

ORDINANCE NO. 09-57

AN ORDINANCE AMENDING THE VILLAGE OF CARPENTERSVILLE MUNICIPAL CODE, TITLE 16, "ZONING", REVISING VARIOUS REGULATIONS THEREIN IN RELATION TO COMMERCIAL AND MANUFACTURING DISTRICTS

WHEREAS, the Village of Carpentersville Municipal Code, Title 16, "Zoning", provides a legal framework for the use of land, intensity of use of land, and location of land uses throughout the village; and

WHEREAS, the President and Board of Trustees of the Village of Carpentersville, hereinafter referred to as the "Village Board", find that it is desirable and beneficial to periodically amend the land use regulations to reflect current zoning practices; and

WHEREAS, the Planning and Zoning Commission of the Village of Carpentersville held a public hearing on the creation of a new Chapter 16.17 and amendments to the text of Chapters 16.04, 16.16, 16.20, 16.24 and 16.28 of the Zoning Ordinance on August 20, 2009, following a notice of said hearing published in accordance with law, and continued said public hearing to September 17, 2009 and October 15, 2009, and after completion of the hearing on October 15, 2009 said Commission voted (aye: 6, nay: 0, absent: 1) to recommend to the Village Board that the amendments to the text of the Zoning Ordinance, as hereinafter described, be adopted.

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

SECTION 1: The Village of Carpentersville Municipal Code, Title 16, "Zoning", Chapter 16.04 "Definitions", Section 16.04.020 "Definitions, specific", specifically the definitions of "Accessory building" and "Accessory use" are hereby amended, and as amended shall read as follows:

"Accessory building" means a subordinate building, the use of which is ancillary and incidental to and customary in connection with the principal building and which is located on the same lot as the principal building.

"Accessory use" means a subordinate use which is ancillary and incidental to and customary in connection with the principal use and which is located on the same lot as the principal use.

SECTION 2: The Village of Carpentersville Municipal Code, Title 16, "Zoning", Chapter 16.04 "Definitions", Section 16.04.020 "Definitions, specific", is hereby amended by adding the following definition:

"Salon" means an establishment providing services that include hair treatment, manicures and facials, along with other similar accessory uses as determined appropriate by the Zoning Administrator.

SECTION 3: The Village of Carpentersville Municipal Code, Title 16, "Zoning", Chapter 16.16 "Commercial and Manufacturing District Use Regulations", is hereby amended by deleting Chapter 16.16 in its entirety and replacing it with text that shall read as follows:

Chapter 16.16 COMMERCIAL DISTRICTS

Sections:

- 16.16.010 C-1 Neighborhood Commercial District.
- 16.16.020 C-2 General Commercial District.
- 16.16.030 C-2-A Randall Road Commercial District.
- 16.16.040 Supplemental Review Standards

16.16.010 C-1 Neighborhood Commercial District.

- A. Intent and Purpose. Commercial districts are adopted to protect the character and maintain the stability of the commercial areas of the village. The C-1 district is established principally for the neighborhood commercial areas to serve the adjacent residential neighborhoods.
- B. Permitted Uses. The following uses are permitted within the C-1 district:
1. Antique shop;
 2. Arts and Crafts School;
 3. Art Supply Stores;
 4. Bank or financial institution, not including drive-through or drive-up service;
 5. Bicycle sales and repair shops;
 6. Currency exchanges;
 7. Dressmaking;
 8. Dry cleaning and laundry receiving station, no processing on site;
 9. Personal service uses such as: barber shop or salon;
 10. Pharmacies;
 11. Photographic and art studio;
 12. Professional offices, including medical and dental offices and clinics;

13. Restaurants, including carry-out establishments, fast food, quick-serve, fast-casual, full-service, sit-down, cafeterias, delis, coffee shops and uses of a similar nature, all not including drive-through or drive-in service;
 14. Laundromat, self service;
 15. Repair of household appliances;
 16. Retail business uses not otherwise regulated by this code including, but not limited to, books, newspapers, stationery, bicycles, baked goods, dairy products, gifts, groceries, flowers and other uses of a similar nature;
 17. Retail printing/photocopying shop;
 18. Shoe repairing;
 19. Tailoring; and
 20. Other uses similar to the above uses, as determined appropriate by the Zoning Administrator, if not listed in any other zoning district.
- C. Special Uses. The following uses are special uses within the C-1 district:
1. Churches, subject to all applicable supplemental review standards as provided in Section 16.16.040;
 2. Nursery, pre-kindergarten, play, day care, special and other private school;
 3. Public building or facilities erected by any governmental agency; and
- D. Accessory Uses. Accessory uses are permitted within the C-1 district in accordance with the standards in Section 16.18.020, unless listed as a permitted use or special use in any zoning district.
- E. Lot Size Requirements. The following minimum lot size requirements shall be provided for all lots created within the C-1 district:
1. Minimum Lot Area: 12,000 square feet.
 2. Minimum Lot Width: 80 feet.
- F. Setback Requirements. The following minimum yards shall be provided within the C-1 district:
1. Front Yard: 20 feet.
 2. Side Yard:
 - a. Zero (0) feet if adjacent to non-residentially zoned property.
 - b. Ten (10) feet if adjacent to residentially zoned property.
 3. Rear Yard:
 - a. 20 feet if adjacent to non-residentially zoned property.
 - b. 25 feet if adjacent to residentially zoned property.
- G. Maximum Lot Coverage. Individual lots within the C-1 district shall include at least 35 percent of open space (which open space may include pedestrian walkways and patios). Buildings and other paved surfaces shall not be considered open space.

H. Maximum Building Height. All buildings and other structures erected within the C-1 district shall not exceed 40 feet in height and shall not exceed three (3) stories.

I. Additional Provisions:

1. Within the C-1 district an opaque screen shall be installed along all lot lines bordering a residential district;
2. There shall be not more than five thousand (5,000) sq. ft. of gross floor area per establishment.

16.16.020 C-2 General Commercial District.

A. Intent and Purpose. Commercial districts are adopted to protect the character and maintain the stability of the commercial areas of the village. The C-2 district is established principally for the more widely used commercial areas along major streets and highways.

B. Permitted Uses. The following uses are permitted within the C-2 district:

1. Any permitted uses of the C-1 zoning district;
2. Amusement center or amusement arcade;
3. Art Galleries;
4. Automobile parts and supply stores, without on-site repair or installation;
5. Bank or financial institution;
6. Bakery;
7. Bowling alley or billiard parlor;
8. Consignment Arts and Crafts Sales;
9. Dancing or music academy;
10. Dry cleaning and commercial laundry, including processing on site;
11. Frozen food locker, accessory to a permitted principal use;
12. Furniture repair establishment, including dyeing, cleaning, printing, painting, tinsmithing, and upholstering of furniture, and other general service or repair establishment of similar character, provided that there shall be no open, unenclosed or outdoor storage of materials or equipment;
13. Health and fitness facility;
14. Hotel or motel;
15. Professional offices, including medical and dental offices and clinics;
16. Radio or television broadcasting station or studio, not including antenna structures and towers for reception or transmission;
17. Restaurants, including carry-out establishments, fast food, quick-serve, fast-casual, full-service, sit-down, cafeterias, delis, coffee shops and uses of a similar nature, all not including drive-through or drive-in service;

18. Rental agency, when conducted entirely within a fully enclosed structure;
19. Retail sale of merchandise not otherwise regulated by this code;
20. Taverns;
21. Vending machine servicing business; and
22. Veterinarian clinic or animal hospital.

C. Special Uses. The following uses are special uses within the C-2 district:

1. Any special use of the C-1 zoning district;
2. Ambulance Services;
3. Auditoriums, subject to all applicable supplemental review standards as provided in Section 16.16.040.F;
4. Automobile dealer, new or used cars, trailer, RVs or boat sales;
5. Automobile Fuel/Filling Station, with or without an accessory convenience store;
6. Automobile Service and Repair, not including automobile body repair and painting;
7. Automobile Rental and Leasing Establishment;
8. Banquet halls, subject to all applicable supplemental review standards as provided in Section 16.16.040;
9. Business, commercial or professional school;
10. Car Wash, accessory to an automobile fuel/filling station subject to all applicable supplemental drive-through review standards as provided in Section 16.16.040;
11. Commercial Parking Garage or Lot, as a principal use;
12. Drive-through establishments, accessory to any principal use, subject to all applicable supplemental drive-through review standards as provided in Section 16.16.040;
13. Funeral Home or Mortuary;
14. Hospitals;
15. Lumberyard and building materials;
16. Membership and fraternal organizations, subject to all applicable supplemental review standards as provided in Section 16.16.040.F;
17. Outdoor dining areas, as an accessory use to a principal use serving alcoholic liquor for consumption on the premises, subject to all applicable supplemental review standards as provided in Section 16.16.040;
18. Outdoor storage as an accessory to a permitted or special use; and
19. Theaters, not including adult entertainment establishments, subject to all applicable supplemental review standards as provided in Section 16.16.040.F.

- D. Accessory Uses. Accessory uses are permitted within the C-2 district in accordance with the standards in Section 16.18.020, unless listed as a permitted use or special use in any zoning district.
- E. Lot Size Requirements. The following minimum lot size requirements shall be provided for all lots created within the C-2 district:
 - 1. Minimum Lot Area: 43,560 square feet.
 - 2. Minimum Lot Width: 100 feet.
- F. Setback Requirements. The following minimum yards shall be provided within the C-2 district:
 - 1. Front Yard: 30 feet.
 - 2. Side Yard:
 - a. Zero (0) feet if adjacent to non-residentially zoned property.
 - b. Ten (10) feet if adjacent to residentially zoned property.
 - 3. Rear Yard: 20 feet.
- G. Maximum Lot Coverage. Individual lots within the C-2 district shall include at least 35 percent of open space (which open space may include pedestrian walkways and patios). Buildings and other paved surfaces shall not be considered open space.
- H. Maximum Building Height. All buildings and other structures erected within the C-2 district shall not exceed 40 feet in height and shall not exceed three (3) stories.

16.16.030 C-2-A Randall Road Commercial District.

- A. Intent and Purpose. Commercial districts are adopted to protect the character and maintain the stability of the commercial areas of the village. The C-2-A district is established specifically for the commercial areas along Randall Road.
- B. Permitted Uses. The following uses are permitted within the C-2-A district:
 - 1. Any permissive or special use of the C-1 district;
 - 2. Automobile dealer, new and used cars, or boat sales subject to site plan review by the village board;
 - 3. Automobile Fuel/Filling Station, with or without an accessory convenience store and/or an accessory car wash;
 - 4. Bakery;
 - 5. Bowling alley or billiard parlor;
 - 6. Business, commercial or professional school;
 - 7. Commercial storage facility, subject to all applicable supplemental review standards for a Commercial Storage Facility as an accessory use in the C-2-A district as provided in Section 16.16.040;
 - 8. Dancing or music academy;
 - 9. Drive-in food or eating establishment, including but not limited to restaurant;

10. Dyeing, cleaning, laundry, printing, painting, plumbing, tinsmithing, tire sales and service, upholstering and other general service or repair establishment of similar character, provided that there shall be no open or unenclosed storage of materials or equipment;
11. Frozen food locker;
12. Funeral Home or Mortuary;
13. Hardware store and/or home center;
14. Health and fitness facility;
15. Hotel or motel;
16. Professional offices, including medical and dental offices and clinics;
17. Radio or television broadcasting station or studio, not including antenna structures and towers for reception or transmission;
18. Rental business, when conducted entirely within a fully enclosed structure;
19. Retail sale of merchandise not otherwise regulated by this code;
20. Taverns; and
21. Veterinarian clinic or animal hospital.

C. Special Uses. The following uses are special uses within the C-2-A district:

1. Car Wash, as a principal use, subject to all applicable supplemental drive-through review standards as provided in Section 16.16.040;
2. Lumberyard and building materials;
3. Outdoor dining areas, as an accessory use to a principal use serving alcoholic liquor for consumption on the premises, subject to all applicable supplemental review standards as provided in Section 16.16.040;
4. Theaters, not including adult entertainment establishments, subject to all applicable supplemental review standards as provided in Section 16.16.040.F; and
5. Used car automobile dealer (where such used car sales are not an accessory use of a new car automobile dealer), trailer or boat sales or storage lot.

D. Accessory Uses. Accessory uses are permitted within the C-2-A district in accordance with the standards in Section 16.18.020, unless listed as a permitted use or special use in any zoning district.

E. Lot Size Requirements. The following minimum lot size requirements shall be provided for all lots created within the C-2-A district:

1. Minimum Lot Area: 43,560 square feet.
2. Minimum Lot Width: 100 feet.

F. Setback Requirements. The following minimum yards shall be provided within the C-2-A district:

1. Front Yard: 30 feet.

2. Side Yard:
 - a. Zero (0) feet if adjacent to non-residentially zoned property.
 - b. Ten (10) feet if adjacent to residentially zoned property.
3. Rear Yard: 20 feet
- G. Maximum Lot Coverage. Individual lots within the C-2-A district shall include at least 35 percent of open space (which open space may include pedestrian walkways and patios). Buildings and other paved surfaces shall not be considered open space.
- H. Maximum Building Height. All buildings and other structures erected within the C-2-A district shall not exceed 40 feet in height and shall not exceed three (3) stories.

16.16.040 Supplemental Review Standards

- A. Supplemental review standards for a commercial storage facility as an accessory use in the C-2-A district:
 1. The storage facility use shall be an accessory use to and a component of a permitted use (principle use) as otherwise allowed under the C-2-A district;
 2. The floor area dedicated to the storage facility use shall occupy no more than 50 percent of the total gross floor area of the building containing the principal use.
 3. The storage facility use shall be conducted entirely within a fully enclosed building, which building shall be occupied by the principal use.
 4. The floor area of each separate storage area (unit) within the storage facility component of the building shall be no greater than 400 square feet.
 5. The storage facility component shall not have ingress or egress at the same elevation or façade of the building as the principal use.
 6. The storage facility component shall occupy only the lower level, or portion thereof, of the building containing the principal use.
 7. The storage facility component shall be required to have automatic fire suppression (sprinkler) system(s) and smoke detection system(s) installed in each and every separate storage area (unit) and designed in accordance with the codes and standards of the NFPA 13 (National Fire Protection Association, Inc.), 1999 Edition, or the edition currently adopted by the Village.
 8. The storage facility use shall not allow for the storage of any "hazardous materials" listed in Title 8 and Title 15 of the Carpentersville Municipal Code.
 9. An opaque screen shall be installed and maintained along the perimeter of that portion of the property upon which the storage facility use is conducted. To the extent practicable, the screening shall be designed and installed so as to minimize the visibility of all loading spaces and elevations or facades of the building, which contain means of ingress and egress to such use, from any and all adjoining or surrounding property, land or public rights-of-way. Unless otherwise agreed by the village, screening shall have a total height of not less

than six (6) feet nor more than eight (8) feet, with the exception that plant materials, when used as natural screening as provided in subsection (A)(10)(c) below, may have a total height in excess of eight (8) feet. Where there is a difference in elevation of the grade between opposite sides of the screen within an area located a distance of 100 feet from each side of the screen, which distance shall be measured horizontally along a line perpendicular to such screen, the height shall be measured from the highest elevation. All screening shall consist of one or more of the following types or architectural or landscape features:

- a. Walls. A wall shall consist of stone, brick, tile or similar type of masonry units or material with a minimal width of four (4) inches.
 - b. Berms. A berm shall either be banked on one or both side(s). If banked on one side, the banked side shall be toward the lot line, with a retaining wall. A berm shall be not less than 20 feet in width at the base when banked on both sides, nor less than ten (10) feet in width at the base when banked on one side, and shall be sloped for ease of maintenance. Such berm shall be constructed of earthen materials and shall be landscaped.
 - c. Planting. Plant materials, when used as a screen, shall consist of a mixture of evergreen and deciduous trees and shrubs in combination with vines, ground cover or other natural materials. Plant materials shall be of a kind and used in such a manner so as to provide natural screening having a minimal width of three (3) feet within 18 months after initial installation. Plant materials which provide natural screening shall not be limited to a maximal height. Required landscaping shall be maintained in a neat, clean and healthy condition which shall include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary, and the regular watering of all plants. The building inspector or designee shall require that either subsection (A)(10)(a) or (b) above shall be installed if, after 18 months following initial installation, plant materials have not formed an opaque screen, or if an opaque screen is not maintained.
- B. Supplemental drive-through review standards for the granting of a special use permit:
1. A minimum of five (5) stacking spaces are required per drive-through lane;
 2. A minimum of ten (10) stacking spaces are required per food or drink based drive-through establishments;
 3. A minimum of 15 stacking spaces are required for a car wash with a tunnel wash capacity of six (6) to ten (10) vehicles;
 4. A minimum of 20 stacking spaces are required for a car wash with a tunnel wash capacity of one (1) to five (5) vehicles;
 5. A stacking space shall meet the minimum requirements of nine (9) feet in width and 18 feet in length;
 6. The number of drive-through lanes is limited to a maximum of three (3). A drive-through lane that is used for any type of Automated Teller Machine (ATM) or

similar electronic machinery is included in the maximum number of drive-through lanes;

7. Any structure (e.g., building, parking lot) expansion, modification, or rehabilitation of an associated drive-through facility shall require special use permit approval;
8. No stacking spaces shall serve as any part of required loading spaces;
9. No stacking spaces shall be counted as required parking spaces and all stacking spaces shall be in addition to the minimum parking space requirements;
10. All required stacking spaces shall be located on the same lot of record as the primary establishment served;
11. The following items must be submitted along with an application for a special use permit for a drive-through:
 - a. A traffic/parking study, if determined to be necessary by the Village Engineer;
 - b. An illustrative site plan as an exhibit to the traffic/parking study showing all vehicular movements and circulations; the number and location of the drive-through facilities; the locations of the stacking spaces;
 - c. Elevations, of illustrative detail, of all structures and buildings associated with principal and accessory uses and drive-through establishments.

C. Supplemental banquet hall standards for the granting of a special use permit:

1. The exclusive activity of the banquet hall shall be the on-premise catering of private parties where full service meals such as multiple course meals, hors d'oeuvres, or buffet meals are served at a prearranged fixed unit price.
2. Each private party must be prearranged under the sponsorship of a particular person or organization.
3. Alcoholic liquor may only be served or sold incidental to the required full service meals.
4. No banquet property shall be located within 500 feet of any single-family residentially zoned district, inclusive of rights-of-way.
5. No banquet facility shall have a cocktail lounge, bar or similar area devoted primarily to the service and consumption of alcoholic liquor.
6. No admission charge shall be levied to guests at such banquet facility events except for bona fide political fundraising events or bona fide charitable events sponsored by not-for-profit corporations or associations registered with the state.
7. All banquet hall facilities shall comply with the noise regulations in Chapter 8.16 of Title 8 of the Carpentersville Municipal Code.

8. Parking requirements for banquet hall facilities shall be one parking space for each one hundred (100) square feet of gross floor area for parking requirements, as defined in this Title.
- D. Supplemental outdoor dining area standards for the granting of a special use permit:
1. All outdoor dining areas shall comply with the standards in Section 16.18.020.C.4 of this title.
 2. Outdoor dining areas accessory to a principal use serving alcoholic liquor shall be enclosed by a minimum three-foot high fence or wall designed to prohibit unauthorized entry. Allowable fences include picket fences, privacy fences, shadow box fences, wrought iron fences, and walls. Walls shall be constructed of masonry that matches the principal building.
 3. Outdoor dining areas accessory to a principal use serving alcoholic liquor shall comply with all liquor licensing requirements in Chapter 5.12 of Title 5 of the Carpentersville Municipal Code.
- E. Supplemental church standards for the granting of a special use permit:
1. A community church is a facility that occupies a building space of less than seven thousand (7,000) square feet or is located on a property that is less than two acres in size and has the following requirements:
 - a. The maximum lot coverage (roofed and paved) for a community church is thirty (30) percent.
 - b. The front yard setback is thirty (30) feet, side yard setback is ten (10) feet and rear yard setback is thirty (30) feet for a community church.
 - c. The parking requirements for a community church are one parking space per each four seats located in the main auditorium.
 2. A regional church is a facility that occupies a building space of greater than seven thousand (7,000) square feet or is located on a property that is greater than two acres in size and has the following requirements:
 - a. The maximum lot coverage (roofed and paved) for a regional church is twenty-five (25) percent.
 - b. The front yard setback is fifty (50) feet, side yard setback is twenty (20) feet and rear yard setback is fifty (50) feet for a regional church.
 - c. The parking requirements for a regional church are one parking space per each three seats located in the main auditorium.
 3. All associated exterior lighting must use cutoff fixtures to eliminate any glare from the illumination source that would adversely affect any neighboring properties. The illumination levels at all property lines shall be zero foot candles.
 4. No other accessory uses can be used in conjunction with the church use, unless specifically permitted by the zoning ordinance of the village of Carpentersville.

F. Supplemental review standards for the granting of a special use permit for a public assembly use:

1. The maximum lot coverage (roofed and paved) for a public assembly use is twenty-five (25) percent.
2. The front yard setback is fifty (50) feet, side yard setback is twenty (20) feet and rear yard setback is fifty (50) feet for a public assembly use
3. The parking requirement for an auditorium is one parking space per each four seats in the main auditorium
4. All associated exterior lighting must use cutoff fixtures to eliminate any glare from the illumination source that would adversely affect any neighboring properties. The illumination levels at all property lines shall be zero foot candles.
5. No other accessory uses can be used in conjunction with public assembly use unless specifically permitted by the zoning ordinance of the Village of Carpentersville.

SECTION 4: The Village of Carpentersville Municipal Code, Title 16, "Zoning" is hereby amended by adding a new Chapter 16.17, "Manufacturing Districts", which shall read as follows:

Chapter 16.17 MANUFACTURING DISTRICTS

Sections:

- 16.17.010 M-1 Light Industrial District.
- 16.17.020 M-2 General Industrial District.
- 16.17.030 Supplemental Review Standards.

16.17.010 M-1 Light Industrial District.

- A. Intent and Purpose. Manufacturing districts are adopted to protect the character and maintain the stability of the industrial areas of the village. The M-1 Light Industrial District is established principally for the modern organized industrial area where business parks or campuses may be developed.
- B. Permitted Uses. The following uses are permitted within the M-1 district:
1. Above-ground storage tanks and silos, accessory to a permitted or special use;
 2. Blending and bottling of beverages, but not including distilling of beverages;
 3. Blueprint and photostatting establishments;
 4. Bookbinding;
 5. Building material sales and contractor shops;
 6. Cabinet making and custom woodworking;
 7. Compounding of cosmetics, toiletries, drugs and pharmaceutical products;

8. Engraving, printing and publishing;
9. Gymnastics facility;
10. Laboratories, research and testing;
11. Lithographing;
12. Machinery sales and service;
13. Manufacture of candy and bakery products;
14. Manufacture of medical and dental equipment; drafting, optical and musical instruments; watches, clocks, toys, games; and electrical or electronic apparatus from previously fabricated parts;
15. Manufacture of wearing apparel from previously processed material and printing, and finishing of textiles and fibers into fabric goods;
16. Motor vehicle and equipment sales and service;
17. Professional offices, not including medical or dental offices;
18. Radio or television recording studio;
19. Retail sale of goods produced on site;
20. Wholesale merchandising and storage warehousing; and
21. Other uses similar to the above uses, as determined appropriate by the Zoning Administrator, if not listed in any other zoning district.

C. Special Uses. The following uses are special uses within the M-1 district:

1. Adult entertainment establishments, provided they may not be located within three hundred (300) feet of a school, church, park, or each other as measured from lot or parcel lines. Further, such establishments must meet all requirements for a license pursuant to Chapter 5.08;
2. Ambulance Services;
3. Automobile Service and Repair, including automobile body repair and painting, but not including auto wrecking, junk yards and similar storage and salvage;
4. Automobile Rental and Leasing Establishment;
5. Cartage, express, parcel delivery or motor freight terminal establishments;
6. Churches, subject to all applicable supplemental review standards as provided in Section 16.16.040;
7. Kennels;
8. Machine shops which produce tools, dies and other similar custom machined parts, provided that no primary processing/fabricating of metal is conducted and no punch presses or drop hammers of one hundred fifty (150) tons or more of pressure are used;
9. Public building or facilities erected by any governmental agency;
10. Public utility and public service uses;

11. Vehicle towing business, not including "Motor vehicle impoundment yard"; and
 12. Vocational or trade school.
- D. Accessory Uses. Accessory uses are permitted within the M-1 district in accordance with the standards in Section 16.18.020, unless listed as a permitted use or special use in any zoning district.
- E. Prohibited Uses. The uses listed as permitted or special uses within the M-1 district are not intended to allow the following uses which are prohibited:
1. Auto wrecking, junk yards, and similar storage and salvage; and
 2. Bulk storage of oils, petroleum, or similar flammable liquids, chemicals, and hazardous or toxic materials, as a principal use on a lot.
- F. Lot Size Requirements. The following minimum lot size requirements shall be provided for all lots created within the M-1 district:
1. Minimum Lot Area: 43,560 square feet.
 2. Minimum Lot Width: 100 feet.
- G. Setback Requirements. The following minimum yards shall be provided within the M-1 district:
1. Front Yard: 25 feet.
 2. Side Yard: 20 feet.
 3. Rear Yard: 25 feet.
- H. Maximum Lot Coverage. Individual lots within the M-1 district shall include at least 35 percent of open space (which open space may include pedestrian walkways and patios). Buildings and other paved surfaces shall not be considered open space.
- I. Maximum Building Height. All buildings and other structures erected within the M-1 district shall not exceed 50 feet in height and shall not exceed four (4) stories.
- J. Performance Standards. All permitted and special uses in the M-1 district shall comply with the performance standards in Section 16.17.030

16.17.020 M-2 General Industrial District.

- A. Intent and Purpose. Manufacturing districts are adopted to protect the character and maintain the stability of the industrial areas of the village. The M-2 General Industrial District is established principally for non-obnoxious manufacturing.
- B. Permitted Uses. The following uses are permitted within the M-2 district:
1. Above-ground storage tanks and silos, accessory to a permitted or special use; and
 2. Assembling, disassembling, cleaning, fabricating, manufacturing, processing, repairing, servicing, storing, and testing establishments.
- C. Special Uses. The following uses are special uses within the M-2 district:
1. Antenna structures and towers for radio or television reception or transmission;

2. Heliports;
 3. "Motor vehicle impoundment yard," which includes land or buildings used exclusively for the storage of vehicles towed as a result of accidents, private citizen's requests, or various police orders. Motor vehicle impoundment yards shall be illuminated by artificial light from dusk until dawn and shall be completely enclosed with a minimum six foot solid fence with a locking gate. Motor vehicle impoundment yards shall be surfaced and drained in accordance with good engineering practices. At no time shall motor vehicle impoundment yards be used as junk yards or auto wrecking yards, or for the storage of abandoned motor vehicles beyond a period of ninety (90) days;
 4. Public building or facilities erected by any governmental agency;
 5. Public utility and public service uses;
 6. Telephone transmission equipment, including microwave relay towers; and
 7. Vehicle towing business.
- D. Accessory Uses. Accessory uses are permitted within the M-2 district in accordance with the standards in Section 16.18.020, unless listed as a permitted use or special use in any zoning district.
- E. Prohibited Uses. The uses listed as permitted or special uses within the M-2 district are not intended to allow the following uses which are prohibited:
1. Acid manufacture;
 2. Arsenals;
 3. Auto wrecking, junk yards, and similar storage and salvage;
 4. Bulk storage of oils, petroleum or similar flammable liquids, chemicals, and hazardous or toxic materials, as a principal use on a lot;
 5. Cement concrete or asphaltic concrete mixing plants;
 6. Cement, lime, gypsum or plaster of paris manufacture;
 7. Crematories;
 8. Creosote treatment or manufacture;
 9. Dumping, reduction or other processing of garbage, dead animals, offal or refuse, except as customarily incidental to a permitted principal use;
 10. Fat rendering;
 11. Fertilizer manufacture;
 12. Fireworks or explosive manufacture or storage;
 13. Natural or synthetic rubber, caoutchouc or gutta percha manufacture or treatment;
 14. Nitrocellulose manufacture;
 15. Ore reduction;
 16. Paper manufacture;

17. Petroleum processing or refining;
 18. Pyroxylin manufacture;
 19. Salt works;
 20. Sauerkraut manufacture;
 21. Smelters;
 22. Soap manufacture;
 23. Stockyard or slaughter of animals or fowls;
 24. Synthetic polymer manufacture;
 25. Tallow, grease or lard manufacture or treatment;
 26. Tanning, curing or storage of rawhides or skins; and
 27. Tar distillation or manufacture.
- F. Lot Size Requirements. The following minimum lot size requirements shall be provided for all lots created within the M-2 district:
1. Minimum Lot Area: 2 acres.
 2. Minimum Lot Width: 200 feet.
- G. Setback Requirements. The following minimum yards shall be provided within the M-2 district:
1. Front Yard: 50 feet.
 2. Side Yard: 20 feet.
 3. Rear Yard: 30 feet.
- H. Maximum Lot Coverage. Individual lots within the M-2 district shall include at least 35 percent of open space (which open space may include pedestrian walkways and patios). Buildings and other paved surfaces shall not be considered open space.
- I. Maximum Building Height. All buildings and other structures erected within the M-2 district shall not exceed 50 feet in height and shall not exceed four (4) stories.
- J. Performance Standards. All permitted and special uses in the M-2 district shall comply with the performance standards in Section 16.17.030.

16.17.030 Supplemental Review Standards

- A. Performance standards for the M-1 and M-2 zoning districts:
1. Permit Procedure. Before issuing any building permit, the Zoning Administrator shall be given information by the applicant sufficient to enable the Zoning Administrator or his or her designee to determine that all the performance standards of this section can and will be complied with at all times. All information and evidence submitted in applications to indicate conformity with the performance standards set forth in this subsection shall constitute a certification and an agreement on the part of the applicant that the proposed

use can and will conform to such standards at all times. At the request of the Zoning Administrator or his or her designee, the applicant shall provide.

- a. A site plan showing the location of all present and proposed structures, drives, parking lots, waste disposal areas and other constructional features of the site, as well as all structures, streets, streams, and any other significant features within two hundred (200) feet of the proposed site;
 - b. A description of the activity to be conducted in sufficient detail to indicate the extent to which the proposed operation will produce waste products, conditions, or external effects which are regulated or otherwise limited by this code;
 - c. A description of the type and location of any abatement devices or recording instruments used to control or measure conformity with any of the standards set forth in this chapter;
 - d. Such other data and certification as may reasonably be required by the Zoning Administrator to reach a determination.
2. Storage. All storage areas, where permitted, shall be screened with either solid privacy fencing or masonry construction that complements the overall building design and materials, as well as landscaping so as to completely shield view of items being stored,
 3. Noise. All uses shall comply with the noise regulations in Chapter 8.16 of Title 8 of the Carpentersville Municipal Code
 4. Vibration:
 - a. At no point on or beyond the boundary of any lot shall the maximum ground transmitted steady state or impact vibration caused by any use or activity (except those not directly under the control of the property user) exceed a particle velocity of 0.05 inches per second.
 - b. Particle velocity is to be determined by the formula $6.28 FA$, where F is the frequency of the vibration in cycles per second and A is the maximum single amplitude displacement of the vibration in inches. For the purpose of measuring vibrations, a three-component measuring system shall be used. For the purpose of this title, steady state vibrations which are continuous, or vibrations in discrete impulses more frequent than one hundred (100) per minute. Discrete impulses which do not exceed one hundred (100) per minute shall be considered impact vibrations.
 5. Smoke and Particulate Matter. The emission, from all sources within any lot, of particulate matter containing more than five percent by weight, of particles having a particle diameter larger than forty-four (44) microns is prohibited. The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed a net figure of one-half pound per acre of lot size during any one hour. Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, and roads within the boundaries of any lot shall be kept to a minimum by appropriate landscaping, paving, oiling, wetting or other acceptable means. The emission of smoke or particulate

matter of a density greater than No. 1 on the Ringelmann Chart as published by the U.S. Bureau of Mines is prohibited, except that Ringelmann No. 2 will be permitted for five minutes, or Ringelmann No. 3 for three minutes during any eight hour period, for the purpose of building fires or soot blowing.

6. Odor. The emission of odorous matter in such quantity as to be offensive at a point along or outside any lot line shall not be permitted. In determining such quantities of offensive odors, Table III (Odor Thresholds) in Chapter 5 of the "Air Pollution Abatement Manual" (copyright 1951) by Manufacturing Chemists Association, Inc., Washington, D.C., shall be used as a guide.
7. Toxic and Noxious Matter. No emission which would be demonstrably injurious to human health, animals or plant life, on the ground at or beyond any lot line shall be permitted. Where such emission could be produced as a result of accident or equipment malfunction, adequate safeguards considered standard for safe operation in the industry involved shall be taken. This shall not be construed to prohibit spraying of pesticides on public or private property.
8. 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:
 - a. The applicable regulations of the Nuclear Regulatory Commission;
 - b. The applicable regulations of any instrumentality of the state of Illinois.
9. Fire and Explosive Hazards.
 - a. The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning (excluding household items in quantities customarily found in the home) is prohibited unless storage, utilization and manufacture takes place within completely enclosed buildings having incombustible exterior walls, and in accordance with all applicable standards.
 - b. Activities involving the transportation, storage or utilization of materials or products which decompose by detonation are prohibited unless:
 1. Such materials shall be stored or utilized in accordance with the regulations promulgated by the state of Illinois and local jurisdictions with respect to explosives, and explicit written notice of intent to transport, store or utilize such materials shall be given to the village manager and fire chief (Carpentersville Fire Department or applicable Fire Protection District) prior to such transportation, storage or utilization.
 2. Such materials shall include, but not be limited to, all primary explosives such as lead azide, lead styphnate, fulminates, and tetracene; all high explosives such as TNT, RDX, HMX, PETN and picric acid; propellants and components thereof such as nitrocellulose, black powder, boron hydrides, hydrozine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chloride and potassium nitrate; blasting explosives such as dynamite

and nitroglycerin; unstable organic compounds such as acetylides, tetrazoles and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, and hydrogen peroxide in concentrations greater than thirty-five (35) percent; and nuclear fuels, fissionable materials and products and reactor elements such as Uranium 235 and Plutonium 239.

- c. All activities involving the use and/or storage and/or disposal of explosive material or of substances having a flash point less than one hundred eighty-seven (187) degrees Fahrenheit shall be provided with adequate safety and protection devices against hazards of fire and explosion, as well as with adequate firefighting and suppression equipment and devices standard to the industry involved, and in accordance with all applicable standards.
10. Heat. Every use and activity shall be so operated that it does not raise the ambient temperature at or beyond the boundary of any lot line.
11. Glare. Any operation or activity producing intense glare shall be conducted so that direct and indirect illumination from the source of light shall not cause illumination in residential districts.
12. Electromagnetic Interference. There shall be no electromagnetic interference that:
 - a. Adversely affects at any point the operation of any equipment other than that belonging to the creator of such interference, or that
 - b. Is not in conformance with the regulations of the Federal Communication Commission.

SECTION 5: The Village of Carpentersville Municipal Code, Title 16, "Zoning", Chapter 16.20 "Height Regulations", is hereby amended by deleting Chapter 16.20 in its entirety and replacing it with text that shall read as follows:

Chapter 16.20 SPECIAL REGULATIONS

Sections:

16.20.020 Special regulations.

16.20.020 Special regulations.

The following special regulations shall apply to any land airport other than a helicopter landing facility, owned and operated by a public agency:

- A. Within the air space above the approach zone to each end of a runway designed to be used for instrument landings, no building or structure shall be erected or altered to project above a plane with a slope of 1 (vertical) to 50 (horizontal) projected from a point two hundred (200) feet in width at its lowest point and four thousand (4,000) feet in width at its highest point; combined with a second plane with a slope of 1 (vertical) to 40 (horizontal) extending from the upper edge of the first plane for an additional distance of forty thousand (40,000) feet, said plane to be in the shape of a

symmetrical trapezoid four thousand (4,000) feet in width at its lowest point and sixteen thousand (16,000) feet in width at its highest point.

- B. Within the air space above the approach zone to each end of a runway not designed to be used for instrument landings, no building or structure shall be erected or altered to project above a plane with a slope of 1 (vertical) to 40 (horizontal) projected from a point two hundred (200) feet beyond the end of the runway for a distance of ten thousand (10,000) feet, said plane to be a symmetrical trapezoid (*) feet wide at its lowest point and (*) feet wide at its highest point.
- C. Within the established transition zone adjacent to each instrument and non-instrument runway and approach zone, no building or structure shall be erected or altered to project above a plane with a slope of 1 (vertical) to 7 (horizontal). Transition zones extend outward and upward from a line (*) feet on either side of the center line of instrument runways for the length of such runway plus two hundred (200) feet on each end, and five hundred (500) feet on either side of the center line of instrument runways for the length of such runway plus two hundred (200) feet on each end, to a height one hundred fifty (150) feet above the elevations of the airport reference point. In addition, transition zones are established adjacent to both instrument and non-instrument approach zones which flare outward and upward symmetrically along the entire length of each approach zone to where they intersect the surfaces of the horizontal and conical zones.
- D. Within (**) feet from the established airport reference point, no building or structure shall be erected or altered to project above a horizontal plane five hundred (500) feet above the established airport elevations. This horizontal zone does not include the approach or transition zones.
- E. Within the conical zone, which commences at the periphery of the horizontal zone and extends outward therefrom a distance of (**) feet, no building or structure shall be erected or altered to project above a plane with a slope of 1 (vertical) to 20 (horizontal).
- F. Nothing in this section shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to twenty (20) feet above the surface of the land.

(*) The applicable distance in feet must be based on runway lengths as set forth in Section 77.27 and Part 77 of the Federal Aviation Regulations.

(**) The applicable distance in feet must be based on runway lengths as set forth in Section 77.25 of Part 77 of the Federal Aviation Regulations.

SECTION 6: The Village of Carpentersville Municipal Code, Title 16, "Zoning", Chapter 16.24 "Yard Regulations", Section 16.24.010 "Minimum yard requirements-- Commercial and manufacturing districts" is hereby amended by deleting Section 16.24.010 in its entirety.

SECTION 7: The Village of Carpentersville Municipal Code, Title 16, "Zoning", Chapter 16.28 "Density Regulations", Section 16.28.010 "Density regulations--

Commercial and manufacturing districts and special requirements for certain areas" is hereby amended, and as amended shall read as follows:

16.28.010 Density regulations--Special requirements for certain areas.

- A. As relates to the property (as defined in the annexation agreement entered into on December 1, 1992, by and between the village and trust 5257, trust 5289, trust 19547, and trust 1082 pursuant to Ordinance No. 92-41 of like date) unless a written request of an owner submitting a plat of subdivision to the village for approval of a greater percentage of single-family reduced-width lots is hereafter approved by a majority vote of the president and village board of trustees, up to and not more than twenty-five (25) percent of the aggregate number of single-family lots located or to be located in the R-4 portions of the property may be reduced-width lots, and the minimum single-family lot width with respect to such reduced-width lots shall be sixty (60) feet, as opposed to sixty-six (66) feet.

Any final or preliminary plat of subdivision may provide for more than twenty-five (25) percent of the total lots in such plat to be single-family reduced-width lots if the aggregate number of reduced-width lots located or to be located in the R-4 portions of the property under all preliminary plats of subdivision approved by the village (including any such aforesaid preliminary plat) do not exceed twenty-five (25) percent of the aggregate number of lots located or to be located in the R-4 portions of the property under all preliminary plats of subdivision approved by the village.

For purposes of this section as relates to the property, "reduced-width lot" means any single-family lot located or to be located in the R-4 zoning district with a lot width less than sixty-six (66) feet, but not less than sixty (60) feet, measured at the building setback line.

- B. As relates to the property (as defined in the annexation agreement entered into on December 1, 1992, by and between the village and Chicago Title and Trust Company, as trustee under trust agreement dated August 5, 1989 and known as trust no. 1093521 pursuant to Ordinance No. 92-40 of like date) unless a written request of an owner submitting a plat of subdivision to the village for approval of a greater percentage of single-family reduced-width lots is hereafter approved by a majority vote of the president and village board of trustees, up to and not more than twenty-five (25) percent of the aggregate number of single-family lots located or to be located in the R-4 or R-3 portions of the property may be reduced-width lots, and the minimum single-family lot width with respect to such reduced-width lots shall be sixty (60) feet, as opposed to sixty-six (66) feet. Any final or preliminary plat of subdivision may provide for more than twenty-five (25) percent of the total single-family lots in such to be reduced-width lots if the aggregate number of reduced-width lots located or to be located in the R-4 or R-3 portions of the property under all preliminary plats of subdivision approved by the village (including any such aforesaid preliminary plat) do not exceed twenty-five (25) percent of the aggregate number of lots located or to be located in the R-4 or R-3 portions of the property under all preliminary plats of subdivision approved by the village.

For purposes of this section as relates to the property, "reduced-width lot" means any single-family lot located or to be located in the R-3 or R-4 zoning districts with a lot width less than sixty-six (66) feet, but not less than sixty (60) feet, measured at the building setback line.

- C. As relates to the property (as defined in the annexation agreement entered into on December 1, 1992 by and between the village and trust 1065451, Parsons, and Home Trust pursuant to Ordinance No. 92-38 of like date) unless a written request of an owner submitting a plat of subdivision to the village for approval of a greater percentage of single-family reduced-width lots is hereafter approved by a majority vote of the president and village board of trustees, up to and not more than twelve and one-half (12.5) percent of the aggregate number of single-family lots located or to be located in the R-4 or R-2 portions of the property may be reduced-width lots, and the minimum single-family lot width with respect to such reduced-width lots shall be sixty (60) feet, as opposed to sixty-six (66) feet; provided, however, reduced-width lots may only be located in the R-4 portions of the property. Any final or preliminary plat of subdivision may provide for more than twelve and one-half (12.5) percent of the total single-family lots in such plat to be reduced-width lots if the aggregate number of reduced-width lots located or to be located in the R-4 portions of the property under all preliminary plats of subdivision approved by the village (including any such aforesaid preliminary plat) do not exceed twelve and one-half (12.5) percent of the aggregate number of lots located or to be located in the R-4 or R-2 portions of the property under all preliminary plats of subdivision approved by the village.

For purposes of this section as relates to the property, "reduced-width lot" means any single-family lot located or to be located in the R-2 or R-4 zoning districts with a lot width less than sixty-six (66) feet, but not less than sixty (60) feet, measured at the building setback.

SECTION 8: The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

SECTION 9: The provisions of this Ordinance shall be in full force and effect upon its passage, approval and publication, in accordance with law.

Motion made by Trustee Sigwalt, seconded by Trustee Teeter, that the Ordinance be passed.

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES of the Village of Carpentersville, Kane County, Illinois, at a regular meeting thereof held on the 3rd day of November 2009, pursuant to a roll call vote as follows:

AYE: 6 (Schultz, Humpfer, Sigwalt, Hinz, Teeter, McFeggan)

NAY: 0

ABSENT: 0

APPROVED by me this 3rd day of November 2009.

Ed Ritter

Village President

(SEAL)

ATTEST:

Therese Wilde

Village Clerk