

**AN ORDINANCE AMENDING CHAPTER 28
OF THE ARLINGTON HEIGHTS MUNICIPAL CODE**

WHEREAS, on March 22, 2017, in Petition Number 17-005, pursuant to notice, the Plan Commission of the Village of Arlington Heights conducted a public hearing concerning amendments to certain sections of Chapter 28 of the Municipal Code, Zoning Regulations, and has recommended to the Board of Trustees adoption of those amendments; and

WHEREAS, the President and Board of Trustees have determined that certain amendments to Chapter 28 of the Arlington Heights Municipal Code, Zoning Regulations, is in the best interests of the Village of Arlington Heights,

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS:

SECTION ONE: That Chapter 28 of the Arlington Heights Municipal Code, Zoning Regulations, is hereby amended as follows:

a. That Section 28-3, Definitions, be and is hereby amended by deleting it in its entirety and substituting in lieu thereof the following:

Section 28-3 Definitions. For the purposes of this Chapter, the following words shall have the meanings set forth in this Section.

1. Accessory Structure. An Accessory Structure is one which meets all of the following criteria:

- a. Is subordinate to and serves a principal building; and
- b. Is subordinate in area, extent, or purpose to the principal building served; and
- c. Contributes to the comfort, convenience or necessity of occupants of the principal building; and
- d. Is located in the rear yard and on the same zoning lot as the principal building served, except as otherwise indicated in this Code.

2. Acupuncture. A medical practice or procedure that treats illness or provides local anesthesia by the insertion of needles at specified sites on the body.

3. Adult Business. Any or all of the following businesses:

- a. Adult Bookstore - A business establishment having a substantial or significant portion of its stock in trade, books, magazines, films for sale, rent or other distribution, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."

- b. Adult Live Entertainment Establishment - A nightclub, theater, or other business establishment, which permits live performances by topless and/or bottomless dancers, go-go dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on “Specified Sexual Activities” or “Specified Anatomical Areas.”
- c. Adult Theater - A business establishment in an enclosed building that as a substantial or significant portion of its business regularly features for presentation films, motion pictures, video or audio cassettes, slides, or other visual representation or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction or description of “Specified Anatomical Areas” or the conduct or simulation of “Specified Sexual Activities.”

4. Alley. A public or private thoroughfare not more than 30 feet wide which affords only a secondary means of access to abutting property.

5. Animal Hospital. A place where animals are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to the hospital use.

6. Antenna Structure. Any structure, mast, pole, tripod or tower utilized for the purpose of either transmission or reception purposes, or both:

- a. A **Commercial Antenna** is any antenna structure that is intended for transmitting or receiving television, radio or telephone communications, excluding those used exclusively for dispatch communication.
- b. A **Non-Commercial Antenna** is any antenna that is used for private radio and/or television reception, for licensed amateur operators, citizens band facilities, and governmental and non- profit organizations.

7. Apartment. A room or suite of rooms in a multiple-family structure, which is arranged, designed, used or intended to be used as a single housekeeping unit and which includes permanently installed complete kitchen and bathroom facilities in each apartment.

8. Arcade, Amusement/Internet Computer. An establishment devoted to the use of amusement devices or Internet computers. An Arcade is considered **Large** if there are more than ten amusement devices or internet computers. An Arcade is considered **Small** if there are ten or less amusement devices or internet computers.

9. Automobile Repair.

- a. **Major Repair** is work that is of a significant nature, such as engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; and overall painting of vehicles.
- b. **Minor Repair** is work that is not of a significant nature, including incidental repairs, replacement of parts, and motor service to motor vehicles, but not including any operation specified as Major Repair in paragraph a above.

10. Automobile Service Station. Any building or premises used for dispensing, sale or offering for sale at retail to the public, gasoline stored only in underground tanks, kerosene, lubricating oil or grease for the operation of automobiles and including the sale and installation of tires, batteries and other minor accessories and service for automobiles, but not including major automobile repairs; and including washing of automobiles where no production line methods are employed.

11. Awning. A roof like shelter extended over a doorway or window, which is supported entirely from the exterior wall of the building and provides protection from the weather.

12. Basement. A story having all or part of its height below grade.

13. Block. A tract of land bounded by streets or, in lieu of streets, by public parks, cemeteries, railroad rights-of-way, lines of waterways, or a corporate boundary line of the Village.

14. Buildable Area. The space remaining on a zoning lot after the minimum open space requirements of this Code have been complied with.

15. Building. Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or openings; and which is designed or intended for the shelter, enclosure or protection of persons, animals or chattels. Any structure with interior areas not normally accessible for human use, such as oil tanks, water tanks, and other similar structures, are not considered as buildings.

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

17. Building Line. The line nearest the front of and across a zoning lot, establishing the minimum open space to be provided between the front line of a building or structure and the street right-of-way line.

18. Building Lot Coverage. The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

19. Bulk. The three-dimensional space within which a structure is permitted to be built on a lot and which is defined by maximum height regulations, yard setbacks, and sky exposure plane regulations.

20. Business Establishment. A separate place of business having the following three characteristics:

- a. The ownership and management of all operations conducted within such establishment are separate and distinct from the ownership and management of operations conducted within other establishments on the same or adjacent zoning lots.
- b. Direct public access to such “business establishment” is separate and distinct from direct access to any other “business establishment.”
- c. There is no direct public access from within such establishment to any other such establishment.

Where adjacent places of business lack any one of the above-listed characteristics with respect to one another, they shall then be considered as a single business establishment for the purposes of this Chapter.

21. Camper Trailer (Pop-up). A partially collapsible structure designed to provide temporary living quarters primarily for recreational use, constructed with integral wheels to make it mobile and/or towable by motor vehicle.

22. Canopy. A structure other than an awning with a frame, which is wholly or partially supported by columns, poles or braces extending from the ground.

23. Care Facility. A facility providing care to individuals. There are three primary types of care facilities:

- a. **Ambulatory** - A facility which provides care to individuals without hospitalization or other institutionalization.
- b. **Extended Care or Skilled Nursing Home** - A facility or part of a facility which is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours to two or more patients.
- c. **Intermediate** - A facility which provides, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or skilled nursing facility is designated to provide but who, because of their mental or physical condition, require care and services which can be made available to them only through institutional facilities such as these.

24. Catering Establishments. A facility whose primary purpose is to provide food, generally in large quantities, for banquets or for special events which are held off the premises not including a carry-out restaurant or a sit-down restaurant.

25. Commercial Recreation Facilities. Physical recreation establishments such as tennis or racquet clubs or gymnasiums or fitness facilities.

26. Commercial School. A school which principally offers, for profit, specific courses of instruction in business, trade, industry or other trained skills, but does not offer academic instruction equivalent to the standards prescribed by the School Code of Illinois.

27. Community Center. A building for recreational, educational, or entertainment purposes.

28. Community Residence. A group home or specialized residential care home serving persons with disabilities which is licensed, certified, or accredited by appropriate local, state or national bodies. A Community Residence is deemed Small when the number of unrelated disabled persons living in the residence is less than five and deemed Large when the number of unrelated disabled persons living in the residence is between five and eight.

Community Residence does not include a residence which serves persons as an alternative to incarceration for a criminal offense, or persons whose primary reason is substance abuse.

29. Conference Room/Meeting Hall. A facility with space available for lease by private parties primarily for meetings.

30. Construction Yard. An establishment with space used for bulk storage of landscape and building material, heavy construction equipment and machinery, and which may include the provision of services, the fabrication of building related products, the operating of machinery, and the construction yard's business office.

31. Contractor's Design Showroom. A room or group of rooms used for conducting administrative, clerical and general office affairs, which includes a design showroom but does not include on-site storage of contractor's vehicles, equipment and materials.

32. Contractor's Office. A room or group of rooms used for conducting administrative, clerical and general office affairs but not including design showrooms or any on-site storage of contractor's vehicles, equipment and materials.

33. Contractor's Shop. An establishment used for conducting administrative, clerical and general office (business) affairs, indoor repair, maintenance and/or storage of a contractor's vehicles, equipment and materials, and may include the contractor's business office and may include a design showroom.

34. Convenience Store. A small retail establishment solely for the purpose of selling food, tobacco, periodicals, beverages, and other household items, in limited size and produce choices with the intent of quick service. Reheating and/or selling of already prepared/prepackaged food for consumption off the premises does not make a Convenience ~~Food~~ Store a restaurant.

35. Court. An open area unobstructed from the ground to the sky. An Inner Court is bounded on more than three sides by the exterior walls of one or more buildings. An Outer Court is bounded on not more than three sides by the exterior walls of one or more buildings.

36. Curb Level. The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one street, the "curb level" shall be the average of the levels of the curbs at the center of the front of each street. Where no curb elevation has been established, the mean level of the land immediately adjacent to the building shall be considered the "curb level".

37. Day Care Center. Any institution or place in which are received three or more children,

apart from their parents or guardian, under the age of six years, for care during part or all of a day between 6:00 A.M. and 9:00 P.M. The term is further construed to include similar units operating under any other name whatsoever with or without stated educational purposes.

This definition does not include “Group Care Home”, “Group Day Care Home”, “Foster Family Home”, “Centers for Mental Retarded”, licensed by the State of Illinois, bona fide kindergartens or “Day Nursery Schools”, established in connection with grade schools supervised or operated by a private or public Board of Education or approved by the State Department of Public Instruction.

38. Day Care Facility. Any facility operated for the purpose of providing care, protection and guidance to more than eight adults during only part of a 24-hour day. This term excludes public and private educational facilities or any facility offering care to individuals for a full 24-hour period.

39. Day Care Home. A facility located in a single-family detached residence which receives no more than eight children for care during the day. The maximum of eight children includes the family’s natural or adopted children under age 16 and those children who are in the home under full-time care.

40. Deck. A raised platform over 16” above grade directly attached to the principal building. The height of any deck shall not exceed the height of the first full story above grade.

41. Dormitory. A building or portion thereof, which contains living quarters for students, staff or members of an accredited college, university, boarding school, theological school, hospital, religious order or comparable organization; provided that the building is owned and managed by the organization and contains common cooking and eating areas.

42. Drive-Through Facility. A facility, establishment, or portion thereof, such as a bank or restaurant, that is designed, intended or used for transacting business with customers who remain in their vehicles.

43. Driveway. A private motor vehicle access way between the roadway and a parking area within a lot. A Shared Driveway is a private roadway providing access from a street to two or more dwellings on the same lot.

44. Dwelling. A building or portion thereof, designed or used exclusively for residential occupancy, including one-family dwelling units, two-family dwelling units, and multiple-family dwelling units, but not including hotels or motels. Kitchens and bathrooms must be permanently installed. An Attached Dwelling is one which is joined to another dwelling or dwellings at one or more sides by a party wall or walls and designed exclusively for the occupancy by one family. A Detached Dwelling is one which is entirely surrounded by open space on the same lot designed exclusively for occupancy by one family. There may be One-Family Dwellings, Two Family Dwellings or Multiple-Family Dwellings. A Multiple Family Dwelling consists of a building or portion thereof designed or altered for occupancy by three or more families living in individual apartments with separate kitchen and bath facilities for each apartment.

45. Dwelling Unit. One or more rooms in a dwelling designed for occupancy by one family for

living purposes and having its own permanently installed cooking and sanitary facilities. An Efficiency Dwelling Unit is one which consists of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

46. Earth Station. Any disc antenna with an essentially solid surface, whether flat, concave, or parabolic, which is designed for receiving television, radio, or data microwave signals from satellites. There are two kinds of Earth Stations:

- a. **Commercial Earth Station** is any earth station used in conjunction with communication facilities for use in commerce or industry.
- b. **Non-Commercial Earth Station** is any earth station used for private radio and television reception only.

47. Floor Area (For determining off-street parking and loading requirements). The sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings.

48. Floor Area (For determining compliance with dwelling standards). The floor area shall be measured from the interior walls, excluding utility rooms, cellars, basements, open porches, breezeways, garages, and other spaces that are not used frequently or during extended periods of living, eating or sleeping purposes. Enclosed spaces intended for habitable rooms which are to be completed within a reasonable time may be considered in computing such floor area.

49. Floor Area Ratio (F.A.R.). The total floor area of the building or buildings on that zoning lot divided by the area of such zoning lot, or in the case of planned unit developments, by the net site area. F.A.R. is measured from the exterior faces of the exterior walls or from the centerline of walls separating buildings.

For determining floor area ratio, the floor area of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings.

The "Floor Area" of a building shall include basement floor area when more than one-half of the basement height is above the established curb level or above the finished lot grade level where curb level has not been established; that floor area of attached and/or detached garage in excess of 400 square feet for a single family residential unit; elevator shafts and stairwells at each floor; floor space used for mechanical equipment, open or enclosed, located on the roof; penthouses; attic or volume space having headroom of seven feet or more; interior balconies and mezzanines; and enclosed porches, and floor area devoted to accessory uses. However, any space, except a single-family attached or detached garage, that is devoted to off-street parking or loading shall not be included in "Floor Area."

In determining the floor area ratio for lots having detached garages, 100% of the total floor area of the detached garage shall be excluded from the FAR calculation if there are no other garages on site, if the structure is architecturally compatible with the principal dwelling unit, and if 50% or more of the existing homes that both front on the same side of the street and are contained between two adjacent streets which intersect that street also have detached garages.

50. Food Store. A place of business where food such as meats, dairy products, frozen foods, produce, and dry goods are sold for retail trade.

51. Foot Massage. A place of business which provides any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating the external soft parts of the foot, ankle and lower leg below the knee only, to be performed in an open space as opposed to individual rooms.

52. Frontage. All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all property abutting on one side between an intersecting street and the dead-end of the street.

53. Garage. A building or structure or part thereof used or intended to be used for the parking and storage of vehicles.

54. Garage, Private Customer and Employee. A structure (above or below ground) which is accessory to a commercial, institutional or manufacturing establishment, building or use utilized for the parking and storage of vehicles operated by the customers, visitors, and employees of such building.

55. Garden Center. A place of business where plants, nursery products, fertilizers, potting soil, tools, and garden utensils are sold to the customer.

56. Gazebo or Pergola. An accessory building that is a detached, covered, freestanding, open air structure.

57. Geothermal Energy System. A renewable energy system using equipment that circulates relatively constant ground temperatures throughout buildings using an underground based piping system and a heat pump.

58. Grade. The degree of rise or descent of a sloping surface.

- a. For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.
- b. For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining street.
- c. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than five feet from a street line shall be considered as adjoining the street. Where no sidewalk exists, the grade shall be established by the Village Engineer.

59. Health Clubs. A facility designed for the major purpose of physical fitness or weight reducing which includes, but is not limited to, such equipment as weight resistance machines, whirlpools, saunas, showers, and lockers. This shall not include municipal or privately owned

recreation buildings.

60. Home Occupation. A use of a dwelling unit carried on by members of the immediate family residing on the premises.

61. Hospital/Health Care Facility. An institution providing primary health services and medical or surgical care to persons, primarily as in-patients suffering from illness, disease, injury, and other physical or mental conditions and including as an integral part of the institution, related facilities such as laboratories, out-patient facilities or training facilities.

62. Hotel. A building primarily designed for transient occupancy containing lodging rooms or suites accessible from a common hall or entrance, providing living, sleeping and bathroom facilities. A central kitchen, meeting rooms, dining rooms and recreation rooms may also be provided.

63. Impervious Surface Coverage. Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to buildings, patios, paved parking and driveway areas, walkways, sidewalks and paved recreation areas (e.g. basketball court, tennis court, swimming pool).

64. Incidental Use. A use which is associated with and subordinate to the principal permitted use.

65. Kennel. Any lot or premises or portion thereof on which more than four dogs, cats, and other household domestic animals, over four months of age, are kept, or on which more than two such animals are boarded for compensation or kept for sale.

66. Lodging Room. A room rented in a facility having three or more rented rooms as sleeping and living quarters, but without cooking facilities and which may have individual bathrooms. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one “lodging room” for the purposes of this Code.

67. Lot. A designated parcel, tract or area of land established by plat, subdivision or as otherwise permitted by law, to be used, developed or built upon as a unit. The following are the different types of lots:

- a. **Corner Lot.** A parcel of land situated at the intersection of two or more streets or adjoining a curved street at the end of a block.
- b. **Reversed Corner Lot.** A corner lot, the rear of which abuts upon the side of another lot.
- c. **Double Frontage Lot.** A lot having frontage on two non-intersecting streets.
- d. **Flag Lot.** A substandard lot of record that does not have its full “frontage” abutting a street. The lot width shall be measured at the required setback line for the building.
- e. **Interior Lot.** A lot other than a corner or reversed corner lot.
- f. **Substandard Lot of Record.** Any lot lawfully existing at the time of adoption or

amendment of this Zoning Code that is not in conformance with the dimensional and/or area provisions of this Zoning Code.

- g. **Through Lot.** A lot having frontage on two parallel or approximately parallel streets but which is not a corner lot.
- h. **Zoning Lot.** A tract of land which is designated or required as a tract to be used to attain compliance with the regulations of the zoning district in which it is located, or developed or built upon as a unit, under single ownership or control. A “zoning lot” may or may not coincide with a lot of record.

68. Lot Area. The area bounded by the lot lines, the right-of-way line of any street adjoining the lot, and the centerline of the right-of-way of any private access road adjoining the lot. For the purpose of determining the lot area per dwelling unit, the total lot area shall be measured with the exclusion of land in the public or private streets right-of-way and land dedicated for park or school purposes.

69. Lot Depth. The mean horizontal distance between the front and rear lot lines measured within the lot boundaries.

70. Lot Frontage. The frontage of a lot shall be that boundary of a lot along a public street excluding lot access areas.

71. Lot Width. The horizontal distance between the side lot lines measured at right angles to the lot depth at the established front building line.

72. Manufacturing. The mechanical or chemical transformation of materials or substances into new products including the assembling of components, parts, the manufacturing of products and the blending of materials.

73. Marquee or Canopy. A roof-like structure of a permanent nature that projects from the wall of a building and overhangs the public way.

74. Massage/Accu-Pressure Establishment. A place of business which provides any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance, with or without rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations used in this practice, under such circumstance that it is reasonably expected that the person to whom treatment is provided, or some third party on such person’s behalf, will pay money or give other consideration or any gratuity therefore.

75. Motel. A building or buildings designed for transient occupancy containing lodging rooms or suites accessible through a common hall or separate outside entrances, providing living, sleeping, and bathroom facilities. No room shall be equipped with kitchen facilities.

76. Motor Home. A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.

77. Nameplate. A sign indicating the name and/or address of a building, or the name of an occupant thereof and/or the practice of a permitted occupation therein.

78. Non-Conforming Building. A building or structure, or portion thereof, lawfully existing at the time of the adoption of this Code, which was designed, erected or structurally altered for a use that does not conform to the use regulations of the district in which it is located.

79. Non-Conforming Use. A use which lawfully occupied a building or land at the time of adoption of this Code but which no longer conforms with the use regulations or the district in which it is located.

80. Nursing Home. An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who by reason of advanced age, chronic illness or infirmity are unable to care for themselves.

81. Medical or Dental Laboratory. A place of business devoted to the testing and analysis for the medical profession or to the preparation of dentures and similar items for dental preparation.

82. Off-Street Loading Space. An open, hard-surfaced area of land other than a street or a public way, the principal use of which is for the standing, loading and unloading of motor trucks, tractors and trailers to avoid undue interference with the public use of streets and alleys.

83. Office, Medical or Dental. The office of a member of the medical or dental profession requiring licensing by the State and maintenance of professional standards applicable to the field for which services are provided on an out-patient basis.

84. Office, Non-Medical and Non-Dental. A use or structure other than a medical use where business or professional activities are conducted and/or business or professional services are made available to the public, including, but not limited to, tax preparation, accounting, architecture, legal services, real estate and securities brokering, and professional consulting services. "Office" shall not include any use that is otherwise listed specifically in a zoning district as a permitted or special use.

85. Overlay Zoning District. An overlay-zoning district is a mapped area with restrictions beyond those in the underlying zoning. An overlay district is used to achieve planning objectives, which may not be achieved through the underlying zoning. Where conflicts arise between the overlay district and the underlying zoning, the overlay district restrictions apply.

86. Parcel Delivery and Pick-Up Service. An establishment where parcels, not exceeding 120 inches in length or girth and not exceeding 125 pounds, are being received for the shipment and delivery to other destinations or are available for pick-up after arriving from other locations.

87. Parking Area. An open or covered, hard-surfaced area, other than street, alley or public right-of-way, used for the parking of vehicles.

a. A Private Parking Area is for private vehicles only, of occupants of the building or buildings for which the parking area is developed and is accessory.

b. A Public Parking Area is for the storage of vehicles of occupants of the building or buildings for which the parking area is developed and is accessory.

88. Patio. A level landscaped and/or surfaced area.

89. Pawn Shop/Cash Converter Facility. A building or use, the principal purpose of which is the lending of money on deposit or pledge of personal property, or dealing in the purchase of personal property on condition of selling the same back at a stipulated price.

90. Personal Trainer. A physical fitness trainer who provides individual fitness counseling.

91. Pervious Surface. A surface that presents an opportunity for precipitation to infiltrate into the ground.

92. Pet Grooming Establishments. Any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value and/or health and for which a fee is charged.

93. Pet Shops and Supply Stores. A retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats fish, birds, reptiles, and related pet supplies, but excluding exotic animals and farm animals such as horses, goats, sheep and poultry.

94. Physical Rehabilitation Center. A facility licensed by the State of Illinois providing treatment on an out-patient basis to remove or reduce the risk of injury, impairment, functional limitation or disability, including the promotion and maintenance of fitness, health and wellness through a rehabilitation plan of therapeutic intervention.

95. Pickup Camper. A structure designed for recreational use, designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling.

96. Playhouse. A freestanding structure, with a maximum height not to exceed 12 feet in a side yard and 15 feet in a rear yard.

97. Porch. A covered protection from a wall of a building that may or may not use columns or other ground supports for structural purposes and which is primarily used to provide an extension of the living area.

98. Portico. A roofed structure projecting from the building which has no enclosures of any kind and which has an entry surfaced area that does not exceed eight feet in width and does not extend more than four feet out from the building.

99. Principal Building. A building in which the residence or permitted primary use of the lot is conducted.

100. Principal Use. The main use of land or buildings, as distinguished from a subordinate or accessory use, to which premises are devoted comprising at least 80% of the floor area and the primary purpose for the premises.

101. Private Roadway. The paved area, exclusive of sidewalks, driveways or related uses, on private property, used or intended to be used for circulation, passage or travel of motor vehicles from a street to two or more adjacent parcels.

102. Public Utility. Any person, firm, corporation or municipal department duly authorized to furnish, under public regulation, to the public, electricity, gas, steam, telephone, telegraph, transportation, cable television, water, and other data transmission services.

103. Railroad Right-of-Way. A strip of land with tracks and auxiliary facilities for track operation, but not including depots, loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops or water towers.

104. Research Laboratory. A place devoted to experimental study such as testing and analyzing but which does not include manufacturing, assembly or packaging of products.

105. Repair, Major. Includes any action which fixes, mends, or restores products other than motor vehicles:

- a. Major Repair is repair of products such as furniture, refrigerators, or similar products which generally require storage yards or storage area
- b. Minor Repair is repair of products such as shoes, watches, jewelry, and electronics

106. Restaurant. Any building or part thereof where food is cooked or prepared for compensation, for the general public and for immediate consumption on or off the premises.

107. Restaurant-Amusement Device Arcade. An establishment primarily devoted to the sale of food and beverage and partially devoted to the use of more than ten coin-operated amusement devices.

108. School. An institution conducting regular academic instruction at the kindergarten, elementary, middle school and high school levels.

- a. **Public School.** A public institution which offers general academic instruction equivalent to the standards prescribed by the School Code of Illinois.
- b. **Private School.** A non-public institution which offers programs accepted by the State of Illinois in lieu of public instruction.

109. Salon. Any establishment where cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation.

110. Seating Area. Areas used to consume food or beverages on the customer side and which provide access to areas such as buffets, bars, or serving tables.

111. Sheltered Care. An establishment licensed to provide assistance, supervision or oversight to residents, usually short term. A sheltered care home may not provide skilled or intermediate nursing services nor care for those cases for which hospitalization is generally required.

112. Solar Energy System. A renewable energy system consisting of a collection of parts including any base, mounts, tower, solar collectors and accessory equipment such as utility interconnections and solar storage batteries in such a configuration as necessary to convert solar radiation into thermal or electrical energy. There are three types of Solar Energy Systems:

- a. **Roof Mounted.** A renewable energy system consisting of equipment installed on the roof of a principal or accessory building located between the eave and ridge used for the conversion of sunlight into a usable form of electrical energy or to heat water.
- b. **Wall Mounted.** A renewable energy system consisting of equipment installed on a wall of a principal or accessory building below the eave, or where there is a flat roof the space below the top of a parapet, used for the conversion of sunlight into a usable form of electrical energy or to heat water.
- c. **Ground Based.** A renewable energy system consisting of equipment used for the conversion of sunlight into a usable form of electrical energy placed on the ground of a zoning lot and which is not attached to any principal or accessory building.

113. Storage Facility. A place where goods, materials, or personal property is placed and kept for more than 24-consecutive hours.

114. Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding 14 in height shall be considered as an additional story for each 14 or fraction thereof.

115. Story, Half. That portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two opposite exterior walls, are not more than four and one-half feet above the finished floor of such story. In the case of one-family dwellings, two-family dwellings and multiple-family dwellings less than three stories in height, a half story in a sloping roof shall not be counted as a story for the purposes of this Code. In the case of multiple-family dwellings three or more stories in height, a half story shall be counted as a story.

116. Structure. Anything constructed or erected which requires location on the ground or is attached to something having location on the ground, including a fence or freestanding wall, television antenna towers, earth stations, or other devices receiving electronic signals. A sign, billboard or other advertising medium, detached or projecting, shall be construed to be a structure.

117. Structural Alterations. Any change except those required by law or ordinance, which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders, not including openings in bearing walls as permitted by other ordinances.

118. Travel Trailer. A rigid, non-collapsible structure designed to provide temporary living quarters primarily for recreational use, constructed with integral wheels to make it mobile land/or towable by a motor vehicle.

119. Tree House. An accessory structure which utilizes one or more trees for structural support and/or incorporates the tree into the design.

120. Used Car Lot. A zoning lot on which used cars are displayed for sale or trade.

121. Vehicle. Any device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

- a. **Commercial Vehicle.** Any type of vehicle used or maintained for commercial purposes, primarily to transport material or operate a power attachment or tool, such as a snowplow or any vehicle containing cargo for commercial purposes. For purposes of this Chapter, any vehicle with advertising or a business designation affixed to it shall be considered a commercial vehicle.
- b. **Recreational Vehicle (RV).** An RV shall include, but not be limited to, camper trailer (pop-up), motor home, off-road vehicle, open trailer, pickup camper, snowmobile, travel trailer and water craft.

122. Trailer. Any motorized or non-motorized vehicle intended to carry or store a recreational vehicle. An open trailer or a trailer not carrying or storing an RV shall be considered an RV for the purposes of this Code.

123. Window Wells. A space maintained between a below grade window and the surrounding soil. The window well provides drainage or air or light around the window and in some cases, an egress route from the structure.

124. Yard. An open space on the same zoning lot with a principal building or group of buildings, which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this Code, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located. The following are the specific definitions for each type of yard:

- a. **Exterior Side Yard.** That part of the yard on a corner lot, lying between the exterior side lot line and the nearest line of the principal building and extending from the front yard (or from the front lot line, if there is no required front yard) to the rear yard (or from the rear lot line, if there is no required rear yard). On a corner lot, the larger of the two lot dimensions adjacent to the street shall be considered the exterior side yard.
- b. **Front Yard.** A yard extending across the full width of the zoning lot and lying between the lot line which fronts on a street and the nearest line of the principal building. On a corner lot, the smaller of the two dimensions adjacent to a street shall be considered the front yard.
- c. **Rear Yard.** A yard extending across the full width of the zoning lot and lying between the rear line of the lot and the nearest line of the principal building.
- d. **Side Yard.** That part of the yard lying between the nearest line of the principal building

and a side lot line, and extending from the front yard (or from the front lot line, if there is no front yard) to the required rear yard (or from the rear lot line, if there is no required rear yard).

b. That Section 28-5.5, Permitted Use Table, is hereby amended by deleting it in its entirety and substituting in lieu thereof the following:

5.5-1 Permitted Use Table.

Residential Uses	RE	R1	R2	R3	R4	R5	R6	R7	I	B1	B2	B3	B4	B5	PL
Antenna Non Commercial	p	p	p	P	p	p	p								
Community Residence, Small & Large	p	p	p	p	p	p	p	p	p						
Shelter Care Homes	s	s	s	s	s	s	s		s						
Apartment-Multi Family Buildings						p	p	p	s						
Dwelling Units and lodging rooms (if business uses for such uses occupy the ground floor)										p	p	p		p	
One Family Attached Dwellings					p	p	p	p							
One Family Detached Dwellings	p	p	p	p	p	p	p	p							
Golf Course	s	s	s	s	s	p									s

Commercial Uses	B1	B2	B3	B4	B5	I	OT	PL	M1	M2
Retail Stores/Sales (not otherwise listed)	p	p	p	p	p					
Adult Business			p							
Agricultural Implement Sales and Service within wholly enclosed building			p							
Animal Hospitals		p	p							
Antenna Commercial	s	s	s	s	s	s	s	s	s	s
Arcade, Amusement/Internet Computer, Large		s	s							
Arcade, Amusement/Internet Computer, Small		p	p							
Arts and Craft Studios/Galleries	p	p	p	p	p					
Auction Rooms		p	p	p	p					
Auditorium, Stadium, Meeting Hall, Gymnasium or other similar places for public events		s	s		s					
Auto Car Wash			s							
Automobile Driving School			p	p						
Auto Service Station, with or without convenience marts		s	s							
Bakery	p	p	p		p					
Banks and Financial Institutions	p	p	p	p	p					
Banquet Halls		s	s		s					
Barber, Beauty Salon		p	p	p	p					
Broadcasting Station TV, Radio		p	p	p	p				p	
Bowling Alleys		p	p		s					
Building Material Sales		p	p							

Commercial Uses	B1	B2	B3	B4	B5	I	OT	PL	M1	M2
Carpet Cleaning and Service				p						
Catering Establishments	s	p	p	p						
Clubs and Lodges, Private		s	s		s					
Community Center, Recreation Building	s	s	s		s			s	s	
Municipal or Non Profit	s	s	s		s			s	s	
Contractor Office & Design Showroom (no vehicle storage)	p	p	p	p	p				p	p
Convenient Mart and Food Store	p	p	p	p	p					
Contractor Shops				p					p	p
Currency Exchanges	p	p	p	p						
Dance Halls		s	s							
Day Care Centers	s	s	s	s	s				s	
Drive Through when used in conjunction with uses otherwise permitted		s	s		s					
Drug Store and Pharmacy	p	p	p		p					
Electrical Equipment Sales		p	p							
Fairgrounds Kiddie Parks			s							
Food Stores	p	p	p	p	p					
Foot Massage	p	p	p	p	s					
Funeral Parlor, Mortuary		p	p	p						
Garden Center		p	p	p						
Health Club		p	p		p					
Hotel		s	s		s					
Interior Decorator Shops	p	p	p	p	p					
Kennel, Commercial			s							
Laundry Dry Cleaning up to 5,000 sf	p	p	p	p	p					
Liquor Stores, Package Goods Only	p	p	p		p					
Machinery Sales and Service			p	p						
Medical Dental Orthopedic Appliance and Instrument Supply Sales		p	p	p						
Monuments Sales			p							
Motor Vehicle Rental		s	p							p
Motor Vehicle Repair Major			p							p
Motor Vehicle Repair Minor		s	p							
Motor Vehicle Sales, including auxiliary service		s	p							
Motor Vehicle Sales Lots when contiguous to and adjoining auto sales room under same owners		s	p							
Music Conservatories or Instruction	p	p	p	p	p					
Offices, Business and Professional	p	p	p	p	p	p	p	p	p	p
Offices, Medical and Dental incl. labs	p	p	p	p	p	p	p		p	
Pawn Shop Cash Converter		p	p							
Personal Trainer (limited to 2 clients at a time per trainer; and no more than 4 personal trainers on site at one time)	p	p	p	p	p				p	p
Photographers	p	p	p	p	p		p			
Photographers, incl. photo developing processing	p	p	p	p	p					
Physical Rehabilitation Center	p	p	p	p	s	p	p			
Post Office not incl. bulk distribution		p	p							
Printing Services Retail	p	p	p	p	p					

Commercial Uses	B1	B2	B3	B4	B5	I	OT	PL	M1	M2
Private Library, Museum or Other Similar Buildings	s	s	s		s					
Railroad Passenger Stations			s		s					
Recreation Facilities Commercial incl. Health Club		p	p	p	p				p	p
Recreational Vehicles and Boats, Sales/Supplies			p							
Repair Major				p						p
Repair Minor	p	p	p	p						
Restaurant	s	s	s		s					
Restaurant Amusement Device Arcade		s	s							
School, Commercial	p	p	p	p	p				p	p
Secondhand Store		p	p	p	p					
Security and Guard Firms				p	p				p	p
Sign Painting Shop (enclosed)			p	p						
Studios Recording		p	p	p					p	p
Tailor, Dressmaking Shop	p	p	p	p	p					
Taxicab Dispatching Office			p	p						p
Theaters, Excluding Drive-Ins		p	p		p					
Ticket Agencies	p	p	p	p	p					
Tool and Die Shop			p	p					p	p
Travel Bureau and Transportation Ticket Offices	p	p	p	p	p		p		p	p

Manufacturing/Processing Uses	M1	M2	B3
Products made from fabrics and similar materials and textile mill products		p	
Bakery Products, Wholesale & Production		p	
Beverages Bottling and Distributing	p	p	
Beverages – Non Alcoholic		p	
Carpet Cleaning on Premises		p	
Canned Food Products		p	
Ceramic Products	p	p	
Computers	p	p	
Concrete Gypsum & Plaster Products		p	
Containers, Pallets and other similar products		p	
Cosmetics, Perfumes & other similar products		p	
Dairy Products		p	
Drugs	p	p	
Dwelling Unit for Caretaker located on premises	p	p	
Electronic Components and Lighting and Wiring Equipment	p	p	
Furniture/Fixtures		p	
Glass Products made of purchased glass		p	
Household Appliances		p	
Instruments and Supplies – Medical, Dental, Engineering	p	p	
Jewelry, Silverware and Plated Ware	p	p	
Leather (not including tanning) and Vinyl Products		p	
Metal Products, Fabricated – except machinery and transportation equipment		p	
Musical Instruments	p	p	
Office and Art Supplies		p	
Paper Products from converted paper-paperboard		p	
Photographic Equipment & Supplies, Developing/Processing	p	p	
Plastic Products, Fabricated		p	
Pottery and Related Products	p	p	

Manufacturing/Processing Uses	M1	M2	B3
Printing Ink		p	
Printing, Publishing	p	p	
Radio and Television/Communication Equipment	p	p	
Rubber Products, Fabricated		p	
Signs and Advertising Displays		p	
Silver Plating and Repairing	p	p	
Structural Clay Products, Cut Stone and Stone Products		p	
Sugar and Confectionary Products		p	
Tool and Die Shops	p	p	
Toys; Sporting Goods		p	
Watches, Clocks, Clockwork Operated Devices and Parts	p	p	
Storage Facility (not located along major or secondary arterial streets)	p	p	
Wholesale and Warehouse Facility	p	p	p
Wholesale Offices (including warehouses and storerooms)	p	p	p

Institutional Uses	RE	R1	R2	R3	R4	R5	R6	R7	I
Cemeteries/Mausoleums	s	s	s	s					
Places of Worship	p	p	p	p	p	p	p	p	p
Care Facility, Ambulatory									p
Care Facility, Longer, Intermediate, Extended									p
Health and Medical Institutions, Hospitals									p
Institution Residential					s	s	s	s	p
Schools	s	s	s	s	s	s	s		s

Other Uses	I	OT	B1	B2	B3	B4	B5	PL	M1	M2
Parking Garage, Private Customer/Employee	s	s	s	s	s	s	s	s	s	s
Private and Public Utility Facilities										
Heliport			s	s	s	s	s	s	s	s

c. That Section 28-8, Special Uses, is hereby amended by deleting it in its entirety and substituting in lieu thereof the following:

8.1 Purpose. The principal objective of the Zoning Code is to provide for an orderly arrangement of compatible building and land uses, and for the proper location of all types of uses required in the social and economic welfare of the Village. To accomplish this objective, each type and kind of use is classified as permitted in one or more of the various districts established by this Chapter. However, in addition to those uses specifically classified and permitted in each district, there are certain additional uses which it may be necessary to allow because of their unusual characteristics or the service they provide the public. These "Special Uses" require particular consideration as to their proper location in relation to adjacent established or intended uses, or to the planned development of the community. The conditions controlling the location and operation of such "Special Uses" are established by the following provisions of this Section 8.

8.2 Authority. The Board of Trustees of the Village of Arlington Heights shall have authority to permit the "special uses" of land or structures or both, subject to the applicable provisions of Section 8, if it finds that the proposed location and establishment of any such use will be desirable or necessary to the public convenience or welfare and will be harmonious and

compatible with other uses adjacent to and in the vicinity of the selected site or sites. For such uses, the Plan Commission may recommend and the Village Board of Trustees may authorize exceptions to the applicable bulk regulations of this Chapter and such other variations from the zoning regulations as may be required within the boundaries of such development without referring the matter to the Zoning Board of Appeals.

8.3 Conditions and Approval. The Plan Commission may recommend and the Board of Trustees may impose such restrictions upon the height and bulk and area of occupancy of any structure so approved for a "Special Use" as may be reasonable under the particular circumstances provided that such restrictions and stipulations shall not be more restrictive than the requirements established for the district in which such structure is proposed to be located, or as may be required elsewhere in the Village Code. Off-street parking facilities as well as off-street loading and unloading spaces may also be stipulated in the ordinance permitting the "Special Use."

8.4 Procedure. The procedure to be followed in considering applications for a Special Use permit shall be those outlined in applicable sections of this Chapter.

8.5 Determination. The Plan Commission then shall make its findings and recommendations to the Village Board of Trustees within 30 days following the date of public hearing on each application. No Special Use shall be recommended by the Plan Commission unless the Commission finds:

8.5-1 That the special use is deemed necessary for the public convenience at this location; and

8.5-2 That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity; and

8.5-3 That the proposed use will comply with the regulations and conditions specified in this Chapter for such use and with the stipulations and conditions made a part of the authorization granted by the Village Board of Trustees.

8.6 Ordinance Required. Those uses indicated in Section 5.5 as a Special Use shall not be established until the Village Board has adopted an ordinance to grant the special use.

Section 8.7 Special Use Waiver for Restaurants. The special use requirement for a restaurant may be waived if the restaurant use is

1. A sit-down/carry out restaurant that is no larger than 4,000 square feet (for purposes of this provision, any outdoor eating area in the B-5 District is not to be counted for determining the square footage);
2. A carry-out only restaurant, regardless of size;
3. An outdoor café in conjunction with a restaurant that has been legally established either through the special use permit or special use waiver process;

The Petitioner must submit detailed plans and an application to the Planning and Community Development Department for an administrative review to determine if the special use public hearing can be waived. After review by the Planning and Community Development Department, the Village reserves the right to add other restrictions if there are impacts to surrounding property owners and/or require the Applicant to pursue a Special Use through the Plan Commission process set forth in this Chapter.

d. That 28-9, Planned Unit Development, is hereby amended by deleting it in its entirety and substituting in lieu thereof the following:

Section 28-9 Planned Unit Development.

9.1 Intent. Planned Unit Developments permit site plans and designs which would not be possible under strict application of zoning district regulations. Consequently, Planned Unit Developments shall offer more benefits than a conventional development because of comprehensive design and adherence to high standards. Improved features include but are not limited to the following:

- a. efficient land utilization;
- b. innovative design;
- c. preservation of natural areas;
- d. diversified land use and architectural treatment;
- e. compatibility with adjacent and nearby land developments.

9.2 Qualifications Required for a Planned Unit Development. The following are the projects that will be considered to be a Planned Unit Development:

- a. Any development with more than one principal building on a zoning lot or lot of record.
- b. Planned Unit Developments in the following districts shall have a minimum lot size of one acre: R-E, R-1, R-2, R-3, R-4, R-5, R-6, B-1, B-2, B-3, and B-4.
- c. Any development in the B-5 Zoning District of any new building or additions of 500 square feet or more to existing buildings.
- d. Any development of four or more acres in the M-1 and M-2 Districts, .
- e. All developments in the R-7, O-T, O-R, I and P-L Districts
- f. Any residential development using private roadways or private drives to provide vehicular access on the lot

9.3 General Requirements for Planned Unit Developments. Planned Unit Development Sites shall be under single ownership and/or unified control until fully developed and shall be governed by all applicable zoning requirements of this Chapter.

9.4 Requirements for Planned Unit Developments Using Private Roadways. A Planned Unit Development for a residential development using private roadways may be approved in the

following circumstances:

- a. The size and shape of the parcel is such that strict application of public street standards would cause development of the parcel to be impractical;
- b. The proposed development is enhanced by exceptional site design features not ordinarily possible under the strict application of the Zoning Ordinance and Subdivision Control Regulations;
- c. The development will provide amenities and improvements that would be materially beneficial to the adjacent neighborhood;
- d. The developer demonstrates to the reasonable satisfaction of the Plan Commission and the Village Board that the private roadways will be adequately maintained, including the execution and recording of a covenant binding all successors in title, ensuring that the private roadways will be maintained in a condition safe for vehicular travel;
- e. Private roadways are constructed in accordance with Village construction standards for public roadways.
- f. Private roadways are not planned or expected to serve property outside the proposed development.
- g. Private roadways are not used to fill gaps in the existing thoroughfare system, connect two collector or arterial streets, or laid out to encourage through traffic.
- h. Private roadways shall provide a minimum of two 12-foot wide driving lanes, excluding curb and gutter dimensions.
- i. Only parallel parking is permitted on a private roadway provided the pavement width is increased by eight feet for each parking lane.
- j. Signs indicating building addresses and directing motorists through the development are provided, the size, number and location of such signs to be determined by the Director of Building.
- k. Unimpeded circulation and travel for emergency vehicles is provided on private roadways in the development.
- l. Curbs are provided along private roadways and driveways.
- m. Street lights and sidewalks shall be installed along all private roadways in compliance with Village standards.

9.5 Variations. In the case of any Planned Unit Development, the Plan Commission may recommend and the Village Board of Trustees may authorize variations to the applicable bulk regulations of this ordinance and such other variations from the zoning regulations as may be required within the boundaries of such development without referring the matter to the Zoning

Board of Appeals.

Such variations may be granted as long as it is demonstrated that they will not exercise a detrimental influence on the surrounding neighborhood. Variations shall be justified when other characteristics of the development exceed the minimum standards of the Municipal Code. All recommendations shall be based on the standards for appeals as stated in Section 6-201 of the Arlington Heights Municipal Code. Special consideration shall be given to:

- a. The provision for indoor and outdoor recreation facilities, which should be proportional to the size and density of the Planned Unit Development.
- b. The conservation of natural resources such as flood plains, wet lands and wooded areas.
- c. As much as possible, the preservation, of the natural drainage and floodwater retention.

9.6 Procedures for Approval of Planned Unit Development. Application shall be made on forms supplied by the Planning Department and shall be complete with all supporting data, documents, plans, maps and other documents as specified below.

The Village review and approval of the Planned Unit Development may be performed in three stages:

- a. Review of the Conceptual Plan by the Staff Development Committee and the Conceptual Plan Review Committee of the Plan Commission.
- b. Review and approval by the Plan Commission.
- c. Review and approval by the Village Board, including adoption of the Ordinance approving the Planned Unit Development.

9.7 Conceptual Planned Unit Development Submission and Review. Should a Petitioner desire, the Village will review a Conceptual Plan for a Planned Unit Development. In order for the Village to review the Conceptual Plan, the following items must be submitted:

- a. Conceptual Development Plan including the site layout of buildings, roadways, access drives, and floor plans as necessary. Conceptual architectural elevations and landscape plans may also be submitted.
- b. A brief written statement explaining the character of the development and its main features should accompany the plan.

As quickly as possible from the date of submission of the Conceptual Plan, the Village Planning Department and the Staff Development Committee will review the submitted materials, after which a meeting of the Conceptual Plan Review Committee will be set. If the Conceptual Plan Review Committee has an unfavorable recommendation, the petitioner can revise the Conceptual Plan and resubmit material for Staff and Committee review. The Petitioner can also choose to move forward to the Plan Commission with the negative recommendation from the Conceptual Plan Review Committee.

9.8 Submission for Planned Unit Development Approval. The following items are required for submission to the Plan Commission for approval of a Planned Unit Development, in the quantity set forth in the Plan Commission application:

- a. A legal description of the entire Planned Unit Development;
- b. A current plat of survey or Alta Survey of the subject property;
- c. Proof of ownership or other legal interest of the petitioner in the property;
- d. A Master Plan showing streets, lots, parcels and sites for all uses included in the Planned Unit Development, including areas proposed to be conveyed, dedicated or reserved for public uses including parks, playgrounds and parkways, as well as a brief written statement describing the Planned Unit Development;
- e. A site plan indicating exterior and interior roadways and streets, pedestrian walkways, fire lanes, parking lots including parking spaces for handicapped persons, areas reserved for landscaping and screening, all proposed structures, free standing signs, outdoor lighting, trash storage areas and loading areas, including a chart with all relevant zoning data such as FAR, land coverage ratios, density, setbacks, etc.;
- f. Architectural floor plans and building elevations;
- g. A tree preservation plan and a detailed landscaping plan with all of the planting materials common and Latin names, sizes and quantities.
- h. A preliminary engineering plan indicating storm sewer lines, sanitary sewer lines, water mains and storm water detention or retention facilities and topographic plans.
- i. A preliminary development schedule indicating:
 1. The approximate date of construction start.
 2. The number of construction phases and the date of starting each phase.
 3. The date of completion of each phase.
 4. A construction staging plan.
- j. A draft of all proposed bylaws, covenants, easements, maintenance and other agreements, wherever applicable.
- k. A traffic analysis in accordance with Section 6.12 of this Chapter.
- l. Preliminary Plat of Subdivision (if required) in accordance with Chapter 29 of the Municipal Code.

9.9 Review of the Plan Material. Once a complete Plan Commission application has been

received, Village Staff will review the submitted material, prepare written comments and submit the material to the Plan Commission for a public hearing in accordance with the requirements of this Chapter.

9.10. Public Hearing before the Plan Commission. At the public hearing, the Plan Commission may make the following findings if fully supported by specific evidence presented by the petitioner:

- a. The reasons why the departures from the Village Zoning and Subdivision regulations and the Village Comprehensive Plan proposed for the Planned Unit Development are or are not deemed to be in the public interest.
- b. The reasons why the proposed design does or does not make adequate provision for public services, public utilities and services, for vehicular and pedestrian traffic or provide for common open space and recreation.
- c. The physical and economic benefits of the proposed development to the entire community.
- d. The impact of the proposed development on the adjoining traffic network.

9.11 Approval of Planned Unit Development Ordinance. If, after review of the recommendation from the Plan Commission, the Village Board approves the Planned Unit Development, an appropriate Ordinance shall be prepared. Upon approval of the Planned Unit Development Ordinance, the ordinance and with exhibits shall be recorded by the Village Clerk with the County Recorder of Deeds. The Village Zoning Map and the Village Comprehensive Plan shall be amended to include the approved Planned Unit Development. The final approval and recording is required for the issuance of the building permit.

9.12 Enforcement of Development Schedule. The Planned Unit Development approval shall be effective for no more than 24-months from the date the ordinance was adopted granting the approval. Unless a building permit has been issued and construction commenced within this time period, all ordinances approving the Planned Unit Development, including any other conditions and approvals, shall be void. An extension of up to 12-months can be obtained by submitting a detailed request to the Planning Department. After appropriate review, the Planning Department will transmit the request and its recommendation to the Village Board for final determination.

In the event that an additional request for extension is made, that request will also be reviewed by the Plan Commission and the Plan Commission will transmit the request with its recommendation to the Village Board of Trustees.

9.13 Permit Requirements for Planned Unit Developments. The following items shall be required as part of a submittal for a building permit, in addition to all other permit requirements:

- a. Final Engineering Plans and Details for all utilities, storm water retention, and drainage;
- b. Final Construction staging plan, including a construction schedule; and

- c. Final copy of all bylaws, covenants, easements, and maintenance agreements, including bonds and escrow agreements, as requested by the Village.
- e. That Section 28-15, Occupancy Permits, is hereby deleted in its entirety.
- f. That Section 28-16, Plats, is hereby deleted in its entirety.
- g. That Section 28-17, is hereby deleted in its entirety.
- h. That Section 28-18, Changes and Amendments, is hereby amended by deleting it in its entirety and substituting in lieu thereof the following:

Section 28-15 Changes and Amendments.

15.1 Requirement for Public Hearing. The regulations imposed and the districts created by this Chapter may be amended from time to time, but no such amendments shall be made until a public hearing has been held. The Notification Requirements set forth below apply for all public hearings required by this Chapter.

15.2 Published Notice. A notice of the time and place of any public hearing shall be published in a newspaper of general circulation in the Village. This Notice shall be published at least 15 days before the date of the public hearing.

15.3 Written Notice. A petitioner for any project requiring a public hearing pursuant to this Chapter shall serve written notice in person or by first-class mail to all property owners of record within 250 feet of the property lines of the subject property; provided the number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the 250 foot requirement. If the project is a planned unit development, the 250 feet shall be measured from the outermost property line of the entire planned unit development. In addition to notifying property owners, if applicable, the homeowners' association or condominium association must also be notified. The notice must be sent no less than 15 days nor more than 30 days prior to the date set for the public hearing. A copy of the notice with a copy of the list of addresses shall be provided to the Planning Department at the time notice is given to the owners or taxpayers. If, after a bona fide effort to determine such by the petitioner, an owner cannot be found, the notice requirements of this section shall be deemed satisfied upon the petitioner filing an affidavit evidencing the inability to serve notice on that owner.

The required notices shall contain the address of the location for which the public hearing is requested, a brief statement of the nature of the request, the name and address of the legal and beneficial owner of the property, and the time and date on which the hearing shall be held.

15.4 Notice by Sign. Not less than 15 days prior to the date before the public hearing, the petitioner shall post a readable sign on all adjacent roadways. All signs must be removed no later than ten days after completion of the final hearing.

The required sign shall contain the current zoning action requested, date, time and place where the hearing shall be held, a statement that further information can be obtained from the petitioner and the Planning Department of the Village of Arlington Heights, and the phone number of the

Village and the petitioner. The sign shall be approximately 30” high by 48” wide. The words "NOTICE OF PUBLIC HEARING" must appear at the top of the sign(s) in letters no smaller than 1.5". The date and time of the hearing shall also be 1.5". The sign(s) shall meet all other requirements set forth by the Village. All costs associated with the sign(s) for any public hearings are to be borne by the petitioners. A sample sign is set forth below:

NOTICE OF PUBLIC HEARING	
HEARING FOR: [Fill in current zoning and action requested]	
HEARING LOCATION: ARLINGTON HEIGHTS MUNICIPAL BUILDING 33 S. ARLINGTON HEIGHTS ROAD ARLINGTON HEIGHTS, IL 60005	
DATE: [Fill in hearing date]	TIME: [Fill in hearing time]
PUBLIC ATTENDANCE AND COMMENTS INVITED	
FOR DETAILS CALL: [Fill in petitioner’s name and phone number]	or Village of Arlington Heights Department of Planning & Community Development at 847-368-5200

15.5 Certification of Notice. In advance of the hearing date, the petitioner shall furnish an affidavit certifying that he has complied with the applicable notice requirements. Attached to the affidavit shall be a list of all property owners notified in accordance with the above, the returned notices which are undeliverable by the post office, a copy of the notice sent to each of the individuals therein specified, and a statement that the sign was erected according to Village requirements. Forms of the affidavit shall be made available by the Planning Department.

15.6 Protest Against Amendment. Owners of the frontage of property immediately adjoining or across an alley from or directly opposite frontage which is proposed to be altered as to regulations or districts may file a written protest against a proposed amendment. The protest must be signed by at least 20% of the owners as described above and each signature must be notarized. The written protest shall be filed with the Village Clerk. If the written protest meets the requirements of this Section, the amendment shall not be passed except by the favorable vote of two-thirds of all members of the Village Board.

- i. That Section 28-19, Violation and Penalty, is hereby deleted in its entirety.
- j. That Section 28-20, Validity and Section, is hereby deleted in its entirety.
- k. That 28-21, Repeal of Conflicting Ordinances, is hereby deleted in its entirety.

SECTION TWO: The provisions of this Ordinance are severable, and the invalidity of any phrase, clause or part of this Ordinance shall not affect the validity or effectiveness of the remainder of this Ordinance.

SECTION THREE: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION FOUR: This Ordinance shall be in full force and effect from and after its passage and approval and publication in pamphlet form, in the manner provided by law.

AYES:

NAYS:

PASSED AND APPROVED this 19th day of June, 2017.

Village President

ATTEST:

Village Clerk