



Village of Hanover Park Administration

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

630-823-5600
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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

VILLAGE OF HANOVER PARK **PUBLIC NOTICE**

Public Notice is hereby given pursuant to the Open Meetings Act - Illinois Compiled Statutes, Chapter 5, Act 120, Section 1.01 (5 ILCS 120/1.01 et seq.) that the

Development Commission
(Name of public body)

SHALL CANCEL THE REGULARLY SCHEDULED MEETING ON JULY 11, 2013 AT 7:00 p.m. AND HOLD A WORKSHOP AT 6:30 p.m. AT THE

Municipal Building, 2121 Lake St., Hanover Park, IL
(Location)

Due to Lack of Public Hearing Agenda Items

Posted on : _____
(Date)

By _____
Eira L. Corral, Village Clerk



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VILLAGE OF HANOVER PARK

**DEVELOPMENT COMMISSION
WORKSHOP AGENDA**

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

Thursday, July 11, 2013
6:30 p.m.

1. CALL TO ORDER – ROLL CALL

2. ACCEPTANCE OF AGENDA

3. DISCUSSION TOPIC:

- a. Unified Development Ordinance Update Review:
 - Site Plan Review Regulations
 - Variation Regulations
 - Landscape Regulations

4. ADJOURNMENT



**Village of Hanover Park
Community Development Department**

INTEROFFICE MEMORANDUM

TO: Chairman Wachsmuth and members of the Development Commission

FROM: Katie Bowman, Village Planner

SUBJECT: **Site Plan Review, Variation, and Landscape Regulations Update**

ACTION

REQUESTED: Approval Disapproval Information

MEETING DATE: **July 11, 2013**

REQUEST SUMMARY

The following is scheduled for Development Commission discussion at 6:30 p.m. on July 11, 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:

- Site Plan Review Regulations
- Variation Regulations
- Landscape Regulations

BACKGROUND

As a part of the first draft of the Unified Development Ordinance (UDO) created in 2010/2011, various updates were made to the Site Plan Review, Landscape, and Variation regulations of the Zoning Ordinance. These updates clarified the goals, scope, process, standards, and submittal requirements for these development regulations and incorporated new guidelines that would help to modernize the code and meet overall Village goals developed as a part of the 2010 Comprehensive Plan process. The updates incorporated into the first draft of the UDO were developed through a number of workshops, received input through a public hearing, and recommended for approval by the Development Commission.

As directed by the Development Commission at their meeting of April 10, 2013, several additional updates to these sections are recommended at this time for the second draft of the UDO. Such updates will help to implement the overall goal of improving the quality and appearance of the Village, as well as the specific goals of the Village Center & TOD Plan and the Irving Park Corridor Study.

DISCUSSION

In general, the overall format of the Site Plan Review, Landscape, and Variation regulations in the draft UDO remain the same as in the existing Zoning Ordinance. A majority of the changes from the existing code were recommended in 2011 and incorporated into the first draft of the code. Additional changes recommended at this time generally are related to clarifying the scope of the regulations, ‘triggers’ for when they apply, and when the Zoning Administrator has authority to adjust requirements as needed. The first draft of the applicable sections of the UDO, as approved by the Development Commission in 2011, are attached. Additional changes recommended at this time are marked and underlined for discussion. A summary and discussion of recommended changes to each section is below.

Site Plan Review Regulations

Site Plan Review regulations address the procedure by which proposals for new development are reviewed by the Zoning Administrator (Community Development Director or Village Planner, as designated) for conformance with Zoning and other regulations. This review takes into consideration regulations and comments from other Village departments related to physical development, including Engineering and Public Works, Fire and Inspectional Services, and Police. Through the Site Plan Review process, developers are able to gain feedback from the Village related to site layout, building design, and traffic flow. With this feedback, they then create full building and engineering plans for Building Permit application. These plans include details for how new construction will be built to meet, or existing construction will be improved to meet, Village Code.

In the draft UDO the overall format of the Site Plan Review section remains the same as the current Zoning Ordinance, with several key additions. Based upon Village goals and the direction of the Development Commission, the major addition being recommended at this time is clarification of the type of redevelopment that triggers Site Plan Review (Section 5.2). The existing Zoning Ordinance requires that redevelopment undergo Site Plan Review, but a guideline for what type of work constitutes redevelopment is not provided. In general, work associated with standard maintenance and operation of commercial buildings and multi-family buildings, and remodeling of single-family residences, does not require Site Plan Review. Larger construction projects that involve more significant redevelopment, a change in impact, increase in use intensity, or major site changes, does require Site Plan Review. Provisions to provide the Zoning Administrator flexibility to approve minor landscape variances and adjust submittal requirements for larger or smaller projects are also added.

The second draft of the Site Plan Review Section, which includes previously approved changes and currently recommended changes (underlined) is attached in Exhibit 1.

Variation Regulations

Variation regulations guide when a variance is permitted, what types of variances are permitted, and the standards against which the Development Commission evaluates variance applications. The variation process is intended to provide limited relief from development requirements when strict application of such requirements will create a practical difficulty or unnecessary hardship prohibiting the use of land in its permitted manner. Variations from specific development

requirements are permitted when a property or development has a unique circumstance that is not commonly found at similar properties that causes a hardship and when such variance will not have a major impact on the character of the development or neighborhood.

In the draft UDO the overall format of the Variation regulations remain the same as the current Zoning Ordinance, with several additions. Changes recommended in the first draft of the UDO include the clarification of procedures for variance, specifying the parties and timeframes involved in the process. A provision for landscape variances was added (Section 3.7), which included guidelines for when they are permitted and suggestions of ways in which the impact of such variation may be mitigated. The authority to re-evaluate previous variances when a property or business is applying for new variances was also added in order to provide the Development Commission the ability to evaluate all aspects of a property when special development review, such as a special use, is applied for (Section 3.9).

Additional changes recommended at this time include the addition of a note at the end of each type of permitted variance to indicate that such variance will trigger Site Plan Review (Section 3.7). Landscape variation provisions are referenced in each case to indicate how compliance with landscape requirements may be addressed.

The second draft of the Variation Section, which includes previously approved changes and currently recommended changes (underlined) is attached in Exhibit 2.

Landscape Regulations

Landscape regulations guide the way in which landscaping for new construction and landscaping for a property that is being redeveloped is designed, installed, and maintained. Landscape regulations are intended to provide guidance for the design of landscaping that contributes to the quality of life for residents, improves the appearance and value of properties, and lessens the impact of high-intensity users on surrounding properties, particularly residential areas.

Several format, scope, and procedural changes are recommended for Landscape regulations in order to clarify existing guidelines and provide more design and technical guidance. A number of changes were incorporated into the first draft UDO based upon direction from the Development Commission. Additional changes recommended at this time are generally minor.

Major changes included in the first draft of the UDO included the addition of several sections related to scope, technical plan submittal requirements, and tree preservation. In the current Zoning Ordinance, landscaping at a property is required to meet code when Site Plan Review is required. The new Scope section (2.2) more clearly outlines when the landscape code applies. This includes new development and additions, uses that require special development approval (variance, special use, planned unit development), increase in intensity of use that increases parking requirements, and reconstruction of parking lots.

The new Tree Preservation section (2.12) outlines requirements and procedures for the preservation, removal, and replacement of trees on commercial and multi-family properties and new construction or additions to single-family residences. In these instances, trees are to be protected and maintained when feasible. If they are intended for removal, they must receive a

tree removal permit and be replaced (or pay a replacement fee). The maintenance and removal of trees on existing single-family residential properties is not subject to these regulations.

Sections related to specific requirements for property buffers and parking lot landscaping have also been amended (2.7 and 2.9). In general, the requirement for a specific number of plants per foot has been eliminated and guidelines for the design, density, and impact of landscaping have been added. The intent of this change is to allow for more creativity and flexibility of design while still meeting the goals of quality landscaping that screens properties and enhances appearance. Landscape requirements for foundation plantings, signs, and ground mounted equipment, which were previously located in other sections of the Zoning Ordinance were also incorporated into this section (2.11).

Changes recommended at this time include clarification of when regulations apply and authority for the Zoning Administrator to make adjustments based upon overall scope and impact of projects. Parking lot buffer requirements were amended to remove the requirement that landscaping have 75% opacity one year after installation, as it is anticipated that this requirement will be difficult to measure and enforce for both property owners and the Village (Section 2.7). The tree preservation section was amended to clarify when the regulations apply and exempt maintenance of single-family dwellings (Section 2.12).

The second draft of the Landscape Section, which includes previously approved changes and currently recommended changes (underlined) is attached in Exhibit 3.

RECOMMENDATION

Staff requests that the Development Commission review the proposed updates to the Site Plan Review, Variation, and Landscape sections 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 – Draft Site Plan Review Section – Article 2, Division 5 in UDO
(Section 110-4.3 in current Zoning)
- Exhibit 2 – Draft Variation Section – Article 2, Division 3 in UDO
(Section 110-4.7 in current Zoning)
- Exhibit 3 – Draft Landscape Section – Article 5, Division 2 in UDO
(Section 110-6.3 in current Zoning)

ARTICLE 2: DEVELOPMENT REVIEW PROCEDURES

- A. **Division 1: Planned Unit Development**
- B. **Division 2: Special Uses**
- C. **Division 3: Variations**
- D. **Division 4: Amendments**
- E. **Division 5: Site Plan Review**
- F. **Division 6: Public Notification**
- G. **Division 7: Required Certificates, Permits, and Interpretations**

Division 5-4: Site Plan Review

- 5.1 Purpose**
- 5.2 Authority**
- 5.3 Scope of Site Plan Review**
- 5.4 Site Plan Review Procedure**
- 5.5 Required Information on Site Plans**

5.1 PURPOSE

It is recognized that the very nature of development of vacant land, and redevelopment of improved land create potential for traffic congestion problems, overcrowding, and adverse environmental effects. The purpose of this Division is to establish a comprehensive set of procedures, standards and guidelines for the layout, appearance, design, landscaping, and environmental quality of properties within the Village, and to further:

- a. Promote the public health, safety, and general welfare of the citizens of the Village.
- b. Promote orderly community development, as well as encourage both high quality and innovative designs.
- c. Protect and enhance property values.

- d. Protect and enhance the social, cultural, economic, environmental and aesthetic development of the community.
- e. Ensure that the Village remains a safe and attractive community in which to reside and operate a business.

5.2 AUTHORITY

Site plan review approval shall be required prior to issuance of building permits for all new non-residential and multiple-family housing construction ~~and additions~~ in instances listed below--

- (1) Building renovations (physical improvements) or change of business or tenant for uses that occupy more than 10,000 square feet.
 - (2) ~~Or~~ Freestanding single-user buildings of any size when vacant for more than 180 days.
 - (3) Building additions of any size.
 - (4) Change in use intensity (e.g.: a change that requires more parking or increases the number of building users)
 - (5) Any change to the access between the site and any arterial road.
 - (6) Any change in the grading or drainage on the site.
 - (7) Any addition to or reconstruction of parking spaces.
 - (8) Removal of existing landscape materials shall not be permitted unless the remaining landscaping conforms to the landscape requirements. The addition of new landscape material or the relocation or replacement of existing landscape material shall be permitted without conforming to the requirements of the landscape section when no other site improvements are involved.
- a. All appearance standards described in Article 3, Division 4 (Design Guidelines) that are guidelines are voluntary and, although encouraged, are not required.
 - b. Unless otherwise noted, all standards within this Article 2 are required and shall be subject to review by the Zoning Administrator. Variations from the standards in Article 2 may be sought from the Development Commission in accordance with Article 2, Division 3 (Variations) of this Unified Development Ordinance. Variations from these standards of the landscape requirements in Article 5, Division 1 (Landscape, Buffering and Screening) shall be allowed by Zoning Administrator without approval of the Development Commission. Any decision of the Zoning Administrator may be appealed to the Development Commission.
 - c. The review of architectural and site plans provided for in this Article is intended to be only a part of the zoning and subdivision review procedure of the Village of Hanover Park development review process. Site plan approval does not in any way signify final approval of any portion of a project.

d. A building permit for ~~uses that are subject to site plan review all non-residential, and multiple family uses~~ may be issued after the Zoning Administrator approves a site plan, provided that all other requirements of all other applicable Village codes and ordinances are satisfied.

e. Exceptions. Site plan review is not required ~~in the following situations:~~ for any use permitted on a temporary basis for a period not to exceed six (6) months.

~~(1) Additions or alterations to existing buildings or uses when such addition does not exceed 2,000 square feet or ten (10%) percent of the gross floor area of the existing building or use, whichever is greater.~~

Any use permitted on a temporary basis for a period not to exceed six (6) months.

5.3 SCOPE OF SITE PLAN REVIEW

a. The Zoning Administrator, when evaluating site plans, will review:

(1) The relationship of the site plan to the policies, goals and objectives of the Comprehensive Plan.

(2) Traffic and parking layout so as to:

(a) Minimize danger and conflicts between pedestrians and motorists;

(b) Achieve traffic flow in accordance with standards in the most current edition of Institute of Traffic Engineers Transportation and Traffic Engineering Handbook;

(c) Provide for the optimum number of parking spaces, complying with the standards set forth in Article 5, Division 1 (Off-Street Parking & Loading) of this Chapter; and

(d) Traffic studies may be required by the Village Zoning ~~Administrator~~ Officer or Director of Engineering and Public Works ~~Village Engineer~~. Such studies may include: a projection of the number of motor vehicles to enter or leave the site, estimated daily and peak hour traffic levels based on the Institute of Transportation Engineers' Trip Generation, ~~3rd Edition~~ (as may be updated from year to year), projected traffic flow patterns, impact of development on vehicular movement at major intersections and upon abutting roads capacities, combined traffic impact of approved, but not yet fully developed projects within the Village, safety and appropriateness of site design and circulation, and any foreseen traffic hazards or circulation conflicts.

- b. Landscaping, to comply with Article 5, Division 2 of this Ordinance.
- c. Consistency with Design Guidelines as outlined in Article 3: Division 4.
- d. Location of principal structures, accessory structures and freestanding signs, so that the location of these uses do not impede safe and efficient traffic flow.
- e. Compliance with this Ordinance and other provisions of the Municipal Code.

5.4 SITE PLAN REVIEW PROCEDURE

- a. The Zoning Administrator shall check the site plan for general completeness, and shall forward copies of the submission to the ~~Development Review Committee for review and comments. Site Plan Review Team, Such committee which~~ shall consist of the ~~Staff deemed appropriate by such administrator, including the following departments: Director of Community and Economic Development, Village planner, Village engineer, Director of Engineering and Public Works, Fire, including Inspectional Services, and Police representative from the police and fire departments.~~
 - (1) After receiving a complete application, the Zoning Administrator shall set a date for a ~~Development Review Committee Site Plan Review Team meeting with the applicant.~~ The purpose of the ~~Development Review Committee Site Plan Review Team~~ meeting is to provide the applicant with the results of Village staff's initial review of his/her proposal by identifying ways in which the proposed site plan complies or does not comply with the requirements of this Unified Development Ordinance.
- b. If the Zoning Administrator does not approve or provide review comments for a site plan within thirty (30) days of receipt of the completed application, unless such time is extended by mutual consent of the Zoning Administrator and the petitioner, the applicant may appeal the Zoning Administrator's decision to the Development Commission.
 - (1) A notice of appeal must be filed with the Zoning Administrator no later than fifteen (15) days after receipt by the applicant of the decision of the Zoning Administrator.
 - (2) Failure by an applicant to file an appeal in accordance with the foregoing provisions shall be deemed to constitute a withdrawal of the application for a building permit.
 - (3) The Development Commission shall fix a reasonable time for the hearing of the appeal, give due notice thereof to the parties, and decide the appeal within 30 days after the conclusion of its hearing. ~~act on the appeal within sixty (60) days~~

~~from the receipt of the appeal taken in connection with the proposed site plan.~~

~~(1)(4)~~ The Village Board shall approve or disapprove the site plan appeal by action taken by a majority of the ~~Trustees~~ present at any meeting at which a quorum is present.

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~~(2)(5)~~ If the Village Board approves the site plan a building permit may then be issued, provided that all other requirements of all other applicable Village codes and ordinances are satisfied.

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c. Effect of Approval

~~(1)~~ Approval of a site plan submitted under the provisions of this Division is valid for a maximum duration of one (1) year, unless a building permit(s) has been obtained, in which case the site plan approval, or part thereof for which a building permit is obtained, is extended for the life of the building permit.

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5.3 REQUIRED INFORMATION ON SITE PLANS

~~Fifteen-Ten (10.5)~~ hard copies, and a digital copy in PDF or other approved format, of the site plan submission shall be provided, which shall including the following:

- a. Site plans, or any portion thereof, involving engineering, architecture, landscape architecture, or land surveying shall be respectively certified by an engineer, architect, landscape architect, or land surveyor authorized by the State to practice as such.
- b. Site plans shall be prepared to a reasonable scale, not greater than 1"=100'.
- c. A site plan may be prepared in one (1) or more sheets to show clearly the information required by this Division and to facilitate the review and approval of the plan. If prepared on more than one (1) sheet, match lines shall clearly indicate where the several sheets join.
- d. All site plans shall be submitted to the Zoning Administrator in legible blue or black line copies.
- e. Each site plan shall be accompanied by a receipt ~~from the Village Clerk~~ evidencing the payment of all required site plan fees for processing and approval as set by the Village Board from time to time.
- e-f. Where applicable, all site plans shall contain the following information:

- (1) Location of tract by an insert map at a scale of not less than one inch equals two thousand feet (1" = 2000'), indicating such information as the names and

numbers of adjoining roads, streams and bodies of water, railroads, subdivisions, towns, or other landmarks sufficient to clearly identify the location of the property.

- (2) On every sheet, the name and address of the owner and developer, the north point, date and scale of drawing, and number of sheets.
- (3) A boundary survey of the property.
- (4) All existing and proposed streets and easements, their names, widths and whether such streets will be publicly dedicated; existing and proposed utilities; watercourses and their names; owners of adjacent properties and the zoning and present use of all adjoining properties.
- (5) A landscape plan prepared by a registered landscape architect or contractor, drawn to scale, including dimensions and distances and the location, size and description of all proposed landscape materials as required by the provisions of Article 5, Division 2.
- (6) A survey of existing trees on the property as required by the provisions of Article 5, Division 2.
- (7) The size and location of all floodplains, floodways, and wetlands.
- (8) The size and location of proposed detention and retention areas, including normal and high water lines and whether such areas will be wet or dry bottom.
- (9) Location, type, size and height of fencing, retaining walls and screen planting as required by the provisions of Article 5, Division 2.
- (10) All off-street parking, driveways, loading spaces and walkways; indicating type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces provided and the number required by Article 5, Division 1 (Off-Street Parking & Loading).
- (11) All bike trails provided on the property.
- (12) The proposed location, general use, number of floors, height and the net and gross floor area for each building; including outside display areas, ~~the proposed floor area ratio~~ and, where applicable, the number, size and type of dwelling units.
- ~~(12)~~(13) The proposed floor area ratio and impermeable lot coverage calculations.
- ~~(13)~~(14) Architectural elevations.

(14)(15) Sufficient information, as determined by the Zoning Administrator, to show how the physical improvements associated with the proposed development interrelate with existing or proposed development on adjacent properties.

(15)(16) Existing topography with a maximum contour interval of two (2') feet, except where existing ground is on a slope of less than two (2%) percent where one (1') foot contours shall be shown.

(16)(17) Proposed finished grading by contours and ground floor elevation.

g. Where applicable, [the Zoning Administrator may require less information, or](#) any other [additional](#) information ~~as may be required by the Zoning Administrator~~ to appropriately evaluate the impacts of the proposed development or improvement.

ARTICLE 2: DEVELOPMENT REVIEW PROCEDURES

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Division 3: Variations

- 3.1 Purpose**
- 3.2 Authority**
- 3.3 Initiation**
- 3.4 Processing**
- 3.5 Decisions**
- 3.6 Standards of Review**
- 3.7 Conditions and Guarantees**

3.1 PURPOSE

The variation process is intended to provide limited relief from the requirements of this Chapter in those cases where strict application of those requirements will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this chapter. In no event, however, shall the Village Board grant a variation that would allow the establishment of a use not otherwise allowed in a zoning district or that would change the zoning district classification of any or all of the affected property.

3.2 AUTHORITY

Variations shall be authorized or denied by the Village Board in accordance with the regulations and conditions set forth in this Division ~~3 for Variances-2 for Special Uses~~. No application for a variation shall be acted upon by the Village Board until after:

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- a. A public hearing has been held by the Development Commission after due notice by publication as required by Section 3.4 herein; and
- b. A written report containing recommendations, findings of fact, and other appropriate commentary and conditions is adopted by the Development Commission and forwarded to the Village Board.

3.3 INITIATION

An application for a variation may be made to the Zoning Administrator by the owner of the property, or his/her designated representative, for which the ~~special-use~~variance is proposed to be located or established.

3.4 NOTICE OF HEARING

Notice shall follow the procedures for notice of public hearings in Article 2 Division 6 (Public Notification).

3.5 PROCESSING

Upon receipt of a complete application, including all required supporting documentation, the Zoning Administrator shall schedule the petition for a public hearing within 30 days ~~of receipt of the completed application.~~

- a. All information and documents applicable to the ~~variancespecial-use~~ application shall be submitted to the Zoning Administrator at least four weeks prior to the regularly scheduled meeting of the Development Commission, during which a public hearing will be held.
- b. The completed application and all relevant reports shall be forwarded to the Development Commission at least seven days prior to the public hearing date.

3.6 DECISIONS

The Development Commission shall hold a public hearing during one of its regularly scheduled meetings, which hearing may be continued for an additional 60 days by the Development Commission.

- a. Continuation of the public hearing beyond 60 days shall only occur with the mutual consent of the petitioner.
- b. Within 30 days of the adjournment of the public hearing, the Development Commission shall adopt and forward its written recommendations and findings of

fact on the ~~variancespecial use~~ to the Village Board. The Village Board shall make the final decision on the variation.

- c If the Development Commission has failed to adopt and submit its findings of fact and recommendations on an application for a proposed variation within 30 days of the date when the public hearing on the application was adjourned, and such time is not extended by the Village Board, or at the request of the petitioner, the proposed amendment shall be deemed to have received a recommendation of denial.
- d If an application for a proposed variation is not approved or denied by the Village Board within 30 days of the date of receipt of the Development Commission's recommendations, and such time is not extended by mutual consent of the Village Board and the applicant, it shall be deemed to have been denied.

~~Required Conditions Affecting the Duration of a Variation: A Variation approved shall contain the following condition: Moved to conditions section.~~

~~If the property to which the variation applies becomes subject to: new development; a new application for a variation; increase in the intensity of use; or substantial building renovation; or, expansion or reconstruction of parking areas, the variation(s) previously granted pursuant to this Division may shall become null and void. as noted in subsequent site plan, special use, variance, or other development approval.~~

3.7 AUTHORIZED VARIATIONS

Variations from the regulations of this Chapter may be recommended by the Development Commission to the Village Board only in accordance with the standards set forth in this Section, and may be granted only in the following instances, and in no others:

- a. To permit up to 20 percent reduction in the front, rear, or side yards in residential zoning districts as required by this Chapter, and to permit an unlimited reduction in the front, rear and side yards in all other zoning districts as required by this Chapter. A petition for a yard setback variation shall also include the submittal of a site plan to demonstrate conformance to the requirements, where practical. In addition, the site needs to be in accordance with Article 5 Division 2 "Site Plan Review," with consideration of the flexibility provided of the conditions listed under section "h.(2)" of this sSection {3.7 Authorized Variations}.
- b. To recommend a variation to other development requirements where, by reason of an exceptional situation, surroundings, or a condition of a zoning lot or lot of record, or by reason of exceptional narrowness or shape of a zoning lot or lot of record, or by reason of exceptional topographic conditions, the strict application of provisions of this Chapter would result in peculiar and exceptional practical difficulties or particular hardship upon the owner of such property, as distinguished from a mere

inconvenience to such owner, provided such relief as recommended be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the Comprehensive Plan as established by the regulations and provisions contained in this Chapter.

c.

To reduce the applicable off-street parking or loading facilities required by not more than 20 percent, ~~or a minimum of one space,~~ of the applicable regulations. A petition for a parking variation shall also include the submittal of a site plan to demonstrate conformance to the requirements, where practical, in Article 5 Division 2 "Site Plan Review," with consideration of the flexibility provided under section "h.(2)" of this Section 3.7 Authorized Variations. ~~In addition, the site needs to be in accordance with Article 5 Division 2 with the flexibility of the conditions listed under section "h.(2)" of this section (3.7 Authorized Variations).~~

d.

To increase by not more than ten percent the maximum gross floor area of any use so limited by the applicable regulations. ~~For uses that are more than 10,000 sf,~~ A petition for a floor area variation shall also include the submittal of a site plan to demonstrate conformance to the requirements where practical, ~~the site needs to be in accordance with~~ in Article 5 Division 2 "Site Plan Review," with consideration of the flexibility provided under section "h.(2)" of this Section 3.7 Authorized Variations, ~~with the flexibility of the conditions listed under section "h.(2)" of this section (3.7 Authorized Variations).~~

e.

— To recommend the issuance of a permit for the reconstruction of a nonconforming building that has been destroyed or damaged to an extent of more than 50 percent of its value by fire, acts of God, or the public enemy, where the zoning board of appeals shall find some compelling public necessity requiring a continuation of the nonconforming building. A petition for a variation for a nonconforming building shall also include the submittal of a site plan to demonstrate conformance to the requirements, where practical in Article 5 Division 2 "Site Plan Review," with consideration of the flexibility provided under section "h.(2)" of this Section 3.7 Authorized Variations. ~~In addition, the site needs to be in accordance with Article 5 Division 2 with the flexibility of the conditions listed under section "h.(2)" of this section (3.7 Authorized Variations).~~

f.

To exceed any of the authorized variations allowed under this Chapter, when a lot of record or a zoning lot is, by reason of the exercise of the power of eminent domain by any authorized jurisdictional body, changed from a complying lot to a lot in violation of applicable requirements hereof.

g.

—To eliminate the requirement of enclosing loading spaces when a building fronts on more than two streets. A petition for a variation for enclosed loading spaces shall also include the submittal of a site plan to demonstrate conformance to the requirements, where practical in Article 5 Division 2 "Site Plan Review," with consideration of the flexibility provided under section "h.(2)" of this Section 3.7 Authorized Variations. In addition, the site needs to be in accordance with Article 5 Division 2 with the flexibility of the conditions listed under section "h.(2)" of this section (3.7 Authorized Variations).

h.

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i.h. Landscape Variations

- (1) Application: A Property Owner may file an application for a variation of landscape requirements when compliance with the requirements of Article 5, Division 2 "Landscaping, Buffering, and Screening"~~this Division~~ for a new or pre-existing building or use will:
 - (a) Reduce or interfere with the number of existing off-street parking spaces, parking and driveway aisle requirements or off-street loading requirements;
 - (b) Not be possible because of property configuration, unusual shaped lot, or the location of existing structures and other built features.
- (2) Conditions: If the Development Commission DC/ZBA determines that a need for a variation exists, the Development Commission DC/ZBA may recommend, and the Village Board may impose, any one or more of the following conditions and restrictions on the property benefited by a variation as may be deemed necessary to assure compliance with the purposes-applicable standards of Article 5, Division 2 (Landscape and Tree Preservation), to reduce or minimize the effect of such variation upon other property in the neighborhood, or to implement the general purpose of Article 5, Division 2:
 - (a) Additional or substitute landscape plantings or areas on-site.
 - (b) Construction of masonry walls for in lieu of landscape screening.
 - (c) Installation of decorative wrought iron or other appropriate fencing.
 - (d) Removal of excess pavement areas.

- (e) Rearrangement or removal of on-site parking spaces and drive aisles.
- (f) Other conditions as determined by the [Development Commission](#)DC/ZBA or the Board of Trustees.

3.8 STANDARDS FOR REVIEW

No variation shall be recommended for approval by the Development Commission to the Village Board unless the variation meets the following standards:

- a. That the variation, if granted, will not alter the essential character of the locality, and will be consistent with the goals and objectives set forth in the Comprehensive Plan.
- b. That the plight of the owner is due to unique circumstances.
- c. For the purpose of supplementing the above standards, the Development Commission, in determining that there are particular difficulties or hardships, shall also take into consideration the extent to which the following standards, favorable to the applicant, have been established by the evidence:
 - (1) That the particular surroundings and topographical conditions of the specific property involved will bring hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.
 - (2) That the conditions upon which the petition for variation is based would not be generally applicable to other property within the same zoning classification.
 - (3) That the purpose of the variation is not based exclusively upon a desire to receive a greater economic return.
 - (4) That the alleged difficulty or hardship has not been created by any person previously or currently having an ownership interest in the property.
 - (5) That the granting of the variation will not be detrimental to the public welfare or unduly injurious to other property or improvements in the general area in which the property is located.
 - (6) That the proposed variation will not impair an adequate supply of light and air to abutting property or substantially increase the danger of fire or otherwise endanger the public safety or substantially diminish or impair property values within the general area.
 - (7) The design of the proposed variation will minimize adverse effects, including

visual impacts, of the proposed use on abutting and nearby properties.

- (8) For variations from Article 5, Division 2 – Landscaping, Buffering, Screening and Tree Preservation, the use of impervious surfaces on the property has been minimized to the greatest extent feasible.

3.9 CONDITIONS AND ~~RESTRICTIONS~~ GUARANTEES

- a. The Development Commission may recommend and the president and board of trustees may require such conditions and restrictions upon the property to be benefited by a variation as may be necessary to comply with the standards set forth in this chapter, to reduce or minimize the effect of such variation upon other property in the general area, and to implement the general purpose and intent of this chapter.
- b. No variation granted by ordinance of the president and Village Board shall be valid for a period longer than 12 months from the effective date of the ordinance granting such variation, including sections, phases or portions thereof granted prior to the passage of this Chapter, unless a building permit has been issued and the construction or alteration of a building started or the use commenced within such period.
- ~~b.c.~~ A Variation approved shall contain the following condition: If the property to which the variation applies becomes subject to: new development; a new application for a variation; increase in the intensity of use; or substantial building renovation; or, expansion or reconstruction of parking areas, the variation(s) previously granted pursuant to this Division may become null and void ifas noted in subsequent site plan, special use, variance, or other development approval.

ARTICLE 5: SITE DEVELOPMENT STANDARDS

A. Division 1: Off-Street Parking and Loading

B. Division 2: Landscaping, Buffering, and Screening

Division 1: Landscaping, Buffering, and Screening

- 2.1 Purpose and Intent
- 2.2 Scope of Regulations
- 2.3 Landscape Plans Required
- 2.4 Design Planting and Preservation Criteria
- 2.5 Minimum Landscape Requirements for Off-Street Parking Lots
- 2.6 Minimum Landscape Requirements for Foundations Plantings
- 2.7 Landscape Buffer and Screening Requirements between Zoning Districts
- 2.8 Miscellaneous Landscape Requirements
- 2.9 Variations
- 2.10 Landscape Plan Review and Approval
- 2.11 Tree Preservation
- 2.12 Tree Preservation Plan and Tree Survey Required

2.1 PURPOSE AND INTENT

In order to ensure the compatibility of different land uses, this Article sets forth standards for the installation and maintenance and preservation of landscape. The visual and environmental setting of the Village has an effect upon the welfare of the citizens. The promotion and control of landscaping will preserve and enhance the public health, safety and welfare of the Village. These regulations are intended to minimize the harmful or nuisance effects resulting from noise, dust, debris, emissions and poor air quality, erosion, heat, motor headlight glare, the use of impervious ground material, artificial light intrusion, excessive storm water, objectionable sights or activities, or similar incompatible impacts conducted or created by adjoining or nearby land uses.

The standards set forth in this Division are not intended to inhibit or discourage innovative design proposals. As the standards provide the minimal framework for landscape proposals, it is anticipated that they will foster and encourage creativity, innovation, and add to the natural beauty of Hanover Park.

2.2 SCOPE

~~Except f~~ For all new construction and changes to existing uses—single-family residential dwellings, the regulations set forth in this Division shall apply as follows:

- a. New Development: When any development involves the construction of a new, or addition to an existing building.
- b. Special Use Permit; Variation; Planned Unit Developments: When development of property requires a Special Use Permit, a Variation, or Planned Unit Development permit.
- c. Intensity of Use Increases: The intensity of use of any existing building, structure or premises is increased through the addition of: one (1) or more dwelling units; the gross floor area of a building is increased to require the construction of one (1) or more additional off-street parking spaces to meet the off-street parking requirement; when there is an exterior addition or enlargement of the building, structure or premises. Uses qualifying for site plan review exceptions in Article 4, Division 2 (Uses), shall not be required to provide additional landscaping.
- d. Expansion or Reconstruction of Parking Areas: When any existing off-street parking area is expanded or undergoes major reconstruction. Major reconstruction means removal of existing pavement and replacement of such pavement. Resurfacing without reconstruction does not constitute major reconstruction.
- e. Ground Signs: Monument/Pole: The installation, reconstruction, or relocation of a Ground Sign, as that term is defined in Article 6, Division 1 of this Ordinance, shall require landscaping or screening around such sign as defined in Article 5, Division 1, Section 2.10.a.
- f. Ground-Mounted Mechanical or Utility Equipment: Installation of ground-mounted mechanical or utility equipment shall require landscaping or screening around such equipment as defined in Article 5, Division 1, Section 2.10.b.g.
- g. Chapter 38, Article XI, Protection of Existing Trees, Landscaping, and Parkway Grading; and Chapter 102, Trees and Shrubs, should be referenced for general requirements for parkway trees, grading and erosion control, and treatment of diseased trees.
- f.h. ~~The landscaping, screening, and buffering requirements in this section shall only apply to village-owned or operated facilities when required by the Village President and Board of Trustees in the contract specifications for the construction or maintenance of those facilities.~~

2.3 LANDSCAPE PLAN REVIEW AND APPROVAL

Landscape Plans shall be reviewed and approved as directed in Article 2, Division 5 (Site Plan Review), [and as set forth herein](#).

2.4 LANDSCAPE PLAN REQUIREMENTS

For each property subject to these regulations the Property Owner shall submit a landscape plan to the Zoning Administrator for his review with the building or other permit application, or at the time zoning relief is applied for, whichever is earlier. All landscape plans so submitted shall be at an appropriate scale, not smaller than 1 inch = 40 feet. Completed landscape plans shall contain all required information including but not limited to: ownership of the property in question; detailed landscape site plan information; detailed schedule of landscape materials; and, irrigation plans, [as outlined below](#).

a. Title Block:

- (1) Name and Address of the Property Owner/Petitioner.
- (2) Name of Registered Landscape Architect /Contractor.
- (3) Landscape Architect's /Contractor's firm name and address.
- (4) Scale data, north arrow and date and date of any revisions.

b. Landscape Site Plan Information; Location of Existing Conditions and Proposed Improvements:

- (1) Property lines.
- (2) Building footprint, with entry and exit points.
- (3) Identification of all proposed plant materials with planting bed locations and dimensions.
- (4) Treatment of all ground surfaces (ground covers, sod, seed, seasonal beds, paving, impervious and pervious materials).
- (5) Location of water detention sites.
- (6) All utilities and lighting.
- (7) Walls and fences (indicating height and material).

- (8) Parking spaces and driveway aisles (spaces delineated including dimensions, curbing and handicapped spaces).
 - (9) Shopping cart collection points.
 - (10) Spot elevations and/or contours, existing and proposed.
 - (11) Berms, with one (1) foot interval contours indicated.
 - (12) Sidewalks.
 - (13) Existing tree survey (six (6) inch caliper and above, with drip line), noting trees proposed for removal and planned for preservation.
 - (14) Monument Sign locations.
 - (15) Refuse/Recycling disposal areas.
 - (16) Public rights of way/easements, including street widths/drives/approaches.
 - (17) Planters or planting boxes.
 - (18) Trash cans.
 - (19) Other exterior landscape amenities including exterior tables and benches and trash receptacles.
- c. Schedule of Proposed and Existing Landscape Material:
- (1) List of all proposed plantings, indicating common and botanical names, caliper, height or size and quantity.
 - (2) List of all existing trees proposed for removal, six (6) inch caliper or greater, indicating caliper, common and botanical names.
 - (3) List of all existing trees, six (6) inch caliper or greater, planned for preservation, indicating caliper size, common and botanical names.
- d. Miscellaneous:
- (1) Irrigation Plan, including system details and sprinkler head locations, providing for

underground irrigation of planting beds or a water supply outlet no greater than one hundred fifty (150) feet from planting beds, if required.

(2) Methods proposed to protect plants and plant beds.

(3) Construction erosion control plan.

~~(3)e.~~ Where applicable, the Zoning Administrator may require less information, or any other additional information to appropriately evaluate compliance of the proposed development or improvement.

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2.5 DESIGN PLANTING DESIGN AND PRESERVATION CRITERIA

The landscape design, scale and nature of landscape material for any given site, shall be appropriate to the specific site and structures, and shall take into account the location of underground and above ground utilities. Earthen berms and existing topography shall, whenever practical, be incorporated into the landscape treatment of the site.

a. Landscape Design and Selection of Plant Material: New planting materials used in conformance with the provisions of this Article, shall be:

- (1) High quality nursery-grown stock. Substandard "B-grade" or "Park Grade" plants are not acceptable.
- (2) Grown in a climate zone similar to Hanover Park. (i.e. United States Department of Agriculture Zone 5b-4)
- (3) Capable of withstanding the extremes of individual site micro climates.
- (4) Selected for interest in its structure, texture, color and for its ultimate growth.
- (5) Harmonious to the overall design and of good appearance.
- (6) In conformance with the American Standards for Nursery Stock, ANSI Z60.1-Latest Edition.
- (7) In conformance with the Schedule of Prohibited Trees and Schedule of Recommended Plants maintained by the Zoning Administrator.
- (8) For each plant group (canopy tree, evergreen tree, etc) there shall be no more than twenty-five percent (25%) of one genus.

Comment

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- b. Existing trees with an eight inch (8") caliper or greater shall be preserved on the property as determined by the Zoning Administrator, and shall comply with the requirements of Section 2.5 a. above. Trees that are preserved shall be counted toward compliance of the requirements of this Division.
- c. Evergreens shall be incorporated into the landscape plan and treatment of a site, where appropriate to the site as determined by the Zoning Administrator, particularly in required buffers for property zoned residential, the screening of refuse holding areas, and critical points of required parking lot screening.
- d. Shrubs used in sight triangles as defined in Article 3, Division 2, Section 1.6 "Fences and Natural Screening" shall be low growth shrubs that do not exceed thirty inches (30") in height at maturity. Formatted
- e. Plant materials shall be placed against long expanses of building walls, fences and other barriers to soften their effect.
- f. Where site characteristics or property dimensions limit the use or survivability of live landscaping as an effective screen, masonry walls shall be used for required screening subject to the regulations set forth in this Zoning Ordinance, ~~XXXX~~Article 3, Division 2, Section 1.6 "Fences and Natural Screening". Formatted
- g. All masonry walls or decorative fencing which may be approved shall be constructed and installed in a durable fashion and shall have the finished side facing the street or property line subject to the regulations set forth in this Zoning Ordinance, ~~XXXX~~Article 3, Division 2, Section 1.6 "Fences and Natural Screening". Formatted
- g. Formatted
- h. Installation of Plant Materials:
 - (1) Plant materials of all types and species shall be installed in accordance with the minimum technical specifications of the "Illinois Chapter of Landscape Contractors", including the guarantee and replacements sections.
 - (2) Minimum Plant Sizes at time of installation shall be:
 - (a) Shade Trees: two and one-half (2 1/2) inch caliper.
 - (b) Ornamental Trees: two (2) inch caliper or if in clump form, six (6) feet in height.
 - (c) Evergreen Trees: five (5) feet in height.

- (d) Shrubs required for screening: three (3) feet in height; shrubs used for other purposes: eighteen (18) inches in height.
- (e) Ground Cover: spaced no less than twelve (12) inches on center.
- (f) Perennials: spaced no less than is recommended for the particular species.

i. Plantings on any portion of the public right-of-way provided by an adjacent property owner, association, or individual, that are removed as a result of Village utility construction or maintenance, or other Village activities, may be replaced at the sole responsibility of the property owner, association or individual. The Village shall not be required to replace any plant material in the public right-of-way.

2.6 MINIMUM LANDSCAPE REQUIREMENTS FOR SINGLE-FAMILY RESIDENTIAL LOTS

- a. Each single-family detached or duplex dwelling shall be planted with deciduous trees totaling at least six inches caliper per lot, evergreen trees totaling at least six feet in height per lot, and a minimum of 12 shrubby plants per lot.
- b. Each townhouse or garden court dwelling unit and associated parking area shall be planted with deciduous trees totaling at least four inches caliper per unit, evergreen trees totaling at least three feet in height per unit, and a minimum of ten shrubby plants per unit.
- c. Each apartment development and associated parking area shall be planted with deciduous trees totaling at least 18 inches in caliper per gross acre, evergreen trees totaling at least 18 feet in height per gross acre, and a minimum of 15 shrubby plants per gross acre.

2.7 Credit shall be given against the above requirements and those of this Division, Section 2.6 "Planting Design and Preservation Criteria"s for existing trees that are preserved.

d. Minimum planting requirement shall be maintained at all times.

2.62.8 MINIMUM LANDSCAPE REQUIREMENTS FOR OFF-STREET PARKING LOTS

- a. Perimeter Screening Required: Every off-street parking lot or parking area containing five (5) or more parking spaces shall be set back, buffered and screened from public view and adjacent property by a perimeter landscaped area having a minimum width of eight (8) feet, or, where screening by a masonry wall, a minimum width of five (5) feet.

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- (1) The minimum width for the perimeter screening area shall be measured from the property line and shall not include any parking overhang.
- (2) Screening within the perimeter setback area shall consist of a masonry wall, densely planted hedge, decorative fencing, or massing of shrubs ~~resulting in a seventy-five percent (75%) semi-opaque screen within one year of installation~~, installed in a manner so as to inhibit public views of the parking area.



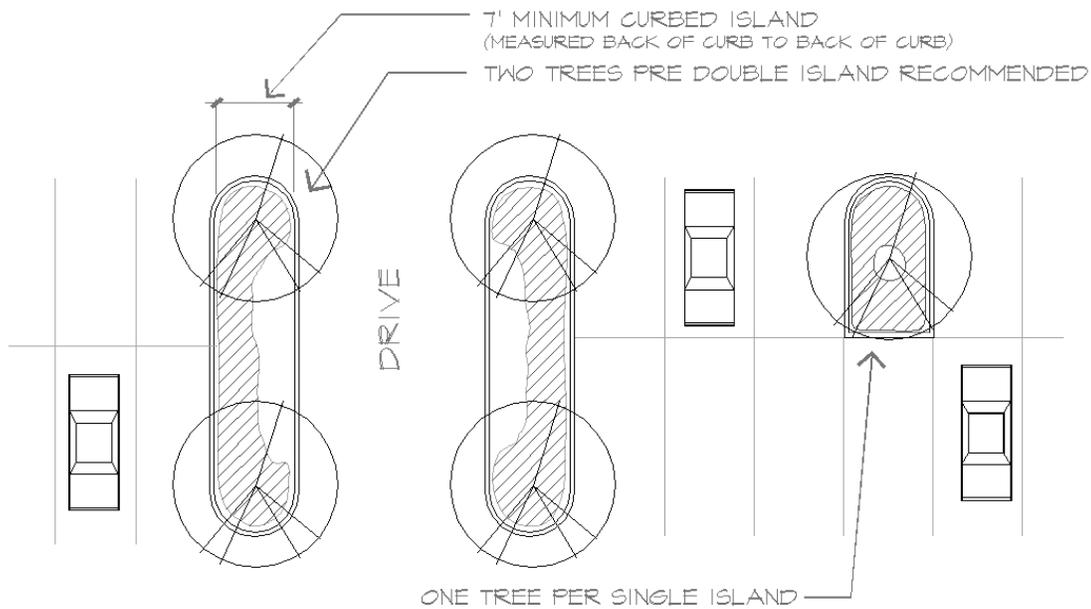
Example of an 12 ft. buffer screening the off-street

- (3) Perimeter screening shall be continuous, except for breaks as may be permitted for sidewalks, driveways and sight triangles.
- (4) Masonry walls used for perimeter screening shall have a minimum height of thirty (30) inches and a maximum height of thirty-six (36) inches. Such walls shall have a finished surface which is the same or closely similar to the masonry of the principal building.
- (5) Shrubs planted as perimeter screening shall be at least three (3) feet in height at time of installation.
- (6) The surface of the perimeter setback area shall be suitably covered with grass, ground cover or similar vegetation and periodically mulched. Impervious materials such as asphalt, concrete or a layer of stone is prohibited.
- (7) A six (6) inch continuous poured-in-place concrete curb shall separate all drive and parking surfaces from landscape areas.
- (8) ~~Upon petition, the Development Commission~~ The Zoning Administrator may recommend a creative alternative of berms, walls, shrubs, trees or other material, which has the effect of providing a minimum three (3) foot high visual screen of parking areas.

b. Interior Landscaping Requirements:

- (1) A planting island equal in area to a parking space shall be located at each end of a parking row, and after each fifteen (15) parking spaces within a parking row.

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Example of a Planting Island Equal to a Parking Space

- (2) The installation of bio-filtration swales ~~as— for~~ landscaping and stormwater management purposes is encouraged.
- (3) Each parking island shall include at least one shade or evergreen tree. At least fifty percent (50%) of the remaining portions of the surface of the planting island shall be suitably covered with grass, ground cover or similar vegetation. ~~The —and the remaining area shall periodically contain landscape mulched.~~ A layer of stone or impervious materials such as asphalt and concrete is prohibited.
- (4) A six (6) inch continuous poured in place curb shall separate and surround all interior landscape island areas, except when designed for bio-filtration purposes.
- (5) All areas within or at the edges of parking lots which are greater than fifty (50) square feet and not designed for parking stalls, drive aisles or shopping cart collection points, shall be curbed and landscaped with sod, ground cover, shrubs, or trees.
- (6) Except those designed as bio-infiltration islands, all landscaped islands shall have a minimum topsoil depth of three (3) feet and mounded to a center height of six to twelve (6-12) inches above top of curb height.

2.72.9

MINIMUM LANDSCAPE

REQUIREMENTS FOR FOUNDATIONS PLANTINGS

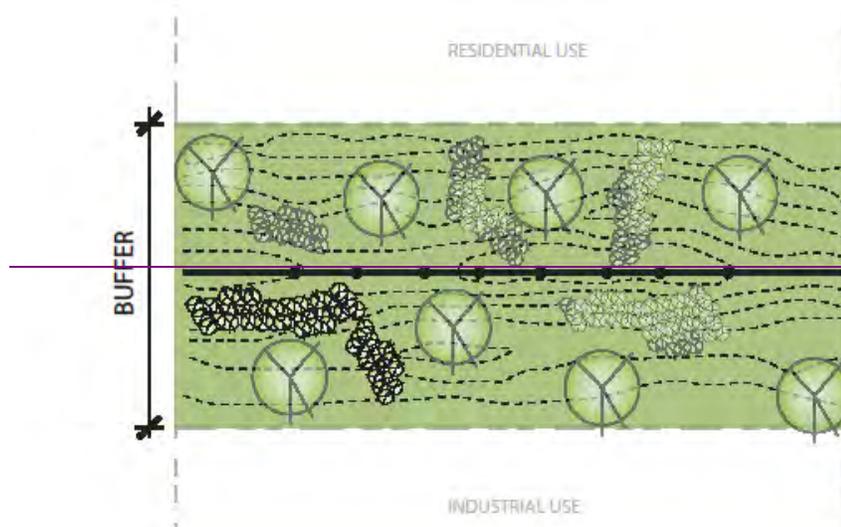
- a. Where a front yard setback is required, a minimum building foundation landscape area of five (5) feet in width shall be located immediately along the front and sides of all buildings.
- b. Where a front yard setback is not required, the applicant shall install planters where possible.
- c. Except for building entryway areas and sidewalks as may be permitted, the surface of the required foundation landscape area shall be free of paving or other impervious surfaces and shall be landscaped.
- d. A six (6) inch curb shall separate all foundation landscape areas from drive aisle and parking areas.
- e. Foundation landscaping shall ~~be provided~~ include a minimum of 1 plant for each 3 lineal feet of the foundation, and shall include a variety of shade trees, ornamental trees, hedges, shrubs, evergreens and ground cover in a manner which accents building entranceways and architectural features, softens large expanses of building walls, and screens mechanical equipment.

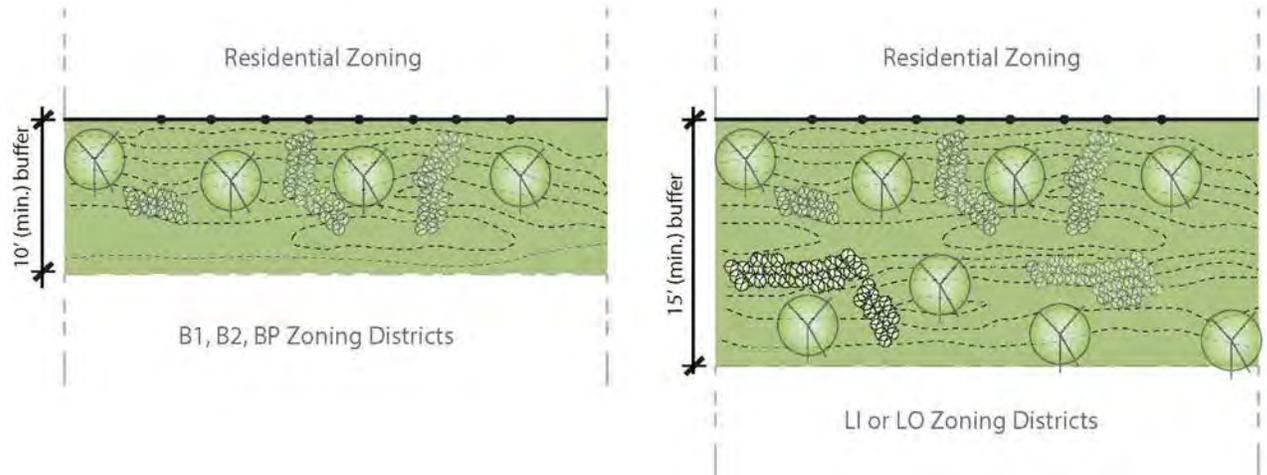
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LANDSCAPE BUFFER AND

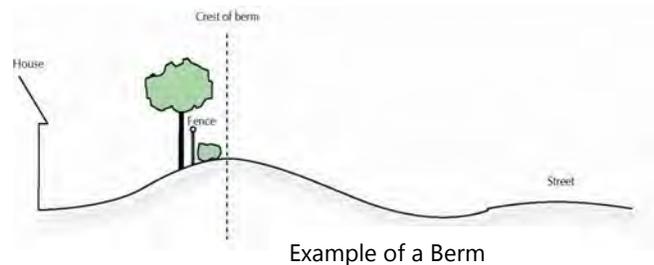
SCREENING REQUIREMENTS BETWEEN ZONING DISTRICTS

- a. A minimum ten (10) foot landscaped and screening area shall be located along the length of any property line located in the B1, B2, BP, and a minimum fifteen (15) in the LI, or LO zoning districts, when adjacent to property zoned residential.





- (1) Required screening shall consist of a six foot (6'), 75% opaque fence or six foot (6') foot high berm, or combination thereof, as well as 1 shade or ornamental tree every eight (8) lineal feet, 1 shrub every five (5) lineal feet. The mix of trees shall consist of 1/3 shade trees, 1/3 ornamental trees, and 1/3 evergreen trees. ~~be a minimum height of six (6) feet at time of installation and may be comprised of berms, masonry walls, a double row of densely planted landscaping, or a combination thereof.~~
- (2) Screening shall be continuous along the property line.
- (3) Berms shall be utilized to the maximum extent feasible.
- (4) Evergreen trees and shrubs shall be used to the greatest extent feasible in a fashion so as to inhibit views from residential property.
- (5) The surface of the setback area shall be suitably covered with grass, ground cover or similar vegetation and periodically mulched. Impervious materials such as asphalt, concrete or a layer of stone is prohibited. The landscape buffer shall not be used for the purposes of parking, loading, servicing, or storage.
- (6) An eight (8) foot high masonry wall within a five (5) foot landscape setback area may be utilized as an alternative to meeting the minimum ten (10) foot width requirement. Masonry walls are subject to the regulations set forth in Article 3, Division 2, Section 1.6-XXX "Fences and Natural Screening" of this Zoning Ordinance.



2.92.11

MISCELLANEOUS LANDSCAPE

REQUIREMENTS

- a. Landscaping of Monument/Ground and Pole/Pylon Signs:
- (1) For every one square foot of total sign area of the G.ground and pole Sign, one square foot of landscaped area shall be installed immediately adjacent to the base of the Ground S sign.
 - (2) The landscaped area shall consist of plantings such as, but not limited to, shrubs, evergreens, flowering plants and ground cover plants. Landscaping bark, mulch, sod or seeded areas shall not be considered in calculating the square footage of the required landscaped area.
- b. Landscaping and Screening of Ground Mounted Mechanical and Utility Equipment:
- (1) All ground mounted mechanical equipment including heating and air conditioning units, shall be screened by a solid fence, wall, or densely planted evergreen landscape planting at a maximum height sufficient to obscure such equipment from view from all adjacent streets ~~and adjacent lots used for residential purposes.~~
 - (2) All fences installed to satisfy the screening requirement shall comply with the regulations of Article 3, Division 2, Section 1.61 ~~“(Fences & Natural Screening”)~~ and with all other applicable Code regulations.
- c. Water Supply; Underground Irrigation: A water supply to irrigate landscaping is required within one hundred fifty (150) feet of all landscaped areas. Installation of an underground irrigation system is recommended.
- d. Changes to Approved Landscape Plan: Any change to an approved Landscape Plan shall require the prior approval of the Zoning Administrator.
- e. Landscape Maintenance Required:
- (1) Property Owners shall be responsible for ongoing maintenance, fertilization, repair and replacement of all vegetation, barriers and landscape planting materials.
 - (a) Replacement plantings shall be no less than the minimum required size or the size indicated in the approved Landscape Plan, whichever is greater.
 - (b) The Property Owner shall make replacement plantings promptly after any plant has died but no later than one hundred twenty (120) days after notification by the

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Village of violation of this Ordinance, unless a time extension for inclement weather is given.

- (2) Planting beds shall be initially, and thereafter periodically, filled with soil and mulched in their entirety, with shredded bark or other organic equivalent.
- (3) Grass, sod and lawn areas shall be periodically and routinely mowed during the growing season. The grass height of any lawn area shall be as required by Village Code [e. Chapter 54, Article V, Plants and Weeds.e.](#)

f. Variations:

- (1) A Property Owner may file an application for a variation when compliance with the requirements of this Division for a new or pre-existing building pose a practical hardship in accordance with the procedures and standards in [Article 2, Division 3 \(Variations\)](#).

2.102.12 TREE PRESERVATION

a. Purpose: While allowing the reasonable use and improvement of property, the Village desires to preserve, protect, replace and properly maintain trees within the Village and protect the public from trees which pose a threat or danger. Preservation of trees is intended to accomplish:

- (1) To preserve trees as an important public resource, which enhance the quality of life and the general welfare;
- (2) Preserve and enhance the Village's physical and aesthetic environment;
- (3) Enhance the air quality by filtering air pollutants;
- (4) Reduce noise by creating a natural barrier;
- (5) Reduce topsoil erosion through the soil retention effect of tree roots;
- (6) Reduce storm water runoff and the associated costs and replenish ground water supplies; and
- (7) Protect and enhance property values.

(7)b. [Scope: This Section 2.11 shall apply to all new and changes to existing non-residential and multiple-family](#)

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construction, and new single-family and two-family construction including additions.

b.c. Tree Preservation During Construction:

(1) Trees required or scheduled to be preserved shall be protected during construction as follows:

(a) Protective fencing shall encircle and be erected one foot beyond the periphery of the drip line, or farther as site conditions may dictate necessary for tree protection during construction. All fencing shall be of a rigid material, shall be a minimum height of 4' and secured to metal post driven into the ground that are spaced no more than 10' apart.



A good example of tree preservation.

(b) Protective barriers shall be in place prior to the initiation of construction~~issuance of any building or development permit~~ and shall remain in place until construction and site work is completed.

(c) No materials, construction equipment or vehicles shall be stored, driven upon or parked within any drip line.

(d) Crushed limestone or other material detrimental to trees shall not be dumped, placed, or stored within any drip line or at a higher elevation where drainage could affect the health of the tree(s).

(e) The existing grade within the drip line shall not be modified and shall be maintained to the fullest extent possible. Where grade changes of four (4) inches or more are required surrounding the drip line, a low retaining wall or other permanent tree protection technique, as may be approved by the Zoning Administrator, shall be used to ensure the long term health of the tree designated for preservation.

(f) In the event an underground utility line is to be located within five (5) feet of a tree designated for preservation, said utility line shall be augured to prevent damage to the tree's root system.

- (2) Methods for tree protection shall be clearly specified prior to the issuance of a building permit. If, in the opinion of the Zoning Administrator, such methods are not adequate to protect trees designated for preservation, a building permit shall not be issued. If during construction, adequate methods are not employed so as to protect designated trees, the Zoning Administrator may issue a stop work order until such time as adequate preservation methods are employed.
- (3) If a deciduous or evergreen tree designated for preservation is damaged, razed or removed as a result of construction, such tree shall be replaced in accordance with the Tree Replacement section of this Division.

d. Tree Removal and Replacement:

- (1) ~~Removal of a~~Any tree greater than eight (8) inches in DBH (Diameter at Breast Height) or having an aggregate diameter of fifteen (15) inches DBH or larger ~~requires a tree removal permit. Tree removal permits may be issued by the Village for, but not necessarily limited to, shall only occur for~~ the following reasons:

- (a) Tree is dead or dying;
- (b) Tree is diseased;
- (c) Tree is damaged or injured to the extent that it is likely to die, or that it constitutes a hazard to persons or property; or
- (d) Removal of tree is consistent with good forestry practices.

~~(d)~~(e) Tree removal shall only be performed by a registered tree removal or forestry contractor

- (2) ~~Removal of a~~Any tree greater than eight (8) inches in DBH requires two (2) new tree saplings of not less than three (3) inches caliper.
- (3) Replacement trees shall only be of a species approved by the Village.
- (4) Alternative Tree Replacement Location:
 - (a) If the Zoning Administrator, determines that full tree replacement pursuant to the requirements of the Division will result in the unreasonable crowding of trees on the lot where construction activity is taking place, or would be otherwise inconsistent with current best practices, the Zoning Administrator may designate

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that some or all of the replacement trees required be planted in the public right of way immediately adjacent to the lot where the construction activity is taking place.

- (b) If the Zoning Administrator determines that the alternative tree replacement required by this Division will result in the unreasonable crowding of trees upon the public right of way in accordance with current best practices, the Zoning Administrator may reduce the number of replacement trees to be planted immediately adjacent to the public right of way, and require that replacement trees be located on other nearby public rights of way, or other suitable locations.
- (c) All replacement trees designated for the public right of way or Village property shall only be of those species permitted by the Village, and shall be installed by the Village and not by the permittee.

(5) Payment In-Lieu of Tree Replacement:

In the event that the Zoning Administrator determines that the full replacement of trees as required by this Division would result in unreasonable crowding of trees upon the lot where construction activity will occur, or on the immediately adjacent public right of way, a permittee may be allowed to pay the Village a fee in lieu of making such replacement in kind. The Village has no obligation to grant such a request. If the request is granted, the following regulations shall apply:

- (a) This fee shall equal the tree replacement value based upon the average cost per tree inch of trees planted by the Village during the previous fiscal year;
- (b) The tree replacement fee must be received by the Village within thirty (30) days after issuance of a building permit, or the date of the damage or removal for which the replacement is required.

~~(c)~~—The Zoning Administrator may issue a stop work order if a permittee fails uses to pay the tree replacement fee within thirty (30) days after the date of the damage or removal for which the replacement is required. No certificate of occupancy for the property in question shall be issued until the tree replacement fee has been received by the Village.

~~d.e.~~ Penalties:

For any tree designated for preservation that is damaged, razed or removed without the prior written approval of the Zoning Administrator, a monetary fine (as scheduled in the Village's Fee Ordinance) shall be assessed upon the owner of the property on which the

trees were damaged or removed. ~~All~~No building permits or licenses for the property shall be issued or given final approval ~~be revoked or suspended~~ until said charge is paid and a Replacement Tree Plan is prepared and approved by the Zoning Administrator.

~~(7) Chapter 38, Article XI, Protection of Existing Trees, Landscaping, and Parkway Grading; and Chapter 102, Trees and Shrubs, should be referenced for general requirements for parkway trees, grading and erosion control, and treatment of diseased trees.~~