

## ARTICLE TEN: SUPPLEMENTAL REGULATIONS

**Section 10.1 Purpose:** The purpose of these regulations is to protect natural resources, minimize the impacts of urban development, and respond to unique conditions in the community that are not specifically addressed elsewhere in this Ordinance.

### **Section 10.2 Development Adjacent to Water Courses and Water Bodies**

**10.2.1 Intent:** The intent of the regulations regarding properties adjacent to watercourses and waterbodies is to:

- A. Prevent property damage from flooding, erosion, and pollution.
- B. Provide for adequate maintenance of watercourses or waterbodies.
- C. Provide for adequate controls so the watercourses or waterbodies will function according to the intended design as part of the stormwater management system.
- D. Enhance the aesthetic quality of the water feature so it becomes an asset to the neighborhood and community.

#### **10.2.2 Setbacks for lots around watercourses or waterbodies:**

- A. For purposes of determining the required rear or side yard setback as established in Article Four, the setback shall be measured from the edge of the structure to the top of the bank of the watercourse or waterbody.
- B. In no case shall any structure, accessory building, or similar obstruction be located within fifteen feet of the top of the bank of any watercourse. In no case shall any fence be located within five feet of the top of the bank of any watercourse. This area shall be referred to as the setback area.
- C. For purposes of this Article, the bank shall mean the natural or man-made slope immediately bordering the watercourse or waterbody containing and/or confining the normal water flow.
- D. For purposes of this Article, the top of the bank shall be determined by the observed high water mark, or one foot above the maximum discharge elevation or outlet control structure that controls the water elevation of a body of water.

### 10.2.3 Standards for maintenance:

- A. The setback area shall be kept free of trash, litter, and weeds.
- B. No shrubs shall be allowed in the setback area. Only trees from the plant list in the Village's Tree Ordinance may be planted in the setback area. The setback area must be covered with groundcover, non-living decorative material such as bark, woodchips, decorative rock or stone, or other similar materials. Garden plots, alternative landscapes, and walkways are permitted within the setback area.
- C. The owner shall maintain all plant materials and decorative treatments in such a manner as to protect their functional integrity. The owner shall replace all plant materials that have died within one year.
- D. There shall be no trash or dumpster areas, no storage of hazardous materials, no vehicle maintenance operation, or other source of non-point pollution contained within the setback area.

## **Section 10.3 Regulations Regarding Groundwater Protection**

10.3.1 **Intent:** The intent of the regulations regarding properties adjacent to watercourses and waterbodies is to:

- A. Preserve the quality and quantity of groundwater resources.
- B. Assure a safe and adequate water supply for present and future generations.
- C. Preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply.

### 10.3.2 Additional Definitions:

- A. **Act** shall mean the State of Illinois Environmental Protection Act.
- B. **Agency** shall mean the Illinois Environmental Protection Agency.
- C. **Board** shall mean the Illinois Pollution Control Board.
- D. **Maximum setback zone** shall mean the area around a community water supply well, established and described in Agency regulations.

- E. Minimum setback zone** shall mean the area around a community water supply well, established and described in Agency regulations.
- F. Potential primary source** shall mean any wellhead at a facility or site not currently subject to a removal or remedial action which:
1. Is utilized for the treatment, storage, or disposal of any hazardous or special waste not generated at the site.
  2. Is utilized for the disposal of municipal waste not generated at the site, other than landscape waste, and construction and demolition debris.
  3. Is utilized for the landfilling, land treating, surface impounding, or piling of any hazardous or special waste that is generated on the site or at other sites owned, controlled, or operated by the same person.
  4. Stores or accumulates at any time more than seventy-five thousand pounds of any hazardous substance above ground, or more than seven thousand five hundred pounds below ground of any hazardous substances.
- G. Potential secondary source** shall mean any wellhead at a facility or a site not currently subject to removal or remedial action, other than a potential primary source, which:
1. Is utilized for the landfilling, land treating, or surface impounding of waste that is generated on the site or at other sites owned, controlled, or operated by the same person, other than livestock and landscape waste, and construction and demolition debris.
  2. Stores or accumulates at any time more than twenty-five thousand pounds but not more than seventy-five thousand pounds above ground, or more than two thousand five hundred pounds but not more than seven thousand five hundred pounds below ground, of any hazardous substances.
  3. Stores or accumulates at any time more than twenty-five thousand gallons above ground, or more than five hundred gallons below ground, of petroleum, including crude oil or a fraction thereof which is not otherwise specifically listed or designated as a hazardous substance.
  4. Stores or accumulates pesticides, fertilizers, or road oils for purposes of commercial application or for distribution to retail sales outlets.
  5. Stores or accumulates at any time more than fifty thousand pounds of any de-icing agent.

6. Is utilized for handling livestock waste or for treating domestic wastewaters other than private sewage disposal systems as defined in the "Private Sewage Disposal Licensing Act".

**10.3.3 Primary and secondary sources prohibition:**

- A. Except as provided otherwise in this Article, no person shall place a potential primary source, or potential secondary source within the minimum setback zone.
- B. Except as provided in this Article, no person shall place a potential primary source within the maximum setback zone.

**10.3.4 Waivers, exceptions, and exclusions:**

- A. If the owner of a potential primary source or potential secondary source, is granted an exception, waiver, or Certificate of Minimal Hazard under the provisions of the Act, or if such use is excluded from the Act, such person or use shall be deemed to have a waiver, exception, or exclusion to the same extent as provided for in the Act.
- B. In no case shall a landfill or land treating operation be subject to such waivers, exceptions, or exclusions.

**Section 10.4 Regulations Regarding Private Sewage Disposal:**

**10.4.1 Minimum Lot Sizes:** The following regulations shall apply, notwithstanding the district area and width regulations of this Ordinance:

- A. In all sections of the Village which are served neither by sanitary sewers nor with public water supply, lots shall have minimum area of twenty thousand square feet, and a minimum width at the building line of one hundred feet.
- B. In all sections of the Village which are not served with sanitary sewers, but which are served with public water supply, lots shall have a minimum area of eleven thousand square feet and a minimum width at the building line of eighty feet.
- C. Providing smaller lot sizes and widths than specified in paragraphs A and B above, but not less than prescribed in the district regulations, may be permitted when authorized as a special exception upon submission of satisfactory evidence that smaller lot area of width will provide safe and effective sanitary sewage disposal in the particular location in question. Such evidence may include, but shall not be limited to, a specific recommendation from the Illinois Department of Public Health.

## **Section 10.5 Erosion Control, Floodplain, and Stormwater Management**

- 10.5.1 **Erosion control:** All developments of five acres or more, shall take measures to control erosion in accordance with the provisions in the Village's Subdivision Ordinance.
- 10.5.2 **Floodplain requirements:** All development within a floodplain shall be subject to provisions in the Village's Stormwater Management Plan.
- 10.5.3 **Stormwater management:** All developments of five acres or more, shall comply with stormwater management measures in accordance with the provisions in the Village's Subdivision Ordinance.

## **Section 10.6 Lighting**

10.6.1 **Intent:** The intent of regulation for exterior lighting and glare is to:

- A. Provide minimal lighting of public and private property for the safety, security, and convenience of occupants and the general public and;
- B. To eliminate or reduce the nuisance and hazards of excessive light and glare.

10.6.2 **Parking lot lighting:**

- A. Definitions for all terms and standards in this Section shall be defined from the 1984 edition of the IES Lighting Handbook, reference volume, New York; Illuminating Engineering Society of North America.
- B. All parking lots where the number of parking spaces exceed ten spaces and are less than fifty spaces, shall at a minimum provide at least one lighting fixture for every ten parking spaces. The fixture shall be mounted at least ten feet above ground. No fixture shall have a cut-off of greater than seventy-five degrees.
- C. All parking lots with fifty or more spaces shall submit a lighting plan which demonstrates that adequate illumination is provided to attain a minimum of one footcandle per square foot of surface area. Light fixtures shall operate from dusk until dawn or until the business closes for the night.
- D. The owner shall maintain all lights. Lights shall be kept in working order and shall be operated as required. Failure to install, maintain, or operate the required lights, shall be considered a violation and shall be subject to enforcement action in Article Twelve.

**10.6.3 Lighting design standards:**

A. The maximum height for luminaires shall be in accordance with the following table:

1. When light source or luminaire has no cut-off:

<u>Zoning District</u>	<u>Maximum Height</u>
RS, R-1, through R-5	10 feet
CN	15 feet
CB, I-1	20 feet

2. When light source or luminaire has total cut-off of light at an angle of ninety degrees or greater:

<u>Zoning District</u>	<u>Maximum Height</u>
RS, R-1, through R-5	15 feet
CN	25 feet
CB, I-1	35 feet

3. When light source or luminaire has total cut-off of light at an angle of less than ninety degrees and is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five feet above the ground at the point at which the cut-off angle intersects the ground:

<u>Zoning District</u>	<u>Maximum Height</u>
RS, R-1, through R-5	15 feet
CN	25 feet
CB, I-1	35 feet

B. No luminaire shall be placed within the buffer yard abutting a residential district. Luminaires within twenty feet of a residential district shall have a total cut-off of light at an angle of less than ninety degrees, and is located so that the bare light bulb, or lamp is completely shielded from the direct view of an observer at a point, five feet above the ground at the point at which the cut-off angle intersects the ground. Such light shall face away from any residential district.

**10.6.4 Exempted uses:** The following uses shall be exempted from these lighting design standards:

A. Ball diamonds, tennis courts, and playing fields.

B. Streetlights and fixtures on utility poles (Refer to the Village's Subdivision Regulations for streetlight requirements).

10.6.5 Prohibited lights: The following lighting is prohibited for all uses in all zoning districts:

A. Flickering of flashing lights.

B. Laser lights or holograms.

**END ARTICLE TEN.**