Ordinance # 1872

Village of Frankfort
Zoning Ordinance
2001

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Ordinance No. 1872

An Ordinance establishing "The Village of Frankfort Zoning Ordinance" for the purpose of dividing the Village of Frankfort, Will County, Illinois, into districts; regulating and restricting the location, use and intensity of building, structure and other specified uses within a said district; requiring permits; providing for the administration of and penalties for violation of said Ordinance; and rescinding Ordinance Number 919, Village of Frankfort Bicentennial Zoning Ordinance.

WHEREAS, Chapter 65 ILCS 5/11-13-1 authorizes municipalities within the State of Illinois to exercise the powers and regulate land use in the manner set forth therein; and

WHEREAS, it is essential to the health, safety and welfare of the citizens of the Village of Frankfort that adequate land and facilities are available and properly managed; and

WHEREAS, these services are impacted by the expansion and growth of the Village; and

WHEREAS, the Village Board of the Village of Frankfort directed the Plan Commission to initiate the amendatory process for the addition of updated language for division of land and its management to the Village of Frankfort Bicentennial Zoning Ordinance; and

WHEREAS, the amendment proposes to establish districts, requirements and management demanded by modern day needs; and

WHEREAS, the Village recognizes the importance of such amending, being used to directly benefit residents, developers, land and growth of the Village of Frankfort; and

WHEREAS, a Notice of Public Hearing before the Plan Commission/Zoning Board of Appeals of the Village of Frankfort was published in the Frankfort—Mokena Star, a newspaper of general circulation within the Village, announcing a Public Hearing on this amendment; and

WHEREAS, at a time and place designated in such Notice, a Public Hearing was held before the Village of Frankfort Plan Commission/Zoning Board of Appeals to review and consider such amendment; and

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF FRANKFORT, WILL COUNTY, ILLINOIS as follows:

ARTICLE 1: INTRODUCTORY PROVISIONS

Section A: Title

This Ordinance shall be known, and may be cited and referred to as "The Village of Frankfort Zoning Ordinance 2001," rescinding Ordinance Number 919, the Bicentennial Zoning Ordinance.

Section B: Intent and Purpose

Part 1: Purpose
This Zoning Ordinance is adopted to ensure that adequate light, pure air and safety from fire and other dangers may be secured, that the taxable value of land and buildings throughout the Village of Frankfort may be conserved, that congestion in the public streets may be lessened or avoided, that hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters may be lessened or avoided, and that the public health, safety, comfort, morals and welfare may otherwise be promoted, and to ensure and facilitate the preservation of sites, areas and structures of historical, architectural, aesthetic, and environmental importance.

Part 2: Objectives
The fulfillment of this purpose is to be accomplished by seeking the following objectives:

a. To divide the Village into districts of such number, shape, area and such different classes, according to the use of land, buildings, the height and bulk of buildings, the intensity of use and the area of open spaces and recreational spaces, as may be deemed best suited to carry out the purposes of this ordinance.

b. To prevent the overcrowding of land and undue concentration of structures, so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land surrounding them, thereby ensuring proper living and working conditions and preventing the development of blight and slums.

c. To fix reasonable standards to which buildings and structures shall conform.

d. To provide for a land use pattern that emphasizes the desirability of single-family residential land uses that will strengthen and enhance the Village's low-density community character.

e. To protect the aesthetic appearance of the Village; protect the Village's "quality of life;" and preserve the unique identity of Frankfort.

f. To provide adequate light, clean air, privacy and convenience of access to property.

g. To minimize the potential adverse impacts of industrial land uses on residential areas with landscaping, berms and transportation planning.

h. To encourage innovative development techniques by providing for use of planned unit developments in areas suitable for this development method.

i. To facilitate the provision of adequate transportation, and of other public requirements and services such as water, sewage, schools and parks.

j. To preserve the values of property throughout the Village and to protect the character and stability of residential, business and industrial areas.

k. To avoid the inappropriate development of lands and provide for adequate drainage, erosion control and reduction of flood damage; as well as lessening or avoiding the hazard to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

l. To ensure a balance of green space and development, and to preserve and insure the preservation of nature resources.

m. To provide a well-defined system of streets and pedestrian/bike trails which allow access to all local and regional points of origin and destination.

n. To limit congestion in the public streets and to protect the public health, safety, convenience and general welfare, by providing for the off-street parking of motor vehicles and the loading and unloading of commercial vehicles.

o. To preserve and ensure the preservation of areas of historical, architectural, and environmental significance.

p. To foster compatible relationships between residential, commercial, industrial, agricultural and historical uses for the mutual benefit of all.

q. To isolate or control the location of unavoidable nuisance producing uses, and to protect against fire, explosion, noxious fumes and other dangers.

r. To define the powers and duties of the administrative and enforcement officers and bodies.

s. To prescribe penalties for any violation of the provision of this ordinance, or any amendment thereto.

The standards and requirements contained in this Ordinance, and the district mapping reflected on the Frankfort Zoning District Map, are intended to implement the objectives of the Village of Frankfort Comprehensive Plan.

Section C: General Regulations

a. All buildings erected hereafter, all uses of land or buildings established hereafter and all structural alterations or relocations of existing buildings occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such buildings, uses or land shall be located except for those lots of record in the R2 district existing at the time of adoption of this ordinance, which shall continue to be subject to the minimum side yard and lot size regulations of the Bi-centennial Zoning Ordinance listed below, unless any of the following are true, in which case the property must adhere to all regulations of this Ordinance, unless a variance is obtained in accordance with Article 3, Section B:

1. The property is used for a non-residential use.
2. The property is rezoned after 9/17/2001.
3. Preliminary Plat approval was granted after September 17, 2001.
4. Final Plat is recorded after September 17, 2008.

Bi-centennial Zoning Ordinance Requirements-R2 District

Minimum side yard Setback	10′
Minimum Lot Size	13,500 Sq. Ft.

(Am. Ord. 2550, passed 11.13.08)

b. However, where a building permit for a building or structure has been issued, in accordance with law, prior to the effective date of this Ordinance, and provided that the construction is begun within six (6) months of such effective date and diligently prosecuted to completion (completion to be accomplished within eighteen (18) months of the adoption of this Ordinance), unless an extension is granted by the Village Board, said building or structure may be completed in accordance with approved plans, on the basis of which the building permit has been issued, and further, may, upon completion and inspection, be occupied under a certificate of occupancy by the use for which originally designated subject thereafter to the provisions of Article 10, Nonconforming Buildings, Structures and Uses.

c. Where the Code Official has issued a permitted use permit, a special use permit or a permit for variation, pursuant to the provisions of this Ordinance, such permit shall become null and void unless work thereon is substantially underway within six (6) months of the date of the issuance of such permit by the Code Official, and completed within eighteen (18) months of the issuance of such permit, unless an extension is granted by the Village Board. Any expansion of a special use or variance shall require authorization of a new special use permit or variance as the case may be.

d. A special use permit shall be deemed to authorize only the particular use for which it was issued. Such permits shall automatically expire and cease to be of any force or effect if such use shall be discontinued for twelve (12) consecutive months or more (unless an extension is granted by the Village Board), and a new special use permit must be obtained from the Village according to the guidelines contained within this Code. (Am. Ord. 1887, passed 04.15.02)

Section D: New Structures

All structures built hereafter shall comply with all of the regulations of this Zoning Ordinance. Any structure hereafter moved from one site to another shall be considered to be a structure built hereafter. Any structure rebuilt or restored after damage or destruction by fire or other casualty shall be considered to be a structure built hereafter, unless Article 10 of this Ordinance permits such a structure to be rebuilt or restored. All enlargements of or additions to existing uses occurring hereafter shall comply with the regulations of this Ordinance.

Section E: Limitations & Performance Standards

No permitted use hereafter established, altered, modified, or enlarged shall be operated or designed so as to conflict with the limitations or performance standards imposed on such use by this Ordinance.

Section F: Number of Structures & Uses On a Zoning Lot

Not more than one (1) principal building shall be located on a single zoning lot, nor shall a principal building be located on the same zoning lot with any other principal building, unless such principal building is located in a planned unit development that has been approved pursuant to the provisions of this Ordinance.

Section G: Platted Building & Setback Lines

If a recorded subdivision plat imposes a building or setback line for a lot which is greater than the minimum front yard required by the applicable section of this Ordinance, then, notwithstanding any other provision of this Ordinance, the minimum front yard shown on such subdivision plat shall govern.

Section H: Yard Requirements for Open Land

If a zoning lot is, or will be, occupied by a permitted use without structures, then the minimum front, side or rear yards that would otherwise be required for such zoning lot shall be provided and maintained, unless some other provision of this Ordinance requires or permits a different front, side or rear yard, provided however, that front, side and rear yards shall not be required on zoning lots used for garden purposes without structures, or on zoning lots used for open, public recreation areas.

Section I: Permitted Obstructions in Required Yards

Part 1: Required Yard Specifications

The following table shall delineate permitted obstructions when located in required yards, subject to review by the Code Official. (P = Permitted; N = Not Permitted)

Permitted Obstructions In Required Yards				
Projection, Obstruction, Or Accessory Use	Yard Type			
	Front	Rear	Side	Corner Side
Air-conditioning units, window only (not to exceed 2 feet)	P	P	P	P
Air-conditioning equipment shelters (not less than 10 feet from any property line)	N	P	N	P
Arbors and Trellises	P	P	P	P
Awnings and canopies (projecting less than six feet out and at least seven feet-six inches above the level of the adjoining ground)	P	P	P	P
Balconies, open	P	P	P	P
Basketball Goal (limited to one pole mounted or garage-mounted goal in residential zoning districts only and not closer than five feet from any property line, located within driveway pavement area if located in front, side, or corner side yard)	P	P	P	P
Cantilever encroachments into required setbacks may not exceed 24 inches. (Am. Ord. 2360, passed 01.25.07)	P	P	P	P
Chimney encroachments into required setbacks may not exceed 24 inches (Am. Ord. 2839, passed 04.29.13)	P	P	P	P
Decks, Terrace, Patios, open, in a residential district (not less than ten feet from any property line)	P	P	P	P
Decks, Terrace, Patios, open, in a non-residential district (not less than twenty-five feet from a front or corner side property line, or ten feet from any side or rear property line)	P	P	P	P
Dish antennas – greater than 30″ diameter	N	P	N	N
less than 30″ diameter	N	P	P	N
Dog runs, enclosed (not less than ten feet from any property line)	N	P	N	N

Permitted Obstructions In Required Yards				
Projection, Obstruction, Or Accessory Use	Yard Type			
	Front	Rear	Side	Corner Side
Fences (as per Article 5, Section D)	P	P	P	P
Flagpoles	P	P	P	P
Laundry drying equipment	N	P	P	N
Ramps for use by persons with disabilities	P	P	P	P
Residential Wing wall encroachments into required setbacks may not exceed 24″	P	P	P	P
Swimming pools, private (as per Article 5, Section D)	N	P	N	N
Television or radio towers or antennas	N	P	N	N
Tennis courts, private (not less than ten feet from any property line)	N	P	N	N
Trash dumpsters and/or garbage receptacles (also subject to other provisions of this Code)	N	P	P	N
Volleyball, basketball, shuffleboard and other courts, private (in residential districts only and not less than ten feet from any property line)	N	P	N	N
Other accessory uses (as may be permitted elsewhere in this Code)	N	P	N	N

Section J: Bulk Regulations for Public Utility Facilities

Part 1: Service Uses

Notwithstanding any other provisions of this Ordinance, none of the following public utility or public service uses shall be required to comply with the lot size requirements and bulk regulations of the zoning district in which they are located, except that such public utility and public service uses located on or above the surface of the ground shall observe the applicable minimum front, side and rear yard requirements:

a. Electric and telephone substations and distribution equipment;

b. Gas regulator;

c. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or other similar equipment for distribution to consumers for transmission of electricity, gas or water;

d. Pumping stations;

e. Transformer stations; and

f. Water standpipes.

Part 2: Easements

In addition, where electrical, telephone, water and sewer or other utility services require structures or facilities other than buildings located on or above the surface of the ground on easements through or abutting any lot in a residence district, said structures or facilities shall be prohibited in any required yard adjacent to a public street, or in any dedicated street right-of-way.

Section K: Contradictory Regulations

Where any contradictory regulations, restrictions or requirements imposed by any provision of this Ordinance upon the use of land, building, structures or improvements are either more restrictive or less restrictive than restrictions or requirements imposed by any other provision of this Ordinance or any other law of any governmental body having jurisdiction over the subject matter thereof, those restrictions or requirements which are more restrictive shall govern.

ARTICLE 2: REVIEW AND DECISION MAKING BODIES

The administration of this Ordinance is hereby vested in five (5) offices of the government of the Village of Frankfort. The purpose of this Article is to define and outline the five (5) offices, their duties and their responsibilities in administration of the Ordinance. The Village of Frankfort Police Department will assist the five (5) offices by reporting to them upon new construction, reconstruction, new land uses or possible violations.

Section A: Code Official

The Code Official shall enforce this Ordinance and, in addition thereto, and in furtherance of such authority, shall:

a. Issue all zoning certificates, as well as make and maintain records thereof;

b. Issue all certificates of occupancy, as well as make and maintain records thereof;

c. Conduct inspections of buildings, structures and use of land to determine compliance with the terms of this Ordinance;

d. Maintain permanent and current records of this Ordinance including, but not limited to all maps, amendments, special uses, variations, appeals and applications thereof;

e. Provide and maintain a public information bureau relative to all matters arising out of this Ordinance;

f. Forward to the Plan Commission all applications for special uses, and for amendments to this Ordinance that are initially filed with the Village of Frankfort;

g. Forward to the Zoning Board of Appeals applications for appeals, variations or other matters on which the Zoning Board of Appeals is required to pass under this Ordinance;

h. Submit all decisions to the Community Development Director for review, substantiation, amendment or approval;

i. Interpret and answer questions regarding the provisions of this Ordinance; and

j. Appoint deputy Code Officials to assist the Code Official carry out his/her duties hereunder.

Section B: Zoning Board of Appeals

Creation and membership is hereby authorized and established. The Board shall consist of seven (7) members appointed by the Village President, with the consent of the Board of Trustees, who shall serve terms of three (3) years.

Part 1: Procedure
In accordance with the applicable Statutes of the State of Illinois, as follows:

a. All appointments to the Board of Appeals shall be made by the President and Village Board of Trustees. One of the members so appointed shall be named as Chairperson at the time of their appointment. The amount of compensation to be paid, if any, shall be fixed by the President and Village Board of Trustees. Vacancies shall be filled as soon as possible for the remaining term of any member whose position has become vacant. In the event that the office of Chairperson is vacated for any reason, the President and Village Board of Trustees shall immediately appoint a new Chairperson.

b. All meetings of the Board of Appeals shall be held at the call of the Chairperson, and at such other times as the Board may determine. All testimony by witnesses at any hearing provided for in this Ordinance shall be given under oath. The Chairperson, or in their absence, the acting Chairperson, may administer oaths and require the attendance of witnesses. All meetings of the Board of Appeals shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact, and shall also keep records of its examinations and other official actions.

c. No hearing shall be conducted without a quorum of the Board of Appeals being present, which shall consist of a majority of the members. Any absent member who certifies that he/she has read the transcript of the proceedings before the Board of Appeals may vote upon any question before the Board. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board of Appeals shall immediately be filed in the office of the Village Clerk and shall be of public record. The concurring vote of four (4) members of the Board of Appeals is necessary to revise any order, requirement, decision or determination of the Code Official, or to recommend any variation or new application in the ordinance to the Village Board.

Part 2: Jurisdiction & Authority
The Board of Appeals is hereby invested with the powers as granted by the Statutes of the State of Illinois and this Ordinance as follows:

a. To hear and decide appeals and review any order, requirement, decision or determination made by the Code Official, pertaining to conformance with requirements of this Ordinance, but not including the Building Code and other applicable Village standards and requirements;

b. To hear and make recommendations to the Village Board on applications for variations from the terms provided in this Ordinance in the manner and standards set forth in this Article; and

c. To hear and decide all matters referred to it, or upon which matters it is required to pass under this Ordinance.

Part 3: Variations

The Village Board shall decide all applications for variations of the provisions of this Ordinance, after a public hearing before the Zoning Board of Appeals. The Zoning Board of Appeals shall hold public hearings upon all applications for variations and shall report its recommendations to the Village Board. The Zoning Board of Appeals shall recommend a variation only after it has made findings of fact specifying the reason or reasons for recommending the variation. Such findings shall be based upon the standards prescribed in Article 3, Section B of this Ordinance. No ordinance granting a variation shall be adopted by the Village Board without such findings of fact and receipt of conclusions from the Zoning Board of Appeal.

Section C: Plan Commission

Part 1: Creation & Membership

A Plan Commission is hereby authorized and established. The Commission shall consist of seven (7) members, appointed by the Village President, with the consent of the Board of Trustees. One of the members so appointed shall be named Chairperson at the time of their appointment. The members shall serve terms of three (3) years and may serve on the Zoning Board of Appeals conterminously.

Part 2: Meetings & Rules

All meetings of the Plan Commission shall be held at the call of the Chairperson, and at such times as the Plan Commission may determine.

a. All hearings conducted by said Plan Commission under this Ordinance shall be in accordance with Illinois Statutes. In all proceedings of the Plan Commission provided for in this Ordinance, the Chairperson, or in their absence, the acting Chairperson, shall have the power to administer oaths. All testimony by witnesses at any hearing provided for in this Ordinance shall be given under oath. The Plan Commission shall keep minutes of its proceedings, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, every amendment and special use, and every recommendation, order, requirement, decision or determination of the Plan Commission under this Ordinance shall be filed in the Office of the Village Clerk and shall be considered public record. The Plan Commission shall adopt its own rules and procedures, not in conflict with this Ordinance or applicable Illinois Statutes.

b. No hearing shall be conducted without a quorum of the Plan Commission being present, which shall consist of a majority of the seven members.

Part 2: Jurisdiction

The Plan Commission shall discharge the following duties under this Ordinance:

a. Review all applications for special uses and amendments to this Ordinance, either text or map, and report said findings and recommendations to the Village Board in the manner prescribed in Article 3, Section D (Amendments) and Section E (Special Uses);

b. Receive from the Code Official their recommendations, as related to the effectiveness of this Ordinance, and report any conclusions and recommendations to the Village Board on an as-needed basis;

c. Review all applications for approval of non-listed uses and report findings and recommendations to the Village Board of Trustees;

d. Hear and decide upon matters that are required to be reviewed by the Plan Commission under this Ordinance;

e. To receive and review all plats of subdivision, and recommend with respect thereto, to the Village Board of Trustees; and

f. To review all applications concerning land use issues and make recommendations to the Village Board of Trustees.

g. To establish, review, and uphold local standards for the exterior design and usage of building materials for buildings and structures.

Section D: Village Board of Trustees

The Village Board of Trustees shall discharge the following duties under this Ordinance:

a. Receive from the Zoning Board of Appeals recommendations on all appeals and variations to the Zoning Ordinance, and determine final disposition of any such matter;

b. Receive recommendations from the Plan Commission relating to amendments to the Zoning Ordinance (text and map), plats, special uses and planned unit developments, and determine the final disposition of any such application; and

c. Decide all matters that are required to be approved by the Corporate Authorities under this Ordinance.

Section E: 1890s Theme Committee

Part 1: Creation
For the purpose of administering the provisions of this Ordinance there is hereby created the "1890 Theme Committee," as outlined in the Village of Frankfort's Historic Preservation Ordinance. The 1890 Theme Committee may also be known as the Historic Preservation Commission.

a. The Committee shall consist of five voting members who are residents of the Village, appointed by the Mayor, and approved by the Village Board.

b. The committee members shall serve without salary.

Part 2: Meetings and Rules
The meetings and rules of the 1890 Theme Committee shall be as described in the Village of Frankfort's Historic Preservation Ordinance.

Part 3: Jurisdiction and Authority of Committee
In addition to the powers and duties set forth in the Village of Frankfort's Historic Preservation Ordinance, the Committee is hereby vested with the power and the duty to review applications for building permits, site plans, fences, or permits to erect signs in the H-R and H-1 zoning districts to determine the compatibility of the requested action with the Village of Frankfort Historic Preservation Design Guidelines, the Village of Frankfort's Historic Preservation Ordinance and any supplemental provisions as approved by the Village Board, and to make recommendations to the Village Board for final action thereon, and such other powers and duties as may from time to time hereafter be delegated to it by Ordinance, by the Village Board. The Committee shall adopt its own rules and procedures, not in conflict with this Ordinance or with applicable Illinois Statutes.

Part 4: Procedures
The procedures for review by the 1890s Theme Committee shall be as set forth in the Village of Frankfort's Historic Preservation Ordinance. The 1890 Theme Committee shall be guided by the architectural standards in the Village of Frankfort Historic Preservation Design Guidelines and any supplemental provisions as approved by the Village Board.

ARTICLE 3: DEVELOPMENT REVIEW PROCEDURES AND SUBMISSION REQUIREMENTS

Section A: Zoning and Occupancy Certificates

Part 1: Zoning Certificates

Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by an officer, department or employee unless the application for such permit has been examined by the Code Official and has affixed to it their signature, indicating that the proposed building or structure complies with all the provisions of this Zoning Ordinance and the Village of Frankfort Engineering Design Standards. Any permit or certificate of occupancy issued in conflict with the provisions of this Zoning Ordinance or the Village of Frankfort Design Standards shall be null and void.

a. Required Submissions. Every application for a zoning certificate shall be accompanied by:

1. Twenty (20) copies of a current subdivision plat or property survey of the parcel of land, lot, lots, block or blocks, or parts or portions thereof, drawn to scale, showing the actual dimensions and monuments, as certified by a "registered Illinois land surveyor," as a true copy of the piece or parcel lot, lots, block or blocks, or portion thereof, according to the registered or recorded plat of such land;

2. Twenty (20) copies of additional drawings drawn to scale in such form which may, from time to time, be prescribed by the Code Official, showing the ground area, height and bulk of the building or structure; the building lines in relation to lot lines; the use to be made of the building, structure, or land; architectural plans, where required by Article 3, Section H; and such other information as may be required by the Code Official for the proper enforcement of this Ordinance;

3. Twenty (20) copies of a Landscape Plan defining the size, location and species of plant material and other landscape materials. Such plan shall be prepared by a qualified expert, and must meet all standards and guidelines established in the Village of Frankfort Landscape Regulations, and sections 150.75 and 150.76 of the Village Code;

b. Waiver of Requirements. A Code Official may, in those cases where, in their judgment, the information is not necessary because of existing evidence in Village records, waive all or portions of the requirements listed above.

Part 2: Occupancy Certificates

Except for single family residential buildings, no building, or addition thereto, constructed after the effective date of this Ordinance; no addition to a previously existing building; no existing building with a change in use, business or ownership; and no land, vacant on the effective date of this Ordinance, shall be occupied or used for any purpose until a certificate of occupancy has been issued by the Code Official. Every certificate of occupancy shall state that the use of occupancy complies with the provisions of this Ordinance.

a. Application. Every application for a business license, building permit or zoning certificate shall be deemed to be an application for an occupancy certificate.

b. Issuance. No occupancy certificate for a building, or portion thereof, constructed after the effective date of this Ordinance, shall be issued until construction has been completed and the premises has been inspected and certified by the Building Inspector and/or the Code Official to be in conformity with the plans and specifications upon which the zoning certificate was based. No occupancy certificate for a building, addition thereto, or change in ownership or use, constructed or applicable after the effective date of this Ordinance, shall be issued, and no addition to a previously existing building shall be occupied until the premises have been inspected and certified by the Building Inspector and/or the Code Official to be in compliance with all applicable standards.

c. Temporary Certificate. Pending the issuance of a regular certificate, a temporary certificate may be issued, to be valid for a period not to exceed six (6) months from its date, during the completion of any addition, or during partial occupancy of the premises. The temporary certificate shall be valid during construction, and shall be discontinued within thirty (30) days after completion of construction.

d. Time Limit. The occupancy certificate shall be issued, or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, not later than ten (10) business days after the Building Inspector and/or Code Official is notified in writing that the building or premises are ready for occupancy.

e. Building Code. The issuance of an occupancy certificate shall comply with all regulations and requirements as outlined in the BOCA National Building Code, adopted by the Village of Frankfort.

Section B: Variations

Part 1: Purpose

The "variation" process is intended to provide limited relief from the requirements of this Ordinance in those cases where strict application of those requirements will create a practical difficulty or particular hardship prohibiting the use of land in a manner otherwise allowed under this Ordinance. It is not intended that variations be granted merely to remove inconveniences or financial burdens that the requirements of this Ordinance may impose on property owners in general. Rather, it is intended to provide relief where the requirements of this Ordinance render the land difficult to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the variation is requested. In no event, however, shall the Village grant a variation which would allow the establishment of a use which is not otherwise allowed in a zoning district or which would change the zoning district classification of any or all of the affected property.

Part 2: Application; Notice of Hearing; Procedures

a. An application for a variation shall be filed in writing with the Code Official. The application shall contain such information as the Zoning Board of Appeals may require.

b. Notice of the time and place of the public hearing to consider the application shall be published at least once in the Official Newspaper, said publication to be made not more than thirty (30) nor less than fifteen (15) days before the date of the hearing.

c. The Zoning Board of Appeals, after a public hearing, may recommend to the Village Board the variation of the regulations of this Ordinance. The Zoning Board of Appeals shall make recommendations only in cases where there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance relating to the construction or alterations of buildings or structures or the use of land in harmony with their general purpose and intent of the regulations; only where such Zoning Board of Appeals makes findings of fact in accordance with the standards in Part 3 below; and, further, finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance relating to the construction, or alteration of buildings or structures on the use of land. The Zoning Board of Appeals shall recommend to the Village Board such imposition of the conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in Part 3, to reduce or minimize the effect of such variation upon other property in the neighborhood and to implement the general purpose and intent of this Ordinance. The Zoning Board of Appeals shall reach its decision within ninety (90) days from the date of filing of the variation, unless such time is extended by mutual consent of the Zoning Board of Appeals and petitioner, or it shall be deemed to have been denied.

d. The Village Board may grant or deny the application for a variation. If the application is not acted upon finally by the Village Board within ninety (90) days of the date the Village Board receives the Zoning Board of Appeals recommendation, and such time is not extended by mutual consent of the Village Board and petitioner, it shall be deemed to have been denied.

Part 3: Standards of Variation

a. The Zoning Board of Appeals shall not vary the provisions of this Ordinance as authorized in this Article 3, Section B, unless they have made findings based upon the evidence presented to it in the following cases:

1. That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone;

2. That the plight of the owner is due to unique circumstances; and

3. That the variation, if granted, will not alter the essential character of the locality.

b. A variation shall be recommended to the Village Board only if the evidence, in the judgment of the Board of Appeals, sustains each of the three (3) conditions enumerated in Part 3(a).

c. For the purpose of supplementing the above standards, the Zoning Board of Appeals, in making this determination, whenever there are practical difficulties or particular hardships, shall also take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:

1. That the particular physical surroundings, shape or topographical conditions of the specific property involved will bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out;

2. That the conditions upon which the petition for variation is based would not be applicable, generally, to other property within the same zoning classification;

3. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property;

4. That the alleged difficulty or hardship has not been created by any person presently having an interest in the property;

5. That the granting of the variation will not be detrimental to the public welfare or unduly injurious to other property or improvements in the neighborhood in which the property is located;

6. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed, or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood; or

7. That the proposed variation will not impair an adequate supply of air to adjacent property, substantially increase the danger of fire, otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.

Section C: Appeals

a. Scope of Appeals. An appeal may be taken to the Zoning Board of Appeals by any person, firm or corporation, or by any office, department, board or bureau aggrieved by an order, requirement, decision or determination of the Code Official or the Director of Building and Zoning. Such an appeal shall be taken within forty-five (45) days after the decision of the action complained of, by filing with Code Official and with the Zoning Board of Appeals, a notice of appeal specifying the grounds thereof. The Code Official shall forthwith transmit to the Zoning Board of Appeals all of the papers constituting a record upon which the action appealed from was taken.

b. Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Code Official has certified to the Zoning Board of Appeals after the notice of the appeal has been filed that by reason of facts stated in the certificate, such stay would in their opinion cause imminent peril to life and property. In which case, the proceedings shall not be stayed unless by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice of the said Code Officials, and on due cause shown.

c. Procedures. The Zoning Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties by one publication in the Official Newspaper, said publication to be made not more than thirty (30) days, nor less than fifteen (15) days before the date of the hearing. The Zoning Board of Appeals shall reach its decision within ninety (90) days from the date of the filing of the appeal. The Zoning Board of Appeals may affirm or reverse, wholly or in part, or modify the order, requirement, decision or determination of the Director of Building and Zoning or Code Officials which, in its opinion, ought to be done; and, to what end, shall have all the powers of the Code Official from whom the appeal is taken. The Code Official shall maintain records of all actions of the Zoning Board of Appeals relative to appeals.

Section D: Amendments

Part 1: Authority and Declaration of Public Policy
For the purpose of promoting the public health, safety and general welfare, conserving the value of property throughout the community and lessening or avoiding congestion in the on public streets and highways, the Village Board may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the districts created by this Ordinance (text amendment), or amend district boundary lines (map amendment), provided that in all amendatory ordinances adopted under the authority of this section due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantage of the entire community and the uses to which property is devoted at the time of the adoption of such amendatory ordinance.

Part 2: Initiation of Amendment
Amendments may be proposed by the Board of Trustees, the Plan Commission, or by any person having an ownership or contractual purchase interest in affected property.

Part 3: Application for Amendment
An application for an amendment shall be filed with the Code Official in such form and accompanied by such information as required by the Code Official. Such application should be submitted to the Plan Commission for review, public hearing and written recommendations and thereon to the Village Board of Trustees for their final disposition.

Part 4: Hearing on Petition
Within forty-five (45) days of receipt of any complete application for rezoning, the Plan Commission shall hold a public hearing on such application at a time and place as shall be established by legal advertisement by the Plan Commission (see Part 5 below). The hearing shall be conducted, and a record of the proceedings shall be preserved in such a manner as the Village Board shall, by rule, prescribe from time to time.

Part 5: Notice of Hearings
Notice of time and place of the hearing shall be published at least once in the Official Newspaper, not more than thirty (30) days, nor less than fifteen (15) days before such hearing. Supplemental or additional notices may be published or distributed as the Village Board, may, by rule, prescribe from time to time.

Part 6: Findings of Fact and Recommendation of the Plan Commission

a. The Plan Commission shall make written findings of fact and shall submit same, together with its recommendations to the Village Board, for action. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Plan Commission shall make findings based upon all the evidence presented to it and shall consider among other pertinent matters, the following:

   Existing uses of property within the general area of the property in question;

The zoning classification of property within the general area of the property in question;

The suitability of the property in question to the uses permitted under the existing zoning classification;

The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification; and

The change in zoning is in conformance with the comprehensive plan of the Village and its official map.

b. After consideration of the above matters, the Plan Commission may recommend the adoption of a proposed amendment, a denial of a proposed amendment or a modification to such proposed amendment. The Plan Commission may include with its recommendation certain conditions or modifications to a proposed amendment for consideration by the Board of Trustees.

Part 7: Action by Village Board of Trustees

a. The Village Board shall not act upon a proposed amendment to this Ordinance until it shall have received a written report and recommendation from the Plan Commission on the proposed amendment.

b. The Village Board may grant, deny, or modify the request with the petitioner's consent, any application for an amendment; provided, however, that in case a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by the owners of twenty (20) percent of the properties proposed to be altered, or by the owners of twenty (20) percent of the properties immediately adjoining or across an alley there from, or by the owners of twenty (20) percent of the properties directly opposite the properties proposed to be altered, is filed with the Village Clerk, the amendment shall not be passed, except by a favorable vote of two-thirds (2/3) of the Board of Trustees. In such cases, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

c. If an application for a proposed amendment is not acted upon finally by the Village Board within ninety (90) days of the date the Village Board receives the Plan Commission recommendations, and such time is not extended by mutual consent of the Village Board and petitioner, it shall be deemed to have been denied.

d. If an application for a proposed amendment is granted by the Village Board, an ordinance authorizing the map or text amendment will be adopted by the Village Board.

Part 8: Effect of Denial of Amendment
No application for a map amendment which has been denied by the Village Board shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence or proof of change of condition found to be valid by the Plan Commission and Village Board.

Section E: Special Uses

Part 1: Purpose
The development and execution of this Ordinance is based upon the division of the community into districts. Within these districts, the use of land and buildings, and bulk location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration in each case of the impact upon neighboring land, and the public need for the particular use in the particular location.

Part 2: Initiation of Special Use
Any person having a freehold interest in land; a possessory interest entitled to exclusive possession; a contractual interest which may become a freehold interest; or an exclusive possessory interest, and which is specifically enforceable, may file an application to use such land for one or more of the special uses provided for in this Ordinance in the zoning district in which the land is located.

Part 3: Application for Special Use
An application for a special use shall be filed with the Code Official on a prescribed form. The application shall be accompanied by such plans and/or data prescribed by the Plan Commission, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed special use will conform to the standards set forth in Part 6 below. A site plan, as provided in Article 3, Section H, shall be required. Such applications shall be forwarded from the Code Official to the Plan Commission, with a request to review said application and accompanying data, conduct a public hearing thereon and submit written recommendations thereon to the Village Board of Trustees.

Part 4: Hearing on Application for Special Use
Within forty-five (45) days of receipt of any application for a special use, the Plan Commission shall hold a public hearing on the application, at such time and place as shall be established by legal advertisement (Notice of Hearing) by the Plan Commission. The hearing shall be recorded in such manner as the Village Board shall, by rule, prescribe from time to time.

Part 5: Notice of Hearing
Notice of time and place of the hearing shall be published at least once in the Official Newspaper not more than thirty (30) days, nor less than fifteen (15) days before such hearing. Supplemental or additional notices may be published or distributed as the Village Board may, by rule, prescribe from time to time.

Part 6: Findings of Fact and Recommendation of the Plan Commission

The Plan Commission shall make written findings of fact and shall refer to any exhibits containing plans and specifications for the proposed special use, which shall remain a part of the permanent record of the Plan Commission. The Plan Commission shall submit same, together with its recommendation to the Village Board for final action. No special use shall be recommended by the Plan Commission, unless such Commission shall find:

a. That the establishment, maintenance or operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort or general welfare.

b. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

c. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

d. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed, or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.

e. That the adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

f. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

g. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Village Board, pursuant to the recommendations of the Plan Commission.

Part 7: Terms of Relief, Conditions and Guarantees

Prior to recommending any special use, the Plan Commission shall, in a conclusion or paragraph, separate from the findings of fact, stipulate the terms or relief recommended. The Plan Commission may also stipulate any conditions and restrictions that are uniquely and specifically attributable to the effect of the special use on surrounding land uses, upon the establishment, location, construction, maintenance, design and operation of the use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Part 6 above. In cases in which special uses are recommended, the Plan Commission may require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection herewith are being, and will be, complied with.

Part 8: Action by the Village Board of Trustees

a. The Village Board shall not act upon a proposed special use permitted under this Ordinance until it has received a written report and recommendation from the Plan Commission on the proposed special use.

b. The Village Board may grant by ordinance or deny any application for special use, and may establish any conditions and restrictions upon the establishment, location, construction, maintenance, design and operation of the special use, as is deemed necessary for the protection of the public interest, and to secure compliance with the standards and requirements specified in Part 6 above.

c. In all cases in which the Village Board permits the establishment of a special use, the terms of the relief granted shall be specifically set forth in the ordinance.

d. Each special use, which is approved by the Village Board, shall attach to the property itself in perpetuity, until revoked.

Part 9: Effect of Denial

No application for a special use which has been denied by the Village Board shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence or proof of change of condition found to be valid by the Plan Commission and Village Board.

Section F: Planned Unit Developments (PUDs)

Part 1: Purpose

This section is intended to provide the means and guidelines through which tracts of land may be developed through a comprehensive approach, rather than the traditional lot-by-lot treatment afforded by other districts in this ordinance. It is intended to provide a maximum of design freedom by permitting the developer an opportunity to more fully utilize the physical characteristics of the site through the reduction of lot sizes, yards, height and bulk restrictions and mixing of uses. Through the requirement of a development plan, it is the intent that property under this section will be developed through a unified design, providing contiguity between the various elements, and ultimately leading to a better environment. Increased densities may be permitted under this section if such increases can be substantiated on the basis that the superior site design makes greater densities possible, with no reduction of amenities; and keeping with the Village desire to provide a wide range of open space opportunities to serve local park and recreation facilities for active and passive use. This section is not intended to be a device for making increased densities more acceptable, or as a means of circumventing the Village's bulk regulations or standards. This section should only be employed in instances where a benefit for the community can truly be derived from its use.

The planned unit development is intended to provide for developments incorporating a single type or a variety of related uses that are planned and developed as a unit. Such development may consist of conventionally subdivided lots, or provide for development by a planned unit development plan, in keeping with the purpose of the Comprehensive Plan of the Village of Frankfort.

To ensure that large scale commercial developments are designed as an integrated project, any commercial development in a B-2, B-3 or B-4 district of twenty (20) or more acres and in a OR district of thirty (30) or more acres shall be administered as a Planned Unit Development.

Part 2: Objectives

In addition to the general purpose of this Ordinance, the purpose of this section is to establish standards and procedures for Planned Unit Developments, in order that the following objectives may be obtained:

a. Encourage variety and flexibility in land development that is necessary to meet the best interests of the entire Village;

b. Regulate the allocation, maintenance and permanent preservation of common open space, recreation areas and facilities to offer recreational opportunities close to home and to enhance the appearance of neighborhoods by the conservation of natural resources;

c. Provide for a variety of housing types to accommodate the life stages and lifestyle choices of a range of persons, by allowing development that would not be possible under the strict application of the other sections of this Ordinance;

d. Preserve natural vegetation, topographic and geologic features, and other natural resources and amenities, and improve air and water quality;

e. Use a creative approach to the use of land and related physical facilities that results in better design and provision of exceptional amenities;

f. Prioritize an efficient use of land, resulting in more economic networks of utilities, streets, schools, public grounds and buildings and other community facilities;

g. Support land use which promotes the public health, safety, comfort and welfare; and

h. Encourage innovations in residential, commercial and industrial development so that growing demands of the population may be met by greater variety in type, design and layout of space ancillary to said buildings.

Part 3: General Application Procedures

a. A planned unit development shall be granted as a special use permit, in accordance with standards and procedures outlined in Article 3, Section E (Special Uses) and this Section F (PUDs), and may depart from the normal procedures and requirements of other articles of this Ordinance. Applications shall be accompanied by the required plats, documents and other data as specified in this Ordinance.

b. Before submitting an application for a planned unit development, an applicant may confer with the Code Official to obtain information and guidance before entering into binding commitments or incurring substantial costs, provided, however, that no such pre-application conference shall result in any binding commitments on behalf of the applicant or the Village.

c. The procedure for approval of a Planned Unit Development is set forth in detail, in Part 9 through Part 11 below. In general, every application must proceed according to the following steps:

Pre-application conference with staff, at which time a concept plan is reviewed.

Preliminary plan review by the Plan Commission. The Plan Commission holds a public hearing and makes a recommendation, which is then reviewed by the Village Board. The application must receive approval from the Village Board before proceeding to the next step.

Final plan review by the Plan Commission. If no major changes have been made since the preliminary plan was approved, no public hearing is required. The Plan Commission makes a recommendation, which is then reviewed by the Village Board.

Part 4: Review Standards

In granting or withholding approval of Preliminary Plans and Final Plans, the Plan Commission and the Village Board shall consider the extent to which the application fulfills the requirements of this Ordinance and the following standards:

a. The plan is designed to protect the public health, welfare and safety.

b. The proposed development does not cause substantial injury to the value of other property in the immediate area.

c. The plan provides for protection of the aesthetic and function of the natural environment, which shall include, but not be limited to, flood plains, streams, creeks, lakes, ponds, wetlands, soil and geologic characteristics, air quality, vegetation, woodlands, and steep slopes.

d. The plan provides for and ensures the preservation of adequate recreational amenities and common open spaces.

e. Residential use areas may provide a variety of housing types to achieve a balanced neighborhood.

f. The planned unit development provides land area to accommodate cultural, educational, recreational and other public and quasi-public activities to serve the needs of the residents thereof.

g. The proposed development provide for the orderly and creative arrangement of all land uses with respect to each other and to the entire Village.

Part 5: Permitted Variations from Village Ordinances

a. Except as specifically provided otherwise in this Section, planned developments shall be developed in conformity with the Zoning Ordinance (including Site Development Standards in Article 7), Subdivision Ordinance, Engineering Design Standards, Landscape Regulations, and all other applicable codes and ordinances of the Village of Frankfort.

b. Modifications in zoning, subdivision, and other applicable regulations are privileges and will be considered by the Village only in direct response to the tangible benefits received from the planned unit development to the Village or the neighborhood in which it would be located. These benefits shall be in the form of exceptional amenities; outstanding environmental, landscape, architectural or site design; or the conservation of special man-made or natural features of the site.

c. Bulk Regulations. Planned Unit Developments are governed by the bulk regulations of the underlying zoning district. However, the Plan Commission may recommend, and Village Board may authorize, exceptions to the applicable bulk regulations of this ordinance within the boundaries of such planned unit development including lot area, width, depth, and yard setback requirements, provided that the Plan Commission shall find:

1. That such exception shall be solely for the purpose of promoting an efficient and coordinated site plan, no less beneficial to the residents or occupants of such development, as well as the neighboring property, than would be obtained under the bulk regulations of this ordinance for buildings developed on separate zoning lots; and

That along the periphery of such planned unit developments, yards shall be provided as required by the regulations of the district in which said development is located.

d. The Plan Commission may recommend, and Village Board may authorize, that there be permitted in part of the area of a proposed planned unit development, and for the duration of such development, specified uses not permitted by the use regulations of the district in which said development is located. Such mixed Residential PUDs (see Part 7) or Mixed Use PUDs (see Part 8) shall not be approved unless the Plan Commission shall find:

That the uses permitted by such exceptions are necessary or desirable and are appropriate with respect to the primary purpose of the planned unit development;

That the uses permitted by such exception are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood;

Part 6: Development Standards Applicable to all Planned Unit Developments

a. Site Development Regulations. The PUD shall comply with the site development requirements in Article 7, including the site design criteria, parking, landscaping, sign regulations, and lighting.

b. Landscape Screening. In accordance with the regulations of Village of Frankfort Landscape Regulations, screening at the edges of the planned unit development shall be regulated as follows:

1. Fences, walls or vegetation screening shall be provided along the edges of the planned unit development where needed to protect residents from undesirable views, lighting, noise or other off-site influences, or to protect occupants of adjoining residential districts from similar adverse influences within the planned unit development.

2. Screening shall be designed to control existing or potential first floor residential window views in the planned unit development or other residential district.

The Plan Commission may waive screening requirements where terrain makes visual protection impractical.

c. Pedestrian and Bicycle Circulation. The development shall facilitate safe and continuous pedestrian, bicycle, and vehicular movement.

Access for pedestrians and cyclists shall be arranged to provide safe, convenient routes, and need not be limited to vehicular access points. Walkways shall form a logical, safe and convenient system for pedestrian access to all dwelling units and to on-site amenities and off-site destinations likely to attract substantial pedestrian traffic. Walkways to be used by substantial numbers of children as play areas or routes to school or other principal destinations shall be so located and safeguarded as to minimize contacts with normal automobile traffic. Street crossings shall be minimized on such walkways, appropriately marked and located and designed to promote safety. When pedestrian access points do not occur at street intersections, they shall be marked and controlled, and when such ways are exposed to substantial vehicular traffic at the edges of a district, fences or other barriers shall be erected and maintained to prevent crossings, except at designated points.

If substantial bicycle traffic is anticipated, and where shown on the Bike Trail Master Plan, bicycle paths are encouraged as part of the walkway system. Pedestrian ways appropriately located, designed and constructed may be combined with other easements and uses by emergency or service vehicles, but shall not be used by other vehicular traffic. Where possible, bicycle and bridle paths shall be combined with the street crossings. Such paths may be counted toward open space required by paragraph (d) below.

d. Designation of Recreational Amenities and Permanent Common Open Spaces. At least 20% of the net acreage of PUDs that contain only residential uses, and at least 20% of the net acreage of the residential portion of mixed use PUDs, shall be usable common open space.

Usable common open space shall be defined as follows:

Active or Passive. Usable common open space may include active open space and/or passive open space, as defined in Article 12.

Parcel Size: Each parcel of common open space used for active recreation shall be at least 10,000 square feet with a minimum width of 125 feet. For trail purposes the minimum open space width shall be 20 (twenty) feet.

Parcel Location: Each parcel must be accessible to all the residents it is intended to serve. The parcels must be linked by sidewalks, bike trails or pedestrian trails.

Water Coverage: Not more than 70% of the land designated as usable open space may be covered by water on a permanent basis.

Slope: Not more than 20% of the usable open space may have a finished grade exceeding 10%.

Ownership: Land dedicated to the Village or Park District may be included in the calculation of usable common open space. Where cash in lieu of land is provided, the acreage of land that otherwise would have been dedicated may be included in the calculation of usable common open space.

Usable common open space shall not include:

Areas reserved for the exclusive use or benefit of an individual tenant or owner;

Dedicated streets, alleys, and other public rights-of-way;

Required detention areas;

Floodplains or wetlands, unless the Village Board determines that natural features, such as a creek or lake, will be a substantial amenity to prospective residents;

Vehicular drives or parking, loading and storage areas; and

Irregular or unusable narrow strips of land less than fifty (50) feet wide, unless containing a trail or bicycle path.

e. Open Space Ownership and Maintenance

Prior to the final approval of any PUD, the public or private ownership and maintenance responsibilities for all common open spaces shall be established by the developer and approved by the Village. Public ownership shall be either the Village or Park District. Private ownership shall be a Property Owner's Association duly established by Sections of incorporation and bylaws, in accordance with the Illinois Condominium Property Act. The instrument of conveyance shall include restrictive covenants running with the land to guarantee the common open space will be properly cared for and used only for purposes designated in the approved final PUD development plan.

In the event that any portion of the property shall be developed under the Illinois Statutes relating to condominiums, the condominium covenants, conditions and restrictions shall include a provision whereby the Village shall have the right, but not the obligation, to enforce covenants or obligations of which the Village is a part, of the association or the owners of the units as defined and provided within the Declaration of Condominium. The Village shall also have the right to charge or place a lien upon the property of the condominium association for the repayment of such costs and expenses, including reasonable attorneys' fees in enforcing such

obligations. The declaration shall further provide that this provision may not be amended without the approval of the Village. Prior to recording, the finalized Declaration of Condominium shall be submitted to the Village for their approval.

No property shall be conveyed or dedicated for public use to any public body until the Plan Commission reviews and the Village Board approves such conveyance or dedication.

No common open space may be put to any use not specified in the final development plan unless the final development plan has been amended to permit that use as provided herein. However, no change of use authorized under amendments of the plan may be considered as a waiver of any of the covenants limiting the use of common open space areas.

To ensure appropriate long-term maintenance of common open spaces the developer shall submit a detailed open space management plan describing the method and schedule of maintenance. The Village may require a Maintenance Reserve Fee, whereby each homeowner, at the time of initial closing of the property, shall pay a maintenance fee into an escrow account held by the Village, in an amount determined by the Village.

f. Completion of Recreation Facilities and Other Site Amenities

Construction of recreational facilities and other improvements to common open spaces serving a PUD shall commence prior to the completion of not more than twenty-five percent (25%) of the dwelling units in the development, or fifty percent (50%) of the total gross floor area of commercial and industrial uses.

Recreation facilities and other improvements to common open spaces shall be completed prior to the issuance of building permits for the last forty percent (40%) of the dwelling units, or thirty percent (30%) of the total gross floor area of commercial and industrial uses within a PUD developed as a single phase.

In PUDs containing two (2) or more phases, construction of recreation facilities in earlier phases shall be completed prior to the issuance of occupancy permits for the next phase of the PUD.

g. Additional Conditions. To meet the unique circumstances presented by each PUD and to protect the health, safety, and general welfare of existing Village residents and the residents of the proposed development, the Village reserves the right to attach any other conditions it deems necessary, but not specifically provided herein, to the approval of all PUDs.

Part 7: Planned Residential Development

a. Definition. Planned Residential Developments generally fall into one of two categories:

Single-Family Cluster. A planned residential cluster subdivision is a comprehensively planned single family residential development in which dwelling units are clustered at one or more locations, but where the overall density does not exceed the maximum density permitted under the regulations for the zoning district in which said subdivision is located. The remaining land "saved" is devoted to common open space. A cluster residential development is most appropriate for those areas designated on the Comprehensive Plan for single family detached housing.

Mixed Residential. A mixed residential development is a comprehensively planned residential development in which a mix of housing types may be permitted, but where the overall density does not exceed the maximum density permitted under the regulations for the zoning district in which said subdivision is located. Dwelling units may be clustered in the same manner as in a residential cluster development. A mixed residential development is most appropriate for those areas designated on the Comprehensive Plan for attached housing.

b. Permitted and Special Uses

The permitted and special uses in a planned residential development are those that are allowed in the underlying zoning district, as well as support commercial uses that are intended to serve the residents of the development or adjacent subdivisions.

Support commercial uses are appropriate in PUDs that are ten (10) acres or more, (although smaller PUDs with support commercial uses may be approved by the Plan Commission and Village Board). To ensure that the predominantly residential character of the PUD is maintained, the appropriate amount of land area devoted to commercial uses should generally not exceed five percent (5%) of the total land area of the PUD. Support commercial uses shall be developed in accordance with the following standards:

Definition: For the purposes of these regulations, support commercial uses are defined as small establishments designed and intended to serve the daily or frequent trade or service needs of the immediately surrounding population (i.e. neighborhood area). Support commercial uses include those uses permitted in the B-1 district.

Maximum Size of Establishments: No individual support commercial establishment created under the provisions of this Subsection shall have a gross floor area in excess of 5,000 square feet, and no combination of such establishments in any one location shall have a total gross floor area of more than 10,000 square feet.

c. Determination of Permitted Density for a Residential Subdivision

Base Density. The total number of dwelling units to be built in a residential subdivision shall not exceed the number that could be developed on the same acreage as a standard subdivision, with the underlying zoning districts' minimum lot size and setback requirements strictly enforced. The base density permitted shall be determined upon submission of a subdivision plan prepared by the developer, or "yield plan," which plan shall comply with the strict requirements of the zoning district in which it is located, and the Village Design Standards and Subdivision Ordinance.

Sample Yield Plan

Sample PUD Plan

Bonus Density. The permitted density in a planned residential subdivision may be higher than that allowed in paragraph (1) above if it qualifies for density increases under the incentives listed in subsection (d) below.

d. Density Bonuses. To encourage excellence in design the following density bonuses shall be totaled to yield an allowed percentage increase over the maximum base density allowed in Part 7(d)(1) above. In no case shall the cumulative density increase exceed twenty percent (20%) of the permitted base density. The percentage of common open space in the PUD development should not be reduced below the minimum required by Part 6.d above to accommodate increased density allowed by the bonus provision.

Landscaped Buffer Yard. One (1%) percent for each twenty (20') feet in width in addition to the buffer yard requirements of the Village of Frankfort Landscape Regulations.

Landscaping. For excellence in creativity of design, quality and quantity of landscaping beyond the requirements of the Village of Frankfort Landscape Regulations, a bonus of up to two (2%) percent will be allowed.

Swimming Pool. One percent (1%) for each outdoor pool; and two percent (2%) for each indoor pool.

Tennis Courts. One (1%) percent for each tennis court, not to exceed two (2%) percent.

Community Center and/or Club Building. Up to five (5%) percent for a community center and/or club building.

Municipal Facility. Up to five percent (5%) for land donations for a municipal facility and up to ten (10%) percent for donations of land and structure(s) for such facilities.

Open Space. Up to one percent (1%) for each five percent (5%) of additional common open space above that required by Part 6d.

Senior Housing. Up to five percent (5%) for inclusion of housing specifically targeted toward senior citizens, including independent living, assisted living, or nursing home facilities.

e. Site Design Standards

Bulk Regulations. With the exception of minimum lot area, residential dwelling units shall comply with the bulk regulations set forth by the standards of the underlying zoning district in Article 6, including minimum yards, maximum building height, maximum lot coverage, maximum impervious coverage, minimum gross floor area, etc. The Village may relax these standards in accordance with the standards of Part 5(c) above.

Minimum Lot Size. No minimum lot area shall be required, provided that the density regulations of paragraph (d)(1) above are met.

Building Separation. For single family detached units and support commercial uses, the minimum side-to-side separation between principal buildings shall not be less than 20 feet. For attached residential units, the minimum separations between principal buildings shall be as follows:

Side-to-side: 30 feet

Side-to-rear: 40 feet

Rear-to-rear: 60 feet

Open Space. Open space shall be provided in accordance with Part 6(d) above. Primary (abutting) access from common open space to each building site need not be provided. However, convenient access shall be guaranteed to all residents within the development.

Tot Lots/Neighborhood Park. A minimum of one (1) tot lot or neighborhood park shall be provided for every one hundred (100) dwelling units, or as determined necessary by the Plan Commission. Tot lots and neighborhood parks shall be centrally located in relationship to the dwelling units to which they serve.

Part 8: Mixed Use Development

a. Zoning Districts Where Permitted. Mixed use PUDs may be allowed by special use permit in all zoning districts except the AG Agricultural District.

b. Permitted and Special Uses

Mixed use PUDs shall be designed to permit a wide variety of land use types, and may have one or a mix of land uses on a single parcel, including residential (single family detached and attached), office, retail commercial, manufacturing and warehouse. Land uses should be generally consistent with the guidelines of the Comprehensive Plan. The PUD must be planned and established as a single entity.

Individual permitted uses shall be those found in the list of permitted and special uses in the Village's existing zoning districts.

c. Determination of Residential Density. The total number of dwelling units to be built in a mixed use PUD shall not exceed the number that could be developed on the same acreage as a standard subdivision for only that portion of the PUD proposed for residential uses, with the minimum lot size requirement of the underlying zoning district strictly enforced. The technique set forth in Part 7(c)(1) shall be used to determine the base density.

d. Bonus Density. The permitted residential density in a mixed use PUD may be higher than that allowed in paragraph (c) above, if it qualifies for density increases under the incentives listed in Part 7(d).

e. Site Design Standards

Bulk Regulations. With the exception of maximum building height, buildings shall comply with the bulk regulations set forth by the standards of the underlying zoning district in Article 6, including minimum yards, minimum landscaped yards, maximum lot coverage, maximum impervious coverage, minimum gross floor area, etc. The Village may relax these standards in accordance with the provisions of Part 5(c) above.

Maximum Building Height. The maximum building height for principal and accessory non-residential uses shall be the same as the height allowed by the underlying zoning district, or by requirement of the adjacent zoning district, whichever is greater. An additional one foot (1') in height is permitted for every four feet (4') of additional front, side, or rear setback, as applicable, from an adjoining lower intensity zoning district. Increased height may also be approved in cases of unique topography, where the elevation of the building site is much lower than the elevation of the adjacent public right-of-way.

Building Separation. For single family detached units the minimum side-to-side separation between principal buildings shall not be less than 20 feet. For attached residential units, the minimum separations between principal buildings shall be as follows:

Side-to-side: 30 feet

Side-to-rear: 40 feet

Rear-to-rear: 60 feet

Minimum Common Open Space. The residential portion of a mixed use planned unit development shall comply with the open space standards in planned residential subdivisions in Part 7(e)(4).

Part 9: Pre-Application Conference and Concept Plan

a. Purpose. Prior to filing a formal application for approval of a planned unit development, the applicant shall request a pre-application conference with the Community Development Department. The purpose of the pre-application conference is to make advice and assistance available to the applicant before presentation of the preliminary development plan as required by this Code, so that the applicant may determine:

Whether the proposed planned unit development conceptually appears to be in compliance with the provisions of this Ordinance and all other applicable Village standards and ordinances;

Whether any zoning amendment or variation is required in connection with the proposed development; and

Whether the proposed planned unit development will be in conformity with the land-use policies and objectives of the Village of Frankfort.

b. Concept Plan. Prior to the pre-application meeting, the petitioner shall provide 5 copies of a concept plan describing the proposed development and surrounding area in sufficient detail to demonstrate the relationship of the proposed PUD to adjoining uses, both existing and planned, and to the topography and natural features of the site and adjoining lands. The concept plan shall include the following:

North arrow, scale, and date of preparation.

Name and address of site planner, engineer or surveyor who prepared the plan.

Proposed land uses, acreage and percent of the site devoted to each land use, including layout and configuration of common open space.

Yield plan, as described in Part 7(c)(1).

Proposed layout of streets, lots, and blocks for those phases of the PUD for which the petitioner will seek initial preliminary approval.

Proposed building footprints and estimated floor area for non-residential structures for those phases of the PUD for which the petitioner will seek initial preliminary approval.

Conceptual sketches demonstrating the land planning concept for each proposed type of housing unit.

Gross and net density of residential areas and housing types.

Location of parking areas, number of spaces to be provided, and method used to calculate the number of required spaces.

Wetlands, flood plains, and drainage characteristics, including topographic contour lines with a minimum of 10′ intervals.

Major stands of trees and other significant vegetative areas.

A preliminary engineering study providing a general description of existing sanitary, storm, and water service facilities, on and adjacent to the proposed development

and the proposed improvements necessary to properly handle the utility needs of the development and any additional information as may be requested by the Village Engineer.

A brief written statement that contains general descriptions of the design and architectural standards for the PUD, treatment of environmentally sensitive land, proposed time frame for phased development, a statement of present ownership and contractual purchase agreements, and proposed zoning.

Any other data determined to be reasonably necessary by the Code Official to provide an accurate overview of the proposed development.

c. Procedures

The Community Development Department shall review the Concept Plan and other documentation, and shall advise the petitioner as to the compatibility of the PUD with the Comprehensive Plan, the Zoning Ordinance, the Subdivision Ordinance, and the Village of Frankfort Engineering Design Standards. Recommendations relative to a pre-application review are advisory only, and shall not constitute a waiver from the requirements contained in the Village Code.

The Community Development Department may require revisions to the Concept Plan prior to acceptance of the Preliminary Plan. This may necessitate additional meetings between the petitioner and the Community Development Department.

When deemed desirable by the Community Development Department, Village staff and/or consultants shall prepare a written summary report which shall be forwarded to the Plan Commission and Village Board.

Part 10: Preliminary Development Plan

The purpose of the Preliminary Plan is to provide a transitional phase between concept plan review and final plan approval and a logical sequence of events. It is intended to permit the applicant the opportunity to provide specific information pertaining to that portion of the planned unit development that is the subject of the preliminary plan.

a. Application Submittal Requirements. Application for Preliminary Plan approval of a planned unit development shall be filed with the Code Official, accompanied by twenty (20) copies of a preliminary development plan. The following information shall be required:

1. Ownership. The entire site of the planned unit development shall be under single ownership, and/or unified control as demonstrated by a statement of ownership description of legal responsibility as necessary to effectuate and maintain the plan.

2. Boundary Survey and Legal Description. A boundary survey and legal description of the area covered by such Preliminary Plan, prepared and certified by a Registered

Illinois Land Surveyor, including the total acreage therein certified to the nearest one-hundredth (1/100) of an acre, a north point (designated as true north) and the date of preparation.

3. Site Location Map.

4. Topographical Survey. A topographical survey of the area covered by such Preliminary Plan at two (2) foot contour intervals as such area exists at that time.

5. Existing Zoning and Land Use Map. A map showing the existing zoning and land use of the property covered by the Preliminary Plan and the area within 500 feet thereof, as well as of the boundaries of the total planned unit development.

6. Concept Plan. For large projects that may be developed over several years, an applicant shall be required to submit a concept plan for those portions of a property that will not be developed immediately. Concept plans shall meet the requirements of Part 9(b) above.

7. Statement of Character. A written explanation of the general character of the proposed development, including:

   a) the description and quantity of all land uses to be included in the development, with maximum and minimum percentage limitations for each use as well as the proposed number of acres to be devoted to recreational areas, schools, and municipal purposes;

   b) the projected type, location and number of dwelling units and densities to be constructed in each phase of the total development;

   c) a description of each type of residential, commercial, or industrial unit proposed to be constructed (i.e., single-family, commercial, industrial, etc);

   the estimated population broken down by housing type, location, and school district, as may be anticipated upon completion of the development.

8. Drawings. A detailed drawing of the area covered by such plan prepared at a scale of not less than 1" – 200 and shall show such designations as proposed streets (public and private) for the area covered by such preliminary plan and the area within 500 feet thereof, all buildings, their height and use, common open space, recreational areas and facilities, parking areas, service areas and other facilities related to the proposed development. The submission may be composed of one or more sheets and drawings and shall include:

   a) Existing and proposed public roads including classifications, width or right-of-way, width of pavement and construction details;

b) Existing easements and proposed easements to be granted in lieu of rights-of-way;

c) The gross and net density of residential uses, including dwelling units per acre, the number of dwelling units by type and the number of buildings by type;

d) Schematic street lighting and public area lighting systems; and

e) A landscape plan which satisfies the requirements of the Village of Frankfort Landscape Regulations, and sections 150.75 and 150.76 of the Village Code.

f) Engineering plans for storm water and floodplain management in compliance with Village ordinances.

9. Traffic Study. A traffic study prepared by a qualified expert, providing:

   a) A general description of existing roads on and adjacent to the proposed development, and the proposed road improvements necessary to handle properly the traffic anticipated to be generated upon development;

   b) A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within and adjacent to the planned unit development; and

   c) Any special engineering features and traffic control devices needed to facilitate traffic safety.

10. Village Ordinance Report. A description of the modifications, exceptions, and variances from this ordinance or the Village's subdivision ordinance which are being requested as part of the application for establishment of the planned unit development;

11. Market Study. If deemed necessary by the Code Official, a general market analysis report, or other appropriate evidence, to establish the need for and feasibility of a non-residential or mixed use development;

12. Environmental Study. A general statement identifying existing natural and environmental resources, including a policy statement by the applicant expressing basic plans and procedures, which will be utilized to ensure protection of the total physical setting of the development and related environs. The statement should identify and locate on one (1) or more exhibits, the following environmental factors:

    a) A soil analysis shall be prepared, along with recommendations, if any, from the Will County Soil and Water Conservation District. The analysis must include soil types, code numbers and limitations for urbanized areas, conservation and agricultural productivity, soil wetness and erosion potential;

    b) Scenic views and vistas;

c) Surface hydrology identifying: existing surface drainage patterns; topography; major and minor water sheds; base flood limits as established by hydrological investigations atlas, FEMA Flood Insurance Maps, historical flood of record or best available information; projected 100 year flood boundaries; all ponds, lakes, creeks, streams, rivers and ditches; and wetlands;

d) Geology identifying surface geological deposits and a statement of their characteristics and limitations, prepared pursuant to the recommendations and published data of the Illinois Geological Survey and of other mapping data, and analysis of subsurface conditions on the subject property if required by the Village Engineer;

e) Natural coverage and vegetation showing marshes, bogs, wooded areas, isolated preservable trees, natural prairie, rock outcroppings, existing pasture land, crop land, orchards, other agricultural uses, areas of sand, gravel, or peat extractions and any unique natural or ecologically sensitive area;

f) Current ground elevations on the tract with contours at two (2) foot intervals and spot elevations at all breaks in grade, along all drainage channels or swales and at selected points, not more than 100 feet in all directions; and

g) The generalized pattern of existing land use, major and minor roadways, sidewalks, railroads, sanitary sewers, storm sewers and drainage improvements, water mains, utilities and designated landmarks, historical areas and buildings.

13. Construction Schedule. A proposed construction schedule showing the anticipated number of dwelling units or other structures to be constructed during the anticipated term of development, and showing the anticipated amount of square feet of commercial or industrial property (if any) to be constructed and ready for occupancy during the anticipated term of the development. The schedule shall include:

a) The approximate date on which construction of the project can be expected to begin;

b) The stages in which the project will be built;

c) The anticipated rate of development;

d) The approximate dates when the development of each of the stages will be completed; and

e) The area and location of recreational space and common open space that will be provided at each stage.

14. Covenants. Proposed agreements, provisions or covenants and by-laws which will govern the use, maintenance and continued protection of the planned unit development and any of its common open space of the homeowner associations, recreational areas and facilities, in the area covered by the Preliminary Plan.

15. Title and Certificates. Present tract designation, according to official records in the Office of the Recorder of Deeds, title under which the proposed development is to be recorded, with names and addresses of owners, and notation stating acreage.

16. Open Space and Recreation Areas and Facilities. All parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the purpose indicated, and the improvements which will be made to each area and facility.

17. Architectural Renderings. Architectural renderings of the proposed structures (except single family detached homes) within only the area which is the subject of the Preliminary Plan.

18. Notices. Names and addresses of the persons to whom notices of hearings hereunder may be sent, including the subdivider, the designer of the subdivision and the owners of the land within 250 feet from the boundary lines of the property immediately adjoining the land to be platted.

b. Preliminary Plan Procedural Requirements are as follows:

1. Public Hearings. The Plan Commission shall hold a public hearing on the application for a special use for a planned unit development and preliminary plans, giving notice of the time and place not more than thirty (30), nor less than fifteen (15) days before the date of the hearing by publishing a notice thereof at least once in the Official Newspaper.

2. Phased Planned Unit Developments. If the Preliminary Plan initially submitted shall cover less than all of the planned unit development, Preliminary Plans for additional areas of the planned unit development may be submitted to the Village Board within such period of time as shall have been prescribed in the approval of the application for establishment of the planned unit development, provided, further, that upon request in writing of the developer, the Village Board may, by resolution duly adopted at any meeting of the Village Board, extend the period of time for submission of Preliminary Plans covering all of the planned unit development.

3. Status of Approved Preliminary Development Plan. Approval of a preliminary plan shall not constitute approval of the final plan, nor qualify a plat of the planned unit development for recording. Rather it shall be deemed an expression of approval of the preliminary plan as a guide to preparation of the final plan.

A preliminary plan which has been granted approval as submitted, or approval with conditions or modifications, shall not be modified, revoked or otherwise impaired by action of the Village, pending an application for final approval, without the consent of the applicants, provided that application for final approval is filed within the time or times specified in the resolution granting preliminary approval, and thereafter, but prior to final approval, the applicant shall choose to abandon such plan and shall so notify the Plan Commission in writing, the preliminary plan approval shall be deemed to be revoked and all that portion of the area included in the plan for which final approval has not been given, shall be subject to those local ordinances applicable thereto. No building permit shall be issued for any structure until approval has been given by the Village Board.

4. Submission with Preliminary Development Plans. At any time, and from time to time when a Preliminary Plan for a portion of the planned unit development is submitted for approval, it shall be an obligation of the developer of such portion to cause the developer of the overall planned unit development to prepare and submit to the Village with such Preliminary Plan, an updated Land Use Plan for those areas in the planned unit development for which Preliminary Plans shall not then have been submitted for approval.

5. Annual Submissions. When no updated Land Use Plan of the planned unit development has been prepared for one (1) year, the developer of the planned unit development shall, unless the Village waives such obligation, prepare and submit to the Village a Land Use Plan for those areas in the planned unit development for which Preliminary Plans have not been submitted for approval.

Part 11: Final Development Plan

The purpose of the final plan is to provide a detailed design for the land to be subdivided, as well as, the division of other lands into common open spaces and building areas, and to more specifically address land uses and building locations.

a. Application Submittal Requirements. The following information shall be required in addition to all Preliminary Plan information as per Article 3, Section F, Part 10 of this Code:

1. If the planned unit development constitutes a subdivision, a final subdivision plat shall be submitted. Any such final subdivision plat shall set forth, on the face thereof, suitable dedications of permanent open spaces and recreational amenities to be owned in common easements, rights-of way and all other criteria in form and substance, conforming to the requirements of the Village's Subdivision Regulations and Design Standards, and all other applicable Village standards and regulations, as the same may be amended and in force from time to time.

2. The final version of the site plan of the planned unit development shall be filed, indicating the locations of all buildings, all parking and loading spaces, setbacks, block and lot numbers, street names, and any other special structure, facility or feature approved or required by the Village Board.

3. The final version of the covenants, if any, by which the applicant proposes to regulate land use and otherwise protect the proposed development, accompanied by the written representation and warranty of the applicant, in form and substance satisfactory to the Village Attorney, to the effect that the owner of the real property which is the subject of the proposed planned unit development has not sold or otherwise disposed of any interest in said property and will not sell, or otherwise dispose of any such interest, prior to the filing for record of said covenants in the office of the Recorder of Deeds of Will County, Illinois.

4. Such deeds or easement agreement, if any, as required or approved by the Village Board, shall be filed in form and substance approved by the Village Attorney, conveying a suitable ownership interest in the parcels within the proposed planned unit development which are to be subject to public or common ownership.

5. Filing a copy of the Articles of Incorporation of homeowners, merchants or business or property owners association, if any, required or approved by the Village Board, certified by the Secretary of State of Illinois, not more than thirty (30) days prior to the filing of the final plan; a certificate of good standing for such corporation certified by the Secretary as being true, correct; and a complete copy of such bylaws, as of the date not more than thirty (30) days prior to the filing of such final plan.

6. Engineering drawings and specifications for:

   a) Sanitary and storm sewer systems.

   b) Water supply system.

   c) Street lighting and public area lighting systems.

   d) Sidewalks, trails, and paths.

   e) Storm water management.

   f) Floodplain management.

   g) Erosion control plan for all disturbed areas and a plan to preserve existing vegetation.

   Such engineering drawings and any other drawings required by any other ordinance of the Village shall be prepared in such detail as may be required by the Village Engineer and the Village of Frankfort Engineering Design Standards, and the Village of Frankfort's Ordinance Regulating Development in Special Flood Hazard Areas.

7. Estimate of the cost of installation of all proposed public improvements, confirmed by a registered Illinois engineer.

8. A plan or report shall be prepared by the developer and shall evaluate, in general terms, the impact of the proposed development on the natural environment. The report shall identify:

   a) The final version of the developer's policy toward maintaining the natural environment;

   b) An analysis of the existing environment, prior to the proposed action. Consideration should be given to the following factors:

      i) Unique physical features of the land such as soil stability, erosion, and ground contours;

      ii) Scenic views and vistas;

      iii) Drainage, run-off surface water, ground water, flood plains, lakes, streams, creeks, streams, rivers, ditches and wetlands;

      iv) Air quality;

      v) Areas underlain by sand and gravel aquifers;

      vi) Vegetation; and

      vii) Wildlife.

   c) A general listing of the effects on the environment which would be caused by the proposed development, and the actions which the developer proposes to undertake to resolve any adverse conditions resulting from development of the land.

9. Final architectural renderings and facades of all proposed primary structures, except single family detached residences. Elevations must include all building facades.

10. A certificate shall be furnished from the County Collector that finds no delinquent taxes are outstanding on the property, and that all special assessments constituting a lien on the whole or any part of the property of the planned unit development have been paid.

11. Certificates and signature blocks as required by Illinois Statutes and Plat Act.

b. Final Development Plan Procedural Requirements. The final plan shall conform substantially to the preliminary plan, as approved, and if desired by the developer, it may be submitted in stages, with each stage reflecting a portion of the approved preliminary plan which is proposed to be recorded and developed. Submission in stages may occur, provided, however, that such portion conforms to all requirements of these regulations. The required procedure for approval of the final plan of a planned unit development shall be as follows:

1. Application for final plan approval shall be filed with the Community Development Department, and be accompanied by twenty (20) copies of the final plan. The final plan and supporting data shall be filed with the Village Clerk and forwarded to the Plan Commission for certification that the final plan is in conformity with these regulations and in agreement with any approved preliminary plans.

2. Final Plans for all or specified development phases of the planned unit development shall be submitted for approval. There shall be no minimum acreage requirement with respect to Final Plans. Approval of final plans may not be withheld for reasons that would be inconsistent with the approved Preliminary Development Plan. In considering the approval of the Final Plan, no further public hearings shall be required to approve changes from Preliminary Development Plans which are not "major changes" as defined in Article 3, Section F, Part 12 of this Ordinance.

3. After review of the final plan and supporting data, the Plan Commission shall approve or disapprove the plan within sixty (60) days after filing by the developer. Disapproval of the final plan of the planned unit development shall include a clear statement of the reasons thereof.

4. The Village Board shall review the final plan after receiving the recommendation of the Plan Commission. Approval by the Village Board of the final plan for any proposed planned unit development shall be effective only for a period of sixty (60) days after the date of such approval, unless within such sixty (60) day period the applicant shall record or cause the recordation of the final plan including any final subdivision plat, the final restrictive covenants and the deeds and/or easement agreement required or approved by the Village Board, in the Office of the Recorder of Deeds of Will County, Illinois.

5. Final Plans for all or part of the area covered by the Preliminary Plan shall be submitted to the Board of Trustees for Approval within one (1) year after approval of the Preliminary Development Plan by the Village Board, provided that upon request in writing of the developer, the Village Board may, by resolution duly adopted at any meeting of the Village Board, extend the period of time for the submission of such final plans.

Part 12: PUD Compliance and Amendments

All planned unit developments shall be developed in strict compliance with the recorded final plan and supporting data. All final plans and covenants filed and recorded hereunder shall be contractual undertakings by, and shall be binding upon, the applicants, therefore the owners of the land covered by such planned unit development, their successors and assigns; and shall limit and control the construction location and use and operation of all land in such planned unit development, and all improvements and structures to be located thereon.

a. Schedule. The Village Board shall consider a planned unit development subject to revocation if construction falls more than two (2) years behind the filed and approved schedule. The developer shall be notified at least ninety (90) days prior to any revocation hearing. The site will revert back to its original zoning if revocation occurs.

b. Occupancy. No planned unit development, or any portion thereof, may be occupied until such time as a certificate of Zoning Compliance has been issued by the Building Inspector and/or the Code Official certifying that the development, or a stage of the development, if applicable, has been completed in compliance with the final plan and any recorded covenant or developer agreement as approved and recorded.

c. Amendments to the Final Approved Plan During Development. Upon issuance of a special use permit and the necessary building permits, no major changes may be made during or after the development of the final plan as approved and recorded by the Village Board unless the applicant applies for approval of a major change to a planned unit development.

d. Major Changes. A major change requires a public hearing before the Plan Commission and approval by the Village Board. Any of the following changes shall be deemed to be a "major change:"

1. A change which alters the concept, character or intent of the final development plan;

2. A change which increases residential density by five (5) percent or more;

3. A change which increases the height of any building or structure beyond five (5) percent, or alters the uses and design standards set forth as a minimum in this Ordinance;

4. A change which significantly increases nonresidential floor area by more than ten (10) percent;

5. A change which reduces the amount of common open spaces or recreational amenities;

6. A change in the Final Development Plan; or

7. A change in the Transportation Plan.

e. Minor Changes. The Code Official may approve minor changes in the planned unit development which do not change the concept or intent of the development and shall convey all decisions to the Plan Commission in writing. Minor changes are defined as any change not defined as a major change.

Part 13: Building Permits and Excavation Operations

Building and occupancy permits shall be required for each structure in a planned unit development. No building permit relating to any part of a planned unit development shall be issued prior to the approval of a Final Plan, or such part of the planned unit development,

Part 14: Effect of Denial of a Planned Development Special Use

No application for a planned development special use which has been denied wholly or in part by the Village Board shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence, or proof of change of conditions found to be valid by the Plan Commission and the Village Board of Trustees.

Section G: Reversions

Part 1: Reversion Standards

a. A variation, special use, zoning amendment or a planned unit development shall be revoked if the testimony upon which such variance, special use or change of zoning was granted was falsely given.

b. A variation, special use, or planned unit development may be revoked if there is a discontinuance of these uses for a period of twelve (12) consecutive months.

c. A variation, special use, or planned unit development may be revoked if the property to which the variation, special use permit or planned unit development has been approved but has not been put to use as allowed within one and one-half (1 ½) years of the granting of the variation, special use permit or planned unit development approval. However, an extension of one (1) additional year may be granted by the Village Board of Trustees if cause for such non-use is deemed responsible and an application for such an extension is made to the Plan Commission not less than sixty (60) days prior to the expiration of the one (1) year period.

Part 2: Initiation of Reversion

The Village Board may initiate a request for a reversion or revocation.

Part 3: Application for Reversion

A request for a reversion or revocation shall be filed with the Code Official and shall be in such form, contain such information and be accompanied by such exhibits as the Plan Commission may reasonably require. A copy of such request shall be delivered via registered or certified mail, return receipt requested, to the owner of record of the subject land at their last ascertainable known address. A copy of such request so filed for a revocation of a variation, a special use or the reversion of a planned unit development approval shall be immediately forwarded by the Code Official, to the Plan Commission.

Part 4: Public Hearing

The Plan Commission shall hold a Public Hearing on the request for reversion or revocation within ninety (90) days after receiving the request from the Code Official. Notice of the time and place of such hearing shall be published at least once, not less than fifteen (15) days nor more than thirty (30) days before the hearing in a newspaper published or of general circulation in the Village, according to law. Not less than fifteen (15) days prior to the hearing, a copy of the form of such notice shall be mailed by registered or certified mail, return receipt requested, to the owner of record addressed to their last ascertainable known address. The Public Hearing on any such request shall be held in the Village Hall, and may be adjourned from time to time.

Part 5: Recommendation of Plan Commission

The Plan Commission, within sixty (60) days after the conclusion of the hearing on any such request, shall transmit a written report to the Village Board stating its findings and recommendations with regard to such request. If granted, the Board shall pass an ordinance.

Part 6: Action by the Village Board of Trustees

Within thirty (30) days after the receipt of the findings and recommendation of the Plan Commission, the Village Board shall grant or deny the requested revocation or reversion, or refer the request back to the Plan Commission for further consideration.

Section H: Administration of Site Plan Review

Part 1: Administration
The review of architecture and site plans provided for in this Article is intended to be only a part of the zoning and subdivision review procedure of the Village of Frankfort development review process. Site plan approval does not in any way signify final approval of any portion of a project.

Part 2: Applicability
Site plans, prepared and approved in accordance with the provisions of this Section H and the Site Development Regulations of Article 7, shall be required to assist Village administrative officials in the review of certain applications for building permits, special use permits, and planned unit developments to assure compliance with all applicable requirements of this Zoning Ordinance.

Part 3: Developments And Uses Requiring a Site Plan
The following activities require a site plan:

a. All permitted uses in residential zoning districts, except the following:

   1. Individual single family detached dwellings.

   2. Agricultural structures on farmsteads.

b. Subdivisions.

c. All permitted uses in business zoning districts.

d. All permitted uses in manufacturing zoning districts.

e. When an alteration or amendment is proposed to the site improvements or design of a previously approved site plan.

f. All special uses and Planned Unit Developments.

g. Government buildings.

h. Changes in the use of land or existing buildings, except for those listed in paragraph (a) above, which result in an expansion, rebuilding, relocation, reconstruction, change in use, or increase in intensity of use or zoning, except for normal maintenance, including painting, repairs, and cleaning that does not significantly alter the façade or appearance of the building.

i. Accessory uses and structures, unless the requirement for site plan review is waived by the Code Official.

j. All other uses, and changes from existing uses, for which a site plan is required as determined by the Code Official.

Part 4: Exceptions
No site plan shall be required for the following uses:

a. Individual single family detached dwellings or agricultural structures on farmsteads. (Am. Ord. 1887, passed 04.15.02)

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

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

Part 5: Required Information on Site Plans
Five copies of the site plan submission shall be provided, including the following:

a. Site plans, or any portion thereof, involving engineering, architecture, or land surveying shall be respectively certified by an engineer, architect, or land surveyor authorized by the State to practice as such.

b. Site plans shall be prepared to a reasonable scale, not greater than 1"=100'.

c. A site plan may be prepared in one (1) or more sheets to show clearly the information required by this Part 5 and to facilitate the review and approval of the plan. If prepared on more than one (1) sheet, match lines shall clearly indicate where the several sheets join.

d. All site plans shall be submitted to the Code Official in five (5) clearly legible blue or black line copies. Each site plan shall be accompanied by a receipt from the Village Clerk evidencing the payment of all required site plan fees for processing and approval as set by the Village Board from time to time. Where applicable, all site plans shall contain the following information:

1. Location of tract by an insert map at a scale of not less than one inch equals two thousand feet (1" = 2000'), indicating such information as the names and numbers of adjoining roads, streams and bodies of water, railroads, subdivisions, towns, or other landmarks sufficient to clearly identify the location of the property.

2. On every sheet, the name and address of the owner and developer, the north point, date and scale of drawing, and number of sheets.

3. A boundary survey of the property.

4. All existing and proposed streets and easements, their names, widths and whether such streets will be publicly dedicated; existing and proposed utilities; watercourses and their names; owners of adjacent properties and the zoning and present use of all adjoining properties.

5. A landscape plan prepared by a registered landscape architect, drawn to scale, including dimensions and distances and the location, size and description of all proposed landscape materials as required by the provisions of Article 7 of this Zoning Ordinance and the Village of Frankfort's Landscape Regulations, and sections 150.75 and 150.76 of the Village Code.

6. A lighting plan in accordance with regulations specified in Article 7, Section E of this ordinance.

7. A sign plan in accordance with regulations specified in Section F of this Article 7.

8. A survey of existing trees on the property as required by the provisions of the Village of Frankfort's Landscape Regulations and sections 150.75 and 150.76 of the Village Code.

9. The size and location of all floodplains, floodways, and wetlands.

10. The size and location of proposed detention and retention areas, including normal and high water lines and whether such areas will be wet or dry bottom.

11. Location, type, size and height of fencing, retaining walls and screen planting as required by the provisions of Article 7 of this Zoning Ordinance.

12. All off-street parking, driveways, loading spaces and walkways; indicating type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces provided and the number required by Article 7, Section B of this Zoning Ordinance.

13. All bike trails provided on the property.

14. The size in square feet of all lots, the width and depth of each lot, all required setback lines on each lot, the average lot size of the entire subdivision.

15. The proposed location, general use, number of floors, height and the net and gross floor area for each building; including outside display areas, the proposed floor area ratio and, where applicable, the number, size and type of dwelling units.

16. For all uses except single family detached homes, architectural elevations identifying all exterior building materials and a building materials sample board identifying the color and any relevant design specifications for all exterior building materials including roof materials. Where brick is proposed brick size must be specified.

17. Sufficient information to show how the physical improvements associated with the proposed development interrelate with existing or proposed development on adjacent properties.

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

19. Proposed finished grading by contours and ground floor elevation.

20. Where applicable, any other information as may be required by the Code Official.

Part 6: Procedure For Review of Site Plans

a. The Code Official shall check the site plan for general completeness, and shall forward copies of the submission to appropriate Village staff members for their review.

b. After receiving a complete application, the Code Official shall set a date for a Site Plan Review meeting with the applicant, at which meeting the Code Official and all appropriate Village staff members will be invited. The purpose of the Site Plan Review meeting is to provide the applicant with the results of Village staff's review of his/her proposal and to identify ways in which the proposed site plan complies or does not comply with the requirements of this Zoning Ordinance, relative to:

1. Location and design of vehicular and pedestrian access points, to include concurrence from the Illinois Department of Transportation on proposed entrances and exits from State routes.

2. Location and adequacy of off-street parking and loading areas.

3. Design of traffic circulation and control within the site and in relationship to adjoining properties.

4. Adequacy of drainage, water supply, fire protection and sanitary sewer facilities.

5. Compliance with applicable established design criteria, construction standards and specifications for all improvements required by the Village Code.

6. Provision of adequate erosion and sedimentation and flood control measures of both a temporary and permanent nature.

7. Compliance with all of the other applicable requirements of this Ordinance.

c. The Code Official shall approve or deny the site plan within thirty (30) days of receipt of a completed application, unless such time is extended by mutual consent of the Code Official and the petitioner, or it shall be deemed to have been denied. Recommendations of the Code Official shall be based on criteria set forth in Article 7.

d. In the event an exception to the regulations is sought by the petitioner, the Plan Commission shall review the site plan within sixty (60) days from the receipt of a complete application, except under abnormal circumstances.

Part 7: Appeals

Any person or persons aggrieved by any decisions of the Code Official regarding site plan review may appeal the decision to the Plan Commission. Such appeal shall be filed with the Community Development Department within thirty (30) days of the decision of the Code Official. The Plan Commission shall review the site plan within sixty (60) days from the filing of the appeal, except under abnormal circumstances.

Part 8: Approval Effect and Term

a. Where site plan review is required, a building permit shall not be issued by the Village of Frankfort until site plan approval has been obtained.

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

ARTICLE 4: ZONING DISTRICTS

Section A: Establishment of Districts

The Village is hereby divided into fifteen (15) zoning districts, as defined below.

Part 1: E-R Estate Residential District
Part 2: R-1 Single Family Residential District
Part 3: R-2 Single Family Residential District
Part 4: R-3 Attached Two Family Residential District
Part 5: R-4 Attached Single Family Residential District
Part 7: AG Agricultural District
Part 8: B-1 Local Business District
Part 9: B-2 Community Business District
Part 10: B-3 General Business District
Part 12: B-4 Office District
Part 13: OR Office/Research/Limited Industrial District
Part 13: I-1 Limited Industrial District
Part 14: I-2 General Industrial District
Part 15: H-1 Historic District
Part 16: H-R Historic Residential District

Section B: Official Zoning Map

Part 1: Sale of Map
The existing zoning uses, restrictions, division and regulations listed in this Ordinance are clearly shown on the Village of Frankfort Official Zoning Map, a copy of which is on file at the Village Administrative Offices. Said Official Zoning Map, with all notations, references and other matters shown thereon, is hereby declared by this reference to be part of this Ordinance. The Official Zoning Map is updated periodically with utilization of the Village's Geographical Information System, referred to as the "Unofficial Zoning Map," and is available for purchase at the Village Administrative Offices.

Part 2: Inclusion
It is the intent of this Ordinance that the entire area of the Village, including all land and water areas, rivers, streets, alleys, railroads and other rights-of-way, be included in the districts established by this Ordinance. Any area not shown on the said Official Zoning Map as being included in any district shall be deemed to be in the E-R Estate Residence District.

Section C: Boundaries

Part 1: Clarification of Zoning Map
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:

a. The district boundaries are the center-lines of streets or alleys, unless otherwise indicated. Where designation of a boundary line on the Zoning Map coincides with the location of a street or alley, easements, railroads, and right of ways, the centerline of such street or alley shall be construed to be the boundary of such district.

b. 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 districts.

c. 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 Village of Frankfort Official Zoning Map.

d. When a lot held in one ownership on the effective date of this Ordinance is divided by a district boundary line, the entire lot shall be deemed to be located within the more restrictive district.

Section D: Streets, Alleys, Public Ways, Waterways & Railroad Right-Of-Way

All streets, alleys, public ways, waterways and railroad rights-of-ways, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys, public ways, waterways and railroad rights-of-ways. Where the center line of the street, alley, public way, waterway or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

Section E: Annexed Land

Unless otherwise provided for in an Annexation Agreement, all land which may hereafter be annexed to the Village shall automatically be classified in the E-R Estate Residence District. When land is automatically classified in the E-R District, pursuant to this Section, the annexation ordinance, upon passage, shall be referred to the Plan Commission, and the Plan Commission shall, within sixty (60) days after the effective date of the annexation ordinance, schedule and hold a public hearing with respect to the zoning classification of the proposed annexed land, pursuant to Article 3, Section D of this Ordinance. The Plan Commission shall make findings and recommendations with respect to the appropriate zoning classifications of the annexed land and the Village of Frankfort Comprehensive Plan, and transmit the same to the Village President and the Village Board of Trustees.

Section F: Description of Districts

Part 1: E-R Estate Residential

The E-R Estate Residential district is intended to provide for single-family dwellings on large rural lots at a density of not more than one (1) dwelling units per net buildable acre. This district functions as a transition from rural areas with agricultural designations to residential areas more urban in character.

Part 2: R-1 Single Family Residential

The R-1 Single Family Residential District is intended to provide for single family dwellings on large lots in more developed settings than the Estate Residential district, at a low density of not more than two (2) dwelling units per net buildable acre and a lot area of not less than 20,000 square feet per dwelling unit. This district maximizes building separation and minimizes lot coverage.

Part 3: R-2 Single Family Residential District

The R-2 Single Family Residential District is intended to provide for single family dwellings at a medium density of not more than two and one quarter (2.25) dwelling units per net buildable acre and a lot area of not less than 15,000 square feet per dwelling unit. Larger lot widths and side yard separations are intended to provide for maximum building space, while offering flexibility to minimize the monotony of house separations and lot width, balancing the scale and height of buildings.

Part 4: R-3 Attached Two Family Residential District

The R-3 Attached Two Family Residential District is intended to provide for two family residential uses. The character of development in this district should emulate the design and density of a single family neighborhood. The minimum lot size of this district is 15,000 square feet and the density in this district shall not exceed four (4) dwelling units per net buildable acre.

Part 5: R-4 Attached Single Family Residential District

The R-4 Attached Single Family Residential District is intended to provide the opportunity for attached housing, in condominiums, row- or townhouses with not more than 4 dwelling units per building. Additional dwelling units within a single building may be appropriate with special use approval. The maximum density shall be six (6) dwelling units per net buildable acre. The district may function as a transition from residential districts of lower density to nonresidential uses.

Part 6: AG Agricultural District

This district was designed to encourage the utilization of land for agricultural purposes. This district has a minimum contiguous acreage requirement of twenty (20) acres. Land zoned under the Agriculture District may be utilized for agriculture as defined herein, except that those farms or ranches utilized for the production or raising of livestock or poultry shall be located no closer than one half mile from residential districts.

The specific intent of the district is to facilitate the proper use of lands best suited to agriculture through preventing the mixture of urban and rural uses which create incompatibility and conflict, place unbalanced tax loads on agricultural lands to help pay for urban services and contribute to the premature termination of agricultural pursuits.

Part 7: B-1 Local Business District

The B-1 Local Business District is intended to provide areas to be used by retail or service establishments supplying convenience goods or personal services for the daily needs of the residents living in nearby residential neighborhoods. The district is designed to encourage shopping centers with planned off-street parking and loading, and to provide for existing individual or small groups of local stores. This district is normally located on primary or secondary thoroughfares, is relatively small in size and has bulk standards comparable to low-density residential districts.

Part 8: B-2 Community Business District

The B-2 Community Business District is intended to provide areas to be used as the primary business area for residents of Frankfort and other nearby towns, area visitors and for employees of various business and industrial establishments. The district permits most types of business and commercial enterprises, offices and service establishments. This district is normally of a central location, and is located at the convergence of, or along major Village thoroughfares. Comprehensive planning and design of commercial development is encouraged, while strip shopping centers are discouraged.

Part 9: B-3 General Business District

The B-3 General Business District is intended to provide areas to be used for most types of retailing and service uses, including those uses that are oriented toward the service of automobiles. The uses allowed often occupy large spaces (greater than 100,000 square feet) and cater to customers who do not make frequent purchases. The market area for the permitted uses extends to an area much larger than the Village. The district is normally located along frontage roads of major thoroughfares, where adequately sized parcels of land allow for large setbacks, clear vision, and safe ingress and egress. The General Business District is to be comprehensively designed with respect to architecture, parking, loading and storm water design. (Am. Ord. 1887, passed 04.15.02)

Part 10: B-4 Office District

The B-4 Office District is intended to provide land and structures used primarily to provide office space. The district is characterized by low intensity campus type office and research development, heavily landscaped, with limited signage. The uses permitted are characterized by a low volume of traffic so as to protect the abutting and surrounding residential districts. This district is often located as a buffer between residential and commercial areas.

Part 11: OR Office/ Research/ Limited Industrial District

The OR Office/Research/Limited Industrial District is intended to provide for well-designed, attractive, and innovative buildings housing nuisance-free, office, research, and light industrial uses in an environment which is characterized by controlled ingress and egress to major streets, extensive setbacks and yard areas containing imaginative landscaping and screening necessary to create a proper relationship with adjacent areas. Development in this district should be designed and planned as an integrated campus-like environment. No outdoor storage is allowed in this district, and all operations conducted within this district must be in an enclosed building.

Part 12: I-1 Limited Industrial District

The I-1 Limited Industrial District is intended to provide for well-designed, attractive, and innovative buildings housing nuisance-free, office, research, and light industrial. Outdoor storage of contained materials is allowed in this district only with special use approval, and all operations conducted within this district must be in an enclosed building.

Part 13: I-2 General Industrial District

The I-2 General Industrial District is intended to provide for lands for development by most types of industrial firms. The regulations are designed to permit operations in a clean and quiet manner, and to protect adjacent district uses as well as industries within the district. Development of residences is prohibited in this district to avoid incompatible mixed uses, and to conserve the supply of industrial land for industrial use.

Part 14: H-1 Historic District

The H-1 Historic District is intended to preserve and enhance the historic downtown commercial area. In the Village of Frankfort, the movements and shifts of population and the changes in residential, commercial and industrial uses threaten the disappearance of areas, places, buildings, community and aesthetic interests, values and customs of historical significance to the Village. Their preservation and continued utilization are necessary and desirable to sound development of the Village of Frankfort, and to the welfare of its residents.

Part 15: H-R Historic Residential District

The H-R Historic Residential District is intended to preserve and enhance the historic neighborhoods in and around downtown Frankfort. Certain residential areas of the community with historical and architectural significance follow a pattern of development that does not conform to the bulk and other regulations of the other residential districts. The preservation of this area has been prioritized by the Village and requires regulations and standards that preserve the integrity of the historical character of the area, while protecting the rights of homeowners in the area to use and enjoy their property.

ARTICLE 5: USE REGULATIONS

Section A: General Use Regulations

Part 1: New Uses of Old Structures
If the use of any existing structure is hereafter changed to another use permitted in the applicable zoning district, then the new use shall comply with all regulations of this Ordinance; provided that the mere establishment of a new use does not by itself require the existing structure to conform to the lot size or other bulk regulations of this Ordinance, however, compliance with all Village ordinances pertaining to building, life and safety concerns is required.

Part 2: Remodeling
If any structure is hereafter remodeled the following regulations shall be adhered to:

a. The entire structure, as remodeled, shall comply with all regulations of this Ordinance and all other applicable codes, or any degree of non-conformance shall not be increased; and

b. The off-street parking facilities provided for the structure shall not be reduced below (or if already less than, shall not be further reduced below) the requirements that would be applicable to a similar new structure or use within the zoning district.

Part 3: Uses Permitted in All Districts
The following public utility and municipal uses are permitted in all districts: wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar equipment (not including antennae or sub-stations located on or above the surface of the ground) for the distribution to consumers of telephone or other communications, electricity, gas or water, or for the collection of sewage or surface water. All of the above-mentioned public utility and municipal uses must be approved by the Village and with the exception of municipal water standpipes, installed underground.

Part 4: Permitted Uses
No structure shall hereafter be built, moved or remodeled, and no structure or land shall hereafter be used, occupied or designed for use or occupancy, except for a permitted use within the zoning district in which the structure or land is located.

Part 5: Special Uses
No use of a structure or parcel of land that is designated as a special use in any zoning district shall hereafter be established, and no existing special use shall hereafter be changed to another special use, in such district, unless a special use permit has been secured in accordance with the provisions of Article 3, Section E of this Ordinance.

Part 6: Interpretation of Use Lists

The Code Official may allow land uses (permitted or special), which though not contained by name in the Table of Permitted and Special Uses, are deemed to be similar in nature and clearly compatible with the listed uses. However, such non-listed uses shall not be approved by the Code Official until the application for such use has been reviewed by the Plan Commission and approved by the Village Board of Trustees. All non-listed uses which are tentatively approved by the Village Board shall be added to the Table of Permitted and Special Uses by ordinance at the time of periodic updating and revision.

Section B: Table of Permitted and Special Uses

Part 1: Description

The Table of Permitted and Special Uses lists the uses allowed within zoning districts, according to the following:

a. The uses are divided into categories. The individual uses are listed in alphabetical order within each category. The categories are as follows:

   1. Residential uses
   2. Public, cultural, recreation, and other institutional uses
   3. Agriculture, farming, and mining uses
   4. Business uses
   5. Industrial and higher intensity uses
   6. Transportation-related uses
   7. Miscellaneous

b. A "P" indicates that a use is allowed by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this Ordinance.

c. An "S" indicates that a use is allowed only if reviewed and approved as a Special Use, in accordance with the Special Use review procedures of Article 3, Section E. Special uses are subject to all other applicable regulations of this Ordinance.

d. A blank cell indicates that a use is not allowed in the respective zoning district.

e. The "Use Standards" column contains references to the applicable standards that apply to the listed use type. The Use Standards are presented in alphabetical order in Section C of this Article 5.

f. Regulations for accessory and temporary uses are contained in Sections D and E of this Article 5.

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Table of Permitted and Special Uses

P Permitted Use
S Special Use
Blank Not permitted

	E-R	R-1	R-2	R-3	R-4	AG	H-R	B-1	B-2	B-3	B-4	OR	I-1	I-2	H-1	Use Standards
Residential Uses																
Single-family detached dwelling	P	P	P	P			P									
Single-family dwelling, only if ancillary						P										
Two-family residences contained in one building				P	P											
Attached single family dwelling units constructed as a rowhouse, town home and/or condominium containing a maximum of 4 individual dwelling units					P											
A single building containing more than 4 individual dwelling units					S											

	E-R	R-1	R-2	R-3	R-4	AG	H-R	B-1	B-2	B-3	B-4	OR	I-1	I-2	H-1	Use Standards
Manufactured homes, factory-built homes or any other similar homes					S											5.C.11
Small group home	S	S	S	S	S		S									5.C.7
Large group home					S											5.C.7
Bed and breakfast inn															S	5.C.4
Dwelling unit(s) above first floor commercial use (Am. Ord. 2495, passed 08.04.08)								S							P	
Hotel and/or motel										S	S	S			S	
Long-term care facility, assisted living facility or independent living facility (Am. Ord. 2247, passed 12.05.05)					S				S	P					S	
Residence of the proprietor of a commercial use								S			S				P	5.C.15
Public, Cultural, Recreation, and Other Institutional Uses																
Ambulance service (Am. Ord. 2495, passed 08.04.08)													S	P		5.C.20
Cemetery	S	S	S	S	S	P	S									
College or university									S	S	S	S	S			

	E-R	R-1	R-2	R-3	R-4	AG	H-R	B-1	B-2	B-3	B-4	OR	I-1	I-2	H-1	Use Standards
Indoor civic, cultural, religious and institutional (including elementary and high schools, hospitals, and government buildings)	S	S	S	S	S	S	S	S	S	S	S	S	S		S	5.C.9
Indoor recreation and entertainment (other than schools) (Am. Ord. 2342, passed 12.18.06)					S				S	S			S	S	S	
Outdoor recreation and entertainment (public and private) over 1 acre (Am. Ord. 2495, passed 08.04.08)	S	S	S	S	S	P			S	S		S	S	S		5.C.23
Outdoor recreation and entertainment (public and private) under 1 acre(see Article 5, Part 3, Section k) (Am. Ord. 2495, passed 08.04.08)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	S	5.C.23
Agriculture, Farming, and Mining Uses																
Agriculture on a Lot of not less than 40 feet						P										
Agriculture Warehouse						P								P		
Arboretum or botanical garden	S	S	S	S	S	P										

	E-R	R-1	R-2	R-3	R-4	AG	H-R	B-1	B-2	B-3	B-4	OR	I-1	I-2	H-1	Use Standards
Breeding facilities	S					P										
Cultivation of field and garden corps						P										
Dairy farm, including processing						P										
Flower farm with no retail trade						P										
Grain storage						P								S		
Grass or sod farm						P										
Hatchery, poultry						P										
Mining and extraction						S								S		5.C.12
Outdoor discharge of firearms within a controlled environment on the premises of a duly licensed shooting gallery, gun club, or rifle club. (Am. Ord. 2240, passed 10.21.05)						S										
Business Uses																
Animal Clinic						P			S	P	S					
Animal hospital and kennel (Am. Ord. 2495, passed 08.04.08)						P			S	S	S		S	S		5.C.21
Automobile fueling station									S	S						
Automobile rental agency (Am. Ord. 1887, passed 04.15.02)						S			S	S			S	S		
Automobile repair and service									S	S			S	S		5.C.2

	E-R	R-1	R-2	R-3	R-4	AG	H-R	B-1	B-2	B-3	B-4	OR	I-1	I-2	H-1	Use Standards
Automobile sales (Am. Ord. 1887, passed 04.15.02)									S	S			S	S		
Bakery								P	P	P	S				S	5.C.3
Boat, camper, equipment (large), manufactured home, RV or motorcycle rental, sales and service (Am. Ord. 1887, passed 04.15.02)									S	S			S	S		5.C.5
Body piercing and/or tattooing establishments where body piercing and/or tattooing is performed only by licensed physicians (Am. Ord. 2174, passed 07.05.05)											S					
Catering Service (Am. Ord. 2495, passed 08.04.08)									P	P			P			5.C.24
Car wash									S	S			P	P		
Convenience store								S	P	P	S	S			S	
Crematoria								S	S	S	S					5.C.32
Day care center or nursery	S	S	S	S			S	S	S	S	S	S			S	
Dry cleaning central plant serving not more than one retail outlet									P	P	S	P			S	
Equipment (small) rental									P	P						

	E-R	R-1	R-2	R-3	R-4	AG	H-R	B-1	B-2	B-3	B-4	OR	I-1	I-2	H-1	Use Standards
Health clinic/office								P	P	P	P	P			P	
Indoor business sales and service, over 100,000 square feet (Am. Ord. 1887, passed 04.15.02)										P			P	P		
Indoor business sales and service, between 10,000 and 100,000 square feet (Am. Ord. 1887, passed 04.15.02)									P	P			P	P	S	
Indoor business sales and service, between 5,000 and 10,000 square feet (Am. Ord. 1887, passed 04.15.02)								P	P	P	S	S	P	P	S	
Indoor business sales and service, under 5,000 square feet (Am. Ord. 1887, passed 04.15.02)								P	P	P	S	S	P	P	P	
Indoor retail sales of goods, over 100,000 square feet										P						5.C.10
Indoor retail sales of goods, between 10,000 and 100,000 square feet									P	P					S	

	E-R	R-1	R-2	R-3	R-4	AG	H-R	B-1	B-2	B-3	B-4	OR	I-1	I-2	H-1	Use Standards
Indoor retail sales of goods, between 5,000 and 10,000 square feet								P	P	P	S	S			S	
Indoor retail sales of goods, under 5,000 square feet								P	P	P	S	S			P	
Laundromat, launderette, or any self-service laundry facility (Am. Ord. 2240, passed 11.21.05)										S						
Massage Establishment (Am. Ord. 2904, passed 05.05.14)									S		S				S	5.C.11.1
Medical Cannabis Cultivation Center (Am. Ord. 2894. Passed 02.03.14)														S		5.C.34
Medical Cannabis Dispensary (Am. Ord. 2894. Passed 02.03.14)														S		5.C.35
Office and professional service								P	P	P	P	P	P		P	5.C.13
Accessory liquor sales									S	S	S	S			S	5.C.26
Packaged liquor store									S	S						5.C.25 5.C.27
Restaurant, carry-out (Am. Ord. 2495, passed 08.04.08)									S	S	S	S	S		S	5.C.24

	E-R	R-1	R-2	R-3	R-4	AG	H-R	B-1	B-2	B-3	B-4	OR	I-1	I-2	H-1	Use Standards
Restaurant, full service (Am. Ord. 1887, passed 04.15.02 and Am. Ord. 2495, passed 08.04.08)								S	P	P	S	S	S		S	5.C.24
Restaurant, full service, with liquor sales									S	S	S	S			S	5.C.24 5.C.25 5.C.28
Restaurant / Tavern									S	S					S	5.C.24 5.C.25 5.C.29
Tasting Room									P	P						5.C.25 5.C.30
Tavern									S	S					S	5.C.25 5.C.31
Theater, indoor										P	S					
Tobacco Store (Am. Ord. 2780, passed 06.04.12)									S	S						5.C.33
Treatment facility (Am. Ord. 2247, passed 12.05.05)											S	S	S			
Undertaking establishment or funeral parlor								S	P	P	S				S	
Industrial and Higher Intensity Uses																
Animal feed preparation, grinding, mixing and storage						S								S		
Automotive and scrap salvage yard, if in a completely enclosed building														P		

	E-R	R-1	R-2	R-3	R-4	AG	H-R	B-1	B-2	B-3	B-4	OR	I-1	I-2	H-1	Use Standards
Automotive body shop													S	P		5.C.2
Building trades' and contractor's office													P	P		5.C.6
Commercial testing laboratory											S	P	P			
Construction or demolition landfill														S		
Industry and manufacturing, heavy														P		5.C.8
Industry and manufacturing, light												P	P	P		5.C.8
Landscape Company (Am. Ord. 2495, passed 08.04.08)						P							S	S		
Limited retail sales in association with a warehouse use (Am. Ord. 2240, passed 11.21.05 and Am. Ord. 2495, passed 08.04.08)													S	S		5.C.19
Manufacture, storage and sale of mobile homes and/or trailers, farm implements and other similar equipment on a paved open lot														P		

	E-R	R-1	R-2	R-3	R-4	AG	H-R	B-1	B-2	B-3	B-4	OR	I-1	I-2	H-1	Use Standards
Printing, publishing or lithography establishments											P	P	P	P		
Radio and television studios, stations						S		S	S	S	S	S	S	S	S	
Research facilities											P	P	P	P	S	
Sale, distribution, or discharge of firearms, or ammunition within an indoor controlled environment (Am. Ord. 2240, passed 11.21.05)														S		
Self-service storage facility														S		5.C.16
Taxicab association (Am. Ord. 2495, passed 08.04.08)													S	P		5.C.22
Telecommunication stations and transmission devices	S					S		S	S	S	S	S	S	S	S	5.C.17
Towing service with storage of vehicles													S	S		5.C.18
Utility facilities	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S	
Warehouse and wholesale establishments												P	P	P		5.C.19
Transportation-Related Uses																
Airport and heliport						S								S		
Public garages								S	P	P	S	P	P	P	S	

	E-R	R-1	R-2	R-3	R-4	AG	H-R	B-1	B-2	B-3	B-4	OR	I-1	I-2	H-1	Use Standards
Railroad freight station (Am. Ord. 2495, passed 08.04.08)													S	P		
Transit and transportation facilities									S	S	S	S	S	S	S	
Truck terminals														S		
Miscellaneous																
Adult use														S		5.C.19
Drive-up service windows associated with permitted uses								S	S	S	S	S	S			
Off-street parking facility on a separate zoning lot from the associated use								P	P	P	P	P	P	P	S	
Outdoor seating associated with a permitted restaurant (Am. Ord. 2495, passed 08.04.08)								S	S	S	S	S	S		S	5.C.14
Outdoor sales										S						
Outdoor storage except uncontained materials (Am. Ord. 2495, passed 08.04.08)						S				S			S	P		
Outdoor storage of un-contained bulk materials (Am. Ord. 2495, passed 08.04.08)						S								S		

	E-R	R-1	R-2	R-3	R-4	AG	H-R	B-1	B-2	B-3	B-4	OR	I-1	I-2	H-1	Use Standards
Planned unit development	S	S	S	S	S		S	S	S	S	S	S	S	S	S	

Section C: Use Standards

Part 1: Adult Use

Based on experiences and studies prepared by Detroit, Michigan; Seattle, Washington; Los Angeles, California; Minneapolis-St. Paul, Minnesota; Indianapolis, Indiana; Phoenix, Arizona; Islip, New York; and the *Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses,* by Hubert H. Humphrey, III, Attorney General, State of Minnesota, 1989; the Village has determined that adult use establishments, and particularly concentrations of adult uses, have an adverse impact on property values, crime, and neighborhood quality. In a desire to minimize these secondary effects and protect neighborhood quality, the Village finds it necessary to regulate such uses while maintaining reasonably available alternative avenues of communication. Therefore, adult uses, as defined in Article 12, shall not be located within 1,000 feet of:

a. any residential zoning district;

b. any other adult business; or

c. the property boundaries of any single family dwelling, school, child care center or nursery, cemetery, public park, public housing, nursing home, assisted living or independent living facility, or place of religious worship.

Part 2: Automobile Repair, Service and Body Shop

a. Disabled vehicles may not be stored longer than two weeks.

b. Where vehicles are stored outdoors, vehicles must be screened by a fence, wall, or solid landscape screen adequate to conceal such vehicles from adjacent properties and the public right-of-way. No vehicles may be stored at a height greater than the screening, and no vehicles may exceed ten (10) feet in height.

Part 3: Bakery

A bakery shall limit the manufacture of goods to goods retailed on the premises only. A bakery which conducts wholesale operations shall be considered a Wholesale Establishment.

Part 4: Bed and Breakfast

A Bed and Breakfast shall be operated in accordance with the following:

a. A maximum of five (5) lodging rooms are permitted.

b. There must be at least 500 square feet of gross interior floor area for each lodging room. The maximum potential number of rental units is determined by dividing the gross interior floor area of the structure by 500 square feet.

c. One parking space shall be provided for each guest room, plus the spaces required for a single family home. Parking spaces may be stacked in a driveway to prevent the over-paving of the area.

d. One unlighted identification sign is permitted, not to exceed two square feet in area and 3 1/2' in height.

e. No Bed and Breakfast shall be located on a lot closer than 200 feet from any other lot containing a Bed and Breakfast.

f. The only meal to be provided to guests shall be breakfast, and it shall only be served to guests taking lodging in the facility.

g. New construction, additions, or remodeling must be in keeping with a residential character, and is subject to review by the Village of Frankfort 1890's Theme Committee.

h. In addition to any other requirements posed by the Village of Frankfort Fire Department, each guest room must contain at least one hard wire smoke detector.

Part 5: Boat, Camper, Equipment (Large), Manufactured Home, RV, Or Motorcycle Rental, Sales And Service

a. Where items are stored outdoors, such items must be screened by a fence, wall, or solid landscape screen adequate to conceal such vehicles from adjacent properties and the public right-of-way. No items may be stored at a height greater than the screening. (Am. Ord. 1887, passed 04.15.02)

Part 6: Building Trades' And Contractor's Office

Vehicles or equipment such as tractors which are stored outdoors must be completely screened from view from public rights-of-way and adjacent residential districts or uses by a solid landscape screen or fence at least 6 feet but not more than 8 feet in height.

Part 7: Group Homes (Large or Small)

An occupancy permit must be obtained from the Village of Frankfort prior to occupancy of a group home.

a. An application for such permit must be filed with the Village, and must indicate the following:

1. Address of the proposed group home;

2. Number of residents;

3. Number of staff; and

4. Evidence that the proposed group home/operating agency has been licensed by the appropriate governmental regulatory agency.

b. No occupancy permit shall be issued for a group home unless the home/operating agency has been licensed by the appropriate governmental regulatory agency having said authority.

c. No occupancy permit shall be issued for a group home that is located within 600 feet of another group home.

d. No occupancy permit shall be issued for a group home that does not comply with all applicable provisions of this Ordinance, the Village Building Code, and all other applicable Village standards, regulations and ordinances.

e. Each group home shall be subject to the regulations of the Village of Frankfort Business License Ordinance, which includes obtaining the applicable license and an annual inspection by the Village of the group home structure and premises.

Part 8: Industry and Manufacturing

a. Industry and Manufacturing, Heavy, shall include the following categories, as defined by the 1997 North American Industry Classification System (NAICS) (see Appendix for complete list):

1. 311 Food Manufacturing
2. 312 Beverage Manufacturing
3. 313 Textile Mills
4. 314 Textile Product Mills
5. 316 Leather and Allied Product Manufacturing
6. 321 Wood Product Manufacturing
7. 322 Paper Manufacturing
8. 332 Fabricated Metal Product Manufacturing
9. 333 Machinery Manufacturing
10. 336 Transportation Equipment Manufacturing

b. Industry and Manufacturing, Light, shall include the following categories, as defined by the 1997 North American Industry Classification System (NAICS) (see Appendix for complete list):

1. 315 Apparel Manufacturing
2. 323 Printing and Related Support Activities
3. 334 Computer and Electronic Product Manufacturing

4. 335 Electrical Equipment, Appliance and Component

5. 337 Furniture and Related Product Manufacturing

6. 339 Miscellaneous Manufacturing

Part 9: Indoor Civic, Cultural, Religious, and Institutional

The Village of Frankfort has determined that certain areas of the Village should be reserved for economic development opportunities. These highly visible and accessible locations should be developed with tax-generating uses that will enhance the property tax revenue, sales tax revenue and employment base of the Village. Therefore, elementary schools, middle schools, high schools, and religious places of worship shall not be permitted in the following locations:

a. Properties along Route 30 or Route 45 that are located within 1,320 feet of the intersection of Route 30 and Route 45.

Part 10: Indoor Retail Sales of Goods Over 100,000 Square Feet

In addition to all other requirements of this Ordinance, large retail establishments shall be subject to the following:

a. To avoid long uninterrupted facades, facades greater than 100 feet in length must incorporate recesses and projections along at least 20 percent of the length of the façade. Windows, awnings and/or arcades must total at least 60 percent of the façade length abutting a public street.

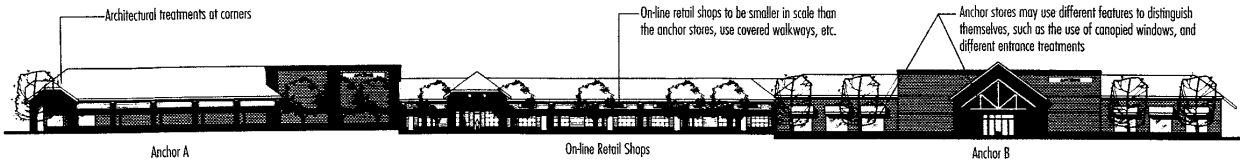
b. Roof lines must have at least two of the following features:

1. parapets concealing flat roofs and rooftop equipment;

2. overhanging eaves;

3. sloped roofs; or

4. three or more roof slope planes.



c. All facades of a building that are visible from adjoining properties and/or public streets should feature architectural features similar to the front façade.

d. Façade colors must be of low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black, or fluorescent colors is prohibited.

e. Building trim may feature brighter colors, but neon tubing is not permitted as an accent material.

f. Smaller retail shops that are part of a larger principal building ("in-line shops") shall have display windows and separate outside entrances.

g. Each principal retail anchor shall have a clearly defined, highly visible customer entrance with features such as canopies or porticos, arcades, arches, wing walls, and integral planters.

h. All sides of a principal building that directly face an abutting public street shall feature at least one customer entrance. Where a principal building directly faces more than two abutting public streets, this requirement shall apply only to two sides of the building.

i. Predominant exterior building materials must be of high quality, including brick, wood, sandstone, other native stone, and tinted/textured concrete masonry units. Smooth-faced concrete block, tilt-up concrete panels, poured in place concrete walls or prefabricated steel panels are prohibited as the predominant exterior building materials.

j. Sidewalks shall be provided along all sides of the lot that abut a public street, and a continuous internal pedestrian walkway must be provided from the perimeter public sidewalk to the principal customer entrance. This internal walkway must feature landscaping, benches, and other such materials and facilities for no less than 50 percent of its length. Internal pedestrian walkways must be distinguished from driving surfaces through the use of special pavers, bricks, or scored concrete to enhance pedestrian safety and the attractiveness of the walkways.

k. Sidewalks shall also be provided along the full length of the building along any façade featuring a customer entrance and along any façade abutting public parking areas. Planted landscaped areas or tree grates shall constitute at least 35%of the area of such sidewalks, while maintaining adequate width for pedestrians.

l. Parking lots are encouraged to be broken up into smaller "modules" separated by landscaping and other features. No more than 70 percent of the off-street parking area for the entire property may be located between the front façade of the principal building and the primary abutting street. No more than 500 parking spaces may be provided in any given module, and modules must be separated by a continuous greenway or pedestrian-way of at least 30' in width.

Part 11: Manufactured Homes

a. Utilities: All utilities, including but not limited to water, sewer, electric, gas, telephone, and cable TV, must be located in underground, unobstructable locations including individual connections to each dwelling unit pad. Each dwelling unit shall be individually metered for utility service provision.

b. Site Analysis: Development of the site shall be based on the site analysis to determine geology and soil; existing vegetation, structures, and road networks; visual features; and present and proposed use of a site.

c. Development: The development shall be laid out to avoid adversely affecting ground water and aquifer recharge to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and to mitigate adverse effects of shadow, noise, odor, traffic, drainage, and utilities on neighboring properties. An underground storm sewer system shall be provided, in accordance with Village of Frankfort Subdivision Ordinance to serve any manufactured home subdivision.

d. Open Space: All developments shall be required to provide at least 15% of the net buildable land area as open space. Developed open space shall be designed to provide active recreational facilities to serve the residents of the area. Undeveloped open space shall be designed to preserve important site amenities or environmentally sensitive areas.

e. Clustering: Lot layout shall provide for clustering or various angle arrangements of the lots. A as opposed to the grid pattern, in which the majority of blocks and streets are arranged in straight lines, is discouraged.

f. Driveways: There shall be no adjoining driveways serving abutting lots.

g. Manufactured Home Design Standards

1. Placements. The Manufactured Home stand shall be so placed as to provide for the practical placement on the site of both the Manufactured Home and its appurtenant structures, and the retention of the Manufactured Home on the site in a stable condition, and in satisfactory relationship to its surroundings.

2. Size. The size of the Manufactured Home stand shall be suitable for the Manufactured Home to be served by the individual park, and suitable to fit the dimensions of the anticipated Manufactured Home and be properly maintained.

3. Location. The location of each Manufactured Home stand shall be at such elevation, distance and angle in relation to the access street and the Manufactured Home lot driveway that placement and removal of the Manufactured Home is practical.

4. Construction. Only concrete slab or concrete runways will be permitted.

5. Gradient. All lots shall be graded according to the requirements of the Subdivision Ordinance. There shall be a minimum of two percent (2%) longitudinal and adequate crown, or cross-gradient and surface drainage.

6. Undercarriage. Each manufactured home unit shall be skirted via a structural an architectural treatment similar to that of the home unit, or a landscaping treatment conforming to the subdivision landscape plan in such a manner so as not to permit the undercarriage of the unit to be visible. Each unit shall have its wheels removed and appropriate means of anchoring the units shall be provided so as to reduce the potential for damage during periods of high winds.

7. Construction of Manufactured Home. Manufactured home construction must meet or exceed all applicable Village building permit requirements and other code requirements.

8. Additions to Manufactured Home. No permanent or semi-permanent structure shall be affixed to a Manufactured Home. This does not apply to awnings or any expansion unit specifically manufactured for Manufactured Homes. The maximum lot coverage of the Manufactured Home shall be governed by the requirements of the table of Density, Dimensional, and Other Standards for Residential Districts.

h. Electric Lighting and Outlets: All street entrances, exits, and driveways shall be lighted at night. Not less than 100 watt or equivalent shall be provided for each 200 feet of collector and sub-collector streets within the Manufactured Home Park. All required lighting shall be provided in accordance with Article 7, Section E.

i. Patios: Each Manufactured Home site shall provide an appropriate outdoor living space to supplement the interior living space of a manufactured home.

1. Size. The minimum size of each manufactured home patio shall be 225 square feet.

2. Location. Every patio shall be conveniently located near the entrance of the manufactured home, open space areas of the site and other facilities, fitted to terrain and natural features and related to anticipated Manufactured Home models.

3. Elevation. Where practical, the elevation of the patio shall equal the elevation of the Manufactured Home stand. Where conditions permit, the patio and adjoining yard area may be as much as two (2) feet higher than the Manufactured Home stand in order that the level of the patio and outdoor living area will be close to the floor of an in-place Manufactured Home.

4. Construction. Any sub-grading shall be well drained, uniformly graded and compacted. Construction of the manufactured home stand shall be on an impervious surface.

j. Storage

1. Storage facilities shall be provided for the active storage of outdoor equipment, furniture or tools, which are used frequently, or and for the inactive storage for such materials which are used only seasonally or infrequently, and cannot be stored in the Manufactured Home.

2. There shall be a minimum of 100 square feet provided for general storage for each Manufactured Home site exclusive of the manufactured home. This may be achieved by a garage or storage unit, in accordance with Article 5, Section D.

3. Storage structures should be designed to enhance the appearance of the park, constructed out of materials similar to the manufactured home, coordinated with appropriate landscaping plan, designed to provide for hazardous weather protection and must be maintained in coordination with other features of the Manufactured Home.

4. No individual storage facilities for gasoline, oil, gas, liquefied petroleum or other fuel storage tanks or cylinders shall be permitted unless a piping from such a facility were permanently installed with an earth cover of eighteen (18) inches.

k. Fencing: All fencing shall comply with regulations set forth in Article 5, Section D of this Ordinance.

l. Garbage and Waste

1. A sufficient number of adequate fly-proof and watertight containers shall be supplied for the storage of garbage. Garbage containers shall be emptied at least twice weekly and shall not be filled to over flowing or allowed to become foul smelling or attract insects. All garbage shall be disposed of in a manner which is approved by the Health Authority.

2. Garbage and Waste areas shall be fenced in and completely screened from public right-of-ways.

m. Park Attendant: Each development shall be in the charge of a responsible attendant or manager at all times. Duties of the attendant or manager will be maintenance of the park, its facilities and equipment, in a clean, orderly and sanitary condition, and be answerable with the licensee, for any violation of the provisions of this Ordinance.

n. Streets and Sidewalks

1. The road system shall be designed to permit the safe, efficient and orderly movement of traffic; to meet, but not exceed the needs of the present and future population served; to have a simple and logical pattern; to respect natural features and topography; to meet the needs of snow plows, fire trucks, school buses, ambulances, and other emergency vehicles; and to present an attractive streetscape. The road system shall be designed to serve the needs of the subdivision and to discourage use by through traffic.

2. All lots shall front on residential access or sub-collector streets, not on collector streets. All streets shall have curbs, gutters, street-lights, street trees, storm sewers and sidewalks accompanying same, in accordance with the Village Subdivision Ordinance Design Standards.

3. There will be no private streets.

4. All residential parking will be off-street. No on-street parking is allowed.

5. Off-street parking shall be provided in front and side yards only. Two (2) off-street parking spaces shall be provided per dwelling unit. The off-street parking surface shall be covered with a concrete surface. Each space shall be no less than ten (10) feet wide and twenty (20) feet deep. Enclosed garage space shall not count toward the required off-street parking requirements.

6. All sidewalks and driveways shall be concrete and meet Village standards.

o. Manufactured Home Sales: Manufactured home sales are permitted on a limited basis. One home may be used for a model, and one model is allowed for each park. This model must follow all structural and aesthetic guidelines as outlined for a manufactured residence.

p. Landscaping**:** Landscaping shall be provided as part of site plan and subdivision design. It shall be provided comprehensively throughout the site; integrating the various elements of site design, preserving and enhancing the particular identity of the site, and creating a pleasing site character. Landscaping shall include plant materials such as trees, shrubs, ground covers, perennials, and annuals, and other materials such as rocks, water, sculpture, art, walls, fences, paving materials, and street furniture. All landscaping shall meet all standards and guidelines established in the Village of Frankfort Landscape Regulations.

q. Landscape Plan: A landscape plan prepared by a certified landscape architect shall be submitted with each subdivision development request. The plan shall identify existing and proposed trees, shrubs, and ground covers; natural features such as rock outcroppings; and other landscaping elements. The plan shall show where they are or will be located and planting and/or construction details. Special attention shall be paid so as to substantially screen the development from all adjoining zoning districts and land uses. The landscaping plan must meet all standards and guidelines established in the Village of Frankfort Landscape Regulations, and sections 150.75 and 150.76 of the Village Code.

Part 11.1: Massage Establishments
(Am. Ord. 2174, passed 07.05.05)

a. Facilities

1. Cabinets. Closed cabinets shall be provided and used for the storage of clean linens, towels, and other materials used in connection with administering massages. All soiled linens, towels, and other materials shall be kept in properly covered containers or cabinets, which containers or cabinets shall be kept separate from the clean storage areas.

2. Dressing rooms. Provision of a separate dressing room for each sex must be available on the premises. Doors to such dressing rooms shall open inward and shall be self-closing.

3. Electrical equipment. All electrical equipment shall be installed in accordance with the building codes adopted by the Village of Frankfort.

4. Lavatories or wash basins. Lavatories or wash basins provided with both hot and cold running water shall be installed in either the toilet room or the vestibule. Lavatories or wash basins shall be provided with soap in a dispenser and with sanitary towels.

5. Light and ventilation. All portions of massage establishments shall be provided with adequate light and ventilation by means of windows or skylights with an area of not less than one-eighth (1/8) of the total floor area, or shall be provided with approved artificial light and a mechanical operating ventilating system. When windows or skylights are used for ventilation, at least one-half (1/2) of the total required window area shall be operable. To allow for adequate ventilation, cubicles, rooms, and areas provided for patrons' use not served directly by a required window, skylight, or mechanical system of ventilation shall be constructed so that the height of partitions does not exceed seventy five percent (75%) of the floor-to-ceiling height of the area in which they are located.

6. Locks. No massage service may be carried on within any cubicle, room, booth, or any area within a massage establishment that is fitted with a door capable of being locked.

7. Plumbing. All plumbing fixtures shall be installed in accordance with the building codes adopted by the Village of Frankfort.

8. Service sink. The premises shall be equipped with a service sink for a custodial services.

9. Toilet facilities. Toilet facilities shall be provided in convenient locations. When five (5) or more employees and patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided. A single water closet per sex shall be provided for each twenty (20) or more employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after one water closet has been provided. All toilet rooms shall be equipped with self-closing doors opening in the direction of ingress to the toilet rooms. Toilets shall be designated as to the sex accommodated therein.

10. Waterproofing. Construction of rooms used for toilets, tubs, steam baths, and showers shall be made waterproof with approved waterproofed materials and shall be installed in accordance with the building codes adopted by the Village of Frankfort. For toilet rooms, toilet room vestibules, and rooms containing bathtubs, there shall be a waterproof floor covering, which will be carried up all walls to a height of at least six inches (6"), and floors shall be covered up on base with at least

three-fourths inch (3/4″) cover. The walls of all toilet rooms and rooms containing bathtubs shall be finished to a height of six feet (6′) with a smooth, nonabsorbent finish surface of Keene cement, tile, or similar material. Steam rooms and shower compartments shall have waterproof ceilings, floors, and walls approved by the Building and Zoning Department.

11. Wet and dry heat rooms. Floors of wet and dry heat rooms shall be adequately pitched to one or more floor drains properly connected to the sewer. (Exception: dry heat rooms with wooden floors need not be provided with pitched floors and floor drains.) A source of hot water must be available within the immediate vicinity of dry and wet heat rooms to facilitate cleaning.

b. Operating conditions

1. Cleanliness. Every portion of a massage establishment, including appliances, apparatus, and personnel shall be kept clean and operated in a sanitary condition. The premises shall have adequate equipment for disinfecting and sterilizing nondisposable instruments and materials used in administering massages, and such nondisposable instruments and materials shall disinfected after use on each patron. Oils, creams, lotions, or other preparations used in administering massages shall be kept in clean, closed containers or cabinets. Wet and dry heat rooms, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use. Eating in the massage work areas shall not be permitted. Animals, except service animals for persons with disabilities, shall not be permitted in the massage work areas.

2. Employees. All employees and operators shall be clean and shall wear suitable clean, nontransparent outer garments, covering the sexual and genital areas, whose use is restricted to the massage establishment. It shall be unlawful for any person, knowingly or recklessly, in a massage establishment, to touch with any part of the body, to fondle in any manner, or to massage the genitals, pubic area, anus, or perineum of any person, or the vulva or breasts of a female. No employee or operator shall perform, offer, or agree to perform any act that would require the touching of these areas. Patrons must cover these areas with towels, cloths, or undergarments when in the presence of an employee or operator.

3. Licenses. Persons administering massage for compensation must be licensed by the Illinois Department of Professional Regulation as massage therapists. A massage establishment must maintain a register of all persons employed as massage therapists and their license numbers. Such register shall be available for inspection at all times during regular business hours.

4. Price rates. Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.

c. Inspections

1. Following application. The Village Clerk, upon receiving an application from a massage establishment seeking a general business license, shall refer the application to a Code Official, who shall inspect the proposed premises and shall make written recommendations to the Village Clerk. A general business license application for a massage establishment may be rejected if the operation as proposed by the applicant will not comply with all building codes adopted by the Village of Frankfort or regulations adopted by the Village Clerk or the Director of Building and Zoning.

2. On-going. A Code Official shall from time to time and at least twice a year, make an inspection of the public areas of each massage establishment in the Village of Frankfort for the purposes of determining that the provisions of this Part are complied with.

Part 12: Mining

Mining, and/or the extraction of minerals, sand, gravel, topsoil or other aggregates, including equipment, buildings or structures for screening, crushing, mixing, washing or storage shall be subject to the following:

a. No open pit or shaft shall be less than 200 feet from any public road or less than 500 feet from any adjacent residential district.

b. All buildings or structures shall be located not less than 200 feet from any property line. All grinding, or processing machinery shall be located at the farthest point on the property from residential use as feasible.

c. The borders of the property adjacent to or across the street from any district other than an industrial district shall be fenced with a solid fence, wall, or landscape material at least six (6) feet in height.

Part 13: Office and Professional Service

A permitted business office may not display or sell chattels or goods, wares or merchandise on the premises without special use approval, with the exception of limited sales of product in connection with professional services rendered on site.

Part 14: Outdoor Seating Associated with a Permitted Restaurant

Outdoor seating, when associated with a permitted restaurant, shall only be permitted in accordance with the following:

a. All seating areas must be enclosed by a fence or wall of at least 3 feet in height.

b. Where seating is permitted adjacent to a public sidewalk, at least 5 feet in width of said sidewalk must remain unobstructed.

Part 15: Residence of the Proprietor of a Commercial Use

In the H-1 district, such use shall only be permitted in accordance with the following:

a) The commercial use must occupy the first floor street frontage space.
b) The commercial use must maintain a minimum depth of sixteen (16) feet from the front façade.
c) Separate secured entrances shall be provided for both the commercial and residential uses.

Part 16: Self-Service Storage Facility

a. Each self-service storage facility shall be governed by the provisions of the Illinois Self-Service Storage Facility Act, 770 ILCS 95/1 et seq.

b. A fence and landscaping shall be provided which completely encloses the facility and screens it from view on all sides.

Part 17: Telecommunication Stations and Transmission Devices

a. Intent. The purpose and intent of this section is to provide location and screening criteria to minimize the potential visual and health impacts of communication antenna facilities.

b. Applicability. This division identifies general regulations applicable Village wide for the location and screening of all telecommunication antenna facilities including: cellular, paging, and other wireless communication technologies, except satellite dishes.

c. Location in Residential Districts. In residential districts, free-standing towers are not permitted, except where authorized by special use permit for the provision of adequate public services, which does not include those services provided by non-governmental agencies. One parabolic satellite dish-type antennae per zoning lot, which is not more than two (2) feet in diameter is permitted. (Am. Ord. 1887, passed 04.15.02) and (Am. Ord. 2495, passed 08.04.08)

d. Base Standards. In the case where a special use permit is required the facility must meet all of the following requirements:

1. The use will not materially endanger the public health or safety if location where proposed and developed according to the plan submitted.

2. The use meets all required conditions and specifications.

3. The petitioner has satisfied the co-location requirements listed below.

4. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity.

5. The use meets all FAA and FCC standards and other applicable Federal or State standards.

6. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in conformity with the general plan of development for the area.

7. If the proposed device (other than a free-standing tower) is to be located in a residential zone, greater care will be taken in siting and construction of the device to minimize visual impacts and increase architectural harmony with adjacent structures (for example: housing the transmitter within a bell tower or church steeple).

e. Conformance with ANSI and EMF Emission Standards. Within six (6) months after the issuance of its occupancy permit, the applicant shall submit a project implementation report which provides cumulative field measurements of radio frequency (EMF) power densities of all antennae installed on the subject site. The report shall quantify the EMF emissions and compare the results with currently accepted ANSI standards. Said report shall be subject to review and approval by the Village staff for consistency with the project proposal report and the accepted ANSI standards. If on review, the Village finds that the project does not meet ANSI standards, the Village may revoke or modify the special use permit.

f. Placement Standards. The following placement standards shall apply to all installations in the Village:

1. Building Mounted Antenna

   a) The total height of the building and the antenna shall not exceed that height limit of the underlying zoning district.

   b) Building mounted antennas shall be screened from view if the antennas are visible to adjacent properties and adjacent public rights-of-way. Omni directional antenna may not be required to be screened if the screening device would create a greater visual impact than the unscreened antenna. The screening may include parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the building. As an alternative screening method, landscaping positioned on the premises to screen antenna from adjacent properties may be proposed in lieu of architectural screening.

   c) When located on a building facade, building mounted antenna shall be painted and texturized to match the existing building.

2. Support Structure Mounted Antenna.

    a) Support structure antennas shall be sited on a premises to minimize visual impacts to adjacent properties and adjacent public rights-of-way.

    b) The site around the antenna should be landscaped according to the standards below.

    c) All support structure mounted antenna shall be setback from adjacent property lines the full height of the structure.

3. Co-location. Shared use of existing towers or tower site is encouraged. A new transmission tower shall not be permitted unless the applicant makes a good faith effort to substantially demonstrate that no existing or planned tower or tower site can accommodate the applicant's proposed antenna/ transmitter as described below.

    a) The applicant shall contact the owners of all existing or planned towers, of a height roughly equal to or greater than the height of the tower proposed by the applicant. A list shall be provided of all owners contacted, the date of such contact, and the form and content of such contact.

    b) Such contact shall be made in a timely manner, that is, sufficiently before the filing of an application for a hearing to include a response into the application when filed.

    c) Failure of a listed owner to respond shall not be relevant to the approval authority if a timely, good faith effort was made to obtain one. However, where an existing or planned tower is known to have capacity for additional antennas of the sort proposed, based an the decision regarding such tower, the application for a new tower shall not be complete until the owner of the existing or planned tower responds. Such response is to be required as a condition of approval.

    d) The Code Official shall maintain and provide, on request, records of responses from each owner.

    e) Once an owner demonstrates an antenna of the sort proposed by the applicant cannot be accommodated on the owner's tower as described below, the owner need not be contacted by future applicants for antennas of the sort proposed.

    f) The applicant shall request the following information from each owner contacted:

        i) Identification of the site by location, tax lot number, existing uses, and tower height.

ii) Whether each such tower could structurally accommodate the antenna proposed by the applicant without requiring structural changes be made to the tower. To enable the owner to respond, the applicant shall provide each such owner with the height, length, weight, and other relevant data about the proposed antenna.

iii) Whether each such tower could structurally accommodate the proposed antenna if structural changes were made, not including totally rebuilding the tower. If so, the owner shall specify in general terms what structural changes would be required.

iv) If structurally able, would shared use by such existing tower be precluded for reasons related to radio frequency interference. If so, the owner shall describe in general terms what changes in either the existing or proposed antenna would be required to accommodate the proposed tower, if at all.

v) If shared use is possible based on (ii) and (iv) above, the fee an owner of an existing tower would charge for such shared use.

g) Shared use is not precluded simply because a reasonable fee for shared use is charged, or because of reasonable costs necessary to adapt the existing and proposed uses to a shared tower. The approval authority may consider expert testimony to determine whether the fee and costs are reasonable. Costs exceeding new tower development costs are presumed to be unreasonable.

g. Fencing. A black or green PVC-coated chain link fence or appropriate masonry wall of sufficient height for security purposes, as determined by the Plan Commission, shall be provided around each communication tower. Access to the tower shall be through a locked gate.

h. Landscaping. The visual impacts of a communication tower shall be mitigated for nearby viewers through landscaping or other screening materials at the base of the tower and ancillary structures. The following landscaping and buffering of communication tower shall be required around the perimeter of the tower and accessory structures, except that the standards may be waived by the Code Official for those sides of the proposed tower that are located adjacent to undevelopable lands or lands not in public view. It is preferable that the landscaping be installed on the outside of fences. Further, the use of existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute of or in supplement towards meeting landscaping requirements.

1. At a minimum, a row of evergreen trees a minimum of 8 feet tall and a maximum of 10 feet apart shall be planted around the perimeter of the fence.

2. All landscaping shall be properly maintained to ensure good health and viability.

i. Variations. Any request to deviate from any of the requirements of this section shall require approval according to the standards of Article 3, Part B, Variations.

j. Abandonment.

1. In the event the use of any communication tower has been discontinued for a period of one hundred eighty (180) consecutive days, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Code Official who shall have the right to request documentation and/or affidavits from the communication tower owner/operator regarding the issue of tower usage. Upon such abandonment, the owner/operator of the tower shall have an additional one hundred eighty (180) days within which to:

   a) Reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower, or

   b) Dismantle and remove the tower.

2) At the earlier of one hundred eighty one (181) days from the date of abandonment without reactivation or upon completion of dismantling and removal, any special exception and/or variation approval for the tower shall automatically expire.

Part 18: Towing Service with Storage of Vehicles

a. Disabled vehicles may not be stored longer than two weeks.

b. Where vehicles are stored outdoors, vehicles must be screened by a fence, wall, or solid landscape screen adequate to conceal such vehicles from adjacent properties and the public right-of-way. No vehicles may be stored at a height greater than the screening, and no vehicles may exceed ten (10) feet in height.

Part 19: Warehouse and Wholesale Establishments

a. Wholesale and warehouse uses may deal in commodities which are the product of a permitted industrial use.

b. Permitted wholesale and warehouse establishments where products are stored and distributed may contain a limited retail sales component where products can be sold "over-the-counter" to the general public, with special use approval. Said uses may possess a State of Illinois Department of Revenue Sales Tax Identification Number, however, retail sales shall not constitute the primary use of the property.

Part 20:Ambulance Service

a. Where vehicles are stored outdoors, vehicles must be screened by a fence, wall, or solid landscape screen adequate to conceal such facilities from adjacent properties and the public right-of-way.

b. Where fueling facilities are provided, all tanks, pumps, and associated fueling equipment must be screened by a fence, wall, or solid landscape screen adequate to conceal such facilities from adjacent properties and the public right-of-way.

Part 21:Animal Hospital / Kennel

a. Animal hospitals / kennels are prohibited within multi-tenant buildings.

b. All outdoor exercise / play areas must be completely enclosed by a minimum 6' fence or wall adequate to conceal such facilities from adjacent properties and the public right-of-way.

c. No animals may be kept outdoors during non-business hours or overnight.

d. The sale of animals is prohibited within the I-1 and I-2 industrial districts.

e. All facilities are subject to the provisions of Article 6, Section D, Part 2.f, of this ordinance, relating to odorous matter.

Part 22: Taxicab Association

a. Where vehicles are stored outdoors, vehicles must be screened by a fence, wall, or solid landscape screen adequate to conceal such facilities from adjacent properties and the public right-of-way. No vehicles may be stored at a height greater than the screening, and no vehicles may exceed ten (10) feet in height.

b. Where fueling facilities are provided all tanks, pumps, and associated fueling equipment must be screened by a fence, wall, or solid landscape screen adequate to conceal such facilities from adjacent properties and the public right-of-way.

Part 23: Outdoor Recreation and Entertainment

a. Special use approval is not required for land set aside for a public park through the subdivision process provided park improvements comply with the bulk requirements of the underlying zoning district.

Part 24: Delivery Vehicles

a. Delivery vehicles may not occupy parking stalls designated for public/ patron use.

b. Storage of all delivery vehicles must be completely screened by a fence, wall, or solid landscape screen adequate to conceal the vehicles from adjacent properties and the public right-of-way.

c. One parking stall is required per delivery vehicle.

Part 25: Liquor Sales (all use categories)

- In addition to being in compliance with all applicable zoning requirements, any establishment providing for the sale or consumption of alcoholic beverages shall also be subject to the regulations of the Village of Frankfort Code of Ordinances, Chapter 113 as amended from time to time.

- No special use permit shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school, other than an institution of higher learning, hospital, home for the aged or indigent persons or for veterans, their spouses or children or any military or naval station provided this prohibition shall not apply to restaurants or other establishments where the sale of alcoholic liquors is not the principal business.

- Any person, corporation or other entity that intends to provide alcoholic liquor for sale or consumption shall furnish proof of liquor liability insurance in accordance with Illinois State Statute.

- Evidence of violation of any use standard or condition of approval shall be grounds to initiate a reversion hearing to rescind zoning rights granted for the sale of liquor at the non-compliant location.

- In the event that the Liquor Commissioner revokes the liquor license of any individual, business or other entity, the Plan Commission shall initiate a public hearing to consider the reversion of zoning rights that permit the sale or consumption of alcoholic liquors at the offending location.

Part 26: Accessory Liquor Sales

a. The sale of alcoholic beverages must be a supplementary component of the business or operation and may not comprise the majority of the total revenues generated.

b. Retail liquor displays shall not exceed 10% of the gross floor area of the business.

Part 27: Packaged Liquor Store

a. The consumption of alcoholic liquors is prohibited on the premises unless associated with a permitted and duly licensed tasting room.

Part 28: Restaurant, full service, with liquor sales

a. Bar and lounge areas within the restaurant shall not contain more than 25% of the total number of seats located within the premises nor shall they exceed 25% of the total customer floor area.

b. Bar and lounge areas within the restaurant shall be reasonably delineated from the dining area by a wall, partition or similar permanent and physical improvement.

c. Amusement devices are not permitted.

d. Electronic video displays and their accompanying audio, including but not limited to televisions and projection screens, shall not be located or transmitted outside of the dedicated bar or lounge area.

e. All menu items and specials shall be available until one hour prior to closing and shall be prepared and cooked by an on-site kitchen staff.

Part 29: Restaurant / Tavern

a. Bar and lounge areas within the Restaurant / Tavern shall not contain more than 40% of the total number of seats located within the premises nor shall they exceed 40% of the total customer floor area.

b. Amusement devices may be provided in accordance with the Village of Frankfort Code of Ordinances, Chapter 111.

c. A full menu, including entrees and side dishes prepared and cooked by an on-site kitchen staff, shall be available to customers until ten o'clock (10:00) P.M daily. After ten o'clock (10:00) P.M., and in the event a full menu is no longer provided, a reduced menu that includes appetizers, sandwiches, snacks, hors d'oeuvres or other similar foods, shall be available to customers until one hour prior to close.

Part 30: Tasting Rooms

a. Tasting rooms must be associated with a permitted retail establishment and shall not be the primary use of any property.

b. Tasting rooms shall not occupy more than 10% of the floor area of the business and shall not exceed a total of 250 square feet.

c. Tasting rooms shall be limited to those duly licensed retail establishments that possess a Class L liquor license and an approved special use permit for a packaged liquor store or accessory liquor sales.

d. Hours of operation for tasting rooms shall be restricted to 12:00 pm to 9:00 pm.

Part 31: Taverns

a. Amusement devices may be provided in accordance with the Village of Frankfort Code of Ordinances, Chapter 111.

Part 32: Crematoria

a. Crematoria must be associated with a permitted undertaking establishment, funeral parlor or cemetery. Standalone crematoria are prohibited except when located within a permitted cemetery.

b. Crematoria operators must secure and maintain any and all required governmental and / or regulatory permits, licenses and certifications.

c. Crematoria shall not emit perceptible odor or particulates.

d. Undertaking establishments, funeral parlors containing crematoria and stand-alone crematoria within permitted cemetery shall maintain a minimum setback of 300' from the nearest residential property.

e. Crematoria may operate between the hours of 7 am and 11 pm as established in paragraph 6.2.Q of this ordinance.

f. One single-chamber cremation apparatus is permitted per crematoria.

g. Emission stacks are subject to the maximum height restrictions of the underlying zoning district.

h. Emission stacks shall be compatible in design with the principal structure and constructed of approved building materials

Part 33: Tobacco Store

a. In addition to being in compliance with all applicable zoning requirements, any business providing for the sale of tobacco products shall be subject to the regulations of the Village of Frankfort Code of Ordinances, Chapter 119 as amended from time to time.

b. No tobacco store shall be located within one-thousand (1,000) feet of any school, child care facility, playground, recreational facility, park, library or any other youth oriented facility. For the purposes of this section a youth oriented facility is defined to include any facility with residents, customers, visitors, or inhabitants of which twenty-five percent (25%) or more are regularly under the age of 21 or which sells, rents, or offers services or products that are consumed or used primarily by persons under the age of 21.

c. No tobacco store shall be located within two thousand (2,000) feet of any other licensed tobacco store.

d. Smoking and/or sampling of tobacco and tobacco related products is expressly prohibited within the indoor area of any licensed tobacco store. Smoking in outdoor areas shall comply with 410 ILCS 82/10 Smoke Free Illinois Act.

Part 34: Medical Cannabis Cultivation Center

a. Cultivations Centers located within the Village shall be established, operated and maintained in full compliance with the "Compassionate Use of Medical Cannabis Pilot Program Act" (40 ILCS 130) and all other applicable Village Ordinances.

b. Cultivation Centers may not be located within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility, public parks, places of worship, or property zoned or utilized for residential purposes.

c. Cultivation Centers are prohibited within multi-tenant buildings.

d. All exterior signage associated with a Cultivation Center shall be in compliance with the Sign Regulations established by the Village of Frankfort Code of Ordinances. In addition, no exterior signage shall use the word "marijuana," "cannabis," or any other word, phrase or symbol commonly understood to refer to marijuana or cannabis

Part 35: Medical Cannabis Dispensary

a. Dispensaries located within the Village shall be established, operated and maintained in full compliance with the "Compassionate Use of Medical Cannabis Pilot Program Act" (40 ILCS 130) and all other applicable Village Ordinances.

b. Dispensaries may not be located within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility, public parks, places of worship, or area zoned or utilized for residential purposes.

c. Dive-Thru Facilities accessory to dispensaries shall not be permitted.

d. Dispensaries are prohibited from operating within multi-tenant buildings.

e. The area dedicated to accessory retail sales of merchandise or products related to medical cannabis shall not exceed 10% of the gross floor area of the business.

f. Outdoor, window, or on-site media displays of merchandize and/or products related to cannabis shall not be permitted.

g. Dispensaries may not permit any person to consume cannabis on the premises.

h. Hours of operation for dispensaries shall be limited to 7:00 am to 11:00 pm in accordance with the Village of Frankfort Zoning Ordinance, Article 6, Section C, Part 2.

Section D: Accessory Uses

Part 1: General Requirements

a. Accessory uses and structures, as defined in Article 12, are permitted in the E-R, R-1, R-2, R-3, R-4, and H-R, and AG districts. Residential accessory uses and structures shall not involve the conduct of any business, trade, or industry.

b. Accessory uses and structures, as defined in Article 12, in the B-1, B-2, B-3, B-4, OR, I-1, I-2, and H-1 districts must be approved during the site plan review process (as described in Article 3, Section H).

c. Accessory uses and structures must be in connection with a principal use which is permitted within such district.

d. Each accessory structure and use shall comply with the use limitations applicable in the zoning district in which it is located.

e. No accessory structure shall be constructed or occupied on any lot prior to the completion of the principal structure to which it is an accessory.

Part 2: Bulk Regulations

a. Accessory structures and uses must conform to the provisions of the table of Permitted Obstructions In Required Yards in Article 1, Section I, Part 1.

b. Accessory structures (except fences) and uses shall be set back a minimum of ten (10) feet from all lot lines unless otherwise noted in the table of Permitted Obstructions In Required Yards in Article 1, Section I, Part 1.

c. Accessory structures and uses shall maintain the same required side yard setback as is required for the principal structure located on the zoning lot except where specifically permitted otherwise in the table of Permitted Obstructions In Required Yards in Article 1, Section I, Part 1.

d. No accessory structure or use shall be permitted in any front yard unless specifically permitted.

e. No part of any accessory structure or use shall be located closer than ten (10) feet to any principal structure, unless it is attached to or forms a part of such principal structure.

f. Each accessory structure and use shall otherwise comply with the bulk regulations applicable in the district in which it is located, including maximum lot coverage and maximum impervious coverage.

Part 3: Permitted Accessory Uses

Any structure or use that complies with the terms of Part 1 above may be allowed as an accessory structure or use. Accessory structures and uses include, but are not limited to, the following list of examples, provided that in each case such structure must fit the general definitions of "accessory use" contained in Part 1 above and Article 12.

a. One private, detached garage per zoning lot and subject to the guidelines as listed below:

1. In the H-R, E-R, R-1, R-2, R-3 and R-4 Districts:

a) No greater than fifteen (15) feet in height;

b) All garages greater than three-cars in size must be side-loaded in orientation and driveways shall have a minimum 26' turning radius; and

c) Architecture, including pitch of roof, shall be similar and compatible to the principal structure.

In a permitted Manufactured Home park:

a) Not to exceed (600) square feet;

b) Must be constructed on a concrete pad.

c) All garages must be constructed as enclosed buildings.

b. A storage shed in the E-R, R-1, R-2, or H-R Districts, incidental to a permitted use, provided no structure that is accessory to a residential building shall exceed 144 square feet in gross floor area and fifteen (15) feet in height. One storage shed is permitted for each zoning lot in a permitted manufactured home park, not to exceed two hundred twenty-five (225) square feet.

c. A child's playhouse, no larger than 144 square feet in size and fifteen (15) feet in height above the average grade of the lot.

d. Private swimming pools and cabanas, subject to the provisions of Part 7 below.

e. Statuary, arbors, gazebos, trellises, barbecue stoves, flag poles, fences, walls & hedges, gas lights and lanterns.

f. Signs, permitted in accordance with Village of Frankfort Sign Ordinance.

g. Off-street parking and loading spaces as required in Article 7, Part B of this Ordinance.

h. Outdoor parking of recreational equipment/vehicle and/or construction/commercial related vehicles, provided that:

1. If the owner is actively involved in maintenance, loading or unloading the equipment, it may be parked on a residential driveway, however duration does not exceed forty-eight (48) hours;

2. The Code Official may issue a Special Permit for out-of-town visitor parking for Recreational Vehicles parked on a driveway for a period not to exceed fifteen (15) days. Not more than six (6) such permits may be issued in any calendar year;

3. Equipment/vehicle is parked on an approved paved surface;

4. No part of storage area for vehicles is located in any required front, side, or rear setback, as defined by the provisions of this Code;

5. The front of the vehicle does not extend in front of the front façade of the primary structure

6. Construction or commercial vehicles or equipment are not loaded or containing product or material, unless wholly enclosed or actively involved in a project within the lot;

7. Vehicle does not exceed an empty weight of four (4) tons or height in excess of ninety (90) inches;

8. Equipment/vehicle is screened from view from the public street by a fence or landscaping.

i. One parabolic satellite dish-type antennae per zoning lot, which is not more than two (2) feet in diameter. All roof-mounted antenna shall not exceed the maximum building height permitted in that zoning district. All satellite antenna facilities shall be located away from the street right-of-way, or otherwise screened from view from any street by an opaque fence, wall, or hedge of a minimum of 6 feet in height. (Am. Ord. 1887, passed 04.15.02)

j. Storage of wood or any other combustible material which could be used in fireplaces, stoves or any other equipment for heating are not to exceed five (5) cords per zoning lot, one (1) cord being a cubic area of 128 cubic feet (4' x 4' x 8'). Firewood shall be used exclusively by dwelling occupants and stored in the rear yard. Material must be stacked in rear yard in cord measurements and must be a minimum of four (4) inches off the ground. No storage is permitted within the 100-year flood zone as defined by FEMA Maps.

k. Outdoor recreation areas or equipment (including, but not limited to tennis courts, basketball courts, playhouses, batting cages, etc.), provided they meet the requirements outlined below:

1. Total impervious coverage of the lot, including the accessory structure or playing area, shall not exceed the limitations of the zoning district as defined in Article 6;

2. The recreational facility or equipment does not exceed 15' in height as measured from the ground or 144 square feet in area, unless a variation is specifically approved according to the provisions of Article 3, Section B. (Am. Ord. 1887, passed 04.15.02)

3. Appropriate screening is provided;

4. Surfacing conforms to all established Village regulations, standards and ordinances; and

5. Lighting of the area conforms to all established Village regulations, standards and ordinances.

Part 4: Prohibited Accessory Uses *(Am Ord #2312, passed 8.21.06)*
None of the following shall be permitted accessory uses:

a. Outdoor storage or overnight parking of trucks with an empty weight in excess of four (4) tons, or height in excess of ninety (90) inches in residential district; construction or commercial vehicles or equipment, loaded or containing product or material, unless wholly enclosed, unless actively involved in a project within the lot; or buses designed for more than eleven (11) passengers during normal school year vacation periods in a residence district;

b. Any other outdoor storage, except as specifically permitted elsewhere in this Ordinance;

c. Manufactured homes;

d. Windmill towers, in excess of twelve (12) feet in height;

e. Cargo Containers, as defined by Article 12 of this ordinance shall be considered a form of outdoor storage that is strictly prohibited in all zones, except whereas:

1. Existing cargo containers located on properties with an approved special use for outdoor storage are a legal non-conforming use during an amortization period of one (1) year, after which the containers are considered illegal non-conforming and must be removed. No additional containers shall be added to the property during the amortization period, or;

2. A temporary permit is issued by the Village for the purpose of moving or relocating, either permanently or temporarily, personal or business property, subject to the following conditions:

a. In the ER, R-1, R-2, R-3, R-4 and HR Districts, there shall be a fifteen dollar ($15) temporary permit fee. No more than one (1) temporary cargo container shall be permitted, and said container must be removed from the premises within thirty (30) days;

b. In the B-2, B-3, B-4, H-1, OR, I-1, and I-2 Districts, there shall be a ninety dollar ($90) temporary permit fee. No more than three (3) temporary cargo containers shall be permitted, and said containers(s) must be removed from the premises within ninety (90) days;

c. One (1) extension period equal to the corresponding time restriction in 2.a) or 2.b) may be permitted if extenuating circumstances are determined by the Code Official.

d. No more than two (2) temporary permits may be granted for the same property during a calendar year. If an extension is granted during a calendar year, the extension period shall constitute a second temporary permit.

Or:

e. The cargo container is used for the purpose of a construction project duly proceeding toward completion. Upon completion of the construction activity that the container supports, the container must be promptly removed from the site.

And;

f. At all times, any and all cargo containers must be maintained in a like-new condition.

f. Stand-alone Automated Teller Machines (ATM) not associated with a permitted drive up facility.

f. Outdoor vending machines.

Part 5: Home Occupations

It is the intent of this Section D, Part 5 to allow as home occupations only those uses that conform to the standards of this Section. In general, a home occupation is an incidental and secondary accessory use in the AG, E-R, R-1, R-2, R-3, or R-4 Districts, so located and conducted as to not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part. The standards for home occupations are intended to ensure compatibility with other permitted uses and the residential character of the neighborhood, and to maintain the subordinate and incidental status of the home occupation.

a. Permitted Home Occupations. Any home occupation, as defined in Article 12, that is incidental and subordinate to the principal residential use of a building, shall be permitted in any dwelling unit, except those which are specifically prohibited under this Ordinance, and meets the regulations outlined in paragraph (c) below.

b. Limitations. Home occupations shall be operated in conformance with the following:

1. All employed persons must be related, with the total number of employees not to exceed three (3).

2. The use of the dwelling unit for the home occupation or home office shall be clearly incidental and secondary to its use for residential purposes.

3. No more than twenty-five (25) percent of the livable floor area of the dwelling unit shall be used in the conduct of the home occupation or home office.

4. No outside display, storage, or use of land is permitted.

5. No signage shall advertise the presence or operation of home occupation.

6. There shall be no manufacturing or processing of any sort.

7. No wholesale, jobbing or retail business shall be permitted unless it is conducted entirely by mail or telephone and does not involve the receipt, sale, shipment, delivery or storage of merchandise on or from the premises, provided, however, that articles produced by members of the immediate family residing on the premises may be sold from and stored upon the premises.

8. There shall be no interior or exterior alteration of the principal residential building which changes the residential character thereof as a dwelling.

9. The home occupation shall be conducted entirely within the principal residential building and shall not be visible from any existing dwelling on any adjacent lot.

10. No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors or electrical interference detectable to normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

11. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and in no case shall traffic volume be created by the home occupation greater than ten (10) trips per day in any one day, including deliveries.

12. Deliveries are limited to a maximum of two (2) per day, and are not to be conducted by a vehicle that exceeds a useful load of one ton. (Am. Ord. 1887, passed 04.15.02)

13. Parking generated by the conduct of such home occupation shall be met by the off-street parking regulations, and be located in areas other than a required yard.

14. No home occupation shall cause an increase of more than ten percent (10%) in the use of any one or more utilities (water, sewer, electrical, telephone, garbage, etc.) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.

c. Particular Home Occupations Permitted. Customary home occupations include, but are not limited to, the following list of occupations, provided, however, that each listed occupation shall be subject to the requirements of this Part 5.

1. Dressmakers, seamstresses and tailors

2. Music teachers, with regular instruction, limited to one pupil at a time, except for occasional groups

3. Artists, sculptors and authors or composers

4. Office facilities for architects, brokers, engineers, lawyers, insurance agents and members of similar professions

5. Offices of duly ordained leaders of a religious or spiritual community

6. Office facilities for real estate and other sales representatives and manufacturers' representatives, when no retail or wholesale transactions are conducted on the premises

7. Home crafts, such as model-making, rug-weaving, lapidary work, handcraft-woodworking, provided however, that no machinery or equipment shall be used or employed, other than that which would customarily be incidental to residential occupancy. Such machinery or equipment shall include that which would customarily be employed in connection with a hobby or a vocation not conducted for gain or profit

8. Telecommuting for an outside employer, company or organization.

d. Particular Home Occupations Prohibited. The following uses, by the nature of the investment or operation, have a pronounced tendency, once started, to rapidly increase beyond the limits permitted for home occupations, and thereby substantially impair the use and value of a residentially zoned property for residential purposes. Therefore, the uses specified below are prohibited in residential zones:

1. Barber shops, beauty shops and nail salons performing any personal service related to the betterment of physical appearance with more than 2 service stations (including but not limited to chairs, sinks, dryers, etc), unless specifically permitted by the district regulations

2. Dancing schools with more than five pupils in attendance at any given time

3. Funeral homes and mortuaries

4. Restaurants

5. Tourist homes and lodging houses, unless specifically permitted by the district regulations

6. Private clubs

7. Repair shops or service establishments, except the repair of electrical appliances, typewriters, cameras or other similar small items

8. Photo developing

9. Renting of trailers

10. Medical or dental offices, clinics or hospitals

11. Animal kennels, animal grooming, or hospitals

12. Auto repair and tune-up facilities

13. Catering or other food preparation businesses

14. Rooming houses

15. Sale of firearms and ammunition

16. Stables or kennels

17. Antique shops or sales

18. Home day care centers or preschools.

Part 6: Fences and Walls

a. Building Permit Required. No fence shall be erected, or substantially altered, without a building permit issued by the Code Official and payment of applicable fees. Any fence which shall be erected, or shall be in the process of erection, or maintained contrary to the provisions of this Code, is deemed a nuisance and it shall be the duty of the Building Inspector and Chief of Police to abate the same.

b. Definitions. A fence is defined as any structure, partition or enclosure, of wood, iron, metal, or other material, enclosing or dividing a piece of land. A fence shall not include naturally growing shrubs, bushes and other foliage. The following are common types of fences:

1. Decorative Fence. A fence used mostly for aesthetics, which adds to the visual beauty of the property. This fence may not exceed forty-eight (48) inches with its upper-most rail or fifty-four (54) inches to the top of its upper-most post when installed in a front yard. Fifty percent of the square footage of the overall dimensions of the fence shall be open. A woven or cyclone type fence is not a decorative fence.

2. Hazard Enclosure. This fence is intended to enclose swimming pools, pets, excavations and similar uses. This fence must be a minimum of forty-eight (48) inches high, with the mesh material spaced close enough to prevent children and animals from entering. All gates are to be equipped with child-proof latches.

3. Security or Protection Fence (Business and Industrial). A fence used for enclosing the lot, or part of the lot, for security and protection of property.

4. Retention Fence (Residential and Historical). A fence to retain children, animals and other similar uses, or to prevent outside intrusion. This fence may be installed in rear yards only.

5. Solid Fence. A fence in which eighty (80) percent or more of the surface area of the fence is solid. Fencing shall be constructed with the finished or decorative side facing the adjacent or abutting property or street.

6. Railroad Screening Fence. A fence erected to provide screening of active railroad tracks.

c. Locations in Rights-of-Way and Utility Easements. No private fences shall be allowed or constructed on public street, highway or alley right-of-ways. Fences may, by permit, be placed on public utility easements, so long as the structures do not interfere in any way with existing underground, ground or over ground utilities. Further, the Village or any utility company having authority to use such easements shall not be liable for repair or replacement of such fences, in the event they are moved, damaged or destroyed by virtue of the lawful use of said easement. Fences in violation may be summarily removed by the Village.

d. Barbed Wire. No barbed wire or barbed wire fences shall be allowed on private property in residential zones, or on lots in any zone being used for single or multiple family dwelling purposes. No barbed wire or barbed wire fences shall be allowed on private property in business or industrial zones where the property lines of such property abut lots or parcels zoned or being used for single or multiple family purposes, or on fences in front yards. Barbed wire may be allowed on the top of fencing in the I-2 district subject to special use approval by the Planning Commission.

e. Dangerous Fences. No fence shall be constructed of material obviously intended to inflict great bodily harm, should a person or animal attempt to climb or scale it. Such materials include, but are not limited to, electrically charged wires or other electrical conduit, broken glass, razor blades and sharp or ragged metal spikes or spears.

f. Construction Requirements. All fences shall be constructed in conformity with the wind stress, foundation, structural and other requirements of the building codes and laws of the Village.

g. Good Repair. All fences shall be maintained in good, structurally sound repair and in a neat, clean, presentable and attractive condition. If, on inspection by the Code Official, any fence, in their determination, does not meet these requirements, they shall order the

owner or occupier of the premises, by registered or certified mail, to make the necessary repairs or improvements within thirty (30) days. Should the owner or occupier of the premises fail to make repairs or improvements as directed, the owner of occupier shall be in violation of the Code and the Code Official shall cause a complaint to be issued and processed against said owner or occupier, in accordance with the rules of the Circuit Court of Will County, Illinois.

h. Residential District Fences. In residential zones, in front yards no fences may exceed four (4) feet above ground level to the upper most rail, or 54 inches to the top of the upper-most post. In such zones, fences along the side property lines to the rear of the front yard and along the rear lot line may not exceed five (5) feet in height above ground level except when permitted for a railroad screening fence. Residential district fences are subject to the following requirements:

1. All fences located in the front yard, or that abut or face street right-of-ways shall be a Decorative Fence, as defined in paragraph (b) above.

2. Woven or cyclone type fences are not permitted in any residential district.

3. A railroad screening fence, as defined in paragraph (b) above, may be permitted within residential zoning districts in accordance with the following standards:

   Location:

   1. The property on which the fence is to be constructed must be located as described by one of the following:

      a) The property directly adjoins property used for an active railroad; or

      b) The property is within two hundred (200) feet of property used for an active railroad and is not separated from the railroad property by residential property or a public right-of-way;

   2. Railroad screening fences are only permitted along the property line that is parallel to the railroad tracks.

      Height:

      a) May not exceed seven (7) feet in height;

      b) Within thirty (30) feet of a public right-of-way, railroad screening fences may not exceed five (5) feet in height;

i. Business or Industrial Fences. In business or industrial zoned districts, fences may not exceed six (6) feet in height in business areas, and eight (8) feet in industrial areas above ground level. No fence or wall, other than a decorative fence of 4 feet or less in height, shall be erected, constructed or maintained within fifty (50) feet from the front lot line. For purposes of security only, fences for business or industrial zoned districts may be provided along side and rear yard lot lines.

j. Non-Conforming Fences. Fences existing at the time of adoption of this Ordinance which are not in violation of paragraph (e) above, and are not located on public street, highway and alley right-of-ways, but which violate other sections of this Ordinance may continue to be maintained and to exist, but may not be replaced if destroyed or removed, to the extent that the violations would be continued.

Part 7: Swimming Pools

a. Fencing. Every outdoor swimming pool, whether above ground or level with the ground, having a maximum depth of over two (2) feet, shall be completely surrounded by a fence not less than four (4) feet, nor more than five (5) feet in height. A building, existing wall or pool wall may be used as part of such enclosure as long as the barrier requirements are met as required by the building code. Such required fence shall comply with all requirements of other Village ordinances pertaining to fences, and the provisions of this Section shall not be construed to require or permit any fence heights greater than permitted by such other ordinances. (Am. Ord. 1887, passed 04.15.02) (Am. Ord. 2230, passed 10.17.05)

b. Gates or Doors. All gates or doors opening through the required fence shall be designed for security, in accordance with the Building Code of the Village of Frankfort.

c. Screening. If the fencing provided is anything other than solid fencing, the pool shall be effectively screened from view from outside the lot by densely-planted compact trees or hedges, providing at least fifty percent opacity when viewed between two (2) feet and five (5) feet above ground.

d. Setback Requirements. All outdoor swimming pools are considered accessory uses, and shall meet minimum yard requirements and, in addition thereto, shall be set back an additional two (2) feet for each one (1) foot of structure height exceeding five (5) feet. For the purpose of this section, the words “structure height” shall include any railings or other projections above the pool surface.

e. Water Discharge. The water discharged from a swimming pool shall be drained into the sanitary sewer or storm water system, as approved by the Village.

Section E: Temporary Uses

The following uses of land are permitted in Commercial, Office, or Industrial districts (unless specifically restricted to a particular zoning district), subject to the specific regulations and time limits as described herein and to the other applicable regulations of the district or districts in which they are located. Such uses must be approved by the Code Official through issuance of a permit. The temporary use permit shall specify the location of the building, yard, or use, and the area of the permitted operation. Temporary uses must satisfy the applicable conditions as follows:

Part 1: Construction Trailers

A licensed contractor engaged in a construction project for which a Building Permit has been issued by the Building Inspection Department may temporarily use a construction trailer for office facilities in the location where work is being done, provided that such construction trailer shall:

a. Be placed only upon the property for which a Building Permit was issued authorizing construction, and not in any public right-of-way;

b. Not be placed more than fourteen (14) days prior to the commencement of the work for which the Building Permit was issued;

c. Not contain sleeping accommodations or cooking facilities; and

d. Be removed within fourteen (14) days after the completion of the work for which the Building Permit was issued.

e. Each permit shall be valid for a period of not more than six (6) calendar months, and shall not be renewed for more than two (2) successive periods at the same location.

Part 2: Office Facility, Excluding Real Estate Offices

A construction project for which a Building Permit has been issued by the Building Inspection Department may temporarily use a trailer for office facilities in the location where work is being done, provided that such temporary office facility shall:

a. Obtain permission for a special use according to the procedures of Article 3, Section E;

b. Abide by the conditions of the special use;

c. Be placed only upon the property for which a Building Permit was issued authorizing construction and identified on a plan submitted to the Plan Commission, and not located within any public right-of-way; and

d. Not contain sleeping accommodations or cooking facilities.

e. Each permit shall be valid for a period of not more than six (6) calendar months, and shall not be renewed for more than two (2) successive periods at the same location.

Part 3: Real Estate Offices

A temporary real estate office incidental to a new housing development shall:

a. Not be used for sleeping or cooking purposes until the premises shall cease to be used as a real estate office;

b. Continue only until all dwelling units in the development have been first sold or leased; and

c. Be landscaped as approved by the Code Official.

d. Each permit shall be valid for a period of not more than six (6) calendar months, and shall not be renewed for more than two (2) successive periods at the same location.

Part 4: Seasonal Sales Lots

a. Material for seasonal sales (Christmas trees, pumpkins, etc.) shall not be located in any right of way;

b. The location of materials for sale are not to be located so as to block visibility for vehicles or pedestrians on or off the lot in a manner that would create a safety hazard;

c. The sales shall be limited to between the hours of 7:00 a.m. and 9:00 p.m., and for a period not to exceed sixty (60) days;

d. Use of a public address system or loudspeaker is expressly prohibited;

e. All trash and debris is to be removed daily;

f. Written consent from the property owner, or the authorized agent of the property shall be provided to the Code Official;

g. All signage shall conform to the standards set forth in the Village of Frankfort Sign Ordinance; and

h. All materials shall be removed within forty-eight (48) hours of the end of operation.

Part 5: Seasonal Sales Of Farm Produce

Farm produce grown on the premises in the AG District may be sold on site, according to the following provisions:

a. Such sales shall not continue for more than four (4) months per year; and

b. Structures incidental to such sales, including roadside stands, must be portable, and removed at the end of the sales season. Roadside stands are permitted in the required front yard.

Part 6: Temporary Outdoor Sales

Temporary outdoor sales, including garage sales, farmer's markets, merchandising, and promotional displays, are permitted in all districts, subject to the following:

a. The use shall be located along and have direct vehicular access to a public street;

b. No sales or display activity shall be located on a public right-of-way;

c. The location of materials for sale are not to be located so as to block visibility for vehicles or pedestrians on or off the lot in a manner that would create a safety hazard;

d. All trash and debris is to be removed daily;

e. Written consent from the property owner, or the authorized agent of the property shall be provided to the Code Official;

f. All signage shall conform to the standards set forth in the Village of Frankfort Sign Ordinance;

g. Permits for temporary outdoor sales shall be valid for a period not to exceed 15 days. However, permits for promotional displays may be issued for shorter periods of time, as determined by the Code Official. Not more than 6 temporary outdoor sales permits may be issued per applicant in any calendar year. Consecutive permits may be issued as determined by the Code Official; and

h. All materials shall be removed within three (3) days of the end of the operation.

Part 7: Tents

a. No tent shall be erected, used, or maintained for living quarters.

b. A permit for the temporary use of tents for special events shall be limited in duration to 7 days. The permit holder shall remove all special event tents within 24 hours after the expiration of the permit.

c. No more than six special event tent permits shall be issued per applicant in any calendar year. A period of at least seven days shall be required between each permit period.

d. All tents shall be subject to the setback requirements of the underlying zoning district.

Part 8: Temporary Recreational Areas or Equipment

a. Temporary outdoor recreation areas or equipment (including, but not limited to playhouses, batting cages, etc.) must conform to the requirements of Article 5, Section D, part (3)(k). In particular, the recreational facility or equipment must not exceed 15' in height or 144 square feet in area, unless a variation is specifically approved according to the provisions of Article 3, Section B.

b. Temporary outdoor recreation areas or equipment may not be in place more than 4 months in any calendar year.

Part 9: Carnivals and Festivals

a. Activities may be conducted on public rights-of-way with the approval of the Village Board.

b. All trash and debris is to be removed daily.

c. Permits for temporary outdoor sales shall be valid for a period not to exceed 10 days.

d. The Code Official may restrict the hours of operation of a carnival or festival.

ARTICLE 6: DENSITY, DIMENSIONAL, AND OTHER STANDARDS

Section A: General Regulations

Part 1: Lot Size Requirements

a. No structure, or part thereof, shall hereafter be built, moved or remodeled in such a way that increases the degree of non-conformance, and no structure or land shall hereafter be used, occupied, arranged or designed for use or occupancy on a zoning lot which is:

1. Smaller in area than the minimum lot area or minimum lot area per dwelling unit required in the zoning district in which the structure or land is located; or

2. Narrower than the minimum lot width required in the zoning district in which the structure or land is located.

These standards may be amended in accordance with a variation approval, as provided in Article 3, Section B, or as permitted in a Planned Development according to Article 3, Section F.

b. No existing structure shall hereafter be rebuilt, remodeled or otherwise altered or modified so as to conflict or further conflict with the lot area per dwelling unit or lot size requirements, as set forth herein, for the zoning district in which the structure is located.

c. No zoning lot which was made a lot of record and zoned prior to adoption of the current Village of Frankfort Zoning Ordinance which is:

1. Smaller than the required lot area or less than the minimum lot area per dwelling unit required by the zoning district within which the lot is located; or

2. Narrower than the minimum lot width required in the zoning district within which the lot is located;

shall be built upon unless a variation has been obtained in a manner described in Article 3, Section B, and within the parameters set forth in Article 10, Section I of this Ordinance.

Part 2: Bulk Regulations in General

In this Ordinance, bulk regulations are expressed in terms of maximum structure height, maximum lot coverage, maximum floor area ratio and minimum front, corner side, side and rear yards. No structure, or part thereof, shall hereafter be built, moved or remodeled, and no structure or land shall hereafter be used, occupied or designed for use or occupancy so as to:

a. Exceed the maximum lot coverage percentage, the maximum structure height or the maximum floor area ratio specified for the zoning district in which the structure is located; or

b. Provide any setback or front, corner side, side or rear yard that is less than that specified for the zoning district in which such structure or use of land is located or maintained.

These standards may be amended in accordance with a variation approval, as provided in Article 3, Section B, or as permitted in a Planned Development according to Article 3, Section F.

Part 3: Yard Requirements in General

a. Minimum Lot Area: No part of the lot area, or of a yard, or other open space or off-street parking or loading space provided in connection with any structure or use in order to comply with this Ordinance shall, by reason of a change of ownership or otherwise, be included as a part of the minimum lot area or of a yard, or other open space or off-street parking or loading space required for any other structure or use, except as specifically permitted by this Ordinance.

b. Further Reduction: No lot area in yards and other open spaces provided in connection with any structure or use (including but not limited to any structure or use any amendment thereto) shall be subsequently reduced below, or further reduced if already less than, the minimum requirements of this Ordinance for equivalent new construction.

These standards may be amended in accordance with a variation approval, as provided in Article 3, Section B, or as permitted in a Planned Development according to Article 3, Section F.

Section B: Density, Dimensional and Other Standards for Residential Districts

Part 1: Table of Density, Dimensional, and Other Standards for Residential Districts

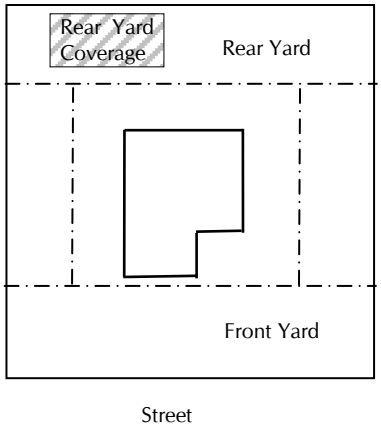
The Table of Density, Dimensional, and Other Standards lists standards which apply to structures in residential and agricultural districts according to the following:

a. Maximum density shall be the maximum number of dwelling units per net buildable area as defined in Article 12.

b. The minimum lot size refers to the separate ground area, herein called the zoning lot, which shall be designated, provided and continuously maintained for each structure containing a Permitted Use or a Special Use (with the exception of Planned Unit Developments).

c. All principal and accessory structures on all uses shall adhere to the bulk dimensions (see also Article 5, Section D, Accessory Uses).

d. The maximum rear yard coverage is the maximum percent of the required rear yard that may be covered by accessory uses (see also Article 5, Section D, Accessory Uses).



e. The minimum gross floor area is measured from the outside of the exterior wall, including utility rooms, but excluding cellars, basements, open porches, breezeways, garages and other spaces that are not used frequently or during extended periods for living, eating or sleeping purposes, except that enclosed space intended for habitable rooms which are to be completed within a reasonable time shall be considered in computing such floor areas.

f. The last two rows in the table refer to other development requirements (Part 2) and special standards (Part 3) that also govern development in that district.

Table of Density, Dimensions, and Other Standards for Residential Districts

	E-R	R-1	R-2	R-3	R-4	AG	H-R
Maximum Net Density (dwelling units per net buildable acre)							
	1	2	2.25	4	5	.05	-
Minimum Lot Size (square feet)							
General	-	-	-	-	28,500 (5,000 per dwelling unit)	20 acres	-
Single Family Dwelling	40,000	20,000	15,000	15,000	-	-	6,250
Two-Family Dwelling	-	-	-	15,000	-	-	-
Planned Unit Dev.	Article 3 F	Article 3 F	Article 3 F	Article 3 F	Article 3 F	-	Article 3 F
Non-Residential Use	80,000	40,000	30,000	30,000			12,500
Minimum Lot Width (feet)							
General	-	-	-	-	120	-	-
Single Family Dwelling	150	100	100	100	-	-	50
Two-Family Dwelling	-	-	-	100	-	-	-
Planned Unit Dev.	-	Article 3 F	Article 3 F	Article 3 F	-	-	Article 3 F
Non-Residential Use	300	250	200	200	240	-	100
Lot Width of Corner Lot	165	120	120	120	145	-	-
Minimum Lot Depth (feet)							
Single Family Dwelling	267	200	150	150	--	--	--
Minimum Required Yards (feet)							
Front Yard							
All Uses	-	-	-	-	40	75	-
Single Family (and Two Family in R-3) Dwelling	40	35	30	30	-	-	15
Non-Residential Use	80	60	60	60			30
Corner Lot Side Yard							
All Uses	-	-	-	-	40	75	-
Single Family (and Two Family in R-3) Dwellings	40	35	30	30	-	-	15
Non-Residential Use	80	70	60	60	-	-	30
Side Yard							
All Uses	-	-	-	-	15	100	-
Single Family (and Two Family in R-3) Dwelling	25	15	Total of 25 (not less than 10 on any side)	15	-	-	10
Non-Residential Use	50	30	20	30	-	-	20
Rear Yard							
All Uses	-	-	-	-	40	100	-
Single Family (and Two Family in R-3) Dwellings (Am. Ord. 1887, passed 04.15.02)	40	40	30	30	-	-	20
Non-Residential Uses (Am. Ord. 1887, passed 04.15.02)	80	75	60	60			40

	E-R	R-1	R-2	R-3	R-4	AG	H-R
Landscaped Front Yard for non-residential uses (see Article 6.B.2.e)	25	25	25	25	-	-	25
Front Yard Setback from Centerline of Arterial (see Article 6.B.2.e)	125	125	125	125	-	-	-
Front Yard Setback from Centerline of Route 30 (see Article 6.B.2.e)	150	150	150	150	-	-	-
Bulk Dimensions							
Maximum Height							
Feet	40	40	35	35	35	35	35
Maximum Floor Area Ratio	-	-	-	-	.25	-	.50
Maximum Lot Coverage							
Single Family Home	20%	20%	20% (but 25% for one story dwelling)	20% (but 25% for one story dwelling)	-	-	35% (not including up to 500 square feet for detached garage)
All Other Uses	30%	30%	30%	30%	-	10%	30%
Maximum Impervious Coverage							
Single Family Home	30%	35%	40%	40%	40%	-	60%
All Other Uses	50%	50%	50%	50%	50%	20%	60%
Maximum Rear Yard Coverage	20%	25%	30%	30%	30%	30%	35%
Minimum Gross Floor Area (square feet)							
One story dwelling (Am. Ord. 2839, passed 04.29.13)	3,000	2,500	2,400	-	-	1,600	1,000
More than one story dwelling	5,000	4,000	2,600	-	-	2,000	1,500
Manufactured Home	-	-	-	-	-	-	-
Minimum Floor Area per Dwelling Unit Based on Number of Bedrooms in Unit (square feet)							
Efficiency, and 1 bedroom	-	-	-	1,200	1,200	-	-
2 bedrooms				1,200	1,200	-	-
3 bedrooms	-	-	-	1,600	1,600	-	-
Each additional bedroom	-	-	-	Add 400 per bedroom over 3	Add 400 per bedroom over 3	-	-
Other Development Requirements, found in Article 6, Section B, Part 2	Article 6.B.2	Article 6.B.2	Article 6.B.2	Article 6.B.2	Article 6.B.2	Article 6.B.2	Article 6.B.2
Special Requirements for this District, found in Article 6, Section B, Part 3	-	-	-	6.B.3.a	6.B.3.b	-	6.B.3.c

Part 2: Other Residential Development Requirements

All uses in all residential districts shall conform to the following:

a. Site Development Standards. All uses, with the exception of single family detached dwellings, shall conform to the standards set forth in Article 7 of this Ordinance.

b. Water Discharge. Roof water and miscellaneous water outlets shall be expelled to lawn surface however in no instance shall such water be expelled closer than five (5) feet from side or rear lot lines. Above ground water may be expelled to storm sewers, or through front yards if piped underground and expelled directly to road ditch or curb line when properly graded to existing conditions. Sump pumps shall be directly piped and connected to storm sewers. (Am. Ord. 1887, passed 04.15.02)

c. Lot Depth. The depth of a lot may be decreased by 20 feet if the rear lot line adjoins permanent open space.

d. Landscaping. The landscaping plan must meet all standards and guidelines established in the Village of Frankfort's Landscape Ordinance.

e. Landscaped Front Yard. For non-residential uses in the E-R, R-1, R-2, and R-3 districts, a minimum of twenty-five (25) feet from the front property line shall be devoted to grass, trees and low living landscape materials as required in the Village of Frankfort's Landscape Ordinance. A means of ingress and egress may encroach upon this first twenty-five (25) feet. On roadways classified as arterial in the Village Master Transportation Plan, all structures shall maintain a minimum setback of 125 feet from the centerline of the right-of-way, with the exception that the minimum setback from the center line Route 30 is 150 feet.

f. Landscape Plan and Cash Bond. In the R-3, R-4, and AG districts, a general landscaping plan must accompany all applications for building permits requested for the construction of a new building, and shall be approved by the Code Official. A cash bond in an amount required by the Code Official shall be submitted upon issuance of the landscape permit. The landscaping plan must meet all standards and guidelines established in the Village of Frankfort Landscape Regulations, and sections 150.75 and 150.76 of the Village Code. The owner and the Code Official shall determine the completion date, however, the date shall not exceed eighteen (18) months after the date of issuance of the building permit. The cash bond will be returned to the maker of said bond after completion of all landscaping.

g. Materials

1. Split face block shall not be permitted in any residential district.

2. In the E-R, R-1, and R-2 districts, all residences shall be constructed of brick, stone, masonry, or wood construction only. Each one story home shall be

constructed of brick, stone, or masonry materials, except as provided herein. All other one and one-half, two, or multi-story structures shall have the entire first floor level constructed of brick, stone, or masonry material, except as provided herein. Non-masonry may be permitted by the code official as a first floor building material when the non-masonry material is limited to architectural accent features only and is not a primary building material of any building façade. Unless a variance is obtained, non-masonry materials shall not exceed 15% of any first floor façade surface area. No plywood, vinyl, steel, or aluminum siding shall be used on any structure erected on any lot in any subdivision. (Am. Ord. 2313, passed 08.21.06)

h. Garages. No more than three (3) car bays in width may face a public ROW. All garages which have more than three (3) contiguous car bays in width shall be side-loaded in orientation. Side-loaded garages shall have a minimum turning radius of 26′.

i. Driveways. At the property line, a driveway shall have a maximum width of 28′, except for circular driveways with two curb cuts, in which case the maximum width shall be 14′. Within 20′ of the associated garage, the driveway may increase in width as it approaches the garage, to a width not greater than the associated garage. In the case of a side loaded garage a one foot (1′) encroachment of the required five foot (5′) pavement setback shall be permitted; however, no driveway or portion thereof shall encroach a platted easement. (Am. Ord. 2839, passed 04.29.13)

j. Signs. Signs shall be subject to the regulations contained in the Village of Frankfort Sign Regulations.

k. Off-Street Parking and Loading Requirements. Off-street parking and loading facilities shall be provided as required in Article 7, Section B of this Ordinance.

l. Basements. Each dwelling unit requires a basement equal to 80% of the ground floor area of the first story. (Am. Ord. 2839, passed 04.29.13)

m. Windows, doors and trim. Each single-family dwelling shall utilize the same or similar style and quality windows, doors, and trim on all facades. Decorative entry doors and enhanced window treatments such as mullions are often utilized on the front façade of a home. For the purposes of this section, it is not required that decorative entry doors, enhanced window treatments and other similar decorative elements be utilized on all facades. (Am. Ord. 2839, passed 04.29.13)

Part 3: Special Regulations for Individual Residential Districts

The regulations of this Part 3 apply to individual residential districts, in addition to the general regulations of Part 2 above.

a. R-3 Attached Two Family Residential District

1. A lot depth requirement of 150 feet is required of all uses.

2. Each dwelling unit shall provide separate front and rear entrance/exit to the outdoors.

3. No required living space can be provided below grade level.

4. Each dwelling unit requires a basement equal to 80% of the ground floor area of the first story.

5. Flat roofs shall not be permitted.

6. Parking requirements in addition to Article 7 Section B:

   a) Each unit requires a two (2) stall enclosed garage. Carports and detached garages are not permitted.

   b) One-half (0.5) off-street parking space in addition to the required enclosed garage spaces is required for each dwelling unit. Parking islands may be provided to satisfy this guest parking requirement, provided that no more than four parking spaces are provided in any given island. On-street parking may also be provided where the petitioner demonstrates that such parking is available within the applicable R-3 district.

   c) The driveway shall not constitute a required parking space except to satisfy the requirement for guest parking spaces, where such driveway is at least 25' in length.

   d) In any R-3 development, at least 30% of all garages shall be side-loaded.

b. R-4 Attached Single Family Residential District

1. A separate ground area of not less than 5,000 square feet shall be designated, provided and continuously maintained for each multi-family dwelling unit as landscaped open space.

2. Each dwelling unit shall provide a separate front and rear entrance/exit to the outdoors unless special use approval is granted.

3. Each residential structure and/or building shall contain no more than four (4) attached units except with special use approval.

4. No required living space can be provided below grade level.

5. Each dwelling unit requires a basement equal to 80% of the ground floor area of the first story.

6. Flat roofs shall not be permitted.

7. Parking requirements in addition to Article 7 Section B:

   a) Each unit requires a two (2) stall enclosed garage. Carports and detached garages are not permitted.

   b) One-half (0.5) off-street parking space in addition to the required enclosed garage spaces is required for each dwelling unit. Parking islands may be provided to satisfy this guest parking requirement, provided that no more than four parking spaces are provided in any given island. On-street parking may also be provided where the petitioner demonstrates that such parking is available within the applicable R-4 district.

   c) The driveway shall not constitute a required parking space except to satisfy the requirement for guest parking spaces, where such driveway is at least 25' in length.

   d) In any R-4 development, at least 30% of all garages shall be side-loaded.

c. <u>H-R Historic Residential District</u>

1. Development Approval

   a) Application for new construction, or an addition to an existing building which will add more than 50% to the existing building by square footage, or a renovation, which will substantially alter the street facade, must be approved by the 1890's Theme Committee as to the appropriateness of exterior architectural features. The 1890's Theme Committee shall be guided by the architectural standards in the Village of Frankfort Historic Preservation Design Guidelines.

   b) An application for a permit to erect any outdoor sign or fence in the H-R Historic Residential District must be approved by the 1890's Theme Committee as to appropriateness before a permit may be issued.

2. Non-Conforming Uses. The non-conforming use provision of this Ordinance shall not apply to or be enforced against any buildings, structures or uses in the H-R District, which exist at time of adoption of this Ordinance. However, extensions or expansions of an existing building shall conform either to the existing building setbacks or to the bulk regulations of this Section B.

Part 4: Single-Family Residential Development Standards

a. Purpose and Intent. The purpose of these standards is to establish standards for the exterior design of single-family buildings and structures, to conserve property values, direct building development to the best advantage of the entire municipality, and ensure that homes are constructed of high quality and long lasting materials. The goals for single-family development are:

1. Construct new neighborhoods that age gracefully and become established over time with a consistent character and quality;

2. Construct residential infill such that it maintains and / or enhances the value and quality of existing neighborhoods;

3. Promote the development of attractive streetscapes, which increase curb appeal and create a "sense of place";

4. Provide flexibility for architectural variety. The intent of these standards is to prohibit certain design elements that have negative impacts on communities while allowing flexibility for developers and architects to create interesting and attractive structures.

b. Administrative Approval. The residential development standards have been carefully crafted to allow flexibility in creative building solutions. Although the standards were drafted to be as comprehensive as possible, there may be instances where they might conflict with a unique architectural style or cannot be achieved due to site constraints. Minor deviations from these standards may be approved administratively by the Zoning Official upon request by the developer of a property, where such deviation will result in a home that complies with the spirit and intent of the standards contained herein. Should the Zoning Official deny any such requests an applicant may apply for relief through the variance process with the Zoning Board of Appeals in accordance with Article 3, Section B of this ordinance.

c. Applicability. These standards are applicable to all new construction or redevelopment of single-family dwelling units within the ER, R1, and R2 zoning districts platted after January 1, 2000 and constructed upon after April 29, 2013, the date of adoption .

d. Building Materials. Each one story home shall be constructed entirely of brick, stone or masonry materials. All other one and one-half, two, or multi-story structures shall have the entire first floor constructed of brick, stone, or masonry materials and shall include a minimum of two (2) masonry elements that extend from the first floor into the second floor. For the purposes of this section "masonry elements" shall include gable ends, recessed or projecting entrance elements, turrets, or any other similar masonry elements with a width greater than ten (10) feet. One of the two required second floor masonry elements shall extend a minimum of eight (8) feet above the first floor ceiling height.

1. Each building façade shall exhibit identical or substantially similar materials treatments to provide a consistent architectural appearance and appeal on all sides of a structure.

2. Changes from masonry to non-masonry materials on the same plane of the front façade shall be delineated by an architectural element or decorative trim board.

3. Where utilized, siding shall incorporate decorative trim boards at both inside and outside corners, around windows, to define gable ends and at all transitions to masonry materials.

4. Chimneys must be constructed of 100% masonry.

5. No plywood, vinyl, steel, or aluminum siding shall be used on any structure erected on any lot in any subdivision.

e. Wall Massing. There shall be no more than one (1) uninterrupted wall length of thirty-five (35) feet or greater along any façade of a primary structure, except as permitted herein. Walls with an uninterrupted length greater than 35′ are not permitted facing a public right-of-way. For the purposes of this section an interruption shall be defined as an offset in a wall plane and underlying foundation measuring a minimum of one foot (1′).

To encourage side loaded garages in accordance with Section H below, where a side load garage is proposed a home may be constructed with a maximum of two (2) uninterrupted wall lengths greater than thirty-five (35) feet. Walls with an uninterrupted length greater than 35′ are not permitted facing a public right-of-way.

f. Architectural Relief. No single-family residential structure shall have more than one side with fewer than four (4) outside corners as measured at the foundation plan and carried through the exterior wall plane(s). To qualify as an outside corner, the corner must be located within thirty feet (30′) of the side in question. Outside corners shall be defined according to the following illustrations.

Figure 1. Prohibited Design

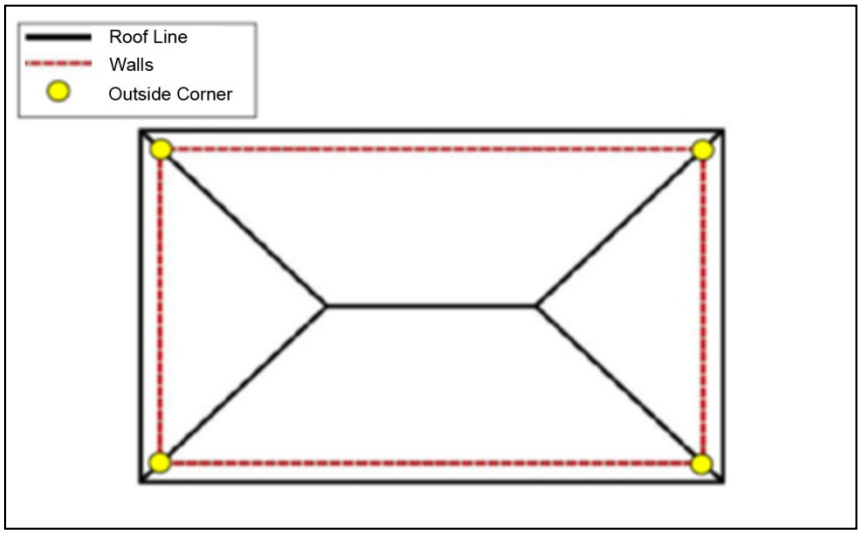
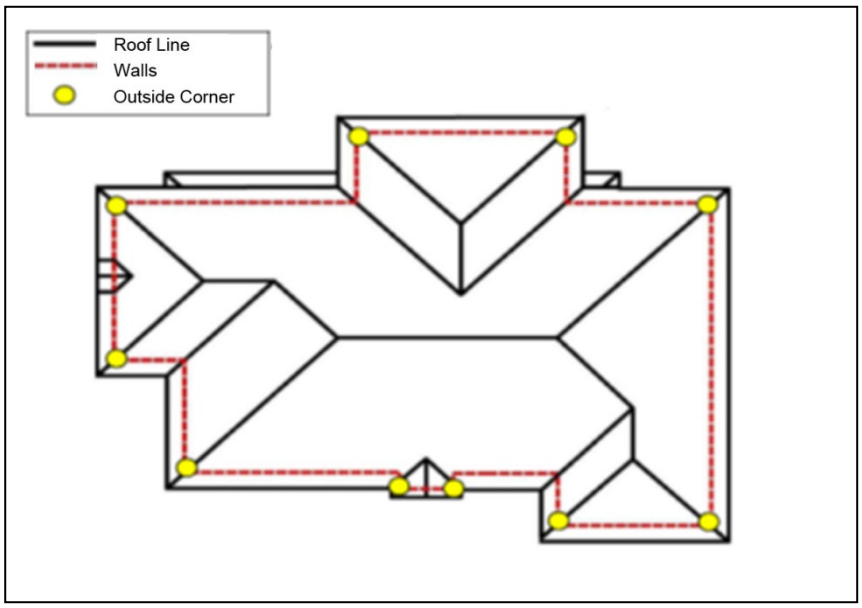


Figure 2. Permitted Design



g. Architectural Accent Elements. Exterior ornamentation enhances a home's overall appearance while serving both functional and aesthetic purposes. All homes shall incorporate a minimum of five (5) of the following accent elements on their front façade. Accent elements shall be incorporated on interior side and rear facades, where appropriate to create a cohesive architectural design.

1. stone accents
2. stone lintels
3. keystones
4. brick solider coursing and other similar details
5. wing walls
6. balconies
7. bay / oriel windows
8. covered front porch
9. arbor / trellis
10. shutters
11. columns
12. cupola
13. ornate chimney pots
14. window planting boxes
15. decorative gable vents
16. decorative light fixtures
17. other similar accent elements as approved by the code official.

h. Garage Orientation and Design. Side load garages are preferred. All front loaded three (3) car garages must have a break in the roofline by stepping one door back a minimum of two (2) feet. Garages larger than three (3) cars must be side loaded. All garage doors shall be of a minimum height of eight feet (8').

Given their utilitarian nature, garage doors can have a substantial impact on the architectural character of a home, streetscape and neighborhood. To soften their appearance and create additional architectural interest all garage doors must incorporate a minimum of two (2) of the following design details: transom windows, permanently affixed decorative brackets and handles, raised / recessed panels, faux half-timbering and / or other similar design elements as approved by the building official.

i. Roof Construction and Materials. A minimum roof pitch of 8/12 is required for all single-family residential structures. Roof pitch requirements shall not apply to architectural design elements including bay windows covered front porches, etc. Reduced roof pitches may be considered if intended to accommodate a specific historical architectural style (i.e. Prairie Style). Flat roofs are prohibited. Roofs shall be constructed of heavyweight architectural shingles, wood, slate, or other similar materials. Metallic roofing materials and non-architectural asphalt shingles are prohibited except exposed copper may be used for flashing and decorative features such as roof areas above bay windows.

(Am. Ord. 2839, passed 04.29.13)

Section C: Density, Dimensional, and Other Standards for Non-Residential Districts

Part 1: Table of Density, Dimensional, and Other Standards for Non-Residential Districts

The Table of Density, Dimensional, and Other Standards lists standards which apply to structures in all non-residential districts according to the following:

a. The minimum lot size refers to the separate ground area, herein called the zoning lot, which shall be designated, provided and continuously maintained for each structure containing a Permitted Use or a Special Use (with the exception of Planned Unit Developments).

b. All permitted and special uses shall conform to the minimum required yard requirements. For purposes of determining the side or rear yard adjacent to residential use, the adjacent property is considered to be residential where the property is located in a residential district, occupied by an existing residential use, or designated for residential use in the Comprehensive Plan of the Village of Frankfort.

c. All principal and accessory structures on all uses shall adhere to the bulk dimensions.

d. The minimum gross floor area is measured from the outside of the exterior wall, including utility rooms, but excluding cellars, basements, open porches, breezeways, garages and other spaces that are not used frequently or during extended periods for living, eating or sleeping purposes, except that enclosed space intended for habitable rooms which are to be completed within a reasonable time shall be considered in computing such floor areas.

e. The last two rows in the table refer to other development requirements (Part 2) and special standards (Part 3) that also govern development in that district.

Table of Density, Dimensions, and Other Standards for Non-Residential Districts

	B-1	B-2	B-3	B-4	OR	I-1	I-2	H-1
Minimum Lot Dimensions								
Lot Size (square feet) (Am. Ord 1887, passed 04.15.02)	20,000	20,000	10 acres	20,000	3 acres	1 acre	1 acre	5,000
Lot Width (feet)	100	100	100	100	250	100	100	50
Minimum Required Yards (feet)								
Front Yard	50	50	50	50	50	50	50	-
Landscaped Front Yard (see 6.C.2.d)	25	25	25	25	50	25	25	-
Front Yard Setback from ROW Centerline of major highway or major industrial roadway, except Route 30 and Laraway Road (Am. Ord. 1887, passed 04.15.02)	125	125	125	125	125	125	125	-
Front Yard Setback from ROW Centerline of Route 30 and Laraway Road (Am. Ord. 1887, passed 04.15.02)	150	150	150	150	150	150	150	-
Corner Side Yard	50	50	50	50	50	50	50	10
Interior Side Yard	15	15	15	15	25	20	20	5
Side Yard Adjacent to Residential Use	30	50	50	30	50	75	100	10
Rear Yard	30	30	30	30	30	30	30	10
Rear Yard Adjacent to Residential Use	50	50	50	50	100	100	100	20
Bulk Dimensions								
Maximum Height (feet)	35	35	35	35	60	35	35	35
Maximum Impervious Lot Coverage	80%	75%	70%	70%	70%	80%	85%	-
Other Development Requirements	6.C.3.a	6.C.3.b	6.C.3.c	-	6.C.3.d	6.C.3.e	6.C.3.f	6.C.3.g
Performance Standards (Article 6, Section D)	Level A	Level A	Level A	Level A	Level A	Level A	Level B	Level A

Part 2: Other Non-Residential Development Requirements

All uses in all non-residential districts shall conform to the following:

a. Site Plan Review Standards. All uses shall conform to the standards set forth in Article 7 of this Ordinance.

b. Water Discharge. Roof water and miscellaneous water outlets shall be expelled to lawn surface not less than five (5) feet from side or rear lot lines; above water may be expelled to storm sewers, or through front yards if piped underground and expelled directly to road ditch or curb line, when properly graded to existing conditions. For all new construction, sump pumps shall be directly piped and connected to storm sewers. (Am. Ord. 1887, passed 04.15.02)

c. Landscaping. A general landscaping plan must accompany all applications for building permits requested for the construction of new buildings and the use of lot, and must be approved by the Code Official. The landscaping plan must meet all applicable Village standards and guidelines, particularly those established in the Village of Frankfort Landscape Regulations.

   If landscaping, sidewalks, parking lots and other external improvements are not completed at the time of issuance of the occupancy permit, the owner and Code Official will determine the completion date. However, that date shall not exceed eighteen (18) months after the date of issuance of the building permit. If improvements are not completed within this time, the Village may use funds provided by the owner as security to complete the remaining work.

d. Landscaped Setback

   The Landscaped Front Yard shall be devoted to grass, trees and low living landscape materials, as required in the Village of Frankfort Landscape Regulations, and a means of ingress and egress only. In addition, all parking and signs must maintain a setback at least as large as the Landscaped Front Yard. (Am. Ord. 1887, passed 04.15.02)

e. Enclosure of Operations. All businesses, servicing or processing shall be conducted within completely enclosed buildings, except:

   1. Off-street parking or loading.

   2. Outdoor accessory uses which are approved as a special use.

f. Outdoor Sales

1. In the B-3 district, all outdoor sales space shall be provided with a permanent durable, and dustless surface, and shall be graded and drained as to dispose of all surface water. Adequate screening must be provided to screen sales areas from adjacent residential uses and such space shall comply with the Village landscape regulations.

2. Permanent outdoor sales are not permitted in districts other than the B-3 district.

3. Temporary outdoor sales shall be regulated by the provisions of Article 5, Section E.

g. Outdoor Storage

1. In the B-3 and I-1 district, outdoor storage shall require special use approval and shall not include uncontained bulk materials. All outdoor storage facilities for accessory uses and products shall be enclosed by a fence, wall or plant materials adequate to conceal such facilities from adjacent properties and the public right-of-way. All outdoor storage areas shall be located on a paved surface, unless such storage area is located in the rear yard and is enclosed by a fence, wall or plant materials adequate to conceal such facility.

2. In the I-2 district, the storing of junk and like materials is prohibited, and storage of uncontained bulk materials shall require special use approval. All other storage of materials must comply with setback requirements and bulk regulations as outlined in this Part, as well as screened by a minimum four (4) foot screen from all street frontages. No items shall be stored at a height greater than the screen and under no condition shall outdoor storage exceed ten (10) feet in height. All outdoor storage areas shall be located on a paved surface, unless such storage area is located in the rear yard behind the rear façade of the primary structure and is enclosed by a fence, wall or plant materials adequate to conceal such facility. Accessory storage uses must follow all other applicable Village standards.

3. Outdoor storage is not permitted in districts other than the B-3, I-1, and I-2 as described above.

h. Performance Standards

1. All activities shall conform to the performance standards contained in Article 6 Section D. Where the performance standards are differentiated between Level A and Level B:

   a) In the B-1, B-2, B-3, B-4, OR and I-1 districts, all activities shall conform to the Level A performance standards.

   b) In the I-2 district, all activities shall conform to the Level B performance standards.

i. Waste Materials. No materials or wastes shall be deposited upon a lot in such form that they may be transferred off the property by natural causes or forces.

j. Screening. Where a business or industrial use abuts or is across the street from a Residential District, such use shall be screened from view. A landscape plan must meet all applicable Village standards and guidelines, particularly those established in the Village of Frankfort Landscape Regulations.

k. Fencing Required. Where any non-residential permitted or special use borders a residential zone, fencing or landscaping must be provided along all common boundaries to shield the residential zone from the non-residential permitted or special use. All fencing must follow guidelines established in Article 5, Section D of this Ordinance and the requirements of Village of Frankfort Landscape Regulations.

l. Storm Drainage and Entrance Curbs. Storm Drainage and entrance curbs are required on all street frontages, and shall meet the approval of the Village Engineer and all applicable Village Standards. In the OR, I-1, and I-2 districts, curb and gutter facilities are also required.

m. Curbs. Concrete curbs are required for all paved areas to define the edge of paving from landscaped areas.

n. Ingress and Egress

1. On all business and industrial lots with less than 200 feet frontage on a public road, access shall be limited to one combined ingress and egress with a minimum width of twenty (20) feet, and a maximum width of thirty-two (32) feet, measured from the inside of curbs at the property line (location determined by Village Engineer or others appointed by the Village).

2. On all business lots of 200 feet and over with frontage on a public road, access shall be limited to two (2) combined ingresses and egresses, with a minimum width of thirty-two (32) feet measured from inside of curbs at property line locations (determined by the Village Engineer or others appointed by the Village). Details of ingresses and egresses are to meet State, County and Village requirements.

3. On industrial lots of 200 feet and over with frontage on a minor roadway (those roadways not classified as a Major Industrial Roadway), access is limited to two combined ingresses and egress with a minimum width of twenty (20) feet, and a maximum width of thirty-two (32) feet, measured from the inside of curbs at the property line (location determined by Village Engineer or others appointed by the Village).

o. Signs. Signs shall be subject to the regulations contained in the Village of Frankfort Sign Regulations.

p. Off-Street Parking and Loading Requirements. Off-street parking and loading facilities shall be provided as required in Article 7, Section B. Delivery trucks, and any vehicles on which advertising for a place of business is placed, shall be parked behind the structure.

q. Hours of Operation. Non-residential uses may be open for business between the hours of 7 am and 11 pm. Establishments with operating hours outside of these normal operating hours must be approved as a special use according to the regulations of Article 3, Section E.

Part 3: Special Regulations for Individual Non-Residential Districts

The regulations of this Part 3 apply to individual non-residential districts, in addition to the general regulations of Part 2 above.

a. B-1 Local Business District

1. The parking of trucks when accessory to the conduct of a permitted use shall be limited to vehicles having not over one and one-half (1 1/2) tons capacity, except for delivery services, which may be parked for a period not to exceed twenty-four (24) hours.

b. B-2 Community Business District

To ensure that large-scale development in this district is designed as an integrated project, each B-2 development of twenty (20) acres or more shall be administered as a Planned Unit Development.

1. Signs. In addition to the requirements of Article 7, Section F, all developments in this district shall submit a comprehensive sign plan for the entire development.

c. B-3 General Business District

To ensure that large-scale development in this district is designed as an integrated project, each B-3 development of twenty (20) acres or more shall be administered as a Planned Unit Development.

Properties with a B-3 designation should be located on Regional Arterials or Community Arterials (as identified in the Master Transportation Plan) only.

1. Signs. In addition to the requirements of Article 7, Section F, all developments in this district shall submit a comprehensive sign plan for the entire development.

d. OR Office/Research/Limited Industrial District

1. Development Size. To ensure that development in this district is designed and planned as an integrated campus-like environment, each OR development of thirty (30) acres or more shall be administered as a Planned Unit Development.

2. Enclosure of Use. All industrial operations shall take place within completely enclosed buildings, unless otherwise specified (see Article 6, Section C, Part 2).

3. Village Standards. All developments within this District must meet all applicable Village Standards, and the standards and guidelines established in the Village of Frankfort Engineering Design Standards.

4. Exterior Building Materials

   a) Exterior walls shall be of face brick, architectural steel and aluminum, stone, glass, exposed aggregate panels, textured or architecturally finished concrete, steel, or wood. Equivalent or better materials, or any combination of the above, may be used in a well-conceived or creative application.

   b) Common brick, concrete block, split face block, corrugated metal or pre-engineered metals installed with exposed fasteners are prohibited as exterior building materials.

5. Parking and Loading Requirements. In addition to the requirements of Article 7, Section B:

   a) All parking lots must be paved, with curbs and gutter.

   b) Loading areas shall be paved and shall be completely contained on-site.

6. Signs. In addition to the requirements of Article 7, Section F, all developments in this district shall submit a comprehensive sign plan for the entire development.

7. Underground fuel storage tanks are not permitted.

e. <u>I-1 Limited Industrial District</u>

1. Enclosure of Use. All industrial operations shall take place within completely enclosed buildings, unless otherwise specified (see Article 6, Section C, Part 2).

2. Village Standards. All developments within this District must meet all applicable Village Standards, and the standards and guidelines established in the Village of Frankfort Engineering Design Standards.

3. Exterior Building Materials

   a) Exterior walls shall be of face brick, architectural steel and aluminum, stone, glass, exposed aggregate panels, textured or architecturally finished concrete, steel, or wood. Equivalent or better materials, or any combination of the above, may be used in a well-conceived or creative application.

   b) Common brick and concrete block are prohibited as exterior building materials.

c) Split face block is only permitted on front and side facades where architectural features (such as columns, horizontal bands, etc.) are incorporated into said façades.

d) Corrugated metal or pre-engineered metals installed with exposed fasteners are only permitted on front facades if 50% of said front façade is masonry, and are only permitted on side facades where architectural features (such as columns, horizontal bands, etc.) are incorporated into said side façades.

4. Parking and Loading Requirements. In addition to the requirements of Article 7, Section B:

   a) All parking lots must be paved, with curbs and gutter.

   b) Loading areas shall be paved and shall be completely contained on-site.

5. Signs. In addition to the requirements of Article 7, Section F, all developments in this district shall submit a comprehensive sign plan for the entire development.

Underground fuel storage tanks are not permitted.

f. <u>I-2 General Industrial District</u>

1. Village Standards. All developments within this District must meet all applicable Village standards, and the standards and guidelines established in the Village of Frankfort Engineering Design Standards.

2. Landscaping. A general landscaping plan must accompany all applications for building permits requested for the construction of new buildings and the use of lot and must be approved by a Code Official. The landscaping plan must meet all applicable Village standards and guidelines, particularly those established in the Village of Frankfort Landscape Regulations, and sections 150.75 and 150.76 of the Village Code.

   If landscaping, sidewalks, parking lots and other external improvements are not completed at the time of issuance of the occupancy permit, the owner and Code Official will determine the completion date, however, that date shall not exceed eighteen (18) months after the date of issuance of the building permit. The promissory note will be canceled and returned to the maker of said note after completion of all landscaping.

3. Exterior Building Materials

   a) Exterior walls shall be of face brick, architectural steel and aluminum, stone, glass, exposed aggregate panels, textured or architecturally finished concrete, steel, or wood. Equivalent or better materials, or any combination of the above, may be used in a well-conceived or creative application.

b) Common brick and concrete block are prohibited as exterior building materials except on the rear facade.

c) Split face block is only permitted on the front facade where architectural features (such as columns, horizontal bands, etc.) are incorporated into said façade.

d) Corrugated metal or pre-engineered metals installed with exposed fasteners are only permitted on front facades if 50% of said front façade is masonry.

4. Parking and Loading Requirements. In addition to the requirements of Article 7, Section B:

a) All parking lots must be paved, with curbs and gutter.

b) Loading areas shall be paved and shall be completely contained on-site.

5. Fences. Chain link fences are prohibited where visible from a public road, unless such fence is concealed with landscaping. Chain link fences may be permitted in the rear of a property or behind the front extent of the primary building, and shall include privacy slats.

g. H-1 Historic District

1. Front Yard. For buildings or additions to existing buildings constructed after the date of adoption of this Ordinance, the minimum required front yard setback shall be the average of the front yard setbacks of the two closest developed properties on either side. A front yard setback shall be devoted to living landscape materials.

2. Corner Side Yard. The corner yard setback shall be devoted to landscaping.

3. Rear Yard. The rear yard setback shall not apply to structures that exist on the date of the adoption of this Ordinance, provided that such existing structures shall not be altered so as to decrease the existing rear yard setback.

4. Development Approval

a) Application for building permits in the H-1 Historic District must be approved by the 1890 Theme Committee as to the appropriateness of exterior architectural features. The 1890's Theme Committee shall be guided by the architectural standards in the Village of Frankfort Historic Preservation Design Guidelines.

b) An application for a permit to erect any outdoor sign, fence, or structure in the H-1 Historic District must be approved by the 1890 Theme Committee as to appropriateness before a permit may be issued.

5. Non-Conforming Uses. The non-conforming use provision of this Ordinance shall not apply to or be enforced against any residential structures or uses in the Historic District, which exist at time of adoption of this Ordinance. In particular, residential structures or uses existing at the date of adoption of this Ordinance in the H-1 district may be continued, repaired, and rebuilt if damaged without the need for variation approval as provided in Article 10, Section I. However, extensions or expansions shall conform to the bulk regulations of this Section C.

6. Parking Requirements. The Village Board has determined that it may be unreasonable and impractical for individual building uses within the historic district to provide auxiliary parking facilities on site. Parking facilities to accommodate the requirements of the uses within the designated area may best be provided by the Village in public parking areas developed in compliance with a general plan of parking facilities. Therefore, any new building or structure, or any expansion to an existing building, or any change in use to a use which requires additional parking as compared to the original use, may be relieved from providing the normally required off-site parking through the approval of a variation. The Village Board may require, as a condition of the variation approval, compensation toward a public parking area. Shared parking is also encouraged in this district.

7. Signs. No signs may be internally illuminated.

Section D: Environmental Performance Standards

Part 1: General Regulations

a. Procedures & Purpose. The purpose of the performance standards procedure is to ensure that an objective, unbiased determination is made in those cases where there may be substantial doubt as to whether an individual land use or group of land uses comply with the performance standards of this Part, and to formulate practical ways for the alleviation of such non-compliance.

b. Performance Standards. All permitted non-residential uses shall comply with the Performance Standards set forth in Part 2 below. All uses in the I-2 General Industrial District shall comply with Level B standards, where provided. All uses in all other districts shall comply with the Level A standards. Where there is no distinction between Level A and Level B standards, the standards as provided shall apply equally to all uses in all districts.

c. Compliance. Should the Code Official determine that the proposed use may violate the performance standards set forth herein, the Code Official shall require information from the owner or operator and initiate an investigation. Should such additional data be required, the Code Official shall request information including, but not limited to, the following:

1. Plans of the existing or proposed construction and development.

2. A description of the existing or proposed machinery, processes and products.

3. Specifications for the mechanisms and techniques used or proposed to be used in restricting the possible emission of any dangerous and objectionable elements as set forth in this Part.

4. Measurements of the amount or rate of emission of said dangerous and objectionable elements.

Failure to submit data requested by a Code Official shall constitute grounds for denying a permit of compliance.

d. Report By Expert Consultants. A Code Official may require any person, firm or corporation to retain an expert consultant or consultants to study and report as to compliance or non-compliance with performance standards, and to advise how a proposed use can be brought into compliance with performance standards. Such consultants shall be persons or firms mutually agreeable to the Code Official and to the owner or operator of the use in question. In the event of inability to select a mutually agreeable consultant, the Zoning Board of Appeals shall select the consultant. The cost of the consultant's services shall be borne by the owner or operator of said use.

e. Action By the Code Official. Within sixty (60) days following the receipt of the acquired evidence, or receipt of the reports of appointed consultants, the Code Official shall make a determination as to compliance or non-compliance with the performance standards. The Code Official may require modification or alterations in the existing or proposed construction or the operational procedures to ensure that compliance with the performance standards will be maintained. The operator shall be given a reasonable length of time to enact any changes prescribed by the Code Official for the purpose of securing compliance with the performance standards.

f. Enforcement. The Code Official shall investigate any purported violation of performance standards and, if there are reasonable grounds for the same, shall investigate the alleged violation. For such investigation, the Code Official may employ qualified experts. If, after public hearing on due notice, the Village finds that a violation occurred or exists, a copy of said findings shall be forwarded to the owner or operator with instructions to correct the violation. The services of any qualified experts employed by the Village of Frankfort to advise in establishing a violation shall be borne by the Village of Frankfort.

g. Cancellation of Permits. If, after the conclusion of the time granted for compliance with the performance standards, the Code Official finds the violation is still in existence, any compliance permits previously issued shall be void and the operator shall be required to cease operation until the violation is remedied.

Part 2: Performance Standards

a. Noise

1. No land use or other activity within the Village shall be conducted in such a manner that it generates a level of sound on another property greater than that allowed under the Noise Regulations of the State of Illinois, adopted by the State Pollution Control Board pursuant to the Environmental Protection Act, 415 ILCS 5/1 et seq., as amended, and appearing in Title 35, Subtitle H, of the Illinois Administrative Code, as amended.

2. In addition to the standards set forth above, no land use or other activity within the Village, other than those specified in paragraph 4 below, shall be conducted in such a manner that it generates a level of sound on another property which is greater than the sound level set forth in the table of A-Weighted Sound Level Limits below.

3. Sound levels shall be measured with a sound level meter manufactured according to the standards prescribed by the American National Standards Institute or its successor body.

4. The limits set forth in the table of A-Weighted Sound Level Limits below shall not apply to the following: noises not directly under the control of the owner or occupant of the property; noises emanating from construction, repair, and maintenance activities conducted between the hours of 7:00 a.m. and 7:00 p.m. and such other times as may be specifically authorized by the Code Administrator; noises emanating from safety signals, warning devices, and emergency pressure relief valves; and transient noises emanating from moving sources, such as trucks, automobiles, airplanes, and railroads.

A-Weighted Sound Level Limits		
District Classification of "Receiving" Property	Time of Day	Maximum "A-Weighted" Sound Level
Residential Districts	7:00 a.m. to 7:00 p.m.	50 dB(A)
	7:00 p.m. to 7:00 a.m.	45 dB(A)
All Others	7:00 a.m. to 7:00 p.m.	60 dB(A)
	7:00 p.m. to 7:00 a.m.	55 dB(A)

Exceptions: The following uses and activities shall be exempt from the noise level regulations in the I-1 District:

1. Noises not directly under control of the proper user.

2. Noises emanating from construction and maintenance activities between 7:00 a.m. and 10:00 p.m. Such activities are those which are non-routine operations accessory to the primary activities and which are temporary in nature, or conducted infrequently.

3. The noises of safety signals, warning devices and emergency pressure relief valves.

4. Transient noises at moving sources such as automobiles, trucks, airplanes and railroads.

Impact noises shall not exceed the following peak intensities:

	Along Residence District Boundaries	Along Adjacent Lot Boundaries
Overall Peak (decibels)	80	86

b. Vibration

1. Level A. Any operation or activity which shall cause at any time, and at any point along the nearest adjacent lot line, earth borne vibrations in excess of the limits set forth in Column I below is prohibited. In addition, any industrial operation or activity which shall cause at any time, and at any point along a Residence District boundary line, earth borne vibrations in excess of the limits set forth in Column II below is prohibited.

   Exceptions: The following uses and activities shall be exempt from the vibration level regulations:

   a) Vibrations not directly under the control of the property user.

   b) Vibrations emanating from construction and maintenance activities between 7:00 a.m. and 7:00 p.m. Such activities are those which are non-routine operations accessory to the primary activities and which are temporary in nature, or conducted infrequently.

   c) Transient vibrations of moving sources such as automobiles, trucks, airplanes and railroads.

   Vibrations shall be expressed as displacement in inches and shall be measured with a three-component measuring system approved by a Code Official.

Vibration Displacements		
Frequency (Cycles Per Second)	Column I Displacement (Inches)	Column II Displacement (Inches)
0 to 10	.0008	.0004
10 to 20	.0005	.0002
20 to 30	.0002	.0001
30 to 40	.0002	.0001
40 and over	.0001	.0001

   Steady-state vibrations, for purposes of this Ordinance, are vibrations which are continuous, or vibrations in discrete impulses more frequent than 100 per minute. Discrete impulses which do not exceed 100 per minute, shall be considered impact vibrations and shall not cause an excess of twice the displacements stipulated.

2. Level B. Any industrial operation or activity which shall cause at any time and at any point along the nearest adjacent lot line, earth borne vibrations in excess of the limits set forth in Column I and Column II is prohibited.

   In addition, any industrial operation or activity which shall cause at any time and at any point along a Residence District boundary line, earth borne vibrations in access of the limits set forth in Column III is prohibited.

   Exceptions: The following uses and activities shall be exempt from the vibration level regulations:

   a) Vibrations not directly under the control of the property user.

   b) Vibrations emanating from construction and maintenance activities between 7:00 a.m. and 9:00 p.m. Such activities are those which are non-routine operations accessory to the primary activities and which are temporary in nature, or conducted infrequently.

   c) Transient vibrations of moving sources such as automobiles, trucks, airplanes and railroads.

   Vibrations shall be expressed as displacement in inches and shall be measured with a three-component measuring system approved by a Code Official.

Vibration Displacements			
Frequency (Cycles Per Second)	Column I Displacement (Inches)	Column II Displacement (Inches)	Column III Displacement (Inches)
0 to 10	.0020	.0100	.0004
10 to 20	.0010	.0050	.0002
20 to 30	.0006	.0030	.0001
30 to 40	.0004	.0020	.0001
40 to 50	.0003	.0015	.0001
50 and over	.0002	.0010	.0001

Steady-state vibrations, for purposes of this Ordinance, are vibrations which are continuous, or vibrations in discrete impulses more frequent than 100 per minute. Discrete impulses which do not exceed 100 per minute, shall be considered impact vibrations and shall not cause an excess of twice the displacements stipulated.

Impacts no more often than eight (8) times per twenty-four (24) hour period; vibrations occurring in discrete pulses separated by an interval of at least one minute and numbering no more than eight (8) in any twenty-four (24) hour period.

c. Air Pollution

1. Any land use or other activity in the Village which involves the emission of smoke, particulate matter, or other air pollutants shall comply with all applicable standards set forth in State and Federal statutes and regulations regarding the emission of air pollutants. Any such land use or other activity shall also obtain and maintain all necessary licenses and permits from the appropriate State and Federal agencies, such as the United States Environmental Protection Agency and the Illinois Environmental Protection Agency.

2. Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, roads and so forth, within lot boundaries shall be kept to a minimum by appropriate landscaping, paving, oiling or other acceptable means.

d. Water Pollution. The State of Illinois Environmental Protection Agency Water Pollution Regulations, as adopted by the Illinois Pollution Control Board on March 7, 1972 and published by the Illinois Environmental Protection Agency, and all amendments thereto, are hereby adopted by reference and made a part of this Section.

e. Noxious Matter. No activity or operation shall cause, at any time, the discharge of matter across lot lines in a noxious concentration.

f. Odorous Matter. The emission of matter in such quantities which is readily detectable as an odor at any point along lot lines is prohibited.

g. Fire and Explosive Hazards. The storage, utilization or manufacture of materials characterized by fire and explosive hazards shall be governed by the codes and guidelines of the International Building Code, the National Fire Protection Association, and the International Fire Code, as amended from time to time.

h. Glare and Heat. Any operation or activity producing glare shall be performed within a completely enclosed building and be conducted so that direct and indirect illumination from the source of light on the lot shall not cause illumination in excess of one-half (2) foot candle when measured at the lot line. Exposed sources of light shall be shielded, and flickering or intense sources of light shall be controlled so as not to cause a nuisance across lot lines. Any operation producing intense heat shall be performed within a completely enclosed building in such a manner as not to create a public nuisance or hazard along lot lines.

i. Toxic, Hazardous, and Radioactive Materials. Any land use or other activity in the Village which involves the use of toxic, hazardous, or radioactive materials shall comply with all applicable standards set forth in State and Federal statutes and regulations regarding the use, storage, transportation, emission, and disposal of such materials. Any such land use or other activity shall also obtain and maintain all necessary licenses and permits from the appropriate State and Federal agencies, such as the United States Environmental Protection Agency, the Illinois Environmental Protection Agency, and the Illinois Department of Nuclear Safety.

ARTICLE 7: SITE DEVELOPMENT REGULATIONS

Section A: Site Plan & Architectural Review Standards

Part 1: Purpose
The Site Plan and Architectural Review Standards were created with the intention of creating and maintaining an identity exclusive to the Village of Frankfort. Preservation of this identity, which has independently emerged through the course of history within the Village, will help to avoid monotonous and inappropriate design and appearance of properties. These standards were created to assist in the promotion of orderly, consistent and harmonious growth; protection of land values and investments; and enhancement of the general welfare of Village residents.

The Site Plan Review Standards shall serve to encourage and promote attractiveness, cohesiveness and compatibility of new development so as to maintain and improve the established standards of property values throughout the Village. The standards will assist both Village Staff and prospective developers in creating and approving project plans consistent with the identity set forth in this Section.

Part 2: Procedures
Site Plan Review shall be conducted in accordance with the procedures and submission requirements listed in Article 3, Section H.

Part 3: General Site Planning Standards
To promote a functional and attractive development, to minimize adverse impacts, and ensure that development is an asset to the Village, the following development standards shall apply to all developments requiring Site Plan Review (as described in Article 3, Section H of this Zoning Ordinance), unless a waiver is approved by the Plan Commission for any or all of the conditions.

a. Preservation of Natural and Historic Resources

1. The site design shall minimize disruption of existing natural features, and wherever possible incorporate them into the overall design concept.

2. The following specific areas shall be preserved as undeveloped open space or shall be mitigated:

a) Wetlands as regulated by the Army Corps of Engineers.

b) Lands in a designated floodway.

c) Significant trees or woodlands as regulated by the Village of Frankfort Landscape Regulations.

d) Steep slopes in excess of twenty (20%) percent as measured over a ten (10') foot interval, unless appropriate engineering measures are taken.

e) Habitats of endangered wildlife as identified by the Federal and/or Illinois Department of Natural Resources.

3. Site plans shall be designed to enhance historic architectural resources as identified by the National Register of Historic Places, or local landmark designation. Owners are encouraged to allow site research for archaeological resources.

b. Traffic and Off-Street Parking

1. Site plans should minimize dangerous traffic movements and congestion, while achieving efficient traffic flow and providing the minimum number of off-street parking spaces in accordance with the standards of Section B of this Article 7.

2. Along roads classified as Collector or greater, the number of curb cuts should be minimized and located as far as possible from intersections.

3. In business and industrial areas, vehicular access shall be minimized and designed comprehensively where feasible. Site to site access shall be granted through cross-access easement agreements where feasible, and frontage roads are encouraged along arterial roads.

4. Traffic studies may be required by the Village. Such traffic studies should address:

   a) Projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;

   b) Projected traffic flow patterns, including vehicular movements at all major intersections likely to be affected by the proposed use of the site;

   c) Impact of traffic upon abutting roads in relation to existing road capacities, and

   d) Combined traffic impact of approved, but not yet fully developed projects within the Village.

5. Every lot shall have sufficient access for emergency vehicles.

6. Off-street parking areas shall not be allowed to dominate the image of any development.

c. Service/Utility Areas: All service and utility areas which include, but are not limited to, loading docks, exterior storage areas, dumpsters and mechanical equipment such as plumbing vent stacks, HVAC transformers, fans and cooling towers, shall be screened from view by:

1. Locating all service/utility areas away from public rights of way and concealing them from building entrances, pedestrian areas and adjacent residential structures.

2. Providing for joint use of service areas by multiple adjoining buildings.

3. Incorporating trash enclosures into building design.

4. Screening utility service areas from public view with building elements/materials similar in appearance to the main structure.

5. Providing below ground utility connections for all new developments.

6. Locating mechanical equipment such as air conditioners/exchangers out of view from public rights of way and circulation paths, and away from residential living or sleeping areas.

7. Screening rooftop mechanical equipment from view from adjoining properties by building elements such as parapet walls.

8. Permanent or temporary exterior storage or display of inventory, business vehicles or personal vehicles is prohibited without the issuance of a permit.

9. Providing landscape screening in accordance with the Village of Frankfort Landscape Regulations.

d. Public Spaces and Paths: Public spaces and paths intended for pedestrian use should be designed to incorporate natural features, building and landscape elements to create safe, comfortable, and attractive environments.

1. All areas intended for pedestrian use shall be well lit in accordance with the lighting standards in Section E.

2. Pedestrian paths or sidewalks should be clearly distinguished from vehicular paths by landscaping, paving materials or architectural elements.

3. All pedestrian paths shall be handicap accessible, using ramps and curb cuts conforming to State and Federal ADA standards.

e. Residential Subdivision Plans

1. The road system shall be designed to serve the needs of the neighborhood and to discourage use by through traffic, unless there is a need for a collector street on the site. Roads should follow existing contours to minimize cut and fill.

2. In residential subdivisions with more than 30 dwelling units, at least two points of vehicular access are required. Temporary access points for construction or emergency traffic may be considered in phased developments.

3. Lot lines should follow existing natural features, such as tree lines or contours.

4. When feasible, and not in conflict with other governmental regulations, manmade, engineered structures should make use of natural materials. The use of stone or brick culverts is encouraged.

5. All lots shall abut on a publicly dedicated or private street.

6. Double frontage lots are discouraged except where topography of the land might render subdividing otherwise unreasonable, or where lots back upon a primary street (major thoroughfare), and vehicular access from the major thoroughfare is prohibited. Such lots shall have an additional depth to accommodate a landscaped buffer yard in accordance with the Village of Frankfort Landscape Regulations.

7. On lots abutting or including a detention area, floodplain, wetland, water course, drainage way, channel or stream, a distance equal to or greater than the required rear yard (as provided in Article 6) shall be provided between the primary building and such floodplain, wetland, water course, drainage way, channel or stream. Such features may not constitute more than 33% of the minimum lot area as required by the applicable zoning district.

8. No street names may be used which will duplicate, or be confused with, the names of existing streets. Existing street names must be projected wherever possible.

Part 4: Improvements to Be Provided on Site Plans

In furtherance of the purposes of this Zoning Ordinance and to assure the public safety and general welfare, no site plan shall be approved unless the Code Official is assured that the following improvements will be made:

a. Construction of pedestrian walkways so that occupants/patrons may have safe means of access to buildings, parking areas and adjacent properties. Wherever possible, connection shall be made to walkways in adjacent developments.

b. Streets shall be provided in accordance with the following:

   1. All rights-of-way shall conform to the minimum dimensions as provided by the Subdivision Ordinance.

   2. All streets within the corporate limits of the Village of Frankfort shall be improved in accordance with the requirements of the Village of Frankfort Engineering Design Standards.

c. Construction of vehicular travel lanes, service drives, driveways or other access connections, which will permit vehicular travel on the site and to and from adjacent properties in accordance with the following:

   1. Adjacent to any major or minor arterial street a travel lane not less than twenty-four (24') feet in width shall be constructed to afford access to adjoining properties.

   2. The Plan Commission may waive the requirement for constructing a travel lane as is set forth in this Subsection when:

      a) There is no existing or proposed vehicular travel lane abutting the subject property on either side, and

b) The adjoining property(s) is used or zoned for single family detached dwellings, or

c) The adjoining property(s) is occupied by a use, which by its nature would suggest that there will be a limited desire for travel between such use and the one proposed.

d. Construction of curb and gutter within all parking areas and access lands as required by the Village of Frankfort engineering design standards.

e. Provision of landscaped islands in cul-de-sacs are encouraged. Where such islands are provided, the cul-de-sac shall have a minimum diameter of 125′, the island shall not be more than 40′ in diameter, and roll-over curbs shall be provided. All landscaped material shall be at least 5′ from the curb of the island, and mailboxes shall be clustered in the landscaped area.

f. Dedications of land for bike trails is encouraged where recommended by the Official Map and the Bike Trail Master Plan of the Village of Frankfort.

g. Construction of recreational facilities and other improvements to common open spaces serving a PUD shall commence prior to the completion of not more than twenty-five percent (25%) of the dwelling units in the development, or fifty percent (50%) of the total gross floor area of commercial and industrial uses.

h. Installation of erosion and sedimentation control measures as required by Village of Frankfort Engineering Design Standards.

i. All utilities provided by the developer shall be installed underground provided, however, that:

1. Equipment such as the electric distribution transformers, switchgear, meter pedestals and telephone pedestals, which are normally installed above ground, may continue to be so installed, in accordance with accepted utility practices for underground distribution;

2. Meters, service connections and similar equipment normally attached to the outside wall of the premises they serve may be so installed;

3. Temporary overhead facilities required for construction purposes shall be permitted;

j. All other improvements required by the provisions of the Village Code.

Part 5: Building & Structure Design

In the R-3, R-4, B-1, B-2, B-3, B-4, OR, I-1, and I-2 districts, all applicable buildings and structures, and all major exterior renovations, additions, and façade changes shall conform to the following regulations:

a. Architecture must be consistent with the quality and character of Frankfort architecture and the Village's policy for original and unique design.

b. Buildings and structures shall be consistent with the architectural design, height, massing, materials, and rhythm of windows and doors of the vicinity and of adjacent property.

c. Building materials shall be selected for suitability in the context of the neighborhood. Buildings shall use the same materials, or those which are architecturally harmonious, for all building walls and other exterior components that are wholly or partially visible from public ways. In commercial areas, EFIS should only be used for accents.

d. Building materials shall be of durable quality.

e. Brick, other masonry materials, or other attractive materials where permitted by the applicable zoning district regulations in Article 6, shall be used for all sides of all nonresidential development and shall be installed per Village Building Code specifications.

f. Flat roofs and mansard roofs are discouraged except where such roofs are the predominant style in the neighborhood.

g. All multi-family, duplex, townhouse and other non-single family residential dwelling units shall contain face brick or stone on not less than fifty (50) percent of the area of exterior walls, and shall contain face brick or stone on ninety (90) percent of the first floors or ground levels of such units. All materials for the remaining ground level wall surfaces shall be approved by the Code Official. All materials used shall be compatible as a group and with the surrounding structures. Split face block shall not be permitted.

h. Building components, such as windows, doors, eaves and parapets, shall be consistent in proportion and style with the predominant character of the neighborhood.

i. While it is recognized that color is a very subjective matter and that creativity should not be stifled, colors should nonetheless be used harmoniously and with some restraint. Color schemes should consider and respect the character and quality of structures in the area. Excessively bright or brilliant colors should be used only for accent. Materials and colors should withstand the weather well over a twenty-five (25) year period.

Part 6: Residential Monotony

In new residential subdivisions, monotony shall be avoided, although styles should be complementary and relate to indigenous architecture. As determined and enforced by the Village of Frankfort Development Services Department, no two (2) dwellings of substantially similar or identical front elevation or façade shall be constructed within three (3) lots on either side of a subject property on both sides of the street and within the seven (7) nearest lots across the street. For the purposes of this section a public right-of-way shall be counted as a lot. To be considered dissimilar the elevations of a proposed home must differ from other homes in a minimum of four (4) of the following characteristics:

1. Roof type (gable, hip, mansard, gambrel or combination)
2. Number of stories
3. Shape of the front elevation silhouette.
4. Relative location and size of windows on the front elevation.
5. Entry treatments, including but not limited to covered / uncovered porches, recessed or projected entries, etc.
6. Garage orientation.
7. Building materials and color scheme
8. Distinctly different architectural style including but not limited to colonial, craftsman, Victorian, etc.

(Am. Ord. 2839, passed 04.29.13)

Part 7: Relationship of Building to Site

a. The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, pedestrian movement and parking areas.

Part 8: Relationship of Building and Site to Adjoining Area

a. Attractive landscape transition to adjoining properties shall be provided.

b. Harmony in texture, lines and masses shall be required.

c. Building areas shall have similar scale to those in the surrounding area.

Part 9: Utility Services

Newly installed utility services, and service revisions that are necessitated by exterior alterations, shall be located underground.

Part 10: Screening

a. Screening of service yards, utility meters and hardware, mechanical equipment, refuse areas, and/or other potentially unattractive places from public view, shall be accomplished by the use of walls, fencing, planting or combinations of all of the measures that follow. Screening shall be equally effective in the winter and the summer seasons.

1. Adjusting the architectural or landscape profile to screen those elements from view;

2. Placing those elements on service courts or other locations not usable by the general public; or

3. Integrating those elements into the architecture or landscaping of the site.

b. The degree of visibility and screening of service yards, utility meters and hardware, mechanical equipment, refuse areas and/or potentially unattractive places shall be evaluated using the following criteria:

1. The degree of visibility from all adjacent pubic ways;

2. The architectural compatibility of the design and color of the yards, meters and equipment of the building;

3. Possible visibility from future buildings and public ways; and

4. Internal overall appearance in relation to the site.

Part 11: Landscape Requirements
Specific landscape requirements are referenced in Section D of this Article 7.

Part 12: Lighting
Outdoor lighting, where provided, should enhance the building design and the adjoining landscape. Lighting standards, fixtures and all exposed accessories shall comply with Section E of this Article 7, and shall be of a design and size that are harmonious with the design of the building and adjacent areas.

Part 13: Signs
Signs shall be reviewed as part of a Site Plan Review, in accordance with the standards of Section F of this Article 7.

Part 14: Parking Areas
Parking areas should be consistent with and adhere to the guidelines set forth in Section B of this Article 7. They shall also be treated with decorative elements, building wall extensions, plantings, berms or other innovative means so as to largely screen parking areas from view from public ways.

Part 15: Miscellaneous Structures
Miscellaneous structures located on private property, public ways and other public property, including light standards, utility poles, newspaper stands, bus shelters, plants, traffic signs and signals, benches, guardrails, rockeries, retaining walls, mailboxes and fire hydrants shall be designed to be part of the architectural concept of design and landscape. Materials shall be compatible with buildings, scale should be appropriate and colors should be in harmony with nearby buildings and surroundings, and proportions shall be attractive.

Section B: Off-Street Parking & Loading

No structure shall hereafter be built or moved, and no structure or land shall hereafter be used, occupied or designed for use or occupancy, unless the minimum off-street parking and off-street loading spaces required by this Article 7, Section B of this Ordinance are provided. No structure or use already established on the effective date of this Ordinance shall be enlarged unless the minimum off-street parking and loading spaces which would be required for such enlargement are provided.

Part 1: Off-Street Parking General Requirements

a. Exemption. When the application of the off-street parking provisions specified in Section B of this Article 7 results in a requirement of not more than three (3) spaces on a single zoning lot in any business district, such parking spaces need not be provided; however, where two (2) or more uses are located on a single zoning lot, only one (1) of those uses shall be eligible for the above exemption.

b. Location. All parking spaces required to serve buildings or uses erected or established after the effective date of this Ordinance shall be located on the same zoning lots as the building or use served, except as permitted in Part 5 of this Article 7, Section B.

   Off-street parking spaces, open to the sky, may be located in any yard, with the exception of the landscaped front yard required in business and industrial districts according to Article 6, Section C. Residential District parking is limited to enclosed buildings, carports or driveways and shall be subject to yard and other applicable requirements.

   No parking areas shall be located within five (5) feet from any lot line.

c. Size. Except for parallel parking spaces, each required off-street parking space shall be at least nine (9) feet in width, and at least eighteen (18) feet in length. Such space shall have a vertical clearance of at least seven feet six inches (7'6"), and shall be measured at right angles to the ground. For parallel parking, the length of the parking space shall be increased to twenty-two (22) feet.

d. Access. Except on lots accommodating single-family dwellings, each off-street parking space shall open directly upon an aisle or driveway at least the width as provided in the table below, based upon the angle of the parking stalls provided and whether the aisle serves one or two rows of parking spaces to provide safe and efficient means of vehicular access to such parking space.

Parking Angle	Minimum Aisle Width	
	Serving One Row	**Serving Two Rows**
parallel	12'	12'
30º	12'	12'
45º	13'	14'
60º	18'	19'
90º	20'	22'

No driveways or aisles shall be located within five (5) feet from adjoining lot lines. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. Access to parking areas in business districts should be provided by a single access entrance/exit and/or an access road where feasible. Access to such parking areas by curb cuts or driveways across the front lot line should be avoided.

e. Computation. When determination of the number of off-street parking spaces required by this Ordinance results in a requirement of a fractional space, a fraction shall be counted as one (1) parking space. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty, or residing, or both, on the premises at any one time.

f. Utilization. Excluding exceptions provided for the parking of trucks in the granting of special uses, required accessory off-street parking facilities provided for uses listed in this Article 7, Section B shall be solely for the parking of passenger automobiles of patrons, occupants or employees of such uses.

g. Design and Maintenance. The following shall serve as guidelines for the design and maintenance of off-street parking and loading facilities:

1. Plan. Except for single-family residential uses, the design of parking lots or areas shall be subject to the approval of the Code Official, in accordance with standards approved by the Plan Commission and Board of Trustees, and no building permit shall be approved unless there is included a plot plan showing the location of off-street parking areas on other than single family residential lots.

2. Character. Accessory parking spaces may be open to the sky, or enclosed in a building.

3. Surfacing. All open off-street parking, except in a single-family district, shall be improved with concrete curb and gutter and paved surface. The design shall meet the loading requirements for the intended use and comply with Village of Frankfort Ordinance Engineering Design Standards.

4. Landscaping. All landscaping plans shall meet the standards and requirements set forth in Village of Frankfort Landscape Ordinance and sections 150.75 and 150.76 of the Village Code.

5. Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance. All lighting systems shall be approved by the Planning Commission and comply with Article 7, Section E of this Code.

6. Cleaning and Maintenance. In Residential Districts, no cleaning or maintenance of parking lots utilizing motorized equipment, except for snow removal, may be performed between 10:00 p.m. and 7:00 a.m. each day. Such cleaning and maintenance shall comply with the performance standards established in Article 6, Section D.

7. Shelter Building. No parking lot for accessory off-street parking shall have more than one (1) attendant shelter building, which shall conform to all set-back requirements for structures in the district and accessory structure requirements set forth in Article 5, Section D of this Ordinance, subject to Planning Committee approval.

8. Signs. Accessory Signs shall be permitted in parking areas in accordance with the provisions specified in the Village of Frankfort Sign Regulations.

9. Motor Vehicle Repair and Service:

   a) Residence Districts. No motor vehicle work or service of any kind shall be permitted in association with parking facilities provided in residence districts.

   b) Business Districts. No motor vehicle repair work or service of any kind shall be permitted in conjunction with parking facilities in a B-1 District.

   c) Industrial Districts. No motor vehicle repair work or service of any kind shall be permitted in conjunction with any open accessory parking facilities provided in an Industrial District if such parking facilities are within 500 feet of a Residence or Business District. Washing of accessory vehicles and emergency services required to start vehicles shall be permitted if vehicles are located behind the front facade of a building and adequately screened.

10. Loud Speakers. Loud speaker or public address systems are not permitted in any zoning district.

h. Driveways in all Residential Districts. Driveways in all Residential Districts shall follow the guidelines set forth in Article 6, Section B, Part 2(i).

Part 2: Off Street Parking Specific Regulations

All uses shall provide off-street parking in accordance with the following:

a. Residential Uses:

1. Single- and Two-Family Dwellings. Two (2) spaces per dwelling unit.

2. Attached-Family Dwellings. Two (2) spaces per dwelling unit; plus 0.05 guest spaces for each 1,200 square feet of the dwelling unit.

3. Housing for the Elderly:

a) Independent Living. One (1) space per bedroom.

b) Assisted Living. One-half (0.5) space per dwelling unit; plus one (1) space per employee for the work shift with the largest number of employees.

c) Nursing Home. One (1) space per six (6) dwelling units or beds; plus one-quarter (0.25) space per dwelling unit or bed for guest parking; plus one (1) space per employee for the work shift with the largest number of employees.

b. Hotels and Motels. One (1) space per room plus two (2) spaces per each three employees, plus one (1) space per three persons of maximum capacity of each meeting/banquet room, plus parking as required for bars, restaurants, and gift shops as applicable.

c. Civic and Cultural Facilities. Three (3) spaces per 1,000 square feet of gross floor area plus three (3) spaces per 1,000 square feet of gross land area.

d. Schools, Institutions, and Related Uses:

1. Elementary Schools and High Schools. One (1) space per employee; plus one-half (0.5) space per classroom, plus one (1) space per five (5) students aged sixteen years or older.

2. Colleges and Universities. One-half (0.5) space per classroom seat or the maximum number of students that can be accommodated in accordance with design capacity, whichever is greater.

3. Trade Schools. One (1) space per student based upon the maximum number of students that can be accommodated in accordance with design capacity.

4. Day Care Center or Preschool. One (1) space per employee plus one (1) space per ten (10) client children or adults.

5. Religious Institutions. One (1) space per four (4) seats based upon maximum capacity of the facility, plus adequate space for all vehicles associated with the institution.

6. Libraries. One (1) space per three (3) persons based upon maximum capacity of the building, plus one (1) space per employee.

7. Hospitals. One (1) space per two (2) beds; plus one (1) space per employee.

8. Museum. One (1) space per 1,000 square feet of gross floor area.

9. Auditoriums, Theaters, and Other Places of Assembly. One (1) space per four (4) seats based upon the maximum capacity of the facility.

e. Recreational Uses:

1. Bowling Alleys. Five (5) spaces per alley; plus one (1) space per employee for the work shift with the largest number of employees; plus additional spaces as required for bars, restaurants, etc.

2. Dance Hall. One (1) space per each three (3) patrons based on the maximum capacity of the facility; plus one (1) space per employee for the work shift with the largest number of employees.

3. Golf Courses. Fifty (50) spaces per nine (9) holes; plus one (1) space per employee for the work shift with the largest number of employees.

4. Golf Driving Range. One (1) space per tee; plus one (1) space per employee for the work shift with the largest number of employees.

5. Health and Athletic Club. One-half (0.5) space per exercise station; plus one (1) space per 1,000 square feet of activity area; plus one (1) space per employee for the work shift with the largest number of employees.

6. Playing Fields. One (1) space per 4,000 square feet of active recreation area; plus one (1) space per half acre of passive recreation area.

7. Swimming Pool. One (1) space per 100 square feet of pool area; plus one (1) space per employee for the work shift with the largest number of employees.

8. Other Indoor Recreational Uses. One (1) space per four (4) patrons based upon the maximum capacity of the facility; plus one (1) space per employee for the work shift with the largest number of employees.

9. Other Outdoor Recreation Uses. One (1) space per 10,000 square feet of gross land area.

f. Business Establishments. One (1) space per two hundred fifty (250) square feet of gross floor area; plus one (1) space per employee for the work shift with the largest number of employees; except as specifically set forth below:

1. Animal Hospitals. Three (3) patron parking spaces per veterinarian; plus one (1) space per employee for the work shift with the largest number of employees.

2. Automobile Fueling Stations. One (1) space per employee for the work shift with the largest number of employees, plus one (1) space per 150 square feet of gross floor area for any convenience store. Spaces at fueling positions may be counted as parking spaces.

3. Convenience Store. One (1) space per 150 square feet of gross floor area.

4. Dry Cleaners. One (1) space per 200 square feet of gross floor area; plus one (1) space per employee for the work shift with the largest number of employees; plus sufficient space shall be provided for a minimum five (5) waiting vehicles at each drive-thru lane with special use approval

5. Financial Institutions. One (1) space per 200 square feet of gross floor area; plus one (1) space per employee for the work shift with the largest number of employees; plus sufficient space shall be provided for a minimum five (5) waiting vehicles at each drive-thru lane with special use approval.

6. Funeral Homes. One (1) space per three (3) patron seats based upon maximum facility capacity; plus one (1) space per employee; plus one (1) space per vehicle owned by the establishment; plus on-site queuing for a minimum of eight (8) vehicles.

7. Grocery Stores or Supermarkets. One (1) space per 1,000 square feet of gross floor area; plus one (1) space per employee for the work shift with the largest number of employees.

8. Laundromat. One (1) space per washer or per dryer (whichever is greater in number); plus one (1) space per employee.

9. Motor Vehicle Sales Establishments. Two (2) customer parking spaces per salesperson for the work shift with the largest number of employees; plus one (1) employee parking space per employee (including salespersons) for the work shift with the largest number of employees.

10. Personal Services. One (1) space per 200 square feet of gross floor area; plus one (1) space per employee for the work shift with the largest number of employees.

11. Repair Services. One (1) space per 400 square feet of gross floor area; plus one (1) space per employee for the work shift with the largest number of employees.

12. Restaurant, Full Service. One (1) space per 100 square feet of gross floor area; plus one (1) space per employee for the work shift with the largest number of employees.

13. Restaurant, Fast-Food. One (1) space per 75 square feet of gross floor area; plus one (1) space per two (2) employees for the work shift with the largest number of employees; plus on-site queuing for a minimum of eight (8) vehicles waiting at a drive-thru which has been approved as a special use.

14. Taverns, Night Clubs, and Lounges. One (1) space per 100 of gross floor area; plus one (1) space per employee for the work shift with the largest number of employees.

15. Vehicular Repair and Maintenance Shops. Three (3) spaces per service bay; plus one (1) space per employee for the work shift with the largest number of employees.

g. Offices:

1. Government, Professional, and Business Offices. One (1) space per 200 square feet of gross floor area.

2. Health Clinics/Offices. Three (3) patron parking spaces per exam room; plus one (1) space per employee for the work shift with the largest number of employees.

h. Industrial and Related Uses:

1. Light Industry. Two (2) spaces per 1,000 square feet of gross floor area.

2. Heavy Industry. One (1) space per employee for the two consecutive work shifts with the largest number of employees.

3. Self-Service Storage Facility. One (1) space per ten (10) storage cubicles.

4. Warehouse. One (1) space per employee for the work shift with the largest number of employees; plus one (1) space per 5,000 square feet of gross floor area.

5. Wholesale Business. One (1) space per employee for the work shift with the largest number of employees; plus one (1) space per 2,500 square feet of gross floor area.

i. Other Uses. Parking spaces for uses not listed shall be provided in accordance with recommendations of the Planning Commission and the Village Board.

Part 3: Off-Street Loading General Requirements

In connection with any building or structure which is to be erected or substantially altered, and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, there shall be provided off-street loading berths not less than the minimum requirements specified in this Section B.

a. Location. All required loading berths shall be located on the same lots as the use to be served and no portion of the vehicles, shall project past the front facade of the principal structure or into a street or alley. No portion of vehicles parked in a loading location at the side or rear of a structure shall project into a street or alley. Loading areas are not permitted in the front yard.

   In Industrial Districts, no loading berth for vehicles of more than a two ton capacity shall be located less than 50 feet from any Residence District. No nearest point of intersection of any two streets, nor shall it be located in a required front yard or side yard.

   All loading berths shall be screened from abutting Residential Districts in accordance with the Village of Frankfort Landscape Regulations.

b. Size. A required off-street loading berth shall be at least twelve (12) feet in width by at least fifty (50) feet in length, exclusive of aisle and maneuvering space, and shall have vehicle clearance of at least fourteen (14) feet.

c. Access. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements, and shall be subject to approval of the Code Official.

   Appropriate means of access for structures which are located on Industrial Major Roadways (Laraway Road, Center Road, U.S. Route 45 and Harlem Avenue) include front entry only. No backing of vehicles into loading docks will be permitted on properties with ingresses and egresses abutting these roadways.

d. Surfacing. Shall be in accordance with Village of Frankfort Engineering Design Standards.

e. Repair and Service. No storage of any kind, nor motor vehicle repair work or service of any kind, shall be permitted within any required loading berth, except emergency repair service.

f. Utilization. Space allocated to any off-street loading shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

g. Central Loading. Central Loading facilities may be substituted for loading berths on individual zoning lots provided the following conditions are fulfilled:

   1. Each zoning lot served shall have direct access to the central loading area without crossing streets or alleys at-grade.

2. Total berths provided shall meet the requirements based on the sum of the several types of uses served (area types of uses may be totaled before computing the number of required loading berths).

3. No zoning lot served shall be more than 500 feet removed from the central loading area.

4. The tunnel or ramp connecting the central loading area with the zoning lot served shall be not less than seven (7) feet in width and have a clearance of not less than seven (7) feet.

h. Minimum Facilities. Uses for which off-street loading facilities are required herein, but which are located in buildings of less floor area than the minimum prescribed for such required facilities, shall be provided with adequate receiving facilities, accessible by motor vehicle off any adjacent alley, service drive or open space on the same zoning lot.

i. Planned Unit Developments. Loading berths shall be provided on the basis of the required berths for each individual use.

Part 4: Off-Street Loading Specific Requirements

For the uses herein listed and other similar uses, loading berths shall be provided as specified.

a. Required Loading Berths By Use

1. For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing 10,000 to 100,000 square feet of gross floor area, plus one (1) additional loading berth for each additional 100,000 square feet of gross floor area or fraction thereof.

a) Airports;

b) Banks and other financial institutions;

c) Business and other professional offices;

d) Convention and exhibition halls;

e) Health and medical institutions;

f) Hotels and motels containing retail shops, business or professional offices, convention or exhibition halls or auditoriums;

g) Indoor recreation and entertainment facilities;

h) Public and administration buildings;

i) Radio and television studios;

j) Theaters (indoors); or

k) Undertaking establishments.

2. For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing 10,000 to 20,000 square feet of gross floor area, plus one (1) additional loading berth for each additional 200,000 square feet of gross floor area or fraction thereof.

   a) Auditoriums.

   b) Charitable institutions.

   c) Clubs and lodges.

   d) Hotels and motels containing no retail shops, business or professional offices, convention or exhibition halls or auditoriums.

   e) Meeting halls.

   f) Multiple-family dwellings with more than four dwelling units per building.

   g) Religious institutions.

   h) Schools and educational facilities.

3. For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing 5,000 to 40,000 square feet of gross floor area. For buildings containing 40,000 to 100,000 square feet of gross floor area, two (2) loading berths shall be provided plus one (1) additional loading berth for each additional 100,000 square feet of gross floor area or fraction thereof.

   a) Cartage, express and motor freight facilities.

   b) Cleaning, repairing, servicing and testing establishments.

   c) Heavy or light industry.

   d) Laundries and dry cleaning facilities.

   e) Mail-order houses.

   f) Printing and publishing.

   g) Research facilities.

h) Warehousing, storage and wholesale establishments.

4. For all other uses, including, but not limited to those listed hereunder, loading berths shall be provided in accordance with the following schedule:

Schedule of Loading Berths	
Square Feet of Floor Area	**Minimum Number**
5,000 to 20,000	1
20,000 to 60,000	2
60,000 to 100,000	3
For each additional 100,000 square feet of floor area or fraction thereof	one additional

a) Convenience stores

b) Furniture and appliance stores;

c) Grocery stores;

d) Retail stores; or

e) Restaurants and other establishments handling the sale or consumption of food or beverage on the premises.

Part 5: Adjustments to Required Parking

a. Purpose. The purpose of this section is to allow adjustments to the minimum number of parking spaces required to avoid construction of unnecessary and excessive off-street parking facilities. Reducing the requirements for off-street parking facilities is intended to provide for more cost-efficient site development, to minimize impervious surface, to minimize storm water runoff, to avoid construction of unnecessarily large storm water management facilities, and to provide more landscape areas and open space on business and industrial sites. To achieve these purposes, the Plan Commission may reduce the minimum number of required off-street parking spaces in specific cases as described in this Part 5.

b. Adjustments. In all business and industrial districts, the minimum number of required parking spaces may be adjusted by the Plan Commission on a case-by-case basis. The petitioner for such an adjustment shall show to the satisfaction of the Plan Commission that adequate parking will be provided for customers, clients, visitors, and employees. The following provisions and factors shall be used as a basis to adjust parking requirements:

1. Evidence That Actual Parking Demands will be Less Than Ordinance Requirements. The petitioner shall submit written documentation and data to the satisfaction of the Plan Commission that the operation will require less parking than the Ordinance requires.

2. Availability of Joint, Shared or Off-Site Parking. The petitioner shall submit written documentation to the satisfaction of the Plan Commission that joint, shared or off-site parking spaces are available to satisfy the parking demand.

   a) Agreements shall be provided which demonstrate evidence that either parking lots are large enough to accommodate multiple users (joint parking) or that parking spaces will be shared at specific times of the day (shared parking, where one activity uses the spaces during daytime hours and another activity uses the spaces during evening hours.)

   b) Off-site parking lots may account for not more than 50-percent of the required parking and shall be located not more than three-hundred (300) feet from the principal use that it is intended to serve.

   When a reduction of parking spaces attributable to shared parking or off-site parking is requested, the petitioner shall submit written verification that such parking is available and shall include copies of any contracts, joint lease agreements, purchase agreements, and other such documentation to show that shared parking can be accomplished. Off-site shared parking spaces shall be clearly posted for the joint use of employees, and/or tenants, or customers of each respective use sharing those spaces.

3. Use of Alternative Transportation. Upon demonstration to the Plan Commission that effective alternative transportation to the automobile will occur, the Plan Commission may reduce parking requirements. Alternative transportation may include, but is not limited to, bus transit, van pool operations, car pool/ride sharing, and bicycles. Proposals for adjustments of parking under this section shall show how the alternative transportation modes will be implemented, the permanency of such modes, extent of the program, the number of vehicles the mode will replace, and other pertinent information.

c. Banked Parking Spaces. As a condition of a reduction in parking requirements, the Plan Commission may require banked parking spaces. In such cases, the site plan for the business or industrial use shall provide sufficient open space on the subject site to accommodate the additional parking space otherwise required by this Ordinance. Such open space shall be in addition to required yards, setbacks, driveways, private streets, loading and service areas. Sufficient open space shall be provided which, if converted to parking spaces, would:

   1. provide off-street parking to meet the full requirements of this Ordinance at the time of application, and

2. ensure that the site shall not exceed the maximum impervious lot coverage as set forth in Article 6.

d. Change in Occupancy or Use. When the use of a building, structure, or land is changed to another use or occupant that required more parking spaces than required for the use existing prior to such change, additional parking spaces shall be constructed for the new use or occupant in the amount necessary to conform to this Ordinance.

e. Changes in Intensity of Use. When the intensity of use of a building, structure, or land is increased by an addition of employees, gross floor area, seating capacity, or other unit of measurement, additional parking spaces shall be constructed for the new use or occupant in the amount necessary to conform to this Ordinance.

Part 6: Americans with Disabilities Act Requirements

a. In any self park facility, a certain number of spaces must be set aside for wheel chair access as summarized in the following table:

Total Number of Parking Spaces	Minimum Accessible Spaces
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 1000	2% of total
1001 and over	20 plus 1 per 100 over 1000 spaces

b. Exceptions to minimum requirements in paragraph (a):

Outpatient units at medical care facilities: 10% of total spaces for that facility.

Medical Care Facilities specifically for treatment of the mobility impaired: 20% of the total spaces for that facility.

c. Accessible Parking Space Dimensions

Standard Accessible Spaces: Accessible spaces shall consist of an eight foot (8') wide parking stall adjacent to an eight foot (8') wide access aisle.

Vertical Clearance: Along at least one aisle to and from each accessible space, a minimum clearance of eight feet two inches (98 inches) is required.

d. Location of Accessible Spaces

Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel to an accessible entrance.

Accessible parking spaces may be provided on one level of a multi-level parking structure.

e. Accessible Route

At least one accessible route with a continuous minimum clearance of thirty-six (36") inches must be provided from accessible parking spaces to the nearest accessible pedestrian entrance.

If an accessible route has less than sixty (60") inches clear width then passing spaces at least sixty (60") inches by sixty (60") inches must be located at reasonable intervals not to exceed every two hundred (200') feet.

The floor slope along an accessible route shall not exceed 1:12 with a maximum rise of thirty (30") inches for any run.

A level landing shall be provided at the bottom of each ramp and top of each ramp run. The width of the landing shall be at least as wide as the ramp run and at least sixty (60") inches long. At changes in direction a sixty (60") inch by sixty (60") inch landing shall be provided.

The cross slope of ramps shall not exceed 1:50.

The floor slope at loading zones shall not exceed 1:50.

It is preferable to provide the accessible route at the front of the stalls. Also, the accessible route shall avoid crossing lanes of vehicular travel. When crossing vehicular travel lanes is necessary, the route of travel shall be designated and marked by a crosswalk.

Section C: Sewer & Water Facilities

All structures built hereafter, in and within 1,000 feet of the Village's water and sewer distribution system, must be connected to a public sanitary sewer disposal system and water distribution system, if available. The pumping and draining of basements storm lines shall be piped directly to storm sewers, road ditches, curb and gutters or any public water course to eliminate damage to adjoining properties.

Section D: Landscape Plans

Part 1: Landscape Plans
All requests for site plan review, building permits, zoning amendments or special use permits must be accompanied by a landscape plan, as required by the Village of Frankfort Landscape Regulations, and sections 150.75 and 150.76 of the Village Code.

Part 2: Hedges
Hedges, plantings, shrubbery and other like materials, when used as a screen or fence in the front yard in all zoning districts, shall be maintained and trimmed at a maximum of four (4) feet above ground level.

Section E: Lighting

Part 1: Exterior Lighting Plan

A Lighting Plan shall be submitted to the Code Official to determine whether the requirements of this Code have been met. The Lighting Plan shall include the following:

a. A catalogue page or photo of the luminaire including the mounting method.

b. A photometric data test report of the proposed luminaire showing the lighting distribution around the luminaire.

c. A plot plan drawn to scale indicating the location of the proposed luminaires, the overall height of the luminaires, and the overall illumination levels in foot-candles on the entire property and at the property lines. Light intensities shall be measured one foot above grade level.

Part 2: General Lighting Requirements

a. The majority of parking lot lights on non-residential properties shall be turned off after hours, except where required for security purposes.

b. In the B-1, B-2, B-3, B-4 and OR districts, light standards shall have a decorative base.

c. Light standards in required landscaped parking lot islands shall not interfere with required landscaping.

Part 3: Permitted Illumination

The photometric plan must demonstrate:

a. The maximum permitted illumination in all zoning districts shall be 0.5 foot-candles as measured at the property line, excepting that the code official may authorize reasonable allowances when commercial property adjoins another commercial property, or to allow for proper illumination of drive entrances and exits.

b. For building and ground surfaces, the average maintained light level shall not exceed the following foot-candles:

floodlights directed toward buildings and ground signs:

light colored surfaces	5.0 foot-candles
medium-light colored surfaces	10.0 foot-candles
medium-dark surfaces	15.0 foot-candles
dark surfaces	20.0 foot-candles

parking areas:	4.5 foot-candles
building entrances and exits:	0.5 foot-candles

c. The minimum permitted light intensity over paved areas shall be 0.25 foot-candles when buildings are occupied.

d. Within parking lots, the uniformity ratios shall not exceed the following:

maximum to minimum: 8:1, average to minimum: 4:1

Part 4: Luminaire Heights

Luminaire heights shall measure from grade to the top of the fixture or pole, whichever is higher.

a. When a light source or luminaire has no cut-off type luminaire the maximum permitted luminaire height shall be as set forth as follows:

1. E-R, R-1, R-2, R-3, R-4 —Twelve (12) feet.

2. B-1 —Fifteen (15) feet.

3. B-2, B-3, B-4, OR —Twenty (20) feet.

4. I-1, I-2—Twenty (20) feet.

5. H-1, H-R –As approved by the 1890s Theme Committee.

b. When a light source or luminaire has a cut-off type luminaire, the maximum permitted luminaire height shall be as set forth as follows:

1. E-R, R-1, R-2, R-3, R-4 —Eighteen (18) feet.

2. B-1, B-2, B-3, B-4, OR —Twenty-five (25) feet, or height of the primary structure, whichever is less.

3. I-1, I-2—Twenty-five (25) feet, or height of the primary structure, whichever is less.

4. H-1, H-R – As approved by the 1890s Theme Committee, but not to exceed 18'.

Part 5: Outdoor Recreational Uses

Outdoor public or community recreational uses including, but not limited to ball diamonds, playing fields, golf driving ranges, volleyball courts, and tennis courts have unique requirements for nighttime visibility and have limited hours of operation. These uses may be exempted from the exterior lighting standards if the applicant can satisfy the Code Official, upon Site Plan Review, that the following conditions are met:

a. The Site Plan must meet all other requirements of this Code.

b. Exterior light sources shall not exceed fifty (50) feet in height as measured from grade.

c. If the luminaire is shielded by its orientation to prevent the spillage of light to adjacent residential properties, the luminaire may exceed a total cut-off angle of ninety (90) degrees. The maximum permitted illumination at the property boundary shall not exceed one-half (0.5) foot-candles.

d. A Lighting Plan is required to be submitted to the Code Official for review and approval as delineated in Article 3, Section H of this Code.

Part 6: Automobile Service Station (Gas Stations)

Automobile service stations require nighttime visibility to ensure safe operation of gas pumps, and security for users and employees at night. As a result, light levels may be higher than for other uses as follows:

a. The average maintained light level shall not exceed 30 foot-candles.

b. The maximum light level shall not exceed 45 foot-candles.

c. All other requirements of this Section E, including the maximum permitted illumination at the property boundary of one-half (0.5) foot-candles, must be met.

d. Cut-off type luminaires shall be used to minimize off-site glare.

Part 7: Searchlights

Searchlights for the purposes of advertising are not permitted in any zoning district.

Part 8: Flickering And Flashing Lights

Flickering and flashing lights are not permitted with the exception of seasonal lighting between November 1 and January 31.

Part 9: Non-Conforming Lighting

All lighting fixtures shall be brought into conformity when at such time as fifty (50) percent or more of the poles are changed, replaced, or added on a property.

Section F: Signs

All signs shall be subject to the regulations contained in Chapter 151, the Village of Frankfort Sign Regulations.

ARTICLE 8: SUBDIVISIONS

Reserved

ARTICLE 9: SCHOOL AND PARK DEDICATIONS

Reserved

ARTICLE 10: NON-CONFORMITIES

Section A: Statement of Purpose

This Ordinance establishes separate districts, each of which is an appropriate area for the location of the uses which are permitted in that district. The purpose of this Article 10 is to provide for the regulation of non-conforming buildings, structures and uses, and to specify those circumstances and conditions under which those non-conforming buildings, structures and uses shall be permitted to continue.

Section B: Authority to Continue Non-Conforming Buildings, Structures & Uses

Any non-conforming building, structure or use which existed lawfully at the time of adoption of this Ordinance and which remains non-conforming upon the adoption of this Ordinance, or of any subsequent amendments thereto, is subject to the regulations which follow.

Section C: Repairs & Alterations

Normal maintenance of a nonconforming building, structure, or use is permitted, including necessary non-structural repairs and incidental alterations that do not extend or intensify the nonconforming building, structure, or use, may be made in accordance with the following:

Part 1: Building or Structure Designed or Intended for a Non-Conforming Use

a. Repairs and alterations may be made to a non-conforming building or structure, provided that no structural alterations which increase the bulk of the building or structure shall be made in or to a building or structure, all or substantially all of which is designed or intended for use not permitted in the district in which it is located, except when those structures, and uses thereof, conform to the district in which it is located, or unless a variation has been obtained in a manner described in Article 3, Section B, and within the parameters set forth in Article 10, Section I. For the purpose of this Section, repairs shall include items where the safety of operation of the installation requires such replacement, and other equipment not involving structural alterations to the building or structure, except as herein provided.

b. No structural alteration or structural repair shall be made in a nonconforming building, structure, or use except in the following situations:

   1. When the alteration is required by law.

   2. When the alteration will result in the elimination of the nonconforming use.

   3. When a structure is on a residential zoning lot containing residential nonconforming structures, said structure may be altered to improve livability, provided that no structural alterations will increase the number of dwelling units, or the bulk of the structure.

Part 2: Building or Structure Designed or Intended for a Permitted Use
(Am. Ord. #2313, passed 8.21.06)

Repairs, alterations and structural changes may be made to a non-conforming building or structure, all or substantially all of which is designed or intended for a use permitted in the district in which it is located; provided such repairs, alterations or structural changes conform to the regulations of the district in which said building or structure is located, except when the existing building or structure does not comply with Article 6: Section B: Part 2.g.2, repairs or alterations shall not be required to comply with the provisions of Article 6: Section B: Part 2.g.2 provided that the repair or alteration utilizes the same or similar approved materials as the existing non-conforming structure; or unless a variation has been obtained in a manner described in Article 3, Section B, and within the parameters set forth in Article 10, Section I.

Section D: Additions & Enlargements

(Am. Ord. #2313, passed 8.21.06)

A non-conforming building or structure which is non-conforming as to bulk, and is designed or intended for a permitted use, shall not be added to or enlarged in any manner unless such additions or enlargements thereto are made to conform to all of the regulations of the district in which it is located, except when the existing building or structure does not comply with Article 6: Section B: Part 2.g.2, additions, enlargements or accessory structures shall not be required to comply with the provisions of Article 6: Section B: Part 2.g.2 provided that said addition, enlargement or accessory structure utilizes the same or similar approved materials as the existing non-conforming structure and the addition or enlargement does not constitute more than a fifty percent (50%) increase in total floor area of the building or structure; or unless a variation has been obtained in a manner described in Article 3, Section B, and the parameters set forth in Article 10, Section I.

Section E: Relocation of Building or Structure

No building or structure shall be moved in whole, or in part, to any other location on the same or any other lot unless every portion of such building or structure which is moved, and the use thereof, is made to conform to all of the regulations of the district in which it is to be located.

Section F: Restoration of Damaged Non-Conforming Building or Structure

a. Non-conforming building or structure which is destroyed or damaged by any means to the extent that he cost of restoration exceeds fifty (50) percent of its equalized assessed value prior to said destruction, the building or structure shall be rebuilt according to the provisions of the zoning district in which it is located.

b. In the event that the cost of reconstruction caused by damage or destruction is less than 50 percent of the equalized assessed value of the entire building prior to said destruction, no repairs or reconstruction shall be made unless such restoration is started within six (6) months from the date of partial destruction (unless an extension is granted by the Village Board), and is completed within one (1) year thereafter. If the restoration is not started within six (6) months of said calamity and diligently progressed to

completion, the building or structure shall be removed and the area cleared by the owner, or at the owner's expense.

Section G: Discontinuance of a Non-Conforming Use

If the non-conforming use of a building, structure, or premises is discontinued for a continuous period of six (6) months, it shall not be renewed unless an extension is granted by the Village Board, and any subsequent use of the building, structure or premises shall conform to the regulations of the district in which said building, structure or premises is located.

Section H: Expansion of Non-Conforming Use

Part 1: Building or Structure Designed or Intended for a Non-Conforming Use
The non-conforming use of a part of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may extend throughout the building structure in which said use it is presently located, however no changes or structural alterations which increase the bulk of the building or structure shall be made unless a variation has been obtained in a manner described in Article 3, Section B, and within the parameters set forth in Article10, Section I.

Part 2: Land:
The non-conforming use of land, not involving a building or structure, or in conjunction with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be expanded or extended beyond the area it occupies.

Section I: Variations for Non-Conforming Buildings, Structures, Lots or Uses

Variations for existing non-conforming buildings, structures, lots or uses may be reviewed and granted by the Village Board, after a public hearing by the Zoning Board of Appeals. Review of variation applications for non-conforming buildings, structures, lots or uses shall be made in accordance with the standards for variation application review set forth in Article 3, Section B; and may be granted only within the following parameters:

a. To reduce any required yard setback, lot area, or lot dimension, or to increase lot coverage percentage, floor area ratio (FAR) or structure height for any lot in any zoning district.

b. To reduce the number of required off-street parking and loading spaces.

Section J: Change of Non-Conforming Use

Part 1: Building or Structure Designed or Intended for a Non-Conforming Use:
The non-conforming use of a part of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be only changed to a permitted use allowed in the district in which the non-conforming use is located.

Section K: Records

The Code Official shall make and keep a record, including photographs, of all buildings, structures and land uses which do not conform to the use regulations of the district in which they are located.

Section L: Substandard Lots with Continuous Frontage Under the Same Ownership

If two (2) or more substandard lots with contiguous frontage have the same ownership as of the effective date of this Code, the lots involved shall be considered an individual parcel for this Code. Said lots shall be combined into lots which conform to the requirements of the zoning district in which it is located, by a re-subdivision plat, prepared in accordance with the Subdivision Ordinance, consolidating the lots prior to the granting of any permit.

ARTICLE 11: FEES AND PENALTIES

Section A: Fees

Part 1: Assessment of Fees
An appeal of a Code Official decision, or application for an annexation, variation, map amendment or special use permit, including a planned unit development, or any other application specified in this Ordinance, shall be accompanied by a fee. The fee shall be as listed on a schedule of fees adopted by the Village Board from time to time. The applicant shall also reimburse the Village of Frankfort upon presentation of a statement for its attorneys and engineering fees together with any other consultants' fees reasonably required by the Village to assist it in reviewing the proposed project/development. There shall be no fee required, however, in the case of an application filed by the Village of Frankfort.

Part 2: Payment
All fees payable pursuant to this Article, except for attorney or consultant fees, shall be paid at the time of filing unless otherwise specified herein, and shall be paid by cash or check.

Part 3: Notification

As a convenience to the applicants, the Village of Frankfort may publish notification of public hearings, but expressly disclaims any liability or responsibility for any acts or omissions whether careless, negligent or intentionally caused or occasioned by its officers, agents or representatives and resulting in the failure to give proper notice or the content or form of such notice. As a condition of and prior to holding a public hearing the applicant, upon receipt of a statement for the Village legal publication and notification fees, shall reimburse the Village for said costs.

Part 4: Compliance

Any person, firm, company, corporation or agent, employees or contractors of such who shall violate, disobey, omit, neglect or refuse to comply with or resist enforcement of any provision of this Ordinance shall be fined not less than twenty-five dollars ($25.00), nor more than five hundred dollars ($500.00) for each offense. Each day that a violation of this Ordinance shall be permitted to continue shall constitute a separate offense.

Part 5: Equity

If any building, structure or improvement is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this Ordinance, the Village of Frankfort, or any other person whose property is, or may be affected by such violation, may institute any appropriate action or proceeding in equity.

ARTICLE 12: RULES AND DEFINITIONS

Section A: Rules and Definitions

In the construction of this Ordinance and any subsequent amendment, the rules and definitions contained in this Article shall be observed and applied, except when the context clearly indicates otherwise.

Part 1: Rules

The following shall be the rules that are to be used in interpreting and reading the text of this Ordinance:

a. Words used in the present tense shall include the future;

b. Words used in the singular number shall include the plural number, and the plural singular;

c. The word "shall" is mandatory and not discretionary;

d. The word "may" is permissive;

e. The word "lot" shall include the words "piece" and "parcel;"

f. The word "building" shall include the word "structure" and shall include all other improvements of every kind, regardless of similarity to buildings;

g. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for;"

h. The word "person" shall include a "firm, association, organization, partnership, trust, company or corporation, as well as an individual;" and

i. The masculine gender includes the feminine and neuter.

Part 2: Definitions

The following words and terms shall have the meaning set forth, except where otherwise specifically indicated. Words and terms not defined shall have the meaning indicated by common dictionary definition.

"1890's" Theme: The architectural style, external building wall veneer, window treatment, exterior design, decor and signs characteristic and reminiscent of a small, rural, tranquil, Midwestern village of the late 19th century.

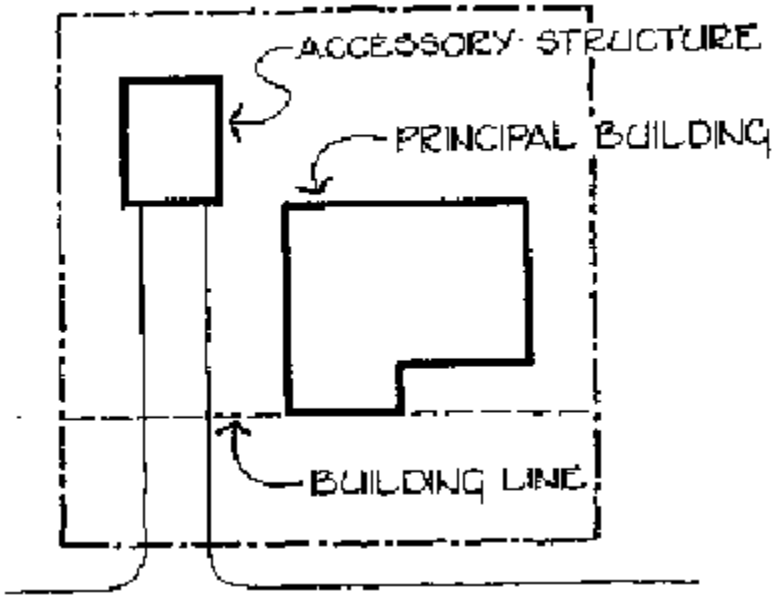
Accessory Structure or Use: An "accessory structure or use" is one which:

a. Is subordinate to and serves a principal structure or principal use;

b. Is subordinate in area, extent, or purpose to the principal structure or principal use served;

c. Contributes to the comfort, convenience, or necessity of occupants of the principal structure or principal use served; and

d. Is on the same zoning lot as the principal structure or principal use served.



Accessory Liquor Sales: The sale of alcoholic beverages as a supplementary component of a business or operation.

Active Open Space: An appropriately-sized and usable open space area, a minimum of one hundred twenty-five feet (125') wide, capable of comfortably supporting one or more active recreational activities, such as playgrounds, ball fields, tennis courts, swimming pools, recreation buildings, jogging trails/fitness courses, detention basins designed for recreational use, and other miscellaneous recreational activities.

Adult Use: Any establishment, including but not limited to arcades, bookstores, cabaret, hotel/motel, motion picture theatre, massage parlor, modeling studio, sexual encounter establishment, or store, charging any form of consideration; or a point of transmission or broadcast of video, internet content or other electronic media; at which a substantial portion of the stock-in-trade or business activities are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult Use, Specified Anatomical Areas: As used herein, includes any of the following: (1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Adult Use, Specified Sexual Activities: As used herein, includes any of the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; or (4) excretory functions as part of or in connection with any of the activities (1) through (3).

Agriculture: Land including necessary buildings and structures for the raising of soil crops, or the raising of domestic animals, as the principal occupation of the residents or users thereof. It shall also include truck-farming, bee-keeping, the raising of fruit and berries and the sale of products thereof, but shall not include the feeding of garbage to animals.

*Agricultural Warehouse**:*** A place in which agricultural goods or equipment are stored; a storehouse.

Airport: An area of land or water which is used, or intended for the use, for the landing and taking-off of aircraft and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-ways, including all necessary taxiways, aircraft storage and tie down areas, hangars and other necessary buildings and open spaces.

Alley: A dedicated public right-of-way, other than a street, that provides a secondary means of access to abutting property.

Alteration, Structural (for non-conforming structures): Any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

Ambulance Service: A service that transports injured or sick persons, often to a hospital, in vehicles equipped for transporting such persons. The business may include facilities for servicing, repairing, and fueling the ambulances.

Amusement Device: Any device or game whether mechanical or electronic which may be operated by the public for use as a game, entertainment or amusement. For the purposes of this definition amusement devices include but are not limited to pool tables, dart boards, electronic / video games, pinball machines, jukeboxes, bean bag toss, horseshoes or similar games or devices. Those machines commonly referred to as mechanical "kiddie" rides and / or are intended primarily for use of children six years of age and younger shall be excluded from this definition.

Animal Clinic: A structure, or portion thereof, designed or used for the veterinary care, observation or treatment of domestic animals for periods which shall not include overnight stays.

Animal Feed Preparation: A manufacturing establishment which processes raw materials into food for animals such as dogs.

Animal Hospital: A structure, or portion thereof, designed or used for the veterinary care, observation or treatment of domestic animals for periods which may include overnight stays.

Animal Kennel: Any premise or portion thereof, on which dogs, cats or other domestic animals are kept, boarded, bred or cared for, in return for payment, or are kept for the purpose of sale.

Ammunition: Any self-contained cartridge or shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding however:

a. Any ammunition designed for use with a device used exclusively for signaling or safety and required by the United States Coast Guard or the Interstate Commerce Commission; or

b. Any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

(Am. Ord. 2240, passed 11.21.05)

Arboretum/ Botanical Garden: An area, generally greater than five (5) acres in size, where trees, shrubs, and herbaceous plants are cultivated for scientific, educational, and ornamental purposes for the use and enjoyment of the general public. For the purposes of this definition, landscape plantings within a public park site shall not constitute an arboretum or botanical garden.

Assisted Living Facility: A combination of housing and maintenance services provided to residents on-site within the same building and in response to the individual needs of residents. Supportive services may include meals, housekeeping, transportation to shopping and medical appointments, social activities, educational activities, and security and response systems on-site within the same building to meet resident needs. These services can also include on-site medication management or intermittent health care services from qualified providers located within the same building. Services are furnished in a manner that promotes self-direction and participation in decisions that emphasize independence, individuality, and privacy in a residential surrounding. This definition shall not include group homes, health clinics, hospitals or treatment facilities, as defined by this Ordinance. (Am. Ord. 2247, passed 12.05.05)

Automobile, Boat, Camper, Equipment, Manufactured Home, Or Motorcycle Sales and Service: The sale of new and used automobiles, trucks, tractors, construction equipment, agricultural equipment, and similar industrial equipment, and other vehicles in operating condition; the storage of such vehicles in operating condition, but not including storage of trucks of more than five tons in weight or buses; and the repair and servicing of such vehicles, including body work, painting and motor rebuilding, when conducted within a completely enclosed building.

Automobile Rental Agency: Rental of automobiles, light trucks and vans, including incidental parking and servicing of vehicles for rent or lease.

Automobile Service Station (Gas Station): A place where gasoline, kerosene, lubricating oil, or grease for operation of automobiles are offered for sale directly to the public, on the premises, and including minor accessories and servicing of automobiles. Automobile service stations shall not include sales, rental, or storage of automobiles or trailers.

Automobile Wrecking: The dismantling of used motor vehicles or trailers; the burning of combustible parts thereof; or the storage, sale or dumping of dismantled or wrecked motor vehicles or their parts.

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

Balcony: A level plane or platform which, for the purpose of this Ordinance, is located adjacent to one or more faces of the principal structure.

Banks and Financial Institutions: Commercial banks, savings and loan associations, brokerage offices and other similar financial institutions, but not including pawn shops.

Basement: That portion of a building having more than one-half (1/2) of its height below the average lot grade.

Bed and Breakfast: A residential building containing lodging rooms offered for rent to transient guests, for a continuous period of fourteen (14) days or less, and containing the owner's principal residence.

Billboard: A surface whereon advertising matter is set in view conspicuously and which advertising does not apply to premises or any use of premises wherein it is displayed or posted.

Billiard or Pool Hall: A business establishment containing more than two pool or billiard tables for the use of patrons.

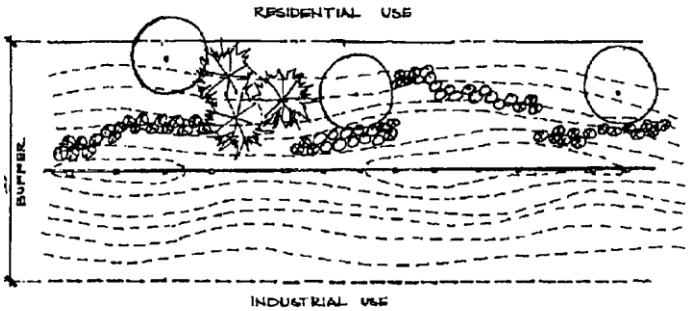
Block: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, bulkhead lines, shore lines of waterways or corporate lines of the Village.

Body Piercing Establishment: An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of piercing patrons' bodies with sharp instruments in order to allow insertion of rings, pieces of jewelry, or other ornamental devices through the orifices thus created.
(Am. Ord. 2174, passed 07.05.05)

Bowling Alley: An establishment that devotes more than 50 percent of its gross floor area to bowling lanes, equipment, and playing area.

Breeding Facility: An establishment in which more than four (4) domestic animals, such as cattle or horses, are bred for commercial purposes.

Buffer Area: A landscaped area intended to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another.



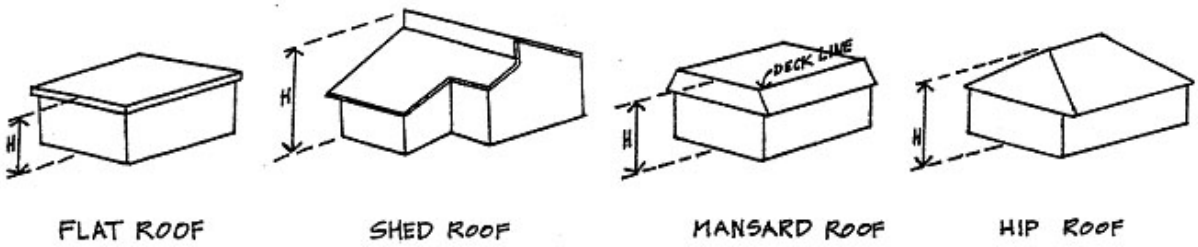
Building: A permanently located, roofed structure affixed to the land which is designed or intended for the enclosure, shelter or protection of persons, animals or moveable property of any kind.

Building Height: The vertical distance measured from the sidewalk level or the established grade at the curb, opposite the middle of the front of the building, to the highest elevation of the roof. However, where buildings are set back from the street lines, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

The following appurtenances shall not be included in the calculation of building height:

a. Chimneys, flues, stacks, fire escapes, gas holders, elevator enclosures, ventilators, skylights, water tanks and similar roof structures needed to operate and maintain the building on which they are located.

b. Flag poles, television aerials mounted on rooftops, and water towers and tanks.



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

Building, Principal: A non-accessory building in which a principal use of the lot on which it is located is conducted.

Bulk: The size and placement of structures, including setbacks from streets, gross floor area of a building in relation to the lot area, the height of the structure, and the percentage of land coverage allowable for each building on a zoning lot.

Business District: Any zoning district designated with a "B" or "OR" classification, as outlined and defined in Article 4 of this Ordinance.

Cannabis: Marijuana, hashish and other substances which are identified as including any parts of the plant Cannabis Sativa, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives.
(Am. Ord. 2894, passed 02.05.14)

Cantilever: A projecting structure, such as a beam, supported at only one end that carries a load at the other end or along its length.
(Am. Ord. 2360, passed 01.25.07)

Capacity (in Persons): The maximum number of persons that can avail themselves of services (or goods) of an establishment, at any one time, with reasonable comfort.

Car Wash: A building, or portion thereof, containing facilities for washing vehicles; using automatic production-line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices; or providing space, water and equipment for the hand washing of automobiles, whether by the customer or the operator.

Cargo Container: A standardized, reusable vessel, designed without an axle or wheels, which was:

1. Originally, specifically, or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, and/or,

2. Designed for or capable of being mounted or moved on a rail car, and/or,

3. Designed for or capable of being mounted on a chassis for movement by a truck trailer or loaded on a ship.

(Am. Ord. #2312, passed 8.21.06)

Carport: An open sided, roofed automobile shelter, usually formed by extension of the roof from the side of a building.

Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Club, Private (non-profit): A non-profit association of persons, who are bona fide members paying annual dues, which owns, hires or leases a building or portion thereof; the use of such premises being restricted to members and their guests. The affairs and management of such "private club" are conducted by a board of directors, executive committee or similar body chosen by the members. It shall be permissible to serve food and meals on the premises, providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be subject to compliance with the Village, State and Federal ordinances.

Code Official: A Code Official shall be defined as any duly authorized Village employee or employees who may, from time to time, administer the various codes and ordinances of the Village, including, but not limited to this Ordinance.

College or University: An institution providing full-time or part-time education beyond the high school level, including any dormitories, lodging rooms or other housing for students or faculty.

Columbarium: A vault with niches for cinerary urns.

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

Common Open Space: Land that is devoid of structures, other than recreational and pedestrian facilities and uses accessory thereto, and is suitable for active and passive recreational activities. Common open space specifically excludes parking lots; street rights of way; front, rear and side yard setbacks if buildings and lots are subdivided and individually owned; private yard use areas; school sites; and retention ponds unless they are capable of sustaining water-based recreation. There are two types of common open space: active open space, and passive open space.

Condominium: All land, property, and space on which is built one or more attached, individually owned single-family residences or units.

Construction or Demolition Landfill: A lot of land used for the disposal of non-biodegradable, non-hazardous waste resulting from road building construction, remodeling, repair, or demolition of structures. (Does not include sanitary landfills or dumps)

Contiguous: In contact, adjoining or touching another object or item as distinguished from being adjacent.

Contiguous Area, Minimum: The area that may constitute a separate or detached part of any zoning district classification as set forth in this Ordinance.

Convenience Store: A small retail establishment with a floor area of 5,000 square feet or less offering for sale a limited line of groceries and household items intended for the convenience of the neighborhood.

Country Club: A private recreational facility operated for bona fide members paying annual dues for the use of a golf course and ancillary uses such as restaurants (including the sale of alcoholic beverages), residential uses for quests, managers and other employees, but not including commercially operated driving ranges or miniature golf courses.

Crematoria: Buildings containing a furnace for the incineration of corpses

Dairy Farm: An area of land on which cows are kept for the purpose of producing dairy products in commercial quantities, as well as the related buildings, equipment, and processes.

Day Care Center: A State licensed facility where a person, other than a relative or guardian, provides care and supervision for four (4) or more children under seven (7) years of age, or for four (4) or more seniors or adults requiring care, for less than twenty-four (24) hours a day for compensation.

Decibel: A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in decibels.

Deck: A structure attached to or closely adjacent to any dwelling unit that is:

a. Designed and intended for the support of people;

b. Open to the sky and has no permanent roof; and

c. Is greater than fifty (50) square feet in area.

Density, Gross: The total number of dwelling units per gross acre of land determined by dividing the total gross acreage of a site by the minimum lot or dwelling unit size of the appropriate residential district.

Density, Net: The total number of dwelling units per net acre of land determined by dividing the calculated Net Acreage by the minimum lot or dwelling unit size of the appropriate residential district.

Detention Basin: A manmade or natural depression below the surrounding grade level designed to collect surface and subsurface water so that it might impede the water flow and to gradually release the same into natural or manmade outlets.

District: A section of the Village of Frankfort within which the regulations governing the use of land are the same.

Drive-In and Drive-Thru Establishment or Facility: Any commercial retail, personal service, or service establishment designed or intended to enable a customer in a motor vehicle parked on or moving through the premises to transact business with a person located within the principal structure, including an establishment or facility that by design of physical facilities or by service or packaging procedures encourages or permits customers to receive a service or obtain a product while staying within a motor vehicle. Such establishments include, but are not limited to, financial institutions, restaurants, and dry cleaning stores.

Driveway. On residential properties, a driveway shall be the paved area which provides exclusive access to the garage. For the purposes of calculating impervious surface coverage, a driveway shall not be wider than the width of the entrance to the associated garage,

Dump: A lot of land or part thereof used primarily for the disposal, by abandonment, dumping, burial, burning or any other means, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

Dwellings: A building, or portion thereof, but not a mobile or manufactured home, designed or used for residential occupancy.

Dwelling, Attached: A residential building which is joined to another dwelling at one or more sides by a party wall or walls.

Dwelling, Detached: A residential building which is entirely surrounded by open space on the same lot.

Dwelling, Multiple Family: A residential building containing three (3) or more dwelling units.

Dwelling, Single Family: A residential building containing one (1) dwelling unit only.

Dwelling, Two-Family: A residential building containing two (2) dwelling units only.

Dwelling Unit: One or more rooms in a residential building, or residential portion of a building, which are arranged, designed, used or intended for use by one family, and which includes cooking space and lawful, sanitary facilities reserved for the occupants thereof.

Easement: The area of land set aside or over or through which a privilege, distinct from ownership of the land, is granted to the public or some particular person, quasi-public entity (such as a homeowners' association), or part of the public.

Efficiency Apartment: A dwelling unit containing one or more rooms, but no bedroom, designed for occupancy by one family.

Environmental Performance Standards: A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent to uses of land or buildings.

Façade: The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Factory-Built Housing: A factory-built structure designed for long-term residential use. For the purposes of these regulations, factory-built housing consists of three types: modular homes, manufactured homes, and mobile homes.

Family: Either (a) an individual, or two (2) or more persons related by blood, marriage or adoption, maintaining a common household in a dwelling unit; (b) a group of not more than four (4) persons who are not related by blood, marriage, or adoptions living as a common household in a dwelling unit; or (c) a group of individuals not related by blood, marriage or adoption, living as a common household in a group home.

Farm: Land used for agricultural purposes.

Fence: A free standing structure of metal, masonry composition or wood, or any combination thereof, resting on, or partially buried in the ground, and rising above ground level, and used for confinement, screening, decorative or partition purposes.

Firearm: Any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, or expansion or escape of gas, pneumatic force, or other: excluding however:

a. Any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;

b. Any device used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial/construction ammunition;

c. Any firearm manufactured on or before 1898 or any replica thereof, if such replica is not designed or redesigned for using and discharging ammunition;

d. Any other firearm which, although designed as a weapon, the Department of Law Enforcement of the State of Illinois finds, by reason of the date of its manufacture, value, design, and other characteristics, is primarily a collector's item that is not likely to be used as a weapon; and;

e. Any non-lethal device commonly used for recreational purposes including but not limited to air guns, bb-guns, and paintball guns.
(Am. Ord. 2240, passed 11.21.05)

Floor Area: 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 center line of walls separating two buildings, computed as follows:

a. For Determining Floor Area Ratio. The sum of the following areas:

1. The basement floor area, when more than one-half of the basement height is above the finished lot grade level where curb level has not been established;

2. Elevator shafts and stairwells at each floor;

3. Floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof);

4. Penthouses;

5. Attic space having headroom of seven feet, ten inches (7' 10") or more;

6. Interior balconies and mezzanines;

7. Enclosed porches; and

8. Floor area devoted to accessory uses.

Space devoted to off-street parking or loading shall not be included in the floor area of structures devoted to bulk storage of materials. The floor area of such structures shall be computed by counting each ten feet of height, or fraction thereof, as being equal to one floor.

b. For Determining Off-Street Parking and Loading Requirements. The sum of the following areas:

1. Floor space devoted to the principal use of the premises, including accessory storage areas located within selling or working space such as counters, racks or closets;

2. Any basement floor area devoted to retailing activities; and

3. Floor area devoted to the production or processing of goods, or to business or professional offices.

For this purpose, floor area shall not include space devoted primarily to storage purposes (except as otherwise noted herein), off-street parking or loading facilities (including aisles, ramps and maneuvering space) or basement floor area other than

area devoted to retailing activities, the production or processing of goods, or business or professional offices.

Floor Area Ratio (FAR): The ratio determined by dividing the floor area of a building or structure by the area of the lot on which the building or structure is located. When more than one building or structure is located on a lot, then the floor area ratio is determined by dividing the total floor area of all buildings or structures by the area of the lot, or, in the case of planned development, by the net acreage. The floor area ratio requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for a building or other structure (including both principal and accessory buildings) in direct ratio to the gross area of the lot.

Foot-Candle: A unit of illumination. Technically, the illumination at all points one foot distance from a uniform point source of one candle power.

Frontage: The length of a front lot line or lines.

Frontage, Zoning Lot: All the property of such zoning lot frontage on a street, and measured between side lot lines.

Garage, Private: A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

Grade: The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Grocery Store: A retail establishment with a floor area of more than 5,000 square feet offering for sale a full line of groceries and household items.

Gross Acreage: The total acreage of a site less land within the platted rights-of-way of existing roads, utilities, and easements of access.

Group Home: A dwelling used to provide a socially dependent family environment for developmentally or mentally disabled patients, as specified in the 1988 Fair Housing Act Amendments of the Civil Rights Act of 1968. For purposes of this Ordinance, this definition shall not include "halfway houses," uses for the recovering chemically dependent, prison work release programs or any use that does not house solely the developmentally or mentally disabled.

Group Home, Large: A group home of nine (9) to fifteen (15) residents, including live-in staff.

Group Home, Small: A group home of eight (8) or fewer residents, including live-in staff.

Guest House: Living quarters within a detached accessory building on the same premises with the principal building for use by temporary guests of the occupants of the premises.

Hatchery: An establishment specializing in hatching eggs (as of poultry or fish).

Hazardous Substances: Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

Health Clinic: An establishment, other than a hospital as defined herein, where human patients who are not lodged overnight are admitted for examination and treatment by one or more physicians, dentists, other health care professionals, or similar professions.

Height, Maximum: A horizontal plane above and parallel to the average finished grade of the entire zoning lot at the height shown in the district regulations. The height of a structure, as defined in "Building Height" above, may not project through said plane.

Heliport: An area of land and/or a structure or building which is used or intended for use for the landing and taking off of helicopters, and any appurtenant areas which are used or intended for use for heliport buildings or other heliport facilities or rights-of-way, including all necessary pads, helicopter storage and tie down areas, hangars and other necessary buildings and open spaces.

Historic District: An area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.

Home Day Care Center: A family home which receives up to three (3) children, or up to three (3) seniors or adults requiring care, for less than twenty-four (24) hours a day for compensation.

Home Occupation: A gainful occupation or profession engaged in by an occupant of a dwelling unit as a use that is clearly incidental to the use of the dwelling unit for residential purposes.

Homeowners' Association: A non-profit membership corporation or entity which serves as an association of homeowners within a Subdivision, Certified Survey Plat, or Condominium who have shared common interest responsibilities with respect to the costs and upkeep of common private property of such Subdivision, Certified Survey Plat, or Condominium. Such common property includes private recreation and open space areas within the Subdivision, Certified Survey Plat, or Condominium. For the purposes of this Code, Homeowners' Associations include Condominium Associations.

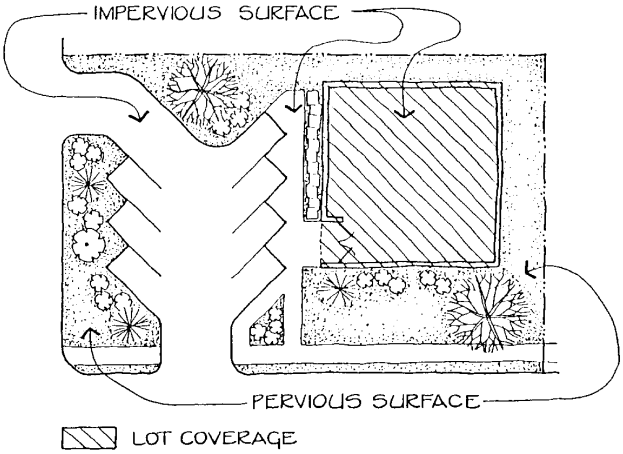
Hospital: An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for not less than twenty-four (24) hours in any week, of three (3) or more non-related individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions. The term "hospital" as used in this Ordinance does not apply to institutions operating primarily for treatment of mental illness, drug addicts, liquor addicts, or other types of cases necessitating restraint of

patients, and the term "hospital" shall not include assisted or independent living facilities, nursing homes, shelters or boarding houses.

Hotel: An establishment which is open to transient guests, in contradistinction to a boarding house, lodging house or apartment hotel, and is commonly known as a hotel in the community in which it is located; and which provides customary hotel services such as maid service, the furnishing and laundering of linen, telephone and secretarial or desk service, the use and upkeep of furniture, and bellboy service.

Impervious Lot Coverage: A ratio determined by dividing that area of a lot which is occupied or covered by all impervious surfaces, by the gross area of that lot. For purposes of calculating residential impervious lot coverage, impervious surfaces shall include accessory structures such as swimming pools, tennis and basketball courts, but shall not include residential sidewalks or a residential driveway as defined above.

Impervious Surface: A surface which does not absorb water. Impervious surfaces consist of all buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt. For lumberyards or similar uses, areas of stored lumber constitute impervious surfaces.



Independent Living Facility: Specially planned, designed, and managed multi-unit housing for the elderly with self-contained dwelling units. These communities are typically designed to provide supportive environments for older adults and to accommodate a relatively independent lifestyle. A limited number of support services, such as meals, laundry, housekeeping, transportation, and social and recreational activities may be provided. This definition shall not include group homes, health clinics, hospitals or treatment facilities, as defined by this Ordinance. (Am. Ord. 2247, passed 12.05.05)

Indoor Business Sales and Service: Uses which display or conduct, entirely within an enclosed building, the sale or rental of business-oriented products, equipment, merchandise, or services that are non-personal and non-professional in nature. Examples may include: duplicating or photocopying sales and service; addressing, mailing, or stenographic sales and services; locksmith shops; computer sales and service; employment agencies; and similar land uses.

Indoor Civic, Cultural, Religious, or Institutional Use: Civic, cultural, religious, or institutional uses which occur within an enclosed building. Examples may include: government offices, libraries, museums, aquariums, community centers, post office, fire/police/rescue station, hospitals, convention center, service/fraternal club or lodge, civic/social organization, labor union/organization, political organization, charitable organization, church, synagogue, temple, mosque, non-profit organization, educational institution (including schools, preschools, colleges and universities), and similar land uses.

Indoor Recreation and Entertainment: The indoor recreation and entertainment use classification applies to all uses which provide recreation or entertainment services entirely within an enclosed building. Examples may include: skating rink, arcades, billiards, bowling alley, dance hall/club, dance/music school or studio, gymnastic facility, martial arts facility, sports training facility, health/fitness club, country club indoor facilities, and similar land uses.

Indoor Retail Sales of Goods: The indoor retail sales of goods use classification applies to retail uses which display or conduct the sale or rental of merchandise entirely within an enclosed building. Examples may include: antique shops, furniture stores, hardware stores, grocery or food stores, department stores, clothing/wearing apparel stores, book stores, sporting goods stores, drug stores, pharmacies, florist shops, and similar land uses.

Industrial District: Any zoning district designated with an "I" classification, for example "I-1."

Junk: Old, dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, motor vehicles and parts thereof.

Kitchen: Any room used, or intended or designed to be used, for cooking or the preparation of food.

Landscaping: The improvement of a lot, parcel or tract of land with grass, shrubs and trees. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

Landscaping Company: A company engaging in the cultivation, installation and or maintenance of flowers, grass, shrubs, and trees.

Laundromat/launderette: Any place, building, structure, room, establishment, or portion thereof having within such premises one or more self-service washing machines, which are rented, leased, or hired out to the general public for use upon such premises.
(Am. Ord. 2240, passed 11.21.05)

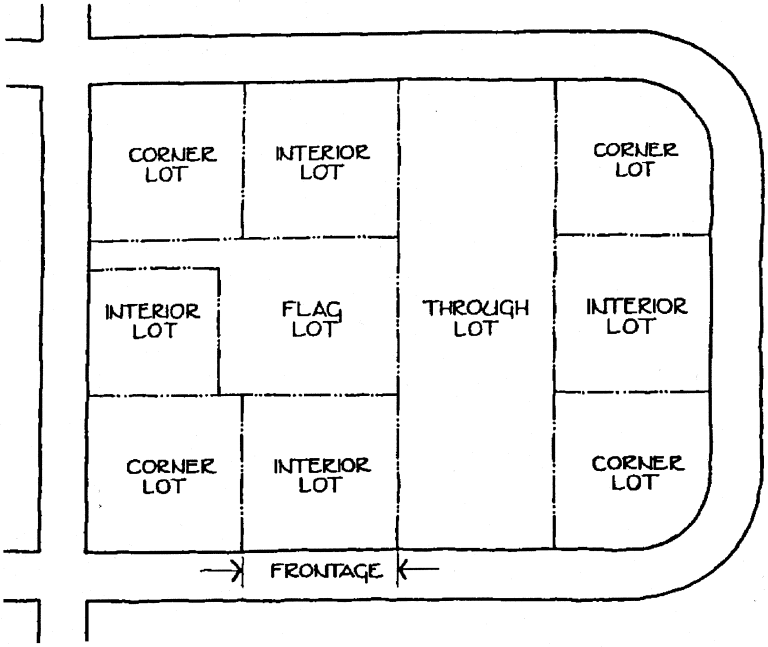
Laundry Equipment: Pole and wire or line used to suspend items to facilitate drying.

Limited Retail Sales in Connection with a Warehouse Use: Wholesale and warehouse establishments where products are stored and distributed, and contain a limited retail sales component where products can be sold "over the counter" to the general public. Said uses may possess a State of Illinois Department of Revenue Sales Tax Identification Number. *(Am. Ord. 2240, passed 11.21.05)*

Lodging House: A building or premises where lodging is provided for compensation, for three (3) or more regular patrons and not to exceed twenty (20) patrons, and not for transients.

Long-Term Care Facility: A building or premises which must be licensed pursuant to the Illinois Nursing Home Care Act (210 ILCS 45/1-101 *et seq.*). This definition shall not include group homes, health clinics, hospitals or treatment facilities, as defined by this Ordinance. *(Am. Ord. 2247, passed 12.05.05)*

Lot: A platted parcel of land intended to be separately owned, developed and otherwise used as a unit.

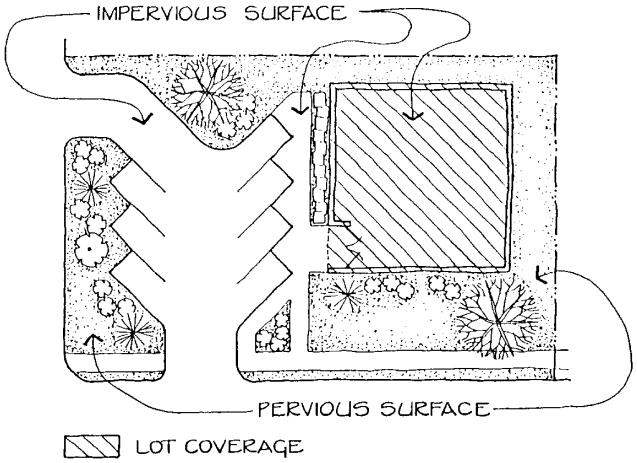


Lot Area, Minimum: The minimum area of a horizontal plane bounded by the front, side and rear lot lines.

Lot, Corner: A lot which adjoins the point of intersection or meeting of two or more streets, and in which the interior angle formed by the street lines is 135 degrees or less. If the street lines are curved, the angle shall be measured at the point of intersection of the extensions of the street lines in the directions which they take at the intersections of the street line, with the side lot line and with the rear lot line of the lot. If the street line is

curved at its point of intersection with the side lot line or rear lot line, the tangent to the curve at that point shall be considered the direction of the street.

Lot Coverage: That percentage of a lot which, when viewed directly from above, would be covered by primary and accessory structures, or any part thereof, excluding projecting roof areas. For purposes of calculating maximum lot coverage, structures shall not include swimming pools, open porches, patios, decks, outdoor tennis or basketball courts, or similar open accessory uses.



Lot Depth: The distance between the midpoints of the front lot line and the midpoint of the rear lot line.

Lot Frontage, Minimum: The boundary of a lot along a public or private street.

Lot, Interior: A lot other than a corner lot.

Lot Line: A property boundary line of a lot.

Lot Line, Front: The boundary between a lot and the street right-of-way on which it fronts. On a corner lot, the shortest line adjacent to a street right-of-way shall be the front lot line.

Lot Line, Rear: The boundary of a lot which is most distant from, and is most nearly parallel to, the front lot line or front lot lines.

Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.

Lot Line, Side (Corner Lot). Any side lot line on a corner lot which is adjacent to a street right-of-way.

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

Lot, Zoning: A parcel of land that is designated by its owner or developer, at the time of applying for a zoning certificate, as a tract all of which is to be used, developed, or built upon as a unit under single ownership. As long as it satisfies the above requirements, such lot may consist of:

a. A single lot of record;

b. A portion of a lot of record; or

c. A combination of complete lots of record, complete lots and portions of lots of record or portions of lots of record.

Major Highways: All roads, streets, avenues, thoroughfares or other types of vehicular traveled ways designated by a United States or State of Illinois route number.

Major Industrial Roadways: For purposes of this Ordinance, major industrial roadways shall be defined as Harlem Avenue, Center Road, U.S. Route 45 and Laraway Road.

Mansard Roof: A form of hipped roof in which the plane of each surface slopes up steeply from the eaves to a height sufficient to allow windows and headroom over a greater area, and then slopes much less steeply over the rest of the building.

Manufactured Housing: Single-family detached housing that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974, 41 United States Code Sec. 5401 et seq., and the regulations promulgated there under. No manufactured home shall be constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site and no manufactured home shall have any wheels or axles permanently attached to its body or frame. For purposes of this Ordinance, regulations related to manufactured housing shall also be applied to mobile homes.

Manufactured Housing Park: A parcel of land under single ownership that has been planned and improved for the placement of manufactured housing for dwelling purposes.

Massage: A system of structured palpation or movement of the soft tissue of the body. The system may include, but is not limited to, techniques such as effleurage or stroking and gliding, petrissage or kneading, tapotement or percussion, friction, vibration, compression, and stretching activities. These techniques may be applied with or without the aid of lubricants, salt or herbal preparations, hydromassage, thermal massage, or a massage device that mimics or enhances the actions possible by human hands. "Massage" does not include actions taken by licensed acupuncturists, chiropractors, cosmetologists, estheticians, nail technicians, naprapaths, nurses, occupational therapists, physical therapists, physicians, or podiatrists in a manner consistent with their training and the code of ethics or their respective professions.
(Am. Ord. 2174, passed 07.05.05)

Massage Establishment: An establishment having a fixed place of business where any person, firm, association, or corporation receives compensation for engaging in or carrying on or permitting to be engaged in or carried on any of the activities constituting massage.
(Am. Ord. 2174, passed 07.05.05)

Medical Cannabis Cultivation Center: A facility operated by an organization or business that is registered by the Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensaries with usable medical cannabis.
Minimum Contiguous Area: The area that may constitute a separate or detached part of any zoning district classification as set forth in this Ordinance.
(Am. Ord. 2894. Passed 02.03.14)

Medical Cannabis Dispensary: A facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center solely for the purpose of dispensing cannabis, cannabis paraphernalia, or related supplies and associated educational materials to registered qualifying patients.
(*Am. Ord. 2894. Passed 02.03.14)*

Mining: The development or extraction of a mineral from its natural occurrences on affected land.

Mobile Home: A factory-built structure transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on the site is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein, being built prior to enactment of the National Manufactured Home Construction and Safety Standards Act of 1974 as amended, 41 United States Code Sec. 5401 et seq. No mobile home shall be constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site and no mobile home shall have any wheels or axles permanently attached to its body or frame. For purposes of this Ordinance, mobile homes shall be subject to all regulations related to manufactured housing.

Modular Home: A dwelling unit not completely factory built or assembled, that when assembled takes on all the indications of a residential home in that it has siding, shingled roof, and is completely attached to a solid permanent foundation and not on jacks or wheels. In addition, a modular home is defined as a home that is constructed and placed on the owner's land with the intent that the structure could not or would not be relocated. Such homes must be certified as meeting the Building Code of the Village of Frankfort, and once certified, shall be subject to the same standards as site-built homes. Any structure constituting a mobile home or manufactured home as defined in this ordinance is expressly excluded from the definition of modular home.

Motel: A building, or portion thereof, or a group of buildings which provides sleeping accommodations without cooking facilities for transients on a daily or weekly basis, whether such

establishments are designed as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist court or otherwise.

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

Net Acreage: The gross acreage minus the acreage devoted to existing street rights-of-way, storm water retention and detention basins, bodies of water, public parks, school sites, municipal sites, wetlands, floodplains, and areas with slopes greater than twenty percent (20%).

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

Non-Conforming Lot: A lot that lawfully existed prior to the enactment of the requirements of this ordinance, but which does not meet the minimum lot size or lot width requirements of the zoning district in which it is located.

Non-Conforming Use: Any building, structure, or land lawfully occupied by a use which was lawfully established at the time of the adoption of this Code, or amendments hereto, and which does not conform after the effective date of this Code, or amendments hereto, with the use regulations of this Code. Said use shall be an active and actual use of the land and/or buildings which existed prior to the effective date of this Code.

Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge conduit, culvert, building, wire, fence, rock gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

Odor Threshold: The lowest concentration of odorous matter in air that will produce an olfactory response in a human being.

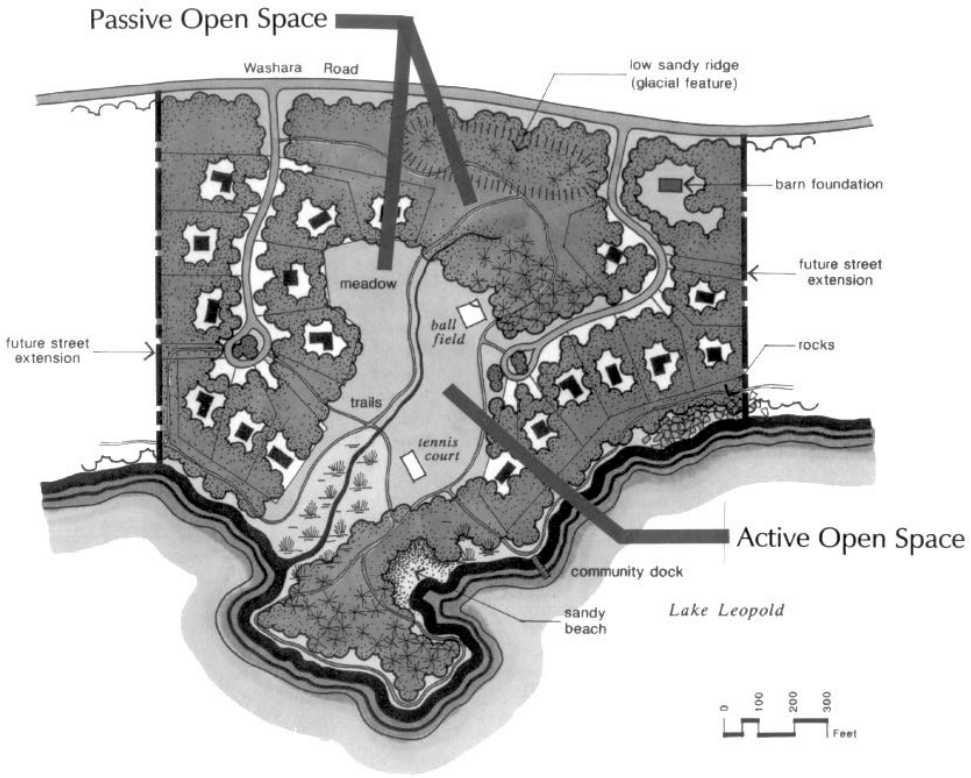
Office and Professional Service: The office of an engineer, doctor, dentist, attorney, real estate broker, insurance broker, architect or other similar professional person, and any office used primarily for accounting, banking, correspondence, research, editing or administration. *(Am. Ord. 1887, passed 04.15.02)*

Office Supplies Store: A retail store specializing in the sale of goods used in professional or business offices, such as paper, writing instruments, etc.

Official Newspaper: A newspaper of general circulation in the Village.

Open Porch: A roofed structure attached to a building and open on two or more sides. A porch shall not be considered open if enclosed by either a permanent or detachable glass sash.

Open Space: An area that is intended to provide light and air, and is designed for either environmental, scenic or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas and water courses. Open space shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel (see also Active Open Space, Common Open Space, and Passive Open Space).



Outdoor Seating: An area of designated size used as a seating area with tables and chairs, associated with a contiguous restaurant and including the sale of food to patrons.

Outdoor Recreation and Entertainment: Uses which involve recreational activities or provide entertainment services partially or wholly outside of an enclosed building, on public or private property. Examples may include: arboretums, natural areas, open grassed areas, picnic areas, picnic shelters, gardens, fishing areas, country clubs, playcourts (tennis, basketball, etc.), tot lots, outdoor swimming pools, swimming beach areas, fitness courses, golf courses, driving ranges, hiking/biking/cross country ski trails, horse trails, pet walking areas, miniature golf facilities, amusement parks, go-kart tracks, racetracks, and similar land uses.

Outdoor Storage: The keeping, in an unroofed area, of any goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours.

Packaged Liquor Store: Any establishment selling beer, wine or alcoholic liquor at retail to the general public in sealed bottles, or other sealed containers, for consumption or use away from the premises where paid establishment is located.

Parcel: A continuous quantity of land in the possession of, or owned by, or recorded as the property of, the same person or persons.

Particulate Matter: Material other than water which is suspended in or discharged into the atmosphere in a finely divided form as a liquid or solid.

Passive Open Space: Open space a minimum of fifty feet (50') wide that is planned for passive use such as paths, picnic areas, wildlife or plant habitats, etc.

Personal Services: Personal service uses are exclusively indoor land uses in which personal services are provided to individuals on a walk-in or on an appointment basis. Examples may include: barber shops, beauty shops, shoe repair/shoe shine shops, tailor/garment repair shops, small household appliance repair shops, dry cleaning shops (without plant facilities), travel office, and similar land uses.

Planned Unit Development (PUD): A parcel or tract of land, initially under single ownership or control, to be developed as a unified project and single entity which may contain two or more principal buildings and/or more than one principal use. The PUD is planned as a functionally and physically integrated development as a single entity, under single ownership or control, although portions of the parcel may be sold off to another party to be developed according to the approved PUD plan.

Preschool: A facility providing day care with or without educational services for children primarily between the ages of three and five.

Principal Structure: A structure in which a principal use of the lot on which the structure is located is conducted.

Principal Use: The primary use of land or structures as distinguished from a subordinate or accessory use.

Public Garage: A publicly owned structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building.

Queuing Space: On-site area required, as to the number of vehicles that must be accommodated, while awaiting ingress or egress to specified business or service establishments.

Recreational Equipment: Travel trailers, pick-up campers or coaches, motorized dwellings, tent trailers, boats, snowmobiles, trailers, dune buggies, airplanes and other equipment designated for recreational use, pick-up camper units, pick-up covers and similar accessory

appurtenances. Vehicles used primarily as the family car or as daily transportation to and from work are excluded from this definition.

Recreational Vehicle: Any vehicle, used or so constructed as to permit it being used as a conveyance upon the public streets and highways, and licensable as such, which is constructed in such a manner that will permit occupancy as a dwelling or sleeping place for one or more persons, including also a self propelled vehicle having body designed as living quarters.

Remodeling: Any change in a structure, including a structural alteration (other than incidental repairs and normal maintenance) which may prolong its useful life, or the useful life of its supporting members such as bearing walls or partitions, columns, beams, girders or foundations; or the construction of any addition to, or enlargement of, a structure; or the removal of a structure.

Research Facilities: A building or group of buildings with facilities for scientific research, investigation, testing, or experimentation, but not primarily facilities for the manufacture or sale of products.

Residence District: Any zoning district designated with and "R" for example, "R-2."

Residential Building: A building all or part of which contains one or more dwelling units, including single-family dwellings, two-family dwellings, multiple-family dwellings, and lodging houses.

Restaurant, Full Service: A public eating house where customers order their meal from a menu containing a wide selection of hot and cold foods, including but not limited to a variety of soups and salads, appetizers, lunch and dinner entrees, and desserts that are prepared on site and are served at a table by a waiter or waitress, dining tables and chairs or booths occupy the customer floor area during all operating hours, all menu items and specials are regularly available until one hour prior to closing, and food sales comprise the majority of all revenues generated by the business

Restaurant / Tavern: A public eating-house where customers order their meal from a menu containing a wide selection of hot and cold foods, including but not limited to a variety of soups and salads, appetizers, lunch and dinner entrees, and desserts that are prepared on site and are served at a table by a waiter or waitress. Restaurants / Taverns often provide a reduced menu after ten o'clock (10:00) P.M. and include sources of entertainment not typically provided in a full service restaurant. Food sales comprise the majority of all revenues generated by the business.

Restaurant, Carry-Out: A restaurant whose principal business operation is the dispensing of edible foodstuff and/or beverage, without full table services. Food sold may be eaten at indoor seating (without table service), at stand-up counters, or to be carried off the premises.

Retail Sales: The sale of goods, merchandise and commodities for use or consumption.

Retention Basin: A manmade or natural body of water designed to contain water at all times, the level of which will be increased from the flow of surface and subsurface water, collected therein and released gradually into natural or manmade outlets.

Right-of-Way: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees or other special use.

Road, Public: A public property right-of-way reserved or dedicated for street traffic.

Road, Private: A way open to vehicular ingress and egress, not under public ownership, established as a separate tract for the benefit of certain, adjacent properties. This shall not apply to driveways.

Roadside Stand: A structure for the display and sale of agricultural products, with no space for customers within the structure itself.

ROW: Abbreviation for Right-of-Way. (Am. Ord. 1887, passed 04.15.02)

Rowhouse: See Townhouse.

Sanitary Landfill: A lot of land used for the compaction and burial of non-hazardous and non-medical farm, residential, institutional, commercial, or industrial waste.

Self-Service Storage Facility: A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors' supplies.

School: A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools and high schools.

Screening: Decorative fencing or evergreen vegetation maintained for the purpose of concealing from view the area behind such structures or evergreen vegetation.

Setback: The distance between the lot line and the principal building on the lot.

Shopping Center: A group of commercial establishments located on the same parcel of land, not having interior access to each individual establishment.

Shopping Mall: A group of commercial establishments located under one roof and having interior access to each individual establishment.

Sign: Any writing (including letters, words, or numerals), pictorial representation (including devices, symbols, or trademarks), flag, banner, streamer, pennant, string or lights, or display calculated to attract the attention of the public for purposes of advertising services, displays, products, image, or corporate identity, or any other figure of similar character which:

a. Is a structure or any part thereof, or a portable display, or is attached to, painted on or in any other manner represented on a building or other structure or on the ground.

b. Is used to announce, direct attention to or advertise.

Sign, Double-Faced: A double faced sign has two faces with identical copy on each face and with the maximum angle between said faces no greater than forty-five (45) degrees.

Sign Location: The sign location is determined by measuring from the furthermost projecting point of the sign to the front lot line.

Site Plan: A plan, prepared to scale, showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land.

Smoke: Small gas-borne particles other than water that form a visible plume in the air.

Standard Cubic Feet (SCF): Standard cubic feet, which is the measure of the volume of a gas reduced to 14.73 pounds per square inch pressure absolute and 60% F.

Street: A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. Streets are further classified by the functions they perform. See also Major Highway; Major Industrial Roadway; Road, Private; Road, Public; Street, Arterial; Street, Major Collector; Street, Minor; and Street, Neighborhood Collector.

Street, Arterial: A federal, state, or county marked route normally having four (4) lanes for traffic and some form of median marker or may be a Village-designated "arterial street" in the adopted Comprehensive Plan. Parking may be banned. A street used, or intended to be used, primarily for fast or heavy through traffic providing for the expeditious movement of through traffic into, out of, and within the community. Arterial streets shall be located to minimize the penetration of such streets through existing and proposed residential areas. Arterial streets shall be designed to convey an average daily traffic (ADT) of ten thousand (10,000) and greater.

Street, Major Collector: A street used, or intended to be used, to carry traffic from minor streets to the system of arterial streets including principal entrance streets to residential developments and/or activity/employment centers. Collector streets shall be designed to convey an average daily traffic (ADT) of between five thousand (5,000) and ten thousand (10,000).

Street, Minor: A street used, or intended to be used, primarily to access abutting properties. Residential minor streets designed as either looped or through streets shall be designed so that no section conveys an average daily traffic (ADT) in excess of five hundred (500). Residential minor land access streets designed as permanent cul-de-sacs shall be designed so that no section conveys an average daily traffic (ADT) greater than two hundred-fifty (250).

Street, Neighborhood Collector: A street used, or intended to be used, to carry traffic to and from neighborhoods within the community it serves. Neighborhood collector streets shall be expected and designed to convey an average daily traffic (ADT) of less than two thousand (2,000).

Structure: Anything constructed or erected with a fixed location on the ground including buildings, fences, walls and signs.

Surety Bond: A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled.

Swimming Pools: Any structure having a depth of two feet (2') or more at any point, including inflatable or temporary structures, basins, chambers, or tanks containing an artificial body of water for swimming and wading, with or without circulation pumps/filtrate systems or which is dug into the ground, not to include hot tubs, storm water detention or retention ponds, or other bodies of water not specifically designed for swimming.
(Am. Ord. 2230, passed 10.17.05)

Tattooing Establishment: An establishment whose principle business activity, either in terms of operation or as held out to the public, is the practice of placing designs, letters, figures symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.

Tasting Room: A permanent location dedicated to the tasting of beer or wine within a duly licensed retail establishment within which beer or wine may be provided for sale and / or consumption by the customer prior to their retail purchase.

Tavern: An establishment licensed to sell alcoholic beverages for consumption on the premises. Food sales are often provided however do not comprise the majority of all revenue generated by the business.

Taxicab Association: A service that offers transportation to persons including those who are handicapped in return for remuneration. The business may include facilities for servicing, repairing, and fueling the taxicabs or vans.

Telecommunications Antenna: A specific device, the surface of which is used to transmit and/or receive electromagnetic waves or other signals transmitted to or from other antennas for commercial purposes.

Telecommunication Station and Transmission Tower: A tower, pole, or similar structure that supports a telecommunications antenna operated for commercial purpose above ground in a fixed location, freestanding, guyed, or on a building or other structure; and the land and accessory buildings and equipment associated with said tower, pole or structure.

Telecommuting: The relocation of work activities to a home or satellite work site to eliminate or reduce the distance traveled in a commute. Telecommunications, computers, and other supporting activities may be employed during telecommuting.

Temporary Use: A prospective use, intended for limited duration, to be located in a zoning district not permitting such use, and not continuing a non-conforming use or building.

Terrace/Patio: A level plane or platform which, for the purposes of this Ordinance, is located adjacent to one or more faces of the principal structure, and which is constructed more than four (4) feet in height above the average level of the adjoining ground.

Theater, Indoor: A building or rooms specifically designed for the purpose of showing motion pictures, lectures and seminars, live performances such as theatrical plays and performances, concerts, church services or school graduations.

Tobacco Store: A retail establishment that derives more than 10% of its gross revenue from the sale of loose tobacco, tobacco plants, cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories or which devotes more than 10% of its gross floor area to the display, advertising, merchandising and/or stock of said products and in which the sale of other products is merely incidental.
(*Am. Ord. 2780, passed 06.04.12*)

Townhouse: An attached dwelling unit, separated by vertical fire walls, in which each dwelling unit has its own front and rear yards, and has appropriated to it the entire building between the fire wall.

Toxic Matter: Any solid, liquid, or gaseous matter, including but not limited to, gases, vapors, dusts, fumes, and mists, containing properties which by chemical means are inherently harmful and likely to destroy life or impair health, or capable of causing injury to the well-being of persons or damage to property.

Trailer: A vehicle standing on wheels or on rigid supports which is used for transporting boats, cargo, or property.

Transit and Transportation Facilities: Improvements and facilities associated with bus, rail, or other modes used primarily to move passengers, including bus stations, railroad stations, rail yards, and areas for passenger parking, pickup, drop off, and waiting.

Treatment Facility: A building or premises used for the provision of any service licensable under the Illinois Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS 301/1-1 *et seq.*), including but not limited to emergency, outpatient, intermediate and residential service or care.
(*Am. Ord. 2247, passed 12.05.05*)

Use: Any purpose for which a structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also, any activity, occupation, business or operation carried on, or intended to be carried on, in a structure or on a tract of land.

Use Regulations: The provisions of this Ordinance which identify permitted uses, impose use limitations, require adherence to performance standards, and regulate home occupations and accessory and temporary uses.

Utility Facilities: All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and includes facilities for the generation of electricity. These services may be provided by a public or a private agency. Telecommunications towers and accessory buildings are explicitly excluded from this definition.

Variation: A dispensation permitted on individual parcels of property as a method of alleviating unnecessary hardship by allowing a reasonable use of the building, structure or property, which, because of unusual or unique circumstances, is denied by the terms of this Ordinance.

Vehicle Repair: General repair, overall painting, engine repairing or rebuilding, reconditioning of motor vehicles or trailers (such as body or frame work) and fender straightening.

Vibration: The periodic displacement or oscillation of the earth.

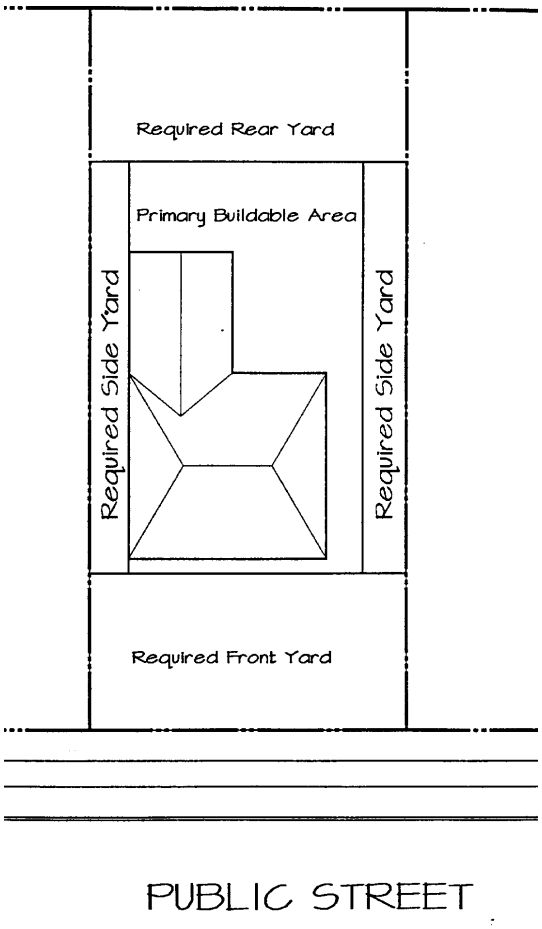
Warehouse: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.

Wetland: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Wholesale Establishment: The sale of goods, merchandise and commodities for resale, without the collection of retail sales taxes.

Wing Wall: An extension of a façade of a structure that is constructed on a foundation for decorative or architectural purposes is of limited height, generally not exceeding four feet (4′), and does not create additional floor area. A wing wall cannot serve as a retaining wall

Yard: Open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except for the permitted obstructions listed in Article 1, Section I.



Yard, Front: A yard extending along the full length of a front lot line and back to a line drawn parallel to the front lot line at a distance therefrom equal to the depth of the required front yard.

Yard, Rear: A yard extending along the length of the rear lot line and back to a line drawn parallel to the rear lot line at a distance therefrom equal to the depth of the required rear yard.

Yard, Side: A yard extending along a side lot line and back to a line drawn parallel to the side lot line at a distance therefrom equal to the width of the required minimum side yard, but excluding any area encompassed within a front yard or rear yard. Dimensions of minimum side yard specified in the district regulations of this Ordinance refer to the required width of each side yards, unless otherwise specified.

Yard, Side (Corner Lot): A yard on a corner lot, extending along the full length of the side lot line which abuts a street right-of-way and back to a line drawn parallel to said side lot line at a distance therefrom equal to the depth of the required corner lot side yard.

Yard, Transitional: The required front, side, or rear yard, between a business or manufacturing district and a residential district.

ARTICLE 13: REPEALER, SEVERABILITY, AND EFFECTIVE DATE

Section A: Repealer

That all other ordinances or parts or provisions of ordinances of the Village of Frankfort which are inconsistent with this ordinance are hereby expressly repealed.

Section B: Severability

In the event any word, phrase, clause, sentence, paragraph, provision, or section of this Ordinance or any portion thereof shall be held to be unconstitutional, unenforceable, or void, the same shall not affect the validity or enforceability of any remaining words, phrases, clauses, sentences, paragraphs, provisions, or sections thereof.

Section C: Effective Date

This Ordinance shall be in full force and effective from and after the date of its passage, approval and publication in pamphlet form as provided by law.

PASSED, this 17th day of September, 2001; with 6 members voting AYE;

0 members voting NAY; and 0 members absent; the President not voting; with

members abstaining or passing and said vote being:

CYNTHIA CORSO HEATH	aye	JIM HOLLAND	aye
AL KRUSEMARK, JR.	aye	TODD S. MORGAN	aye
RICHARD TREVARTHAN	aye	R. DOUGLAS WALKER	aye

APPROVED this 17th day of September, 2001

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THOMAS E. BARTKUS
VILLAGE CLERK

_____
RAYMOND E. ROSSI
VILLAGE PRESIDENT

ATTEST:

_____
THOMAS E. BARTKUS
VILLAGE CLERK