



COMMITTEE OF THE WHOLE MEETING
MONDAY, AUGUST 19, 2024
(Immediately following the Village Board Meeting)

AGENDA

CALL TO ORDER

ROLL CALL

AUDIENCE COMMENTS

TRUSTEE COMMENTS

DISCUSSION

1. Car Wash / Coffee Concept
2. Tobacco Code
3. Permitted and Special Uses Text Amendment
4. Purchasing Policy Update

EXECUTIVE SESSION

ADJOURN

Initials: SB

**VILLAGE OF NORTH AURORA
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
CC: STEVE BOSCO, VILLAGE ADMINISTRATOR

FROM: NATHAN DARGA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: 415 S. LINCOLNWAY CONCEPT PLAN

AGENDA: AUGUST 19, 2024, VILLAGE BOARD COMMITTEE OF THE WHOLE

HISTORY

The vacant lot at 415 S. Lincolnway (IL 31) was formerly occupied by Callahan Car Company. The building and lot are now vacant and have several nonconforming items. The property is for sale and a developer is interested in redeveloping the site. The property is zoned B-2, General Business district. The Comprehensive Plan calls for this area to be local commercial uses.

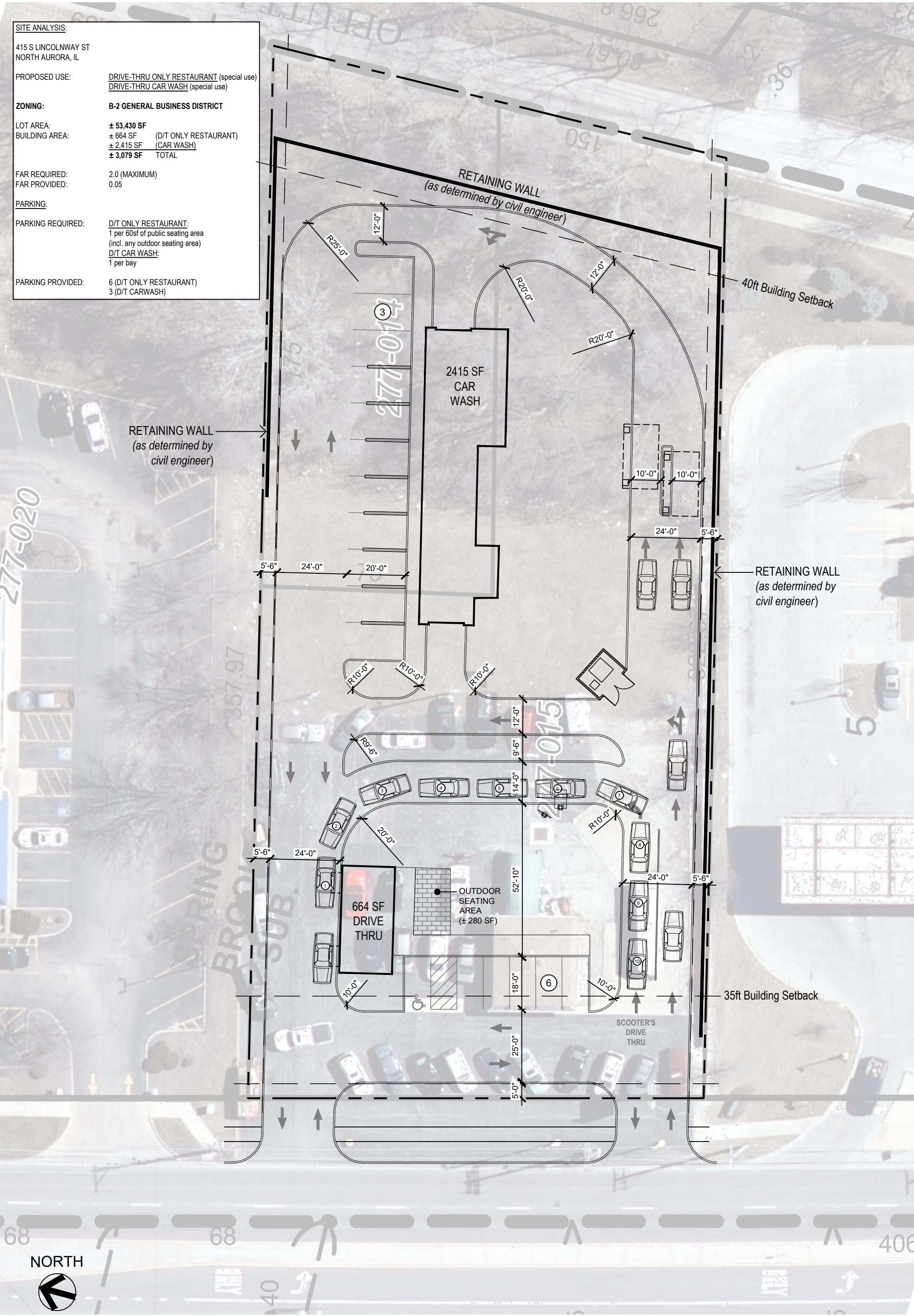
DISCUSSION

The current proposal is to construct a Scooter's Coffee facility in the front portion of the property and a Blue Penguin car wash to the rear. The applicant is proposing 6 parking spaces for Scooter's and 3 for the car wash. It is anticipated that both of these uses would be primarily drive through only. The spaces are mainly for employees. The car wash would have stacking for approximately 6 vehicles and Scooter's would have stacking for 10. Access to the property is from 31, no access is proposed on Offutt Lane. The plan currently shows two access points. This would have to be approved by IDOT. Due to the significant grade change on the site, extensive retaining walls would be required to make a level building pad. The extent of these walls and the design of the stormwater management would be worked out in final engineering.

Carwashes and drive throughs are all special uses in the B-2 District. Due to the likely need for code exceptions, and the multiple uses and buildings, the project would be approved as a Planned Unit Development. A site plan, building and signage elevations, and an example interior layout are included in your packet. The applicant is requesting the Board's feedback on this proposal before they move forward with acquiring the property.



SITE ANALYSIS:	
415 S LINCOLNWAY ST NORTH AURORA, IL	
PROPOSED USE:	DRIVE-THRU ONLY RESTAURANT (special use) DRIVE-THRU CAR WASH (special use)
ZONING:	B-2 GENERAL BUSINESS DISTRICT
LOT AREA:	± 53,430 SF
BUILDING AREA:	± 664 SF (D/T ONLY RESTAURANT) ± 2,415 SF (CAR WASH) ± 3,079 SF TOTAL
FAR REQUIRED:	2.0 (MAXIMUM)
FAR PROVIDED:	0.05
PARKING:	
PARKING REQUIRED:	D/T ONLY RESTAURANT: 1 per 60sf of public seating area (incl. any outdoor seating area) D/T CAR WASH: 1 per bay
PARKING PROVIDED:	6 (D/T ONLY RESTAURANT) 3 (D/T CARWASH)



NORTH

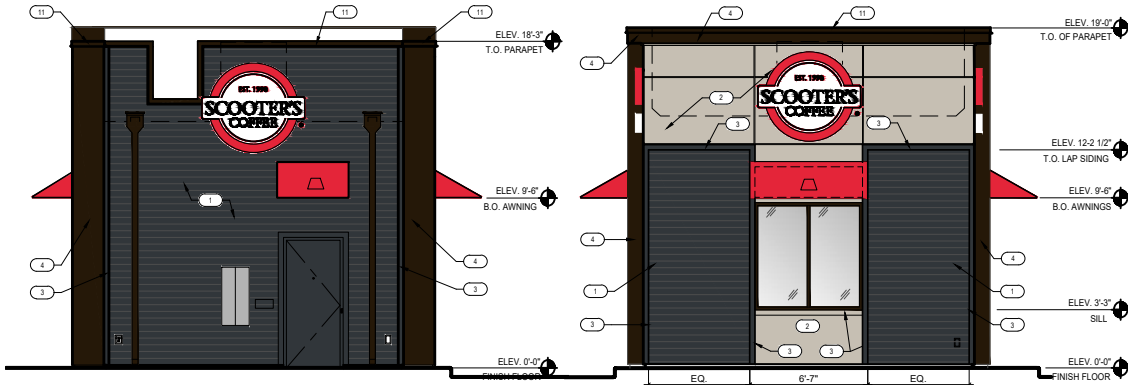


PROPOSED SITE LAYOUT

SCALE: 1" = 30'

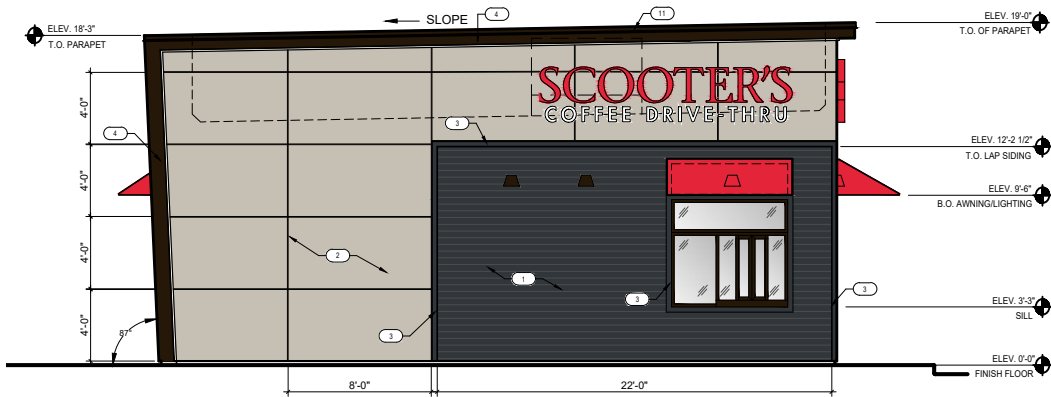
DRIVE THRU & CAR WASH
415 S LINCOLNWAY ST
NORTH AURORA, IL
8 AUGUST 2024



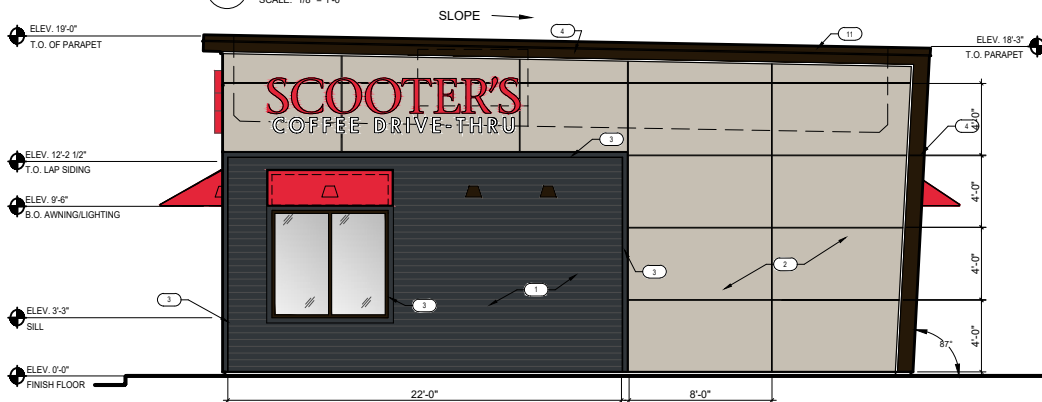


1 REAR ELEVATION
SCALE: 1/8" = 1'-0"

2 FRONT ELEVATION
SCALE: 1/8" = 1'-0"



3 DRIVE THROUGH SIDE ELEVATION
SCALE: 1/8" = 1'-0"



4 SIDE ELEVATION
SCALE: 1/8" = 1'-0"

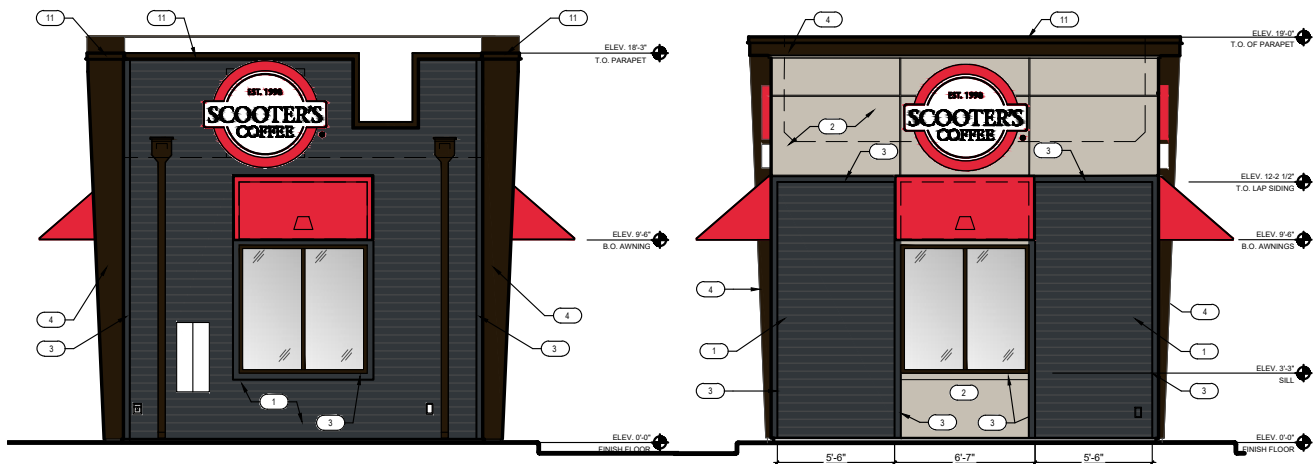
KEYNOTES

- 1. HARDIE PLANK HZ10 LAP SIDING CEDARMILL 6-1/4", SEE HARDIE DETAIL SHEET A6.5 - COLOR: SHERWIN WILLIAMS SW6992 INKWELL EGGSHELL FINISH
- 2. HARDIE REVEAL PANEL SYSTEM WZ10 - SMOOTH FINISH, SEE HARDIE DETAIL SHEET A6.5 - COLOR: SW 1015 SKYLINE STEEL

- 3. 3 1/2" HARDIE TRIM, SEE HARDIE DETAIL SHEET A6.5 - COLOR: SHERWIN WILLIAMS SW6992 INKWELL EGGSHELL FINISH
- 4. HARDIE PANEL ACCENTS AND SOFFITS - COLOR: BLACK
- 11. 20 GAUGE METAL PARAPET CAP

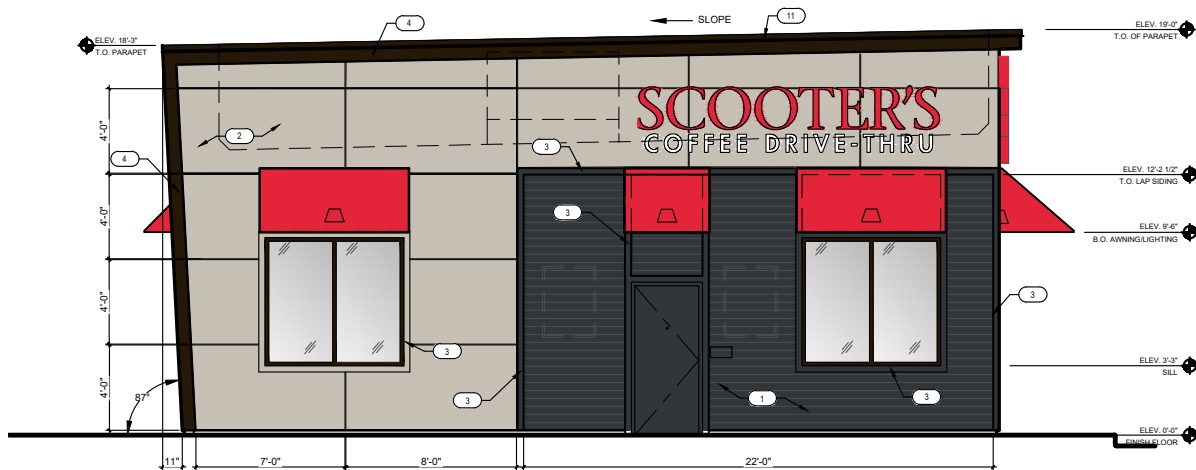
4.0 PROTOTYPE
04/25/2022



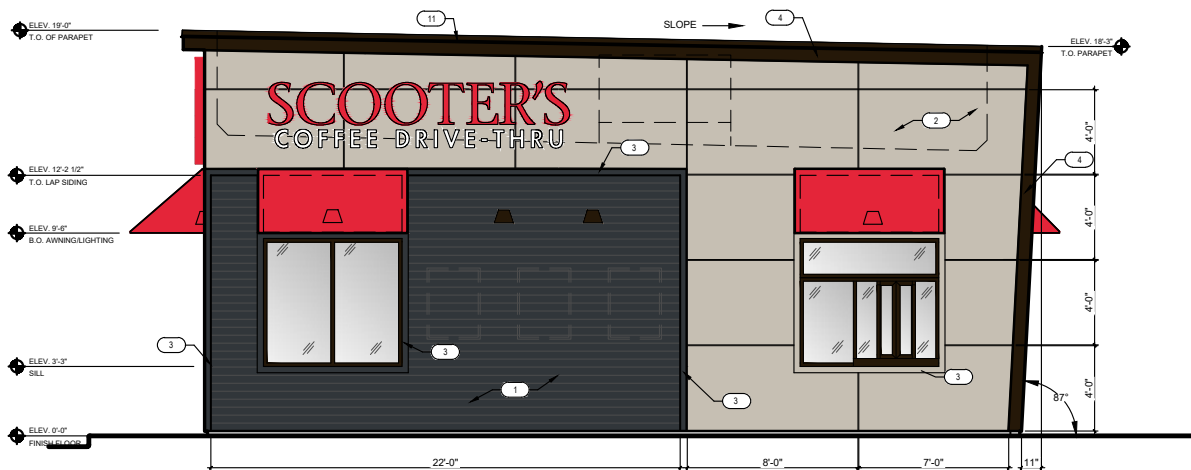


1 REAR ELEVATION
SCALE: 1/8" = 1'-0"

2 FRONT ELEVATION
SCALE: 1/8" = 1'-0"



3 DRIVE THROUGH SIDE ELEVATION
SCALE: 1/8" = 1'-0"



4 SIDE ELEVATION
SCALE: 1/8" = 1'-0"

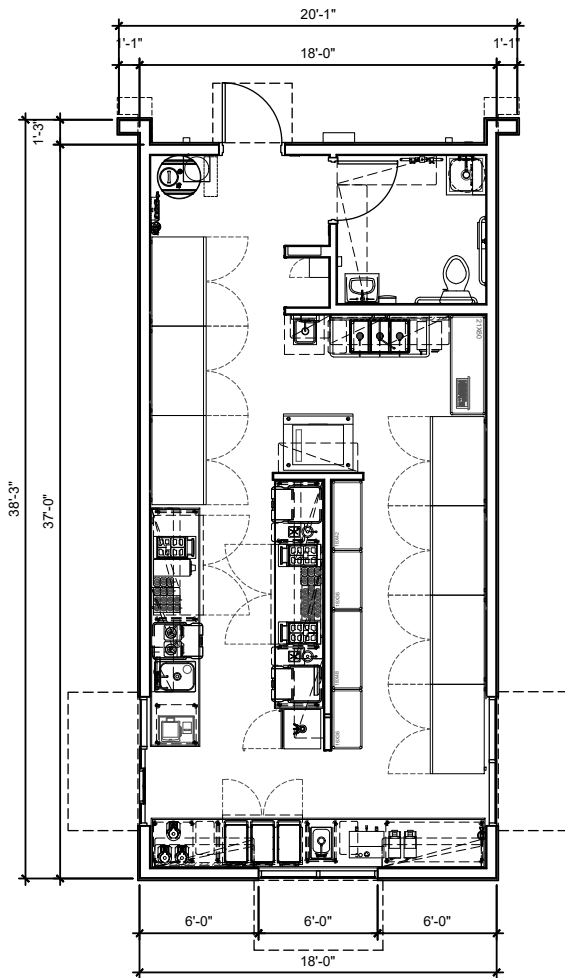
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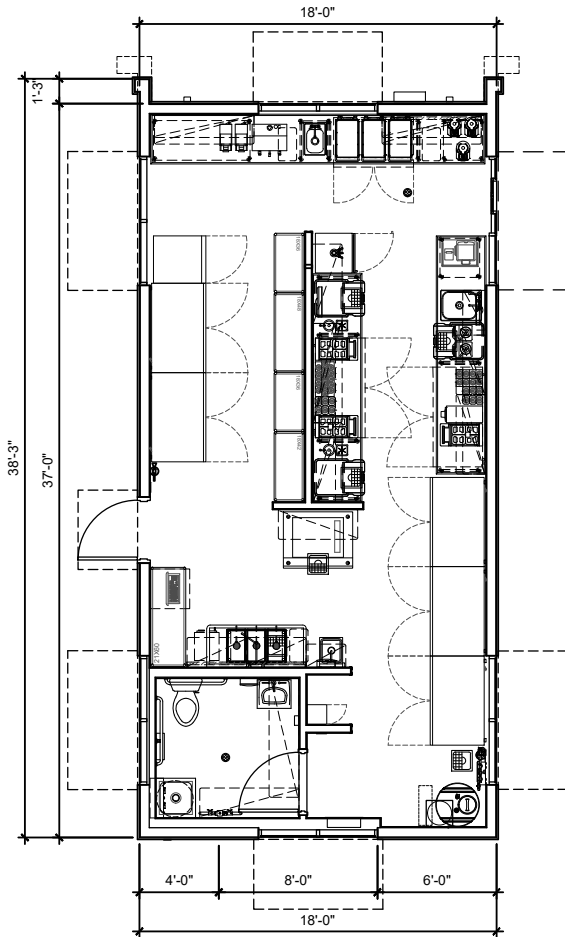
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04/25/2022





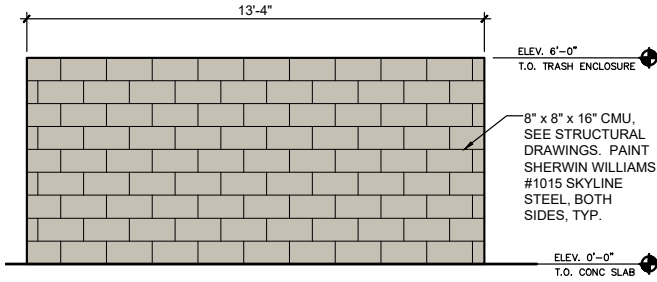
1 FLOOR PLAN - STANDARD
SCALE: 1/8" = 1'-0"



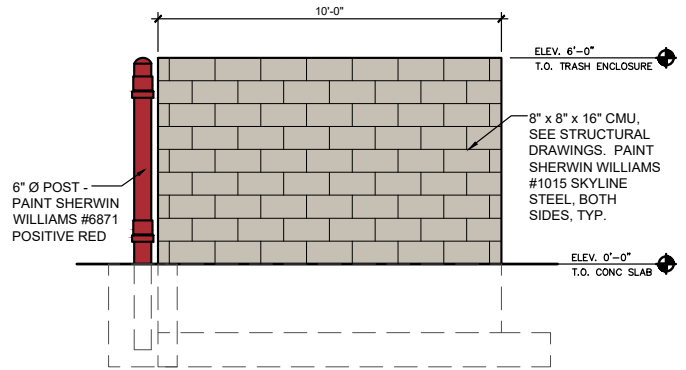
2 FLOOR PLAN - FLIP REVERSE
SCALE: 1/8" = 1'-0"

4.0 PROTOTYPE
04/25/2022

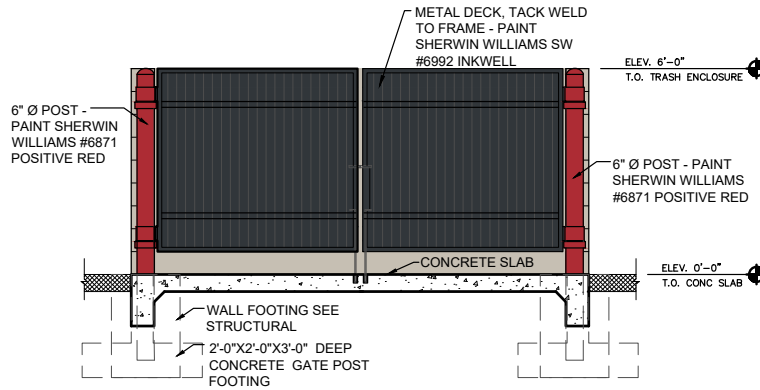




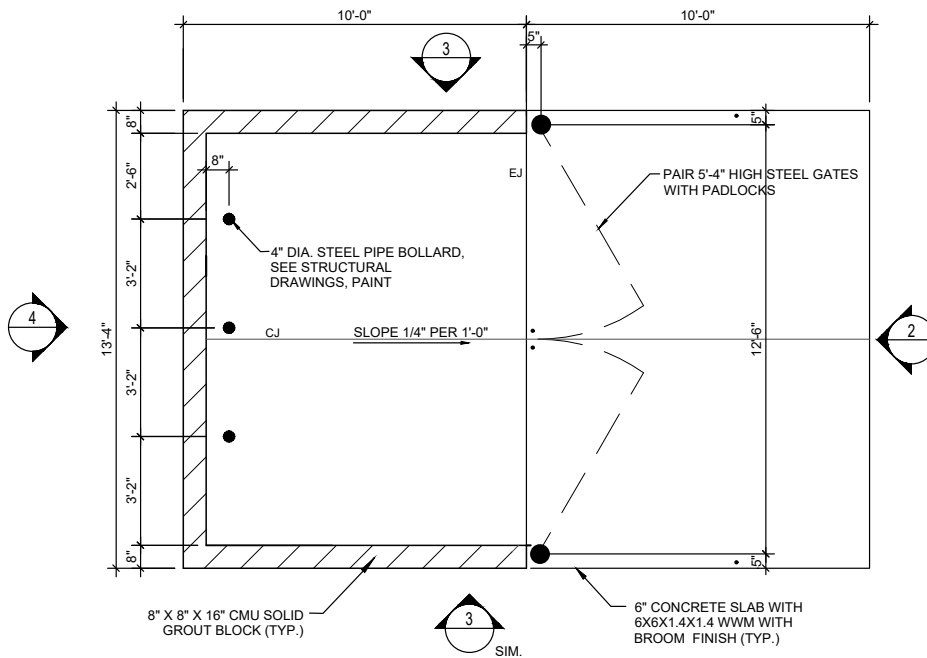
4 TRASH ENCLOSURE ELEVATION
SCALE: 3/16" = 1'-0"



3 TRASH ENCLOSURE ELEVATION
SCALE: 3/16" = 1'-0"



2 TRASH ENCLOSURE ELEVATION
SCALE: 3/16" = 1'-0"



1 TRASH ENCLOSURE PLAN
SCALE: 3/16" = 1'-0"

4.0 PROTOTYPE
04/25/2022





7 3D View 1 - Exit Tower View
12" = 1'-0"



2 3D View 2 - Southwest Corner
12" = 1'-0"



3 3D View 3 - South Side Street View
12" = 1'-0"



4 3D View 4 SE Corner
12" = 1'-0"



5 3D View 5 East Side
12" = 1'-0"



6 3D View NE Birds Eye View
12" = 1'-0"

**VILLAGE OF NORTH AURORA
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
CC: STEVE BOSCO, VILLAGE ADMINISTRATOR
FROM: MIKE TOTH, BUSINESS SERVICES MANAGER
SUBJECT: TOBACCO CODE UPDATES
AGENDA: AUGUST 19, 2024 COMMITTEE OF THE WHOLE MEETING

DISCUSSION

The Village routinely revisits code provisions to ensure the policies and procedures in place are aligned with current practice and with that of other regulatory agencies. The following list is a summation of the changes:

- Create a definition for Alternative Tobacco Products and regulate them in the same manner as tobacco products.
- Increase the tobacco license fee from \$105.00 to \$150.00. This fee has remained the same since 2008.
- Increase the age to purchase and possess tobacco products and alternative tobacco products from eighteen (18) to twenty-one (21) years of age to align with state law.

Staff is seeking feedback from the Village Board on the proposed amendments to the Tobacco Code.

Chapter 5.40 REGULATION AND INSPECTION OF TOBACCO

5.40.010 Definitions.

The following definitions shall apply to this chapter:

"Alternative Tobacco Product" means any "alternative nicotine product" as defined under the Illinois Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act ("the Act"), as amended from time to time, specifically including electronic cigarettes or e-cigarettes.

"Licensee" means any person who has filed a duly completed application for a license to sell tobacco products or alternative tobacco products in the village, which application is approved, on behalf of the individual applicant or any person desiring to sell tobacco products in the village, and the term shall include, if the applicant has applied for the license on behalf of another person, that person on whose behalf the license application has been filed.

"Nicotine" means any form of the chemical nicotine, including any salt or complex, regardless of whether the chemical is naturally or synthetically derived.

"Resident manager" means a person residing in the Village of North Aurora who has supervision over all employees and agents at the business location in the village where tobacco and tobacco products will be sold.

"Self-service display" means a display that permits a consumer to remove a tobacco product without the retailer's direct assistance. Self-service displays are also sometimes known as merchandisers and appear in many different shapes and sizes, and are usually placed near cash registers and provide direct access to tobacco products by the consumer.

~~"Smokeless tobacco" means any loose, cut, shredded, ground, powdered, compressed or leaf tobacco that is intended to be placed in the mouth without being smoked.~~

"Tobacco product" means any cigarette, cigar, or tobacco in any other form, including smokeless tobacco, product containing or made from tobacco as defined in the Act.

"Vending machine" means any mechanical, electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products.

(Ord. 01-03-12-05 § 1)

5.40.020 License required—Expiration and renewal.

- A. No person shall sell or offer for sale ~~any cigars, cigarettes, tobacco, cigarette papers or wrappers in the Village of North Aurora without first procuring the license herein provided.~~ at retail, give away, deliver or to keep with the intention of selling at retail, giving away or delivering tobacco products or alternative tobacco products within the village without having first obtained a valid tobacco license from the village for each location in which tobacco products or alternative tobacco products are sold.
- B. The license shall expire each year and shall be renewed annually on or before June 1st and must be renewed on or before that date annually.

(Ord. 01-03-12-05 § 2)

5.40.030 License application—Issuance—Fee.

- A. Any person desiring to sell, have for sale, offer for sale, give away, ~~deliver or keep with the intention of selling at retail or giving away, any cigars, cigarettes, tobacco, cigarette papers or wrappers, or deliver tobacco products or alternative tobacco products~~ shall make application or cause an application to be made for a license for that purpose to the village administrator which shall include the following information:
1. The full name of the applicant;
 2. The location at which such sales are proposed to be made;
 3. Such information as may be necessary for the village to conduct an appropriate background check (which information shall not be required if the applicant is currently the holder of a valid village liquor license, tobacco license or other license in the village for which a criminal background check is required); and
 4. Such other information as the village administrator deems necessary and reasonable for the processing of the application in conformance with this chapter.
- B. If the applicant satisfies the criteria set forth in this chapter for a person to hold a tobacco license, a license shall be issued to the applicant upon the payment of a license fee as provided in this section.
- C. No license shall be issued or renewed to or on behalf of the following:
1. A person who is indebted to the village or other governmental entity for payment of any fees, charges, bills or taxes which he is obligated to pay but have remained unpaid for more than forty-five (45) days;
 2. A person who has been convicted of a felony under federal or state law;
 3. A person who has been convicted of a violation of any federal, state, or local law concerning the possession or sale of tobacco or tobacco products or has forfeited a bond to appear in court to answer any charges for such a violation;
 4. A person who, within one year of application for a tobacco license, has been convicted of, pled guilty to, or been placed on supervision for any tobacco related offense;
 5. A person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee.
 6. A person who does not own the premises for which a license is sought or who does not have a lease thereon for the full period for which the license is to be issued.
- D. Any licensee who has been convicted of a felony under any federal or state law, any misdemeanor in which tobacco products were involved or any violation listed in subsections (1) through (6) above shall notify village administrator of such conviction within thirty (30) days after the sentencing for the conviction.
- E. The tobacco license shall be in addition to any other license required by the village.
- F. An annual fee of ~~seventy five dollars (\$75.00) beginning June 1, 2005, eighty five dollars (\$85.00) beginning June 1, 2006, ninety five dollars (\$95.00) beginning June 1, 2007, and one hundred five fifty dollars (\$105.00) (\$150.00) beginning June 1, 2008~~ shall be charged for each tobacco license to offset the cost of the administration of this chapter.
- G. Applications shall be made on behalf of any persons desiring a license to sell tobacco products and alternative tobacco products, as follows:
1. On behalf of a sole proprietorship, by the sole proprietor;
 2. On behalf of a corporation, by the first in order of priority of the following individuals:

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- a. Resident shareholder;
 - b. Resident director;
 - c. Resident officer;
 - d. Resident manager;
 - e. Any other individual person having authority delegated specifically by the entity to make application on behalf of the entity for a license to sell tobacco and tobacco products.
3. On behalf of a limited liability company, by the first in order of priority of the following individuals:
 - a. Resident managing members;
 - b. Resident managing officers;
 - c. Resident managers;
 - d. Any other individual person having authority delegated specifically by the entity to make application on behalf of the entity for a license to sell tobacco and tobacco products.
 4. On behalf of partnerships, by the first in order of priority of the following individuals:
 - a. General partner;
 - b. Resident manager.
 5. On behalf of an organization, association or other entity, by the first in order of priority of the following individuals:
 - a. Resident manager;
 - b. Any other individual person having authority delegated specifically by the entity to make application on behalf of the entity for a license to sell tobacco and tobacco products.

Any person making an application on behalf of a person selling tobacco products or alternative tobacco products in the Village of North Aurora shall be presumed to have authority to make such application to sell tobacco products and alternative tobacco products if the application is made and tobacco products and alternative tobacco products are actually sold at the business location in the village for which the application is made.

(Ord. 05-05-23-03 § 16; Ord. 01-03-12-05 § 3)

5.40.040 Inspection of tobacco products.

It shall be the duty of all persons selling or offering for sale any tobacco products or alternative tobacco products to permit inspection of the premises where the tobacco products or alternative tobacco products are sold at reasonable times during normal business hours. The village shall have the authority to inspect as to the placement and control of vending machines pursuant to Section 5.40.120, and the placement and control of self-service displays pursuant to Section 5.40.130.

(Ord. 01-03-12-05 § 4)

5.40.050 Sales to minors prohibited.

It shall be unlawful for any person, including any licensee, to sell, offer for sale, give away or deliver tobacco products or alternative tobacco products to any person under the age of ~~eighteen (18)~~ twenty-one (21) years.

Each licensee, or his or her agent, is responsible to determine that all sales of tobacco products or alternative tobacco products comply with this section by requesting of any person desiring to purchase tobacco products or alternative tobacco products ~~and are~~ checking an identification document issued by a governmental agency which contains the date of birth and picture of the purchaser and which states that the person purchasing the tobacco product or alternative tobacco product is not less than ~~eighteen (18)~~ twenty-one (21) years of age.

(Ord. 01-03-12-05 § 5)

5.40.060 Purchase by minors prohibited.

It shall be unlawful for any person under the age of ~~eighteen (18)~~ twenty-one (21) years to purchase tobacco products or alternative tobacco products or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco or tobacco products.

(Ord. 01-03-12-05 § 6)

5.40.070 Sales by ~~minors prohibited~~ persons under the age of eighteen (18).

It shall be unlawful for any licensee or person, or any officer, associate, member, representative, agent or employee of such licensee or person, to engage, employ or permit any person under eighteen (18) years to sell tobacco products in the village unless the cash register electronically prompts the cashier to input the purchaser's date of birth.

(Ord. 01-03-12-05 § 7)

5.40.080 Possession by minors prohibited.

It shall be unlawful for any person under the age of ~~eighteen (18)~~ twenty-one (21) years to possess or use any tobacco products or alternative tobacco products; provided that the possession or use of tobacco products or alternative tobacco products by a person under the age of ~~eighteen (18)~~ twenty-one (21) years under the direct supervision of the parent or guardian of such person in the privacy of the parent's or guardian's home shall not be prohibited.

(Ord. 01-03-12-05 § 8)

5.40.090 Fines for possession and purchase by minor.

Fines for possession and/or purchase of tobacco products or alternative tobacco products by a person under ~~eighteen (18)~~ twenty-one (21) years of age shall be:

- A. Not less than fifty dollars (\$50.00) nor more than seven hundred and fifty dollars (\$750.00) for violation of Section 5.40.060.
- B. Not less than twenty five dollars (\$25.00) nor more than seven hundred and fifty dollars (\$750.00) for violation of Section 5.40.080.

(Ord. 01-03-12-05 § 9)

5.40.100 Signs required

Signs informing the public of the age restrictions provided for herein shall be posted by every licensee at or near every display of tobacco products and on or upon every vending machine which offers tobacco products for sale in the village.

Each sign shall be plainly visible and shall state:

"THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER ~~EIGHTEEN~~ TWENTY-ONE YEARS OF AGE IS PROHIBITED BY LAW."

The text of such signs shall be in red letters on a white background, said letters to be at least one inch.

(Ord. 01-03-12-05 § 10)

5.40.110 Sale of individual cigarettes prohibited.

It shall be unlawful for any licensee or person to sell cigarettes individually.

(Ord. 01-03-12-05 § 11)

5.40.120 Vending machines.

~~It shall be unlawful for any licensee or person to sell or offer for sale, give away, deliver or keep with the intention of selling, giving away or delivering tobacco products by use of a vending machine, unless such vending machine is:~~

- ~~A. Located in a manner that will allow it to be easily and readily observed at all times and during all business hours;~~
- ~~B. Equipped with a manual, electric or electronic locking device controlled by the licensee so as to prevent its operation by persons under the age of eighteen (18) years;~~
- ~~C. Or in any other way that complies with the Illinois Sale of Tobacco to Minors Act codified at 720 ILCS 675/1 et. seq.~~

~~A vending machine shall be considered in compliance with subsection A of this section if it is in the line of sight of a licensee or person who has authority and responsibility to sell tobacco products for the licensee or person on whose behalf the license is obtained~~

~~Any premises where access by persons under the age of eighteen (18) years is prohibited by law, or premises where the public is generally not permitted and where vending machines are strictly for the use of employees of businesses located at such premises, shall be exempt from the requirements of the above section.~~

Tobacco products or alternative tobacco products may be sold through a vending machine only if such products are not placed together with any non-tobacco product, other than matches or lighters, in the vending machine, the vending machine is equipped with a manual, electric or electronic locking device controlled by the licensee so as to prevent its operation by persons under the age of twenty-one (21) years and the vending machine is in any of the following locations:

- A. Within line of sight of a licensee or person who has authority and responsibility to sell tobacco products or alternative tobacco products for the licensee;
- B. Places to which persons under 21 years of age are not permitted access at any time;

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- C. Places where alcoholic beverages are sold and consumed on the premises and vending machine operation is under the direct supervision of the owner or manager.

(Ord. 01-03-12-05 § 12)

5.40.130 Self-service displays.

Self-service displays of tobacco products or alternative tobacco products are prohibited, except where no one under the age of ~~eighteen (18)~~ twenty-one (21) years is permitted to enter the room on the premises where a self-service display is located.

(Ord. 01-03-12-05 § 13)

5.40.140 Free samples.

No person may distribute to or cause to be distributed, anywhere within the village any free samples of tobacco products or alternative tobacco products.

(Ord. 01-03-12-05 § 14)

5.40.150 Restriction on the location of licensed premises.

No license shall be issued to sell, have for sale, offer for sale, give away, deliver or keep with the intention of selling at retail or giving away, any tobacco or tobacco products, nor shall any person sell, offer to sell, give away, or deliver tobacco or tobacco products to any person, regardless of age, on any premises located within one hundred (100) feet of a school, child care facility, or other recreational or educational facility used primarily by or for persons under the age of eighteen (18) years as measured from building to building. This subsection shall not be applicable to any business selling at retail any tobacco or tobacco products within one hundred (100) feet of a school, child care facility, or recreation or educational facility prior to the enactment of this chapter, or to any business that was licensed to sell tobacco or tobacco products prior to the construction of a school, child care facility, or recreational or educational facility within one hundred (100) feet of the licensee's premises.

(Ord. 01-03-12-05 § 15)

5.40.160 Responsibility for agents or employees.

Every act or omission of whatever nature, constituting a violation of any provision of this chapter by any officer, director, manager or other agent or employee of any licensee or person on who's behalf a license was obtained shall be deemed and held to be the act of such licensee or person on who's behalf a license was obtained; and such licensee shall be punishable in the same manner as if such act or omission had been done or omitted by the licensee or person on who's behalf a license was obtained personally.

(Ord. 01-03-12-05 § 16)

5.40.170 Penalty.

Any person who is found to have violated any of the provisions of this chapter, unless otherwise indicated in this chapter, may be subject to any combination of the following:

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- A. A fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) plus costs, which include but are not limited to, court reporter's fees, transcripts or records, attorney's fees, preparing and mailing notices and orders, and all other miscellaneous expenses incurred by the village; or
 - B. Suspension of the license with or without conditions; or
 - C. Revocation of the license.
 - D. Each day on which a violation continues shall constitute a separate violation.

(Ord. 01-03-12-05 § 17)

5.40.180 Additional cause for suspension or revocation.

In addition to any violation of the requirements or prohibitions of this chapter, a license may be subject to suspension or revocation if:

- A. The licensee is in violation of applicable federal, state or local laws or regulations affecting the health and safety of the patrons or of the public generally.
- B. The licensee gave any materially false, fraudulent or untruthful information on the original or renewal application form.
- C. The business for which the license was obtained has been closed for business for a period of thirty (30) consecutive days, unless such closure is due to circumstances beyond the control of the licensee and the licensee is proceeding with due diligence, given all attendant circumstances, to reopen the business.
- D. The licensee becomes ineligible to obtain or hold a license.
- E. The licensee is delinquent on any fee, tax or other debt owed to the Village of North Aurora.
- F. The licensee has engaged in any other act or omission which demonstrates the Licensee's inability to operate the business in accordance with applicable law.

(Ord. 01-03-12-05 § 18)

5.40.190 Revocation or suspension procedures.

No ~~fine~~, suspension, or revocation shall be imposed except after a public hearing held by the village administrator or designee in accordance with the following:

- A. Notice of Revocation or Suspension. If after a reasonable investigation, it is found that a violation of any provision of this chapter or cause to suspend or revoke a license has likely occurred, the village administrator shall notify the licensee in writing by certified mail, return receipt requested, to the mailing address supplied by the licensee in the application, stating:
 - 1. The particular violation(s) of this chapter or other cause believed to have occurred;
 - 2. That suspension or revocation of the license is being considered; and
 - 3. The time, date and place that a hearing shall be held to determine whether a violation of this chapter or cause for suspension or revocation has occurred and, if so, whether the license shall be suspended or terminated.

(Supp. No. 79)

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- B. Hearing Procedure. The hearing shall be conducted by the village president or designee. The hearing shall be held not less than ten (10) business days after the notice of revocation or suspension has been mailed. At the hearing the village president or designee shall receive oral and written testimony. The hearing shall be conducted pursuant to the rules adopted in Illinois Administrative Procedure Act, Section 10-40 (5) ILCS 100/10-40, and any other rules adopted by the village president which are not inconsistent therewith. A written record may be made of the hearing at the option of the licensee.
 - C. Determination of Violation and/or Cause. The village president shall render a written decision and issue notice thereof to the licensee within five business days after the conclusion of the hearing either denying the suspension or revocation of license, upholding the suspension or revocation of license, or upholding the suspension or revocation of license upon modified terms and conditions. In case of suspension, the written order shall specify the period of suspension and/or the terms and conditions on which the suspension order shall be lifted upon remedial action taken by the licensee. The determination and order of the village president shall be final unless a timely appeal is filed.
 - D. Notice of Appeal. A licensee may appeal a decision to revoke or suspend a license by filing a written notice of appeal with the village administrator within five business days after the licensee is given notice of the revocation or suspension. A timely notice of appeal shall stay the suspension or revocation of the license. The licensee's notice of appeal shall set forth the grounds on which the suspension or revocation is challenged.
 - E. Filing of Record on Appeal. The licensee shall have ten (10) business days from the notice of decision in which to file with the village administrator any written transcript and any and all documentation entered into evidence. The licensee may also file a written agreement or position statement within the same time period in which the record must be filed.
 - F. Decision on Appeal. The appeal shall be considered by the corporate authorities of the village at the next regular board meeting after the record on appeal is filed. No additional evidence or testimony shall be heard. The appeal shall be decided on the basis of the written record alone. A written decision shall be made by the corporate authorities no later than the next regular board meeting following the board meeting at which the appeal is first considered.
 - G. Deliberations. All deliberations on appeal shall be closed to the public unless otherwise required by law.
 - H. Costs. The licensee shall pay the costs of these proceedings within thirty (30) days of notification of the costs. Failure to pay the costs within thirty (30) days of notification is a violation of this chapter and may be cause for fine, suspension, or revocation.

(Ord. 01-03-12-05 § 19)

5.40.200 Use of premises after revocation.

When any license issued under this chapter is revoked, no license shall be granted to any person for the same business for a period of twelve (12) months thereafter.

(Ord. 01-03-12-05 § 20)

5.40.210 Publication.

This chapter shall be published by the village clerk in pamphlet form.

(Ord. 01-03-12-05 § 21)

**VILLAGE OF NORTH AURORA
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
CC: STEVE BOSCO, VILLAGE ADMINISTRATOR

FROM: NATHAN DARGA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: TEXT AMENDMENTS TO VILLAGE'S ZONING ORDINANCE FOR PERMITTED AND SPECIAL USES

AGENDA: AUGUST 19, 2024, VILLAGE BOARD COMMITTEE OF THE WHOLE AGENDA

ITEM

Amending Title 17 of the North Aurora Code of Ordinances Regarding Permitted and Special Uses and Other Corrections and Clarifications

BACKGROUND

The Village of North Aurora maintains a Zoning Ordinance, which is found in Title 17 of the Code Ordinances (North Aurora's Municipal Code). Staff reviews the Village's Zoning Ordinance on an ongoing basis to ensure it is consistent with how the Village enforces the Ordinance and is up to date with the best practices for planning and zoning. Included with this is a periodic review of the lists of permitted and special uses in each district. This is also identified in the Strategic Plan under the Economic Development Goal.

The tables were all updated to have consistent terms and order of uses. Listed below are the highlights of the changes for each district:

- Chapter 7.2 (residential) – Updated residential use list to combine assisted living, independent living, and nursing home. Added home occupations to the list and removed hospitals.
- Chapter 8.2 (business) – Updated commercial use list to add multi-family and mixed use development as special use, combined multiple recreation categories into Entertainment / Recreation Facility Indoor or Outdoor, and combined multiple retail categories into Retail Goods / Services. Additionally, motor vehicle repair was divided into major and minor categories and the cocktail lounge / bar / tavern / nightclub uses were cleaned up.
- Chapter 9.2 (industrial) – Updated industrial use list to add data centers as a special use. Cleaned up description and definitions for light, medium, and heavy industrial as well as food users.
- Chapter 10.2 (specific districts) – Updated specific use lists for data centers, food processing, and contractor's office.
- Chapter 11.2 (use standards) – Updated use standards for entertainment / recreational facilities, contractor's offices, and gas stations.

- Chapter 16.3 (definitions) – General update of definitions to remove unused terms, and add new terms to match the updates use lists and define uses that were listed previously but never defined.

The Plan Commission held a Public Hearing on the topic on July 2, 2024. The minutes of the meeting are attached for your reference. Also attached is the proposed text amendment language in redline format and the draft ordinance language. Staff is requesting the Board's feedback on this proposal.

VILLAGE OF NORTH AURORA



VILLAGE OF
NORTH
AURORA

VILLAGE OF NORTH AURORA
KANE COUNTY, ILLINOIS

Ordinance No. _____

**AN ORDINANCE AMENDING TITLE 17 OF THE NORTH AURORA CODE OF
ORDINANCES REGARDING PERMITTED AND SPECIAL USES AND OTHER
CORRECTIONS AND CLARIFICATIONS**

Adopted by the
Board of Trustees and President
of the Village of North Aurora
this ____ day of _____, 2024

Published in Pamphlet Form
by authority of the Board of Trustees of the
Village of North Aurora, Kane County, Illinois,
this ____ day of _____, 2024
by _____.

Signed _____

ORDINANCE NO. _____

VILLAGE OF NORTH AURORA

AN ORDINANCE AMENDING TITLE 17 OF THE NORTH AURORA CODE OF ORDINANCES REGARDING PERMITTED AND SPECIAL USES AND OTHER CORRECTIONS AND CLARIFICATIONS

(Petition #24-09; Text Amendments to the Zoning Ordinance)

WHEREAS, the Village of North Aurora maintains a Zoning Ordinance which is found in Title 17 of the Code of Ordinances North Aurora, Illinois; and,

WHEREAS, the Community Development Director has identified and recommends text amendments to the Zoning Ordinance as set forth herein; and,

WHEREAS, a public hearing to consider text amendments to the Zoning Ordinance has been conducted by the Village of North Aurora Plan Commission on July 2, 2024 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the text amendments described herein; and,

WHEREAS, the President and Board of Trustees adopt the findings and recommendations of the Plan Commission as reasonable, consistent with the general goals and purposes of the Zoning Code and determine they are in the best interests of the Village.

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

SECTION 1: The recitals set forth above are adopted and incorporated herein as the material findings of the President and Board of Trustees.

SECTION 2: Title 17, Chapter 7, Section 7.2 – Permitted and Special Uses, of the Code of North Aurora, Illinois is hereby amended to read as provided in Exhibit A attached hereto and made a part hereof by this reference.

SECTION 3: Title 17, Chapter 8, Section 8.2 – Permitted and Special Uses, of the Code of North Aurora, Illinois is hereby amended to read as provided in Exhibit B attached hereto and made a part hereof by this reference.

SECTION 4: Title 17, Chapter 9, Section 9.2 – Permitted and Special Uses, of the Code of North Aurora, Illinois is hereby amended to read as provided in Exhibit C attached hereto and made a part hereof by this reference.

SECTION 5: Title 17, Chapter 10, Section 10.2 – Permitted and Special Uses, of the Code of North Aurora, Illinois is hereby amended to read as provided in Exhibit D attached hereto and made a part hereof by this reference.

VILLAGE OF NORTH AURORA

SECTION 6: Title 17, Chapter 11, Section 11.2 – Use Standards, of the Code of North Aurora, Illinois is hereby amended to read as provided in Exhibit E attached hereto and made a part hereof by this reference.

SECTION 7: Title 17, Chapter 16, Section 16.3 – General Terms, of the Code of North Aurora, Illinois is hereby amended to read as provided in Exhibit F attached hereto and made a part hereof by this reference.

SECTION 8: Title 17, Appendix B – Fee Schedule, of the Code of North Aurora, Illinois is hereby amended to delete in its entirety.

SECTION 9: All references to “Appendix B” in Title 17 of the Code of North Aurora, Illinois are hereby amended to read “Title 15, Chapter 15.56” Such references are located in the following sections: 3.1.C; 4.1; 4.2; 4.3; 4.4; 4.5; 4.6; 4.7; 5.9; 11.3.A.1; 11.3.C.8.m; 11.3.C.9.g; 11.3.C.10.d

SECTION 10: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, or any part thereof. The Village Board of Trustees hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 11: This Ordinance shall take immediate full force and effect from and after its passage, approval, publication and such other acts as required by law.

Presented to the Board of Trustees of the Village of North Aurora, Kane County, Illinois this ____ day of _____, 2024 A.D.

Passed by the Board of Trustees of the Village of North Aurora, Kane County, Illinois this ____ day of _____, 2024, A.D.

Jason Christiansen _____

Laura Curtis _____

Mark Guethle _____

Michael Lowery _____

Todd Niedzwiedz _____

Carolyn Bird Salazar _____

Approved and signed by me as President of the Board of Trustees of the Village of North Aurora, Kane County, Illinois this ____ day of _____, 2024, A.D.

VILLAGE OF NORTH AURORA

Mark Gaffino, Village President

ATTEST:

Jessi Watkins, Village Clerk

VILLAGE OF NORTH AURORA

Exhibit A

Text of Tile 17, Chapter 7, Section 7.2

Permitted and Special Uses in Residential Districts

VILLAGE OF NORTH AURORA

Exhibit B

Text of Tile 17, Chapter 8, Section 8.2

Permitted and Special Uses in Business Districts

VILLAGE OF NORTH AURORA

Exhibit C

Text of Tile 17, Chapter 9, Section 9.2

Permitted and Special Uses in Industrial Districts

VILLAGE OF NORTH AURORA

Exhibit D

Text of Tile 17, Chapter 10, Section 10.2

Permitted and Special Uses in Specific Use Districts

VILLAGE OF NORTH AURORA

Exhibit E

Text of Tile 17, Chapter 11, Section 11.2

Use Standards

VILLAGE OF NORTH AURORA

Exhibit F

Text of Tile 17, Chapter 16, Section 16.3

General Terms

7.2 Permitted and special uses.

Table 7-1: Residential District Permitted and Special Uses lists permitted and special uses for the residential districts. A "P" indicates that a use is considered permitted within that district. An "S" indicates that a use is considered a special use in that district and must obtain a special use permit as required in Section 4.3 (Special Uses). A blank space or the absence of a use from the table indicates that use is not permitted within that district. No land which is located in a residence district shall be used for driveway, walkway, or access purposes to any land which is located in a business or industrial district, or used for any purpose not permitted in a residential district.

VILLAGE OF NORTH AURORA, ILLINOIS										
TABLE 7-1: RESIDENTIAL DISTRICT PERMITTED AND SPECIAL USES										
P = Permitted Use S = Special Use Blank = Prohibited Use										
Use	Zoning District									Specific Use Standards
	R-1	R-1A	R-2	R-2A	R-3	R-4	E-R	E-1	E-3	
RESIDENTIAL USES										
Assisted Living Facility, Independent Living Facility, and/or Nursing Home					S	P S				Section 11.2.A.1
Community Residence, Large (More than 8 persons)					P	P				Section 11.2.A.2
Community Residence, Small (8 or fewer persons)	P	P	P	P			P	P	P	Section 11.2.A.2
Independent Living Facility					S	S				Section 11.2.A.1
Nursing Home					S	S				Section 11.2.A.1
Dwelling, Multiple-Family or Townhouse					P	P				Section 11.2.A.3
Dwelling, Single-Family	P	P	P	P	P	P	P	P	P	
Dwelling, Townhouse					P	P				Section 11.2.A.3
Dwelling, Two-Family	S	S	S	P	P	P				

Mobile Home						S				Section 11.2.A.4
CIVIC AND MUNICIPAL USES										
Cemetery	S	S	S	S	S	S				
Cultural Facility or Museum						P	P			Section 11.2.B.1
Hospital						S	P			
Library	P	P	P	P	P	P	P	P	P	
Park and/or Open Space	P	P	P	P	P	P	P	P	P	
Place of Worship	S	S	S	S	S	P S	S	S	S	Section 11.2.B.2
Village Office or Facility	P	P	P	P	P	P	P	P	P	
EDUCATIONAL USES										
Educational Facility, College/University						S	P S			
Educational Facility, Commercial, Vocational or Trade						S	P S			
Educational Facility, Elementary and/or Secondary (Nonresidential)	P	P	P	P	P	P	P	S	S	S
Educational Facility, Elementary and/or Secondary (Residential)						S	S			
Nursery School or Preschool						S	P			
ENTERTAINMENT AND RECREATIONAL USES										
Forest Preserve										
Golf Course	S	S	S	S			S	S	S	

Wireless Telecommunications Facility	§	§	§	§	§	§	§	§	§	Section 11.2.F.2
Wireless Telecommunications Tower	§	§	§	§	§	§	§	§	§	Section 11.2.F.2

TABLE 7-1: FOOTNOTES

¹ Only wireless telecommunications antennas that comply with the stealth design standards of Section 11.2.F.2.l shall be considered permitted uses.

8.2 Permitted and special uses.

- A. Table 8-1 Business District Permitted and Special Uses lists permitted and special uses for the business districts. A "P" indicates that a use is considered permitted within that district. An "S" indicates that a use is considered a special use in that district and must receive special use approval as required in Section 4.3 (Special Uses). A blank space, or the absence of a in from the table, indicates that use is not allowed within that district.

VILLAGE OF NORTH AURORA, ILLINOIS				
TABLE 8-1: BUSINESS DISTRICT PERMITTED AND SPECIAL USES				
P = Permitted Use S = Special Use Blank = Prohibited Use				
Use	Zoning District			Specific Use Standards
	B-1	B-2	B-3	
RESIDENTIAL USES				
Assisted Living Facility, Independent Living Facility, and/or Nursing Home		S	S	Section 11.2.A.1
Dormitory		S		
Dwelling, Multi-Family or Townhouse	S	S	S	Section 11.2.A.3
Mixed Use Development	S	S	S	Section 11.2.A.6
CIVIC AND MUNICIPAL USES				
Community Center	S	S	S	
Cultural Facility or Museum		S	S	Section 11.2.B.1
Government Office or Facility (Non-Village)	S	S	S	
Hospital		S		
Library		S	S	
Park and/or Open Space	P	P	P	
Place of Worship	S	S	S	Section 11.2.B.2
Village Office or Facility	P	P	P	
EDUCATIONAL USES				
Educational Facility, College/University		S	S	
Educational Facility, Commercial, Vocational or Trade		S	S	

Educational Facility, Elementary and/or Secondary (Residential or Nonresidential)		S	S	
Educational Facility, Vocational School		S	S	
Nursery School or Preschool		S	S	
ENTERTAINMENT AND RECREATIONAL USES				
Amusement Park		S		
Auditorium		S	S	
Club, Lodge or Hall	S	S	S	Section 11.2.C.1
Entertainment / Recreation Facility, Indoor		P	S	Section 11.2.C.2
Entertainment / Recreation Facility, Outdoor		S	S	Section 11.2.C.3
Golf Course		S		
Golf Driving Range		S		
Recreation, Indoor	S	S		Section 11.2.C.2
Recreation, Outdoor	S	S		Section 11.2.C.3
Stadium or Arena		S		
Theater	S	S	S	
RETAIL AND SERVICE USES				
Adult Use Cannabis Dispensing Organization	S	S	S	Section 11.2.G
Air Conditioning Sales and/or Service		P	P	
Animal, Daycare Center, Training, Pound, Shelter and/or Kennel		S	S	Section 11.2.D.7
Animal, Grooming Service		P	P	
Animal, Hospital and Veterinary Clinic		S	S	Section 11.2.D.7
Animal Pound, Shelter and/or Kennel		S		Section 11.2.D.7
Antique Shop	P	P	P	
Arcade	P	P	P	
Art Gallery	P	P	P	
Artist or Photographic Studio / Art Gallery	P	P	P	

Auction House		P	S	
Bait Shop	S	S	S	
Bakery, Retail	P	P	P	
Banquet Hall		S	S	
Bar / Tavern		S	S	
Barber Shop, Beauty Shop, and/or Salon and/or Spa	P	P	P	
Bed and Breakfast Guest Home	S		S	
Bicycle Sales and/or Service	P	P	P	
Building Material and Supply Store		S	S	
Business Machine Sales and/or Service		P	P	
Butcher Shop	S	S	S	
Car Wash		S	S	
Cannabis, Dispensing Organization (Medical)	P	P	P	Section 11.2.G
Cannabis, Dispensing Organization (Recreational)	S	S	S	Section 11.2.G
Catering Establishment		P	P	
Clothing and Costume Rental Shop	P	P	P	
Cocktail Lounge, Bar, and/or Nightclub	S	S	S	
Cigar / Hookah Lounge		S	S	
Coffee Shop / Teahouse	P	P	P	
Contractor Office	P	P	P	Section 11.2.D.1
Contractor Yard		S		
Convenience Store	S P	S P	S P	
Currency Exchange, Payday or Title Loan Agency	S	S	S	
Dance and Music Studio, Academy or Conservatory	P	P	P	

Day Care Centers, Adult or Child		S	S	Section 11.2.D.2
Drive-Through Facility		S -P	S	Section 11.2.D.4
Drug Stores / Pharmacy	P	P	P	
Dry Cleaner, Retail	P	P	P	
Financial Service Establishment		P	P	Section 11.2.D.4
Fish Market	S	S	S	
Food Stores/Grocery Store	P	P	P	
Funeral Home		S	S	
Gas Station		S	S	Section 11.2.D.5
Gun Shop		S	S	
Health and Athletic Club		S -P	S -P	
Hotel		P	S	
Ice Cream Shop	P	P	P	
Internet Cafe	P	P	P	
Laboratory, Commercial		P	P	Section 11.2.E
Laundromat	S	S	S	
Laundry Establishment, Commercial			S	
Liquor Store	S	S	S	
Locksmith		P	P	
Massage and/or Spa Establishment		S	S	
Medical Cannabis Dispensaries	P	P	P	
Medical or Dental Laboratory		P	P	
Microbrewery / Microdistillery/ Microwinery	S	S	S	
Microdistillery	S	S	S	
Microwinery	S	S	S	
Motel		S	S	
Motor Vehicle Dealership Sales and/or Service		S		Section 11.2.D.8

Motor Vehicle Rental Establishment /Leasing Agency		S	S	Section 11.2.D.8
Motor Vehicle Repair, Major and/or Service		S	S	Section 11.2.D.9
Motor Vehicle Repair, Minor		P	P	Section 11.2.D.9
Musical Instrument Sales and/or Service		P	P	
Nightclub		S	S	
Nursery and/or Garden Store		S	S	
Off-Track Betting Establishment		P	P	
Office, Business, Medical, Dental and/or Professional	P	P	P	
Office, Medical and/or Dental	P	S	P	
Optician	P	P	P	
Outdoor Dining	S	P	P	Section 11.2.D.10
Parcel Pickup and Delivery Service		P	P	
Parking Garage/Lot, Private	S	S	S	
Parking Garage/Lot, Public	P	P	P	
Parking Lot, Private	P	S	S	
Parking Lot, Public	P	P	P	
Personal Training Establishment	P	P	P	
Photographic Studio	P	P	P	
Post Office	P	P	P	
Printing, and Photocopying Service and/or Sign Store		S P	S P	
Recording Studio		P	P	
Restaurant with/without Outdoor Dining	P	P	P	Section 11.2.D.10
Retail Goods/Services, Including Outdoor Component	S	S	S	
Retail Goods/Services, Indoor	P	P	P	

Secondhand Store or Rummage Resale Shop	S	S	S	
Self-Service Storage Facility		S	S	
Shoe and Hat Repair Shop	P	P	P	
Sign Store	P	P	P	
Tailor and Dressmaking Shop	P	P	P	
Tattoo Parlor / Body Piercing Establishment		P	P	
Tobacco Shop	P	P	P	
Warehousing and Wholesale Establishment		S		
OTHER USES				
Crematorium		S		
Planned Unit Development	S	S	S	Title 17 Chapter 5
Telephone Exchange, Relay, Switching and Transmitting Facilities		S		
Utility	S	S	S	
Water Treatment Facility	S	S	S	
Water Wells, Towers, Reservoirs and Storage Facilities		S		
Wireless Telecommunications Antenna/ Facility / Tower	S, P ¹	S, P ¹	S, P ¹	Section 11.2.F.2
Wireless Telecommunications Facility	S	S	S	Section 11.2.F.2
Wireless Telecommunications Tower	S	S	S	Section 11.2.F.2

TABLE 8-1: FOOTNOTES

¹ Only wireless telecommunications antennas that comply with the stealth design standards of Section 11.2.F.2.l shall be considered permitted uses.

9.2 Permitted and special uses.

- A. Table 9-1: Industrial Districts Permitted and Special Uses lists permitted and special uses for the industrial districts. A "P" indicates that a use is considered permitted within that district. An "S" indicates that a use is considered a special use in that district and must receive special use approval as required in Section 4.3 (Special Uses). A blank space or the absence of a use from the table, indicates that use is not permitted within that district.
- B. In all industrial zoning districts, all storage shall be confined to completely enclosed buildings, or such storage areas must be screened by a solid wall or fence, including solid entrance and exit gates, not less than six feet and not more than eight feet in height. Motor vehicles in operable condition are not subject to this standard.
- C. In the I-1 Limited Industrial District, I-2 General Industrial District and I-3 Central Industrial District all business servicing, or processing, within three hundred (300) feet of a residence or business district shall be conducted within completely enclosed buildings.

VILLAGE OF NORTH AURORA, ILLINOIS				
TABLE 9-1: INDUSTRIAL DISTRICT PERMITTED AND SPECIAL USES				
P = Permitted Use S = Special Use Blank = Prohibited Use				
Use	Zoning District			Specific Use Standards
	I-1	I-2	I-3	
RESIDENTIAL USES				
Watchmen's Dwelling		P		
TRANSPORTATION USES				
Airport	S	S		
Bus Storage Facility	S	S		
Heliport	S	S		
CIVIC AND MUNICIPAL USES				
Community Center	S	S		
Park and/or Open Space	P	S P	P	
Recycling Center		S		
Refuse Dump		S		
Village Office or Facility	P	P		
EDUCATIONAL USES				
Educational Facility, Commercial, Vocational or Trade	P	P		

ENTERTAINMENT AND RECREATIONAL USES				
Club, Lodge or Hall	S	S		
Entertainment / Recreation Facility, Indoor	S	S		Section 11.2.C.2
Entertainment / Recreation Facility, Outdoor	S	S		Section 11.2.C.3
RETAIL AND SERVICE USES				
Adult-Oriented Business		S		Section 11.2.D.11
Adult-Use Cannabis Craft Grower Organization		S		
Adult-Use Cannabis Dispensing Organization	S	S	S	11.2.G
Adult-Use Cannabis Infuser Organization		S		
Adult-Use Cannabis Processing Organization		S		
Adult-Use Cannabis Transporting Organization		S		
Building Material and Supply Store	P	P		
Cannabis, Craft Grower Organization		S		
Cannabis, Cultivation Center		S		
Cannabis, Dispensing Organization (Medical)	P	P	P	Section 11.2.G
Cannabis, Dispensing Organization (Recreational)	S	S	S	Section 11.2.G
Cannabis, Infuser Organization		S		
Cannabis, Processing Organization		S		
Cannabis, Transporting Organization		S		
Car Wash	S	S		
Contractor Office	P	P	P	Section 11.2.D.1
Crematorium		S		

Dry-Cleaning Establishment	P	P		
Feed Store	P	P		
Financial Service Establishment	S	S		Section 11.2.D.4
Gas Station	S	P		Section 11.2.D.5
Medical Cannabis Cultivation Centers		S		
Medical Cannabis Dispensaries	P	P	P	
Laundry Establishment, Commercial	P	P		
Microbrewery / Microdistillery/ Microwinery	S	P		
Motor Vehicle Dealership	S			Section 11.2.D.8
Motor Vehicle Repair, Major and/or Service	P	P		Section 11.2.D.9
Motor Vehicle Repair, Minor	P	P		Section 11.2.D.9
Office, Business and/or Professional	P	P		
Pawn Shop	S	S		
Personal Training Establishment	P	P		
Printing, and -Photocopying Service and/or Sign Store	P	P		
Restaurant	P	P		
Self-Service Storage Facility	P	P		
Tattoo Parlor / Body Piercing Establishment	P	P		
MANUFACTURING, RESEARCH AND STORAGE USES				
Bottling Facility		P		Section 11.2.E
Bus Storage Facility	S	S		
Data Center	S	S		Section 11.2.E
Food or Beverage Production and Sales , Processing, or Bottling	S	S	S	Section 11.2.E
Freight Terminal	S	S		Section 11.2.E

Greenhouse and Nursery	P	P		
Industrial, Light	P	P	P	Section 11.2.E
Industrial, Medium	S	P		Section 11.2.E
Industrial, Heavy		S		Section 11.2.E
Junk Yard / Scrap Yard		S		Section 11.2.E
Laboratory Commercial, Research, Scientific	P	P		
Laboratory, Commercial	P	P		Section 11.2.E
Mail Order Service	P	P		Section 11.2.E
Meat Packing, Including Slaughtering		S	P	Section 11.2.E
Mining		S		Section 11.2.E
Outdoor Storage	S	S		
Warehousing, Storage, and Distribution Facility including Ecommerce Fulfillment Centers	P	P	P	Section 11.2.E
OTHER USES				
Indoor Sports Facility	S	S		
Planned Unit Development	S	S	S	Title 17 Chapter 5
Recreation, Indoor	S	S		
Stadium or Arena	S	S		
Use Not Specifically Identified		S		
Utility	P	P	P	
Wireless Telecommunications Antenna/Facility/Tower	S, P ¹	S, P ¹	S, P ¹	Section 11.2.F.2
Wireless Telecommunications Facility	P	P		Section 11.2.F.2
Wireless Telecommunications Tower	P	P		Section 11.2.F.2

TABLE 9-1: FOOTNOTES

¹ Only wireless telecommunications antennas that comply with the stealth design standards of Section 11.2.F.2.I shall be considered permitted uses.

10.2 Permitted and special uses.

Table 10-1: Specific Use Districts Permitted and Special Uses lists permitted and special uses for the specific use districts. A "P" indicates that a use is considered permitted within that district. An "S" indicates that a use is considered a special use in that district and must receive special use approval as required in Section 4.3 (Special Uses). A blank space or the absence of a use from the table, indicates that use is not permitted within that district.

VILLAGE OF NORTH AURORA, ILLINOIS			
TABLE 10-1: SPECIFIC USE DISTRICT PERMITTED AND SPECIAL USES			
P = Permitted Use		S = Special Use	
Blank = Prohibited Use			
Use	Zoning District		Specific Use Standards
	O-R	O-R-I	
RESIDENTIAL USES			
Assisted Living Facility, Independent Living Facility, and/or Nursing Home	S		
CIVIC AND MUNICIPAL USES			
Cemetery	S	S	
Community Center	P		
Cultural Facility or Museum	P	S	Section 11.2.B.1
Hospital	P		
Park and/or Open Space	P	P	
Place of Worship	P	P	Section 11.2.B.2
Post Office	P		
Village Office or Facility	P	P	
EDUCATIONAL USES			
Educational Facility, College/University	P	P	
Educational Facility, Commercial, Vocational or Trade	P	P	
TRANSPORTATION USES			
Heliport		S	
ENTERTAINMENT AND RECREATIONAL USES			

Club, Lodge, or Hall	S	S	
Entertainment / Recreation Facility, Indoor	S	S	Section 11.2.C.2
Entertainment / Recreation Facility, Outdoor	S	S	Section 11.2.C.3
RETAIL AND SERVICE USES			
Adult-Use Cannabis Dispensing Organization	S	S	11.2.G
Cannabis, Dispensing Organization (Medical)	P	P	Section 11.2.G
Cannabis, Dispensing Organization (Recreational)	S	S	Section 11.2.G
Contractor Office	S	P	Section 11.2.D.1
Day Care Center, Adult or Child	S P	S	Section 11.2.D.2
Financial Service Establishment	S P	S	Section 11.2.D.4
Employment Agency		S	
Gaming Establishment		S	
Health and Athletic Club	P	P	
Hotel/ Motel	P	P	
Medical Cannabis Dispensaries	P	P	
Medical/Dental Office	P	P	
Microbrewery / Microdistillery/ Microwinery		S	
Motor Vehicle Repair, Major and/or Service		S	Section 11.2.D.9
Motor Vehicle Repair, Minor		S	Section 11.2.D.9
Office, Business and/or Professional	P	P	
Office, Medical and/or Dental	P	P	
Personal Training Establishment	P	P	
Printing, and Photocopying Service and/or Sign Store		P	
Restaurant with/without Outdoor Dining	P	P	Section 11.2.D.10
MANUFACTURING, RESEARCH AND STORAGE USES			
Data Center		S	Section 11.2.E

Food or Beverage Production, Processing, or Bottling	S	S	Section 11.2.E
Industrial, Light		P	Section 11.2.E
Laboratory, Commercial, Research, Scientific	P	P	Section 11.2.E
Warehousing, Storage, and Distribution Facility		P	Section 11.2.E
OTHER USES			
Indoor Sports Facility	S	S	
Planned Unit Development	S	S	Title 17 Chapter 5
Recreation, Indoor	S	S	Section 11.2.C.2
Utility	S	S	
Wireless Telecommunications Antenna/Facility/Tower	S, P ¹	S, P ¹	Section 11.2.F.2
Wireless Telecommunications Facility	P	P	Section 11.2.F.2
Wireless Telecommunications Tower	P	P	Section 11.2.F.2

TABLE 10-1: FOOTNOTES

¹ Only wireless telecommunications antennas that comply with the stealth design standards of Section 11.2.F.2.l shall be considered permitted uses.

11.2 Use standards.

In addition to the use standards below, all uses are required to comply with the provisions of this Ordinance including, but not limited to, Chapter 12: Site Development Standards, Chapter 13: Off-Street Parking and Loading, and Chapter 14: Landscaping and Screening, as well as all applicable Village ordinances.

A. Residential Uses.

1. Assisted Living Facility, Independent Living Facility, and Nursing Home. Assisted living facilities, independent living facilities, and nursing homes shall meet all federal, state and local requirements including, but not limited to, licensing, health, safety and building code requirements. In addition, the following criteria shall be considered:
 - a. The facility shall be harmonious with surrounding buildings with respect to scale, architectural design, and building placement.
 - b. The street network shall be capable of accommodating the traffic generated by the facility.
2. Community Residence. Community residences shall meet all federal, state and local requirements including, but not limited to, licensing, health, safety and building code requirements. In addition, the following criteria shall be considered.
 - a. The cumulative affect of such uses will not alter the residential character of the neighborhood.
 - b. The facility shall retain a residential, rather than institutional, character.
 - c. The operation of the facility shall not adversely impact surrounding properties.
3. Dwelling, Multiple-Family and Dwelling, Townhouse.
 - a. All townhouse developments and multiple-family dwellings shall be designed with the front facade facing the street. When the side walls of a townhouse development and multiple-family dwelling also face the street, building facades shall be designed with elements of a front façade, including doors and/or windows, to avoid the appearance of blank walls.
 - b. There shall be a minimum separation of twenty (20) feet between sidewalls among rows of townhouse developments and multiple-family dwellings. (See Figure 11-1: Sidewall Separation) Where the front or rear wall of a row of townhouse developments and multiple-family dwellings faces the front or rear wall of another row of townhouse developments and multiple-family dwellings, the minimum required separation between such buildings shall be a minimum of thirty (30) feet. Driveways and parking areas may be located within this minimum separation area. The minimum separation at the ground-floor may be reduced to twenty (20) feet for interior drives with garage doors facing garage doors, provided that the upper-story living spaces comply with the thirty-foot separation requirements. (See Figure 11-2: Upper-Floor Separation)

FIGURE 11-1: SIDEWALL SEPARATION

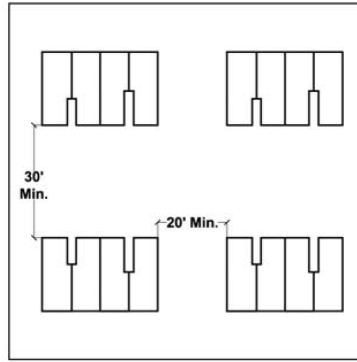
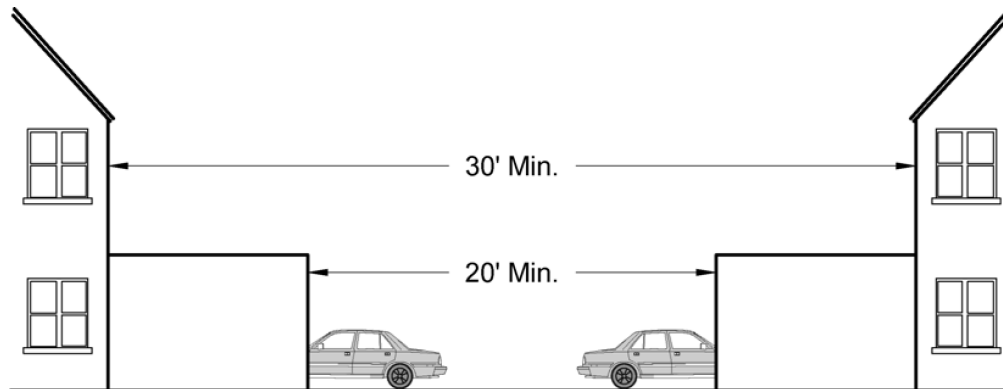


FIGURE 11-2: UPPER-FLOOR SEPARATION



- c. No more than six townhouse dwelling units shall be attached to one another in a single structure.
 - d. Townhouses shall be designed with either detached garages located in the rear yard, or attached garages oriented to the rear or side of the units.
 - e. Private yards a minimum of two hundred (200) square feet in area shall be required for each townhouse dwelling unit. This private yard may be located adjacent to a front wall, rear wall, or side wall, provided that it is immediately adjacent to the townhouse unit it serves and directly accessible from the townhouse unit by way of a door or stair. Required private yards must be at-grade or, if located on a terrace or patio, within two feet of grade. All private yards must be landscaped with turf, groundcover, shrubs, trees or other landscape improvements, including hardscape such as patios or terraces.
4. Mobile Homes. Mobile homes, modular housing and prefabricated housing shall be allowed only in the R-4 General Residence District as a special use.
 5. Tents. Tents may be erected for up to ten (10) days for the purposes of temporary carnivals, places of worship, charitable uses, and revival meetings which are not detrimental to the public health, safety, morals, comfort, convenience, or general welfare, provided however, that such tents or operations are in conformance with all other Village ordinances and codes.
 6. Mixed Use Development. Uses allowed to be mixed in one development are limited to residential, office, retail, educational and civic. When uses are mixed in a single building, a minimum of 50% of the ground floor shall be office or retail uses. Mixed use buildings shall be designed so that the location of entrances and exits to the office or retail uses shall front a public street. Service areas and parking and loading facilities shall be located to the rear of the building and designed to minimize traffic congestion, pedestrian hazards, and adverse impacts on adjoining properties.
- B. Cultural and Religious Uses.

1. Cultural Facility or Museum. Cultural facilities and museums shall be designed so that the location of entrances and exits, exterior lighting, service areas, and parking and loading facilities will minimize traffic congestion, pedestrian hazards, and adverse impacts on adjoining properties.
 2. Place of Worship. Places of worship shall be designed so that the location of entrances and exits, exterior lighting, service areas, and parking and loading facilities will minimize traffic congestion, pedestrian hazards, and adverse impacts on adjoining properties.
- C. Recreational and Entertainment Uses.
1. Club, Lodge or Hall.
 - a. Clubs, lodges or halls shall be designed so that the location of entrances and exits, exterior lighting, service areas, and parking and loading facilities will minimize traffic congestion, pedestrian hazards, and adverse impacts on adjoining properties.
 - b. No more than twenty (20) percent of the gross floor area may be used as office space.
 - c. Clubs, lodges or halls are permitted to serve food and meals on the premises provided that adequate dining room space and kitchen facilities are available.
 - d. The sale of alcoholic beverages to members and their guests is permitted provided it is secondary and incidental to the promotion of some other common objective by the organization, and further provided that such sale of alcoholic beverages is in compliance with all applicable federal, state and local laws.
 2. Entertainment / Recreational Facility, Indoor.
 - a. Entertainment and recreational uses shall be designed so that the location of entrances and exits, exterior lighting, service areas, and parking and loading facilities will minimize traffic congestion, pedestrian hazards, and adverse impacts on adjoining properties.
 - b. Live music is permitted in compliance with Title 5 Chapter 5.2 and Title 8 Chapter 8.2.
 - c. Entertainment and recreational uses are permitted to serve food and meals on the premises provided that adequate dining room space and kitchen facilities are available.
 - d. The sale of alcoholic beverages is permitted provided it is secondary and incidental to the sale of food, and further provided that such sale of alcoholic beverages is in compliance with all applicable federal, state and local laws.
 3. Entertainment / Recreational Facility, Outdoor.
 - a. Entertainment and recreational uses shall be designed so that the location of entrances and exits, exterior lighting, service areas, and parking and loading facilities will minimize traffic congestion, pedestrian hazards, and adverse impacts on adjoining properties.
 - b. Live music is permitted in compliance with Title 5 Chapter 5.2 and Title 8 Chapter 8.2.
 - c. Outdoor uses shall be effectively screened from adjacent residential uses with a buffer yard in compliance with Title 17 Chapter 14.11.C.
 - d. Entertainment and recreational uses are permitted to serve food and meals on the premises provided that adequate dining room space and kitchen facilities are available.
 - e. The sale of alcoholic beverages is permitted provided it is secondary and incidental to the sale of food, and further provided that such sale of alcoholic beverages is in compliance with all applicable federal, state and local laws.
 4. ~~Indoor Recreation. Indoor recreation facilities shall be designed so that the location of entrances and exits, exterior lighting, service areas, and parking and loading facilities will minimize traffic congestion, pedestrian hazards, and adverse impacts on adjoining properties.~~

5. ~~Outdoor Recreation. Outdoor recreation facilities shall be designed so that the location of entrances and exits, exterior lighting, service areas, and parking and loading facilities will minimize traffic congestion, pedestrian hazards, and adverse impacts on adjoining properties.~~

D. Retail and Service Uses.

1. Contractor Office. The parking of contractor vehicles or equipment or the outdoor storage of materials in a contractor storage yard are accessory to the use of a contractor office. If these items exist, the following must be submitted:
 - a. Site plan detailing the location of all parking and outdoor storage. Parking shall comply with Title 17 Chapter 13.
 - b. Landscape plan detailing screening in accordance with Title 17 Chapter 14.
 - c. Contractor offices and storage yards shall be designed so that the location of entrances and exits, exterior lighting, service areas, and parking and loading facilities will minimize traffic congestion, pedestrian hazards, and adverse impacts on adjoining properties.
12. Day Care Center, Adult and Day Care Center, Child. Day care centers shall meet all federal, state and local requirements including, but not limited to, licensing, health, safety and building code requirements. Day care centers shall include facilities, other than residential dwelling units, providing care for more than three children or elderly and/or functionally impaired adults in a protective setting for less than twenty-four (24) hours per day. In addition, the following criteria shall be considered by the Plan Commission:
 - a. The provision of adequate on-site drop-off zones, sidewalks, and exterior lighting.
 - b. The amount of traffic or noise to be generated.
 - c. The provision of adequate open space.
23. Day Care Home, Adult and Day Care Home, Child. Day care homes shall meet all federal, state and local requirements including, but not limited to, licensing, health, safety and building code requirements. Day care homes shall include residential dwelling units providing care for up to twelve (12) children or elderly and/or functionally impaired adults in a protective setting who do not spend the night at the dwelling. The number counted includes the family's natural or adopted children and all other persons under the age of twelve (12). In addition, the following criteria shall be considered by the Plan Commission:
 - a. The provision of adequate on-site drop-off zones, sidewalks, and exterior lighting.
 - b. The amount of traffic or noise to be generated.
 - c. The provision of adequate open space.
 - d. The day care home shall retain a residential character and the affect of the day care home will not alter the residential character of the neighborhood.
 - e. The operation of the day care home shall not adversely impact surrounding properties.
34. Drive-Through Facility. A drive-through facility is considered an accessory use to the principal use on the zoning lot. A drive-through facility must meet the following standards in addition to the special use standards found in Section 4.3, Special Use. For the purposes of this Ordinance, car washes, gas stations and motor vehicle service and repair facilities shall be exempt from the following standards.
 - a. Drive-through facilities shall provide adequate stacking spaces, in accordance with Chapter 13: Off-Street Parking and Loading.
 - b. All drive-through lanes must be located and designed to ensure that they will not adversely affect the safety and efficiency of traffic circulation on adjoining streets.

- c. The volume on all intercom menu displays shall be maintained at a level so as not to create a public nuisance for adjoining residential districts.
 - d. The operator of the drive-through facility shall provide adequate on-site outdoor waste receptacles and shall provide daily litter clean-up along the rights-of-way abutting the property.
- ~~4. Financial Service Establishments. Financial service establishments shall not be located within two hundred fifty (250) feet of the road right-of-way along Illinois Route 56, Oak Street, Orchard Road, Randall Road and Tanner Road.~~
5. Gas Station.
- a. Gas station canopies shall be designed with luminaires recessed under the canopy to minimize light pollution. Light intensity directly under the canopy shall not exceed twenty (20) footcandles at any location. All lighting mounted under the canopy, including auxiliary lighting within signage and panels over the pumps shall be included in the twenty (20) footcandle limit.
 - b. All gas station driveways must be located and designed to ensure that they will not adversely affect the safety and efficiency of traffic circulation on adjoining streets.
 - c. Gas stations may offer a car wash and/or convenience store. ~~convenience items for sale as a secondary activity and may also include an automatic car wash.~~
 - d. ~~In addition, gas stations may be included as part of a minor motor vehicle repair and service shop. These gas stations shall be subject to the provisions of paragraph 9 of this section (Motor Vehicle Repair and/or Service).~~
6. Home Occupation.
- a. Purpose. The purpose of the home occupation standards and requirements is to allow a home occupation to be conducted in a dwelling unit that is compatible with the neighborhood in which it is located.
 - b. Standards. The following standards apply to all home occupations conducted in a dwelling unit, provided that the home occupation must be compatible with the neighborhoods in which they are located, and must not interfere with the rights of surrounding property owners to enjoy the established character of the neighborhood:
 - i. The home occupation shall be conducted entirely within the dwelling unit.
 - ii. A home occupation shall not be established prior to the member(s) of the family conducting the home occupation take possession of, and reside in, the dwelling unit in which the home occupation is located.
 - iii. Only one nonresident of the premises may be employed to work at or from the premises, such person shall not be employed more than twenty-five (25) hours within any one-week period.
 - iv. The home occupation shall not generate excessive vehicular or pedestrian customer traffic.
 - v. A home occupation shall not generate noise, solid waste, vibration, glare, fumes, odors, water use, or electrical interference beyond what normally occurs in a residential use.
 - vi. No outside storage or display of materials, merchandise, inventory or heavy equipment shall be permitted.
 - vii. No exterior signs shall be permitted.

- viii. Day care homes are not considered a home occupation and are subject to the standards of paragraph 2 (Day Care Home, Adult and Day Care Home, Child) above.
 - ix. No wholesale or retail business shall be permitted unless it is conducted entirely by mail, telephone or small package delivery, except for the sale of items made on the premises or incidental to a service provided.
 - x. The receipt or delivery of merchandise, goods, or supplies for use in a home occupation shall be limited to the United States mail, similar parcel delivery service, or private passenger automobile.
 - xi. No permanent or temporary alterations of the principal or accessory buildings shall be made which change the residential character of the structure.
 - xii. No more than twenty (20) percent of the area of any residential dwelling shall be devoted to the home occupation.
 - xiii. No mechanical or electrical equipment or chemicals may be used or stored except such types as are customary for purely domestic, household, or hobby purposes. No home occupation shall be permitted which requires the use of toxic, hazardous or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare or cause injury or damage to property.
 - xiv. There may be more than one home occupation permitted per dwelling unit; however, the total combined home occupations for any single dwelling unit may not exceed any of the standards set forth in this section.
 - xv. A home occupation that services customers or clients at the dwelling unit may attract no more than eight customers or clients per day but not between the hours of 9:00 p.m. and 8:00 a.m.
- c. For each home occupation, it is required that an affidavit be completed and kept on file in the Community Development Department.
7. Animal **Daycare Center, Training**, Pound, Shelter and/or Kennel.
- a. Floors of runs shall be made of impervious material to permit proper cleaning and disinfecting.
 - b. All animal quarters and runs are to be kept in a clean, dry, and sanitary condition.
 - c. The perimeter of such structures must be at least one hundred fifty (150) feet from any residential zoning districts.
 - d. Outdoor areas are restricted to use during daylight hours.
8. Motor Vehicle ~~Sales and/or Service Dealership~~ and Motor Vehicle Rental ~~Establishment/Leasing Agency~~. Motor vehicle ~~dealership sales and/or service establishments~~ or rental ~~establishment/leasing agencies~~ shall have a minimum lot size of fifteen thousand (15,000) square feet.
9. Motor Vehicle Repair **Major** and/or **Minor Service**.
- a. Motor vehicle repair ~~and/or service~~ shops may not store the same vehicles outdoors on the site for longer than five days unless fully screened and enclosed.
 - b. All driveways must be located and designed to ensure that they will not adversely affect the safety and efficiency of traffic circulation on adjoining streets.

- c. All repair operations shall be fully enclosed. Wrecked or junked vehicles shall not be stored for longer time periods than those specified above and shall be screened from the public right-of-way and any adjacent residential districts.

10. Outdoor Dining.

- a. Outdoor dining is considered accessory to the principal use.
- b. Outdoor dining shall be limited to a designated outside area.
- c. The designated outside area shall be contiguous to the building.
- d. The designated outside area may not be located on any portion of a public road, public sidewalk or bike path or similar public way.
- e. The designated outside area shall not obstruct vehicular or pedestrian traffic or be in violation of any North Aurora codes or ordinances.
- f. There shall be no entertainment with the use of amplified sound in the designated outside area except in conformance with the requirements of the North Aurora Code.
- g. The operation and use shall be carried on so as not to create a health or safety hazard, to create a nuisance or to interfere with the use and enjoyment of surrounding property.
- h. Any designated outside area adjacent to or within five hundred (500) feet of the lot line of residential property shall require screening and/or buffering in a way as to reduce noise.

11. Adult-Oriented Business. Adult uses shall be subject to the following standards:

- a. No adult use shall be located within one thousand (1,000) feet of any residential district, school, place of worship, or other adult use.
- b. The adult use shall be so designed, located and proposed to be operated so that the public health, safety, comfort, convenience and general welfare will be protected.
- c. It shall not cause substantial injury to the value of other property in the neighborhood in which it is located.
- d. It shall not unduly increase traffic congestion in the public streets and highways in the area in which it is located.
- e. It shall not cause additional public expense for fire or police protection.
- f. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" from any public way or from any adjacent property. This provision shall apply to any display, decoration, sign, show window or door.

E. Manufacturing, Storage, Food Production and Research Uses.

- 1. All manufacturing activities shall be conducted within completely enclosed buildings.
- 2. Any use projected to use more than 5,000 gallons of water per day shall follow the guidelines in Title 13 Chapter 24.060.
- 3. Manufacturing, Storage, Food Production and Research Uses shall be designed so that the location of entrances and exits, exterior lighting, service areas, and parking and loading facilities will minimize traffic congestion, pedestrian hazards, and adverse impacts on adjoining properties. Truck entrances, truck courts, and trailer parking shall be designed to avoid stacking or idling of trucks in street right of way or drive aisles.

F. Utilities.

1. Amateur Radio Operations/Receive Only Antennas. Any tower or antenna that is under forty-five (45) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas is permitted as an accessory use. No receive-only antenna shall exceed the highest point on the nearest residential rooftop of a dwelling by more than ten (10) feet. Existing towers and existing antennas which predated this Ordinance shall not be required to meet the requirements of this chapter.
2. Wireless Telecommunications Antenna, Facility and Tower.
 - a. Purpose. The following standards for wireless telecommunications antennas, facilities, and towers are intended to:
 - i. Ensure public health, safety, convenience, comfort, and general welfare.
 - ii. Ensure access to reliable wireless telecommunications services throughout all areas of North Aurora.
 - iii. Encourage the use of existing towers and other structures for the co-location of wireless telecommunications antenna.
 - iv. Encourage the location of towers, to the extent possible, in areas where the adverse impact on the Village will be minimal and preferably in nonresidential districts, as opposed to residential districts.
 - b. Application Requirements. In addition to the requirements for a special use permit, all applications to erect, construct, or modify any part of a wireless telecommunications antenna, facility, or tower shall include the following items, unless waived by the Village:
 - i. A site plan showing:
 - (A) The location, size, screening, and design of all buildings and structures, including fences.
 - (B) The location and size of all outdoor equipment.
 - (C) The location, number, and species of proposed landscaping.
 - ii. A maintenance plan, and any applicable maintenance agreement, designed to ensure long-term, continuous maintenance to be determined by the Community Development Director.
 - iii. A disclosure of what is proposed, demonstrating the need for the proposed wireless telecommunications tower to be located as proposed based upon one or more of the following factors:
 - (A) Proximity to a major thoroughfare.
 - (B) Areas of population concentration.
 - (C) Concentration of commercial or other business centers.
 - (D) Areas where signal interference has occurred due to buildings, masses of trees, or other obstruction.
 - (E) Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
 - iv. The reason or purpose for the placement, construction or modification with specific reference to the provider's coverage, capacity, and/or quality needs.
 - v. The service area of the proposed wireless telecommunications facility.

- vi. The nature and extent of the provider/applicant's ownership, easement or lease interest in the property, building or structure upon which facilities are proposed for placement, construction or modification.
 - vii. The identity and address of all owners and other persons with a real property interest in the property, building, or structure upon which facilities are proposed for placement, construction, or modification.
 - viii. A map showing all existing and proposed wireless telecommunications, antennas, facilities and towers within the Village, and one and one-half miles from the Village jurisdictional boundary.
 - ix. Certification by a State of Illinois licensed and registered professional engineer as to structural integrity. The certification may be utilized, along with other criteria, in determining if additional setback should be required for the structure and other facilities.
 - x. The Village Board shall have the discretion to require the applicant to provide a visual simulation or rendering of the proposed support structure that illustrates the relationship between the height and the visual appearance of the structure. If required, the visual simulation shall be provided from two different perspectives and accurately depict the scale of the proposed structure in the context of the surrounding area.
 - xi. Co-location shall be deemed to be feasible for purposes of this section where all of the following are met:
 - (A) The wireless telecommunications provider under consideration for co-location will provide fair compensation for co-location.
 - (B) The site on which co-location is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
 - (C) The co-location being considered is technologically feasible, where the co-location will not result in unreasonable interference, given appropriate physical and other adjustments in relation to the tower, antenna and the like.
 - (D) The height of the structure necessary for co-location shall not exceed the maximum height allowed by this section.
- c. Location. Wireless telecommunications antennas, facilities and tower antennas shall be designated as special uses in the zoning districts in which they are allowed in the following locations:
- i. On property owned, leased, or otherwise controlled by the Village provided that a lease has been approved by the Village.
 - ii. On the Commonwealth Edison easement parallel to Oak Street and the East-West Tollway (Interstate 88).
 - iii. On the Northern Illinois Gas Company easement and property located north of the Commonwealth Edison easement, west of Randall Road, and south of Oak Street.
 - iv. On property in the O-R zoning district that is owned by a governmental body other than the Village that is located east of Randall Road, but does not abut or adjoin property which is zoned for residential use.

- d. Setback.
 - i. Wireless telecommunications towers shall be set back from all property lines a distance equal to their height as measured from the base of the structure to its highest point.
 - ii. Wireless telecommunications facilities shall be setback from all property lines in accordance with the minimum setback requirements in the zoning district.
- e. Height. The maximum height of a wireless telecommunications tower shall not exceed one hundred fifty (150) feet, including all attachments (antennas, lightning rods, arrays, etc.). A special use application for approval of a wireless telecommunications tower shall demonstrate that the tower does not exceed the minimum height requirement necessary to function satisfactorily.
- f. Lighting and Marking. Wireless telecommunications antennas, towers and facilities shall not be lit or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
- g. Landscaping. Landscaping is required to enhance compatibility with adjacent land uses. Opaque screening six feet in height equipped with an appropriate anti-climbing device must be erected around the wireless telecommunications tower and/or facility. Landscaping shall be installed on the outside of fencing in accordance with the following:
 - i. One shade tree shall be provided for every twenty-five (25) feet of fence length, not including gates or other fence openings.
 - ii. One shrub for every five linear feet of fence length, not including gates or other fence openings.
 - iii. The landscaping may be flexible in its arrangement by appropriately aggregating the required plant materials and maintaining open areas around gates or other fence openings so long as it provides.
- h. Access. All sites on which wireless telecommunications antennas, facilities and tower antennas are located must have a hard surfaced driveway of asphalt or concrete.
- i. Additional Standards for Wireless Telecommunications Antennas.
 - i. Wireless telecommunications antennas do not include satellite dishes, as regulated in Section 12.3.G (Satellite Dish Antenna) of this Ordinance.
 - ii. Antennas shall be of a color that is identical or similar to the color of the supporting structure to make the antenna visually unobtrusive.
 - iii. No antenna shall increase the height of any structure on which it is mounted by more than ten (10) percent, or ten (10) feet, whichever is less.
- j. Additional Standards for Wireless Telecommunications Facilities.
 - i. Any buildings, cabinets, or shelters shall only house equipment and supplies for operation of the wireless telecommunication tower. Any equipment not used in direct support of such operation shall not be stored on the zoning lot.
 - ii. Signs for the wireless telecommunications facility shall be limited to ownership and contact information, FCC antenna registration number (if required), and any other information required by government regulation. Commercial advertising is strictly prohibited.
- k. Additional Standards for Wireless Telecommunications Towers.

- i. Wireless telecommunications towers shall be designed to accommodate at least three telecommunications providers.
 - ii. The area surrounding a tower must be of a sufficient size to accommodate wireless telecommunications facilities for at least three telecommunications providers.
 - iii. Unless otherwise required by the Federal Communications Commission, the Federal Aviation Administration or the Village, towers shall have a galvanized silver or gray finish.
- I. **Stealth Design for Wireless Telecommunication Antennas.** Stealth design for wireless antennas is encouraged and shall be considered a permitted use in all districts, subject to site plan review. All applications for site plan review shall include all information required by this section. In addition to the standards of this section for wireless telecommunications antennas, stealth design shall comply with the following regulations:
 - i. To qualify as a stealth design, wireless telecommunications antennas and towers must be enclosed, camouflaged, screened, obscured, or otherwise not readily apparent to a casual observer.
 - ii. Antennas located on structures already permitted within zoning districts, such as flagpoles, bell towers, clock towers, crosses, monuments, smoke stacks, parapets and steeples, and designed to blend in to the structure are considered stealth design.
 - iii. Setbacks for the any stealth design tower shall be governed by the setback requirements of the zoning district.
 - iv. Stealth design shall accommodate the co-location of other antenna where economically and technically feasible or aesthetically appropriate, as determined by the Village Board.
- m. **Abandonment.** Any wireless telecommunications tower or facility that is not operated for a period of twelve (12) consecutive months shall be considered abandoned. The owner shall remove the tower or facility within six months of its abandonment.

~~n. Annual Administrative Fee and Certifications. Each owner and/or operator of a wireless telecommunications antenna, facility or tower antenna shall be required to pay an administrative fee as set forth in Appendix B (Fee Schedule) and to provide the following certifications in writing by a certified engineer:~~

- ~~i. That the owner or operator's antenna, antenna structure or tower has been inspected and is in compliance with all state and local building codes and standards published by the Electronic Industry Association or successor governing body; and~~
- ~~ii. That the owner and/or operator's antenna is in compliance with the Federal Communications Commission's Radio Frequency Emissions Standards.~~

~~A separate administrative fee shall be paid by each user or co-locator on a tower.~~

~~o. Required Permit Fee. Prior to the construction of a wireless telecommunications antenna, facility or tower antenna the provider of the radio, television, or telecommunications services shall obtain a special use permit and shall pay the Village a fee of one and one-half percent of the estimated total construction costs at the time of application as well as a fee of two percent of the estimated construction costs plus any reasonable legal, engineering, or consulting fees at the conclusion of the review.~~

G. ~~Adult-Use Cannabis.~~ Cannabis, Dispensing Organization

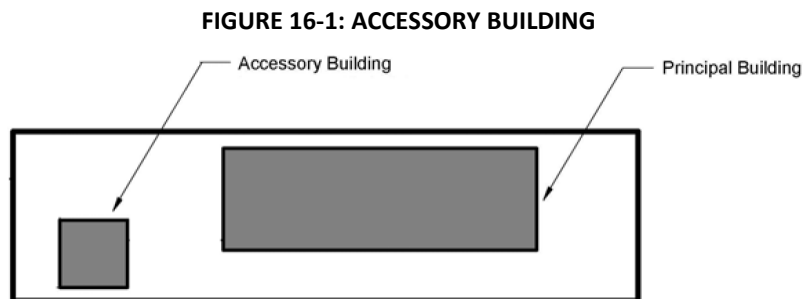
1. Purpose and Applicability. It is the intent and purpose of this Section to provide regulations regarding the cultivation, processing and dispensing of adult-use cannabis occurring within the corporate limits of the Village. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (Act), as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.
2. There shall be a maximum of two (2) Adult-Use Cannabis Dispensing Organizations located in the Village of North Aurora.
3. Adult-Use Cannabis Dispensing Organizations shall be located a minimum of one thousand (1,000) feet from the property line of any school grounds, public playground, public recreation center, child care center, public park, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older located in the Village of North Aurora.
4. On-site consumption of cannabis shall be prohibited.
5. Adult-Use Cannabis Dispensing Organizations shall be located a minimum of one thousand five hundred (1,500) feet from the property line of any pre-existing Adult-Use Cannabis Dispensing Organization located in the Village of North Aurora.

16.3 General terms.

Aboveground Utility Cabinet or Cabinet. An aboveground structure, used by a service entity to provide communication service to the public, which has a volume above ground of greater than twenty-four (24) cubic feet, or linear size greater than four feet in any one dimension.

Abut. To have a common district boundary or zoning lot boundary. The terms "adjacent" and "adjoining" shall have the same meaning as abutting.

Accessory Building. A building located on the same lot as, and of a nature customarily incidental and subordinate in area, extent or purpose to, the principal building, the use of which is clearly incidental and subordinate to the principal building and not used for human habitation. Accessory Buildings may include (but not limited to) a detached garage, workshop, shed or pool house. (See Figure 16-1: Accessory Building)



Accessory Structure. A structure located on the same lot as, and of a nature customarily incidental and subordinate in area, extent or purpose to, the principal building, the use of which is clearly incidental and subordinate to the principal building. Accessory Structures may include (but not limited to) a gazebo, pergola, deck, patio or swimming pool.

Accessory Use. A use that is customarily incidental and subordinate to the principal use of a lot or building and located on the same lot as the principal use or building.

Addition or Enlargement. Any construction that increases the size of a building or structure in terms of site coverage, height, length, width or floor area.

Adult-Oriented Business. "Adult-Oriented Business" shall include the following, as defined by this section and this Ordinance: adult bookstores, adult entertainment cabarets, adult hotel/motel, adult motion picture theaters, adult novelty stores, and other similar uses.

- A. **Adult Bookstore.** An establishment having at least twenty-five (25) percent of its sales or display area devoted to books, magazines, films for sale or for viewing on premises by use of motion picture devices or by coin-operated means, and periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Anatomical Activities" or "Specified Anatomical Areas." This shall include any establishment with a segment or section devoted to the sale or display of such materials, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin-operated booths or any other factors showing the establishment's primary purpose is to purvey such material.
- B. **Adult Entertainment Cabaret.** A public or private establishment which features topless dancers, strippers, go-go dancers, male or female impersonators, lingerie or bathing suit fashion shows, not infrequently features entertainers who display "Specified Anatomical Areas." Included are those uses which feature entertainers who, by reason of their appearance or conduct, perform in a manner which is designed primarily to appeal to the prurient interest of the patron or features entertainers who engage in explicit simulation of "Specified Sexual Activities."

- C. **Adult Health Spa/Sauna.** A health spa, sauna or massage parlor that provides steam baths, heat bathing, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body, and is distinguished or characterized by an emphasis on "Specified Sexual Activities" or "Specified Anatomical Areas."
- D. **Adult Hotel/Motel.** A hotel, motel or similar commercial establishment offering public accommodations for any form of consideration that provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes or video cassette recorders, DVDs or DVD players, slides, or other photographic reproductions for viewing or recording, characterized by an emphasis upon the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas" and/or rents, leases or lets any room for less than a six-hour period, or rents, leases or lets any single room more than twice in a twenty-four-hour period.
- E. **Adult Motion Picture Theater.** A building or area used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."
- F. **Adult Novelty Store.** An establishment having a substantial or significant portion of its sales or stock in trade consisting of toys, devices, clothing novelties, lotions and other items distinguished or characterized by their emphasis on or use for "Specialized Sexual Activities" or "Specified Anatomical Areas" including adult displays and adult products as defined in Chapter 5.52 of the North Aurora Municipal Code, Adult Products. This includes an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales or any other factors showing the establishment's primary purpose is to purvey such material.
- G. **Specified Sexual Activities.** For the purpose of this Ordinance, "Specified Sexual Activities" means: 1) human genitals in a state of sexual stimulation or arousal; 2) acts of human masturbation, sexual intercourse or sodomy; and 3) fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.
- H. **Specified Anatomical Areas.** For the purposes of this Ordinance, "Specified Anatomical Areas" means: 1) less than completely and opaquely covered human genitals, pubic region, buttocks or female breasts below a point immediately above the top of the areola; and 2) human genitals in a discernable turgid state, even if completely and opaquely covered.

~~**Adult Use Cannabis Business Establishment.** An adult use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.~~

~~**Adult Use Cannabis Craft Grower.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.~~

~~**Adult Use Cannabis Cultivation Center.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.~~

~~**Adult Use Cannabis Dispensing Organization.** A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.~~

~~**Adult Use Cannabis Infuser Organization or Infuser.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a~~

~~product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.~~

~~**Adult Use Cannabis Processing Organization or Processor.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.~~

~~**Adult Use Cannabis Transporting Organization or Transporter.** An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.~~

Alley. A public or private right-of-way that normally affords a secondary means of access to abutting property. A street shall not be considered an alley.

Alteration. Any change in the size, shape, character, occupancy or use of a building or structure.

Alternative Tower Structure. Manmade trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas and towers.

Animal Hospital. An establishment for the care and treatment of the diseases and injuries of animals and where animals may be boarded during their convalescence. An "Animal Hospital" shall not include "Kennel."

Antenna. Any structure or device used to receive or radiate electromagnetic waves as defined by the FCC or any successor agency.

Antenna Structure. A structure which includes the radiating and/or receive system, its supporting structures, and any appurtenance mounted on them as defined by the FCC.

Arbor. A freestanding structure to support vines or climbing plants; also called a "Trellis."

Architectural Feature. A part, portion or projection that contributes to the aesthetics of a structure, exclusive of signs, that is not necessary for the structural integrity of the building or to make the structure habitable.

Arrays. A group of antennas arranged by a wireless telecommunications service provider and placed on a tower, structure or building at a given height and location to provide desired directional characteristics.

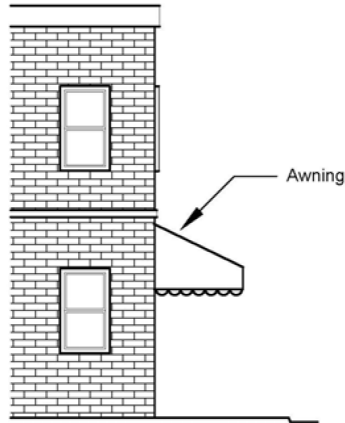
Art Gallery. A commercial establishment engaged in the sale, loan and/or display of paintings, sculpture, video art or other works. "Art Gallery" does not include "Cultural Facility," such as a library, museum or noncommercial gallery that may also display paintings, sculpture, video art or other works.

Assisted Living Facility. A licensed facility that provides daily assistance and long-term residence for disabled or elderly individuals. This includes a combination of housing, supportive services, personalized assistance and health care designed to respond to the individual needs of those who need help with activities of daily living, such as dressing, grooming, bathing, etc. An "Assisted Living Facility" shall not include "Independent Living Facility," or "Community Residence". Any such facility must have a Certificate of Need from the State of Illinois.

Attic. An unfinished space below the roof of a structure.

Awning or Canopy. A structure constructed of canvas, canvas-like or other materials that is supported by the exterior wall of a building and constructed on a supporting framework. Such a structure may be either a retractable or fixed structure. (See Figure 16-2: Awning or Canopy)

FIGURE 16-2: AWNING OR CANOPY



Back Haul Network. The lines that connect a telecommunication provider's cell site, or tower, to one or more cellular telephone switching offices, public telephone networks, or long distance providers.

Balcony. A platform which projects from the exterior wall of a building above the ground floor, is exposed to the open air, has direct access to the interior of the building, and is not supported by posts or columns extending to the ground.

Bar / Tavern. Any public place that engages in the retail sale of alcoholic liquors for consumption on the premises with or without food and where the sale and consumption of liquor predominates the sale and consumption of food.

Basement. That portion of a building located partly underground, but having one-half or more of its clear floor-to-ceiling height below the average grade of the adjoining ground, which shall not count as a story. A basement with more than one-half of its clear floor-to-ceiling height above the average grade of the adjoining ground shall count as a story. (See Figure 16-3: Basement)

FIGURE 16-3: BASEMENT



Bay Window. A window which projects outward from the building that does not rest on the building foundation or on the ground.

Bed and Breakfast Guest Home. A residential building containing an aggregate of not more than five lodging rooms offered for rent to transient guests for a continuous period of thirty (30) days or less, and containing the owner's principal residence. Food may be served only to overnight guests, exclusively between the hours of 5:00

a.m. and 10:00 a.m. only if the kitchen facilities adhere to the regulations set forth by the Kane County Health Department.

Berm. An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise or fulfill other such purposes.

Block. A tract of land bounded by streets or by a combination of one or more streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines, shorelines of waterways or corporate boundary lines.

Body Piercing. To make a hole in the body or oral cavity in order to insert or allow the insertion of any ring, hoop, stud, or other object for the purpose of ornamentation of the body, but specifically excluding the standard transverse piercing of the ear lobe that is commonly performed in retail establishments in conjunction with the sale of earrings.

Bowling Alley. Indoor recreation facility for the sport of ten-pin or duck-pin bowling.

Buildable Area. The area of a lot remaining after the minimum yard and open space requirements of the Ordinance have been subtracted.

Buildable Lot. A lot on which a building or other structure may be erected in conformity with this Ordinance and other Village regulations.

Building. A structure enclosed on all sides with exterior walls, built, erected and framed by a combination of materials and having a roof to form a shelter of persons, animals or property.

Building, Attached. A building which has at least part of a wall in common with another building, or which is connected to another building by a roof.

Building, Detached. A building surrounded by open space on the same lot as another building. A building connected to another building only by an unenclosed structure, shall be deemed to be a separate detached building.

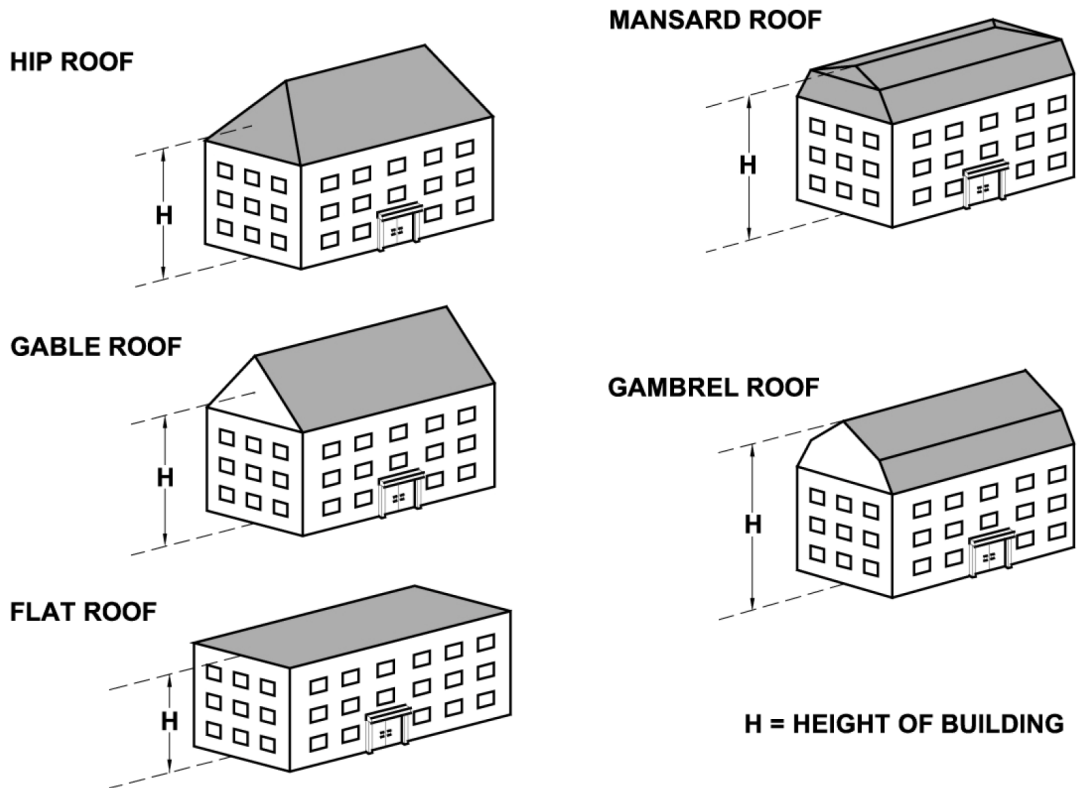
Building, Principal. A building on a zoning lot in which the principal use is conducted.

Building, Residential. A building which is arranged, designed, used or intended to be used for residential occupancy by one or more families or households. This shall include, but is not limited to, the following types: single-family dwellings, two-family dwellings, townhouse dwellings and multifamily dwellings.

Building, Temporary. Any building not designed to be permanently located, placed or affixed in the place where it is or where it is intended to be placed.

Building Height. The vertical distance measured from grade, as defined by this ordinance, to the highest point of the roof or the highest point of the structure, except for hip and gable roofs, where height will be measured at half the distance between the ridge and the eave. (See Figure 16-4: Building Height)

FIGURE 16-4: BUILDING HEIGHT



Building Line. The inner edge of any required yard or setback, and the corresponding outer edge of the buildable area.

Building Permit. An official document issued by the Village which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of a building or structure.

Bulk. A term encompassing the regulation of the size, height and location of a structure as it relates to its zoning lot and to other structures.

Bus Storage Facility. An establishment used for the storage or layover of passenger buses or motor coaches.

Business. An enterprise that occupies time, attention, labor and materials, or where merchandise is exhibited or sold, or where services are offered.

Cannabis Business Establishment. An adult-use cannabis craft grower, cultivation center, dispensing organization, infuser organization, processing organization or transporting organization.

Cannabis, Craft Grower. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Cannabis, Cultivation Center. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Cannabis, Dispensing Organization. A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Cannabis, Infuser Organization or Infuser. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Cannabis, Processing Organization or Processor. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Cannabis, Transporting Organization or Transporter. An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Car Wash. A commercial establishment engaged in the washing and cleaning of passenger vehicles, recreational vehicles or other light duty equipment, whether automatic or by hand, within an enclosed, or partially enclosed, building.

Carnival. Any aggregation of four or more attractions whether shows, acts, games of chance or skill, rides or amusement devices.

Cemetery. Land used or dedicated for the burial of the dead, including crematoriums, mausoleums, and necessary sales and maintenance facilities. Mortuaries may be included when operated within the boundary of such cemetery.

Chimney. A vertical shaft of reinforced concrete, masonry, or other material enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid or gaseous fuel.

Christmas Tree Sales Lot. A retail sales operation, generally conducted wholly outdoors, that offers for sale on a temporary, limited basis, Christmas trees and related holiday items such as wreaths and Christmas tree stands.

Cigar / Hookah Lounge. A business or establishment that caters to patrons who smoke cigars or use smoking devices such as hookah pipes, water pipes, or vaping devices on the premises.

Circus. Any display of wild animals, spectacles made up of acts of physical skill and daring, acts with trained wild animals, displays of elaborate and colorful costumes and trappings, and comedy by clowns, sideshows, rides, amusement devices, games of chance or skill, and concession stands.

Club, Lodge or Hall. A membership organization which caters exclusively to members and their guests for social, intellectual, recreational or athletic purposes. A "Club, Lodge or Hall" may, subject to other regulations controlling such uses, maintain dining facilities, possess a liquor license, or engage professional entertainment for the enjoyment of dues-paying members and their guests. "Club, Lodge or Hall" shall not include "Country Club."

Co-location. Placement of wireless telecommunications equipment from more than one service or service provider on a single tower or site.

Commercial Motor Vehicle. For the purposes of Title 17, commercial vehicles shall be any self-propelled or towed vehicle that meets one of the following categories:

- A. Has a gross vehicle weight, a gross vehicle weight rating, a gross combination weight, or a gross combination weight rating of 12,001 or more pounds (F Plate or greater).
- B. Is a box truck or cutaway (with any plate) where the passenger compartment is completely separate from the cargo area with seating for the driver and no more than one or two passengers.
- C. Has a gross vehicle weight, a gross vehicle weight rating, a gross combination weight, or a gross combination weight rating of 10,001 pounds to 12,000 pounds (D Plate) AND any one of the following characteristics: contains a bucket, lift, towing, dump bed, ladder storage or other similar equipment; is taller than ninety inches (90") in height; is designed to carry more than fifteen passengers.

Common Ownership. Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which one or more stockholder, partner, or principal owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Community Residence. A group residence consisting of a group home or specialized residential care home licensed, certified or accredited by the appropriate state or federal agencies, and serving as a single housekeeping unit for the housing of unrelated persons with functional disabilities who share responsibilities, meals, recreation, social activities and other aspects of residential living. "Community Residence" does not include a residence which services persons as an alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse, nor does it include a nursing or medical facility.

- A. **Community Residence, Large:** A community residence providing living accommodations for more than eight residents, including live-in staff. Visiting staff who do not reside within the community residence shall not be counted for purposes of establishing the number of residents.
- B. **Community Residence, Small:** A community residence providing living accommodations for no more than eight residents, including live-in staff. Visiting staff who do not reside within the community residence shall not be counted for purposes of establishing the number of residents.

Compost Pile. An enclosed or partially enclosed collection of decaying plant product for the purpose of producing a stabilized humus-like material that is potentially beneficial to plant growth and usable as a soil conditioner, top soil, growing medium additive or other similar use.

Comprehensive Plan. The Comprehensive Plan of the Village of North Aurora, as adopted and amended by the Village Board.

Conforming Structure. Any structure that complies with all the regulations of this Ordinance for the zoning district in which such structure is located or is designed or intended for a conforming use.

Contractor Office. An establishment used for a contractor's business office and may include the repair, maintenance, or storage of a contractor's vehicles, equipment, or materials. Contractor office may include a contractor storage yard as an accessory use.

Contractor Storage Yard. ~~Any~~ Land used primarily for the storage of equipment, vehicles, machinery, building materials, paints, pipe, or electrical components used by the owner or occupant of ~~the premises~~ a contractor office in the conduct of any building trades or building craft. Contractor storage yards are accessory to a contractor office.

Contractor Trailer. This use includes security trailers, construction equipment sheds, contractor trailers and similar uses incidental to a construction project and sales of homes within a newly constructed development.

Convenience Store. A small retail establishment with a floor area of 5,000 square feet or less that sells a limited line of food and beverages, groceries, and household items intended for the convenience of the neighborhood or travelers.

~~**Country Club.** A club organized and operated primarily for social and outdoor recreation purposes with recreation facilities for members, their families and invited guests.~~

Crematorium. A facility for reducing corpses to ash. Crematoriums do not include incinerating establishments used to dispose of toxic or hazardous, infectious or narcotics materials.

Cultural Facility. A use that is open to the public and provides cultural services and facilities including, but not limited to, museums, cultural centers, historical societies, aquariums and libraries operated by a public, private or nonprofit organization.

Data Center. A building or part of a building containing a large group of networked computer servers typically used by organizations for the remote storage, processing, or distribution of large amounts of data.

Day. When used in this Ordinance, "Day" shall mean one calendar day

Day Care Center, Adult. A facility, other than within a residential dwelling unit, providing care for elderly and/or functionally impaired adults in a protective setting for less than twenty-four (24) hours per day. "Adult Day Care Center" does not include a program operated by a "Place of Worship," that provides care for elderly and/or functionally impaired adults in a protective setting for less than twenty-four (24) hours per day.

Day Care Center, Child. A facility, other than within a residential dwelling unit, providing care for children in a protective setting for less than twenty-four (24) hours per day. "Child Day Care Center" does not include a program operated by an "Educational Facility" (all types) or "Place of Worship," that provide care for children three years of age or older for less than twenty-four (24) hours per day.

Day Care Home, Adult. A residential dwelling in which a permanent occupant of the dwelling provides care in a protective setting for elderly and/or functionally impaired adults who do not spend the night at the dwelling.

Day Care Home, Child. A residential dwelling in which a permanent occupant of the dwelling provides care in a protective setting for children who do not spend the night.

Deck. A raised platform structure built above grade on supporting posts or columns, which is open to the sky and attached to the principal building. "Deck" shall not include "Balcony."

Density. The number of dwelling units per net acre or applicable portion of an area counted for density limitation purposes as more specifically prescribed for particular zoning districts.

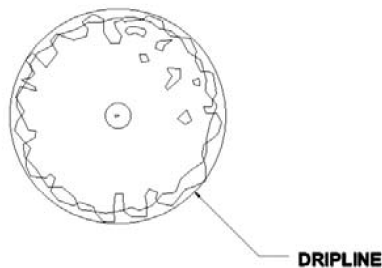
District. A contiguous portion of the Village within which certain uniform regulations and/or requirements, apply under the provisions of this Ordinance.

Dog House. An accessory structure designed for the containment of dogs and other domesticated animals.

Dog Run. An enclosed outdoor area intended for the exercising and/or containment of dogs and other domesticated animals.

Drip Line. An imaginary line encircling a tree corresponding to the furthest extension of the tree foliage. (See Figure 16-5: Drip Line)

FIGURE 16-5: DRIP LINE



Drive-Through Facility. Premises used to provide or dispense products or services through an attendant, window or automated machine, to persons remaining in motor vehicles in a designated stacking aisle. A "Drive-Through Facility" often exists in combination with other uses.

Driveway. A paved strip of land designed and intended for providing vehicular access between the street and a parking space or garage of private or public property.

Driving Range. An area equipped with distance markers, clubs, balls and tees for practicing the striking of golf balls. Miniature golf courses are considered an "Outdoor Recreation Facility" and not a "Driving Range."

Dry Cleaner, Retail. An establishment which launders or dry cleans articles dropped off on the premises directly by the customer or where articles are dropped off, sorted, and picked up but where laundering or cleaning is done elsewhere.

Dwelling. A building, or portion of a building, designed or used exclusively for residential purposes, including single-family, two-family, townhouse and multifamily dwellings, but not including trailers, "Hotel/Motels," "Bed and Breakfast Guest Homes" or automobiles.

Dwelling, Above the Ground Floor. Dwelling units within multi-story buildings located above nonresidential uses on the ground floor.

Dwelling, Attached. A single structure containing more than one dwelling unit, each of which is designed to be occupied as a separate permanent residence for one household or family, including residential units in condominiums, townhomes, duplexes and similar multifamily buildings. Each dwelling is separated from the other by a wall extending from the ground to the roof or a ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Dwelling, Duplex. See Dwelling, Two-Family.

Dwelling, Multifamily. A building designed as a single structure containing three or more individual dwelling units where each dwelling unit has an individual entrance to a common hallway or the outdoors. "Dwelling, Multifamily" shall not include "Dwelling, Townhouse."

Dwelling, Single-Family. A building containing one individual dwelling unit, which is located on an individual zoning lot and is not attached to any other dwelling unit.

Dwelling, Townhouse. A building designed as a single structure consisting of no less than three dwelling units, with no other dwelling, or portion of other dwelling, directly above or below, where each unit has a separate entrance and direct ground level access to the outdoors. These units are connected to other dwelling units by a single party wall with no opening.

Dwelling, Two-Family. A building designed as a single structure, containing two attached dwelling units, each of which is designed to be occupied as a separate permanent residence for one household or family. Each dwelling is separated from the other by a wall extending from the ground to the roof extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units. Each dwelling unit shall have an individual entrance.

Dwelling Unit. A dwelling unit consists of a room or group of rooms, which include permanently installed bathroom and kitchen facilities, and are arranged, designed and used as living quarters for one family or household.

Easement. An interest in land that provides for a specified use of that land by a person(s) other than the fee owner.

Eave. The projecting edges of a roof overhanging the wall of a building.

Educational Facility, College/University. A post-secondary institution for higher learning that grants associate or bachelor degrees. The institution may also have research facilities, and/or professional schools that grant master and doctoral degrees. "Educational Facilities, College/University" also includes post-secondary

theological schools for training ministers, priests or rabbis. "Educational Facilities, College/University" shall not include "Educational Facilities, Commercial, Vocational, or Trade."

Educational Facility, Commercial, Vocational or Trade. A school established to provide for the teaching of industrial, trade, clerical, managerial or artistic skills. This definition applies to schools ~~that are owned and operated privately for profit and~~ that do not offer a complete educational curriculum ~~that grants associate or bachelor degrees.~~ "Educational Facilities, Commercial or Trade School" shall not include "Educational Facilities, College/University."

Educational Facility, Elementary and/or Secondary (Nonresidential). A public, private or parochial school offering instruction at the elementary, junior and/or senior high school levels. "Educational Facilities, Primary/Secondary" also includes secondary theological schools for training ministers, priests or rabbis.

Educational Facility, Elementary and/or Secondary (Residential). A public, private or parochial school offering instruction at the elementary, junior and/or senior high school levels that includes residential boarding facilities for its students.

EME/RF Study. A study of the amount of electromagnetic energy (EME) and radiofrequency (RF) emitted by a wireless telecommunications antenna.

Encroachment. The extension or placement of any structure or component of a structure into a required yard.

Entertainment / Recreation Facility, Indoor. An establishment that provides specialized indoor facilities for spectator or participant uses. Typical uses include, but are not limited to, arcades, arenas, auditoriums, ball courts, billiard halls, bowling alleys, gymnasiums, laser tag, miniature golf courses, pools, skating rinks, theaters, trampoline parks, water slides, and other similar facilities. Incidental sales of food and beverages is permitted.

Entertainment / Recreation Facility, Outdoor. An establishment that provides facilities for spectator or participant uses conducted outdoors in open or only partially enclosed facilities. Typical uses include, but are not limited to, amusement parks, ball fields, fairgrounds, miniature golf courses, music arenas, outdoor stadiums, outdoor theaters, raceways, rodeos, skateboard parks, swimming pools, theme parks, tennis courts, and other similar facilities. Incidental sales of food and beverages is permitted.

Erect. To build, construct, attach, hang, place, suspend or affix.

Exception. Modification to existing zoning and/or subdivision control standards within a zoning district granted as part of the special use or planned unit development application process.

Exterior Kitchenette. A complete cooking facility located outdoors typically involving a sink, stove or similar cooking range appliance and a food preparation counter.

Fall Zone. The area within a prescribed radius around the base of a wireless telecommunications tower. This is the area within which there is a potential hazard from falling debris, such as ice, collapsing material or the collapse of the tower itself.

Family. One or more persons related by blood, marriage, or adoption, who are living together in a single dwelling and maintaining a common household. A "Family" includes any domestic servants and not more than one gratuitous guest residing with such "Family." This definition does not include convents, rectories, sororities, fraternities or similar uses.

Farm Stand. A structure for the seasonal display and sale of agricultural products.

Farmer's Market. The offering for sale of produce or processed, packaged or prepared food, subject to the procedures and regulations set forth in the Village of North Aurora Municipal Code.

Fence. An artificially constructed barrier of wood, masonry, stone, wire, metal or other combination of materials of thirty (30) inches or more in height erected to enclose, screen or separate areas. Artificial barriers of less than thirty (30) inches shall be considered a landscape feature.

Fence, Open. A fence, including any gates, designed and constructed so that the surface area of any segment of such fence contains at least fifty (50) percent open space as compared to solid materials.

Fence, Solid. A fence, including gates, made entirely of opaque material.

Financial Service Establishment. Institution that provides personal, commercial, and retail money holding, investment and lending services, with or without walk-up only automatic teller machines. This classification includes establishments such as banks, savings and loans, mortgage lending offices, credit unions, securities and brokerage offices. A "Financial Institution" shall not include a currency exchange, payday or title loan agency.

Floor Area, Gross. The sum of the gross horizontal area of the plans of the several floors of a building, as measured from the outside face of the walls.

Floor Area Ratio (FAR). The numerical value obtained by dividing the gross floor area of a building or buildings by the lot area on which such building or buildings are located, as measured from the outside face of the walls.

Food or Beverage Production, Processing or Bottling. Any use involving the preparation, production, processing, canning, or bottling of items meant for human consumption.

Footcandle. A unit of illumination equivalent to the light intensity at all points a distance of one foot from the power of one candle.

Frequency. The number of oscillations per second in a sound wave and an index of the pitch of the resulting sound.

Funeral Home. A building used for the preparation of the deceased for burial, display and rituals before burial or cremation. A "Funeral Home" includes chapels located within the building used for the display of the deceased and the conducting of rituals before burial or cremation.

Garage. A building, either attached or detached, used or designed to be used for storage of vehicles, equipment boats and accessory storage related to the use of the principal dwelling.

Gas Station. A business facility which is primarily distinguished by the retail sale of gasoline and related petroleum products necessary for the day-to-day operation of motor vehicles and commonly referred to as a "gas station." Such a facility may, in addition, offer ~~maintenance and repair services for motor vehicles~~ a car wash and/or convenience store.

Gazebo. A freestanding outdoor structure that is open-sided and designed for recreational use and not for habitation.

Glare. Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, or, in extreme cases, causing momentary blindness.

Golf Course. A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms and shelters as accessory uses. A "Driving Range" may be included as part of a "Golf Course."

Grade. The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Green Roof. The creation of contained green space on the roof of a structure, where plants are not planted in the ground but applied as another layer of the roofing system.

Guest House. A detached accessory building located on the same zoning lot as the principal building and containing living quarters for temporary guests.

Guest, Permanent. A person who occupies or has the right to occupy a hotel or apartment hotel accommodation as his or her domicile and place of permanent residence.

Health and Athletic Center. An establishment that provides exercise facilities such as running, jogging, aerobics, weight lifting, court sports and swimming, as well as locker rooms, showers, massage rooms, saunas and other related accessory uses.

Hedge. A row of closely planted shrubs, bushes or other kind of plant forming a boundary or fence.

Home Occupation. An occupation carried on in a dwelling unit by the resident, where the use of the dwelling unit for the occupation is secondary to and coextensive with the use of the dwelling unit for residential purposes.

Hospital. An institution providing health services primarily for inpatient, or medical or surgical care for the sick or injured, and including the related facilities located within a "Hospital," such as laboratories, outpatient departments, training facilities and classrooms, central service facilities and staff offices that are integral to the facility.

Hot Tub. An artificial container of water designed with a mechanical air injection system and/or circulating device for recreational use.

Hotel. An establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include, but shall not be limited to, conference and meeting rooms, restaurants, bars and recreational facilities.

~~**Hotel/Motel.** An establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include, but shall not be limited to, conference and meeting rooms, restaurants, bars and recreational facilities.~~

Household. The person or persons living together in a dwelling unit.

Impervious Surface. The portion of a site occupied by structures, pavement or other surfaces that do not allow for the absorption of water.

Independent Living Facility. A residential complex containing dwellings where the occupancy is limited to persons who are fifty-five (55) years of age or older or, if two persons occupy a unit, at least one shall be fifty-five (55) years or older. Such facilities may include common areas for meals and socializing, offer minimal convenience services, but exclude institutional care such as medical or nursing care. An "Independent Living Facility" shall not include "Assisted Living Facility," "Community Residence" or "Nursing Home."

Indirect Light. Direct light that has been reflected or has scattered off of other surfaces.

~~**Indoor Sports Facility.** A specialized indoor facility providing, but not limited to, ball courts, gymnasiums, pools, fields or arenas for the prearranged league play or tournament athletics. Incidental sales of food, beverages and athletic equipment permitted. "Indoor Athletic Facility" shall not include "Health and Athletic Center" or "Personal Training Establishment" as a principal use.~~

Industrial, Heavy. The manufacturing or compounding of raw materials, which may include the storage of large volumes of highly flammable, toxic matter or explosive. This manufacturing may involve outdoor operations as part of their manufacturing process. Typical heavy industrial uses include, but are not limited to: concrete batch plants, concrete, tile, or brick manufacturing, motor vehicle, and tire assembly, chemical processing, metal casting or foundries, gas manufacturing, grain milling or processing, refining, smelting, or alloying, petroleum or petroleum products. Heavy manufacturing processes ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare or health and safety hazards.

Industrial, Light. The manufacturing, ~~sorting, from previously prepared materials of finished products or parts,~~ including processing, fabrication, assembly, treatment, ~~and or~~ packaging of ~~such products~~ ~~previously prepared materials, finished products or parts,~~ and incidental storage, sales, and distribution of such ~~materials, products, or parts,~~ provided all industrial activities are contained entirely within a building and noise, odor, smoke, heat, glare, and vibration resulting from the industrial activity are confined entirely within the building.

Industrial, Medium. The manufacturing, ~~sorting, of products from processed or unprocessed raw materials,~~ including processing, fabrication, assembly, treatment, ~~and or~~ packaging of ~~such products from processed or unprocessed raw materials,~~ and incidental storage, sales, and distribution of such products. ~~This manufacturing~~ Such activities may produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land users but is not offensive or obnoxious.

Industrial Park. A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services. Industrial parks may be promoted or sponsored by private developers, community organizations, or government organizations.

Intensity of Use. Any factor such as square feet of gross floor area, number of dwelling units or number of employees used as a basis for requiring parking or loading facilities.

Junk Yard/Scrap Yard. An establishment used for the storage, disassembly, processing, or salvage of equipment, machinery, motor vehicles, or similar material.

Kennel. An establishment where pet animals owned by another person are temporarily boarded for pay or remuneration of any sort. "Kennel" shall include those facilities where pet animals are boarded for the day. "Kennel" shall not apply to zoos or animal hospitals operated by veterinarians duly licensed under the law where the boarding of animals is accessory to medical treatment.

Laboratory, Commercial. Facilities for research, development, analyzing, and testing of products but not primarily facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. Such facilities may include, but are not limited to, technology-intensive fields such as chemical, biological, pharmaceutical, environmental, electronics, building materials and genetic research.

Land Banking. Designating land on a site to be held and preserved for an identified future purpose, such as additional parking. See "Parking, Land Banked."

Laundromat. A facility where patrons wash and dry clothing or other fabrics in machines operated by the patron.

Laundry Establishment, Commercial. A building, portion of a building, or premises used for cleaning clothing, fabrics, textiles, or articles of any sort in bulk. Such facilities are generally not open to the public and take delivery of items to be cleaned from trucks or vans.

Lighting, Shielded. A fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

Lighting, Unshielded. A fixture that allows light, either directly from the lamp or indirectly from the fixture or a reflector, to be emitted above the horizontal plane running through the lowest point on the fixture where light is emitted.

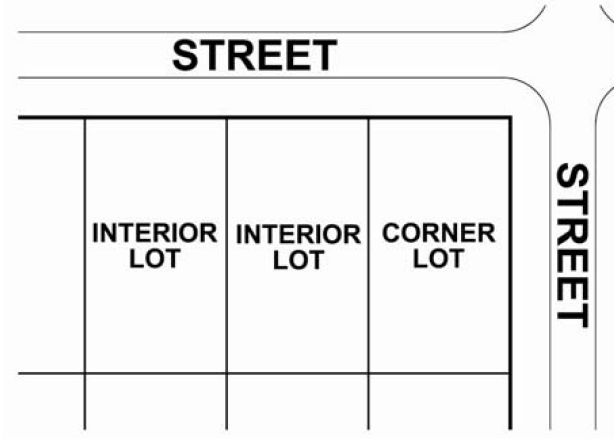
Loading Spaces. A location within a loading facility exclusive of driveways, aisles, maneuvering areas, ramps, columns, landscaping areas, office and work areas for the temporary parking of a commercial vehicle while loading or unloading goods or materials.

Lot. A parcel of property that has been identified separately from other parcels of property through the formal subdivision or resubdivision process.

Lot Area. The computed area contained within the boundary lines of a lot.

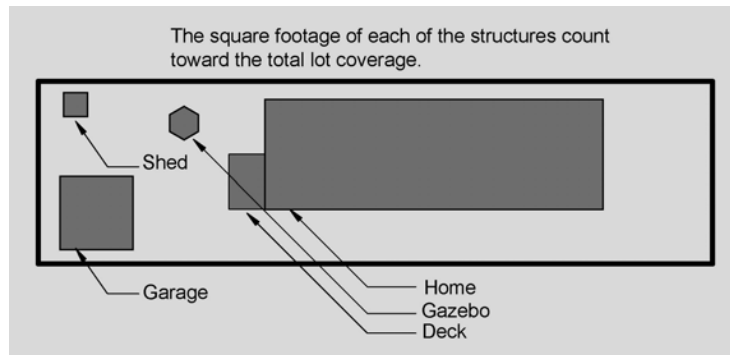
Lot, Corner. A lot situated at the junction of, and abutting on, two or more intersecting streets. (See Figure 16-6: Corner and Interior Lots)

FIGURE 16-6: CORNER AND INTERIOR LOTS



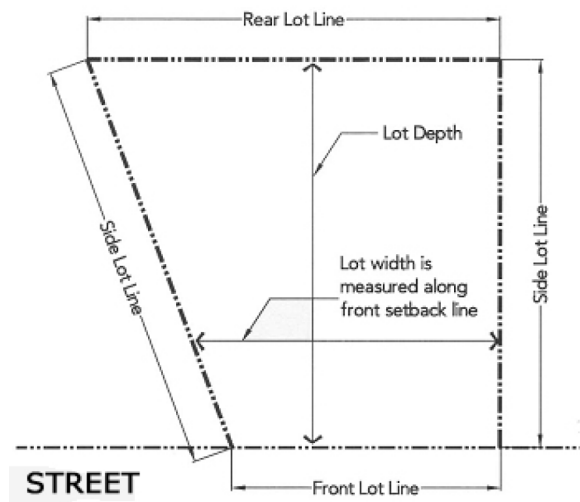
Lot Coverage. The portion of a lot that is occupied by buildings or structures, including accessory structures buildings, expressed as a percentage of total lot area. Lot coverage shall not include accessory structures driveways, parking spaces, patios, sidewalks, swimming pools or water gardens and other similar impervious or semi-impervious surfaces (See Figure 16-7: Lot Coverage)

FIGURE 16-7: LOT COVERAGE



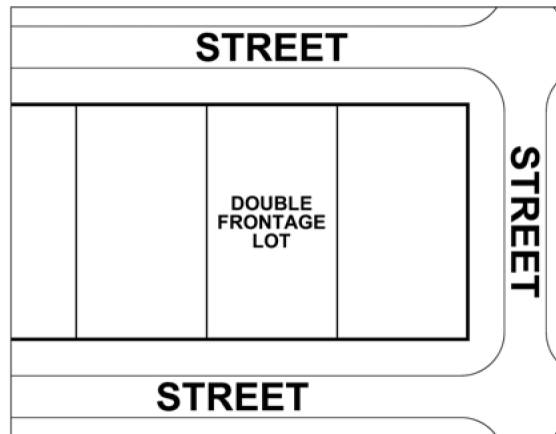
Lot Depth. The distance between the front lot line and the rear lot line of a lot, determined by measuring from the deepest point of the rear lot line to the front lot line. (See Figure 16-8: Lot Width and Lot Depth)

FIGURE 16-8: LOT WIDTH AND LOT DEPTH



Lot, Double-Frontage. A lot, sometimes referred to as a "through lot," having frontage on two streets at opposite ends of the lot, which is not a "Corner Lot." (See Figure 16-9: Double-Frontage Lot)

FIGURE 16-9: DOUBLE-FRONTAGE LOT



Lot, Interior. A lot other than a corner lot or a double-frontage lot. (See Figure 16-6: Corner and Interior Lots)

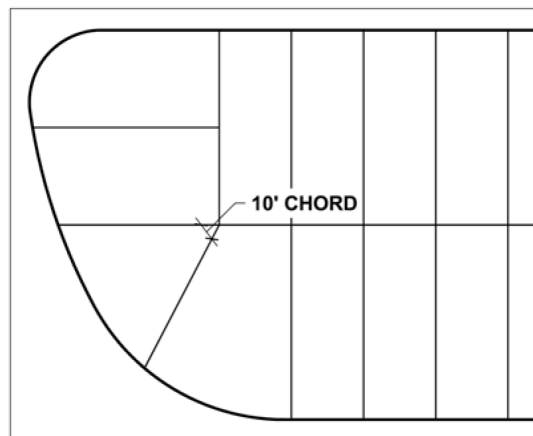
Lot Line. A property boundary line of any lot.

Lot Line, Front. The lot line which abuts an existing or dedicated street. For the purposes of this Ordinance, the "Front Lot Line" of a "Corner Lot" or a "Reverse Corner Lot" shall be the shortest street frontage of the lot.

Lot Line, Interior. A lot line which does not abut a street or alley.

Lot Line, Rear. The boundary of a lot which is most distant from and is, or is approximately, parallel to the front lot line. In the case of an irregular or triangular shaped lot and for purposes of determining the rear yard dimension, the rear lot line shall be deemed to be a line ten (10) feet in length, within the lot, which is parallel to and at a maximum distance from the front lot line. The ten-foot chord for an irregular lot is shown in Figure 16-10: Rear Lot Line Chord for Irregular Lots.

FIGURE 16-10: REAR LOT LINE CHORD FOR IRREGULAR LOTS

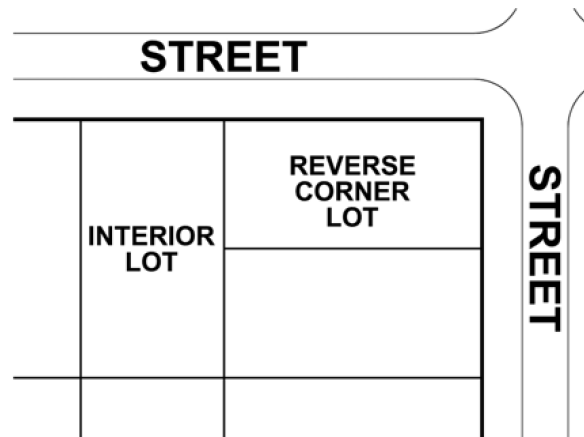


Lot Line, Side. Any boundary of a lot that is not a front lot line or a rear lot line.

Lot of Record. A single lot which is part of a subdivision or resubdivision which has been recorded in the Office of the Register of Deeds of Kane County, Illinois.

Lot, Reverse Corner. A "Corner Lot" where the side lot line adjoining a street is substantially a continuation of the front lot line of the first lot to its rear. (See Figure 16-11: Reverse Corner Lot)

FIGURE 16-11: REVERSE CORNER LOT



Lot Width. The minimum horizontal distance between the side lot lines of a lot measured at the required front yard setback line. (See Figure 16-8: Lot Width and Lot Depth)

Lot, Zoning. A single tract of land located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. A "Zoning Lot" may or may not coincide with a "Lot of Record."

Luminaire. A complete lighting unit extending from a support structure, parallel to the ground, consisting of a light source and all necessary mechanical, electrical and decorative parts. A "Luminaire" does not include a pole or other support.

Marquee. A permanent structure constructed of durable material extending perpendicular from part of the wall of a building but not supported by the ground.

Maximum Permissible Exposure (MPE). A standard devised by the FCC to calculate safe levels of exposure of persons to radiofrequencies, such as those emitted by wireless telecommunications antennas.

~~**Medical/Dental Office.** A facility operated by one or more physicians, dentists, chiropractors or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. "Medical Office" shall also include alternative medicine clinics, such as acupuncture.~~

Microbrewery / Microdistillery/ Microwinery. An Establishment where beer, wine, or spirits are manufactured by the holder of a state craft brewery or craft distillery license. As a principal use, the establishment may include a taproom which is open to the public primarily for the sale of beer, wine, and/or spirits manufactured on-site for on-site and/or off-site consumption. As an accessory use, Microbrewery shall be permitted only in conjunction with a Restaurant.

Mixed Use Development. The development of a tract of land or building or structure with two or more different uses in a compact urban form. Uses are limited to residential, office, retail, educational and civic.

Mobile Home. A structure on wheels designed and constructed for dwelling purposes which contains cooking, sanitary and electrical facilities and has a gross area of three hundred (300) square feet or more, and which conforms to ICC code requirements for residential uses.

Motel. An establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service in which the rooms are primarily accessible from an outdoor parking area.

Motor Vehicle. Any self-propelled wheeled vehicle designed primarily for transportation of persons or goods along public streets.

Motor Vehicle Repair, Major. Such use includes everything in Motor Vehicle Repair, Minor and, ~~but shall not be limited to,~~ establishments involved in engine or transmission rebuilding or reconditioning, collision service, painting repair or replacement of major vehicle systems. ~~cooling, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel servicing.~~ "Motor Vehicle Repair" does not include establishments where ~~gasoline and/or fuel oil, grease, batteries, tires and motor vehicle accessories are sold in addition to the repair facilities.~~

Motor Vehicle Repair, Minor. Such use includes the repair and replacement of cooling, electrical, fuel and exhaust systems, brake replacements and adjustments, tire replacement and repairs, wheel servicing, oil changes, battery replacements, repair and replacement of shock absorbers and suspension systems, and repair and installation of radio and entertainment systems.

Motor Vehicle Dealership. Any business establishment that sells or leases new or used motor vehicles, A "Motor Vehicle Dealership" may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership.

Motor Vehicle Rental Establishment. Rental of motor vehicles and vans, including incidental parking and servicing of rental vehicles.

Nightclub. An establishment serving food and/or liquor and providing music and space for dancing by patrons only. A nightclub shall not include an adult business.

Nonconforming Lot. A lot of record that does not meet the lot area or lot width requirements of this Ordinance for the zoning district in which it is located.

Nonconforming Structure. An existing structure that does not meet the requirements of this Ordinance.

Nonconforming Use. An existing use that does not meet the requirements of this Ordinance.

Nursery School or Preschool. A facility for the education of five or more children of pre-elementary school age.

Obscene. Any material or performance if: 1) the average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to prurient interest; and 2) the average person, applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, masturbation, excretory functions or lewd exhibition of the genitals; and 3) taken as a whole, it lacks serious literary, artistic, political or scientific value.

Occupancy Certificate. A certificate that permits the use and/or occupancy of a structure or portion of a structure after it is constructed, reconstructed, remodeled or moved, indicating that the proposed occupancy or use complies with all the provisions of the Zoning Ordinance.

Octave Band. Dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

Off-Track Betting Establishment. A building in which patrons may wager on horse, harness or greyhound racing that is not located within a race track.

Office Park. A zoning lot that has been planned, developed and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention to circulation, parking, utility needs, aesthetics and compatibility.

Office, Business and/or Professional. A use that engages in the processing, manipulation or application of business information or professional expertise. Such an office may or may not offer services to the public. A "Professional Office" is not materially involved in fabricating, assembling or warehousing of physical products for the retail or wholesale market, nor is an office engaged in the repair of products or retail services. It is characteristic of a "Professional Office" that goods are not manufactured, assembled or shown or sold on the premises to a customer. Examples include, but are not limited to, professional offices for nonprofit organizations,

advertising, accounting, investment services, insurance, contracting, architecture, engineering, legal services, planning and real estate services. "Professional Office" does not include government offices.

Office, Medical and/or Dental. An outpatient facility operated by one or more licensed physicians, dentists, chiropractors or other licensed practitioners of the healing arts. "Medical Office" shall also include alternative medicine clinics, rehabilitation centers, imaging centers, testing centers, as well as medical and dental laboratories incidental to the medical office use.

Open Space (Bulk Regulation). Land within a zoning lot devoted to landscaping, lawns and other similar uses. Open space shall not include structures, driveways, streets, parking lots or spaces, sidewalks, plazas, terraces, patios, swimming pools, decks or other similar impervious or semi-impervious surfaces.

Open Space (Permanent Common). Any land held and developed as permanent open space or any land dedicated to the public as parks, playgrounds, parkway medians, landscaped green space, conservation easement, schools, community centers or other similar areas held in public ownership or covered by an open space easement.

Ordinance. This Zoning Ordinance, as from time to time amended.

Outdoor Dining. A seating area located outdoors of a contiguous restaurant, usually in addition to an indoor seating area.

~~**Outdoor Entertainment Facility.** Predominantly spectator uses conducted outdoors in open or only partially enclosed facilities. Typical uses include, but are not limited to, fairgrounds, outdoor stadiums, outdoor theaters, raceways, rodeos, music arenas, theme parks and amusement parks.~~

Outdoor Lighting. The nighttime illumination of an outside area or object by any manmade device located outdoors that produces light by any means.

Outdoor Lighting, Temporary. The specific illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a period of less than seven days, with at least one hundred eighty (180) days passing before being used again.

~~**Outdoor Recreation Facility.** Predominantly participant uses that take place outside of a building including, but not limited to, miniature golf courses, swimming pools, tennis courts, ball fields, skateboard parks, and other similar facilities. "Outdoor Recreation Facilities" shall include accessory uses, such as snack bars or refreshment stands that are designed and intended primarily for the use of patrons.~~

Outdoor Sales and Display. The outdoor sale and/or display of goods, accessory to the principal use.

Outdoor Storage. The keeping of any goods, material, merchandise or equipment outside of an enclosed building. An item shall be deemed to be in storage if it is being maintained or repaired on the premises. **Outdoor storage is an accessory use.**

Owner. A titleholder of record, or if title is held in trust, the beneficiary of the trust. A long-term lessee may also be deemed an owner, provided that at time of application, not less than twenty (20) years remain on the lease.

Particulate Matter. Dust, smoke, or any other form of airborne pollution in the form of minute separate particles.

Parapet Wall. That portion of a wall which extends above the roof line.

Parcel. A tract or plot of land of any size that may or may not be subdivided or improved.

Park. A noncommercial, not-for-profit facility designed to serve the recreation needs of the residents of the community. "Parks" include, but are not limited to, ballfields, football fields, soccer fields, basketball courts, playgrounds and park district field houses that may have indoor recreation facilities.

Parking, Land Banked. Land designated on a zoning lot or part of a zoning lot to be held and preserved for an additional parking at a future time.

Parking, Off-Street. The storage space for vehicles that is located on a zoning lot.

Parking, Tandem. A parking space within a group of two or more parking spaces arranged one behind the other.

Parking Lot (Principal Use). A zoning lot that is an open, hard-surfaced area, other than street or public way, available to the public, designed and intended primarily for the storage, for limited periods of time, of operable passenger automobiles and commercial vehicles. Such storage may be for compensation, free or as an accommodation to residents of a multifamily dwelling, or clients and customers of a business.

Parkway. The area between the property line and the curb or, in the absence of a curb, between the property line and the nearest edge of the street paving.

Party Wall. A wall starting from the foundation and extending continuously through all stories to or above the roof, that separates one building from another, but is in joint use by each building.

Patio. An impervious, or semi-impervious, surface at finished grade designed and intended for recreational use by people and not as a parking space.

Pawn Shop. An establishment that lends money on the deposit or pledge of physically delivered personal property, and who may also purchase such property on the condition of selling it back again at a stipulated price. "Pawn Shop" shall include establishments that buy personal property, such as jewelry or artwork made of gold or other valuable metals for refining.

Payday or Title Loan Agency. An establishment providing loans to individuals in exchange for receiving personal checks or titles to the borrowers' motor vehicles as collateral. A "Payday or Title Loan Agency" shall not be considered a "Financial Institution."

Performance Standards (Environmental). A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare of heat generated by or inherent in use of land or buildings.

Pergola. A freestanding structure usually consisting of parallel colonnades supporting an open roof of girders and cross rafters. A "Pergola" is built as an outdoor structure with lattice or open slat roof for partial shade.

Permitted Use. A use permitted in a zoning district upon satisfaction of the standards and requirements of this Ordinance. A permitted use does not require special administrative review and approval.

Person with a Disability. A person has a "disability" for purposes of the Americans with Disabilities Act (ADA) if she or he: 1) has a physical or mental impairment that substantially limits a major life activity; 2) has a record of such an impairment; or 3) is regarded as having such an impairment. A person must satisfy at least one of these three parts of the definition to be considered an individual with a disability.

Personal Training Establishment. An indoor facility providing instructional athletics including but not limited to aerobic exercise, weightlifting activities or martial arts in a class setting or individual training format.

Place of Worship. A building, together with its accessory buildings and uses, where persons regularly assemble for religious purposes and related social events and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

Planned Unit Development. The subdivision and/or development of a land area as a single unified development, where certain Zoning Ordinance regulations, such as bulk and use standards, may be modified to allow for more flexible planning in conformance with the planned unit development standards and approval processes.

Principal Building. A building in which a primary use of the lot on which it is located is conducted.

Principal Use. The main use of land or buildings as distinguished from an accessory use.

Property Line. The lines forming the boundary of a lot, parcel, or zoning lot.

Public Way. Any sidewalk, street, alley, roadway, highway, or other public thoroughfare within a public right-of-way.

~~**Recreation, Indoor.** Any establishment whose main purpose is to provide the general public with an amusing or entertaining activity and where tickets are sold or fees are collected for the activity including but is not limited to, skating rinks, water slides, miniature golf courses, arcades, bowling alleys, and billiard halls. Incidental sales of food and beverages is permitted.~~

Retail Goods/Services. A commercial establishment that provides physical goods, products, merchandise, or provides a service directly to the consumer for purchase. Retail Goods/Service establishments may include but are not limited to appliances stores sales and service, bicycle stores, clothing stores, dry goods stores, florist, hardware stores, hobby shops, leather goods, locksmiths, music stores, office supply stores, shoe sales or repair, sporting goods stores, toy stores, and other similar uses provided they are not specifically listed as a permitted or special use in any other section.

Recreational Vehicle. A vehicle, or similar means of human transportation, used primarily for recreational purposes, which shall include, but is not limited to, the following:

- A. **Boat/Raft.** Any unit that is used for water travel.
- B. **Camper Trailer.** A non-self-propelled motor vehicle designed to be towed and designed to be used as a temporary dwelling for travel or recreational use.
- C. **Motor Home.** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- D. **Pickup Coach.** A structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational or vacation uses.
- E. **Snowmobile.** A motorized vehicle used for travel over snow or ice.
- F. **Utility Trailers.** A vehicle, enclosed or non-enclosed, without its own motive power (excluding semitrailers) that is designed and constructed to transport another vehicle, such as a car, boat, motorcycle, or snowmobile, or to transport equipment and/or tools, such as lawn mowers, etc., and that is eligible to be licensed or registered and insured for highway use.

Real Estate Model Unit. A residential unit temporarily used for display purposes as an example of dwelling units available or to be available for sale or rental in a particular subdivision or other residential development. Model units may also incorporate sales or rental offices for dwellings within the development.

Recycling Center. A facility in which recyclable material is collected, separated, processed, baled, or otherwise prepared prior to shipment to another facility for remanufacture into new materials.

Refuse Dump. Land used for the disposal of waste matter and related material.

Rehabilitation Facility. Structures and land used for the treatment of alcohol, drug abuse, or other addictions, where one or more patients are provided with care, meals and lodging.

~~**Research and Development Facility.** An establishment where research and development is conducted and no manufacture, fabrication, processing or sale of products takes place.~~

~~**Reservoir Parking Facilities.** Those off street parking spaces allocated to vehicles for passengers awaiting entrance to a particular establishment.~~

Restaurant. A structure in which the principal use is the preparation and sale of food and beverages for consumption on the premises or for carry-out. "Restaurant" shall not include accessory restaurants, snack bars or refreshment stands accessory to other principal uses. A "Restaurant" with live performances (music, theater, etc.) shall be considered live entertainment.

Ringelmann Chart. A chart described by the U.S. Bureau of Mines used to estimate the light-obscuring capacity of smoke and smoke density.

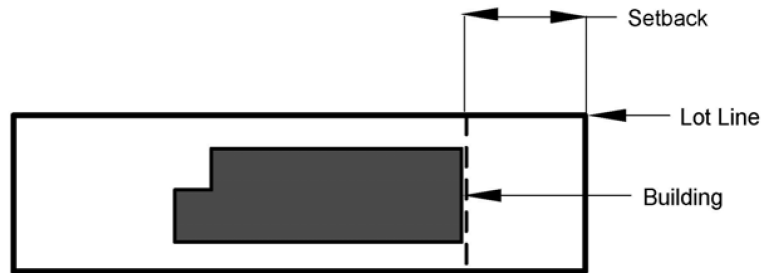
Ringelmann Number. A figure from the Ringelmann Chart that coincides most nearly with the light-obscuring capacity of smoke.

Satellite Dish Antenna. A dish antenna designed for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication or other signals from other antennas, satellites, or other services.

Self-Service Storage Facility. A facility used only for the storage of personal property or commercial inventory where individual renters control individual storage spaces.

Setback. The minimum distance by which any building or structure must be separated from a property line. (See Figure 16-12: Setback)

FIGURE 16-12: SETBACK



Shade Tree. A deciduous tree planted primarily for its high crown of foliage or overhead canopy. A large shade tree is over forty (40) feet in height. Medium shade trees are between twenty-five (25) and forty (40) feet in height. Small shade trees reach up to twenty-five (25) feet in height.

Shed. A relatively small accessory building often purchased pre-built or as a kit in pre-fabricated sections not designed to be served by heat or plumbing. A "Shed" is typically intended to store lawn, garden or pool care equipment.

Shopping Center. A group of retail and other commercial units that is planned, owned and managed as a single property.

Short Term Rental. A dwelling used as a primary residence that is either wholly or partially rented for a short period of time (less than thirty (30) days at a time) to transients or temporary guests. Short Term Rentals shall not include "Hotels", "Motels," or "Bed and Breakfast Guest Homes".

Sign. A name, identification, description, display, illustration or attention-getting device which is affixed to or painted or represented directly or indirectly upon a building or other outdoor surface or lot, and which directs attention to a person, business, product, service, place, organization, thought, expression or entertainment. "Sign" shall not include the flag of any nation, state or governmental entity. Additional definitions related to "Sign" can be found in Chapter 15.48 of the North Aurora Municipal Code, Signs.

Site Plan Review. The formal review of a site plan to assist in determining the manner in which an applicant intends to make use of property whereby the Plan Commission deliberates each plan and forwards a recommendation to the Village Board for final approval.

Small Wind Energy System. A mechanism or device that converts wind energy into electrical power, including windmills and residential wind turbines, towers and supporting structures and such directly connected facilities as generators, alternators, inverters, batteries and associated control equipment.

Solar Panel. A device that collects and converts sunlight as a source of energy for purposes such as heating or cooling a structure, heating or pumping water, or generating electricity.

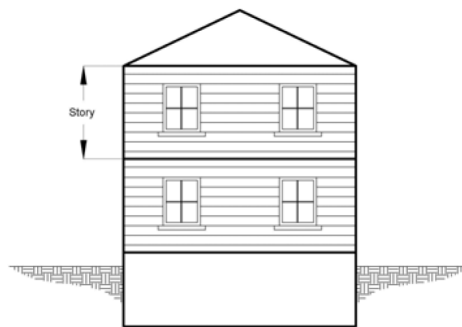
Special Use. A use that owing to some special characteristics attendant to its operation or installation is permitted in a zoning district only after review by the Plan Commission, and approval by the Village Board, which may be conditioned. A use is a special use if it is designated as such in this Ordinance.

Stacking Space. A space specifically designated as a waiting area for vehicles patronizing a drive-through facility.

Stoop. An exterior floor typically, but not necessarily, constructed of concrete and/or masonry, with a finished floor elevation higher than the adjacent ground level. A "Stoop" typically has steps leading up to it and is utilized primarily as an access platform to a building.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. A basement with less than one-half of its clear floor-to-ceiling height below the average grade of the adjoining ground shall count as a story. The floor of a story may have split levels provided that there is not more than a four-foot difference in elevation between the different levels of the floor. A mezzanine floor shall be counted as a story when it covers over one-third of the area of the floor next below it, or if the vertical distance from the floor next below it to the floor next above it is more than twenty-four (24) feet. (See Figure 16-13: Story)

FIGURE 16-13: STORY



Story, Half. A story located directly under a sloping roof where the area that has a ceiling height of at least seven feet is less than two-thirds of the area of the story below.

Street. A permanent public or private right-of-way or easement which is platted for common use as the primary means of access for motor vehicles to properties adjoining it.

Street, Frontage. All of the property fronting on one side of a street between two intersecting streets, or in the case of a dead-end street, all of the property along the side of the street between an intersecting street and the end of such dead-end street.

Street Level. The story of a building that has its floor at the closest level to the street, with direct pedestrian access to that story from the outside.

Street Line. The street right-of-way line abutting a property line of a lot.

Strip Center Development. A pattern of commercial development comprised of two or more separate businesses, generally one lot in depth with commercial activity arranged in a line, usually along an arterial street.

Structural Alteration. Any change in the exterior supporting members of a structure, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or exterior walls.

Structure. Anything constructed or erected that requires location on the ground or attached to something having location on the ground.

Swimming Pool. A private receptacle for water and/or an artificial pool of water over twenty-four (24) inches in depth designated for recreational or fitness.

Tattoo Parlor. Establishments where services offered are tattooing, body piercing and nonmedical body modification. This definition does not include establishments that offer ear piercing as an accessory use.

Thoroughfare. An arterial or collector street as designated in the Comprehensive Plan.

Temporary Storage Containers. A portable or readily movable and self-contained container or trailer designed or used for the purpose of storage.

Temporary Storage Structure. An accessory structure without foundation or footing designed for the purpose of storage on a nonpermanent basis.

Tent. Any temporary structure or enclosure, the roof of which or one-half or more of the sides are constructed of silk, cotton, canvas, fabric, or similar pliable material.

Three-Component Measuring System. Instrumentation which can measure earth-borne vibrations in three directions, in a horizontal as well as vertical plane.

Tobacco Shop. Retail establishment that sells tobacco related paraphernalia, cigarettes, cigars, or tobacco in any other form, including smokeless tobacco and vaping products.

Trailer. Any nonself-propelled, wheeled vehicle, designed for carrying persons or property when drawn by a motor vehicle.

Transition Yard. Land area with landscape plantings and other components used to visibly separate one use from another, or one zoning district from another, or to shield or block noise, lights, or other nuisances. A designated portion of a transition area in which landscaping, open space or other requirements are imposed for the purpose of minimizing the potential adverse effects of two different zoning uses, classifications, or districts that are contiguous or proximate to each other.

Trellis. A freestanding structure used in the garden to support vines or climbing plants; also called an "Arbor."

Use. The purpose or activity for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

Use Not Specifically Identified. A purpose or activity which is not explicitly classified or described by this Ordinance.

Use, Accessory. A use that is customarily incidental and subordinate to the principal building, structure, or use, and located on the same zoning lot.

Use, Principal. The dominant use of land or a structure as distinguished from a "Use, Accessory."

Use, Temporary. Any use designated, operated, built or occupied for short, thirty (30) days or less, and/or intermittent periods of time and may include tents, trailers and other structures on wheels or other supports for business, educational or recreational purposes.

Veterinary Clinic. An organization of one or more veterinarians who have their offices in a common building and who provide in-patient and out-patient care to animals.

Vibration. The periodic displacement of earth as measured by designated frequency-cycles per second.

Village Office or Facility. A building or structure owned, operated and/or occupied by the Village of North Aurora to provide a governmental service to the public. "Village Office or Facility" does not include park district field houses, recreation centers, or school buildings.

Wall. An upright structure of building material, such as masonry or plaster, serving to enclose, divide or protect an area.

Warehousing, Storage, and Distribution Facility. The storage, wholesale and distribution of manufactured products, supplies and equipment including ecommerce fulfillment centers.

Wetlands. Transitional lands between terrestrial and aquatic systems where the water table is usually at or near the surface or the land and is often covered by shallow water. For purposes of this classification wetlands must have one or more of the following three attributes: a) At least periodically, the land supports predominantly hydrophytes; b) The substrate is predominantly undrained hydric soil; c) The substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year.

Window Light Well. An enclosure installed below grade that: retains the earth around a window that is either entirely or partially below grade, and is constructed for the primary purpose of providing light and ventilation to a basement.

Window Well, Escape. An enclosure installed below grade that: retains the earth around a window that is either entirely or partially below grade, and is constructed for the primary purpose of egress from a below grade space during an emergency.

Wireless Telecommunications Antenna. A specific device, the surface of which is used to transmit and/or receive radio-frequency signals, microwave signals, or other signals transmitted to or from other antennas. "Wireless Telecommunications Antenna" does not include "Satellite Dish Antenna."

Wireless Telecommunications Facility. An unstaffed structure used to house and protect the equipment necessary for processing telecommunications signals, which may include air conditioning equipment and emergency generators.

Wireless Telecommunications Tower. A structure designed and constructed to support one or more "Telecommunications Antennas" and including all appurtenant devices attached to it. A tower can be freestanding (solely self-supported by attachment to the ground) or supported (attached directly to the ground and with guy wires) of either lattice or monopole construction.

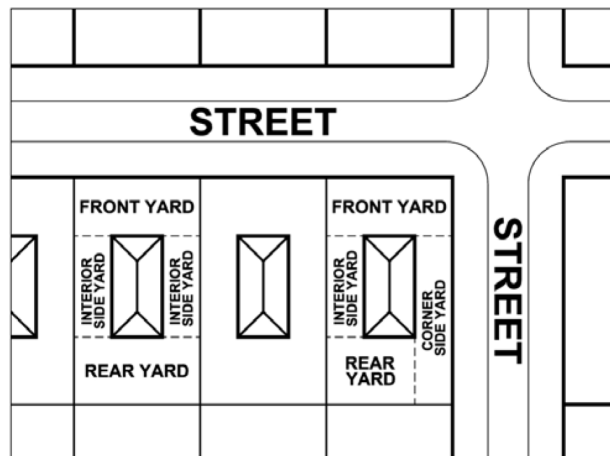
Yard. An area on a lot which is unoccupied and unobstructed from its lowest level to the sky, except for obstructions specifically permitted by this Ordinance. A yard extends along a lot line for a depth specified by the zoning district in which such lot is located. (See Figure 16-14: Yards)

Yard, Corner Side. A side yard on a corner lot which abuts a public street. (See Figure 16-14: Yards)

Yard, Front. A yard extending the full width of the lot between side lot lines for the required minimum depth, as specified by the zoning district in which such lot is located, measured perpendicular to the front lot line. (See Figure 16-14: Yards)

Yard, Interior Side. A side yard that does not abut a street right-of-way. (See Figure 16-14: Yards)

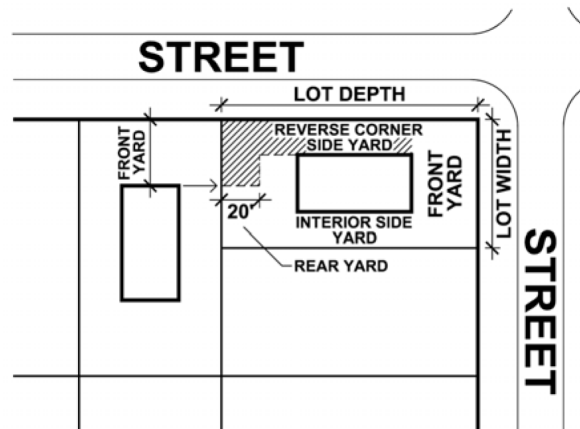
FIGURE 16-14: YARDS



Yard, Rear. A yard extending between the side lot lines for the required minimum depth, as specified by the zoning district in which such lot is located, measured perpendicular to the rear lot line. (See Figure 16-14: Yards) In the case of an irregular or triangular shaped lot, the rear lot line shall be deemed to be a line ten (10) feet in length, within the lot, which is parallel to and at a maximum distance from the front lot line. (See Figure 16-10: Rear Lot Line Chord for Irregular Lots)

Yard, Reverse Corner Side. A side yard of a reverse corner lot which abuts a public street. (See Figure 16-15: Reverse Corner Side Yard)

FIGURE 16-15: REVERSE CORNER SIDE YARD



Yard, Side. A yard extending along a side lot line between the front and rear yard, for the required minimum depth, as specified for the district in which such lot is located, measured perpendicular to the side lot line. (See Figure 16-14: Yards)

Zoning Amendment, Text. A change in the wording, context, or substance of this Zoning Ordinance.

Zoning Amendment, Map. A change in the zone boundaries or area district boundaries upon the Zoning Map.

Zoning Appeal. A request for a review of the Community Development Director interpretation of any provision of this Ordinance.

Zoning Certificate. A written declaration that verifies that buildings, structures, or uses are consistent with the terms of this Zoning Ordinance for the purpose of carrying out and enforcing its provisions.

Zoning Districts. The districts into which the Village of North Aurora, Illinois, has been divided as set forth on the Official Zoning Map.

Zoning Interpretation. An interpretation of the specific provisions of the zoning code by the Community Development Director or other officer or employee having authority to make or implement zoning interpretations, in light of the general circumstances that the specific provision was intended to address.

Zoning Map. A map entitled the "Official Zoning Map of North Aurora, Illinois," which is incorporated into this Ordinance, as part thereof, for the purpose of designating zoning districts.

Zoning Variance. A decision of the community development director or plan commission that, if approved by the village board, permits an applicant to depart from the precise regulations of this ordinance. A variance may be granted only in accordance with the standards of this ordinance.

**VILLAGE OF NORTH AURORA
PLAN COMMISSION MEETING MINUTES
JULY 2, 2024**

CALL TO ORDER

Commissioner Mark Bozik called the meeting to order at 7:00pm.

ROLL CALL

In attendance: Commissioners Anna Tuohy, Tom Lenkart, Alex Negro, Richard Newell, Mark Bozik, and Doug Botkin.

Not in attendance: Chairman Mike Brackett; Commissioners Aaron Anderson and Scott Branson.

Staff in attendance: Community Development Director Nathan Darga.

APPROVAL OF MINUTES

1. Approval of Plan Commission Minutes dated April 2, 2024.

Motion for approval was made by Commissioner Tuohy and seconded by Commissioner Newell. All in favor. **Motion approved.**

PUBLIC HEARING

1. **Petition #24-10 (119 Butterfield Rd):** The petitioner, Derek Knuth, requests a Special Use to allow Motor Vehicle Sales on the property located at 119 Butterfield Rd in North Aurora, Illinois.

Motion to open the public hearing was made by Commissioner Negro and seconded by Commissioner Botkin. **Motion approved.**

Community Development Director Nathan Darga introduced Petition #24-10 (119 Butterfield Rd). Darga shared the property is zoned I-1 Limited Industrial District and was approved for a motor vehicle service use in 2020. In 2020, the use was considered a special use, but the petitioner pursued a text amendment to allow the use as a permitted use in the I-1 district, which was ultimately approved by the Village Board. Darga said the owner would like to sell vehicles that they work on and would need a dealer's license from the State, which requires a sign off from the Village that the use is allowed in this zoning district. The sale of motor vehicles would fall under motor vehicle dealership which is a special use. Darga showed the site plan, which indicates approximately 5-9 cars a month would be parked up front and would be their sales area on site. The owners would also clean up the site by paving the rear lot with more parking spaces. The Village's parking standards require two (2) parking spaces per bay plus one (1) space per 500 square feet of office space. The sales area would require one (1) parking space per 1,000 square feet of public display area. Altogether the zoning ordinance would require 28 parking spaces. The

property currently has 34 spaces. Darga introduced the petitioner and welcomed them up to the podium.

Petitioner Derek Knuth of Red's Garage shared they would like to sell cars on top of being a full service repair shop. The idea would be to buy broken cars, repair them and sell them. Knuth said they really enjoy being in the Village and this would allow them to stay at their current location instead of opening a second location or possibly moving elsewhere to sell vehicles.

Commissioner Tuohy said the parking lot is currently really tough to maneuver and was wondering if dedicated drop off spots will be on site with the new design. Knuth said once the back lot is paved it will open spots in the front and they can reorganize the lot more efficiently. Commissioner Lenkart asked since the lot is already pretty full, where will people looking to buy a car park and when will the back lot be paved. Knuth said the plan is to pave the lot immediately or before winter at the very latest. Commissioner Lenkart asked if there will be separate office for financing. Knuth said most car sales are planned to be less than \$10,000 so there is no plan of doing any financing in house at this time. Commissioner Negro had no questions.

Commissioner Newell said his question was already answered regarding paving the rear lot. Commissioner Botkin asked how many vehicles will be parked ready to be sold and asked what happens if the whole parking lot turns into a sales lot. Knuth said service customers are the number one priority. Darga said the Ordinance will limit the number of designated spots on site for sales so they will need to be contained to that area. Commissioner Bozik asked if the site has any stormwater or other lot coverage concerns. Darga said the parking lot in the rear would not trigger a stormwater pond. Commissioner Bozik asked if there are any conditions for the Special Use. Darga said staff recommends approval and there are no conditions in the report, but the designated parking spaces for sales can be added to limit the number of parking spaces on site. Commissioner Lenkart said he would recommend adding paving the rear parking lot as a condition as well. Commissioner Tuohy asked if there were any calls from the public regarding the petition. Darga said there were none.

2. **Petition #24-11 (937 Oak St):** The petitioner, Erick Cooper, requests a Special Use to allow an Educational Facility, Commercial on the property located at 937 Oak St in North Aurora, Illinois.

Community Development Director Nathan Darga introduced Petition #24-11 (937 Oak St). Darga shared the petitioner is requesting to have a driving school for teenagers to teach them how to drive regular cars. Darga said they are looking to go into 937 Oak St, which is the Cakery's old site and the space is a 1,100 square foot unit. Darga said this is a special use is because any commercial educational facility is a special use in the B-2 zoning district. Although this particular use may not have impacts, the zoning use includes other schools such as a welding school , CDL driving schools, etc. which may have more impacts and that is why this is considered a special use. Darga said they are looking to have up to 35 people in a classroom at any given time and have four (4) vehicles on site for training. The existing parking lot has 215 parking spaces, and the code requires 18 parking spaces for this use so it will meet the parking requirements. Darga introduced the petitioner and welcomed them up to the podium.

The petitioner Erick Cooper and his wife Jennifer said they currently have a driving school in Campton Hills, which has been operating for four years. Cooper said they are looking to expand their business and move to North Aurora. Cooper said they live in the Geneva/Batavia area and believe this area is a great place to expand to since there is not another driving school in the Village. Cooper said they offer both in class instruction and behind the wheel instruction for teens along with private lessons with adults. Cooper said they are a triple A approved driving school, which is the only one in Illinois. Cooper said the curriculum is up to date and some of the best compared to what we have seen out of other driving schools. Our employee base are top quality individuals, and many have law enforcement and educators backgrounds. The business aspect follows everything the Secretary of State requires and/or mandates.

Commissioner Botkin asked how does the onsite lecturing work. Cooper said it's a mix of lecturing PowerPoints presentations and teaching the rules of the road. It's a basic classroom setting. Commissioner Newell asked if all vehicles are equipped with double brake pedals and how many cars will be on site. Cooper said each car is equipped with two brake pedals and 2 to 4 company cars will be on site at any given time. Cooper said it took a few years to get to four vehicles at their other site. Commissioner Negro asked if it is a year round operation. Cooper said it is year round and during the school year classes are taking place at night and on the weekends. In the summer, there are classes during the day. Cooper said no vehicles will be parked or idling in the rear of the building and the only time that door would be used is if an instructor is starting a behind the wheel shift.

Commissioner Lenkart asked about a dropping off area for classes. Cooper said classes are two hours long and the students would be dropped off and pick them up. Commissioner Tuohy asked if the school could administer road tests for the State and what type of cars will be used for behind the wheel instruction. Cooper said yes, the State has recently allowed private schools to do the road tests and the current vehicle types are Honda Civics and Kia Sportages, which none are electric. Commissioner Bozik had no questions. Darga said staff recommends approval with no conditions.

Motion to close the public hearing was made by Commissioner Tuohy and Commissioner Newell.
Motion approved.

3. **Petition #24-09 (Amendments to Title 17 of the North Aurora Municipal Code):** The Village of North Aurora requests text amendments to Title 17 of the North Aurora Municipal Code (Zoning Ordinance) amending provisions regarding permitted and special uses and other corrections and clarifications.

Motion to open the public hearing was made by Commissioner Botkin and seconded by Commissioner Lenkart.

Community Development Director Nathan Darga introduced Petition #24-09. Darga said about every 3 to 5 years the Village reviews the list of permitted and special uses to ensure they are still relevant, are located in the places the Village wants them and if anything needs to be added, removed or combined in the list. Darga said he will summarize each section. Many of the changes are combining similar, the same or all listed as special uses.

Darga said in Residential Districts, Chapter 7, assisted living, independent living and nursing homes are now one category and remain special uses while the use for hospitals was removed. In Business Districts, Chapter 8, mixed-use was added as a special use. Darga said that in the B-3 District, which includes mostly everything along 31, has some residential and mixed-uses in it and the Village is looking into pursuing a mixed use building in Block 1 in the future. However, mixed-use is currently prohibited in B-3 with the current code. Darga said Entertainment and Recreation uses have numerous categories currently. The new category combines all of those uses into Entertainment/Recreation Facility, Indoor and Entertainment/Recreation Facility, Outdoor.

Darga continued with Motor Vehicle Repair would be split into a major and minor category. Minor would be an oil change, tires and brake shops while major would be transmissions, body shops and engine repair. Also included in this text amendment is a definitions section, which will match up with many of the new uses and existing uses. Commissioner Botkin asked if this will be subjective. Commissioner Bozik asked about electric vehicles and if that would need to be separate. Darga said the definitions for both of these use types has been updated and do a good job distinguishing the two, but there is always a chance for a gray area. Darga said cannabis categories were changed to have it under C for cannabis instead of A for adult-use and the bar use was added since the current code has it under cocktail lounge. Darga added that staff brought in a lot more modern terms and definitions. Darga said it will help reorganize uses and definitions while keeping most uses the same status of permitted, special or prohibited. The names and categories of uses were also redone to have each use chapter read in the same order.

Darga said in Industrial Districts, Chapter 9, data center use was not listed anywhere or defined. Data centers would now be listed as special uses due to the power and water demand. Light, Medium, and Heavy industrial definitions were also cleaned up. Food uses for food processing, bottling, production, and sales were combined into one category and made them all special uses due to the high water use and possible odors. In Specific Use Districts, Chapter 10, such as O-R and O-R-I districts are also reorganized, and categories match the other three previous chapters.

Darga said in Use Standards, Chapter 11, the standards have been modified. In residential use standards only, mixed-use standards were added or changed. Outdoor and Indoor recreation use standards were modified and match the use type in the use tables. New use standards for entertainment and recreation were added and include exterior lighting, live music, alcohol, etc. Another use staff modified was contractor office, which was difficult to define. Some contractor offices are well maintained with an office space and parking lot while others can have unmaintained yards and overflowing parking lots. The contractor yard use type has been removed and is now only allowed as an accessory use to a contractor office. The use standards for contractor office mention any contractor yards need to have a landscape plan, be located in rear yard, and have a screening plan.

Commissioner Lenkart asked the difference between R-3 and R-4 district. Darga said R-1 and R-2 are single family homes with larger lots and R-3 and R-4 are smaller lot sizes or higher density homes such as townhomes or apartments. Commissioner Lenkart asked about daycares and schools. Commissioner Lenkart asked the difference between O-R and O-R-I. Darga said O-R is Office Research while O-R-I is Office Research and Light Industrial. Darga said Mitchell Rd warehouses are in the O-R-I district which would be typically newer industrial buildings, but with

operations and storage inside and not outdoors. O-R is just without the light industrial and the Village has a few properties zoned O-R which are mostly located on Sullivan Rd near the hospital. Darga added many of the larger projects come in as a PUD so they will be special uses regardless. Commissioner Lenkart asked about the mixed use. Darga said standards were put in to say the Village expects some ground floor retail to be considered a mixed use building. Commissioner Lenkart asked about parking standards for residential and home based businesses. Darga said there is a home occupation use and use standards in the Village. Commissioner Tuohy said some HOA regulations also help prevent parking overflowing into the street. Darga said there are also parking standards in the Zoning Ordinance and Municipal code, which include parking on an improved surface and other location standards.

Commissioner Lenkart asked why administrative fees for cell tower antennas was removed. Darga said it was old language and all fees should be taken out of the Zoning Ordinance including in Appendix B since the fees were outdated and the Village has fees in another section of the municipal code. Darga said this admin fee has never been collected so it is being removed, but the Village has lease agreements on the water towers that generate revenue. Darga said these chapters and sections have a lot of changes since it has not been updated in a long time. One section not mentioned is Chapter 13 for parking. Parking will be changed in the near future to match the uses in this text amendment and will be a future text amendment.

Commissioner Tuohy said she likes how everything is combined with this redline and how the definitions are up to date such as laboratory and hookah lounge. Commissioners Botkin, Newell, and Negro had no questions. Commissioner Bozik had a question regarding the community residence use and how assigning the number of occupants allowed in a structure may be problematic. Darga said community residences is a state specific use and typically follow group home guidelines. Commissioner Bozik asked if the use can be a special use instead of a permitted use. Darga said the smaller community residence are allowed in lower density districts and larger community residence are allowed in high density districts. Darga said based off his experience other communities who have special uses for this use have to notify neighbors who don't want the use and it gets voted down, but the municipality tends to get sued since the use has to be allowed per state guidelines. Darga said the Village also already has use standards for this use. Commissioner Bozik said he would prefer the community residence use be a special use so additional review and conditions could be added. Commissioner Lenkart said he would be concerned of a potential lawsuit if it was a special use. Darga said he will talk to the Village Attorney regarding the topic.

Motion to close the public hearing was made by Commissioner Tuohy and Commissioner Botkin.
Motion approved.

NEW BUSINESS

1. **Petition #24-10 (119 Butterfield Rd):** The petitioner, Derek Knuth, requests a Special Use to allow Motor Vehicle Sales on the property located at 119 Butterfield Rd in North Aurora, Illinois.

Motion for approval of Petition #24-10, as presented by staff with the two added conditions regarding paving the rear lot and restriping the entire lot according to plan and imposing a nine (9)

car maximum for the sales area, was made by Commissioner Lenkart and seconded by Commissioner Botkin. Vote: Tuohy – Yes, Lenkart – Yes, Negro – Yes, Newell – Yes, Bozik – Yes. Botkin – Yes. **Motion approved.**

2. **Petition #24-11 (937 Oak St):** The petitioner, Erick Cooper, requests a Special Use to allow an Educational Facility, Commercial on the property located at 937 Oak St in North Aurora, Illinois.

Motion for approval of Petition #24-11, as presented by staff, was made by Commissioner Negro and seconded by Commissioner Tuohy. Vote: Tuohy – Yes, Lenkart – Yes, Negro – Yes, Newell – Yes, Bozik – Yes. Botkin – Yes. **Motion approved.**

1. **Petition #24-09 (Amendments to Title 17 of the North Aurora Municipal Code):** The Village of North Aurora requests text amendments to Title 17 of the North Aurora Municipal Code (Zoning Ordinance) amending provisions regarding permitted and special uses and other corrections and clarifications.

Motion for approval of Petition #24-09 with the added condition of reviewing the community residence use as a possible special use was made by Commissioner Lenkart and seconded by Commissioner Newell. Vote: Tuohy – Yes, Lenkart – Yes, Negro – Yes, Newell – Yes, Bozik – Yes. Botkin – Yes. **Motion approved.**

OLD BUSINESS – None

PLAN COMMISSIONER COMMENTS AND PROJECT UPDATES

Darga shared Fortunato is almost open. The owner picked up the liquor license this week and had a final inspection this week as well. The owner said he plans to be fully open next week. Commissioner Negro asked about the Starbucks monument sign location. Darga said the owner of Fortunato told Starbucks about it when they were building it and Starbucks corporate said they needed the signage so that is why it is there. Darga added that Riverfront Ram Truck Dealership is about a month or so away from opening and selling vehicles out of that site.

Darga also added the fire station building is moving along and is hoping to be open in November. Darga said the Village has swapped deeds with the Fire District, so the Village technically owns old fire station one. Commissioner Newell asked what dictates putting a sidewalk in and referenced that along the east side of Pinecreek Dr north of Butterfield Rd does not have one. Darga said there could be a few reasons, but staff will talk to Public Works about it. Commissioner Lenkart asked about the old BestBuy site in Towne Center. Darga said Slick City should be opening soon at the old BestBuy site which is an indoor slide amusement park. Darga added Kids Empire is going in over by JCPenney which is an indoor recreational use with slides and other activities, which targets a younger age group compared to Slick City. Darga shared Crave should be ready to open soon, which is near Brother Chimp.

ADJOURNMENT

Motion to adjourn made by Commissioner Botkin and seconded by Commissioner Lenkart. All in favor. **Motion approved.**

Respectfully Submitted,

David Hansen

DRAFT

Village of North Aurora Memorandum



To: President and Village Board of Trustees

From: Jason Paprocki, Finance Director

CC: Steven Bosco, Village Administrator

Date: August 19, 2024

RE: Purchasing Policy Update

During a recent review of the Village's Purchasing Policy, staff noticed an inconsistency that was not updated when the Village Administrator's spending authority was increased from \$15,000 to \$25,000 in July 2022. In the Contract Change Orders section, the following language is included for time sensitive change orders in item #2 Change Order for \$25,000 or More:

In certain situations where it is impractical to delay a project while waiting for Village Board approval, the Village Administrator may at his discretion approve change orders up to \$25,000 with Village Board approval to follow at the next regular or special meeting.

Since the Village Administrator's spending authority is already up to \$25,000, the language in the policy should be updated to reflect change orders over \$25,000 rather than up to \$25,000. In addition, staff updated this language to model our emergency purchases language where concurrence from the Mayor is also required. The proposed language now reads:

In certain situations where it is impractical to delay a project while waiting for Village Board approval, the Village Administrator may at his discretion approve change orders over \$25,000 upon concurrence from the Mayor, with Village Board approval to follow at the next regular or special meeting.

The proposed language has been broken out of #2 Change Order for \$25,000 or More and is now stated separately in the Contract Change Orders section.

In addition, staff included language that helps define change orders and the criteria for approval:

A change order is a change in the contract terms that authorizes any increase or decrease in the cost or in the time of completion. A request for a change order shall meet the following criteria:

1. The change was not reasonably foreseeable at the time the contract was signed.
2. The change must be relevant to the original scope of the contract.
3. The change is authorized by law and is in the best interest of the Village.

Village of North Aurora
Purchasing Policy
Adopted: **September 16, 2024**



Table of Contents

Section I: Overview	
Purpose	1
Goals of Policy	1
Ethics and Conflicts of Interests	1
Budget Approval and Compliance	3
General Purchase Authority	3
Estimating Costs to Determine Required Authorization	3
Section II: Purchasing Policy Authorizations	
A Purchase Less Than \$1,000	4
A Purchase in Excess of or equal to \$1,000 but Less than \$5,000	4
A Purchase in Excess of or equal to \$5,000 but Less than \$25,000	4
A Purchase in Excess of or equal to \$25,000 and Formal Bidding.....	4
Petty Cash	5
Section III: Exceptions to Normal Purchasing Policies	
Emergency Purchases.....	6
Sole Source Purchases.....	6
State, Joint and Cooperative Purchasing	6
Section IV: Bids and the Bidding Process	
Bid Lists	8
Responsible Bidder	8
Formal Bidding Procedures.....	8
Waiver of Competitive Bids	10
Contract Change Orders	10
Aggregate Purchases	11
Section V: Request for Proposals (RFP) and Request for Qualifications (RFQ)	
Selecting Vendors	12
Section VI: Professional Services	
Professional Services Contracts	13
Franchise Contracts	13
Section VII: Other	
Village Purchasing Cards	14
Open Credit Accounts	14
Disposal of Surplus Property	14
Sales Tax Exemption.....	15
Inspection and Testing	15
Preference for Environmentally Friendly Goods and Services.....	15
Prevailing Wage Laws	16
Donations	16

Section I Overview

A. Purpose

The purpose of this policy is to provide direction to departments in the procurement of goods and services. When used with good judgment and common sense, the policies will allow the Village to obtain required goods and services efficiently and economically. When necessary, this policy will be revised consistent with current policies and procedures affecting purchasing and contracting. The Village Administrator, or his/her designee, shall be the final authority with regard to enforcement or interpretations of any provisions of this manual.

B. Goals of Policy

The purchasing standards set forth herein are designed to:

1. Attain maximum economy in municipal operations to the ultimate advantage of local taxpayers and residents;
2. Provide equal opportunity for qualified vendors to serve Village needs;
3. To exercise fiscal control over purchasing.
4. To obtain supplies, equipment and services for the Village at the lowest possible cost at the quality necessary for efficient and effective operations.
5. To provide timely and convenient service to residents through the efficient procurement of goods and services.

C. Ethics and Conflicts of Interest

Village employees are expected to conduct daily business with integrity and honesty. It shall be the responsibility of the Village Administrator to determine if there has been an ethics violation in conjunction with this section, if any disciplinary action is required in accordance with the Village's personnel manual and determine the applicability of this section to related questions that may arise from time to time.

1. Employees shall make all purchases without favor or prejudice.
2. Employees shall ensure that identical information is provided to current and potential vendors in order to receive fair and accurate quotes and/or bids.
3. Gift Acceptance – Employees shall adhere to the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 as adopted by the Village per ordinance 04-05-10-07 regarding the acceptance of gifts from "prohibited sources". Furthermore:
 - a. Gifts or gratuities shall not be accepted if the perceived value is beyond that which suggests more than a social context.
 - b. Promotional or advertising items of nominal value, including, but not limited to key chains, pens, coffee mugs and calendars are acceptable.

- c. Association with current or potential vendors during business meals or business organization meetings is not prohibited, nor is it unethical as long as the employee keeps him/herself free of obligation. Should the current or potential vendor pay for or sponsor the business meal, the amount cannot exceed the limits defined in the State Officials and Employees Ethics Act.
 - d. Gifts that can be shared such as food are acceptable and shall be shared among co-workers.
 - e. Cash, gift cards or gift certificates/vouchers are not acceptable. Should an employee receive cash, gift cards or gift certificates/vouchers from a current or potential vendor, or business within the Village, the employee shall return the gift politely citing the Village's gift acceptance policy.
 - f. Personal loans of money or equipment for any employee's personal use are not to be accepted from a vendor conducting or seeking business with the Village.
 - g. Corporate discounts granted to the Village are acceptable only if they are offered to all Village employees and/or other similar corporate or and governmental clients of the vendor.
 - h. Local charity/community group gifts – employees may accept gifts from local charity/community groups or similar groups of that nature if the gift is deemed to stem from a personal friendship with the group's members or similar gifts have been given to other members of the local charity/community
4. Conflict of Interest – Any employee with purchasing authority shall notify their Department Head of any of the following actual or potential conflict of interest circumstances with a potential vendor regardless of whether they are directly or indirectly involved with the purchasing process. Department Heads will be responsible for notifying the Village Administrator of these circumstances:
- a. The employee is simultaneously employed by or doing work in any capacity for the potential vendor.
 - b. The employee, employee's partner or member of the employee's immediate family holds is an employee or agent of a potential vendor who may benefit or be adversely affected by a purchasing decision by or on behalf of the Village.
 - c. The employee, employee's partner or member of the employee's immediate family has any direct or indirect financial interest in the procurement transaction or in the potential vendor.
 - d. The employee, employee's partner or member of the employee's immediate family are currently negotiating terms of employment or agency relationship or are in the process of becoming employed by or forming an agency relationship with a potential vendor.

For purposes of this section, an employee's immediate family is defined as spouse/partner, children, parents, brothers, sisters or anyone else currently living in the same household as the employee.

It shall be the responsibility of the Village Administrator to determine when ethical considerations must be addressed, when there has been an ethics violation in conjunction with this section and whether any disciplinary action is required in accordance with the Village's personnel manual.

D. Budget Approval and Compliance

In general, a budget for all supplies, materials, equipment and contractual/professional services required for the delivery of services by Village Departments will be included in the annual budget document.

Purchase of budgeted items or services as required during the fiscal year shall proceed in accordance with these procedures generally upon approval of the annual Budget by the Village Board. In some cases, the beginning of the process of procurement, or final approval of the purchase of goods or services may be initiated prior to Village Board approval of the annual budget for which the goods or services are being procured, as determined by the Finance Director and if determined to be in the best interests of the Village.

Department Heads are responsible for ensuring that purchases made are within budget. The Department Head shall notify the Finance Director prior to the beginning of any purchase of goods or services if the purchase may result in an account exceeding the budget so that an appropriate budget adjustment can be executed prior to Village Administrator approval of the purchase, if necessary.

E. General Purchase Authority

Purchases of goods or services may be authorized according to the general guidelines below:

1. Department Heads may authorize purchases up to \$5,000.
2. The Village Administrator, or his/her designee, must approve all purchases in excess of or equal to \$5,000.
3. Purchases in excess of or equal to \$25,000 also require Village Board approval.

The Village Administrator shall be notified by the respective department prior to the beginning of the procurement process for goods or services over \$25,000 in order to ensure that the proper process is followed. The Finance Director will maintain appropriate forms and procedures for the approval of purchasing requests as needed.

F. Estimating Costs to Determine Required Authorization

Estimates of cost should always be obtained and submitted with requests for authorization. When dealing with the unexpected repair of equipment, vehicles or facilities that require immediate action, good faith estimate should be obtained and submitted with the request for authorization. In the event the actual cost exceeds an original estimate, or a revised estimate is obtained, and additional approval levels to proceed are required, the Department Head and/or Village Administrator, as appropriate, shall be notified to obtain authorization to proceed.

Section II
Purchasing Policy Authorizations

- A. A purchase less than \$1,000
- B. A purchase in excess of or equal to \$1,000 but less than \$5,000
- C. A purchase in excess of or equal to \$5,000 but less than \$25,000
- D. A purchase in excess of or equal to \$25,000 and Formal Bidding
- E. Petty Cash

A. Purchases Less Than \$1,000

Purchases within this category may be authorized by the Department Head who may delegate this authority to subordinates at their discretion. Department Heads still bear ultimate responsibility for purchases made by their subordinates.

Although multiple quotes are not required every time a purchase is authorized within this threshold, periodic price comparisons must be made from time to time to ensure that the price being paid is the best price available and that the quality is the best that is required.

B. Purchases in Excess of or equal to \$1,000 but less than \$5,000

Purchases in this category shall be authorized by the Department Head after seeking at least two (2) quotes from vendors. If two (2) or more quotes can not be obtained, Department Heads shall document the attempts made to receive quotes for those goods or services.

C. Purchases in Excess of or equal to \$5,000, but less than \$25,000

Purchases in this category must be authorized by the Village Administrator. Effort shall be taken to secure at least three (3) written quotations. If three (3) or more quotes can not be obtained, Department Heads shall document the attempts made to receive quotes for those goods or services. The requesting department shall secure the quotations themselves and the Department Head will present a recommendation to the Village Administrator. The splitting of a purchase into two or more purchases for the purpose of avoiding this requirement is not allowed.

In the event that a Department Head feels that a purchase under this category should be made from one particular vendor rather than through written quotations, he should submit a recommendation to the Village Administrator stating the reasons for limiting purchase to the certain vendor preference. The Village Administrator will have discretion to determine if a particular vendor should be used in these cases.

D. Purchases in Excess of \$25,000 and Formal Bidding

Purchases in this category exceeding a cost of \$25,000 must be approved by the Village Board and normally require at least three (3) written quotations.

In addition, public works contracts, public improvement projects and the purchase of supplies over \$25,000 are subject to formal bidding procedures as required and permitted by statute (65 ILCS 5/8-9) and authorized in the Village Code. These bid procedures may be waived by the Village Board per Statute by a two-thirds vote of all Trustees then holding office. Requests for bid waivers may be made only when goods sought are proprietary, when the services require a high

degree of creative input, judgment, design or discretion from the person providing the services, where standardization is necessary or desirable, in emergencies as described later in this policy, or if determined to be in the best interests of the Village.

E. Petty Cash

Petty cash drawers in the amount of \$500 each are maintained by the Village at the Finance Department and Police Department for the purpose of reimbursing incidental costs incurred for Village operations.

Petty cash funds will be used primarily to reimburse employees for incidental expenses associated with Village operations or mileage reimbursement for use of personal vehicles. Advances may be requested upon the approval of the Department Head. All requests for petty cash reimbursements must be submitted on an approved petty cash reimbursement form and include appropriate receipts and documentation supporting the amount of the request. Unless otherwise authorized by the Finance Director or his/her designee, petty cash reimbursement shall be limited to no more than \$75 per request.

Responsibility for the safety, security and control of each petty cash drawer rests with the head of the department to which the drawer is assigned. Each Department Head may assign the day-to-day duties of petty cash administration to an appropriate custodian.

When the balance of the drawer is getting low, the designated custodian shall prepare a reconciliation of the petty cash fund providing a count of cash currently in the box as well as a detailed listing of petty cash reimbursement slips received. Upon approval through normal accounts payable procedures a check will be cut to increase the petty cash box to its designated impress balance.

Section III Exceptions to Normal Purchasing Policies

Emergency Purchases

Emergencies are defined as events or circumstances that could not have been foreseen and where immediate action is necessary to safeguard the public's health, safety and welfare, provide emergency assistance as needed, protect property, remediate situations that may cause public harm and other situations where timing is critical. When an emergency condition exists that requires a public works or public improvement contract or purchase of supplies, the Village Administrator will notify the Mayor. Upon concurrence from the Mayor that an emergency condition exists, the Village Administrator will have authorization to expend funds over and above the Village Administrator's normal authority to alleviate the emergency if the matter must be reasonably addressed before approval can be sought from the Board of Trustees. If the Mayor can not be reached and immediate action is required, the Village Administrator will be authorized to enter into emergency purchases with notification to the Mayor as soon as possible.

During an emergency, the Village Administrator may delegate specific authority to Department Heads to expend funds in order to prevent or alleviate the emergency condition. Documentation of the emergency and the need for immediate action shall be transmitted to the Village Board as soon as practical along with information regarding expenditures that have been made and estimated to be incurred. The Village Administrator will provide regular updates to the Village Board as the event continues. In the event that a situation has been determined to be an emergency, the Finance Director will be notified in order to ensure that funds are available and facilitate payment to contractors if necessary.

Sole Source Purchases

Sole source purchases are defined as orders for parts, supplies, equipment or services that are available only from a single source or for other reasons are necessary to purchase from a single source. Examples include, but are not limited to:

- Equipment or supplies for which there is no comparable competitive product or is available only from one supplier
- Component or replacement parts for which there is no commercially available substitute
- Service contracts where one company is the only company that can provide the service, i.e. proprietary software or software maintenance
- Items where compatibility is the overriding consideration for the purchase of related products
- Items only available from one source, such as due to distributor exclusivity
- Payments made to other governmental agencies as required by law or established through an intergovernmental agreement

Items determined to be sole source that are not subject to normal procurement policies still require Village Board approval above \$25,000, and still require a formal waiver of bids if over \$25,000.

State, Joint and Cooperative Purchasing

The State of Illinois annually bids out certain items resulting in low pricing that local governments can take advantage of and take the place of normal procurement procedures. Purchasing through these State contracts allows for efficiencies due to lower administrative costs in procuring quotes, economies of scale and may be a substitute for the normal competitive procurement process.

Other forms of joint or cooperative purchasing may be available through the County or other organizations representing the Village and other local governments. Because these contracts have been competitively bid, normal competitive procurement policies can be waived. Care should be taken to ensure that the best price is still being obtained through due diligence that provides the necessary quality of goods and services.

To the extent that State or other joint purchasing programs are subject to the bidding rules of the State, intergovernmental agreement or the bidding rules of other governmental bodies, the Village bidding rules shall not apply, provided that Purchases over the \$25,000 threshold still require Village Board approval.

Section IV
Bids and the Bidding Process

Bid Lists

Each Department may, but are not required to, maintain their own lists of prospective vendors for quotes, bids, etc. Requests from prospective vendors to be placed on a bid list will be received or forwarded to the appropriate department and their information retained for future procurements. Each department shall be responsible for determining if prospective vendors qualify and can provide needed goods or services.

Responsible Bidder

The Village has passed by Resolution on September 21, 2009, a resolution that any public works contract under the purview of the Illinois Prevailing Wage Act that is over \$25,000 shall only be awarded to a contractor who is enrolled in a Joint Apprenticeship Training Program that is registered and certified with the United States Department of Labor, Bureau of Apprenticeship and Training.

Formal Bidding Procedures

As stated in Section II.C. of this Policy, certain public works contracts, public improvement contracts and supplies over \$25,000 are subject to formal bidding. The bidding procedures to be followed are:

1. The requesting department prepares the specifications of the item to be let for bid. The Finance Director shall review the bid package and forward any recommended changes to the Department Head. The Department Head arranges the specifications into proper format and prepares the other needed documents to complete the bid invitation package. The specifications should state the minimum standards acceptable to the Village, but should not be restrictive without adequate reason in keeping with the requirements of the work and the needs and best interests of the Village in order to allow as many competent contractors as possible to compete. The approved bidding specifications and bid package shall not be changed after it is made available to the public without notification to all bidders prior to the submittal deadline. After the submittal deadline, no changes shall be made.
2. The Department Head arranges for a bid opening date. The date must be at least ten (10) working days from the published notification date, but not more than forty-five (45) working days.

Public notification of bids shall be advertised in a public forum consistent with the requirements of the Illinois Municipal Code. Notice shall be posted on the Village's website. Additional public forums in which bids may be advertised may include newspapers, trade journals, industry websites, and the IDOT bulletin.

The NOTICE TO BID shall include the following, at a minimum:

- The type of material or service desired
- The notification that Prevailing Wage laws will apply, if applicable
- The person or department to contact for information
- The place it will be received
- The date and time of the bid opening
- The Statement that bids will be opened and publicly read at that time

- The statement that bids must be sealed and properly identified on the outside of the envelope that they are sealed bids for a specific item or project
- The Village reserves the right to reject any/all bids and to waive any technicalities.

In certain circumstances, it may be felt by the Department Head and or the Village Administrator that the best interests of the Village would be served by the use of one particular vendor despite the amount of the purchase being in excess of \$25,000. In such case, a request to waive competitive bidding must be submitted to the Village Board for their consideration and approval as allowed per statute.

Construction contracts involving Motor Fuel Tax or federally funded projects must follow applicable procedures dictated by the appropriate state or federal agency.

3. The Department Head shall be responsible for placing a legal notice concerning the bid in any combination of public forums and/or IDOT bulletin authorized above to contractors at least ten (10) working days prior to the bid opening.
4. The Department Head may send bid invitations to known responsible vendors on the bidder's list for the particular item as well as to any other prospective bidders. In cases where the bid package may be costly to reproduce, a nominal charge for the package may be assessed.
5. Bids received after the published opening date and time will be returned unopened to the bidder with a cover letter stating the date and time the "Bid" was actually received. Bids received by facsimile shall not be accepted, in that they are not sealed bids as prescribed and do not bear the original signature of the authorized bidder.
6. Bids specifically for construction contracts shall be accompanied by a 5% bid bond. The Village Administrator may decide that no bid bond amount is required or that a higher bid bond is appropriate, but in no case will the amount be higher than 10%. The bid bond amount shall be stated in the bid package and shall be required uniformly from all bidders or no bidders as the case may be.
7. The Department Head or designee and one other Village representative shall be present at the bid opening.
8. Bids shall not be opened prior to the advertised bid opening day and time, and after the bids have been opened, the Department Head shall prepare bid tabulation and forward it to the Finance Director.
9. The Department Head shall meet with the Village Administrator to review the bids and mutually agree upon a recommended bidder. The Department Head will write the Board Agenda Memo for this purpose with the Village Board approving the bid award.
10. The bid award is to be made to the lowest responsible bidder. The lowest responsible bidder is that bidder with the lowest bid price that most closely meets specifications that is in the best interests of the Village to accept and any other criteria that may be set forth within the bid documents. The Village Board retains sole authority to determine that the bid meets specifications, but staff shall make a recommendation on award of based on, but not necessarily limited to, the following considerations:

- a. the ability, capacity, and skill of the bidder to perform the contract to provide the service required;
- b. whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
- c. the character, integrity, reputation, judgment, experience, and efficiency of the bidder;
- d. the quality of the performance of previous contracts or services;
- e. the previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
- f. the sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
- g. the quality, availability, and adaptability of the supplies or contractual services to the particular use required;
- h. the ability of the bidder to provide future maintenance and service for the use of the subject of the contract; and
- i. the number and scope of conditions attached to the bid.

Waiver of Competitive Bids

A requesting department may recommend that formal bid procedures be waived by the Village Board with the advice and consent of the Village Administrator, which case formal bidding must be waived by a two-thirds vote of all Trustees then holding office. Requests for bid waivers shall be made only when goods sought are proprietary, when the services require a high degree of creative input, judgment, design or discretion from the person providing the services, where standardization is necessary or desirable, emergencies as described in this policy, or if determined to be in the best interests of the Village.

Contract Change Orders

A change order is a change in the contract terms that authorizes any increase or decrease in the cost or in the time of completion. A request for a change order shall meet the following criteria:

1. The change was not reasonably foreseeable at the time the contract was signed.
2. The change must be relevant to the original scope of the contract.
3. The change is authorized by law and is in the best interest of the Village.

The Village must comply with 50 ILCS 525/ Public Works Contract Change Order Act which says that any change order to a contract which results in an increase of 50% or more of the original contract price or 50% or more of the original subcontract price must be rebid in the same manner as the original bid. This policy is consistent with this statute.

1. Change Orders for Less Than \$25,000. All change orders increasing or reducing the original contract price by less than \$25,000 must be approved by the Village Administrator, regardless of the percentage change. The Village Administrator may at his discretion require change orders less than \$25,000 to be approved by the Village Board.

2. Change Order for \$25,000 or More. All change orders increasing or reducing an original contract for \$25,000 or more require approval of the Village Administrator and Village Board, regardless of the percentage change.
3. Other Change Orders. The Village Administrator may execute change orders to extend the length of a construction contract by up to 30 days or other terms and conditions of a contract deemed necessary or in the best interests of the Village. Requests to extend the length of a contract by more than 30 days must be approved by the Village Board.

In certain situations where it is impractical to delay a project while waiting for Village Board approval, the Village Administrator may approve change orders over \$25,000 upon concurrence from the Mayor, with Village Board approval to follow at the next regular or special meeting. All change orders should be approved by the Village Administrator, or Village Board, as appropriate, prior to the work beginning.

Aggregate Purchases

The Village Administrator during the year may approve multiple purchases of, or individual contracts for, specific types of supplies and materials which, in the aggregate, exceed \$25,000 but are less individually, and not be subject to the Village's formal bid requirements or require a waiver of bids, unless the aggregate cost exceeding \$25,000 was reasonably foreseeable at the beginning of the applicable year. However, for purchases of commodities subject to frequent price fluctuations such as fuel where the competitive bid process is not practical, purchases may be approved without bidding. As for fuel purchases, specifically, the Public Works Director with the oversight and approval of the Village Administrator shall seek the best pricing currently available on an ongoing basis without the need to bid fuel purchases, and the Village Administrator may authorize individual purchases under \$25,000 and without Village Board approval.

Section V
Request for Proposals (RFP) and Request for Qualifications (RFQ)

Selecting Vendors

The Village is subject to the Local Government Professional Services Selection Act (50 ILCS 510) which requires that a specific Request for Qualifications (RFQ) process be followed when hiring an architect, engineer or land surveyor, unless the Village has an existing satisfactory relationship with a particular service provider or providers, in which case the RFQ process is not necessary. This Act should be referred to for current State requirements regarding the solicitation of such services, and current situations upon which certain provisions of the Act can be waived, prior to soliciting for such services. In circumstances in which an RFQ process is not required, the Village will permit firms engaged in these professions to annually file a statement of qualifications and performance data with the Village.

Contracts for professional services (see Section VI for further discussion on professional services) may result from the development and issuance of a Request for Proposal (RFP) by the respective department to consultants or vendors to provide professional services, unless the Village has an existing satisfactory relationship with a particular service provider or providers, in which case the RFP process is not necessary. The Village Administrator shall be notified prior to the issuance of an RFP or the engagement of professional services.

An RFP may be advertised publicly and sent to a group of known vendors based on prior experience in providing the service or other documented reasons, except when a RFQ process has been conducted which has determined the pool of vendors to be used.

Based on the complexity of the services sought, interviews and vendor presentations may be appropriate in addition to an evaluation of the proposals received. Factors other than price may be considered when conducting an RFP process. Once proposals are received from interested firms and interviews and/or presentations have been completed, the Village Administrator or designee is authorized to negotiate a contract with the firm deemed most qualified to provide the services based on:

- Fair and reasonable compensation
- Ability of professional personnel to provide services
- Past record and experience with the Village and as well as references
- Ability of firm to meet deadlines and budget

Any contract or agreement where the total amount is estimated to be greater than \$25,000 will require Village Board approval.

Section VI
Professional Services

Professional Services

Professional services are provided by firms or vendors where normal procurement practices or competitive bidding may not be utilized as by their nature they are often selected on non-monetary factors such as a firm/vendor's high degree of professional skill where education, experience, or character of the individual is a significant factor. These services may include legal, auditing, payroll, engineering, architectural, appraising, inspection, plan review, zoning consultation, landscape design, bond issuance as well as the maintenance of Village facilities, equipment, infrastructure, software programs and other similar services.

During the course of a year, the Village may make payments related to a professional service vendor that are individually under the Village Administrator's spending authority, but the annual total amount may exceed the spending authority. Each of these individual transactions under the spending authority of the Village Administrator would follow normal procurement requirements outlined in this purchasing policy.

From time to time, the Village enters into contracts for various services. Certain professional service proposals, agreements or contracts with new vendors are generally accomplished through solicitation of request for proposals, bids or quotes following the normal procurement procedures based on the estimated total value of the contract, unless the Village has an existing satisfactory relationship with a particular service provider or providers, contractually present or not. The Village will entertain contracts for multiple years if it is determined that the best interests of the Village would be served by entering into a multi-year agreement. All proposals or contracts for professional services for a defined scope of service in which the total value exceeds the spending authority of the Village Administrator will require approval of the Village Board, including any additional services with current service providers requested by the Village. The Village Administrator may annually renew or extend ongoing services and fees from contracts that have been previously approved by the Village Board.

Each year, the Village Board shall be provided a listing of ongoing professional service providers the Village is utilizing where the total annual amount is expected to exceed \$25,000. The Village will periodically review fees and pricing to ensure competitiveness of vendors used on a continual basis.

All contracts, to be valid, must be signed by an authorized representative of the company to supply the services and an authorized representative of the Village. The authorized representative for the Village shall be the Village Administrator unless otherwise designated by the Administrator.

Franchise Contracts

Franchise contracts are contracts awarded by the Village to an entity for the provision of services in situations where the Village does not expend funds, i.e. refuse and recycling contracts. It is the Village's policy in most cases to seek competitive proposals for these contracts in keeping with the Village's objectives of fairness and transparency in the award of business.

Section VII
Other

Village Purchasing Cards

The Village maintains a purchasing card program to allow authorized individuals to efficiently procure certain goods and services that may not be easily obtainable through the normal cycle of purchasing, receipt of goods or services and payment through accounts payable, or for expenses incurred through employee training, conferences or other professional development activities.

In general, purchasing cards may be issued to the following positions: Mayor, Village Administrator, Department Heads and other employees responsible for the direct supervision of other employees, or who are responsible for the frequent purchase of items for which a purchasing card would improve efficiency. All requests for a card from a position stated above or other positions must be approved by the Finance Director and Village Administrator. Before a card is issued to an employee the employee must sign a Use Acknowledgement Form provided from the Finance Department. Personal purchases with the card not related to Village business are expressly prohibited. Purchasing card limits and other controls will be maintained by the Finance Director but in any case the maximum monthly limit on a purchasing card will not exceed \$10,000. Credit limits for the positions of Mayor, Village Administrator, and Department Head shall be \$10,000, and all other employees responsible for direct supervision of other employees and that are responsible for frequent purchases shall be \$5,000.

Each employee who uses a Purchasing card must reconcile their purchases on their card on a monthly basis using forms and procedures provided by the Finance Department. Employees with a card are responsible for attaching and saving all receipts. Reconciliations on a monthly basis should include descriptive information on the purchase. Reconciliations must be approved by the employee's Supervisor on a monthly basis and then forwarded to accounts payable for inclusion on the next bill listing.

Open Credit Accounts

The Village maintains a number of credit accounts at various stores where authorized individuals may make a purchase, with the Village being billed at a later date. Department Heads may authorize employees to purchase at these locations provided due diligence is taken to ensure competitive pricing as required in the Policy, and that appropriate authorizations are obtained prior to the purchase.

Disposal of Surplus Property

The Village is required to comply with State statute 65 ILCS 5/11-76-4 which prescribes procedures to follow for the disposal of surplus property. The Village Administrator is responsible for ensuring that all requirements of this policy are met.

Any Department Head identifying surplus property should notify the Village Administrator or his/her designee that such property is no longer in the best interest of the Village to retain custody of.

1. The respective Department Head should provide:
 - a. Description of the item such as make, model, serial number, etc.
 - b. Date originally acquired and original acquisition cost, if any.
 - c. Proposed method of disposal i.e. auction, direct sell, trade-in, etc.
2. If the proposed method of disposition is a trade-in, the Village will have to notify all bidders that the item of a new or replacement item will be traded-in as part of the purchase price.

3. The Village Administrator or designee will then prepare an ordinance and related Exhibit for Village Board consideration which will declare the items as surplus property.
4. Upon approval by the Village Board the Village Administrator will direct staff to proceed with the disposition of the property.
5. Upon sale or disposition of the property the respective Department Head will notify the Finance Director that such sale or disposition has taken place and the amount of the sale price, if any.

If in the opinion of the Department Head a particular item has a potential resale value of less than five hundred dollars (\$500), the Village Administrator is authorized or may delegate staff to sell that item in the manner most expeditious and cost-effective, with or without advertising the sale, taking into account the cost of advertising and staff time and effort, without separate Village Board approval.

The Village Administrator may also authorize certain items to be disposed of, or recycled if the potential value of such item is minimal or negligible. The Village Administrator is also authorized to give away items to charities, not-for-profits or other governmental entities if it makes practical sense to do so. However, in no event shall any items be given away to any elected official, employee, appointed official or immediate family of those individuals. After any item has been sold, disposed, or donated the responsible Department Head will send details of the transaction, or action taken to dispose of the items, to the Finance Director.

Sales Tax Exemption

The Village maintains a sales tax exemption in the State of Illinois. When making purchases for the Village, all reasonable attempts should be made to make purchases exempt from sales tax, which may require presenting the Village's sales tax exemption certificate and completing other forms or documentation. Employees should determine in advance if the Village has already established an exempt account with a business in order to avoid paying sales taxes whenever possible.

Use of the Village's sales tax exemption number is restricted to purchases made on behalf of the Village. State law prohibits use of the Village's sales tax exemption number to secure exemptions for personal reasons and such use will subject the responsible individual to a substantial fine and/or imprisonment.

Inspection and Testing

The inspection and testing of delivered goods or materials should occur at the time of delivery and prior to processing of payment. Department Heads are responsible for ensuring that the quantity and quality of the delivered goods are as ordered and that all purchases made within their department are received and utilized solely for Village business. Authorization to pay a vendor for goods or services rendered shall generally not be done by a Department Head until all goods and services have been accepted and received. Department Heads are responsible for maintaining an inventory of items held for use or resale and appropriate records. Inventory records may be reviewed as part of the annual audit process.

Preference for Environmentally Friendly Goods and Services

Village staff is encouraged to investigate the purchase of "green" products including but not limited to energy star rated equipment, if determined to be a reasonably economical alternative.

Prevailing Wage Laws

All bidding packages, requests for bids, requests for proposals and other processes for the approval of services in conjunction with public works to be performed by or on behalf of the Village as defined in the Illinois Prevailing Wage Act (820 ILCS 130/1 et seq.) (hereinafter for purposes of this Section, the “Act”) shall stipulate that the persons or entities awarded the work shall perform the work in compliance with the Act, including the payment of prevailing wages, the submission to the Village of certified payrolls and all other requirements of the Act.

Donations

On occasion, voluntary cash donations may be made to the Village for general or specific purposes. Donations may be accepted from local North Aurora non-for-profit entities (schools, PTA’s, scouts, community clubs, etc.) or individuals. Donations do not constitute a business relationship since no reciprocal consideration is sought or given. Donations cannot confer a personal benefit to any Village employee or Village Official.

The Village may elect to accept or decline any donation. If the donation is not accepted, the donor will be advised of the reason. The Village will not accept a donation from any group, organization, company, or person with a pending application or matter before any of the Village’s Boards or Commissions. The Village may not accept donations from individuals or organizations involved in litigation with the Village. Donations that violate Village Code or policies, or State or Federal laws, will not be accepted by the Village.

The donor may designate a specific purpose or program for their donation. When a purpose or program is specified, the Village will track the donation in an appropriate donations account within its financial software and limit the use to the purpose or program designated. The use of donated funds shall follow the normal purchasing procedures outlined in this purchasing policy. Donations where the purpose or program is not specified are deemed to be undesignated and become contributions to the General Fund revenues of the Village.