

ORDINANCE NO. 2019-

**AN ORDINANCE PROVIDING FOR UNIFIED DEVELOPMENT IN THE
VILLAGE OF WINNEBAGO, ILLINOIS, REVOKING, REPLACING AND
SUPERSEDING ORDINANCE NO. 2019-03 RELATING TO EARLY
PASSAGE OF CERTIFIED UNIFIED DEVELOPMENT ARTICLES, AND
REVOKING ANY OTHER EXISTING ORDINANCES OR PORTIONS
THEREOF IN CONFLICT WITH THIS NEW UNIFIED DEVELOPMENT
ORDINANCE**

WHEREAS, the Village of Winnebago Community Development Committee worked, in conjunction with the Village Engineer and Village Attorney on the drafting of a Unified Development Ordinance to apply to new construction in the Village of Winnebago, with the proposed Unified Development Ordinance having been extensively reviewed by the Community Development Committee, and a copy previously provided to Board Members for review; and

WHEREAS, on March 11, 2019, via Ordinance No. 2019-03 there was early adoption of certain articles of the proposed Unified Development Ordinance, and Ordinance No. 2019-03 was duly recorded with the Winnebago County Recorder's Office on June 3, 2019; and

WHEREAS, such action was taken because the Unified Development Ordinance was nearing completion, but not complete, and there was developer interest in development and construction in the Village of Winnebago, and the Village Board of Trustees believed it would be in the best interest of the Village citizenry to ensure that the regulations contained in Article 8 of the proposed Unified Development Ordinance, which Article 8 was titled "Subdivision of Land", the regulations contained in Article 10 of the proposed Unified Development Ordinance, which Article 10 was titled "Floodways, Floodplains, Stormwater Management and Erosion Control", along with

the overall definitions section of the proposed Unified Development Ordinance contained in Article 3 entitled "Definitions" be followed by any developer or contractor henceforth in creating new development in the Village of Winnebago; and

WHEREAS, in addition to there having been some changes made to Articles 3, 8, and 10, the remainder of the articles of the Unified Development Ordinance are now in final form such that the entirety of the articles for unified land development are ready to be adopted in one comprehensive ordinance; and

WHEREAS, to avoid confusion, contemporaneously with passage of the instant ordinance, Ordinance No. 2019-03, needs to be revoked, replaced, and superseded with the provisions of the instant ordinance.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Winnebago, Illinois, as follows:

SECTION 1: The Board of Trustees hereby approves the adoption of the Table of Contents and Articles 1 through and including 18, as the Unified Development Ordinance for the Village of Winnebago, a copy of which Unified Development Ordinance is attached hereto and incorporated herein as Exhibit "A".

SECTION 2: Contemporaneously with the passage of the instant ordinance, Ordinance No. 2019-03 shall be and hereby is repealed, revoked, and superseded by the instant ordinance.

SECTION 3: This ordinance shall be in full force and effect from and after the date of passage, approval, and publication, as provided by law. Any ordinance, or part thereof, in

conflict with the terms of this ordinance, in addition to Ordinance No. 2019-03 referenced above, shall be repealed, but only to the extent needed to remove the conflict.

APPROVED:

Franklin J. Eubank, Jr., President of the Board of
Trustees of the Village of Winnebago, Illinois

ATTEST:

Sally Jo Huggins, Village Clerk

PASSED:

APPROVED:

RECORDED:

Village of Winnebago Unified Development Ordinance

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Article 1

Title, Purpose, and Effective Date

- 1.01 Title**
- 1.02 Purpose and Intent**
- 1.03 Effective Date**

1.01 Title

This ordinance shall be known and cited and referred to as the "Village of Winnebago Unified Development Ordinance."

1.02 Purpose and Intent

This ordinance is adopted for the following purpose:

1. To promote the public health, safety, and general welfare.
2. To further the orderly layout and uses of land.
3. To avoid undue concentration of population and overcrowding of land.
4. To lessen congestion in the streets and highways.
5. To establish adequate provision for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements.
6. To facilitate the further re-subdivision of larger tracts into smaller parcels of land.
7. To promote safety from fire, panic, and other dangers.
8. To ensure proper legal description and proper monumenting of subdivided land.
9. To provide for proper ingress and egress to properties and neighborhoods.
 - a. To implement the official comprehensive plan for present and future development and redevelopment of the Village of Winnebago, as authorized by the Illinois Compiled Statutes, Ch. 65, Article 11, Division 12, to establish reasonable standards for design for subdivision and for re-subdivision of unimproved land and areas in respect to public improvements, and to establish reasonable requirements governing the location, width, course and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment.
10. Interpretation and effect of ordinance:
 - a. The provisions of this ordinance shall be held to be minimum requirements, adopted to promote the health, safety, welfare and the convenience of the public, and to lessen congestion and further the orderly layout and use of land, and to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements.

- b. It is not intended by this ordinance to repeal or impair any existing easement, covenant, or agreement between parties, or permits previously adopted or issued pursuant to the ordinances of the Village and statutes of the State. However, unless specifically provided otherwise in any easement, covenant, or agreement entered into by the Village prior to the effective date of this ordinance, whenever and wherever this ordinance imposes a greater restriction upon the development of land than required by existing ordinances, resolutions, rules, regulations, or permits, the provisions of this ordinance shall govern. Where provisions of existing ordinances, resolutions, rules, regulations, or permits impose greater restrictions than imposed or required by this ordinance, such provisions shall control.

These regulations are established with reasonable consideration for the existing character of the Village, with a view toward conserving the value of buildings upon the land and providing the best possible environment for human habitation. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and development standards contained in the Village Codes, ordinances, or Comprehensive Plan of the Village of Winnebago and provide for an orderly development conforming to and reflecting a continuity of the existing Village Plan.

1.03 Effective Date

The provisions in this ordinance were originally adopted and became effective on December 9, 2019, (Ordinance No. 2019-____), and are subject to being amended from time to time.

Article 2

General Provisions

- 2.01 Authority**
- 2.02 Jurisdiction**
- 2.03 Application of Regulations During Local Emergency**
- 2.04 Relationship to the Comprehensive Plan**
- 2.05 Rules of Interpretation**
- 2.06 Computation of Time**
- 2.07 Severability**

2.01 Authority

1. This ordinance is adopted pursuant to the authority contained in the Illinois Municipal Code, Plat Act, and other Illinois Statutes and Federal regulations as applicable.
2. Whenever any provision of this ordinance refers to or cites a section of the relevant statute and that section is later amended or superseded, this ordinance shall be deemed amended to refer to the amended section or the section that most closely corresponds to the superseded section.
3. The provisions of this ordinance shall be considered the minimum requirements for the promotion of the public health, safety, and welfare. Except as otherwise provided herein, where provisions of this ordinance impose greater restrictions than those of any other statute, Village ordinance, or regulation, the provisions of this ordinance shall be controlling. Where the provisions of any other statute, Village ordinance, or regulation, impose greater restrictions than this ordinance, the provisions of such statute, ordinance, or regulation shall be controlling.

2.02 Jurisdiction

The provisions of this ordinance shall be applicable to all public and private lands and uses thereon within the incorporated area of the Village of Winnebago and within one and one-half (1½) miles of village corporate limits, hereinafter referred to as “the Village” unless otherwise regulated by recorded boundary agreements with other municipalities. Provisions contained herein and pertaining to the subdividing and platting of land shall be applicable to the unincorporated area of Winnebago County located within one and one-half miles (1½) of the corporate limits of the Village, except as provided by law. Boundary agreements between the Village and other municipalities take precedence in establishing subdivision and platting jurisdiction for unincorporated areas. Detailed information about general procedures and applications, including methods of appeal and violations, permitted uses, the division of land, special use criteria, conservation design standards, violations, and nonconforming uses, are set forth herein. The Official Zoning Map of the Village and all notations and references and other information shown on said map are hereby incorporated into and made a part of this Article.

2.03 Application of Regulations during Local Emergency

The Village Board shall have the authority to waive certain standards of this ordinance during local emergencies declared by Federal, State, or local officials.

2.04 Relationship to the Comprehensive Plan

The use of buildings and land within the Village shall be subject to all other applicable provisions of the Village ordinances, as well as this ordinance, whether or not such other provisions of the Village ordinances are specifically cross-referenced in this ordinance. Cross-references to other provisions of this ordinance or other Village ordinances are for the convenience of the reader; lack of a cross-reference should not be construed as an indication that other provisions of the Village ordinances are inapplicable.

1. Relationship to the Comprehensive Plan and Other Planning Documents: It is the intention of the Village Board that this ordinance implement the planning policies adopted by the Village Board and its extraterritorial planning area, as reflected in the Comprehensive Plan and other planning documents. While the Board reaffirms its commitment that this ordinance and any amendment to it be in conformity with adopted planning policies, the Board hereby expresses its intent that neither this ordinance nor any amendment to it may be challenged on the basis of any alleged non-conformity with any planning document.
2. Relationship to Other Regulations and Codes: This ordinance establishes many, but not all, of the standards and procedures for development. Other portions of the Village ordinances, as well as other standards, shall apply to development, including, but not limited to, adopted building codes, fire codes, utility, street, and drainage design, and construction standards.

2.05 Rules of Interpretation

For the purpose of interpretation of this ordinance, the following rules of language shall apply:

1. The specific controls the general;
2. In case of difference of meaning or implication between the text of the Article and the captions for each Article, the text shall control;
3. The word “shall” is always mandatory; the word “may” is permissive and is at the discretion of the Village Board and the Planning and Zoning Commission, as the context may require;
4. Words used in the present tense include the future; words in the singular include the plural; and words of one gender include all other genders, unless the context clearly indicates the contrary within the time frame subject to extensions provided herein;
5. The word “lot” includes the words “plot” or “parcel”; and
6. All words, terms and phrases not otherwise defined herein shall be given their usual and customary meaning, unless the context clearly indicates a different meaning was intended.

2.06 Computation of Time

1. Unless otherwise specifically provided, the time within which an act is to be done shall be according to the Illinois State Statutes. All acts must be completed within the time frame subject to extensions.
2. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and holidays shall be excluded.
3. Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon him/her and the notice or paper is served by mail, three days shall be added to the prescribed period.

2.07 Severability

It hereby is declared to be the intent of the Village of Winnebago, Illinois, that the provisions of this ordinance shall be severable. If any provision is declared invalid by a court of competent jurisdiction, it is hereby declared to be the legislative intent that:

1. The effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and
2. Such decision shall not affect, impair, or nullify this ordinance as a whole or any other part thereof, but the rest of the ordinance shall continue in full force and effect.

Article 3

Definitions

3.01 Terms Defined

3.02 Definitions

3.01 Terms Defined

Words contained in this Article are those having a special meaning relative to the purposes of this ordinance. Words not listed in this Article shall be defined by reference to: (1) the building code adopted by the Village or, if not defined therein, in (2) the Webster's New International Dictionary, unabridged, latest edition or, if not defined therein, in (3) the Illinois Compiled Statutes, which documents are hereby incorporated by reference as if set forth in their entirety herein.

Words used in the present tense include the future, and the plural includes the singular; the word "lot" includes the word "plot"; and the word "building" includes the word "structure"; the word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended arranged or designed to be used or occupied". The following words and terms used throughout this ordinance have the following meanings, unless the context clearly indicates otherwise. Words and terms not defined in this Article but defined elsewhere in this ordinance shall be given the meanings set forth therein.

3.02 Definitions

AASHTO. American Association of State Highway and Transportation Officials.

Abandoned Sign. A sign which is obsolete or no longer correctly directs or exhorts any person; advertises a bona fide business; lessor, tenant, owner, project, or activity conducted or product available on the premises where such sign is displayed.

Abandonment. To cease or discontinue a use or activity without intent to resume. This definition excludes temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility. Also, ceasing an activity during normal periods of vacation or seasonal closure shall not constitute abandonment.

Abutting. Lying immediately next to, sharing a common wall or lot line, or separated by only a public roadway.

Accessory Building or Use. The term "accessory building or use" means a subordinate building or use which is located on the same lot on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use, when permitted by district regulations. In Districts No. 1 and No. 2, unheated private garages & carports, household storage structures, and workshops not conducted for gain are deemed as accessory uses.

Acreage. Any tract or parcel of land which has not been subdivided and platted.

Activity Center. A focal point within the context of a larger, contiguous area surrounding it. It is an area of concentrated activity that attracts people from outside its boundaries for purposes of interaction within that area.

Adequate Public Facilities. Facilities determined to be capable of supporting and servicing the physical area and designated intensity of the proposed improvement as determined by the Village Board based upon specific levels of service adopted by the Board.

Adjacent. Abutting or located within 100 feet of the property from which adjacency is determined, exclusive of land within the public rights-of-way or easements.

Adult-Oriented Business. Any use which is predominately occupied by the sale, rental, lease, inspection, or viewing of media (whether print, electronic, magnetic or other) depicting or describing "specified sexual activities" or "specified anatomical areas", sale of materials used for "specified sexual activities", the provision of live entertainment which depicts, describes, or characterizes "specified sexual activities" or "specified anatomical areas", or any combination thereof, including, but not limited to, those described in the definition of "Sexually-Oriented Materials" hereinbelow..

Adult Day Care Center. A community-based center with specialized plans of care designed to meet the daytime needs of individuals with functional and/or cognitive impairments, provided said center meets the requirements of Title 89, Chapter II, Part 240: Community Care Program of the Illinois Administrative Code, as amended.

Advertising Devices. Banners or streamers affixed to poles, wires or ropes; wind-operated devices; flashing lights and other similar contrivances.

Advertising Signs. Signs pertaining to the name of the establishment, or to products and services sold or offered on or off the premises.

Agriculture. Agricultural purposes include, without limitation, the art or science of cultivating the ground, including harvesting of crops, grains and seed crops; the science and art of growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, other farm seeds; tillage; husbandry; farming, production, keeping, or maintenance of plants and animals useful to man, including but not limited to, forages and sod crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, goats, bees or any mutations or hybrids thereof, including the breeding, feeding and grazing of any or all such animals; bees and apiary products; fur-bearing animals; trees and forest products; fruits of all kinds, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program including to a variable extent, the preparation of these products for human use.

Alley. A public or private right-of-way designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on a street.

Alteration. As applied to a building or structure, means a change or rearrangement in the structural parts or in the means of egress. This definition includes an enlargement of a building or structure, whether by extending a side or by increasing the height. Also, the moving of a building or structure from one location or position to another is considered an alteration.

Apartment. A room or suite of rooms contained in a multiple dwelling structure intended, designed or used as a residence by a single family.

Apartment Hotel. A building or portion thereof designed for or containing individual guest rooms and suites of rooms, and dwelling units, the majority of which are for permanent guests. Maid and janitor service may be provided but kitchen facilities are not necessarily included.

Applicant. A person who files an application for any permit or approval for development required by this ordinance.

Area, Building. The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

Area, Sign. The total exposed surface devoted to the sign's message. The area shall be measured by the smallest area which encloses the entire message, including any air space between portions of the sign. The supporting structure which does not contain a message shall not be used in determining a sign's area. The area of a sign composed of characters or words attached directly to a building surface shall be the smallest rectangle which encloses the whole group.

Area, Gross. The entire area within the boundary lines of the property proposed for subdivision/development, including any areas to be dedicated/reserved for street and alley rights-of-way and for public uses.

Area, Habitable. Building area minus square footage occupied by interior partitions and exterior walls.

Area, Net Site. The total area within the property lines excluding exterior streets.

Arterial Street. A highway or public roadway so designated on the adopted street plan for the purpose of moving traffic into, out of, or around the Village and which carries a high volume of traffic.

Assisted Living Facility. A home, building, residence, or any other place where sleeping accommodations are provided for at least three (3) unrelated adults, at least eighty percent (80%) of whom are 55 years of age or older and where the following are provided consistent with the purposes of the Illinois Assisted Living and Shared Housing Act effective January 1, 2001, as amended:

1. services consistent with a social model that is based on the premise that the resident's unit in assisted living and shared housing is his or her own home;
2. community-based residential care for persons who need assistance with activities of daily living, including personal, supportive, and intermittent health-related services available 24 hours per day, if needed, to meet the scheduled and unscheduled needs of a resident;
3. mandatory services, whether provided directly by the facility or by another entity arranged for by the facility, with the consent of the resident or resident's representative; and
4. a physical environment that is a homelike setting that includes the following and such other elements as established by the Illinois Department of Public Health in conjunction with the Assisted Living and Shared Housing Advisory Board: individual living units each of which shall accommodate small kitchen appliances and contain private bathing, washing, and toilet facilities, or private washing and toilet facilities with a common bathing room readily accessible to each resident. Units shall be maintained for single

occupancy except in cases in which two (2) residents choose to share a unit. Sufficient common space shall exist to permit individual and group activities.

Assisted Living Facility does not mean any of the following:

1. A home, institution, or similar place operated by the federal government or the State of Illinois.
2. A long term care facility licensed under the Nursing Home Care Act. However, a long term care facility may convert distinct parts of the facility to assisted living. If the long term care facility elects to do so, the facility shall retain the Certificate of Need for its nursing and sheltered care beds that were converted.
3. A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness and that is required to be licensed under the Hospital Licensing Act.
4. A facility for childcare as defined in the Child Care Act of 1969, as amended from time to time.
5. A community living facility as defined in the Community Living Facilities Licensing Act.
6. A nursing home or sanitarium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer in accordance with the creed or tenets of a well-recognized church or religious domination.
7. A facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act.
8. A supportive residence licensed under the Supportive Residences Licensing Act.
9. A life care facility as defined in the Life Care Facilities Act: however, a life care facility may apply to convert sections of the community to assisted living.
10. A free-standing hospice facility licensed under the Hospice Program Licensing Act.
11. A shared housing establishment.
12. A supportive living facility as described in Section 5-5.01(a) of the Illinois Public Aid Code.

Attention-Getting Device. Any pennant, flag, valance, banner, propeller, spinner, streamer, search light or similar device or ornamentation designed for purpose of attracting attention, promotion or advertising.

Awning. A roof-like cover or canopy that is temporary in nature and projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

Basement. A portion of a building having more than one-half (1/2) of the distance between floor and ceiling below the average level of the adjoining ground. A basement shall be counted as a story if subdivided and used for dwelling or business purposes.

Bed And Breakfast. (See *Tourist Home*).

Bedroom. Term includes any room typically used principally for sleeping purposes, a study or a den.

Berm. A mound of earth or the act of pushing earth into a mound. Also used as a verb to describe the act of building a mound of earth for screening or a landscape buffer.

Best Management Practices (BMP's). Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Block. A tract of land bounded by streets or by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways or boundary lines of the corporate limits of the Village of Winnebago.

Boarding House. A private dwelling in which at least two, but not more than three, rooms are offered for rent and table board (food) is furnished only to roomers, and in which no transients are accommodated.

Bond. Financial instrument guaranteeing the construction, completion, maintenance, removal or some other action affecting a public or private improvement.

Buffer Yard, Buffer Area, Buffer Strip. A landscaped area intended to separate and partially obstruct the view between two (2) adjacent land uses or properties from one another or to shield or block noise, lights, or other nuisances.

Building. A structure with substantial walls and a roof, securely affixed to the land, entirely separated on all sides from any other structure by space or by walls in which there are no communication doors, windows, or openings, and which is designed or intended for the enclosure, shelter or protection of persons, animals or other property. The term includes both the above ground and the below ground portions of the structure, as well as gas or liquid storage tanks. All forms of vehicles, even if immobilized, are excluded from this definition.

Building Setback Line. The required minimum horizontal distance between the closest point of an exterior wall of a building or any projection thereon and the related front, side, or rear lot line in which the erection of a building is prohibited.

Building, Front Line of. The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered, enclosed porches, but does not include steps.

Building, Height of. The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

Building, Principal. A building which accommodates the main use of the zoning lot on which said building is situated.

Building, Accessory. A building which is subordinate to and serves a principal building or use. An accessory building is subordinate in size, extent, and/or purpose to the principal building or use and contributes to the comfort, convenience and/or necessity of the occupants of the principal building or use being served.

Buildable Area. The area of a lot or parcel remaining after yard and other minimum open space requirements of this ordinance have been satisfied.

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

Canopy. A roof construction or cantilevered roof, free of enclosing walls, over an entrance to a building or a gasoline pump island.

Carport. A structure attached to or made a part of the main structure, and which is open to the weather on at least two sides, intended for the use of sheltering not more than two motor-driven passenger vehicles.

Car Wash. A structure or portion thereof, containing facilities for washing private passenger vehicles, using automatic methods with a chain conveyer, blower, steam cleaning device, or other mechanical devices; or providing space and equipment for the washing, cleaning, or polishing of passenger vehicles, whether by customer or the operator; but not including truck wash facilities.

Certify. Whenever this ordinance requires that some person or agency certify the existence of some fact or circumstance to the Village, such certification shall be in the form of a letter or other written document.

Change of Use. An alteration by change of use in a building or a tract of land, heretofore existing, to a new use which imposes other provisions of this ordinance or the Building Code governing building construction, equipment or means of egress.

Child Day Care. Any facility, other than those exempted pursuant to 225 ILCS 10/2.09, which regularly provide day care for less than 24 hours per day for more than 8 children in a facility other than a family home, including, but not limited to, senior citizen buildings.

Church or Place of Worship. An institution that people regularly attend to participate in or hold religious services, meetings, and other related activities. The term shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

Circulation Area. That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Club or Lodge. A private association of people organized for a common purpose and usually characterized by certain membership qualifications, payment of dues, regular meetings, and by-laws, which jointly meet in a building or on a lot or parcel which is owned or leased by the club or lodge to pursue common goals, interests, or activities.

Collector Street. Collector streets shall be those streets within the Village not otherwise identified as an arterial street.

Commercial Use. An occupation, employment, or enterprise that is carried on for a profit by the owner, lessee, or licensee.

Common Open Space. An open space area within or connected to a developed site, which is managed and designed for the use, benefit or enjoyment of all residents and owners of the development.

Community Center. A place, building, or structure that is used for meeting, recreation, or social activity, that is not operated for profit, where neither alcoholic beverages or meals

are normally disbursed, and which is generally open to the public and designed to accommodate and serve significant segments of the community.

Community Based Housing. Housing for more than three unrelated handicapped individuals per dwelling unit, except any individual whose tenancy would constitute a direct threat to the health or safety of other individuals, or whose tenancy would result in substantial physical damage to the property of others. Neither the term “handicapped individual” nor the term “handicapped” shall apply to an individual solely because that individual is a transvestite. The term “handicapped” means, with the respect to an individual:

1. a physical or mental impairment that substantially limits one or more major life activities of such individual;
2. a record of having such impairment; or
3. being regarded as having such impairment; but does not include current, illegal use of or addition to a controlled substance.

Comprehensive Plan. The official comprehensive plan (or “adopted segments of the comprehensive plan,” “adopted plans” and “plans” and all such terms as used herein), as amended and revised, adopted by the Village of Winnebago pursuant to Chapter 65 of the Illinois Compiled Statutes, Article 11, Division 12.

Condominium. The individual ownership of dwelling units or occupancy units that are located on a lot or lots jointly owned in common by said owners, or a means of ownership consisting of an individual interest in common with other purchasers in a portion of real property, together with a separate interest in space in a building and/or separate interest in other portions of such real property. A condominium is not a building or housing type, but rather a form of ownership.

Conservation Area. Any parcel or area of undeveloped land, including those characterized by steep slopes, wetlands, flood plains, high water tables, wooded areas with mature and/or rare tree species, endangered species habitat, or areas of significant biological productivity or uniqueness, and which have been designated for protection from any activity that would significantly alter its ecological integrity, balance, or character. A “conservancy area” or “conservation area” is preserved, restored, and maintained in its natural state for perpetuity through deed restrictions, covenants, easements, or similar legal measures.

Construction Activity. Activities subject to NPDES Construction Permits. Currently these include construction projects resulting in land disturbance of 5 acres or more. Beginning in March 2003, NPDES Storm Water Phase II permits will be required for construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Contiguous. In contact with, abutting, adjoining, or touching another parcel or structure.

Contiguous Land. A tract of land which shares all or a part of a common lot or property line of at least thirty (30) feet with another tract of land, as well as land parcels which are next to each other, abutting, or touching, and having a common boundary, or portion thereof, of at least thirty (30) feet which is coterminous. Tracts of land connected by a point are not considered contiguous.

Convenience Store. Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross

floor area of less than 7,500 square feet. Convenience stores differ from other retail commercial uses in their operating characteristics and potentially adverse neighborhood effects (i.e., hours of operation, traffic generation and turning movements, noise, litter and lighting).

Court. An open unoccupied space bounded on two or more sides by the exterior walls and lot lines.

Court, Inner. A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable.

Coverage. That percentage of the plot or lot area covered by the building area.

Cul-de-Sac. A local or sub-local street, one end of which is closed, and consists of a circular turnaround at its terminus for the safe and convenient reversal of traffic movement.

Day Care Center. A building or facility or group of buildings licensed by the Illinois Department of Children and Family Services, which provides care and supervision on a regular basis at least twice a week for twelve or more children. For purposes of this ordinance, a "day care center" does not include a building or facility or group of buildings serving children who have reached the age of three and which is operated by a school or similar institution registered with the Illinois State Board of Education or operated by a church or religious institution.

Day Care, Home. The care of at least three (3) but not more than eight (8) children for less than twenty-four (24) hours per day, located in a residence and licensed by the Illinois Department of Children and Family Services. The maximum number of children permitted includes the family's natural, foster or adopted children and all other persons under the age of twelve. For purposes of this ordinance, "home day care" does not include residences or facilities which receive only children from a single household. A "home day care" facility is an accessory and secondary use of a residential premise.

Day Nursery and Nursery School. Premises operated for the care and education of young children below the age of six.

Deck. A level, unenclosed platform serving as a floor, located above the finished grade, and adjoining or attached to a building. A deck has no solid walls other than the wall of the building to which it may be attached.

Density. The number of dwelling units per net acre of land. Net acreage is defined as the site area less all land allocated to street rights-of-way. With private streets, the equivalent of public rights-of-way for these streets shall be deducted from gross acreage. If there is a question regarding the width and length of such equivalent rights-of-way, the Village Engineer shall render a determination.

Developer. The individual or entity applying for subdivision approval or similar land use approvals, and/or responsible for providing required public and private site improvements.

Development. Development does not include routine maintenance of existing buildings and facilities; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, or construction levies. Development is any manmade changes to real estate including:

1. Construction, reconstruction, or placement of a building, or any addition to a building, exceeding 70 square feet in floor area;
2. Substantial improvement (see definition hereinbelow) of an existing building;
3. Installation of a manufactured home on a site, preparing a site for a manufactured home;

4. Installation of utilities, construction of roads, bridges, culverts or similar projects;
5. Construction or erection of levees, dams, walls or fences;
6. Drilling, mining, filling, dredging, grading, excavating, paving, or other non-agricultural alterations of the ground surface;
7. Storage of materials including the placement of gas and liquid storage tanks; and
8. Channel modifications or any other activity that might change the direction, height, or velocity of floodwaters or surface waters.

Development Agreement. A written agreement executed by the Village and the developer in which the provision and installation of public improvements is addressed.

District Zoning. The divisions of land shown on the zoning map of the Village and located within the corporate areas of the Village of Winnebago, in which regulations governing the use of land are uniform. The terms “zone”, “district”, and “zoning district” are synonymous when used to refer to areas where the character and intensity of land use are regulated by this ordinance.

Drive-Up Facility. A facility or establishment which is designed, intended or used for transaction of business with customers in automobiles. A drive-up facility may be the principal or an auxiliary function of the business. A drive-up facility does not include mail or parcel collection boxes.

Driveway. An open area of land other than a street, sidewalk, or other public way permitting ingress from a public street or alley or other public right-of-way to public or private property, the principal use of which is for the standing, parking, loading or unloading of a motor vehicle.

Dwelling. A building or portion thereof, but not an automobile house trailer, designed exclusively for residential occupancy for one or more families, including one-family dwelling units, two-family dwelling units and multiple-family dwelling units, but not including motels, hotels, boarding houses, lodging houses, or tourist homes.

Dwelling, One-Family. A detached building designed for or occupied exclusively by one (1) family.

Dwelling, Two-Family. A detached building containing two dwelling units.

Dwelling, Multi-Family. A dwelling or group of dwellings on one plot containing separate living units for three or more families living independently of each other as a single, non-profit housekeeping unit.

Easement. A strip of land for which rights have been granted for a specified use or purpose, including, but not limited to: access, utilities, drainage, conservation, agriculture, or other specified activity or impact.

Electronic Banking Facilities. An unmanned banking station at which a client can access accounts, make deposits, withdraw cash, or perform other banking and financial functions. Such facilities are commonly called “Automatic Teller Machines”. Wall-mounted units intended strictly for pedestrian access, or interior units, shall be considered accessory to any commercial or industrial use. Wall mounted or freestanding Electronic Banking Facilities intended as drive-up or drive-through units shall be allowed as a special use in any commercial or industrial zoning district. (Special Permitted Use)

Family. One or more persons related by blood, marriage, or adoption, occupying a dwelling and living as a single housekeeping unit and doing their own cooking on the premises, including not more than two (2) boarders or lodgers.

Farm. Any parcel of land containing at least ten (10) acres which is used for gain in the raising of agricultural products, livestock, poultry, and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of fur bearing animals, riding academies, livery or boarding stables, and dog kennels.

Fence. A free standing structure of metal, masonry, composition or wood or any combination thereof permanently installed by being partially buried in the ground and rising above ground level, and used for confinement, screening, or partition purposes.

Final Plat. A map and any accompanying material prepared by the subdivider and approved by the Village in accordance with the provision of Article 8 of this ordinance to be recorded as a subdivision.

Fire Hazard. Any area of land, including the structures thereon, that is used or intended to be used for manufacturing processes of, or the storage use or manufacture of materials or products of combustible nature. Such uses include, but are not limited to, ammunition storage, bakeries, building material establishments, cleaning plants, coal & coke yards, contractor's plant or storage yards, foundries or forges, feed establishments, freight yards or terminals, junk yards, laundries, lumberyards, paint stores and shops, potteries, paper storage, welding shops, warehouses, wholesale houses and the storage, use or manufacture of explosive gases, liquids or solids.

Floodplain. An area subject to inundation during an identified storm event.

Floor Area. The sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the center-line of common walls, but not including garages, unenclosed porches, and cellar or basement space.

Floor Area Ratio. Floor area of all buildings on a lot divided by the lot area (Floor Area/Lot Area = Floor Area Ratio).

Foundation, Permanent. A structural building support extending from below the frost line up to the structure and made of cast-in-place concrete, concrete blocks mortared together or other material approved by the Village Building Official, as allowed by the Village ordinances and building codes.

Frontage. (1) When referring to a building, the term "frontage" means the side of a building oriented toward an open space containing the entrance used by general public.

(2) When referring to land, the term "frontage" means the length which the land shares a common border with a public highway or street.

Garage, Private. A detached accessory building or portion of the primary building or structure, designed, used, or intended for the storage of the occupant's non-commercial motor vehicles. The term "garage" includes the term "carport".

Garage, Public. Any building or other place where vehicles or vessels are kept and stored, and where a charge is made for the storage and keeping of vehicles and vessels.

Gasoline Station. Any area of land containing structures thereon that is used for the supply and dispensing of retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories, and which may or may not include facilities for lubricating, washing, or otherwise servicing motor vehicles.

Golf Course/Golf Club/Country Club. A land area and building containing recreational facilities, clubhouse, and usual accessory uses, sometimes open only to members and their guests for a membership fee.

Grade. The slope of a road, street, or other public way, specified in percent (%) and shown on street profile plans as required herein.

Grade, Established. The elevation of the center line of the streets as officially established by the village authorities.

Grade, Finished. The average level of the finished completed surfaces of lawns, walks and roads brought to the grades shown on official plans or designs relating thereto.

Grade, Natural. The elevation of the ground surface in its natural state, before any development, except agricultural operations.

Greenbelt Planting Strip. A cultivated strip of ground of width specified and planted with such plant materials that will, at maturity, grow to an average height or greater than the specified height.

Group Home. A dwelling unit serving not more than twenty (20) persons used as an alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse or for treatment of a communicable disease. This definition does not include Community Based Housing.

Habitable Space. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Health Care Facility. A facility or institute, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity, or physical condition, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, outpatient clinic, dispensary, home health care agency, and bio-analytical laboratory or central services facility serving one (1) or more institutions, but excluding institutions that provide healing solely by prayer.

Height. The vertical distance measured from the average grade of the base of the structure at ground level to its highest point and including the main structure and all attachments thereto or as otherwise provided in this ordinance.

Home Day Care. (See Day Care, Home) A family home which receives more than 3 and up to a maximum of 8 children for less than 24 hours per day, with the number counted including the family's natural or adopted children, and all other persons under the age of 12 years.

Home Occupation. Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. The conducting of a clinic, hospital, barber shop, beauty parlor, tea room, tourist home, animal hospital or any similar use shall not be deemed to be a Home Occupation.

Homeowners' Association. A private, nonprofit corporation of homeowners that operates and maintains various common properties of a subdivision or development.

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

Hostel. A transient accommodation offering lodging and limited services, that may include the use of a common kitchen, to guests on a daily or weekly basis in exchange for a rental fee, labor, or a combination of rental fee and labor.

Hotel, Motel, or Motor Hotel. A facility offering transient lodging accommodations on a daily rate to the public and providing additional services, such as restaurants, meeting rooms, and recreational facilities.

Household. A group of not more than three (3) persons not related by blood, marriage, adoption or other means of legal custody living together as a single housekeeping unit in a dwelling unit.

Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 10.06.06 of this Ordinance.

Illicit Connections. An illicit connection is defined as either of the following:

1. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including, but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the Village of Winnebago or,
2. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the Village of Winnebago.

Impermeable Surface, Impervious Surface. A surface that does not absorb water or any non-vertical surface artificially covered or hardened so as to prevent or impede the percolation of water into underlying soil, including but not limited to roof tops, paved roads, driveways, walkways, and parking areas. The term “impervious surface” excludes landscaping, surface water detention and retention facilities, and utility easements.

Impound Yard. A parcel of land on which a combination of operable and/or inoperable vehicles are collected and stored until claimed by the owner or otherwise disposed of. For the purposes of this ordinance, an Impound Yard shall be considered as and classified as a Junkyard, and shall be subject to the same requirements and provisions as a Junkyard as set forth in this ordinance.

Improvement, Public. Street work (including, but not limited to, roadway, parkway, sidewalk, pedestrian way, etc.), planting strip, off-street parking area, utilities (including, but not limited to, water, sewer, electric, gas and storm drainage, etc.) or other public facilities (e.g., library, park, school, etc.) for which the Village of Winnebago may ultimately assume the responsibility for maintenance and operation.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

Intergovernmental Agreement. A contractual or other formal agreement between the Village and one or more political jurisdictions, that results in a cooperative action or activity. An “intergovernmental agreement” may be used to (1) establish a land use and

planning jurisdictional boundary between the Village and neighboring communities or to (2) establish standards and procedures for land use activity proposed between the Village and neighboring communities. Intergovernmental agreements are authorized by the Constitution of the State of Illinois and in accordance with Illinois State Statutes and the Intergovernmental Cooperation Act.

Junk. Wrecked, salvaged, or used building materials; wrecked, salvaged, or used machinery, scrap, and old iron, steel, chain, brass, copper, magnesium, aluminum, tin, lead, or other base metals, scraps of woolens, clips, bagging, rubber, and glass and empty bottles of different kinds and sizes when the number of each kind or size is less than one gross, wrecked, or dilapidated metal vehicles, engines, or machinery stored or held, paper, straw, tin cans, ashes, cinders, manure, dirt, or filth of any dead animal, fowl, or fish or any part thereof, or any litter of any kind and all articles and things discarded or no longer used.

Junkyard or Salvage Yard. A lot, or land structure, or part thereof, used primarily for the collecting, handling, dismantling, storage, salvage, exchange, or sale of waste, paper, rags, scrap metal or other discarded materials.

Kennel or Boarding Kennel. Any lot or premises, or portion thereof, whether public or private, on which more than two (2) dogs, cats and other household domestic animals are kept, maintained, boarded, bred, or cared for in return for remunerations or are kept for the purpose of sale.

Land Banking. The purchase, acquisition, or designation of land for use or development at a later date. The reservation of land for land banking purposes does not involve any transfer of property rights, but constitutes an obligation to keep property free from development for a stated period of time. Such land may be used at a later date for public purposes, such as a park or school site, or for private purposes, such as parking lots or detention.

Landscaped Area. An area that is permanently devoted and maintained to the growing of shrubbery, grass and other plant material.

Landscaping.

1. Any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property and/or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.
2. Changing or modifying natural features of a site so as to make it more attractive and desirable by adding lawns, trees, shrubs, ornamental plantings, fencing, walks, drives, or other structures and materials as used in landscape architecture.
3. Changing, rearranging or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation or adding vegetation.

Letter of Credit. A security instrument required by the Village to ensure that necessary land improvements will be installed and function, as required, and in accordance with approved plans and specifications, for a specific period of time.

Living Space Ratio. The square footage of open space, less the space used for vehicular movement, that exists for each square foot of building floor area.

Loading Space, Off Street. A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks. Each loading space shall be at least ten (10) feet wide, thirty (30) feet long and fourteen (14) feet high located within the structure, or within a side or rear yard, or within an access drive or aisle of a required off-street parking space.

Lot. A portion of a subdivision or other parcel of land established for transfer of ownership or for building development, whether immediate or future. A parcel of land occupied or intended for occupancy by a use, including principal and accessory buildings, the open spaces and parking spaces required by this ordinance, and having its principal frontage upon a street or upon an officially approved place.

Lot, Area. The entire horizontal land area of a zone lot, measured in gross square feet, contained inside the lot lines of a lot or site.

Lot, Corner. A lot abutting upon two (2) or more streets at their intersection the interior angle of such intersection not exceeding 135 degrees.

Lot Coverage. The area of a zoning lot occupied by the principal building and accessory structures.

Lot, Depth of. The mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot line.

Lot, Double Frontage or Through. A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot. On a "through lot" both street lines shall be deemed front lot lines.

Lot, Flag. A lot with access provided to the bulk of the lot by a narrow corridor of property.

Lot Key. A lot located between two corner lots which are fronting on other streets

Lot Line. A line dividing one lot from another or from a street or any public place.

Lot Line, Front. (See Yard, Front). On an interior lot, the lot line abutting a street; or, on a corner lot, the shorter lot line abutting a street; or, on a through lot, the lot line abutting the street providing the primary access to the lot; or, on a flag lot, the interior lot line most parallel to and nearest the street providing access.

Lot Line, Rear. (See Yard, Rear) A lot-line which is opposite and most distant from the front lot line and, in the case of irregular lot lines, triangular or gore shaped lots, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot Line, Side. (See Yard, Side) Any lot boundary not a front or rear lot line.

Lot Line, Zero. The setback of a building when such building is located on a lot so that one or more of its exterior walls rests directly on a side lot line.

Lot, Nonconforming. Any lot containing less than the required square footage, or other requirements as specified in this article.

Lot, Width of. The mean width measured at right angles to its depth.

Lot of Record. A lot which is part of a subdivision or a parcel of land whose boundaries have been established by some legal instrument, and is shown on a map or plat thereof, which has been legally approved by the Village Board and recorded in the office of the Recorder of Deeds of Winnebago County. A "Lot of Record" may or may not coincide with a zoning lot.

Lot, Zoning. A single tract (or combination of tracts) of land located within a single block, which (by filing and recording an affidavit for the use of more than one lot at the time of application for a building permit) is designated by the owner or developer as a tract to be

used, developed or built upon as a unit under single ownership or control. A zoning lot or lots may or may not coincide with a "Lot of Record."

Lumber Yard. An establishment where the principal activity is the retail and wholesale sale of wood products and generally involving outdoor storage of building materials and supplies.

Maintenance Agreement. A legally enforceable agreement guaranteeing the maintenance of a public or private improvement for a specified period of time.

Manufactured Home. A dwelling unit designed for long-term human habitation that is manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Home Construction and Safety Standards Act where all parts and systems have been fabricated and assembled at a factory into at least two (2) finished, transportable components which are designed to be temporarily attached to a wheeled carriage for transportation to the building site and then joined for use on a permanent foundation. A manufactured home is at least twenty (20) feet in width at its narrowest point, is installed on a foundation system in compliance with the Village's building code, is covered with exterior materials customarily used on conventional dwellings, has a roof with a pitch and materials customarily seen on conventional dwellings, is convertible to real property, and is taxed as a site-built dwelling as provided by law.

Manufactured Home Park. Any size, lot, or tract of land upon which two (2) or more occupied manufactured homes are harbored, either free of charge, or for revenue purpose.

Market Value. Value as determined by the by the Winnebago County Assessor or other qualified real estate appraiser.

May. The term "may" when used in this ordinance, is to be construed as permissive.

Mezzanine(s). An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third of the area of the room in which the level or levels are located.

Mobile Home. A transportable factory-built home designed to be used as a year-round residential dwelling with a permanent foundation, which is less than twenty (20) feet in width at its narrowest point, was built on a chassis with wheels on axles permanently attached to its body or frame, and does not have facade or roof design customarily seen on conventional dwellings.

Mobile Home Park. Any parcel or parcels, under single ownership or control, with spaces designated for long-term residential use and intended for rent or lease where the residences are comprised of mobile homes.

Mobile Home Subdivision. A tract of land, subdivided into lots, designated and developed for long-term residential use and intended for sale where the residences are comprised of mobile homes.

Modular Home. A factory-built home certified as meeting the Village's building codes as applicable to modular housing and subject to the same standards as site-built homes.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. Permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-conforming Situation. A situation that occurs when, on the effective date of this ordinance, or amendment thereto, any existing lot or structure or use of an existing lot or

structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a non-conforming situation may arise because a lot does not meet minimum size requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this ordinance, or because land or buildings are used for purposes made unlawful by this ordinance. Non-conforming signs shall be regarded as non-conforming situations for purposes of this ordinance.

Non-conforming Use. A use of a structure or of land that was lawful at the time of construction either by being constructed prior to the adoption of this article or prior zoning ordinances, or consistent with this article or prior zoning ordinances at the time of construction, but which use is now prohibited or restricted under the provisions of this article, as amended. A non-conforming use does not include a use that is inconsistent with this article and was inconsistent with this article or prior zoning ordinances at the time of its creation.

Non-conformity, Dimensional. A non-conforming situation that occurs when the height of a structure, or the relationship between an existing building or buildings and other buildings or lot lines, does not conform to the regulations applicable to the district in which the property is located.

Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

Nuisance. The interference with the normal enjoyment and use of property. Nuisances, as referred to in this Ordinance include, but are not limited to, smoke, odors, liquid wastes, solid wastes, radiation, noise, vibration, glare or heat.

Nursing Home, Rest Home, Sheltered Care Facility. Any dwelling where persons are housed or lodged and furnished with meals and nursing care for hire. An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care of children, the aged, or the infirm who by reasons of chronic illness or infirmity are unable to care for themselves. The treatment of disease or injuries or for surgical care, or for the treatment of maternity or mental illness are specifically excluded but are considered included under Hospital.

Office. A room or group of rooms used for conducting the activities of a non-retail business, profession, service industry, or government, and generally furnished with desks, tables, files, and communications equipment.

Office Park. A large tract of land that has been planned, developed, and operated as an integrated facility for several separate office buildings and supporting ancillary uses with special attention given to circulation, parking, utility needs, aesthetics, and compatibility.

One-Hundred (100) Year Flood. A flood, the magnitude of which has a one percent (1%) chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred (100) years.

Open Space. An unoccupied space on the same lot with the building open to the sky that provides light and air, and is designed for environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and

water courses. Open space shall not include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

Open Space, Common. Open space within or related to a development, not in individually owned lots, but designed and intended for the common use or enjoyment of the residents of the development. This term is synonymous with common ground, common land, and common area when used in the appropriate context.

Open Space Ratio. The square footage of site "open space" provided for each square foot of building floor area.

Outdoor Advertising. An outdoor sign, display, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing designed, intended, or used to attract attention, advertise or inform, any part of the advertising or information contents of which is visible from any point of any public right-of-way.

Outdoor Storage. The keeping, in an enclosed area, of any goods, junk, material, merchandise or vehicles, in the same place for more than twenty-four (24) hours but not including the temporary outdoor display of seasonal goods or merchandise for sale.

Outlot. A lot within a subdivision created solely as open space, for public utility facilities, or for a similar use, and for which a building permit shall not be issued.

Overlay District. A type of zoning district that modifies another underlying zoning district. Property having an overlay zoning designation also has an underlying basic zoning designation. The overlaying zoning designation has a set of regulations which add an additional layer of design provisions and approval procedures to an underlying zoning district.

Owner. Any person, firm, association, syndicate, partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

Parcel. Any existing area of land under single ownership that may be transferred according to applicable laws and ordinances without further surveying or platting being required.

Park. Any public or private land available for recreational, educational, cultural, or aesthetic use.

Parking Area. An open, hard-surfaced area of land, other than a street of public way, the principal use of which is for the storage (parking) of passenger automobiles or commercial vehicles under three-ton capacity by the public, whether for compensation or not, or as an accommodation to clients or customers. A residential yard shall not be considered an allowable parking area.

Parking Space, Off-Street. An area being a minimum of eight (8) feet wide and twenty (20) feet long on a lot exclusive of access drives and turning areas, located within accessory garage or parking structure, or in a side or rear yard, properly graveled or paved and maintained for the use of temporary parking of a personal vehicle. This term is used interchangeably with parking stall. Each parking space must have a means of access to a street. Tandem parking stalls in single-family and two-family residential uses shall be considered to have a means of access to a street so long as no vehicle is parked partially or fully within a street right-of-way. For this definition, tandem parking will be considered to be parallel parking.

Parking Structure. A building designed and used for the storage of four (4) or more vehicles; such a building may be operated as a business enterprise or as a public service,

with or without charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

Parkway. Land between a property line and the curb of a street, or in the absence of a curb, between the property line and the nearest edge of the street pavement. The “parkway” is usually used for planting grass, low ground cover, and/or street trees.

Patio. A level, unenclosed hard-surfaced area located at grade and usually adjoining or attached to a building.

Paved Surface. A surface paved with asphalt, concrete.

Pedestrian-way or Crosswalk. A right-of-way across or within a block, for use by pedestrian traffic and may include utilities where necessary.

Permeable Surface. A non-vertical surface which is capable of absorbing or being penetrated by surface water, and that allows said surface water to percolate into underlying soil.

Person. Includes a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word "person" is used in any article of this ordinance prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members thereof, and as to corporations, shall include the officer, agents, or members thereof who are responsible for any violation of such article.

Planned Residential Development (PRD). A type of special use for a development which shall include all land within the project boundaries plus all of the adjacent public right-of-way, involving a related group of associated residential uses, planned as an entity and, therefore, acceptable for development and regulation as one complex land unit, whereby flexibility in the form of a variation to traditional yards, setbacks, lot shapes and sizes, or other development standards, may be allowed in order to provide for the orderly development of land areas that may not lend themselves to standard lot creation through the subdivision process. In exchange for such flexibility, a much higher level of site design and architectural control than normally required for other developments is involved through requiring at a minimum, binding site, landscape, architectural, and signage plans approved on a case-by-case basis, and other procedural requirements applicable only to Planned Residential Developments in addition to the general requirements of Article 6 of this ordinance.

Planned Unit Development (PUD). A tract of land, the development of which is approved and authorized by Village Board ordinance, and contains two (2) or more principal buildings or has an area of two or more acres, and is developed as a single unit or under single ownership or unified control. A PUD may contain a mixture of principal uses and dwelling types and is designed specifically for the conditions on the site and to achieve a unified overall development. A PUD may not completely conform to all the regulations of the zoning district in which it is located. A PUD development should blend densities and design features with surrounding uses and may, based upon good design, combine uses not normally permitted together.

Plans. All drawings, including general plans, cross sections, profiles, working details, and specifications that the applicant is required to prepare to show the character, extent, and details of proposed improvements.

Plat. A map, plan or layout of a parcel or parcels of land, indicating the location and boundaries of individual properties, street arrangement, or other features or details of the area being subdivided as required in this ordinance for preliminary and final approval and recording.

Plat Act. The Plat Act (765 ILCS 205/1 *et. seq.*, as amended from time to time) as set forth and contained in the Illinois Compiled Statutes.

Plat, Conceptual. Also referred to as “conceptual plan”, this shall mean a general sketch of a proposed subdivision or development site with enough accuracy and detail to indicate major design features, and to be used for purposes of discussion and review.

Plat, Final. A map prepared by an Illinois Registered Land Surveyor and depicting all or a portion of a subdivision, and that has been prepared for purposes of obtaining Village approval, and recording with the Winnebago County Recorder.

Plat of Survey. A document prepared by an Illinois Registered Land Surveyor that depicts a tract of land and its boundaries and legal description, or the location of individual properties and streets.

Plat, Preliminary. A detailed map or site plan indicating a proposed subdivision layout that has been prepared for submittal to the Village in order to obtain preliminary approval of said subdivision layout.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Preliminary Map. A map showing the salient features of a proposed subdivision, submitted to the Planning and Zoning Commission for purposes of preliminary consideration.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

Project Review. The process through which appearance and design approval is provided for all private development projects, with the exception of single family detached residences or duplex dwellings. Regulations and standards approved by the Village Board, including but not limited to those pertaining to appearance of buildings and structures, site landscaping, site lighting, building and structure materials, and colors form the basis of this review process.

Public Hearing. A meeting announced and advertised in advance and open to the public, with the public given an opportunity to speak and participate pursuant to state and local laws.

Public Notice. The advertisement of a public hearing in a paper of general circulation, and through other media sources, indicating the time, place, and nature of the public hearing, and where the application and pertinent documents may be inspected.

Public Utility. Any person, firm, corporation, or municipal department, duly authorized to furnish under municipal regulation to the public, electricity, gas, steam, telephone, telegraph, transportation, or water.

Railroad Hub Facility. Intermodal rail yards and facilities; marshalling yards; transload facilities; automotive loading, unloading and parking; railroad storage, switching, or classification yards; locomotive, railroad car, crane, container and/or intermodal equipment repair, washing, fueling, and cleaning facilities; off-street public and private parking (including trucks and truck trailers); offices and office buildings; indoor and/or outdoor storage, including, without limitation, trailer, material storage, and container storage facilities; antennae and antennae towers, dishes and appurtenances thereto (including, without limitation, microwave, cell, radio, TV, or other transmission and reception); crew and employee change, housing, and dining facilities; employee training facilities; gate stations, lighting standards and towers; cross dock facilities; warehouse; motel; restaurant; gas and oil station; truck and automotive repair facilities.

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

Recommendation. An official position taken by staff, the Planning and Zoning Commission, and/or any other body that advises the Village Board or other authority to approve with or without conditions, to deny, and/or to take no action on a development proposal or some similar issue.

Recreational Vehicle. A vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle.

Recycling Collection Point. An accessory use that serves as a neighborhood drop-off point for temporary storage of recoverable resources; this use does not include processing of such items.

Recycling Plant. A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books and other paper products; glass; metal cans; and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

Remodel, Remodeling. To remake or redecorate the interior or exterior of a structure, upgrading and/or changing of electrical, mechanical, and plumbing systems, or making cosmetic changes to the exterior of a structure, without making structural alterations or increasing the size of a structure.

Replacement Cost. The current market price to replace an existing, or previously destroyed, damaged asset with one comprised of materials of like kind and quality, without any deduction for depreciation.

Required. Shall be construed to be mandatory by provisions of this ordinance.

Restaurant. An establishment whose sole business is the sale of food or beverage to customers for consumption on the premises. The food is consumed only on the premises and all dishes are cleared by the staff of the establishment in preparation for the next customer.

Restaurant, Carry Out. An establishment whose principal business is the sale of food or beverages to the customer in the ready-to-consume state for consumption off the premises.

Restaurant, Drive-In. An establishment whose principal business is the sale of food or beverages in the ready-to-consume state, all or part of which is served directly to the customer in a motor vehicle.

Restaurant, Fast Food. Any establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or carry-out, and where either:

1. Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed; or
2. The establishment includes a drive-through service facility or offers curbside service.

Retirement Community. A residential complex containing dwellings designed for and principally occupied by residents 55 years of age or older. Such facilities may include any housing form, including single family detached and attached dwellings, duplex dwellings, and apartments, but do not provide institutional care such as medical or nursing assistance.

Retreat. A transient accommodation intended to provide seclusion, meditation, contemplation, religious activities, training, or similar activities.

Rezoning. A process whereby the zoning designation of a piece of land is changed by the Village Board from one district to another. A rezoning requires the adoption of an ordinance by the Village Board, which ordinance provides for the change in zoning status.

Right-of-Way. A strip of land acquired by reservation, dedication, prescription, or condemnation, and occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water main, sanitary or storm sewer main, and any other special use. The usage of the term “rights-of-way” for land platting purposes in the Village of Winnebago shall mean that every plat is to be separated and distinct from the lots or parcels adjoining such rights-of-way, and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Roadway. A surfaced portion of the street available for vehicular traffic.

School, Private. An institution conducting regular academic instruction at kindergarten, elementary, junior high and senior high school levels, operated by non-governmental organizations, which programs are accepted by the State of Illinois in lieu of public instruction.

School, Public. A public institution conducting regular academic instruction at the kindergarten, elementary, junior high, and senior high school levels equivalent to the standards prescribed by the School Code of Illinois.

Screen. To visually shield or obscure any abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Self-Service Storage Facility. A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customer's goods or wares.

Service Station. A gasoline station or fueling station, a portion of which is used for the repair or replacement of engines, transmissions, differentials, drive trains, or any part thereof, in addition to the replacement of parts, service, and incidental repairs to motor vehicles, but excluding operations specified under “Vehicle Repair Facility.”

Sewage Disposal System, Individual. A septic tank seepage tile sewage disposal system or any other sewage treatment device approved by the Village Engineer as being in accordance with the rules of the Winnebago County Health Department.

Sexually-Oriented Arcade. Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

Sexually-Oriented Bookstore or Sexually-Oriented Video Store. A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one of more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, or video reproductions, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or
2. Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of materials depicting or describing specified sexual activities or specified anatomical areas and still be characterized as a sexually orientated bookstore or sexually orientated video store. Such other business purposes shall not serve to exempt such commercial establishment from being characterized as a sexually orientated bookstore or sexually orientated video store so long as one of its principal business purposes is offering for sale or rental for consideration the specified materials which depict or describe specified sexual activities or specified anatomical areas.

Sexually-Oriented Materials. Movies, films, slides, animated pictures, pictures, photographs, books, videos, DVDs, and computer software which show contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or any animal or object into the sex organ or anus of another person, including but not limited to cunnilingus, fellatio, or anal penetration, also, artificial devices which are similar in appearance to male or female sexual organs; excepting those materials which are available as a reference in a public library, or accredited educational facility or school, or as used in connection with counseling, therapy, or treatment by a state licensed medical or mental health facility or person.

Shade Tree. Any tree with a canopy spread equal to a width of at least fifty percent (50%) of the height of the tree.

Shall. The term "shall", when used in this ordinance, is to be construed as “mandatory.”

Shopping Center. A separate and distinct commercially used area under single ownership or unified control, including one (1) or more separate business establishments.

Sidewalk. That portion of a street or crosswalk, paved or otherwise surfaced, for pedestrian use only.

Sign. A sign is any structure or part thereof, or any device attached to, painted on, or represented on a building or other structure, on which is displayed or included any letter, work, model, banner, flag, pennant, insignia, decoration, device, or representation used as an announcement, direction, advertisement, or other attention directing device. A "sign" does not include a similar structure or device located within a building except for illuminated signs within windows visible from the street. A "sign" includes any billboard, but does not include the flag or cloth pennant or insignia or any nation or association of nations, or of any state, city, or other political unit, or of any political, charitable, educational, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event.

Sign, Temporary. A sign not permanently affixed to the ground or any structure, including, but not limited to, A-frame signs, T-shaped and inverted T-shaped signs, or any sign intended to be displayed for a limited period of time. Temporary signs include, but are not necessarily limited to, real estate, garage sale, special event, construction, election, yard sale, demonstration sign, and similar signs intended for a temporary period of posting, only to the extent such signs are not permanently affixed to the ground or any structure.

Sign Area. The entire area of the actual sign, as measured along the exterior dimensions.

Sign Permit. Written authorization issued by the Village for the erection, installation, or display of a specific sign on any property within the Village in accordance with the regulations of this ordinance.

Site Coverage. The area of the site which is covered by buildings, driveways, parking lots, and loading areas, but excluding open spaces, plazas, pedestrian circulation, and unpaved buffer areas.

Site Plan. A scale drawing showing the relationship between the lot lines and their uses, buildings, or structures, existing or proposed on a lot, including such details as parking areas, access points, landscaped areas, building areas, setbacks from lot lines, building heights, floor areas, densities, septic tank tile fields, utility lines and currents, or a special or particular use.

Snout House. A single-family detached or two-family structure where an attached or detached front load garage extends five feet or more beyond the front wall of said structure and dominates the streetscape. For purposes of this definition, the term "front wall" shall mean that portion of the house closest to the front yard setback line and used for living purposes.

Special Use. A use that would not be appropriate generally or without restriction throughout the zoning district but, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to public health, safety, or general welfare.

Special Service Area (SSA). An area which is subject to taxes levied or imposed for the provision of special services to said area. Under no circumstances shall the provision of such special services by the Village constitute an acceptance of or assumption of responsibility by the Village for any personal property or real property within the special

service area. Special service areas are authorized by the Constitution of the State of Illinois and in accordance the provisions of the Special Service Area Tax Law Act, 35 ILCS 200/27-5 et. seq.

Storm Drainage System. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Storm Water Pollution Prevention Plan. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Storm Water, Storm Water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Story.

1. "Story" means that portion of a building included between the surface of any floor and the surface of the floor or roof next above. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each 14 feet or fraction thereof.
2. For purposes of building height measurement, the term "story" means the vertical distance from top to top of two successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists, or, where there is not a ceiling, to the top of the roof rafters.

Story, Above Grade. Any story having its finished floor surface entirely above grade except that a basement shall be considered as a story above grade when the finished surface of the floor above the basement is:

1. More than six (6) feet above the finished ground level for more than 50 percent of the total building perimeter; or
2. More than twelve (12) feet above the finished ground level at any point.

Story, Half. A story with walls no greater than eight feet (8') feet in height that includes less than one-half (1/2) the floor area of the ground floor.

Street. A public right-of-way which affords the principal means of vehicular access to abutting properties and whether designated as a freeway, expressway, thoroughfare, highway, road, parkway, avenue, boulevard, lane, place, circle, cul-de-sac, arterial, collector, local, or however otherwise designated, but excepting an alley or driveway to buildings.

Street, Half. A street bordering one or more property lines of a tract of land in which the subdivider has only allocated a part of the ultimate right-of-way width which is not permitted by this ordinance.

Street, Minor. A street other than an arterial or collector street that is intended primarily for providing low volume access to abutting properties.

Street, Private. A street that has not and will not be accepted by the Village and that is privately owned and maintained.

Street Width. The distance of a paved road surface measured from the back of the curb on one side to the back of the curb on the opposite side. Where curb and gutter

improvements are not present or not required, this term shall mean the distance of a paved road surface measured from the edge of pavement to the opposite edge of pavement.

Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including but not limited to: buildings, advertising signs, billboards, swimming pools, porches, and fences.

Subdivide. The process of dividing any parcel into two (2) or more tracts or adjusting property boundaries between two (2) or more tracts.

Subdivider. Any person, firm, association, syndicate, partnership, corporation, trust, or any other legal entity, including any duly authorized agent, who undertakes the division or proposes to undertake the division of land so as to constitute a subdivision as defined herein.

Subdivision. The division of a parcel of land into two (2) or more parcels, any of which resultant parcels is less than five (5) acres, for the purpose of ownership transfer or building improvement, or, if a new street is involved, any division of a parcel of land. The term includes resubdivision of property previously subdivided. The terms shall also apply to all planned residential developments as defined by Article 6 of this ordinance, and the utilization of a parcel of land for more than one building unless all buildings on the parcel would be permitted under Article 6 of this ordinance as applied to the parcel. The term includes any division of land that attempts to avoid the requirements of this ordinance. Where appropriate to the context, the term shall relate to the process of subdividing or to the land subdivided. Except as provided herein, the provisions of The Plat Act, 765 ILCS 205/1 et seq., do not apply and no subdivision plat is required in any of the following instances:

1. The division or subdivision of land into parcels or tracts of five (5) acres or more in size which does not involve any new streets or easements of access;
2. The division of lots or blocks of less than one (1) acre in any recorded subdivision which does not involve any new streets or easements of access;
3. The sale or exchange of parcels of land between owners of adjoining and contiguous land;
4. The conveyance of parcels of land or interests therein for use as a right-of-way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;
5. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
6. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
7. Conveyances made to correct descriptions in prior conveyances;
8. The sale or exchange of parcels or tracts of land following the division into no more than two (2) parts of a particular parcel or tract of land existing on July 17, 1959, and not involving any new streets or easements of access;
9. The sale of a single lot of less than five (5) acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided that this exemption shall not apply to the sale of any subsequent lots from the same

larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land.

Subdivision Design Standards. Refers to the Planning and Zoning Commission report of that title, which report shall be considered a statement of principles of sound subdivision design by means of which subdividers may be guided and in terms of which each subdivision shall be judged insofar as such principles are reasonable and appropriate in their application to said subdivision.

Subdivision Ordinance. Article 8 of this ordinance, and subsequent amendments thereto.

Subdivision, Minor. A subdivision of less than 5 lots, all fronting on an existing, improved street or road, and not involving any new street, road, or easement of access. Such subdivision shall not adversely affect the development of the remainder of the parcel or any adjoining parcels, and shall not be in conflict with any other portion of this ordinance.

Subdivision, Major. A subdivision not classified as a minor subdivision.

Substantial Improvement. Any reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. Substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

Telecommunications Facilities. Any cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of information as authorized by the Federal Communications Commission.

Temporary Structure. A structure that has no permanent foundation or footings and is intended to remain for a limited time, terminating upon expiration of a specified time period.

Temporary Use. A use of limited duration with the intent to terminate upon expiration of a time period.

Terminal, Bus, Train. A building or area specifically designated for the assembly and boarding and unboarding of passengers to/from buses or trains.

Terminal, Motor Freight. A building or area in which freight brought by truck is assembled and/or temporarily stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units and other trucks, are parked or stored.

Terrace. A landscape treatment of mounded earth, rock wall, railroad tie wall, or other retaining device used to modify steep grade differences on a lot, but not including a patio or deck surface.

Tourist Home. An establishment in a private dwelling that supplies temporary accommodations to overnight guests for a fee (also known as a “*Bed and Breakfast*”).

Townhouse. A dwelling unit having usually two to three stories and often connected to a similar structure by a common wall, and particularly in a planned unit development sharing and owning in common the surrounding grounds.

Tract. (see also *Lot of Record*). The term tract is used interchangeably with the term lot, particularly in the context of subdivisions, where one "tract" is subdivided into several "lots."

Traffic Impact Analysis. A report analyzing anticipated traffic and roadway conditions within and near an applicant's development.

Traffic Signs. Signs erected within public right-of-way designed to inform motorists of traffic regulations, to warn motorists of hazards, or to provide directions or locational information.

Trailer. Any portable or mobile vehicle used or designed to be used for dwelling purposes with or without wheels.

Transient Accommodation. Any facility such as a hotel, motel, condominium, resort, or any other facility or place offering three or more lodging units to guests for periods of less than thirty days and may include food service operations.

Truck Parking Area. Any land used or intended to be used for the storage or parking of trucks, tractors, truck trailers, and commercial vehicles, while not loading or unloading, and which exceed three tons in capacity.

Truck Service Center. An establishment engaged in the service or repair of automobiles, trucks, all sizes of commercial or private vehicles of more than 12,000 pounds, and reconditioning and repair of parts and accessories of such vehicles. Service and repair may include general repair, rebuilding or reconditioning of engines, vehicle collision service, body repair and frame straightening; painting and upholstering; vehicle steam cleaning; undercoating, and machining of parts.

Truck Stop. A large roadside service station, usually by a highway, designed especially for truckers as a site to stop for fuel, that, in addition to fuel pumps, typically includes a restaurant and store selling basic items, and may include sleeping and showering rooms.

Use, Manufacturing. Any building or lot used for making articles or products and employing more than four (4) persons or consuming more than sixty (60) man hours per week for manufacturing purposes.

Variance. A variance is a modification of the requirements of the ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, a literal enforcement of the requirements would result in unnecessary and undue hardship. The conditions and procedures under which the Zoning Board of Appeals may grant a variance is outlined within Article 15 of this ordinance.

Vehicle Repair Facility. A building designed and used for the storage, care, repair or refinishing of motor vehicles, including both minor and major mechanical overhauling, paint, and body work.

Vehicle Service Facility. A place where gasoline or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public, and servicing vehicles with such products is performed on the premises. A vehicle service facility may include performing minor repairs to passenger cars and trucks (replacement of parts and engine services), but not including body repairs or major mechanical overhauling.

Vehicle Wrecking Yard. (See *Junkyard*) The dismantling, wrecking or salvage of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked

vehicles or their parts. The presence on any lot or parcel of land of two or more motor vehicles, which, for a period exceeding 30 days, have not been capable of operating under their own power and from which parts have been, or are to be, removed for reuse or sale, shall constitute prima facie evidence of a vehicle wrecking yard.

Village. The Village of Winnebago, an Illinois municipal corporation.

Village Board. Village Board of Winnebago.

Violation. The failure of a use, structure, or development to fully comply with this ordinance.

Vision Clearance Triangle. A triangular area established on private property at the intersection of two (2) streets, or a street and a driveway, in which nothing shall be erected, planted, or allowed to grow so as to limit or obstruct the sight distance of motorists and pedestrians.

Wall, Common. An interior wall that separates and distinguishes two (2) or more uses located in the same building or structure. A common wall extends from floor to ceiling and from exterior wall to exterior wall, and conforms to the fire resistance requirements of the Village's building code.

Wall, Exterior. A wall fully exposed to the outside air which forms the perimeter of a building or structure. Where a building or structure is not wholly surrounded by exterior walls, then the exterior wall shall be considered as the vertical projection between the roof above and the floor below.

Wall, Interior. A wall located wholly within a building or structure which separates different rooms and/or uses of such building or structure, as distinguished from an exterior or common wall.

Warehouse and Distribution Center. A building used in the storage, wholesale, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are flammable or explosive, or that create hazardous or commonly recognized offensive conditions.

Wastewater. Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

Wastewater Treatment Plant, Sewage Treatment Plant. A facility used for the treatment of industrial or domestic wastewater conveyed through the public sewer system, and for the reduction and handling of solids and/or gases removed from such wastewater. Facilities used for the pretreatment or reuse of industrial wastewater are excluded from this definition.

Water Supply, Individual. A well and appurtenances supplying only one lot, and subject to the approval of the Village Board, Village Engineer, and the State Board of Health.

Water Supply System. Those facilities and sites, including reservoirs, pumping stations, filtration plants, treatment plants, and storage tanks, which provide piped potable water for consumption and use by the public.

Wetlands. Natural areas, identified by the Federal government as wetlands, that are normally covered in water for all or part of the year which result in a rich combination of environmental features and which contain a wide variety of plants and wildlife.

Yard. An unoccupied space open to the sky, between a building or structure and the adjoining lot lines, and on the same lot with said building or structure.

Yard, Front. A yard on the same lot with the building between the front line of the building and the front line of the lot and extending the full width of the lot. As used in this ordinance the term “Front Yard” applies to principal buildings only.

Yard, Rear. A yard on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot. As used in this ordinance the term “Rear Yard” applies to principal buildings only.

Yard, Side. A yard on the same lot with the building situated between the building and the side line of the lot extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line. As used in this ordinance the term “Side Yard” applies to principal buildings only.

Zoning Ordinance. Article 6 of this ordinance, and subsequent amendments thereto.

Zoning Map. A map of the Village of Winnebago delineating the boundaries of various zoning districts for determining which regulations contained in this ordinance apply to specific tracts or lots. Such official Zoning Map, and amendments thereto, has been adopted by the Village Board and is on file in the Office of the Village Clerk.

Article 4

Administration and Enforcement

- 4.01 Administrative and Enforcement Responsibilities**
 - 4.01.01 Village Code Enforcement Official**
 - 4.01.02 Public Works Director**
 - 4.01.03 Village Engineer**
 - 4.01.04 Village Building Official**
 - 4.01.05 Fire Chief**
- 4.02 Planning and Zoning Commission**
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 - 4.04.02 Remedies and Powers**
 - 4.04.03 Penalties**
 - 4.04.04 Administrative Review and Judicial Review**

4.01 Administrative and Enforcement Responsibilities

Administration and enforcement of this ordinance shall be the responsibility of the Village President. The Village President may delegate this responsibility to the Village Code Enforcement Official, Public Works Director, Village Engineer, Director of Utilities, Village Building Official, and other Village staff. The division of duties between the department heads, with respect to this ordinance, shall be as described herein.

4.01.01 Village Code Enforcement Official

The Village Code Enforcement Official shall have the following authority with regard to this ordinance:

1. Notify in writing any person responsible for violating any of the provisions of this ordinance, indicating the nature of the violation and ordering the necessary corrective action.
2. Order discontinuance of illegal use of zoning, land, buildings, or structures; removal of illegal buildings, structures, additions, alterations, or structural changes; discontinuance of any illegal work being done; or take any other action authorized by this ordinance to ensure compliance with, or to prevent violation of, its provisions.

UNIFIED DEVELOPMENT ORDINANCE

3. Conduct inspections of buildings, structures, and use of land to determine compliance with this ordinance and other codes adopted by the Village Board.
4. Refer any violation of this ordinance to the Village Attorney for prosecution or other appropriate action when deemed necessary.
5. The Village Code Enforcement Official may delegate these responsibilities to other personnel within the departments, and other consultants, as necessary.

4.01.02 Public Works Director

The Public Works Director shall have the following authority with regard to this ordinance:

1. Review preliminary and final plat applications for compliance with engineering design standards for streets, sidewalks, storm sewers and drainage systems, stormwater management facilities, water and wastewater systems, communications, electric, and other public improvements, as applicable. The same engineering design review shall be provided on plans submitted under "Planned Residential Development" and "Planned Unit Development" procedures.
2. Review of final plats for land survey documentation requirements of this ordinance and of applicable Illinois State Statutes.
3. Review all permit applications for compliance with the requirements of Article 10, "Floodways, Floodplains, Stormwater Management and Erosion Control", of this ordinance.
4. Review all permit applications for compliance with the requirements of Village utility standards, including water, sanitary, and storm sewer systems.
5. Monitor construction of improvements to be ultimately dedicated to the Village and determine compliance with the instrument to guarantee improvements (escrow agreement, Irrevocable Letter of Credit, or land subdivision bond).
6. Conduct traffic impact analyses, or review the same prepared by others as may be determined necessary to evaluate development proposals. Also, conduct or review other studies prepared by the applicant as may be required.
7. Review proposed subdivision plats, planned developments and other individual development projects for compliance with this ordinance, adopted life safety codes and Village standards on:
 - a. Accessibility of fire fighting vehicles and equipment.
 - b. Fire hydrant locations and spacing.
8. Confer with the Village Building Official on the updates and annual publication of the Official Zoning Map.
9. Work with the Village Engineer to monitor construction of improvements to be ultimately dedicated to the Village and determine compliance with the instrument to guarantee improvements (Irrevocable Letter of Credit, escrow agreement, or bond).
10. The Public Works Director may delegate these responsibilities to other personnel within the departments, as necessary, in conjunction with other authorized parties, such as the Village Engineer.

4.01.03 Village Engineer

The Village Engineer shall have the following authority with regard to this ordinance:

1. Review preliminary and final plat applications for compliance with engineering design standards for streets, sidewalks, storm sewers and drainage systems, stormwater management facilities, water and wastewater systems, communications, electric, and other public improvements, as applicable. The same engineering design review shall be provided on plans submitted under "Planned Residential Development" and "Planned Unit Development" procedures.
2. Review of final plats for land survey documentation requirements of this ordinance and of applicable Illinois State Statutes.
3. Review all permit applications for compliance with the requirements of Article 10, "Floodways, Floodplains, Stormwater Management and Erosion Control", of this ordinance, with possible consultation with the Public Works Director.
4. Review all permit applications for compliance with the requirements of Village utility standards, including water, sanitary, and storm sewer systems, but with sanitary sewer controlled by the Rock River Water Reclamation District.
5. Monitor construction of improvements to be ultimately dedicated to the Village and determine compliance with the instrument to guarantee improvements (escrow agreement, Irrevocable Letter of Credit, or land subdivision bond).
6. Conduct traffic impact analyses, or review the same prepared by others as may be determined necessary to evaluate development proposals. Also, conduct or review other studies prepared by the applicant as may be required.
7. Review proposed subdivision plats, planned developments, and other individual development projects for compliance with this ordinance, adopted life safety codes and Village standards on:
 - a. Accessibility of fire fighting vehicles and equipment.
 - b. Fire hydrant locations and spacing.
8. Confer with the Village Building Official and Zoning Board Chairman on the updates to, and annual publication of, the Official Village Zoning Map, and supervise the yearly publication of an Official Zoning Map, clearly showing existing zoning district boundaries and associated regulatory classification for the preceding calendar year, as referenced by the Illinois Compiled Statutes.
9. Monitor construction of improvements to be ultimately dedicated to the Village and determine compliance with the instrument to guarantee improvements (Irrevocable Letter of Credit, escrow agreement, or bond).
10. The Village Engineer may delegate these responsibilities to other personnel within the departments, as necessary.

4.01.04 Village Building Official

The Village Building Official shall have the following authority with regard to this ordinance:

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1. Review proposed subdivision plats, planned developments and other individual development projects for compliance with this ordinance, adopted life safety codes, and other Village codes adopted by Village Board.
2. Issue permits, as specified in Article 14, "Permits", when all requirements of an application for a permit are met, including, but not limited to, compliance with this ordinance and other codes as adopted by the Village Board.
3. Issue Certificates of Occupancy after on-site inspection to ensure conformity to the provisions of this ordinance and other codes as may be adopted by the Village Board.
4. Notify in writing any person responsible for violating any of the provisions of this ordinance, indicating the nature of the violation and ordering the necessary corrective action, with the official copy of such notification to be maintained in the Village Office.
5. Order discontinuance of illegal use of zoning, land, buildings, or structures; removal of illegal buildings, structures, additions, alterations, or structural changes; discontinuance of any illegal work being done; or take any action authorized by this ordinance to ensure compliance with, or to prevent violation of, its provisions.
6. Conduct inspections of buildings, structures, and use of land to determine compliance with this ordinance and other codes adopted by the Village Board.
7. Coordinate the inspections of other code inspectors.
8. Refer any violation of this ordinance to the Village Attorney for prosecution or other appropriate action when deemed necessary.
9. Provide technical services to the Planning and Zoning Commission, Such technical support includes:
 - a. Review, analysis, reports, and recommendations on:
 - i. Petitions for Rezoning
 - ii. Ordinance Text Amendments
 - iii. Special Use Permit Applications
 - iv. Planned Developments
 - v. Subdivision of Property
 - vi. Annexations/Pre-Annexation, and Annexation Agreements
 - vii. Street, Alley, and Plat Vacations
 - viii. Variances
10. Forward to the Village Clerk all applications for a Special Use Permit, rezoning, subdivision, annexation, and other matters which are to be referred to the Planning and Zoning Commission.
11. Propose future adoptions and amendments to the existing Building Safety Codes adopted by the Village Board.
12. Propose future requirements and fee schedules as needed for "Permits" referred to in this code related to building and other permits issued by the Village, but with final decision on the same to be made by the Village Board.
13. Work with the Village Engineer to monitor construction of improvements to be ultimately dedicated to the Village, and determine compliance with the instrument to guarantee improvements (Irrevocable Letter of Credit, escrow agreement, or bond).

4.01.05 Fire Chief

The Fire Chief in the District shall be requested to perform the following duties with regard to this ordinance:

1. Review proposed plats, planned developments, building plans, and other individual development projects for compliance with applicable life safety codes and Village standards.
2. The Fire Chief may delegate these responsibilities to other personnel within the Fire Department, as necessary.

4.02 Planning and Zoning Commission

The Planning and Zoning Commission of the Village of Winnebago, Illinois, which has been duly created by the Village Board, is the Planning and Zoning Commission referred to in this ordinance. Specific to this ordinance, the Planning and Zoning Commission responsibilities shall be as described herein.

4.02.01 Membership; terms; vacancies

The Planning and Zoning Commission shall consist of seven members appointed by the Village President and confirmed by the Village Board to serve the following terms: one for one year, one for two years, one for three years, one for four years, one for five years, one for six years, and one a term of seven years. The successor to each member so appointed is to serve a term of five years. One of the members shall be named as chairman at the time of his appointment. The commission shall appoint a secretary from its membership and shall prescribe rules for the conduct of affairs.

The schedule of appointments shall be on file with the Village Clerk. The successor of each member appointed under this section shall serve for a term of five years. Vacancies shall be filled by the Village President, subject to confirmation by the Village Board, for the unexpired term. Members may be removed by the Village President for cause after written charges have been filed and after a public hearing has been held, if demanded by the member so charged.

4.02.02 Meetings

1. The Planning and Zoning Commission shall hold a regular monthly meeting on the fourth Monday evening of each month, at the hour of 7:00 p.m., at the Village Hall, subject to cancellation if there is no business to be discussed. In the event the regular meeting would fall on a legal holiday, the same meeting shall be held on the next day following at the same time. Special meetings of the Planning and Zoning Commission may be called by the chairperson upon a 48-hour advance notice to all members and interested parties.
2. All meetings of the Planning and Zoning Commission shall be open to the public.

3. The Planning and Zoning Commission shall keep minutes of its proceedings, showing the vote of each member upon every question, or, if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. Findings of fact shall be included in the minutes of each case of a requested variance, and the reasons for granting or denying such variance shall be specified. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Planning and Zoning Commission shall be public record.
4. The Planning and Zoning Commission shall adopt its own rules or procedure, a copy of which, with all recommendations thereto, shall be filed in the office of the Village Clerk.
5. The minutes of the Planning and Zoning Commission shall be open to public examination at reasonable hours.

4.02.03 Powers and duties generally

The Planning and Zoning Commission shall have the powers and perform the duties assigned to it by statute or ordinance. The powers and duties of the Planning and Zoning Commission shall include both planning powers and duties and zoning powers and duties.

The Planning and Zoning Commission shall act in strict accordance with the procedure specified by law and by this ordinance. All appeals and applications made to the Zoning Board of Appeals shall be in writing, on forms prescribed by the Zoning Board of Appeals. Every appeal or application shall refer to the specified interpretation that is claimed, the use for which the Special Use Permit is sought, or the details of the variance that is applied for, and the grounds on which it is claimed that the variance should be granted, as the case may be.

4.02.04 Planning and Zoning powers and duties

The Planning and Zoning Commission shall have the following planning and zoning powers and duties:

1. With an official comprehensive plan having been adopted by the Village, in accordance with 65 ILCS 5/11-12-5, no map or plat of any subdivision affecting land within the corporate limits of the municipality, or within contiguous territory which is not more than one and one-half (1 ½) miles beyond the corporate limits of the municipality and not included in any other municipality, shall be entitled to approval by the Village Board unless reviewed by the Planning and Zoning Commission. No such map or plat shall be entitled to be recorded, and shall be invalid unless the subdivision shown thereon provides for streets, alleys, and public grounds in conformity with the applicable requirements of the official plan and ordinances of the Village.
2. Upon receipt of an annexation petition, after notice and public hearing, the Planning and Zoning Commission shall make recommendations to the Village Board regarding the zoning classification and issuance of a Conditional Use Permit (if applicable) of property proposed to be annexed into the Village.

4.02.05 Secretary

The Village President shall appoint a Village employee to record the minutes and maintain the records of the Planning and Zoning Commission.

4.02.06 Expenses

Expenses incurred by the Planning and Zoning Commission are to be itemized and shall be borne by the Village, except as associated with development review, as outlined in Article 8, as such expenses shall be borne by the applicant developer, as detailed in said Article 8.

4.02.07 Board to act in advisory capacity

The Planning and Zoning Commission and Zoning Board of Appeals shall act in an advisory manner to the Village Board in all cases and transfer matters to the Village Board for final action, except for the powers and duties specifically reserved to the Zoning Board of Appeals in Article 15.03.

4.03 Village Board

The Village Board is the final approving authority for the following items relating to this ordinance.

1. Petitions for Rezoning
2. Ordinance Text Amendments
3. Preliminary and Final Plats
4. Preliminary and Final Development Plans
5. Pre-Annexation and Annexation Agreements
6. Annexations
7. Street, Alley, or Plat Vacations
8. Variances pertaining to Public Improvements and Utilities
9. Special Use Permits

4.03.01 Legislative Procedures

1. *Amendments:* In considering proposed changes to the text of this ordinance or to the official Zoning District Map, the Village Board acts in its legislative capacity and must proceed in accordance with the requirements of Article 18, "Amendments".
2. *Ordinance Interpretations and Variances:*
 - a. In accordance with *Illinois Compiled Statutes* and Village ordinances, the Zoning Board of Appeals has been delegated the authority to hear and decide appeals from decisions made by the Village Building Official, Village Code Enforcement Official, or other Village staff, and to exercise the powers and duties as outlined in 4.02.04 and 4.02.05.
 - b. The Village Board reserves to itself the authority to grant variances from the provisions of Article 9, "Public Improvements and Utilities" and Article 10,

"Floodways, Floodplains, Stormwater Management, and Erosion Control," in accordance with Article 15, "Appeals and Variances".

4.04 Enforcement and Penalties

Any person, company, or property owner who acts in violation of this ordinance shall be subject to penalties and enforcement action in accordance with this article. Unless otherwise expressly allowed by this ordinance or state law, any violation of this ordinance, including but not limited to the following, shall be subject to the remedies and penalties provided for in this ordinance:

4.04.01 Types of Violations

Any of the following shall be a violation of this ordinance and shall be subject to the remedies and penalties provided for in this Article.

1. **Use, Structure, or Sign without Permit or Approval.** To place any use, structure, or sign upon land that is subject to this ordinance without all of the approvals required by this ordinance.
2. **Activities Inconsistent with this Article.** To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure, or sign, or to engage in development or subdivision of any land in contravention of any zoning, subdivision, sign, or other regulation of this ordinance.
3. **Activities without Permit or Approval.** To engage in any subdividing, development, construction, remodeling, or other activity of any nature upon land that is subject to this ordinance without all of the approvals required by this ordinance.
4. **Activities Inconsistent with Permit.** To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate, or other form of authorization required in order to engage in such activity.
5. **Activities Inconsistent with Conditions.** To violate, by act or omission, any term, condition, or qualification placed by a decision-making body upon any permit or other form of authorization.
6. **Making Lots or Setbacks Nonconforming.** To reduce or diminish any lot area so that the size, setbacks, or open spaces shall be smaller than prescribed by this ordinance.
7. **Increasing Intensity of Use.** To increase the intensity of use of any land or structure, except in accordance with the procedural requirements and substantive standards of this ordinance.
8. **Removing or Defacing Required Notice.** To remove, deface, obscure, or otherwise interfere with any notice required by this ordinance.
9. **Failure to Remove Signs or Other Improvements.** To fail to remove any sign or other improvement installed, created, erected, or maintained in violation of this ordinance, or for which the sign permit has lapsed.

4.04.02 Remedies and Powers

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance, the Village, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, maintenance, or use to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. The following remedies and enforcement powers may be used to administer and enforce this Article:

1. **Withhold Permit.** The Village may deny or withhold all permits, certificates, or other forms of authorization on any land or structure, or improvements thereon, upon which there is an uncorrected violation of a provision of this Article or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the Village. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.
2. **Permits Approved with Conditions.** Instead of withholding or denying a permit or other authorization, the Village may grant such authorization subject to the condition that the violation be corrected.
3. **Revoke Permits.** Any development permit or other form of authorization required under this Article may be revoked when the Village Building Official determines that:
 - a. there is departure from the plans, specifications, or conditions as required under terms of the permit;
 - b. the development permit was procured by false representation or was issued by mistake; or
 - c. any of the provisions of this Article are being violated. Written notice of such revocation shall be served upon the owner, the owner's agent or contractor, or upon any person employed on the building or structure for which such permit was issued, or shall be posted in a prominent location, and, thereafter, no such construction shall proceed. Copies of all such documents shall be provided by the Village Building Official to the Village Office Administrative Assistant for the Village's permanent records.
4. **Stop Work.** Whenever any building or structure or part thereof is demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, in substantial violation of any provisions of this ordinance, or in a manner that endangers life or property, the Village Building Official, Village Code Enforcement Official (if any), Public Works Director, and Village Engineer shall individually have the authority to issue a stop work order for the specific part of the work that is in violation, or presents the hazard, or endangers life or property. The following is the procedure for issuing a stop work order:
 - a. A stop work order may be issued for the site on which the violation has occurred or is occurring.
 - b. The stop work order shall be in writing directed to the person doing the work and shall state the specific work to be stopped, the specific reasons therefore, and the conditions which must be met in order for the work to resume.

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- c. Notice of the stop work order shall be served on the person doing the work or conducting the violation activity by personal delivery or by certified or registered mail, and shall be posted on the site. Said notice may also be served by registered mail or certified mail to the property owner or contractor if they are responsible for the work being done.
 - d. When imminent danger or hazard is likely to occur as a result of the work, a stop work order may be posted on the property and shall be effective immediately, as if sent by registered mail or certified mail.
 - e. Upon receipt of such an order or the posting of such an order on site, the work described in the stop work order shall immediately cease.
 - f. The issuer of the stop work order shall monitor compliance with the stop work order and determine if the conditions for resumption of the work have been met. If said conditions have been met, the stop work order shall be rescinded.
 - g. Failure to comply with a stop work order or removal of a stop work order posted on a site is a violation of this ordinance.
5. **Revoke Plan or Other Approval.** Where a violation of this Article involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the Village Board may, upon notice to the applicant and other known parties in interest (including any holders of building permits affected), and after a public hearing, revoke the plan or other approval, or condition its continuance on strict compliance with this Article, the provision of security to ensure that construction is completed in compliance with approved plans, or such other conditions as the Village Board may reasonably impose.
6. **Injunction and Abatement.** The Village, through its authorized agents, may initiate injunction or abatement proceedings or other appropriate action in the 17th Judicial Circuit Court against any person who fails to comply with any provision of this Article, or any requirement or condition imposed pursuant to this Article, to prevent, enjoin, abate, or terminate violations. The Village may seek a court order in the nature of mandamus, abatement, injunction, or other action for proceeding to abate or remove a violation, or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

4.04.03 Penalties

Any person, firm, or entity who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of the Unified Development Ordinance shall be fined not less than Seventy Five Dollars (\$75.00) and not more than Seven Hundred Fifty Dollars (\$750.00), or such higher maximum amount as may be allowed by 65 ILCS 5/1-2-1 as may be amended from time to time. Each day that a violation is permitted to exist shall constitute a separate offense.

4.04.04 Administrative Review and Judicial Review

Final Action by Village Board: All decisions and actions of the Village Board pertaining to this ordinance, which require that approval be by ordinance, shall be the final administrative decision and shall be subject to judicial review as provided by law.

Article 5

Pre-Annexation, Annexations, and Disconnections

5.01 Pre-Annexation or Annexation Review

5.01.01 Purpose

5.01.02 Process

5.01.02.01 Preliminary Discussion

5.01.02.02 Pre-Annexation or Annexation Summary and Issues Report

5.01.02.03 Pre-Annexation or Annexation Summary Report Content

5.01.02.04 Preliminary Pre-Annexation or Annexation Report

5.02 Pre-Annexation and Annexation Agreements

5.02.01 Purpose

5.02.02 Process

5.03.03 Hearing Requirements

5.03 Pre-Annexation or Annexation

5.04 Disconnection Process

5.01 Pre-Annexation or Annexation Review

5.01.01 Purpose

1. The following procedures are established for the pre-annexation and annexation of land into the Village of Winnebago. These procedures are intended to identify Village requirements and to alert the pre-annexation or annexation petitioner of Village concerns and issues which may exist before a formal pre-annexation or annexation petition is submitted. The term “pre-annexation” refers to the process of an owner/developer whose property is outside of the corporate limits of the Village of Winnebago, and not contiguous to the Village as defined herein, entering into a written pre-annexation agreement with the Village to annex to the Village at such time the subject property becomes contiguous, as defined in this ordinance, to the Village, and setting forth the rights and responsibilities of each party and the terms and conditions which shall be followed by each party both during the time that the property is still not contiguous to the Village, and at such time and thereafter when the subject property becomes contiguous to the Village. The term “annexation” refers to the process by which a property which is outside the corporate limits of the Village of Winnebago, but contiguous to the Village, as defined herein, actually annexes to and becomes a part of the Village of Winnebago. The term “annexation agreement” refers to the written agreement between the owner/developer setting forth the rights and responsibilities of each party and the terms and conditions which shall be followed by each party at such time that the contiguous property is annexed to the Village.
2. The owner of a land parcel agrees that in consideration of the Village providing comments about the pre-annexation or annexation submittal prior to the formal filing of an pre-annexation or annexation petition, the owner waives any and all causes of action against the Village and/or its elected and/or appointed officials with respect to

any comments generated through the pre-annexation or annexation process. For purposes of this Article, the term “owner” may also refer to a “developer” seeking to obtain Village approvals on behalf of the owner, or to fulfill the obligations of a purchase contract.

3. Exemptions to the pre-annexation or annexation review policy shall occur when:
 - a. Land is proposed to be annexed so that an existing structure or a single parcel may connect to municipal utilities; and
 - b. Land is surrounded by the Village on all sides and contains sixty (60) acres or less.

5.01.02 Process

5.01.02.01 Preliminary Discussion

The owner and/or developer of land proposed for annexation shall meet with Village personnel, as directed by the Village President, which may include, but not necessarily be limited to, members of the Community Development Committee, Public Works Director Village Engineer, Village Attorney, and Director of Streets. During this meeting, the owner and/or developer shall be informed of the annexation review requirements and given copies of relevant forms and information regarding the annexation review process.

5.01.02.02 Pre-Annexation or Annexation Summary and Issues Report

After preliminary discussion with Village personnel, a Pre-Annexation Summary or an Annexation Summary Report shall be prepared by the owner/developer and presented to the Village President for conveyance to members of the Village Board for their review. It shall include an explanation of items typically addressed by the Village during the review and consideration of a pre-annexation or an annexation petition. This report shall contain sufficient detail so that the Village can be aware of the owner’s intentions and know what to expect once formal pre-annexation or annexation and/or development approval is requested.

5.01.02.03 Pre-Annexation or Annexation Summary Report Content

The Pre-Annexation or Annexation Summary Report shall address the items (when applicable) as listed below. In addition to addressing these items, a location map and sketch plan showing how the property is intended to be developed shall be submitted. The owner/developer is also free to comment on any additional issues or concerns pertaining to the proposed pre-annexation or annexation, and development. The report shall be based upon the information available at the time of pre-annexation or annexation and shall be conceptual in nature. Specific engineering design is not required at time of pre-annexation or annexation.

1. Ownership Status:
 - a. name and addresses of record owner of subject property, and of contract purchaser of subject property.
 - b. name and address of proposed developer of subject property.

- c. if owner or contract purchaser is a trust, provide the name of the beneficiaries of said trust.
 - d. if owner or contract purchaser is a partnership, provide the names and addresses of the general and limited partners.
- 2. Natural Resource Features:
 - a. general location of floodplain, wetlands, soil conditions, trees/vegetation, topography, and drainage routes.
 - b. natural resources expected to be preserved.
- 3. Vehicular Access and Traffic Management:
 - a. connections with existing streets and adjoining land parcels.
 - b. bicycle and pedestrian accommodations.
- 4. Pedestrian Access and Management:
 - a. public sidewalks, internal sidewalks and pathways.
 - b. pedestrian connections with adjoining land parcels.
- 5. Public Utilities:
 - a. sanitary sewer connections, treatment plant capacity.
 - b. water connections, storage needs and/or capacity.
 - c. water main looping.
 - d. storm water management.
- 6. Development Features:
 - a. site location and area.
 - b. development type (residential, commercial, industrial, mixed use), approximate number of buildings/lots/units, and building style, type, and building location.
 - c. street and building layout.
 - d. open space, landscaping, parks and buffering.
- 7. Fiscal Impacts:
 - a. tax revenues and impact on Village services and applicable school district, fire department, and park district concerns.

5.01.02.04 Preliminary Pre-Annexation or Annexation Report

- 1. A Preliminary Pre-Annexation or Annexation Report shall be prepared by the Village Engineer or official designated by the Village Board, and shall consist of a review by such Village personnel of the proposed pre-annexation or annexation. It shall indicate areas of concern and existing and/or potential problems pertaining to the pre-annexation or annexation.
- 2. The Preliminary Pre-Annexation Report or Annexation Report, and the Pre-annexation or Annexation Summary Report shall be presented to members of the Village Board for their review and shall provide a format for learning about the pre-annexation or annexation proposal. A courtesy copy may also be distributed to the applicable fire department(s), library board(s), park district(s), school district(s), and township(s) for input.

5.02 Pre-Annexation and Annexation Agreements

5.02.01 Purpose

If either the owner and/or developer, the Village staff, or the Village Board requires the preparation, review, and approval of a pre-annexation or annexation agreement, such agreement shall be prepared by the Owner/Developer and subsequently revised based on input from the Village Attorney and the Village staff. The purpose of a pre-annexation or an annexation agreement is to provide a detailed description of the pre-annexation or annexation and development proposal, and shall include, but is not limited to, provisions regarding zoning status, platting requirements, fees, scheduling, waivers/exemptions, special features and conditions, connection to municipal utilities, compliance with Village building and construction codes, off-site improvements, reimbursement of Village expenses, and similar items. The pre-annexation or annexation agreement sets forth the conditions which will have to be met by the owner and/or developer in order for the Village Board to consider approving the pre-annexation or annexation, and development of land.

5.02.02 Process

1. The Village Board may approve or deny an ordinance adopting the pre-annexation or annexation agreement. The Village is under no obligation to approve a pre-annexation or an annexation agreement and the Village Board may deny approval of a petition for approval of a pre-annexation agreement or annexation agreement, or approval of annexation for any reason. Prior to consideration of an ordinance adopting a pre-annexation or an annexation agreement, the Village Board shall conduct a public hearing on the proposed agreement in accordance with the procedures set forth in this Article.
2. If the pre-annexation or annexation agreement includes a request for a change in zoning, the Planning and Zoning Commission shall hold a public hearing on the rezoning petition and provide a recommendation on said petition to the Village Board prior to Village Board consideration of ordinances changing the zoning and approving the agreement.
3. Upon Village Board approval of an ordinance adopting a pre-annexation or an annexation agreement, a certified copy of said ordinance, including an executed copy of the agreement, shall be recorded in the office of the Winnebago County Recorder.

5.02.03 Hearing Requirements

1. Prior to consideration of a pre-annexation or annexation agreement, the Village Board shall conduct a public hearing on any and all proposed pre-annexation or annexation agreements. The Village Board, at its sole discretion, may but is not required to refer the agreement to the Planning and Zoning Commission for input and recommendations prior to conducting said public hearing, unless a zoning change is involved. In the event a zoning change is involved, a public hearing on the requested zoning shall take place before the Planning and Zoning Commission.

2. Required public notices for said hearing shall include the name and address of both the petitioner and the owner of the subject property, the legal description of the property and a general description of its location, as well as the date, time, and location of the hearing. A brief statement indicating the intended use of the subject property shall be included.
3. Before publication and distribution of notices regarding the required public hearing for a pre-annexation or an annexation agreement, a final copy of the agreement shall be placed on file in the Office of the Village Clerk. Substantive changes to said agreement may be submitted to the Village Board during or after the public hearing on the pre-annexation or annexation agreement.
4. At least ten (10) days prior to said hearing, written notice shall be sent to specific public bodies informing them of the public hearing on the pre-annexation or annexation agreement. At a minimum, notice shall be sent by certified or registered mail to the trustees of the Winnebago Public Library District and Win-Bur-Sew Fire Protection District, as well as the Trustees of each fire protection district and public library district of which the property to be annexed is currently a part before annexation, and the Township Highway Commissioner, the Board of Township Trustees, the Township Supervisor, and the Township Clerk, when any land proposed to be annexed includes any highway under the jurisdiction of any township, and to any other local governmental bodies required by statute. Courtesy notice shall be given to the appropriate affected park district(s) and school district(s) through notice given to their respective Board Presidents via regular mail. The published notice shall be signed by the Village Clerk. An affidavit indicating that such notice has been served shall be signed by the Village Clerk and recorded with the Winnebago County Recorder's Office.
5. Notice of the Village Board's intent to hold a public hearing on the pre-annexation or annexation agreement shall be published in a newspaper of local circulation at least 15 but not more than thirty (30) days prior to the date of the meeting at which the Village Board considers the agreement. The published notice shall be prepared and sent by the Village Attorney. An affidavit indicating that such notice has been served shall be recorded with the Winnebago County Recorder's Office.

5.03 Pre-Annexation or Annexation

1. All petitions requesting the pre-annexation or annexation of land to the Village shall be submitted to the Village Board and placed on the Village Board meeting agenda for formal consideration. If a pre-annexation or an annexation agreement is proposed, the pre-annexation or annexation agreement shall accompany the pre-annexation or annexation petition.
2. At least ten (10) days prior to said hearing, written notice shall be sent to specific public bodies informing them of the public hearing on the pre-annexation or annexation agreement. At a minimum, notice shall be sent by certified or registered mail to the trustees of the Winnebago Public Library District and Win-Bur-Sew Fire Protection District, as well as the Trustees of each fire protection district and public library district of which the property to be annexed is currently a part before annexation, and the Township Highway Commissioner, the Board of Township Trustees, the Township

Supervisor, and the Township Clerk, when any land proposed to be annexed includes any highway under the jurisdiction of any township, and to any other local governmental bodies required by statute. Courtesy notice shall be given to the appropriate affected park district(s) and school district(s) through notice given to their respective Board Presidents via regular mail. The published notice shall be signed by the Village Clerk. An affidavit indicating that such notice has been served shall be signed by the Village Clerk and recorded with the Winnebago County Recorder's Office.

3. A pre-annexation or an annexation petition shall contain the name and address of the record owner of the land proposed for pre-annexation or annexation, the contract purchaser, and the proposed developer of the subject property. If the owner or contract purchaser is a trust, the name of the beneficiaries of said trust shall be provided. If the owner or contract purchaser is a partnership, the names and addresses of the general and limited partners shall be provided. If the owner or contract purchaser is a corporation, the names and addresses of the officers of said corporation and the names and addresses of any stockholders owning five (5) percent or more of the stock of said corporation shall be provided.
4. The pre-annexation petition shall indicate whether any electors reside on the subject site, and shall contain a legal description of the site and parcel drawing, sufficient in detail to allow for Village review. The petitioner shall provide a copy of the last deed of record placing the owner in title to the subject property. The petitioner shall notify the Village in writing within five (5) business days of a sale of all or part of the subject property subsequent to the time the pre-annexation petition is submitted up until the time the subject property is annexed into the Village.
5. The annexation petition shall indicate whether any electors reside on the subject site, and shall contain a legal description of the site and be accompanied by a Plat of Annexation prepared by an Illinois Registered Land Surveyor. The petitioner shall provide a copy of the last deed of record placing the owner in title to the subject property. The petitioner shall notify the Village in writing within five (5) business days of a sale of all or part of the subject property subsequent to the time the annexation petition is submitted up until the time the subject property is annexed into the Village.
6. The Village Board may approve an ordinance approving a pre-annexation agreement, approving an annexation agreement, or approving the annexing of the subject property, refer it to the Planning and Zoning Commission for consideration at a public hearing and for a subsequent recommendation, or deny the petition. The Village of Winnebago is under no obligation to enter into a pre-annexation agreement or annexation agreement, or to annex land into the Village, and the Village Board may deny a petition to pre-annex or annex at its discretion. If the pre-annexation or annexation petition includes a request to rezone the subject land, the Planning and Zoning Commission shall hold a public hearing on the rezoning prior to Village Board consideration of an ordinance providing for said zoning approval. If a pre-annexation agreement or an annexation agreement is involved, the Village Board shall hold a public hearing on the pre-annexation agreement or annexation agreement prior to adoption of the same at a duly convened Village Board Meeting.
7. Any land annexed in the future shall include classification within one of the currently existing zoning districts of the Village.

5.04 Disconnection Process

1. The owner of record of land or portions of land intended to be disconnected from the Village of Winnebago shall submit a petition requesting said disconnection. The petition shall be signed by all owners of record of said land or portion thereof. The petition must be submitted at least thirty (30) days before it is considered by the Village Board and shall be accompanied by a certificate from the County Clerk stating that all Village taxes or assessments are fully paid.
2. The disconnection petition shall include a legal description of the area being disconnected and must be accompanied by a Plat of Disconnection prepared by an Illinois Registered Surveyor and depicting said area. The disconnection petition shall comply with the requirements set forth in the statutes of the State of Illinois, specifically 65 ILCS 5/7-3-4, 65 ILCS 5/7-3-5, and 765 ILCS 205/1.02, as amended from time to time.
3. The Village Board may approve an ordinance disconnecting land from the Village by a simple majority or may deny the disconnection petition. The Village of Winnebago is under no obligation to disconnect property from the Village and the Village Board may deny a petition to disconnect for any reason, except if disconnection is specifically provided for in a pre-annexation or an annexation agreement duly entered into by the Village based on the occurrence or non-occurrence of a certain event as specified therein. Within ninety (90) days of approval, the disconnection ordinance shall be certified by the Village Clerk and recorded with the County Recorder, and then filed with the County Clerk. Notice of the disconnection must also be sent to the local post office branch serving the subject site.

Article 6

Zoning

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6.01 Purpose and Intent

This article divides the Village into districts for the purpose of classifying, regulating, and restricting the location of trades, industries, and commercial enterprises, and the location of buildings arranged, intended, and designed for specified uses, or regulating and limiting the height and bulk of buildings hereafter erected, or classifying, regulating, and determining the area of front, rear and side yards, courts and other open spaces about buildings, and of regulating and limiting the intensity of the use of the land and lot areas within such village.

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, or the general welfare. Wherever the requirements of any lawfully adopted rules, regulations, or ordinances are at variance with the requirements of this ordinance, the most restrictive, or that imposing the highest standards, shall govern.

6.02 Zoning Map

6.02.01 Zoning Map District Boundaries

The boundaries of these districts are indicated upon the “Zoning Map of the Village of Winnebago, Illinois”, which map is made a part of this ordinance by reference. The Zoning Map and all the notations, references, and other matters shown on the Zoning Map shall be as much a part of this ordinance as if the notations, references, and other matters set forth by said map were all fully described in the ordinance. The Zoning Map shall be on file in the office of the Village Clerk, and shall bear the signature of the Village President, attested by the Village Clerk, under the certification that this is the Zoning Map of the Unified Development Ordinance.

The Village Board may, from time to time, adopt a new Zoning Map which shall supersede the prior Zoning Map, in the event that the Zoning Map becomes damaged or destroyed, or for purposes of clarity due to a number of boundary changes, or to correct drafting errors or omission; provided, however, that any such adoption shall not have the effect of amending the original Unified Development Ordinance or any subsequent amendment thereof.

6.02.02 Maintenance of Zoning Map

If, in accordance with the provisions of this ordinance, amendments are made in the district boundaries or other matters portrayed on the Zoning Map, the ordinance number and the date of each change shall be recorded by the Village Clerk on the Zoning Map.

6.02.03 Interpretation of the Zoning Map

1. Boundaries indicated as approximately following the centerlines of streets, highways, alleys, or other public rights-of-way shall be construed to follow the centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines.
3. Boundaries indicated as approximately following section lines, quarter lines, quarter section lines, or quarter-quarter section lines shall be construed as following the lines.
4. Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits.
5. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
6. Boundaries indicated as approximately following the centerlines of rivers, streams, creeks, or other waterways shall be construed to follow the centerlines.
7. Boundaries indicated as approximately parallel to the center lines or street lines of streets shall be construed to be as being parallel thereto, and at such distance therefrom as indicated on the Zoning Map.
8. Boundaries not capable of being determined in the previous paragraphs shall be as dimensioned on the Zoning Map or if not dimensioned, shall be determined by the scale shown on the Map.

6.02.04 Application of Regulations

Application of Regulations - Except as hereinafter provided:

1. No building or land shall hereafter be used or occupied and no part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.
2. No building shall hereafter be erected or altered, (a) to extend the height, (b) to accommodate or house a greater number of families, (c) to occupy a greater percentage of lot area or (d) to have a narrower or smaller rear yards, front yards, side yards, inner or outer courts, than is specified herein for the district in which such building is located.
3. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or other open space similarly required for another building.

6.02.05 Zoning of Annexed Land

Property which is annexed into the village in accordance with Article 5 of this ordinance, shall be zoned in the classification as requested in the petition for annexation when action is taken to annex the property, provided the appropriate zoning public hearing has been held, the Planning and Zoning Commission has recommended approval of such zoning, and the Village Board has approved such zoning. No petition for annexation shall be accepted for filing without a zoning designation request.

6.03 Establishment of Zoning Districts

For purposes of promoting the public health, safety, morals, and general welfare of the Village of Winnebago, Illinois, the incorporated area of said municipality is hereby divided into the following zoning districts:

1. Residential Districts
 - a. District No. 1 – One-Family Residential District
 - b. District No. 2 – Two-Family Residential District
 - i. Planned Residential Development (PRD)
 - c. District No. 2-M – Multi-Family Residential District
2. Commercial Districts
 - a. District No. 3 - General Business District
3. Industrial Districts
 - a. District No. 4 – General Industrial District
 - b. District No. 5 – Light Industrial District
4. Agricultural Districts
 - a. District No. 6 – Agricultural District
 - b. District No. 7 – Limited Agricultural District
5. Research, Technology, and Manufacturing Park (RTMP) District
 - a. District No. 8 – Research, Technology, and Manufacturing Park (RTMP) District

6.04 Bulk District Standards**6.04.01 Area, Width and Lot Requirements**

The terms “lot area”, “lot width”, and “lot depth” shall have the meaning set forth in Article 3 of this ordinance. The following standards and specifications shall pertain to area, width, and lot requirements, except if a variance is approved by the Planning and Zoning Commission when included as part of a Planned Residential Development (PRD).

1. Any lot that is created, developed, used, or occupied shall meet the minimum area and width requirements set forth in Table 6.1 for the zoning district in which it is located, except as provided for in this ordinance.
2. There shall be only one principal use on a lot or parcel, except in the business and industrial zoning districts, or as otherwise provided for in this ordinance.

3. For all one-family attached dwellings and multiple family dwellings, the density and number of dwelling units permitted on a lot or parcel shall be based on the actual number of units in a structure, and shall not exceed the number of units set forth in Table 6.1.
4. Except as otherwise permitted in this ordinance, every principal building constructed or erected shall be situated on a lot or parcel which abuts upon a public street, or upon an established access easement having a minimum width of thirty (30) feet. Flag lots are not permitted.

6.04.02 Yard and Setback Measurements

1. A setback line establishes and depicts the required minimum distance from any lot line and the area within which a use or structure shall exist or can be placed.
2. The front setback line shall extend across the full width of a lot or parcel, and have a depth which is the distance between the front property line and the closest facade of a building or structure along a line parallel to the front lot line, excluding those projections which constitute a legal encroachment into said setback as set forth in this ordinance.
3. The rear setback line shall extend across the full width of a lot or parcel, and have a depth which is the minimum distance between the rear property line and the closest facade of a building or structure along a line parallel to the rear lot line, excluding those projections which constitute a legal encroachment into said setback as set forth in this ordinance.
4. The side setback line shall extend from the required front setback line to the required rear setback line. If a rear setback is not required, the side setback line shall extend to the rear lot or parcel line.
5. On a corner lot the side yard abutting a street shall have a setback equal to the required front yard setback.

6.04.03 General Yard and Setback Requirements

1. Every lot, parcel, or building shall have a front yard, rear yard, and side yard as set forth on Table 6.1, except as provided for in this ordinance.
2. Buildings and structures on a lot shall not be located in whole or in part within a required setback or yard, except as provided for in this ordinance.
3. When setbacks on a recorded plat are greater or less than those required by this ordinance, the setbacks on said plat shall apply. However, if property is rezoned after a plat has been recorded and the new zoning district has more restrictive setbacks, the more restrictive setbacks shall apply.
4. Setbacks shown on an approved PRD plan shall control provided the use and/or development of the subject lot or parcel is in conformance with the use and/or development depicted on said PRD plan.
5. The architectural front facade of any single family detached or duplex residential structure shall face the front of a lot or parcel. The architectural front facade of a structure shall be determined by the Village Building Official based on the exterior appearance and the interior design and layout of the residence. At a minimum, the architectural front facade shall include the principal entryway into the residence.
6. Required off-street parking spaces may not be located within the required front yard setback of any lot, parcel, or building. However, driveways providing access to off-street parking spaces are not subject to this restriction. Where additional parking is required, the setback

for such parking may be calculated from the property line in existence prior to the dedication of any additional right-of-way, provided a minimum setback of thirty (30) feet remains.

7. Any side or rear yard abutting a street shall have a setback equal to or greater than the required front yard setback, unless otherwise provided for in this ordinance.
8. In the industrial zoning districts, no storage shall take place within twenty (20) feet of a lot or parcel line which abuts a residential district.

6.04.04 Lot Coverage, Floor Area Ratio, and Building Height Requirements

1. The terms “lot coverage”, “floor area ratio”, and “lot depth” shall have the meaning set forth in Article 3 of this ordinance.
2. Floor area in residential structures shall refer to the gross total horizontal area of all floors below the roof and within the outer surface of principal buildings, or within the centerlines of a shared party wall separating such buildings or portions thereof, but not including basements, cellars, crawl spaces, attics, garages, breezeways, porches, or other spaces not typically used for living, eating, and sleeping purposes.
3. Floor area in non-residential structures shall refer to the gross total horizontal area of all floors below the roof and within the outer surface of principal buildings, or within lines drawn parallel to and two (2) feet within the roofline of any building or portions thereof without walls, exclusive of basements, cellars, crawl spaces, and attics. Said floor area shall not include arcades, porticos, and similar areas open to the outside air which are accessible to the general public and not designed for sales, display, storage, service or production use.
4. The total area covered by any building on a zoning lot, including the principal and accessory buildings, shall not exceed the percentage of the total lot area as shown in Table 6.1.
5. The height of a principal building and the height of an accessory structure shall not exceed the height in feet as shown in Table 6.1, except as provided for in this ordinance.

6.04.05 Vision Clearance Triangle

In each quadrant of every intersection of any arterial street shown on the Village’s comprehensive plan or master plan and any other streets not located in District No. 3 with a private or public driveway, public alley or other access-way providing egress for parking area of one thousand (1,000) square feet or more, there shall be designed a vision clearance triangle, bounded by the inner street lines (right-of-way), or the street line and driveway lines, as the case may be, and a line connecting them thirty (30) feet from their intersection. Within this triangle, no object shall be allowed above the height of two and one-half (2-1/2) feet above the streets and/or driveways if it obstructs the view across the triangle.

6.04.06 Buildings Under Construction

Nothing in this article shall be deemed to require any change in the plans, construction, or designated use of any building upon which actual construction was lawfully begun prior to the adoption of this ordinance, and upon which building actual construction was diligently carried on; provided that such building will be completed within one year from the date of passage and publication of this ordinance.

6.04.07 Building Moving

1. No building or structure shall be moved in whole or in part to any other location on the same or any other lot unless every portion of such building or structure which is moved, and the use thereof, is made to conform to all of the laws and regulations of the village, including, but not limited to, the zoning ordinance, building code, fire code, mechanical code, and housing code, including obtaining of the necessary permits.
2. No building or structure shall be moved as provided in this article unless bond is given in sufficient amount, as determined by the Village Board, to ensure that any repairs or other improvements required to be made under this article, or under any other applicable law or ordinance, be made within one year from the date such building or structure is moved.

6.04.08 Performance Standards

1. **Emission of Noise, Odor, Fumes, Dust, or Particulate Matter.** No activity or operation shall be established or maintained which by reason of its nature or manner of operation will cause the emission of noise, odor, toxic fumes, smoke, dust, or particulate matter in such concentrations as to be detrimental to or endanger the public health, welfare, comfort, or safety, or cause injury to property or business.
2. **Glare.** No activities involving direct or sky-reflected glare, whether from lighting or high temperature or other processes, shall be directed onto adjoining property.
3. **Explosives.** Unless otherwise permitted, no activities involving the storage, utilization, or manufacture of materials, goods, or products which could decompose by detonation shall be permitted.
4. **Vibration.** No activity or operation shall cause earth vibrations perceptible beyond the limits of the lot or property on which the operation is located.

6.04.09 Use Restrictions

The following use restrictions and regulations shall apply:

1. **Principal Uses.** Only those principal uses specified for a district or on a Planned Residential Development and the following uses shall be permitted in that district.
2. **Accessory Uses and Structures.** Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction.
3. **Special Use.** Uses by special permit and their accessory uses are permitted in districts as specified, but only according to the procedure set forth in Article 14 of this ordinance.
4. **Temporary Uses.** Temporary uses established herein may be permitted by the village in accordance with the requirements of Article 14 of this ordinance.

6.05 Residential Districts**6.05.01 District No. 1 -- One-Family Residential District**

The following regulations shall apply in all No. 1 Districts.

1. **Principal Permitted Uses** - One Family detached dwellings, places of religious worship and uses attendant and subordinate thereto; public and parochial educational, cultural and recreation uses; customary agricultural uses provided that no odor or dust producing operation or use shall be permitted within one hundred feet of any property line; customary home occupations provided that such is conducted within principal building and that there be no external evidence of such except signs as permitted in Sec. 6.10 (3)(c)(i).
2. **Special Permitted Uses (See Sec. 14.03)** - Private Non-Profit cultural and welfare uses; Hospitals, Medical, Dental, Legal, Engineering and Accounting Offices, Real Estate and Insurance Offices, Beauty Salons, and Home Day Care for Children.
3. **Net Site Area** - Not less than 10,200 square feet and lot width of not less than eighty-five (85) feet at the point of 30 ft. setback line.
4. **Coverage** - All buildings including accessory buildings shall not cover more than thirty (30) percent of the net site area.
5. **Yards required** - Each principal building shall have front, side, and rear yard or set back not less than the depths or widths following:
 - a. Front yard depth—thirty (30) feet.
 - b. Side yard width—not less than twelve (12) feet.
 - c. Rear yard depth—twenty-five (25) feet.
6. **Height of Principal Building** - not to exceed two and one-half stories or thirty-five (35) feet.
7. **Accessory Building Regulations** - Accessory Buildings shall be located on the same lot with principal building, shall be not less than 10 feet from principal building if not attached thereto, shall not exceed 15 feet in height, nor be less than 6 feet from rear lot line and side yard requirement may be reduced to 4 feet.
8. **Supplementary Regulations** - See Sec. 6.10

6.05.02 District No. 2 - Two-Family Residential District

The following regulations shall apply in all No. 2 Districts.

1. **Principal Permitted Uses**—All uses listed under, and subject to provisions listed under Paragraph # 1 in District No. 1 above; Two Family Detached Dwellings.
2. **Special Permitted Uses (See Sec. 14.03)**—Multi-Family detached, row or group dwellings; Medical & Dental Clinics; Real Estate & Insurance Offices, Beauty Salons, Mortuaries & Home Day Care for Children provided such activities are conducted within the principal building and employ no more than 3 persons; Boarding House, Assisted Living Facility under a Planned Residential Development, provided the Assisted Living Facility also meets the criteria listed below, Community Based Housing under a Planned Residential Development, and townhouses under a Planned Residential Development, provided the townhouses also meet the criteria listed below.

Townhouses and/or condominiums must have no more than six (6) units in a building and no more than one building on a lot, and all units must front a public street.

- An Assisted Living Facility must meet all definitional, structural, licensure, and procedural requirements as set forth in the Illinois Assisted Living And Shared Housing Act, effective January 1, 2001, as amended, as well as all requirements set forth in Chapter 32 (New Residential Board and Care Occupancies) and applicable provisions of Chapter 18 (New Health Care Facilities) of the 2000 Life Safety Code, as amended.
3. **Net Site Area**—Same as District No. 1, provided that no lot shall have an area of less than 1,000 feet for each family housed thereon.
 4. **Coverage**—Same as District No. 1.
 5. **Yards Required**—Each principal building shall have front, side & rear yards not less than the depths or widths following:
 - a. One Family & Two Family Dwellings—same yard requirements as District No. 1.
 - b. Multi-Family Dwellings
 - i. Front Yard—Thirty (30) Feet
 - ii. Side Yards—Twelve (12) Feet
 - iii. Rear Yards—Fifty (50) Feet, except if six units or fewer minimum setback reduced to twenty-five (25) feet
 6. **Height of Principal Building** — Not to exceed three stories or forty (40) feet.
 7. **Accessory Building Regulations**—Same as District No. 1.
 8. **Supplementary Regulations**—See Section 6.10.
 - a. Distance between Buildings on Same Plot—no principal building shall be closer to any other principal building than the average of the heights of said buildings.
 - b. Required Inner Court Dimension—the least dimension of an inner court shall be not less than the full height of the walls enclosing such court, but not less than fifty (50) feet. Each inner court shall have an open and unobstructed passageway at grade level sufficient to permit the passage of fire equipment.

6.05.03 District No. 2-M -- Multi-Family Residential District

The following regulations shall apply in all No. 2-M Districts.

1. **Principal Permitted Uses** — All uses provided under Paragraph 1 in District No. 1 above, two-family detached dwellings, multi-family detached, row or group dwellings.
2. **Special Permitted Uses**—(See Section 14.03) Private Non-Profit Cultural and Welfare Uses: Hospitals, Medical and Dental Clinics; Legal, Medical, Dental, Engineering, Accounting, Real Estate and Insurance Offices; Mortuaries, Boarding Houses and Beauty Salons, and Home Day Care for Children, providing such activities are conducted within the principal building.
3. **Net Site Area**—A Multi-Family Dwelling or group of dwellings on one plot containing separate living units for three families shall have a net site area of not less than 13,000 square feet and 4,300 square feet for each additional living unit, provided that not more than ten (10) separate living units shall be constructed on one acre.
4. **Coverage**— The principal building or buildings including accessory buildings shall not cover more than 60% of the net site area.
5. **Yards Required**—Each principal building shall have front, side and rear yards not less than the depths or widths following:
 - a. Front Yard – Thirty (30) feet
 - b. Side Yards – Twelve (12) feet

- c. Rear Yard – Fifty (50) feet, except if six units or fewer minimum setback reduced to twenty-five (25) feet
6. **Height of Principal Building or Buildings**—Not to exceed twenty-eight (28) feet, and distance between principal buildings of not less than twenty (20) feet.
7. **Construction of Building or Buildings**—
 - a. Each Multi-Family detached dwelling or row or group dwellings may provide one (1) single bedroom unit for each three (3) double bedroom units.
 - b. Each single bedroom unit shall have a minimum dwelling or habitable area of not less than 750 square feet and each double bedroom unit not less than 950 square feet.
8. **Accessory Building Regulations**—Accessory buildings shall be located on same lot with principal building it serves and if unattached to principal building shall be not less than 10 feet from principal building, shall not exceed 15 feet in height, nor be less than 6 feet from the rear lot line, or less than ten (10) feet from any side lot line.
9. **Garages and Parking**—There shall be provided garages or hard surfaced parking on the lot or building site providing one and one-half parking spaces for each single bedroom unit and two parking spaces for each double bedroom unit.
10. **Supplementary Regulations**—
 - a. If inner courts are provided, then the dimensions thereof shall be the same as District No. 2 Requirements.
 - b. Regulations provided in Section 6.10 shall apply where no conflict exists between such regulations and the provisions herein contained, and if such regulations are in conflict then the provisions herein contained shall supersede and control existing regulations.

6.06 Commercial Districts

6.06.01 District No. 3 – General Business District

The following regulations shall apply in all No. 3 Districts.

1. **Principal Permitted Uses**—Stores, Shops, Restaurants, Day Care Centers, Offices for conducting of any legal retail sales, personal service professional or entertainment activity except as noted below as “Special Permitted Uses”, and with the restrictions as noted at the end of this paragraph for any sexually-orientated business which includes, but is not limited to, a sexually-orientated arcade, a sexually-orientated bookstore, or a sexually-orientated video store; spaces for production of products to be sold at retail on the premises provided such production may not be defined as a “Manufacturing Use” under Section 6.09 hereof; Public Service Substations and Exchanges; Transit Passenger Stations; Public and Private Automobile Parking Lots. New construction for dwelling purposes is not permitted, except that living accommodations for one family, but not more than four families, may be provided on the second floor of a business use, and provided that the lot or lots upon which such business and dwelling use is constructed shall have a vacant area of not less than 500 square feet for each family housed therein.

The requirements for living accommodations shall be as follows:

 - a. Each single bedroom unit shall have a minimum dwelling or habitable area of not less than 750 square feet, and each double bedroom unit shall have a minimum dwelling or habitable area of not less than 950 square feet. For each additional bedroom, the required size of the unit shall increase by an additional 200 square feet; and

- b. Each residential living space shall have its own washroom and bathing facilities separate and apart from the business above which the residential living space is located; and
- c. Two exits shall be required from each living unit.

Sexually orientated businesses, which shall include, but not be limited, to sexually-orientated arcades, sexually-orientated book stores, and sexually-orientated video stores, shall be a permitted use provided that:

- a. A sexually-orientated business may not be operated within one (1) mile of the following previously established uses:
 - i. A church, synagogue, or regular place of worship;
 - ii. A public or private elementary or secondary school;
 - iii. Any property legally used or zoned for residential purposes;
 - iv. A public park;
 - v. A day care facility;
 - vi. Another sexually-orientated business; or
 - vii. Any public access government building.
 - b. For the purpose of this subsection, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually-orientated business is located, to the nearest property line of a church, synagogue, or regular place of worship, public or private elementary or secondary school, residential use, park, day care facility, or other sexually-orientated business, or to the nearest boundary of a residential zoning district.
 - c. Nothing in this subsection shall be interpreted to authorize or permit any activity or conduct prohibited by any local, state, or federal law including, but not limited to, obscenity and prostitution.
- 2. **Special Permitted Uses**—Public Parking Garages; Used Automobile Sales; Farm Implement Establishments; Greenhouse and Nurseries; Lumber Yards; Service Stations; Wholesale Sales Outlets; Warehousing, Storage and Truck Transport Activities. All above “Special Permitted Uses” are subject to provisions listed under Section 6.07.01 (1)(a)-(1)(i) and under Section 6.10 (7), as well as other provisions of this ordinance.
 - 3. **Net Site Area** - No requirements other than those listed elsewhere herein.
 - 4. **Coverage** - No requirements other than those listed elsewhere herein.
 - 5. **Yards Required** - No requirements other than those listed elsewhere herein. See Sect. 6.10.14.
 - 6. **Height of Principal Building** - Not to exceed 3 stories or 40 feet.
 - 7. **Accessory Building Regulations** - No requirements.
 - 8. **Supplementary Regulations** - See Sec. 6.10.

6.07 Industrial Districts

6.07.01 District No. 4 – General Industrial District

The following regulations shall apply in all No. 4 Districts.

- 1. **Principal Permitted Uses** - Any use, except a structure used for dwelling purposes, provided, however, the use complies with the following provisions:
 - a. **Review by the Planning and Zoning Commission** - To ensure compliance with provisions of this ordinance as apply to this district, all plans and specifications of

- proposed uses in this district must be submitted to the Planning and Zoning Commission for its review prior to issuance of permit by Village Building Official.
- b. **Noise and Shock** - Any machines, presses, breaks, forges, hammers, and similar constructions shall be placed on suitable shock absorbing mountings and on suitable reinforced concrete footings; shall be muffled so as not to become objectionable due to intermittence beat frequency or shrillness; and shall not be loaded beyond capacity as prescribed by the manufacturer.
 - c. **Glare and Heat** - Any processes emitting glare and heat shall be performed so as not to be seen from any point beyond the outside of the property.
 - d. **Smoke and Dirt** - Shall not exceed 0.3 grains per cubic foot of flue gas at stack temperature of 500 degrees F. Nor shall smoke emitted to atmosphere be more dense than Ringleman No. 1 for periods aggregating four minutes in any thirty minutes.
 - e. **Odor and Gases** - The emission of obnoxious odors of any kind shall not be permitted, nor shall any gas be emitted which is deleterious to the public health, safety, or general welfare.
 - f. **Fire and Safety Hazards** - All tanks providing storage of flammable liquids above ground shall be located not less than one hundred (100) feet from property lines. All tanks providing storage of flammable liquids below ground shall be located not closer to the property line than the greatest depth to the bottom of the buried tank.
The storage of rags, waste paper or similar products of combustible nature, when enclosed in a building, shall be enclosed in a building of four (4) hour fire rated construction, no part of which may be located closer than one hundred (100) feet from any property line.
 - g. **Open Storage for Junk, Auto Wrecking Yards, and Other Waste Products** - All such storage shall be enclosed within a tight unpierced fence not less than six (6) feet in height made of materials similar to or architecturally compatible with the construction materials of the principal building and subject to yard requirements for accessory buildings listed below, and a roadway shall be provided, graded, hard surfaced, and maintained from the street to the rear of the storage area to permit free access of fire trucks at any time.
 - h. **Open Storage Other than Junk** - All such storage shall be enclosed within a tight unpierced fence made of materials similar to or architecturally compatible with the construction material of the principal building and not less than six (6) feet in height, but not more than eight (8) feet, or enclosed within a greenbelt planting strip not less than six (6) feet in width, and not less than six (6) feet in height, to adequately screen view of stock piles from any outside street. All fences subject to yard requirements of accessory buildings listed below.
The storage of lumber, coal, or other combustible material shall be provided with a roadway, graded, hard surfaced, and maintained from the street to the rear of the storage area to permit free access of fire trucks at any time.
 - i. **Sewage Waste** - No wastes shall be discharged in the public sewer system which is dangerous to the public health and safety. All sewage waste shall conform to the Codes of the Rock River Water Reclamation District, or its successors.
2. **Special Permitted Uses** - (See Section 14.03) See principal permitted uses above.
 3. **Net Site Area** - Shall be of an area to satisfy requirements of coverage, yards, parking and other portions of this ordinance which apply to this district.
 4. **Coverage** - All buildings including accessory buildings shall not cover more than thirty (30) percent of the net site area.

5. **Yards Required** - Each lot shall have front, side and rear yards not less than the following depths:
 - a. Front Yard Depth - Fifty (50) feet.
 - b. Side Yards and Rear Yards -
 - Where yard abuts a zoning district other than industrial - forty (40) feet.
 - Where yard abuts street other than street on which use fronts - thirty (30) feet.
 - Where yard abuts another industrial use - twenty (20) feet.
 - Where yard abuts railroad right-of-way - none required.
 - Greenbelt Planting Strips - A greenbelt planting strip not less than six (6) feet in width, and not less than six (6) feet in height shall be provided and maintained along all zoning district boundary lines which border a more restrictive zoning district and along all street lines, except such greenbelt planting strips may be omitted along front and side yards where such yards are landscaped and maintained.
6. **Height of Principal Building** - Not to exceed thirty (30) feet).
7. **Accessory Building Regulations** - To be constructed of material similar or architecturally compatible with construction materials of principal building; not less than twenty (20) feet in height; not less than twenty (20) feet from side and rear lot lines except where side and rear lot lines abut railroad right-of-way then no yards are required; to comply with provisions listed under Fire and Safety Hazards above.
8. **Supplementary Regulations** - See Section 6.10.

6.07.02 District No. 5 – Light Industrial District

1. **Purpose** - The Light Industrial District is intended to accommodate light industrial wholesale and research establishments. The Light industrial District may be located in various areas throughout the community, may be in close proximity to residential neighborhoods and not be detrimental to residential uses because of its limited nature. While most often applied to areas where the location of particular industries has no direct relationship to other nearby business or industrial districts, it may also be formed as adjunct to these established districts.
2. **Required Conditions** -
 - a. Any noise, vibrations, and/ or odors associated with the business must be completely contained within the building(s) within which the business is conducted, and must not be detectable or audible from the outside perimeters of the property.
 - b. All production, processing, servicing, testing, and repair of materials, goods, or products shall take place within completely enclosed buildings that are not transparent.
 - c. No junk storage shall be permitted. All open storage for non-junk items shall also be within completely enclosed buildings that are not transparent and that are architecturally compatible with the construction materials of the principal building and not less than fifteen (15) feet in height. Any storage of lumber or other combustible materials shall be in an area immediately accessible to a roadway which is graded, hard surfaced, and maintained from the street to the applicable storage area to permit free access of fire trucks at any time.
 - d. No use shall be permitted, and no process, equipment, or material shall be employed which is found by the Village Board of Trustees, or its designee, to be objectionable to persons or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried waste, noise, vibration, illumination, glare, unsightliness, or to invoke any hazard of fire or explosion.

- e. There shall be sufficient paved parking available on the business premises for all employees on a given shift who drive to work, customers, salesmen, and anyone else who frequents the premises. No on-street parking shall be permitted.
 - f. All users shall comply with the performance standards as cited in the "Environmental Protection Act" effective July 1, 1970, as amended, for the State of Illinois.
3. **Permitted Uses** - Unless Otherwise provided in this ordinance, no building or land may be used, and no building may be erected, converted, enlarged or structurally altered in the Light Industrial District except for one or more of the following uses:
- a. Any production, processing, servicing, testing, repair, or storage of materials, goods, or products.
 - b. Wholesaling and warehousing.
 - c. Public and community service uses, as follows:
 - i. Bus terminals, bus garages, and bus lots;
 - ii. Electric substations;
 - iii. Fire Stations;
 - iv. Municipal or privately-owned recreation buildings or community centers;
 - v. Parks and recreation areas;
 - vi. Police Stations;
 - vii. Radio and television stations;
 - viii. Telephone Exchanges;
 - ix. Water filtration plants;
 - x. Water pumping stations; and
 - xi. Water reservoirs.
4. **Lot Size** - Every Principal use in the Light Industrial district shall be located on a parcel of land having an area of not less than fifteen thousand (15,000) square feet and a width at the established building line of not less than one hundred (100) feet.
5. **Yards** - No building or structure shall hereafter be erected or structurally altered unless the following yards are provided and maintained in connection with such buildings:
- a. **Front** - A front yard equal to at least one-half ($\frac{1}{2}$) the right-of-way of the street on which the lot fronts. However, in no case shall the front yard be less than thirty-three (33) feet nor require more than forty (40) feet.
 - b. **Side** - Where a side yard abuts property also in the Light Industrial District, there shall be a side yard on each side of the zoning lot of ten percent (10%) of the total yard width, with such ten percent (10%) not required to exceed twenty (20) feet, but in no case shall such side yard on each side of the zoning lot be less than twelve (12) feet. However, where a side yard adjoins a street, the minimum width shall be increased to equal one-half ($\frac{1}{2}$) the right-of-way of the adjoining street with a minimum of thirty-three (33) feet, but not require more than forty (40) feet. Also, if the side yard abuts a zoning district other than the Light Industrial District, such side yard shall be no less than twenty (20) feet.
 - c. **Rear** - A rear yard not less than thirty (30) feet where the rear yard abuts property also in the Light Industrial District, and not less than thirty (30) feet if the rear yard abuts a zoning district other than the Light Industrial District.
 - d. **Exemption** - The above-mentioned side yard and rear yard requirements, as well as the front yard setback requirements, shall be waived for existing businesses in the current business or current industrial district at the time of passage and publication of Ordinance No. 94-4 establishing the Light Industrial District (June 22, 1994).

6. **Height** - In the Light Industrial District, no building shall be erected or altered to a height in excess of twenty-five (25) feet.

6.08 Agricultural District

6.08.01 District No. 6 - Agricultural District

1. **Purpose.** The Agricultural District is intended to do the following:
 - a. To conserve, protect, and encourage the development and improvement of the Village's agricultural lands for the production of food and other agricultural products.
 - b. To conserve and protect agricultural lands as valued natural and ecological resources which provide needed open spaces for clean air sheds, as well as for aesthetic purposes.
 - c. To discourage premature and disassociated urban development on certain lands that are used for agricultural pursuits and open space uses.
 - d. To permit nonagricultural uses that require land areas that will not detract or adversely affect the normal agricultural pursuits of the rural area.
 - e. To give primary consideration to agricultural pursuits and secondary consideration to large urban supporting uses.
2. **Permitted Uses.** Unless otherwise provided in this ordinance, no building or land may be used, and no building may be erected, converted, enlarged, or structurally altered in the Agricultural District, except for one or more of the following uses:
 - a. All uses commonly classified as agricultural, which includes the growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, aquaculture, dairying, floriculture, horticulture, nurseries, tree farms, sod farms, pasturage, viticulture, and wholesale greenhouses, together with the operation of any machinery or vehicles incidental to the above uses.
 - b. Parks, forest preserves, and recreational areas when publicly owned and operated.
 - c. Railroad right-of-way and trackage, but not including classification yards, terminal facilities, or maintenance facilities.
 - d. Schools, public, denominational or private; elementary and high, including playgrounds and athletic fields auxiliary thereto.
 - e. Churches, rectories, and parish houses.
 - f. Public service uses are as follows:
 - i. Water filtration plant, pumping station, or reservoir.
 - ii. Wastewater treatment facility.
 - iii. Police and fire stations.
 - iv. Telephone exchange.
 - v. Electric and gas substations and booster stations.
 - vi. Governmental buildings and land uses.
 - g. Wind-operated energy devices, for site service only, provided the lot area has a minimum of 2.5 acres, and the minimum distance from the base of the structure to every lot line shall be 1.1x (times) the height of the structure.
 - h. Telecommunication towers, as permitted and regulated by Village ordinance.
 - i. Accessory land uses and activities allowed as permitted uses, including:
 - i. Off-street parking as required or permitted in accordance with Village ordinances and regulations.

- ii. Home occupations, as permitted by Village ordinances, as an accessory use by occupant.
 - iii. The sale of products produced on the premises from temporary stands or from existing farm buildings.
 - iv. Temporary buildings for construction purposes, not for human habitation and not to exist after termination of project.
 - v. Signs, as permitted in accordance with the provisions of the Village's Sign Ordinance.
3. **Special Permitted Uses** - The following uses may be allowed by Special Use Permit in accordance with the provisions herein for Special Use Permits, provided that the buildings and premises will be in compliance with all the applicable state and Village building, health, and fire regulations:
- a. Cemeteries, including crematories and mausoleums in conjunction therewith, if not located within 500 feet of any dwelling.
 - b. Outdoor theaters and indoor theaters which are an integral part of an outdoor theater complex.
 - c. Penal and correctional institutions.
 - d. Private and public recreational facilities and commercial entertainment and tourist establishments, including, but not limited to, picnic and recreational campgrounds, as regulated by Village ordinance; dining and dancing establishments; archery clubs; gun clubs; Par-3 golf courses; automobile, cycle, snowmobile race tracks or courses; commercial stables and riding trails; and commercial fishing ponds or lakes and/or similar tourist facilities.
 - e. Radio and television towers and accessory facilities.
 - f. Institutions for the rehabilitation, education, or training of disabled persons.
 - g. Automobile wrecking yards, provided they are screened from view from adjacent property or rights-of-way.
 - h. Agribusiness, including;
 - i. Feedlots, stockyards, or other concentrated animal feeding operations (CAFOs).
 - ii. Agricultural and horticultural consulting services.
 - iii. Sod laying services.
 - iv. Wine and brandy making.
 - v. Sawmills.
 - vi. Store to conduct retail sales of feed, seed, and such farm implements as are incidental thereto, but excluding sales of farm implements used for tillage and harvesting of crops.
 - i. Golf courses, regulation size, but not including Par-3 golf courses, commercially operated driving ranges or miniature golf courses, and provided that no clubhouse or accessory buildings shall be located nearer than 200 feet to any dwelling.
 - j. Seminaries, convents, monasteries, and similar religious institutions, including dormitories and other accessory uses required for operation, provided such uses are located on a tract of land of not less than ten (10) acres.
 - k. Veterinary office and hospital.
 - l. Every special use authorized in the agricultural district shall be located on a tract of land the minimum size of which shall be specified in the special use permit.
 - m. Accessory land uses and activities allowed as special uses, including:

- i. Remote, isolated, or off-premises off-street parking as required or permitted in accordance with the provisions of Village ordinances.
- ii. The sale of products produced on the property direct to the public from other than a temporary, seasonal roadside stand, or an existing farm building, or when items not produced from agricultural activities on the property are available for sale, as an accessory use by owner or occupant.
- iii. Dog kennels, commercial, as an accessory use by owner or occupant.
- iv. Medical or dental office or clinic, as an accessory use by owner or occupant.
- v. Day care centers, as an accessory use by owner or occupant.
- vi. Bed and breakfast establishments, or lodging rooms not meeting the home occupation regulations as provided for by Village ordinance, as an accessory use by owner or occupant.
- vii. Residential and agricultural contractor's office and buildings, provided that all material, equipment, and vehicles, excluding motor vehicles requiring periodic registration, shall be stored or parked within a completely enclosed building which meets all of the requirements of the Village's building code, as an accessory use by owner or occupant.
- viii. Restricted landing areas, as an accessory use by owner or occupant.
- ix. Automobile service or repair shops, as an accessory use by owner or occupant, provided the number of customer vehicles present on the property is limited to the number of vehicle work spaces available inside the shop building.
- x. Live bait shops, with limited fishing supplies, as an accessory use by owner or occupant, provided the area of outside display or sales shall not exceed the area of inside space.

4. Exemptions/Abatements

- a. Exemptions. The following exemptions shall apply in "District No. 6--Agricultural District".
 - i. No building permit shall be required with respect to land used for agricultural purposes, which includes the growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, aquaculture, dairying, floriculture, horticulture, nurseries, tree farms, sod farms, pasturage, viticulture, and wholesale greenhouses when such agricultural purposes constitute the principal activity on the land, or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or to be used for agricultural purposes upon such land, except that such buildings or structures for agricultural purposes may be required to conform to Village building setback lines and minimum lot size for residences on land used for agricultural purposes.
 - ii. A farm operator in this District shall be exempt from the provisions of any Village noise ordinance as regards the normal and customary operation of farm equipment in the normal course of business.
 - iii. Residents of this District shall be exempt from any Village ordinance pertaining to leash laws for dogs, and regulations pertaining to odors or dust, and the use of chemicals and fertilizers (especially manure) within the Village limits during the normal course of agricultural operations.
 - iv. Any residential detached dwellings existing on a given property that is (a) rezoned to Agricultural zoning at the time of pre-annexation to the Village of Winnebago if the property is not contiguous to the corporate limits of the Village of Winnebago at the

time the agreement to annex is executed, or (b) rezoned to Agricultural zoning at the time of annexation to the Village of Winnebago if the property is contiguous to the corporate limits of the Village of Winnebago at the time the agreement to annex is executed, shall be permitted to remain on such property, and such building may be converted, enlarged, or structurally altered provided the converted, enlarged, or structurally altered structure meets all other Village zoning and building requirements.

- b. **Abatements.** If the Village does not provide Village water services to a given property in this district, in lieu of providing such water services, the Village's corporate taxes shall be abated as to such property, provided the subject property is used for agricultural purposes.

6.08.02 District No. 7 – Limited Agricultural District

1. **Purpose.** The Limited Agricultural District is intended to establish a district providing for some agricultural use of land while placing limits on the types of animals and intensity of agricultural uses in these areas which are not suitable by size, terrain, neighborhood uses, or similar constraints for extensive agricultural uses.
2. **Permitted Uses.** Unless otherwise provided in this ordinance, no building or land may be used, and no building may be erected, converted, enlarged, or structurally altered in the Limited Agricultural District except for one or more of the following uses:
Uses commonly classified as agricultural, but including and limited to the growing of farm crops, truck garden crops, apiculture, aquaculture, floriculture, horticulture, nurseries, tree farms, sod farms, viticulture, and wholesale greenhouses, together with the operation of any machinery or vehicles incidental to the above uses.
3. **Special Permitted Uses.** The following uses may be allowed by special use permit in accordance with the provisions herein for special use permits, provided that the buildings and premises will be in compliance with all the applicable state and Village building, health, and fire regulations:
 - a. Parks, forest preserves and recreational areas when publicly owned and operated.
 - b. Schools, public, denominational or private; elementary and high, including playgrounds and athletic fields auxiliary thereto.
 - c. Churches, rectories and parish houses.
 - d. Public service uses are as follows:
 - i. Water filtration plant, pumping station or reservoir.
 - ii. Wastewater treatment facility,
 - iii. Police and fire stations.
 - iv. Telephone exchange
 - v. Electric and gas substations and booster stations.
 - vi. Governmental buildings and land uses.
 - e. Wind-operated energy devices, for site service only, provided the lot area has a minimum distance from the base of the structure to every lot line shall be 1.1x (times) the height of the structure.
4. **Exemptions/Abatements.**
 - a. **Exemptions.** The following exemptions shall apply in "District No. 7--Limited Agricultural District".

- i. No building permit shall be required with respect to land used for limited agricultural purposes, which includes, and is limited to, the growing of farm crops, truck garden crops, apiculture, aquaculture, floriculture, horticulture, nurseries, tree farms, sod farms, viticulture, and wholesale greenhouses when such limited agricultural purposes constitute the principal activity on the land, or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or to be used for limited agricultural purposes upon such land, except that such buildings or structures for limited agricultural purposes may be required to conform to Village building setback lines and minimum lot size for residences on land used for limited agricultural purposes.
- ii. A farm operator in this District shall be exempt from the provisions of any Village noise ordinance as regards the normal and customary operation of farm equipment in the normal course of business.
- iii. Residents of this District shall be exempt from any Village ordinance pertaining to leash laws for dogs, and regulations pertaining to odors or dust, and the use of chemicals and fertilizers (especially manure) within the Village limits during the normal course of limited agricultural operations.
- iv. Any residential detached dwellings existing on a given property that is (a) rezoned to Limited Agricultural zoning at the time of pre-annexation to the Village of Winnebago if the property is not contiguous to the corporate limits of the Village of Winnebago at the time the agreement to annex is executed, or (b) rezoned to Limited Agricultural zoning at the time of annexation to the Village of Winnebago if the property is contiguous to the corporate limits of the Village of Winnebago at the time the agreement to annex is executed, shall be permitted to remain on such property, and such building may be converted, enlarged, or structurally altered provided the converted, enlarged, or structurally altered
- b. Abatements. If the Village does not provide Village water services to a given property in this district, in lieu of providing such water services, the Village's corporate taxes shall be abated as to such property provided the subject property is used for agricultural purposes.

6.09 Research, Technology, and Manufacturing Park – RTMP District

6.09.01 District No. 8 -- Research, Technology, and Manufacturing Park (RTMP)

1. **Purpose.** The Research – Technology and Manufacturing Park, RTMP District is intended to provide o opportunities for the development of research – technology, manufacturing, production, processing, packaging, warehousing, distribution and other industrial uses that are essential for the economic viability of the Village. The uses associated with this district often require large, relatively flat sites with good drainage, access to the regional highway system, substantial utilities and railroad lines. Certain uses within the district may generate large volumes of truck traffic, so ready access to County Roads, Route 20 and the Interstate system is essential. Due to the intensity of some of the permitted uses in this district, the special site – locational requirements, and the intended development character of this district insofar as possible, the RTMP – District should not abut residential districts.
2. **Required Conditions.**
 - a. Noise and Shock – Any machine, presses, brakes, forges, hammers and similar industrial equipment shall be placed on suitable shock absorbing mountings and on

suitable reinforced concrete footings; shall be muffled so as not to become objectionable due to intermittence beat frequency or shrillness; shall not be loaded beyond capacity as prescribed by the manufacturer. The maximum permitted noise level, measured in A-weighted decibels, which shall be permitted at the property line of any zoned lot in the district, shall be seventy-five decibels (75 dBA). The

following provisions shall not apply to rail yards in the district.

- b. Lighting – All site lighting for zoned lots within the district shall be shielded so that substantially all directly emitted light falls within the property line. No illumination in excess of one-half foot-candle shall be permitted across the boundary of any adjacent residential property or a public street.
- c. Glare and Heat – Any processes emitting glare and heat shall be performed so as not to be seen from any point beyond the outer edge of the property.
- d. Smoke and Dirt – Shall not exceed 0.3 grains per cubic foot of flue gas at stack temperature of 500 degrees F. Nor shall smoke emitted to atmosphere be more dense than Ringleman No. 1 for periods aggregating four (4) minutes in any thirty (30) minute time period, or as otherwise required by any federal, state, county, or local law or regulation if the same is more restrictive than what is provided herein.
- e. Odor and Gasses – Permitted uses within the district shall implement pollution control technologies to insure compliance with the Illinois Environmental Protection Agency (IEPA) odor and emissions standards under the Clean Air Act Amendments (CAAA), any other applicable federal, state, county, or local law or regulation, and shall initiate and follow through on annual inspections by the Illinois Environmental Protection Agency (IEPA) no less frequently than semi-annually, Further all technologies implemented shall minimize the potential for groundwater contamination, explosions, and air pollution.
- f. Fire and Safety Hazards – All tanks providing storage of flammable liquids above ground and below ground shall comply with the applicable requirements under all local, county, state, and federal codes.

The storage of rags, waste paper or similar products of combustible nature, when enclosed in a building shall also comply with the rules and regulations of the State Fire Code, and any other applicable federal, state, county or local regulations. All construction shall be required to follow the requirements of the 2015 International Fire Code, as amended, including, but not limited to local amendments. Before any Plat is approved, building access must be approved by the Win-Bur-Sew Fire Department Chief.
- g. Storm Water Drainage – Applicants for building permits in the district shall be required to submit detailed grading and drainage plans, with supporting calculations prepared by a registered engineer, to the Village Building Official, the Village Public Works Director and the Village Engineer for review and approval prior to initiation of work. Where applicable, an erosion control plan prepared by a design professional or soil scientist shall be included in order to prevent sedimentation from reducing the flow carrying capacity of the downstream drainage system. Applicants are required to attempt to work with other property owners of zoned lots within the district in developing master drainage systems for the area utilizing larger off-site storm water retention systems, which will accommodate a number of the zoned lots within the district.
- h. Open Storage Other than Junk – All such open storage shall be enclosed within a tight, unpierced fence made of material similar to or architecturally compatible with the construction materials of the principal building and not less than six (6) feet in height, or

enclosed within a greenbelt planting strip no less than six (6) feet in width, and not less than six (6) feet in height, to normally screen view of the open storage areas from public street or road. Where the open storage abuts railroad right-of-way no fence or greenbelt planting strip will be required other than the landscape area required in this district.

Materials placed or stacked in open storage shall not be placed or stacked at a height exceeding the screening fence or greenbelt planting strip.

The storage of lumber, coal or other combustible materials shall be provided with a roadway, graded, surfaced and maintained from the street to the rear of the storage area to permit free access of fire trucks at any time. Any material stored that in and of itself, or through materials contained therein, could possibly leak or exude contaminated run-off shall only be stored on a paved bituminous and/or other impervious surface.

3. **Permitted Uses.** Unless otherwise provided in this chapter, no building or land may be used and no building may be erected, converted, enlarged or structurally altered in the RTMP – District except for one or more of the following uses:
- a. Any use listed as a permitted use in District No. 4 and District No. 5.
 - b. Commercial greenhouses and plant nurseries provided all goods and plants stored outside complies with the outside storage provision in this section.
 - c. Concrete fabrication including a ready-mix plant for the sole purpose of creating concrete for the concrete fabrication process.
 - d. Corporate and administrative facilities.
 - e. Warehouse and distribution facilities including packaging or assembling of products and the packing of commodities for distribution.
 - f. Electric central station, electrical and gas substations, power and steam generating plants.
 - g. Flour, feed and grain; milling and processing, including fractionalization.
 - h. Mini-warehouses or self-service storage facilities.
 - i. Machine shops.
 - j. Cross dock and transload facilities.
 - k. Printing, publishing and lithography establishments.
 - l. Railroad turn-outs, switching, spur lines, ladder-tracks, receiving yards and load-out areas provided they are associated with permitted uses in this district.
 - m. Research-development facilities and testing laboratories.
 - n. Transportation equipment storage and maintenance facilities.
 - o. Manufacturing and the fabrication of goods and equipment including, but not limited to concrete, metal, plastics and wood products.
 - p. Vocational and industrial training schools.
 - q. Water reservoirs, water filtration plants and pumping stations.
 - r. Fabrication of wind-operated energy devices. Any wind-operated energy devices located in the district shall maintain a minimum distance from the base of the structure to any lot line equal to 1.1 times the height of the structure, plus ten feet.
 - s. Accessory uses when customarily incidental to and clearly subordinate to a permitted use:
 - i. Retail sales of products manufactured on the premises where the retail floor area does not exceed the lesser figure of either 3, 000 square feet or fifteen (15) percent of the gross floor area of the building in which the sales area is located.
 - ii. Coffee shops, snack bars and cafeterias provided these facilities are located inside the main building and cater exclusively to the employees and their guests located on-site.
 - t. Outside storage of goods, commodities, materials, equipment and products as follows:

- i. Goods, commodities, materials and equipment used in or produced by processing, production, packaging, distribution and/or manufacturing activities and all finished goods and equipment permitted in this district.
- ii. Grain and feed.
- iii. Peat and topsoil.
- iv. Shipping containers used for shipping goods, commodities, materials, and equipment to the permitted uses and finished goods and equipment produced by the permitted uses in this district.

Any variation under this section shall be subject to Village Zoning Board approval and in accordance with the terms and rules of the Village's Zoning Ordinance, as amended.

4. **Special Permitted Uses.** The following uses may be allowed by Special Use Permit in accordance with the provisions listed under Section IV, Article G of this ordinance.
 - a. Composting facilities that receive and recycle, biosolids including: grass clippings leaves, brush, trees, yard waste, and scrap wood.
 - b. Recycling operations.
 - c. Bulk storage of gasoline and other petroleum products.
 - d. The production and/or processing of alternative fuels including methanol, ethanol, cellulosic ethanol, other alcohols, propane, coal derived liquid fuels, biodiesel, liquid fuels produced from natural gas, hydrogen, syngas, biogas, and fuels other than alcohols derived from biological materials, and the bulk storage of alternative fuels and petroleum products used in the processing of alternative fuels listed in this paragraph.
 - e. Motor freight terminals.

Any variation under this section shall be subject to Village Zoning Board approval and in accordance with the terms and rules of the Village's Zoning Ordinance, as amended.

5. **Lot Size.** Every principal use in this district shall be located on a parcel of land having an area of not less than forty thousand (40,000) square feet and the width at the established building line of not less than one hundred fifty (150) feet.
6. **Yards.** No building or structure shall hereafter be erected or structurally altered unless the following yards are provided and maintained in connection with such buildings:
 - a. Front – A front yard shall be not less than fifty (50) feet.
 - b. Side – A side yard shall be not less than twenty (20) feet, except on corner lots where the side yard adjoins a street, the side yard shall be at least one-half the right-of-way of the street on which the lot fronts but in that case the side yard shall be not less than thirty-three (33) feet and not more than forty (40) feet.
 - c. Rear – A rear yard shall not be less than thirty (30) feet, where the rear yard abuts property also in the district, and no less than forty (40) feet if the rear yard abuts a zoning other than the RTMP. If the rear yard abuts the railroad right-of-way the rear yard shall not be less than fifteen (15) feet.
7. **Height.** In this district, no building shall be erected or altered that exceeds four stories or fifty (50) feet in height without first obtaining a waiver of the height restriction from the Village of Winnebago. This restriction does not include emissions stacks and cooling towers, which are permitted to exceed the fifty (50) height restriction.
8. **Parking and Loading.** The number of parking spaces required for the permitted uses in this district are set forth in the table below. The parking requirements are based on the amount of square footage in buildings and calculations of the square footage shall be based upon the gross floor area of the building and the proposed use. In the event the proposed use is not

listed in the table below, the parking requirements for the proposed use shall be determined by the Village Engineer and the Village Building Official.

Parking shall not be permitted in the front yard of any lot within the district unless the parking is buffered and screened by a landscape buffer not less than twenty-five (25) feet wide located between the parking and driveway areas and the right-of-way of the street or interior road.

No loading docks may be on any street frontage. Loading docks or other loading areas for handling all freight, either by railroad or truck, shall be located on those sides of the building or structures which are not facing on any public street or interior road.

Alternative fuel processing – Concrete Fabrication	1 space per 500 square feet of office and laboratory space and 1 space per every 2,500 square feet for other purposes
Corporate – Administrative	1 space per 500 square feet of office space.
Manufacturing – Fabrication Machine Shops	1 space per 1,500 square feet
Motor Freight	1 space per 1,000 square feet
Power Plants – Steam Plants, Water Filtration Plants	1 space per 500 square feet of office space plus 1 space per 2,000 square feet for other purposes.
Milling Operation	1 space per 2,500 square feet
Research – Laboratory	1 space per 500 square feet
Warehouse - Distribution, Printing, Publishing	1 space per 500 square feet of office space plus 1 space per 2,500 square feet for other purposes

If an applicant for a building permit wishes to secure a parking variance for a zoned lot in the district, the applicant shall secure a traffic – parking study from a qualified traffic engineer, which shall be submitted to the Village Building Official. The Village Building Official, the Village Engineer, and the Win-Bur-Sew Fire Department Chief shall review the traffic – parking study and make their recommendations to the Zoning Board of Appeals who shall make the final determination.

9. **Landscape Buffer and Screening Requirements.** A fifteen (15) foot wide landscape buffer is required along the front, side and rear yards of any lot in the district. Any necessary private utilities, railroad right-of-ways and access drives may be allowed through, over or across a landscape buffer. The landscape buffers shall be planted with a mix of trees and shrubs in order to provide: screening to enhance aesthetic appeal; control or direction of vehicular and pedestrian movement; reduction of glare; buffering of noise; and establishment of privacy. The Village of Public Works Director, Village Engineer, Village President, and Win-Bur-Sew Fire Department Chief shall establish criteria for the landscape requirements under this provision, which shall be approved by the Board of Appeals. Any appeals regarding the landscape requirements shall be to the Board of Appeals.
10. **Signs.** All on-premises signs in this district require a permit. The following chart sets forth the total maximum sign area for all freestanding signs located on a zoned lot in this district. The following chart does not apply to directional signs.

Lot Size (acres)		
Greater than or Equal to:	But Less Than:	Maximum Total Sign Area (square feet)
1*	5	225
5	10	350
10	25	475
25+	No limit	475 plus an additional 10 square feet for each acre over

		25 acres, up to a maximum of 1,000 square feet of sign area
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*One acres shall mean 40,000 square feet. Any lot size above 43,560 square feet shall be calculated on its actual square footage with two acres being 87,120 square feet.

- a. Sign area – the sign area of all on-premises signs shall be the area within a single, continuous rectangular perimeter measured from the extreme lowest point of the sign to the extreme highest point of the sign and from the extreme left edge to the extreme right edge of the sign face or faces and shall not include the support structure. For double-faced signs, only one display face shall be measured in computing sign area when the sign faces are parallel, perpendicular or where the interior angle formed by the faces is sixty (60) degrees or less and attached to a common monument structure. If the two faces of a double-faced sign are of unequal area, the larger of the two faces shall be the area used for calculations.
- b. Type and design of signs – All on-premises signs must be ground based monument signs or building signs mounted upon the wall of the building or buildings on the zoned lot. The top of any freestanding, ground based monument signs shall be no higher than six (6) feet measured from the finished grade of the ground at the base of the sign to the top edge of the sign. The appearance of the base of any on-premise, freestanding monument sign shall appear to be a solid base to enhance aesthetic appearance of the sign. By way of example, and without limitation the ground based monument sign cannot be attached to, resting upon, or supported by any pillars, columns, or pylons which allow for open spaces of direct line of sight from one side of the sign to the other beneath the widest area of the sign face in a direct vertical plane to the ground. No portable signs will be allowed. In the event that the original and final grade of the zoned lot have a topographical difference of ten feet below the curb line of the road frontage of the zoned lot, a pole sign can be considered through the variance process.
- c. Number of freestanding signs – the maximum number of on-premises freestanding signs allowed on any zoning lot shall be determined by the number of roads the lot fronts upon. For each road frontage, one sign shall be permitted for each one hundred fifty (150) feet of public street or interior road frontage. If the zoned lot fronts on more than one public street or interior road the total number of such signs shall be limited to one freestanding sign for each road the zoned lot fronts upon provided the lot has a minimum of one hundred (100) feet of frontage on the second street of road.
- d. Setback of signs – All on-premises, ground-based, monument signs shall setback from the right-of-way of any public or interior road a minimum of ten (10) feet. Said signs may be located within the landscaping buffer provided the area around the sign is landscaped to blend in with the surrounding landscape buffer.
- e. Building signs – On-premises building signs shall be limited to two signs per zoned lot. The signs shall be attached to the wall of a building or structure, and shall not project more than 60 inches from the face of the wall of the building or structure. The top edge of any on-premises building sign shall be no higher than twenty-five (25) feet above the finished grade of the ground at the foundation of the building or structure. Notwithstanding the foregoing, a building sign shall not be mounted on the roof of the building or extend above the lower edge of any roof line of the building or structure on which the building sign is located.

The total maximum square footage of the sign area for all building signs permitted on a zoned lot in this district is set forth in the table below.

Total Square Footage of Building Signs					
Square Footage of Building Wall Surface		Maximum Permitted Sign Area			
From (sq.ft)	To (sq.ft)	Base Permitted Sign Area	Plus	Of Area over	To a Maximum Area of
0	4,000	0 square feet	10%	0	400 square feet
4,000	20,000	400 square feet	5%	4,000	1,200 square feet
20,000		1,200 square feet	2%	20,000	2,000 square feet

- f. Content of signs – All on-premises monument and building signs shall list only the name of the business, the type of business and the address of the business.
 - g. Directional signs – All on-premises directional signs are intended to provide information for the convenience of the public, such as the location of exits, entrances, parking areas and loading docks and are not intended to identify individual tenants or users, or to provide identification or advertising from public street, interior road or other off-site areas.
 - i. The maximum sign surface area shall be twelve (12) square feet. Business, project or development identification shall not exceed twenty-five percent (25%) of the sign surface area. Freestanding directional signs shall be a maximum height of six (6) feet above the finished grade of the adjacent parking or driveway surface and shall be set back a minimum of twenty (20) feet from the public street or interior road and a minimum of ten (10) feet from all other property lines.
 - ii. Signs mounted on building walls shall be mounted only high enough to be visible to on-site users, but in no event above the first story of the building on which it is mounted.
 - iii. No directional sign shall be erected which is not clearly necessary for the safety and convenience of the public and shall be oriented for viewing by on-site vehicular and pedestrian traffic, rather than traffic on public streets or on adjacent property. These signs shall either not be illuminated or illuminate in such a manner that it does not cause glare.
11. **Exemption and Supplemental Uses.** The following uses shall be permitted uses in this district:
- a. No permit shall be required with respect to land used for agricultural purposes, which includes the growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, hydroponics, aquaculture, dairying, floriculture, horticulture, nurseries, tree farms, sod farms, pasturage, viticulture, and wholesale greenhouses when such agricultural purposes constitute the principal activity on the land and no building permit shall be required with respect to the maintenance, repair, alteration, or extension of existing buildings or structures used or to be used for agricultural purposes upon such land. Any new buildings or structures for agricultural purposes to be erected are required to secure a building permit and conform to any provisions as may be required under District No. 6 – Agricultural District.
 - b. Agricultural uses of vacant land in this district shall be encouraged when the zoned land is not being developed for a permitted use in this district. Additionally, the use of farm crops as a means of buffering the more intensive uses in this district is also to be encouraged as a means of screening and buffering other uses and maintaining the rural nature of the surrounding area.
 - c. Under this exemption a farm operator shall be exempt from the provisions of any Village noise ordinance as regards to the normal and customary operation of farm equipment in the normal and customary operation of farm equipment in the normal course of business.

12. **Security Enclosures.** Proper security in the form of fences or gates shall be required around the entire property at or near the lot line for any operation conducted on the property that is critical to energy production, or weapons production, or a national security type operation based on Department of Homeland Security critical uses plan. All fences must meet Village fence height requirements, and the type and grade of fencing or gate required shall be subject to the approval of the Village Board, with due consideration given to the level of security needed based on the type of operation. Any barrier fence or gate must allow for fire or police access through a key box twenty-four (24) hours a day or some other method approved by the Win-Bur-Sew Fire Chief and the Village of Winnebago President.
13. **Roadways.** All roadways in this District shall have no dead ends and must have a 75,000 pound capacity with turnaround of bituminous pad, and meet the requirements of Appendix D of the 2015 International Fire Code, as amended, for fire apparatus access roads.

6.10 Supplementary Regulations

The provisions of this ordinance shall be subject to such exceptions, additions or modifications as herein provided by the following supplementary regulations:

1. Minimum Property Requirements

Except where the provisions of this ordinance contained herein are more restrictive the provisions of the federal guidelines, as periodically revised, for minimum property requirements for the respective size dwelling structures, shall apply to all dwelling structures and lot characteristics erected, placed, or caused to be constructed in any district following the passage of this ordinance. Also, except where the provisions of this ordinance contained herein are more restrictive than the most recent version of building, electrical, plumbing, and other codes as adopted by the International Code Council (ICC), said codes shall apply to all construction in any district following the passage of this ordinance.

2. Subdivision Regulations

Every intended subdivision of land within the Village of Winnebago must be submitted to the Planning and Zoning Commission of said Village for approval according to the following provisions:

- a. The subdivider shall submit a Tentative Plat of Subdivision to the Planning and Zoning Commission. Such Tentative Plat to be drawn at a scale of 100 feet to the inch and to be based upon (1) a Plat of Survey of the boundaries of the entire property subdivided made thereof by the County Surveyor or a Registered Illinois Land Surveyor, and (2) a Topographical map of the entire property to be subdivided showing two foot contour intervals.
- b. The Planning and Zoning Commission shall review such plat to determine its conformance with the pertinent Village of Winnebago Zoning and Subdivision ordinances. The Planning and Zoning Commission shall also submit a copy of such Plat to the Fire and Police Districts servicing the Village for review and advisory commentary in order to check for duplicative street names or any other potential problems from a Fire Department or Police Department perspective. The Planning and Zoning Commission may approve, modify, or not approve such plat following review as specified above.
- c. The division of any parcel of property into two (2) parcels of property, either of which resultant parcels is less than two (2) acres in area, for the purpose of sale, conveyance, or development, may be recorded following the written approval of the Planning and Zoning

Commission, and signature by the Plat Officer, on a Plat of Survey made thereof by the County Surveyor or a Registered Illinois Land Surveyor.

3. Uses - Existing Conforming & Non-Conforming & Future

- a. **Dwellings on Small Lots** - Notwithstanding the limitations imposed by any other provisions of this ordinance, the Planning and Zoning Commission may permit erection of a dwelling on any lot (except a lot in District No. 3 or District No. 4), separately owned or under contract of sale and containing, at the time of the passage of this ordinance, an area or width smaller than that required for a one-family dwelling.
- b. **Non-Conforming Uses** - The lawful use of any building or land existing at the time of the enactment of this ordinance may be continued although such use does not conform with the provisions of this ordinance.
 - i. **Unsafe Structures** - Any structure or portion thereof declared to be unsafe by a proper authority may be restored to a safe condition.
 - ii. **Alterations** - A nonconforming building may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost twenty-five percent of the assessed value of the building unless said building is changed to a conforming use.
 - iii. **Extension** - A nonconforming use shall not be extended, but the extension of a lawful use to any portion of a non-conforming building which existed prior to the enactment of this ordinance shall not be deemed the extension of such non-conforming use.
 - iv. **Construction Prior to Ordinance** - Nothing herein contained shall require any change in plans, construction, or designated use of a building, the construction of which has begun prior to the enactment of this ordinance, and which construction shall be completed within one year from date of enactment of this ordinance.
 - v. **Restoration** - No building damaged by fire or other causes to the extent of more than fifty (50) percent of its assessed value shall be repaired or rebuilt except in conformity with the regulations of this ordinance.
 - vi. **Abandonment** - Whenever a nonconforming use has been discontinued for a period of more than one year, such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of this ordinance.
 - vii. **Changes** - Once changed to a conforming use no building or land shall be permitted to revert to a nonconforming use, except that a nonconforming use may be changed to a use of the same or higher classification, and when so changed to a higher classification such use thereafter shall not be changed to a lower classification.
 - viii. **Displacement** - No nonconforming use shall be extended to displace a conforming use.
 - ix. **District Changes** - Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein.
- c. **Billboards, Signs & Construction Buildings**
 - i. **District No. 1 and District No. 2 - Permitted signs** - Professional signs, real estate signs relating to the premises only, signs announcing home occupations, not over one (1) square foot in area; signs announcing construction projects, and signs for construction projects, public, charitable, education and religious institutions may be illuminated, but not over sixty four (64) square feet in area.

- ii. District No. 3, and District No. 4, and District No. 5 - Permitted Signs - In District No. 3 and District No. 4, no billboards or advertising signboards shall be erected or maintained that are more than fifty (50) square feet in area. All such signs shall be three (3) feet or more clear above the ground and shall be ten (10) feet or more from any lot line if not attached to the building. In District No. 5, no billboards or advertising signboards shall be erected or maintained that are more than fifteen (15) square feet in area, and said signs shall not be illuminated. Also, such signs in District No. 5 shall be three (3) feet or more clear above the ground and shall be ten (10) feet or more from any lot line if not attached to the building.
 - iii. Buildings for Constructions Purposes - Any structure used for construction purposes may be erected in any district provided, however, that within eighteen (18) months from the date of erection of such structure it shall be modified or removed to comply with all provisions of this ordinance.
 - d. **Stripping of Top Soil, Quarrying and Land Fills**
 - i. No person, firm, or corporation shall strip, excavate or otherwise remove top soil for sale, or for use other than on the premises from which the same shall be taken except upon written approval by the Planning and Zoning Commission, as evidenced by issuance of a permit from said entity.
 - ii. The excavation, quarrying or drilling of natural mineral or organic deposits (except top soil and water) for sale is prohibited in all districts.
 - iii. Public and private land fill operations shall not be permitted.
 - e. **Trailers and other structures used for dwelling purposes** - No trailer, basement, tent, shack, garage, barn, or other outbuilding erected or placed on a site within any district shall at any time be used for human habitation temporarily or permanently, nor shall any structure of a temporary character be used for human habitation.
4. **Net Site Area**
- a. **Reduced Lot Area** - No lot shall be so reduced in area that any required open space will be smaller than prescribed in the regulations for the district in which said lot is located. Whenever such reduction in lot area occurs, any building located on said lot shall not thereafter be used until such building is altered, reconstructed, or relocated so as to comply with the area and yard requirements applicable thereto.
 - b. **Visibility at Intersections** - On a corner lot in any residence district no fence, wall, hedge or other structure or planting more than two and one-half (2½) feet in height shall be erected, placed, or maintained within the triangular area formed by the intersecting property lines and a straight line joining said property lines at points which are thirty (30) feet distant from the point of intersection, measured along said property lines.
5. **Yards**
- a. **Terraces** - A paved terrace shall not be considered in the determination of yard sizes or coverage, provided, however, that such terrace is unroofed and unenclosed, except for open guard railings not over three (3) feet high, and shall not project into any yard to a point closer than four (4) feet from any lot line.
 - b. **Porches, Garages, and Carports** - An unenclosed porch with roof may project into a required yard area a distance not to exceed six (6) feet and shall not be considered in the determination of yard sizes or coverage, provided, however, that such porch shall not be closer than four (4) feet at any point to any lot line. Any enclosed porch, garage, or unenclosed carport shall be considered a part of the building in the determination of yards and coverage.

- c. **Projecting Feature** - Bay windows, sills, belt courses, cornices, and eaves and other architectural features may project into any required yard not more than three (3) feet. Open fire escapes may extend into any required yard not more than four and one-half (4½) feet.
 - d. **Front Yard Depth** - In District No. 1 and District No. 2, each dwelling hereafter erected shall have a front yard equal in depth to the average depth of the front yards of the lots immediately adjacent thereto on either side, but no front yard shall be less than twenty (20) feet, nor need any front yard have a greater depth than thirty (30) feet.
 - e. **Reduction in Rear Yards** - When a lot is less than one hundred (100) feet deep at the date of passage of this ordinance such rear yard may be decreased one quarter (1/4) the distance that the lot depth is less than said one hundred (100) feet, provided, however, that no rear yard shall be less than twenty (20) feet in depth.
6. **Heights**
- a. **Height Exceptions** - The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, penthouses, and domes not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, bulkheads, parapets, cornices, similar features, and necessary mechanical appurtenances usually carried above roof level.
 - b. **Height and Open Space** - In Districts No. 2, No. 3, & No. 4 any principal building may be erected to a height in excess of that specified for the district provided each front, side, and rear yard is increased one (1) foot for each one (1) foot of such additional height.
7. **Hazards**
- a. **Parking Structures, Gasoline Stations, Vehicle Repair Facilities, and Vehicle Service Facilities** - In District No. 3 & No. 4, plans for the erection or structural alteration of any parking structure, gasoline station, vehicle repair facility, and vehicle service facility shall be approved by the Planning and Zoning Commission. Said Commission may require such change therein in relation to yards, location of pumps and buildings, and construction of buildings, as it may deem best suited to ensure safety, to minimize traffic difficulties, and to safeguard adjacent properties.
 - b. **Establishments Containing Fire Hazards** - In District No. 3 & No. 4 plans for the use, erection, or alteration of any building or lot for the storage, use, or manufacture of materials or products of flammable nature or the use of manufacturing processes employing fire hazards shall be approved by the Planning and Zoning Commission. Said Commission may require such change therein in yards, location of machinery and buildings, and construction buildings, as it may deem best suited to ensure safety and to safeguard adjacent properties.
8. **Minimum Dwelling Area** - Any ranch style building hereafter erected and used for dwelling purposes shall have a habitable area of not less than twelve hundred (1,200) square feet. However, for an exposed ranch style building, the main floor shall have a habitable area of not less than twelve hundred (1,200) square feet. Any bi-level style building hereafter erected and used for dwelling purposes shall have a habitable area of not less than thirteen hundred (1,300) square feet. Any tri-level style building hereafter erected and used for dwelling purposes shall have a habitable area of not less than fifteen hundred (1,500) square feet. Any two-story style building hereafter erected and used for dwelling purposes shall have a habitable area of not less than eighteen hundred (1,800) square feet. Any multi-family single-bedroom dwelling unit shall have a minimum habitable area of not less than 950 square feet, and any multi-family multi-bedroom dwelling unit shall have a minimum

habitable area of not less than 1,150 square feet. Further, each of the aforesaid dwelling units shall have a minimum of two (2) bedrooms, and each bedroom shall be no less than one hundred twenty (120) square feet.

9. **Carbon Monoxide Detectors Required** - Carbon monoxide detectors shall be installed in all single, two-family and multi-family residential units. A minimum of one (1) approved carbon monoxide detector in an operating condition shall be located within 15 feet of every room used for sleeping purposes, and in accordance with manufacturer's recommendations.
10. **Garage and Accessory Building Egress** - Any garage or other accessory building within any district shall have two means of egress other than overhead doors. However, any accessory building less than two hundred (200) square feet shall be exempt from this requirement. Each means of egress shall consist of a passageway door and/or window of not less than five (5) square feet of effective opening at a height of no more than forty-four (44) inches from floor level to the opening.
11. **Back Flow Preventer and Reduced Pressure Zone (RPZ) Valves** - Back flow preventer valves shall be installed on sanitary sewer service lines for each lot by a properly licensed plumbing contractor. Reduced Pressure Zone (RPZ) valves preventing cross connection of water service lines shall be installed prior to water meter installation and prior to the lawn sprinkler system supply line for each residential lot. Each device shall be tested at least annually by a certified CCCDI or more frequently if recommended by the manufacturer or superintendent, and each device shall have a tag attached listing the date of the most recent test, name of the CCDI and type and date of repairs.
12. **Length of Construction** - All buildings erected after the passage of this ordinance shall be completed in all exterior details within twelve (12) months from the date of construction start.
13. **Exterior Design Restrictions** - The construction of any building the exterior design of which is intended to resemble an item of clothing, or food, or mechanical device, or an igloo, teepee, teapot, ice cream freezer, bottle, barrel, boat or objects of similar nature is prohibited in all districts.
14. **Transition Requirements**
 - a. **Lots in Two Districts** - Where a district boundary line divides a lot in single or joint ownership of record at the time such line is adopted, the regulations for the larger portion of the lot shall be extended to include the entire lot.
 - b. **Business Entrances on Residential Streets** - Where a residential district is bounded by a portion of a District No. 3 or District No. 4 buildings for business use erected on those lots adjacent to residential districts shall have front yard setbacks not less than one-half ($\frac{1}{2}$) the distance required for the adjacent residential district.
 - c. **Side Yard and Rear Yard Transition** - Where a lot in a business district abuts a lot in a residential district there shall be provided along such abutting lines a yard equal in width or depth to that required in the residential district.
 - d. **Corner Lot Transition** - On every corner lot in a residential district there shall be provided on the side street a side yard equal in depth to the required front yard depth on said side street.
15. **Off-Street Parking** - Parking spaces shall be provided and satisfactorily surfaced and maintained, by the owner of the property, for each building which, after the date when this ordinance becomes effective, is erected, enlarged, or altered for use in accordance with the schedule found in Article 12.10 – Schedule of Required Parking.

All parking spaces provided pursuant to this section shall be on the same lot with the building, except that the Planning and Zoning Commission may permit the parking spaces to be on any lot within five hundred (500) feet of the building, if it determines that it is impractical to provide parking on the same lot with the building.

16. **Off-Street Loading** - The following loading spaces shall be provided and satisfactorily maintained by the owner of the property for each building which, after the date when this ordinance becomes effective, is erected, enlarged or altered for use for any of the following purposes:
- a. Stores - at least one loading space in side or rear yard for each store, and if net merchandising floor area exceeds five thousand (5000) square feet, one additional loading space for each additional two thousand (2000) square feet or major fraction thereof.
 - b. Industrial - at least one loading space for each five thousand (5000) square feet or major fraction thereof devoted to such use.

6.11 Planned Residential Development (PRD)

A Planned Residential Development is a residentially zoned area, planned and developed in a manner that is characterized by environmentally sensitive design through the use of flexible development standards. Planned Residential Development may be permitted in the District No. 2--Two Family Residential District by a Special Use Permit in accordance with the provisions of this section.

6.11.01 General Purpose

The Planned Residential Development Special Use Permit is developed in order to:

1. Recognize that while the development and execution of a zoning ordinance is based upon the division of the Village into districts, within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform, there are unique uses that, because of their characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location, and to also recognize that new types and procedures in land development or redevelopment are emerging and that the mixing of uses and variations in heights and yards can produce very satisfactory and lasting results, if properly designed and planned, without adverse influence upon surrounding property.
2. Provide an administrative procedure and standards to facilitate and utilize imaginative design and subdivision technology which may necessitate variation to traditional yards, setbacks, lot shapes and sizes, or other development standards while allowing the orderly development of land areas that may not lend themselves to standard lot creation through the subdivision process. Variances and waivers of requirements otherwise set forth in this ordinance may be granted without proceeding through a separate variance or waiver process.
3. Encourage unique design and site planning of land areas through the use of criteria which, when properly implemented, allows for certain flexibility and density bonuses;
4. Forward both the aesthetic and economic development objectives of the Village by controlling the site design and the appearance, density, or intensity of development in terms of potentially more flexible requirements for land uses, density, intensity, bulk, landscaping,

and parking requirements. In exchange for such flexibility, the Planned Residential Development shall provide a much higher level of site design, architectural control, and other aspects of aesthetic and functional excellence than normally required for other developments through the requirement of a binding site plan, landscape plan, and architectural plan, approval on a case-by-case basis and certain procedural requirements applicable only to Planned Residential Developments, in addition to the general requirements of the Village Zoning Ordinance. A public hearing process is required to review a request for a Planned Residential Development. This process shall essentially combine the process for a zoning map amendment with that required for a conditional use, with several additional requirements.

6.11.02 Permitted Uses

Unless otherwise provided in this ordinance, no building or land may be used, and no building may be erected, converted, enlarged, or structurally altered in a Planned Residential Development, except for permitted uses listed in the District No. 2--Two Family Residential District, and overall dwelling unit density must conform with the requirements for said zoning district. Furthermore only development which is explicitly depicted on the required site plan approved by the Village board as part of the approved Planned Residential Development shall be permitted, even if such development (including all aspects of land use, density and intensity, bulk, landscaping, and parking and loading) is otherwise listed as permitted. Requested exemptions from these standards shall be made explicit by the applicant in the application, and shall be recommended by the Planning and Zoning Commission and approved explicitly by the Village Board. If not so requested and approved, such exemptions shall not be permitted.

6.11.03 Applicant and Application

The applicant for a Planned Residential Development special use permit shall be the individual owner of the site, or if more than one, all owners of the site acting jointly. For the purposes of this section, the word "owner" shall also mean and include any public body corporate, a holder of written option to purchase, or a redeveloper under contract with the local public agency for urban renewal.

6.11.04 Pre-Application Conference

The applicant for approval of a Planned Resident Development shall contact the Planning and Zoning Commission to place an informal discussion item for the Planned Residential Development on the Planning and Zoning Commission agenda. No details beyond the name of the applicant, and the identification of the discussion item as a Planned Residential Development is required to be given in the agenda. Each prospective applicant shall confer with the Planning and Zoning Commission prior to the submission of a Concept Plan referenced below.

At the Planning and Zoning Commission meeting, the applicant shall engage in an informal discussion with the Planning and Zoning Commission regarding the Planned Residential Development. At this conference the following basic data and information shall be considered:

1. The boundaries of the property;
2. Existing easements and covenants affecting the property;
3. Land characteristics, such as natural drainage, wetland areas, and wooded areas;

4. Existing development characteristics, such as surrounding streets, existing buildings, available sewer, water, and other utilities; and
5. The proposed development layout, including the road and street system and the location and extent of the various types of residential uses, their size, height, and building footprint, parking facilities, landscaping and buffering, vehicular access and circulations, parks, playgrounds, and other community facilities.

Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon the applicant or the Village, but should be considered as the informal, non-binding basis for proceeding to the next step.

6.11.05 Concept Plan

The applicant for approval of a Planned Residential Development shall subsequent to the Pre-Application Conference provide the Planning and Zoning Commission Chairman with a draft Planned Residential Development Concept Plan submittal packet for a determination of completeness prior to the placing of the proposed Planned Residential Development on the Planning and Zoning Commission agenda for Concept Plan review. This submittal packet shall contain all of the following items prior to its acceptance by the Planning and Zoning Commission Chairman and placement of the item on a Planning and Zoning Commission agenda for Concept Plan review:

1. A location map of the subject property and its vicinity as depicted on a copy of the official Village map on paper 11 inches by 17 inches.
2. A written description of items 1 through 5 as indicated above under pre-application conference.
3. A Conceptual Plan Drawing at a minimum scale of 1"=100' indicating the general land use layout and the general location of public streets and major private drives.
4. An initial draft list of zoning standards which will not be met by the proposed Planned Residential Development and the locations in which they apply, and a complete list of zoning standards which will be more than met by the proposed Planned Residential Development and the locations in which they apply. Essentially, the purpose of this listing shall be to provide the Planning and Zoning Commission with the information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.

The applicant shall submit fourteen (14) sets of the Planned Residential Development Concept Plan to the Village Clerk for distribution to the following parties: Village Public Works Director (1), Village President (1), Village Building Official (1), Village Police Chief (1), Village Engineer (2), Village Attorney (1), Fire Chief (1), Village Office (1), and Planning and Zoning Commission members excluding Village Building Official (5).

6.11.06 Preliminary Village Review

The Planning and Zoning Commission Chairman shall review the proposed Planned Residential Development Concept Plan with the Village Public Works Director, Village President, Village Building Official, Village Police Chief, Village Engineer, Village Attorney, and Fire Chief of the local fire protection district, or other appropriate designee for review and any appropriate commentary to determine its conformity with land development trends in the community; standards of the official comprehensive plan, and recognized principles of design, land use

planning and landscape architecture. The result of the review shall be conveyed in writing to the applicant indicating whether any revisions or supplemental materials to the Concept Plan are necessary. If necessary, a follow-up letter shall be provided to the applicant when it is determined that all general engineering and legal requirements have been met.

6.11.07 Filing Procedure

After receipt of the written report indicating all general engineering and legal requirements have been met, the applicant may file for a Special Use Permit. All procedural rules in regard to the filing of a Special Use Permit shall be the same as in the case of a regular zoning application, except where the terms of this section are more restrictive, then this section shall govern.

6.11.08 Application for Planned Residential Development Special Use Permit

An application for a Planned Residential Development Special Use Permit shall be filed with the Village Clerk for distribution on a form prescribed by the board and provided for that purpose. The application shall consist of:

1. Overall development plans showing:
 - a. All information and data required by the Subdivision Ordinance of the Village of Winnebago for tentative plats;
 - b. A location map of the subject property showing all lands for which the Planned Residential Development is proposed, and all other lands within 250 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on such map as the names and addresses appear on the current records of the register of deeds of the county. The map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction that maintains that control;
 - c. Kind, location, bulk, and capacity of proposed structures and uses;
 - d. Proposed finished topography;
 - e. Engineering and improvement plans;
 - f. Provisions for automobile parking and loading;
 - g. Provisions for ingress and egress from the site, internal circulation, handicapped accessibility, and emergency vehicle access and circulation;
 - h. Provisions for sidewalks and/or bikeways, and pedestrian and bicycling leisure facilities such as plazas, trails, interior sidewalks, bike paths, benches, etc.;
 - i. Plan for buffering adjacent land areas;
 - j. Provisions for site lighting; and
 - k. All other information and data required by the Village;
2. A landscaping plan for the subject property;
3. A series of building elevations for the entire exterior of all buildings in the Planned Residential Development, including detailed notes as to the materials proposed;
4. A general signage plan for the project, including all project identification signs, concepts for public fixtures and signs (such as streetlight fixtures and/or poles or street sign faces and/or poles), and group development signage themes which are proposed to vary from city standards or common practices;
5. A general outline of the intended organizational structure for a property owners' association, if any, deed restrictions, and provisions for private provision of commons services, if any;

6. Written statement of facts explaining in detail the proposal and justifying the project at this location. Included also will be the proposed provisions for services, maintenance, and continued protection for the Planned Residential (Unit) Development and adjoining territory;
 7. A conceptual plan drawing (at 11 inches by 17 inches) of the general land use layout and the general location of major public streets and/or private drives. The applicant may submit copies of a larger version of the conceptual plan in addition to the 11-inch by 17-inch reduction; and
 8. Such other pertinent information as the Planning and Zoning Commission Chairman shall prescribe, but, to promote efficiency and minimize expense the Planning and Zoning Commission Chairman may provide for the serial submission of portions of the application.
- Fourteen (14) copies of each of the required plans to be distributed by the Village Clerk to the following parties: Village Public Works Director (1), Village President (1), Village Building Official (1), Village Police Chief (1), Village Engineer (2), Village Attorney (1) Fire Chief (1), Village Office (1), and Planning and Zoning Commission members excluding Village Building Official (5);

6.11.09 Application Fee

The fee for a zoning lot application shall be as per fee schedule published by the Village as amended from time to time. Additionally, the applicant shall, within ten (10) days of receiving the billing, reimburse the Village for the actual cost or charges of any required publication notice.

6.11.10 Planning and Zoning Commission Review

The Planning and Zoning Commission shall review the application for the Planned Residential Development Special Use Permit and consider the overall design of the proposed Planned Residential Development as it relates to the natural and man-made features in the immediate and surrounding area. The proposed development at the subject location shall not result in a substantial adverse effect on any of the following, either as they exist at the time of application or as they may exist in the future: (1) adjacent property, (2) natural resources, (3) infrastructure, (4) public sites, or (5) other matters affecting the public health safety, or general welfare. The Planning and Zoning Commission shall recommend to the Village Board the maximum density (dwelling units per net acre) and height which should be permitted that is consistent with the character of the surrounding development. The number of dwelling units erected shall not exceed the number permitted by the regulations of District No. 2--Two Family Residential, except where a density bonus may be granted as part of the planned development. If a building is permitted to exceed the height limit of District No. 2--Two Family Residential, open spaces around such building shall be increased by an amount equal to the height that the building exceeds the height limit of the district measured in feet, or at some other proportion deemed necessary by the Village.

6.11.11 Environmental Incentives

In establishing the maximum density and height, due consideration shall be given to the maximum density and height permitted in adjacent residential districts, and to the actual density and height of the surrounding residential area where such exists. A Planned Residential

Development site may be divided into two or more parts with densities and heights determined for each part if such division will improve the total character of the development and make it more compatible with the general development of the area. An applicant shall have no absolute right to receive a density bonus even if the applicant is willing to perform one or more of the environmental incentives listed below, but rather the awarding of the density bonus shall be totally within the discretion of the Village as it determines how the subject Planned Residential Development fits with the aesthetic, economic, and general development plans of the Village. The Planning and Zoning Commission may recommend an award of a maximum of twenty percent (20%) density bonus from maximum dwelling unit density of the underlying zoning district based on excellence in design of a proposed Planned Residential Development according to the following environmental incentives; provided however that the percentages for each environmental incentive are to be applied cumulatively to result in a total of not more than twenty percent (20%):

1. Open Space

- a. A twelve percent (12%) density bonus for usable open space, provided it equals at least twenty-five percent (25%) of site area which is (private or public) not covered by buildings, parking, and streets.
- b. A six percent (6%) density bonus for dedication of a public park site according to the official Village Map, and the site may be considered part of the net site area for determining dwelling units.
- c. A six percent (6%) density bonus for dedication of a public school site according to the official Village Map, and the site may be considered part of the net site area for determining dwelling units.
- d. A ten percent (10%) density bonus for preservation and protection of at least fifty percent (50%) of existing mature trees native to the Village area.

2. Site Planning Design

- a. A four percent (4%) density bonus for siting buildings and building groupings to preserve existing woods, wetlands, and environmentally sensitive areas, or to provide view corridors for the residents and general public, which may include variations in building setbacks.
- b. A two percent (2%) density bonus for provision in design for usable courtyards, gardens, and patios.
- c. A one percent (1%) density bonus for proper consideration of sun and wind orientation.

3. Landscaping Planting and Screening

- a. A one percent (1%) density bonus for provision of a landscaped buffer strip at least ten (10) feet wide on all peripheral lot lines.
- b. A two percent (2%) density bonus for provision of a masonry wall or solid fence five feet high on all peripheral lot lines.

4. Facilities and Amenities

- a. A five percent (5%) density bonus for recreational facilities which may or may not include a golf course and occupying one (1) square foot for every five (5) square feet of residential floor area.
- b. A five percent (5%) density bonus for each swimming pool, not to exceed ten percent (10%).
- c. A three percent (3%) density bonus for tennis courts and playground recreation equipment, with one percent (1%) for each court or each equipped playground area.
- d. A five percent (5%) density bonus for a community center building and/or club.

- e. A two percent (2%) density bonus for land area for a public building site such as a fire station.

5. Traffic and Parking

- a. A ten percent (10%) density bonus may be credited for fifty percent (50%) of required parking in an underground structure.

Additional detailed plans of site improvements and proposed documents to provide security for the installation and maintenance of utilities and community facilities and open spaces may be requested from time to time to facilitate the review of the proposed Planned Residential Development. The Planning and Zoning Commission may recommend reasonable conditions regarding the layout, circulation, and performance of the proposed development. The Planning and Zoning Commission may approve variation in the zoning and subdivision standards in Planned Residential Developments which may permit private streets for unique developments that may utilize condominium development techniques, cluster housing concepts, and other imaginative and unique development methods when consistent with the purpose of this section.

6.11.12 Public Hearing

Upon receipt in proper form of the application referred to in this section, the Planning and Zoning Commission shall within sixty (60) days, unless the time period is extended by joint approval of the applicant and the Planning and Zoning Commission, hold at least one public hearing on the proposed Planned Residential Development, at such time and place as shall be established by the board of appeals. Notice of the hearing shall be given in accordance with state statute. In addition, all property owners as identified by public record within 250 feet of the subject property shall be notified by first-class mail postage prepaid of the public hearing no less than ten (10) days prior to the public hearing. Applicant shall be responsible for providing the Village with the correct information as to those property owners within 250 feet of the subject property, and shall indemnify and hold harmless the Village for all fees and costs incurred, including, but not limited to legal, engineering, and publication costs resulting from misinformation or incomplete information provided as to such property owners. The Village Board may by ordinance require an applicant to assume the cost of administration, and due notice to interested parties.

6.11.13 Findings of Fact and Recommendation of Planning and Zoning Commission

Within sixty (60) days after the close of the public hearing on the proposed Planned Residential Development Special Use Permit, the Planning and Zoning Commission shall make written findings of fact and shall submit the same together with its recommendation to the Village Board. For the Planning and Zoning Commission to make an affirmative recommendation, it must find:

1. The establishment of the Planned Residential Development will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
2. The Planned Residential Development will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
3. The Planned Residential Development will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district;

4. Adequate utilities, access roads, drainage and/or other necessary facilities have been, are being or will be provided; and
5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

An applicant for a Planned Residential Development shall be liable to the Village for all legal, engineering, and other professional fees incurred by the village in processing the Planned Residential Development application. Said fees shall be paid to the Village prior to the Village's final vote on the Planned Residential Development application.

6.11.14 Authorization

A Planned Residential Development Special Use Permit shall be authorized by Village Board ordinance upon approval of such Special Use Permit request after a public hearing and recommendation from the Planning and Zoning Commission. Such ordinance shall specify the maximum density (dwelling units per net acre), coverage, and height for the Planned Residential Development and may include such other conditions and/or restrictions upon the location, design and construction as shall be deemed necessary to secure the general objectives of this Section on Planned Residential Development. Such specificity may be contained in the body of the ordinance or as an attachment by way of a separate written Planned Residential Development agreement with the individual applicant.

6.11.15 Effect of Denial

No application for a Planned Residential Development Special Use Permit which has been denied wholly or in part by the Village Board shall be resubmitted for a period of one year from the date of such denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Zoning Board of Appeals.

6.11.16 Recorded Plat Required

A plat of the subdivision shall be recorded. Such plat shall show building lines, common land, streets, easements, and other applicable features required by the Subdivision Ordinance. No building permits or occupancy permits shall be issued until after final approval of the Planned Residential Development Special Use Permit and recording of the subdivision plat is approved in final form by the Village Board.

6.11.17 Guarantee of Completion

Before final approval of a Planned Residential Development Special Use Permit, the Village Board may require a contract with safeguards satisfactory to the Village's Attorney guaranteeing completion of the Planned Residential Development in a period specified by the Planning and Zoning Commission, but which period shall not exceed five years unless extended by the Village Board.

6.11.18 Revocation

In any case when construction of a Planned Residential Development has not commenced within one year after the date of approval, the Planning and Zoning Commission shall review such Planned Residential Development and recommend to the Village Board whether or not the Planned Residential Development Special Use Permit should be revoked or continued. For any approved Planned Residential Development that has not been completed within the time limits established above, the Village may seek to revert the zoning classification back to the last zoning designation the property had at the time of filing of the application for Planned Residential Development before any zoning change was made as a result of such Planned Residential Development, or such other zoning designation as decided by the Village Board to assimilate with the aesthetic, economic, and general development plan of the village at that time, provided that procedural due process, with notice and a right to a hearing is afforded to the affected party to whom the Special Use Permit was granted. The applicant, upon revocation, shall be liable for all fees and costs incurred by the Village resulting from such failure to comply with the time limits established above including, but not limited to, engineering, legal, and other professional fees and costs, which fees and costs shall be in addition to any other fees and costs referenced herein.

6.12 Specific Use Standards

The purpose of this section is to set forth standards and criteria which pertain to specific uses. Because of the potential impact on the Village and its residents, these uses require additional controls in regard to how they exist and relate to other area uses and activities. Unless otherwise noted, the specific use standards of this section apply to respective use types whether they are allowed as permitted uses, special uses, or accessory uses. Additional standards pertaining to planned unit developments may be applicable. Specific use standards may be waived or varied during the Planned Residential Development (PRD) process, or through the Village's zoning variation process.

6.12.01 Adult Entertainment Establishments/Business

1. Location Restrictions.

- a. A sexually-orientated business may not be operated within one (1) mile of the following previously established uses:
 - i. A church, synagogue, or regular place of worship;
 - ii. A public or private elementary or secondary school;
 - iii. Any property legally used or zoned for residential purposes;
 - iv. A public park;
 - v. A day care facility;
 - vi. Another sexually-orientated business; or
 - vii. Any public access government building.
- b. For the purpose of this subsection, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually-orientated business is located, to the nearest property line of a church, synagogue, or regular place of worship, public or private elementary or secondary school, residential use, public park, day care facility,

- cemetery, public housing facility, rest home, sheltered care facility, or other sexually-orientated business, or to the nearest boundary of a residential zoning district.
- c. Nothing in this subsection shall be interpreted to authorize or permit any activity or conduct prohibited by any local, state, or federal law including, but not limited to, obscenity and prostitution.
2. **Signage.** All signs which advertise or identify the name of an adult business shall be flat wall signs. The amount of allowable sign area shall be as permitted by the village's sign regulations as set forth in Article 13. In no event shall allowable sign area exceed sixteen (16) square feet. Window areas shall not be covered or made opaque in any way. No sign shall be placed in any window and graphic depictions of any sort pertaining to adult entertainment establishments or business activities shall not be displayed in any window or on any exterior wall. A single one square foot sign may be placed on the door to state hours of operation and admittance to adults only.
3. **Advertising.** No merchandise, pictures of the products or entertainment, or graphic depictions of any sort pertaining to adult entertainment establishments or business activities shall be displayed in any window or on any exterior wall where they can be viewed from the sidewalk in front of the building or from abutting properties.

6.12.02 Airport/Heliport

1. Documentation, including a detailed site plan prepared in accordance with Article 11, shall be prepared and submitted with the Special Use Permit application, and shall show that the design and layout of the proposed airport or heliport site complies with all applicable state and federal requirements. The subject airport/heliport site shall be situated and designed so that the airport/heliport has minimal impact on adjacent properties.
2. The application for Special Use Permit shall include hours of operation, proposed number of flights per day, proposed type of aircraft, and accessory uses on the site.
3. The applicant shall furnish a noise study demonstrating that noise generated by the airport/heliport use shall not exceed exterior noise limits established by the Illinois Environmental Protection Agency.
4. All areas proposed for active use, including fuel storage areas, shall be fenced.

6.12.03 Amusement Park and Golf Driving Ranges

1. A site plan prepared in accordance with Article 11 shall be provided showing the location of the site and its impact on adjacent uses and surrounding neighborhoods.
2. Additional setbacks and buffering may be required as a requirement of the special use approval, if the site is adjacent to residential, religious, educational, or cemetery uses.

6.12.04 Asphalt, Concrete, Ready-Mix and Rock Crushing Plants

1. A site plan prepared in accordance with Article 11 shall be provided. The active use of a site for asphalt, concrete, ready-mix, and rock crushing operations shall not be visible from public right-of-way. Extensive screening through the use of a combination of berms, landscaping and plant materials, and fencing is required.
2. Restrictions on hours of operation may be specified as a requirement of the Special Use Permit approval.

3. All internal roads and drives shall be maintained in a dust-free condition and the main road or drive providing site access shall be kept free of dust, dirt, mud, and other debris. The access drive from the site shall be paved with a surface of asphalt or concrete for a distance of at least one hundred (100) feet from the right-of-way of the public road from which the access is taken. Provisions shall be made to remove dust, dirt, mud, or other debris from vehicles before they leave the site.
4. The site shall have frontage on or access to a collector or arterial street, provided that the authority with jurisdiction over the subject road may approve alternative access.
5. All activity areas, including driveways and on-site roads, shall be setback at least two hundred (200) feet from any residential zoning district or land parcel containing a residential use.
6. Dust Control

6.12.05 Automobile Dealership/Vehicle Sales

1. **General Standards.** Standards for motor vehicle display and storage shall be applied to all new and used motor vehicle dealerships, new motor vehicle leasing operations, and new and used vehicle rental operations.
2. **Standards for Outside Motor Vehicle Display:**
 - a. A site plan prepared in accordance with Article 11 shall be provided. This plan shall provide a detailed depiction of the proposed display area and how it will accommodate the display of motor vehicles.
 - b. All parked, displayed, or stored vehicles shall not be located within minimum setback areas for accessory uses. Permanent curbing or similar improvements shall be installed to prevent vehicles from encroaching into required setbacks.
 - c. All vehicles displayed outdoors in conjunction with a new or used motor vehicle dealership, motor vehicle rental, or motor vehicle leasing facility shall be screened from abutting residential uses.
 - d. All new or used motor vehicles shall conform to all requirements of the Illinois Vehicle Code, shall be operable, shall include all operating parts, all body parts, all safety equipment, and shall be uniformly painted and free from having any loose or damaged exterior parts.
 - e. Vehicles must be parked or displayed on asphalt, concrete, or other permanent hard surface.
 - f. Elevated displays shall be permitted only within those areas specifically designated on the required site plan. Such elevated displays shall be uniform in appearance and the maximum height of a displayed vehicle shall be no higher than fourteen (14) feet above grade.
 - g. Vehicles shall not be displayed or parked on any grass, gravel, or unapproved surface, nor shall any boat or other similar vehicle be displayed on anything other than a trailer made for the hauling of such vehicles.
 - h. Customer parking and employee parking areas shall be indicated on the required site plan and must conform to Article 12 of this ordinance.

6.12.06 Bed and Breakfast Establishments

1. **Purpose.** The purpose of this section is to provide regulations for the placement and establishment of bed and breakfast (hereinafter referred to as “B&B”) facilities in certain zoning districts in order to provide temporary short-term overnight accommodations for visitors to the Village of Winnebago. The intent of these regulations is to allow B&B uses, subject to specific standards and criteria, as an accessory use subordinate to the principle use of a structure or premises.
2. **Definitions.** For purposes of this section the terms used herein shall have the following meanings:
 - a. **Bed and Breakfast Establishment.** An operator-occupied residence providing accommodations for a charge to the public with no more than five (5) guest rooms for rent. Breakfast or similar edible refreshments may be provided to guests only. B&B establishments shall not include hotels, motels, boarding houses, or food service establishments.
 - b. **Bed and Breakfast Guest.** Any person or persons staying in a B&B guest room overnight and on a transient basis, but for not more than fifteen (15) consecutive days, and having a permanent residence at an address other than that of the B&B establishment.
 - c. **Bed and Breakfast Operator.** The owner of the B&B establishment, or the owner’s agent, who is required to reside in the B&B establishment.
 - d. **Guest Room.** A sleeping room within a B&B establishment intended to serve no more than two (2) transient guests per night.
3. **Minimum Standards.** A B&B establishment shall comply with the State of Illinois Bed and Breakfast Act (50 ILCS 820) as amended, and the following minimum standards as a requirement for the issuance of a B&B establishment license:
 - a. A B&B shall not commence operating until a B&B special use permit has been approved by the Village.
 - b. Except as provided for herein, a B&B establishment is not permitted on land used or zoned for commercial purposes or on land used or zoned for industrial purposes.
 - c. Each B&B establishment shall maintain a guest register.
 - d. A B&B guest may not stay overnight in any portion of the B&B establishment not designated as a guest room.
 - e. Except as provided for herein, a B&B establishment shall be in a single family detached residential structure. The Village, as part of the B&B establishment approval process, may consider the use of accessory structures for B&B guest room accommodations.
 - f. A B&B establishment in a residence or accessory residential structure shall comply with the fire protection and suppression requirements for one- and two-family residences, as set forth in the NFPA 13D, 2012 Edition (as amended), which is hereby adopted by reference for residences that contain a B&B establishment.
 - g. A structure used for B&B purposes shall, prior to or as a condition of B&B approval, be designed, constructed, and/or remodeled to serve and function as a B&B establishment.
 - h. One off-street parking space shall be provided for each authorized guest room, plus an additional two (2) spaces for the principle residential dwelling. These requirements may be reduced by the Village Building Official, only in consultation with the Village President, if the B&B operator can demonstrate the availability of and permission to use alternative off-site parking accommodations.

- i. Exterior signage for the B&B establishment in a residential zoning district shall consist of no more than one (1) sign having an area of no more than six (6) square feet.

6.12.07 Car Wash, Truck Wash

1. A site plan prepared in accordance with Article 11 shall be provided.
2. No car wash or truck wash shall be permitted as a principle or accessory use on a property unless it complies with the following standards set forth in this section:
 - a. No storage or repair of vehicles shall be allowed within the washing facility.
 - b. Stacking for at least five (5) vehicles per automatic wash bays and two (2) vehicles for self-service bays shall be provided.
 - c. All wash activities shall occur within a building and all vacuuming activities must take place on a paved surface. Wash activities shall be adequately screened so that they will not be seen or heard from any adjoining residential properties. A landscape or other plan depicting landscape details and showing screening is required.

6.12.08 Community Centers, Social Halls, Lodges, and other Clubs

Where permitted as a special use or when approved through the Planned Unit Development process, community centers shall comply with the following use and development standards.

1. Buildings shall comply with the setback requirements of the underlying zoning district. Swimming pools, tennis courts, and similar exterior sports courts or fields may be considered part of a community center and shall be set back thirty (30) feet from any abutting residential zoning district or use, and shall be screened in accordance with this Article.
2. No off street parking or loading area shall be permitted within ten (10) feet of a side or rear lot line.
3. All parking areas within twenty (20) feet of any abutting residential district or use shall be screened by a solid brick or architectural block wall that is not less than six (6) feet or greater than eight (8) feet tall. Landscaping and berming improvements may be provided in lieu of or in conjunction with said screening.

6.12.09 Contractor's Equipment Storage Yard

1. No more than fifteen (15) percent of a contractor's equipment storage yard site may be used for the exposed storage of landscape material or equipment. The remaining equipment and landscape material storage areas shall be screened from adjoining properties and public view in accordance with this Article.
2. All clientele and employee parking areas shall be paved.
3. Open burning is prohibited on the site.
4. The main road or drive which provides site access shall be kept free of dust, dirt, mud and other debris.

6.12.10 Drive-in Theater, Amphitheater, and Sports Arena

1. All structures, viewing areas, parking areas, and seating areas, shall be set back at least one hundred (100) feet from any lot or parcel line which abuts a residential district.

2. The following accessory uses may be permitted as incidental uses: playgrounds, refreshment/souvenir stands or booths, restroom facilities, and offices.
3. For any drive-in theater, the theater screen shall not be visible from any collector street, arterial, or freeway situated within twelve hundred (1,200) feet of the subject site. The viewing area shall be screened so that it cannot be observed from beyond the perimeter of the subject site. Off-street queuing areas for automobiles of patrons waiting to be admitted shall be equal in size to at least fifteen (15) percent of the viewing area.

6.12.11 Gasoline and Fueling Station Standards

A gasoline station/fueling station shall not be permitted except upon issuance of a Special Use Permit. A site plan prepared in accordance with Article 11 shall be provided. Consideration for the issuance of such a Special Use Permit shall be based on the following standards:

1. Safe and efficient vehicular and pedestrian circulation shall be provided for all activities on the site.
2. One full vehicular access point will be allowed per frontage if approved by the agency having jurisdiction over the roadway. Access should be located to minimize conflicts and enhance circulation. Vehicular interconnections between the subject site and adjoining sites should be provided. Additional right-in/right-out access may be approved during the Special Use Permit review and approval process.
3. If a car wash is proposed, information shall be provided which demonstrates compliance with Article 6.11.07.
4. All paved areas shall meet the parking setbacks established in this ordinance.
5. Gas station canopies and fuel pumps shall have the same setback requirements as principle structures.
6. Building elevations shall demonstrate that all accessory structures on the site are architecturally compatible with the principle building. Elevations should be provided showing screening for outside storage areas.
7. Fueling for tractor trailer trucks shall be prohibited on sites adjacent to residential zoning districts and uses.
8. Service and repair work may be conducted inside the principle building. When possible, garage bay doors should be oriented and/or screened to minimize views of the doors from adjacent public roads.
9. Outside storage of tires, auto parts, and other materials shall be enclosed by a masonry wall with an opaque, lockable gate. Wrecked, inoperable or partially dismantled vehicles shall not be stored or parked outside for longer than four (4) days or ninety six (96) hours.
10. Vehicles sales are prohibited.

6.12.12 Golf Courses, Golf Clubs, and Country Clubs

1. A site plan prepared in accordance with Article 11 shall be provided.
2. A golf course/golf club/country club may include swimming pools, tennis courts, snack shops, refreshment stands on the course, a club house containing dining/banquet facilities, locker room and shower facilities, a pro shop, a lounge, and similar complementary uses. It may also include an outdoor practice driving range as accessory to the golf course, provided it is an integral part of the golf course.

3. The site shall have frontage on and access to a collector or arterial street; however, the highway authority with jurisdiction over the subject road may approve alternative access.

6.12.13 Hospital Health Care Campus

The purpose of a hospital health care campus is to allow the creation of a self-contained hospital campus development which allows all of the land uses needed for the operation of the institution, including accessory commercial uses. A hospital health care campus shall be permitted as a Special Use and reviewed and approved as a Planned Unit Development. Application for a hospital health care campus Special Use Permit shall be made to the Village of Winnebago and shall be accompanied by all required plans and documents. The following standards are required:

1. Permitted uses shall be established during the special use approval process and may consist of administrative facilities, medical and dental offices, medical/dental clinics and laboratories, hospitals, ambulatory surgery facilities, behavioral medicine facilities, hospices, out-patient clinics, psychiatric services, chemical abuse treatment services, home health care and rehabilitation services, medical care and rehabilitation services, medical sales/rentals, life care centers and nursing homes, medical schools, hospital staff dormitories, auditoriums, cafeterias, classrooms and lecture halls, research facilities, day care centers primarily serving staff and their dependents, athletic, recreation and fitness facilities, heliports for use in providing medical services, and accessory uses when related to the previously listed uses, including parking structures. The following uses may also be allowed as complementary uses when contained within principal buildings or at a location within the hospital health care campus site that is approved during the Special Use Permit approval process: barber and beauty shops, drug stores, gift shops, restaurants, and retail shops; and similar uses.
2. Area and bulk specifications shall meet or exceed the following standards unless specifically modified by the Village Board during the Special Use Permit review and approval process.
 - a. The minimum area for a hospital health care campus shall be twenty (20) acres.
 - b. Required front yards and rear yards, and side yards abutting a street, shall be a minimum of fifty (50) feet. The minimum side yard shall be twenty-five (25) feet. The minimum lot width shall be two hundred (200) feet.
 - c. The total area covered by all buildings, both principle and accessory, shall not be greater than fifty (50) percent of the area of the Hospital Health Care Campus site or the lot on which the buildings(s) is/are located. A maximum floor area ratio of 1.0 is permitted.
 - d. The maximum building height shall be sixty (60) feet for principle uses and twenty five (25) feet for accessory uses.
 - e. Parking and loading requirements, as set forth in this ordinance, shall be provided for each building, structure, and/or land use. Parking requirements for hospital structures shall be the same as those for medical offices.

6.12.14 Junk Yards and Salvage Yards

1. A junk yard shall be permitted only as a Special Use.
2. No storage shall occur within one hundred (100) feet of any lot or parcel line, or within three hundred (300) feet of any property zoned residential or used for activities allowed in such districts.

3. Required landscaping and buffering shall be provided and shall surround all outdoor storage areas, and shall include a privacy fence at least 6 feet, but no more than 8 feet, in height. Additional landscaping shall be provided between the fence and the lot lines. Storage beyond the exterior of such fence or above the height of such fence, is prohibited.
4. All gasoline fluids, motor oils, brake and transmission fluids, antifreeze, hydraulic fluids, battery acids and other fluids shall be removed immediately from all salvaged vehicles and equipment. Such fluids shall be stored and disposed of so as to avoid soil and environmental contamination of the subject site and of surrounding properties and waterways.
5. The site shall comply with all applicable regulations and requirements of the applicable County Department of Health and the State of Illinois.
6. The site shall have frontage on and access to a collector or arterial street, provided that the highway authority with jurisdiction over the subject road may approve alternative access.
7. A site restoration plan shall be provided which shall depict what measures will be taken to restore the site once the storage uses has ceased and future uses will be conducted on the site.

6.12.15 Kennels, Animal Shelters, Pet Day Care, and Dog Training Schools

1. **General Standards.** The following general standards shall be applicable:
 - a. Kennels are permitted only on parcels of land having an area of at least eighty thousand (80,000) square feet, except for facilities which exclusively board domesticated felines.
 - b. Any building housing animals shall be located at least one hundred and fifty (150) feet from all residentially zoned or used property.
 - c. Animal wastes shall be stored no closer than one hundred and fifty (150) feet from any residentially zoned or used property.
 - d. Required State licenses shall be prominently displayed.
 - e. Adult dogs shall be segregated for health, welfare or breeding reasons, and any vicious animals shall be removed and caged separately.
 - f. Facilities for isolating dogs under quarantine or treatment of communicable diseases shall be in a room or area that is separated from other dog-housing facilities.
 - g. Puppy litters shall be maintained segregated from other litters.
 - h. All dogs shall be provided access to shelter which will protect them against inclement weather, preserve the dog's body heat and keep them dry. The shelter shall be kept clean and in a sanitary condition.
 - i. Dogs shall be provided with clean fresh water and sufficient and wholesome food, food and water containers shall be kept clean and sanitized.
2. **Kennel Location and Design Standards.** Every person who owns, conducts, manages or operates a kennel shall comply with each of the following conditions for outside housing facilities:
 - a. The main facility for housing of the animals must be located completely indoors. Outside areas used for exercising or training animals shall be securely fenced to prevent the animals from straying or a suitable restraint shall be provided to prevent straying.
 - b. Landscape, fencing, and berming requirements shall be established as part of the Special Use Permit or project review process. Lighting for outdoor exercise areas, runs, or yards, when for training or exercising, shall comply with this ordinance.
 - c. Exercise runs shall not be located in any required yard and shall be located a minimum of one hundred and fifty (150) feet from any residentially zoned or used property or any non-industrial structure.

- 3. Indoor Kennel Standards.** Every person who owns, conducts, manages or operates a kennel shall comply with each of the following applicable conditions for indoor housing facilities:
- a. The facilities for housing dogs shall be structurally sound and shall be maintained in good repair to prevent injury to the dogs, to contain the dogs and restrict the entrance of other animals.
 - b. Kennel floors and removable resting boards, if provided, shall be constructed of non-toxic, easily cleaned, water impervious materials. Walls and ceilings shall be painted and kept clean.
 - c. Inside or outside runs shall be provided and shall be not less than thirty-six inches wide for a dog weighing not more than forty-five pounds, forty-eight inches wide for a dog weighing more than forty-five pounds. The minimum length of runs shall be ten feet. Inside pens shall be of the following sizes: For dogs weighing not more than twenty-five pounds, five square feet per dog; for dogs weighing more than twenty-five pounds but not more than forty-five pounds, nine square feet per dog; and for dogs weighing over forty-five pounds, sixteen square feet per dog.
 - d. Kennels shall have ample and well-distributed light by natural or artificial means adequate to permit routine observation of the animals and proper cleaning of the facilities. A means to control the amount of sunlight entering dog quarters during the warm seasons of the year shall be provided.
 - e. Hot and cold water facilities shall be provided.
 - f. Kennels shall be adequately ventilated to provide for the health and comfort of the animals at all times. Such kennels shall be provided with fresh air by means of windows, doors, vents or air conditioning and shall be so ventilated as to minimize drafts, odors, and condensation of moisture.
 - g. Kennels shall be sufficiently heated when necessary to protect the animals from cold and to provide for their health and comfort.
 - h. Environmental sanitation shall be adequate to keep vermin at a minimum.
 - i. Feces and other excreta shall be removed at least once daily and the runs washed down with hot water and disinfectant cleaner. Excreta shall be disposed of in a sanitary manner.
 - j. A suitable method shall be provided to rapidly eliminate excess water at kennel facilities. If drains are used, they shall be properly constructed and kept in good repair to avoid foul odors therefrom. If closed drainage systems are used, they shall be equipped with traps and installed in accordance with plumbing codes and applicable ordinances and regulations so as to prevent any backup of sewage onto the floor of the room.

6.12.16 Religious Institutions and Churches

1. Setbacks for religious institutions shall be the same as those for other permitted principle and accessory uses, buildings, and parking in the underlying zoning district.
2. The number of parking spaces shall comply with the parking requirements established for other assembly uses.
3. Primary access to the site shall be located on a collector or arterial street. Secondary access may be approved on a neighborhood street to facilitate access by neighborhood residents.
4. Site and building design, landscaping, and lighting shall comply with the requirements of this ordinance, including all building codes.

5. Religious institutions and associated educational facilities shall be the sole use of the site.
6. Any bus or van storage shall occur on a paved surface.

6.12.17 Shopping Centers, Superstores, and Big Box Retail

The following regulations and standards shall apply to:

(1) large scale single-use retail buildings, also known as “big box” stores, over sixty thousand (60,000) square feet in area and operated under one corporate identity or to (2) multi-tenant shopping centers of one hundred twenty thousand (120,000) square feet or more in area:

A Special Use Permit must be approved for any shopping center with multiple buildings, or which will require waivers/variations of the bulk requirements set forth in Table 6.1, or other design requirements of this ordinance. Single building or single structure shopping centers, which may consist of single or multi-tenants uses and which do not require variations of bulk requirements or design provisions of this ordinance, shall comply with the following design provisions:

1. Site Design

- a. Site features including, but not limited to sidewalks, landscaping, screening buffering, lighting, drainage, and access shall be compatible with surrounding development.
- b. Outdoor spaces and amenities shall be provided and shall include, but not be limited to, at least two of the following design features: patio/seating area, pedestrian plaza with benches, window shopping walkway, outdoor playground area, kiosk area, a fountain or water feature, or a clock tower or similar vertical element.
- c. Buildings are encouraged to be located near the front of the lot with parking to the side and rear.
- d. Site circulation shall include provisions for bus drop-off and vehicular pick-up points, as well as pedestrian and bicycle connections and facilities throughout the site and from the site to the public sidewalk or bike facility.
- e. Site access shall be coordinated with adjoining properties. Access between sites shall be interconnected in order to encourage trips between sites rather than requiring vehicles and pedestrians to exit the site onto the primary street network.

2. **Traffic Impact.** The applicant shall submit a detailed traffic study prepared by a recognized traffic consultant. The study shall demonstrate the impact of the shopping center or superstore on the local and regional transportation network. Based on the results of the traffic impact study and the recommendation of the Community Development Committee, methods of mitigating any adverse impacts to the transportation network or improvements which will maintain or improve the levels of service on the impacted streets and intersections shall be identified.

3. **Building Design.** In addition to the standards and guidelines set forth in this ordinance, the following requirements shall apply to all building facades and exterior walls visible from adjoining public streets or public properties.

a. Facades

- i. No uninterrupted length of any facade shall exceed one hundred and fifty (150) horizontal feet.
- ii. Ground floor facades facing public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than sixty (60) percent of their horizontal length.

- b. Roofing. Parapets shall conceal flat roofs and rooftop equipment, such as HVAC units, from public view. Parapets shall feature three dimensional cornice treatments and shall not be of a constant height for a distance of more than one hundred and fifty (150) feet. Vertical elements such as towers or similar columnar structures may be required.
 - c. Materials and Colors
 - i. The following elements should be integral parts of the building fabric and not superficially applied: trim, graphics, paint, color changes, material changes, texture changes, and relief features such as offsets, projections, and reveals.
 - ii. Predominant exterior building materials shall be of high quality and shall include but not be limited to, brick, stone, masonry, terra cotta, tile, or other high quality material, including tip-up pre-cast decorative panels. Sheet metal, corrugated metal, pre-fabricated steel panels, unfinished concrete block, and unfinished pre-cast panels are not permitted on the front or side facade of a building visible from a public right-of-way.
 - iii. Exterior insulation finish systems (EIFS), stucco, or similar material, is prohibited on more than 50% of the front facade or side facade of a building visible from a public street right-of-way. Alternative materials may be considered if the building has an area equal to or greater than sixty thousand (60,000) square feet.
 - iv. Predominant facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high intensity, metallic, or black or fluorescent colors is prohibited. Building trim and accent areas may feature brighter colors, including primary colors.
 - d. Compliance with applicable overlay district regulations is required.
4. **Entryways and Access**
- a. Where a principle building faces two or more streets, customer entrances shall be provided on the side of the building facing the primary street and on the side of the building facing the secondary street. A corner entrance oriented to both streets may be used to meet this requirement.
 - b. Each entry to a store ten thousand (10,000) square feet or larger shall have clearly defined, highly visible customer entrances featuring not less than three of the following:
 - i. canopies or porticoes
 - ii. awnings
 - iii. roof overhangs
 - iv. recesses/projections
 - v. arcades
 - vi. raised corniced parapets over the door
 - vii. peaked roof forms
 - viii. arches
 - ix. outdoor patios
 - x. display windows
 - xi. architecturally emphasized entrance details such as tile work, decorative brick work, and moldings which are integrated into the building structure and design, or integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
 - c. Smaller stores within the building or site shall utilize architecturally emphasized entrance details such as tile work, decorative brick work, and moldings which are integrated into the building structure and design.

5. **Mechanical Features.** External mechanical appurtenances such as heating and air-conditioning equipment may be located on the exterior portion of the structure, but shall be screened from view and finished to match the colors of adjacent building materials. All roof vents, stacks, and other penetrations shall be screened from view.

6.13 Accessory, Temporary, and Miscellaneous Uses

This section authorizes the establishment of uses that are incidental and customarily subordinate to principle uses and that complement permitted land uses. The intent in adopting these regulations is to allow a broad range of accessory uses as long as such uses are located on the same zoning lot or parcel as the principle use. These regulations are also intended to allow temporary uses that support principle permitted uses, but which exist for a limited time period. Both accessory uses and temporary uses are allowed provided they comply with the performance standards and criteria set forth herein and do not adversely impact surrounding properties.

6.13.01 Accessory Uses and Structures

1. General Standards

- a. **Compliance with Ordinance Requirements.** All accessory uses shall comply with the applicable requirements of this ordinance, including the use regulations and the bulk and area standards. The provisions set forth in this section establish additional requirements and restrictions for particular accessory uses and structures.
- b. **Approval of Accessory Uses and Structures.** Unless otherwise specified in this section, an accessory use or structure shall be treated as a permitted use in the zoning district in which it is located. An accessory use or structure may be approved in conjunction with approval of the principal use or structure. An accessory use or structure shall not be constructed or established on any lot or parcel prior to the issuance of a building permit for the principal structure or the issuance of an occupancy permit for a principal use to which it is accessory. This provision shall not, however, prohibit the issuance of a permit for a detached garage at the time of issuance of a building permit for a principle dwelling unit on the lot or parcel.
- c. **Accessory Use Permit.** Certain accessory uses or structures require the issuance of a building permit or other approvals from the Village, consistent with the standards, specifications, and procedures set forth in this ordinance. Specifically, an accessory use permit shall be required for all storage sheds. Open-sided structures not permanently attached to the principal structure shall be strictly prohibited. Applicable permits or approvals shall be granted for such accessory uses or structures prior to their construction or installation.
- d. An accessory use shall be operated and maintained under the same ownership and on the same zoning lot as the principle use or structure.
- e. An accessory structure shall not be located within any access, drainage, or utility easement without the written approval of the beneficiary of said easement or the Village. If an accessory structure is located within an access, drainage, or utility easement, it shall be at the property owner's sole risk and liability and the Village shall not be liable for any damages which may occur as a result of such action.
- f. Adequate off-street parking facilities in accordance with the parking standards and specifications set forth in Article 12 shall be provided to serve the accessory use. Such

- parking shall be considered part of the accessory use and shall be in addition to off-street parking spaces or loading spaces required for other permitted uses on the site.
- g. Signage on accessory structures shall be subject to the Village of Winnebago sign regulations set forth in Article 13.
 - h. Unless otherwise provided for herein, accessory structures and uses shall comply with all applicable regulations of this ordinance, including the floor area ratio, lot coverage ratio, height and setback regulations.
2. **Prohibited Accessory Uses in All Zoning Districts.** The following activities are not considered accessory to a principle use on any site and are prohibited in all zoning districts:
- a. The use of a travel trailer, recreational vehicle, or tent as a permanent or temporary residence, or for storage purposes, is prohibited in every zoning district.
 - b. The use of any motor vehicle, trailer, or shipping container, as a structure in which, out of which, or from which, any goods are sold or stored, any services performed, or other businesses conducted, is prohibited in every zoning district. However, this section shall not prohibit the following:
 - i. The use of a trailer or shipping container in connection with an approved recycling operation; or
 - ii. The use of a trailer or shipping container in conjunction with construction authorized by a valid building permit; or
 - iii. The use of a trailer or shipping container for the temporary loading and unloading of goods not intended for retail sale, provided that no individual trailer or container is in place for longer than forty eight (48) hours.
 - iv. The use of a trailer for a construction or real estate sales office, in accordance with the temporary use provisions of this ordinance.
3. **Prohibited Accessory Uses in Residential Zoning Districts.** The following activities are not considered accessory to a principle use on any site and are prohibited in residential zoning districts:
- a. Automotive repair. Automotive repair, including engine, body, or other repair or repainting of more than one (1) vehicle at any one time, as well as automotive repair of any vehicle not owned by a person residing at that address, regardless of whether compensation was paid for the service.
 - b. Parking or storage of business vehicles. Except for a single commercial vehicle with a "B" or "D" license plate (*as defined in the Illinois Motor Vehicle Code*) and having a gross vehicle weight of twelve thousand (12,000) pounds or less, or a utility trailer not exceeding twelve (12) feet in length, the parking or storage of a vehicle or trailer for a period of one or more nights if the vehicle or trailer is licensed or regularly used for business purposes, and is either:
 - i. A vehicle requiring a commercial driver's license as required by state law; or
 - ii. A vehicle or trailer having in excess of two (2) axles; or
 - iii. Any trailer bearing commercial signage, logo, or carrying commercial or industrial equipment or materials, except as authorized herein.
4. **Accessory Use Setback Standards**
- a. The setback standards set forth in Table 6.1 shall apply to accessory uses and accessory structures that contain no more than four hundred (400) square feet of gross floor area, are intended solely for storage of vehicles, household goods, and equipment, and contain no plumbing or other conveniences that support human occupancy. All other accessory uses and

structures shall comply with the underlying zoning district setback standards for principle structures, except as provided for herein.

- b. Accessory uses shall not be located within a front yard setback or any closer to a public or private street than the principle structure. An accessory structure shall be a minimum of ten (10) feet from a principle structure. If an accessory structure is less than ten (10) feet from a principle structure, it shall comply with applicable building code and fire separation and rating requirements of the Village.
- c. Accessory uses and structures must be subordinate to the principle use and structure on the subject lot in terms of area, extent, and purpose.

6.13.02 Home Occupations

The home occupation regulations set forth herein are intended to allow residents to engage in customary home-based business activities, while ensuring that such home businesses will not be detrimental to the character and livability of the surrounding area. The home occupation regulations establish applicable performance standards rather than detailed lists of allowed home occupations. Uses that comply with all of the standards of this subsection will be allowed as home occupations unless they are specifically prohibited, or unless such home occupation constitutes an obvious risk to the public, health, safety, and welfare. Determination as to whether or not an activity constitutes a home occupation shall be made by the Village Building Official, and a home occupation may not commence until such a determination has been made. A home occupation shall be subject to the following standards:

1. A home occupation must be clearly incidental to the use of the dwelling as a residence and shall occupy no more than twenty five (25) percent of the gross floor area (excluding basements and attics) of the principle dwelling unit or five hundred (500) square feet, whichever is less.
2. The operator of a home occupation shall be a full-time permanent resident of the dwelling unit. The home occupation may employ no more than one person who does not reside on the premises.
3. No signs advertising the business or occupation over one (1) square foot are permitted.
4. All activities and storage areas associated with home occupations must be conducted and located indoors.
5. The following uses are prohibited from being a home occupation:
 - a. Any type of repair, assembly, or storage of vehicles or equipment with internal combustion engines (such as motor vehicles, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws and similar equipment), or of large appliances (such as washing machines, dryers, and refrigerators), or any other work related to automobiles and their parts is prohibited as a home occupation.
 - b. Dispatch centers, where employees come to the site to be dispatched to other locations, are not allowed as home occupations.
 - c. Animal care or boarding facilities, including animal hospitals, grooming businesses, kennels, public stables, and all other types of animal boarding and care facilities, are prohibited as a home occupation.
 - d. Medical or dental offices are prohibited as a home occupation.
 - e. Food service businesses, including all types of commercial restaurants and food catering operations, are prohibited as a home occupation.

- f. Wholesale or retail sales of goods or merchandise shall not occur on the premises and no stock in-trade shall be sold upon the premises.
- 6. Exterior Appearance and Structural Alterations.
 - a. There shall be no special internal or external structural alterations or construction features, either permanent or temporary, to the dwelling or accessory structure, nor the installation of special equipment to walls, floors, or ceilings, which would change the residential character of the dwelling or accessory structure. Any indoor storage, construction, alterations, or electrical or mechanical equipment used shall not change the fire rating of the structure. Separate exterior entrances to the building shall not be added to the residence for the sole use of the home occupation.
 - b. There shall not be any changes in the site on which the home occupation is conducted that will make the dwelling appear less residential in nature or function, including, but not limited, to such prohibited exterior alterations as construction of parking lots, paving of required setbacks, or the adding of commercial exterior lighting. Parking shall occur on driveways only and shall be sufficient for home occupation customers and clientele.
- 7. Delivery or pick-up of supplies or products associated with home occupations are allowed only between 8 a.m. and 8 p.m. Vehicles used for delivery and pick up are limited to those normally servicing residential neighborhoods.
- 8. Home occupations shall not create any odor, vibration, noise, electrical interference or fluctuation in voltage that is perceptible beyond the lot line of the lot upon which the home occupation is conducted. No hazardous substances may be used or stored in conjunction with a home occupation. If any home occupation becomes dangerous or unsafe, or presents a safety hazard to the public or to adjacent or nearby properties, residents, or business, the Village Building Official may require that the home occupation immediately be made safe or that it cease.

6.13.03 Fences

In order to provide for maximum safety to the public and to ensure maximum enjoyment of the use of property, the following regulations for fences, walls, and similar structures shall apply.

- 1. No fence, including walls and similar structures, shall be constructed, erected, or replaced until a permit has been approved and issued by the Village Building Official.
- 2. The regulations set forth in this section shall not apply to fences erected within a railroad right-of-way.
- 3. No fence may be constructed within any public right-of-way.
- 4. No fence may be constructed on any public utility easement or drainage easement without the approval of the Director of Public Works. Such construction shall be at the owner's risk and liability and the Village shall not be liable for any damages which may occur as a result of such action. Furthermore, such fence shall not interfere with the provision of any utility service or with natural or required drainage flow. It shall be the responsibility of the property owner to replace or restore any section of fencing which is removed or displaced in order to provide access to said easement.
- 5. No provision in this section shall be construed as a means of settling disputes between property owners regarding location of property lines or the maintenance of fences. Such disputes shall be considered entirely as civil matters and not as a violation of this section.
- 6. The height of a fence as permitted herein shall be measured at the existing or approved grade of a lot or parcel.

7. No fence may be constructed of barbed wire, spikes, or other sharp pointed instruments, except as provided for in this section, and may not be electrified.
8. On any corner lot or parcel, in the vision clearance triangle as determined in Article 6.05.05, no fence, wall, hedge, planting, or other object or material shall be constructed or maintained so as to obstruct vision between a height of two and one half (2 ½) feet and ten (10) feet above the centerline street grades.
9. All fences shall be installed so that the finished side of the fence shall face outwards toward the adjoining property or street right-of-way.
10. Fences in Residential Districts. Fences in a residential zoning district shall comply with the following additional specifications:
 - a. Any fence erected in a required front yard or side yard abutting a street, or between the front of a structure and the abutting street right-of-way, shall be at least fifty (50) percent open, i.e., no more than fifty (50) percent visually obscured.
 - b. No fence greater than four (4) feet in height shall be constructed in a required front yard or side yard abutting a street, unless the principle structure encroaches into the required front yard or side yard abutting a street, in which case such a fence may be as close to the front or side lot line as the encroaching structure.
 - c. No fence greater than six (6) feet in height shall be constructed in a required rear yard or interior side yard.
 - d. Fences installed in a rear yard abutting a street shall comply with the standards and specifications for a fence erected in a required front yard. Fences up to six (6) feet high located in a rear yard abutting a street may be approved by the Village Building Official if said fence is set back a distance of at least ten (10) feet from the abutting street right-of-way and otherwise in compliance with this section.
11. Fences in Business and Industrial Districts. Fences in a business or manufacturing zoning district shall comply with the following additional specifications:
 - a. Fences in a required front yard or side yard abutting a street, or between the principle structure and the abutting street right-of-way, shall be at least fifty (50) percent visually open, i.e., no more than fifty (50) percent visually obscured.
 - b. No fence in excess of four (4) feet in height may be constructed in a required front yard or side yard abutting a street, unless the principle structure encroaches into said required yard, in which case the fence may be as close to the front lot line or side lot line as the encroaching structure.
 - c. No fence greater than six (6) feet in height may be constructed in a required rear yard or interior side yard, unless the abutting property is zoned business or industrial, in which case a fence may have a height of up to eight (8) feet, except as provided for herein.
 - d. A fence located outside of a required yard and not between the principal building and any abutting public street right-of-way, may have a height of up to eight (8) feet. However, any industrial or public utility hazard located outside of a required or established yard setback and not between the primary building and any abutting public street right-of-way shall be completely surrounded with a protective security fence or similar structure at least six (6) feet, but not more than twelve (12) feet in height.
 - e. Fences in industrial districts that are least six (6) feet in height and not located within a required setback may have a barbed wire security top of up to but no more than six (6) inches.

6.13.04 Temporary Uses

Temporary uses are allowed in accordance with Table 6.2 and all other applicable provisions of this ordinance and do not involve the construction or alteration of any permanent building or structure.

1. **Temporary Use Permits.** No temporary use shall be established unless a Temporary Use Permit evidencing the compliance of such use with the provisions of this ordinance has been issued. A Temporary Use Permit shall be reviewed, approved, or revoked in accordance with the regulations contained in Article 14 of this ordinance.
2. **General Requirements for all Temporary Uses.** The following requirements and standards shall apply to all temporary uses except as provided for herein:
 - a. The temporary use shall be compatible with surrounding development and traffic generated by the temporary use shall not negatively impact surrounding properties.
 - b. Permanent alterations to the site of the temporary use are prohibited.
 - c. No temporary or permanent electrical service or connection shall be installed without an electrical permit.
 - d. All inspections and permits required by the Village's building codes shall be obtained prior to and as a condition of issuance of a Temporary Use Permit.
 - e. Temporary tents, as well as any other temporary structures erected as part of the temporary use, shall be located so as not to interfere with the normal operations of any permanent use located on the property.
 - f. Structures and/or display of merchandise shall comply with the yard and property line setback requirements of the zoning district in which the temporary use is located. Items displayed shall not interfere with the vision clearance triangle of the intersection of any public streets or private drives.
 - g. Temporary uses or structures shall not encroach into any required landscaping features.
 - h. Temporary sanitary facilities shall be provided in accordance with the requirements of the applicable County Health Department and Illinois State Codes.
 - i. Any food service operation that sells, prepares, or serves food shall obtain applicable permits and certifications from the applicable County Health Department and is subject to inspection.
 - j. No signs may be displayed in connection with a temporary use except in accordance with the Village's sign regulations set forth in Article 13.
 - k. In addition to required parking for any principle use on a site, parking areas shall be provided for the temporary use and shall contain the number of parking spaces required for the most similar use type under the parking regulations set forth in Article 12. Such parking spaces shall be considered accessory to the principle use.
 - l. The main road or drive providing access to a temporary use shall be kept free of dust, dirt, mud, and other debris.

6.13.05 Specific Temporary Use Criteria and Requirements

1. **Carnival, Circus, and Amusement Activities**
 - a. The maximum length of a Temporary Use Permit for a carnival or circus shall be fourteen (14) days and no more than one such permit shall be issued per zoning lot in a calendar year.

- b. Structures or equipment pertaining to a carnival or circus temporary use shall not be located within two hundred (200) feet of any on-site or off-site building used for residential purposes.
 - c. Structures or equipment pertaining to a carnival or circus temporary use shall have all applicable state safety permits and certificates.
 - d. Prior to issuing a temporary use permit for a circus or carnival, the operator of such carnival or circus shall be obligated to have the site inspected by the Win-Bur-Sew Fire Department for compliance with applicable state and local fire and safety regulations.
2. **Auctions**
- a. A temporary auction shall be held on private property and not on public property or public right-of-way.
 - b. If necessary, traffic control shall be arranged by the operator of the auction and may be provided by the Village of Winnebago Police Department. The operator shall be responsible for any costs incurred for the provision of such traffic control as determined by the Public Works Director.
 - c. Parking for exclusive use by auction participants shall be provided and a stabilized drive to the parking area shall be maintained. It is the responsibility of the auction operator to guide traffic to these areas. Parking along state or county highway right-of-way is prohibited, and parking may be prohibited on public streets under the jurisdiction of the Village by the Chief of Police for reasons of traffic control and public safety.
3. **Events of Public Interest.** Events of public interest, including but not limited to, picnics, races, fishing derbies, dinner dances, fund raisers, haunted houses, outdoor concerts, charitable auctions, and tent meetings, which are of a temporary nature and intended to occur in locations or facilities where such activity is not permitted in accordance with the underlying zoning designation, shall be subject to the following standards:
- a. The event shall be held or sponsored by a non-profit or not-for-profit organization, or a for-profit business where the profit motive is incidental to the promotional objective of the event organizer.
 - b. The event shall be held on private property and not on public property or public right-of-way unless reviewed and approved by the Village Board, or its designee.
 - c. All uses and activities authorized as part of such an event shall be limited to specified hours and a maximum of seven (7) days per calendar year, per zoning lot, unless otherwise expressly approved.
 - d. Events of public interest shall be permitted in residential districts, only when located on the site of a permitted nonresidential use.
 - e. If necessary, traffic control shall be arranged by the organizer of the event and may be provided by the Village of Winnebago Police Department. The organizer shall be responsible for any costs incurred for the provision of such traffic control as determined by the Public Works Director.
 - f. Parking for exclusive use by event participants shall be provided and a stabilized drive to the parking area shall be maintained. It is the responsibility of the organizer to guide traffic to these areas. Parking along state or county highway right-of-way is prohibited, and parking may be prohibited on public streets under the jurisdiction of the Village by the Chief of Police for reasons of traffic control and public safety.
 - g. Noise levels associated with valid permitted events of public interest shall not constitute disorderly conduct as determined by the Village of Winnebago Police Department, at the

- property line adjacent to any abutting property zoned and used for residential purposes. The event shall have reasonable stopping time and reasonable overall time period.
- h. The event site shall be cleared of all debris within twenty four (24) hours of the conclusion of the event and cleared of all temporary structures within seven (7) days after the conclusion of the event.
 - i. If liquor is intended to be used, sold, or consumed during the event, a liquor license must be obtained, as required by the Winnebago Village liquor control ordinance and Illinois state law.
 - j. The Village Board, or its designee, may require proof of insurance from the event organizer for purposes of public safety and protection.
 - k. It shall be the responsibility of the organizer to maintain the event site in a condition that provides for the health, safety, and welfare of event attendees, neighboring residents and property owners, and the public. In the event that the Village of Winnebago Police Department determines that the activity is a threat to the public health, safety, and welfare, the Police Department shall have the right and authority to close the event to ensure the preservation of the health, safety, and general welfare of attendees or neighboring residents, property owners, and the public.
 - l. In addition to the conditions listed above, a Temporary Use Permit is required for private displays of fireworks and shall be subject to applicable terms and conditions of applicable fire safety regulations of the Village of Winnebago.
4. **Promotional Activities in Business Zones Involving Display of Goods and Merchandise**
- a. Promotional activities may be conducted outside of an existing business establishment, if associated with the existing principle businesses within said establishment. Such activity may be for a time period of up to ten (10) consecutive days.
 - b. A Temporary Use Permit for promotional activities may be obtained for up to four (4) special promotions during any single calendar year for a maximum of forty (40) days per calendar year. Such permit may include permission to display temporary signage as set forth in Article 13 of this ordinance.
 - c. If a private sidewalk or pedestrian way is used for the display of goods and merchandise, a minimum width of four (4) feet must remain unobstructed for pedestrian use.
5. **Real Estate Sales Office**
- a. A temporary real estate sales office is permitted on the same site as the real estate parcels or units being sold, and may be located on a future phase of a project for which a preliminary plat has been approved or where there are multiple phases.
 - b. No real estate sales trailer, office, or shed shall contain accommodations for sleeping or cooking.
 - c. The maximum length of a permit for a temporary real estate sales office shall be one (1) year. The permit may be renewed through the sales period of the development.
 - d. Any such office shall be removed prior to the issuance of the last certificate of occupancy on the property or upon the completion of a model home intended to be temporarily used as a sales office.

6.13.06 Temporary Sales**1. Farm Produce Sales (Seasonal)**

- a. A temporary use permit may be issued in any zoning district as authorized by Tables 6.2 for the operation of a roadside stand for the sale of seasonal farm produce. The permit shall be valid for no more than six (6) months per year.
- b. A maximum of one structure or display booth shall be allowed and may have a maximum area of up to four hundred (400) square feet. Such a structure or display booth shall be portable and completely removed at the end of the sales period.
- c. The property shall be of sufficient size to provide adequate off-street parking in addition to maintaining required parking for any existing use on the property.
- d. Farm produce sales shall be in accordance with the County Health Department Regulations.

2. Arts and Crafts Sales

- a. A temporary use permit may be issued in any zoning district as authorized by Tables 6.2 for the operation of a roadside stand for the sale of arts and crafts. The permit shall be valid for no more than six (6) months per year.
- b. A maximum of one structure or display booth shall be allowed and may have a maximum area of up to four hundred (400) square feet. Such a structure or display booth shall be portable and completely removed at the end of the sales period.
- c. The property shall be of sufficient size to provide adequate off-street parking in addition to maintaining required parking for any existing use on the property.

3. Christmas Tree Sales

- a. Christmas tree sales may be allowed in all zoning districts for a period not to exceed forty five (45) days per calendar year; however, such sales activity is allowed in residential zoning districts only when located on the site of a permitted non-residential use. If the principal use of the property is a retail greenhouse/nursery or garden center, no Temporary Use Permit is required.
- b. The sale of Christmas trees is considered accessory to, and shall be conducted by, the principal business on a site.
- c. The sale of Christmas trees shall be conducted at least thirty (30) feet from the right-of-way of any highway or public street right-of-way.
- d. Property on which Christmas trees are sold shall be of sufficient size to provide adequate off-street parking, in addition to maintaining required parking for any existing use on the property.
- e. Sales shall be conducted in such a manner so as not to interfere with on-site or off-site traffic or cause a nuisance.

4. **Seasonal Greenhouses** (Accessory to Established Business). A seasonal greenhouse accessory to an established business is allowed for up to but not more than six (6) months per calendar year. The structure may displace parking only when the Public Works Director determines that excess parking exists and is available for customer use. The structure must be portable and shall be completely removed at the end of the permit period. This time restriction shall not apply to a permanent greenhouse which is used throughout the year.

6.14 Antenna and Satellite Dish Regulations

6.14.01 Purpose and Intent

It is the intent and purpose of this section to permit antennas and satellite dishes where they can be installed with minimal visual impact by encouraging co-location and other aesthetic measures, without creating adverse economic or safety impacts, and promote the health, safety and general welfare of the community. Furthermore, it is the intent of this Article to ensure compliance with Federal Communications Commission (FCC) regulations as they relate to the promotion of universal service, and competitive contracting by ensuring fairness through the creation of clear and objective approval criteria.

6.14.02 Permits Required

1. **Building and Electrical Permit:** Building permits in accordance with Article 14 of this ordinance shall be required prior to the erection of an antenna or satellite dish, except as provided for in paragraph (2) below. The plans and specifications shall meet or exceed the applicable requirements of the building code and electrical regulations of this ordinance.
2. **Exceptions:** The private use of an antenna or satellite dish for the reception or transmission of radio or television signals, ham radio signals, or citizen band transmissions, of a height no greater than forty five (45) feet are exempt from the requirements of a building permit, engineering report, or Special Use Permit.

6.14.03 General Requirements

1. **Federal Communication Commission Compliance.** All antennas, towers, and satellite dishes shall comply with all Federal Communication Commission (FCC) requirements.
2. **Maximum Number on Lot.** No lot shall have more than (1) antenna, tower, or satellite dish, except for radio or television studios or amateur radio operators licensed by the FCC, in which case the only antennas, towers, or satellite dishes allowed shall be those used related to the principal use of the property. Businesses selling satellite dishes shall be allowed a maximum of three (3) satellite dishes located outdoors, and only one (1) of these shall be allowed in front of the building.
3. **Location on Lot.** An antenna, tower, or satellite dish shall be located in the side or rear yard. In the situation of a corner lot, the antenna, tower, or satellite dish shall not be closer to the adjoining side street than the principal building.
4. **Size and Color.** Within residential zoning districts, the diameter of satellite dishes shall not exceed two (2) feet. The dish and supporting structure shall be neutral in color and shall, as much as possible, blend with the character and appearance of the neighborhood.
5. **Advertisements.** No antenna or satellite dish shall be used or serve as a sign or bear an advertising emblem other than the name of the manufacturer in letters not to exceed two (2) inches in height.
6. **Guy Wires.** Guy wires (only where necessary) shall not be anchored within any front yard area, but may be attached to the building.
7. **Safety Wire.** Whenever an antenna is installed within a distance less than the height of the tower to power or telephone lines, or where damage would be caused by its falling, a separate

safety wire must be attached to the antenna, or mast, or tower, and secured in a direction away from the hazard.

8. **Installation and Materials.** Antennas, towers, and satellite dishes shall meet and be installed according to all manufacturers' specifications. The mast or tower shall be constructed of non-combustible materials, unless otherwise approved by Underwriters' Laboratories (UL). Brackets, turnbuckles, clips, and similar type equipment shall be protected with materials approved by Underwriters' Laboratories (UL).
9. **Setbacks.** Antennas, towers, or satellite dishes shall meet the setback requirement for a primary structure for the zoning district in which the facilities are located.
10. **Exceptions.**
 - a. Residential use of an antenna or satellite dish for the reception of radio and television signals, ham radio signals, or citizen band transmissions in excess of forty five (45) feet shall be considered a special use and shall meet the requirements of Article 14, but shall be exempt from the requirements of Article 6.14.06.
 - b. Notwithstanding anything contained herein to the contrary, the provisions of 6.14.03 (2-6) shall not apply to the District 4 General Industrial zoning district.

6.14.04 Prohibited Uses

A tower or antenna located within any residential district that is used for any commercial or other non-residential purpose, including the placement of other support equipment or buildings, used in connection with the tower or antenna in any residential district, including the "PRD" Planned Residential Development district, shall be prohibited, except those approved as a special use.

6.14.05 Permitted Uses

The following uses are permitted:

1. **Co-locating Antennas on Existing Towers in Industrial or Business districts, or on Publicly Owned Property.** Antennas on an existing communication tower of any height provided that:
 - a. The additional antennas are cumulatively no more than twenty-two (22) feet higher than the existing tower; and
 - b. The antenna is neutral in color; and
 - c. A qualified engineer submits evidence that the existing structure can adequately support the proposed co-location apparatus.
2. **Co-locating Antennas on Existing Non-Tower Structures in Industrial or Commercial Zones, or on Publicly Owned Property.** Antennas on an existing structure other than a tower (such as a building, water tank, sign, utility pole, power pole, or other structure), provided that:
 - a. The additional antennas are cumulatively no more than twenty-two (22) feet higher than the existing structure; and
 - b. The antenna is neutral in color; and
 - c. A qualified engineer submits evidence that the existing structure can adequately support the proposed co-location apparatus.

6.14.06 Special Uses

The following uses may be permitted under the conditions and requirements specified in Article 14, "Permits" in addition to those outlined below:

1. **Co-locating Antennas on Existing Non-Tower Structures or Existing Commercial Towers in Residential Districts.** Antennas on an existing structure (such as a building (excluding dwelling units), water tank, sign, utility pole, or other structure), provided that:
 - a. The additional antennas are cumulatively no more than twenty-two (22) feet higher than the existing structure; and
 - b. The antenna is neutral in color; and
 - c. A qualified engineer submits evidence that the existing structure can adequately support the proposed co-location apparatus.
2. **Towers or Antennas in Commercial or Industrial Zones or on Publicly Owned Property.** Antennas or towers of any height, including the placement of other supporting equipment and accessory buildings. Any equipment shelter shall comply with development standards (i.e., setbacks, height limitations, bulk, etc.) of the property's zoning district classification.

6.14.07 Special Use Requirements for Antenna Facilities

In addition to the requirements of Article 14, the applicant shall be required to submit information that includes, but is not necessarily limited to, how the proposed special use will satisfy the following conditions:

1. **Points of Visual Interest Shall be Protected.** Views from residential structures located within two hundred and fifty (250) feet of the proposed antenna or tower to the following points of visual interest shall be protected to the greatest practical extent:
 - a. Public Open Spaces;
 - b. Natural Areas as defined on the Development Plan;
 - c. Landmark Structures
2. **Methods for Protecting Points of Visual Interest.** The following standards shall be used to protect the above identified points of visual interest to the greatest practical extent if views from a residential structure located within two hundred and fifty (250) feet from a proposed antenna or tower to a point of visual interest specifically identified above are significantly impacted. The applicant shall:
 - a. Examine locations within the same area where such visual impacts can be minimized;
 - b. Investigate alternative tower designs that can be used to minimize the interruptions of views from the residence to the point of visual interest;
 - c. Minimize visual impacts to the point of visual interest referred to above by demonstrating that collocation or the use of other structures within the service area is not feasible at this time;
 - d. Minimize visual impacts by varying the setbacks or landscape standards that would otherwise be applicable, so long as the overall impact of the proposed development is as good as or better than that which would otherwise be required without said variations.
3. **Color.** Antennas or towers and their support structures shall be a neutral color that is the same or similar in color as the supporting structure to make the antenna and equipment as

visually unobtrusive as possible, unless otherwise specified under Federal Aviation Administration (FAA) standards.

4. **Height.** Antennas or towers shall not exceed the maximum building height plus fifteen (15) feet, in the zoning district in which it is located. Applicants who wish to exceed this height shall provide evidence demonstrating the need for exceeding this maximum standard.
5. **Setbacks** (Adjacent to Residential Uses). Antennas or towers shall be set back from any existing adjacent residential property line by a distance equal to the height of the tower, unless building plans are submitted demonstrating that the tower will collapse within itself. Such building plans shall be affixed with the seal of a certified structural engineer.
6. **Lighting.** None allowed except as required by the Federal Aviation Administration (FAA).
7. **Fencing and Security.** For security, antennas or towers and ancillary facilities shall be enclosed by a fence not less than six (6) feet in height.
8. **Landscaping and Screening.** Landscaping shall be placed outside the required fence area on sides facing public rights-of-way or residential areas, and shall consist of fast growing vegetation with a minimum planted height of four feet, spaced evenly at intervals equal to twice the expected width of the plant material.
9. **Noise.** Noise-generating equipment shall be sound buffered by means of baffling, barriers, or other suitable means to reduce sound level measured at the property line to thirty (30) dBA when adjacent to residential areas, and forty five (45) dBA in other areas.
10. **Tower Design.** Towers shall generally be designed without the use of guy wires or external supports. In instances where such a requirement may not be feasible, appropriate documentation shall be provided by the petitioner, demonstrating why such a tower is not feasible. The applicant will offer alternatives to the design so as to minimize the visual impact of the tower.
11. **Co-location Protocol.** Any special use request for the erection of a new tower shall complete the co-location protocol as outlined in Article 6.14.08.

6.14.08 Co-location Protocol

1. **Purpose.** The purpose of this requirement is to create a process that will allow providers to equitably share publicly available, nonproprietary information among themselves, with interested persons and agencies, and with the Village of Winnebago, at the time the provider schedules a pre-application conference with the Village of Winnebago. This co-location protocol is designed to increase the likelihood that all reasonable opportunities for co-location have been investigated and that the appropriate information has been shared among the providers. The Village of Winnebago recognizes that co-location is preferable, where technologically feasible and visually desirable, as a matter of public policy, but that co-location of antennas by providers is not always feasible for technical or business reasons. However, if all licensed providers are made aware of any pending tower or antenna permit requests, such disclosure will allow providers to have the maximum amount of time to consider possible co-location opportunities, and will also assure the Village that all reasonable accommodations for co-location have been investigated.
2. **Pre-Application Requirement.** A pre-application conference is required for all proposed support structures.
3. **Co-location Request Letter Requirement.** At the time of pre-application conference, the applicant shall demonstrate that the following notice was mailed to all other providers rendering service within the Village of Winnebago:

“Pursuant to the requirements of Article 6.13.08 of the Village of Winnebago’s Unified Development Ordinance, (applicant) is hereby providing you with notice of our intent to meet with the Village of Winnebago in a pre-application conference to discuss the location of a wireless communication facility that would be located at _____. In general, we plan to construct a support structure of “___” feet in height for the purpose of providing (Cellular, PCS, etc.) service. Please inform us whether you have any existing or pending antenna or tower facilities located within _____ feet of the proposed facility that may be available for possible co-location opportunities. Please provide us with this information within ten (10) business days after the date of this letter. Your cooperation is appreciated. Sincerely, (applicant)”

4. **Applicant’s Duty to Analyze the Feasibility of Co-location.** If a response to a co-location request letter is received by an applicant indicating an opportunity for co-location, the applicant shall analyze the feasibility of co-location. This analysis shall be submitted with an application for any support structure. The investigation of the feasibility of co-location shall be deemed to have occurred if the applicant submits all of the following information:
 - a. A statement from a qualified engineer indicating whether the necessary service can or cannot be provided by co-location at the possible location site;
 - b. Evidence that the lessor of the possible co-location site either agrees or disagrees to co-location on their property;
 - c. Evidence that adequate access does or does not exist at the possible co-location site to accommodate needed equipment and meets all of the site development standards.
 - d. Evidence that adequate access does or does not exist at the possible co-location site.
5. **Result of Co-location Feasibility Analysis.** If the applicant has provided information addressing each of the criteria in Section 6.13.08(4) above, the co-location protocol shall be deemed complete.

6.14.09 Abandoned Facilities

An antenna or satellite dish which has been discontinued for a period of six (6) consecutive months or longer is hereby declared abandoned. Abandoned facilities shall be removed by the property owner within ninety (90) days of abandonment. Failure to remove an abandoned facility is declared a public nuisance and is subject to penalties as outlined in the Village of Winnebago ordinances.

6.15 Landscaping and Buffer Yards

6.15.01 Purpose and Applicability

The purpose of this section is to promote the public health, safety, and welfare by establishing efficient, effective, minimum standards for buffering between land uses of different intensities, screening of land uses and utility and equipment areas that may create a negative impact, the protection of natural resources, and the installation and continued maintenance of landscaped areas within the village. Where necessary to interpret the precise meaning of technical landscaping terms used in this section, reference shall be made to "The American Standard For Nursery Stock", as published by the American Association of Nurserymen (AAN). All new

development or redevelopment required to submit a site plan shall comply with the landscaping standards in accordance with this section.

6.15.02 Exceptions

Landscaping standards shall not apply to agricultural uses or commercial remodeling projects that do not increase floor area.

6.15.03 Landscaping Plan Required

A plan showing required buffer yards and landscaping of the buffer yards shall be submitted in support of a site plan or building permit for any development within a development area, except for farms, single-family dwellings, and two-family dwellings. All landscaping plans for buffer yards and related areas shall include the following information:

1. The locations, varieties, number, and size of plants to be planted within required landscaped buffer yard areas;
2. Topographic information showing the final site grading and drainage for landscape area, and properly specify planting for areas needing slope protection;
3. Impervious surfaces, including sidewalks, pavement areas, and building footprints;
4. Property boundaries, vision clearance triangle, dimensions, easements, buffer yards, and setbacks;
5. Mature sizes of plant materials shall be drawn to scale;
6. Existing trees which shall be preserved, eight inch (8") caliper or larger, measured two and one half feet (2 1/2') above ground level that are proposed to remain; and
7. The boundaries and edge treatments of all landscaped and buffer yard areas.

6.15.04 Minimum Plantings and Sizes of Landscape Materials

1. **Landscape Material Sizes.** Landscape materials shall measure the minimum sizes at the time of planting as described below:
 - a. Trees: Two and one-half inch (2 1/2") caliper measured at two and one-half feet (2 1/2') above ground level.
 - b. Shrubs: Twenty four inches (24") tall from ground level to the top of the shrub.
2. **Total Landscape Area Requirements.** All subject development shall provide required screening, foundation landscaping, parking lot landscaping, buffer yards and street trees. If the total landscape area resulting from these provisions does not meet the requirements of this article, the applicant shall provide supplemental landscaping. The minimum percentage of lot area to be landscaped shall be as follows:
 - a. Multi-Family Residential – 15%
 - b. Business – 15%
 - c. Industrial – 15%
3. **Required Numbers of Plants.** A minimum of two (2) trees and four (4) shrubs are required per each seven hundred fifty (750) square feet of required landscape area. Plantings shall be a mix of deciduous, evergreen, and ornamental type trees. However, none of the following types of trees shall be planted: Aspen, Black Locust, Box Elder, Catalpa, Elms (all varieties), Cottonwood, Poplar, Soft (silver) Maple, Tree of Heaven (Ailanthus), and Willow.

6.15.05 Buffer Yard Standards

The following buffer yard standards shall apply to all subdivisions and to all multi-family, commercial and industrial projects for which site plans are required. Site plans shall include detailed drawings of enclosure and screening methods as provided. Table 6.3 lists the types of buffer yards required between adjacent land uses.

1. **Buffer Yards Required.** Buffer yards shall be required between parcels with different zoning designations, and as otherwise required herein. The full buffer yard is required in addition to other landscaping requirements; provided, however, that buffer yard plantings may be counted toward total landscape area requirements.
2. **Types of Buffer Yards Required.** Table 6.4 shows the type of buffer yard required to buffer an adjacent property based on its zoning district.

6.15.06 Buffer Yard Location

Buffer yards shall be provided on the site of the new development, regardless of existing setbacks or open space otherwise provided on the adjacent property in accordance with Table 6.3. Buffer yards may be included within required building setbacks and shall be shown as landscaped areas on the plat and site plan.

6.15.07 Screening Standards

1. Screening of Utility Areas and Equipment:

- a. **Solid Waste Collection Areas:** Solid waste receptacles, shipping pallets, bundled cardboard, and similar waste materials stored for collection shall be enclosed on all sides and screened from public view of adjoining residential properties, or any street right-of-way, with a six (6) foot high, solid enclosure with a gate, and shall be constructed of cedar, redwood, masonry, or other compatible building material. The floor of the gated enclosure shall be a concrete pad which shall extend five (5) feet beyond the gate. Trash enclosures shall be located a minimum of fifty (50) feet from any residential zoning district.
- b. **Mechanical Equipment:**
 - i. **Roof Mounted Equipment.** Roof mounted equipment, including ventilators and satellite dishes, shall be screened from view or isolated so as not to be visible from any public right-of-way or any residential zoning district within one hundred fifty (150) feet of the subject lot as viewed from five (5) feet above ground level. Roof screens and parapet walls shall be coordinated with the building to present a unified appearance.
 - ii. **Ground Level Equipment.** All electrical and mechanical equipment, other than public utility equipment, that is located at ground level shall be screened from view or isolated so as not to be visible from the right-of-way of an arterial/collector street or residential zoning district within three hundred (300) feet of the subject lot. Such screens and enclosures shall be coordinated with the building to present a unified appearance.

2. Commercial and Industrial Equipment and Lot Screening:

- a. Purpose. The intent of commercial and industrial lot screening is to ensure that items that cannot be enclosed within a building are screened on all sides from the view of adjacent rights of way and more restrictive zoning districts.
- b. Boundary Landscaping. In all business and industrial districts, five feet (5') of boundary landscaping shall be provided along the abutting public right-of-way (except an alley), which may include the public right-of-way. Such landscaping shall consist of a combination of ground covers and deciduous and evergreen shrubs, and may include trees if they will not obstruct sight distances or vehicular or pedestrian circulation. No specific spacing shall be required for boundary landscaping if the landscaping is appropriate to the character of the site and the landscaped areas are of a size to allow proper owner maintenance.
- c. Outside Storage. The outside storage of salvage or scrap materials, household goods or furniture, or business equipment or materials for more than twenty four (24) hours shall not be allowed except where permitted by this title, and shall be in compliance with the following screening standards:
 - i. Loading, Storage and Service Areas: Shall be visually screened from view of residentially zoned properties with a decorative fence or wall, dense landscape plantings, or berms. Such screening shall provide at least seventy five percent (75%) overall visual screening of the loading and service area(s) as viewed from vantage points on lines perpendicular to the surface of the object(s) being screened.
 - ii. Wrecking/Disposal Operations, Junkyards/Salvage Yards and Outside Storage Lots: Shall be screened:
 - 1) With a wall, or combination wall and berm, not less than eight feet (8') in height, which shall be of solid, one hundred percent (100%) opaque construction. The wall design and construction materials shall be approved by the Zoning Board of Appeals in conjunction with the issuance of a Special Use Permit.
 - 2) On all sides from the view of all surrounding uses and all streets and rights of way. Junkyards/salvage yards may be entirely enclosed within an approved building.

3. **Parking Lot Landscaping:** For any off street parking lot containing over ten (10) spaces, or for any combination of parking areas on a single lot providing more than ten (10) spaces, compliance with minimum landscaping shall be required. The landscaping shall consist of a combination of ground cover and deciduous and evergreen shrubs and trees. The required landscaping may be located within or adjacent to a parking lot, and no specific spacing shall be required; provided, that the landscaping is appropriate to the character of the site, and that the landscaped areas are sufficient in size to allow proper owner maintenance. A minimum buffer yard of ten (10) feet with screening or a fence shall be provided where a parking lot abuts a residential zoning district. Such screening or fencing shall provide at least seventy five percent (75%) overall visual screening of the parking lot.

6.15.08 General Landscaping and Site Maintenance:

1. The applicant, property owner, and/or subsequent or successor owners and their agents shall be responsible for maintenance of any landscaping and any landscaped buffer yard on the property on a continuing basis for the life of the development as specified in this section. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall

include, but not be limited to, mowing, edging, pruning, fertilizing, watering, weeding, and other activities common to the maintenance of landscaping. Failure to maintain the landscape plantings shall be considered a violation of this title.

2. Landscaped areas shall be kept free of trash, litter, weeds, and other materials or plants not a part of the landscaping.
3. All required plant material shall be maintained in a healthy, growing condition as is appropriate for the season. Plant materials that exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated, and dead plants promptly removed and replaced within the next planting season.

6.15.09 Planting List For Parkways

Table 6.4 of this section lists both native and prohibited tree species for use in medians or within the parkway adjacent to public streets. Other trees are subject to written approval by the Village Building Official prior to planting. The Public Works Director shall be consulted prior to planting any trees in the right-of-way to ensure that the trees will not interfere with existing or planned public facilities.

6.16 Tables

6.16.01 Table 6.1: Area and Bulk Requirements

6.16.02 Table 6.2: Land Use

Table 6.2 lists the principal uses allowed within the zoning districts and uses permitted by Special Use Permit in accordance with Article 14.

1. **Use Categories and Specific Uses.** Specific Uses are listed in the second column of the table. If a Specific Use is listed in the table, that use is allowed only within the districts indicated, not within the districts that allow the broader use category.
2. **Permitted Uses.** A “P” indicates that the listed use is allowed by right within the respective zoning district. Permitted uses are subject to all other applicable standards of this ordinance.
3. **Special Uses.** An “S” indicates that the listed use is allowed within the respective zoning district only after review and approval of a Special Use Permit, in accordance with the review procedures of Article 14. Special Uses are subject to all other applicable standards of this ordinance.
4. **Prohibited Uses.** A “-” indicates that the listed use type is not allowed within the respective zoning district, unless it is otherwise expressly allowed by other regulations of this ordinance.

6.16.03 Table 6.3: Buffer Yard Requirements

6.16.04 Table 6.4: Native and Prohibited Plant Species

Table 6.1: Area and Bulk Requirements													
Zoning District	District Use ¹	Minimum Lot Size		Minimum Yards					Maximum Bulk Requirements				
		Area ² (sf)	Width (ft)	Front (ft)	Rear ³ (ft)	Side (Interior) (ft)	Next to Street (Corner) (ft)	Next to Residential (ft)	Lot Coverage (%)	Floor Area Ratio	Height of Princ. Use (ft/stories)	Height of Access. Use (ft)	Min ⁴ Dwelling Size (sf)
No. 1	One Family Residential	10,200	85	30	25	12	30	-	30	0.3	35 / 2.5	15	1200
No. 2	Two Family Residential	10,200	85	30	50	12	30	-	30	0.3	40 / 3	15	1200
No. 2-M	Multi-Family Residential	13,000	85	30	50	12	30	-	60	0.6	28 / ??	15	750 (1) / 950 (2)
No. 3	General Business	None	None	None	None	None	None	-	None	None	40 / 3	None	500
No. 4	General Industrial	None	None	50	40	40***	30	40	30	0.6	30 / ??	20 Min.	-
No. 5	Light Industrial	15,000	100	33 Min./ 40 Max.	30	12 Min./ 20 Max.	33 Min./ 40 Max.	12 Min./ 20 Max.	40	0.8	25 / ??	25	-
No. 6	Agricultural	None	None	None	None	None	None	-	None	None	None	None	-
No. 7	Limited Agricultural	None	None	None	None	None	None	-	None	None	None	None	-
No. 8	RTMP	40,000	150	50	40	20	33 Min./ 40 Max.	20	40	0.8	50 / 4	None	-

1) RTMP = Research, Technology and Manufacturing Park

2) Minimum Lot Size Notations:

District 2 Two-Family Residential: No lot shall have an area less than 1,000 square feet for each family housed.

District 2-M Multi-Family shall have minimum 13,000 sf for three families and 4,300 sf for each additional living unit, not to exceed 10 units on any one acre.

3) Rear Yard Setback Notations:

District 2 Two-Family Residential: Rear lot setback may be reduced to 25 feet if six units or fewer.

District 2-M Multi-Family Residential: Rear lot setback may be reduced to 25 feet if six units or fewer.

District 4 General Industrial: Rear and side lot setback may be reduced to 20 feet when abuts another industrial use, and no requirement if abuts railroad.

District 8 RTMP: Rear lot setback may be reduced to 30 feet when abuts another RTMP use, and to 15 feet if it abuts railroad.

4) Minimum Dwelling Area Notations:

Ranch Style: Minimum 1,200 sf habitable area

Bi-level Style: Minimum 1,300 sf habitable area

Tri-level Style: Minimum 1,500 sf habitable area

Two-story Style: Minimum 1,800 sf habitable area

Notations:

Reference specific district provisions for setback requirements for accessory buildings, if any.

Reference Section 6.10 for exceptions, additions or modifications as provided within the Supplementary Regulations.

Reference Section 6.11 for Planned Residential Development (PRD) requirements.

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Use		Zoning Districts									
		No. 1 S-F	No. 2 2-F	No. 2-M M-F	PRD	No. 3 G.B.	No. 4 G.I.	No. 5 L.I.	No. 6 Agr.	No. 7 Lim. Ag.	No. 8 RTMP
Office, Medical and Small Business											
	Accounting	S	--	S	--	--	--	--	--	--	--
	Animal Hospital / Veterinarian	--	--	--	--	--	--	--	S	--	--
	Beauty Salons, Barber Shops	S	S	S	S	--	--	--	--	--	--
	Customary Home Occupations	P	P	P	P	--	--	--	--	--	--
	Day Care Centers	--	--	--	--	P	--	--	--	--	--
	Dental	S	S	S	S	--	--	--	--	--	--
	Engineering	S	--	S	--	--	--	--	--	--	--
	Funeral Home, Funeral Parlor	--	S	S	S	--	--	--	--	--	--
	Healthcare Clinic, Healthcare Office	S	S	S	S	--	--	--	--	--	--
	Home Day Care for Children	S	S	S	S	--	--	--	--	--	--
	Hospital	S	--	S	--	--	--	--	--	--	--
	Insurance	S	S	S	S	--	--	--	--	--	--
	Legal	S	--	S	--	--	--	--	--	--	--
	Personal Service Professional Office	--	--	--	--	P	--	--	--	--	--
	Real Estate	S	S	S	S	--	--	--	--	--	--
	Rehabilitation Centers (Disabled Persons)	--	--	--	--	--	--	--	S	--	--
Recreation & Entertainment											
	Archery Clubs	--	--	--	--	--	--	--	S	--	--
	Automobile, Cycle, Snowmobile Race Tracks	--	--	--	--	--	--	--	S	--	--
	Campgrounds, Picnic and Recreational	--	--	--	--	--	--	--	S	--	--
	Commercial Fishing Ponds or Lakes	--	--	--	--	--	--	--	S	--	--
	Dining and Dancing Establishments	--	--	--	--	--	--	--	S	--	--
	Entertainment	--	--	--	--	P	--	--	S	--	--
	Golf Course, Driving Range, Golf Practice Facility	--	--	--	--	--	--	--	S	--	--
	Golf Courses, Par 3	--	--	--	--	--	--	--	S	--	--
	Gun Clubs	--	--	--	--	--	--	--	S	--	--
	Parks, Forest Preserves and Recreation Areas	P	P	P	P	--	P	P	P	S	P
	Recreation Buildings and Community Centers	--	--	--	--	--	P	P	P	--	P
	Stables and Riding Trails	--	--	--	--	--	--	--	S	--	--
	Theaters, Outdoor and Indoor	--	--	--	--	--	--	--	S	--	--
Retail / Services											
	Farm Implement Establishments	--	--	--	--	S	--	--	P	--	--
	Lumber Yards	--	--	--	--	S	--	--	--	--	--
	Restaraunts	--	--	--	--	P	--	--	--	--	--
	Retail Sales Office	--	--	--	--	P	--	--	--	--	--
	Service Stations	--	--	--	--	S	--	--	--	--	--
	Sexually Oriented Businesses w/ Restrictions	--	--	--	--	P	--	--	--	--	--
	Stores and Shops	--	--	--	--	P	--	--	--	--	--
	Used Automobile Sales	--	--	--	--	S	--	--	--	--	--
	Wholesale Sales Outlets	--	--	--	--	S	--	--	--	--	--
Indutrial and Manufacturing											
	Alternative Fuel Production and Processing	--	--	--	--	--	--	--	--	--	S
	Automobile Wrecking Yards	--	--	--	--	--	--	--	S	--	--

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Table 6.3: Buffer Yard Requirement					
Zoning District		Proposed Development			
	Agriculture	Residential	Business	Industrial	RTMP
Agriculture	None	25	25	40	40
Residential	25	12	25	40	40
Business	25	25	None	40	40
Industrial	40	40	40	None	40
RTMP	40	40	40	40	None

Table 6.4: Native and Prohibited Tree Species

Native Species		Prohibited Species	
Acer nigrum	Black Maple	Acer negundo	Box Elder
Acer saccharum	Sugar Maple	Acer saccharinum	Silver Maple
Aesculus glabra	Ohio Buckeye	Ailanthus altissima	Tree of Heaven
Carpinus caroliniana	American Hornbeam	Elaeagnus angustifolia	Russian Olive
Carya cordiformis	Bitternut Hickory	Elaeagnus umbellata	Autumn Olive
Carya ovata	Shagbark Hickory	Fraxinus species	Ash species
Celtis occidentalis	Hackberry	Gleditsia triacanthos	Honey Locust
Ostrya virginiana	American Hophornbeam	Populus species	Poplar species
Quercus alba	White Oak	Rhamnus cathartica	Common Buckthorn
Quercus coccinea	Scarlet Oak	Rhamnus fragula	Glossy Buckthorn
Quercus ellipsoidalis	Hill's Oak	Robina pseudoacacia	Black Locust
Quercus macrocarpa	Bur Oak	Ulmus pumila	Siberian Elm
Quercus rubra	Red Oak	Salix alba	Weeping Willow
Quercus velutina	Black Oak	Ulmus siberica	Chinese Elm
Tilia americana	Linden	Morus alba	Mulberry
		Platanus accidentalis	Sycamore

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Article 7

**Requirements for Dedication of School, Park, Library, Fire/Rescue and Municipal Sites
or Cash Contributions in Lieu Thereof**

- 7.01 Title**
- 7.02 Legislative Intent**
- 7.03 Criteria for Requiring Site Dedication**
 - 7.03.01 Criteria for Requiring School Site Dedications**
 - 7.03.02 Criteria for Requiring Park and Recreational Land Dedications**
 - 7.03.03 Fire/Rescue Capital Facilities Contributions and Site Dedication**
 - 7.03.04 Criteria for Requiring Library Site Dedication**
 - 7.03.05 Criteria for Requiring Municipal Purposes Land Dedications**
- 7.04 Criteria for Requiring a Cash Contribution in Lieu of Dedication of Land for
School, Park, Library, Fire/Rescue and Municipal Purposes**
 - 7.04.01 Fair Market Value**
 - 7.04.02 Criteria for Requiring Dedication and a Contribution**
 - 7.04.03 Consumer Price Index**
- 7.05 Density Formula**
- 7.06 Reservation of Additional Land**
- 7.07 Combining with Adjoining Developments**
- 7.08 Topography and Grading**
 - 7.08.01 Slope**
 - 7.08.02 Grading**
 - 7.08.03 Soils**
 - 7.08.04 Seeding**
- 7.09 Improved Sites**
- 7.10 Environmental Risk Audit**
- 7.11 Suitability of Soils at Site**
- 7.12 Title Insurance, Survey, Assessment Plats**
- 7.13 Real Estate Tax Escrow**
- 7.14 Objections**
 - 7.14.01 Duties of the Planning and Zoning Committee**
 - 7.14.02 Information and Services to be Used**
 - 7.14.03 Procedure for Resolving an Objection**
 - 7.14.04 Costs and Fees**
- 7.15 Condition to Annexation**
- 7.16 Indemnification**
- 7.17 Collection of Fees**
- 7.18 Needs Assessment: Land and Capital Facilities Acquisition Plan**
- 7.19 Time of Payment**

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7.19.01	Payment at Time of Platting
7.19.02	Payment at Time of Building Permit Issuance
7.20 Exhibits	Exhibit A: Table of Estimated Ultimate Population Per Dwelling Unit
	Exhibit B: Acknowledgment of Notification of Rights
	Exhibit C: Agreement Regarding the Receipt of Developer Subdivision Contributions and Indemnification Agreement
	Exhibit D: Agreement Between Developer and Village to Delay Payment of Cash Contributions with Exhibit D.1: Legal Description of Property
7.01	Title

This Article shall be known as and may be cited as the Impact Fee Ordinance.

7.02 Legislative Intent

As a condition of approval of a final plat of subdivision or of a final plat of a planned unit development, each subdivider or developer shall be required to dedicate land for school, park, library, fire/rescue and municipal purposes to serve the immediate and future needs of the residents of the development, or shall be required to make a cash contribution in lieu of actual land dedication, or a combination of both, at the option of the Village of Winnebago (the "Village") and with the concurrence of the affected school, park, library or fire/rescue district (hereinafter "the Affected District"), which concurrence shall be obtained in writing. However, the Village shall have the final decision making power in this regard. The dedications and cash contributions required hereunder shall be made in accordance with the criteria and formulae herein.

7.03 Criteria for Requiring Site Dedication

7.03.01 Criteria for Requiring School Site Dedications

- 1. Requirement and Population Ratio:** The ultimate number of students to be generated by a subdivision or planned unit development shall bear directly on the amount of land required to be dedicated for school sites. The land dedication requirement shall be determined by obtaining the ratio of (i) estimated number of children to be served in each school classification (as described in paragraph 7.03.01(2) below) from the subdivision or planned unit development over the (ii) maximum recommended number of students to be served in each such school classification as stated herein, and then applying such ratio to (iii) the appropriate number of acres for a school site of each such school classification

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as stated herein. The product thereof shall be the acres of land deemed needed to have sufficient land for school sites to serve the estimated increase in number of students for each such school classification.

2. **School Classifications and Size of School Site:** These requirements for acreage are based upon a review of available data studies and literature on the subject, including but not limited to information provided by the State Superintendent of Education and the unique characteristics of the Village of Winnebago. These requirements for acreage shall be presumed as the appropriate acreage requirements and shall be used in calculating any cash in lieu of land dedication herein unless timely objected to as provided herein. Objections to these acreage requirements for any particular development shall be made in accordance with paragraph 7.14 herein to the Planning and Zoning Committee. Failure to timely object to these acreage requirements in accordance with paragraph 7.14 herein shall thereafter waive any right to raise an objection at a later time. School classifications and size of school sites serving the Village shall be determined in accordance with the following criteria:

School Classification by Grades	Maximum Number of Students for Each Such School Classification	Appropriate Number of Acres of Land for Each School Site of Such Classification
Elementary Schools, Grades Kindergarten through 5 th	450 students	15 acres
Junior high or middle schools, grades 6 th through 8 th	600 students	25 acres
High schools, grades 9 th through 12 th	1,000 students	50 acres

3. **Location:** The standards adopted by the affected school district shall be used as a guideline in locating sites. School sites shall be located in the Village in accordance with plans heretofore or hereafter adopted by the affected school district.

7.03.02 Criteria for Requiring Park and Recreational Land Dedications:

1. **Requirement and Population Ratio:** The ultimate density of a proposed development shall bear directly on the amount of land required for dedication for park and recreational purposes. The total requirement shall be 10 acres of land per 1,000 of ultimate

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population. These requirements for acreage are based upon a review of available data studies and literature on the subject, including but not limited to, the National Recreation and Park Association's Recreation, Park and Open Space Standards and Guidelines, 1990. These requirements shall be presumed as the appropriate acreage requirements and shall be used in calculating any cash in lieu of land dedication herein unless timely objected to as provided herein. Objections to these acreage requirements for any particular development shall be made in accordance with paragraph 7.14 herein to the Planning and Zoning Committee. Failure to timely object to these acreage requirements in accordance with paragraph 7.14 herein shall thereafter waive any right to raise an objection at a later time.

2. **Location:** The park and recreation plans as adopted by the Winnebago Park District shall be used as a guideline in locating sites. A central location that will serve equally the entire development or a location that is adjacent to existing park and recreational land is most desirable. In large developments, these sites can be located throughout the development according to established standards for park area distances.

7.03.03 Fire/Rescue Capital Facilities Contributions and Site Dedication:

1. **Requirement and Population Ratio:** The development of new subdivisions and planned developments increases the demands upon the existing fire/rescue protection service provided by the Village in a proportionate and ascertainable manner and creates the need for additional fire/rescue, firehouse and training sites. Studies reveal the need to develop additional fire/rescue protection services. Therefore, as a condition of approval of a final plat of subdivision or of a final plat of a planned development, each developer or subdivider shall be required to dedicate land for fire/rescue facilities to serve the immediate and future needs of the residents of the development or shall be required to make a cash contribution in lieu of actual land dedication.

The ultimate density of a proposed development shall bear directly on the amount of land required for a fire/rescue site dedication. The Village hereby finds that the total requirement shall be two (2) acres of land per three thousand seven hundred and fifty (3,750) of ultimate population (or 5.34 acres per 10,000 of population). This requirement is based upon a review of available data as well as the fire/rescue districts' own internal examination of fire/rescue utilization and needs. At the date of passage of this Impact Fee Ordinance, fire/rescue capacity is sufficient to serve the existing boundaries of the Village, but this Impact Fee Ordinance shall apply when capacity either has been or will be reached as a result of new development or when, in the determination of the fire district, a new facility is needed to serve a new development. This determination shall be based, in part, on current insurance and industry standards for fire protection districts. This contribution and/or dedication is based upon a review of available data, studies and literature, including, but not limited to, the requirements of surrounding communities.

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They shall be presumed to be correct and accurate and shall be used in calculating cash contributions herein unless timely objected to as provided herein. Objections to these acreage requirements for any particular development shall be made in accordance with paragraph 7.14 herein to the Planning and Zoning Committee. Failure to timely object to these acreage requirements in accordance with paragraph 7.14 herein shall thereafter waive any right to raise an objection at a later time.

The Fire/Rescue Capital Facilities Contribution shall be used for the purpose of assisting in providing additional facilities for municipal purposes. The Village may contract with other units of local government for the provision of fire/rescue services. Funds obtained pursuant to this paragraph 7.03.03(1) may be transferred to those entities for the purpose of assisting in the provision of additional facilities that will benefit the Village.

2. **Location:** The location of any new fire/rescue facility and/or training site shall be determined by the appropriate fire district in consultation with the Village.

7.03.04 Criteria for Requiring Library Site Dedications:

1. **Requirement and Population Ratio:** The ultimate density of a proposed development shall bear directly on the amount of land required for dedication. New development and increased population create greater demands for adequate and efficient library services to meet the educational, cultural and recreational needs of the citizenry. They create the need for additional library facilities. The Village hereby finds that the total requirement shall be 1.18 acres of land per 12,090 of ultimate population. However, the library currently has capacity to serve 12,090 people and this acreage requirement shall only apply when that capacity figure has been or will be reached as the result of the new development. These requirements are based upon a review of available data, studies and literature on the subject, as well as the Library District's own examination of library utilization and needs. They shall be presumed as the appropriate acreage requirements and shall be used in calculating any cash in lieu of land contribution herein unless timely objected to as provided herein. Objections to these acreage requirements for any particular development shall be made in accordance with paragraph 7.14 herein to the Planning and Zoning Committee. Failure to timely object to these acreage requirements in accordance with paragraph 7.14 herein shall thereafter waive any right to raise an objection at a later time.
2. **Location:** The location of any new library facility shall be determined by the Library after consultation with the Village.

7.03.05 Criteria for Requiring Municipal Purposes Land Dedications:

1. **Suitability:** The land for municipal purposes land dedications shall be suitable for the purpose for which it is intended. Land set aside by developers for municipal land

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dedication shall not be what has been “left over” after residential, commercial and industrial development.

2. **Requirement and Population Ratio:** The ultimate density of a proposed development shall bear directly on the amount of land required for dedication for municipal purposes. The total requirement shall be 5 acres of land per 10,000 population. These requirements for acreage are based upon the Village’s planning process and projections for future demands for Village services including administration and police services, the staff needed to provide that service, the facilities that will be necessary to accommodate that staff and the public, and the amount of land upon which such facilities would have to be located. Objections to these acreage requirements for any particular development shall be made in accordance with paragraph 7.14 herein to the Planning and Zoning Committee. Failure to timely object to these acreage requirements in accordance with paragraph 7.14 herein shall thereafter waive any right to raise an objection at a later time.
3. **Location:** The plans adopted by the Village Board shall be used as a guideline in locating municipal facility sites for the benefit of the entire community including the new development.

7.04 Criteria for Requiring a Cash Contribution in Lieu of Dedication of Land for School, Park, Library, Fire/Rescue and Municipal Purposes:

When the development is small and the resulting site to be dedicated for school, park, library, fire/rescue or municipal purposes is too small to be practical, or when the available land is inappropriate for its intended purpose or is in conflict with the approved standards or plan of the Affected District, the Village, with the concurrence of the Affected District, shall require the subdivider or developer to pay a cash contribution in lieu of the land dedication. The cash contribution in lieu of dedication shall be collected and held in trust by the Village or Affected District, and shall be used both for the acquisition of land for school sites to serve the immediate or future needs of children from that subdivision or development and for land for park, library, fire/rescue and municipal purposes to serve the immediate or future needs of all residents of that subdivision or development, or for the improvement to any existing sites that already serve such needs, or for the construction of school buildings or additions thereto in accordance with Public Act 93-0330, or for any purpose defined by agreement with the subdivider or developer at the time of platting. If any portion of a cash contribution in lieu of dedication of sites is not expended for the purposes set forth herein within 13 years from the date of receipt, it shall be refunded by the entity holding the contribution to the record owner of the subdivided land at the time of the refund. If there is more than one record owner of the subdivided land or of the land that comprises the planned unit development, as applicable, such record owners shall share in the refund pro-rata based on the cash contributions originally paid by each property.

UNIFIED DEVELOPMENT ORDINANCE**7.04.01 Fair Market Value**

The cash contributions in lieu of land shall be based on the fair market value of the acres of land in the area that otherwise would have been dedicated as a site. In calculating the fair market value on a per acre basis, unless determined otherwise pursuant to paragraph 7.14 herein, the following assumptions about the land shall be made: (a) that it is zoned in a one-family dwelling residential zoning district consistent with the Village's development standards; (b) that it is subdivided with appropriate frontage on a dedicated street or road, stubbed with municipal sewer and water, has all appropriate utilities available; (c) that it is improved as set forth in paragraphs 7.08 and 7.09 herein; and (d) that it is otherwise property capable of being used for residential development. Based upon a study of real estate transactions in and around the Village for the past three years by a certified appraiser, it has been determined that the present fair market value of such improved land in and surrounding the Village is, as of the effective date of this Impact Fee Ordinance, \$55,800 per acre. These figures shall be adjusted by the Village board from time to time with appropriate study and documentation. The fair market value as defined above shall be used in calculating any cash contribution in lieu of land dedication required herein unless timely objected to as provided in paragraph 7.14 herein. Objections to the fair market value as defined above shall be made in accordance with paragraph 7.14 to the Planning and Zoning Committee. Failure to timely object to the fair market value as defined above in accordance with paragraph 7.14 herein shall thereafter waive any right to raise an objection at a later time.

7.04.02 Criteria for Requiring Dedication and a Contribution

There will be situations in subdivisions or planned unit developments when a combination of land dedication and a cash contribution in lieu of land are both necessary. These occasions will arise when: (a) only a portion of the land to be developed is proposed as the location for a school, park, library, fire/rescue or municipal site (that portion of the land within the subdivision falling within the proposed site location shall be dedicated as a site as stated above, and a cash contribution in lieu thereof shall be required for any additional land that would have been required to be dedicated); or (b) a major part of the site has already been acquired by the Affected District and only a small portion of land is needed from the developer to complete the site (the remaining portion shall be required by a cash contribution in lieu thereof).

UNIFIED DEVELOPMENT ORDINANCE**7.04.03 Consumer Price Index**

The fair market value identified in paragraph 7.04.01 above shall be subject to a “CPI Adjustment” which shall be calculated annually and which adjustment shall go into effect on February 1, 2006 and on the first day of February in each year thereafter. Annually, the fixed charge shall be adjusted by the annual percentage change as published by the United States Department of Labor’s Bureau of Labor Statistics, All Items Consumer Price Index (“CPI”) for Urban Consumers (1982-84 = 100) for the Chicago Consolidated Metropolitan Statistical Area, Illinois. If any index is calculated from a base different from the base period 1982-84 = 100, such index shall be converted to a base period of 1982-84 = 100 by use of a conversion factor supplied by said Bureau of Labor Statistics. If the CPI is discontinued or replaced, such other governmental Cost of Living Index or computation which replaces the CPI shall be used in order to obtain substantially the same result as would be obtained if the CPI had not been discontinued or replaced.

7.05 Density Formula

The *Table of Estimated Ultimate Population Per Dwelling Unit* (“the Density Formula”), attached as Exhibit A, prepared by Illinois School Consulting Service/Associated Municipal Consultants (“ISCS/AMC”), Inc., 1996, and as updated from time to time, is generally indicative of current and short-range projected trends in family size for new construction and shall be used in calculating the amount of required dedication of acres of land or the cash contributions in lieu thereof for school, park, library, fire/rescue and municipal sites unless a written objection is filed thereto by the subdivider or developer.

A bedroom, as used in this Impact Fee Ordinance, shall include any room which may be used for bedroom purposes, such as a den, study, loft or extra room located on any floor in a dwelling unit which may be convertible into a sleeping area and is not clearly identified for some other specific purpose such as a kitchen (one per unit), dining room (one per unit), living room (one per unit), bathroom(s) and family room (one per unit).

This Density Formula, as updated, shall be used in calculating any cash in lieu of land dedication herein unless objected to as provided in paragraph 7.14 herein. The Village recognizes that the Density Formula may be updated from time to time and will, as a result, adopt these updates periodically by amending the Impact Fee Ordinance accordingly. Objections to the Density Formula shall be made in accordance with paragraph 7.14 to the Planning and Zoning Committee. Failure to object to the Density Formula in accordance with paragraph 7.14 shall thereafter waive any right to raise an objection at a later time.

In the event a subdivider or developer files a written objection to the Density Formula listed above, he shall submit his own demographic study showing the estimated additional population to be generated from the subdivision or planned unit development, and in that event final determination of the density formula shall be made in accordance with paragraph 7.14 herein.

UNIFIED DEVELOPMENT ORDINANCE**7.06 Reservation of Additional Land**

When the Comprehensive Plan or the standards of the Village or the Affected District call for a larger size site in a particular subdivision or planned unit development than the developer is required to dedicate pursuant to this Impact Fee Ordinance, the land needed beyond the developer's dedication shall be set aside and reserved by the developer for subsequent purchase (at a price determined at the time of reservation) by the Village or other Affected District, provided that such acquisition is made within one year from the date of approval of the final plat.

7.07 Combining with Adjoining Developments

Where appropriate, a site that is to be dedicated should, if possible, be combined with dedications from adjoining developments in order to produce usable sites without undue hardship on a particular developer.

7.08 Topography and Grading

The slope, topography and geology of the dedicated site as well as its surroundings must be suitable for its intended purpose. The dedicated site shall not merely be land that is “left over” after residential, commercial and industrial development. Storm water detention and retention areas shall not be accepted for Village or Affected District ownership and maintenance, and the portion of a detention or retention area designed to function primarily as a component of the Storm water control system shall not serve as a credit toward the required site dedication. Wetlands, flood plains, detention areas, retention areas and areas of steep slope shall not be accepted as sites and shall not serve as a credit toward the required site cash contribution in lieu of land dedication. In addition, the following site conditions and preparation standards shall be met:

7.08.01 Slope:

1. Should not vary greatly in appearance from existing and adjacent slopes;
2. Optimum slopes range from two percent minimum to five percent maximum. No less than two percent slope is acceptable under any circumstances;
3. Maximum allowable slope is 10 percent, except under special conditions where greater slopes are desirable to enhance the use of the site; and
4. On-site drainage patterns shall be designated and constructed to:
 - a. Ensure flow toward swales; and
 - b. Ensure drainage away from active areas.

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7.08.02 Grading:

1. Rough grading shall be completed at time of rough grading of adjacent contiguous area;
2. Grading shall comply with Village approved plans;
3. Subgrade shall be graded and compacted so it will parallel finished grade;
4. Subgrade material shall be loosened and fine graded to a depth of two to four inches. All stones over four inches in size, sticks, debris, rubbish and other foreign substances shall be removed; and
5. Finished grades shall be uniform in slope between points for which elevations have been established.

7.08.03 Soils:

1. Soils shall not differ from those naturally occurring;
2. Soils shall not offer any restriction to the ultimate use of the property;
3. Topsoil shall be spread evenly and lightly compacted to a minimum depth of six inches over the entire site;
4. Topsoil must be good, friable soils with good tillage and shall be without any admixture of subsoil, clay, gravel, stones, debris, refuse, sand or other subsurface elements;
5. Topsoil shall not be placed in a muddy or frozen condition;
6. Topsoil shall contain no toxic substances which may be harmful to plant growth; and
7. Topsoil shall be spread no later than the placement of topsoil on the first lot adjacent to the site.

7.08.04 Seeding:

1. All proposed sites shall be seeded and an acceptable stand of grass or vegetation established prior to dedication of the area to the Village or the Affected District;
2. Seeding shall be completed during the fall or spring planting times, depending upon the recommended seed planting specifications;
3. Seeding shall be on moderately dry soil on a seed bed which will easily accept and nurture germination of seeds;
4. Seeding shall be watered sufficiently so that the vegetation becomes reasonably established; and
5. The developer shall be responsible for making necessary reparations to the site caused by erosion or other damage. Reparations shall be completed prior to acceptance of the site.

UNIFIED DEVELOPMENT ORDINANCE**7.09 Improved Sites:**

All sites shall be dedicated in a condition ready for full service of electricity, natural gas, telephone and cable television, water, sewer and streets (including enclosed drainage and curb and gutter, where applicable), as applicable to the location of the site, and shall otherwise comply with the requirements of the Subdivision Regulations of the Village of Winnebago. The landscaping normally included within the definition of “improved” sites under the Subdivision Regulations of the Village of Winnebago may be deleted due to the delay time between dedication of any such site and the construction of facilities thereon, except for groundcover as required in paragraph 7.08.04 herein. The site shall have direct access to a fully improved street across at least 20 percent of the distance of its perimeter. School and park sites should ideally be accessible by a bicycle/pedestrian trail, and any such access route onto school sites shall be at least 30 feet wide. Such access routes should normally be dedications and not easements, depending on which entity of government is to be responsible for said routes. Any vehicular access route leading to or on the site shall be of sufficient size and good geometry to properly accommodate vehicles that will access and traverse the site, including but not limited to good principles of traffic circulation, accommodation of one-way and/or two-way drives for school buses for school sites, separation of bus traffic from passenger automobile traffic for school sites, bus drop-off areas separate from publicly-dedicated streets for school sites, guest and employee parking areas, and the like. Such off-street access routes, drives, drop-offs and parking areas will not be dedicated rights-of-way and shall be the responsibility of the owner of the site to maintain.

7.10 Environmental Risk Audit

Prior to the conveyance of any land to the Village or the Affected District, the intended grantee shall be furnished with an environmental risk audit prepared by an environmental professional meeting the minimum requirements of 415 ILCS 5/22.2(j)(6)(E)(iii), certified to and acceptable to the grantee, assuring the grantee that there are no hazardous substance(s) (as defined hereinafter) on, under, to or from the land. Said environmental audit shall be what is commonly referred to as a Phase I Environmental Audit, which shall meet the minimum requirements for a pre-acquisition audit as set for in 415 ILCS 5/22.2(j)(6)(E)(iii)(v). In the event the Phase I Environmental Audit does not conclude there is no presence or likely presence of a release of substantial threat of a release of hazardous substance(s) or pesticide on, under, to or from the land, the grantee shall furnish a Phase II Environmental Audit as set forth in 415 ILCS 5/22.2(j)(6)(E)(iii)(vi), including a soil toxicity analysis and recommendation from said environmental professional, meeting the minimum requirements of 415 ILCS 5/22.2(j)(6)(E)(iii), which concludes that there is no presence or likely presence of a release or substantial threat of a release of hazardous substance(s) on, under, to or from the land, and certifying that, in the judgment of said environmental

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professional, there is no reasonable probability that the land contains any hazardous substance(s) in violation of any federal or state environmental standards.

In the event said Phase II Environmental Audit and/or soil toxicity analysis discloses the presence or likely presence of a release or a substantial threat of a release of any hazardous substance(s) at, on, under, to or from the land to be conveyed, the grantor shall first cause all such hazardous substance(s) to be removed at its sole cost and expense in accordance with all federal, state and local environmental laws, rules and regulations and furnish the intended grantee with a "No Further Remediation Letter" from the governmental agencies having jurisdiction over the cleanup prior to conveyance of any of the land to the intended grantee. Prior to the conveyance of the land, the subdivider or developer, as the case may be, and the owner of the land to be conveyed, shall execute and deliver to the intended grantee an Environmental Indemnification Agreement, which form has been approved by the grantee's Attorney, agreeing to defend, indemnify and hold the Village or Affected District, as the case may be, its corporate authorities, officers, officials, employees, agents, successors and assigns harmless from and against any and all liability, claims, damages, causes of action and expenses arising out of the presence of any hazardous substance(s) in, under or upon said land to be conveyed prior to the date of conveyance.

Hazardous substance(s) includes without limitation:

1. Those substances included in the definitions of hazardous substances, extremely hazardous substances, hazardous materials, toxic substances, toxic chemicals, toxic wastes, hazardous chemicals, hazardous wastes, solid waste and pesticides in CERCLA, SARA, RCRA, HSWA, TSCA, OSHA, FWPCE, Illinois Pesticides Act (415 ILCS 60/1 et seq.), Illinois Responsible Property Transfer Act (765 ILCS 90/1 et seq.) and the Illinois Hazardous Materials Transportation Act (430 ILCS 30/1 et seq.), 49 U.S.C. Section 1801 et seq., as amended, and as they may be amended in the future, and in the regulations promulgated pursuant to said laws.
2. Those substances defined in Section 1003 of the Illinois Environmental Protection Act and in the regulations promulgated pursuant to said act or other Illinois laws pertaining thereto.
3. Those substances listed in the U.S. Department of Transportation Table (49 CFR 172.101 and amendments thereto) or by the Environmental Protection Agency (or any successor agency) as hazardous substances (40 CFR Part 302 and amendments thereto).
4. Such other substances, materials and wastes which are to become regulated under applicable local, state or federal law, or which are classified as hazardous or toxic under federal, state or local laws, ordinances or regulations.
5. Any material waste or substance which is (a) asbestos, (b) polychlorinated biphenols, (c) designated as a hazardous substance pursuant to Section 311 of the Clean Water Act, 33 U.S.C. Section 1251 et seq. (33 U.S.C. Sec. 1321) or listed pursuant to Section 307 of the Clean Water Act (33 U.S.C. Sec. 1317), (d) explosives, or (e) radioactive materials.

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6. For purposes of this Impact Fee Ordinance, hazardous substances shall include petroleum or its byproducts as regulated under RCRA and any applicable state law or regulations.

7.11 Suitability of Soils at Site:

The subdivider or developer, at its own cost or expense, shall provide to the Village or the Affected District soil boring data, soil compaction test results and such other engineering studies, data and information pertaining to the proposed site, which the Village or the Affected District may request to enable it to determine the suitability of the proposed land dedication for the sites its intended purposes. The Village or the Affected District shall have the right to reject any site which the Village or the Affected District determines, in accordance with sound engineering practices, is not suitable for its intended purposes.

7.12 Title Insurance, Survey, Assessment Plats

Each deed or other instrument conveying land to the Village or the Affected District shall be accompanied by:

1. A written commitment issued by a title insurer licensed to do business in the state to insure the grantee's title to such real estate in an amount equal to the value computed pursuant to paragraph 7.04 herein, with extended coverage over the general exceptions to title and subject only to:
 - a. real estate taxes not yet due and payable,
 - b. covenants, conditions and restrictions which do not prohibit the use of the subject property for its intended purposes,
 - c. utility easements located within 20 feet of the boundary lines of the subject real estate (except where approved on the final engineering plans approved by the Village Engineer);
 - d. drainage ditches, feeders and laterals.
 - e. underground pipe or other conduit, and
 - f. acts done or suffered by or judgments against the grantees.
2. A current ALTA boundary line survey, certified to the grantee by a licensed Illinois Land Surveyor to be in compliance with the American Land Survey Standards, showing no encroachments; and
3. Except in instances where the real estate is to be conveyed is a lot in a recorded subdivision, an assessment plat and tax division petition in a form acceptable to the appropriate Village authorities so the land to be conveyed can be assigned its own permanent real estate index number (PIN) for exemption purposes.

In addition, monuments must be established and the land staked immediately prior to dedication of the property. The subdivider or developer shall pay for the cost of the owner's

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title insurance in said amount, the ALTA survey, the assessment plat and any and all costs in connection with the tax division.

7.13 Real Estate Tax Escrow:

The developer shall pay the general real estate taxes on the land not yet due and payable as of the date of transfer, and shall deposit a sum of money in escrow with the intended grantee's attorney or a title company licensed to do business in the State of Illinois, which is prorated as of the date of transfer on the basis of 110 percent of the tax assessor's latest assessed valuation, the latest known equalization factors and the latest known tax rate on the land. In the event the previous tax information or the previous tax bill includes other property, then the amount to be deposited in escrow shall be adjusted ratably based on the net acreage of the land compared to the net acreage of the other parcels covered by said tax bills. After the land has been divided for real estate tax purposes and has been conveyed to the intended grantee, the grantee shall proceed with due diligence to apply for a real estate tax exemption on the land.

7.14 Objections:

All objections relating to acreage requirements, presumptions as to fair market value, the Density Formula, or any other application of this Impact Fee Ordinance to a particular subdivision or planned unit development, shall first be referred to the Planning and Zoning Committee for a hearing. An objection must be made, if at all, prior to the approval of the final plat of subdivision by the Village. A failure to object by such time shall constitute a waiver of the right to object to the provisions of this Impact Fee Ordinance. All developers submitting a plat of subdivision or resubdivision or a plat of a planned unit development to the Village shall be given a copy of this entire Impact Fee Ordinance, including the procedures for objecting to such an assessment as prescribed by this Impact Fee Ordinance. Upon receipt, the developer must sign an accompanying document acknowledging that the developer has received notice of the existence of such a procedure for objections. This document entitled Acknowledgment of Notification of Rights is attached as Exhibit B to the Impact Fee Ordinance and is incorporated herein by reference. The procedure for a hearing before the Planning and Zoning Committee shall be as follows:

7.14.01 Duties of the Planning and Zoning Committee:

The Planning and Zoning Committee shall serve in an advisory capacity and shall have the following duties:

1. Advise and assist the Village in resolving objections regarding the Density Formula, the size of the sites to be donated, the fair market value of the land used to calculate the cash

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contribution, or any other application of this Impact Fee Ordinance to a particular subdivision or planned unit development.

2. The Village shall adopt procedural rules to be used by the Planning and Zoning Committee in carrying out the duties imposed by this Impact Fee Ordinance.

7.14.02 Information and Services to be Used:

The Village shall make available to the Planning and Zoning Committee all professional reports relating to the Density Formula, the size of the sites to be donated and the fair market value of land used in calculating these cash contributions. The Planning and Zoning Committee may also retain the services of professionals (attorneys, appraisers, statisticians, etc.) to assist in its review of issues raised by any objection.

7.14.03 Procedure for Resolving an Objection:

1. Upon receipt of an objection, the Village Clerk shall place the same on the next regular meeting agenda of the Village Board. Thereafter the Village Board shall refer the objection to the Planning and Zoning Committee, which shall by resolution establish a hearing date.
2. The Planning and Zoning Committee shall provide public notice of the hearing date to consider the objection and shall notify the Affected District by certified mail, return receipt requested, of the filing of the objection and of any hearing regarding same.
3. The Objector shall publish notice of the hearing date once each week for three consecutive weeks, at least 30 days before but no more than 60 days before the scheduled date of the hearing. Notice shall be published in a newspaper of general circulation within the corporate limits of the Village. The notice of public hearing shall not appear in the part of the paper where legal notices or classified ads appear. The notice shall not be smaller than one-quarter page of a standard size or tabloid-size newspaper. The objector shall send a copy of said notice to any person who has requested said notice by certified mail (stamped at a U.S. Postal Service facility showing the date of mailing) at least 30 days prior to the hearing date.
4. The notice shall contain all of the following information:
 - a. The headline shall read: “NOTICE OF PUBLIC HEARING ON OBJECTION TO APPLICATION OF THE VILLAGE OF WINNEBAGO IMPACT FEE ORDINANCE REQUIRING THE DEDICATION OF SCHOOL, PARK, LIBRARY, and FIRE/RESCUE AND MUNICIPAL SITES OR CASH CONTRIBUTIONS IN LIEU THEREOF”.
 - b. The date, time and location of the public hearing.
 - c. A statement that the purpose of the hearing is to consider the objection to a component of the application of the Impact Fee Ordinance requiring the dedication of

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- school, park, library, fire/rescue or municipal sites or calculation of cash in lieu thereof.
- d. A general description of the parcel(s), service area or areas within the Village that are the subject of the hearing.
 - e. A statement that the Village shall make available to the public, upon request, an easily understandable and detailed map of the parcel(s), service area or areas to which the Impact Fee Ordinance applies, and any other available information about the objection.
 - f. A statement that any member of the public affected by the Impact Fee Ordinance or the parcel(s) or service area shall have the right to appear at the public hearing and present testimony and/or evidence in support of or against the objection.
5. A public hearing shall be held for the consideration of the objection. In addition to the Village, the Affected District shall be allowed to participate in such hearing as a party thereto to present evidence, cross-examine witnesses and make arguments to the Planning and Zoning Committee regarding the issues raised in the objection. The Planning and Zoning Committee shall make a recommendation to adopt, reject in whole or in part, or modify the objection presented at the hearing, by written report to the Village Board, within 60 days after the hearing. The Village Board shall then have at least 60 but not more than 120 days to approve, disapprove or modify, by ordinance or resolution, the findings in the Impact Fee Ordinance as it pertains to the development in question.

7.14.04 Costs and Fees:

The objector shall bear all costs of the hearing before the Planning and Zoning Committee, including, but not limited to attendance fees paid the Planning and Zoning Committee members, publication costs, professional consultants and any other expenses of the Village.

7.15 Condition to Annexation:

The dedications of land or cash contributions in lieu thereof required by this Impact Fee Ordinance shall also be required as a condition to the annexation of any land to the Village, and provisions therefore shall at a minimum be incorporated in any annexation or pre-annexation agreement governing such land. However, the Village reserves the right to negotiate dedications of land or cash contributions in lieu of land or a combination thereof greater than those set forth herein. Further, any requirements with respect to dedications of land or cash contributions in lieu of land shall be incorporated into any subdivision declaration of covenants running with the land.

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7.16 Indemnification:

As a condition to any Affected District receiving any land dedications and/or cash contributions in lieu thereof, the Affected District shall execute an indemnification agreement largely similar in form and content to that set forth in Exhibit C of this Impact Fee Ordinance. This agreement shall be executed on or before June 1st of each year. Following execution of this agreement by the Affected District, this indemnification agreement shall be furnished to the Village. In the event the Affected District fails to execute and/or furnish the executed agreement as required in this Impact Fee Ordinance, the Village reserves the right to refuse to impose any land dedications and/or cash contributions in lieu thereof on behalf of the Affected District.

7.17 Collection of Fees:

The cash contributions in lieu of land dedications imposed by this Impact Fee Ordinance shall be collected and held by the Village, or at its designation by the Affected District in accordance with the standards in this Impact Fee Ordinance and shall be used for the purposes set forth in this Impact Fee Ordinance. If necessary, the Affected District shall provide written confirmation of payment to the developer or subdivider that the developer or subdivider can present to the appropriate Village authorities as proof of compliance with the terms of this Impact Fee Ordinance.

7.18 Needs Assessment: Land and Capital Facilities Acquisition Plan:

As a condition to the imposition of these land dedications and/or cash contributions in lieu of land dedications, the Village may require that the Affected District conduct a needs assessment and adopt a plan for acquisition of land and capital facilities needed to accommodate growth. A letter from the Superintendent or Director or Chair of the Board of the Affected District to the Village President certifying that such a needs assessment and plan has been adopted may satisfy this requirement. If the Village deems it necessary, it may require an updated needs assessment and plan for acquisition of land and capital facilities from each Affected District annually. The failure to require an assessment or update shall not invalidate the requirements of this Impact Fee Ordinance.

7.19 Time of Payment:

All land dedications and cash contributions imposed by this Impact Fee Ordinance shall be due and payable upon final plat approval. Except as provided otherwise by prior written agreement executed between the Village and a developer prior to the effective date of this Impact Fee Ordinance, for any lot which received final plat approval prior to the enactment of the Impact Fee Ordinance, and which remains vacant at the time the Impact Fee Ordinance is enacted, all dedications and fees imposed by the Impact Fee Ordinance shall be calculated and shall be due and payable at the time a building permit is issued. At the time of payment

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(at time of final plat approval or at time of building permit issuance), the subdivider or developer shall receive a copy of the Impact Fee Ordinance and shall execute an acknowledgment that a copy of the Impact Fee Ordinance has been received. The executed acknowledgment shall be maintained and filed along with documents evidencing proof of land dedication or payment of cash contributions in lieu of land dedication by each subdivider or developer.

7.19.01 Payment at Time of Platting. In calculating the cash contributions to be paid at the time of platting, the Village shall assume the maximum density permitted under the zoning classification approved pursuant to the Density Formula. For example, if the subdivision in question is zoned single family, the Village will assume for purposes of calculating cash contributions payable, pursuant to the Impact Fee Ordinance, that all houses will have five bedrooms. The Village or, if appropriate, the Affected District will then hold sufficient funds pending issuance of the building permit to enable it to refund any overpayments resulting from the fact that houses with less than five bedrooms are constructed. Refunds shall be made at time of issuance of the building permit upon application by the Developer to the Affected District.

7.19.02 Payment at Time of Building Permit Issuance. The Village may agree that the payment of the cash contributions may be made at the time of building permit issuance in consideration of which the subdivider or developer shall execute an Agreement, which is Exhibit D of this Impact Fee Ordinance. The Agreement provides that the developer agrees: (a) that the cash contributions payable will be adjusted in accordance with the requirements herein; (b) that the cash contributions may be expended for the purposes described in Exhibit D; and (c) to accept the validity of the Impact Fee Ordinance and the cash contributions as calculated. This Agreement, or memorandum thereof, shall be recorded along with the Plat of Subdivision upon approval by the Village.

In the event the Village agrees to delay the payment of fees and cash contributions required herein to the time of building permit issuance, the fees and cash contributions owed shall be those that are in effect at the time the building permit is issued.

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7.20 Exhibits

EXHIBIT LIST

- EXHIBIT A:** **Table of Estimated Ultimate Population Per Dwelling Unit**
- EXHIBIT B:** **Acknowledgment of Notification of Rights**
- EXHIBIT C:** **Agreement Regarding the Receipt of Developer Subdivision
Contributions and Indemnification Agreement**
- EXHIBIT D:** **Agreement Between Developer and Village to Delay Payment of
Cash Contributions**
- EXHIBIT D.1:** **Legal Description of Property**

EXHIBIT A

TABLE OF ESTIMATED ULTIMATE SCHOOL POPULATION PER DWELLING UNIT							
	Children per Unit					Adults 18 years +	Total per Dwelling Unit
Type of unit	Preschool 0-4 years	Elementary Grades K-5 5-10 years	Middle Grades 6-8 11-13 years	Total Grades K-8 5-13 years	High School Grades 9-12 14-17 years		
Detached Single-Family:							
2 bedroom	0.113	0.136	0.048	0.184	0.020	1.700	2.017
3-bedroom	0.292	0.369	0.173	0.542	0.184	1.881	2.899
4-bedroom	0.418	0.530	0.298	0.828	0.360	2.158	3.764
5-bedroom	0.283	0.345	0.248	0.593	0.300	2.594	3.770
Attached Single-Family:							
1-bedroom	0.000	0.000	0.000	0.000	0.000	1.193	1.193
2-bedroom	0.064	0.088	0.048	0.136	0.038	1.752	1.990
3-bedroom	0.212	0.234	0.058	0.292	0.059	1.829	2.392
4-bedroom	0.323	0.322	0.154	0.476	0.173	2.173	3.145
Apartments:							
Efficiency	0.000	0.000	0.000	0.000	0.000	1.294	1.294
1-bedroom	0.000	0.002	0.001	0.003	0.001	1.754	1.758
2-bedroom	0.047	0.086	0.042	0.128	0.046	1.693	1.914

3-bedroom	0.052	0.234	0.123	0.357	0.118	2.526	3.053
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Source: Illinois School Consulting Service/Associated Municipal Consultants, Inc., Naperville, IL 1996

EXHIBIT B

Acknowledgement of Notification Rights

Developer hereby acknowledges receipt of a copy of the Village of Winnebago Impact Fee Ordinance that describes, in paragraph N, the developer's right to object to the imposition of dedication requirements or cash in lieu of land requirements.

Developer further acknowledges that if it has any objection to such imposition, that it must follow the procedure set forth in said paragraph N. Failure to do so by the developer shall constitute a waiver of the developer's right to object to such imposition. Payment of the fees or transfer of land pursuant to the Village of Winnebago Impact Fee Ordinance shall constitute a waiver of any right to such a hearing.

Signed: _____

Date: _____

Witness: _____

Date: _____

EXHIBIT C

AGREEMENT REGARDING THE RECEIPT OF DEVELOPER SUBDIVISION CONTRIBUTIONS AND INDEMNIFICATION AGREEMENT

WHEREAS, the Village of Winnebago, Illinois, on behalf of itself, its officers, employees and independent contractors (the “Village”), through its Impact Fee Ordinance has required that developers make contributions to government bodies affected by the subdivision improvements; and

WHEREAS, such contributions may be in land or in money and, when transferred or paid over to those government bodies, inure in part to the benefit of those government bodies and not entirely to the direct benefit of the Village; and

WHEREAS, from time to time within the Village, and within other municipalities, disputes have arisen regarding the validity and amount of such contributions; and

WHEREAS, the Village is willing, at its discretion, to continue seeking the contribution of land or money but wishes to procure a commitment from other government bodies benefited by the receipt of such contributions that those government bodies will: (a) acknowledge that the requirement that such subdivision contributions be made are totally within the discretion of the Village as to their existence, manner and amount; (b) pay the cost of defending any lawsuit that is filed challenging the appropriate amount of the contributions, the time at which they are to be made or any other aspect of the contributions; and (c) comply with the terms of a final and nonappealable judicial determination by a court of competent jurisdiction rendered in connection with the lawsuit; and

WHEREAS, the Village is willing, in its discretion, to pay over or require contributions only to other government bodies that execute this Agreement annually.

NOW, THEREFORE, in consideration for the payment of money or the transfer of land to the _____ (“Benefitting Government”), which the Village, from time to time, may within its discretion cause to be made by developers that are subdividing property, it is agreed between the Village, on behalf of itself and its officers, employees and independent contractors, and the Benefitting Government as follows:

1. The Benefitting Government acknowledges that, except as otherwise provided in the Impact Fee Ordinance, the Village is not obligated to cause the payment of money or the transfer of land to the Benefitting Government. The Benefitting Government recognizes that the Village may, at its sole discretion, amend its ordinances or its practices to discontinue the payment of subdivision contributions to the Benefitting Government.

2. Legal Representation and Costs:

- A. In the event a lawsuit is filed against the Village and/or the Benefitting Government by a developer that is subdividing property or any other person, corporation or entity that challenges the appropriateness, amount, timing or any other aspect of a subdivision contribution that, pursuant to the terms of the Impact Fee Ordinance, has been paid or is due to the Benefitting Government, then the Benefitting Government does agree to pay the costs and litigation expenses (including reasonable attorneys' fees) incurred by the Village in defending such lawsuit. The costs and expenses shall be paid by the Benefitting Government when and as incurred by the Village but in no event more than once a month. As a condition precedent to the payment of these costs and expenses, the Village shall submit to the Benefitting Government copies of the original statements reflecting the costs and expenses, together with the non-privileged supporting documentation that may be reasonably requested by the Benefitting Government.
- B. The Village covenants and agrees that it shall employ competent and skilled legal counsel to represent the Benefitting Government and the Village, and further covenants and agrees that it shall keep the Benefitting Government fully advised as to the progress and status of the litigation. In particular, the Village shall provide to the Benefitting Government copies of all pleadings filed in the litigation and shall consult regularly (and shall cause its attorneys to consult regularly) with the Benefitting Government or its attorneys, as applicable, as to the strategy for defending the lawsuit. In no event may such litigation be compromised or settled by the Village without at least 30 days' prior written notice to the Benefitting Government.
- C. In the event the Benefitting Government decides that it would prefer to be represented in the litigation by legal counsel of its own choosing, then the Benefitting Government shall be free to retain its own legal counsel for that purpose, to intervene in the litigation and to ask the Village to terminate its representation of the Benefitting Government under Section 2 of this Agreement. The Benefitting Government shall notify the Village in writing to that effect. In that event, this Agreement shall remain in full force and effect, and the Benefitting Government shall remain liable to the Village for all sums that have accrued under this Agreement up until the date that such written notice is received and for all sums that remain due and owing from the Benefitting Government to the Village relating to the defense of any lawsuit under the terms of this Agreement. Further, the Village shall be permitted to continue to defend itself in such lawsuit and notwithstanding the Benefitting Government's withdrawal from such representation, the Benefitting Government shall still indemnify the Village for the Village's costs incurred in such defense.

3. The Benefitting Government shall further indemnify and hold harmless the Village from any and all liability arising from the Impact Fee Ordinance, including but not limited to the general administration and handling of funds required by the Village and/or the Benefitting Government.
4. In the event a final and nonappealable judicial determination is made by a court of competent jurisdiction that contributions of land or money received by the Benefitting Government are, in whole or in part, excessive, the Benefitting Government shall promptly repay those contributions to the person who procures such a judgment, together with all other amounts judged by the court to be owing from the Benefitting Government. In the event a judicial determination should require the payment of damages or payment of the attorneys' fees of the plaintiff's attorneys, the Benefitting Government shall pay all additional amounts.
5. In further consideration of the continued authorization by the Village enabling the Benefitting Government to collect the subject contributions of land or money, the Benefitting Government agrees that its obligations under this Agreement shall extend to both past and future cash and land contributions.
6. On or before June 1st of each year, the Benefitting Government shall submit a report to the Village describing the manner in which the payments have been used and provide any additional information the Village may require. When that money turned over to the Benefitting Government is to be used for a specific purpose or within a specific time period, the report shall address those issues. If the Benefitting Government should fail to file such a report with the Village, the Village may require that any further payments made pursuant to the Impact Fee Ordinance shall be made to the Village and shall delay the payment and distribution of any additional funds due the Benefitting Government until such time as a full report containing adequate information is transmitted to the Village. The Benefitting Government understands that it will be asked to execute an indemnity agreement similar to this agreement on an annual basis and that the Village shall not pay or cause to be paid any additional funds due to the Benefitting Government until such time as the Village is in receipt of such annually executed indemnity agreement.
7. This Agreement shall be terminable by either party for any reason or no reason at all upon 30 days' prior written notice to the other party evidencing the intention to so terminate this Agreement. But the termination of this Agreement shall not affect the continuing obligation of the Benefitting Government or the Village with regard to claims or damages allegedly arising out of the Village's efforts prior to termination to impose, collect or distribute contributions, or to the actual distribution of subdivision contributions.

DATED this ____ day of _____, 20__.

Village of Winnebago

The Benefitting Government

PRESIDENT
(SEAL)

Title: _____
(SEAL)

ATTEST:

ATTEST:

Village Clerk

Secretary

EXHIBIT D
AGREEMENT BETWEEN DEVELOPER AND VILLAGE
TO DELAY PAYMENT OF CASH CONTRIBUTIONS

This agreement ("Agreement") is entered into between Village of Winnebago (the "Village") and _____, ("Developer").

WHEREAS, the Village has approved a final plat of subdivision or a final plat of a planned development at the request of Developer for the real estate legally described in Exhibit D.1 attached hereto and made a part hereof (the "Land"). Accordingly, pursuant to the Village of Winnebago Impact Fee Ordinance ("Ordinance"), certain cash contributions for school, park, library, fire/rescue and municipal lands are immediately due the Village (or Affected Districts) from the Developer; and

WHEREAS, Developer has, however, requested that the payment of the aforesaid cash contributions be delayed and that the same become due and payable on a per dwelling unit basis at the time the Village issues a building permit for the particular dwelling unit.

NOW, THEREFORE, in consideration for the Village agreeing to delay the collection of the cash contributions, Developer hereby agrees as follows:

1. The amount of cash contributions owed shall be calculated based upon the Ordinance, or as provided for in such other future ordinance amending or replacing the Ordinance, that is in effect at the time of the issuance of a building permit; and
2. Notwithstanding any present or future law, regulation and/or legal precedent to the contrary, the unit of local government that is the ultimate recipient of the subject cash contributions may expend such contributions for any of the following purposes intended to serve immediate or future needs of the residents and children of the Developer's subdivision or planned development: (a) for the acquisition of land; (b) for site improvements such as, by way of example, streets, curbs, gutters, storm water control, and utility extensions; (c) for construction of capital facilities, including, by way of example, new buildings and structures, and the expansion or enhancement of existing buildings and structures; and (d) for so-called soft costs directly related to the foregoing items (b) or (c) such as architectural and engineering costs.
3. Developer has reviewed the Impact Fee Ordinance regarding the dedication of land or cash contributions in lieu thereof, as well as all of the methodology, formulae, calculations, projections, assumptions, numbers and other factors used to arrive at the land dedication requirements or cash contributions in lieu thereof that are the subject of

this Agreement (hereinafter referred to as the “Ordinance and Attendant Calculations”) and hereby acknowledges and agrees that:

- a. Pursuant to the terms of the Ordinance, Developer has been offered the opportunity to raise in a hearing before the Village, any objections relating to acreage requirements, presumptions as to fair market value, the Density Formula, or any other application of the Ordinance; Developer has not raised such objections; Developer has thereby waived the right to assert those objections;
 - b. Developer hereby waives any future right to object to or to institute any legal action regarding the Ordinance and Attendant Calculations.
 - c. Developer hereby acknowledges that the Ordinance and Attendant Calculations have been properly passed, calculated and imposed.
4. This Agreement constitutes a covenant that is appurtenant to and runs with the land. Either this Agreement or a memorandum thereof may be recorded against legal title to the land by either party hereto; provided, however, it shall be a condition of the Village's issuance of the first building permit for a dwelling unit on the land that Developer shall provide satisfactory evidence to the Village that this Agreement or a memorandum thereof has been recorded against legal title to the land.
5. Developer represents and warrants to the Village that it is the sole holder of record fee title to the Land.

IN WITNESS WHEREOF, the Village and the Developer have caused this Agreement to be duly authorized, executed and entered into as of the ____ day of _____ 20____.

PRESIDENT

Developer

Village Clerk

EXHIBIT D.1

Legal Description of Property

Article 8

Subdivision of Land

- 8.01 General Requirements**
 - 8.01.01 Development Fees**
 - 8.01.02 Development Escrow Agreement Requirement**
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8.01 General Requirements

1. No person may subdivide their land except in accordance with this Article.

2. All subdivisions of land within the Village of Winnebago and lands under its extraterritorial jurisdiction shall be governed by applicable Illinois State Statutes, the Village Comprehensive Plan, and any Winnebago Municipal Codes and ordinances.
3. Preliminary and final development plans for a "Planned Residential Development" or portion thereof, which indicate the subdivision of property, shall meet the subdivision requirements provided in applicable Illinois State Statutes, the Village Comprehensive Plan, and any Winnebago Municipal Codes and ordinances.
4. All subdivisions proposed outside of the corporate limits of the Village of Winnebago, and under its extraterritorial jurisdiction, shall be reviewed and approved by the Village Board for conformance with Article 9, "Subdivision Design, Public Improvements, and Utilities", Article 10, "Floodways, Floodplains, Storm Drainage and Erosion", applicable density and dimensional regulations contained in Article 6 of this Ordinance and with the Village of Winnebago Comprehensive Plan.
5. Those subdivisions exempt from the Plats Act are also exempt from this ordinance except where a new lot is created entirely or partially from the division of one (1) or more existing lots. In this instance, a plat of survey shall be prepared and signed by a registered Illinois Land Surveyor and shall be submitted to the Village Building Official. The Village Building Official shall solicit comments from all applicable Village departments and the Planning and Zoning Commission Chairman as to the plat of survey's conformance with the Village's zoning and subdivision regulations. The Village Building Official shall forward to the Village Board a report and recommendation as to whether to approve the plat of survey. The actions of the Village Board shall be considered final, and without his/her approval, no such plat of survey shall be entitled to be recorded.

8.01.01 Development Fees

Review work by the Village of Winnebago is a necessary and critical component of its municipal operations, with its impetus deriving from the development proposal by a particular developer, and, as such, the review expense should and shall be the sole responsibility of the developer. Accordingly, the following rules shall govern the payments of development fees:

1. **Generally.** The subdivider and those making land improvements shall pay all filing, review, and inspection fees as provided in this ordinance, and shall promptly reimburse the Village for all costs incurred by the Village in connection with the review of any matters pertaining to a preliminary or final plat, including, but not limited to, court reporter fees, recording fees, and all fees of attorneys, engineers, and other consultants that may be required by the Village pertaining to said plats.
2. **Reimbursement for Staff Review Time.** Every applicant for preliminary or final plat approval shall promptly reimburse the Village for all expenses and costs incurred by the Village in connection with the review of any matters pertaining to a preliminary or final plat, including, but not limited to, all legal, engineering, land use planning, and other professional services required during the review of

applications required by the Village, and to assure compliance with the standards contained in this ordinance.

- a. With the exception of a lot previously subdivided, the applicant shall deposit into a specified account with the Village at the time of the first application affecting the applicant's project an amount not less than \$5,000.00 and not more than \$10,000.00. The amount shall be determined by the Village President or his authorized designee, and shall be based upon the expected complexity of the proposed application and the anticipated amount of time required by the Village staff and its consultants to review the application and supporting documentation. The final fee billed to the applicant may be more or less than the deposit amount.
- b. The expenses and costs for which the developer shall be responsible shall include, but are not limited to, the following:
 - i. Meetings with the applicant will be charged at the prevailing hourly charges of all staff members and consultants deemed necessary by the Village to be present. However, charges will not be assessed to the developer for a first "introductory" meeting with the Village staff and consultants.
 - ii. The prevailing hourly charges of all Village staff members and consultants deemed necessary by the Village, for time spent on reviewing applications.
 - iii. Any and all filing and other fees that affect the applicant's project that are required by the Village.
- c. All proceedings in connection with the preliminary or final plat shall be stayed until such sum so designated is deposited with the Village as required.
- d. Upon submission of bills by the Village Attorney, Village Engineer, or other consultant hired to review the application, the Village shall pay these fees out of the specified account, and the Village shall provide the applicant with a written accounting of expenses for all work paid or scheduled to be paid from the development account, together with the estimated balance of the account. At such time the balance of the account reaches one fourth (1/4) of the original amount deposited, the Village President, or his authorized designee, may demand from the applicant a sum of money that, in addition to the balance of the account, shall equal the amount of the deposit originally required by the Village, or such other amount as the Village President, or his authorized designee, may in such case determine.
 - i. All proceedings with regard to such preliminary or final plat shall be stayed until such additional amount shall be deposited in said account.
 - ii. Any demand amount or subsequent demand amount required by the Village not deposited by the applicant within ten (10) days (excluding Saturdays, Sundays, and federal holidays) of the date of the demand shall, at the discretion of the Village Board, and upon written notice to the applicant, terminate and render null

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- and void the application for the proposed preliminary or final plat.
- iii. The Village shall present a final statement by the Village Attorney, Village Engineer, or other consultant hired to review the application, within sixty (60) days of the approval of the application, or as soon thereafter as reasonably practical. If upon payment of these fees, any balance is remaining in the specified account, said balance shall be returned to the applicant.
 - iv. If during the course of the Village review, the applicant development sells or otherwise assigns, transfers, or abandons its interest in the involved development for which Village review is in process, applicant shall remain responsible for all development review costs unpaid and/or accrued to the date said development applicant provides written notice to the Village by certified mail that the given developer is no longer a party to the project, and funds remaining in the development account after all outstanding costs and expenses have been satisfied shall be returned by the Village to the applicant within sixty (60) calendar days.

3. Fee Schedule

Application Fees: The application fees for preliminary and final plats shall be as follows:

Preliminary Plat application fee	\$250.00
Final Plat Application fee	\$125.00

8.01.02 Development Escrow Agreement Requirement

To facilitate collection of development fees, all developers shall enter into a Development Escrow Agreement with the Village in substantially the following form before the Village, its employees, engineers, or attorneys are expected to consider, or take any action, in regard to such proposed development:

Development Escrow Agreement

The intent of this documents is to create an Agreement between _____ Development and the Village of Winnebago, Illinois, regarding the payment of Village development review expenses associated with the proposal being advance by _____ Development, commonly referred to as the _____ (Project Name).

The undersigned Developer understands that the Village of Winnebago may engage Village Engineer, Fehr-Graham & Associates, or other "professional services" including, but not necessarily limited to, the Village Attorney and consultants to review the development proposal for the _____ (Project Name). This may include, at

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the village's sole direction, the initial concept plan, all filings for pre-annexation or annexation, preliminary and final plats, as well as engineering reviews and construction observation of public improvements required to complete the development, and any required warranty period.

The undersigned Developer, on behalf of the named development, understands and agrees that this review work by the Village of Winnebago is a necessary and critical component of the Village's municipal operations, and that its impetus derives from the Developer's development proposal, and, as such, the review expense is solely the responsibility of _____ Development.

Simultaneously with the execution of this Agreement, the undersigned Development is submitting a check payable to the Village of Winnebago in the amount of \$ _____ (with this amount between the range of not less than \$5,000.00 nor more than \$10,000.00, as determined by the Village President, after considering the anticipated complexity of the development and staff and professional services time involved) to demonstrate Developer and Development's acceptance of this financial responsibility, and therewith providing authorization that the Village's review costs associated with _____ (Project Name) development proposal shall be allowed to be paid from this initial deposit and, if necessary, any subsequent funding provided by Developer/Development, as provided for in this Agreement.

It is the undersigned Developer/Development's understanding that the Village of Winnebago will set up a separate account entitled generally the " _____ Development Account" and deposit the initial payment designated above into that account. Village expenses, including, but not necessarily limited to, all professional services associated with the review of the development proposal, shall be paid from this segregated account. When notified in writing by the Village that the Development account has dropped to less than \$2,500.00, _____ Development shall, within ten (10) business days of such written notification from the Village, replenish the account to no less than the original amount required to be deposited. If _____ Development fails to replenish the _____ development Account, Developer/Development understands and agrees that the Village may, at its sole discretion, suspend and/or delay any additional review, permit, or meeting activities associated with the development proposal.

On a monthly basis the Village of Winnebago will provide _____ Development with a written accounting of expenses for all work paid, or scheduled to be paid, from the _____ Development account, together with the estimated balance of the account. If the balance so stated in this monthly accounting is at or below \$2,500.00, this shall be sufficient notice to Developer/Development to replenish the account as agreed herein.

If, during the course of Village review, _____ Development sells, or otherwise assigns, transfers, or abandons its interest in the _____ (Project Name), Developer/Development agrees to pay, and shall remain responsible for, all

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development review costs unpaid and/or accrued to the date _____
 Development provides written notice to the Village of Winnebago by Certified Mail that
 the _____ Development is no longer a party to the _____ (Project
 Name). Any funds remaining in the Development account after all outstanding expenses
 have been satisfied shall be returned by the Village of Winnebago to
 _____ Development within thirty (30) calendars days from when such written
 notification is received.

Similarly, upon _____ Development's completion of the project, expiration of
 any warranty period, and acceptance by the Village of the required public improvements,
 any funds remaining in the aforesaid separate account shall be returned to
 _____ Development within thirty (30) calendar days of the last occurrence.

This Agreement may be amended from time to time by mutual written consent of both
 parties.

AGREED AND ACCEPTED:

VILLAGE OF WINNEBAGO

(Name of Development)

By:

By: _____

 (Print Name and Title)

 (Print Name and Title)

 (Date)

 (Date)

8.02 Pre-Application Procedure

1. Prior to formal application for a major or minor subdivision or a planned residential development, the subdivider shall contact the Village President and schedule a meeting to discuss the general concept. The Village President shall then facilitate the scheduling of a preapplication meeting with the Village Engineer, or other person(s) designated by the Village President. The subdivider and/or his or her representative shall attend the pre-application meeting and shall submit a concept plan for review and comment by the Village Engineer. The Village Engineer shall review and evaluate the concept plan and shall report to the subdivider, at the meeting or as soon as practicable thereafter, the engineer's opinion as to the merits and feasibility of the subdivision and its improvements contemplated by the concept plan. The Village Community Development Committee shall also review with the subdivider all required standards, documentation submittals, and procedures should the subdivider decide to submit a formal application.

2. The concept plan and/or its accompanying documents shall include the following information, all of which may be based on sources of information other than field survey data:
 - a. Name of the subdivision and a key map showing its location;
 - b. Name, address, and telephone number of the owner, subdivider, engineer, and any other contact person;
 - c. Acreage and zoning classification of the subdivision and the proposed number of lots;
 - d. The location of the tract in relation to the surrounding area, including names of adjacent property owners;
 - e. The approximate location of all existing land uses, structures, facilities, and wooded areas within the tract proposed to be retained or demolished, and within one hundred (100) feet of the tract;
 - f. Arrangement and dimensioning of all proposed lots, parks, and common areas;
 - g. Proposed location and width of street right-of-way, street pavement, and alleys, and their relationship to the existing adjacent street system;
 - h. Proposed location of private access drives;
 - i. Proposed location and size of sanitary sewers, storm sewers, water mains, electric, natural gas, communications, and detention areas, and their relationship to existing public utilities;
 - j. Contours with intervals of five (5) feet or less and a generalized drainage scheme;
 - k. A north arrow and scale (recommended scale is 1" = 100').
3. Whenever the concept plan covers only a part of the subdivider's contiguous land holdings, the subdivider shall submit a drawing showing the probable future street and drainage system of the remaining portions of the subdivider's land.
4. It is advisable that the subdivider contact other agencies, as appropriate, to obtain their requirements that may affect the proposed subdivision. Such agencies include:
 - a. Rock River Water Reclamation District;
 - b. Illinois Department of Transportation (IDOT);
 - c. County or Township Highway Department;
 - d. State of Illinois Environmental Protection Agency;
 - e. State of Illinois Historic Preservation Agency;
 - f. State of Illinois Department of Conservation;
 - g. Local public utility companies.

8.03 Major and Minor Subdivisions

8.03.01 Major Subdivisions

Major subdivisions require the approval of a preliminary and a final plat.

Documentation and procedural requirements for preliminary and final plat approval are contained in Sections 8.06 and 8.07 of this Article. A major subdivision is a subdivision having one or more of the following characteristics:

1. The subdivision has four (4) or more lots.
2. The total area of the subdivision is greater than five (5) acres in size.

3. There are proposed publicly dedicated streets, alleys, easements, parks, common areas, etc.
4. There are required improvements to be made within a public right-of-way other than concrete sidewalks, landscaping, monuments, lateral extensions of sanitary and storm sewers, and water mains.
5. There are variances or exceptions to this ordinance being requested.

8.03.02 Minor Subdivisions

Minor subdivisions require only the approval of a final plat, in accordance with the regulations contained in Section 8.07 "Final Plats" of this Article. A minor subdivision has all of the following characteristics:

1. The subdivision has not more than three (3) lots.
2. The total area of the subdivision is not greater than five (5) acres in size.
3. There are no proposed publicly dedicated streets, alleys, easements, parks, common areas, etc.
4. Except for concrete sidewalks, landscaping, monuments, lateral extensions of sanitary sewers, storm sewers, and water mains, there are no other required improvements to be made within a public right-of-way.
5. There are no variances or exceptions to this ordinance being requested.

8.04 Planned Residential Developments (PRD)

The purpose of the PRD process is to demonstrate conformance with the comprehensive plan, compatibility of land use, and coordination of improvements within and among individually platted parcels, sections, or phases of development. A PRD application includes a conditional use application tied to a detailed plan for site development and a subdivision plat, if applicable. The optional concept plan phase of the PRD includes the site layout and preliminary plat. The final plan is approved in conjunction with the conditional use, proposed development phasing, and final subdivision plat.

1. Planned residential developments may be applied to residential projects to provide design flexibility not available through strict interpretation of the standards established in this title. Classification as a Planned Residential Development shall require a rezoning of the affected property in conformance with this section. Design flexibility is provided through Planned Residential Development to enhance long term community benefits that may be achieved through high quality development that provides:
 - a. More efficient infrastructure.
 - b. Reduced traffic demands.
 - c. More usable public or private open space.
 - d. Recreational amenities.
 - e. Needed housing choices.

8.04.01 PRD Preliminary Plan

A PRD preliminary plan constitutes a major step in the review process, and provides general information about the proposed Planned Residential Development.

1. The applicant shall file an application with the Planning and Zoning Commission. The preliminary plan shall meet the requirements of Article 8.06.01 “Preliminary Plat Submittal Requirements”.
2. The concept plan application shall be evaluated using the review criteria established for zoning map amendments, preliminary plats, and the following criteria:
 - a. The development design is consistent with the purposes of the planned residential development and comprehensive plan goals and policies; and
 - b. The development is designed and phased to make efficient use of existing infrastructure, have lower traffic volumes or contribute to better mobility than would conventional development, provide more usable public or private open space or other recreational amenities than conventional development, and provide needed housing choices; and
 - c. The development will provide long term benefits to the neighborhood in which it is located, and the community as a whole.
3. The Planning and Zoning Commission, or staff from other Village Departments, shall distribute copies of the Preliminary Plat and associated documents to the:
 - a. Village Engineer;
 - b. Village Public Works;
 - c. Rock River Water Reclamation District;
 - d. Village Police Department;
 - e. Win-Bur-Sew Fire Protection District;
 - f. Winnebago Community Unit School District #323;
 - g. Winnebago Park District; and
 - h. Winnebago Library District.
4. The applicant shall distribute copies of the Preliminary Plat and associated documents to the:
 - a. Applicable drainage districts;
 - b. Applicable County Soil and Water Conservation District;
 - c. Applicable County Health Department, if any part of the platted land will not be served by a public sanitary sewer system;
 - d. State of Illinois Department of Transportation, the applicable County Highway Department, and the applicable Township Highway Department, if any part of the platted land will be adjacent to and/or accessed by one or more of the roadways under their respective jurisdictions.
5. The Planning and Zoning Commission shall send a notice of the subdivision proposal to the owners of property immediately adjacent to, or within 250 feet of, the proposed subdivision;
6. The applicant shall send a notice of the subdivision proposal to the following and provide the Planning and Zoning Commission with proof of this notice:
 - a. Public utility companies (i.e. electric, gas, telephone, cable television, etc.);
 - b. State of Illinois Historic Preservation Agency;

- c. State of Illinois Department of Conservation.
7. The above listed Village Departments, other public agencies, and property owners shall have up to thirty (30) days to review and comment on the proposed preliminary plat. Any comments shall be directed to the Planning and Zoning Commission.
8. The Planning and Zoning Commission shall meet within forty-five (45) days after formal acceptance of the application, and shall approve or disapprove the application for preliminary plan approval within forty-five (45) days after meeting on the application. The report of findings shall be representative of all Village Departments' and other public agencies' opinions and recommendations as to the preliminary plan's conformance with the Comprehensive Plan, other officially adopted plans and policies, this ordinance, other Village ordinances and standards, and the other public agencies' rules, standards, and procedures.
9. If the Planning and Zoning Commission does not take action on the plan within ninety (90) days after the formal acceptance of the application, the plan shall be referred to the Village Board and be considered as recommended for approval by the Planning and Zoning Commission. The subdivider and the Planning and Zoning Commission may mutually agree in writing to extend the ninety (90) day period.
10. The Village Board shall accept or reject said plan within thirty (30) days after its next regularly scheduled public meeting following the action of the Planning and Zoning Commission. If the Village Board does not take action on the plan within the said thirty (30) days, the plan shall be considered approved by the Village Board. The subdivider and the Village Board may mutually agree in writing to extend the thirty (30) day period. Approval of the preliminary plan by the Village Board does not constitute approval of the subdivision, but is merely an authorization to proceed with the preparation of the final plan and final plat, in accordance with Section 8.04.02 "Final Development Plan and Final Plat" of this Article.
11. Approval of the preliminary plan shall be valid for a period of two (2) years from the date of Village Board approval. If an application for final development plan and final plat approval for all or a geographic portion of the preliminary plan has not been filed within the two (2) year period, a resubmission of the preliminary plan shall be required if the applicant intends to pursue final plat approval. An extension may be requested in extenuating circumstances and approval must be given by Village Board.

8.04.02 Final Development Plan and Final Plat

The final development plan, together with the development schedule and final plat, shall act as the blueprint for development of a Planned Residential Development project over the length of time the project is developed. The final development plan and final plat refine the information submitted during the preliminary plan stage.

1. The applicant shall file an application with the required information listed in the appendix to the ordinance codified herein.
2. The final development plan and final plat application and submittal shall be in substantial conformance with the preliminary plan. The final development plan shall be reviewed for substantial conformance with the preliminary plan and the review criteria for rezoning and subdivision. Substantial conformance means that the application does not:

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- a. Vary the proposed gross residential density or intensity of use;
- b. Involve a reduction of the area set aside for common open space or the substantial relocation of such area;
- c. Substantially increase the floor area proposed for nonresidential use; or
- d. Substantially increase the total ground areas covered by buildings or involve a substantial change in the height of buildings.
- e. The Planning and Zoning Commission shall meet within thirty (30) days after the submittal of the final plan and final plat, and shall approve or disapprove the final plan and final plat within thirty (30) days after meeting. The report of findings shall be representative of all Village Departments' and other public agencies' opinions and recommendations as to the final plan's and plat's conformance with the Comprehensive Plan, other officially adopted plans and policies, this ordinance, other Village ordinances and standards, and the other public agencies' rules, standards, and procedures.
- f. If the Planning and Zoning Commission does not take action on the plan within sixty (60) days after the submittal of the final plan and final plat, the plan shall be referred to the Village Board and be considered as recommended for approval by the Planning and Zoning Commission. The subdivider and the Planning and Zoning Commission may mutually agree in writing to extend the sixty (60) day period.
- g. The Village Board shall review the final plan, proposed conditional use and final plat, as applicable, within thirty (30) days of the action of the Planning and Zoning Commission. The Village Board shall approve, conditionally approve or deny the final development plan, conditional use, development schedule and final plat within thirty (30) days of its initial consideration. The applicant shall provide all required subdivision guarantees prior to the final reading of the ordinance creating the PRD.
- h. The final development plan and final plat with restrictive covenants and articles of incorporation, if any, a certified copy of the ordinance approving the plan and plat, and any other related documents shall be recorded in the county recorder's office within six (6) months of approval by the Village Board.
- i. No changes shall be made in the approved final development plan and final plat unless in conformance with the following requirements:
 - i. Minor Changes: The Village Building Official may authorize minor changes under the following conditions:
 - 1) The term "minor changes" as used in this section is considered to represent changes which do not alter the overall characteristics of the total plan and which create no adverse impacts on adjacent uses or public services and facilities.
 - 2) No minor change authorized by this section may cause any of the following:
 - a) Change in the permitted uses or of development character;
 - b) Increased overall coverage of structures;
 - c) Increased intensity of use;
 - d) Increased demand for traffic circulation and public utilities;
 - e) Decrease in public or private open space;

- f) Decrease in pavement and sidewalk widths; or
 - g) Increased numbers of dwellings.
 - ii. Major Changes: All other changes to the approved final development plan shall be deemed "major" and shall be approved only by the Village Board after review of a revised final development plan and/or map. No amendments may be made in the approved final development plan unless the applicant establishes that such amendments are required as a result of:
 - 1) Changes in conditions which occurred after final development plan approval;
 - 2) Changes in the development policy of the community; or
 - 3) Conditions that were reasonably unforeseen at the time of final development plan approval.
- j. Recording of Changes and Amendments: Any changes that are approved for the final development plan and/or final plat shall be recorded as amendments to the previously recorded plan and/or map.
 - i. If a PRD has not been completed in accordance with an approved development schedule (a "lapse"), the Village Building Official shall schedule the project before the Planning and Zoning Commission, at which time a revocation of all prior approvals shall be considered. If the Planning and Zoning Commission determines that a lapse has occurred, the Village Building Official shall record an appropriate legal notice and may initiate, without owner consent, a revocation of the PRD plan.
 - ii. The requirements, restrictions, conditions, and provisions of the approved PRD concept plan, final development plan, and final plat shall be binding upon the owners, their heirs and assigns, and future owners until such time as the Village may release such limitation on the use of the subject property under the procedures provided herein.

8.05 Dedication of Land

1. Whenever a tract of land to be subdivided embraces all or any part of an existing or proposed arterial street, collector street, or other public way which has been designated as such in the adopted Village Comprehensive Plan, Official Map, or other officially adopted plans of the Village, the subdivider shall dedicate sufficient land to accommodate said arterial street, collector street, or other public area. The amount of land to be dedicated shall be indicated on the subdivision plat, and shall be in accordance with the standards identified in Article 9, "Subdivision Design, Public Improvements, and Utilities", other appropriate articles in this Ordinance, or other duly adopted and accepted standards of the Village of Winnebago or other public agencies.
2. Whenever any river, stream, or important surface watercourse is located in or adjacent to the land to be subdivided, the subdivider shall dedicate an easement of not less than thirty (30) feet, or more as determined by the Village, in width along each side of said river, stream, or important surface watercourse. The purpose of the easement shall be for the potential widening, improving, or protecting of the river, stream, or important surface watercourse, and for recreational use.

3. Where a park, school, or other public area is proposed by the Comprehensive Plan, or other duly adopted official plans, and is within the area being subdivided, said public area shall either be dedicated to the proper public agency or it shall be reserved for acquisition thereby within a specified time period. The amount of land to be dedicated shall be indicated on the subdivision plat and shall be in accordance with the accepted standards of the appropriate public agency. Where land is to be reserved for future acquisition, an agreement shall be entered into between the subdivider and the proper public agency regarding the time and method of acquisition and the cost thereof, and shall allow for the subdivider to re-subdivide the reserved land if it is not acquired by the public agency within the prescribed time period.
4. Where a public pedestrian path is proposed by the Village Comprehensive Plan or other duly adopted official plans, and is within the area being subdivided, said public area shall either be dedicated to the proper public agency, or it shall be reserved for acquisition thereby within a specified time frame. The amount of land to be dedicated shall be indicated on the subdivision plat, and shall be in accordance with the accepted standards of the appropriate public agency. Where land is to be reserved for future acquisition, an agreement shall be entered into between the subdivider and the proper public agency regarding the time and method of acquisition and the cost thereof, and shall allow for the subdivider to re-subdivide the reserved land if it is not acquired by the public agency within the prescribed time period.

8.06 Preliminary Plats

1. All major subdivisions, as defined in Subsection 8.03.01 above, require the approval of a preliminary plat. Each subdivider of land shall confer with the Village President and Village Engineer, other Village Staff, and whoever else requested by the Village President prior to the preparation of a preliminary plat in order to become thoroughly familiar with the Village's Comprehensive Plan, this ordinance, and any other regulations affecting the territory in which the proposed subdivision lies (see Section 8.02 "Pre-Application Requirements").
2. A subdivider submitting a preliminary plat shall submit all information required by this section. Failure to provide required information in the form specified shall be sufficient grounds for refusal to accept filing of the preliminary plat application, or to reject a preliminary plat in any stage of the review and approval process.
3. In addition to meeting all of the preliminary plat submittal requirements in the following subsection, the developer of each preliminary plat shall clearly show the location and general design of any collector and arterial streets, major stormwater drainage facilities, main utility lines and facilities, and other features deemed necessary by the Planning and Zoning Commission and Village Board on all of the contiguous property holdings of such developer, his/her agents, trustees, beneficiaries, or owners, whether or not said contiguous land holdings are intended for immediate development. The Planning and Zoning Commission and Village Board shall take steps to assure that the developer is not omitting any contiguous holdings from the preliminary plat submittal and to prevent the circumvention of the purpose and intent of this paragraph.

8.06.01 Preliminary Plat Submittal Requirements

The subdivider shall prepare and submit to the Planning and Zoning Commission fourteen (14) copies of a preliminary plat. The preliminary plat shall be at a scale of one inch equals fifty feet (1" = 50') or one inch equals one hundred feet (1" = 100'), shall be on a sheet not less than eleven inches by seventeen inches (11" x 17") or greater than twenty-four inches by thirty-six inches (24" x 36") in size. Additional copies will be requested prior to the Planning & Zoning Commission and Village Board meeting. The plat and any accompanying documents shall contain the following information:

1. Completed application form signed by the owner of the land to be subdivided and the required processing fees.
2. A key map showing the tract and its relation to the surrounding area.
3. A north arrow and graphic scale.
4. The name proposed for the tract or such part thereof as is proposed to be subdivided, which shall be original and not a duplication of the name of any previously recorded subdivision or development in the Village of Winnebago.
5. The name proposed for the streets within the subdivision, which shall be original and not a duplication nor similar in spelling or sound to the names of other existing streets in the Village of Winnebago.
6. The following names and addresses:
 - a. The record owner or owners of the tract;
 - b. The party who prepared the plat;
 - c. The party for whom the plat was prepared;
 - d. The engineer and land surveyor who will design improvements for and survey the tract or such part thereof as is proposed to be subdivided;
 - e. The owners of land immediately adjacent to, or within 250 feet of, the area proposed to be subdivided.
7. The acreage of the tract stated in tenths (0.1) of an acre and the measurement of the tract's boundaries to the nearest tenth (0.1) of a foot.
8. Sufficient existing and proposed contour data to indicate the slope and drainage of the tract and the high and low points thereof. Contour data shall extend a minimum of one hundred feet (100') beyond the limits of the subdivision boundaries. U.S.G.S. datum is required, and said datum shall be noted on the plans. Contours shall be at intervals of one (1) foot.
9. The location within the tract or immediately adjacent thereto of the following:
 - a. Existing and proposed property lines,
 - b. Uses and ownership of adjacent properties,
 - c. Water courses,
 - d. Railroads and bridges,
 - e. Culverts, storm sewers, storm sewer laterals and detention/retention facilities,
 - f. Water mains, sanitary sewers, and all other public utilities,
 - g. Easements of record,
 - h. Existing buildings including their use and foundation elevations or other identified improvements that are to remain,
 - i. Proposed buildings (if known) and their use and foundation elevations, and

- j. Significant natural features such as wooded areas, wetlands, and areas of likely archaeological significance or areas of likely habitat or endangered species, as they may be identified by the applicable State of Illinois agency.
- 10. The location within the tract, or immediately adjacent thereto, of existing field tiles, along with their size, material make up, approximate depth, and active status. To determine this, an investigation shall be conducted making rational assumptions as to where the tiles are typically located based on the contour elevations of the site.
- 11. The alignment and width of existing and proposed street right-of-ways and pavements including additional right-of-ways along existing streets as may be required.
- 12. The results of any tests made to ascertain subsurface rock and soil conditions and the water table.
- 13. The Zoning District, the Township, Range, Section (or U.S. Survey), School District, Fire District, and other special districts in which the tract is located.
- 14. The proposed depth and width of lots and other parcels measured to the nearest tenth (0.1) of a foot.
- 15. The location of and any proposed alteration, adjustment, or change in the elevation or topography of any area in a floodplain as shown on the Federal Emergency Management Administration's (FEMA) flood boundary and floodway maps.
- 16. The proposed area of lots in square feet, if the lots are less than one (1) acre in area, and in acres and tenths (0.1) of acres if the lots are one (1) acre or more in area.
- 17. Approximate location of existing and proposed sidewalks, pedestrian walkways, bike paths, and nature trails within the tract to be subdivided, and immediately adjacent thereto.
- 18. Proposed building setback lines (per property's zoning district classification).
- 19. Location, size, and dimension of all existing and proposed utilities and their easements along with written and signed statements by the subdivider's engineer declaring that all utilities are or will be made adequate in size to accommodate the subdivision and its future land uses.
- 20. Location of streets and sidewalks including written and signed statements by the subdivider's engineer declaring that the grades and profiles will meet all applicable Village of Winnebago standards.
- 21. Location and size of proposed detention/retention areas and how they will function along with the calculations and other data used to determine their ability to effectively accommodate the runoff to be generated by the subdivision (see Article 10, "Floodways, Floodplains, Stormwater Management and Erosion Control").
- 22. Platting/construction phases of the subdivision or Planned Residential Development.
- 23. A certification by an Illinois registered land surveyor who prepared the plat that the plat is a correct representation of all existing and proposed land divisions.

8.06.02 Preliminary Plat Review Procedure

- 1. The Planning and Zoning Commission Chairman, or designee, shall receive and then review the preliminary plat application and any associated documents to determine completeness and acceptability for submission. If the Planning and Zoning Commission Chairman, or designee, determines the application is complete, then he shall, within fourteen (14) business days after receiving the application, notify the

subdivider in writing that the application has been accepted for review. This notification shall constitute the beginning of the preliminary plat review process timeline. If the Planning and Zoning Commission Chairman, or designee, determines the application is incomplete or unacceptable, then he shall, within fourteen (14) business days after receiving the application, notify the subdivider in writing the reasons why the application is not complete and how the subdivider can make the application acceptable for submission.

2. The Planning and Zoning Commission Chairman or staff from other Village Departments shall distribute copies of the preliminary plat and associated documents to the following:
 - a. Village Attorney;
 - b. Village Engineer;
 - c. Village Public Works;
 - d. Rock River Water Reclamation District;
 - e. Village Police Department;
 - f. Win-Bur-Sew Fire Protection District;
 - g. Winnebago Community Unit School District #323;
 - h. Winnebago Park District; and
 - i. Winnebago Library District.
3. The applicant shall distribute copies of the preliminary plat and associated documents to the:
 - a. Applicable drainage districts;
 - b. County Soil and Water Conservation District;
 - c. County Health Department, if any part of the platted land will not be served by a public sanitary sewer system;
 - d. State of Illinois Department of Transportation, the County Highway Department, or applicable Township Highway Department, if any part of the platted land will be adjacent to and/or accessed by one or more of the roadways under their respective jurisdictions.
4. The Planning and Zoning Commission shall send a notice of the subdivision proposal to owners of property immediately adjacent to, or within 250 feet of, the proposed subdivision;
5. The applicant shall send a notice of the subdivision proposal to the following and provide the Planning and Zoning Commission with proof of this notice:
 - a. Public utility companies (i.e. electric, gas, telephone, cable television, etc.);
 - b. State of Illinois Historic Preservation Agency;
 - c. State of Illinois Department of Conservation.
6. The above listed Village Departments, other public agencies, and property owners shall have up to thirty (30) days to review and comment on the proposed preliminary plat. Any comments shall be directed to the Planning and Zoning Commission.
7. The recommending and decision making bodies shall use the following criteria during the review process and shall make the following findings before approving a preliminary plat:
 - a. The plat is consistent with the comprehensive plan and future land use map in conformance with 65 Illinois Compiled Statutes 5/11-12-8;

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- b. The site is served, or will be served at the time of development, with all necessary public utilities;
 - c. The location of the site will not cause the need for premature or inefficient extensions and expansions of public facilities, utilities, and services;
 - d. The applicant has demonstrated that public services such as schools, public safety, and fire protection will be available upon platting of the subdivision;
 - e. The site represents an overall development pattern that is consistent with the comprehensive plan, the capital improvements program, and any other applicable planning documents adopted by the Village;
 - f. The site and application conform to all applicable provisions of these regulations;
 - g. The proposed subdivision will not overload existing public streets, or create the need for the Village to fund new street construction to serve the subdivision;
 - h. Each lot in the plat of a residential development has adequate and safe access to/from a local street. If lot access is to/from a collector or arterial street, the Planning and Zoning Commission shall expressly find that such access is safe, and that no other lot access or subdivision configuration is feasible;
 - i. The site contains a parcel, lot, and land subdivision layout that is consistent with generally accepted land planning and site engineering design principles;
 - j. The arrangement of streets and lots shall give due regard to the topography and other physical features of the property; and
 - k. The applicant agrees to dedicate and improve land, right of way and easements, as may be determined to be needed to effectuate the purposes of these regulations, and the standards and requirements incorporated herein.
8. The Planning and Zoning Commission shall meet within forty-five (45) days after formal acceptance of the application, and shall approve or disapprove the application for preliminary plan approval within forty-five (45) days after meeting on the application. The report of findings shall be representative of all Village Departments' and other public agencies' opinions and recommendations as to the preliminary plan's conformance with the Comprehensive Plan, other officially adopted plans and policies, this ordinance, other Village ordinances and standards, and the other public agencies' rules, standards, and procedures.
 9. If the Planning and Zoning Commission does not take action on the plan within ninety (90) days after formal acceptance of the application, the plan shall be referred to the Village Board and be considered as recommended for approval by the Planning and Zoning Commission. The subdivider and the Planning and Zoning Commission may mutually agree in writing to extend the ninety (90) day period.
 10. The Village Board shall accept or reject said plat within thirty (30) days after its next regularly scheduled public meeting following the action of the Planning and Zoning Commission. If the Village Board does not take action on the plat within the said thirty (30) days, the plat shall be considered approved by the Village Board. The subdivider and the Village Board may mutually agree in writing to extend the thirty (30) day period. Approval of the preliminary plat by the Village Board does not constitute approval of the subdivision, but is merely an authorization to proceed with the preparation of the final plat, in accordance with Section 8.07 "Final Plats" of this Article.

11. Approval of the preliminary plat shall be valid for a period of two (2) years from the date of Village Board approval. If an application for final plat approval for all or a geographic portion of the preliminary plat has not been filed within the two (2) year period, a resubmission of the preliminary plat shall be required if the applicant intends to pursue final plat approval.

8.07 Final Plats

1. A subdivider submitting a final plat application shall submit all information required by this section. Failure to provide required information in the form specified shall be sufficient grounds for refusal to accept the filing of a final plat application, or to reject a final plat in any stage of the review and approval process.
2. Upon approval of a preliminary plat, or if a subdivision is classified as a minor subdivision, the subdivider shall submit an application for final plat approval. The application shall include all plans and documents prepared in conformance with Subsection 8.07.01 "Final Plat Document Requirements"; Subsection 8.07.02 "Engineering Plans"; and, if applicable, Subsection 8.07.03 "Maintenance of Common Land and Structures."

8.07.01 Final Plat Document Requirements

The subdivider shall prepare and submit fourteen (14) copies of the final plat to the Planning and Zoning Commission Chairman or his or her designee. The final plat may include all or only part of the preliminary plat which has received approval. The final plat shall be drawn at a scale of one inch equals fifty feet (1" = 50'), on a sheet not less than eleven inches by seventeen inches (11" x 17") but not greater than twenty-four inches by thirty-six inches (24" x 36") in size. The final plat document and any other accompanying documents shall contain the following information:

1. Completed application form signed by the owner of the land to be subdivided and the required processing fees.
2. Name and subdivision and description of property subdivided, a small concept showing its location and extent, points of compass, scale of plat, and name and address of owner or owners or the subdivider.
3. Accurate boundary lines with dimensions and bearings or angles, which provide a survey of the tract as required by Chapter 765 of the Illinois Revised Statutes.
4. Accurate distances and directions to the nearest known and permanent monuments from which this and future surveys are made. Reference corners shall be accurately described on the final plat.
5. Proper, valid legal boundary description of the subdivision, and including the area of the subdivision to the nearest one hundredth of an acre.
6. The lines of all proposed rights-of-way for streets and alleys with their width and names.
7. The accurate outline of any property which is offered for dedication for public use.
8. The property lines of all adjoining lands and the right-of-way lines of adjacent streets and alleys with their width and names.
9. All lot lines and an identification system for all lots and blocks.

10. Building lines, easements, and dimensions for any right-of-way provided for public uses, services, or utilities along with a utility easement grant and reservation statement.
11. All dimensions; both, linear and angular, necessary for locating boundaries of subdivisions, lots, streets, alleys, and of any other areas for public or private use. The linear dimensions are to be expressed in feet and decimals of a foot.
12. Radii, arcs and chords, points of tangency, central angles for all curvilinear streets, and radii for all rounded corners.
13. All survey monuments and bench marks, together with their descriptions. The positions of all lot corners, beginnings and ends of curves, and all angle points will be required to be marked in the field. Therefore, the location and material of all markers shall be noted on the plat. The applicant shall conform to the following requirements concerning monuments:
 - a. All federal, state, county, or official bench marks, monuments, or triangulation station in or adjacent to the subdivision shall be preserved. When a proposed improvement in a subdivision makes necessary the moving of bench marks, monuments, or triangulation stations, the authority having jurisdiction shall be notified and given sufficient time to take appropriate action.
 - b. Permanent monuments shall be set flush with the adjacent ground, shall have a suitable mark in the center of the top, shall be set in such manner that they will not be moved by frost; and shall be either;
 - i. Iron pipe not less than three-fourth ($3/4$) inch in diameter and not less than twenty-two (22) inches in length;
 - ii. Solid square or round iron bars, five-eighth ($5/8$) inch thick and not less than twenty-two (22) inches in length;
 - iii. Stone or reinforced concrete, not less than thirty (30) inches long by four (4) inches square or five (5) inches in diameter.
 - c. Permanent monuments shall be erected at all corners or changes in direction of the exterior boundary; at points of curvature or points of tangency; at road intersections and block corners; at all lot corners and angles in lot lines; in all places and manner as otherwise prescribed by law (Ill Rev. Stat. c. 109.1).
14. Topographical and drainage studies inclusive of a drainage overlay pursuant to Chapter 765 of the Ill. State Statutes which have on their face a signed statement of a Illinois registered professional engineer, and the owner of the land or his duly authorized attorney, to the effect that to the best of their knowledge and belief the drainage of surface waters will not be changed by the construction of such subdivision or any part thereof, or, that if such surface water drainage will be changed, reasonable provision has been made for collection and diversion of such surface waters into public areas, or drains which the subdivider has a right to use, and that such surface waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of the subdivision (see Article 10, "Floodways, Floodplains, Stormwater Management and Erosion Control", for specific surface water drainage control design criteria). The topographical and profile studies required herein shall not be recorded, but shall be retained and filed by the Village as permanent public documents.

15. Written and signed statements (or evidence that they have been contacted) from the following agencies stating that the final plat document and engineering plans conform to their respective rules and standards:
 - a. The Illinois Department of Transportation, the Winnebago County Highway Department, or the Township Highway Department, if any part of the subdivision will be accessed by one or more of the roadways under their respective jurisdictions;
 - b. Rock River Water Reclamation District and the Village Public Works Department;
 - c. Each of the public utility companies, where applicable (electric, gas, telephone, cable television, etc.);
 - d. The applicable drainage district;
 - e. Winnebago Community Unit School District #323, if any part of the subdivision includes land, or fees in lieu thereof, reserved or dedicated for school purposes;
 - f. Winnebago Park District, if any part of the subdivision includes land, or fees in lieu thereof, reserved or dedicated for park purposes;
 - g. Winnebago Library District, if any part of the subdivision includes land, or fees in lieu thereof, reserved or dedicated for park purposes;
 - h. County Health Department, if any part of the subdivision will not be served by a public sewer system.
16. Certification by an Illinois registered land surveyor to the effect that the plan represents a survey made by him/her and that all the necessary survey monuments are correctly shown thereon.
17. Private restrictions, covenants, and trusteeships, and their periods of existence, if any. Should such restrictions and trusteeships be of such length as to make the lettering of same on plat impracticable and, thus, necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat. Plats shall contain proper acknowledgment of owners and the consent by the mortgagee, if any, to said plat and restrictions.
18. Signature blocks for the owners of the land to be subdivided, the Planning and Zoning Commission Chairman, the Village President, the Village Clerk, the County Clerk, and the County Recorder.

8.07.02 Engineering Plans

1. As a part of the final plat application submittal, the subdivider shall submit three (3) copies of engineering plans for the subdivision, or any portion of the subdivision included on the final plat, to the Department of Public Works for review and approval.
2. The engineering plans which detail the construction and types of materials to be used in conjunction with the development of the subdivision's improvements shall be prepared by an Illinois Registered Professional Engineer. Specific requirements for improvements are contained in Article 9, "Subdivision Design, Public Improvements, and Utilities", Article 10, "Floodways, Floodplains, Stormwater Management and Erosion Control", and the Village's standards referenced therein. Any alterations of the common land or improvement within the common land will require the

submission of detailed engineering plans and will be considered a required improvement.

3. Engineering plans shall be drawn at a scale of one inch equals twenty (1" = 20') on a sheet(s) twenty-two inches by thirty-four inches (22" x 34") or twenty-four inches by thirty-six inches (24" x 36") and shall contain the following information:
 - a. Title page, which shall include a key map showing the relationship of the area to be subdivided to the tract and which shall reflect areas of the tract previously subdivided plus adjacent streets. In addition, the name, address, and telephone number of the developer and engineering firm, as well as an Illinois Registered Professional Engineer's seal, shall be indicated;
 - b. North arrow and graphic scale shall be indicated on each plan sheet;
 - c. Two or more U.S.G.S. benchmarks, in or near the subdivision, to which the subdivision is referenced. The elevations shall be based on U.S.G.S. datum;
 - d. Cross sections of proposed streets, drainage swales, detention/retention ponds, etc.;
 - e. Detail of all street improvements with pertinent design information including location and width of all proposed public or private right-of-way and private roadway easements, existing and proposed sanitary sewers and services, water mains, drainage channels, swales, storm sewers, including adequate natural discharge points, detention or retention facilities, and erosion control measures;
 - f. Plans and profiles of streets, water mains, drainage swales, storm sewers, and sanitary sewers, scale not less than one inch equals twenty feet (1" = 20') horizontal and one inch equals five feet (1" = 5') vertical.
4. Approval of the engineering plans shall be valid for a period of two (2) years subject to state and/or federal mandated criteria from the date of approval, or for such longer period as the Director of Public Works may determine to be advisable if such longer period is necessary to facilitate adequate and coordinated provisions for transportation, water, sewerage, schools, parks, playgrounds, or other public requirements. If construction of the improvements have not been completed within the two (2) year period or if a one (1) year extension has not been requested by the subdivider and granted by the Village Board, a resubmission of the engineering plans may be required.

8.07.03 Maintenance of Common Land and Structures

The subdivider shall cause language to be placed on the plat indicating that the operation and maintenance of designated common areas, common facilities, common buildings, and open spaces shall be under the control of a homeowner's association in accordance with all state laws and Village ordinances governing such associations.

8.07.04 Unit Owner's Association (Condominiums)

In the case of a condominium development, a unit owner's association shall be established in accordance with Ill Rev. Stat. c. 30 ¶ 301. A formal declaration (condominium bylaws), establishing covenants, conditions, restrictions, easements, etc. shall be filed simultaneously with the final plat in addition to the trust indentures.

8.07.05 Special Service Area

In the event of the failure of the owners-in-common to maintain common grounds (including, but not limited to, storm drainage control facilities), or as an alternative to trustee/association maintenance of such grounds, the Village may establish a Special Service Area. After holding a public hearing and receiving Village Board approval by ordinance, the Village may provide specific maintenance to common grounds that are in addition to the municipal services provided to the Village of Winnebago as a whole. The cost of said services shall be paid by the property owners within the established Special Service Area boundaries based upon an annual tax on the equalized assessed value of real property in an amount sufficient to cover the Village's expense. Said taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Revenue Act of 1939. The Special Service Area may be enacted after approval and recording of the final plat.

8.07.06 Final Plat Review and Approval

1. The Planning and Zoning Commission Chairman, or designee, shall receive and then review the final plat application, inclusive of the final plat document and the engineering plans, to determine acceptability for submission (the subdivider may as an alternative submit the required engineering plans to the Director of Public Works in which case the Planning and Zoning Commission Chair shall confirm with him/her that the plans have been submitted and are complete and in order). If the Planning and Zoning Commission Chairman, or designee, determines the application is complete, then he shall, within fourteen (14) business days after receiving the application, notify the subdivider in writing that the application has been accepted for review. This notification shall constitute the beginning of the final plat review process timeline. If the Planning and Zoning Commission Chairman, or designee, determines the application is not complete, then he shall, within fourteen (14) business days after receiving the application, notify the subdivider in writing the reasons why the application is not complete, and how the subdivider can make his/her application acceptable for submission.
2. The Planning and Zoning Commission Chairman or staff from other Village Departments shall distribute copies of the final plat application and all accompanying plans and documents to the following:
 - a. Village Attorney;
 - b. Village Engineer;
 - c. Village Public Works;
 - d. Rock River Water Reclamation District;
 - e. Winnebago Police Department;
 - f. Win-Bur-Sew Fire Protection District;
 - g. Winnebago Community Unit School District #323;
 - h. Winnebago Park District; and
 - i. Winnebago Library District.

3. Village Staff shall have up to fourteen (14) days to review and comment on the final plat application. Any comments shall be directed to the Planning and Zoning Commission Chairman.
 4. The Planning and Zoning Commission shall meet within forty-five (45) days after formal acceptance of the application, and shall approve or disapprove the application for preliminary plan approval within forty-five (45) days after meeting on the application. The report of findings shall be representative of all Village Departments' and other public agencies' opinions and recommendations as to the preliminary plan's conformance with the Comprehensive Plan, other officially adopted plans and policies, this ordinance, other Village ordinances and standards, and the other public agencies' rules, standards, and procedures.
 5. If the Planning and Zoning Commission does not take action on the plan within ninety (90) days after formal acceptance of the application, the plan shall be referred to the Village Board and be considered as recommended for approval by the Planning and Zoning Commission. The subdivider and the Planning and Zoning Commission may mutually agree in writing to extend the ninety (90) day period.
 6. After approval or disapproval by the Planning and Zoning Commission, the final plat shall be submitted to the Village Board for final action. The Village Board shall approve or deny the final plat within sixty (60) days after formal acceptance of the application by the Village Planning and Zoning Commission. The subdivider and the Village Board may mutually agree in writing to extend the sixty (60) day period. When the final plat conforms to the approved preliminary plat, certification to this effect shall be endorsed on the final plat by the Village Board. Where the final plat does not conform to the approved preliminary plat, the Village Board may deny approval of the final plat. Before approving the final plat, the Village Board shall make the following findings:
 - a. The final plat substantially conforms to the approved preliminary plat and any conditions and exceptions granted pursuant thereto. Substantial deviations shall include, but are not necessarily limited to, the following:
 - i. Change in the location or design of a public street;
 - ii. A change in the number or layout of lots or blocks;
 - iii. A change in access to lots;
 - iv. A change in areas, streets, or rights of way to be reserved or dedicated;
 - v. A change in the drainage plan which increases the runoff from the tract;
 - vi. A change in the public utilities and facilities to be provided; and
 - vii. A change in the extent of buffering between the proposed subdivision and adjacent areas and/or land uses.
 - 1) The final plat conforms to all applicable requirements of these regulations, and other applicable land development regulations.
 - 2) All submission requirements of these regulations have been satisfied.
- Approval of the final plat by the Village Board does not constitute authorization to record the plat with Winnebago County Recorder's Office. Recording can take place after the appropriate procedures, as outlined in Section 8.08 "Requirements and Procedures Prior to Recording of Plat", are followed and completed.

8.08 Requirements and Procedures Prior to Recording of Plat

After the subdivision plat, engineering plans, and other associated documents have been approved by the Village Board, the subdivider shall meet the terms and conditions of this section.

8.08.01 Guarantee of Improvements

1. The subdivider shall complete either one of the following options to guarantee the complete and proper construction of the public improvements proposed as part of the final plat of the subdivision:
 - a. Enter into an escrow agreement or post a land subdivision bond in accordance with the provisions hereafter set forth. The escrow agreement or land subdivision bond shall be prepared and executed on forms approved by the Village Attorney. The bond or escrow agreement shall be approved by the Village Attorney and, if appropriate, the Village Board.
 - i. An escrow agreement shall provide that there be deposited with the escrow agent to be held in an escrow account and subject to audits by the Village of Winnebago, one of the following:
 - 1) An irrevocable letter of credit or commitment from a lending institution to the escrow agent guaranteeing to such escrow agent the availability, from time to time upon demand, of a sum which shall be not less than one hundred and ten (110%) percent of the estimate of the cost of the improvements as reflected by the approved engineering plans. The cost estimate shall be prepared by the subdivider's engineer and approved by the Village Engineer and Director of Public Works;
 - 2) Certificates of deposit, treasury bills, or other readily negotiable instruments, the type of which has been approved by the Village Attorney, endorsed to the escrow agent, and the cash value of which shall be in an amount of not less than one hundred and ten (110%) percent of the estimate of the cost of the improvements as reflected by the approved engineering plans. The cost estimate shall be prepared by the subdivider's engineer and approved by the Village Engineer and Director of Public Works;
 - 3) A cash amount of not less than one hundred and ten (110%) percent of the estimate of the cost of the improvements as reflected by the approved engineering plans. The cost estimate shall be prepared by the subdivider's engineer and approved by the Village Engineer and Director of Public Works.
 - ii. A land subdivision bond shall be issued by a surety company or a title insurance company and shall insure or guarantee one hundred and ten (110%) percent of the cost estimate for the construction and completion of the improvements, shown by the approved engineering plans. Said cost estimate shall be prepared by the subdivider's engineer and approved by the Village Board.

2. The bond shall remain in effect, or the escrowed sum shall be held in the escrow by the escrow agent, as the case may be, until such time as the Director of Public Works shall, by written authorization to the surety or escrow agent, release the surety from the obligation of the bond or the escrow agent from his obligation to retain the escrowed sum in the escrow account, which release may be partial and may occur from time to time, as improvements are completed and approved; provided, however:
 - a. The Village Board shall release the surety or escrow agent from all or any part of its obligation within five (5) business days after receiving notice to do so only upon his/her determination of compliance with the approved engineering plans and specifications and receipt of written notification of compliance from the appropriate inspecting agencies (i.e. IDOT, Rock River Water Reclamation District, etc.) and receipt of waiver of lien for the completed improvements; and
 - b. In no case shall the Village Board authorize the release of more than ninety (90%) percent of the amount held as the bond or escrow sum until all of the improvements have been completed in a satisfactory manner, and accepted or approved by the appropriate authority;
 - c. Prior to the release of the final ten percent (10%) of the amount held as the bond or escrow sum, the subdivider shall provide the Village with a one (1) year maintenance bond for all of the subdivision's public improvements.
3. The term of the escrow agreement or the land subdivision bond shall not exceed two (2) years in duration subject to the following:
 - a. If, at the end of the two (2) year period, all the improvements reflected by the approved improvement plan have not been completed, the Village Board may extend the term of the land subdivision bond or the escrow agreement for a period not to exceed one (1) additional year at each extension, if, after review, such longer period is necessary to facilitate adequate and coordinated provisions for transportation, water, sewerage, schools, parks, playgrounds, or other public requirements. In making the determination for extension, the Director of Public Works and the Village Board may also require the subdivider to update the cost estimates of constructing the required improvements. If the improvements have not been completed at the end of the two (2) year period Village Board may:
 - i) require the surety to perform on the bond and pay such amount as shall be equal to the lesser of the amount required to complete the improvements, or the amount of the bond not theretofore released; or
 - ii) require the escrow agent to remit to the Village of Winnebago, in cash or negotiable instruments constituting the escrow sum, as the case may be, the balance in the escrow account required to complete the improvements and the balance, if any, in the escrow account which exceeds such amount shall be returned to the developer; or
 - iii) require the developer to submit a new land subdivision bond or escrow agreement which has been recalculated in order to allow for any inflation in the case of constructing improvements.
 - b. If the surety fails to perform on the bond, or the escrow agent fails to remit the amount required within thirty (30) days after written request, the Village Attorney may take immediate action to require performance by the surety under the bond or to secure the payment by the escrow agent of the amount required.

4. To be eligible, all escrow agents and sureties shall be approved by the Village Board and the Village Attorney. All escrow agents and sureties shall be subject to spot audits by the Village of Winnebago under the supervision of the Village Attorney. If the escrow agent or surety fails to comply with any of the provisions of the escrow agreement or the land subdivision bond, the escrow agent or surety shall not thereafter be allowed to act as escrow agent or surety for any subdivision improvement in the incorporated area of Winnebago for a period of two (2) years.

8.08.02 Proof of Taxes Paid

The subdivider shall submit proof, or obtain a certificate either separately or affixed to the final plat document and signed by the County Clerk, that there are no delinquent general taxes, unpaid current general taxes, delinquent special assessments or unpaid current special assessments against the land proposed to be subdivided.

8.08.03 Copy of Computer Files

If the subdivision plat and/or engineering plans have been prepared using a computer aided drafting system, then the subdivider shall submit to the Director of Public Works or his/her designee one (1) copy of the disk used in said system. The format of the file(s) shall be as specified by the Director of Public Works or his/her designee.

8.08.04 Recording of Plat

After the approval of the final plat by the Village Board and all the requirements of Article 8.07 have been met, said plat and certified copy of the ordinance approving it shall be recorded in the county recorder's office at the owner's expense. If not recorded within six (6) months of approval, such plat shall have no validity and shall not be recorded without re-approval in conformance with this subsection. The Village Board may grant one 120-day extension to allow the plat to be recorded. However, the application for extension must be made prior to the expiration of the six (6) months following approval.

8.09 Offer of Dedication of Facilities

Approval of a plat does not constitute acceptance by the Village of the offer of dedication of any streets, utilities, sidewalks, parks or other public facilities shown on the plat. However, the Village Board may accept any such offer of dedication by resolution and may delay such acceptance until such time that the Director of Public Works determines that the public improvements have been completed in a satisfactory manner, and accepted or approved by the appropriate authority.

8.10 Vacation of Plats (Including Streets, Alleys, & Easements)

1. Upon Village Board approval, a plat may be vacated by the owner of the land at any time before the sale of any lot therein, by a written petition to which a copy of the plat is attached, indicating the area to be vacated.
2. When lots have been sold, but no improvements made thereon, the plat may be vacated in the manner provided in Paragraph 1 above by all the owners of lots in the plat joining in the execution of the written petition.
3. The Village Board may vacate any street, alley or part thereof within the corporate boundaries, upon determining that the public interest will be served by such action.

8.10.01 Plat Vacation Submittal Requirements

1. In order to vacate a plat, street, alley easement or portions thereof, the following documentation shall be submitted to the Planning and Zoning Commission:
 - a. One (1) original plus fourteen (14) copies of a signed and notarized "Petition for Vacation and Waiver of Damages", either individual or corporate, along with required processing fees. Said petition form is available at the Village Office;
 - b. Twelve (12) copies of a plat indicating the exact area proposed for vacation shown cross-hatched or otherwise made prominent;
 - c. Legal description of the area to be vacated prepared and sealed by an Illinois Registered Land Surveyor;
 - d. Names and addresses of all property owners of land within and immediately adjacent to land proposed to be vacated;
 - e. Other narrative and graphic information regarding ownership of adjoining property, present use, and proposed use of the area proposed to be vacated.

8.10.02 Plat Vacation Review and Approval

1. The Planning and Zoning Commission Chairman, or designee, shall receive and then review the plat vacation application and other associated documents to determine its acceptability for submission. If the Planning and Zoning Commission Chairman, or designee, determines the application is complete, then he/she shall, within fourteen (14) business days after receiving the application, notify the subdivider in writing that the application has been accepted for review. This notification shall constitute the beginning of the plat vacation review process timeline. If the Planning and Zoning Commission Chairman, or designee, determines the application is not complete, then he/she shall, within fourteen (14) business days after receiving the application, notify the subdivider in writing the reasons why the application is not complete and how the subdivider can make his/her application acceptable for submission.
2. The Planning and Zoning Commission Chairman, or staff from other Village Departments, shall distribute copies of the petition for vacation and associated documents to the:
 - a. Village Attorney;
 - b. Village Engineer;
 - c. Village Public Works;

- d. Rock River Water Reclamation District;
 - e. Winnebago Police Department;
 - f. Win-Bur-Sew Fire Protection District;
 - g. Winnebago Community Unit School District #323;
 - h. Winnebago Park District; and
 - i. Winnebago Library District.
3. The applicant shall distribute copies of the preliminary plat and associated documents to the:
 - a. Applicable drainage districts;
 - b. County Soil and Water Conservation District;
 - c. County Health Department, if any part of the platted land will not be served by a public sanitary sewer system;
 - d. State of Illinois Department of Transportation, the County Highway Department, or applicable Township Highway Department, if any part of the platted land will be adjacent to and/or accessed by one or more of the roadways under their respective jurisdictions.
 4. The Planning and Zoning Commission shall send a notice of the subdivision proposal to owners of property immediately adjacent to, or within 250 feet of, the proposed subdivision;
 5. The applicant shall send a notice of the subdivision proposal to the following and provide the Planning and Zoning Commission with proof of this notice:
 - a. Public utility companies (i.e. electric, gas, telephone, cable television, etc.);
 - b. State of Illinois Historic Preservation Agency;
 - c. State of Illinois Department of Conservation.
 6. These Village Departments, other public service authorities, and property owners shall have up to thirty (30) days to review and comment on the proposed plat vacation. Any affected public service authority shall have thirty (30) days to notify the Planning and Zoning Commission that they accept or reject the petition for vacation. The public service authority owning such facilities may condition acceptance of vacation with a requirement to reserve to themselves the property, rights-of-way, and easements necessary for continuing public service by means of those facilities, and for the maintenance and reconstruction of the same. If the affected public facility owner fails to notify the Planning and Zoning Commission of their acceptance or rejection of the petition for vacation, then the instrument recording said vacation shall reserve to the public body or public utility, the property, rights-of-way, and easements to continue such public services.
 7. The Planning and Zoning Commission shall meet within forty-five (45) days after formal acceptance of the application, and shall approve or disapprove the application for plat vacation within forty-five (45) days after meeting on the application. The report of findings shall be representative of all Village Departments' and other public agencies' opinions and recommendations as to the preliminary plan's conformance with the Comprehensive Plan, other officially adopted plans and policies, this ordinance, other Village ordinances and standards, and the other public agencies' rules, standards, and procedures.

8. If the Planning and Zoning Commission does not take action on the plat vacation application within ninety (90) days after formal acceptance of the plat vacation application, the plan shall be referred to the Village Board and be considered as recommended for approval by the Planning and Zoning Commission. The applicant and the Planning and Zoning Commission may mutually agree in writing to extend the ninety (90) day period.
9. If the petition for vacation involves any public rights-of-way then the Village Board may vacate that street or alley, or part thereof, by an ordinance. The ordinance shall not be acted upon without notice thereof and a hearing thereon. At least fifteen (15) days prior to such a hearing, notice of its time, place and subject matter shall be published in a newspaper of general circulation within the Village. At the hearing all interested persons shall be heard concerning the petition for vacation. The ordinance may provide that it shall not become effective until the owners of property abutting upon the street or alley, or part thereof, so vacated, pay compensation in an amount which, in the judgment of the Village Board, is equal to the benefits which will accrue to them by reason of that vacation. Also, if there are any public service facilities in such street or alley, or part thereof, the ordinance may reserve to the Village, or public utility owning such facilities, such property, rights-of-way, and easements as, in the judgment of the Village Board, are necessary or desirable for continuing public service by means of those facilities and for the maintenance and reconstruction thereof.
10. The ordinance authorizing the vacation of any street or alley, or part thereof, shall be passed by the affirmative vote of at least two-thirds (2/3) of the Village Board members then holding office.

8.10.03 Recording of Plat Vacation

The petitioner(s) for plat vacation shall submit the applicable documentation as outlined in Subsection 8.08.04, "Recording of Plat", to the Planning and Zoning Commission. The Village Clerk shall be responsible for recording the plat vacation with the County Recorder's Office.

8.10.04 Title Upon Street or Alley Vacation

Except in cases where the deed, or other instrument, dedicating a street or alley, or part thereof, has expressly provided for a specific devolution of the title thereto upon the vacation thereof, whenever any street or alley, or any part thereof, is vacated under any ordinance of the Village, the title to the land included within the street or alley, or part thereof, so vacated, vests in the then owners of the land abutting thereon, in the same proportions and to the same extent, as though the street or alley has been dedicated by a common law plat (as distinguished from a statutory plat) and as though the fee of the street or alley had been acquired by the owners as part of the land abutting on the street or alley.

8.11 Certifications Required Prior to Approval

Every intended subdivision of land within the platting jurisdiction of the Village shall be submitted to the plat officer designated by the Village for approval according to the provisions of this ordinance prior to final recording of a map or plat of such subdivision, except where otherwise permitted by this ordinance. No such map or plat of subdivision shall be entitled to record or have validity until it has been so approved, including all required certifications, except when otherwise permitted by this ordinance.

8.11.01 Boundary Map Certifications

Any parcel of land may be divided into two parts, either of which parts is less than five acres, for the purpose of ownership transfer or building development by recording with the County Recorder an adequate boundary map made thereof by a registered Illinois land surveyor. Such boundary map shall bear the signature of the County Clerk on the following certificate:

“I, _____ County Clerk of Winnebago County in the State of Illinois, do hereby certify that I find no delinquent general taxes, unpaid current general taxes, delinquent special assessments or unpaid current special assessments against the lands described in this boundary map.
In witness whereof, I have hereunto set my hand and the seal of the County of Winnebago this _____ day of _____, A.D. 20____.”

Such boundary map shall bear the signature of the plat officer and shall be drawn with waterproof nonfading black ink on tracing cloth or good quality tracing paper, eight and one-half inches wide by fourteen inches long. No such boundary map shall be entitled to be recorded or have validity until it has been signed by the plat officer. The plat officer shall keep a record and copy of such boundary maps. After two such boundary maps dividing a tract of land in one ownership at the time of passage of this Ordinance, have been signed by the plat officer, he shall not sign another boundary map dividing such land. Further division of such land shall be recorded only by means of a map or plat of subdivision as provided in this Ordinance, which map or plat of subdivision shall include all parcels previously divided off by boundary map.

8.11.02 Vacation Plat Certifications

The following certificates duly executed:

1. Certification by the owners, which shall include all of the owners of land in the plat or all of the owners of land in and adjacent and contiguous to the part of the plat to be vacated:

UNIFIED DEVELOPMENT ORDINANCE

“As owner of the following described property, to-wit: (description by reference to attached plat) I (we) hereby petition the Winnebago Village Board of Trustees to approve the above described vacation”.

(owner)

(parcel)

(date)

2. Certification by a Notary Public.

“I, _____, a Notary Public in and for the County of _____ in the State of _____, do hereby certify that _____ personally known to me to be the same person(s) whose name(s) is (are) subscribed to the foregoing instrument, appeared before me this day in person and delivered said instrument and (severally) acknowledged that he (they) signed, and sealed the instrument as his (their) free and voluntary act for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this _____ day of _____, A.D. 20____.”

3. Certification by the Plat Officer of the Village Board.

“I, the Plat Officer of the Village of Winnebago, Illinois, have examined this instrument of vacation, find the same to be in due and proper form, and recommend that the Village Board approve this vacation.

Dated this ____ day of _____, 20____.”

4. Certification by the Village Clerk.

“This is to certify that the Board of Trustees of the Village of Winnebago, did, at its meeting of the _____ day of _____, 20____, approve the annexed vacation and direct the Plat Officer to certify final approval for and in the name of the Village of Winnebago and the State of Illinois, upon evidence of a receipt of the Village Treasurer in the amount of \$____.”

Village Clerk

5. Certification by the Village Plat Officer.

“The annexed vacation is hereby approved this ____ day of _____, 20____.”

Plat Officer

6. Certification of Recording Official.

“Filed for record this ____ day of _____, 20____, at _____
o’clock ____ M. Recorded in Book ____ of Plats, Page ____ and
examined.”

County Recorder

Document Number _____

8.11.03 Preliminary Plat Certifications

The following certificates duly executed:

1. Certification by the Owner.

“I, _____, owner,/sponsor/optionee of a parcel of land
described as follows: (General description by reference to roads and acreage)
hereby formally announce my intention to subdivide said property and to submit a
tentative plat of the subdivision to the Village Board of Trustees within six (6)
months of this date.

Signed this ____ day of _____, 20__ A.D.

Signature _____.”

2. Certification by the Village Plat Officer.

State of Illinois

County of Winnebago

Approved by _____

Village Plat Officer this ____ day of _____, 20__ A.D.

8.11.04 Final Plat Certifications

The following certificates duly executed:

1. Certification by the Surveyor.

"I hereby certify that, at the request of the owners, I have surveyed and subdivided according to the annexed Plat _____ of _____ Subdivision; a part of the _____ quarter of the _____ quarter of section _____, township _____ north, range _____ East of the _____ Principal Meridian, bounded and described as follows:

(Legal Description)

"Dimensions are given in feet and decimals of a foot. Iron pins $\frac{3}{4}$ inch in diameter and 4 feet long have been found or set at all points marked on the plat with a _____, and iron pins $\frac{5}{8}$ inch in diameter and 3 feet long have been found or set at all other lot corners.

Given under my hand and seal this _____ day of _____ A.D. 20____ at _____."

Registered Land Surveyor No. _____

2. Certification of Dedication by the Owner.

"As owner, I hereby certify that I have caused the land described in the foregoing affidavit of the surveyor, to be surveyed, divided, and mapped as presented on this plat. All streets, alleys, walkways, parks, playgrounds, and school sites shown on this plat are hereby dedicated to the public for public purposes, and all easements shown are subject to the easements provisions hereon."

Owner

3. Certification by Notary Public.

"I, _____, a Notary Public in and for the County of _____ in the State of _____, do hereby certify that _____ personally known to me to be the same person(s) whose name(s) is (are) subscribed to the foregoing instrument, appeared before me this day in person and (severally) acknowledged that he (they) signed, sealed, and delivered said instrument as his (their) free and voluntary act for the uses and purposes therein set forth."

UNIFIED DEVELOPMENT ORDINANCE

Give under my hand and Notarial Seal this ____ day of _____,
A.D. 20____.”

Notary Public

4. Certification by the County Clerk.

“I, _____ County Clerk of Winnebago County in the State of Illinois,
do hereby certify that I find no delinquent general taxes, unpaid current
assessments against the lands embraced within the annexed plat of _____
Subdivision.”

“In witness whereof, I have hereunto set my hand and the seal of the County of
Winnebago this ____ day of _____, A.D. 20____”

5. Easement Provision.

“An easement is hereby reserved for and granted to the designated governmental
bodies and public utilities, their respective successors and assigns, within the area
shown by dotted lines on the plat and marked “Easement”, to install, lay,
construct, renew, operate and maintain storm and sanitary sewers, pipes, conduits,
cables, poles and wires, overhead and underground, with all necessary braces,
guys, anchors, and other equipment for the purpose of serving the subdivision and
other properties with telephone, electric, and other utility service; also is hereby
granted the right to use the streets for said purposes, the right to overhang all lots
with aerial service wires to serve adjacent lots, the right to enter upon the lots at
all times to install, lay, construct, renew, operate, and maintain within said
easement area said storm and sanitary sewers, pipes, conduits, poles, wires,
braces, guys, anchors, and other equipment; and finally the right is hereby granted
to cut down and remove, or trim and keep trimmed, any trees, shrubs, or saplings
that interfere or threaten to interfere with any of the said public utility equipment
installed on said easement. No permanent buildings or trees shall be placed on
said easement, but same may be used for gardens, shrubs, landscaping, and other
purposes that do not then or later interfere with the aforesaid uses or rights herein
granted.

“If the grade of the subdivision property must be so altered, or if storm and
sanitary sewer facilities require that the underground utility be moved or
otherwise altered, the owners, their respective successors and assigns shall
reimburse the utility company for the necessary expense involved.”

UNIFIED DEVELOPMENT ORDINANCE

6. Certification by the Village Engineer.

“All streets shown herein have been graded, drained and surfaced and all drainage structures have been built, as required, or have been provided for by bonded contract to my approval.

Dated this _____ day of _____, A.D. 20____”.

Village Engineer

7. Certification by the Village Plat Officer.

“Having reviewed the recommendations of the Village Planning and Zoning Commission, and finding substantial conformity with all pertinent laws, rules and regulations including this ordinance and the Tentative Plat of this subdivision as conditionally approved, this plat is given final approval this _____ day of _____, A.D. 20____”.

Village Plat Officer.

8. Certification of Recording Official.

“Filed for record this _____ day of _____, A.D. 20____, at _____ o'clock ____M., recorded in Book _____ of Plats, Page _____ and examined.”

County Recorder

Document Number _____.

9. Certification by Lien Holder.

“As lien holder(s) of record, I, (we), upon behalf of myself (ourselves), successors, and assigns, hereby join in the dedication to the public for public purposes of all streets, alleys, walkways, parks, playgrounds, and school sites shown on this plat, and further join in the dedication of all easements shown on this plat subject to the easement provisions hereon.”

Lien Holder

Article 9

Subdivision Design, Public Improvements, and Utilities

- 9.01 General Development Requirements**
 - 9.01.01 Purpose**
 - 9.01.02 Utility Ownership and Oversized Facilities Policies**
 - 9.01.03 Extension and Oversized Facilities Policies**
 - 9.01.04 Easements/Rights-of-Way**
 - 9.01.05 Construction and Materials**
 - 9.01.06 Inspections/Acceptance**
 - 9.01.07 Record Drawings Required**
- 9.02 Subdivision General Design Standards**
 - 9.02.01 Access to Lots**
 - 9.02.02 Access to Arterial Streets**
 - 9.02.03 Entrances to Streets**
 - 9.02.04 Coordination with Surrounding Streets**
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 - 9.02.07 Lots**
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- 9.03 Streets, Sidewalks, and Lighting**
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 - 9.03.04 Street Signs & Traffic Signals**
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- 9.04 Water Supply**
- 9.05 Sanitary Sewers**
- 9.06 Electric Power and Telephone Service**
- 9.07 Storm Sewer and Storm Drainage**
- 9.08 Variances**
- 9.09 Tables**
 - 9.09.01 Table 9.1: Minimum Standards for Street Design**

9.01 General Development Requirements

9.01.01 Purpose

The purpose of these regulations is to promote subdivision design and development that is served by public utilities and transportation facilities at levels of service established by the Village of Winnebago. Public utilities and transportation facilities shall be designed to support and service the area of the proposed development. Land shall not be approved for development unless and until public infrastructure exists or provisions have been made for the essential public facilities contained in this Article.

9.01.02 Utility Ownership and Oversized Facilities Policies

All utilities provided as new installations within a subdivision shall be placed in the right-of-way, or in easements, and shall be provided underground. Utilities shall be installed prior to pavement of streets.

9.01.03 Extension and Oversized Facilities Policies

All public improvements and required easements shall be extended throughout the parcel on which new development is proposed. Streets, water lines, wastewater systems, drainage facilities, electric lines, and telecommunications lines shall be constructed through new development to promote the logical extension of public infrastructure to serve future growth. The Village may require the applicant of a subdivision to extend or improve offsite infrastructure to reach the subdivision, or to oversize required public utilities to serve anticipated future development as a condition of plat or plan approval.

9.01.04 Easements/Rights-of-Way

1. Except as otherwise provided in this Article, an applicant for a development approval shall ensure that adequate on-site and off-site easements are provided for future roadways, water, wastewater, and other public utilities.
2. The property owner shall grant adequate utility easements for all public and private utilities as required by the Village Engineer. Utility easements shall be shown on the plat and dedicated in conjunction with recordation of the Final Plat.
3. Except where prohibited by topography, easements shall be located on the centerline of lot lines. All easements shall be selectively cleared of undergrowth, trees, and other obstructions by the developers prior to final approval. No buildings, structures, trees, or shrubs, except as necessary for utilities, shall be permitted within or on easements. Fences may be allowed as approved by the Village, but any removal necessitated by the removal, repair, maintenance or alteration of said utilities shall be at the owner's expense.
4. The applicant shall provide adequate on-site rights-of-way for anticipated traffic demands and pedestrian walkways in a manner consistent with this Article and the Village's Comprehensive Plan, if applicable.
5. Whenever any stream or surface drainage course is located in an area being subdivided, the subdivider shall provide an adequate drainage easement, a minimum of thirty (30) feet in width, along each side of the stream for the purpose of widening, deepening, sloping, improving, maintaining, or protecting the water course, and such easement shall be dedicated to the Village or other appropriate public agency.

9.01.05 Construction and Materials

Except as otherwise provided in this Article, the construction and material specifications of all public improvements shall comply with the adopted improvement standards associated with the specific improvement. In addition, if not otherwise specified, all

roadway item specification shall comply with the Illinois Department of Transportation Standard Specifications for Road and Bridge Construction, current edition.

9.01.06 Inspections/Acceptance

The Village or its authorized agent shall reserve the right to inspect public improvements for compliance with all Village standards and specifications. Village acceptance of required improvements shall be required prior to the issuance of a *Building Permit* or *Certificate of Occupancy*, as applicable. The cost of inspection shall be borne by the applicant in accordance with Article 7.

9.01.07 Record Drawings Required

Whenever a developer installs, or causes to be installed, any public improvement and utility in any public right-of-way or easement, the developer shall, as soon as practicable after installation is complete, and before acceptance of any public improvement and utility in any public right-of-way or easement, furnish the Village with a printed copy of record drawings that show the exact location of all public improvements and utilities within the right-of-way or easement, and in digital CAD format with XYZ coordinates.

9.02 Subdivision General Design Standards

All subdivisions and developments shall be designed to allow safe and adequate access throughout the development. Lot layouts and street systems shall be designed and constructed in accordance with this Article.

9.02.01 Access to Lots

Every lot shall have front yard access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles, as well as for all those likely to need or desire access to the property in its intended use.

9.02.02 Access to Arterial Streets

Whenever a development or subdivision involves the creation of one or more streets, borders on, or contains an existing or proposed arterial street, no direct access may be provided from the lots within the development or subdivision onto this arterial street.

9.02.03 Entrances to Streets

All driveway entrances and other openings onto streets within the Village's planning jurisdiction shall be constructed so that:

1. Vehicles can enter and exit from any lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling in abutting streets;
2. Direct access shall be limited on collector streets;

3. Interference with the free, safe, and convenient flow of traffic in abutting or surrounding streets is minimized or mitigated by the developer;
4. They are designed in accordance with the standards adopted by the Village and other jurisdictions; and
5. Their number, placement, and/or alternative location are in accordance with any officially adopted policy, and/or as approved by designated Village Staff.

9.02.04 Coordination with Surrounding Streets

The street system of a subdivision or other development shall be coordinated with existing, proposed, and anticipated streets outside the subdivision or development, or outside the portion of a single tract that is being divided into lots (hereinafter, "surrounding streets") as provided below:

1. Collector streets shall intersect with surrounding collector or arterial streets at safe and convenient locations.
2. Collector, local, and sub-local residential streets shall connect and assume the same street name with surrounding streets where necessary to permit the convenient movement of traffic between residential neighborhoods, or to facilitate access to neighborhoods by emergency service vehicles, or for other sufficient reasons, but connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.
3. Whenever connections to anticipated or proposed surrounding streets are required by this section, the street right-of-way shall be dedicated to the Village and shall be extended and the street developed to the furthest property line of the subdivided or developed property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected. In addition, temporary turnarounds or cul-de-sacs may be required to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles. Notwithstanding the other provisions of this Article, no temporary dead-end street in excess of seven hundred fifty (750) feet may be created unless no other practicable alternative is available.
4. Whenever a development (single tract or subdivided) embraces all, or a portion of, an existing or proposed arterial or major collector street, as designated in the adopted Village Comprehensive Plan, the minimum standards of improvement for such streets shall be in accordance with Section 9.03 of this Article.

9.02.05 General Layout of Streets

1. All permanent dead-end streets, shall be developed as cul-de-sacs. Cul-de-sacs shall terminate with a circular pavement and curb with a minimum diameter of one hundred (100) feet as measured to back of curb. The diameter of circular right-of-ways for cul-de-sacs in commercial or industrial subdivisions shall be large enough to accommodate turn-around pavement for semitrailer trucks (WB – 65') and shall be approved by the Village Engineer. Such streets may not extend more than seven hundred (700) feet (measured to the center of the turn-around).

2. Half streets (i.e., streets of less than the full required right-of-way and pavement width) shall not be permitted.
3. Streets shall be laid out so that residential blocks do not exceed 750 feet intersection to intersection, unless no other practicable alternative is available.
4. Alleys are prohibited.

9.02.06 Street Intersections

1. Streets shall intersect as nearly as possible at right angles. Not more than two streets shall intersect at any one point.
2. Except when no other alternative is practicable or legally possible, intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. In any event, where a centerline offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than one hundred seventy-five (175) feet when the intersected street is a local or collector street, and not less than four hundred (400) feet when the intersected street is a major collector or arterial street.
3. Except when no other alternative is practicable or legally possible, no two streets may intersect with any other street on the same side at a distance of less than three-hundred (300) feet measured from centerline to centerline of the intersecting street. When the intersected street is an arterial, the distance between intersecting streets shall be at least one thousand (1,000) feet.

9.02.07 Lots

1. Minimum Lot Dimensions: The minimum dimensions for any lot shall be in accordance with the requirements of Article 6.
2. Side Lot Lines: All side lines of lots shall be as near as possible at right angles to straight street lines, or radial to curved street lines, unless an alternative to the rule will give a better street and lot plan. Lots with double frontage shall be avoided.
3. Corner Lots:
 - a. Corner lots shall have adequate width to permit the required setback lines from both streets.
 - b. Corner lots located at the intersection of major and minor streets shall normally have driveway access from the minor streets, if possible. Driveways shall be located as far from the street intersection as practicable and shall not be permitted within the sight distance triangle serving the intersection.
 - c. The corner of corner lots shall be designed and platted as a curve having a radius that is parallel to the radius of the adjacent street pavement and/or curb and gutter.
4. Through Lots:
 - a. Through lots (i.e., double frontage) should be avoided, except where necessary to provide separation of the subdivision from traffic arteries, or as otherwise required by topography or similar conditions.
 - b. A solid fence or other improvement (including walls, plantings, or berms) may be required by the Village Building Official, Village Engineer, or other approved

Village Representative, as necessary, for screening along the line of lots abutting such an arterial street.

- c. Through lots with double frontage shall normally be required to have their driveway access to the internal subdivision street or minor street.

9.02.08 Exceptional Development Considerations

Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as soil conditions, flood conditions or other adverse natural physical conditions, the Village Engineer, or other approved Village Representative, after adequate investigation, shall withhold approval of such lots until engineering studies are conducted by the developer and are presented to the Village which establish that the method proposed to meet any such condition is adequate to avoid any danger to health, life, or lot improvement.

9.03 Streets, Sidewalks, and Lighting

9.03.01 Street Classification

Streets that are dedicated for public use shall be classified as follows:

1. Local: A roadway whose sole function is to provide access to abutting residential properties.
2. Collector: A roadway as identified in the Village's Comprehensive Plan whose principal function is to carry traffic from local and other collector streets to arterial streets, but which may also provide for limited access to abutting properties.
3. Arterial: A roadway as identified in the Village's Comprehensive Plan that serves as an avenue for the circulation of traffic into, out of, or around the Village, and carries a high volume of traffic, and which direct access is minimized (i.e., limited to intersecting collector streets).
4. Major Arterial: A roadway as identified in the Village's Comprehensive Plan which connects the Village to other parts of Winnebago County and northern Illinois.

9.03.02 Street Design and Construction Criteria

The standards established by this Article shall apply to all public and private roads in the Village of Winnebago, or subject to its extraterritorial subdivision authority. The Village of Winnebago's Comprehensive Plan shall serve as a guide for the location and scale of future collector and arterial streets.

1. Design Criteria:
 - a. State and Village Standards: All street pavements shall be constructed in accordance with the design criteria for the various classes as established in the most recent edition of the Illinois Department of Transportation "Bureau of Local Roads and Streets Manual" and the "Bureau of Design and Environment Manual." Construction practices and materials used shall meet the requirements of the most recent edition of the "Standard Specifications for Road and Bridge Construction", adopted by the Illinois Department of Transportation, and the Village of

- Winnebago "Standard Details." All curb, gutter, sidewalks, and entrance approaches shall be constructed with appropriate openings and slopes in accordance with the Illinois Accessibility Code.
- b. **Pavement Thickness.** The thickness of the pavements shall be determined in accordance with the procedures as specified by the Illinois Department of Transportation, indicating the soil support values (Illinois Bearing Ratios) and the projected traffic factors. The thickness of the pavement shall be determined in accordance with the current Illinois Department of Transportation "Manual for Structural Design of Portland Cement Concrete Pavement", the "Flexible Pavement Design for Local Agencies", and Village of Winnebago standard details, whichever is more restrictive.
 - c. **Sub-grade Requirements:** Streets shall not be constructed on a sub-grade material having an Illinois Bearing Ratio (IBR) of less than 3.0. If such sub-grade material exists, it shall be removed and replaced with suitable compacted material, or the pavement redesigned to obtain an equivalent pavement thickness. The soil support IBR value selected for use by the designer shall represent a minimum value for the soil to be used
 - d. **Minimum Design Criteria.** Table 9.1, located at the end of this Article, establishes minimum design requirements for the Village of Winnebago to be permitted in the design of pavements. The design of all street improvements shall be based upon no less than the minimum structural number for the type of street. The values contained in Table 9.1 shall be considered minimum values and shall in no way relieve the owner or developer of supplying the Village with anticipated traffic data, if such is required.
2. **Construction Timing Limitations:**
- a. Any work done after November 1 must receive the written approval of the Village Engineer. This approval, however, in no way negates the owner's guarantee required by this ordinance.
 - b. In the construction of all streets, the installation of the final lift of hot mix asphalt surface course of the proposed pavement shall be delayed for one winter. In the spring or summer of the year following the installation of the pavement, the contractor and the Village Engineer shall jointly inspect the existing pavement. All damaged or failed pavement shall be replaced to the satisfaction of the Village Engineer, after which the final lift of hot mix asphalt surface course can be placed.
 - c. Final hot mix asphalt surface courses shall not be placed after September 30 of each year, or before April 1 of the following year, without the written approval of the Village Engineer, and contingent upon favorable weather conditions.
 - d. Hot mix asphalt base or binder courses shall not be placed after October 31 of each year, or before April 1 of the following year, without the written approval of the Village Engineer, and contingent upon favorable weather conditions.
 - e. Maintenance of streets under construction without final surface courses, including snow plowing and re-grading, shall be the sole responsibility of the developer until the final surface is placed, and the street is inspected and accepted by the Village. Streets without a final surface shall have gutter flag and manhole protection by asphalt ramps installed by, and at the expense of, the developer.

The requirements of gutter flag ramp protection may be waived by the Village Engineer if the developer's subdivision bond and/or letter of credit is of sufficient amount remaining to include replacement and/or repair of curb and gutter that is not yet accepted by the Village.

3. Miscellaneous Geometric Requirements:
 - a. All pavement surfaces shall be centered within the right-of-way without exception.
 - b. The pavement shall be designed with a cross-slope of two (2) percent. As required by the pavement design geometrics, the cross-slope can be modified to a minimum of one and one-half (1½) percent and a maximum of three (3) percent, unless a super elevation is warranted.
 - c. Clear visibility, measured along the center line of the street, both horizontally and vertically, shall be provided for at least two-hundred fifty (250) feet on all residential streets, and as required for all other streets in compliance with the designated standards specified therein.

9.03.03 Curbs and Gutters

1. The edge of all streets shall be bordered by combination concrete curbs and gutters, and shall be constructed in accordance with the latest applicable standards of the State of Illinois Department of Transportation, and with the latest version of the Village of Winnebago Standards. "Carriage" walks and combination monolithic curb and sidewalks shall be prohibited.
2. All curbs and gutters constructed shall be depressed at all crosswalks in compliance with the Illinois Accessibility Code.
3. All underground utilities under existing or proposed pavement and within two (2) feet of existing or proposed back-of-curbs or sidewalks, shall have state-approved trench backfill to minimize settlements.
4. Sawn contraction and construction joints, along curbs and gutters, shall be cleaned and filled with asphalt bitumen.

9.03.04 Street Signs & Traffic Signals

1. Temporary Signs: The developer shall, prior to commencement of any footing or foundations within the project, provide temporary signs indicating the street names at every street intersection within the development, and at every intersection with existing streets. The signs shall consist of clearly written or painted black, block lettering a minimum of three (3) inches in height, and shall be placed upon a white background. The maintenance of these signs shall be the responsibility of the developer throughout construction of the project.
2. Permanent Signs: Upon completion of the curbs and/or first lift of pavement, the developer shall supply and be responsible for the cost of installation of all street and traffic control signs. The signs shall be manufactured and installed in accordance with the Manual of Uniform Traffic Control Devices, latest edition and any Village of Winnebago standards. The developer shall maintain these signs until the right-of-way

and all street improvements have been accepted by the Village, at which time the Village shall be responsible for the maintenance and replacement of such signs.

3. **Traffic Signals:** Upon completion of the curbs and/or first lift of pavement, the developer shall supply and be responsible for the cost of installation of all traffic signals. The traffic signals shall be manufactured and installed in accordance with the Manual of Uniform Traffic Control Devices, latest edition and any Village of Winnebago standards. The developer shall maintain the traffic signals until the right-of-way and all street improvements have been accepted by the Village, at which time the Village shall be responsible for the maintenance and replacement of such signs.

9.03.05 Street Lighting

1. Installation of street lights shall be required in accordance with Village of Winnebago Standards.
2. **Subdivisions:** All public streets, sidewalks, and other common areas or facilities in subdivisions created after the effective date of this ordinance shall be sufficiently illuminated to ensure the security of property and the safety of persons using such streets, sidewalks, or other common areas or facilities. The subdivider shall supply, and be responsible for the cost of installation of, ornamental lighting facilities conforming to the Village of Winnebago Standards. The Village shall be responsible for the maintenance, replacement, and energy costs incurred after the installation and acceptance of the lighting facility. Without limiting the generality of the foregoing standard, the following minimum standards shall apply:
 - a. All newly-created public streets within subdivisions shall have street lights installed at a maximum spacing of three hundred (300) feet and a minimum average ground level foot candle illumination of 0.4. Street lights in residential subdivisions shall not exceed thirty (30) feet in height.
 - b. Street lighting for major collector and arterial streets, in which a newly-created subdivision is adjacent thereto, shall be installed in accordance with the requirements and standards of the applicable jurisdiction (i.e., County or Township Highway Department, or the Illinois Department of Transportation). In other situations, street lighting requirements shall be reviewed and approved by the Village Engineer or his/her designee.
 - c. A photometrics plan and other street lighting shall be provided and reviewed by the Village Engineer.
3. **Unsubdivided and Other Developments:** At the expense of the developer, all roads, driveways, sidewalks, parking lots, and other common areas and facilities in unsubdivided and other developments shall be sufficiently illuminated to ensure the security of property and the safety of persons using such roads, driveways, sidewalks, parking lots, and other common areas and facilities. Without limiting the generality of the foregoing standard, the following minimum standards shall apply.
 - a. For multi-family residential uses, lights shall be installed in all parking areas containing five (5) or more parking spaces, and shall be illuminated between dusk and dawn. For nonresidential uses, lights shall be installed in all parking areas containing five (5) or more parking spaces, and shall be illuminated between dusk and dawn whenever said premises are open for operation. "Open for operation"

shall be any time that a retail business is open for the sale of goods or services, or a retail, office, or industrial facility actually has employees working within, or upon, said premises, other than guards or watchmen. Lights shall be not more than fifteen (15) feet in height in residential zoning districts, and not more than thirty (30) feet in height in other zoning districts.

- b. Where lighted areas are required, lighting shall provide the following average foot-candles measured at ground level:

	Minimum	Maximum
Residential Zoning Districts	1.5	2.0
Commercial Zoning Districts	2.0	5.0
Industrial Zoning Districts	2.5	5.0

4. Lighting within any property that unnecessarily illuminates any other property, and substantially interferes with the use or enjoyment of such other property, is prohibited. All lighting on private property shall be designed using cut-off lenses as to direct light away from adjoining premises and streets. Flood and spotlights shall be shielded when necessary to prevent glare on adjoining properties or public rights-of-way, and to avoid visual interference with traffic control devices. Detailed lighting design plans and calculations shall be provided when deemed necessary by the Village Engineer and/or Director of Public Works.

9.03.06 Sidewalks

1. Sidewalks shall be provided as follows:
 - a. Sidewalks shall be required along both sides of all public streets and constructed in accordance with Village of Winnebago Standards.
 - b. Sidewalks shall be required along major roadways such as state or county routes which are within or abutting the proposed development.
 - c. Pedestrian paths may be substituted for sidewalk only upon the written approval by the Village Board, constructed in accordance with Village of Winnebago Standards, and with review and acceptance of the location and construction methods by the Village Engineer or Director of Public Works.
 - d. Sidewalks or pedestrian paths may be required by the Village through the center of blocks more than eight hundred (800) feet long, where deemed essential to provide circulation of access to schools, playgrounds, shopping centers, transportation, and other community facilities. Said sidewalk or pedestrian path shall be located within a right-of-way or easement. The location, width, and materials of construction shall be approved by the Village Engineer or Director of Public Works.
2. Sidewalk construction and specifications shall be as follows:
 - a. Sidewalks shall be located within a dedicated right-of-way or access easement. The outside edge of sidewalk shall be located 1 foot (1') from the right-of-way or property line. A median strip of grass or landscaped area, at least three feet (3') wide shall separate all sidewalks from adjacent curbs unless approved in writing by the Village Engineer or Director of Public Works.

- b. Sidewalks shall be constructed of Portland Cement Concrete (PCC) at least five (5) feet in width and a minimum thickness of four (4) inches thick. Sidewalks shall extend continuously through driveways, maintain the appropriate cross-slope to meet ADA requirements, and the thickness of sidewalk shall increase to six (6) inches at driveway entrances.
- c. Sidewalks shall be constructed in conformance to Section 424 of the Illinois Department of Transportation (IDOT) Standard Specifications. Concrete shall be Class SI, 6 bag mix. Test cylinders shall be taken and certified compression test reports submitted to the Village Engineer or Director of Public Works. Finished surfaces of a newly constructed sidewalk shall be coated with anti-spall and curing compound as approved in writing by the Village Engineer or Director of Public Works.
- d. Aggregate base shall be provided beneath the sidewalks to a minimum four (4) inch thick compacted aggregate base with a CA-6 gradation.
- e. Where continuous sidewalks are not constructed at the same time, three (3) number 6 smooth dowel rods with expansion caps shall be installed between the previously constructed sidewalk and the sidewalk to be constructed.
- f. Where utility service lines cross a sidewalk, three (3) #4 steel reinforcing rods, evenly spaced, 8 feet in length, shall be imbedded perpendicular to each trench in the midpoint of the concrete to prevent settlement over the trenches.
- g. Sidewalks shall be constructed of longitudinal grades and cross-slopes in accordance with the requirements of the Americans with Disabilities Act. The sidewalk shall be placed at a longitudinal grade relative to the street and as approved in writing by the Village Engineer or Director of Public Works. Unless otherwise approved in writing by the Village, sidewalks shall be laid with a maximum 2 percent cross-slope, directed toward the street.
- h. Accessibility ramps shall be installed at all intersections between the street pavement and the sidewalk in accordance with Federal guidelines and requirements of accessible design. The ramp shall provide a consistent slope from the intersection of perpendicular sidewalks to the flowline of the curb and be designed to comply with the Americans with Disabilities Act. The ramp shall be constructed in accordance with the Illinois Department of Transportation and the Village of Winnebago Standards. In lieu of cast-in-place colored concrete domes to meet ADA texture requirements, a pre-fabricated, red-colored insert meeting the Village's approval may be installed wherever accessibility ramps are required.

9.04 Water Supply

All subdivisions, properties, and lots located within the limits of the Village of Winnebago, shall be provided with a connection to the Village water system. Fire hydrants shall also be installed in all subdivisions within the corporate limits, and any area receiving Village water service. The water supply system shall be designed in accordance with the terms of the most current Village Comprehensive Plan for Water and constructed under the direction of the Village of Winnebago. It shall be designed and constructed in accordance with the "Standard Specifications for Water and Sewer Main Construction in Illinois" (latest

edition), Village of Winnebago Standards, and Subtitle F of Title 35 of the Illinois Administrative Code, as amended.

9.05 Sanitary Sewers

Sanitary sewer systems shall be designed for the ultimate tributary population, and shall be adequately sized to handle the anticipated maximum flows of sewage and industrial waste, together with an adequate allowance for infiltration and other extraneous flow. Every principal use, and every lot within a subdivision or development hereinafter established, shall be served by the Rock River Water Reclamation District sanitary sewer system that is adequate to accommodate the reasonable needs of such use, subdivision lot, or development and that complies with all applicable health regulations of the Rock River Water Reclamation District Codes, the requirements of the Rock River Water Reclamation District, and the most recent edition of "Standard Specifications for Water and Sewer Main Construction in Illinois" prepared by the Illinois Society of Professional Engineers.

9.06 Electric Power and Telephone Service

Every principal use, every lot, and every identified public need (i.e. street lights, traffic signals, etc.) within a subdivision or development shall have available to it a source of electric power and telephone service adequate to accommodate the reasonable needs of such use, lot, and public need within such subdivision or development. Compliance with this requirement shall be determined by the electric utility service provider and the telephone utility company.

9.07 Storm Sewer and Storm Drainage

Development shall be laid out to provide proper drainage of the area being subdivided, including facilities such as curb and gutter, manholes, catch basins, inlets, culverts, bridges, and natural waterways. Drainage improvements shall accommodate potential runoff from the entire upstream drainage area, and shall be designed to reduce or prevent increases in downstream flooding. Stormwater drainage systems shall be separate and independent of any sanitary sewer system, whether public or private. The Village shall require the use of control methods, such as retention or detention, and/or the construction of off-site drainage improvements to mitigate the impacts of the proposed development to achieve these purposes. Storm sewer and storm drainage systems shall be designed in accordance with the requirements of Article 10.

9.08 Variances

Whenever the tract to be subdivided is of such unusual size or shape, or is surrounded by such development of unusual conditions, that the strict application of the requirements contained in these regulations would result in real difficulties or substantial hardships, a variance may be requested in accordance with the requirements of Article 15.

9.09 Tables

9.09.01 Table 9.1 – Minimum Standards for Street Design

TABLE 9-1: MINIMUM STANDARDS FOR STREET DESIGN⁽¹⁾

Type of Street	(A) Min. ROW (feet)	(B) Min. St. Width (5) (feet)	(C) Min Struc No.	(D) Min Rad Horz Curve (feet)	(E) Min Lngth Vert Curve (feet)	(F) Min Tang Bwtn Rev Curve & Dim (feet)	(G) Max Gradient (percent)	(H) Min Gradient (percent)	(I) Min Clear Sight Distance (feet)	(J) Min Curb Radius at Street Intersection (feet)
<u>RESIDENTIAL</u>										
Alley	25	20 (6)	2.50	200	100	25	6.0	0.5	250	25
Cul-de-sac (2)	60	31	2.50	200	100	25	6.0	0.5	250	25
Local (2)	66	39	2.50	300	200	75	6.0	0.5	250	25
Collector (2)	75	39	3.00	500	200	100	6.0	0.5	250	30
<u>INDUSTRIAL</u>										
Local (4)	66	31	3.00	300	300	50	6.0	0.5	300	30
Collector (4)	75	31	4.00	500	300	200	6.0	0.5	400	30
<u>COMMERCIAL</u>										
Local (4)	66	31	3.00	200	200	100	6.0	0.5	300	25
Collector (4)	75	31	4.00	500	200	100	6.0	0.5	400	35
<u>COLLECTOR</u> (2)	75	48	4.00	500	300	200	6.0	0.5	400	40
<u>ARTERIAL</u> (4)	80	48	4.00	500	300	200	6.0	0.5	400	40
<u>REGIONAL HIGHWAY</u> (4)	120	67	4.50	500	300	200	6.0	0.5	400	40
<u>FRONTAGE ROADS</u> (4)	66	31	3.00	300	200	100	6.0	0.5	400	35

In a Planned Residential Development "PRD" or through the granting of a variance, the Council may reduce the minimum standards of R.O.W. and street width, but in no case shall the R.O.W. width be less than sixty (60) feet or street width be less than twenty-nine (29) feet⁽³⁾. Also, the Council may reduce the minimum horizontal curve dimension, but in no case shall it be less than 150 feet.

(1) Where mixed uses abut the same street, the stricter standards shall be the standards at which said street shall be constructed.

(2) Parking may be prohibited on some curvilinear streets and other streets.

(3) No parking one side.

(4) No parking either side permitted.

(5) All street widths are minimum and are measured back-to-back of curb.

(6) No curb and gutter required

(A) Minimum Right-of-Way Width. Width at intersections shall be appropriately increased.

(B) Minimum Street Pavement Width. Width at intersections shall be appropriately increased.

(C) Minimum Structural Number

(D) Minimum Radius of Horizontal Curve (Road Centerline Dimension)

(E) Minimum Length of Vertical Curves

(F) Minimum Tangents Between Reverse Curves (Road Centerline Dimensions)

(G) Maximum Gradient

(H) Minimum Gradient

(I) Minimum Clear Sight Distance

(J) Minimum Curb Radius at Street Intersections. The minimal platted right-of-way radius.

Article 10**Floodways, Floodplains, Stormwater Management and Erosion Control**

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- 10.02 Floodplain and Floodway Regulations**
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10.01 Purpose and Intent

The purpose of this Article is to avoid the hazards to person and damage to property resulting from flooding and to comply with the Rules and Regulations of the National Flood Insurance Program as promulgated by the Federal Emergency Management Agency (FEMA) and the Federal Insurance Administration as provided in the Rules and Regulations of the Federal Register, 44 FR 31177, Parts 59 and 60, May 31, 1979, as amended, and which are hereby adopted by reference and filed in the office of the Village Clerk, pursuant to Illinois Law and the Illinois Compiled Statutes. Further, it is the intent of this Section to ensure that the drainage of surface waters will not be changed by new construction, or that if surface water drainage is to be changed, reasonable provision has been made for collection and diversion of such surface waters into public areas or drains which the developer has a right to use, and that such surface waters will be planned for so as to reduce the likelihood of damage to adjacent properties.

Further, it is the purpose of this Article to provide for the health, safety, and general welfare of the citizens of the Village of Winnebago through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This Article establishes methods for controlling the introduction of pollutants into the Village storm sewer system in order to comply with requirements of the Illinois Environmental Protection Agency (IEPA). The objectives of this Article are:

1. To regulate the contribution of pollutants to the storm sewer system from storm water discharges by any user;
2. To prohibit Illicit Connections and Discharges to the storm sewer system; and
3. To establish legal authority to carry out all inspection and monitoring procedures necessary to ensure compliance with this Article.

This Article shall be known and may be cited as the “Village of Winnebago Stormwater Management Ordinance” and is adopted in order to accomplish the following specific purposes:

1. To ensure that new development does not increase the flood or drainage hazards to others, or create unstable conditions susceptible to erosion;
2. To protect human life and personal property from flood damage;
3. To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;
4. To make federally subsidized flood insurance available for property in the Village by fulfilling the requirements of the National Flood Insurance Program (NFIP);
5. To protect, conserve, and promote the orderly development of land and water resources;
6. To preserve the natural characteristics and functions of watercourses and floodplains in order to lessen flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development;

- a. To manage and mitigate the effects of urbanization on stormwater drainage throughout the village through planning, appropriate engineering practices, and proper maintenance;
- b. To promote the use of best management practices and the use of green technology initiatives for stormwater control;
- c. To control sediment and erosion in and from stormwater facilities, development, and construction sites, and reducing and repairing stream bank erosion;
- d. To require the control of stormwater quality at the most site-specific level, and preventing unauthorized or unmitigated discharge of flow off site; and
- e. To require strict compliance with and enforcement of this Article.

10.02 Floodplain and Floodway Regulations

No person, firm, corporation, or governmental body not exempted by state law shall commence any construction, substantial improvement, subdivision of land, or other development in areas located in a floodplain or floodway without first obtaining either a building or a grading permit from the Village Building Official, or other designated village representative. The Village Building Official, or other designated village representative, shall not issue such permits for any construction, substantial improvement, or other development that does not comply with the provisions of this Article, or that has been denied a permit required by any Federal or State Law.

10.02.01 Flood Maps and Base Flood Elevation

This ordinance's protection standard is based on the Flood Insurance Study for Winnebago County, Illinois, and incorporated areas, if applicable. If a base flood elevation or 100-year frequency flood elevation is not available for a particular site, then the protection standard shall be according to the best existing data available from federal, state, or other sources. When a party disagrees with the best available data, said party shall submit a detailed engineering study needed to replace existing data with better data, and submit it to the Illinois Department of Natural Resources – Office of Water Resources (IDNR/OWR) and FEMA for review and consideration prior to any development of the site.

1. The base flood or 100-year frequency flood elevation and designated floodway for the (Special Flood Hazard Area) SFHAs of Coolidge Creek and South Kent Creek, and the associated tributaries shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Winnebago County, IL, including incorporated areas prepared by FEMA dated September 6, 2006, and such amendments to such study and maps as may be prepared from time to time.
2. The base flood or 100-year frequency flood elevation and designated floodway for the SFHAs of those parts of unincorporated Winnebago County that are within the extraterritorial jurisdiction of the Village, or that may be annexed into the Village, shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Winnebago County, IL, including incorporated areas prepared by FEMA and dated September 6, 2006, and such amendments or revisions to such study and maps as may be prepared from time to time

3. The base flood or 100-year frequency flood elevation and designated floodway for each SFHA delineated as an “AH Zone” or “AO Zone” shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of Winnebago County, IL, whichever is applicable.
4. The base flood or 100-year frequency flood elevation and designated floodway for each of the remaining SFHAs delineated as an “A Zone” on the Flood Insurance Rate Map of Winnebago County, IL, shall be according to the best existing data available from federal, state, or other sources. Should no other data exist, an engineering study must be completed by the applicant to determine the base flood elevation and associated floodway.
 - a. When no base flood or 100-year frequency flood elevation exists, the base flood or 100-year frequency flood elevation for a riverine SFHA shall be determined from a backwater model, such as HEC-II, HEC-RAS, or a dynamic model such as HIP. However, other models may be required by FEMA, IDNR-OWR, and other agencies having jurisdiction.
 - b. The flood flows used in the hydraulic models shall be obtained from a hydrologic model, such as HEC-HMS, HEC-1, TR-20, or HIP, or by other models approved by FEMA, IDNR-OWR or other jurisdictional agencies.
 - c. For an unmapped extended SFHA (with a drainage area less than one square mile) which has been identified by the Village, the base flood elevation shall be determined by the applicant utilizing a method as approved in this Article.

10.02.02 Floodplain and Floodway Development

Development in and/or filling of the floodplain and floodway will be permitted if protection is provided against the base flood or 100-year frequency flood by proper elevation, compensatory storage, and other applicable provisions of this ordinance. Developments located within the floodplain and floodway shall meet the requirements of this ordinance, along with the requirements of Article 10.02.03. All new construction, substantial improvements, subdivision of land, placement of manufactured homes, construction of utilities, or other developments that would adversely impact the floodplain capacity or conveyance shall be prohibited.

1. Whenever fill is being used to elevate the site above the base flood or 100-year frequency flood elevation, the applicant shall:
 - a. Obtain a Letter of Map Revision (LOMR) from FEMA for the purpose of removing the site from the floodplain.
 - b. Provide compensatory storage:
 - i. Whenever any portion of a floodplain is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the base flood or 100-year frequency flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood or 100-year frequency flood elevation.
 - ii. To the extent possible, all floodplain storage lost below the existing 10-year flood elevation shall be replaced below the proposed 10-year flood elevation.

All floodplain storage lost above the existing 10-year flood elevation shall be replaced above the proposed 10-year flood elevation.

- iii. All such excavations shall be constructed to drain freely and openly to the watercourse.
2. In addition to the requirements of 10.02.02(1), development within the floodway shall require obtaining the required permits and approvals from IDNR/OWR, pursuant to Illinois Compiled Statutes. The designated floodway for Coolidge Creek and South Kent Creek and the associated tributaries shall be as delineated on the Flood Insurance Rate Map of Winnebago County, IL including incorporated areas, whichever is applicable, as referenced in Article 10.02.01.

10.02.03 Construction and Improvement Standards

1. All buildings located within a 100-year floodplain, also known as a SFHA, shall be protected from flood damage below the flood protection elevation. This building protection criteria applies to the following situations:
 - a. Construction or placement of a new building or alteration or addition to an existing building valued at more than one thousand dollars (\$1,000) or seventy (70) square feet.
 - b. Substantial improvements or structural alterations made to an existing building that increases the floor area by more than twenty (20) percent or equal or exceed the market value by fifty (50) percent. Alteration shall be figured cumulatively subsequent to the adoption of this ordinance. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section.
 - c. Repairs made to a substantially damaged building. These repairs shall be figured cumulatively subsequent to the adoption of this ordinance. If substantially damaged, the entire structure must meet the flood protection standards of this section.
 - d. Installing a manufactured home on a new site or a new manufactured home on an existing site (the building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage).
 - e. Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days per year.
2. A residential or non-residential building, when allowed, may be constructed on permanent embankment fill in accordance with the following:
 - a. The lowest floor opening shall be a minimum of two (2) feet above the flood protection elevation; and
 - b. Fill Requirements:
 - i. The fill shall be placed in layers no greater than six (6) inches deep before compaction and should extend at least ten (10) feet beyond the foundation of the building before sloping below the flood protection elevation; and
 - ii. The top of the fill shall be at or above the flood protection elevation. However, the ten (10) foot minimum may be waived if a structural engineer certifies an

- alternative method to protect the building from damages due to hydrostatic pressures; and
- iii. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure; and
 - iv. The fill shall be composed of rock or soil and not incorporate debris and/or refuse materials; and
 - v. The fill shall not adversely affect the flow or surface drainage from or onto neighboring properties, and, when necessary, stormwater management techniques such as swales or basins shall be incorporated.
3. A non-residential building may be structurally dry flood-proofed (in lieu of elevation) provided that:
- a. A registered professional engineer or architect shall certify that the building has been structurally dry flood-proofed below the flood protection elevation, and the structure and attendant utility facilities are watertight, and capable of resisting the effects of the base flood or 100-year frequency flood.
 - b. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and impacts from debris or ice.
 - c. Flood-proofing measures shall be operable without human intervention and without an outside source of electricity (levees, berms, floodwalls and similar works are not considered flood-proofing for the purpose of this subsection).
 - d. All flood proofing shall be approved by FEMA and the NFIP.
4. Tool sheds, detached garages, and other minor accessory structures on an existing single-family platted lot, may not be constructed with the lowest floor below the flood protection elevation.
5. Non-conforming structures located in a designated floodway may remain in use and may only be enlarged, replaced or structurally altered in accordance with Article 16.

10.02.04 Utility Standards

All new construction and substantial improvements to utilities located in the floodplain or floodway shall provide that:

- 1. All new and replacement water supply systems shall be designed to prevent infiltration of flood waters into the systems.
- 2. All new and replacement sanitary sewage systems shall be designed to prevent infiltration of flood waters into the systems and discharge from the systems into the flood waters.

10.02.05 Subdivision and Other Development Standards

The Village Board shall take into account flood hazards, to the extent that they are known in all official actions related to land management, use, and development.

- 1. New subdivisions, manufactured home parks, annexation agreements, and Planned Unit Developments/Planned Residential Developments within the SFHA shall be

reviewed to assure that the proposed developments are consistent with this Article and the need to minimize flood damage.

2. Proposals for new subdivisions, manufactured home parks, travel trailer parks, Planned Unit Developments/Planned Residential Developments and additions to manufactured home parks and additions to subdivisions shall include base flood or 100-year frequency flood elevation data and floodway delineations.
 - a. Where this information is not available from an existing adopted study, the applicant's engineer shall be responsible for calculating the base flood or 100-year frequency flood elevation and floodway delineation, per Article 10.02.01.
3. Streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible, the floodplains shall be included within parks or other public grounds.
4. The Village Board shall not approve any Planned Unit Development/Planned Residential Development or plat of subdivision located outside the corporate limits unless such agreement or plat is in accordance with the provisions of this ordinance.
5. All other activities defined as development shall be designed so as not to increase flood flows or increase potential flood damages.

10.02.06 Variances

The Village Board may grant a variance to the provisions of this Article, except for those provisions in Subsection 10.02.02 subject to compliance with the provisions of Section 60.6, (a), of the Rules and Regulations of the National Flood Insurance Program, and such other conditions as the Village Board, in conformance with Federal Emergency Management Administration regulations, deems necessary to comply with the intent of this Article. Variances shall be granted in accordance with Article 15 of this ordinance.

10.02.07 Disclaimer of Liability

The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions, or the flood height may be increased by manmade or natural causes. This Article does not imply that development either inside or outside of the floodplain or floodway will be free from flooding or damage. This Article does not create liability on the part of the Village, or any officer or employee thereof, for any flood damage that results from reliance on this Article or any administrative decisions made lawfully thereunder.

10.03 Stormwater Management

10.03.01 Alteration of Land

No person, firm, corporation, or governmental body not exempted by state law shall alter the contours of any real property, or maintain, alter, relocate, remove, or destroy any ditch, drain, or drainage structure located within the Village, whether subdivided or not,

so as to change the flow of water without obtaining a permit and complying with this Article and the Village's Stormwater Management Program.

10.03.02 Permit Required

No person, firm, corporation, or governmental body not exempted by state law shall commence any construction, substantial improvement, or other development that affects the drainage of surface or subsurface water without first obtaining a building permit and/or a grading permit (as applicable) from the Village Building Official, or other designated village representative. No permit shall be issued for any proposed alteration which:

1. Will increase the amount and/or rate, or adversely affect the quality, of surface water draining onto other properties;
2. Will damage other properties; or
3. Does not conform to the general drainage laws of the State of Illinois and the ordinances of this Village and, in particular, the rules and regulations for drainage as set forth in this Article.
4. Alters or removes wetlands from their present location without Village, State, or Federal permits.

Application for a building permit and/or grading permit shall be accompanied by engineering plans, calculations, and specifications showing the proposed alterations and the effect such alterations will have upon existing ditches, drains, drainage structures, and other properties. Additionally, the application shall contain the applicable information and will be subject to the plan review procedures specified in Article 11, "Site Plan Review Requirements."

10.03.03 Field Drain Tile Survey

The submission of engineering drawings shall include a completed survey by qualified contractors of field drain tiles within the proposed site development or subdivision and drawings and specifications of proposed improvements to redirect drain tiles around conflicting improvements, including structures for maintenance and monitoring of the field drain tiles. The survey shall document pipe materials, sizes and depths, and shall be in accordance with this Article.

10.03.04 Principles of Design

Runoff water shall be directed into storm water facilities and shall be provided by said owner, and constructed in accordance with plans approved by the Village of Winnebago. The following regulations shall be adhered to in preparing said plans:

1. The site shall be designed in such a manner as to preserve and utilize natural streams, channels, and water detention areas. Where practicable, depression areas that tend to flood may be used for stormwater detention and shall be designed in accordance with Federal, State, and local regulations and guidelines for both water storage and environmental quality;

2. The stormwater control design shall promote the use of best management practices and the use of green technology to control sediment and erosion in and from stormwater facilities, development, and construction sites.
3. The drainage system for all subdivisions and developments shall be designed to control the peak rate of discharge from the property for the two-year, 24-hour and 100-year, 24-hour events to levels which will not cause an increase in flooding or channel instability downstream when considered in aggregation with other developed properties and downstream drainage capacities. The peak 2-year and 100-year discharge shall not be greater than 0.2 cfs per acre of property drained. In no case shall the release of runoff water exceed the existing runoff rate from the area. Redevelopment or expansion of existing development parcels may instead use the alternate method in subparagraphs (9) and (10) below;
4. The design maximum storage to be provided in a detention basin shall be based on the runoff of the fully developed drainage area tributary to the reservoir, less that volume discharged during the same duration (routing equation) from the 100-year, 24-hour event. Detention storage shall be computed using hydrograph methods as described in this section. If areas of the property cannot be detained because of site limitations, the un-detained discharge shall be subtracted from the allowable peak discharge to determine the allowable peak discharge from the detention or retention facility. Drainage systems shall have adequate capacity to bypass flow through the site. The flow from all upstream areas that are not detained for a design frequency storm shall not be restricted so as to cause upstream flooding. All storm drainage facilities shall be designed to accept and convey all waters which may enter the site in accordance with the laws of the State of Illinois and ordinances of this Village;
5. Major and minor conveyance systems for areas up to ten (10) acres may be designed using the rational formula. The rational formula may also be used in sizing the minor drainage system for larger sites. If the rational method is used, a runoff coefficient properly weighted for an area with variable runoff potential, per the table of Runoff Coefficients ("c") provided in this section, shall be used. Runoff hydrograph methods as described in Article 10.03.03(5) must be used for major drainage system design for all systems with greater than ten (10) acres of drainage area, for all properties in a Flood Prone Area, and for the design of all detention basins;
6. Runoff hydrographs shall be developed incorporating the following assumptions of rainfall amounts and antecedent moisture. Acceptable runoff hydrograph calculation methods would include, but not necessarily be limited to, HEC-1, SCS TR 20, SCS TR 55 Tabular Method, etc.;
7. Unless a continuous simulation approach to drainage system hydrology is used, all design rainfall events shall be based on the Illinois State Water Survey's Bulletin 71. The first quartile point rainfall distribution shall be used for the design and analysis of conveyance systems with critical durations less than six (6) hours. The second quartile point rainfall distribution shall be used for the design and analysis of conveyance systems with critical durations greater than six (6) hours and less than or equal to twelve (12) hours. The third quartile point rainfall distribution shall be used for the design and analysis of detention basins and conveyance system with critical durations greater than twelve (12) hours and less than or equal to twenty-four (24)

hours. The fourth quartile distribution shall be used in the design and analysis of systems with durations greater than twenty-four (24) hours. The first, second, third, and fourth quartile distributions described by Huff are presented in Table 37 of Bulletin 71. The SCS Type II distribution may be used as an alternate to the Huff distributions.;

8. Any stormwater storage facilities located within the floodplain area shall be accompanied by appropriate compensatory storage at a minimum 1.1:1 ratio. The stormwater storage shall be designed to meet the release rates required by this Article under all stream flow and backwater conditions, up to the ten (10) year flood event on the receiving watercourse;
9. Redevelopment or expansion of building and/or impervious site coverage on existing parcels of less than one (1) acre in size shall be exempt from the detention requirements of this Article, except in circumstances where the existing storm sewer or drainage system is incapable of sufficiently handling the increased development. In such cases detention shall be required to store that portion of the runoff exceeding the outlet capacity;
10. Redevelopment or expansion of buildings and/or site coverage in developments that have common retention areas designed for the entire subdivision or development shall be exempt from the requirements of this Article. In all other cases, the redevelopment or expansion of buildings and/or site coverage shall provide detention/retention for only the increase in impervious lot coverage and buildings, at a peak discharge rate not to exceed 0.20 cfs per acre drained; and
11. Subdivisions or other development projects for which a Preliminary Plat, Preliminary Development Plan, or Engineered Site Plan have been approved prior to adoption of this ordinance shall only be required to comply with the storm water drainage design requirements in effect at the time of approval, provided that said projects are compliant with all other Village requirements, and the projects are diligently being constructed.

10.03.05 Table of Runoff Coefficients ("c")

See the table that follows below or on the following page for runoff coefficient values.

Character of Surface	Return Period (Years)		
	2	10	100
Developed			
Asphaltic	0.73	0.81	0.95
Concrete/Roof	0.75	0.83	0.97
Grass Areas (lawns, parks, parkways, greenspace, etc)			
Poor Condition (grass cover less than 50% of area)			
Flat, 0-2%	0.32	0.37	0.47
Average, 2-7%	0.37	0.43	0.53
Steep, >7%	0.40	0.45	0.55
Fair Condition (Grass cover 50-75% of area)			
Flat, 0-2%	0.25	0.30	0.41
Average, 2-7%	0.33	0.38	0.49
Steep, >7%	0.37	0.42	0.53
Good Condition (Grass cover greater than 75% of area)			
Flat, 0-2%	0.21	0.25	0.36
Average, 2-7%	0.29	0.35	0.46
Steep, >7%	0.34	0.40	0.51
Undeveloped			
Cultivated Land			
Flat, 0-2%	0.31	0.36	0.47
Average, 2-7%	0.35	0.41	0.51
Steep, >7%	0.39	0.44	0.54
Pasture/Range			
Flat, 0-2%	0.25	0.30	0.41
Average, 2-7%	0.33	0.38	0.49
Steep, >7%	0.37	0.42	0.53
Forest/Woodlands			
Flat, 0-2%	0.22	0.28	0.39
Average, 2-7%	0.31	0.36	0.47
Steep, >7%	0.35	0.41	0.52

10.03.06 Stormwater Storage Design

The policies and criteria set forth in the following paragraphs shall be applied to the development of the final stormwater management facility of new subdivisions and developments. In general, the stormwater detention or retention facility shall be designed to accommodate the flow and storage requirements as determined in Article 10.03.03.

1. Detention Basins (Dry Storage). Detention basins shall be designed to meet the following requirements:
 - a. Basins shall be designed to drain within forty-eight (48) hours for runoff volumes generated by rainfalls up to the 100-year storm event.

- b. Bottom slope shall be a minimum of one (1) percent. Where the minimum bottom slope cannot be maintained, a concrete low-flow channel with a minimum slope of one-half (½) percent may be constructed with the approval of the Village Engineer.
 - c. Side slopes shall be a maximum of 4:1 horizontal to vertical.
- 2. Retention Basins (Wet Storage). Retention basins shall be designed to meet the following requirements:
 - a. At normal water level, permanent pool volume shall be equal to or greater than the runoff volume from the 2-year event.
 - b. A minimum depth of five (5) feet shall be maintained throughout the pond, excluding near banks and safety ledges. If fish habitat is to be provided, a minimum depth of ten (10) feet shall be provided for at least twenty-five (25) percent of the bottom area.
 - c. Above the normal water level, the side slope shall be a maximum of 4:1 horizontal to vertical.
 - d. Safety ledges shall be provided at least four (4) feet in width at a depth of three (3) feet below normal water level.
 - e. The outlet structure shall be properly designed, including the requirements for baffles, strainers, risers, and other outlet control devices, to properly protect the outlet structure and assure proper operation.
- 3. Underground Detention. Stormwater may be detained in underground pipes, tanks or reservoirs meeting the following requirements:
 - a. Access to all chambers shall be provided for maintenance purposes;
 - b. Positive gravity outlet shall be provided;
 - c. Void space volume of the bedding material shall not be considered as part of the storage volume.
- 4. Release and Overflow Structures.
 - a. Single pipe release structures shall have a minimum diameter of twelve (12) inches. Perforated risers or flow control orifices shall be used to meet design release rates required by this ordinance. In no instance shall the orifice be smaller than three (3) inches. Trash racks will be required on all pipe release structures that contain an orifice smaller than six (6) inches. Storage volume, as determined in 10.03.03(3), shall be calculated using the release rate generated by the minimum orifice size.
 - b. Release structures shall incorporate energy dissipation techniques to reduce erosive velocities.
 - c. The release and overflow structure design shall promote the use of best management practices and the use of green technology to control sediment and erosion in and from stormwater facilities and reduce or mitigate potential outlet or stream bank erosion.
 - d. Overflow structures designed to pass flows equal to the inflow rate generated by the 100 year storm event shall be provided for all stormwater storage facilities.

10.03.07 Storm Sewer Design and Construction

The design of the storm drainage system shall be done in accordance with the Village of Winnebago standards, the "Illinois Department of Transportation Design and Environment

Manual”, and the “Illinois Department of Transportation Drainage Manual”, unless otherwise stated in this Article.

Storm sewer materials and construction methods shall be in accordance with the Village of Winnebago standards, and the “Illinois Department of Transportation Standard Specifications for Road and Bridge Construction.” The following criteria shall also be met:

1. The following digital geographic information shall be provided to the Village Director of Public Works, Village Director of Utilities, and Village Engineer in ESRI shapefile format on a NAD 1983 State Plane IL West Zone coordinate system, including:
 - a. Storm Sewer Inlets, Manholes, Inverts, Etc. (Point File)
 - b. Storm Sewer Main / Lateral Information, including lengths, size, material, and slope of pipe, etc. (polygon file)
 - c. Other digital information as reasonably required by the Village Director of Public Works, Village Director of Utilities, and Village Engineer.
2. Storm sewer systems shall be subject to all applicable permit and any connection fees as established by the Village of Winnebago.
3. Manholes/inlets/catch basins shall be provided at all changes in direction or in pipe size, and at all entrances of laterals. Manholes, inlets, and/or catch basins are required where the design intensity of flow reaches one (1) cubic foot per second, and shall not be located more than the IDOT Bureau of Local Roads Manual required distance apart. All manholes shall be precast concrete and shall meet IDOT and/or Village of Winnebago standards and sizes as outlined in Article 9.
4. Storm sewers shall be designed by a registered professional engineer to satisfy the following design criteria:
 - a. All storm sewer shall be designed to safely pass the 10-year peak flow.
 - b. Storm sewer shall be a minimum pipe size of twelve (12) inches.
 - c. Storm sewer located beneath pavement or within two (2) feet of the back of curb shall be Reinforced Concrete Pipe.
5. Open drainage swales and waterways shall be approved by the Village. All drainage waterways shall be provided with a grass cover and shall have positive soil erosion prevention methods (riprap, check dams, paved liners, etc.) incorporated in their design. Waterways of more than four (4) percent grade shall have paved bottoms and side slopes. In no case shall drainage ways be obstructed with fences, above-ground utilities or structures, or any other impediments;
6. In all new subdivisions and developments greater than one (1) acre in size, footing drains placed for collection of unpolluted ground water shall be connected to sump pumps, and discharge shall be made into municipal storm water facilities by tile. Where no other reasonable alternative exists, or where existing municipal stormwater facilities are not located within a reasonable distance, the Village may allow stormwater to be discharged into positive draining ditches and open swales overland not crossing a public street, sidewalk, alley, public way or public property. All

- downspouts, outside stairwells, and roof drains shall discharge onto the ground, or be connected to municipal storm water facilities so as not to damage other properties;
7. A common or shared sump pump discharge lateral, serving more than one footing drain or serving two or more independent sump pump discharge laterals, shall be installed within the boundaries of the private property to be served by the lateral. A single pipe sump pump discharge lateral shall have a minimum diameter of four (4) inches for a single connection, or six (6) inches or larger for multiple connections. The lateral shall be installed below grade, directly connected to the municipal storm water facilities so as to not damage other properties. The maintenance and repair of sump pump laterals shall be the responsibility of the property owner;
 8. All footing drains and sump pump laterals shall be properly designed and installed by a licensed plumber with record drawings of installed locations provided to the Village Department of Public Works; and
 9. Culverts and inlets shall be provided so that surface water is not carried across any intersections, nor for a distance further than the requirements of the IDOT Bureau of Local Roads Manual in the gutter. Surface water drainage patterns shall be shown for each lot and block of the subdivision. Culverts for “pass through” drainage under streets, ditches, and waterways shall accommodate the storm event as required by IDOT standards. Channel lining shall also be installed to accommodate IDOT storm event requirements.

10.03.08 Stormwater Maintenance Agreement

Maintenance of stormwater facilities located on private property shall be the responsibility of the owner of that property. The applicant shall execute a maintenance agreement with the Village in accordance with the following provisions:

1. The maintenance agreement shall guarantee that the applicant and all future owners of the property shall maintain its stormwater facilities, sediment control system, and special management areas.
2. The maintenance agreement shall specifically authorize representatives of the Village to enter onto the property for the purpose of inspections and maintenance of the stormwater facilities, sediment control system, and special management areas. The maintenance agreement shall stipulate that if the Village notifies the property owner in writing of maintenance problems which require correction, the property owner shall make such corrections within thirty (30) calendar days of such notification. If the corrections are not made within this time period, the Village may have the necessary work completed and assess the cost to the property owner.
3. The maintenance agreement shall be recorded with the County Recorder.
4. The Village has the option of requiring a bond to be filed by the property owner for maintenance of the stormwater facilities, sedimentation control system, and special management areas.
5. Since the volume of the storage facilities must be maintained in order to be an effective tool in regulating stormwater runoff quantity, upon written request by the Village, the Applicant shall be responsible for verifying that the volume of the pond meets the

permitted volume. Storage facility volume verification shall be performed, signed, and sealed by a professional land surveyor or professional engineer. The Village has the right to request storage volume verification at any time after the construction is complete.

6. Stormwater facilities located on public property shall be the responsibility of the agency owning that public property. However, stormwater facilities located upon easements dedicated to a public authority by a private property owner shall be the responsibility of the private property owner, and such information shall be recorded on the Final Plat.

10.03.09 Special Assessment / Special Service Areas

Special assessment, or special service, areas may be used as a means for the Village of Winnebago to finance specific infrastructure, services or general improvements within a pre-defined area. The Village of Winnebago may assess separate fees through property taxes or other assessments on per unit (acre, square foot, etc.) basis for infrastructure improvements and services for a specific group of taxpayers who will benefit from the projects, rather than burdening the entire community with costs for local projects.

10.04 Wetland Regulations

10.04.01 Wetland Determination and Jurisdiction

For all regulated activities involving waters of the U.S., the Applicant shall obtain a permit from the appropriate federal and state agencies. When developments or subdivisions include existing wetlands or other depression storage areas, the Applicant shall submit a Wetland Delineation Report to the U.S. Army Corps of Engineers (USACE), in accordance with applicable federal regulations. All wetlands determined to be under the jurisdiction of the USACE, shall be developed and maintained in accordance with the requirements and regulations of the USACE.

10.04.02 Wetland Protection

Wetlands under the jurisdiction of the USACE, as identified in accordance with Article 10.04.01, shall be protected from damaging modifications and adverse changes in runoff quality and quantity associated with land developments. In addition to the requirements of the USACE and Article 10.04.01, site development shall be subject to the following requirements:

1. The existing wetland shall be protected from soil erosion and sedimentation during construction through erosion control practices in accordance with Article 10.05.
2. Site drainage patterns shall not be altered to substantially decrease or increase the existing area tributary to the wetland.
3. A buffer strip of at least twenty-five (25) feet in width, vegetated with native plant species, shall be restored and/or maintained around the periphery of the wetlands. No

development, with the exception of recreational trails, shall take place within the buffer strip.

10.05 Erosion Control Procedures

No person, firm, corporation, or governmental body not exempted by state law shall commence any construction activities without first complying with the requirements of this Article.

1. An Erosion and Sedimentation Control Plan showing erosion control measures and specific design proposals shall be indicated on all plans submitted in the application for a grading permit, or as part of a subdivision or development engineering plan submittal. In planning the development of the site, the Applicant shall consider the sensitivity of existing soils to erosion and topographical features such as steep slopes, stream corridors, and special management areas which must be protected to reduce the amount of erosion and sedimentation which occurs. During the planning process, the Applicant shall also address the following:
 - a. For projects that involve phased construction, existing land cover for those areas not under current development shall be addressed. If existing land cover does not consist of appropriate dense vegetation then those phases shall be planted temporarily to reduce erosion from idle land.
 - b. Preference shall be given to reducing erosion rather than controlling sediment. The plan must carefully consider the construction sequence of the phases so that the amount of land area exposed to erosive forces is minimized during construction.
2. Erosion control measures shall conform to the design requirements contained in latest editions of the "Procedures and Standards for Urban Soil Erosion and Sedimentation Control in Illinois," and the Illinois Urban Manual. These documents are available for review at the Public Works Department.
3. The Plan shall contain the following information with respect to conditions existing on the site during construction, dredging, grading, filling, or soil storage activities.
 - a. A delineation and description of the methods to be used during construction, and prior to the establishment of permanent ground cover, to retain sediment on the site, including, but not limited to, the designs and specifications for sediment detention basins and traps, and a schedule for the maintenance;
 - b. A delineation and description of the types, methods, and rates of applying seeding and mulching and designs and specifications for diverters, dikes, silt fences, drains, and swales and a schedule for their maintenance.
4. In addition to the requirements detailed herein, all developments shall conform to the rules and regulations of the National Pollution Discharge Elimination System (NPDES) and the IEPA. This includes executing a Storm Water Pollution Prevention Plan (SWPPP) and meeting all other requirements of the state-issued permit.
5. The erosion control measures shall incorporate and promote the use of best management practices and the use of green technology to control sediment and erosion in and from stormwater facilities, development, and construction sites.

10.06 Illicit Discharge Control**10.06.01 Applicability**

This Article shall apply to all water entering the storm drain system generated on any developed and undeveloped lands, unless explicitly exempted by the Department of Public Works / Village Engineer.

10.06.02 Responsibility for Administration

The Village of Winnebago shall administer, implement, and enforce the provisions of this Article. Any powers granted or duties imposed upon the Village of Winnebago may be delegated in writing by the Department of Public Works / Village Engineer to persons or entities acting in the beneficial interest of, or in the employ of, the Village.

10.06.03 Compatibility with Other Regulations

This Article is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this Article are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this Article imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

10.06.04 Severability

The provisions of this Article are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Article, or the application thereof to any person, establishment, or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of this Article.

10.06.05 Ultimate Responsibility

The standards set forth herein and promulgated pursuant to this Article are minimum standards. Therefore, this Article does not intend, nor imply, that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

10.06.06 Discharge Prohibitions

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as follows:

1. The following discharges are exempt from discharge prohibitions established by this Article: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), firefighting activities, and any other water source not containing pollutants.
2. Discharges specified in writing by the Department of Public Works / Village Engineer as being necessary to protect public health and safety.
3. Dye testing is an allowable discharge, but requires a verbal notification to the Village of Winnebago Department of Public Works prior to the time of the test.
4. The prohibition shall not apply to any non-storm water discharge permitted under a NPDES permit, waiver, or waste discharge order issued to the discharger, and administered under the authority of the Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order, and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.
5. Enforcement: Violation of the provisions provided in this Article shall be subject to a fine of not less than \$750 for each violation thereof, plus the recapture of any legal or engineering fees expended by the Village to enforce this Article, and each day that a violation exists or continues to exist shall constitute a separate offense.

Prohibition of Illicit Connections.

1. The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited.
2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
3. A person is considered to be in violation of this Article if the person connects a line conveying sewage to the storm sewer system, or allows such a connection to continue.
4. Enforcement: Violation of the provisions provided in this Article shall be subject to a fine of not less than \$750 for each violation thereof, plus the recapture of any legal or engineering fees expended by the Village to enforce this Article, and each day that a violation exists or continues to exist shall constitute a separate offense.

10.06.07 Industrial or Construction Activity Discharges

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Village of Winnebago.

10.06.08 Monitoring of DischargesApplicability

This section applies to all facilities with a NPDES permit to discharge storm water associated with industrial activity, including, but not limited to, construction activity.

Access to Facilities

1. The Village of Winnebago representatives shall be permitted to enter and inspect facilities subject to regulation under this Article as often as may be necessary to determine compliance with this Article. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Village of Winnebago.
2. Facility operators shall allow the Village of Winnebago representatives ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
3. The Village of Winnebago representatives shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Village of Winnebago, to conduct monitoring and/or sampling of the facility's storm water discharge.
4. The Village of Winnebago representatives have the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
5. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Village of Winnebago representative(s) and shall not be replaced. The costs of clearing such access shall be borne by the operator.
6. Unreasonable delays in allowing the Village of Winnebago representative access to a permitted facility is a violation of a stormwater discharge permit and of this Article. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the Village of Winnebago representative(s) reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Article.
7. If the Village of Winnebago representative has been refused access to any part of the premises from which stormwater is discharged, or there is a need to inspect and/or sample, as part of a routine inspection and sampling program designed to verify compliance with this Article or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Village of Winnebago may seek issuance of a search warrant from any court of competent jurisdiction.

10.06.09 Best Management Practices

The Village of Winnebago hereby adopts the Best Management Practices (BMP) as detailed in the Illinois Urban Manual (latest edition) for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the United States. The owner or operator of a commercial or industrial establishment shall provide, at the owner or operator's own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

10.06.10 Watercourse Protection

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

10.06.11 Notification of Spills

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting, or may result, in illegal discharges or pollutants discharging into stormwater, the storm drain system, or water of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Village of Winnebago in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Village of Winnebago within 3 business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least 3 years.

10.06.12 Notice of Violation

Whenever the Village of Winnebago finds that a person has violated a prohibition or failed to meet a requirement of this Article, the Village may order compliance by written notice of violation to the responsible person. The notice shall include the following minimum information:

1. Name and address of the alleged violator;
2. The address, when available, or description of the building, structure or land upon which the violation is occurring or has occurred;
3. Statement specifying the nature of the violation;
4. Description of the remedial actions necessary to restore compliance with this Article, and a time schedule for completion of said remedial actions;
5. Statement of the penalties that shall or may be assessed against the person to whom the notice of violation is directed;
6. Statement that the determination of violation may be appealed to the Village of Winnebago by filing a written notice of appeal within 30 days of service of notice of violation; and
7. Statement specifying that should the violator fail to restore compliance within the established time schedule, the work may be done by a designated governmental agency or contractor, and the expense thereof shall be charged to the violator.

Such notice may require without limitation:

1. The performance of monitoring, analyses, and reporting;
2. The elimination of illicit connections or discharges;
3. That violating discharges, practices, or operations shall cease and desist;
4. The abatement or remediation of stormwater pollution or contamination hazards, and the restoration of any affected property;
5. Payment of a fine per Section 10.06.19; and
6. The implementation of source control or treatment BMPs.

10.06.13 Appeal of Notice of Violation

Any person receiving a Notice of Violation may appeal the determination by written notice of appeal delivered to the Village of Winnebago. The notice of appeal must be received within thirty (30) days from the date of the Notice of Violation. Hearing on the appeal before the Winnebago Board of Trustees or its designee shall take place within thirty (30) days from the date of receipt of the notice of appeal, when practical. The decision of the Village of Winnebago Board of Trustees or its designee shall be final.

10.06.14 Enforcement Measures After Appeal

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within ninety (90) days of the decision of the

municipal authority upholding the decision of the Village of Winnebago, then representatives of the Village of Winnebago may, in accordance with constitutional limitations, enter upon the subject private property and may take any and all measures necessary to abate the violation and/or restore the property.

10.06.15 Cost of Abatement of the Violation

Within thirty (30) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within thirty (30) days. If the amount due is not paid within a timely manner as determined by the decision of the Village of Winnebago Board of Trustees or by the expiration of the time in which to file an appeal, the charges shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this Article shall become liable to the Village by reason of such violation.

10.06.16 Injunctive Relief

It shall be unlawful for any person to violate any provision, or fail to comply with any of the requirements of this Article. If a person has violated, or continues to violate, the provisions of this Article, the Village of Winnebago may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations, or compelling the person to perform abatement or remediation of the violation.

10.06.17 Violations Deemed A Public Nuisance

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Article is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

10.06.18 Penalty for Violation

Any violation of this Article is hereby declared to be a misdemeanor, subject to a fine of not less than \$750 for each violation thereof, and any person found in violation of this Article shall be subject to Article 4, Section 4.04, the Administrative and Enforcement Article of this Ordinance. Each day the violation continues shall be considered a separate offense. Any person may also be assessed all attorney's fees, court costs, and other expenses associated with enforcement of this Article, including, but not limited to, sampling and monitoring expenses.

10.06.19 Remedies Not Exclusive

The remedies listed in this Article are not exclusive of any other remedies available under any applicable federal, state, or local law, and it is within the discretion of the Village of Winnebago to seek cumulative remedies.

Article 11

Site Plan Review Requirements

- 11.01 Developments Subject to Site Plan Review**
- 11.02 Application Requirements**
- 11.03 Site Plan Review Procedure**
- 11.04 Administrative Procedures**

11.01 Developments Subject to Site Plan Review

1. A site plan shall be submitted in the form and manner as hereinafter provided whenever there is any proposed development, redevelopment, or improvements to a parcel of land.
2. No modification or alteration in the use of land, use of buildings, or building size and structural components shall be permitted nor shall any building permit be issued until a site plan as provided above is submitted and approved. The submission and approval requirements of this Article do not apply to one or two-family dwellings in residential zoning districts; however, building permits and other alternative plan submittal requirements of Article 14 shall apply.
3. A new site plan and approval thereof shall be required before any modification, alteration or expansion of a proposed use of land, use of building, or building size and structural components is made to a previously approved site plan.

11.02 Application Requirements

1. The subdivider or developer shall submit to the Village Building Official ten (10) copies of the engineering plan described herein. The Village Building Official shall refer the engineering plan to the Village staff for review.
2. The plan shall be drawn to scale and shall be of sufficient clarity to indicate the nature and extent of the work proposed and shall show in detail that it will conform to the provisions of all relevant laws, ordinances, rules, and regulations.
3. The plan shall be signed and sealed by an Illinois professional engineer or a licensed architect, unless:
 - a. The change in use of land shall require an expenditure of less than five thousand dollars (\$5,000.00); or
 - b. The size of the land to be affected by the change is less than four thousand (4,000) square feet; or
 - c. The building or addition does not require a licensed architect or professional engineer under the laws of the State of Illinois in which case, the owner may sign the plan, or the Village Building Official may waive the requirement to file the plan.
4. The plan shall contain the information and meet minimum specifications as follows, unless not applicable in the opinion of the Village Building Official:
 - a. Name and address of the developer;
 - b. Name and address of the property owner;

- c. Survey information including distances with angles or bearings and north points;
- d. Map showing location of site in relation to surrounding properties and streets, including, but not limited to, properties on the opposite sides of adjoining streets;
- e. The plan scale shall be one inch equals twenty (20) feet unless prior approval of a different plan scale is given by the Village Building Official;
- f. Zoning classification of the land and the zoning classifications of adjacent lands;
- g. Existing and proposed street curb cut radii and curb cut width;
- h. Location, dimensions, and area of existing buildings, complete with the type and location of utility connections;
- i. Proposed buildings with footprint dimensions, building area in square feet, and number of stories;
- j. Distance between buildings and all property lines and between buildings;
- k. Existing and proposed contours or spot grades;
- l. Building use including, if applicable, apartments, rooming units, and estimated number of employees;
- m. Area of land in square feet;
- n. Drainage design for roof areas, parking lot, and driveways, and sump pumps, showing area for or method of disposal of surface runoff waters (surface pitch shall be shown);
- o. Location of proposed or existing streets and curbs, sidewalks, easements, and rights-of-way;
- p. Location, size, and elevation of proposed or existing sanitary sewers, storm sewers, water mains, hydrants, gas lines, underground power and communication lines, catch basins, drywells, manholes, and any other appurtenances.
- q. Location and approximate diameter of existing trees, together with their common names, the total number of trees to be planted, common names, planting depths, backfill materials, trees to be removed, and trees to remain after development. Furthermore, all proposed landscaping shall be in accordance with other landscaping requirements of this ordinance.
- r. Location, height, and type of materials used for common fences, or fences designed to screen motor vehicle lights so as to prevent illumination of residential areas;
- s. Location and size of retaining walls and the type of materials to be used in construction;
- t. Delineation of parking lots, driveways and approaches, parking areas and spaces, outside storage, rubbish and garbage areas, loading areas, and pavement surfacing and screening thereof;
- u. Directions of vehicular traffic flow to, from, and within the area, together with traffic control signs, signals, and markings;
- v. Locations, height, and type of all outside lighting including street lighting and sign lighting;
- w. Locations, size, height and overall dimensions of existing or proposed outside signs;
- x. Location of floodway/floodplain, wetlands, stormwater management and erosion control in accordance with Article 10.

- y. Additional information to be placed on the site plan beyond the requirements listed above may be required by the Village Building Official.

11.03 Site Plan Review Procedure

After the plan is filed in conformance with this Ordinance, the Village Building Official shall transmit for review and written comment a copy of the plan, or relevant portions thereof, to the Public Works Director, Village Engineer, Fire Chief, Rock River Water Reclamation District and any other appropriate village staff with ten (10) working days following the filing of site plan. The Staff shall review the site plan for conformance with Village of Winnebago requirements and shall provide the Village Building Official with written comments thereon within ten (10) working days of receipt of the plan. The Village Building Official shall either approve or deny the plan within thirty (30) days after said site plan is filed. If said plan is denied, the Village Building Official shall specify in writing the reasons for said denial, which may be cured upon the filing of amended plans, or portions thereof.

Site plans shall be reviewed and approved by the Village Building Official after receiving approval from the Public Works Director, Village Engineer, Fire Chief, and other Village staff, and in accordance with the following:

1. Compliance of the site plan with the requirements of this ordinance.
2. The Village Building Official shall review and, if correct, approve the site plan for conformance with:
 - a. Building codes and other applicable ordinances relating to building construction;
 - b. Building setback and height requirements;
 - c. Lot area and lot coverage standards;
 - d. Required off-street parking space and dimensional standards;
 - e. Sign size and location requirements;
 - f. Landscaping, screening, and tree preservation requirements;
 - g. Additional characteristics of site design as deemed appropriate.
3. The Public Works Director and Village Engineer shall review and, if correct, approve the site plan for conformance with:
 - a. Public and private street right-of-way and width requirements;
 - b. Curb cut location and design standards;
 - c. Location of pavement and structural standards for parking areas and sidewalks;
 - d. Traffic and pedestrian circulation systems;
 - e. Any required traffic impact studies;
 - f. In conjunction with Fire Chief, any required fire flow studies;
 - g. Grading, drainage, erosion control, and floodplain requirements;
 - h. Storm sewer;
 - i. Sanitary sewer main lines and lateral connections, sanitary lift stations, water main lines, hydrants, and services.
4. The Village Building Official and Public Works Director shall review and, if correct, approve the site plan for:

- a. Accessibility of fire fighting vehicles and equipment;
- b. The provision of adequate fire hydrant locations;
- c. Conformance with building structural standards and improvements with respect to fire codes and requirements.

11.04 Administrative Procedures

The following procedures shall apply to assure compliance with the site plan:

1. No departure from the approved plan shall be permitted without the express written consent of the Village Building Official, who shall first receive the concurrence of the appropriate Village officials prior to rendering a decision. The land area of a site developed pursuant to an approved plan shall not thereafter be enlarged or reduced in size, and no substantial change shall thereafter be made to any of the structures or facilities approved on the original site plan without submission of a new plan. The procedures for review and approval or disapproval of a new or revised plan shall be the same as for the initial application.
2. The Village Building Official shall not issue an Occupancy Certificate in accordance with this ordinance, for a building until satisfied that the construction and development has substantially complied with the plan, these regulations and other applicable ordinances of the Village.

Article 12

Off-Street Parking and Loading Requirements

- 12.01 Purpose and Intent**
- 12.02 Scope**
- 12.03 General Provisions**
 - 12.03.01 Existing Parking and Loading Facilities**
 - 12.03.02 Permissive Parking and Loading Spaces**
 - 12.03.03 Damage or Destruction**
 - 12.03.04 Computation of Spaces**
- 12.04 Design and Locational Requirements**
 - 12.04.01 Construction Requirements**
 - 12.04.02 Vehicular Access and Circulation**
 - 12.04.03 Drainage**
 - 12.04.04 Location of Parking Facilities**
 - 12.04.05 Maintenance of Parking Facilities**
- 12.05 Non-residential Loading Spaces**
- 12.06 Joint Parking Facilities**
- 12.07 Off-Site Parking Facilities**
- 12.08 Use of Parking Facilities**
- 12.09 Permitted Accessory Parking**
- 12.10 Schedule of Required Parking**
- 12.11 Land Banked Parking Facilities**
- 12.12 Parking Space Design**
- 12.13 Access**
- 12.14 Required Setbacks**
- 12.15 Surfacing Improvements**
- 12.16 Landscape Requirements**
- 12.17 Lighting Requirements**

12.01 Purpose and Intent

The purpose of this Article is to provide regulations which prevent, alleviate, or minimize congestion on public streets, and promote the public safety and welfare through the establishment of minimum requirements for off-street parking and loading improvements in accordance with the use of property and its zoning designation. Also, to assure that said areas are compatible with the intent and purpose of the underlying zoning districts. Further this Article is intended to improve the appearance of said off-street parking, loading, and storage areas, and protect and preserve the appearance, character, and value of the surrounding properties and streets by providing for the installation and maintenance of landscaping, screening, and buffering.

12.02 Scope

Every development or change in use shall provide off-street parking and loading facilities in accordance with the provisions of this Article. The off-street parking and loading provisions of this Article apply as follows:

1. All buildings, structures, and land uses, as well as all modifications of buildings, structures and uses which increase the total floor area or the intensity of use, established and initiated on or after the effective date of these regulations shall be provided with accessory off-street parking and loading facilities as required herein. Any permit for the construction or enlargement of a building or structure, issued before the effective date of this ordinance shall comply with requirements in effect at the time of permit issuance.
2. If an existing building or structure is decreased in size because of a reduction in the number of dwelling units, floor area, seating capacity, employees, or other units of measurement, the number of parking and loading spaces in excess of what is required by this Article, may be decreased in accordance with the provisions of this ordinance.
5. Prior to the issuance of a building or grading permit for a parking area, driveway, access, storage area or loading area, a site plan shall be submitted in accordance with Article 11.

12.03 General Provisions

1. Every development or change in use shall provide off-street parking and loading facilities in accordance with the provisions of this Article.
2. Any application for a permit for a new or enlarged building or structure, or for an expanded or changed use, shall include a site plan drawn to scale and fully dimensioned. The site plan shall depict such new or enlarged building or structure, along with parking and loading facilities necessary to fulfill the requirements of these regulations.

12.03.01 Existing Parking and Loading Facilities

Accessory off-street parking and loading facilities located on the same lot or parcel as the building being served or the use being served, and which existed as of the effective date of this ordinance, may not be reduced in number unless the number of said spaces exceeds the requirements of this Article for equivalent new construction. If this is the case, said spaces shall not be reduced below the number required herein for such equivalent new construction.

12.03.02 Permissive Parking and Loading Spaces

Nothing in this Article shall prevent the establishment of off-street parking or loading facilities to serve any existing buildings or uses of land as long as such facilities fully comply with the provisions of this Article, except that off-street parking areas accessory to

existing multiple-family structures may not be located off the premises containing the main use, unless on adjacent land.

12.03.03 Damage or Destruction

Any legal, conforming building, structure, or use in existence on the effective date of this ordinance which is subsequently damaged or destroyed by fire, collapse, or other causes may be reconstructed, re-established, or repaired with or without off-street parking or loading facilities, except that parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. It shall not be necessary, however, to restore or maintain parking or loading facilities in excess of those required by this ordinance for equivalent new construction.

12.03.04 Computation of Spaces

When determination of the number of off-street parking and/or loading spaces required by this Article results in a requirement for a fractional space, any fraction of one-half or less may be disregarded, and any fraction in excess of one-half shall be counted as one parking space or loading space.

12.04 Design and Locational Requirements

12.04.01 Construction Requirements

Loading areas, parking lots, driveways, access ways, and any other areas on which motor vehicles are parked or stored, or which are used for motor vehicle circulation, or used for the storage or parking of any other vehicle and/or trailer, shall be constructed with either a portland cement concrete or hot mix asphalt.

12.04.02 Vehicular Access and Circulation

1. An off-street parking, loading, or storage facility shall be provided with an appropriate means of vehicular access to an improved street or alley which will least interfere with traffic and pedestrian movements. Such facilities shall be designed to avoid motor vehicles backing onto or into streets, alleys, or sidewalks. Existing curb cuts, curb cut radii, and driveways across public right-of-way shall only be used if they comply with the applicable standards for new curb cuts, curb cut radii, and driveways.
2. Such facilities shall be so designed, maintained, and regulated so that no parking (including parking or stopping of vehicles in loading spaces) or maneuvering incidental to parking shall be on any public street, walk, or alley. The location of any entrance or exit for any off-street parking area shall be as approved by the Public Works Director or his/her designee.
3. All parking lots shall be striped and marked to provide a visible indicator of the most effective way of parking and moving all vehicles.

4. Vehicular traffic to, from and within an off-street parking or loading area shall be controlled by appropriate traffic control signs, surface markings, and curb islands.

12.04.03 Drainage

Proper drainage and grading shall be provided for all parking lots to dispose of all runoff water. In no case shall drainage be allowed to drain across any public sidewalk within a public right-of-way. For any parking area in excess of five (5) spaces, or any loading area in excess of twenty-five hundred (2,500) square feet, all runoff water shall be discharged via an appropriate storm sewer or other approved drainage system. Storm sewer calculations shall accompany all systems designs in excess of the above noted minimum parking or loading area and shall be in accordance with Article 10, "Floodways, Floodplains, Storm Water Management and Erosion."

12.04.04 Location of Parking Facilities

Location of required off-street parking shall be provided on the same parcel of land occupied by the use or building to which it is appurtenant, except as provided for in paragraph "2" below. In the event that there are practical difficulties in satisfying the requirement for parking space, and/or if the public safety or convenience would be better served by another location, the Village Board may authorize an alternate location by ordinance through approval of a plat, plan, Special Use Permit, rezoning or other formal action. If parking is to be located elsewhere than on the lot which the principal use is located, then the "off-site" property occupied as parking shall be in the same possession (either by deed or by long-term lease which has a term equal to or exceeding the projected life or term of lease of the facility) as the owner of the principal use. Furthermore, the owner of property used for off-site parking shall be bound by covenants filed on record in the Office of the County Recorder, requiring the owners, heirs, or assigns to maintain the required number of off-street parking spaces for parking during the existence of such principal use utilizing the property.

1. Off-street parking spaces and facilities shall be located as specified herein. Where a distance is specified, such distance shall be measured from the nearest point of the parking area to the nearest entrance of the building which said parking area serves.
 - a. Single-family detached dwellings: On the same zoning lot or parcel as the building served.
 - b. Single-family attached dwellings: On the same lot or parcel as the building or buildings served. For purposes of complying with this requirement, a group of attached dwellings constructed and maintained under single ownership or management is considered to be on a single lot or parcel.
 - c. Apartment houses containing four or more dwelling units: On the same lot or parcel as the building served, or on a separate lot or parcel not more than three hundred (300) feet from the nearest entrance to the main building or buildings served, provided the lot or parcel used for parking is located in the same or a less restrictive zoning district.
 - d. Rooming houses, lodging houses, clubs, hospitals, and sanitariums, homes for the aged, dormitories, group dwellings, and similar uses as determined by the Village

Building Official: On the same lot or parcel as the main building or buildings served, or upon land contiguous to the lot or parcel which contains the building or buildings served.

2. For all other uses, parking shall be provided on the same lot or parcel of land as the building they are required to serve, or on a separate lot or parcel of land not more than three-hundred (300) feet from the nearest entrance to the principal building being served, provided the lot or parcel of land is located in a zoning district that allows the parking lot, either as a permitted or special use, and otherwise in compliance with this ordinance.

12.04.05 Maintenance of Parking Facilities

Any person operating or owning a parking lot shall keep it free of snow, ice, dirt, and debris. Such persons shall also keep all adjacent sidewalks free from dirt and ice, and shall keep the sidewalks in a safe condition for use by pedestrians. All signs, markers, or any other methods used to indicate direction of traffic movement and location of parking spaces shall be maintained in a neat and legible condition. Likewise, any lighting, walls, landscaping, including, but not limited to, trees and shrubbery, as well as surfacing and curbing of the parking lot, shall be maintained in good condition throughout its use for parking purposes.

12.05 Non-residential Loading Spaces

1. Location. All required off-street loading spaces for non-residential activity shall be located on the same zoning lot as the use served. No loading space for vehicles over two (2) tons capacity shall be closer than forty (40) feet to any property in a residential district unless completely enclosed by building walls, or a uniformly solid fence or wall, or any combination thereof, not less than six (6) feet in height. No permitted or required portion of a loading space shall be located within thirty-five (35) feet of the nearest point of intersection of any two (2) streets.
2. Yards. Off-street loading spaces in industrial, business, or office districts may be located in required rear or side yards, except no loading space may be located within forty (40) feet of adjacent residential districts unless meeting the requirements of the above Item 1. No off-street loading space in any zoning district may be located within a required front or side yard abutting a street.
3. Description. Unless otherwise specified, a required loading space shall be at least twelve (12) feet in width and at least forty-five (45) feet in length, exclusive of aisles and maneuvering space, and shall have a vertical clearance of at least fourteen (14) feet.
4. Construction and Surfacing. The construction design of all off-street loading spaces, and access thereto, shall be constructed in accordance with applicable Village standards. A concrete surface shall be required for each loading space which serves a dock, ramp, or elevator.
5. Circulation and Access. Off-street loading areas shall be so designed as to not require the use of any arterial or collector street for maneuvering space into or out of the loading

space. Adequate space to accommodate the turning radii of trucks and trailers, exclusive of any parking spaces and landscaping, shall be provided.

6. Use of Off-Street Loading Facilities. Space allocated to any off-street loading space shall not also be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
7. Central Loading. Off-street loading spaces for separate uses, different buildings, structures, or uses, or for mixed uses, may be provided collectively in any zoning district in which separate loading spaces for each constituent use would be required, provided that the total number of loading spaces so located together shall not be less than the sum of the separate requirements for each use.

12.06 Joint Parking Facilities

1. Off-street parking facilities for more than one building, structure, or use, may be combined and provided collectively in any zoning district in which separate parking facilities for each constituent use are permitted. When such combined parking is provided, the overall number of parking spaces may be reduced by ten (10) percent.
2. For joint parking facilities for separate uses having non-overlapping and non-conflicting parking demands, the required number of spaces for both uses may be reduced by up to thirty (30) percent. Such a reduction shall be approved only if the Village Building Official determines that the reduction will not result in increased congestion or violate the purpose and intent of this Article.

12.07 Off-Site Parking Facilities

When required off-street parking is provided on a lot or parcel other than that occupied by the principal use, it shall be under the same possession or control, either by deed or long-term lease, as the property occupied by the principal use. The owner of the principal use shall be bound by a covenant filed with the County Recorder of Deeds requiring the owner and the owner's heirs and assigns to maintain the required number of parking spaces during the existence of the principal use, except as permitted herein.

12.08 Use of Parking Facilities

1. All parking, storage, and display-for-sale of passenger vehicles, motorcycles, commercial vehicles, recreational vehicles, trailers, and intermodal containers in any district shall be on an improved paved surface as described in this Article.
2. Major vehicle repair, alteration, or maintenance is prohibited in parking facilities located in all zoning districts.
3. On property which is residentially used or zoned, parking areas shall be used in accordance with the provisions of this Article, and solely for the parking of motor vehicles owned by occupants of the dwellings to which such parking areas are accessory, or by guests of said occupants. Required parking areas accessory to residential structures shall not be used for the storage of commercial vehicles or the parking of motor vehicles belonging to employees, owners, tenants, visitors, or customers of business, office, or manufacturing establishments. The parking,

standing, or storage of semi-trailers, semi-tractors, farm machinery, tractors, and intermodal containers is prohibited in all residential zoning districts, except as provided for herein. No semi-trailer, trailer, or any other motor vehicle or intermodal container may be used as an accessory structure in any zoning district, except as provided for in this ordinance.

4. On property within business districts, semi-trailers and intermodal containers may be stored only in an approved loading area, and for no more than 1 month. Trailers used for temporary storage during a construction project may be stored only for the duration of the construction. Motor vehicle storage, display for sale, repair work, and service of any kind, except for emergency repairs, shall be prohibited within any required open off-street parking area.
5. On property within manufacturing districts, semi-trailers and intermodal containers shall not be stored for more than six (6) months within any twelve (12) month period. Trailers used for temporary storage during construction may be stored only for the duration of the construction. Motor vehicle storage, display for sale, repair work, and service of any kind, except for emergency repairs, shall be prohibited within any required open off-street parking area.
6. Motor vehicles having a gross vehicle weight of twelve thousand (12,000) pounds (6 tons) or less and/or having a license plate designation of "B" or "D" as defined in the Illinois Motor Vehicle Code may be parked on residentially used or zoned land provided they do not encroach into required front and/or side yards and are parked on a paved surface. Such motor vehicles include, but are not limited to, passenger automobiles, commercial vehicles, trucks, motorcycles, camping trailers, motor homes, van campers, and towed recreational equipment, and shall be on a paved surface.
7. Commercial vehicles, including contractor's equipment, having a gross vehicle weight greater than twelve thousand (12,000) pounds and/or having a license plate designation other than "B" or "D" as defined in the Illinois Motor Vehicle Code, but excluding passenger vehicles, shall not be parked on residentially used or zoned lots or parcels, except when making a delivery or providing a service.
8. Recreational vehicles, as defined in the Illinois Motor Vehicle Code and when used privately, having a gross vehicle weight greater than twelve thousand (12,000) pounds, may be parked on residentially used or zoned lots or parcels, provided they do not encroach into required front and/or side yards, are parked on a paved surface, and are parked no less than six (6) feet from the rear lot line. Such vehicles may not, however, be parked overnight in parking lots accessory to commercial or industrial uses. Such vehicles include, but are not limited to, motor homes, mini motor homes, travel campers, camping trailers, truck campers, van campers, and any towed recreational equipment such as trailers, boats, motorcycles, and snowmobiles.
9. All recreational vehicles shall have current license plates and be in operable condition. No more than two recreational vehicles may be parked or stored on a residentially used or zoned lot or parcel. No recreational vehicle shall be used for living, sleeping, or housekeeping purposes in any zoning district, except in a residential district for a period not to exceed more than seven consecutive days and no more than three times per calendar year.

10. Definitions of vehicles regulated by this Article shall be the same as those contained in the Illinois Motor Vehicle Code, unless otherwise stated herein.

12.09 Permitted Accessory Parking

Accessory parking facilities not on the same zoning lot as the principal use being served may be located in any zoning district except as follows:

1. Parking facilities accessory to an apartment use shall be located only in District 2-M, except as otherwise approved in accordance with this Article.
2. Parking facilities accessory to a business, institutional, or manufacturing use may be located only in Districts 3, 4, or 5 provided such parking facilities are approved in accordance with the procedures set forth in this Article and subject to the following conditions:
 - a. The parking lot shall be accessory to, and used in connection with, one or more nonresidential uses located within Districts 3, 4, or 5 or in an adjoining district.
 - b. The parking lot shall be used solely for the parking of passenger automobiles.
 - c. Commercial repair work or service of any kind shall not be conducted in the parking lot.
 - d. Signs of any kind, other than those designating entrances, exits, and conditions of use, shall not be maintained on said parking lot.
 - e. Each point of ingress/egress to a parking lot serving such a facility shall be at least twenty (20) feet from any adjacent property located in a residential district, except where ingress/egress is provided from a public alley or public-way separating the residential areas from the proposed parking lot.
 - f. All parking lots shall be screened from adjoining residential uses by means of landscaping.

12.10 Schedule of Required Parking

The minimum number of off-street parking spaces required for specific uses shall be as shown on Table 12.1. For uses not listed in said the table, the Village Building Official shall determine the required number of spaces based on those required for a similar or equivalent use.

Table 12.1: Minimum Parking Requirements by Use		
Use	Number of Parking Spaces	Required for Each
RESIDENTIAL		
Single family detached residence	2	Dwelling unit
Single family attached residence	2	Dwelling unit
Multi-family dwelling unit	2.5	Dwelling unit (0.5 spaces may be land banked)
Group homes	2	3 bedrooms
Hotel, motel	1.2	Sleeping room (plus required parking for accessory or affiliated uses)
Senior housing - independent living	1.5	Dwelling unit (0.5 spaces may be land banked)
Senior housing – assisted living	0.75	Bedroom
COMMERCIAL		
Offices: general and professional	4	1000 sq. ft. gross floor area
Offices: medical and dental	6	1000 sq. ft. gross floor area
Offices: veterinary	5	1000 sq. ft. gross floor area

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Table 12.1: Minimum Parking Requirements by Use		
Use	Number of Parking Spaces	Required for Each
Banks	5	1000 sq. ft. gross floor area plus 4 stacking spaces per drive thru lane
Retail: shopping centers	4	1000 sq. ft. gross floor area
Retail: furniture, carpet, appliance	4	1000 sq. ft. gross floor area
Retail: building supplies	4	1000 sq. ft. gross floor area
Retail: home improvement center	4	1000 sq. ft. gross floor area
Retail: garden center, nursery	4	1000 sq. ft. gross floor area
Automobile, truck, RV, motorcycle, and equipment sales	5 +4	1000 sq. ft. showroom area per work bay
Automobile service station, including car wash	1 +4 +5	Stacking space per fueling station per work bay per 1000 sq. ft. gross floor area of convenience store
Funeral home	1 +1	3 seats space for each funeral home vehicle
Daycare center (child)	1	6 children based on license or permit (pick-up/drop-off spaces may be included)
Daycare center (adult)	1	5 adults (pick-up/drop-off spaces may be included)
Theater	1	3 seats
Restaurant: sit down	1	3 seats
Restaurant: fast food	1 +	100 SF 6 stacking spaces per drive thru lane
Bars, taverns	1	3 seats
Amusement center, recreational center, roller skating or ice skating	5 or	1000 SF 1 per 3 seats—whichever is greater
Bowling alley	5 +	Lane plus parking required for accessory or affiliated uses
Health club or fitness center	1	100 sq. ft. of gross floor area
Beauty shop or barber shop	3	Chair or station
Contractor shops (e.g. decorators, plumbers, electricians, exterminators, etc.)	3	1000 sq. ft. gross floor area
Retail or service establishments not listed above	5	1000 sq. ft. gross floor area
INDUSTRIAL, INCLUDING STORAGE, WHOLESALE, AND MANUFACTURING		
Wholesale, office, warehouse	4 +1.5	1000 sq. ft. office area plus 1000 sq. ft. warehouse area (0.5 per 1000 sq. ft. may be land banked.)
Open storage of materials	*	*To be determined by the Village Building Official at the time of project review
Warehouse, transfer, storage, distribution	1.5	1000 sq. ft. (0.5 per 1000 sq. ft. may be land banked.)
Warehouse, including commercial sales to public	1.5 +4	1000 sq. ft. warehouse 1000 sq. ft. showroom/sales area (0.5 per 1000 sq. ft. may be land banked.)
Self-storage	3 +1	Entire use 50 storage units
Manufacturing	2 or 1 +4 +1 +1	1000 sq. ft. of active manufacturing, or per employee, whichever is greater, 1000 sq. ft. of office area 1000 sq. ft. of warehouse area 500 sq. ft. of speculative area (Land banked spaces may be approved by the Village Building Official at the time of project review)
INSTITUTIONAL and OTHER		
Hospital	*	*To be determined based on special use process
Auditorium, stadium, theater, church, and other places of assembly	1	3 seats
Elementary school and junior high school	1	3 seats, or per every 72 inches of width in main place of assembly
Senior high school	1	3 seats, or per every 72 inches of width in main place of assembly
Nursing home	1	3 beds
Museum	4	1000 sq. ft. (2 may be land banked)

Table 12.1: Minimum Parking Requirements by Use		
Use	Number of Parking Spaces	Required for Each
Civic clubs, fraternal lodges	1	3 seats
Outdoor recreation facility	*	*Determined by the Village Building Official at time of project review
Kennel	*	*Determined by the Village Building Official at time of project review
Subdivision swimming pool, clubhouse	*	*Determined by the Village Building Official at time of project review
Drive thru not elsewhere specified	5	Service lane
Uses not specifically listed	*	*As determined by the Village Building Official through Planned Unit Development or project review process, based on requirements for similar uses.

12.11 Land Banked Parking Facilities

1. Land Banking Authorized. Except as permitted elsewhere in this Article, the Village Building Official may authorize up to thirty (30) percent of the required off-street parking spaces in a multiple family, commercial, or industrial zoning district, or for a non-residential use in a residential district, to be left as open space which can be readily converted to parking facilities ("Land Bank"). Such authorization shall occur during the project review process and shall be depicted on a required Parking Land Bank Plan. During the Planned Residential Development approval process, the Planning and Zoning Commission may approve the land banking of up to thirty-five (35) percent of the parking spaces required for a Planned Residential Development. The parking facilities to be constructed and the Land Bank, if converted to parking spaces, must comply with the off-street parking facility requirements of this Article at the time the Parking Land Bank Plan is approved. In all cases, the establishment of land banked spaces must be acknowledged in required site engineering plans, and stormwater management systems must be designed and constructed to accommodate all land banked spaces.
2. Land Bank Plan Required. The owner of the property making a land bank request shall submit a required Parking Land Bank Plan for review and approval by the Village Building Official. The Parking Land Bank Plan shall show both full compliance with the parking regulations of this Article and the land bank area, and shall depict the reduced number of parking spaces and interim use of the land banked area.
3. Termination of the Land Bank. The Village shall have the right, but not the obligation, in its sole and absolute discretion, to require a property owner or successor, at any time to construct all or a portion of the land banked parking facilities, with the Village Building Official providing notice to the Owner that the land banked parking facilities must be constructed and completed within one-hundred-eighty (180) days from the date of said notice.

12.12 Parking Space Design

1. Except for parallel parking spaces and handicapped parking spaces, required off-street parking spaces shall be a minimum of twenty (20) feet in length by nine feet in width, exclusive of access drives, driving aisles, ramps, or similar obstructions. At least

eighteen (18) feet of the parking space length shall be paved, while the remaining two feet of length shall be either paved or provided in the form of a curb overhang. The curb overhang may be located within a required side or rear yard setback. If the overhang is provided over a sidewalk, then the sidewalk shall have an additional width of two (2) feet. Each off-street parking space parallel to a parking aisle or driveway shall be no less than nine (9) feet wide and twenty-two (22) feet in length.

2. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. Aisle widths between parking stall lines shall not be less than the following:
 - a. Twenty – two (22) feet for any aisle designed for two-way traffic;
 - b. Twelve (12) feet for a single driving aisle abutting a parallel parking space or for parking spaces on a thirty (30) degree or forty-five degree (45) angle to the aisle.
 - c. Eighteen (18) feet for parking spaces on a sixty (60) degree angle to the aisle;
 - d. Twenty-two (22) feet for perpendicular parking spaces on a ninety (90) degree angle.
3. The width of each parking module, i.e., the combined width of the driving aisle and the abutting parking area, shall not be less than the following:
 - a. Thirty (30) feet for parallel parking spaces;
 - b. Forty-seven (47) feet for parking spaces on a thirty-degree angle from the aisle;
 - c. Fifty-one (51) feet for parking spaces on a forty-five-degree angle from the aisle;
 - d. Sixty (60) feet for parking spaces on a sixty (60) degree angle from the aisle; and
 - e. Sixty-two (62) feet for parking spaces perpendicular to, or on a ninety (90) degree angle from, the aisle.
4. For any use which provides thirty (30) or more parking spaces, space and facilities shall be provided for bicycle parking. Such space and facilities shall be located to minimize conflict between bicycle circulation and both pedestrian and motor vehicle circulation.
5. The minimum number of accessible parking spaces required shall be the current standard in the current edition of the Illinois Accessibility Code or as set forth in Table 12.2, whichever is greater.
6. All off-street handicap parking spaces shall be at least sixteen (16) feet wide and twenty (20) feet deep, and shall include a minimum of a five (5) foot wide diagonally striped access aisle. Adjacent handicapped parking spaces shall not share a common access aisle. All access aisles shall blend to a common level with an accessible route. All handicapped parking stalls shall have a vertically installed sign installed in the front center of the parking space. All identification signage shall comply with the Illinois Vehicle Code and Illinois Accessibility Code.

Table 12.2: Required Accessible Parking Spaces

Total spaces required/provided	Required number of accessible spaces
1 to 20	1
21 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6

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201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
Over 1000	20 plus 1 for each 100 spaces over 1000

7. For multiple family developments, off-street parking spaces shall conform to the size required for full-sized vehicles. However, not more than twenty-five percent (25%) of the spaces for vehicles may be reduced in size for compact vehicles, provided that, in as much as possible, such smaller spaces are located in a single contiguous area that is clearly marked as being for small or compact vehicles only. These compact parking spaces shall be no less than seven feet, six inches (7'6") wide (for all space angles) and an equivalent perpendicular depth of seventeen (17) feet.
8. Permit applications for the construction of motor vehicle parking spaces or the expansion of existing parking areas shall be submitted to the Village Building Official for approval.
9. Stacking for queuing spaces accessory to drive-in or drive-thru facilities shall have a width of ten (10) feet and a length of twenty (20) feet, and shall form a single line. Such spaces shall be located so as not to interfere with parking or pedestrian movement and vehicular circulation on the zoning lot or on adjacent public streets. Such stacking shall not obstruct ingress or egress to the site, shall not obstruct access to required parking spaces or loading spaces, and shall not unduly interfere with pedestrian movement. Such spaces shall not occupy the same spaces as parking or aisles thereto.

12.13 Access

1. Parking facilities shall be designed with appropriate vehicular access from a lot or parcel to a street or alley. Except as provided for in this ordinance, no driveway or curb cut in any district shall exceed twenty-five (25) feet in width as measured at the property line unless approved by the Director of Public Works, Village Engineer or their designated representative.
2. Parking lot driveway aisles on opposite sides of an arterial or collector street shall be either aligned or offset by no less than one hundred fifty (150) feet between the centerlines of each opposing driveway. Parking aisles throughout the parking lot shall align as closely as practical in order to create four-way intersections. Shared driveways and access easements between adjoining lots are encouraged to reduce the number of parking lot driveways along public streets.
3. To the extent possible, driveways located along an arterial road right-of-way shall not be located less than three hundred sixty (360) feet from an intersecting right-of-way; driveways located along a collector road right-of-way shall not be located less than one hundred fifty (150) feet from an intersecting right-of-way; driveways located along a local street or cul-de-sac right-of-way shall not be located less than forty (40) feet from an intersecting right-of-way, as measured to the centerline.
4. All driveways installed, altered, changed, replaced, or extended after the effective date of this Ordinance shall meet the following requirements, except as provided for elsewhere herein:

- a. No driveway for vehicular ingress and egress shall exceed twenty-five (25) feet in width at the right-of-way and thirty-three (33) feet in width at the roadway in residential districts.
 - b. The aforesaid measurements may be adjusted by the Director of Public Works, Village Engineer or their designated representative, when additional width is necessary to establish a turning radius large enough to accommodate large vehicles.
5. All parking facility driveways which lead to or from a public right-of-way shall provide a transition space of not less than thirty (30) feet in length from the public right-of-way to the nearest parking space, an intersecting driveway, or parking aisle along said driveway, to ensure traffic safety and circulation efficiency.

12.14 Required Setbacks

1. No parking space or portion thereof, on a lot or parcel without a building, shall be closer to a right-of-way line or access easement than the lesser of (a) the distance from the street to the established building line for properties in the same block, or (b) the front yard setback line required in the underlying zoning district. Further, any wall or fence around a parking area shall be subject to the same street setback requirements as a building or structure. Where the dedication of additional right-of-way is necessary, required parking setbacks may be calculated from the original right-of-way line; however in no case may parking be located within twenty (20) feet of the new right-of-way line.
2. No parking space or portion thereof, and/or paving for parking areas and driving aisles, on the same zoning lot as a building, on land zoned or used for residential activity, is permitted within a required front yard or side yard abutting a street. However, parking in a driveway is permitted in the front yard and side yard setbacks for any single family detached dwelling unit or any single family attached dwelling unit within a residential district, with a maximum driveway width equal to the width of the garage or twenty-five (25) feet, whichever is greater.
3. No parking space or portion thereof, parking lot, and/or paving for parking areas and driving aisles, on land zoned or used for multi-family or non-residential activity, is permitted within a required front yard, within twenty (20) feet of a side lot line, within the required side yard abutting a public street for a corner lot, or within five (5) feet of a rear lot line, except as provided for herein or when parking facilities are shared among abutting lots or parcels. Parking areas in business and manufacturing districts shall be screened from all residential and estate districts and uses, and from institutional uses.
4. Paving for a sidewalk or driveway may occur within a required front yard or side yard abutting a street.
5. Notwithstanding other requirements of this ordinance, and except for parking associated with single-family and two-family residential districts, all parking areas and driveways may be located in a required front yard, side yard, or rear yard, provided that a minimum five (5) foot setback be maintained between the parking area and the property lines, and a minimum ten (10) feet setback shall be maintained between the parking area and the street right-of-way line. The interior boundary of such parking area setback shall be defined with six (6) inch concrete curbing or other curbing

material approved by the Village Engineer. However, in no instance shall a parking lot be located in a required buffer area.

6. No loading space or vehicle storage areas shall be closer than fifty (50) feet to any property in a residential district, unless said space is completely enclosed by a building or separated from the adjacent property by a building, or an extension of the building wall. No loading space or vehicle storage area shall be located within any area where parking is prohibited by this ordinance.
7. Within the residential zoning districts, no motor vehicle, recreational vehicle, camper, trailer, or similar vehicle shall be permitted to be parked anywhere on the lot unless said vehicle is parked upon a driveway. Said driveway and its use shall conform to all of the following standards:
 - a. The driveway shall not be wider than forty (40) percent of the width of the lot on which the driveway is located, or thirty-six (36) feet, whichever is less;
 - b. The driveway shall not cover more than forty (40) percent of the required front yard setback area;
 - c. The driveway shall be constructed in accordance with Village of Winnebago standards;
 - d. The driveway shall access an adjacent street with an appropriate curb cut as determined by the Village Engineer or his/her designee;
 - e. In all instances, no vehicle or trailer shall park so as to have any portion of said vehicle or trailer located within required front and/or side yards; and
 - f. In all instances, no vehicle shall park so as to reduce the open width of any driveway giving access to a building containing more than two (2) dwelling units, or in a structure that requires a rooming house license which restricts traffic flow to less than fourteen (14) feet.
8. Within the residential zoning districts, no motor vehicle, recreational vehicle, camper, trailer, or similar vehicle may be stored anywhere on the lot unless stored inside an enclosed building or on an approved surface constructed of materials in compliance with Village of Winnebago standards. Further access shall be provided to this storage area via an approved driveway constructed of an approved surface constructed of materials in compliance with Village of Winnebago standards. No such vehicle shall be stored in a front yard. For the purposes of this Article, "stored" shall mean "parked" without being moved for a period of thirty (30) days or more. This Article shall apply regardless of whether the vehicle is licensed, unlicensed, operable, or inoperable.

12.15 Surfacing Improvements

1. All open off-street parking areas and driveways, except those accessory to single family detached dwellings, shall be improved with a minimum of six (6) inches of compacted gravel base surfaced with concrete or hot mix asphalt.
2. Whenever any parking area has ten (10) or more parking spaces, curb improvements shall be provided for said parking area and any driveways providing access.
3. All open off-street parking areas and driveways for single family detached dwellings shall be improved with a concrete or hot mix asphalt surface.
4. The surface of off-street parking and loading areas shall be striped to define each parking space, fire lanes, and/or no parking areas.

5. Connections between parking areas and lots serving different principal uses or parcels shall be provided where possible to allow vehicles to travel among adjacent commercial or office uses. Cross-access easement declarations or other recordable documents shall be utilized.

12.16 Landscape Requirements

It is the purpose and intent of these regulations to provide adequate protection for contiguous property against undesirable effects caused by the creation and operation of parking and loading areas, and to protect and preserve the appearance and character of the surrounding neighborhoods through the screening effects and aesthetic qualities of such landscaping, and to provide shade for parking and to visually and physically break up major expanses of asphalt into a more human scale. As such, all parking and loading areas for any uses other than single family homes (attached or detached) or duplexes, constructed after the date of this ordinance, shall be properly screened and landscaped as hereinafter described.

1. Definitions: For purposes of this ordinance, landscaping shall mean living green plants in combination of trees and either shrubs or ground cover, all of which are defined as follows:
 - a. Deciduous trees having, at the time of planting, not less than a two and one-half (2-1/2) inch caliper measured on the trunk six (6) inches above the ground;
 - b. Ornamental trees having, at the time of planting, not less than one and one-half (1-1/2) inch caliper measured on the trunk six (6) inches above the ground;
 - c. Evergreen trees having, at the time of planting, a height of not less than four (4) feet;
 - d. Shrubs having, at the time of planting, a height of not less than two (2) feet;
 - e. Ground cover which includes grass, ivy, juniper, wood mulch, decorative or aggregate rock, or other approved pervious surfaces.
 - f. Notwithstanding the above definitions, none of the following types of trees shall be planted: Aspen, Black Locust, Box Elder, Catalpa, Elms (all varieties), Cottonwood, Poplar, Soft (silver) Maple, Tree of Heaven (Ailanthus), and Willow.
2. Drainage: All off-street parking facilities shall comply with applicable Village ordinances pertaining to storm water management.
3. Parking Facility Design Review: The design of all parking lots shall proceed through the project review process to verify compliance with applicable design and appearance review guidelines.
4. All parking lots, loading, storage, and maneuvering areas for any uses, other than single-family homes (attached or detached) or duplexes, shall comply with these regulations. These landscaping regulations shall apply to single-family or two-family homes located in other than a residential zoning district, if the property is also occupied by another principal use otherwise required to comply with these regulations.
 - a. Landscape Plan Required: The engineered site plan and/or Planned Residential Development plan for any parking lot required to include landscaping as provided herein, shall also include a landscape plan. The landscape plan is subject to the

approval of the Village Building Official. The landscape plan shall include the following:

- i. The plan shall be based upon engineered site plan and shall be prepared at the same scale as the site plan.
 - ii. The plan shall show the location and dimensions of all existing vegetation, existing and proposed structures, parking lots, drives, loading storage and maneuvering areas, roadways and right-of-way, sidewalks, bike paths, signs, refuse disposal areas, easements, locations of underground utilities (existing and proposed), locations of easements, and all other information otherwise required on the engineered site plan.
 - iii. The location and square footage of all landscaped areas, the type of ground cover, the location, quantity, size, root ball condition (B/B or potted), and type, both scientific and common name, of all proposed plant materials, ground covers, trees, shrubs and other plantings.
 - iv. Location of all existing landscaping materials proposed to be conserved, and details of protection for those materials during the construction process.
 - v. Locations and details of all grade changes, such as berms, including, but not limited to, proposed contours at one foot intervals, and percent of slope;
 - vi. Locations and details of irrigation system controls, connections, lines, sprinkler or soaker heads, etc., designed in such a way so as to avoid conflicts with other utilities, and to avoid future maintenance problems either with the landscaping, the irrigation system itself, or other site improvements.
- b. Waiver: The Village Building Official may waive the requirement for a landscape plan in instances where the engineered site plan is not required, or in instances where the parking lot contains thirty (30) or fewer parking stalls. This does not waive the requirement to install landscaping in accordance with this Article.
- c. Landscaping Requirements Adjacent to Streets. Where any parking lot lies adjacent to any public street, the entire frontage along said parking or loading area, excluding curb cuts or other access ways shall be landscaped and screened as follows:
- i. One (1) tree and four (4) shrubs shall be planted for every thirty (30) feet of frontage to be located within a strip of land paralleling the adjacent street and having a width of not less than ten (10) feet. Trees do not have to be placed thirty (30) feet on-center. Strategic grouping of trees and shrubs is encouraged.
 - ii. The landscaped strip of land paralleling the adjacent street shall be located on private property. The Village may permit this landscaped area to occur within the public right-of-way if it can be satisfactorily demonstrated that no reasonable alternative exists for its location on private property. This landscaped strip shall not be substantially impeded by utility easements or other encroachments which would negatively affect the intent of this Article. If existing easements would negatively affect the intent of this Article, said landscaped strip shall be located between the parking area and the right-of-way in such a manner as to fulfill the intent of this Article, which shall be subject to the approval of the Village Building Official.
 - iii. A maximum of fifty (50) percent of the required number of trees may consist of a mix of ornamental and evergreen trees.

- iv. No landscaping, hedge, wall, fence, or berm that exceeds twenty-four (24) inches in height shall be located within ten (10) feet of any driveway opening, nor otherwise located so as to interfere with the visibility of vehicles or pedestrians.
- 5. Landscaping Requirements for Side and Rear Yards: When any vehicle parking lot, storage, or loading area is adjacent to a side or rear yard, and landscaping is not otherwise required, the side or rear yard setback area shall be landscaped as follows:
 - a. A minimum of one (1) tree and four (4) shrubs shall be planted for every thirty (30) lineal feet of yard located parallel to and adjacent to the property line. Trees do not have to be placed thirty (30) feet on-center. Trees shall include an equal mix of deciduous, decorative, and evergreen varieties. Strategic grouping of trees and shrubs is encouraged.
 - b. A berm with a minimum height of three feet may be included as part of the landscaping requirement, in lieu of the shrubs, provided the berm is designed with side slopes not exceeding 3:1, and will not create any drainage or maintenance problems. Said berm shall be finished in an appropriate live ground cover.
 - c. Alternative Option: A continuous hedgerow with a minimum height of 3 feet at the time of planting, consisting of evergreen species with dense vegetation, so as to effectively provide a continuous screen of the area.
 - d. Exception: This requirement shall not apply when the side yard setback is waived.
- 6. Landscaping Requirements for Interior Areas. Any parking lot having sixty (60) or more parking spaces shall be further landscaped as follows:
 - a. A minimum of twenty (20) square feet of interior landscaped areas shall be provided for each parking space. The landscaping shall be in one or more areas so as to break up the apparent expanse of the parking area, and so far as practicable, in such a way so as no aisle contains more than twenty (20) parking stalls without including a landscaped island. In order to qualify as an interior landscaped area, said area shall be located wholly within or projecting inward from the boundaries of the parking area. The setback area landscaping shall not qualify as an interior landscaped area, regardless of its width or depth.
 - b. Individual interior landscaped areas shall have a minimum area of fifty (50) square feet and a minimum width of nine (9) feet. One (1) tree shall be planted for every four hundred (400) square feet of the aggregate total of all interior landscaped areas. Trees shall be evenly spaced whenever possible. Each landscape island or individual landscape area must contain a minimum of 1 shade tree or ornamental tree, incorporated with turf grass, perennial ground cover, annuals, dwarf shrubs, and/or compact evergreens.
 - c. All beds designated as annual beds shall be replanted on a yearly basis or subsidized with turf grass or perennial ground covers. Alternative landscape designs which meet the intent of this Article or emphasize the installation of native plant species may be approved by the Village Building Official.
 - d. A maximum of fifty (50) percent of the required number of trees may consist of a mix of ornamental and evergreen trees.
- 7. Additional Requirements for Large Parking Lots: When any parking lot contains three hundred (300) or more parking stalls, or exceeds the minimum parking required by the

UDO by thirty percent (30%) or more, the following additional landscaping requirements shall apply:

- a. The minimum size standards for all trees shall be increased as follows:
 - i. Deciduous trees shall be not less than three and a half inches (3-1/2") caliper;
 - ii. Decorative trees shall be not less than two and a half inches (2-1/2") caliper;
 - iii. Evergreen trees shall be not less than six (6) feet in height.
 - b. In addition to the interior landscaping required in paragraph 3, above, there shall be one landscaped strip, located between parking rows and parallel to the primary driving aisles, and running the length of the parking row, for each four (4) rows of parking or fraction thereof. For the purposes of this paragraph, one parking row shall include one driving aisle with parking stalls on one or both sides. These landscaped strips shall meet the following criteria:
 - i. The landscaped strip shall have a minimum width of ten feet (10');
 - ii. The strips shall be located along the longest rows of parking, and if possible in such a way so as to frame the primary entrance(s) to the building;
 - iii. The strips shall be landscaped with a ground cover, and shall include one deciduous tree with a minimum caliper of three and a half inches (3-1/2") for each thirty (30) feet in length, or portion thereof;
 - iv. The landscaped strips may include sidewalks or walkways, subject to the approval of the Village Building Official, and provided that the intent of these areas to provide additional landscaping is not circumvented;
 - v. No part of the landscaped strips shall be included as part of the required interior or perimeter parking lot landscaping.
8. Landscaping requirements for loading and storage areas, and all other vehicular use areas: In order to minimize the effect of large expanses of asphalt, all loading, storage, and vehicle maneuvering or other use areas not otherwise required to provide interior landscaping shall comply with the following:
- a. One tree shall be provided for each two thousand five hundred (2,500) square feet of such area;
 - b. Fifty (50) square feet of landscaped area shall be provided for each two thousand five hundred (2,500) square feet of such area;
 - c. The landscaped area and trees are in addition to the other landscaping required on the site, and shall not be expected to be located within the vehicle maneuvering areas, but rather, shall be located along the periphery of such areas or elsewhere on the site.
9. Maintenance of Landscaping and Screening: All landscaping and screening shall be installed and permanently maintained as follows:
- a. All new landscaped areas shall be installed within six (6) months after the occupancy or use of the building or premises. Dead plant materials shall be replaced in a timely fashion with living plant material, taking into consideration the season of the year, and shall have at least the same quantity and quality of landscaping as initially approved.
 - b. Condition of plant materials. All plant materials serving a parking lot shall be maintained in a healthy condition and shall be pruned to maintain visibility where required.

- c. Landscaped areas within and immediately adjacent to an off-street parking or loading area shall be protected from the encroachment of motor vehicles by placing, along the entire perimeter of the landscaped area, a six (6)-inch concrete curb or other curbing material.
 - d. The Village Building Official his or her designee and/or the Village Code Enforcement Officer shall notify the owner of a parking lot when there is a failure to maintain plant materials. Plant materials shall be restored and maintained, or a new landscape plan submitted and approved, within 30 days. Additional time to comply with this article may be approved by the Village Building Official, his or her designee and/or the Village Code Enforcement Officer based on seasonal or inclement weather conditions.
10. Exception for residential uses: No landscaping shall be required for any single-family or two-family residence located within a residential zoning district, regardless of the number of parking spaces, storage areas, or loading areas. Said exception shall not apply if the dwelling is not the principal use of the property.
11. Exception for industrial and commercial uses: These landscaping requirements shall not apply to existing parking lots for industrial or commercial properties which were legal at the time the parking areas were constructed, nor shall the new requirements set forth in this ordinance apply to any Planned Residential Development which has an approved Preliminary Plan prior to the effective date of this ordinance. However, the new requirements shall apply to any expansion or redevelopment of any parking lots for said uses, and/or any formal amendments to an approved Preliminary Plan to the degree that compliance is possible. In the case where compliance with specific terms is not possible, the equivalent quantity of landscaping may be required to be placed elsewhere on the property. The Village Building Official shall have the ultimate determination of the degree of compliance that is possible.

12.17 Lighting Requirements

All open off-street parking areas, other than parking for single family attached or detached family homes, shall be lighted. Such lighting shall conform to the following standards:

- 1. Lighting fixtures shall be arranged to reflect light downward and away from residential properties with the light source not visible. All lighting fixtures shall be of the same type throughout all phases of the subdivision, unless otherwise approved by the Village.
- 2. All electrical cable shall be placed underground and shall be installed as per adopted building codes.
- 3. All lighting system designs shall be reviewed for consistency with the Village's approved project review regulations and standards and be approved by the Village Building Official.

Article 13

Signs

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13.01 Purpose and Intent

It is the purpose of this Article to regulate and control the location, size, erection, number, and maintenance of signs and matters relating thereto within the Village of Winnebago in order to promote public safety, health, and general welfare of the community. These regulations are specifically designed to protect the public's health, safety and welfare, and add and maintain property value by:

1. Providing for uniform regulation and orderly development of signs;

2. Prohibiting hazardous and dangerous signs;
3. Authorizing the use of street graphics (signs) which are compatible with their surroundings appropriate to the activity to which they pertain, expressive of the identity of the proprietors; legible in the circumstances in which they are seen and expressive of the image the Village desires to project;
4. Encouraging sound sign display practices and mitigating the objectionable effects of competition in respect to the size and placement of signs;
5. Preserving the value of private property by assuring compatibility of signs with nearby land uses;
6. Promoting the convenience, enjoyment, and free flow of traffic within the Village by protecting the public's ability to identify uses and premises without confusion. The provisions of this Article shall govern the erection, alteration, and maintenance of all signs and outdoor display structures, together with their appurtenant and auxiliary devices, with respect to location, size, content, construction, structure, and safety.
7. To provide safe passage for pedestrian and vehicular traffic by regulating location, illumination, design components, construction, installation, and maintenance.
8. To avoid sign clutter, and minimize competition among neighboring signage by regulating the number, size, location, and illumination.
9. To preserve the character and unique appearance of the community by regulating new signage, removing obsolete signage, and restricting certain types of signage.
10. To provide for legible signage by regulating the size and quantity of sign graphics while taking into consideration the circumstances under which it is viewed, and the limits of human vision and comprehension.
11. To promote signage that is compatible with adjoining land uses, as well as the general character of the area and/or zoning district in which the signage is located.

13.02 Administration

13.02.01 Calculation of Area

The following regulations shall govern the determination of sign area:

1. The surface area of a sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight (8) straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material, framing, or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.
2. With respect to two-sided, multi-sided, or three-dimensional signs, the sign surface area shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point. Without otherwise limiting the generality of the foregoing:
 - a. The sign surface area of a double-faced, back-to-back sign shall be calculated by using the area of only one side of such sign, so long as the distance between the backs of such signs does not exceed three feet.

- b. The sign surface area of a double-faced sign constructed in the form of a "V" shall be calculated by using the area of only one side of such sign (the larger side if there is a size difference), so long as the angle of the "V" does not exceed thirty (30) degrees and at no point does the distance between the backs of such sides exceed five feet.

13.02.02 Standards and Criteria for Review

The following factors and characteristics which relate to the safety and appearance of signage, shall govern the evaluation of design submittal:

1. Projects which include a number of signs and graphics shall have an overall plan.
2. Signs and graphics shall have harmonious relationship with nearby signs, buildings, and the neighborhood, and shall be designed so as not adversely to affect adjacent structures. In this respect the sign shall be related to its building, structure, and neighborhood in terms of size, shape, material, location, lighting, and landscaping if applicable.
3. In its deliberations the Village Board shall consider, among other things, the sign area allowances provided herein as the maximum allowance, and if in its determination the size of the proposed sign(s) is out of proportion or scale to the building or to other buildings or signs in the surrounding area, then the Village Board may reduce the allowable sign area at its discretion.
4. External lighting shall be arranged so that the light source is screened from view.
5. The additional provisions of this Article, as specified herein, shall be part of the criteria of the design review process.

13.02.03 Maintenance

1. All signs shall be designed, and constructed adequately and safely to support their weight, and to withstand wind and other stresses to which they may be subjected.
2. All signs in which electrical wiring and connections are to be used shall have affixed thereon a plate showing the voltage of the electrical apparatus used in connection therewith.
3. No sign shall be erected, relocated, maintained, or otherwise permitted to obstruct or prevent free ingress or egress from any window, door, fire escape, or stairway of any building or structure. No sign shall be attached to a fire escape.
4. Signs, together with all supports, braces, guys, and anchors, shall be kept in safe condition and, when not galvanized or constructed of approved corrosion resistive, noncombustible materials, shall be painted when necessary to prevent corrosion or to correct peeling.
5. When any sign becomes insecure, in danger of falling, or otherwise unsafe, or if any sign shall become unlawfully installed, erected, or maintained in violation of any of the ordinances of the Village, the owner thereof, or the person or firm maintaining the same, shall, upon written notice of the Village Building Official and/or Code Enforcement Officer, forthwith in the case of immediate danger, and in any case, within not more than thirty (30) days, make such sign conform to the requirements, of the Village or shall remove it. If within thirty (30) days the order is not complied with, the

Village Building Official and/or Code Enforcement Officer may remove such sign at the expense of the owner or lessee thereof.

6. All signs shall be maintained by the owner and occupant of the property upon which they are located. If, in the opinion of the Village Building Official and/or Code Enforcement Officer, a sign has deteriorated to a point where repair of the sign would exceed the current value of the sign, then the sign must be removed by the property owner within thirty (30) days of written notice given by the Village Building Official and/or Code Enforcement Officer.

13.02.04 Inspection

1. Any person installing, altering, or relocating a sign for which a permit has been issued shall notify the Village Building Official upon completion of the work. The Village Building Official may require a final inspection, including, but not limited to, an electrical inspection, and inspection of footings on freestanding signs.
2. The Village Building Official and/or Code Enforcement Officer shall inspect or cause to be inspected all signs and shall require the removal of any sign found to have been established in violation of this Article. The Village Building Official and/or Code Enforcement Officer shall require the removal or repair of any sign that is:
 - a. Not securely affixed to a substantial structure or anchored to the ground.
 - b. Not in good repair.
 - c. Related to a business or product which is no longer in operation or available.
 - d. Unclean, or faded to such an extent as to be unsightly.
 - e. Creating a dangerous or unsafe condition for traffic or pedestrians.

13.02.05 Illumination

1. Internal and external illumination of signs shall concentrate the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property. in accordance therewith, the following rules shall apply:
 - a. Only white light is permitted.
 - b. Beacon lights and illumination by flame are prohibited.
 - c. The light which is cast upon any illuminated sign shall be shaded, shielded, or directed so as to avoid the creation or continuation of any nuisance or traffic hazard.
 - d. No exposed reflective type bulb or incandescent lamp which exceeds fifteen (15) watts shall be used with any sign in such a manner as to expose the face of the bulb, light, or lamp to any public street or to adjacent property.
 - e. No sign shall be either directly or indirectly illuminated in such a manner as to adversely affect the use and enjoyment of nearby buildings containing dwelling units.

13.02.06 General Provisions

1. **Miscellaneous Advertising Objects Prohibited:** No person shall place on, or suspend from, any building or structure, any goods, wares, merchandise, or other advertising object or structure other than a sign as defined, regulated, and prescribed by this Article.
2. **Obstruction to Doors, Windows, or Fire Escapes:** No sign shall be erected, relocated, or maintained so as to prevent free ingress to, or egress from, any door, window, or fire escape. No sign shall be attached to a stand pipe or fire escape.
3. **Signs Not to Constitute Traffic Hazard:** No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
4. **Advertising Unlawful Businesses and Article:** It shall be unlawful to advertise any unlawful business or article in the Village.
5. **Distributing Samples:** It shall be unlawful for any person to distribute, throw or place upon or along any street, alley or other public place in the Village, or upon the porches or yards of private residences therein or within any dwelling or building in the Village, any samples of merchandise or medicinal preparations for the purpose or with the intent of advertising or making known in a general or promiscuous manner any business, occupation, proposition, medical treatment, medicine or any other article whatsoever. This provision shall not prohibit or affect the delivering of samples of legal merchandise or medicinal preparations via postage prepaid U.S. mail.
6. **Posting Bills:** It shall be unlawful to post any bills or advertisement on any public property without authority from the Village President and Village Board of Trustees. It shall be unlawful to post any bill or advertisement on any property without the written consent of the owner thereof.
7. In those districts where limitations are imposed by this ordinance on the projection of signs from the face of any building or structure, such limitations shall not apply to identification marquee or canopy signs indicating only the name of the building or the principal project or service available therein; provided, that any identification sign located on a marquee or canopy shall be affixed flat to the surface thereof or any suspended sign shall not be lower than ten (10) feet above the ground or surface over which the marquee or canopy is constructed. Further, no sign shall extend beyond the limits of such marquee or canopy.
8. Signs on awnings shall be exempt from the limitations imposed by this ordinance on the projections of signs from the face of the wall of any building or structure; provided, that any sign located on an awning shall be affixed flat to the surface thereof, and shall be non-illuminated and shall indicate only the name, address and/or the type of business of the establishment. Further, no such sign shall extend vertically or horizontally beyond the limits of such awning.
9. Within three hundred (300) feet of any freeway, expressway, or tollway designated as such by the county or the state, no freestanding advertising sign structure designed to be viewed from such road shall be permitted to be erected within one thousand (1000) feet of any other such sign structure on the same side of the road, unless separated by a building or other obstruction that prohibits the motorist's view in his direction of

travel. No advertising shall be permitted to be erected within three hundred (300) feet of any public park of more than five (5) acres in area if facing such park and visible therefrom.

10. No advertising sign shall be permitted to be erected or placed within two hundred (200) feet of any adjoining residential district boundary lines. Further, no flashing sign of any type shall be permitted to be erected or placed within one hundred and fifty (150) feet of any adjoining residential district boundary line.
11. No sign shall be painted, pasted, or similarly posted directly on the surface of any wall, nor shall any sign be permitted to be placed on any wall, fence, or standard facing the side of any adjoining lot located in any residential district.
12. All signs shall be erected within the property lines of the premises upon which they are located; except, that signs attached to building facades in commercial and industrial districts may project up to one foot of the inner curb line, and no projecting sign, marquee, or canopy extended over the public way shall be less than ten (10) feet above grade.
13. Signs and sign structures attached to the wall of any building shall not extend more than six (6) feet above the roof line.
14. Individual directional signs designating entrances, exits, and conditions of use of parking facilities accessory to the main use of the premises may be maintained provided they are located within the property lines of the zoning lot and do not exceed twenty-four (24) square feet.
15. The following shall not be subject to the provisions of this ordinance:
 - a. Signs of a duly constituted governmental body; including traffic and similar regulatory devices, legal notices or warnings at railroad crossings.
 - b. Political signs, provided they are no closer than one hundred (100) feet to a polling place on Election Day.
 - c. Memorial signs or tablets.
 - d. Temporary signs denoting architect, engineer, or contractor when placed on construction sites and not exceeding sixty-four (64) square feet in area.
 - e. Signs required to be maintained by law or governmental order, rule, or regulation, with a total surface area not exceeding ten (10) square feet on any zoning lot.
 - f. Small signs displayed for the direction or convenience of the public, including signs which identify rest rooms, freight entrances, or the like, with a total surface not exceeding five (5) square feet on any zoning lot.
 - g. Accessory structure for identification of entrance to a residential development, provided the copy area contains the name of such development only.

13.02.07 Permits

It is unlawful for any person to erect, repair, alter, or relocate any sign as defined in this Article without first obtaining a permit from the Village Building Official in accordance with the requirements of Article 14 of this ordinance.

13.02.08 Sign Permit Application Process

1. **PERMIT REQUIRED.** A permit shall be necessary to erect, construct, or display a sign. Application for a sign permit shall be submitted to the Village Building Official on forms provided by the Village by any person, firm, or corporation erecting or constructing any such sign. Such application shall be accompanied by a permit fee to be set from time to time by Ordinance of the Village Board of Trustees.
2. **APPLICATION FOR SIGN PERMIT.** An application for a sign permit shall at a minimum contain or have attached thereto the following information and material:
 - a. Name, address, and telephone number of the owner of the property
 - b. Name, address, and telephone number of the applicant (owner of the sign)
 - c. Name, address, and telephone number of the sign contractor, if any
 - d. Location of building, structure, or lot to which, or upon which, the sign is to be attached or erected
 - e. Two copies of a drawing and other materials showing:
 - i. The position of a proposed sign in relation to adjacent signs, buildings, and structures.
 - ii. The design and size, structural details, materials, and placement on the premises of a proposed sign or sign structure.
 - iii. Current color photographs showing existing signs on the premises and adjacent property, and the date on which said photographs were taken.
 - iv. Statement denoting the aggregate size of all signs existing on the premises at the time of making such application.
 - v. Such other information as the Village Building Official or the Zoning Board shall require to show full compliance with this Article.
 - vi. The information submitted by the applicant shall be in sufficient detail to illustrate clearly the design for which approval is being sought and its relationship to the structure it serves. One set of such items shall be retained by the Board and the other set shall be returned to the applicant.
3. **FEE.** The fee for a permit to construct a sign less than three hundred (300) square feet in total area shall be Fifty and no/100 dollars (\$50.00). The fee for the construction of a sign of three hundred (300) square feet or greater of total area shall be One hundred fifty and no/100 dollars (\$150.00). This fee is for the construction of new signs and not for the replacement of existing signs. In addition to the above fees, for any signs in which electrical wiring and connections are to be used, an electrical permit shall also be required with two (2) inspections, namely a rough-in inspection and a final inspection. The fee for the electrical permit associated with sign construction shall be \$40.00 per inspection.
4. **CONSIDERATION OF APPLICATIONS.** Whenever the Village Building Official shall receive an application for a sign permit, it shall be his/her duty to examine the plans, specifications, and other submitted data, and if it appears that the proposed sign is in compliance with the minimum technical rules, regulations, and guidelines found in this Article, and other laws and ordinances of the Village, he/she shall promptly issue a permit authorizing the construction and installation of the sign. If the sign application and the data submitted to the Village Building Official does not comply with the minimum technical rules, regulations, and guidelines found in this ordinance, and the

other laws and ordinances of the Village, the Village Building Official shall promptly refer the application and other submitted data to the Zoning Board for further findings and review.

13.02.09 Enforcement

Enforcement of the provisions of this Article shall be as provided in Article 4 of this ordinance, with the following additional provisions:

1. Illegal signs placed in the public right-of-way or any roadway easement are subject to confiscation by the roadway jurisdiction having authority, without prior notice.
2. Any existing sign which no longer advertises a currently conducted business or product sold shall be removed by the owner, agent, or person having the beneficial use of the building or structure upon which such sign may be found, within thirty (30) days after written notification by the Code Enforcement Officer. Upon failure to comply with such notice within the time specified in such order, in addition to any other remedies provided by this Article, the Code Enforcement Officer is authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the property, building, or structure to which the sign is attached.

13.03 Nonconforming Signs

The purpose of this section of the instant Article is to provide for the regulation of signs and sign structures that legally existed prior section of the instant to the effective date of this ordinance, but which fail to comply with one or more of the applicable regulations or standards. It is the intent of these regulations to specify those circumstances and conditions under which such nonconformities shall be permitted to continue.

1. Existing legal nonconforming signs may remain, subject to the provisions of this Article, if, following any inspection, they are ruled safe and in good repair.
2. Existing nonconforming signs shall not be enlarged, altered, moved, or structurally repaired, nor shall any such sign or any part thereof that is blown down, destroyed to greater than fifty percent (50%) of its current value, or removed, be re-erected, reconstructed, repaired, or relocated unless it is made to comply with all applicable ordinances of the village.
3. Under the following conditions, a non-conforming sign shall be removed or brought into conformance with these regulations.
 - a. The sign or billboard was not established or expanded in conformance with the regulations of this ordinance or previous ordinances adopted by the Village to regulate signs.
 - b. If any nonconforming sign is destroyed or damaged to the extent of fifty percent (50%) or more of the replacement cost of the sign and its structure, as determined by a certified real estate appraiser, the sign or billboard shall not be replaced.
 - c. A nonconforming sign shall be removed or made to conform to the all the requirements of this Article, if one of the following occurs:
 - i. The use of the property for which the sign was intended to advertise is discontinued for a period of ninety (90) consecutive days.

- ii. The products or services offered on the site for which the sign was intended are no longer offered for a period of ninety (90) consecutive days.
- iii. The nonconforming sign or billboard ceases to be used for the purpose for which it was intended for a period of ninety (90) consecutive days.
- d. Any sign that is prohibited under this Article shall be removed or made to conform to the current sign regulations within thirty (30) days of receipt of a notice of nonconformity. Provided, however that the owner may appeal the removal requirement, and may be heard in accordance with this ordinance if the applicant files the appeal within one-hundred and twenty (120) days of receipt of the notice.

13.04 Prohibited Signs

Any sign not specifically permitted by this Article is hereby prohibited, including but not necessarily limited to the following:

- 1. Any sign which extends over public property which is wholly or partially illuminated by floodlight or spotlight.
- 2. Any sign which displays any obscene, as defined in 720 ILCS 5/11-20(b), matter which is offensive to the average citizen in the community under contemporary community standards, or which displays any otherwise unlawful matter.
- 3. Any sign attached to a tree, public building, utility pole, street light, or street sign in the public right-of-way or on private property, except as specifically authorized by this Article.
- 4. No sign of any kind shall be erected or placed on Village of Winnebago property or within any public road right-of-way except by governmental authorities in the discharge of a governmental function. The Village, without notice, may remove and discard any sign placed on public road right-of-way that has not been so placed according to the aforesaid guidelines, or that constitutes a safety hazard. The owner of the sign shall not be entitled to return of the sign or to any sort of reimbursement associated with the sign.
- 5. It shall be unlawful for any person to erect or maintain an off-premises sign without first having obtained a conditional use permit in accordance with this ordinance.
- 6. Signs placed or affixed to vehicles and/or trailers which are parked so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business activity located on the same or other property. However, this is not in any way intended to prohibit signs placed on, or affixed to, vehicles and trailers, such as permanent lettering on motor vehicles where the sign is incidental to the primary use of the vehicle or trailer.
- 7. Roof signs.
- 8. Flashing signs including electronic Changeable Signs; however, not including digital time and temperature signs involving only that information and no further or additional information of an advertising nature.
- 9. Project identification or real estate signs promoting the sale of lots prior to the approval of a preliminary plat.
- 10. Multiple signs designed to circumvent the spirit and intent of this Article.

11. Attention getting devices, including by not limited to searchlights, propellers, pennants, streamers, ribbons, strings of light bulbs, spinners, balloons, and similar devices.
12. Sound devices attached to any sign, or any sign that emits any sound for any purpose.
13. Signs which imitate or otherwise resemble an official traffic sign or signal, or which bear the words "Stop", "Slow Down", "Caution", "Warning" or similar words and are displayed in the color or manner normally associated with traffic control signs. No sign may imitate, resemble, or obscure a traffic-control device nor hide from view or interfere with the movement of traffic.
14. Temporary or portable signs, except as allowed under the section referenced hereinabove.
15. Any and all billboard signs or posterboard signs.
16. Any sign not specifically authorized elsewhere herein.

13.05 Exempt Signs

The following signs are excluded from regulation under this Article and are not subject to the permitting requirements of this ordinance. Exemption from these sign regulations does not exempt property owners from duties and responsibilities established by private deed restrictions or covenants.

1. **Residential Signs** – Signs not exceeding one (1) square foot in area that are customarily associated with residential use, such as signs identifying names or numbers or signs on mailboxes, and are not of a commercial nature, except for permitted home occupations.
2. **Governmental Signs** – Signs erected by, or on behalf of, or pursuant to the authorization of a governmental body.
3. **Decorative/Architectural Features** – Holiday season decorations and signage; historic plaques, corner stones, and commemorative plaques; and integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks or moving parts. Seasonal and festive pennants provided that any commercial message does not exceed the lesser to two (2) square feet or ten percent (10%) of the pennant.
4. **Directional and Informational Signs** – Signs that are either ground, projecting or wall mounted which identify essential service areas of a premise including, but not limited to, signs identifying office, parking, shipping/receiving, restrooms, public telephone, ATM, or other similar feature. Such signs shall be incidental to the principal signage of the premises, shall bear no advertising language, and shall be no more than twelve (12) square feet in area.
5. **Vehicular Sign** – A vehicle sign, which is painted on or applied directly to a truck car, bus, or other motorized vehicle or portable equipment.
6. **Traffic Signs** – Traffic or other municipal or governmental signs, legal notices, danger and other temporary emergency or non-advertising signs as authorized or required by any Federal Law, State Statute, or Local Ordinance, or other public agency having jurisdiction.
7. **Warning Signs** – Land use regulation signs, including, but not limited to, no trespassing, no hunting, and similar signs of no more than two (2) square feet in area.

8. **Political Signs** – Wall or ground mounted political campaign signs which announce a candidate as seeking a public political office and/or which convey political issues. Signs shall not exceed sixteen (16) square feet in total display area and forty-eight (48) inches in height, as measured from the ground. Political signs shall not be located in public rights-of-way.
9. **Real Estate Signs** – Signs advertising the sale of real or personal property located on the property being sold, or where the sale of personal property will take place. Only one sign shall be placed on the property and it shall not exceed forty-eight (48) inches in height, as measured from the ground, or sixteen (16) square feet in total display area.
10. **Community Event Signs** – Temporary signs displayed up to thirty (30) days prior to the first day of the event must be taken down no later than seven (7) days after the last day of the event. Community event signs must not be attached to any existing sign structure and shall not exceed sixteen (16) square feet in area and forty-eight (48) inches in height.
11. **Residential and Garage/Yard Sale/Auction Signs** – Temporary signs announcing a garage sale, yard sale, auction, or any similarity thereto, that do not exceed six (6) square feet in area, and such signage must be installed on the premises where the sale is taking place. Signs shall be placed not more than twenty-four (24) hours prior to the sale and removed within twenty-four (24) hours after the completion of the sale.
12. **Tablets in Building Walls** – Signs or tablets denoting names of buildings, street address, names of officers and officials, date of construction, historical information, or other commemorative information shall be attached to or made a permanent and integral part of the structure.
13. **Menu Board Sign** – Sign or display which list services or products which are specifically available for drive-up customers shall not exceed twenty-eight (28) square feet in area and must be located behind the architectural front of the building, extended, and behind the minimum building setback line of a front yard, or any yard abutting a public street. A menu board sign may be internally illuminated and may utilize changeable copy. Menu boards which are visible from a public right-of-way shall be screened.
14. **Flags or Emblems** – Flags or emblems of political, civic, charitable, educational, or religious organizations.

13.06 Permitted Signs – All Zoning Districts

The following signs are permitted in all zoning districts, subject to obtaining a sign permit as required by Article 13.02.05.

1. **Church, School, or Public Building Identification/Information Sign:** One (1) sign shall be allowed on the same premises, provided that said sign does not exceed sixty four (64) square feet in area nor is greater than fifteen (15) feet in height.
2. **Contractor Signs:** Signs identifying mechanics, painters, architects, engineers, and similar artisans and workmen which are located on the site of construction shall be permitted provided that they do not exceed twelve (12) square feet in area and do not include any promotional information for the development, and that upon completion of the project, are removed within seven (7) days.

3. **Permanent Subdivision or Development Identification Signs:** For a subdivision for which a Preliminary Plat or Preliminary Development Plan has been approved by the Village Board of the Village of Winnebago, up to two (2) permanent subdivision or development signs not exceeding fifty (50) square feet in size each, inclusive of any logo, shall be allowed for any planned development, subdivision, multiple-family (apartment), or condominium development with ten (10) or more lots or dwelling units, or for any commercial or industrial subdivision, commercial/industrial planned development, or office/research/light industrial parks with five (5) or more lots. Where the subdivision or development has access on two (2) or more streets, or has more than one (1) entrance on one (1) street, identification signs shall be allowed at each entrance.
4. **Temporary Project Construction Signs:**
 - a. A development under construction shall be permitted one (1) temporary promotional sign not exceeding one-hundred (100) square feet in area nor exceeding eight (8) feet in height. When a development has frontage on two (2) or more existing and adjacent streets, a project construction sign shall be permitted along each frontage.
 - b. A development under construction shall be permitted any number of directional signs not exceeding ten (10) square feet in area nor exceeding three and one-half (3-1/2) feet in height. Such signs may be placed offsite, provided they are not attached to any public utility pole, tree, fire hydrant, curb, sidewalk, or other surface located on, or extending into, public property or right-of-way. In addition, the following regulations apply:
 - i. A temporary sign permit is required in accordance with Article 13 of this ordinance.
 - ii. No sign for a development shall be located within two hundred feet (200') from any other sign for the same development.
 - c. All project construction signs shall be removed within five (5) years from the date of issuance of the sign permit, or when seventy-five percent (75%) of the lots or gross floor area have been sold or leased, whichever is first.
5. **Commercial Activity Signs:** Temporary signs and attention-getting devices that are otherwise prohibited by this Article may be permitted for purposes of promoting special commercial activities, grand openings, sales, special events, etc., subject to the following provisions:
 - a. A written request must be submitted to the Village Building Official or designee seven (7) days prior to the date of the event.
 - b. A temporary sign permit must be obtained in accordance with the requirements of Article 13 of this Ordinance.
 - c. Such signs shall be limited to a fourteen (14) day maximum exposure period. The Village Building Official may extend this time period when necessary.
 - d. A temporary sign permit may be issued by the Village Building Official no more than two (2) times during a calendar year. All advertising must be located on the subject premises.

13.07 Permitted Signs--Residential Districts

In the residential districts, signs shall be regulated as follows:

1. Location and Height Regulations:
 - a. All signs shall be placed not closer than ten (10) feet from any side or rear lot lines nor closer than eighteen (18) inches from any front property line.
 - b. All signs shall not exceed fifteen (15) feet in height or the height requirement otherwise specified for a certain sign, whichever is less.
 - c. All signs shall not exceed a height to width ratio of 3:1.
2. Residential uses.
 - a. SINGLE-FAMILY DWELLINGS. For each dwelling unit nameplates and identification signs indicating the name and address of the occupant not exceeding a total of one (1) square foot in area. On a corner zoning lot, nameplates for identification signs shall be permitted for each dwelling unit, on each street side.
 - b. MULTIPLE-FAMILY DWELLINGS. For each multiple-family dwelling, identification signs indicating only the name and address of the building and the name of the management not exceeding a total of thirty-two (32) square feet in area. Such signs may not be closer than eight (8) feet to any other zoning lot. On a corner zoning lot, identification signs may be permitted on each street side.
 - c. No sign shall project higher than one story or fifteen (15) feet above the grade level, whichever is lower.
3. Nonresidential uses.
 - a. CHURCH BULLETINS, CEMETERIES, EDUCATIONAL INSTITUTIONS, RECREATION AND SOCIAL FACILITIES AND OTHER SIMILAR USES. Identification signs not exceeding a total of sixty-four (64) square feet in area. Such signs may not be closer than eight (8) feet to any other zoning lot. On a corner zoning lot, identification signs shall be permitted on each street side.
 - b. AGRICULTURAL PRODUCTS. Signs advertising the sale of agricultural products grown or produced on the property not exceeding a total of sixteen (16) square feet in area.
 - c. PROJECTION AND HEIGHT. No sign when attached to the wall of a building or structure, shall project more than eighteen (18) inches from the wall to which it is attached. No sign shall project higher than one story or twenty (20) feet above the grade level, whichever is lower, nor exceed a height to width ratio of 3:1.
4. "For sale" or "For rent" signs. There shall be no more than one sign per zoning lot; except, that on a corner lot, one sign shall be permitted on each street side. No sign shall exceed sixteen (16) square feet in area and shall not be placed closer than eight (8) feet to any other zoning lot.
5. Advertising signs. Advertising signs shall be prohibited in the residential districts.

13.08 Permitted Signs--Business and Industrial Districts

In the business and industrial districts, signs shall be regulated as follows:

1. RESIDENTIAL USES. The regulations covering the use of signs for residential buildings in the Business District shall be the same as in the residential districts.

2. **NONRESIDENTIAL USES.** In the Business District, non-flashing business signs are permitted subject to the following conditions:
 - a. **AREA.** The gross surface area, in square feet, of all business signs on a zoning lot shall not exceed two (2) times the lineal feet of street frontage on such zoning lot or four (4) times the lineal feet of building frontage on such zoning lot, not to exceed a maximum gross area of 689 square feet. A principal building on a corner lot shall be deemed to have a frontage equal to the length of those sides of such buildings which abut a street.
 - b. **PROJECTION.** No sign when attached to the wall of a building or structure, shall project more than eighteen (18) inches from the face of the wall of such building or structure.
 - c. **HEIGHT.** No sign shall project higher than twenty-five (25) feet above the grade level, nor exceed a height to width ratio of 3:1.
3. **INTEGRATED SHOPPING CENTERS.** For integrated shopping centers in single ownerships or under unified control, one additional sign, other than those regulated in paragraph (1) (b) above shall be permitted, subject to the following:
 - a. **CONTENT.** Such signs shall advertise only the name and location of such center, and the name and type of business of each occupant of the center.
 - b. **AREA.** The gross surface area, in square feet, of all business signs on a zoning lot shall not exceed two (2) times the lineal feet of street frontage on such zoning lot or four (4) times the lineal feet of building frontage on such zoning lot not to exceed a maximum gross area of 680 square feet. A principal building on a corner lot shall be deemed to have a frontage equal to the length of those sides above the grade level.
 - c. **HEIGHT.** No sign shall project higher than twenty-five (25) feet above grade level.
4. In business districts that are within Two thousand seven hundred (2, 700) feet of any freeway, expressway, or tollway designated as such by the county or the State, business signs may project fifty (50) feet above the grade level. Additionally, in this district: The gross area in square feet of all business signs on a zoning lot shall not exceed six (6) times the lineal feet of building frontage on such zoning lot or three (3) times the lineal feet of street frontage of the zoning lot whichever is greater. Only one freestanding business sign shall be permitted for each street frontage of a zoning lot; provided, no such sign shall exceed three hundred (300) square feet in gross area.
5. The surface brightness of any illuminated sign, whether externally illuminated or internally illuminated, shall not exceed two hundred fifty (250) foot lamberts. Such sign, if displayed on or attached to a building (including a window sign) shall not be displayed on or above the second floor windowsill level of such building.
6. **ADVERTISING SIGNS.** Advertising signs shall be prohibited in the Business District.

13.08.01 Off-Premises Identification Signs

Off premises identification signs are allowed upon satisfaction of all of the following standards and conditions:

1. The off-premises identification sign is necessary to prevent or reduce traffic or safety hazards.

2. The off-premises identification sign shall have no more than two (2) sign faces and shall have a maximum gross surface area of no more than thirty-two (32) square feet per face.
3. The off-premises identification sign shall not be located within seventy (70) feet of any other identification sign regardless of the lot on which said other identification sign is located.
4. Off-premises identification signs indicating the location of subdivisions under construction must be removed when seventy-five percent (75%) of the subdivision has been completed. This condition may be extended upon request of the developer and approval of the Village Board of Trustees.

13.08.02 Temporary Signs

1. Temporary signs calling attention to special events are allowed fourteen (14) days prior to the event and must be removed within seven (7) days after the occurrence of the event.
2. All temporary signs shall be anchored and supported in a manner which reasonably prevents the possibility of the signs becoming hazards to the public health and safety as determined by the Zoning Board and Village Building Official.
3. The use of portable signs as temporary signs is allowed subject to the following restrictions: no portable sign shall be permitted with lights which flash, blink, or vary in intensity; no portable sign shall be permitted with red, yellow, or green lights. The portable sign shall be subject to all other provisions of this section.
4. A temporary sign may be an off-premises sign subject to off-premises sign regulations relating to size and distance.

13.08.03 Ground Signs

1. Each lot is permitted no more than one (1) ground sign located along the street frontage that serves as the primary access for the lot. Where there are two (2) or more street frontages, one (1) additional ground sign may be located along the street frontage that serves as the secondary access for the lot, if that street frontage is a continuous length in excess of two hundred (200) lineal feet.
2. No ground sign shall exceed fifty (50) square feet in area for a single user, or more than seventy five (75) square feet for two tenants or users, except as otherwise provided below.
3. Any combination of tenants, users, or businesses that share a common entrance, common restrooms, or a common cash register or payment facility shall count as a single user or tenant, regardless of relationships through franchises, business, or corporate names, or similar distinguishing factors. Examples include a snack bar inside a department store or a convenience store located within a gas station, both of which shall be considered a single user in all circumstances.
4. Ground signs serving buildings with three (3) or more tenants, commercial subdivisions with three (3) or more lots, where only one lot has street frontage, or similar situations, shall be allowed a ground sign of not greater than one hundred fifty (150) square feet, provided that:
 - a. No individual tenant, user or building occupant shall have a panel or portion of the sign exceeding fifty (50) square feet in area;
 - b. The sign shall be designed to provide adequate advertising opportunity to all lots;

- c. In the case of a single owner, the owner may assign smaller or greater percentage of allowable sign area to each tenant, subject to subparagraph a, above. In the case of multiple owners, the percentage of allowable sign area granted to the various owners and/or tenants shall be by written agreement, executed by the owners and recorded as a covenant running with the land. A copy of the executed and recorded agreement shall be provided with any sign permit application for such sign.
5. The bottom edge of the display portion of a ground sign shall either be erected at a height of less than four (4) feet, or greater than eight (8) feet above the ground elevation.
6. No ground sign shall exceed ten (10) feet in height measured from the ground elevation at the base of the sign, except in the following circumstances:
 - a. A ground sign serving multi-tenant situations per Paragraph 4, above, may be allowed up to thirty (30) feet in height, provided it does not exceed the height of the primary structure by five (5) feet, and the required front yard setback for the sign shall be increased by one (1) additional foot for each one (1) foot by which the height of such sign exceeds ten (10) feet.
 - b. In the following areas, ground signs for single users will be allowed up to one-hundred (100) square feet in area, or up to one-hundred-fifty square feet (150) to multiple users, and may be up to thirty-five (35) feet in height. The maximum height may be increased to a height of not more than sixty (60) feet, without being limited to the height of the primary structure on the property, after receiving a special use permit from the Village Board.
7. Other Regulations and Exceptions.
 - a. No portion of a ground sign shall be closer than eighteen (18) inches from any property line(s).
 - b. No ground sign shall be erected within eight (8) feet of any line conductors, service drops or power lines.
 - c. Ground signs shall be set back a distance of one (1) lineal foot from any property line if the topmost edge of the sign exceeds ten (10) feet in height from the ground; the said ground sign shall be setback an additional one (1) lineal foot from the property line for every additional one (1) foot the height of the topmost edge of the sign exceeds ten (10) feet.
 - d. Ground signs supported by a pole or poles or base shall have the support pole(s) or base screened from view from all visible directions. Support pole or poles shall be enclosed in skirting or a solid base, with a minimum width not less than half of the width of the proposed sign and with a maximum width not greater than ten (10) percent more than the width of the proposed sign. The skirting or base shall be constructed of materials consistent with the appearance of the principal structure(s) located on the same lot as the sign, or constructed of materials consistent with the intent of this provision.
 - e. The ground immediately adjacent to said skirting or base shall be landscaped sufficiently so as to screen from unobstructed view the lower half of the skirting or base, measured as fifty (50) percent of the height between the ground and the bottom edge of the display portion of the proposed sign. The landscaping shall include species of vegetation appropriate to and consistent with the climate and appearance of the Village of Winnebago.

- f. It shall be the sole responsibility of the property owner(s) to maintain the neat appearance and functionality of any ground signs, including the skirting, base, and/or landscaping associated with said ground sign.

13.08.04 Business Signs - Wall Signs

1. Wall signs shall be substantially flush with the building wall, shall not extend beyond the wall of the building more than twelve inches (12") and shall not project beyond any property line.
2. The size of the wall signs facing alleys or other public areas (but not streets or roads) shall be computed the same as a regular wall sign identifying the business or occupant located within the building.
3. The total allowable area of wall signs shall not exceed one (1) square foot per lineal foot of building frontage upon which the sign is affixed. The maximum area of any one wall sign shall not exceed three-hundred (300) square feet. Area allowed on one side of a building shall neither be transferred to another side of the building, or to any other building.
4. In buildings containing multiple tenants, the owner of such building may assign smaller or greater percentage of allowable sign area to each tenant; however, the total sign area shall not exceed the maximum allowable under paragraph 3 of this Article.
5. Wall signs shall not extend above the roof line.
6. Other Regulations and Exceptions.
 - a. Wall signs may be placed on the vertical face of a mansard roof, whether real or artificial.
 - b. Each business in the District 3 – General Business shall be limited to one wall sign facing a roadway. No wall sign shall exceed fifty (50) square feet in area.
 - c. Wall signs facing the property line of an adjacent property in a residential district shall not be permitted if the adjoining property line is closer than fifty (50) feet to the wall in question.

13.08.05 Under Canopy Signs

1. One (1) sign located under a canopy, fixed awning or marquee shall be permitted for each business in a building. There shall be a minimum clearance of eight (8) feet between the ground and any such sign.
2. The area of an under canopy sign shall not exceed one (1) square foot.

13.08.06 Changeable Copy Signs

1. Each lot, building or property, whichever is most restrictive, may have one manual changeable copy sign, which may be either a wall sign or part of a ground sign.
2. If the changeable copy sign is part of the ground sign, the changeable copy sign shall not exceed eighteen (18) square feet in area.
3. Changeable Copy Signs shall conform to the regulations for ground signs or wall signs, except as otherwise provided for in this subsection.

4. No advertising shall be placed upon a changeable copy sign other than the owner or references to the business conducted within the premises to which the sign is attached, community events and the time and/or temperature.

13.08.07 Gasoline Station or Drive-Through Canopy Signs

A gasoline station or drive-through facility with a permitted canopy may have no more than one (1) sign, attached on each of any two (2) sides of the vertical face of the canopy. The area of each sign shall not exceed ten (10) square feet. When attached to the vertical face of the canopy, each sign shall be a flat sign and shall not project above or below the vertical face of the canopy by more than one (1) foot and shall not infringe upon the vertical clearance requirements of this ordinance. If illuminated, such signs shall only be illuminated by non-intermittent light sources.

13.08.08 Window Signs

1. Window signs are allowed in addition to other permitted signs and are not included as part of the area calculation of wall signs.
2. The maximum area of shop window signs shall not exceed forty (40) percent of the area of the window in which it is placed or is visible.

13.09 Review of Existing Permanent Signs

All signs existing on the effective date of this Article, shall be exempt from compliance of the terms of this Article with the exception of the hereinabove article on Sign Safety and Maintenance.

13.10 Unlawful Display Deemed Nuisance

It shall be unlawful to display any sign in violation of the provisions of this Article. Any sign displayed in violation of this Article shall be deemed a public nuisance.

13.11 Enforcement, Penalties, and Revocation of Permit

13.12 Village Building Official Powers and Authorities

1. The Village Building Official/Code Enforcement Officer is hereby authorized and empowered to enforce this Article.
2. Before any use may be made of a sign authorized under the provisions of this ordinance, a final inspection of the premises must be obtained from the Village Building Official to assure compliance with the evidence upon which the sign permit was issued.
3. The Village Building Official/Code Enforcement Officer may make inspections and tests necessary to obtain compliance with the provisions Code Enforcement Officer of this ordinance and shall have right of entry upon any premises for inspection whenever the premises are open to the general public. If entry is refused, the

inspector, showing reasonable cause to believe the existence of a violation, may apply to the appropriate court for a warrant authorizing entry.

4. Any person who displays a sign shall comply with the provisions of this ordinance.
5. Removal of Signs by the Village Building Official/Code Enforcement Officer. The Village Building Official/Code Enforcement Officer shall cause to be removed any sign that endangers the public safety such as an abandoned, dangerous, or materially, electrically, or structurally, defective sign or a sign for which no permit has been issued other than those signs which are exempt. The Village Building Official shall prepare a notice which shall describe the sign and specifically the violation involved and which states that if the sign is not removed or the violation is not corrected within seven (7) days, the sign shall be removed in accordance with the provisions of this section.

All notices mailed by the Village Building Official/Code Enforcement Officer shall be sent by certified mail, return receipt requested. Any time periods provided in this Article shall be deemed to be commenced on the date of the receipt of the certified mail. If the certified mail is refused, the time period shall be deemed to be commenced on the date of refusal of the certified mail. If the addressee, or other appropriate person qualified to sign for the certified mail is not home at the time of delivery, the time period shall be deemed to be commenced five (5) calendar days after the third attempted delivery.

The notice shall be mailed to the owner of the property on which the sign is located as shown on the last tax assessment roll. If known, or if with reasonable care should be known, the notice shall be made to or delivered to the owner of the sign and the occupant of the property.

Any person having an interest in the sign or the property may appeal the determination of the Village Building Official/Code Enforcement Officer ordering removal or compliance by filing a written notice of appeal with the zoning board for the Village of Winnebago, within five (5) days after receipt of the notice.

In case of emergencies, the Village Building Official/Code Enforcement Officer may cause the immediate removal of the dangerous or defective sign without notice.

Any sign removed by the Village Building Official/Code Enforcement Officer shall become the property of the Village of Winnebago and may be disposed of in any manner deemed appropriate by the board of trustees for the Village of Winnebago. The cost of removal of the sign by the Village of Winnebago shall be considered a debt owed to the Village of Winnebago by the owner of the sign and the owner of the property and may be recovered by any appropriate court action by the Village of Winnebago or by assessment against the property. The cost of removal shall include any and all incidental expenses incurred by the Village of Winnebago in connection with such sign removal.

13.13 Violation of Regulations

1. The Village Building Official/Code Enforcement Officer shall give a registered and certified written notice of the violation to any person displaying a sign in violation of this ordinance. Such notice shall demand compliance with the requirements of this ordinance within 48 hours from the time of the receipt of such notice (weekends and holidays excluded) for temporary and window signs, and within ten (10) days for other signs.

2. Any person displaying a sign in violation of this ordinance after such 48 hours of the 10 day period, as the case may be, shall be subject to a penalty not exceeding Fifty and no/100 dollars (\$50.00) per offense. Each day of such violation shall constitute a separate offense with respect to the computation of fines.
3. Every sign including but not limited to those for which permits or for which no permits are required, shall be maintained in a safe, presentable, and good structural material condition at all times, including the replacement of defective parts, painting, repainting, cleaning, and all other acts required for the maintenance of said signs. Owners of the premises on which a sign is located and the actual owner(s) of the sign, shall as to all signs in existence as of the effective date of this ordinance shall also be required to maintain, repair, and keep their signs in good structural condition, and in the event that any sign face support structure is not maintained so as to prohibit the formation of rust on said base, the village, after 30 days notice of the violation of this section continuing to maintain said sign in a proper fashion, and in the event that said sign is not repaired within 30 days from receiving notice of the violation, said owner of said sign shall be deemed in violation of this section. Each day, after the 30 day notice to repair, that the sign remains unrepaired, the owner of said sign shall be liable to the village for a fine of One hundred and no/100 dollars (\$100.00) per day. In addition to the fine, as set forth herein, if the sign which is in violation of this section is not made to comply with the adequate safety standards, the Village of Winnebago, shall require its removal in accordance with this section.
4. If a sign shall be found to be unsafe or insecure, or constructed, erected, or maintained in violation of this ordinance, and if the owner of such sign fails to remove or alter the sign (following proper notice), such sign may be removed or altered by the Village at the expense of the owner of the sign.
5. In the event that any sign presents an immediate peril to persons or property, such sign may be removed by the Village summarily and without notice. Such removal without notice shall not preclude the Village from recouping the costs of such removal.
6. In addition to other remedies as specified in this ordinance the village may institute any appropriate action or proceeding to prevent, restrain, correct, or abate any violation of this ordinance, including such actions as may be necessary for the village to recoup costs incurred in pursuance of the removal or costs incurred in pursuance of the removal or alteration of signs as may be required by this ordinance.
7. All rights and privileges acquired under the provisions of this ordinance are mere licenses, revocable at any time by order of the village board of trustees.

13.14 Consequences for Failure to Complete Work

1. In the event that the person to whom the sign permit has been granted fails to comply or assure completion of the work required in accordance with the provisions of the permit, the Village Building Official shall notify such person in writing of any such failure. If such failure is not corrected within 10 days after notification the sign permit may be revoked by order of the Village Board of Trustees.

2. Any sign permit or certificate of appropriateness issued under this Article may be revoked by order of the Village Board of Trustees when it is shown by satisfactory proof that:
 - a. The permit was issued without or in excess of the authority of the Village Building Official;
 - b. The application for sign permit and certificate of appropriateness contained material misrepresentation of fact;
 - c. The sign(s) or structure was erected, constructed, reconstructed, altered, or used in a manner not in compliance with the submittal which served as the basis for the issuance of the permit or certificate or appropriateness.
3. In the event of revocation of a sign permit or certificate of appropriateness, the sign(s) or structure authorized by said permit or certificate shall be removed within 30 days of notice of the revocation at the expense of the applicant.
4. When by reason of non-availability of materials or any other valid circumstances, it becomes necessary to vary the provisions under which a certificate of appropriateness was granted, the applicant shall submit the necessary changes, along with a written report stating the circumstances necessitating such changes, to the zoning board for its approval.
5. If, after a certificate of appropriateness is granted, the sign covered by such certificate shall not be constructed, erected and/or installed within six months after the date thereof, then such certificate (and any sign permit issued in connection therewith) shall expire by the terms thereof, and no sign thereunder shall be constructed, erected and/or installed until a new certificate of appropriateness has been granted by the board.

13.15 Appeals

1. An appeal may be taken to the Board of Trustees from any order, requirements, decision, or determination made by the Village Building Official or the Zoning Board in the enforcement of this ordinance, which appeal shall act as a stay of all proceedings in furtherance of the action appealed from until a final decision by the Village Board of Trustees. Any order, requirements, decision, or determination made by the Village Building Official or the Zoning Board in the enforcement of this ordinance shall be overridden by the Village Board by a two thirds (2/3) vote.
2. All final decisions of the village board of trustees under this section shall be subject to judicial review pursuant to the provisions of the Administrative Review Act covered by 735 ILCS 5/3-101 et seq.

13.16 Liability for Damages

Neither the provisions of this ordinance nor the issuance of any sign permit, or certificate of appropriateness shall be construed as relieving any person erecting, owning, or maintaining any sign from liability arising by reason or personal injury or property damage resulting therefrom or work relating thereto, or as limiting the liability of any such person by reason of personal injury or property damage so resulting. The provisions of this ordinance shall not be construed as imposing upon the village or its officials or

employees any liability by reason of the approval of any sign under any of the provisions of this ordinance.

Article 14

Permits

14.01 Building Permit

14.02 Occupancy

14.02.01 Certificate of Occupancy

14.02.02 Temporary Certificate of Occupancy

14.03 Special Use Permit

14.04 Temporary Use Permits

14.05 Grading Permit

14.06 Sign Permits

14.07 Permit Fees

14.08 Permissible Uses Not Requiring Permits

14.09 Permit Denial and Appeal

14.01 Building Permit

1. **Purpose.** The purpose of the building permit regulations is to ensure that all structures and land use within the Village comply with the provisions of this ordinance and the applicable building code adopted by the Village, other applicable adopted fire, life, safety, building, and sanitary codes, and other adopted regulations of the Village, County, State, or Federal agencies.
2. **Applicability.** Any owner or authorized agent who intends to construct, enlarge alter, repair, move, demolish, or change the occupancy of a building or structure, including but not limited to principal buildings and all outbuildings, decks, swimming pools, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this ordinance, or to cause any such work to be done, shall first make application to the Village Building Official and obtain the required permit.
3. **Permit Not Required.** A building permit shall not be required for ordinary repairs, except when said repairs include any one or more of the following:
 - a. Cutting away of any wall, partition, or portion thereof;
 - b. Removal or cutting of any structural beam or bearing support;
 - c. Removal or change of any required means of egress;
 - d. Rearrangement of parts of a structure affecting the existing requirements;
 - e. Repairs including addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent, or similar piping, electrical wiring or mechanical repairs;
 - f. Roof and siding repairs exceeding twenty-five (25) percent of the gross surface;
 - g. Any work affecting public health or general safety;
4. **Application and Procedures.** A property owner or designated representative shall initiate Building Permit review by filing an application with the Village Building Official and submitting a site plan.
5. **Review Criteria.** The application shall indicate that:
 - a. The building will be constructed on a legally established parcel or lot;

- b. The applicant shall provide the site with access to adequate public facilities to serve the use in conformance with this ordinance;
 - c. All applicable local, State, and Federal permits have been issued or are in the process of being obtained;
 - d. All construction shall comply with the adopted building code, fire code, electrical code, mechanical code, and any other applicable codes and policies adopted by the Village and amended from time to time;
 - e. The applicant and subsequent property owners are responsible for maintaining landscaping and other site improvements in compliance with this ordinance;
 - f. The site shall be developed and used in a manner that is consistent with:
 - i. The land uses and intensities established in the Comprehensive Plan and Article 6 of this Ordinance;
 - ii. The provisions of the adopted building code;
 - iii. The provisions of this Article;
 - iv. The approved site plan for all development.
6. **Decision-maker.** The Village Building Official shall approve, conditionally approve, or deny approval of all applications for building permits after receipt of application. Permit denial shall be given in writing, with reasons for such denial.
7. **Amendments.** Amendments to the building plans may be filed at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application. If the amendment changes the building footprint or affects the site plan design, an amended site plan shall be required.
8. **Completion of Buildings.** Nothing contained in this Article shall require any change in the plans, construction, size, or designated use of a building, for which a valid permit has been issued or lawful approval given before the effective date of this ordinance. Construction under such permit or approval shall be started within ninety (90) days, and shall be completed within one (1) year of permit issuance.
9. **Condition of the Permit.** All work performed under a permit issued by the Village Building Official shall conform to the approved application and plans, and approved amendments thereof. It shall be unlawful to reduce or diminish the area of a lot, unless a revised site plan showing the proposed change in conditions has been approved, provided that this shall not apply when the lot is reduced by reason of a street opening or widening, or other public improvement.
10. **Signatures on Permit.** The applicant and the Village Building Official, or his designee, shall sign the permit.
11. **Posting of Permit.** A copy of the permit shall be kept on the premises open to public inspection during the work and until the completion of construction. The Village Building Official shall require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof.
12. **Revocation.** The Village Building Official may revoke a permit or approval issued under the provisions of this Article in case there have been any false statements or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.
13. **Validity.** The Building Permit shall be valid for the use for which the building permit was granted, as long as the use is in compliance with applicable ordinances, providing

that within one (1) year of issuance of the Building Permit a Certificate of Occupancy has been applied for and obtained by the applicant, unless the permit is granted an extension.

14. **Extension.** The Village Building Official may grant the applicant one (1) extension of the building permit for a duration not to exceed one (1) year. Upon the expiration of the permit extension, a new building permit shall be required for all remaining work.

14.02 Occupancy

14.02.01 Certificate of Occupancy

1. **Purpose.** The purpose of a Certificate of Occupancy is to ensure that all structures and uses of land comply with the permits issued for the development and with the provisions of this Article.
2. **Applicability.** Certificates of Occupancy shall be required for any of the following:
 - a. Occupancy and use of a building hereafter erected or structurally altered; or
 - b. Any change in the use of a nonconforming use.
3. **Content of Certificate of Occupancy.** The Certificate of Occupancy shall state that the building, or proposed use of a building or land, complies with all the building codes, health regulations, and ordinances, and the provisions of these regulations. A record of all certificates shall be kept on file in the Village Office and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building affected.
4. **Review Criteria.**
 - a. Comply with all adopted building codes, fire codes, electrical codes, mechanical codes, and any other applicable codes and policies adopted by the Village;
 - b. Conform with the approved plans and any conditions placed thereon by the Village Building Official;
 - c. Successfully pass all required inspections, including, but not limited to:
 - i. Building
 - ii. Site
 - iii. Landscaping
 - iv. Parking
 - v. Drainage and stormwater detention
5. **Decision-maker.** The Village Building Official shall approve, conditionally approve, or deny approval of all applications for Certificates of Occupancy.
6. **Issuance of a Certificate of Occupancy.** If approved, the Certificate of Occupancy shall be issued within three (3) days after a final inspection.

14.02.02 Temporary Certificate of Occupancy

If public improvements, landscaping, and parking lot surfacing improvements cannot be completed due to inclement weather, the Village Building Official may issue a Temporary Certificate of Occupancy (TCO) for a period not to exceed six (6) months, provided that the applicant guarantees the full cost of installation at prevailing wages of all outstanding improvements with a bond, letter of credit, or cash escrow. The applicant shall submit an

application for the TCO explaining the reasons for delay of completion of the work and the timetable for completion. The TCO shall not be construed, in any way, as altering the respective rights, duties, or obligations of the owners. Such TCO shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants. Construction guarantees shall be released when the Village has accepted public improvements and signed off on final inspection of other improvements.

14.03 Special Use Permit

In addition to those uses specifically classified and permitted in each district, there are certain additional uses which may be desirable to allow because of the service they provide to the public. However, because of their unusual and unique characteristics and impacts, these "special uses" require particular consideration as to their proper location in relation to adjacent established or intended uses or with respect to site layout, traffic circulation, etc. The special uses itemized in each zoning district require a special use permit. The ordinance adopted by the Village Board that authorizes a special use shall serve as the Special Use Permit. See also Articles 4 and 15 for additional information and provisions regarding Special Use Permits.

1. **Purpose.** The purpose of Special Use Permit is to allow the Village to exercise some discretion over the extent and design of certain activities that could have a detrimental effect on the community if permitted to exist in large numbers, in certain locations or without special conditions. Therefore, these regulations enable the Village to authorize a Special Use subject to conditions that mitigate the potential problems associated with the use or its location in relation to the neighboring properties. A Special Use is not a use by right.
2. **Applicability.** Special Uses are uses that have negative impacts upon allowed uses that can be mitigated for some sites. A Special Use, once approved, goes with the land for the approved use only. The designation of a use in a zoning district as a Special Use does not constitute an authorization or assurance that such use will be approved. Temporary uses for commercial, recreational or amusement land uses also shall be required to receive approval of a Special Use Permit.
3. **Application and Procedure.** A Special Use Permit may be requested by the owner(s), or authorized representative(s) of the owner(s), of the property proposed for the Special Use Permit provided an appropriate application for such is submitted in accordance with this Article. An application form for a Special Use Permit shall be filed with the Village Clerk or designee. The application form is available from the Village Office. In addition to submitting the completed application, the applicant shall be required to submit the following information:
 - a. Legal owners of the property(s) proposed for the Special Use Permit. If the property is held in an Illinois Land Trust, a Statement of Beneficiary Interest is also required.
 - b. Legal description of the property(s) proposed for the Special Use Permit.
 - c. Common street address of the property(s) proposed for the Special Use Permit.
 - d. Size of the property (in square feet or acres).
 - e. Current zoning of the property and its proposed special use.

- f. Narrative description of the various specific components of the Special Use and the reasons for requesting the Special Use Permit.
 - g. Estimated impact of the Special Use on the surrounding properties.
 - h. Vicinity map showing the property proposed for the Special Use Permit and its surrounding area.
 - i. The applicant for a Special Use Permit shall submit a site plan that includes, but is not necessarily limited to, the following information.
 - i. The approximate location, designated uses, and square footage of floor areas of existing and proposed buildings and structures.
 - ii. Where applicable, the approximate location of all existing and proposed curb cuts, driveways, off street parking spaces and loading areas, traffic circulation patterns, adjoining street pavement and right-of-way widths, sidewalks, landscaping, screening, open space areas, signage, lighting, sanitary sewer and water utilities, and other related site plan features.
 - iii. The property's existing and proposed grades, the direction of stormwater flow, and the appropriate location of existing and proposed drainage facilities.
 - iv. Two (2) cross section profiles through the site showing preliminary building form and other structural elevations.
 - j. At the time of submitting an application for a Special Use Permit, the Applicant may submit to the Village certified petitions of signatures of area residents supporting the proposed Special Use Permit. Such petitions are optional.
 - k. At the time of submitting an application for a Special Use Permit, the applicant shall also furnish to the Village a list of owners and their mailing addresses of all property within two-hundred fifty (250) feet of the property that is the subject of the proposed Special Use. This distance shall be measured in all directions from the boundaries of the subject property and shall not include distances devoted to adjoining or nearby public right-of-ways.
4. **Review Criteria.** The following criteria shall be used when determining approval of a Special Use Permit:
- a. The proposed use at the specified location is consistent with the goals, objectives, and policies of the Comprehensive Plan;
 - b. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations and complies with requirements of the Article;
 - c. The proposed Special Use is not materially detrimental to the public health, safety, comfort, and general welfare, and will not result in material damage or prejudice to other property in the vicinity;
 - d. The proposed use is compatible with, and preserves or enhances, the character and integrity of adjacent development, and includes improvements necessary to mitigate adverse development-related impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods;
 - e. The proposed use does not generate pedestrian and vehicular traffic that will be hazardous to the existing and anticipated traffic in the neighborhood;

- f. The proposed Special Use complies with all fire, health, building, plumbing, electrical, and stormwater drainage regulations of the Village, County, State and Federal agencies; and
 - g. Adequate utilities exist to service the proposed Special Use.
5. **Decision-Makers.**
- a. **Planning & Zoning Commission.** The Planning & Zoning Commission shall conduct a public hearing, review the Special Use Permit application, and make final decision for approval, denial, or conditional approval.
 - b. **Village Board.** The Village Board shall review the Special Use Permit application and any other proposed action related to the permit and the Commission's recommendation, and shall approve, conditionally approve, or deny the permit. The Village Board may impose conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the Special Use as deemed necessary to protect the public and to ensure compliance with the provisions of this Article.
6. **Revocation.** Any Special Use Permit granted under the authority of this Article is subject to revocation by the Village Board for any or all of the following reasons:
- a. Non-compliance with any special conditions imposed by the Article, or by the Village Board at the time of approval of the Special Use Permit.
 - b. Violation of any provisions of the Article pertaining to the use of the land, construction or uses of buildings or structures, or activities conducted on the premises by the permittee or agents of the permittee.
 - c. Violation of any other applicable Article provisions, or any state or federal law or regulation by the permittee or agents of the permittee, provided that such violations relate to the conduct or activity authorized by the Special Use Permit, or the qualifications of the permittee or its agents to engage in such conduct or activity.
7. **Validity.** The Special Use Permit shall be valid for the duration of the period specified in the ordinance approving the permit unless revoked by the Village Board, or the use is ceased or terminated for ninety (90) consecutive days. The duration of the permit may be extended if, after a public hearing, the Planning & Zoning Commission recommends and the Village Board grants the extension of up to 120 days. Special Use Permits granted prior to adoption of this ordinance shall remain in effect under the conditions established at the time the permits were issued. Amendments to those permits shall be processed as new permits in accordance with this Article.
8. **Transferability.** All Special Use Permits shall be approved for the specific tract or parcel of land, and may not be transferred to any other location. An approved Special Use Permit is transferable to any subsequent land owner.

14.04 Temporary Use Permits

The Village Building Official is authorized to issue a permit for the temporary uses described herein.

- 1. **Christmas Tree Sales.** Christmas tree sales for a period not to exceed sixty (60) days. Display of Christmas trees need not comply with the applicable yard setback requirements, provided that no display will encroach within the required yard setback for any district by more than fifty (50%) percent, and no display or equipment shall be

located within the twenty-five (25) foot sight distance triangle of a street intersection as defined in this Article. A deposit of one hundred (\$100) dollars shall be made to the Village Office at the time of issuing the temporary use permit for Christmas tree sales. If the site is promptly cleared and cleaned (within ten (10) days after the permit expires), then the Village Building Official shall notify the Village Treasurer to return the deposit in a timely manner, to the individual, corporation, or organization to which the permit was issued.

2. **Contractor and Real Estate Sales Offices.** Temporary buildings or trailers may be used as construction offices, real estate sales offices, field offices, or for storage of materials to be used in connection with the development of a tract of land, provided that said temporary structures are removed from said tract within thirty (30) days after completion of the project development. Temporary buildings or trailers must also be removed from said tract within thirty (30) days after voluntary suspension of work on the project or development, or after revocation of building permits, or on order by the Village Building Official upon a finding by him/her that said temporary structure is deemed hazardous to the public health and welfare. A bond in the amount of one thousand (\$1,000) dollars for their removal shall be posted with the Village.
3. **Amusement Activities.** The Village Building Official is authorized to issue a permit for the operation or conducting of an amusement activity on a temporary basis within any zoning district. For the purpose of this paragraph, "amusement activity" includes a circus, carnival, fair, art display, trade or animal show, concert, dance, rally, parade, athletic competition, and any similar activity not involving the erection of any permanent structure or facility. The permit shall be issued for a specific period of time not exceeding ten (10) days. The permit shall contain such conditions as are necessary for the protection of public health, safety, and welfare. The Village Building Official may require such assurance or guarantee of compliance with conditions as is reasonable and appropriate under the circumstances. This permit is in addition to any building permit, air pollution device, construction or operating permit, highway special use permit, or other permit or license required by law for any proposed activity or facility. No more than two temporary amusement activity permits shall be issued in any calendar year with regard to any particular property; provided, however, that this limitation with respect to the number of temporary amusement activity permits shall not apply to public property, nor to property not held for private or corporate profit, and used exclusively for religious worship, for schools and colleges, for purposes purely charitable, or for agricultural and horticultural societies.
4. **Temporary Outdoor Sales.** The Village Building Official is authorized to issue a permit for temporary outdoor sale activities. For purposes of this paragraph, "Outdoor Sales" include sidewalk sales, roadside sales, and tent sales. The Village Building Official may designate the hours and days of the week of operation. The permit shall be issued for a specific period of time and contain such conditions as are necessary for the protection of public health, safety, and welfare, including written indemnification of the Village from any liability pertaining to the same. The Village Building Official may require such assurance or guarantee of compliance with conditions as is reasonable and appropriate under the circumstances.

14.05 Grading Permit

1. **Purpose.** The purpose of the grading permit regulations is to ensure that all grading and excavation within the Village complies with the provisions of this ordinance, other applicable adopted fire, life, safety, building, and sanitary codes, and other adopted regulations of the Village, County, State, or Federal agencies.
2. **Applicability.** No person shall construct, alter, relocate, remove, or destroy any ditch, drain, or drainage structure upon any real property within the Village, whether subdivided or not, without obtaining a grading permit. No person shall alter the contours of any real property within the Village, whether subdivided or not, without obtaining a grading permit. No person shall initiate excavation for a building or other structure within the Village without first obtaining a grading permit or Building Permit.
3. **Permit Not Required.** A separate grading permit shall not be required when the grading and excavation is included in the improvements approved by a valid Building Permit.
4. **Application and Procedures.** A property owner or designated representative shall initiate grading permit review by filing an application with the Village Building Official and submitting a site plan in accordance with Article 11 of this ordinance.
5. **Review Criteria.** The application shall indicate that the grading improvements are in conformance with the requirements of Article 11 of this ordinance and all other building codes adopted by the Village.
6. **Decision-maker.** The Village Building Official shall approve, conditionally approve, or deny approval of all applications for grading permits within twenty (20) days after receipt of application. Permit denial shall be given in writing, with reasons for such denial.
7. **Amendments.** Amendments to the grading plans may be filed at any time before the completion of the work for which the permit was sought. Upon approval, an amended site plan shall be filed with and be deemed a part of the original application.
8. **Completion of Improvements.** Nothing contained in this Article shall require any change in the plans, construction, or size for which a valid grading permit has been issued or lawful approval given before the effective date of this ordinance. Construction under such permit or approval shall be started within ninety (90) days, and shall be completed within one (1) year of permit issuance.
9. **Condition of the Permit.** All work performed under a grading permit issued by the Village Building Official shall conform to the approved application and plans, and approved amendments thereof.
10. **Signatures on Permit.** The Applicant and the Village Building Official, or his designee, shall sign the permit.
11. **Posting of Permit.** A copy of the permit shall be kept on the premises open to public inspection during the work and until the completion of construction. The Village Building Official shall require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. The Village Building Official shall be given at least twenty-four (24) hours notice of commencement of work under a permit.
12. **Revocation.** The Village Building Official may revoke a permit or approval issued under the provisions of this Article in case there have been any false statements or

misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

13. **Validity.** The grading permit shall be valid for the use for which the permit was granted, as long as the use is in compliance with applicable ordinances, providing that within one (1) year of issuance of the grading permit the improvements are completed or an extension has been granted.
14. **Extension.** The building official may grant the Applicant one (1) extension of the building permit for a duration not to exceed six (6) months.

14.06 Sign Permits

It shall be unlawful for any person to erect, alter, or relocate within the Village, any sign as regulated in Article 13, "Signs", without first obtaining a sign permit from the Village Building Official.

1. **Purpose.** The Sign Permit ensures that all signs are safely constructed and comply with the provisions of this ordinance, applicable building codes, and any other applicable regulations.
2. **Applicability.** No person shall erect, place, or locate a sign, or alter a non-exempt sign within the Village until a Sign Permit has been obtained from the Village Building Official. A Sign Permit shall be required for all signs except as exempted by Article 13.
3. **Application and Procedures.** A property owner or designated representative shall initiate the Sign Permit review by filing an application with the Village Building Official in conformance with the requirements of this Article. The application shall contain the following minimum information:
 - a. Name, address, and telephone number of the Applicant.
 - b. Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
 - c. Position of the sign or advertising structure in relation to adjacent property and/or buildings or structures.
 - d. Two drawings to scale of the plans and specifications and method of construction, attachment to the building, or other structure or placement in the ground.
 - e. Structural components shall comply with the building requirements of Article 13.
 - f. Name of person or company intending to erect the sign.
 - g. Such other information as the Village Building Official shall require showing full compliance with this Article and any of the ordinances of the Village.
4. **Review Criteria.** All signs shall be designed and constructed in accordance with the requirements of Article 13, the Village's adopted building and electrical codes, and applicable standards of this Article. Signs regulated by 225 ILCS 440, Highway Advertising Control Act of 1971, shall comply with the standards of that statute and Applicant shall provide proof thereof.
5. **Decision-maker.** The Village Building Official shall approve, conditionally approve, or deny approval of all Sign Permits.
6. **Validity.** The sign shall be completed within six (6) months, or as otherwise indicated in the Sign Permit. If construction of the sign has not commenced within this time period, the permit shall be no longer valid and a new sign application shall be required.

The Sign Permit shall be valid as long as the use and sign are in compliance with applicable codes.

14.07 Permit Fees

The fees for all permits herein addressed shall be as established by the Village of Winnebago. A fee schedule is available for review at the Village of Winnebago Village Hall office.

14.08 Permissible Uses Not Requiring Permits

Notwithstanding any other provisions of this ordinance, no building permit or Special Use Permit is necessary for the following uses:

1. Streets;
2. Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wire or pipes, together with supporting poles or structures, located within a public right-of-way or an easement;
3. Neighborhood utility facilities located within a public right-of-way or an easement with the permission of the owner (state, county, township or village) of the right-of-way.

14.09 Permit Denial and Appeal

Application for any of the permits listed herein shall be denied if it does not comply with the applicable code or this ordinance, subject to the right of appeal to the Zoning Board of Appeals in accordance with the requirements of Article 15 of this ordinance. Additionally, if the Applicant is a defaulter of the Village, the permit shall be denied. For purposes of this Section, "defaulter" shall mean:

1. The Applicant or owner of the property has any outstanding financial obligation to the Village of Winnebago, including, but not limited to, past due water bills, past due special assessment payment, past due tax payments, past due license fees, past due loan payments, parking ticket violations, weed and nuisance abatement fine or liens, ordinance violation fines, or any other payment owed to the Village of Winnebago.

Article 15

Appeals and Variances

15.01 Zoning Board of Appeals

15.02 Appeals

15.02.01 Hearing Required

15.02.02 Decision

15.03 Powers and Duties

15.03.01 Public Hearing Required for Variances

15.03.02 Application Procedures

15.03.03 Hearing Procedures

15.04 Appeal of Final Actions

15.01 Zoning Board of Appeals

The Zoning Board of Appeals has been duly established by the Village Board of Winnebago, Illinois. Except as provided for in Article 4, "Administration and Enforcement," the Zoning Board of Appeals is authorized to take action on appeals and variances with regard to this ordinance and other applicable Illinois State Statutes. Rules and procedures governing the conduct of the Zoning Board of Appeals are contained in its adopted bylaws and as may be amended from time to time.

15.02 Appeals

An appeal may be taken to the Zoning Board of Appeals by any person aggrieved, or by an officer, department, board, or commission of the Village affected by a decision of the Village Code Enforcement Officer, if any, Village Building Official, or other Village staff member relative to this ordinance. Such appeal shall be taken within forty-five (45) days of the action complained of by filing with the Zoning Board of Appeals Chairman a notice of appeal, specifying the grounds thereof and by paying a fee to the Village of Winnebago of such amount as may be established from time to time by the Village Board. The Chairman shall transmit to the Zoning Board of Appeals all of the papers constituting the record upon which the appeal action was taken. An appeal shall stay all proceedings in furtherance of the action that has been appealed, unless the Chairman certifies to the Zoning Board of Appeals, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by a court of record on application, on notice to the Zoning Board of Appeals Chairman and on due cause shown. The Zoning Board of Appeals shall hear appeals under this ordinance and as to any such appeal shall follow the rules herein contained

15.02.01 Hearing Required

The Zoning Board of Appeals shall hear an appeal at one of its regularly scheduled meetings and give due notice thereof to the parties and shall render a decision of the appeal

without unreasonable delay. No hearing shall be held upon an appeal unless the parties thereto receive at least seventy-two (72) hours notice of such hearing. Any party to the proceeding may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

15.02.02 Decision

1. Once the Zoning Board of Appeals is satisfied that it has heard all relevant facts, it shall recommend to the Village Board approval or denial of the appeal.
2. Upon receipt of the Zoning Board of Appeals recommendation, the Village Board shall consider the appeal. The adoption of an ordinance that affirms the Zoning Board of Appeals recommendation for an appeal shall require a favorable vote of a simple majority of the Village Board members present. The adoption of an ordinance that reverses the Zoning Board of Appeals recommendation for an appeal shall require a two-thirds (2/3) favorable vote of the Village Corporate Authorities.

15.03 Powers and Duties

The Zoning Board of Appeals shall have the following powers:

1. Interpretation -- Upon appeal from any decision of the Village Building Official, Village Code Enforcement Official (if any), or another administrative officer, to decide any question involving the interpretation of any provision of this ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.
2. Special Use Permits – To recommend to the Village Board issuance of special permits for any of the uses for which this ordinance requires the obtaining of such permits from the Board of Appeals; or for the extension of a building or use as such existed at the time of the passage of this ordinance into a contiguous more restrictive district for a distance not exceeding fifty (50) feet; but not for any other use or purpose. If the Village of Winnebago Board of Trustees grants a special permitted use, all grantees of such special permitted use shall be subject to reasonable restrictions on the use(s) allowed (including but not limited to restrictions on hours of operation and fencing), as imposed by the Zoning Board of Appeals and/or Village Board.

No special use permit shall be recommended by the Zoning Board of Appeals or granted by the Village of Winnebago Board of Trustees unless it finds that:

The use is listed in the ordinance as a “Special Permitted Use”, and all provisions of the ordinance governing the issuance of such permits are followed exactly.

To assure compliance with the provisions of this ordinance as applied to the Light Industrial District, all plans and specification of proposed uses in this district must be submitted to the Village of Winnebago Zoning Board of Appeals for its review prior to the issuance of any applicable permits by the enforcing official.

The Supplementary Regulations provided in Article 6, Section 6.10, of this ordinance shall apply where no conflict exists between such regulations and the provisions herein contained, but if such regulations are in conflict with the provisions contained herein, those provisions contained herein shall supersede and control existing regulations.

3. Variances – To vary or adapt the strict application of any requirements of this ordinance, provided no variance in the strict application of any provision of this ordinance shall be granted by the Zoning Board of Appeals unless it finds:
 - a. That there are special circumstances, applying to the land or buildings for which the variance is sought, which circumstances are peculiar to such land or buildings and do not apply generally to land or buildings in the vicinity;
 - b. That said circumstances are such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of such land or buildings;
 - c. That the variance as granted by the Zoning Board of Appeals is the minimum variance that will accomplish the reasonable use of land or building in question;
 - d. That the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In granting any variance, the Zoning Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable, such conditions to include, among others: (1) that the variance shall be used only for those purposes as stated in the variance as granted, and (2) that said variance shall be used within one year from the date said variance was granted, and (3) in the event said variance is not used within such time limit the variance as granted becomes null and void and all conditions of this ordinance applying to the property in question prior to the granting of said variance are in full force and effect.

No variance shall authorize a use not among the uses specified by this ordinance, as permitted in the zoning district in which such property is located.

4. Zoning of Annexed Areas – To recommend to the Village Board at least ten (10) days previous to the passage of any ordinance annexing parcels to the Village of Winnebago, the district classification to be given to any parcels annexed to the Village of Winnebago.
5. Rules and Regulations – To adopt such rules and regulations as may be deemed necessary from time to time to carry into effect the provisions of this ordinance.

15.03.01 Public Hearing Required for Variances

No variation shall be made by the Zoning Board of Appeals except after a public hearing of which notification of time and place of the hearing shall be provided in the following manner:

1. At the time of submitting an application for a variance, the applicant shall furnish to the Village a list of owners and their mailing addresses of all property within two-hundred fifty (250) feet of the property that is the subject of the proposed variance. This distance shall be measured in all directions from the boundaries of the subject property and shall not include distances devoted to adjoining or nearby public rights-of-way.

2. The Village shall have published in a newspaper having general circulation in the Village of Winnebago a notice of the public hearing. Said publication shall appear not less than fifteen (15) days nor more than thirty (30) days prior to the scheduled public hearing and shall contain the time, date, location, and purpose of the public hearing and a legal description of the property that is the subject of the public hearing.
3. The Village shall mail a notice of the public hearing to those property owners whose names are furnished by the applicant. The Village shall also mail a notice of the public hearing via certified mail, return receipt requested, to the trustees of the Winnebago Public Library District and Win-Bur-Sew Fire Protection District, as well the Trustees of each fire protection district and public library district of which the property to be annexed is currently a part before annexation, and the Township Highway Commissioner, the Board of Township Trustees, the Township Supervisor, and the Township Clerk, when any land proposed to be annexed includes any highway under the jurisdiction of any township, and to any other local governmental bodies required by statute. Courtesy notice shall be given to the appropriate affected park district(s) and school district(s) through notice given to their respective Board Presidents via regular mail. The published notice shall be signed by the Village Clerk. An affidavit indicating that such notice has been served shall be signed by the Village Clerk and recorded with the Winnebago County Recorder's Office.

15.03.02 Application Procedures

1. **Application.** The petitioner shall submit an application, on forms available from the Village. The application shall also include the following information.
 - a. The legal and common description of the property on which the variance is to be considered.
 - b. The variance requested, and the reasons for the request.
 - c. The property's present zoning classification.
 - d. A site plan showing the subject property and its dimensions.
 - e. The location of all existing and proposed buildings, structures and other improvements, building sizes including square footage, and their distances from adjacent lot lines.
 - f. List of owners and their mailing addresses as required in this Article.
 - g. Any other information which the Zoning Board of Appeals requests.
2. **Burden of Proof.** In submitting an application for a variance, the burden of proof shall rest with the applicant to clearly establish that the findings of fact required in this Article are met.

15.03.03 Hearing Procedures

1. **The procedure for a hearing shall be as follows:**
 - a. Parliamentary procedure for all Zoning Board of Appeals meetings shall be governed by Robert's Rules of Order when not addressed by this document, or other applicable State Statute or local ordinance.
 - b. All witnesses shall be sworn, and all parties or persons who are not attorneys shall be sworn.

- c. The petitioner shall begin by presenting his case, which may include the presentation of documents, etc., and the calling of witnesses for examination by the petitioner.
 - d. The objector(s) shall have an opportunity to cross-examine all witnesses of the petitioner after each has testified and examined all documents.
 - e. The objector(s) shall present his/their case which may include the presentation of documents, etc., and the calling of witnesses for examination by the objector(s).
 - f. The petitioner shall have an opportunity to cross-examine all witnesses of the objector(s) after each has testified and examined all documents.
 - g. The petitioner shall be given fifteen (15) minutes to summarize as shall the objector(s), in that order.
 - h. A representative of the Village may testify as an individual for either party or appear on behalf of the Village.
 - i. Any person who is not a party to the hearing as a petitioner or objector, or not a representative of the Village, shall not have a right to testify unless formally called by a party to the hearing or the Village at the appropriate times mentioned above. The Zoning Board of Appeals reserves the right to call expert witnesses or postpone a hearing date until such time as said witness may be contacted to testify.
 - j. The Zoning Board of Appeals reserves the right to question the petitioner, objector(s), and/or witnesses who may give testimony at any time during the hearing.
 - k. The Zoning Board of Appeals reserves the right to impose time limits upon any party giving testimony.
2. **Findings of Fact.** Upon review of the application and information presented at the public hearing, the Zoning Board of Appeals shall consider and adopt findings of fact sustaining each of the following criteria, which are consistent with the rules provided to govern determinations of the Zoning Board of Appeals as referenced in the Illinois Compiled Statutes.
- a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that district.
 - b. The extraordinary or exceptional conditions of the property, requiring the request for the variance, were not caused by the petitioner.
 - c. The proposed variance will alleviate a peculiar, exceptional, or undue hardship, as distinguished from a mere inconvenience or pecuniary hardship.
 - d. The denial of the proposed variance will deprive the petitioner the use of his/her property in a manner equivalent to the use permitted to be made by the owners of property in the immediate area.
 - e. The proposed variance will result in a structure that is appropriate to and compatible with the character and scale of structures in the area in which the variance is being requested.
3. **Variances.** When a property owner shows that a strict application of the terms of this ordinance relating to the construction or alteration of buildings or structures imposes upon him practical difficulties or particular hardship, then the Zoning Board of Appeals may grant a variance to said ordinance in harmony with its general purpose and intent, when the Zoning Board of Appeals is satisfied under the evidence heard before it, that a granting of such variation will not merely serve as a convenience to the petitioner,

but is necessary to alleviate some demonstrable hardship or difficulty so great as to warrant a variation from the comprehensive plan by this ordinance created and set forth, in the following instances:

- a. To permit the extension of a district where the boundary line of a district provides a lot in single ownership as shown of record.
 - b. To permit the reconstruction of a non-conforming building which has been destroyed or partially destroyed by fire or act of God where the Zoning Board of Appeals shall find some compelling public necessity requiring a continuance of the non-conforming use, and in no case shall such a permit be issued if its primary function is to continue a monopoly.
 - c. To permit the erection of a building in any location for a public service corporation for public utility purposes which the Zoning Board of Appeals deems reasonably necessary for the public convenience or welfare.
 - d. To make a variance where, by reason of an exceptional situation, surroundings, or condition of a specific piece of property, or by reason of exceptional narrowness, shallowness, or shape of a specific piece of property of record, or by reason of exceptional topographical conditions the strict application of any provision of this ordinance would result in peculiar and exceptional practical difficulties or particular hardship upon the owner of such property and amount to a practical confiscation of property, as distinguished from a mere inconvenience to such owner, provided such relief can 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 ordinance.
 - e. To interpret the provisions of this ordinance where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts which map is made a part of this ordinance. In considering all proposed variations to this ordinance, the Zoning Board of Appeals shall first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire, or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Village of Winnebago. The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Village Code Enforcement Official, if any, Village Building Official, or other Village staff member relative to this ordinance, or to decide in favor of the petitioner on any matter upon which it is authorized by this ordinance to render decision, or to effect any variance.
4. **Non-conformity as Basis for Variance.** The existence of any non-conformity anywhere in the Village shall not itself be considered grounds for the issuance of a variance for other property.

5. Conditions imposed on Variances.

- a. In recommending variances, the Zoning Board of Appeals may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.
- b. A variance may be issued for an indefinite duration or for a specified duration only.
- c. The nature of the variance and any conditions attached to it shall be included in the Zoning Board of Appeals decision.

6. Decision.

- a. Once the Zoning Board of Appeals is satisfied that it has heard all relevant facts, it shall vote to approve or deny the proposed variance, with an approval requiring the concurring vote of at least four (4) members of the Zoning Board of Appeals at a legally convened meeting. The decision of the Zoning Board of Appeals as to the variance shall be final.

7. Period of Validity. No order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than twelve (12) months, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit. No order of the Zoning Board of Appeals permitting a use of a building or premises shall be valid for a period longer than twelve (12) months, unless such use is established within such period; provided, however, that where such use is permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.**15.04 Appeal of Final Actions**

No decision of the Zoning Board of Appeals on variances, or the Village Board on all other matters, shall be subject to review, reversal, or modification, but shall be subject to judicial review pursuant to the provisions of the Code of Civil Procedure concerning Administrative Review Law.

Article 16

Non-Conforming Situations

- 16.01 Scope of Provisions**
- 16.02 Statement of Intent**
- 16.03 Non-Conforming Uses of Lots**
- 16.04 Non-Conforming Buildings and Structures**
- 16.05 Non-Conforming Uses of Buildings and Structures**
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- 16.07 Non-Conforming Parking**
- 16.08 Non-Conforming Lots of Record**
- 16.09 Change of Tenancy or Ownership**
- 16.10 Existence of a Non-Conforming Use**
- 16.11 Conditional Uses**
- 16.12 Completion of Pending Construction and Building Permits**
- 16.13 Exceptions**
- 16.14 Non-Conformity as Basis for Variance**

16.01 Scope of Provisions

The provisions of this Article shall apply to all non-conforming uses, lands and structures. A non-conforming land use or structure is one which existed lawfully, whether by variance or otherwise, on the date this ordinance or any amendment became effective, and which fails to conform to one or more of the applicable regulations of this ordinance or such amendment thereto.

16.02 Statement of Intent

Within Winnebago there exist structures, uses of structures, and uses of land that were lawful prior to the adoption of this ordinance, but which now would be prohibited, or restricted under the provisions of this ordinance. The purpose and intent of this ordinance is to permit these non-conformities to continue until they are removed, but not to encourage their continuation. Such uses are declared by this Article to be incompatible with permitted uses in the districts involved. Such non-conformities shall not be enlarged upon, expanded, or extended, except in conformance with this ordinance.

16.03 Non-Conforming Uses of Lots

Where, on the date of adoption or amendment of this ordinance, a lawful use of a parcel or lot on which no buildings exist no longer conforms to the provisions of this ordinance or amendment thereto, such principal use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming use of a parcel or lot shall be enlarged, expanded, or extended to occupy a greater area of land than was occupied on the date of adoption or amendment of this ordinance, and no additional accessory use, building, or structure shall be established thereon.

2. No such non-conforming use of a parcel or lot shall be moved in whole or in part to any other portion of such parcel or lot not so occupied on the date of adoption of this ordinance or amendment thereto, or to a parcel or lot not in conformance with this ordinance.
3. When a non-conforming use of a parcel or lot is discontinued or abandoned for more than one (1) year (except where government action prevents access to the premises), the parcel or lot shall not thereafter be used, except in conformance with the regulations of the district in which it is located.

16.04 Non-Conforming Buildings and Structures

Where, on the date of adoption or amendment of this ordinance, a lawful building or structure exists that could not be built under the regulations of this ordinance, or amendment thereto, by reason of restrictions upon lot area, lot width, lot coverage, height, open spaces, off-street parking, loading spaces, setbacks, or other characteristics (other than use), such building or structure may remain so long as it remains otherwise lawful, subject to the following provisions:

1. Such building or structure may be enlarged, expanded, extended, or altered only if such building or structure modification conforms to the requirements of this ordinance and does not expand any dimensional nonconformity.
2. Should any such building or structure be damaged by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of damage, it shall not be reconstructed except in conformity with the provisions of this ordinance.
3. Should any such building or structure be moved for any reason for any distance, it shall hereafter be required to conform to the regulations of the district in which it is located after it is moved.

16.05 Non-Conforming Uses of Buildings and Structures

Where, on the date of adoption or amendment of this Ordinance, a lawful use of a building or structure exists that is no longer permissible under the regulations of this ordinance or amendment thereto, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. An existing building or structure shall not be enlarged, constructed, reconstructed, moved or structurally extended or altered except to change the use of such building or structure to a use permitted in the district in which such building or structure is located.
2. Although an existing non-conforming use may continue, except as hereinafter limited, it may not be changed to another use, except to a use of the same or of a less intense nature, or a use permitted in the district in which it is situated.
3. When a non-conforming use of a building or structure is discontinued or abandoned for more than one (1) year (except where government action prevents access to the premises), the building or structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.
4. The casual, intermittent, temporary or illegal use of a structure, land, or structure and land in combination shall not be sufficient to establish the existence of a non-

conforming use, and the existence of a non-conforming use on part of a lot or tract shall not be considered to have established a non-conforming use on the entire lot or tract.

16.06 Repairs and Maintenance

1. Normal maintenance or minor repair of a non-conforming structure shall be permitted. Non-structural repairs include roof replacement, foundation tuck-pointing, window replacement, painting, replacement of trim and siding, and other normal maintenance activities. Minor repairs shall be defined as repairs that are non-structural in nature.
2. Nothing in this ordinance shall be deemed to prohibit the restoration of any structure and its use where such structure has been damaged by any means out of the control of the owner to an extent of less than fifty percent (50%) of its replacement cost (excluding the value of the land, the cost of preparation of land, and the value of any foundation adaptable to a conforming use) at the time of damage, provided the restoration of such structure and its use in no way increases any former nonconformity.
3. Whenever such structure has been damaged to an extent of more than fifty percent (50%) of its replacement cost (excluding the value of the land, the cost of preparation of land and the value of any foundation adaptable to a conforming use), at the time of damage, as determined by the Village Building Official, or by any means within the control of the owner to any extent whatsoever, the structure shall not be restored except in full conformity with all regulations of the district in which such structure is situated.
4. When a structure is determined to be in violation of any applicable health or safety code by the Village Building Official under any applicable code or ordinance of the Village, and the cost of placing the structure in a condition to satisfy the standards under such ordinance shall exceed fifty percent (50%) of the replacement cost of the structure, such non-conforming structure shall not be restored for the purpose of continuing a non-conforming use.
5. Repair or replacement of a damaged structure as permitted by this ordinance shall be commenced in full compliance with the Village's adopted building codes and other codes, within twelve (12) months of the from the occurrence of the damage and diligently pursued to completion. Failure to begin repair within that twelve (12) month period, or the commencement of repairs in violation of other codes, shall result in the forfeiture of the rights provided by this ordinance, and after that period the building or structure may only be repaired and/or used in full compliance with the provisions of this ordinance.
6. After completion of repairs, materials, or items brought to the premises for planned improvements such as landscaping, construction, and similar purposes, including, but not limited to, fill dirt, mulch, and building materials, and which are not used for said improvements shall be removed within 90 days from such completion.

16.07 Non-Conforming Parking

The maintenance, repair, and alteration of a use with non-conforming parking may be permitted provided the activity does not increase the need for off-street parking. Where these activities result in an increase in parking demands, sufficient off-street parking shall

be provided to bring the entire development into conformance with the requirements of this ordinance.

16.08 Non-Conforming Lots of Record

A parcel of land with an area less than that required for the applicable zoning district may be used for any purpose permitted in the zoning district if:

1. Conformance - The owner is able to demonstrate to the satisfaction of the Village Building Official that the parcel was lawful at the time it was created; and
2. Alternatives - No reasonable alternative exists to make the non-conforming lot conforming, such as the addition of adjoining land under the property owner's control; and
3. Compliance with Other Regulations - The use meets all other regulations prescribed for the zoning district prior to occupancy or use; and
4. Safety - The proposed use can be developed in a safe manner that adequately provides for water and wastewater facilities in conformance with this ordinance.

16.09 Change of Tenancy or Ownership

Provided there is no change in the nature or character, extent, or intensity of such non-conforming use, building, or structure (other than signage), there may be a change of tenancy, ownership, or management of an existing non-conforming use, building, or structure.

16.10 Existence of a Non-Conforming Use

A non-conformity shall not be deemed to have existed on the date this ordinance or any amendment thereto became effective; unless:

1. It was being used on a continuous basis and to its fullest extent on such date.
2. If such non-conformity is a use, such use had not been abandoned or discontinued. In cases of doubt, and on specific questions raised, whether a non-conforming use exists shall be a question of fact and shall be decided by the Village Board after notice, a public hearing, and receipt of a report and recommendation of the Planning and Zoning Commission.

16.11 Conditional Uses

Any use existing at the time of adoption or amendment to this ordinance and which is permitted as a special use in the district in which said use is located under the terms of this ordinance, or amendment, shall be deemed a legal non-conforming use in such district until such time as a Conditional Use Permit may be issued to bring the property into conformity.

16.12 Completion of Pending Construction and Building Permits

To avoid undue hardships, nothing in this Article shall be deemed to require a change in plans, construction, or designated use of any building on which actual construction was

lawfully begun prior to the effective date of adoption or amendment of this ordinance, and upon which actual building construction has been carried on diligently. Nothing herein contained shall require any change in the site plan or designated use of a building for which a building permit had been heretofore issued, or plans or preliminary or final subdivision plats which have been approved by the Village at the time of the passage of this ordinance, or amendment provided that actual construction is begun within one-hundred eighty (180) days of such permit issuance or approval thereof.

16.13 Exceptions

1. Nothing in this Article shall require the elimination of a non-conforming use of land for residential purposes.
2. Non-conforming residences shall be allowed to provide private garages or sanitary facilities without complying with this Article as long as the garages or sanitary facilities are in conformance with all other adopted codes. Such additions shall comply with all density and dimensional requirements of the zoning district in which they are located.
3. All structures listed on a National Register of Historic Places, or as a state or local historical site, shall not be required to bring historical structures into conformity with these regulations, provided that no construction or reconstruction increases the degree of non-conformity of the structure or threatens the historic status of the structure. Structures and locations that are eligible for listing on the National Register shall be exempt from these regulations provided an application for designation, by the U. S. Department of the Interior, on the National Register, is filed and accepted by the U.S. Department of the Interior.

16.14 Non-conformity as Basis for Variance

The existence of any non-conformity anywhere in the Village shall not itself be considered grounds for the issuance of a variance for that property or any other property.

Article 17

Codes

- 17.01 Building Code**
 - 17.01.01 Adopted by Reference**
 - 17.01.02 Amendments**
- 17.02 Electrical Code**
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- 17.11 Energy Conservation Code**
 - 17.11.01 Adopted by Reference**
 - 17.11.02 Amendments**
- 17.12 Future Updates to All Codes**

17.01 Building Code

17.01.01 Adopted by Reference. The International Code Council (ICC) Building Code, 2015 edition for commercial buildings, together with any supplements and any appendices or amendments thereto, as published by the ICC is hereby adopted in its entirety by reference as the building code for the Village as though fully set forth herein. A copy of

this code shall remain on file at the office of the Village Clerk and Village Building Official for public review and inspection.

17.01.02 Amendments

The following sections of the ICC Building Code of 2015, as adopted by this Article are hereby revised as follows:

1. **Section 101.1.** Insert for name of jurisdiction: "Village of Winnebago, Illinois."
2. **Section 113.4. Violation Penalties.** Insert at end of section: "Penalties shall be punishable by a fine per the general penalty of section 1-15 up for each offense and each day that said offense occurs or continues to occur; however, for noncompliance of orders issued by the Village Building Official the fine shall be no less than \$200.00 or more than the maximum amount allowed by state statute for each offense and each day that said offense occurs or continues to occur."
3. **Section 1612.3. Establishment of flood hazard areas.**
 - a. Insert for jurisdiction: "Village of Winnebago (Unified Development Ordinance, Article 10)."
 - b. Insert for effective date: "December 9, 2019."

17.02 Electrical Code

17.02.01 Adopted by Reference.

The National Electrical Code, 2014 edition, together with any supplements and appendices or amendments thereto, as published by the National Fire Protection Association, Inc., is adopted in its entirety by reference as the Electrical Code for the Village as though fully set forth herein. A copy of this code will remain on file at the office of the Village Clerk and Village Building Official for public review and inspection.

17.02.02 Amendments

The following amendments are made to the published form of the National Electric Code, 2014 Edition:

1. **Section 210.19** shall be amended to add subsection (A)(5) as follows:
210.19 Conductors -Minimum Ampacity and Size.
(A) Branch Circuits Not More Than 600 Volts.
(5) Microwave Circuits. The wiring used to supply power to a permanently installed microwave oven shall consist of a dedicated circuit installed with 12 AWG or larger conductors.
2. **Section 210.70(A)(I)** shall be amended to read as follows:
210.70 Lighting Outlets Required.
(A) Dwelling Units.
(1) Habitable Rooms. At least one wall switch-controlled lighting outlet shall be installed in every habitable room and bathroom. The switch shall be installed at a point of entry to the room. The main lighting outlet in each

room may not be fed from the load side of a GFCI device. Unless 210.70(A)(1), Exception No. 1 is applied, provision shall be made in the wiring of each ceiling box of all habitable rooms (excluding dining rooms) for a luminaire to operate independently from a fan.

Exception No. 1: In other than kitchens and bathrooms, one or more receptacles controlled by a wall switch shall be permitted in lieu of lighting outlets.

Exception No.2: Lighting outlets shall be permitted to be controlled by occupancy sensors that are (1) in addition to wall switches or (2) located at a customary wall switch location and equipped with a manual override that will allow the sensor to function as a wall switch.

3. **Section 210.70(A)(3)** shall be amended to read as follows:

210.70 Lighting Outlets Required.

(A) Dwelling Units.

(3) Storage or Equipment Spaces. For accessible attics, underfloor spaces, utility rooms, each area of an unfinished basement, and equipment spaces, at least one lighting outlet containing a switch or controlled by a wall switch shall be installed in such spaces. At least one point of control shall be at the usual point of entry to these spaces. A lighting outlet shall be provided within six (6) feet of any equipment requiring servicing.

4. **Section 210.70(C)** shall be amended to read as follows:

210.70 Lighting Outlets Required.

(C) Other Than Dwelling Units. For accessible attics and underfloor spaces, at least one lighting outlet containing a switch or controlled by a wall switch shall be installed in such spaces. At least one point of control shall be at the usual point of entry to these spaces. A lighting outlet shall be provided within six (6) feet of any equipment requiring servicing.

5. **Section 230.11** shall be added as follows:

230. 11 Service Modifications. When any part of the service entrance equipment, branch circuit panel, or service conductor is replaced, modified, or required to be repaired, the service in its entirety must be installed to comply with current codes. The main branch circuit panel shall be at least 16 spaces.

Exception: Replacement or addition of a branch-circuit overcurrent protective device.

6. **Section 230.43** shall be amended to read as follows:

230.43 Wiring Methods for 1000 Volts, Nominal, or Less. Service-entrance conductors and service laterals overhead shall be installed in accordance with the applicable requirements of this Code covering the type of wiring method used and shall be limited to rigid metal conduit (RMC) or intermediate metal conduit (IMC). Electrical metallic tubing (EMT) may be used inside a building or structure.

7. **Section 230.70(A)(1)** shall be amended to read as follows:

230.70 General.

(A) Location.

(1) Readily Accessible Location. The service disconnecting means shall be installed at a readily accessible location, either outside of a building or structure, or inside at or within 5 feet of the meter enclosure.

8. **Section 250.52** shall be amended to add subsection (C) as follows:

250.52 Grounding Electrodes.

(C) New Construction. A concrete-encased electrode that complies with 250.52(A)(3) will be required in all new construction.

9. **Section 300.1** shall be amended to add subsection (D) as follows:

300.1 Scope.

(D) Mixed Use and Occupancy Buildings. The entire mixed use and occupancy building shall be wired by the most restrictive code.

10. **Section 300.5(D)(3)** shall be amended to read as follows:

*300.5 Underground Installations.**(D) Protection from Damage.*

(3) Service Conductors. Underground service conductors shall be installed in galvanized or stainless steel rigid metal conduit (RMC) or intermediate metal conduit (IMC). Underground service conductors that are not subject to physical damage may be installed in Schedule 80 rigid electrical nonmetallic conduit (PVC), protected by galvanized or stainless steel rigid conduit (RMC) or intermediate metal conduit (IMC) to a minimum of 450 mm (18 inches) below grade. No exposed nonmetallic conduit shall be allowed. Underground service conductors that are not encased in concrete and that are buried 450 mm (18 inches) or more below grade shall have their location identified by a warning ribbon that is placed in the trench at least 300 mm (12 inches) above the underground installation.

11. **Section 300.11** shall be amended to add subsection (A)(3) as follows:

*300.11 Securing and Supporting.**(A) Secured in Place.*

(3) Tie Wire. Tie wire shall not be allowed as a sole means of supporting or securing conduit or cable in above ground applications.

12. **Section 300.13** shall be amended to add subsections (C) and (D) as follows:

300.13 Mechanical and Electrical Continuity – Conductors.

(C) Multiple Conductors. A device designed to be used for switching or as a receptacle may not be used to provide electrical continuity to any circuit conductor.

(D) Push-Type Clamping Devices. No push-type or clamp-type connections for splices or for terminating to devices will be allowed unless the wire connection is secured with a screw or crimping tool.

Exception No. 1: Disconnecting means for ballasts.

Exception No. 2: Factory installed terminations in luminaires.

13. **Section 310.1 06(B)** shall be amended to read as follows:

310.106 Conductors

(B) Conductor Material. Conductors in this article shall be aluminum, copper-clad aluminum, or copper unless otherwise specified. Aluminum and copper-clad aluminum conductors shall be prohibited to be installed in sizes smaller than 4 AWG. Stranded aluminum conductors 4 AWG through 1000 kcmil marked as Type RHH, RHW, XHHW, THW, THHW, THWN, THHN, service-entrance Type SE Style U and SE Style R shall be made of an AA-8000 series electrical grade aluminum alloy conductor material.

14. **Section 314.27(A)(2)** shall be amended to read as follows:

314.27 Outlet Boxes.

(A) Boxes at Luminaire or Lampholder Outlets.

(2) Ceiling Outlets. At every outlet used exclusively for lighting, the box shall be designed or installed so that a luminaire or lampholder may be attached. Boxes shall be required to support a luminaire weighing a minimum of 23 kg (50 lb.). A luminaire that weighs more than 23 kg (50 lb.) shall be supported independently of the outlet box, unless the outlet box is listed and marked on the interior of the box to indicate the maximum weight the box shall be permitted to support. In all habitable rooms with a ceiling fixture (other than recessed fixtures) in a location acceptable for a ceiling-suspended (paddle) fan in single-family, two-family or multi-family dwellings. A box rated for ceiling fan support shall be installed.

15. **Section 334.10**, first paragraph, shall be amended to read as follows:

334.10 Uses Permitted. Type NM, Type NMC, and Type NMS cables shall be permitted to be used only in the following: R-2, R-3, and R-4 structures (as defined by the International Building Code) not exceeding three floors above grade.

16. **Section 334.15** shall be amended to add subsection (D) as follows:

334.15 Exposed Work.

(D) All Unfinished Areas. Any exposed cable 7 feet (213.36 cm) or closer to the floor must be protected with a durable building material or sleeved in an approved manner.

17. **Section 334.40(B)** shall be amended to read as follows:

334.40 Boxes and Fillings.

(B) Devices of Insulating Material. Self-contained switches, self-contained receptacles, and nonmetallic-sheathed cable interconnector devices of insulating material that are listed shall be permitted to be used without boxes in exposed cable wiring. Openings in such devices shall form a close fit around the outer covering of the cable, and the device shall fully enclose the part of the cable from which any part of the covering has been removed. Where connections to conductors are by binding-screw terminals, there shall be available as many terminals as conductors.

18. **Section 410.36(B)** shall be amended to read as follows:

410.36 Means of Support.

(B) Suspended Ceilings. Framing members of suspended ceiling systems used to support luminaires shall be securely fastened to each other and shall be securely attached to the building structure at appropriate intervals. Luminaires smaller than 610 mm by 610 mm (24 inches by 24 inches) shall be securely fastened to the ceiling framing member by mechanical means such as bolts, screws, or rivets.

Listed clips identified for the use with the type of ceiling framing member(s) and luminaire(s) shall also be permitted. Fixtures 610 mm by 610 mm (24 inches by 24 inches) or larger shall be supported independently of the ceiling grid by at least two wires on opposite corners of the fixture. The same size (or larger) wire used to support the ceiling system shall be used to support the fixture, but in no case shall the wire size be smaller than size No. 12 AWG steel.

17.03 Plumbing Code**17.03.01 Adopted by Reference**

The Illinois Plumbing Code, 2014 Edition, together with any supplements and any amendments thereto, as published by the State of Illinois, is hereby adopted in its entirety by reference as the plumbing code for the Village as though fully set forth herein. A copy of this code shall remain on file at the office of the Village Clerk and Village Building Official for public review and inspection.

17.03.02 Amendments – None**17.04 Property Maintenance Code****17.04.01 Adopted by Reference**

The International Code Council (ICC) Property Maintenance Code, 2015 edition, together with any supplements and appendices or amendments thereto, as published by the ICC, is adopted in its entirety by reference as the property maintenance code for the Village as though fully set forth herein. A copy of said code will remain on file at the office of the Village Clerk and Village Building Official for public review and inspection.

17.04.02 Amendments

The following sections of the International Property Maintenance Code, as adopted in section 22-75, are hereby revised as follows:

1. In **Section 101.1**, insert for name of jurisdiction: "Village of Winnebago, Illinois."
2. In **Section 304.14**, insect screens, insert for dates: "April 1 to October 1."
3. In **Section 602.3**, heat supply, insert for dates: "October 1 to April 1."
4. In **Section 602.4**, occupiable workspaces, insert for dates: "October 1 to April 1."

17.05 Mechanical Code**17.05.01 Adopted by Reference**

The International Code Council (ICC) Mechanical Code, 2015 edition, together with any supplements and appendices or amendments thereto, as published by the ICC, is adopted in its entirety by reference as the mechanical code for the Village as though fully set forth herein. A copy of this code shall remain on file at the office of the Village Clerk and Village Building Official for public review and inspection.

17.05.02 Amendments

The following sections of the International Mechanical Code are hereby revised as follows:

1. **Section 101.1**. Insert for name of jurisdiction, "Village of Winnebago, Illinois".

2. **Section 106.5.2.** Insert: "The permit and inspection fees shall be as established and published by the Winnebago Village Board from time to time and made available to the public."
3. **Section 106.5.3.2.** Insert, for fee refunds in the case where no work has been done under an issued permit, no more than "90 percent."
4. **Section 106.5.3.3.** Insert, for fee refunds in the case where the permit is withdrawn or canceled before any plan review effort has been expended, no more than "90 percent."
5. **Section 108.4.**
 - a. Insert "Petty offense" for the name of the specific offense;
 - b. Insert "punishable by a fine of not more than \$750 for each offense, and each day that said offense occurs or continues to occur shall be considered to be a separate offense" for the amount; and
 - c. Insert "zero" for the number of days of imprisonment.

17.06 Residential Dwelling Code

17.06.01 Adopted by Reference

The International Code Council (ICC) Residential Dwelling Code for One-and Two-Family Dwellings, 2015 edition, copies of which are on file in the office of the Village Clerk and Village Building Official for public review and inspection, is hereby adopted as the residential dwelling code for the Village for the control of buildings and structures and manufactured housing and mobile homes, as provided in said code, and each and all of the regulations, provisions, penalties, conditions and terms of the ICC Residential Dwelling Code for One- and Two-Family Dwellings, 2015 edition, are hereby adopted and made part of this article as though fully set forth in this article with the following modifications being made:

17.06.02 Amendments

The following sections of the ICC Residential Dwelling Code, 2015 edition, are revised as follows:

1. **Section 101.1.** Insert, for name of jurisdiction, "Village of Winnebago, Illinois."

17.06.03 Climatic and Geographic Design Criteria

The following information is applicable to table R301.2(1) of the ICC Residential Dwelling Code for One-and Two-Family Dwellings, 2015 edition:

Ground snow load	25 lbs.
Wind speed	90 mph
Seismic design category	C
Subject to damage from	
Weathering	Severe
Frost line depth	42 inches
Termite	Moderate to heavy

Decay	Slight to moderate
Winter design temperature	Minus 5 degrees Fahrenheit
Ice shield underlayment required	Yes
Flood hazard	Refer to UDO Article 10
Air freezing index	2000
Mean annual temperature	47 degrees Fahrenheit

17.06.04 Minimum Insulation Standards

For purposes of energy conservation and efficiency and minimum insulation purposes, the Village shall be considered and be in climate zone 14; provided, however, that the minimum insulation R-value for walls shall be R-13 and the R-value for ceilings shall be R-38. This requirement shall be made part of table N 1102.1 of the 2015 ICC Energy Conservation Code.

17.07 Existing Building Code

17.07.01 Adopted by Reference

The International Code Council (ICC) Existing Building Code, 2015 edition, together with any supplements and appendices or amendments thereto, as published by the ICC, is hereby adopted in its entirety by reference as the existing building code for the Village as though fully set forth herein. A copy of this code shall remain on file at the office of the Village Clerk and Village Building Official for public review and inspection.

17.07.02 Amendments

The following sections of the ICC Existing Building Code, 2015 edition, are revised as follows:

1. **Section 101.1.** Insert, for name of jurisdiction, "Village of Winnebago, Illinois."

17.08 Fire Code

17.08.01 Adopted by Reference

The International Code Council (ICC), Fire Code, 2015 edition, together with any supplements and any appendices or amendments thereto, as published by the ICC, is adopted in its entirety by reference as the fire code for the Village as though fully set forth herein. A copy of said code shall remain on file at the office of the Village Clerk, Village Building Official and Win-Bur-Sew Fire Chief for public review and inspection.

17.08.02 Amendments

The following sections of the International Fire Code are hereby revised as follows:

1. **Section 104.10.** Add the following, "Debris remaining at the scene of a fire after the site has been released by the fire department shall constitute a nuisance as defined

herein. The property owner shall be notified of said nuisance in writing and, if not rectified to the standards set down by the fire inspectors, the debris shall be removed by the Fire District or its duly authorized agent and any costs shall be paid by the property owner with non-payment subjecting the property to a lien against the property.”

2. **Section 105.1.2.1. Required Construction Permits and Certificates of Fitness.**

Add to the end of the paragraph, “When a Certificate of Fitness is required by this jurisdiction for performance of activities related to fire safety; the Director of the Fire Prevention Bureau shall be responsible for its issuance.”

- a. All applications for a Certificate of Fitness shall be filed with the Fire Prevention Bureau on forms provided by that office.
- b. Every person applying for a Certificate of Fitness shall furnish satisfactory proof to the Director of Fire Prevention that he/she is familiar with the materials, formulas, tools, techniques, standards, laws, ordinances, recognized good practices, safety precautions and manufactures’ recommendations pertaining to the particular system, materials, devices or operations he/she will be involved with, and for which the Certificate of Fitness is issued. They shall further prove that their company is professionally competent to perform any and all actions necessary and incidental to the operation for which the Certificate of Fitness is issued, and shall provide insurance and any applicable license.
- c. The Director of the Fire Prevention Bureau shall investigate every application for a Certificate of Fitness. The investigation shall include an examination of the applicant as to his experience and training in the field of the Certificate of Fitness for which they have applied. The examination may include a practical test. When the Director of Fire Prevention determines that the applicant for the Certificate of Fitness conforms to all of the requirements of this Code, he shall issue the Certificate of Fitness.
- d. When the Director of the Fire Prevention Bureau determines that an applicant is not fit to receive the Certificate of Fitness because of their inability to comply with the provisions of this Code, he shall refuse to issue the Certificate of Fitness. If the refusal is based upon the applicant’s inability to pass a written examination which is given to determine competency, the applicant may not apply again for the Certificate of Fitness within a ninety (90) day period following the examination.
- e. When the Director of the Fire Prevention Bureau determines that an individual is not fit to hold a Certificate of Fitness because of their inability to comply with the provisions of the Code, he shall inform that individual of his right to a hearing prior to the revocation of his Certificate of Fitness. If the Certificate of Fitness holder desires a hearing, they shall notify the Chief of the Fire Department in writing within ten (10) working days of their receipt of the revocation notice. The Hearing Board shall issue a written recommendation to the Chief of the Fire Department regarding its findings within fifteen (15) days of the hearing, and the Chief shall issue his decision within a reasonable time thereafter, and the said decision shall final. Failure to show just cause shall result in the revocation of the Certificate of Fitness by the Chief of the Department. The Hearing Board shall be comprised of the Fire Chief, and the Director of the Fire Prevention Bureau.

- f. Certificates of Fitness shall not be transferable.
 - g. Certificates of Fitness shall be issued for the period of time shown on the face of the Certificate of Fitness as determined by the Director of the Fire Prevention Bureau, but such period of time shall not exceed two (2) years.
 - h. Applications for renewal of a Certificate of Fitness shall be filed in the same manner as an application for an original Certificate. Each such application shall be accompanied by applicable fees. The granting of a renewal of a Certificate of Fitness shall be accomplished in the same manner as for an original Certificate of Fitness.
 - i. The Director of the Fire Prevention Bureau is authorized upon application therefore, to issue Certificates of Fitness that are restricted to one or more activities, systems, items, devices or to particular premises.
 - j. Each person holding a Certificate of Fitness shall notify the Director of the Fire Prevention Bureau in writing of any changes in their business, residential or other notification address within ten (10) days after such change. Failure on the part of a person to give such notification shall constitute grounds for a revocation of said Certificate of Fitness.
 - k. A Certificate of Fitness issued by the Director of the Fire Prevention Bureau shall be in the form of a certificate that can be framed. Said certificate shall contain the following information:
 - i. Any person to whom a Certificate of Fitness has been granted in conformance with this Code shall upon request, produce and show proper identification and their Certificate of Fitness to anyone for whom they seeks to render their service or to the Director of the Fire Prevention Bureau.
 - ii. The purpose for which the Certificate of Fitness has been issued.
 - iii. The date the Certificate of Fitness is issued and the date of expiration.
 - iv. Other information as may be necessary to properly identify the person to whom the Certificate of Fitness is issued.
 - v. The name and signature of the Director of the Fire Prevention Bureau who issued the Certificate of Fitness, or his designee's name and rank or title.
 - vi. Printed thereon, in bold type, shall be the following: **"THIS CERTIFICATE OF FITNESS DOES NOT RECOMMEND THE BEARER FOR EMPLOYMENT NOR ASSUME RESPONSIBILITY OR LIABILITY FOR THE BEARERS PERFORMANCE."**
 - l. A Certificate of Fitness or permit shall not be issued until the designated fees have been paid.
3. **Section 105.1.2.3. Certificate of Fitness Fees.** Certificate of Fitness fees are as follows:

The use of any explosive material	\$100.00
Installation, removal, or repair of aboveground or underground storage tanks	\$100.00
Fire alarm or fire communications systems	No Fee
Fire pumps	\$100.00

UNIFIED DEVELOPMENT ORDINANCE

Fixed fire suppression systems/ hood and duct systems	\$100.00
Portable fire extinguishers	\$100.00
Hazardous materials storage or use	\$100.00

4. **106.5 Inspection, Test and Plan Review Fees.** Fees for occupancy inspections and tests of new fire alarm, fire suppression, and/or tanks installations shall be conducted when the system is completed. No charge shall be imposed for inspections and tests conducted on the first visit. Visits for any required inspections or tests which cannot be conducted due to the failure of the owner or installing contractor to properly and fully install the system to an inspection ready state, shall be subject to the following charges:

First visit	No fee
Second visit	\$75.00
Third visit	\$100.00

Plan Review Fees with inspection

Building Square Footage	Fee
0-5,000	\$ 250.00
5,001 -20,000	\$350.00
20,001-50,000	\$450.00
50,001 +	\$750.00

5. **Section 305.1.1. Clearance from ignition sources** is amended to read as follows: "No stacked or palletized storage of flammable or combustible materials shall be located within twenty-five feet (25') of all entrances and exits of Fuel-dispensing structures or systems for all Motor Fuel-dispensing facilities unless overhead or sidewall automatic sprinkler system is provided."
6. **Section 501.3. Construction Documents** is added to read as follows: "Two (2) copies of all site plans/building/remodeling prints and plans shall be submitted to the Fire District for review and approval prior to construction. Electronic prints and plans are encouraged."
7. **Section 503.1.2.1. Additional Access** is amended as follows: "Culs-de-sac shall be limited to a length of 500 feet, measured from the centerline of the intersection to the center of the circle. The right-of-way diameter shall be a minimum of 120 feet, with a 96-foot diameter. Roads shall be constructed per Annex D D102.1. Culs-de-sac are prohibited where street connections are possible. For lengths of access road greater than 500 feet, all buildings shall be fitted with a NFPA 13, 13R or 13D code approved automatic sprinkler system. Dead end streets or roads are not allowed."
8. **Section 506.1.1. Locks** is amended to read as follows: "An approved lock shall be installed on gates or similar barriers, Fire Department Connections (FDC), or as otherwise required by the Village Building Official."

9. **Section 607.1.1. Elevator Car Requirements.** Add the following: “Elevator cars are to accommodate the ambulance stretcher. At least one elevator shall be of such a size and arrangement to be accommodate a 24 inch x 84 inch ambulance stretcher in the horizontal, open position and shall be identified by the international symbol for emergency medical services (star of life). The symbol shall not be less than 3 inches high and shall be placed inside of both sides of the hoist way doorframe. The cab size is to be a minimum 5 foot x 7 foot platform and a minimum 2500 lb. capacity with a 42" side slide door.”
10. **Section 903.2. Where Required** is deleted in its entirety and replaced with the following: “Approved automatic sprinkler systems shall be installed in all new buildings and structures within the Fire District. Any existing building or structure, when the overall square footage of the building or Structure is increased by 100 percent (100%) or greater, or any combination of additions that occur within a five (5) year period cumulatively equal in increase of 100 percent (100%) or greater in overall square footage of the building or structure shall install a NFPA 13, NFPA 13-R, or NFPA 13-D approved fire sprinkler system throughout the building or structure, as such regulation applies given the building or structure. No barrier walls or fire rated walls are allowed to separate fire spaces when the code would call for an automatic sprinkler system within the new space because of the new square feet created. The sprinkler system shall be installed to the requirements of the NFPA 13, NFPA 13-R, or NFPA 13-D standard, as amended, as appropriate to the type of building or structure, with the following modifications and/or additional requirements, construction and/or use group classification as defined in the Code as amended. The automatic sprinkler system on multiple tenant buildings shall be installed to allow for individual control valves and switches for each tenant space. While the shell or building must have a functioning automatic sprinkler system upon completion, the tenant spaces can be controlled by valve as they are built out. Control valves are allowed above a ceiling but must be no more than three (3) inches above a removal tiles or access door and must be marked “Sprinkler Control Valve” that is visible 360 degrees with a sign. Control valves must be provided with tamper switch wired to local alarm or higher and water flow switch wired to an exterior flashing strobe light, red in color in and installed in an approved location.

The following structures shall NOT require rated sprinkler systems:

- a. Open Parking Structures,
- b. Concession stands not exceeding 700 square feet or which are seasonal in use,
- c. Telecommunication’s equipment buildings,
- d. Buildings used exclusively for transmission and distribution of electric power,
- e. Single family residential buildings/dwellings unless as called for by base code.
- f. Use Group U occupancies
- g. Rented storage units that are self-storage, rented spaces (i.e. “U-Store-it”) buildings less than 2,499 square feet, not more than one level/story and not occupied by person or persons. Rented self-storage units exceeding 2,499 square feet shall either be sprinkled or separated by a (2) hour rated firewall for every section that is 2,499 square feet or larger.

11. **Section 903.3.1.1. NFPA 13** is amended to add the following: “903.3.1.1- Sprinkler Systems- Each tenant space, individual store or space shall have an approved water flow control valve to stop the flow of system water to each tenant space or individual store or space.”
12. **Section 903.3.1.2. NFPA 13-R** is amended to add the following: “903.3.1.2- NFPA 13-R Sprinkler Systems- Each dwelling shall have an approved water flow control valve to stop the flow of system water to each living/dwelling space.”
13. **Section 903.3.1.3. NFPA 13-D** is amended to add the following: “903.3.1.3- NFPA 13-D Sprinkler Systems- Each dwelling shall have an approved water flow control valve to stop the flow of system water to each living/dwelling space.
14. **Section 903.3.7** is amended to add as follows: “903.3.7- Fire Department Connections- The location of the Fire Department Connection (FDC) shall be approved by the Fire Department official and shall be fitted with a five (5) inch Storz type fitting with locking cap with 30 degree elbow to meet the AHJ’s specifications.”
15. **Section 903.4.2** is amended to read as follows: “903.4.2 Alarms- Approved audible and visual device shall be connected outside the building for all structures requiring an automatic sprinkler system. An audible and visual device shall be wired to the sprinkler system flow switch and located above the Fire Department Connection (FDC) where a FDC is required. For structures not requiring a FDC (i.e. strip mall or multiple stores or businesses), an approved audible and visual device shall be connected to the outside of the structure facing the street or as approved by the AHJ. This is to indicate which store or business is having the flow alarm.
In addition to the above, use Group M shall provide a minimum of one hard wired smoke or heat detector that is also wired to the sprinkler system flow switch and located in a central location of each business or occupancy that activates an outside audible and visual device with the location determined by the AHJ.
16. **Section 907.2.1** is amended as follows: “907.2.1- Group A- A manual alarm system shall be installed in accordance with NFPA 72 in all use Group A occupancies. Exceptions deleted.”
17. **Section 907.2.2** is amended as follows: “907.2.2- Group B- A manual alarm system shall be installed in accordance with NFPA 72 in all use Group B occupancies. Exceptions deleted.”
18. **Section 907.2.3** is amended as follows: “907.2.3- Group E- A manual alarm system shall be installed in accordance with NFPA 72 in all use Group E occupancies. Exceptions deleted.”
19. **Section 907.2.4** is amended as follows: “907.2.4- Group F- A manual alarm system shall be installed in accordance with NFPA 72 in all use Group F occupancies. Exceptions deleted.”
20. **Section 907.2.7** is amended as follows: “907.2.7- Group M- A manual alarm system shall be installed in accordance with NFPA 72 in all use Group M occupancies. Exceptions deleted.”
21. **Section 907.4.1** is amended as follows: “907.4.1- Location- Exceptions deleted.”
22. **False Alarms-** All buildings with System Monitoring and Alarms shall be subject to a Fifty Dollar (\$50.00) fine per response for any false alarm after a total of five (5) responses per year.

23. **Dry Pendant Sprinkler Heads** - Any Occupancy fitted with Dry Pendant Sprinkler Heads shall have a minimum of one (1) replacement Dry Pendant located in Sprinkler box of riser room.
24. **Numbered, Lettered, or Color Coded Doorways** - Numbered, lettered, or color coded doorways and corridors in occupancy use Group A, Group H, Group I, Group R-1, R-2, R-4 and all covered malls and row of stores shall be required with the location determined by the AHJ.

17.09 Life Safety Code

17.09.01 Adopted by Reference

The International Code Council (ICC), Life Safety Code, 2015 edition, together with any supplements and any appendices or amendments thereto, as published by the NFPA, is adopted in its entirety by reference as the life safety code for the Village as though fully set forth herein. A copy of said code shall remain on file at the office of the Village Clerk, Village Building Official and Win-Bur-Sew Fire Chief for public review and inspection.

17.09.02 Amendments - None

17.10 Fuel Gas Code

17.10.01 Adopted by Reference

The International Code Council (ICC) Fuel Gas Code, 2015 edition, together with any supplements and any appendices or amendments thereto, as published by the ICC, is adopted in its entirety by reference as the fuel gas code for the Village as though fully set forth herein. A copy of said code shall remain on file at the office of the Village Clerk and Village Building Official for public review and inspection.

17.10.02 Amendments

The following sections of the ICC Fuel Gas Code, 2015 edition, are revised as follows:

1. **Section 101.1.** Insert, for name of jurisdiction, "Village of Winnebago, Illinois."
2. **Section 106.6.2, Fee schedule.** Insert, "The permit and inspection fees shall be as established and published by the Winnebago Village Board from time to time and made available to the public."
3. **Section 106.6.3, Fee refunds.**
 - a. Insert "Not more than 90% of the permit fee paid when no work has been done under a permit issued in accordance with this code."
 - b. Insert "Not more than 90% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended."
4. **Section 108.4, Violation penalties.**
 - a. Insert "petty offense" for the name of the specific offense.

- b. Insert "punishable by a fine of not more than \$750 for each offense and each day that said offense occurs or continues to occur" for the amount.
- c. Insert "zero" for the number of days of imprisonment.

17.11 Energy Conservation Code

17.11.01 Adopted by Reference

The International Code Council (ICC) Energy Conservation Code, 2015 edition, together with any supplements and any appendices or amendments thereto, as published by the ICC, is adopted in its entirety by reference as the energy conservation code for the Village as though fully set forth herein. A copy of said code shall remain on file at the office of the Village Clerk and Village Building Official for public review and inspection.

17.11.02 Amendments

The following sections of the ICC Energy Conservation Code, 2015 edition, are revised as follows:

1. **Section 101.1.** Insert, for name of jurisdiction, "Village of Winnebago, Illinois."

17.12 Future Updates to All Codes

All future updates to all codes referenced herein shall be automatically updated to the most current year, as updates are published, with the same amendments as contained herein, without the necessity of further amending this Article, except if additional or different amendments to the updated referenced codes are desired.

Article 18

Amendments

18.01 Authority to Amend Ordinance

18.02 Types of Amendments

18.03 Text Amendments

18.03.01 Initiation of Text Amendments

18.03.02 Application for Text Amendment

18.03.03 Public Notice Requirement

18.03.04 Text Amendment Review Procedure

18.04 Map Amendments (Rezoning)

18.04.01 Initiation of Map Amendments

18.04.02 Application for Map Amendments

18.04.03 Public Notice Requirement

18.04.04 Map Amendment Review Procedure

18.04.05 Protest Procedure

18.04.06 Resubmission of Application

18.01 Authority to Amend Ordinance

The regulations imposed and districts created under this ordinance may be amended from time to time by ordinance after the ordinance establishing them has gone into effect. Amendments shall be made in accordance with the regulations of this Article and applicable Illinois State Statutes.

18.02 Types of Amendments

Amendments shall be classified as follows:

1. **Text Amendments.** Amendments to the regulations contained in this ordinance shall be referred to as "Text Amendments." These include all changes in existing district regulations, or any other provision of this ordinance.
2. **Map Amendments.** Amendments to the location of district boundaries on the Official Zoning Map shall be referred to as "Map Amendments" (also referred to as a rezoning).

18.03 Text Amendments

18.03.01 Initiation of Text Amendments

Text amendments may be initiated by the Village Board or the Planning and Zoning Commission, or which may be initiated by them in response to a request by any Village Board or staff member. A text amendment may also be requested by any other person provided an appropriate application for such is submitted in accordance with this article.

18.03.02 Application for Text Amendment

Persons applying for a text amendment shall do so by completing and submitting the appropriate application forms provided by the Village Office. The application must state the exact article of this ordinance proposed for amendment, the proposed substitute wording, the reasons for requesting the amendment, and any other information that the Village Building Official may require. Graphic materials may also be submitted if it will assist in understanding the benefits of the amendment.

18.03.03 Public Notice Requirement

The Village Clerk shall be responsible for ensuring that notice of the time, date, and place of the required public hearing be given not more than thirty (30) nor less than fifteen (15) days before the hearing by publishing a notice thereof at least once in a newspaper having general circulation in the Village of Winnebago.

18.03.04 Text Amendment Review Procedure

1. The Village Building Official shall review the proposed text amendment. The Village Building Official shall solicit the opinions and comments of other Village staff members and shall recommend to the Planning and Zoning Commission the approval or denial of the proposed text amendment or approval of a modified version of the proposed text amendment.
2. The Planning and Zoning Commission shall hold a public hearing and shall consider the proposed text amendment and relevant facts presented by the applicant or his/her representative, Village staff, or by any interested citizen. Once the Planning and Zoning Commission is satisfied that they have heard all relevant facts, they shall recommend to the Village Board approval or denial of the proposed text amendment or the approval of a modified version of the proposed text amendment.
3. Upon receipt of the Planning and Zoning Commission's recommendation, the Village Board shall consider the proposed text amendment. The adoption of an ordinance that affirms the Planning and Zoning Commission's recommendation for a map amendment shall require a favorable vote of a simple majority of the Village Board members present. The adoption of an ordinance that reverses the Planning and Zoning Commission's recommendation for a text amendment shall require a two-thirds (2/3) favorable vote of the Village Board members present.

18.04 Map Amendments (Rezoning)**18.04.01 Initiation of Map Amendments**

Map amendments may be initiated by the Village Board or the Planning and Zoning Commission, which may be in response to a request by any Village board or staff member. A map amendment may also be requested by the owner(s), or authorized representative(s) of the owner(s), of property within the area subjected to the proposed map amendment, provided an appropriate application for such is submitted in accordance with this article.

18.04.02 Application for Map Amendment

1. A request for a Map Amendment, or change of zoning, is called a petition to rezone and is filed with the Village Clerk. The application form for a petition to rezone is available from the Village Office. In addition to submitting the completed application, the petitioner shall be required to submit the following information:
 - a. Legal owners of the property(s) to be rezoned. If the property is held in an Illinois Land Trust, a Statement of Beneficial Interest is also required;
 - b. Legal Description of the property(s) to be rezoned;
 - c. Common street address of property(s) to be rezoned;
 - d. Size of property (in square feet or acres);
 - e. Current zoning of property;
 - f. Requested zoning of property;
 - g. Narrative description of the reasons for requested rezoning;
 - h. Estimated impact of rezoning on surrounding neighborhood;
 - i. Vicinity map showing the area to be rezoned;
2. At the time of submitting a petition to rezone, the petitioner may submit to the Village certified petitions of signatures of area residents supporting the rezoning. Such petitions are optional.
3. At the time of submitting a petition to rezone, the applicant shall also furnish to the Village a list of owners and their mailing addresses of all property within two-hundred fifty (250) feet of the property that is the subject of the proposed rezoning, together with stamped envelopes addressed to each of said property owners. This distance shall be measured in all directions from the boundaries of the subject property and shall not include distances devoted to adjoining or nearby public rights-of-way.
4. Nothing shall preclude an applicant from submitting a single petition that includes requests for two or more zoning districts on a single tract of land and which would be subjected to only one application fee and one public hearing process. However, this shall not preclude the Village Board from considering and possibly adopting separate ordinances that would approve the individual rezoning requests.

18.04.03 Public Notice Requirement

1. The Village Clerk shall be responsible for ensuring that notice of the time, date, and place of the required public hearing, along with a legal description of the property that is the subject of the public hearing, be given not more than thirty (30) nor less than fifteen (15) days before the hearing by publishing a notice thereof at least once in a newspaper having general circulation in the Village of Winnebago.
2. The Village Clerk shall be responsible for ensuring that notice of the public hearing is mailed to those property owners whose names are furnished by the applicant. Notice of public hearing shall also be sent by certified or registered mail to the trustees of the Winnebago Public Library District and Win-Bur-Sew Fire Protection District, as well as the Trustees of each fire protection district and public library district of which the property to be annexed is currently a part before annexation, and the Township Highway Commissioner, the Board of Township Trustees, the Township Supervisor,

and the Township Clerk, when any land proposed to be annexed includes any highway under the jurisdiction of any township, and to any other local government bodies required by state statute. Courtesy notice shall be given to the appropriate affected park district(s) and school district(s) through notice given to their respective Board Presidents via regular mail. The published notice shall be signed by the Village Clerk. An affidavit indicating that such notice has been served shall be signed by the Village Clerk and recorded with the Winnebago County Recorder's Office.

3. The Village Building Official may require the applicant to erect a sign or signs on the subject property not less than fifteen (15) days before the scheduled public hearing by the Planning and Zoning Commission. The sign(s) shall have on their surface a notice that the property is to be the subject of a public hearing and shall not be removed until the Village Board has taken final action on the rezoning petition. There shall be one (1) sign erected for every public street frontage and it shall be clearly visible from the adjacent or nearest public rights-of-way. All signs shall be furnished by the Village after receiving from the applicant any appropriate fees and/or deposits. The deposits shall be returned to the applicant upon the timely return of the sign or signs in good condition.

18.04.04 Map Amendment Review Procedure

1. The Planning and Zoning Commission Chairman shall review the rezoning petition. The Planning and Zoning Commission Chairman shall solicit the opinions and comments of other Village staff members and, along with the comments received from property owners, governmental agencies, etc., shall forward to the Planning and Zoning Commission for consideration.
2. The Planning and Zoning Commission shall hold a public hearing within 60 days of petition filing, and shall consider the rezoning petition and relevant facts presented by the applicant or his/her representative, Village staff, other governmental agencies, or by any interested citizen. Once the Planning and Zoning Commission is satisfied that it has heard all relevant facts, it shall recommend to the Village Board that the rezoning petition be approved or denied for all or part of the subject property. Alternatively, the Planning and Zoning Commission may recommend approval of an amendment to the rezoning petition to a zoning district classification more restrictive than the zoning district classification originally requested by the applicant. In making its recommendation, the Planning and Zoning Commission shall consider and adopt findings in each of the following:
 - a. The proposed rezoning conforms to the Village's Comprehensive Plan, or conditions or trends of development have changed in the area of the request since the adoption of the Village's Comprehensive Plan to warrant the need for different types of land uses or densities. Furthermore, the proposed rezoning is appropriate considering the length of time the property has been vacant, as originally zoned, and taking into account the surrounding area's trend of development;
 - b. The proposed rezoning conforms to the intent and purpose of this ordinance;
 - c. The proposed rezoning will not have a significant detrimental effect on the long range development of adjacent properties or on adjacent land uses;

- d. The proposed rezoning constitutes an expansion of an existing zoning district that, due to the lack of undeveloped land, can no longer meet the demand for the intended land uses;
 - e. Adequate public facilities and services exist or can be provided.
3. No change shall be made to this ordinance within six months after the date upon which an official plan is adopted by the corporate authorities, unless such change in this article or such variation is approved by a two-thirds (2/3) vote of the village corporate authorities or the Zoning Board of Appeals then holding office, as the case may be.

18.04.05 Protest Procedure

1. If a formal written protest to a proposed map amendment, signed and acknowledged by certain property owners as hereinafter described, is filed with the Village Clerk not less than ten (10) calendar days prior to the Village Board meeting at which the proposed map amendment is to be considered, the proposed map amendment shall not be approved except by a favorable vote of two-thirds (2/3) of the Village Corporate Authorities members then holding office. In order for the written protest to be valid, property owners whose signatures appear on the protest shall own property in the following manner:
 - a. Owners of at least twenty percent (20%) of the property proposed to be rezoned, or
 - b. Owners of property comprising at least twenty percent (20%) of the frontage directly opposite the frontage of the property proposed to be rezoned, or across an alley therefrom, or
 - c. Owners of property comprising at least twenty percent (20%) of the property that is immediately adjacent and contiguous to the property proposed to be rezoned.
2. Further, in order for the written protest to be valid, a copy of said protest shall be served by the protester(s) on the applicant(s) for the proposed map amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown on the application for the proposed map amendment at least ten (10) calendar days prior to the meeting at which voting is scheduled to take place on the proposed map amendment.

18.04.06 Resubmission of Application

From the date of the Village Board action on the Planning and Zoning Commission's report on an application for a Map Amendment, no subsequent application requesting the same classification with reference to the same property, or part thereof, shall be filed within twelve (12) months from said receipt and filing.