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## Chapter 32 ZONING

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## Chapter 32 ZONING

### ARTICLE I. IN GENERAL

#### Sec. 32-1. Purpose and intent.

The purpose of this Chapter 32 is to protect the public health, safety, and general welfare of the Village of Third Lake by:

- a) Preserving the rural, open character of the Village and its natural resources.
- b) Preserving and enhancing the quality of life for residents and visitors.
- c) Protecting the character and maintaining the stability of the Village's residential neighborhoods.
- d) Fostering commercial areas that are economically viable and compatible with adjoining uses.
- e) Providing adequate light, air, privacy, and convenience of access to property.
- f) Reducing traffic congestion and promoting safety in public streets and private access ways in the Village and surrounding areas.
- g) Protecting against fire, explosion, noxious fumes, and other dangers.
- h) Preserving property values throughout the Village.

#### Sec. 32-2. Definitions.

- a) **Use Definitions.** The following terms, when used in this Chapter 32, shall have the meanings assigned to them herein unless the context expressly indicates another meaning:

**Accessory Use.** A use that is subordinate in area, extent, and purpose to a principal use, and that is customarily maintained for the benefit of a permitted principal use. Examples of accessory uses include off-street parking facilities and outdoor dining.

**Adult Use.** A business that sells or disseminates explicit sexual material, and at which access to the public display of explicit sexual material is restricted to persons 18 years of age or older. An adult retail business, adult arcade, adult cabaret, adult motion picture theater and an adult hotel/motel are considered adult uses and are defined as follows:

1. **Adult Retail Business.** A business which offers for sale or rent 15% or more of materials any of the following: publications, books, magazines, periodicals, photographs, films, motion pictures, video cassettes, DVD, or other video reproductions, or other visual representations that depict or describe specified sexual activities or specified anatomical areas, or instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
2. **Adult Arcade.** A business where, for any form of consideration, one or more still or motion picture projectors, slide projectors or similar machines are used to show films, motion pictures, video cassettes, DVD, slides, computer generated graphics, or other photographic reproductions which are characterized by an

emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

3. Adult Cabaret. A business that features dancers, go-go dancers, exotic dancers or similar entertainers, or live entertainment, in which persons regularly appear in a state of nudity, or where live performances are characterized by the exposure of specified anatomical areas or by specified sexual activities. Adult cabaret establishments specifically exclude minors, or minors are specifically prohibited by statute or ordinance, regardless of whether any such business is licensed to sell alcoholic beverages.

4. Adult Motion Picture Theater. A business used for presenting motion pictures that are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons.

5. Adult Hotel/Motel. A hotel or motel or similar business establishment that 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 24-hour period.

6. The following definitions describe the sexually oriented activities contained within the general definitions for the above adult uses:

a. Sexually Oriented Devices. Any artificial or simulated specified anatomical area or other device or paraphernalia that is designed in whole or part for specified sexual activities.

b. Specified Anatomical Area. Less than completely and opaquely covered genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola, or human male genitals in a discernible turgid state, even if completely and opaquely covered.

c. Specified Sexual Activities. Any activity that includes human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; or fondling or erotic touching of human genitals, pubic regions, buttocks, or female breasts, even if completely and opaquely covered.

**Age-Restricted Housing.** A multi-family dwelling where each unit is occupied by at least one person who is 55 years of age or over.

**Animal Care Facility.** A business which provides care for domestic animals, including veterinary offices for the treatment of animals, where animals may be boarded during their convalescence, and pet boarding facilities, where animals are boarded during the day or for overnight stays. Animal care facilities do not include kennels.

**Art Gallery.** A business engaged in the sale, loan and/or display of paintings, sculpture, photographs, video art, or other works of art. Art gallery does not include a cultural facility, such as a library or museum, which may also display paintings, sculpture, photographs, video art, or other works.

**Arts Studio.** A business where an art or activity is taught, studied, or practiced such as dance, martial arts, photography, music, painting, sculpture, gymnastics, Pilates, or yoga. An arts studio includes private exercise studios that are only open for private sessions with trainers and/or classes. This use does not include health clubs, which are permitted as a Personal Service Establishment.

**Bar.** An establishment primarily engaged in serving alcoholic liquor for consumption on the premises. This use may also include accessory sale of prepared food. Outdoor serving and consumption of alcoholic beverages conforming to the standards for Outdoor Dining may be permitted by Special Use, either at the time of granting a Special Use for the Bar or subsequently as a separate approval. Indoor or outdoor Live Entertainment conforming to the applicable standards may be permitted by Special Use, either at the time of granting a Special Use for the Bar or subsequently as a separate approval. (Live entertainment does not include Adult Uses, as defined herein.) A Micro-Brewery, Micro-Distillery, or Micro-Winery as an accessory use on the same premises may be permitted by Special Use, either at the time of granting a Special Use for the Bar or subsequently as a separate approval.

**Boat Launch.** A facility for launching watercraft that is under the control of the Village or a homeowners' association. This use does not include a boat launch located on and used for the benefit of one individual property.

**Body Modification Establishment.** A business that offers tattooing services, body piercing, and/or non-medical body modification. Body modification establishment does not include an establishment that offers only ear piercing as an ancillary service.

**Car Wash.** A building or portion thereof containing facilities for washing vehicles, whether automatically, by hand, or self-service, that is available to the general public.

**Cemetery.** Land and/or structures reserved for the internment of human or animal remains, which may include columbaria. Cemeteries may include accessory structures, such as sheds for the storage of maintenance equipment.

**Club, private.** A structure, building or property that is primarily used by an organization serving its members or their guests.

**Community Garden.** Land for the cultivation of fruits, flowers, vegetables, or ornamental plants by more than one (1) person or family. The raising of any livestock or the use of heavy machinery are not permitted as part of a Community Garden use.

**Community Residence.** A dwelling unit licensed, certified, or accredited as a specialized residential care home by the appropriate state or federal agencies, that functions 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. Where a sponsoring agency of the community residence is required to be licensed or certified by the State of Illinois, that sponsoring agency shall maintain a valid Illinois State license or certification to operate community residences.

**Contractor Business.** Land and/or structures used primarily for the conduct of building trades or building craft, where sales and/or service to customers is conducted primarily offsite, such as at the customer's home or business. Storage of equipment, vehicles, machinery, or building materials is permitted outdoors or in a building.

**Cultural Facility.** A non-profit facility open to the public providing access to cultural exhibits and/or activities including, but not limited to, museums, cultural centers, non-commercial art galleries, historical societies, and libraries. A cultural facility may include retail sales of related items, Restaurants and Specialty Food Service as ancillary uses.

**Currency Exchange.** A business that, for compensation, cashes checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This classification is distinct from a Retail Sales or Personal Services Establishment where the cashing of checks or money orders is incidental to the principal use.

**Day Care Center.** Any child or adult care facility, for-profit or not-for-profit, which regularly provides care for less than twenty-four (24) hours per day for more than three (3) children or adults in a facility other than a dwelling, which meets the licensing requirements of the State of Illinois Department of Children and Family Services. Day Care Center does not include programs operated by public or private elementary and secondary schools, or by institutions of higher learning which serve children who are three (3) years of age or older. A Day Care Center may include preschool or kindergarten level instruction.

**Day Care Home.** A state licensed facility operated in a dwelling where a permanent occupant of the dwelling provides for the care, protection, and supervision of a maximum of eight clients at any one time, apart from their parents or legal guardian, for less than 24 hours per day. Clients are defined as children twelve (12) years of age or younger and shall include the permanent occupant's natural, foster, or adopted children.

**Drive-Through Facility.** A facility or part thereof that provides goods or services to patrons via a service window while they remain in a motor vehicle. Also commonly referred to as a drive-in or drive-up facility.

**Dwelling.** A structure, or portion thereof, designed or used exclusively for human habitation, including Single-Family, Two-Family, Townhouse, and Multi-Family Dwellings. Hotel/Motel uses are not considered dwellings. A Dwelling may include an accessory Home Occupation, as defined herein.

**Dwelling, Multi-Family.** A building with three (3) or more dwelling units not designed as townhouses (see Dwelling, Townhouse), where each dwelling unit is provided an individual entrance to the outdoors or to a common hallway.

**Dwelling, Single-Family.** A detached dwelling containing a single dwelling unit. Travel trailers, housing mounted on self-propelled or drawn vehicles, tents, or other forms of temporary or portable housing are not included in this definition.

**Dwelling, Townhouse.** A building with three (3) or more dwelling units arranged side-by-side, sharing common fire-resistive walls without openings, where each dwelling unit occupies an exclusive vertical space with no other dwelling unit above or below, and where each dwelling unit has at least one individual exit directly to the outdoors.

**Dwelling, Two-Family.** A building containing two (2) dwelling units attached either vertically or horizontally, each with a separate exterior entrance.

**Dwelling, Above Ground Floor.** A dwelling unit located on a floor above a nonresidential use.

**Educational Facility - Primary or Secondary.** Public, private, or parochial institutions primarily engaged in academic instruction for all, or part of, grades Kindergarten through 12<sup>th</sup>.

**Educational Facility - Private Boarding.** An elementary, junior high or high school that provides lodging for students on the same property.

**Educational Facility – Primary or Secondary.** A public, private, or parochial facility that offers instruction at the elementary, junior high, and/or high school levels.

**Educational Facility - University.** A public or private college, university, community college or other institution of higher learning that grants associate, bachelor's, master's or doctoral degrees, and that may include associated dormitories, offices, food service, and the like.

**Educational Facility - Vocational.** A private for-profit or non-profit establishment that offers instruction in specific skills but does not offer a complete educational curriculum. Skills taught may include, but are not limited to, industrial, clerical, computer, managerial, automotive repair, plumbing, electrical, carpentry, driving, and tutoring. Educational Facility – Vocational includes schools conducted as a commercial enterprise, such as a driving school or tutoring to improve academic test results. Educational Facility – Vocational does not include those uses encompassed in the definition of Arts Studio.

**Farm Stand.** A structure intended for the display and sale of agricultural or horticultural products, the major portion of which are grown or produced by the seller.

**Farmers' Market/seasonal sale of garden plants.** A temporary use of structures and/or land for the sale of a variety of fresh fruits and vegetables, garden plants, and other



locally produced farm and food products directly to consumers from two or more farmers or vendors that have taken such items on consignment for retail sale.

**Financial Institution.** An establishment, the principal purpose of which is to provide financial services including, but not limited to, a bank, savings and loan, credit union, mortgage office, investment services, and currency exchanges. A Special Use is required for an accessory Drive-Through Facility.

**Forest Preserve.** Land owned or leased by Lake County Forest Preserve as open space to protect natural features, wildlife, and critical environmental features. A Forest Preserve may include passive recreation and environmental education.

**Funeral Home.** An establishment that prepares the deceased before burial, may provide cremation services, and may provide facilities for conducting memorial services or other rituals for the deceased.

**Garage/Yard Sale.** A temporary use where used household and personal articles are sold on the seller's own premises or for multiple sellers when sponsored by a homeowner, neighborhood, or similar association.

**Gas Station.** A business where fuel for vehicles is stored and dispensed from fixed equipment into motor vehicles, and/or where electric vehicle charging facilities are provided. A gas station may also offer convenience goods such as food, beverages, and other items typically found in a convenience market, as well as one automatic car wash facility (one stall). Gas Station does not include Motor Vehicle Service and Repair, Minor or Major, as defined herein.

**Government Office.** An office of a local government organization providing office and meeting facilities, not including public works facilities.

**Greenhouse/Nursery – Retail.** A business where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are grown and sold and may include gardening and landscape supplies and products such as hardware, garden tools and utensils, and paving stone and bricks.

**Heavy Retail, Rental and Service.** Retail, rental and/or service establishments that have permanent outdoor storage or service areas, and/or partially enclosed structures including, but not limited to, large-scale home improvement centers, industrial supply stores, lumber yards, and heavy equipment rental and sales.

**Home Occupation.** The conduct of a business or profession within a dwelling unit by one or more members of the family residing therein, which is incidental and secondary to the residential use. Home Occupation includes, but is not limited to, the following: the practice of medicine, dentistry, law, engineering, architecture, and accounting; brokerage; business offices; instruction in or the practice of art, photography, music, language, or dance; computer services; hair cutting and styling; and day care homes. The following occupations, as well as others which do not have a character like those

listed above, are specifically excluded from the definition of home occupation: restaurants, bed-and-breakfast establishments, nursing homes, mortuary establishments, and sales establishments with stock displayed and/or sold on the premises.

**Hospital.** A facility that provides in-patient and out-patient medical and surgical care and emergency medical services, and that may provide other services including but not limited to laboratories, mental health services, and diagnostic services, that is licensed by the State of Illinois under the Hospital Licensing Act (210 ILCS 85/1 et seq.). Hospital includes, but is not limited to, sanitariums and any other medical facility where intensive medical treatment, including in-patient residential care, is provided.

**Hotel/Motel.** A facility that provides sleeping and/or living accommodations and customary lodging services to temporary or transient guests, for a fee. Related ancillary uses may include, but are not limited to, conference and meeting rooms, restaurants and bars, and recreational facilities for the use of guests.

**Industrial Design.** A business where the form, usability, physical ergonomics, marketing, brand development and sales of various products are researched and developed. An industrial design establishment may create prototypes of products but shall not manufacture products for direct sale and distribution from the premises.

**Industrial - Light.** The manufacturing from previously prepared materials of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, or the storage, sales, and distribution of such products, provided these activities are contained entirely within a building and any resulting noise, odor, smoke, heat, glare, and vibration are confined entirely within the building. A light industrial use may also include a showroom, ancillary sales of products related to the items manufactured or stored on-site, or ancillary outdoor storage.

**Kennel.** A business where six or more dogs over six months of age are boarded, bred, raised, and/or trained for commercial gain.

**Landscape Business.** A business that provides services designing, installing, planting or maintaining yards, gardens, or other outside grounds, and where equipment, supplies and plant material may be stored on-site. A landscape business includes landscape installation, care, and maintenance services; hardscape installation; lawn care services (i.e. fertilizing, mowing, seeding, sod laying, spraying); plant, shrub, and tree services (i.e., bracing, planting, pruning, removal, spraying, trimming); and seasonal property maintenance services (i.e., snow plowing in winter, landscaping during other seasons).

**Library.** A public or private facility where books, periodicals, recordings, and other documents are principally maintained for borrowing and use by patrons, rather than being offered for sale. This use may include the incidental sale of surplus materials and other goods.

**Live Entertainment.** The performance of singing, playing musical instruments, DJ services, spoken word, or dancing by live performers. Live Entertainment does not include Theaters that may have live musical performances as part of a theatrical production, or Restaurants that play low volume background music. Live entertainment does not include Adult Uses, as defined herein. Live Entertainment is distinct from Temporary Outdoor Entertainment/Promotional Event and Temporary Outdoor Entertainment/Residential Districts, which are allowed only for a limited period of time and a limited number of times per year, and which require a permit for each occurrence.

**Lodge/Meeting Hall.** A facility operated by an organization or association for a common purpose, such as, but not limited to, a meeting hall for a fraternal or social organization or a union hall where the use of the premises is restricted to members and their guests. Lodge/Meeting Hall does not include clubs organized primarily for-profit or to render a service which is customarily carried on as a business.

**Massage Service Establishment.** An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is offered. A massage service establishment does not include public area massages, including but not limited to massage chairs, nor treatment administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state, or ancillary services provided as part of a health club, school, or full-service spa or salon.

**Medical/Dental Clinic.** A facility operated by one or more physicians, dentists, chiropractors, psychiatrists, physiotherapists, or other licensed practitioners for the examination and treatment of persons solely on an outpatient basis. Services provided may include examination and consultation, treatment, surgery, radiology, MRI, on-site testing laboratories, physical therapy, diagnostic services, training, administration, and other services provided by licensed medical or dental professionals. A Medical/Dental Clinic may dispense limited quantities of medications and medical supplies directly to patients. Medical clinics also include alternative medicine clinics, such as acupuncture and holistic therapies.

**Micro-Brewery.** A facility for the production, packaging, and sale of malt beverages of low alcoholic content with a capacity of less than 15,000 barrels per year. A micro-brewery may include a tasting room allowing customers to taste samples of products manufactured on site. Sale of alcoholic beverages manufactured elsewhere is prohibited except where a micro-brewery is permitted accessory to a restaurant or bar on the same premises.

**Micro-Distillery.** A facility for the production, packaging, and sale of distilled alcoholic beverages in quantities not to exceed twelve 12,000 gallons per year. A micro-distillery may include a tasting room allowing customers to taste samples of products manufactured on site. Sale of alcoholic beverages manufactured elsewhere is prohibited

except where a micro-distillery is permitted accessory to a restaurant or bar on the same premises.

**Micro-Winery.** A facility for the production, packaging, and sale of alcoholic beverages obtained by the fermentation of the natural contents of fruits or vegetables, including such beverages fortified by the addition of alcohol or spirits, in quantities not to exceed 25,000 gallons per year. A micro-winery may include a tasting room allowing customers to taste samples of products manufactured on site. Sale of alcoholic beverages manufactured elsewhere is prohibited except where a micro-winery is permitted accessory to a restaurant or bar on the same premises.

~~**Motor Vehicle Service and Repair, Major.** Motor Vehicle Service and Repair, Major includes, but shall not be limited to, establishments involved in major reconditioning of worn or damaged motor vehicles or trailers, engine rebuilding, towing, and collision service, including body, frame or fender straightening or repair, and overall painting of motor vehicles. Such establishments often require the storage of vehicles to be repaired. Vehicle towing establishments, with or without repair facilities, are included in this category.~~

**Office.** 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 general public. An Office is not materially involved in fabricating, assembling, or warehousing of physical products, nor engaged in the repair of products or retail services. Office may include accessory facilities not available for use by the general public such as meeting facilities and employee amenities such as exercise rooms and food service. Office is distinct from Financial Institution, Medical/Dental Clinics, Government Office, and Industrial Design.

**Outdoor Dining.** The serving of food and/or beverages in an outdoor space with seats and/or tables accessory to a restaurant, bar, specialty food service, or other food service establishment.

**Outdoor Market.** A retail market located outdoors that rents space to individual vendors who sell their merchandise, such as antiques, used household goods, art, and curios.

**Outdoor Storage.** The storage of goods, materials, merchandise, or equipment outside of an enclosed building. Outdoor Storage does not include the display of goods for sale at retail or temporary storage of refuse, nor does it include outdoor refuse dumpsters, recycling containers, compacting equipment, pallet storage, baled cardboard, and other refuse and recycling materials, all of which are permitted when accessory to a principal use. All outdoor storage shall comply with current fire and building codes adopted by the Village.

**Park/Playground.** A public or private non-commercial facility that serves the recreational needs of residents and visitors, including but not limited to playgrounds,

ballfields, football fields, soccer fields, basketball courts, tennis courts, dog parks, skateboard parks, passive recreation areas, and park district field houses including Indoor Recreation uses, as defined herein.

**Pawn Shop.** A business that lends money on the deposit or pledge of physically delivered personal property or purchases such property on the condition of selling it back at a stipulated price, and where unclaimed property is sold. Pawn Shop does not include consignment shops and antique shops, which are considered Retail Sales.

**Personal Service Establishment.** A business where personal services are provided directly to the customer including, but not limited to, beauty shops, barber shops, electronics repair shops, nail salons, tanning salons, laundromats, health clubs, dry cleaners, domestic pet grooming, shoe repair shops, tailors, and the like.

**Place of Worship.** A building, together with accessory structures and uses, where people regularly assemble for religious purposes and related social events and may include group housing for persons under religious vows or orders. Places of worship may also include ancillary day care facilities and/or classrooms for weekly religious instruction. Places of worship may include columbarium as an ancillary use. This use does not include assembly for religious purposes and related social events in a dwelling unit, when such assembly is accessory to the principal use as a residential dwelling.

**Planned Unit Development.** A Special Use that is reviewed and approved according to the standards and procedures of Article VI, Section 32-494, subsection 5) and other relevant provisions of this Chapter 32.

**Public Works Facility.** A facility operated by the municipal public works department to provide village services, including dispatch, storage, and maintenance of municipal vehicles.

**Public Utility Facilities.** Infrastructure services that need to be located in the area where the service is provided, and which generally do not have employees at the site. This includes overhead electric and communications lines and poles; electric utility towers; electric transformers and switchgear; traffic signals and controllers; street lighting; wastewater lift stations; fire hydrants and standpipes; water supply wells, reservoirs and towers; stormwater drainage and underground gas, electrical, telephone, communications, water distribution, wastewater collection, and drainage facilities.

**Real Estate Project Sales Office/Model Unit.** A residential unit temporarily used for display purposes as an example of dwelling units available for sale or rental in a residential development and/or sales or rental offices for dwellings within the development.

**Reception Facility.** A facility that offers for rental a banquet hall or similar facility for private events including, but not limited to, wedding receptions, holiday parties, and fundraisers, to invited guests during intermittent dates and hours of operation. Food and beverages may be prepared on-site and/or brought in by a caterer. Live

entertainment may be provided as an ancillary use as part of an event. A reception facility is distinct from a restaurant which has regular hours of operation.

**Recreation, Indoor.** A facility for spectator or participatory recreational uses available to the general public conducted within an enclosed building such as sports arenas, swimming pools, ice- or roller-skating rinks, bowling alleys, tumbling centers, skating centers, roller rinks, pool halls, video games, and similar recreation or amusement facilities. An indoor recreation facility may include ancillary uses such as snack bars, pro shops, and restaurants designed and intended primarily for the use of patrons. Recreation, Indoor does not include any facility for the use or discharge of firearms.

**Recreation, Outdoor.** A facility for spectator or participatory recreational uses available to the general public conducted outdoors or within partially enclosed structures, such as sports courts, ball fields, ball courts, driving ranges, miniature golf courses, batting cages, skateboarding courses, archery ranges, and sporting exhibitions. An outdoor recreation facility may provide lighting for night use of its facilities and may include accessory uses such as snack bars that are designed and intended primarily for the use of patrons of the principal recreational use. Recreation, Outdoor does not include any facility for the use or discharge of firearms.

**Research and Development.** Facilities for laboratory research in scientific, medical or technology intensive fields such as biotechnology, pharmaceuticals, medical instrumentation, materials science, and information technology, but not including the manufacture, fabrication, processing or sale of products except in small quantities as incidental to the main purpose of the facility.

**Residential Care Facility.** A group care facility licensed by the state for 24-hour medical or non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual. A residential care facility includes nursing homes, assisted living, and continuum of care facilities.

**Restaurant.** An establishment where food and drinks are provided to the public for on-premises consumption or for carry-out. Outdoor Dining, including service to patrons seated outdoors, is permitted as an accessory use if the applicable standards are met. Indoor or outdoor Live Entertainment is permitted as an accessory use if the applicable standards are met. This use is distinct from a Bar where the primary purpose is the sale of alcoholic beverages. A Special Use is required for an accessory Drive-Through Facility. A restaurant may include a Micro-Brewery, Micro-Distillery, or Micro-Winery on the same premises, as an accessory, subordinate use, without a Special Use.

**Retail Sales.** An establishment where the primary purpose is the sale of physical goods, products, or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser. This

use does not include Heavy Retail, Rental and Service, Pawn Shops, Retail Sales of Alcohol, or Adult Uses, as defined herein. Sale of firearms is not permitted.

**Retail Sales of Alcohol.** Retail sales of alcoholic beverages for consumption off premises, when licensed by the Village and in factory original containers. An accessory Drive-Through Facility is not permitted for this use.

**Self-Storage Facility.** A facility for the storage of personal property where individual renters control and access individual storage spaces. Ancillary retail sales of related items, such as moving supplies, and offices may also be included.

**Specialty Food Service.** A business that specializes in the sale for onsite consumption and/or retail purchase and removal by the customer of a limited range of food products, such as a delicatessen, coffee shop, bakery, meat market, catering business, or fishmonger. The onsite preparation, processing, and packaging of food products is permitted within completely enclosed buildings. Outdoor Dining, including service to patrons seated outdoors, is permitted as an accessory use if the applicable standards are met. A Special Use is required for an accessory Drive-Through Facility.

**Temporary Contractor's Office.** A temporary, portable, or modular structure utilized as a watchman's quarters, construction office, equipment shed, or sales center during the construction of a building or new development.

**Temporary Mobile Sales.** A truck or trailer used for the sales and display of merchandise for sale or for the preparation and service of food served from the vehicle.

**Temporary Outdoor Entertainment/Promotional Event.** A temporary live entertainment event, such as the performance of live music, revue, or play within an outdoor space. Temporary outdoor entertainment events include fireworks shows, horse shows, animal shows, carnivals/circuses, temporary worship services, and other similar uses.

**Temporary Outdoor Sales.** Temporary sales to the public, which may include temporary structures, where goods are sold, such as consignment auctions, arts and crafts fairs, flea markets, rummage sales, and holiday sales, such as Christmas tree lots and pumpkin sales lots.

**Temporary Outdoor Storage Container.** Temporary self-storage containers delivered to a residence or business owner to store belongings, which are subsequently picked up and returned to a warehouse until called for.

**Temporary Outdoor Entertainment/Residential Districts.** Live entertainment, such as the performance of live music, revue, or play within an outdoor space on a lot in the R-1, R-2, or R-3 Residential Districts, occurring for a limited period of time, as provided in Division 9 of this Chapter.

**Theater.** An indoor establishment where live performances, motion pictures, or other recorded media are offered for public viewing, where admission is charged. This use does not include any Adult Use, as defined herein.

**Utility, Community/Regional.** Utility infrastructure that provides services beyond those defined herein as Utility, Local and which may have employees normally present at the site. This includes electrical substations, telephone equipment buildings, cable television head-end facilities, telecommunications towers, microwave towers, above-ground natural gas transmission facilities, wastewater treatment facilities, water supply treatment facilities, and similar large-scale utility equipment and buildings.

**Utility, Local.** Utility infrastructure that needs to be located in the area where its service is provided, and where employees are not normally present except for occasional maintenance or construction. This includes overhead electric and communications lines and poles; electric transformers and switchgear; traffic signals and controllers; street lighting; wastewater lift stations; fire hydrants and standpipes; water supply wells, reservoirs, and towers; stormwater drainage and underground gas, electrical, communications, water distribution, wastewater collection, and drainage facilities.

**Vehicle Dealership.** An establishment that sells or leases new or used motor vehicles, including but not limited to, automobiles, trucks, motorcycles, and recreational vehicles. A vehicle dealership may maintain an inventory of the vehicles for sale or lease either onsite or at a nearby location and may provide on-site facilities for the repair and service of the types of vehicles sold or leased by the dealership.

**Vehicle Rental.** An establishment that offers automobiles, vans, trucks, recreational vehicles, trailers, or other vehicles licensed for use on public roads for rent to the general public. Ancillary retail sales of related items, such as moving supplies, may also be included.

**Vehicle Repair - Minor.** A business that provides minor repair services to motor vehicles, motorcycles, all-terrain vehicles (ATV) vehicles, and similar motorized means of transportation including repair or replacement of cooling and electrical equipment, fuel systems, brakes, tires, shock absorbers, and exhaust systems; wheel alignment and balancing; and replacement and adjustment of hoses, belts, light bulbs, fuses, windshield wipers/wiper blades, and the like.

**Vehicle Repair - Major.** A business that provides major repair services to automobiles, trucks, motorcycles, all-terrain vehicles (ATV), boats, recreational vehicles, and trailers, including but not limited to body or frame straightening or repair, painting, engine rebuilding, and major reconditioning or rebuilding of damaged vehicles. This use may include towing services and may include those services referenced as Vehicle Repair – Minor as defined herein.

**Warehouse.** An enclosed facility for the storage and distribution of products, supplies, and/or equipment.



**Wholesale Establishment.** A business where goods are sold to either retailers, or to industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services.

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- b) **General Definitions.** The following terms, when used in this Chapter 32, shall have the meanings assigned to them herein unless the context expressly indicates another meaning:

**Abutting.** Having a common border with a parcel, easement, public or private right-of-way, or other property.

**Access.** A means of entry to or exit from a property or a building, structure or improvement within a property.

**Alley.** A means of vehicular access to a parcel shown on a recorded plat, dedicated for such purpose, which is not more than 30 feet wide and which affords only a secondary means of access to abutting property.

**As-built drawings.** Plans and/or a survey prepared by a registered engineer, architect or land surveyor showing both proposed and as-built conditions, locations of improvements, spot elevations and contours.

**Attention-getting device.** Any pennant, flag, valance, banner, propeller, spinner, streamer, searchlight, laser beam, balloon, or similar device or ornamentation designed for the purpose of promotion or advertising or attracting attention.

**Average ground elevation.** The average level of the finished surface of the ground adjacent to the exterior walls of a building or structure.

**Basement.** A portion of a building or structure wholly or partly below the average ground elevation.

**Buffer yard.** An area established to protect or visually separate one type of land use or zoning district from another incompatible land use or zoning district.

**Buildable area of a lot.** That portion of a lot bounded by the building setback lines.

**Building.** An enclosed structure built, maintained or intended for use for the shelter or enclosure of persons, animals, or property of any kind.

**Building, detached.** A building or structure which is not attached to another building or structure.

**Building permit.** A permit issued by the village for the construction, erection or alteration of a structure or building.

**Building, principal.** A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

**Building setback line.** A line on the horizontal surface of a lot parallel or nearly parallel to ~~the~~a lot lines and located at a distance prescribed by the yard regulations and beyond which a building may not extend except as otherwise provided by this chapter.

**~~Camper-Camping Trailer.~~** A folding or collapsible ~~vehicle without its own motive power trailer~~ designed and constructed as temporary living quarters for travel, camping, recreation, or vacation use and of a size and weight not requiring an over-dimension permit when towed on a highway.

**Certify or certification** The act or process of attesting that the specific inspections, calculations, tests or documents, where required, have been completed and that they are correct and comply with the applicable requirements of this Code.

**Commercial Equipment.**

Any equipment or device used for commercial purposes designed for transportation, storage, construction or farm use including but not limited to:

- Shipping containers and semi-trailers, with or without wheels;
- Construction equipment including but not limited to front end loaders, excavators, bulldozers, asphalt spreaders, and skid steer loaders;
- Farm equipment including but not limited to tractors, harvesting, tilling, fertilizing, spraying and planting equipment, farm trailers, and combines;
- Utility/haul trailers, commercial.

**Commercial Vehicle.** A truck, van, bus or other vehicle used or maintained primarily to carry cargo and/or passengers for hire, compensation, or profit, and any vehicle over 11,500 pounds gross vehicle weight rating (GVWR).

**~~Conversion Van.~~** ~~A conventional van whose cargo area has been equipped with living facilities, often with extra windows and/or increased headroom.~~

**Density.** The number of dwelling units per acre.

**Development.** The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land, and any clearing, grading, excavation, installation of public or private improvements for which permission may be required pursuant to this chapter.

**Engineer.** An engineer registered in the state of Illinois.

**Family.** Two or more persons related to each other by blood, marriage, or legal adoption, living together as a single housekeeping unit; a group of not more than three persons, who need not be related by blood, marriage, or legal adoption, living together as a single housekeeping unit and occupying a single dwelling unit; or a group of not more than six individuals with disabilities, as defined in title VIII of the United States Civil Rights Act of 1968, together with their domestic servants and attendants, maintaining a common nonprofit household in a dwelling unit.

**Gazebo.** A freestanding roofed open-sided structure, often hexagonal or octagonal in shape, that provides shade and shelter in outdoor areas.

**Gross Floor Area (GFA).** The gross floor area (GFA) of a structure is the sum of the gross horizontal areas of all floors of the structure as measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings.

**Floor area ratio (FAR)** A number determined by dividing the gross floor area of all buildings on a lot by the area of that lot, where both are expressed in the same unit, typically square feet.

**Frontage.** The length of any one property line which abuts a legally accessible street right-of-way. For the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under the definition of the term "yards." Frontage may also refer to the length of a building wall in relation to its orientation on the lot.

**Garage.** An enclosed building, or part thereof, designed, used or intended to be used for the parking and storage of vehicles and equipment.

**Height.** The vertical distance to the highest point of the roof or any element or segment of a structure, not including vertical projections such chimneys, plumbing stacks, HVAC equipment, cooling towers, elevator bulkheads, fire towers, and other necessary appurtenances. Height shall be measured from the average ground elevation of the structure.

**IDOT.** The Illinois state Department of Transportation.

**Impervious surface area.** Any area that cannot readily and effectively absorb or retain water.

**Lake.** A natural or artificial body of water encompassing an area of two or more acres that retains water year-round.

**LCDOT.** The Lake County Department of Transportation.

**Lot** means a single legally divided parcel of land.

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

**Lot, buildable area of.** That portion of a lot not included within its required yards.

**Lot, corner.** A lot abutting on and at the intersection of two or more streets.

**Lot coverage.** The area of a lot that is covered by enclosed buildings or structures, not including permitted projections that do not extend to ground level such as eaves, balconies and similar features.

**Lot depth.** The mean horizontal distance between the street lot line and the rear lot line of a lot. In the case of corner lots, the lot depth shall be measured from the rear lot line to the street lot line most opposite the rear lot line; in the case of a double frontage lot, the lot depth shall be measured between each street lot line.

**Lot line.** A line bounding a lot that divides one lot from another or from a street or any other public or private space, including a lake.

**Lot line, lake.** A lot line abutting the shoreline water level of Druce Lake or Third Lake as defined herein, except when there is public property between a lot and such shoreline water level, the lake lot line shall be the lot line abutting such public property, rather than the shoreline water level.

**Lot line, rear.** A lot line parallel to and most distant from the street line of the lot. In the case of a triangular or an irregular lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the street lot line, shall be considered the rear lot line. In the case of corner lots, the rear lot line shall be opposite the narrowest street lot line.

**Lot line, side.** A lot line other than a street, rear, or lake lot line.

**Lot line, street.** In the case of a lot abutting one street, the lot line separating a lot from the street; in the case of a corner lot, each lot line separating the lot from a street; in the case of a double frontage lot, each lot line separating the lot from a street.

**Lot width.** The horizontal distance between side lot lines measured at the street yard setback line, or in the case of corner lots, between the side lot lines and the street lot lines, measured at the street yard setback line. When a lot has more than one street lot line, all street lot lines shall comply with the lot width requirement.

**Lot, Zoning.** A parcel of land composed of one or more recorded lots, or a parcel of land described by metes and bounds, or a combination thereof, designated by its owner as a parcel to be used, developed, or built upon as a unit under single ownership or control.

**Motor Home.** ~~A temporary dwelling designed and constructed for travel, camping, recreational, or vacation uses as an integral part of the self-propelled vehicle. A self-propelled motor vehicle, not used commercially, designed or permanently converted to provide living quarters for recreational, camping, travel or vacation use, with direct walk through access to the living quarters from the driver's seat. Such vehicles must include at least four of the following:~~

- a) A cooking facility with an on-board fuel source;
- b) A gas or electric refrigerator;
- c) A toilet with exterior evacuation;
- d) A heating or air conditioning system with an on-board power or fuel source separate from the vehicle engine;
- e) A potable water supply system that includes at least a sink, a faucet, and a water tank with an exterior service supply connection;
- f) A 110-125 volt electric power supply.

The term Motor Home includes mini-motor homes and van campers.

**Nonconforming recorded lot.** A parcel of land designated on a duly recorded subdivision plat, plat of division, or deed which documents the lawful establishment of the lot prior to the adoption of the Village's zoning regulations or a subsequent amendment thereto, and which has less than the currently required minimum lot area, width or other dimension prescribed for the particular zone in which it is located but which met the lot area, width and other dimensions for the zone in which it was located at the time of such recording and was made nonconforming by the adoption of the Village's zoning regulations or a subsequent amendment thereto.

**Nonconforming structure.** A building or structure which was legally constructed prior to the adoption of the Village's zoning regulations or a subsequent amendment thereto, which would not be permitted as a new structure because it is not in conformance with the lot area, yards, height, lot coverage, gross floor area or floor area ratio requirements of the zoning district in which it is located. A structure located on a nonconforming recorded lot shall not be deemed to be a nonconforming structure if it conforms to the requirements for nonconforming recorded lots of Article V, Section 32-461 of this Chapter.

**Nonconforming use.** A use of land, buildings or structures legally established prior to the adoption of the Village's zoning regulations or a subsequent amendment thereto, which would not be permitted as a new use in the zoning district in which it is located.

**Non-highway Vehicle.** A ~~motor~~wheeled vehicle not specifically designed to be used on a public highway, including:

- (1) an all-terrain vehicle, as defined by Section 1-101.8 of the Illinois Vehicle Code;
- (2) a golf cart, as defined by Section 1-123.9 of the Illinois Vehicle Code;
- (3) an off-highway motorcycle, as defined by Section 1-153.1 of the Illinois Vehicle Code; and
- (4) a recreational off-highway vehicle, as defined by Section 1-168.8 of the Illinois Vehicle Code.

~~and not subject to registration for highway use by the State of Illinois, including but not limited to golf carts, recreational off highway vehicles, off highway motorcycles and all-terrain vehicles, as defined in the Illinois State Statutes. For the purposes of this Chapter 32, non-highway vehicles mounted on a trailer are considered one vehicle.~~

**Off-Street Parking, Stacking, and Loading Facilities.** Semi-permanent facilities such as parking and loading spaces, driveways, stacking spaces, curbing, striping, and landscaping that provide a physical space for required parking, stacking and loading of vehicles, as distinguished from the use of such facilities for parking, loading, or storage.

**Open space.** Land used for recreation, resource protection, amenity or buffers. In no event shall any area of a lot constituting the minimum lot area of the lot, nor any part of an existing or future road or right-of-way be counted as constituting open space.

**Owner.** The person or entity having the right of legal title or beneficial interest in, or a contractual right to purchase, a tract or parcel of land.

**Parcel.** A legally described piece of land.

**Planned Unit Development (PUD).** A development of land that is under unified control and is planned and developed as a unit, single or multiple phases. The development may include buildings, structures, streets, pedestrian circulation ways, open spaces, and other site features.

**Racing ~~Car or Motorcycle~~Vehicle.** A vehicle intended to be used in racing competitions and not licensed for street use, such as a racing car, stock car, demolition car, or racing motorcycle. ~~For the purposes of this Chapter 32, racing cars or racing motorcycles mounted on a trailer are considered one vehicle.~~

~~**Recreational Vehicle.** Any vehicle or device designed for recreation or temporary human habitation and not used for commercial purposes including but not limited to Camper Trailers, Conversion Vans, Motor Homes, Non Highway Vehicles, Racing Cars or Motorcycles, Snowmobiles, Specially Constructed Vehicles, Travel Trailers, Truck Campers/Slide-In Pickup Campers, Utility/Haul Trailers (Recreational) and Watercraft.~~

**Recreational vehicle.** A camping trailer, motor home, mini motor home, travel trailer, truck camper or van camper used primarily for recreational purposes and not used commercially.

**Shed.** An accessory structure of more than 64 cubic feet often purchased pre-built or as a kit, that is not designed to be served by heat, plumbing, or electricity, and, depending on requirements of the Village's building codes, may not need to be placed on a permanent foundation. A shed is typically intended to store lawn, garden, or recreational equipment.

**Shopping center.** A group of retail, office, and related establishments permitted in the CB and GB zoning districts that are planned, developed, and managed as a unit.

**Sign.** A name, identification, description, display, or illustration affixed to or painted or represented directly or indirectly upon a building, structure, or other outdoor surface or lot, and which directs attention to an object, product, place, activity, person, institution, organization or business.

**Sign, changeable copy.** A sign specifically designed and constructed with provisions for the manual or electronic change of letters or graphics.

**Sign, commercial billboard.** A freestanding sign permanently erected on a premises, including changeable copy signs, used for the display of commercial information not associated with the conduct of a business or enterprise located on the same premises as such sign.

**Sign, externally illuminated.** A sign illuminated by a light source external to the sign, cast upon or falling upon the surface of the sign.

**Sign, freestanding or ground.** A sign completely or principally self-supported by a posts or other supports independent of any building or other structure and anchored in or upon the ground.

**Sign, identification.** A sign that states the company name of any business including nation, company or proprietor.

**Sign, internally illuminated.** A sign whose lettering and/or graphics are illuminated by an internal source such as a sign having a translucent surface with illumination behind it, a sign consisting of opaque lettering and/or graphics that are backlit, or other means of illumination that do not involve a light source outside the sign structure that illuminates by reflection.

**Sign, nameplate.** A sign that displays only the name or address of the occupant and is not illuminated.

**Sign, nonconforming.** A sign, lawfully erected prior to the adoption of the Village's zoning regulations or a subsequent amendment thereto, which does not comply with the current regulations of such zoning regulations governing the use of signs.

**Sign, obsolete.** A sign that advertises a business or entity that is no longer conducted upon the premises on which the sign is located.

**Sign, off-premises.** A sign which directs attention to or advertises a use, business, commodity, service or activity not conducted, sold or offered upon the premises where the sign is located.

**Sign, political campaign.** A sign advocating or opposing candidates seeking public office, political issues, and other public issues pertinent thereto.

**Sign, projecting.** A sign that projects more than 12 inches from the face of any building or wall which supports the sign.

**Sign, real estate.** A sign located for the purposes of advertising a parcel of land or a building as available for sale, rental or lease.

**Sign, roof.** A sign erected, constructed or maintained in whole or in part upon or over the roof of a building or structure. Signs erected and maintained upon the lower slope of a mansard roof that do not extend above the uppermost point of such lower slope shall be considered wall signs.

**Sign, temperature.** A sign which periodically displays the current temperatures.

**Sign, temporary.** A sign established and permitted to be in place for a fixed period of time with the intent to discontinue the sign upon the expiration of the time.

**Sign, time.** A sign which periodically displays the time of day.



**Sign, wall.** A sign mounted on or attached to the wall of a building or structure in a plane parallel to that of the supporting wall, consisting of individual or grouped letters or symbols.

**Sign, window identification.** An identification sign painted on, affixed to or placed against any window or which is placed in a display case for view from the outdoors through a window, when such sign is visible from the exterior of the building.

**Shoreline water level.** The shoreline water level of Druce Lake and Third Lake at the point on the bank or shore of the body of water up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics, as determined by the Zoning Official.

**Snowmobile.** A self-propelled vehicle designed for traveling on snow or ice, generally steered by skis or runners. For the purposes of this Chapter 32, snowmobile(s) mounted on a trailer are considered one vehicle.

~~**Specially Constructed Vehicle.** Any vehicle which was not originally constructed under a distinctive name, make, model or type, or which, if originally constructed has been materially altered by the removal of essential parts, or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles and used for temporary living quarters or recreation.~~

**Specialized Vehicle.** Any vehicle designed or modified to perform a specific task beyond general transportation including Recreational Vehicles, Snowmobiles, Racing Vehicles, Utility Trailers (personal), and Watercraft. Specialized vehicles mounted on a trailer shall be considered one specialized vehicle.

**Stacking Space.** A designated area within a drive-through facility's queue, providing temporary storage for vehicles waiting for service, having a minimum distance of 20 ft. in length per vehicle.

**Storage Locker.** An accessory structure of 64 cubic feet or less, often purchased pre-built or as a kit, that is not designed to be served by heat, plumbing, or electricity, and does not need to be placed on a permanent foundation. A storage locker is typically intended to store smaller recreational, lawn, or garden equipment.

**Story.** That portion of a building or structure included between the surface of any floor and the ceiling next above it. A basement shall be counted as a story if the floor next above it is more than five feet above the average ground elevation.

**Street.** A public or private place or way, however designated, for vehicular travel that affords a principal means of access to abutting property, or to another street.

**Structure.** Anything constructed, erected, or placed, which has a permanent location in or on the ground or is attached to something having a permanent location in or on the ground.

**Subdivision.** The division or redivision of a tract of land into two or more parts by recording of a subdivision plat pursuant to state statute that may include the dedication of streets, granting of easements, and other purposes.

~~**Travel Trailer.** A rigid vehicular structure, without its own motive power, designed as temporary living quarters for travel, camping, recreation, or vacation use, that is required to be licensed or registered and insured for highway use.~~

**Travel trailer.** A trailer, not used commercially, designed as a rigid structure to be used as temporary living quarters for travel, camping, recreation or vacation use, and of a size or weight not requiring an over-dimension permit when towed on a highway.

~~**Truck Camper/Slide-in Pick-Up Camper.** A structure designed primarily to be mounted on a pickup or truck chassis and designed to be used as a temporary living quarters dwelling for travel, camping, recreation or vacation use. When mounted on a truck, such structure and the truck are considered one recreational vehicle.~~

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

**Use, principal.** The primary purpose for which a building, structure, or land is used.

**Use, temporary.** A use established for a fixed period of time with the intent to discontinue the use upon the expiration of the time.

~~**Utility/Haul Trailer (Recreational/Personal).** A vehicle without its own motive power trailer, enclosed or non-enclosed, having no more than two axles, eligible to be licensed or registered and insured for highway use, designed or used for transporting recreational specialized vehicles or personal equipment and not used for commercial purposes. A Utility/Haul Trailer (Recreational/Personal) shall not display print or logos that advertise a business other than its manufacturer.~~

~~**Utility/Haul Trailer (Commercial).** A vehicle without its own motive power trailer, enclosed or non-enclosed, having no more than two axles, eligible to be licensed or registered and insured for highway use, used for commercial purposes, designed or used for transporting commercial vehicles or commercial equipment, or for other commercial purposes, and that may contain print or logos that advertise a business other than its manufacturer.~~

**Watercraft.** A vehicle for traveling in or on water capable of transporting one or more persons, including all types of personal watercraft propelled by wind or motorized but not including rowboats, canoes, kayaks, and the like not propelled by wind or motorized.

~~For the purposes of this Division 5, watercraft mounted on a trailer are considered one vehicle.~~

**Wetland.** An area of 0.25 acre or more where standing water is retained periodically due to naturally occurring soil or drainage conditions, and hydric vegetation has adapted to the area and hydric soils are present.

**Yard.** A required open space on a lot which is unoccupied and unobstructed from its lowest level upward, except for obstructions specifically permitted in this Chapter. A yard extends along a lot line for a depth or width specified for the district in which the lot is located, measured perpendicular to the lot line.

**Yard, lake.** A required yard extending along a lake lot line for the full width of the lot. ~~between the lake lot line and the lake yard building setback line.~~

**Yard, rear.** A required yard extending along a rear lot line for the full width of the lot. ~~between the rear lot line and the rear yard building setback line.~~ Where a lot adjoins a lake and has a lake yard ~~setback~~, the ~~required~~ rear yard shall be coterminous with the lake yard, and ~~there shall be no additional required~~ rear yard is required.

**Yard, side.** A required yard extending between along a side lot line ~~and a side yard building setback line~~, excluding the area within the required street, rear and lake yards.

**Yard, street.** A required yard extending along a street lot line the full width of athe lot. ~~between the street lot line and the street yard building setback line.~~

### **Sec. 32-3. Zones established.**

To carry out the purpose and intent of this Chapter 32, the Village of Third Lake is hereby divided into the following zoning districts:

#### **R-1 Residential District**

This district is intended to provide for low-density single-family residential development as well as compatible uses such as parks, playgrounds, schools, and places of worship.

#### **R-2 Residential District**

This district is intended to provide for medium-low density single-family residential development as well as compatible uses such as parks, playgrounds, and schools.

#### **R-3 Residential District**

This district is intended to provide for medium density single-family residential development as well as compatible uses such as parks, playgrounds, and schools.

### **MR Multifamily Residential District**

This district is intended to provide for higher density residential development than allowed in the R-1 through R-3 districts, to accommodate multi-family dwellings, age restricted housing, residential care facilities, parks, playgrounds, and schools.

### **CB Community Business District**

This district is intended to provide for local retail, service and office uses offering goods and services to nearby residents as well as limited residential uses in mixed use buildings. Landscaping, lighting, sign, and other standards of this Chapter 32 require uses in this district to be compatible with and sensitive to adjacent residential development.

### **GB General Business District**

This district is intended to provide for local and regional retail, service and office uses offering goods and services to area residents. Landscaping, lighting, sign, and other standards of this Chapter 32 require uses in this district to be compatible with and sensitive to adjacent residential development.

### **LI Light Industrial District**

This district is intended to provide for light industrial, wholesale, warehousing, and service uses that do not depend on visits from the public at large. Landscaping, lighting, sign, and other standards of this Chapter 32 require uses in this district to be compatible with and sensitive to adjacent business and residential development.

## **Sec. 32-4 Zoning Map**

- a) The location and boundaries of the districts and overlay districts established by this Chapter are set forth on the Official Zoning Map, ~~which is incorporated herein and made a part of this Ordinance and Chapter.~~ The Official Zoning Map, and all amendments thereto, shall be deemed included within this Chapter as though fully set forth and described herein. The Official Zoning Map is sometimes referred to in this Chapter as the Zoning Map or the Zoning District Map.
- b) Publication. Prior to April 1 each year, the Official Zoning Map shall be published and made available to the general public. Such Map shall show the zoning district boundaries and such other information as is necessary to give a clear understanding of the zones established by this Chapter 32 and subsequent amendments as of the year preceding publication.
- c) Inspection. An up-to-date copy of the Official Zoning Map as amended from time to

time shall be available for public inspection in the office of the Village Clerk at all times the office is regularly open for business.

a)d) Determination of Boundaries. When uncertainty exists with respect to the boundaries of the various districts or overlay districts, as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries shown as approximately following platted lot lines shall be construed as following such lot lines.
2. Boundaries shown as approximately following streets, highways or alleys shall be construed to follow the centerlines of such streets, highways or alleys.
3. Boundaries shown as approximately following Village limits shall be construed as following such Village limits.
4. Boundaries shown as following railroad lines shall be construed to be along the centerline of the railroad right of way.
5. Boundaries shown as following or approximately following the centerline of streams, rivers or other continuously flowing water courses shall be construed as following the channel centerline of such water courses taken at mean low water, and in the event of a natural change in the location of such streams, rivers or other water courses, the zone boundary shall be construed as moving with the channel centerline.
6. Boundaries shown as following or approximately following shorelines of any lakes shall be construed to follow mean high-water lines of such lakes and, in the event of change in the mean high water line, shall be construed as moving with the actual mean high water line.
7. Boundaries shown as parallel to, or extensions of, features shown in Paragraphs 1 through 6 above shall be so construed. Distances not specifically shown on the Official Zoning Map shall be determined by the scale of the Map.
8. Where physical features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Paragraphs 1 through 7 above, the Plan Commission/Board of Zoning Appeals shall interpret the district boundaries.
9. Where a district boundary line divides a lot of single ownership, the regulations for either portion of the lot may, in the owner's discretion, extend to the entire lot, but not more than twenty-five (25) feet beyond the mapped boundary of the district.

b)e) Annexed Land. All real estate that is annexed to the Village shall automatically be classified in the R1 Single-Family District upon annexation, unless otherwise classified by amendment.

~~c) Inspection. An up-to-date copy of the official zoning map as amended from time to time shall be available for public inspection in the office of the Village Clerk at all times the office is regularly open for business.~~

~~d)a) — Publication. Prior to April 1 each year, the Official Zoning Map shall be published and made available to the general public. Such Map shall show the zoning district boundaries and such other information as is necessary to give a clear understanding of the zones established by this Chapter 32 and subsequent amendments as of the year preceding publication.~~

#### **Sec. 32-5 Interpretation**

- a) The Zoning Official shall interpret this Chapter 32 strictly and in accordance with the standards set forth below. Such interpretations are subject to appeal as provided in Section 32-494–1)
- b) Minimum requirements. In the interpretation and application of this article, the provisions shall be held to be minimum requirements for the promotion and protection of the public health, safety, morals, comfort and welfare.
- c) Overlapping or contradictory regulations. Whenever a provision of this Chapter or any other provisions of law, whether set forth in this Chapter or established by any other ordinance, regulation, statute or rule of any kind, imposes overlapping or contradictory regulations or contains any restrictions covering any of the same subject matter, the provision which is more restrictive or which imposes higher standards or requirements shall control.
- d) Other Requirements. This Chapter is not intended to abrogate any easement, covenant, or other private agreement; provided that where the regulations of this Chapter are more restrictive or impose higher standards or requirements than such easement, covenant or other private agreement, the requirements of this Chapter 32 shall govern.
- e) Prohibited uses. Except as may be otherwise provided, when a use is not specifically listed as a permitted, special, accessory or temporary use in any specific zoning district, such use shall be expressly prohibited.
- f) Interpretation of similar uses. It shall be the duty of the Zoning Official to review and determine whether uses, not specifically enumerated in any zoning district, are similar and compatible to those uses within a particular district. The Zoning Official may approve any such uses within a particular district, upon finding that such uses are similar and compatible to those uses enumerated within the particular district for which the use is being requested. The approval or denial of such uses within a particular district by the Zoning Official shall be in writing, stating the reasons therefor, and the determination shall be appealable as provided herein.
- g) Title and effective date. This Chapter shall be known and referred to as the “Third Lake

Zoning Ordinance.” The effective date of this Chapter for the purposes of establishing amortization, discontinuation of uses, nonconformities, and any references to an effective date, shall be ~~May 19, 2025.~~ \_\_\_\_\_ [~~insert replace with~~ date of adoption or effective date if later than the date of adoption]

**Secs. 32-6—32-24. Reserved.**

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## ***ARTICLE II. PERMITTED LAND USES***

### **Sec. 32-25. Principal and accessory uses permitted in zoning districts.**

Table 1 specifies the uses allowed as permitted or special uses in the zoning districts listed, and Table 2 specifies the accessory uses allowed in the zoning districts listed. See Article IV, Division 8 for additional requirements for accessory structures and uses. See Article IV, Division 9 for temporary uses permitted in zoning districts.

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Chapter 32 - ZONING  
ARTICLE II. PERMITTED LAND USES

**Table 1 - Principal Uses Permitted in Zoning Districts**

Use	R - 1	R - 2	R - 3	MR	CB	GB	LI	Required Use Standards The following refer to the use standards enumerated in Section 32-26
<b>Residential</b>								
Age-Restricted Housing				P				
Community Residence – Small (6 or Fewer Residents including live-in staff)	P	P	P	P				
Community Residence – Large (7 or More Residents including live-in staff)				P				
Day Care Home	P	P	P	P				
Dwelling – Single -Family	P	P	P	P				
Dwelling – Two -Family				P				
Dwelling – Townhouse				P				
Dwelling – Multi -Family				P				
Dwelling – Above the Ground Floor					S	S		j) Dwelling - Above the Ground Floor
Residential Care Facility				P	P	P		
<b>Public/Institutional</b>								
Cemetery	S							g) Cemetery
Community Garden	P	S	S					h) Community Garden
Cultural Facility					P	P		
Educational Facility – Primary or Secondary	S	S	S	S	S	S		k) Educational Facility – Primary or Secondary
Educational Facility – Private Boarding				S				l) Educational Facility - Private Boarding
Educational Facility – University					P	P	P	

Chapter 32 - ZONING  
ARTICLE II. PERMITTED LAND USES

**Table 1 - Principal Uses Permitted in Zoning Districts**

Use	R - 1	R - 2	R - 3	MR	CB	GB	LI	Required Use Standards The following refer to the use standards enumerated in Section 32-26
Educational Facility – Vocational					P	P	P	
Forest Preserve	P	P	P	P	P	P	P	
Government Office		S			P	P	P	m) Government Office
Park/Playground	P	P	P	P				
Public Works Facility		S						v) Public Works Facility
Utility, Local	P	P	P	P	P	P	P	
Utility, Community/Regional							S	
<b>Retail</b>								
Adult Use							S	a) Adult Use
Art Gallery					P	P		
Bar					S	S		c) Bar
Farm Stand					P	P		
Gas Station					P	P		
Greenhouse/Nursery – Retail					P	P		
Heavy Retail, Rental and Service					S	S		n) Heavy Retail, Rental and Service
Outdoor Market					S	S		t) Outdoor Market
Pawn Shop					S	S		
Restaurant					P	P		
Retail Sales					P	P		
Retail Sales of Alcohol					P	P		
Specialty Food Service					P	P		
Vehicle Dealership					S	S	S	y) Vehicle Dealership
<b>Service</b>								
Animal Care Facility					S	S		b) Animal Care Facility
Arts Studio					P	P		

Chapter 32 - ZONING  
ARTICLE II. PERMITTED LAND USES

**Table 1 - Principal Uses Permitted in Zoning Districts**

Use	R - 1	R - 2	R - 3	MR	CB	GB	LI	Required Use Standards The following refer to the use standards enumerated in Section 32-26
Body Modification Establishment					S	S		e) Body Modification Establishment
Car Wash					S	S	S	f) Car Wash
Day Care Center					P	P		
Funeral Home					S	S		
Hotel/Motel					S	S		o) Hotel/Motel
Massage Service Establishment					S	S		r) Massage Service Establishment
Personal Service Establishment					P	P		
Reception Facility					S	S		w) Reception Facility
Self-Storage Facility					S	S	P	x) Self Storage Facility
Vehicle Rental					S	S		z) Vehicle Rental
Vehicle Repair/Service – Minor					S	S		aa) Vehicle Repair/Service – Minor and Major
Vehicle Repair/Service – Major					S	S	P	aa) Vehicle Repair/Service – Minor and Major
<b>Recreational/Social/Assembly</b>								
Boat Launch		S	S					d) Boat Launch
Lodge/Meeting Hall					S	S		q) Lodge/Meeting Hall
Place of Worship	P							
Recreation, Indoor					P	P	P	
Recreation, Outdoor					S	S	S	
Theater					P	P		
<b>Office</b>								
Financial Institution					P	P	P	
Industrial Design					P	P	P	
Office					P	P	P	
Research and Development (R&D)							P	

Chapter 32 - ZONING  
ARTICLE II. PERMITTED LAND USES

**Table 1 - Principal Uses Permitted in Zoning Districts**

Use	R - 1	R - 2	R - 3	MR	CB	GB	LI	Required Use Standards The following refer to the use standards enumerated in Section 32-26
<b>Medical</b>								
Hospital					S	S	S	
Medical/Dental Clinic					P	P		
<b>Industrial</b>								
Contractor Business							P	
Industrial – Light							P	
Kennel							P	
Landscape Business							P	
Micro-Brewery (principal use)					S	S	P	
Micro-Distillery (principal use)					S	S	P	
Micro-Winery (principal use)					S	S	P	
Outdoor Storage (principal use)							S	u) Outdoor Storage
Warehouse					S	S	P	
Wholesale Establishment					S	S	P	
<b>Other</b>								
Planned Unit Development	S	S	S	S	S	S	S	

P = Permitted Use

S = Permitted with Special Use

Blank = not permitted

Chapter 32 - ZONING  
ARTICLE II. PERMITTED LAND USES

**Table 2 – Accessory Uses Permitted in Zoning Districts**

	<b>R - 1</b>	<b>R - 2</b>	<b>R - 3</b>	<b>MR</b>	<b>CB</b>	<b>GB</b>	<b>LI</b>	<b>Required Use Standards</b> The following refer to the use standards enumerated in Section 32-26
<b>Accessory Uses</b>								
Drive-Through Facility					S	S		i) Drive-Through Facility
Home Occupation	P	P	P	P				
Live Entertainment								p) Live Entertainment  *P when an accessory to a Restaurant, Specialty Food Service, or Reception Facility; S when accessory to a Bar
Off-Street Parking	P	P	P	P	P	P	P	
Outdoor Dining								s) Outdoor Dining  *P when an accessory to a Restaurant, Specialty Food Service, or Reception Facility; S when accessory to a Bar
Outdoor Storage (accessory)					S	S	P	u) Outdoor Storage

P = Permitted Use

S = Permitted with Special Use

Blank = not permitted

**Sec. 32-26 Required Standards for Specific Uses.**

The uses listed in this Section 32-26 shall comply with the standards hereof as referenced in Tables 1 and 2 of Section 32-25. Where a special use is required, the applicant shall demonstrate that the proposed special use will comply with all applicable standards prior to approval of the special use as provided in Section 32-494, subsection 4). Where no special use is required, the applicant shall demonstrate that the proposed use will comply with all applicable standards prior to issuance of a building permit.

a) Adult Use

- (i) No adult use may be maintained or operated in any manner that causes, creates, or allows public viewing of any adult material, or any entertainment depicting, describing, or relating to specified sexual activities or specified anatomical areas, from any sidewalk, public or private right-of-way, or any property other than the lot or parcel on which the adult use is located.
- (ii) No portion of the exterior of an adult use may install or contain any flashing lights, search lights, or spotlights, or any other similar lighting systems, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any kind.
- (iii) No adult use shall be operated within 1,000 feet of an existing:
  - 1. Place of worship
  - 2. Educational facility
  - 3. Park/playground
  - 4. Residential district
  - 5. Cemetery
  - 6. Day care center
  - 7. Forest preserve
  - 8. Retail sales of alcohol
  - 9. Indoor or outdoor recreation facility which holds youth activities

b) Animal Care Facility

- (i) All animal overnight boarding facilities shall be located indoors.
- (ii) A minimum of one employee shall be present in any exterior exercise area when animals are present.
- (iii) Exterior exercise areas are prohibited in required setbacks.

c) Bar

- (i) Any Outdoor Dining shall comply with the standards applicable to Outdoor Dining as set forth in this Section 32-26, and the Special Use approving Outdoor Dining may include conditions to ensure compliance with such standards.
- (ii) Any Live Entertainment shall comply with the standards applicable to Live Entertainment as set forth in this Section 32-26, and the Special Use approving Live Entertainment may include conditions to ensure compliance with such

standards.

d) Boat Launch

- (i) The use of Boat Launches shall be limited to Village registered watercraft and other small watercraft allowed by Village ordinance.
- (ii) A boat launch may be located on public or private property but shall be configured to minimize inconvenience to adjoining residential properties. A building permit, including a Watershed Development Permit, is required prior to any construction.

e) Body Modification Establishment

All Body Modification establishments shall have the required State and Village licenses.

f) Car Wash

A Car Wash shall comply with the standards for Drive-Through Facilities, except that a bail-out lane is not required.

g) Cemetery

A Cemetery shall be maintained in a neat and orderly condition. The Cemetery owner shall provide for the removal of cut flowers and other temporary memorials when they are no longer in their original condition, either by direct action or rules to be observed by visitors.

h) Community Garden

- (i) A Community Garden shall be maintained in a neat and orderly condition.
- (ii) Materials such as soil, compost, and the like shall not be stored within 25 feet of any exterior lot line.

i) Drive-Through Facility

- (i) All drive-through facilities shall provide a minimum of five stacking spaces per lane or bay. Stacking spaces provided for drive-through uses shall be:
  - (ii) A minimum of nine feet in width and 20 feet in length.
  - (iii) Stacking spaces shall begin behind the vehicle sitting in the first service space of the drive-through aisle, such as a service window or car wash bay (this does not include a menu board).
- (iv) All drive-through lanes shall be located and designed to ensure that they do not adversely affect the safety and efficiency of traffic circulation on adjoining streets.
- (v) Additional screening may be required as part of Special Use approval to minimize the impact of exterior site lighting, headlight glare, menu boards, and intercom sound.
- (vi) The volume on all intercom menu displays shall comply with all local noise regulations.

- (vii) The hours of operation of the drive-through facility may be limited as part of the Special Use approval to minimize adverse impacts on nearby property.
- (viii) The operator of the drive-through facility shall provide adequate on-site outdoor waste receptacles and daily litter clean-up of the facility.
- (ix) A drive through lane shall have bail-out capability for all vehicles that have entered the drive through lane. The bail-out lane shall be a minimum width of 10 feet wide and run parallel to the drive through lane. If a bail-out lane is also an interior access drive providing access to parking spaces, the bail out lane shall be limited to a one-way traffic pattern following the direction of the drive through lane.
- j) Dwelling – Above the Ground Floor (Mixed Use)
  - (i) All entrances to a Dwelling - Above the Ground Floor shall be separate from entrances to nonresidential uses within the same building.
  - (ii) Parking spaces shall be provided in accordance with Table 4 of Section 32-203 of this Chapter. Such parking may be located within a parking lot serving business uses on the same lot.
- k) Educational Facility – Primary or Secondary  
If located in a residential zoning district, a minimum lot area of 3 acres shall be required.
- l) Educational Facility – Private Boarding  
If located in a residential zoning district, a minimum lot area of 10 acres shall be required.
- m) Government Office
  - (i) The maximum gross floor area per building shall be 10,000 square feet.
  - (ii) A fence or other screening a minimum of six feet in height shall be provided along any abutting lot line of a residential use.
- n) Heavy Retail, Rental and Service
  - (i) Where a Heavy Retail, Rental and Service use abuts a residential use or district, screening shall be provided along any abutting lot line by a solid wall or fence, a minimum of six feet in height, where outdoor storage would be visible from the residential use or district. The Board of Trustees may require such wall or fence to have additional height to ensure that any outdoor storage would not be visible from eye level at the lot line of the residential district.
  - (ii) The use of public address and similar outdoor audio equipment, other than personal devices that are not audible from a distance of more than 5 feet from the user, is prohibited.



- (iii) Heavy Retail, Rental and Service Uses may include accessory warehouse or wholesale uses that are subordinate in area, extent, and purpose to the principal use.
  - (iv) All outdoor storage areas shall be maintained in a neat and orderly manner.
  - (v) All outdoor storage shall comply with current fire and building codes adopted by the Village.
- o) Hotel/Motel  
A Hotel/Motel shall not be used as a temporary emergency shelter unless pursuant to a declaration of disaster or emergency by the President of the United States or the Governor of Illinois, and then only for the duration of the emergency.
- p) Live Entertainment
  - (i) The sound level produced by indoor or outdoor Live Entertainment accessory to a business use shall not exceed sixty (60) decibels, as measured at the property line in any residence district.
  - (ii) Outdoor Live Entertainment shall be prohibited after 11:00 p.m. until 12:00 p.m. (noon) the next day.
- q) Lodge/Meeting Hall
  - (i) No more than 50% of the total gross floor area shall be used as office space for the lodge/meeting hall.
  - (ii) Lodges/meeting halls are permitted to serve meals and alcohol on the premises for members only.
  - (iii) Sleeping facilities are prohibited.
  - (iv) Lodges/meeting halls leased or used as reception halls shall comply with the requirements for reception halls.
- r) Massage Service Establishment
  - (i) All massage service establishments shall have the required State and Village licenses.
  - (ii) A massage service establishment shall not include any Adult Use, as defined herein.
- s) Outdoor Dining
  - (i) All outdoor dining areas are subject to site plan review and approval. Where a Special Use is required, the site plan shall be reviewed as part of the Special Use. Where a Special Use is not required, the site plan shall be reviewed administratively. The site plan shall include the following:
    - 1. The exterior lot lines of the property on which the outdoor dining is to be located and the location of any adjoining property in a residential district.
    - 2. The location of tables and seating furniture, trash receptacles, and points of pedestrian ingress and egress, within the property.

- 3. A storage plan indicating where any tables, seating, umbrellas, or similar furniture or facilities will be stored during times of the year when the outdoor area is not in use.
  - (ii) Outdoor dining areas shall not be used between the hours of 11:00 p.m. and 6:00 a.m. the next day.
  - (iii) Outdoor dining shall not interfere with pedestrian access or parking spaces and aisles.
  - (iv) The surface area for outdoor dining shall be on a constructed surface, such as paving or wood. Any lumber used shall be of fire-retardant quality and rot protected.
  - (v) Music is allowed subject to the volume on any audio component being maintained at a level that is not audible above ambient noise on adjoining properties. The volume of any audio component shall comply with all local noise regulations.
- t) Outdoor Market
- (i) Temporary stalls or tables are permitted. All tents shall meet the currently adopted Village Fire Code.
  - (ii) Sales may involve new and/or used items. The sale of vehicles, heavy equipment, boats, watercraft, agricultural machinery, and similar goods is prohibited.
  - (iii) Any sales of food products shall meet all rules and regulations and require approval of the Lake County Health Department.
  - (iv) Individual sellers at the outdoor market need not be the same each time the market is in operation.
- u) Outdoor Storage
- (i) Outdoor Storage areas shall be screened from adjoining property not zoned L-Light Industrial by a solid fence or wall a minimum of eight feet in height.
    - 1. Such fence or wall along a street lot line shall be set back a minimum of 10 feet from the property line. Within such setback, one shrub a minimum of three feet in height shall be planted linearly every three feet on-center along such fence or wall.
    - 2. No items stored within such fence or wall shall exceed the height of the fence or wall.
    - 3. Where any principal building screens an outdoor storage area, such fence and the associated setback are not required.
  - (ii) Outdoor Storage areas shall be located to the rear of the lot and any enclosed structures shall be located towards the street, wherever possible.
  - (iii) Outdoor storage areas shall be surfaced with all-weather dust-free material and graded to drain all surface water.
  - (iv) Outdoor storage areas shall comply with current fire and building codes adopted by the Village.

- v) Public Works Facility
  - (i) The maximum gross floor area per building shall be 10,000 square feet.
  - (ii) A fence or other screening a minimum of six feet in height shall be provided along any abutting lot line of a residential use.
- w) Reception Facility
  - (i) A general admission fee or required at-the-door donation to permit entrance by the general public is prohibited, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship, educational facilities, or similar.
  - (ii) All main activities, such as dining and entertainment, shall be held within a completely enclosed building, except that accessory Outdoor Dining is permitted for the use of guests.
- x) Self-Storage Facility
  - (i) Self-storage facilities shall be screened from residential districts and uses.
  - (ii) Outdoor storage areas shall be surfaced with an all-weather dust-free material and graded to drain all surface water.
  - (iii) Outdoor storage areas shall comply with current fire and building codes adopted by the Village.
- y) Vehicle Dealership
  - (i) Repair and service operations shall be performed within a fully enclosed building.
  - (ii) Outdoor display areas shall be paved.
  - (iii) No partially dismantled, wrecked, or unlicensed vehicle shall be stored outdoors on the premises.
  - (iv) No attention-getting devices shall be displayed on the premises, including but not limited to temporary signs, banners, or balloons.
- z) Vehicle Rental
  - (i) Repair and service operations shall be performed within a fully enclosed building.
  - (ii) Outdoor display areas shall be paved.
  - (iii) No partially dismantled, wrecked, or unlicensed vehicle shall be stored outdoors on the premises.
  - (iv) No attention-getting devices shall be displayed on the premises, including but not limited to temporary signs, banners, or balloons.
- aa) Vehicle Repair/Service – Minor and Major
  - (i) All repair and service operations shall be performed within a fully enclosed building. All equipment and parts shall be stored indoors.
  - (ii) Vehicle repair/service establishments shall be screened along any interior side

and rear lot lines abutting residential or office districts or uses with a solid wall or fence, a minimum of five feet in height.

(iii) No partially dismantled, wrecked, or unlicensed vehicle shall be stored outdoors on the premises. This standard does not apply to vehicles under repair.

(iv) The sale of used or new vehicles is prohibited.

**Secs. 32-27—32-53. Reserved.**

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### **ARTICLE III. BULK REQUIREMENTS**

#### **Sec. 32-54. Lot area, yard and bulk requirements.**

(a) Number of Buildings on a Lot

- 1) For permitted uses in the R1, R2, R3, and LI districts, there shall be no more than one principal building per lot.
- 2) In the CB, GB, and MR districts, and for special uses in the R1 district, more than one principal building may be erected on a single lot, provided that all bulk requirements hereof shall be met for each building as though each building were a principal building on an individual lot.

(b) Frontage on a Public or Private Street

All lots shall have frontage on a public or private street. Access may be provided from an alley where available, but an alley shall not serve as the frontage of a lot.

(c) Reduction Below Required Minimums

No lot shall be reduced, divided or subdivided so that its area, width, or any yard or setback becomes less than required by this Chapter. If the lot area, width, or any yard or setback is already less than required by this Chapter, it shall not be reduced further.

(d) Control over Bulk

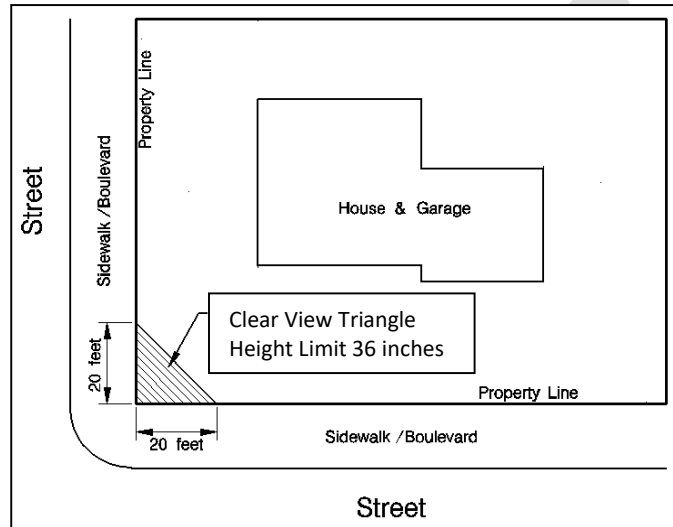
Except as provided in Division 8 of this Chapter 32 (Accessory Structures and Uses) and Article V of this Chapter 32 (Nonconforming Lots, Uses and Structures) all buildings and structures erected after the effective date of this Chapter shall meet the requirements for the zoning district or PUD in which they are located, and existing buildings and structures shall be enlarged, altered, reconstructed or relocated only in conformance with the requirements of the zoning district or PUD in which they are located.

(e) Clear view of intersecting streets.

Notwithstanding any other provisions of this Chapter, a clear view triangle shall be maintained on all lots at the intersection of (i) two (2) streets, (ii) of a street and an alley, and (iii) of a street and a driveway or private access drive not including residential driveways in the R2 and R3 Districts, and of a street and an active railroad right-of-way, in conformance with this Section. The purpose of the clear view triangle is to avoid the obstruction of the view of motorists in relation to oncoming traffic. Two sides of said triangle shall be measured a) along the right of way lines abutting the lot, from their intersection to a point 20 feet distant, or b) in the case of a driveway or private access drive intersecting a street, along the right of way line of the street and the edge of pavement of the driveway or access drive, from their intersection to a point 20 feet distant. The third side of the triangle shall be a line

connecting the ends of the first two lines. (See Figure 32-54 A). Within said triangle, any sign, wall, fence, landscaping, or other object exceeding thirty-six (36) inches in height is prohibited.

*Figure 32-54 A  
Clear View Triangle – Example  
(Two Intersecting Streets)*



- (f) Bulk Regulations Established for Zoning Districts; Permitted Encroachments and Exceptions. Table 3 of this Article III establishes lot area, density, height and yard bulk regulations for all buildings, structures and uses in all zoning districts. Section 32-306 Table 6 of Division 8 specifies permitted encroachments into required yards and setbacks for buildings, structures and uses and exceptions to height limits for applicable to accessory buildings and structures.

Chapter 32 - ZONING  
ARTICLE III. BULK REQUIREMENTS

<b>TABLE 3</b> <b>Lot Area, Density, Height, and Yard Regulations</b>							
<b>ft = feet</b> <b>sf = square feet</b> <b>du = dwelling unit</b>	<b>ZONING DISTRICT</b>						
	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>MR</b>	<b>CB</b>	<b>GB</b>	<b>LI</b>
<b>Minimum Lot Area</b>	20,000 sf	11,000 sf	8,500 sf	8,500 sf <sup>1</sup>	10,000 sf	15,000 sf	40,000 sf
<b>Minimum Lot Width</b>	90 ft	70 ft	60 ft	60 ft <sup>2</sup>	50 ft	75 ft	150 ft
<b>Minimum Street Yard</b>	30 ft	30 ft	30 ft	30 ft	30 ft	75 ft	75 ft
<b>Minimum Street Yard Adjoining Major Arterials<sup>3</sup></b>	50 ft	50 ft	50 ft	50 ft	50 ft	50 ft	50 ft
<b>Minimum Rear Yard</b>	20 ft	20 ft	20 ft	20 ft <sup>4</sup>	12 ft	12 ft	20 ft
<b>Minimum Side Yard</b>	9 ft	8 ft	6 ft	6 ft <sup>5</sup>	12 ft	12 ft	20 ft
<b>Minimum Lake Yard</b>	50 ft	50 ft	50 ft	50 ft	50 ft	50 ft	50 ft
<b>Minimum Yard Abutting R1, R2, R3 and MR</b>	n/a	n/a	n/a	n/a	50 ft	50 ft	50ft
<b>Maximum Lot Coverage</b>	30%	30%	30%	30%	30%	30%	40 %
<b>Maximum Impervious Surface Area</b>	40%	45%	50%	60%	n/a	n/a	n/a
<b>Maximum Floor Area Ratio</b>	n/a	n/a	n/a	0.40	0.40 <sup>6</sup>	0.50	0.60
<b>Maximum Height</b>							
<b>Principal Structures</b>	35 ft	35 ft	35 ft	35 ft	35 ft	40 ft	40 ft
<b>Accessory Structures</b>	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	30 ft

*Footnotes to Table 3:*

- 1: Plus 5,000 sf for the 2<sup>nd</sup> du, plus 3,000 for each additional du over 2
- 2: Plus 25 ft. for the 2<sup>nd</sup> du, plus 5 ft. for each additional du over 2
- 3: For purposes of this Table 3, Major Arterials include Route 45 and Washington Street
- 4: Plus 4 ft. for the 2<sup>nd</sup> du, plus 1 ft. for each additional du over 2
- 5: Plus 4 ft. for the 2<sup>nd</sup> du, plus 1 ft. for each additional du over 2
- 6: In the CB district, no permitted use shall have a gross floor area of more than 17,424 square feet.

**Secs. 32-55—32-83. Reserved.**



**ARTICLE IV. SUPPLEMENTAL REGULATIONS**

**DIVISION 1. GENERALLY**

**Sec. 32-84. Lake Overlay District (LO).**

Third Lake and Druce Lake shall be considered a Lake Overlay District. The only permitted land uses in the Lake Overlay District shall be docks, piers, boat launching ramps, and seawalls. These permitted uses must also comply with all relevant standards set forth in this chapter, chapter 20 of this Code, and the county watershed development provisions adopted in Chapter 14, Section 14-1 of the Third Lake Municipal Code. The boundary of the Lake Overlay District shall be the shoreline water level.

(Ord. of 10-2002, art. IV, § X)

**Secs. 32-85—32-111. Reserved.**

## *DIVISION 2. INDUSTRIAL PERFORMANCE REGULATIONS*

### **Sec. 32-112. Purpose.**

The purpose of this division is to establish regulations and standards for the installation and operation of industrial uses, based upon consideration of the objectionable characteristics of such uses and the zones in which they are permitted. Further, this division is intended to prescribe procedures and methods of measurement of industrial characteristics subject to such standards.

~~(Ord. of 10-2002, art. IV, § 1(intro. 1))~~

### **Sec. 32-113. Permit procedure.**

Before a building permit is issued for a use in an LI zone, whether such use is permitted as a principal use or as an accessory use, the applicant shall furnish the ~~zoning official~~Zoning Official sufficient information to enable the ~~zoning official~~Zoning Official to ensure himself that all performance standards and site development standards set forth in the zoning regulations can and will be complied with at all times. All information and evidence submitted in applications to indicate conformity to performance standards shall constitute a certification and an agreement on the part of the applicant that the proposed use can and will conform to such standards at all times. The ~~zoning official~~Zoning Official, in order to determine whether the applicant will meet such standards, may require the applicant to submit the following information:

- (1) A plot plan showing the location of all present and proposed structures, drives, parking lots, waste disposal areas, bulk storage areas, streets, streams, or other significant features on or within 200 feet of the proposed site.
- (2) A description of the activity to be conducted regarding waste products, external effects or other conditions which are regulated herein; provided, however, that the applicant shall not be required to reveal any trade secrets or sufficient detail with regard to a process which would cause any secret process or manufacturing procedure for a closely guarded proprietary compound or product to become public knowledge and be available to competitors.
- (3) The type and location of abatement devices to control, or recording instruments to measure, conformance with required standards, not including devices and instruments which are inherent in the manufacturing process.
- (4) Such other data and certification as may reasonably be required by the ~~zoning official~~Zoning Official to reach a determination.
- (5) When a new or altered use in an LI zone is proposed, the ~~zoning official~~Zoning Official shall, as a condition precedent to issuing a building permit, require the deposit in

escrow in an amount as set forth from time to time by a resolution adopted by the board of trustees in its own discretion. It shall be held on deposit for a period of one year from the date of the new or altered use or occupancy. The applicant shall also execute a reimbursement of fees agreement in a form approved from time to time by the village board. The ~~zoning official~~Zoning Official shall notify the planning commission of such required deposit in escrow. Escrow deposits or remainders of escrow deposits shall be returned to the depositor at the expiration of the escrow period.

~~(Ord. of 10-2002, art. IV, § 1(a))~~

**Sec. 32-114. Performance standards.**

In the LI zone, the following standards shall apply:

- (1) *Noise.*
  - a. *Permitted noise levels.*

**Maximum Permitted Sound Pressure Level in Decibels**

<i>Octave Band Frequency Cycles Per Second</i>	<i>Decibels</i>
0—74	67
75—149	59
150—299	52
300—599	46
600—1,199	40
1,200—2,399	34
2,400—4,799	32
4,800 and over	32

- b. *Method of measurement.* Sound levels shall be measured with a sound level meter and associated octave band filter and impact noise filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network and slow meter response of the sound level meter. Impulsive type noises shall be subject to the performance standards if those noises are capable of being accurately measured with such equipment. Noises capable of being so measured, for the purpose of this chapter, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two decibels. Noises incapable of being so measured, but objectionable because of intermittence, beat, frequency, or shrillness, shall be controlled so as not to become a nuisance to adjacent uses.

- c. *Exception.* Nothing in this section shall apply to noises not directly under the control of the property user; noises resulting from the construction and maintenance of buildings and facilities, including site preparation; noises of safety signals or warning devices; noises of railroad or trucking equipment; and church bells or chimes.

(2) *Vibration.*

- a. No use may generate any ground-transmitted vibration that is perceptible to the human sense of touch measured at the outside boundary of the immediate space occupied by the enterprise generating the vibration if the enterprise is one of two or more located on a lot, or the lot line if the enterprise generating the vibration is the only enterprise located on a lot.
- b. No use in an LI district may generate any ground-transmitted vibration in excess of the limits set forth in subsection (2)e of this section. Vibration shall be measured at any adjacent lot line or residential district line according to subsection (2)d of this section.
- c. The instrument used to measure vibration shall be a three-component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions.
- d. The vibration maximums set forth in subsection (2)e of this section are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:  $PV = 6.28 F \times D$

Where:

PV = Particle velocity, inches-per-second

F = Vibration frequency, cycles-per-second

D = Single amplitude displacement of the vibration, inches.

The maximum velocity shall be the vector sum of the three components recorded.

- e. Table of maximum ground-transmitted vibration.

Particle Velocity, Inches-Per-Second	
Adjacent Lot Line	<i>Residential District</i>
0.10	0.02

- f. The values stated in subsection (2)e of this section may be multiplied by two for impact vibrations (i.e., discrete vibration pulsations not exceeding one second in duration and having a pause of at least one second between pulses).

- g. Vibrations resulting from temporary construction activity that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements of this section.
- (3) *Air pollution.*
- a. Any use that emits any "air contaminant," as defined in title II (Air Pollution) of the state Environmental Protection Act, 415 ILCS 5/1 et seq.
  - b. No zoning or special use permit may be issued with respect to any development covered by subsection (3)a of this section until the state environmental protection agency has certified to the permit-issuing authority that the appropriate state permits have been received by the developer, or that the developer will be eligible to receive such permits and that the development is otherwise in compliance with applicable air pollution laws.
- (4) *Odorous matter standards.* For purposes of this section, the term "odor threshold" means the minimum concentration of air in gas, vapor, or particulate matter that can be detected. Odorous material released shall not exceed the odor threshold beyond the property line.
- (5) *Biomedical, radiation and toxic hazards.* The handling of these materials, the discharge of such materials into air and water, and the disposal of their waste shall be in conformance with all applicable statutes, ordinances, codes, rules, or regulations.
- (6) *Fire and explosive hazards.* No gasoline or other inflammables or explosives shall be stored, used, or manufactured unless the location, plans and construction conform to all applicable statutes, ordinances, codes, rules, or regulations.
- (7) *Glare.* No operation shall produce direct or indirect illumination greater than 0.5 footcandles in a residential district.
- (8) *Electromagnetic interference.* There shall be no electromagnetic interference that adversely affects the operation of any equipment or that does not conform to the regulations of the ~~federal~~ Federal communications-Communications commission Commission (FCC).
- (9) *Heat.* No heat from operations or processes shall be sensed at any residential district lot line to the extent of raising the air or materials more than five degrees Fahrenheit.

**Secs. 32-115—32-141. Reserved.**

### *DIVISION 3. ENVIRONMENTAL REGULATIONS AND SPECIFICATIONS*

#### **Sec. 32-142. Environmental standards.**

All development regulated by this Chapter pertaining to floodplains, wetlands, stormwater drainage, and lake and shoreline property shall also comply with the Lake County Stormwater Management Commission's Lake County Watershed Development Ordinance, adopted by reference in Chapter 14, Section 14-1 of the Municipal Code,

- ~~a) *Floodplain.* All property in the village shall be required to comply with the requirements of the stormwater management commission's county watershed development ordinance, adopted Chapter 14, Section 14-1 of the Municipal Code, as it relates to floodplain regulations.~~
- ~~b) *Wetland and stormwater drainage.* All property in the village shall be required to comply with the stormwater management commission's county watershed development ordinance, adopted in Chapter 14, Section 14-1 of the Municipal Code as it relates to wetland and stormwater drainage.~~
- ~~c) *Lake and shoreline property.* All development, as defined in the stormwater management commission's county watershed development ordinance on lake and shoreline property, must comply with the requirements set forth in the county watershed development ordinance, adopted in Chapter 14, Section 14-1 of the Municipal Code.~~

#### **Sec. 32-143. Screening and landscaping.**

Screening and landscaping ~~is shall be provided as required for the purposes~~ described herein.

- a) Screening between incompatible uses. A minimum of an eight-foot high solid screen shall be required of all uses in CB, GB or LI zoning districts when adjacent to any property in an R-1, R-2, R-3, or MR residential zoning district. If the adjoining residential property contains an existing fence along the common property line with a use in the CB, GB, or LI Districts, the adjoining use in the CB, GB or LI district shall provide the required screening with berms and landscape plantings as provided herein. Otherwise, a solid screen for the purpose of accomplishing this requirement may consist of 1) fences or walls, 2) berms and landscape plantings, or 3) a combination of the two, consistent with the following:
  - 1) Fences or walls.
    - a. No solid fence or wall shall be erected unless a permit is obtained in advance from the village.
    - b. Fences or walls may consist of a solid commercial-grade wood fence, masonry wall or equivalent material.

- c. Fences or walls may not consist of corrugated metal, corrugated fiberglass, sheet metal, chain link, CMU block (concrete masonry unit, also known as concrete block) or wire mesh material.
  - d. All fences or walls shall be permanently maintained in good condition and whenever necessary, repaired or replaced at the expense of the property owner.
- 2) Berms and landscape plantings.
  - a. Berms built in an undulating manner with contours less than eight feet shall use additional plant material to maintain an eight-foot solid screen;
  - b. Earthen berms shall have a side slope not less than four feet horizontal distance for each one foot of vertical distance, except that decorative timbers or concrete landscape block may be used to take up not more than half of the vertical distance;
  - c. Berms shall be constructed of materials that will compact and develop stability;
  - d. If natural woodlands are present, they shall be preserved; and
  - e. Plantings should be a mix of types and species so as to avoid monotony or total loss by diseases.
- b) Screening between residential lots and arterial streets. Residential lots adjacent to an arterial street (such as Washington Street and U.S. Route 45 ~~and~~ other streets as determined by the village board) ~~may~~shall be ~~required to be~~ screened from the arterial street in accordance with the following:-
  - 1) The acceptable method of screening shall be one or a combination of those described in subsection (a) of this section.
  - 2) This screening ~~may be provided is required~~ either on individual lots, or on an easement or as part of the common open space owned and maintained by a homeowner's association.
  - 3) Fences or walls may be used, but long stretches of a single fence or wall design are not recommended. Offset angles, different materials, combination of materials or other techniques are encouraged to create variety.
  - 4) All screening between residential lots and arterial streets shall comply with Section 32-54 e, Clear view of intersecting streets, which shall supersede the requirements of this Division 3.
- c) Screening of refuse disposal areas. Except for single family uses in the R-1, R-2 and R-3 districts, the following shall apply to all uses in all zoning districts:
  - 1) All refuse disposal, grease storage containers, compactors and recycling containers shall be screened from view of adjacent properties and streets on a minimum of three sides by a solid commercial-grade wood fence, masonry wall or equivalent material to a height of not less than six feet and no greater than seven feet in height.

- 2) The open side of the enclosure shall be oriented so that, to the greatest extent possible, it does not face towards an abutting property or street.
  - 3) The enclosure shall be used strictly for the confinement of refuse and grease containers and shall not be used for the outside storage of any other materials or equipment.
  - 4) All refuse disposal, grease storage containers and compactors shall be located on a concrete slab.
  - 5) A refuse disposal area shall not be located between a building and a street lot line.
  - 6) An inset drawing of the location, design, and elevation details of the enclosure shall be depicted on the landscaping plan.
- d) Rooftop screening. For uses in all zoning districts, except single family uses in the R-1, R-2 and R-3 districts, all heating, air conditioning, ventilating or other mechanical equipment located on the roof of any structure or building shall be screened from view of adjacent properties or streets by a parapet wall.
- e) Mechanical equipment and public utility facilities. For uses in all zoning districts except single family uses in the R-1, R-2 and R-3 districts, all mechanical, electrical, gas supply and communications equipment shall be screened from view from adjacent properties and streets. In addition, in all zoning districts, public utility facilities shall be screened from adjacent properties and streets. Screening required by this subsection may be accomplished by using walls, fences or landscaping.
- f) Foundation landscaping shall be required for all uses in the CB, GB, LI and MR zoning districts. Foundation landscaping shall conform with the following standards:
- 1) Foundation landscaping is intended to provide shade, privacy, visual interest, a sense of permanence, and to integrate a structure into its site and surrounding area.
  - 2) Foundation landscaping shall be provided along a minimum of 75% of wall frontage on the front and sides of the building, and foundation planting beds shall be a minimum of 8 feet in depth.
  - 3) A variety of trees, shrubs, flowering plants, tall grasses, ground cover, and other landscape materials shall be provided.
- g) Landscape plan. Where landscaping is required to fulfill the requirements of this Section, Section 32-205 regarding parking lot landscaping, or Section 32-242 regarding sign landscaping, a landscape plan shall be provided and shall be subject to the review and approval of the Zoning Official. All landscape plans required by this Section 32-143 shall:
- 1) Be prepared by a landscape architect, unless otherwise determined by the Zoning Official for smaller landscape installations;
  - 2) Be drawn to scale, with dimensions and distances;



- 3) Delineate existing and proposed vehicular areas such as access aisles, driveways, parking spaces and landscape islands;
  - 4) Delineate the location of all proposed and existing buildings and structures;
  - 5) Delineate the location of existing and proposed retention and detention areas on the site;
  - 6) Delineate the location, size and species of all plant materials to be installed;
  - 7) Delineate the location, height and materials of all screening structures to be installed;
  - 8) Delineate the location and height of all proposed berming, with one-foot contours; and
  - 9) Delineate the location of underground sprinkler systems, if proposed.
- h) Nursery stock used to accomplish the screening requirements of this section shall:
- 1) Conform to the requirements described in the latest edition of *American Standard for Nursery Stock Z-60.1* published by American Hort; and
  - 2) Be installed in the manner recommended in *Landscape Specification Guidelines Part I: Exterior Landscape Installation* published by the Landscape Contractor's Association.
- i) Continued Maintenance. All owners and succeeding owners shall be responsible for maintenance of all required screening structures and landscaping to ensure continued compliance with the requirements of this section and shall maintain such screening structures and landscaping in a neat and orderly manner. Property owners shall install and maintain new plant material when necessary to ensure continued compliance with this section.

**Sec. 32-144. Tree preservation.**

- a) *Purpose.* It is the stated public policy of the village to preserve and protect, to the greatest extent possible, existing trees within the village as an important public resource. In addition to adding to the scenic beauty of the village, the maintenance of trees and wooded areas tends to preserve the ecology of the village through the filtering effect of trees on air pollutants. Trees also help to provide a noise barrier, help to prevent erosion of topsoil, provide nesting areas for birds and other wildlife, provide windbreaks and shaded areas, and increase property values by adding to the aesthetic quality of land. This section applies to all areas where protected trees, as defined in subsection (b) of this section, exist.
- b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Building activity area* means the area needed on a lot for buildings, driveways and parking areas. The building activity area shall be the smallest area practicable, including the buildings, driveways and parking areas and the adjoining area necessary for grading

activities related to approved construction. All buildings and driveways shall be located to minimize tree damage or removal and be in accordance with setback requirements prescribed in this article. The developer shall temporarily fence the building activity area during all construction so that all trees in a tree preservation area shall be preserved.

*Cutting* means felling or removal of a tree or any procedure where the result of which is to cause the death or substantial destruction of a tree. The term "cutting" does not include normal pruning, trimming or topping of trees.

*Protected tree* means any tree eight inches or larger in diameter measured 54 inches above the existing grade.

*Public hazard* means a tree, located on public or private property, which poses an immediate danger or hazard to persons or residences or permanent structures, or located on private property that poses an immediate danger or hazard to public properties or thoroughfares.

*Remove or removal* means the actual physical removal or the effective removal through damaging, poisoning or other direct or indirect action resulting in, or likely to result in the death of a tree.

*Tree preservation area* means that area immediately surrounding all protected trees that is not within a building activity area. No construction activity, movement and placement of equipment or material storage shall be permitted in a tree preservation area.

- c) Tree removal requirements. No protected trees shall be removed without a permit. The mayor or Zoning Official may issue permits authorizing the removal of protected trees. The property owner shall be permitted to cut and remove trees that are less than eight inches in diameter at 54 inches above ground elevation) so as to create a healthy and thriving environment for the larger, more significant trees. Conditions under which a permit authorizing the removal of protected trees may be issued include, but are not limited to, the following:
- 1) The tree is dead or dying;
  - 2) The tree is diseased;
  - 3) The tree is damaged or injured to the extent that it is likely to die or become diseased;
  - 4) The removal of the tree will enhance the tree preservation area and the health of the remaining trees;
  - 5) The removal of the tree will avoid or alleviate an economic hardship or a hardship of another nature on the property or residence;
  - 6) The removal of the tree is consistent with good forestry practices;
  - 7) The tree is a public hazard.

In deciding whether to issue a permit for tree removal, the mayor or Zoning Official shall use reasonable interpretations of the circumstances in determining whether to issue the permit. In the event of emergency conditions requiring immediate cutting or removal of trees to avoid immediate danger, it shall be lawful to proceed with the cutting of protected trees without a permit to the extent necessary to avoid the immediate danger. This action must then be reported, with reasonable evidence, to the mayor or Zoning Official within the village's next two working days.

- d) Dangerous trees or landscaping. Any tree or shrub located on private property which overhangs any sidewalk, street, or other public place in the village in such a way as to unreasonably impede or interfere with traffic or travel on such place, or which has otherwise been declared a public hazard or nuisance, shall be trimmed or removed by the owner of the premises on which such tree or shrub grows so that the obstruction shall cease.
- e) Tree replacement requirements. If a protected tree is removed, other than from a building activity area, the property owner or his designee shall replace each tree so removed within one year so as to minimize the visual impact from the loss of each tree as observed from adjacent properties or parkways. If the property owner can demonstrate hardship or special circumstances, the board of trustees, in its discretion, may waive the planting of a replacement tree, or trees, but only if waiver is consistent with the purposes of this division.

**Secs. 32-145—32-171. Reserved.**

## *DIVISION 4. LIGHTING*

### **Sec. 32-172. Purpose.**

The purpose of this Division 4 is to:

- Regulate outdoor lighting to avoid unsafe and unpleasant conditions resulting from poorly designed or installed outdoor lighting;
- Encourage energy efficiency in outdoor lighting installations;
- Minimize light transmission into the night sky produced by outdoor lighting;
- Protect properties and residents from the nuisances and ill effects that may be associated with outdoor lighting; and
- Encourage outdoor lighting that improves visibility and safety and provides a sense of security.

### **Sec. 32-173. Definitions.**

*Architectural lighting.* Outdoor lighting directed at a building, structure, monument, or other architectural feature.

*Building lighting.* Outdoor lighting mounted on or used to illuminate the exterior of a building, including any luminaires under the roofline.

*Canopy lighting.* Outdoor lighting mounted on and used to illuminate the area under a canopy.

*Canopy.* A roofed structure that is open on at least three sides and typically provides protection from the sun or weather, and which is associated with the sale of commercial goods or services.

*Correlated Color Temperature.* A measurement describing the color of a visible light source by comparing it to the color of light from a reference source heated to a particular temperature, measured in degrees Kelvin (K).

*Footcandle.* A unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot.

*Fully shielded.* A luminaire constructed and mounted such that all light emitted is projected below the horizontal.

*Glare.* A visual disturbance produced by a distinct light source within an observer's visual field that is sufficiently brighter than the level to which the observer's eyes are adapted, which can result in the temporary inability of the observer to accurately perceive objects other than the light source.

*Installed Height.* The height above average finished grade of the lowest point on an installed luminaire.

*Lamp.* The source of light being emitted from a luminaire, such as a bulb or light emitting diode (LED).

*Landscape lighting.* Outdoor lighting used to illuminate landscaped areas, site features, sidewalk areas, fencing or other exterior site improvements, excluding buildings and parking lots.

*Lighting installation.* An arrangement of one or more luminaires, including any mounting hardware, brackets, and supporting structures.

*Light level.* The amount of visible light falling onto a unit of surface area, correlating to the perception of brightness by the human eye. For purposes of this Chapter 32, light level is measured in lumens per square foot (footcandles).

*Lumen.* The unit used to measure the amount of light which is produced by a lamp.

*Luminaire.* An individual lighting assembly, including the lamp and any housings, reflectors, globes, lenses, shields or other components designed to block or distribute light. For the purposes of this Division 4, an internally illuminated sign is not considered a luminaire; [sign illumination is regulated in Division 6, Sign Regulations.](#)

*Net acreage.* The gross acreage of a zoning lot minus the acreage devoted to existing street rights-of-way, stormwater retention and detention basins, bodies of water, wetlands, floodplains, and areas with slopes greater than 12%.

*Outdoor lighting.* Light generated from an outdoor source that provides illumination to a ground-level surface, building, sign, structure, or other outdoor feature which is visible to an observer located outdoors. For the purposes of this Division 4, an internally illuminated sign is not considered outdoor lighting; [sign illumination is regulated in Division 6, Sign Regulations.](#)

*Parking lot lighting.* Outdoor lighting used to illuminate a parking lot.

*Photometric plan.* An illuminance grid plan for multi-fixture lighting installations that demonstrates compliance with all applicable requirements set forth in this Division 4.

*Searchlight.* A lighting installation designed to project a high-intensity beam of approximately parallel rays of light that is typically used to sweep the sky for promotional purposes.

*Security lighting* – An outdoor lighting installation designed to provide a level of illumination to clearly identify persons or objects on a site and to create a psychological deterrent to criminal activity in the area being protected. Security lighting may be independent of other lighting installations or may function as an additional purpose of a

lighting installation such as building lighting or parking lot lighting.

*Single-purpose emergency egress lighting.* A battery-backed lighting device designed to come on automatically when a building experiences a power failure or emergency that is independent of other outdoor lighting installations.

*Uplighting.* Outdoor lighting installations which direct light above a horizontal plane.

**Sec. 32-174. Illumination Standards.**

a) Total Light Output Per Acre.

The total light output from all luminaires used for outdoor lighting on any zoning lot in the CB, GB, and LI districts, and for any nonresidential use in a residential district, shall not exceed 100,000 lumens per net acre. Lighting installations located under canopies shall not contribute more than 50% of total allowable light output on a lot, provided that single purpose emergency egress lighting required by Village, county, state, or federal law is not subject to this limitation.

b) Light intensity and uniformity.

During permitted hours of operation, outdoor lighting on any zoning lot in the CB, GB, and LI districts with the following uses shall meet the following requirements as measured in the plane of the illuminated surface:

- 1) Gas station pumping areas shall be required to meet a minimum standard of 10 footcandles not to exceed a maximum of 30 footcandles.
- 2) Drive-in and drive-through canopies shall not exceed a maximum of 15 footcandles.

c) Light direction and control.

- 1) Any luminaire on a zoning lot in the CB, GB, and LI districts and for any nonresidential use in a residential district emitting light directed at a building, sign, billboard, landscaping, or other outdoor feature, except for flag illumination as permitted in subparagraph 2 below, shall be located at or above the top of said feature and shall be fully shielded, aimed and controlled so that: a) the direction of all emitted light is at or below the horizontal; b) the lamp is not visible from the property line of the zoning lot at a height of 36 inches above grade; and c) the directed light is substantially confined to the object intended to be illuminated.
- 2) A luminaire may be directed above the horizontal (uplighting) only if used to illuminate a flag or flags of the United States, the State of Illinois, or the Village. Such uplighting shall have the necessary shielding and/or beam-angle control and/or shall be aimed to substantially confine the directed light to the flag or flags intended to be illuminated and shall have a maximum total light output of 1,100 lumens, with a ~~maximum-minimum~~ inclination of 60 degrees above the horizontal.

d) Residential lighting:

Except for flag illumination conforming to the preceding subparagraph 2 of paragraph C. *Light direction and control*, outdoor luminaires and lighting installations on single family lots shall conform to the following:

- 1) Luminaires of 1,100 lumens and below may be installed without shielding. In addition, when a motion-activated sensor is used that energizes the luminaire for no more than 5 minutes after being activated, a luminaire of 2,200 lumens or less may be installed without shielding.
- 2) Except as provided in the preceding subparagraph 1., luminaires exceeding 1,100 lumens shall be fully shielded and/or have beam/angle control and/or shall be aimed so as to direct illumination at or below the horizontal and so that the lamp is not visible along any property line, as viewed at a height of 36 inches above grade.

e) Light trespass.

Light emitted from outdoor lighting on any zoning lot shall not cause the light level along any property line of that zoning lot to exceed the following limits, as measured at a height of 36 inches above grade in a plane at any angle of inclination:

Zoning/use of Emitting Lot	Zoning of Impacted Lot	Maximum footcandles at Property Line of Emitting Lot
R1, R2, R3, MR	Any zoning district	0.1
CB, GB, LI	R1, R2, R3, MR	0.1
CB, GB, LI	CB, GB, LI	0.5
Nonresidential use in a residential district	R1, R2, R3, MR	0.1

f) Permitted hours for nonresidential outdoor lighting.

Outdoor lighting on any zoning lot in the CB, GB, or LI districts, and for any nonresidential use in a residential district, is permitted between one-half hour before sunset and 10:00 p.m. or one hour after the close of business based on normal hours of operation of the business, whichever is later. There are no restrictions on hours for outdoor lighting for businesses that are open 24 hours. Security lighting is permissible after permitted outdoor lighting hours, but the total light output for security lighting after permitted lighting hours shall be limited to 25% or less of the total light output from all outdoor lighting located on the zoning lot. During security lighting hours, no luminaire shall exceed its light output exhibited during permitted outdoor lighting hours.

**Sec. 32-175. Luminaire Standards.**

a) Fully shielded requirement.

Except for uplighting applications permitted within this Division 4, any luminaire used for outdoor lighting in the CB, GB, and LI districts and for any nonresidential use in a residential district shall be fully shielded and shall be installed in the proper orientation to achieve fully shielded performance with respect to the horizontal plane.

b) Installed height.

The installed height of any luminaire used for outdoor lighting on any zoning lot, including pole mounted and building mounted luminaires, shall not exceed 20 feet.

c) Light color requirements.

Outdoor light sources in the CB, GB, and LI districts and for any nonresidential use in a residential district shall have a correlated color temperature of 4000 degrees kelvin or less.

**Sec. 32-176. Prohibited Outdoor Lighting.**

a) Prohibited Applications:

The following outdoor lighting applications are prohibited in all zoning districts:

- 1) Sodium vapor, mercury vapor, laser, and fluorescent light sources.
- 2) Flickering, flashing, blinking, scrolling, or rotating lights and any illumination that changes its light output more frequently than four times in 24 hours.
- 3) Upward-directed lighting, except as otherwise permitted or exempted in this Division 4.
- 4) Searchlights.

b) Glare.

The Zoning Official may determine that a luminaire is producing glare constituting a hazard or nuisance when any of the following conditions exist:

- 1) The glare produced by the luminaire is within the field of view of motorists, pedestrians, or others traveling within a public right of way.
- 2) The glare produced by the luminaire is within the field of view of motorists, pedestrians, or others using outdoor parking areas, driveways, sidewalks, or other vehicular or pedestrian ways on adjoining or nearby property.
- 3) The glare produced by the luminaire is within the field of view of motorists, pedestrians, or others traveling within a private right of way.

Notwithstanding the provisions of paragraph 32-177 A. *Nonconforming Outdoor Lighting*, such luminaire is prohibited in any zoning district, and within 90 days of notification to the property owner by the Zoning Official that it constitutes a hazard or nuisance in accordance with this paragraph B. *Glare* it shall be modified to conform or be removed.



**Sec. 32-177. Conformance and Applicability.**

a) Nonconforming Outdoor Lighting.

An existing luminaire or lighting installation used for outdoor lighting in any zoning district that does not presently comply with the requirements of this Division 4 shall be considered a nonconforming use.

b) When Nonconforming Lighting May Remain.

Except as otherwise provided in this Division 4, nonconforming luminaires and lighting installations may remain in use until changed or replaced, and routine maintenance such as replacement of damaged or burned-out bulbs of equal light output shall not require conformance with the provisions of this Division 4.

c) When Compliance is Required.

When nonconforming luminaires or other elements of an outdoor lighting installation on a zoning lot are proposed to be changed or replaced, the outdoor lighting installation shall be brought into compliance to the extent required by the following:

- 1) If a cumulative total of 25% or more of the nonconforming luminaires or their supporting structures are to be changed, removed, replaced, or relocated for any of the following lighting categories:
  - parking lot lighting;
  - building-mounted lighting;
  - landscape lighting; or
  - canopy lighting,then full compliance with this Division 4 is required within that lighting category, and the entire site shall be made to comply with Section 32-174 Illumination Standards, Paragraph A Total Light Output Per Acre.
- 2) If a principal structure on said zoning lot is to be expanded by 25% or more of the total square footage of the structure immediately prior to such expansion, then full compliance is required for all building-mounted lighting.
- 3) If the number of parking spaces on the site is to be increased 25% or more, then full compliance is required for all parking lot lighting.

d) Exempt Outdoor Lighting.

The following lighting applications are exempt from the requirements of this Division 4:

- 1) Underwater lighting used for the illumination of swimming pools and fountains;
- 2) Lighting required by Village, county, state, or federal law, including single-purpose emergency egress lighting on buildings;

- 3) Temporary lighting used for holiday decoration, except that such lighting shall not exceed 0.5 foot candles at the lot line of the residential lot on which the lighting is located;
- 4) Portable lighting temporarily used for maintenance or repair that is not deemed by the Village to create a hazard or nuisance;
- 5) Emergency response lighting used by police, firefighting, emergency management, or medical personnel at their discretion as long as the emergency exists;
- 6) Lighting for Village-approved special events such as carnivals, circuses, festivals, picnics, fairs, civic events, and exhibitions; and
- 7) Temporary lighting required for road or utility construction or repair, or for other public improvements.

**Sec. 32-178. Plans and Procedures.**

a) Plans Required for Outdoor Lighting other than Single Family Dwellings.

When a permit is required for a lighting installation, replacement, or modification for a use in any zoning district other than a single-family dwelling, the applicant shall submit plans including the following:

- 1) A scaled photometric plan of the site showing light levels that will be produced within the site and at all exterior lot lines adjoining residential zones; such plan shall include any existing lighting proposed to be retained, as well as all proposed new lighting.
- 2) A site plan showing the location and mounting height of all proposed luminaires and the height of supporting structures.
- 3) Specifications of all existing and proposed luminaires including lumen outputs produced, as well as electrical plans and specifications to illustrate compliance with applicable codes.
- 4) Details of ground and wall anchorage methods.
- 5) Proposed hours of operation and proposed after-hours security lighting.

b) Plans Required for Outdoor Lighting for Single Family Dwellings.

When a permit is required for an outdoor lighting installation, replacement, or modification for a single-family dwelling, the applicant shall submit the following:

- 1) A description of each lighting unit to be installed, including the lumens produced by each unit and how each is to be energized (motion sensor, light activated, timer, manual switch, etc.)
- 2) A plan or diagram of the location and height of all proposed lighting units, with a description of where they are to be mounted (on a building, at ground level, etc.)

**Secs. 32-179—32-201. Reserved.**

*DIVISION 5. PARKING AND LOADING REGULATIONS*

**Sec. 32-202. General provisions.**

- a) New Structures and Uses. Parking, stacking, and loading facilities shall be provided for a new structure or use as required by this Division 5 in effect as of the date of issuance of a building permit.
- b) Existing Facilities, Prior Permits, and Restoration.
  - 1) The number of spaces or design features of existing off-street parking, stacking, and loading facilities shall not be reduced below the requirements of this Division 5. If the number of spaces or design features of such existing facilities is already less than required, they may not be further reduced.
  - 2) Existing off-street parking, stacking, and loading facilities that do not conform to the requirements of this Division 5, but were in conformance with the applicable requirements at the time they were established, are permitted to continue as nonconforming.
  - 3) If a building permit was issued prior to the effective date of this Division 5, and if construction has begun within 180 days of the issuance of the permit, off-street parking, stacking, and loading spaces shall be provided as required at the issuance of the building permit unless the requirements of this Division 5 are less stringent, in which case only the number and design required by this Division 5 needs to be provided.
  - 4) When a building is reconstructed or repaired after being damaged or destroyed, off-street parking and loading facilities shall be restored or maintained in an amount equivalent to that which existed at the time of such damage or destruction. However, it shall not be necessary to restore or maintain parking or loading facilities in excess of the applicable requirements of this Division 5.
- c) Change in Use. When the existing use of a structure or land is changed to a new use, parking, stacking, and loading facilities shall be provided for the new use as required by the provisions of this Division 5 in effect as of the date of the change in use.
- d) Change in Intensity of Use. When the intensity of use of any structure or land is increased through additions, expansions, or any increase in gross floor area or dwelling units, additional parking, stacking and loading facilities shall be provided in accordance with the provisions of this Division 5 in effect as of the date of the change in intensity of use. When the intensity of use of any structure or land is decreased by the loss of gross floor area or dwelling units, the number of parking and loading spaces may be reduced

so long as the requirements of this Division 5 are met for the modified structure or land use.

- e) Provision of Additional Spaces. Nothing in this Division 5 prevents the voluntary establishment of additional off-street parking, stacking, or loading facilities. All regulations governing the location, design, and construction of such facilities shall be met.
- f) Required off-street parking and loading spaces shall be provided on the same zoning lot as the use for which they are required, except as otherwise provided herein.
- g) When different zoning lots in a CB or GB district are contiguous, shared access between parking lots is encouraged to minimize curb cuts on public streets and increase convenience to the public.
- h) Parking and Stacking Facilities in Required Yards:
  - 1) In the CB, GB, MR, and LI districts, off-street parking and stacking spaces are not permitted in a street yard or a yard abutting a residential district; off-street parking and stacking spaces are permitted in a side or rear yard except where abutting a residential district.
  - 2) In the R1, R2, and R3 districts, off-street parking spaces are not permitted in a lake yard; off-street parking spaces are permitted in a street, side, or rear yard, except as provided in Sec. 32-206 for specialized recreational vehicles and Sec. 32-207 for commercial vehicles and equipment.
- i) The repair or servicing of automobiles, trucks, and other motorized vehicles is prohibited in any parking, loading, or stacking area, except for one-time, short-term emergency repairs such as changing a tire or replacement of a broken windshield.

#### **Sec. 32-203. Required number of parking spaces.**

Table 4 lists the required number of parking and stacking spaces for various uses. Table 5 lists the required number of loading spaces for various uses. When calculating the total number of parking, stacking, or loading spaces, the following rules shall apply:

- a) The number of required spaces for multiple uses on a zoning lot use is cumulative. The separate requirements shall be added together to determine the total number of spaces required.
- b) Shared off-street parking facilities for different buildings, structures, or uses on a zoning lot are permitted if the number of parking spaces provided equals the aggregate number required for all uses on the zoning lot, except as provided for dissimilar uses in subparagraph 32-203 C.
- c) Where dissimilar uses share parking on a zoning lot, and their parking demand occurs at different times of day, the total number of parking spaces on the zoning lot may be

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reduced by not more than 25 percent of the required number of spaces, to the extent the Zoning Official finds that adequate parking will be provided.

- d) The term "per 1,000sf GFA" means 1,000 square feet of gross floor area, as defined in Section 32-2 of Article I.
- e) The calculation of the number of off-street parking or loading spaces required by this Division 5 shall be proportional. For example, a use requiring 4 parking spaces per 1,000sf of GFA having 2,500sf of GFA is required to provide 10 parking spaces ( $4/1000 \times 2500 = 10$ ).
- f) When the calculation of the number of off-street parking or loading spaces required by this Division 5 results in a fractional space, any fraction of less than one-half may be disregarded, while a fraction of one-half or more, shall be counted as one parking or loading space.
- g) The term "per employee" means per employee on the maximum shift.
- h) The term "per person" means per person design capacity of the facility, auditorium, or meeting rooms. Eighteen inches of seating space shall be considered a seat for purposes of this requirement where individual seats are not discernable.

**Table 4 - Required Number of Parking/Stacking Spaces**

<i>Use</i>	<i>Required Parking and Stacking Spaces</i>
<b>Residential</b>	
Age-Restricted Housing	1 per dwelling unit
Community Residence – Small (6 or Fewer Residents including live-in staff)	2 per dwelling unit
Community Residence – Large (7 or More Residents including live-in staff)	2 spaces, plus one per 3 residents in excess of 6
Day Care Home	2 per dwelling unit
Dwelling – Single -Family	2 per dwelling unit
Dwelling – Two -Family	2 per dwelling unit
Dwelling – Townhouse	2 per dwelling unit
Dwelling – Multi -Family	Studio, efficiency, or 1 bedroom unit: 1.5 per dwelling unit 2 or more bedroom units: 2.0 per dwelling unit
Dwelling – Above the Ground Floor	1 per dwelling unit
Residential Care Facility	Based on care type: Independent Living: 1 per dwelling unit Assisted/Supportive Living: .50 per dwelling unit Nursing Home: 1 per 2 beds
<b>Public/Institutional</b>	

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<i>Use</i>	<i>Required Parking and Stacking Spaces</i>
Cemetery	6 per parlor or chapel + 4 per 1,000sf of GFA of office area
Community Garden	2 per 10,000sf of land area
Cultural Facility	3 per 1,000sf of GFA
Educational Facility – Primary or Secondary	2 per classroom and/or office
Educational Facility – Private Boarding	2 per classroom and/or office + 1 per 8 students based on maximum occupancy load
Educational Facility – University	2 per classroom and/or office + 1 per 5 students based on maximum occupancy load
Educational Facility – Vocational	2 per classroom and/or office + 1 per 2 students based on maximum occupancy load
Forest Preserve	As determined by the Forest Preserve District
Government Office	2 per 1,000sf of GFA
Park/Playground	None, except as may be required for other uses on the lot
Public Works Facility	1 per 1,000sf of GFA
Utility, Local	None
Utility, Community/Regional	None
<b>Retail</b>	
Adult Use	3 per 1,000sf of GFA
Art Gallery	2 per 1,000sf of GFA
Bar	10 per 1,000sf of GFA
Farm Stand	3 per 1,000sf of GFA
Gas Station	1 per fueling position + 3 per 1,000sf GFA
Greenhouse/Nursery – Retail	3 per 1,000sf of GFA, plus 1 per 1,000sf of outdoor sales areas (storage areas excluded)
Heavy Retail, Rental and Service	3 per 1,000sf of GFA including any outdoor sales and display areas (excluding storage)
Outdoor Market	1.5 spaces per vendor
Pawn Shop	3 per 1,000sf of GFA
Restaurant	10 spaces per 1,000sf of GFA plus any spaces required for accessory Outdoor Dining
Retail Sales	Less than 50,000sf of GFA: 3 per 1,000sf of GFA 50,000sf of GFA or more: 4 per 1,000sf of GFA
Retail Sales of Alcohol	3 per 1,000sf of GFA
Specialty Food Service	4 per 1,000sf of GFA
Vehicle Dealership	3 per 1,000sf of GFA
<b>Service</b>	

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<i>Use</i>	<i>Required Parking and Stacking Spaces</i>
Animal Care Facility	2 per 1,000sf of GFA
Arts Studio	2 per 1,000sf of GFA
Body Modification Establishment	3 per 1,000sf of GFA
Car Wash	3 stacking spaces per bay
Day Care Center	1 per employee on largest shift + 1 per 10 children (capacity)
Funeral Home	6 per parlor or chapel + 10 per 1,000sf of GFA
Hotel/Motel	1.1 per room
Massage Service Establishment	3 per 1,000sf of GFA
Personal Service Establishment	3 per 1,000sf of GFA
Reception Facility	10 per 1,000sf of GFA
Self-Storage Facility	1 space per 25 storage units
Vehicle Rental	4 per 1,000sf of office area
Vehicle Repair/Service – Minor	5 per service bay
Vehicle Repair/Service – Major	5 per service bay
<b>Recreational/Social/Assembly</b>	
Boat Launch	None
Lodge/Meeting Hall	1 per 4 persons of rated capacity
Place of Worship	1 per 4 seats in main assembly area + 1 per 1,000sf of any residential living area (monastery, rectory, etc.)
Recreation, Indoor	2 per 1,000sf of GFA
Recreation, Outdoor	2 per 1,000sf of lot area, including the use and its required ancillary uses such as parking, stormwater facilities, etc.
Theater	1 per 4 persons of rated capacity
<b>Office</b>	
Financial Institution	3 per 1,000sf + 3 stacking spaces per each drive-through lane
Industrial Design	4 per 1,000sf of GFA
Office	3 per 1,000sf of GFA
Research and Development (R&D)	4 per 1,000sf of GFA
<b>Medical</b>	
Hospital	4.75 per bed
Medical/Dental Clinic	3 per 1,000sf of GFA
<b>Industrial</b>	
Contractor Business	3 per 1,000sf of office GFA
Industrial – Light	1 per 1,000sf of GFA up to 40,000sf; then 1 per 2,000sf over 40,000sf

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<i>Use</i>	<i>Required Parking and Stacking Spaces</i>
Kennel	2 per 1,000sf of GFA (not including outdoor areas)
Landscape Business	3 per 1,000sf of GFA (not including outdoor areas)
Micro-Brewery (principal use)	1 per 1,000sf GFA + 10 per 1000sf GFA of tasting area
Micro-Distillery (principal use)	1 per 1,000sf GFA + 10 per 1000sf GFA of tasting area
Micro-Winery (principal use)	1 per 1,000sf GFA + 10 per 1000sf GFA of tasting area
Outdoor Storage (principal use)	3 per 1,000sf of GFA of office area
Warehouse	2 per 1,000sf of GFA of office area + 1 per 20,000sf of warehouse space GFA
Wholesale Establishment	1 per 1,000sf of GFA
<b>Accessory Uses</b>	
Drive-Through Facility	5 stacking spaces per drive-through service line
Home Occupation	As required for the residence
Outdoor Dining	1 per 4 outdoor seating places
<b>Other</b>	
Planned Unit Development	As provided in the ordinance granting the PUD

**Table 5 - Required Number of Off-street Loading Spaces**

<i>Use</i>	<i>Net Building Sq. Ft. GFA</i>	<i>Number of Spaces</i>
Retail and service	5,000—24,999	1
	25,000—39,999	2
	40,000—100,000	3*
Office, public and institutional	10,000—100,000	1*
Manufacturing, warehouse storage and cartage	5,000—39,999	1
	40,000—100,000	2*

\*Plus one additional loading space for every 100,000 square feet over 100,000 square feet; any fraction of one-half or less may be disregarded, while a fraction more than one-half shall be counted as one parking space.

**Sec. 32-204. Design standards.**

Off-street parking, stacking, and loading areas shall be designed in accordance with the following standards:

- a) Required off-street parking spaces shall be accessible from streets, alleys, private drives, or aisles leading to streets or alleys. Where wheel stops or curbs are provided, a one-foot overhang is permitted.



- b) Handicapped parking spaces shall comply with the standards set forth in applicable state and federal requirements.
- c) Motorcycle and bicycle parking spaces are encouraged but are optional. If motorcycle spaces are provided, they shall be a minimum dimension of four feet by seven feet and shall not be counted as a parking space for the purpose of calculating the required number of parking spaces.
- d) Parking space dimensions shall be 18 feet deep by nine feet wide, except parallel spaces shall be 22 feet long.
- e) Parking access aisle widths shall be:
  - 1) Parallel parking (one-way traffic): 13 feet.
  - 2) 30-degree angle of spaces (one-way traffic): 12 feet.
  - 3) 45-degree angle of spaces (one-way traffic): 13 feet.
  - 4) 60-degree angle of spaces (one-way traffic): 18 feet.
  - 5) 90-degree angle of spaces (two-way traffic): 24 feet.
- f) Access and drive aisles shall not exceed 25 feet in width, except that turning radii, divided entrances/exits with island dividers, and shared drive/curb cuts may be permitted to exceed this distance.
- g) Entrances or exits from state, county, or township roads are subject to the design standards and approval of the appropriate jurisdiction.
- h) All off-street parking, stacking, and loading areas shall be hard surfaced with asphalt, concrete, or brick pavers, except as provided in Section 32-206 b) for parking and storage of specialized vehicles. All off-street parking, stacking, and loading areas in the CB, GB, LI and MR districts shall be curbed.
- i) All off-street parking, stacking, and loading areas shall be graded and otherwise provided with proper drainage.
- j) Off-street loading spaces are subject to the following requirements:
  - 1) Off-street loading spaces shall be not less than ten feet in width and 60 feet in length, exclusive of access aisles.
  - 2) No Loading space shall be located in any street yard, and no loading space shall be located within 25 feet of the nearest point of a public street right-of-way or the intersection of any two public street rights-of-way.
  - 3) Loading spaces may be located in side and rear yards, except that no loading space shall be located closer than 50 feet to any property in a residential district.
  - 4) All off-street maneuvering areas shall be located within the property's boundary.

**Sec. 32-205. Parking lot landscaping.**

- a) Adjoining Public Rights of Way. When parking or stacking areas on a lot in an MR, CB, GB or LI district adjoin a public right-of-way, they shall be screened from such right of way with a landscape buffer a minimum of 10 feet in width between the right-of-way and the parking or stacking area, exclusive of any area required for sidewalks or utility easements. This landscape buffer need not be opaque and continuous but shall be designed to soften and partially conceal the view of vehicles in parking or stacking spaces from the public street; at minimum, fifty percent (50%) of the parking and stacking spaces shall be screened from view, as measured horizontally along the lot lines abutting the street. Such landscape buffer may be located within a required street yard. Notwithstanding this requirement, a clear view of intersecting streets shall be maintained per section 32-54 e.
- b) Adjoining Residential Property. When parking or stacking areas on a lot in an MR, CB, GB or LI district adjoin a lot in an R1, R2, or R3 district, they shall be screened from such lot with a landscape buffer a minimum of 10 feet in width between the lot line and the parking or stacking area. This landscape buffer need not be opaque and continuous but shall be designed to soften and partially conceal the view of vehicles in parking or stacking spaces from the adjoining residential property; at minimum, fifty percent (50%) of the parking and stacking spaces shall be screened from view, as measured horizontally along the lot lines abutting the residential property. Such landscape buffer may be located within a required rear or side yard.
- c) The landscape buffer required by 32-205 A and 32-205 B may be provided by any or all of the following methods:
  - 1) Landscape screen. Provide a minimum of a three-foot high solid screen using trees, shrubs, or other plant material.
  - 2) Landscape berm, additional planting. Provide a three-foot high berm with slopes not to exceed 4:1. Additional plant material is encouraged to achieve a minimum three-foot high screen and to add visual variety.
  - 3) Woodland preservation, additional planting. In cases where quality woodland exists, the provisions of Section 32-143 and 32-144 of this Chapter 32 shall be followed to preserve and augment existing trees between the parking lot and the right-of-way. Additional planting shall be provided, if needed, to achieve the required 50% screening.
- d) Interior landscaping: A minimum of ten percent of the interior of any parking and/or stacking area in an MR, CB, GB or LI district shall be landscaped. The area of the interior of a parking and/or stacking area shall be the area of the zoning lot, excluding the area occupied by permanent structures. The area of landscaping provided pursuant to 32-205 A and 32-205 B shall not be credited toward the ten percent interior landscaping

minimum required by this paragraph D. Such ten percent landscaping requirement shall, to the extent practicable, provide shade for the parking area and may be provided by any or all of the following methods:

- 1) Provide planting islands between every ten to 15 spaces to avoid long rows of parked cars. The islands shall be a minimum of nine feet wide and shall be landscaped with shade trees, shrubs, or ground cover.
- 2) Provide large planting islands (over 600 square feet) located throughout the lot planted with shade trees, shrubs, or ground cover. This option is more suitable in larger parking lots as compared to smaller lots.
- 3) Provide one or more continuous landscape planting strips between rows of parking spaces, parallel to parking aisles. Such strips shall be a minimum of nine feet wide and shall be landscaped with shade trees, shrubs, or ground cover.
- e) Loading area screening: Solid screening of loading areas shall be provided using walls, fences, or landscaping to a minimum height of 8 feet.
- f) Maintenance of landscaping, fencing, and walls. All required landscaping shall be permanently maintained in good condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscape requirements. Plant material shall be pruned to maximize visibility in parking, stacking, and loading areas to minimize hazards to motorists and pedestrians. All required fences and walls shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

#### **Sec. 32-206. ~~Recreational-Specialized~~ Vehicle Parking in Residential Districts**

The parking and/or storage of ~~recreational-specialized~~ vehicles on properties zoned R-1, R-2, or R-3 ~~outside of enclosed permanent structures~~ is permitted only in conformance with the following requirements. ~~Specialized Recreational~~ vehicles parked or stored within an enclosed permanent structure are not subject to the limitations of this Section. Temporary structures and storage tents are not considered an enclosed permanent structure. ~~Non-highway vehicles are not subject to the limitations of this Section.~~

a) Location:

- ~~1) Outdoor parking and storage of recreational vehicles is prohibited within thirty (30) feet of any street lot line, except temporary parking for loading, unloading, and maintenance for a period not to exceed 72 consecutive hours is permitted for a maximum of four times per calendar year.~~
- ~~2) Outdoor parking and storage of recreational vehicles is prohibited in any required lake yard.~~

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- ~~3) Outdoor parking and storage of recreational vehicles is permitted within a required side yard, but not within thirty (30) feet of any street lot line, except temporary parking for loading, unloading, and maintenance for a period not to exceed 72 consecutive hours is permitted for a maximum of four times per calendar year.~~
- ~~4) In the R3 Residential District, outdoor recreational vehicle parking and storage is prohibited in a required rear yard on lots with a lot depth of less than 150 feet or where the rear yard abuts another lot improved with a single-family dwelling, a stormwater detention or retention area, or a public street.~~
- 1) Parking and storage of specialized vehicles is permitted in the buildable area of a zoning lot, subject to the limitations in paragraphs 32-206 b), c), d), e), and f).
- 2) Outdoor parking and storage of specialized vehicles in a required street yard is prohibited, except:
- a. One specialized vehicle is permitted between April 1 and November 1, or
  - b. One specialized vehicle is permitted for a period not to exceed 72 hours and not more than four times per calendar year for purposes of loading, unloading, and maintenance.
- 3) Outdoor parking and storage of specialized vehicles is permitted within required side and rear yards except that specialized vehicle parking and storage is prohibited in a required rear yard on lots with a lot depth of less than 150 feet or where the rear yard abuts another lot improved with a single-family dwelling or a stormwater detention or retention area.
- 4) Outdoor parking and storage of specialized vehicles is prohibited in any required lake yard.
- ~~b) All areas of a zoning lot used for outdoor parking or storage of recreational vehicles for a period of more than 72 consecutive hours shall be improved with asphalt, concrete, crushed stone, or brick pavers, which shall be free of noxious weeds and grass.~~
- b) Surfacing: Areas of a zoning lot permitted to be used for parking or storage of specialized vehicles shall be improved as follows:
- 1) In required street yards: With asphalt, concrete, or brick pavers.
  - 2) In required side yards, required rear yards, and the buildable area of a zoning lot: With asphalt, concrete, crushed stone, brick pavers, grass, or other dustless surface, which shall be kept free of noxious weeds.
- c) The outdoor parking and storage of specialized~~recreational~~ vehicles is prohibited on any zoning lot or recorded lot not occupied by a single-family dwelling.

- d) The outdoor parking and storage of any ~~specialized recreational~~ vehicle not owned or operated by an occupant of the zoning lot where ~~it the recreational vehicle~~ is parked or stored is prohibited, except that one ~~specialized recreational~~ vehicle owned or operated by a guest of said occupant may be parked on the lot in conformance with the provisions of this Section for no more than 72 consecutive hours.
- e) On a zoning lot occupied by a single-family dwelling, a maximum of two ~~specialized recreational~~ vehicles may be parked or stored outdoors. A specialized Recreational vehicles parked for purposes of being loaded, unloaded, or maintained, and a recreational vehicle owned or operated by a guest of the occupant of the dwelling, do not count toward the maximum number if parked or stored for no more than 72 consecutive hours.
- ~~f) Recreational vehicles shall have current and valid registration, if required by state statute to be registered for operation on a public highway or waterway.~~
- ~~g) Recreational vehicles shall be always maintained in an operable condition.~~
- ~~h) Recreational vehicles shall not have their wheels or other transportation devices removed except when undergoing maintenance and for not more than 72 consecutive hours, and except that slide-in pick-up truck campers are allowed to be stored detached from a truck if they are stored in accordance with the other requirements of this section.~~
- ~~i) Recreational vehicles shall not be parked or stored so as to extend into or over any public sidewalk, street, or street right-of-way. This restriction shall also apply to recreational vehicles temporarily parked for loading, unloading, or maintenance.~~
- j)f) Recreational vehicles shall not be occupied or used for living, sleeping, or housekeeping purposes on any zoning lot in any zoning district.

#### **Sec. 32-207. Commercial Vehicle and Equipment Parking in Residential Districts.**

On zoning lots in the R1, R2, R3, and MR districts, commercial vehicles and commercial equipment shall only be parked or stored inside a fully enclosed permanent structure, except as follows:

- a) A maximum of two commercial vehicles per dwelling unit, with a gross vehicle weight rating (GVWR) of 11,500 pounds or less, may be parked or stored outdoors in a side or rear yard, but not in a street yard or a lake yard; however, outdoor parking and storage of such commercial vehicles not owned or operated by an occupant or owner of the zoning lot where the vehicle or equipment is parked or stored shall be prohibited.
- b) Commercial vehicles providing delivery, pickup, or other services to a residential lot may be parked anywhere on the lot for a period not exceeding 14 consecutive days.

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- c) On lots zoned and used for educational facilities or places of worship, school buses may be parked on paved surfaces.
- d) All areas of a zoning lot used for outdoor parking or storage of commercial vehicles or equipment shall be improved with asphalt or concrete.

**Secs. 32-208—32-233. Reserved.**

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## ***DIVISION 6. SIGN REGULATIONS***

### **Sec. 32-234. Purpose.**

The purpose of this Division 6 is to preserve, protect and promote the public health, safety and welfare by regulating outdoor advertising and signs of all types. It is intended to enhance the physical appearance of the village, make it a more enjoyable and pleasing community, and create an attractive economic and business climate. Also, it is intended to reduce the sign or advertising distractions which may increase traffic accidents, eliminate hazards caused by signs overhanging or projecting over public rights-of-way, relieve pedestrian and traffic congestion, provide more open space and avoid the canceling out effect of adjacent signs.

### **Sec. 32-235. Sign permit requirements.**

- 1) Sign permit required. Except as otherwise provided herein, no sign shall be located, constructed, erected, structurally altered, relocated or enlarged without the owner thereof first having obtained a sign permit.
- 2) Application for permit. Application shall be made upon forms provided by the Village and shall include the following information in such number of copies as the Zoning Official may reasonably require:
  - a) The name, address, telephone number, email address, and signature of the following: a) the applicant; b) the owner of the property upon which the sign is to be installed, and c) the entity erecting, constructing, altering or relocating the sign, if other than the applicant or property owner.
  - b) The location by street number, PIN number, and any common name applied to any building, structure or premises to or upon which the sign is to be attached or erected.
  - c) Plans and specifications sealed by a registered architect, structural engineer, or prepared by a sign manufacturer or contractor showing sign faces and structures including materials, colors, lettering, graphics, and dimensions, accurately represented in scale as to size, proportion and color, a description of the method of construction, the design of any electrical and illumination elements, and a landscape plan if required herein.
  - d) The zoning classification of the property on which the sign will be erected.
  - e) The location of the sign in relation to nearby buildings, structures or premises.
  - f) Such other information as the Zoning Official may reasonably require.
- 3) Issuance or denial of permit. A sign permit shall be either issued or refused by the Zoning Official within 21 days after the receipt of a complete application, or within such

further period as may be agreed to by the applicant. When the Zoning Official refuses to issue a sign permit, they shall advise the applicant in writing of the reasons for refusal.

- 4) Time for completion. Sign permits shall be valid for a period of 180 days from the date of issuance. If the work authorized under the permit has not been completed within the 180-day period, the permit shall become null and void and the applicant thereon shall be required to apply for a new permit.
- 5) Suspension or revocation of permit. The Zoning Official may, in writing, suspend or revoke any permit issued under provisions of this section if he shall determine that the holder thereof failed to comply with any provisions of this Division 6 or any other applicable ordinances. All construction shall cease, and the work done shall be removed or changed to comply with all applicable requirements and the plans and specifications for such sign approved by the Zoning Official.

#### **Sec. 32-236. Prohibited signs.**

The following signs are specifically prohibited:

- 1) Commercial billboards located upon vacant premises or when displaying information not related to the conduct of a business or enterprise located on the same premises as the billboard.
- 2) Flashing signs.
- 3) Projecting signs.
- 4) Pennants, streamers, and portable signs not specifically authorized by this Division 6.
- 5) Commercial signs not related to a bona fide business conducted or a product sold on the premises.
- 6) Signs which move or have moving parts, irrespective of whether the movement is caused mechanically, except as provided in Section 32-244 hereof.
- 7) Signs which contain statements, words, pictures or other depictions of an obscene, indecent or immoral character and which offend the public morals or decency.
- 8) Signs which impede, impair, obstruct or otherwise conflict with traffic signals, vehicular or pedestrian travel, access to fire hydrants and fire lanes and exits, and other signs that unreasonably impede or impair the public health, safety and welfare.
- 9) Signs painted on the walls or windows of any building except as specifically permitted by this Division 6.
- 10) Signs on vehicles, boats or trailers in place, except that one sign not larger than four square feet advertising the vehicle, boat or trailer for sale or rent is permitted. This shall not be interpreted to prohibit lettering on motor vehicles or advertisements on buses or taxicabs.
- 11) Attention-getting devices except as provided in Section 32-244 hereof.



12) Signs which project into, on, over or across any public right-of-way, except as provided in Section 32-244 hereof. The village, without any notice that might otherwise be required by this article, may remove any such signs immediately.

13) Obsolete signs.

14) Roof signs.

**Sec. 32-237 Reserved.**

**Sec. 32-238. General standards.**

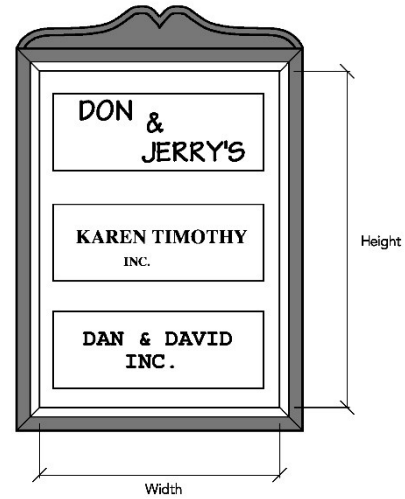
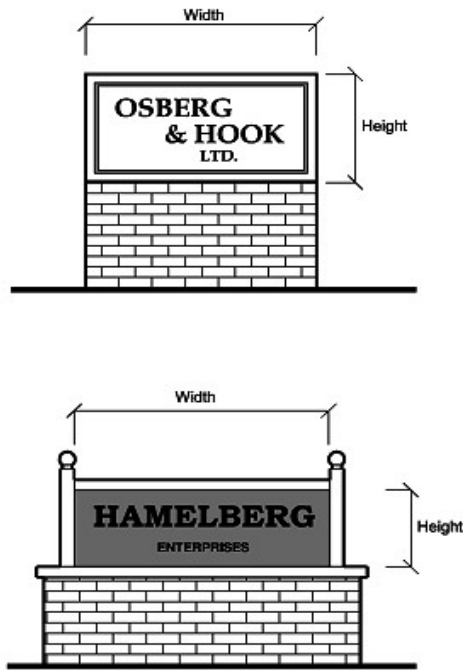
- 1) No sign shall be constructed or maintained in a location prohibited by this Division 6.
- 2) All signs shall be located on the same premises as the principal use served, except as provided in Section 32-244 hereof.
- 3) No sign shall be constructed or maintained so as to prevent free ingress and egress from any door.
- 4) No sign attached to a building shall project more than 12 inches from the face of the building.
- 5) All signs shall comply with Section 32-54 (e), Clear View of Intersecting Streets.
- 6) To secure and maintain traffic safety, no sign shall be erected or maintained in such a manner as to interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device. The Zoning Official shall review each application for a sign permit to ensure that the proposed sign or signs will not adversely affect public safety. Accordingly, no sign, marquee, canopy, or awning shall make use of the words "Stop," "Go," "Look," "Slow," "Danger" or a similar word, phrase, symbol or a character or employ any red, yellow, green or other colored lamp in such a manner as to interfere with, mislead or confuse traffic.
- 7) No sign shall be constructed or maintained to project above the top edge of a roof or the top of a parapet, whichever forms the top line of a building silhouette.
- 8) No sign shall be attached to a utility pole, tree, standpipe, gutter, drain or fire escape, nor shall any sign be constructed or maintained to impair access to a roof.
- 9) Except as otherwise provided in Section 32-244 hereof, no sign shall be located, constructed or maintained upon, over or project into any public right-of-way or easement. Any unauthorized sign located upon, over or into a public right-of-way is subject to immediate removal without notice that may be otherwise required by this Chapter.

**Sec. 32-239. Computation of Sign Area**

- 1) Area of Signs in Cabinets, Frames, and on Panels:

The area of a sign enclosed in a frame or cabinet or painted on or affixed to a panel shall be the area of the sign contained within the outer limits of the frame, cabinet or panel.

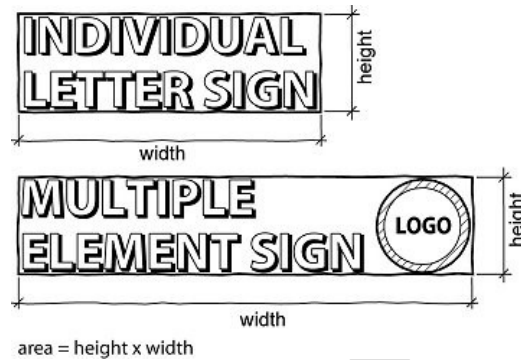
The area of such sign shall not include any external architectural framing elements or supporting structure such as a post, unless the architectural elements or supporting structure is designed as an integral part of the message or face of the sign. When there are multiple display signs within a frame, cabinet, or panel, the sign area shall be the area encompassed by the entire frame, cabinet, or panel, and not the area of the individual display signs.



area = height x width

2) Area of Signs Composed of Individual Letters or Elements:

The area of a sign comprised of individual letters or other elements attached to or painted on a building wall, freestanding wall, or window shall be the area of the smallest square or rectangle that can be drawn around the letters and/or elements.



3) Area of Double-Faced Signs:

The sign area for a sign with two faces shall be a) when the sign faces are connected at an interior angle of sixty degrees (60°) or more, the sign area shall be computed by measurement of both faces; when the sign faces are parallel or connected at an interior angle of sixty degrees (60°) or less, the sign area shall be computed by the measurement of one (1) of the faces.

**Sec. 32-240. Construction and maintenance.**

All signs shall be constructed and maintained as hereinafter provided:

- 1) Compliance with building code. All signs shall be constructed of approved materials and maintained, repaired and altered in compliance with the requirements of the building code of the village.
- 2) Compliance with electrical code. All signs employing or containing any electrical wiring or connections shall comply with the electrical code of the village. All illuminated surfaces of a sign shall be maintained to properly function as set forth in the approved sign permit. Burnt out lights and bulbs shall be replaced within seven days.
- 3) Metal signs. The face and background of all metal signs shall be constructed of metal not thinner than one-eighth-inch thickness. A metal-faced sign may utilize a wood frame and may contain letters, figures, characters, borders or moldings made of wood. Any wooden border shall not exceed three inches in width.
- 4) Wind pressure and dead load requirements. Every sign shall be designed and constructed to withstand a wind pressure of 45 pounds per square foot and to receive deadloads as required by the village building codes or other applicable ordinances or regulations.

- 5) Nonmetallic facing requirements. The faces shall be wood, acrylic, or poly carbonate not less than 3/16-inch thick.
- 6) Painting and maintenance. Owners shall paint and maintain all parts and supports of each sign owned by them as necessary to prevent rusting, rotting or deterioration or the endangering of public health or safety.

**Sec. 32-241. Permitted Permanent Signs.**

- 1) Residential Signs: The following permanent signs are permitted as accessory to residential uses in the R-1, R-2, R-3 and MR Districts:
  - a) Permitted signs may be located anywhere on the property but not closer than three feet to any lot line.
  - b) Any dwelling unit may have a wall sign not exceeding two square feet in sign surface area identifying a professional occupation conducted on the premises.
  - c) For multiple-family dwellings and age restricted housing containing 12 or more dwelling units, one wall or ground sign of not more than 32 square feet in sign surface area and not more than 6 ft in height is permitted; such sign shall indicate only the name and address(es) of the building and the name and telephone number of the management thereof. For multiple-family dwellings and age restricted housing with fewer than 12 dwelling units, one wall sign of not more than 8 square feet is permitted and such sign shall indicate only the address(es) and unit numbers of the building.
  - d) Residential development entrance signs are permitted for single-family attached or detached developments containing 12 or more dwelling units. Residential development entrance signs shall only indicate the name of the development. A maximum of two signs shall be permitted at each street entrance to the development. Such signs shall not exceed 32 square feet in sign surface area for each street entrance with a maximum sign surface area of 64 square feet for the total development, and such signs shall not exceed six (6) feet in height. Residential development entrance signs may be mounted on an architectural entrance feature.
- 2) Nonresidential Signs: The following permanent signs are permitted accessory to nonresidential uses in the R-1, R-2, R-3, MR, CB, GB, and LI Districts:
  - a) Wall signs:
    - (1) Wall signs shall be installed no higher than the height of the building and no lower than five feet above the average grade of the wall to which they are attached; provided, however, that no such sign shall be lower than ten feet above the grade of any entrance, sidewalk, walkway or any other area available to pedestrian traffic.
    - (2) Wall signs may be located anywhere on an exterior building wall; however, such signs shall not cover a window and shall not be located on a wall screening roof top mechanical equipment.

- (3) For uses classified as Office, Medical or Industrial in Table 1 of Section 32-25, wall signs are permitted as follows:
- I. For a building occupied by a single use, two wall signs are permitted, but not more than one sign per wall.
  - II. For a building occupied by two or more uses, one wall sign is permitted for each use. The maximum area of any such wall sign shall be three percent of the wall area occupied by such use, but the maximum combined sign surface area for all wall signs on any side of a building shall be three percent of the surface area of the wall up to a maximum of 96 square feet.
- (4) For uses classified as Retail, Service, Theater, or Residential Care Facility in Table 1 of Section 32-25, wall signs are permitted as follows:
- I. For a building occupied by a single use, one wall sign is permitted with a maximum surface area of 75 square feet.
  - II. For a building occupied by two or more uses, one wall sign is permitted for each use. The maximum area of any such wall sign shall be 1.5 square feet of sign surface area for each linear foot of wall frontage the use occupies in the building, but the total area of all such signs shall not exceed 75 square feet.
- b) Building and window signs. Building and window identification signs are permitted for any nonresidential use, with the following restrictions: There shall be no more than one identification sign per building, except that in buildings containing two or more uses, each use shall be permitted to have one identification sign in a window or on a door or wall. The sign surface area of any building or window identification sign shall not exceed ten square feet and may only indicate the name of the entity, key products or services offered, a logo or trademark, and an address, phone number, or website.
- c) Ground signs.
- (1) There shall be no more than one ground sign per lot.
  - (2) Ground signs may be located in any required yard except that no ground sign shall be located within 80 feet of any lot line of a residential use in a residential district.
  - (3) Pylon ground signs shall not exceed a sign surface area of 72 square feet and shall not exceed a maximum height of 20 feet above the average surrounding grade; however, no sign face shall be lower than 12 feet above the average surrounding grade.
  - (4) Monument ground signs shall not exceed a sign surface area of 72 square feet and shall not exceed a maximum height of 12 feet above average surrounding

grade. The sign message part of a monument ground sign shall not be less than three feet above average surrounding grade.

- d) Shopping center signs. Shopping center identification ground signs shall be permitted in shopping center developments containing two or more uses. Shopping center identification ground signs may be of either pylon or monument type. If any ground signs for a shopping center or its outlots are erected pursuant to this subsection d), no other signs described in subsection c) "Ground signs" shall be permitted.
- (1) There shall be no more than one shopping center identification ground sign for each shopping center development.
  - (2) The sign surface area of any shopping center identification ground sign (pylon or monument type) shall not exceed 72 square feet.
  - (3) Height.
    - I. Pylon type shopping center identification ground signs shall not exceed a maximum height of 20 feet above the average surrounding grade, and no sign face shall not be less than 12 feet above average surrounding grade.
    - II. Monument type shopping center identification ground signs shall not exceed a maximum height of 20 feet above the average surrounding grade, and the sign message part of a monument ground sign shall not be less than three feet above average surrounding grade.
  - (4) Shopping center identification ground signs shall not contain any advertisement other than the identity of the shopping center and the businesses located therein.
  - (5) Outlot ground signs. In addition to the shopping center identification ground signs permitted herein, one outlot ground sign shall be permitted on any shopping center outlot created as a building site for one principal building or use. An outlot ground sign shall not exceed a height of six feet and shall not exceed a total sign surface area of 60 square feet. In multiple tenant outlot buildings, tenants may have content on an outlot ground sign, but the total area of the ground sign on the outlot shall not exceed 60 square feet.
- e) Gas Station signs. Gas Stations as identified in Table 1 of Section 32-25 are permitted additional accessory signs to the extent required by law, indicating the price of gasoline available on the premises, but shall be limited in area so as not to exceed a maximum total area of 60 square feet for any one premises.
- f) Signs shall be permitted on awnings, marquees and canopies, but shall not exceed a height of 20 feet above average surrounding grade and shall not exceed a sign area of 1 square foot per linear horizontal foot of the awning, marquee or canopy, or 25 % of the area of the awning, marquee or canopy, whichever is less. The area

of any awning, marquee, and canopy signs shall be deducted from the maximum area permitted for wall signs in subsection a) hereof.

g) Signs for model dwellings. One ground sign not exceeding eight square feet in total sign surface area on any premises upon which a model dwelling is constructed, subject to the following conditions:

- (1) No such sign shall be mounted at a height that causes the top of the sign to exceed four feet above average surrounding grade.
- (2) The signs shall be depicted upon a plan indicating location, size and shape, mounting height, type of material and landscaping, which shall be subject to review and approval of the Zoning Official with respect to the requirements of this Chapter. Such landscaping shall be in accordance with the provisions contained in Section 32-242.

#### **Sec. 32-242. Landscaping requirements.**

Every permit application for a pylon, monument or shopping center ground sign shall be accompanied by a landscape plan meeting the standards hereinafter specified:

- 1) For every one square foot of sign surface area, there shall be provided 1.5 square feet of landscaped area.
- 2) Sodded or seeded areas shall not qualify as a required landscaped area.
- 3) The required landscaped areas shall be improved with plantings such as evergreen or deciduous shrubs, tall grasses, flowering plants, etc., of a size and in a quantity proportionate to the size and height of the sign, as adjudged by the Zoning Official.
- 4) In addition to the plantings herein described, the landscaped area shall also include ground protection such as, but not limited to, ground cover plants, landscaping bark, decorative stone or landscape timbers.
- 5) It shall be the duty of each person owning any lot or parcel improved or to be improved with the landscaping required herein to maintain the landscaping, including but not limited to the replacement of any dead or diseased vegetation, the trimming of any overgrown vegetation and the maintenance of any ground cover or protection provided in accordance with the terms hereof. Landscaping shall be maintained so as not to obscure signs.

#### **Sec. 32-243. Illumination standards.**

- 1) The lighting of a sign should provide security and visual interest without projecting glare onto nearby properties or public streets.
- 2) Signs in direct line of vision of motorists approaching any traffic signal shall not have red, green or amber illumination.
- 3) Neither the direct nor reflected light from signs shall create a traffic hazard for or confuse operators of motor vehicles on public thoroughfares.

- 4) No sign shall have blinking, flashing or fluttering lights or other illuminating devices that have a changing light intensity, brightness or color. Beacon lights or laser beams are not permitted.

5) Light Levels:

a) LED Lighting: The light level of a sign internally illuminated with LED's shall be no greater than five thousand (5,000) nits of luminance at its surface from dawn to dusk, and no greater than one hundred fifty (150) nits of luminance at its surface from dusk to dawn.

a)b) Non-LED Lighting: The light level of a sign using internal illumination other than LED's shall be no greater than one foot-candle at any time of day as measured at the property line.

b)c) No exposed reflective-type light, bulb or lamp that produces more than 115 lumens shall be used on the exterior surface of a sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.

4)6) Wall signs may be backlighted. If a wall sign consists of individual letters or symbols, each letter or symbol may be backlighted or individually lighted in accordance with the provisions of this section.

**Sec. 32-244. Temporary signs.**

- 1) Temporary Signs Allowed Without a Permit. The following signs are allowed in any zoning district, and a permit is not required if such signs comply with the provisions of this Chapter.

e)d) Real Estate Signs. Small real estate signs are permitted in any zoning district, as follows:

(1) On-premises real estate signs.

- I. One "for sale", "for rent" or "for lease" sign is permitted per street frontage of a lot, not exceeding 6 square feet per sign face and 6 feet in height. No attention-getting device (e.g., balloons, banners, flashing lights, etc.) may be attached to a "for sale" or "for rent" sign.
- II. Such signs shall be removed from the property within seven days after the sale of the property is closed or a lease is signed.
- III. One "open house" sign may be placed on a lot between 9:00 a.m. and 6:00 p.m. on the day the house is open to the public for inspection, not to exceed 6 square feet per sign face and 4 feet in height.
- IV. Off-premises real estate signs are not permitted, except as provided in subsection 1) a) (2) of this section.

(2) Off-premises real estate open house directional signs.



- I. A maximum of two open house directional signs for an open house for any given premises may be placed off the premises, on public parkways or on private property with the consent of the property owner, between 9:00 a.m. and 6:00 p.m. on the day of an open house.
- II. Open house directional signs may not exceed six square feet of surface area per sign face and may not exceed four feet in height. Such signs shall be professionally designed and lettered. No attention-getting device (e.g., balloons, banners, flashing lights, etc.) may be attached to an open house directional sign or placed on parkways or on private property to draw attention to the sign.
- III. Each open house directional sign shall have attached to it by adhesive label, tag, or other means the name, business address and business telephone number of the person responsible for the placement and removal of the sign.

d)e) Small help wanted signs. Small help wanted signs are permitted in any zoning district, provided they are not more than four square feet in area and are located on the premises where the business or other occupant is seeking employees.

e)f) Political campaign signs. Political campaign signs are permitted in any zoning district. Political campaign signs shall not cover an already existing sign, shall not be a roof sign and shall be erected or placed no sooner than 30 days prior to an election or referendum and be removed not later than five days following such election or referendum.

f)g) Community Event Signs. Temporary signs in conjunction with special events conducted by governmental agencies, educational institutions or charitable, not-for-profit organizations, such as philanthropic campaigns, church activities and other community activities, are allowed and do not require a permit, subject to the following:

- (1) Such signs shall not exceed thirty-two (32) square feet in area, and not more than two (2) such signs shall be erected per event.
- (2) Such signs shall not be erected earlier than 30 days prior to the event or series of events and shall be removed not later than 7 days following the conclusion of the event or series.
- (3) Such signs may be located on a lot or lots owned by Federal, State or local governmental agencies with permission of the lot owner, not including public rights of way unless specifically authorized by the agency having jurisdiction.

g)h) Temporary Displays or Decorations for Holidays and Special Occasions.

Temporary displays or decorations for holidays and special occasions are allowed in any zoning district and do not require a permit, subject to the following:

- (1) Temporary displays or decorations customarily associated with any national, state, local or religious holiday or celebration shall be erected no earlier than

forty-five (45) days before and removed no later than fourteen (14) days after the holiday or celebration.

- (2) Temporary displays or decorations announcing special occasions including, but not limited to, the birth of a child and birthdays shall be displayed for a maximum of five days.

h)j) Window Signs. Temporary window signs are permitted to be affixed to the inside of a window or transparent door when a sale of goods or services is being conducted by a business establishment located on the premises. The total area of permanent and temporary window signs shall not exceed 50% of the area of the window or transparent door to which they are affixed. Temporary window signs that advertise or pertain to sales or events that have already occurred or that are substantially tattered, discolored, frayed, ripped, or otherwise in a state of visible disrepair are prohibited and shall be removed.

i)j) A-Frame Signs. A-frame signs are permitted in the CB and GB districts. The following requirements shall apply:

- (1) A-frame signs are limited to six square feet in area per sign face and five feet in height.
- (2) The use of A-frame signs is limited to business hours only. Signs shall be stored indoors at all other times. A-frame signs shall not be used outdoors when high winds or heavy rain conditions exist.
- (3) Only one A-frame sign is permitted per business. ~~A minimum 20 foot separation is required between all A-frame signs.~~
- (4) An A-frame sign shall be placed within 15 feet of the primary entrance of the business and cannot interfere with pedestrian traffic or violate standards of accessibility as required by the ADA or other accessibility codes.
- (5) A-Frame signs are prohibited within the public right-of-way.

j)k) Garage Sales and Similar Signs. Not more than two signs of not more than four square feet of sign surface area each, are permitted on a residential lot to advertise temporary special sales or events associated with the residence on the lot, such as garage sales, yard sales, block parties, etc. Such signs shall not be located on the public right-of-way and shall not be erected earlier than 48 hours prior to the sale or event and shall be removed not later than 24 hours following the sale or event. The signs permitted by this paragraph shall not be displayed more than four times per calendar year.

- 2) Temporary Signs Requiring a Permit. The following signs require a permit and shall comply with the provisions of this Section.

- a) Larger Real Estate Signs. In the MR, CB, GB, and LI districts, One "for sale", "for rent" or "for lease" sign per street frontage of a lot is permitted, not exceeding 32 square feet per sign face and 8 feet in height. No attention-getting device (e.g.,

balloons, banners, flashing lights, etc.) may be attached to a “for sale” or “for rent” sign. Such signs shall be removed from the property within seven days after the sale of the property is closed or a lease is signed.

- b) Construction Signs. Where the Village has issued a building permit for new construction of, remodeling of, or addition to a principal building, construction signs are permitted during the time that construction or development activity is occurring on a zoning lot, as follows:
  - (1) On lots zoned R1, R2, or R3 where a single-family dwelling is to be constructed, remodeled, or added to, one construction sign is permitted per street frontage not exceeding 12 square feet in area.
  - (2) On lots zoned MR, CB, GB, LI, R1, R2, or R3 where a multi-family residential or nonresidential use is to be constructed, remodeled, or added to, one construction sign is permitted per street frontage, not exceeding 32 square feet in area.
- c) Promotional Signs. Promotional signs such as banners, balloons, sail signs, and other types of signs advertising a grand opening or a sale, service, product, or activity of limited duration, are permitted in the CB and GB districts, subject to the following:
  - (1) Freestanding promotional signs are limited to a maximum sign area of 32 square feet and 8 feet in height.
  - (2) Wall-mounted promotional signs are limited to a maximum sign area of 32 square feet for facades up to 100 feet in length, and 75 square feet for facades of 100 feet or more in length. The mounting height of wall-mounted promotional signs shall not exceed the building height.
  - (3) No more than one freestanding promotional sign is allowed per building, and no more than one building-mounted promotional sign is allowed per building façade, at any one time.
  - (4) Promotional signs are permitted for a maximum display period of 14 days, and no more than four permits for promotional signs shall be issued for the same premises or business within one calendar year.
  - (5) Promotional signs shall be located on the same zoning lot as the business or event being advertised, or on a zoning lot within the same Planned Unit Development, or within a right of way directly adjoining such zoning lot or Planned Unit Development. Provided, however, that promotional signs within a right of way a) shall be located not more than 15 feet from the lot line of the zoning lot or Planned Unit Development, b) shall not be located so as to obstruct pedestrian traffic on any public sidewalk, c) shall not be located closer than 20 feet from the edge of pavement of the street, road or highway, and d) shall be located a minimum of 100 feet apart.

- d) Larger help wanted signs. Help wanted signs larger than four square feet are permitted in the same manner as provided in Section 32-244 2) c) for promotional signs. The provisions of paragraph 32-244 2) c) (4) shall apply independently to promotional signs and larger help wanted signs. (For example, a business may be issued four permits for promotional signs per year, and four permits for larger help wanted signs per year.) All other requirements for promotional signs shall apply.

**Sec. 32-245. Reserved.**

**Sec. 32-246. Nonconforming and illegal signs.**

- 1) Any sign which existed lawfully on the effective date of the ordinance from which this Division 6 is derived and which becomes nonconforming by reason of the adoption of the ordinance from which this Division 6 is derived, or any sign which becomes nonconforming because of any subsequent amendment to this article or which shall become or remain nonconforming by reason of the annexation to the village of the lot or parcel on which the sign is located, shall be considered a legal, nonconforming sign. Legal, nonconforming signs and all signs rendered illegal or prohibited by the terms of this division may be continued only in accordance with the regulations hereinafter set forth. Notwithstanding the nonconforming or illegal status of any sign, any such sign shall be subject to the permit and inspection fees set forth in this division.
- 2) Survey of signs; notice. The village shall, as soon as practicable, notify in writing, by certified mail, return receipt requested, the owner of each nonconforming or illegal sign of the nature of such illegality or nonconformity.
- 3) Maintenance and repair. All legal, nonconforming and illegal signs shall be maintained and repaired in accordance with the provisions contained in this division. All legal, nonconforming and illegal signs shall, in the event of any damage thereto, be repaired in conformance with all rules, regulations, standards and specifications herein contained which control the construction, illumination, landscaping and maintenance of signs.
- 4) Enlargement or additions. No legal, nonconforming or illegal sign may be enlarged, expanded or added onto; provided, however, legal, nonconforming and illegal signs may be altered or modified so as to permit a change in the message conveyed thereon; provided such message shall not be in violation of any rule or regulations set forth in this Division 6.
- 5) Amortization. Five years from and after the event that causes a sign to become a lawfully existing nonconforming sign or an illegal sign pursuant to this section, such sign shall be removed and eliminated. The five-year period shall, for all purposes, be deemed an appropriate amortization period for every legal nonconforming and illegal sign presently located within the corporate limits of the village or hereinafter located thereon by reason of the annexation into the village of a lot or parcel on which such sign is located.

**Sec. 32-247. Dangerous and illegal signs.**

- 1) Dangerous signs. If the Zoning Official shall find that any sign is unsafe, insecure or a danger to the public health or safety, or has been constructed, erected or maintained in violation of the provisions of this article, he shall give written notice to the owner or operator by certified mail, return receipt requested. If the owner or operator fails to remove or alter the structure so as to comply with the standards herein set forth in this article within ten days after such notice, the village shall initiate such legal proceedings as may be required to compel the removal of the sign and the recovery of any costs incurred in connection therewith.
- 2) Illegal signs. Any commercial sign which no longer identifies a bona fide business conducted or a product sold on the premises where the sign is located shall be taken down and removed by the owner or operator of the building, structure or property. The sign shall be removed within ten days after written notification from the village. The notice shall be given by certified mail, return receipt requested. Should an owner or other responsible person fail to comply with such notice, the village may initiate such legal proceedings as may be required to compel the removal of the sign and the recovery of any costs incurred in connection therewith.

**Sec. 32-248. Annual inspections.**

The Zoning Official shall annually inspect each sign regulated by this division. The inspection shall be conducted to determine whether each sign is unsafe and/or in need of removal or repair. No inspection need be made of any sign for which a construction permit has been issued during the previous 12 months. The village shall be permitted to make inspections any time when it reasonably believes that any sign may pose a threat or danger to public safety.

**Sec. 32-249. Exemptions from provisions.**

The following types of signs are exempt from the provisions of this Division 6 except for regulations regarding construction, maintenance and safety:

- 1) Signs not visible beyond the boundaries of the premises on which they are situated or from any public thoroughfare or right-of-way.
- 2) Official signs of any public or government or private nonprofit organization when specifically approved by the Zoning Official.
- 3) Any sign or notice of a governmental entity or any flag, emblem or insignia of a governmental entity.
- 4) Any official traffic signs authorized by state law or the Village Code of Ordinances.
- 5) Temporary signs celebrating the occasion of traditionally accepted patriotic or religious holidays, as well as national and state holidays.

- 6) No trespassing signs, warning signs (i.e., "Beware of Dog") and such other signs regulating the use of property when such signs do not exceed two square feet in area.
- 7) The changing of copy of a permitted changeable copy sign, bulletin board, display encasement or marquee where no structural changes or alterations are made.
- 8) Private, noncommercial, nameplate identification signs when such signs do not exceed two square feet in area.
- 9) Signs identifying the street address of any building or lot.
- 10) Tablets, memorials and cornerstones identifying a building or its date of erection, when built into a wall of such building.
- 11) Private direction signs directing traffic or pedestrian movement onto a premises or within a premises not exceeding four square feet in area and four feet in height for each sign. Illumination of these signs shall be permitted in accordance with the regulations contained in section 32-243.
- 12) Time or temperature signs.

**Secs. 32-250—32-276. Reserved.**

*DIVISION 7. SPECIAL USE PERMITS*

Note: The provisions of this Division 7 are proposed to be amended and relocated to Article VI, Administration and Enforcement.

DRAFT

*DIVISION 8. ACCESSORY BUILDINGS, STRUCTURES AND USES*

**Sec. 32-305. Regulations for accessory buildings, structures and uses.**

- a) Accessory buildings, structures and uses shall be located on the same zoning lot as the principal structurebuilding or use.
- b) No accessory building, structure or use shall be constructed or established on any lot prior to the construction or establishment of the principal use to which it is accessory.
- c) No accessory building shall be located within six feet of any principal building on the lot.
- d) No accessory building shall be located in whole or in part on or over an easement for utilities, drainage, access, or related purposes

**Sec. 32-306. Location, bulk and height of accessory buildings, structures and uses.**

- a) Accessory buildings, structures and uses shall comply with the applicable requirements of Section 32-54, Table 3, except for: a) permitted encroachments as described in Table 6 hereof and b) height exceptions as described in paragraph 32-306 (b) hereof. Notwithstanding any provisions of this Section 32-306 or any other provisions of this Chapter, all accessory buildings, structures, uses and landscaping shall comply with Section 32-54 (e), Clear View of Intersecting Streets.



Chapter 32 - ZONING  
ARTICLE IV. - SUPPLEMENTAL REGULATIONS  
DIVISION 8. ACCESSORY STRUCTURES AND USES

**TABLE 6**  
**PERMITTED ENCROACHMENTS INTO REQUIRED YARDS**

P= Permitted NP= Not permitted;

Where a dimension is given, it indicates the maximum projection into the required yard unless otherwise specified

Type of Structure or Use Encroachment	Required Yards			
	Street Yards	Side Yards	Rear Yards	Lake Yards
Accessibility Ramps complying with the Illinois Accessibility Code	P	P	P	P
Air Conditioner Window Units	P, 18 inches	P, 18 inches	P, 18 inches	P, 18 inches
Arbors, trellises, ornamental lighting, benches, statues, bird baths, sculptures, and similar decorative fixtures	P, min. 3 ft. from right of way	P	P	P
Awnings <u>and</u> Canopies <del>and marquees</del>	P, 36 inches	P, 36 inches	P, 36 inches	<del>NP, 36 inches</del>
Balconies	P, 30 inches	P, 30 inches	P, 30 inches	P, 30 inches
Basketball standards and backboards	P	P	P	NP
Bay or bow Windows no more than 1 story in height and occupying no more than 33% of the exterior length of the wall	P, 24 inches	P, 24 inches	P, 24 inches	P, 24 inches
Canopies accessory to gas stations, drive-through restaurants, drive-through banks, etc.	P, but not within 10 ft. of right of way	P, but not when adjoining a residential district	P, but not when adjoining a residential district	NP
Chimneys	P, 24 inches	P, 24 inches	P, 24 inches	P, 24 inches
Decks, open terraces and patios not more than 4 ft. above ground level <del>and stairs providing access to them</del>	NP	NP	P, min. <u>6 ft.</u> from <u>side and rear</u> lot lines = <del>min. side yard in the district</del>	P, <del>min. 4 ft.</del> ; <u>min. 6 ft.</u> from <u>side</u> lot lines = <del>min. side yard in the district</del>

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DIVISION 8. ACCESSORY STRUCTURES AND USES

**TABLE 6**  
**PERMITTED ENCROACHMENTS INTO REQUIRED YARDS**

P= Permitted NP= Not permitted;

Where a dimension is given, it indicates the maximum projection into the required yard unless otherwise specified

Type of Structure or Use Encroachment	Required Yards			
	Street Yards	Side Yards	Rear Yards	Lake Yards
<u>Decks, open terraces and patios more than 4 ft. above ground level</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Docks and piers	NP	NP	NP	P, must comply with village ordinances for docks and piers
Dog houses and dog runs	NP	NP	P	NP
Driveways and curbs	P	P	P	P
Fences and walls accessory to residential uses in R1, R2, and R3 districts	P, 3 ft. maximum height, minimum 60% open	P, 6 ft. maximum height	P, 6 ft. maximum height	NP
Fences and walls accessory to nonresidential uses in all zoning districts	NP	P, maximum 8 feet height	P, maximum 8 ft. height	NP
Flagpoles	P	P	P	P
Fuel pumps and charging equipment for gas stations and vehicle charging facilities	P, min. 20 ft. from right of way	P, min. 20 ft. from lot lines	P, min. 20 ft. from lot lines	NP
Gazebos	NP	NP	P, min. <u>6 ft.</u> from <u>side and rear</u> lot lines <del>= min. side yard in the district</del>	NP

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Type of Structure or Use Encroachment	Required Yards			
	Street Yards	Side Yards	Rear Yards	Lake Yards
Garages (detached) – also see Sec. 32-307 c)	NP	NP	P, min. <u>6 ft.</u> from <u>side and rear</u> lot lines = min. side yard in the district	NP
Ground mounted mechanical equipment units, including central air conditioning, heating, heat pumps, ventilating, compressors, <u>emergency generators</u> , pool and filtering equipment	NP	P, min. <u>6-2</u> ft. from lot lines	P, min. <u>6 ft.</u> from <u>side and rear</u> lot lines = <del>min. side yard in the district</del>	NP
Landscape plantings	P	P	P	P
Mailboxes	P	NP	NP	NP
Non-commercial wireless antennas (amateur radio)	NP	NP	P, min. <u>6 ft.</u> from lot lines = <del>min. side yard in the district</del>	NP
Parking and loading facilities, drive-thru lanes, and access aisles	See Chapter 32, Article IV, Division 5 Parking and Loading	See Chapter 32, Article IV, Division 5 Parking and Loading	See Chapter 32, Article IV, Division 5 Parking and Loading	NP
Playground and recreational equipment and playhouses accessory to residential uses, except basketball standards and backboards	NP	NP	P, min. <u>6 ft.</u> from <u>side</u> lot lines = <del>min. side yard in the district</del>	NP
Porches, Enclosed	NP	NP	NP	NP

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Where a dimension is given, it indicates the maximum projection into the required yard unless otherwise specified

Type of Structure or Use Encroachment	Required Yards			
	Street Yards	Side Yards	Rear Yards	Lake Yards
Porches <del>and</del> , Stoops <del>and</del> Stairs, Unenclosed, providing access to a principal structure	<del>P, maximum 8 ft. encroachment</del> NP	P, max. 8 inches high, 36 inches wide, 36 inch encroachment	P	NP
Public Utility Facilities	P	P	P	P
<del>Recreational</del> Specialized Vehicle Parking and Storage	See Chapter 32, Article IV, Division 5	See Chapter 32, Article IV, Division 5	See Chapter 32, Article IV, Division 5	See Chapter 32, Article IV, Division 5
Refuse and Recycling Receptacles (except when temporarily placed near the street for collection), Compost Piles, and Firewood Storage	NP	P, screened from public view	P, screened from public view	P, screened from public view
Roofs, eaves, gutters, cornices, and other overhanging architectural features	P, 24 inches	P, 24 inches	P, 24 inches	P, 24 inches
Satellite Dish Antennas mounted on principal or accessory buildings	NP	P	P	NP
Seawalls	NP	NP	NP	P, as regulated in Chapter 14 of the Village Code
<del>\$</del> heds (more than 64 cubic feet) also see Sec. 32-307 c)	NP	NP	P, min. <del>6 ft.</del> from lot lines = <del>min. side yard in the district</del>	NP
Sidewalks and walkways at ground level	P	P	P	P

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**TABLE 6**  
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P= Permitted NP= Not permitted;

Where a dimension is given, it indicates the maximum projection into the required yard unless otherwise specified

Type of Structure or Use Encroachment	Required Yards			
	Street Yards	Side Yards	Rear Yards	Lake Yards
Signs, permanent and temporary	See Chapter 32, Article IV, Division 6	See Chapter 32, Article IV, Division 6	See Chapter 32, Article IV, Division 6	NP
<u>Stairs providing access to a principal structure, deck, open terrace, or patio</u>	<u>NP</u>	<u>P, 36 inches; max. 36 inches high, 36 inches wide</u>	<u>P, min. 6 ft. from lot lines</u>	<u>P, 4 ft.; min. 6 ft. from side lot lines</u>
Storage Lockers (Maximum of 64 cubic feet) also see Sec. 32-307 c)	<u>NPP</u>	<u>NPP</u>	<u>P, min. from lot lines = min. side yard in the district</u>	<u>P, min. from lot lines = min. side yard in the district</u>
Swimming pools & related elements (See Sec. 32-308)	NP	NP	NP	NP
Transformers, switchgear, and other utility installations	P	P	P	P

- b) Height exceptions. The following accessory structures or parts thereof are exempt from the height limitations set forth in Section 32-54, Table 3, except as limited by any height restriction imposed by the FAA or as herein stated. However, all such accessory structures shall conform to the requirements of Section 32-54 (e), Clear View of Intersecting Streets.
- 1) Flagpoles, not to exceed ten feet above maximum height permitted for accessory structures.
  - 2) Radio and television antennas and towers for any residential use, not to exceed the following:
    - a. Antennas attached to the roof shall not exceed four feet above the highest elevation of the roof.
    - b. Antennas mounted on an accessory structure shall not exceed the actual height of the principal building plus four feet.
  - 3) Above-ground water storage facilities, public/private.
  - 4) Lighting fixtures as permitted by Division 4, Article IV of this chapter.
  - 5) Public utility facilities.

**Sec. 32-307. Regulations for specific accessory structures and uses.**

- a) Home occupations. Any occupation that is customarily, in whole or in part, conducted in a residence may be conducted in any dwelling unit or a building accessory thereto, provided all of the following criteria are met:
- 1) The home occupation must be clearly incidental to the use of the dwelling as a residence.
  - 2) No persons other than members of the ~~immediate~~ family residing in the dwelling unit shall be employed in a home occupation.
  - 3) No stock-in-trade shall be displayed or sold upon the premises.
  - 4) No activity, structure or anything exterior to any structure shall indicate that it is being used for any nonresidential purpose.
  - 5) No mechanical or electrical equipment shall be installed or maintained other than such as is customarily incidental to a home. No mechanical or electrical equipment shall be operated in such a way as to interfere with the use and enjoyment, or neighboring properties, or indicate that the structure is being used for a nonresidential purpose.
  - 6) Stock-in-trade, including that which is provided on the premises, shall not require receipt or delivery of merchandise, goods or supplies, other than by the United

States mail, similar parcel delivery service, or by a private vehicle with a gross vehicle weight not to exceed 12,000 pounds.

- 7) All activity associated with the "home occupation" must be conducted within an enclosed structure.
  - 8) No home occupation shall be operated in such a manner as to cause a nuisance, some of which are listed herein:
    - a. The activity will not require more vehicle parking space than exists on the residential drive or assigned parking spaces servicing the dwelling unit.
    - b. Noise in excess of normal daily activity for a residential area measured at the lot line of the premises is prohibited.
    - c. The emission of odorous matter in such quantities as to be readily detectable at any point along lot lines is prohibited.
    - d. The activity will not create aesthetic problems in the storing or disposing of trash or materials emanating from the activity. The storing or disposing of trash in excess of what is customary for residential use shall not be allowed. Dumpsters shall not be permitted.
  - 9) No hazard shall be created that would or could endanger the dwelling unit, or its occupants, or other structures, or their occupants by reason of additional fire, health, safety or environmental hazards.
  - 10) No home occupation shall involve the keeping or care of animals, birds or reptiles.
  - 11) Personal Service Establishments are prohibited as home occupations.
  - 12) Parking of trucks associated with a home occupation shall conform with regulations concerning parking of commercial vehicles in residential areas as delineated in Article IV, Division 5 of this Chapter and in accordance with any other ordinance of the village, establishing load limits upon the streets of the village.
  - 13) The repair or servicing of automobiles, trucks, and other motorized vehicles is prohibited in any residential zoning district, except in compliance with the following requirements:
    - a. The repair or servicing is conducted by a resident or residents of the property.
    - b. The repair or servicing shall not create a fire, health or explosion hazard, emit noxious fumes, offensive odors, excessive noise, smoke, vibration, dust, glare, visual nuisances or other objectionable pollution factors.
- b) Satellite dish receiving antennas. Satellite dish receiving antennas shall be subject to the following regulations:
- 1) A maximum of two satellite dish receiving antennas shall be permitted on any lot.

- 2) Satellite dish receiving antennas shall be mounted on or attached to a principal or accessory building.
  - 3) No satellite dish receiving antenna to a roof shall exceed a maximum height of four feet above the height of the principal use.
  - 4) No satellite dish receiving antenna shall exceed a maximum diameter of four feet.
  - 5) All satellite dish receiving antennas shall comply with the requirements of the village electrical code and any amendments thereto.
- c) Storage lockers, sheds and detached garages. See Table 6 for the permitted locations of storage lockers, sheds, and detached garages in required yards. The following additional restrictions shall apply to storage lockers, sheds, and detached garages:
- 1) In the R1 and R3 Districts, storage lockers, sheds and detached garages shall not be located between any street lot line and the principal structure.
  - 2) In the R2 District, not more than one detached garage and one shed may be located between any street lot line and the principal structure, but not within any required street yard. If located between the street lot line and the principal structure, the roof and siding of a detached garage must match the principal structure.
- d) Fences and walls. All fences and walls shall comply with the following:
- 1) General Requirements
    - a. Building permit. Fences and walls shall require a building permit.
    - b. All fences and walls must be maintained in a safe, presentable, neat, attractive and sound structural condition at all times, including the replacement of defective parts, repainting, cleaning and other acts required for the maintenance of fences/walls.
    - c. Drainage. Fences, walls and landscaping shall be installed so as not to interfere with or impede the flow of surface and subsurface drainage.
    - d. Easements. Fences and walls shall not be erected or installed in drainage easements without the written approval of the Village Engineer, which shall not be granted without a determination that the proposed fence or wall shall not interfere with the easement's drainage function. Fences and walls shall not be erected or installed in municipal or utility easements unless permission is granted in writing by the entity having jurisdiction of the easement. Written approval of the Village Engineer shall also be required in the case of nonmunicipal easements. If permission is granted to construct a fence or wall by an authority having jurisdiction of an easement, then that authority shall not be responsible for the reinstallation of any fence or wall due to the authority's exercising its easement rights.



- e. When located in a side or rear yard, fences and walls shall be located as close as practicable to the property line without encroaching on the adjacent property, except a) when a fence returns to an existing building or structure to enclose part of a yard, or b) where a fence screens a patio or swimming pool or encloses a dog run. Where a fence exists on an adjacent, contiguous property, side-by-side, parallel fences are prohibited.
- 2) Materials and construction.
- a. Fences are to be erected with the support members on the side of the fence facing the property to which the fence is accessory. The finished side of the fence shall face the adjacent property.
  - b. No fence shall be constructed in whole or in part with barbed wire, razor wire, corrugated metal, corrugated fiberglass, or sheet metal.
  - c. No fence shall be electrified so as to emit an electrical charge to any element of the fence.
  - d. Chain link fences. No chain link fences shall be permitted in the street yard.
  - e. The use of chicken wire or similar agricultural wire as fence material is prohibited except to enclose a vegetable or ornamental flower garden between April 1 and October 31 of each calendar year.
- 3) Incompatible zones. Where a lot in the CB, GB, and LI districts abuts a residential district, fences, walls and landscaping are permitted within any yard to provide screening between incompatible zones as required in Section 32-143 (a).

**Sec. 32-308. Swimming pools, hot tubs, and spas restricted.**

- a) Applicability; restricted in residential zones. Private swimming pools, hot tubs or spas with a depth greater than 24 inches are permitted in any residential zone, provided that no private swimming pool, hot tub or spa shall be operated as a business or as a private club. Temporary wading pools of a depth of less than 24 inches shall not be subject to this section.
- b) The requirements of this Section are in addition to requirements of the building codes adopted by the Village. Where a conflict exists, the more restrictive provisions shall apply.
- c) Permit required; application to include construction plans. A swimming pool, hot tub or spa or appurtenances thereto shall not be constructed, installed, enlarged or altered until plans have been submitted and a permit has been obtained from the village. The approval of all local, county, and state authorities having jurisdiction over swimming pools, hot tubs or spas shall be obtained before issuance of a permit. Detailed plans of

structures, vertical elevations, and cross-sections through the pool showing depth shall be included with any application for permit.

- d) Location on lot. No private swimming pool, hot tub or spa, or part thereof, including but not limited to aprons, walks, and equipment rooms shall encroach on or protrude into any street, side, rear, or lake yard.
- e) Enclosure required; exceptions and exemptions. Every person owning land on which there is situated a swimming pool, hot tub or spa shall erect and maintain thereon an adequate enclosure, either surrounding the property or the swimming pool, hot tub or spa area, sufficient to make such swimming pool, hot tub or spa inaccessible to small children. Such enclosure shall be a fence with self-latching gates, which shall extend not less than 48 inches above the underlying ground and have slats no greater than four inches apart. The self-latching devices shall be located at the top of the gate so as to be inaccessible to small children; provided, however:
  - (1) Pools more than 48 inches above ground level. When a pool, hot tub, or spa is construed to a height equal to or greater than 48 inches above ground level and is so constructed that the side walls thereof are an effective barrier to small children, then the requirements for enclosure and fencing in this section may be waived. In such event, any ladders used for access to the pool, hot tub or spa shall be removable and locked to a structure apart therefrom so as to prevent the access of small children when the pool is unattended. Decks on pools, hot tubs or spas constructed 48 inches or more above ground level shall have a self-locking gate at the stairway.
  - (2) Decking. When a pool, hot tub or spa is constructed to a height of less than 48 inches above ground level, then the fencing requirement of this section shall be adhered to, unless the pool, hot tub or spa is surrounded by a deck. The total height of the sidewalks and deck fencing shall extend not less than 48 inches above ground level. Fencing on the deck shall adhere to the requirements of this subsection (e). Stairways to such decks must be secured by a self-latching access gate to provide a barrier to access to a height of not less than 48 inches above ground level.
  - (3) Hot tub or spa covers. A rigid cover applied to an unattended hot tub or spa may satisfy the requirements of this subsection if the cover is of rigid construction capable of supporting a weight of not less than 150 pounds and which is locked and secured to the sides or top of the hot tub or spa so as to prevent access by small children.
- (f) Nonconforming uses. Any swimming pool, hot tub, spa, fence or appurtenance not in compliance with the provisions of this section at the time of its establishment shall be declared a nonconforming use. Upon the dismantling, removal or gross structural repair of a nonconforming use the owner shall bring such nonconforming use into

compliance with the provisions of this section and all provisions of this section shall be applicable.

**Secs. 32-309—32-334. Reserved.**

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### *DIVISION 9. TEMPORARY USES*

#### **Sec. 32-335. Application.**

Application for a temporary use permit shall be made to the Zoning Official and shall contain the following information:

- a) A survey or legal description of the property to be used, rented, or leased for the temporary use, including all information necessary to accurately portray the property, including adjacent zoning, land uses and activities.
- b) A description of the proposed temporary use.
- c) Sufficient information to determine the yard requirements, sanitary facilities, schedule and procedure of clean up and availability of parking spaces to serve the proposed use.

#### **Sec. 32-336. Regulations for temporary uses.**

The following temporary uses are subject to the following specific regulations in addition to the regulations of the zoning district in which the temporary use is located. Conditions may be imposed by the Zoning Official with respect to any permit issued so as to protect the public health, welfare and safety.

- a) Carnival or circus. A temporary use permit may be issued for a carnival or circus on a zoning lot in an appropriate zoning district for a period not longer than 15 consecutive days per calendar year.
- b) Farmer's Market/Seasonal sale of garden plants. A temporary use permit may be issued for the outdoor seasonal sale of produce and/or garden plants. The permit shall be valid for a period of not more than two months but may be renewable up to two additional months. Conditions of approval may be placed upon the permit regarding location of stock from street rights-of-way, obstruction of pedestrian ways and driveways, parking adequacy, and other public health, safety and fire protection issues.
- c) Garage/Yard Sales. A temporary use permit may be issued for a garage/yard sale on a lot containing a residence for a duration of not more than 72 consecutive hours, not more than two times per year. Garage/yard sale merchandise shall not be displayed on the public right of way.
- d) Real estate project sales office/model unit. A temporary use permit may be issued for a temporary real estate sales office/model unit incidental solely to a new subdivision or planned unit development that has been approved by the village as a final PUD or plat of subdivision. The permit shall be valid for one year but is renewable. The office shall be removed upon completion of the development of the subdivision or planned unit

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development. A model home or other structure may be used as a temporary sales office, except that sleeping and cooking facilities shall not be used.

- e) Temporary Contractor's office. A temporary use permit may be issued for a temporary contractor's office during the construction of a building or buildings on a zoning lot. The permit shall be valid for not more than one year but is renewable. The office shall not contain sleeping or cooking accommodations. Storage of flammable liquids, explosives, combustibles or other similar hazardous materials is prohibited, unless authorized in writing by the village board. The office shall be removed upon completion of the construction project.
- f) Temporary mobile sales. A temporary use permit may be issued for temporary mobile sales for a period of not to exceed 21 consecutive days per calendar year.
- g) Temporary outdoor sales. A temporary use permit may be issued for temporary outdoor sales for a period not longer than 60 days.
- h) Temporary outdoor entertainment/promotional event. A temporary use permit may be issued for a temporary outdoor entertainment/promotional event. Such permit shall be valid for a period not to exceed 72 consecutive hours (three days) in any one calendar month. The Zoning Official, within a calendar year, shall approve no more than three temporary outdoor entertainment/promotional events by the same business or businesses.
- i) Temporary outdoor entertainment/residential districts. A temporary use permit may be issued for temporary outdoor entertainment/residential districts in conformance with the following:
  - a. For nonresidential uses, such permit shall be valid for a period not to exceed 72 consecutive hours (three days) in any one calendar month. A maximum of four such permits may be approved for the same property within a calendar year.
  - b. For residential uses, one such permit may be issued for a property in any one calendar month and shall be valid for a maximum of 12 hours, between the hours of 10:00 a.m. and 10:00 p.m. A maximum of two such permits may be approved for the same property within a calendar year.
- j) Temporary outdoor storage container. A maximum of one temporary outdoor storage container may be present on a residential lot for a period not exceeding 30 consecutive days, for a maximum of two times per year and may only be used for the loading, unloading and temporary storage of personal property.

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**Sec. 32-337. Temporary Uses Permitted in Zoning Districts.**

The temporary uses permitted by this Division 9 shall be permitted only in the zoning districts as set forth in Table 7.

<b>Table 7</b>							
<b>Temporary Use</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>MR</b>	<b>CB</b>	<b>GB</b>	<b>LI</b>
Carnival or Circus					AWP	AWP	
Farmers' Market and Seasonal sale of garden plants					AWP	AWP	AWP
Garage/Yard Sales	AWP	AWP	AWP	AWP			
Real Estate Project Sales Office/Model Unit	AWP	AWP	AWP	AWP			
Temporary Contractor's Office	AWP	AWP	AWP	AWP	AWP	AWP	AWP
Temporary Mobile Sales					AWP	AWP	AWP
Temporary Outdoor Sales					AWP	AWP	
Temporary Outdoor Entertainment/Promotional Event					AWP	AWP	
Temporary Outdoor Entertainment/Residential Districts	AWP	AWP	AWP				
Temporary Outdoor Storage Container	AWP	AWP	AWP	AWP			

AWP = allowed with permit; Blank = not permitted

**Secs. 32-338—32-360. Reserved.**

*Note: No amendments are proposed to this Division. It is included for context.*

## ***DIVISION 10. PCS TOWERS***

### **Sec. 32-361. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this Division 10, except where the context clearly indicates a different meaning:

*Antenna* means any exterior apparatus designed for the sending or receiving of electromagnetic waves, and used for personal wireless services.

*FAA* means the Federal Aviation administration.

*FCC* means the Federal Communications Commission.

*PCS (personal communications systems) towers* means antennas and towers for personal wireless services means antennas or towers for personal wireless services shall not be installed without first obtaining a permit from the ~~village administrator~~Zoning Official.

*Personal wireless services* means commercial mobile services, common carrier wireless exchange access services, and unlicensed wireless services (i.e., telecommunications services using duly authorized devices which do not require individual licenses, but not including direct-to-home satellite services).

*Tower* means any structure designed and constructed primarily for, and used for, the purpose of supporting one or more antennas.

(Ord. of 10-2002, art. IV, § XI(a))

### **Sec. 32-362. Purpose.**

The purpose and intent of this division is to provide for the installation of antennas and towers for personal wireless services so as to: encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the village; encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the village is minimal; encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and to comply with the requirements of federal law.

(Ord. of 10-2002, art. IV, § XI(b))

**Sec. 32-363. Installation.**

Antennas and towers for personal wireless services, complying with the requirements of this Division 10, may be installed on lots in the following districts:

- (1) CB Community Business District.
- (2) GB General Business District.
- (3) LI Light Industrial District.
  - a. Further, antennas and towers for personal wireless services, complying with the requirements of this Division 10, may be installed on lots owned by the village, a unit of local government, the state, or the federal government, in any district.
  - b. Antennas and towers for personal wireless services may be installed on lots with different existing principal structures or uses. Such antennas and towers, complying with the requirements of this Division 10, shall not be deemed to be either principal or accessory structures or uses, but shall be permitted additional structures. Such antennas and towers, including all associated electrical and mechanical equipment, shall, however, be included for purposes of determining maximum lot coverage for the lots upon which they are located.

(Ord. of 10-2002, art. IV, § XI(c))

**Sec. 32-364. Application.**

An application for a permit shall be in such form as from time to time approved by the ~~village administrator~~Zoning Official, but shall, at a minimum, include the following information:

- (1) The name, address and telephone number of the owner or lessee of the parcel of land upon which the antenna or tower is to be located. If the applicant is not the owner of the parcel of land, the written consent of the owner shall be evidenced in the application.
- (2) The legal description, PIN and address of the parcel of land upon which the antenna or tower is to be located.
- (3) The names, addresses and telephone numbers of all owners of other antennas or towers within a one-half mile radius of the proposed antenna or tower site.
- (4) A description of the design plan proposed by the applicant, in sufficient detail to show compliance with the standards set forth in this Division 10.
- (5) An affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to obtain permission to install or collocate the antenna on other towers or



usable antenna support structures located within a one-half mile radius of the proposed antenna or tower site.

- (6) Written technical evidence from an engineer licensed in ~~this~~the state State of Illinois that the proposed antenna cannot be installed or collocated on another person's tower or usable antenna support structure within a one-half mile radius of the proposed antenna or tower site.
- (7) A written statement from an engineer licensed in ~~this~~the state State of Illinois that the construction and placement of the antenna or tower will not interfere with the public safety communications and the usual and customary transmission or reception or radio, television, or other communications services enjoyed by adjacent residential and nonresidential properties.
- (8) Written, technical evidence from an engineer licensed in ~~this~~the state State of Illinois that the proposed antenna or tower meets the standards set forth in this Division 10.
- (9) Written, technical evidence from an engineer licensed in ~~this state~~the State of Illinois that the proposed antenna or tower does not pose a risk of explosion, fire, or other danger to life or property due to its proximity to volatile, flammable, explosive or hazardous materials such as LP gas, propane, gasoline, natural gas or corrosive or other dangerous chemicals.
- (10) Color photo simulations showing the proposed site of the antenna or tower with a photo-realistic representation of the proposed antenna or tower as it would appear viewed from the closest residential property and from adjacent roadways.

(Ord. of 10-2002, art. IV, § XI(d))

#### **Sec. 32-365. Installation requirements.**

Antennas and towers for personal wireless services may be installed on any lot as provided at section 32-363, in accordance with the following:

- (1) No tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the ~~village administrator~~Zoning Official that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
  - a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
  - b. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.

- c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
  - e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- (2) Each tower shall be of a monopole type (i.e., a cylindrical, tapering metal pole without guy wires) and shall have a galvanized finish or be painted a neutral color so as to minimize visual obstructiveness.
- (3) Each tower shall be roof-mounted (i.e. structurally attached to the roof of a building), or freestanding (i.e. structurally attached directly to the ground).
- (4) No freestanding tower shall exceed a total height of 100 feet above adjacent grade level, and no roof-mounted tower shall exceed a total height of 20 feet above the building height, both as measured to the highest point of the tower, including the height of any antennas attached thereto, unless the applicant can demonstrate to the satisfaction of the ~~village administrator~~Zoning Official that more height is physically necessary in order to permit the provision of personal wireless services and no alternative location or locations exist which would permit the provision of personal wireless services without a tower of such height; in which case, the tower shall not exceed the minimum height necessary to provide personal wireless services.
- (5) Each tower shall be installed, and at all times maintained, in accordance with the ~~county Village~~ building code, and with all applicable federal, state and local laws, ordinances, codes, rules, regulations and standards, including, but not limited to, those of the FAA and the FCC.
- (6) Each tower shall be equipped with an appropriate anti-climbing device or devices; and shall feature security fencing or other security measures, unless the applicant can demonstrate to the satisfaction of the ~~village administrator~~Zoning Official that such fencing or other security measures may be waived without a significant adverse impact on public safety.
- (7) No more than one freestanding tower shall be installed on any zoning lot.

- (8) Each freestanding tower shall comply with all required setbacks for the zoning district in which such tower is located and further, shall be setback from any adjacent property in the R-1, R-2, R-3 or MR Residential Districts a distance not less than the height of such tower.
- (9) No freestanding tower shall be installed less than 500 feet from any other freestanding tower.
- (10) No tower shall be artificially illuminated, unless artificial illumination is required by the FAA or other regulatory agency having jurisdiction; in which case, such artificial illumination shall be limited to that which is so required by the FAA or other regulatory agency.
- (11) Antennas may be installed by structurally attaching them to a tower which complies with the requirements of this Division 10, or by structurally attaching them directly to a principal structure which complies with the requirements of the district in which such structure is located.
- (12) No antenna installed by direct structural attachment to an existing structure shall exceed a total height of ten feet above the height of such structure.
- (13) No antenna installed by structural attachment to a roof-mounted tower or directly to a building shall overhang, or project, more than 24 inches beyond the plane of any exterior wall of such building.
- (14) Each antenna, including all associated electrical and mechanical equipment, shall be of a neutral color identical to, or closely compatible with, the color of the supporting structure so as to minimize visual obstructiveness.
- (15) All towers and antennas, including all associated electrical and mechanical equipment, shall be designed to the extent practicable to use materials, colors, textures, screening and landscaping which visually blend with the surrounding property.

(Ord. of 10-2002, art. IV, § XI(e))

#### **Sec. 32-366. Inventory of towers required.**

Each applicant for a permit pursuant to this Division 10 shall provide to the ~~village administrator~~Zoning Official an inventory of its existing towers within the village and within one-quarter mile of the corporate limits of the village, including specific information detailing the location, height and design of each such tower.

(Ord. of 10-2002, art. IV, § XI(f))

**Sec. 32-367. Operation statement; abandonment of antenna or tower.**

The owner(s) of each antenna or tower shall submit a statement to the Zoning Official ~~village administrator~~, not later than the last day of January, April, July and October of each year, certifying that such antenna or tower is in operation as of the date of such statement or stating the date upon which operation ceased. Any antenna or tower that is not operated for a continuous period of six months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 30 days of receipt of notice from the ~~village administrator~~ Zoning Official notifying the owner(s) of such abandonment.

(Ord. of 10-2002, art. IV, § XI(g))

**Secs. 32-368—32-392. Reserved.**

~~Note: The only proposed amendment to this Division is the deletion of paragraph 32-396 (c) (2) "Complaint hotline" from the current code~~

## **DIVISION 11. WIND ENERGY SYSTEMS**

### **Sec. 32-393. Purpose and intent.**

The purpose and intent of this division is as follows:

- (1) To establish reasonable and uniform regulations for the location, installation, operation, maintenance, and decommissioning of building-mounted, small and large wind energy systems.
- (2) To ensure that any development and production of wind-generated electricity in the village is safe and to minimize any potentially adverse effects on the community.
- (3) To promote the supply of sustainable and renewable energy resources, in support of national, state, and local goals.
- (4) To facilitate energy cost savings and economic opportunities for village residents and businesses.

~~(Ord. No. 11-12-03, exh. B(XII(A)), 12-19-2011)~~

### **Sec. 32-394. Requirements for building-mounted wind energy systems (BWES).**

#### **(a) *Building-mounted wind energy systems (BWES) application requirements.***

- (1) *Zoning districts.* BWES shall be allowed as a special use in any zoning district, provided that all building permit requirements and general regulations are met, as defined in the village's building and zoning codes and in this Division 11. For zoning purposes, any BWES becomes part of the structure that it is mounted upon.
- (2) *Project application.* In addition to information required by the village's standard application form for special use permits, the following information shall be submitted:
  - a. Name, address, and telephone number of the owner and applicant.
  - b. Project summary, including manufacturer information for the proposed turbine.
  - c. Photos of the proposed location of BWES.
  - d. A front elevation depiction of the building showing location and proposed height of the top of the turbine from the top of the building.
  - e. Proof of homeowner or business liability insurance, in an amount not less than \$875500,000.00.

- f. An approval letter from the local electric utility company, if the system is to be tied to the energy grid.
  - g. Engineering plans, including the information described in subsection (b)(1) of this Division 11.
- (b) *Standards.* All BWES facilities shall comply with the following standards:
  - (1) *Engineering.*
    - a. Manufacturer's engineering specifications of the turbine, nameplate wattage capacity, dimensions of the turbine unit, mounting mechanisms and expected load must comply with industry standards as referenced below and expected sound level production must fit within the sound level standards below.
    - b. All BWES facilities shall be designed to withstand a minimum wind velocity of 100 miles per hour, with an impact pressure of 40 pounds per square foot.
    - c. Each BWES shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), National Renewable Energy Laboratories (NREL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party.
  - (2) *Braking systems.*
    - a. BWES facilities shall be equipped with automatic and manual braking systems.
    - b. The owner shall be required to immediately cease operations for the duration of any emergency, as determined by the village. Emergency shall mean a proven condition or situation caused by the facility or natural/manmade disasters that presents an imminent physical threat of danger to life or significant threat to property.
  - (3) *Installation.*
    - a. BWES facilities must be installed according to manufacturer specifications.
    - b. BWES devices may be structurally attached either on the roof or on the side of a building, in accordance with the village's building code, and subject to approval by the village engineer.
    - c. Electrical connections must be made by a licensed electrician.
  - (4) *Height.* BWES facilities shall be allowed at the height of 15 feet above the highest point of the building structure on which it is mounted, but in no case shall exceed 45 feet above the ground in a residentially zoned district.

(5) *Sound levels.*

- a. The average sound level from a BWES shall not exceed 55 dB(A) during daytime hours or 45 dB(A) during nighttime hours at any point within neighboring, residentially zoned or used property. For neighboring industrial properties, the sound level limit is 65 dB(A) and for other neighboring nonresidential properties, the sound level limit is 60 dB(A) at any time of the day.
- b. Five dB(A) shall be added to the average sound level from a BWES as a penalty when its sound emissions have an adverse character that includes prominent tones (e.g., a humming sound) or an amplitude fluctuation in synchronicity with the blade revolution (e.g., a periodic swishing sound).
- c. Notwithstanding subsection (b)(5)a of this Division 11, no BWES shall operate with an average sound level more than five dB(A) above the nonoperational ambient level, as measured within any neighboring residentially zoned or used property.
- d. To limit the level of low-frequency sound, the average C-weighted sound level during BWES operation shall not exceed the A-weighted ambient sound level by more than 20 dB.
- e. Sound level meters used for sound measurement must be a Type 2 or better grade per ANSI S1.4 and must have an integrating feature that meets ANSI S1.43. Procedures must meet the applicable portions of ANSI S12.9. Measurements must be made when ground level winds do not exceed five miles per hour.
- f. The village may require, at the owner's expense, field tests or sound propagation modeling, conducted by or supervised by an acoustics specialist certified by the Institute of noise control engineering as may be necessary, to determine whether a violation of the sound regulations is occurring or has occurred. The owner shall promptly remedy any such violations or discontinue operation.

(6) *Shadow flicker.*

- a. The BWES shall be sited such that shadow flicker will not fall on any window of an existing residential dwelling of an abutting nonparticipating property for more than one hour a day.
- b. The applicant shall commit to a schedule for turning BWES turbines off during periods when shadow flicker would affect any nonparticipating residential dwelling.
- c. Subsequently constructed or modified residences shall not compromise the existing approval and operation of the BWES, as a legal nonconforming use, subject to the applicable regulations.

(7) *Silhouette.*

- a. The diameter of the BWES shall not exceed 48 inches for residential buildings and nonresidential buildings abutting residentially used properties.
- b. The diameter of the BWES shall not exceed 50 percent of the width of a nonresidential building, not abutting residentially used properties.

(8) *Color and sun glint.* BWES facilities shall be finished in a neutral color, as approved by the village's ~~zoning official~~Zoning Official. The finish shall be flat or matte, so as to reduce incidence of sun glint. The required coloration and finish shall be maintained throughout the life of the system.

(9) *Electronic interference.* BWES facilities shall not operate so as to cause electromagnetic degradation in performance of microwave, television, radio, internet, satellite or other wireless transmissions, including public emergency communications systems, contrary to Federal Communication Commission (FCC) or other state or local laws.

(10) *Signage.*

- a. No BWES shall have any advertising material, writing, picture, or signage other than warning information and manufacturer identification.
- b. This prohibition shall include the attachment of any flag, decorative sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices, or any antenna or additional structures, but not including meteorological/weather devices.

(c) *Maintenance, complaints and decommissioning.*

(1) *Maintenance and complaints.*

- a. BWES facilities shall be maintained in operational condition at all times, except for reasonable maintenance and repair outages.
- b. Should a BWES become inoperable, or should any part of the BWES become damaged, or should a BWES violate a permit condition, the owner shall cease operations immediately and remedy the condition promptly.
- c. The BWES facilities shall be inspected yearly by an independent professional, at the owner's expense, to ensure compliance with the terms of the permit.
- d. If the village notifies an owner that the BWES is not in operational condition, the owner shall have 90 days to bring such BWES into operational condition.

(2) *Decommissioning plan.*



- a. If a BWES has not been brought into operable condition within the timeframe set forth in the preceding subsection, the village ~~zoning-official~~Zoning Official shall notify the owner of a finding of abandonment and the special use permit issued for the BWES shall be deemed revoked. The owner shall remove all BWES structures within 90 days of receipt of the finding of abandonment.
- b. If such abandoned facility is not removed within 90 days, the village may remove all structures at the owner's expense. In the case of such removal the village shall have the right to file a lien against the real estate where the BWES is located for reimbursement of all expenses incurred by the village in connection with such removal, including, without limitation, attorney fees and accrued interest.
- c. Upon removal, the site shall be restored to its original pre-construction condition, as shown in the photos presented with the project application.
- d. Decommissioning shall comply with all applicable village ordinances.

~~{Ord. No. 11 12 03, exh. B(XII(B)), 12 19 2011}~~

**Sec. 32-395. Requirements for small wind energy systems (SWES).**

**(a) *Small wind energy systems (SWES) application requirements.***

- (1) *Zoning districts.* One SWES shall be allowed as a special use in any zoning district, except zoning districts R-1, R-2 and R-3, provided that all building permit requirements and general regulations are met, as defined in the village's building and zoning codes and in this subsection. No SWES shall be allowed in zoning districts R-1, R-2 and R-3.
- (2) *Project application.* In addition to information required by the village's standard application form for special use permits, the following information shall be submitted:
  - a. Name, address and telephone number of owner and applicant.
  - b. Photos of the proposed location for the SWES tower.
  - c. Project summary including the manufacturer information, number of proposed turbines, and proposed height to the top of the turbine.
  - d. Proof of business liability insurance, in an amount not less than \$1,000,000.00.
  - e. An approval letter from the local electric utility company, if the system is to be tied to the energy grid.
  - f. Engineering plans, including the information described in subsection (b)(1) of this Division 11.
  - g. A site plan, drawn to scale, including:

1. Existing and proposed contours, at a minimum of two-foot intervals.
  2. Location, setbacks, exterior dimensions and square footage of all structures on the owner's property and abutting properties within 100 feet.
  3. Location and size of existing waterways, wetlands, one hundred-year floodplains, sanitary sewers, storm sewer systems, and water distribution systems.
  4. Location of any overhead or underground power lines and utility easements.
  5. The locations and the expected duration of shadow flicker caused by the SWES facility.
- h. Turbines greater than 100 feet in total height or greater than 5,000 pounds structural weight shall require a soil analysis at base of the tower and a stamped drawing by a state licensed structural engineer. Structural weight shall be defined as the tower, wind turbine generator, and any other components otherwise supported by the base foundation.
- (b) *Standards.* All SWES facilities shall comply with the following standards:
- (1) *Engineering.*
    - a. Manufacturer's engineering specifications of the tower, turbine and foundation, detailed drawing of electrical components and installation details must comply with the industry standards as referenced below, and expected sound level production must fit within the sound level standards described in subsection (b)(7) of this Division 11.
    - b. For turbines greater than 20 kW of nameplate capacity, a state-licensed structural engineer's seal shall be required.
    - c. All SWES facilities shall be designed to withstand a minimum wind velocity of 100 miles per hour, with an impact pressure of 40 pounds per square foot.
    - d. Each SWES shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), National Renewable Energy Laboratories (NREL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party.
  - (2) *Braking systems.*
    - a. SWES facilities shall be equipped with automatic and manual braking systems.

- b. The owner shall be required to immediately cease operations for the duration of any emergency, as determined by the village. The term "emergency" means a proven condition or situation caused by the facility or natural/manmade disasters that presents an imminent physical threat of danger to life or significant threat to property.

(3) *Setbacks.*

- a. Setbacks shall be measured from the base of the SWES tower.
- b. SWES facilities may not be constructed within or over (including the blades) any utility, water, sewer, or other type of recorded easement.
- c. SWES facilities may not be constructed within 50 feet of all water bodies and wetlands and 100 feet of high quality aquatic resources.
- d. SWES facilities shall be set back a distance equal to 110 percent, or 1.1 times the system height, from base to all property lines, third party transmission lines, and communication towers.
- e. The blade tip, at its lowest point, shall have ground clearance of not less than 15 feet.
- f. Guy wires and anchoring systems shall not extend closer than 30 feet from the property line or public right-of-way.

(4) *Height.*

- a. Unless otherwise specified, the system height for SWES shall be limited to a maximum of 175 feet. WES facilities exceeding this limit shall be considered large wind energy systems (LWES) and regulated under section 32-396.
- b. SWES facilities shall be further limited to 100 feet in height within 500 feet of a residentially zoned or used nonparticipating property. Rezonings and subsequently constructed residences shall not compromise the existing approval and operation of the SWES as a legal nonconforming use, subject to the applicable regulations.

(5) *Accessory use.*

- a. The primary purpose of the SWES shall be the production of energy for local distribution and consumption.
- b. SWES facilities shall not be constructed for the sole purpose of energy production for wholesale or retail sale purposes.
- c. It is permissible to sell excess energy that is produced by a SWES to the local electric utility company.

(6) *Installation.*

- a. SWES facilities must be installed according to manufacturer specifications.
- b. Electrical connections must be made by a licensed electrician.
- c. Installation is subject to approval by the village engineer.

(7) *Sound levels.*

- a. The average sound level from a SWES shall not exceed 55 dB(A) during daytime hours or 45 dB(A) during nighttime hours at any point within neighboring, residentially zoned or used property. For neighboring industrial properties, the sound level limit is 65 dB(A) and for other neighboring nonresidential properties, the sound level limit is 60 dB(A) at any time of the day.
- b. Five dB(A) shall be added to the average sound level from a SWES as a penalty when its sound emissions have an adverse character that includes prominent tones (e.g., a humming sound) or an amplitude fluctuation in synchronicity with the blade revolution (e.g., a periodic swishing sound).
- c. Notwithstanding subsection (b)(7)a of this section, no SWES shall operate with an average sound level more than five dB(A) above the nonoperational ambient level, as measured within any neighboring residentially zoned or used property.
- d. To limit the level of low-frequency sound, the average C-weighted sound level during SWES operation shall not exceed the A-weighted ambient sound level by more than 20 dB.
- e. Sound level meters used for sound measurement must be a Type 2 or better grade per ANSI S1.4 and must have an integrating feature that meets ANSI S1.43. Procedures must meet the applicable portions of ANSI S12.9. Measurements must be made when ground level winds do not exceed 5 mph.
- f. The village may require, at the owner's expense, field tests or sound propagation modeling, conducted or supervised by an acoustics specialist certified by the Institute of Noise Control Engineering as may be necessary, to determine whether a violation of the sound regulations is occurring or has occurred. The owner shall promptly remedy any such violations or discontinue operation.

(8) *Shadow flicker.*

- a. The SWES facility shall be sited such that shadow flicker will not fall on any existing residential building of a nonparticipating property within 500 feet of the SWES property for more than one hour a day.

- b. The applicant shall commit to a schedule for turning SWES turbines off during periods when shadow flicker would affect any nonparticipating residential dwelling.
  - c. Subsequently constructed or modified residences shall not compromise the existing approval and operation of the SWES as a legal nonconforming use, subject to the applicable regulations.
- (9) *Color and sun glint.*
- a. SWES facilities shall be finished in either off white, light gray, other neutral color, or a color as approved by the village ~~zoning official~~ Zoning Official.
  - b. The finish shall be flat or matte, so as to reduce incidence of sun glint.
  - c. The required coloration and finish shall be maintained throughout the life of the system.
- (10) *Electronic interference.* SWES facilities shall not operate so as to cause electromagnetic degradation in performance of microwave, television, radio, internet, satellite or other wireless transmissions, including public emergency communications systems, contrary to Federal Communication Commission (FCC) or other state or local laws.
- (11) *Signage.*
- a. No SWES shall have any advertising material, writing, picture, or signage other than warning, turbine tower identification, or manufacturer or ownership information.
  - b. This prohibition shall include the attachment of any flag, decorative sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices, any antenna or additional structures, but not including meteorological/weather devices.
  - c. One warning sign, no less than ~~one square foot in area~~ 18 square inches and no greater than ~~threetwo~~ three square feet in area, shall be posted at the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and 911 and the telephone number of the owner to call in case of emergency.
  - d. Manufacturer's identification or ownership information signs shall be no larger than one square foot.
- (12) *Climb prevention.* The base of the tower shall not be climbable for a vertical distance of 15 feet from the base, unless enclosed with an eight-foot-tall locked fence. Owner

shall also comply with all other fencing requirements set forth in this zoning regulations.

(13) *Lighting.*

- a. SWES facilities shall comply with all applicable Federal Aviation Administration (FAA) and any other federal, state or local requirements.
- b. SWES facilities shall not be artificially lighted unless required by the FAA or appropriate authority.
- c. Any required lighting shall be shielded so that no glare extends substantially beyond the boundaries of the facility.

(14) *Screening.* The SWES control box at the base of the tower shall require vegetative or architectural screening as set forth in the conditions of this Code granting the special use permit.

(c) *Maintenance, complaints and decommissioning.*

(1) *Maintenance and complaints.*

- a. SWES facilities shall be maintained in operational condition at all times, except for reasonable maintenance and repair outages.
- b. Should a SWES become inoperable, or should any part of the SWES become damaged, or should a SWES violate a permit condition, the owner shall cease operations immediately and remedy the condition promptly.
- c. The SWES facilities shall be inspected yearly, at the owner's expense, to ensure compliance with the terms of the permit.
- d. If the village notifies an owner that the SWES is not in operational condition, the owner shall have 90 days to bring such SWES in to operational condition.

(2) *Decommissioning plan.*

- a. If the SWES has not been brought into operable condition within the timeframe set forth in subsection (c)(1) of this Division 11, the village ~~zoning official~~Zoning Official shall notify the owner of the finding of abandonment and the special use permit shall be deemed revoked. The owner shall remove all SWES structures within 90 days of receipt of notice.
- b. If such abandoned facility is not removed within 90 days, the village may remove all structures at the owner's expense. In the case of such removal the village shall have the right to file a lien against the real estate where the SWES is located for reimbursement of all expenses incurred by the village in connection with such removal, including, without limitation, attorney fees and accrued interest.

- c. Upon removal, the site shall be restored to its original pre-construction condition, as shown in the photos presented with project application.
- d. Decommissioning shall comply with all applicable village ordinances.

~~(Ord. No. 11-12-03, exh. B(XII(C)), 12-19-2011)~~

**Sec. 32-396. Requirements for large wind energy systems (LWES).**

**(a) Large wind energy systems (LWES) application requirements.**

- (1) *Zoning districts.* LWES shall be allowed as a special use only in an LI District, provided that all building permit requirements and general regulations are met, as defined in the village's building and zoning codes and in this subsection below.
- (2) *Project application.* In addition to information required by the village's standard application form for special use permits, the following information shall be submitted:
  - a. Name, company, address and telephone number of owner and applicant.
  - b. Photos of the proposed location for the LWES towers.
  - c. Project summary, including the nameplate generating capacity, number of proposed turbines and the LWES equipment manufacturer.
  - d. Evidence from a wind study that the site is a feasible location for LWES facilities.
  - e. Approval letter from the local electric utility company.
  - f. Engineering plans, including the information described in subsection (b)(8) of this Division 11.
  - g. A site map or survey, drawn to scale by a professional engineer, showing:
    - 1. Existing and proposed contours, at a minimum of two-foot intervals.
    - 2. Location, setbacks, exterior dimensions and square footage of all structures on the owner's property.
    - 3. Location of each of the LWES turbines and the corresponding identification numbers.
    - 4. Location of existing and planned met towers.
    - 5. Location of proposed access roads.
    - 6. Location and size of existing waterways, wetlands, floodplains, sanitary sewers, storm sewerage systems, and water distribution systems.
    - 7. Location of any overhead power lines.

- h. Soil study, including:
    - 1. Manufacture's specifications for the tower construction, indicating that the LWES is designed to withstand the soil conditions.
    - 2. A full soil boring/sampling analysis to a depth equal/greater than the actual LWES foundation depth is required at each turbine location.
    - 3. LWES towers shall be embedded in an approved concrete foundation, stamped by a licensed state structural engineer.
  - i. An environmental sound impact study that provides:
    - 1. Certified manufacturer's specifications of the sound emissions from similar turbines that specifically state the overall sound level as well as the one-third-octave band levels measured in accordance with IEC 61400-11.
    - 2. The expected maximum one-minute averaged A- and C-weighted sound level at the nearest surrounding, nonparticipating, residentially zoned or used properties with all turbines operating.
    - 3. The daytime and nighttime quiescent ambient sound levels at representative, nonparticipating residential properties adjacent to the proposed development as measured by an environmental acoustics expert (board certified by the Institute of Noise Control Engineering).
  - j. Shadow flicker study. Using available software, the applicant shall show calculated locations of shadow flicker caused by the LWES facility and the expected duration in total number of hours per year of the flicker on nonparticipating residentially zoned or used properties within one-half mile.
  - k. Wildlife study.
    - 1. A thorough wildlife study must be provided with the application, as carried out by a qualified professional. The county is located within an avian migratory flyway and has a significant number of threatened and endangered species.
    - 2. In cases where the wildlife study indicates that it is likely that a protected natural resource may be adversely affected by the proposed LWES, the village shall consult with the IDNR in accordance with 17 Ill. Admin. Code part 1075.
- (b) *Standards.*
- (1) *Conformance with approved application, plans and standards.* The owner shall construct the LWES project in substantial accordance with the submitted special use permit application and all accompanying documents. Following the granting of a special use permit, a professional structural engineer shall certify, as part of the final



approval, that the foundation and tower design of the LWES is within accepted professional standards, given local soil and climate conditions.

(2) *Lot size.*

- a. The minimum lot size for a LWES shall be 30 acres.
- b. The maximum number of LWES facilities that may be installed on a lot shall be determined by setback, sound limitations, and other requirements of this article, as determined by the village ~~zoning official~~Zoning Official.

(3) *Height.*

- a. The maximum permitted system height of a LWES shall be no more than 400 feet, as measured from the base to the highest point, including the top of the extended blade.
- b. The system height of each LWES turbine shall be further limited to 100 feet if located within 500 feet of a nonparticipating residentially zoned or used property. Rezoning and subsequently constructed residences shall not compromise the existing approval and operation of the LWES as a legal nonconforming use, subject to the applicable regulations.

(4) *Clearance.*

- a. The minimum distance from the lowest point of the arc of the LWES blades to the ground shall be 50 feet.
- b. The minimum distance from the lowest point of the arc of the LWES blades to the top of any structure shall be 20 feet, within 50 feet of the base.

(5) *Setbacks.*

- a. Setbacks for LWES shall be measured from the base of the LWES tower.
- b. LWES shall be set back a minimum distance equal to 150 percent of the system height, or 1.5 times the system height, to all property lines, third party transmission lines, and communication towers.
- c. LWES facilities (including horizontally extended blades) may not be constructed within or over any utility, sewer, or other type of recorded easement.
- d. LWES facilities may not be constructed within 50 feet of all water bodies and wetlands and within 100 feet of high quality aquatic resources.
- e. LWES facilities shall be set back a minimum distance equal to 110 percent of the system height from any other LWES.

(6) *Stormwater and drainage.*

- a. The applicant/owner shall design and install all necessary stormwater facilities as required by the county watershed ordinance adopted in Section 14-1 of Chapter 14 of the Municipal Code and all other regulations pertaining to stormwater management.
  - b. The owner shall repair all field tiles or other drainage and stormwater structures damaged by the construction or installation of the LWES at their own expense.
  - c. The owner shall maintain all drainage and stormwater systems on the subject property and keep them in good working order.
- (7) *Wind study and met towers.*
- a. The village may allow the construction or installation of a met tower for the sole purpose of collecting wind generation data.
  - b. The applicant shall provide summary documentation of research and study that clearly demonstrates that the site has sufficient wind resources to be economically beneficial.
  - c. Met towers shall be limited to no more than one per square quarter mile.
  - d. Met towers must be dismantled within three years of their recorded date of installation.
  - e. The removal of the met towers shall comply with the decommissioning plan.
- (8) *Engineering.*
- a. Detailed drawing of electrical components and installation details, as supplied by the manufacturer, which conform to the National Electrical Code, shall be filed with the village.
  - b. A structural engineer's seal and manufacturer's engineering specifications of the tower, turbine and foundation shall be filed with the village.
  - c. All LWES facilities shall be designed to withstand a minimum wind velocity of 100 miles per hour, with an impact pressure of 40 pounds per square foot.
  - d. Each LWES shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), National Renewable Energy Laboratories (NREL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party.
  - e. All electrical wires and lines connecting each LWES to other LWES facilities shall be installed underground.
- (9) *Coordination with local fire department.*
-

- a. LWES operators shall provide emergency services access to the facility 24 hours a day, and all drives and access points shall remain unobstructed at all times.
- b. The applicant shall submit a copy of the site plan to the local fire protection district.
- c. Upon request by the local fire department, the owner shall cooperate with the local fire department to develop the fire department's emergency response plan.
- d. Nothing in this Division 11 shall alleviate the need to comply with all other applicable fire, life safety or emergency response laws and regulations.

(10) *Insurance.*

- a. The applicant shall provide proof of a current general liability policy covering bodily injury and property damage with limits of at least \$1,000,000.00 occurrence and \$1,000,000.00 in the aggregate at the time of the special use permit application. Such a policy shall be maintained at all times while the LWES is in existence and the owner shall provide proof at any time subsequent to the application at the request of the village.
- b. The amount of coverage may be changed upon consultation with the village attorney.

(11) *Signage.*

- a. No LWES shall have any advertising material, writing, picture, or signage other than warning, turbine tower identification, or manufacturer or ownership information.
- b. This prohibition shall include the attachment of any flag, decorative sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices, any antenna or additional structures, but not including meteorological/weather devices.
- c. Warning signs, no less than four square feet and no greater than six square feet in area, shall be posted at the base of each tower and at access points to the property. The sign shall include a notice of no trespassing, warnings of high voltage and the potential of falling ice, and the telephone number of the owner to call in case of emergency.
- d. Each LWES tower shall be marked with a visible identification number to assist with emergency services.

(12) *Sound levels.*

- a. The average sound level from operating LWES facilities shall not exceed 55 dB(A) during daytime hours or 45 dB(A) during nighttime hours at any point within neighboring, residentially zoned or used property. For neighboring industrial

properties, the sound level limit is 65 dB(A) and for other neighboring nonresidential properties, the sound level limit is 60 dB(A) at any time of the day.

- b. Five dB(A) shall be added to the average recorded sound level from a LWES as a penalty when its sound emissions have an adverse character that includes prominent tones (e.g., a humming sound) or an amplitude fluctuation in synchronicity with the blade revolution (e.g., a periodic swishing sound).
- c. No LWES shall operate with an average sound level more than five dB(A) above the nonoperational ambient level, as measured within any residentially zoned or used property and no more than ten dB(A) on a neighboring nonresidential property.
- d. To limit the amount of audible low-frequency sound, the average C-weighted sound level during LWES operation shall not exceed the A-weighted ambient sound level by more than 20 dB at any receiving, nonparticipating residential property use.
- e. Sound measurement requirements means sound level meters used for measurement must be a Type 2 or better grade per ANSI S1.4 and must have an integrating feature that meets ANSI S1.43. Procedures must meet the applicable portions of ANSI S12.9. Measurements must be made when ground level winds do not exceed five mph.
- f. The village may require, at the owner's expense, field tests or sound propagation modeling, conducted or supervised by an acoustics specialist certified by the Institute of Noise Control Engineering as may be necessary, to determine whether a violation of the sound regulations is occurring or has occurred. The owner shall promptly remedy any such violations or discontinue operation.

*(13) Shadow flicker.*

- a. The LWES shall not produce shadow flicker on any dwelling, or fall within 50 feet of a dwelling for more than 50 hours a year, on a property that is residentially zoned or used at the time of approval.
- b. The applicant may commit to a schedule for turning LWES turbines off during periods when shadow flicker would affect any nonparticipating residential dwelling.
- c. Subsequent rezoning shall not compromise the existing approval and operation of the LWES, as a legal nonconforming use, subject to the applicable regulations.

*(14) Electronic interference.*

- a. LWES facilities shall not cause electromagnetic degradation in performance of microwave, television, radio, internet, satellite or other wireless transmissions, including public emergency communications systems.

- b. The determination of degradation of performance and of quality and proper design shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers and Electrical Industries Association. In case of any conflict between the latest standards and principles of these groups, the precedence in the interpretation of the standards and principles shall be in their order of listing (with the first listed group granted highest priority).
- c. All LWES shall utilize nonmetallic rotor blades unless the applicant can supply documentation from an appropriate testing laboratory certifying that any metallic blade rotor proposed to be used will not cause electromagnetic interference.

(15) *Color and sun glint.*

- a. LWES turbines, towers and blades, except as may be required by the FAA or other authority, shall be finished in off-white, light gray, or other neutral color, as approved in the special use permit.
- b. The finish shall be flat or matte, so as to reduce incidence of sun glint.
- c. The required coloration and finish shall be maintained throughout the life of the system and may be changed, with approval from the village ~~zoning official~~Zoning Official.

(16) *Lighting.*

- a. LWES shall not be artificially lighted, except as required by the Federal Aviation Administration (FAA) or appropriate authority, and includes any lighting necessary for workers involved in maintenance or repairs.
- b. A lighting plan, including photometrics to establish compliance with regulations prohibiting glare and light spillage, must be approved as part of the special use permit.
- c. Any required lighting shall be shielded so that no glare extends substantially beyond the boundaries of the facility.
- d. Security lighting and any emergency lighting must be approved as part of the special use permit.

(17) *Climb prevention.*

- a. The base of the tower shall not be climbable for a vertical distance of 15 feet from the base.
- b. The owner shall lock all access doors to turbine towers and electrical components, to prevent unauthorized access.

(18) *Braking systems.*

- a. The owner shall be required to immediately cease operations for the duration of any emergency, as determined by the village. Emergency shall mean a proven condition or situation caused by the facility or natural/manmade disasters that presents an imminent physical threat of danger to life or significant threat to property.
- b. All LWES facilities shall be equipped with a redundant braking system. This includes both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.

(19) *Screening.* The LWES control box at the base of the tower shall require vegetative or architectural screening subject to the terms of the special use permit.

(c) *Maintenance, complaints and decommissioning.*

(1) *Maintenance and investigation.*

- a. The owner of the LWES Project shall maintain and promptly repair the LWES and its components, consistent with sound utility practice, as necessary to keep the LWES project in good repair and operating condition.
- b. The owner shall promptly investigate any complaints of potential permit violations, within ten days.
- c. The results of the investigation shall be provided to the village and the person making the complaint, within 30 days of the complaint.

(2) *Decommissioning plan.* The applicant shall develop the decommissioning plan for the eventual removal of LWES structures and met towers at the time of application. The plan shall:

- a. Describe the triggering events for decommissioning the LWES project.
- b. Identify provisions for the removal of structures, debris and cabling, including those below the soil surface.
- c. Identify provisions for the restoration of the soil and vegetation to pre-construction conditions, referencing photos submitted at project application.
- d. Provide an estimate of the decommissioning costs, certified by a professional engineer.
- e. Provide financial assurance, secured by the owner, for the purpose of adequately performing decommissioning, in an amount equal to the professional engineer's certified estimate of the decommissioning costs.

- f. Identify procedures for the village's access to financial assurances.
  - g. Verify that the terms of the decommissioning plan shall be binding upon the owner and any of their successors, assigns, or heirs.
  - h. Verify that the village shall have access to the site, pursuant to reasonable notice, to affect or complete decommissioning of the LWES.
  - i. Verify that procedures under subsection (d) of this Division 11 will ensure that impact on roads is addressed during the decommissioning process.
- (3) *Remedies and defaults.*
- a. Should an LWES become inoperable, or should any part of the LWES become damaged, or should an LWES violate a permit condition, the owner shall cease operations immediately and remedy the condition promptly.
  - b. The owner must remedy the condition within 60 days upon written notice from the village, or be considered to be in default and the LWES considered to be abandoned.
  - c. A 30-day extension may be authorized by the village ~~zoning official~~Zoning Official.
- (4) *Suspension and decommissioning.*
- a. If the village determines that the owner cannot resolve the alleged defaults within the good faith negotiation period identified in subsection (c)(4) of this Division 11, the village shall revoke the special use permit and the decommissioning plan shall be put into effect.
  - b. If the abandoned facility is not removed within six months of written notice, the village may remove all structures at the owner's expense. In the case of such removal the village has the right to file a lien for reimbursement of all expenses incurred by the village in connection with the removal, including, without limitation, attorney fees.
  - c. Decommissioning shall comply with all applicable village ordinances.
- (d) *Roads, access and the transportation system (LWES).* The applicant, as a condition of use of any public roads, for the purpose of transporting LWES or substation parts or equipment for construction, operation, or maintenance of the LWES facilities or substations, shall comply with the following, as required by the appropriate highway authority, be it the state department of transportation, county division of transportation, township or municipality.
- (1) *Preliminary submittals.*

- a. A map showing a proposed traffic control plan to be used for the duration of the project. Included with the map shall be sufficient information about the signs to be installed and maintained throughout the project.
  - b. All designated routes shall be documented for their current condition using a video camera. Video recording will be done by the applicant to the satisfaction of the appropriate highway authority, which shall be given a copy of the video. To determine the condition of the roads following the completion of the project, and to determine if damage beyond the normal rate of deterioration has occurred to the designated routes, the designated routes shall be inspected by the appropriate highway authority at project completion.
  - c. Based upon the review of the proposed routes and the susceptibility of the designated routes to damage, a corporate surety bond or irrevocable letter of credit to ensure the repairs to the damaged portions of the roads will be repaired and to ensure the post project road improvements are made to the satisfaction of the appropriate highway authority. The amount of the surety bond or irrevocable letter of credit for this project shall be determined by the appropriate highway authority, based on the potential amount of damage or repair of the highway.
  - d. Upon selection of a contractor and prior to beginning construction, the applicant and his/her contractor shall coordinate nonoversized material delivery routes with the appropriate highway authorities.
  - e. The applicant shall provide plans to each appropriate road authority for any improvement that need to be made to the road network to accommodate the LWES project. These plans must be approved by the road authority prior to the commencement of construction. The applicant shall be responsible for the construction or maintenance of the improvements for the duration of the project. Upon completion of the project, all the road improvements shall become the property of the road authority.
- (2) *Highway/road permits.*
- a. *Oversized load permits.* The applicant shall obtain all necessary oversized load permits from the appropriate road authority prior to the use of the road network by such loads.
  - b. *Utility permits.* The applicant shall obtain all necessary utility permits from the appropriate authorities. All utility installations for the LWES project shall be accurately shown on a construction drawing prior to construction. This drawing will be submitted to each appropriate highway authority for review and acceptance prior to installation of the utility. The appropriate highway authority shall be notified at least two business days prior to beginning any work within



the right-of-way for each installation location. No open cuts of roadway surfaces will be allowed. The applicant or its contractors shall be responsible for all traffic control devices related to any road closures, following approval by the appropriate highway authority.

- c. *Driveway access permits.* All new entrances proposed for the LWES sites will also require the issuance of a driveway access permit which will be issued by LCDOT or appropriate road authority. Again, although not all permits have to be obtained before any construction begins, individual permits must be obtained before beginning the construction of those individual access locations.

(3) *General transportation requirements.*

- a. While the project is under construction, the maintenance of the roads and all construction traffic control devices shall be the responsibility of the applicant. The applicant shall provide the name and telephone number of a contact person who shall be responsible for responding immediately to any maintenance needs of either the road or the traffic control devices. The applicant is responsible for having sufficient and appropriate equipment available at all times to be used for maintenance activities. While it is not necessary that the equipment be on site, it must be available within a two-hour period.
- b. The applicant and contractors shall abide by all posted weight limits unless permission is granted. All overweight loads shall obtain permission or permits from the appropriate road authorities prior to use of the road network.
- c. Construction will not be allowed to begin until all traffic control devices have been installed in accordance with the approved plan.
- d. The applicant will be responsible for completing the permit process.

(4) *Maintenance.*

- a. The applicant shall be responsible for the maintenance of roads, including asphalt patching and shoulder maintenance during construction.
- b. Should the applicant not respond to a required maintenance request within two hours, the appropriate highway authority is permitted to perform the maintenance and the applicant will reimburse the highway authority for 100 percent of their cost of performing such maintenance. Should the applicant not make reimbursement to the highway authority, upon receipt of a written reimbursement request, for the cost of the maintenance within 30 days, no further permits will be granted until such reimbursement is received by the highway authority.

(5) *Project completion.*

- a. As soon as the construction activity has been completed on the entire project, the applicant shall contact the appropriate highway authority to notify that the roads will no longer be needed for any material hauling or delivery of equipment. The highway authority will then proceed to evaluate the condition of the road as soon as possible following the notification. The highway authority will then notify the applicant of any sections of the road or right-of-way that have been damaged and that need to be repaired.
  - b. With every effort being made to keep construction traffic on designated routes, it is acknowledged that with the volume of construction traffic involved, sporadic construction traffic may have used nondesignated routes. With this in mind, the applicant shall be responsible for repairs to any roads used in such a manner. The appropriate road authority shall determine which roads are affected and which repairs are needed.
- (e) *Reporting.*
- (1) *Complaint log.*
    - a. The owner shall log each complaint regarding the LWES or call made to the hotline, identifying the name, address and reason for the call.
    - b. The owner shall notify the village of any complaints.
  - (2) *Quarterly reports.*
    - a. The owner shall keep a quarterly report, at the owner's expense and in coordination with the village.
    - b. The quarterly report shall summarize the operation and maintenance of the LWES.
  - (3) *Periodic review.*
    - a. Complaint logs and quarterly reports shall be provided to the village, as part of the periodic review of the special use permit.
    - b. Complaint logs and quarterly reports must be made available, as reasonably requested by the village.

~~(Ord. No. 11-12-03, exh. B(XII(D)), 12-19-2011)~~

#### **Sec. 32-397. Revocation of special use permits.**

Any special use permit issued by the village pursuant to this division may be revoked by the village's corporate authorities for failure to comply with any of the provisions set forth in this Division 11, any other provision of this zoning regulations, or in this Code approving the special use permit.

~~(Ord. No. 11-12-03, exh. B(XII(E)), 12-19-2011)~~

**Sec. 32-398. Notice and public hearings.**

All special use permits to be issued under this section shall comply with the notice and hearing requirements applicable to all special use permits under this article and all requirements of 65 ILCS 5/11-13-26. The owner shall be bound by all proposals and representations made under oath at the public hearing before the village's plan commission, which shall be considered supplementary conditions of the special use permit granted by the village, even if not directly specified in this Code approving the special use permit.

~~(Ord. No. 11-12-03, exh. B(XII(F)), 12-19-2011)~~

**Sec. 32-399. Indemnification.**

The owner of the BWES, SWES, or LWES project shall defend, indemnify and hold harmless the village and its officials from and against all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever including attorney's fees arising out of the acts or omissions of the owner concerning the operation of the WES project without limitation, whether the liability is premised on contract or on tort.

~~(Ord. No. 11-12-03, exh. B(XII(G)), 12-19-2011)~~

**Sec. 32-400. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this Division 11, except where the context clearly indicates a different meaning:

*Abandonment* means any wind energy system (WES) that has not been repaired to operating condition within the reasonable timeframe identified by the village, as provided in this Division 11.

*Ambient sound* means the all-encompassing sound at a given location, usually a composite of sounds from many sources near and far. The term "ambient sound level" means the quiescent background level, that is, the quietest of ten ten-second average sound levels measured when there are no nearby or distinctly audible sound sources (e.g., dogs, cars in line-of-sight, or jets). Daytime ambient measurements should be made during mid-morning, weekday hours while nighttime measurements should be made after midnight.

*Applicant* means the owner, who is in the process of submitting or has submitted an application to install a wind energy system project in the village.

*Audible or tonal sound* means sound frequencies between 20 and 20,000 Hz. With WES, this may include mechanical sounds from rotating machinery experienced as "hum" or "pitch" occurring at distinct frequencies.

*Building-mounted wind energy systems (BWES)* means wind energy systems that are structurally attached either onto the roof of or to the side of a building.

*Daytime hours* means the hours of the day from 7:00 a.m. to 9:00 p.m., local time.

*Decibel (dB)* means the unit of sound level based on a reference where 0 dB represents the threshold of hearing at 1,000 Hz for a healthy young adult.

*Decommissioning.* Once a WES has been deemed inoperable or abandoned, its components must be disassembled and removed from the premises, including the foundation. Upon removal, the site shall be restored to its original pre-construction condition.

*FAA* means the Federal Aviation administration of the United States Department of Transportation.

*FCC* means the Federal Communications Commission.

*Financial assurance* means a reasonable assurance from a credit worthy party, examples of which include a surety bond, trust instrument, cash escrow, or irrevocable letter of credit.

*Grid-intertie WES system* means a system that converts wind energy to electrical energy that is connected to an electric circuit served by an electric utility company.

*High quality aquatic resource* means waters of the United States or isolated waters of the county that are determined to be critical due to their uniqueness, scarcity, function or value. The term "high quality aquatic resource" includes, without limitation, Third Lake and Druce Lake.

*IDNR* means the ~~Illinois state department~~ Department of ~~Natural~~ Natural Resources ~~resources~~.

*Infrasound* means sound frequencies below 20 Hz, which if sufficiently intense, can be perceived by many individuals.

*Large wind energy systems (LWES)* means wind energy systems with turbine towers and fully extended blades measuring taller than 175 feet from the ground. An LWES includes one or more wind turbines, electronic conversion and distribution systems, and typically produce energy to be sold commercially and have a nameplate capacity of 750 kW to 2.5 MW.

*LCDOT* means the county department of transportation.

*Low frequency* means sound with frequencies below 100 Hz, including audible sound and infrasound.

*Met tower* means a meteorological tower with an anemometer, used for the measurement of wind speed for the purpose defined in this division.

*Nacelle* means the part containing the shaft, gear box, and generator in a typical horizontal axis turbine.

*Nameplate wattage* means the amount of energy produced from a wind energy system at maximum or optimum wind speeds within one hour, as indicated by the manufacturer.

*Neighboring property* means any property within 500 feet of a BWES or SWES, or within one mile of a LWES.

*Nighttime hours* means the time of the day after 9:00 p.m. until 7:00 a.m., local time.

*Noise* means sound that adversely affects the psychological or physiological well-being of people.

*Nonparticipating property* means a property that is not owned by the owner of the property on which the WES is proposed or installed.

*Operational condition* means WES facilities being capable of operating at full capacity while meeting all sound, shadow flicker and other permit conditions.

*Operator* means the entity responsible for the day-to-day operation and maintenance of the WES, including any third-party subcontractors.

*Owner* means the person who holds title of the property on which a BWES or SWES facility is installed. The term "owner" also includes the entity with an equity interest in the LWES facilities, including their respective successors and assigns.

*Professional engineer* means a qualified individual who is licensed as a professional engineer in the state.

*Shadow flicker* means the on-and-off strobe light effect caused by the shadow of moving blades cast by the sun passing above the turbine.

*Shadow flicker intensity* means the difference or variation in brightness at a given location in the presence and absence of a shadow.

*Silhouette* means the area covered by moving blades of WES turbine, as viewed from the front elevation, described in square feet.

*Small wind energy systems (SWES)* means a freestanding, tower-mounted wind energy systems with a system height measuring less than 175 feet from the ground. SWES facilities are accessory structures that generate power for local distribution and consumption. Generators typically range from one kW to 100 kW in nameplate wattage.

*Sound* means a disturbance or oscillation that propagates outwardly as acoustic waves through the air.

*Sound frequency* means the number of oscillations per second expressed in hertz (Hz). The perception of sound is partly dependent on frequency. High frequency sound has more oscillations per second, whereas low frequency sound has fewer.

*Sound level* means the A-weighted sound pressure level in decibels (dB) (or the C-weighted level if specified) as measured using a sound level meter that meets the requirements of a Type 2 or better precision instrument according to ANSI S1.4. The average sound level is time-averaged over a suitable period (e.g., one minute) using an integrating sound level meter that meets the requirements of ANSI S 12.43.

*Structural engineer* means an engineer who is licensed and registered to practice structural engineering in this state under the Illinois Structural Engineering Act and whose principal professional practice is in the field of structural engineering.

*Structural weight* means the combined weight of the tower, wind turbine generator, and any other components otherwise supported by the base foundation.

*Substation* means the apparatus that connects the electrical collection system of the WES facilities and increases the voltage for connection with the utility's transmission lines.

*Sun glint* means the reflection of sunlight off of a surface of the blades, tower, or other component of the wind energy system.

*System height* means the distance from the ground to the highest point of the WES, including the highest reach of the blades. See local zoning code to see how measurement from the ground is determined.

*Tower* means the structure on which the wind system is mounted.

*Turbine* means the parts of a WES including the blades, nacelle and tail.

*Watt (symbol: W)* means a derived unit of power in the International System of Units (SI). It measures rate of energy conversion. One watt is equivalent to one joule (J) of energy per second. The kilowatt (symbol: kW) is equal to 1,000 watts. The megawatt (symbol: MW) is equal to 1,000,000 watts.

*Wind energy system (WES)* means a wind energy production, conversion and distribution system consisting of a wind turbine, tower, and associated electronics equipment. In other publications this is known as a wind energy conversion system (WECS).

~~(Ord. No. 11-12-03, exh. B(XII(H)), 12-19-2011)~~

**Secs. 32-401—32-428. Reserved.**

~~Note: The only proposed amendments to this Division are to the paragraphs with highlighting and deletion of paragraph 32-433 (c) (2) "Complaint hotline" from the current code.~~

## **DIVISION 12. SOLAR AND GEOTHERMAL ENERGY SYSTEMS**

### **Sec. 32-429. Purpose and intent.**

The purpose and intent of this Division 12 is as follows:

- (1) To establish reasonable and uniform regulations for the location, installation, operation and maintenance of solar and geothermal energy systems.
- (2) To ensure that any development and production of solar and geothermal energy systems is safe and to minimize any potentially adverse effects on the community.
- (3) To promote the supply of sustainable and renewable energy resources, in support of national, state and local goals.
- (4) To facilitate energy cost savings and economic opportunities for residents and businesses situated within communities in the county.

~~(Ord. No. 11-12-03, exh. B(XIII(A)), 12-19-2011)~~

### **Sec. 32-430. General provisions.**

- (a) *Solar energy systems.* The primary purpose of solar energy systems shall be to produce energy to support the permitted uses on the property, with the exception of utility solar energy systems. It is permissible to sell excess energy that is produced by a solar energy system to the local electric utility company.
- (b) *Geothermal energy systems.* The primary purpose of geothermal energy systems shall be to support the environmental heating and cooling needs of the permitted uses on the property.

~~(Ord. No. 11-12-03, exh. B(XIII(B)), 12-19-2011)~~

### **Sec. 32-431. Requirements for building-mounted solar energy systems.**

- (a) *Building-mounted solar energy systems building permit application requirements.*
  - (1) *Zoning districts.* Building-mounted solar energy systems shall be permitted in any zoning district, provided that all building permit requirements and general regulations are met, as defined in the village's building and zoning codes and in section 32-438. For zoning purposes, any building-mounted solar energy system becomes part of the structure that it is mounted upon.

- (2) *Project application.* In addition to information required by the village's standard application form for a building permit, the following information shall be submitted:
- a. Name, address and telephone number of the owner and applicant.
  - b. Name, address and telephone number of the person, firm or corporation constructing and installing the solar energy system.
  - c. Elevation drawings (or photographs) and site plan showing location, size and design details of proposed systems.
  - d. Photos of the proposed location of the system.
  - e. Manufacturer specifications of the solar collectors and devices, including wattage capacity, dimensions of collectors, mounting mechanisms or foundation details and structural requirements.
  - f. Each system shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI).
  - g. A certificate of compliance demonstrating that the system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency.
  - h. Proof of homeowner or business liability insurance, in an amount not less than ~~\$500,000.00~~\$875,000.
  - i. An approval letter from the local electric utility company, the system is to be tied to the energy grid.
  - j. Any other information to show full compliance with this and other applicable ordinances.
- (b) *Standards.* All building-mounted solar energy systems shall comply with the following standards:
- (1) *Installation.*
- a. Building-mounted solar energy systems must be installed according to manufacturer specifications.
  - b. Building-mounted solar energy systems are allowed on permitted principal and accessory structures.
  - c. Only building-integrated or flush-mounted solar energy systems shall be used when installed on the roof of a structure.
  - d. Solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, as measured horizontally from the vertical perimeter of the facade or roof edge of the building.



- e. All setback restrictions shall apply, as regulated by the respective zoning district.
  - f. Electrical connections must be made by a licensed electrician.
- (2) *Height.* Height shall be measured vertically from the ~~lowest edge of the roof surface panel~~ to the highest edge of the system. Height shall not extend above the highest point on the roof line and shall not exceed, ~~provided~~ the maximum height in the respective zoning district ~~is not exceeded~~.
- (3) *Signage.* No building-mounted solar energy system shall have any advertising material, writing, picture, or signage, other than warning information or manufacturer identification.
- (c) *Maintenance, complaints and decommissioning.*
- (1) *Maintenance and complaints.*
- a. Building-mounted solar energy systems shall be maintained in operational condition at all times, except for reasonable maintenance and repair outages.
  - b. Should a building-mounted solar energy system become inoperable, damaged, or violate a permit condition, the owner shall cease operations immediately and remedy the condition promptly.
  - c. If the village notifies an owner that the building-mounted solar energy system is visibly impaired or not in operational condition such as but not limited to broken glass, framing that has lost its integrity, or becoming detached from the structure, the owner shall have 90 days to bring it into operational condition.
- (2) *Decommissioning plan.*
- a. If a building-mounted solar energy system has not been brought into operable condition within the timeframe set forth in the preceding subsection, the village ~~zoning official~~ Zoning Official shall notify the owner of a finding of abandonment. The owner shall remove all building-mounted solar energy system structures within 90 days of receipt of the finding of abandonment.
  - b. If such abandoned facility is not removed within 90 days, the village may remove all structures at the owner's expense. In the case of such removal, the village shall have the right to file a lien against the real estate where the abandoned facility is located for reimbursement of all expenses incurred by the village in connection with such removal, including, without limitation, attorney fees and accrued interest.
  - c. Upon removal, the site shall be restored to its original pre-construction condition, as shown in the photos presented with project application.
  - d. Decommissioning shall comply with all applicable village ordinances.

~~(Ord. No. 11-12-03, exh. B(XIII(C)), 12-19-2011)~~

**Sec. 32-432. Requirements for ground-mounted solar energy systems.**

**(a) *Ground-mounted solar energy systems application requirements.***

- (1) *Zoning districts.* One ground-mounted solar energy system shall be allowed as a special use in any zoning district, provided that all building permit requirements and general regulations are met, as defined in the village's building and zoning codes and in section 32-438.
- (2) *Project application.* In addition to information required by the village's standard application form for special use permits, the following information shall be submitted:
  - a. Name, address and telephone number of the owner and applicant.
  - b. Name, address and telephone number of the person, firm or corporation constructing and installing the solar energy system.
  - c. Elevation drawings (or photographs) and a site plan, drawn to scale, showing location, size and design details of proposed systems, as well as:
    1. Existing and proposed contours, at a minimum of two-foot intervals.
    2. Location, setbacks, exterior dimensions and square footage of all structures on the owner's property and abutting properties within 100 feet.
    3. Location and size of existing waterways, wetlands, one hundred-year floodplains, sanitary sewers, storm sewer systems, and water distribution systems.
    4. Location of any overhead or underground power lines and utility easements.
  - d. Photos of the proposed location of the system.
  - e. Manufacturer's specifications of the solar collectors and devices, including wattage capacity, dimensions of collectors, mounting mechanisms or foundation details and structural requirements.
  - f. Each system shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI).
  - g. A certificate of compliance demonstrating that the system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency.

- h. Proof of homeowner or business liability insurance, in an amount not less than ~~\$875,000~~\$500,000.00.
  - i. An approval letter from the local electric utility company, if the system is to be tied to the energy grid.
  - j. Any other information to show full compliance with this and other applicable ordinances.
- (b) *Standards.* All ground-mounted solar energy systems shall comply with the following standards.
  - (1) *Setbacks.*
    - a. In residential zoning districts, systems shall not be located in any street yard. In all other zoning districts, systems shall comply with the respective setback requirements, as measured from the property line to the closest edge of the system.
    - b. Ground-mounted solar energy systems may not be constructed within or over any utility, water, sewer, or other type of recorded easement.
    - c. Ground-mounted solar energy systems may not be constructed within 50 feet of all water bodies and wetlands and 100 feet of high quality aquatic resources.
  - (2) *Height.* Height shall not exceed the height limits for accessory structures in the respective zoning district, as measured from adjoining grade at base to the highest elevation of the equipment.
  - (3) ~~Lot Impervious surface area~~ coverage. The total surface area of ground-mounted solar panels ~~surface area~~ shall be included in the maximum impervious surface area ~~lot coverage calculations~~ for the respective zoning district.
  - (4) *Installation.*
    - a. Ground-mounted solar energy systems must be installed according to manufacturer specifications.
    - b. Electrical connections must be made by a licensed electrician.
    - c. Installation is subject to approval by the village engineer.
  - (5) *Signage.*
    - a. No ground-mounted solar energy system shall have any advertising material, writing, picture, or signage other than warning, turbine tower identification, or manufacturer or ownership information.
    - b. This prohibition shall include the attachment of any flag, decorative sign, streamers, pennants, ribbons, spinners or waiving, fluttering or revolving devices, including meteorological/weather devices.

- c. One warning sign, no less than ~~one square foot~~~~eighteen square inches~~ and no greater than ~~two~~~~three~~ square feet in area, shall be posted at the base of the tower. The sign shall include a notice of no trespassing and a warning of high voltage.
  - d. Manufacturer's identification or ownership information signs shall be no larger than one square foot.
- (6) *Screening.* The ground-mounted solar energy system control box at the base of the tower shall require vegetative or architectural screening as set forth in the conditions of this Code granting the special use permit.
- (c) *Maintenance, complaints and decommissioning.*
  - (1) *Maintenance and complaints.*
    - a. Ground-mounted solar energy system facilities shall be maintained in operational condition at all times, except for reasonable maintenance and repair outages.
    - b. Should a ground-mounted solar energy system become inoperable or should any part of the ground-mounted solar energy system become damaged, or should a ground-mounted solar energy system violate a permit condition, the owner shall cease operations immediately and remedy the condition promptly.
    - c. If the village notifies an owner that the ground-mounted solar energy system is not in operational condition, the owner shall have 90 days to bring it into operational condition.
  - (2) *Decommissioning plan.*
    - a. Any ground-mounted solar energy system that has not been brought into operable condition within the time frame set forth in subsection (c)(1) of this Division 12, the village ~~zoning official~~Zoning Official shall notify the owner of the finding of abandonment. The owner shall remove all ground-mounted solar energy system structures within 90 days of receipt of notice.
    - b. If such abandoned facility is not removed within 90 days, the village may remove all structures at the owner's expense. In the case of such removal the village shall have the right to file a lien against the real estate where the abandoned facility is located for reimbursement of all expenses incurred by the village in connection with such removal, including, without limitation, attorney's fees and accrued interest.
    - c. Upon removal, the site shall be restored to its original pre-construction condition, as shown in the photos presented with project application.
    - d. Decommissioning shall comply with all applicable village ordinances.

~~(Ord. No. 11-12-03, exh. B(XIII(D)), 12-19-2011)~~

**Sec. 32-433. Requirements for utility solar energy systems.**

**(a) *Utility solar energy systems application requirements.***

- (1) *Zoning districts.* Utility solar energy systems shall be allowed as a special use only in the LI District, provided that all building permit requirements and general regulations are met, as defined in the village's building and zoning codes and in section 32-438.
- (2) *Project application.* In addition to information required by the village's standard application form for special use permits, the following information shall be submitted:
  - a. Name, address and telephone number of the owner and applicant.
  - b. Name, address and telephone number of the person, firm or corporation constructing and installing the solar energy system.
  - c. Elevation drawings (or photographs) and site plan showing location, size and design details of proposed systems.
  - d. Manufacturer specifications of the solar collectors and devices, including wattage capacity, dimensions of collectors, mounting mechanisms or foundation details and structural requirements.
  - e. Approval letter from the local electric utility company.
  - f. A certificate of compliance demonstrating that the system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency.
  - g. Engineering plans, including the information described in subsection (b)(6) of this section.
  - h. A site map or survey, drawn to scale by a professional engineer, showing:
    1. Existing and proposed contours, at a minimum of two-foot intervals.
    2. Location, setbacks, exterior dimensions and square footage of all structures on the owner's property.
    3. Location of each of the utility solar energy systems and the corresponding identification numbers.
    4. Location of proposed access roads.
    5. Location and size of existing waterways, wetlands, floodplains, sanitary sewers, storm sewerage systems, and water distribution systems.
    6. Location of any overhead power lines.

- i. Any other information to show full compliance with this and other applicable ordinances.
- (b) *Standards.*
- (1) *Conformance with approved application, plans and standards.* The owner shall construct the utility solar energy system project in substantial accordance with the submitted special use permit application and all accompanying documents. Following the granting of a special use permit, a professional structural engineer shall certify, as part of the final approval, that the foundation and tower design of the utility solar energy system is within accepted professional standards, given local soil and climate conditions.
  - (2) *Lot coverage.* The total solar panel surface area shall be included in the lot coverage calculations for the applicable zoning district.
  - (3) *Height.* The maximum permitted height shall not exceed 30 feet measured from adjoining grade at base to the highest elevation of the equipment.
  - (4) *Setbacks.* Setbacks shall:
    - a. Comply with the principal building setback requirements of the applicable zoning district.
    - b. Not be constructed within or over any utility, sewer or other type of recorded easement.
    - c. Not be constructed within 50 feet of all water bodies and wetlands and within 100 feet of high quality aquatic resources.
  - (5) *Fencing required.* Systems shall be enclosed with a fence that restricts direct access to the public. Such fencing shall, at a minimum, encompass the entire systems facility, contain a locking mechanism and, be subject to the fence regulations of this ~~Chapter~~zoning regulations. This requirement may be waived at the sole discretion of the ~~zoning official~~Zoning Official if it is determined that such fencing would result in reduced security or is not necessary.
  - (6) *Engineering.*
    - a. Detailed drawing of electrical components and installation details, as supplied by the manufacturer, which conform to the National Electrical Code.
    - b. A structural engineer's seal and manufacturer's engineering specifications of the tower and foundation.
    - c. All utility solar energy systems shall be designed to withstand a minimum wind velocity of 100 miles per hour, with an impact pressure of 40 pounds per square foot.

- d. Each utility solar energy system shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), National Renewable Energy Laboratories (NREL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party.
  - e. All electrical wires connecting each utility solar energy system to other utility solar energy systems shall be installed underground.
- (7) *Coordination with local fire department.*
- a. Utility solar energy system operators shall provide emergency services access to the facility 24 hours a day, and all drives and access points shall remain unobstructed at all times.
  - b. The applicant shall submit a copy of the site plan to the local fire protection district.
  - c. Upon request by the local fire department, the owner shall cooperate with the local fire department to develop the fire department's emergency response plan.
  - d. Nothing in this section shall alleviate the need to comply with all other applicable fire, life safety or emergency response laws and regulations.
- (8) *Insurance.*
- a. The applicant shall provide proof of a current general liability policy covering bodily injury and property damage with limits of at least \$1,000,000.00 per occurrence and \$1,000,000.00 in the aggregate at the time of the special use permit application. Such a policy shall be maintained at all times while the system is in existence and the owner shall provide proof at any time subsequent to the application at the request of the village.
  - b. The amount of coverage may be changed upon consultation with the village attorney.
- (9) *Signage.*
- a. No utility solar energy system shall have any advertising material, writing, picture, or signage other than warning or manufacturer or ownership information.
  - b. This prohibition shall include the attachment of any flag, decorative sign, streamers, pennants, ribbons, spinners or waiving, fluttering or revolving devices, including meteorological/weather devices.
  - c. Warning signs, no less than two square feet and no greater than four square feet in area, shall be posted at the base of each tower and at access points to the

property. The sign shall include a notice of no trespassing and warnings of high voltage.

- d. Each utility solar energy system tower shall be marked with a visible identification number to assist with emergency services.

(10) *Electronic interference.*

- a. Utility solar energy system facilities shall not cause electromagnetic degradation in performance of microwave, television, radio, internet, satellite or other wireless transmissions, including public emergency communications systems. The village board may revoke a special use permit granting a solar energy system if electromagnetic interference becomes evident.
- b. The determination of degradation of performance and of quality and proper design shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers and Electrical Industries Association. In case of any conflict between the latest standards and principles of these groups, the precedence in the interpretation of the standards and principles shall be in their order of listing (with the first listed group granted highest priority).

(11) *Screening.* The utility solar energy system control box at the base of the tower shall require vegetative or architectural screening subject to the terms of the special use permit.

(c) *Maintenance, complaints and decommissioning.*

(1) *Maintenance and investigation.*

- a. The owner of the utility solar energy system shall maintain and promptly repair the system and its components, consistent with sound utility practice, as necessary to keep the system in good repair and operating condition.
- b. The owner shall promptly investigate any complaints of potential permit violations within ten days.
- c. The results of the investigation shall be provided to the village and the person making the complaint, within 30 days of the complaint.

(2) *Decommissioning plan.* The applicant shall develop the decommissioning plan for the eventual removal of utility solar energy system structures at the time of application. The plan shall:

- a. Describe the triggering events for decommissioning the utility solar energy system project.
- b. Identify provisions for the removal of structures, debris and cabling, including those below the soil surface.



- c. Identify provisions for the restoration of the soil and vegetation to pre-construction conditions, referencing photos submitted at project application.
  - d. Provide an estimate of the decommissioning costs, certified by a professional engineer.
  - e. Provide financial assurance, secured by the owner, for the purpose of adequately performing decommissioning, in an amount equal to the professional engineer's certified estimate of the decommissioning costs.
  - f. Identify procedures for the village's access to financial assurances.
  - g. Verify that the terms of the decommissioning plan shall be binding upon the owner and any of their successors, assigns, or heirs.
  - h. Verify that the village shall have access to the site, pursuant to reasonable notice, to affect or complete decommissioning of the utility solar energy system.
- (3) *Remedies and defaults.*
- a. Should a utility solar energy system become inoperable, damaged, or violate a permit condition the owner shall cease operations immediately and remedy the condition promptly.
  - b. The owner must remedy the condition within 60 days upon written notice from the village or be considered to be in default and the utility solar energy system considered to be abandoned.
  - c. A 30-day extension may be authorized by the village ~~zoning official~~Zoning Official.
- (4) *Suspension and decommissioning.*
- a. If the village determines that the owner cannot resolve the alleged defaults within the good faith negotiation period identified above, the village shall revoke the special use permit and the decommissioning plan shall be put into effect.
  - b. If the abandoned facility is not removed within six months of written notice, the village may remove all structures at the owner's expense. In the case of such removal the village has the right to file a lien for reimbursement of all expenses incurred by the village in connection with the removal, including without limitation, attorney fees and accrued interest.
  - c. Decommissioning shall comply with all applicable village ordinances.

~~{Ord. No. 11-12-03, exh. B(XIII(E)), 12-19-2011}~~

**Sec. 32-434. Requirements for geothermal energy systems.**

- (a) *General requirements.* Geothermal energy systems shall be allowed as a permitted use in any zoning district, provided that all building permit requirements and general regulations are met, as defined in the village's building and zoning codes and in section 32-438. Geothermal energy system components shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit a certificate of compliance demonstrating that the system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency.
- (b) *Application requirements.* In addition to information required by the village's standard application form for a building permit, the following information shall be submitted:
- (1) Name, address and telephone number of the applicant.
  - (2) Name, address and telephone number of the person, firm or corporation installing and constructing the geothermal energy system.
  - (3) Project summary, including site plan and manufacturer information with specifications of materials and devices.
  - (4) A certificate of compliance demonstrating that the system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency.
  - (5) Any other information to show full compliance with this and other applicable ordinances.
  - (6) Proof of homeowner or business liability insurance, as appropriate, in an amount not less than \$~~875,000~~500,000.00.
- (c) *Setback.* Above-ground equipment shall comply with the setback requirements of the respective zoning district. Equipment, piping and devices shall not be located in any easement or right-of-way or within or under the waters of Druce Lake or Third Lake.

~~{Ord. No. 11-12-03, exh. B(XIII(F)), 12-19-2011}~~

**Sec. 32-435. Revocation of special use permits.**

Any special use permit issued by the village pursuant to this division may be revoked by the village's corporate authorities for failure to comply with any of the provisions set forth in this division, any other provision of this zoning regulations, or in this Code approving the special use permit.

~~{Ord. No. 11-12-03, exh. B(XIII(G)), 12-19-2011}~~

**Sec. 32-436. Notice and public hearings.**

All special use permits to be issued under this division shall comply with the notice and hearing requirements applicable to all special use permits under this zoning regulations and all requirements of 65 ILCS 5/11-13-26. The owner shall be bound by all proposals and representations made under oath at the public hearing before the village's plan commission, which shall be considered supplementary conditions of the special use permit granted by the village, even if not directly specified in this Code approving the special use permit.

~~(Ord. No. 11-12-03, exh. B(XIII(H)), 12-19-2011)~~

**Sec. 32-437. Indemnification.**

The owner of a solar or geothermal energy system shall defend, indemnify and hold harmless the village and its officials from and against all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever including attorney's fees arising out of the acts or omissions of the owner concerning the operation of the system without limitation, whether the liability is premised on contract or on tort.

~~(Ord. No. 11-12-03, exh. B(XIII(I)), 12-19-2011)~~

**Sec. 32-438. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this Division 12, except where the context clearly indicates a different meaning:

*Abandonment* means any solar or geothermal energy system that has not been repaired to operating condition within the reasonable timeframe identified by the village, as provided in this division.

*Applicant* means the owner, who is in the process of submitting or has submitted an application to install a solar or geothermal energy system project in the village.

*Building-integrated solar energy system* means a solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural part of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot water systems that are contained within roofing materials, windows, skylights, shading devices and similar architectural components.

*Building-mounted solar energy system* means a solar energy system that is mounted on the facade or roof of either a principal or accessory structure.

*Decommissioning.* Once a solar or geothermal energy system has been deemed inoperable or abandoned, its components must be disassembled and removed from the premises,

including the foundation. Upon removal, the site shall be restored to its original pre-construction condition.

*FAA* means the Federal Aviation administration of the United States Department of Transportation.

*FCC* means the Federal Communications Commission.

*Financial assurance* means a reasonable assurance from a credit worthy party, examples of which include a surety bond, trust instrument, cash escrow, or irrevocable letter of credit.

*Flush-mounted solar energy system* means a solar energy system that is mounted flush with a finished surface, at no more than twelve inches in height above that surface.

*Geothermal energy system* means a sealed, watertight loop of pipe buried outside of a building foundation, intended to re-circulate a liquid solution through a heat exchanger. The term "geothermal energy system" includes, but is not limited to, vertical closed loop, horizontal closed loop and body of water closed loop systems.

*Ground-mounted solar energy system* means a solar energy system not attached to another structure and is ground-mounted.

*High quality aquatic resource* means waters of the United States or isolated waters of the county that are determined to be critical due to their uniqueness, scarcity, function or value. The term "high quality aquatic resource" includes, without limitation, Third Lake and Druce Lake.

*IDNR* means the ~~state of Illinois Department of~~ Illinois Department of Natural Resources ~~resources.~~

*Neighboring property* means any property within 500 feet of a solar or geothermal energy system.

*Nonparticipating property* means a property that is not owned by the owner of the property on which the solar or geothermal energy system is proposed or installed.

*Operational condition* means a solar or geothermal energy system capable of operating at full capacity while meeting all permit conditions.

*Operator* means the entity responsible for the day-to-day operation and maintenance of a solar or geothermal energy system, including any third-party subcontractors.

*Owner* means the persons, who holds title of the property on which a solar or geothermal energy system is installed. The term "owner" also includes entities with an equity interest in the solar or geothermal energy system, including their respective successors and assigns.

*Participating property* means a property that is owned by the owner of the property on which the solar or geothermal energy system is proposed or installed.

*Photovoltaic cell* means a semiconductor device that converts solar energy into electricity.

*Professional engineer* means a qualified individual who is licensed as a professional engineer in the [State of Illinois](#).

*Solar energy system* means a system for which the primary purpose is to convert solar energy into thermal, mechanical or electrical energy for storage and use.

*Solar panel* means a group of photovoltaic cells are assembled on a panel. Panels are assembled on-site into solar arrays.

*Structural engineer* means an engineer who is licensed and registered to practice structural engineering in this state under the Illinois Structural Engineering Act and whose principal professional practice is in the field of structural engineering.

*Structural weight* means the combined weight of the tower and any other components otherwise supported by the base foundation.

*Substation* means the apparatus that connects the electrical collection system of the solar energy facilities and increases the voltage for connection with the utility's transmission lines.

*System height* means the distance from the ground to the highest point of the structure or equipment.

*Tower* means the structure on which the solar energy system is mounted.

*Utility solar energy system* means a solar energy system that is used in order to produce energy for commercial distribution.

*Watt (symbol: W)* means a derived unit of power in the International System of Units (SI). It measures rate of energy conversion. One watt is equivalent to one joule (J) of energy per second. The kilowatt (symbol: kW) is equal to 1,000 watts. The megawatt (symbol: MW) is equal to 1,000,000 watts.

~~(Ord. No. 11-12-03, exh. B(XIII(J)), 12-19-2011)~~

**Secs. 32-439—32-459. Reserved.**

**ARTICLE V. NONCONFORMING LOTS, USES AND STRUCTURES**

**Sec. 32-460. General Provisions**

- 1) Authority to Continue. Any building, structure, lot or use which becomes nonconforming upon the adoption of this Chapter or any subsequent amendments thereto, and any building, structure, lot, or use which was legally nonconforming prior to the adoption of this Chapter or a subsequent amendment thereto, and which remains nonconforming, may continue subject to the provisions of this Article V, so long as it remains otherwise lawful.
- 2) Burden on Property Owner to Establish Legality. In all cases, the burden of establishing the legality of a nonconformity under the provisions of this Chapter shall be upon the property owner of the nonconforming building, structure, lot or use and not upon the Village.
- 3) Safety Regulations. The existence of a nonconformity does not affect the applicability to a property of any regulations enacted to promote public health, safety, comfort, convenience and general welfare including, but not limited to, all building, fire and health codes.
- 4) Governmental Action. If a parcel of land entitled to a building permit under the terms of this Article V, either as a conforming lot or as a nonconforming recorded lot, is reduced in size by the acquisition of a portion of the parcel for street, road or highway purposes by negotiation or condemnation by the village, the county highway department or by the state highway department, the remainder of the parcel shall have the status of a nonconforming recorded lot.

**Sec. 32-461. Nonconforming recorded lots.**

Nonconforming recorded lots shall be subject to the following regulations:

- 1) In residential zoning districts. A single-family dwelling and its accessory uses and structures may be constructed and maintained on a nonconforming recorded lot in the R-1, R-2 and R-3 zoning districts, provided such lot meets the requirements of the following paragraphs a) through e):
  - a) Bulk requirements. The requirements of Table 3, section 32-54, and Table 6, Section 32-306 shall be met for all nonconforming recorded lots, except as specifically provided in subsections b) through d) hereof.
  - b) The lot width shall be not less than 70 percent of the required lot width as provided in Table 3, section 32-54.
  - c) The lot area shall be not less than 70 percent of the required lot area as provided in Table 3, section 32-54.

- d) The street yard shall not be less than 70 percent of the required street yard as provided in Table 3, section 32-54.
  - e) When two or more nonconforming recorded lots, one or more of which do not meet the requirements of subsections a) through c) of this section, are contiguous and held in common ownership, they shall be considered as one zoning lot.
  - f) When a single-family structure has been built over a common lot line between two or more nonconforming recorded lots, the demolition, destruction by catastrophic event, or moving of such structure shall in no event be interpreted to create two or more nonconforming lots, notwithstanding the other provisions of this Section 32-461-1).
- 2) In nonresidential zoning districts. A nonconforming-recorded lot may be used for any principal use and its accessory uses as permitted in the zoning district in which it is located, provided the lot meets the following requirements:
- a) Side yard. Each side yard required for a nonconforming recorded lot shall be determined by multiplying the actual width of the lot by the minimum yard required in the zoning district in which it is located, then divided by the minimum lot width required in the zoning district in which the lot is located. However, no side yard need be greater than the requirement in the zoning district in which it is located.
  - b) Street yard. The street yard shall not be less than required in the zoning district in which the lot is located.
  - c) Rear yard, height restrictions, lot coverage and floor area ratio. A nonconforming-recorded lot shall comply with the same rear yard, height restrictions, lot coverage and floor area ratio as specified for the zoning district in which it is located.
  - d) On a nonconforming recorded lot, if an existing building used for a permitted use is damaged or destroyed for any reason, it may be rebuilt for its original permitted use, or a new building may be constructed for any permitted use, to the extent permitted by this Article V.

**Sec. 32-462. Nonconforming uses of land, buildings and structures.**

This Section regulates land, buildings and structures that, on the effective date of this Chapter, are used in whole or in part for uses that are not allowed in the zoning district or Planned Unit Development in which they are located.

- 1) Expansion of Use. A nonconforming use of land, buildings or structures shall not be expanded, extended, enlarged or increased in intensity. Such prohibited activity shall include, without limitation:
  - a) An expansion or extension of a nonconforming use or its accessory uses to any land area, building or structure, or part thereof, other than that occupied by the nonconforming use on the effective date of this Chapter.

- b) An expansion or extension of the nonconforming use or its accessory uses within a building or other structure to any portion of the building or structure that was not occupied by the nonconforming use on the effective date of this Chapter.
- 2) Relocation. A nonconforming use of land, buildings or structures shall not be relocated, in whole or in part, to any other location on the same lot or parcel, or to any other lot or parcel, unless the lot or parcel to which it is relocated permits the nonconforming use.
- 3) Change of Use. A nonconforming use shall not be changed to any use other than 1) a use permitted by right within the zoning district, overlay, or PUD in which it is located, or 2) a use allowed as a Special Use, for which a Special Use applicable to the property has been granted. Thereafter, that part of the land, building or structure occupied by the permitted use or granted Special Use shall not thereafter be changed back to a use that is not allowed within the zoning district or PUD in which it is located. Any change in use in violation of this Chapter shall be deemed an abandonment of the previously existing lawful nonconforming use.
- 4) Abandonment. If that part of a building or structure occupied by a nonconforming use becomes vacant and remains unoccupied for a continuous period of 180 days or more, such nonconforming use shall be deemed to be abandoned and shall not be reestablished or resumed. Any subsequent use or occupancy of such land, building or structure shall comply with all regulations of the zoning district in which such land, building, or structure is located. The period of such discontinuance caused by government action, acts of God, or other acts without any contributing fault by the user, such as the default or bankruptcy of a tenant, shall not be included in calculating the length of discontinuance for this Section.
- 5) Damage or Destruction. A building, structure or portion thereof, all or substantially all of which is designed or intended for a use which is not allowed in the district in which it is located and which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence will exceed fifty percent (50%) of the total cost of reconstructing the entire building or structure, shall not be restored unless said building or structure and the use thereof shall conform to all regulations of the district in which it is located. If such damage or destruction is less than fifty percent (50%) of the cost of reconstruction of the entire building or structure, repairs or construction for restoration may be made only if such work is started within one year from the date of the partial destruction and is diligently prosecuted to completion.

#### **Sec. 32-463. Nonconforming as to Bulk Requirements**

This Section regulates land, buildings and structures existing on the effective date of this Chapter that do not conform to the yard, height, lot coverage, or other dimensional or bulk provisions of this Chapter.



- 1) Ordinary repairs and maintenance may be performed on a nonconforming building or structure, including normal maintenance, incidental repairs to and replacement of nonstructural elements such as the installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing. No repairs or reconstruction shall be made that would create any new nonconformity or increase the degree of any previously existing nonconformity.
- 2) Structural alterations, other than additions and enlargements, may be performed on a nonconforming building or structure, only in the following situations:
  - a) When the alteration is required by law or is necessary to restore the building or structure to a safe condition upon the order of any official charged with protecting the public safety.
  - b) When the structural alteration will not create any new nonconformity or increase the degree of any existing nonconformity. For example, a nonconforming building may be altered by installing or relocating new windows or doors and their structural supports within existing walls.
  - c) When the alteration will result in eliminating the nonconformity.
- 3) A nonconforming building or structure shall not be enlarged or added on to unless the enlargement or addition does not create any new nonconformity or increase the degree of any existing nonconformity, except as follows: Where a wall of an existing single-family or two-family building is nonconforming with respect to the minimum yard or setback requirement, the nonconforming wall may be extended vertically and/or horizontally by adding to the existing building, subject to the following:
  - a) The wall extension shall not be any closer to the lot line than the existing nonconforming wall.
  - b) The extended building wall shall not create any additional nonconformities on the site.
  - c) The maximum building coverage and building height shall not be exceeded.
- 4) Relocation. A nonconforming building or structure shall not be relocated, in whole or in part, to any other location on the same zoning lot or parcel, or to any other zoning lot or parcel, unless the building or structure shall thereafter conform to all regulations of the zoning district in which it is relocated.
- 5) Damage or Destruction
  - a) In the event that a building or structure that is nonconforming as to bulk is damaged or destroyed by any means not within the control of the property owner or tenant to the extent of fifty percent (50%) or more of its replacement value, then the building or structure shall not be restored or rebuilt unless the building or structure, including its foundation, thereafter conforms to all regulations of the zoning district in which it is located.

- b) The replacement value of the building or structure shall be based on: 1) the sale of that building or structure within the previous year or, if that is not applicable; 2) an appraisal within the last two (2) years or, if that is not available; 3) the amount for which the building, structure or property was insured prior to the date of the damage or destruction or; 4) an alternative method determined acceptable by the Village Board.
- c) When a building or structure that is nonconforming as to bulk is damaged or destroyed by any means not within the control of the property owner or tenant to the extent of less than fifty percent (50%) of the replacement value at that time, it may be repaired or reconstructed provided that no new nonconformities are created and that the degree of nonconformity existing prior to the damage or destruction is not increased. A building permit shall be obtained for such rebuilding, restoration, repair or reconstruction within one (1) year of the date of damage or destruction, and the construction shall be completed within one (1) year of issuance of the building permit.
- d) If a building permit is not obtained within one (1) year, or repairs are not completed within one (1) year of the issuance of the building permit, then the building or structure shall not be restored unless it conforms to all regulations of this Chapter.
- e) If any building or structure or part thereof that is nonconforming as to bulk is removed, demolished or destroyed by means within the control of the property owner or tenant, any building or structure or part thereof to replace the building or structure that was so removed, demolished or destroyed shall conform to all regulations of this Chapter.

**Secs. 32-464—32-490. Reserved.**

## **ARTICLE VI. ADMINISTRATION AND ENFORCEMENT**

### **Sec. 32-491. Powers and Duties.**

#### **1) Board of Trustees**

- a) The Board of Trustees shall have the following powers and duties pursuant to this Chapter 32:
  - (i) To make final decisions on Zoning Map and Text amendment applications.
  - (ii) To make final decisions on Variation applications.
  - (iii) To make final decisions on Special Use and Amendments to Special Use applications.
  - (iv) To make final decisions on Special Use for PUD applications, and PUD Preliminary and PUD Final Plan applications, as provided in this Chapter 32.
- b) All final decisions and findings of the Board of Trustees related to this Chapter 32 shall, in all instances, be final legislative decisions, subject to judicial review as may be provided by law.
- c) In addition, the Board of Trustees, constituted as a committee of the whole, shall have the power to review and make recommendations on all applications for Zoning Map and Text Amendments, Variations, Special Uses and Amendments to Special Uses, and Planned Unit Developments.

#### **2) Plan Commission/Zoning Board of Appeals**

- a) The Plan Commission/Zoning Board of Appeals shall consist of seven members who shall be residents of the Village. Members shall be appointed by the Mayor and confirmed by the Board of Trustees for terms of two years, in accordance with the statutes of the State of Illinois. The Chairman of the Plan Commission/Zoning Board of Appeals shall be selected by the Mayor and shall serve a two-year term. Plan Commission/Zoning Board of Appeals members and the Chairman may be appointed for multiple terms. Vacancies occurring during the terms of members, or the Chairman, shall be filled for the un-expired term of that office.
- b) All meetings of the Plan Commission/Zoning Board of Appeals shall be held at the call of its Chairman or of any three members, at such times and places within the Village as the Plan Commission/Zoning Board of Appeals may determine. Each member in attendance is entitled to vote on each application unless a

member was absent from the hearing upon which the application is based or has recused himself. However, if any member who was absent certifies that they have read a transcript of the public hearing and have reviewed the exhibits, they may vote on the application presented during that public hearing.

- c) The Plan Commission/Zoning Board of Appeals shall have the following powers and duties pursuant to this Chapter 32:
- (i) To conduct public hearings, compel the attendance of witnesses at hearings, and to administer oaths.
  - (ii) To hear and make final decisions on Appeals from any order, requirement, decision, or determination of the Zoning Official made in the performance of his duties.
  - (iii) To hear all applications for Variations and provide reports including its recommendations and findings to the Board of Trustees.
  - (iv) To hear all applications for Special Uses and provide reports including its recommendations and findings to the Board of Trustees.
  - (v) To hear all applications for Special Use for PUD and provide reports including its recommendations and findings regarding such applications as well as associated Preliminary PUD Plans.
  - (vi) To hear all petitions for zoning Text and Map Amendments and provide reports including its recommendations to the Board of Trustees.
  - (vii) To establish rules of procedure, and such other rules as it deems necessary, not in conflict with the statutes of the State of Illinois.

### **3) Mayor**

The Mayor is hereby designated as the Zoning Official. The Mayor may, from time to time, delegate any powers and duties of the Zoning Official to one or more Village staff persons, outside consultants, or governmental entities.

### **4) Zoning Official**

The office of Zoning Official is hereby established. The Zoning Official shall have the following powers and duties, pursuant to this Chapter 32:

- a) To receive, process and forward applications to the Plan Commission/Zoning Board of Appeals, Board of Trustees, or other person or entity, pursuant to this Chapter 32.
- b) To provide notices for public hearings as required by this Chapter 32.
- c) To interpret this Chapter 32 and provide final administrative decisions while reviewing a permit application or by request of an affected party.

- d) To review and make final decisions on building permit applications with respect to the requirements of this Chapter 32.
- e) To review and make final decisions on temporary use permit applications.
- f) To review and make final decisions on permanent and temporary sign permit applications.
- g) To review and make final decisions on authorized Administrative Changes regarding PUD Final Plans.
- h) To maintain all permanent and current records pertaining to this Chapter 32 including, but not limited to, building permits, site plans, inspections, occupancy certificates, useful life of nonconforming uses, and all official actions on Appeals, Variations, Special Uses, Planned Unit Developments, and Text and Map Amendments.
- i) To maintain and make available the Village's Zoning Ordinance and Zoning Map.
- j) To conduct inspections of structures or the use of land to determine compliance with this Chapter 32, and, in case of any violation, order corrective action.

**Sec. 32-492. General Procedures, Fees, and Enforcement.**

**1) General Procedures for Applications**

- a) Who May File Applications
  - (i) An application for an Appeal from a decision of the Zoning Official regarding a zoning ordinance interpretation, building permit, temporary use permit, or sign permit may be filed by the permit applicant.
  - (ii) An application for a Variation, Special Use or Planned Unit Development may be filed by the owner of the subject property, or by an agent, contract purchaser or lessee with specific written authorization from the owner.
  - (iii) An application for a Zoning Map amendment may be filed by the owner of the subject property, or by an agent, contract purchaser or lessee with specific written authorization from the owner, or by the Village.
  - (iv) An application for a Zoning Text amendment may be filed by the Village or by any owner of property in the Village, or by a contract purchaser or lessee of property within the Village with specific authorization from the owner.
  - (v) All applications for an Appeal, Variation, Zoning Map Amendment, Special Use, or Planned Unit Development shall include proof of ownership as shown by a current title insurance report, or a deed and current title search. If the owner or applicant is a Trust, a disclosure of all beneficiaries shall be provided; if the owner or applicant is a Partnership or a Limited Liability Partnership (LLP), a disclosure of all partners; if the owner or applicant is a Corporation or a Limited

Liability Company, a disclosure of all owners with an interest of at least ten percent (10%).

b) Filing of Applications

- (i) Applications shall be submitted in the format and number of copies as may be provided by the Zoning Official from time to time. Applications shall include the information and plans specified for the relevant application(s) in Section 32-493, *Applications for Administrative Review* and Section 32-494, *Applications for Plan Commission/Zoning Board of Appeals and Board of Trustees Review*.
- (ii) Applications shall be accompanied by the required filing fees and a Reimbursement Agreement as provided in Section 32-494 Subsection 4) *Fees*.
- (iii) Completeness: The Zoning Official shall determine whether the application is complete and shall notify the applicant of any deficiencies. The Village is under no obligation to provide notices for a public hearing, conduct a full application review, or to place the application on a public meeting agenda until all required submission items, including filing fees and a reimbursement agreement, have been received. Once an application is deemed complete, the application shall be scheduled for review by the appropriate entities and, where applicable, a public hearing.
- (iv) Additional information may be required by the Zoning Official, Plan Commission/Zoning Board of Appeals, or Board of Trustees to determine whether the proposed development will conform to the applicable requirements, as well as to establish specific development standards or conditions that may be required to mitigate the potential impact of the development. This additional information may include professional studies and testimony by independent experts. The expense of such studies and expert testimony shall be paid by the applicant.

c) Withdrawal of Application: An applicant shall have the right to withdraw an application at any time prior to the final decision to approve or deny. Such withdrawal shall be in writing. There will be no refund of fees unless the withdrawal is made prior to the time the Zoning Official has determined the application is complete and prior to scheduling of public meetings and/or commencement of formal review of the application.

d) Successive Applications: Within one (1) year of the date of denial of an application, a subsequent application for the same property that makes the same request shall not be reviewed or heard unless substantial new evidence is presented, the restriction that prevented its approval has been amended, or if a significant mistake of law or fact affected the prior denial. Such subsequent application shall include a detailed statement of the grounds justifying its consideration. The Zoning Official shall decide

whether the subsequent application is making essentially the same request. If the Zoning Official finds that there are no grounds for consideration of the subsequent application, they shall summarily, and without hearing, deny the request.

## **2) Conduct of Public Hearings**

The procedure for all public hearings conducted under this Chapter 32 shall conform to the following provisions and any additional procedures adopted by the body conducting the public hearing:

- a) All interested parties may appear for themselves or be represented by a person of their choosing. Written statements will be accepted prior to the hearing to be entered into the public hearing record.
- b) All testimony and evidence shall be given under oath, or by affirmation, to the body conducting the hearing, and shall be entered into the record. Any person may appear at a hearing and submit evidence, upon receiving recognition from the Chair of the body conducting the hearing. Each person who submits evidence shall identify themselves and their address. Any person may ask relevant questions of other witnesses, provided that the questions and responses are orderly and pertinent to the issues at hand, as determined by the Chair.
- c) The Chair, with consent of a two-thirds ( $2/3$ ) majority of the body conducting the hearing, may limit testimony to a specific amount of time to provide a reasonable opportunity for all interested persons to testify.
- d) The body conducting the hearing is not bound by strict rules of evidence, but the Chair may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or evidence.
- e) Once a public hearing is concluded, the body conducting the hearing shall not accept any additional testimony regarding the petition except:
  - (i) A staff, consultant's, or governmental entity's report analyzing the application based on the evidence presented at the public hearing, and adopted Village plans, policies, codes and ordinances.
  - (ii) Any person presenting testimony or information in response to a specific question from the body that conducted the hearing.
  - (iii) Any person presenting testimony that directly rebuts sworn testimony presented at the hearing.
- f) The body conducting a public hearing may continue the hearing to a future date, time, and place. If the body conducting the hearing determines that additional

testimony or written evidence is expected to be submitted at a future date by the applicant or others with standing in relation to the application, the public hearing shall be continued.

- g) When a hearing is continued, no new notice shall be required, provided that the date, time, and place of the continued hearing is publicly announced at the hearing and placed in the minutes. If the hearing is adjourned, rather than continued to a date specified, all notices shall be given that are required for a new public hearing.

### **3) Notice of Hearings**

- a) Notice by Publication. Notice of time and place of the hearing on any proposed amendment, Special Use permit, Planned Unit Development or Variation (hereinafter referred to as "zoning matters") shall be given by the Zoning Official not more than 30 days nor less than 15 days before the hearing by publishing a notice thereof, at least once in one or more newspapers published in the Village, or, if no newspaper is published therein, then one with a general circulation within the Village.
- b) Notice to Adjacent Owners. The applicant for any map amendment, Special Use permit, Planned Unit Development, or Variation shall, no more than 30 days nor less than 15 days before the hearing at which the zoning matter is to be considered, send written notice on zoning matters relating to specific property via certified mail to those persons to whom were sent the tax bills for the general taxes for the last preceding year on all property within 250 feet in each direction of the location to which the zoning matter relates; provided, the number of feet occupied by all public streets, alleys and other public ways shall be excluded in computing the 250 feet requirement. The applicant shall provide a list to the Village containing the names and addresses of all such persons, with a written statement certifying that notice has been sent as required by this subsection. The failure of any person whose name appears on such list to receive such written notice shall not invalidate, impair, or otherwise affect consideration of a zoning matter by the Village. In the case of a text amendment, no notice is to adjacent owners is required.
- c) Initiation by Village. When the Village initiates a Map amendment it shall provide notice to the owners of the affected property, as well as the Notice by Publication and Notice to Adjoining Owners, as provided herein.
- d) Content of Notices. In each case where notice is required to be given under Subsections a), b) and c) of this subsection, the notice shall contain the following information:
  - (i) Time and place of public hearing.



- (ii) Common street address and legal description of subject property.
  - (iii) A brief statement setting forth the nature of the zoning matter.
  - (iv) The name and address of each applicant.
  - (v) Where the contents of the application may be accessed for public viewing.
- e) **Posting of Sign on Affected Property.** The Applicant shall post one or more signs on the property to which the zoning matter relates at least 15 days prior to the public hearing. The number and location of the signs shall be left to the discretion of the Zoning Official. The sign shall be a minimum of 36 inches by 36 inches in size, with letters a minimum of 3 inches high for "PUBLIC NOTICE" and "(847) 223-8422" and 2 inches high for the remainder of the text. The sign shall contain the following information:

**PUBLIC NOTICE**

This land is the subject of a Zoning Hearing  
to be held in the Third Lake Village Hall  
87 North Lake Avenue  
Third Lake, IL 60030

For additional information call  
The Village of Third Lake  
(847) 223-8422

**4) Fees**

- a) **When Payment Required; Applicant's Responsibility**
  - (i) Any person, firm, corporation, or agent who files an application pursuant to this Chapter 32 shall pay all fees, costs, and expenses for review of the application, plans and documents reviewed by or on behalf of the Village, and for meetings and site visits necessary to evaluate the application, in accordance with the schedule established by the Board of Trustees from time to time. Payment generally will include a filing fee and reimbursement of Village costs as well as the cost of experts retained by the Village. Fees and reimbursements shall be paid regardless of whether the application is approved, denied, or withdrawn.
  - (ii) In the case of Appeals and Variations, reimbursement for all costs incurred in connection with the review of the application shall be paid prior to issuance of any permit in connection with the requested action.
  - (iii) In the case of Text and Map Amendments, Special Uses, and Planned Unit Developments, reimbursement of all costs incurred in connection with the review of the application shall be paid prior to final action by the Board of

Trustees, such as passage of an ordinance approving the application or a resolution disapproving it.

b) Filing Fees

- (i) Filing fees are intended to cover the cost of providing information to the public about an application, preparing notices, distributing plans to Village officials and other agencies and consultants, preparing agenda packets and minutes for the Plan Commission/Zoning Board of Appeals and Board of Trustees, and other administrative tasks necessitated by the application.
- (ii) The petitioner/applicant shall pay the full filing fee for each category of application or petition as may be provided by the Board of Trustees from time to time. However, a single category of application may include multiple requests, and a separate fee shall not be required for each request. Filing fees are payable upon filing of the application or petition.

c) Reimbursement Agreement Required

In addition to filing fees, each petitioner/applicant shall enter into a reimbursement agreement with the Village. The reimbursement agreement shall encompass all applications or petitions pending with the Village. The reimbursement agreement shall be in such form as the Board of Trustees may, from time to time, approve. If required by such Agreement, it shall be accompanied by the fee deposit set forth therein. Should the applicant fail to be in compliance with such Agreement at any time, no further action shall be undertaken with regard to such application(s), nor shall any work be commenced by the applicant, until full compliance, including, but not limited to, payment or reimbursement of any amounts due to the Village, has been achieved. The reimbursement agreement shall provide for reimbursement of costs incurred by the Village for staff review, outside consultant services, and review by other governmental agencies providing services on behalf of the Village.

**5) Enforcement and Penalties**

- a) Enforcement. When any building or structure is constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure or land is used in violation of this Chapter 32 or of any provision or regulation made under authority conferred by this Chapter 32, the Village, in addition to other remedies, may institute any appropriate action or proceedings to:
  - (i) Prevent unlawful construction, reconstruction, alteration, repair, conversion, maintenance, or use.
  - (ii) Prevent the occupancy of the building, structure, or land.
  - (iii) Prevent any illegal act, conduct, business or use in or about the premises.

(iv) Restrain, correct, or abate the violation.

- b) **Violation, Penalties.** It shall be unlawful for any person to violate, disobey, omit, neglect or refuse to comply with or resist the enforcement of any of the provisions of this Chapter 32 or to use or occupy any building, structure or premises in violation of said provisions, and upon conviction, such person shall be subject to a fine of not less than Fifty Dollars (\$50.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense. A separate offense shall be deemed committed on each day during which a violation occurs or continues. The owner or tenant of any building, structure, premises, or part thereof, and any architect, building contractor, agent or other person who commits, participates in, assists in or maintains such violations may each be found guilty of a separate offense and subject to the above penalty.

**Sec. 32-493. Applications for Administrative Review.**

**1) Building Permits**

- a) **Compliance With Zoning Requirements.** The Zoning Official shall not issue a permit for construction, alteration, expansion or repair of a building, structure, sign, parking lot, lighting installation, or other improvement unless the provisions of this Chapter 32 are adhered to, and all other approvals required by this Chapter 32 are obtained.
- b) **Final Plat or Easements Required Prior to Building Permit.** If the Zoning Official determines that a final plat and/or easements are required to accommodate water, sanitary sewer, electric or other utilities, stormwater management facilities, streets, and/or access for emergency and maintenance vehicles, the Zoning Official shall not issue a building permit until the required final plat has been recorded, or the required easements have been granted, in a form and substance acceptable to the Village.
- c) **Site Plan Requirements for Building Permits:**
- (i) A plat of survey prepared by a registered land surveyor drawn to scale showing the property or portions thereof according to the recorded plat of such land, and showing all existing buildings, structures, patios, pools, fences, driveways, other permanent improvements, and building setback lines.
- (ii) **Site Plans for Single Family Uses:** When required to demonstrate compliance with this Chapter 32, building permit applications for Single Family Dwellings, their accessory structures and equipment shall include a site plan and related

documents and plans prepared by a registered architect or professional engineer, showing the following:

- (a) Location, lot coverage, height, and bulk of all existing and proposed buildings, structures, patios, pools, fences, and other improvements
- (b) Topography and potential changes along with a stormwater discharge plan
- (c) Location of trees greater than eight inches diameter (measured 48 inches above grade) to be removed.
- (d) Driveways and off-street parking spaces
- (e) Building setback lines
- (f) The use to be made of present and proposed structures on the lot
- (g) The area of existing and proposed impervious surfaces
- (h) Such other information as may be required by the Zoning Official for the proper enforcement of this Chapter 32
- (i) The Zoning Official may waive any of the preceding items that are not needed to determine compliance with this or other Village Ordinances.

(iii) Site Plans for uses other than Single Family: When required to demonstrate compliance with this Chapter 32, building permit applications for the construction or alteration of a structure or other improvement on a lot not occupied by a Single Family Dwelling, shall be accompanied by a site plan prepared by a registered architect or professional engineer, in such form and number of copies as may be prescribed by the Zoning Official from time to time, showing the following:

- (a) Date and north point.
- (b) Legal description and property index number(s).
- (c) Boundary lines.
- (d) Easements. (Location, width, purpose.)
- (e) Building setback lines.
- (f) Streets on and adjacent to the lot. (Name and right-of-way width, centerline elevation, walks, culverts, etc.)
- (g) Location of utilities.
- (h) Topography and potential changes along with a stormwater discharge plan
- (i) Surrounding land uses.
- (j) Proposed locations of structures, roads, driveways, parking and loading facilities, sidewalks, and fencing.
- (k) Description and location of any significant natural features such as existing trees, creeks, floodplains, and wetlands, etc.
- (l) Location of trees greater than eight inches diameter (measured 48 inches above grade) to be removed.

- (m) A landscaping plan including the information as provided in Section 32-143 g), *Landscape Plan*.
  - (n) A lighting plan including the information as provided in Section 32-178 *Plans and Procedures*.
  - (o) All parcels of land intended to be dedicated for public use or reserved for the use of property owners within the proposal.
  - (p) Building elevations.
  - (q) The area of existing and proposed impervious surfaces
  - (j) Such other information as may be required by the Zoning Official to determine compliance with this Chapter 32
  - (k) The Zoning Official may waive any of the preceding items that are not needed to determine compliance with this or other Village Ordinances.
- d) Issuance or Denial of Permit. A building permit shall be either issued or denied by the Zoning Official within 21 days after the receipt of a complete application (including any additional material deemed necessary by the Zoning Official to determine compliance with applicable ordinances), or within such further period as may be agreed to by the applicant. When the Zoning Official denies a building permit, they shall advise the applicant in writing of the reasons for denial.
- e) Validity of Permit. A building permit shall become void under the conditions as provided in the Building Code currently adopted by the Village.
- f) Suspension or Revocation of Permit. The Zoning Official may, in writing, suspend or revoke any permit issued under the provisions of this section if they determine that the holder thereof failed to comply with any provisions of this Chapter 32 or any other applicable ordinance. All construction shall cease, and the work done shall be removed or modified to comply with all provisions of this Chapter 32, all applicable ordinances, and the approved plans and specifications.

## **2) Occupancy Permits**

- a) Occupancy Permit Required. No structures or additions thereto constructed, moved, remodeled, or reconstructed after the effective date hereof shall be occupied and used for any purpose, and no land vacant on the effective date hereof shall be used for any other use, unless an occupancy permit shall first have been obtained from the Village certifying that the proposed use or occupancy complies with all provisions of this Chapter 32.
- b) Application for Occupancy Permits. Every application for a building permit shall be deemed an application for an occupancy permit. When no building permit is

required but an occupancy permit is required for a new or changed use of land or structures, an application for an occupancy permit shall be filed with the Zoning Official in such form and containing such information as the Zoning Official may provide from time to time.

- c) Industrial Uses. All applications for an occupancy permit for any use to be located in the LI Light Industrial district shall be accompanied by sufficient information to enable the Zoning Official to determine that all the performance standards of any applicable ordinance or code of the Village can and will be complied with at all times.
- d) Inspections. No occupancy permit shall be issued until the Zoning Official has inspected the premises and has determined that all improvements encompassed by the building permit have been completed and comply with the approved plans and specifications.
- e) Issuance or Denial of Occupancy Permit. The Zoning Official shall issue an occupancy permit or provide written notice to the applicant stating the reasons why an occupancy permit cannot be issued within 21 days after the Zoning Official is notified in writing that the structure or premises are ready for occupancy.
- f) Temporary Occupancy Permit. A temporary occupancy permit may be issued to be valid for a period not to exceed six months from its date pending the completion of any addition or during partial occupancy of the premises. In the event that any construction or building for which a temporary occupancy permit has been issued has not been fully completed so as to comply with all applicable Village ordinances at the end of the six-month period, the Zoning Official may cause said premises to be vacated and to remain vacated until full compliance with all applicable ordinances of the Village has been obtained.

**Sec. 32-494. Applications for Plan Commission/Zoning Board of Appeals and Board of Trustees Review.**

**1) Appeals**

- a) Purpose. The Appeal process provides an opportunity for persons affected by decisions of the Zoning Official interpreting this Chapter 32 to appeal those decisions.
- b) Initiation and Scope of Appeal. An Appeal from an interpretation of this Chapter 32 by the Zoning Official may be initiated by any person aggrieved by said decision. Such Appeal shall be taken within 45 days of the ruling by the Zoning Official by filing with

the Zoning Official a notice of Appeal, specifying the grounds thereof. An application for Appeal shall be based on a claim that the true intent of this Chapter 32 or its regulations have been incorrectly interpreted, or that the provisions of this Chapter 32 do not apply. The notice of Appeal and the Appeal itself shall be filed in such number of copies, in such form, and contain such information as the Zoning Official may provide from time to time. The Zoning Official shall schedule a hearing by the Plan Commission/Zoning Board of Appeals as soon as reasonably practicable after the notice of Appeal is filed.

- c) An Appeal shall stay all proceedings in furtherance of the decision appealed from unless the Zoning Official certifies to the Plan Commission/Zoning Board of Appeals that by reason of the facts stated in the certification, a stay would, in his opinion, cause imminent peril to life or property; in which case, the proceedings shall not be stayed other than by a restraining order which may be granted by the Plan Commission/Zoning Board of Appeals or by a court of record upon application following notice to the Zoning Official and upon due cause shown.
- d) Action on Appeal. The Plan Commission/Zoning Board of Appeals shall select a reasonable time and place for the public hearing on the Appeal, shall give due notice thereof to the parties having a known interest therein and shall render a written decision without unreasonable delay. Upon the concurring vote of four members, the Plan Commission/Zoning Board of Appeals may reverse or affirm, in whole or in part, or may modify the decision from which the Appeal was taken, and to that end, the Plan Commission/Zoning Board of Appeals shall have all the powers of the Zoning Official with respect to such decisions.

## **2) Variations**

- a) Purpose. The purpose of the Variation process is to provide a means by which relief may be granted for a specific property from conformance with the strict letter of this Chapter 32, where conformance would cause a practical difficulty or particular hardship by preventing an improvement or improvements that would otherwise be permitted within the zoning district, and where the relief granted is consistent with the purposes and intent of this Chapter 32.
- b) Authorized Variations. Variations from the regulations of this Chapter 32 may be granted only in the following instances and in no others:
  - (i) To permit a yard, setback or landscape buffer of a lesser dimension than required by the applicable regulations.
  - (ii) To allow a fence in excess of the height limitations required by the applicable regulations.

- (iii) To reduce the required lot area or width to not less than 90% of the minimum required by this Chapter 32.
  - (iv) To increase the permitted building or lot coverage by not more than twenty percent (20%) of the maximum required by this Chapter 32.
  - (v) To increase the permitted impervious surface area by not more than ten percent (10%) of the maximum permitted by this Chapter 32.
  - (vi) To permit the parking or storage of ~~specialized~~recreational vehicles within a yard not otherwise permitted by this Chapter 32.
- c) Application for Variation. An application for a Variation shall be filed with the Zoning Official. The application shall contain the information required by this Chapter 32, the following, and such additional information as may be prescribed by the Zoning Official from time to time:
- (i) The requirements of this Chapter 32 which prevent the proposed use or construction, and the nature of the variation requested.
  - (ii) The unique circumstances or conditions of the subject property, such as its physical surroundings, shape, or topography, which prevent compliance with said requirements of this Chapter 32.
  - (iii) The practical difficulty or particular hardship which would result if said requirements of this Chapter 32 were applied to the subject property.
  - (iv) The minimum reduction of the requirements of this Chapter 32 necessary to permit a reasonable use of the property.
- d) Processing. The Zoning Official shall schedule a public hearing by the Plan Commission/Zoning Board of Appeals, at a reasonable time not more than 60 days after receipt of a complete application, unless a later date is requested by the applicant prior to issuance of public notices. Public notice and the conduct of such hearing shall be in accordance with the provisions of this Chapter 32.
- e) Findings of Fact; Standards for Variations. The Plan Commission/Zoning Board of Appeals shall not recommend, and the Board of Trustees shall not grant, Variations from the regulations of this Chapter 32 unless they consider and make findings of fact, based upon evidence presented at the hearing, as to the following standards:
- (i) Special circumstances or conditions of the property such as its physical surroundings, shape or topographical conditions would result in a practical difficulty or particular hardship to the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
  - (ii) The proposed Variation is the minimum adjustment necessary to allow a reasonable use of the land.
  - (iii) The conditions upon which the petition for a Variation is based would not be applicable, generally, to other property within the same zoning district.



- (iv) The purpose of the Variation is not based exclusively upon a desire to increase the monetary value of the property or generate income from the property.
  - (v) The special circumstances or conditions that result in a practical difficulty or particular hardship have not been created by any person presently having an interest in the property.
  - (vi) The Variation, if granted, will not alter the essential character of the neighborhood and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
  - (vii) The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- f) Decisions on Variations.
- (i) The concurring vote of four members of the Plan Commission/Zoning Board of Appeals shall be necessary to recommend granting a Variation to the Board of Trustees. Such recommendation shall be accompanied by a description of the relief recommended, supported by The Plan Commission/Board of Zoning Appeals' findings of fact as to the Standards for Variations of paragraph 2) e) *Findings of Fact; Standards for Variations*.
  - (ii) In the event the Plan Commission/Board of Zoning Appeals does not recommend granting a Variation, it shall provide a report of its vote and any recommendations it considers relevant to the Board of Trustees.
  - (iii) The Board of Trustees shall make the final determination as to whether a requested Variation is granted, except that when the proposed Variation has failed to receive the favorable recommendation of the Plan Commission/Zoning Board of Appeals, the Board of Trustees may approve the Variation only by a favorable vote of two-thirds of all Trustees.
  - (iv) All Variations granted by the Board of Trustees shall be by an ordinance setting forth the terms of the relief granted, a separate determination of findings of fact in accordance with paragraph 2) e) *Findings of Fact; Standards for Variations* with the specific reason or reasons for granting the Variation, and any necessary or appropriate conditions or restrictions in accordance with paragraph 2) f) (v) *Conditions and Restrictions*. The ordinance shall also refer to any exhibits containing plans and specifications for the proposed Variation, including the application and any exhibits presented as evidence at the public hearing.
  - (v) Conditions and Restrictions. The Plan Commission/Zoning Board of Appeals may recommend, and the Board of Trustees may impose, such conditions and restrictions concerning use, construction, character, location, landscaping, screening and other matters in granting a Variation, upon a finding that such

conditions and restrictions are necessary to prevent or minimize adverse effects upon other property and improvements, that would reasonably be expected to occur if the Variation were granted without such conditions and restrictions. All such conditions and restrictions shall be expressly set forth in the ordinance granting approval of the Variation. Failure to comply with such conditions and restrictions as may have been imposed shall constitute grounds for revocation of the Variation.

(vi) Variation Less than Requested. When consistent with the notice of Public Hearing, the Plan Commission/Board of Zoning Appeals may recommend, and the Board of Trustees may grant, a Variation less than, or different from, that requested when the record supports the applicant's right to some relief, but not to the entire relief requested.

g) Limitations

- (i) A Variation shall automatically lapse twelve (12) months after the date it is granted, unless the construction (pursuant to a building permit) authorized by the Variation commences within that twelve (12) month period. However, the Board of Trustees may extend this period, upon written request from the applicant showing good cause.
- (ii) A Variation is granted to a specific property and authorizes the conduct of the Variation only on the property identified in the application and is not transferable to other properties.
- (iii) The approval of a Variation authorizes the relief from strict conformance with specific provisions of this Chapter 32 but does not authorize the establishment or extension of any use, development, construction, reconstruction, alteration or moving of any building or structure prior to obtaining all other required approvals, including building permits and occupancy permits.

### **3) Zoning Text and Map Amendments**

- a) The regulations imposed and the districts created by this Chapter 32 may be amended from time to time by ordinance, but no such amendment shall be made without a hearing before the Plan Commission/Zoning Board of Appeals, which shall report its findings and recommendations to the Board of Trustees prior to final action by the Board of Trustees.
- b) An application for an amendment to the regulations imposed by this Chapter 32 (Text Amendment), or for an amendment to the districts created by this Chapter 32 (Map Amendment) shall be filed with the Zoning Official and shall contain the information required by this Chapter 32 and as may be prescribed by the Zoning Official from time to time.

- c) In making its recommendation to grant or deny an application for a Zoning Map Amendment, including changes to Zoning District or Overlay boundaries, the Plan Commission/Zoning Board of Appeals shall consider:
  - (i) Its compatibility with the existing uses and zoning of nearby property.
  - (ii) The extent to which the property value of the subject property is diminished by the existing zoning restrictions.
  - (iii) The extent to which the proposed amendment promotes the health, safety, and welfare of the public.
  - (iv) The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property for one or more of the uses permitted under the existing zoning classification.
  - (v) The length of time that the property has been vacant as presently zoned, considered in the context of land development trends in the area.
  - (vi) The consistency of the proposed amendment with the Village's development policies.
  - (vii) Whether the proposed amendment corrects an error or omission in the Zoning Map.
  - (viii) The extent to which the proposed amendment creates nonconformities.
- d) Objections to Amendments. In case of a written protest against any proposed Zoning Map Amendment, signed and acknowledged by the owners of 20% of the frontage proposed to be altered, or by the owners of 20% of the frontage immediately adjoining or across an alley therefrom, or by the owners of the 20% of the frontage directly opposite the frontage proposed to be altered, is filed with the clerk of the Village, the Amendment shall not be approved except by a favorable vote of two-thirds of the members of the Board of Trustees then holding office. In such cases, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendments and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed Amendment. Any notice required by this Section need not include a metes and bounds legal description, provided that the notice includes:
  - (i) the common street address or addresses and (ii) the property index number ("PIN") or numbers of all the parcels of real property contained in the affected area.

#### **4) Special Uses and Amendments to Special Uses**

- a) Purpose. Special Uses listed within the various zoning districts may be acceptable if established in an appropriate manner and location within a zoning district but may not be acceptable if established in a different manner or location within the same zoning district. Special Uses may include, but are not limited to, uses that may have a

unique, special, or unusual impact upon the use or enjoyment of neighboring property, as well as certain public and quasi-public uses.

- b) Authority. Special Uses and Amendments to Special Uses shall be authorized or denied by the Board of Trustees in accordance with Illinois statutes and this Chapter 32. Applications for a Special Use or amendment to Special Use shall be acted upon by the Board of Trustees after a public hearing by the Plan Commission/Zoning Board of Appeals pursuant to notice as required herein and by applicable statutes, and after the findings and recommendations of the Plan Commission/Zoning Board of Appeals have been reported to the Board of Trustees.
- c) Procedure
- (i) An application for a Special Use or Amendment to Special Use shall be filed with the Zoning Official in a form and number of copies as they may provide from time to time, including the information required by this Chapter 32 and the following:
- (a) When and as required to demonstrate compliance with this Chapter 32, a site plan and related documents and plans prepared by a registered architect or professional engineer including the following:
- Date and north point.
  - Legal description and property index number(s).
  - Boundary lines.
  - Easements. (Location, width, purpose.)
  - Building setback lines.
  - Streets on and adjacent to the parcel. (Name and right-of-way width, centerline elevation, walks, culverts, etc.)
  - Location of utilities.
  - Topography and potential changes along with a stormwater discharge plan
  - Surrounding land uses.
  - Proposed locations of structures, roads, driveways, parking and loading facilities, sidewalks, and fencing.
  - Description and location of any significant natural features such as existing trees, creeks, floodplains, and wetlands, etc.
  - Location of trees greater than eight inches diameter (as measured 48 inches above grade) to be removed
  - A landscaping plan (to be prepared by a landscape architect) including the information as provided in Section 32-143 g) *Landscape Plan*.
  - A lighting plan including the information as provided in Section 32-178 *Plans and Procedures*.
  - All parcels of land intended to be dedicated for public use or reserved for the use of property owners within the proposal.

- Building elevations.
  - The area of existing and proposed impervious surfaces
  - The size of the proposed facility, including gross floor area, design capacity and anticipated employment.
  - Operational factors, such as hours of use and environmental impacts.
  - Such other information as may be required by the Zoning Official to determine compliance with this Chapter 32
- (b) The Zoning Official may waive any of the preceding items that are not necessary to determine compliance with this or other Village Ordinances.
- (ii) Public Hearing. The Plan Commission/Zoning Board of Appeals shall hold a public hearing in accordance with Article VI, Section B) 2), at which evidence in support of the proposed Special Use or Amendment to Special Use shall be presented by, or on behalf of, the petitioner, and any evidence presented by interested parties shall be heard.
- (iii) Findings of Fact, Standards, and Recommendations
- (a) The Plan Commission/Zoning Board of Appeals shall not recommend approval of a Special Use or amendment to Special Use unless it finds, based on the evidence presented at the public hearing, that the proposed Special Use or amendment to Special Use will conform with the applicable standards for Special Uses in subsection 32-294-4)-d. The Plan Commission/Zoning Board of Appeals may include conditions in its recommendation that, if implemented by the applicant, would ensure compliance with the applicable standards.
- (b) The Plan Commission/Zoning Board of Appeals shall not recommend denial of a Special Use or amendment to Special Use unless it finds, based on the evidence presented at the public hearing, that the proposed Special Use or amendment to Special Use will fail to conform with the applicable standards.
- (c) After the conclusion of the public hearing, the Plan Commission/Zoning Board of Appeals shall record its reasons (findings of fact) for recommending approval (along with any such conditions as it deems necessary to ensure conformance with the applicable standards), or its reasons (findings of fact) for recommending denial.
- (d) The Plan Commission/Zoning Board of Appeals shall submit its written findings of fact together with its recommendations to the Board of Trustees within 30 days after the conclusion of the public hearing.
- (iv) Action by the Board of Trustees

- (a) The Board of Trustees shall not act upon a proposed Special Use or amendment to Special Use until it has received a written report and recommendation from the Plan Commission/Zoning Board of Appeals regarding the proposed Special Use or the amendment to Special Use.
- (b) The Board of Trustees shall not approve a Special Use or amendment to Special Use unless it finds that it will comply with the applicable standards for Special Uses in subsection 32-294-4)-d. The Board may impose conditions to ensure compliance with applicable standards in accordance with paragraph (v), "Conditions".
- (c) The Board of Trustees shall not deny a Special Use or amendment to Special Use unless it finds that it will not comply with applicable standards.
- (d) An application for a Special Use or amendment to Special Use shall be acted upon finally by the Board of Trustees within sixty (60) days of receipt by the Board of Trustees of the Plan Commission/Zoning Board of Appeals recommendation unless it is mutually agreed upon by the Board of Trustees and the petitioner that more time is required.
- (v) Conditions. The Board of Trustees may require conditions it deems reasonably necessary to protect the public interest and to comply with the standards set forth in this Chapter 32. Conditions may pertain to the establishment, location, construction, maintenance or operation of the Special Use or amendment to Special Use. When a Special Use or amendment to Special Use is granted with conditions, the Board of Trustees may require the applicant to provide evidence and/or financial guarantees to ensure that the conditions will be complied with. Upon failure to comply with the conditions imposed in granting the Special Use, the Board of Trustees may revoke approval of the Special Use after allowing the applicant/operator a period of six months to cure all deficiencies.
- (vi) No Presumption of Approval. The listing of a Special Use within a zoning district does not constitute an assurance or presumption that such Special Use will be approved. Rather, each proposed Special Use shall be evaluated on an individual basis in relation to the applicable standards of this Section and conformance with other applicable provisions of this Chapter 32.
- (vii) Limitations on Special Uses
  - (a) Approval of a Special Use shall lapse twelve (12) months after the date it is granted unless the Special Use or authorized construction for that Special Use (pursuant to a building permit) is commenced within that twelve (12) month period. However, the Board of Trustees may extend this period, upon written request from the applicant showing good cause. The provisions of this paragraph shall not apply to any Special Use for a Planned Unit Development.
  - (b) Special Use approval is granted to a specific property and authorizes the

Special Use only on the property represented on the application and is not transferable to other properties.

- (c) The approval of a Special Use authorizes the use on the property in the manner proposed but does not in itself authorize the establishment of such use without first obtaining all other required approvals, including but not limited to building permits, sign permits and occupancy permits.
- (d) Any modification or intensification of a Special Use that alters the essential character or operation of the use in a way not approved at the time the Special Use was granted, as evidenced by the ordinance granting the Special Use or by the provisions of this Chapter 32, shall require approval of a new application for Special Use.

d) Standards for Special Uses:

- (ii) Public Convenience: The Special Use will serve the public convenience at the proposed location.
- (iii) Public Services and Facilities: The proposed use will not require existing community facilities, services, or utilities to a degree disproportionate to that normally expected of permitted uses in the district, nor generate disproportionate demand for new services or facilities, so as to place undue burdens upon existing development in the area.
- (iv) Adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided.
- (v) Effect on Nearby Property: The Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.
- (vi) Effect on Development of Surrounding Property: The establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (vii) Effect on General Welfare: The establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort, or general welfare.
- (viii) Compliance with Specific Standards: The Special Use will comply with the applicable standards provided in Section 32-26, *Required Standards for Specific Uses*.

## 5) Planned Unit Developments

- a) Purpose: Planned Unit Developments (PUD's) are Special Uses intended to accommodate a single use or mix of uses planned and developed as a unit. The PUD procedure allows for flexibility of development standards while requiring amenities

and enhancements not otherwise required. The PUD process should not be employed solely as a means of intensifying the use of the land. The proposed Planned Unit Development shall be under single ownership or unified control at the time of filing an application for a Special Use for a PUD, or the applicant shall provide written evidence of their ability to gain ownership or unified control of the property if the PUD is approved. To promote a creative and flexible approach to site development and building design that results in a distinctive, attractive development.

- b) District Requirements and Exceptions: The PUD is subject to the requirements of the underlying zoning district or districts in which it is located unless exceptions are specifically granted. The Plan Commission/Zoning Board of Appeals may recommend, and the Board of Trustees may grant, exceptions to the applicable zoning regulations where the Board of Trustees finds that such exceptions will enhance the quality of design of the development and will not cause such an adverse impact on neighboring properties so as to outweigh the benefits of the development. Factors to be considered in this determination may include, but are not limited to:
- (i) A harmonious mix of uses and/or a variety of housing types and prices.
  - (ii) Preservation of native vegetation, environmentally sensitive areas, and topographic and geological features beyond what is required.
  - (iii) The efficient use of land, utilities, street improvements, and drainage facilities.
  - (iv) Facilitating redevelopment of sites containing obsolete or inappropriate buildings or uses.
  - (v) Amenities beyond those required, such as recreational facilities, public plazas, gardens, public art, and pedestrian facilities.
  - (vi) Superior landscaping, buffering, or screening that enhance the site or mitigate its impact on nearby properties.
  - (vii) Buildings offering high quality architectural design and materials.
  - (viii) Energy efficient building and site design.
  - (ix) Innovative stormwater management methods.
- c) Special Use and PUD Preliminary Plan Applications: Applications for Special Use for a PUD and PUD Preliminary Plan shall be filed simultaneously with the Zoning Official. Approval of a PUD Preliminary Plan shall not constitute authority to proceed with construction of any improvements, but rather constitutes approval of the designs for buildings and site improvements as a basis for preparing Final PUD Plans.
- (i) The application for a Special Use for a PUD shall include the information required for Special Use applications. However, the information required below for PUD Preliminary Plans shall supersede the information required in subsection 4) c) i)



for Special Use site plans and related information. The application for a Special Use for a PUD shall also include a schedule setting forth any proposed exceptions to Village regulations, citing each regulation for which an exception is sought.

(ii) The application for a PUD Preliminary Plan shall include the following information:

- (a) A site location map drawn to an appropriate scale showing the proposed planned unit development in relation to surrounding streets and properties located within 500 feet in all directions of the development site. The map shall indicate the location, height and land use of all existing structures immediately adjacent to the development site.
- (b) A PUD Preliminary Plan drawn to an appropriate scale of no less than 1" = 100' indicating:
  - The location, building footprint, height, and approximate dimensions of all existing and proposed structures on the site.
  - All proposed land uses on the site.
  - The dimensions of all perimeter yards and the distance between all structures.
  - The location and dimensions of all pedestrian walkways, driveways, streets, and parking and loading facilities, including the number of parking spaces serving each land use.
  - The location of all areas to be conveyed, dedicated, or reserved for parks/playgrounds, educational facilities, cultural facilities, and/or any other public or quasi-public use.
  - A description of any public benefits and amenities to be provided.
  - Typical building elevations indicating the general architectural character and typical materials of all proposed structures.
  - A drainage plan indicating how surface drainage will be managed, consistent with all Village and other governmental jurisdictions, regulations, and requirements.
  - A utilities study indicating the adequacy of the utility systems serving the proposed development, including water distribution, sanitary sewers, and stormwater drainage facilities.
  - A preliminary landscaping plan (to be prepared by a landscape architect) including the information as provided in Section 32-143 g) *Landscape Plan*.
  - A preliminary lighting plan including the information as provided in Section 32-178 *Plans and Procedures*.
  - If requested by the Village, a traffic impact study indicating the volume of

traffic to be generated by the development and proposing any special engineering design features and/or traffic regulation devices needed to ensure efficient and safe traffic circulation to, through, and around the development.

- If requested by the Village, an economic impact study detailing the impact that the development will have upon the relevant taxing bodies.

(iii) When subdivision or platting of land is proposed for all or part of a PUD, the applicant shall submit subdivision plats and associated plans in accordance with the Subdivision Control Ordinance of the Village. To the extent practicable, the Preliminary Plat of subdivision application shall be scheduled to track with the PUD Preliminary Plan application, and the final engineering plans, final landscape plans, and Final Plat required by the Subdivision Control Ordinance shall be scheduled to track with the PUD Final Plan. Where practicable and approved by the Zoning Official, the plans required for the subdivision of land within a PUD may be merged with the corresponding plans required by this Chapter 32 for a PUD.

d) Public Hearing: The Plan Commission/Zoning Board of Appeals shall hold a public hearing to consider the application for a Special Use for a PUD. The application for PUD Preliminary Plan shall be presented in support of the Special Use application, and revised PUD Preliminary Plans may also be presented at a meeting or meetings following the public hearing.

e) Recommendation and Approval

Following the public hearing, the Plan Commission/Zoning Board of Appeals shall make a recommendation to the Board of Trustees for approval or denial of the applications for Special Use for PUD and PUD Preliminary Plan. The Plan Commission/Zoning Board of Appeals may recommend such conditions and restrictions upon the establishment, location, design, layout, height, density, construction, maintenance, aesthetics, operation and other elements of the PUD as deemed necessary to secure compliance with applicable standards.

The Plan Commission/Zoning Board of Appeals shall not favorably recommend, and the Board of Trustees shall not approve, a Special Use for a PUD or an amendment to a Special Use for a PUD unless they each make findings of fact based on the application and evidence presented at the public hearing that the PUD is in the public interest, based on the following criteria:

- (i) The proposed PUD will be beneficial to the physical development, tax base and economic well-being of the Village.

- (ii) The proposed exceptions to the applicable zoning regulations will enhance the quality of design of the development and will not cause such an adverse impact on neighboring properties so as to outweigh the benefits of the development.
- (iii) The proposed PUD will conform to all existing Federal, State and county regulations.

f) Board of Trustees Decision on PUD Special Use and Preliminary Plan

The Board of Trustees, after receipt of the findings and recommendations of the Plan Commission/Zoning Board of Appeals, shall approve or deny the applications for a Special Use for a PUD and PUD Preliminary Plan, with such requirements, conditions, and exceptions to the proposal as it may deem necessary to ensure that the proposed development satisfies the applicable standards. The Board of Trustees may require such evidence and guarantees it deems necessary to ensure that the conditions stipulated in the approval of the Planned Unit Development will be complied with.

g) PUD Final Plan Application

PUD Final Plans and any accompanying documents shall be submitted to the Zoning Official in such form and number as they may provide from time to time, and shall include the following:

- (i) A final site plan, or final site plan for a phase of the development, drawn to an appropriate scale of no less than 1" = 100' indicating:
  - (a) Final location, building footprint, height, and exact dimensions of all existing and proposed structures.
  - (b) A detailed tabulation of each separate land use, including land and building areas, and where applicable, the total number of residential dwelling units and the residential density.
  - (c) The existing and anticipated uses of proposed structures and land by general land use category.
  - (d) The dimensions of all yards and the distances between all structures.
  - (e) The final location and dimensions of all pedestrian walkways, driveways, streets, parking and loading facilities, including the number of parking spaces serving each land use, and all parking lot screening and landscaping.
  - (f) The exact location and dimensions of all areas to be conveyed, dedicated, or reserved for parks/playgrounds, educational facilities, cultural facilities, and/or any other public or quasi-public use.
- (ii) All covenants, easements, agreements and other provisions proposed to govern the use, maintenance, and continued protection of the development.
- (iii) Building elevations and schematic design presentations indicating the

architectural character of all proposed buildings and structures based on final architectural decisions and prepared in detail.

- (iv) A final landscape plan (to be prepared by a landscape architect) including the information as provided in Section 32-143 g) *Landscape Plan* indicating the specific location and character of all landscaping, including the number, size and species of all trees, shrubs, hedges, and groundcover, and the location, size and type of all screening and fencing.
- (v) A final lighting plan including the information as provided in Section 32-178 Plans and Procedures. indicating the location, height, design, and illumination characteristics of all external lighting fixtures within the development.
- (vi) A detailed utilities and drainage plan indicating the size and location of all water distribution lines, sanitary sewers, and storm drainage facilities required to serve the development and the manner in which surface drainage will be controlled and managed consistent with all applicable Village regulations.
- (vii) A development and construction schedule indicating the following:
  - (a) The date when construction of the PUD will begin or, if developed in phases, the date when construction of the first phase will begin.
  - (b) If the PUD is to be developed in phases, a map indicating the phases in which the development will be built, the dates when the final plans for all but the first phase will be filed, and the approximate dates when construction of each subsequent phase will begin.
  - (c) The date when construction is anticipated to be completed or, if developed in phases, the date when construction of each phase is anticipated to be completed.
- h) Review and Approval of PUD Final Plans: PUD Final Plans shall substantially conform to the approved PUD Preliminary Plan and shall conform to the Ordinance granting a Special Use for the PUD and all applicable requirements of the Village Code of Ordinances, unless an exception was granted by the Ordinance granting a Special Use for the PUD. The Zoning Official shall review PUD Final Plans for conformance with these requirements. If the PUD Final Plans so conform, the Zoning Official shall report their findings to the Board of Trustees, which shall approve the PUD Final Plans. If the Zoning Official finds the PUD Final Plans do not so conform, the procedures of Subsection i) Changes to PUD's shall be followed in considering such changes.
- i) Changes to PUD's. PUD Final Plans and final engineering plans required by the Subdivision Control Ordinance of the Village contain additional detail to facilitate construction of the development. Recognizing that there may be a need for changes during review or following approval of these final plans, changes to approved PUD Preliminary Plans shown on the final plans shall be handled as follows:

- (i) Major Changes.
  - (a) Changes which would require an amendment to the ordinance granting a Special Use for the PUD may only be approved after submittal of an application to amend the Ordinance granting the Special Use for the PUD, together with applications to amend any previously approved plans.
  - (b) Changes to the approved PUD Preliminary Plan determined to be major by the Board of Trustees may be approved only by submission and reconsideration of a new PUD Preliminary Plan.
  - (c) The Board of Trustees shall consider the following factors in determining whether a proposed change from the approved PUD Preliminary Plan constitutes a major change:
    - 1. For Non-Residential Components of a Planned Unit Development:
      - a. An increase of more than 10% in the total gross floor area of the non-residential buildings within the PUD.
      - b. An increase of more than 10% in the total number of acres used for non-residential purposes.
      - c. A reduction in the acreage of open space or common open space of more than 5%
    - 2. For Residential Components of a Planned Unit Development
      - a. An increase in the total number of dwelling units within the PUD.
      - b. An increase of more than 10% in the total lot coverage of dwelling units
      - c. A change in the types of dwelling units (i.e., from attached single family to multi family).
- (ii) Minor Changes: The Board of Trustees may, without review and recommendation of the Plan Commission/Zoning Board of Appeals, approve minor changes in the PUD Final Plans that do not change the concept or intent of the PUD. Minor changes are defined as any change not defined as a major change (see Paragraph (i) Major Changes above) or an authorized administrative change (see Paragraph (iii) Authorized Administrative Changes below).
- (iii) Authorized Administrative Changes

The Zoning Official may approve PUD Final Plans and changes or revisions to such plans which do not alter the design or intent of the approved PUD Preliminary Plans, to accommodate field conditions and detailed design considerations that occur during PUD Final Plan design. Administrative changes will typically involve minor relocations of features such as utility boxes, light poles, trees and

landscape plantings, drainage inlets, and walkways, or changes of two (2) feet or less in the locations of buildings, streets and parking lots.

- j) A PUD Final Plan for, at minimum, the first phase of the development shall be submitted no later than twelve (12) months from the date of approval of the PUD Preliminary Plan. However, prior to the end of the twelve (12) month period the Board of Trustees, at its discretion and for good cause, may extend, for up to twelve (12) months at a time, the period for filing a PUD Final Plan. If the applicant fails to file a PUD Final Plan within the aforementioned period or extension thereof, the approval of the PUD Preliminary Plan shall lapse, and resubmittal of an application for PUD Preliminary Plan approval shall be required prior to approval of a PUD Final Plan.