Medical Marijuana cultivation or dispensing within a more general use.	
11 Willowbrook		1		Although our Plan Commission, during initial discussions, seems to support regulating dispensaries similar to a pharmacy type use (i.e., to be located within retail districts), the Village Board does not want such uses located within shopping centers, etc. within the community. Their concern is that signage and other advertising associated with dispensaries would change the image of the Village.	1		No.
12 West Chicago							
14 Bloomingdale							
15 lisle							
16 St. Charles							
17 Wayne				Not sure			
18 Naperville	1			Council is split on this one, but looks like there are legs to put it through as a permitted use in Industrial. On the "disbursement organization" front, we have a couple of councilman who are supportive of the medical value of the drug and would like to have it be marketed with other holistic medicines.	1		not sure, headed to Plan Commission first
19 Carol Stream				Undetermined.			Undetermined. Undetermined, but likely something of concern. In addition, having dealt previously with bath salts being sold from behind the counter/backroom we may address storage/inventory areas.
20 Hanover Park							

Medical Marijuana Issues

Municipality	Has your municipality amended, or is your municipality considering amending, personnel rules or policies to address employees who qualify to purchase and use Medical Marijuana?		Has your municipality considered any employee training or notifications as a result of the Compassionate Use of Medical Cannabis Pilot Program Act?		If Yes, describe briefly:
	No	Yes	No	Yes	
1 Addison	1			1	Our HR Director has advised staff as to how to handle situations with employees who may have access to medical marijuana.
2 Elmhurst	1		1		
4 Wheaton	1		1		
6 Roselle	1		1		
7 Villa Park	1		1		
8 Woodridge	1		1		
9 Itasca		1		1	Being developed now.
10 Hinsdale		1			

Medical Marijuana Issues

Municipality	Has your municipality amended, or is your municipality considering amending, personnel rules or policies to address employees who qualify to purchase and use Medical Marijuana?		Has your municipality considered any employee training or notifications as a result of the Compassionate Use of Medical Cannabis Pilot Program Act?		If Yes, describe briefly:
	No	Yes	No	Yes	
11 Willowbrook	1			1	We sent several employees to a recent police training session.
12 West Chicago		1		1	We are in the initial stages of consideration.
14 Bloomingdale		1	1		
15 lisle	1		1		
16 St. Charles		1		1	We discussed it and chose not to conduct employee training but instead to conduct supervisory training on the new policy and issues that may surround it.
17 Wayne	1		1		
18 Naperville		1		1	Haven't written the regs yet, but will need to make changes.
19 Carol Stream		1		1	Nothing formal yet but under contemplation.
20 Hanover Park	1		1		

Medical Marijuana Issues

Municipality	Has your municipality amended the municipal code to decriminalize marijuana possession and/or use, particularly as it relates to individuals possessing a valid Medical Marijuana card?			Has your municipality amended the municipal code regarding the sale or possession of drug paraphernalia particularly as it relates to the use of Medical Marijuana?			Has your municipality made any changes to code or policy regarding prosecution of cannabis possession or use, particularly as it relates to individuals possessing a valid Medical Marijuana card?			Please list any additional issues or impacts, you or your municipality have identified related to Medical Marijuana cultivation centers or dispensing organizations:
	No	Yes	Comment	No	Yes	Comment	No	Yes	Comment	
1 Addison	1			1			1			
2 Elmhurst	1			1			1			
4 Wheaton	1			1			1			
6 Roselle	1			1			1			
7 Villa Park		1			1		1			
8 Woodridge	1			1			1			
9 Itasca	1			1			1			Under zoning ordinance - we are also addressing parking requirements by specifically listing parking requirements for medical marijuana dispensaries and medical marijuana cultivation centers, so it is not open to interpretation.
10 Hinsdale										

Medical Marijuana Issues

Municipality	Has your municipality amended the municipal code to decriminalize marijuana possession and/or use, particularly as it relates to individuals possessing a valid Medical Marijuana card?			Has your municipality amended the municipal code regarding the sale or possession of drug paraphernalia particularly as it relates to the use of Medical Marijuana?			Has your municipality made any changes to code or policy regarding prosecution of cannabis possession or use, particularly as it relates to individuals possessing a valid Medical Marijuana card?			Please list any additional issues or impacts, you or your municipality have identified related to Medical Marijuana cultivation centers or dispensing organizations:
	No	Yes	Comment	No	Yes	Comment	No	Yes	Comment	
11 Willowbrook	1			1			1			
12 West Chicago	1		We are in the process of reviewing the ordinances and are working on amendments.	1			1		We are in the process of reviewing the ordinances and are working on amendments.	
14 Bloomingdale	1			1			1			Can you send me a list of these questions? I don't need the answers of the surveyed right now, I can wait for those. The questions are very interesting and can provide us with a framework for additional staff discussions.
15 lisle	1			1			1			
16 St. Charles	1			1			1			
17 Wayne	1			1			1			
18 Naperville	1		not yet	1		not yet	1		not yet	
19 Carol Stream	1			1			1			
20 Hanover Park	1			1			1			