

**ORDINANCE NO. O-24-36**

**AN ORDINANCE AMENDING SECTION 2.3. DEFINITIONS, SECTION 6.2 OFF-STREET PARKING AND LOADING, AND SECTION 6.7. TEMPORARY USES AND STRUCTURES OF CHAPTER 110 OF THE HANOVER PARK COMPREHENSIVE ZONING ORDINANCE**

**WHEREAS**, Village staff initiated these amendments to the Comprehensive Zoning Ordinance which were initially reviewed by the Economic Development Committee and the Development Commission which resulted in their referral to the Development Commission for its review and recommendation following a public hearing thereon; and

**WHEREAS**, the Development Commission, pursuant to prior published notice, has conducted a public hearing on the proposed amendments on October 10, 2024, and has forwarded its written recommendations and report on the amendments to the Village Board; and

**WHEREAS**, the President and Board of Trustees have reviewed said report and recommendations and determined that such amendments are in conformance with the Comprehensive Plan, in the public interest, and agrees with the report and recommendation; and

**WHEREAS**, the Village of Hanover Park is a home rule unit of local government by virtue of the 1970 Constitution of the State of Illinois and hereby adopts these amendments to the Comprehensive Zoning Ordinance pursuant to its home rule authority; now, therefore,

**BE IT ORDAINED** by the President and Board of Trustees of the Village of Hanover Park, Cook and DuPage Counties, Illinois, as follows:

**SECTION 1:** That the Comprehensive Zoning Ordinance is amended by amending Chapter 110 of the Municipal Code of Hanover Park, as amended, by adding the definitions of *Food truck*, *Holiday tree sales* and *Retail product displays, outdoor*, in their alphabetically appropriate places in Sec. 110-2.3 of said Chapter 110 as follows:

**Sec. 110--2.3. - Definitions.**

\* \* \* \* \*

*Food Truck:* A food-vending vehicle or apparatus towed by a vehicle from which any food or beverage product is sold, given away, displayed, or offered for sale at retail. A food-vending vehicle shall not include:

1. A temporary fixed food facility, such as a festival tent;
2. A food-vending-vehicle deployed during a disaster or an emergency situation; or

3. A prearranged delivery.

\* \* \* \* \*

*Holiday tree sales:* The temporary outdoor sale of pre-cut trees for sale typically around the winter holiday season.

\* \* \* \* \*

*Retail product displays, outdoor:* The outdoor display of products otherwise permissible at and on the same lot as an existing licensed, retail business.

\* \* \* \* \*

**SECTION 2:** That “temporary use permit” be added as an additional exemption from the limitation of the use of required parking spaces by amending subparagraph (6) of (b) of (5) Shared parking of a. General requirements, of Sec. 6.2.2 of Chapter 110 of the Municipal Code of Hanover Park, so said subparagraph (6) reads as modified as follows:

**Sec. 110-6.2. - Off-street parking and loading.**

\* \* \* \* \*

6.2.2. *Off-street parking.*

a. *General requirements*

\* \* \* \* \*

(5) *Shared parking.*

\* \* \* \* \*

(b)

\* \* \* \* \*

(6) *Use of required parking spaces.* Except as may otherwise be provided in the granting of special uses or a temporary use permit, required accessory off-street parking facilities provided for uses listed in section 110-6.2.3 shall be solely for the parking of passenger automobiles of patrons, occupants, or employees of such uses.

\* \* \* \* \*

**SECTION 3:** That Section 6.7. – Temporary uses and structures of Chapter 110 of the Municipal Code of Hanover Park, as amended, be and is hereby amended and modified to read as follows:

**Sec. 110-6.7. - Temporary uses and structures.**

**Sec. 110-6.7. Temporary uses and structures.**

6.7.1. Purpose: The provisions of this section are based on the recognition that there are uses, buildings, and structures which, because of their unique characteristics, should not be permitted in any particular zoning district on a permanent basis, but which may be either necessary or desirable for a temporary period, provided that they are carefully regulated with respect to location and operation. The temporary uses, buildings and other structures permitted in this section shall be established and maintained so as to least interfere with the use and enjoyment of neighboring uses, buildings and other structures and to ensure public safety.

6.7.2. Permit Required: A Temporary Use Permit shall be required prior to the establishment of any temporary use, buildings, or other structures listed herein. Any permit issued and found to be in conflict with the provisions of this section shall be null and void upon notice by the village of said conflicts to said permittee. A separate permit application will not be required if the use is reviewed and approved via another Village-issued permit, such as a building permit, and the conditions of this chapter are met.

6.7.3. Permitted Temporary Use and Structures: Temporary uses and structures which may be allowed pursuant to this section shall include, but not be limited to, the following:

- a. Holiday Trees Sales: The Sale of holiday trees may be allowed only in nonresidential zoning districts, places of worship, or on property owned by not-for-profit or governmental organizations.
- b. Temporary buildings for construction purposes may be allowed in any district but shall be removed prior to issuance of a certificate of occupancy for the principal building on the lot on which such temporary building is located.
- c. A temporary real estate office may be allowed in conjunction with development of a lot, contiguous lots, or a planned unit development limited to the selling or renting of new dwelling units in such development, but in no case to be in operation for more than one year following the issuance of the certificate of occupancy for the last dwelling unit or structure in such development.
- d. Temporary storage of building materials and equipment and temporary buildings may be allowed for the duration of on-site construction for which a building permit has been issued.

e. Temporary Portable Storage Units and Dumpsters: Temporary portable storage units and dumpsters may be permitted under certain conditions and require a Temporary Use Permit. Permits are not required for storage units and dumpsters present on residential lots for less than 30 days. A storage unit may be used only for the storage of property customarily associated with the principle use on a limited basis and may be permitted on-site with or without association to a permitted construction project. The storage unit shall be located on an approved paved surface, such as a parking lot or driveway, and shall not encroach on the sidewalk, street, etc. Storage units located in a common parking lot or driveway of a multifamily property shall require the written permission of the property owner or homeowners' association.

f. Retail Product Displays, Outdoor: Displays may be permitted in nonresidential districts and shall be compact and contained to not create clutter. Property owner permission is required.

g. Truck or Trailer Displays and/or Sales: Sales and/or display of products from trucks or truck trailers shall be prohibited unless otherwise authorized by village ordinance.

h. Temporary Outdoor Dining: Restaurants may provide a temporary area for outdoor seating in accordance with a policy adopted by the Village Board.

i. Food Trucks: Food trucks may be allowed with the following criteria met:

(1) A Temporary Use Permit shall be required, with the consent of the property owner, and shall be renewed annually. At the time of permit submittal, a list shall be provided of days and times when food trucks will be located on the property, along with a site plan depicting the location of the food truck(s) and any associated equipment or supplies. Said information shall be provided annually as part of the permit renewal process and when there are revisions to scheduling or locations throughout the year. Only food trucks licensed by the Village shall be permitted.

(2) Food trucks shall be located in designated parking spaces as illustrated on the submitted site plan and shall not be allowed in fire lanes, drive aisles, or handicapped parking spaces, nor shall they impede traffic flow or emergency access or have an adverse effect on other activities on the property. Appropriate refuse and recycling containers shall be provided for proper disposal of waste.

(3) Food trucks shall not be permitted adjacent to existing restaurants unless as part of a Special Event.

(4) Food trucks shall only be allowed in nonresidential districts or on publicly-owned properties, unless affiliated with an approved temporary special event, when a separate Food Truck Permit will not be required

- j. Similar and Compatible Uses: Other uses which are similar and compatible to those allowed as temporary uses in this section. Determination of what constitutes similar and compatible shall be made by the Zoning Administrator.

6.7.4. Standards: A temporary use permit shall be issued only when the proposed temporary use structure complies with all of the following, as determined by the Zoning Administrator:

- a. Compatible with Existing Development: The nature and intensity of the temporary use and the size and placement of any temporary structure is so planned that the temporary use or structure will be compatible with existing development.
- b. Parcel of Sufficient Size: The size of the parcel is of sufficient size to adequately accommodate the temporary use or structure without causing a hardship for existing uses.
- c. Traffic: The location of the temporary use or structure is such that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the temporary use or structure.
- d. Parking and Access: Off-street parking areas shall be paved (except during temporary events which are sponsored by and for which parking will be located on property which is owned by a religious institution, public agency, school district, park district, or charitable civic organization) and of adequate size for the particular temporary use or structure and properly located and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.
- e. Effect on Surrounding Areas: In all respects, the temporary use or structure is not significantly or materially detrimental to the health, safety and welfare of the public or injurious to other property or improvements in the surrounding area, nor will it cause prolonged undue economic hardship, either through sales or occupancy of parking, with an adjoining permanent permitted or special use.
- f. Business License Required: Such temporary uses shall be conducted by an operator with a Hanover Park business license.
- g. Walkway access: Temporary uses may not block walkways or entrances and must follow all accessibility regulations.
- h. Litter Control: Temporary uses must not create litter, either by the use or the users.

6.7.5. Conditions of Approval: In addition to the specific regulations, standards, and time limitations set forth in this section, temporary uses and structures shall be subject to such conditions and restrictions on their location and operation as deemed necessary from time to time by the Zoning Administrator to meet the approval standards. Inspectional Services may require a bond to insure the conditions of the permit are fulfilled.

6.7.6. Fees: No temporary use permit shall be issued until all necessary fees are paid. See Sec. 18-204. Miscellaneous Fees for applicable permit fees.

**SECTION 4:** That each section, paragraph, sentence, clause and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof, other than the part affected by such decision.

**SECTION 5:** That the Village Clerk be and is hereby directed to publish this Ordinance in pamphlet form.

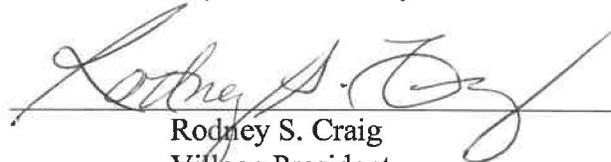
**SECTION 6:** This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner required by law, but its effectiveness delayed until January 1, 2025.

**SECTION 7:** Any person, firm, or corporation violating any provision of this Ordinance shall be fined not less than one hundred (\$100.00) dollars nor more than seven hundred fifty (\$750.00) dollars, and each day a violation continues shall be considered a separate violation.

ADOPTED this 7<sup>TH</sup> day of November 2024, pursuant to a roll call vote as follows:

AYES: Gutierrez, Porter, Kunkel, Bankole, Albuck  
NAYS: None  
ABSENT: Prigge  
ABSTENTION: None

APPROVED by me this 7<sup>th</sup> day of November 2024

  
Rodney S. Craig  
Village President

ATTESTED, filed in my office, and  
published in pamphlet form this 8<sup>th</sup>  
day of November 2024

  
Kristy Merrill, Village Clerk