



CITY OF WOOD DALE

PUBLIC NOTICE

IN ACCORDANCE WITH THE STATUTES OF THE STATE OF ILLINOIS AND THE ORDINANCES OF THE CITY OF WOOD DALE, NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL WILL CONTINUE ITS REGULAR STANDING COMMITTEE MEETINGS AT 7:30 P.M. ON THURSDAY, MAY 12, 2022 IN THE COUNCIL CHAMBERS OF THE CITY HALL, 404 NORTH WOOD DALE ROAD, WOOD DALE, ILLINOIS, FOR THE PURPOSES SET FORTH IN THE FOLLOWING AGENDAS:

STANDING COMMITTEES OF THE CITY OF WOOD DALE, ILLINOIS MAY 12, 2022

I. PLANNING, ZONING & BUILDING COMMITTEE

- A. Call to Order
- B. Roll Call
- C. Approval of Minutes of Meeting
 - i. April 28, 2022 Planning, Zoning & Building Committee Minutes
- D. Report and Recommendation
 - i. Review and Approval of the Comprehensive Rewrite of the Unified Development Ordinance (UDO) and Rezoning of Certain Properties with Any Amendments as Deemed Necessary
 - ii. Rezoning Upon Annexation from R-1 to R-4 and Lot Consolidation for 160 Pine Ln (Formerly known as 5N510 and 5N514 N Pine Lane)
- E. Items to be Considered at Future Meetings
 - i. Rental Housing Code Change - Summer
- F. Adjournment

II. PUBLIC WORKS COMMITTEE

- A. Call to Order
- B. Roll Call
- C. Approval of Minutes of Meeting
 - i. April 28, 2022 Public Works Committee Minutes

D. Report and Recommendation

- i. Public Works Facility Improvements – Phase II Bid Release
- ii. Approval of an Agreement between the City of Wood Dale and Morton Salt, Inc. for the FY 2023 Bulk Rock Salt Purchase in an Amount Not to Exceed \$78,915.20

E. Items to be Considered at Future Meetings

- i. City Sign Program – June 9
- ii. 2nd Ave Design Options – June 9
- iii. Road Program – July 14

F. Adjournment

POSTED IN CITY HALL ON MAY 6, 2022 AT 4:00 PM
LYNN CURIALE, CITY CLERK
BY: MAURA MONTALVO, DEPUTY CITY CLERK



PLANNING, ZONING & BUILDING COMMITTEE
COMMITTEE MINUTES

Committee Date: April 28, 2022
Present: Mayor Pulice, Alderman Ames, Alderman Catalano, Alderman Curiale, Alderman Jakab, Alderman Messina, Alderman Sorrentino, Alderman Susmarski, Alderman Woods.
Absent: None
Also Present: Director Lange, Finance Director Wilson, Chief Vesta, City Manager Mermuys, Pat Bond
Meeting Convened at: 07:30 PM

APPROVAL OF MINUTES:

Ald. Susmarski made a motion, seconded by Ald. Ames, to approve the minutes of the _April 14, 2002_ meeting as presented. A voice vote was taken, with all members voting aye.

REPORT & RECOMMENDATION

REVIEW AND APPROVAL OF THE REVISED CONCEPT PLAN FOR THE PROPOSED APARTMENTS AT 372 N WOOD DALE RD.

DISCUSSION:

City Manager Mermuys began by stating that there is a slight revision of the concept plan for the Apartments at 372 N Wood Dale Rd. The presenter is Brad Friedman from the Lynmark Group. They will be looking for input from the Council, so they can move forward with the project.

Mr. Friedman stated that last time he was here he had presented a plan of a 4-story wood framed building with a little over 200 units, and a parking garage with an estimated project cost was \$66 million. Based on what happened during co-vid, and due to price increases, we had to take a step back and reassess the concept plan. The new concept plan is a 5-story light gauge metal frame, with 176 units, open surface parking, with an estimated cost of \$56.5 million. The TIF request has decreased from \$6.5 million down to \$5.9 million. The amenities are the same from the original plan.

Mr. Friedman stated that no matter how many units that get built, the sitework costs will remain constant at \$4.5 million. Sitework includes stormwater detention, sewer sanitation, underground utilities, landscaping, paving, etc. All the costs remain constant when we first approached you, we had \$7.1 million in eligible TIF costs, and because prices are increasing,

we now have \$7.5 million in eligible costs. But we are lowering our request due to changes that have been made. The numbers show that there is simply no project without the TIF money, because there is no cash flow. He will go back and meet with his team and do new renderings. The City Manager said that we already have an RDA, and we will be discussing it at the May 19th meeting. We will discuss the stipulations and parameters of the agreement, with a possibility of earnest money.

VOTE:

Ald. Woods made a motion: I move to approve, in concept, The Lynmark Group Revised Concept Plan, with a 5 story, as depicted in the renderings, subject to compliance with the City Code requirements.

Ayes: 8
Nays: 0
Abstained: 0
Motion: Carries

ITEMS TO BE CONSIDERED AT FUTURE MEETINGS:

- i. UDO Update – May 12, 2022
- ii. Pine Ave Single Family Annexation – May 12, 2022
- iii. Fair Housing – July 14, 2022
- iv. Rental Housing Code Change – Spring/Summer

ADJOURNMENT:

Ald. Sorrentino made a motion, seconded by Ald. Jakobs, to adjourn the meeting at 08:03 p.m. Upon a voice vote, the motion carried unanimously.

Minutes taken by Julie Szabo



REQUEST FOR COMMITTEE ACTION

Referred to Committee: May 12, 2022
Subject: Comprehensive Rewrite of UDO & Rezoning
Staff Contact: Gosia Pociecha, AICP, Senior Planner
Department: Community Development Department

TITLE: Review and Approval of the Comprehensive Rewrite of the Unified Development Ordinance (UDO) and Rezoning of Certain Properties with Any Amendments as Deemed Necessary

RECOMMENDATION:

Staff recommends approval of the proposed comprehensive rewrite of the UDO and rezoning of certain properties upon consideration by the Committee of the recommendations listed below. The Community Development Commission voted on the motion to recommend approval of the proposed UDO rewrite with rezoning with the following conditions:

1. Review of the proposed table of permitted uses in relation to the proposed C1, C2, C2a and C3 districts;
2. Review of the proposed nonconforming regulations in Article VII related to the sale or lease of nonconforming property and any impact of property values;
3. Review of the proposed Thorndale Interchange Overlay District;
4. Review of the proposed list of authorized variations;
5. Review of the proposed definitions including the definition of junkyard;
6. The potential establishment of an additional steering committee, if prudent.

CDC's vote was four (4) "no" to two (2) "yes" and the motion failed.

BACKGROUND:

As you may recall, updating of the Unified Development Ordinance (UDO) was a high priority finding from the 2018 Comprehensive Plan. In the fall of 2019, City's consultants, Teska Associates and Ancel & Glink, were tasked with performing a Zoning Assessment Study of the existing UDO. Upon review of the completed Study in December of 2019, the City Council authorized a complete rewrite of the UDO.

The UDO Steering Committee, comprised of citizens and elected officials, was appointed by the Mayor as an advisory committee to guide the process and build consensus around the full rewrite of the UDO. The Steering Committee met four (4) times over 2019-2022. Attached to this memo are the meeting agendas and minutes from the UDO Steering Committees. The final draft of the UDO was completed by city consultants with input and review provided by city staff and the UDO Steering Committee.

The Community Development Commission (CDC) held a public hearing on the UDO rewrite on March 21, 2022. The public hearing was continued to April 18 and again to April 25 to allow time for review of the UDO in two parts. Ultimately, with the failed motion to approve, the CDC recommended denial of the proposed UDO and rezoning as some members felt that the draft document was not ready and did not address all of the concerns raised during the public hearings. The CDC motion, however, included a list of recommended items/concerns to be considered by the Committee and City Council (see list 1-6 in "Recommendation" above).

ANALYSIS:

In review of the draft UDO and the rewrite process, it is worth reiterating the overall objectives for updating of the UDO, which include making the UDO more user friendly, more business friendly, and consistent with the Comprehensive Plan. The intent is to promote high-quality development that is governed by clear and concise regulations.

The UDO was completely re-written to provide document that is more closely aligned to zoning regulations found at other municipalities, providing a familiar hierarchy that is easier to understand. In addition, graphics and charts were added to clarify some of the concepts. While some of the content or intent of the existing UDO regulations was maintained, the text was re-written, hence a redline version is not available as it would be very difficult to follow.

The other important component of the proposed UDO is to update regulations and make many processes more straight forward. This includes delegating more administrative power to staff in certain specifically defined circumstances.

To address some of the issues raised during the rewrite process, the following improvements have been proposed:

- Update to lot coverage definition to allow construction of above ground pools
- Allowing variation requests for number of required parking spaces
- Update to the schedule of required parking table
- Streamlined minor subdivision process (applicable for lot consolidations, or subdivisions of less than 4 lots)
- Allow staff authority to grant small administrative variations
- Consolidating many of very specific or outdated uses into broader land use categories
- Design Guidelines for commercial and industrial buildings

- “Building types” have been replaced by more common bulk regulations for zoning districts

Rezoning

As part of the comprehensive update to the UDO, certain properties are proposed to be rezoned. The zoning changes are meant to reflect the future land use patterns noted in the Comprehensive Plan and are based on the expected development and redevelopment patterns. In total 210 properties are proposed to be rezoned including properties that are to be located in a new overlay district around the Wood Dale Road and I-390 interchange. Attached to this memo is a draft Zoning Map for 2022 which reflects the proposed changes. If the proposed rezoning is approved by the City Council, the attached draft will become the official Wood Dale Zoning Map for 2022.

Chapter 12 Amendments

The rewrite of the UDO included addition of design guidelines for development of commercial and industrial properties. The proposed guidelines address site planning, landscaping and building design and are meant to promote high-quality buildings and sites for any new construction or major remodeling projects. The proposed design guidelines are meant to replace Sec. 12.401. General Provisions of the Building Code, which offer very specific and outdated exterior material requirements. Staff is recommending amendment to Sec. 12.401 to delete the following:

~~A.— New buildings, reconstructions, and replacements of existing structures requiring building permits shall be required to be constructed with a surface treatment which provides visual interest and architectural detailing. The application of these materials required shall be as follows, or as approved by the building official:~~

~~1.— Multi-Family Residential: Multi-family dwelling units shall contain a minimum of eighty five percent (85%) of brick or stone material on the entire structure excluding gables, dormers, openings for windows and doors and associated trim.~~

~~2.— Commercial Properties: In addition to being required to have exterior walls be of masonry construction, commercial buildings shall contain a minimum of eighty five percent (85%) of brick, stone, or approved masonry materials, or any combination thereof on all exterior walls excluding gables, dormers, and openings for windows and doors as a surface treatment. Smooth faced concrete units are allowed on the side and rear elevations of any commercial property if the side and rear elevations are not visible from a public right-of-way.~~

~~3.— Industrial Properties: Commercial buildings on industrially zoned properties shall contain a minimum of twenty five percent (25%) of brick, stone, or approved masonry materials, or any combination thereof on all exterior walls excluding openings for windows, doors and associated trim. Smooth faced concrete units are allowed on the side and rear elevations of any industrial property if the side and rear elevations are not visible from a public right-of-way. (Ord. O-18-025, 7-19-2018)~~

As part of an amendment to Chapter 12 of the Municipal Code, staff is also recommending addition of disclaimer pertaining to HOA bylaws/covenants as discussed

during the Strategic Planning process. Staff is recommending the following text amendment:

Sec. 12.503. Application For Permit.

A. *Form Of Application: The application for a permit shall be submitted in such form as the building official may prescribe and shall be accompanied by the required fees as specified in the master fee schedule. The permit form shall provide substantially similar disclaimer language as follows "the City is not required to review or enforce private property restrictions or covenants set forth in any property records including but not limited to homeowner's association property records, unless the City has expressly accepted any such enforcement."*

While the public hearing process considered the entire draft UDO, majority of the public comments were related to a small portion of the document, focused on rezoning of properties, modifications to the land use table, and nonconforming regulations. A significant majority of the UDO was not contentious. However, the Committee may wish to consider the recommendations that were summarized at the beginning of the memo and provide policy decisions that will be used to draft the final UDO document.

DOCUMENTS ATTACHED

- ✓ Draft UDO (as presented during 03/21/22 public hearing)
- ✓ UDO Steering Committee #1 – 03/05/19
- ✓ UDO Steering Committee #2 – 07/15/21
- ✓ UDO Steering Committee #3 – 12/02/21
- ✓ UDO Steering Committee #4 – 01/20/22
- ✓ CDC Memo & Minutes – 03/21/22
- ✓ CDC Memo & Minutes – 04/18/22
- ✓ CDC Memo & Minutes – 04/25/22
- ✓ 2022 Zoning Map - draft

City of Wood Dale, IL
Chapter 17 – Unified Development Code Update
Public Hearing: March 21, 2022

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Chapter 17 – Unified Development Code

Article I

Title, Purpose and Definitions

17.101 Introduction

- A. Community Character: Wood Dale is located in the Northeastern portion of DuPage County just west of O'Hare Airport. Like many communities in the area, Wood Dale is largely built out and has a mix of residential, commercial and industrial development. Commercial development is focused along the Irving Park Road corridor and industrial uses are located in the Northern part of the City. The large industrial area can be mainly attributed to the City's access to an excellent transportation system and proximity to regional highways, including I-390, Illinois 53, Illinois 83, I-290, I-294, I-355, and I-90, and the Metra commuter rail service to downtown Chicago.

As Wood Dale continues to develop and redevelop, residents will face new issues related to community character. These issues will range from small infill development in the older parts of the City to large scale redevelopments related to strong commercial and industrial markets. These market strengths, especially for logistics uses, have been and will continue to be a function of the City's proximity to O'Hare Airport. As this development and redevelopment occurs, the challenge before Wood Dale will be to maintain residential quality of life while capitalizing on the economic development opportunities created by its location in the Chicago metropolitan region and maintaining the industrial area as a modern and attractive business park.

Wood Dale's diversity of buildings and land uses creates distinctive characters depending where one looks. Residential, commercial, and industrial developments are generally separated from one another with points of transition between them. This diversity of uses and the opportunity to minimize their impact on one another is fundamental to the City's character. In addition, diversity within each of the land use types (residential, commercial, and industrial) is part of the City's character and a strong asset. Diversity reduces the monotony often associated with contemporary development practices and is a key element of Wood Dale's character and diverse tax base.

"Community character" is a means of organizing the physical, social, and economic factors that make up a community so that they can be viewed as a totality rather than as separate and independent facts. It is a framework that not only defines a type of land use, but also defines their relationships and functions. For example, transportation impacts are associated with each land use type. In regulating land uses in each area, development codes must understand and consider the consequences of the choices.

No single way of looking at or regulating character is primary or all encompassing. The most important character elements may differ depending on use type, location, or a variety of other factors. Community character also is defined by scale of developments and how the natural environment is incorporated. Lastly, scale (the relationship between humans and buildings and between two or more buildings) must be considered in managing community character.

- B. The Need for This Chapter: The land use and improvement regulations, requirements and procedures described in this Chapter for Wood Dale serve as a guide for preserving and perpetuating the community character of Wood Dale as it continues to develop. The primary purpose of this Chapter is not merely to provide minimum regulations necessary to facilitate safe and orderly growth, but to implement the goals, objectives and policies of the City of Wood Dale Comprehensive Plan. This will help to ensure that orderly growth, in the context of the existing neighborhoods, increases collective security, advances city identity, promotes civic awareness and responsibility, and enhances the quality of life for the entire city. This Chapter also serves to support the greatest possible economic and social benefits for all Wood Dale residents, merchants and visitors.

To these ends, this Chapter, related maps, illustrations and diagrams have been prepared with due consideration of future growth. The goal is to promote a comfortable neighborhood scale for residential areas. Likewise, these regulations integrate a balanced transportation system based on pedestrian, and automobile use with consideration of future transit opportunities and technological advancements. To advance those objectives, this Chapter also supports the adequate provision of water and sewer infrastructure, schools, parks, and other public necessities; and, for the preservation and enhancement of the natural environment.

- C. General Development Objectives: The objective of this Chapter is to carry out and achieve the goals and objectives of the City of Wood Dale Comprehensive Plan. The Comprehensive Plan provides a clear vision of the community's expectations and aspirations, and strategies for community character and orderly development in the City and its environs.

17.102 Purpose And Applicability.

- A. Title And Jurisdiction: This Chapter shall be referred to and cited as the UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF WOOD DALE and shall include the full scope of authority set forth in Division 13 of the Illinois Municipal Code, 65 ILCS 5/11-13-1 et seq., as the same may be amended from time to time, and apply to the development and improvement of land and the uses of structures, land and water within the corporate limits of the City of Wood Dale, and to the subdivision of land and the public improvements placed thereon in and within one and one-half (1.5) miles of the corporate limits of the City of Wood Dale.
- B. Purpose and Intent: This Chapter is adopted for the following purposes:
1. To implement the goals, objectives and policies of the City of Wood Dale Comprehensive Plan;
 2. To promote the public health, safety, comfort and general welfare of the people;
 3. To divide the City into zones or districts regulating and restricting therein the location and building use, structures and land for residential, business, manufacturing and other specified purposes;
 4. To protect the character and stability of the residential, business, and manufacturing areas within the City and to promote the orderly and beneficial development of such areas;
 5. To provide adequate light, air, privacy and convenience of access to property;
 6. To regulate the intensity of use of lot areas, and determine the area of open spaces surrounding buildings, necessary to provide adequate light and air and to protect the public health;

7. To establish building lines and the location of buildings designed for residential, business, and manufacturing or other uses within such areas;
8. To exclude uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts;
9. To limit congestion in the public streets and protect the public health, safety, convenience and general welfare by providing for the off street parking of motor vehicles and the loading of commercial vehicles;
10. To protect against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort and general welfare;
11. To preserve and enhance the taxable value of land and buildings throughout the City;
12. To provide for the elimination of nonconforming uses of land, buildings and structures that may adversely affect the character and value of desirable development in the City;
13. To define and limit the powers and duties of the administrative officers and bodies provided herein;
14. To enhance aesthetic values within the City;
15. To encourage the use of alternative and renewable energy sources;
16. To protect the character and the social and economic stability of all parts of the City by facilitating orderly and beneficial development of the community through appropriate growth management techniques;
17. To protect environmentally critical areas and areas premature for development;
18. To guide development in order to provide adequate and efficient public facilities including but not limited to transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public facilities;
19. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City and to provide for the proper location and width of streets and building lines;
20. To support pedestrian movements appropriate to the various uses of land and buildings;
21. To establish sound standards of design and procedures for subdivision of property to further the orderly layout and use of land and to ensure proper legal descriptions and documenting of subdivided land;
22. To ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision or development and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services through requiring developers and subdividers to pay fees, furnish land, or establish mitigation measures to ensure that the development or subdivision provides its fair share of capital facility needs generated by the development or subdivision;
23. To preserve the natural beauty, character, and topography in the City and to ensure appropriate and sustainable development with regard to these natural features;
24. To prevent the pollution of air, streams, and other surface waters; to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability, and beauty of the community and the value of land;
25. To provide for open space through the most efficient design and layout of the land;
26. To raise the level of community expectations for the quality of its environment that brings value to the community, foster the attractiveness and functional utility of the community as a place to live and work;
27. To prescribe penalties for the violation of and methods for the enforcement of the provisions of this Chapter or any amendment thereto;
28. To protect human life and property from the hazards of flooding; and

29. To maintain property values and a stable tax base, as well as lessen the burden on the taxpayer for flood control efforts that can occur from unregulated development in or near areas prone to flooding.
- C. Separability: In accordance with the following, it is hereby declared that the several provisions of this Chapter are separate:
1. If any court of competent jurisdiction determines any provision of this Chapter to be invalid, such determination shall not affect any other provision of this Chapter, not specifically included in the court's judgment order.
 2. If any court of competent jurisdiction determines any provision of this Chapter to be invalid as applied to a particular lot, parcel, building, structure or use, such determination shall not affect the application of such provision to any other lot, parcel, building, structure or use not specifically included in the court's judgment order.
- D. Repeal Of Conflicting Ordinances: All prior ordinances or parts of ordinances of the City of Wood Dale in conflict with this Chapter are hereby repealed.
- E. Publication And Effective Date: By authority of the City Manager and City Council, this Chapter shall be printed in pamphlet form and copies thereof shall be available at the Office of the City Clerk. This Chapter shall be in full force from and after its passage, approval and publication in the manner provided by law.
- F. Illustrations: The illustrations used in this Chapter are not drawn to scale and are intended only to graphically represent the requirements and concepts contained herein, and are not intended, nor should they be construed, to represent every situation or circumstance which may exist in the City of Wood Dale. When there is a conflict between the text of this Chapter and an illustration herein, the text shall prevail.
- G. Zoning Map: The location and boundaries of the districts established by this Chapter are indicated upon the map entitled, "official zoning map, City of Wood Dale, Illinois", as amended from time to time, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Chapter. The official zoning map shall be on file in the Office of the City Clerk and shall be the final authority as to the current zoning status of land and buildings, subject to such authorized amendments, which may be in effect.
- H. Official Map: The location of all existing and future streets, highways, parks, public grounds and public ways, including, but not limited to, schools, bicycle trails, municipal parking areas, public works garages and facilities, wastewater treatment plants, wells and storage reservoirs, laid out, adopted and established by this Chapter are indicated upon the map entitled "official map of the City of Wood Dale", which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Chapter. The official map shall be on file in the Office of the City Clerk. All annexation plats and subdivision plats which may hereafter be approved by the mayor and city council of the City of Wood Dale and recorded in the office of the recorder of deeds of DuPage County shall be, and such annexation and subdivision plats are hereby, designated a part of the official map of the City of Wood Dale.
- I. Annexed Land: All territory which may hereafter be annexed to the City of Wood Dale, shall be classified R-1 district until otherwise classified by amendment as provided herein. In the

event owners requesting annexation of their property desire a classification other than R-1 district, a petition shall be submitted for the desired zoning classification simultaneously with the petition for annexation. Upon annexation of property containing existing structures, the property shall comply with Sections 7.103, 7.301, and 7.402 of The Wood Dale Municipal Code (unless otherwise directed by action of the City Council). In addition, any fees due pursuant to any public or private recapture agreement shall be paid at the time of permit issuance for said connection to the City's water and/or sanitary sewer system.

- J. Boundary Lines: In the event that uncertainties exist with respect to the intended boundaries of the various districts as shown on the zoning map, the following rules shall apply:
1. District boundaries shall be set as the centerlines of the streets, alleys, public ways and railroad rights of way, unless otherwise indicated. Such streets, alleys, public ways and railroad rights of way shall be deemed to be in the same zoning district as the immediately abutting property. In addition, boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
 2. Where the district boundaries do not coincide with the location of streets or alleys, but do coincide with lot lines, such lot lines shall be construed to be the boundary of such district.
 3. Where the district boundaries do not coincide with the location of streets, alleys, or lot lines, the district boundary shall be determined by the use of the scale shown on the zoning map.
 4. When a lot held in one ownership on the effective date of this Chapter is divided by a district boundary line, the entire lot shall be construed to be within the more restrictive district.
 5. Streets, alleys, public ways or railroad rights-of-way which are shown on the zoning map and which have been vacated, or which may be vacated, shall be in the same district as the land abutting both sides of the vacated right of way. If land abutting each side of the vacated right-of-way is indifferent districts before being vacated, the centerline of the vacated right-of-way shall be the district boundary line of the respective zoning districts on either side of the vacated right of way.
- K. Interpretation:
1. In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety and welfare.
 2. Where the conditions imposed by any provision of this Chapter upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this Code or of any other law, ordinance, resolution, rule or regulations of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.
 3. Nothing in this Chapter shall be deemed to be a consent, license or permit to use any property, to locate, construct, or maintain any building, structure or facility, or to carry on any business, industry, occupation or trade, unless such actions are in keeping with the regulations of this Chapter.
- L. Disclosure By Trustee Of Land Trust: Whenever any trustee of a land trust or any beneficiary or beneficiaries of a land trust make application to the City of Wood Dale pursuant to the provisions of this Chapter the application must identify each beneficiary of the land trust by name and address and define the beneficiaries interest in the subject

property. All applications shall be verified by the applicant in its capacity as trustee, or by the beneficiary as the beneficial owner of an interest in the land trust.

- M. Private Agreements: This Chapter is not intended to abrogate any easement, covenant, or other private agreement; provided, that where the regulations of this Chapter are more restrictive or impose higher standards or requirements than easement, covenants, or other private agreements, the requirements of this Chapter shall be controlling.

17.103 Rules And Definitions.

- A. Use of Definitions: In the assembly of this Chapter, the definitions contained in this article shall be observed and applied, except when the context clearly indicates otherwise.
- B. Rules: In the construction of this Chapter, the rules contained in this article shall be observed and applied, except when the context clearly indicates otherwise.
1. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural, the singular.
 2. The words "shall" and "will" are mandatory and not discretionary.
 3. The word "may" is permissive.
 4. The word "lot" shall include the words "plot", "piece", and "parcel".
 5. Unless otherwise specified, all distances shall be measured horizontally.
 6. Whenever a word or term defined hereinafter appears in the text of this chapter, its meaning shall be construed as set forth in the definition thereof.
 7. The masculine gender shall include the feminine and neuter.
 8. All measured distances shall be expressed in feet and shall be calculated to the nearest tenth (0.10) of a foot.
 9. The word "person" shall include the words "association", "corporation", "estate", "governmental agency", "individual", "joint venture", "partnership", "venture", or any other legal entity.
 10. The word "Building" shall include the word "Structure". All "Buildings" are "Structures", but not all "Structures" are "Buildings".
 11. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- . Definitions: The following words and terms when used in the interpretation and administration of this chapter shall have the meaning set forth herein except where otherwise specifically indicated. Words and terms not defined herein shall be defined as specified in the latest published edition of "Webster's New Collegiate Dictionary".

ABUTTING: See Adjacent.

ACCESSORY STRUCTURE: A structure incidental and auxiliary to the principal structure on the same zoning lot as a principal structure. When the wall of an accessory structure is a part of or joined to the wall of the principal structure such accessory structure shall be construed as a part of the principal structure. An accessory structure shall be located on the same zoning lot as the principal building served, except for accessory off street parking facilities permitted to locate on a different Zoning Lot.

ACCESSORY USE: A use incidental and auxiliary to the principal use of the same premises on which such principal use is located. An accessory use shall be located on the same zoning lot as

the principal building or principal use served except for accessory off street parking facilities permitted to locate on a different Zoning Lot.

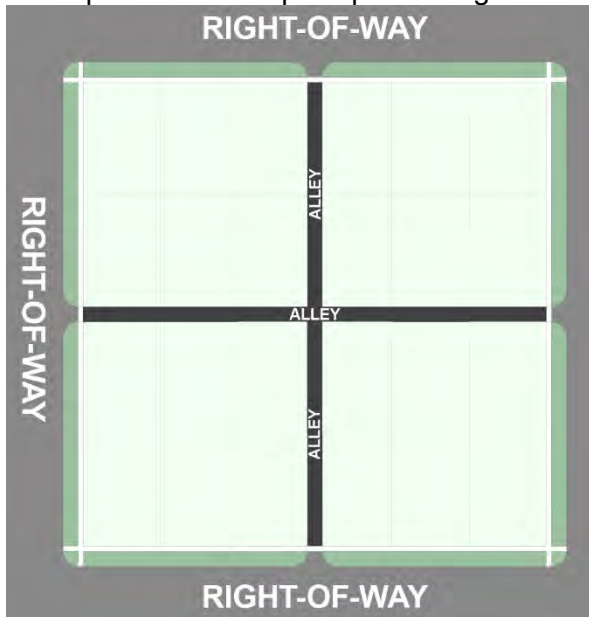
ADDITION: Any structural alteration that changes the shape of or increases the floor area of a building.

ADJACENT: Touching, abutting, lying immediately next to, and/or sharing a common wall or lot line.

ADULT REGULATED USE: As defined in Chapter 4 of this Code.

ALL WEATHER, DUST FREE SURFACE: A hard surface, dust free material capable, during ordinary use, of withstanding without substantial deterioration, normal weather conditions. Gravel and rock do not meet the definition of an all-weather, dust free surface.

ALLEY: A public or private way primarily designed to serve as a secondary means of access to those parcels whose principal frontage is on a public street.



ALTERATION: Any change, or replacement of the supporting members of a building such as bearing walls, partitions, columns, beams or girders, or a substantial change in the roof or in the exterior walls.

AMUSEMENT ARCADE: A commercial establishment that has or maintains eight (8) or more amusement devices on the premises.

ANIMAL HOSPITAL: A place where animals are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to the hospital use. Boarding of animals is not part of this use.

ANIMAL POUND / SHELTER: A building, structure or facility operated, owned, maintained, or used by a duly incorporated humane society, animal welfare society or other not for profit organization whose purpose is to provide for and promote the welfare, protection and humane

treatment of animals, including animals impounded for rabies observation.

ANTENNA: An arrangement of wires, metal rods, parabolic or concave dishes, or similar materials used for the transmission and/or reception of electromagnetic waves.

ANTENNA HEIGHT: The vertical distance measured from the base of the antenna support structure at grade to the highest point of the antenna support structure, even if said highest point is an antenna. Measurement of tower height shall include antennas, base pad, and other appurtenances and shall be measured from the grade of the site. If the antenna support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

ANTENNA TOWER: Any structure designed for the purpose of mounting an antenna.

APPEAL: A request for relief from a decision of the Development Administrator.

APPLICANT: Any person who files an application for zoning amendment, special use, variation, subdivision approval, stormwater management permit, or appeal.

ARBOR: See TRELLIS.

ARCHITECTURAL ENTRANCE STRUCTURE: A structure located at the entrance to a unified development.

ARENA: See STADIUM.

ARTS STUDIO: Studio for professional work or teaching of any form of fine arts, such as photography, music, drama, and dance.

AUDITORIUM: A room, a hall or building made a part of a church, theater, school, recreation building, or other building assigned to the gathering of people as an audience to hear lectures, plays, and other presentations.

AUTOMATED TELLER MACHINE (ATM): An automated device that performs banking or financial functions.

AUTOMATIC AMUSEMENT DEVICE: As defined in Chapter 4 of this Code.

AUTOMOBILE WRECKING YARD: See WRECKING YARD, MOTOR VEHICLE.

AWNING: A fabric covering stretched over a rigid frame projecting from and supported entirely by the elevation of a building and designed and intended to provide overhead weather protection over a window, walk, door or the like. Awnings may be fixed or retractable, meaning they can be retracted, folded, or collapsed against the face of the supporting building.

BAKERY / COFFEE SHOP: An establishment that sells beverages and baked products for consumption on or off-site.

BALCONY: An elevated platform open to the elements, not supported by the ground and projecting from an upper story and enclosed entirely by a railing.

BANKS OR FINANCIAL INSTITUTIONS: A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as loan-making, investments, and fiduciary activities.

BANQUET HALL: An establishment which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, and other similar events. Such a use may or may not include: 1) kitchen facilities 2) the sale of alcoholic beverages for on-premises consumption during scheduled events.

BAR: A room(s) or a counter accessory to the principal use of the building or tenant space in the building where alcoholic beverages are served for consumption on the premises.

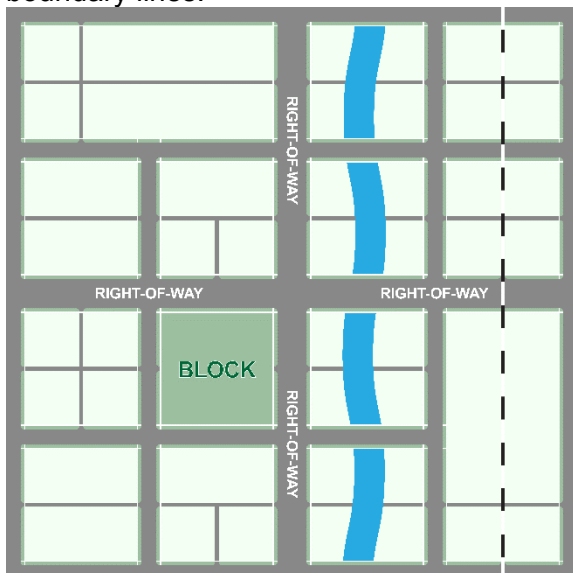
BASEMENT: That portion of a building that is partly or completely below grade.

BAY WINDOW: A window projecting beyond the wall line of the building and not supported by a foundation.

BED AND BREAKFAST: A transient lodging establishment, generally a single-family dwelling which is the owner's personal residence or a detached guesthouse, providing overnight or otherwise temporary lodging of the general public for compensation.

BEDROOM: Any room designed, intended, or used principally for sleeping purposes, including a study or a den.

BLOCK: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways, Municipal, Township and County boundary lines.



BOARD OF APPEALS: Community Development Commission of the City.

BODY SHOP, MOTOR VEHICLE: See MOTOR VEHICLE REPAIR FACILITY.

BOW WINDOW: See BAY WINDOW.

BREW PUB: A type of restaurant that manufactures fermented malt beverages on premises for either consumption on premises or sold directly to the consumer in hand capped or sealed containers.

BUILD-TO LINE: An alignment established a certain distance from the front lot line to a line along which the building shall be built.

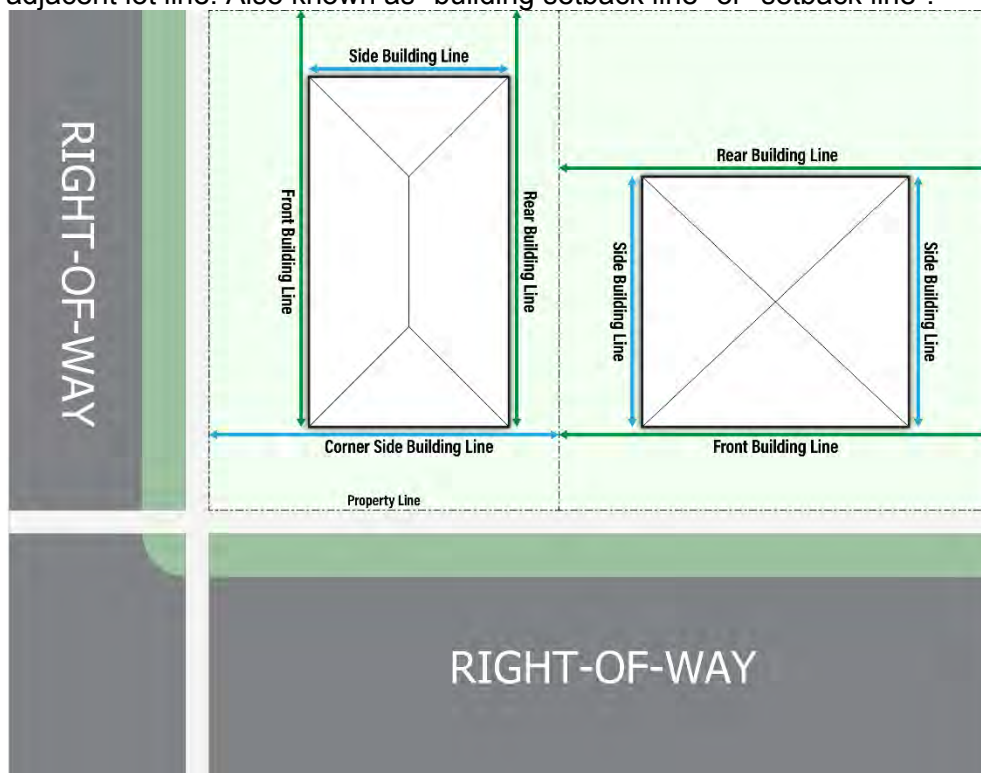
BUILDING: A roofed structure designed or intended for the enclosure, shelter or protection of persons, animals or other property. All forms of vehicles, even if immobilized, are excluded from this definition.

BUILDING CODE: Chapter 12 of this Code.

BUILDING COVERAGE: The gross area of a zoning lot occupied by the ground floor of all principal building(s) and accessory structures which are under roof.

BUILDING, DETACHED: A building surrounded by open space on the same zoning lot.

BUILDING LINE: A line parallel to adjacent property lines at a specified distance from said property lines establishing the minimum open space to be provided between building(s) and an adjacent lot line. Also known as "building setback line" or "setback line".



BUILDING OFFICIAL: As defined in Chapter 12 of this Code.

BUILDING PERMIT: A permit issued by the Building Official of the City for the construction, alteration, removal, or demolition of a building or structure within the City.

BUILDING, PRINCIPAL: A building wherein the primary or predominant use of the zoning lot occurs.

BULK: The term used to describe the size and setbacks of buildings and the location of same with respect to the lot on which situated of buildings and other structures as to size, height, coverage, shape, location of exterior walls in relation to lot lines, to the centerline of streets, to other walls of the same building, and to all open spaces relating to the building or structure.

BUSINESS: As defined in Chapter 4 of this Code, An occupation, employment or enterprise which occupies time, attention, labor and materials in order to conduct commercial activities.

CALIPER: The diameter of a tree measured six inches above finished grade.

CARPORT: A roof like structure that projects from the elevation of a building over a door, walk, window, or the like, and is supported by the building and the ground and is open to the elements on at least three (3) sides; or a freestanding roof like structure above an outdoor services area, such as a gasoline station pump island.

CAR WASH: A structure, or portion thereof, containing facilities for washing automobiles, and may utilize production line methods using a conveyor, blower, steam cleaning device; or other mechanical devices, and may include detailing services.

CARPORT: A permanent, structure, open on at least two sides, designed or used for the storage and shelter of motor vehicles.

CEMETERY: Land used for the burial of the dead and dedicated for cemetery purposes including but not limited to columbaria, mausoleums, necessary sales, and maintenance facilities.

CITY: The City of Wood Dale, an Illinois municipal corporation.

CLUSTER: A collection of items, most commonly associated with plant material, installed as a clump or group as opposed to being separated from one another.

COLLEGE/UNIVERSITY: A public or private institution of higher education including dormitories, fraternities, sororities, and other accessory buildings necessary for operation, but not including business colleges or trade schools when operated for profit.

COMMERCIAL USE: An activity carried out for monetary gain.

COMMUNITY RESIDENCE: A state licensed single dwelling unit occupied on a relatively permanent basis in a communal living environment by persons with disabilities, plus paid professional support staff provided by a sponsoring agency, either living with the residents on a continuous basis or present whenever residents with disabilities are present.

COMPREHENSIVE PLAN: The adopted official statement of a legislative body of a local

government that sets forth (in words, maps, illustrations and/or tables) goals, policies and guidelines intended to direct the present and future physical, social and economic development that occurs within its planning jurisdiction and that includes a unified physical design for the public and private development of land and water.

CONDITIONAL LETTER OF MAP AMENDMENT (CLOMA): A Federal Emergency Management Agency (FEMA) comment letter on a development proposed to be located in, and affecting only that portion of, the area of floodplain outside the regulatory floodway and having no impact on the existing regulatory floodway or base flood elevations.

CONDITIONAL LETTER OF MAP REVISION (CLOMR): A letter that indicates that Federal Emergency Management Agency (FEMA) will revise base flood elevations, flood insurance rate zones, flood boundaries, or floodways as shown on an effective Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), after the record drawings are submitted and approved.

CONDOMINIUM: An estate in real property 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.

CONIFEROUS: Any of numerous, chiefly evergreen trees or shrubs of the class Coniferinae (or group Coniferales), including the pine, fir, spruce, and other cone-bearing trees and shrubs.

CONSTRUCTION TRAILER: A non permanent structure located on the site of a development or construction project to be used for management of the development or construction project and located on the site for a time concurrent with the associated construction.

CONTRACTORS OFFICE: Office for uses that provides off site services for construction, maintenance and repairs of buildings, structures, equipment or other services. This use may also include storage of equipment and materials.

CONVENT: A building or group of buildings designed to provide group housing for persons under religious vows or orders.

COVENANT: A private or public written agreement relating to the use of, restriction of, interest in, or right to, real property and recorded with the DuPage County Recorder of Deeds against the title to the real property to which it applies.

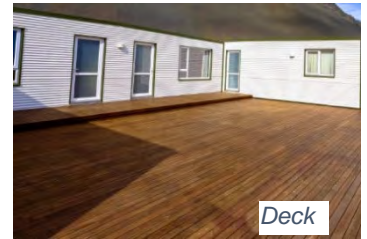
CUL-DE-SAC: A short street having one end open to traffic and being terminated at the other end by a vehicular turnaround.

DAYCARE CENTER: Any childcare facility which regularly provides daycare for less than twenty four (24) hours per day for more than eight (8) children in a family home, or more than three (3) children in a facility other than a family home, including senior citizen buildings as defined by 225 Illinois Compiled Statutes 10/2.09 and licensed by the Illinois Department of Children and Family Services.

DAYCARE HOME: A residence licensed by the Illinois Department of Children and Family Services for the care of at least three (3) but not more than twelve (12) children for less than twenty four (24) hours per day. The maximum number of children permitted includes the family's

natural, foster or adopted children and all other persons under the age of twelve (12). The term does not include residences or facilities which receive only children from a single household.

DECIDUOUS: Tree or other plant that sheds all of its leaves according to a genetically scheduled cycle as impacted by climate factors, usually during the cold season in temperate zones.



DECK: A level, unenclosed platform serving as a floor and located above the finished grade, and usually directly adjoining or attached to a building.

DEVELOPMENT. Any man-made change, other than maintenance of existing structures, paved areas or utilities, to improved or unimproved real estate, including, without limitation, the construction or installation of new, or enlargement of existing structures, streets, or utilities; dredging, filling, drilling, mining, grading, paving, or excavating operations; and open storage of materials.

DEVELOPMENT ADMINISTRATOR: The individual designated by the City Manager to enforce this chapter, or their designee.

DEVELOPMENT PLAN: A preliminary or final plan meeting the requirements of this chapter for the development of a planned unit development.

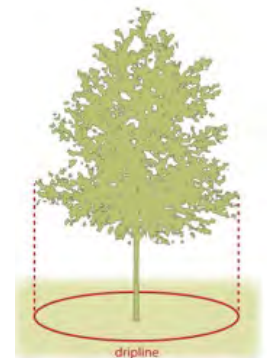
DIAMETER AT BREAST HEIGHT (dbh): The diameter of a standing tree measured at 4.5 feet above the ground. This measurement applies to mature trees.

DISABILITY: A personal condition which is: 1) attributed to mental, intellectual, or physical impairment or a combination of mental, intellectual, or physical impairments; 2) likely to continue for a significant amount of time or indefinitely; and 3) results in functional limitation in three (3) or more of the following areas of major life activities: self-care; receptive or expressive language; learning; mobility; self-direction; capacity for independent living; economic self-sufficiency; and reflects the person's need for a combination and sequence of special interdisciplinary or generic care treatment, or other service of life long or extended duration, but is not the result of a communicable disease or substance abuse or alcohol abuse.

DISTRICT, ZONING: A section of the corporate areas of the City of Wood Dale within which the regulations governing the use of land are uniform.

DOG RUN: An enclosed outdoor area intended for the exercising and/or containment of dogs or other animals.

DRIPLINE: The zone lying between the trunk of a tree or shrub and the extreme outer edge of the leaf and branch structure, i.e., the diameter of the leaf and branch structure extended vertically down to the soil surface.



DRIVE-THRU: A facility or establishment designed, intended or used for transaction of business with customers in automobiles and may be the principal or an auxiliary function of the business. A drive-up window service facility does not include mail or parcel collection boxes.

DRIVEWAY: A private roadway providing vehicular access from a street or alley to adjacent property.

DRIVEWAY APRON: The portion of a driveway located in the right-of-way.

DWELLING: A building or portion thereof designed or used exclusively for residential occupancy, but not including hotels, motels or lodging houses.

DWELLING, ACCESSORY: A room or suite of rooms arranged, designed, used and intended for use as living quarters for a single household, including sleeping, cooking, eating and sanitation facilities, and may be located in a freestanding accessory structure and having its own exterior entrance.

DWELLING, APARTMENT: See DWELLING, MULTI-UNIT.

DWELLING, ATTACHED SINGLE-UNIT: A building consisting of dwelling units each of which is attached by common vertical wall to at least one other dwelling unit with each dwelling unit having a separate exterior entrance and occupying the ground, including, but not limited to, the following: "townhouse", "row house", "duplex", "fourplex", "threeplex".

DWELLING, DETACHED SINGLE-UNIT: A freestanding building containing one dwelling unit.

DWELLING, DUPLEX: A building containing two (2) dwelling units where one dwelling unit is joined with the other dwelling unit on one side by a common wall. No dwelling unit or portion thereof within a duplex dwelling shall be located above or below another dwelling unit. Each dwelling unit shall have an exterior located on the ground floor.

DWELLING, MULTI-UNIT: A building, or portion thereof, consisting of three (3) or more dwelling units with varying arrangements of entrances and party walls and one or more of the dwelling units do not occupy the ground, including, but not limited to, the following: "apartment", "condominium", "cooperative", "manor home", "coach house", "three-flat", and "six-flat". Includes independent senior living.

DWELLING, TWO-UNIT: A building consisting of two (2) dwelling units where one dwelling unit is located on the first floor and the second dwelling unit is located on the second floor and each dwelling may or may not have a separate exterior entrance.

DWELLING UNIT: One or more rooms, including at least one complete permanently installed bathroom and not more than one complete kitchen facility arranged, designed, or used as living quarters for not more than one family. Each dwelling unit shall have an independent entrance, cooking, sleeping and sanitary facilities.

EASEMENT: A grant by a property owner for the use of a strip or parcel of his land by the general public, a corporation, or a certain person(s) for a specific purpose(s).

EATING AND DRINKING ESTABLISHMENT: See RESTAURANT.

EAVE: The projecting lower edges of a roof, overhanging the wall of a building.

EDUCATION FACILITY: See SCHOOL, COMMERCIAL/TRADE SCHOOL.

ENTRANCE, MAIN: An entrance that is used to access the site, or building or portion of a building by the public.

ENTRANCE, SERVICE: An entrance that is not the main entrance and used to access employee restricted areas of the site or building, which includes service bays and loading docks. Required egress doors are not included in this definition.

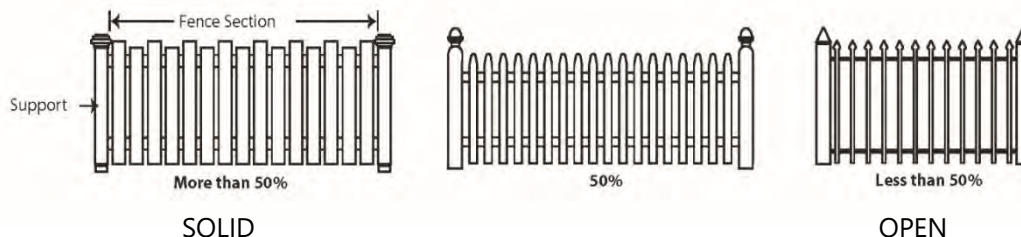
FAA: The Federal Aviation Administration of the United States of America.

FCC: The Federal Communications Commission of the United States of America.

FACADE: Refers to matters of spatial definition and shall mean the vertical surface of a building set along a frontage line; facades are subject to visual definition by building height and setback lines.

FENCE: A freestanding 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, further defined as the following:

- FENCE, OPEN (OR DECORATIVE). A fence, including entrance and exit gates, designed and constructed so that the surface area of any segment of such fence contains at least 50 percent or more of open spaces.
- FENCE, SOLID (OR PRIVACY). A fence that is constructed so that less than 50 percent of the area prohibits light through it, screening views.



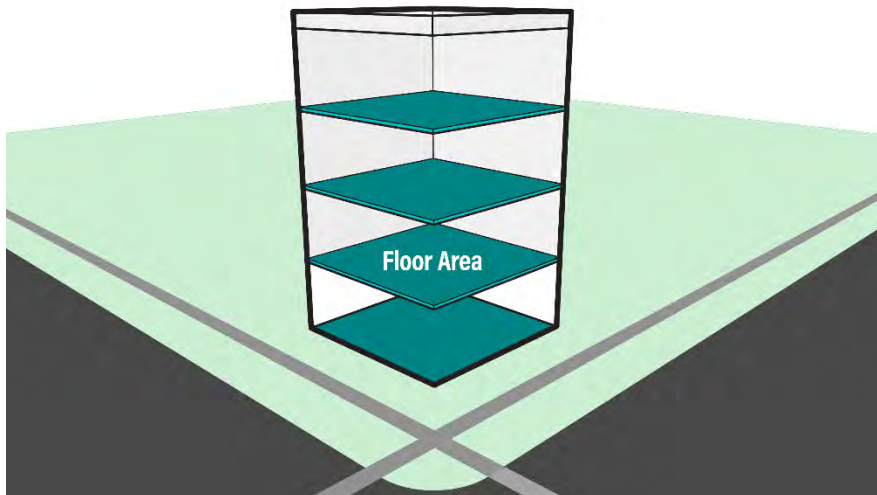
FLOOD PROTECTION ELEVATION OR FPE: The elevation of the base flood plus two feet (2') at any given location in the special flood hazard area.

FLOODPLAIN: The area typically adjacent to and including a body of water where ground surface elevations are at or below a specified flood elevation.

FLOODWAY: That portion of the SFHA required to store and convey the base flood. The floodway for the SFHAs of Salt Creek shall be as delineated on the flood boundary and floodway map prepared by FEMA and dated August 19, 1997. The floodway for each of the remaining SFHAs of the City shall be according to the best data available to the Illinois State water survey floodplain information repository.

FLOOR AREA, GROSS (GFA): The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings and shall include basement floor area; elevator shafts, escalators and stairwells at each floor; floor space used for mechanical, telephone and electrical equipment, open or enclosed, except when located on the roof; penthouses, except mechanical penthouses; attic space having headroom of seven feet ten inches (7'10") or more; interior balconies and mezzanines; enclosed porches; outdoor display areas; interior off street parking and loading facilities; and floor area devoted to accessory uses.

FLOOR AREA, NET (NFA): The gross floor area of the several floors of the building less basement floor area when used for storage; elevator shafts, escalators and stairwells at each floor; floor space used for mechanical, telephone and electrical equipment, open or enclosed, except when located on the roof; penthouses, except mechanical penthouses; attic space having headroom of seven feet ten inches (7'10") or more; public restrooms, interior balconies and mezzanines and other interior common areas designed primarily for pedestrian circulation; enclosed porches; outdoor display areas; interior off street parking and loading facilities; and entrance lobbies.



FOOD PREPARATION: Catering establishment, where food is prepared on the premises for consumption elsewhere.

FREIGHT: Goods, wares, merchandise, substances, materials, and commodities of any kind being transported or transferred from one place to another by air, rail, or commercial motor vehicle.

FREIGHT HANDLING FACILITY: A building or portion thereof in which freight is assembled and/or temporarily stored for routing or reshipment, and may include dispatch services.

FREIGHT YARD: A parcel of land or portion thereof designed for the parking and/or storage of semitrailers, including truck tractors and/or trailer units, other commercial motor vehicles, buses and recreational vehicles and storage of shipping containers.

FUNERAL HOME: An establishment engaged in undertaking services such as preparing the dead for burial and arranging and managing funerals.

GARAGE, PRIVATE: A structure, or an accessory portion of the principal building, for the private use of the owner or occupant of the principal building, designed or used for the storage and shelter of motor vehicles.

GARAGE, PUBLIC: A building or portion thereof, other than a private garage, designed or used for the care, storage, of motor vehicles, or where such vehicles are kept for remuneration, hire or sale.

GASOLINE STATION: Any building, land area, or other premises, or a portion thereof, used or intended to be used for the retail dispensing or sale of motor vehicle fuels and fluids that may include the retail sale of other merchandise or services not related to dispensing fuel.

GOLF COURSE: Public or private facility for playing golf, and may include accessory clubhouse, driving range, miniature golf, restaurant, lounge, bar, pro shop and banquet facilities.

GRADE OR GRADE LEVEL: That elevation established by the City for the proper level of the sidewalk at the street lot line. Where the sidewalk does not adjoin the street lot line, grade at the street lot line shall be determined by taking the elevation established by the City for the street curb and adding thereto an amount equal to one-third ($\frac{1}{3}$) of an inch for each foot of horizontal distance between said edge of street curb and said street lot line; on alley, grade shall be that elevation which is commonly termed "alley grade at the property line".

GREENHOUSE: Land or structures used to raise flowers, shrubs, trees and other plant material for sale at retail or wholesale.

GROCERY / FOOD STORE: An establishment where the principal use is the retail sale of food, including meats, produce, bakery and dry goods, and may include accessory preparation of food for consumption on or off the premises.

GROUND COVER: Woody or nonwoody plants with a maintained or unmaintained average mature height less than twelve inches (12").

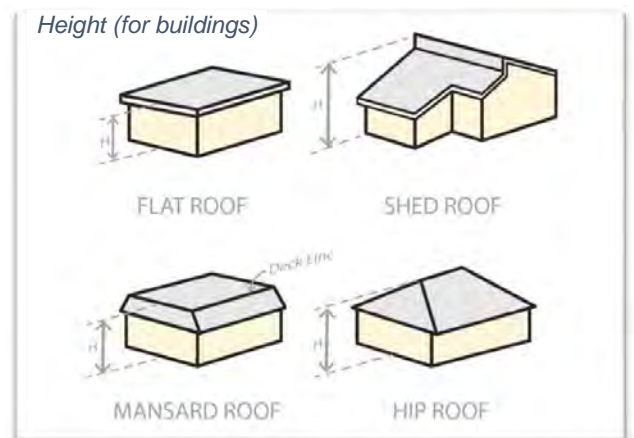
GROUND FLOOR: The first floor of a building other than a basement.

HABITABLE SPACE: Space in a structure designed for living, sleeping, eating or cooking, but excluding bathrooms, toilet compartments, closets, halls, storage or utility spaces and similar areas.

HEALTH AND WELFARE FACILITY: A facility specializing in medical treatment, physical therapy (alcohol and drug treatment), assisted living for all ages, retirement communities, and shelters.

HEALTH CLUB: See INDOOR ATHLETIC FACILITY.

HEIGHT (FOR BUILDINGS): The vertical distance of a building measured from GRADE at the midpoint of the front wall of a building to the highest point of the roof or parapet walls, excluding chimneys, mechanical



equipment, cooling towers, storage tanks, bulkheads, spires, water towers, and antennas attached to or resting upon the building.

HEIGHT (FOR LANDSCAPING): Reference to the general mature height of plant materials installed above the adjacent elevation of soil or paving. Specified height of a screening may be provided by a berm, combination of a berm and planting, or a structure unless otherwise specified herein.

HOME BASED BUSINESS: A business, profession, occupation or trade conducted for pecuniary gain entirely within a residential building, or, when permitted by this chapter, within a structure that is accessory to a residential building.

HOME /GARDEN CENTER: An establishment where home improvement materials, including, but not limited to, kitchen and bathroom accessories and fixtures, wall coverings, window coverings, heating and air conditioning, plumbing and electrical supplies, painting and decorating material, tools and residential construction and remodeling materials and supplies are sold for retail. These centers may include a nursery and/or greenhouse. Outdoor storage of building materials may be provided but is accessory to the principal use and structure and only as permitted by the district in which it is located.

HOSPITAL: An institution providing primary health services and medical or surgical care to inpatients suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions and including as an integral part of the institution, related facilities such as laboratories, pharmacies, outpatient facilities or training facilities.

HOTEL: A building designed for transient occupancy containing lodging rooms or suites accessible from a common interior hall or entrance, providing living, sleeping and sanitary facilities. An accessory central kitchen, meeting rooms, dining room, swimming pool and recreation room may be provided in the same building or structure.

IMPERVIOUS SURFACE: Land cover that cannot effectively absorb or infiltrate water, including, but not limited to, nonporous asphalt or asphalt sealants, nonporous concrete, roofing materials and compacted gravel.

INDOOR ATHLETIC FACILITIES: An establishment that provides health, fitness, and exercise facilities such as running, jogging, aerobics, weightlifting, court sports, swimming, or other recreational activities. May also include facilities for sports training such as baseball, soccer, gymnastics, and martial arts.

INDOOR ENTERTAINMENT AND AMUSEMENT FACILITIES: An establishment where entertainment, either passive or active, is provided. Activities include but are not limited to bowling, billiards, performance arts and theater, indoor play park, and other similar uses.

INDOOR RETAIL SALE OF GOODS: The use of a structure for the display and sale of merchandise directly to the ultimate consumer that may include stocks of goods, wares or merchandise incidental to such purpose and open and accessible to the public.

JUNKYARD: An open area of land and any accessory building or structure thereon which is used for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials, including vehicles, machinery, and equipment not in operable condition or

parts thereof, and other metals, paper, plastics, rags, rubber tires, and bottles. Two (2) or more inoperable motor vehicles stored on a zoning lot shall be considered a junkyard. A "junkyard" includes a motor vehicle wrecking yard, but does not include an establishment located in the applicable manufacturing district engaged exclusively in processing of scrap iron or other metals to be sold only to establishments engaged in manufacturing of steel or metal alloys.

KENNEL: Any lot or premises, or portion thereof, whether public or private, on which more than three (3) dogs, three (3) cats, or three (3) other household domestic animals over four (4) months of age are kept or on which more than two (2) such animals are maintained, boarded, bred, or cared for in return for remunerations or are kept for the purpose of sale.

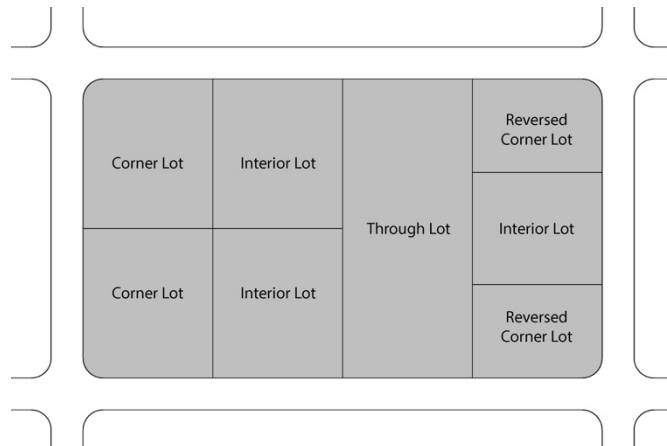
LOADING BERTH: An off-street space for the temporary parking of a vehicle while loading or unloading merchandise or materials and which abuts on a street or an alley

LIGHTED SPORTS FIELD: Athletic fields lighted for competition purposes.

LIQUOR STORE: A place of business selling beer, wine and/or distilled liquors at retail, to the general public in sealed bottles or containers for consumption or use away from the premises where said establishment is located.

LODGING: see HOTEL.

LOT: Land that is part of a subdivision, the plat of which has been recorded in the Office of the County Recorder of Deeds, of DuPage County or it may be and consist of a part of such recorded lot, or it may include parts of or a combination of several lots when adjacent to one another and used as one parcel.

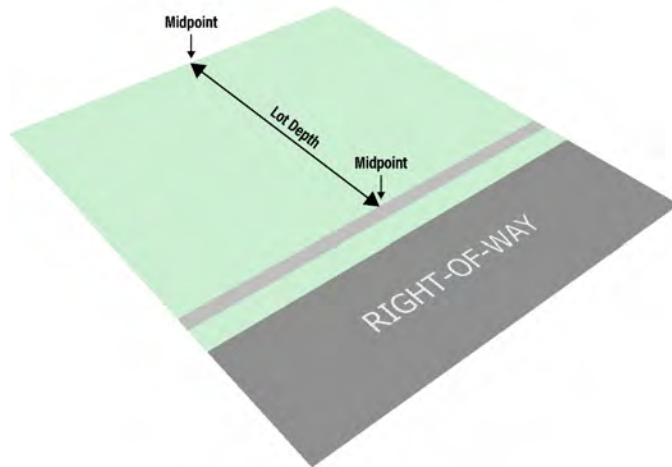


1. **LOT, CORNER:** A lot which is situated at and abuts the intersection of two (2) or more streets or adjoins a curved street at the end of a block.
2. **LOT, INTERIOR:** A lot which has only its front yard bordering on a street.
3. **LOT, THROUGH (also DOUBLE FRONTAG):** A lot which has its rear and front yard bordering on a street.
4. **LOT, REVERSE CORNER:** Any corner lot the side street line of which is substantially a continuation of the front lot line of the lot upon which the rear of said reverse corner lot abuts.

LOT AREA: The area of a horizontal plane bounded by the front, side and rear lot lines. Calculation of the required minimum lot area shall not include street right-of-way, whether dedicated to the public or a private street or easement for street purposes and, when adjacent a watercourse, drainageway, channel or stream, the area included in floodplain or easements reserved for the maintenance of said surface waters.

LOT COVERAGE: The percentage of a zoning lot improved with impervious surfaces, which includes but is not limited to decks and in ground swimming pools (above ground swimming pools do not count toward lot coverage).

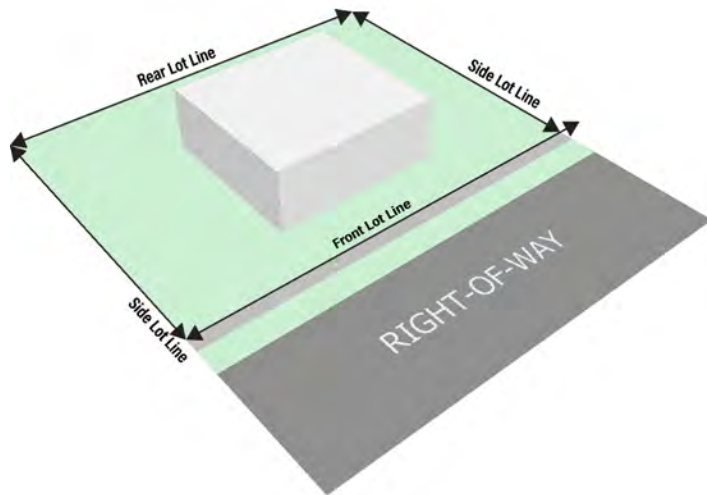
LOT DEPTH: The distance between the midpoints of the front lot line and the midpoint of the



rear lot line.

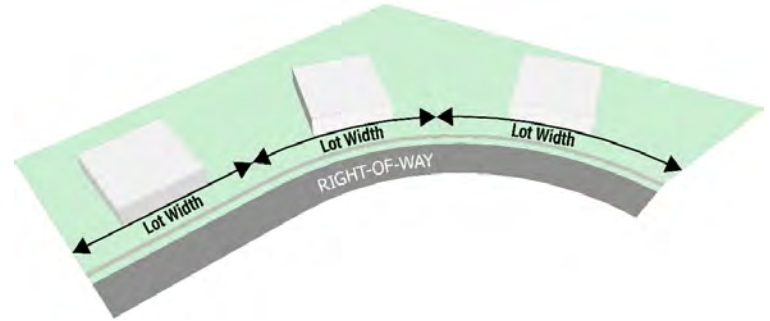
LOT LINES: The lines bounding a LOT as defined herein. On a corner lot, the Development Administrator shall designate which of the two (2) lines abutting a street right-of-way shall be considered a corner lot line and which shall be considered a front lot line.

1. **LOT LINE, FRONT:** A lot line abutting a street right-of-way. On a corner lot, the Development Administrator shall designate which of the two (2) lot lines abutting a street right-of-way shall be considered a front lot line and which shall be considered a side lot line.
2. **LOT LINE, REAR:** A lot line which is opposite and most distant from the front lot line and, in the case of triangular or irregular shaped lots, a line ten feet (10') in length within the lot, parallel to and at the maximum distance from the front lot line.
3. **LOT LINE, SIDE:** Any lot boundary line not a front lot line or a rear lot line setback.



LOT, NONCONFORMING: A lot that was lawfully created in accordance with lot area, lot width and lot depth regulations in effect at the time of the lot's establishment but does not comply with currently applicable lot area, width or depth regulations.

LOT OF RECORD: A lot that is part of a subdivision, the plat of which has been recorded in the Office of the DuPage County Recorder of Deeds, or a legally created parcel of land, the deed to which is recorded in the Office of said County Recorder.



LOT WIDTH: The horizontal distance between the side lot lines of a lot measured within the lot boundary along the front building line.

LOT, ZONING: A single tract of land under common ownership, wholly within the boundaries of the City and on one side of a public street, and which has frontage on a public street or private drive approved as part of a subdivision, which is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control and which meets all requirements of this chapter. The division of a zoning lot may or may not result in the creation of two (2) or more zoning lots, and a zoning lot(s) may or may not coincide with a lot of record.

LOUNGE: See INDOOR ENTERTAINMENT AND AMUSEMENT FACILITIES.

MANUFACTURING, GENERAL: The mechanical or chemical transformation of materials or substances into new products including the assembling of components; parts, the manufacturing of products and the blending of materials. Uses which draw, roll, extrude, cast, forge, heat treat, electroplate, plate, anodize, or color ferrous and nonferrous metals.

MANUFACTURING, LIMITED: The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products. This does not involve the assembly of large equipment and machinery and has very limited external impacts in terms of noise, vibration, odor, hours of operation and commercial motor vehicle traffic.

MANUFACTURED HOUSING OR MANUFACTURED HOUSING UNIT: A building assembly or system of building subassemblies, designed for habitation as a dwelling for one or more persons, including the necessary electrical, heating, ventilation and other service systems, which is of closed or open construction and which is made or assembled by a manufacturer, on or off the building site, for installation, assembly and installation, on the building site, with a permanent foundation.

MEDICAL/ DENTAL CLINIC: An establishment where one or more licensed medical professional operate as group within a room or group of rooms used for the diagnosis and treatment of human patients' illnesses, injuries and physical maladies that can be performed in an office setting with no overnight care. Surgical, rehabilitation and other medical centers that do not involve overnight patient stays are included in this category, as are medical and dental laboratories.

MEDICAL MARIJUANA CULTIVATION CENTER: A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

MEDICAL MARIJUANA DISPENSARY: A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purposes of dispensing cannabis, paraphernalia, or related supplies and education materials to registered qualifying patients.

MEMBERSHIP ORGANIZATION: A group of people organized for a common purpose to pursue common goals, interest, or activities and usually characterized by certain membership qualifications, payment of dues, regular meeting, and constitution and bylaws.

MICRO-BREWERY. A manufacturer of alcoholic malt beverages of up to 15,000 barrels per year for the purpose of wholesale distribution of a majority of its product with incidental sales of up to 3,000 barrels to the public for on-site consumption or carryout. The microbrewery facility may include an ancillary tasting room and retail sales in which guests/customers may sample and purchase the product(s) associated with the facility's use, and/or products manufactured on-site.

MICRO-DISTILLERY. A facility that produces alcoholic beverages in quantities not to exceed 15,000 gallons per year, and includes an accessory tasting room and retail sales area and/or restaurant. A tasting room allows customers to taste samples of products manufactured on-site and purchase related sales items. Sales of alcohol manufactured outside the facility are prohibited.

MICRO-WINERY. Combination retail, wholesale and small-scale artisan manufacturing business that blends, ferments, processes, packages, and distributes wine for sale on or off-site. The micro-winery facility may include an ancillary tasting room and retail component in which guests/customers may sample and purchase the product associated with the facility's use, and/or products manufactured on-site. Operation of the facility shall be consistent with Illinois State law regarding "Second Class Wine Makers".

MINIMUM DEVELOPMENT AREA: The area that may constitute a separate or detached part of any zoning district classification as set forth in this chapter.

MINIWAREHOUSE: See definition of PERSONAL STORAGE FACILITY.

MOBILE HOME: A movable or portable structure designed and intended for permanent habitation and constructed to be towed on its own chassis (comprised of frame and wheels) from the place of construction to the location or subsequent locations, and designed to be used without a permanent foundation and connected to utilities for year round occupancy without a permanent foundation. The term shall include: 1) units containing parts that may be folded, collapsed, or telescoped when being towed and that may be expanded to provide additional cubic capacity; 2) units composed of two (2) or more separately towable components designed to be joined into one integral unit capable of being separated again into the components for repeated towing; and 3) units designed to be used for residential, commercial, educational or industrial purposes, excluding, however, recreational vehicles.

MOBILE HOME PARK: An area of land or lands upon which five (5) or more independent mobile homes are harbored for rent.

MOTEL: A building offering transient occupancy containing lodging rooms directly accessible from an exterior hall or entrance, providing living, sleeping and sanitary facilities, whether such establishment is designated as a hotel, inn, automobile court, motor inn, motor lodge, tourist court, or otherwise.

MOTOR VEHICLE: Any motor powered device in, upon or by which any person or property may be transported.

MOTOR VEHICLE, COMMERCIAL: Any motor vehicle including but not limited to truck tractors and buses, and/or any vehicle requiring a commercial driver's license to operate. Federal Motor Carrier Safety Administration exemptions do not apply to this definition.

MOTOR VEHICLE, PASSENGER: Any motor vehicle used, designed, or maintained for the transportation of ten (10) persons or less, including but not limited to vans, trucks or sport utility vehicles, and not a commercial motor vehicle.

MOTOR VEHICLE RENTAL: An establishment where contracts are prepared, or reservations accepted for the rental or leasing of motor vehicles. This term includes incidental storage of vehicles but does not include on premise maintenance of vehicles or a tool/equipment rental facility.

MOTOR VEHICLE REPAIR FACILITY: A building or structure in which a business, service or industry involving the maintenance, repair, servicing or painting of vehicles, or other small engines is conducted or rendered.

MOTOR VEHICLE SALES (NEW AND USED): The use of any building or portion thereof, or other premises, for the display and sale of new motor vehicles, or used motor vehicles as an ancillary use of a lot, and any warranty repair work and other repair service conducted as an accessory use.

MOTOR VEHICLE SERVICES: Uses involved in the maintenance, repair, servicing and/or painting of automobiles or motor vehicles.

MUSEUM OR CULTURAL FACILITY. Special purpose art, entertainment or recreational establishments building, structure or site that preserves or exhibits, objects, sites and other items of historic, cultural or educational value.

NURSERY SCHOOL: See DAYCARE CENTER.

NURSING HOME: See SKILLED CARE FACILITY.

OCCUPANCY: The actual use of land, building and/or structure, or a portion thereof.

OCCUPANCY, NON-RESIDENTIAL: The occupancy for uses other than residential.

OCCUPANCY, RESIDENTIAL: The occupancy for living and sleeping purposes, that is not considered lodging.

OFFICE, ADMINISTRATIVE AND PROFESSIONAL: A room or group of rooms used for conducting the affairs of a business, profession, service industry or government, including but not limited to corporate office, law offices, architectural firms, insurance companies and other executive, management or administrative offices for businesses and corporations.

ORNAMENTAL TREE: A tree with flowers, spring and fall color, and interesting growth habits are characteristics of these trees, with an average mature height less (under) than twenty feet (20').

OUTDOOR DINING, TEMPORARY: Outdoor Cafe, accessory to a restaurant, delicatessen, bakery, ice cream store or other retail use.

OUTDOOR RECREATION FACILITIES: Uses that provide entertainment services partially or wholly outside of a completely enclosed building. Such uses typically, although not always, attract an audience where patrons are not engaged in a physical recreational activity. Examples include: Amusement parks, drive-in theaters, outdoor live theatres, vehicular and animal racetracks, zoos, and similar land uses.

OVERLAY DISTRICT: A set of regulations which add an additional layer of design provisions to an underlying zoning district.

PARCEL: A tract or plot of land.

PARKING AREA: See PARKING LOT/GARAGE.

PARKING LOT/GARAGE: An open area other than a street or alley, used for the temporary parking of more than four (4) vehicles whether free, for compensation, or as an accommodation for clients, customers or employees.

PARKING LOT/GARAGE (COMMERCIAL): A parcel of land used for the parking of motor vehicles for less than forty eight (48) consecutive hours in any seventy two (72) hour period, excluding freight yard.

PARKING, NON-ACCESSORY: A parcel of land used for parking of passenger motor vehicles as the primary use, as opposed to an accessory use to the principal use of a parcel or another adjacent property.

PARKS AND RECREATION: See OUTDOOR RECREATION FACILITY.

PARKWAY: As defined in Section 6.502 of this Code: The area between the edge of the existing paved street or curb and the property line.



PATIO: A level, unenclosed surfaced area located at grade and usually directly adjoining or attached to a building.

PAWNSHOP: An establishment that, in part or in whole, loans or advances money on security of personal property left in pawn and pledged as collateral, and where the pledged property may be sold to the public if not redeemed by the pledger within a fixed amount of time.

PERSON: As defined in Section 4.106 of this Code: Any legal entity, including, but not limited to, an individual, firm, partnership, association, trust, joint stock company, corporation or successor of any of the foregoing. Whenever the word "person" is used in any section prescribing a penalty or fine as applied to partnerships or associations, the word shall include the partners or members thereof, and as applied to corporations, the word shall include officers, agents or employees thereof who are responsible for any violation of the section.

PERSONAL GROOMING: Personal services related to maintenance of hair, nails, skin, including, but not limited to barber shops, beauty and nail salons, and/or day spas.

PERSONAL SERVICES: Uses that provide a variety of non-medical services associated with frequent, recurrent, and instructional needs, including but not limited to personal grooming, fitness and leisure activities, individual or group instruction or training, and/or massage therapy.

PERSONAL STORAGE FACILITY: A building or group of buildings in a controlled access and fenced compound that contains various sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customer's goods or wares.

PERSONAL WIRELESS SERVICE: Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

PERSONAL WIRELESS COMMUNICATIONS FACILITY: Facilities for the provision of personal wireless services.

PERVIOUS SURFACE: Land cover of porous or permeable material that allows water to percolate into the soil to filter out pollutants and recharge the water table. Pervious materials include, but are not limited to, porous concrete, permeable pavers, landscape steppingstones with spacing between and planted rooftops designed to reduce runoff. To be considered pervious, pavers and other permeable surfaces must be designed and constructed in accordance with DuPage County standard details as approved from time to time by the DuPage County Municipal Engineers Group.

PET CARE SERVICES: Establishments providing ancillary animal services, such as grooming, training and care taking. Overnight boarding of animals is not permitted.

PET STORE: Establishments that include the retail sale of pets and other household animals (except for farming purposes) and pet supplies. Overnight boarding of animals is not permitted, except for pet shops where animals sold in the shop are permitted to remain there until sold.

PETITIONER: See APPLICANT.

PLANNED UNIT DEVELOPMENT: An area or tract of land under common ownership or control to be developed as a single entity that may include a number of structures, the plan for which does not necessarily correspond in lot size, bulk, type of dwelling, use, lot coverage, or required open space regulations established in the zoning district in which said land is located.

PLAT OF SURVEY: A plat of a lot, drawn to scale and by a licensed professional, showing the actual measurements, the size and location of any existing structures, the location of the lot in relation to abutting streets and other such information.

PLAYGROUND: An area with playground equipment.

PLAYGROUND EQUIPMENT: Play apparatus, including but is not limited to slides, swing sets, and jungle gyms.



PLAYHOUSES: A freestanding structure, exclusively for the use of children, and not intended to be used for storage.

PORCH: A roofed platform projecting from the wall of a building and having direct access to or from the building to which it is attached. A porch has no solid walls other than the wall of the building to which it is attached. A porch may be enclosed with a mesh screen to keep out unwanted insects, but is otherwise exposed to the elements throughout the year.

PRODUCT SHOWROOM: Corporate facility where goods are displayed that may also include assembly, light production, shipping, administrative and operational functions.

PUB: See definition of TAVERN.

PUBLIC PROPERTY: As defined in Section 6.502 of this Code: Any property owned by a governmental entity, including but not limited to the City, township, County, special districts (such as the Library District, Fire Protection District, School District, etc.) and the State or Federal government.

PUBLIC TREE: As defined in Section 6.502 of this Code: Trees now or hereafter growing within a right-of-way or on any property owned or maintained by the City.

QUEUING SPACE: The reservoir space occupied by any number of cars that must be accommodated while awaiting ingress or egress to specified business or service establishments.

RADIO OR TELEVISION BROADCASTING STUDIO: A facility, and its accessory uses or structures, utilized for the broadcast or reception of electro-magnetically transmitted information, except those facilities as are defined as noncommercial telecommunication sites.

RAILROAD RIGHT-OF-WAY: A strip of land with tracks and auxiliary facilities for track operation and passenger station, but not including depot loading platforms, train sheds, warehouses, car shops, car yards, locomotive shops, water towers, etc.

REAL ESTATE OFFICE/MODEL HOME: A dwelling or other accessory structure temporarily used as a sales office for a residential development under construction for on-site sales.

RECREATIONAL VEHICLE: Any vehicle or boat originally designed for living quarters, recreation, or human habitation and not used as a commercial vehicle, including, but not limited to, the following:

1. Boats: Any vessel used for water travel; a boat mounted on a trailer shall be considered one vehicle.
2. Camping Trailers: A folding or collapsible vehicle without its own motive power, designed as temporary living quarters for travel, camping, recreation or vacation use.
3. Motor Homes: A temporary dwelling designed and constructed for travel, camping, recreational or vacation use as an integral part of a self-propelled vehicle.
4. Off Road Vehicles: Vehicles intended primarily for recreational use off of roads where State vehicle licenses are required, e.g., dune buggy, go-cart, snowmobile.
5. Racing Car/Cycles: Vehicles intended to be used in racing competition, such as a racecar or racing cycle, a racing car/cycle mounted on a trailer shall be considered one vehicle.
6. Travel Trailers: Vehicle without its own motive power, designed to be used as a temporary dwelling for travel, camping, recreational or vacation uses.
7. Truck Campers: A structure designed primarily to be mounted on a pickup truck or truck chassis and designed to be used as a temporary dwelling for travel, camping, recreational or vacation uses, when mounted on a truck, such structure shall be considered one vehicle.
8. Vans: Noncommercial motor vehicles licensed by the State of Illinois as a recreational vehicle.
9. Vehicle Trailers: A vehicle without its own motive power that is designed to transport another vehicle, such as a boat, motorcycle or snowmobile for recreational or vacation use and that is eligible to be licensed or registered and insured for highway use, a vehicle trailer with a vehicle mounted on it shall be considered one vehicle.

RECYCLING CENTER: A facility that is not a junkyard, in which recoverable resources from used materials and products are purchased, collected, processed to a condition for reuse, or temporarily stored prior to delivery or sale to others who will use the recovered resources to manufacture new products.

REGULATORY FLOODPLAIN: The floodplain as determined by the base flood elevation used as the basis for regulation in article 2, section 15-16 through 15-17, DuPage County Countywide stormwater and floodplain ordinance.

RELIGIOUS INSTITUTION. A building in which persons regularly assemble for religious worship, intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.

REMODEL, REMODELING: To remake, redecorate the interior or exterior of a structure without making structural alterations.

RENOVATE: To restore to an earlier condition.

RESEARCH SERVICES: The conduct of research, development, and testing in various fields of science, such as but not limited to chemistry, pharmacy, medicine, electricity, transportation and engineering.

REST HOME: See SKILLED CARE FACILITY.

RESTAURANT: Any building or part thereof where a menu of food items are cooked and prepared for compensation, for the general public for immediate consumption on and/or off the premises, including any part of such building or part thereof which may be used for dining by the general public. The retail sale of beer, wine and other alcoholic beverages for consumption on the premises and dancing may be provided on the premises. Reheating of already prepared food by microwave and/or the selling of already prepared food for consumption off premises does not constitute a restaurant.

RETAIL: See, INDOOR RETAIL SALE OF GOODS.

RETIREMENT HOME: See SKILLED CARE FACILITY.

RIGHT-OF-WAY: As defined in Section 6.502 of this Code: An area of land not on a lot that is dedicated for public or private use to accommodate a transportation system and necessary public utility infrastructure (including but not limited to water lines, sewer lines, power lines and gas lines). In no case shall a right-of-way be construed to mean an easement.

RUNOFF: Water that flows over the surface of the land when rainfall is not able to infiltrate into the soil, due to soil saturation, impervious surface or the rate of rainfall exceeds the rate of water infiltration into the ground.

SALES AREA: An open area, other than a street used for the display or sale of merchandise. In the case of new or used automobiles or trailers other than mobile homes and house trailers, no repair work may be done except for minor vehicle repair and repair of trailers to be displayed and sold on premises.

SALES OFFICE: An accessory structure temporarily used as a sales office for a permitted outdoor sales use.

SANATORIUM: See HOSPITAL.

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

SCHOOL, PRIVATE/NON-PROFIT/PRIVATE: An institution conducting regular academic instruction at kindergarten, elementary, junior high or senior high school levels, operated by governmental or nongovernmental organizations (which programs are accepted by the State of Illinois in lieu of public instruction).

SCREEN: A structure or planting composed of sufficient material to obstruct vision beyond the screen as defined in or determined through City review of screening required in this Code.

SEPTIC SYSTEM: An underground system with a septic tank used for the discharge of domestic sewage waste.

SERVICE STATION: See MOTOR VEHICLE REPAIR FACILITY.

SETBACK: Refers to matters of spatial definition and shall mean the mandatory distance between a frontage line and a facade, or a lot line and an elevation.

SHADE TREE: A large tree with main purpose of this type of tree in landscape designs is to provide shade and scale against buildings, with a spreading crown and canopy, and standard growth habit with an average mature height in excess of twenty feet (20').

SHED: A relatively small storage structure often purchased pre-built or as a kit in pre-fabricated sections. It is not designed to be served by heat, electricity or plumbing and does not need to be placed on a permanent foundation. The structure is intended to store lawn, garden, or pool care equipment.

SHOPPING CENTER: A group of more than five (5) business establishments planned, developed and managed as a unit, located on the same lot with off street parking provided on the property.

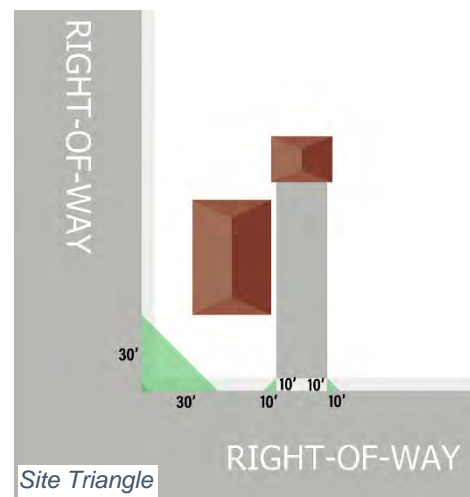
SHORT TERM RESIDENTIAL RENTAL: Any dwelling or portion thereof, made available for use or used for accommodations or lodging of guests paying a fee or other compensation for a period of less than 30 consecutive days.

SHRUB: A branched woody plant with an unmaintained average mature height less than eight feet (8').

SIGN: Any display, figure, painting, drawings, placard, poster or other device visible from a public right of way that is designed, intended or used to convey a message, advertise, inform or direct attention to a person, institution, organization, activity, place, object or product. It may be a structure or part thereof painted on or attached directly or indirectly on a structure. This definition does not include any flag or insignia of any nation, state, city or other political units, as well as any sign, board or surface used to display or announce official notice of such political units. As further defined in Chapter 13 of this Code.

SIGHT 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.

SITE, BUILDING: The ground area of a building or a group of buildings together with all open spaces as required by this chapter.



SKILLED CARE FACILITY: An establishment for the care of the aged or infirm, or a place of rest for those suffering bodily disorders, including assisted senior living, skilled senior living, memory care, and extended stay physical rehab.

SMOKE SHOP: A business establishment that offers smoking cigars, vaping or smoking from a communal pipe device known as a hookah pipe and used to smoke flavored tobacco or herbal products.

SOLAR COLLECTOR:

1. An assembly, structure, or design, including passive elements, used for gathering, concentrating, or absorbing direct or indirect solar energy, specially designed for holding a substantial amount of thermal energy and to transfer that energy to a gas, solid, or liquid or to use that energy directly; or
2. A mechanism that absorbs solar energy and converts it into electricity; or
3. A mechanism or process used for gathering solar energy through wind or thermal gradients; or
4. A component used to transfer thermal energy to a gas, solid, or liquid, or to convert it into electricity.

SOLAR ENERGY: Radiant energy received from the sun at wavelengths suitable for heat transfer, photosynthetic use, or photovoltaic use.

SOLAR ENERGY SYSTEM:

1. Solar Energy System Includes:
 - . A complete assembly, structure, or design of a solar collector, or a solar mechanism, which uses solar energy for generating electricity or for heating or cooling gases, solids, liquids, or other materials:
 - a. The design, materials, or elements of a system and its maintenance, operation, and labor systems designed or constructed to interface with a solar energy system; and
 - b. Any legal, financial, or institutional orders, certificates, or mechanisms, including easements, leases, and agreements, required to ensure continued access to solar energy, its source, or its use in a solar energy system, and including monitoring and educational elements of a demonstration project.
2. Solar energy system does not include:
 - a. Distribution equipment that is equally usable in a conventional energy system except for such components of such equipment as are necessary for meeting the requirements of efficient solar energy utilization;
 - b. Components of a solar energy system that serve structural, insulating, protective, shading, aesthetic, or other non solar energy utilization purposes, as defined in the regulations of the department of energy; and
 - c. Any facilities of a public utility used to transmit or distribute gas or electricity.

SOLAR STORAGE MECHANISM: Equipment or elements (such as piping and transfer mechanisms, containers, heat exchangers, or controls thereof, and gases, solids, liquids, or combinations thereof) that are utilized for storing solar energy, gathered by a solar collector, for subsequent use.

SPECIAL USE: A use which, because of its unique characteristics cannot be properly classified in any particular zoning district or districts without consideration in each individual case of the

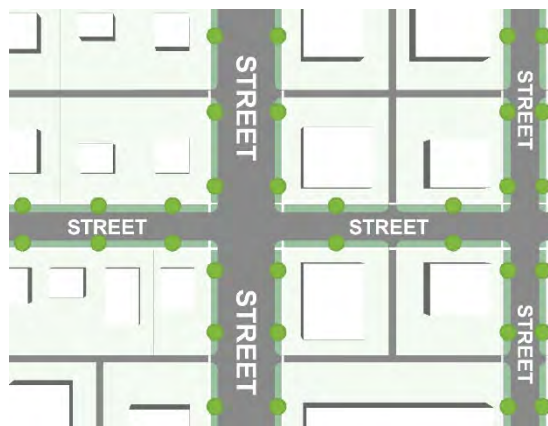
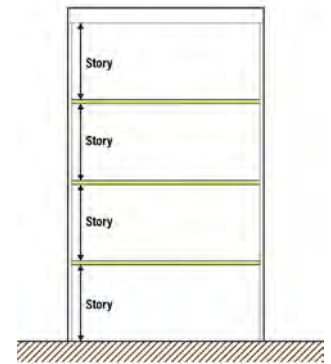
impact of such use upon neighboring land and of the public need for that particular special use at that particular location.

SPORTS COURTS: An area designed and designated for active recreation, including but not limited to basketball courts, tennis courts, or skating rinks. Does not include any area designed as a driveway.

STADIUM: A building or outdoor area or structure specifically designed and used as a place of assembly for events related to sports, concerts, civic gatherings, private functions, etc.

STORMWATER MANAGEMENT SYSTEM: Storage of stormwater in a manner that promotes infiltration into the ground while providing volumetric storage for the additional runoff. Examples of stormwater management systems include, but are not limited to, French drain, rain garden, underground storage system, drywell, rainwater harvesting system and properly installed pervious surface materials (such as porous concrete, permeable pavers, open cell cavities, etc.).

STORY: That portion of a building included between the upper surface of a floor and the upper surface of a floor or roof next above.



STREET: The paved or unpaved portion of a public or private right-of-way, other than an alley which affords principal means of vehicular access to abutting property.

STREET, LOCAL: A street of limited continuity used primarily for access to abutting properties and designated "nonarterial" by the Public Works Director.

STREET ORIENTATION: The direction of the architectural front facade of a building in relation to the street.

STRUCTURAL ALTERATION: Any change or modification, other than incidental repairs or which are required by provisions of this chapter, which would prolong the life of the supporting member of a structure such as bearing walls, columns, beams, girders or foundations.

STRUCTURE: Anything erected, the use of which requires permanent location on or in the ground or attached to something having a permanent location on or in the ground, including, but not limited to, buildings, towers, antennas, freestanding signs, decks, garden sheds, swimming pools and hard surfacing, such as pervious surfacing, asphalt, concrete, etc.

STRUCTURE, NONCONFORMING: A structure that was lawfully established but no longer complies with applicable lot and building regulations or other dimensional or locational requirements of this Article.

STRUCTURE, PRINCIPAL: See BUILDING, PRINCIPAL.

SUBDIVISION. A subdivision is (1) any change, rearrangement or resubdivision in the boundary or divisional lines of any parcel or parcels of real estate or any public thoroughfare; (2) the platting of a parcel or tract of land into a single numbered lot without alteration of its boundaries; (3) a planned development or planned unit development; or (4) a development.

SWIMMING POOL: A structure designed to hold water and maintain a water depth of twenty-four inches (24") or more, but not including hot tubs or wading pools.

TATTOO PARLOR: A commercial use where tattooing is performed for compensation.

TAVERN: An establishment for the retail sale of beer, wine and other alcoholic beverages for consumption on the premises and providing a menu of food items prepared during all hours of operation. The incidental sale of packaged liquor may be provided during the hours of operation. Dancing and entertainment may be included as part of this use.

TERRACE: A relatively leveled paved or planted area on top of a flat roof or open platform adjoining a building.

TOMBSTONE AND MONUMENT SALES: An establishment involved, in part or in whole, in the retail sale of tombstones, gravestones, burial monuments, and other similar items.

TRACT: Used interchangeably with the term "lot", particularly in the context of subdivisions, where one "tract" is subdivided into several "lots".

TRAILER: Any structure built on a chassis for licensing by the Secretary of State as a trailer and designed for general hauling or recreational purposes.

TRANSIT STATION/FACILITY: A building or area specifically designated for the assembly and boarding and unboarding of passengers to/from a train or bus.

TRELLIS. A frame of wooden or metal, mainly used to support small trees or climbing plants.

TRUCK TRACTOR: As defined in Section 15.153 of this Code: Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

USE: The purpose or purposes for which land, buildings or structures is (are) designed, arranged or intended, or for which they are or may be occupied or maintained.

USE, CONFORMING: Any use of land, buildings or structures which conforms with the list of permitted uses of the zoning district in which the land, building or structure is located, or which is governed by an active special use permit authorized by the City Council. If the use is a permitted use but does not conform to the intensity of use regulations of the district in which it is situated, then the use shall not be deemed to be a conforming use.

USE, NONCONFORMING: Any building or structure or use of any building or structure or tract of land, lawfully existing or under construction at the time of adoption of this chapter or of a later amendment, but does not conform to one or more of the requirements or restrictions of this chapter.

UTILITIES AND PUBLIC SERVICE FACILITY, MAJOR: Infrastructure services that typically have substantial visual or operational impacts on nearby areas. Typical uses include, but are not limited to, water and wastewater treatment facilities, high voltage electric substations, utility scale power generation facilities (including wind, solar and other renewable and nonrenewable energy sources), sanitary landfills and utility scale water storage facilities, such as water towers and reservoirs.

UTILITIES AND PUBLIC SERVICE FACILITY, MINOR:

1. Infrastructure services that need to be located in or close to the area where the service is provided. Minor utilities and public service facilities generally do not have regular employees at the site and typically have few if any impacts on surrounding areas such as poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment for the distribution to consumers of telephone or other communications, electricity, gas, water, or for the collection of sewage. Typical uses also include water and sewer pump stations; gas regulating stations; underground electric distribution substations; electric transformers; water conveyance systems; stormwater facilities and conveyance systems; telephone switching equipment and emergency communication warning/broadcast facilities.
2. The production, collection or distribution of renewable energy, water or other similar resources at a neighborhood, district or campus scale are classified as minor utilities and public service facilities. This includes distributed energy facilities that produce or distribute energy from renewable sources and neighborhood stormwater facilities.
3. Energy production systems that generate energy from the byproducts of the principal use are considered accessory uses, including net metered installations and installations that generate power to sell at wholesale to the power grid.

VARIATION: A modification of the application of this chapter in specific cases where practical difficulties or particular hardships, not intended or not common to other property owners in the district, would result from following the strict letter of this chapter.

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 City's Building Code.

WAREHOUSE: A structure, or portion thereof, used principally for the storage of goods and merchandise conducted within a completely enclosed building, that is not a freight handling or warehouse and distribution facility.

WAREHOUSE AND DISTRIBUTION: 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.

WHOLESALE: The sale of goods, wares, or merchandise to retailers or distributors rather than

consumers.

WRECKING YARD, MOTOR VEHICLE: A lot or any portion of a lot where two (2) or more motor vehicles or trailers which, for a period of thirty (30) days, have not been capable of operating under their own power, and from which parts have been or are to be removed for sale or reuse, or any land, buildings, or structures used for the wrecking, dismantling, salvage, sale or storage of such motor vehicles, trailers or the parts thereof.

YARD: The open space on a lot between the elevation of the principal structure and the adjacent lot line.

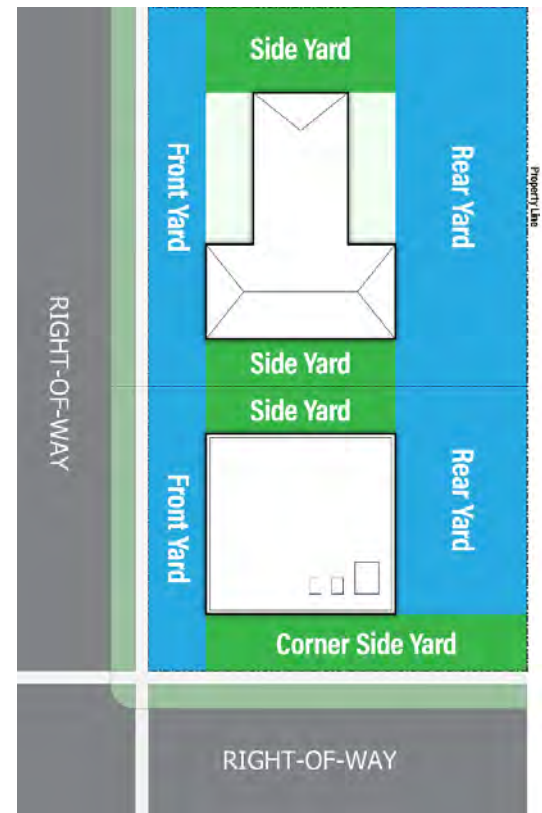
YARD, CORNER SIDE: The open space on a lot between the corner side lot line and the side wall(s) of the principal structure closest to the corner side lot line, excluding any rear or front yards.

YARD, FRONT: The open space on a lot between the front lot line and the front wall of the principal structure.

YARD, REAR: The open space on a lot between the rear lot line and the rear wall of the principal structure, excluding any corner side yard.

YARD, SIDE: The open space between the side lot line and the side wall of the principal structure closest to the side lot line, excluding any rear or front yards.

YARD, TRANSITIONAL: The required front, side, corner side or rear yard on a lot in a commercial or industrial district, or for a nonresidential use in a residential district and an adjoining residential use in a residential district, except when such yard is adjacent to a railroad right-of-way, alley or street.



Article II

Zoning Administration and Enforcement

17.201 Administrative Officials and Bodies.

A. Development Administrator

1. General Powers. The Development Administrator will be charged with the administration and enforcement of this UDO. In addition to the jurisdiction, authority and duties conferred on the Development Administrator by other provisions of State statutes and City codes and ordinances, the Development Administrator will have all powers necessary to such administration and enforcement, and will, in particular, have the jurisdiction, authority and duties hereinafter set forth.
2. Rules; Regulations; Application Forms. The Development Administrator will, consistent with the express standards, purposes and intent of this UDO, promulgate, adopt and issue procedural rules, regulations and forms as are in the Development Administrator's opinion necessary to the effective administration and enforcement of the provisions of this UDO.
3. Staff Assistance to the Community Development Commission. The Development Administrator will make staff and consulting assistance available to the Community Development Commission, and the Development Administrator, or his delegate, will in that capacity:
 - a. Attend the meetings of the Community Development Commission;
 - b. Inform the Community Development Commission of all facts and information at the Development Administrator's disposal with respect to any matter brought before the Community Development Commission;
 - c. Assist the Community Development Commission by performing research and making recommendations on matters brought before each body; and
 - d. Perform such other duties as may be assigned to the Development Administrator by this UDO and by the direction of the City Council.
4. Records. The Development Administrator will, subject to City record retention policies, maintain:
 - a. Permanent and current records of this UDO, including all maps; amendments; special use permits and other special approvals; planned unit development and site plan approvals and denials; interpretations; and decisions rendered by the Community Development Commission, the City Attorney and the Development Administrator, together with relevant background files and materials and final disposition of the City Council;
 - b. A current file of all Zoning Certificates and notices of violations, terminations, discontinuance or removal, issued by or entrusted to Development Administrator's office, for such times necessary to ensure continuous compliance with the provisions of this UDO; and
 - c. A current file of all nonconforming uses and signs in the City, by location and type of use.
5. Zoning Text; Zoning Map. The Development Administrator will prepare and have available for public on or before March 31 of each year:
 - a. The compiled text of this UDO in book or pamphlet form, including all amendments thereto through the preceding December 31; and

- b. The official Zoning Map, showing the zoning districts, divisions and classifications in effect on the preceding December 31.

The Development Administrator will, at all other times, maintain, and have available for reproduction, at least one up-to-date copy of both this UDO text and the Zoning Map, showing all amendments through the most recent meeting of a City Council for which official minutes have been approved.

6. Applications: Receipt, Processing, Referral to Interested Parties and Agencies.
 - a. The Development Administrator will receive all applications required to be filed pursuant to this UDO. Upon receipt of an application, the Development Administrator will see to its expeditious processing, including its prompt referral to and retrieval from each official department, board or commission of the City, or other government, with any interest or duty with respect to the application.
 - b. Unless otherwise provided in this UDO, the Development Administrator may waive any application requirements where the applicant demonstrates to the satisfaction of the Development Administrator that the information required is not relevant to or necessary for the determination of the application.
7. Investigation of Applications. Whenever the Community Development Commission or the City Council will, by general rule or specific direction, so request, the Development Administrator will conduct or cause to be conducted such surveys, investigations and field studies, and will prepare or cause to be prepared such reports, maps, photographs, charts and exhibits, as will be necessary and appropriate to the processing of any application filed pursuant to this UDO.
8. Zoning Certificates. Pursuant to the provisions of Section 17.203.A of this Article, the Development Administrator will review all applications for Zoning Certificates and approve or disapprove such applications and issue or refuse to issue such certificates based on compliance or noncompliance with the provisions of this UDO.
9. Interpretations. Pursuant to the provisions of Section 17.204.A of this Article, the Development Administrator will issue his written interpretation of the meaning and applicability of specific provisions of this UDO. Any interpretation of this UDO that may be rendered by the Community Development Commission or the Development Administrator will be kept on file with the Development Administrator and will be a public record of the City.
10. Approval of Site Plans. Pursuant to the provisions of Section 17.206 of this Article, the Development Administrator will have authority to review and approve or deny applications for site plan approval.
11. Planned Unit Development and Site Plan Modifications. Pursuant to the provisions of Section 17.205.C and Section 17.206 of this Article, the Development Administrator will have authority to permit adjustments to final plans for planned unit developments and to site plans.
12. Extensions of Time.
 - a. The Development Administrator may, upon written request, for good cause shown and without any notice or hearing, grant extensions of any time limit imposed on an applicant or permittee by this UDO unless an ordinance or resolution expressly provides otherwise. The total period of time granted by such extension or extensions will not exceed the length of the original period or 90 days, whichever is less.
 - b. The City Council may, upon written request, for good cause shown, and without any notice or hearing, grant extensions of any time limited imposed on an applicant or permittee by this UDO provided an ordinance or resolution, as appropriate, is

duly adopted by a two-thirds vote of the City Council. The total period of time granted by such extension or extensions will be specifically stated in the ordinance or resolution.

13. Inspection and Enforcement. In furtherance of enforcing this UDO, the Development Administrator will:
 - a. undertake regular and continuing programs of inspection of work approved and under way and of existing structures and uses as may be feasible and proper;
 - b. undertake additional inspections as may be necessary to the performance of his duties under this UDO;
 - c. receive from any person complaints alleging, with particularity, a violation of this UDO; and
 - d. when appropriate will cause investigations and inspections as may be warranted under the circumstances.

Upon finding the existence of any violation of this UDO, the Development Administrator will take or direct all actions necessary or appropriate to punish and abate such violation.

14. Reports. The Development Administrator will, from time to time, prepare and submit a report to the City Council and the Community Development Commission concerning the administration of the land use and development regulations of the City, setting forth information and statistical data as may be of interest and value in advancing and furthering the goals and purposes of such regulations and setting forth the Development Administrator's recommendations for the improvement of these regulations and their administration.

B. Community Development Commission

1. Established. The Community Development Commission established in Chapter 3, Article III of the City of Wood Dale Municipal Code, as amended, is the Board of Zoning Appeals and Plan Commission referred to in this UDO. The provisions of this UDO with respect to the Community Development Commission will be deemed supplementary to the provisions of the City of Wood Dale Municipal Code, as amended. Reference should be made to the City of Wood Dale Municipal Code for a complete description of the membership, term of office and rules of procedure of the Community Development Commission. Any distinctions made in this UDO between the Board of Zoning Appeals and Plan Commission are established for the purposes of defining the authority of the Community Development Commission and in what capacity it is operating on a particular form of relief provided under this Article.
2. Membership. The Community Development Commission shall consist of the membership as established in Chapter 3, Article III of the City of Wood Dale Municipal Code, as amended.
3. Term. Each member of the Community Development Commission shall serve terms as specified in Chapter 3, Article III of the City of Wood Dale Municipal Code, as amended.
4. Dissolution. The Corporate Authorities may, in their sole and absolute discretion, dissolve the Community Development Commission and establish a distinct Board of Zoning Appeals and distinct Plan Commission. At the time of any such dissolution, current members of the Community Development Commission will be appointed to the newly formed Board of Zoning Appeals and Plan Commission and the remaining seats open on the Board of Zoning Appeals and Plan Commission will be filled by the Mayor with the confirmation by the City Council.

C. Community Development Commission Authority and Procedures

1. The Community Development Commission is hereby vested with the following powers and duties:
 - a. To hear, consider and recommend to the City Council matters dealing with amendments to this UDO or the official Zoning Map.
 - b. To hear, consider and recommend to the City Council matters dealing with the granting of special uses.
 - c. To hear, consider and recommend to the City Council variances to this UDO, including those that may be requested in connection with special uses, rezoning, subdivisions, annexation requests, or other zoning approval requests.
 - d. To hear, consider and recommend to the City Council matters dealing with the granting of planned unit developments.
 - e. To prepare and recommend to the City Council a new Comprehensive Land Use Plan for the present and future development or redevelopment of the City and contiguous unincorporated territory within one and one-half (1½) miles of the corporate limits of the City and not located in any other municipality.
 - f. To designate, subject to final consideration, evaluation and approval of the City Council, land suitable for annexation to the City and the recommended zoning classification for such land upon annexation.
 - g. To recommend to the City Council, from time to time, such changes in the Comprehensive Land Use Plan or any part thereof, as may be deemed necessary.
 - h. To prepare and recommend to the City Council, from time to time, plans or recommendations for specific improvements in pursuance of the Comprehensive Land Use Plan's goals and objectives.
 - i. To give aid to the officials of the City charged with the direction of projects for improvements embraced within the Comprehensive Land Use Plan, or parts thereof, to further the making of such improvements and generally to promote the realization of the Comprehensive Land Use Plan.
 - j. To consider and recommend to the City Council all matters which it is required to act upon under the terms of this Article.
 - k. To recommend, subject to final consideration, evaluation and approval by the City Council, reasonable standards of design for subdivisions and for resubdivisions of unimproved land and of areas subject to redevelopment with respect to public improvements.
 - l. To recommend, subject to final consideration, evaluation and approval by the City Council, reasonable standards governing the location, width, course and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, streetlights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment.
 - m. To initiate, study and make recommendations regarding matters dealing with the planning of the community.
 - n. To initiate, direct and review, from time to time, studies of the provisions of this Article, and to make recommendations to the City Council regarding any changes to the ordinance.
 - o. To cooperate with the municipal or regional planning commissions and other agencies or groups to further local planning initiatives and to assure harmonious and integrated planning for the area.
 - p. To hear, consider and make final determinations on appeals from decisions and interpretations under this UDO by the Development Administrator.

2. Necessary Vote. The concurring vote of at least a majority of the currently appointed Members will be necessary to take any action or adopt any motion to recommend approval of any matter or application, or to issue a decision from an appeal of a decision or interpretation of the Development Administrator. Any lesser vote on any such motion, even if a majority of those voting, will be considered a final decision to recommend denial of such matter or application.
3. Record and Decisions.
 - a. The transcript of testimony, if any; the minutes of the Secretary; all applications, requests, exhibits and papers filed in any proceeding before the Community Development Commission; and the decision of the Community Development Commission will constitute the record. The Community Development Commission may rely on the personal knowledge of its members, on its inspections of the property and on any reports available to it; provided, however, that the Community Development Commission will make the particular knowledge, inspection or report a matter of record at the public hearing and afford every party reasonable time to respond to it.
 - b. Every decision of the Community Development Commission that is deemed to be a final decision on a matter will be by written resolution which will include findings of fact; refer to all the evidence in the record and to the exhibits, plans or specifications upon which the decision is based; specify the reason or reasons for the decision; contain a conclusion or statement separate from the findings of fact setting forth the specific relief granted or denying relief; and expressly set forth any limitations or conditions imposed on any relief granted or work or use authorized.
 - c. The Community Development Commission will take no final or binding vote on a decision unless it first has before it the written resolution; provided, however, that where special circumstances warrant it, as determined by the Community Development Commission, it may take final action prior to the preparation of the resolution but before taking such action, first state its findings and conclusions at a meeting open to the public and will, in addition, state the special circumstances.
 - d. Every decision of the Community Development Commission that is deemed to be a recommendation to the City Council may be made by written resolution or by written report of the Chair or the Chair's designee to the Corporate Authorities in accordance with the provisions of this Subsection 17.201.B.3.
 - e. In any case where this UDO provides that the failure of the Community Development Commission to act within a fixed period is deemed to be a denial of an application, the failure will, notwithstanding the absence of required findings and conclusions, be considered to be a decision of the Community Development Commission rendered on the day following the expiration of such fixed period.

17.202 Planning Documents and Procedures

- A. Official Comprehensive Plan and Other Subarea or Subject Plans
 1. Authority. The Community Development Commission will have authority to prepare and recommend to the City Council a comprehensive plan including the City and unincorporated areas surrounding the City and from time to time to prepare and recommend other special area or subject plans and amendments thereto, any or all of which the City Council may adopt as the "The City of Wood Dale Comprehensive Land Use Plan, [YEAR ADOPTED]," all in accordance with the procedures set out in this Section.
 2. Definition.

- a. "The City of Wood Dale Comprehensive Land Use Plan" will be defined as a compilation of policy statements; goals; standards; maps; recommended planning, regulatory, fiscal and public works programs; together with pertinent data relative to the past, present and future trends of the City with respect to its population, housing, economic, social and environmental development patterns; its land, water and natural resources and use; its transportation facilities, public facilities and utilities; and any other matter relative to the present and future patterns of life within the City or within the unincorporated areas lying within one and one-half miles of its boundaries as they may from time to time exist, prepared and recommended by the Community Development Commission with the advice and assistance of the Development Administrator and the Development Administrator's staff and adopted by the City Council by ordinance duly enacted, together with such amendments thereto as may be adopted from time to time.
 - b. The City of Wood Dale Comprehensive Land Use Plan will also refer to any compilation relating to any one or more of the above noted subjects or to any subarea of the City of Wood Dale Comprehensive Land Use geographical area.
 - c. As of the effective date of this UDO, the City of Wood Dale Comprehensive Land Use Plan is understood to refer to the following documents:
 - i. The Wood Dale Comprehensive Plan, adopted August 2, 2018, as may be amended from time to time;
 - ii. The Homes for a Changing Region Plan, adopted in 2015, as may be amended from time to time;
 - iii. The City's Vision Plan, adopted in 2013, as may be amended from time to time.
3. Purpose. The City of Wood Dale Comprehensive Land Use Plan will be considered an official statement of the policy of the City with respect to the existing and developing character of the various areas of the City and its vicinity; the proper objectives, standards and direction for future maintenance, growth, development and redevelopment of the City; the means to be employed to protect existing character or development and to encourage future development that will be in the best interests of the City; and the actions and programs to be undertaken by the City with respect to its future maintenance and development.
4. Effect. After the adoption of The City of Wood Dale Comprehensive Land Use Plan, or a part thereof, no ordinance, regulation or Official Map relating to the physical maintenance, development or redevelopment of the City or any land within it will be enacted, established, amended or varied and no right-of-way, street, utility or public structure or land will be authorized, established, developed, redeveloped or modified in location or extent except in accordance with the policies, goals, objectives, principles and standards of The City of Wood Dale Comprehensive Land Use Plan or relevant part thereof unless the City Council will first make a specific finding that the facts and circumstances affecting the particular matter justify a departure from the Plan.
5. Procedures.
- a. Plan Development. The Community Development Commission, with the assistance of the Development Administrator and staff, will exercise the powers and duties delegated to it by this UDO in the continuing development and revision of The City of Wood Dale Comprehensive Land Use Plan. The process of plan development is necessarily an informal one, not readily adaptable to rigid procedures, but the Community Development Commission and the Development Administrator, in developing a plan, will make all reasonable efforts to obtain the views, comments and criticisms of interested persons. The Community

Development Commission, prior to making any recommendation for the adoption or amendment of a plan or part thereof to the City Council, will set, notice and conduct a public hearing thereon in accordance with the provisions of Section 17.201.E of this Article.

- b. The City Council may, at any time, refer a plan to the Community Development Commission for consideration and recommendation. In the case of such referral, the Community Development Commission will return its recommendation to the City Council not later than 90 days following the receipt of the referral. In the event such recommendation is not so delivered, the City Council may proceed to consider the amendment without such recommendation.
 - c. When satisfied that a plan, or any part or subarea plan, is adequate for adoption as The City of Wood Dale Comprehensive Land Use Plan, the Community Development Commission will transmit the plan or part thereof to the City Council together with its recommendations for adoption of the plan as well as any reports or statements necessary to a full consideration of the plan or part thereof. The reports or statements may include majority and minority positions. The transmission will be made not later than fifteen (15) days following the close of the public hearing concerning the plan or any part thereof.
6. Plan Adoption. Upon receiving any recommendation of the Community Development Commission with respect to adoption or amendment of any plan, or a part thereof, the City Council may, by ordinance duly enacted, adopt the plan in whole or in part, with or without amendments; or may refer the plan or any part of it back to the Community Development Commission for further consideration; or may reject the plan. The City Council will take action no later than ninety (90) days following the close of the Community Development Commission public hearing on the plan. The failure of the City Council to act within this period will be deemed to be a rejection of the plan. Upon the adoptions of any plan or part thereof, it will be designated as the "The City of Wood Dale Comprehensive Land Use Plan, [YEAR ADOPTED]," and if less than a total comprehensive plan, will carry a subheading designating its specific contents.
 7. Plan Amendment. The City of Wood Dale Comprehensive Land Use Plan, or any part thereof, may be amended at any time in accordance with the provisions of this Section 17.202.A.7. An amendment may be initiated by the City Council, the Community Development Commission, the Development Administrator, or by any owner of property affected by the provisions of such plan sought to be amended.
 - a. Amendments initiated by the City Council, the Community Development Commission or the Development Administrator will require no formal application and will be processed as provided in Sections 17.202.E.2.f and 17.202.E.2.g.
 - b. Amendments initiated by the owner of affected property will be initiated by an application filed pursuant to this Article, except that the time limits specified in Section 17.202.A.5 and Section 17.202.E.2.f will apply.
 8. Plan Filing and Notice of Adoption. The ordinance adopting The City of Wood Dale Comprehensive Land Use Plan, or any part thereof, will provide that the Development Administrator will cause a certified copy thereof to be placed on file in the Office of the City Clerk, and will cause a notice evidencing the adoption of such plan, or part thereof, to be filed with the DuPage County Recorder of Deeds.

B. Official Future Land Use Map

1. Authority. The Community Development Commission will have authority to prepare and to recommend to the City Council an Official Map of the City and the unincorporated areas surrounding the City and from time to time to prepare and recommend

amendments thereto, all of which the City Council may adopt as the “Official Map of the City of Wood Dale.”

2. Definition. The “Official Map” will be defined as a compilation of maps, standards and specifications of and for existing and proposed rights-of-way, streets, alleys, utility easements, public grounds and public utility systems within the City or within the unincorporated area lying within one and one-half miles of its boundaries as they may from time to time exist, prepared and recommended by the Community Development Commission with the advice and assistance of the Development Administrator and the Development Administrator’s staff and adopted by the City Council by ordinance duly enacted, together with such amendments thereto as may be adopted from time to time.
3. Purpose. The Official Map is adopted to implement The City of Wood Dale Comprehensive Land Use Plan, to assure the adequacy of the public facilities to which it relates and to secure for the City the authority and benefits provided by state law in connection with such an Official Map.
4. Procedures. The procedures for the development, adoption, amendment and filing of the Official Map will be the same as those provided in Section 17.202.A.5 of this Article with respect to The City of Wood Dale Comprehensive Land Use Plan.

C. Zoning Applications

1. Place of Filing.
 - a. Applications for Zoning Certificates, Code Interpretations and Certain Site Plan Approvals. All applications for a Zoning Certificate pursuant to Section 17.203 of this Article, an interpretation pursuant to Section 17.204.A of this Article, Administrative Variation pursuant to Section 17.204.D of this Article, and a site plan approval pursuant to Section 17.206.D.1 of this Article, will be filed with the Office of the Development Administrator or with such other City official or body as the Development Administrator may designate.
 - b. Applications for Appeals and Variations. All applications for an appeal pursuant to Section 17.204.B of this Article and a variation pursuant to Section 17.204.C of this Article will be filed with the office of the Development Administrator for processing pursuant to Section 17.201.A.6 of this Article.
 - c. Applications for Amendments, Special Use Approvals and Certain Site Plan Approvals. All applications for an amendment pursuant to Section 17.205.A of this Article, a special use permit pursuant to Section 17.205.B of this Article, a planned unit development pursuant to Section 17.205.C of this Article will be filed with the office of the Development Administrator for referral to the Community Development Commission. An application for appeal of site plan denial pursuant to Section 17.206.D.2 of this Article, will be filed with the office of the Development Administrator for referral to the Corporate Authorities.
2. Forms, Number, Scale. All applications filed pursuant to this UDO will be on forms supplied by the City and will be filed in a number of duplicate copies as the Development Administrator may designate. All plans filed as part of any application will be at a scale sufficient to permit a clear and precise understanding of the contents of said plan and the proposal being made and will be folded to a convenient size for handling and filing in standard, legal size legal drawers.
3. Filing Deadlines.
 - a. Applications Requiring Hearings. Applications requiring public hearing will not be scheduled for such hearing unless and until filed in a complete and proper form and number and containing all required information.

- b. Applications Not Requiring Hearing. Applications that do not require a public hearing will be filed, in a complete and proper form and number and containing all required information, at least 35 days prior to the time when action on the application is requested. Applications will be processed on a first-filed, first-processed basis.
 - c. Supplemental Data. Whenever supplemental data in connection with a previously filed application is required by the City or offered by the applicant, it will be submitted at least seven days prior to the date on which it is to be considered at a hearing or a meeting or acted upon in connection with such application. The filing of this data will, in the discretion of the Development Administrator and of the body hearing the application, be cause to delay a requested or scheduled hearing date.
4. Fees.
- a. Fee Established; Lien.
 - i. Every application filed pursuant to this UDO will be subject to a non-refundable application and filing fee in the amount established by the City Council and published in a Master Fee Schedule that will be on file with the Development Administrator's office, plus the actual cost incurred by the City in processing such application.
 - ii. The owner of the property which is the subject of the application and, if different, the applicant, will be jointly and severally liable for the payment of the application fee, as well as the actual City application processing costs. By submitting the application, owner is deemed to have agreed to pay any fees and processing costs, to consent to the filing, and foreclosure of a lien on the property to ensure collection of any fee and processing costs, plus the costs of collection, which has not been paid within thirty (30) days following the mailing of a written demand for payment to the owner at the address shown on the application. Any lien filed pursuant to this Section 17.202.C.4 may be foreclosed in the manner provided by statute for mortgages or mechanics liens.
 - b. Recoverable Costs. For purposes of calculating the fee due pursuant to Paragraph (iv)(a) above, the actual costs incurred by the City in processing an application will be deemed to consist of the following items of direct and indirect expense:
 - i. Legal Publication (direct cost)
 - ii. Recording Secretarial Services (direct cost)
 - iii. Court Reporter (direct cost)
 - iv. Professional and Technical Consultant Services (direct cost)
 - v. Legal Review, Consultation, Advice, Negotiation, and Document Preparation (direct cost)
 - vi. Copy Reduction (direct cost)
 - vii. Document Recordation (direct cost)
 - c. Fee Payment and Escrow.
 - i. Initial Payment and Escrow. Every application filed pursuant to this UDO will be accompanied by the required fee plus an additional amount for recoverable costs as provided in Section 17.202.C.4.b, as fixed from time to time by the Development Administrator, to be deposited in an application fee escrow. No interest will be payable on any such escrow.
 - ii. Charges Against Escrow. From the date of filing of any application pursuant to this UDO, the City will maintain an accurate record of the actual costs, as hereinabove defined, of processing such application. The Development Administrator will, from time to time, draw funds from the escrow account

established for such application to pay such costs and will transfer such funds to the appropriate City accounts. The Development Administrator will maintain an accurate record of all such drawings.

- iii. Additional Escrow Deposits. Should the Development Administrator at any time determine that the escrow account established in connection with any application is, or is likely to become, insufficient to pay the actual costs of processing such application, the Development Administrator will inform the applicant and demand an additional deposit in an amount deemed sufficient to cover foreseeable additional costs. Unless and until the additional amount is deposited by the applicant, the Development Administrator may direct that processing of the application will be suspended or terminated.
 - iv. Final Settlement.
 - (1) As soon as reasonably feasible following final action on an application, the Development Administrator will cause a final accounting to be made of the escrow deposits made in connection with the application and the actual cost of processing the application and will make a final charge of such costs against the escrow deposits. A copy of the accounting will be provided to the owner and the applicant.
 - (2) If the amount in the escrow account is insufficient to pay the total actual costs, a written demand for payment of the balance due will be mailed to the owner and the applicant. If unused balance remains in the escrow account after paying the total actual costs, it will be returned to the applicant.
5. Condition of All Applications, Approvals and Permits; Time Periods.
- a. No application filed pursuant to this UDO will be considered complete unless and until all fees and deposits due pursuant to this Section 17.202.C.5 have been paid. Every approval granted and every permit issued pursuant to this UDO will, whether or not expressly so conditioned, be deemed to be conditioned upon payment of fees as required by this Section 17.202.C.5.
 - b. Where this UDO provides that the passage of time without decision or action will be deemed an approval or a recommendation for approval, time periods will be tolled during any period of non-payment, but will otherwise continue to run.
 - c. The failure to fully pay any such fee or deposit, when due, will be grounds for refusing to process an application and for denying or revoking any permit or approval sought or issued with respect to the land or development to which the unpaid fee or deposit relates.
6. Specified Public Bodies Exempt. The provisions of this Section will not apply to, and no fee will be required of, any public body or agency deriving the majority of its revenues from taxes levied within the City of Wood Dale.
7. Minimum Application Data Requirements.
- a. All Applications. Every application submitted pursuant to this UDO will contain at least the following information:
 - i. The owner's name, email, telephone number and address and the owner's signed consent to the filing of the application.
 - ii. The applicant's name, email, telephone number and address, if different than the owner, and his interest in the subject property.
 - iii. The names, addresses, emails and telephone numbers of all professional consultants, if any, advising the applicant with respect to the application.
 - iv. The name and address and the nature and extent of the interest, as defined in Section 2.108 of the Municipal Code of Wood Dale, as amended, of any

- officer or employee of the City in the owner, the applicant or the subject property.
- v. The address and legal description of the property.
 - vi. A description or graphic representation of the proposal for which approval is being sought and of the existing zoning classification, use and development of the property. The scope and detail of the description will be appropriate to the subject matter of the application, with special emphasis on those matters likely to be affected or impacted by the approval being sought in the application.
 - vii. In the case of any application being filed less than two years after the denial of an application seeking essentially the same relief, the statement required by Section 17.202.D.2 of this Article.
 - viii. Proof of control or ownership, in the case of site-specific applications.
- b. Applications for Zoning Certificates. Every application filed pursuant to Section 17.203 of this Article will, in addition to the data and information required pursuant to Section 17.202.C.7.a, provide the following information:
- i. A description or graphic representation of any development or construction that will occur or any use that will be established or maintained if the requested relief is granted.
 - ii. A table showing the following, if applicable:
 - (1) The total lot area of the subject property, in acres and in square feet;
 - (2) The total existing and proposed lot area, expressed in acres, in square feet and as a percent of the total development area, devoted to residential uses, by type of structure, commercial uses, office uses, industrial uses and institutional uses, open space, rights-of-way, streets, and off-street parking and loading areas; and
 - iii. The existing and proposed:
 - (1) Number of dwelling units, by number of bedrooms and dwelling unit gross floor area; and
 - (2) Gross and net floor area devoted to residential uses, commercial uses, office uses, industrial uses, institutional uses and recreational uses.
 - iv. A table listing all bulk, space and yard requirements, all parking requirements, and all loading requirements applicable to any proposed development or construction and showing the compliance of such proposed development or construction with each such requirement. Where any lack of compliance is shown, the reason therefore must be stated and an explanation of the City's authority, if any, to approve the application despite such lack of compliance must be set forth.
 - v. The certificate of a registered architect or civil engineer licensed by the State of Illinois, or of an owner-designer, that any proposed use, construction or development complies with all the provisions of this UDO and other City ordinances or complies with such provisions except in the manner and to the extent specifically set forth in said certificate.
- c. Application for Code Interpretations. Every application filed pursuant to Section 17.204.A of this Article will, in addition to the data and information required pursuant to Section 17.202.C.7.a, provide the following information:
- i. The specific provision or provisions of this UDO for which an interpretation is sought.
 - ii. The facts of the specific situation giving rise to the request for an interpretation.
 - iii. The precise interpretation claimed by the applicant to be correct.

- iv. Where a use interpretation is sought, the use permitted pursuant to the present zoning classification of the subject property that is claimed by the applicant to include, or to be most similar to, the proposed use.
- v. Where a use interpretation is sought, documents, statements and other evidence demonstrating that the proposed use will comply with all use limitations established for the district in which it is proposed to be located.
- d. Applications for Appeals. Every application filed pursuant to Section 17.204.B of this UDO will, in addition to the date and information required pursuant to Section 17.202.C.7.a, provide the following information:
 - i. The specific order, decision or determination of failure to act from which an appeal is sought.
 - ii. The facts of the specific situation giving rise to the original order, decision, determination or failure to act and to the appeal therefrom.
 - iii. The precise relief sought.
 - iv. A statement of the applicant's position as to alleged errors in the order, decision, determination or failure to act being appealed and as to why the relief sought is justified and proper.
- e. Applications for Variations. Every application filed pursuant to Section 17.204.C of this Article will, in addition to the data and information required pursuant to Section 17.202.C.7.a, provide the following information:
 - i. The specific feature or features of the proposed use, construction or development that require a variation.
 - ii. The specific provision of this UDO from which a variation is sought and the precise variation therefrom being sought.
 - iii. A statement of the characteristics of the subject property that prevent compliance with the said provisions of this UDO.
 - iv. A statement of the minimum variation of the provisions of this UDO that would be necessary to permit the proposed use, construction or development.
 - v. A statement of how the variation sought would satisfy the standards set forth in Section 17.204.C.6 of this Article.
 - vi. An accurate, to scale and full size survey, certified by a registered land surveyor, showing existing lot lines and dimensions as well as lot area, all easements, all public and private rights-of-way and all streets across and adjacent to the subject property.
 - vii. A statement concerning the conformity or lack of conformity of the approval being requested to The City of Wood Dale Comprehensive Land Use Plan and Official Map. Where the approval being requested does not conform to the Comprehensive Land Use Plan or the Official Map, reasons justifying the approval despite such lack of conformity will be stated.
- f. Applications for Administrative Variations. Every application filed pursuant to Section 17.204.D of this Article requesting an administrative variation, will, in addition to the data and information required pursuant to Section 17.202.C,7.a provide the following information:
 - i. Plat of survey with legal description;
 - ii. Site plan and architectural renderings, as appropriate;
 - iii. Statements as required in Sections 17.202.C.7.e.(iii), (iv), (v), and (vii);
 - iv. Notarized letters or survey from all adjoining property owners stating the following:
 - (a) Name of the applicant seeking the variation.
 - (b) Legal description and address of the subject property.

- (c) Name and address of adjoining property owners.
 - (d) Statement of variation request.
 - (e) Statement that the adjoining property owner does understand the request and does not object to the variation request.
- g. Applications for The City of Wood Dale Comprehensive Land Use Plan or UDO Text Amendments. Every application filed pursuant to Section 17.202.A.7 or applications filed pursuant to Section 17.205.A of this Article requesting an amendment to the text of either The City of Wood Dale Comprehensive Land Use Plan or this UDO will, in addition to the data and information required pursuant to Section 17.202.C.7.a, provide the following information:
- i. The exact wording of the proposed text amendment.
 - ii. A statement of the need and justification for the proposed text amendment.
 - iii. If applicable, a survey, certified by a registered land surveyor, showing existing lot lines and dimensions as well as lot area, all easements, all public and private rights-of-way and all streets across and adjacent to the subject property.
 - iv. A statement concerning the conformity or lack of conformity of the approval being requested to The City of Wood Dale Comprehensive Land Use Plan and Official Map. Where the approval being requested does not conform to The City of Wood Dale Comprehensive Land Use Plan or the Official Map, reasons justifying the approval despite such lack of conformity will be stated.
- h. Applications for Special Use Permits. Every application filed pursuant to Section 17.205.B of this Article will, in addition to the data and information required pursuant to 17.202.C.7.a, provide the following information:
- i. A written statement of the need for the special permit.
 - ii. An accurate, to scale and full size survey, certified by a registered land surveyor, showing existing lot lines and dimensions as well as lot area, all easements, all public and private rights-of-way and all streets across and adjacent to the subject property.
 - iii. A statement concerning the conformity or lack of conformity of the approval being requested to The City of Wood Dale Comprehensive Land Use Plan and Official Map. Where the approval being requested does not conform to The City of Wood Dale Comprehensive Land Use Plan or the Official Map, reasons justifying the approval despite such lack of conformity will be stated.
 - iv. An application for site plan approval pursuant to Section 17.206d of this Article.
- i. Applications for The City of Wood Dale Comprehensive Land Use Plan Map or Zoning Map Amendments. Every application filed pursuant to Section 17.202.A.7 and Section 17.205.A or formal applications filed requesting an amendment to The City of Wood Dale Comprehensive Land Use Plan Map or the Zoning Map will, in addition to the data and information required pursuant to Section 17.202.C.7.a , provide a statement of the need and justification for the proposed Plan Map or Zoning Map amendment. The statement will address at least the following factors:
- i. The existing uses and zoning classifications of properties in the vicinity of the subject property.
 - ii. The trend of development in the vicinity of the subject property, including changes, if any, in such trend since the subject property was placed in its present plan designation or zoning classification.

- iii. The extent to which the value of the subject property is diminished by the existing plan designation or zoning classification applicable to it.
- iv. The extent to which such diminution in value is offset by an increase in the public health, safety and welfare.
- v. The extent, if any, to which the use and enjoyment of adjacent properties would be affected by the proposed amendment.
- vi. The extent, if any, to which the value of adjacent properties would be affected by the proposed amendment.
- vii. The extent, if any, to which the future orderly development of adjacent properties would be affected by the proposed amendment.
- viii. The suitability of the subject property for uses permitted or permissible under its present plan designation and zoning classification.
- ix. The availability of adequate ingress to and egress from the subject property and the extent to which traffic conditions in the immediate vicinity of the subject property would be affected by the proposed amendment.
- x. The availability of adequate utilities and essential public services to the subject property to accommodate the uses permitted or permissible under its present plan designation and zoning classification.
- xi. The length of time, if any, that the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property.
- xii. The community need for the proposed map amendment and for the uses and development it would allow.
- xiii. A survey, certified by a registered land surveyor, showing existing lot lines and dimensions as well as lot area, all easements, all public and private rights-of-way and all streets across and adjacent to the subject property.
- j. Applications for Planned Unit Development Concept Plan Approval. Every application filed pursuant to Section 17.205.C of this Article will, in addition to the data and information required pursuant to Section 17.202.C.7.a, provide the following information:
 - i. A development name unique to the Wood Dale area for identification purposes.
 - ii. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed planned unit development, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property, and a recent commitment for title insurance or ownership search certificate.
 - iii. A map depicting municipal and special district boundaries where adjacent to or within the subject property.
 - iv. A written statement addressing the following matters:
 - (1) A general description of the proposed planned unit development, the planning objectives to be achieved by it, including the rationales and assumptions of the applicant supporting the proposed planned unit development, and the market it is intended to serve.
 - (2) How the proposed planned unit development is to be designed, arranged and operated so as not to adversely affect the development and use of neighboring property in accordance with applicable regulations of this UDO.
 - v. Schematic, soft-line drawings of the proposed planned unit development concept, including public or private rights-of-way on or adjacent to the subject

property, the proposed dimensions and locations of vehicular and pedestrian circulation and parking elements, public and private open space, and residential, commercial, office, industrial and other land uses, and the general locations of and purpose of all easements.

- vi. A Tax Impact Study indicating the possible tax consequences the proposed planned unit development will have upon the City and other affected taxing bodies.
 - vii. A Traffic and Transit Impact Study including a list of new street construction and traffic control improvements necessary to accommodate the estimated increase in traffic and traffic related problems occasioned by the proposed development and a statement of the applicant's proposals for providing those needed improvements.
 - viii. A preliminary engineering study showing the location and adequacy of existing and proposed sanitary sewer, storm sewer and water distribution systems.
 - ix. A written statement identifying existing natural and environmental resources and features on the subject property, including its topography, vegetation, soils, geology, and scenic view, and the impact of the proposed planned unit development on such resources and features, including proposals to preserve or protect such resources and features.
 - x. Schematic, soft-line architectural elevations indicating the general style of architecture and typical building materials.
 - xi. A statement of the applicant's intent with respect to the ownership, sale and leasing of the various completed units, structures, spaces and areas within the proposed planned unit development.
 - xii. A development schedule for each and every stage of construction stating the approximate beginning and completion date, proportion of total public or common open space to be provided for each use and with each development stage.
 - xiii. A detailed description of the financial assurances to be presented to guarantee completion of all public improvements and private open space to be provided in connection with the proposed planned unit development.
 - xiv. Evidence of the financing plan the applicant proposes to use to complete the proposed planned unit development. The applicant's prior success in completing projects of similar scope may be offered in support of this requirement.
 - xv. A preliminary plat of subdivision if required pursuant to the Section 17.802 of this UDO.
- k. Application for Planned Unit Development Final Plan Approval. Every application filed pursuant to Section 17.205.C.4.c of this Article will, in addition to the data and information required pursuant to Section 17.202.C.7.a, provide the following information:
- i. The date on which Development Concept Plan approvals were granted.
 - ii. A statement and plan of the proposed treatment of the perimeter of the proposed planned unit development, including materials and techniques to be used.
 - iii. When the proposed planned unit development, or stage thereof, includes provision for public or common open space, a statement describing the provision made for the dedication or care and maintenance of such open space. If it is proposed that such open space be owned or maintained by any entity other than a governmental authority, copies of the proposed articles of

- incorporation and by-laws of such entity will be submitted. When the property is to be dedicated, a draft of the instrument of dedication will be submitted.
- iv. Copies of any restrictive covenants to be recorded with respect to property included in the Final Plan.
 - v. A statement summarizing all changes that have been made, or have occurred, in any document, plan, data or information previously submitted, together with a revised copy of any such documents, plan or data.
 - vi. A final plat of subdivision if required pursuant to this UDO.
 - vii. All engineering data and drawings required in connection with an application for final subdivision approval under this UDO.
 - viii. All certificates, seals and signatures required for the dedication of land and recordation of documents.
 - ix. Hard line elevations and scaled floor plans
 - x. Proof from appropriate governmental agencies that all taxes on the subject property have been paid and that all special assessments, taxes, and other levies against the subject property or any part thereof have been paid in full.
- I. Applications for Site Plan Approval. Whenever an application filed pursuant to any provision of this UDO involves any use, construction or development requiring the submission of a site plan pursuant to Section 17.206 of this Article, a site plan illustrating the proposed use, construction or development and providing at least the following data and information, on one or more sheets, will be submitted as part of the application:
- i. A graphic rendering of the existing conditions, which depicts:
 - (1) All significant natural, topographical and physical features of the subject property including topographical contours at one foot intervals;
 - (2) The location and extent of tree cover including single trees in excess of six inches in diameter at breast height (dbh);
 - (3) The location and extent of water bodies and courses, wetlands, marshes and special flood hazard areas and floodways on or within 100 feet of the subject property;
 - (4) Existing drainage structures and patterns; and
 - (5) Soil conditions as they affect development.
 - ii. The location, use, size and height in stories and feet of structures and other land uses on properties within 250 feet of the subject property.
 - iii. For areas within any required yard or setback, any proposed regarding of the subject property.
 - iv. Data concerning proposed structures and existing structures that will remain, including:
 - (1) Location, size, use and arrangement, including height in stories and feet;
 - (2) Where relevant, floor area ratio, gross floor area and net floor area;
 - (3) Where relevant, number and size of dwelling units, by dwelling unit type and number of bedrooms;
 - (4) Building coverage and lot coverage; and
 - (5) Description of the calculation method utilized in computing all required statistics shown.
 - v. Minimum yard and setback dimensions and, where relevant, relation of yard and setback dimensions to the height, width and depth of any structure.
 - vi. A vehicular and pedestrian circulation plan showing the location, dimensions, gradient and number of all vehicular and pedestrian circulation elements including rights-of-way and streets; driveway entrances, curbs and curb cuts;

parking spaces, loading spaces and circulation aisles; sidewalks, walkways and pathways; and total lot coverage of all circulation elements divided as between vehicular and pedestrian ways.

- vii. All existing and proposed surface and sub-surface drainage and retention and detention facilities and existing and proposed water, sewer, gas, electric, telephone and cable communications lines and easements and all other utility facilities.
 - viii. Location, size and arrangements of all outdoor signs and lighting.
 - ix. Location and height of fences or screen plantings and the type or kind of building materials or plantings to be used for fencing or screening.
 - x. Location, designation and total area of all usable open space.
 - xi. A detailed landscaping plan, showing location, size and species of all trees, shrubs and other plant material.
 - xii. A traffic study, if required by the Development Administrator or the Community Development Commission.
 - xiii. An erosion control plan for the period during which construction will be taking place, if required by the Development Administrator or the Community Development Commission.
 - xiv. Hard line elevations and floor plans.
- m. Applications for Appeal from Denial of Site Plan Approval. Every application filed pursuant to Section 17.206.D.2 will, in addition to the data and information required pursuant to Section 17.202.C.7.a, provide the following information:
- i. A copy of the original application for site plan approval.
 - ii. A statement of the applicant's position as the alleged errors in the Development Administrator's denial of site plan approval and as to why approval of the site plan is justified and proper.
8. Special Data Requests. In addition to the data and information required pursuant to Section 17.202.C.7, every applicant will submit any other and additional data, information or documentation as the Development Administrator or the Community Development Commission may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.
9. Concurrent Applications. Where a proposed use or development requires more than one approval pursuant to this UDO, applications for all approvals may be filed concurrently notwithstanding the fact that approval of one application may be a precondition to approval of other applications. Such applications may, in the discretion of the official, officials, body or bodies charged with review of such applications be processed together; provided, however, that no application will be approved unless all applications that are a precondition to its approval have first been approved.
10. Withdrawal of Application. An applicant may withdraw an application at any time prior to a final decision having been rendered with respect thereto; provided that the applicant will have paid all applicable application fees pursuant to Section 17.202.C.4 and made the request to withdraw in writing. A withdrawal will be without prejudice to the applicant's right to refile such application, but any refiling will be treated as an entirely new filing and will be subject to the procedures and fees of this UDO in the same manner as any other new application.
11. Administrative Discretion. Notwithstanding anything to the contrary in this Article, the Development Administrator or the Community Development Commission may waive any application requirements otherwise set forth in this Section 17.202.C.7 where the applicant demonstrates to the satisfaction of the Development Administrator or

Community Development Commission before which its application is pending that the information required is not relevant to or necessary for the determination of the application submitted.

D. Successive Applications

1. Second Applications Without New Grounds Barred. Whenever any application filed pursuant to this UDO has been finally denied on its merits and all appeals with the City have been exhausted, a second application, seeking essentially the same relief, whether or not in the same form or on the same theory, will not be brought within one year after the date upon the last City action on the application, unless, in the opinion of the Development Administrator or the Community Development Commission substantial new evidence is available or a mistake of law or fact significantly affected the prior denial.
2. New Grounds to be Stated. Any second application will include a detailed statement of the grounds justifying consideration of the application.
3. Exception. Whether or not new grounds are stated, any second application filed more than two years after the final denial of a prior application will be heard on the merits as though no prior application had been filed. The applicant will, however, be required to place in the record all evidence available concerning changes of conditions or new facts that have developed since the denial of the first application. In the absence of such evidence it will be presumed that no new facts exist to support the new petition that did not exist at the time of the denial of the first application.

E. Public Hearings and Meetings

1. Setting Hearing or Meeting; Time Limitation. When the provisions of this UDO require a public hearing or meeting in connection with any application filed pursuant to this UDO, the Community Development Commission will, upon receipt of a properly completed application, fix a reasonable time and place for such hearing or meeting; provided, however, that such hearing or meeting will be commenced no later than 60 days, and will be concluded no later than 120 days, following the receipt of the subject application unless the applicant agrees to an extension or unless the hearing or meeting agenda of the body is completely committed during that time.
2. Notice.
 - a. Notice to be Given. Notice of public hearings and meetings set pursuant to Section 17.202.E.1 of this Section will be given by the Development Administrator or the applicant, as the case may be, in the form and manner and to the person herein specified.
 - b. Content of Notice. All notices will include the date, time and place of such hearing or meeting, a description of the matter to be heard or considered, and the common street address, Parcel Index Number(s), and particular location of the subject property.
 - c. Notice Procedures
 - i. All Hearings and Meetings. Notice of every hearing or meeting set pursuant to Section 17.202.E.1 of this Section will be given by the Development Administrator:
 - (1) By first class mail or personal delivery to the applicant and, if a specific parcel is the subject of the application, to the owner of the subject property.
 - (2) By first class mail to any newspaper or person that will have filed a written request, accompanied by an annual fee as established from time

- to time by the Development Administrator to cover postage and handling, for notice of all hearings or meetings held pursuant to this UDO. Such written request will automatically expire on December 31 of the year in which it is made unless a written request for renewal, accompanied by the annual fee, is submitted prior to such date
- (3) By first class mail, personal delivery or interdepartmental delivery to affected City Council, Commissions, Departments and Officials.
- ii. Delivery of Notice. Notice by mail as herein required, will be mailed no less than five days in advance of the hearing or meeting date by regular first class United States Mail.
- d. Hearings on Amendments, Special Use Permits and Variations. In addition to notice as required by Section 17.202.E.2.a and Section 17.202.E.2.b, the following notice will be given for every hearing set pursuant to 17.205.A of this Article in connection with an application for an amendment to this UDO (other than an amendment to the Zoning Map), a special use permit or a variation:
- i. Content of Notice. The notice required pursuant to this Subparagraph will contain, at a minimum, the following information:
 - (1) The street address, property index number(s), and street intersection location description of the property that is the subject of the application;
 - (2) A brief statement of the nature of the relief being requested;
 - (3) The name and address of the applicant;
 - (4) The name and address of the legal and beneficial owner of the property, if any, that is the subject of the application; and
 - ii. Notice by Newspaper Publication. The Development Administrator will cause a notice to be published in a newspaper published in, or of general circulation within, the City at least once no less than fifteen (15) days, nor more than thirty (30) days, in advance of the hearing date.
 - iii. Notice by Sign. If a specific property is the subject of the application, the Development Administrator or applicant will post the subject property with a ground sign of approximately six (6) square feet of gross surface area containing the legibly written notice. The sign will be located on the subject property so as to be visible from at least one (1) right-of-way abutting the subject property. The Development Administrator or applicant will remove the sign within three (3) days after the hearing is closed.
 - iv. Report to Hearing Body. At the hearing, the Development Administrator or applicant will present to the Community Development Commission an affidavit, certification or other evidence satisfactory to the Community Development Commission, demonstrating, to the satisfaction of the Community Development Commission, that the applicable notice requirements of this Subparagraph have been satisfied.
- e. Hearing on Renewal of Special Use Permits. In addition to notice as required by Section 17.202.E.2.a and Section 17.202.E.2.b above, notice of a hearing for the renewal of a special permit pursuant to Section 17.205.B.11 of this Article will be given in accordance with Section 17.202.E.2.d.
- f. Hearing on The City of Wood Dale Comprehensive Land Use Plan. In addition to notice as required by Section 17.202.E.2.a and Section 17.202.E.2.b above, notice of every hearing set pursuant to Section 17.202.E.1 hereof in connection with the adoption of The City of Wood Dale Comprehensive Land Use Plan will be given by publication in a newspaper of general circulation in Wood Dale County at least fifteen (15) days before such hearing.

- g. Hearing on Zoning Map Amendments. In addition to notice as required by Section 17.202.E.2.a and Section 17.202.E.2.b, notice of every hearing set pursuant to Section 17.202.E.1 hereof in connection with an application for an amendment to the Zoning Map will be pursuant to Section 17.202.E.2.d; provided, however, that the requirements set forth in Section 17.202.E.2.d.iv) will not apply when the City is the applicant and none of the property that is the subject of the application is owned by the City.
- 3. Referral to Community Development Commission and Departments for Hearings and Meetings Regarding Appeals, Variations, Amendments, Special Use Permit and Planned Unit Development.
 - a. Development Administrator to Refer Applications. The Development Administrator will, not later than the time set pursuant to Section 17.202.E.2.d for giving public notice, refer every application for an appeal pursuant to Section 17.204.B of this Article, for a variation pursuant to Section 17.204.C of this Article, for an amendment pursuant to Section 17.205.A of this Article, for a special use permit pursuant to Section 17.205.B of this Article, and for a planned unit development pursuant to Section 17.205.C of this Article to all relevant City departments with review authority over any application.
 - b. Review and Comments. Each department to which an application is referred pursuant to this Subsection 17.202.E.3 will review the application and submit its comments to the Development Administrator and Community Development Commission.

The comments will, whenever possible, be submitted at least two business days prior to the date set for the hearing and will be made available to any person on request prior to the hearing.

- 4. Conduct of Hearings. The Community Development Commission, in accordance with the authority set forth in Section 11-13-22 of the Illinois Municipal Code, 65 ILCS 5/11-13-22, may adopt such rules of procedure as necessary and appropriate to govern any public hearing required under this Article.

17.203 Zoning Certificates

- A. Authority. The Development Administrator will have authority to issue Zoning Certificates, but only in accordance with the provisions of this Section.
- B. Purpose. The Zoning Certificate is intended to two general purposes:
 - 1. A procedure for reviewing plans for conformance with this UDO and a means for evidencing conformance; and
 - 2. an adjunct to, filed prior to or with, all other applications filed pursuant to this UDO with respect to a specific use or development proposal.
 - 3. When a Zoning Certificate is filed, it serves as a vehicle for routine plan review by the Development Administrator prior to consideration of special requests by other officials, departments or the Community Development Commission, thus avoiding needless special reviews of defective plans.
- C. Certificate Required. Except where expressly waived by another provision of this UDO, unless a Zoning Certificate will have first been obtained from the Development Administrator:

1. The construction, reconstruction, remodeling, alteration or moving of any structure will not be commenced;
2. The grading, excavation or improvement of land preliminary to any construction on or use of such land will not be commenced; and
3. Building or other permits pertaining to the construction, reconstruction, remodeling, alteration or moving of any structure or the use of any land or structure will not be issued by the City.
4. In any case where a Zoning Certificate is not required under this UDO, the Development Administrator will, upon written request, issue a certificate of such fact.

D. Relation to Other Applications. No application for a zoning variation, application for a special permit, application for an amendment or application for approval of a development Concept Plan will be processed unless an application for a Zoning Certificate will first have been received, processed and approved, or denied solely on one or more grounds that form the basis for the application. It is the intent of this Section 17.203 that no application filed pursuant to this Article with respect to a specific use or development proposal will be processed until the Development Administrator is satisfied that the proposed use or development complies with the provisions of this UDO in all respects except those within the scope of such application.

E. Procedure.

1. Application. Applications for Zoning Certificates will be filed in accordance with the requirements of Section 17.202.C.7.b of this Article.
2. Action on Application. Within ten (10) days following receipt of a completed application for a Certificate of Zoning Compliance, the Development Administrator will cause the application and related submissions to be reviewed for compliance with this UDO and will inform the applicant whether the application has been granted or denied.

In any case where an application is granted, the Development Administrator will issue a Certificate of Zoning Compliance that will read on its face:

THIS CERTIFICATE DOES NOT SIGNIFY BUILDING CODE REVIEW OR APPROVAL AND IS NOT AUTHORIZATION TO UNDERTAKE ANY WORK WITHOUT SUCH REVIEW AND APPROVAL WHERE EITHER IS REQUIRED.

BEFORE ANY STRUCTURE TO WHICH THIS CERTIFICATE IS APPLICABLE MAY BE OCCUPIED OR USED FOR ANY PURPOSE, A CERTIFICATE OF OCCUPANCY MUST BE OBTAINED.

In any case where an application is denied, the Development Administrator will state specific reasons therefor and will cite the specific provisions of this UDO upon which such denial is based. If relief from such demand would be available pursuant to a companion application filed in connection with the application for a Certificate of Zoning Compliance, the Development Administrator will inform the applicant and will promptly process such companion application. If the application is approved, the Development Administrator will issue the requested Certificate of Zoning Compliance in accordance with the terms and conditions of such approval.

If relief from the Development Administrator's denial of a Certificate of Zoning Compliance would be available by variation, special permit or site plan review, but no application therefor has been filed, the Development Administrator will so state and refer the applicant to the appropriate provisions of this UDO.

3. Contents of Certificate. Each Certificate of Zoning Compliance issued pursuant to this Section 17.203 will state the specific use of the subject property for which it is issued; identify the specific plans; if any, pursuant to which it is issued; and set forth any conditions imposed in connection with any approval granted pursuant to this UDO.
 4. Filing of Certificates. Every Certificate issued pursuant to this Section will be kept on file with the Development Administrator and will be a public record open to inspection in accordance with the provisions of the Freedom of Information Act, 5 ILCS 140/1 et seq., as amended.
- F. Effect of Issuance of Certificate of Zoning Compliance. The issuance of a Certificate of Zoning Compliance will not authorize the establishment, expansion or extension of any use nor the development, construction, relocation, alteration or moving of building or structure, but will merely authorize the preparation, filing and processing of applications for any additional permits and approvals that may be required by the codes and ordinances of the City, including, but not limited to, a Building Permit, a Certificate of Occupancy and Subdivision Approval.
- G. Limitations on Certificates. Subject to an extension of time granted by the Development Administrator pursuant to Section 17.201.A.12 of this Article, a Certificate of Zoning Compliance will become null and void six months after the date on which it was issued unless within such period construction, reconstruction, remodeling, alteration or moving of a structure is commenced or a use is commenced.
- H. Void Certificates. Any Certificate of Zoning Compliance issued in violation of the provisions of this UDO, whether intentionally, negligently or innocently, will be void and confer no rights whatsoever.

17.204 Interpretations, Appeal and Variations

A. INTERPRETATIONS

1. Authority. The Development Administrator may, subject to the procedures, standards and limitations of this Section, render interpretations, including use interpretations, of the provisions of this UDO and of any rule or regulation issued pursuant to it.
2. Purpose. The interpretation authority established by this Section is intended to recognize that the provisions of this UDO though detailed and lengthy, cannot possibly address every specific situation to which they may have to be applied. Many such situations can, however, be readily addressed by an interpretation of the specific provisions of this UDO in light of the general and specific purposes for which those provisions have been enacted. Because the interpretation authority of this UDO is an administrative rather than a legislative authority, it is not intended to add to or change the essential content of this UDO but, rather, it is intended only to allow authoritative application of that content to specific cases.
3. Parties Entitled to Seek Interpretations. Applications for interpretations may be filed by any person having an interest in the circumstances giving rise to the need for an

interpretation; provided, however, that interpretations will not be sought by any person based solely on hypothetical facts or where the interpretation would have no effect other than as an advisory opinion.

4. Procedure.
 - a. Application. Applications for interpretations of this UDO will be filed in accordance with the requirements of Section 17.202.C.7.c of this Article.
 - b. Action on Application.
 - i. Within 35 days following the receipt of a properly completed application for interpretation, the Development Administrator will inform the applicant in writing of his interpretation, stating the specific precedent, reasons and analysis upon which the determination is based.
 - ii. The failure of the Development Administrator to act within 35 days, or such further time to which the applicant can agree, will be deemed to be a decision denying the application rendered on the day following the 35 day period.
 - c. Appeal. Appeals from interpretations rendered by the Development Administrator may be taken to the Community Development Commission as provided in Section 17.202.C.7.d of this Article.
5. Standards for Use Interpretations. The following standards govern the Development Administrator and the Community Development Commission on appeals from the Development Administrator, in issuing use interpretations:
 - a. No use interpretation will be given with respect to any Residential District.
 - b. Any use defined in Section 17.103 of this UDO will be strictly interpreted as therein defined.
 - c. No use interpretation will permit a use not already listed as a permitted or special permit use in the district proposed for that use.
 - d. No use interpretation will permit any use in any district unless evidence is presented that demonstrates that it will comply with each use limitation established for that particular district.
 - e. No use interpretation will permit any use in a particular district unless such use is substantially similar to other uses permitted in such district.
 - f. If the proposed use is most similar to a use permitted only as a special permit use in the district in which it is proposed to be located, then any use interpretation permitting such use will be conditioned on the issuance of a special permit for such use pursuant to Section 17.205.B of this Article.
 - g. No use interpretation will permit the establishment of any use that would be inconsistent with the statement of purpose of the district in question.
6. Effect of Favorable Use Interpretation. No use interpretation finding a particular use to be permitted or specially permitted in a particular district will authorize the establishment of that use nor the development, construction, reconstruction, alteration or moving of any building or structure but will merely authorize the preparation, filing and processing of applications for any permits and approvals that may be required by the codes and ordinances of the City, including, but not limited to, a Special Permit, a Certificate of Zoning Compliance, a Building Permit, a Certificate of Occupancy, Subdivision Approval and Site Plan Approval.
7. Limitations on Favorable Use Interpretations.
 - a. Subject to an extension of time granted by the Development Administrator pursuant to Section 17.201.A.12 of this Article, no use interpretation finding a particular use to be permitted or specially permitted in a particular district will be valid for a period longer than six months from the date of issue unless a building permit is issued, and construction is actually begun within that period and is diligently pursued to

completion, or a Certificate of Occupancy is obtained and a use commenced within that period.

- b. A use interpretation finding a particular use to be permitted or specially permitted in a particular district will be deemed to authorize only the particular use for which it was issued, and such permit will not be deemed to authorize any claimed similar use for which a separate use interpretation has not been issued. The permit will automatically expire and cease to be of any force or effect if the particular use for which it was issued will, for any reason, be discontinued for a period of six consecutive months or more.

B. Appeals

1. Authority. Except as provided in Section 17.206.D.1.d of this Article with regard to site plan review appeals, the Community Development Commission will hear and decide appeals from, and review orders, decisions, determinations, or the failure to act, of the Development Administrator acting pursuant to his authority and duties under this UDO and to that end the Community Development Commission will have the same powers and be subject to the same standards and limitations as the Development Administrator with respect to any order, decision or determination being appealed. When considering and acting on appeals, the Community Development Commission will be considered a Zoning Board of Appeals, and possess the statutory powers and limitations set forth in Section 11-13-3 and Section 11-13-12 of the Illinois Municipal Code, 65 ILCS 5/11-13-3 and 65 ILCS 5/11-13-12, as amended.
2. Purpose. The appeal procedure is provided as a safeguard against arbitrary, ill-considered or erroneous administrative decisions. It is intended to avoid the need for resort to legal action by providing a local procedure for the review and correction of administrative errors. It is not, however, intended as a means to subvert the clear purposes, intent or meaning of this UDO or the rightful authority of the Development Administrator to enforce this UDO. To these ends, the Community Development Commission will give all proper deference to the spirit and language of this UDO and to the reasonable interpretations of those charged with its administration.
3. Parties Entitled to Appeal. An application for appeal to the Community Development Commission may be filed by any person aggrieved or adversely affected by an order, decision, determination or failure to act of the Development Administrator acting pursuant to his authority and duties under this UDO.
4. Procedure.
 - a. Application. An application for appeal to the Community Development Commission will be filed not later than 45 days following the action being appealed and in accordance with the requirements of Section 17.202.C.7.d of this Article.
 - b. Action by Development Administrator. Upon receipt of a properly completed application for an appeal, the Development Administrator will transmit to the Community Development Commission the application together with all papers constituting the record upon which the action appealed from was taken.
 - c. Public Hearing. A public hearing will be set, noticed and conducted by the Community Development Commission in accordance with Section 17.202.E of this Article.
 - d. Action by Community Development Commission.
 - i. Within thirty (30) days following the close of the public hearing the Community Development Commission will render a decision on the appeal in the manner and form specified in Section 17.201.C.3 of this Article. The decision may reverse, affirm or modify, in whole or in part, the action appealed from and

- may include such order or determination as, in the opinion of the Community Development Commission, is proper to be made in the premises.
- ii. The failure of the Community Development Commission to act within thirty (30) days, or such further time to which the applicant may agree, will be deemed to be a decision denying the appeal.

APPEALS PROCEDURE



5. Stay of Proceedings. An application for appeal properly filed pursuant to Subsection 17.204.B.4.a above will stay all proceedings in the furtherance of the action appealed from, unless the Development Administrator certifies to the Community Development Commission after the application for appeal has been filed with the Development Administrator that, by reason of facts stated in the certificate, a stay would, in the Development Administrator’s opinion, cause imminent peril to life or property, in which case the proceedings will not be stayed other than by a restraining order, which may be granted by the Community Development Commission or by the Circuit Court on application, upon reasonable written notice to the Development Administrator and on due cause shown.
6. Right to Grant Variation in Deciding Appeals. In any case where the application for appeal is accompanied by an application for variation in accordance with Section 17.202.C.7.e of this Article, the Community Development Commission will have the authority to grant, as part of the relief, a variation but only in strict compliance with each provision of Section 17.204.C.
7. Conditions and Limitations on Rights Granted by Appeal. In any case where this UDO imposes conditions and limitations upon any right, any such right granted by the Community Development Commission on appeal will be subject to such conditions and limitations in the same manner and to the same extent as if secured without the necessity of an appeal.

C. Variations

1. Authority. The City Council will have the authority to grant variations from the provisions of this UDO, by ordinance duly adopted, and only in compliance with the procedures set forth in this Ssection 17.204.C of this Section and in those specific instances enumerated in Subsection 17.204.C.5 of this Section and then only in accordance with each of the standards enumerated in Ssection 17.204.C.6 of this Section.
2. Purpose. The variation procedure is intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of this UDO that create practical difficulties or particular hardships. When such difficulties or hardships are more appropriate for remedy, if at all, pursuant to other provisions of this Article, the variation procedure is inappropriate.

3. Parties Entitled to Seek Variations. Applications for variations may be filed by the owner of, or any person having a contractual interest in, the subject property.
4. Procedure.
 - a. Application. Applications for variations will be filed in accordance with the requirements of Section 17.202.C.7.e of this Article.
 - b. Public Hearing. A public hearing will be set, noticed and conducted by the Community Development Commission in accordance with Section 17.202.E of this Article.
 - c. Action by Community Development Commission.
 - i. Within 35 days following the close of the public hearing, the Community Development Commission will render its recommendations granting or denying the variation, in the manner and form specified by Section 17.201.C.3 of this Article.
 - ii. The failure of the Community Development Commission to act within 35 days, or such further time to which the applicant may agree, will be deemed to be a decision to recommend denial of the variation.
 - iii. When considering and acting on variations, the Community Development Commission will be considered a Zoning Board of Appeals, and possess the statutory powers and limitations set forth in Section 11-13-3 and Section 11-13-5 of the Illinois Municipal Code, 65 ILCS 5/11-13-3 and 65 ILCS 5/11-13-5, as amended.
 - d. Action by City Council.
 - i. Within sixty (60) days following the receipt of the recommendation of the Community Development Commission, or its fail to act as above provided, the City Council will either deny the application or, by ordinance duly adopted, will grant the variation, with or without modifications and conditions.

VARIATION PROCEDURE



5. Authorized Variations.
 - a. Permitted Variations. Subject to the prohibitions set forth in Section 17.204.C.5.b below, and subject to the other provisions of this Section, the Community Development Commission may only consider and recommend the following variations:
 - i. To vary the applicable lot area, lot width, and lot depth requirements, subject to the following limitations:
 - (1) The minimum lot width and lot depth requirements shall not be reduced more than twenty five percent (25%).
 - (2) The minimum lot area for a single-family or two-family dwelling shall not be reduced more than twenty percent (20%).
 - (3) The minimum lot area per dwelling unit required for multiple-family dwellings shall not be reduced so as to permit more dwelling units than would be permitted by strict application of minimum lot area requirements.

- ii. To vary applicable bulk regulations, including maximum height, lot coverage, and floor area ratio and minimum yard requirements.
 - iii. To vary applicable off street parking and off street loading requirements.
 - iv. To vary regulations relating to restoration of damaged or destroyed nonconforming structures.
 - v. To vary the regulations relating to signs.
 - vi. To vary the regulations relating to fences.
 - b. Prohibited Variations. Notwithstanding any other provision of this Section 17.204.C.5.b, no variation will be granted that:
 - i. Is intended as a temporary measure only; or
 - ii. Is greater than the minimum variation necessary to relieve the particular hardship or practical difficulty demonstrated by the applicant.
6. Standards for Variations.
- a. General Standard. No variation will be granted pursuant to this Section 17.204.C.6 unless the applicant will establish that carrying out the strict letter of the provisions of this UDO would create a particular hardship or a practical difficulty. Such a showing will require proof that the variation being sought satisfies each of the standards set forth in this Subsection.
 - b. Unique Physical Condition. The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.
 - c. Not Self-Created. The aforesaid unique physical condition is not the result of any action or inaction of the owner or his predecessors in title and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this UDO, for which no compensation was paid.
 - d. Denied Substantial Rights. The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.
 - e. Not Merely Special Privilege. The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the sale of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship will not be a prerequisite to the grant of an authorized variation.
 - f. Code and Plan Purposes. The variation would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes for which this UDO and the provision from which a variation is sought were enacted or the general purpose and intent of The City of Wood Dale Comprehensive Land Use Plan.
 - g. Essential Character of the Area. The variation would not result in a use or development on the subject property that:

- i. Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development value of property or improvements permitted in the vicinity;
 - ii. Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity;
 - iii. Would substantially increase congestion in the public streets due to traffic or parking;
 - iv. Would unduly increase the danger of flood or fire;
 - v. Would unduly tax public utilities and facilities in the area; or
 - vi. Would endanger the public health and safety.
 - vii. No Other Remedy. There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.
- 7. Variation Less Than Requested. A variation less than or different from that requested may be granted when the record supports the applicant's right to some relief but not to the relief requested.
- 8. Conditions on Variations. The Community Development Commission may impose such specific conditions and limitations concerning use, construction, character, location, landscaping, screening and other matters relating to the purposes and objectives of this UDO upon the premises benefited by a variation as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services. Such conditions will be expressly set forth in the resolution granting the variation. Violation of any such condition or limitation will be a violation of this UDO and will constitute grounds for revocation of the variation.
- 9. Affidavit of Compliance with Conditions; Fee. Whenever any variation authorized pursuant to Section 17.204.C.5 is made subject to conditions and limitations to be met by the applicant, the applicant will upon meeting such conditions file an affidavit with the Development Administrator so stating. Such affidavit will be accompanied by a nonrefundable fee, to be fixed in each case by the Development Administrator, to recover the City's actual direct cost of an inspection to verify that such conditions and limitations have been met.
- 10. Effect of Grant of Variation. The grant of a variation will not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure but will merely authorize the preparation, filing and processing of applications for any permits and approval that may be required by the codes and ordinances of the City, including, but not limited to, a Certificate of Zoning Compliance, a Building Permit, a Certificate of Occupancy, Subdivision Approval and Site Plan Approval.
- 11. Limitations on Variations.
 - a. Subject to an extension of time granted by the Development Administrator or City Council pursuant to Section 17.201.A.12 of this Article, no variation from the provisions of this UDO will be valid for a period longer than 180 days, and no variation from the provisions of this UDO that is granted concurrently with a special permit will be valid for a period longer than one year, unless a building permit application is submitted within that period and is diligently pursued to completion or unless a Certificate of Occupancy is issued and a use is commenced within that period. Variations granted pursuant to Section 17.204.C.5 of this Article will be valid for a period that is coterminous with the period that the tentative subdivision

plat is valid, and will be deemed final variations that run with the land only after recordation of a duly approved final subdivision plat.

- b. A variation will be deemed to authorize only the particular construction or development for which it was issued and will automatically expire and cease to be of any force or effect if such construction or development will be removed and not replaced within six months following such removal.

D. Administrative Variations

1. Authority. The Development Administrator will have the authority to grant administrative variations from the provisions of this UDO pertaining to (a) dimensional zoning relief related to setbacks and height and (b) off-street parking requirements. Administrative variations will only be permitted where the requested relief does not exceed a five percent (5%) reduction of the required dimensional or parking regulation. Administrative variations will only be granted by the Development Administrator in compliance with the procedures set forth in this Ssection 17.204.D.
2. Purpose. The administrative variation procedure is intended to provide a narrowly tailored and streamlined process to grant minimal variations resulting from unforeseen particular applications of this UDO that create practical difficulties or particular hardships. When such difficulties or hardships are more appropriate for remedy, if at all, pursuant to other provisions of this Article, the administrative variation procedure is inappropriate.
3. Parties Entitled to Seek Administrative Variations. Applications for administrative variations may be filed by the owner of, or any person having a contractual interest in, the subject property.
4. Procedure.
 - a. Application. Applications for administrative variations will be filed in accordance with the requirements of Section 17.202.C.7.f of this Article.
 - b. Application Notification. Upon receipt of a complete application conforming to the requirements set forth in Section 17.204.D.4.a, the Development Administrator will review the application within thirty (30) days and notify the applicant via mail of his or her decision. If an application for an administrative variation is denied, the Development Administrator will explain the reasons for the denial and advise the applicant that he or she may petition for a variation pursuant to Subsection 17.204.C of this Article.
 - c. Adjoining Property Owner Objection. In the event that an adjoining property owner objects to the administrative variation, the application for an administrative variation will be subject to the requirements for a public hearing for a variation with the Community Development Commission, as set forth in Section 17.204.C.4.b.
 - d. Approval. If the Development Administrator finds the variation request to meet the standards contained in this section, the Development Administrator will do the following:
 - i. Provide notification to the applicant via first class mail.
 - ii. Provide notification to the Corporate Authorities.
 - iii. Record or cause to be recorded the variation with the Office of the DuPage County Recorder of Deeds. The applicant will bear all costs of recording the administrative variation.
5. Standards For Administrative Variations. Administrative variations will only be granted when the request is consistent with the general purpose and intent of the UDO and the applicant has demonstrated in writing the satisfaction of the following three (3) standards:

- a. Hardship Or Unintentional Human Error. That a particular hardship or practical difficulty exists that is unique to the subject property and does not apply generally to properties in the zoning district, and that the strict enforcement of the zoning requirement deprives the applicant of the reasonable use of the property.
- b. Prohibitions. That the granting of the variation will not:
- c. Impair an adequate supply of light and air to the adjacent property;
- d. Increase the hazard from fire or other dangers to said property;
- e. Diminish the value of land and buildings in the immediate neighborhood;
- f. Unduly increase traffic congestion in the public streets and highways;
- g. Increase the potential for flood damages to adjacent property;
- h. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of the City;
- i. That the granting of the variation will be in harmony with the essential character of the neighborhood.

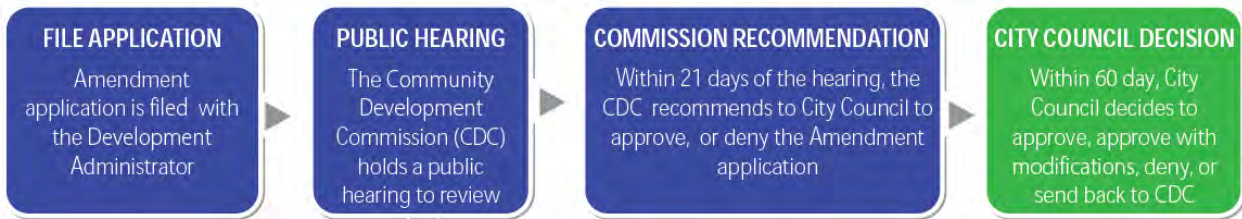
17.205 Amendments, Special Use, and Other Approvals

A. Amendments

1. Authority. This UDO and the Zoning Map may be amended from time to time by ordinance duly enacted by the City Council in accordance with the procedures set out in this Section 17.205.
2. Purpose. The amendment process established by this Section 17.205 is intended to provide a means for making changes to the text of this UDO and on the Zoning Map that have more or less general significance or application. It is not intended to relieve particular hardships or to confer special privileges or rights. Rather, it is intended as a tool to adjust the provisions of this UDO and Zoning Map in light of changing, newly discovered or newly important conditions, situations, or knowledge.
3. Parties Entitled to Seek Amendments. An application for an amendment may be filed by the City Council, the Community Development Commission, the owner of, or any person having a contractual interest in, any property to be affected by a proposed amendment to the Zoning Map, or any person interested in a proposed amendment to the text of this UDO.
4. Procedure.
 - a. Formal Application. A formal application for an amendment to this UDO or the Zoning Map will be filed in accordance with the requirements of Section 17.202.C.7.g and Section 17.202.C.7.i of this Article.
 - b. Referral. Every properly filed and completed formal application for an amendment to this UDO or the Zoning Map will be referred by the Development Administrator to the Community Development Commission.
 - c. Public Hearing. In any case where a formal application for an amendment to this UDO or the Zoning Map is referred by the Development Administrator, a public hearing will be set, noticed, and conducted by the Community Development Commission in accordance with Section 17.202.E of this Article.
 - d. Action by Community Development Commission.
 - i. Within 21 days following the conclusion of the public hearing, the Community Development Commission will transmit to the City Council its recommendation in the form specified by Section 17.201.C.3 of this Article.

- ii. The failure of the Community Development Commission to act within 21 days following the conclusion of such hearing, or such further time to which the applicant may agree, will be deemed a recommendation for the approval of the proposed amendment as submitted.

AMENDMENTS PROCEDURE



5. Action by City Council; Protest.

- a. Within sixty (60) days following the receipt of the recommendation of the Community Development Commission, or its failure to act as above provided, the City Council will either deny the application or, by ordinance duly adopted, adopt the proposed amendment, with or without modifications; provided, however, that in the event a duly signed and acknowledged protest against a proposed amendment is filed with the City Clerk before the adoption of such amendment by the owners of twenty percent (20%) or more of the frontage to be affected by the proposed amendment, or by the owners of twenty percent (20%) or more of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) or more of the frontage directly opposite the frontage to be affected, such amendment will not be passed except by a two-thirds vote of the City Council.
- b. The failure of the City Council to act within sixty (60) days or such further time to which the applicant may agree, will be deemed to be a decision denying the application.

6. Standard for Amendments. The wisdom of amending the Zoning Map or the text of this UDO is a matter committed to the legislative discretion of the City Council and is not dictated by any set standard. However, in determining whether a proposed amendment should be granted or denied, the City Council will be guided by the principle that its power to amend this UDO is not an arbitrary one but one that may be exercised only when the public good demands or requires the amendment to be made. In considering whether that principle is satisfied in any particular case, the City Council will weigh the factors that Section 17.202.C.7.i requires the applicant to address.

B. Special Use Permits

- 1. Authority. The City Council may, in accordance with the procedures and standards set out in this Section and by ordinance duly adopted, grant special use permits authorizing the development of uses listed as special permit uses in the regulations applicable to the district in which the subject property is located.
- 2. Purpose. Special permit uses are those uses having some special impact or uniqueness that require a careful review of their location, design, configuration and special impact to determine, against fixed standards, the desirability of permitting their establishment on any given site. They are uses that may or may not be appropriate in a particular location depending on a weighing, in each case, of the public need and benefit against the local impact and effect.

3. Parties Entitled to Seek Special Use Permits. An application for a special permit may be filed by the owner of, or any person having a contractual interest in, the subject property.
4. Procedure.
 - a. Optional Pre-application Meeting. Potential special use permit applicants may, but not required, to request a pre-application meeting with the Community Development Commission and, in certain other circumstances, with City Council. The purpose of a pre-application meeting is to enable the potential applicant to present a development concept before investing significant time and resources for an application submittal under this UDO and obtain feedback from the Community development Commission, and City Council, on any possible issues or areas of concern. The pre-application meeting is optional and non-binding and does not commit the applicant, the Development Administrator, Community Development Commission, City Council, or any other department, commission, board, or other official of the City in any way whatsoever. The applicant may use the information from a pre-application meeting to prepare his or her application, but each application will be reviewed, and all recommendation and decisions will be conducted in accordance with the terms of this UDO.
 - b. Formal Application. A formal application for a special permit will be filed in accordance with the requirements of Section 17.202.C.7.h- and Section of this Article.
 - c. Referral. Every properly filed and completed formal application for a special permit will be referred by the Development Administrator to the Community Development Commission.
 - d. Public Hearing. In any case where a formal application for a special use permit is referred to the Community Development Commission, a public hearing will be set, noticed and conducted by the Community Development Commission in accordance with Section 17.202.E of this Article.
 - e. Action by Community Development Commission.
 - i. Within 21 days following conclusion of the public hearing, the Community Development Commission will transmit to the City Council its recommendation in a form specified by Section 17.201.C of this Article, recommending either granting the application for a special permit; granting the application subject to conditions, as specified in Subsection (vi) below; or denying the application.
 - ii. The failure of the Community Development Commission to act within 21 days, or such further time to which the applicant may agree, will be deemed a recommendation for the approval of the proposed special permit.
 - f. Action by City Council. Within sixty (60) days following the receipt of the recommendation of the Community Development Commission, or its failure to act as above provided, the City Council will either deny the application or, by ordinance duly adopted, will grant the special permit, with or without modifications or conditions.
 - g. Approval by City Council After Recommendation to Deny. In the event the Community Development Commission recommends denial of a special use permit, the City Council may approve the special use permit, by ordinance duly adopted, upon the favorable two-thirds (2/3) vote of all members of City Council.

SPECIAL USE PROCEDURE



5. Standards for Special Use Permits.

- a. General Standards. No special permit will be recommended or granted pursuant to this Section unless the applicant will establish that:
 - i. Code and Plan Purposes. The proposed use and development will be in harmony with the general and specific purposes for which this UDO was enacted and for which the regulations of the district in question were established and with the general purpose and intent of The City of Wood Dale Comprehensive Land Use Plan.
 - ii. No Undue Adverse Impact. The proposed use, drainage and development will not have a substantial or undue adverse effect upon adjacent property, the character of the area or the public health, safety and general welfare.
 - iii. No Interference With Surrounding Development. The proposed use and development will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable district regulations.
 - iv. Adequate Public Facilities. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools, or the applicant will provide adequately for such services.
 - v. No Traffic Congestion. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets.
 - vi. No Destruction of Significant Features. The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic feature of significant importance.
 - vii. Compliance With Standards. The proposed use and development complies with all additional standards imposed on it by the particular provision of this UDO authorizing such use.
 - viii. Public Benefit. Whether, and to what extent, the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.
 - ix. Mitigation of Adverse Impacts. Whether, and to what extent, all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping and screening
- b. Special Standards for Specified Special Permit Uses. Where the district regulations authorizing any special permit use in a particular district impose special standards to be met by such use in such district, a permit for such use in such

district will not be recommended or granted unless the applicant will establish compliance with such special standards.

6. **Conditions; Periodic Review; Term.**
 - a. **Conditions on Special Use Permits.** In order to prevent or minimize substantial or undue adverse effects upon neighboring and adjacent properties and improvements, substantial or undue or upon public facilities and services, the Community Development Commission may recommend, and the City Council may impose, and expressly include in the ordinance granting a special permit, conditions and limitations upon the premises benefited by a special permit. Such conditions, restrictions, and limitations may include, without limitation, the following:
 - i. limitations and restrictions of the use of the subject property;
 - ii. restrictions on construction activity that will occur on and around the subject property;
 - iii. conditions concerning the character and design of the proposed use and development;
 - iv. the location of the use within the subject property;
 - v. the provision of landscaping and screening, with specific regarding to design, quantity, quality, size and location;
 - vi. restrictions on the hours of operation of the use;
 - vii. a requirement that the subject property be developed and used in strict accordance with a site plan that is attached to the ordinance granting the special permit; and
 - viii. any other matters relating to the purposes and objectives of this UDO.
 - b. **Violation of Conditions.** Violation of any of the conditions imposed pursuant to Section 17.205.B.6 of this Section will be a violation of this UDO and will constitute grounds for revocation of the special permit.
 - c. **Periodic Review.** The Community Development Commission may recommend, and the City Council may impose, a requirement that the special permit be publicly reviewed periodically pursuant to and in accordance with such procedures as are set forth in the ordinance granting the special permit. In every instance, such procedures will provide the applicant with advance notice of, and an opportunity to be heard at, such periodic review.
 - d. **Term of Special Permit.** Because of the unique operational nature, and potential unknown adverse impacts, of certain special permit uses, the Community Development Commission may recommend, and the City Council may impose, a term limitation on the duration of certain special uses. Such term limitation will (a) be set forth in the ordinance granting the special use permit and (b) will be subject to renewal in accordance with Section 17.205.B.11 of this Article.
7. **Affidavit of Compliance With Conditions.** Whenever any special permit granted pursuant to this Section is made subject to conditions or limitations to be met by the applicant, the applicant will, upon meeting such conditions, file an affidavit with the Development Administrator so stating. Such affidavit will be accompanied by a nonrefundable fee, to be fixed in each case by the Development Administrator, to recover the City's actual direct cost of an inspection to verify that such conditions and limitations have been met.
8. **Effect of Issuance of a Special Permit.** The granting of a special permit will not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but will merely authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the codes and ordinances of the City, including but

not limited to, a Certificate of Zoning Compliance, a Building Permit, a Certificate of Occupancy and subdivision approval.

9. Limitations on Special Use Permits. Subject to an extension of time granted by the Development Administrator pursuant to Section 17.201.A.12 of this Article, no special permit will be valid for a period longer than one year unless a building permit is issued and construction is actually begun within that period and is there-after diligently pursued to completion or unless a Certificate of Occupancy is issued and a use commended within that period. A special permit will be deemed to authorize only the particular use for which it was issued, and such permit will automatically expire and cease to be of any force or effect if such use will, for any reason, be discontinued for a period of six (6) consecutive months or more. Except when otherwise provided in the Ordinance granting a special permit, a special permit will be deemed to relate to, and be for the benefit of, the current owner or operator of the use or lot in question rather than to the lot itself.
10. Amendments to Special Use Permits. A special permit may be amended, varied or altered only pursuant to the procedures and subject to the standards and limitations provided in this Section 17.205.B for its original approval.
11. Renewal of Special Use Permits. The City Council may, in accordance with the procedures and standards set out in this Subsection 17.205.B.11, consider requests for renewal of special use permits that have been term limited pursuant to Section 17.205.B.6.d. An application for the renewal of a special permit must be filed by the party to whom a special permit was granted, or a permitted successor thereto or assignee thereof, and must be filed prior to the date on which the term of the special permit is scheduled to expire. The City Council may consider such request at a public hearing following notice pursuant to Section 17.202.E of this Article. The City Council may, but will have no obligation to, seek the recommendation of the Community Development Commission prior to such consideration. In the event that the party requesting a renewal demonstrates, to the satisfaction of the City Council, that the standards and circumstances under which the special permit was originally approved have not materially changed, then the City Council will, by ordinance duly adopted, renew the special permit for the same period of time for which the special permit was first valid. In the event that the City Council determines that the standards and circumstances under which the special permit was originally approved have materially changed, the City Council will have no obligation to renew the special permit, or may do so with additional conditions.

C. Planned Unit Developments

1. Authority. The City Council may, in accordance with the procedures and standards set out in this Section, and by ordinance duly adopted, grant special use permits authorizing the development of planned unit developments, but only in the districts where such developments are listed as an authorized special permit use.
2. Purpose.
 - a. Planned unit developments are included in this UDO as a distinct category of special use. As such, they are authorized for the same general purposes as all other special uses.
 - b. In particular, however, the planned unit development technique is intended to allow the relaxation of otherwise applicable substantive requirements based upon procedural protections providing for detailed review of individual proposals for significant developments. This special regulatory technique is included in this UDO in recognition of the fact that traditional regulations, which may be useful in

- protecting the character of substantially developed and stable areas, may impose inappropriate prerogations and rigidities upon the development or redevelopment of parcels or areas that lend themselves to an individual, planned approach.
- c. Through the flexibility of the planned unit development technique, the City seeks to achieve the following specific objectives:
 - i. Creation of a more desirable environment than would be possible through strict application of other City land use regulations.
 - ii. Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities.
 - iii. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion.
 - iv. Combination and coordination of architectural styles, building forms, and building relationships.
 - v. Provision for the preservation and beneficial use of open space.
 - vi. An increase in the amount of open space over that which would result from the application of conventional subdivision and zoning regulations.
 - vii. Encouragement of land uses that promote the public health, safety and general welfare.
 3. Parties Entitled to Seek Planned Unit Development Approval. An application for special use to permit a planned unit development may be filed by the owner of, or any person having a contractual interest in, the subject property.
 4. Procedure.
 - a. Optional Pre-application Meeting. Potential planned unit development applicants may, but not required, to request a pre-application meeting with the Community Development Commission and, in certain other circumstances, with City Council. The purpose of a pre-application meeting is to enable the potential applicant to present a planned unit development concept before investing significant time and resources for an application submittal under this UDO and obtain feedback from the Community Development Commission, and City Council, on any possible issues or areas of concern. The pre-application meeting is optional and non-binding and does not commit the applicant, the Development Administrator, Community Development Commission, City Council, or any other department, commission, board, or other official of the City in any way whatsoever. The applicant may use the information from a pre-application meeting to prepare his or her planned unit development application, but each planned unit development application will be reviewed, and all recommendation and decisions will be conducted in accordance with the terms of this UDO.
 - b. Development Concept Plan.
 - i. Purpose. The Development Concept Plan is intended to provide the applicant an opportunity to submit a plan showing the basic scope, character and nature of the entire proposed planned unit development without incurring undue cost. The Development Concept Plan is the basis on which the required public hearing is held, thus permitting public consideration of the proposal at the earliest possible stage. In order to permit the City and the applicant to proceed with some assurance, approval of the Development Concept Plan binds the applicant and the City with respect to the following basic elements of development:
 - (1) Categories of uses to be permitted;

- (2) General location of residential and nonresidential land uses;
 - (3) Overall maximum density of residential uses and intensity of nonresidential uses;
 - (4) General architectural style of the proposed development;
 - (5) General location and extent of public and private open space, including recreational amenities;
 - (6) General location of vehicular and pedestrian circulation systems;
 - (7) Staging of development; and
 - (8) Nature, scope and extent of public dedications, improvements or contributions to be provided by the applicant.
- ii. Application. A Development Concept Plan will be filed in accordance with the requirements of Section 17.202.C.7.j and Section 17.202.C.7.l of this Article.
 - iii. Referral. Every properly filed and completed application for approval of a Development Concept Plan will be referred by the Development Administrator to the Community Development Commission.
 - iv. Public Hearing. In any case where an application for approval of a Development Concept Plan is referred by the Development Administrator pursuant to Section 17.205.C.4.b.iii of this Section, a public hearing will be set, noticed and conducted by the Community Development Commission in accordance with Section 17.202.E of this Article.
 - v. Action by Community Development Commission.
 - (1) Within 21 days following the conclusion of the public hearing, the Community Development Commission will transmit to the Corporate Authorities its recommendation, in the form specified by Section 17.201.C.3 of this Article that the Development Concept Plan either be approved, be approved subject to modifications, or not be approved.
 - (2) The failure of the Community Development Commission to act within 21 days, or such further time to which the applicant may agree, will be deemed a recommendation for the approval of the Development Concept Plan as submitted.
 - vi. Action by City Council.
 - (1) Within sixty (60) days following the receipt of the recommendation of the Community Development Commission, or its failure to act as above provided, the City Council deny the application for the Development Concept Plan; will remand it back to the Community Development Commission for further consideration of specified matter; or will, by ordinance duly adopted, approve the Development Concept Plan, with or without modifications and conditions to be accepted by the applicant as a condition of such approval, and refer the matter to the Community Development Commission for processing of the Final Plan in accordance with Section 17.205.C.4.c of this Section.
 - (2) The failure of the City Council to act within sixty (60) days, or such further time to which the applicant may agree, will be deemed to be a decision denying approval of the Development Concept Plan.
 - (3) In the event the Community Development Commission recommends denial of a development concept plan, the City Council may only approve the development concept plan upon the favorable two-thirds (2/3) vote of all members of City Council.
 - vii. Coordination With Subdivision Application. When a subdivision of land is proposed in connection with a planned unit development, review of the

tentative plan of the proposed subdivision will be carried out simultaneously with review of the Development Concept Plan.

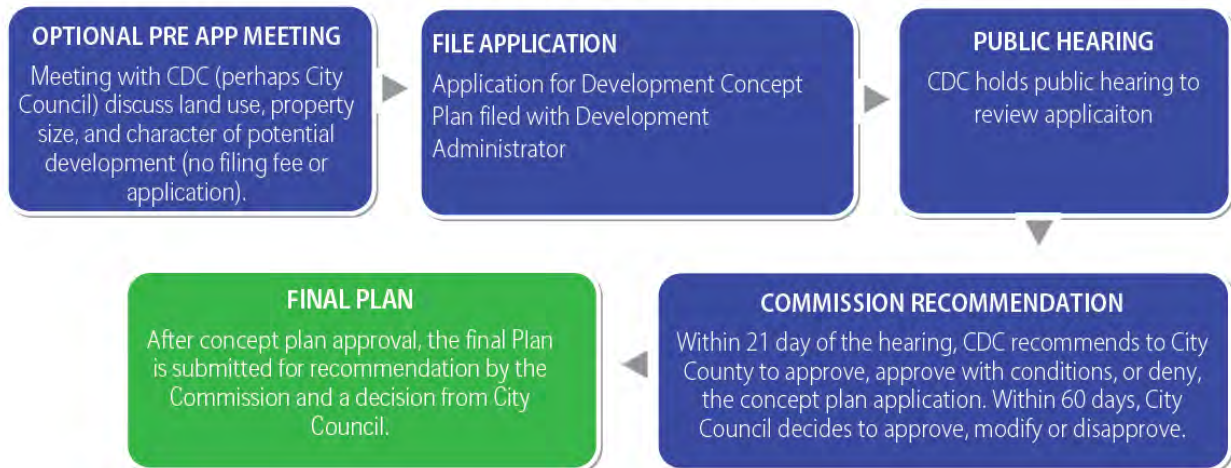
- viii. Optional Submission of Final Plan. The applicant may, at his option, submit a Final Plan for the proposed planned unit development pursuant to the requirements of Section 17.205.C.4.c below simultaneously with the submission of the Development Concept Plan pursuant to the requirements of this Section 17.205.C.4.b. In such case, the applicant will comply with all provisions of this UDO applicable to submission of the Development Concept Plan and to submission of the Final Plan. The Community Development Commission and the City Council will consider such plans simultaneously and will grant or deny Final Plan Approval in accordance with the provisions of Section 17.205.C.4.c below.
- ix. Concept Plan Approval. The Concept Plan approval will be valid and binding for one year from the date of City Council approval, unless otherwise specified by City Council.
- c. Final Plan.
 - i. Purpose. The Final Plan is intended to particularize, refine and implement the Development Concept Plan and to serve as a complete, thorough and permanent public record of the planned unit development and the manner in which it is to be developed.
 - ii. Application. Upon approval of the Development Concept Plan, the applicant will file an application for Final Plan approval in accordance with the requirements of Section 17.202.C.7.k of this Article. The application will refine, implement and be in substantial conformity with the approved Development Concept Plan.
 - iii. Public Meeting. A public meeting will be set, noticed and conducted by the Community Development Commission in accordance with Section 17.202.E.1 of this Article.
 - iv. Coordination With Subdivision Application. When a subdivision of land is proposed in connection with a planned unit development, review of the final plat of the proposed subdivision will be carried out simultaneously with review of the Final Plan.
 - v. Phasing of Final Plan Approval. An application for Final Plan approval may include the entire area included in the approved Development Concept Plan or one or more phases, stages or units thereof; provided, however, that the following matters must be addressed and provided in the first phase, stage or unit submitted for Final Plan approval:
 - (1) All public improvements required or proposed for the entire area included in the approved Development Concept Plan.
 - (2) All open space required or proposed for the entire area included in the approved Development Concept Plan.
 - (3) All land dedications required or proposed for the entire area included in the approved Development Concept Plan.
 - (4) The payment of all fees required by this UDO.
 - vi. Action by Community Development Commission.
 - (1) Evaluation. Within sixty (60) days following the filing of an application for approval of a Final Plan, the Community Development Commission will with such aid and advice of such City staff and consultants as may be appropriate, review and act on the plan. Such review will consider:

- (a) Whether the Final Plan is in substantial conformity with the approved Development Concept Plan;
 - (b) The merit or lack of merit of any departure of the Final Plan from substantial conformity with the approved Development Concept Plan;
 - (c) Whether the Final Plan complies with any and all conditions imposed by the approval of the Development Concept Plan; and
 - (d) Whether the Final Plan complies with the provisions of this UDO and all other applicable federal, state and City codes, ordinances and regulations.
- (2) Approval Based on Substantial Conformity. If the Community Development Commission finds substantial conformity between the Final Plan and the approved Development Concept Plan and further finds the Final Plan to be in all other respects complete and in compliance with any and all conditions imposed by approval of the Development Concept Plan and with the provisions of this UDO and all other applicable federal, state and City codes, ordinances and regulations, it will transmit the plan to the City Council with its recommendation, in the form specified in Section 17.201.C.3of this Article, that the Board approve the Final Plan, with or without modifications and conditions to be accepted by the applicant as a condition of approval.
- (3) Recommendation of Denial. In any case where the Community Development Commission finds that the Final Plan is not in substantial conformity with the approved Development Concept Plan and does not merit approval, or in any case where it requires modifications of a plan that are not accepted by the applicant, the Community Development Commission will transmit the plan to the City Council together with its recommendation and specific reasons in support of its recommendation, in the form specified in Section 17.201.C.3of this Article, that the Final Plan not be approved.
- (4) Failure to Act. The failure of the Community Development Commission to act within the 60 day period specified in Section 17.205.C.4.c.vi(1), or such further time to which the applicant may agree, will be deemed to be a recommendation to the City Council to approve the Final Plan as submitted.
- vii. Action by City Council. Within sixty (60) days following the receipt of the recommendation of the Community Development Commission, or its failure to act as above provided, the City Council will take action in accordance with the following Paragraphs:
- (1) Approval Based on Substantial Conformity. If the Community Development Commission has recommended approval of a Final Plan, the City Council will, unless it specifically rejects one or more of the findings of the Community Development Commission on the basis of expressly stated reasons, approve the Final Plan by a duly adopted ordinance.
 - (2) Approval Notwithstanding Community Development Commission Recommendation of Denial. If the Community Development Commission has recommended denial of a Final Plan pursuant to Section 17.205.C.4.c.vi(3), the City Council may, if it finds that the Final Plan merits approval and otherwise conforms to the requirements of this

UDO, approve the Final Plan upon the favorable two-thirds (2/3) vote of all members of the City Council by ordinance duly adopted.

- (3) Referral Back to Community Development Commission. In any case other than that specified in Section 17.205.C.4.c.vi(3) above, the City Council may refer the Final Plan back to the Community Development Commission for further consideration of specified matters.
 - (4) Conditions on Final Plan Approval. The approval of any Final Plan may, in addition, be granted, with or without modifications and conditions to be accepted by the applicant as a condition of approval.
 - (5) Failure to Act. The failure of the City Council to act within sixty (60) days, or such further time to which the applicant may agree, will be deemed to be a decision denying Final Plan approval.
- viii. Recording of Final Plan. When a Final Plan is approved, the Development Administrator will cause the Final Plan, or the portions thereof as are appropriate, to be recorded with the Recorder of Deeds of DuPage County.
- ix. Limitation on Final Plan Approval. Construction will commence in accordance with the approved Final Plan within one year after the approval of such Plan, or within such shorter time as may be established by the approved development schedule. Failure to commence construction within this period will, unless an extension of time is granted by the Development Administrator pursuant to Section 17.201.A.12 of this Article, automatically void the Final Plan approval and all approvals of the planned unit development and all permits based on the approvals, and the Development Administrator will, without further direction, initiate an appropriate application to revoke the special permit for all portions of the planned unit development that have not yet been completed.

PLANNED DEVELOPMENT PROCEDURE



- x. Building and Other Permits.
 - (1) Appropriate officials of the City may, upon, but not before, receiving notice from the Development Administrator that the documents required for Final Plan approval have been approved, and upon proper application by the applicant, issue building and other permits to the applicant for the

development, construction and other work in the area encompassed by the approved Final Plan; provided however, that no permit will be issued unless the appropriate official is first satisfied that the requirements of any codes or ordinances of the City, in addition to this UDO, that are applicable to the permit sought have been satisfied.

- (2) Building permits may, however, be withheld at the discretion of the Development Administrator or the City Council at any time it is determined that the development of the planned unit development is not proceeding in strict compliance with the approved Final Plan.

5. Standards for Planned Unit Developments.

- a. Special Permit Standards. No special permit for a planned unit development will be recommended or granted pursuant to this Section unless the applicant will establish that the proposed development will meet each of the standards made applicable to special permit uses pursuant to Section 17.205.B.5 of this Article.
- b. Additional Standards for All Planned Unit Developments. No special permit for a planned unit development will be recommended or granted unless the applicant will establish that the proposed development will meet each of the following additional standards:
- c. Unified Ownership Required. The entire property proposed for planned unit development treatment will be in single ownership or under such unified control as to ensure that the entire property will be developed as a unified whole. All owners of the property will be included as joint applicants on all applications and all approvals will bind all owners. The violation of any owner as to any tract will be deemed a violation as to all owners and all tracts.
- d. Minimum Area. The district regulations of this UDO establishing standards for particular types of planned unit development specify the minimum area required for same planned unit development. In addition to meeting that specific standard, or where no specific standard is set, the applicant will have the burden of establishing that the subject property is of sufficient size and shape to be planned and developed as a unified whole capable of meeting the objectives for which planned unit developments may be established pursuant to this Section.
- e. Covenants and Restrictions to be Enforceable by City. All covenants, deed restrictions, easements and similar restrictions to be recorded in connection with the planned unit development will provide that they may not be modified, removed or released without the express consent of the City Council and that they may be enforced by the City as well as by future landowners within the proposed development.
- f. Public Open Space and Contributions. Whenever The City of Wood Dale Comprehensive Land Use Plan or Official Map indicates that development of a planned unit development will create a need for land for public purposes of the City within the proposed planned unit development, the City Council may require that such area be designated and to the extent such need is specifically and uniquely attributable to the proposed development, dedicated to the City for such use. In addition, the City Council may require evidence that all requirements of City ordinances pertaining to the dedication of land or the contribution of cash in connection with subdivisions or developments of land have been met as respects the proposed planned unit development.
- g. Common Open Space.
 - i. Amount, Location and Use. The failure of a planned unit development to provide common open space will be considered to be an indication that it has

not satisfied the objectives for which such developments may be approved pursuant to this UDO. When common open space is provided in a planned unit development, the amount and location of such open space will be consistent with its intended function as set forth in the application and planned unit development plans. No such open space will be used for the construction of any structure or improvement except such structures and improvements as may be approved in the Final Plan as appropriate to the intended leisure and recreational uses for which such open space is intended.

- ii. Preservation. Adequate safeguards, including recorded covenants or dedication of development rights, will be provided to prevent the subsequent use of common open space for any use, structure, improvement or development other than that shown on the approved Final Plan. The restrictions must be permanent and not for a given period of years and must run with the land.
- iii. Ownership and Maintenance. The Final Plan will include such provisions for the ownership and maintenance of such open space and improvements as are reasonably necessary to ensure their continuity, care, conservation, maintenance and operation in accordance with predetermined standards and to ensure that remedial measures will be available to the City if such open space or improvements are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the planned unit development or the City.
- iv. Property Owners' Association. When the requirements of the preceding Subparagraph are to be satisfied by the ownership or maintenance of such open space or improvements by a property owners' association, such association will meet each of the following standards:
 - (1) The by-laws and rules of the association and all declarations, covenants and restrictions to be recorded must be approved as part of the Detailed Plan prior to becoming effective. Each such document will provide that it will not be amended in any manner that would result in it being in violation of the requirements of this Subparagraph.
 - (2) The association must be established and all covenants and restrictions recorded prior to the sale of any property within the area of the planned unit development designated to have the exclusive use of the proposed open space or improvements.
 - (3) The association must be responsible for casualty and liability insurance, taxes, and the maintenance of the open space and improvements to be deeded to it.
 - (4) Membership in the association must be mandatory for each property owner, and any successive owner, having a right to the use or enjoyment of such open space or improvements.
 - (5) Every property having a right to the use of enjoyment of such open space or improvements must pay its pro rata share of the cost of the association by means of an assessment to be levied by the association that meets the requirements for becoming a lien on the property in accordance with statutes of the State of Illinois.
 - (6) The association must have the right to adjust the assessment to meet changed needs. The membership vote required to authorize such adjustment will not be fixed at more than 51 percent of the members voting on the issue.

- (7) The City must be given the right to enforce the covenants.
 - (8) The City must be given the right, after ten days' written notice to the association, to perform any maintenance or repair work that the association has neglected to perform, to assess the membership for such work and to have a lien against the property of any member failing to pay such assessment. For this purpose alone, the City will have all the rights and powers of the association and its governing body under the agreements and declarations creating the association.
- h. Landscaping and Perimeter Treatment. Any area of a planned unit development not used for structures or circulation elements will be landscaped or otherwise improved. The perimeter of the planned unit development will be treated so as to ensure compatibility with surrounding uses by means such as provision of compatible uses and structures; setbacks; screening; or natural or manmade buffers. Every planned unit development will provide a perimeter landscaped open space along each of its boundaries; each such open space will have a minimum depth equal to the minimum applicable yard required in the district in which it is located.
 - i. Private Streets. Private streets will be permitted in a planned unit development provided that:
 - i. Said streets will be treated as public streets and rights of way for purposes of all setbacks, yards and calculations under this UDO.
 - ii. Said streets will be owned and maintained by a property owners' association meeting the requirements set forth in Section 17.205.C.5.g.iv above;
 - iii. A covenant will be recorded against the subject property acknowledging that the City will at no time be under any obligation to provide maintenance for or accept dedication of said streets; and
 - iv. Said streets shall be constructed in compliance with all city codes, rules, and policies governing the construction of public streets and rights of way.
 - j. Utilities. All utility lines will be installed underground.
 - k. Additional Standards for Specific Planned Unit Developments. Where the district regulations authorizing any planned unit development use in a particular district impose standards to be met by such planned unit development in such district, a special permit for such development will not be recommended or granted unless the applicant will establish compliance with such special standards.
 - l. Waiver of Additional Standards. The Community Development Commission may waive any additional standards where the applicant demonstrates to the satisfaction of the Community Development Commission that the information required is not relevant to or necessary for the determination of the application submitted.
6. Conditions on Planned Unit Development Approvals. The approval of either a Development Concept Plan or a Final Plan may be conditioned on such matters as the approving body may find necessary to prevent or minimize any possible adverse effects of the proposed planned unit development; or to ensure its compatibility with surrounding uses and development and its consistency with the general purposes, goals and objectives of this UDO, does not exist and The City of Wood Dale Comprehensive Land Use Plan. Such conditions will be expressly set forth in the ordinance or resolution granting the approval in question. Violation of any such condition or limitation will be a violation of this UDO and will constitute grounds for revocation of all approvals granted for the planned unit development.

7. Affidavit of Compliance With Conditions; Fee. Whenever any planned unit development approval granted pursuant to this Section is made subject to conditions or limitations to be met by the applicant, the applicant will, upon meeting such conditions, file an affidavit with the Development Administrator so stating. Such affidavit will be accompanied by a nonrefundable fee, to be fixed in each case by the Development Administrator, to recover the City's actual direct cost of an inspection to verify that such conditions and limitations have been met.
8. Regulation During and Following Completion of Development. Following Final Plan approval, in the event of an express conflict between the provisions of the Final Plan and this UDO, the Final Plan will control. This UDO will control in all other instances.
9. Inspections During Development.
 - a. Inspections by Development Administrator. Following approval of the Final Plan of a planned unit development, or any stage thereof, the Development Administrator will, at least annually until the completion of development, review all permits issued and construction undertaken and compare actual development with the approved plans for development and with the approved development schedule.
 - b. Action by Development Administrator. If the Development Administrator finds that development is not proceeding in accordance with the approved schedule, or that it fails in any other respect to comply with the Final Plan, the Development Administrator will immediately notify the City Council of such fact and may, if necessary to protect the public health, safety or welfare or to prevent further violation of this UDO and the Final Plan, issue an order stopping any and all work on the planned unit development until such time as any noncompliance is cured.
 - c. Action by City Council. Within sixty (60) days following notification by the Development Administrator, the City Council will either:
 - i. Take such steps as it deems necessary to compel compliance with the Final Plan; or
 - ii. Require the owner or applicant to seek an adjustment to the Final Plan as provided in Subsection (xi) of this Section.
10. Adjustments to Final Plan During Development
 - a. Minor Adjustments. During the development of a planned unit development, the Development Administrator may authorize minor adjustments to the Final Plan when such adjustments appear necessary in light of the technical or engineering considerations first discovered during actual development. Such minor adjustments will be limited to the following:
 - i. Altering the location of any one structure or group of structures by not more than 5 feet or one-fourth of the distance shown on the approved Final Plan between such structure or structures and any other structure or any vehicular circulation element or any boundary of the planned unit development, whichever is less;
 - ii. Altering the location of any circulation element by not more than five (5) feet or one-fourth of the distance shown on the approved Final Plan between such circulation element and any structure, whichever is less;
 - iii. Altering the location of any open space by not more than twenty (20) feet;
 - iv. Altering any final grade by not more than ten percent (10%) of the originally planned grade; and
 - v. Altering the location or type of landscaping elements.
 - vi. Such minor adjustments will be consistent with the intent and purpose of this UDO and the Final Plan as approved, will be the minimum necessary to

overcome the particular difficulty and will not be approved if they would result in a violation of any standard or requirement of this UDO.

- b. Major Adjustments. Any adjustment to the Final Plan not authorized by Section 17.205.C.10.a above will be considered to a major adjustment and will be granted only upon application to and approval by, the City Council. The City Council may, by ordinance duly adopted, grant approval for a major adjustment without a hearing upon finding that any changes in the Final Plan as approved will be in substantial conformity with said Final Plan. If the City Council determines that a major adjustment is not in substantial conformity with the Final Plan as approved, then the Board may refer the request to the Community Development Commission for further hearing, review and recommendation.
11. Amendments to Final Plan Following Completion of Development. After completion of a planned unit development, an approved Final Plan may be amended, varied, or altered only pursuant to the procedures and subject to the standards and limitations provided in this Section 17.205.C for approval of the planned unit development.

17.206 Site Plan Review

- A. Authority. Except in the cases of uses and developments requiring a special use permit pursuant to the provisions in this UDO, the Development Administrator may, as a matter of original jurisdiction and in accordance with the procedures and standards set out in this Section 17.206, grant site plan approval to uses and developments requiring such approval pursuant to Section 17.206.D.1. In case of uses and developments requiring a special use permit pursuant to Section 17.205.B or Section 17.205.C of this Article, and in cases of appeal from a denial of approval by the Development Administrator, the City Council may, by ordinance duly adopted, grant site plan approval in accordance with the procedures and standards set out in this Section.
- B. Purpose. The site plan review process recognizes that even those uses and developments that have been determined to be generally suitable for location in a particular district are capable of adversely affecting the purposes for which this UDO was enacted unless careful consideration is given to critical design elements. It is the purpose of this Section to provide a vehicle for the review of the developer's attention to such elements.
- C. Site Plan Review Required.
 - 1. Development Administrator Review. Site plan review by the Development Administrator in accordance with this Section will be required in connection with the following developments:
 - a. Any development or redevelopment in the TCO – Thorndale Corridor Overlay District.
 - b. Any development or redevelopment in the I-1 Industrial District.
 - c. Any development or redevelopment involving a parcel or contiguous parcels under single ownership or control having an area in excess of 20,000 square feet.
 - d. Any development or redevelopment involving the construction of any new structure or structures having a gross floor area in excess of 20,000 square feet, a floor area ratio in excess of 0.25 or a height of more than three stories.
 - e. Any development or redevelopment involving an existing structure having a floor area in excess of 20,000 square feet, a floor area ratio in excess of 0.25, or a height in excess of three stories that would alter any such measure by more than 25 percent of such amount.

- f. Any development or redevelopment involving the creation or expansion of a parking lot or garage or a loading space.
 - g. Any nonresidential development on a lot abutting or across a right of way from any residential district.
 - h. Any development or redevelopment involving a personal wireless services antenna, with or without an antenna support structure, that is not a special permit use.
 - i. Any development or redevelopment for which this UDO requires a special permit, including planned unit development approval.
2. City Council Review. Site plan review by the City Council may be sought in any case of a denial of site plan approval by the Development Administrator.
 3. Parties Entitled to Seek Site Plan Approval. Application for site plan review may be filed by the owner of, or any person having a contractual interest in, the subject property.

D. Procedure.

1. Development Administrator Approvals.

- a. Application. Applications for site plan approval by the Development Administrator will be filed in accordance with the requirements of Section 17.202.C.7.1 of this Article.
- b. Action by Development Administrator.
 - i. Within 30 days following receipt by the Development Administrator of a properly completed application, the Development Administrator will cause such application and the attached site plan to be reviewed, in terms of the standards established by Section 17.206.C.1, by appropriate members of his or her staff.
 - ii. The Development Administrator will then either: (1) approve the site plan as submitted; (2) on the basis of written findings in accordance with Section 17.206.D.b.iii, approve it subject to specific modification; or (3) on the basis of such written findings, deny approval of the site plan.
 - iii. Immediately upon concluding the review, the Development Administrator will return one copy of the site plan to the applicant marked to show either approval, approval subject to modification, which modification will be clearly and permanently marked on such plans, or denial or approval. The Development Administrator will maintain a similarly marked set of such plans in his or her files for any further processing that may be required. The failure of the Development Administrator to act within the thirty (30) days, or such further time to which the applicant may agree, will be deemed to be a decision approving the site plan as submitted.
- c. Effect of Development Administrator's Action.
 - i. The action of the Development Administrator in approving a site plan or in approving a site plan subject to modifications that are acceptable to the applicant will constitute a final administrative action and will not be subject to further review by, or appeal to, any City Council or the Community Development Commission.
 - ii. The action of the Development Administrator in denying an application for site plan approval or in approving a site plan subject to modifications that are not acceptable to the applicant (which action the applicant may treat as a denial) will not be considered final action by the City but will only be authorization for the applicant to seek approval of the site plan from the City Council by way of the appeal procedure set forth below.

- d. Appeals. Within 45 days following a denial of site plan approval by the Development Administrator, the applicant may seek approval of the site plan by filing an application for appeal to the City Council in accordance with the requirements of Section 17.202.C.7.mof this Article. Any such appeal will be proceeded in accordance with the provisions of Section 17.206.D.2.

2. City Council Appellate Jurisdiction.

- a. Application. Applications for site plan approval by the City Council under its appellate jurisdiction will be filed in accordance with the requirements of Section C(1) of this Article. In cases where review is sought by way of an appeal of a denial of site plan approval by the Development Administrator, the application for appeal will be filed within 45 days following such denial.
- b. Action by Development Administrator in Appeal Cases. Upon receipt of a properly completed application for an appeal of a denial of site plan approval by the Development Administrator, the Development Administrator will forthwith transmit to the City Council the application for appeal, the original application for site plan approval, all papers constituting the record upon which the Development Administrator's denial was based and a copy of the Development Administrator's decision denying the application for site plan approval.
- c. Public Meeting. A public meeting will be set, noticed and conducted by the City Council in accordance with Section 17.202.E of this Article.
- d. Action by City Council.
 - i. Within 35 days following the conclusion of the public meeting, the City Council will, by ordinance duly adopted, either approve the site plan as submitted, make modifications acceptable to the applicant and approve such modified site plan or approve or disapprove it in the manner hereinafter specified.
 - ii. The failure of the City Council to act within sixty (60) days, or such further time to which the applicant may agree, will be deemed to be a decision denying site plan approval.

E. Standards For Site Plan Disapproval.

- 1. Standards. The Development Administrator and the City Council will not disapprove a site plan submitted pursuant to this Section except on the basis of specific written findings directed to one or more of the following standards:
 - a. The application is incomplete in specified particulars or contains or reveals violations of this UDO or other applicable regulations that the applicant has, after written request, failed or refused to supply or correct.
 - b. The application is submitted in connection with another application, the approval of which is a condition precedent to the necessity for site plan review, and the applicant has failed to secure approval of that application.
 - c. The site plan fails to adequately meet specified standards required by this UDO with respect to the proposed use or development, including special use standards where applicable.
 - d. The proposed site plan interferes with easements or rights-of-way.
 - e. The proposed site plan is unreasonably injurious or detrimental to the use and enjoyment of surrounding property.
 - f. The proposed site plan creates undue traffic congestion or hazards in the public streets, or the circulation elements of the proposed site plan unreasonably create hazards to safety on or off site or disjointed or inefficient pedestrian or vehicular circulation path on or off site.

- g. The screening of the site does not provide adequate shielding from or for nearby uses.
 - h. The proposed site plan creates unreasonable drainage or erosion problems or fails to fully and satisfactorily integrate the site into the overall existing and planned drainage system serving the City.
 - i. The proposed site plan places unwarranted or unreasonable burdens on specified utility systems serving the site or area or fails to fully and satisfactorily integrate site utilities into the overall existing and planned utility systems serving the City.
 - j. The proposed site plan does not provide for required public uses designated on the Official Map.
 - k. (xi) The proposed site plan otherwise adversely affects the public health, safety or general welfare.
2. Alternative Approaches. In citing any of the foregoing standards, other than those of Section 17.206.E.1.a and 17.206.E.1.b, as the basis for disapproving a site plan, the Development Administrator or the City Council may suggest alternative site plan approaches that could be developed to avoid the specified deficiency or may state the reasons why such deficiency cannot be avoided consistent with the applicant's objectives.

F. Effect Of Site Plan Approval.

Approval of a site plan will not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but will merely authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the codes and ordinances of the City, including, but not limited to, a Certificate of Zoning Compliance, a Building Permit, a Certificate of Occupancy and Subdivision Approval.

A copy of every approved site plan will be filed with the Development Administrator and the development of the site will be in substantial conformity with such approved & filed plan.

G. Limitations On Site Plan Approval.

Subject to an extension of time granted by the Development Administrator pursuant to Section 17.201.A.12 of this Article, no site plan approval will be valid for a period longer than one year unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a Certificate of Occupancy is issued and a use commenced within that period.

H. Adjustments To Site Plan During Development.

- 1. Site Plans Approved by the Development Administrator. During the development of the site, the Development Administrator will have authority to authorize any adjustment to a site plan that the Development Administrator could have authorized in the course of his original review.
- 2. Site Plans Approved by the City Council.
 - a. Minor Adjustments. During the development of the site, the Development Administrator may authorize minor adjustments to a site plan approved by the City Council under its appellate jurisdiction when such adjustments appear necessary in light of technical or engineering considerations first discovered during actual development. Such minor adjustments will be limited to the following:

- i. Altering the location of any one structure or group of structures by not more than 5 feet or one-fourth of the distance shown on the approved site plan between such structure or structures and any other structure or any vehicular circulation element or any boundary of the site plan, whichever is less.
- ii. Altering the location of any circulation element by not more than five (5) feet or one-fourth of the distance shown on the approved site plan between such circulation element and any structure, whichever is less.
- iii. Altering the location of any open space by not more than twenty (20) feet.
- iv. Altering any final grade by not more than ten percent (10%) of the originally planned grade.
- v. Altering the location or type of landscaping elements.

Such minor adjustments will be consistent with the intent and purpose of this UDO and the site plan as approved, will be the minimum necessary to overcome the particular difficulty and will not be approved if they would result in a violation of any standard or requirement of this UDO.

- b. Major Adjustments. Any adjustment to a site plan approved by the City Council under its appellate jurisdiction that is not authorized by Section 17.206.H.2.a above will be considered a major adjustment and will be granted only upon application to and approval by, the City Council. The City Council may, by ordinance duly adopted, grant approval for major adjustment without referral to the Community Development Commission upon finding that any changes in the site plan as approved will be in substantial conformity with said plan.

I. **Amendments To Site Plan Following Completion Of Development.**

After a site is developed in accordance with an approved site plan, the approved site plan may be amended, varied, or altered in the same manner and subject to the same limitations as provided for the original approval of site plans.

Article III: General Provisions

17.301 Introduction

- A. Scope. No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building, structure, or land be used for any purpose other than is permitted in the District in which such is located and the requirements of this Chapter. Further, no application for a building permit or other permit, license, or certificate shall be approved by the Development Administrator, their designee, or other City official unless in keeping with the provisions of this Chapter.
- B. Concurrence with Plans and Other Regulations. As may be relevant to enforcement of this Unified Development Code, and as part of enforcing the Wood Dale City Code, the following City plans, and regulations shall be part of implementing this Chapter:
1. Comprehensive Plan: The Wood Dale Comprehensive Plan, adopted August 2, 2018 shall provide guidance in the approval of all development under this Chapter 17: Unified Development Code (Chapter) of the Wood Dale, IL Code of Ordinances.
 2. Homes for a Changing Region: The Homes for a Changing Region Plan, adopted in 2015 shall provide guidance in the approval of all development under this Chapter 17: Unified Development Code (Chapter) of the Wood Dale, IL Code of Ordinances.
 3. Vision Plan: The City's Vision Plan, adopted in 2013 shall provide guidance in the approval of development in the town center area under this Chapter 17: Unified Development Code (Chapter) of the Wood Dale, IL Code of Ordinances.
 4. Stormwater and Floodplain Management: All development shall be constructed in compliance with the regulations of Chapter 10: Stormwater and Floodplain Management in the City Code.
 5. Building Permits: All development shall be constructed in compliance with the regulations of Chapter 12: Building Code in the City Code.
 6. Signs: All signage shall comply with regulations of Chapter 13: Sign Code in the City Code.
 7. Liquor: All relevant businesses shall be operated in compliance with the regulations of Chapter 5: Liquor Control in the City Code.

17.302 Standards Applicable to All Districts

- A. Uses of Land and Structures: Any use of land or structures shall comply with the regulations specified in this Section (17.302), regulations of this Chapter, and regulations of the Wood Dale City Code.
1. Uses of land shall be designated as Permitted, Special or Temporary in Table 4-5 Permitted Use Table, of this Chapter. Uses of land or structures not so designated as a Permitted, Special, or Temporary Use shall be prohibited.
 2. Accessory Uses of land and structures shall be regulated per Section 17.305 of this Article, and other relevant requirements of the City Code.
 3. New Uses of Existing Structures: The use of any existing structure that is changed to another use shall comply with the use regulations of this Chapter. The establishment of a new use does require the existing structure to conform to the lot size or bulk regulations of this Chapter.
 4. New Structures: All Newly Built structures, shall comply with all regulations of this Chapter. Any structure damaged or destroyed by fire or other casualty shall be

regulated by Article 7: Non-Conforming Lots, Buildings, Structures and Uses of this Chapter.

5. All requirements for lot area, yard setback, and other bulk standards specified by the Zoning District in which a Zoning Lot is located, or other requirements of this Chapter, shall be met on the same lot as the structure or use to which they apply is located, unless specifically allowed otherwise by this Chapter.
- B. Lot Development Regulations: No structure or part thereof shall be built, moved or remodeled, and no structure or land shall be used, occupied, arranged or designed for use or occupancy unless it complies with the minimum regulations of the Zoning District in which it is located and all standards of this Chapter, including but not limited to: lot area, density, lot width lot depth, yard setbacks, lot coverage, building height, or off street loading and parking; unless specifically allowed otherwise by this Chapter.
- C. Number of Structures on a Zoning Lot: Not more than one principal structure shall be located on a single Zoning Lot, unless such principal structures are located in a Planned Unit Development that was approved pursuant to the provisions of this Chapter.
- D. Public Sewer and Water Facilities Required. Existing structures not connected to a public sanitary sewage disposal system and water distribution system (as may be required by the City Code) that are enlarged or altered, shall be connected to a public sanitary sewage disposal system and water distribution system provided said structure is within two hundred feet (200') of an existing system. Such structures not within two hundred feet (200') of an existing public sanitary sewage disposal system and water distribution system shall nonetheless be connected to said system if, as determined by the Development Administrator, failure to connect said structure shall create a hazard to the public health, safety, or welfare. All property annexed to the City after the adoption date of this Ordinance shall connect to City water and sewer services.
- E. Sight Triangle:
 1. No building, structure, fence, sign, landscaping, or other obstruction (except shade trees, streetlight poles and signposts) whether temporary or not, may be located in the Sight Triangle.
 2. The Sight Triangle is defined as a three-dimensional volume, the bottom of which is three feet (3') above grade and the top of which is eight feet (8') above grade, and the sides of which are formed by the right-of-way lines of two streets, a street and an alley, or a street and a driveway on a lot (See Figure 3-1).
 3. The sides a Site Triangle shall be thirty feet (30') long along intersecting street rights-of-way. The sides a Site Triangle shall be ten feet (10') long along the street right-of-way and the driveway or alley when they intersect with a street right-of-way.

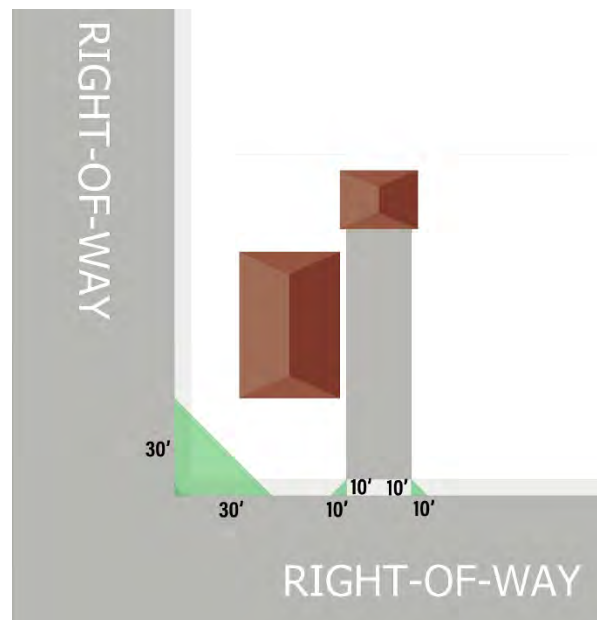


Figure 3-1: Sight Triangle

- F. Platted Building and Setback Lines: In cases where a building or setback line on a recorded subdivision plat is different than required by the applicable standard in this Chapter, whichever standard is greater shall apply.
- G. Effect on Prior Plans. Nothing in this Chapter 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 Chapter and upon which building actual construction has been diligently carried on; provided that such building shall be completed within two (2) years from the date of passage of this Chapter.
- H. Utility Lines and Extensions: Each detached single-family and attached single-family dwelling unit shall be served with its own water line, sanitary sewer line, sump pump line, if applicable, and other utility lines and extensions.
- I. Screening Of Mechanical Equipment: All rooftop mechanical service equipment shall be fully screened from view in a manner to be determined the Development Administrator to ensure that screening is effective in limiting views from other properties and rights of way. Forms of screening may include but not be limited to: locating at center of principal structure, physical screening, or painting to match or blend in with the color of the building.
- J. All Uses to be Conducted Indoors: All uses shall be conducted within completely enclosed buildings, unless otherwise permitted by this Chapter.
- K. Frontage: All lots and parcels shall have frontage on a public or private street.
- L. Alleys: Where an alley abuts the boundary of a public open space (such as a park, square, or greenbelt) a six feet (6') high Privacy Fence shall separate the alley from the public open space.
- M. Outdoor Activities: The following regulations shall apply to accessory outdoor activities of principal uses allowed per this Chapter. These regulations are in addition to other requirements of the Zoning District in which the specified outdoor activity may be conducted and other relevant aspects of the City Code.
 - 1. Location
 - a. No activities specified in this Section (17.302.M Outdoor Activities) may be located in the front or corner side yard, unless authorized by the Development Administrator to be within a corner side yard based on a unique characteristic of the property that makes meeting this requirement unworkable.
 - b. Activities specified in this Section (17.302.M Outdoor Activities) shall be sited so as to be incorporated into the overall site, building, and landscape design of property such that the visual and acoustic impacts of these functions are located out of view from adjacent properties and public streets. Where meeting this location requirement is found unworkable due to unique site characteristics by the Development Administrator, the Development Administrator may authorize the use of fence or landscaping as screening materials to accomplish this intent.

2. Trash Enclosures:
 - a. Trash Enclosures shall be required to screen dumpsters and other waste/recycling receptacles or equipment in all Commercial and Industrial, Zoning Districts and all multi-family uses
 - b. Where Trash Enclosures are installed, they shall provide three (3) sides of a solid wall or fence not less than six feet (6') nor greater than seven feet (7') in height, and a solid single or double access gate on the fourth side. If the Trash Enclosure is placed against a building wall, the building wall shall count as one of the three (3) side walls.
 - c. If the Trash Enclosure is a fence it shall be constructed with red cedar, redwood, cypress, or other decay resistant treated wood as authorized by the Development Administrator.
 - d. If a Trash Enclosure made of masonry material is located on a property with a principal structure constructed of masonry material, the material used to construct the Trash Enclosure shall match or complement materials of the principal structure.
 - e. The Trash Enclosure shall be located so as not to interfere with safe travel by vehicles, bicycles or pedestrians, nor shall it be located within the Sight Triangle.
 - f. The Trash Enclosure shall be used strictly for the confinement of refuse, recyclable material, and grease containers and shall not be used for the outdoor storage of other materials or equipment.
 - g. The owner of the property upon which the Trash Enclosure and refuse collection area is located shall be responsible for its maintenance.
 - h. The Trash Enclosure shall be of such size as is sufficient to encompass all containers, whether used for refuse, recycling, and/or grease.
 - i. Shared Trash Enclosure are encouraged among adjacent properties, where practical.
 - j. Areas for Trash Enclosure and refuse collection shall be located out of view from public streets and adjacent properties or screened as required by the Development Administrator to mitigate unsightly views.

3. Outdoor Storage:
 - a. Permitted: Outdoor Storage is permitted only in I-1, C-2, and C-3 and TCC Zoning Districts.
 - b. Regulation of Outdoor Storage Areas:
 - i. Areas used for the Outdoor Storage shall be permanently defined and screened with walls and/or fences as required by this Subsection (17.302.B.3.b), Article 6: Landscape and Tree Preservation, Article 2, Section 17.206: Site Plan Review, Article 9: Performance Standards and other applicable regulations of this Chapter.
 - ii. Materials, colors, and design of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors on the building, as shall be approved through requirements and processes of Article 2, Section 17.206: Site Plan Review.
 - iii. All Outdoor Storage shall be effectively screened and enclosed by a solid wall or fence at least six feet (6') in height. If materials to be stored outdoors are in excess of six feet (6') in height, then an eight foot (8') solid wall or fence shall be utilized and landscape screening shall be provided in accordance with Article 6: Landscaping and Tree Preservation of this Chapter so as to minimize such views.

- iv. Areas for outdoor storage (including truck parking, loading areas, and similar activities) shall be located out of view from the public streets and screened as necessary to minimize such views.
4. Outdoor Sales and Display:
- a. All outdoor sales and displays shall be conducted in keeping with Chapter 4: Commercial Occupancy and Activity Regulations in this Code for additional regulations.
 - b. Outdoor display of goods for sale, conducted as accessory to operation of a Gas / Fueling Station or retail stores shall conform to the following:
 - i. Be located and maintained on the property so as to ensure safe and secure use of properties and not create a nuisance.
 - ii. The area of the permitted outdoor accessory display may not exceed 10 percent of the indoor gross floor area of the related principal use on the same premises or 100 square feet (whichever is greater).
 - iii. The permitted outdoor accessory display of goods shall be for the purpose of direct retail sales only, not for storage. Such goods are a permitted on a temporary basis and are not allowed indefinitely.
5. Outdoor Dining:
- a. Outdoor Dining is permitted only in the C-1, C-2, C-2a, TCB, and TCO.
 - b. Outdoor Dining may be authorized through a permit issued by the Development Administrator upon review of an application submitted to the Department of Community Development, on a form as approved by the City Attorney. A final determination regarding authorization shall be based on the standards of this Subsection (17.302.M.5) and as otherwise set out in the City Code, and be provided within thirty (30) days of receipt of a complete application.
 - c. All Outdoor Dining shall be subject to the following conditions:
 - i. Outdoor Dining is to be permitted on the same property as and accessory to the operation of a lawfully permitted restaurant.
 - ii. All tables, chairs and other appurtenances shall be constructed in such a manner that so as to be easily removed during winter months and/or if required by the City.
 - iii. The sale and consumption of alcoholic beverages shall be restricted by the liquor license governing the restaurant, and as otherwise regulated by Chapter 5: Liquor Control, of the City Code.
 - iv. The outdoor eating cafe shall not be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity.
 - v. Additional parking shall not be required for Outdoor Dining as regulated by this Subsection (17.302.M.5).
 - vi. Outdoor Dining shall be permitted only between the hours of six o'clock (6:00) A.M. and eleven o'clock (11:00) P.M. unless otherwise approved by City Council.
 - vii. Outdoor Dining permits issued by the City shall be subject to an annual review and may be revoked at any time on thirty (30) days' notice.
 - viii. An annual temporary business license in accordance with Chapter 4: Commercial Occupancy and Activity Regulations of the City Code shall be required.
 - ix. All Outdoor Dining shall comply with State of Illinois and DuPage County Health Code regulations;

- x. The following design criteria shall be applied to all Outdoor Dining applications:
 - (1) Canopies that are attached to the building will be permitted when in conformance with the applicable regulations outlined in this Code.
 - (2) All outdoor furnishings shall be designed to withstand a wind pressure of not less than thirty (30) pounds per square foot.
 - (3) Outdoor furnishings materials and their color should be selected for continuous harmony and aesthetic quality with the adjoining buildings and streetscape. Materials shall be of durable quality such as wrought iron; light gauge materials like aluminum and plastics shall be generally discouraged. Weather resistant wood is allowed only as a secondary accent material.
 - (4) Colors should be harmonious; brilliant or bright colors shall be used only for accent.
 - (5) Materials and finishes shall be selected for their durability and wear as well as for their beauty. The table surface shall be smooth and easily cleanable. Proper measures shall be taken to correct damage or decline due to the elements, neglect or abuse.
 - (6) Devices incorporated to separate eating areas from pedestrian pathways such as fencing or planters, must conform to above standards of design.
- xi. Outdoor Dining in a City Right of Way:
 - (1) Shall not reduce the open portion of the public sidewalk to less than five feet (5') clear of all obstructions (i.e., street lighting, benches, trees, trash receptacles, etc.);
 - (2) Shall not be permitted until the applicant enters into a lease of the right-of-way, signs a hold harmless agreement and submits to the City evidence of general liability insurance and dramshop insurance, in keeping with City and State requirements.
 - (3) All maintenance, upkeep and repair of any damage to the public right-of-way associated with the operation of the Outdoor Dining shall be the responsibility of the associated restaurant owner.
 - (4) Tables to be placed within the City's rights-of-way shall not have a surface area greater than nine (9) square feet, be easily removable and in no way impede safe pedestrian movement

17.303 Conditions For Specific Land Use

Certain principal or accessory uses of land may generate potential adverse impact to be mitigated. The installation and operation of uses and activities specified in this Section (17.303) shall meet the regulations indicated here, in addition to any conditions established as part of a Special Use Permit, as well as all relevant sections of the City Code.

A. Drive-thru Facilities

- 1. Drive-thru facilities shall be allowed as Special Uses in zoning districts per Table 4-5 Permitted Use Table of this Chapter.
- 2. All drive-thru facilities shall be subject to the following additional conditions:
 - a. Outdoor speakers must be modulated so as not to disturb adjacent or nearby residences.
 - b. Drive-thru facilities shall be designed such that motor vehicle queuing spaces do not obstruct on site pedestrian and motor vehicle circulation, or interfere with

pedestrian and motor vehicle circulation on adjacent public streets, sidewalks or properties.

- c. No drive-thru facilities queuing space shall occupy the same space as a required off street parking space.
- d. Drive-thru facilities (drive lanes, ordering and product distribution functions) shall not be placed in the front of a building.
- e. Any drive-thru facilities adjacent to a residential zoning district shall be screened with a minimum of a six (6) foot high Privacy Fence, landscaping of equal height, or combination thereof.

B. Car Washes

1. Car Wash facilities shall be permitted in zoning districts per the Permitted Use Table (Table 4-5).
2. All car wash facilities shall be subject to the following additional conditions:
 - a. All washing activities shall be performed in a completely enclosed building.
 - b. Car washes shall be designed such that motor vehicle queuing spaces shall not obstruct on site pedestrian and motor vehicle circulation or interfere with pedestrian and motor vehicle circulation on adjacent public streets, sidewalks, or properties.
 - c. No car wash queuing space shall occupy the same space as a required off-street parking space.
 - d. All on site illumination shall be directed away from adjoining residential lots.
 - e. Any Car Wash adjacent to a residential zoning district shall be screened with a minimum of a six (6) foot high Privacy Fence, landscaping of equal height, or combination thereof.

17.304 Temporary Structures and Uses

The following temporary structures and uses of land shall be allowed in zoning districts per Table 4-5 Permitted Use Table of this Chapter, and shall be subject to the specific regulations and time limits which follow, and to the other applicable regulations of the district in which it is located, and relevant elements of the City Code.

A. Temporary Structures: No temporary structure shall be built, established, moved, remodeled, altered or enlarged except as in keeping with this Section (17.304) and relevant aspects of the City Code.

1. Construction trailers and equipment sheds. Construction trailers and equipment sheds are permitted only on the premises of ongoing construction and shall conform to the following:
 - a. Are allowed only for the duration of the project while building permits are in effect and provided that such trailer or equipment shed is located on the premises undergoing construction.
 - b. No such trailer or shed shall contain sleeping accommodations or cooking facilities.
 - c. Such use shall be removed upon the lapse of building permits or issuance of the last occupancy certificate and shall be screened from public view with a fence or landscaping.
2. Portable storage containers shall conform to the following:
 - a. For the purpose of this Section (17.304), a portable storage container is any structure designed and intended to be moved from one location to another with or without its own frame and chassis and is intended for the temporary storage of personal property.

- b. Only one portable storage container shall be permitted on a lot at any one time and not for longer than ninety (90) days.
 - c. Extensions of time may be granted by the Development Administrator in instances where the portable storage container is used in connection with (re)construction occurring on a lot but in no event shall the total elapsed time exceed ninety twenty (90) days.
3. Temporary Accessory Structures. Only one Temporary Accessory Structure shall be permitted on a lot at any one time and for no longer than ninety (90) days per calendar year.

B. Temporary Uses

- 1. Christmas tree sales shall conform to the following:
 - a. Shall be located on a lot of not less than 20,000 square feet.
 - b. May operate for a period not to exceed forty (40) days.
 - c. Need not comply with the yard requirements of this Chapter, provided that no trees shall be displayed within ten feet (10') of any driveway or street right-of-way or within thirty feet (30') of the intersection of the rights-of-way of any two (2) streets.
- 2. Circuses and carnivals shall conform to the following:
 - a. Shall not be in operation for a period to exceed one week.
 - b. Shall be installed and maintained so as to not pose a safety hazard to pedestrians and motorists or interfere with the use and privacy of adjacent property.
 - c. May not be located in any residential district, except on park, church, or school property.
 - d. Shall comply with the yard requirements of the Zoning District in which it is located.
- 3. Garage sales, yard sales, estate sales, house auctions and similar functions shall conform to the following:
 - a. Shall be confined to private property;
 - b. For properties in a residential zoning district shall not to exceed a total six (6) days in a calendar year.
- 4. Sidewalk sales shall conform to the following:
 - a. May be conducted only in a Commercial Zoning District.
 - b. May only display or sell goods incidental to the business(es) located on the same property.
 - c. Shall be conducted in conjunction with a special event or promotion that is related to or sponsored by the business(es) on the lot and conducted adjacent to the entrance of said business(es)
 - d. May occurs for a period not to exceed four (4) days and not occur more than three (3) times in a calendar year.
- 5. Subdivision or model home sales offices shall conform to the following
 - a. May be located in a trailer or in a model home on the premises.
 - b. Must be incidental to a new housing development.
 - c. May not be used for sleeping or cooking purposes.
 - d. May continue only until all dwelling units in the development have been sold or leased.
 - e. Fences located on lots used for subdivision sales offices and model homes shall comply with the provisions of Section 17.3010 Fences of this Article, and shall conform to the following:

- i. Points of access shall be provided, as required by the Development Administrator, for emergency personnel, equipment and vehicles
- ii. Fences used to control and direct sales pedestrian traffic may exceed the maximum height for fences in the yard in which they are located, as may be allowed by the Development Administrator, to ensure safety and security of the premises and visitors.
- iii. The Development Administrator may require a fence plan for the sales area prior to issuing a zoning certificate to ensure safety and security of the premises and visitors.

17.305 Accessory Structures and Uses

A. General Standards: No Accessory Structure or Accessory Use shall be built, moved or remodeled, established, altered or enlarged unless in keeping with the requirements of this Section (17.305), this Chapter and the City Code. Accessory uses are permitted in any zoning district in connection with any principal use that is permitted within such district.

B. Accessory Structures and Uses Limitations and Conditions. Each Accessory Structure and Accessory Use shall comply with the following:

- 1. No accessory structure or use shall be constructed, occupied or established on any lot prior to the completion of the principal structure to which it is accessory.
- 2. No accessory structure or use shall be permitted in any yard unless it is a permitted yard encroachment as provided in Table 3-1: Permitted Yard Encroachments.
- 3. Accessory Structures and Uses (including any permitted Outdoor storage) shall be maintained in such a manner so as to prevent the overgrowth of weeds, grasses and other obnoxious plant material.
- 4. On a corner lot occupied by a principal residential structure that is legally nonconforming with respect to the corner side yard setbacks, accessory uses and structures may be located in said corner side yard provided they maintain the same setback as the principal residential structure.
- 5. No Accessory Structure or Use, except fences, shall be constructed, occupied or established on any public utility, drainage, or pipeline easement, except with the written permission of the City and all utility companies having rights to use the easement.
- 6. No accessory structure shall be located in any floodplain.

C. Permitted Yard Encroachments:

- 1. Accessory Structures and Uses may be permitted in established yards as indicated with a "P" in Table 3-1: Permitted Yard Encroachments..
- 2. Accessory structures and uses not listed in Table 3-1: Permitted Yard Encroachments shall be prohibited as in yards.

Table 3-1: Permitted Yard Encroachments

Structure	Front Yard	Corner Side Yard	Rear Yard	Side Yard
Arbors or trellises ¹			P	P
Awnings ³	P	P	P	P
Balconies ⁴	P	P	P	P
Basketball stanchions ⁵	P	P	P	P
Bay or bow window ⁶	P	P	P	
Belt courses, cornices and ornamental features of the principal building ⁷	P	P	P	P
Canopies ⁸	P	P	P	
Chimneys of buildings ⁹	P	P	P	P
Decks, open			P	
Detached garages or carports			P	P
Driveways and sidewalks	P	P	P	P
Eaves and gutters ¹⁰	P	P	P	P
Flagpoles	P	P	P	
Fountains			P	P
Knee and retaining walls	P	P	P	P
Mechanical equipment (air conditioning condenser, generator, etc.)			P	P
Playground Equipment			P	
Playhouses, Gazebos, or three season rooms.			P	P
Porch ¹¹	P	P		
Sheds and storage buildings ¹²			P	

Sports courts, private			P	
Steps, open ¹³	P	P	P	P
Swimming pools, private ¹⁴			P	
Terraces, patios, outdoor fireplaces and barbecues			P	
<p>NOTES:</p> <ol style="list-style-type: none"> 1. Arbors or trellises -- where trellises are attached to the principal building, they may also project into front yards and side yards 2. Architectural entrance structures – on a lot not less than 2 acres or at entrance roadways into subdivisions containing 100 or more lots 3. Awnings -- may project not more than 3 feet into a required yard 4. Balconies -- not to extend more than 3 feet into the yard 5. Basketball stanchions -- not closer than 2 feet to the adjacent lot 6. Bay or bow window -- projecting no more than 2 feet into a yard 7. Belt courses, cornices and ornamental features of the principal building -- projecting not more than 18 inches into a yard 8. Canopies – permitted only when accessor to structures in a multiple-family district, business or manufacturing district 9. Chimneys of buildings -- projecting not more than 24 inches into a yard 10. Eaves and gutters -- on principal buildings or attached accessory buildings, projecting not more than 4 feet into a front and rear yard not more than 24 inches into a side yard 11. Porch -- open air and attached to the principal building, projecting not more than 6 feet into the front and corner side yard 12. Sheds and storage buildings -- for garden equipment and household items as accessory to dwellings 13. Steps, open -- necessary for access to and from the dwelling or an accessory building, steps as access to the lot from the street, and in gardens or terraces 14. Swimming pools, private - where conforming also with other codes or ordinances of the City 				

D. Additional Bulk Regulations for Accessory Structures:

1. Except as otherwise provided by this Chapter, all accessory structures and uses shall observe the bulk regulations of the district in which they are located, provided that Accessory Structures, including but not limited to porches, balconies and decks attached to the principal building, shall be considered part of the principal building and shall comply with the required yards for the principal structure, unless otherwise allowed.

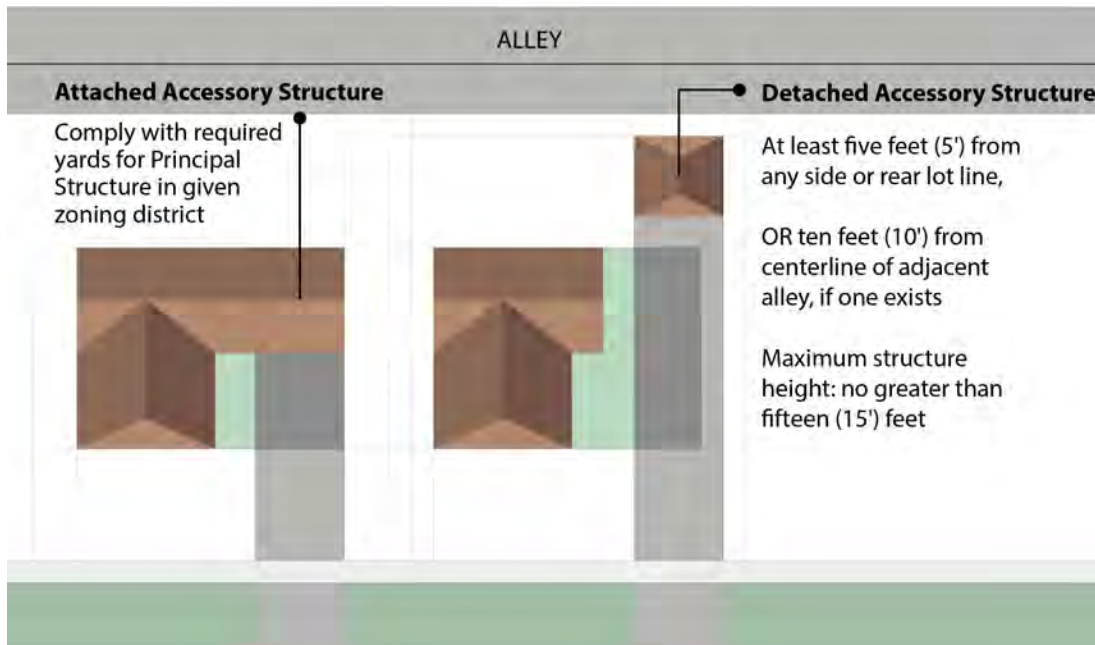


Figure 3-2: Yard Requirements for Attached and Detached Accessory Structures

2. Detached Accessory Structures, Except Fences and Walls:
 - a. Minimum rear and side yard: Detached accessory structures shall be located at least five feet (5') from any side or rear lot line, or ten feet (10') from the centerline of the adjacent alley, if one exists. In no case shall an accessory structure be permitted in any public utility or drainage or access easement.
 - b. Maximum structure height: Detached accessory structures shall be no greater than fifteen feet (15') in height, except as provided otherwise in this Section (17.305).
 - c. Minimum building separation:
 - i. Detached accessory structure may be located closer than ten feet (10') to the principal structure, except as provided otherwise in this Subsection (17.305.d) or required by Chapter 12: Building Code of this Code.
 - ii. No minimum building separation is required between accessory structures, except as otherwise required by Chapter 12: Building Code of this Code.
3. Swimming Pools, Hot Tubs, And Outdoor Spas:
 - a. Swimming pools, hot tubs or outdoor spas and any deck attached thereto, may be located no closer than five feet (5') to any fence or property line.
 - b. Swimming pools, hot tubs and outdoor spas shall be set back from all overhead electric distribution, aboveground service utility transformer, pedestal, meter, and any buried electric distribution or service utility line as required by Chapter 12: Building Code of this Code.
 - c. All swimming pools, hot tubs, and outdoor spas, hereinafter referred to as "pool", shall provide adequate enclosure when not in use or supervised. Said enclosure shall comply with Building Code regulations as identified in Chapter 12: Building Code of this Code.

- d. Planting material shall not be accepted as a substitute for a fence or wall required by this Subsection 17.305.D.3.
 - 4. Detached Garages and Carports: In addition to the other requirements of this Section 17.305 Accessory Structures and Uses detached garages and carports shall be permitted in single family residential districts (R-1, R-2, R-3, and R-4) comply with the following:
 - . Maximum area: One thousand (1,000) square feet or ten percent (10%) of the lot area, whichever is less.
 - a. Maximum number: One per single-family lot.
 - b. Access: A continuous hard dust free surface shall be provided between any garage or carport and the adjoining public right-of-way or alley.
 - c. Maximum height: Seventeen feet (17') to the peak of a pitched roof. Garages with a flat roof shall be no higher than thirteen feet (13').
 - 5. Porte-Cocheres and Attached Carports: In addition to the requirements of this Section 17.305 Accessory Structures and Uses, porte-cocheres and attached carports shall comply with the following:
 - a. Number: One porte-cochere or carport (attached or detached) shall be permitted per Zoning Lot.
 - b. Maximum Height: The top of the porte-cochere or attached carport shall not be higher than the lowest eave line of the wall to which it is attached.
 - c. Yards: A porte-cochere or attached carport may extend into a required yard provided that it has no solid wall, other than the wall of the principal building to which it is attached, and is open to the elements year round.
 - d. Roof: The roof of a porte-cochere may be used as a deck, but shall not be enclosed and used as habitable space if the porte-cochere is located in a required yard.
 - 6. Accessory structures (such as tool, garden storage sheds, gazebos, cabanas and other accessory structures) not otherwise specified in Section 17.305 Accessory Structures and Uses shall, comply with the following:
 - a. Maximum area: Combined square footage of all accessory structures shall not exceed twelve percent (12%) of the lot area.
 - b. Maximum number: One such structure may be permitted per Zoning Lot.
- E. Bed and breakfasts and short-term rentals:
- 1. Bed and Breakfast. Bed and Breakfast establishments do not include motels, hotels, boarding houses, or food service establishments.
 - a. The Bed and Breakfast must be residential in nature and comply with the Home Occupation regulations of this Chapter.
 - b. No more than three (3) guest bedrooms are allowed.
 - c. Guest stays shall not exceed more than ten (10) nights in a 12-month period.
 - d. Breakfast may be provided to the guests only.
 - e. One (1) off-street, non-tandem parking space is required per bedroom; in addition to otherwise required off-street parking.
 - f. The operator of the Bed & Breakfast shall live on the premises.
 - 2. Short Term Rental/Lodging. (i.e. AirBnB, Vacation Rentals)
 - a. Short term rentals are regulated by Chapter 6 Public Health and Safety, Article XVI Residential Rental Property.
 - b. The owner must apply for and obtain a residential rental property registration. .

F. Sustainable energy systems:

1. Solar Energy Systems (SES): Purpose: The purpose of this Section (17.305.F.1) is to encourage safe and efficient use of solar energy and reduce the use and impact of fossil fuels. The Section (17.305.F.1) also seeks to ensure that Solar Energy Systems are compatible in character and appearance with the principal structure and surrounding area in which they are located.
 - a. General Provision:
 - i. SES are permitted as an accessory structure mounted to a principal or other accessory structure.
 - ii. SES shall be subject to the development standards specified in this Section (17.305.F.1) and other City Code requirements.
 - iii. Energy produced by SES shall be used on site, except that surplus energy may be delivered to the power grid.
 - iv. Solar panels may only be located on the roof of a structure and shall be mounted flush with the slope of the roof.
 - v. Solar shingles are permitted and shall be integral to the roof of the structure on which they are installed.
 - vi. Solar collection devices may not extend beyond the roof edge or the exterior perimeter of a structure.
 - vii. Solar collection devices may not be located on the vertical portion of a mansard roof.
 - viii. SES shall be subject to the yard, height and any other bulk requirements of the zoning district in which it is located.
 - ix. Ground mounted solar panels or SES are prohibited.
 - b. Appearance and Materials: Solar energy systems shall be neutral in color and generally matching the roof color of the principal structure. All such devices shall have the following characteristics:
 - i. Not be plastic or other non-UV stable material.
 - ii. Include frames, where applicable, of anodized aluminum or painted steel.
 - iii. Where devices are encased with glass, the glass shall be nonreflective tempered glass.
 - iv. Solar panels must be placed so that concentrated solar radiation or glare is not directed onto any nearby properties or roadways.
 - c. Height: SES shall be subject to the following height requirements:
 - i. SES shall not exceed the maximum structure height requirements for the district in which they are located
 - ii. SES on sloped roofs shall not exceed the highest point of roof on which they are mounted.
 - iii. SES located on sloped roof buildings shall not extend beyond one foot (1') above the roof surface at any point in residential zoning districts and fifteen inches (15") for all other zoning districts.
 - iv. SES located on flat roofed buildings shall not extend beyond two feet (2') in overall height above the roof on which they are mounted in residential zoning districts or eight feet (8') in all other districts. In no case shall solar collection devices extend above the parapet wall of the structure.
2. Wind Energy Systems (WES):
 - a. Purpose: The purpose of this Section (17.305.F.2) is to encourage safe and efficient use of wind energy and reduce the use and impact of fossil fuels. The Section (17.305.F.2) also seeks to ensure that Wind Energy Systems are

- compatible in character and appearance with the principal structure and surrounding area in which they are located.
- b. General Provisions: Wind energy systems are permitted as an accessory structure to a principal Permitted or Special Use subject to the standards of this Section (17.305.F.2) on and the City Code.
 - c. No more than one WES is permitted per residential zoning lot.
 - d. No more than one WES is permitted per Commercial or Industrially zoned properties, unless approved as a Special Use.
 - e. WES may be permitted on a Commercial or Industrially zoned property adjacent to a residential zoning lot only upon approval by as a Special Use.
 - f. WES structures shall comply with all regulations of the City Code regarding their construction, design, operation and maintenance.
 - g. Energy produced by WES shall be used on site, except that surplus energy may be delivered to the power grid.
 - h. WES shall be designed to withstand a minimum wind velocity of one hundred (100) miles per hour, with an impact pressure of forty (40) pounds per square foot.
 - i. As part of a building permit submitted for a WES, a statement and evidence shall be provided by the applicant that the proposed WES will not adversely impact adjacent properties.
 - j. In no event shall the noise level produced by a WES continuously exceed sixty-five (65) decibels as measured at the property line.
 - k. No WES shall cause electromagnetic degradation in performance of other electromagnetic radiators, receptors, or generators of quality and proper design. The City may revoke any permit for a WES system should electromagnetic interference from the WES be evident and cannot be corrected.
 - l. WES shall not be artificially lighted, except to the extent required by the FAA or other applicable government authority.
 - m. All wind turbines shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, over speeding and excessive pressure on the tower structure, rotor blades and turbine components.
 - n. Abandonment: If a WES is inoperable or abandoned for a period of six (6) consecutive months; the owner may be notified by the City that the energy system must either be repaired or removed within an established cure period.
 - o. Rooftop mounted WES:
 - i. Rooftop mounted WES shall be set back at least twenty feet (20') from front or exterior building lines, and at least ten feet (10') from side building lines. Setbacks shall be measured to the widest point of blade rotation or to the side of the WES, whichever is greater.
 - ii. Rooftop mounted WES shall be limited to a height of no more than fifteen feet (15') above the roof peak or top of a parapet wall, whichever is greater. Total height shall be measured from the highest point of blade rotation or the highest point of the WES, whichever is greater.
 - p. Ground mounted WES:
 - i. Ground mounted WES shall be allowed only in the Industrial zoning district, after having received approval by as a Special Use.
 - ii. Ground mounted WES shall be permitted only in a rear yard.
 - q. The WES tower or any associated structure shall comply with the minimum setback requirements of the zoning district in which the WES is located or be

set back a distance equal to 1.1 times the total height of the structure from any property line, whichever distance is greater. Total structure height shall be measured from the highest point of blade rotation to the ground.

- r. A WES tower shall be set back a minimum of twenty feet (20') from any principal structure on the property.
- s. The maximum permissible height of a WES tower shall not exceed seventy feet (70').
- t. Rotor blades or airfoils must maintain at least twelve feet (12') of clearance between their lowest point of rotation and the ground.
- u. All climbing apparatus affixed to a WES tower shall terminate twelve feet (12') short of ground level.
- v. All WES facilities shall be surrounded by a six foot (6') high safety fence.
- w. All WEC towers shall be constructed with an approved concrete foundation.

17.306 Home Based Businesses

- A. Purpose. Home based businesses are accessory to principal residential uses and a necessary and desirable part of the City. The regulations in this Section (17.306) seek to avoid deleterious effects of such activities on the value, use and enjoyment of adjoining property and the overall neighborhood by:
 - 1. Ensuring compatibility of home-based businesses with nearby residences;
 - 2. Maintaining and preserving neighborhood character;
 - 3. Promoting the efficient use of public services and facilities so to be in keeping with those common to a residential area; and
 - 4. Preventing generation of vehicular or pedestrian traffic greater and more impactful than generally expected in a residential neighborhood.
- B. Standards for Operating Home Based Businesses. In addition to meeting all applicable standards of the Zoning District in which it is located and other elements of the City Code, a home based business shall comply with the following:
 - 1. Primary Residence: The owner or operator of a home-based business shall be a full-time resident of the dwelling unit.
 - 2. Employees:
 - a. No more than two (2) employees who are not domiciled in the dwelling unit where a home based business is conducted shall be present at the dwelling in connection with, or otherwise participate in the operation of a home based business at any one time.
 - b. The term "employees" shall not include persons domiciled in the dwelling unit where such a home based business is conducted.
 - c. The home based business location may not be used for employees to congregate, park vehicles, or transfer vehicles in order to conduct business at a different location.
 - 3. Area Limitation: No more than twenty five percent (25%) of the area of the principal dwelling unit and any accessory structures shall be devoted to the home based business.
 - 4. Exterior Appearance: There shall be no activity, structure, signs, or other exterior evidence that the dwelling unit is being used for any nonresidential purpose in order to conduct the home based business.
 - 5. Equipment: No mechanical or electrical equipment may be used except such types as are customary for purely domestic or household or used in a manner to indicate that the structure is being used for a nonresidential purpose. Furthermore, no equipment which

creates noise vibration, glare, fumes, odors or electrical interference beyond what normally occurs in the applicable zoning district shall be used in such home based business.

6. Outside Storage: There shall be no storage outside a principal building or accessory structure of equipment, materials or products used in the home based business.
7. Vehicle Storage: All commercial vehicles must be stored in accordance with provisions for Section 17.505 Commercial and Recreational Vehicle Parking Regulations in of this Chapter.
8. Outdoor Business Operations: The home based business shall be conducted entirely within the principal residential building or in a private garage accessory thereto.
9. Character: The home based business shall be conducted in a manner which does not cause the premises to differ from its residential character either by use of colors, materials, lighting, or the emission of sounds, noises, or vibrations.
10. Traffic Impact: The home based business shall not have an adverse effect on the neighborhood by creating congestion on or deterioration of public streets.
11. Customer Sales and Pick Up: Direct sales of products produced in relation to the home based business from the dwelling unit are prohibited.
12. Displays: No article or stock in trade shall be displayed such that it is visible from the exterior of the dwelling unit.
13. Parking: The conduct of the home based business shall not require more vehicle parking space than exists on the residential driveway on the property, or on assigned parking spaces serving the dwelling unit.
14. Human/Animal Care Services: home based business involving human or animal care services shall be limited to no more than one client at a time, unless otherwise specified in this Chapter.

17.307 Adult Entertainment Establishments

In addition to the requirements of Section 4.308 and other applicable elements of the City Code, all Adult Entertainment Establishments shall be subject to the following restrictions:

- C. No adult use shall be allowed within 500 feet of another existing adult use.
- D. No adult use shall be located within 1,000 feet of any zoning district which is zoned for a residential use.
- E. No adult use shall be located within 1,000 feet of a preexisting school or place of worship.
- F. No adult use shall be conducted in any manner that permits the observation of any materials depicting, describing or relating to "specified anatomical areas" or "specified sexual activities", from any public way. This shall apply to any display, decoration, sign, show window or other opening.

17.308 Medical Cannabis

- A. Medical cannabis dispensing facilities. In determining the compliance of a proposed medical cannabis dispensing facility, the following components of the medical cannabis dispensing facility shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of properties in the vicinity of the proposed use:
 1. The issuance or absence of issuance of a valid registration as a medical cannabis dispensing facility by the Illinois Department of Financial and Professional Regulation to the proposed medical cannabis dispensing facility.
 2. The existing number of medical cannabis dispensing facilities, if any, located within the dispensing organization district within which the City of Wood Dale is located as

established by the regulations of the Illinois Department of Financial and Professional Regulation.

3. The existing number of medical cannabis dispensing facilities, if any, located within the City of Wood Dale.
4. Compliance by the medical cannabis dispensing facility with the following restrictions:
 - a. Compliance with state law and regulations. Medical cannabis dispensing facilities shall comply with the requirements of the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1, et seq.) and all regulations promulgated thereunder, as may be amended from time to time.
 - b. Single-use property. Medical cannabis dispensing facilities shall not be established in multiple-use or multi-tenant properties or on a property that shares parking with other uses.
 - c. Minimum distance from incompatible uses. No medical cannabis dispensing facility shall be located, established, maintained, or operated on property zoned for residential use, in a house, apartment, or condominium, or on any lot that has a property line within 1,000 feet of the property line of any of the following uses:
 - i. A pre-existing public or private preschool or elementary or secondary school; or
 - ii. A pre-existing day care center, day care home, group day care home or part day childcare facility.
 - d. Measurement. For the purposes of this Section (17.308.A), distances shall be measured linearly in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot on which the medical cannabis dispensing facility is located to the nearest point on a property line of a use listed in Subsection (17.038.A.4.c), above.
 - e. Hours of operation. Medical cannabis dispensing facilities shall only operate between the hours of 6:00 a.m. and 8:00 p.m.
 - f. Drive-through windows. Medical cannabis dispensing facilities shall not dispense medical cannabis or other products through a drive-through window.
 - g. An operation plan must be submitted. An operation plan must include, but is not limited to, the security measures that will be provided such as exterior lighting, security cameras, and hours of operation.
 - h. The dispensing organization shall be the primary use of the tenant space in which it is located. Retail sales occurring within said facilities shall be accessory to the facility's intended use as a dispensing organization and shall not occupy greater than ten percent of the total square footage of the facility.
 - i. Signage regulations:
 - i. No outdoor, window, or on-site media display of merchandise and/or products related to a dispensing facility allowed.
 - ii. No exterior signage that includes the words "marijuana," "cannabis," or any related word or symbol.
 - iii. A sign must be posted at or near all entrances that includes the following language: "Only cardholders, designated caregivers, and staff may enter these premises. Persons under the age of 18 are prohibited from entering."
 - j. Parking must be visible from the public road or private road in which it is accessible. It cannot be screened from the roadway with vegetation, fencing, or anything of similar nature.

B. Medical Cannabis Cultivation Centers.

1. In determining the compliance of a proposed medical cannabis cultivation center, the following components of the medical cannabis cultivation center shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of properties in the vicinity of the proposed use:
2. The issuance or absence of issuance of a valid registration as a medical cannabis cultivation center by the Illinois Department of Agriculture to the proposed medical cannabis cultivation center.
3. The existence, if any, of a medical cannabis cultivation center located within the Illinois State Police District within which the City of Wood Dale is located.
4. The existence, if any, of a medical cannabis cultivation center located within the City of Wood Dale.
5. Compliance by the medical cannabis cultivation center with the following restrictions:
 - a. Compliance with state law and regulations. Medical cannabis cultivation centers shall comply with the requirements of the Compassionate Use of Medical Cannabis Pilot Program Act (Public Act 098-0122) and all regulations promulgated thereunder, as may be amended from time to time.
 - b. Single-use property. Medical cannabis cultivation centers shall not be established in multiple use or multi-tenant properties or on a property that shares parking with other uses.
 - c. Minimum distance from incompatible uses. No medical cannabis cultivation center shall be located, established, maintained, or operated on any lot that has a property line within 2,500 feet of the property line of any of the following uses:
 - i. A pre-existing public or private preschool or elementary or secondary school; or
 - ii. A pre-existing day care center, day care home, group day care home or part day childcare facility.
 - d. Measurement. For the purposes of this Section (17.308.B), distances shall be measured linearly in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot on which the medical cannabis cultivation center is located to the nearest point on a property line of a use listed in Subsection (17.308.B.4.c), above.
 - e. Retail sales prohibited. Medical cannabis cultivation centers shall not conduct any retail sales.
 - f. An operation plan must be submitted. An operation plan must include, but is not limited to, the security measures that will be provided such as exterior lighting, security cameras, and hours of operation.
 - g. Drive-through facilities are prohibited.
 - h. No outdoor, window, or on-site media display of merchandise and/or products related to a cultivation center allowed.
 - i. No exterior signage that includes the words "marijuana," "cannabis," or any related word or symbol.

17.309 Community Residence

- A. Licensure. Where a Community Residence or a Community Residence's operator is required to be licensed or certified by a State of Illinois agency or department, the applicant shall: a) provide the City proof of such licensure or certification; and b) maintain at all times a current and valid license or certificate. The Development Administrator may revoke a certificate of occupancy for a Community Residence if its license or certification is revoked.

A Community Residence that is not licensed or certified by the State of Illinois may only be established if a Special Use permit is approved in accordance with this Chapter.

- B. Occupancy. Full time staff shall be included when determining the number of individuals that may occupy a Community Residence pursuant to the building code. For the purposes of this Section (17.309), "full time staff" shall mean staff that occupies the residence overnight.
- C. Location. No Community Residence may be located within 660 feet of an existing or approved Community Residence, as measure from lot line to lot line, except when a Special Use permit is approved in accordance with this Chapter.

17.3010 Fences

A. Fence Requirements:

1. Applicability. All fences must be erected and maintained in conformance with the requirements of this Chapter and other applicable elements of the Wood Dale City Code.
2. Permits Required. A permit issued by the Development Administrator is required to erect or alter any fence within the City.
3. Existing Fencing. Fences legally constructed prior to the effective date of this Chapter, shall be allowed to continue; provided, however, that replacement of fencing shall conform to provisions of this Chapter.
4. Location: Fences shall be located entirely on the lot of the property owner constructing the fence.
5. Placement: The finished side of the fence must face out from the property on which it is constructed.
6. Surface Drainage: No fence may be constructed or maintained in such a manner as to obstruct, inhibit, impair or otherwise alter overland surface drainage across any adjoining lot.
7. Easements: Fences may be located on public utility and drainage easements, provided they are raised at least six inches (6") above grade in the case of drainage easements to prevent obstruction to the flow of water. The City and the public utility companies having rights to use said easement shall have the right to remove said fence to construct, repair or maintain utility facilities with no obligation to replace or restore said fence, unless so stated in the governing easement document. It shall be the obligation of the property owner to locate all utilities prior to constructing a fence.
8. Back-to-Back Fences. If an existing fence is located on a common property line, a new fence installed along the area of that property line shall be located within one foot off that property line, entirely on the property for which the new fence is being installed.
9. Exemptions: The provisions of this Section (17.3010) shall not apply to the following:
 - a. Fences constructed for the safety of children on park or school playgrounds.
 - b. Planting material used in the nature of a fence, subject to the Sight Triangle, as described in Section 17.302.E of this Article.
 - c. Fences constructed at public utility locations owned and operated by governmental agencies. Such fences shall require issuance of a building permit and shall have the proposed location and materials approved by the Development Administrator to evaluate safety prior to installation.
10. Chain link fences shall not be located in or abutting a Front Yard or a Corner Side Yard, except that a chain link fence may be located in a front or side yard provided they are at or behind a line extending from the front building line of the principal structure.
11. No fences are allowed in Front Yards or Corner Side Yards except for Decorative Fences no greater than four feet in height.

12. Fence Inserts: Privacy insert strips may be used in chain link fences provided all of the inserts are of the same color and the inserts are kept in good repair and appearance.
13. Knee Walls and Retaining Walls may be allowed as permitted encroachments in Front Yards per Section 17.305.C.
14. Fencing regulations are specified in this Article for Outdoor Storage (Section 17.302.M.3) and/or Trash Enclosures (Section 17.302.M.2).

B. Permitted Fences

1. Categories: For the purpose of this Section, there shall be two (2) categories of permitted fences in Wood Dale: Decorative (Open) and Privacy (Solid). Said fences shall be constructed as directed by the standards of this Section, the Fence Placement Diagram (Figure 3-3) and the Fence Height Table (Table 3-2)
2. Requirements for All Fences:
 - a. All fences shall be located at or behind a line extending from the front building line of the principal structure (see Figure 3-3: Fence Placement Diagram), unless otherwise specified in this Chapter.
 - b. Decorative Fences up to four feet (4') in height above the ground level shall be allowed in any yard of any zoning district.
3. Fences allowed in R-1, R-2, R-3, R-4, RG Districts, and residential uses in other Districts:
 - a. Decorative and Privacy Fences not exceeding six feet (6') in height above the ground level where installed shall be allowed at or behind a line extending from the front building line of the principal structure.
 - b. Decorative or Privacy Fences not exceeding six feet (6') in height above the ground level where installed may be located in a Corner Side Yard only when:
 - i. In the case of a Corner Side Yard abutting the Corner Side Yard of an adjacent corner lot property, the fence may extend from the rear line of the principal structure directly to the Corner Side property line, or
 - ii. In the case of a Corner Side Yards abutting the Front Yard of an adjacent property, the fence may extend from the rear of the principal structure directly to the Rear Lot Line of the property, but may not extend beyond the front line of a principal structure on the adjacent property.
4. Fences in C-1, C-2, C-2a, C-3 and I-1 Districts, and nonresidential uses in other Districts: Decorative and Privacy Fences not exceeding eight feet (8') in height above the ground level where installed shall be allowed at or behind a line extending from the front building line of the principal structure.

Fence Height – Table 3-2			
Zoning District/Use	Decorative Fence Height in front yard (ft)	Decorative Fence Height (ft)	Privacy Fence Height (ft)
R-1, R-2, R-3, R-4, RG Districts, and residential uses in other Districts	3 ft.	6 ft.	6 ft.
C-1, C-2, C-2a, C-3 and I-1 Districts, and nonresidential uses in other Districts	3 ft.	8 ft.	8 ft.

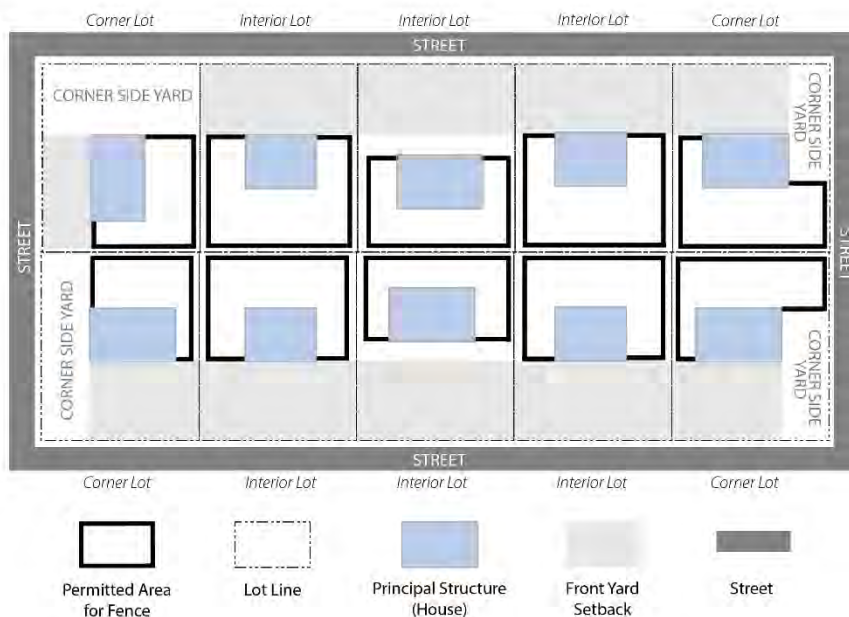


Figure 3-3: Fence Placement Diagram

C. Prohibited Fences

1. Fences and related appurtenances that impair public safety, including but not limited to, interfering with or obstructing visibility for persons using any streets, sidewalks or driveways.
2. Fences located within the Sight Triangle, as described in Section 17.302.E of this Article.
3. Fences constructed in whole or in part of spikes, glass, protruding nails, or other sharp or pointed material of any kind.
4. Chain link fences with barbed ends up.
5. Snow fences, except for the exclusive control of windblown snow between November 1 and March 31 and erected by State or local highway authorities, or used exclusively for protection devices at excavation sites.
6. Fences constructed of less than 9-gauge wire.
7. Fences composed in whole or part of barbed wire or razor wire, or with any similar materials designated to cause injury to persons. (EXCEPTIONS: In protection of industrial property barbed wire is allowed but, must be at least six feet above the existing grade and extend inward of property.
8. Electric fences or fences charged with electrical current.

17.3011 Collection Boxes

- A. Purpose. The City has experienced a proliferation of collection containers and their placement in required parking spaces, required landscaped areas, and residential zoning districts, often without the property owner's permission. The proliferation of these containers has contributed to visual clutter, blight due to graffiti and poor maintenance, and the accumulation of debris and excess items outside of the collection containers. They can also

interfere with the proper management of the City's waste stream. The purpose of these regulations is to promote the health, safety, and welfare of the public, and protect the property rights of the owners of the parcels on which the collection containers are located, by providing minimum blight-related performance standards for the operation of collection containers, including establishing criteria to ensure that: (1) material is not allowed to accumulate outside of the collection containers, (2) the collection containers remain free of graffiti and blight, (3) the collection containers are maintained in sanitary conditions, (4) the collection containers are not placed without the approval of property owners, and (5) that contact information is readily available so that the operators can be contacted if there are any blight-related questions or concerns. This Section (17.3011) regulates the size, number, placement, installation and maintenance of collection containers, as is necessary to accomplish the foregoing purposes.

B. Permit Required; exceptions.

1. It is unlawful to place, operate, maintain or allow a collection container on any real property unless the property owner and operator of the collection container first obtains a permit from the City.
2. An application for a collection container will be processed as ministerial action in accordance with this Section. The Development Administrator will be the decision maker, subject to this Chapter's appeal process.

C. Application.

1. The permit application will be made on a form provided by the Development Administrator, and include:
 - a. The signatures of the property owner and the operator of the collection container, acknowledging that they will be equally responsible for compliance with all applicable laws and conditions related to the collection containers for which they are seeking approval;
 - b. A non-refundable application fee as listed in the Master Fee Schedule;
 - c. The name, address, email, website (if available) and telephone number of the operator of the collection container and property owner on which the collection container is to be located, including 24-hour contact information;
 - d. A vicinity map showing:
 - i. The proposed location of the collection container;
 - ii. The distance between the proposed location and all existing collection containers within 500 feet of the proposed location, as measured from lot line to lot line; and
 - iii. The distance between the proposed location and all residentially-zoned property within 500 feet of the proposed location, as measured from lot line to lot line.
 - e. Photographs of the location and adjacent properties;
 - f. A site plan containing:
 - i. Location and dimensions of all parcel boundaries;
 - ii. Location of all buildings;
 - iii. Proposed collection container location;
 - iv. Distance between the proposed collection container and parcel lines and buildings; and
 - v. Location and dimensions of all existing and proposed driveways, garages, carports, parking spaces, maneuvering aisles, pavement and striping/markings;

- g. Elevations showing the appearance, materials, and dimensions of the collection container, including the information required in this Section to be placed on the collection container and notice sign;
 - h. A description and/or diagram of the proposed locking mechanism of the collection container;
 - i. A maintenance plan (including graffiti removal, pick-up schedule, and litter and trash removal on and around the collection container); and
 - j. Any other information regarding time, place, and manner of the collection container's operation, placement, and maintenance that is reasonably necessary to evaluate the proposal's consistency with the requirements of this Section.
2. Permit expiration and renewal. A permit issued under this Section will expire and become null and void annually on the anniversary of its date of issuance, unless renewed prior to its expiration. An application for renewal must be submitted prior to the expiration of the permit on a form provided by the zoning administrator, and include:
- a. The signatures of the property owner and the operator of the collection container, acknowledging that they will be equally responsible for compliance with all applicable laws and conditions related to the collection containers for which they are seeking approval;
 - b. A non-refundable application fee in an amount as listed in the Master Fee Schedule;
 - c. Photographs of the location and adjacent properties taken within ten days of the submittal of the renewal application;
 - d. A detailed description of any changes to the information submitted on the previous application; and
 - e. Any other information regarding time, place, and manner of the collection container's operation, placement, and maintenance that is reasonably necessary to evaluate the proposal's consistency with the requirements of this Section.

D. Decision on application.

- 1. The Development Administrator will approve or deny an application within 60 days of the receipt of a completed application. If the Development Administrator fails to take action on the application within the required 60 days, the application shall be deemed approved.
- 2. The Development Administrator will approve the application if all of the following are true; otherwise the Development Administrator may deny the application:
 - a. The applicant has submitted a complete, fully executed and accurate application accompanied by the applicable fee;
 - b. The property on which the collection container is to be located has been free of graffiti, as defined by the City of Wood Dale Municipal Code, for at least six months prior to the submission of the application, as evidenced by City records for the property;
 - c. The property on which the collection container is to be located has been free of any conditions constituting a nuisance, as defined by the City of Wood Dale Municipal Code, for at least six months prior to submission of the application, as evidenced by City records for the property;
 - d. The applicant is neither currently in violation of, nor has not been found in violation of this Section within one year prior to submission of the application; and

- e. The application will be in compliance with all of the applicable provisions of this Section.
 - i. The Development Administrator will mail written notice to the applicant of the Development Administrator's decision by First Class United States mail, addressed to the applicant at the address provided on the application. If the application is denied, or approved subject to conditions, the notice will set forth the reasons for the denial or conditions, as well as the facts supporting the Development Administrator' reasons.
 - ii. The decision of the Development Administrator will be final, subject to this Chapter's appeal provisions.

E. Standards.

1. Location.

- a. No collection container may be located within 500 feet from any other collection container, as measured from lot line to lot line.
- b. No collection container may be located in a residential zoning district.
- c. No collection container may be located within 500 feet of a parcel in a residential zoning district, as measured from lot line to lot line.
- d. No collection container will be located on or within:
 - i. The public right-of-way, including sidewalks;
 - ii. Area designated for landscaping;
- e. No collection container will be located in or block or impede access to any:
 - i. Required parking or driveway areas;
 - ii. Pedestrian routes;
 - iii. Emergency vehicle routes;
 - iv. Building ingress and egress;
 - v. Required disabled access routes;
 - vi. Required or recorded easements;
 - vii. Trash enclosure areas or access to trash bins or trash enclosures; or
 - viii. Any place that would impede the functioning of exhaust, ventilation, or fire extinguishing systems.
- f. No more than one collection container will be located on any individual zoning lot.
- g. No collection container will be located within the Site Triangle of any intersection, or within any required yard or setback.

2. Physical attributes.

- a. All collection containers must:
 - i. Be fabricated of durable and waterproof materials;
 - ii. Be placed on a level impervious surface;
 - iii. Have a tamper-resistant locking mechanism for all collection openings;
 - iv. Not be electrically or hydraulically powered or otherwise mechanized; and
 - v. Not be considered a fixture of the site or an improvement to real property.
- b. Collection containers may not exceed six and one-half-feet in height, five feet in width and five feet in depth.
- c. Signage on collection containers will not exceed five-inch letter height. Collection containers must have the following information conspicuously displayed in at least two-inch type visible from the front of the collection container:

- i. The name, address, 24-hour telephone number, and, if available, the Internet Web address, and email address of the permittee, the operator of the collection container, and the owner of the real property;
 - ii. The type of material that may be deposited; and
 - iii. A notice stating that it is strictly prohibited to leave any materials outside the collection container.
- 3. Maintenance and operation.
 - a. No overflow collection items, litter, debris or dumped materials will be allowed to accumulate within 20 feet of any collection container.
 - b. Collection containers will be maintained at all times in good working order, and at all times free from graffiti, removed or damaged signs and notifications, peeling paint, rust, and broken collection operating mechanisms.
 - c. Collection containers will be serviced not less than weekly between 7:00 a.m. and 7:00 p.m. on weekdays and 10:00 a.m. and 6:00 p.m. on weekends. This servicing includes maintenance of the container, the removal of collected materials, and removal of any graffiti, litter, or nuisance conditions as defined in this Code.
 - d. The operator will maintain an active email address and a 24-hour telephone service with recording capability for the public to register complaints.
 - e. It is strictly prohibited to allow a collection container to be used for solid waste or hazardous materials.
- 4. Removal; notice.
 - a. The placement, maintenance, or site-hosting of a collection container(s) in violation of any applicable requirements set forth in this Section is hereby declared a nuisance.
 - b. In addition to the penalties provided in Article 11 of this Chapter and provided by other law, the City may further abate such nuisance by removing and impounding the nuisance collection containers after providing reasonable notice to the permittee, operator of the nuisance collection container, and owner of the real property, by affixing signage on the nuisance collection container. The dated notice will state that the nuisance collection container will be removed and impounded within seven days of the posting of the notice, unless the nuisance conditions are fully corrected to the satisfaction of the zoning administrator in strict accordance with the requirements of this Section.
 - c. Following impoundment, the Development Administrator or his/her designee will provide written notice to any reasonably ascertainable permittee, owner of the nuisance collection container, and owner of the real property that:
 - i. The collection container has been impounded; and
 - ii. If the collection container is not claimed within 180 days of impoundment, the City will be authorized to dispose of the collection container and its contents in accordance with the Law Enforcement Disposition of Property Act, 765 ILCS 1030/3, or in any other lawful manner.
 - d. The permittee, the owner of the nuisance collection container, and the owner of the real property hosting the nuisance collection container are jointly and severally liable for the reasonable costs of removal, storage, and disposal incurred by the City.
 - e. The impounded collection container can be recovered only after the violation is corrected to the satisfaction of the zoning administrator in strict accordance with the requirements of this Section, all outstanding final code violation fines, if

any, have been paid in full, and a \$150.00 administrative processing fee is paid in full.

5. Penalty. Any person violating any provision of this Section shall be subject to a penalty as provided in Article 11 of this Chapter. Each day that a violation exists shall be considered a separate violation of this Chapter.

17.3012 Telecommunications

A. Personal Wireless Facilities

1. Special Use Permit Required: No person shall establish, construct, maintain, or operate a personal wireless service facility other than on municipal owned property without first obtaining a Special Use permit authorized and issued by the City Council in accordance with the standards and procedures set forth in this Chapter.
2. Purpose: The purpose of this Section (17.3012) is to establish a comprehensive set of regulations pertaining to the location, siting, development, design and permitting of wireless communications facilities for all districts in the City in order to:
 - a. Facilitate the development of a wireless communications infrastructure in the City for commercial, public and emergency uses;
 - b. Encourage the collocation of wireless communications facilities;
 - c. Encourage users of wireless communications facilities to configure them in a manner which minimizes the adverse visual impact of such facilities;
 - d. Enhance the ability of the providers of wireless communications services to provide such services to the community quickly, efficiently, and effectively;
 - e. Establish the rules and procedures for approving zoning applications for wireless communication facilities; and
 - f. Minimize the total number of wireless communication facilities in the City.
3. Scope: The provisions of this Section (17.3012) shall apply to all personal wireless service facilities, whether such facilities are used as a principal use or as an accessory use unless otherwise exempted from these regulations.
 - a. Preexisting Towers Or Antennas: Towers and antennas existing on the date this Section (17.3012) is adopted shall not be required to meet the requirements of this Chapter other than the requirements of Subsections 17.3012.A.5.e, 17.3012.A.5.f, 17.3012.A.5.g.
 - b. AM Array: For purposes of implementing this Chapter, an AM array, consisting of one or more towers united and supporting a ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers including the AM array. Additional towers may be added within the perimeter of the AM array by right.
4. Exemptions: The following uses and activities are exempt from the regulations of this Section (17.3012):
 - . Satellite dishes forty inches (40") or less in diameter or diagonal measurement.
 - a. Existing towers and antennas and any repair, reconstruction, or maintenance of these facilities which do not create a significant change in visual impact.
 - b. Any tower or installation of any antenna which is owned and operated by a federally licensed amateur radio station operator as part of the amateur radio service, citizens band radio, or is used exclusively for receive-only antennas.
 - c. Antennas and equipment and other apparatus completely located within an existing structure whose purpose is to enhance or facilitate communication function of other structures on the site.

- d. Personal wireless service facilities located on property owned, leased or otherwise controlled by the City provided a lease or license authorizing such personal wireless service facilities has been approved by the City Council.
 - e. Antenna not attached to a tower and incorporating stealth design amateur radio operation/receive-only antennas. This Chapter shall not govern any towers or the installation of any antenna that is fifty (50) or less feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas. No receive-only antenna shall exceed the highest point on the nearest residential rooftop of a dwelling by more than ten feet (10').
5. Operational Standards
- a. Equipment: Mobile or immobile equipment not used in direct support of a personal wireless service facility shall not be stored or parked on the site of a personal wireless service facility unless repairs to such facility are being made. Backup generators shall be operated only during power outages and for testing and maintenance purposes. Noise attenuation measures shall be included to reduce noise levels. Testing and maintenance of generators shall occur only on weekdays between the hours of eight o'clock (8:00) A.M. and five o'clock (5:00) P.M.
 - b. Lighting: No signals or lights or illumination shall be permitted on a personal wireless service facility unless required by the federal communications commission (FCC), the federal aviation administration (FAA), or the City. If illumination is required, the illumination alternative and design chosen must cause the least disturbance to the surrounding views.
 - c. Signs: No personal wireless service facility shall be used or serve as a sign or bear the advertising emblem or logo other than the name of the manufacturer or provider in letters or graphics not to exceed four inches (4") in height, or those required by the FCC.
 - d. Aesthetics: Towers and antennas shall comply with the following requirements:
 - i. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - ii. At a tower site, the design of the buildings and related structure shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural settings and surrounding buildings.
 - iii. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - e. Antennas On Existing Structures: Any antenna which is not attached to a tower may be approved by the City as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of twenty four (24) or more dwelling units, provided:
 - i. The antenna does not extend more than thirty feet (30') above the highest point of the structure;
 - ii. The antenna complies with all applicable FCC and FAA regulations;
 - iii. The antenna complies with all applicable building codes and safety standards as referenced in Subsection 17.3012.A.5.g; and
 - iv. The antenna utilizes stealth design.

- f. Antennas On Existing Towers: An antenna which is attached to an existing tower may be approved by the City and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:
 - i. Modification Or Reconstruction: A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the City allows reconstruction as a monopole.
 - ii. Height:
 - (1) An existing tower may be modified or rebuilt to a taller height, not to exceed thirty feet (30') over the tower's existing height, to accommodate the collocation of an additional antenna provided the total height shall not exceed one hundred fifty feet (150').
 - (2) The height change referred to in this Subsection may only occur once per communication tower.
 - (3) The additional height referred to in Subsection 17.3012.A.5.f.ii.(1) shall not require a distance separation. The tower's premodification height shall be used to calculate such distance separations.
 - iii. On Site Location:
 - 1. A tower which is being rebuilt to accommodate the collocation of additional antenna may be moved on site within fifty feet (50') of its existing location.
 - 1. After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.
 - 2. A relocated on site tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers. The relocation of tower hereunder shall in no way be deemed to cause a violation of this Chapter.
- g. Building Codes/Safety Standards: To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in the current and applicable state or local building codes and the applicable standards to towers that are published by the Electronic Industry Association, as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to person or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within the thirty (30) day period shall constitute grounds for removal of the tower or antenna at the owner's expense.
- h. Franchises: Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communications system in the City have been obtained and shall file a copy of all required franchises with the City.
- i. Inventory Of Existing Sites: Each applicant for an antenna and/or tower shall provide the development administrator an inventory of its existing towers, antennas, or sites approved for towers and antennas, that are either within the jurisdiction of the City or within one and one-half (1 1/2) miles of the border thereof, including specific information about the location, heights, and design of each tower. The City

may share such information with other applicants applying for administrative approvals of Special Use permits under this Chapter or other organizations seeking to locate antennas within the jurisdiction of the City, provided, however that the City is not, by sharing such information, in any way representing or warranting such sites are available or suitable.

- j. Lot Size: For purposes of determining whether the installation of a tower or antenna complies with the district bulk regulations, including, but not limited to, setback requirement, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels or easements within such lot.
 - k. Measurement: For purposes of measurement, tower setback and tower separation distances shall be calculated and applied to facilities located in the City irrespective of municipal jurisdictional boundaries.
 - l. Multiple Antenna/Tower Plan: The City encourages all plans for tower and antenna sites to be submitted in a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.
 - m. Not Essential Services: Towers and antennas shall be regulated and permitted pursuant to this Chapter and shall not be regulated or permitted as essential services, public utilities, or private utilities.
 - n. Principal or Accessory Use: Antennas and towers may be considered principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
 - o. State or Federal Requirements: All towers must meet or exceed current standards or regulations of the FAA, the FCC, or any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Chapter shall bring such towers and antennas into compliance with such revised standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency.
6. Additional Application Requirements In addition to any information required for applications for Special Use permits pursuant to this Chapter, applicants for a Special Use permit for a personal wireless service facility shall submit the following information:
- a. A scaled site plan clearly indicating the location, type and height of the proposed tower, on site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), comprehensive plan designation of the site and all adjoining, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the development administrator to be necessary to assess compliance with this Chapter.
 - b. Legal description of the parent tract and leased parcel (if applicable).
 - c. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
 - d. The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section 17.3012.A.5.i shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
 - e. A landscape plan showing specific landscape materials.
 - f. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

- g. A description of compliance with Section 17.3012.A.5.g and all applicable federal, state or local laws.
 - h. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
 - i. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.
 - j. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
 - k. A description of the feasible location(s) of future towers or antennas within the City based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
7. Factors Considered In Granting Special Use Permit For Towers In addition to any standards for consideration of Special Use permit applications pursuant to this Section, the Community Development Commission shall consider the following factors in determining whether to issue a Special Use permit, although the community development commission may waive or reduce the burden on the application of one or more of these criteria if the community development commission concludes that the goals of this Chapter are better served thereby:
- a. Height of the proposed tower;
 - b. Proximity of the tower to residential structures and residential district boundaries;
 - c. Nature of uses on adjacent and nearby properties;
 - d. Surrounding topography;
 - e. Surrounding tree coverage and foliage;
 - f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - g. Proposed ingress and egress; and
 - h. Availability of suitable existing towers, other structures, or stealth design. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the community development commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the community development commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
 - i. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
 - ii. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - iii. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - iv. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - v. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure

- for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- vi. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - vii. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
8. Term Limitation. Unless otherwise provided by ordinance, every special use permit for a personal wireless services antenna or antenna support structure is subject to the following conditions:
 - a. where the provider of personal wireless services is not the owner of the land on which such antenna or structure is located, the term of the special use permit is limited to the term of the lease or other agreement granting rights to use the land; and
 - b. the special use permit shall be subject to review by the City Council, at ten year intervals, to determine whether the technology in the provision of personal wireless services has changed such that the necessity for the special use permit at the time of its approval has been eliminated or modified, and whether the special use permit should be modified or terminated as a result of any such change.
 9. Abandonment and Removal. When one or more antennas, an antenna support structure, or related equipment are not operated for the provision of personal wireless services for a continuous period of twelve months or more, such antenna, antenna support structure, or related equipment may be deemed to be abandoned and must be removed. The City will be entitled to remove such an antenna, antenna support structure, or related equipment if the owner does not remove such items within ninety (90) days following the mailing of written notice that removal is required. Such notice shall be sent by certified or registered mail, return receipt requested, by the City to such owner at the last known address of such owner. If two or more providers of personal wireless services use the antenna support structure or related equipment to provide personal wireless services, then the period of non-use under this provision shall be measured from the cessation of operation at the location of such antenna support structure or related equipment by all such providers.
 10. Security Fund. The owner of every personal wireless services antenna will establish a security fund in a form and in an amount as set forth in this Subsection 17.3012.A.10. The security fund will serve as security for the removal of the antenna. The security fund will be continuously maintained in accordance with this Subsection at the owner's sole cost and expense until the antenna is removed.
 - a. Form. The owner will provide the security fund to the City in the form of cash, unconditional letter of credit, or surety bond, in a form acceptable to the City.
 - b. Amount. The dollar amount of the security fund shall be equal to the City Engineer's reasonable estimated removal cost for the antenna.
 - c. Withdrawals. Following a removal notice provided under Section 17.3012.A.9, the City may withdraw an amount from the security fund, provided that the owner or operator has not removed the antenna within the 90-day notice period.
 - d. Return. Upon removal of the antenna, the City will return the security fund, or such portion remaining on deposit, to the owner within a reasonable time after account is

taken for all offsets necessary to compensate the Village for the owner's failure to remove the antenna upon notice provided by Section 17.3012.A.9.

- e. Rights not limited. The rights reserved to the City with respect to the security fund are in addition to all other rights of the City, whether reserved by this Subsection or otherwise authorized by law, and no action, proceeding or exercise of right with respect to said security fund will affect any other right the City may have.
11. Insurance. The operator of every personal wireless services antenna must deliver to the Zoning Administrator, on an annual basis, proof of public liability insurance covering the facility in an amount not less than One Million Dollars (\$1,000,000.00) by an Illinois registered and licensed insurance company with an AM Best rating of not less than A-VIII.

B. Definitions: Definitions for this Section 17.3012 and this Article shall be as follows:

1. ANCILLARY BUILDING: The building(s), cabinet(s), vault(s), closure(s) and equipment required for operation of telecommunication systems, including, but not limited to, repeaters, equipment housing, relay equipment, ventilation and other electrical and mechanical equipment.
2. ANTENNA: A device commonly in the form of a metal rod, wire panel or dish, for transmitting or receiving electromagnetic radiation. An antenna is typically mounted on a supporting tower, pole, mast, building, or other structure.
3. COLLOCATION: The placement of two (2) or more antenna systems or platforms by separate FCC license holders on a structure such as a support structure, building, water tank, or utility pole.
4. GUYED TOWER: A tower that is supported by the use of cables (guywires) which are permanently anchored.
5. LATTICE TOWER: A tower characterized by an open framework of lateral cross members which stabilize the tower.
6. MAST: A vertical element consisting of a tube or rod which supports an antenna.
7. MONOPOLE: A single upright pole engineered to be self-supporting and does not require lateral cross supports or guys.
8. PERSONAL WIRELESS SERVICE FACILITIES: Facilities for the provision of personal wireless services.
9. PERSONAL WIRELESS SERVICES: Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.
10. STEALTH DESIGN: A personal wireless service facility that is designed or located in such a way that the antennas and/or towers are camouflaged, concealed, disguised and otherwise not readily recognizable as telecommunications equipment. Examples of stealth design include concealing antenna in clock towers, bell steeples, on light poles, and integrating antenna into architectural elements on buildings by color, shape or location on the building.
11. TOWER: A vertical framework of cross elements that supports either an antenna, mast, or both.
12. UNLICENSED WIRELESS SERVICE: The offering of telecommunications services using duly authorized devices which do not require individual licenses issued by the FCC, but does not mean the provision of direct to home satellite services as defined by the FCC.
13. WIRELESS COMMUNICATION FACILITY: An unstaffed facility for the transmission or reception of radio frequency (RF) signals, usually consisting of an equipment shelter, cabinet or other enclosed structure containing electronic equipment, a support

structure, antennas or other transmission and reception devices. Amateur radio facilities and facilities used exclusively for the transmission of television and radio signals are not considered wireless communication facilities.

14. WIRELESS COMMUNICATION FACILITY, ATTACHED: A wireless communication facility that is affixed to an existing structure, e.g., an existing building wall or roof, mechanical equipment, tower or pole, water tank, utility pole, or light pole, that does not include an additional wireless communication support structure.
15. WIRELESS COMMUNICATION SUPPORT STRUCTURE: A new structure, tower, pole or mast erected to support wireless communication antennas and connecting appurtenances. Support structure types include, but are not limited to, monopoles, lattice towers, wood poles and guyed towers.

Article IV: Development Districts

17.401 Establishment of Districts:

In order to carry out the purpose and provisions of this chapter, the city of Wood Dale is hereby divided into the following development districts:

- A. **Estate Residential District (R-1):** The Estate Residential District provides and maintains areas of development at lowest density single-family detached residences in the City, on generally uniform lots. This District is intended for the exclusive development of larger lot detached single-family residences.
- . **Large Lot Single-Family District (R-2):** The Large Lot Single-Family District provides and maintains areas for development of lower density single-family detached residences on generally uniform lots. This District is intended for the exclusive development of detached single-family residences.
- A. **Single-Family District (R-3):** The Single-Family District provides and maintains areas for development of moderate density single-family detached residences in a neighborhood setting. This District is intended for the exclusive development of detached single-family residences.
- B. **Medium Density Single-Family District (R-4):** The Medium Density Single-Family District provides standards for development and maintenance of residential neighborhoods. This District is comprised predominantly of single-family detached dwellings in character and appearance.
- C. **General Residential (R-G):** The General Residential District provides standards for development and maintenance of a range of housing in a residential neighborhood. The District is predominantly single-family attached dwellings and multiple-family buildings in character and appearance. The mix of these housing types and densities provides the opportunity for more residents to live near and readily access businesses, transportation and entertainment amenities.
- D. **Town Center Business (TCB):** The Town Center Business District promotes and maintains areas for commercial, residential, and mixed-use development near the center of the City, generally as depicted on Zoning Map, and centered on the intersection of Irving Park Road and Wood Dale Road. The TCB accommodates active, communal, and experiential uses that serve and relate to one another, the City, and the Metra train station. These activities include various retail, office, governmental, institutional, public, residential, and cultural activities.
- E. **Neighborhood Commercial (C-1):** The Neighborhood Commercial District provides and maintains generally small-scale shopping and retail uses serving needs of those who live and work nearby. The C-1 District includes a mix of business, office, government and residential uses to encourage social, cultural and civic functions in the City. The C-1 District generally is located on Map X and generally located along Irving Park Road, incorporating transitional areas between commercial properties and their residential

neighbors. Vehicles and non-motorized transportation (pedestrians and bicyclists) should have convenient access to and within developments in the C-1 Neighborhood Commercial District.

- F. **Corridor Commercial District (C-2):** The Corridor Commercial District provides for and maintains a wide range of retail, dining, and service businesses that serve City residents and a regional market area. The C-2 District generally is located along arterial thoroughfares, and the uses are larger, more visible, and more auto oriented than other areas of the City. Vehicles and non-motorized transportation (pedestrians and bicyclists) should have convenient access to and within developments in the C-2 Corridor Commercial District.
- G. **Southeast Irving Park Corridor Commercial District (C-2a):** The C-2a Zoning District is a subset of the C-2 Corridor Commercial District, specifically located on the south side of Irving Park Road on the eastern edge of the City, as depicted on Zoning Map. Like the general C-2 District, the C-2a Southeast Irving Park Corridor Commercial District provides for a wide range of retail, dining, and service businesses. Development and design standards in C-2a District reflect the unique lot sizes and configurations in this area. Optimal development will use the full depth of land between Irving Park Road and the railroad right of way to create places with a sense of community and experience. Such larger lot developments facilitate activities, such as outdoor dining, and connectivity of developments along Irving Park Road that are created through design and site elements, like the existing alleyway to establish the C-2a District as a unified commercial area.
- H. **Service/Commercial District (C-3):** The Service/Commercial District provides for uses that meet business and service needs of local residents and businesses. These uses may include moderately intensive commercial and service activities such as auto repair and light industrial functions that are smaller in scale and have a low-impact on neighboring properties through proper site planning and architectural design.
- I. **Industrial/Business Park District (I-1):** The Industrial/Business Park District promotes and supports a variety of manufacturing, warehousing, distribution, logistics, and office uses in a business park setting. The I-1 District contains development standards consistent with the types of employment uses attracted to the area by the City's proximity to O'Hare Airport and Illinois Route 390.
- J. **Thorndale Corridor Corporate (TCC) Overlay District**
The Thorndale Corridor Corporate (TCC) District is established to provide and maintain a thriving, first class corporate environment with a mix of uses that support a range of business activities. The district is generally located along Wood Dale Road and the Illinois 390 (currently Thorndale Avenue) near the planned location of the western terminal of O'Hare International Airport. The map symbol and short name for this district shall be "TCC".

The district will provide the City with economic development opportunities in close proximity to the airport, expressway corridor and area businesses. It should be planned, designed and developed according to the City's Thorndale Corridor Master Plan (approved in 2009) as an attractive transit-oriented, mixed-use business setting that fosters interaction between land

uses and buildings, facilitates pedestrian activity and transit use and reduces vehicle trips on area roadways.

- K. **Thorndale Interchange Overlay (TIO) District:** The Thorndale Interchange Overlay (TIO) District provides and maintains a thriving, first class business park environment that supports a range of business activities. The TCO functions as an overlay, adding regulations to the I-1 Industrial/Business Park District and C-2 Commercial Corridor District to enhance the character and quality of development in this unique area of the Wood Dale. The overlay is located generally at the IL-390 and Wood Dale Road Interchange, as depicted on the Zoning Map.

Development in the Overlay area and the standards for that development will expand economic opportunity in the City given its proximity to O’Hare Airport, the expressway system and area businesses. Uses and new development in the TIO are to be planned, designed, and developed in keeping with City’s Comprehensive Plan for an attractive mixed-use business setting that fosters synergy between land uses and buildings, facilitates pedestrian activity, and supports economic development.

Table 4-1: Table of Bulk, Area and Yard Regulations (See Additional Regulations for each District)

District	Minimum Lot Area (sf)	Minimum Lot Width (ft)	Min. Lot Depth (ft.)	Min. Front Yard Setback (ft)	Min. Corner Side Yard Setback (ft)	Minimum Side Yard Setback (ft)	Minimum Rear Yard Setback (ft)	Maximum Lot Coverage	Maximum Building Height
R-1	15,000	100 ft.	150 ft.	25 ft.	25 ft.	Lesser of 10% of lot depth or 10 ft.	30 ft.	40%	30 ft.
R-2	10,000	80 ft.	125 ft.	25 ft.	25 ft.	Lesser of 10% of lot depth or 10 ft.	30 ft.	40%	30 ft.
R-3	8,625	65 ft.	130 ft.	25 ft.	25 ft.	Lesser of 10% of lot depth or 10 ft.	30 ft.	40%	30 ft.
R-4	7,500	50 ft.	150 ft.	25 ft.	25 ft.	Lesser of 10% of lot depth or 10 ft.	30 ft.	40%	30 ft.
R-G (Multi-Fam.) (See Table)	6,000	65 ft. (80 ft. for Corner Lot)	90 ft.	25 ft.	65 ft.	10 ft.	30 ft.	80%	65 ft.

4-2 for others)									
District	Minimum Lot Area (sf)	Maximum Lot Width (ft)	Min. Lot Depth (ft.)	Min. Front Yard Setback (ft)	Min. Corner Side Yard Setback (ft)	Minimum Side Yard Setback (ft)	Minimum Rear Yard Setback (ft)	Maximum Lot Coverage	Maximum Building Height
TCB	20,000	100 ft.	120 ft.	60 ft.	5 ft.	5 ft.	25 ft.	80%	50 ft.
C-1	19,000	100 ft.	120 ft.	60 ft.	5 ft.	5 ft.	25 ft.	80%	40 ft.
C-2	50,000	100 ft.	120 ft.	80 ft.	80 ft.	5 ft.	25 ft.	40%	30 ft.
C-2a	29,000	120 ft.	125 ft.	Front Yard Build-to Line: 8 ft.	5 ft.	-	25 ft.	80%	40 ft.
C-3	15,000	100 ft.	150 ft.	Average Front Yard Setback	5 ft.	5 ft.	0 ft.	70%	30 ft.
I-1	2 acres	200 ft.	-	40 ft.	20 ft.	20 ft.	20 ft.	80%	45 ft.
TCC	Per	Underlying	Zoning	District					
TIO	20 acres	Per PUD	Per PUD	Per PUD	Per PUD	Per PUD	Per PUD	Per PUD	60 ft. or per PUD

17.402 Residential Districts

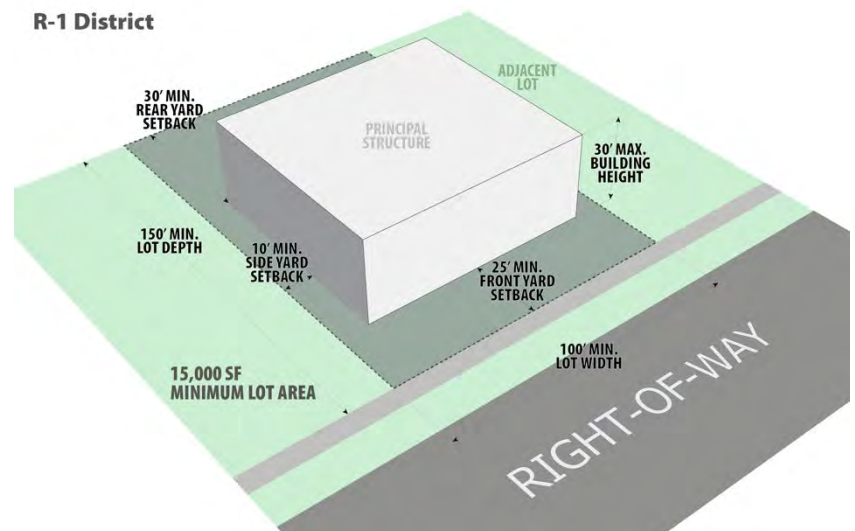
A. Estate Residential District (R-1)

1. **Purpose:** The Estate Residential District provides and maintains areas of development at lowest density single-family detached residences in the City, on generally uniform lots. This District is intended for the exclusive development of larger lot detached single-family residences.
2. **Permitted Uses:** Permitted uses in the R-1 District shall be as listed in the Table of Permitted Uses (Table 4-5).
3. **Special Uses:** Special Uses in the R-1 District shall be as listed in the Table of Permitted Uses (Table 4-5).
4. **Parking Requirements:** Parking requirements in the R-1 District shall be as specified in Article 5.
5. **Bulk Space and Yard Regulations:** Bulk regulations in the R-1 District shall be as specified in Table 4-1 and illustrated here.

Estate Residential District (R-1)	
Minimum Lot Area (sq. ft.)	15,000 SF
Minimum Lot Width at front yard line (ft.)	100 ft
Minimum Lot Depth	150 ft
Minimum Front Yard Setback (ft.)	25 ft
Minimum Corner Side Yard Setback (ft.)	25 ft
Minimum Side Yard (ft.)	10% of lot width or 10 ft, whichever is less
Minimum Rear Yard	30 ft
Maximum Lot Coverage	40%
Maximum Building Height	30 ft

6. Additional Standards

- a. Lot width: On a corner lot, minimum lot width shall be 115 feet.
- b. Side yard: On a corner lot, the corner side setback shall be 25 feet.
- c. Lot Coverage: Up to an additional 10 percent lot coverage may be granted by the Development Administrator when a stormwater management system to capture rain runoff beyond that required by this Code is installed and maintained on the property.



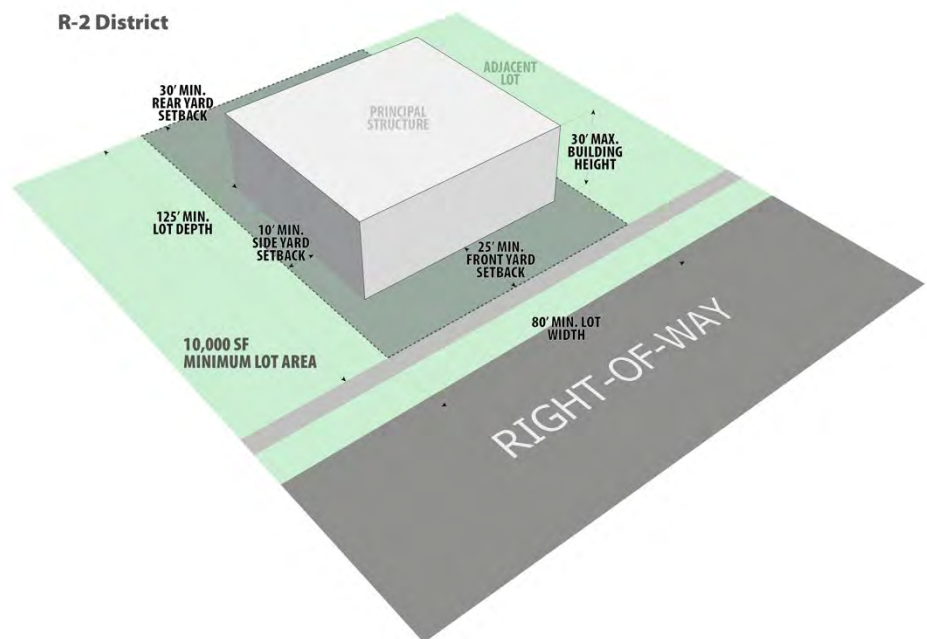
B. Large Lot Single-Family District (R-2)

1. **Purpose:** The Large Lot Single-Family District provides and maintains areas for development of lower density single-family detached residences on generally uniform lots. This District is intended for the exclusive development of detached single-family residences.
2. **Permitted Uses:** Permitted uses in the R-2 District shall be as listed in the Table of Permitted Uses (Table 4-5).
3. **Special Uses:** Special Uses in the R-2 District shall be as listed in the Table of Permitted Uses (Table 4-5).
4. **Parking Requirements:** Parking requirements in the R-2 District shall be as specified in Article 5.
5. **Bulk Space and Yard Regulations:** Bulk regulations in the R-2 District shall be as specified in Table 4-1 and illustrated here.

Large Lot Single-Family District (R-2)	
Minimum Lot Area (sq. ft.)	10,000 SF
Minimum Lot Width at front yard line (ft.)	80 ft
Minimum Lot Depth	125 ft
Minimum Front Yard Setback (ft.)	25 ft
Minimum Corner Side Yard Setback (ft.)	25 ft
Minimum Side Yard (ft.)	10 ft or 10% of lot width, whichever is less
Minimum Rear Yard	30 ft
Maximum Lot Coverage	40%
Maximum Building Height	30 ft

6. **Additional Standards**

- a. Lot width: On a corner lot, minimum lot width shall be 95 feet.
- b. Side yard: On a corner lot, the corner side setback shall be 25 feet.
- c. Lot Coverage: Up to an additional 10 percent lot coverage may be granted by the Development Administrator when a stormwater management system to capture rain runoff beyond that required by this Code is installed and maintained on the property.



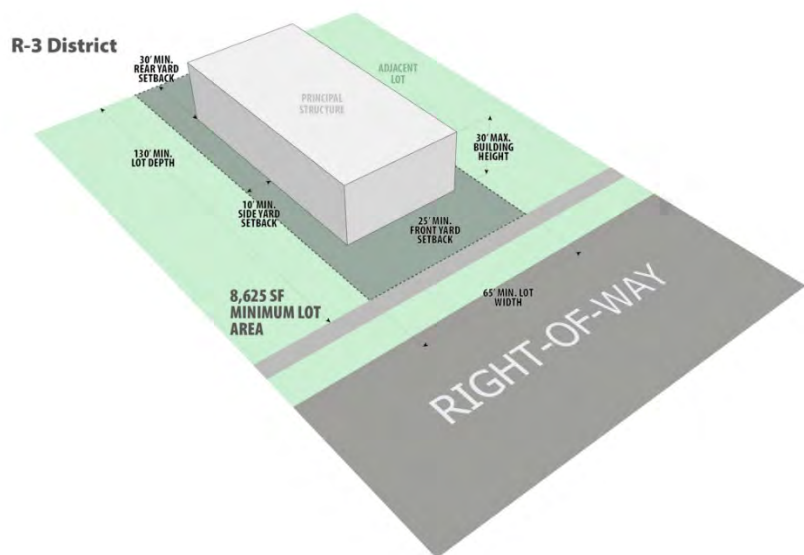
C. Single-Family District (R-3)

1. **Purpose:** The Single-Family District provides and maintains areas for development of moderate density single-family detached residences in a neighborhood setting. This District is intended for the exclusive development of detached single-family residences.
2. **Permitted Uses:** Permitted uses in the R-3 District shall be as listed in the Table of Permitted Uses (Table 4-5).
3. **Special Uses:** Special Uses in the R-3 District shall be as listed in the Table of Permitted Uses (Table 4-5).
4. **Parking Requirements:** Parking requirements in the R-3 District shall be as specified in Article 5.
5. **Bulk Space and Yard Regulations:** Bulk regulations in the R-3 District shall be as specified in Table 4-1 and illustrated here.

Single-Family District (R-3)	
Minimum Lot Area (sq. ft.)	8,625 SF
Minimum Lot Width at front yard line (ft.)	65 ft
Minimum Lot Depth	130 ft
Minimum Front Yard Setback (ft.)	25 ft
Minimum Corner Side Yard Setback (ft.)	25 ft
Minimum Side Yard (ft.)	10 ft or 10% of lot width, whichever is less
Minimum Rear Yard	30 ft
Maximum Lot Coverage	40%
Maximum Building Height	30 ft

6. **Additional Standards**

- a. Lot width: On a corner lot, minimum lot width shall be 80 feet.
- b. Side yard: On a corner lot, the corner side setback shall be 25 feet.
- c. Lot Coverage: Up to an additional 10 percent lot coverage may be granted by the Development Administrator when a stormwater management system to capture rain runoff beyond that required by this Code is installed and maintained on the property.



D. Medium Density Single-Family District (R-4)

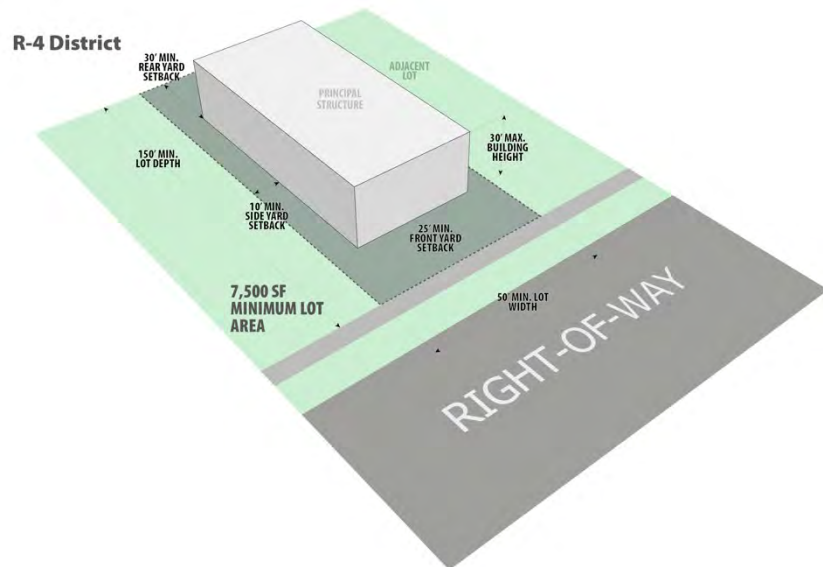
1. **Purpose:** The Medium Density Single-Family District provides standards for development and maintenance of residential neighborhoods. This District is comprised predominantly of single-family detached dwellings in character and appearance.
2. **Permitted Uses:** Permitted uses in the R-4 District shall be as listed in the Table of Permitted Uses (Table 4-5).
3. **Special Uses:** Special Uses in the R-4 District shall be as listed in the Table of Permitted Uses (Table 4-5).
4. **Parking Requirements:** Parking requirements in the R-4 District shall be as specified in Article 5.

Medium Density Single-Family District (R-4)	
Minimum Lot Area (sq. ft.)	7,500 SF
Minimum Lot Width at front yard line (ft.)	50 ft
Minimum Lot Depth	150 ft.
Minimum Front Yard Setback (ft.)	25 ft
Minimum Corner Side Yard Setback (ft.)	25 ft
Minimum Side Yard (ft.)	10% of lot width or 10 ft, whichever is less
Minimum Rear Yard	30 ft
Maximum Lot Coverage	40%
Maximum Building Height	30 ft

5. **Bulk Space and Yard Regulations:** Bulk regulations in the R-4 District shall be as specified in Table 4-1 and illustrated here.

6. **Additional Standards**

- a. Lot width: On a corner lot, minimum lot width shall be 65 feet.
- b. Side yard: On a corner lot, the corner side setback shall be 25 feet.
- c. Lot Coverage: Up to an additional 10 percent lot coverage may be granted by the Development Administrator when a stormwater management system to capture rain runoff beyond that required by this Code is installed and maintained on the property.
- d. Corner Side Yard: The corner side setback may be reduced by the Development Administrator when a house no more than 30 feet in width is constructed.



E. General Residential (R-G)

1. **Purpose:** The General Residential District provides standards for development and maintenance of a range of housing in a residential neighborhood. The District is predominantly single-family attached dwellings and multiple-family buildings in character and appearance. The mix of these housing types and densities provides the opportunity for more residents to live near and readily access businesses, transportation and entertainment amenities.
2. **Permitted Uses:** Permitted uses in the RG District shall be as listed in the Table of Permitted Uses (Table 4-5).
3. **Special Uses:** Special Uses in the RG District shall be as listed in the Table of Permitted Uses (Table 4-5).
4. **Parking Requirements:** Parking requirements in the RG District shall be as specified in Article 5.
5. **Bulk Space and Yard Regulations:** Bulk regulations in the RG District shall be as specified in Table 4-2.
6. **Additional Standards:** Side yard: Provide additional 5 feet for each additional story over 2 stories in height.

TABLE 4-2: General Residential (R-G)					
	Single Family Detached	Duplex / Two Family	SF Attached (Townhome)	Multiple Family	Non - Residential
Minimum Lot Area (sq. ft.)	7,500 SF	8,620 SF	8,225 SF	6,000 SF	10,000
Minimum Lot Width at front yard line (ft.)	60 ft	75 ft	75 ft	65 ft	75 ft
Minimum Lot Width, Corner lot (ft.)	90 ft	90 ft	90 ft	80 ft	90 ft.
Minimum Lot Depth	115 ft	115 ft	110 ft	90 ft	90 ft.
Minimum Front Yard Setback (ft.)	25 ft	25 ft	25 ft	25 ft	25 ft.
Minimum for each Side Yard per (ft.)	10 ft or 10% of lot width, whichever is less	10 ft or 10% of lot width, whichever is less	10 ft (see Additional Standards Subsection 6)	10 ft (see Additional Standards Subsection 6)	15 feet (see Additional Standards Subsection 6)
Minimum Rear Yard	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.
Maximum Lot Coverage	40%	80%	80%	80%	80%
Maximum Building Height	30 ft	30 ft	30 ft	65 ft	60 ft.
Maximum Density (du/acre)	-	-	16.0 du/acre	45 du/acre	-

17.403 COMMERCIAL DISTRICTS

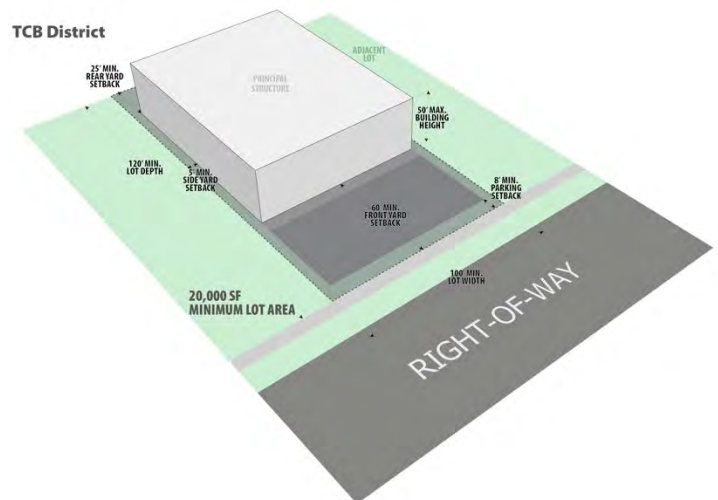
A. Town Center Business (TCB)

1. **Purpose:** The Town Center Business District promotes and maintains areas for commercial, residential, and mixed-use development near the center of the City, generally as depicted on Zoning Map, and centered on the intersection of Irving Park Road and Wood Dale Road. The TCB accommodates active, communal, and experiential uses that serve and relate to one another, the City, and the Metra train station. These activities include various retail, office, governmental, institutional, public, residential, and cultural activities.
2. **Permitted Uses:** Permitted Uses in the TCB District shall be as listed in the Table of Permitted Uses (Table 4-5).
3. **Special Uses:** Special Uses in the TCB District shall be as listed in the Table of Permitted Uses (Table 4-5).
4. **Parking Requirements:** Parking requirements in the TCB District shall be as specified in Article 5.
5. **Bulk Space and Yard Regulations:** Bulk regulations in the TCB District shall be as specified in Table 4-1 and illustrated here.

TCB Town Center Business District	
Minimum Lot Area (sq. ft.)	20,000 SF
Minimum Lot Width at front yard line (ft.)	100 ft
Minimum Lot Depth	120 ft
Minimum Front Yard Setback (ft.)	60 ft. (see Additional Standards Subsection 6b)
Minimum Side Yard Setback (ft.)	5 ft. (see Additional Standards Subsection 6c)
Minimum Corner Side Yard Setback (ft.)	5 ft. (see Additional Standards Subsection 6c)
Minimum Rear Yard Setback (ft.)	25 ft.
Maximum Lot Coverage	80%
Maximum Building Height (ft.)	50 ft. (see Additional Standards Subsection 6a)
Transitional Yard	Additional Standards (Subsection 6d and 6e)

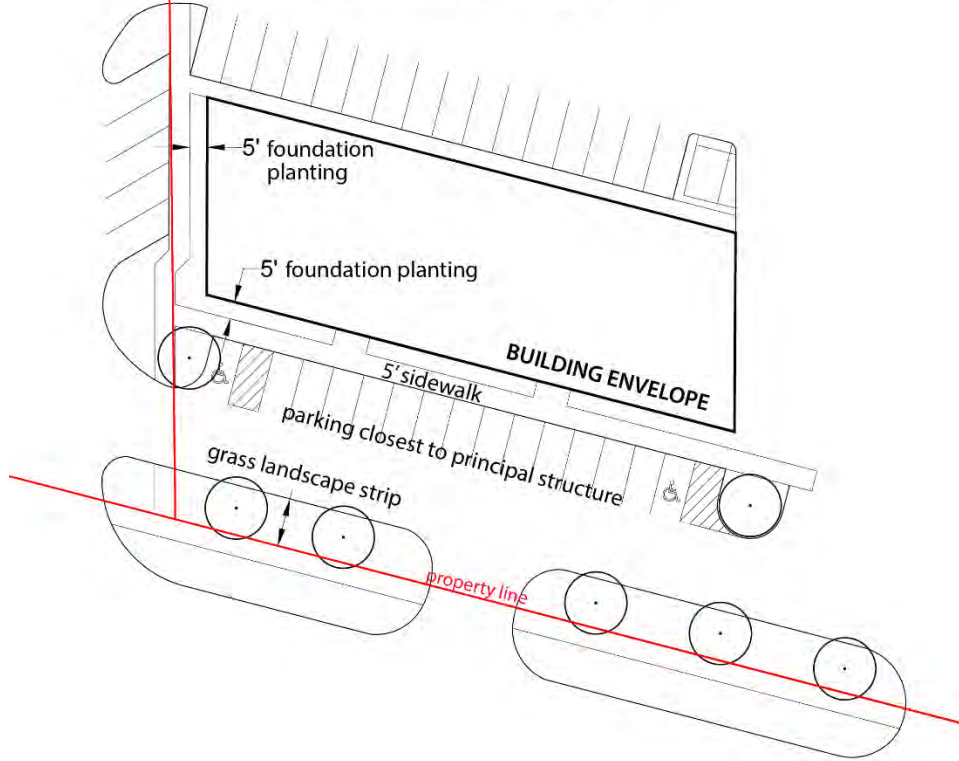
6. Additional Standards

- a. **Building Height.** The maximum building height may be up to 65 feet if approved by the City Council as a Planned Unit Development.
- b. **Front Yard Parking Setback:** Any part of a parking lot (including but not limited to drive areas or parking areas) shall be setback a minimum of 8 feet from the Front Lot Line.
- c. **Side Yards:**



- i. No Side Yard Setback is required for common wall construction.
 - ii. An additional 5 feet Side Yard and Corner Side Yard setback shall be provided for each additional story over 2 stories in height.
 - iii. When public sidewalks are permitted by the City to be located on private property, the 5 foot Corner Side Yard shall be measured from closest point of such sidewalk to the principal structure.
- d. Transitional Landscaping between differing land uses shall be as required in Article 6: Landscaping and Tree Preservation, Sections 17.604.B.2 and 17.604.D.
- e. Transitional Yard Exception: Where individual parking spaces are located in the rear, side, or corner-side yard and directly accessed from an alley, transitional parking lot requirements in Article 6: Landscaping and Tree Preservation, of this Chapter shall not apply. However, architectural design of the building front should be copied or reflected on the building rear.
- f. Pedestrian/Bicycle Access: For the safety of pedestrians and bicyclists, parking lots with more than two rows of parking shall:
 - i. Include paths connecting parking aisles to building or store entrances. Such paths may be provided as sidewalks or indicated by striping or changes in pavement.
 - ii. Install dedicated bicycle parking (as required by Article 5: Off-Street Parking and Loading) convenient to building entrances.
- g. Building Orientation:
 - i. Front facades of buildings shall be constructed parallel to the front property line.
 - ii. Buildings constructed with the side façade facing the front yard may be approved by the City as a Planned Unit Development.
- h. Landscaping and Site Design. In addition to the requirement of Article 6: Landscaping and Tree Preservation, development in the TCB District shall meet the following requirements (where standards differ, those in this Subsection shall apply):
 - i. A grass landscape strip with perimeter parking lot landscaping as required in Article 6 shall be located in the Front Yard Parking Setback specified in Subsection 6b above.
 - ii. Parking spaces shall be located on the drive aisle side closest the principal structure, in support of visitor safety, when only one row of parking is provided.
 - iii. A 5 foot sidewalk shall be provided between the parking area and principal structure to support pedestrian safety.
 - iv. A 5 foot foundation planting area shall be located along the front of the principal structure.
 - v. Where feasible, cross access to parking lots on adjacent properties is encouraged.
 - vi. All development in the TCB District shall require Site Plan Review.

Example of TCB Development Option



B. Neighborhood Commercial (C-1)

1. **Purpose:** The Neighborhood Commercial District provides and maintains generally small-scale shopping and retail uses serving needs of those who live and work nearby. The C-1 District includes a mix of business, office, government and residential uses to encourage social, cultural and civic functions in the City. The C-1 District generally is located along Irving Park Road, incorporating transitional areas between commercial properties and their residential neighbors. Vehicles and non-motorized transportation (pedestrians and bicyclists) should have convenient access to and within developments in the C-1 Neighborhood Commercial District.

2. **Permitted Uses:** Permitted uses in the C-1 District shall be as listed in the Table of Permitted Uses (Table 4-5).

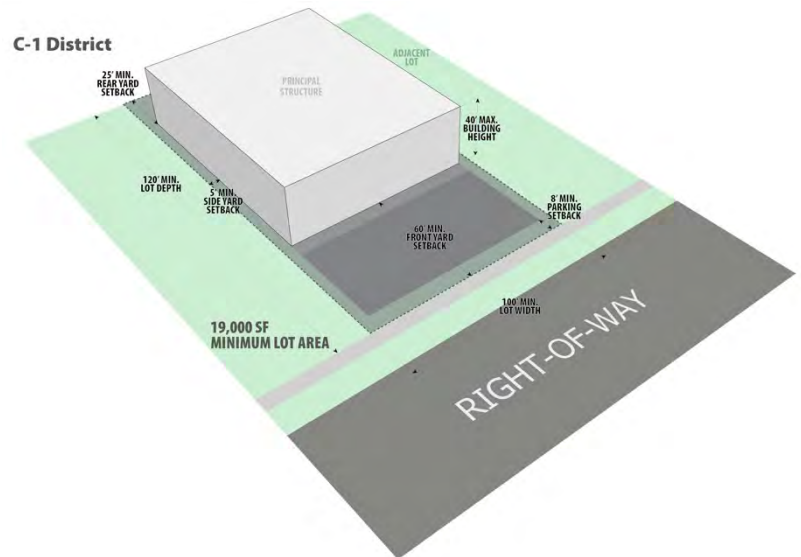
3. **Special Uses:** Special Uses in the C-1 District shall be as listed in the Table of Permitted Uses (Table 4-5).

4. **Parking Requirements:** Parking requirements in the C-1 District shall be as specified in Article 5.

5. **Bulk Space and Yard Regulations:** Bulk regulations in the C-1 District shall be as specified in Table 4-1 and illustrated here.

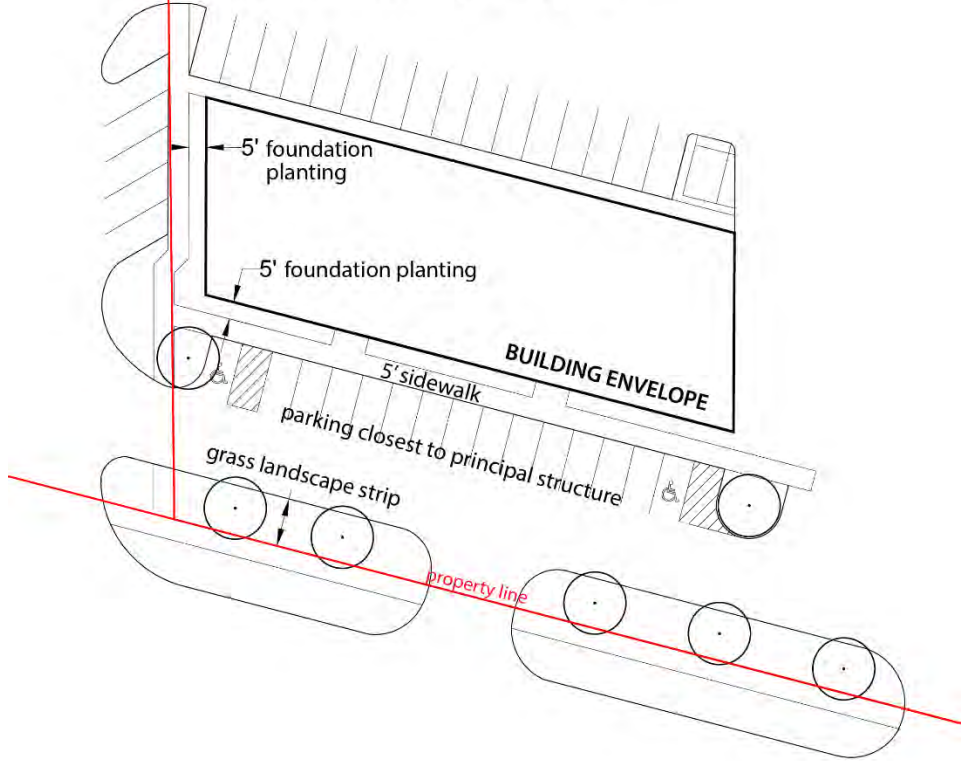
6. **Additional Standards**
- a. **Building Height.** The maximum building height may be up to 65 feet if approved by the City Council as a Planned Unit Development.
 - b. **Front Yard Parking Setback:** Any part of a parking lot (including but not limited to drive areas or parking areas) shall be setback a minimum of 8 feet from the Front Lot Line.

Neighborhood Commercial (C-1)	
Minimum Lot Area (sq. ft.)	19,000 SF
Minimum Lot Width at front yard line (ft.)	100 ft.
Minimum Lot Depth	120 ft
Minimum Front Yard Setback (ft.)	60 ft. (see Additional Standards Subsection 6b)
Minimum Side Yard Setback (ft.)	5 ft. (see Additional Standards Subsection 6c)
Minimum Corner Side Yard Setback (ft.)	5 ft. (see Additional Standards Subsection 6c)
Minimum Rear Yard	25 ft
Maximum Lot Coverage	80%
Maximum Building Height	40 ft (see Additional Standards Subsection 6a)
Transitional Yard	(see Additional Standards Subsection 6d)



- c. Side Yards
 - i. No Side Yard Setback is required for common wall construction.
 - ii. An additional 5 feet Corner Side Yard setback shall be provided for each additional story over 2 stories in height.
 - iii. When public sidewalks are permitted by the City to be located on private property, the 5 foot Corner Side Yard shall be measured from closest point of such sidewalk to the principal structure.
- d. Transitional Yard
 - i. Transitional Landscaping between differing land uses shall be as required in Article 6: Landscaping and Tree Preservation, Sections 17.604.B.2 and 17.604.D.
 - ii. Transitional Yard Exception: Where individual parking spaces are located in the rear, side, or corner-side yard and directly accessed from an alley, transitional parking lot requirements in Article 6: Landscaping and Tree Preservation, of this Chapter shall not apply. However, architectural design of the building front should be copied or reflected on the building rear
- e. Pedestrian/bicycle access: For the safety of pedestrians and bicyclists, parking lots with more than two rows of parking shall:
 - i. Include paths connecting parking aisles to building or store entrances. Such paths may be provided as sidewalks or indicated by striping or changes in pavement.
 - ii. Install dedicated bicycle parking (as required by Article 5: Off-Street Parking and Loading) convenient to building entrances.
- f. Building Orientation:
 - i. Front facades of buildings shall be constructed parallel to the front property line (as shown in the C-1 Development Option illustration).
 - ii. Buildings constructed with the side façade facing the front yard may be approved by the City as a Planned Unit Development.
- g. Landscaping and Site Design. In addition to the requirement of Article 6: Landscaping and Tree Preservation, development in the C-1 District shall meet the following requirements (where standards differ, those in this Subsection shall apply):
 - i. A grass landscape strip with perimeter parking lot landscaping as required in Article 6 shall be located in the Front Yard Parking Setback specified in Subsection 6b above.
 - ii. Parking spaces shall be located on the drive aisle side closest the principal structure, in support of visitor safety, when only one row of parking is provided.
 - iii. A 5 foot sidewalk shall be provided between the parking area and principal structure to support pedestrian safety.
 - iv. A 5 foot foundation planting area shall be located along the front of the principal structure.
 - v. Where feasible, cross access for vehicles to parking lots on adjacent properties is encouraged.

Example of C-1 Development Option



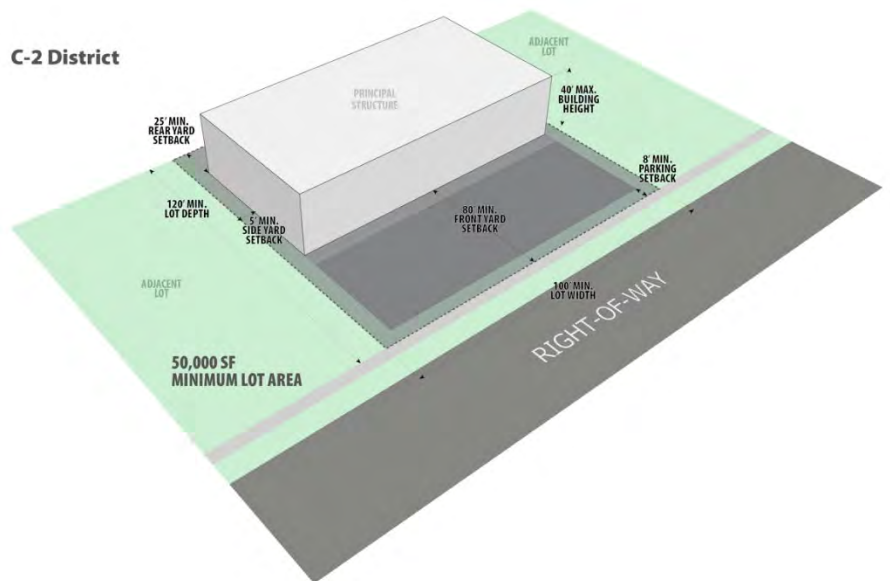
A.

C. Corridor Commercial District (C-2)

1. **Purpose:** The Corridor Commercial District provides for and maintains a wide range of retail, dining, and service businesses that serve City residents and a regional market area. The C-2 District generally is located along arterial thoroughfares, and the uses are larger, more visible, and more auto oriented than other areas of the City. Vehicles and non-motorized transportation (pedestrians and bicyclists) should have convenient access to and within developments in the C-2 Corridor Commercial District.
2. **Permitted Uses:** Permitted uses in the C-2 District shall be as listed in the Table of Permitted Uses (Table 4-5).
3. **Special Uses:** Special Uses in the C-2 District shall be as listed in the Table of Permitted Uses (Table 4-5).
4. **Parking Requirements:** Parking requirements in the C-2 District shall be as specified in Article 5.
5. **Bulk Space and Yard Regulations:** Bulk regulations in the C-2 District shall be as specified in Table 4-1 and illustrated here.

Corridor Commercial District (C-2)	
Minimum Lot Area (sq. ft.)	50,000 SF
Minimum Lot Width at front yard line (ft.)	100 ft.
Minimum Lot Depth	120 ft
Minimum Front Yard Setback (ft.)	80 ft. (see Additional Standards 6d)
Minimum Side Yard (ft.)	5 ft. (see Additional Standards 6b)
Minimum Rear Yard	25 ft.
Maximum Lot Coverage	80%
Maximum Building Height	40 ft (see Additional Standards 6a)
Transitional Yards	(see Additional Standards Subsection 6d)

6. **Additional Standards**
 - a. **Building Height.**
The maximum building height may be up to 60 feet if approved by the City Council as a Planned Unit Development.
 - b. **Front Yard Parking Setback:**
Any part of a parking lot (including but not



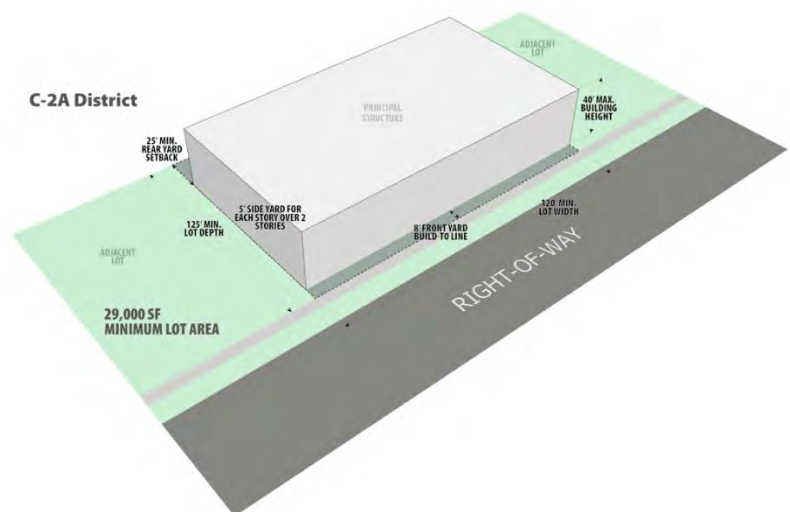
- limited to drive areas or parking areas) shall be setback a minimum of 8 feet from the front lot line.
- c. Side yards
 - i. No side yard is required for common wall construction.
 - ii. An additional 5 feet of setback shall be provided for each additional story over 2 stories in height.
 - iii. When public sidewalks are permitted by the City to be located on private property, the 5 foot Corner Side Yard shall be measured from closest point of such sidewalk to the principal structure.
 - d. Transitional Landscaping between differing land uses shall be as required in Article 6: Landscaping and Tree Preservation, Sections 17.604.B.2 and 17.604.D.
 - e. Pedestrian/bicycle access: For the safety of pedestrians and bicyclists, parking lots with more than two rows of parking shall:
 - i. Include paths connecting parking aisles to store entrances. Such paths may be provided as sidewalks or indicated by striping or changes in pavement.
 - ii. Install dedicated bicycle parking (as required by Article 5: Off-Street Parking and Loading) convenient to building entrances.
 - f. Landscaping and Site Design. In addition to the requirement of Article 6: Landscaping and Tree Preservation, development in the C-2 District shall meet the following requirements:
 - i. A grass landscape strip with perimeter parking lot landscaping as required in Article 6 shall be located in the Front Yard Parking Setback specified in Subsection 6b above.
 - ii. A 5 foot sidewalk shall be provided between the parking area and principal structure to support pedestrian safety.
 - iii. A 5 foot foundation planting area shall be located along the front of the principal structure.
 - iv. Where feasible, cross access to parking lots on adjacent properties is encouraged.

D. Southeast Irving Park Corridor Commercial District (C-2a)

1. **Purpose:** The C-2a Zoning District is a subset of the C-2 Corridor Commercial District, specifically located on the south side of Irving Park Road on the eastern edge of the City, as depicted on Zoning Map. Like the general C-2 District, the C-2a Southeast Irving Park Corridor Commercial District provides for a wide range of retail, dining, and service businesses. Development and design standards in C-2a District reflect the unique lot sizes and configurations in this area. Optimal development will use the full depth of land between Irving Park Road and the railroad right of way to create places with a sense of community and experience. Such larger lot developments facilitate activities, such as outdoor dining, and connectivity of developments along Irving Park Road that are created through design and site elements, like the existing alleyway to establish the C-2a District as a unified commercial area.

Corridor Commercial District – SE IPR (C-2a)	
Minimum Lot Area (sq. ft.)	29,000 SF
Minimum Lot Width at front yard line (ft.)	120 ft.
Minimum Lot Depth	125 ft.
Front Yard Build-to Line	8 ft.
Minimum Corner Side Yard (ft.)	5 ft. (see Additional Standards Subsection 6b)
Minimum Rear Yard	25 ft.
Maximum Lot Coverage	80%
Maximum Building Height	40 ft. (see Additional Standards Subsection 6a)

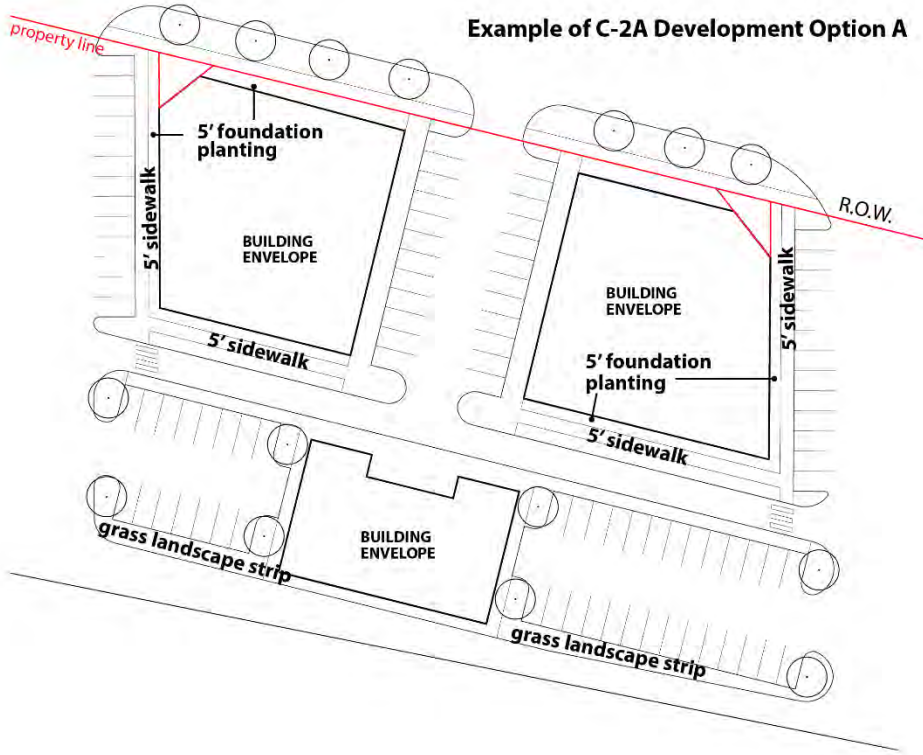
2. **Permitted Uses:** Permitted uses in the C-2a District shall be as listed in the Table of Permitted Uses (Table 4-5).
3. **Special Uses:** Special Uses in the C-2a District shall be as listed in the Table of Permitted Uses (Table 4-5).
4. **Parking Requirements:** Parking requirements in the C-2a District shall be as specified in Article 5.
5. **Bulk Space and Yard Regulations:** Bulk regulations in the C-2a District shall be as specified in Table 4-1 and illustrated here.



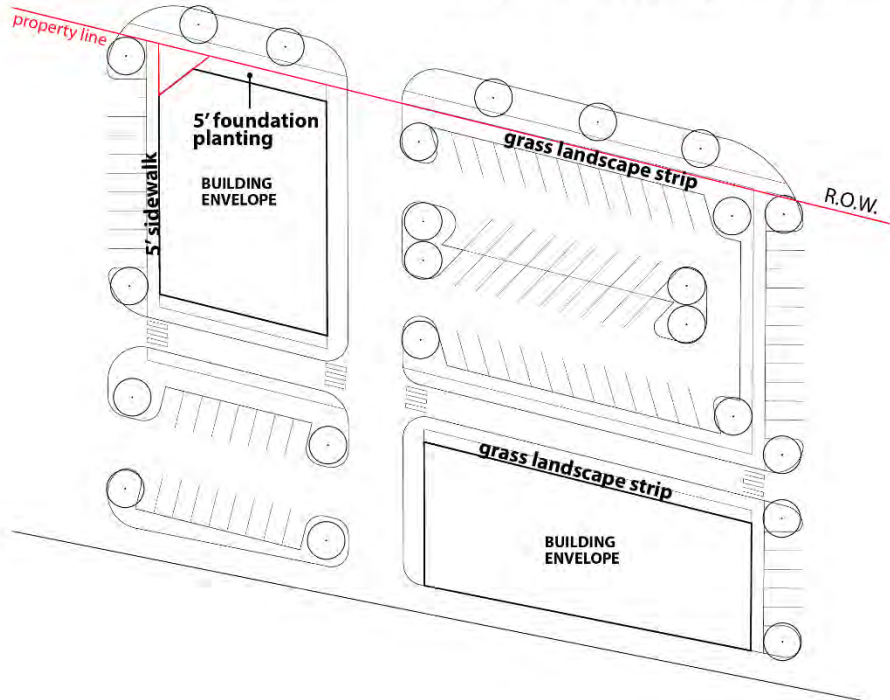
6. **Additional Standards**
- Building Height.** The maximum building height may be up to 60 feet if approved by the City Council as a Planned Unit Development.

- b. Side Yard:
 - i. An additional 5 feet of setback shall be provided for each additional story over 2 stories in height.
 - ii. When public sidewalks are permitted by the City to be located on private property, the 5 foot Corner Side Yard shall be measured from closest point of such sidewalk to the principal structure.
- c. Transitional Landscaping between differing land uses shall be as required in Article 6: Landscaping and Tree Preservation, Sections 17.604.B.2 and 17.604.D.
- d. Front Yard Parking Setback: Any part of a parking lot (including but not limited to drive areas or parking areas) shall be setback a minimum of 8 feet from the front lot line.
- e. Pedestrian/bicycle access: For the safety of pedestrians and bicyclists, parking lots with more than two rows of parking shall:
 - i. Include paths connecting parking aisles to building or store entrances. Such paths may be provided as sidewalks or indicated by striping or changes in pavement.
 - ii. Install dedicated bicycle parking (as required by Article 5: Off-Street Parking and Loading) convenient to building entrances.
- f. Landscaping and Site Design. In addition to the requirement of Article 6: Landscaping and Tree Preservation, development in the C-2a District shall meet the following requirements (where standards differ, those in this Subsection shall apply):
 - i. A grass landscape strip with perimeter parking lot landscaping as required in Article 6 shall be located in the Front Yard Parking Setback specified in Subsection 6b above.
 - ii. A 5 foot sidewalk shall be provided between the parking area and principal structure to support pedestrian safety.
 - iii. A 5 foot foundation planting area shall be located along the front of the principal structure.
 - iv. Cross access to parking lots on adjacent properties is required unless approved by the Development Administrator based on safety concerns or site constraints that cannot be resolved.

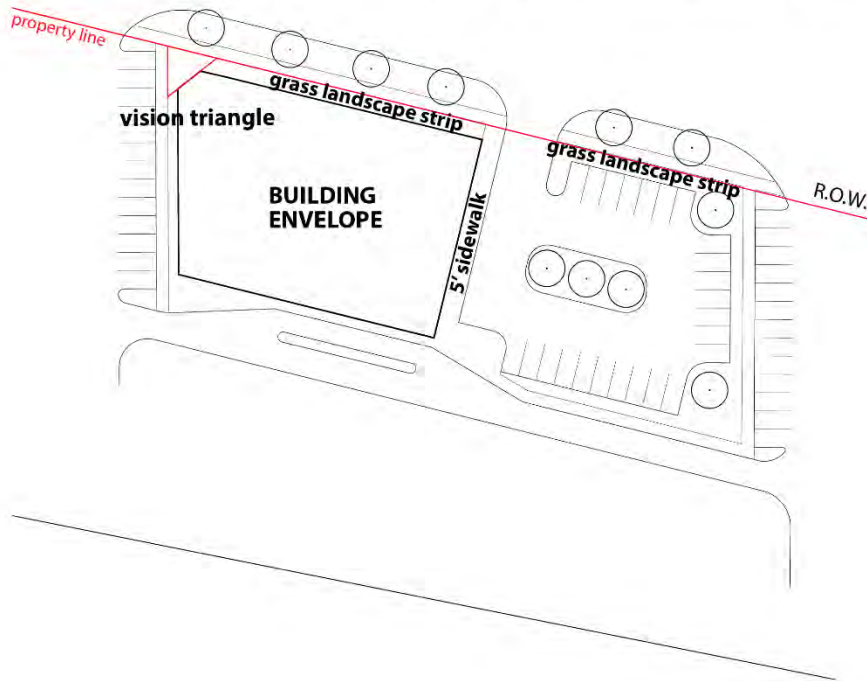
Example of C-2A Development Option A



Example of C-2A Development Option B



Example of C-2A Development Option C



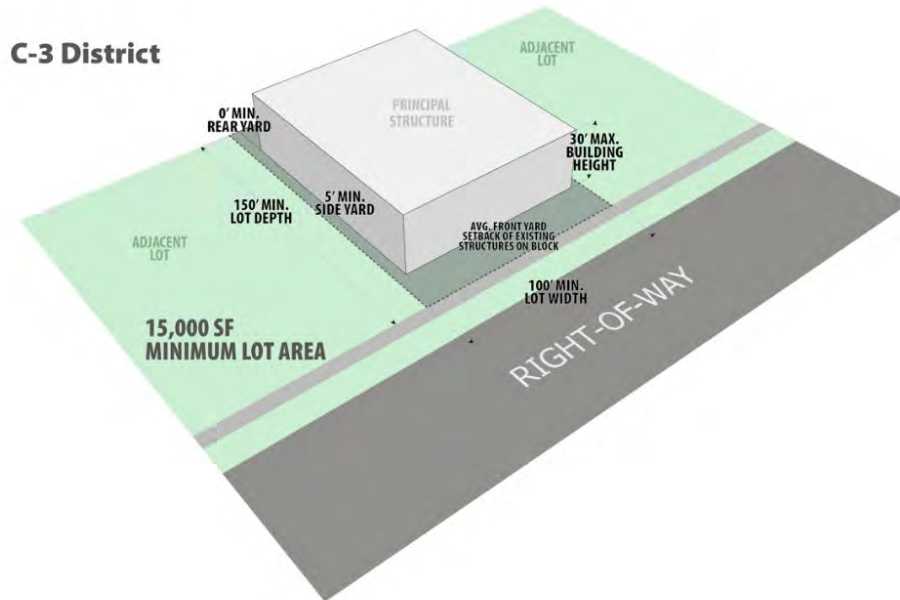
g. Zoning Entitlement:

- i. All new development in the C-2a Zoning District shall require Site Plan Review and Planned Unit Development approval, to ensure development in the District supports the District's Purpose. The process for this approval shall be as outlined in Article 2: Administration and Enforcement of this Chapter.
- ii. Should a proposed development in the C-2a District advance the purpose of this District by reflecting one of the potential redevelopment scenarios illustrated in this Subsection, the Development Administrator, at their sole discretion, may waive the requirement for the Planned Unit Development process.

E. Service/Commercial District (C-3)

1. **Purpose:** The Service/Commercial District provides for uses that meet business and service needs of local residents and businesses. These uses may include moderately intensive commercial and service activities such as auto repair and light industrial functions that are smaller in scale and have a low-impact on neighboring properties through proper site planning and architectural design.
2. **Permitted Uses:** Permitted uses in the C-3 District shall be as listed in the Table of Permitted Uses (Table 4-5).
3. **Special Uses:** Special Uses in the C-3 District shall be as listed in the Table of Permitted Uses (Table 4-5) .
4. **Parking Requirements:** Parking requirements in the C-3 District shall be as specified in Article 5.
5. **Bulk Space and Yard Regulations:** Bulk regulations in the C-3 District shall be as specified in Table 4-1 and illustrated here.

Service/Commercial District (C-3)	
Minimum Lot Area (sq. ft.)	15,000 SF
Minimum Lot Width at front yard line (ft.)	100 ft
Minimum Lot Depth	150 ft.
Minimum Front Yard Setback (ft.)	Average Front Yard Setback of existing principal structures currently located on the block.
Minimum Side Yard (ft.)	5 ft.
Minimum Corner Side Yard Setback (ft.)	5 ft.
Minimum Rear Yard	0 ft.
Maximum Lot Coverage	70%
Maximum Building Height	30 ft.



6. Additional Standards

a. Accessory Parking and Loading in the Right of Way:

- i. Accessory parking associated with uses in the C-3 Zoning Districts located in the public right of way may only be permitted upon issuance of a Special Parking License approved by the City Council.
- ii. In requesting a Special Parking Licenses, the property owner shall provide to the City a Parking Management Plan to mitigate adverse impacts on adjacent properties of parking and loading; the Parking Management Plan shall be considered as part of the City Council determination as to whether a Special Parking Licenses shall be granted.
- iii. Accessory parking associated with uses in the C-3 Zoning Districts that is directly accessed from the public right of way may only be permitted if approved through a Special Use, as outlined in Article 2: Administration and Enforcement.
- iv. Loading and unloading of vehicles to or from properties in the C-3 Zoning District may not be conducted in any part of the public right of way for vehicles having more than 2-axels.
- v. Accessory parking associated with uses in the C-3 Zoning Districts located in the public right of way or as parking spaces directly accessed from the public right of way existing at the time of adoption of this Ordinance shall provide to the City, upon request of the Development Administrator, a Parking Management Plan indicating how to mitigate potential adverse impacts on nearby properties of parking and loading for the subject property.
- vi. Install dedicated bicycle parking (as required by Article 5: Off-Street Parking and Loading) convenient to building entrances.

b. Front Yard

- i. Parking shall be allowed in the Front Yard if only if screened with a 100% screen as specified in Article 6: Landscaping and Tree Preservation.
- ii. Parking located in the Front Yard at the time of adoption of this Chapter may be brought into compliance if all requirements of this Chapter are met and a 100% screen as specified in Article 6: Landscaping and Tree Preservation is installed; otherwise said parking lot shall be considered legally nonconforming and subject to the nonconforming provisions of this code.

c. Side Yard: Any side yard abutting a residential zoning district or residential use shall provide a Privacy Fence, evergreen landscape material, or combination of the two maintained to a height of no less than 6 feet, which provides 100% screening, as a buffer to the adjacent use.

d. Business Operations

- i. All business operations (other than outdoor storage) must occur completely within the principal building.
- ii. Outdoor storage must be screened on all sides visible from a right of way or adjacent property by an 8 foot tall Privacy Fence.
- iii. Vehicles over 8,000 pounds and all trailers remaining on a property overnight shall be considered outdoor storage.
- iv. Trash enclosures shall be provided for all waste disposal areas, meeting the screening requirements as defined in Section 17.302.M.2.
- v. Utility and mechanical equipment located in the District shall be screened so as to minimize visibility from and sound impacts on adjacent residential uses, as may be approved by the Development Administrator.

C-3 District

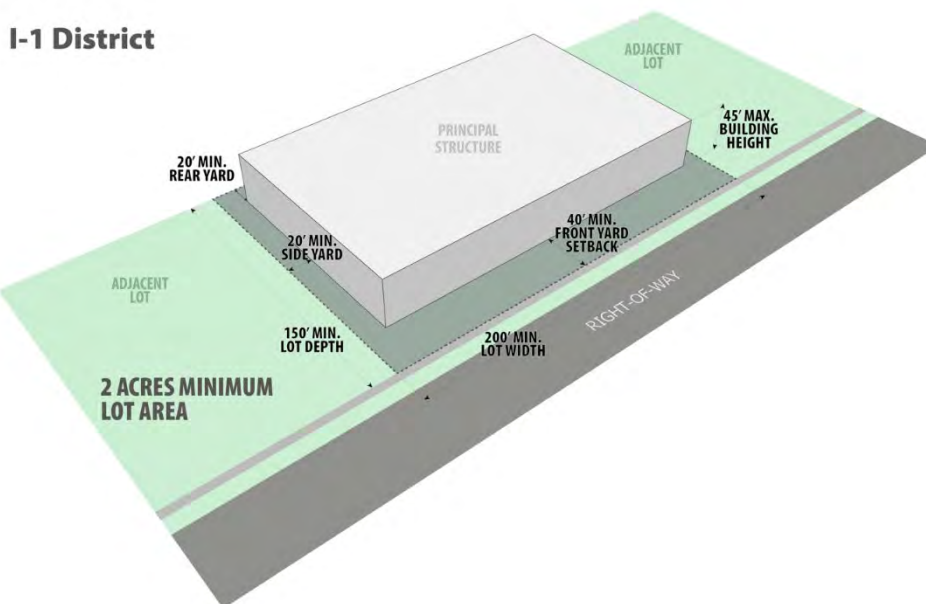


17.404 Business Park Districts

A. Industrial/Business Park District (I-1)

1. **Purpose:** The Industrial/Business Park District promotes and supports a variety of manufacturing, warehousing, distribution, logistics, and office uses in a business park setting. The I-1 District contains development standards consistent with the types of employment uses attracted to the area by the City's proximity to O'Hare Airport and Illinois Route 390.
2. **Permitted Uses:** Permitted uses in the I-1 District shall be as listed in the Table of Permitted Uses (Table 4-5).
3. **Special Uses:** Special Uses in the I-1 District shall be as listed in the Table of Permitted Uses (Table 4-5).
4. **Parking Requirements:** Parking requirements in the I-1 District shall be as specified in Article 5.
5. **Bulk Space and Yard Regulations:** Bulk regulations in the I-1 District shall be as specified in Table 4-1 and illustrated here.

Industrial/Business Park District (I-1)	
Minimum Lot Area (sq. ft.)	2 acres
Minimum Lot Width at front yard line (ft.)	200 ft.
Minimum Front Yard Setback (ft.)	40 ft.
Minimum Side Yard (ft.)	20 ft.
Minimum Corner Side Yard Setback (ft.)	20 ft.
Minimum Rear Yard	20 ft.
Maximum Lot Coverage	80%
Maximum Building Height	45 ft.



6. Additional Standards

- a. Transitional Landscaping between differing land uses shall be as required in Article 6: Landscaping and Tree Preservation, Sections 17.604.B.2 and 17.604.D.
- b. Pedestrian/bicycle access: For the safety of pedestrians and bicyclists, parking lots with more than two rows of parking shall:
 - i. Include paths connecting parking aisles to main entrances. Such paths may be provided as sidewalks or indicated by striping or changes in pavement.
 - ii. Install dedicated bicycle parking (as required by Article 5: Off-Street Parking and Loading) convenient to building entrances.
 - iii. Include paths connecting public sidewalks and transit stops with building entrances.

c. Gateway Corridors:

- i. Designation: The following roadways are hereby designated, for the purposes of this Chapter, as Gateway Corridors: Devon, Wood Dale, Mittel, Thorndale North and South, Central, and Route 83 (as indicated in Figure 4-1).

- ii. Purpose: As noted in the City's Comprehensive Plan and its Thorndale Corridor Plan, the I-1 District industrial area plays a significant role in the economy and character of Wood Dale. This includes the area serving as a gateway to the community, both as a physical entrance and as an area that many visit. Therefore, it is appropriate for key properties located along Gateway Corridors within the I-1 Industrial District to present a unique and higher standard of development character.

iii. Additional Regulations for properties abutting a Gateway Corridor:

- (1) Front Yard Setback shall be 50 feet.
- (2) There shall be no parking located in the front yard.
- (3) There shall be no parking located in the area between the front of the principal structure and Front Property Line.
- (4) Loading docks shall be located to the rear or side of the building.
- (5) Landscaping: In addition to the general design criteria defined in Article 6: Landscaping and Tree Preservation, additional Perimeter Landscaping Requirements in the Front Yard shall be required as follows:
 - (a) Shade trees shall be provided at the equivalent of one for each seventy five feet (75'), or fraction thereof, of frontage along the abutting property line. Such trees shall be planted no more than forty feet (40') apart and may be clustered or spaced linearly as determined appropriate.
 - (b) Other landscaping materials, including berms, ornamental trees, conifers, shrubbery, hedges, and/or other live planting materials shall be provided at intermittent locations across fifty percent (50%) of the abutting property line. Shrubs shall be placed in clusters

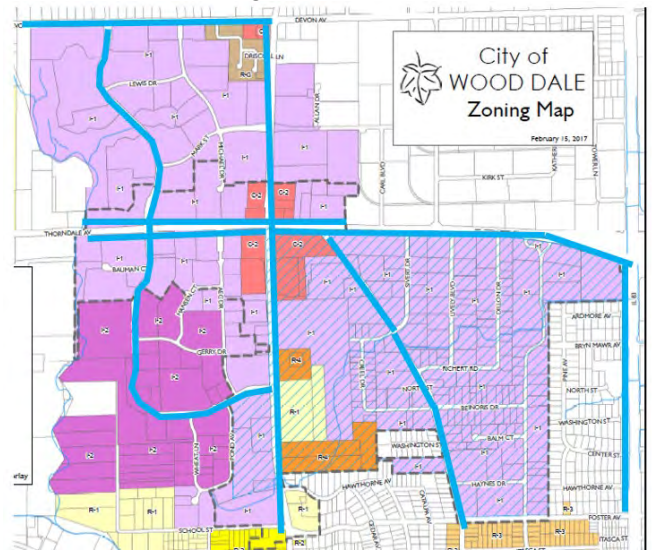


Figure 4-1: I-1 Zoning District: Gateway Corridors

containing at least seven (7) per cluster, spaced at intervals of approximately thirty five feet (35') along the abutting property line.

- d. Design Guidelines: Design Guidelines for development of properties and structures as defined in Article 10 of this Chapter shall be applicable to all development along Gateway Corridors.

B. Thorndale Corridor District Overlay (TCC)

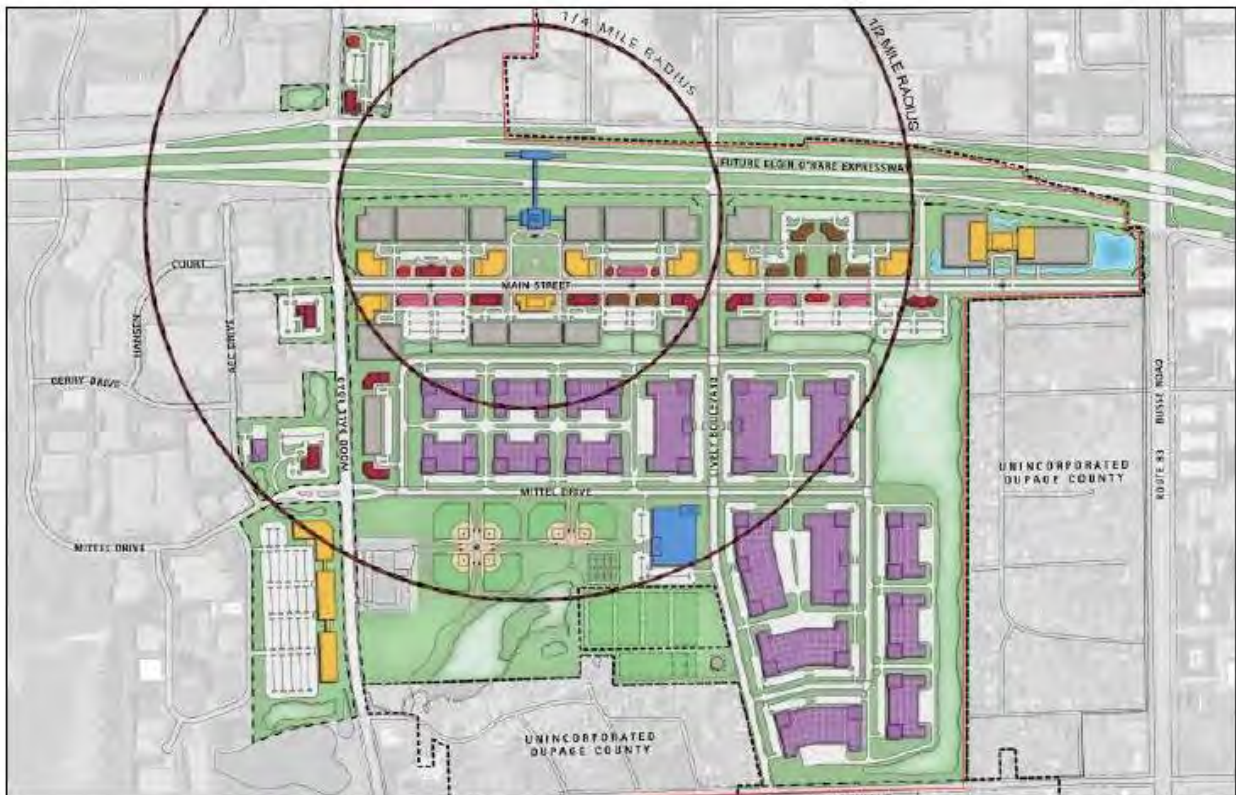
1. District Intent.

The Thorndale Corridor Corporate (TCC) District is established to provide and maintain a thriving, first class corporate environment with a mix of uses that support a range of business activities. The district is generally located along Wood Dale Road and the Illinois 390 near the planned location of the western terminal of O'Hare International Airport. The map symbol and short name for this district shall be "TCC".

The district will provide the City with economic development opportunities in close proximity to the airport, expressway corridor and area businesses. It should be planned, designed and developed according to the City's Thorndale Corridor Master Plan (approved in 2009) as an attractive transit-oriented, mixed-use business setting that fosters interaction between land uses and buildings, facilitates pedestrian activity and transit use and reduces vehicle trips on area roadways.

"Figure 4-2: Thorndale Corridor Master Plan", shows the potential build-out of the Thorndale Corridor, as identified during the master planning process. It reflects the goals and objectives of the plan and serves as a guide for City officials, property owners, business owners and development professionals as they shape and implement improvement and development projects within the corridor.

FIGURE 4-2: Thorndale Corridor Master Plan



2. **Overlay Requirement:** The TCC District is established as an "overlay" zoning district. Compliance with the TCC District overlay regulations specified in this chapter will be required in place of the existing district regulations when any building is constructed, altered, repaired, enlarged or expanded within the overlay district, or when any change in use is contemplated as any change of use will be required to comply with this article.

Compliance with the TCC District overlay regulations are not required when conducting routine maintenance/repairs to the building or installing signage, or if the change in use contemplated is in accordance with article III of this chapter.

1. Allowed Uses.

TABLE 4-3: ALLOWED USES	
Land Use	P= Permitted Use/ S= Special Use
Corporate/commercial:	
Restaurant	P
Hotel	P
Office, administrative and professional	P
Medical/ Dental clinic	S
Parking, non-accessory	P
Personal service	P
Indoor retail sales of goods	P
Industrial:	
Contractor's office	P
Freight Handling Facility	P
Manufacturing, Limited	P
Manufacturing, General	P
Product Showroom	P
Research Services	P
Warehouse	P
Warehouse and distribution	P
Public and civic:	
Commercial / Trade Schools	S
Outdoor Recreation Facilities	S
Transit station/facility	S

Notes: The following standards apply:

- a. Mixed-Uses: Office, hotel, restaurant, retail and parking uses can be mixed or incorporated within the same site and within the same building.
- b.
- c. Ground-Floor Uses: The ground floor of all buildings and parking decks along Wood Dale Road must contain active visible uses facing the street to activate the streetscape.
- d. Retail: Retail and restaurant uses are encouraged to be located on the ground floor of all properties facing Wood Dale Road to activate the streetscape.
- e. Ground-Floor Parking: Parking on the ground floor of a building and parking decks is allowed if they are set back 50 feet from the front facade.

3. Sustainable Development: All development within the TCC shall consider Best Management Practices regarding building design, site planning, streetscape/landscape design and infrastructure engineering as specified in Section 17.607. Green design considers the environment and site during design, construction, operations and maintenance. The Sustainable Development practices should be incorporated as feasible, and will be evaluated as part of the Site Plan Review Process for how they have been made part of a development. When several are presented together as part of a substantive Sustainable Development Plan, they may be considered as a partial or complete provision of Public Benefit for a PUD.

C. Thorndale Interchange Overlay (TIO)

1. **Purpose:** The Thorndale Interchange Overlay (TIO) District provides and maintains a thriving, first class business park environment that supports a range of business activities. The TIO functions as an overlay, adding regulations to the I-1 Industrial/Business Park District and C-2 Commercial Corridor District to enhance the character and quality of development in this unique area of the Wood Dale. The overlay is located generally at the IL-390 and Wood Dale Road Interchange, as depicted on the Zoning Map.

Development in the Overlay area and the standards for that development will expand economic opportunity in the City given its proximity to O'Hare Airport, the expressway system and area businesses. Uses and new development in the TIO are to be planned, designed, and developed in keeping with City's Comprehensive Plan for an attractive mixed-use business setting that fosters synergy between land uses and buildings, facilitates pedestrian activity, and supports economic development.

TIO District Overlay	
Minimum Development Area (acres)	20 acres (see Additional Standards: Section 7b).
Minimum Lot Width at front yard line (ft.)	As approved per PUD.
Minimum Front Yard Setback (ft.)	50 feet, or as approved per PUD.
Minimum Side Yard (ft.)	As approved per PUD.
Minimum Rear Yard	As approved per PUD.
Maximum Lot Coverage	As approved per PUD.
Maximum Building Height	60 feet, or higher as may be approved by a PUD.

2. Allowed Uses. See Table 4-4.

TABLE 4-4: ALLOWED USES	
Land Use	P= Permitted Use/ S= Special Use
Corporate/commercial:	
Restaurant	P
Hotel	P
Office, administrative and professional	P
Medical/Dental clinic	S
Parking, non-accessory	P
Personal service	P
Indoor retail sales of goods	P
Gasoline stations	S
Industrial:	
Contractor's office	P
Freight Handling Facility	P
Manufacturing, Limited	P
Manufacturing, General	P
Product Showroom	P
Research Services	P
Warehouse	P
Warehouse and distribution	P

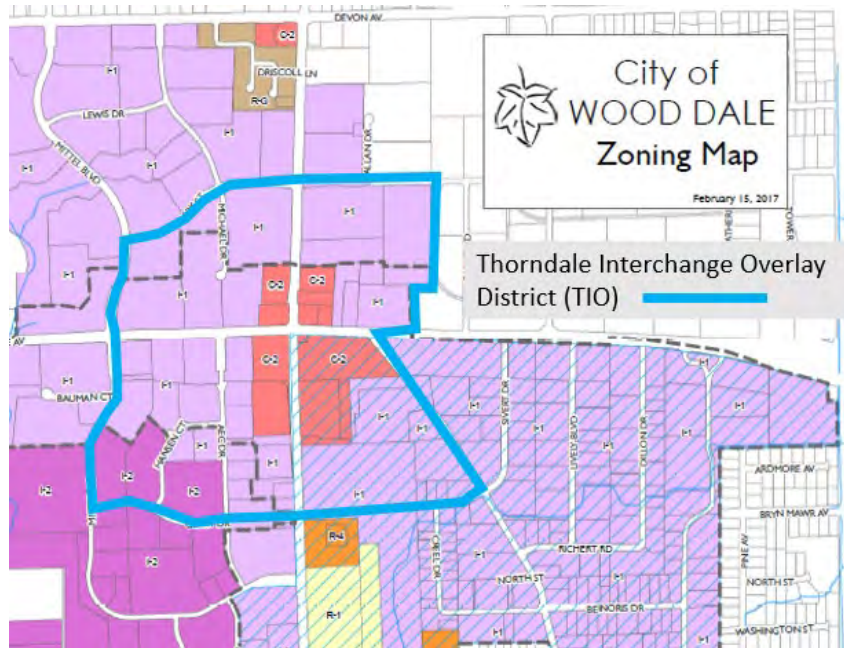
Public and civic:	
Commercial/Trade Schools	S
Outdoor Recreation Facilities	S
Transit station/facility	S

Notes: The following standards apply:

- a. Mixed-Uses: Office, hotel, restaurant, retail and parking uses can be mixed or incorporated within the same site and within the same building.
 - c. Ground-Floor Uses: The ground floor of all buildings and parking decks along Wood Dale Road must contain active visible uses facing the street to activate the streetscape.
 - d. Retail: Retail and restaurant uses are encouraged to be located on the ground floor of all properties facing Wood Dale Road to activate the streetscape.
 - e. Ground-Floor Parking: Parking on the ground floor of a building and parking decks is allowed if they are set back 50 feet from the front facade.
3. **Parking Requirements:** Parking requirements in the TIO District shall be as specified in Article 5.
4. **Bulk Space and Yard Regulations:** Bulk regulations in the TIO District shall be as approved per PUD.
5. **Location:** The Thorndale Corridor District Overlay shall include all properties depicted in Figure 4-3.
6. **Additional Standards**
- a. All development occurs in the TIO shall be considered for approval by the City as a Planned Unit Development through the process spelled out in Article 2: Administration and Enforcement.
 - b. Minimum Development Area shall be defined for purposes of the TIO as the Zoning Lot being considered for approval as a Planned Unit Development. Said zoning lot may include multiple Lots, so as to accommodate varied ownership of the final development. As approved by the City Council through the PUD, development of the Minimum Development Area may be phased over time.
 - c. Landscaping shall be as defined in Article 6: Landscaping and Tree Preservation, as may be refined by the Planned Unit Development approval ordinance.
 - d. Pedestrian/bicycle access: For the safety of pedestrians and bicyclists, all developments shall be as follows and as approved by the Planned Unit Development consideration:
 - i. Include paths connecting parking aisles to main entrances. Such paths may be provided as sidewalks or indicated by striping or changes in pavement.
 - ii. Install dedicated bicycle parking (as required by Article 5: Off-Street Parking and Loading) convenient to building entrances.
 - iii. Include paths connecting public sidewalks and transit stops with building entrances.
 - e. Minimum Development Standards: In all cases, unless varied as part of the Planned Unit Development Consideration:
 - i. Front Yard Setback shall be 50 feet.
 - ii. There shall be no parking located in the front yard.

- iii. There shall be no parking located in the area between the front of the principal structure and Front Property Line.
- iv. Loading docks shall be located to rear or side of the building.
- f. Design Guidelines: Design Guidelines for development of properties and structures as defined in this Chapter shall be applicable to all development in the TIO.
- g. Sustainable Development: All development within the TIO shall consider Best Management Practices regarding building design, site planning, streetscape/landscape design and infrastructure engineering as specified in Section 17.607. Green design considers the environment and site during design, construction, operations and maintenance. The Sustainable Development practices should be incorporated as feasible, and will be evaluated as part of the Site Plan Review Process for how they have been made part of a development. When several are presented together as part of a substantive Sustainable Development Plan, they may be considered as a partial or complete provision of Public Benefit for a PUD.

Figure 4-3: Thorndale Interchange Overlay District



4-5: PERMITTED USE TABLE

LAND USE TABLE	R-1	R-2	R-3	R-4	R-G	C-1	C-2	C-2a	C-3	TCB	I-1	TCC	TIO
	Estate Residential	Large Lot Single Unit	Single Unit	Medium-Density Single Unit	General Residential	Neighborhood Commercial	Corridor Commercial	Southeast Irving Park Corridor Commercial District	Commercial/Service	Town Center Business	Industrial/Business Park	Thorndale Corporate Corridor Overlay	Thorndale Interchange Overlay
Land Uses													
Residential Uses													
Bed and breakfast	S	S	S	S	S								
Community residences	P	P	P	P									
Convents					S								
Daycare home	P	P	P	P	S								
Dwelling units, above ground floor business use							S	S		P			
Dwelling units, attached single-unit				S	P								
Dwelling units, detached single-unit	P	P	P	P	S								
Dwelling units, multiple-unit					P			S		S			
Dwelling, Duplex				S	P								
Dwelling, Duplex				S	P								
Health and welfare facility							S						
Mobile home parks					S								
Short term residential rentals	S	S	S	S	S								
Skilled care facility							S			S			
Business Uses													
Animal hospital						S	S	S		S	S		
Animal pound and shelters											P		
Arts studio						P		P	S	S	S		
Bakery / Coffee shop						P	P	P		P			
Banks and financial institutions						P	P	P		P			
Banquet hall							S			S			
Car Wash							S			S			
Construction Trailer	T	T	T	T	T	T	T	T	T	T	T	T	T
Contractor's office							P	P	P	S	P	P	P
Daycare Centers						S	S	S		S	S		
Drive thru, as part of a permitted or as a primary use						S	S	S		S	S		
Food preparation							P		P		P		
Funeral homes						S	S						
Gasoline station						S	S			S	S		
Grocery / Food Store greater than 25,000 sf							S			S			
Grocery / Food Store less than 25,000 sf						P	P	P		P			
Gun Sales, accessory							S						
Home/garden center						P	P			S	S		
Home/garden center (greater than 100,000 square feet)							S				S		
Hotel							S	S		S		P	P
Indoor retail sales of goods						P	P	P	S	P		P	P
Indoor retail sales of goods (greater than 100,000 square feet)							S	S			S		
Indoor retail sales of goods, accessory (up to 25% of total square footage)									S		P		
Kennel											S		
Liquor stores						P	P	P		P			
Medical marijuana cultivation centers ☐											S		
Medical marijuana dispensaries ☐											S		
Medical/dental clinics						P	P	P		P		S	S
Motor Vehicle rental							S				S		
Motor Vehicle repair facility for commercial motor vehicles											S		
Motor Vehicle repair facility for passenger motor vehicles							S		S				
Motor Vehicle sales (new and used)							S				S		
Office, administrative and professional						P	P	P	P	P	P	P	P
Outdoor dining, temporary						P	P	P		P			
Parking, Non Accessory												P	P
Pawnshops											S		
Personal services						P	P	P		P		P	P
Pet Care Services						S	S	S			P		
Pet stores						S	S	S		S			
Radio or television broadcasting studio ☐							P		P		P		
Real estate office/model home, accessory to a development under construction	T	T	T	T	T	T	T	T	T	T	T		
Restaurants						P	P	P		P	S	P	P
Sales Office	T	T	T	T	T	T	T	T	T	T	T		
Smoke shops						S	S	S	S		S		
Tattoo parlor											P		
Tavern					152	S	S	S		P			
Tombstone and monument sales (no production on-site)									P		P		

LAND USE TABLE	R-1	R-2	R-3	R-4	R-G	C-1	C-2	C-2a	C-3	TCB	I-1	TCC	TIO
	Estate Residential	Large Lot Single Unit	Single Unit	Medium-Density Single Unit	General Residential	Neighborhood Commercial	Corridor Commercial	Southeast Irving Park Corridor Commercial District	Commercial/Service	Town Center Business	Industrial/Business Park	Thorndale Corporate Corridor Overlay	Thorndale Interchange Overlay
Land Uses													
Public, Cultural, Recreation, and Other Institutional Uses													
Amusement Arcade						S	S	S		P	P		
Cemetery		S	S		S								
Circuses, carnivals		T	T	T	T	T	T	T		T	T		
Colleges/universities							S	S					
Commercial/trade schools						S	S	S			P	S	S
Garage sales, estate sales, auctions, sidewalk sales ☐	T	T	T	T	T	T	T	T		T	T		
Golf course/country club	S	S	S	S	S								
Government buildings and facilities	S	S	S	S	S	S	S	S	S	S	S		
Hospitals						S	S				S		
Indoor athletic facilities						S	S	S		S	S		
Indoor entertainment and amusement facilities						S	S	S		S	S		
Lighted sports fields	S	S	S	S	S					S	S		
Membership Organization	S	S	S	S	S								
Museum or cultural facility						S	S	S		S	S		
Outdoor recreational facilities					S		S				S	S	S
Playground	S	S	S	S	S								
Religious Institutions	S	S	S	S	S	S	S	S	S	S	S		
Schools (Public, non-profit or private)	S	S	S	S	S								
Stadiums/arenas/ auditoriums											S		
Transportation station/facility ☐							S		S	S	S	S	
Manufacturing Uses													
Freight handling facility											P	P	P
Freight yard *											S		
Fuel and fuel oil dealer											S		
Greenhouses											P		
Helipad											S		
Junkyard											S		
Major utilities and public service facilities	S	S	S	S	S	S	S	S	S	S	S		
Manufacturing, General											P	P	P
Manufacturing, Limited									S		P	P	P
Microdistillery											S		
Microwinery											S		
Minor utilities and public service facilities	P	P	P	P	P	P	P	P	P	P	P		
Motor vehicle wrecking yard											P		
Personal storage facilities											P		
Product Showroom												P	P
Recycling center											S		
Research Services											P	P	P
Solid waste transfer station ☐											S		
Warehouse											P	P	P
Warehouse and Distribution											P	P	P
Accessory Uses													
Automated teller machine, accessory and freestanding or drive-up						S	S	S		S			
Automated teller machine, accessory and inside another use or building						P	P	P		P			
Emergency shelter	S	S	S	S	S	S	S	S	S	S	S		
Home based business	P	P	P	P	P					P			
Miscellaneous													
Adult regulated uses											P		
Christmas tree sales						T	T	T		T	T		
Outdoor seasonal sales						T	T	T	T				
Parking Lot/Garage							S	S	S	S	S		
Personal wireless communication facilities	S	S	S	S	S	S	S	S	S	S	S		
Planned development	S	S	S	S	S	S	S	S	S	S	S		
Portable storage containers	T	T	T	T	T	T	T	T	T	T	T		
Telephone exchange, repeater stations	S	S	S	S	S	S	P	S	S		P		
Transit station/facility ☐												S	S
Notes													
P = Permitted Use													
S = Special Use													
T = Temporary Use													

* Note: Any existing freight yard use shall be discontinued in all development districts, except for the I-1 Industrial/Business Park development district, within eight (8) months of the effective date of this regulation.

Article V

Off-Street Parking and Loading

17.501 Purpose And Scope

A. Purpose: The purpose of this Article is to prevent or alleviate congestion of the public streets and to promote the safety and welfare of the public by establishing minimum requirements for off street parking and loading of motor vehicles.

B. General Provisions for Off Street Parking and Loading Areas:

1. Regulations of this Article governing the number, location, design, improvement and operation of parking and loading facilities shall be met for all structures, developments and uses of land, unless otherwise allowed by the City Code
2. Where a permit has been issued prior to the effective date of this Chapter, and provided that construction is begun within six months of such effective date, and is diligently prosecuted to completion, parking and loading facilities shall be required per the requirements in place at the time of permit issuance.
3. New Uses or Expansion of Existing Buildings
 - a. When a new use of land occupies an existing building, structure or premises and increases the intensity of use through addition of dwelling units, gross floor area, seating capacity or other units of measurements specified in this Chapter for required parking or loading facilities, the number of parking and loading facilities shall be required as if the structure or premises was Newly Built.
 - b. When a building or structure increases the intensity of use through addition of dwelling units, gross floor area, seating capacity or other units of measurements specified in this Chapter for required parking or loading facilities, no additional parking or loading facilities need be provided unless and until the aggregate increase in units of measurement exceeds ten percent (10%) of the parking or loading spaces required by this Article.
4. Existing Parking and Loading Facilities:
 - a. Accessory off street parking or loading facilities shall be located on the same lot as the building or use served, unless otherwise allowed under this Chapter.
 - b. Parking shall not be reduced below the requirements of this Article, or if already less than said requirements, shall not be reduced further.
 - c. In the case of a conforming or legally nonconforming building being damaged or destroyed by fire, collapse, explosion or other cause and reconstructed, reestablished or repaired:
 - i. The number of off-street parking spaces or loading docks in place at the time of such damage or destruction shall be restored and continued.
 - ii. Should such damage or destruction exceed fifty percent (50%) of the value of the building or use, sufficient off-street parking and loading facilities shall be provided as required by this Article as if the facility were Newly Built.

17.502 Design, Development and Maintenance of Parking and Loading Areas

A. Design Standards for Off Street Parking and Loading Areas:

1. Parking and Loading Design Plan Required: Any application for development or building permit, or certificate of occupancy where no permit is required, shall include a Parking Lot Design Plan drawn to scale and fully dimensioned showing any parking or loading facilities, lighting, landscaping, signs and other improvements accessory thereto

provided in compliance with this Chapter, as well as items indicated in Subsection 17.502.A.2.

2. Parking Lot Design Plan Requirements: All parking and loading areas shall be subject to the requirements of this Article, which shall be depicted on a Parking Lot Design Plan submitted as part of an associated permit application as required in Subsection 17.502.A.1. Where properties are subject to Site Plan Review (Section 17.206) or Design Guidelines (Article 10) additional requirements shall apply as indicated in those Sections.
 - a. Screening and Landscaping: All open loading areas and all parking areas providing space for ten (10) or more vehicles shall be effectively screened in accordance with the landscaping requirements of Article 6: Landscaping and Tree Preservation of this Code.
 - b. Open and Enclosed Parking Spaces and Loading Berths: Accessory parking spaces and loading berths may be open to the sky or enclosed in a building.
 - c. Illumination: Lighting used to illuminate off street parking and loading areas shall be shielded or directed away from all adjacent property and roadways and designed in keeping with Section 17.905G and other requirements of the City Code.
 - d. Signs: Signs placed in parking and loading areas shall be in keeping with Chapter 13: Sign Code, of the City Code.
 - e. Curbing: A continuous concrete barrier curbing, minimum six inches by eighteen inches (6" x 18") shall be located around the perimeter of all loading or parking areas for five (5) or more vehicles. Design of curbing shall prevent vehicles from blocking any pedestrian path of travel, potentially damaging landscape plantings, or crossing any property line. If in the determination of the Development Administrator such interference cannot be avoided, parking wheel stops may be authorized by the Development Administrator to prevent such occurrence.
 - f. Striping: A painted stripe (of white or yellow) to define each parking space and loading berth shall be provided and be a minimum of four inches (4") in width for the length of each space. All areas designated as fire lanes and/or no parking areas shall be striped and painted yellow.
 - g. Circulation and Access:
 - i. Residential Uses: Not more than one driveway access to a street frontage per lot shall be permitted, unless all site drainage requirements are met and the total paved surface area in the front or corner side yard shall not exceed thirty five percent (35%) of the total area of the front or corner side yard in which the driveways are located. In addition at least one of the following must be met:
 - (1) The lot has more than one street frontage (and access to the street frontage is not limited or restricted by covenant or by a roadway authority);
 - (2) The lot frontage is at least one hundred sixty feet (160') wide and here shall be at least sixty feet (60') between access points along the same street frontage. The total paved surface area in the front or corner side yard shall not exceed thirty five percent (35%) of the total area of the front or corner side yard in which the driveway is located.
 - ii. All Parking Lots:
 - (1) Parking lot driveways on opposite sides of an arterial or collector street shall be either aligned with or offset by at least one hundred fifty feet (150') between the centerlines of the opposing driveway.

- iii. Nonresidential Uses:
 - (1) Parking aisles throughout the parking lot shall align as closely as practical in order to create four-way intersections.
 - (2) Shared driveways and cross-access easements between adjoining lots are encouraged to reduce the number of parking lot driveways along public streets.
 - h. Yards: Off street parking spaces in non-Residential Zoning Districts or for nonresidential uses in Residential Zoning Districts may be located in keeping with the following
 - i. No parking spaces may be located within twenty feet (20') of adjacent Residential Zoning Districts.
 - ii. Off street parking spaces may be located in required rear, side or transitional yards.
 - iii. Unless otherwise regulated by this Chapter, off street parking spaces may be located in front or corner side yards but shall be no closer than eight feet (8') from a front lot line. Such spaces shall be screened with landscaping, where appropriate.
- B. Maintenance and Use of Off-Street Parking and Loading Areas:
- 1. Location: The location of off-street parking spaces accessory to the use served shall be provided as described here:
 - a. Accessory Parking in Residential Zoning Districts:
 - i. Parking spaces accessory to dwellings shall be located on the same Zoning Lot as the use served.
 - ii. Parking spaces accessory to uses other than dwellings in a Residential Zoning District may be located on an adjacent lot or directly across a street or alley from the lot occupied by the use served, but in no case may the closest point of such a parking facility be more than three hundred feet (300') from main entrance of such use.
 - iii. Parking in the rear yard on is not allowed on any deck, patio, other improved surface, or any unimproved surface, unless conducted on a legally installed driveway leading to a detached garage.
 - b. Accessory Parking in Commercial and Industrial Districts:
 - i. All required parking spaces accessory to nonresidential uses shall not be more than five hundred feet (500') from the main entrance of the use served,
 - ii. All required parking spaces accessory to dwelling units shall not be more than three hundred feet (300') from the main entrance of the use served.
 - iii. No parking spaces accessory to a use in a commercial or industrial district may be located in a Residential Zoning District, except that private, free, off street parking accessory to and located not more than two hundred feet (200') from such uses may be allowed by Special Use permit in accordance with the standards and procedures provided in this Article 2 of this Chapter.
 - c. Control of Offsite Off-Street Parking Facilities: When required parking facilities are provided on a property other than the Zoning Lot served by such off site facilities:
 - i. All properties shall be and remain in the same fee simple ownership as the Zoning Lot occupied by the building or use to which the off-street parking facilities served.
 - ii. If control of both properties is not by common fee simple ownership, the offsite parking shall be approved by the City in the form of a Special Use Permit. As part of such application, the property owner shall provide evidence of long-

term lease or other agreement to ensure that the offsite parking facilities will be maintained and available at all times during the life of the principal use.

2. Off-Street Parking Facilities Accessory to Residential Uses:
 - a. Off-street parking facilities accessory to residential uses in any Residential Zoning District shall be used solely for the parking of passenger automobiles owned by occupants of the dwellings to which such facilities are accessory or by guests of said occupants.
 - b. Required parking facilities accessory to residential structures may be used for storage of any Commercial Vehicles or the parking of automobiles belonging to employees, owners, tenants, visitors, or customers of business establishments, only in keeping with in Section 17.505: Commercial and Recreational Vehicle Parking Regulations.
 - c. For the purpose of subsection 17.502.B.2.b, "storage" shall mean a vehicle parked for more than forty-eight (48) hours in any seventy two (72) hour period.
3. Limitations on Use of Off-Street Parking and Loading Areas:
 - a. Repair and Service: Motor vehicle repair work of any kind shall not be conducted in conjunction with accessory open off-street parking or loading facilities in any zoning district.
 - b. Gasoline and Oil Sales: The sale of gasoline and motor oil in conjunction with accessory off street parking or loading facilities shall not be permitted in any zoning district.

C. Development Standards for Off Street Parking:

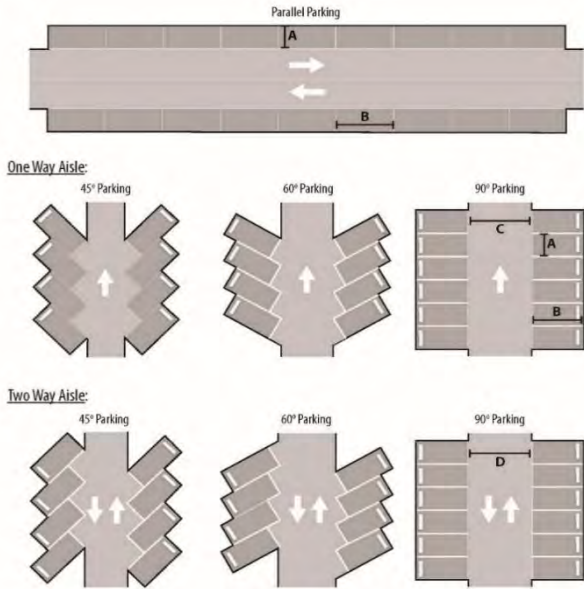
1. Construction and Surfacing: Except as otherwise indicated in this Chapter, the construction and design of new off-street parking areas shall be reviewed by the City Engineer to determine that:
 - a. Every parking facility is improved with an all weather and dust free material such as asphalt or concrete, and is graded and drained to dispose of surface water accumulation by means of a positive stormwater drainage system connected to a public drainageway.
 - b. Parking areas shall be constructed in accordance with the details in City of Wood Dale Engineering Design and Development Standards Manual.
 - c. Plans for all proposed driveway aprons are approved by the Director of Public Works or their designee.
 - d. Parking spaces and on site drive areas for individual attached and detached residential dwellings shall not require review by the City Engineer, but shall be constructed in accordance with the details in the City of Wood Dale Engineering Design and Development Standards Manual.
2. Size and Configuration: Safe and efficient means of vehicular access and egress to each required parking space shall be provided such parking space at all times. Each off-street space for non-single-family uses shall be marked on the ground to delineate its exact location. In no case shall the dimensions of such parking space or means of access be less than the following: (Table 5-1 and Figure 5-1)

Table 5-1: Parking Stall and Aisle Standards					
Parking Angle*	Stall Width (A)	Stall Length (B)	One-Way Aisle Width (C)	Two-Way Aisle Width (D)	Parking Modules (min.)**
Parallel (0)	9'	23'	12'	24'	30'
30	9'	18'	13'	24'	49'
45	9'	18'	13'	24'	53'
60	9'	18'	18'	24'	60'
90	9'	18'	24'	24'	60'

**If parking angle is proposed that is not listed above, approval from Development Administrator is required*

*** A "parking module" shall mean a row of parking spaces, a parking aisle, and another row of parking spaces.*

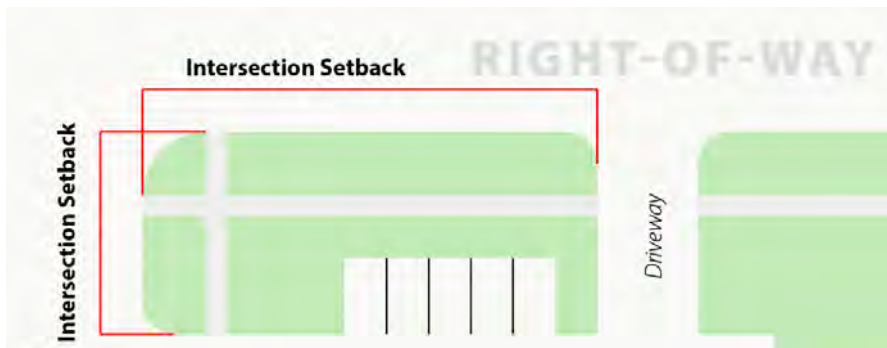
Figure 5-1: Parking Configurations



3. Driveways: All off street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner that will least interfere with traffic movements on that public right of way:
 - a. Intersection Setbacks: Driveways located along the following roadway types shall be located the minimum distance indicated from the closest point of any intersection (see Table 5-2 and Figure 5-2).

Table 5-2: Driveway Intersection Setbacks	
Roadway type	Intersection Setback (minimum)
Arterial road right of way	60' from an intersecting right of way
Collector road right of way	50' from an intersecting right of way
Local street or cul-de-sac right of way	30' from an intersecting right of way

Figure 5-2: Driveway Intersection Setbacks



- b. Street Transition: To ensure traffic safety and circulation efficiency, all parking facility driveways accessing a public right-of-way shall provide a transition space of not less than thirty feet (30') in length from the right-of-way, or not less than ten feet (10') in length from an alley to the nearest parking space, an intersecting driveway or parking aisle along said driveway.
- c. Width: All driveways installed, altered, changed, replaced, or extended after the effective date of this Article shall be constructed in accordance with the details in the City of Wood Dale Engineering Design and Development Standards Manual.

Figure 5-3 Street Transitions

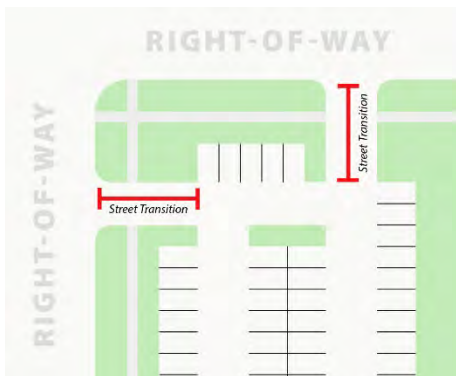


Figure 5-4 Driveway Width

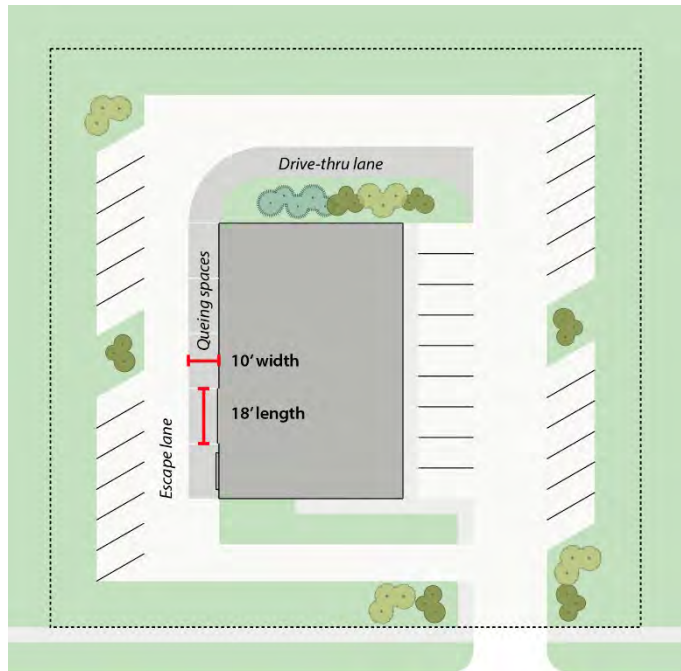


4. Queuing Spaces: Queuing spaces shall be provided to accessory drive-up service facilities in the number prescribed in the table of parking requirements, and with the following requirements:
 - a. Queuing spaces shall not interfere with parking or pedestrian and vehicular circulation on the Zoning Lot, or circulation on adjacent rights of way.
 - b. Queuing spaces shall measure ten feet (10') in width and eighteen feet (18') in length.
 - c. Queuing space shall not occupy the same spaces as parking or aisles thereto.
 - d. An escape lane shall be provided with each drive-up service to allow safe access for those going around the drive-up service or needing to exit the line.

Figure 5-5 Drive-Thru Queuing Spaces

D. Shared Parking

1. Description. Shared parking is an arrangement whereby two (2) or more owners of non-residential properties, or users sharing a parking lot and having different peak-hour parking demands use the same off-street parking spaces to satisfy their off-street parking requirements.
2. General. The Development Administrator may approve shared parking facilities between two properties, subject to the following:
 - a. Eligible Uses. Shared parking is allowed among different use types or among uses with different hours of operation.
 - b. Ineligible Parking. Accessible parking spaces (for persons with disabilities) may not be shared and must be located on-site.
 - c. Location. Shared parking spaces shall be located within 750 feet of the primary entrance of all uses served, unless shuttle bus service is provided to the parking lot.
 - d. Shared Parking Study. Applicants wishing to use shared parking as a means of satisfying parking requirements shall submit a shared parking study/analysis to the Development Administrator that clearly demonstrates the feasibility of shared parking. It shall address, at minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing parking spaces.
 - e. Agreement. Applicants must provide a shared parking agreement in a form approved by the City Attorney and executed by the parties using the shared parking spaces and the City of Wood Dale. Shared parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. Should the agreement cease to be in force, parking must be provided



as otherwise required within this Article. Shared parking agreements shall be recorded with DuPage County Recorder of Deeds for all properties involved in the agreement.

3. Shared Parking within Shopping Centers. Cumulative parking requirements for mixed-use occupancies may be reduced where it can be determined that the peak requirement of the several occupancies occurs at different times during the day. For a shared parking arrangement, the Development Administrator may make an administrative adjustment that reduces the off-street parking requirements for each participating commercial property. To approve such an administrative adjustment, the Development Administrator shall find:
 - a. The collective parking facility is located within 750 feet walking distance of each of the uses, as measured from the entrance of each use to the nearest parking space in the collective parking facility.
 - b. Convenient, safe, accessible and visible pedestrian connections are located between the facilities and all of the shared properties.
 - c. The tenants do not have the same hours of operation or peak hours of operation, i.e., there is some substantial difference in business hours; an example follows:
 - i. Business 1: Monday to Friday: open 8:00 a.m. to 5:00 p.m., closed Saturday, Sunday.
 - ii. Business 2: Monday to Saturday: open 11:00 a.m. to 7:00 p.m., closed Sunday.
 - iii. Applicants must provide a shared parking agreement in a form approved by the City Attorney and executed by the property owner, parties using the shared parking spaces and the City of Wood Dale.

E. Bicycle Parking

1. No development, except a one- or two-family development, shall have fewer than three (3) bicycle parking spaces. No development shall be required to exceed a maximum of ten (10) such spaces.
2. All nonresidential developments which provide automobile parking facilities shall provide bicycle parking facilities (bike racks) at a ratio of at least one (1) bicycle parking space for every ten (10) automobile parking spaces.
3. Multi-family developments shall provide interior bicycle parking facilities for building residents at a ratio of at least one (1) bicycle parking space for every three (3) dwelling units. Such bicycle parking facilities must be provided near the building entrance accessible to the street. Multi-family developments shall also provide bicycle parking facilities for visitors/public at a ratio of at least one (1) bicycle parking space for every twenty (20) automobile parking spaces provided.
4. Bicycle parking facilities for nonresidential developments and bicycle parking facilities provided for the visitors and/or public shall be located a maximum distance of fifty (50) feet from the building entrance, or shall be located at least as close as the closest automobile space.
5. Each bicycle parking facility shall be securely anchored to the ground and designed to secure the bicycle frame when used in conjunction with a user supplied lock.

F. Land Banked Future Parking

1. Land Banking Future Parking. The City Council may grant relief from City parking requirements to allow land banking up to twenty-five (25) percent of the required parking spaces, provided that:

- a. Sufficient evidence is provided by the applicant that supports the reduced parking needs.
- b. The area proposed for land banking of parking spaces shall be an area suitable for parking at a future time.
- c. Landscaping of the land-banked area shall be in full compliance of the zoning regulations and, at a minimum, landscaped with turf. As a result of site plan review, additional landscaping of the land-banked area may be required.
- d. The land banking area will not be used for any other use. The land banked parking area cannot be used to fulfill other landscaping requirements within this Chapter.
- e. As part of the site plan review process, the applicant shall show the area to be banked on the site plan and marked as "Land-Banked Future Parking."
- f. The Development Administrator at their sole discretion, on the basis of increased parking demand for the use, or provided parking proving to be inadequate, may require the conversion of all or part of the land-banked area to off-street parking spaces. The owner may convert the land-banked area to parking prior to City notification, subject to all required permits.

G. Accessible Parking

- 1. ADA Compliance. All Off-Street Parking Facilities must comply with the State of Illinois Accessibility Code and the Americans with Disabilities Act of 1990 (ADA) concerning the number and design of accessible vehicle parking spaces required in parking lots and structures. Any update to State of Illinois or National regulations regarding Accessible Parking shall supersede these requirements.
- 2. Required Spaces. Parking spaces for persons with disabilities shall be provided in all off-street parking facilities where parking is provided for employees, visitors or both, with the exception of single family detached and townhomes uses. The number of accessible parking spaces shall be included in the total number of required parking spaces and shall be in accordance with the applicable requirements of the Illinois Accessibility Code, as amended from time to time, and all additional governing codes and applicable laws.
- 3. Dimensions and Design. Such spaces shall comply with the design standards presented in the State of Illinois Accessibility Code, provided that in no instance shall the width of any one (1) space be less than sixteen (16) feet, nor the length less than eighteen(18) feet. Such spaces shall be identified by a sign and pavement markings indicating parking for persons with disabilities only. Such spaces shall be those closest to the entrance of the building or structure, and shall be connected by a paved surface designed to provide safe and easy access. Such spaces shall otherwise be in accordance with the Illinois Vehicle Code.
- 4. Table 5-3: Accessible Parking Space Requirements
(source:www.IllinoisAttorneyGeneral.gov)

Table 5-3: Accessible Parking Spaces	
Total Off Street Parking Spaces Provided	# of Accessible Parking Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4

101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of Total Number
Over 1,000	20 plus 1 for each 100 over 1,000
Medical facilities specializing in treatment	20% of total number of parking spaces
Outpatient medical facilities	10% of total number*

17.503 Schedule Of Required Parking:

Accessory off street parking spaces shall be provided for all properties as required by this Section 17.503:

- A. Computation Of Required Off Street Parking Spaces : When determining the number of off street parking spaces required by this Section results in a requirement of a fractional space, any fraction of one-half (1/2) or less may be disregarded, while a fraction in excess of one-half (1/2) shall be counted as one parking space.
- B. Parking Basis: Parking spaces required for floor area shall be based on the following:
 - 1. The maximum net floor area devoted to such use.
 - 2. Parking spaces required for employees shall be based on the maximum number of employees on duty, or residing, or both, on the premises at any one time.
- C. Floor Area Exemptions:
 - 1. If on street parking is provided adjacent to the proposed use, an exemption of one thousand (1,000) square feet shall be applied toward the calculation of required off street parking spaces.
 - 2. When two (2) or more nonresidential uses are located on the same Zoning Lot, only one exemption in terms of floor area, as set forth in Table 5-4: Off Street Parking Requirements may be permitted.
- D. On Street Parking Credits: On street parking directly fronting a lot shall count toward fulfilling the parking requirement of that lot. One parking space credit shall be given for every partial on street parking space in front of the lot that is over fifty percent (50%) of the length of the on-street parking space.
- E. Uses Not Listed in Table 5-4: For uses not listed in Table 5-4 Off Street Parking Requirements, parking spaces shall be provided on the same basis as required for the most similar listed use, as determined by the Development Administrator.

F. Table 5-4: Off Street Parking Requirements:

LAND USE	PARKING REQUIRED
Residential Uses	
Bed and breakfast	1 space per bedroom
Daycare home	2 spaces in addition to those for the residence
Dwelling units, above ground floor retail	1.25 spaces per dwelling unit
Dwelling units, attached single-family	2 spaces per dwelling unit
Dwelling units, detached single-family	2 spaces per dwelling unit
Dwelling units, multiple-family	1.25 spaces per dwelling unit
Community residences	1.5 spaces for each sleeping room
Mobile home parks	1.5 spaces per dwelling unit
Skilled care facility	1 space per dwelling unit
Business Uses	
Animal hospital	4.5 per 1000 square feet
Motor vehicle sales or rental	2.5 per 1000 square feet of office space
Bakery / Coffee shop	10 space per 1,000 square feet with eat in option / 4 spaces per 1,000 square feet if retail only
Banks and financial institutions	2.5 spaces per 1,000 square feet
Banquet hall	1 per 3 persons of capacity
Car Wash	2.5 per 1,000 square feet of office / retail area plus 3 per individual wash bay
Daycare Centers	2.5 per 1,000 square feet
Funeral homes	2.5 spaces per 1,000 square feet of office area plus / 1 per 3 person capacity in chapel areas

Gas/fueling stations	4 parking space 1,000 square feet of total retail space plus spaces required per this Section for restaurants or other accessory spaces. One – half the number of gas pumps may be counted as parking spaces.
Grocery / Food Store	4 spaces per 1,000 square feet
Home/garden center	4 spaces per 1,000 square feet
Home/garden center (greater than 100,000 square feet)	4 spaces per 1,000 square feet
Hotel	1 space per guestroom plus spaces required per this Section for any banquet, office, meeting, or other accessory spaces.
Indoor retail sales of goods	4 spaces per 1,000 square feet
Kennel	3.3 spaces per 1,000 square feet
Medical marijuana cultivation centers	4 spaces per 1,000 square feet
Medical marijuana dispensaries	4 spaces per 1,000 square feet
Medical/dental clinics	4.5 spaces per 1,000 square feet
Offices, Professional and Business	4 spaces per 1,000 square feet
Personal services	4 spaces per 1,000 square feet
Restaurants	10 spaces per 1,000 square feet
Tavern/pub	10 spaces per 1,000 square feet
Public, Cultural, Recreation, and Other Institutional Uses	
Assembly/meeting halls	1 per 3 persons of capacity
Cemetery	2.5 spaces per 1,000 square feet of office area plus / 1 per 3 person capacity in chapel areas
Golf course/country club	40 spaces per each nine holes, plus additional parking spaces as applicable to any accessory retail, service or banquet area.

Government buildings and facilities	3.5 spaces per 1,000 square feet
Hospitals	1 space per bed + 4 spaces per 1,000 square feet of administrative office + additional spaces as required per labs, clinics, or other accessory use.
Indoor athletic facilities	5 per 1,000 square feet
Indoor entertainment and amusement facilities	1 per 3 seat, game stations, or other unit so determined by the Development Administrator, plus parking as required in this Section for restaurants or other accessory uses.
Lighted sports fields	1 space per 3 persons of design capacity
Membership clubs	1 space per 3 persons of design capacity
Museum or cultural facility	2.5 spaces per 1,000 square feet of total floor area
Religious Institutions	1 per 3 seats (fixed seating or seating capacity) in main assembly area
Schools (Public, non-profit or private)	0.4 spaces per total students, faculty and staff
Stadiums/arenas	1 space per 3 persons of design capacity
Manufacturing Uses	
Contractor's office	4 spaces per 1,000 square feet (any storage area calculated at 1 space per 1000 square feet)
Food production	2 spaces per 1000 square feet (any office area calculated at 4 spaces per 1,000 square feet).
Manufacturing, general	2 spaces per 1000 square feet (any office area calculated at 4 spaces per 1,000 square feet).
Manufacturing, limited	2 spaces per 1000 square feet (any office area calculated at 4 spaces per 1,000 square feet).
Medical cannabis cultivation center	2 spaces per 1000 square feet (any office area calculated at 4 spaces per 1,000 square feet).
Microbrewery	2 spaces per 1000 square feet (any office area calculated at 4 spaces per 1,000 square feet).
Microdistillery	2 spaces per 1000 square feet (any office area calculated at 4 spaces per 1,000 square feet).

Microwinery	2 spaces per 1000 square feet (any office area calculated at 4 spaces per 1,000 square feet).
Recycling center	1.5 spaces per 1000 square feet (any office area calculated at 4 spaces per 1,000 square feet).
Research and development facilities	2 spaces per 1,000 square feet
Warehousing and logistics facilities	1 spaces per 1000 square feet (any office area calculated at 4 spaces per 1,000 square feet).
Miscellaneous Uses	
Emergency shelter	1 space per bed plus 4 spaces per 1,000 square feet of office space

17.504 Off Street Loading Regulations

A. Location:

1. All required off street loading berths shall be located on the same Zoning Lot as the use served.
2. No loading berth may be located within twenty feet (20') of adjacent Residential Zoning Districts.
3. No loading berth located closer than fifty feet (50') to any property in a Residential Zoning District shall be completely enclosed by building walls, or a uniformly solid fence or wall, or any combination thereof. Such screening shall not be less than six feet (6') in height.
4. No permitted or required portion of a loading berth shall be located within twenty-five feet (25') of the nearest point of intersection of any two (2) streets.

B. Size: Unless otherwise specified, a required loading berth shall be sized as follows:

1. At least twelve feet (12) in width
2. At least fifty five (55) in length, exclusive of aisles and maneuvering space.
3. Have a vertical clearance of at least sixteen feet (16).

C. Design and Maintenance:

1. Construction and Surfacing: The design of all off-street loading berths and access thereto shall be reviewed as part of the Site Plan Review Process to determine that such are constructed in accordance with the details in City of Wood Dale Engineering Design and Development Standards Manual. A concrete surface shall be required for each loading berth that serves a dock, ramp or elevator.
2. 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 dock. Adequate space to accommodate the turning radii of trucks and trailers, exclusive of any parking spaces and landscaping shall be provided.
3. Screening: Loading berths shall be screened when required by Development Administrator.

D. Utilization: Space allocated to any off-street loading berth shall not also be used to satisfy the space requirements for any off street parking facilities or portions thereof.

E. Central Loading Facilities. Central loading facilities may be substituted for off-street loading facilities on individual lots in keep with the following:

1. Each lot served shall have direct access to the central loading area without crossing streets.
2. The total number of off-street loading berths provided shall meet the minimum requirements of this Chapter, based on the sum of the several uses served.
3. No lot served shall be located more than 300 feet from the central loading area.
4. Collectively provided and used central loading facilities shall be managed through written covenants and easements assuring their retention, maintenance, and use; such agreement to be executed by the parties concerned and the City of Wood Dale. Such covenants and easements shall be reviewed by the Development Administrator and approved as to content and form by the City Attorney and filed for record in the DuPage County Recorder.

F. Yards: Off street loading berths may be located in keeping with the following

1. Off street loading berths may be located in required rear, side or transitional yards, except no loading dock may be located within twenty feet (20') of adjacent Residential Zoning Districts.
2. No off-street loading berth may be located within a required front or corner side yard.
3. If the site cannot accommodate loading berths in the rear, side or transitional yards, then loading berths may be located in the front or corner side yard but shall be screened, as required by the Development Administrator.

G. Schedule of Loading Requirements: Off-street loading berths shall be required in connection with any building or part thereof hereafter erected or altered which is to be occupied by a user requiring the receipt or distribution of materials or merchandise. Off street loading berths shall be provided based on the following:

1. Loading Berth Basis: The number of loading berths required shall be based upon the maximum net floor area devoted to such use.
2. Schedule: Unless otherwise indicated, in the Commercial or Industrial Zoning Districts, the loading requirements shall be based on the floor area of the building(s) as shown in Table 5-5.
3. When determination of the number of required off street loading berths results in a requirement of a fractional berth, any fraction of one-half ($\frac{1}{2}$) or less may be disregarded, while a fraction in excess of one-half ($\frac{1}{2}$) shall be counted as one loading berth.

Table 5-5: Loading Berth Requirements	
0 – 4,999 square feet	0 loading berths
5,000 - 15,000 square feet	1 loading berth
15,001 - 50,000 square feet	2 loading berths
50,001 - 100,000 square feet	3 loading berths
Each additional one hundred thousand (100,000) square feet or fraction thereof in excess of the first one hundred thousand (100,000) square feet shall require one additional loading berth.	

17.505 Commercial And Recreational Vehicle Parking Regulations

A. Applicability:

1. The location and condition of Commercial and Recreational Vehicles in R-1, R-2, R-3, R-4 and RG Residential Districts shall be permitted as prescribed in this Section 17.505 Commercial and Recreational Vehicle Parking Regulations.
2. The following regulation of this Section shall not apply to Commercial Vehicles used by and for school activities on school grounds or those conducting business at a location within a Residential Zoning District, provided that no such vehicle may be parked for more than ten (10) consecutive hours and under no circumstances shall be parked overnight.

B. Number and Location of Vehicles:

1. On a Single-Family Residential Lot:
 - a. Only one Commercial or Recreational Vehicles may be parked outdoors.
 - b. Any additional Commercial or Recreational Vehicles shall be parked entirely within an enclosed garage.
 - c. Any Commercial or Recreational Vehicle outdoors shall be parked only in the rear or side yard.
 - d. Exception: A Commercial or Recreational Vehicle may be permitted in the front yard if the property is developed in a manner that would physically prohibit parking in the rear or side yard, as determined by the Development Administrator. If front yard storage is therefore required, the vehicle shall be parked as near to the front of the garage as is physically possible and shall not extend beyond the front property line. Screening shall be used as required per the Development Administrator.
2. On a Multi-Family Residential Lot:
 - a. Only one Commercial or Recreational Vehicle per residential unit may be parked outdoors.
 - b. Any additional Commercial or Recreational Vehicles shall be parked within an enclosed garage.
 - c. Any Commercial or Recreational Vehicle parked outdoors shall be parked only in the rear or side yard.
 - d. Commercial or Recreational Vehicles may be parked in the front yard only as approved by the Development Administrator when size, timeframe, and other requirements of this Section 17.505 are met.

C. Surfacing: In all cases, Commercial and Recreational Vehicles shall be parked on an approved hard surface of concrete, asphalt, or paving brick.

D. Parking Regulations for Commercial Vehicles

1. Commercial Vehicles may be parked in a side yard provided the vehicle is not closer than ten percent (10%) of the lot width or ten feet (10') away from the side property line (whichever is less).
2. If the property has a driveway that leads to a detached garage located within the rear yard, a Commercial Vehicle may be stored on said driveway only if parking of the vehicle complies with the side yard parking requirements in Section 17.505.D.1:
3. Size Of Commercial Vehicles: Commercial Vehicles that exceed any of the following size criteria, or requiring higher than a "D" license plate, may not be parked outdoors in a Residential Zoning District and must be placed completely within an enclosed garage:

- a. Seven feet (7') in height for open bed trucks when measured from the ground to the top of the roof,
 - b. Nine feet (9') in height for enclosed vans when measured from the ground to the top of the roof;
 - c. Seven feet (7') in width when measured from the widest point of the vehicle (mirrors are not included within the 7-foot width limitation); or
 - d. Twenty-two feet (22') in length when measured from the front bumper to back bumper, excluding snowplow blades as permitted herein.
4. Exterior Attachments on Commercial Vehicles: Commercial Vehicles parked outdoors shall comply with the following restrictions:
- a. Rear of Vehicle: Trailers or other attachments shall be prohibited on the rear of a Commercial Vehicle.
 - b. Front of Vehicle: Snowplows shall be permitted on the front of Commercial Vehicles during the winter season and shall be removed and stored indoors by May 15.
 - c. Sides of Vehicle: No storage of any equipment, storage racks or materials shall be permitted on the sides of Commercial Vehicles.
 - d. Top of Vehicle:
 - i. Storage racks may not exceed eighteen inches (18") in height, inclusive of ladders and other equipment,
 - ii. Overall height of the Commercial Vehicle may not exceed nine feet six inches (9'6") when measured from the ground to the top of the storage rack, inclusive of equipment stored on said racks.
 - e. Pickup Truck Bed:
 - i. Equipment not permanently attached or stored materials may not be visible above the top of the trailer and pickup truck bed.
 - ii. Storage of landscaping material or other organic debris in the trailer or bed of a vehicle shall be prohibited.
5. Vehicles with Refrigeration or Compressor Units: Parking of a Commercial Vehicle containing a refrigeration unit or other motorized compressor shall be prohibited outdoors within a Residential Zoning District. Such vehicle may be parked completely within a garage if said refrigeration unit is not audible outside the garage.
6. Commercial Trailer and Equipment Storage Limitations:
- a. Any trailers or equipment that can be attached to a Commercial Vehicle may only be parked in a fully enclosed garage.
 - b. No engine, compressor, or other equipment that is or can be attached to a Commercial Vehicle may be allowed to idle while stored in a Residential Zoning District.
 - c. No equipment stored on a trailer shall be loaded or unloaded from the trailer upon any public right of way unless having rubber tires or treads.
- E. Parking Regulations for Recreational Vehicles
- 1. Recreation vehicles may be parked in a side yard provided the vehicle is not closer than ten percent (10%) of the lot width or ten feet (10') away from the side property line (whichever is less).
 - 2. If the property has a driveway that leads to a detached garage located within the rear yard, a Recreational Vehicle may be stored on said driveway only if parking of the vehicle complies with the side yard parking requirements in Section 17.505.E.1.
 - 3. Recreational Vehicles may be parked in the rear yard if:

- a. Located on a pad of concrete, asphalt or paving brick provided the pad extends to the full exterior dimensions of the Recreational Vehicle, and
 - b. It is located a minimum of five feet (5') from the rear property line, and
 - c. It is located ten percent (10%) of the lot width or ten feet (10') from the side lot line (whichever is less), and out of any easements.
4. Recreational Vehicle Standards: Recreational Vehicles stored or parked in any Residential Zoning District shall comply with the following:
- a. Size of Recreational Vehicles: Recreational Vehicles that exceed any of the following size criteria must be placed completely within an enclosed garage:
 - i. Thirteen feet (13') in height when measured from the ground to the top of the roof;
 - ii. Eight feet six inches (8'6") in width when measured from the widest point of the vehicle (mirrors are not included within the width limitation); or
 - iii. Thirty five feet (35') in length when measured from the front bumper or hitch to the back bumper.
 - b. Open Recreational trailers shall comply with the following:
 - i. Not be greater in length than sixteen feet (16') long when measured from the hitch to the back bumper or equipment stored on the trailer (whichever is longer).
 - ii. Not have ancillary racks.
 - c. No Recreational Vehicle or trailer shall be connected to gas, water or sanitary sewer service. Temporary electrical hookup shall be permitted only to clean and prepare the vehicle or trailer for use.
 - d. Parked or stored Recreational Vehicles and trailers shall not be used for living or sleeping purposes.
 - e. Recreational Vehicles and trailers shall not be used as accessory structures.
 - f. Recreational Vehicles or trailers shall not have their wheels removed or be affixed to the ground, such vehicles shall be able to be readily removed.
 - g. Recreational Vehicles and trailers shall be properly licensed.
 - h. Recreational Vehicles and trailers shall be utilized for recreational purposes and leave the residential location at least one time per calendar year.
 - i. Recreational equipment stored on a recreational trailer shall be screened from public view by means of a fence, a landscape hedge, or covers which are designed and manufactured for covering the equipment or trailer.
 - j. Recreational trailers may be stored in the front yard only when the equipment stored upon the trailer is being utilized for that season (example, snowmobiles in the winter season and boats in the summer season).

- F. The following definitions shall apply to this Section 17.505 and this Article.
- 1. **COMMERCIAL TRAILER:** Any equipment, or trailer (open or closed) which is towed by another commercial vehicle.
 - 2. **COMMERCIAL VEHICLE:** Any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, for hire or not for hire, but not including a commuter van (a vehicle used in a ridesharing arrangement).
 - 3. **RECREATIONAL TRAILER:** Any open trailer used to haul and store recreational equipment such as boats, snowmobiles, motorcycles, and ATVs and not used commercially nor owned by a commercial business.
 - 4. **RECREATIONAL VEHICLE:** Every camping trailer, motor home, mini-motor home, travel trailer, truck camper or van camper used primarily for recreational purposes and not used commercially nor owned by a commercial business.

Article VI: Landscape and Tree Preservation

17.601 Purpose:

- A. This Article creates uniform landscape, screening and tree preservation standards for development of property in Wood Dale and review of plans therefor, to ensure that the City remains attractive, safe and comfortable. These landscape regulations are established to:
- B. Promote, protect and preserve the general health and safety of the people of Wood Dale and, support aesthetic compatibility among land uses within the City;
- C. Reduce soil erosion and stormwater runoff, provide oxygen regeneration to enhance air quality, and minimize the effects of urban heat islands;
- D. Minimize any harmful effects of noise, dust, debris, motor exhaust, headlight glare, artificial light intrusions, objectionable sights or activities, or similar adverse impacts conducted or created by nearby land use;
- E. Safeguard the environmental quality and aesthetic character of Wood Dale by limiting removal and ensuring replacement of trees upon private property;
- F. Preserve existing vegetation and topographical features by limiting unnecessary clearing and modification of land, encouraging retention of existing mature trees, and requiring replacement of indigenous trees with approved species; and
- G. Encourage energy efficiency in the City.

17.602 Tree Preservation Standards

- A. Existing Trees: Existing trees shall be maintained on properties, to the extent feasible, through their integration into the site and landscape planning for a proposed development. Trees infested, incurably diseased, weakened by age, storm, fire, or other injury may be removed consistent with established good forestry practices and the regulations of the City Code.
- B. Construction Requirements: During any construction undertaken within the City, trees shall be protected as specified in this Article and other requirements of the City Code.
 - 1. Grading and Construction Equipment: Grading and construction equipment shall be forbidden from encroaching within the drip line of a tree.
 - 2. Material Detrimental To Trees: Crushed limestone hydrocarbons and other material detrimental to trees shall not be stored or dumped within the drip line of any tree nor at any higher location where drainage toward the tree could conceivably affect the health of the tree.
 - 3. Toxic Chemicals and Other Injurious Substances: Toxic chemicals, gasoline, oil and other injurious substances shall not be stored or allowed to seep, drain or empty within one hundred feet (100') of the drip line of protected trees.
 - 4. Snow Fencing: Snow fencing shall be temporarily installed at the periphery of the tree's drip line.
 - 5. Tree Trunks and Branches: Tree trunks and branches shall be protected when construction must occur within a tree drip line.
 - 6. Grade Changes: No grade changes shall be allowed under drip line of any trees designated for preservation.

7. Root Pruning/Thinning: To improve the survival rate of trees, root pruning and/or thinning should be performed in accordance with the latest edition of the American National Standards Institute for Tree, Shrub, and Other Woody Plant Management-Standard Practices Pruning (ANSI A300 part 1).
8. Underground Utility Lines: Any underground utility line approved by the City for installation within five feet (5') of the trunk of a tree, or within the drip line of said tree, shall be installed by manual auguring unless another installation method shown to be safe for said tree is approved by the Zoning Administrator.

17.603 Tree Removal and Replacement

Removal and replacement of trees shall be regulated by the following requirements of this Subsection (17.603 Tree Removal and Replacement) and the City Code; except that the requirements of this Subsection (17.603 Tree Removal and Replacement) shall not apply to tree removal on properties having a single-family, two-family, duplex, townhouse or any residential dwellings with a separate means of egress located thereon.

- A. Tree Removal Permit Required:
 1. No tree having a diameter at breast height (dbh) of six inches (6") or greater may be removed without having first obtained a Tree Removal Permit, or other comparable action, as approved by the Development Administrator.
 2. When tree removal is required by any Development requiring submission of a Landscape Plan, Tree Preservation and Removal Plan, Site Plan, or Subdivision Plan, such plan shall constitute a Tree Removal Permit, provided the Development Administrator determines that all required information to constitute a complete submittal has been provided.

- B. Tree Preservation and Removal Plan Required: A Tree Preservation and Removal Plan shall be required for any parcel of land involving the construction of any new building(s) or structure(s) or other site improvements, or the removal of a tree having a dbh of six inches (6") or greater. All Tree Preservation and Removal Plans shall include the following:
 1. A tree survey identifying the following:
 - a. Location of on-site and adjacent right-of-way trees.
 - b. General description of the tree(s), including but not limited to tree size (measured as dbh), species type, and condition of tree.
 - c. Identification of trees designated for removal, preservation and/or transplanting.
 2. A written statement indicating the reason for removal of the tree(s). A report from a licensed Illinois arborist may be requested by the Development Administrator to confirm the need for tree removal.
 3. Details, specifications and/or technical information of materials or procedures to be used to preserve, protect and/or transplant trees.

- C. Landscape Plan Required:
 1. Landscape Plan Required: A Landscape Plan shall be required to receive a Tree Removal Permit when five (5) or more replacement trees are required by this Article.
 2. Information: In addition to being prepared in accordance with applicable provisions of Section 17.606: Landscape Plans of this Article, the Landscape Plan shall include the following:
 - a. Identify each existing tree designated to remain.
 - b. Identify each existing tree designated for removal.

- c. Indicate the location, species, and size (caliper) or height of each replacement tree. Each replacement tree shall be labeled with letter "R".
 - 3. No replacement tree shall be used to satisfy the requirements for tree planting in the public right-of-way or in parking lots; except when those are the trees that must be replaced.
- D. Removal of Trees to be Preserved: Removal of trees designated for preservation and/or transplanting shall only be allowed by amending the Tree Preservation and Removal Plan or Landscape Plan.
- E. Fee In-Lieu: It may be impractical to plant the required number of replacement trees on the same zoning lot due to space limitations or the density of existing trees. Such determination may be made by the Development Administrator based on evidence provided by the applicant. If such is found to be the case the City may allow the payment of a fee in-lieu for each replacement tree not planted on the subject property. Said fee shall be as specified in the City of Wood Dale Master Fee Schedule. The collected fee in-lieu shall be used to plant trees on public property at the City's discretion.
- F. Tree Replacement Required: Any tree that is 1) intended to be removed, 2) unintentionally removed or 3) damaged during construction shall be replaced as follows:
- 1. Trees Designated for Removal: In the event that a tree is designated for removal on the Tree Preservation and Removal Plan or Landscape Plan, such tree shall be replaced with new trees in accordance with the following schedule. On a vacant lot in a residential zoning district, the maximum number of trees to be provided as replacement shall not exceed five (5) trees.

Table 6-1: Trees Designated for Removal Requirements	
Size¹ Of Tree To Be Removed	Number Of Replacement Trees
30 inches or greater	10
13 - 29 inches	8
8 - 12 inches	6
6 - 7 inches	4

¹Size refers to the tree diameter measured at breast height (dbh).

- a. Trees Designated for Preservation: In the event that a tree designated for preservation is destroyed, damaged, or removed during the construction process, the following shall apply:

Each tree shall be replaced with new trees in accordance with the following schedule:

Table 6-2: Trees Designated for Preservation Requirements	
Size¹ Of Tree To Be Removed	Number Of Replacement Trees
30 inches or greater	20
13 - 29 inches	16
8 - 12 inches	12
6 - 7 inches	8

¹Size refers to the tree diameter measured at breast height (dbh).

2. For each tree designated for preservation that is destroyed, damaged, or removed, the permit applicant shall be subject to a fine as specified in the City of Wood Dale Master Fee Schedule.
 3. Prohibited or Nuisance Trees: When a tree designated for removal is one of the species on the list of prohibited trees as maintained by the City in accordance with Section 6.503B of the City Code or when a tree is declared a nuisance tree, each such tree shall be replaced with one (1) new tree.
 4. Exception:
 - a. A tree designated as dead or diseased on a Tree Preservation and Removal Plan or Tree Removal Permit shall not require replacement.
 - b. Existing trees designated for removal as part of development that will be replaced "like for like" by trees that required to meet standards of this Article are not subject to this Section 17.603.F Trees Replacement Required (for example: if a parking lot landscape islands containing two shade trees is removed during redevelopment and replaced with a new landscape island to include two new shade trees as required by this Article, then those existing shade trees that were removed are not subject to replacement requirements).
 5. Replacement Tree Requirements:
 - a. All replacement shade trees shall have a minimum caliper of three inches (3.0").
 - b. All replacement coniferous trees shall have a minimum height of 6 feet (6').
 - c. Replacement trees may not include any tree on the list of prohibited trees in accordance with Section 6.503B of the City Code.
 - d. A variety of tree species are encouraged to promote a diverse tree canopy and minimize the impact from disease and infestation, thus when twenty (20) or more replacement trees are required no more than twenty percent (20%) of the replacement trees shall be of one species type.
 - e. A maximum of twenty percent (20%) of replacement trees may be coniferous trees.
- G. Failure To Comply: Should tree preservation precautions specified in the Tree Preservation and Removal Plan not be adequately undertaken before and maintained during construction, the land development permit for the parcel shall not be issued or, if previously

issued, shall be revoked until such time as these precautions have been satisfied. The applicant/property owner shall be placed on a future Administrative Adjudication Docket for an administrative hearing and potential citation(s).

- H. Applicability: The provisions of this Section 17.603 Tree Removal and Replacement, do not apply to trees on public property.

17.604 Landscaping And Screening Regulations:

Landscaping and screening shall be provided in the locations and manner in keeping with the following:

A. General Requirements for Landscaping and Screening

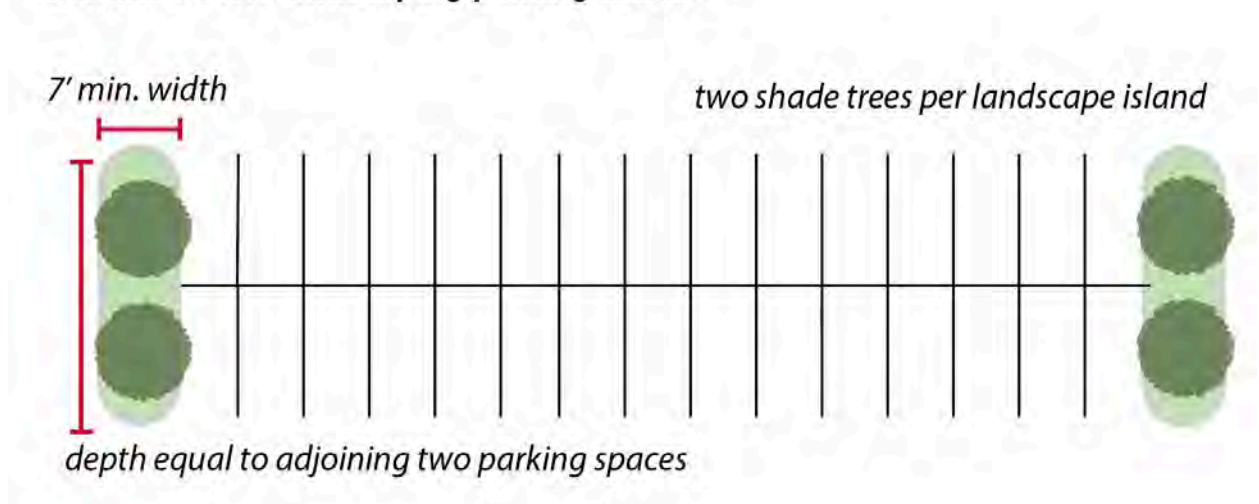
1. Landscape Plan Required: A Landscape Plan prepared in accordance with the standards set forth in this Article shall be required for any land development requiring Site Plan Review, and prepared in keeping with Section 17.606: Landscape Plans, of this Article.
2. Minimum Size: Minimum sizes for plant materials at time of installation for all landscape areas shall be as follows:
 - a. Deciduous trees shall be a minimum caliper of three inches (3.0") when installed. Dwarf varieties, when authorized by the Development Administrator due to space limitations, shall be a minimum caliper of two inches (2").
 - b. Coniferous trees shall be a minimum six feet (6') in height when installed.
 - c. Deciduous shrubs (other than dwarf varieties) shall be a minimum of three feet (3') in height at time of installation if used as a perimeter screen planting, and thirty inches (30") in height for all other installations. Dwarf varieties and plants normally measured by spread shall be a minimum of twenty-four inches (24") in height/spread.
 - d. Ground cover shall be designed, planted and spaced so that complete coverage can be obtained within two (2) years after date of installation.
 - e. Ornamental trees may be used, where appropriate in smaller planting areas, and shall have a minimum caliper of two inches (2") or be of a clump form at a minimum height of five feet (5').
3. Intersection Visibility: Landscaping must be designed and installed to minimize potential obstruction of critical sightlines. Landscape plantings shall not encroach into the Sight Triangle area as defined in Section 17.302.E. Trees are allowed in Sight Triangles provided the lowest branching begins not less than eight feet (8') above the pavement.
4. Artificial Plants: No artificial plants of any type shall be used to satisfy any requirements of this Article.
5. Prohibited Trees: Trees found on the list of prohibited trees as maintained by the City's Public Works Director shall not be used to satisfy the requirements of this Article.

B. Parking Lot Landscaping Requirements: In addition to the general design criteria prescribed in Section 17.606.C: Landscape Plan Design Criteria, all Vehicle Use Areas designed with twenty (20) or more parking spaces shall be landscaped in accordance with the provisions of this Section 17.606.4.B. Final Parking Lot Landscaping plans shall be reviewed and approved as part of the Site Plan Review Process outlined in Article II of the Chapter.

1. Interior Parking Lot Landscaping Areas:
 - a. The following percentage of the interior portion of all Vehicular Use Areas shall be improved with landscaping:
 - i. 5,000 square feet or less 0%

- ii. 5,001 to 40,000 square feet 5%
- iii. 40,000 square feet or greater 8%
- b. The required interior landscaping may include areas dedicated to tree planting islands and those portions of the lot that are landscaped with live ground cover and additional landscaping that is not dedicated to otherwise required site perimeter landscaping.
- c. Landscape Parking Island Design: Each landscape island, unless otherwise indicated, shall be constructed per the following standards:
 - i. A continuous concrete barrier curb having a minimum width of seven feet (7'), measured back of curb to back of curb.
 - ii. A depth equal to the adjoining two parking spaces.
 - iii. Two (2) shade trees per landscape island used to break up a double row of parking per Subsection d below.
 - iv. An adequate number and selection of shrubs, flowers, ground covers, sod and mulch to cover the ground of the parking island (NOTE: Landscaping required under this Subsection may be substituted with bioswales and biofilter strips).
 - v. Any planted shrubs shall not exceed a mature height of thirty inches (30") above the adjoining pavement.
 - vi. Any tree branches maintained at a height less than six feet (6') above the adjoining pavement.
 - vii. Utilities and mechanical equipment such as streetlights or fire hydrants shall not be located in parking islands unless otherwise approved by the Development Administrator due to a hardship.
- d. Minimum Aisle Landscape Parking Island Location: A landscaped island shall be provided at the end of each parking row.

Figure 6-1 Minimum Aisle Landscape Parking Islands:
minimum aisle landscaping parking islands



- e. Additional Landscape Parking Island Location: In addition to Minimum Aisle Landscape Parking Islands described in Subsection d above, one or more of the following alternatives shall be used to divide each Double Row of parking having twenty (20) spaces or more where a run of twenty (20) or more parking spaces exist:

- i. Parking Space Landscape Islands: One Landscape Island may be located so as to break up a run of twenty (20) parking spaces in the Double Row of parking; or

Figure 6-2: Parking Space Landscape Islands

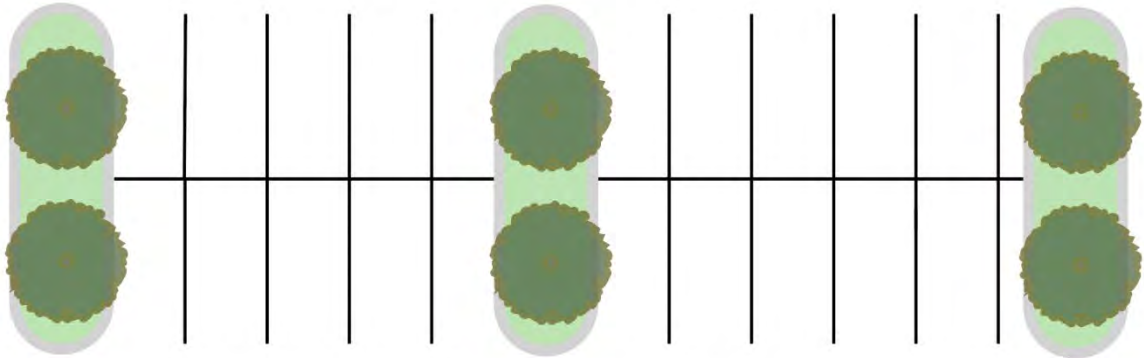


Figure 6-3: Landscape Island Diamonds

- ii. Landscape Island Diamond: One Landscape Island Diamond positioned at the front corner of a parking space, may be provided for each ten (10) parking spaces in a Double Row of parking. Landscape Island Diamonds shall be located so as to break up a run of ten (10) parking spaces in the Double Row of parking. Each Landscape Island Diamond shall be protected by a continuous concrete barrier curb and having minimum dimensions of six and one-half feet (6.5') square, measured back of curb to back of curb and contain one shade tree planted in a Structural Soil (a mix of soil and crushed gravel designed to support survival of trees planted in small area) as approved by the Development Administrator; or

landscape island diamond per 10 parking spaces in a double row

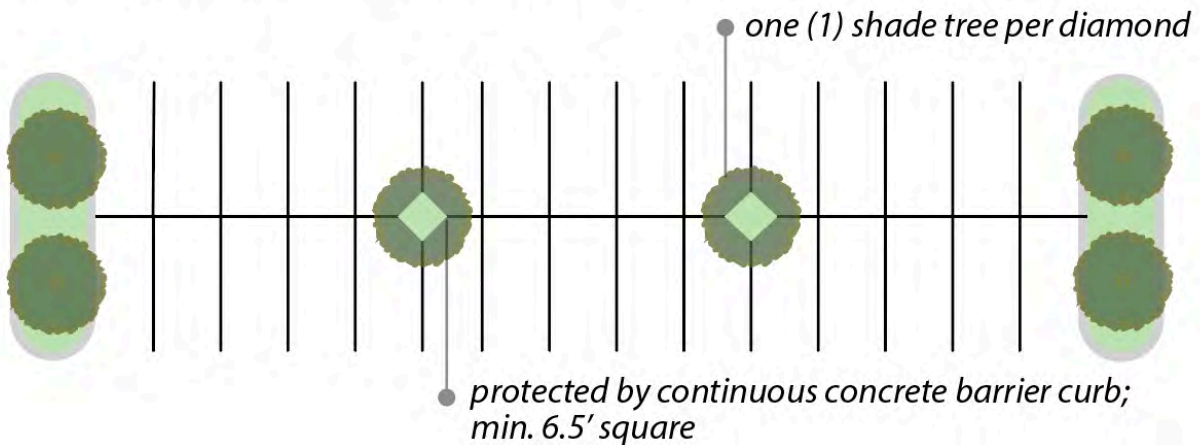
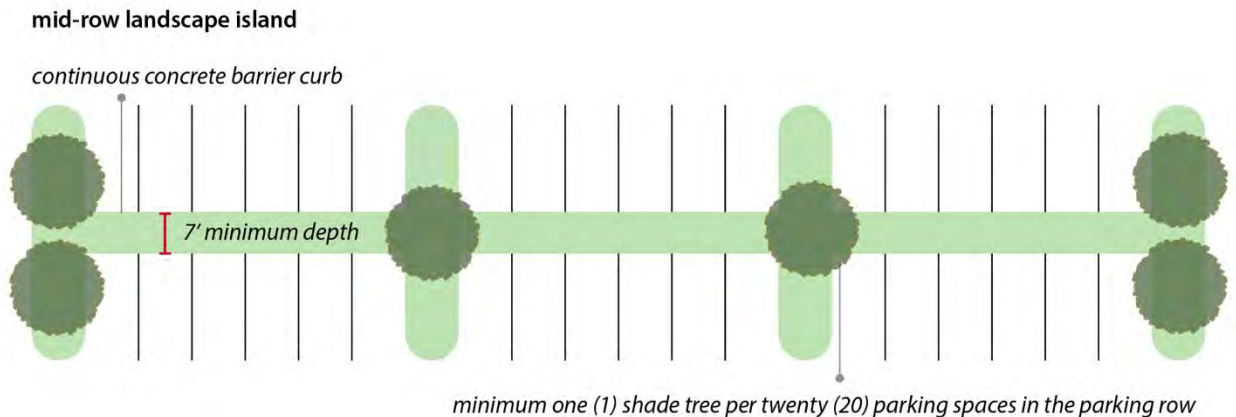


Figure 6-4: Mid Row Landscape Island

- iii. Mid Row Landscape Island: A continuous Mid Row Landscape Island protected by a continuous concrete barrier curb and having a minimum depth of seven feet (7'), measured back of curb to back of curb, may be provided between parking rows. A Mid Row Landscape Island may not be used in parking rows along the perimeter of a parking lot. Each Mid Row Landscape Island shall contain one shade tree for each twenty (20) parking spaces in the parking row. A Mid Row Landscape Island may include notches as may be needed to facilitate use of the landscape area for stormwater detention and filtration, and gaps as needed to meet the requirements of Subsection f below.



f. Pedestrian Access

- i. All parking lots with two or more double-loaded rows must provide internal pedestrian walkways within the Vehicle Access Area and outside of the parking row or drive aisle.
 - The walkway must be a minimum of five (5) feet in width.
 - One walkway is required for every two double loaded aisles.
 - The walkway must be located to serve the maximum number of parking stalls.
 - All walkways must meet all ADA accessibility requirements.
 - ii. All parking lots must include walkways that provide direct connections to building entrances from the spaces furthest from the entrance. At least one walkway must provide a direct connection between the building entrances and the adjacent public rights-of-way and associated sidewalk.
 - iii. All pedestrian walkways must be clearly marked with high-visibility striping, through the use of alternative materials, such as pavers. Where walkways cross a drive aisle, the walkway must have a continuous surface treatment across the drive aisle.
2. Parking Lot Perimeter Landscaping:
- a. Front and Corner Side Yards:
 - i. Where a parking lot is located in or adjacent to a front or corner side yard , landscaping shall be provided as follows:

- (1) Continuous landscaping shall be provided across one hundred percent (100%) of the parking lot frontage to a minimum height of three feet (3').
 - (2) Such landscaping shall consist of any combination of berms, shade and ornamental trees, conifers, shrubbery, hedges, and/or other live planting material.
 - (3) The intent of this requirement is to screen parking lots, vehicles and vehicle headlights from rights of way and adjacent properties.
- b. Rear and Side Yards:
- i. Residential: Where a parking lot is located in a rear or side yard adjacent a residential zoning district, landscaping shall be provided as follows:
 - (1) Screening between the parking lot and the residential property line shall be a minimum of six feet (6') in height or a solid 6-foot wooden fence.
 - (2) Shade trees shall be provided at the equivalent of one for each fifty (50) linear feet, or fraction thereof, of parking lot frontage and shall not be planted more than forty feet (40') apart.
 - (3) Other planting material, including ornamental trees, conifers, shrubbery, hedges, and/or other live planting materials shall be provided in a continuous row covering one hundred percent (100%) of the frontage of the parking lot adjacent the residential lot(s).
 - (4) Unless occupied by planting beds, all side and rear yard perimeter landscaping area shall be sodded or seeded.
 - ii. Nonresidential: Where a parking lot is located in a rear or side yard adjacent a nonresidential property; landscaping shall be provided as follows:
 - (1) Landscaping shall be provided Across at least fifty percent (50%) of that portion of the parking lot abutting the property line to a minimum height of three feet (3').
 - (2) Such landscaping shall consist of any combination of berms, shade and ornamental trees, conifers, shrubbery, hedges, and/or other live planting materials.
 - (3) Plantings may be placed in clusters, containing not less than seven (7) shrubs per cluster, spaced at intervals of approximately thirty-five feet (35') along the property line.
- c. Alley Exemption: Where a nonresidential property is separated from an abutting residential property by an ally providing access to parking, the Development Administrator may provide relief from this Section 17.604.B.2. In granting such relief, the Development Administrator shall consider the extent to which the intent of this Article can be met by providing other forms of landscaping and screening.
- d. Substitution: Landscaping required under this Section 17.604 may be substituted with bioswales and biofilter strips providing equivalent or greater screening impact, as determined by the Development Administrator.
- C. Foundation Landscaping Requirements: In addition to the general design criteria prescribed in Section 17.606.C: Landscape Plan Design Criteria, the following requirements shall also apply to foundation landscaping:
1. Setback: A landscaping area not less than five feet (5') in width shall be located around the perimeter of all buildings, except where impractical, i.e., loading dock areas, entryways, etc.

2. Coverage: Required foundation landscaping areas shall remain open and free of all paving except where walks to buildings and other similar paving is required.
 3. Landscaping Materials: Foundation landscaping consists of shade and ornamental trees, conifers, shrubbery, hedges, and/or other live planting materials. Particular attention shall be paid toward the majority of evergreen screening mechanical equipment and loading docks; softening large expanses of building walls; and accenting entrances and architectural features of the building.
- D. Perimeter Landscaping Requirements: In addition to the general design criteria prescribed in Section 17.606.C: Landscape Plan Design Criteria, all nonresidential and multiple-family development shall provide perimeter landscaping as prescribed. Parking lots located on the perimeter of a lot shall comply with the requirements of Section 17.604.B.2: Parking Lot Perimeter Landscaping of this Article.
1. Nonresidential Property Abutting Nonresidential Property: Where nonresidential property abuts property in a business, office or industrial district, landscaping shall be provided as follows:
 - a. Shade trees shall be provided at the equivalent of one for each seventy-five feet (75'), or fraction thereof, of frontage along the abutting property line. Such trees shall be planted no more than forty feet (40') apart and may be clustered or spaced linearly as determined appropriate.
 - b. Other landscaping materials, including berms, ornamental trees, conifers, shrubbery, hedges, and/or other live planting materials shall be provided at locations along the abutting property line to further screen mechanical equipment, storage areas, large building expanses and other unsightly aspects of the site.
 2. Nonresidential Property Abutting Residential Property: Where nonresidential property abuts property in a residential district, landscaping shall be provided as follows:
 - a. A solid screen six feet (6') in height shall be provided along the entire length of the abutting property line. Such screen shall consist of a solid wood fence, berms, trees, conifers, shrubbery, and/or other live planting materials, necessary to provide one hundred percent (100%) coverage.
 - b. Twenty percent (20%) of all screening materials provided shall be evergreen shrubs and trees.
 - c. Shade trees shall be provided at the equivalent of one for each seventy five feet (75'), or fraction thereof, of frontage along the abutting property line. Such trees shall not be planted more than forty feet (40') apart and may be clustered or spaced linearly as determined appropriate.
 - d. Alley Exemption: Where a nonresidential property is separated from an abutting residential property by an ally providing access to utilities, trash removal, deliveries, or other services, the Development Administrator may provide relief from this Section 17.604.D.2. In granting such relief, the Development Administrator shall consider the extent to which the intent of this Article can be met by providing other forms of landscaping and screening.
 3. Multiple-Family Residential Property: Where multiple-family residential use abuts property in any zoning district, landscaping shall be provided as follows:
 - a. Shade trees shall be provided at the equivalent of not less than one for each seventy-five feet (75'), or fraction thereof, of frontage along the abutting property line. Such trees shall not be planted more than forty feet (40') apart and may be clustered or spaced linearly as appropriate.

- b. Other landscaping materials, including berms, if possible, ornamental trees, conifers, shrubbery, hedges, and/or other live planting materials shall be provided at intermittent locations across fifty percent (50%) of the abutting property line. Shrubs shall be placed in clusters containing at least seven (7) per cluster, spaced at intervals of approximately thirty-five feet (35') along the abutting property line.
- E. Right-Of-Way Landscaping Requirements: In addition to the general design criteria prescribed in Section 17.606.C: Landscape Plan Design Criteria, the following requirements shall also apply to landscaping in rights-of-way:
- 1. Scope: Where a zoning lot abuts a dedicated public right-of-way, trees shall be provided in accordance with the provisions of this Article and Section 6.504 of the City Code.
 - 2. Street Trees: The City shall have the discretion to require trees be planted outside of the right-of-way if the parkway is too narrow or overhead or buried utilities may conflict with the growth of street trees.
- F. Service Area Screening: Service areas, utilities, loading docks and any outdoor storage areas of nonresidential and multifamily residential properties shall be screened if visible from a public right of way or adjacent property. Screening shall be equally effective at all times of the year and meet the following standards as determined through the Site Plan Review process outlined in Article II: Administration and Enforcement.
- 1. Refuse collection areas shall be screened as required in Section 17.302.M.2: Trash Enclosures.
 - 2. All utility equipment (meters, transformers, etc.) shall be provided with the majority of evergreen planting screens to mitigate unsightly views.
 - 3. All service doors and loading areas on nonresidential property shall be concealed from view (at grade) by a majority evergreen landscape material.
 - 4. Outdoor storage areas that exceed eight feet (8') in height shall be screened with landscaping equal to or exceeding the height of the materials to be stored, in addition to other requirements specified in this Chapter.

17.605 Administration Of Landscaping and Tree Preservation Regulations

- A. Variations from Requirements of this Article: The City recognizes the variety of developments and site configurations may warrant flexibility in applying standards set forth in Section 17.602: Tree Preservation and Section 17.604: Landscaping and Screening of this Article. In instances where 1) unique site conditions, 2) visibility of businesses, 3) safe site access, and 4) limitations on availability of plant material create a practical difficulty in meeting the standards of these Sections, the Development Administrator may authorize deviations not more than twenty five percent (25%) from the requirements set forth in those subsections. Whenever such deviations are allowed or required from Sections 17.602 and 17.603, the Development Administrator shall find that the intent of this Article is met and the least amount of relief necessary shall be allowed. When a variation is granted, the applicant shall enter on the face of the landscape plan the reasons for allowing or requiring deviation from the requirements of the sections specified here.
- B. Innovative Landscaping: Innovative landscaping treatments (such as Section 17.607 Best Management Practices described in this Article) are encouraged and shall be considered as an additional or alternative installation to the requirements of this Article. These planting treatments shall be submitted as part of the Landscape Plan and be considered as part of the Site Plan Review process specified in Article II: Administration and Enforcement.

- C. Certificate of Occupancy: All required landscaping shall be installed prior to the issuance of a Certificate of Occupancy, except in keeping with the following:
1. If weather conditions or other circumstances beyond the developer's control prevent installation of all or portions of the landscape materials and all other requirements for the issuance of a Certificate of Occupancy have been met, a Temporary Certificate of Occupancy may be issued.
 2. In the case of a Temporary Certificate of Occupancy being issued for landscaping, a bond or a performance guarantee approved by the City Attorney to ensure completion of approved landscaping shall be filed with the Development Administrator. The amount of the performance guarantee and the required completion data shall be recommended by the Development Administrator based on current costs and set by the City. If such a bond or performance guarantee has already been submitted for the proposed landscape improvements, the City may permit the developer to extend the performance guarantee for an additional specified period of time.
 3. A Temporary Certificate of Occupancy issued in regard to landscaping shall be valid only until the subsequent July 1st. At that time, 1) the required landscaping shall be installed, 2) an extension granted by the Development Administrator due to continuation of unique circumstances, or 3) the amount of the bond or performance guarantee shall be forfeit to the City.

17.606 Landscape Plans

- A. Landscape Plan Preparation: Any Landscape Plan submitted to meet the requirements of this Chapter shall be prepared by a Registered or Professional Landscape Architect. Others preparing such plans shall evidence to the Development Administrator equivalent experience or competencies to prepare a Landscape Plan that meets the regulations and design standards specified in this Article.
- B. Information Required on Landscape Plans: All Landscape Plans submitted shall include the following:
1. Contact Information: The preparer's contact information.
 2. Base Information: Scale, north arrow, and date of preparation.
 3. Site Improvements: The location of existing and proposed improvements; including, but not limited to, buildings, with entry and exit points identified; all utilities, lighting, walls, and fences, parking areas (spaces delineated, including handicapped spaces, curbs); contours; existing and proposed berms; existing (6 inch dbh and larger with drip line) and proposed plant material; paved surfaces; sign locations; public rights-of-way and easements, including street widths; refuse collection areas; property lines; and other exterior landscape amenities, such as bike paths, plazas, architectural paving, flagpoles, foundations, benches, and bicycle racks.
 4. Planting Schedule: The planting schedule listing botanical names, common names, size or height, and quantity.
 5. Ground Surfaces: The proposed treatment of all ground surfaces (such as ground covers, sod, seed and/or prairie).
 6. Tree Plan: Tree Preservation and Removal Plan.
 7. Technical Information: Samples, details, and/or photographs of materials to be used for light standards, benches, fences, walls, signage, safety lighting, and other site details.
 8. Installation of Plant Materials: Plant materials of all types and species shall be installed in accordance with the most recent publication of the American Standard for Nursery Stock as approved by American National Standards Institute and issued as ANSI Z60.1.

9. Maintenance of Plant Material: A means of irrigating plant material shall be provided. Installation of an automatic underground sprinkling system is recommended.
10. Supporting Information: Drawings providing support information regarding landscape installation and maintenance: 1) irrigation plans, 2) grading and drainage plan (showing spot elevations and/or cross section,) and 3) methods to be used to protect plants and planted areas, (e.g., curbs, ties, walls).
11. Design / Character Information: Provide 1) elevations, 2) cross sections, 3) samples and/or photographs to indicate texture of exposed surfaces, landscape material, scale, color of exposed surfaces, and planting in relation to buildings.
12. The Development Administrator may waive the requirement for any of the submission materials in this Section 17.606.B upon request by the applicant and sufficient indication that such information is not relevant or necessary to adequately review the Landscape Plan.

C. Landscape Plan Design Criteria: The Landscape Plan shall evidence to the City that the following design criteria will be met.

1. Scale and Nature of Landscape Materials: The scale and nature of landscape material shall be appropriate to the site and the structures thereon.
2. Selection of Plant Material: Planting materials used in conformance with the provisions of this Article shall be of good quality and of a species normally grown in northeastern Illinois that is:
 - a. Capable of withstanding the extremes of individual site microclimates.
 - b. Selected for interest in its structure, texture, and color for its ultimate growth.
 - c. Harmonious to the design, and of good appearance.
 - d. In conformance with the most recent publication of the American Standard for Nursery Stock as approved by American National Standards Institute and issued as ANSI Z60.1.
3. Planting Beds: Planting beds shall be mulched in their entirety with shredded bark or other similar organic material. Lava rock or large diameter (1½ inch diameter or larger) bark chips ("chunk bark") are not acceptable. Gravel and stone mulches are not permitted, unless specifically approved in writing by the Development Administrator upon finding that other materials cannot survive in the location or create a safety hazard. Mulch beds shall be designed so that at time of planting they extend a minimum of two feet (2') beyond the center of a shrub.
4. Detention/Retention Basins and Ponds: Detention/retention basin and pond areas shall be planted. Such plantings shall include shade and ornamental trees, conifers, shrubbery, hedges and/or other live planting materials. Plants must be able to tolerate wet conditions if planted within the basin.
5. Energy Conservation:
 - a. Deciduous trees, shrubs and vines should dominate the south and west sides of buildings and plaza areas to provide shade during the summer and limited shade during winter.
 - b. Coniferous and other plant materials should be concentrated on the north side of buildings in a manner that dissipates the effect of winter winds.
 - c. Water Conservation: Wherever possible landscape designs and plant material that is indigenous and/or drought tolerant should be used to reduce the need for irrigation.
 - d. Berms: Earthen berms and existing topography shall, wherever practical, be incorporated into the landscape treatment of a site. Berms shall not exceed a maximum slope of four horizontal units to one vertical unit (4:1), except in

parking islands, where the maximum slope shall not exceed two horizontal units to one vertical unit (2:1).

- e. Topography: Where natural, existing topographic patterns contribute to the beauty and utility of a development, they shall be preserved and developed. Modification of topography may be allowed where it contributes to the aesthetic quality of the site.
- f. Protection of Plant Material and/or People: In locations where plant materials may be susceptible to injury or cause personal injury, appropriate curbs, tree guards, or other devices shall be provided.
- g. Areas Where Plant Material Will Not Prosper: In areas where general planting will not prosper, other materials such as fences, walls and pavings of wood, brick, stone, and cobbles shall be used. Carefully selected plant material shall be combined with such materials where possible.
- h. Exterior Landscape Lighting: Lighting standards and fixtures when used to enhance the building design and the adjoining landscape shall be of a size and design compatible with the building and adjacent areas. Lighting shall be restrained in design, and excessive brightness and brilliant colors shall be avoided. Electrical service shall be underground.
- i. Amenities: In business, office and industrial districts seating areas, paved areas, plant enclosures, benches, waste receptacles, lights, and other amenities shall be provided where appropriate.
- j. Edging: Edging is recommended to separate grass areas from shrubs, ground cover and mulch and shall be a good quality steel, plastic, or weather resistant (redwood, cedar) or treated wood secured with stakes.
- k. Ground Cover: All drainage swales and slopes having a slope of four vertical units to one horizontal unit (4:1) or greater shall be sodded. All other ground areas not covered by buildings, parking, sidewalks or other impervious surfaces, or occupied by planting beds shall be graded smooth with a minimum of six inches (6") of black dirt after compacting and removing stumps, rocks and other debris, and shall be seeded or sodded to prevent soil erosion and sedimentation of public drainage systems, creeks, streams, rivers and wetlands.
- l. Flowerbeds: Flowerbeds are encouraged and shall be planted in masses in acceptable areas to create color, texture and visual interest.

- D. Guidelines for Reviewing Landscape Plans: A Landscape Plan shall be approved if the following conditions are satisfied:
- 1. The use of shrubs, flowers, berms and ground cover are used appropriately to enhance the overall appearance and function of the site or open spaces on the site;
 - 2. The planting of shade and ornamental and coniferous trees is used to define and enhance spaces on the site;
 - 3. The use of planting material to effectively screen adjacent dwelling units, service areas, and parking areas;
 - 4. The use of planting material to contribute to water conservation and energy efficiency;
 - 5. The use of planting material seasonal color, texture, size and form to create seasonal and visual interest and appeal in the community;
 - 6. The composition, number, location, species of landscape material, berms, fences and other features, and supporting documentation are provided as required by this Article.

17.607 Best Management Practices (BMPs):

Best Management Practices (BMPs), including those described in this Section 17.607, are encouraged in developments through appropriate application of landscape design, site construction and landscape maintenance practices. Use of BMPs may be used to off-set a portion of stormwater management requirements if, at the sole discretion of the City Engineer, the applicant provides evidence by a licensed engineer that such offsets are feasible and the applicant provides a plan for ongoing maintenance and sufficiency of such facilities. Should the applicant or subsequent owners fail to maintain BMPs as effective stormwater management elements, the City Engineer or Public Works Director, at their sole discretion, may require repair of such BMPs or replacement with conventional stormwater management systems as may be needed to meet the intent and standards of the City Code.

A. Sustainable Development Standards.

Green design considers the environment and site during design, construction, operations and maintenance. In evaluating site plans with BMPs in the Site Plan Review process spelled out in Article II: Administration and Enforcement, the City shall consider all relevant engineering and design standards as well as the standards of this Section shall be evaluated in regard to sustainable building design, site planning, streetscape/landscape design and infrastructure engineering. The following considerations should be included in site and building design and construction when incorporating BMPs:

1. Optimize building orientation for heat gain, solar shading, daylighting and natural ventilation.
2. Design landscape, hardscape and building roofs to create comfortable micro-climates and reduce heat island effects.
3. Select native landscape materials and reuse rainwater and graywater where feasible and allowed by Code to reduce or eliminate the need for potable water in the irrigation of landscape.
4. Increase water efficiency through the use of high-efficiency systems and fixtures or through rainwater and graywater reuse as allowed by Code to decrease use of the City's water supply and wastewater system.
5. Design all sites and buildings to be "transit-supportive" to facilitate access to existing and future transit services.
6. Use sustainable, rapidly renewable or recycled building materials.
7. Use building materials manufactured within the region.
8. Design and select lighting and equipment for efficient energy use.
9. Minimize off-site light pollution.
10. Create healthy, comfortable indoor environments through increased natural lighting, control of thermal systems, reduced VOCs (volatile organic compounds) and improved indoor air-quality and ventilation.
11. Maximize on-site stormwater management through landscaping and permeable pavement as well as shared facilities.
12. Maintain or reduce the peak stormwater discharge rate and quantity.
13. Enact plans to control erosion, sedimentation and dust during construction.
14. Conduct commissioning of building energy systems to ensure desired performance.
15. Include on-site renewable energy sources (such as solar, wind, geothermal) where feasible.
16. Reduce or eliminate heating, ventilation, air conditioning and refrigeration equipment that emits compounds that contribute to ozone depletion and climate change.

17. Provide for an easily accessible, dedicated area for the collection and storage of materials for recycling

18. Incorporate universal design into building plans where feasible.

- B. Permeable Pavement and Pavers: Permeable pavement and pavers are an alternative method of hard surface that allows stormwater runoff to filter through voids material. The use of this porous material can help promote the natural cleaning and infiltration of water, instead of allowing it to wash into streets and down storm drains. Use of this material may be allowed in designated drive or path areas.



C. Bioswales or Retention Ponds: Bioswales and Retention ponds are vegetated landscaped depressions that capture, treat, and slow down stormwater runoff. They provide a more aesthetically pleasing environment than the typical required concrete stormwater fixtures.

D. Parking Lot Drainage: Stormwater drainage is an integral component in the design of parking lots. Stormwater may be

infiltrated into the parking lot planting areas and then drained to a specified area. This approach can clean, detail, and direct stormwater.



- E. Green Roofs: Green roofs incorporate plants into the roofing system to reduce pervious surfaces and stormwater runoff. These systems can serve as short term stormwater management to reduce, delay, and clean stormwater runoff from a site.

Article VII: Non-Conforming Lots, Buildings, Structures and Uses

17.701 Purpose.

The purpose of this Article is to govern three types of nonconformities: lots, structures, and uses. A nonconformity is a lot, structure, or use that was lawfully established but—because of the adoption of new or amended regulations—no longer complies with one or more requirements of this code. The regulations of this Article establish the standards under which nonconformities can be altered, expanded, or allowed to continue. This Article also provides for:

- A. The regulation and short-term maintenance of those nonconforming lots, structures and uses which substantially and adversely affect the orderly development and taxable value of other conforming property in each district; and
- B. The gradual elimination of nonconforming lots, structures and uses to those that conform to the provisions of this Article by specifying the circumstances and conditions under which nonconforming lots, structures and uses shall be permitted with restriction in order to accomplish the objectives of this Code without undue burden to any single property owner, in accordance with the authority granted by Illinois Statutes.
- C. The establishment of a system to enable certain nonconforming lots, structures, and uses intended to be granted an exception to these regulation and provide greater flexibility than the category of "nonconforming uses" in the continuation, expansion or enlargement of existing land uses still permitted in the subject zone district, but which no longer comply with this Code's use limitations.

17.702 Determination of Nonconforming Status.

- A. The burden of proving that a nonconformity exists (as opposed to a violation of this Article) rests entirely with the property owner. However, the Development Administrator will maintain a current inventory of all known nonconforming lots, structures, and uses within the city, including those created after the adoption of any partial or comprehensive amendment to this code.
- B. The Development Administrator is authorized to determine whether adequate proof of nonconforming status has been provided by the subject owner.
- C. Building permits, lawfully recorded plats, aerial photography owned by the City and other official government records that indicated lawful establishment of the lot, structure or use constitute conclusive evidence of nonconforming status. If such forms of conclusive evidence are not available, the Development Administrator is authorized to consider whether other forms of evidence provided by the subject owner are reliable and adequate to document nonconforming status. Examples of evidence that may be considered include, but are not limited to:
 - 1. Professional registrations or licenses;
 - 2. Utility billing records; and
 - 3. Leasing records.

17.703 General Provisions.

- A. Elimination Of Nonconforming Structures and Uses: In accordance with Section 17.706 and the exceptions set forth in Section 17.705 of this Article, it is hereby declared to be the intent of the City to eliminate nonconforming uses and structures.
- B. Authority To Continue Nonconforming Lots, Structures and Uses: Any nonconforming lot, structure or use which was nonconforming at the time of the adoption of this Article and which remains nonconforming and any lot, structure or use which shall become nonconforming upon the adoption of this Article or of any subsequent amendments thereto, may be continued subject to the regulations which follow.
- C. Continued Status of Nonconformity: Nonconforming status rests with the property, not with the subject owner. Such status is not affected by changes in ownership or management.
- D. Maintenance and Repair of Nonconforming Lots and Structures: Nonconforming lots and structures carry the same obligations and requirements for safe upkeep as conforming lots and structures. Incidental repairs and normal maintenance necessary to keep a nonconformity in compliance with the City Building and Property Maintenance Codes are permitted unless otherwise expressly prohibited in this Article. Normal maintenance and incidental repair or replacement of fencing, nonbearing walls and partitions, fixtures, wiring, plumbing, parking, landscaping and mechanical equipment may be performed on any nonconforming lot or structure. Nothing in this Article shall be deemed to prevent the strengthening or restoration of an unsafe structure in accordance with any order of a public official charged with protecting public safety, and who finds such structure is unsafe in its then present condition, and that repair or restoration is not in violation of the provisions of this Article governing the restoration of partially damaged or destroyed structures.
- E. Previous Nonconforming Lots, Structures and Uses: Any nonconforming lot, structure or use which existed prior to the effective date of this Article which is made lawful and conforming as a result of the provisions of this Article shall be considered as conforming.
- F. Abandonment:
 - 1. Abandonment is the voluntary discontinuance of a nonconforming use or the occupancy of a nonconforming structure, when accompanied by the intent not to reestablish such use or occupancy. Any one of the following conclusively establishes an intent to abandon, and after which the use must conform to all applicable regulations of this code:
 - a. Any positive act indicating such intent; or
 - b. Any conscious failure to take all necessary steps to resume the nonconforming use or occupancy with diligence in the circumstances, including advertising of the property for sale or for lease; or
 - c. In the case of a nonconforming structure which is damaged by means out of control of the owner to an extent of less than fifty percent (50%) of the cost of restoration of the entire structure, failure to commence restoration within six (6) months from the date of partial destruction, or conclude restoration within two (2) years from the time restoration construction is initiated.
 - 2. In addition, each of the following situations concerning specific types of uses will conclusively establish an abandonment:
 - a. Nonconforming Use of Land: When a nonconforming use of land is abandoned, or an accessory use of land to the nonconforming principle use of land, is abandoned

for a period of ninety (90) consecutive days, or for a total of six (6) months during any one year period (regardless of any reservation of an intent not to abandon or to resume such use of land), such use of land will not thereafter be reestablished or resumed. Any subsequent use or occupancy of such land or structures shall comply with the regulations of the zoning district in which such land is located.

- b. Nonconforming Use of Structure: The abandonment of any nonconforming use of a structure for a period of twelve (12) consecutive months, regardless of owner intent, shall terminate any rights conferred by this Article to continue such nonconforming use. Any subsequent use or occupancy of such land or structures shall comply with the regulations of the zoning district in which such land is located.
- c. Nonconforming Accessory Uses: No use which is accessory to a principal nonconforming use shall continue after such principal nonconforming use shall have been ceased or terminated.

17.704 Specific Nonconforming Regulations

- A. Nonconforming Lots: A nonconforming lot is a lot that was lawfully created in accordance with lot area, lot width and lot depth regulations in effect at the time of the lot's establishment but does not comply with currently applicable lot area, width or depth regulations.
 - 1. Continuation of Substandard Lots of Record: In a district, notwithstanding the regulations imposed by any other provision of this code, a building which complies with the restrictions in subsection 17.704.A.2 may be erected on a lot that is at least fifty feet (50') in width and not under common ownership with an immediately adjacent lot that:
 - a. Has less than the prescribed minimum lot area or lot width or lot depth, or all three (3);
 - b. Is shown by a plan or deed recorded at the DuPage County Recorder of Deeds to have been owned separately and individually from adjoining tracts of land during the entire time that the creation of such lot has been prohibited by this Article.
 - 2. Yard Requirements for Nonconforming Lots: Construction permitted by subsection 17.704.A.1 will comply with all the regulations, except lot area, lot width and/or lot depth, applicable in the zoning district in which the lot is located, provided, however, that the following said yard requirements shall apply in place of the side yard requirements otherwise applicable:
 - a. A building shall be placed on the lot so as to provide a yard on each side of the dwelling building within a residential zoning district.
 - b. Required side yards of the principal building shall not be less than ten percent (10%) of the width of the lot, and in no case shall required side yards be less than five feet (5') in width, and in no case shall a residential building be located less than ten feet (10') from a building on an adjoining lot.
 - 3. Lot Consolidation of Nonconforming Lots: When two (2) or more contiguous nonconforming lots are held in common ownership, the lots must be consolidated in order to meet or come closer to meeting applicable minimum lot area, width and depth requirements, except that lot consolidations are not required when a building addition does not exceed two hundred fifty (250) square feet or the construction of an accessory structure does not exceed five hundred (500) square feet.
 - 4. Accessory Uses: No new accessory use may be added to (a) any nonconforming lot or (b) any conforming lot with a nonconforming principle structure.
- B. Nonconforming Structures: A nonconforming structure is any structure that was lawfully established but no longer complies with applicable lot and building regulations or other dimensional or locational requirements of this Article.

1. Alteration of Nonconforming Structures: Subject to the provisions for limited nonconforming exceptions in Section 17.705, any nonconforming structure may be altered or remodeled provided, however, that no such alteration or remodeling shall either create any additional nonconformity or increase the existing nonconformity of all or part of the building or structure, except that as to structures located on a lot which does not comply with the applicable lot size requirements, the side yard requirements shall be determined by subsection 17.704.A.2.
2. Restoration: In the event a nonconforming structure is destroyed or damaged by fire or other casualty or act of God, such building may be restored only if the cost of reconstruction to its condition prior to the casualty does not exceed fifty percent (50%) of the replacement cost of the entire structure - as determined in accordance with Code - and providing no restoration or reconstruction shall be undertaken unless it is started within one year from the date of notice by the Development Administrator of this provision or the date of the casualty destruction, whichever is later, and completed within twelve (12) months from the date of the casualty. The Development Administrator may, but is not obligated to, grant up to two (2) 6-month extensions for cause.
3. Relocation: No nonconforming structure shall be moved in whole or in part to any other location on the same or any other lot unless every portion of said structure is made to conform to all of the regulations of the district in which it is to be relocated.
4. Damage or Destruction: In the event that any nonconforming structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than fifty percent (50%) of the cost of replacement of the structure new - as determined in accordance with this Code - such structure shall not be restored unless it and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located. When such damage or destruction is fifty percent (50%) or less of the cost of replacement, no repairs or restoration shall be made unless a zoning certificate is obtained in accordance with subsection 17.401.C of this Article and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.
5. Accessory Uses: No new accessory use may be added to (a) any nonconforming lot or (b) any conforming lot with a nonconforming principle structure.

C. Nonconforming Uses:

1. Change of Use: A nonconforming use of land or a structure shall not be changed to any use other than a use permitted in the zoning district in which the use is located. When a nonconforming use of land or a structure has been changed to any permitted use, it shall not thereafter be changed back to a nonconforming use. For purposes of this section, a use shall be deemed to have been so changed when an existing nonconforming use shall have been terminated and a conforming use shall have commenced.
2. Expansion of Use: The nonconforming use may not be expanded or extended beyond the area the use occupied at the time the use became nonconforming except in conformance with subsection 17.705.A of this Article.
3. Damage or Destruction: In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than fifty percent (50%) of the cost of replacement of the structure new - as determined in accordance with this Code - such structure shall not be restored unless it and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located. When such damage or destruction is fifty percent (50%) or less of the cost of replacement new, no repairs or restoration shall be made unless a zoning

certificate is obtained in accordance with subsection 17.701.C of this Article and restoration is actually begun within one year after the date of such partial destruction is diligently pursued to completion.

4. Relocation: No nonconforming use of land or structure shall be moved in whole or in part of any distance whatsoever, to another location on the same lot or any other lot, unless such use shall thereafter conform to all regulations of the zoning district in which it is located after so moved.

17.705 Limited Nonconformity Exceptions.

- A. Development Administrator Authority in Special Cases Only: The Development Administrator may authorize, upon application in specific cases, an exception permitting an increase:
 1. in either, or both, the zoning lot area or the gross floor area in a structure or structures occupied by a nonconforming use as are necessary and essential to enable the owner of the use to comply with lawful requirements of the federal, state, or city; or
 2. in the existing nonconforming use on an existing zoning lot where (a) as a result of a property owner acquiring additional adjoining property or (b) an act of government through vacation of right-of-way that creates additional private land area abutting the existing zoning lot.
- B. Procedure and Required Findings: All applications for a limited nonconformity exception under this Section 17.705 will be reviewed according to the following procedures:
 1. Initiation: The owner[s] of the subject property or the owner's authorized agent may initiate an application for limited nonconformity exception.
 2. Pre-Application Meeting: A pre-application meeting with the Development Administrator is optional before submittal of a limited nonconformity exception application. The Development Administrator's opinions or comments made during a pre-application meeting are informational only and do not represent a commitment on behalf of the city regarding a final decision on the limited nonconformity exception application. However, at the pre-application meeting the Development Administrator may waive application submittal requirements or request that additional information be submitted.
 3. Application and Fees:
 - a. Submittal in Writing. All applications for a limited nonconforming exception will be submitted in writing to Development Administrator. The applicant will pay all required fees at the same time the application is submitted.
 - b. Concurrent Applications. The applicant may submit a limited nonconformity exception application concurrent with the submittal of other applications. In no case, however, shall a building permit be issued until the limited nonconforming exception according to this Section 17.705 is approved.
 4. Review, Referral and Final Decision: The Development Administrator may refer the limited nonconforming exception application to other affected or interested state and local agencies, city departments and parties for review and comment, as deemed necessary to make a decision on the application. The Development Administrator will make a final decision to approve, approve with conditions, or deny the application, taking into consideration relevant comments. Wherever higher or more restrictive standards are established by the provisions of this code, the Development Administrator may take these provisions into consideration in making a final decision.

5. Review Criteria: The Development Administrator will use the following criteria in making a decision on an application for a limited nonconformity exception application:
 - a. the application is consistent with all prior approvals for the subject property.
 - b. the application complies with all other applicable regulations in this code except those specifically the subject of the limited nonconforming exception.
 - c. the use is a nonconforming use as defined in this code, is in full compliance with all requirements of this code applicable to nonconforming uses, and is not a nonconforming use which is to be terminated by operation of law.

- C. Timing for Decisions: Any decision for a limited nonconforming exception will be made by the Development Administrator within 45-days after receipt of a completed application complying with the requirements of this Section 17.705, unless the property owner and Development Administrator agree in writing to a longer review period. Failure of the Development Administrator to issue his or her written decision with 45-days, or as may be extended by agreement of the property owner and director, will be a decision to deny the application.

- D. Limited Nonconforming Exceptions Personal to Owner: A limited nonconforming exception authorized by this Section 17.705 is personal to the property owner and is not transferable, and will only run with the land after construction of any authorized structure or structures and only for the life of such structure or structures.

- E. Community Development Commission Authority to Grant Variances for Other Expansions; Jurisdiction on Appeal:
 1. The Community Development Commission may grant other exceptions to the nonconforming provision of this Article that are not otherwise limited nonconforming exceptions under its power to grant variances, subject to the procedures and applicable criteria stated in Section 17.202.C.7.e and Section 17.204.C of this UDO.
 2. The Community Development Commission will hear all appeals from any decision of the Development Administrator, subject to the procedures and applicable criteria stated in Section 17.204.

Article VIII

Subdivision Plats and Procedures

And

Subdivision Improvements Requirements and Standards

17.801 General Provisions

- A. Purposes: This Chapter establishes the procedure to be followed by a landowner or developer who proposes to subdivide or develop any land subject to the terms of this Code. Applicants will be required to consolidate petitions for subdivision, development, zoning relief or annexation in one proceeding. This section identifies the contents of preliminary and final plats, plans and supporting data. This section establishes a review process, and enumerates standards governing decisions made under this Article. In addition, this Article establishes applicable subdivision improvements standards required by the City.
- B. Authority: This Article is adopted in accordance with the City's authority to comprehensively plan for its future economic and land use development pursuant to Division 12 of the Illinois Municipal Code, 65 ILCS 5/11-12-1 et seq.
- C. General Purpose and Intent: The purpose of this Article is to establish reasonable design standards and procedures for subdivision and development applications within the corporate limits and extraterritorial jurisdiction of the City and, further, to promote the public health, safety, comfort, morals and welfare of the community, including:
1. Promote the orderly development of the City and surrounding unincorporated areas in accordance with the Official Comprehensive Plan;
 2. Protect the character and maintain the stability of the City and surrounding unincorporated areas;
 3. Ensure the proper coordination and installation of streets and other public improvements and utilities;
 4. Provide adequate storm drainage and flood control measures;
 5. Protect valuable natural and cultural resources;
 6. Protect valuable agricultural resources;
 7. Promote the logical arrangement of lots for future development;
 8. Insure proper legal descriptions and placement of survey monuments for subdivided properties; and
 9. Guarantee the construction, inspection, dedication and acceptance of reasonable public improvements.
- D. Jurisdiction: The requirements of this Article shall be applicable to any and all subdivisions or Developments of land within the corporate limits of the City, as may be modified from time to time, as well as all unincorporated areas within one and one-half (1.5) miles of the corporate limits of the City. Valid and fully executed jurisdictional boundary line agreements between the City and other municipalities may take precedence in establishing the jurisdiction in unincorporated areas, as authorized by Section 11-12-9 of the Illinois Municipal Code, 65 ILCS 5/11-12-9.

- E. Official Comprehensive Plan Component: In accordance with Section 17.202.A of this Code, as amended, this Article is and shall be a part of the "Official Comprehensive Plan" of the City of Wood Dale.
- F. Consistency with State Laws Regarding Division of Land: From and after the effective date of this Code, no lot or tract of land located within the City or within the area of jurisdiction of the City shall be divided or redivided in any manner into two or more lesser tracts for building site purposes, without subdividing or resubdividing and platting such tract in the manner provided by the statutes of the State of Illinois.
- G. Types of Subdivisions.
 - 1. Major Subdivision. A Major Subdivision is one that involves one or more of the following activities:
 - a. There are proposed public streets, alleys, easements, parks, and common areas.
 - b. There are buildings or significant structures on the land to be subdivided.
 - c. 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.
 - d. There are variances or exceptions requested from this chapter.
 - e. The subject property is being designed and developed as a planned unit development.
 - 2. Minor Subdivision. A subdivision of land into four (4) or fewer lots, provided that such subdivision does not involve any new or extensions of existing public streets, alleys, easements, parks, or common areas, or require any other public improvements, and does not require any modifications of this Section.

17.802 Major Subdivision Procedures.

- A. The Preliminary Subdivision Plat: No person shall subdivide or develop any parcel of land until a preliminary subdivision plat shall have been reviewed and recommended by the Community Development Commission and approved by the City Council as set forth herein. The Development Administrator may authorize the simultaneous filing of an application for preliminary and final subdivision plat approvals without compliance with separate procedures in particular cases where the nature and scope of the proposed subdivision does not require separate review procedures.
- B. Procedures for Reviewing the Preliminary Subdivision Plat:
 - 1. City Staff Review of Preliminary Subdivision Plat: Upon receipt of a complete application, the Development Administrator shall distribute copies of the application and supporting documents to such city staff and consultants as appropriate for review and comment concerning compliance with city requirements. Within fourteen (14) days of receipt of the complete application, the Development Administrator shall advise the applicant, in writing, that the preliminary plat conforms or fails to conform to the requirements of this Chapter or other provisions of this Code. If the preliminary subdivision plat fails to conform, the Development Administrator shall specify the reasons the preliminary subdivision plat fails to satisfy city development goals and requirements of this chapter.
 - 2. Community Development Commission Review of Preliminary Subdivision Plat: Upon receipt of all the material required under Section 17.802.D of this Article for the preliminary subdivision plat, the development administrator shall circulate the preliminary subdivision plat to the Community Development Commission. The

Community Development Commission shall place the matter on its agenda and shall serve notice upon the applicant of the time and place of its meeting at which said matter will be discussed. The community development commission shall forward its written report to the City Council recommending approval or disapproval of the preliminary subdivision plat within sixty (60) days from the date of the filing of a complete application, or such other extended time as may be agreed to between the applicant and the Development Administrator. If the recommendation is to disapprove, the report shall set forth the reasons for its disapproval and specify with particularity the aspects in which the proposed subdivision plat fails to satisfy city development goals and requirements of this chapter. Failure of the Community Development Commission to make its recommendation within the 60-day period, or such agreed extended time, will be considered a recommendation of approval of the preliminary subdivision plat.

3. City Council Review of Preliminary Subdivision Plat: The City Council, by resolution duly adopted, shall accept or reject the preliminary subdivision plat within thirty (30) days after its next regularly scheduled meeting following the date of action of the Community Development Commission, or such other extended time as may be agreed to between the applicant and the Development Administrator. If it rejects the preliminary subdivision plat, the resolution shall set forth the reasons for its disapproval and specify with particularity the aspects in which the proposed plat fails to satisfy city development goals and requirements of this chapter. Failure of the City Council to make its recommendation within the 30-day period, or such agreed extended time, will be considered denial of the preliminary subdivision plat.
4. Modifications; Initial Board Comment and Referral:
 - a. In the event the application for preliminary subdivision plat approval includes a request for a modification of any provision of this Chapter, the application will be submitted to the Development Administrator for initial review and comment, prior to referring the matter to the City Council for preliminary review. Within 30 days of referral to the City Council, the City Council, at a regular City Council or Committee of the Whole meeting, will review the application materials and any member of the City Council may make any comments, suggestions or recommendations deemed necessary or appropriate regarding the application.
 - b. The purpose of the review will be to broadly acquaint the City Council with the applicant's proposal and to provide the applicant with any initial views or concerns that members of the City Council may have at an early stage in the Subdivision review process. Any views expressed in the course of the City Council's initial review of the Subdivision and related modification request are advisory only, preliminary in nature, and the individual views of the member expressing them. Nothing said or done in the course of the review will create, or prejudice, any rights of the applicant or to obligate the City Council, or any member of it, to approve or deny the formal application following full consideration thereof, as required by this Chapter
 - c. Public Hearing Required. Within 45 days of the initial City Council review of the application for preliminary subdivision plat approval and related modifications of this Article, and after public notice complying with Section 17.202.E of this UDO have been satisfied, the Community Development Commission will conduct a duly noticed public hearing to review the application. The Community Development Commission will, within 30 days of the initial public hearing on the application, act to recommend approval, approve with conditions or disapprove the application and the modification of this Article. The failure of the Community Development Commission to act within the time period specified in this Subsection 17.802.4.c, or

any additional time to which the applicant may agree, will be deemed a recommendation for the approval of the preliminary subdivision plat and the related modifications.

- d. City Council Approval. Within 30 days of receiving a recommendation from the Community Development Commission, the City Council will approve, approve with conditions, approve with modifications, or disapprove. The failure of the City Council to act within 30 days will be deemed disapproval.
 5. Effect of City Council Approval of Preliminary Subdivision Plat: Approval of the preliminary subdivision plat by the City Council shall not qualify the preliminary subdivision plat for recording, but shall be considered permission to prepare the final subdivision plat with detailed plans and specifications for the proposed subdivision.
 6. Expiration: Such preliminary subdivision plat approval shall be effective for no more than one year from the adoption date of the resolution approving the preliminary subdivision plat, unless, upon written request by the applicant, the City Council grants an extension of time for up to one additional year, by resolution duly adopted.
 7. City Record: A certified copy of the resolution approving or disapproving the preliminary plat shall be filed in the office of the City Clerk and shall be attached to said preliminary plat.
- C. Standards for Review of Preliminary Subdivision Plat: The Community Development Commission shall recommend approval and the City Council shall approve a preliminary plat of subdivision unless it makes written findings specifying the manner in which:
1. The design and layout of the subdivision does not conform to the provisions of this Article.
 2. The applicant has not made adequate provision to install improvements required by the Community Development Commission or City Council under authority of this chapter.
 3. The preliminary subdivision plat fails to comply with an approved PUD concept plan.
 4. The plat does not conform with the Comprehensive Plan, the Official Map, this Article, city ordinances, or established planning and development policies of the city.
- D. Contents of Preliminary Subdivision Plat: Any person proposing to subdivide any parcel of land shall file with the Development Administrator a preliminary plat in a quantity and form as required by the Development Administrator. The preliminary plat or shall include the following:
1. General Information: The following general information, where applicable, shall be shown on the preliminary subdivision plat:
 - a. The name of the proposed subdivision that must include the subdivider's name and words "addition to Wood Dale" in the name and shall not duplicate or resemble the name of any existing subdivision within the city or the township in which the subject property is located.
 - b. Date of preparation, north arrow, and graphic scale of drawing which shall be no less than one inch equals two hundred feet (1" = 200') for areas over one hundred (100) acres and one inch equals one hundred feet (1" = 100') for areas under one hundred (100) acres.
 - c. An identification clearly stating that the map is a preliminary subdivision plat.
 - d. Legal description of the parcel.
 - e. The name and address of the record owner, the applicant, the surveyor, licensed professional engineer, land planner, or architect who prepared the subdivision plat.
 - f. A vicinity map showing the general location of the parcel within the city and environs.

- g. Completed application form signed by the owner of the land to be subdivided or developed and the required application fees.
 - h. The name and address of the owners of record of all adjacent parcels.
 - i. A table of subdivision data indicating the number of lots; the total acreage of the property stated in hundredths (0.01) of an acre; the acreage of any public open spaces; the acreage of all right of way; the minimum lot size stated in square feet; the average lot size; and the existing and proposed zoning.
2. Existing Conditions: The following conditions, if found to exist on the parcel and on all adjacent land within one hundred feet (100') of the boundaries of the subject property, shall be shown on an existing conditions exhibit which shall be a separate drawing from the preliminary subdivision plat:
- a. The location, width and names of all streets within or adjacent the parcel together with easements, public utility and railroad rights of way, and other important features such as adjacent lot lines, municipal boundary lines, section lines, corners and monuments.
 - b. The location of all existing structures, showing those that will remain on the parcel after the final plat is recorded.
 - c. Topographic data, including contour lines at vertical intervals of not more than two feet (2') with reference to USGS datum or at a more frequent interval if required by the Development Administrator for land having unusual topography.
 - d. The location and direction of all rivers, seeps, springs, flowings and wells; lakes, ponds, wetlands and any detention basins showing their normal shorelines, flood limits and lines of inflow and outflow, if any; and watercourses and the location of all areas subject to flooding, including the flow lines of rivers, streams and channels showing their normal shorelines and the 100-year floodplain and floodway limits certified by either the Illinois State water survey, the Illinois Department of Transportation, the Army Corps of Engineers, by the National Flood Insurance rate program or on the Federal Emergency Management Administration's flood boundary and floodway maps.
 - e. Natural features such as rock outcroppings, wooded areas, and trees greater than six inches (6") in diameter as measured at breast height.
 - f. A map showing the location, size, material, and condition of all agriculture drain tile and laterals on the property. To determine this, an investigation shall be conducted making rational assumptions as to where tiles are typically located based on the topography of the site. A slit trench by backhoe or tractor shall be a minimum of three feet (3') wide, five feet (5') deep and six feet (6') in length. To fully map field tile locations, slit trench excavation and field staking should occur at a minimum one hundred foot (100') intervals with confirmation of the route between each interval through the use of additional slit trench, hand probes, or electronic location devices. The location and size of existing sanitary and storm sewers, water mains, culverts, drainpipes, catch basins, manholes, hydrants within the parcel and in adjacent streets or rights of way, and fire flow information from the proposed source.
 - g. Zoning classifications of the subject property and of adjacent lands.
 - h. Present uses of the subject property including the location of all existing structures, indicating which structures will be removed and which will remain on the subject property after the development is complete.
 - i. The location on and within one hundred feet (100') of the subject property of all property lines, easements of record; the uses, zoning and ownership of all parcels; railroads, bridges, culverts, storm sewers, sanitary sewers, water main,

- detention/retention facilities, also indicating surface and invert grade elevations of catch basins, manholes, culverts and fire hydrants; existing buildings and their use(s) and foundation elevations and their future disposition; buried structures; and location of significant natural features and areas of likely archaeological significance or habitat for endangered flora and fauna species.
- j. A copy of the wetland delineation report.
 - k. The locations of existing monuments or survey markers on or adjacent the subject property.
 - l. The location and description of all other existing improvements, including, but not limited to, culverts, towers, poles, and other aboveground and underground utilities.
3. Proposed Improvements: The following improvements, if proposed or required, shall be shown on the plat or in supporting documents:
- . The location, dimension and names of all proposed street and alley rights of way. The preliminary plat or development plan shall show the relationship between existing and proposed streets.
 - a. Lots showing approximate dimensions, minimum lot sizes and proposed lot numbers.
 - b. Sites to be dedicated for school, park, playground or other public purposes, together with appropriate acreage of each.
 - c. Proposed building setback lines with dimensions.
 - d. If the proposed subdivision will be constructed in phases, the limits and location of proposed units shall be shown.
 - e. The location, dimensions and area (in square feet) of all proposed lots.
 - f. Lot and block numbers clearly shown.
 - g. The location, dimension and purpose of all proposed easements.
4. Supporting Data: The following supporting data shall be submitted in separate statements and/or maps accompanying the preliminary plat, or if practical, such data may be shown on the preliminary plat.
- a. Proof of ownership of the parcel and applicant's interest therein. Include names of all parties with beneficial interest in trusts and options to purchase.
 - b. Existing or proposed annexation agreements which pertain to the parcel.
 - c. A list of all lot sizes.
 - d. Text of proposed covenants and conditions restricting or controlling use of the subject property.
 - e. A copy of the "natural resources opinion report" from the DuPage and/or DuPage County soil and water conservation district.
 - f. A copy of the Illinois department of natural resources' endangered species consultation application.
 - g. A comprehensive drainage plan with analysis of the impact that the subdivision creates on the site and on the surrounding area.
 - h. Proposed agreements, bylaws, provisions or covenant for a property owners' association which govern the use, maintenance and continued protection of the subdivision and any of its planned open spaces or other facilities as may be required that will include, at a minimum, the following provisions:
 - 1. The membership in the owners' association shall be mandatory for each and every owner, and successive owner, of all dwelling units located on the property.
 - 2. The owners' association shall own, and shall be responsible for the continuity, care, conservation, maintenance and operation, in a first-rate condition, and in accordance with predetermined standards, of the common areas, including without limitation all equipment, appurtenances, ponds, detention facilities, and

perimeter fencing located on or within the common areas and the cost of power required for the affected equipment and appurtenances.

3. The owners' association shall be responsible for casualty and liability insurance, and the City of Wood Dale shall be named as an additional insured on all policies of liability insurance obtained by the owners' association.
 4. The owners of all dwelling units located on the property or the owners' association, as applicable, shall be responsible real estate taxes for the common areas.
 5. The owners of all dwelling units located on the property shall pay their pro rata share of all costs and expenses incurred by the owners' association by means of an assessment to be levied by the owners' association that meets the requirements for becoming a lien on the property in accordance with the statutes of the State of Illinois.
 6. The owners' association shall have the right to adjust the assessment to meet changed needs except any assessment imposed by the City of Wood Dale. The membership vote required to authorize an adjustment shall not be fixed at more than 51% of the members voting on the issue.
 7. The owners' association shall be created and established prior to the sale of any portion of the property.
 8. The City, as well as the owners of the dwelling units located on the property shall have the right to enforce the declaration.
 9. The City shall have the right, but not the obligation, after 10 days written notice to the owners' association, (i) to perform any maintenance or repair work that, in the sole opinion of the City, the owners' association has neglected to perform on the common areas, (ii) to assess the membership for that work, (iii) to file a lien against the property of the owners' association or the property of any member failing to pay the assessment, and (iii) and to enforce the lien in the manner provided by law for mortgage foreclosure proceedings.
 10. The declaration shall run with and bind any and all portions of the property, and shall be binding on the developer, and its successors in interest, to all portions of the property; provided, however, that the declaration may provide for its amendment, modification, or termination at any time upon obtaining the prior consent of the City of Wood Dale to said amendment, modification, or termination.
 - i. Traffic impact study if required by the city council after receiving a recommendation from the city engineer.
 - j. The results of any tests made to ascertain subsurface rock and soil conditions and characteristics, and the seasonal water table.
 - k. An executed copy of the preliminary plat checklist indicating all of the items provided on the preliminary subdivision plat or in the supporting documents submitted.
- E. Preliminary Engineering Report: A preliminary engineering report shall be submitted along with the preliminary subdivision plat to provide supplemental engineering data regarding factors that will affect the final design of the subdivision. The preliminary engineering report may be a separate drawing showing items to be addressed specifically in the preliminary engineering report including:
1. A comprehensive stormwater management plan for the land to be subdivided, including the general alignments of the proposed storm sewer system, points of connection of existing storm sewer systems, detention (or retention), stage/storage relationship of the

discharge structure to identify the varying release rates due to inlet and outlet control, off site areas of contribution, points at which off site flows will be intercepted, and all the necessary maps, computations and field data supporting the engineer's stormwater management plan. The proposed stormwater management plan shall identify an overland flow route to accommodate flows in excess of storm sewer design level.

2. The location, normal and high water elevations, and outflow of proposed stormwater management facilities.
 3. Proposed site grading, and a statement that the subdivider or developer will provide such temporary facilities during construction as are necessary or required to prevent soil erosion or the siltation of watercourses, and that adequate measures will be taken during construction for dust control. The subdivider or developer shall also agree to clean and restore streams, ditches or watercourses of any kind if protective measures prove inadequate.
 4. Location and description of all existing and proposed sanitary and storm sewers, water mains, wells, lift stations, and culverts along with an appropriate schedule of calculations supporting the quantity of flow, sewer sizing and grades, as well as population equivalent for the subdivision in its developed state.
 5. The location, size and inverts of all existing and proposed storm sewers, bridges, culverts, drain tiles, drainageways, ditches, creeks or rivers on the site, or within one hundred feet (100') of the site.
 6. The location and size of existing and proposed water main to be installed within the proposed subdivision, along with general hydrant and valve spacing.
 7. When a lift station is required, supporting documentation regarding its size (gpm), pumping heads, TDH, force main size, general description of the control system, description of the alternate power source, and the location and accessibility of the station.
 8. The structural design (thickness and material types) to be used for the construction of the roadway system, projected traffic volumes, soils data and IBR values shall be submitted to support the roadway design including widths, crown, thickness, type of curb and gutter. This information and data can be represented by a typical section for each street type to be constructed.
 9. The size, dimensions and location of miscellaneous items such as parkway trees, streetlights, sidewalks, bike paths and driveway approaches shall be identified in the report and shown in typical section and/or typical plan view drawings.
- F. Copies Submitted: The applicant shall submit copies of each plat, plan, map and supporting document required by this section in a number prescribed by the development administrator. All drawings, plans and reports submitted to the city shall be folded to approximately nine inches by twelve inches (9" x 12").
- G. Engineering Approval: Before submitting the final plat for review, the applicant shall submit engineering plans, details and specifications, and an estimate of cost for all proposed improvements for approval of the city engineer.
1. Upon the approval of preliminary plat, the applicant shall have prepared and certified by a licensed professional engineer, construction plans, details, calculations, specifications and quantities of materials (the "engineering drawings") for said improvements which shall be submitted in a form and in a number of copies as required by the city engineer.
 2. The city engineer shall review all engineering drawings in order to determine whether such drawings are consistent with the approved preliminary plat and comply with the specifications of this Article and sound engineering practice. Such engineering drawings

shall be distributed to such city staff, consultants and other persons as may be necessary. Within forty five (45) days after receipt of a complete set of the required plans, details or specifications, the city engineer shall review said plans, details or specifications and, if they are in compliance with the preliminary plat and this section, shall forward the same to the Development Administrator with an advisory report that they so conform and comply. In the event that the plans, details or specifications do not so conform or comply, the city engineer shall notify the applicant and development administrator with an advisory report which outlines the specific manner in which they do not so conform or comply. The advisory report shall be submitted within the said forty five (45) day period.

3. The Community Development Commission shall not act upon the final plat until the engineering drawings have been reviewed by the city engineer and an advisory report of compliance or noncompliance has been received by the Development Administrator.

H. Proposed Subdivision or Development Agreement. All engineering plan approval applications will include a proposed subdivision or development agreement, as the case may be, in a form approved by the Development Administrator. The subdivision or development agreement will, without limitation, include or reference the following minimum information:

1. Proposed site development schedule for installation of guaranteed public and private improvements, referencing the final plat or development plan, and final engineering plans, and stipulating the improvements which must be installed prior to issuance of a building permit or certificate of occupancy for the buildings or structures to be constructed.
2. Description and estimated cost of public and private improvements, in a form and amount approved by the City Engineer, providing a detailed accounting of the various types and amounts of improvements included in the estimate.
3. Type and summary of terms of performance guarantee for the construction of public and private improvements.
4. Acknowledgement that the City will take no responsibilities for any public improvements, including, without limitation, maintenance of any sort and repairs, unless and until all of the public improvements are properly dedicated in accordance with this Code. The Corporate Authorities may, in their sole and absolute discretion, take dedication of and assume responsibility for individual public improvements as may be requested in writing by the developer, subdivider, or resubdivider.
5. Method of satisfying the applicable requirements for dedicating, or contributing monies for the future acquisition or development of, public lands in accordance with Section 17.8015 of this Article.
6. A summary of the covenants, restrictions and easements necessary for the Subdivision or Development, including the responsibilities of a property owners' association, if proposed.
7. Agreement to pay:
 - a. A fair and equitable share of all water, sanitary sewer, and storm sewer improvements developed in the area surrounding the property that benefit the property, as determined by the City Engineer;
 - b. All applicable park and school donations; and
 - c. Any other applicable costs, payments, permit fees or other fees attributable to the Subdivision or Development.

8. An acknowledgment by the owner, subdivider or developer that the City is not and will not be, in any way, liable for any damages or injuries that may be sustained as the result of the City's review and approval of any plans for the property.
 9. All other acknowledgements, indemnifications and hold harmless agreements as the Corporate Authorities may require.
 10. All other provisions deemed necessary by the Corporate Authorities in order to fulfill the purpose and intent of this Code.
- I. The Final Subdivision Plat: No person shall subdivide any parcel of land until a final subdivision plat shall have been reviewed by the Community Development Commission and reviewed and approved by the City Council as set forth herein.
1. Procedures for Reviewing the Final Subdivision Plat or Development Plan:
 - a. City Staff Review of the Final Subdivision Plat: Within five (5) business days after receipt of an application, the Development Administrator shall determine the completeness of the application and shall notify the applicant in writing that the application has or has not been accepted for review. If the application is determined to be incomplete the development administrator shall include in his written notice the reasons why the application is not complete and how the applicant can make the application acceptable for submission and distribution. Only upon receipt of a complete application shall the Development Administrator distribute copies of the application and supporting documents to such city staff, consultants, and outside agencies as deemed appropriate for review and comment concerning compliance with city development goals and requirements. Within fourteen (14) days of receipt of the complete application, the Development Administrator shall advise the applicant, in writing, that the final plat conforms or fails to conform to the requirements of this Article or the approved preliminary plat. If the final plat fails to conform, the Development Administrator shall specify with particularity the manner in which the final plat fails to satisfy city development goals and requirements.
 - b. Community Development Commission Review: Upon notification to the applicant that the final plat conforms to the requirements of this Article or the approved preliminary plat, the Community Development Commission shall place the matter on its next available agenda and serve notice upon the applicant of the time and place of its meeting at which said matter will be discussed. The Community Development Commission shall forward its written report to the City Council recommending approval or disapproval, of the final plat. If the recommendation is to disapprove, the report shall set forth the reasons for its disapproval, specifying with particularity the manner in which the final plat fails to satisfy city development goals and requirements.
 - c. Action By The City Council: After receiving the final recommendation of the Community Development Commission, the City Council shall approve or disapprove the final plat within sixty (60) days from the date of the final recommendation by the Community Development Commission unless the applicant and the City Council agree to extend the sixty (60) day period. If the final plat is disapproved, the resolution shall state the reasons for the disapproval, specifying with particularity the aspects in which the final plat or plan fails to satisfy city development goals and requirements.
 - d. City Record: A certified copy of the resolution approving or disapproving the final plat shall be filed in the office of the city manager attached to said final plat. The final subdivision plat or development plan, together with all covenants and restrictions shall be promptly recorded by the city manager with the DuPage County

recorder's office. A copy thereof, bearing the certificate of the recorder that the plat has been recorded in his office and that the copy is a true and correct copy of the plat so recorded shall be promptly thereafter filed in the city manager's office. All recording fees shall be paid by the applicant.

2. Standards for Review of a Final Subdivision Plat: The Community Development Commission shall recommend approval and the City Council shall approve a final subdivision plat unless it makes written findings specifying the manner in which:
 - . The design and layout of the subdivision does not conform to the provisions of this Article.
 - a. The applicant has not made adequate provision to install improvements required by the community development commission or city council under authority of this Article.
 - b. The final subdivision plat fails to comply with an approved preliminary plat.
 - c. The plat does not conform to the comprehensive plan, the official map, this article, city ordinances, or established planning policies of the city.
3. Contents of Final Subdivision Plat: Within one year after receiving preliminary subdivision plat approval by the city council, the applicant shall file with the development administrator a final plat in a quantity and form as required by the development administrator. The final plat may include all or only part of the approved preliminary subdivision plat. The final plat shall include the following:
 - a. General Information: The following general information, where applicable, shall be shown on the final plat:
 - i. The date of preparation, north point, and a graphic scale. The scale of the drawing shall be no less than one inch equals two hundred feet (1" = 200') for areas over one hundred (100) acres and one inch equals one hundred feet (1" = 100') for areas under one hundred (100) acres. The final plat shall be drawn with a waterproof, nonfading black ink on mylar or equivalent drafting material no more than twenty four inches by thirty six inches (24" x 36") in size. When more than one sheet is used for any plat, each sheet must be numbered consecutively. A small scale drawing of the subdivision or development shall be shown on the first sheet, identifying portions of the subdivision according to its respective sheet number. The subdivider/developer shall provide the plat in a digital format acceptable to the city.
 - ii. Legal description of the parcel, the parcel's acreage and property index numbers. The legal description should note that the parcel is in Wood Dale, Illinois.
 - iii. The name and address of the Illinois registered surveyor who prepared the plat with his seal affixed.
 - iv. Reference points of existing surveys identified and/or related to the plat by distances and bearing, and reference to a field book or map as follows:
 - (1) All stakes, monuments or other evidence found on the ground and used to determine the boundaries of the parcel.
 - (2) Adjoining corners of all adjoining parcels.
 - (3) When the city has established the centerline of the street adjacent or within the proposed parcel, the location of such centerline and monument found or reset shall be shown.
 - (4) All other monuments found or established in making the survey of the parcel or required to be installed by the provisions of this Article or by the

Illinois Plat Act, 765 ILCS 205/0.01 *et seq.*, as the same has been and may be amended from time to time.

- (5) All property corners will be staked. A minimum of two (2) major corners of the subdivision shall be monumented with stone or concrete markers.
- v. Lot and block lines with dimensions, bearings or deflection angles, and radii, arcs, points of curvature and tangent bearings. Sufficient geometrical data shall be given for all lots to enable retracement and restoration of all corner positions in the field.
- vi. All distances shall be shown to the nearest hundredth foot (0.01'). No ditto marks shall be used. Angles shall be expressed in degrees, minutes and seconds.
- vii. The width of the portion of any streets being dedicated and the width of any existing rights of way, all shown each side of the centerline.
- viii. All curve data shall consist of radius, degree of curve, tangent length, and central angle.
- ix. All easements shall be denoted by fine dotted lines, clearly identified, and if already of record, the recorder's references to such easement. The width of the easement, its length and bearing, and sufficient ties to locate it definitely with respect to the plat must be shown. If an easement is not precisely located of record, a description of such easement shall be included. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate for identification.
- x. Lot and block numbers beginning with the number one, and numbered consecutively.
- xi. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purpose indicated thereon, and of any area to be reserved by deed covenant for common use of all property owners.
- xii. The name of each street shown on the plat.
- xiii. The name of the subdivision.
- xiv. Grantees of all lands dedicated for public use, except roads, shall be clearly noted.
- xv. Abutting highway and road right of way lines and adjacent subdivisions shall be shown in their proper location.
- xvi. If the subdivision borders on a lake or stream, the distances and directions of a meander line established not less than twenty feet (20') back from the average high water mark of the lake or stream, as determined from flood hazard maps or other data, with said distances noted.
- xvii. All restrictions which will run with the land and covenants, or references to covenants where declared separately.
- xviii. Accompanying Certifications. The final subdivision plat must include an area or separate sheet for the following signatures and certifications:
 - (1) City Officials_(in a form approved by the Corporate Authorities)
 - (a) Mayor: indicating the date of approval of the plat by the Mayor and City Council of the City of Wood Dale.
 - (b) City Treasurer/Collector: indicating that there are no delinquent or current unpaid special assessments associated with the property.
 - (c) City Engineer: indicating that the final engineering plans and specifications meet the minimum requirements of the City of Wood Dale.

- (d) Chairman of Community Development Commission: indicating the date of Community Development Commission recommendation regarding the final plat.
 - (2) State and County Officials (in a form prescribed by applicable laws or regulations)
 - (a) County Clerk: indicating that there are no delinquent or current unpaid special assessments or taxes associated with the property and that all applicable fees have been received.
 - (b) Illinois Department of Transportation: if the property will have access onto a State Highway, indicating that such access is approved.
 - (c) County Highway Department: if the property will have access onto a County Road or Highway, indicating that such access is approved.
 - (d) Illinois Department of Transportation, Division of Water Resources: if the property proposes to subdivide any land bordering or including any public waters of the State of Illinois in which the State has any property rights or property interests, indicating the limits of the public interest in the property, if any.
 - (3) Professional Land Surveyor An Illinois Professional Land Surveyor must certify the following by signing and affixing his seal to the final plat of Subdivision:
 - (a) The property has been surveyed and subdivided in accordance with a specific legal description;
 - (b) Certain monuments and iron pipes have been or are to be located on the property;
 - (c) Location of the property in relation to City corporate boundaries, which has adopted an Official Comprehensive Plan; and
 - (d) Location of property in relation to Special Flood Hazard Areas, as identified by the Federal Emergency Management Agency on the most recent Flood Insurance Rate map.
 - (4) Property Owner(s) and Mortgagee(s) All owners of the property and all mortgagees shall sign, as evidenced by the signature and seal of a notary public, that they consent to the subdivision of the property.
 - (5) Design Engineer and Property Owner If the subdivision and site development of the property will alter surface drainage patterns, the applicant's design engineer will sign the plat and certify that the subdivision design adequately accounts for changes in the drainage of surface in accordance with the Illinois Plat Act, 765 ILCS 205/0.01 *et seq.*, as the same has been and may be amended from time to time, and the requirements of the City Engineer or any standards and specifications manuals adopted by the City.
 - (6) Other Notations: Dedications and Restrictions. The final subdivision plat will also include statements, in a form approved by the Corporate Authorities, concerning the dedication of land or granting of easements, as shown on the final subdivision plat, and any restrictions related thereto.
- b. Supporting Data: The following supporting data, where applicable, shall be supplied in separate statements or maps, or, if practical, may be shown on the final plat.
- i. A note on the plat stating that city ordinances supersede any private covenants and restrictions.

- ii. A certificate signed and acknowledged by all parties having any interest in the land, dedicating all parcels of land intended for any public use.
- iii. Letter of permission from the surveyor to record said plat or plan.
- c. Guarantees: All engineering plan approval applications will include a proposed guarantee for the installation of required public and private improvements. The guarantee will comply with the requirements of Section 17.809 of this Code.

17.803 Minor Subdivision Procedures.

- A. Applications. Applications for minor subdivisions, as defined in this Article, will include all information required for final subdivision plats, as specified in Section 17.802.I. of this Article, except that a copy of the approved preliminary plat will not be required. Nothing in this Code will be interpreted to relieve an applicant for approval of a minor subdivision from the obligation to enter into agreements with applicable school and park districts, or other government agencies, in conformance with Section 17.8015 of this Article.
- B. Filing of Application for Minor Subdivision Approval. The applicant shall file with the Development Administrator the application and proposed final minor subdivision plat in a quantity and form as required by the Development Administrator.
- C. Review for Completeness The Development Administrator will conduct an initial review of the application and proposed plat for general completeness. Within ten (10) working days of the date of filing an application for minor subdivision approval, the applicant will be notified in writing as to whether the application has been accepted or deficiencies or inaccuracies have been identified in the initial review of the application materials that warrant rejection of the application. Applications deemed incomplete or inaccurate will not be accepted until the deficiencies identified have been properly addressed. In the event the application is not rejected within ten (10) working days after the date of filing the application, the application will be deemed incomplete and rejected.
- D. Detailed Review of Minor Subdivision. The Development Administrator will review all proposed minor subdivision final plats for compliance with all applicable zoning and subdivision requirements. The findings of this review will be reported to the Community Development Commission in writing prior to its action on the proposed final minor subdivision plat.
- E. Notice Requirements. The Community Development Commission review of an application for review of a minor subdivision will require public notice. The applicant must notify, in writing, by first class mail or hand delivery, all adjacent owners, including owners immediately across streets and rights-of-way, no less than 15 days, nor more than 30 days in advance of the scheduled community development commission meeting. The required notice for a minor subdivision must contain, at a minimum, the following information:
 - 1. street address, legal description or detailed location description of the property, if any, that is the subject of the subdivision application;
 - 2. brief statement describing the name of the subdivision and number of lots proposed;
 - 3. name and address of the applicant;
 - 4. name and address of the legal and beneficial owner of the subject property; and
 - 5. date, time and location of the community development commission meeting.
 - 6. At the community development commission meeting, the applicant will present an affidavit demonstrating that the above notice requirements have been satisfied.

7. When mailing the notice required by this Section 17.803.E., the use of the name and address on the most recent DuPage County real estate tax records will be deemed a satisfaction of this requirement.
- F. Community Development Commission Review of Minor Subdivision. Within 45 days of the Development Administrator's acceptance of the complete minor subdivision application, the Community Development Commission will hold a public meeting to review the application and make a recommendation to approve, approve with conditions or disapprove the proposed final subdivision plat for the minor Subdivision. The Community Development Commission review period may be extended by mutual consent of the Community Development Commission and applicant. The failure of the Community Development Commission to act within the time period specified in this Subsection will be deemed a recommendation for the approval of the minor Subdivision final plat.
- G. City Council Action on Minor Subdivision Plat. The Community Development Commission will report to the City Council's its recommendations concerning applications for minor subdivision approval. Within 30 days of the date of Community Development Commission recommendation on the application, the City Council, at a public meeting, will by resolution approve or deny the final minor subdivision plat, and all related agreements and approvals related thereto, including all applicable agreements with the school and park districts. In the event the final minor subdivision plat is denied by the city council, the applicant will be notified in writing of the reasons for such denial. The failure of the city council to act within the time period specified in this Subsection 17.803.G. will be deemed a decision to approve the minor subdivision final plat.
- H. Recordation of Approved Plat. Following approval by the city council of a final minor subdivision plat, the city clerk will record of cause to be recorded the final minor subdivision plat in the DuPage County Recorder's Office. All recording fees shall be paid by the applicant.

17.804 Vacation of Recorded Plats.

In cases where an application is made to vacate any recorded plat of subdivision, or part thereof, prior to the sale of any lot in the subdivision, the City Council may, by resolution duly adopted, order the vacation of all or part of said subdivision. The City Council may, in its sole and absolute discretion, refer these applications to the Community Development Commission for a recommendation prior to action. When lots have been sold, the plat may only be vacated if all of the owners of lots in the plat join in the application. The applicant will be responsible for any and all costs and fees associated with plats of vacation.

17.805 Plats of Consolidation.

In cases where an application is made to consolidate existing lots of record, the City Council may, by resolution duly adopted, order the consolidation of the lots. The City Council may, in its sole and absolute discretion, refer these applications to the Community Development Commission for a recommendation prior to action. The applicant will be responsible for any and all costs and fees associated with plats of consolidation.

17.806 Tax Divisions.

In cases where an application is made to divide a property for the purpose of creating tax divisions, the City Council may, by resolution duly adopted, authorize such divisions. The City Council may, in its sole and absolute discretion, refer these applications to the Community Development

Commission for a recommendation prior to action. The applicant will be responsible for any and all costs and fees associated with tax divisions.

17.807 Plats of Dedication.

In cases where an application is made to dedicate easements or rights-of-way to the City, and the application does not involve a Subdivision, the City Council may, by resolution duly adopted, authorize the dedication. The City Council may, in its sole and absolute discretion, refer these applications to the Community Development Commission for a recommendation prior to action. Unless specifically waived by the City Council in approving the resolution, the applicant will be responsible for any and all costs and fees associated with plats of dedication.

17.808 Development Review

A. Purpose and Jurisdiction. The subdivision procedures of this Article will not be applicable to applications involving only a development. All standards for design, construction, installation and guarantees related thereto for public and private improvements set forth in this Code, the City Standards and Specifications Manual and all provisions of this Code relating to the design, construction and installation of any such improvements will, however, be applicable to such development applications. The owner of any such development will submit plans, specifications and calculations demonstrating compliance with all said public and private improvement regulations and provisions to the City Engineer, and the City Engineer will, upon finding that such plans demonstrate compliance, approve such plans evidencing that fact. No Development will be commenced unless approved by the City Engineer.

No building permit will be issued for construction of any building as part of a Development that has not been approved either as part of a subdivision or as a site plan, as required by this Code.

B. Filing of Application for Development Approval. The applicant shall file with the Development Administrator the development application materials in a quantity and form as required by the Development Administrator, or their designee, in accordance with Section 17.802.G of this Article and Section 17.206 of this UDO.

C. Review for Completeness. The Development Administrator or their designee, will conduct an initial review of the application and proposed development plans for general completeness and consistency with City regulations. Within 10 working days of the date of filing an application, the applicant will be notified in writing as to whether the application has been accepted or if deficiencies or inaccuracies have been identified in the initial review of the application materials that warrant rejection of the application. Applications that are deemed incomplete or inaccurate will not be accepted until the deficiencies identified have been properly addressed. In the event the application is not accepted by the Corporate Authorities, or their designee, within ten (10) working days after the date of filing the application, the application will be deemed incomplete and rejected.

D. Action on Development Application. Following acceptance of a complete application, the development plan will be reviewed in accordance with the site plan review procedures in Section 17.206 of this UDO.

E. Initial Corporate Authorities' Comment and Referral. Within 30 days of acceptance of a complete application, or any additional time to which the applicant may agree, the Corporate Authorities will, at a regular meeting or Committee of the Whole meeting, conduct a

preliminary meeting with the applicant. The purpose of this preliminary meeting will be to broadly acquaint the Corporate Authorities with the applicant's proposal and to provide the applicant with the initial views or concerns that members of the Corporate Authorities may have at an early stage in the development review process. Any views expressed in the course of the Corporate Authorities initial review of the development are advisory only, preliminary in nature, and the individual views of the member expressing them. Nothing said or done in the course of the review will create, or prejudice, any rights of the applicant or to obligate the Corporate Authorities, or any member of it, to approve or deny the formal application following full consideration thereof, as required by this Code.

- F. Referral to Community Development Commission. The Corporate Authorities will refer development applications to the Community Development Commission for its consideration at a public meeting. Within 90-days of receipt of a development application from the Corporate Authorities, the Community Development Commission will recommend approval, approval with changes, or disapproval concerning a development plan. The Community Development Commission will review each development application in accordance with the standards for site plan review set forth in Section 17.206 of this UDO. The failure of the Community Development Commission to act within this 90-day period will be deemed a decision to recommend approval of a development application.
- G. City Council Approval. Within 30-days of receipt of a community development commission recommendation on a development application, the City Council, by resolution duly adopted, will approve, approve with changes, or disapprove a development application. In the event that a development application is disapproved, the City Council will provide written reasons for disapproval to the applicant and the applicant will have 45-days to seek reconsideration from the City Council without having to file a new development application. In the event that the applicant files after 45-days, the applicant will be required to file a new development application.
- H. City Engineer Action on Final Engineering Plans. If the proposed development involves engineering plan approval, the Corporate Authorities will promptly forward these development applications to the City Engineer for review. The City Engineer will review engineering plans in accordance with the procedures established in Section 17.802.G. No engineering plans will be approved unless and until the development application has been approved.
- I. Corporate Authorities Action on Development Agreement. Following the City Engineer approval of the engineering plans, if required, the Corporate Authorities will promptly review the Development Agreement and proposed performance guarantee.

17.809 Establishment of Performance Guarantee

- A. Performances Guarantee Required: Before commencing any construction work for any subdivision or development the owner, developer or subdivider, as the case may be, will select, obtain and submit a performance guarantee for the proper installation of public and private improvements to the City Engineer for approval and acceptance in accordance with this Section.
- B. Improvements to be Guaranteed. The owner, developer or subdivider will submit a guarantee for the following improvements, as deemed necessary by the City Engineer:
 - 1. Permanent subdivision monuments and lot corner markers.

2. Transportation system improvements, including:
 - a. Public and private streets, and all related frontage and intersection improvements;
 - b. Street lights;
 - c. Parkway tree plantings;
 - d. Street signs, signals and apparatus;
 - e. Public and private sidewalks, trails and bike paths;
 - f. Other traffic-related improvements contemplated as part of the Subdivision or Development.
 3. Environmental protection and site preparation measures, including:
 - a. Grading and related site preparation work, including tree protection, and the value of trees required to be protected or preserved under this Code;
 - b. Erosion and sediment controls during the various phases of site development (including site and lot grading, construction entrances, diversion dikes, silt fences, sediment traps, seeding and site stabilization);
 - c. Protection and preservation measures for wetlands and other natural areas; and
 - d. Other special environmental protection measures which are a component of the final engineering plans.
 4. Public utility systems, including:
 - . Public and private storm sewer system (pipes, inlets, manholes, swales, detention ponds, and all related structures and apparatus);
 - a. Public water system (pipes, valves, fire hydrants and related system improvements); and
 - b. Sanitary sewer system (pipes, manholes, lift stations and related system improvements).
 5. Common facilities which are contemplated as part of the subdivision or development specified in the final engineering plans.
 6. Other public and private improvements specified in the approved engineering plans or otherwise required by other City standards and specifications for public improvements.
- C. Amount of Performance Guarantee. The applicant must submit to the City Engineer estimates for the cost of construction for public and private improvements contemplated in the approved engineering plan. The City Engineer will review such estimates and, if acceptable, approve the amount of the performance guarantee. The amount of the performance guarantee will be based upon the amounts specified in the master fee schedule for the estimated construction cost of all public improvements and for the performance of all other obligations which may be secured to be approved by the City Engineer.
- D. Terms of Performance Guarantee. Performance guarantees shall be in a form approved by the Corporate Authorities and shall specify the terms and conditions noted below.
1. The guarantee shall have an expiration date not less than three months beyond the date specified in the approved subdivision or development agreement.
 2. Not less than 30 days prior to the expiration of such guarantee, the Corporate Authorities shall be given written notice by means of first class mail, indicating that such guarantee is to expire. No guarantee shall expire absent such notice.
 3. Failure of the owner, subdivider or developer to install such guaranteed improvements prior to the scheduled completion date, as specified in the approved site development schedule, shall be considered a default by the owner, subdivider or developer and the issuing institution.

4. The guarantee shall only be released or reduced by the issuing institution upon written certification by the City Engineer or designee stating:
 - a. that said guarantee may be released or reduced in accordance with this Section, and
 - b. the amount of such discharge or reduction.
5. If at any time the City determines that the institution issuing the guarantee is without adequate capital, assets, earnings and liquidity or is unable to meet any federal or state requirement for reserves, is insolvent, is in danger of becoming any of the foregoing, or is otherwise in danger of being unable to honor such guarantee at any time during its term, or if the City otherwise reasonably deems itself to be insecure, then the City shall have the right to demand that the owner, subdivider or developer provide a replacement guarantee from an institution satisfactory to the City. Such replacement guarantee shall be deposited with the City not later than 10 days following such demand.
6. If the owner, subdivider or developer fails or refuses to complete the construction of the public and private improvements covered by the guarantee or fails or refuses to correct any defect or deficiency in such improvements upon request by the City, or in any other manner fails or refuses to meet fully any of its obligations under the guarantee or the applicable subdivision or development agreement, then the City may, in its sole and absolute discretion, retain all or any part of the guarantee. The City thereafter shall have the right to exercise any other action it deems reasonable and appropriate to mitigate the effects of such failure or refusal, and to reimburse itself from the proceeds of the guarantee for all of its costs and expenses, including legal fees and administrative expenses. If the funds remaining in the guarantee are insufficient to repay fully the City for all such costs and expenses, and to maintain a cash reserve equal to the required guarantee during the entire time of such costs and expenses, and to maintain a cash reserve equal to the required guarantee during the entire time such guarantee should have been maintained, then the owner, subdivider or developer shall, upon demand of the City therefor, immediately deposit with the City such additional funds as the City determines necessary.

E. Types of Performance Guarantees: Performance guarantees for the installation of public and private improvements shall be in a form approved by the Corporate Authorities. The following types of performance guarantee are acceptable, provided they are consistent with the regulations below.

1. Cash Escrow. A cash deposit may be used as a guarantee, provided the total amount of the guarantee required is placed with the Corporate Authorities and administered in accordance with the provisions of the subdivision or development agreement.
2. Irrevocable Letter of Credit and Cash. An irrevocable letter of credit may be used as a guarantee, provided such letter of credit is issued by a financial institution approved by the Corporate Authorities, the administration of such letter of credit conforms to the terms of the subdivision or development agreement, and the letter of credit is accompanied by a cash deposit in an amount not less than ten percent (10%) of the total guarantee amount. The cash deposit shall, at all times until released, as provided herein, be maintained at not less than ten percent (10%) of the initial total guarantee amount. The financial institution issuing the irrevocable letter of credit shall be:
 - a. Insured by the Federal Depository Insurance Corporation or Federal Savings and Loan Insurance Corporation;
 - b. Chartered in the State of Illinois or have a registered agent in Illinois; and
 - c. Have adequate capital, assets, earnings and liquidity to ensure the financial soundness of the issuing institution, as determined by the Corporate Authorities.

3. Surety Bond. A surety bond may be used as a guarantee, provided the surety bond is issued by a surety company having an AM Best rating of at least A- and approved by the Corporate Authorities, and the administration of the surety bond conforms to the terms of the subdivision or development agreement. The Corporate Authorities with the recommendation of the City Engineer may require that the surety bond be accompanied by a cash deposit in an amount not less than twenty percent (20%) of the total guarantee amount.
- F. Compliance with Engineering Plans: All public and private improvements to be installed pursuant to an approved engineering plan will be supervised and inspected during the course of construction by the City Engineer or other qualified and authorized employees of the City in order to ensure compliance with the approved engineering plans and any standards and specifications manuals the City may adopt.
- G. Reductions: The owner, subdivider, or developer may make a written request to the City Engineer to partially reduce the amount of the approved performance guarantee. The City Engineer is authorized to approve a partial reduction in the amount of the performance guarantee, provided:
1. There are no more than three (3) partial reductions approved in the amount of the performance guarantee during the life of the subdivision or development;
 2. Partial reductions will only be authorized following the acceptable completion of the following improvements:
 - a. All underground storm drainage, sanitary sewer and water supply systems have been properly installed and all erosion and sediment controls are operational;
 - b. All curb, gutter, sidewalk and base course paving for public and private streets have been properly constructed; and
 - c. All lots have been graded and all storm detention facilities are operational.
 - d. The inspection reports for the subdivision or development evidence acceptable completion of the above;
 - e. The amount of a partial reduction cannot exceed seventy-five percent (75%) of the estimated cost to construct such improvements;
 - f. In no event will the amount of the performance guarantee be reduced to a level that, in the sole and absolute opinion of the City Engineer, would not allow the City to complete the installation of public and private improvements associated with the subdivision or development; and
 - g. In no event will any portion of the cash deposit be reduced prior to final release of the performance guarantee.
- H. Extensions or Replacements: The owner, subdivider, or developer may make a formal request to the City Engineer to extend the expiration date of an approved performance guarantee or to replace the type of performance guarantee held by the City. The City Engineer may require the submission of reasonable fees for these requests.
1. In the event of a formal request to extend the expiration date of a performance guarantee and the related agreement, the applicant will:
 - a. Indicate the reasons and conditions which have inhibited him from completing the required improvements;
 - b. Present a summary of the progress made in installing the required improvements and a proposed schedule and cost estimate for the completion of all remaining improvements; and

- c. Present a revised performance guarantee, in compliance with the standards of this Section 17.809, and a related agreement.
 - d. Any extension requires the approval, by resolution, of the City Council. Extensions may be granted for a period not to exceed one (1) year.
- 2. Replacement of Performance Guarantees. Requests for replacement guarantees will be reviewed in accordance with the standards and procedures for the original guarantee.
- I. Acceptance of Public Improvements: Public improvements will not be considered accepted by the City unless and until each of the following reviews and actions have been successfully performed:
 - 1. Filing with the City Engineer or Public Works Director a formal written request to accept the improvements by the owner, subdivider, or developer;
 - 2. Certification by the City Engineer or Public Works Director that all, or specific individual, public improvements required to be constructed or installed have been fully, or individually, completed in accordance with all applicable plans and specifications, and that the inspected construction or installation thereof has been approved;
 - 3. Submission by the applicant of all appropriate as-built drawings of improvements, as required by the City Engineer and any standards and specifications manual the City may adopt;
 - 4. All appropriate City code enforcement complaints have been resolved to the satisfaction of the Corporate Authorities;
 - 5. All necessary maintenance guarantees have been received and approved by the City Engineer; and
 - 6. The adoption by the City Council of a resolution, officially accepting the improvements and releasing the applicable performance guarantee on behalf of the City.
- J. Release of Performance Guarantee. Following the City's acceptance of all public improvements and the City Engineer or Public Works Director's certification that all public and private improvements included in the guarantee have been 100 percent completed to the satisfaction of the City Engineer or Public Works Director, and all other requirements of this Article have been completed to the satisfaction of the Corporate Authorities, the Corporate Authorities will release or direct the City Engineer to release the guarantee.
- K. Maintenance Agreement and Guarantee.
 - 1. Prior to the acceptance of required public improvements by the City, the subdivider or developer must execute a maintenance agreement for the repair or replacement of defective materials and workmanship for a period of time extending one (1) year from the effective date of City acceptance of such improvements. A maintenance guarantee will be submitted with the maintenance agreement. The amount of the maintenance guarantee shall not be less than ten percent (10%) of the total amount of the initial performance guarantee for the Subdivision or Development, as established pursuant to Section 17.809.C. The City Engineer or Public Works Director is authorized to execute maintenance agreements on behalf of the City following City Council acceptance of the improvements.
 - 2. If, after one (1) year, no defects in workmanship or materials have developed, the maintenance guarantee will be released by the City Engineer or Public Works Director. In the event any defects are identified by the City Engineer or Public Works Director during the term of the maintenance guarantee, the balance of the guarantee will be released only after: (a) the City has been fully reimbursed for amounts expended in

correcting defective improvements, or (b) the subdivider or developer has successfully repaired all defects to the satisfaction of the City Engineer or Public Works Director.

17.8010 Modifications of the Requirements of this Article

- A. Upon application to the Development Administrator and payment of applicable fees, modifications of the provisions of this Article may be granted, unless otherwise expressly prohibited by this Article, by City Council after first being reviewed by the Community Development Commission.
- B. Statement of Justification. In applying for modifications of the provisions of this Article, the applicant must demonstrate in writing that:
 - 1. The requested modifications are in keeping with the overall purpose and intent of this Article and Code;
 - 2. The granting of the modifications will not be to the detriment of adjacent properties;
 - 3. The granting of the modifications will not be contrary to the public health, safety and general welfare; and
 - 4. The situation of the applicant is not of a general or recurring nature for similarly situated properties within the City or its jurisdiction.
- C. Limitations on Modifications. No modification granted pursuant to this Section will relieve the applicant, subdivider or developer from complying with any other applicable local, state or federal regulations.
- D. Conditions May Be Imposed. In authorizing a modification, the Community Development Commission may recommend and the City Council may impose such conditions regarding the location, character and other features of the proposed Subdivision or Development as it may, in its sole and absolute discretion, deem necessary in the public interest, and may require the posting of a performance guarantee to insure compliance with the conditions imposed.
- E. Procedure for Review of Modification Requests. Applications for modifications of the provisions of this Article will be reviewed concurrently with the related Subdivision or Development application, except when such applications require:
 - 1. An initial review of the request by the City Council prior to forwarding the request to the Community Development Commission; and
 - 2. A duly noticed public hearing conducted by the Community Development Commission.

17.8011 Amendments to Subdivision and Development Article.

This Article may be amended from time to time by the City Council, upon adoption of an Ordinance duly adopted; provided, however, no public hearing will be required prior to the adoption of such Ordinance. Amendments to the Code may be proposed by parties other than the City Council or Community Development Commission; however, all such applications will be subject to the fees, as may be established, by the City of Wood Dale.

17.8012 Compliance and Enforcement.

- A. Subdivisions.
 - 1. No owner or agent of the owner of any parcel of land located in a proposed Subdivision will transfer or sell such parcel before a plat of said Subdivision has been approved by the City Council and filed with the DuPage County Recorder of Deeds.

2. The division of any lot or any parcel of lands by the use of metes and bounds description, for the purpose of sale, transfer or lease will be subject to all of the requirements and regulations contained in this Article.
3. No Building Permit will be issued for the construction of any building located on a lot, plot, parcel or division which is subdivided or sold in violation of the regulations of this Article.
4. No plat of Subdivision will be approved that does not comply with all applicable provisions of this Article.

B. Development.

1. The Subdivision procedures of this Article will not be applicable to applications involving only a Development, as defined in this Article. All standards for design, construction, installation and guarantees related thereto for public and private improvements set forth in this Article, the City Standards and Specifications Manual and all provisions of the this Code relating to the design, construction and installation of any such improvements will, however, be applicable to such Development applications. The owner of any such Development will submit plans, specifications and calculations demonstrating compliance with all said public and private improvement regulations and provisions to the City Engineer, and the City Engineer will, upon finding that such plans demonstrate compliance, approve such plans evidencing that fact. No Development will be commenced unless approved by the City Engineer.
2. No building permit will be issued for construction of any building as part of a Development that has not been approved either as part of a Subdivision or as a Site Plan, as required by Section 17.206 of this UDO.

17.8013 Penalties.

In addition to any penalties involving the Subdivision or Development of land established in applicable state and federal regulations, the City may seek the prosecution of any person who violates any of the provisions of this Article, or agreements related thereto. Each day such violation exists will constitute a separate offense and will be subject to all applicable City fines and penalties.

17.8014 Fees.

Reasonable fees, sufficient to cover costs incurred by the City in reviewing Subdivision and Development applications, will be paid at the time of such application will be paid in accordance with this Section 17.8014 and the Master Fee Schedule.

- A. Non-Refundable Fee and Escrow Deposit. Non-refundable fees and escrow deposits are established from time to time. The fees will be submitted to the Corporate Authorities at the time of application. The escrow deposit for such purposes will apply to proposed Subdivisions, re-subdivisions, or Developments of property within the jurisdictional control of the City.
- B. Recoverable Expenses. From the date of filing an application for Subdivision or Development, as authorized in this Article, the Corporate Authorities will maintain accurate records of all expenses incurred by the City in reviewing and acting upon applications. Expenses incurred by the City will be reimbursed by the applicant. Reimbursable expenses may include, but are not limited to:
 1. Legal notice in newspaper;
 2. Community Development Commission secretarial services;

3. City staff time for application review;
 4. City Attorney fees;
 5. Document preparation and review;
 6. Professional and technical consultant services;
 7. Copy reproduction; and
 8. Document recording.
- C. Deposit Settlement: Prior to the final approval of a Subdivision or Development application, the Corporate Authorities will detail all applicable expenses involved in reviewing the application and require the payment of any additional monies prior to final action on the application. In the event monies remain, after accounting for applicable recoverable expenses, the Corporate Authorities will refund the balance of the escrow deposit to the applicant. The refund check will be accompanied by a statement of expenses incurred. No interest will be paid on the escrow deposit.

17.8015 Parks and School Land Contributions.

- A. Parks And School Sites: The Community Development Commission may recommend and the City Council may require each subdivider/developer to dedicate land for park and recreational purposes and land for school sites, to serve the immediate and future needs of the residents of the parcel, to make a cash contribution in lieu of actual land dedication, or to provide a combination of both at the option of the City. Such dedication is necessary to ensure proper provision of park and school sites for persons who are expected to reside within the subdivision or development, which sites would otherwise have to be acquired at the expense of the general public, but whose utility would generally be limited to residents of the parcel.
- B. Public Land Dedication and Contribution Standards:
1. General Requirement.
 - a. Condition of Subdivision or Final Subdivision Plat Approval. As a condition of approval of a Subdivision, or of a Final Subdivision Plat, located, entirely or in part, within a residential district, or is, or is intended to be, used, entirely or in part, for residential purposes, the Applicant will be required to dedicate land for park and recreational purposes and for school sites to serve the immediate and future needs of the residents of the proposed Subdivision, or to agree to the payment of a cash contribution in lieu of actual land dedication, or to provide a combination of land and cash contributions, at the option of the Village, in accordance with this Subsection 17.701.B.1.
 - b. Condition of Occupancy Permit. No occupancy permit will be issued by the City until (a) the dedications described in Subsections 17.8015.B.2 and 17.8015.B.3 of this Article have been made, or (b) the applicable school district and park district deliver to the Corporate Authorities a written acknowledgment that each has received the cash contribution described in Subsection 17.8015.C of this Article.
 - c. Applicability to All Subdivisions. As provided in Section 17.801.G of this Article, the term Subdivision as used throughout this Section 17.8015, will have the meaning as set forth in Section 17.103 of this UDO and that includes, without limitation, planned developments and developments, as these terms are defined in this UDO.
 - d. Applicability to Subdivisions with Existing Residential Dwelling Units. The calculation of the required dedication of land, or cash contribution in lieu thereof, will be adjusted with respect to any new subdivision of land on which there exists, at the time of submission to the City of an application for Subdivision approval, one or more residential dwelling units. Such adjustment will allow for the ultimate

population density for the new Subdivision to be reduced, proportionately, based on such existing dwelling units, irrespective of whether the existing dwelling units will remain in existence after approval of the new Subdivision, or will be replaced by new dwelling units.

- e. Density Formula. Population Table. The Table of Estimated Ultimate Population Per Dwelling Unit, set forth in Table 8-1 below, will be used as provided in this Subsection 17.8015 to calculate the required dedication of land for park and recreational or school site purposes or for cash contributions in lieu thereof, unless a written objection thereto is filed by the Applicant with the Corporate Authorities pursuant to Section 17.8015.B.1.f.ii.

TABLE 8-1
Table of Estimated Ultimate Population per Dwelling Unit
Children per Dwelling Unit

Type of Unit	Pre-School 0-4 Years	Elementary Grades K-5 5-10 Years	Junior High Grades 6- 8 11-13 Years	TOTAL Grades K-8 5-13 Years	High School Grades 9- 12 14-17 Years	Adults (18-up)	Total Per Unit
Single-Family Detached Dwellings							
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 or more	0.283	0.345	0.248	0.593	0.300	2.594	3.770
Single-Family Attached Dwellings (i.e. townhouse dwellings and two-family dwellings)							
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 or more	0.323	0.322	0.154	0.476	0.173	2.173	3.145
Multiple Family Dwellings and Community Residences							
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 or more	0.052	0.234	0.123	0.357	0.118	2.526	3.053

NOTE: The determination of the number of bedrooms contained in a building shall be made by the Corporate Authorities. Rooms designated by an Applicant as den, library, study, sewing room, exercise room, or the like may be designated by the Corporate Authorities as bedrooms if they are suitable for such accommodations.

f. Presumed Density Formula.

- i. In applying Table 8.1 to a proposed Subdivision for which the types of units and number of bedrooms cannot reasonably be determined from the data and materials on file with the City, the following types of units and bedroom data will be used, unless a written objection thereto is filed by the Applicant with the Corporate Authorities pursuant to this Article.

Single Family Detached:	Four bedroom unit per lot.
Single Family Attached:	Equal mix of two and three bedroom units at maximum unit density permitted by applicable zoning.
Multiple Family Dwellings in the R-6 District:	Equal mix of two and three bedroom units at maximum unit density permitted by applicable zoning.
Multiple Family Dwellings in the R-7 District or the R-8 District:	Equal mix of one and two bedroom units at maximum unit density permitted by applicable zoning.

- ii. Objection to Density Formulae. If the Applicant files a written objection with the Corporate Authorities to the use of Table 8-1 or the presumed density formula set forth in Subsection 17.8015.B.1.f.i, the Applicant will submit, at the Applicants sole cost and expense, a thorough and comprehensive demographic study showing the estimated population to be generated by the proposed Subdivision. The Corporate Authorities will make the final determination as to the density formula and estimated population that will apply to the proposed Subdivision. This determination will be based on the demographic study submitted by the Applicant and all other facts and circumstances relevant to the issue as determined and required by the Corporate Authorities. Nothing in this Section 17.8015.B.1.f.ii will be construed as limiting or preventing the Corporate Authorities from utilizing Table 8-1 or the presumed density formula set forth in Subsection 17.8015.B.1.f.i for any proposed Subdivision.

2. Criteria for Park Land Dedication.

- a. Calculation of Land Required to be Dedicated. The amount of land required to be dedicated for park and recreational purposes for a proposed Subdivision will be a direct function of the ultimate population density of that Subdivision. The requirement will be based on a standard of five (5) acres of land per 1,000 ultimate population, computed in accordance with Table 8-1 of this Section 17.8015.B.2.a.
- b. Location of Land to be Dedicated. The location of the land to be dedicated for park and recreational purposes for the proposed Subdivision pursuant to this Section 17.8015.B.2.b will be determined by the City Council. The determination will be based on such factors as the City Council deems appropriate, including, without limitation, the availability of land, the suitability of any particular land for park and recreational purposes as opposed to use for other development, the location of the land relative to population concentrations, and the proximity of the land to other park or recreational lands.
- c. Minimum Size of Dedicated Land. The minimum size of any land to be dedicated for park and recreational purposes will be 87,120 square feet, and no dimension will be less than 100 feet; provided, however, that the City Council may approve dedications of a smaller size or dimension when required by the specific plans of

the proposed Subdivision and when the usefulness of the smaller area for park and recreational purposes is clearly demonstrated.

- d. On-Site Storage Prohibited. No materials, including, without limitation, top soil or other soil materials, can be stored on any land that has been dedicated, or that has been designated for dedication, to the City for park or recreational purposes pursuant to this Subsection 17.8015.B.2.
 - e. Detention and Retention Areas Not Qualified; Secondary Use. Storm water detention or retention area will not qualify as land suitable for dedication for park and recreational purposes, unless the suitability of such land for park and recreational purposes as a secondary use is clearly demonstrated to the satisfaction of the City Council.
3. Criteria for School Site Land Dedication.

- a. Calculation of Land Required to be Dedicated. The amount of land required to be dedicated for school sites for a proposed Subdivision will be a direct function of the ultimate number of students to be generated by the Subdivision. The school site land dedication requirement will be determined in accordance with the following equation:

Number of children from proposed Subdivision to be served in
each school classification

(computed in accordance with Table ____)

divided by:

Maximum number of students to be served in each such school
classification

(as stated in Subparagraph 17.8015.B.3.b of this Article)

multiplied by:

Minimum number of acres for each school site for each school
classification

(as stated in Subparagraph 17. 8015.B.3.b of this Article)

The product of such calculation shall be the minimum acreage of land necessary for school sites to serve the children in the proposed Subdivision.

- b. School Classifications; Land Required. School classifications and the required minimum size of new school sites within the City shall be determined in accordance with the following criteria:

School Classification by Grades	Maximum Number of Students For Each Such Classification	Minimum Number of Acres Per Site of Such Classification
Elementary schools (K-8) Grades kindergarten through 8th	900 Students	14 Acres
High schools, (9-12) Grades 9th through 12	2000 Students	55 Acres

- c. Location of Land to be Dedicated. The location of each school site will be determined by the Corporate Authorities. The City's official Comprehensive Plan and the standards adopted by the affected school district will be used as guidelines in locating school sites.
- d. On-Site Storage Prohibited. No materials, including, without limitation, top soil or other soil materials, can be stored on any land that has been dedicated, or that has been designated for dedication, to the City for school site purposes pursuant to this Section 17.8015.B.3.
- e. Detention and Retention Areas Not Qualified. No storm water detention or retention area will qualify as land suitable for dedication for a school site, unless the suitability of such land for such school site as a secondary use is clearly demonstrated to the satisfaction of the Corporate Authorities.

C. Criteria for Payment In Lieu of Land Dedication.

1. General Qualification. In the event that a proposed Subdivision is small and the resulting required land dedication is too small, in the determination of the Corporate Authorities, to be practical, or when the Corporate Authorities find that the available land is inappropriate for park and recreational purposes or for a school site, then the City has the authority to require the Applicant to pay a cash contribution in lieu of the otherwise required land dedications, in accordance with the standards of this Subsection 17.8015.C.
2. Definition of Fair Market Value. The cash contributions in lieu of land will be based on the fair market value of the acres of land in the proposed Subdivision, as determined by the Corporate Authorities based on the value of improved land in and surrounding the City. The fair market value figure will be established from time to time and will be used in making any calculation required by this Subsection 17.8015.C, unless the Applicant or other affected party files an objection pursuant to Subsection 17.8015.C.3. The Corporate Authorities may periodically, but no less frequently than annually, survey surrounding communities, conduct discussions with the applicable Township Assessors office, affected school districts, and other interested parties, and report findings of such surveys and communications to the City Council with respect to the continued adequacy and reasonableness of the City's determination of fair market value.
3. Objection to Fair Market Value Determination. If the Applicant or any other affected person files a written objection with the Corporate Authorities to the fair market value as established pursuant to Subsection 17.8015.C.2, the applicant or other affected person must submit, at their sole cost and expense, a written appraisal professionally prepared by a Member of the Appraisal Institute of America (M.A.I). The appraisal must show the fair market value of improved land in the area of the proposed Subdivision. Upon receipt

of an objection to the fair market value for school property, the Corporate Authorities will deliver or cause to be delivered the appraisal to the applicable school district. The applicable school district will have the right, but not the obligation, within 30 days after receipt of the objection to make a recommendation regarding the disposition of the objection. The City Council must make the final determination, by resolution duly adopted, as to the fair market value of improved land based on the appraisal and other information submitted by the applicant or other affected person, the recommendations, if any, received from the school district, and all other facts and circumstances relevant to the issue as determined and required by the City Council. Nothing in this Section 17.8015.C.3 will be construed as limiting or preventing the City Council from utilizing the fair market value as established in Subsection 17.8015.C.2 of this Article for any proposed Subdivision. In the event that the objection is for the fair market value for park land, the Corporate Authorities will examine the applicant's objection, appraisal and other information submitted by the applicant or other affected person. The City Council, by resolution duly adopted, will make a decision within 30 days after receipt of an objection.

4. Disposition of Cash Contributions.

- a. Cash contributions in lieu of park land dedications will be paid directly to the applicable park district or districts, as the case may be, solely for use in the acquisition of land for acquisition of park and recreational land to serve the immediate or future needs of the residents of the proposed Subdivision or for the improvement of other existing park and recreational sites.
- b. Cash contributions in lieu of school site land dedications shall be paid directly to the applicable school district or districts, as the case may be, solely for use in the acquisition of land for a school site to serve the immediate or future needs of students from the proposed Subdivision or for the improvement to any existing school site already serving such needs.
- c. All cash contributions made pursuant to this Subsection 17.8015.C will be held in trust by the school or park district to which the cash contributions are paid and will be kept separate from all other funds and will be accounted for in the appropriate manner.
- d. Refund of Cash Contributions. If any portion of a cash contribution in lieu of a park land dedication, or a cash contribution in lieu of a school site land dedication, as the case may be, is not expended for the purposes set forth herein within seven years after the date of receipt of such contribution, then that cash contribution will be refunded to the applicant who made the contribution, or its successor or assign.

D. Criteria for Combination Land Dedication and Cash Payment. A combination of land dedication and cash contribution in lieu of land dedication may be required when appropriate as determined by the Corporate Authorities, including, without limitation, in the following two circumstances:

1. Inadequate Land. The proposed Subdivision has some but not enough adequate land to meet the dedication requirements of this Section 17.8015.B.2 and Section 17.8015.B.3 . That portion of the land within the proposed Subdivision that is adequate for park land or a school site will be dedicated as required under Section 17.8015.B.2 and Section 17.8015.B.3, and a cash contribution will be required for any additional land that otherwise would have been dedicated pursuant to this Section 17.8015.C.
2. Previous Acquisition. If a major part of the local park or recreational site or school site has already been acquired, and only a small parcel of land is needed from the proposed Subdivision to complete the site. A local park, recreation or school parcel will be

acquired by dedication, and a cash contribution will be required for any additional land that otherwise would have been dedicated pursuant to this Section 17.8015.

- E. Combining with Adjoining Subdivisions. For proposed Subdivisions of five acres or less, the otherwise applicable park and recreational land dedication or school site land dedication may be combined, where practical as determined by the Corporate Authorities, with dedications for the same purposes from adjoining subdivisions or developments to produce usable park or recreational areas or school sites.
- F. Topography and Grading. The slope, topography, and geology of a site to be dedicated pursuant to this Subsection 17.8015, as well as its surroundings, must be suitable for the intended purpose of the site. Grading on dedicated land must not differ greatly from surrounding land. No removal of existing topsoil will be permitted.
- G. Improved Sites. All sites must be dedicated in a condition ready for full service of electrical, telecommunications, gas, water, sewer and streets (including curb and gutter and enclosed drainage), as applicable to the location of the site.
- H. Dedication as Condition of Approval of Final Subdivision Plat. Approval of any Final Subdivision Plat shall be conditioned on the dedication of land, or cash donations in lieu thereof, as required by this Subsection. When a Subdivision is to be developed over a period of years, dedication of required land may be made after completion of a portion of the Subdivision provided that an escrow fund satisfactory to the City has been established to guarantee the conveyance of land after completion of such portion of the Subdivision.
- I. Title to Dedicated Park Land and School Sites.
 - 1. General Requirement. All sites to be dedicated pursuant to this Subsection 17.8015 must be conveyed to the City either by warranty or trustees' deed, or another form of conveyance as the City may require. The Applicant will be responsible for payment of all real estate taxes to the date of conveyance. In the discretion of the City, a commitment for title insurance issued by a company authorized to do business in Illinois may be required as evidence of clear title.
 - 2. Park Land. Conveyance of park land dedications will occur only after or simultaneously with the passage of an ordinance or resolution by the park district that indicates the land will be accepted by the district for park purposes. Immediately thereafter, the City will convey the site to the district.
 - 3. School Sites. Conveyance of school sites will occur only after or simultaneously with the passage of an ordinance or resolution by the school district that indicates the site will be accepted by the district for school purposes. Immediately thereafter, the City will convey the site to the district.
- J. Remedies.
 - 1. Intergovernmental Agreement. All school and park districts serving the City that are eligible to receive school or park sites or cash in lieu of such sites will be required, as a condition of receiving the dedications or donations, to enter into a binding, written intergovernmental agreement with the City, acceptable in form and content to the City Attorney, providing for the indemnification and holding harmless of the City from any loss, claims and causes of actions of every kind that may be incurred by the City as a result, either directly or indirectly, of the enactment of this Section 17.8015, or the administration or enforcement thereof, including any loss, claims, or causes of action

incurred as a result of a lawsuit brought or threatened by the school or park district. The intergovernmental agreement will provide that if the City is sued by any applicant, subdivider, or developer as a result, directly or indirectly, of the enactment of this Section 17.8015, the City may, at its option, undertake its own defense, and the City's costs and expenses related thereto, including attorneys' fees, will be immediately reimbursed by the affected school or park district.

2. Improper Use of Funds. In the event that a school or park district improperly uses funds or fails to use funds and does not return the funds as specified in this Section 17.8015, the City may sue the affected school district and will be entitled to recover as a part of the judgment therein, or any settlement thereof, all costs and expenses, including attorneys' fees, incurred by the City.
3. Implied Conditions. Unless otherwise specifically provided, the provisions of this Section 17.8015 will be an implied condition of every intergovernmental agreement entered into pursuant to this Subsection 17.8015.

Article IX

Performance Standards

17.901 Purpose

The purpose of this Article is to establish regulations and standards for the installation, establishment and operation of nonresidential uses in the City based upon consideration of the objectionable characteristics of such uses and the zoning districts in which they are permitted. This Article also is intended to prescribe the procedures and methods of measurement of the installation, establishment and operation characteristics of nonresidential uses subject to such standards.

17.902 Certificate Of Compliance:

- A. No use permitted in any manufacturing or commercial district shall be issued a zoning certificate until a certified statement has been signed by a qualified professional engineer and a responsible agent for the proposed use stating that all provisions of the performance standards set forth in this Article will be met.
- B. No use permitted in any manufacturing or commercial district shall be issued a certificate of compliance until all provisions of this Article have been complied with and tests on operating equipment made under normal operating conditions have been performed indicating full compliance with all performance standards. Such statement shall be certified and signed by a qualified professional engineer and a responsible agent for the operating use.

17.903 Enforcement:

The Development Administrator shall enforce the provisions of this Article pursuant to the authority and enforcement and penalty provisions in Article 11 of this Article. In addition, the Development Administrator may require install monitoring equipment to ensure continuous compliance with the prescribed standards of this Article.

17.904 Violations:

Violators found to be in noncompliance with this Article will be liable for inspection fees and costs as well as any penalties imposed pursuant to the Article and, without limitation, by any court of law.

17.905 Performance Standards

- A. **Toxic Substances:** Regulations pertaining to all toxic substances shall be as follows:
 - 1. Definitions:
 - a. Highly Toxic Substances: A highly toxic substance is hereby defined as a chemical or substance that is listed as an Extremely Hazardous Substance by the Environmental Protection Agency (EPA), as may be amended from time to time.
 - b. Toxic Substance: Any gas, liquid, solid, semisolid substance or mixture of substances, which if discharged into the environment could, alone or in combination with other substances is likely to be present in the environment, cause or threaten to cause bodily injury, illness or death to members of the general public through ingestion, inhalation, or absorption through any bodily surface. In addition,

substances which are corrosive, irritants, strong sensitizers, or radioactive substances (other than highly toxic radioactive substances) shall be considered toxic substances for the purposes of this regulation.

2. Regulation:

- a. **Highly Toxic Substances:** The storage, use or handling of highly toxic material as defined in Section 17.905.A.1.a shall be as required by applicable regulations of the Illinois Pollution Control board, \and all other applicable City regulations and ordinances, as adopted or amended from time to time.
- b. **Toxic Material:** The use, storage, handling or transport of toxic substances as defined in Section 17.905.A.1.b shall comply with applicable regulations of the Illinois Pollution Control Board, and all other applicable City regulations and ordinances, as may be adopted or amended from time to time.
- c. **Permit Required:** Any person, firm or corporation engaged in the use, storage, handling or transportation of Highly Toxic substances shall be required to obtain permits from the City and the Wood Dale Fire Protection District. Permit applicants shall provide all information as determined necessary by the Fire District to ascertain compliance with the above referenced and adopted rules and regulations. The Fire District shall make an inspection of the applicant's premises to determine such compliance prior to the issuance of the permit.

- B. **Fire and Explosion Hazards:** Materials that present potential fire and explosive hazards shall be transported, stored and used only in conformance with all applicable federal, state and City laws.
- C. **Air Pollution:** Any visual emissions, particulate matter emissions, odor, airborne toxic material and other air pollution shall meet the current standards of the Illinois Pollution Control Board; Title 35, Subtitle B, "Air Pollution", Article I, Pollution Control Board, as may be amended from time to time.
- D. **Odor:** The release of materials intrinsically odorous or capable of being odorous, either by bacterial decomposition or chemical reaction, which renders it perceptible from beyond the lot shall be prohibited.
- E. **Radiation Hazards:** The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes shall be in conformance with applicable regulations of the atomic energy commission, and the applicable regulations of any instrumentality of the state of Illinois.
- F. **Vibration:** The following requirements shall apply to all nonresidential uses:
1. Any process or equipment that produces intense earth-shaking vibrations - such as are created by drop forges, hydraulic surges or other processes - shall be set back at least five hundred (500) feet from the property boundaries on all sides. However, in no case shall such vibrations be allowed to create a Public Nuisance or hazard beyond the property boundaries.
 2. **Exceptions:** The provisions of this Section 17.905.F shall not apply to sound emitted from equipment being used for permitted construction between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M., of each day.

- G. **Glare:** All lighting shall meet the following requirements.
1. All lighting sources, on properties other than those zoned for single-family residential use, shall be arranged to reflect light away from adjoining properties in a manner that does not produce glare clearly visible beyond a property line so as to cause nuisance or impairment of vision. Glare is best reduced when the light source is not visible from adjacent properties. Therefore, the use of lenses, deflectors, shields, louvers, or prismatic control devices shall be used to eliminate nuisance and hazardous lighting to facilitate compliance with this requirement.
 2. In all residential zoning districts, no light source shall cause illumination in excess of one tenth (0.1) foot-candle in residential districts at any property lot line.
- H. **Electromagnetic Interference:** There shall be no electromagnetic interference that adversely affects the operation of any equipment other than that belonging to the creator of such interference, or than does not conform to the regulations of the federal communications commission.
- I. **Water Pollution:**
1. All land uses shall comply with all applicable rules and regulations of the State of Illinois Pollution Control Board regarding water pollution, Title 35, Subtitle C, entitled "Water Pollution", as amended from time to time.
 2. Industrial Waste: All industrial waste disposal must be conducted in accordance with all City, State and Federal regulations; and approved by the City's Pretreatment Coordinator prior to issuance of a zoning certificate. Industrial wastewater shall be disposed into a sanitary sewer unless an alternative disposal is approved by the Pretreatment Coordinator who may require pretreatment. The engineer may require pretreatment. A sampling manhole and industrial wastewater discharge permit may be required.
- J. **Noise:** The following requirements shall apply to all nonresidential uses:
1. Sound pressure levels shall be in keeping with current State of Illinois standards as prescribed by the Illinois Pollution Control Board (Subtitle H: Noise), as may be amended from time to time.
 2. Exceptions: The following activity shall be exempted from the rules and regulations of this Section 17.905.J.
 - a. Sound emitted from emergency warning or safety devices.
 - b. Sound emitted from lawn care maintenance equipment used during daylight hours.
 - c. Sound emitted from vehicles, snowblowers and similar equipment used for snow removal and hauling operations.
 - d. Sound emitted from equipment being used for construction between the hours of seven o'clock (7:00) A.M. to seven o'clock (7:00) P.M., of each day, or for such additional hours as may be authorized by the Development Administrator.
 - e. Sound emitted from trucks and vehicles entering or leaving industrial zoned property, except as may be caused by idling engines, off the road vehicles, mixers on ready mix concrete trucks, and trailer mounted refrigeration units.
- K. **Storage and Use of Materials:** The storage, use or manufacture of materials referenced in this Section 17.905.K shall be regulated as follows:
1. The storage, use or manufacture of materials or products conducted within completely enclosed buildings shall be in keeping with the codes adopted by Wood Dale and any other applicable Ordinances.

2. The storage or utilization of flammable liquids and gases shall be conducted only in accordance with all applicable federal, state, and City laws.
 3. All hazardous materials including flammable liquid and gas storage tanks stored outside shall be a minimum of thirty feet (30') from all lot lines and in keeping with the codes adopted by Wood Dale and any other applicable Ordinances.
 4. All equipment storage areas shall be graded for proper drainage and provided with an all-weather surfacing maintained at all times in such a manner as to prevent the release of dust and to be free of dust, trash and debris.
- L. **Sewage Waste:** Sewers and sewage discharge shall meet the appropriate City, State and Federal requirements.

Article X

Design Guidelines

17.1001 Purpose

These Design Guidelines help define Wood Dale's vision for development and design character by encouraging high-quality site planning, landscaping, and design. The guidelines also serve as guiding principles for defining the physical form of development beyond basic use and building bulk regulations. These standards do not mandate or endorse one particular style of design, but rather communicate the character and quality through which buildings can contribute to Wood Dale's quality of place.

New developments and major remodeling projects in the City's commercial districts (TCB, C-1, C-2, and C-2a) and industrial districts (I-1 and TCO) will be reviewed according to these design guidelines as part of this Chapter's site plan review process with final approval by the City Council.

17.1002 Who are the Design Guidelines For?

Future developments, including new commercial and mixed-use subdivisions, will be evaluated for consistency with these Design Guidelines. Individual single-family homes will not be subject to the guidelines unless they are part of a subdivision that was developed under these Design Guidelines. The review will occur as part of the administrative review process for building permits, even when no other zoning approvals are required. If a PUD, Special Use or other zoning approval is being considered, the Design Guidelines will be applied as administrative review, and incorporated into the zoning process. Therefore, these Design Guidelines are a useful tool for:

- A. **The Public:** Members of the community who have an interest in its built environment and development decisions within the City.
- B. **Local Elected and Appointed Officials and City Staff:** Officials whose decisions influence the character and quality of the City's built and natural environments.
- C. **Business and Property Owners:** Those who invest in Wood Dale and support its economic development and resilience.
- D. **Design + Development Professionals:** Persons who help bring life to the City's vision by designing developments, redevelopments and property improvements.

17.1003 How to Use the Design Guidelines:

- A. Design Districts
 - 1. Different Design Guidelines apply in the commercial and industrial districts, given their different contexts which define the design elements most appropriate there. The Design Guidelines for each district will help property owners and designers consider a site's location, relationship to the surrounding areas, and unique characteristics as they contemplate new developments. Design Guidelines are applied in the following Districts:
 - 2. Commercial Districts: Town Center Business District (TCB); Neighborhood Commercial District (C-1); Corridor Commercial District (C-2); Southeast Irving Park Corridor Commercial District (C-2a)

3. Industrial Districts: Industrial/Business Park Districts (I-1); Thorndale Corridor Overlay District (TCO); Thorndale Interchange Overlay District (TIO)

B. Design Elements

Three Design Elements are applied to each of the Design Districts. These points relate to major components of any development and define the place being created. The objectives to be achieved in applying these elements are described here. A Glossary of terms related to design and design elements can be found at the end of this document.



1. Design Element: Site Planning

Site planning addresses the arrangement and design of buildings, accessory structures, parking and drive areas, bicycle and pedestrian mobility, and supporting facilities. Site Planning Design Guidelines help to establish a functional and pleasing environment through a mixture of urban design elements to ensure buildings, paths, roadways, and public spaces are beneficial for all users.

a. Objectives

- i. Combine and coordinate various site elements.
- ii. Design blocks and multiple building developments logically and efficiently.
- iii. Install screening between uses or activities that may be incompatible as needed to mitigate impacts between differing uses (for example residential next to commercial uses).
- iv. Create interactive areas by including outdoor furniture, plazas, pocket parks, wayfinding signage, art, informational kiosks, landscaping, etc. when possible.
- v. Use lighting to assure safety and as an aesthetic design element.



2. Design Element: Landscaping

Plant material enhances a property by creating visual interest, highlighting architecture and site features, offering shade, promoting desirable environmental benefits, screening unattractive functions from public view and providing buffers between properties.

a. Objectives

- i. Use landscape features to create visual interest, break up appearance of blank walls, and enliven unexciting building views.
- ii. Apply vegetation to soften views of and within parking lots and other vehicle areas.
- iii. Complement landscaped areas with streetscape amenities (awnings, bike racks, furniture, art, lighting, signs).
- iv. Employ an environmentally sustainable landscape palette in support of stormwater management practices, as well as more efficient ongoing maintenance.
- v. Complement and be additive to landscape purpose, applicability, and requirements defined in the City Code.



3. Design Element: Building Design + Form

Architectural elements define development through its scale, context, texture, materials, and color. These characteristics articulate the quality and spirit of the space by

advancing its overall appearance, relationship to the street and sidewalk, and respect for surrounding structures and activities.

a. Objectives

- i. Develop attractive new buildings that present a diversity of architectural styles and respect existing character within the Design District.
- ii. Enhance property by highlighting primary site and building features.
- iii. Create a cohesive and pleasant character by mitigating potentially adverse impacts between different uses and establishing logical transitions between buildings.
- iv. Improve developments by considering and prioritizing pedestrian use and mitigating potential impact of vehicles and impervious surfaces.

17.1004 Design District: Commercial Districts

Commercial corridors in Wood Dale provide a range of retail, dining, and service business that serve community residents and surrounding communities. The Design Guidelines below define a development standard that enhances the day-to-day function and experience for employees and visitors along the corridors.

A. District Design Objectives

1. Inviting commercial corridors and business areas where retail, service and office developments are attractive, distinctive and easy to access for pedestrians, cyclists, and motorists.
2. Enhanced commercial vitality, economic growth, and support for businesses, through thoughtfully developed physical surroundings.
3. Safe and efficient auto access, as well as bicycle and pedestrian movement within and between developments.



B. Design Guidelines: Site Planning

1. Size and orient buildings to create a positive visitor experience in terms of safety, views, and access within and beyond the site, and walkability.
2. Provide seating, waste receptacles, resting spaces, walking areas, bike paths and parking, and other amenities that create a comfortable and familiar environment.
3. Design walls, fences and accessory structures to be compatible with the design, character, and style of the overall development.
4. Minimize visibility and impact of loading docks and storage areas by locating them away from the primary building access and out of view from roadways and main drives.
5. Install lighting to minimize glare by using recessed or cut off fixtures.
6. Design signage in accordance with sign code and to provide information clearly and legibly to pedestrians and motorists without dominating the site, architecture or character of the building, block, or corridor.
7. Design parking lots with a logical layout configuration, easily identifiable traffic circulation, and clearly identifiable paths for pedestrians to the front door of stores.



Size and orient buildings to create a positive visitor experience.



Design parking lots with clearly identifiable paths for pedestrians.

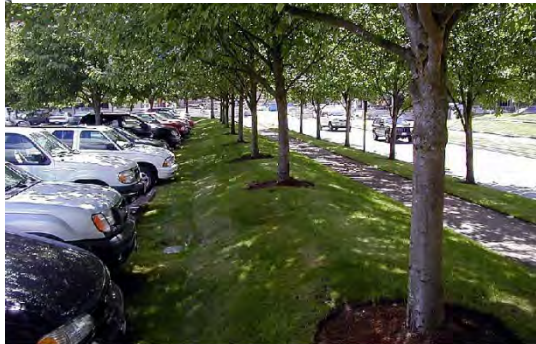


C. Design Guidelines: Landscaping

1. Install a variety of weather resistant and environmentally appropriate landscaping to create visual interest, highlight pedestrian paths, and accent buildings.
2. Use landscaping to highlight a building entry, walkway or other feature.
3. Apply foundation landscaping to enhance building appearance.
4. Install perimeter landscaping to screen parking lots from view of passing traffic.
5. Install landscape areas of refuge for pedestrians in parking lots; these areas can also be used to minimize water runoff and provide additional outdoor amenity areas.
6. Include at least one shade tree and living weather resistant and environmentally appropriate ground cover in landscape islands – mulch or stone are discouraged but may be acceptable in areas where ground cover planting survival is unlikely.
7. Install landscaping strips between parking rows, where feasible.
8. Break up view of large building surfaces facing the public right-of-way or main drive aisles using landscaping features.
9. Select landscape treatments to provide seasonal plantings and color variety throughout at least 3 seasons.
10. Disperse trees and plantings throughout the parking lot to maximize shade and visual relief.
11. Use native vegetation for perimeter landscaping, foundation landscaping, and parking islands to reduce maintenance costs and contribute to environmental sustainability.
12. Minimize large open parking areas by incorporating enhanced landscaping or architectural design elements (like garden walls) to parking lot interiors and perimeters when parking is provided between buildings and adjacent roadways.



Use a variety of landscaping to create visual interest,



Use perimeter landscaping to screen parking lots.



Disperse trees and plantings throughout the parking lot.



D. Design Guidelines: Building Design

1. Minimize unattractive views of large blank walls with changes in color or building materials, placement of windows, placement of building details.
2. Building elevations facing a street shall have windows on each floor elevation.
3. The main entrance shall be street-facing.
4. Buildings on corner lots shall extend architectural features and details on each street frontage.
5. Use moldings, awnings, roof lines, cornices, windowsills, lintels or vertical-horizontal expression lines to create more visual interest in buildings.
6. Use durable primary materials such as stone, steel, masonry, and textured concrete on visible facades.
7. Use different building materials that do not clash in color or finish; a logical and attractive family (palette) of colors should be applied. Material that provides highlight colors may be appropriate. Apply setbacks of building facades that are varied and add dimension and depth to site.
8. Renovate facades on older centers with durable materials that present a modern character and attractive appearance.
9. Design masonry buildings with brick sizes in keeping with the building scale. Larger utility bricks or concrete masonry units (CMUs) are not appropriate on smaller square footage buildings, but can be appropriate on "big box" or other larger structures if applied with banding and texturing that breaks up the appearance of large facades.
10. Design rear elevations of buildings visible from public rights of way or residential areas to reflect the design character of the building's front elevation.
11. Design awnings and signs to be consistent in character, size, and profile along a building façade.
12. Screen views of ground/roof mounted mechanical equipment from adjoining properties and the public right-of-way with landscaping or building elements.
13. Service entries are prohibited on street facades.
14. Use lighting to highlight architectural elements and increase overall pedestrian and vehicular safety. Lighting should not produce glare or areas of excessive brightness out of character with the overall site nor project light into the sky.
15. Avoid using plain (flat grey and untextured) CMU blocks which are not acceptable under these Design Guidelines. CMU blocks with a color or split face finish, or both, are acceptable.



Avoid clashing building



Larger bricks or concrete masonry units (CMUs) with color and texture can be appropriate for "big box" or larger buildings.



Use lighting that highlights architecture and prevents glare.

17.1005 Design District: Industrial Districts

Wood Dale's industrial and business park uses support a variety of manufacturing, warehousing, distribution, logistics, and office uses. While this Design District includes a range of buildings with varying functions, these guidelines define an attractive and cohesive business environment that unifies and enhances the area.

A. Design District Objectives

1. Safe, functional, and cohesive business park environment that promotes economic expansion in Wood Dale.
2. Attractive building and landscaping design to create inviting and aesthetically pleasing industrial parks.
3. Site design to minimize unattractive often monotonous common with larger scale buildings.

B. Design Guidelines: Site Planning

1. Orient buildings to minimize views of loading, mechanical and storage areas from rights of way.
2. Design building access, visibility, connections, and circulation to create safe and efficient travel through and beyond the site for trucks, passenger vehicles, bicyclists and pedestrians.
3. Encourage shared parking facilities.
4. Incorporate signage to label visitor and vehicular movement between buildings and parking areas of multiple building developments.



Orient buildings to minimize views of loading, mechanical and storage areas from rights of way.

C. Design Guidelines: Landscaping

1. Incorporate landscaping to mitigate views of large blank walls common with large industrial buildings.
2. Locate landscaping to highlight main entrances to industrial buildings.
3. Apply foundation landscaping to enhance building appearance.
4. Install landscaping to soften views of parking lots from rights of way and to highlight pedestrian paths to and from main and employee entrances of buildings.
5. Utilize native vegetation for perimeter landscaping, site foundation, and parking islands to reduce maintenance costs and contribute to environmental sustainability.



Apply opportunities for shared parking where



D. Design Guidelines: Building Design

1. Avoid large expanses of undifferentiated blank surfaces and focus on façade diversity, pattern, texture, color and detail that contributes to visual interest:
 - a. Use architectural elements or creative color variation for vertical and horizontal relief over large areas as an effective way to break up a building façade.
 - b. Use functional elements – such as windows and vents – to break up building façades.
 - c. Use color banding to break up long stretches of building facades.
2. Light pathways, entryways, exits, service areas, and other frequent visitor access points to increase safety and use cut off light fixtures to minimize glare.
3. Building elevations facing a street shall have windows on each floor elevation.
4. The main entrance shall be street-facing.
5. Enhance building entry areas to be easily identifiable.
6. Buildings on corner lots shall extend architectural features and details on each street frontage.
7. Service entries are prohibited on street facades.
8. Minimize visibility of loading docks from adjacent roadways. Where docks must face roadways, landscaping or other intermittent screening can be used to limit such views.



Avoid large expanses of undifferentiated blank surfaces.



Enhance building entry areas to be easily identifiable.



Use architectural elements or color variation to break building façades.

17.1006 Glossary

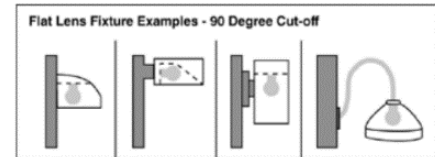
Accessory Structure: Structure supportive of and secondary to the primary building or activity (as defined by the City of Wood Dale Zoning Ordinance).

Architectural Elements: Various aspects of a structure that are functional and/or aesthetic in nature (such as windows, doors, and roof lines moldings, awnings, roof lines, cornices, windowsills, fenestrations or lintels.)

Business Park: An industrial / office area developed to reflect a consistent design character for common areas and rights-of-way.

Character: The unique sense of place created by the various elements of a particular business district or neighborhood.

Cut Off Fixtures: Light fixtures designed to limit the direction that created illumination shines and to reduce glare.



Cut Off Fixtures

Environmental Sustainability (as relates to these Design Guidelines): Practices related to design, construction, and maintenance of development that seeks to avoid harmful impacts to the environment in order to preserve natural resources and quality of the natural environment into the future.

Façade: The visible portion of a building.

Foundation Landscaping: Plantings located along the base of a building that are designed to enhance building appearance.



Foundation Landscaping

Glare (Light Pollution): A visual characteristic resulting from too much brightness from a light source or not controlling (focusing) the light source; considered a form of light pollution.

Ground Cover: Living plants designed to grow low to the ground, intended to create an attractive appearance and protect against soil erosion.

Hardscape: Elements of landscape and site design that are solid, not plants, and long term in nature; includes items such as walkways, retaining walls, pavers, patios and decks.



Glare minimized

Landscape Islands: Small medians set into parking and drive areas used to provide aesthetic enhancement, additional green areas, pedestrian safety, and to define driving and pedestrian paths.

Landscaping Strip: A continuous landscaped area located between two facing rows of parking.

Native Vegetation: Plant species found naturally in a local habitat that are typically well-suited to the environment of the area, making them resilient and in some cases useful for stormwater management.

Open Space: A landscaped or hardscaped area often used for active or passive recreation, providing visual relief and areas of respite within a city, neighborhood, or development.

Ornamental Trees: Trees with a highly aesthetic appearance based on their flowers, aromas, shape, color or combination of such features.

Perimeter Landscaping: A form of screening that combines lawn, shrubs and trees located around the edge of development or part of a development (such as a parking lot) designed to provide aesthetic benefit and lessen the view of less attractive elements such as parked cars or utilities.

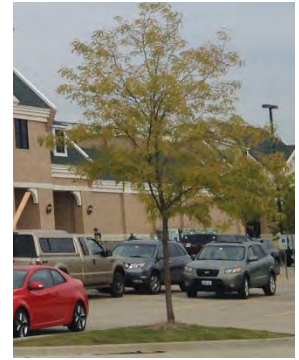
Public Right-of-Way: That part of the built environment commonly owned and maintained by the community (roads, parkways, sidewalks, and alleys).

Scale: The perception created by a building's mass and height in relation to its surroundings. In regard to an area intended for pedestrian use, the notion of "pedestrian scale" relates to the pedestrian's perceived comfort and interactions with a building (or buildings).

Screen (or Screening): A barrier (either landscaping or structural) designed to limit visibility of areas, activities or structures that may diminish the appearance or character of an area.

Setbacks. The distance between a property line and principal building, accessory structure, or defined activity. Setbacks may be defined by zoning regulation or applied for specific purposes.

Wayfinding: The series of signs used to help visitors know their location in and find other areas of a development, business district or city.



Landscape Island



Landscaping Strip



Screening



Wayfinding

Photo Credits: All photos by Teska Associates unless otherwise noted.

Article XI

Zoning Administration, Enforcement and Penalties

(Note: Section 17.206 to be deleted in entirety and replaced with new Article 11 as follows).

17.1101 General Enforcement Authority and Duty

Upon finding the existence of any violation of this Code, the City Council, or its designee, will have the authority and duty to take or direct all actions necessary or appropriate to punish and abate such violation.

17.1102 Civil and Administrative Enforcement

- A. Stop and Cease-and-Desist Orders: Upon finding the existence of any violation of this Code, the Development Administrator will notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it; specifically, the Development Administrator will order the discontinuance of any illegal use of land or structures; the removal of illegal structures, additions or alterations; and the discontinuance of illegal work being done.
- B. Legal Actions: In the enforcement of this Code, the City Council will exercise all the powers authorized by the statutes of the State of Illinois and the codes and ordinances of this City to ensure compliance with, or to prevent or abate any violation of, the provisions of this Code, and in particular, will, where necessary or appropriate, institute or cause to be instituted by the City Attorney in the name of the City of Wood Dale any and all actions, legal or equitable, including appeals, that may be required for the enforcement of this Code.
- C. Abatement; Liens: Where authorized by state statute, the City Council may order any work necessary to abate any violation of this Code and shall assess the cost of such work to the property owner. Upon the failure of the owner to pay such cost, the Development Administrator will file a lien for such costs, and for all costs of collection, against the property in question.
- D. Revocation of Permits: The violation of any provision of this Code, or of any permit or approval granted pursuant to it, or of any condition imposed pursuant to it will be grounds for the revocation of any rezoning, permit, variation, or approval granted pursuant to this Code and affecting the property involved in the violation. The Development Administrator may recommend and the City Council may order such revocation; provided, however, where the original rezoning permit, variation, or approval was granted following a public hearing required pursuant to this Code, the revocation will be preceded by a similar hearing.
- E. Fines: In the enforcement of this Code, the Development Administrator will, where necessary and appropriate, order the issuance and enforcement of citations to recover fines and penalties for the violation of this Code as authorized by state law and this Code.

17.1103 Penalties

Any person who shall violate, disobey, omit, neglect, or refuse to comply with, or who shall resist enforcement of, any provision of this Code will be subject to a fine in the amounts as specified in the Master Fee Schedule. Each day violation continues to exist shall constitute a separate offense.

17.1104 Private Remedies Preserved

Nothing in this Article 10 will be interpreted to prevent any person entitled to relief in law or equity by reason of a violation of the provisions of this Code from bringing an appropriate action to secure such relief.

Wood Dale UDO Update

Steering Committee Meeting #1 | March 5, 2020 | Wood Dale City Hall



Attending

- Mayor Nunzio Pulice
- Alderman Art Woods
- Alderman Mike Susmarski
- Alderman Peter Jakab
- Alderman Tony Catalano
- Ed Cage, Community Development Director
- Lynn Curiale, City Clerk
- Mitchell Tau, Streetscape and Economic Enhancement Committee
- Nadine Ames, Citizens Involvement Committee
- Steve Krych, Stormwater Commission
- Michael Blue, Teska Associates
- David Silverman, Ancel Glink
- Francie Sallinger, Teska Associates

Introduction

March 5th marked the first meeting of the Steering Committee for the Wood Dale Unified Development Ordinance (UDO) Update. This meeting introduced the Committee to the update process and solicited their perspective on general concepts of City-wide development, with a particular focus on the Thorndale Corridor and Irving Park Road Corridor. The discussion also considered the UDO's customer friendliness and predictability of development approval.

Michael Blue, principal at Teska Associates and project manager for the UDO Update, opened by introducing the project purpose and work program.

Project Purpose:

Revise the current unified development ordinance (UDO) to reorganize content, update certain zoning standards to modern best and legally sound practices, and overall enhance the usability of the ordinance.

Work Program:

Phase 1: Draft Updated UDO

- Key Stakeholder Interviews
- Steering Committee Meeting #1
- Draft Updated Development Regulations
 - Staff Review
 - Steering Committee Review

- UDO Update Summary Materials
- City Council Updates

Phase 2: Ordinance Adoption

- 2.1 Preparation of Complete Draft UDO
- 2.2 Public Hearing
- 2.3 UDO Adoption
- 2.4 Training Workshop

The technical analysis portion of the zoning update has already been completed in the form of the UDO Assessment Report (attached). The project team will now focus on updating development regulations, which will be reviewed with staff and then the Steering Committee. The review will take place in sections, as they are completed, to facilitate the review process. Summary memos for each section will summarize what has been changed and why.

Review of UDO Assessment

The UDO Assessment identified several major issues that will be addressed as part of the update process. The following primary findings were shared with the Steering Committee for their input:

- The Thorndale Corridor Corporate District presents a desirable vision for the corridor, but the form-based standards are complex and limit the types of businesses common in today's economic climate.
 - Developers often find this type of form-based zoning restrictive, as it doesn't provide necessary flexibility to respond to the market. The new UDO will give the City a more flexible, market-responsive approach and will support existing design standards.
- The Town Center Business District (generally around the Wood Dale Road and Irving Park Road intersection) relies heavily on transit and pedestrian oriented development standards that are not consistent with area lot configurations.
 - While desired by many, the idea of having a pedestrian oriented environment at this location does not seem feasible. The update will revisit these standards to define A desirable development format that is feasible under the road, railroad track and lot configurations.
- The list of permitted and special uses in the UDO is too long, too specific, and out of date. The land uses permitted in the City's zoning districts are inconsistent with development patterns in those areas.
 - The update process will include a new, simplified land use table that can help the City keep up with the fast pace of new types of businesses and development.
- Land use and development standards follow a "form-based" type of zoning that focuses on regulating types of buildings, rather than use of the building. These standards are inconsistent with common development practices for areas like the TCC and TCB Districts.
 - Standards in the revised UDO will a) make the development process more straightforward and b) express the form/appearance of development that the City desires.
- The organization and presentation of the Code is not presented in a clear or familiar hierarchy, the wording is complicated, and the documents makes limited use of graphics and charts.

- The new UDO will re-organize, streamline, and add graphics as needed.

Questions from the Committee around these findings included:

- Can we consider establishing a quantifiable standard for the City to get money back from schools/parks when we reduce the number of homes, rather than add new homes?
 - The project team will explore this idea.
- Does the existing code account for stormwater management and traffic flow?
 - Yes, but the update process will ensure these standards are current best practices.

UDO Issues and Opportunities

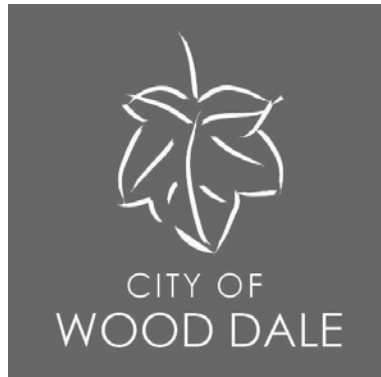
The final segment of the meeting focused on issues and opportunities relating to the UDO update.

Below is a summary of questions posed by the consultant team and input received from the committee.

- What is the Thorndale Corridor’s purpose and do the TCC Zoning District standards serve that purpose? Should the District be applied to the same geographic areas as it is today?
 - The vision for the Corporate Main Street included nice, sit down restaurants – how can we attract those?
 - Can we consider a parking garage so that each lot doesn’t need to accommodate all required spaces?
 - Centralized stormwater would be useful in this area
 - Area should accommodate sales tax generating uses as well
 - Other desired land uses: multi-level office building, mixed use (office/residential/restaurant), sports megaplex (indoor soccer, pool)
 - Should be pedestrian friendly, have more landscaping and trees
 - Shuttles to the Metra and Airport
- What are the City’s development goals and objectives for the area around Wood Dale and Irving Park Roads, and the Town Center District? Should the District be applied to the same geographic areas as it is today?
 - Parking is still a major issue
 - In some cases, may be necessary to acquire properties behind Irving Park Road to help businesses with parking (where zoning meets economic development)
 - Buffer requirements are important for smooth commercial to residential transitions
- What are examples of recent successful/unsuccessful developments?
 - Successful: Forward Space building, new Starbucks/7-11
 - Memory Care facility should have been reconfigured to have majority of parking behind the building, along the tracks
 - Outlots in Georgetown Square, more should be developed
 - Ornamental street lighting along Wood Dale Road, other signage and wayfinding improvements are steps in the right direction
- Is the current mix of residential developments in keeping with City development goals?
 - Current mix seems appropriate, given that there is little vacant land to be developed that would change this

Next Steps

The project team has begun drafting revised sections of the UDO and will share chapters with staff for preliminary review. Draft chapters will be shared with the Steering Committee following staff review. The next meeting is yet to be scheduled but will occur after the Committee has had a chance to review draft chapters, to allow for discussion and to confirm that the update process is on the right track.



AGENDA
CITY OF WOOD DALE
UDO UPDATE STEERING COMMITTEE
July 15, 2021
5:45 to 7:00 PM
Wood Dale City Hall – Council Chambers

1. Call to Order (Mayor)
2. Review of New UDO Layout (Teska and Ancel Glink)
3. Presentation of Draft Chapters and Discussion of Policy Questions (Teska and Ancel Glink)
 - a. Article 2 – Administration and Enforcement
 - b. Article 3 – General Provisions
 - c. Off-street Parking and Loading
 - d. Landscaping and Tree Preservation
4. Review of Next Steps (Teska and Ancel Glink)
5. Steering Committee Questions
6. Adjourn (Mayor)

Wood Dale City Hall, 404 N. Wood Dale Road, Wood Dale, IL 60191



MEMORANDUM

To: City of Wood Dale UDO Update Steering Committee
Ed Cage, AICP, Director of Community Development, City of Wood Dale
Gosia Pociecha, AICP, Planner, City of Wood Dale

From: Michael Blue, FAICP, Principal, Teska Associates
Francie Sallinger, AICP, Senior Planner, Teska Associates
David Silverman, AICP, Partner, Ancel Glink

Date: July 9, 2021

RE: **UDO Committee Review Drafts: Articles 2, 3, 5, and 6**

Attached with this memorandum are four draft Articles for Committee Review of the Updated UDO. Notes and questions for the Committee's consideration are presented below for review and discussion at the July 15th Meeting.

Article 2: Administration and Enforcement

General Notes on Administration and Enforcement Changes

- This Article consolidates and significantly adds all procedural provisions regarding the zoning process in the City. The structure of this Article is consistent, and designed to be user-friendly, with the ultimate inclusion of tables, flow charts, and other graphics.
- We are in the process of compiling the City's subdivision procedures and will incorporate them in a subsequent draft.
- Objective, legally defensible criteria for evaluating zoning applications, including standards for special uses, variances, rezoning requests, and others, are provided in the Article.
- The Community Development Commission's role as an advisory body is clearly stated in the revised regulations.
- The numerous cross references in this lengthy Article will be supplemented by including the name of the cross referenced provision, (e.g. "see Application Procedures"), once we are set on the content of the Article after your review.

Development Administrator Powers

- The revised regulations authorize the Development Administrator to enforce the UDO and support the City's appointed and elected officials.
- The Development Administrator is responsible for administering the City's site plan and design review processes, enhancing the City's ability to realize high quality development.

Community Development Commission

- We have relocated the CDC's powers and responsibilities and have expanded upon them to this Article and advise removing them from the City's Municipal Code.
- We have also added provisions regarding maintenance of records of decisions to establish a more formal system the City can use to track development history of parcels over time.

Planning Documents and Procedures

- The City's various planning policies and documents are now formally defined for the purposes of establishing a solid policy basis for the UDO regulations.
- The City's comprehensive plan has also been given an "evergreen definition" to enable the City to add, amend, or fully replace it over time, as well as the procedures to do so.
- Procedures have been added that require amendments to the City's comprehensive plan when applicants are seeking zoning changes that are contrary to the plan policies and future land use map. This will keep the City comp plan current with actual development trends in the City over time, leading to better and more consistent land use policies and outcomes.

Zoning Applications

- The City zoning application process for all forms of relief is now consolidated into one section and includes the requirements for:
 - Where filed
 - Deadlines
 - Fees, including reimbursable fees and establishment of escrows to cover City costs
 - Completeness before a process can begin
 - Exemptions for certain public bodies
 - General and specific minimum application requirements
 - Withdrawal of pending applications
 - Successive application for same property for same or similar relief
 - General and specific notice provisions

Certificates of Zoning Compliance and Occupancy

- Established requirements and procedures for issuance of certificates of zoning compliance in all districts to enable better review and monitoring of approved developments and uses.
- Established modern requirements and procedures for issuance of certificates of occupancy.

Successive Sections Dedicated to Various Forms of Relief

- Consolidated and prepared consistent successive sections on the various forms of zoning procedure and relief that will be more easily navigable with the addition of tables and flow charts and other appropriate graphics.
- Added provisions for optional pre-application meetings for special uses and planned unit developments.
- Expanded the authority to impose conditions on variations and limitations on the scope of variations that will be granted (e.g. only to extent necessary to address hardship)

- Expanded authority to impose conditions on special uses, including a durational limit on certain special uses, as determined by the CDC and approved by City Council.
- Clarified that special uses are unique property rights and entitlements for the applicant only and are non-transferable, (e.g. A new property owner will have to get his or her own SUP).
- Reorganized and restated planned unit development objectives and procedures with clear tie in with special use permit requirements
- Consolidated and clarified site plan administrative review provisions, removing the two “class” system the City currently employs.

Enforcement and Penalties

- Expanded enforcement and penalty provisions, empowering the Development Administrator and City Attorney to bring actions, as well as preserving private party remedies.

Questions for Committee:

- Notice by Sign: (5-b-iv-3): Should the City continue to mail notice to property owners within 300’ for Amendments, Special Use Permits and Variations? Or is notice by sign sufficient?

Article 3: General Provisions

This Article is built primarily from Article 6: Land Use and Development Standards of the current code and elements of Article 5: Development Districts. The objective is to include regulations of general applicability for all or select zoning districts. The following are key points from the draft:

1. In some cases sections have been removed from this draft Article 3 and relocated, either as separate Articles to highlight their significance in enforcing the code, (e.g. Landscaping, Off Street Parking), or relocated to other more relevant Articles to improve the internal logic and navigation of the UDO, (e.g. lighting and live music are now in Performance Standards, Commercial/Rec. Vehicle Parking are relocated to Parking).
2. Lot Development Standards (Sec. 16.605) that were based on “building types” have been deleted from the draft. These regulations have been revised and presented as more commonly used bulk standards and are now incorporated into specific zoning districts. This change aligns the new UDO with more commonly used zoning terminology and techniques and will make the new UDO easier to use.
3. Existing regulations for Accessory Structures, Outdoor Dining, Adult Regulations, Refuse Collection, Home Based Businesses, Satellite Dishes, Community Residences (sometimes referred to as group homes), and Temporary Structures and uses have been relocated to this draft Article 3 and revised for clarity and completeness.
4. Fence regulations has been relocated to this draft Article 3 and revised for clarity and completeness. The fence “types” created confusion and have been replaced with regulations specifying height and opacity. In addition, walls have been removed from the regulations as they are not commonly used as fences in Wood Dale.
5. The Personal Wireless section from current UDO has been moved to this Article and will be combined with Small Cell regulations into a “Telecommunications” subsection. Private Satellite Stations have been deleted as we understand this to be old technology that is no longer used

(large satellite dishes in backyards); if these are still regulated, we can add them back to the code.

6. New standards have been added and can be refined as appropriate for any of these items: Bed and Breakfasts, Short Term Rentals (Air BnB), Solar and Wind Energy Systems, Medical Cannabis (this will reflect established City policy), and Collection Boxes.
7. The City's current garage standards allow up to a 1,200 sq. ft. structure. That is a large garage, (a sizeable three car garage is around 800 sq.ft.). The 1,200 sq. ft. limit is based on applying an eight percent limit to a 15,000 sf lot. In addition, the permitted maximum height of 17-feet is high enough to put a room, (such as an accessory dwelling unit), above the garage. The City should consider whether these standards are overly permissive, creating unintended consequences that could affect site plan design aesthetics, lot crowding, and unintended dwelling units or accessory uses that may be contrary to the purposes of the zoning districts where they are located.
8. Regulations for Home Based Businesses are permissive. For instance, they allow up to two employees who don't live in the home. Regardless, the regulations specify potential impacts of home businesses, creating an effective avenue for code enforcement. Accordingly, we have removed the list of prohibited businesses to avoid the common and unintended consequence that uses listed as "prohibited" are allowed. We added language prohibiting employees from gathering and staging work operations at a residence to avoid overcrowding local neighborhood streets, (a common impact of, among other home-based businesses, landscaping and contractor businesses).
9. Regulations for collection boxes have been added. These are complex to account for the First Amendment protections for these uses, but requiring strong standards for their installation, operation, and use.
10. We have added to the personal wireless communications regulations to account for current state and federal law and give the City better enforcement mechanisms.

Questions for Committee:

- Detached garage height (3-5-D-4-d): Should the maximum height for garages be reduced from 17 feet? Relatedly, does the City want to consider allowing accessory dwelling units (ADUs)?
- Sustainable Energy Systems (3-5-F): Should ground-mounted solar panels be permitted?
- Back-to-back Fences (3-10-A-8): Should these be allowed?
- Chain link fences (3-10-A-10): Should chain link fences be permitted in a side yard (just not front)?

Article 5: Off-Street Parking and Loading

This Article carries over a number of the development standards from the current code, with simplified organization, format and wording. Some of the existing sections have been updated based on best practices and some new standards have been included to better regulate parking. The key changes and question for your consideration are presented here.

1. Locations for graphics have been indicated and should be confirmed. To be efficient with time, we will wait to update the graphics until we jointly decide which to keep or add.

2. The finalized Schedule of Required Parking table will reflect the Land Use Table (which is still under review) to be sure there is a parking standard for all uses. We often leave existing parking standards unchanged so as to minimize nonconformities when updating a code. However, we have been researching codes and working toward a model based on fixed standards (square feet or capacity) rather than variable standards (employees). We should discuss the City's preference with these approaches. Therefore, the parking table in the draft is incomplete, and for discussion purposes includes both the current code standards and suggestions for the update.
3. Shared parking (Section 5-2-D) has been simplified. The narrow application required from the table and percentages has been replaced with requirements that have the applicant provide parking data and analysis to be considered by the Development Administrator.
4. A section on bicycle parking has been added (Section 5-2-E).
5. A section on land banking has been added (Section 5-2-F). This allows a developer to remove the need for excessive parking or delay installation until needed. This is perhaps most applicable for industrial uses with unusually low parking demand (such as data centers).
6. Presentation of the Accessible Parking regulations (Section 5-2-G) has been refined and streamlined, and still is based on ADA requirements.
7. Changes to loading dock requirements clarify and update standards.

Questions for Committee:

- Residential Driveways: Should two driveways be permitted on corner lots?
- Commercial or Recreational Vehicle Parking for Multi-Family Properties: When parking in the rear or side yard is not an option, should parking be permitted in the front yard if screened and approved by the Development Administrator?

Article 6: Landscaping and Tree Preservation

A number of the development standards in this draft article are carried over from Section 17.607 of the current UDO. Key changes and question for your consideration are presented here.

1. The Article has been substantially reorganized around clear actions and outcomes; and puts tree preservation first as a way of emphasizing that point. Main sections for the Article are: 1) Purpose, 2) Tree Preservation Standards, 3) Tree Removal and Replacement, 4) Landscaping and Screening, 5) Administration of Regulations, 6) Landscape Plans, and 7) Best Management Practices.
2. Placeholders for updated and new graphics are indicated (current graphics will be revised for clarity and consistency).
3. Pedestrian safety and access improvements for large parking lots have been added in the form of dedicated pedestrian paths.
4. An alley exemption is added to clarify need to screen businesses from adjacent residential when located across from an alley.
5. The current UDO requires landscaping improvements for parking lots over 20 spaces. This standard has been changed to parking lots over 10 spaces.
6. Several changes were made to landscaping and tree standards.

7. Conditions by which variations may be granted by the Development Administrator have been added – these are necessary to assure consistent and defensible administration.
8. The Sustainability Standards from the current Thorndale Corridor regulations have been incorporated into the draft and specific Best Management Practices are “encouraged”. We are still looking into possible incentives that might be applied for some or all of these.

Questions for Committee:

- Adding a cap on required number of replacement trees: To reduce the burden on those developing vacant properties in residential districts, the following cap has been added for the number of replacement trees (\$650 each) “On a vacant lot in a residential zoning district, the maximum number of trees to be provided as replacement shall not exceed ten (10) trees.”

Wood Dale UDO Update

Steering Committee Meeting #2 Summary | July 15, 2021 | Wood Dale City Hall



Attending

- Mayor Nunzio Pulice
- Alderman Tony Catalano
- Alderman Peter Jakab
- Lynn Curiale, City Clerk
- David Hasterock, UDO Steering Committee
- Terry Szatko, Community Development Commission
- Ed Cage, Community Development Director
- Gosia Pociecha, Planner
- Michael Blue, Teska Associates
- Francie Sallinger, Teska Associates
- David Silverman, Ancel Glink

Introduction

The Steering Committee for the Wood Dale Unified Development Ordinance (UDO) Update reconvened for its second meeting on July 15, 2021 (after a hiatus due to the COVID-19 pandemic). The first meeting, held March 5, 2020, introduced the Committee to the update process and solicited their perspectives on general concepts of City-wide development. For this second meeting, the following drafts were prepared for the Committee's review:

- Article 2: Administration and Enforcement
- Article 3: General Provisions
- Article 5: Off-Street Parking and Loading
- Article 6: Landscaping and Tree Preservation

During the meeting, the project team shared key findings and recommendations as well as policy questions relevant to each of the draft articles. The below summarizes the policy direction and edits to be made per input from the Committee.

Article 2: Administration and Enforcement

- Eliminate requirement for mailed notice to property owners within 300' and keep requirements for notice via newspaper and sign on the property.
- A concern was raised about the ability to adequately fine those violating zoning standards (typically when building without a permit). The Code includes the option for a \$750 daily fine the City can apply to accomplish this goal.

Article 3: General Provisions

- Detached garage height (3-5-D-4-d): Maximum height should be 17 feet with a pitched roof to maintain residential character and avoid creating nonconformities. A 17 foot height for the full area of the garage was found to be overly massive for the lots the garage is likely to be found on. The manner in which height is to be measured for garages will allow a 17 foot high peaked roof, but limit a flat roof to 13 feet in height.
- Sustainable Energy Systems (3-5-F): Prohibit ground-mounted solar panels.
- Back-to-back Fences (3-10-A-8): Allow back-to-back fences located within one foot of the property line, entirely on the subject property.
- Chain link fences (3-10-A-10): Allow chain link fences in residential yards if they are even with the front of the principal structure/house.
- Lower the height of front yard open decorative (picket) fences to 3' and decide whether more specific definitions for permitted fence type and materials are required.

Article 5: Off-Street Parking and Loading

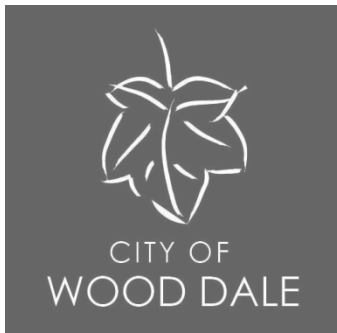
- Residential driveways on corner lots: Allow two driveways on corner lots if lot coverage and drainage requirements are met.
- Commercial or Recreational Vehicle Parking for Multi-Family Properties: Allow commercial or recreational vehicles to park in the front yard as approved by the Development Administrator and under existing regulations on size, timeframe, and other conditions.
- Specify administrative approval process for a variance in the number of required parking spaces up to a certain threshold and held to standards for approval (i.e., proof that there is a hardship that prevents the provision of required parking).

Article 6: Landscaping and Tree Preservation

- Replacing or paying a fee (\$650 each) in lieu for development of a residential vacant lot can be burdensome to builder and impact cost of housing. The following alternative is offered: "On a vacant lot in a residential zoning district, the maximum number of trees to be provided as replacement shall not exceed ten (10) trees."
 - This question will be tabled until the next meeting as the Committee did not have time to discuss.

Next Steps

The project team will revise Articles 2, 3, 5, and 6 per the above and continue drafting the remaining sections. The next round of drafts will be shared with City staff for preliminary review, then shared with the Steering Committee prior to the next meeting.



UDO UPDATE STEERING COMMITTEE AGENDA

December 2, 2021

6:00 to 7:00 PM

Wood Dale City Hall – Council Chambers

1. Call to Order (Mayor)
2. Presentation of Draft Chapters and Discussion of Policy Questions (Teska and Ancel Glink)
 - a. Article 6 - Landscaping and Tree Preservation
 - b. Article 1 - Title, Purpose & Definitions
 - c. Article 7 - Nonconformities
 - d. Article 8 - Subdivisions
 - e. Article 9 - Performance Standards
 - f. Article 10 - Design Guidelines
 - g. Article 11 - Enforcement and Penalties
3. Review of Next Steps (Teska and Ancel Glink)
4. Steering Committee Questions
5. Adjourn (Mayor)



MEMORANDUM

To: Gosia Pociecha, AICP, Planner, City of Wood Dale
From: Michael Blue, FAICP, Principal, Teska Associates
Francie Sallinger, AICP, Senior Planner, Teska Associates
David Silverman, AICP, Partner, Ancel Glink
Date: November 23, 2021
RE: UDO Update Steering Committee Review Drafts: Articles 1, 7, 8, 9, and 10

Transmitted with this memorandum are drafts of the following Articles for Steering Committee Review: Article 1: Title, Purpose, and Definitions; Article 7: Non-Conforming Lots, Buildings, Structures and Uses; Article 8: Standards and Specifications for Subdivided Property; Article 9: Performance Standards; Article 10: Design Guidelines, and Article 11: Enforcement.

General observations and recommendations to guide the Steering Committee's review of these drafts are below.

Title, Purpose, and Definitions – Article 1

1. Definitions are primarily technical and not included with this packet as we save those to the very end of the drafting process to be sure they will be complete.
2. This section in the current code provided a detailed explanation of the UDO's intent and how it is to be applied. This is useful as a "How to Use this Code" section. It has been thoroughly edited to be more specific to and accurate about Wood Dale today.
3. The lengthy list of items in Section B: Purpose and Intent also been condensed and refined.

Nonconformities – Article 7

The UDO Assessment Memo noted that among the most difficult provisions to get right are nonconformities. Part of the issue stems from the words and phrases that are commonly used to create the regulatory framework. Recommended revisions preserved much of the City's current regulations but reorganized the section and added provisions where there was vagueness and need to establish authority and procedure more clearly. Sections 17.701 through 17.704 are essentially the same with some language cleanup, reorganizations for clarity, and addition of language as needed.

Section 17.705 is a complete revamp of the current exception regulations, giving better overall structure and clearer delegated authority to the Development Administrator to grant limited nonconforming exceptions for uses and expanded improvements under very specific circumstances. This process aligns with trends in how communities across the country are rethinking nonconforming use regulations to promote a more flexible approach in instances where a nonconformity may not impose serious negative externalities on surrounding property, and where unique circumstances present themselves to enable a nonconforming property owner to invest in their property and promote broader objectives of preserving

property valuations and promoting neighborhood stability. The new provisions, among other things, clearly:

- Define the cases where limited exceptions can be granted;
- Establish the procedures a property owner must follow to obtain a limited exception, as well as the review criteria the Development Administrator must use to grant an exception;
- Set timing for decisions and what a failure by the Development Administrator to issue a decision within that time means.
- Outline procedures for property owners to seek greater exceptions or appeals from decisions of the Development Administrator from the Community Development Commission.

Section 17.706 is new and formalizes the announced goals to gradually eliminate nonconformities using amortization, a process authorized under Illinois law and one that protects people’s property rights over a recognized period before having to bring their prior investments into conformity with current regulations. The process is run through the Community Development Commission and establishes the procedures and standards to be followed to create an amortization schedule. The regulations also require that an amortization agreement be prepared and recorded against the property. This formal system will achieve the City’s goals to gradually remove nonconformities while balancing that public interest against the private property owner’s more narrow personal interests and property rights.

Policy Questions:

- Exceptions: The existing list of exceptions was developed in conjunction with making the Thorndale Corporate Corridor (TCC) Overlay regulations mandatory, as opposed to voluntary. The TCC Overlay has since changed to be less restrictive – should the nonconformity exceptions also be modified?
- Amortization: Existing UDO doesn’t describe a process for amortization – does the proposed process match City goals?

Subdivisions – Article 8

Analysis of the subdivision regulations and existing text showed that a full reorganization and rewrite was warranted, including adding provisions for “minor subdivisions,” other plat actions, updated performance guarantee requirements, and provisions for applicants to seek “modifications” from the subdivision regulations, and provisions for amendments to the subdivision regulations. The concept of a “Minor Subdivision” provision will be a useful process in the City which is mostly built-out and has limited annexation opportunities. Recommended revisions are as follows:

General Provisions. The general provisions section is updated and expanded as needed to reflect updated statutory authority references, aligned the regulations with the City’s most current Comprehensive Plan and with the State’s Plat Act requirements, and introduce the concept of “Major” and “Minor” subdivisions.

Major Subdivisions Procedures. This is a reorganization of existing provisions with added provisions to bolster and modernize the City’s subdivision process. The Major Subdivision process is still built on a two-step “preliminary” and “final” plat process, but more detail to the City’s internal and public review of plats at the Community Development Commission and City Council is added. The procedures for public hearings where a plat applicant is seeking modifications from the City’s subdivision requirements has been added

(Subsec. 17. ___B.4). Requirements for homeowners associations covenants establish firm requirements for the ownership and maintenance of common elements designed to serve the entire property, as well as City rights to enter the property to make repairs and conduct maintenance not being undertaken by the HOA and enabling the City to get reimbursed from the HOA members (Subsec. 17. ___D.4.h) are also added. The engineering review and approval provisions (Subsecs. 17. ___E and G) are expanded and the development agreement requirement in Subsec. 17. ___H is added. Lastly, the Final Subdivision Plat procedures are reorganized in a similar fashion and the prescriptive plat certifications removed, with more general requirements tied to each agency's own certification standards (Subsec. 17. ___I.3.a(18)).

Sec. 17. ___ Minor Subdivision Procedures. As noted in the General Provisions section, Minor Subdivisions are a "subdivision of land into four (4) or fewer lots, provided that such subdivision does not involve any new or extensions of existing public streets, alleys, easements, parks, or common areas, or require any other public improvements, and does not require any modifications of this Section". The procedures to be followed are more streamlined than those for Major Subdivisions and eliminate the preliminary plat procedures altogether. However, there is a notice provision that sets the stage for a public meeting before the Community Development Commission.

Secs. 17. ___ Vacation of Recorded Plats, Plats of Consolidation, Tax Divisions, and Plats of Dedication. These four Sections deal with very specific plat actions that only require City Council approval, but that are likely common in the City.

Sec. 17. ___ Development Review. This Section establishes the requirements for development review that does not also include a subdivision, and separates this review out from the City's plat procedures as currently presented in the UDO. The development review is tied to both engineering plan and site plan approvals, and more clearly delineated the process with timelines.

Sec. 17. ___ Establishment of Performance Guarantees. The City's current performance guarantee requirements are for the most part maintained with updated language, better definition, and overall improved organization. A provision regarding tree preservation that may have some relevance for the City is included for consideration. A two-year period with maintenance guarantee requirements on all publicly dedicated improvements is included (17. ___M.)

Secs. 17. ___ Modifications of the Requirements of this Chapter, Amendments to Subdivision and Development Chapter, and Compliance and Enforcement. These Sections set forth the procedures for applicants seeking modifications from the Chapter's requirements, how the Chapter is amended, and applicable penalty provisions.

Sec. 17. ___ School and Park Land Donations and Impact Fees. The UDO Assessment Memo noted that the City's school and park land donation and impact fee system set out in Section 17.701 "present serious concerns due to a lack of standards to determine how much land should be dedicated for school and park sites." The memo also noted that a "fee in lieu of" (more commonly known as "impact fees") created a hardship for developers with smaller development sites who could not easily allocate school and park sites without giving up a significant amount of developable land. Each of these identified concerns raise potential regulatory takings issues, which is addressed in the recommended revisions to Section 17.701, major changes overviewed as follows.

Sec. 17.701.B. This section is rewritten and establishes the following requirements on subdividers and others building in existing subdivisions:

- Subsec. 17.701.B.1. The requirements to make school and park site land donations or pay impact fees is now a specific condition of approval of a subdivision and final subdivision plat, obtaining certificates of occupancy, and is applicable to all subdivisions including resubdivisions. The requirements for land donations and impact fees are now quantifiably established based on a projected population from the subdivision using a legally well tested table produced by the local government finance consulting group, Ehlers. The Table is presented in Subsection 17.701.B.1 with additional provisions to account for situations where the number of bedrooms (a major factor in determining land donations and impact fees) cannot be readily ascertained. These provisions then provide a way for subdividers to object to the density formulations establishing the land donation or impact fee requirement. The objection process is created as a “safety valve” for the City to avoid a regulatory takings challenge to the land donation requirements.
- Subsec. 17.701.B.2. This Subsection establishes the criteria for park land donations, including a uniform standard with a placeholder value of five acres per 1,000 ultimate population. It is highlighted as a placeholder because the City may want to adjust the value downward to account for its mostly built out and “landlocked” status. Park lands are to be located where City Council deems most appropriate to serve the subdivision, with minimum placeholder size requirements also highlighted for the City to consider. Finally, park sites are prohibited from being used to store materials and may not be used for stormwater detention or retention purposes unless the subdivider can demonstrate the land is appropriate for detention and retention purposes as an appropriate secondary use.
- Subsec. 17.701.B.3. This subsection, similar to Subsection 17.701.B.2, establishes the criteria for school land donations, including a calculation on the amount of land to be donated that starts with how many students are projected to result from the subdivision, school classification standards that are highlighted for further City consideration, and similar provisions regarding City Council authority to identify where such sites will be located and prohibitions on storage and retention and detention use.

Sec. 17.701.C. is new and establishes an impact fee system that will be useful in Wood Dale, since the City is significantly built out with minimal annexation opportunities. It is anticipated that much of the City’s future subdivision activity, the primary trigger for school and park land donation and impact fees, will be smaller scale subdivision or resubdivisions. The impact fee enables City subdividers and developers to retain most of their land for developable purposes and pay the fee in lieu of land contribution (a.k.a. impact fee) instead of making a donation. The impact fee program is outlined as follows:

- Subsec. 17.701.C.1. This Subsection leaves the ultimate authority to determine whether impact fees are appropriate to the Mayor and City Council. The rationale for preserving the ultimate decision with the Corporate Authorities is that many developers would rather preserve land for development income than have to donate it for school and park sites. Given the “self interested” nature of the developer preferring to pay the impact fees (which is usually passed on to the developer’s customers in the property sale price) the Mayor and City Council can determine whether there is or is not adequate available land for the required donations, and even consider the needs of the City’s schools and park districts.

- Subsec. 17.701.C.2. This Subsection establishes the analytical framework for the relevant impact fees. It is based on an annual analysis of the fair market value of each acre of land in a proposed subdivision, using comparable data in the City and surrounding communities. This annual analysis is highlighted for the City to consider possible different intervals to conduct the analysis.
- Subsec. 17.701.C.3. This Subsection sets up a “safety valve” to protect the City for a regulatory takings challenge similar to the one introduced in Subsection 17.701.B.1, discussed above.
- Subsec. 17.701.C.4. The City’s impact fee program is set up for the benefit of its schools and park district. In this regard, the City acts as a pass-through agent for these local governments. This Subsection establishes the nature of the City’s relationship to the schools and park districts with regard to handling impact fees, making clear that the impact fees are to be paid to the specific benefitted districts and held in trust by those districts for school and park sites acquisitions and development. This Subsection also requires the return of the unexpended amounts of these impact fees to the developer if not used within seven years after receipt of the impact fees.

Sec. 17.701.D. This Section authorizes the Corporate Authorities to allow for a combination of land donations and impact fees.

Sec. 17.701.E. This Section may or may not have relevance for the City and is highlighted for your consideration. It establishes a requirement that if the Comprehensive Plan, or other plan or policy of the City, require that a greater amount of land be set aside for school and park sites than the subdivider is otherwise required to donate under the calculations of Section 17.701, then that extra land will be reserved for purchase by the benefitted school district or the park district. The school or park district will have to commence the acquisition within one year after approval of the final subdivision plat.

Sec. 17.701.F. This Section enables subdividers of smaller scale adjacent subdivisions with a placeholder value of five acres or less to combine, as determined by the Mayor and City Council, their required land donations.

Sec. 17.701.G and 17.701.H. These Sections create a general requirement that (1) the grade and topography of the donated school and park sites be suitable for those purposes and (2) that the sites be ready served with utilities and other public infrastructure suitable for those purposes.

Sec. 17.701.I. This Section establishes that the land donation or impact fee payments are specific conditions on the approval of a final subdivision plat and that in phased subdivision the donations made or fees paid in segments as each phase is completed, provided an escrow account is set up guaranteeing the donation or payment.

Section 17.701.J. This Section requires that title to school and park land be conveyed with either a warranty or trustees deed, that all closing costs on the donation are the responsibility of the subdivider, and that no donation will be conveyed from the City to the benefitted school or park district unless and until that district has adopted an ordinance or resolution accepting the donation.

Section 17.701.K. This section establishes that the City is merely a temporary holder of land donations and a pass through for impact fees that each benefitted school or park district must enter into an intergovernmental agreement with the City, protecting the City from any otherwise impermissible uses or land donations or impact fees by those public bodies.

Note:

- In the new section on School and Park Land Donations, all calculations currently plugged in for students, land sizes, etc. will need to be confirmed with the relevant jurisdictions.
- Criteria for payment in lieu of land donation: Determining Fair Market Value and any other updates to the standards are the responsibility of the jurisdictions receiving the funds.

Performance Standards – Article 9

1. The performance standards section relies on the State’s standards. This approach will be beneficial should the State be involved in any enforcement. This also allows the City to apply rules with which businesses are likely more familiar.
2. The current standards are applied to manufacturing districts. As businesses are often located closer to residential areas, it is recommended that they also apply to commercial districts.
3. In general, the standards have been simplified. It is often the complexity of standards, which is thought to make enforcement clear and specific, that makes them hard to define, detect, and enforce.
4. Radiation Hazzard and electromagnetic standards were maintained as they are clear and straightforward.
5. Industrial Wastewater disposal standards were maintained as this section had a specific approval requirement from the City Engineer.
6. Requirements related to glare were replaced with a more complete set of standards.
7. Stormwater disposal standards were removed as these are addressed in the Stormwater Code.
8. Standards for storage of materials and sewage waste were added to ensure they are covered.

Design Guidelines – Article 10

Preparation of design guidelines started with those in the current UDO, augmented with design standards relevant to Wood Dale. In general, it is recommended that these apply to commercial and industrial development (rather than just industrial). The policy question to consider is how they will be applied. That question is essentially about how much work on a site or building triggers the standards: a new building, a “major” remodel, addition of design elements such as awnings, or replacement of design elements such as new windows. To start our discussion, it is recommended that the standards apply to new buildings and a yet to be defined “major” remodel. The latter designation may be useful for renovations of buildings on Irving Park Road.

The second decision point regarding design guidelines is who will apply the standards. There are several options for the Steering Committee to consider:

1. Guidelines can be applied as an administrative function by staff. Any appeals to a staff determination can be treated as an appeal per the code, or taken to the CDC.
2. Guidelines can be applied by a separate and newly established Architecture Review Board. While this is an option, most communities choose not to add a new commission for this

function. It can add bureaucracy and work for staff and should only be created where specific value added is clear.

3. Guidelines can be heard by the CDC for all cases OR could be applied only for items that would otherwise reach them in relation to a zoning or site plan review matter.
4. Review could be split where CDC considers guidelines for new developments and staff reviews all other cases.

Questions:

- Should design guidelines be applied to new development and “major remodels”? How should “major remodel” be defined?
- Who should apply the design standards?

Enforcement and Penalties – Article 11

As noted in the UDO Assessment Memo, the City’s current enforcement and penalties provisions are sparse and buried at the end of the Chapter 2 of the UDO in Section 17.206.

Section 17.206 has been deleted and replaced with a new Article 11 at the very end of the UDO. This section has been reorganized and the City’s powers updated, with other private remedies preserved.

Question:

- Is the following enforcement approach in keeping with City policy: “Any person who shall violate, disobey, omit, neglect, or refuse to comply with, or who shall resist enforcement of, any provision of this Code will be subject to a fine as listed in the Master Fee Schedule. Each day violation continues to exist shall constitute a separate offense.”

Trash Enclosures

In response to discussion about updating standards for trash / dumpster enclosures, the following model is recommended. If this approach is in keeping with the Steering Committee’s direction, it will be refined as needed and incorporated into the General Provisions section (which was previously reviewed by the Steering Committee).

Screening of Common Trash and Recycling Receptacles

- a. Shall consist of solid material screening on three sides and a solid single or double access gate on the fourth side.
- b. Shall be of sufficient height to conceal contents on all sides including containers, having a minimum height of at least six (6’) feet.
- c. Materials used for screening shall complement the materials used in the architecture of the principal building when visible from any street. Solid board on board wood or composite fences may be used when not visible from any street. The use of material that is not solid, such as slats in chain-link, shall not be used to meet this requirement.
- d. Materials and elevations for enclosures that are attached to buildings shall be designed to be compatible with the main structure. If enclosures are to be attached to buildings, they shall comply with applicable fire and building regulations of the City Code.
- e. Shall be located so as not to be readily visible from adjoining properties and the public right-of-way.
- f. Shall not be located within the sight triangle.

- g. Shall be used strictly for the confinement of refuse, recyclable material, and grease containers and shall not be used for the outdoor storage of other materials or equipment.
- h. Shall be of such size as is sufficient to encompass all containers, whether used for refuse, recycling, and/or grease.
- i. The owner of the real estate upon which the refuse disposal area is located shall be responsible for the maintenance thereof.
- j. Shared refuse containers and/or enclosures are encouraged among adjacent properties, where practical.

Thank you and we look forward to reviewing these drafts with you.

Wood Dale UDO Update

Steering Committee Meeting #3 Summary | December 2, 2021 | Wood Dale City Hall



Meeting Notes

At the meeting, draft UDO sections reviewed were:

- Article 6 - Landscaping and Tree Preservation
- Article 1 - Title, Purpose & Definitions
- Article 7 - Nonconformities
- Article 8 - Subdivisions
- Article 9 - Performance Standards
- Article 10 - Design Guidelines
- Article 11 - Enforcement and Penalties

Per discussion and direction of the Steering Committee, the following changes were discussed to the draft were noted:

Article 6 – Landscaping and Tree Preservation

1. The current threshold of 20 new parking spaces to require landscaping of a parking lot will be maintained (rather than 10 as in the draft). There was concern that the proposed requirement would ultimately lead to a loss of parking, which is not the intent of the code.
2. The fee in lieu for replacement trees will maintained, but will be capped at the applicant's obligation as being for now more than five trees (there was discussion of capping at 10 trees, but the Steering Committee determined that five was an appropriate number.
3. Regarding replacement of dead, diseased or nuisance trees, it was determined that replacement of dead or diseased trees would not be required, but that removal of a nuisance tree would require replacement.

No changes were directed for the other sections of the draft review.

Feedback on the update was provided from Council members and the update will ensure that:

1. In regard to concern over parking on backyard patios, the update will specify that parking in rear yards will not be permitted. However, storage of a vehicle in a rear yard, in keeping with other requirements of the code, was acceptable.
2. For swimming pool installations, in ground pools will count toward total allowed ground cover. However, above ground pools will not count toward total allowed ground cover.
3. A threshold will be established for minor deviations (variations) that can be approved by staff. This will be done as a small percentage (5%) of requests for dimensional zoning relief (setbacks and height.
4. Similarly, a threshold will be established for minor deviations (variations) that can be approved by staff for parking (again, with 5% of the requirement parking amount).



UDO UPDATE STEERING COMMITTEE AGENDA

Date & Time: January 20, 2022 at 6:00 PM
Location: Wood Dale City Call – Council Chambers
404 N. Wood Dale Road, Wood Dale, IL 60191
Members: Mayor Pulice, Steve Krych, Dave Hasterock, Tereasa A. Szatko,
Clerk Lynn Curiale, Alderman Catalano, Alderman Jakab,
Alderman Susmarski, Alderman Woods
Staff Liaison: Gosia Pociecha, AICP – Senior Planner

I. **CALL TO ORDER**

II. **ROLL CALL**

III. **PRESENTATION OF DRAFT CHAPTERS AND DISCUSSION OF POLICY**

QUESTIONS (*Teska and Ancel Glink*)

- A. Article 4 – Development Districts
- B. Definitions

IV. **REVIEW OF NEXT STEPS** (*Teska and Ancel Glink*)

V. **STEERING COMMITTEE QUESTIONS**

VI. **ADJOURNMENT**



DRAFT MEMORANDUM

To: Gosia Pociecha, AICP, Planner, City of Wood Dale
From: Michael Blue, FAICP, Principal, Teska Associates
Francie Sallinger, AICP, Senior Planner, Teska Associates
David Silverman, AICP, Partner, Ancel Glink
Date: January 6, 2022
RE: UDO Steering Committee Review Draft: Article 4: Development Districts

This memorandum describes the draft and recommended changes of Article 4: Development Districts for the updated UDO. Updated text for this section accompanies this memo. The memo and draft text are presented for review and discussion by the Steering Committee at their January 20th meeting.

ARTICLE 4: ZONING DISTRICTS

The approach applied to refinement of the zoning districts is outlined in this section.

Summary

The updated Article 4: Development Districts presents changes to the District designed to:

- Encourage development by making the UDO easier for developers and staff to apply;
- create more cohesive development patterns reflective of real estate markets;
- implement recommendation of the Comprehensive Plan; and
- modify zoning map designations to meet these objectives.

Bulk Standards

Perhaps the most significant change in the UDO is shifting from the form based 'building types' to a traditional district-based use and bulk (setback, height, etc) format. This requires that bulk standards be reestablished for each zoning district. In drafting those, we followed indications to appropriate bulk standards provided in the current code, existing conditions, and zoning standards from the 2008 zoning ordinance (under which much of the community was developed). Zoning setbacks also were considered in light of development goals from the Comprehensive Plan and initial Steering Committee discussions. From a practical perspective, this will not create many significant changes in zoning setbacks, but will make setback standards easier to understand and apply.

Zoning District Purpose Statements and Permitted Use Table

Zoning district purpose statements and a permitted use table are two fundamental elements included in the current UDO; their policy intent and standards have been maintained for the update. They have been revised somewhat to be consistent with modern zoning practices. In the case of the purpose statements, those have been edited for clarity and, where needed, refined to reflect current City development policy.

The updated permitted land use table maintains the intent and use designations as the current use table. Where helpful for interpretation and enforcement, use names have been modernized or

simplified (for example “Membership clubs, other than sport and recreation, with banquet facilities available to nonmembers” is now “Membership clubs” and the details incorporated into the definition section. In addition, the current table lists separately similar land uses having common operating characteristics; this approach lengthens the use table without adding clarity. Use categories have been used to simplify this situation. Use categories are groupings focused on operations and potential impacts on nearby uses. For example, “Health club, public/private; Membership sport and recreation clubs; and Swimming club, private (nonprofit)” would now fall into the category of “Indoor Athletic Facilities”. Where there is value to regulating specific land uses separately, they remain in the table.

The Draft Land Use Table shows how presentation of the uses and districts have been refined (as described later in this memo) by:

1. Replacing the I-1 District along Potter Street with a new C-3 District.
2. Consolidating the I-1 and I-2 Districts.
3. Creating a C-2a zoning district for unique redevelopment opportunities on Irving Park Road.
4. Creating a Thorndale Interchange Overlay (TIO) for unique redevelopment opportunities at Wood Dale Road and I-390 (as defined in the Comprehensive Plan).
5. Consolidating similar land use designations into Use Categories where appropriate (new uses, use names or use categories are shown in italic text).

Residential Districts

Draft single-family residential districts have not been changed. Standards for those districts reflect use and bulk standards in previous codes (current and 2008). Changes have been made to the bulk standards in the R-G District. These are intended to maintain existing development character, and will provide clarity by differentiating bulk standards between residential dwelling types (which is confusing in the current code). Townhomes and multiple family dwellings currently have a complex calculation for determining number of units per acre or building, which has been updated with a single density figure for those uses.

The R-G District currently allows for detached single-family homes (as a Special Use), two family homes (duplexes and two flats), attached single family homes (townhomes) multiple family dwellings (apartments and condominiums) and non-residential uses. These areas are primarily built up and the variety of uses allowed creates flexibility for infill or redevelopment, an approach more common in modern codes. Therefore, these uses are maintained for the R-G in the update.

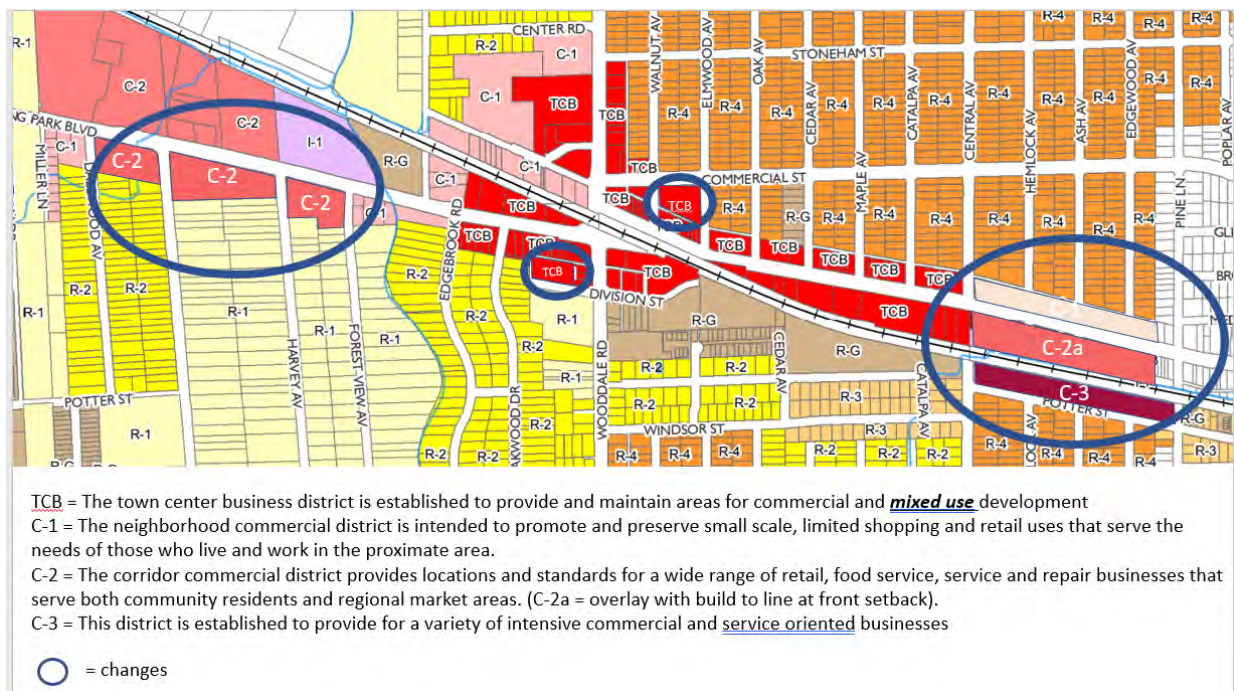
Residential policy questions related to “missing middle housing” are seen more and more in some built up communities. They address ways to increase housing stock and support housing affordability. Therefore, a policy question for the Committee to consider is whether the City may wish to allow for consideration of Accessory Dwelling Units (formerly known as Granny Flat) and two unit dwellings (Duplexes) in single family districts.

Commercial Districts

Commercial zoning districts have been remapped and redefined as needed to reflect the recommendations of the Comprehensive Plan and create opportunities for redevelopment along Irving Park Road. Those recommendations are presented here.

Commercial District Map Changes

Zoning districts in the current UDO do not reflect the City's consistent intent for development formats and uses. Therefore, the update requires that the distinction between, and application of, districts be refined. Changes recommended along the Irving Park Road corridor are shown in the graphic below. From a development perspective, these map changes will have few, if any, impacts on the uses or scale of development on lots – rather they bring underlying development regulations in line with feasible development given lot locations and sizes. The intent of these changes is described in the district descriptions that follow.



Town Center Business District (TCB)

The intent of this District remains creating an opportunity for commercial, residential, and mixed use development near the center of Wood Dale. The TCB has the Metra station, retail and restaurants, and community facilities nearby. The updated district standards focus on supporting a range of developments. Key regulations are noted here:

1. Minimum lot requirements for the TCB are set at 20,000 square feet to encourage lot consolidation for redevelopment. Half of a City block in the area is between 18,000 SF – 26,000 SF, so the ½ block effectively becomes the minimum redevelopment parcel in this area. Redevelopment of a full block would be desirable, but land acquisition can be difficult with the number of properties on some blocks, and it is not the intent of the UDO to make redevelopment overly burdensome.

2. Similarly, minimum lots widths are set at 100 feet, as this is generally the width of two consolidated lots in the area, which also are generally around 10,000 square feet in area (e.g. the block of Irving Park Road between Edgebrook and Oakwood).
3. Front and rear setbacks are intended to facilitate development formats along Irving Park Road with landscaping at the front lot line, a parking lot with one row of parking, a five foot sidewalk in front of the building, a five foot foundation planting at the building front, and rear parking of an alley.
4. A Minimum Lot Depth also is set. It is based on current lot size to ensure that either complete blocks or half blocks are the unit of redevelopment. The distance reflects the shallowest lot in the area, the block between Front St. and Walnut Ave, to not create nonconformities or limit redevelopment potential.
5. Building height is intended to accommodate structures with first floor commercial and residential uses above.
6. Given that alleys or railroad lines are located behind many of the properties in this District, transitional landscaping requirements do not consistently apply, which has been noted in the District regulations as an exception where appropriate.
7. These bulk standard concepts for redevelopment on Irving Park Road also apply to the C-1 and C-2a Districts.

Neighborhood Commercial District (C-1)

The C-1 District is described in the current code as meeting needs of sales and service uses for nearby customers, and considers small structures on modestly sized lots. As mapped, the District is not always consistent with this intent. Therefore, it is recommended that properties at the west end of Irving Park Road be rezoned from C-1, as they have potential for larger and more regionally based development – as is consistent with nearby shopping centers and recent development at Irving Park and Addison. The objectives of facilitating smaller development on smaller lots is applicable to the eastern end of the corridor, where rezoning to C-1 is recommended from the current C-2 on the north side of Irving Park Road. Draft bulk standards for the C-1 reflect these conditions.

Corridor Commercial District (C-2)

The C-2 District currently anticipates developments of larger businesses that draw from beyond the community – in keeping with Irving Park’s character as a regional roadway. Therefore, this District is recommended to be set at the western end of the corridor (which is currently C-1) consistent with the large lots and regional businesses located there. The new gas station and Starbucks development is a good example of the objective to attract redevelopment geared toward a regional market. This goal is reflected in the draft bulk standards.

- The minimum lots size of 50,000 square feet encourages combining lots for redevelopment in keeping with District intent, (by comparison, the development parcel for the recent Starbucks and gas station project is approximately 66,000 SF).
- Minimum front setbacks for the District are based on having landscaping at the property line, two rows of parking, and walkway and foundation landscaping at the building.

- Side yards are based on the ability to have common wall development along the corridor, which reflects the current code.
- Rear setbacks are intended to provide space for delivery, service areas, trash collection, etc.
- Height is based on the current Code, (adapted from “Building Type 9”, larger commercial facilities).
- Landscape screens and transitions to dissimilar land uses will be addressed through landscape standards.
- The draft C-2 District accommodates uses and redevelopment as can happen under current C-2 Zoning.

Southeast Irving Park Corridor Commercial District (C-2a)

The C-2a District is new and builds on the C-2 District purpose to promote larger development that attracts broader based businesses and account for the unique land configuration of the south side of Irving Park Road at the east end of the corridor. There is substantial depth for redevelopment between the road and railroad tracks. Bulk standards in the draft district are designed to take advantage of that depth for a desirable development format, but not require that the full depth or area be used. As noted in the C-1 District, property acquisition can be a deterrent to redevelopment, so the district facilitates smaller development sizes that still advance City goals.

- A minimum lot size of 29,000 square feet establishes a reasonable redevelopment model, requires lot consolidation, and facilitates development over time with construction on partial blocks.
- The “build to line” established for the district (adapted from a form based code regulation) is applied in the C-2a to support redevelopment that best takes advantage of the potential lot depth in this area. It also allows for conventional development should lot acquisition be smaller or happen over time. This type of development is shown by graphics in the District text and the drug store example on a similar commercial corridor in another community, shown below.



- As with considerations of lot size, minimum lot depth runs from Irving Park Road to the alley. Requiring larger depth, (to the tracks, for example), would present the same challenges to development as a larger lot size.
- The recommended Rear Yard Setback is intended to accommodate service areas.
- Lot width is set to define one-half of the block frontage for redevelopment.

- Site Plan Review and PUD will be applied as tools in this District to create desired development.

Service/Commercial District (C-3)

The current C-3 District allows more intensive commercial activities that may impact other uses. The District is currently mapped along Irving Park Road at the east end of the corridor. As noted above, that area has potential for community oriented commercial development and is recommended to be rezoned as C-2a.

A more appropriate use of the C-3 District is to refine its standards and apply it to the area along Potter Street. This new C-3 would balance support of existing business in the area but mitigate impacts on adjacent residents. To support businesses, existing use and bulk standards recommended for the C-3 District reflect current conditions. Other standards geared toward addressing potential impacts on residential uses have been added, particularly parking, outdoor storage, deliveries, trash and lack of dumpster enclosures, which the City has been addressing on an as needed basis.

- Regulations for parking, screening, landscaping and outdoor storage are bolstered, so that any new commercial development located across from residential uses is less impactful and the City has regulatory tools to continue addressing properties that may have an adverse impact.
- Minimum lot size assumes redevelopment will occur with consolidation of two lots, allowing for more area and mitigating impacts on adjacent areas.
- The Front Setback is based on the average setback of existing buildings on the block, so as to reflect a consistent development pattern and avoid nonconformities.
- Lot coverage matches the existing code and height standards match the residential district across the street. No rear yard is required given that properties abut railroad right of way.

Industrial/Business Park District (I-1)

The expressed purpose of the two Industrial Districts in the current UDO are similar, as are their land use and design standards. In addition, most of the industrial area in the City is zoned I-1. Therefore, a single industrial district can provide simpler zoning administration and meet current objectives for development. To the extent that a higher degree of design is appropriate in some portions of the industrial area, those standards can be applied within the single district.

- Most lots in the City's industrial area are larger than or close to two acres (the minimum for the current I-2 District), so the recommended bulk standards are based on the existing I-2 District. These standards also are consistent with 2008 code and current zoning, (adapted from the form based "Building Type 14" designation). They also reflect the current trends of development in the area and accommodate a range of uses to support economic development in Wood Dale.
- The industrial area now is covered partly by the Thorndale Corridor Corporate Overlay. The Overlay was refined in November of 2020, and those revisions are maintained in the update.
- Sustainable Development standards from the current UDO (Sec. 17.908) are maintained in the update and made part of the Landscape section.
- Design standards, as previously reviewed by the Committee, will be applied to new development in the district. In addition, portions of the I-1 Industrial District are gateways

business park and to the community. Therefore, additional Gateway Corridors standards have been designated – drawn from the current overlay – to establish a higher level of design quality.

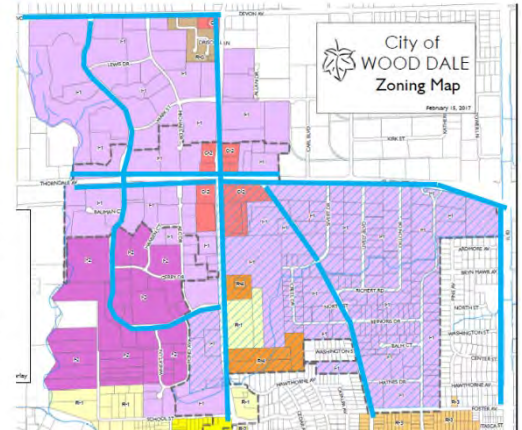
- Gateway Corridors are shown in the graphic here, and will have additional standards (in keeping with the current Overlay):
 - Front Yard Setback (50 feet).
 - No parking in Front Yard or between the building and roadway.
 - Additional landscape requirements in the Front Yard and right of way.
 - Loading docks (must be to the rear or side of the building).
 - Design Guidelines applied to building and site plans.

I-1 Gateway Corridors:

- Devon
- Wood Dale
- Mittel
- Thorndale (N & S)
- Central
- Route 83

Additional Regs:

- Front yard Setback (50' – comes from current TCC)
- No parking in front yard (limit parking between building and ROW)
- Added Landscaping requirements (front yard & ROW)
- Loading docks to building rear or side
- Design Guidelines apply



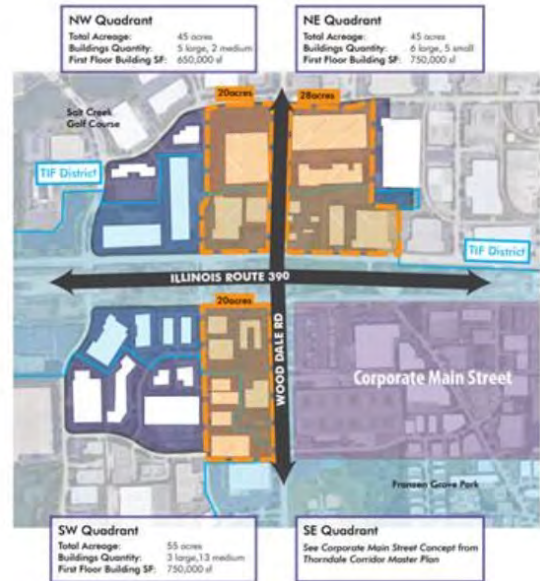
Thorndale Corridor Corporate (TCC) District

The Thorndale Corridor Corporate District Overlay would remain in place as revised in November of 2020. District regulations would focus on permitted land uses and maintain current Section 17.901: District Intent and Section 17.903: Allowed Uses. The current section related to thoroughfare standards (Section 17.904) would be replaced with new UDO language (reviewed previously by the Committee) that requires all public improvements to be in keeping with standards and specification manuals the City may adopt and as approved by the City Engineer. The current section on Transit Standards (Section 17.905) is recommended to be removed, as the conditions upon which it was based (development of a transit station along I-390) are no longer present. When the transit option is renewed or redevelopment in the TCO is proposed at an appropriate location, such standards in keeping with needs at that time can be applied. Design Standards included in the current TCO (Section 17.907) would be replaced by the newly developed Design Guidelines for the update (previously reviewed by the Committee). Finally, the Section on Sustainable Development (Section 17.908) has been relocated to the Chapter on Landscape and Tree Preservation (already reviewed by the Committee).

Thorndale Interchange Overlay (TIO)

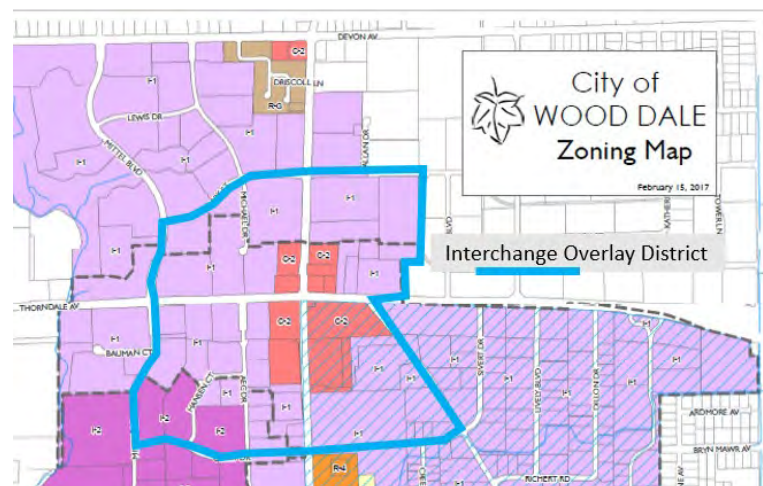
A new overlay district area is designated in the update to define an area for developments of significance, which will have a higher level of design and development character. As described in the Comprehensive Plan (see graphic on the next page), the area around the IL-390 interchange at Wood Dale Road is set out as having potential for such developments. Base zoning bulk standards for properties in the Interchange Overlay will reflect underlying C-2 or I-1 Zoning Districts and be augmented with additional standards.

The Interchange Overlay reserves these unique areas for larger developments that can bring regional scale mixed use developments that add a sense of place and gathering opportunities for the City. To ensure development is in keeping with these objectives, all redevelopment in the Interchange Overlay is proposed to be considered Planned Unit Development (PUD) with a minimum Development Area of 20 acres, (for a sense of scale, note the orange areas on the west side of Wood Dale Road in the graphic). To acknowledge that final ownership and development of this scale is not always feasible, smaller individual parcels can be accommodated and smaller developments could be considered, but through the PUD process there would be a required commitment of phasing logical future expansion sites.



Wood Dale Comprehensive Plan Subarea

Possible boundaries for the Interchange Overlay are shown on the map to the right. This Interchange Overlay approach reflects the City's long-standing goals (as set out in the Comprehensive Plan) to leverage the IL-390 corridor and eventual O'Hare western access into unique development. Such development may occur over a longer time or require City participation in a public / private partnership, (a TIF is in place for part of the Overlay). It is reasonable to expect that alternative approaches to the Interchange Overlay may be proposed by future developers. To the extent these are in keeping with Wood Dale development policies and objectives they can be accommodated as part of the PUD, which allows a case by case consideration of proposals.



Additional standards applied in the Interchange Overlay area include:

- The 20 acre minimum lot size to support development at a scale that takes advantage of the unique interchange location. Smaller development areas may be considered by the City, but only done if the site design facilitates a phased approach and future coordinated development.
- Gateway Corridor standards, as described above, will be applied to new development in the Interchange Overlay area.

- The term “Gateway Corridors Development Area” used in the update refers to the total area being considered for the PUD.
- Design Guidelines will be applied to buildings and site in the Overlay.
- Land uses in the Interchange Overlay will be the same as the TCC.
- All development in the overlay will be reviewed as a Planned Unit Development to assure Wood Dale development goals and site specific application of development standards are applied.
- Parking requirements for the area will be in keeping with City-wide standards. Any need for flexible application of those requirements will be addressed during the PUD process.

A final note about this draft text, all graphics and tables are draft and will be finalized prior to adoption, once the proposed Sections are approved by the Steering Committee.

We look forward to discussing this memorandum and the update with the Committee on January 20th.



DRAFT MEMORANDUM

To: Gosia Pociecha, AICP, Planner, City of Wood Dale
From: Michael Blue, FAICP, Principal, Teska Associates
Francie Sallinger, AICP, Senior Planner, Teska Associates
David Silverman, AICP, Partner, Ancel Glink
Date: January 14, 2022
RE: UDO Steering Committee Review Draft: Article 1 - UDO Definitions

This memorandum describes preparation of the definitions section for the UDO update for review and discussion by the City UDO Update Steering Committee.

DRAFT UDO DEFINITIONS

Clear definitions are necessary for effective understanding and enforcement of UDO regulations and land uses specified in the permitted use table. Our initial review of the UDO noted that the current definitions are generally sound. Definitions have not been revised just for the sake of change. Each definition was reviewed and most are the same (although many edited for clarity or to correspond more directly to the permitted use table and other definitions). In preparing this section, several clarifications, updates, and revisions were required and are described here:

1. Uses listed in the draft permitted use table are now defined in this section – this accounts for most of the new definitions. Several currently allowed uses were not defined and the additional uses and modernized terms are now included. This change will help address requests for new businesses. Similarly, the draft definitions now include all permitted encroachments listed in article 3.
2. To keep determination of permitted businesses up to date and user friendly, additional use categories (such as “Indoor Retail Sale of Goods”) have been used to group some similar users. The current code already applies this approach (such as for “Personal Services”). This approach categorizes similar uses, and is preferable to a long laundry list of business types because it does not quickly go out of date as technology and business trends shift.
3. Definitions related to the form-based approach of the previous code are no longer relevant and have been removed.
4. Definitions related to development standards (such as Grade, Building Height, Lot Lines, and Yard) have been maintained to preserve consistent code application. To the extent that the Steering Committee feels any of this merit revision, that should be discussed, and the definitions can be revised.

5. Definitions of outdated land use types have been updated. For example, “Nursing Home” is no longer a precise or commonly used term. The term has been replaced in the code update by a definition for “Skilled Care Facility”, which includes other forms of senior supportive living. In a number of cases, the old term is left in the definitions with a cross reference to the new term.
6. Definition of “Family” has been deleted as using it in codes is no longer a best practice and can lead to legal challenges. Any issues about overcrowding (historically addressed with the family definition) can be addressed through the building code.
7. Once Committee review is completed and definitions set, current graphics will be updated as needed and new ones added as may be useful (some examples of updated graphics are included in the draft).

We look forward to discussing this memorandum and updated sections with the Committee on January 20th.

Wood Dale UDO Update

Steering Committee Meeting #4 Summary | January 20, 2022 | Wood Dale City Hall



Attending

- Mayor Nunzio Pulice
- Alderman Tony Catalano
- Alderman Peter Jakab
- Lynn Curiale, City Clerk
- David Hasterock, UDO Steering Committee
- Alderman Susmarski
- Terry Szatko, Community Development Commission
- Alderman Art Woods
- Gosia Pociecha, Senior Planner, City of Wood Dale
- Michael Blue, Teska Associates
- Francie Sallinger, Teska Associates
- David Silverman, Ancel Glink

Introduction

The Steering Committee for the Wood Dale Unified Development Ordinance (UDO) Update reconvened for their fourth—and likely final—meeting on January 20, 2022. In this meeting, the two remaining draft zoning sections were submitted for the Committee’s review:

- Article 1: Definitions
- Article 4: Development Districts

These two articles are essential to the updated UDO and Article 4, in particular, contains substantive changes from the current UDO. These changes are discussed in detail in the Transmittal Memo.

During the meeting, the project team reviewed the key changes and discussed policy questions with the Committee. These discussions are summarized below.

Article 1: Definitions

- Current definitions are generally sound. Have not been revised just for the sake of change.
- Most definitions have remained. Many edited for clarity or to match the permitted use table and other definitions.
- Question regarding pool coverage and definitions relating to swimming pools ahead of spring/summer installation – project team will revisit.

Article 4: Development Districts

- Bulk standards
 - Flexibility for developers: Administrative variations can be administered at the site plan review stage. The team will review the Administration and Enforcement section to ensure the UDO Update addresses this.
 - Corner lots: revisit setback requirements
 - Correct instances of “maximum lot width” that should read “minimum lot width”
- Use Table
 - Scrap yard uses should be phased out of the C-3 District, remove as permitted uses from the table
 - Vehicle repair uses – flip what is in currently proposed table to:
 - Repair of Commercial motor vehicles: I-1
 - Repair of Passenger motor vehicles: C-2, C-3
- Parking: administrative relief can grant variations as needed.

Next Steps

The project team will revise Articles 1 and 4 per the above discussion and any additional edits that Committee members wish to submit. The team will compile a fully revised UDO draft, to be published publicly by March 4th. The draft will be reviewed at the March 21st Community Development Commission meeting, then at the April 14th PZB Committee meeting, before heading to City Council on April 21st for an adoption vote.

CITY OF WOOD DALE

Community Development



MEMO

DATE: March 21, 2022

TO: Community Development Commission

FROM: Gosia Pociecha, AICP, Senior Planner

SUBJECT: Case No. CDC-2022-0002, Comprehensive Rewrite of the Unified Development Ordinance (UDO) and Rezoning of Certain Properties

REQUEST

The City is proposing a comprehensive rewrite of the Unified Development Ordinance (UDO), Chapter 17 of the Municipal Code and rezoning of certain properties.

BACKGROUND

At the August 15, 2019 meeting, the City Council authorized a Zoning Assessment Study of the Unified Development Ordinance (UDO), via Consultants Teska and Ancel Glink. The complete Assessment Study was presented before the City Council on December 12, 2019, at which time the City Council authorized a complete rewrite of the UDO.

The UDO Steering Committee comprised of citizens and elected officials was appointed by the Mayor as an advisory committee to guide the process and build consensus around the full rewrite of the UDO. The Steering Committee met four (4) times over 2019-2022.

The final draft UDO document prepared by the Consultants and reviewed by city staff and the UDO Steering Committee is attached to this memo for Community Development Commission's consideration and recommendation (See Exhibit C).

ANALYSIS

The following three (3) attachments are referenced included with this memo:

- Exhibit A – Teska & Ancel Glink Transmittal Memo
- Exhibit B – Existing and Proposed Rezoning Maps
- Exhibit C – Draft UDO

The purpose of the UDO rewrite is to make it more user friendly while promoting high-quality development that is governed by clear and concise regulations. Certain regulations currently in the UDO work well and have been kept, however, other elements are proposed to be modified.

Attached is transmittal memo that highlights the major proposed changes that were considered during the UDO Steering Committees (See Exhibit A).

Comprehensive Plan

The City of Wood Dale Comprehensive Plan was adopted on August 2, 2018. The new UDO is meant to address the Comprehensive Plan's recommendation to update the UDO and the development regulations. The intent is to align the regulations with the existing development patterns and the future land use policies included in the Comprehensive Plan.

Rezoning

As part of the comprehensive update to the UDO, certain properties are proposed to be rezoned. The zoning changes are meant to reflect the future land use patterns noted in the Comprehensive Plan and are based on the expected development and redevelopment patterns. In total 210 properties are proposed to be rezoned; included in this number are properties that are to be located in a new overlay district around the Wood Dale Road and I-390 interchange. Maps depicting the existing and proposed zoning designations are attached as Exhibit B.

Neighborhood Comment

Notice was provided in accordance with Section 17.401.D of the UDO. At the time of writing of this memo, staff received inquiries from eleven (11) individuals. Most were seeking clarification on how their property will be affected by the proposed changes. No written questions or concerns were submitted to date.

Findings of Fact

Although there is no requirement to adopt findings of fact, the proposed text amendment and rezoning are consistent with the Comprehensive Plan and are in keeping with the purpose and intent of the UDO.

RECOMMENDATION

The Community Development Department finds that the request for comprehensive rewrite of the Unified Development Ordinance (UDO), Chapter 17 of the Municipal Code and rezoning of certain properties meets the requirements in the Unified Development Ordinance and is consistent with the City's Comprehensive Plan. Based on the above considerations, staff recommends that the Community Development Commission make the following motion recommending approval of this petition:

Based on the submitted petition and the testimony presented, the proposed comprehensive rewrite of the Unified Development Ordinance (UDO), Chapter 17 of the Municipal Code and rezoning of certain properties are consistent with the Comprehensive Plan and are in keeping with the purpose and intent of the UDO; and, therefore, I move that the Community Development Commission adopt the findings of fact included within the staff memo dated March 21, 2022 as the findings of the Community Development Commission, and recommend to the City Council approval of the comprehensive rewrite of the Unified Development Ordinance (UDO), Chapter 17 of the Municipal Code and rezoning of certain properties.

(Yes vote would be to approve; No vote would be to deny)



Memorandum

To: Gosia Pociecha, AICP, Senior Planner, City of Wood Dale
Wood Dale Community Development Commission

From: Michael Blue, FAICP, Principal, Teska Associates, Inc.
David Silverman, AICP, Partner, Ancel Glink
Francie Lawrence, AICP, Senior Planner, Teska Associates, Inc.

Date: March 15, 2022

RE: **Wood Dale UDO Update – Public Hearing Draft**

In recent years, use of the City of Wood Dale’s UDO (Unified Development Code) has not been a fully effective tool in addressing zoning matters such as development proposals, re-occupancy of existing buildings, and day to day zoning enforcement. Currently, facilitating zoning processes sometimes requires complex code interpretations, uncoordinated zoning text amendments or an overreliance on the Planned Unit Development (PUD) process. This requires extra work by citizens, business owners, property owners, City officials and City staff to bring about desired development outcomes.

In late 2019, the City directed that Teska Associates, Inc. and Ancel Glink conduct a technical and legal assessment of the UDO. The findings of that assessment were shared in a report and presented to the City Council in December of that year. In considering the assessment findings and options for addressing issues with the UDO, the City Council opted to fully update and modernize the Code. That update was conducted with input from City staff, zoning customers, and a Steering Committee made of City officials and other stakeholders.

BACKGROUND

The UDO Assessment identified several key points, which have been addressed in the update. Overall, the update makes the code more user friendly, legally sound, and reflective of modern best zoning practices—all in manner that is specific to Wood Dale. Major issues addressed were:

1. The Thorndale Corridor Corporate District presents a desirable vision for the corridor, but the standards are complex and limit the types of businesses common in today’s economic climate. The section has been revised to accomplish the objectives in a more straightforward manner.
2. The Town Center Business District (generally around the Wood Dale Road and Irving Park Road intersection) relies heavily on transit and pedestrian oriented development standards that are not consistent with area lot configurations. Standards for development on Irving Park Road required refinement as they did not meet modern development formats and City development goals in the Comprehensive Plan.

3. The list of permitted and special uses in the UDO was too long, too specific, and out of date. The list of permitted land uses was changed only as needed to meet modern development forms and plan goals. In general, the types of land uses permitted have remained as before with some exceptions.
4. Previous development standards followed a “form-based” type of zoning that focuses on regulating types of buildings, rather than use of the building. These standards are inconsistent with common development practices and were changed.
5. The organization and presentation of the Code was not in a clear or familiar hierarchy, the wording was complicated, and the documents made limited use of graphics and charts. These user conveniences have been addressed.

ARTICLE BY ARTICLE REFINEMENTS

Key changes to each article are summarized below:

Title, Purpose, and Definitions – Article 1

Several clarifications, updates, and revisions were required to update this Article:

1. This section has been thoroughly edited to be more specific to and accurate about Wood Dale today.
2. Clear definitions are necessary for effective understanding and enforcement of UDO regulations and land uses specified in the permitted use table. Initial review of the UDO noted that the current definitions are generally sound. Definitions have not been revised just for the sake of change. Each definition was reviewed, and most are the same (although many were edited for clarity or to correspond more directly to the permitted use table and other definitions).
3. Uses listed in the draft permitted use table are now defined in this section – this accounts for most of the new definitions.
4. To keep determination of permitted businesses up to date and user friendly, additional use categories (such as “Indoor Retail Sale of Goods”) have been used to group some similar users. The current code already applies this approach (such as for “Personal Services”). This approach categorizes similar uses, and is preferable to a long laundry list of business types because it does not quickly go out of date as technology and business trends shift.
5. Definitions related to development standards (such as Grade, Building Height, Lot Lines, and Yard) have been maintained to preserve consistent code application.
6. Definitions of outdated land use types have been updated. For example, “Nursing Home” is no longer a precise or commonly used term. The term has been replaced in the code update by a definition for “Skilled Care Facility,” which includes other forms of senior supportive living.
7. Definition of “Family” has been deleted as using this term in codes is no longer a best practice and can lead to legal challenges.

Article 2: Administration and Enforcement

This Article consolidates and significantly adds to all procedural provisions regarding the zoning process in the City. The new structure of this Article is consistent, and designed to be user-friendly, with the ultimate inclusion of tables, flow charts, and other graphics. Revisions include:

1. The City zoning application process for all forms of relief is now consolidated into one section.
2. The City’s various planning policies and documents are now formally defined for the purposes of establishing a solid policy basis for the UDO regulations.

3. The Development Administrator is empowered to enforce the UDO and authorized to consider minor variations related to dimensional and parking standards.
4. CDC's powers and responsibilities and have been clarified and relocated to this section of the City Code.
5. Simplified notice procedures to include newspaper publication and posting of signage on property, but exclude first class mailing requirement.
6. Sections on the various forms of zoning procedure and relief that will be more easily navigable, with the addition of tables and flow charts and other appropriate graphics, have been created.
7. The authority to impose conditions on variations and special uses have been clarified and expanded.
8. That special uses are unique property rights and entitlements for the applicant only and are non-transferable has been clarified (e.g. a new property owner will have to get his or her own SUP).
9. Planned unit development objectives and procedures have been reorganized and restated with a clear tie in to special use permit requirements.
10. A process for site plan review of commercial and industrial developments not requiring zoning approval has been added to assure safe and appealing development.

Article 3: General Provisions

This Article is built primarily from Article 6: Land Use and Development Standards of the current code and elements of Article 5: Development Districts. The objective is to include regulations of general applicability for all or select zoning districts. The following are key points from the draft:

1. Lot Development Standards (Sec. 16.605) that were based on "building types" have been deleted from the draft. These regulations have been revised and presented as more commonly used bulk standards and are now incorporated into specific zoning districts. This change aligns the new UDO with more commonly used zoning terminology and techniques and will make the new UDO easier to use.
2. Existing regulations for Accessory Structures, Outdoor Dining, Adult Regulations, Refuse Collection, Home Based Businesses, Satellite Dishes, Community Residences (sometimes referred to as group homes), and Temporary Structures and uses have been relocated to this draft Article 3 and revised for clarity and completeness.
3. Fence regulations has been relocated to this Article 3 and revised for clarity and completeness. The fence "types" created confusion and have been replaced with regulations specifying height and opacity.
4. New standards have been added for: Bed and Breakfasts, Short Term Rentals (Air BnB), Solar and Wind Energy Systems, Medical Cannabis (reflective of established City policy), and Collection Boxes.
5. The City's current detached garage standards allow up to a 1,200 sq. ft. structure that is 17-foot high. To limit impact of these structures on neighboring properties, the limits have been revised to 1,000 sq. ft. and the 17 foot height has been specified as to the peak of the roof – flat roof garages can be 13 feet high.
6. Personal wireless communications regulations now account for current state and federal law and give the City better enforcement mechanisms.

Article 4: Zoning Districts

The approach applied to refinement of the zoning districts is outlined in this section. The updated Article 4: Development Districts presents changes to the District designed to:

- Encourage development by making the UDO easier for developers and staff to apply;
- create more cohesive development patterns reflective of real estate markets;
- implement recommendations of the Comprehensive Plan; and
- modify zoning map designations to meet these objectives.

Bulk Standards

Perhaps the most significant change in the UDO is shifting from the form based 'building types' to a traditional district-based use and bulk (setback, height, etc.) format. This requires that bulk standards be reestablished for each zoning district. For the most part, these will reflect existing conditions.

Zoning District Purpose Statements and Permitted Use Table

Zoning district purpose statements and a permitted use table are two fundamental elements included in the current UDO; their policy intent and standards have been maintained for the update. They have been revised somewhat to be consistent with modern zoning practices. In the case of the purpose statements, those have been edited for clarity and, where needed, refined to reflect current City development policy.

To better reflect modern development practices and recommendations of the Comprehensive Plan, several map and district changes are recommended. The intent and benefit of these land use changes are detailed in a January 6, 2022 memo to the UDO Update Steering Committee. Changes along Irving Park Road are summarized on the map below:

1. Replacing the I-1 District along Potter Street with a new C-3 District.
2. Consolidating the I-1 and I-2 Districts.
3. Creating a C-2a zoning district for unique redevelopment opportunities on Irving Park Road.
4. Creating a Thorndale Interchange Overlay (TIO) for unique redevelopment opportunities at Wood Dale Road and I-390 (as defined in the Comprehensive Plan).



TCB: The Town Center Business District provides and maintains areas for commercial and mixed-use development.

C-1: The Neighborhood Commercial District promotes small-scale, limited shopping and retail that serves the needs of those who live and work in the area.

C-2: The Corridor Commercial District provides for a wider range of retail, food service, service and repair businesses that serve both community residents and regional market areas.

C-2a: The Southeast Irving Park Corridor Commercial District builds on C-2 and promotes larger development while also accounting for the unique land configuration of the southeast section of Irving Park Road.

C-3: This Service/Commercial District provides for a variety of intensive commercial and service-oriented businesses.

Article 5: Off-Street Parking and Loading

This Article carries over a number of the development standards from the current code, with simplified organization, format and wording. Some of the existing sections have been updated to reflect best practices and new standards have been added to be more flexible in how parking is provided. The key points are presented here.

1. Standards have been added for bicycle parking and landbanking of car parking.
2. The shared parking processes have been simplified.
3. Graphics have been updated.
4. The Schedule of Required Parking table is more inclusive of the permitted land use list and standards have been refined to better reflect modern standards for calculating requirements.

Article 6: Landscaping and Tree Preservation

A number of the development standards in this draft article are carried over from Section 17.607 of the current UDO. Key changes are presented here.

1. The Article has been substantially reorganized around clear actions and outcomes; and puts tree preservation first as a way of emphasizing that point.
2. Pedestrian safety and access improvements for large parking lots have been added in the form of dedicated pedestrian paths.
3. Standards requiring landscape installation and fee in lieu payments have been made more flexible to reflect City development objectives.
4. Conditions by which variations may be granted by the Development Administrator have been added – these are necessary to assure consistent and defensible administration.
5. The Sustainability Standards from the current Thorndale Corridor regulations have been incorporated into the code and specific Best Management Practices are encouraged.

Nonconformities – Article 7

The UDO update preserves much of the City’s current regulations, but reorganizes the section and adds provisions where there was vagueness and a need to establish authority and procedure more clearly. The new provisions, among other things, clearly:

- Define the cases where limited exceptions can be granted.
- Establish the procedures a property owner must follow to obtain a limited exception, as well as the review criteria the Development Administrator must use to grant an exception.
- Set timing for decisions and define what it means when the Development Administrator fails to issue a decision within that time.
- Outline procedures for property owners to seek greater exceptions or appeals from decisions of the Development Administrator from the Community Development Commission.

Subdivisions – Article 8

Analysis of the subdivision regulations and existing text showed that a full reorganization and rewrite was warranted, including adding provisions for “minor subdivisions,” other plat actions, updated performance guarantee requirements, and provisions for applicants to seek “modifications” from the subdivision regulations, and provisions for amendments to the subdivision regulations. The concept of a

“Minor Subdivision” provision will be a useful process in the City which is mostly built-out and has limited annexation opportunities.

A key addition is the school and park land donation and impact fee system. The update includes clear requirements for the cost and amount of land to be dedicated and the standards upon which such dedications are made – these standards will require regular updates conducted jointly with the School and Park Districts.

Performance Standards – Article 9

The revised performance standards section reflects State standards for potential impacts. This approach will be beneficial as it creates more consistent and predictable standards. It also allows the City to apply rules with which businesses are likely more familiar. In general, the standards have been simplified. It is often the complexity of standards—which is thought to make enforcement clear and specific—that makes them hard to define, detect, and enforce in practice. The current standards are applied to manufacturing districts. As businesses are often located closer to residential areas, it is recommended that they also apply to commercial districts.

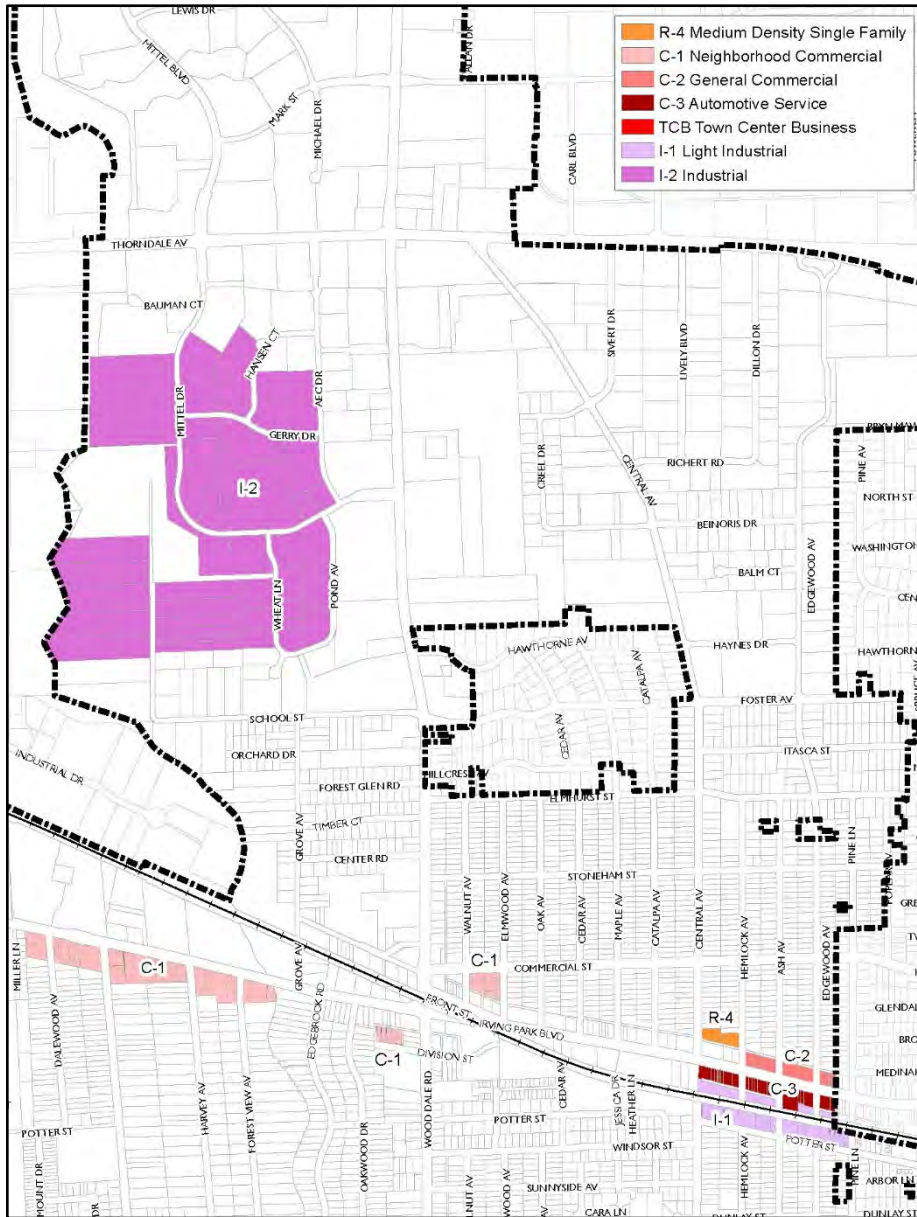
Design Guidelines – Article 10

Preparation of design guidelines started with those in the current UDO, augmented with design standards relevant to Wood Dale. In general, it is recommended that these apply to commercial and industrial development (rather than just industrial). Guidelines would be applied as an administrative function for changes to building elements (through site plan review) and by the CDC and City Council for new developments.

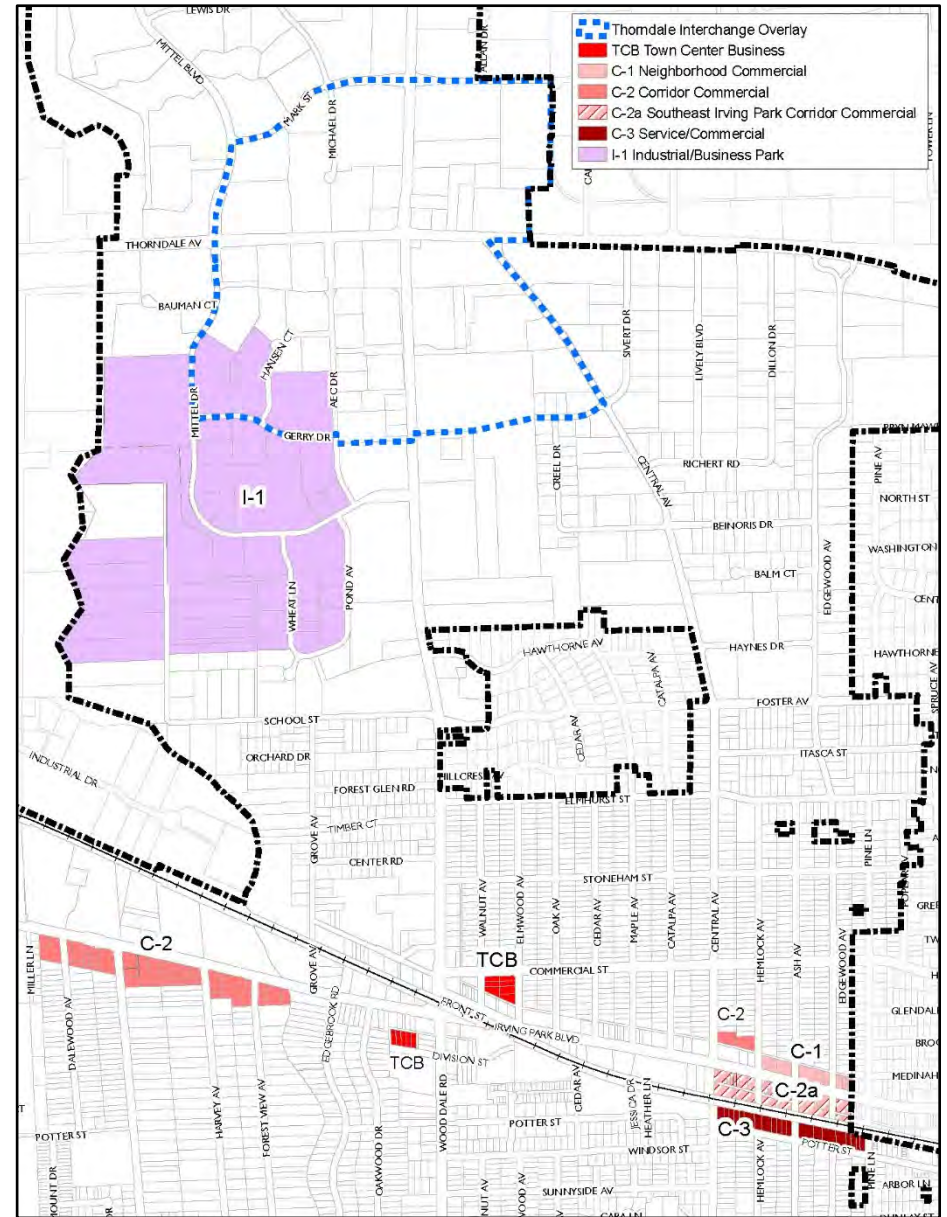
Enforcement and Penalties – Article 11

The City’s current enforcement and penalties provisions are sparse and buried at the end of the Chapter 2 of the UDO in Section 17.206. This has been replaced with a new Article 11, which has been reorganized and clarifies the City’s authority.

EXISTING ZONING



PROPOSED ZONING



Proposed changes:

- Irving Park Road: Rezone various properties to better reflect the property sizes and redevelopment potential
- Combine I-1 and I-2 zoning districts, or rezone any I-2 to I-1
- Create new overlay district for the Thorndale Interchange Overlay (TIO)



COMMUNITY DEVELOPMENT COMMISSION MINUTES

Committee Date: March 21, 2022
Present: Jay Babowice, Jaime Ochoa, Jack Surma Teresa Szatko,
David Woods
Absent: Richard Petersen, Dave Shimanek
Also Present: Gosia Pociecha, Attorney Sean Conway, Michael Blue
David Silverman, Michael Plumb, Attorney Marshall Subach
Brian Wiegel, Carrie Savickas, Beth Nelson, John Florina Jr.
Richard Malinowski, Attorney Brian E. Mraz, Jennifer Licona
Attorney Karl D. Camillucci, Steven Jamrozik, Bruce Larsen
Mike Latoria and approximately 20 other people.
Meeting Convened at: 7:00 p.m.

CALL TO ORDER

Chairman Ochoa called the meeting to order at 7:00 P.M. Roll call vote was taken and a quorum was present.

APPROVAL OF THE MINUTES:

The minutes of the January 17, 2022 meeting were approved as presented.

PUBLIC HEARINGS:

CASE NO. CDC-2022-0002

The City of Wood Dale is proposing a comprehensive rewrite of the Unified Development Ordinance (UDO) Chapter 17 of the Municipal Code, and rezoning of certain properties.

DISCUSSION:

Mr. Michael Blue, representing Teska Associates and Attorney David Silverman, representing Ancel Glink were in attendance to present and discuss key elements contained in the final draft UDO document as prepared by their firms and as directed by the City. This project resulted from City Council's decision in 2019 to completely re-write the UDO and involved participation by staff and UDO Steering Committee made up of elected officials and residents. They stated that the language of the revised document was based upon the need to: modernize, clarify, update, better organize, follow and more easily administer and understand the terms of the document, comparing this revised document with that of the current UDO. (See attached memorandum dated March 15, 2022 from Teska Associates "Wood Dale UDO Update - Public Hearing Draft")

Following their presentation, members of the public and their representatives, property and business owners in the areas affected by the proposed zoning changes, addressed



Commissioners with their concerns and comments regarding this re-write; specifically, the reduction in permitted uses in the proposed C-3 zoning district, the lack of sufficient time to read and absorb all of the information before the Commission at this Public Hearing prior to making any recommendations, the anticipated time line for making any changes and how that will negatively impact selling or buying properties affected and how these changes in zoning classifications will affect properties operating under a Special Use classification. Comments also included a statement that communication between staff and individuals seeking approval of building permits needs to be improved. In conclusion, and of primary importance to Commissioners, is the fact that changes being proposed will greatly affect the future of development anywhere in Wood Dale; with that in mind, the consensus of the Commissioners is that this Public Hearing should be continued thus allowing more input from residents and/or business and property owners and will allow additional time for the CDC to fully review the information contained in the final draft of the UDO document prepared by the consultants and staff.

RECOMMENDATION:

The Public Hearing concluded at 10:20 P.M. and the following motion was made by Mr. Woods, seconded by Mr. Babowicz:

That the Public Hearing conducted under Case No. CDC-2022-0002 be continued until the April 18, 2022 meeting of the Community Development Commission. Further, that this continued hearing will consist of a portion of the contents contained in the proposed document.

A roll call vote was taken with the following results:

Ayes: Woods, Babowice, Szatko, Ochoa, Surma

Nays: None

Motion carried.

STAFF LIAISON REPORT:

None to report.

ADJOURNMENT:

The meeting adjourned at 10:25 p.m.

Minutes taken by Marilyn Chiappetta

Approved April 18, 2022

CITY OF WOOD DALE

Community Development



MEMO

DATE: April 18, 2022

TO: Community Development Commission

FROM: Gosia Pociecha, AICP, Senior Planner

SUBJECT: Continuation of Case No. CDC-2022-0002, Comprehensive Rewrite of the Unified Development Ordinance (UDO) and Rezoning of Certain Properties

REQUEST

The City is proposing a comprehensive rewrite of the Unified Development Ordinance (UDO), Chapter 17 of the Municipal Code and rezoning of certain properties.

BACKGROUND

The public hearing on this petition was opened on March 21, 2022. Upon hearing of the testimony from City staff, City consultants and the public, CDC decided to continue the public hearing to allow more time for review of the draft regulations and consideration of the concerns raised during the testimony. CDC's motion was to consider half of the UDO during the April meeting, with the remaining half to be considered at a subsequent meeting in May.

ANALYSIS

As it was previously stated, the purpose of the UDO rewrite is to make it more user friendly while promoting high-quality development that is governed by clear and concise regulations. The intent was to make the UDO more business friendly by providing regulations that are easier to navigate and understand but also by adding certain administrative relief procedures. Highlights of the major proposed changes were presented during the March 21, 2022 CDC public hearing.

Attached as Exhibit A is a transmittal memo highlighting the major concerns that were raised during the meeting in March. This exhibit also includes a number of policy questions that need to be considered by CDC and ultimately the City Council.

The following Articles of the draft UDO will be considered during the April 18 CDC meeting:

- Article I: Title, Purpose and Definitions (Page 1)
- Article II: Zoning Administration and Enforcement (Page 35)
- Article III: General Provisions (Page 84)

- Article IV: Development Districts (Page 118)
- Article VII: Non-Conforming Lots, Buildings, Structures and Uses (Page 188)

The following Articles of the draft UDO will be considered during the subsequent CDC meeting:

- Article V: Off-Street Parking and Loading (Page 154)
- Article VI: Landscape and Tree Preservation (Page 172)
- Article VIII: Subdivision Plats and Procedures And Subdivision Improvements Requirements and Standards (Page 193)
- Article IX: Performance Standards (Page 225)
- Article X: Design Guidelines (Page 228)
- Article XI: Zoning Administration, Enforcement and Penalties (Page 239)

Copy of the draft UDO was provided for the March 21, 2022 CDC meeting. For reference, it is attached to this memo again as Exhibit B.



Memorandum

To: Gosia Pociecha, AICP, Senior Planner, City of Wood Dale
Wood Dale Community Development Commission
From: Michael Blue, FAICP, Principal, Teska Associates, Inc.
David Silverman, AICP, Partner, Ancel Glink
Date: April 13, 2022
RE: Wood Dale UDO Update – Public Hearing Follow up

This memorandum is provided as a follow up to questions raised at the Wood Dale UDO public hearing (March 21st CDC meeting), which will be continued with the CDC on April 18th. Several discussion points were raised at the March meeting and additional information is provided here to supplement continued discussion.

OVERVIEW

It is worth reiterating the overall objectives for updating the UDO. Most simply, the intent was to:

1. Make the UDO more user friendly: Graphics and tables have been incorporated into the update, which makes regulations easier to understand. The update also reorganizes the current UDO to highlight key sections and make them easier to find for designers, builders, developers and attorneys. The update has also been edited to make the text easier for technical and non-technical users to understand.
2. Make the UDO more business friendly: Regulations about day to day operations including, among other things, parking and screening storage, have been made clearer in the update, and more predictable to businesses. The update also provides flexibility for administrative relief of some standards (through site plan review) to facilitate dealing with challenges of developing on challenging parcels.
3. Be consistent with the Comprehensive Plan: The Comprehensive Plan update considered a range of issues, several of which related to development. Those policy directions are reflected in standards that apply to commercial and industrial districts.

The objectives listed above, in some part, come from the current UDO being structured as a *form based zoning* approach, which is not commonly found or applied in Chicago area communities. Since that approach is not readily applied by local communities, the current Wood Dale UDO can be difficult for designers, property owners, and developers to apply. In a number of cases, the City was working around these limitations with PUDs or variances.

As for the rezonings contemplated by the update, there was valuable discussion on March 21st about changes in various circumstance – that is discussed below. However, it is important to remember that

rezoning a property does not automatically require an owner to sell their property, move their business, or, contrary to what was raised to the public hearing, enable the City to acquire a property.

PERMITTED / SPECIAL USES

Much of the discussion at the March 21st meeting revolved around changes to permitted land uses related to rezoned properties. Some clarifications to that discussion are warranted as the CDC evaluation continues.

C-3 / Potter Street: Discussion about this area focused on a quantitative consideration of the number of permitted uses reducing from 121 to 6. Looking solely at the number of allowed uses is the wrong analysis. Instead, by moving to broad use categories this opens up a wider array of uses, as opposed to constraining specifically defined allowed uses. The reservation of specific uses in the updated land use table, though reduced, simply acknowledges that these are unique uses that deserve “extra-categorical” acknowledgement. One change that raised concern was formally permitted uses being converted to special uses. The purpose of making this change is best illustrated in the proposed rezoning of the Potter Street area C-3 District. To ensure that such uses are compatible with adjacent properties, and to ensure that Indoor Retail Sales can operate with minimal disruption in close proximity to uses otherwise permitted by right, Indoor Retail Sales are a special use in the updated C-3 District. This enables the City to set conditions on Indoor Retail Sales that may present negative external effects on the other nearby uses.

In many instances, the use categories may enhance the marketability of properties by expanding the possible number of uses that can be introduced. There was a lot of discussion over “highest and best use”. That phrase is an appraisal phrase that has minimal relevance in a zoning context. Zoning concerns itself with the preservation of property values by separating incompatible uses, or by creating special uses that can be conditionally permitted in an area by limiting their negative externalities on other surrounding uses. In either case, the goal is a rational pattern of land uses that enables each property owner to have the “quiet enjoyment” of their property in harmony with other similar users, and in conformity with the City’s land use goals and objectives in the Comprehensive Plan.

A more pertinent reason for the drop in the number of permitted uses in the C-3 District, is that the I-1 zoning currently applied to the Potter Street area is the same that applies to the large industrial areas in the northern part of the City. However, most of those uses permitted in the I-1 are not appropriate for the smaller lots that are located across from residential uses in the central area of the City. Hence these lots are proposed to be zoned C-3 through the UDO update. Some of these are specifically industrial, others are uses that can be expected to have adverse impacts on nearby residential uses. Currently permitted I-1 uses that would no longer be allowed in the C-3 include: Kennels, Animal Pounds, Junkyards, Motor Vehicle Wrecking, Recycling Centers, Sawmills Warehouses, Funeral Homes, Bowling Alleys, Health Clubs, Live Entertainment, and Freight Handling Facilities.

The bottom line of this question is that evaluating permitted or special uses is not a numerical analysis, it is a qualitative analysis. In the case of the C-3, and consistent with the Comprehensive Plan, I-1 uses that could be impactful to residents across the street have been removed as permitted uses or established as special uses so that they can be located there with conditions to mitigate potential

impacts on residential neighbors. To the extent that fine tuning of the C-3 is in order, it should be conducted as a line by line review of the land use table to consider which businesses are appropriate for the area given current activities, adjacent uses, and potential for reuse or redevelopment.

C-1, C-2, C-2a: The distinction between these districts, as drafted and consistent with the City's commercial and retail development goals in the Comprehensive Plan, is based on the size of the activity and potential impact on other properties. For example, the uses permitted in the C-1 and C-2 are similar, with larger uses not permitted in the C-1 as they would either not fit on those smaller sites or could not be developed to include buffers between adjacent uses. Examples of uses allowed in C-2 but not C-1 are: Banquet Halls, Car Washes, Home/Garden Centers greater than 100,000 square feet, and Colleges/Universities. C-2a is similar to C-2, with bulk standards to incentivize larger and unified development. As was noted at the March 21st public hearing, residential uses (other than above the ground floor) would not be permitted in the C-1 or C-2, reflective of the level of traffic and activity on Irving Park Road and potential for retail/commercial development. Again, considering changes to land use designations along Irving Park Road should be a line by line review of the land use table to and a definitive decision on which uses are appropriate based on City development policy, current activity, adjacent uses, and potential for reuse or redevelopment.

Zoning Overlays: The TCC overlay is unchanged from the 2020 amendments. The Thorndale Intersection Overlay (TIO) is the zoning implementation of a redevelopment concept spelled out in the Comprehensive Plan. It is intended to require 20-acre plus development areas to encourage unique gateway development that can also serve as community gathering areas. The 20-acre minimum prevents smaller redevelopment that would inhibit the gateway development goals of the Comprehensive Plan. The larger development would require consolidation of smaller parcels, which has been planned for and observed for some time in Wood Dale. Redevelopment of smaller parcels in the area could be allowed if desired by the City, the update could be amended to remove the 20 acre minimum requirement, but that may eliminate longer term potential for gateway redevelopment in the area.

NON CONFORMING USES

Establishing new districts and revising the use table can create nonconforming uses of land and buildings – as was a key point of the discussion on March 21st. A few points of clarification about that discussion are noted here:

- The 90 day abandonment clause for non-conforming uses was raised as a concern at the meeting. Those who testified indicated this was a very short turnaround, and effectively prohibited a new user of the non-conformity from being considered. As was pointed out at the meeting, that 90 day standard applied to uses of land not uses in a building. Such uses might include Christmas tree sales or parking lots. As the abandonment clause relates to nonconforming uses of buildings, the time period is 12-months.
- A consideration raised at the meeting was whether the owner of a nonconforming business or other use could sell that property and have the nonconforming use continue. Current drafting of the update would not allow such a sale, but this is a policy choice for the City and such a sale could be allowed in the update.

- Questions were raised as to whether a building destroyed by fire or other disaster beyond 50% of its value could be restored. They can be restored, but must become conforming to the code. Structures destroyed to less than 50% of value can be restored to their nonconforming state immediately preceding the loss.
- In the case of a use permitted under the current UDO that would become a special use, there was a question as to whether use of that property would “automatically” become a special use or whether an approval process would be required. As currently drafted, the update would not grant this automatic special use status, but this is a policy option for the City and the update could be allow such automatic status as a special use.
- Another concern raised at the public hearing was whether owners or lessees operating non-conforming buildings or uses could convey that nonconforming status to subsequent owners or lessees. As with the preceding items, this is a policy choice of the City, but as currently drafted that conveyance of nonconforming status is not allowed.
- Other items that may address property owner concerns on nonconformities is (1) expanding the situations where the Development Administrator can grant administrative waivers from the regulations or (2) delegating more authority to the CDC to grant variations from the nonconforming regulations.

Let us know if you have any questions. We look forward to continuing the discussion about the update with the CDC.



COMMUNITY DEVELOPMENT COMMISSION MINUTES

Committee Date: April 18, 2022

Present: Teresa Szatko, David Woods, Jay Babowice, Jaime Ochoa
Richard Petersen, Dave Shimanek

Absent: Jack Surma

Also Present: Gosia Pociecha, Hailey Michaels, Attorney Sean Conway
Michael Blue, David Silverman, Attorney Marshall Subach
Bruce Larsen, Carrie Savickas, Beth Nelson, John Florina
Attorney Karl Camillucci, Roger Dickens, Lou Matson
Steven Jamrozik, Richard Koss, Dulce and Marco Guzman
and approximately fifteen other people

Meeting Convened at: 7:00 p.m.

CALL TO ORDER

Chairman Ochoa called the meeting to order at 7:00 P.M. A roll call vote was taken and a quorum was present. Attorney Conway will act as the meeting facilitator.

APPROVAL OF THE MINUTES:

The minutes of the March 21, 2022 meeting were approved as presented.

PUBLIC HEARINGS

CASE NO. CDC-2022-001

As explained by Ms. Pociecha, an application has been filed requesting approval of lot consolidation and map amendment (rezoning) of a residential property from R-1 Estate Residential, upon annexation to R-4 Medium Density Single Family. The subject property is located at 5N510 and 5N514 N. Pine Lane. The new address upon annexation will be 160 Pine Lane. Dulce and Marco Guzman are the owners of the parcel and are the petitioners and were present at the meeting.

DISCUSSION

Commissioners reviewed the petition and noted that the property is compatible with surrounding zoning and land use classifications and meets the requirements in the Unified Development Ordinance and is consistent with the City's Comprehensive Plan. There were no comments opposing this petition from other meeting attendees or from residents of the area in question.

RECOMMENDATION

At the conclusion of the Public Hearing, Mr. Shimanek made a motion, seconded by Ms. Szatko that based on the submitted petition and the testimony presented, the proposed lot consolidation and map amendment (rezoning) is consistent with the Unified Development Ordinance and Comprehensive Plan; and, therefore, I move that the Community Development Commission adopt the findings of fact included within the staff memo dated April 18, 2022 as the findings of the Community Development Commission and recommend to the City Council approval of lot consolidation and map amendment (rezoning) for 5N510 and 5N514 N Pine Lane (to be known as 160 Pine Lane) in Case No. CDC-2022-0001.

A roll call vote was taken with the following results:

Ayes: Shimanek, Woods, Petersen, Ochoa, Szatko, Babowice

Nays: None

Motion carried.

CASE NO. CDC-2022-0002

This is a continuation of the Public Hearing from March 21, 2022.

The City of Wood Dale is proposing a comprehensive rewrite of the Unified Development Ordinance (UDO), Chapter 17 of the Municipal Code, and rezoning of certain properties on the City's Zoning Map. The purpose of the Public Hearing will be to consider the following articles of the proposed UDO: I, II, III, IV and VII.

Mr. Blue, representing Teska Associates and Attorney David Silverman, representing Ancel Glink were in attendance and reiterated the rationale behind the City's plan to rewrite the UDO. Their presentation focused on how the proposed zoning changes would effect permitted land uses and existing businesses located along Potter Street and portions of Irving Park Rd. They also explained the methodology behind consolidating the allowable uses as listed in the present UDO into a general use categories. Additionally, they explained that rezoning of certain properties could allow for future consolidation of smaller lots with desirable larger and desirable development.

As at the Public Hearing conducted in March, current business owners again expressed concerns regarding the reduction in the number of permitted uses being proposed, the negative impact on marketing of properties located within these districts as they may then been viewed as devalued, the effect of these zoning re-classifications on current non-

conforming businesses and properties as well as those currently operating under a Special Use classification, also the timing of this rewrite given the current number of vacant buildings within the City. Questions arose relative to the public notice of this hearing; specifically, posting of signs at affected properties. A statement was offered that, since notice was deficient and improper, that the Public Hearing should be republished. Mr. Petersen suggested that for this and all public hearings, property owners in the entire ward affected by such a hearing should be notified. Mr. Shimanek questioned the possibility of establishing an overlay district for the areas affected thus creating a more equitable solution to address the circumstances involved with these properties. Attorney Marshall Subach, representing several business owners along Potter Street, submitted correspondence dated April 15th and April 18 listing all of the objections to the language contained in the revised UDO as well as a preferred list of allowable uses. A comment letter was also submitted by Attorney Karl Camillucci.

Mr. Blue and Attorney Silverman will respond to all of the issues discussed and will be in contact with staff. To that effect, Mr. Ochoa made a motion, seconded by Mr. Shimanek, to continue this Public Hearing to a Special Meeting to be held on April 25, 2002 at 7:00 P.M. A roll call vote was taken with the following results:

Ayes: Shimanek, Petersen, Ochoa, Szatko, Babowice

Nays: Woods

Motion carried.

STAFF LIAISON REPORT

None

ADJOURNMENT

The meeting was adjourned at 9:30 P.M.

Minutes taken by Marilyn Chiappetta

Approved on April 25, 2022

CITY OF WOOD DALE

Community Development



MEMO

DATE: April 25, 2022

TO: Community Development Commission

FROM: Gosia Pociecha, AICP, Senior Planner

SUBJECT: Continuation of Case No. CDC-2022-0002, Comprehensive Rewrite of the Unified Development Ordinance (UDO) and Rezoning of Certain Properties

REQUEST

The City is proposing a comprehensive rewrite of the Unified Development Ordinance (UDO), Chapter 17 of the Municipal Code and rezoning of certain properties.

BACKGROUND

The public hearing on this petition was opened on March 21, 2022. Upon hearing of the testimony from City staff, City consultants and the public, CDC decided to continue the public hearing to allow more time for review of the draft regulations and consideration of the concerns raised during the testimony. CDC's motion was to consider half of the UDO during the April 18 meeting. The remaining half of the UDO is to be considered during the special call April 25, 2022 meeting.

The purpose of the public hearing on April 25, 2022 is to complete review of the remaining articles, conclude the public hearing, and enter into deliberation and take action on the CDC's recommendation regarding the entire proposed comprehensive rewrite of the Unified Development Ordinance (UDO), Chapter 17 of the Municipal Code, and rezoning of certain properties on the City's Zoning Map.

ANALYSIS

The following Articles of the draft UDO were considered during the April 18 CDC meeting:

- Article I: Title, Purpose and Definitions (Page 1)
- Article II: Zoning Administration and Enforcement (Page 35)
- Article III: General Provisions (Page 84)
- Article IV: Development Districts (Page 118)
- Article VII: Non-Conforming Lots, Buildings, Structures and Uses (Page 188)

As requested by the CDC, attached as Exhibit A are responses provided to the comments raised by Attorney Subach representing property owner(s) on Potter St.

The following Articles of the draft UDO will be considered during the April 25, 2022 CDC meeting:

- Article V: Off-Street Parking and Loading (Page 154)
- Article VI: Landscape and Tree Preservation (Page 172)
- Article VIII: Subdivision Plats and Procedures And Subdivision Improvements Requirements and Standards (Page 193)
- Article IX: Performance Standards (Page 225)
- Article X: Design Guidelines (Page 228)
- Article XI: Zoning Administration, Enforcement and Penalties (Page 239)

Copy of the draft UDO was provided for the March 21, 2022 CDC meeting. For reference, it is attached to this memo again as Exhibit B.

Findings of Fact

Although there is no requirement to adopt findings of fact, the proposed text amendment and rezoning are consistent with the Comprehensive Plan; are in keeping with the purpose and intent of the UDO; and are in promotion of the health, comfort, safety, and general welfare of the City's community.

RECOMMENDATION

The Community Development Department finds that the request for comprehensive rewrite of the Unified Development Ordinance (UDO), Chapter 17 of the Municipal Code and rezoning of certain properties as proposed meets the requirements in the Unified Development Ordinance; is consistent with the City's Comprehensive Plan; and promotes the health, comfort, safety, and general welfare of the City's community.

Based on the above considerations, staff recommends that the Community Development Commission make the following motion recommending approval of this petition:

Based on the submitted petition and the testimony presented, the proposed comprehensive rewrite of the Unified Development Ordinance (UDO), Chapter 17 of the Municipal Code and rezoning of certain properties are consistent with the Comprehensive Plan are in keeping with the purpose and intent of the UDO; are in promotion of the health, comfort, safety, and general welfare of the City's community; and, therefore, I move that the Community Development Commission adopt the findings of fact included within the staff memo dated April 25, 2022 as the findings of the Community Development Commission, and recommend to the City Council approval of the comprehensive rewrite of the Unified Development Ordinance (UDO), Chapter 17 of the Municipal Code and rezoning of certain properties.

(Yes vote would be to approve; No vote would be to deny)



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MEMORANDUM

To: City of Wood Dale CDC
Gosia Pociecha, AICP

CC: Michael Blue, FAICP

From: David. S. Silverman, AICP

Subject: Responses to Attorneys UDO Objections

Date: April 21, 2022

Exhibit A
CDC-2022-0002
April 25, 2022

At the April 18, 2022 CDC public hearing on the draft UDO, attorneys Marshall Subach and Karl Camillucci presented letters outlining concerns and objections to the draft UDO. Mr. Subach's objections were very particularized to specific provisions in the draft UDO. Mr. Camillucci's objections were focused on the proposed amendments to the TIO District. Both attorneys also contest the City's notice for the public hearing.

This memorandum is a response to the specific UDO objections made in both attorneys' letters.

1. Responses to Subach's April 15 and April 18, 2022 Letters.

April 15, 2022 Letter.

1. Page 35, Section 17.201.A, paragraph 2, strike the word "regulations". This paragraph concerns the City Council delegated powers of the Development Administrator to establish administrative procedures to carry out the purposes and intent of the UDO. This is a standard provision. "Regulations" include internal procedures established by the Development Administrator to process zoning applications and development permits. It is important to note that the Development Administrator's powers are not unlimited and must be directly tied to the standards, purposes and intent of the UDO. An alternative word or terms like "internal processes" can be used, but we see no reason to change the text as presented.

ANCEL GLINK

April 21, 2022

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2. Page 36, Section 17.201.A, paragraph 12, strike “90-days” for the limitations on extensions of time. This paragraph concerns the powers of the Development Administrator to extend a time limit imposed by the UDO on an applicant. The text, as presented, caps such extensions at 90-days. This too is a common provision to enable applicants more time to address issues with applications or other development review processes. We would advise against removing any limit, because it is not desirable to leave applications and other processes open ended. If the CDC desires, the allowable extension can be longer.

3. Page 37, Section 17.201.A, paragraph 13, strike the word “will” and replace with “may” and strike the word “punish” in paragraph 13. This paragraph concerns the powers of the Development Administrator to enforce the UDO through inspection powers and investigating complaints of violations. We often use “will” as a more affirmative word than the weaker and optional “may” when discussing enforcement powers. However, if the CDC agrees with Mr. Subach, changing to “may” is fine. As for the word “punish”, this can be changed to “penalize” and add the following: “...in accordance with Article XI of this UDO.”

4. Page 37, Section 17.201.A, paragraph 14, strike the word “will” with “may”. This paragraph concerns the responsibility of the Development Administrator to prepare reports for City Council and the CDC on the administration and operation of the UDO. As explained, “will” is a better word for required actions, because “may” carries an optional connotation. These reports help inform the City’s policymakers understand what is and what is not working in the UDO, and direct changes as appropriate. We would advise keeping the word “will”.

5. Page 39, Section 17.201.C, paragraph 2, strike “majority of the current appointed Members” to be majority of the quorum present at the meeting. This paragraph concerns the required vote of the CDC on matters before it. This is a very common provisions, and requires that a majority of the currently appointed members must concur in approving a matter. The proposed change would confuse what is a straightforward voting rule. We strongly advise against adopting this change.

6. Page 40, Section 17.202.A, paragraph 4, strike the entire paragraph titled “Effect”. This paragraph concerns the Comprehensive Plan and how the City’s development regulations must align with the Plan policy goals and objectives. As we have explained several times, the City’s Comprehensive Plan serves as the underlying policy basis for the UDO regulations. The two documents work together. In addition, the provision enables City Council to approve development requirements that deviate from the

ANCEL GLINK

April 21, 2022

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Comprehensive Plan in particular instances. We strongly advise against removing this paragraph.

7. Page 43, Section 17.202.C, paragraph b, strike subparagraphs (iv) and (v). This paragraph concerns the recoverable costs the City gets back from applicants for processing zoning applications. Subparagraphs (iv) and (v) require that the City be reimbursed from applicants for professional and consulting fees, including, without limitation, engineering and legal fees. This is a policy decision for the City.

8. Page 44, Section 17.202.C, paragraph 6, strike in its entirety. This paragraph exempts other public bodies from the application and fee requirements. This is a policy decision for the City.

9. Page 45, Section 17.202.C, paragraph 7.b(v), strike in its entirety. This paragraph concerns applications for zoning certificates and requires that an architect or engineer certify compliance with applicable UDO requirements, and explanations of any deviations. This information is central to the City confidently issuing a zoning certificate that a property owner can use to show the property is in compliance with the UDO. We strongly advise against removing this provision.

10. Page 46, Section 17.202.C, paragraph 7.f(ii) strike in its entirety. This paragraph lists the required submittals for administrative variation applications, and subparagraph (ii) require submission of a site plan or architectural renderings, as appropriate. In order for the Development Administrator to grant a well considered administrative variation a site plan or architectural rendering is the best way to illustrate how the structure will be situated with the administrative variation. We strongly advise against deleting this requirement.

11. Page 49, strike subparagraphs (vi), (vii), (viii), (ix), and (xii). These subparagraphs are among several that concern required submittals for PUD concept plan applications. These required submittals are listed in current UDO. In addition, Section 17.202.C, paragraph 11 enables either Development Administrator or CDC to waive submittal requirements. Ultimately, this is a policy decision for the City, but in the context of PUDs, the type of information that Mr. Subach suggests being deleted is often important to understanding the impacts of a proposed PUD on surrounding properties, other taxing bodies (e.g. schools, parks) and on surrounding natural and environmentally sensitive areas.

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12. Page 50, Section 17.202.C, paragraph 7.I, strike subparagraphs i(1), (2), and (5). This paragraph concerns required submittals for administrative site plan approval. Mr. Subach suggests deleting submittals concerning site natural and environmentally sensitive amenities, location and extent of tree coverage, and soil conditions. These submittals are required to enable the Development Administrator to make an informed decision on granting site plan approval, approval with modification, or even denial. As above, this is a policy decision for the City, but we do not think these items should be deleted.

13. Page 52, Section 202.E, paragraph 2. Mr. Subach suggests adding personal notice requirements to property owners within 250-feet of a subject property and personal notice to all affected property owners resulting from any amendment to the UDO affecting permitted or special uses. These are policy questions for the City, but we advised early on to remove personal notice to property owners within 250-feet of a subject property. We have also explained that the City is required under Illinois law to give personal notice to property owners whose properties are subject to a City initiated rezoning application. Mr. Subach's added text would significantly expand that notice requirement, increasing costs on applicants, and increasing the likelihood of possible notice defects. We advise against adding this language.

14. Page 57, Section 17.204.A, paragraph 5.c, strike in its entirety. This paragraph concerns the standards the Development Administrator must consider for use interpretations. Mr. Subach suggests deleting the standard that says no use interpretation can be made that allows a use not already allowed as a permitted or special use in the district. This standard prevents the Development Administrator from adding uses to districts without going through the text amendment process. We strongly advise against deleting this standard.

15. Page 57, Section 17.204.A, paragraph 7.a, strike "six consecutive months" and amend to "twelve consecutive months". This paragraph concerns limitations on use interpretations. The provision to be deleted limits such interpretations to only being valid for "six months", (the word "consecutive" does not appear in the draft UDO text here). The proposed change would increase the use interpretation validity to twelve months, (we would not add "consecutive", since it would be measured from the date of the Development Administrator's interpretation decision). This is a policy decision for the City.

16. Page 58, Section 17.204.A, paragraph 7.b, strike "six consecutive months" and amend to "twelve consecutive months". Similar to the immediate above provision, this

paragraph limits a use interpretation for a permitted or special use for six months. If the applicant does not pull a building permit within six months the interpretation expires. The purpose of placing time limits on interpretations is so they don't sit unused for long periods of time. The reasonable expectation is that the applicant needs the interpretation to proceed with a viable project. As with the immediate above, extending this validity period to twelve months is a policy decision for the City.

17. Page 58, Section 17.204.B, paragraph 4.a, strike "45 days" and replace with "60 days". This paragraph concerns the timing of filing an appeal with the CDC from an adverse administrative decision of the Development Administrator. The proposed change would extend it from 45 days to 60 days. This is a policy decision for the City.

18. Page 59, Section 17.204.C, paragraph 2, strike the entire "Purpose" section or at a minimum strike the word narrowly. This paragraph sets out the purpose of variations, (similar paragraphs are found in conjunction with other zoning relief). The word "narrowly" is deliberate and intends to convey that idea that variations shall be the minimum necessary to address the applicant's practical difficulties and particular hardship. We advise against deleting this paragraph or at a minimum deleting the word "narrowly".

19. Page 60, Section 17.204.C, paragraph "Authorized Variations", strike subparagraph (a) and subparagraph (b). The rationale for deleting these subparagraphs is that it constrains the authority of City Council in granting variations. However, these limitations are listed in the current UDO, so the City Council has previously limited its authority here. This is a policy decision for the City.

20. Page 63, Section 17.204.C, paragraph 11.b, strike the "six month" automatic expiration for variations. This paragraph establishes a 6-month period to pull a building permit for construction approved with a variation. In the event the applicant does not pull a building permit within 6-months, the variations expires. The rationale is the same as explained above: it is not good practice to allow zoning relief granted for specific projects to have open ended term. During a longer time period the conditions that led to granting the variation are more likely to have changed, such neighboring uses or structures. The expectation is that the applicant needs the relief to proceed with an immediate project. This is a policy decision for the City, and can be set at any length of time, but we advise not removing this condition.

21. Page 84, Section 17.302.A.1, strike the second sentence that states "Uses of land or structures not so designated as a Permitted, Special, or Temporary Use shall be

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prohibited. This paragraph establishes the general zoning use standard that if a list is not provided for it is prohibited. This does not foreclose an application for a text amendment to add a use. The proposed change would open every zoning district to any use which is completely contrary to the logic of zoning. We strongly advise against making this change.

22. Page 87, Section 17.302.3.b, strike subparagraphs b(i) and (ii) and amend b(ii) striking "Site Plan Review and replace with "staff review". These regulations pertain to outdoor storage and requirements for screening. Mr. Subach's proposed changes would remove the requirements for screening and that the screening should conform to the materials and color of the associated building. We strongly advise against deleting these requirements, which are intended to minimize unsightly views of intensive commercial or industrial uses.

23. Page 88, the Outdoor Dining under paragraph 5 needs work. Too restrictive. The regulations we prepared are well tested and help control what can become a problematic outdoor use. The CDC may want to ask Mr. Subach what his exact issues are and his suggestions to resolve them. This is a policy decision for the City.

24. Page 90, Car Washes, strike paragraph B.2.a. This paragraph concerns the regulations on car wash operations. The specific condition proposed to be stricken says that all car wash activities must be performed in an enclosed building, primarily to minimize noise. As some car washes now have self serve vacuum outside the facility, language to allow that acceptance might be considered. This is a policy decision for the City.

April 18, 2022.

1. Page 121, Table 4 for C-3 the lots are not 100-feet wide. Need to amend the Minimum Lot width to 50-feet wide. We are aware that the lots are narrower in the proposed C-3 district. The new width number reflects the development policy and goal to encourage lot consolidation and greater width to accommodate more modern development archetypes, including those that promote sales tax and employment growth. This is a policy decision for the City.

2. Page 141, strike 6.a.iii and 6.a.vi. These regulations concern accessory parking and loading for users in the C-3 district. The proposed deletions would remove (1) the requirement that accessory parking areas within is a public right of way be allowed only with approval of a Special Parking License and (2) that bicycle parking be provided near

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building entrances. We disagree with the removal of these provisions. The first condition that enables a property owner or lessees to use available on street parking to meet accessory parking requirements simply requires that the owner or lessee assume responsibility for those reserved spaces, including liabilities, thereby protecting the City. The bicycle parking is commonly used now, as people choose alternative modes of transportation. Ultimately, these are policy decisions for the City.

3. Page 141, strike 6.b.i and 6.b.ii. These two paragraphs regulate parking in the front yard of a property. Generally, front yard parking is visually disruptive and unattractive. The regulation establishes new screening requirements and provide that the if the parking existed before adoption of the new UDO and does not provide the screening, the lot becomes a nonconforming use of land. These regulations were added to promote development in the C-3 district more compatible with adjacent residential uses and consistent with the goals and objectives from the Comprehensive Plan. We strongly advise against removing these regulations, but this is also a policy decision for the City.

4. Page 141, strike 6.d.ii. This paragraph regulates outdoor storage areas and requires that an 8-foot tall privacy fence be installed on the perimeter of the outdoor storage area to screen from adjacent right of ways and properties. The rationale for these regulations is to create a more visually attractive and orderly environment for neighbors, and to promote new development and redevelopment activity. We strongly advise against removing this requirement, but this is a policy decision for the City.

5. Page 188, Section 17.701, strike 17.701.B. This paragraph establishes the authority of the Development Administrator to determine whether a property owner seeking to establish the legal nonconforming status of their property has provided adequate proof. This is not a new delegated power to the Development Administrator. The same power is in the current UDO. There is a reasonable expectation that a property owner who wants to avail themselves of the protections afforded in the nonconforming regulations demonstrate that they are in fact a legal nonconformity. The Development Administrator is the appropriate City Official to do so, and the UDO provide examples of adequate proof in paragraph in 17.702.C. We strongly advise against deleting this delegated authority.

6. Page 189, Section 17.703, strike A and note there is no Section 17.706. This paragraph establishes the City's general policy to eliminate nonconformities, and bring all properties into compliance with the new UDO. This also serves to bolster the development goals and objectives of the Comprehensive Plan. In addition, this is not a

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new policy. Similar language is found in the current UDO making this a long established policy of the City. We advise against removing this language, but consistent with our discussions at the public hearing, the nonconforming regulations can be modified to lessen their effect. This is a policy decision for the City. The reference to Section 17.706, as we explained, is in error and should be stricken and replaced with a more general statement that the elimination of nonconformities should be done in accordance with this chapter.

Page 189, Section 17.703, strike “subject to the regulations” in paragraph B. This paragraph establishes that once nonconforming status has been determined, the nonconformity may continue subject to the nonconforming regulations. Removing this will defeat the entire purpose of the nonconforming chapter. We strongly advise against removing this language.

The final three points made in Mr. Subach’s letter seek to extend timelines pertaining to certain nonconformities in paragraphs 17.703(c), 17.703.2.a, and 17.704.B.2. These are policy decisions for the City.

We also want to verify that we agree with Mr. Subach’s interpretation of Section 17.703.C. Nonconforming status runs with the property and can be conveyed to subsequent property owners. We think additional clarification should be added if the City desires to enable subsequent lessees to avail themselves of nonconforming status.

2. Responses to Subach’s Land Use Suggestions.

In other correspondence, Mr. Subach provides alternative land uses to be permitted or special uses in the C-3 District. As noted during the hearing, decisions on permitted or special land uses should be considered qualitatively, taking into account how each reflects the purpose of the zoning district and potentially impacts neighbors. A number of the uses suggested to be permitted in the C-3 are potentially impactful to adjacent residential neighbors and not all may be considered appropriate for the C-3. Should the City, as a matter of policy, decide that uses listed by Mr. Subach be allowed in the C-3, we recommend that those having potential for excessive noise, outdoor storage that cannot be reasonable screened, or may have spill off effects to the right of way, be added to the district as special uses; the same consideration should be given to the special uses proposed in Mr. Subach's materials.

3. Response to Camillucci April 18, 2022 Letter.

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In an April 18th, 2022 letter, Mr. Karl Camillucci of the Taft/ law firm (representing Gullo International Development Corp) raises several questions. The first relates to notice for the public hearing (this question was previously addressed in this memo). The primary concern raised is regarding the minimum 20 acre development required in the Thorndale Interchange Overlay (TIO). Mr. Camillucci notes that the standard would require greater resources to acquire 20 acres and process development through the PUD process and available to a small land owner. He also raises concerns that some properties are in both the TIO and TCC overlays, creating further confusion and difficulty developing. However, properties suggested for the TIO that are currently in the TCC would be removed from the TCC. Mr. Camillucci further indicates that the regulations will reduce the number of buyers for a given property and that such challenges of using and selling property would be exacerbated by the updated non conforming rules (again, this question was previously addressed in this memo). He notes the result of these changes would be a loss in property values. Finally, the letter suggests that the 20 acre threshold not a requirement, but an incentive, so that those developing 20 acres or greater could receive bonuses and increase height, lot cover and FAR. Adopted these changes is ultimately a City policy decision; the reasons the changes are included in the draft UDO are described below.

The intent of the draft TIO is to require larger scale development, which is reflective of the policy direction in the Comprehensive Plan. It is focused around the interchange of I390 and Wood Dale Road, as current development trends show the type of developments envisioned in the Comprehensive Plan locate at high traffic volume interchanges, which support high quality, mixed use, gathering areas. By requiring larger development areas, the district seeks to avoid smaller redevelopments that could inhibit the possibility of the larger developments noted in the plan. Having these developments occur as PUDs allows the City thoughtful involvement in the approval process to ensue planning and development goals are met. As to the concern that large developments or acquiring multiple properties is a challenge, it should be noted that large developments that consolidate property have been occurring in the City on Washington Street, Wood Dale Road (HSBC) and Bryn Mawr.

As with other requirements, the TIO draft reflects policy choices on how development regulations can best manage current property use to encourage desirable redevelopment. So, there are alternatives. As suggested, the 20 acre threshold could be an incentive. In addition, the area designated for the TIO could be reshaped or reduced, or the 20 acre minimum could be reduced (it should be noted the 20 acre threshold was based on review of model developments in the area that were

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approximately 30 acres in size, but were noted down to 15 acres. Again, these are policy choices for the City.



COMMUNITY DEVELOPMENT COMMITTEE MINUTES

SPECIAL CALL

Committee Date: April 25, 2022
Present: Jaime Ochoa, Richard Petersen, David Woods, Jack Surma
Jay Babowice, Teresa Szatko
Absent: Dave Shimanek
Also Present: Gosia Pociecha, Attorney Sean Conway, Michael Blue
David Silverman, Attorney Karl Camillucci, Bruce Larsen
Attorney Marshall Subach, Carrie Savicas, Brian Paul
Attorney Anthony Trotto, Kevin Shields, Robert Emmert
Andrea Emmert, Roger Dickens, Mike Latoria
and approximately 15 other people

Meeting Convened at: 7:00 p.m.

CALL TO ORDER

Chairman Ochoa called the meeting to order at 7:00 P.M. A roll call vote was taken and a quorum was present. Attorney Conway will act as the meeting facilitator.

APPROVAL OF THE MINUTES:

The minutes of the April 18, 2022 meeting were approved as presented.

PUBLIC HEARINGS

CASE NO. CDC-2022-0002

As explained by Attorney Conway, this meeting is being conducted as a Special Call and is a continuation of the Public Hearing initially conducted on March 21, 2022 and continued on April 18, 2022. The City of Wood Dale is proposing a comprehensive rewrite of the Unified Development Ordinance (UDO), Chapter 17 of the Municipal Code, and rezoning of certain properties on the City's Zoning Map. The purpose of the Public Hearing will be consider the following Articles of the proposed UDO: V, VI, VIII, IX, X and XI and to enter into deliberation and take action on the CDC's recommendation regarding the entire proposed comprehensive rewrite of the Unified Development Ordinance (UDO), Chapter 17 of the Municipal Code, and rezoning of certain properties on the City's Zoning Map.

DISCUSSION

Attorney Karl Camillucci, representing Gullo International Development Corp, owners of several properties located in the C-2 District, the TCC District as well as within the TIO District in the City of Wood Dale raised questions regarding off-street parking and legal non-conforming uses as the proposed re-write would affect those properties. Attorney Silverman responded to those questions. Attorney Camillucci reiterated his concerns regarding proper notice. In addition, he offered that while many of the issues as proposed are categorized as policy decisions which will ultimately be decided by the City Council, that the CDC is, in fact, a part of these policy decisions. He also looked at these proposed changes as detrimental to future development and urged that the rewrite as proposed be denied. Business owners or property owners who would be affected by this rewrite reiterated their objections to the terms of the revision, issues which were discussed at both previous hearings: the reduction in allowable uses as proposed, the lack of notice, the perceived resultant devaluation of properties and the language relating to legal non-conforming uses. Questions arose as to why property or business owners with vested interests in this matter were not included in the discussions and decisions made by the steering committee who worked with the consultants in developing this rewrite. The possibility of creating an overlay district for the areas affected was again brought up for consideration as a means of ameliorating the effect of any zoning changes. Attorney Subach reviewed the April 21 and April 24 responses from Attorney Silverman to his letters of April 15th and 18th outlining his objections to the proposed rewrite of the UDO. In addition, he submitted his revised list of approved allowable uses to be considered. Based on all of the testimony presented, the consensus opinion indicated that more work needed to be done on the rewrite of the UDO before making a decision. Chairman Ochoa urged all interested parties to discuss their concerns with their aldermen. All comments as presented by attendees and their representatives concluded and the Public Hearing was closed at 9:10 P.M.

Note: All of the submittals as presented and distributed by business/property owners, city consultants, attorneys, et al will be kept on record as part of the petition file.

RECOMMENDATION

Chairman Ochoa made a motion, seconded by Ms. Szatko, that based on the submitted petition and the testimony presented, the proposed comprehensive rewrite of the Unified Development Ordinance (UDO), Chapter 17 of the Municipal Code and rezoning of certain properties are consistent with the Comprehensive Plan are in keeping with the purpose and intent of the UDO, are in promotion of the health, comfort, safety and general welfare of the City's community and, therefore, I move that the Community Development Commission adopt the findings of fact included within the staff memo dated April 25, 2022 as the findings of the Community Development Commission and recommend to the City

Council approval of the comprehensive rewrite of the Unified Development Ordinance (UDO), Chapter 17 of the Municipal Code and rezoning of certain properties with the additional following recommendations:

1. Review of the proposed table of permitted uses in relation to the proposed C1, C2, C2a and C3 districts;
2. Review of the proposed nonconforming regulations in Article VII related to the sale or lease of nonconforming property and any impact of property values;
3. Review of the proposed Thorndale Interchange Overlay District;
4. Review of the proposed list of authorized variations;
5. Review of the proposed definitions including the definition of junkyard;
6. The potential establishment of an additional steering committee, if prudent.

A roll call vote was taken with the following results:

Ayes: Ochoa, Surma

Nays: Babowice, Petersen, Szatko, Woods

Motion fails.

STAFF LIAISON REPORT

There will be a meeting of the CDC on May 16, 2022.

ADJOURNMENT

The meeting was adjourned at 9:45 P.M.
















Minutes taken by Marilyn Chiappetta

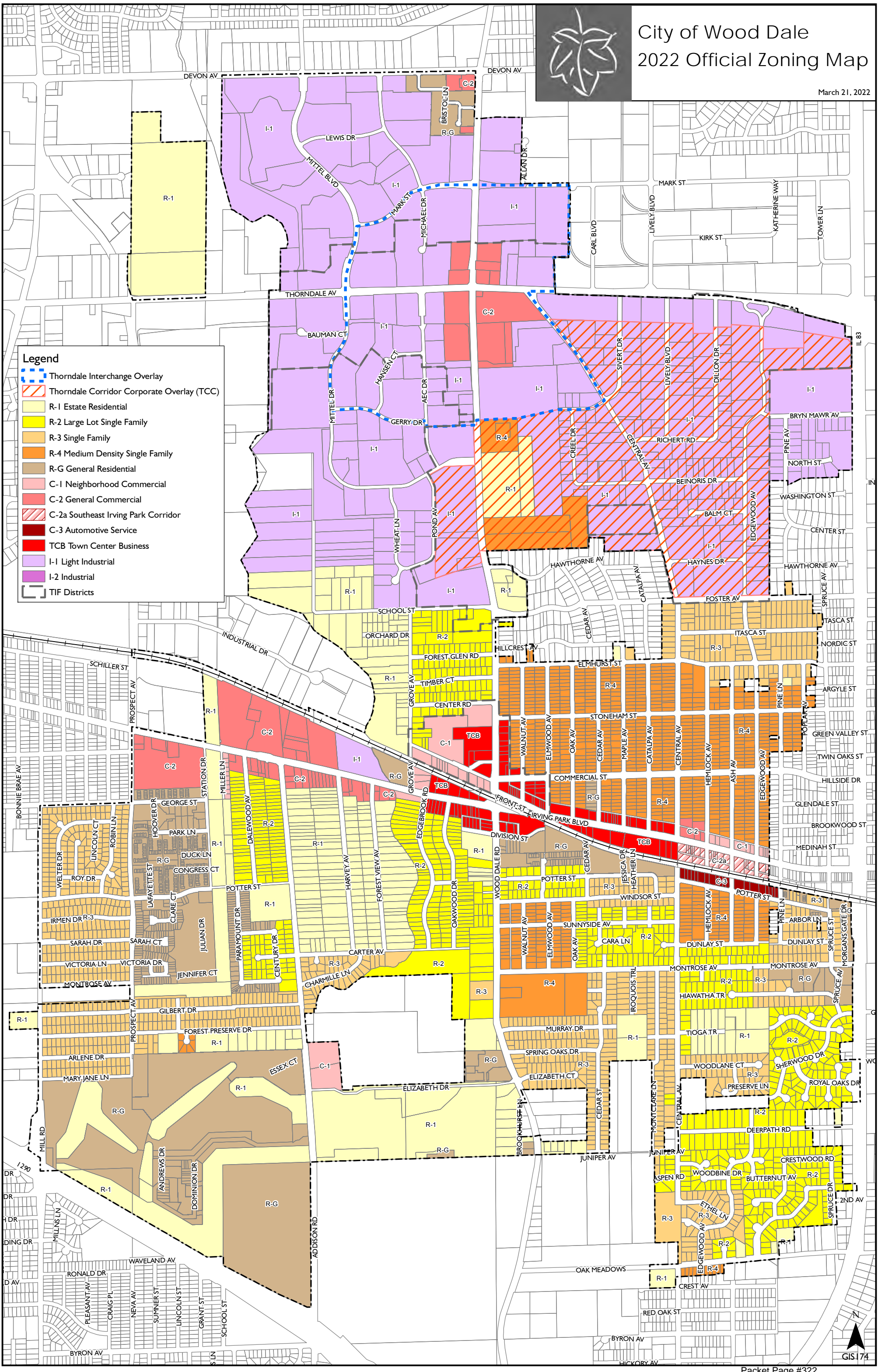


City of Wood Dale 2022 Official Zoning Map

March 21, 2022

Legend

-  Thorndale Interchange Overlay
-  Thorndale Corridor Corporate Overlay (TCC)
-  R-1 Estate Residential
-  R-2 Large Lot Single Family
-  R-3 Single Family
-  R-4 Medium Density Single Family
-  R-G General Residential
-  C-1 Neighborhood Commercial
-  C-2 General Commercial
-  C-2a Southeast Irving Park Corridor
-  C-3 Automotive Service
-  TCB Town Center Business
-  I-1 Light Industrial
-  I-2 Industrial
-  TIF Districts





REQUEST FOR COMMITTEE ACTION

Referred to Committee: May 12, 2022
Subject: 160 Pine Ln, Rezoning Upon Annexation from R-1 to R-4 and Lot Consolidation
Staff Contact: Gosia Pociecha, Senior Planner
Department: Community Development Department

TITLE: Rezoning Upon Annexation from R-1 to R-4 and Lot Consolidation for 160 Pine Ln (Formerly known as 5N510 and 5N514 N Pine Lane)

RECOMMENDATION:

Staff concurs with the Community Development Commission's unanimous recommendation (6 to 0) to approve the requested rezoning upon annexation from R-1 to R-4 Medium Density Single-Family Residential and lot consolidation.

BACKGROUND:

At the April 18, 2022 Community Development Commission (CDC) meeting, a public hearing was conducted for the requested rezoning upon annexation from R1 to R4 and lot consolidation. Testimony was provided and the CDC recommended approval of the request.

ANALYSIS:

The subject property, commonly to be known as 160 Pine Lane, is located near the intersection of Pine Lane and Potter Street. The property consists of two vacant lots. The lots are being consolidated and rezoned to fit within the surrounding R-4 zoning district and applicable lot standards. The property owner is requesting the annexation, lot consolidation and rezoning, in order to construct a new single-family residence.

The CDC found that the proposed rezoning to R-4, Medium Density Single Family and lot consolidation is consistent with the Comprehensive Plan. As such, the CDC recommended approval by a vote of 6 to 0.

DOCUMENTS ATTACHED

- ✓ CDC Staff Memorandum
- ✓ CDC Draft Meeting Minutes

CITY OF WOOD DALE

Community Development



MEMO

DATE: April 18, 2022

TO: Community Development Commission

FROM: Gosia Pociecha, AICP, Senior Planner

SUBJECT: Case No. CDC-2022-0001, Lot Consolidation & Rezoning upon annexation from R-1 to R-4, 5N510 and 5N514 N Pine Lane (to be known as 160 Pine Ln)

REQUEST

An application has been filed by Dulce and Marco Guzman for lot consolidation and zoning map amendment (rezoning) of residential property located at 5N510 and 5N514 N Pine Lane (to be known as 160 Pine Ln). Currently, the property is unincorporated. Upon annexation, the property would be zoned R-1, Estate Residential. The request is to rezone the subject property upon annexation from R-1, Estate Residential, to R-4, Medium Density Single Family.

PROPERTY INFORMATION

Site Address: 5N510 and 5N514 N Pine Lane (to be known as 160 Line Lane)
PINs: 0315217015, 0315217016
Property Size: 0.3 Acres (approx. 13,129 square feet) combined
Existing Land Use: Single Family Residential
Future Land Use: Single Family Residential
Existing Zoning: R-4 (Single Family) DuPage County Unincorporated

Surrounding Zoning / Land Use

North: R-4 (Medium Density Single Family) / Single Family Residential
South: Unincorporated / Vacant
East: R-3 (Single Family) / Single Family Residential
West: R-4 (Medium Density Single Family) / Single Family Residential

ANALYSIS

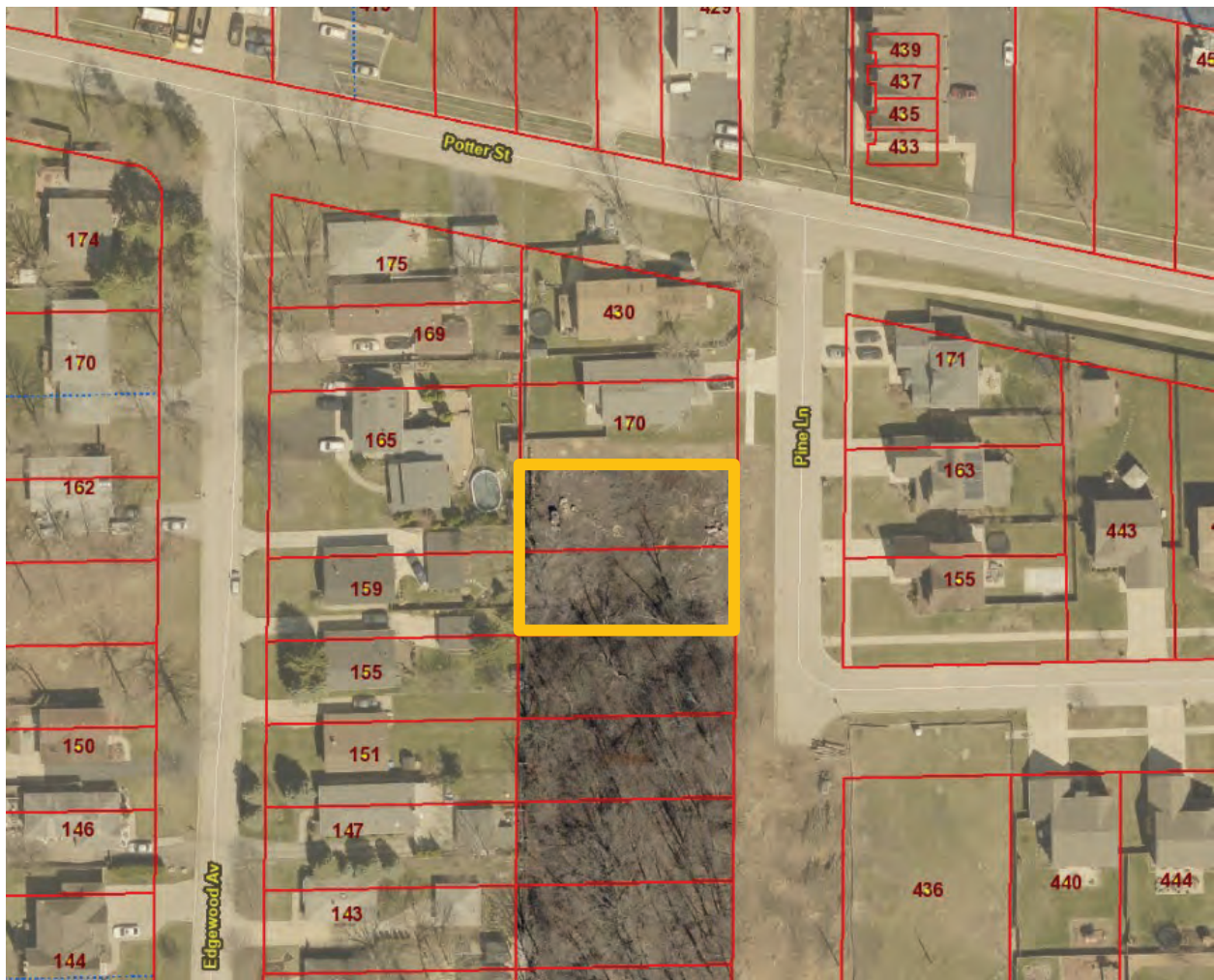
Submittals

The analysis and recommendation provided in this memo are based on the following documents, which are on file in the Community Development Dept. and attached as noted:

- Public Hearing Application
- Proof of Ownership
- Plat of Survey (Exhibit A)
- Petitioner Narrative (Exhibit B)
- Petition for Voluntary Annexation (Exhibit C)
- Plat of Annexation (Exhibit D)
- Plat of Subdivision (Exhibit E)

Project Description

The subject properties are located at 5N510 and 5N514 N Pine Lane, (PIN 0315217015, 0315217016) near the intersection of Pine Lane and Potter Street (see the location map below) in Unincorporated DuPage County. Upon annexation and lot consolidation, the address will be changed to: 160 Line Lane, Wood Dale, IL 60191. Currently, the property is classified R-4, Single Family, according to DuPage County Unincorporated Zoning. The property consists of two vacant lots (Exhibit A). Dulce and Marco Guzman are the owners of the property and the petitioners.



The applicants have petitioned for voluntary annexation in order to construct a new single-family residence on the subject property. Upon annexation they are requesting lot consolidation of the two lots into one and rezoning from R-1, Estate Residential - which is the default zoning designation for all annexed property - to R-4, Medium Density Single-Family (Exhibit B). The annexation petition is included with this request as the rezoning is contingent upon the annexation (Exhibits C and D).

Compliance with the Comprehensive Plan

The property is designated as Single Family Residential in the Future Land Use Map of the Comprehensive Plan. The Single Family Residential land use category for properties located in the southeast area of the City is intended to preserve the primarily single-family homes with some townhomes near the Metra station. It has less of a grid street network and more parks and green spaces throughout.

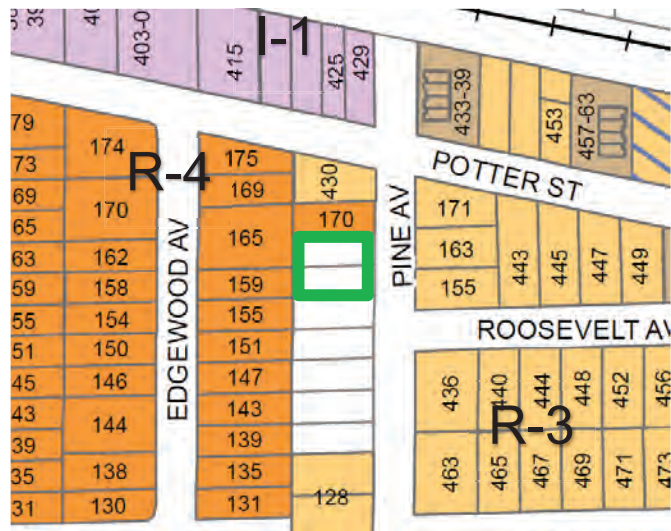
The proposed development will help the City in achieving Goal 2, Objective 6: Pursue annexation of locations that can add value to the City by incorporating desired business, residential sites, or recreational function by supporting voluntary annexation of residential property.

The requested rezoning to R-4, Medium Density Single Family, will support the use of the property as a single-family home and is consistent with the Comprehensive Plan.

Compliance with the Unified Development Ordinance (UDO)

Lot Development Standards

Upon annexation, the subject property will be designated as R-1, Estate Residential, by default. The petitioners have requested a rezoning from the default R-1 zoning to R-4, Medium Density Single Family to be consistent with the surrounding zoning district. A Type 4 Building is allowed to be constructed in the R-4 Zoning Districts. The property consists of two lots, however, the petitioners are seeking to consolidate the two lots into one larger one to accommodate construction of a residence.



The subject property meets the minimum R-4 lot standards set forth in the UDO with the exception of the lot depth (per table below). However, most of the lots in the surrounding R-4 districts are similarly sized (including the same lot depth), hence this zoning designation is the most appropriate and is compliant with the UDO.

	R-1 Lot Standards	R-4 Lot Standards	5N510 & 5N514 Pine (160 Pine Ln) Consolidated
Lot Width (min.)	100 Ft.	50 Ft.	100 Ft.
Lot Depth (min.)	150 Ft.	150 Ft.	130 Ft.
Lot Size (min.)	15,000 Ft. ²	7,500 Ft. ²	13,129 Ft. ²
Lot Coverage (max.)	40%	40%	Vacant
Front Built-to-Line	25 Ft.	25 Ft.	20 Ft. (recorded)
Side Setback	10 Ft. or 10% (whichever is less)	10 Ft. or 10% (whichever is less)	Vacant
Rear Setback (min.)	30 Ft.	30 Ft.	Vacant
Building Coverage (max.)	30%	30%	Vacant
Height (max.)	30 Ft.	30 Ft.	Vacant

Neighborhood Comment

Notice was provided to adjacent property owners in accordance with Section 17.401.D of the UDO. A public hearing sign was placed at the subject property and a public hearing notice published in Daily Herald on April 1, 2022. Staff did not receive any inquiries regarding the petition as of April 13, 2022.

Findings of Fact

Subdivision Plat Standards

The Community Development Commission may recommend approval of a Lot Consolidation **unless** it makes finding of the following standards. The standards are as follows (*staff comments italicized*):

1. The design and layout of the subdivision does not conform to the provisions of this chapter;

The design and layout of the subdivision does conform to the provisions of this chapter. The standard is not met.

2. The applicant has not made adequate provision to install improvements required by the community development commission or city council under authority of this chapter;

This standard is not applicable as the applicant intends to have the properties serviced by existing improvements.

3. The final subdivision or development plan fails to comply with an approved preliminary plat/plan;

This standard is not applicable as this petition is concurrently approving the concept, preliminary, and final plat of subdivision.

4. The plat does not conform with the comprehensive plan, the official map, this chapter, city ordinances, or established planning and development policies of the city;

The plat does conform with the comprehensive plan, the official map, this chapter, city ordinances, and established planning and development policies of the city. The standard is not met.

Rezoning

The Community Development Commission may recommend approval of a map amendment upon compliance with the Comprehensive Plan and Unified Development Ordinance. As stated previously, the requested rezoning of the subject property from R-1, Estate Residential, upon annexation to R-4, Medium Density Single Family, is consistent with both the Comprehensive Plan and the Unified Development Ordinance.

RECOMMENDATION

The Community Development Department finds that the request for lot consolidation and map amendment (rezoning) of residential property located at 5N510 and 5N514 N Pine Lane (to be known as 160 Pine Ln) from a default R-1, Estate Residential, upon annexation to R-4, Medium Density Single-Family, is compatible with surrounding zoning and land use classifications, meets the requirements in the Unified Development Ordinance and is consistent with the City's Comprehensive Plan. Based on the above considerations, staff recommends that the Community Development Commission make the following motion recommending approval of this petition:

Based on the submitted petition and the testimony presented, the proposed lot consolidation and map amendment (rezoning) is consistent with the Unified Development Ordinance and Comprehensive Plan; and, therefore, I move that the Community Development Commission adopt the findings of fact included within the staff memo dated April 18, 2022 as the findings of the Community Development Commission, and recommend to the City Council approval of lot consolidation and map amendment (rezoning) for 5N510 and 5N514 N Pine Lane (to be known as 160 Pine Ln) in Case No. CDC-2022-0001.

(Yes vote would be to approve; No vote would be to deny)

PLAT OF SURVEY OF

THE NORTH 50 FEET OF THE SOUTH 450 FEET OF LOT 14 AND ALSO THE NORTH 50 FEET OF THE SOUTH 400 FEET OF LOT 14, ALL IN BLOCK 50 IN FIRST ADDITION TO PERCY WILSON'S IRVING PARK MANOR, A SUBDIVISION IN SECTIONS 10, 11, 14 AND 15, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 7, 1926 AS DOCUMENT 213044, IN DUPAGE COUNTY, ILLINOIS.

LEGEND	
A = ASSUMED	NW = NORTHWEST
C = CALCULATED	P.O.B. = POINT OF BEGINNING
CH = CHORD	P.O.C. = POINT OF COMMENCEMENT
CL = CENTERLINE	R = RECORD
D = DEED	RAD = RADIUS
E = EAST	R.O.W. = RIGHT OF WAY
F.I.P. = FOUND IRON PIPE	S = SOUTH
F.I.R. = FOUND IRON ROD	S.I.P. = SET IRON PIPE
FT. = FEET/FOOT	S.I.R. = SET IRON ROD
L = ARC LENGTH	SE = SOUTHEAST
M = MEASURED	SW = SOUTHWEST
N = NORTH	W = WEST
NE = NORTHEAST	

	= CHAIN LINK FENCE
	= WOOD FENCE
	= METAL FENCE
	= VINYL FENCE
	= EASEMENT LINE
	= SETBACK LINE
	= INTERIOR LOT LINE

AREA OF SURVEY:
"CONTAINING 13,116 SQ. FT. OR 0.30 ACRES MORE OR LESS"

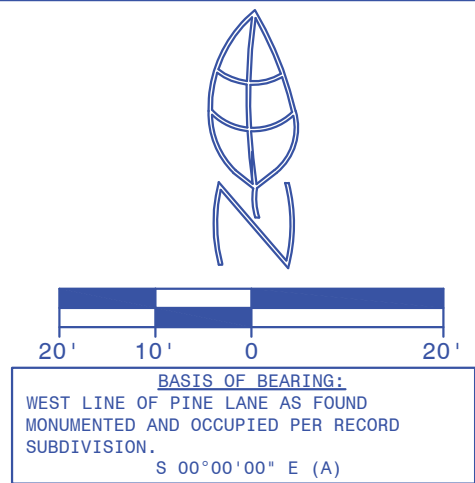
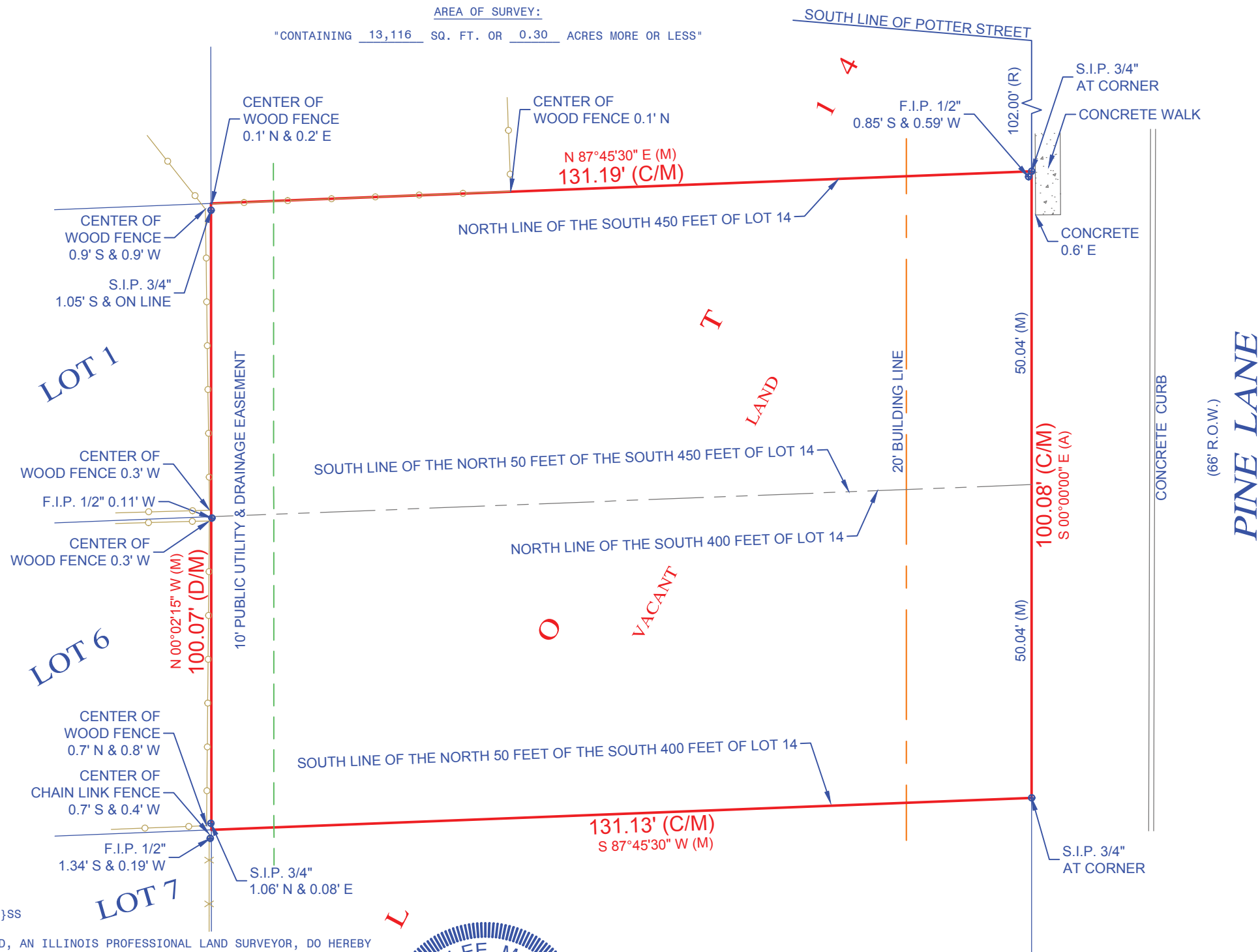


Exhibit A
CDC-2022-0001



Morris Engineering, Inc.
515 Warrenville Road, Lisle, IL 60532
Phone: (630) 271-0770
FAX: (630) 271-0774
WEBSITE: WWW.ECIVIL.COM

STATE OF ILLINOIS }SS
COUNTY OF DUPAGE }

I, THE UNDERSIGNED, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT "THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY," AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY.

DATED, THIS 7TH DAY OF APRIL, A.D., 2022,
AT LISLE, ILLINOIS.

J. L. Morrison
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-2317
LICENSE EXPIRATION DATE NOVEMBER 30, 2022
ILLINOIS BUSINESS REGISTRATION NO. 184-001245



NOTE:

- ALL TIES SHOWN ON THIS SURVEY ARE MEASURED TO THE BUILDING'S SIDING (BRICK, FRAME, STUCCO, METAL, ETC.) AND NOT TO THE FOUNDATION, UNLESS NOTED OTHERWISE.
- ROOF LINES AND OVERHANGS ARE TYPICALLY NOT SHOWN HEREON.
- COMPARE ALL DISTANCES AND POINTS IN FIELD AND REPORT ANY DISCREPANCIES TO SURVEYOR AT ONCE.
- NO DIMENSIONS SHALL BE ASSUMED BY SCALING.

ADDRESS COMMONLY KNOWN AS VACANT LOTS, PINE LANE
WOOD DALE, ILLINOIS

CLIENT DULCE GUZMAN

FIELDWORK DATE (CREW) 04/06/2022 (BV/JN)

DRAWN BY: R.S. REVISED: J.P. Packet Page #329-0571

Dulce & Marco A. Guzman
2403 Geneva Avenue
Northlake, IL 60164

Exhibit B
CDC-2022-0001

February 17, 2022

City of Wood Dale
Department of Community Development
404 N. Wood Dale Rd.
Wood Dale, IL 60191

Dear Sir/Madam:

We, Dulce & Marco A. Guzman are the owners of two (2) vacant lots with the common address 5N514 Pine Lane & 5N510 Pine Lane, Wood Dale, IL 60191 with Property Index Numbers:

03-15-217-015

03-15-217-016

We plan to construct our aging home at said location and are asking for your consideration for the consolidation of these two lots to the City of Wood Dale.

Standards for Final Plat

- a) **The design and layout of the subdivision does not conform to the provision of the UDO.**

With an immense amount of planning and revision, it is in our best interest to believe that the design and layout of the lot consolidation will conform to the Unified Development Ordinance.

- b) **The applicant has not made adequate provision to install improvements required by the Community Development Commission or City Council under authority of the UDO.**

We will work closely with the appropriate City of Wood Dale representative assigned to us in order to ensure that all required provisions are being followed in accordance with the City of Wood Dale.

- c) **The final plat fails to comply with the approved Preliminary Plat.**

The final plat will properly comply with the Preliminary Plat.

- d) The Plat does not conform to the Comprehensive Plan, the Official Zoning Map, Article IV of Chapter 17 (UDO), City ordinances, or established planning policies of the City.**

The final plat will meet all requirements as required by subsections C, D, and F of Section 17.406 of Chapter 17, Article IV of the Municipal Code.

We greatly appreciate your consideration for this Lot Consolidation request. We look forward to working very closely with all relevant representatives to ensure this process is as painless and straightforward as possible.

Sincerely,

Dulce & Marco A. Guzman

PETITION FOR ANNEXATION

Exhibit C
CDC-2022-0001

TO: CITY CLERK
OF THE CITY OF WOOD DALE
DUPAGE COUNTY, ILLINOIS

The undersigned Petitioner(s) state, on oath, as follows:

1. This Petition for Annexation is presented to the City of Wood Dale pursuant to 65 ILCS 5/7-1-8.

2. The Property subject to this Petition ("Subject Property") bears the common address: 5N514 Pine Lane & 5N510 Pine Lane, Wood Dale, IL 60191, and is legally described as follows and bears the following Property Index Numbers:

03-15-217-015

03-15-217-016

The Subject Property is currently vacant.

3. The Subject Property is owned by:

Dulce & Marco A. Guzman

[Note, if the Property is owned by a Partnership, Corporation, Land Trust or Limited Liability Company, the appropriate form must be executed.]

NOTE: A copy of the Deed to the Subject Property must accompany this Petition.

As of the date of the filing of this Petition there are _____ electors residing on the Subject Property. Of these electors, no less than 51% approve of the filing of this Petition, as signified by their signatures as follows: [If there are no electors, please state "NONE"]

Printed Name/Signature Address

Printed Name/Signature Address

Printed Name/Signature Address

[If additional space for signatures of electors is necessary, please add to this Petition].

4. That the Subject Property lies contiguous to the following rights-of-way:
Pine Lane

5. The undersigned Petitioner(s) hereby request that the Subject Property be annexed to and become part of the City of Wood Dale, County Of DuPage, State of Illinois. Said Subject Property is not within the corporate limits of any municipality. Said Subject Property is contiguous to the City of Wood Dale, Illinois.

6. The undersigned Petitioner(s) understand and acknowledge that as a result of the determination to voluntarily annex the Subject Property to the City of Wood Dale, the Subject Property shall become subject to all of the laws of the City of Wood Dale.

7. That pursuant to the Illinois Statutes relative to annexation of property, when and if the said Subject Property is annexed to the City of Wood Dale, the new boundaries of the City of Wood Dale shall extend to the far side of the Subject Property and such new boundaries shall include all of every right-of-way within the area annexed.

Further affiants sayeth not.

AFFIDAVIT

The undersigned, being all of the Owners of Record and electors residing on the Subject Property as described herein, each being first duly sworn on oath, state that they have read the foregoing Petition for Annexation and each of them have subscribed thereto, and the facts as stated therein are true and correct.

Owners of Record: (Each signature must be made before a Notary)

[Redacted signature]

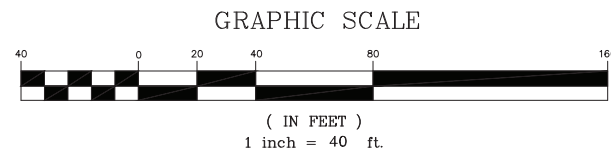
[Redacted signature]

SUBSCRIBED TO and SWORN BEFORE
me this 5th day of April, 2022.

[Redacted signature]

NOTARY PUBLIC





PLAT OF ANNEXATION

Exhibit D
CDC-2022-0001
DRAFT

BEARINGS ARE SHOWN FOR ANGULAR REFERENCE ONLY AND ARE NOT REQUIRED TO BE OR MAGNETIC NORTH

LEGEND

- = CITY OF WOOD DALE (M) = MEASURED
- = ANNEXATION (R) = RECORD
- = DUPAGE UNINCORPORATED (D) = DEED

PROPERTY DESCRIPTION

THE NORTH 50 FEET OF THE SOUTH 450 FEET OF LOT 14 AND ALSO THE NORTH 50 FEET OF THE SOUTH 400 FEET OF LOT 14, ALL IN BLOCK 50 IN FIRST ADDITION TO PERCY WILSON'S IRVING PARK MANOR, A SUBDIVISION IN SECTIONS 10, 11, 14 AND 15, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 7, 1926 AS DOCUMENT 213044, IN DUPAGE COUNTY, ILLINOIS.

PIN 03-15-217-015 & 03-15-217-016
TOTAL LAND AREA 13,130 SQ. FT.

PROPERTY OWNER'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DU PAGE) SS

THIS IS TO CERTIFY THAT THE UNDERSIGNED IS THE LEGAL OWNER OF THE LAND DESCRIBED ON THE ATTACHED PLAT, AND HAS CAUSED THE SAME TO BE SURVEYED, SUBDIVIDED AND/ OR DEDICATED, AND PLATTED AS SHOWN BY THE PLAT FOR THE USES AND PURPOSES INDICATED THEREON AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE THEREON INDICATED.

DATED THIS _____ DAY OF _____, AD 2021

OWNER (PRINT) _____ SIGNATURE _____

ADDRESS _____

OWNER (PRINT) _____ SIGNATURE _____

ADDRESS _____

NOTARY CERTIFICATE OF PROPERTY OWNER

STATE OF ILLINOIS)
COUNTY OF DU PAGE) SS

I, _____ A NOTARY PUBLIC IN AND FOR SAID COUNTY IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT _____ PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S), WHOSE NAME(S) ARE SUBSCRIBED TO THE FORGOING INSTRUMENTS AS SUCH OWNER(S), APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED THE PLAT AS THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIES SEAL, THIS _____ DAY OF _____, AD 2021 AT WOOD DALE, ILLINOIS.

NOTARY PUBLIC _____ (SEAL)

CITY COUNCIL CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DU PAGE) S.S

THE ANNEXED PROPERTY SHOWN ON THE ABOVE PLAT OF ANNEXATION IS IDENTIFIED AS THAT INCORPORATED AND MADE A PART OF CITY OF WOOD DALE BY ORDINANCE NO. _____ ADOPTED BY THE COUNCIL OF SAID CITY ON THE _____ DAY OF _____, AD 2021.

BY: _____ ATTEST: _____
MAYOR CLERK

COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DU PAGE) S.S

THIS INSTRUMENT NUMBER _____ WAS FILED FOR RECORDING IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS, THIS _____ DAY OF _____, AD 2021, AT _____ O'CLOCK ____ M.

BY: _____
COUNTY RECORDER

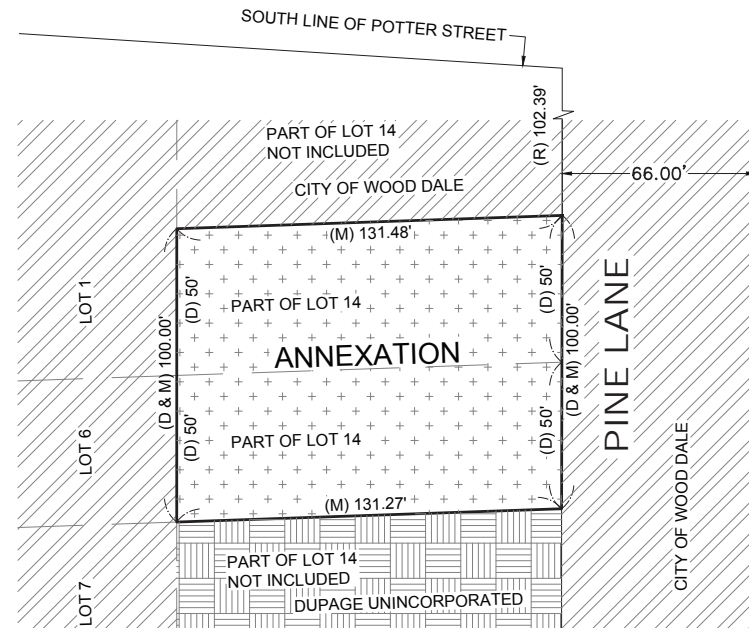
SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DU PAGE) S.S.

THIS IS TO CERTIFY THAT ANDREW SPIEWAK LAND SURVEYOR, INC., HAVE PREPARED THE MAP HEREON FROM OFFICIAL RECORDS FOR THE PURPOSE OF ANNEXING THE SAME INTO THE CITY OF WOOD DALE, ILLINOIS, AND THE MAP HEREON DRAW IS A CORRECT REPRESENTATION OF THE THE PROPERTY TO BE ANNEXED. GIVEN UNDER MY HAND AND SEAL, AT PARK RIDGE, COOK COUNTY, ILLINOIS, THIS 31ST DAY OF MARCH, 2022 A.D.

ANDRZEJ F. SPIEWAK, ILLINOIS PROFESSIONAL LAND SURVEYOR
LICENSE NO.: 035.003178, EXPIRES: 11/30/2022

ANDREW SPIEWAK LAND SURVEYOR, INC.
D.B.A., SPIEWAK CONSULTING
PROFESSIONAL DESIGN FIRM, LAND SURVEYING CORPORATION NO.:184.006518
LICENSE EXPIRES 04/30/2023
1030 W. HIGGINS RD. SUITE 218 PARK RIDGE, IL 60068



SUBMITTED BY: _____
RETURNED TO: 404 N. WOOD DALE RD.
WOOD DALE, IL 60191

ANDREW SPIEWAK LAND SURVEYOR, INC. DBA. SPIEWAK CONSULTING PROFESSIONAL DESIGN FIRM LICENSE NO.:184.006518 1030 W. HIGGINS RD. SUITE 218 PARK RIDGE, IL 60068 phone: (773)853-2672 (630) 351-9489 www.landsurveyors.pro andrew@landsurveyors.pro	REV. DATE	REV. DESCRIPTION
	FIELD WORK COMPLETED 01/19/2021	
	JOB # 016-21 ANNEXATION	SHEET 1 OF 1
CLIENT: DULCE GUZEMAN 5N517 & 5N510 PINE LANE WOOD DALE, IL60191	LOCATION: 5N517 & 5N510 PINE LANE WOOD DALE, IL60191	

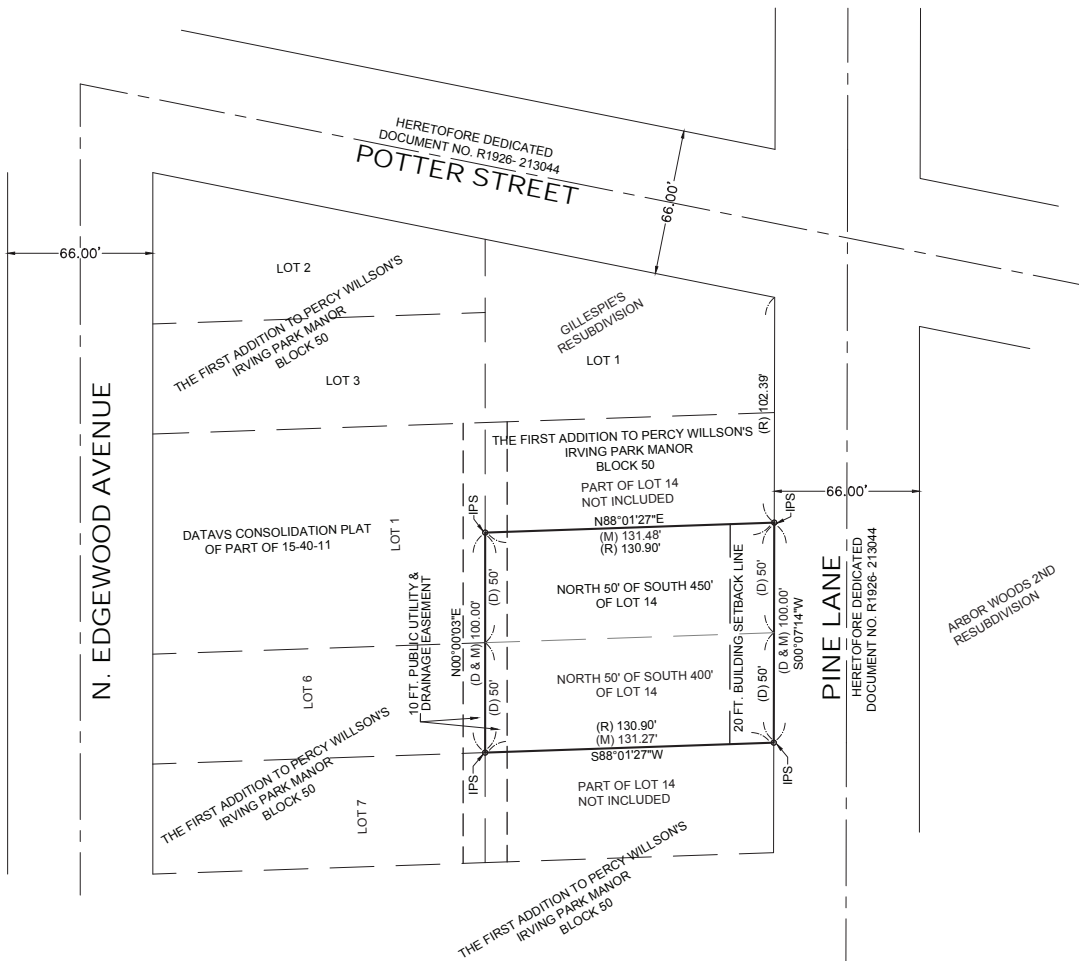
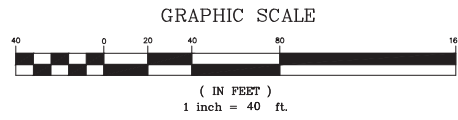
DUPAGE CO RECORDER PAGE ____ OF ____

GUZMAN'S SUBDIVISION

BEING A RESUBDIVISION OF PART OF LOT 14 IN BLOCK 50 IN FIRST ADDITION TO PERCY WILSON'S IRVING PARK MANOR, IN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DUPAGE COUNTY, ILLINOIS.

Exhibit E
CDC-2022-0001

DRAFT



OWNER'S CERTIFICATE

STATE OF ILLINOIS)) SS
COUNTY OF DUPAGE)

THIS IS TO CERTIFY THAT IS THE OWNER OF THE LAND DESCRIBED IN THE FOREGOING SURVEYOR'S CERTIFICATE AND HAS CAUSED THE SAME TO BE SURVEYED, SUBDIVIDED AND PLATTED AS SHOWN ON THE ANNEXED PLAT FOR THE USES AND PURPOSES THEREIN SET FORTH ALLOWED AND PROVIDED BY STATUTE, THE SUBDIVISION TO BE KNOWN AS "PERCY WILSON'S IRVING PARK MANOR SUBDIVISION," CITY OF WOOD DALE, DUPAGE COUNTY, ILLINOIS AND DOES HEREBY ACKNOWLEDGE AND ADOPT SAME UNDER THE AFORESAID STYLE AND TITLE.

DATED THIS ___ DAY OF _____, 20__

BY: _____
OWNER(S)

NOTARY CERTIFICATE

STATE OF ILLINOIS)) SS
COUNTY OF DUPAGE)

I, _____, A NOTARY PUBLIC IN AND FOR THE AFORESAID STATE AND COUNTY DO HEREBY CERTIFY THAT _____, PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S), WHOSE NAME(S) IS(ARE) SUBSCRIBED TO THE FOREGOING CERTIFICATE AS SUCH OWNER(S), APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THE EXECUTION OF THE ANNEXED PLAT AND ACCOMPANYING INSTRUMENTS FOR THE USES AND PURPOSES THEREIN SET FORTH AS HIS(THEIR) OWN FREE AND VOLUNTARY ACT.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS ___ DAY OF _____, 20__

NOTARY PUBLIC _____

DUPAGE COUNTY CLERK CERTIFICATE

STATE OF ILLINOIS)) SS
COUNTY OF DUPAGE)

I, _____, COUNTY CLERK OF DUPAGE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID CURRENT TAXES OR SPECIAL ASSESSMENTS, NO UNPAID FORFEITED TAXES, AND NO REDEEMABLE TAX SALES AGAINST ANY STATUTORY FEES IN CONNECTION WITH THE PLAT.

GIVEN UNDER MY NAME AND SEAL OF THE COUNTY CLERK AT WHEATON, ILLINOIS, THIS ___ DAY OF _____, 20__

COUNTY CLERK _____

DUPAGE COUNTY RECORDER CERTIFICATE

STATE OF ILLINOIS)) SS
COUNTY OF DUPAGE)

THIS INSTRUMENT NO. _____, WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS, ON THE ___ DAY OF _____, 20__, ___ AM/PM

COUNTY RECORDER _____

COMMUNITY DEVELOPMENT COMMISSION CERTIFICATE

STATE OF ILLINOIS)) SS
COUNTY OF DUPAGE)

PLAT APPROVED BY THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF WOOD DALE THIS ___ DAY OF _____, 20__

BY: _____
COMMUNITY DEVELOPMENT COMMISSION CHAIRMAN

CITY COUNCIL CERTIFICATE

STATE OF ILLINOIS)) SS
COUNTY OF DUPAGE)

PLAT APPROVED BY THE CITY COUNCIL OF THE CITY OF WOOD DALE THIS ___ DAY OF _____, 20__

BY: _____
MAYOR

ATTEST: _____
CITY CLERK

CITY TREASURER CERTIFICATE

STATE OF ILLINOIS)) SS
COUNTY OF DUPAGE)

I, _____, TREASURER FOR THE CITY OF WOOD DALE, DUPAGE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERRED INSTALLMENTS THEREOF THAT HAVE BEEN APPORTIONED AGAINST THE TRACT OF LAND INCLUDED ON THIS PLAT.

DATED THIS ___ DAY OF _____, 20__

BY: _____
CITY TREASURER

UTILITY EASEMENTS

A PERPETUAL EASEMENT APPURTENANT IS HEREBY GRANTED TO THE CITY OF WOOD DALE, DUPAGE COUNTY, ILLINOIS, ITS SUCCESSORS AND ASSIGNS, OVER, UPON, ACROSS, THROUGH AND UNDER THOSE PORTIONS OF THE ABOVE DESCRIBED REAL ESTATE DESIGNATED PUBLIC UTILITY EASEMENT ON THIS PLAT FOR THE PURPOSE OF INSTALLING, LAYING, CONSTRUCTING, OPERATING, MAINTAINING, REPAIRING, RENEWING, AND REPLACING WATER MAINS, AND SANITARY SEWER LINES, STORM SEWER LINES, STREET LIGHT CABLE, AND ANY OTHER CITY UTILITIES, TOGETHER WITH ALL APPURTENANT STRUCTURES, INCLUDING, BUT NOT LIMITED TO, MANHOLES, WET WELLS, LIFT STATIONS, FIRE HYDRANTS, VALVE VAULTS, AND ANY AND ALL OTHER FIXTURES AND EQUIPMENT REQUIRED FOR THE PURPOSE OF SERVING THE ABOVE DESCRIBED REAL ESTATE WITH WATER SERVICE, SANITARY SEWER SERVICE, STORM WATER COLLECTION, STREET LIGHTING, AND OTHER MUNICIPAL SERVICES AND FOR THE PURPOSE OF PROVIDING INGRESS AND EGRESS FROM THE PROPERTY SHOWN HEREON FOR EMERGENCY VEHICLES OF ANY AND ALL TYPES WHATSOEVER. IN NO EVENT SHALL ANY PERMANENT BUILDING BE PLACED UPON SAID EASEMENT AREAS, BUT THEY MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND SUCH OTHER PURPOSES THAT DO NOT, AND WILL NOT IN THE FUTURE, INTERFERE UNREASONABLY WITH EASEMENT RIGHTS HEREIN GRANTED TO THE CITY OF WOOD DALE.

AN EASEMENT FOR SERVING THE SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC AND COMMUNICATION SERVICE IS HEREBY RESERVED FOR AND GRANTED TO:

COMMONWEALTH EDISON COMPANY
AND

SBC-AMERITECH ILLINOIS A.K.A. ILLINOIS BELL TELEPHONE COMPANY, GRANTEEES,

THEIR PROSPECTIVE LICENSES, SUCCESSORS AND ASSIGNS JOINTLY AND SEVERALLY, TO CONSTRUCT, OPERATE, REPAIR, MAINTAIN, MODIFY, RECONSTRUCT, REPLACE, SUPPLEMENT, RELOCATE AND REMOVE, FROM TIME TO TIME, POLES, GUYS, ANCHORS, WIRES, CABLES, CONDUITS, MANHOLES, TRANSFORMERS, PEDESTALS, EQUIPMENT CABINETS OR OTHER FACILITIES USED IN CONNECTION WITH OVERHEAD AND UNDERGROUND TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, COMMUNICATIONS, SOUNDS AND SIGNALS IN, OVER, UNDER, ACROSS, ALONG AND UPON THE SURFACE OF THE PROPERTY SHOWN WITHIN THE DASHED OR DOTTED LINES (OR SIMILAR DESIGNATION) ON THE PLAT AND MARKED "EASEMENT", "UTILITY EASEMENT", "PUBLIC UTILITY EASEMENT", "P.U.E." (OR SIMILAR DESIGNATION), AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, WHETHER PUBLIC OR PRIVATE, TOGETHER WITH THE RIGHTS TO INSTALL REQUIRED SERVICE CONNECTIONS OVER OR UNDER THE SURFACE OF EACH LOT AND COMMON AREA TO SERVE IMPROVEMENTS THEREON, OR ON ADJACENT LOTS, THE RIGHT TO CUT, TRIM OR REMOVE TREES, BUSHES, ROOTS AND SAPLINGS AND TO CLEAR OBSTRUCTIONS FROM THE SURFACE AND SUBSURFACE AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES. OBSTRUCTIONS SHALL NOT BE PLACED OVER GRANTEEES' FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE DESIGNATED EASEMENT AREA WITHOUT THE PRIOR WRITTEN CONSENT OF THE GRANTEEES. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREOF.

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO NORTHERN ILLINOIS GAS COMPANY, IT SUCCESSORS AND ASSIGNS, IN ALL PLATTED "EASEMENT" AREAS, STREETS, ALLEYS, OTHER PUBLIC WAYS AND PLACES SHOWN ON THIS PLAT, SAID EASEMENT TO BE FOR THE INSTALLATIONS, MAINTENANCE, RELOCATION, RENEWAL AND REMOVAL OF GAS MAINS AND APPURTENANCES FOR THE PURPOSE OF SERVING ALL AREAS SHOWN ON THIS PLAT AS WELL AS OTHER PROPERTY, WHETHER OR NOT CONTIGUOUS THERETO. NO BUILDINGS OR OTHER STRUCTURES SHALL BE CONSTRUCTED OR ERRECTED IN ANY SUCH "EASEMENT" AREAS, STREETS, ALLEYS OR OTHER PUBLIC WAYS OR PLACES, NOR SHALL ANY OTHER USE BE MADE THEREOF WHICH WILL INTERFERE WITH THE EASEMENTS RESERVED AND GRANTED HEREBY.

DRAINAGE EASEMENTS

A PERMANENT NON-EXCLUSIVE EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF WOOD DALE (HEREINAFTER "THE GRANTEE"), AND TO ITS SUCCESSORS AND ASSIGNS IN, UPON, ACROSS, OVER, UNDER AND THROUGH THE AREAS SHOWN BY DASHED LINES AND LABELED "DRAINAGE EASEMENT" ON THIS PLAT OF SUBDIVISION, OR WHERE OTHERWISE NOTED IN THE ABOVE LEGEND FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, INSPECTING, OPERATING, REPLACING, RENEWING, ALTERING, ENLARGING, REMOVING, REPAIRING, CLEANING, AND MAINTAINING STORM SEWERS, DRAINAGE WAYS, STORM WATER DETENTION AND RETENTION FACILITIES, SUBSURFACE DRAINAGE SYSTEMS AND APPURTENANCES, AND ANY AND ALL MANHOLES, PIPES, CONNECTIONS, CATCH BASINS, AND WITHOUT LIMITATIONS, SUCH OTHER INSTALLATIONS AS THE GRANTEE MAY DEEM NECESSARY, TOGETHER WITH THE RIGHT OF ACCESS ACROSS THE REAL ESTATE PLATTED HEREON FOR THE NECESSARY PERSONNEL AND EQUIPMENT TO DO ANY OR ALL OF THE ABOVE WORK.

IN FURTHERANCE OF THE FOREGOING AFFIRMATIVE RIGHTS, THE FOLLOWING COVENANTS SHALL RUN WITH SAID LAND IN PERPETUITY:

- NO PERMANENT BUILDINGS SHALL BE PLACED ON SAID DRAINAGE EASEMENTS;
- NO TREES OR SHRUBS SHALL BE PLACED ON SAID DRAINAGE EASEMENT, BUT THE PREMISES MIGHT BE USED FOR LANDSCAPING, AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES AND RIGHTS;
- THERE SHALL BE NO DREDGED OR FILL MATERIAL PLACED UPON SAID DRAINAGE EASEMENT; AND
- FENCES SHALL NOT BE ERRECTED UPON SAID DRAINAGE EASEMENTS IN ANY WAY WHICH WILL RESTRICT THE USES HEREIN GRANTED.

THE RIGHT IS ALSO HEREBY GRANTED TO THE GRANTEE TO REMOVE ANY BUILDINGS OR STRUCTURES, TO CUT DOWN, TRIM OR REMOVE ANY TREES, FENCES, SHRUBS OR OTHER PLANTS THAT INTERFERE WITH THE OPERATION OF OR ACCESS TO SUCH DRAINAGE FACILITIES IN, ON, UPON, ACROSS, UNDER OR THROUGH SAID DRAINAGE EASEMENTS.

THE GRANTEE SHALL NOT BE RESPONSIBLE FOR REPLACEMENT OF ANY SUCH BUILDINGS, STRUCTURES, IMPROVEMENTS, FENCES, GARDENS, SHRUBS OR LANDSCAPING REMOVED DURING EXERCISE OF THE HEREIN GIVEN RIGHTS. REPLACEMENT OF ITEMS SO REMOVED SHALL BE THE RESPONSIBILITY OF THE THEN LOT OWNER.

WHERE DRAINAGE EASEMENTS ARE ALSO USED FOR ELECTRIC, TELEPHONE, CABLE, TELEVISION, OR NATURAL GAS DISTRIBUTION SYSTEMS OR COMPONENTS, SUCH OTHER UTILITY INSTALLATION SHALL BE SUBJECT TO THE PRIOR APPROVAL OF THE CITY OF WOOD DALE SO AS NOT TO INTERFERE WITH THE MAINTENANCE OF GRAVITY FLOW AND STABILIZATION OF VEGETATION GROUND COVER ON THE ABOVE-MENTIONED DRAINAGE FACILITIES.

SCHOOL DISTRICT BOUNDARY STATEMENT

STATE OF ILLINOIS)) SS
COUNTY OF DUPAGE)

THE UNDERSIGNED DO HEREBY CERTIFY THAT, AS OWNERS OF THE PROPERTY DESCRIBED IN THIS SURVEYOR'S CERTIFICATE, AND KNOWN AS _____ TO THE BEST OF THEIR KNOWLEDGE, IS LOCATED WITHIN THE BOUNDARIES OF THE _____ ELEMENTARY SCHOOL DISTRICT AND THE _____ HIGH SCHOOL DISTRICT IN DUPAGE COUNTY, ILLINOIS.

DATED THIS ___ DAY OF _____, 20__

BY: _____

ABBREVIATIONS

(M) - MEASURED
(R) - RECORD
(D) - DEED
N - NORTH
S - SOUTH
E - EAST
W - WEST
IPS - IRON PIPE SET
IPF - IRON PIPE FOUND
SQ. FT. - SQUARE FEET
FT. - FOOT

LEGEND

o _____ IRON PIPE SET
- - - - - CENTER LINE
- - - - - UNDERLYING LOT LINE
- - - - - EASEMENT LINE
- - - - - BUILDING LINE
- - - - - RIGHT OF WAY LINE
- - - - - SUBDIVISION BOUNDARY LINE
- - - - - PROPERTY LINE

SURVEYORS NOTES

1. ALL MEASUREMENTS AND DISTANCES ARE SHOWN IN U.S FEET AND DECIMAL PARTS THEREOF.
2. ALL EASEMENTS AND BUILDING LINES SHOWN ARE EXISTING FROM THE PREVIOUS SUBDIVISION.
3. ALL EASEMENTS DEPICTED ON THE PLAT MAP ARE FOR PUBLIC UTILITIES AND DRAINAGE PURPOSES UNLESS OTHERWISE NOTED. REFER TO THE PUBLIC UTILITIES AND DRAINAGE EASEMENT PROVISIONS STATEMENT FOR SPECIFIC TERMS AND CONDITIONS.

OWNER (S)

DULCE GUZMAN AND MARCO A. GUZMAN
2403 GENEVA AVENUE
NORTHLAKE, IL 60164
PHONE: (708) 268-2307

PARCEL IDENTIFICATION NUMBER

EXISTING ADDRESS:
5N517 & 5N510 PINE LANE, WOOD DALE, IL 60191

NORTH 50' OF SOUTH 450' OF LOT 14, (PIN- 03-15-217-015-0000)
NORTH 50' OF SOUTH 400' OF LOT 14, (PIN- 03-15-217-016-0000)

BASIS OF BEARING

HORIZONTAL DATUM NAD 1983

SITE DATA

GROSS AREA: 13, 129 SQ. FT

NORTH 50' OF SOUTH 450' OF LOT 14: 6,571 SQ. FT.
NORTH 50' OF SOUTH 400' OF LOT 14: 6,558 SQ. FT.

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)) SS
COUNTY OF DUPAGE)

THIS IS TO CERTIFY THAT I, ANDRZEJ F. SPIEWAK, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HAVE SURVEYED, SUBDIVIDED AND PLATED FOR THE OWNERS THEREOF THE FOLLOWING DESCRIBED PROPERTY:
THE NORTH 50 FEET OF THE SOUTH 450 FEET OF LOT 14 AND ALSO THE NORTH 50 FEET OF THE SOUTH 400 FEET OF LOT 14, ALL IN BLOCK 50 IN FIRST ADDITION TO PERCY WILSON'S IRVING PARK MANOR, A SUBDIVISION IN SECTIONS 10, 11, 14 AND 15, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 7, 1926 AS DOCUMENT 213044, IN DUPAGE COUNTY, ILLINOIS.
I FURTHER CERTIFY THAT THE PLAT HEREON DRAWN CORRECTLY REPRESENTS SAID SURVEY AND SUBDIVISION.

I FURTHER CERTIFY THAT THE FOREGOING PROPERTY FALLS WITHIN THE CORPORATE LIMITS OF THE CITY OF WOOD DALE, AND I FURTHER CERTIFY THAT NO PART OF SAID PROPERTY IS SITUATED WITHIN A FLOOD HAZARD AREA, AS PER NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP, MAP NUMBER 17043C007J, EFFECTIVE DATE AUGUST 1, 2019.

DATED AT PARK RIDGE, ILLINOIS, THIS 31ST DAY OF MARCH, 2022.

Andrzej F. Spiewak

ANDRZEJ F. SPIEWAK, ILLINOIS PROFESSIONAL LAND SURVEYOR
LICENSE NO.: 035.003178, EXPIRES: 11/30/2022

ANDREW SPIEWAK LAND SURVEYOR, INC.
D.B.A., SPIEWAK CONSULTING
PROFESSIONAL DESIGN FIRM, LAND SURVEYING CORPORATION NO.:184.006518
LICENSE EXPIRES: 04/30/2023

1030 W. HIGGINS RD. SUITE 218 PARK RIDGE, IL 60068



ANDREW SPIEWAK LAND SURVEYOR, INC. DBA SPIEWAK CONSULTING PROFESSIONAL DESIGN FIRM LICENSE NO.:184.006518 1030 W. HIGGINS RD. SUITE 218 PARK RIDGE, IL 60068 phone: (773)853-2672 (630) 351-9489 www.landsurveyors.pro andrew@landsurveyors.pro	REV. DATE	REV. DESCRIPTION	NO.
		FIELD WORK COMPLETED 01/19/2021	
		JOB # 016-21 CONSOLIDATION SHET 1 OF 1	
CLIENT: DULCE GUZMAN 5N517 & 5N510 PINE LANE WOOD DALE, IL 60191		LOCATION: 5N517 & 5N510 PINE LANE WOOD DALE, IL 60191	



COMMUNITY DEVELOPMENT COMMISSION MINUTES

Committee Date: April 18, 2022

Present: Teresa Szatko, David Woods, Jay Babowice, Jaime Ochoa
Richard Petersen, Dave Shimanek

Absent: Jack Surma

Also Present: Gosia Pociеча, Hailey Michaels, Attorney Sean Conway
Michael Blue, David Silverman, Attorney Marshall Subach
Bruce Larsen, Carrie Savickas, Beth Nelson, John Florina
Attorney Karl Camillucci, Roger Dickens, Lou Matson
Steven Jamrozik, Richard Koss, Dulce and Marco Guzman
and approximately fifteen other people

Meeting Convened at: 7:00 p.m.

CALL TO ORDER

Chairman Ochoa called the meeting to order at 7:00 P.M. A roll call vote was taken and a quorum was present. Attorney Conway will act as the meeting facilitator.

APPROVAL OF THE MINUTES:

The minutes of the March 21, 2022 meeting were approved as presented.

PUBLIC HEARINGS

CASE NO. CDC-2022-001

As explained by Ms. Pociеча, an application has been filed requesting approval of lot consolidation and map amendment (rezoning) of a residential property from R-1 Estate Residential, upon annexation to R-4 Medium Density Single Family. The subject property is located at 5N510 and 5N514 N. Pine Lane. The new address upon annexation will be 160 Pine Lane. Dulce and Marco Guzman are the owners of the parcel and are the petitioners and were present at the meeting.

DISCUSSION

Commissioners reviewed the petition and noted that the property is compatible with surrounding zoning and land use classifications and meets the requirements in the Unified Development Ordinance and is consistent with the City's Comprehensive Plan. There were no comments opposing this petition from other meeting attendees or from residents of the area in question.

RECOMMENDATION

At the conclusion of the Public Hearing, Mr. Shimanek made a motion, seconded by Ms. Szatko that based on the submitted petition and the testimony presented, the proposed lot consolidation and map amendment (rezoning) is consistent with the Unified Development Ordinance and Comprehensive Plan; and, therefore, I move that the Community Development Commission adopt the findings of fact included within the staff memo dated April 18, 2022 as the findings of the Community Development Commission and recommend to the City Council approval of lot consolidation and map amendment (rezoning) for 5N510 and 5N514 N Pine Lane (to be known as 160 Pine Lane) in Case No. CDC-2022-0001.

A roll call vote was taken with the following results:

Ayes: Shimanek, Woods, Petersen, Ochoa, Szatko, Babowice

Nays: None

Motion carried.

CASE NO. CDC-2022-0002

This is a continuation of the Public Hearing from March 21, 2022.

The City of Wood Dale is proposing a comprehensive rewrite of the Unified Development Ordinance (UDO), Chapter 17 of the Municipal Code, and rezoning of certain properties on the City's Zoning Map. The purpose of the Public Hearing will be to consider the following articles of the proposed UDO: I, II, III, IV and VII.

Mr. Blue, representing Teska Associates and Attorney David Silverman, representing Ancel Glink were in attendance and reiterated the rationale behind the City's plan to rewrite the UDO. Their presentation focused on how the proposed zoning changes would effect permitted land uses and existing businesses located along Potter Street and portions of Irving Park Rd. They also explained the methodology behind consolidating the allowable uses as listed in the present UDO into a general use categories. Additionally, they explained that rezoning of certain properties could allow for future consolidation of smaller lots with desirable larger and desirable development.

As at the Public Hearing conducted in March, current business owners again expressed concerns regarding the reduction in the number of permitted uses being proposed, the negative impact on marketing of properties located within these districts as they may then been viewed as devalued, the effect of these zoning re-classifications on current non-

conforming businesses and properties as well as those currently operating under a Special Use classification, also the timing of this rewrite given the current number of vacant buildings within the City. Questions arose relative to the public notice of this hearing; specifically, posting of signs at affected properties. A statement was offered that, since notice was deficient and improper, that the Public Hearing should be republished. Mr. Petersen suggested that for this and all public hearings, property owners in the entire ward affected by such a hearing should be notified. Mr. Shimanek questioned the possibility of establishing an overlay district for the areas affected thus creating a more equitable solution to address the circumstances involved with these properties. Attorney Marshall Subach, representing several business owners along Potter Street, submitted correspondence dated April 15th and April 18 listing all of the objections to the language contained in the revised UDO as well as a preferred list of allowable uses. A comment letter was also submitted by Attorney Karl Camillucci.

Mr. Blue and Attorney Silverman will respond to all of the issues discussed and will be in contact with staff. To that effect, Mr. Ochoa made a motion, seconded by Mr. Shimanek, to continue this Public Hearing to a Special Meeting to be held on April 25, 2002 at 7:00 P.M. A roll call vote was taken with the following results:

Ayes: Shimanek, Petersen, Ochoa, Szatko, Babowice

Nays: Woods

Motion carried.

STAFF LIAISON REPORT

None

ADJOURNMENT

The meeting was adjourned at 9:30 P.M.

Minutes taken by Marilyn Chiappetta

Approved on April 25, 2022



PUBLIC WORKS
COMMITTEE MINUTES

Committee Date: April 28, 2022
Present: Ald. Ames, Catalano, Curiale, Jakab, Messina, Sorrentino and Woods, Susmarski
Absent: None
Also Present: Mayor Pulice, Treasurer Porch, Clerk Curiale, City Manager Mermuys, Police Chief Vesta, A. Lange
Meeting Convened at: 8:03 p.m.

APPROVAL OF MINUTES:

Ald. Alderman Ames made a motion, seconded by Ald. Jakob, to approve the minutes of the March 24, 2022 meeting as presented. A voice vote was taken, with all members voting aye.

REPORT & RECOMMENDATION

APPROVAL FOR THE REPLACEMENT OF PUBLIC WORKS TRUCK #231-122 IN AN AMOUNT NOT TO EXCEED \$260,973.90

DISCUSSION:

Alderman Catalano if the purchase price was for just one vehicle. Director Lange stated that it is one of are larger dump trucks that we use for snow removal. The price for the 2023 Peterbilt truck, money for the buildouts on the vehicle, and a 10% sir charge for additional costs. He stated that the price is for a 2023, because of stock you must order a year ahead of the actual purchase. Mayor inquired about the model he thought that we normally purchase International models. Director Lange stated that we have been moving towards the Peterbilt models because they are more reliable and have fewer mechanical issues.

VOTE:

Approval for the replacement of Public Works Truck #231-122 in an amount not to exceed \$260,973.90.

Ayes: Ald. Ames, Catalano, Curiele, Jakab, Messina, Sorrentino, Susmarski, Woods.
Nays: None
Abstained: None
Motion: Carried



ITEMS TO BE CONSIDERED AT FUTURE MEETINGS:

- Road Program – May 12
- Public Works Campus Phase II Bid – May 12
- City Sign Program – June 9
- 2nd Avenue Design Options – May/June
- Salt Purchase – Summer

ADDITIONAL DISCUSSION

Alderman Susmarski asked about the 2nd Avenue Design Project. He thought that the area was all unincorporated. City Manager Mermuys explained that the intersection is actually under the City's control. The project would entail shutting off access to 83 from 2nd Avenue from Spruce.

ADJOURNMENT:

Adjourned at 08:06PM

Minutes taken by Julie Szabo



REQUEST FOR COMMITTEE ACTION

Referred to Committee: May 12, 2022
Subject: Public Works Facility – Ph II
Staff Contact: Alan Lange, Public Works Director
Department: Public Works

TITLE: Public Works Facility Improvements – Phase II Bid Release

RECOMMENDATION:

N/A

BACKGROUND:

Bids were solicited for Phase II of the Public Works Facility Improvements Project on April 18, 22 with an opening date set for May 5, 2022. However, due to several addenda being issued for clarification and correction of bid documents, it was decided to push the bid opening back to May 10, 2022 in order to give the bidders more time to incorporate the changes to provide more accurate and competitive bids. **Bid tabulations for the various trades will be shared with the Council via email on Tuesday, May 10. FQC's recommendation letter for awarding bids will be shared via email on Tuesday, May 17 ahead of the May 19 City Council meeting.**

ANALYSIS:

The total expected construction budget for Phase II is \$8,446,124. Several alternate bids will be presented to the Council for recommendation.

DOCUMENTS ATTACHED

✓ None



REQUEST FOR COMMITTEE ACTION

Referred to Committee: May 12, 2022
Subject: FY 2023 Salt Purchase
Staff Contact: Patrick Hastings, Assistant Public Works
Director
Department: Public Works

TITLE: Approval of an Agreement between the City of Wood Dale and Morton Salt, Inc. for the FY 2023 Bulk Rock Salt Purchase in an Amount Not to Exceed \$78,915.20

RECOMMENDATION:

Staff Recommends Approval of an Agreement between the City of Wood Dale and Morton Salt, Inc. for the FY 2023 Bulk Rock Salt Purchase in an Amount Not to Exceed \$78,915.20.

BACKGROUND:

The City of Wood Dale again participated in the joint bid for the purchase of bulk rock salt with DuPage County Division of Transportation and surrounding municipalities. The County solicits the bids and then it is up to the municipalities to contract with the vendor of their choice. The contract was rebid before last year with Morton Salt, Inc. providing the low bid at \$75.88 per ton.

The City has purchased 646.63 tons of salt at a total cost of \$52,461.09 under the current fiscal year's contract which was 80.8% of the estimated amount of 800 tons allotted to the City. An additional 220 tons were stored on site from last year and approximately 606 tons were used in winter operations leaving approximately 240 tons to be stored on site for next year.

ANALYSIS:

\$65,000 has been budgeted within the Motor Fuel Tax Fund for salt purchase in FY 2023. Staff has once again estimated approximately 800 tons of salt will be needed in the 2022-2023 winter season. The City is required to purchase at least 80% (640 tons)

of the requested amount but is allowed to purchase up to 130% (1,040 tons) at the same unit price if it is needed. Last year's pricing was at \$81.13/ton. The rebid of this contract brought a price of \$75.88 per ton, a savings of 6.5%.

DOCUMENTS ATTACHED

- ✓ Morton Salt, Inc. Bid Packet
- ✓ DuPage County Bid Tabulation

Document A310™ – 2010

Conforms with The American Institute of Architects AIA Document 310

Bid Bond

CONTRACTOR:

(Name, legal status and address)

Morton Salt, Inc.
444 West Lake Street, Suite 3000
Chicago, IL 60606

SURETY:

(Name, legal status and principal place of business)

Liberty Mutual Insurance Company
175 Berkeley Street
Boston, MA 02116

Mailing Address for Notices

Same as above

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

OWNER:

(Name, legal status and address)

DuPage County Treasurer
421 N. County Farm Road,
Wheaton, IL 60187-3978

BOND AMOUNT: \$ 5% of total bid amount

PROJECT: BULK ROAD SALT 22-044-DOT

(Name, location or address, and Project number, if any)

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 27th day of April 2022

Andrew M Lorenzini

Andrew M Lorenzini (Apr 26, 2022 13:39 CDT)

(Witness) Andrew Lorenzini, Senior Bid Analyst

Morton Salt, Inc.

(Principal)

(Seal)



By: Anthony Patton

Anthony Patton (Apr 26, 2022 13:26 CDT)

(Title) Anthony T. Patton

Director, Bulk Deicing US Government Sales

Liberty Mutual Insurance Company

(Surety)

(Seal)



By: Leanne Miller

Leanne Miller (Apr 26, 2022 12:59 CDT)

(Title) Leanne Miller

, Attorney-in-Fact

Mariola Cruz

Mariola Cruz (Apr 26, 2022 13:03 CDT)

(Witness) Mariola Cruz Bid Prep Specialist



This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: 8205459-976454

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Andrew Lorenzini; Anthony T. Patton; Ayanna Jefferson-Williams; Daniel P. Thompson; Jacob McConnell; Joseph Medcalf; Leanne Miller; Mariola A. Cruz; Meredith Kerr; Na-Tia Douglas; Robert H. George; Stacey Gwitt; Steve Downie

all of the city of Chicago state of IL each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 7th day of May, 2021.



Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By: David M. Carey, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

State of PENNSYLVANIA
County of MONTGOMERY ss

On this 7th day of May, 2021 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



Commonwealth of Pennsylvania - Notary Seal
Teresa Pastella, Notary Public
Montgomery County
My commission expires March 28, 2025
Commission number 1126044
Member, Pennsylvania Association of Notaries

By: Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV - OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

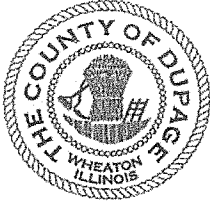
I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 27th day of April, 2022.



By: Renee C. Llewellyn, Assistant Secretary

For bond and/or Power of Attorney (POA) verification inquiries, please call 610-832-8240 or email HOSUR@libertymutual.com.



The County of DuPage
Finance – Procurement, 3-400
421 North County Farm Road
Wheaton, Illinois 60187

**DUPAGE COUNTY
NOTICE TO BIDDERS**

NOTICE IS HEREBY GIVEN that sealed bids will be received and time stamped by the Procurement Officer, for The County of DuPage ("County") on or before April 27th, 2022, at 2:00 p.m. at the Finance Department, Room 3-400, The County of DuPage, 421 N. County Farm Road, Wheaton, IL 60187-3978 for the following contract: BULK ROAD SALT 22-044-DOT. Bid document, including specifications, may be obtained from the Finance Department by email Nickon.etminan@dupageco.org or onsite during regular business hours at no cost or from the internet via www.demandstar.com. All bids must be received prior to the date and time shown above. Bids transmitted by facsimile (fax) will not be accepted.

Due to the Covid-19 crisis, here are some process changes to the solicitations for bids and proposals including bid openings:

- 1) Bid openings will not be open to the public. Following current standard practice, all bid openings will be attended by two County employees.
- 2) Procurement will accept electronic bid submissions and electronic signatures.
- 3) Bids do not have to be notarized before submission.

Date	Bid Event Activity
April 13, 2022	Legal Notice Advertisement Placed
April 20, 2022 4:00 p.m. CT	Questions due to Buyer via email: Nickon.etminan@dupageco.org
April 22, 2022 4:00 p.m. CT	Final Q&A Addendum Published
April 27, 2022 2:00 p.m. CT	Submittals Due to Finance Office

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SECTION 1 – PROJECT INFORMATION

√	SUBMITTAL CHECKLIST
	<ol style="list-style-type: none"> 1. Original signed bid with one (1) PDF on Flash Drive 2. Bid Form Pricing 3. Bid Form Signature Page 4. Mandatory Form 5. W-9 6. Required Vendor Ethics Disclosure Statement 7. Joint Purchasing Agreement 8. References 9. Bid Security

AWARDED CONTRACTOR REQUIREMENTS	
Payment & Performance Bonds	Due no later than 15 days after Notice of Award to buyer via email.
Certificate of Insurance	Due within 15 days of Notice of Award
Illinois Secretary of State Corporate/LLC	Due within 15 days of Notice of Award
Certificate of good standing for current year	http://www.cyberdriveillinois.com/departments/business_services/howdoi.html

SECTION 2 - INSTRUCTIONS TO BIDDERS

1) **ON-LINE NOTIFICATION OF SPECIFICATIONS:** This document is available over the Internet at www.DemandStar.com, as well as from the contact listed in this document. Adobe Acrobat Reader is required to view electronic documents on-line. If you do not have Adobe Acrobat Reader, you may download it for free from Adobe at www.adobe.com/products/acrobat/readstep.html.

Businesses without Internet access may contact the Procurement Services Division of the County at (630) 407-6210 for these documents.

Companies interested in doing business with the County can register and maintain their registration via the Internet at www.DemandStar.com. Registration is not required but if you choose to register you will receive automatic initial notification from DemandStar of relevant opportunities with the County of DuPage.

The County is not responsible for errors and omissions occurring in the transmission or downloading of any specifications from this website. In the event of any discrepancy between information on this website and the hard copy specifications, the terms of the hard copy specification will control.

2) **ON-LINE PROVIDER DISCLAIMER:** DemandStar.com has no affiliation with the County of DuPage other than as a service that facilitates communication between the County and its vendors. DemandStar.com is an independent entity and is not an agent or representative of the County. Communications to DemandStar.com do not constitute communications to the County.

3) **COMMUNICATIONS:** To create a more competitive and unbiased procurement process, the County desires to establish a single point of contact throughout the procurement process. From the issue date of this Bid, until a Successful Bidder is selected, all requests for clarification or additional information regarding this BID, or contacts with the County personnel concerning this BID or the evaluation process must be solely to the contact person listed on the cover page of this BID.

A violation of this provision is cause for the County to reject the Bidder's Bid. If it is later discovered that a violation has occurred, the County may reject any Bid or terminate any contract awarded pursuant to this BID. No contact regarding this document with other County employees is permitted.

4) **BID INFORMATION AND QUESTIONS:** Each Bid that is timely received will be evaluated on its merit and completeness of all requested information. In preparing Bids, Bidders are advised to rely only upon the contents of this Bid and accompanying documents and any written clarifications or addenda issued by the County. If a Bidder finds a discrepancy, error, or omission in the Bid package, or requires any written addendum thereto, the Bidder is requested to notify the Purchasing Contact noted on the cover of this Bid, so that written clarification may be sent to all prospective Bidders. The County is not responsible for oral representations. All questions must be submitted in writing to the Procurement Services Contact only before the Question Deadline indicated on the front of this document. All answers will be issued in the form of a written addendum.

5) **BID SUBMISSION:** To be considered, the Bid must be prepared in the manner and detail specified in this Bid. Bids must be submitted before the date and time indicated as the deadline. It is each Bidder's responsibility to ensure that the submittal is received and time-stamped prior to the deadline. This responsibility rests entirely with the Bidder, regardless of delays resulting from postal handling or for any other reasons. Bids will be accepted at any time during the normal course of business only, said hours being 8:00 a.m. to 4:00 p.m. local time, Monday through Friday, except for legal holidays to DuPage County Procurement Services Division 421 North County Farm Road, Room 3-400 Wheaton, IL 60187.

Bids received after the above deadline may not be accepted and may be returned to the Bidder unopened. The Procurement Services Division's timestamp shall be the official time.

The opening of a Bid does not constitute the County's acceptance of the Bidder as a responsive and responsible Bidder.

Bidders must sign, in ink, the Bid form where indicated. Unsigned Bids will not be considered. An authorized official must sign the Bid. Each signature represents binding commitment upon the Bidder to provide the goods and/or services offered to the County if the Bidder is determined to be the most responsive and responsible Bidder.

Bids must be enclosed in a sealed envelope, box, or package, and clearly marked on the outside with the attached label secured to the lower left-hand corner.

- a) Submission of a Bid establishes a conclusive presumption that the Bidder is thoroughly familiar with the BID and specifications and terms of the Form of Contract, and the County's Procurement Ordinance and that the Bidder understands and agrees to propose by each, and all of the stipulations and requirements contained therein.
 - b) All prices and notations must be typed or printed in ink. No erasures are permitted. Mistakes may be crossed out and the person(s) signing the Bid must initial corrections in ink.
 - c) All costs incurred in the preparation and presentations of the Bid, as well as, any resulting contract, are the Bidder's sole responsibility; no such costs will be reimbursed to any Bidder. All documentation submitted with the Bid will become the property of the County.
 - d) Bids are subject to public disclosure after the deadline for opening in accordance with state law under the Freedom of Information Act (FOIA).
- 6) **CONTRACT AWARD:** The County reserves the right to withdraw the Bid, to award to one Bidder, to any combination of Bidders, by item, group of items, or total Bid. The County may waive informalities if it is in the County's interest. The Bidder(s) to whom the award is made will be notified as soon as possible. Tentative acceptance of the Bid, intent to recommend award of a contract and actual award of the contract will be provided by written notice sent to the Bidder at the address designated in the Bid. All Bids must be for a firm fixed price unless modified. If, for any reason, a contract is not executed with the selected Bidder within 14 days after notice of recommended award, then the County may recommend the next most responsive and responsible Bidder. Award of this Bid is contingent upon the availability of funds for this project, within the sole discretion of the County. Acceptance of the Bidder's Bid does not constitute a binding contract. There is no contract until the County's policies have been fulfilled. The County is not liable for performance costs until the successful Bidder has been given a fully executed contract. Failure to accept the terms and conditions of the County's Standard Contract may deem the Bidder non-responsive.

The successful Bidder will be asked to sign a contract agreement (sample attached).

7) **WITHDRAWAL:** Bids may only be withdrawn by written notice prior to the deadline date set for the opening of Bid. No Bid may be withdrawn after the deadline for submission.

8) **ALTERNATE/EQUAL BIDS:** The specifications cannot cover precisely, all minute details of the equipment required. Therefore, for purposes of establishing a standard of quality, the items listed in the specification may state brand names, manufacturer's models, numbers, et cetera. The County of DuPage, for cost effective measures, standardizes on specific items; those bids will contain the language "No Substitutions," and any alternative will not be considered. A generic or alternate brand product of equal specifications may be proposed as an alternative for the item identified unless "No Substitutions" is indicated. However, in bidding the alternate item, the bidder must also attach manufacturer's printed specifications and literature.

Bidders are encouraged to submit cost-saving/value-added alternate bid pricing suggestions, such as rebates, creative lease agreements, extended warranty periods, trade-in allowances, or the availability of discounts for floor model or demonstrator units at significant savings. Any alternate pricing should be noted as a separate line that may be subtracted from the bid pricing as specified, allowing for clear evaluation and value-analysis by the County.

The County recognizes the expertise provided by many bidders and encourages creativity in bidding. Alternates may be considered if the bid submitted clearly indicates what will be furnished and how it will benefit the County. Alternates will be compared to the lowest responsive, responsible bid as specified.

9) **DEVIATIONS:** The County of DuPage reserves the right to approve any material the Bidder proposes to furnish which contains deviations from specification requirements, but which may substantially comply. If there is any deviation in the pack, source, quality, etc., of any item id, from that prescribed in the specifications, Bidder must rule out the appropriate line in the specifications and clearly indicate the correction. Prices will be converted by the County to accommodate accepted deviations.

10) **REJECTION:** The County reserves the right to reject any or all Bids, or to accept or reject any Bid in part, and to waive any minor informality or irregularity in Bids received, if it is determined by the Procurement Officer or designee that the best interest of the County will be served by doing so. The County may reject any Bid from any person, firm or corporation

in arrears or in default to the County on any contract, debt, or other obligation, or if the Bidder is debarred by the County from consideration for a contract award, or if Bidder has committed a violation of the ethics or anti-kickback provisions of the County's Procurement Ordinance which resulted in a termination of a contract or other material sanction within the two (2) years immediately preceding the date of issuance of this document.

11) **PROCUREMENT POLICY:** Procurement for the County will be handled in a manner providing fair opportunity to all businesses. This will be accomplished without abrogation or sacrifice of quality and as determined to be in the best interest of the County. The Procurement Officer has the vested authority to execute all County contracts, subject to Committee and County Board approval where required.

12) **PROPRIETARY INFORMATION:** Under the Illinois Freedom of Information Act, all records in the possession of DuPage County are presumed to be open to inspection or copying, unless a specific exception applies. 5 ILCS 140/1.2 One exemption is "trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested." 5 ILCS 140/7(1)(g). The county will assume that all information provided to us in a bid or proposal is open to inspection or copying by the public unless clearly marked with the appropriate exception that applies under the Freedom of Information Act. Additionally, if providing documents that you believe fall under an exception to the Freedom of Information Act, please submit both an unredacted copy along with a redacted copy which has all portions redacted that you deem to fall under a Freedom of Information Act exception

13) **NON-DISCRIMINATION:** DuPage County will not contract with any person or firm that discriminates against employees or applicants for employment because of any factor not related to job performance. The Bidder must comply with all federal, state and local laws and policies that prohibit discrimination in employment contracts.

14) **CONTRACT NEGOTIATION:** All Bids must be firm for at least 120 calendar days from the due date of the Bid. If, for any reason, a contract is not executed with the selected Bidder within 14 days after notice of recommended award, then the County may recommend the next most responsive and responsible Bidder. There is no contract until the County's policies have been fulfilled.

15) **DISQUALIFICATION OF RESPONDENTS:** Any one or more of the following causes may be considered sufficient for the disqualification of a Bidder and the rejection of the Bid:

1. Evidence of collusion among Bidders.
2. Lack of competency as revealed by either financial, experience, or equipment statements.
3. Lack of responsibility as shown by past work.
4. Uncompleted work under other contracts which, in the judgment of the County, might hinder or prevent the prompt completion of additional work if awarded.

16) **BIDDER RESPONSIBILITIES:** The Bidder must be capable, either as a firm or a team, of providing all services as described under Specifications and/or Scope of Work Section and to maintain those capabilities until notification of the fact that their Bid was unsuccessful.

The selected Bidder must remain capable of providing all services proposed as described under Specifications and/or Scope of Work Section and must maintain those capabilities until the agreement is successfully finished. The successful Bidder will be responsible for all Services in this Bid as they are provided or performed by the Successful Bidder.

Further, the County will consider the Successful Bidder(s) to be the sole point of contact with regard to contractual matters, including payment of any and all charges resulting from the cost of any contract.

17) **DISCLOSURE OF CONTENTS:** All information provided in the Bid shall be held in confidence and shall not be revealed or discussed with competitors, until after award of the contract except as provided by law or court decision. All material submitted with the Bid becomes the property of the County and may be returned only at the County's option.

Bidders must make no other distribution of their Bids other than authorized by this BID. A Bidder who shares cost information contained in its Bid with other County personnel or competing Bidder personnel shall be subject to disqualification.

Bidders shall not be provided any information about other Bids or prices or where the Bidder stands in relation to others at any time during the evaluation process. Any request for such information by a Bidder, or an affiliated party may be viewed as a compromise to the evaluation process and the requesting Bidder may be eliminated from further consideration.

18) **COMPLIANCE WITH ILLINOIS STATE LAW:** By submitting a response, Bidder [Proposer] certifies that it has obtained all required authorizations, certifications, and/or licenses required by law to perform the work described herein and transact business within the State of Illinois. This may include but is not limited to, in the case of a foreign business corporation, limited liability company, limited partnership, or limited liability partnership, authorization from the Illinois Secretary of State to transact business within the State of Illinois.

[Http://www.cyberdriveillinois.com/departments/business_services/howdoi.html](http://www.cyberdriveillinois.com/departments/business_services/howdoi.html).

19) **PREVAILING WAGE:** Prevailing rate of wages as determined by the County of DuPage or the Illinois Department of Labor may apply to some or all work performed on this contract and paid to all laborers, workers and mechanics performing work under this contract. State Statutes regarding Prevailing Wage and the current wage rates are available online at www.state.il.us/agency/idol/rates/rates. You must retain payroll records for five (5) years and make those records available for inspection by the County or the Illinois Department of Labor. You must submit monthly certification of payroll records. Certified Transcript of Payroll forms may be downloaded from the Contractors Forms page of the DuPage County Procurement Services Division website at <https://www.dupageco.org/Finance/Procurement/1316/> or you may use your own format containing the same information with pre-approval by the Procurement Officer (submit sample with bid).

The Contractor is aware that Prevailing Wage Rates may apply to some or all work performed on this contract. It is the contractor's responsibility to comply with these requirements and to assure compliance by his/her subcontractors and/or lower tier subcontracts required by this contract.

SECTION 3 - GENERAL CONDITIONS

1) **ADDENDUM AND SUPPLEMENT TO INVITATION TO BID (ITB):** If it becomes necessary or advisable to revise any part of this ITB or if additional data is necessary to enable the exact interpretation of provisions of this ITB, revisions will be provided in the form of an Addendum. Addendum information is available over the internet at www.DemandStar.com. Adobe Acrobat® Reader may be required to view this document. Bidder shall acknowledge receipt of each addendum issued in the space provided on the bid form.

2) **APPLICABLE CODES AND ORDINANCES:** Contractor hereby certifies that all materials used conform to all articles and sections of all current applicable National Building Codes and other relevant construction-related codes. Workmanship and materials shall conform to all local applicable codes and ordinances.

3) **ASSUMPTION OF RISK:** Until the completion and final acceptance by the County of all work under or implied by this Contract, the work shall be under the Contractor's care and charge and he shall be responsible, therefore. Contract shall rebuild, replace, repair, restore and make good all injuries, damages, re-erection, and repairs rendered necessary by causes, of any nature, to all or any portion of the work.

4) **CHANGES:** The County of DuPage reserves the right to make any desired change in the specifications after the same shall have been put under contract; but the change so made, with the price to be added or deducted from the contract price, therefore, shall be agreed upon in advance between County of DuPage and the successful Contractor.

Illinois law requires that changes more than \$10,000 or extensions greater than thirty (30) days must comply with the Criminal Code. The Procurement Services Division shall issue to the successful contractor a written change order to the original contract; such change orders shall be binding upon both parties thereto and shall in no way invalidate or make void the terms of the original contract not modified by such change.

5) **COMMENCEMENT OF WORK:** The successful Contractor must not commence any billable work prior to the County issuing a Notice to Proceed. Work done prior to these circumstances shall be at the Contractor's risk.

6) **COMMUNICATIONS:** To create a more competitive and unbiased procurement process, the County desires to establish a single point of contact throughout the procurement process. From the issue date of this solicitation, until a contract has been awarded, all requests for clarification or additional information regarding this solicitation, or contact with the County personnel concerning this solicitation or the evaluation process, must be solely to the contact person listed on the cover page of this solicitation.

No contact regarding this document with other County employees or officers is permitted. A violation of this provision may be grounds for the County to reject the Bidder's proposal. If it is later discovered that a violation has occurred, the County may reject any proposal or terminate any contract awarded pursuant to this solicitation.

Questions and answers regarding the Scope of Work/Specifications will be shared with all bidders.

7) **CONFIDENTIAL INFORMATION AND COUNTY PROPERTY:** It is agreed that all specifications, drawings, or data furnished by County of DuPage shall (1) remain the County of DuPage's sole and exclusive property; (2) be considered and treated by Contractor as County of DuPage's confidential information, and not be copied, reproduced or duplicated in any manner or disclosed to any person or party, except as is necessary in the performance of this contract and (3) be returned upon request.

8) **CONTRACTOR PERFORMANCE:** The Instructions to Bidders, Bid Form, General Conditions, Special Conditions, Contract Specifications and Attached Exhibits, together with the approved purchase order shall be incorporated in and become terms of the Contract. All items shall be supplied in strict accordance with the specifications.

The Contractor's performance under the terms of the Contract shall be to the satisfaction of the County. Failure to comply with any statutory requirements shall be deemed a performance breach.

9) **DISCIPLINE:** Nothing herein shall be construed to imply that the County of DuPage is retaining control over the operative details of the Contractor's work or the Subcontractor's employee's work. The Contractor is assuming all oversight, and the Contractor is ensuring compliance with safety guidelines.

10) **DRUG FREE WORKPLACE:** The Contractor (whether an individual or company) agrees to provide a drug free workplace as provided for in 30 ILCS 580/1 et seq.

11) **ENDORSEMENTS:** Contractor shall not use the name, seal or images of County of DuPage in any form of endorsement to any third-party without the County's written permission.

12) **F.O.B.:** All goods are to be shipped prepaid, F.O.B. delivered and installed. The total price quoted by the Bidder must be the total cost delivered to the location(s) stated. Bidder must not qualify his bid by stating a F.O.B. location other than such stated location(s). Shipments sent C.O.D. without County of DuPage's written consent will not be accepted and will at Contractor's risk and expense, be returned to Contractor. Unauthorized shipments are subject to rejection and return at Contractor's expense.

13) **FORCE MAJEURE:** The County of DuPage shall not hold Contractor liable for an extraordinary interruption of events, or damage of County property, by a natural cause that cannot be reasonably foreseen or prevented, i.e., droughts, floods, severe weather phenomena, et cetera.

14) **HOLD HARMLESS AGREEMENT:** Contractor shall indemnify and hold harmless Owner, Engineer, Engineer's Consultants, and all of their partners, officers, agents, and employees from all suits, actions, or claims of any character brought for or on account of any injuries to or death of or damages received by any person, persons, or property resulting from the operations of Contractor or any of his subcontractors in prosecuting the work under this contract.

15) **HOLDING OF BIDS:** Bidder may withdraw the bid at any time prior to the time specified as the closing time for the receipt of bids. However, no Bidder shall withdraw or cancel the bid for a period of ninety (90) calendar days after said closing time for the receipt of bids. Unauthorized withdrawal may result in forfeiture of the bid bond, or if no bid bond is required, the withdrawing Bidder shall pay the sum of \$1,000.00 as liquidated damages for the County's loss in re-bidding.

16) **INDEMNITY:** The Contractor shall, at all times, to the extent permitted by law, fully indemnify, hold harmless, and defend the County and its officers, agents, and employees from and against any and all claims and demands, actions, causes of action, and cost and fees of any character whatsoever made by anyone whomsoever on account of or in any way growing out of the performance of this contract by the Contractor and its employees, or because of any act or omission, neglect or misconduct of the Contractor, its employees and agents or its subcontractors including, but not limited to, any claims that may be made by the employees themselves for injuries to their person or property or otherwise, and any claims that may be made by the employees themselves or by the Illinois Department of Labor for the Contractor's violation of the Illinois Prevailing Wage act (820 ILCS 130/1 et seq.).

Such indemnity shall not be limited because of the enumeration of any insurance coverage or bond herein provided.

Nothing contained herein shall be construed as prohibiting the County, its officers, agents, or its employees, from defending through the selection and use of their own agents, attorneys and experts, any claims, actions or suits brought against them. The Contractor shall likewise be liable for the cost, fees and expenses incurred in the County's or the Contractor's defense of any such claims, actions, or suits.

The Contractor shall be responsible for any damages incurred because of its errors, omissions or negligent acts and for any losses or costs to repair or remedy construction because of its errors, omissions or negligent acts.

The County does not waive its defenses or immunities under the Local Government and Governmental Employees Tort Immunity Act, 745 ILCS 10/1 et seq. because of indemnification or insurance.

17) **LAW GOVERNING:** The ITB and resulting contract shall be governed by the laws of Illinois. Bidder agrees to comply with all applicable State and Federal laws.

18) **VENUE:** By submitting a response, bidder agrees that venue for all disputes arising out of the solicitation process, including but not limited to judicial review of any protest decision, will be exclusively in the circuit court for the Eighteenth Judicial Circuit in DuPage County, Illinois and that Illinois law will control.

19) **LIABILITY OF CONTRACTOR:** The mention of any specific duty or liability imposed upon Contractor shall not be construed as a limitation or restriction of any general or other liability or duty imposed upon Contractor by his Contract, said reference to any specific duty or liability being made merely for explanation. Contractor shall be responsible to Owner for

the acts and omissions of all his employees and all subcontractors, their agents and employees, and all other persons performing any of the Work under an agreement with Contractor.

20) **LIENS, CLAIMS, AND ENCUMBRANCES:** Contractor warrants and represents that all the goods and materials ordered herein are free and clear of all liens, claims, or encumbrances of any kind.

21) **LOBBYIST REGISTRATION:** Bidder shall comply with the provisions of Chapter 2, Article IX, Section 2-600, Lobbyist Registration of the Code of DuPage County, Illinois.

22) **MSDS:** When applicable, Contractor shall furnish Material Safety Data Sheets for their products, in compliance with the Illinois Toxic Substance Disclosure to Employee Act and the "Right-to-Know" law, 820 ILCS 220/0.01 and 820 ILCS 225/0.1. Material Safety Data Sheets, upon award of Contract, shall be submitted to the County Procurement Services Division.

23) **MISCELLANEOUS REQUIREMENTS:** The County will not be responsible for any expenses incurred by the Contractor in preparing and submitting a Bid. All Bids shall provide a straightforward, concise delineation of your capabilities to satisfy the requirements of this request. Emphasis should be on completeness and clarity of content.

24) **NON-DISCRIMINATING:** The Contractor, its employees and subcontractors, agree not to commit unlawful discrimination and agree to comply with applicable provisions of the Illinois Human Rights Act, the U.S. Civil Rights Act and Section 504 of the Federal Rehabilitation Act, and rules applicable to each.

25) **PATENTS:** Contractor undertakes and agrees to defend at Contractor's own expense all suits, actions, or proceedings in which the County of DuPage, its Officers, agents or employees are made defendants for actual or alleged infringement of any U.S. or foreign letters patent resulting from the use or sale of the items purchased hereunder. Contractor shall inform the County of DuPage whenever infringement will result from Contractor's adherence to specifications supplied by the County of DuPage or by an authorized County representative. Contractor further agrees to pay and discharge all judgments or decrees, which may be rendered in any such suit, action or proceedings against the County of DuPage, its Officers, agents or employees therein. Should Contractor or his agents be enjoined from furnishing or using any invention, article, material, or appliance required to be supplied under this contract, Contractor shall promptly offer other articles, materials, or appliances in lieu thereof, of equal quality suitability for review by County. If the County should disapprove of the offered substitutes and should elect in lieu of substitution, to have supplied, and to retain and use, any such invention, article, material or appliance as may be required by this Contract to be supplied, then Contractor shall pay such royalties and secure such valid licenses as may be necessary for the County. If the contractor does not make any approved substitution promptly, or does not pay such royalties to secure the licenses as may be necessary, then the Engineer shall have the right to make such substitution, or change the cost thereof against any money due Contractor from Owner, or recover the amount thereof from him and his sureties notwithstanding that final payment under this Contract may have been made.

26) **PAYMENT:** Original invoices must be presented for payment in accordance with instructions contained on the Purchase Order including reference to Purchase Order number and submitted to the correct address for processing. The County shall pay all invoices pursuant to 50 ILCS 505, "Local Government Prompt Payment Act". Invoices containing charges for work subject to the Illinois Prevailing Wage Act (820 ILCS 130/) are required to be accompanied by the applicable Certified Transcript of Payroll form(s) for acceptance. Payment will not be made on invoices submitted later than six-months (180 days) after delivery of goods and any statute of limitations to the contrary is hereby waived.

27) **PROTEST:** Any actual or prospective bidder, offeror, or contractor who believes they have been adversely affected in connection with the solicitation or award of a contract may, within seven calendar days of the solicitation, bid opening or award, by mail or have served, a letter of protest to the Chief Procurement Officer. The Chief Procurement Officer must submit a response in writing to the protesting entity, within five (5) business days from receipt of the protest.

28) **RESERVATION OF RIGHTS:** The County of DuPage reserves the right to reject any or all bids failing to meet the County's specifications or requirements and to waive technicalities. If in the County of DuPage's opinion, the lowest bid is not the most responsible bid, considering value received for monies expended, the right is reserved to make awards as determined solely by the judgment of the County of DuPage. In determining the lowest responsible bidder, the County shall take into consideration the qualities of the articles supplied, their conformity with the specifications, and their suitability to the requirements of the County and the delivery terms. Intangible factors, such as the Bidder's reputation and past performance, will also be weighed.

The Bidder's failure to meet the mandatory requirements of the ITB will result in the disqualification of the bid from further consideration.

The County further reserves the right to reject all bids and obtain goods or services through intergovernmental or cooperative agreements, or to issue a new and revised ITB.

Submission of a bid confers no rights on the Contractor to a selection or to a subsequent contract. All decisions on compliance, evaluation, terms and conditions shall be made solely at the County's discretion and shall be made in the best interest of the County.

29) **TAX:** The County of DuPage does not pay Federal Excise Tax or Illinois Sales Tax. The tax exemption number is E9997-4551-07. A copy of the exemption letter is available upon written request.

30) **TRANSFER OF OWNERSHIP OR ASSIGNMENT:** The terms and conditions of this contract shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns. Prior to any sales or assignments, the County of DuPage must be notified and approve the same in writing.

31) **WARRANTY:** Complete warranty information detailing period and coverage must be submitted.

SECTION 4 - SPECIAL CONDITIONS

1) **ACCURACY DISCLAIMER:** The Contractor shall thoroughly acquaint himself with the sites for the proposed bid to fully understand the facilities, difficulties and restrictions attending to the execution of the bid. The Contractor will be allowed no additional compensation for his failure to be so informed.

2) **ADDITIONAL MISCELLANEOUS REQUIREMENTS:** The Contractor is prohibited from assigning, transferring, conveying, subletting, or otherwise disposing of this agreement or its rights, title of interest therein or its power to execute such agreement to any other person, company or corporation without the previous consent and approval in writing by the County. The County staff will not take delivery of any equipment or material. The Contractor shall have a representative on-site to receive any equipment or material delivered for this project.

3) **CONTRACT TERM AND RENEWAL**

This contract shall be effective for a one (1) year term period.

The contract shall be subject to three (3) additional one year term period provided there is no change in the terms, conditions, specifications and prices and provided that such renewals are mutually agreed to by both parties. In no event shall the term plus renewals exceed four (4) years.

4) **SPLIT BIDS:** Contractors may bid on one or more categories. The County of DuPage reserves the right to award by total bid, by single item or by any combination of items, in accordance with our language in the Bid Document relating to Contractor selection (or rejection) in the best interest of the County of DuPage.

5) **CANCELLATION:** The County reserves the right to cancel the whole or any part of this contract (1) upon 120-day written notice, without cause, or (2) upon 30-day written notice for due to failure by the Contractor to carry out any obligation, term or condition of this contract. The County will issue written notice to the Contractor for acting or failing to act as in any of the following:

- a) The Contractor provides material that does not meet the specifications of this contract.
- b) The Contractor fails to adequately perform the services set forth of this contract.
- c) The Contractor fails to complete the work required or to furnish the materials required within the time stipulated in the contract.
- d) The Contractor fails to progress in the performance of this contract and/or gives the County reason to believe that the Contractor will not or cannot perform the requirements of the contract.

Upon receipt of the written notice of concern, the Contractor shall have ten (10) days to provide a satisfactory, written response to the County. Failure on the part of the Contractor to adequately address all issues of concern may result in the County resorting to any single or combination of the following remedies:

- a) Cancel the contract.
- b) Reserve all rights or claims of damage for breach or any covenants of the contract.
- c) Perform any test or analysis on materials for compliance with the specifications of this contract. If the results of any test or analysis find a material non-compliant with the specifications, the actual expense of testing shall be borne on the Contractor.

6) **PRICING:** DuPage County reserves the right to compare pricing submitted to any and all known national purchasing cooperatives in order to obtain the lowest pricing available in the current marketplace for this contract award. The County reserves the right to award a contract to the lowest responsive, responsible vendor after reviewing all national purchasing cooperative pricing programs available for the County to participate in.

7) **DELIVERY REQUIREMENTS:**

All purchases must be delivered to the receiving dock, or as otherwise specified by Buyer.

- a) All deliveries shall be made Monday through Friday between the hours of 7:00 a.m. and 2:00 p.m.

- b) Seller will notify Buyer if Seller is not able to fulfill the complete Purchase Order by the requested date in the stated quantities. Buyer will then determine whether the changes are acceptable or if the Purchase Order will be cancelled and issued to a different supplier.
- c) Seller will notify Buyer before making any changes or substitutions of materials and quantities specified on the Purchase Order with cost of cover to be paid by Seller.
- d) Contractor shall supply and pick up pallets at no additional cost to the County of DuPage. Drivers will be instructed that they must pick up pallets.
- e) Orders will be placed 2 (2) working days in advance of the due date.
- f) Conveyor Requirements are required.
- g) All items will be in full cartons.

EXTENDED WARRANTY OPTIONS: Attach additional information, if available, to your bid submittal.

PAYMENTS: Separate invoices shall be required for each County of DuPage department participating in the purchase.

CREDIT MEMOS: Must be on an original form with date of return, descriptions of items and prices noted.

QUALITY: All Recycled Products or Materials shall show the percent of post-consumer recycled content. Items that are used, demonstrators, obsolete, seconds, or which have been discontinued are unacceptable without prior written approval of the Procurement Officer.

THIRD PARTY AGREEMENT: The County shall not enter a third-party rental agreement and reserves the right to disqualify a vendor so bidding.

PERFORMANCE AND PAYMENT BONDS: Each bid shall be accompanied by a Bid Security in the form of (a) Bid Bond or (b) a certified or cashier's check or money order payable to the order of the DuPage County Treasurer. The Bid Security shall be in an amount of not less than five percent (5%) of the total bid, as a guarantee that the Bidder will, within 10 days after the date of the conditional award of a contract, provide a Performance Bond as required by the Bid Documents. Any bid submitted without the required Bid Security, will not be read after it is opened. Bid Bonds shall be duly executed by the Bidder as principal and have a surety thereon a surety company, approved by the County, having the minimum equivalent of a Best and Company A-V Rating. If an intended Awardee fails to furnish any bond or insurance or document required by the Bid Documents, the Bid Security submitted with its bid shall be forfeited as liquidated damages. The Contractor shall within 15 days of the Notice of Award furnish a Performance Bond in an amount equal to twenty percent (20%) of total bid amount, conditioned upon the faithful performance of all covenants and stipulations included in these bid documents and holding good until the completion of the contract to protect the County of DuPage against inadequate performance per all requirements of the Bid Documents. The Performance Bond shall remain in effect for one year from the issuance of a Purchase Order or until completion of the Contract period, whichever is longer.

SECTION 5 – INSURANCE REQUIREMENTS

The Contractor and Subcontractors or Partners will purchase and maintain insurance for the coverages for a minimum of three (3) years after completion of the Contract.

Upon notice of acceptance of Bid, the successful bidder shall, within fifteen (15) calendar days of said notice, furnish to the Purchasing Agent a certificate of Insurance and provide policy endorsements evidencing specific coverage of the types of insurance in the amounts specified below. Such coverage shall be placed with a responsible company acceptable to DuPage County licensed to do business in the State of Illinois, and with a minimum insurance rating of A: VII as found in the current edition of A M Best's Key Rating Guide. Each policy shall bear an endorsement precluding the cancellation or reduction of said policies without providing DuPage County thirty (30) days prior notice thereof in writing. All required insurance shall be maintained by the contractor in full force and effect during the life of the contract, and until all work has been approved and accepted by DuPage County. The Proposer is responsible for all insurance deductibles and Self-Insured Retentions.

TYPE OF INSURANCE	MINIMUM LIMITS LIABILITY
1. Workers Compensation	Statutory
2. Employers Liability A. Each Accident & Disease	\$1,000,000
3. *Commercial General Liability	\$2,000,000
4. *Umbrella Excess Liability (over primary) Retention for Self-Insured Hazards (each occurrence)	\$4,000,000
5. *Business Auto Liability	\$1,000,000
* ALSO Required in addition to a Certificate of Insurance 1) An Additional Insured Endorsement as well as endorsements for: 2) Waiver of Subrogation and 3) Insurance is Primary and Non-Contributory to additional insured insurance coverage	

If any policy or coverage is written as "claims made" then coverage must be maintained for 4 years after project completion.

At all times during the term of the contract, the Proposer and its independent contractors shall maintain, at their sole expense, insurance coverage for the Proposer, its employees, officers and independent contractors, as follows:

- It is the responsibility of Proposer to provide a copy of this BID to their insurance
- It may also be required that the Proposer's insurer and coverage be approved by the DuPage County prior to execution of the Contract.
- No work shall be started until receipt of Certificate of Insurance.

The County of DuPage shall be named as additionally insured on all certificates of insurance. Insurance certificates shall also reference project name and BID NUMBER. Insurance Certificates with required endorsements should be emailed to: donna.weidman@dupageco.org.

The insurance carrier of the insured is required to notify DuPage County of termination of any of these coverage's, prior to the completion of any contract, at least 30 days prior to expiration.

CHANGES IN, OR TERMINATION OF, INSURANCE COVERAGE: The insurance carrier of the insured is required to notify DuPage County of termination of any of these coverage's, prior to the completion of any contract, at least 30 days prior to expiration.

INSURANCE RATING: All the above-specified types of insurance shall be obtained from companies that have at least an A rating in Best's Guide or the equivalent.

SURVIVAL OF INDEMNIFICATION: The indemnification described above shall not be limited due to the enumeration of any insurance coverage herein provided, and indemnification shall survive the termination of the Contract.

NOTICE OF LAWSUIT: Within 60 days of service of process, DuPage County shall notify the Proposer of any lawsuit involving the indemnification provided for above. Failure to provide such notice shall not relieve the Proposer of its obligation to provide indemnification. However, DuPage County shall be responsible for any additional costs of defense incurred due to their failure to provide such notice within 60 days.

CHOICE OF LEGAL COUNSEL: The Proposer shall provide coverage as provided in the contract and retains the right to choose legal counsel subject to the approval of DuPage County, and appointment by the State's Attorney.

RIGHTS RETAINED: Notwithstanding the foregoing, nothing contained herein shall be deemed to constitute a waiver of any defenses or immunities otherwise available to DuPage County.

SECTION 6 – STATEMENT OF WORK/SPECIFICATIONS

This bid is to furnish and deliver bulk rock salt for snow and ice control, in accordance with the AASHTO Specification M143, Sodium Chloride Type 1, Grade 1. Bulk rock salt shall be 95 to 98 percent pure sodium chloride. Maximum moisture content shall be no more than two and a half percent (2.5%).

Bulk rock salt not meeting the standards listed in these Specifications shall be subject to rejection by DuPage County.

BID AWARD CRITERIA:

DuPage County reserves the right to award a contract(s) to the lowest responsive, responsible bidder(s) by lump sum bid, by Group 1, whichever is in the best interest of DuPage County. DuPage County will only consider unit pricing in the 130%-150% range, in the event of a tie.

Group 2 will be awarded by each individual agency/township/municipality.

COUNTY AUTHORIZED REPRESENTATIVE:

Post contract award, the County authorized representative for this bid is Michael Figuray, 630-407-6924 or authorized designee.

DELIVERY REQUIREMENTS:

Orders are generally expected to be received within three (3) working days from date of order.

Normal deliveries shall be made between the hours of 7:00 a.m. and 1:00 p.m., Monday through Friday. Arrangements can be made for after hours and weekend deliveries to maintain a prompt order delivery schedule.

All order releases shall be delivered to completion, unless mutually agreed upon by the County of DuPage and the awarded Contractor.

All salt deliveries shall be made with trucks equipped with tailgate dump trailers.

All trucks shall be covered with approved waterproof material. The contractor will ensure that upon delivery, the driver shall inspect the inside of the trailer and will confirm that all salt has been removed from the trailer before leaving the point of delivery. The contractor shall ensure that all weights and measures shown on the delivery tickets are correct. DuPage County Division of Transportation reserves the right to require that delivery trucks be directed to a scale in the vicinity to check the accuracy of loads being delivered.

The actual tonnage delivered by the Contractor shall be within 20 (twenty) tons of the requested tonnage for each order.

The Contractor shall notify the Division of Transportation and any participating municipality of the trucking firm that will be delivering the salt, as well as a contact name, address and phone number of said trucking firm. The Contractor shall supply the same information for the terminal location, as well. Ultimately, all delivery responsibility will fall upon the Awarded Contractor. It will be their responsibility to accept order releases and communicate order information to the designated trucking firms and terminals.

Deliveries of rock salt will be required to be free of any foreign materials (i.e. mud, rocks, wood, tarpaulins, etc.). Cause for rejection and removal shall be made known within two (2) working days to the Contractor. Loads contaminated with foreign material will be replaced at the Contractor's expense within five (5) working days.

All salt is to be lump free. No salt with lumps larger than two (2) inches in diameter will be accepted. Loads with lumps larger than two (2) inches shall be replaced at the Contractor's expense within five (5) working days.

INVOICING:

Original invoices must be presented for payment in accordance with instructions contained on the Purchase Order including reference to Purchase Order number and submitted to the correct address for processing. The County shall pay all invoices pursuant to 50 ILCS 505, "Local Government Prompt Payment Act". Payment will not be made on invoices submitted later than six-months (180 days) after delivery of goods and any statute of limitations to the contrary is hereby waived.

LIQUIDATED DAMAGES:

From December 1, 2022 through April 30, 2023, if the Contractor is unable to make delivery within seven (7) calendar days from the date of order, DuPage County shall have the right to retain \$.20 per ton, per calendar day as liquidated damages on the undelivered portion of the order. An order placed prior to 12:00 noon on any business day (Monday through Friday, except Holidays) would be considered as the first calendar day of the seven (7) day delivery period. For orders placed after 12:00 noon on a given day, the following day would be considered the first calendar day of the seven (7) day delivery period. If after seven (7) days of liquidated damage assessment, the Contractor has still failed to deliver as required, DuPage

County shall reserve the right to take action to remedy the failure of Contractor performance without prior notification of such failure. This may include termination of the order and purchase of salt from other sources, or to take action consistent with public safety as needed to continue business. Any or all additional costs may be collected from the Contractor, in addition to any liquidated damage.

ORDERING:

Group 1 - DuPage County will place a minimum of 500 tons at a given time. All individual releases will be placed with the terminal.

Group 2 - 500 ton minimum will be waived. All individual releases will be placed with the terminal.

Orders for tonnage will be placed with the successful qualified bidder beginning June 1, 2022. All salt will be delivered by May 31, 2023. No further orders will be given after that date unless authorized by the County Authorized Representative or designee. Contract renewals will incorporate similar timelines for consecutive years.

QUANTITIES:

See Bid Pricing in Section 7 for quantities and locations.

DuPage County Division of Transportation has included a quantity which is an estimate only, for Standard Delivery. Bidders are to provide a unit price for 80% to 130% of this additional estimated quantity (STANDARD DELIVERY). DuPage County Division of Transportation agrees to purchase at least 80% of the quantity shown. If DuPage County does not utilize or order the 80%, DuPage County will pay for the 80% and it will be stored at the terminal, for delivery to the County at a later date. This will be handled at no additional charge to the County.

The Agency/Townships/Municipalities (Group 2) intend to make initial orders as indicated under Group 2 with delivery expected by 11/30/22. Bidders are required to provide a unit price for this 100% guaranteed delivery. (EARLY DELIVERY). The Townships/Municipalities section has included an additional quantity which is an estimate only. Bidders are to provide a unit price for 80% to 130% of this additional estimated quantity (STANDARD DELIVERY). The Townships/Municipalities agree to purchase at least 80% of the quantity shown. If the Townships/Municipalities do not utilize or order the 80%, the Townships/ Municipalities will pay for the 80% and it will be stored at the terminal, for delivery to the Townships/ Municipalities at a later date. This will be handled at no additional charge to the Townships/ Municipalities.

THIRD PARTY OR ACTING IN THE BEST INTEREST OF THE CITIZENS OF DUPAGE COUNTY:

In cases where other governmental agencies in DuPage County are unable to obtain bulk rock salt, DuPage County Division of Transportation reserves the rights and obligation to sell salt or give salt (to be reimbursed at a later date) to governmental agencies without any recourse from the Awarded Contractor. This will be done at the contracted cost given to DuPage County Division of Transportation by the Awarded Contractor and at no time shall a profit be made by DuPage County Division of Transportation.

STOCKING REQUIREMENTS:

Within thirty (30) days of the notice of award (issuance of purchase order) the Contractor will be required to provide DuPage County with their salt source and local terminal information. One hundred thirty percent (130%) of the standard delivery quantity listed will be required to be in stock at a local terminal by December 1, 2022. This requirement shall be fulfilled each December 1st, with each contract renewal.

DuPage County reserves the right to inspect the awarded Contractor's local terminal to verify for quantity and condition of salt, as required in the Specifications.

USAGE REPORTS: Vendor may be required to submit a semi-annual report on orders placed against the contract. The report format shall contain the vendor's name, item number and term of contract at the top of the page. The report shall indicate the period covered by the report starting from the date the first order is received and ending with the date it is prepared. The report must be organized as follows:

DELIVERY LOCATION	DELIVERY DATE	DELIVERY TICKET NUMBER	QUANTITY (TONS)	UNIT PRICE	EXTENSION
-------------------	---------------	------------------------	-----------------	------------	-----------

Vendor may from time to time be requested to produce reports within a particular time frame, i.e. fiscal year. These reports must be furnished within seven (7) days of request.

These reports are to be forwarded to:	DuPage County Division of Transportation Roula Eikosidekas 140 North County Farm Road Wheaton, IL 60187
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VENDOR QUALIFICATIONS:

Vendor will provide a general history, description and status of their Company.

SECTION 7 - BID FORM PRICING

GROUP 1 – DUPAGE COUNTY

All Product to be shipped F.O.B. Delivered, freight prepaid, 140 N. County Farm Road, Wheaton, IL 60187 or 7900 S. Rt. 53, Woodridge, IL 60517.

ITEM	UOM	QTY	PRICE	EXTENDED PRICE
BULK ROCK SALT	TON	15,000	\$ 75.88	\$1,138,200.00
GRAND TOTAL				
(In words) One million, one hundred thirty-eight thousand, two hundred dollars and zero cents				

UNIT COST PER TON FOR QUANTITIES BETWEEN 131% AND 150% OF PROJECTED USAGE

\$ 85.88 PER TON

STANDARD DELIVERY – Bidders are required to provide a unit price for 80% to 130% of the estimated quantity. The DuPage County Division of Transportation agrees to purchase at least 80% of the quantity shown. If DuPage County does not utilize or order the 80%, DuPage County will pay for the 80% and it will be stored at the terminal, for delivery to the County at a later date. This will be handled at no additional charge to the County.

The Contractor is to provide a unit price per ton. DuPage County will require a 5% bid security to be submitted with the bid. The Awarded Contractor will also be required to furnish a 20% Performance Bond and Certificate of Insurance, within 15 days of the Notice of Award (as outlined in the Special Conditions). Similar conditions will apply to Group 2.

SHIPPING AND BILLING INFORMATION FOR GROUP 1:

BILL TO ADDRESS:	SHIP TO ADDRESS:
DuPage County Division of Transportation Attn: Kathy Black 421 North County Farm Road Wheaton, IL 60187 TX: (630) 407-6892 DOTFinance@dupageco.org	DuPage County Division of Transportation Attn: Jason Walsh 421 North County Farm Road Wheaton, IL 60187 TX: (630) 407-6925 Jason.Walsh@dupageco.org
DuPage County Division of Transportation Attn: Kathy Black 421 North County Farm Road Wheaton, IL 60187 TX: (630) 407-6892 DOTFinance@dupageco.org	DuPage County Public Works Attn: Jason Walsh 7900 S. Rt. 53 Woodridge, IL 60517 TX: (630) 407-6925 Jason.Walsh@dupageco.org

GROUP 2 – AGENCY/TOWNSHIPS/MUNICIPALITIES

All Product to be shipped F.O.B. Delivered, freight prepaid, to the locations listed. Each Agency/Township/Municipality will make an independent determination on whether it will enter into this agreement with the Awarded Contractor.

A – EARLY DELIVERY – 100% Confirmed quantities. Delivery by November 30, 2022

ITEM	UOM	QTY	PRICE	EXTENDED PRICE
BULK ROCK SALT	TON	6,000	\$ 75.88	\$ 455,280.00
GRAND TOTAL Four hundred fifty-five thousand, two hundred eighty dollars and zero cents (In words)				

B – STANDARD DELIVERY – Bidders are required to provide a unit price for 80% to 130% of the estimated quantity. If the Agency/Township/Municipality agrees to enter into an agreement with the Awarded Contractor, the Township/Municipality agrees to purchase at least 80% of the quantity shown. If the Agency/Township/ Municipality does not utilize or order the 80%, the Agency/Township/ Municipality will pay for the 80% and it will be stored at the terminal, for delivery to the Agency/Township/ Municipality at a later date. This will be handled at no additional charge to the Contracting Agency/Township/Municipality.

ITEM	UOM	QTY	PRICE	EXTENDED PRICE
BULK ROCK SALT	TON	61,170	\$ 75.88	\$ 4,641,579.60
GRAND TOTAL Four million, six hundred forty-one thousand, five hundred seventy-nine dollars and sixty cents (In words)				

UNIT COST PER TON FOR QUANTITIES BETWEEN 131% AND 150% OF PROJECTED USAGE

\$ 85.88 PER TON

LOCATION	BILL TO	SHIP TO	UOM	Group 2A 100% Confirmed Quantities – Delivery is no later than 11/30/2022	Group 2B 80-130% Estimated Quantities – Standard Delivery
Addison Township	411 W. Potter Wood Dale, IL 60191	411 W. Potter Wood Dale, IL 60191	TON	0	700
Addison, Village of	1491 W. Jeffrey Drive Addison, IL 60101- 4331	1491 W. Jeffrey Drive Addison, IL 60101-4331	TON	0	2,200
Aurora, City of	44 E. Downer Place Aurora, IL 60507	City of Aurora Central Garage 720 N. Broadway Aurora, IL 60505 or 2112 Montgomery Rd Aurora, IL 60504	TON	0	7,500
Bartlett, Village of	228 S. Main Street Bartlett, IL 60103	1150 Bittersweet Drive Bartlett, IL 60103 or 315 E. Devon Ave. Bartlett, IL 60103	TON	0	400
Bensenville, Village of	717 E. Jefferson St. Bensenville, IL 60106	717 E. Jefferson St. Bensenville, IL 60106	TON	0	1,000
Bloomingtondale Township	6N030 Rosedale Ave. Bloomingtondale, IL 60108	6N030 Rosedale Ave. Bloomingtondale, IL 60108	TON	0	1,700
Bloomingtondale, Village of	201 S. Bloomingtondale Rd Bloomingtondale, IL 60108	305 Glen Ellyn Road Bloomingtondale, IL 60108	TON	0	1,300
Carol Stream, Village of	124 Gerzevske Lane Carol Stream, IL 60188	124 Gerzevske Lane Carol Stream, IL 60188	TON	0	2,000
Clarendon Hills	1 N. Prospect Ave. Clarendon Hills, IL 60514	452 Park Ave. Clarendon Hills, IL 60514	TON	0	600
Darien, City of	1041 S. Frontage Road Darien, IL 60561	1041 S. Frontage Road Darien, IL 60561	TON	0	3,000
Downers Grove Township	4340 Prince St. Downers Grove, IL 60515	318 E. Quincy Westmont, IL 60559	TON	0	1,200
Downers Grove, Village of	5101 Walnut Ave. Downers Grove, IL 60515	5101 Walnut Ave. Downers Grove, IL 60515	TON	2,500	0
DuPage Airport Authority	2700 International Drive Suite 200 West Chicago, IL 60185	2751 Aviation Ave. West Chicago, IL 60185	TON	0	120

Elmhurst, City of	209 N York St, Elmhurst, IL 60126	985 S Riverside Dr, Elmhurst, IL 60126	TON	0	3,000
Glen Ellyn, Village of	30 S. Lambert Glen Ellyn, IL 60137	30 S. Lambert Glen Ellyn, IL 60137	TON	0	1,700
Hanover Park, Village of	2121 W. Lake St. Hanover Park, IL 60133	2121 W. Lake St. Hanover Park, IL 60133	TON	0	1,800
Hinsdale, Village of	19 E. Chicago Ave. Hinsdale, IL 60523	225 Symonds Drive Hinsdale, IL 60521	TON	0	700
Itasca, Village of	411 N. Prospect Ave. Itasca, IL 60143	411 N. Prospect Ave. Itasca, IL 60143	TON	0	1,200
Lisle Township	4719 Indiana Ave. Lisle, IL 60532	4719 Indiana Ave. Lisle, IL 60532	TON	0	1,000
Lisle, Village of	925 Burlington Lisle, IL 60532	4905 Yackley Ave. Lisle, IL 60532	TON	0	1,800
Lombard, Village of	255 E. Wilson Ave. Lombard, IL 60148	1135 N. Garfield Lombard, IL 60148	TON	0	2,700
Milton Township	23W040 Poss St. Glen Ellyn, IL 60137	23W040 Poss St. Glen Ellyn, IL 60137	TON	0	1,600
Naperville Township	31W331 North Aurora Rd. Naperville, IL 60563	31W331 North Aurora Rd. Naperville, IL 60563	TON	0	400
Naperville, City of	180 Fort Hill Drive, Naperville, IL 60540	180 Fort Hill Drive, Naperville, IL 60540 OR 3816 Plainfield/Naperville Rd Naperville	TON	0	6,000
Oakbrook, Village of	1200 Oak Brook Road Oak Brook, IL 60523	3003 Jorie Blvd. Oak Brook, IL 60523	TON	0	550
Schaumburg, Village of	101 Schaumburg Ct. Schaumburg, IL 60193	714 S. Plum Grove Road Schaumburg, IL 60193	TON	3,500	3,000
Villa Park, Village of	20 S. Ardmore Ave. Villa Park, IL 60181	729 N. Ardmore Ave. Villa Park, IL 60181	TON	0	600
Warrenville, City of	3S258 Manning Ave. Warrenville, IL 60555	3S346 Mignin Drive Warrenville, IL 60555	TON	0	1,300
Wayne Township	4N230 Klein Road West Chicago, IL 60185	4N230 Klein Road West Chicago, IL 60185	TON	0	400
West Chicago, City of	475 Main St. West Chicago, IL 60185	135 W. Grandlake Blvd. West Chicago, IL OR 60185 or 1350 W. Hawthorne Lane West Chicago, IL 60185	TON	0	3,500

Westmont, Village of	31 W. Quincy St. Westmont, IL 60559	39 E. Burlington Ave. Westmont, IL 60559	TON	0	800
Wheaton, City of	303 W. Wesley, PO Box 727 Wheaton, IL 60187	820 W. Liberty Drive Wheaton, IL 60189	TON	0	2,000
Willowbrook, Village of	835 Midway Drive Willowbrook, IL 60527	700 Willowbrook Centre Parkway Willowbrook, IL 60527	TON	0	900
Winfield, Village of	27W465 Jewell Road Winfield, IL 60190	0S040 Wynwood Road Winfield, IL 60190	TON	0	500
Winfield Township	30W575 Roosevelt Rd. West Chicago, IL 60185	30W575 Roosevelt Rd. West Chicago, IL 60185	TON	0	500
Wood Dale, City of	720 N. Central Ave. Wood Dale, IL 60191	720 N. Central Ave. Wood Dale, IL 60191	TON	0	800
Woodridge, Village of	One Plaza Drive Woodridge, IL 60517	One Plaza Drive Woodridge, IL 60517 OR 7900 IL Rt. 53 Woodridge, IL 60517	TON	0	1,700
York Township	19W475 Roosevelt Road Lombard, IL 60148	19W475 Roosevelt Road Lombard, IL 60148	TON	0	1,000
TOTAL TONS				6,000	61,170

SECTION 8 - BID FORM SIGNATURE PAGE

The Contractor agrees to provide the service, and/or supplies as described in this solicitation and subject, without limitation, to all specifications, terms, and conditions herein contained. Bidder shall acknowledge receipt of each addendum issued in the space provided on the bid form.

X Anthony Patton
Anthony Patton (Apr 26, 2022 13:26 CDT)

(Signature and Title)
Anthony T. Patton, Director, Bulk Deicing US Government Sales



CORPORATE SEAL
(If available)

BID MUST BE SIGNED AND NOTARIZED (WITH SEAL) FOR CONSIDERATION

Subscribed and sworn to before me this 26TH day of April AD, 20 22

Meredith Kerr
(Notary Public)

My Commission Expires: 11/09/2022



SEAL

**SECTION 9 - MANDATORY FORM
BULK ROAD SALT 22-044-DOT**
(PLEASE TYPE OR PRINT THE FOLLOWING INFORMATION)

Full Name of Bidder	Morton Salt, Inc.		
Main Business Address	444 West Lake Street, Suite 3000		
City, State, Zip Code	Chicago, IL 60606		
Telephone Number	855-665-4540	Email Address	bids@mortonsalt.com
Bid Contact Person	Anthony T. Patton, Director, Bulk Deicing US Government Sales		

The undersigned certifies that he is:

- the Owner/Sole Proprietor
 a Member authorized to sign on behalf of the Partnership
 an Officer of the Corporation
 a Member of the Joint Venture

Herein after called the Bidder and that the members of the Partnership or Officers of the Corporation are as follows:

_____	*Please see Attached officer's list	_____
(President or Partner)		(Vice-President or Partner)
_____		_____
(Secretary or Partner)		(Treasurer or Partner)

Further, the undersigned declares that the only person or parties interested in this bid as principals are those named herein; that this bid is made without collusion with any other person, firm or corporation; that he has fully examined the proposed forms of agreement and the contract specifications for the above designated purchase, all of which are on file in the office of the Procurement Officer, DuPage County, 421 North County Farm Road, Wheaton, Illinois 60187, and all other documents referred to or mentioned in the contract documents, specifications and attached exhibits, including

Addenda No. 1, _____, _____, and _____ issued thereto.

Further, the undersigned proposes and agrees, if this bid is accepted, to provide all necessary machinery, tools, apparatus, and other means of construction, including transportation services necessary to furnish all the materials and equipment specified or referred to in the contract documents in the manner and time therein prescribed.

Further, the undersigned certifies and warrants that he is duly authorized to execute this certification/affidavit on behalf of the Bidder and in accordance with the Partnership Agreement or by-laws of the Corporation, and the laws of the State of Illinois and that this Certification is binding upon the Bidder and is true and accurate.

Further, the undersigned certifies that the Bidder is not barred from bidding on this contract as a result of a violation of either 720 Illinois Compiled Statutes 5/33 E-3 or 5/33 E-4, bid rigging or bid-rotating, or as a result of a violation of 820 ILCS 130/1 et seq., the Illinois Prevailing Wage Act.

The undersigned certifies that he has examined and carefully prepared this bid and has checked the same in detail before submitting this bid, and that the statements contained herein are true and correct.

If a Corporation, the undersigned, further certifies that the recitals and resolutions attached hereto and made a part hereof were properly adopted by the Board of Directors of the Corporation at a meeting of said Board of Directors duly called and held and have not been repealed nor modified, and that the same remain in full force and effect. (Bidder may be requested to provide a copy of the corporate resolution granting the individual executing the contract documents authority to do so.)

Further, the Bidder certifies that he has provided equipment, supplies, or services comparable to the items specified in this contract to the parties listed in the reference section below and authorizes the County to verify references of business and credit at its option.

Morton Salt, Inc. Officers as of January 1, 2022

Mark Demetree - Chief Executive Officer
Mitchell Dascher - President, Highway & Chemical
James Heard - President, Consumer & Industrial
Michael Lenox - Senior Vice President & Chief Financial Officer
Bradley Bacon - Senior Vice President, Chief Administrative Officer, General Counsel & Secretary
Ken Grimm - Vice President, North American Mining Operations
Thomas Giotto - Senior Vice President & Chief Human Resources Officer
Jennifer McCormick - Vice President, Sales & Marketing
Steven Briggs - Vice President, US Sales & Marketing
Alan Pramann - Vice President, Tax
Kyle White – Treasurer and Vice President, Finance
Kari Lowry -Vice President, Corporate Controller
Winnie Kuo - Assistant Secretary
Scott Schlautman - Assistant Secretary

Morton Salt, Inc. Directors as of January 1, 2022

Adam Cohn
Mark Demetree

Finally, the Bidder, if awarded the contract, agrees to do all other things required by the contract documents, and that he will take in full payment therefore the sums set forth in the bidding schedule (subject to unit quantity adjustments based upon actual usage).

CONTRACT ADMINISTRATION INFORMATION:

CORRESPONDENCE TO CONTRACTOR:		REMIT TO CONTRACTOR:	
NAME	Morton Salt Customer Service	NAME	Morton Salt, Inc.
CONTACT		CONTACT	
ADDRESS	444 West Lake Street, Suite 3000	ADDRESS	DEPT CH 19973
CITY ST ZIP	Chicago, IL 60606	CITY ST ZIP	Palatine, IL 60055-9973
TX	855-665-4540	TX	
FX	630-214-0725	FX	
EMAIL	buyroadsalt@mortonsalt.com	EMAIL	

ALL MATERIALS MUST BE BID AND SHIPPED F.O.B. DELIVERED (FREIGHT INCLUDED IN PRICE)

REQUIRED FORMS TO BE COMPLETED, SIGNED AND RETURNED WITH BID

1. IRS FORM W-9

This form can be found attached, or at the following link: <https://www.irs.gov/pub/irs-pdf/fw9.pdf>

2. REQUIRED VENDOR ETHICS DISCLOSURE STATEMENT

This form can be found attached, or at the following link: <https://www.dupageco.org/Finance/Procurement/1316/>

3. JOINT PURCHASING AGREEMENT

This form can be found attached.

Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type. See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
Morton Salt, Inc.

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.

Individual/sole proprietor or single-member LLC

C Corporation

S Corporation

Partnership

Trust/estate

Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) > _____

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

Other(see instructions) > _____

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) _____

Exemption from FATCA reporting code (if any) _____

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.
444 West Lake Street

6 City, state, and ZIP code
Chicago, IL 60606

7 List account number(s) here (optional)

Requester's name and address (optional)
County of DuPage
Finance Department
421 N County Farm Rd
Wheaton, IL 60187-3978

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

			-						
--	--	--	---	--	--	--	--	--	--

or

Employer identification number

2	7	-	3	1	4	6	1	7	4
---	---	---	---	---	---	---	---	---	---

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here

Signature of U.S. person > 

Date > 4/26/2022

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

VENDOR ETHICS DISCLOSURE



Required Vendor Ethics Disclosure Statement

Date: 4/26/2022

Failure to complete and return this form may result in delay or cancellation of the County's Contractual Obligation.

Bid/Contract/PO #: _____

Company Name: <u>Morton Salt, Inc.</u>	Company Contact: <u>Andrew Lorenzini</u>
Contact Phone: <u>312-807-2859</u>	Contact Email: <u>alorenzini@mortonsalt.com</u>

The DuPage County Procurement Ordinance requires the following written disclosures prior to award:

1. Every contractor, union, or vendor that is seeking or has previously obtained a contract, change orders to one (1) or more contracts, or two (2) or more individual contracts with the county resulting in an aggregate amount at or in excess of \$25,000, shall provide to Procurement Services Division a written disclosure of all political campaign contributions made by such contractor, union, or vendor within the current and previous calendar year to any incumbent county board member, county board chairman, or countywide elected official whose office the contract to be awarded will benefit. The contractor, union or vendor shall update such disclosure annually during the term of a multi-year contract and prior to any change order or renewal requiring approval by the county board. For purposes of this disclosure requirement, "contractor or vendor" includes owners, officers, managers, lobbyists, agents, consultants, bond counsel and underwriters counsel, subcontractors and corporate entities under the control of the contracting person, and political action committees to which the contracting person has made contributions.

NONE (check here) - If no contributions have been made

Recipient	Donor	Description (e.g. cash, type of item, in-kind services, etc.)	Amount/Value	Date Made

2. All contractors and vendors who have obtained or are seeking contracts with the county shall disclose the names and contact information of their lobbyists, agents and representatives and all individuals who are or will be having contact with county officers or employees in relation to the contractor bid and shall update such disclosure with any changes that may occur.

NONE (check here) - If no contacts have been made

Lobbyists, Agents and Representatives and all individuals who are or will be having contact with county officers or employees in relation to the contract or bid	Telephone	Email

A contractor or vendor that knowingly violates these disclosure requirements is subject to penalties which may include, but are not limited to, the immediate cancellation of the contract and possible disbarment from future county contracts.

Continuing disclosure is required, and I agree to update this disclosure form as follows:

- If information changes, within five (5) days of change, or prior to county action, whichever is sooner
- 30 days prior to the optional renewal of any contract
- Annual disclosure for multi-year contracts on the anniversary of said contract
- With any request for change order except those issued by the county for administrative adjustments

The full text for the county's ethics and procurement policies and ordinances are available at:

<http://www.dupageco.org/CountyBoard/Policies/>

I hereby acknowledge that I have received, have read, and understand these requirements.

Authorized Signature: *Anthony Patton*
Anthony Patton (Apr 26, 2022 13:26 CDT)

Printed Name: Anthony T. Patton

Title: Director, Bulk Deicing US Government Sales

Date: 4/26/2022

Attach additional sheets if necessary. Sign each sheet and number each page. **PAGE 1 OF 1** (total number of pages)

JOINT PURCHASING AGREEMENT

JOINT PURCHASING:

OTHER TAXING BODIES: Based on County Board Resolution IR-084-76.

Would your firm be willing to extend your bid to other taxing bodies in DuPage County such as school districts, townships, cities and villages, etc.? The approximate quantity usage is unknown.

YES X NO

State any other requirements that they would have to meet beyond that of our Bid invitation and specification.

Other taxing bodies located in DuPage County are allowed to join by mutual agreement between the individual taxing body and Morton Salt, Inc.

NOTE: The County of DuPage would not be involved in purchasing by any other taxing body other than to receive a copy of their purchase order that would reference the County of DuPage contract number. The invoicing and payments would be entirely between the other taxing bodies and the Contractor. If the County of DuPage accepts this bid, the procedure to handle joint purchases would be developed by the County of DuPage with the Contractor and distributed to the taxing bodies by the County of DuPage.

SECTION 10 - REFERENCES

The bidder must list three (3) references, listing firm name, address, telephone number and contact person to whom they have provided similar equipment, material, or services for a period of not less than six (6) months.

COMPANY NAME:	City of Chicago
ADDRESS:	121 N. LaSalle Street, Rm. 806,
	Chicago, IL 60602
CONTACT PERSON:	Tom Pasciak
TELEPHONE NUMBER:	312-744-5098

COMPANY NAME:	Cook County
ADDRESS:	121 N. LaSalle Street,
	Chicago, IL 60602
CONTACT PERSON:	Bill Kelly
TELEPHONE NUMBER:	312-603-3948

COMPANY NAME:	Lake County Co-Op
ADDRESS:	600 West Winchester Road
	Libertyville, IL 60048
CONTACT PERSON:	Rich McMorris
TELEPHONE NUMBER:	847-377-7457

SAMPLE
SECTION 11 - SAMPLE CONTRACT AGREEMENT
CONTRACT 21-105-PW BETWEEN [CONTRACTOR]
AND THE COUNTY OF DUPAGE

THIS AGREEMENT is entered into this _____ day of _____, 2022, between the County of DuPage, Illinois a body corporate and politic, located at 421 North County Farm Road, Illinois, 60187-3978 (hereinafter referred to as the COUNTY), and _____, licensed to do business in the State of Illinois, located at _____, _____, _____ (hereinafter referred to as the CONTRACTOR).

RECITALS

WHEREAS, the COUNTY requires the goods and/or services specified in Bid 21-105-PW for its Department of Public Works, located at the DuPage County Center, 421 North County Farm Road, Wheaton, Illinois 60187; and

WHEREAS, the CONTRACTOR is the vendor selected pursuant to the bid process and is willing to perform under the terms of the Bid and this Contract.

NOW, THEREFORE, in consideration of the premises and mutual covenants contained herein, the parties agree that:

1.0 CONTRACT DOCUMENTS

- 1.1 This Contract includes all of the following component parts, all of which are fully incorporated herein and made a part of the obligations undertaken by the parties:
 - 1.1.a Project Information
 - 1.1.b Instructions to Bidders
 - 1.1.c General Conditions
 - 1.1.d Special Conditions
 - 1.1.e Insurance/Bonding Requirements and Certificates
 - 1.1.f Bid Form (including Certification/Proposal, Signature Affidavit including Proposal Pricing)
 - 1.1.g Specifications (including any addenda, interpretations and approved exceptions)
 - 1.1.h Exhibits
 - 1.1.i County Purchase Order
- 1.2 All documents are or will be on file in the office of the Procurement Services Division, DuPage Center, 421 North County Farm Road, Room 3-400, Wheaton, Illinois 60187.
- 1.3 In the event of a conflict between any of the above documents, the document control from top to bottom, i.e., "a" control over "b".

2.0 DURATION OF THIS CONTRACT

- 2.1 Unless terminated as provided in the Bid Invitation, the term of this Contract shall be a one year period beginning on 04/01/2022 and continuing through 03/31/2023.
- 2.2 The Contract term is subject to renewal per the Bid Invitation Specifications. In no event, shall the term plus renewals exceed four (4) years.

3.0 TERMINATION

- 3.1 Except as otherwise set forth in this AGREEMENT, County shall have the right to terminate this AGREEMENT for any cause or without cause thirty (30) days after having served written notice upon the Contractor, except in the event of Contractor's insolvency, bankruptcy or receivership, in which case termination shall be effective immediately upon receipt of notice.
- 3.2 Upon such termination, the liabilities of the parties to this AGREEMENT shall cease, but they shall not be relieved of the duty to perform their obligations up to the date of termination, or to pay for deliverables tendered prior to termination. There shall be no termination expenses.
- 3.3 Upon termination of this AGREEMENT, all data, work products, reports and documents produced, because of this AGREEMENT shall become the property of the COUNTY. Further, Vendor shall provide all deliverables within fourteen (14) days of termination in accordance with the other provisions of this AGREEMENT.

4.0 BID PRICES AND PAYMENT

- 4.1 The Contractor shall provide the required goods and or services described in the Bid Specifications for the prices quoted on the Bid Form.
- 4.2 The County shall make payment pursuant to the Illinois Local Government Prompt Payment Act, except that no payment shall be approved where the Contractor has failed to comply with certified payroll requirements of the Illinois Prevailing Wage Act or Davis Bacon Act.

5.0 AMENDMENTS

- 5.1 This Contract may be amended by agreement of both parties.
- 5.2 All amendments will conform to State of Illinois Statutes and County procedures for Change Orders.

6.0 CONTRACT ENFORCEMENT – ATTORNEY’S FEES

- 6.1 If the County is required to take legal action to enforce performance of any of the terms, provisions, covenants and conditions of this Contract, and by reason thereof, the County is required to use the services of an attorney, including the States Attorney, then the County shall be entitled to reasonable attorney’s fees and all expenses and costs incurred by the County pertaining thereto and in enforcement of any remedy, including costs and fees relating to any appeal.

7.0 SEVERABILITY CLAUSE

- 7.1 If any section, paragraph, clause, phrase or portion of this Contract is for any reason determined by a court of competent jurisdiction to be invalid and unenforceable, such portion shall be deemed separate, distinct and an independent provision, and the court’s determination shall not affect the validity or enforceability of the remaining portions of this Contract.

8.0 GOVERNING LAW

- 8.1 This Contract shall be governed by the laws of the State of Illinois both as to interpretation and enforcement. Venue for all disputes will be exclusively in the circuit court for the Eighteenth Judicial Circuit in DuPage County, Illinois and that Illinois law will control.

9.0 ENTIRE AGREEMENT

- 9.1 This Contract, including the documents listed in 1.0, contains the entire agreement between the parties.
- 9.2 There are no covenants, promises, conditions, or understandings; either oral or written, other than those contained herein.

IN WITNESS, WHEREOF, the parties set their hands and seals as of the date first written above.

THE COUNTY OF DUPAGE, ILLINOIS

CONTRACTOR

By: _____

By: _____

SIGNATURE

SIGNATURE

Christopher Kopp

PRINTED NAME

PRINTED NAME

Chief Procurement Officer

PRINTED TITLE

PRINTED TITLE

DATE

DATE

SECTION 12 - OUTSIDE ENVELOPE BID LABEL

SEALED BID PROPOSAL

INVITATION #: 22-044-DOT
DESCRIPTION: BULK ROAD SALT
OPENING DATE: 04/27/2022
OPENING TIME: 02:00 P.M.
COMPANY NAME: Morton Salt, Inc.

DATED MATERIAL - DELIVER IMMEDIATELY

PLEASE CUT OUT AND AFFIX THIS BID LABEL TO THE OUTERMOST ENVELOPE
OF YOUR PROPOSAL TO ENSURE PROPER DELIVERY!



Safety Data Sheet

Section 1: Identification of the Substance/Mixture and of the Company/Undertaking

1.1 Product identifier

Product Name ● **Safe-T-Salt**
Synonyms ● Bulk Safe-T-Salt; Bulk Safe-T-Salt (Blue); Bulk Safe-T-Salt (Solar); Safe-T-Salt (bagged with YPS)

CAS Number ● 7647-14-5

SDS Number/Grade ● 91006

1.2 Relevant identified uses of the substance or mixture and uses advised against

Relevant identified use(s) ● Ice Control

1.3 Details of the supplier of the safety data sheet

Manufacturer ● Morton Salt, Inc.
444 W. Lake St.
Chicago, IL 60606
United States

saltinfo@mortonsalt.com
Telephone (General) ● 312-807-2000

1.4 Emergency telephone number

Manufacturer ● 312-807-2000

Section 2: Hazards Identification

EU/EEC

According to EU Directive 1272/2008 (CLP)/REACH 1907/2006 [amended by 453/2010]
According to EU Directive 67/548/EEC (DSD) or 1999/45/EC (DPD)

2.1 Classification of the substance or mixture

CLP ● Not classified
DSD/DPD ● Not classified

2.2 Label Elements

CLP
Hazard statements ● No label element(s) specifically required
DSD/DPD
Risk phrases ● No label element(s) specifically required

2.3 Other Hazards

CLP ● According to Regulation (EC) No. 1272/2008 (CLP) this material is not considered hazardous.

DSD/DPD

- According to European Directive 1999/45/EC this preparation is not considered dangerous.

United States (US)

According to OSHA 29 CFR 1910.1200 HCS

2.1 Classification of the substance or mixture

- OSHA HCS 2012
- Not classified

2.2 Label elements

OSHA HCS 2012

- Hazard statements**
- No label element(s) specifically required

2.3 Other hazards

OSHA HCS2012

- This product is not considered hazardous under the U.S. OSHA 29 CFR 1910.1200 Hazard Communication Standard.

Canada

According to WHMIS

2.1 Classification of the substance or mixture

- WHMIS
- Not classified

2.2 Label elements

WHMIS

- No label element(s) specifically required

2.3 Other hazards

WHMIS

- In Canada, the product mentioned above is not considered hazardous under the Workplace Hazardous Materials Information System (WHMIS).

Section 3 - Composition/Information on Ingredients

3.1 Substances

- Material does not meet the criteria of a substance in accordance with Regulation (EC) No 1272/2008.

3.2 Mixtures

Composition					
Chemical Name	Identifiers	%	LD50/LC50	Classifications According to Regulation/Directive	Comments
Sodium chloride	CAS:7647-14-5 EC Number:231-598-3	96% TO 99%	Ingestion/Oral-Rat LD50 • 3000 mg/kg	EU DSD/DPD: Not Classified - Criteria not met EU CLP: Not Classified - Criteria not met OSHA HCS 2012: Not Classified - Criteria not met	May contain small quantities of naturally occurring calcium and magnesium salts
Yellow Prusslate of Soda	CAS:13601-19-9 EC Number:	<0.01%	NDA	EU DSD/DPD: Data lacking EU CLP: Data lacking OSHA HCS 2012: Data lacking	NDA

Prussian Blue	CAS:14038-43-8 EC Number:	<0.01%	NDA	EU DSD/DPD: Self Classified - Xi, R36 EU CLP: Self Classified - Eye Irrit. 2, H319 OSHA HCS 2012: Eye Irrit. 2	Only in Safe-T-Saltw/Blue
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Section 4 - First Aid Measures

4.1 Description of first aid measures

- Inhalation**
- Move victim to fresh air. Administer oxygen if breathing is difficult. Give artificial respiration if victim is not breathing.
- Skin**
- IF ON SKIN: Wash with plenty of soap and water. If skin irritation occurs: Get medical advice/attention.
- Eye**
- In case of contact with substance, immediately flush eyes with running water for at least 20 minutes. If eye irritation persists: Get medical advice/attention.
- Ingestion**
- If large quantities are swallowed, call a physician immediately.

4.2 Most important symptoms and effects, both acute and delayed

- Refer to Section 11 - Toxicological Information.

4.3 Indication of any immediate medical attention and special treatment needed

- Notes to Physician**
- All treatments should be based on observed signs and symptoms of distress in the patient. Consideration should be given to the possibility that overexposure to materials other than this product may have occurred.

Section 5 - Firefighting Measures

5.1 Extinguishing media

- Suitable Extinguishing Media**
- Material is non-combustible. In case of fire use media as appropriate for surrounding fire.
- Unsuitable Extinguishing Media**
- No data available.

5.2 Special hazards arising from the substance or mixture

- Unusual Fire and Explosion Hazards**
- No unusual fire or explosion hazards known.
- Hazardous Combustion Products**
- No data available

5.3 Advice for firefighters

- Structural firefighters' protective clothing will only provide limited protection. Wear positive pressure self-contained breathing apparatus (SCBA).

Section 6 - Accidental Release Measures

6.1 Personal precautions, protective equipment and emergency procedures

- Personal Precautions**
- Wear suitable protective clothing, gloves, and eye/face protection.
- Emergency Procedures**
- Stop leak if you can do it without risk. Keep unauthorized personnel away. Use normal clean up procedures.

6.2 Environmental precautions

- None expected to be necessary if material is used under ordinary conditions and as recommended.

6.3 Methods and material for containment and cleaning up

- Containment/Clean-up Measures**
- Carefully shovel or sweep up spilled material and place in suitable container.

6.4 Reference to other sections

- Refer to Section 8 - Exposure Controls/Personal Protection and Section 13 - Disposal Considerations.

Section 7 - Handling and Storage

7.1 Precautions for safe handling

- Handling**
- Use good safety and industrial hygiene practices. Wash thoroughly after handling. Keep out of reach of children.

7.2 Conditions for safe storage, including any incompatibilities

- Storage**
- Avoid storage with strong acids and strong oxidizing agents. Store in a dry place.

- Incompatible Materials or Ignition Sources**
- Strong oxidizing agents, strong acids.

7.3 Specific end use(s)

- Refer to Section 1.2 - Relevant identified uses.

Section 8 - Exposure Controls/Personal Protection

8.1 Control parameters

Exposure Limits/Guidelines					
	Result	Canada Quebec	Germany DFG	Mexico	OSHA
Yellow Prusslate of Soda as Cyanide compounds	TWAs	Not established	Not established	5 mg/m ³ TWA LMPE-PPT (as CN) <i>as Cyanide compounds</i>	5 mg/m ³ TWA (as CN) <i>as Cyanide compounds</i>
	Ceilings	10 ppm Ceiling (as CN); 11 mg/m ³ Ceiling (as CN) <i>as Cyanide compounds</i>	2 mg/m ³ Peak (inhalable fraction, as CN) <i>as Cyanide compounds</i>	Not established	Not established
	MAKs	Not established	2 mg/m ³ TWA MAK (inhalable fraction, as CN) <i>as Cyanide compounds</i>	Not established	Not established

Exposure Control Notations

Germany DFG

*Yellow Prusslate of Soda as Cyanide Compounds: **Pregnancy:** (no risk to embryo/fetus if exposure limits adhered to (calculated as CN)) | **Skin:** (skin notation)

8.2 Exposure controls

- Engineering Measures/Controls**
- Adequate ventilation systems as needed to control concentrations of airborne contaminants below applicable threshold limit values.

Personal Protective Equipment

- Respiratory**
- In case of insufficient ventilation, wear suitable respiratory equipment.

- Eye/Face**
- Wear safety glasses.

- Skin/Body**
- Wear appropriate gloves.

- General Industrial Hygiene Considerations**
- Do not get in eyes or on skin or clothing. Handle in accordance with good industrial hygiene and safety practice.

Environmental Exposure Controls

- Follow best practice for site management and disposal of waste.

Key to abbreviations

PEL = Permissible Exposure Level determined by the Occupational Safety and Health Administration (OSHA)
 TWA = Time-Weighted Averages are based on 8h/day, 40h/week exposures
 OSHA = Occupational Safety and Health Administration

Section 9 - Physical and Chemical Properties

9.1 Information on Physical and Chemical Properties

Material Description			
Physical Form	Solid	Appearance/Description	Colorless, white or multicolored crystals.
Color	Colorless, white or multicolored.	Odor	Odorless
Particulate Type	Dust Crystalline	Particulate Size	Variable
Odor Threshold	Data lacking		
General Properties			
Boiling Point	1413 C(2575.4 F)	Melting Point	801 C(1473.8 F)
Decomposition Temperature	Data lacking	pH	5 to 8
Specific Gravity/Relative Density	2.165 Water=1	Water Solubility	Soluble 0.36 g/cc @ 20 C(68 F)
Viscosity	Not relevant	Explosive Properties	Not relevant.
Oxidizing Properties:	Not relevant.		
Volatility			
Vapor Pressure	1 mmHg (torr) @ 865 C(1589 F) Not relevant	Vapor Density	Data lacking
Evaporation Rate	Data lacking		
Flammability			
Flash Point	Not relevant	UEL	Not relevant
LEL	Not relevant	Autoignition	Not relevant
Flammability (solid, gas)	Notflammable.		
Environmental			
Octanol/Water Partition coefficient	Data lacking		

9.2 Other Information

- No additional physical and chemical parameters noted.

Section 10: Stability and Reactivity

10.1 Reactivity

- No dangerous reaction known under conditions of normal use.

10.2 Chemical stability

- Stable

10.3 Possibility of hazardous reactions

- Hazardous polymerization will not occur.

10.4 Conditions to avoid

- Incompatible materials.

10.5 Incompatible materials

- Strong oxidizing agents, strong acids.

10.6 Hazardous decomposition products

- Will react with strong acids to generate hydrogen chloride and with strong oxidizing agents to generate chlorine gas. Yellow Prussiate of Soda (YPS) may decompose when in contact with strong acids releasing hydrogen cyanide gas.

Section 11 - Toxicological Information

11.1 Information on toxicological effects

GHS Properties	Classification
Acute toxicity	EU/CLP • Classification criteria not met OSHA HCS 2012 • Classification criteria not met
Aspiration Hazard	EU/CLP • Classification criteria not met OSHA HCS 2012 • Classification criteria not met
Carcinogenicity	EU/CLP • Classification criteria not met OSHA HCS 2012 • Classification criteria not met
Germ Cell Mutagenicity	EU/CLP • Classification criteria not met OSHA HCS 2012 • Classification criteria not met
Skin corrosion/Irritation	EU/CLP • Classification criteria not met OSHA HCS 2012 • Classification criteria not met
Skin sensitization	EU/CLP • Classification criteria not met OSHA HCS 2012 • Classification criteria not met
STOT-RE	EU/CLP • Classification criteria not met OSHA HCS 2012 • Classification criteria not met
STOT-SE	EU/CLP • Classification criteria not met OSHA HCS 2012 • Classification criteria not met
Toxicity for Reproduction	EU/CLP • Classification criteria not met OSHA HCS 2012 • Classification criteria not met
Respiratory sensitization	EU/CLP • Classification criteria not met OSHA HCS 2012 • Classification criteria not met
Serious eye damage/Irritation	EU/CLP • Classification criteria not met OSHA HCS 2012 • Classification criteria not met

Potential Health Effects

Inhalation

Acute (Immediate)

- Under normal conditions of use, no health effects are expected. Inhalation of dust may cause mild irritation to mucous membranes, nose and throat. Symptoms may include coughing, dryness and sore throat.

Chronic (Delayed)

- No data available.

Skin

Acute (Immediate)

- Under normal conditions of use, no health effects are expected.

Chronic (Delayed)

- No data available.

Eye

Acute (Immediate)

- Based upon practical use and experience using this product eye irritation is not expected to occur.

Chronic (Delayed)

- No data available.

Ingestion

- Acute (Immediate) ● Ingestion may cause the following symptoms -diarrhea.
- Chronic (Delayed) ● No data available.

Key to abbreviations
LD = Lethal Dose

Section 12 - Ecological Information

12.1 Toxicity

- Material data lacking.

12.2 Persistence and degradability

- Material data lacking.

12.3 Bioaccumulative potential

- Material data lacking.

12.4 Mobility in Soil

- Material data lacking.

12.5 Results of PBT and vPvB assessment

- No PBT and vPvB assessment has been conducted.

12.6 Other adverse effects

- No studies have been found.

Section 13 - Disposal Considerations

13.1 Waste treatment methods

- Product waste ● Dispose of content and/or container in accordance with local, regional, national, and/or international regulations.
- Packaging waste ● Dispose of content and/or container in accordance with local, regional, national, and/or international regulations.

Section 14 - Transport Information

	14.1 UN number	14.2 UN proper shipping name	14.3 Transport hazard class(es)	14.4 Packing group	14.5 Environmental hazards
DOT	NDA	Not regulated	NDA	NDA	NDA
TDG	NDA	Not regulated	NDA	NDA	NDA
IMO/IMDG	NDA	Not regulated	NDA	NDA	NDA
IATA/ICAO	NDA	Not regulated	NDA	NDA	NDA

14.6 Special precautions for user ● None known.

14.7 Transport in bulk according to Annex II of MARPOL 73/78 and the IBC ● Not relevant.

Code

Section 15 - Regulatory Information

15.1 Safety, health and environmental regulations/legislation specific for the substance or mixture

SARA Hazard Classifications • None

State Right To Know				
Component	CAS	MA	NJ	PA
Sodium chloride	7647-14-5	No	No	No
Prussian Blue	14038-43-8	No	No	No
Yellow Prussiate of Soda	13601-19-9	No	Yes	Yes

Inventory						
Component	CAS	Canada DSL	Canada NDSL	China	EUEINECS	EU ELNICS
Sodium chloride	7647-14-5	Yes	No	Yes	Yes	No
Prussian Blue	14038-43-8	Yes	No	Yes	Yes	No
Yellow Prussiate of Soda	13601-19-9	Yes	No	Yes	Yes	No

Inventory (Con't.)				
Component	CAS	Japan ENCS	Korea KECL	TSCA
Sodium chloride	7647-14-5	Yes	Yes	Yes
Prussian Blue	14038-43-8	No	Yes	Yes
Yellow Prussiate of Soda	13601-19-9	Yes	Yes	Yes

Australia

Labor

Australia - Work Health and Safety Regulations - Hazardous Substances Requiring Health Monitoring

- Prussian Blue 14038-43-8 Not Listed
- Yellow Prussiate of Soda 13601-19-9 Not Listed
- Yellow Prussiate of Soda as Cyanide compounds Not Listed
- Sodium chloride 7647-14-5 Not Listed

Australia - High Volume Industrial Chemicals List

- Prussian Blue 14038-43-8 Not Listed
- Yellow Prussiate of Soda 13601-19-9 Not Listed
- Yellow Prussiate of Soda as Cyanide compounds Not Listed
- Sodium chloride 7647-14-5

Australia - List of Designated Hazardous Substances - Classification

- Prussian Blue 14038-43-8 Not Listed
- Yellow Prussiate of Soda 13601-19-9 Not Listed
- Yellow Prussiate of Soda as Cyanide compounds Self classification required
- Sodium chloride 7647-14-5 Not Listed

Environment

Australia - National Pollutant Inventory (NPI) Substance List

• Prussian Blue	14038-43-8	Not Listed
• Yellow Prussiate of Soda	13601-19-9	Not Listed
• Yellow Prussiate of Soda as Cyanide compounds		Not Listed
• Sodium chloride	7647-14-5	Not Listed

Australia - Ozone Protection Act - Scheduled Substances

• Prussian Blue	14038-43-8	Not Listed
• Yellow Prussiate of Soda	13601-19-9	Not Listed
• Yellow Prussiate of Soda as Cyanide compounds		Not Listed
• Sodium chloride	7647-14-5	Not Listed

Australia - Priority Existing Chemical Program

• Prussian Blue	14038-43-8	Not Listed
• Yellow Prussiate of Soda	13601-19-9	Not Listed
• Yellow Prussiate of Soda as Cyanide compounds		Not Listed
• Sodium chloride	7647-14-5	Not Listed

Canada**Labor****Canada - WHMIS - Classifications of Substances**

• Prussian Blue	14038-43-8	Not Listed
• Yellow Prussiate of Soda	13601-19-9	Not Listed
• Yellow Prussiate of Soda as Cyanide compounds		Not Listed
• Sodium chloride	7647-14-5	Uncontrolled product according to WHMIS classification criteria

Canada - WHMIS - Ingredient Disclosure List

• Prussian Blue	14038-43-8	Not Listed
• Yellow Prussiate of Soda	13601-19-9	Not Listed
• Yellow Prussiate of Soda as Cyanide compounds		Not Listed
• Sodium chloride	7647-14-5	Not Listed

Environment**Canada - CEPA - Priority Substances List**

• Prussian Blue	14038-43-8	Not Listed
• Yellow Prussiate of Soda	13601-19-9	Not Listed
• Yellow Prussiate of Soda as Cyanide compounds		Not Listed
• Sodium chloride	7647-14-5	Not Listed

Europe**Other****EU - CLP (1272/2008) - Annex VI - Table 3.2 - Classification**

• Prussian Blue	14038-43-8	Not Listed
• Yellow Prussiate of Soda	13601-19-9	Not Listed
• Yellow Prussiate of Soda as Cyanide compounds		Not Listed
• Sodium chloride	7647-14-5	Not Listed

EU - CLP (1272/2008) - Annex VI - Table 3.2 - Concentration Limits

• Prussian Blue	14038-43-8	Not Listed
• Yellow Prussiate of Soda	13601-19-9	Not Listed
• Yellow Prussiate of Soda as Cyanide compounds		Not Listed
• Sodium chloride	7647-14-5	Not Listed

EU - CLP (1272/2008) - Annex VI - Table 3.2 - Labelling

• Prussian Blue	14038-43-8	Not Listed
• Yellow Prussiate of Soda	13601-19-9	Not Listed
• Yellow Prussiate of Soda as Cyanide compounds		Not Listed
• Sodium chloride	7647-14-5	Not Listed

EU - CLP (1272/2008) - Annex VI - Table 3.2 - Notes - Substances and Preparations

• Prussian Blue	14038-43-8	Not Listed
• Yellow Prussiate of Soda	13601-19-9	Not Listed
• Yellow Prussiate of Soda as Cyanide compounds		Not Listed
• Sodium chloride	7647-14-5	Not Listed

EU - CLP (1272/2008) - Annex VI - Table 3.2 - Safety Phrases

• Prussian Blue	14038-43-8	Not Listed
• Yellow Prussiate of Soda	13601-19-9	Not Listed
• Yellow Prussiate of Soda as Cyanide compounds		Not Listed
• Sodium chloride	7647-14-5	Not Listed

Mexico**Other****Mexico - Hazard Classifications**

• Prussian Blue	14038-43-8	Not Listed
• Yellow Prussiate of Soda	13601-19-9	Not Listed
• Yellow Prussiate of Soda as Cyanide compounds		Not Listed
• Sodium chloride	7647-14-5	Not Listed

Mexico - Regulated Substances

• Prussian Blue	14038-43-8	Not Listed
• Yellow Prussiate of Soda	13601-19-9	Not Listed
• Yellow Prussiate of Soda as Cyanide compounds		Not Listed
• Sodium chloride	7647-14-5	Not Listed

United States**Labor****U.S. - OSHA - Process Safety Management - Highly Hazardous Chemicals**

• Prussian Blue	14038-43-8	Not Listed
• Yellow Prussiate of Soda	13601-19-9	Not Listed
• Yellow Prussiate of Soda as Cyanide compounds		Not Listed
• Sodium chloride	7647-14-5	Not Listed

U.S. - OSHA - Specifically Regulated Chemicals

• Prussian Blue	14038-43-8	Not Listed
• Yellow Prussiate of Soda	13601-19-9	Not Listed
• Yellow Prussiate of Soda as Cyanide compounds		Not Listed
• Sodium chloride	7647-14-5	Not Listed

Environment**U.S. - CAA (Clean Air Act) - 1990 Hazardous Air Pollutants**

• Prussian Blue	14038-43-8	Not Listed
• Yellow Prussiate of Soda	13601-19-9	Not Listed
• Yellow Prussiate of Soda as Cyanide compounds		(XCN where X=H or any other group where a formal dissociation may occur. For example KCN or Ca[CN]2)
• Sodium chloride	7647-14-5	Not Listed

U.S. - CERCLA/SARA - Hazardous Substances and their Reportable Quantities

• Prussian Blue	14038-43-8	Not Listed
• Yellow Prussiate of Soda	13601-19-9	Not Listed
• Yellow Prussiate of Soda as Cyanide compounds		Not Listed
• Sodium chloride	7647-14-5	Not Listed

U.S. - CERCLA/SARA - Radionuclides and Their Reportable Quantities

• Prussian Blue	14038-43-8	Not Listed
• Yellow Prussiate of Soda	13601-19-9	Not Listed
• Yellow Prussiate of Soda as Cyanide compounds		Not Listed
• Sodium chloride	7647-14-5	Not Listed

U.S. - CERCLA/SARA - Section 302 Extremely Hazardous Substances EPCRA RQs

• Prussian Blue	14038-43-8	Not Listed
• Yellow Prussiate of Soda	13601-19-9	Not Listed
• Yellow Prussiate of Soda as Cyanide compounds		Not Listed
• Sodium chloride	7647-14-5	Not Listed

U.S. - CERCLA/SARA - Section 302 Extremely Hazardous Substances TPQs

• Prussian Blue	14038-43-8	Not Listed
• Yellow Prussiate of Soda	13601-19-9	Not Listed
• Yellow Prussiate of Soda as Cyanide compounds		Not Listed
• Sodium chloride	7647-14-5	Not Listed

U.S. - CERCLA/SARA - Section 313 - Emission Reporting

• Prussian Blue	14038-43-8	Not Listed
• Yellow Prussiate of Soda	13601-19-9	Not Listed
• Yellow Prussiate of Soda as Cyanide compounds	1.0 % de minimis concentration (X+CN- where X = H+ or any other group where a formal dissociation can be made. For example KCN or Ca(CN) ₂ . Chemical Category N106)	
• Sodium chloride	7647-14-5	Not Listed

U.S. - CERCLA/SARA - Section 313 - PBT Chemical Listing

• Prussian Blue	14038-43-8	Not Listed
• Yellow Prussiate of Soda	13601-19-9	Not Listed
• Yellow Prussiate of Soda as Cyanide compounds		Not Listed
• Sodium chloride	7647-14-5	Not Listed

U.S. - RCRA (Resource Conservation & Recovery Act) - Phase 4 LDR Rule - Universal Treatment Standards

• Prussian Blue	14038-43-8	Not Listed
• Yellow Prussiate of Soda	13601-19-9	Not Listed
• Yellow Prussiate of Soda as Cyanide compounds	1.2 mg/L (total, wastewater); 590 mg/kg (total, nonwastewater); 0.86 mg/L (amenable, wastewater); 30 mg/kg (amenable, nonwastewater)	
• Sodium chloride	7647-14-5	Not Listed

United States -California**Environment****U.S. - California - Proposition 65 - Carcinogens List**

• Prussian Blue	14038-43-8	Not Listed
• Yellow Prussiate of Soda	13601-19-9	Not Listed
• Yellow Prussiate of Soda as Cyanide compounds		Not Listed
• Sodium chloride	7647-14-5	Not Listed

U.S. - California - Proposition 65 - Developmental Toxicity

• Prussian Blue	14038-43-8	Not Listed
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- Yellow Prusslate of Soda 13601-19-9 Not Listed
- Yellow Prusslate of Soda as Cyanide compounds Not Listed
- Sodium chloride 7647-14-5 Not Listed

U.S. - California - Proposition 65 - Maximum Allowable Dose Levels (MADL)

- Prussian Blue 14038-43-8 Not Listed
- Yellow Prusslate of Soda 13601-19-9 Not Listed
- Yellow Prusslate of Soda as Cyanide compounds Not Listed
- Sodium chloride 7647-14-5 Not Listed

U.S. - California - Proposition 65 - No Significant Risk Levels (NSRL)

- Prussian Blue 14038-43-8 Not Listed
- Yellow Prusslate of Soda 13601-19-9 Not Listed
- Yellow Prusslate of Soda as Cyanide compounds Not Listed
- Sodium chloride 7647-14-5 Not Listed

U.S. - California - Proposition 65 - Reproductive Toxicity -Female

- Prussian Blue 14038-43-8 Not Listed
- Yellow Prusslate of Soda 13601-19-9 Not Listed
- Yellow Prusslate of Soda as Cyanide compounds Not Listed
- Sodium chloride 7647-14-5 Not Listed

U.S. - California - Proposition 65 - Reproductive Toxicity -Male

- Prussian Blue 14038-43-8 Not Listed
- Yellow Prusslate of Soda 13601-19-9 Not Listed
- Yellow Prusslate of Soda as Cyanide compounds Not Listed
- Sodium chloride 7647-14-5 Not Listed

United States - Pennsylvania

Labor

U.S. - Pennsylvania - RTK (Right to Know) - Environmental Hazard List

- Prussian Blue 14038-43-8 Not Listed
- Yellow Prusslate of Soda 13601-19-9 Not Listed
- Yellow Prusslate of Soda as Cyanide compounds Not Listed
- Sodium chloride 7647-14-5 Not Listed

U.S. - Pennsylvania - RTK (Right to Know) - Special Hazardous Substances

- Prussian Blue 14038-43-8 Not Listed
- Yellow Prusslate of Soda 13601-19-9 Not Listed
- Yellow Prusslate of Soda as Cyanide compounds Not Listed
- Sodium chloride 7647-14-5 Not Listed

15.2 Chemical Safety Assessment

- No Chemical Safety Assessment has been carried out.

Section 16 - Other Information

Last Revision Date • 17/Nov/2017

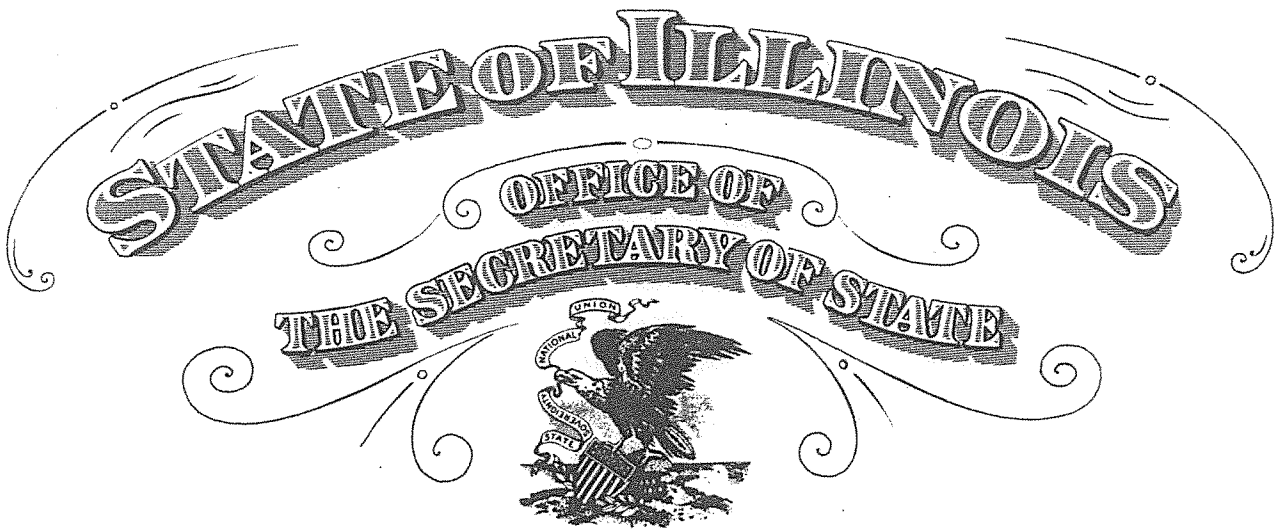
Preparation Date • 4/Jan/2010

Disclaimer/Statement of Liability • The responsibility to provide a safe workplace remains with the user. The user should consider the health hazards and safety information contained herein as a guide and should take those precautions required in an individual operation to instruct employees

and develop work practice procedures for a safe work environment. The information contained herein is, to the best of our knowledge and belief, accurate. However, since the conditions of handling and use are beyond our control, we make no guarantee of results, and assume no liability for damages incurred by use of this material. It is the responsibility of the user to comply with all applicable federal, state, and local laws and regulations. Nothing contained herein is to be construed as a recommendation for use in violation of any patents or of applicable laws or regulations.

Key to abbreviations

NDA = No data available



To all to whom these Presents Shall Come, Greeting:

I, Jesse White, Secretary of State of the State of Illinois, do hereby certify that I am the keeper of the records of the Department of Business Services. I certify that

MORTON SALT, INC., INCORPORATED IN DELAWARE AND LICENSED TO TRANSACT BUSINESS IN THIS STATE ON AUGUST 25, 2010, APPEARS TO HAVE COMPLIED WITH ALL THE PROVISIONS OF THE BUSINESS CORPORATION ACT OF THIS STATE, AND AS OF THIS DATE, IS A FOREIGN CORPORATION IN GOOD STANDING AND AUTHORIZED TO TRANSACT BUSINESS IN THE STATE OF ILLINOIS.

In Testimony Whereof, I hereto set my hand and cause to be affixed the Great Seal of the State of Illinois, this 2ND day of FEBRUARY A.D. 2022 .



Jesse White

SECRETARY OF STATE

CERTIFICATION

The undersigned, being the Secretary of Morton Salt, Inc., a Delaware corporation (the "Company"), hereby certifies that:

- i. As of the date hereof, Mitchell Dascher is President, Highway & Chemical of the Company;
- ii. Pursuant to the bylaws of the Company and the corporate resolutions adopted by Board of Directors of the Company on August 13, 2021 appointing Mr. Dascher as an officer of the Company, Mr. Dascher is authorized to approve and execute (and to delegate his authority to execute) all bids, sales contracts and related documents for the sale of bulk deicing or ice control products by the Company, and the bylaws and said resolutions remain in full force and effect as of the date hereof; and
- iii. Mr. Dascher has delegated to Anthony Patton, Director, Bulk Deicing U.S. Government Sales of the Company, Mr. Dascher's authority to execute all bids, sales contracts and related documents for the sale of bulk deicing or ice control products by the Company, and a true and correct copy of the delegation of authority to Mr. Patton dated September 1, 2021 is attached as Exhibit A hereto and remains in full force and effect as of the date hereof.

DATED: 4/26/2022



Brad Bacon
Secretary
Morton Salt, Inc.



EXHIBIT A

DELEGATION OF AUTHORITY

TO: Anthony Patton
Director, Bulk Deicing U.S. Government Sales

Pursuant to the authority granted to me as an officer of Morton Salt, Inc. (the "Company") per the Bylaws of the Company and by the resolutions adopted by the Board of Directors of the Company on August 13, 2021;

You are hereby designated as a person authorized to execute all bids, sales contracts and related documents for the sale of bulk deicing or ice control products by the Company; being subject to any applicable limitations set forth in Company policies; and being in effect only for so long as you continue to hold your current title noted above, unless earlier superseded, withdrawn, amended or terminated.

Effective Date: September 1, 2021

Signed:



Mitchell Dascher
President, Highway & Chemical
Morton Salt, Inc.



THE COUNTY OF DUPAGE
 FINANCE - PROCUREMENT
 BULK ROAD SALT 22-044-DOT
 BID TABULATION



No.	Item	Unit	Qty	MORTON SALT, INC.		CARGILL INC		COMPASS MINERALS AMERICA INC.	
				Price	Extended Price	Price	Extended Price	Price	Extended Price
1	Group 1 - DuPage County Standard Delivery	Ton	15,000	\$ 75.88	\$ 1,138,200.00	\$ 81.99	\$ 1,229,850.00	\$ 84.21	\$ 1,263,150.00
2	Purchase for 131% -150% of Projected Usage	Ton	1	\$ 85.88		\$ 92.98		\$ 94.21	
GRAND TOTAL GROUP 1					\$ 1,138,200.00		\$ 1,229,850.00		\$ 1,263,150.00
3	Group 2A - Townships/Municipalities Early Delivery	Ton	6,000	\$ 75.88	\$ 455,280.00	\$ 86.11	\$ 516,660.00	\$ 98.49	\$ 590,940.00
4	Group 2B - Townships/Municipalities Standard Delivery	Ton	61,170	\$ 75.88	\$ 4,641,579.60	\$ 81.99	\$ 5,015,328.30	\$ 84.21	\$ 5,151,125.70
5	Purchase for 131% -150% of Projected Usage	Ton	1	\$ 85.88		\$ 92.98		\$ 94.21	
GRAND TOTAL GROUP 2				\$	5,096,859.60	\$	5,531,988.30	\$	5,742,065.70

NOTES

Bid Opening 4/27/2022 2:00 PM	NE, VC
Invitations Sent	5
Potential Bidders Requesting Bid Documents	1
Total Bid Responses Received	3