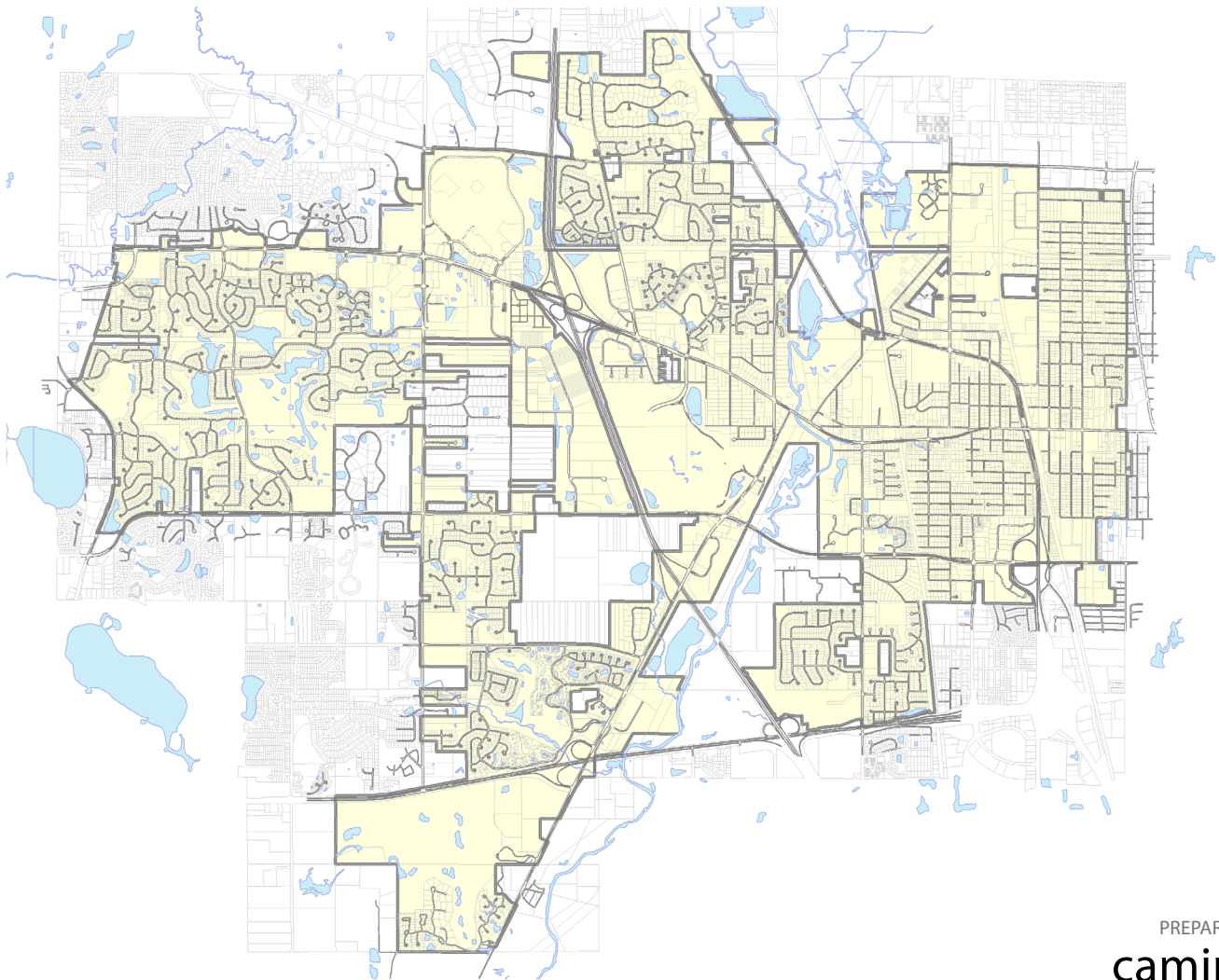


# VILLAGE OF GURNEE

## ZONING ORDINANCE

Adopted  
April 6, 2015

Last Amended  
October 11, 2022



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# **ARTICLE 1. TITLE, PURPOSE, & APPLICABILITY**

- 1.0 TITLE**
- 1.1 PURPOSE**
- 1.2 APPLICABILITY**
- 1.3 TRANSITION RULES**
- 1.4 SEVERABILITY**
- 1.5 EFFECTIVE DATE**

## **1.0 TITLE**

This Ordinance incorporated the Village of Gurnee Zoning Map and is known, cited, and referred to as the “Village of Gurnee Zoning Ordinance,” “Zoning Ordinance,” or “Ordinance.”

## **1.1 PURPOSE**

The intent of this document is to establish land use regulations to serve the Village of Gurnee, which may be cited as “the Village” or “Village.” The purpose of this Ordinance is:

- a.** To promote and protect the public health, safety, and welfare.
- b.** To secure adequate light, air, privacy and convenience of access to property.
- c.** To promote the orderly development of Gurnee in accordance with the Comprehensive Plan.
- d.** To protect the character and maintain the stability of Gurnee’s residential, commercial, and industrial areas.
- e.** To divide the municipality into zoning districts, according to use of land and structures, height and bulk of structures, intensity of the use of lot area, area of open spaces, or other classification, as deemed best suited to carry out the purposes of this Ordinance.
- f.** To establish reasonable standards to which structures must conform.
- g.** To prevent the overcrowding of land and the undue concentration of structures by regulating and limiting the use and bulk of structures in relation to the surrounding land.
- h.** To regulate the intensity of the use of land.
- i.** To provide for safe and efficient traffic circulation.
- j.** To prohibit uses or structures incompatible with the character of development or intended uses within specified zoning districts.
- k.** To protect against fire, explosions, noxious fumes, and other dangers.

- l. To otherwise avoid or decrease the hazards to persons or damage to property resulting from the accumulation or runoff of stormwater and floodwater.
- m. To provide for the gradual elimination of nonconformities.
- n. To define and limit the powers and duties of the administrative officers and bodies as provided in this Ordinance.

## **1.2 APPLICABILITY**

### **1. Territorial Application**

This Ordinance applies to all land, uses, and structures within the corporate limits of the Village.

### **2. General Application**

In their interpretation and application, the provisions of this Ordinance are held to be the minimum requirements for the promotion and protection of the public health, safety, and welfare.

### **3. Required Conformance**

Any portion or whole of a structure must be erected, constructed, reconstructed, moved, and enlarged in conformance with the requirements of this Ordinance. Any structure or land must be used and occupied in conformance with the requirements of this Ordinance.

### **4. Relation to Private Agreements**

This Ordinance does not nullify any private agreement or covenant. However, where this Ordinance is more restrictive than a private agreement or covenant, this Ordinance controls.

### **5. Relation to Other Laws and Regulations**

Unless otherwise specifically provided, this Ordinance controls over less restrictive Village statutes, ordinances, or regulations, and more Village restrictive statutes, ordinances, or regulations control over the provisions of this Ordinance.

### **6. Rules of Construction**

This Ordinance contains numerous illustrations, photos and graphics in order to assist the reader in understanding and applying the Ordinance. However, to the extent that there is any inconsistency between the text of the Ordinance and any such illustrations, photos and graphics, the text controls unless otherwise stated in the specific section.

## **1.3 TRANSITION RULES**

### **1. Existing Illegal Structures and Uses**

A structure or use that is illegal at the time of the adoption of, but is made legal by the provisions of this Ordinance, is deemed lawful as of the effective date of this Ordinance. However, if that structure or use does not conform to every requirement of this Ordinance, then that structure or use remains illegal.

### **2. Existing Uses**

- a. If a structure or land is used in a manner that was classified as a permitted use prior to the effective date of this Ordinance, and now that use is classified as a special use as of the effective date of this Ordinance, that use is deemed a lawful special use. Any subsequent addition, enlargement or expansion of that use must conform to the procedural and substantive requirements of this Ordinance for special uses.
- b. If a structure or land is used in a manner that was classified as a special use prior to the effective date of this Ordinance, and that use is now classified as a permitted use as of the effective date of this Ordinance, that use is deemed a lawful permitted use. Any subsequent addition, enlargement, or expansion of that use must conform to any Ordinance requirements for such permitted use and is no longer subject to the conditional use ordinance under which it was originally approved.
- c. If a structure or land is used in a manner that was classified as permitted or special use prior to the effective date of this Ordinance, but this Ordinance no longer classifies that use as either a permitted or special use in the zoning district in which it is located, that use is deemed a nonconforming use and is controlled by the provisions of Article 17 (Nonconformities).

### **3. Structures Rendered Nonconforming**

If a structure existing on the effective date of this Ordinance was a conforming structure before the effective date of this Ordinance, but such structure does not meet all standards set forth in this Ordinance in the zoning district in which it is located, that structure is deemed a nonconforming structure and is controlled by the provisions of Article 17 (Nonconformities).

### **4. Lots Rendered Nonconforming**

If a lot of record existing on the effective date of this Ordinance was a conforming lot before the effective date of this Ordinance, but such lot does not meet all standards set forth in this Ordinance in the zoning district in which it is located, that lot is deemed a nonconforming lot of record and is controlled by the provisions of Article 17 (Nonconformities).

## **5. Previously Issued Building Permits**

If a building permit for a structure was lawfully issued prior to the effective date of this Ordinance, and if construction has begun within 180 days of the issuance of that permit and diligently pursued to completion, the structure may be completed in accordance with the plans on the basis of which the building permit was issued and may, upon completion, be occupied under an occupancy permit for the use originally intended.

## **6. Previously Granted Special Uses and Variations**

All special uses and variations granted prior to the effective date of this Ordinance, except as deemed permitted or legal by this Ordinance, remain in full force and effect. The recipient of the special use or variation may proceed to develop the property in accordance with the approved plans and all applicable conditions. However, if the recipient has failed to act on the special use or variation before the approval expires, including any periods of extension granted, the provisions of this Ordinance will govern.

## **7. Pending Applications**

An application that has been deemed complete and scheduled for a public hearing or meeting, as applicable, is subject to the Ordinance requirements in effect on the date the application was deemed complete.

### **1.4 SEVERABILITY**

If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate or nullify the remainder of this Ordinance. The effect of the judgment is confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which judgment or decree was rendered.

### **1.5 EFFECTIVE DATE**

The effective date of this Ordinance is June 1, 2015 following the date of adoption, April 6, 2015.

## ARTICLE 2. RULES OF MEASUREMENT & DEFINITIONS

### 2.0 INTERPRETATION OF DEFINITIONS

#### 2.1 DEFINITION OF GENERAL TERMS

#### 2.2 RULES OF MEASUREMENT

### 2.0 INTERPRETATION OF DEFINITIONS

The terms in the text of this Ordinance will be interpreted in accordance with the following rules of construction:

- a. The singular number includes the plural, and the plural the singular.
- b. The present tense includes the past and future tenses, and the future tense includes the present.
- c. The word “must” or “shall” is mandatory, while the word “may” is permissive.
- d. The terms “must not,” “shall not,” and “may not” are prohibiting.
- e. The masculine gender includes the feminine and neuter.
- f. Whenever a defined word or term appears in the text of this Ordinance, its meaning will be construed as set forth in the definition. Words not defined must be interpreted in accordance with the definitions considered to be normal dictionary usage.

### 2.1 DEFINITION OF GENERAL TERMS

**Abut.** To share a common wall or lot line without being separated by a street or alley.

**Accessibility Ramp.** A ramp or similar structure that provides wheelchair or similar access to a structure.

**Accessory Structure or Use.** An accessory structure or use is one which:

- a. Is subordinate to and serves a principal structure or principal use;
- b. Is subordinate in area, extent, or purpose to the principal use;
- c. Contributes to the comfort, convenience, or necessity of occupants of the principal structure or principal use served;
- d. Is located on the same zoning lot as the principal structure or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to be located elsewhere than on the same zoning lot with the structure or use served; and
- e. Complies with the provisions of Article 10.2 (Accessory Structures and Uses).

**Addition/Enlargement.** Construction that increases the size of a structure in terms of building footprint, height, or floor area.

**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 bookstore, adult cabaret, or adult motion picture theater are considered adult uses and are defined as follows:

1. **Adult Retail.** 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. Age-restricted housing must meet all district design and dimensional standards for multi-family dwellings unless specific standards are cited for such housing.

**Agriculture.** Land used solely for the growing and harvesting of crops, for the feeding, breeding, and management of livestock, for dairying or for any other agricultural or horticultural use or combination thereof including, but not limited to, hay, grain, fruit, truck or vegetable crops, floriculture, mushroom growing, plant or tree nurseries, orchards, forestry, sod farming and greenhouses; the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, ponies or horses, fur farming, bees, fish and wildlife farming. Agriculture includes a farm dwelling. Agriculture does not include property that is primarily used for residential purposes even though some farm products may be grown or farm animals bred or fed on the property incidental to its primary use.

**Alley.** A public right-of-way that normally affords a secondary means of access to abutting property. An alley is not considered a street.

**Amateur (HAM) Radio Equipment.** An amateur (HAM) radio station licensed by the Federal Communications Commission (FCC), including equipment such as, but not limited to, a tower or building-mounted structure supporting a radiating antenna platform and other equipment.

**Amusement Theme Park.** A facility consisting of a group of entertainment attractions, rides, and other events that is a regional attraction. An amusement park includes both outdoor and indoor components, including rides, booths for conducting games, retail sales, restaurants, and entertainment venues, as well as offices for management, guest services, and maintenance.

**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, pet grooming facilities, and pet boarding facilities, where animals are boarded during the day or for overnight stays. Animal care facilities do not include kennels.

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

**Arbor.** A freestanding structure to support vines or trained climbing plants.

**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.

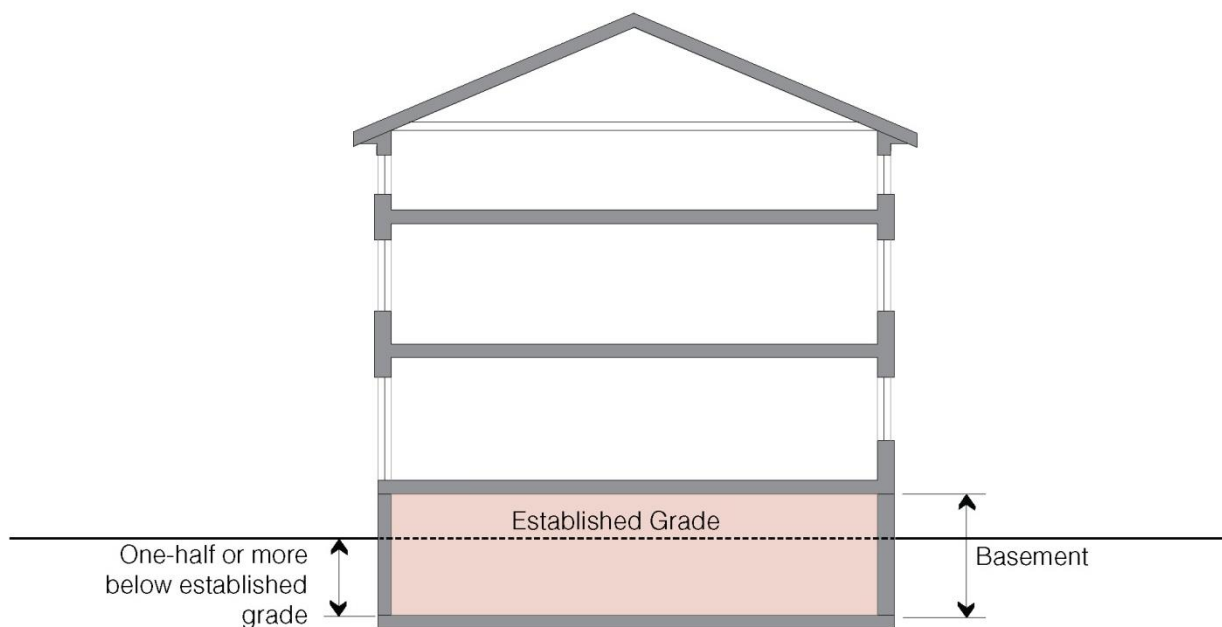
**Arts Studio.** A business where an art, type of art or activity is taught, studied, or practiced such as dance, martial arts, photography, music, painting, gymnastics, pilates, or yoga. An arts studio also includes private exercise studios that are only open for private sessions with trainers and/or classes.

**Awning.** A roof like structure typically made of cloth, metal, or other material attached to a frame that extends from and is supported by a building. Awnings are typically erected over a window, doorway, or building front and they may be raised or retracted to a position adjacent to the building.

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

**Bar.** An establishment where the principal business is the sale of alcoholic beverages for consumption on the premises. Snack foods or other prepared food may be available for consumption on the premises as an ancillary use. Live entertainment may be provided as an ancillary use to a bar. Live entertainment does not include adult entertainment, as defined in adult use.

**Basement.** That portion of a structure at or having one-half or more of its height below established grade.



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

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

**Block.** Defined in Section 2.2.

**Blockface.** Defined in Section 2.2.

**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.

**Broadcasting Facility – TV/Radio.** A facility engaged in broadcasting and information relay services for radio and television signals. A broadcasting facility may or may not include antennas to broadcast the signal.

**Buffer.** Land area with landscape plantings and other components used to visibly separate one use from another and/or to shield or block noise, lights, or other nuisances.

**Buildable Area.** The space remaining on a lot after the minimum open space requirements of this Ordinance are met.

**Building.** Any structure built for the enclosure, protection, shelter, or support of persons, animals, or property of any kind and which is permanently affixed to the ground. The term “building” does not include “fences.”

**Building Code.** The Building Code of the Village of Gurnee, as specified in the Gurnee Municipal Code.

**Building Coverage.** Defined in Section 2.2.

**Building Height.** Defined in Section 2.2.

**Building Line.** A line measured at the building wall of a structure between parallel lot lines. For the purposes of establishing a building line, the building wall does not include permitted encroachments of architectural features, such as bay windows, eaves, and steps and stoops.

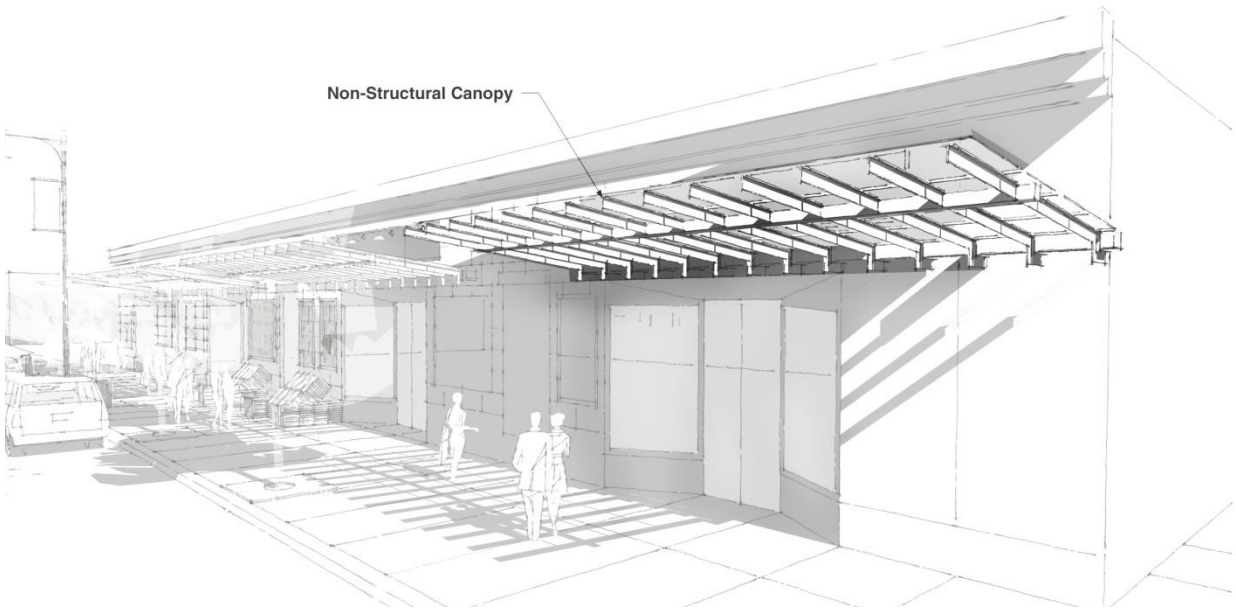
**Bulk.** A term used to describe the size and relationships of structures as to area, height, coverage, and shape, location of exterior walls in relation to lot lines, the centerline of streets, other walls of the same structure and to other structures, and to all open spaces relating to the structure.

**Bulk Materials.** Any liquid, solid, or granular materials stored in piles, barrels, tanks, bins, crates, or other means. Bulk materials include, but are not limited to, lumber, coal, sand, and flammable and inflammable liquids.

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

**Camp.** Facilities providing recreational and educational activities during the day or for extended stays within a designated campground area, which may include campsites and/or permanent structures to provide facilities to campers.

**Canopy - Non-Structural.** A roof-like non-structural cover that projects from the wall of a structure with or without support posts extending to the ground.



**Canopy - Structural.** A permanent structure that serves as an overhanging shelter or shade that forms the structure of a building and is constructed in such a manner as to allow pedestrians or vehicles to pass underneath.



**Car Wash.** A business for the washing and cleaning of passenger vehicles, recreational vehicles or other light duty equipment, whether automatic, by hand, or self-service.

**Carport.** An open-sided roofed vehicle shelter, usually formed by extension of the roof from the side of a building, but may be freestanding.

**Cemetery.** Land and structures reserved for the interring of human remains. A cemetery includes land and structures reserved for the exclusive interring of animal remains. Cemeteries may include structures for performing religious ceremonies related to the entombment of the deceased, mortuaries, including the sales of items related to the internment of remains, and related accessory structures, such as sheds for the storage of maintenance equipment. Cemeteries include columbariums and crematoriums as ancillary uses.

**Certificate of Occupancy.** A written approval, issued by the Village, certifying that a newly constructed structure, addition to an existing structure, or existing structure undergoing a change in use is in full compliance with the provisions of this Ordinance and that such structure is habitable and in conformance with all applicable Village building codes and regulations.

**Channel Letter.** A fabricated or formed three-dimensional letter, number, or symbol.



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

**Coldframe Structure.** A transparent roofed enclosure constructed low to the ground used to protect plants from excessively cold or wet weather. It functions similar to a greenhouse to help extend the growing season.

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

**Commercial Equipment.** A variety of heavy machines that perform specific construction or demolition functions, such as hoisting, excavating, hauling, grading, paving, drilling, or pile driving, under power.

**Commercial Message.** Any sign, wording, logo, or other representation that directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

**Commercial Park.** A commercial, office, industrial, or mixed-use development comprised of a single lot that contains multiple buildings or multiple lots that are the subject of a PUD, annexation agreement, special use permit, and/or subdivision plat.

**Commercial Park Entrance.** The point where a public right-of-way provides access into a commercial park, including any point where the public right of way intersects with a driveway cut(s) or private street(s) that provides access to a commercial park. Commercial park entrances are open to the general public and do not include access facilities for loading docks nor do they include access points from alleys.

**Commercial Use.** Those uses listed under “Retail” in the global use matrix (Article 8, Table 8.1). In addition, planned unit developments that are categorized under “Other” are classified by the actual use of the property, which may or may not be retail.

**Commercial Vehicle.** A licensable self-propelled vehicle that meets one or more of the following:

- a. Has a Gross Vehicle Weight Rating (GVWR) of 11,501 pounds or more.
- b. Contains print or logos which advertise a business.
- c. Has external modifications to the structure or body, where external modifications is defined as both dealer and non-dealer modifications that result in pick-up trucks that do not have the traditional pick-up bed and side walls, and vans that have an expanded cargo area that is taller or wider than a passenger van, except those modified for use as either a recreational vehicle or to accommodate handicapped passengers and are currently being utilized for this purpose. Motorized vehicles that have racks, storage boxes, or shells added to the traditional pick-up bed are exempt from this definition.

**Community Garden.** The cultivation of fruits, flowers, vegetables, or ornamental plants by more than one (1) person or family. Community gardens do not include the raising of any livestock or the use of heavy machinery.

**Community Residence.** A residence licensed, certified, or accredited for 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.

**Contiguous.** See “abut.”

**Contractor Storage Yard.** Land and/or structures used primarily for the storage of equipment, vehicles, machinery, or building materials in the conduct of any building trade or building craft and in use by the owner or occupant of the lot in the conduct of building trades or building craft.

**Corrugated Metal.** A sheet metal panel, the surface of which is formed into a densely-spaced, parallel folds, ridges, ribs, grooves, or striations.

**Country Club.** An establishment limited to members, their families, and invited guests

organized and operated for social and recreation purposes with indoor and outdoor recreation facilities.

**Cul-De-Sac.** A local residential street with only one outlet and having an appropriate terminus for the safe and convenient reversal of traffic movement.

**Cultural Facility.** A facility open to the public that provides access to cultural exhibits and activities including, but not limited to, museums, cultural centers, non-commercial galleries, historical societies, and libraries. A cultural facility may include retail sales of related items and restaurants as ancillary uses.

**Cutoff.** The point at which all light rays emitted by a lamp, light source or luminaire are generally eliminated (cutoff) at a specific angle above the ground, acknowledging that some light trespass may occur.

**Day.** For the purposes of this Ordinance, day is defined as a calendar day.

**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 under 12 and shall include the permanent occupant's natural, foster, or adopted children.

**Day Care Center.** A licensed facility operated by any person, group of persons, agency, association or organization, where care, protection, and supervision is provided for children or well, ambulatory or semi-ambulatory (non-bedridden) adults for less than 24 hours per day.

**Deck.** A roofless outdoor space built as an aboveground platform projecting from the wall of a structure and connected by structural supports at grade or by the structure.

**Diameter Breast Height (DBH).** Defined in Section 2.2.

**District.** Land area of the Village where certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

**Drive-Through Facility.** A portion of a retail, restaurant, or service business where business is transacted directly with customers via a service window that allows customers to remain in their vehicle.

**Drive-Up Automated Teller Machine (ATM) - Freestanding.** A freestanding machine used by bank and financial service patrons for conducting transactions including deposits, fund transfers, and withdrawals without contact with financial institution personnel, which is designed to be accessed from a vehicle using a drive-through facility.

**Driveway.** An access lane that provides access from a right-of-way to a parking space, whether open, such as a parking pad or parking lot, or enclosed, such as a garage or parking structure, intended for use by persons residing, employed, or otherwise visiting the lot on which it is located.

**Dwelling.** A structure, or portion thereof, designed or used exclusively for human habitation, including single-family dwellings, two-family dwellings, townhouse dwellings, and multi-family dwellings, but excluding mobile homes and hotels/motels.

**Dwelling – Above the Ground Floor.** Dwelling units located above ground-floor non-residential uses or located behind ground-floor non-residential uses. In the case of dwelling units located behind ground-floor non-residential uses, the residential uses cannot be located along the primary street frontage.

**Dwelling – Single-Family.** A structure containing only one dwelling unit.

**Dwelling – Two-Family.** A structure containing two dwelling units, each with a separate entrance. A two-family dwelling may be designed as a semi-detached structure where two dwelling units are attached by a party wall at the lot line but located on separate lots.

**Dwelling – Townhouse.** A structure consisting of three or more dwelling units, the interior of which is configured in a manner such that the dwelling units are stacked horizontally or vertically, separated by a party wall, ceiling, or floor. A townhouse is typically designed with no other dwelling, or portion of other dwelling, directly above or below, where each unit has a separate exterior entrance and direct ground level access to the outdoors. These units are connected to other dwelling units by a party wall with no opening. A townhouse dwelling does not include a multi-family dwelling. A townhouse dwelling refers to the design of a structure and does not reflect the type of ownership of the individual units. A townhouse designed as a stacked flat is typically designed with dwelling units stacked vertically, with primary access to said dwelling units via a common exterior entrance. These units are connected to other dwellings by a ceiling or floor. Townhouse refers to the design of a structure and does not reflect the type of ownership of the individual units.

**Dwelling – Multi-Family.** A structure containing three or more attached dwelling units used for residential occupancy.

**Dwelling Unit.** One or more rooms, including individualized bathroom and kitchen facilities, which are arranged, designed, or used as living quarters for a household.

**Easement.** Land designed by lawful agreement between the owner(s) of the land and a person(s) for a specified use only by such person(s).

**Eave.** The projecting lower edges of a roof overhanging the wall of a structure.

**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 facility for post-secondary higher learning that grants associate or bachelor degrees. The institution may also have research facilities and/or professional schools that grant master and doctoral degrees. Educational facilities – university include ancillary uses such as dormitories, cafeterias, restaurants, retail sales of educational supplies, and similar uses.

**Educational Facility – Vocational.** A facility that offers instruction in industrial, clerical, computer, managerial, automotive, repair (electrical, plumbing, carpentry, etc.), or commercial skills, or a business conducted as a commercial enterprise, such as a driving school or school for general educational development. Educational facility – vocational also applies to privately operated schools that do not offer a complete educational curriculum.

**Electrical Generator.** A device for generating electrical energy.

**Emergency Shelter.** A facility that provides temporary or transitional shelter for the homeless in general or for specific populations of the homeless.

**Encroachment.** The extension or placement of any structure, or a component of such, into a required setback.

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

**Exterior Lighting.** The illumination of an outside area or object by any man-made device that produces light by any means.

**Exterior Stairwell.** One or more flights of stairs, and the necessary landings and platforms connecting them, to form a continuous passage from the entryway of a floor or level to another in a structure located on the exterior of a principle building.

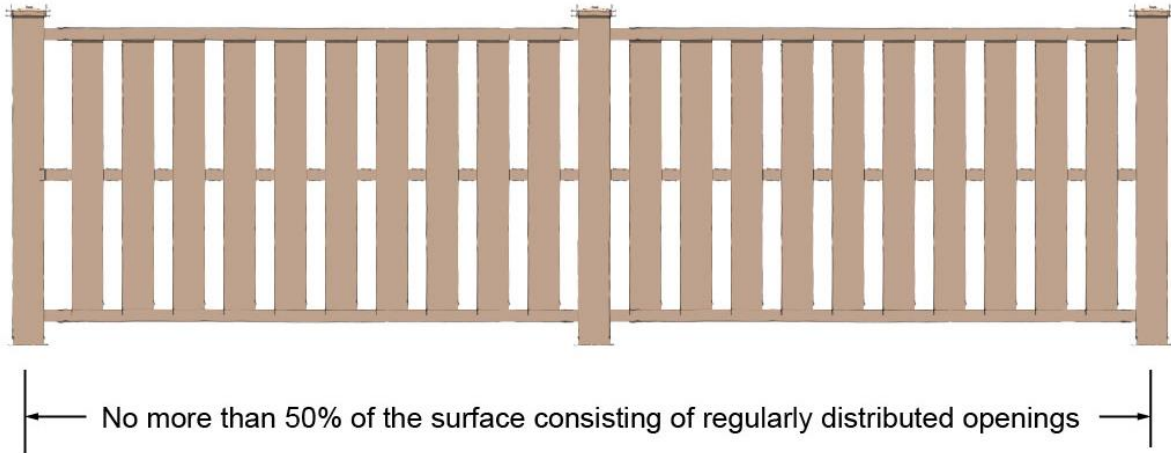
**Family.** One (1) or more persons related by blood, marriage, legal adoption or guardianship, or not more than four (4) persons not so related, living together on the premises as a single housekeeping unit. “Family” does not include and shall not be interpreted to include the following facilities addressed in this and other sections of this regulation: residential care facilities, community residences (large or small), fraternities, sororities, or dormitories.

**Farmers’ Market.** A temporary use of structures and/or land for the sale of a variety of fresh fruits and vegetables, and other locally produced farm and food products directly to consumers from two or more famers or vendors that have taken such items on consignment for retail sale.

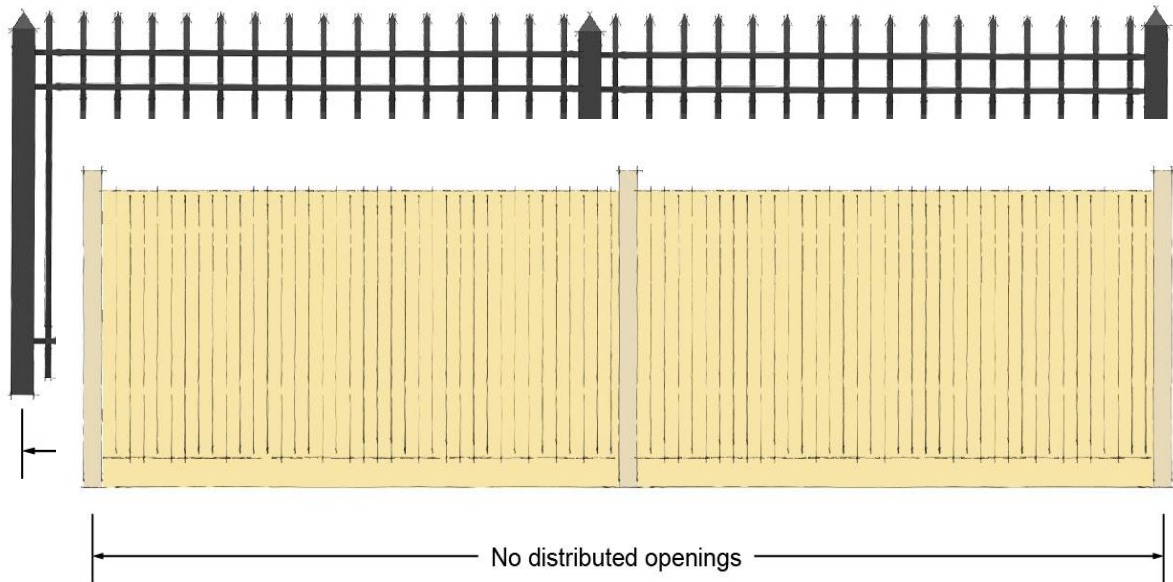
**Farm Stand.** A structure intended for the display and sale of agricultural or horticultural products, the major portion of which are grown or produced by the seller.

**Fence.** A structure used as a boundary, screen, separation, means of privacy, protection or confinement, and is constructed of wood, plastic, metal, wire mesh, masonry, or other similar material and is used as a barrier.

**Fence – Closed.** A fence that has, over its entirety, no more than 50% of the superficial surface consisting of regularly distributed openings.



**Fence - Semi-Open.** A fence that has, over its entirety, more than 50% of the superficial surface consisting of regularly distributed openings.





**Fence - Solid.** A fence that has, over its entirety, no distributed openings. A shadowbox design fence is considered a solid fence. A chain link fence with slats is not considered a solid fence.

**Financial Institution.** A bank, savings and loan, credit union, or mortgage office.

**Fixture.** The assembly that houses the lamp or lamps, which may include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

**Flood or Spot Light.** Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

**Forest Preserve.** Designated open space that preserves and protects natural features, wildlife, and critical environmental features. A forest preserve may include opportunities for passive recreation and environmental education.

**Funeral Home.** An establishment that prepares the dead for burial display and for rituals before burial or cremation, including chapels for the display of the deceased and the conducting of rituals before burial or cremation, and crematoriums.

**Garage.** A structure, either attached or detached, used primarily for the parking and storage of motor vehicles that is accessed by a driveway.

**Garage/Yard Sale.** A temporary use where used household and personal articles are sold held 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 are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. This may also include ancillary retail uses, one automatic car wash facility (one stall), and solar and/or electric charging stations.

**Gazebo.** A freestanding outdoor structure designed for recreational use and not for habitation.

**Glare.** Light emitting from a luminaire with an intensity great enough to reduce a viewers' ability to see, cause discomfort, and, in extreme cases, cause momentary blindness.

**Golf Course/Driving Range.** A tract of land design with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms and shelters as ancillary uses. A driving range may be designed as a standalone facility or included as part of a golf course, which is defined as a tract of land equipped with distance markers, clubs, balls and tees for practicing the hitting of golf balls, and may include a snack-bar and pro-shop.

**Government Office.** Offices owned, operated, or occupied by a governmental agency to provide a governmental service to the public. Government offices do not include public safety or public works facilities.

**Grade.** Defined in Section 2.2.

**Grading.** The reshaping of natural land contours, using natural land materials such as soil, gravel, sand, black dirt, etc., for the purpose of eliminating erosion or sedimentation problems, creating or improving surface drainage, providing for the natural aesthetic contouring of property, or to accommodate a building plan by making minor changes in land elevation.

**Greenhouse (Accessory).** A structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

**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.

**Gross Floor Area (GFA).** Defined in Section 2.2.

**Gun/Firearm.** Any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:

- a. Any pneumatic gun, spring gun, paintball gun or BB gun which expels a single globular projectile not exceeding 0.18 inches in diameter which has a maximum muzzle velocity of less than seven hundred (700) feet per second or breakable paintballs containing washable marking colors.
- b. Any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission
- c. Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition.

- d. An antique firearm (other than a machine gun) which, although designed as a weapon, the Illinois State Police finds by reason of the date of its manufacture, value, design and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

**Gun/Firearm Shop.** An establishment that sells guns/firearms and gun/firearm accessories. Any gun/firearm shop with a shooting range is classified as a shooting range.

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

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

**Helipad.** An area of land or portion of a structure used for the landing and take-off of helicopters with no facilities for service or permanent basing of such aircraft.

**Heliport.** A designated landing area for discharging or picking up passengers or goods by helicopter or similar vertical lift aircraft, and includes terminal facilities for passengers, goods, aircraft servicing, or storage.

**Home Occupation.** Any occupation or profession conducted within a dwelling unit and its permitted accessory structures that is clearly incidental and secondary to the use of such buildings.

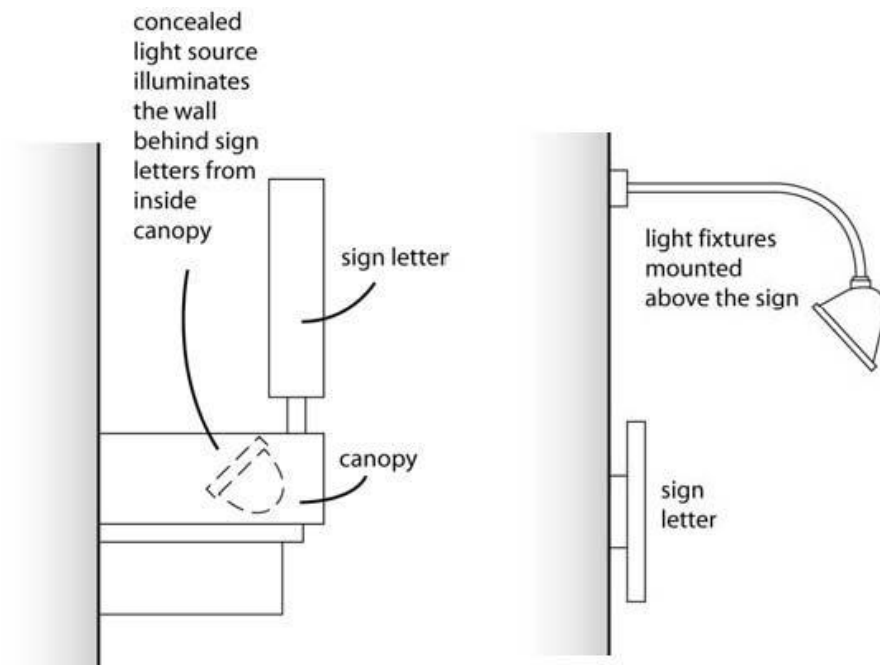
**Hospital.** Facilities for primary health services and medical or surgical care to people, primarily in-patients, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or educational facilities. Hospital includes, but is not limited to, sanitariums and any other medical facility where intensive medical treatment, including in-patient residential care, is provided.

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

**Illumination System.** The totality of the equipment installed to provide exterior lighting on a developed property. "Illumination system" includes all structures, canopy, pole, and ground-mounted luminaires, including all wiring, circuitry, and other devices installed to create exterior lighting.

**Impervious Surface Coverage (ISR).** Defined in Section 2.2.

**Indirect Lighting (Sign).** Illumination from a light source not contained within a sign or awning or halo or silhouette lighting that is not visible or exposed on the face of the sign.



**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 may 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, and storage, sales, and distribution of such products, provided all industrial activities are contained entirely within a building and noise, odor, smoke, heat, glare, and vibration resulting from the industrial activity are confined entirely within the building. 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.

**Industrial - General.** The manufacturing of products from processed or unprocessed raw materials, including processing, fabrication, assembly, treatment, and packaging of such products, and storage, sales, and distribution of such products. This manufacturing may produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land users but is not offensive or obnoxious. General industrial uses typically have ancillary outdoor storage areas.

**Industrial - Heavy.** The manufacturing or compounding of raw materials, which may include the storage of large volumes of highly flammable, toxic matter or explosive. This manufacturing may involve outdoor operations as part of their manufacturing process. Heavy manufacturing processes have greater than average impacts on the environment, or ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards.

**Industrial Use.** Those uses listed under “Industrial” in the global use matrix (Article 8, Table 8.1). However, planned unit developments that are categorized under “Other” are classified by the actual use of the property, which may or may not be industrial.

**Internal Lighting (Sign).** Illumination from a light source that is contained within a sign or awning.

**Intensity of Use.** Square feet of gross floor area, number of dwelling units, number of employees, or other factor used as a basis for requiring off-street parking or loading facilities.

**Junk Motor Vehicle.** An automobile, truck, or other motor vehicle that has extensive damage, including, but not limited to, any of the following: missing wheels, body parts, tires, engine, or transmission, or such a vehicle that does not comply with state, county or Village laws or ordinances.

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

**Lamp.** The component of a luminaire that produces the actual light.

**Lamp Wattage.** The amount of power of a lamp expressed in watts.

**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).

**Lighting.** Defined in Section 2.2.

**Light, Direct.** Light emitted directly from the lamp, off a reflector or reflector diffuser, or through the refractor or diffuser lens of a luminaire.

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

**Light Loss Factor.** A factor applied to lamps, which estimates the lumen output of a lamp sometime after installation. (For example, a lamp with an initial lumen rating of 10,000, which has a light loss factor of 0.7, is estimated to put out 7,000 lumens. A lamp with an initial lumen rating of 10,000, which has a light loss factor of 1.0, is estimated to put out 10,000 lumens.)

**Light Trespass.** The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

**Live Performance Venue.** A standalone facility for the presentation of live performances, including musical acts, theatrical plays or acts, stand-up comedy, magic, dance clubs, and disc jockey performances using vinyl records, compact discs, computers, or digital music players. A live performance venue is only open to the public when a live performance is

scheduled. A live performance venue does not include adult entertainment, as defined in adult use.

**Loading Berth.** A space within a loading facility exclusive of driveways, aisles, maneuvering areas, ramps, columns, landscape, and structures for the temporary parking of a commercial delivery vehicle while loading or unloading goods or materials.

**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, but not including clubs organized primarily for-profit or to render a service which is customarily carried on as a business.

**Logo.** A business trademark or symbol.

**Lot Area.** Defined in Section 2.2.

**Lot Line.** Defined in Section 2.2.

**Lot Line, Corner.** Defined in Section 2.2.

**Lot Line, Front.** Defined in Section 2.2.

**Lot Line, Interior.** Defined in Section 2.2.

**Lot Line, Rear.** Defined in Section 2.2.

**Lot Line, Street.** Any lot line that abuts a public right-of-way, excluding alleys.

**Lot of Record.** A lot which is a part of a subdivision, the plat of which has been recorded in the Office of the Lake County Recorder of Deeds, or a parcel of land which was lawfully recorded prior to the adoption and enactment of this Ordinance.

**Lot Width.** Defined in Section 2.2.

**Lumen.** A unit of luminous flux. One footcandle is one lumen per square foot. For the purpose of this Ordinance, the lumen value is the initial lumen output rating of a lamp.

**Luminaire.** A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

**Luminaire, Cutoff Type.** A luminaire containing elements such as shields, reflectors, or refractor panels that direct and cutoff a direct view of the light source at a cutoff angle.

**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 Marijuana Dispensary.** A facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients. Medical use cannabis means the acquisition, administration, delivery, possession, transfer, transportation, or use of cannabis to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition

**Medical/Dental Clinic – With Dispensary.** A facility operated by one or more physicians, dentists, chiropractors, psychiatrists, physiotherapists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis that also dispenses medications and medical supplies. Medical clinics also include alternative medicine clinics, such as acupuncture and holistic therapies, methadone clinics, and physical therapy offices for physical rehabilitation. A methadone clinic is defined a facility authorized by the Illinois Department of Human Services to use the drug methadone in the treatment, maintenance, or detoxification of persons.

**Medical/Dental Clinic – Without Dispensary.** A facility operated by one or more physicians, dentists, chiropractors, psychiatrists, physiotherapists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis that does not dispense medications or medical supplies. Medical clinics also include alternative medicine clinics, such as acupuncture and holistic therapies, and physical therapy offices for physical rehabilitation.

**Micro-Brewery.** A facility for the production and packaging of malt beverages of low alcoholic content for wholesale distribution, with a capacity of less than 15,000 barrels per year and may include a tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items. Sales of alcohols manufactured outside of the facility are prohibited. A separate liquor license is required for sales of alcohols manufactured on site.

**Micro-Distillery.** A facility for the production and packaging of alcoholic beverages in quantities not to exceed twelve 12,000 gallons per year and may include a tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items. Sales of alcohols manufactured outside of the facility are prohibited. A separate liquor license is required for sales of alcohols manufactured on site.

**Micro-Winery.** A facility for the production and packaging of any alcoholic beverages obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, in quantities not to exceed 25,000 gallons per year and may include a tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items. A separate liquor license is required for sales of alcohols manufactured on site.

**Mixed-Use Development.** A proposed development that includes principal non-residential and principal residential uses on the same development site.

**Motor Vehicle.** Any passenger vehicle, motorcycle, recreational vehicle, truck, truck-trailer, or semi-trailer propelled or drawn by mechanical power.

**Multi-Tenant Retail Center.** A group of two or more commercial establishments that is planned, owned, and/or managed as a single property. The two main configurations of multi-tenant retail centers are large shopping centers/malls and strip centers.

**Multi-Tenant Commercial Development.** A multi-tenant development where the majority of floor area is occupied or intended to be occupied by commercial uses.

**Multi-Tenant Industrial Development.** A multi-tenant development where the majority of the floor area is occupied or intended to be occupied by industrial uses.

**Multi-Tenant Office Development.** A multi-tenant development where the majority of the floor area is occupied or intended to be occupied by office uses.

**Non-Residential Use.** Those uses listed under “Retail,” “Service,” “Recreation/Social/Assembly,” “Office,” “Public,” “Transportation,” “Medical,” “Industrial,” and “Other” in the global use matrix (Article 8, Table 8.1). Structures with dwellings above ground floor non-residential uses are considered mixed-use development and considered a non-residential use for the purposes of this Ordinance. However, planned unit developments that are categorized under “Other” are classified by the actual use of the property, which may or may not be non-residential.

**Off-Street Parking.** The storage space for a motor vehicle on premises other than streets or rights-of-way.

**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 public. An office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, nor engaged in the repair of products or retail services. An office does not include financial institution, government office, or industrial design.

**Office Use.** Those uses listed under “Office,” “Service,” “Medical,” “Recreation/Social/Assembly,” and “Other” in the global use matrix (Article 8, Table 8.1). However, planned unit developments that are categorized under “Other” are classified by the actual use of the property, which may or may not be office.

**Open Space.** That portion of land and/or water not devoted to structures, parking or loading areas, driveways, or any principal or accessory use.

**Operating Hours.** The period of time from one hour prior to opening to one hour after closing of a non-residential establishment.

**Outdoor Dining.** A seating area that is located outdoors and contiguous to a restaurant or bar, typically in addition to an indoor seating area.

**Outdoor Display and Sales Area.** Part of a lot used for outdoor sales and/or display of goods accessory to the principal use.

**Outdoor Fire Pit.** An outdoor, solid fuel burning fireplace that may be constructed of steel, concrete, clay, or other noncombustible material. A portable outdoor fireplace may be



open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top. An outdoor fire pit may be portable or permanently installed.

**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.

**Outparcel.** A parcel of land, generally located on the perimeter of a larger parcel of commercial land that is subordinate to the larger parcel for access, parking and drainage purposes.

**Owner.** A titleholder of record, or if title is held in trust, the beneficiary of the trust or the person or persons who have acquired any interest in the property by contract or purchase or otherwise.

**Parapet.** The extension of a false front or wall above a roof-line.

**Park/Playground.** A non-commercial facility that serves the recreational needs of residents and visitors. Park/playground includes, but is 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, which may incorporate recreation, indoor –.

**Parking Lot.** An open, hard-surfaced area, other than a street or public way, used for the storage of operable passenger motor vehicles, whether for compensation or at no charge.

**Parking Structure.** A structure of one or more levels or floors used for the parking or storage of operable passenger motor vehicles, whether for compensation or at no charge.

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

**Passenger Terminal.** A facility for handling, receiving, and transferring passenger traffic, including, but not limited to, buses and trains.

**Patio.** A hard surface designed and intended for recreational use by people and not used as a sidewalk or parking space.

**Pawn Shop.** A business that lends money on the deposit or pledge of physically delivered personal property, and who may also purchase such property on the condition of selling it back again at a stipulated price. A pawn shop includes businesses that buy personal property, such as gold, jewelry, or artwork. Pawn shop does not include consignment shops and antique shops, which are considered retail goods establishments.

**Pergola.** A freestanding, open structure that forms a partially shaded pedestrian walkway, passageway, or sitting area, and is constructed of a semi-open roof and vertical posts that support cross-beams and a sturdy open lattice. It may also be used as an extension of a building entryway.

**Person.** For the purposes of this Ordinance, any individual, corporation, association, firm, partnership, or joint venture.

**Personal Service Establishment.** A business that provides frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, tanning salons, electronics repair shops, nail salons, laundromats, health clubs, dry cleaners, and tailors.

**Place of Worship.** A building, together with accessory structures and uses, where persons 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 columbariums as an ancillary use.

**Planned Unit Development.** See Article 9.

**Porch.** An architectural feature that projects from the exterior wall of a structure, has direct access to the street level of the building, and is covered by a roof or eaves.

**Porch – Unenclosed.** A porch that is open on two or more sides.

**Porch – Enclosed.** A porch enclosed by walls, screens, lattice or other material on more than two sides. A screened-in porch is considered an “Enclosed Porch.”

**Property Line.** The lines bounding a lot.

**Principal Building.** A non-accessory structure in which a principal use of the lot on which it is located is conducted.

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

**Public Use.** Those uses listed under “Public” and “Transportation” in the global use matrix (Article 8, Table 8.1). However, planned unit developments that are categorized under “Other” are classified by the actual use of the property, which may or may not be public or transportation.

**Public Safety Facility.** A facility operated by and for the use of public safety agencies, such as the fire department and police departments, including the dispatch, storage, and maintenance of police and fire vehicles.

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

**Raceway.** A mounting bar or similar device that is used to attach channel letters to a building. Raceways often conceals the electrical components of channel letter signs

**Railroad Right-of-Way.** A strip of land with tracks and auxiliary facilities for track operation, but not including depots, loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops, or water towers.

**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 provides hosting and rental services of a banquet hall or similar for private events including, but not limited to, wedding receptions, holiday parties, and fundraisers, with food and beverages that are prepared and served on-site or by a caterer to invited guests during intermittent dates and hours of operation. Live entertainment may be provided as an ancillary use as part of an event. A reception facility is not operated as a restaurant with regular hours of operation.

**Recreation, Indoor.** A facility for spectator and participatory uses conducted within an enclosed building, such as sports courts, bowling alleys, tumbling centers, skating centers, roller rinks, movie theaters, pool halls, and sporting exhibitions. An indoor recreation facility may include ancillary uses, such as restaurants and bars, for the use of patrons. Indoor recreation facilities do not include live performance venues.

**Recreation, Outdoor.** A facility for spectator and participatory uses conducted outdoors or within partially enclosed structures, such as sports courts, batting cages, mini-golf, and sporting exhibitions. An outdoor recreation facility may include ancillary uses, such as restaurants and bars, for the use of patrons. Outdoor recreation facilities do not include live performance venues or amusement parks.

**Recreational Vehicle.** Any vehicle or boat designed for temporary living quarters, recreation, or temporary human habitation and not used as a commercial vehicle, including, but not limited to, the following: boat/watercraft, camper trailer, conversion vans, motorized trailer, off-the-road vehicle, racing car or cycle, travel trailer, and truck camper. Mobile homes are not included in the definition of “recreational vehicle.”

- a. Boat/Watercraft.** A vehicle for traveling in or on water, including all types of personal watercraft whether impelled by wind, oars, or mechanical devices. For the purpose of this Ordinance, boat(s)/watercraft mounted on a trailer are considered one vehicle.
- b. Camper Trailer.** A folding or collapsible vehicle without its own motive power designed and constructed as temporary living quarters for travel, camping, recreation, or vacation use.
- c. Conversion Van.** A conventional van whose cargo area has been equipped with living facilities, extra windows, and often increased headroom.
- d. Motor Home.** A temporary dwelling designed and constructed for travel, camping, recreational, or vacation uses as an integral part of the self-propelled vehicle.
- e. Off-the-Road Vehicle.** A vehicle intended principally for recreational use off of roads where state vehicle licenses are required, such as a dune buggy, go-cart, and all-terrain vehicle.
- f. Racing Car or Cycle.** A vehicle intended to be used in racing competition, such as a race car, stock car, or racing cycle.

- g. Snowmobile.** A self-propelled vehicle designed for travel on snow or ice, generally steered by skis or runners. For the purpose of this Ordinance, snowmobile(s) mounted on a trailer are considered one vehicle.
- h. 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.
- i. Travel Trailer.** A rigid vehicular structure, without its own motive power, designed as a temporary living quarters for travel, camping, recreation, or vacation use, and is required to be licensed or registered and insured for highway use.
- j. 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 dwelling for travel, camping, creation or vacation use. When mounted on a truck, such structure and the truck are considered one vehicle.
- k. Utility or Haul Trailer.** A vehicle, enclosed or non-enclosed, without its own motive power that is designed and constructed to transport another vehicle, such as a car, boar, motorcycle or snowmobile, or to transport equipment and/or tools, such as lawn mowers, bobcats, etc., and that is eligible to be licensed or registered and insured for highway use. For the purpose of this Ordinance, a utility or haul trailer with vehicle(s) mounted on it is considered one vehicle.

**Research and Development (R&D).** A facility where research and development is conducted in industries that include, but are not limited to, biotechnology, pharmaceuticals, medical instrumentation or supplies, communication, and information technology, electronics and instrumentation, and computer hardware and software. Research and development does not involve the manufacture, fabrication, processing or sale of products.

**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. Residential care facility is subject to the dimensional and design standards for multi-family dwellings unless specific standards are cited for such housing

**Residential Use.** Those uses listed under “Residential” and “Agricultural” in the global use matrix (Article 8, Table 8.1). However, planned unit developments that are categorized under “Other” are classified by the actual use of the property, which may or may not be residential or agricultural.

**Restaurant.** An establishment where food and drinks are provided to the public, primarily for on-premises consumption by seated patrons. If the establishment also serves alcoholic beverages, a full menu of food and drinks must also be prepared on premises. Live entertainment may be provided as an ancillary use to a restaurant. Live Entertainment does not include adult entertainment, as defined in adult use.

**Retail Goods Establishment.** A commercial enterprise that provides 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. Sale of alcohol products is regulated separately as retail sales of alcohol.

**Retail Sales of Alcohol.** Retail sales of alcoholic beverages for consumption off-premises, when licensed by the Village and in factory original containers.

**Roof, Blue.** A roof designed to store water and discharge rainfall.

**Roof, Green.** A building roof partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

**Roof, White.** A roof designed to deliver high solar reflectance, reducing heat transfer to the building and the ability to radiate absorbed, or non-reflected solar energy.

**Roofline.** The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections.

**Salvage Yard.** A facility where used vehicles, appliances, building fixtures, architectural features from structures, and similar commodities are sorted, dismantled, and/or offered for sale.

**Satellite Dish Antenna.** A dish antenna designed for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication or other signals from other antennas, satellites or other services. Small satellite dish antennas are one meter (3.28 feet) or less in diameter. Large satellite dish antennas are more than one meter (3.28 feet) in diameter.

**Security Hours.** The period of time from one hour after closing to one hour prior to opening of a non-residential establishment.

**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.

**Setback.** Defined in Section 2.2.

**Setback, Front.** Defined in Section 2.2.

**Setback, Interior Side.** Defined in Section 2.2.

**Setback, Corner Side.** Defined in Section 2.2.

**Setback, Rear.** Defined in Section 2.2.

**Setback, Reverse Corner Side.** Defined in Section 2.2.

**Shed.** An accessory structure, often purchased pre-built or as a kit in pre-fabricated sections, that is not designed to be served by heat or plumbing and does not need to be placed on a permanent foundation. A “shed” is typically intended to store lawn, garden, or recreational equipment. A shed is not accessed by a driveway.

**Shooting Range.** An indoor facility for the discharging of guns/firearms for the purpose of target practice.

**Sidewalk.** An improved surface, the principal purpose of which is a pedestrian walkway.

**Sign.** Any identification, description, illustration, or device illuminated or non-illuminated that is visible to the public from adjoining streets or adjoining properties and that directs attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard, temporary sign, lights, balloons or other device designed to attract attention, advertise, identify or convey information. Building details that are an integral part of the overall architectural design of a building or works of art accessory to a building are not be considered signs.

**Sign, Animated.** Any sign that uses movement or change of lighting to depict action or create a special effect or scene. Animated sign expressly includes multi-color electronic message center signs, video screens, television screens, plasma screens and holographic displays, but does not include single-color electronic message center signs.

**Sign Area.** Defined in Section 2.2.

**Sign, Box.** A sign with text or symbols printed on a plastic or acrylic sheet that is mounted on a cabinet or box that houses the lighting source and equipment. Also known as a cabinet sign.



**Sign, Business.** A sign that directs attention to a profession or business conducted, or to a commodity, service, activity, or entertainment sold, offered or manufactured upon the premises where such sign is located or in the building to which such sign is affixed.

**Sign, Cabinet.** See box sign.

**Sign, Changing-Image.** Any sign that, through the use of moving structural elements, sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement or change of sign image or message. This includes electronic message centers and animated signs.

**Sign, Construction.** Any sign identifying individuals or companies involved in design, construction, demolition, financing, or development when placed upon the premises where construction or development is ongoing.

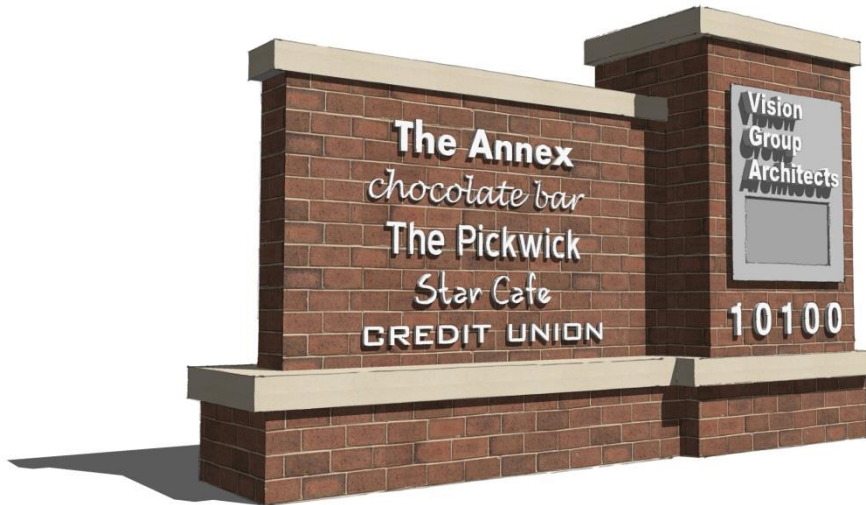
**Sign, Directional.** A sign used to convey directions and other information for the convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, entrances to buildings, help wanted, public telephone, etc. Also included are signs on private property designed to direct pedestrians or vehicular traffic, such as entrance or exit.

**Sign, Directory.** A wall or freestanding sign on a multi-tenant development site that is used to convey directions or tenant information to pedestrians and motorists who have entered the site.

**Sign, Distinctive Materials/Design.** Custom-made signs that use only indirect lighting and do not include a raceway or visible electrical housing and that are constructed primarily of the following materials and methods:

1. Ceramic tile: painted or sandblasted.
2. Wood: carved or sandblasted.
3. Metal: formed, etched, cast, or engraved.
4. Brick, stone, manufactured stone, or concrete formed and tinted to look like brick or stone, with recessed or raised lettering.

5. Other similar high-quality, exterior-grade materials approved by the Zoning Administrator.



**Sign, Electronic Message Center.** A sign or component of a sign that uses changing lights of a single color to form a message or series of messages that are electronically programmed or modified by electronic processes.

**Sign, Flashing.** Any illuminated sign that contains an intermittent or flashing light source or that changes light intensity in sudden transitory bursts.

**Sign, Freestanding.** Any sign on a frame, pole or other support structure that is not attached to any building.

**Sign, Menu Board.** A sign displaying goods or services available through a drive-up window or available through a drive-in or drive-through establishment.



**Sign, Monument.** The base of the monument sign must be on the ground. For monument signs mounted on structural posts, said posts must not extend more than six inches above adjacent grade. The monument base must be designed as an integral part of the overall monument sign structure. The width of the sign base must be a minimum of 80% of the width of the sign face. The sign face is that portion of the sign calculated as sign area (defined in Section 2.2).



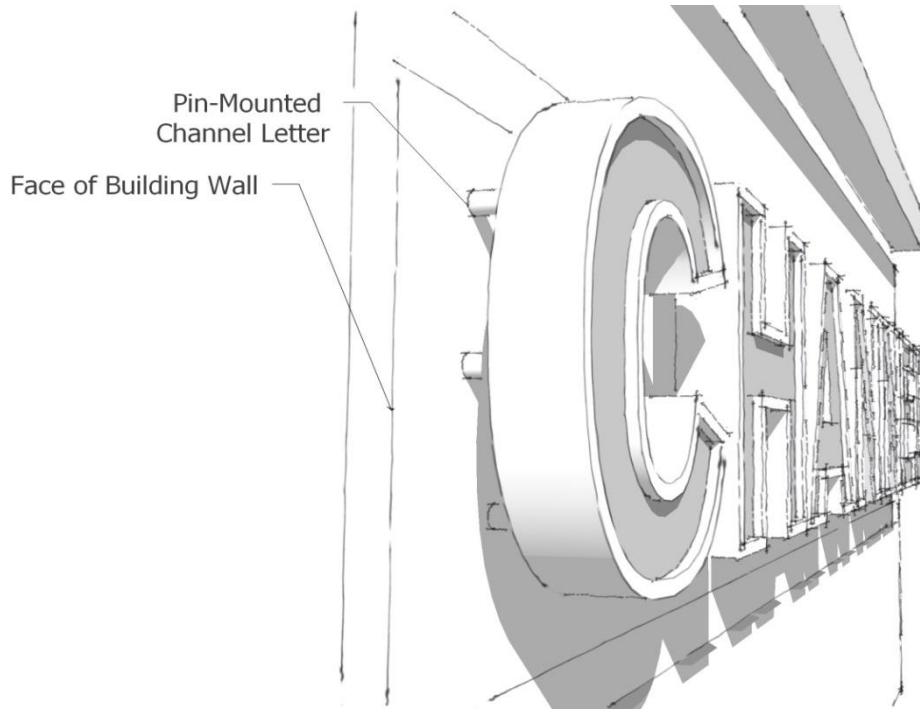
**Sign, Moving.** Any sign that revolves, rotates, swings, undulates, or otherwise attracts attention by moving parts, whether operated by mechanical equipment or by natural sources, not including flags or banners.

**Sign, Multi-Tenant Development.** A sign on the site of a multi-tenant development identifying the names of tenants or property owners, the address of the premises, and/or the name of any legal business that owns, controls, or manages a multi-tenant development.



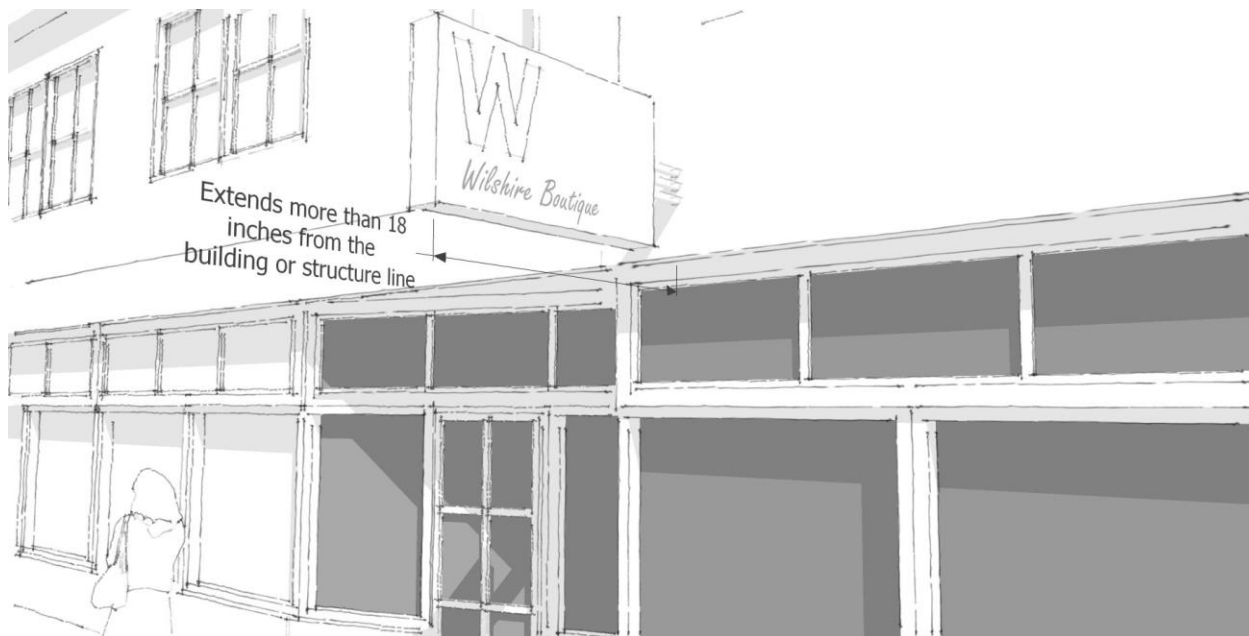
**Sign, Off-Premise.** A sign that directs attention to a profession, business, activity, commodity, service or entertainment other than one conducted, sold, or offered upon the premises where such sign is located.

**Sign, Pin-Mounted Channel Letter.** A wall sign mounted directly on the face of a building wall as individual letters, numbers, or symbols without a raceway or background other than the background provided by the building to which the sign is affixed. In order to qualify for the sign area ratios established for pin-mounted channel letter signs, pin-mounted channel letter signs must not be illuminated or be illuminated only by indirect lighting, halo lighting, or silhouette lighting. Pin-mounted channel letter signs with other forms of illumination are subject to raceway-mounted channel letter sign area ratios.

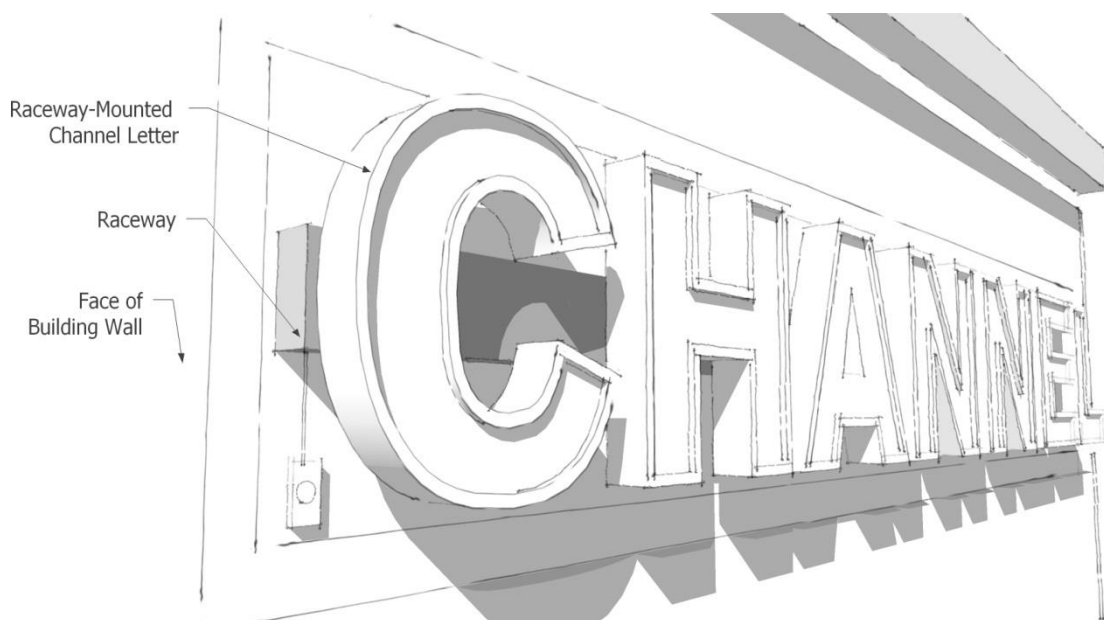


**Sign, Portable.** Any sign not permanently attached to the ground, a building or other structure that is not readily movable. Any sign attached to a sign structure that has wheels will be considered a portable sign, as well as any sign attached to a frame or other sign structure that is not permanently attached to the ground or a building.

**Sign, Projecting.** Any sign that is attached to a building or other structure and extends beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached by more than 18 inches.

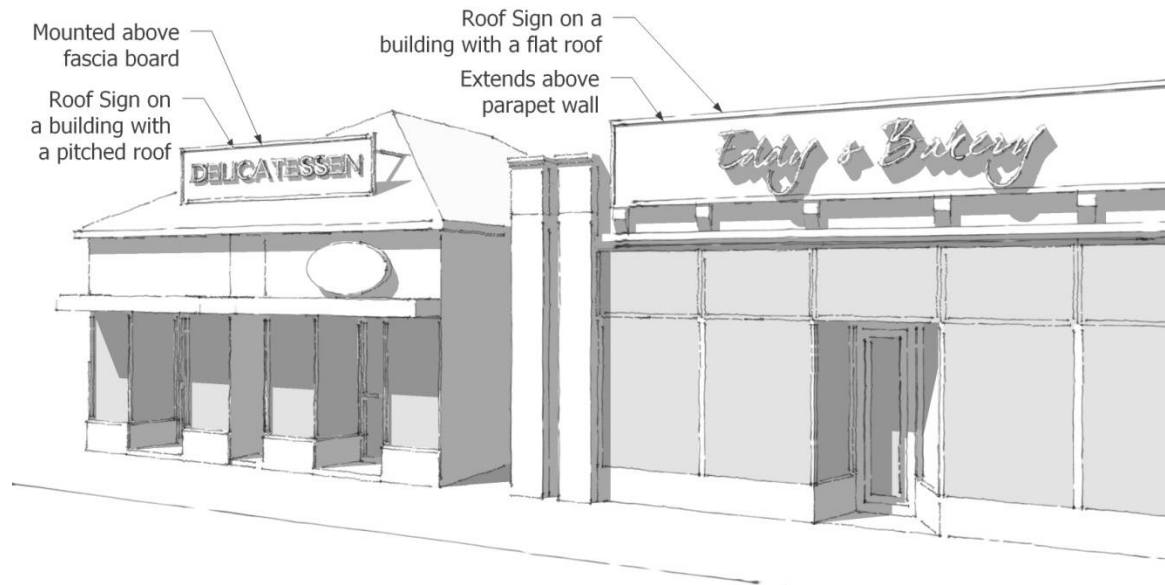


**Sign, Raceway-Mounted Channel Letter.** A wall sign mounted on a raceway as individual letters, numbers, or symbols. Also includes channel letter signs mounted on a background other than the building wall. In order to qualify as a raceway-mounted channel letter sign, the raceway must be painted or otherwise designed to match or blend in with the color of the wall to which it is attached.



**Sign, Reader Board.** A sign that includes interchangeable letters and/or numbers, either illuminated or non-illuminated.

**Sign, Roof.** Any sign erected, constructed, and maintained above the parapet on a building with a flat roof or above the fascia board on a building with a pitched roof.



**Sign, Screened Box Signs With Raised (Push-Through) or Recessed Letters.** A box sign with opaque (screened) background and lighting that highlights only the individual letters, symbols, or logos and on which the letters, symbols, or logos are raised or recessed onto a different plane than the sign background, thereby giving a clearly distinguishable dimensional effect to the sign.





**Sign Structure.** Any structure that supports a sign, including decorative cover.

**Sign, Temporary.** Any sign, banner, pennant, valance, or advertising display that by intent is not permanent, constructed of cloth, vinyl, canvas, lightweight fabric, cardboard, wallboard, or other lightweight materials with or without frames, intended to be displayed for a short period of time only.

**Sign, Wall.** A single-faced sign attached generally flush or parallel to the wall of a building.



**Sign, Window.** A sign posted, painted, placed, or affixed in or on a window exposed to public view. A sign that is interior to the building that faces a window exposed to public view that is located within 2 feet of the window face is a window sign for the purposes of calculating the total area of all window signs. Merchandise used in a window display will not be considered a window sign



**Sight Triangle.** Defined in Section 2.2.

**Single Housekeeping Unit.** Any household whose members are an interactive group of persons jointly occupying a dwelling unit, including joint access to and use of all common areas including living, kitchen, and eating areas within the dwelling unit, and sharing household activities and responsibilities such as meals, chores, expenses and maintenance, and whose makeup is determined by the members of the unit rather than by the landlord, property manager, or other third party.

**Solar Energy Systems (SES).** An energy production system that utilizes solar collectors to convert solar energy from the sun into thermal, mechanical or electrical energy for storage and use. Terms used within "solar energy system" regulations within this Ordinance have the following meanings.

- a. **Photovoltaic Cell.** A semiconductor device that converts solar energy directly into electricity.
- b. **Solar Collector.** A professionally manufactured device, structure, or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, or electrical energy.
- c. **Solar Collector Surface.** Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. "Solar collector surface" does not include frames, supports, and mounting hardware.

- d. **Solar Energy System – Building-Mounted.** A solar energy system that is professionally mounted on the roof of a principal building or accessory structure. A building mounted solar energy system includes building-integrated, flush-mounted, and non-flush-mounted systems.
- (1) **Building-Integrated.** A building-mounted 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, skylights, shading devices and similar architectural components.
- (2) **Flush-Mounted.** A building-mounted solar energy system that is mounted to a finished roof surface where the solar collector, once installed, projects no further than six inches in height beyond the roof surface.
- (3) **Non-Flush-Mounted.** A building-mounted solar energy system that is mounted to a finished roof surface where the solar collector, once installed, projects more than six inches in height beyond the roof surface.
- e. **Solar Energy System – Ground-Mounted.** A freestanding solar energy system that is placed or mounted to the ground.
- f. **Solar Energy System – Large.** A solar energy system that contains multiple solar collectors and is primarily used to produce energy to be sold commercially. Large solar energy systems are not considered utilities in this Ordinance and are not allowed in the Village.
- g. **Solar Energy System - Self-Contained.** A professionally manufactured device that utilizes solar collector(s) to produce small amounts of power that are generated exclusively for the device. A self-contained solar energy system is typically located in areas that are not in close proximity to a utility power source. Examples of these types of self-contained solar energy systems include, but are not limited to: light poles in parks for security or safety reasons, pedestrian street crossing signs that alert oncoming traffic of the crossing, natural resource observation systems (such as tracking flood level depths), pumps that aerate an isolated pond, and attic fans mounted on a roof that are used for ventilation purposes.
- h. **Solar Energy System – Small.** A professionally manufactured system accessory to the principal use that utilizes solar collectors to convert solar energy from the sun into thermal, mechanical or electrical energy for storage and use and is intended to primarily reduce on-site consumption of utility power. Energy produced in excess of on-site consumption may be sold back to the electric utility service provider that serves the proposed site for use with the existing energy grid. For the purposes of this ordinance, a solar energy system includes building mounted and ground mounted solar energy systems.



**Specialty Food Service.** A business that specializes in the sale of certain food products, such as a delicatessen, bakery, meat market, catering business, or fishmonger, and may offer areas for accessory retail sales or restaurants that serve the products processed on-site. Specialty food service also includes preparation, processing, canning or packaging of food products where all processing is completely enclosed and there are no outside impacts..

**Stable (Private – Non-Commercial).** A detached accessory structure for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale.

**Stable – Commercial.** The land and structures where horses are bred, raised, boarded, or kept for remuneration, hire, or sale, including training, riding lessons, and for therapy.

**Stacking Space.** A space specifically designed and designated as a waiting area for vehicles patronizing a drive-through facility or service bay.

**Stoop.** An exterior floor typically, constructed of stone, concrete, and/or masonry, with a finished floor elevation higher than the adjacent ground level, often with steps leading up to it, and utilized primarily as an access platform to a structure. A “stoop” may be roofed and designed with railings, but cannot be enclosed. A “stoop” is also referred to as a portico.



**Outdoor Storage of Materials.** The outdoor storage of material such as brick, stone, concrete, wood, or similar (not including vehicle or shipping container storage) as a principal use of the lot for more than 24 hours.

**Street.** A public or private right-of-way that affords a primary means of vehicular access to abutting property, but does not include alleys or driveways.

**Street Frontage.** A lot line or the length of a lot line that is also the line of any public street right-of-way other than an alley. The street frontage of a lot or parcel that is legally created or described as extending to the center line of a street must be measured along the line that denotes the edge or boundary of the easement established for the street. The street must exist or the right-of-way must have been created for street purposes and may be a limited access or controlled access roadway but may not be a utility right-of-way, drainage way, park or railroad and may not be an alley.

**Structural Alteration.** Any change, other than incidental repairs, which would prolong the life of supporting members of a structure, such as the addition, removal, or alteration of bearing walls, columns, beams, girders or foundations.

**Structure.** Anything constructed or erected on the ground or attached to something having a permanent location on the ground including but not limited to buildings, fences, signs, sheds, or similar uses.

**Swimming Pool.** A receptacle for water and/or an artificial pool of water over 24 inches in depth.

**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 new development.

**Temporary Dumpster.** A container designed for receiving, transporting, and dumping waste materials.

**Temporary Exterior Lighting.** The specific illumination of an outside area or object by any man-made device that produces light by any means, which is not intended to be a permanent installation.

**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.** A temporary live entertainment event, such as the performance of live music, revue, or play within an outdoor space. Temporary outdoor entertainment event includes fireworks shows, horse shows, animal shows, carnivals/circuses, temporary worship services, and others.

**Temporary Outdoor Sales.** Temporary uses, which may include temporary structures, where goods are sold, such as consignment auctions, arts and crafts fairs, flea markets, rummage sales, temporary vehicle sales, and holiday sales, such as Christmas tree lots and pumpkin sales lots. This temporary use category does not include outdoor sales related to a retail goods establishment where such goods are part of the establishment's regular items offered for purchase, which are regulated by Section 10.2 of this Ordinance.

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

**Temporary Structure.** Any structure that is not permanently located, placed, or affixed in the place where it is or where it is intended to be placed.

**Trellis.** A frame made of bars of wood or metal crossed over each other, fixed to a wall, to support vines or climbing plants.

**Unified Control.** The combination of two or more tracts of land wherein each owner has agreed that his tract of land will be developed under the same development approvals.

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

**Utility.** Facilities that produce and/or transmit basic services, such as electricity, gas, sewer, or water, including large-scale developments such as electric or gas generation plants, electrical substations, high voltage transmission lines, and water towers and tanks. Utilities do not include public works facilities. Large wind energy systems and large solar energy systems are not considered utilities.

**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 on-site 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 Operations Facility.** A facility for the dispatch, storage, and maintenance of emergency medical care vehicles, taxicabs, school buses, and livery vehicles. Motor vehicle operations facility does not include a public works or public safety facility, where vehicles for fire, police or other municipal departments are dispatched, stored and/or maintained.

**Vehicle Rental Establishment.** An establishment that rents automobiles and vans, including incidental parking and servicing of rental vehicles. A motor vehicle rental establishment may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership.

**Vehicle Repair - Minor.** A business the provides services in minor repairs to motor vehicles, motorcycles, all-terrain vehicles (ATV) vehicles, including repair or replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, replacement tires, realigning and repairs, wheel servicing, alignment and balancing, repair and replacement of shock absorbers, and replacement or adjustment of mufflers and tail pipes, hoses, belts, light bulbs, fuses, windshield wipers/wiper blades, grease retainers, wheel bearings, and the like.

**Vehicle Repair - Major.** A business that provides services in engine rebuilding, major reconditioning of worn or damaged motor vehicles, motorcycles, all-terrain vehicles (ATV), recreational vehicles and trailers, towing and collision service, including body, frame or fender straightening or repair, and painting of motor vehicles, and may include minor auto repair services.

**Wall.** A constructed solid barrier of concrete, stone, brick, tile, or similar type of material that closes, marks, or borders a field, yard, or lot, and that limits visibility and restricts the flow of air and light.

**Warehouse.** An enclosed facility for the storage and distribution of manufactured 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.

**Wind Energy System (WES).** A wind energy production, conversion and distribution system generally consisting of a wind turbine, tower, and associated electronic equipment. Terms used within “wind energy system” regulations within this Ordinance have the following meanings.

- a. **Building-Mounted Wind Energy Systems (BWES).** A wind energy system that utilizes a monopole to structurally attach onto the roof or side of a structure. A BWES system may have a horizontal axis or vertical axis wind turbine system attached to generate the power.
- b. **Daytime Hours.** The hours of the day from 7:00 am to 10:00 pm local time.
- c. **Horizontal Axis Wind Turbine (HAWT).** A turbine that rotates on a horizontal axis, typically with propeller blades. They have the main rotor shaft and generator at the top of the tower, and must be pointed into the wind. Smaller turbines are pointed by a simple wind vane, while larger turbines generally use a wind sensor coupled with a servo motor. Most have a gearbox, which turns the slow rotation of the blades into a quicker rotation that is more suitable to drive an electrical generator.
- d. **Large Wind Energy System (LWES).** A wind energy system that primarily produces energy to be sold commercially. Large solar energy systems are not considered utilities in this Ordinance and are not allowed in the Village.
- e. **Nighttime Hours.** The time of the day after 10:01 pm until 6:59 am local time.
- f. **Nonparticipating Property.** A lot that is not owned by the owner of the property on which the WES is proposed or installed.
- g. **Operational Condition.** WES facilities being capable of operating at full capacity while meeting all sound and other permit conditions.
- h. **Owner.** The person(s), who hold(s) title of the property on which a WES facility is installed.
- i. **Participating Property.** The property on which a WES is located.
- j. **Shadow Flicker.** 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 is defined as the difference or variation in brightness at a given location in the presence and absence of a shadow.
- k. **Small Wind Energy System (SWES).** A building-mounted wind energy system or tower-mounted wind energy system that is accessory to the principal use and intended

to primarily reduce on-site consumption of utility power. SWES energy produced in excess of on-site consumption may be sold back to the utility power service provider.

- l. Sound.** A disturbance or oscillation that propagates outwardly as acoustic waves through the air.
- m. Sound Frequency.** The number of oscillations per second expressed in hertz (Hz). High frequency sound has more oscillations per second, whereas low frequency sound has fewer. The types of frequencies include:
  - (1)** Audible or tonal sound: Sound frequencies between 20-20,000 Hz
  - (2)** Broadband: A wide range of frequencies above 100 Hz
  - (3)** Low-Frequency: Sound with frequencies below 100 Hz, including audible sound and infrasound
  - (4)** Infrasound: Sound frequencies below 20 Hz.
- n. Sound Level.** The A-weighted sound pressure level in decibels [dB(A)] (or the C-weighted level [dB(C)], 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, must have an integrating feature that meets ANSI S1.43 and procedures must meet the applicable portions of ANSI S12.9. All sound measurements must be made when ground level winds are below 6 mph. The average sound level is time-averaged for a period of not less than one minute nor more than two minutes using an integrating sound level meter that meets the requirements of ANSI S1.43 or its latest revision.
- o. Sound Pressure Level A-Weighted dB(A).** The weighted scale that is most often utilized for the measurement of audible or tonal sound levels. These are sounds that range from 20 to 20,000 Hz and that the human ear can typically hear.
- p. Sound Pressure Level C-Weighted dB(C).** The weighted scale that is utilized especially for measurement of low frequency sound which includes, but is not limited to bass tones or infrasound and may or may not be audible to the human ear.
- q. Structural Weight.** The combined weight of the tower, wind turbine generator, and any other component(s) otherwise supported by the base foundation.
- r. Sun Glint.** The reflection of sunlight off of a surface of the blades, tower, or other component of the wind energy system.
- s. Tower-Mounted Wind Energy System (TWES).** A freestanding wind energy system that is mounted to the ground and structurally attached to a tower. A TWES system is typically less than 175 feet in height and may have a horizontal axis or vertical axis wind turbine system attached to it that generates the power.
- t. Tower - Monopole.** A single pole structure that supports a wind turbine, without the use of guy wires or similar support systems.
- u. Turbine.** The parts of a WES including the blades, nacelle, and tail.

- v. **Vertical Axis Wind Turbine (VAWT).** A turbine in which the main rotor shaft is arranged vertically creating an “egg beater” appearance. The generator and gearbox are located near the ground so the tower does not have to support it and it is more accessible for maintenance.
- w. **Wind Farm.** More than one Large Wind Energy Systems (LWES) on a given site, constructed for the commercial generation (or sale) of electrical power. For the purposes of this Ordinance, more than one Small Wind Energy System (SWES) which is constructed for commercial generation (or sale) of electrical power shall be considered a wind farm.

**Wireless Telecommunications.** Towers, antennas, and facilities used to transmit and receive radio-frequency signals, microwave signals, or other signals that facilitate wireless telecommunications. The following definitions describe the wireless telecommunications infrastructure described within the general definition for wireless telecommunications:

- 1. **Antenna.** A specific device, the surface of which is used to transmit and/or receive radio-frequency signals, microwave signals, or other signals transmitted to or from other antennas. This does not include satellite dish antenna.
- 2. **Facility.** An un-staffed structure used to house and protect the equipment necessary for processing telecommunications signals, which may include air conditioning equipment and emergency generators.
- 3. **Tower.** A structure designed and constructed to support one or more wireless telecommunications antenna and including all appurtenant devices attached to it.

**Yard.** Defined in Section 2.2.

**Yard, Front.** Defined in Section 2.2.

**Yard, Interior Side.** Defined in Section 2.2.

**Yard, Corner Side.** Defined in Section 2.2.

**Yard, Rear.** Defined in Section 2.2.

**Yard, Reverse Corner Side.** Defined in Section 2.2.

**Yard, Transitional.** Defined in Section 2.2.

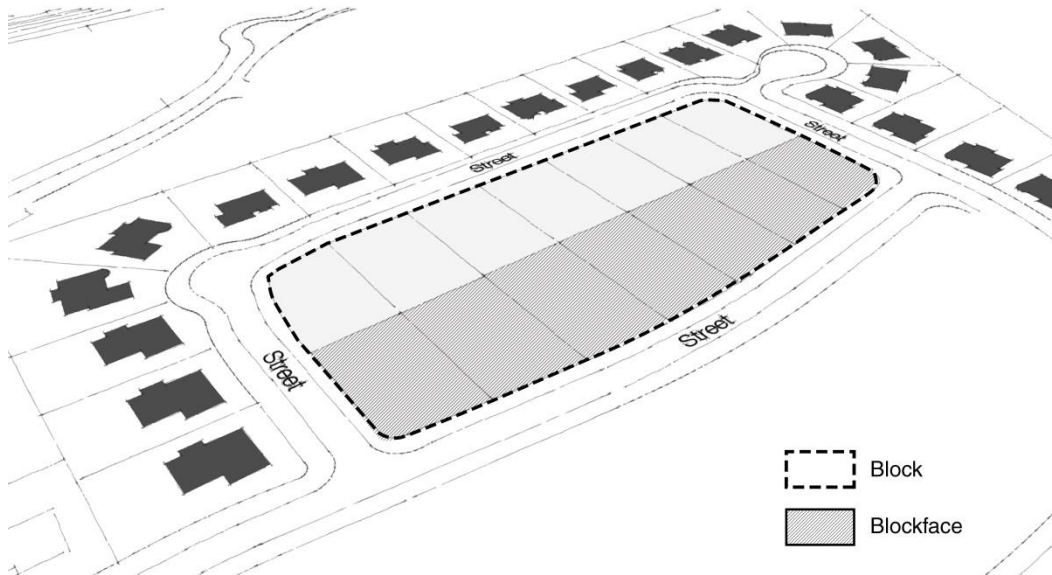
**Zoning Lot.** A lot or combination of lots within a single block, which is designated by its owner or developer to be used, developed, or built upon as a unit. A zoning lot may or may not coincide with a “lot of record.”

## 2.2 RULES OF MEASUREMENT

This section provides the rules of measurement for the dimensional standards and locational characteristics within the Ordinance.

## 1. Block and Blockface

- a. A block is a tract of land bounded by streets, or a combination of streets and public parks, golf courses, cemeteries, railroad rights-of-way, shorelines of waterways, or municipal boundary lines.
- b. Blockface is measured as that portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets, or between an intersecting street and a public park, golf course, cemetery, railroad right-of-way, a shoreline of a waterway, or municipal boundary line.



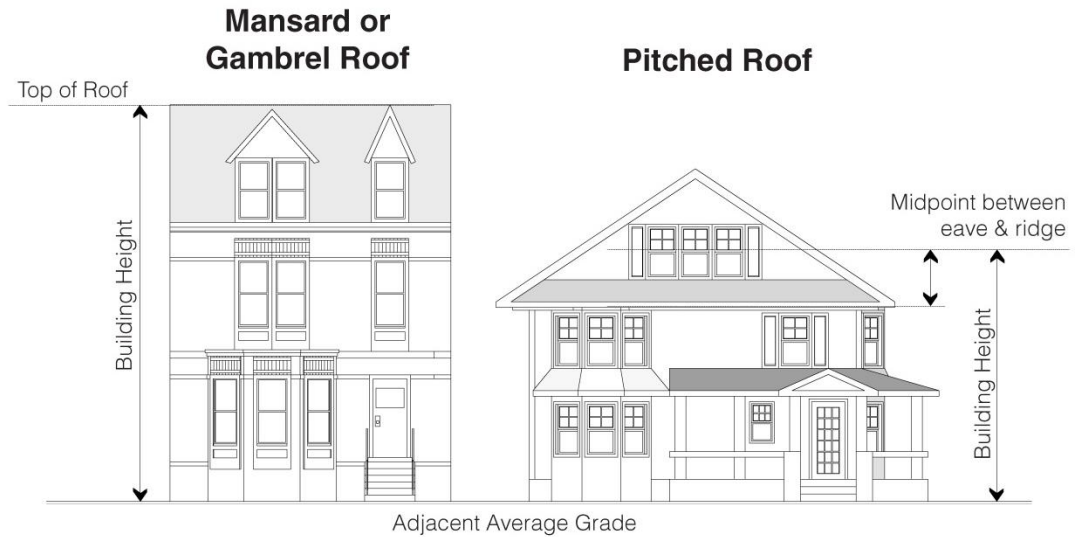
## 2. Building Coverage

The building coverage of a lot is the area of a lot occupied by the principal and accessory buildings. Building coverage is calculated as the percentage of principal and accessory building footprint area to the total area of the lot.

## 3. Building Height

- a. Building height is measured as the vertical distance from the adjacent average grade, or its equivalent, opposite the center of the front of a building to:
  - (1) The top of a flat roof, including structures designed with a decorative mansard roof concealing the flat roof.

- (2) The peak of a gambrel or mansard roof.
- (3) The midpoint height between the eaves and the ridge in the case of a pitched roof (gable or hip roof).



- b. The following structures or parts thereof are exempt from the height limitations of the districts, unless otherwise limited by any height restriction imposed by any airport authority, port district, or other municipal corporation operating an airport, and as limited by regulations for airports and heliports.
  - (1) Public utility poles, towers, and wires.
  - (2) Water tanks and standpipes.



- (3) Building appurtenances such as chimneys, parapet walls, skylights, steeples, flag poles, smokestacks, cooling towers, elevator bulkheads, fire towers, monuments, water towers, stacks, stage towers, or scenery lofts, tanks, ornamental towers and spires, roof gardens, recreational facilities, necessary mechanical appurtenances and associated screening, or penthouses to house mechanical appurtenances.

#### **4. Caliper**

The diameter of the trunk of a tree measured in inches at a point measured 12 inches above the ground.

#### **5. Diameter at Breast Height (DBH)**

The diameter of the trunk of a tree measured in inches at a point 4.5 feet above ground level. This point of measurement is used for mature and established trees.

#### **6. Floor Area**

##### **a. Gross Floor Area**

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.

##### **b. Net Floor Area**

Net floor area (NFA) is the gross floor area used or intended to be used by tenants and/or owners or for service to the public as customers, patrons, clients and patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It does not include areas used for non-public purposes, such as storage, incidental repair, processing, or packaging of merchandise; for show windows; for offices incidental to the management or maintenance of stores of buildings; for toilet or restrooms; for utilities; or for dressing rooms, fitting, or alteration rooms.

#### **7. Fraction**

In terms of calculation of Ordinance requirements, any fraction is rounded up to nearest whole number.

#### **8. Grade**

Grade is measured as the average level of the finished surface of the ground adjacent to the exterior walls of the structure.

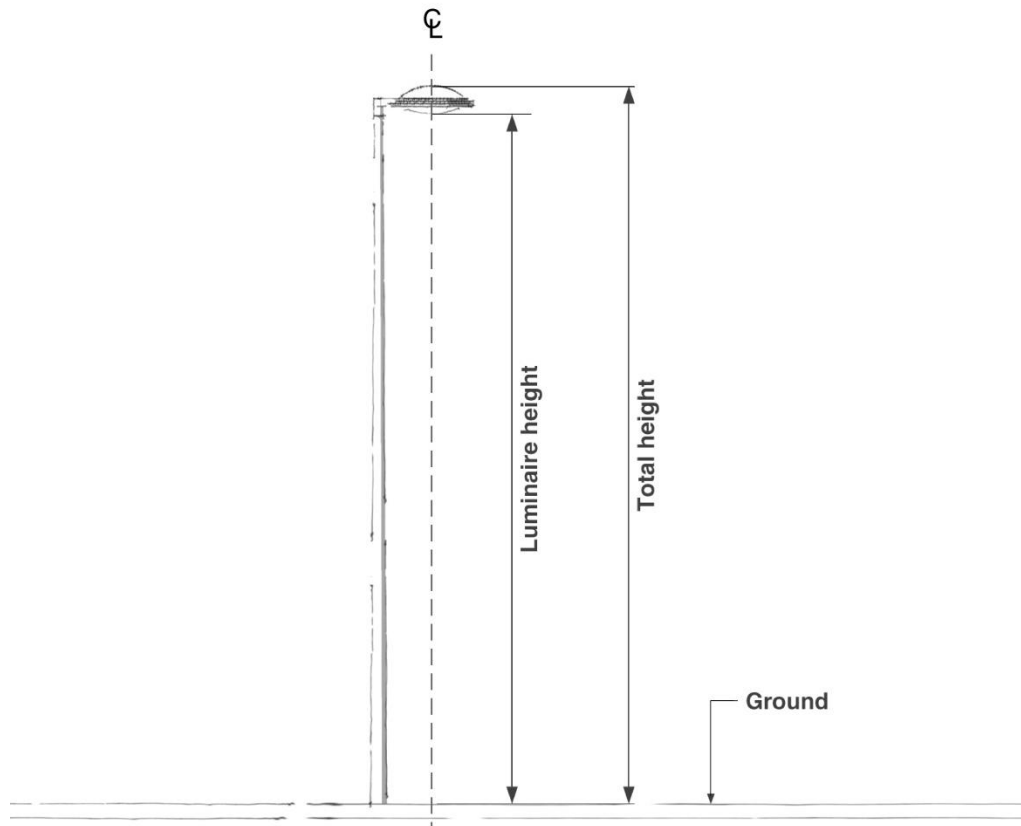
## 9. Impervious Surface Ratio

Impervious surface ratio (ISR) is a measure of intensity of land use that represents the portion of a site that is occupied by structures, pavement, and other impervious surfaces that do not allow for the absorption of water. Impervious surface coverage is calculated as the percentage of all impervious surface area of the total area of the lot. Impervious surface areas include gravel and open water surface areas, and do not include stormwater detention or retention facilities.

## 10. Lighting

### a. Luminaire Height

The height of a luminaire is measured as the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire. The total height is the height of the pole, including the base and any mounting arms or other attachments to which the luminaire is attached, as measured from the ground directly below the highest part of the pole or any of its attachments, to the top of the pole or luminaire, whichever the case may be.



**b. Footcandle**

A footcandle (FC) is a unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one standard candle. Foot candle is measured utilizing a direct reading, portable light meter mounted in a horizontal position.

**c. Light Level Measurement**

**(1) Metering Equipment**

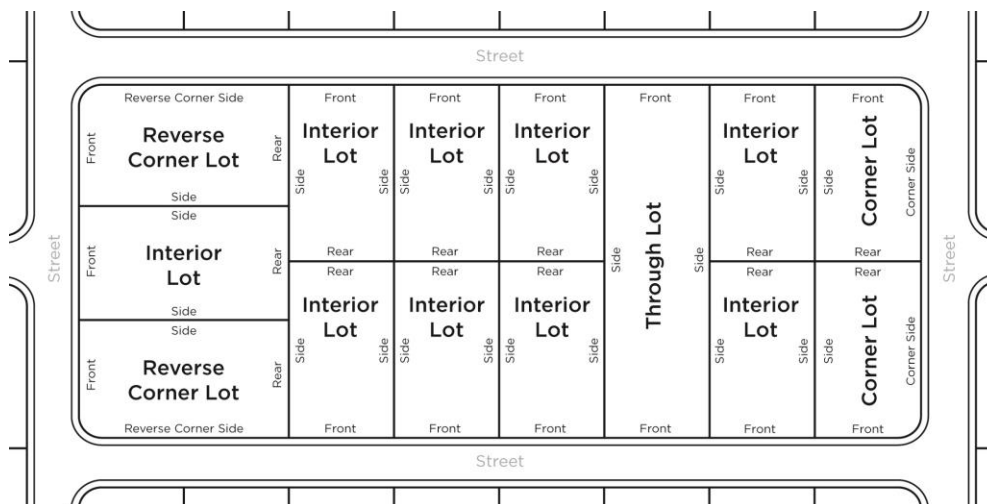
Light levels of both direct and indirect light must be measured in footcandles with a direct reading, portable light meter. Readings must be taken only after the cell has been exposed long enough to provide a constant reading.

**(2) Method of Measurement**

Footcandle-horizontal measurements must be taken along a horizontal plane at grade, pursuant to the direction of the Zoning Administrator. A 1.0 light loss factor must be used.

**11. Lot**

- a. An interior lot is a lot other than a corner, reverse corner, or through lot, typically bounded by two interior side lot lines.
- b. A corner lot is a lot situated at the junction of, and abutting on, two or more intersecting streets.
- c. A reverse corner lot is a corner lot where the side lot line adjoining a street is substantially a continuation of the front lot line of the first lot to its rear.
- d. A through lot is a lot that has frontage on two non-intersecting streets creating two front lot lines.



## **12. Lot Area**

The total area of a lot calculated as the total area bounded by the front, side, and rear lot lines.

## **13. Lot Line**

A lot line is the property boundary line of any lot. When a lot extends to an abutting street, the lot line shall be the closest street. Lot lines are located as follows.

### **a. Front Lot Line**

- (1)** The front lot line is the lot line that abuts a street.
- (2)** The front lot line of a corner lot is the shortest street lot line of a corner lot abutting a street.
- (3)** A front lot line for a through lot is established as follows:
  - (a)** For through lots where a front lot line has been previously established on one or more lots located on the same blockface, the street designated as the front lot line of the through lots in such blockface is the front lot line. Previously established mean one or more structures along the blockface have established front entrances along that lot line.
  - (b)** For through lots where a front line has not been previously established on one or more lots on the same blockface or where all lots have not established front lot lines along the same street, one of the two lot lines abutting the street will be designated by the Zoning Administrator as the front lot line.

### **b. Interior Side Lot Line**

The interior side lot line is a lot line not abutting a street that is not a rear lot line.

### **c. Corner Side Lot Line**

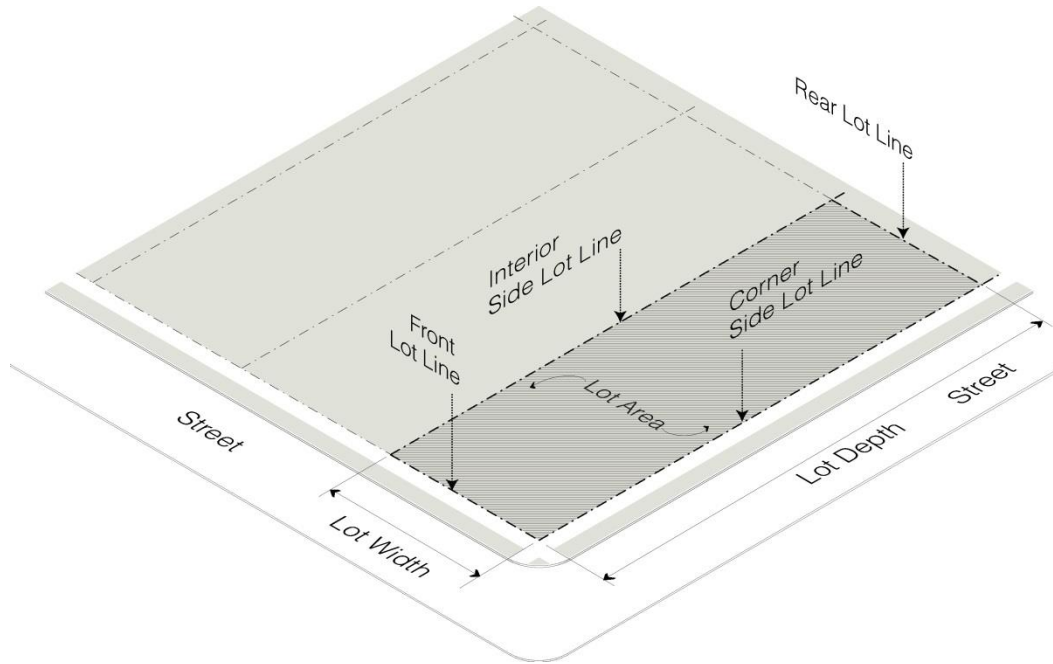
The lot line that is perpendicular or approximately perpendicular to the front lot line, which is the longer street abutting lot line of a corner lot.

### **d. Rear Lot Line**

The rear lot line is that lot line which is opposite and most distant from and is, or most nearly is, parallel to the front lot line.

#### 14. Lot Width

Lot width is the horizontal distance between the side lot lines of a lot measured at the required front setback line.



#### 15. Separation/Required Distance Between

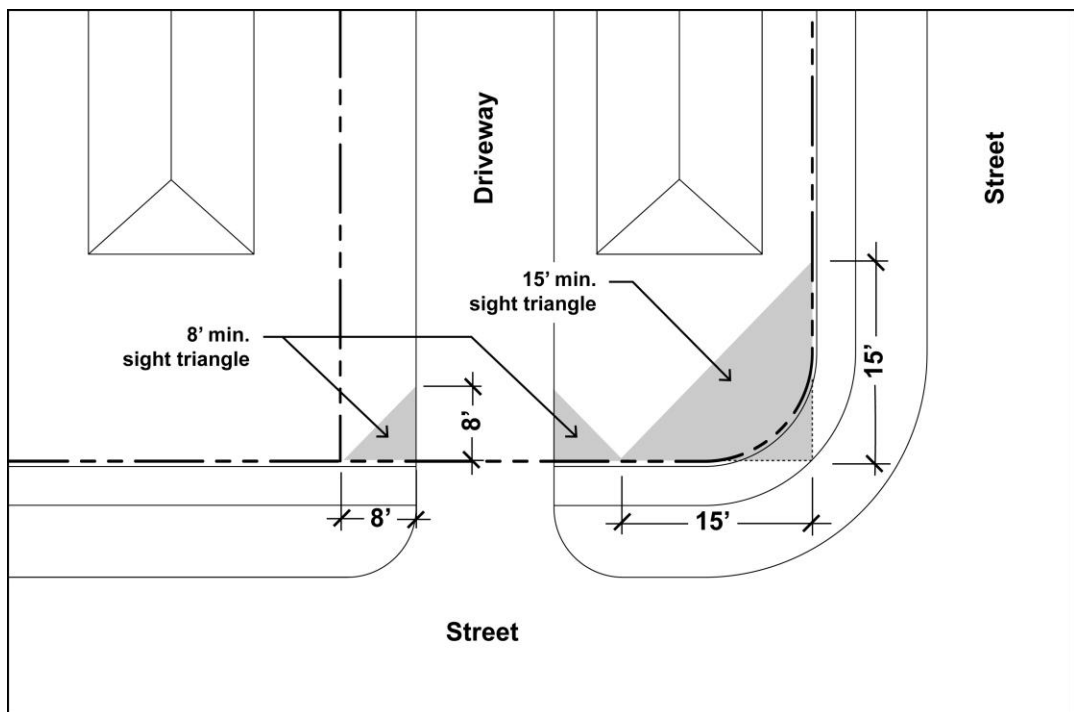
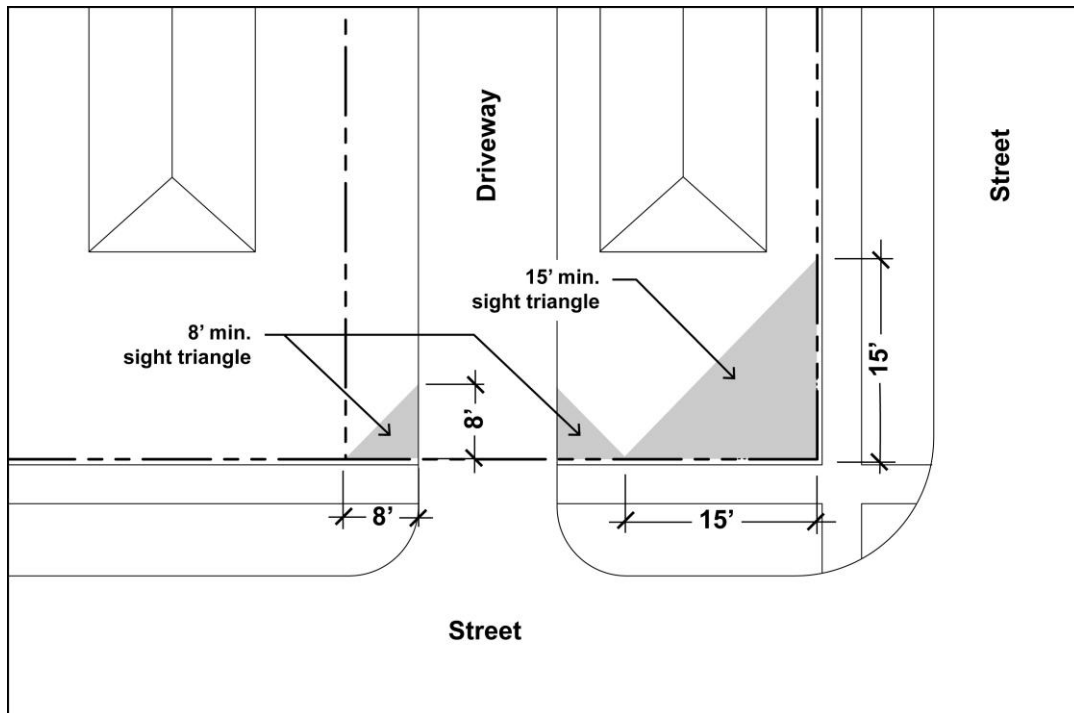
When the Ordinance requires separation between structures or uses, such separation is measured between the closest lot lines of the two lots, unless otherwise noted.

#### 16. Sight Triangle

A sight triangle is located at the intersection of the street or alley right-of-way, access easement, and/or driveway pavement, is measured at a line joining the points at a distance as follows:

- a. Eight feet from the point of the intersection of driveways and the lot line, as measured along the lot line and edge of driveway pavement.
- b. Wherever a right-of-way does not have an arc, 15 feet from the point of the intersection of streets and/or alleys (public or private), as measured along the lot line.

- c. Wherever a right-of-way has an arc, the lot lines are extended to the intersection and the 15 foot measured distance begins from the point where the lot lines are extended to their intersection.



## 17. Sign Dimensions

### a. Sign Area

#### (1) Box Signs

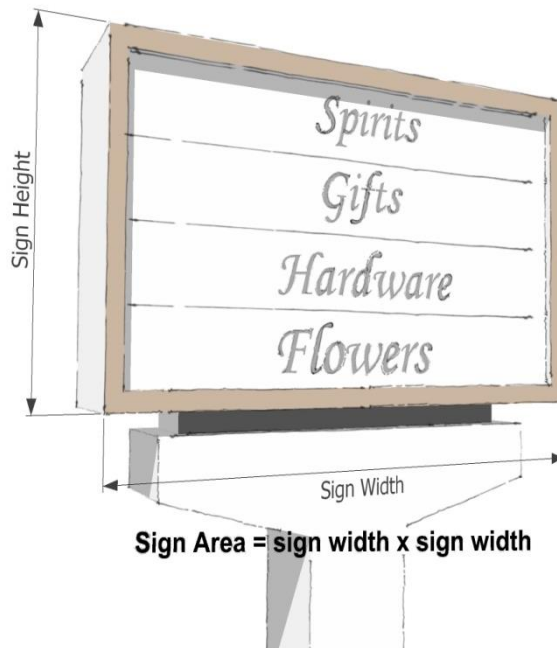
The area of a box sign is determined based on the outer dimensions of the frame or cabinet surrounding the sign face.

#### (2) Channel (Individual) Letter Signs

The area of a sign comprised of individual letters or elements attached to a building wall is determined by calculating the area of the smallest geometric figure (e.g. square, rectangle, circle, polygon, etc) that can be drawn around the letters and/or elements. Signs consisting of individual letters and/or elements will be measured as one sign when the distance between the letters and/or elements is less than the largest dimension of the largest sign letter. When a sign is placed on a non-neutral background, the entire area including the non-neutral background shall be counted in the area of a sign.

#### (3) Multi-Sided Signs

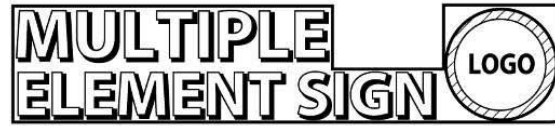
When the sign faces of a multi-sided sign are parallel or within 45° of parallel, only one side is counted. If the sign faces are not parallel or within 45° of parallel, all sign faces are counted.



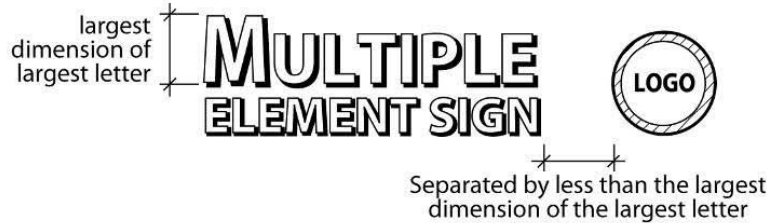
signs enclosed by rectangles:



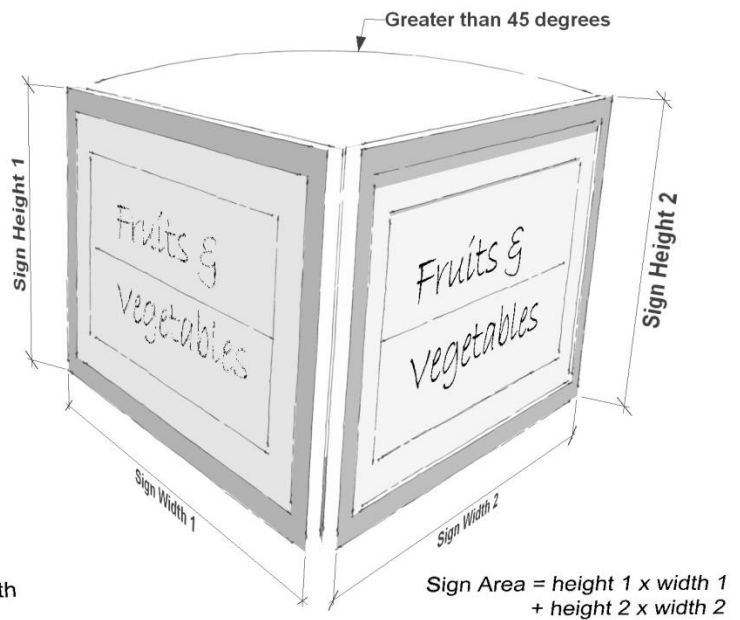
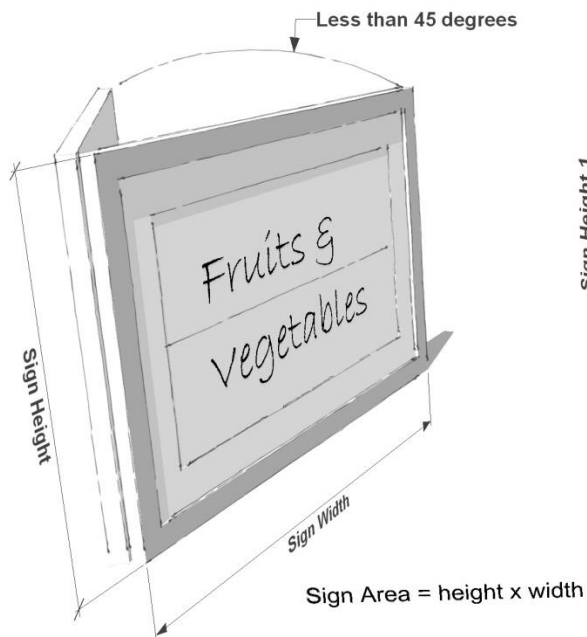
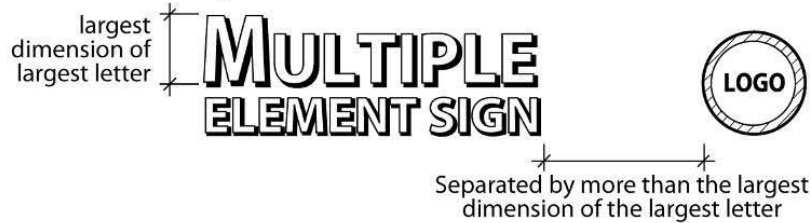
signs enclosed by polygons:



maximum separation of sign elements to be considered one sign:



not considered one sign:

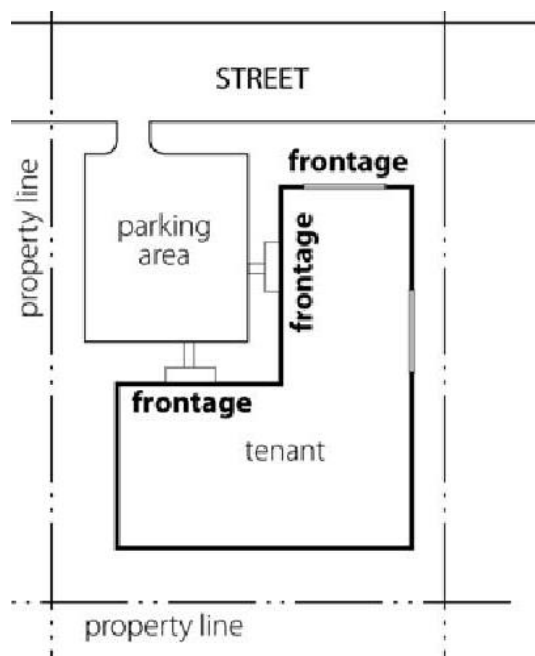




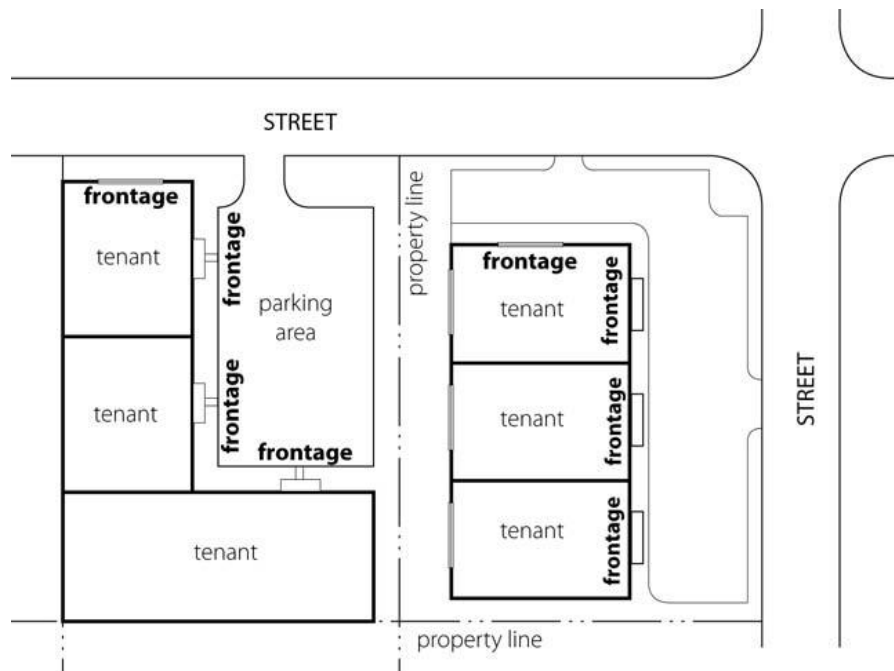
## b. Building Frontage for Sign Area

Many of the wall sign regulations of this ordinance are based on building frontage. The following rules govern the measurement of building frontage.

- (1) For buildings occupied by a single tenant building frontage is the exterior building wall (or walls) that: 1) is adjacent to a street or a parking area or other vehicle circulation area that is accessory to and serves the subject building and 2) contains either windows or a public building entrance. Allowed wall sign area for a building that has two or more building frontages must be calculated on the basis of each individual building frontage.



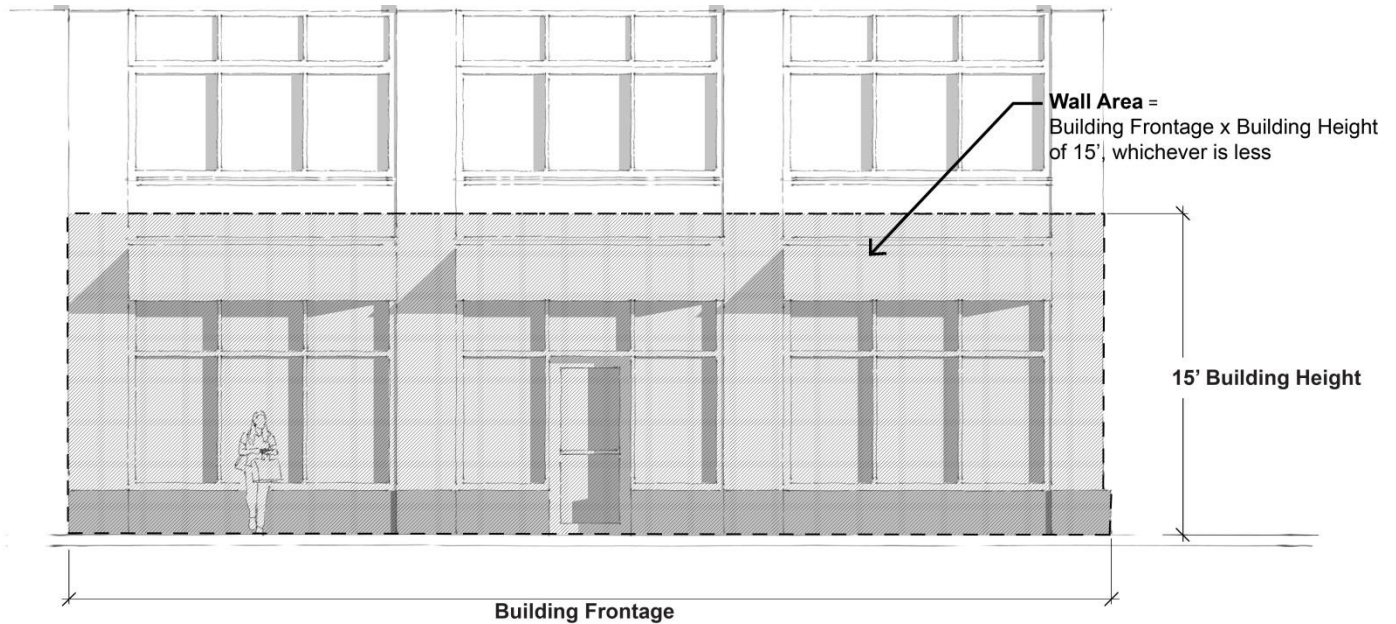
- (2) On buildings housing more than one tenant where each tenant has their own outside entrance or the tenant space is entered after entering into a vestibule and where the tenant is on the ground floor and has exterior wall(s), a tenant's building frontage is the exterior building wall (or walls) that directly abut the tenant's interior floor space and that: 1) abuts, parallels, or is the nearest to parallel with a street or a parking area or other vehicle circulation area that is accessory to and serves the subject building and 2) contains either windows or a public building entrance. A tenant that has two or more building frontages must calculate the permitted sign area on the basis of each individual building frontage.



- 3) Regardless of the height, number of stories, or number of tenants in a building, building frontage will be determined by one measurement of the horizontal length of the wall at finished grade. Buildings walls must be measured along a flat, unbroken plane, regardless of the presence of recesses or projections along the building wall.
- (4) As an alternative to the allocation of permitted sign area on the basis of individual building frontages, a differing allotment of sign area may be assigned to the various tenants upon receipt and approval by the Zoning Administrator of written authorization from the owner or authorized management firm of the building or development. Such written authorization must be in the form of a master sign plan per Article 13. The master sign plan is binding upon all new owners and/or authorized management firms of the building or development.
- (5) In no instance may the total combined sign area for all signs exceed the maximum allowed sign area for the individual building frontages, as determined in accordance with the provisions of Article 13.

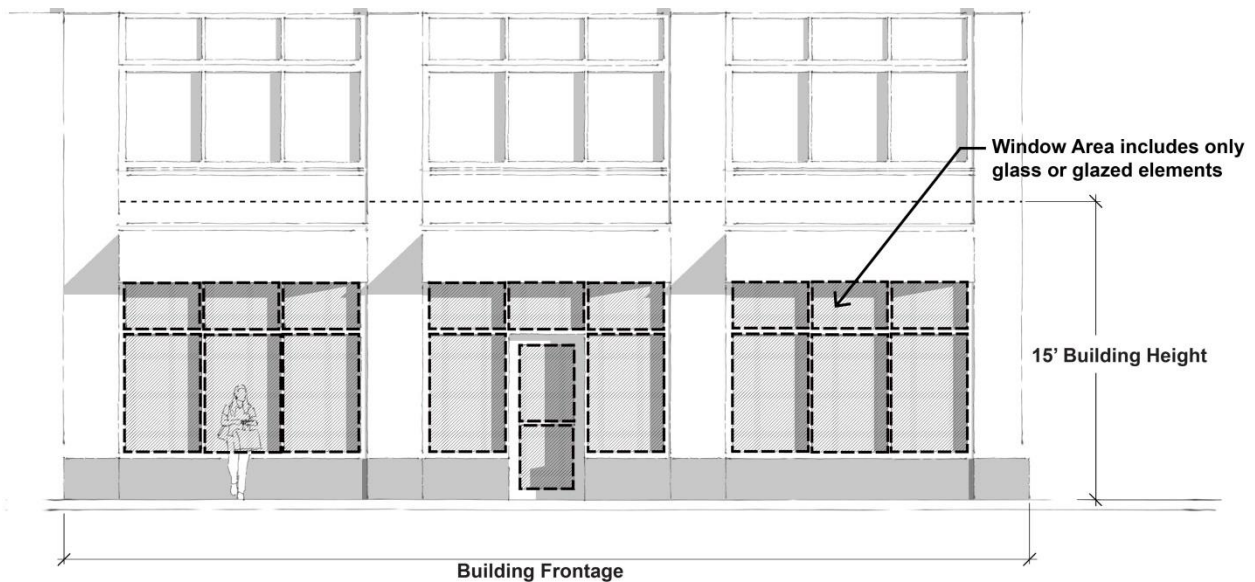
### c. Wall Sign Area

The area of a wall is calculated by multiplying the building frontage by the building's height or 15 feet, whichever is less.



### d. Window Sign Area

The area of a window includes only the glass or glazed elements of the window. Frames, mullions and similar features are not counted as part of the window area.

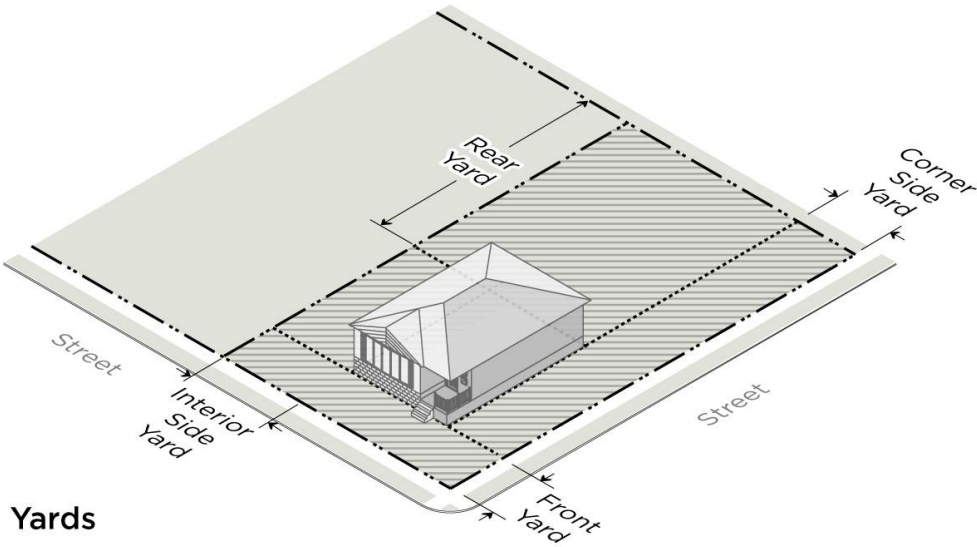


## 18. Yards and Setbacks

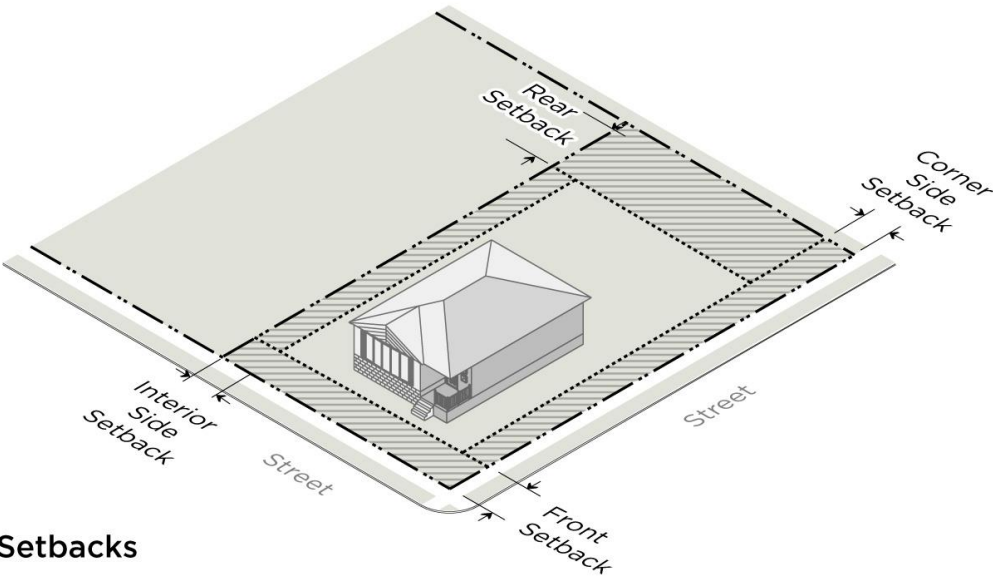
A yard is the open space area between a principal building and the adjoining lot line. A required setback may be equal to or lesser than a yard and is the required minimum distance a principal building must be located from a lot line, which is unoccupied and unobstructed by any portion of a principal building or accessory structure, unless permitted by this Ordinance. A setback extends along a lot line for the minimum depth specified by the zoning district in which such lot is located.

- a. **Front Yard and Setback.** A front yard is located between a principal building and the front lot line. A front setback is the required minimum distance per the zoning district that a principal building must be located from the front lot line. The front yard and setback extends the full width of the lot between side lot lines measured perpendicular to the front lot line.
- b. **Interior Side Yard and Setback.** An interior side yard is located between a principal building and the interior side lot line. An interior side setback is the required minimum distance per the zoning district that a principal building must be located from the interior side lot line. The interior side yard and setback extends along the interior side lot line between the front and rear yards, measured perpendicular to the interior side lot line.
- c. **Corner Side Yard and Setback.** A corner side yard is located between a principal building and the corner side lot line. A corner side setback is the required minimum distance per the zoning district that a principal building must be located from the corner side lot line. The corner side yard and setback extends along the corner side lot line between the front yard and the rear lot line, measured perpendicular to the corner side lot line.
- d. **Rear Yard and Setback.** A rear yard is located between a principal building and the rear lot line. A rear setback is the required minimum distance per the zoning district that a principal building must be located from the rear lot line. The rear yard and setback extends between interior side lot lines, measured perpendicular to the rear lot line. In the case of a corner lot, the rear yard and setback extends between the interior side lot line to the required corner side setback for the, measured perpendicular to the rear lot line.
- e. **Reverse Corner Side Yard and Setback.** A reverse corner side yard is located between a principal building and the corner side lot line, where the corner side lot line adjoining a street is substantially a continuation of the front lot line of the first lot to its rear. A reverse corner side setback is the required minimum distance per the zoning district that a principal building must be located from corner side lot line. The reverse corner side yard and setback extends along the corner side lot line between the front yard and the rear lot line, measured perpendicular to the corner side lot line.
- f. **Transition Yard.** A transition yard is a yard located along an interior side or rear lot line where a non-residential use abuts a residential use, as specified by the zoning district in which it is located. When a transition yard is required, the transition yard replaces the required interior side or rear setback as applicable. In the case of a corner lot, the transition yard also applies to that part of the corner

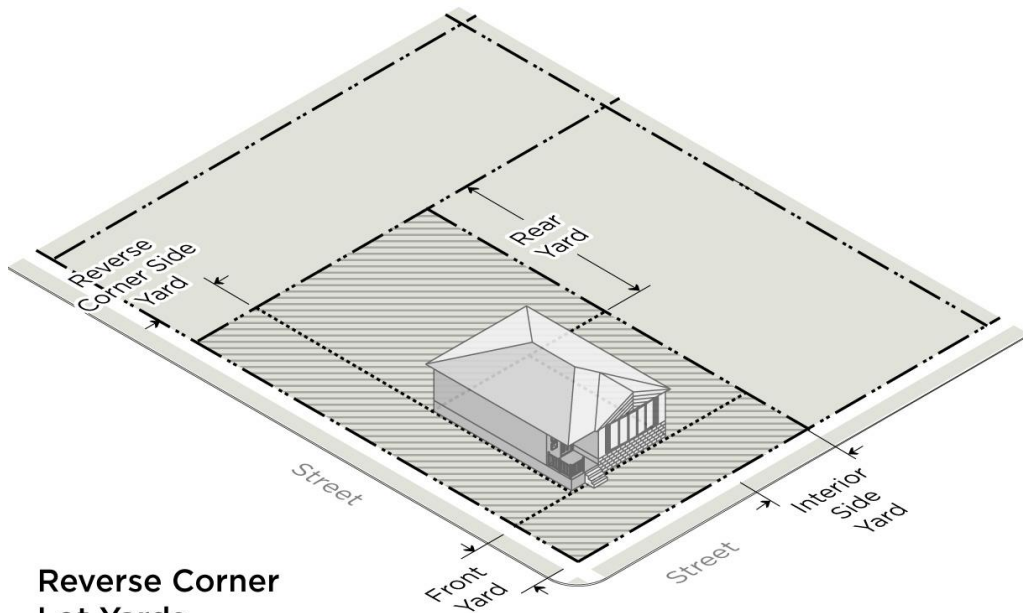
side setback measured from the rear lot line so as to continue the rear transition yard from lot line to lot line.



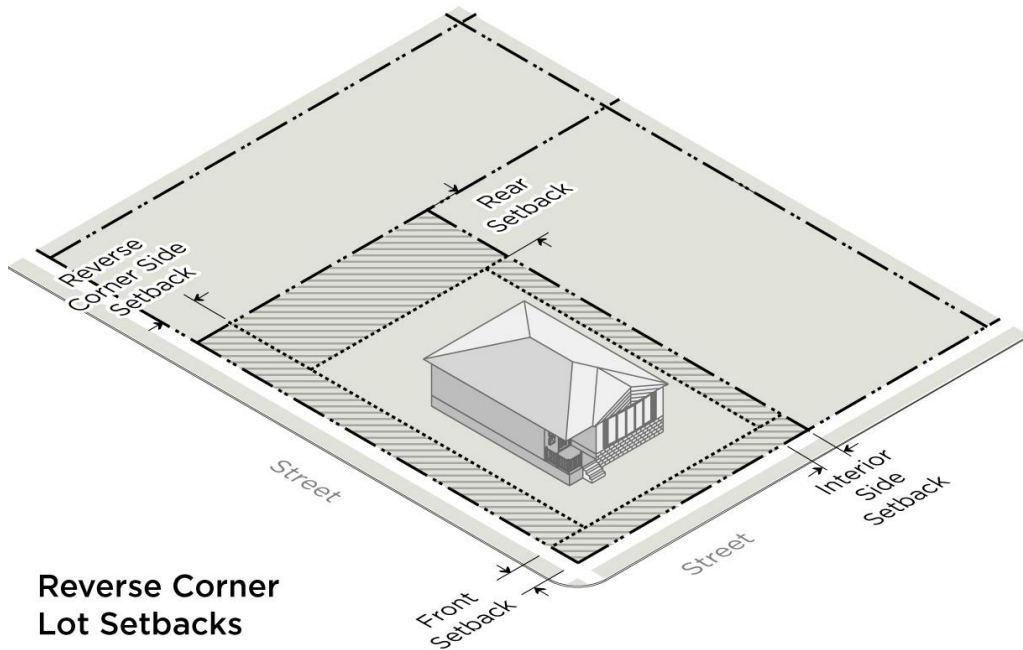
**Yards**



**Setbacks**



**Reverse Corner  
Lot Yards**



**Reverse Corner  
Lot Setbacks**

## **ARTICLE 3. ZONING DISTRICTS**

- 3.0 DISTRICTS**
- 3.1 ZONING MAP**
- 3.2 ANNEXED LAND**
- 3.3 EXEMPTIONS FOR RIGHTS-OF-WAY AND PUBLIC UTILITIES**
- 3.4 EXEMPTIONS FOR AGRICULTURAL STRUCTURES**

### **3.0 DISTRICTS**

In order to carry out the purpose and intent of this Ordinance, the Village of Gurnee is divided into the following zoning districts:

#### **1. Residential Districts**

- R-1 Single-Family Residential District
- R-2 Single-Family Residential District
- R-3 Single-Family Residential District
- R-4 Two-Family Residential District
- R-5 Limited Multi-Family Residential District
- R-6 Multi-Family Residential District

#### **2. Commercial Districts**

- C-1 Neighborhood Commercial District
- C-2 Community Commercial District
- C-3 Heavy Commercial District
- C-4 Village Center District
- C-5 Regional Recreation District
- C-6 Regional Commercial District

#### **3. Office and Industrial Districts**

- O-1 Restricted Office District
- O-2 Office Campus District
- I-1 Restricted Industrial District
- I-2 General Industrial District
- I-3 Intensive Industrial District

#### **4. Special Purpose Districts**

- EKG East Grand Gateway Overlay District
- P Public Lands District

### **3.1 ZONING MAP**

#### **1. Location of Districts**

- a. The location and boundaries of the zoning districts established by this Ordinance are set forth in the Official Zoning Map, as periodically amended. The Official Zoning Map is incorporated into, and made an integral part of, this Ordinance.
- b. It is the intent of this Ordinance that the entire area of the Village, including all land and water areas, are included in the zoning districts established by this Ordinance. Any land lying within the Village, but not shown on the Official Zoning Map as being included within a district, is classified as the R-1 Single-Family Residential District.

#### **2. Interpretation of Boundary Lines**

##### **a. Right-of-Way Lines**

Where zoning district boundary lines coincide with streets, highways, expressways, easements, railroads, or waterways (streams, rivers, canals, lakes, or other bodies of water), the boundary line is construed to be the centerline of the right-of-way.

##### **b. Property Lines**

Where zoning district boundary lines coincide with a recorded property line, the property line is construed to be the boundary line of the district.

##### **c. Scaled Lines**

Where the district boundary lines do not coincide with a right-of-way line or recorded property line, the district boundary is determined by measuring such boundary line(s) by using the map scale as provided on the Official Zoning Map.

##### **d. Clarification of Boundary Lines**

The Planning and Zoning Board will decide any interpretations of zoning district boundary lines, where the application of Paragraphs 1 through 3 above leaves doubt as to the boundary between two zoning districts.

### **3.2 ANNEXED LAND**

Any territory annexed into the Village is automatically, upon annexation, zoned as the R-1 Single-Family Residential District, unless otherwise provided for in the annexation agreement or until the territory is rezoned.



### **3.3 EXEMPTIONS FOR RIGHTS-OF-WAY AND PUBLIC UTILITIES**

- a. The provisions of this Ordinance do not apply to land located within rights-of-way or property owned by the Illinois State Toll Highway Authority
- b. The following utility uses are exempt from the provisions of this Ordinance and permitted in any district: wires, cables, conduits, vaults, laterals, pipes, mains, hydrants, valves and water supply wells.
- c. This exemption does not include utilities, as defined in Article 8, wireless telecommunications, amateur HAM radio towers, solar energy systems, or wind energy systems. All such structures must comply with this Ordinance and any other applicable Village ordinances.

### **3.4 EXEMPTIONS FOR AGRICULTURAL STRUCTURES**

Accessory agricultural structure are exempt from the district regulations of this Ordinance so long as the lot is used for agricultural purposes, as defined by this Ordinance, and the Zoning Administrator verifies the accessory structure is used only for agricultural purposes.

## **ARTICLE 4. RESIDENTIAL DISTRICTS**

- 4.0 PURPOSE STATEMENTS**
- 4.1 USES**
- 4.2 DIMENSIONAL STANDARDS**
- 4.3 BUILDING HEIGHT SETBACK PLANE**
- 4.4 GENERAL STANDARDS OF APPLICABILITY**

### **4.0 PURPOSE STATEMENTS**

#### **1. R-1 Single-Family Residential District**

The R-1 Single-Family Residential District is intended for a low density, semi-rural environment of detached single-family dwellings sited on relatively large lots. Limited non-residential uses, which are compatible with surrounding residential neighborhoods, may be permitted.

#### **2. R-2 Single-Family Residential District**

The R-2 Single-Family Residential District is intended for areas of moderate density development and function as a transitional zone between areas of semi-rural character and developed residential districts. The R-2 District accommodates detached single-family dwellings on relatively large lots that are serviced by community sewer and water, which is a prerequisite for development. Limited non-residential uses, which are compatible with surrounding residential neighborhoods, may be permitted.

#### **3. R-3 Single-Family Residential District**

The R-3 Single-Family Residential District is intended for detached single-family dwellings sited on moderately-sized lots. Many of the Village's older residential neighborhoods are zoned the R-3 District, so the dimensional standards seek to preserve the established residential form and character. Limited non-residential uses, which are compatible with surrounding residential neighborhoods, may be permitted.

#### **4. R-4 Two-Family Residential District**

The R-4 Two-Family Residential District is intended for areas of detached single-family and two-family dwellings and serves as a transition between the lower density single-family neighborhoods and higher density multi-family neighborhoods and certain non-residential areas. Limited non-residential uses, which are compatible with surrounding residential neighborhoods, may be permitted.

## **5. R-5 Limited Multi-Family Residential District**

The R-5 Limited Multi-Family Residential District accommodates a variety of residential structures, such as detached single-family dwellings, two-family dwellings, and townhouses, and other multi-family housing. The R-5 District is intended only for areas where adequate public utilities and other infrastructure exists that can serve higher density development, as well as where such development will not negatively impact lower density residential neighborhoods. Limited non-residential uses, which are compatible with surrounding residential neighborhoods, may be permitted.

## **6. R-6 Multi-Family Residential District**

The R-6 Multi-Family Residential District accommodates high-density residential development, primarily townhouses and multi-family dwellings. The R-6 District functions as a transition between residential neighborhoods and commercial areas or major arterial roadways. The R-6 District is intended only for areas where adequate public utilities and other infrastructure exists that can serve higher density development, as well as where such development will not negatively impact lower density residential neighborhoods. Limited non-residential uses, which are compatible with surrounding residential neighborhoods, may be permitted.

### **4.1 USES**

Article 8 lists permitted and special principal uses and temporary uses for the residential districts.

### **4.2 DIMENSIONAL STANDARDS**

Table 4-1: Residential Districts Dimensional Standards establishes the dimensional standards for the residential districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use.

**Table 4-1: Residential Districts Dimensional Standards**

**KEY:**  
**SF = Single-Family Dwelling // 2F = Two-Family Dwelling**  
**TH = Townhouse // MF = Multi-Family Dwelling**  
**du = Dwelling Unit**

	R-1	R-2	R-3	R-4	R-5	R-6
<b>Minimum Lot Area</b>	40,000sf	15,000sf	10,000sf	SF: 10,000sf 2F: 5,000sf/du	SF: 10,000sf 2F: 5,000sf/du TH, MF: 5,000sf/du, but a minimum of 10,000sf Age- Restricted Housing: 2,200sf/du but a minimum of 10,000sf	SF: 10,000sf 2F: 5,000sf/du TH: 5,000sf/du, but a minimum of 10,000sf MF: 3,200sf/du but a minimum of 10,000sf Age- Restricted Housing: 1,090sf/du but a minimum of 10,000sf
<b>Minimum Lot Width</b>	150'	100'	80'	SF: 80' 2F: 40'/du	SF: 80' 2F: 40'/du TH: 100' MF & Age- Restricted Housing: 150'	SF: 80' 2F: 40'/du TH: 100' MF & Age- Restricted Housing: 150'
<b>Maximum Building Height</b>	35'	35'	35'	35'	35'	SF, 2F, TH: 35' MF & Age- Restricted Housing: 45'
<b>Maximum Building Coverage</b>	25%	30%	35%	35%	35%	SF, 2F, TH: 35% MF & Age- Restricted Housing: 60%
<b>Maximum Impervious Surface Ratio</b>	40%	45%	50%	50%	50%	SF, 2F, TH: 50% MF & Age- Restricted Housing: 60%

**Table 4-1: Residential Districts Dimensional Standards**

**KEY:**  
**SF = Single-Family Dwelling // 2F = Two-Family Dwelling**  
**TH = Townhouse // MF = Multi-Family Dwelling**  
**du = Dwelling Unit**

	R-1	R-2	R-3	R-4	R-5	R-6
<b>Minimum Setbacks</b>						
<b>Front Setback</b>	50'	30'	30'	30'	30'	30'
<b>Interior Side Setback <sup>1</sup></b>	15'	10' minimum but must meet additional setback requirements of Section 4.3	10' minimum but must meet additional setback requirements of Section 4.3	10' minimum but must meet additional setback requirements of Section 4.3	10'	10'
<b>Corner Side Setback</b>	30'	30'	25'	25'	25'	25'
<b>Reverse Corner Side Setback (SF &amp; 2F Dwellings)</b>	50'	30'	30'	30'	30'	30'
<b>Rear Setback</b>	40'	40'	30'	30'	30'	30'

**FOOTNOTES: TABLE 4-1**

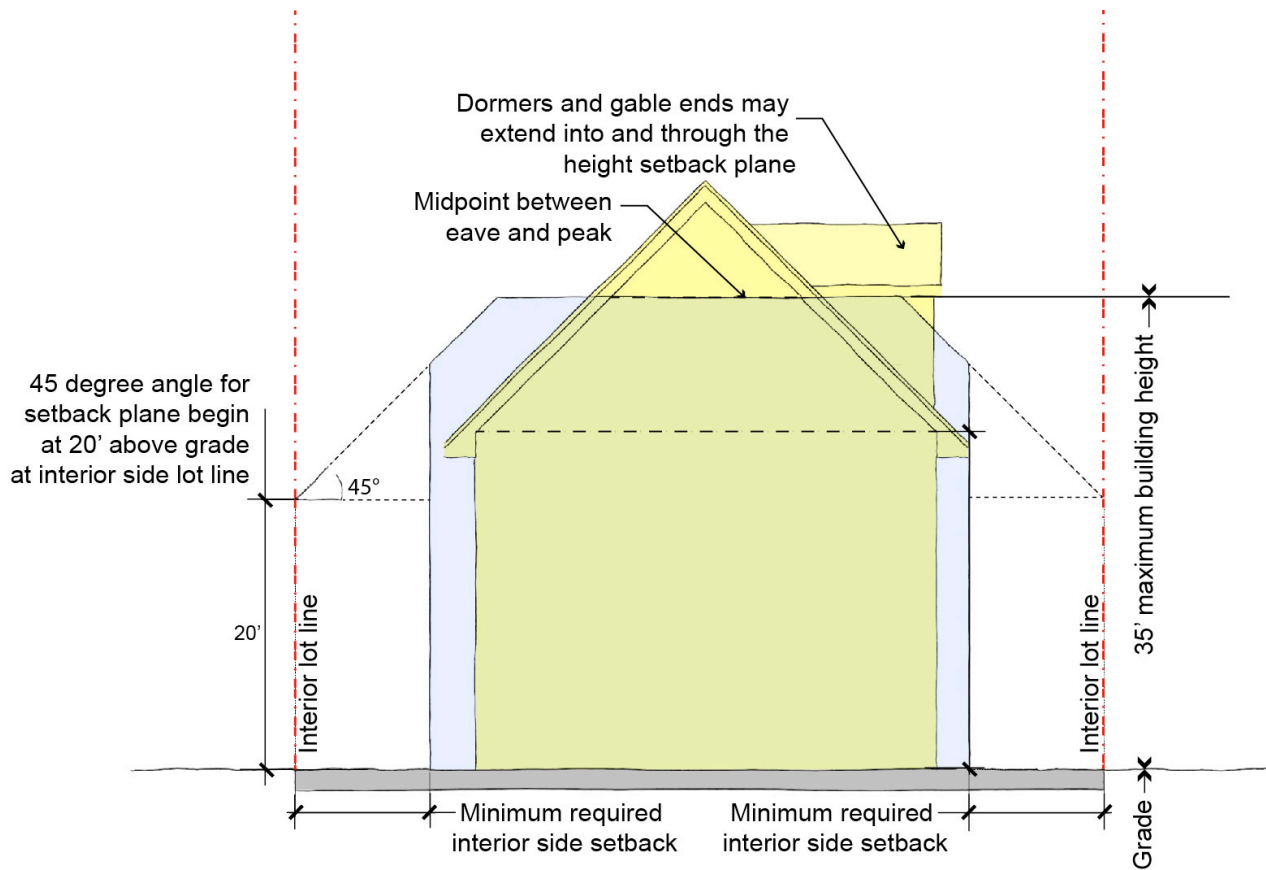
<sup>1</sup> Interior side setback applicability: 1) For semi-detached two-family dwellings, interior side yards are required only along the interior side lot line where the party wall between dwellings is not located; 2) For townhouse dwellings, interior side yards are required only for end units.

#### **4.3 BUILDING HEIGHT SETBACK PLANE**

In addition to the building height maximum and the minimum interior side setback in Table 4-1, all single-family and two-family dwellings within the R-2, R-3, and R-4 Districts are subject to and must comply with the following building height setback plane restrictions. For corner lots, the building height setback plane restrictions apply only along the interior side lot line.

1. No portion of a structure shall intersect the planes that begin at a point 20 feet above grade at the interior side lot line and run at a 45° angle toward the interior of the lot until they reach the maximum building height permitted.
2. Dormers and gable ends may extend into and through the height setback plane, but must comply with the building height maximums.

## BUILDING HEIGHT SETBACK PLANE (ELEVATION VIEW)



### 4.4 GENERAL STANDARDS OF APPLICABILITY

#### 1. Site Development Standards

See Article 10 (Site Development Standards) for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, fences and walls, and permitted encroachments.

#### 2. Off-Street Parking and Loading

See Article 11 (Off-Street Parking and Loading) for off-street parking and loading standards and requirements.

#### 3. Landscape

See Article 12 (Landscape) for landscape, buffering, and screening standards and requirements.

#### 4. Signs

See Article 13 (Signs) for standards governing signs.

## **ARTICLE 5. COMMERCIAL DISTRICTS**

- 5.0 PURPOSE STATEMENTS**
- 5.1 USES**
- 5.2 DIMENSIONAL STANDARDS**
- 5.3 C-5 AND C-6 DISTRICT SPECIFIC DEVELOPMENT STANDARDS**
- 5.4 DESIGN STANDARDS**
- 5.5 GENERAL STANDARDS OF APPLICABILITY**

### **5.0 PURPOSE STATEMENTS**

#### **1. C-1 Neighborhood Commercial District**

The C-1 Neighborhood Commercial District is intended for primarily retail uses that serve the adjacent neighborhoods. The C-1 District applies to clusters of commercial uses that are pedestrian-oriented in close proximity to residential neighborhoods.

#### **2. C-2 Community Commercial District**

The C-2 Community Commercial District is intended for areas with a variety of high-intensity highway-oriented commercial uses, generally serving a wider geographic area. The C-2 District accommodates a range of commercial uses and building types, including, but not limited to, freestanding retail and office buildings and retail centers.

#### **3. C-3 Heavy Commercial District**

The C-3 Heavy Commercial District is intended for areas of auto-oriented, heavy commercial uses typically sited along major arterial thoroughfares and sufficiently separated from residential neighborhoods, including, but not limited to, office buildings, motor vehicle dealerships, and other heavy commercial retail or service. The C-3 District standards are intended to enhance the appearance of these areas, and provide adequate buffering between any residential and lower-intensity commercial properties located adjacent to the district.

#### **4. C-4 Village Center District**

The C-4 Village Center District is intended to preserve and enhance Gurnee's historical village center by providing for a mix of commercial and residential uses, including, but not limited to, retail sales and service, office, and multi-family housing, that serves the residents of the Village and surrounding areas. Future mixed-use development is encouraged, and residential dwelling units are permitted above the ground- floor.

## 5. C-5 Regional Recreation District

The purpose of the C-5 Regional Recreation District is to accommodate the development and operation of a regional amusement theme park, including a variety of ancillary facilities necessary to its function. The C-5 District requires significant buffers to mitigate the impacts of the amusement theme park against adjacent uses.

## 6. C-6 Regional Commercial District

The purpose of the C-6 Regional Commercial District is to accommodate the development and operation of a regional shopping center of significant land area, including a variety of ancillary facilities necessary to its function. The C-6 District requires significant buffers to mitigate the impacts of the shopping center against adjacent uses and controls on outparcel development along the perimeter of the site.

### 5.1 USES

Article 8 lists permitted and special principal uses and temporary uses for the commercial districts.

### 5.2 DIMENSIONAL STANDARDS

Table 5-1: Commercial Districts Dimensional Standards establishes the dimensional standards for the commercial districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use.

Table 5-1: Commercial Districts Dimensional Standards						
	C-1	C-2	C-3	C-4	C-5	C-6
<b>Bulk Standards</b>						
<b>Minimum Lot Area</b>	None	None	None	None	None	None
<b>Minimum Building Height</b>	14'	14'	None	None	None	None
<b>Maximum Building Height</b>	45'	45'	45'	35'	Buildings: 45'  Amusement Devices: 200' unless within 500' of a residential district, then 125'	45'
<b>Specific Development Standards</b>	None	None	None	None	Section 5.3	Section 5.3
<b>Design Standards</b>	Section 5.4	Section 5.4	Section 5.4	Section 5.4	N/A	Section 5.3.2



<b>Table 5-1: Commercial Districts Dimensional Standards</b>						
	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>C-4</b>	<b>C-5</b>	<b>C-6</b>
<b>Minimum Setbacks</b>						
<b>Front Setback</b>	15'	15'	15'	30'	Section 5.3.1	Section 5.3.2
<b>Interior Side Setback</b>	None	None	None	None	Section 5.3.1	None
<b>Corner Side Setback</b>	15'	15'	15'	30'	Section 5.3.1	Section 5.3.2
<b>Rear Setback</b>	None	None	None	None	Section 5.3.1	None
<b>Transition Yard</b>	20'	20'	20'	None	Section 5.3.1	Section 5.3.2

### **5.3 C-5 AND C-6 DISTRICT SPECIFIC DEVELOPMENT STANDARDS**

#### **1. C-5 District Specific Development Standards**

- a. The minimum district size is 300 acres.
- b. All amusement devices existing as of the effective date of this Ordinance that exceed the height limit are deemed conforming. The height of amusement devices may exceed the district height limit through special use permit (Section 16.1).
- c. The following setbacks are required for all structures and parking areas:
  - (1) 100 feet when abutting any residential district, which must be maintained in a natural state. This buffer yard replaces any other buffer yard required by this Ordinance. When groups of trees die in any buffer yard adjacent to residential that result in the opening of views into the park, landscape material must be installed to fill such gap, as mutually determined by the site user and Village Administrator.
  - (2) 50 feet from Washington Street.
  - (3) 150 feet from Route 21 and I-94.
  - (4) 150 feet from Grand Avenue and Six Flags Parkway. Signs are permitted in this setback when permitted by Article 13.
- d. The exterior lighting standards of Section 10.1 are modified per this section for the C-5 District. Parking lot light poles are limited to 40 feet in height. The maximum wattage of fixtures is 1,000 watts and the maximum number of light fixtures per pole is four.

#### **2. C-6 District Specific Development Standards**

- a. The minimum district size is 300 acres.

- b.** The height of structures may exceed the district height limit through special use permit (Section 16.1). Any structures existing as of the effective date of this Ordinance that exceed the height limit are deemed conforming.
- c.** As of the effective date of this Ordinance, the following setbacks for all structures and parking areas are required along any part of the C-6 District located east of Hunt Club Road:
  - (1)** 50 feet from Grand Avenue and I-94
  - (2)** 150 feet from Stearns School Road
  - (3)** From Hunt Club Road:
    - (a)** 100 feet starting 290 feet north of Westbrook Lane
    - (b)** 50 feet for the remaining frontage
  - (4)** 50 feet from any residential districts unless superseded by any specific setback noted above
  - (5)** 25 feet from all internal private streets
- d.** As of the effective date of this Ordinance, the following setbacks are required along any part of the C-6 District located west of Hunt Club Road:
  - (1)** 50 feet from Grand Avenue and Hunt Club Road for all structures and parking areas
  - (2)** 200 feet along the north property line for all structures and parking areas
  - (3)** 165 feet along the west property line for all structures
  - (4)** 95 feet along the west property line for all parking areas abutting residential districts
  - (5)** 40 feet along the west property line for all parking areas abutting non-residential districts
- e.** Any through lots located along the perimeter of Gurnee Mills Circle must meet the front yard requirement along any lot line abutting a public street. However, this does not replace any required transition yard.
- f.** A buffer yard is required along any lot line that abuts Stearns School Road and Hunt Club Road, along any lot line that abuts a residential district, and along any lot line where a residential district is located on the opposite side of the street. The yard must contain an undulating berm of 10 to 15 feet in height and must be planted with a minimum of nine understory trees, six shade trees, 19 evergreen trees, and 36 shrubs for every 100 linear feet.

- g. The parking lot interior landscape requirements of Section 12.5.2 do not apply to the C-6 District. However, 720 square feet of landscape area planted with three canopy trees, two understory trees, and six shrubs are required for every 24 parking spaces for parking lots in the C-6 District.
- h. The exterior lighting standards of Section 10.1 are modified per this section for the C-6 District. Parking lot light poles are limited to 30 feet in height in building setbacks areas and 45 feet in height in all other areas. The maximum wattage of fixtures is 400 watts and the maximum number of light fixtures per pole is four. Full illumination of the parking lot is permitted until one hour after close of business. All fixtures must have cut-offs. Wal-pacs cannot have a light source visible to the eye.
- i. The following building materials are prohibited as primary surface finish material but may be used as decorative or detail elements, or as part of the exterior construction that is not used as a surface finish material.

- (1) Corrugated metal

- (2) Aluminum, steel or other metal sidings

- (3) Exposed aggregate (rough finish) concrete wall panels

- (4) Exterior insulating finish systems (EIFS); however, use of EIFS is prohibited as a primary or decorative building material at any point up to four feet in height on a structure's facade

- (5) Plastic

- (6) Vinyl

- j. The following building materials are prohibited:

- (1) Plain concrete block

- (2) T-111 composite plywood siding

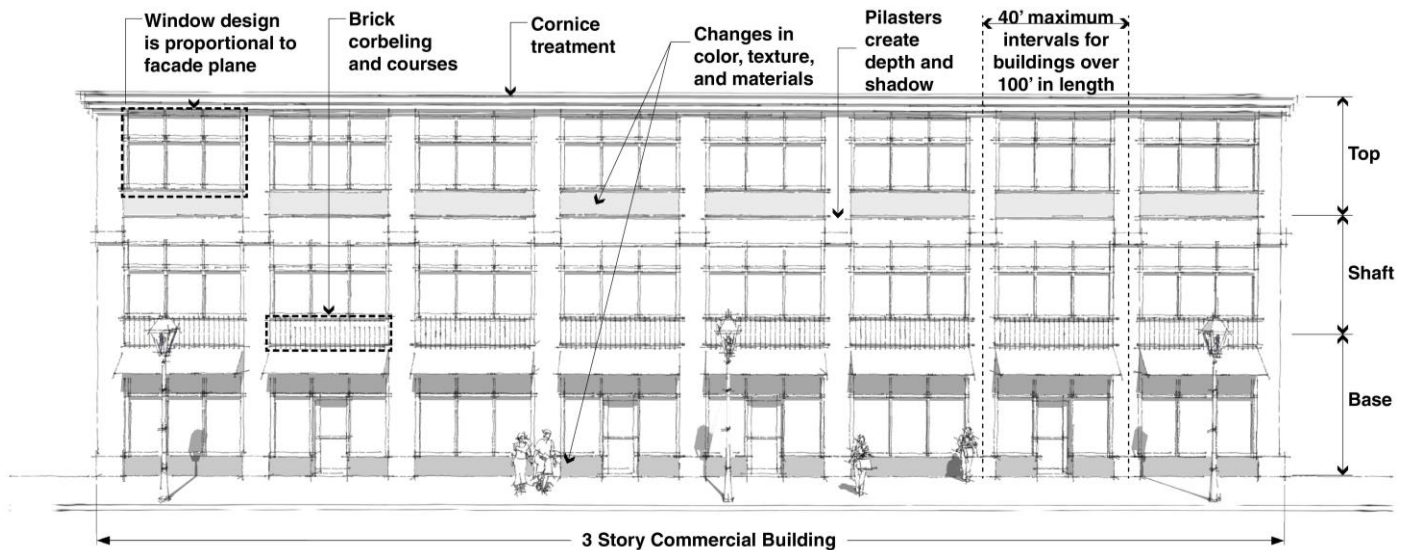
## **5.4 DESIGN STANDARDS**

The following design standards apply to new construction, substantial repair or rehabilitation meant to remedy damage or deterioration of the exterior façade of an existing structure, and additions to an existing structure. However, only those standards that relate to the specific repair, rehabilitation or addition apply. These standards do not apply to interior remodeling. The Planning and Zoning Board may authorize a modification, reduction, or waiver of these requirements, if it finds that, in the particular case, the peculiar nature of the use, the exceptional shape or size of the property and/or building, or other exceptional situation or condition would justify such action.

## 1. C-1 and C-2 District Design Standards

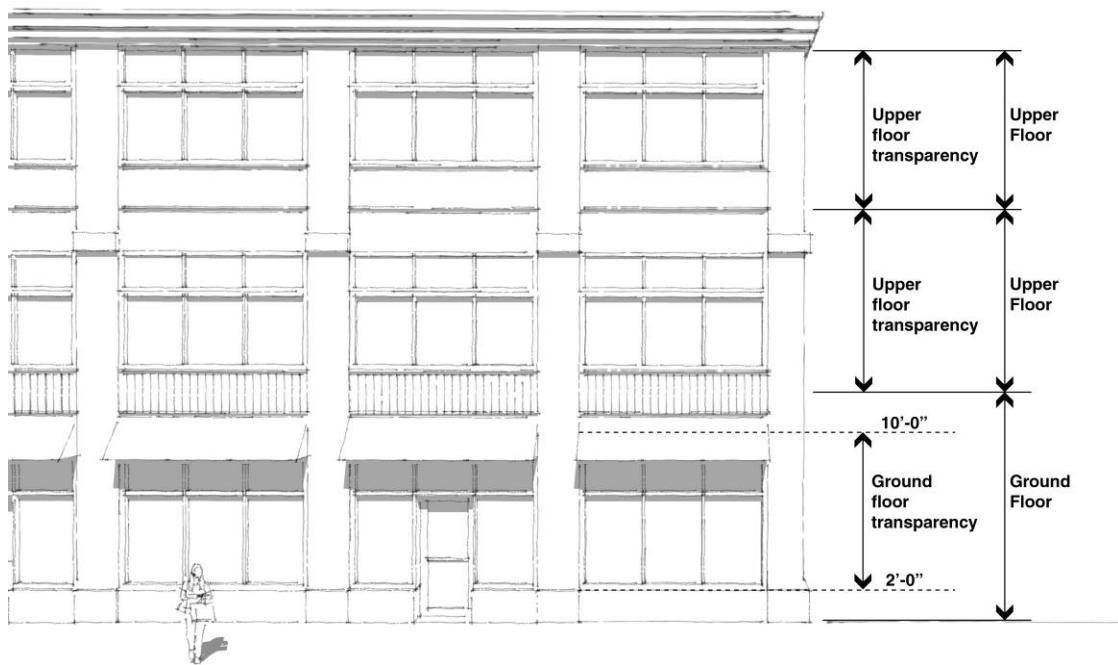
### a. Façade Design

- (1) All structures over two stories must be designed with a definable base, shaft, and top, through the use of architectural features, such as cornice treatments, recesses, corbeling, brick courses, and window designs.
- (2) Building facades along public rights-of-way in excess of 100 feet must include a repeating pattern with no less than two of the following elements: color change, texture change, material module change, or a wall articulation change of no less than two feet in depth, such as a reveal, pilaster, or projecting rib. All elements must repeat at intervals of no more than 40 feet.
- (3) In the case of outparcel buildings, the above standards apply to all facades.



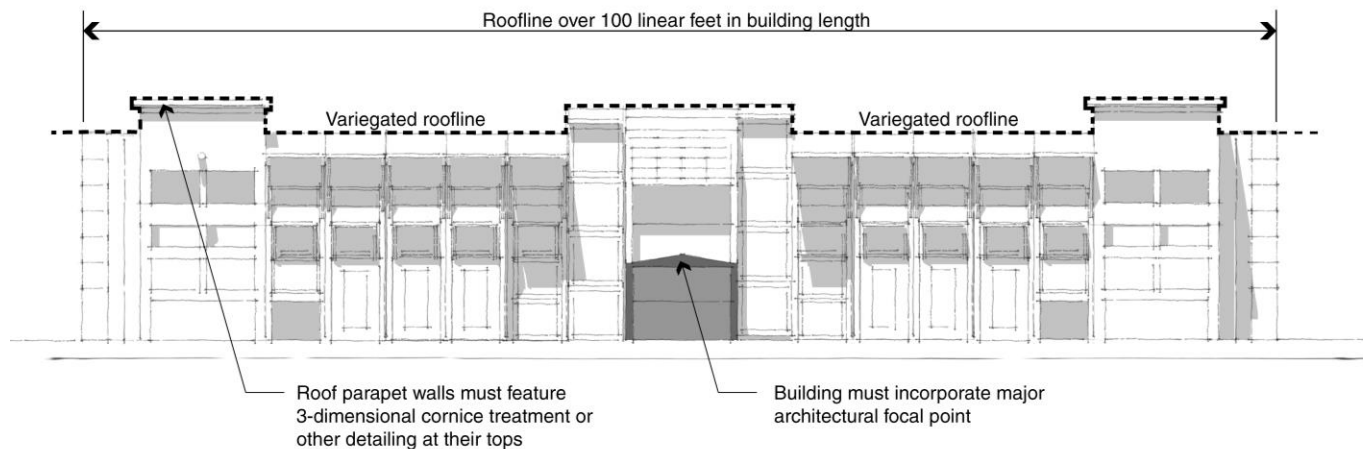
### b. Fenestration Design

- (1) Windows must be punched with a recess no less than two inches or projected out from the façade plane to provide depth and shadow. Windows should include visually prominent sills, lintels, or other appropriate forms of framing.
- (2) The ground floor must maintain a minimum transparency of 50%, measured between two and ten feet in height from grade. Upper floors must maintain a minimum transparency of 25% of the wall area of the story. Windows must be constructed of clear or lightly tinted glass. The use of tinted glass above 20% and reflective glass is prohibited.



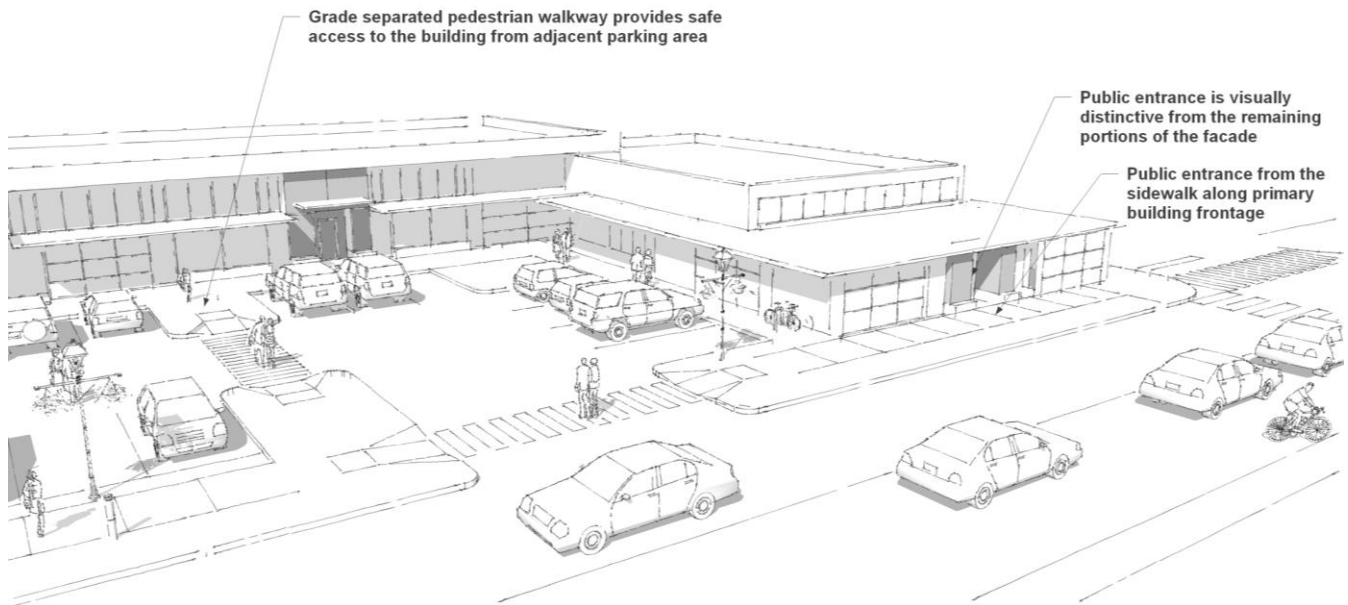
### c. Roof Design

- (1) Rooflines of buildings that are over 100 linear feet in facade length must be variegated. Said variation in roof height must repeat on-center no more than every 50 linear feet of building frontage, with a minimum dimension of 2 feet for vertical variation.
- (2) Parapet walls must feature three-dimensional cornice treatments or other shadow-creating details along their tops.
- (3) Green roof, blue roof, and white roof designs are encouraged.
- (4) The following roof materials are prohibited:
  - (a) Corrugated metal (standing seam metal roofs are permitted)
  - (b) Reflective surfaces that produce glare (this does not include solar panels)



#### **d. Entrance Design and Siting**

- (1) All buildings must have a public entrance from the sidewalk along the primary building frontage. Public entrances must be visually distinctive from the remaining portions of the façade along which it is located.
- (2) Parking areas that are directly adjacent to a building façade that contains a public entrance must be designed with grade separated pedestrian walkways that provide safe access to the building.
- (3) A pedestrian link to existing public right-of-way sidewalks and any commercial development in order to ensure safe pedestrian access to the commercial development is required.
- (4) If outparcel buildings are part of a larger commercial development, said buildings must define the street frontage by placement near the street with the inclusion of showcase windows and entrances oriented toward the street and to the interior parking lot.
- (5) A pedestrian link is required to existing public right-of-way sidewalks and any adjacent commercial development to ensure safe pedestrian access between the development and adjacent commercial uses outside the development.



#### **e. Building Materials**

- (1)** The following building materials are prohibited as primary surface finish material but may be used as decorative or detail elements, or as part of the exterior construction that is not used as a surface finish material.
  - (a)** Corrugated metal
  - (b)** Aluminum, steel or other metal sidings
  - (c)** Exposed aggregate (rough finish) concrete wall panels
  - (d)** Exterior insulating finish systems (EIFS); however, use of EIFS is prohibited as a primary or decorative building material at any point up to four feet in height on a structure's facade
  - (e)** Plastic
  - (f)** Vinyl
- (2)** The following building materials are prohibited:
  - (a)** Plain concrete block
  - (b)** T-111 composite plywood siding

## **2. C-3 District Design Standards**

### **a. Façade Design**

Building facades along public rights-of-way in excess of 100 feet must include a repeating pattern with no less than two of the following elements: color change, texture change, material module change, or a wall articulation change of no less than two feet in depth, such as a reveal, pilaster, or projecting rib. All elements must repeat at intervals of no more than 40 feet.

### **b. Fenestration Design**

The ground floor must maintain a minimum transparency of 40%, measured between two and ten feet in height from grade. Windows must be constructed of clear or lightly tinted glass. The use of tinted glass above 20% and reflective glass is prohibited.

### **c. Entrance Design**

- (1) All buildings must have a public entrance at the primary building frontage.
- (2) A pedestrian link to existing public right-of-way sidewalks and any commercial development in order to ensure safe pedestrian access to the commercial development is required.

### **d. Building Materials**

- (1) The following building materials are prohibited along any façade that abuts a public right-of-way as primary surface finish material but, such materials may be used as decorative or detail elements, or as part of the exterior construction that is not used as a surface finish material.
  - (a) Corrugated metal
  - (b) Aluminum, steel or other metal sidings
  - (c) Metal wall panels
  - (d) Exposed aggregate (rough finish) concrete wall panels
  - (e) Exterior insulating finish systems (EIFS); however, use of EIFS is prohibited as a primary or decorative building material at any point up to four feet in height on a structure's facade
  - (f) Plastic
  - (g) Vinyl



**(2)** The following building materials are prohibited:

**(a)** Plain concrete block

**(b)** T-111 composite plywood siding

### **3. C-4 District and Site Design Standards**

- a.** Any structure originally designed for a residential use that is expanded or converted to a non-residential use must maintain the existing residential character of the structure. Any new structure constructed for a non-residential use must reflect the residential character of the area. The quality of exterior design must be equal on all facades of the structure, and the materials on all facades must be of the same or comparable quality.
- b.** Building and parking setbacks for all non-residential uses will be determined during the Special Use Permit hearing process, taking into consideration the existing building and parking/driveway setbacks of properties abutting the subject property and properties located directly across the street and alley, when applicable.

## **5.5 GENERAL STANDARDS OF APPLICABILITY**

### **1. Site Development Standards**

See Article 10 (Site Development Standards) for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, fences and walls, and permitted encroachments.

### **2. Off-Street Parking and Loading**

See Article 11 (Off-Street Parking and Loading) for off-street parking and loading standards and requirements.

### **3. Landscape**

See Article 12 (Landscape) for landscape, buffering, and screening standards and requirements.

### **4. Signs**

See Article 13 (Signs) for standards governing signs.

## **ARTICLE 6. OFFICE & INDUSTRIAL DISTRICTS**

- 6.0 PURPOSE STATEMENTS**
- 6.1 USES**
- 6.2 DIMENSIONAL STANDARDS**
- 6.3 DESIGN STANDARDS**
- 6.4 GENERAL STANDARDS OF APPLICABILITY**

### **6.0 PURPOSE STATEMENTS**

#### **1. O-1 Restricted Office District**

The O-1 Restricted Office District is intended for areas of small-scale office buildings that can be sited in close proximity to residential neighborhoods without adverse visual or physical impact on these areas. Buildings in the O-1 District range from single-story to multi-story and are typically sited along primary or secondary thoroughfares. This district may also contain structures originally built to accommodate another use, such as dwellings, which are suitable for office conversion.

#### **2. O-2 Office Campus District**

The O-2 Office Campus District is intended for areas of large office buildings. The O-2 District accommodates large, accessible land parcels where office buildings can be built in a campus or park-like setting.

#### **3. I-1 Restricted Industrial District**

The I-1 Restricted Industrial District is intended to accommodate light industrial facilities including, but not limited to, businesses that manufacture from previously prepared materials of finished products or parts. Incidental storage, sales, showcasing, and distribution of products may also occur within the district. Industrial activities within the I-1 District occur within enclosed structures and may occur outdoors.

#### **4. I-2 General Industrial District**

The I-2 General Industrial District is intended to accommodate moderately intensive industrial facilities including, but not limited to, businesses that manufacture products from processed or unprocessed raw materials. Incidental storage, sales, showcasing, and distribution of products may also occur within the district. The industrial activities within the I-2 District may produce external effects perceptible on adjacent properties, but are generally not offensive or noxious.

## 5. I-3 Intensive Industrial District

The I-3 Intensive Industrial District is intended to accommodate heavy industrial facilities, including, but not limited to, businesses that manufacture or compound raw materials. These industrial activities may produce noise, vibration, odor, heat, glare, and other effects perceptible to adjacent properties, and may have greater than average impacts on the environment.

### 6.1 USES

Article 8 lists permitted and special principal uses and temporary uses for the office and industrial districts.

### 6.2 DIMENSIONAL STANDARDS

Table 6-1: Office and Industrial Districts Dimensional Standards establishes the dimensional standards for the office and industrial districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use.

Table 6-1: Office and Industrial Districts Dimensional Standards					
	O-1	O-2	I-1	I-2	I-3
<b>Bulk Standards</b>					
<b>Minimum Lot Area</b>	10,000sf	2 ac	20,000sf	30,000sf	40,000sf
<b>Minimum Lot Width</b>	80'	150'	100'	100'	150'
<b>Maximum Building Height</b>	40'	85'	45'	45' at min. setback line, but may increase height by 1' for every 1' of additional setback when adjacent to a non-residential district or 1' in height for every 1.5' of additional setback when adjacent to residential district	45' at min. setback line, but may increase height by 1' for every 1' of additional setback when adjacent to a non-residential district or 1' in height for every 1.5' of additional setback when adjacent to residential district
<b>Design Standards</b>	Section 6.3.1	Section 6.3.1	Section 6.3.2	Section 6.3.2	None

Table 6-1: Office and Industrial Districts Dimensional Standards					
	O-1	O-2	I-1	I-2	I-3
<b>Minimum Setbacks</b>					
<b>Front Setback</b>	30'	75'	40'	40'	50'
<b>Interior Side Setback</b>	10', unless abutting a residential district then 30'	50'	15', unless abutting a residential district then 40'	15', unless abutting a residential district then 40'	15', unless abutting a residential district then 40'
<b>Corner Side Setback</b>	25'	75'	30'	30'	30'
<b>Rear Setback</b>	30'	50'	40'	40'	40'
<b>Transitional Yard</b>	30'	50'	40'	40'	40'

### 6.3 DESIGN STANDARDS

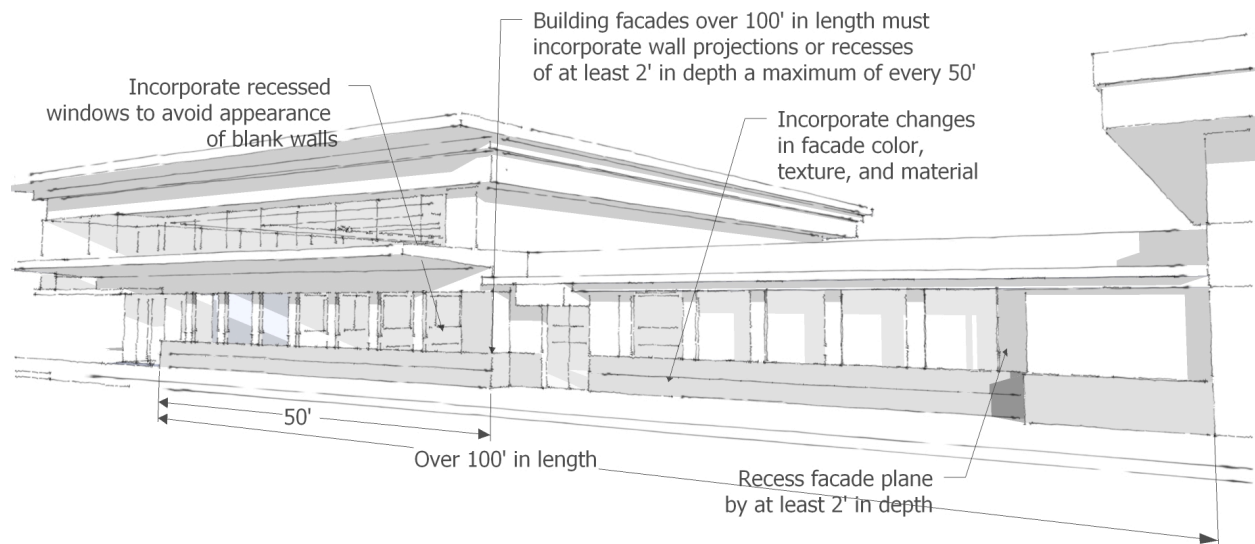
The following design standards apply to new construction, substantial repair or rehabilitation meant to remedy damage or deterioration of the exterior façade of an existing structure, and additions to an existing structure. However, only those standards that relate to the specific repair, rehabilitation, or addition apply. These standards do not apply to interior remodeling.

#### 1. O-1 and O-2 District Design Standards

##### a. Façade Design

The following standards apply to all façades that face a public right-of-way, excluding alleys, or abut a residential district, and any façade where a building entrance is located.

- (1) All façades must have at least two of the following architectural features to avoid the appearance of blank walls: change in plane of at least two feet in depth, reveals, windows and openings, and changes in color, texture and/or material to add interest to the building elevation.
- (2) The use of highly reflective wall surface material, and mirror glass on exterior walls is prohibited.
- (3) Rooflines of buildings that are over 100 linear feet in facade length must be variegated. Said variation in roof height must repeat on-center no more than every 50 linear feet of building frontage, with a minimum dimension of 2 feet for vertical variation.



#### **b. Roof Design**

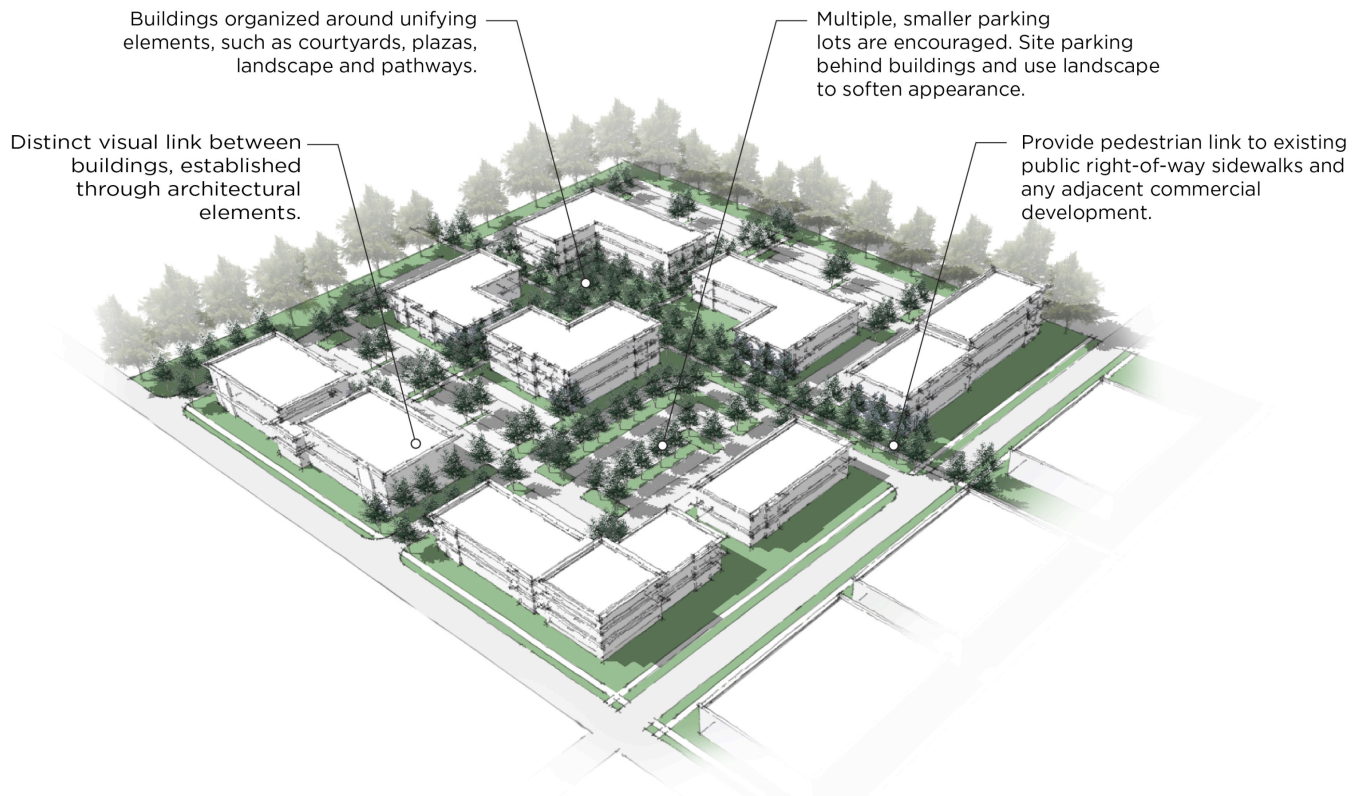
- (1) Green roof, blue roof, and white roof designs are encouraged.
- (2) The following roof materials are prohibited:
  - (a) Corrugated metal (standing seam metal roofs are permitted)
  - (b) Reflective surfaces that produce glare (this does not include solar panels)

#### **c. Site Design**

- (1) When office structures are sited within 50 feet of any lot line abutting a public street, public entrances and primary building elevations must be included along facades that face such public streets. Main entrances to the buildings must be well defined.
- (2) In multi-building complexes, the campus must be designed in a manner that unifies the various site components through the use of similar design features, construction, material, or colors.
- (3) In multi-building complexes, a distinct visual link must be established among various buildings by using architectural or site design elements such as courtyards, plazas, landscape, and walkways to unify the project. The design of accessory buildings, such as security kiosks, maintenance buildings, and outdoor equipment enclosures, must be incorporated into, and compatible in design concept with, the overall design of the project and the main buildings on the site.

(4) The on-site parking lot that serves the development must not be a dominant visual element along a primary roadway. The construction of multiple smaller lots, separated by principal buildings and required interior landscape, or the placement of parking lots behind buildings, is required to minimize and soften the appearance of parking areas.

(5) Developments must provide a pedestrian link to existing public right-of-way sidewalks and any adjacent commercial development to ensure safe pedestrian access between the development and adjacent commercial uses outside the development.



#### **d. Building Materials**

(1) The following building materials are prohibited as primary surface finish material but may be used as decorative or detail elements, or as part of the exterior construction that is not used as a surface finish material.

(a) Corrugated metal

(b) Aluminum, steel or other metal sidings

(c) Exposed aggregate (rough finish) concrete wall panels

(d) Exterior insulating finish systems (EIFS); however, use of EIFS is prohibited as a primary or decorative building material at any point up to four feet in height on a structure's facade

(e) Plastic

(f) Vinyl

(2) The following building materials are prohibited:

(a) Plain concrete block

(b) T-111 composite plywood siding

## **2. I-1 and I-2 District Design Standards**

### **a. Façade Design**

The following standards apply to all façades that face a public right-of-way, excluding alleys, or abut a residential district, and any façade where a building entrance is located.

(1) Building elevations must consist primarily of office-type exterior architecture, including windows and public entrances. Main entrances to the buildings must be well defined

(2) All façades must have at least two of the following architectural features to avoid the appearance of blank walls: change in plane of at least two feet in depth, reveals, windows and openings, and changes in color, texture and/or material to add interest to the building elevation.

(3) The use of highly reflective wall surface material, and mirror glass on exterior walls is prohibited.

(4) Rooflines of buildings that are over 100 linear feet in facade length must be variegated. Said variation in roof height must repeat on-center no more than every 50 linear feet of building frontage, with a minimum dimension of 2 feet for vertical variation.

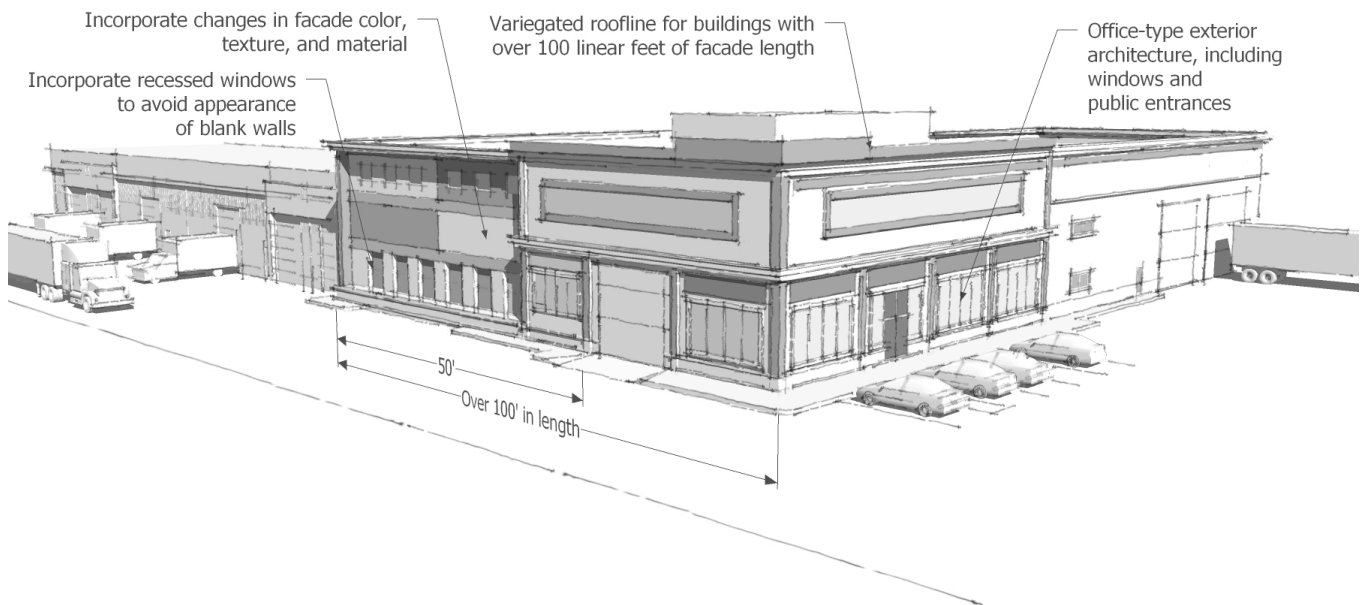
### **b. Roof Design**

(1) Green roof, blue roof, and white roof designs are encouraged.

(2) The following roof materials are prohibited:

(a) Corrugated metal (standing seam metal roofs are permitted)

(b) Reflective surfaces that produce glare (this does not include solar panels)



### c. Site Design

- (1) In multi-building complexes, the campus must be designed in a manner that unifies the various site components through architectural or site design elements, such as courtyards, plazas, landscape, and walkways
- (2) Campus developments must provide a pedestrian link to existing public right-of-way sidewalks and any adjacent commercial development to ensure safe pedestrian access between the campus and adjacent commercial uses outside the development.

## 6.4 GENERAL STANDARDS OF APPLICABILITY

### 1. Site Development Standards

See Article 10 (Site Development Standards) for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, fences and walls, and permitted encroachments.

### 2. Off-Street Parking and Loading

See Article 11 (Off-Street Parking and Loading) for off-street parking and loading standards and requirements.



### **3. Landscape**

See Article 12 (Landscape) for landscape, buffering, and screening standards and requirements.

### **4. Signs**

See Article 13 (Signs) for standards governing signs.

## **ARTICLE 7. SPECIAL PURPOSE DISTRICTS**

### **7.0 PURPOSE STATEMENTS**

#### **7.1 EGG EAST GRAND GATEWAY OVERLAY DISTRICT**

#### **7.2 P PUBLIC LANDS DISTRICT**

#### **7.3 GENERAL STANDARDS OF APPLICABILITY**

### **7.0 PURPOSE STATEMENTS**

#### **1. EGG East Grand Gateway Overlay District**

The EGG East Grand Gateway Overlay District is intended to provide opportunities for new development, redevelopment, or renovation of buildings in a manner that creates a “gateway” and sense of arrival into the Village from the east, and reinforces the economic viability and character of the area. Development within the overlay district should include amenities such as, but not limited to, sidewalks set back from East Grand Avenue that connect street frontages to individual buildings, street trees, enhanced parking lot landscape, ornamental lighting, street furniture, and public plaza space to encourage pedestrian activity, improve pedestrian safety, and enhance the corridor’s aesthetics.

#### **2. P Public Lands District**

The P Public Lands District is intended for publicly-owned land within the Village. Public land may be zoned within this district or allowed within other zoning districts. No privately-owned land or structures are permitted within the P Public Land District.

### **7.1 EGG EAST GRAND GATEWAY OVERLAY DISTRICT**

#### **1. Designation of the EGG East Grand Gateway Overlay District**

The EGG East Grand Gateway Overlay District applies to lots zoned the C-2 District and located generally on Grand Avenue between the City of Waukegan corporate limits on the east and the intersection of IL Route 41 to the west and generally one block north and south. Unless specifically modified by these overlay district regulations, the regulations of the C-2 base zoning district apply. Where there is a conflict between the provisions of this overlay and those of the underlying base district, the provisions of this overlay control.

#### **2. Use Permissions**

In addition to the uses permitted in the base district, the following uses are allowed in the EGG Overlay District:

- a. Self-Storage Facility (Fully Enclosed/No Outdoor Storage)**

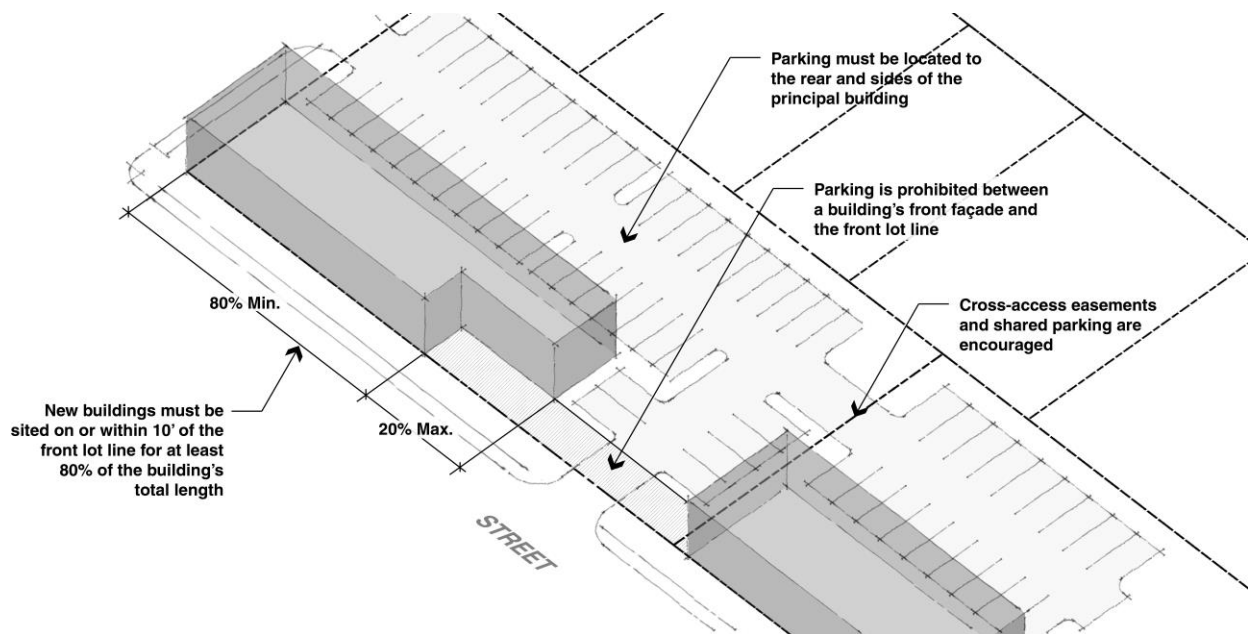
### **3. Design Standards**

The design standards of the C-2 District (Section 5.4) apply, in addition to any specific design standards of this section. Where there is a conflict between the design standards of the C-2 District and those of this section, this section controls. These design standards apply to new construction, repair or rehabilitation to remedy damage or deterioration of the exterior façade of an existing structure, and additions to an existing structure. However, only those standards that relate to the specific repair, rehabilitation, or addition apply. These standards do not apply to interior remodeling.

#### **a. Site Design**

The dimensional standards of the C-2 District apply unless specifically modified by this section.

- (1)** New buildings must be sited on the front lot line or within ten feet of the front lot line for at least 80% of the building's total length. Additions to existing structures may be built along its established façade plane, or extend to or within ten feet from the front lot line.
- (2)** If a principal structure is sited three feet or more from the front lot line, low height landscape treatments, such as shrubs and hedges, not exceeding three feet in height, must be installed between the building and the front lot line for the entire length of its frontage, excluding public entrances.
- (3)** For new construction, parking lots must be located to the rear and sides of the principal building. Parking is prohibited between a building's front façade and the front lot line.
- (4)** The width of a one-lane driveway is limited to a maximum of 12 feet. The width of a two-lane driveway is limited to a maximum of 24 feet.



## b. Fenestration Design

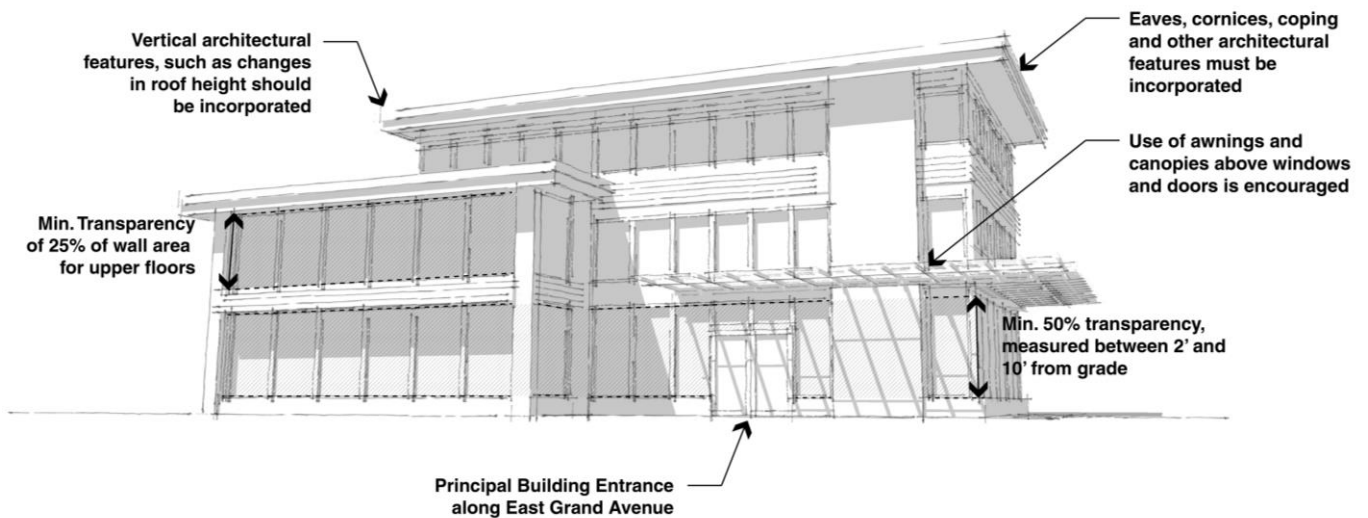
- (1) Commercial ground floor design must maintain a minimum transparency of 50%, measured between two and ten feet in height from grade. Upper floors must maintain a minimum transparency of 25% of the wall area of the story. Windows must be constructed of clear or lightly tinted glass. The use of tinted glass above 20% and reflective glass is prohibited.
- (2) For existing structures, the repair, improvement, and restoration of original door and window openings is encouraged.
- (3) Aluminum, steel, or vinyl-cased wood windows are permitted. However, they must be visually compatible with the color scheme of the building.
- (4) Variations in building materials, windows, color, and articulation are encouraged on facades facing a public right-of-way.

## c. Roof Design

- (1) Buildings must incorporate eaves, cornices, coping, and other architectural features to define the top of the structure.
- (2) Buildings should incorporate vertical architectural features, such as changes in roof height and roof pitches, to provide roofline variation.

#### d. Entrance Design

- (1) The principal building entrance should be sited along Grand Avenue. Buildings should be designed so that the principal entrances are along Grand Avenue.
- (2) Entrances to loading areas must be oriented internal to the property and must not front public rights-of-way or abut a residential district.
- (3) The use of awnings and canopies above windows and doors is encouraged and must be visually compatible with the building design.



## 7.2 P PUBLIC LANDS DISTRICT

### 1. Uses

Article 8 lists permitted and special principal uses and temporary uses for the P District.

### 2. Dimensional Standards

Table 7-1: P District Dimensional Standards establishes the dimensional standards for the P District. These regulations apply to all uses within the P District unless a different standard is listed for a specific use.

Table 7-1: P District Dimensional Standards	
	P
<b>Bulk Standards</b>	
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Height	45'
<b>Minimum Setbacks</b>	
Front Setback	30'
Interior Side Setback	None
Corner Side Setback	30'
Rear Setback	None
Transition Yard	20'

### 7.3 GENERAL STANDARDS OF APPLICABILITY

#### 1. Site Development Standards

See Article 10 (Site Development Standards) for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, fences and walls, and permitted encroachments.

#### 2. Off-Street Parking and Loading

See Article 11 (Off-Street Parking and Loading) for off-street parking and loading standards and requirements.

#### 3. Landscape

See Article 12 (Landscape) for landscape, buffering, and screening standards and requirements.

#### 4. Signs

See Article 13 (Signs) for standards governing signs.

## ARTICLE 8. USES

- 8.0 GENERAL USE PERMISSION
- 8.1 USE MATRIX
- 8.2 PRINCIPAL USE STANDARDS
- 8.3 TEMPORARY USE STANDARDS

### 8.0 GENERAL USE PERMISSION

No structure or land may be used or occupied except in conformity with the regulations for the zoning district in which it is located.

### 8.1 USE MATRIX

- a. Table 8-1: Use Matrix identifies the principal and temporary uses allowed within each zoning district. P indicates that the use is permitted in the zone. S indicates that the use is a special use in the zone and requires a special use permit in accordance with Section 16.0. If a cell is blank, the use is not allowed in the district. In the case of temporary uses, a P indicates the temporary use is allowed in the district but requires approval of a temporary use permit in accordance with Section 16.4.
- b. The following footnotes apply as follows:
  - (1) Footnote 1: Use allowed, as permitted or special, only when secondary to a larger office and/or industrial development, and integrated into the larger development to serve the employees and visitors. Such uses may be freestanding structures within the campus but must be integrated into the development as a whole, including pedestrian and vehicle circulation systems.
  - (2) Footnote 2: Wireless telecommunications is only a permitted when the application is for a wireless telecommunications antenna designed as and meeting the requirements of antenna stealth design. Such wireless telecommunications antenna requires site plan review approval.

Table 8-1: Use Matrix																			
Use	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	C-3	C-4	C-5	C-6	O-1	O-2	I-1	I-2	I-3	P	Use Standard
<b>Residential</b>																			
Age-Restricted Housing					P	P				S									Sec. 8.2.10
Community Residence – Small (6 or Fewer Residents)	P	P	P	P	P	P													Sec. 8.2.5
Community Residence – Large (7 or More Residential)					P	P													Sec. 8.2.5
Dwelling – Single-Family	P	P	P	P	P	S				P									Sec. 8.2.9
Dwelling – Two-Family				P	P	S				P									Sec. 8.2.9
Dwelling – Townhouse					P	P				S									Sec. 8.2.10
Dwelling – Multi-Family					P	P				S									Sec. 8.2.10
Dwelling – Above the Ground Floor							P	P	P	P									
Residential Care Facility	S	S	S	S	S	S	S	S	S	S									Sec. 8.2.26
<b>Agricultural</b>																			
Agriculture	P																		
Stable – Commercial	S																		
<b>Public</b>																			
Camp																		P	Sec. 8.2.4
Cemetery	S																	P	
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Cultural Facility	P	P	P	P	P	P	P	P	P	P		P						P	
Educational Facility – Primary or Secondary (No Boarding)	P	P	P	P	P	P												P	
Educational Facility – Primary or Secondary (Boarding)	S	S	S	S	S	S												P	
Educational Facility – University	S	S	S	S	S	S							S	P				P	
Educational Facility – Vocational								S	P			S	P	P	P	S			
Emergency Shelter									S									S	
Forest Preserve	P	P	P	P	P	P												P	
Government Office	S	S	S	S	S	S	S	S	S	S			S	S	S	S	S	P	
Park/Playground	P	P	P	P	P	P	P	P	P	P	P	P						P	
Public Safety Facility	S	S	S	S	S	S	S	S	P	S	P	P	S	S	S	S	S	P	
Public Works Facility	S							S	P				S	S	S	S	S	P	
Utility	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	
<b>Retail</b>																			
Adult Use																S	S		Sec. 8.2.1
Art Gallery							P	P	P	S		P							
Bar								S	S										
Farm Stand							P	P	P	S									
Gas Station								P	P			P			S				Sec. 8.2.12



Table 8-1: Use Matrix																			
Use	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	C-3	C-4	C-5	C-6	O-1	O-2	I-1	I-2	I-3	P	Use Standard
Greenhouse/Nursery - Retail								S	P						P				Sec. 8.2.13
Gun/Firearm Shop - Retail								S	S			S							Sec. 8.2.14
Heavy Retail, Rental and Service								S	P			S			P				Sec. 8.2.13
Outdoor Dining							P	P	P	S		P	P	P	P				Sec. 8.2.22
Outdoor Market								S	S									P	Sec. 8.2.23
Pawn Shop								S	P										
Restaurant							P	P	P	S		P	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>				
Retail Goods Establishment							P	P	P	S		P	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>				
Retail Sales of Alcohol								P	P			P							
Specialty Food Service							P	P	P	S		P	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>				
Vehicle Dealership – Fully Enclosed								P	P			P			P	P			Sec. 8.2.29
Vehicle Dealership – With Outdoor Storage and Display								S	S			S			S	S			Sec. 8.2.29
<b>Service</b>																			
Animal Care Facility							S	P	P						P	P			Sec. 8.2.2
Arts Studio							P	P	P	S		P	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>				
Body Modification Establishment								S	S										Sec. 8.2.3
Car Wash								S	S			S			S				Sec. 8.2.11
Day Care Home	P	P	P	P	P	P													Sec. 8.2.7
Day Care Center							S	P	S	S		P	S <sup>1</sup>	S <sup>1</sup>	S <sup>1</sup>				Sec. 8.2.8
Drive-Up Automated Teller Machine - Freestanding								P	P		P	P	P	P	P				Sec. 8.2.11
Funeral Home							S	P	P	S									
Hotel/Motel								P	P		P	P	S	S					
Massage Service Establishment								S				S	S <sup>1</sup>	S <sup>1</sup>					Sec. 8.2.19
Passenger Terminal								S	P										
Personal Service Establishment							P	P	P	S		P	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>				
Reception Facility								P	P			P							Sec. 8.2.25
Self-Storage Facility									P						P				Sec. 8.2.6
Self-Storage Facility – Principal Use is Outdoor Storage									S						S	P	P		Sec. 8.2.6
Vehicle Rental								S	P			P			P				Sec. 8.2.31
Vehicle Repair/Service – Minor								P	P			S			P	P			Sec. 8.2.32
Vehicle Repair/Service – Major									S						P	P	P		Sec. 8.2.32
<b>Recreation/Social/Assembly</b>																			
Amusement Theme Park											P								
Country Club	S																	P	
Golf Course/Driving Range	S								P									P	
Live Performance Venue								S	S		P	P						P	
Lodge/Meeting Hall							S	S	S	S		P			P <sup>1</sup>	P <sup>1</sup>			Sec. 8.2.18
Place of Worship	P	P	P	P	P	P	S	S	S	S			S					P	
<b>Recreation, Indoor</b>																			
Recreation, Shooting Range (indoor)							P	P	P			S			S	S			Sec. 8.2.28

Table 8-1: Use Matrix																			
Use	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	C-3	C-4	C-5	C-6	O-1	O-2	I-1	I-2	I-3	P	Use Standard
<b>Recreation, Indoor – Not-for-Profit</b>	S	S	S	S	S	S	S	S	P			P						P	
Recreation, Shooting Range (indoor)																		P	Sec. 8.2.28
Recreation, Outdoor (shooting ranges prohibited)								S	S										
Recreation, Outdoor - Not-for-Profit (shooting ranges prohibited)	P	P	P	P	P	P		S	P									P	
<b>Office</b>																			
Financial Institution							P	P	P	S		P	P	P	P				
Office							P	P	P	S		P	P	P	P	P			
Industrial Design													P	P	P				
Research and Development (R&D)													P	P	P	P	P		
<b>Medical</b>																			
Hospital								S	S					S				P	
Medical Marijuana Cultivation Center															S	S	S		Sec. 8.2.20
Medical Marijuana Dispensary								S	S			S			S	S	S		Sec. 8.2.21
Medical/Dental Clinic – With Dispensary								S	S			S	S	S	S	S	S		Sec. 8.2.21
Medical/Dental Clinic – Without Dispensary							P	P	P	S		P	P	P					
<b>Industrial</b>																			
Contractor Storage Yard									S						P	P	P		Sec. 8.2.6
Industrial – Light															P	P	P		Sec. 8.2.6
Industrial – General																P	P		Sec. 8.2.6
Industrial – Heavy																	P		Sec. 8.2.6
Kennel									S						P			P	Sec. 8.2.16
Landscape Business									S						P	P			Sec. 8.2.17
Micro-Brewery								S	S			S		S	P	P	P		
Micro-Distillery								S	S			S		S	P	P	P		
Micro-Winery								S	S			S		S	P	P	P		
Outdoor Storage of Materials																S	S		Sec. 8.2.6
Salvage Yard																S	S		Sec. 8.2.27
Vehicle Operation Facility – Fully Enclosed									P						P	P		P	Sec. 8.2.30
Vehicle Operation Facility - With Outdoor Storage									S						S	S		S	Sec. 8.2.30
Warehouse									S				S	S	P	P	P		
Wholesale Establishment									S						P	P	P		
<b>Transportation</b>																			
Drive-Through Facility							S	P	P	S		P	P	P	P				Sec. 8.2.11
Helipad													S	S	S	S	S	S	Sec. 8.2.15
Heliport															S	S	S	S	Sec. 8.2.15

Table 8-1: Use Matrix																			
Use	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	C-3	C-4	C-5	C-6	O-1	O-2	I-1	I-2	I-3	P	Use Standard
Parking Lot (Principal Use)							S	S	S		S	S						P	Sec. 8.2.24
Parking Structure (Principal Use)							S	S	S		S	S						P	Sec. 8.2.24
<b>Other</b>																			
Broadcasting Facility – TV/Radio (With Antenna)									P				S	P	P				
Broadcasting Facility – TV/Radio (Without Antenna)							P	P	P	S		P	P	P	P	P	P		
Planned Unit Development	S	S	S	S	S	S	S	S	S	S			S	S	S	S	S		
Wireless Telecommunications	P <sup>2</sup> ,S	P <sup>2</sup> ,S	P <sup>2</sup> ,S	P <sup>2</sup> ,S	P <sup>2</sup> ,S	P <sup>2</sup> ,S	P <sup>2</sup> ,S	P <sup>2</sup> ,S	P <sup>2</sup> ,S	P <sup>2</sup> ,S	P <sup>2</sup> ,S	P <sup>2</sup> ,S	P <sup>2</sup> ,S	P <sup>2</sup> ,S	P <sup>2</sup> ,S	P <sup>2</sup> ,S	P <sup>2</sup> ,S	P <sup>2</sup> ,S	Sec. 8.2.33
Temporary Uses																			
Use	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	C-3	C-4	C-5	C-6	O-1	O-2	I-1	I-2	I-3	P	Use Standard
Farmers' Market	P	P	P	P	P	P	P	P	P	P		P						P	Sec. 8.3.1
Garage/Yard Sale	P	P	P	P	P	P													Sec. 8.3.2
Real Estate Sales Office/Model Unit	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	Sec. 8.3.3
Temporary Contractor's Office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.3.4
Temporary Dumpster	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.3.5
Temporary Mobile Sales							P	P	P	P		P	P	P	P	P	P	P	Sec. 8.3.6
Temporary Outdoor Entertainment/Promotional Event	P	P	P	P	P	P	P	P	P	P	P	P	P	P				P	Sec. 8.3.7
Temporary Outdoor Sales	P	P	P	P	P	P	P	P	P	P		P	P	P	P			P	Sec. 8.3.8
Temporary Outdoor Storage Container	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.3.9

## **8.2 PRINCIPAL USE STANDARDS**

Where applicable, principal uses are required to comply with all use standards of this section, whether a permitted or special use, in addition to all other regulations of this Ordinance.

### **1. Adult Use**

- a.** 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 licensed premises is located.
- b.** 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 manner except to the extent specifically set forth for in the sign ordinance for adult-oriented businesses.
- c.** No adult use may be operated within 1,000 feet of an existing:
  - (1)** Place of worship
  - (2)** Educational facility
  - (3)** Park/playground
  - (4)** Residential district or residential dwelling (all types)
  - (5)** Designated historical or cultural district
  - (6)** Cemetery
  - (7)** Day care center
  - (8)** Forest preserve
  - (9)** Retail sales of alcohol
  - (10)** Indoor or outdoor recreation facility which holds youth activities

### **2. Animal Care Facility**

- a.** Exterior exercise areas must be located to the interior side or rear of the principal building on the lot.
- b.** All animal overnight boarding facilities must be located indoors.

- c. All animal quarters and exterior exercise areas must be kept in a clean, dry, and sanitary condition. The surface of exterior exercise areas must be made of impervious material to permit proper cleaning and disinfecting.
- d. Insulated double fencing of exterior exercise areas is required to provide adequate noise and visual screening. Fencing must be a minimum of six feet in height, and must be buried a minimum of one foot to prevent escape by digging beneath the fence posts and pickets. Fencing must also be directly connected to the building, allowing safe passage of animals from building to exterior exercise area, and vice versa.
- e. All animal outdoor activities must be conducted within the exterior exercise area. A minimum of one employee must be present in the exterior exercise area when animals are present.
- f. Exterior exercise areas are prohibited in required setbacks.

### **3. Body Modification Establishment**

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

### **4. Camp**

- a. Management headquarters, recreational facilities, cabins, and other uses and structures customarily associated with the operation of a camp are permitted. All such structures must meet the requirements of the Building Code.
- b. All storage must be within enclosed structures.
- c. All interior side and rear yards must be a minimum of 30 feet each, unless the zoning district requires a larger yard.
- d. Outdoor recreation areas, including playgrounds or recreation fields, are prohibited in a required yard.

### **5. Community Residence**

- a. Community residences must meet all federal, state and local requirements including, but not limited to, licensing, health, safety, and building code requirements.
- b. The facility must retain a residential character, which is compatible with the surrounding residential neighborhood.

### **6. Contractor Storage Yard and Outdoor Storage of Materials; Self-Storage Facility (With Accessory or Principal Outdoor Storage); Industrial – Light, General, Heavy with Outdoor Storage**

- a. Any outdoor storage associated with contractor storage yards, outdoor storage of materials, self-storage facilities (accessory or principal) or industrial – light, general, or heavy uses must be completely enclosed along all lot lines by a solid

fence or wall a minimum of eight feet in height. Fences or walls along the front or corner side lot line must be set back a minimum of 10 feet. Within the setback, one shrub a minimum of three feet in height must be planted linearly every three feet on-center along such fence or wall. Where any principal building screens an outdoor storage area, the fence and the associated setback is not required.

- b.** Storage of any kind is prohibited outside the fence or wall. No items stored within the fence may exceed the height of the fence or wall.
- c.** The storage area should be located to the rear of the lot where possible. Any structures must be located towards the front of the lot, in compliance with the front yard of the underlying zoning district.
- d.** Outdoor storage areas must be surfaced with an all weather dust-free material and graded to drain all surface water.

## **7. Day Care Home**

- a.** Day care homes must meet all federal, state and local requirements including, but not limited to, licensing, health, safety and building code requirements.
- b.** Open space and/or recreational areas must be provided as required by the State of Illinois licensing requirements.
- c.** The facility must retain a residential character that is compatible with surrounding residential neighborhoods.

## **8. Day Care Center**

- a.** Day care centers must meet all federal, state and local requirements including, but not limited to, licensing, health, safety and building code requirements.
- b.** Open space and/or recreational areas must be provided as required by the State of Illinois licensing requirements. The outdoor recreational areas must be separated from parking areas and enclosed by a semi-open or closed fence a minimum of six feet in height. No open space and/or recreational areas may be located within a required setback.

## 9. Dwelling – Single-Family and Dwelling – Two-Family

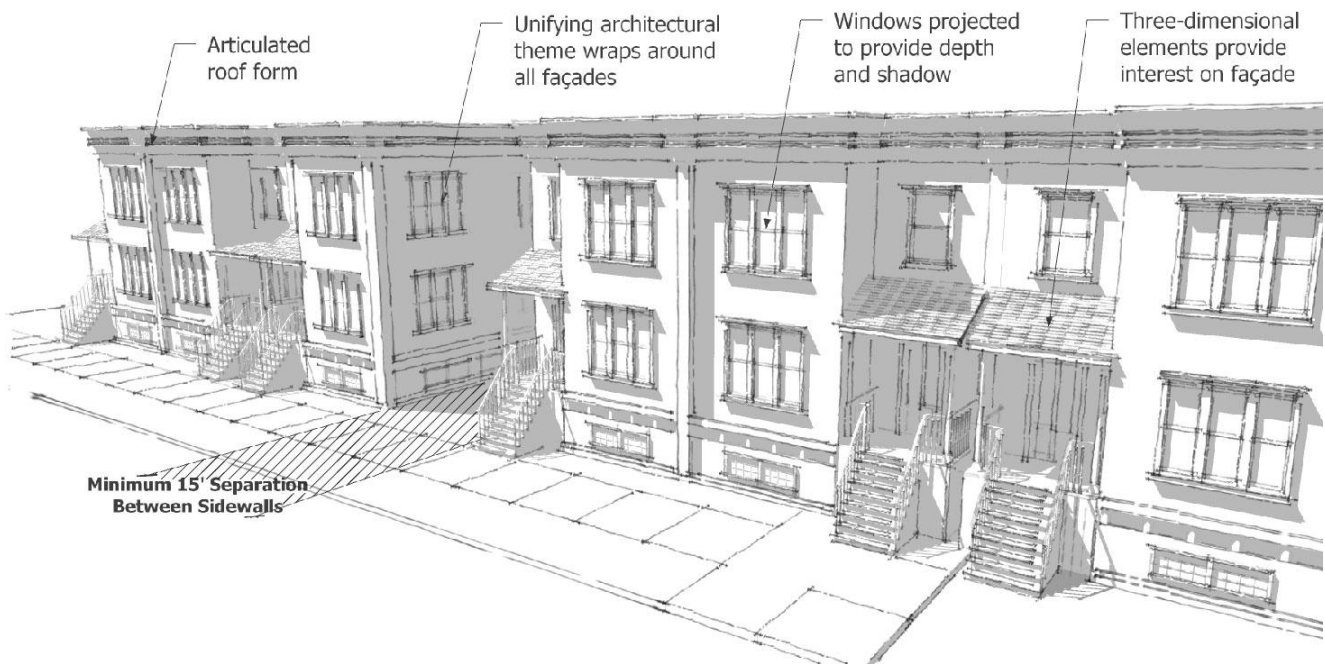
- a. The front entry must be a dominant feature on the front elevation of a home and an integral part of the structure, using features such as porches and raised steps and stoops with roof overhangs or decorative railings, to create a protected entry area and articulate the front façade.
- b. Windows, side entrances, and other architectural features on street facing and side facades are required to avoid the appearance of blank walls. Dwellings on corner lots must address both street frontages. The primary façade upon which the entrance to the structure is located must include the front entry as a dominant feature and be designed in accordance with Paragraph a above. The secondary street-facing façade must include articulation, such as windows, porches, or other architectural features, to avoid the appearance of a blank wall.
- c. The architectural style, scale, and building mass of additions must be in keeping with that of the original structure. All additions must meet the articulation requirements of this section for street-facing and side facades. Exterior building materials and colors, as well as trim and other architectural details, must complement the existing structure.



## 10. Dwelling – Townhouse and Dwelling – Multi-Family

- a. Façades must be designed to be viewed from multiple directions and, therefore, they must be designed with consistent materials and treatment that wraps around all façades. There must be a unifying architectural theme for the entire multi-family or townhouse development, utilizing a common vocabulary of architectural forms, elements, materials or colors in the entire structure.

- b. Windows and doors must have raised elements to create shadow and articulation. In addition, three-dimensional elements, such as balconies and bay windows, are encouraged to provide dimensional elements on a façade. Windows must be set back into or projected out from the façade to provide façade depth and shadow.
- c. Roof forms must be articulated so that varied planes and massing within the overall roof are provided. Large, monotonous, simple pitched roofs, without breaks in the expanse of the roof, are prohibited. For flat roofs, the use of cornices and/or parapets is required to add variety and break up the roofline.
- d. There must be a minimum separation of 15 feet between sidewalls among rows of townhouse developments and multi-family dwellings. Where the front or rear wall of a row of townhouse or multi-family dwellings faces the front or rear wall of another row of townhouse or multi-family dwellings, the minimum required separation between such buildings must be a minimum of 30 feet. Driveways and parking areas may be located within this minimum separation area.
- e. Large, flat facades are prohibited. Windows, projected entrances and overhangs must be included on the street facing façade to add depth and variety. When the sidewalls of multi-family or townhouse development face a street, side facades must be designed with elements of the front façade, such as windows.

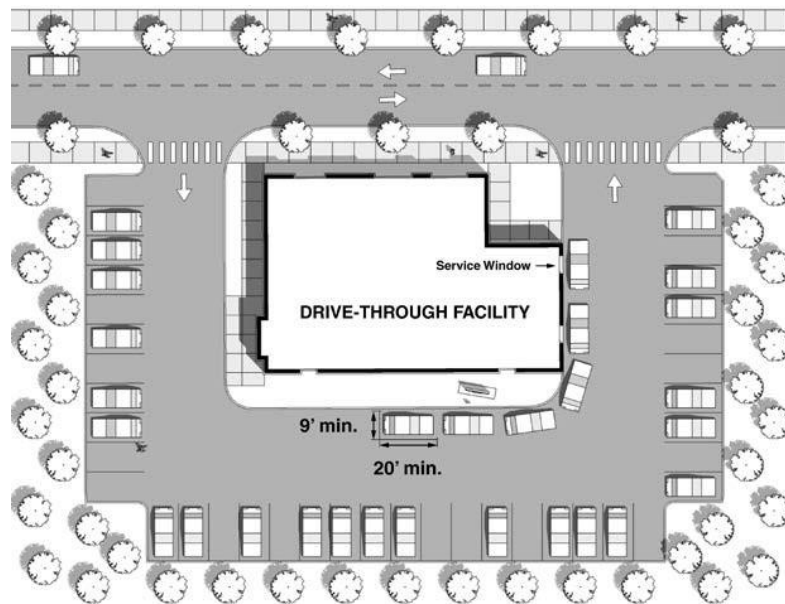


## 11. Drive-Through Facility and Drive-Up Automated Teller Machine - Freestanding

- a. All drive-through facilities must provide a minimum of five stacking spaces per lane or bay, unless fewer or additional stacking spaces are required specifically by this Ordinance. Stacking spaces provided for drive-through uses must be:



- (1) A minimum of nine feet in width, as measured from the outermost point of any service window or bay entrance, to the edge of the driveway, and 20 feet in length.
  - (2) Stacking spaces must 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 menuboard). Spaces must be placed in a single line behind each lane or bay.
- b. All drive-through lanes must be located and designed to ensure that they do not adversely affect the safety and efficiency of traffic circulation on adjoining streets.
  - c. Additional screening may be required as part of special use approval to minimize the impact of exterior site lighting, headlight glare, menuboards, and intercom sound.
  - d. The volume on all intercom menu displays must comply with all local noise regulations.
  - e. The operator of the drive-through facility must provide adequate on-site outdoor waste receptacles and daily litter clean-up of the facility.
  - f. A drive through lane must have bail-out capability for all vehicles that have entered the drive through lane. The bail-out lane must be a minimum width of 10 feet in width 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 is limited to a one-way traffic pattern following the direction of the drive through lane.



- g.** A drive-up automated teller machine – freestanding is subject to the standards of this section. No freestanding automated teller machine may be located within a required setback. A freestanding drive-up automated teller machine must be screened along interior side and rear lot lines with a solid wall or fence, a minimum of six feet in height. One shrub a minimum of three feet in height must be planted linearly every three feet on-center along such fence or wall.

## **12. Gas Station**

- a.** All gas station driveways must be located and designed to ensure that they will not adversely affect the safety and efficiency of traffic circulation on adjoining streets. Gas stations are limited to two curb cuts. For a corner lot, curb cuts are restricted to one curb cut per street.
- b.** Gas stations may offer convenience items for sale. Outdoor storage/sales/display of convenience items is limited to 10% of the principle building footprint and must meet the standards for outdoor sales and display in Article 10.
- c.** Gas stations may also include an automatic car wash with one bay.
- d.** The volume on any audio component must be maintained at a level so as not to be audible in adjoining properties. The volume on any audio component must comply with all local noise regulations. Audio components are permitted only on the gas station pump. Audio components are prohibited as part of any other structure, including canopies and buildings.

## **13. Greenhouse/Nursery – Retail and Heavy Retail, Rental and Service**

- a.** A greenhouse/nursery-retail must be screened along any lot lines abutting a residential district with a solid wall or fence, a minimum of six feet in height. One shrub a minimum of three feet in height must be planted linearly every three feet on-center along such fence or wall unless such area being screening is used for on-site plantings or outdoor sales.
- b.** Outdoor audio components are prohibited.
- c.** All areas of storage must be maintained in a neat and orderly manner.

## **14. Gun/Firearm Shop**

- a.** Shall not be located within 500 feet of a pre-existing school, child day care facility, or public park.
- b.** Shall not be located within 500 feet of a pre-existing gun/firearm shop.
- c.** Shall not be located within 300 feet of an establishment with a pre-existing liquor license.

## **15. Helipad, or Heliport**

- a.** The helipad or heliport must meet all applicable standards of the United States Department of Transportation, Federal Aviation Administration, and the Illinois Department of Transportation, Division of Aeronautics, and must be designed and constructed in accordance with all state and federal regulations.
- b.** All structures must meet the setback requirements of the district where it is located.

## **16. Kennel**

- a.** Any outside exercise areas must provide covered areas over a minimum of 50% of the exterior area to provide shelter against weather. Any animal's permanent outside boarding must be designed to provide 100% shelter against weather.
- b.** All animal quarters and exterior areas must be kept in a clean, dry, and sanitary condition.
- c.** Insulated double fencing of exterior exercise areas is required to provide adequate noise and visual screening. Fencing must be a minimum of six feet in height, and must be buried a minimum of one foot to prevent escape by digging beneath the fence posts and pickets. Fencing must also be directly connected to the building, allowing safe passage of animals from building to exterior exercise area, and vice versa.
- d.** Exterior exercise areas or boarding areas are prohibited in the front or corner side yard and in any required setback.

## **17. Landscape Business**

- a.** All landscape business vehicles and equipment associated with a landscape business must be stored entirely within an enclosed structure or in a permitted exterior storage area.
- b.** A landscape business is permitted an outdoor storage area if such principal use is permitted within the district. The outdoor storage area must comply with all standards for such use and requires separate approval.
- c.** Preparation, assembly, and processing of materials must occur wholly indoors or within the permitted exterior storage area only.
- d.** On-site retail sales are prohibited.
- e.** Special use approval is required for the collection, containment, and disposal of landscape wastes at the site. Approval of a management plan is required. Unless such plan is in place, collection or storage of landscape waste at the site is prohibited.

## **18. Lodge/Meeting Hall**

- a. No more than 50% of the total floor area may be used as office space for the lodge/meeting hall.
- b. Lodges/meeting halls are permitted to serve meals and alcohol on the premises for members only.
- c. Sleeping facilities are prohibited.
- d. Lodges/meeting halls leased or used as reception halls must comply with the requirements for reception halls.

## **19. Massage Service Establishment**

All massage service establishments must have the required State and Village licenses.

## **20. Medical Marijuana Cultivation Center**

In accordance with State law, a medical marijuana cultivation center may not be located within 2,500 feet of pre-existing educational facility – primary or secondary or day care center or any residentially zoned property. Any subsequent amendment to State law that is more restrictive than this standard will control.

## **21. Medical Marijuana Dispensary and Medical/Dental Clinic – With Dispensary**

- a. In accordance with State law, a medical marijuana dispensary may not be located within 1,000 feet of pre-existing educational facility – primary or secondary or day care center. In addition, they may not be located in a residential dwelling or within a residential district. Any subsequent amendment to State law that is more restrictive than this standard will control. In addition, the Village further restricts the location of medical marijuana dispensaries as follows:
  - (1) A medical marijuana dispensary may not be located within 1,000 feet of the lot line of any pre-existing forest preserve or state or local park.
  - (2) A medical marijuana dispensary may not be located within 500 feet of the lot line of any pre-existing residential zoning district.
- b. In accordance with State law, when a medical/dental clinic – with dispensary is operated as a methadone clinic it may not be located within 100 feet of any place of worship or educational facility – primary or secondary, or residential care facility. In the case of a place of worship, the distance is measured to the nearest part of any building used for services or educational programs and not to the property boundaries. Any subsequent amendment to State law that is more restrictive than this standard will control. In addition, the Village of Gurnee further restricts the location of medical/dental clinics – with dispensary that operate as a methadone clinic as follows:

- (1) A medical/dental clinics – with dispensary that operate as a methadone clinic may not be located within 1,000 feet of the lot line of any pre-existing educational facility – primary or secondary, day care center, forest preserve, or state or local park.
- (2) A medical/dental clinics – with dispensary that operate as a methadone clinic may not be located within 500 feet of the lot line of any pre-existing residential zoning district.

## **22. Outdoor Dining**

- a. All outdoor dining areas are subject to site plan review and approval.
- b. Outdoor dining must not interfere with pedestrian access or parking spaces and aisles.
- c. A delineation must be maintained between the public right-of-way, private access drive, or any pedestrian walkway and the outdoor dining area through the use of a masonry wall, planters, bollards, temporary fencing, or similar elements.
- d. The surface area for the facility must be on a constructed surface, such as paving or wood. Any lumber used must be of fire retardant quality and rot protected.
- e. The following additional submittals are required as part of any site plan review and/or special use application for outdoor dining:
  - (1) A seating plan, including surfacing specifications, must also be submitted. The seating plan must be reviewed by the Gurnee Fire Department for recommendations on emergency access. All surfacing will be reviewed for compatibility with the architectural character of the principal use and adjacent uses.
  - (2) Detailed information and drawings indicating how the proposed delineation between the public right-of-way, private access drive, or any pedestrian walkway and the outdoor dining area will be accomplished. This will be reviewed for compatibility with the architectural character of the principal building, adjacent buildings and overall use of the site, including parking areas and landscape.
  - (3) A refuse disposal plan indicating the type and locations of refuse receptacles and the method for maintaining the area. If the plan provides for customers to clean-up after themselves, then a specified periodic cleaning schedule by employees must be provided.
  - (4) 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.

**(5)** Required hours of operation are as follows:

- (a)** Restaurants with outdoor dining areas within 300 feet of a residential use, as measured from the area occupied by the outdoor dining area to the lot line of the residential use, are prohibited from using the outdoor dining area between the hours of 11:00 p.m. and 6 a.m.
- (b)** Restaurants with outdoor dining areas greater than 300 feet from a residential use, as measured from the area occupied by the outdoor dining area to the lot line of the residential use, are prohibited from using the outdoor dining area between the hours of 1:00 a.m. and 6:00 a.m. Monday through Friday and between the hours of 2:00 a.m. and 6:00 a.m. on Saturday and Sunday.

**(6)** Lighting plan must meet code.

**(7)** Music is allowed subject to the volume on any audio component being maintained at a level so as not to be audible in adjoining properties. The volume on any audio component must comply with all local noise regulations.

**(8)** Outdoor dining areas must meet principal building setbacks.

### **23. Outdoor Market**

- a.** Temporary stalls or tables are permitted. All tents must meet the Village Fire Code.
- b.** Sales may involve new and/or used items. The sale of vehicles, heavy equipment, boats, watercraft, agricultural machinery, and similar goods is prohibited.
- c.** Any sales of food products must meet all rules and regulations, and require approval, of the Lake County Health Department.
- d.** Individual sellers at the outdoor market need not be the same each time the market is in operation.

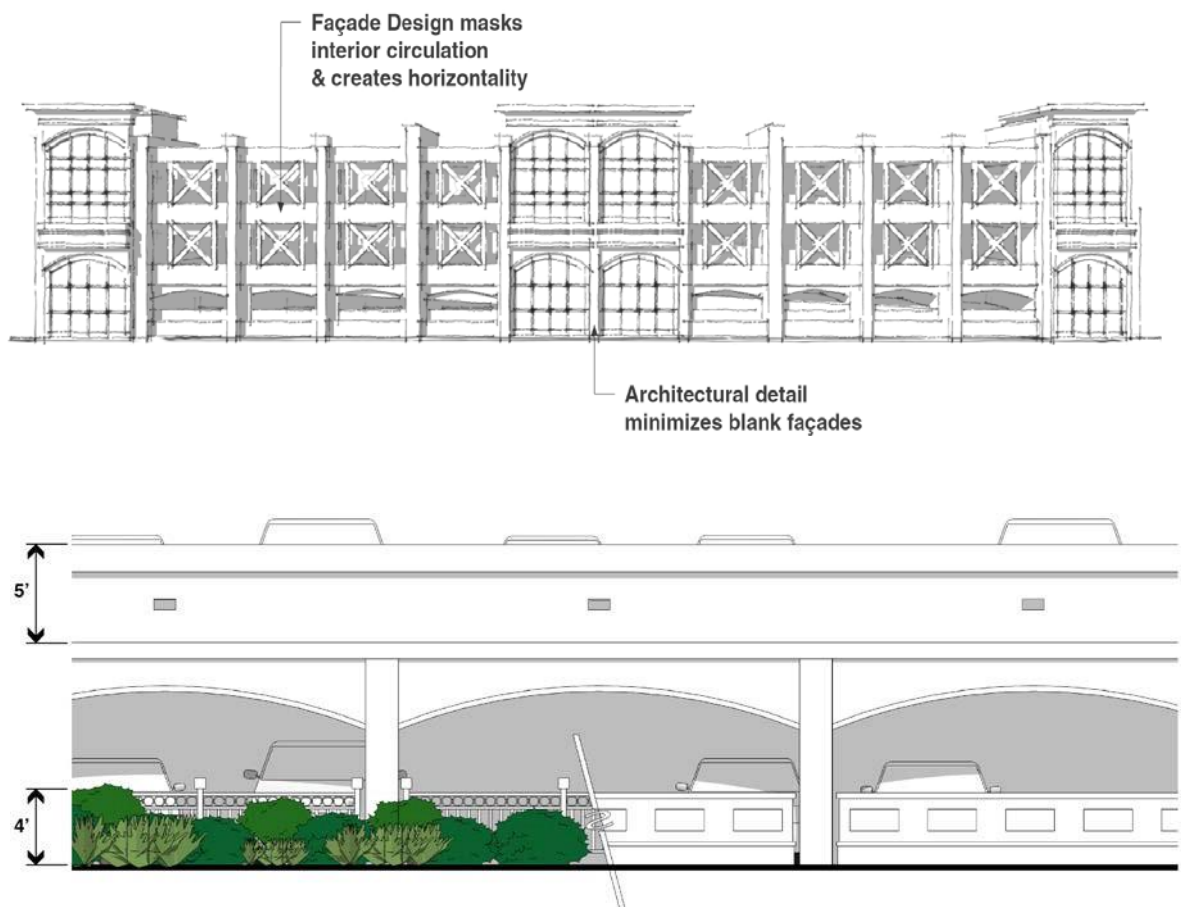
### **24. Parking Lot and Parking Structure**

All parking structures and parking lots are subject to the parking design standards of Article 11. In addition, parking structures and parking lots are subject to the following standards.

#### **a. Parking Structure**

- (1)** On facades that front on public streets, façade design and screening must mask the interior ramps and create the illusion of horizontality.
- (2)** Parking structures must be designed to minimize blank facades through architectural detail and landscape.

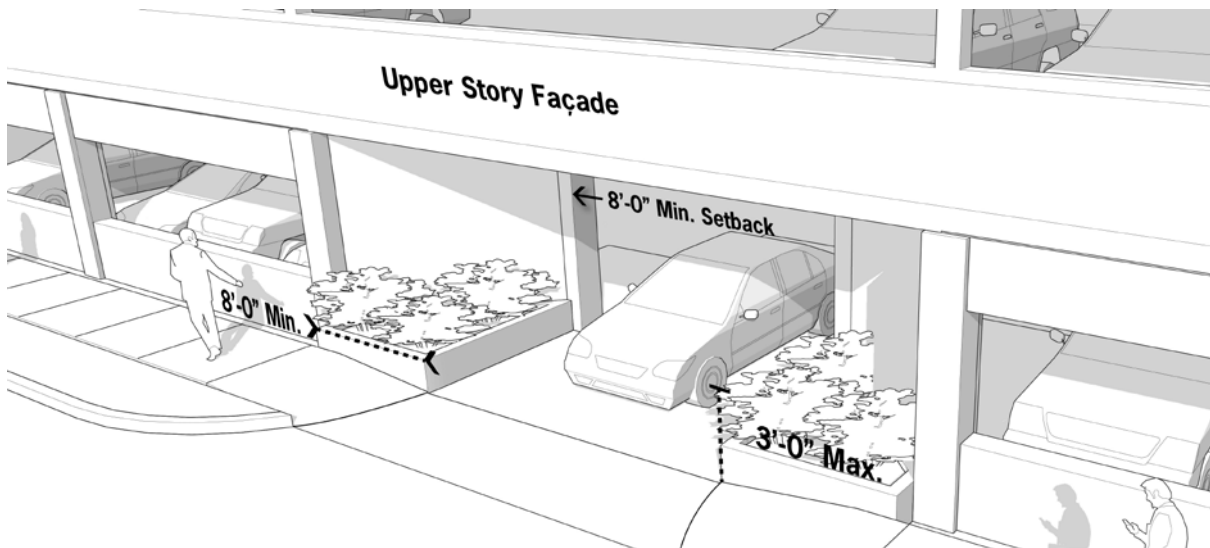
- (3) The design of the exterior of the parking structure must be compatible with the design of and identifiable with the principal structure when a parking structure is constructed for the users of the principal building. When a parking structure is attached to the principal structure, the facade treatment of the principal structure must be extended onto the parking structures. Parking structures as a principal use of a lot must meet the district design standards as applicable.
- (4) On portions of the ground floor façade where parking spaces are visible, a decorative fence and landscape or a kneewall is required to screen parking spaces. Such fence or kneewall must be a minimum of four feet in height.
- (5) For parking structures with rooftop open-air parking, a five foot parapet wall is required for screening.



- (6) A vehicular clear sight zone must be included at vehicular exit areas as follows:
  - (a) The façade of vehicular exit areas must be set back from any pedestrian walkway along that façade a minimum of eight feet for the portion of the

façade that includes the vehicle exit area and eight feet on each side of the exit opening.

- (b) A sight triangle is defined by drawing a line from the edge of the vehicular exit area to a point on the property line abutting the pedestrian walkway eight feet to the side of the exit lane.
- (c) In the sight triangle (bound by the parking structure wall, pedestrian walkway and vehicular exit lane), groundcover, landscape, or decorative wall must be used to act as a buffer between the exit aisle and the pedestrian walkway. Landscape or a decorative wall must not exceed three feet in height in order to maintain driver sightlines to the pedestrian walkway.
- (d) The upper story façade(s) of the parking structure may overhang the vehicular clear sight zone.



#### **b. Parking Lot**

- (1) A parking lot must be used solely for the temporary parking of motor vehicles and cannot be used as an off-street loading area.
- (2) No sale, display, repair, or service, except emergency service, of any kind is permitted in any parking lot. This does not include permitted temporary uses.
- (3) Only structures for the shelter of attendants or for payment kiosks are permitted in a parking lot. Shelters or kiosks must not exceed ten feet in height and 50 square feet in area.
- (4) The parking lots must be screened and landscaped in accordance with the requirements of Article 12.



## **25. Reception Facility**

- a.** A general admission fee or any other monetary donations (payment at the door to the general public) for entrance is prohibited, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship, educational facilities, or similar.
- b.** All main activities, such as dining and entertainment, must be held within a completely enclosed building.
- c.** Outdoor seating areas are permitted for the use of guests. If a reception facility conducts main activities outdoors, special use approval is required for the outdoor area.

## **26. Residential Care Facility**

- a.** Residential care facilities must meet all federal, state, and local requirements including, but not limited to, licensing, health, safety, and building code requirements.
- b.** A copy of state license must be visible at all times.
- c.** When located in a residential district, the facility must retain a residential character, which is compatible with the surrounding residential neighborhood. When located in a non-residential district, the structure must be designed with a lobby entrance along the primary frontage.
- d.** Residential care facilities must meet all district design and dimensional standards for multi-family dwellings.

## **27. Salvage Yard**

- a.** The minimum lot area for a salvage yard is two acres.
- b.** A salvage yard must be completely enclosed along all lot lines by a solid fence or wall a minimum of eight feet in height. Fences or walls along the front or corner side lot line must be set back a minimum of 10 feet. Within the setback, one shrub a minimum of three feet in height must be planted linearly every three feet on-center along such fence or wall.
- c.** Storage of any kind is prohibited outside the fence or wall. No items stored within the fence may exceed the height of the fence or wall.
- d.** All fluids must be drained from wrecked and salvaged motor vehicles or motor vehicle parts within seven days after those vehicles or parts are brought onto the site, and those fluids must be disposed of in compliance with all applicable laws.
- e.** Open burning is prohibited.

## **28. Shooting Range**

- a. Shall not be located within 500 feet of a pre-existing school, child day care facility, or public park.
- b. Shall not be located within 300 feet of an establishment with a pre-existing liquor license.
- c. Must comply with all applicable local and state laws, rules and regulations regarding the discharge of a firearm. Shooting ranges are permitted only as indoor facilities.
- d. All shooting ranges shall provide ceiling and in-wall sound barriers to prevent sound from traveling beyond the tenant lease area or exterior building walls if the facility is located in a stand-alone building.
- e. The number of persons is limited to two per firing point or station.

## **29. Vehicle Dealership**

- a. All repair and service operations must be performed within a fully enclosed building with closed garage doors. Fueling facilities must be located to the rear of the lot.
- b. Any outdoor display of vehicles must be screened along front and corner side yards. The screening must consist of shrubs a minimum of three feet in height, spaced linearly and planted every three feet on center, and/or a low pedestrian wall a minimum of three feet to a maximum of four feet in height along the perimeter of such outdoor display areas.
- c. All outdoor display areas must be paved.
- d. No vehicles may be displayed with open hoods.
- e. No partially dismantled, wrecked, or unlicensed vehicle may be stored outdoors on the premises.
- f. When vehicles are visible from a public right-of-way, pricing is limited to data sheet form.
- g. No attention-getting devices may be displayed on the premises, including but not limited to balloons attached to vehicles.

## **30. Vehicle Operation Facility**

All repair and service operations must be performed within a fully enclosed building with closed garage doors. Fueling facilities must be located to the rear of the lot.

### **31. Vehicle Rental**

- a.** All repair and service operations must be performed within a fully enclosed building with closed garage doors, with the exception of any fueling facilities. Fueling facilities must be located to the rear of the lot. Within the C-2 District, no repair, service or fueling of rental vehicles are allowed.
- b.** Any outdoor storage of vehicles must be screened along front and corner side yards. The screening must consist of shrubs a minimum of three feet in height, spaced linearly and planted every three feet on center, and/or a low pedestrian wall a minimum of three feet to a maximum of four feet in height along the perimeter of such outdoor display areas.

### **32. Vehicle Repair/Service – Minor and Major**

- a.** Vehicle repair/service establishments may not store the same vehicles outdoors on the site for longer than seven days once repair is complete. Only vehicles that have been or are being serviced may be stored outdoors.
- b.** All repair and service operations must be performed within a fully enclosed building with closed garage doors. All equipment and parts stored indoors.
- c.** Vehicle repair/service establishments must 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.
- d.** No partially dismantled, wrecked, or unlicensed vehicle may be stored outdoors on the premises. This standard does not apply to vehicles under repair.
- e.** The sale of used or new automobiles is prohibited.
- f.** No motor vehicles may be stored and no repair work may be conducted in the public right-of-way.

### **33. Wireless Telecommunications**

#### **a. Site Priority**

To minimize the adverse visual impact of wireless telecommunications, towers, antennas, and facilities are allowed as special uses in the following order of priority for location. If lower priority locations are requested, the applicant may be required to provide engineering data certified by the appropriate licensed professionals, or other information the Village deems necessary, that the use of a higher priority location is not technically or otherwise feasible, and that the requested location is a matter of engineering necessity.

- (1)** First priority sites are the P District and Office and Industrial Districts. In addition, any stealth design of antennas is a first priority site.
- (2)** Second priority sites are the C-3, C-5, and C-6 Districts, and any agricultural use over five acres.

- (3) The third priority site is the C-2 District, excluding any areas within the EGG Overlay District.
- (4) Fourth priority sites are the C-1 District.
- (5) Fifth priority sites are any areas not cited as a first, second, third, or fourth priority.

**b. Application Requirements**

In addition to the requirements for a special use, all applications to erect, construct, or modify any part of a wireless telecommunications antenna, facility, or tower must include the following items, unless waived by the Zoning Administrator. This also applies to stealth design of antennas, which do not require special use approval but are subject to site plan review and approval.

- (1) A site plan showing:
  - (a) The location, size, screening and design of all structures, including fences.
  - (b) The location and size of all outdoor equipment.
  - (c) Elevations showing antenna height.
  - (d) A landscape plan showing all screening.
  - (e) If the site plan is for a new wireless telecommunications tower, indication of the fall zone (shaded circle).
- (2) A maintenance plan, and any applicable maintenance agreement, designed to ensure long-term, continuous maintenance to a reasonably prudent standard, including maintenance of landscape, keeping the area free from debris and litter, and immediate removal of any graffiti.
- (3) A disclosure of what is proposed, demonstrating the need for the wireless telecommunications antenna, facility, or tower to be located where proposed.
- (4) The reason or purpose for the placement, construction or modification, with specific reference to the provider's coverage and/or quality needs, goals, and objectives.
- (5) The service area of the proposed wireless telecommunications antenna, facility, or tower.
- (6) If the proposal is for a new telecommunications tower, then a map showing co-location opportunities within the Village and within areas surrounding the borders of the Village must be provided and justification for why co-location is not feasible in order to demonstrate the need for a new tower.

- (7) Certification by a licensed and registered professional engineer regarding the manner in which the proposed structure will fail. The certification may be utilized, along with other criteria such as applicable regulations for the district in question, in determining if additional setback should be required for the structure and other facilities.
- (8) A visual simulation or rendering of the proposed support structure that illustrates the relationship between the height and the visual appearance of the structure. The Zoning Administrator may require the visual simulation be provided from two different perspectives and accurately depict the scale of the proposed structure in the context of the surrounding area.
- (9) Exterior elevations of the wireless telecommunications towers and facilities.

**c. Setbacks**

All wireless telecommunications towers and facilities in non-residential districts must be set back from all property lines in accordance with the minimum setback requirements in the zoning district or 50 feet, whichever is greater. In residential districts, all wireless telecommunications towers and facilities must be setback a minimum of half of the height of the tower.

**d. Height**

The maximum height of a wireless telecommunications tower is the height of the district. If the proposed height exceeds the district maximum, the special use application for approval of a wireless telecommunications tower must demonstrate that the height needed for the tower is the minimum needed to function satisfactorily.

**e. Lighting and Marking**

Wireless telecommunications antennas, towers, and facilities must not be lit or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).

**f. Additional Standards for Wireless Telecommunications Antennas**

Wireless telecommunications antennas are a special use in all districts, unless they meet the following standards for stealth design. Stealth design for wireless antennas is encouraged and is considered a permitted use in all districts, subject to site plan review. In addition to the standards of this section for wireless telecommunications antennas, stealth design must comply with the following regulations:

- (1) To qualify as a stealth design, wireless telecommunications antennas must be enclosed, camouflaged, screened, obscured, or otherwise not readily apparent to a casual observer. Antennas that co-locate on existing wireless telecommunications towers are also considered stealth design.

- (2) Antennas must be located on or in structures already permitted within zoning districts, such as water towers, clock towers, light poles penthouses, parapet walls and steeples, and must blend into the structure.
- (3) No antenna may increase the overall existing height of the structure by more than five feet above the roof on which it is mounted. If an antenna exceeds the overall existing height of any structure by more than five feet, it is considered a special use.

**g. Additional Standards for Wireless Telecommunications Facilities**

- (1) Wireless telecommunications facilities are a special use in all districts. However, when co-locating, facilities are a permitted use within in all districts.
- (2) Any buildings, cabinets, or shelters may house only equipment and supplies for operation of the wireless telecommunication tower. Any equipment not used in direct support of such operation is prohibited. The facility must be un-staffed.
- (3) Signs for the wireless telecommunications facility are limited to ownership and contact information, FCC antenna registration number (if required), and any other information required by government regulation. Commercial advertising is strictly prohibited.
- (4) A facility must be completely enclosed by a solid fence or wall a minimum of six feet in height.

**h. Additional Standards for Wireless Telecommunications Towers**

- (1) Wireless telecommunications towers are a special use in all districts.
- (2) The ability for other telecommunications providers to co-locate on a tower is required. Wireless telecommunications towers must be designed to accommodate other telecommunications providers. The area surrounding a tower must be of a sufficient size to accommodate accompanying wireless telecommunications facilities for other telecommunications providers.
- (3) Unless otherwise required by the FCC, the FAA, or the Village, towers must have a galvanized silver or gray finish and may not be lighted.

**i. Abandonment**

Any wireless telecommunications tower or facility that is not operated for a period of 180 consecutive days is considered abandoned. The owner must remove the tower or facility, and all aboveground equipment and related debris, within 180 days of its abandonment. The Village may ensure and enforce removal by means of its existing regulatory authority.

**j. Nonconformities**

**(1) Nonconforming Wireless Telecommunications Antenna or Facilities**

Ordinary maintenance, including replacement/upgrading of antenna equipment may be performed on nonconforming antenna or facilities. However, if the proposed alteration intensifies a nonconforming characteristic of the antenna or facility, a variation is required.

## **(2) Nonconforming Telecommunications Towers**

**(a)** Ordinary maintenance may be performed on nonconforming towers.

**(b)** Co-location of an antenna on an existing nonconforming tower is permitted as a special use, provided that the addition of the antenna and any additional wireless telecommunications facilities do not intensify the nonconformity.

## **8.3 TEMPORARY USE STANDARDS**

Temporary uses are required to comply with the use standards of this section, in addition to all other regulations of this Ordinance. These regulations are for temporary uses located on private property. All temporary uses require a temporary use permit (Section 16.4). If an applicant does not own and operate a business in the Village of Gurnee, the applicant must also obtain a temporary business license.

### **1. Farmers' Market**

- a.** The timeframe of a farmers' market, including number of days per week and overall duration of the event, will be determined and approved as part of the temporary use permit.
- b.** A management plan is required as part of the temporary use permit application that demonstrates the following:
  - (1)** An established set of operating rules addressing the governance structure of the market, hours of operation, maintenance, and security requirements when open to the public.
  - (2)** General layout of vendor stalls, visitor facilities, such as seating areas and restrooms, and all ingress and egress points to the site.
  - (3)** Provision for recycling and waste removal.
  - (4)** The days and hours of internal operation, including vendor set-up and take-down times.

### **2. Garage/Yard Sale**

- a.** A garage/yard sale is allowed as accessory to a residential use.
- b.** A garage/yard sale must be incidental to the use of the property for residential purposes and must be conducted in such a manner as to be compatible with the

residential character of the neighborhood.

- c. A temporary use permit is valid for a period of no more than four days. No more than two permits are allowed for the same zoning lot in one calendar year.

### **3. Real Estate Sales Office/Model Unit**

- a. A real estate sales office/model unit(s) is allowed in any approved residential subdivision, planned unit development with a residential component or within a multi-family dwelling. Multiple model units are allowed.
- b. The temporary use permit is valid for no more than one year, but may be renewed. However, temporary use permits for multi-family rental models have no expiration.
- c. The real estate sales office/model unit(s) must be removed and closed within 30 days after the sale of the last unit of the development.
- d. All activities conducted within real estate sales office/model unit(s) must be directly related to the construction and sale of properties within the particular development. Use as a general office of operation of any firm is prohibited.

### **4. Temporary Contractor's Office**

- a. A temporary contractor's office is allowed incidental and necessary to a construction project.
- b. The temporary use permit is valid for a six month period and is renewable for six successive periods at the same location.
- c. The temporary contractor's office must be removed within 30 days of completion of the construction project.

### **5. Temporary Dumpsters**

- a. The user must reside on or own the property or have the owner's permission.
- b. The temporary dumpster must be set back a minimum of five feet from all lot lines.
- c. The temporary dumpster must be set back a minimum of five feet from the principal building.
- d. A temporary dumpster is prohibited in any public right-of-way, in any location that obstructs the view of pedestrian and vehicular traffic entering or exiting a right-of-way, and within any required site triangle.
- e. Temporary dumpsters are limited to two times per calendar year and a maximum duration of 30 days per event.. This time limit does not apply to temporary dumpsters associated with an active building permit, however dumpster must be



removed from the property within 14 days of final or conditional certificate of occupancy and/or once building permits have been closed out.

- f. The following additional restrictions apply to the placement of a temporary dumpster on a lot used for a single-family or two-family dwelling, and within the R-1, R-2, R-3, and R-4 Districts:
  - i. Only one dumpster is allowed on the same property at any time.
  - ii. The dumpster must be placed on a driveway constructed of an improved hard, dustless surface, generally asphalt, brick pavers, or concrete. In no case may a dumpster be located in required landscape areas, open space, stormwater basin, or any other location that may cause hazardous conditions, constitutes a threat to public safety, or create a condition detrimental to surrounding land uses and developments.
- g. The following additional restrictions apply to the placement of a temporary dumpsters on a lot used for a multi-family dwelling, and within the R-4 and R-5 Districts:
  - i. A temporary dumpster may only be placed upon a parking lot constructed of an improved hard, dustless surface, generally asphalt, or concrete, provided that the placement of the temporary dumpster does not impeded the flow of traffic or occupy required off-street parking spaces.
  - ii. In no case may a temporary dumpster be located in required landscape areas, open space, stormwater basin, or any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses and developments.

## **6. Temporary Mobile Sales**

- a. The timeframe of a temporary mobile sales use will be determined and approved as part of the temporary use permit.
- b. The temporary use permit will be evaluated on the basis of the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact, including noise, on other properties.
- c. All mobile food establishments must be properly licensed by the Lake County Health Department.
- d. If the mobile sales establishment operator is not the owner of the site where the truck or trailer will be located, written permission from the property owner must be submitted as part of the temporary use permit application.
- e. Sale of alcohol is prohibited.
- f. During mobile food sales business hours, the permit holder must provide a trash receptacle for customer use and must keep the area clear of litter and debris at all times.

- g.** Outdoor seating may be provided for temporary mobile food sales on the site, but no seating may be permanently installed. No seating will be allowed that reduces the amount of parking required for the site to below the ordinance requirement.
- h.** A permanent water or wastewater connection is prohibited.
- i.** Electrical service may be provided only by temporary service or other connection provided by an electric utility, or an on-board generator.
- j.** Drive-through service is prohibited.
- k.** A mobile sales establishment is limited to signs attached to the exterior of the truck or trailer that must be mounted flat against the truck or trailer with a maximum projection of six inches, and one A-frame sign.

## **7. Temporary Outdoor Entertainment/Promotional Event**

- a.** A management plan is required as part of the temporary use permit application that demonstrates the following:
  - (1)** General layout of performance areas, visitor facilities, such as seating areas and restrooms, parking areas, and all ingress and egress points to the site.
  - (2)** Provision for recycling and waste removal.
  - (3)** The days and hours of operation, including set-up and take-down times.
  - (4)** A description of crowd control and security measures.
- b.** Any temporary structures must be removed within three days of conclusion of the event.
- c.** Events are limited to four events per calendar year and a maximum duration of four days per event, with a minimum of 30 days between events, with the following exceptions:
  - (1)** A temporary use permit for a carnival or circus is valid for a period of two events per calendar year no more than 15 days, with a minimum of 30 days between events.

## **8. Temporary Outdoor Sales**

- a.** A management plan is required as part of the temporary use permit application that demonstrates the following:
  - (1)** An established set of operating rules addressing the governance structure of the sales event, hours of operation, maintenance, and security requirements.
  - (2)** General layout of vendor stalls, visitor facilities, such as seating areas and restrooms, parking areas, and all ingress and egress points to the site.
  - (3)** Provision for recycling and waste removal.
  - (4)** The days and hours of operation, including vendor set-up and take-down times.
- b.** Any temporary structures must be removed within three days of conclusion of the event.
- c.** Temporary outdoor sales events are limited to four events per calendar year and a maximum duration of seven days per event, with the following exceptions:
  - (1)** A temporary use permit for a seasonal sale, such as Christmas tree lots or pumpkin patches, are limited to four events per calendar year and a maximum duration of 45 days. There is no minimum time between events.

- d. Temporary outdoor sales of vehicles must conform to the following additional standards:
  - (1) The temporary use permit will be evaluated on the basis of the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact, including noise, on other properties.
  - (2) A site plan is required as part of the temporary use permit application that describes all ingress and egress routes for all vehicles, all structures, and the general display area of vehicles. Dead-end aisles are prohibited. All exits and entrances must be clearly marked.
  - (3) Repair and service of vehicles is prohibited.
  - (4) All vehicles on display must be operable.
- e. No sales and display area is permitted in any public right-of-way or in any required setback.
- f. A portion of a parking area may be used for temporary outdoor sales on a temporary basis, in terms of both display structure and goods displayed or sold. Permanent display structures are prohibited in parking areas. No more than 10% of the required parking area for the existing use may be used for the temporary outdoor sales and display.

## **9. Temporary Outdoor Storage Container**

### **a. Non-Residential Districts**

- (1) Temporary use permits for temporary outdoor storage containers are limited to once per calendar year and a maximum duration of 90 days per event. This time limit does not apply to temporary outdoor storage containers associated with an active building permit, however, containers must be removed from the property within 14 days of final or conditional certificate of occupancy and/or building permits have been closed out. There must be a minimum of 30 days between placement of containers on the same site.
- (2) Written documentation of the following is required as part of the temporary use permit application:
  - (a) Permission from the property owner or landlord to place a temporary storage container on the site.
  - (b) The nature and condition of all materials intended to be stored within the container.
  - (c) The manufacturer's specification sheet for the containers.

- (3) Temporary storage containers must be located to the side or rear of the associated principal building(s) and upon a graded surface of concrete, asphalt, or gravel. Temporary storage containers must be screened by a berm, landscape, or fence or wall, so that it is not visible from the first floor of adjacent residential areas, public rights-of-way, and customer entryways or primary customer parking area.
- (4) Temporary storage containers are prohibited in the main customer parking area.
- (5) Temporary storage containers are prohibited in required parking spaces, unless those spaces are in excess of the minimum amount required. No container may block, impede, or divert traffic in or access to emergency, snow removal, circulation, and fire lanes.
- (6) All temporary storage containers must be kept free of rust, holes, dents, or other corrosion, must be painted or maintained to be consistent with the character of the principal building, and must be secured at all times.
- (7) Temporary storage containers cannot be stacked upon one another and must be located an appropriate distance from all structures, in accordance with the Village Fire Code.
- (8) No temporary outdoor storage container(s) may be used as a place of business or residence. Only goods, products, or materials that are accessory and essential to daily operation of the principal building or use requesting the temporary use permit are permitted to be stored within the container.
- (9) The total area of all temporary storage containers is limited to 5% of the total area of the associated permanent structure(s) for the business. For purposes of calculating the number of storage containers allowed, fractions are rounded down to the nearest whole number.
- (10) Temporary storage containers must be removed within five working days after the expiration of the temporary use permit.
- (11) Failure to meet or maintain any of these regulations voids the building or business(es)' ability to secure a temporary use permit for temporary storage containers for the next calendar year.
- (12) Industrial districts are permitted to substitute a temporary outdoor storage structure in place of a temporary outdoor storage container. Such temporary outdoor storage structures are subject to the same regulations as temporary outdoor storage containers, with the following modifications:

  - (a) The total area of all temporary storage structures is limited to 10% of the total area of the associated permanent structure(s) for the business.

- (b) A site is permitted only a temporary outdoor storage container or temporary outdoor storage structure at one time.
- (c) The permitted timeframe of once per calendar year and a maximum duration of 90 days per event may only be used once for either a temporary outdoor storage structure or a temporary outdoor storage container. The timeframe cannot be aggregated for each type of storage. There must be a minimum of 30 days between placement of structures or containers on the same site.

**b. Residential Districts**

- (1) Temporary use permits for temporary storage containers in residential districts are not required.
- (2) The user must reside on or own the property or have the owner's permission.
- (3) The size of the containers cannot exceed eight feet in width, 16 feet in length, and nine feet in height.
- (4) The temporary outdoor storage container must be set back a minimum of five feet from all lot lines.
- (5) The temporary outdoor storage container must be set back a minimum of five feet from the principal building
- (6) A temporary outdoor storage container is prohibited in any public right-of-way, in any location that obstructs the view of pedestrian and vehicular traffic entering or exiting a right-of-way, and within the site triangle.
- (7) Temporary outdoor storage containers are limited to two times per calendar year and a maximum duration of 30 days per event. One extension of time for up to 14 additional days may be granted by the Zoning Administrator. A request for the 14 day extension must be made in writing to the Zoning Administrator and must include the number of additional days requested, the reason for the extension, and any changes to the location of the container. For the purposes of this Ordinance, an application approved for 30 days and also has an extension granted will be considered as one time on the property. This time limit does not apply to temporary outdoor storage containers associated with an active building permit, however containers must be removed from the property within 14 days of final or conditional certificate of occupancy and/or building permits have been closed out.
- (8) Conducting a business or a home occupation including, but not limited to, the storage or selling of merchandise, from a temporary outdoor storage container is prohibited.
- (9) The following additional restrictions apply to the placement of a temporary outdoor storage containers on a lot used for a single-family or two-family dwelling, and within the R-1, R-2, R-3, and R-4 Districts:

- (a)** Only one temporary outdoor storage container is allowed on the same property at any time.
  - (b)** The temporary outdoor storage container must be placed on a driveway constructed of an improved hard, dustless surface, generally asphalt, brick pavers, or concrete. In no case may a temporary outdoor storage container be located in required landscape areas, open space, stormwater basins, or any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses and developments.
- (10)** The following additional restrictions apply to the placement of a temporary outdoor storage containers on a lot used for a multi-family dwelling, and within the R-4 and R-5 Districts:
  - (a)** A temporary outdoor storage container may only be placed upon a parking lot constructed of an improved hard, dustless surface, generally asphalt, or concrete, provided that the placement of the temporary outdoor storage container does not impeded the flow of traffic or occupy required off-street parking spaces.
  - (b)** In no case may a temporary outdoor storage container be located in required landscape areas, open space, stormwater basins, or any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses and developments.

## **ARTICLE 9. PLANNED UNIT DEVELOPMENTS**

- 9.0 PURPOSE**
- 9.1 INITIATION**
- 9.2 AUTHORIZATION**
- 9.3 EXCEPTIONS FROM DISTRICT REGULATIONS**
- 9.4 PROCEDURE**
- 9.5 APPLICATION SUBMITTAL REQUIREMENTS**
- 9.6 MODIFICATIONS TO APPROVED FINAL PLANS**

### **9.0 PURPOSE**

Planned unit developments (PUD) are included in this Ordinance as a distinct category of special use. In particular, however, the planned unit development technique is intended to encourage and allow more creative and flexible development of land than is possible under district zoning regulations and should only be applied to further those applications that provide special, compensating amenities to the Village. Through the flexibility of the planned unit development technique, the planned unit development must accomplish the following objectives:

- a.** Encourage flexibility in the development of land and in the design of structures.
- b.** Encourage planned diversification in the location of structures.
- c.** Encourage a creative approach to the use of land that results in better development and design than might otherwise be accomplished under the strict application of other sections of this Ordinance.
- d.** Allow for the design of developments that are architecturally and environmentally innovative, and that achieve better utilization of land than is possible through strict application of standard zoning and subdivision controls.
- e.** Combine and coordinate architectural styles, building forms, and structural/visual relationships within an environment that allows mixing of different land uses in an innovative and functionally efficient manner.
- f.** Provide for the efficient use of land to facilitate a more effective arrangement of land uses, structures, circulation patterns, and utilities.
- g.** Encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic and geologic conditions, and refrains from adversely effecting flooding, soil, drainage, and other natural ecologic conditions.
- i.** Encourage the construction of appropriate aesthetic amenities that will enhance the character of the site.
- j.** Guarantee quality construction commensurate with other developments within the community, and compatible with the character of the surrounding area and adjoining properties.



- k. Facilitate the implementation of adopted Village land use policies, particularly with respect to areas planned for potential redevelopment.
- l. Encourage quality construction and design through an efficient application procedure that is sensitive to the need for expeditious development review.

## **9.1 INITIATION**

The entire property proposed for the planned unit development must be in single ownership or under unified control to ensure that the entire property will be developed as a unified whole. All owners of the property must be included as joint applicants on all applications and all approvals will bind all owners. The violation of any owner as to any tract is deemed a violation to all owners.

## **9.2 AUTHORIZATION**

A planned unit development may be authorized as a special use in all zoning districts. A planned unit development must be granted in accordance with the procedures and standards of this article, and the special use provisions of Section 16.0 (Special Use). Unless specifically approved by the ordinance granting or amending the planned unit development as a special use, the requirements of the underlying district apply. The ordinance granting or amending the planned unit development as a special use may depart from the normal procedures, standards and other requirements of this Ordinance.

## **9.3 EXCEPTIONS FROM DISTRICT REGULATIONS**

- a. The planned unit development is subject to the underlying district regulations unless an exception is specifically granted. The Planning and Zoning Board may recommend and the Village Board may grant exceptions to the zoning district use, dimension, and bulk regulations where a planned unit development is located. Exceptions from district regulations may be granted for planned unit developments, if the Village Board finds that such exceptions:
  - (1) Enhance the overall merit of the planned unit development.
  - (2) Promote the objectives of both the Village and the development.
  - (3) Enhance the quality of the design of the structures and the site plan.
  - (4) Enable the development to offer environmental and pedestrian amenities.
  - (6) Will not cause such an adverse impact on neighboring properties so as to outweigh the benefits of the development.
  - (7) Are compatible with adopted Village land use policies.
  - (8) Provide a public benefit to the Village, as described below.
- b. The underlying zoning district requirements apply, unless an exception is granted as part of the special use approval. Exceptions to district regulations may be granted where it is determined that such modifications do not negatively affect the value and

enjoyment of surrounding property, the provision of municipal services, or traffic. To be granted such exceptions, the applicant must demonstrate superior design and enhanced amenities. In no case may an exception to district regulations be granted unless the applicant demonstrates a substantial benefit to the Village. Design characteristics and amenities to be considered in this determination include, but are not limited to the following:

- (1) Community amenities including plazas, malls, formal gardens, places to congregate, outdoor seating, public art, and pedestrian and public transit facilities
- (2) Preservation of existing environmental features
- (3) Preservation of historic features
- (4) Open space and recreational amenities such as:
  - (a) Swimming pools
  - (b) Tennis courts
  - (c) Recreational open space accessory buildings
  - (d) Jogging trails and fitness courses
  - (e) Playgrounds, dog parks, skate parks, and similar recreational features
  - (f) Natural water features and conservation areas
  - (g) Multi-use trails, nature trails, boardwalks, overlooks, landscaped areas with native plantings, which may incorporate water features, such as a detention pond.
- (5) Reduction of impervious surface throughout the development, including techniques such as cluster development and low impact development, and the increased use of pervious paving materials.
- (6) The use of green building and sustainable development techniques, including LEED or LEED-equivalent certification of structures.
- (7) Adaptive reuse of existing buildings.
- (8) Provision of public car and/or bike share facilities
- (9) A senior housing set-aside, either rental or for-sale.
- (10) Affordable housing set-asides.

#### **9.4 PROCEDURE**

In its establishment and authorization as a special use, in addition to the special use standards of Section 16.0 (Special Use), the following procedures, requirements,

restrictions, and conditions are required. In addition to the special use procedures, approval of a planned unit development includes an optional pre-application consultation, preliminary plan approval, and final plan approval.

## **1. Pre-Application Consultation (Optional)**

- a. Prior to formal submittal of an application, the applicant may request a pre-application conference with the Zoning Administrator as described in Section 15.0 (Application) and/or with the Planning and Zoning Board. If the applicant desires to meet with the Board, he/she will work with the Zoning Administrator to determine the next appropriate meeting of the Planning and Zoning Board to present the information regarding the proposed planned unit development.
- b. At a pre-application consultation, the applicant must provide information as to the location of the proposed planned unit development, the proposed uses, proposed public and private improvements including the proposed public benefits and amenities, anticipated exceptions to this Ordinance, and any other information necessary to explain the planned unit development.
- c. The purpose of such pre-application consultation is to make advice and assistance available to the applicant before preparation of required preliminary plan, so that the applicant may determine whether the proposed planned unit development is in compliance with the provisions of this Ordinance and other applicable regulations, and whether the proposed planned unit development will be in conformity with the adopted goals and policies of the Village.
- d. The pre-application conference does not require formal application, fee, or filing of a planned unit development application. Any opinions or advice provided by the Zoning Administrator or Planning and Zoning Board are in no way binding with respect to any official action that may be taken on the subsequent formal application.

## **2. Preliminary Plan**

An application for a preliminary plan for a planned unit development must be filed with the Zoning Administrator. All applications must be filed in accordance with the requirements in Section 15.0 (Application) and the submittal requirements of this Section 9.5 below. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Planning and Zoning Board.

**a. Action by the Planning and Zoning Board**

- (1) After receipt of a complete application, the Planning and Zoning Board will consider the preliminary plan at a public hearing in accordance with Section 15.2 (Public Hearing). Notice for the public hearing must be in accordance with Section 15.1 (Notice). If, in the Planning and Zoning Board's judgment, the application does not contain sufficient information to enable the Planning and Zoning Board to properly review and consider the application, the Planning and Zoning Board may request additional information from the applicant. In such event, the public hearing may be continued.
- (2) Following the close of the public hearing and completion of development agreement, the Planning and Zoning Board will forward its recommendation to the Village Board.
- (3) The Planning and Zoning Board will review the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The Planning and Zoning Board must recommend either approval, approval with conditions, or denial of the preliminary plan.

**b. Action by the Village Board**

The Village Board will review the preliminary plan within 60 days of receipt of the Planning and Zoning Board recommendation, unless an extension of time is agreed to by the applicant and the Village Board. The Village Board must approve, approve with conditions, or deny the preliminary plan, or may send the application back to the Planning and Zoning Board for review.

**c. Conditions**

The Planning and Zoning Board may recommend, and the Village Board may impose, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the planned unit development as may be deemed necessary for the protection of the public health, safety, and welfare. Such conditions and restrictions must be reflected in the final plan.

**d. Approval Standards**

The recommendation of the Planning and Zoning Board and decision of the Village Board must make findings to support the special use standards of Section 16.0 (Special Use), as well as each of the following for planned unit developments:

- (1) The proposed planned unit development will not be injurious to the use and enjoyment of other property in the vicinity for the purposes already permitted.
- (2) The proposed planned unit development will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.

- (3) There is provision for adequate utilities, drainage, off-street parking and loading, pedestrian access, and all other necessary facilities.
- (4) There is provision for adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets.
- (5) The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities, are compatible with the surrounding neighborhood and adjacent land uses.
- (6) The area of the proposed planned unit development that is not to be used for structures, parking and loading areas, or access ways, is suitably landscaped.
- (7) The planned unit development preserves unusual topographic or natural features of the land.

**e. Expiration**

- (1) The preliminary plan approval expires if a complete application for approval of a final plan has not been filed within four years after the date the Village Board grants preliminary plan approval. As part of the Village Board approval of the preliminary plan, the Village Board may extend this period of time. An extension of this four year validity period may also be granted by the Village Board if the applicant requests an extension in writing prior to the expiration date of the approval. A public hearing for an extension of time of a preliminary plan is not required.
- (2) If a map amendment was approved as part of the planned unit development approval, once the preliminary plan has expired and no request for extension is pending, the Village Board may initiate a map amendment to rezone the property to its most appropriate district classification, as deemed suitable by the Village Board, acting on the recommendation of the Planning and Zoning Board.

**3. Final Plan**

Following the approval of the preliminary plan, an application for a final plan for a planned unit development must be filed with the Zoning Administrator within four years, unless an extension of time is agreed to by the applicant and Village Board. All applications must be filed in accordance with the requirements in Section 15.0 (Application) and the submittal requirements of this Section 9.5 below.

**a. Action by Zoning Administrator**

The Zoning Administrator will review the final plan within 30 days of receipt of the complete final plan application and take the following action:

- (1) If the final plan is in substantial compliance with the preliminary plan, the Zoning Administrator will recommend approval of the final plan to the Village Board. The Zoning Administrator will certify to the Village Board that the Final Plan is in substantial conformance with the previously filed Preliminary Plan.
- (2) If the final plan is not in substantial conformance with the preliminary plan, the Zoning Administrator must inform the applicant as to specific areas found not to be in compliance, and the applicant must resubmit the final plan to the Zoning Administrator with changes to those areas found not to be in substantial compliance. If the revised final plan remains noncompliant with the preliminary plan, the applicant may request that the Zoning Administrator render a decision to be forwarded to the Village Board. In such case, the Zoning Administrator will recommend to the Village Board that the final plan be denied. If denied, the applicant may reapply by submitting a new preliminary plan.

**b. Action by Village Board**

Within 60 days of receipt of the Zoning Administrator's recommendation, the Village Board must review the final plan. The Village Board must approve or deny the final plan. If denied, the applicant may reapply by submitting a new final plan.

**c. Effect of Approval**

After final plan approval, the final plan will constitute the development regulations applicable to the subject property and must be recorded by the Lake County Recorder of Deeds. The planned unit development must be developed in accordance with the final plan, rather than the zoning district regulations otherwise applicable to such property. Violation of any condition is a violation of this Ordinance and constitutes grounds for revocation of all approvals granted for the planned unit development.

**d. Expiration**

- (1) The final plan approval expires if a building permit has not been issued within two years after the date the Village Board grants final plan approval. As part of the Village Board approval of the final plan, the Village Board may extend this period of time. An extension of this two year validity period may be granted by the Village Board prior to the expiration date of the approval if the applicant requests an extension in writing prior to the expiration date of the approval.
- (2) If a map amendment was approved as part of the planned unit development approval, once the final plan has expired and no request for extension is pending, the Village Board may initiate a map amendment to rezone the lot to its most appropriate district classification, as deemed suitable by the Village Board, acting on the recommendation of the Planning and Zoning Board.

## **9.5 APPLICATION SUBMITTAL REQUIREMENTS**

### **1. Preliminary Plan Submittal**

The preliminary plan must include the following elements:

- a.** A legal description of the development, and a legal description of each separate subdivided parcel, including any areas to be conveyed, dedicated, or reserved for public or quasi-public uses.
- b.** Proof of ownership.
- c.** 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.
- d.** A site plan drawn to an appropriate scale of no less than 1" = 100' indicating:
  - (1)** The location, building footprint, height, and approximate dimensions of all existing and proposed structures.
  - (2)** All proposed land uses.
  - (3)** The dimensions of all perimeter yards and the distance between all structures.
  - (4)** 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.
  - (5)** The location of all areas to be conveyed, dedicated, or reserved for parks/playgrounds, parkways, places of worship, educational facilities, cultural facilities, government offices, and/or any other public or quasi-public use.
- e.** Typical building elevations and schematic design presentations indicating the general architectural character of all proposed structures.
- f.** A traffic circulation plan indicating the proposed movement of vehicles, goods and pedestrians within the development, and to and from adjacent streets. The plan must also indicate an evaluation of the adequacy of on-site parking facilities, vehicular circulation patterns, and pedestrian access and safety.
- g.** A drainage plan prepared indicating how surface drainage will be controlled and managed, consistent with all Village and other governmental jurisdictions, regulations and requirements.
- h.** A utilities study indicating the adequacy of the utility systems serving the proposed planned unit development, including water distribution lines, sanitary sewers, and stormwater drainage facilities.

- i. A landscape plan per Section 12.0 (Landscape Plan) indicating the general character of all proposed landscape, screening, and fencing, including all open space areas around structures and parking lots.
- j. A lighting plan indicating the location, height, design, and illumination characteristics of all external lighting fixtures within the development.
- k. A schedule setting forth any proposed exceptions to any Village regulations. This schedule must cite by Section number each regulation from which an exception is sought.
- l. A description of the public benefits and amenities to be provided.
- m. If requested by the Village, a traffic impact analysis 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 planned unit development.
- n. If requested by the Village, an economic impact study detailing the impact that the development will have upon the taxing bodies where the proposed development is located. In addition, the expected number of students to be generated by any residential portion must be quantified.

## **2. Final Plan Submittal**

- a. 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' in a manner suitable for recording with the Lake County Recorder of Deeds indicating:
  - (1) Final designation of the location, building footprint, height, and exact dimensions of all existing and proposed structures.
  - (2) A detailed tabulation of each separate land use, including land and building areas, and where applicable, the total number of residential dwelling units, the number of bedrooms in each unit, and the residential density.
  - (3) The existing uses and anticipated uses of proposed structures and land by general land use category.
  - (4) The dimensions of all yards and the distances between all structures.
  - (5) 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 landscape.



- (6)** The exact location and dimensions of all areas to be conveyed, dedicated, or reserved for parks/playgrounds, parkways, places of worship, educational facilities, cultural facilities, government offices, and/or any other public or quasi-public use.
- b.** All covenants, easements, agreements and other provisions required to govern the use, maintenance, and continued protection of the development.
- c.** All plats, certificates, seals, and signatures required for the dedication or vacation of land and/or the recording of the final site plan.
- d.** 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.
- e.** A detailed landscape plan based on final architectural decisions indicating the specific location and character of all landscape, including the number, size and species of all trees, shrubs, hedges, and other groundcover, the location, size and type of all screening and fencing.
- f.** A final lighting plan indicating the location, height, design, and illumination characteristics of all external lighting fixtures within the development.
- g.** A detailed utilities and drainage plan based on final architectural decisions 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.
- h.** A development and construction schedule indicating the following:
  - (1)** The date when construction of the planned unit development will begin or, if developed in phases, the date when construction of the first phase will begin.
  - (2)** If the development 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.
  - (3)** 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.
- i.** A separate schedule setting forth any proposed exceptions to any Village regulations. This schedule must cite by section number each regulation from which an exception is sought.
- j.** A description of the public benefits and amenities to be provided and during which phase of construction they will be constructed.

## **9.6 MODIFICATIONS TO APPROVED FINAL PLANS**

No adjustments may be made to the approved final plan, except upon application to the Village in accordance with the following.

### **1. Administrative Modifications**

The Zoning Administrator may approve the following administrative modifications to an approved final plan when it is determined by the Zoning Administrator that such changes are in substantial conformance with the approved final plan. Any changes considered a minor or major modification, as defined in this section, cannot be approved as an administrative modification. No notice is required for an administrative modification.

- a. Changes required during construction when related to final engineering issues such as topography, drainage, underground utilities, structural safety, or vehicular circulation.
- b. Changes in building location of no more than five feet that continue to meet the requirements of this Ordinance and any conditions of the final plan approval.
- c. Changes in the location of walkways, vehicle circulation ways and parking areas of up to 10 feet that continue to meet the requirements of this Ordinance and any conditions of the final plan approval.
- d. Interior modifications that do not increase the total floor area or building footprint.
- e. Changes in building design, including building materials, that continue to meet the requirements of this Ordinance and any conditions of the final plan approval.
- f. Modification of existing accessory structures or the addition of new accessory structures when in conformance with the requirements of this Ordinance.
- g. Modifications to the approved landscape plan that does not result in a reduction of the total amount of plant material required and is in conformance with all landscape requirements.
- h. Modification of existing signs or the addition of new signs when in conformance with sign regulations.

### **2. Minor Modifications**

The Planning and Zoning Board may approve the following minor modifications to an approved final plan when it is determined by the Planning and Zoning Board that such changes are in substantial conformance with the approved final plan. Any changes considered a major modification, as defined in this section, cannot be approved as a minor modification. No notice is required for a minor modification. When calculating percentages, all fractions are rounded up to the nearest whole number.

- a. An increase or decrease in the number of dwelling units of 10%.

- b. A change in building height of 10%.
- c. An increase or decrease in building coverage up to 10% of that approved in the final plan.
- d. A decrease in open space up to 10% of that approved in the final plan.
- e. A change of in the location of walkways, vehicle circulation ways and parking areas between 10 to 20 feet.
- f. A change in the location and arrangement of general land use categories within the development, or a change of up to 10% in the overall final approved land use mix in any phase.
- g. A change or relocation of any rights-of-way.
- h. A reduction in the number of parking spaces of up to 10 parking spaces or 15%, whichever is less.
- i. A change to the landscape plan that results in a reduction of plant material but does not violate the landscape requirements of this Ordinance.
- j. Altering any final grade by no more than 20% of the originally planned grade.

### **3. Major Modifications**

- a. The Village Board may approve any other changes to an approved final plan that do not qualify as an administrative or minor modification. In addition, any of the following are considered major modifications:
  - (1) Any request for an extension of time of the final plan approval.
  - (2) Changes to any conditions imposed as part of final plan approval.
  - (3) Reductions or alterations in the approved public benefit and amenities to be provided.
  - (4) Any development that does not comply with zoning district regulations.
- b. Any major modifications to the final plan must be approved by the Village Board. Approval of major modifications will follow the special use process (Section 16.0). The Village Board may only approve changes to the final plan if they find such changes are in substantial conformance with the approved final plan, necessary for the continued successful functioning of the planned unit development, respond to changes in conditions that have occurred since the final plan was approved, and/or respond to changes in adopted Village land use policies.

- c. Upon review of the proposed major modifications, the Village Board may determine that the proposed modifications constitute a new planned unit development and must be resubmitted as a preliminary plan and follow the procedures of approval in this article.

## **ARTICLE 10. SITE DEVELOPMENT STANDARDS**

### **10.0 GENERAL REQUIREMENTS**

#### **10.1 EXTERIOR LIGHTING**

#### **10.2 ACCESSORY STRUCTURES AND USES**

#### **10.3 PERMITTED ENCROACHMENTS**

#### **10.4 ENVIRONMENTAL PERFORMANCE STANDARDS**

### **10.0 GENERAL REQUIREMENTS**

#### **1. Number of Structures on a Lot**

In the R-1, R-2, R-3 and R-4 Districts there must be no more than one principal building per lot. In all other districts, more than one principal building is permitted on a lot, provided that each complies with all bulk and yard requirements of a district as though it were a principal building on an individual lot.

#### **2. All Activities within an Enclosed Structure**

Within all districts, all activities must be conducted entirely within an enclosed structure, with the exception of the following activities and uses:

- a. Parking lots, principal and ancillary.
- b. Businesses with a permitted outdoor component, including, but not limited to, outdoor recreation, outdoor storage yards, contractor storage yards, outdoor dining, car washes, kennels, animal care facilities, and similar businesses. However, these businesses may be limited or the outdoor components prohibited as a condition of a special use, when special use approval is applicable.
- c. Permitted outdoor storage, and outdoor sales, and display areas.
- d. Permitted outdoor temporary uses.

#### **3. Frontage on a Public or Private Street**

All lots must front on a public or private street. Frontage on an alley or limited access highway (i.e., tollway) does not satisfy this requirement.

#### **4. Required Setbacks**

No lot may be reduced in area so that the setbacks are less than required by this Ordinance. The required setbacks for a lot cannot be considered a setback for any other lot. No principal building or accessory structure may be located in a required setback unless permitted by this Ordinance under Sections 10.2 (Accessory Structures and Uses) and 10.3 (Permitted Encroachments).

## **5. Applicability of Bulk Requirements**

All structures erected after the effective date of this Ordinance must meet the dimensional requirements of the zoning district in which the structure is located. No existing structure may be enlarged, altered, reconstructed, or relocated in such a manner that conflicts with the requirements of the district in which the structure it is located.

## **6. Applicability of Use Restrictions**

No structure or land may be used for any use other than one allowed as either a permitted or special use in the zoning district in which such structure or land is located. Structures or land may also be used for a temporary use or accessory use, in accordance with the requirements of Article 8 and Sections 10.2 (Accessory Structures and Uses) and 10.3 (Permitted Encroachments).

## **7. Sight Triangle**

All structures, including a closed fence or wall, and all plantings are limited to a maximum height of three feet within the sight triangle. A semi-open fence that complies with all fence requirements that does not impair the sight triangle is permitted.

# **10.1 EXTERIOR LIGHTING**

## **1. Purpose**

Exterior lighting is used to illuminate uses, parking lots, sidewalks, signs, and other elements within the Village. When well designed and properly installed, exterior lighting improves visibility and safety, provides a sense of security, and complements the character of the Village. Conversely, if poorly designed and improperly installed, it can be inefficient, cause glare, and create light trespass and sky glow. Light trespass falling over property lines can illuminate adjacent structures, uses, and land in an objectionable manner. In order to ensure that exterior lighting is well designed, and impacts on adjacent properties are controlled, the following requirements control exterior lighting in the Village's zoning districts.

## **2. Lighting Plan Required**

- a. A lighting plan is required for all non-residential uses in residential zoning districts, multi-family dwellings, and commercial, industrial, institutional, and public uses, including uses developed by other units of local government. Single-family and two-family dwellings are specifically exempt from a required lighting plan but are still subject to the applicable lighting requirements.
- b. When any exterior lighting is installed or substantially modified, which means 25% of the illumination system is to be replaced or modified, calculated as installation of new lighting posts and/or non-post mounted lighting fixtures, or as otherwise determined by the Zoning Administrator, a lighting plan must be submitted to the Zoning Administrator to determine if the requirements of this

section have been met. A lighting plan is also required for, planned unit developments and requests for variations from the standards imposed in this Section.

**c. A lighting plan must include the following:**

- (1)** A site plan showing all light pole locations, building-mounted lights, bollard lights, canopy lights, and all other lighting, with schematic wiring layout and power source connection indicated.
- (2)** Specifications for luminaires and lamp types, poles, wiring, conduit, and appurtenant construction, including photographs or drawings of proposed luminaires.
- (3)** Pole, luminaire, and foundation details including pole height, pole base height, height of building-mounted lights, mounting height, and height of the luminaire.
- (4)** Elevations of the site including all structures and luminaires sufficient to determine the total cutoff angle of all luminaires and their relationship to abutting parcels.
- (5)** Lamp wattage of all proposed luminaires and light source.
- (6)** Photometric plans that show the footcandle-horizontal measurement internal to the site and at all lot lines.
- (7)** Other information and data reasonably necessary to evaluate the required lighting plan pursuant to the request of the Office of the Zoning Administrator.

**3. Lighting Standards**

**a. Application of Tables 10-1 and 10-2**

- (1)** The standards and requirements of Tables 10-1: Lighting Standards A and 10-2: Lighting Standards B regulate and govern the use of, design of, construction or modification of any lighting system for the purpose of illuminating exterior areas including, but not limited to, signs, parking areas, buildings, landscape, porches, and driveways. Table 10-1 does not apply to LED lighting.
- (2)** Table 10-1 describes whether the proposed wattage of a luminaire is permitted, prohibited, or a special use. In residential zoning districts, whether a specified wattage is permitted or prohibited is based on the width of the street right-of-way abutting the proposed luminaire. In non-residential zoning districts, the permitted wattage of proposed exterior lighting is based on whether the lighting is internal or external on the parcel, and if external (abutting a residential zoning district or street right-of-way), the setback of the proposed lighting from the lot line.

- (3) Table 10-2 describes the maximum allowable footcandles to be measured internal to a non-residential property. The standards consider the nature of the use, the nature of the abutting uses, and whether the time period is during hours of operation or security hours. Maximum footcandles allowable are set for lighting internal to the property in question.
- (4) The maximum allowable footcandle at the lot line, whether residential or non-residential, is one footcandle, with the exception of non-residential uses that abut another non-residential use where the maximum allowable footcandle at the lot line is five.
- (5) Uses permitted by-right may be approved by the Zoning Administrator pending a review of the lighting plan. When a use or lighting plan requires a special use, the special use approval process of Section 16.1 applies.
- (6) Lighting plans that exceed these lighting standards must be approved for a variation. However, additional security lighting in excess of that allowed by the Table 10-2 may be allowed by the Zoning Administrator without a variation when additional security measures are required for security reasons.

<b>Table 10-1: Lighting Standards A</b> (This table does not apply to LED lighting)						
<b>Lighting in Residential Districts</b>						
<b>Lamp Wattage</b>	<b>Single-Family &amp; Two-Family: Street ROW Width</b>		<b>Multi-Family: Street ROW Width</b>		<b>Non-Residential Use: Street ROW Width</b>	
	<b>&lt; 80 feet</b>	<b>80 feet +</b>	<b>&lt; 80 feet</b>	<b>80 feet +</b>	<b>&lt; 80 feet</b>	<b>80 feet +</b>
<b>0-250<sup>1</sup></b>	P	P	P	P	P	P
<b>251 - 400<sup>1</sup></b>	X	SU	X	SU	X	P
<b>401+<sup>1</sup></b>	X	X	X	X	X	X

<b>Lighting in Non-Residential Districts &amp; for Non-Residential Uses in Residential Districts</b>				
<b>Lamp Wattage</b>	<b>External Abutting a Residential District or Street ROW</b>			<b>Internal</b>
	<b>Setback Less than 40 Feet</b>	<b>Setback Less than 100 Feet</b>	<b>Setback Less than 200 Feet</b>	<b>Setback 200+ Feet</b>
<b>0-250<sup>1</sup></b>	P	P	P	P
<b>251 - 400<sup>1</sup></b>	SU	P	P	P
<b>400+<sup>1</sup></b>	X	X	SU	SU

#### **Footnotes**

<sup>1</sup> A luminaire without a cutoff cannot exceed 100 watts

#### **Key**

P = Permitted

SU = Special Use

X = Prohibited; requires variation



Table 10-2: Lighting Standards B								
Maximum Footcandles - Internal - Horizontal Measurement								
Residential Districts			Non-Residential Districts					
Horizontal			Operating Hours			Security Hours		
Permitted	Special Use	Variation	Permitted	Special Use	Variation	Permitted	Special Use	Variation
< 10	10 - <15	15 +	< 15	15 - < 50	50 +	3	+3 - 6	6 +

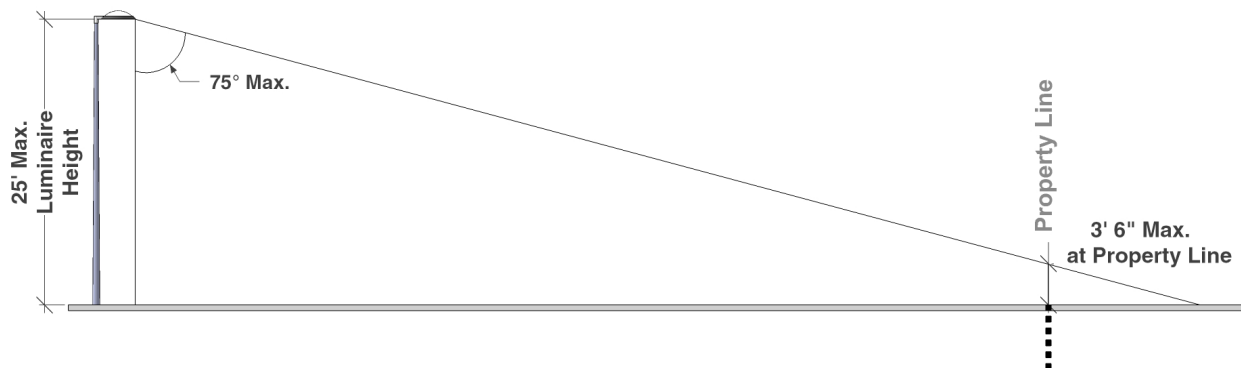
## b. Standards for Luminaire with Cutoffs

### (1) Cutoff Angle

To be considered a cutoff luminaire, the cutoff angle must be 75 degrees or less. A luminaire is considered to have no cutoff if it is unshielded, or has a cutoff angle greater than 75 degrees, acknowledging that limited light trespass will occur.

### (2) Height

- (a) The maximum height of a freestanding cutoff luminaire is 25 feet as a permitted use. A freestanding cutoff luminaire height greater than 25 feet require special use approval.



- (b) The maximum height of a cutoff luminaire attached to a structure is 25 feet, except that such fixture less than or equal to 100 watts and below the roofline can extend above this height as a permitted use. A wall-mounted cutoff luminaire height greater than 25 feet requires and greater than 100 watts requires special use approval.

### (3) Control of Glare

- (a) A cutoff luminaire must be designed to completely shield the light source from an observer three and one-half feet above the ground at any point along an abutting property line.
- (b) Within the residential districts, no glare onto adjacent properties is permitted.

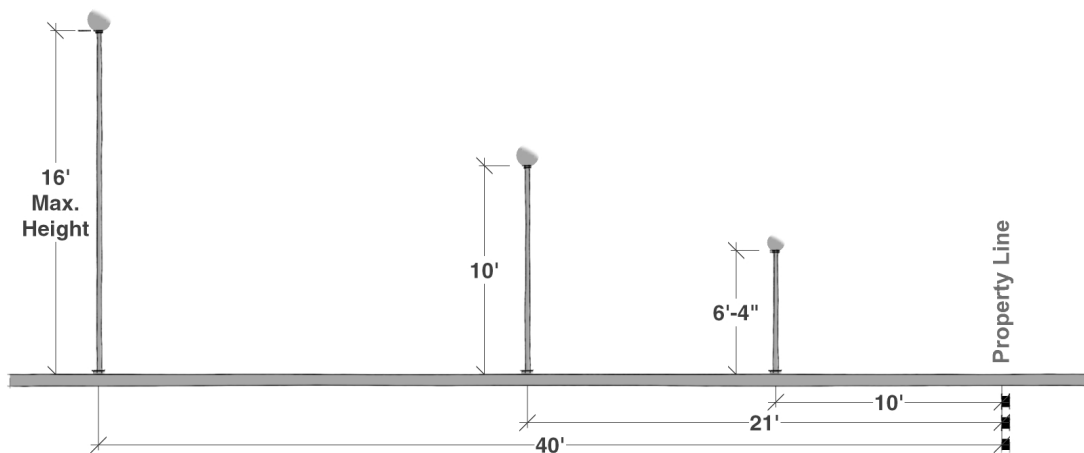
### c. Standards for Luminaire with No Cutoffs

#### (1) Cutoff Angle

A luminaire is considered to have no cutoff if it is unshielded or has a cutoff angle greater than 75 degrees.

#### (2) Height

The maximum permitted height of a luminaire with no cutoff or with a cutoff greater than 75 degrees, which provides illumination along a lot line, must be less than the value “3 feet + (D/3),” where D is the distance in feet to the nearest lot line but in no case must exceed 16 feet. The formula used for determining height of the luminaire does not preclude any luminaire or lighting system from meeting the footcandle performance standards set forth in Table 10-2.



### (3) Control of Glare

- (a) Any luminaire designed with no cutoff or a cutoff angle greater than 75 degrees must be designed so that the lamp utilized is no more than 100 watts or rated for more than 10,000 lumens, whichever is less. The standards for maximum footcandles internal and at the property line, set forth in Table 10-2, are still applicable

- (b) Within the residential districts, no glare onto adjacent properties is permitted.

**d. Standards for Luminaires for a Canopy for Non-Residential Uses**

- (1) Luminaires mounted to the underside of a canopy, which provide overhead illumination, must be recessed such that no part of the luminaire or the lamp extends below the housing unit.
- (2) The lighting standards of Table 10-2 are modified for gas station canopies. Under canopy lighting is permitted a maximum footcandle of 35. Footcandles greater than 35 and up to 50 are a special use. Footcandles above 50 require a variation.
- (3) Gas station canopies are permitted an illuminated band along the edge of the canopy. Use of exposed neon or LED as the means of illumination is allowed only by special use permit. The illuminated band is limited to 15% of the overall height of the edge of the canopy and is not counted as a sign unless there is a commercial message associated with the band; in that case, only the commercial message portion is calculated as a sign.
- (4) The lighting standards of Table 10-2 are modified for non-gas station canopies. Under canopy lighting is permitted a maximum footcandle of 25. Footcandles greater than 25 and up to 50 are a special use. Footcandles above 50 require a variation.

**4. Exceptions to Lighting Standards**

**a. Public Roadway Lighting**

Luminaires used for public roadway illumination by a public transportation agency are exempt from the requirements of this section, but may be subject to the regulations of federal or state agencies or by other intergovernmental agreements.

**b. Emergency Lighting**

All temporary emergency lighting needed by the Police or Fire Departments or other emergency services, as well as all vehicular luminaires, are exempt from the requirements of this section.

**c. Recreational Facilities**

Because of their unique requirements for nighttime visibility and their limited hours of operation, outdoor recreational facilities (public or private) such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, golf driving ranges, show areas, and other similar uses are exempt from the following standards:

- (1) Recreational facilities are exempt from the maximum footcandle requirements internal to the site, as described in Table 10-2. These uses are required to submit a lighting plan and must be approved as a special use. Recreational facilities must meet the requirements for maximum footcandles at the property line or apply for a variation if they are unable to meet those requirements.
- (2) Recreational facilities are exempt from the height requirements set forth in this section. Proposed pole heights will be reviewed and approved during the special use permit review process.

#### **d. Temporary Uses**

Certain temporary uses may be unable to meet the requirements of this section. When such temporary uses are permitted, approval of all lighting is required by the Zoning Administrator. The applicant for a temporary use permit may be required to submit a lighting plan as a part of the temporary use permit application (Section 16.4).

### **5. Prohibited Lighting**

- a. Flickering or flashing lights are prohibited unless authorized in a lighting plan approved as a special use or planned unit development.
- b. Searchlights, laser source lights, or any similar high intensity light are prohibited.
- c. Mercury vapor lamps are prohibited.

### **6. Nonconforming Lighting**

Luminaries legally installed prior to the effective date of this Ordinance, but which do not conform to the requirements and standards of this section are nonconforming site elements and subject to the standards of Section 17.4 (Nonconforming Site Elements).

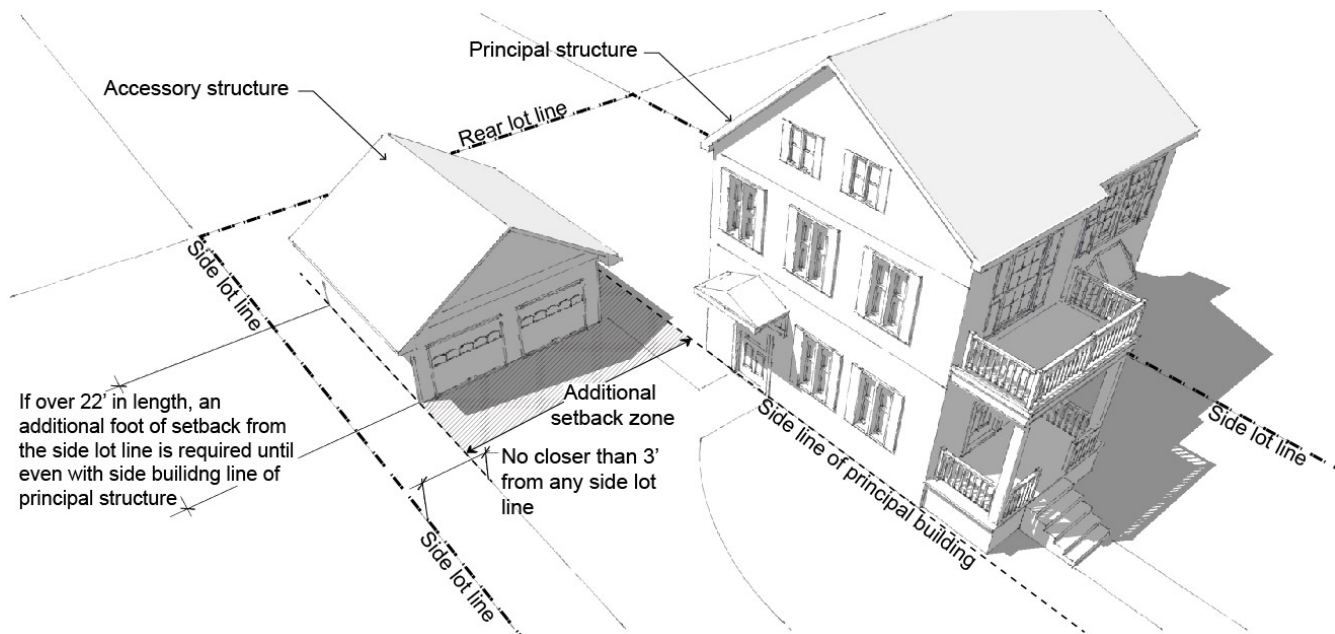
## **10.2 ACCESSORY STRUCTURES AND USES**

All accessory structures and uses are subject to the requirements of this section and the requirements of Section 10.3 (Permitted Encroachments). Additional accessory structures not regulated in this section may be regulated in Section 10.3 (Permitted Encroachments).

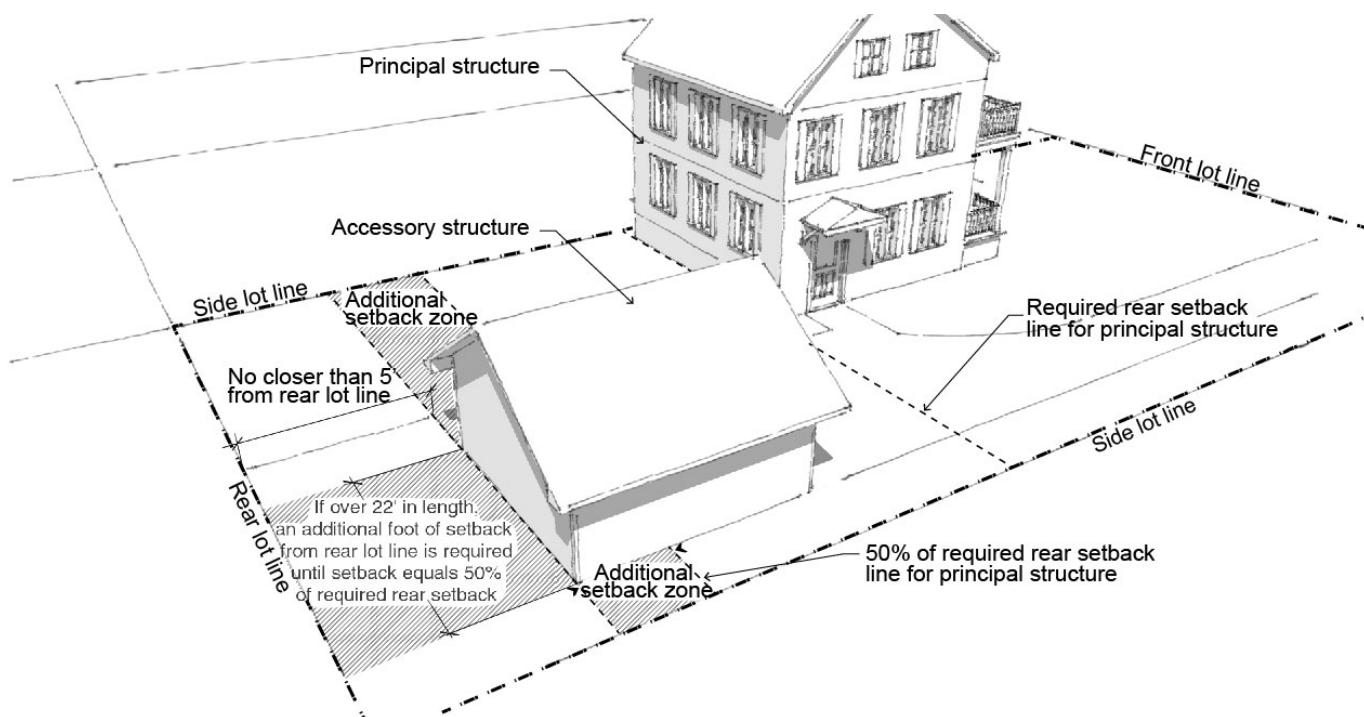
### **1. General Regulations for Accessory Structures**

- a. All accessory structures are subject to the following regulations, in addition to any other specific regulations within this section.
- b. No accessory structure may be constructed on a zoning lot prior to construction of the principal building to which it is accessory.

- c. A building permit is required for the construction of an accessory structure, unless specifically exempted by this Ordinance.
- d. Only those accessory structures permitted by this section and/or Section 10.3 (Permitted Encroachments) are permitted in required setbacks. Certain accessory structures may also be prohibited in certain yards. Required setbacks are described in the district standards. The use of the term “yard” refers to the area between the building line and the lot line. The distinction is made because certain principal buildings may be set back further than required by district setback standards, thereby creating a yard larger than the minimum setback dimension. If a structure is permitted within a yard, it is permitted within the required setback subject to any additional limitations.
- e. Accessory structures may not occupy more than 50% of the yard area in which they are located.
- f. The cumulative footprint of all detached accessory structures may not exceed the footprint of the principal structure.
- g. The maximum height of any detached accessory structure is 20 feet, unless otherwise permitted or restricted by this Ordinance. In no case shall the detached accessory structure exceed the height of the principal structure, except when the detached accessory structure is a wind turbine, amateur (HAM) radio antenna, or flagpole.
- h. Detached accessory structures must be located such distance from a lot line as follows, unless otherwise permitted or restricted by this Ordinance. This measurement does not include projections, such as eaves, from an accessory structure.
  - (1) A detached accessory structure must be located a minimum of three feet from any side lot line. In the residential districts, when the wall of a detached accessory structure that runs parallel to the side lot line exceeds 22 feet in length, an additional foot of setback from the side lot line is required for each foot of wall length over 22 feet until it is even with the side building line of the principal building.



- (2) A detached accessory structure must be located a minimum of five feet from the rear lot line. In the residential districts, when the wall of a detached accessory structure that runs parallel to the rear lot line exceeds 22 feet in length, an additional foot of setback from the rear lot line is required for each foot of wall length over 22 feet until such setback equals 50% of the required rear setback.



- (3) In the residential districts, when a detached accessory structure exceeds 15 feet in height, an additional foot of setback is required from the side and rear lot lines for each foot of height over 15 feet, subject to the maximum setbacks in 1 and 2 above.
- (4) A detached accessory structure must be located a minimum of five feet from the principal building. In the residential districts, when the wall of a detached accessory structure that runs parallel to the wall of the principal structure exceeds 20 feet in length, an additional foot of setback from the principal building is required for each foot of wall length over 20 feet.
- (5) In the residential districts, when a detached accessory structure is located in a reverse corner lot, the detached accessory structure in a rear yard must be located no closer to the corner side lot line than a distance equal to two-thirds the minimum front yard required by the lot located to the rear.
- (6) For through lots, no detached accessory structure, with the exception of a fence or wall constructed in accordance with this section, is permitted within the required rear yard. In the case where through lots are all facing the same way along a blockface, encroachment into the rear setback is permitted, so long as it does not exceed two-thirds of the rear setback depth.

## **2. Amateur (HAM) Radio Equipment**

- a. Towers that solely support amateur (HAM) radio equipment and conform to all applicable performance criteria as set forth in Section 10.4 (Environmental Performance Standards) are permitted only in the rear yard, and must be located a minimum of ten feet from any lot line. Towers are limited to the maximum building height of the applicable district plus an additional ten feet, unless a taller tower is technically necessary to engage successfully in amateur radio communications and obtains a special use approval as required by this section.
- b. Antennas may be ground- or building-mounted and are limited to the maximum building height of the applicable district plus an additional ten feet, unless a taller antenna is technically necessary to engage successfully in amateur radio communications and obtains a special use approval as required by this section
- c. Every effort must be made to install antennas in locations that are not readily visible from adjacent residential lots or from the public right-of-way, excluding alleys.
- d. An antenna or tower that is proposed to exceed the height limitation requires a special use approval. The operator must provide evidence that a taller tower and/or antenna is necessary to engage successfully in amateur radio communications. In addition, the applicant must provide evidence that the tower and/or antenna shall not prove a hazard and that it conforms to all applicable performance criteria of Section 10.4 (Environmental Performance Standards). As part of the application, the applicant must submit a site plan showing the proposed location of the tower and/or antenna, as well as its relation to the principal building and accessory structures.

- e. Radio antennas and/or towers owned and operated by the Village are exempt from these requirements and other requirements of this Ordinance.

### **3. Apiary**

- a. Apiaries do not require a building permit.
- b. Apiaries are permitted only in the rear yard and must be located a minimum of 10 feet from any lot line.
- c. In compliance with the Illinois Bees and Apiaries Act, every person keeping bees must register with the Illinois Department of Agriculture.
- d. All bee colonies must be kept in a removable frame hive, which must be kept in sound and usable condition.
- e. Where any colony is located within 25 feet of a lot line, as measured from the nearest point on the hive to the lot line, the beekeeper must establish and maintain a flyway barrier at least six feet in height consisting of hedge, fence, solid wall, or combination that is parallel to the lot line and extends ten feet beyond the colony in each direction so that bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the apiary.
- f. Each beekeeper must provide a convenient source of water is available to the bees at all times during the year.
- g. In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition toward swarming, the beekeeper must promptly re-queen the colony.

### **4. Carport**

- a. A detached carport is permitted in an interior side, corner side, or rear yard. Carports are prohibited in the front yard.
- b. An attached carport is treated as part of the principal building and subject to all required setbacks. However, an attached carport may not project beyond the front building line.
- b. The length and the width of a carport is limited to 24 feet.
- c. A carport, whether attached to or detached from the principal building, must be constructed as a permanent structure. Temporary tent structures are not considered carports and are prohibited.



## **5. Chicken Coops**

The following standards apply to chicken coops and do not apply to agricultural uses that may raise chickens.

- a. Chicken coops do not require a building permit.
- b. Chicken coops are permitted in the rear yard only and must be located a minimum of ten feet from any lot line.
- c. No person may keep more than four chickens on any lot at any one time.
- d. No commercial activity will result from the keeping of chickens on the property.
- e. Roosters are prohibited. However, if the gender of a chick cannot be determined at hatching, a chick of either gender may be kept on the property for up to six months.
- f. Chickens must be kept in coops or enclosed runs at all times. The enclosure must include a top containment.
- g. The facility must be kept in good repair, maintained in a clean and sanitary condition, and free of vermin, obnoxious smells, and substances. The facility must not create a nuisance or disturb neighboring residents due to odor, damage, or threats to public health. The chicken coop must be designed to ensure the health and well-being of the animal.
- h. The chicken coop must be adequately lit and ventilated.
- i. Slaughtering of chickens on-site is prohibited.

## **6. Coldframe Structures**

- a. Coldframe structures do not require a building permit.
- b. Coldframe structures up to three feet in height are permitted in the interior side, corner side, and rear yards.
- c. Coldframe structures over three feet in height are permitted only in the rear yard.
- d. Coldframe structures are limited to a maximum square footage of 16 square feet and a maximum height of six feet.

## **7. Detention/Retention Pond**

- a. Landscape features in and around a retention or wetland bottom detention pond must be included that provide shelter, perches, and feeding and basking areas for wildlife. Native or naturalized plantings are required.

- b. To the extent possible, a detention/retention pond must be designed as a landscape amenity, visible to site users and accessible to the extent feasible. The area surrounding the pond should be enhanced with viewing areas, pathway links, picnic areas, and other recreational elements.

## **8. Donation Boxes/Drop Boxes**

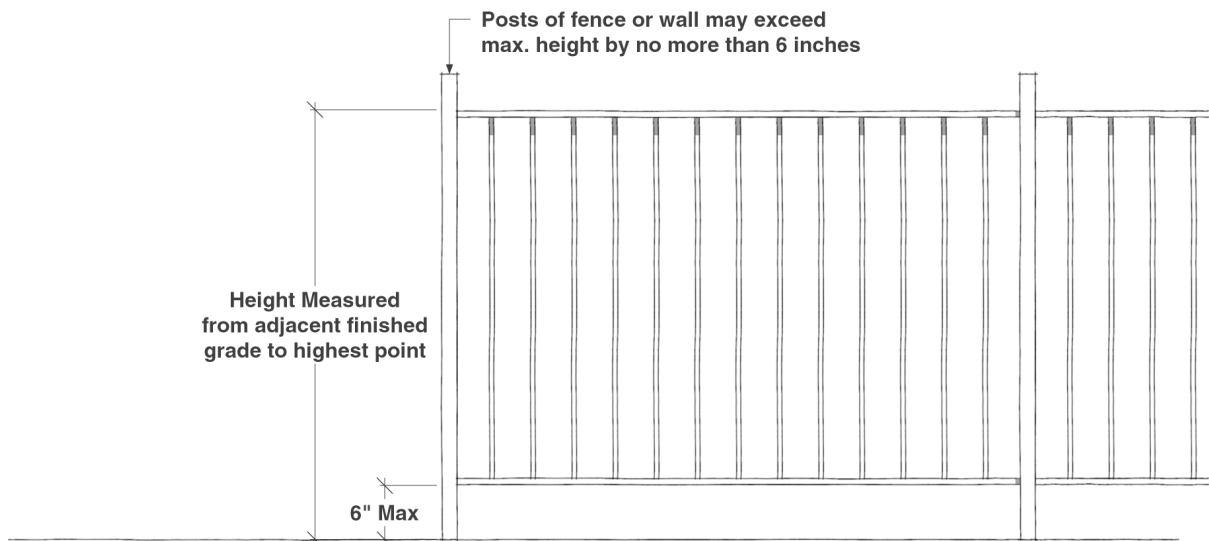
- a. Donation boxes/drop boxes are permitted for non-residential uses only.
- b. Only one donation box/drop box is permitted per lot.
- c. The donation box/drop box must be accessory to and owned by the principal use on the site. However, donation boxes/drop boxes that are not accessory to the principal use on the site are allowed on Village-owned property with the permission of the Village.
- d. Donation boxes/drop boxes may only be located along the façade of the building or in the corner side, interior side or rear yard only and a minimum of ten feet from any lot line. No donation box/drop box may be located within a parking space. No donation box/drop box may interfere with vehicle circulation on the site.
- e. The area surrounding the donation box/drop box must be kept clean and free of any junk, debris or other material.
- f. Donation boxes/drop boxes must be maintained in good condition with no structural damage, holes, or visible rust, and free of graffiti.
- g. Donation boxes/drop boxes must be locked or otherwise secured.
- h. Donation boxes/drop boxes must provide the following contact information on the front of each donation box: name, address, email, and phone number of the operator.
- i. Donation boxes/drop boxes are limited to six feet in height and 60 cubic feet in size.

## **9. Fence or Wall**

### **a. General Requirements**

- (1) Every fence and wall must be maintained in a good and safe condition at all times. Every damaged or missing element of any fence or wall must be repaired, removed, or replaced immediately.
- (2) Fence and wall height is measured from the adjacent finished grade to the highest point, except that the posts of a fence or wall may exceed the permitted height by six inches.

- (3) Fence height restrictions do not apply to a semi-open fence on property greater than one acre in area, erected to enclose an outdoor recreational game court. However, all such fences must be setback from any lot line a minimum of ten feet.
- (4) Fences or walls that enclose personal recreation game courts are limited to a maximum height of ten feet.
- (5) The bottom of a fence shall be installed a maximum vertical distance of six inches above the adjacent finished grade for the entire length of the fence.
- (6) When fence requirements are a condition of a use or site element, as described in Article 8 or another section of this Ordinance, such requirements control.



## b. Residential Districts

The following regulations apply to fences or walls in residential districts.

### (1) Front Setback

- i. A fence or wall located in any front setback shall be limited to three (3) feet in height unless it is a semi-open fence, in which case it is limited to a maximum height of four (4) feet.

### (2) Corner side setback

- i. Corner Lot
  - a. A semi-open fence or wall limited to four (4) feet in height, or a closed fence or wall limited to three (3) feet in height, may be located in any portion of a corner side setback.

- b. A fence or wall, limited to six (6) feet in height, may be located in a corner side setback from the wall of the principal structure associated with the rear yard to the rear property line to enclose the corner side yard.
  - ii. Reverse Corner Lot
    - a. A semi-open fence or wall limited to four (4) feet in height, or a closed fence or wall limited to three (3) feet in height, may be located in any portion of a reverse corner side setback.
    - b. A fence or wall, limited to six (6) feet in height, may be located in a corner side setback from the wall of the principal structure associated with the rear yard to the rear property line to enclose the corner side yard subject to the fence being setback two-thirds (2/3) of the front yard setback for the lot to the rear.
- (3) Interior side setback
  - i. A fence or wall, limited to six (6) feet in height, may be located in an interior side setback.
- (4) Rear setback
  - i. A fence or wall, limited to six (6) feet in height, may be located in a rear setback.
- (5) A fence or wall may be installed within any yard outside of the required setback on a residential lot, but is limited to a maximum of six feet in height.
- (6) A fence or wall is limited to the heights noted above except as provided for in 10.2.9.a.4, 10.2.9.b.8, and 10.2.9.b.9.
- (7) For a through lot where a front lot line has previously been established or where all structures on the block have established front lot lines along the same street line, fences and walls may be located at the rear property line subject to the height limitations in the rear setbacks. For through lots where no front lot line has not been previously established or where all lots have not established front lot lines along the same street line, the Zoning Administrator will determine how fences and walls may be installed subject to front and rear setback height limitations.
- (8) When the yard of a residential lot abuts railroad tracks or one of the roadways listed in Paragraph (a) below, the following regulations apply.
  - (i) The applicable roadways are as follows:
    - 1. Illinois Rt. 45
    - 2. Illinois Rt. 21
    - 3. Illinois Rt. 132
    - 4. Washington Street

5. Hunt Club Road

6. Rt. 41

7. Rt. 120

8. I-94

(ii) For these lots, fences or walls are allowed to a maximum height of eight feet in the front, corner side, and rear setbacks

(9) Where a residential lot abuts a non-residential district, the residential lot owner is permitted to erect a fence or wall not to exceed ten feet in height along the lot line that abuts such district.

(10) The following fence or wall materials are prohibited:

(i) Barbed or razor wire

(ii) Aboveground electrically charged fences or walls

(iii) Snow fences, except for exclusive control of snow between November 1 and April 15 and authorized by the Zoning Administrator for special events or construction sites

(iv) Solid plywood, scrap lumber, temporary fencing, and similar non-customary materials

(v) Common concrete or cinderblock

(vi) Wind screens, slats, and similar coverings (except for recreation game courts)

(11) Maintenance and replacement of non-structural elements of a fence or wall may be performed in kind without a building permit, so long as there is no change in height or location.

**c. Non-Residential Districts**

The following regulations apply to fences or walls in non-residential districts.

(1) A fence or wall may be located in a front or corner side yard setback and is limited to a maximum height of four feet, except as allowed in 10.2.9.c.2 and 10.2.9.c.6.

(2) A fence or wall a maximum of 10 feet in height may be located in that part of the corner side setback between the rear yard and the rear lot line to enclose the resulting rear yard.

(3) A fence or wall may be located in an interior side or rear setback and is limited to a maximum height of ten feet.

- (4) A fence or wall may be located outside of any setback, but is limited to ten feet in height.
- (5) If a residential use is located in a non-residential district and is located on a reverse corner lot or a through lot, the residential fence regulations for such lots apply.
- (6) On a reverse corner lot, a fence a maximum of 10 feet in height is allowed to encroach into the corner side setback a distance equal to two-thirds of the required front setback on the adjacent property located to the rear.
- (7) For through lots, one of the two lot lines abutting public streets will be designated by the Zoning Administrator as the front lot line, unless a front lot line has been previously established on one or more lots located on the same block as a through lot(s) and all have established front lot lines along the same street, then the lot line facing this street is the front lot line.
- (8) Barbed or razor wire fences or walls are permitted as long as the barbed or razor wire is not located along a public sidewalk or right-of-way and the barbed or razor wire is more than six feet above finished grade.
- (9) Aboveground electrically charged fences and/or walls require a special use permit and are prohibited along or near a public sidewalk.

**(10)** The following fence or wall materials are prohibited:

- (a)** Snow fences, except for exclusive control of snow between November 1 and April 15 and as authorized by the Zoning Administrator for special events or construction sites
- (b)** Solid plywood, scrap lumber, temporary fencing and similar non-customary materials
- (c)** Common concrete or cinderblock
- (d)** Wind screens, slats, and similar coverings (except for recreation game courts)

## **10. Garage**

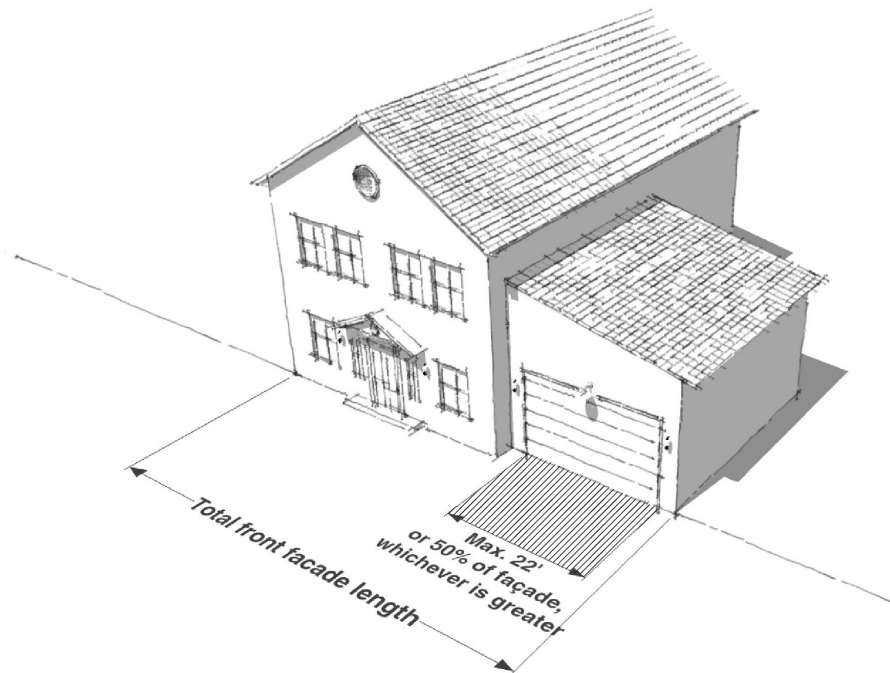
The following standards apply to all residential garages.

### **a. Attached Garages**

- (1)** The total width of all garage doors of a front-loaded attached garage are limited to 50% of the width of the front façade or a total of 22 feet, whichever is greater, as measured along the building line of the entire front facade.
- (2)** Windows, doors, and roof treatments of the garage must incorporate architectural detail expressive of a residence.
- (3)** Upper level dormers and pitched roof elements should be used to de-emphasize the garage. Garage openings, windows, columns, trims, and decorative paneling must reduce the visual impact of the garage in relation to the building as a whole.

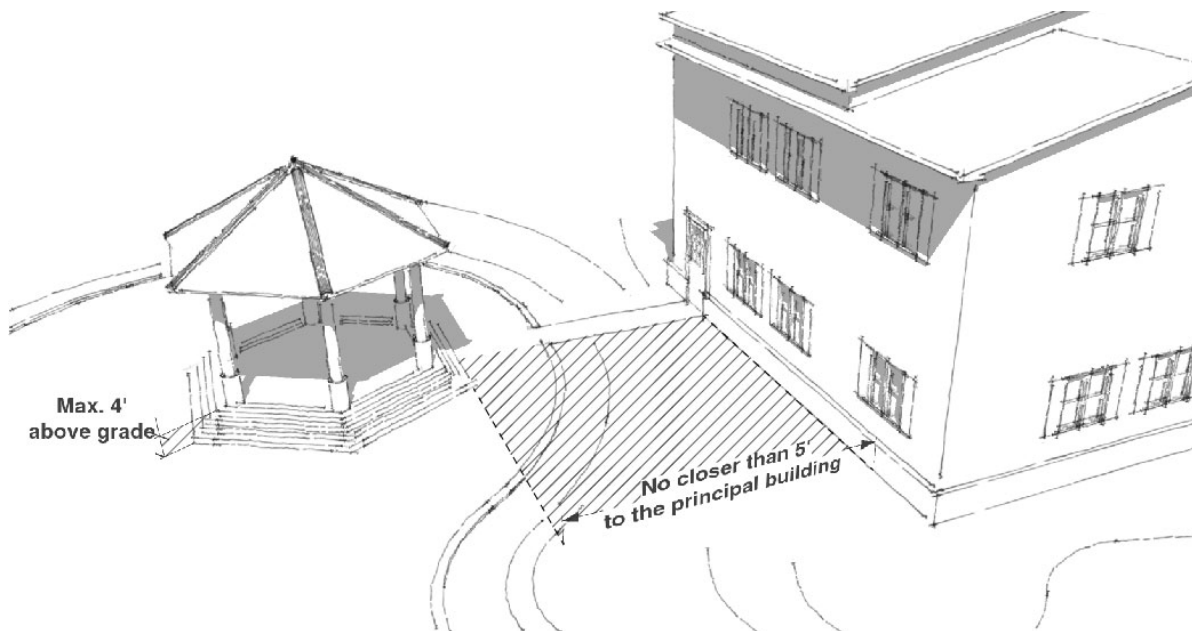
### **b. Detached Garages**

- (1)** One detached garage is permitted per lot.
- (2)** A detached garage may not contain a kitchen, full bathroom, or sleeping area.
- (3)** Detached garages are permitted in the rear, interior side, and corner side yards.



## 11. Gazebo and Pergola

Gazebos and pergolas are permitted in the rear yard. A gazebo platform is limited to a maximum height of four feet above grade.





## **12. Home Occupation**

- a. The home occupation must be conducted by a member or members of the family or individuals permanently residing on the premises.
- b. No more than one person is employed in the home occupation, other than an occupant or occupants of the premises.
- c. Signs, displays, or activities that indicate from the exterior that the structure is being used, in part, for any purpose other than that of a residence are prohibited. However, one non-illuminated identification sign on the wall of the structure not exceeding two square feet in area is permitted.
- d. The home occupation and all related activity, including storage, must be conducted completely within the dwelling unit or permitted accessory structure.
- e. No commodities can be sold or services rendered that require receipt or delivery of merchandise, goods, or equipment other than by a passenger motor vehicle or by parcel or letter carrier mail services using vehicles typically employed in residential deliveries.
- f. Alterations to the residence or permitted accessory structures that would alter the residential character of the dwelling are prohibited.
- g. The home occupation and any related activity must not create any traffic hazards or nuisances in public rights-of-way. All vehicle parking generated by such operations must be located on the lot of the home occupation.
- h. There must be no perceptible noise, odor, smoke, electrical interference, vibration, or other nuisance emanating from the structure where the home occupation is located in excess of that normally associated with residential use.
- i. The following uses are prohibited as home occupations:
  - (1) Astrology, card and palm reading, or fortune-telling
  - (2) Landscape business where equipment, supplies, or plant material is stored on-site except when within a fully-enclosed permitted dwelling unit or accessory structure
  - (3) Massage services
  - (4) Repair and service of vehicles or industrial machinery

## **13. Mechanical Equipment**

Mechanical equipment includes heating, ventilation, and air conditioning (HVAC) equipment, electrical generators, and similar equipment.

**a. Residential Districts – Ground-Mounted Equipment**

- (1) Mechanical equipment is prohibited in the front yard. If mechanical equipment is located in the front yard at the effective date of this Ordinance, said equipment may remain and may be repaired and maintained until the principal structure is demolished.
- (2) Mechanical equipment can encroach no more than 5 feet into a required corner side or rear setback.
- (3) Mechanical equipment must be located within five feet of the adjacent wall of the principal building.
- (4) Mechanical equipment must be located a minimum of three feet from any interior side lot line.
- (5) Emergency back-up generators are prohibited from being propane, gasoline, or diesel fueled and must be enclosed by a sound attenuated box or cabinet that has been professionally manufactured for the generator.

**b. Non-Residential Districts – Ground-Mounted Equipment**

- (1) Mechanical equipment is prohibited in the front yard. If mechanical equipment is located in the front yard at the effective date of this Ordinance, said equipment may remain and may be repaired and maintained until the principal structure it serves is demolished.
- (2) Mechanical equipment must be located within 12 feet of the adjacent wall of the principal building.
- (3) Mechanical equipment installed in a yard that abuts a residentially zoned lot must be located a minimum of three feet from such lot line and must be effectively screened with year-round landscape material.
- (4) Units located in a corner side yard or front yard must also be effectively screened as described above in Paragraph (3).

**c. Roof-Mounted Equipment**

Roof-mounted mechanical equipment must be screened from view. The full enclosure of mechanical equipment within the building is encouraged. The roof structure, parapet walls, or other screening structure must screen the equipment. The height of the screening must equal the height of the tallest rooftop mechanical element installed on the building. Such screening must be designed to blend in with and complement the architecture of and consist of materials compatible with the principal building materials. Wood fence screens are prohibited.

#### **14. Outdoor Sales and Display**

- a. Retail goods establishments are permitted accessory outdoor sales and display of merchandise. However, outdoor storage of goods not offered for sale by the establishment is prohibited.
- b. No sales and display area is permitted in any public right-of-way or in any required setback. The display must be located within 15 feet of the principal building. Minimum pedestrian and vehicular access requirement must be maintained.
- c. A portion of the parking area may be used for outdoor sales and display on a temporary basis for a maximum of 45 days no more than two times in a calendar year, in terms of both display structure and goods displayed or sold. Permanent display structures are prohibited in parking areas. No more than 10% of the required parking area for the existing use may be used for the temporary outdoor sales and display. A Temporary use permit is required for this activity.

#### **15. Personal Recreation Game Court**

- a. Personal recreation game courts are for the exclusive use of residents of the lot where the court is located and their invited guests. No personal recreation game court may be operated as a private business or club.
- b. Personal recreation game courts are permitted in the rear yard only and must be located ten feet from any lot line.

#### **16. Refuse and Recycling Containers**

Refuse and recycling containers regulations apply only to multi-family dwellings and non-residential uses. All refuse and recycling containers must be fully enclosed on three sides by a solid fence, wall, or wall of the principal building a minimum of six feet and a maximum of eight feet in height. The enclosure must be gated. Such gate must be solid and shall remain closed when not in use. When the extension of a principal building is used as a screening wall, the wall must be of the same building materials as the principal building. Such wall may not be the gated enclosure.

#### **17. Satellite Dish Antennas**

##### **a. General Requirements**

- (1) Small satellite dish antennas do not require a building permit. Large satellite dish antennas require a building permit.
- (2) Satellite dish antennas must be permanently installed on a building, in the ground or on a foundation, and cannot be mounted on a portable or movable structure.
- (3) Subject to operational requirements, the dish color must be of a neutral color, such as white or grey, and must blend with the surroundings as best as possible. No additional signs or advertising is permitted on satellite dish itself,

aside from the logos of the satellite dish service provider and/or dish manufacturer.

- (4) Cables and lines serving ground-mounted satellite dish antennas must be located underground.
- (5) Compliance with all federal, state and local regulations is required in the construction, installation and operation of satellite dish antennas.
- (6) All exposed surfaces of the antenna must be kept clean and all supports must be painted to maintain a well-kept appearance. Antennas no longer in use must be immediately removed.

**b. Small Satellite Dish Antennas**

Small satellite dish antennas are subject to the general requirements of Paragraph a above. Every effort must be made to install small satellite dish antennas in locations that are not readily visible from neighboring properties or from the public right-of-way.

**c. Large Satellite Dish Antennas**

**(1) Residential Districts**

- (a) Large satellite dish antennas are permitted only in the rear yard, and must be set back a distance from all lot lines that is at least equal to the height of the dish, but in no case less than five feet from any lot line.
- (b) The overall height of a large satellite dish antenna must not exceed 12 feet.
- (c) A large satellite dish antenna must be located and screened from public rights-of-way or adjacent properties.

**(2) Non-Residential Districts**

- (a) Large satellite dish antenna are permitted only in the rear or interior side yard, and must be set back a distance from all lot lines that is at least equal to the height of the dish, but in no case less than five feet from any lot line.
- (b) Roof-mounting is permitted only if the satellite dish antenna is in scale with the overall building mass and location, and screened by an architectural feature. The visible portion of the dish should not comprise more than 25% of the corresponding height or width of the screen.
- (c) A large satellite dish antenna must be located and screened from public rights-of-way or adjacent properties.

## **18. Solar Energy System**

### **a. General Requirements**

Building-mounted, building-integrated, flush-mounted, and ground-mounted solar energy systems must be erected and installed in accordance with this Ordinance and all state and federal laws and regulations, as amended from time to time. All solar energy systems are subject to the following standards:

- (1) Solar energy systems are permitted only as accessory to a principal building or use.
- (2) Solar energy systems must be installed according to manufacturer specifications and in accordance with all applicable Village codes and ordinances.
- (3) Electric solar energy system components must have a UL listing.
- (4) No grid-intertie photovoltaic system shall be installed until evidence is provided to the Village that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.
- (5) If more than one roof area contains solar collectors that are building-mounted, the Fire Department must review and approve the installation of the solar collectors to verify that adequate roof access is provided to emergency personnel in the case of an emergency.

### **b. Self-Contained Solar Energy System**

Self-contained solar energy systems must comply with the following restrictions:

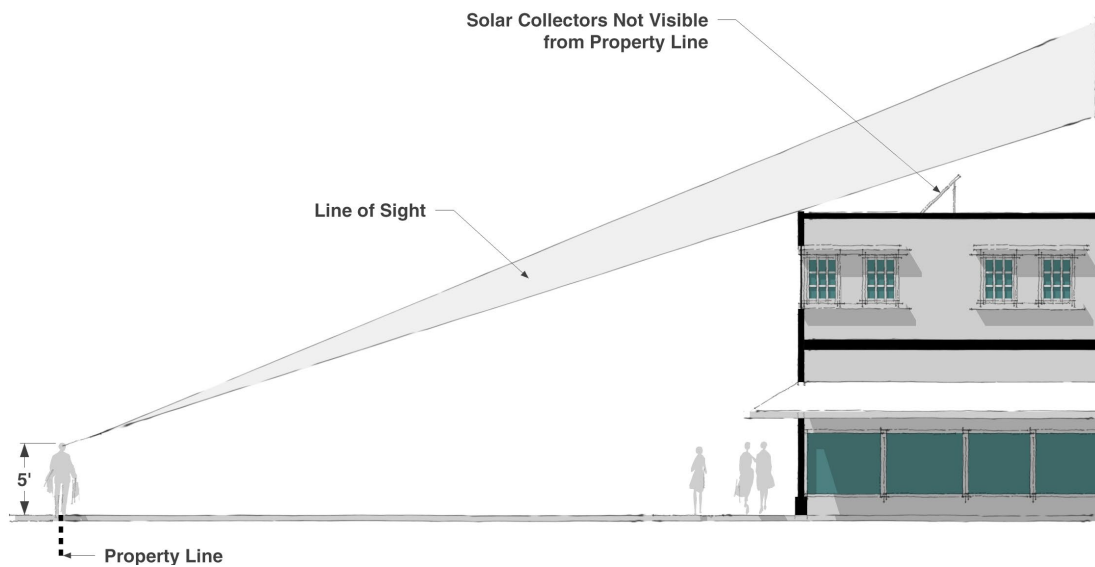
- (1) On property used or zoned for residential or non-residential purposes, self-contained solar energy systems that are ground-mounted are limited to an aggregate solar collector surface area less than or equal to six square feet.
- (2) On property used or zoned for residential purposes, self-contained solar energy systems that are building-mounted are limited to an aggregate solar collector surface area less than or equal to six square feet.

### **c. Building-Mounted Solar Energy System**

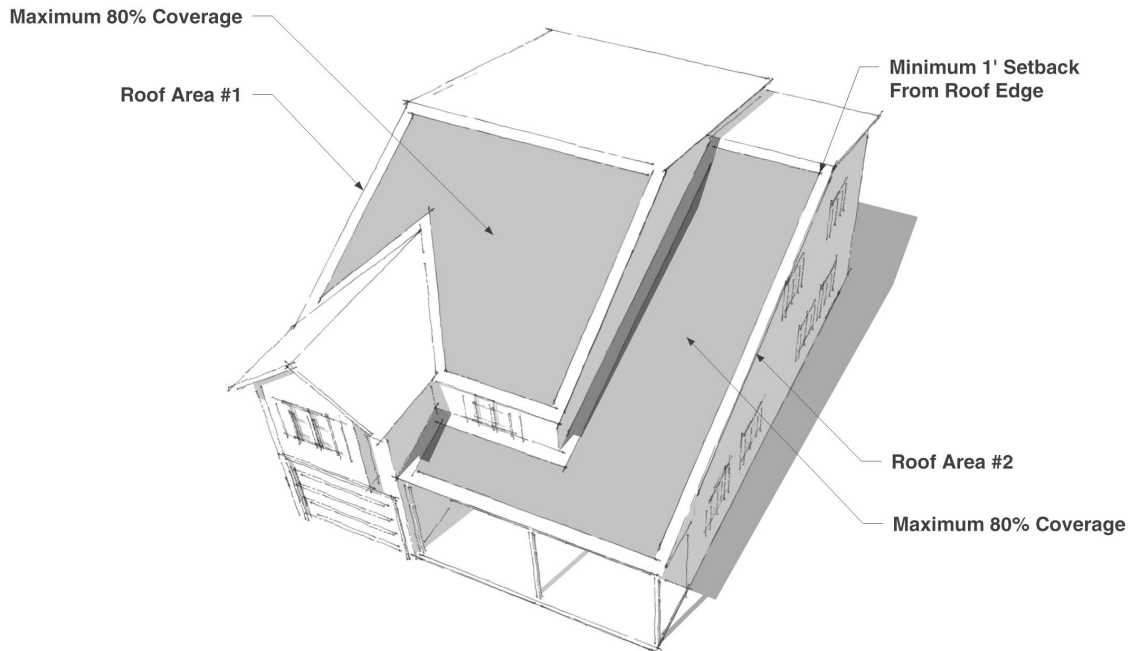
#### **(1) Residential Use or District**

- (a) Building-integrated and/or flush-mounted solar energy systems are permitted on any roof area.

- (b) Non-flush-mounted solar energy systems are permitted on a building with a flat roof if the solar collector is completely screened from view to an observer five feet above the ground at any point along an abutting lot line.
- (c) Non-flush-mounted solar energy systems that cannot be screened from view require approval of a special use permit. However, a non-flush-mounted system is prohibited on any roof that is adjacent to the front setback and/or corner side setback.



- (d) The solar collector surface area is limited to 80% coverage of any roof area upon which the collectors are mounted, and must be set back from the roof edge a minimum of one foot. Requests for solar collector coverage greater than 80% of any roof area require approval of a special use permit. A one foot setback from the roof edge is required.



- (e) Non-flush-mounted solar energy systems must not extend above the highest point on the roof line, unless the a special use permit is approved.
- (f) Building-integrated and/or flush-mounted solar energy systems must not project beyond the exterior wall of any building on which the system is mounted or built.

## **(2) Non-Residential Use or District**

- (a) Building-integrated and/or flush-mounted solar energy systems are permitted on any roof area.
- (b) Non-flush-mounted solar energy systems are permitted on a building with a flat roof if the solar collector is completely screened from view to an observer five feet above the ground at any point along an abutting lot line.
- (c) Non-flush-mounted solar energy systems that cannot be screened from view require approval of a special use permit. However, a non-flush-mounted system is prohibited on any roof that is adjacent to the front setback and/or corner side setback.
- (d) The solar collector surface area is limited to 80% coverage of any roof area upon which the collectors are mounted, and must be set back from the roof edge a minimum of one foot. Requests for solar collector

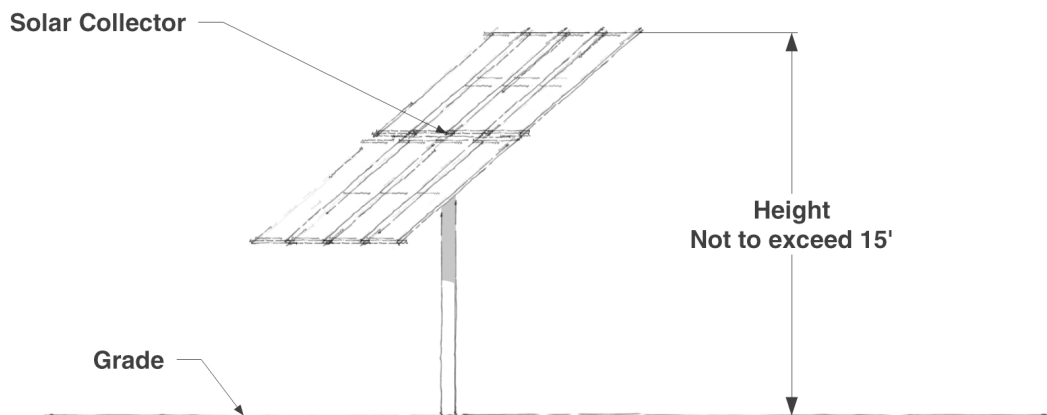
coverage greater than 80% of any roof area require approval of a special use permit. A one foot setback from the roof edge is required.

- (e) Non-flush-mounted solar energy systems must not extend above the highest point on the roof line or a parapet wall, unless the a special use permit is approved.
- (f) Building-integrated and/or flush-mounted solar energy systems must not project beyond the exterior wall of any building on which the system is mounted or built.

#### **d. Ground-Mounted Solar Energy System**

Ground-mounted solar energy systems require approval of a special use permit and must meet the requirements of this section.

- (1) Ground-mounted solar energy systems are limited to a maximum height of 15 feet, unless the solar collector is attached to a conforming parking lot light pole or other monopole structure that is accessory to the lot.



- (2) When a solar collector is attached to a conforming parking lot light pole or other permitted monopole structure that is accessory to the lot, the solar collector must not extend more than five feet above the height of the parking lot light pole or other monopole structure.
- (3) Ground-mounted solar energy systems must be set back a distance less than or equal to 1.0 times the system height or five feet, whichever is greater, measured from the edge of the system to the nearest property line. However, a solar collector attached to a conforming parking lot light



pole or other permitted monopole structure that is accessory to the lot, may have a setback less than five feet.

(4) On property used or zoned for residential purposes, no part of a ground-mounted system is permitted in the front or corner side setback.

(5) No part of a ground-mounted system may be located in or encroach into a dedicated easement.

## **19. Stables (Private – Non-Commercial)**

Non-Commercial stables are permitted on lots of five acres or more in area and only for the boarding of the property owner's equines. Stables are subject to all required setbacks.

## **20. Swimming Pools and Hot Tubs**

- a. Private swimming pools and hot tubs are permitted as accessory to a residential use.
- b. Private swimming pools and hot tubs must be operated for the exclusive use of residents of the lot and their invited guests. No private swimming pool or hot tub may be operated as a business or private club.
- c. No private swimming pool or hot tub, or portion thereof, including, but not limited to, aprons, walks, and mechanical equipment, integral to the pool, may be located within a front yard, or within a required corner side or interior side setback.
- d. Private swimming pools and hot tubs must be located a minimum of ten feet from a rear lot line and cannot encroach into any easement.
- e. All swimming pools must construct barriers in accordance with the requirements of the Building Code.
- f. Non-residential swimming pools and/or hot tubs must be set back a minimum of 100 feet from adjacent residential property lines.

## **21. Vehicle Charging Station**

Electric vehicle charging stations are permitted as an accessory use within any parking lot or parking structure.

## **22. Water Feature**

Water features for single-family and two-family dwellings are limited to a maximum depth of 24 inches and a maximum surface area of 250 square feet, and do not require a building permit. Water features included in other developments require a building permit but are not subject to these limitations.

## **23. Wind Energy System**

### **a. General Requirements**

Building-mounted and tower-mounted wind energy systems must be erected and installed in accordance with this Ordinance and all state and federal laws and regulations, as amended from time to time. All wind energy systems are subject to the following standards:

- (1)** Wind energy systems are permitted as an accessory use to a principal structure and installed primarily for the production and consumption of energy on the parcel upon which it is installed. Energy produced in excess of consumption may be sold back to the electric utility service provider that serves the proposed site for use with the existing energy grid.
- (2)** Wind energy systems must be installed according to manufacturer specifications and in accordance with all applicable codes and ordinances.
- (3)** Wind energy systems must be finished in a neutral color that is flat or matte, so as to reduce incidence of sun glint. The required coloration and finish must be maintained throughout the life of the system.
- (4)** No wind energy system may have any advertising material, writing, picture, or sign, other than warning(s), turbine tower identification, or manufacturer or ownership information. This prohibition includes the attachment of any flag, decorative sign, streamers, pennants, ribbons, spinners or waiving, fluttering or revolving devices, but not including meteorological/weather devices or warning signs.
- (5)** All wiring between a wind energy system and a principal and/or accessory structure must be underground. However, if the wiring cannot be placed underground, it must be contained within conduit which matches the principal building and must conform to all Village Codes.
- (6)** The wind energy system must not be artificially lighted unless required by the Federal Aviation Administration (FAA) or as necessary for the safety of personnel performing maintenance of, or repairs to the facilities. Any such artificial lighting must be shielded so that no glare extends substantially beyond the property lines of the property on which the facility is located.
- (7)** Wind energy systems must be maintained in operational condition at all times, except for reasonable maintenance and repair outages. Should a wind energy system become inoperable, or should any part of the system become damaged, or should a system violate the ordinance, the owner must cease operations immediately and remedy the condition promptly.
- (8)** The wind energy system must be equipped with a braking system (i.e., automatic and/or manual braking system).

**(9)** The maximum sound levels for a wind energy system are as follows:

- (a)** For adjacent non-participating properties used or zoned for residential purposes, the average sound level must not exceed 55 dB(A) during daytime hours and 45 dB(A) during nighttime hours at any point as measured at the property line, unless otherwise allowed by this section.
- (b)** For adjacent non-participating properties used or zoned for non-residential purposes, the average sound level must not exceed 65 dB(A) at any time of the day as measured at the property line, unless otherwise allowed by this section.
- (c)** If the non-operational ambient sound level is greater than the maximum sound levels of this section, this non-operational ambient sound level will be the maximum sound level permitted.
- (d)** No wind energy system may operate with an average sound level more than 5 dB(A) above the non-operational ambient level, as measured at the property line of any neighboring residentially zoned or used property. Additionally, to limit the level of low-frequency sound, the average C-weighted sound level during operation must not exceed the A-weighted ambient sound level by more than 20 dB.
- (e)** The Village may require, at the owner's expense, field tests or sound propagation modeling, conducted by or supervised by an acoustics specialist to determine whether a violation of said sound regulations is occurring or has occurred. The owner must immediately remedy any such violations or discontinue operation.

**(10)** Any wind energy system which exceeds the permitted standards of this section requires special use permit approval. The following additional documentation is required:

- (a)** A certificate of height necessity is required when an applicant is requesting a wind energy system with height greater than is permitted by this section. A written statement from a licensed engineer must confirm that the additional height requested is the minimum necessary to accomplish the applicant's purpose and unless granted, the wind to be received by this system will be substantially impaired or obstructed within the selected installation area. This documentation also must include the location and height of the obstructing structures or vegetation which are obstructing the laminar flow of the wind.
- (b)** A shadow flicker study that illustrates that a wind energy system facility is sited such that shadow flicker will not fall on any existing residential nonparticipating property line within 500 feet of the system for more than 50 hours in a calendar year.

- (c) Documentation that states that the proposed wind energy system complies with FAA regulations. If the SWES is not regulated by the FAA, documentation must be provided stating the FAA has no regulations.
- (11) When a wind energy system has become inoperable, damaged, or otherwise violates the operating requirements for a continuous period of 12 months or more, the system is deemed to be abandoned. The owner must remove such items within 90 days of written notice, with such notice sent by certified or registered mail, return receipt requested, by the Village to such owner at the last known address of such owner. If such abandoned facility is not completely removed within the required timeframe, 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, for any and all expenses incurred without limitation, including attorney fees and accrued interest. Upon removal, the site must be restored to its original pre-construction condition for a wind energy system as referenced with photos presented as part of the project permit.

**b. Building-Mounted Wind Energy Systems**

**(1) Single-Family, Two-Family, and Townhouse Uses in Any District, and R-1, R-2, R-3, and R-4 Districts**

- (a) A maximum of one building-mounted wind energy system per dwelling is permitted.
- (b) A building-mounted wind energy system is prohibited on any accessory structure.
- (c) Requests for more than one building-mounted wind energy system per dwelling requires approval of a special use permit.
- (d) No portion of a building-mounted wind energy system may encroach into a required setback.
- (e) The maximum height of a building-mounted wind energy system is 15 feet above the building height, with the exception that maximum height on a pitched roof is measured from the highest gable or slope of a gable, hip or gambrel roof of a building structure. Any building-mounted wind energy system mounted at a greater height requires approval of a special use permit.

**(2) Multi-Family Uses in Any District, and R-5 and R-6 Districts**

- (a) A special use permit is required to allow more than one building-mounted wind energy system.
- (b) A building-mounted wind energy system is prohibited on any accessory structure.

- (c) Requests for more than one building-mounted wind energy system per dwelling requires approval of a special use permit.
- (d) No portion of a building-mounted wind energy system may encroach into a required setback.
- (e) The maximum height of a building-mounted wind energy system is 15 feet above the building height, with the exception that maximum height on a pitched roof is measured from the highest gable or slope of a gable, hip or gambrel roof of a building structure. Any building-mounted wind energy system mounted at a greater height requires approval of a special use permit.

### **(3) Non-Residential Districts**

- (a) Structures with less than 15,000 square feet of total gross floor area are permitted a maximum of one building-mounted wind energy system.
- (b) Structures with 15,000 or more square feet of total gross floor area, the total number of building-mounted wind energy system permitted is one building-mounted wind energy system per 10,000 square feet of total gross floor area or five total building-mounted wind energy systems, whichever is less. When calculating the maximum number permitted and the calculation results in a fraction of a number that is less than 0.5, the maximum number is rounded down to the next whole number. If the same calculation results in a fraction of a number that is greater than or equal to 0.5, then the number of allowable is rounded up to the next whole number.
- (c) If a multi-tenant building is under separate ownership, only those portions of the building square footage under said ownership may be used for calculating the number of building-mounted wind energy systems permitted, as long as the total number of turbines does not exceed the maximum amount allowed by this section.
- (d) Requests for additional building-mounted wind energy systems above the number allowed by this section requires special use permit approval.
- (e) No portion of a building-mounted wind energy system may encroach into a required setback. If attached to an accessory structure, no portion of the system must meet the accessory structure setbacks.
- (f) The maximum height of a building-mounted wind energy system is 25 feet above the building height, with the exception that maximum height on a pitched roof is measured from the highest gable or slope of a gable, hip or gambrel roof of a building structure. Any building-mounted wind energy system mounted at a greater height requires approval of a special use permit.

## **c. Tower-Mounted Wind Energy Systems**

### **(1) General Requirements**

- (a)** A tower-mounted wind energy system must be setback a distance equal to 110% or 1.1 times the wind energy system height as measured from the exterior base of the tower to the property line.
- (b)** No portion of a tower-mounted wind energy system may encroach into a required setback.
- (c)** Tower-mounted wind energy system facilities may not be constructed within or over (including the blades) any utility, water, sewer, or other type of recorded easement, unless written permission is granted by holders of the easement.
- (d)** All tower-mounted wind energy systems must be mounted on a monopole tower.
- (e)** A tower-mounted wind energy system may be attached to a parking lot light pole or other monopole structure such as, but not limited to, a wireless telecommunications tower, if all other ordinance requirements are met. The height of the light pole or other monopole structure as applicable is included when determining the total height for the tower-mounted wind energy system.
- (f)** A tower-mounted wind energy system may not be attached to any sign.
- (g)** The blade tip, at its lowest point, must maintain a vertical clearance of 15 feet.
- (h)** A tower-mounted wind energy system must not be climbable for a vertical distance of 15 feet from the base of tower.
- (i)** A tower-mounted wind energy system is prohibited on a vacant lot.

### **(2) Residential Uses and Districts**

- (a)** One tower-mounted wind energy system is allowed on a lot. A special use permit is required to allow more than one tower-mounted wind energy system on the same lot.
- (b)** A tower-mounted wind energy system must not encroach into the front or corner side setback.
- (c)** The maximum height of a tower-mounted wind energy system for a residential use or district is indicated in Table 10-1A: Residential Use or District Tower-Mounted Wind Energy System Heights.

<b>Table 10-1A: Residential Use or District Tower-Mounted Wind Energy System Heights</b>		
<b>Lot Size</b>	<b>By-Right</b>	<b>Special Use Permit</b>
Less than 2 acres	Up to 45'	46-100'
2 acres or more but less than 5 acres	Up to 75'	76-100'
5 acres or more	Up to 100'	101-175'

### **(3) Non-Residential Uses and Districts**

- (a) If the lot is less than five acres in size, one tower-mounted wind energy system is allowed on a lot.
- (b) If the lot is greater than or equal to five acres in size, two tower-mounted wind energy systems are allowed on a lot.
- (c) A special use permit is required to allow additional tower-mounted wind energy system on the same lot above that allowed by this section.
- (d) The maximum height of a tower-mounted wind energy system for a residential use or district is indicated in Table 10-1B: Non-Residential Use or District Tower-Mounted Wind Energy System Heights.

<b>Table 10-1B: Non-Residential Use or District Tower-Mounted Wind Energy System Heights</b>		
<b>Lot Size</b>	<b>By-Right</b>	<b>Special Use Permit</b>
Less than 2 acres	Up to 75'	76-125'
2 acres or more but less than 5 acres	Up to 100'	101-125'
5 acres or more	Up to 125'	126-175'

### 10.3 PERMITTED ENCROACHMENTS

An encroachment is the extension or placement of any structure, or component of such, into a required setback. Additional restrictions on permitted encroachments, including additional yard requirements and bulk regulations, can be found in Section 10.2 (Accessory Structures and Uses) above. Permitted encroachments are found in Table 10-2: Permitted Encroachments. Where specific setback standards for accessory structures are not specified by Section 10.2, this table, or this Ordinance, the general accessory structure requirements of Section 10.2.1 apply.

Table 10-2: Permitted Encroachments Y= Permitted // N= Prohibited				
	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Accessory Ramp – Maximum encroachment of 4'	Y	Y	N	Y
Amateur (HAM) Radio Equipment (Section 10.2.2)	N	N	N	Y
Apiary (Section 10.2.3)	N	N	N	Y
Arbor	Y	Y	Y	Y
Awning or Canopy (Non-Structural) - Maximum encroachment of 3'	Y	Y	Y	Y
Balcony - Maximum encroachment of 2'	Y	Y	Y	Y
Bay Window - Maximum encroachment of 2'	Y	Y	Y	Y
Canopy (Structural) or Porte-Cochere	N	N	N	Y
Carport - Detached (Section 10.2.4)	N	N	Y	Y
Chicken Coop (Section 10.2.5)	N	N	N	Y
Chimney - Maximum encroachment of 2'	Y	Y	Y	Y
Coldframe Structure (Section 10.2.6)	N	Y	Y	Y
Compost Pile - Minimum of 5' from any lot line	N	N	N	Y
Deck - Maximum encroachment of 4' into interior and corner side setback & 10' into rear setback	N	Y	Y	Y
Detention/Retention Pond (Section 10.2.7)	Y	Y	Y	Y
Dog House/Dog Runs	N	N	N	Y
Donation Box (Section 10.2.8)	N	N	Y	Y
Eaves - Maximum encroachment of 3'	Y	Y	Y	Y
Exterior Lighting (Section 10.1)	Y	Y	Y	Y
Exterior Stairwell - Maximum encroachment of 5'	N	Y	Y	Y



<b>Table 10-2: Permitted Encroachments</b> <b>Y= Permitted // N= Prohibited</b>				
	<b>Front Setback</b>	<b>Corner Side Setback</b>	<b>Interior Side Setback</b>	<b>Rear Setback</b>
Fence or Wall (Section 10.2.9)	Y	Y	Y	Y
Flagpole - Limited to height of district	Y	Y	Y	Y
Garage – Detached (Section 10.2.10.b)	N	N	Y	Y
Gazebo (Section 10.2.11)	N	N	Y	Y
Mechanical Equipment (Section 10.2.13)	N	Y	Y	Y
Lawn Furniture and Decorations	Y	Y	Y	Y
Outdoor Fire Pit	N	N	N	Y
Patio - Maximum encroachment of 4' into front, corner side, or interior side setback & 10' into rear setback	Y	Y	Y	Y
Pergola (Section 10.2.11)	N	N	N	Y
Personal Recreation Game Court, (Section 10.2.15)	N	N	N	Y
Playground Equipment	N	N	N	Y
Porch, Unenclosed - Maximum encroachment of 4' into front, corner side, or interior side setback & 10' into rear setback	Y	Y	Y	Y
Refuse and Recycling Containers (Section 10.2.16)	Y	Y	Y	Y
Rain Barrel	N	Y	Y	Y
Satellite Dish Antenna, Ground-Mounted (Section 10.2.17)	N	N	N	Y
Shed or Greenhouse	N	N	Y	Y
Sidewalk -Maximum width of 4' for single-family & two-family residential structures	Y	Y	Y	Y
Sills, belt course, cornices and ornamental features - Maximum encroachment of 3'	Y	Y	Y	Y
Solar Energy System, Tower-Mounted (Section 10.2.18)	N	N	Y	Y
Steps and Stoops – Roofed or Unroofed (includes support posts) - Maximum encroachment of 4'	Y	Y	Y	Y
Swimming Pools/Hot Tubs (Section 10.2.20)	N	N	N	Y
Trellis	Y	Y	Y	Y
Water Feature (Single-Family, Two- Family only) (Section 10.2.22)	N	N	N	Y
Wind Energy System, Tower-Mounted (Section 10.2.23)	N	N	Y	Y

## **10.4 ENVIRONMENTAL PERFORMANCE STANDARDS**

All uses must comply with the performance standards established in this section unless any federal, state, county or local law, ordinance or regulation establishes a more restrictive standard, in which case, the more restrictive standard shall apply.

### **1. Noise**

All activities and uses must comply with the Illinois State Code, Administrative Code Subtitle H (Noise), Chapter 1: Pollution Control Board, Part 901, as amended from time to time.

### **2. Glare and Heat**

Any activity or the operation of any use that produces glare or heat must be conducted so that no glare or heat from the activity or operation is detectable at any point off the lot on which the use is located. Flickering or intense sources of light must be controlled or shielded so as not to cause a nuisance across lot lines.

### **3. Vibration**

No earthborne vibration from the operation of any use may be detectable at any point off the lot on which the use is located.

### **4. Dust and Air Pollution**

Dust and other types of air pollution, borne by the wind from sources, such as storage areas, yards, roads, conveying equipment and the like, within lot boundaries, must be kept to a minimum by appropriate landscape, screening, sheltering, paving, fencing, wetting, collecting, or other acceptable means.

### **5. Discharge and Disposal of Radioactive and Hazardous Waste**

The discharge of fluid and the disposal of solid radioactive and hazardous waste materials must comply with applicable federal, state, and local laws, and regulations governing such materials or waste. No operation that produces radioactive or hazardous waste material may commence without prior notice to the Village. Radioactive and hazardous material waste must be transported, stored, and used in conformance with all applicable federal, state, and local laws.

### **6. Electromagnetic Interference**

Electromagnetic interference from any operation of any use that is not in compliance with the rules and regulations of the Federal Communications Commission must not adversely affect the operation of any equipment located off the lot on which such interference originates.

### **7. Odors**

Any condition or operation which results in the creation of odors of such intensity and

character as to be detrimental to the public health and welfare, or which interferes unreasonably with the comfort of the public, must be removed, stopped or modified so as to remove the odor.

#### **8. Fire and Explosion Hazards**

Materials that present potential fire and explosion hazards must be transported, stored, and used only in conformance with all applicable federal, state, and local regulations.

## **ARTICLE 11. OFF-STREET PARKING & LOADING**

- 11.0 GENERAL REQUIREMENTS**
- 11.1 LOCATION OF OFF-STREET PARKING SPACES**
- 11.2 OFF-STREET PARKING DESIGN STANDARDS**
- 11.3 REQUIRED OFF-STREET PARKING SPACES**
- 11.4 SHARED PARKING PERMISSION**
- 11.5 LAND-BANKED PARKING PERMISSION**
- 11.6 COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS**
- 11.7 RECREATIONAL VEHICLES IN RESIDENTIAL DISTRICTS**
- 11.8 REQUIRED BICYCLE PARKING**
- 11.9 REQUIRED OFF-STREET LOADING SPACES**

### **11.0 GENERAL REQUIREMENTS**

#### **1. Existing Facilities**

- a. The existing number of off-street parking and loading spaces may not be reduced below the requirements of this Ordinance. If the number of such existing spaces is already less than required, it may not be further reduced.
- b. Existing off-street parking and loading areas that do not conform to the requirements of this Ordinance, but were in conformance with the requirements of this Ordinance at the time the parking or loading facilities were established, are permitted to continue as a nonconforming site element, subject to Section 17.4.
- c. If a building permit for a structure was issued prior to the effective date of this Ordinance, and if construction has begun within 180 days of the issuance of a permit, the number of off-street parking and loading spaces must be provided in the amount required at the issuance of the building permit unless the amount required by this Ordinance is less, in which case only the number required by this Ordinance needs to be installed.

#### **2. Change in Use**

When the existing use of a structure or land is changed to a new use, parking and loading spaces must be provided as required for the new use.

#### **3. Change in Intensity of Use**

When the intensity of use of any structure or land is increased through additions, expansions, or any increase in floor area or dwelling units, additional parking and loading spaces must be provided. When the intensity of use of any structure or land is decreased by the loss of floor area or dwelling units, the number of parking and loading spaces may be reduced so long as the parking requirements of this Ordinance are met for the structure or land as modified.

#### **4. Provision of Additional Spaces and Parking Maximums**

- a. Nothing in this Ordinance prevents the voluntary establishment of additional off-street parking or loading facilities except as limited by item b below. All regulations governing the location, design, and construction of such facilities must be met.
- b. When parking facilities are constructed for commercial, office, or industrial use over 5,000 square feet in gross floor area, except for those located in the C-5 or C-6 District and any restaurant use, the number of vehicle parking spaces provided may not exceed 115% of the required minimum.

#### **5. Provision of Car-Share and Electric Car Parking Facilities**

Spaces within parking lots and structures may include designated parking spaces for car-share and electric car facilities. A car-share facility is a membership-based car-sharing service that provides automobile rental to members, billable by the hour or day, and is not considered a motor vehicle rental establishment. Spaces reserved for car-share and electric car facilities may count toward minimum parking requirements of this Ordinance.

#### **6. Completion of Off-Street Parking and Loading Facilities**

All off-street parking and loading facilities must be completed prior to the issuance of the certificate of occupancy for the use.

### **11.1 LOCATION OF OFF-STREET PARKING SPACES**

#### **1. Residential Uses**

- a. All required parking spaces for residential uses must be located on the same lot as the residential use. In a mixed-use building, all parking for the residential portion must be located on the same lot.
- b. Tandem parking is permitted for dwellings, but both spaces must be allotted to the same dwelling unit and located on the same lot as the dwelling.
- c. Residential driveways and parking pads must be set back one foot from any interior side lot line.

#### **2. Non-Residential Uses**

- a. All required off-street parking areas for non-residential uses must be located on the same lot as the use served, with the exception of the C-6 District, which is subject to 11.3.4.d.2.
- b. A non-residential use may provide valet service to a parking facility with no distance restriction.

- c. Off-street parking lots are permitted within all yards and required setbacks, subject to the standards of Article 12 (Landscape and Screening), except in the C-1 and C-4 Districts, where off-street parking lots are not permitted within required the front and corner side yards.

## **11.2 OFF-STREET PARKING DESIGN STANDARDS**

### **1. Dimensions**

- a. Off-street parking spaces and drive aisles within a parking lot or structure must be designed in accordance with Table 11-1: Off-Street Parking Space Dimensions. Other parking angles other than those described in Table 11-1 are permitted but a site plan is required to provide evidence of safe and efficient parking configuration and traffic circulation.
- b. All parking stalls located at the end of a dead end parking aisle must be provided with adequate backing and turnaround space. The minimum depth and width of the turnaround space must be nine feet and designated with signs stating “No Parking.”
- c. Parking facilities consisting of 10 or more spaces may set aside up to 10% of the required spaces as compact car spaces.
- d. Accessible parking spaces must comply with the design standards of the State of Illinois Accessibility Code. Such spaces must be identified by a sign and pavement markings indicating parking for the disabled only. Accessible spaces must be closest to the entrance of the structure, and connected by a paved surface designed to provide safe and easy access.

### **2. Residential Passenger Vehicle Parking Pads**

Single-family, two-family and townhouse dwellings are permitted one paved parking pad, subject to the following:

- a. Parking pads may be a permeable surface.
- b. Parking pads are limited to a maximum of 400 square feet in aggregate.
- c. The maximum impervious surface requirement for the lot may not be exceeded to accommodate a parking pad.
- d. Parking pads must be accessed by the driveway.
- e. Parking pads must be located a minimum of one foot from any interior side lot line.
- f. Parking pads are prohibited in the front and corner side yards, with the following exception. A parking pad is permitted in the front yard and corner side yard when it is directly attached to a driveway, is no more than 10 feet in width and 20 feet in length.

- i. When the driveway is accessed from the front yard, the maximum length is measured from the garage door toward the front lot line and the maximum width is measured from the garage wall toward the corner side lot line.
  - ii. When the driveway is accessed from the corner side yard, the maximum length is measured from the garage door toward the corner side lot line and the maximum width is measured from the garage wall toward the front lot line.
- g. Any required tapering for a driveway is measured from the edge of the parking pad.

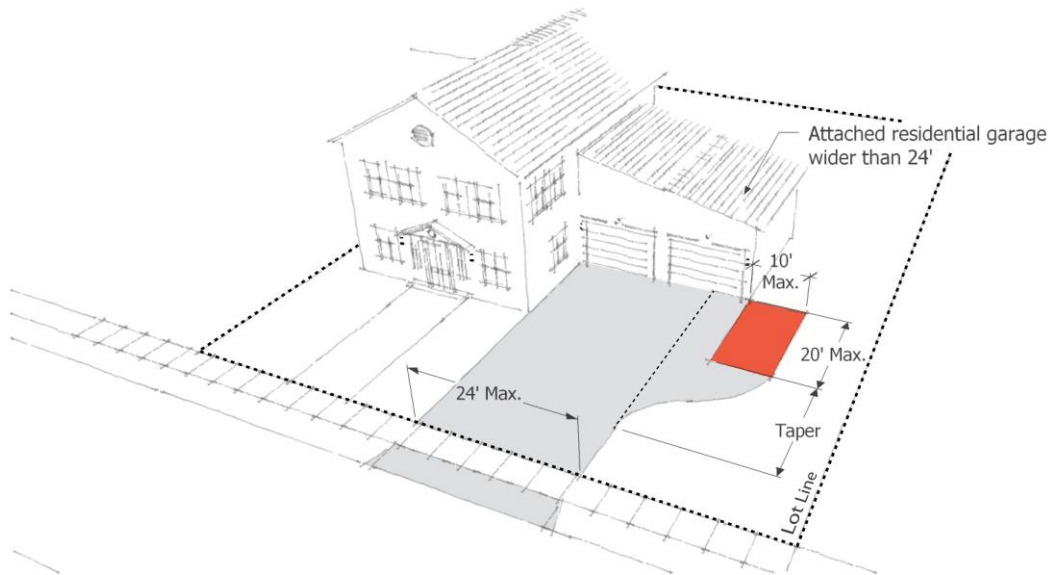
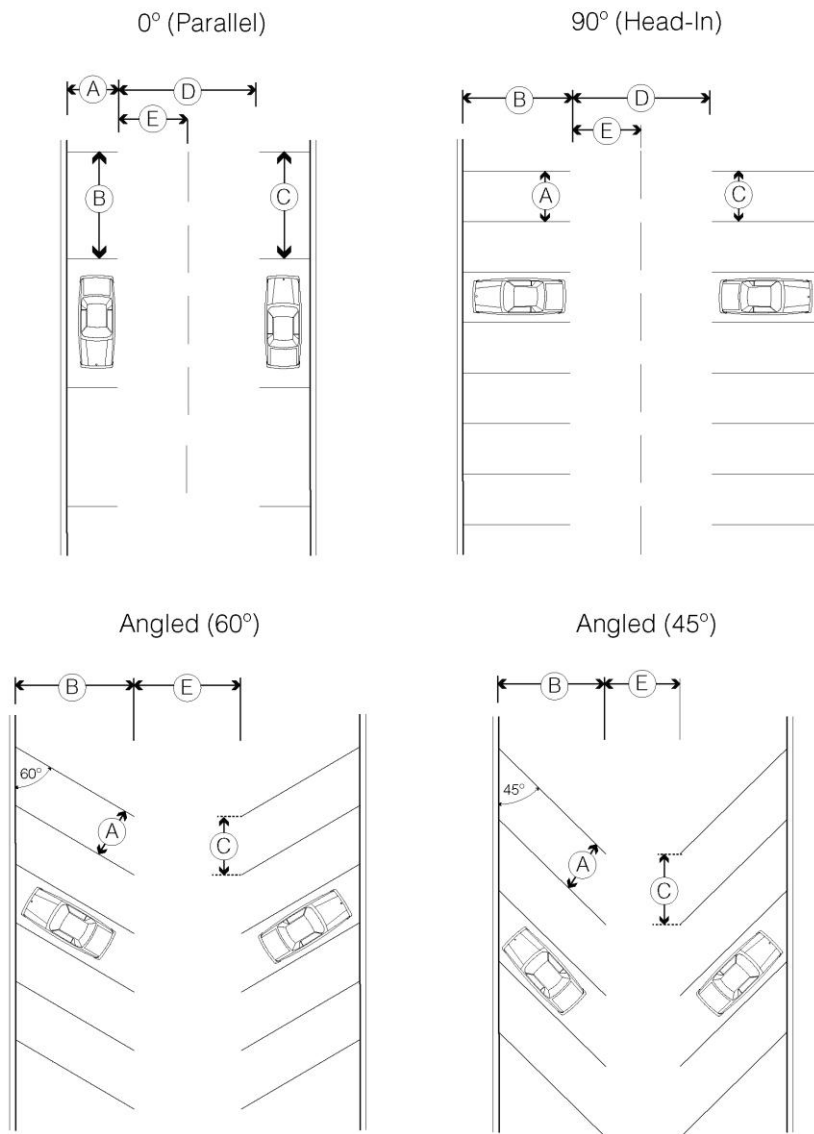


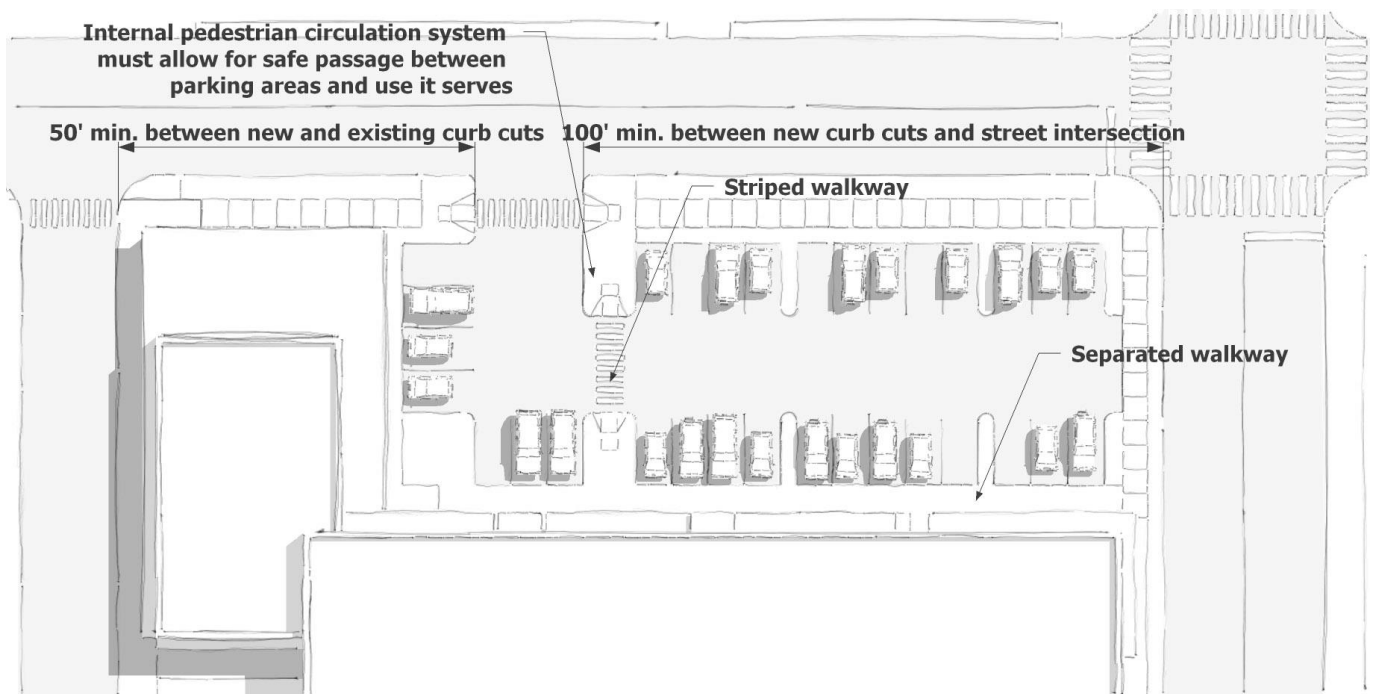
Table 11-1: Off-Street Parking Space Dimensions									
Parking Angle	STANDARD			COMPACT			Aisle Width <i>Two-Way</i> (D)	Aisle Width <i>One-Way</i> (E)	Vertical Clearance
	Stall Width (A)	Stall Depth (B)	Skew Width (C)	Stall Width (A)	Stall Depth (B)	Skew Width (C)			
0° (Parallel)	9	18'	18'	8.5'	18'	17'	22'	12'	7' 6"
90° (Head-In)	9'	18'	9'	8.5'	18'	8.5'	24'	20'	7' 6"
60°	9'	21'	9.8'	8.5'	20'	9.3'	N/A	19'	7' 6"
45°	9'	19.8'	12'	8.5'	18.8'	11.5'	N/A	12.5'	7' 6"





### 3. Access

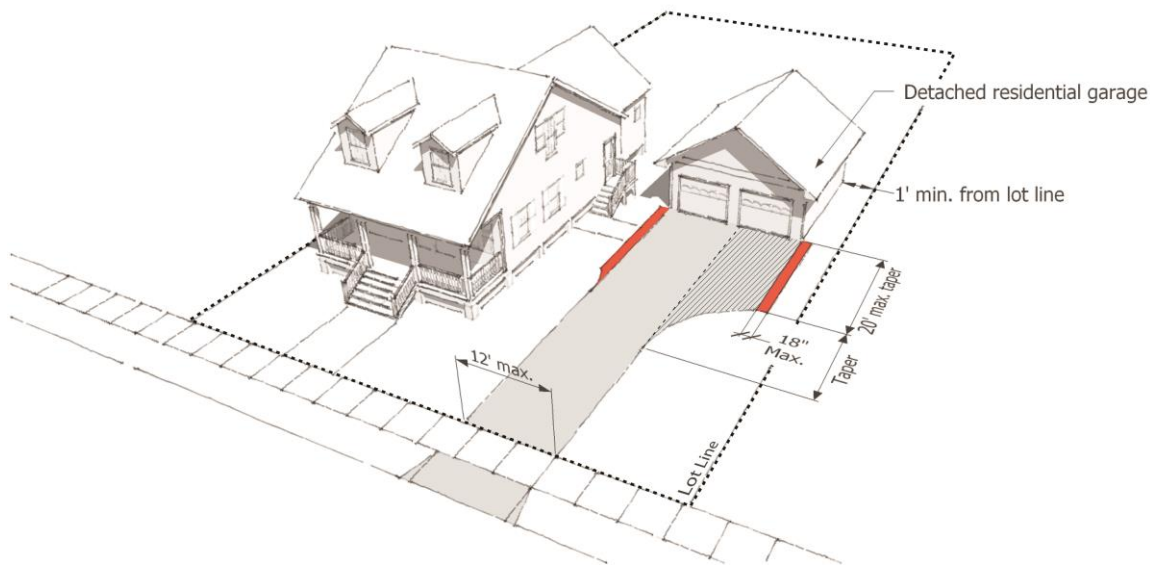
- a. All required off-street parking facilities must have vehicular access from a street, driveway, or cross-access connection.
- b. All required off-street parking facilities must have an internal pedestrian circulation system that allows for safe passage between parking areas and any public sidewalk in the adjacent right-of-way and the use it serves. This includes, but is not limited to, interconnected sidewalks, striped walkways, and separated walkways. This does not apply to single-family and two-family dwellings.
- c. All parking facilities must be designed with vehicle egress and ingress points that least interfere with traffic movement. Parking facilities must be designed to allow the driver to proceed forward into traffic, rather than back out, however this does not apply to single-family and two-family dwellings.
- d. Any new curb cuts must be located a minimum of 50 feet from any existing curb cut and 100 feet from an intersection, as measured from the front of the nearest curb returns.



- e. Single-family and two-family dwelling driveways must meet the following standards:

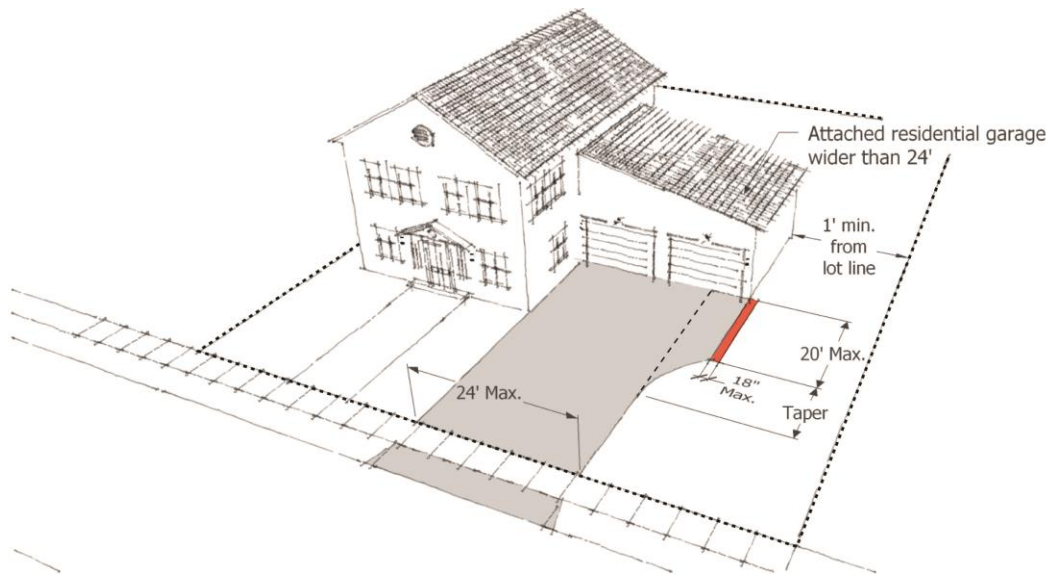
- (1) A residential driveway that provides access to a detached garage or carport is limited to a maximum width as follows:
- a. One car garage: 14 feet
  - b. Two car garage: 16 feet
  - c. Three or more car garage: 18 feet

For the purpose of this provision, 9 feet of garage width is required per garage space. A driveway apron, the width of the garage or carport, plus an additional 18 inches on both sides of the garage walls, is permitted to extend for a distance (depth) of 20 feet back from the garage doors or carport entrance before tapering back to the maximum driveway width to allow access to the additional spaces. Such taper must not exceed a 45 degree angle.



- (2) A residential driveway that provides access to an attached garage shall be no wider than the width of the garage plus an additional 18 inches on both sides of the garage walls or 24 feet, whichever is less. Where the attached garage is wider than 24 feet, a driveway apron, the width of the garage plus an additional 18 inches on both sides of the garage walls, is permitted to extend for a distance (depth) of 20 feet back from the garage doors before tapering back to the maximum driveway width to allow access to the additional spaces. Such taper must not exceed a 45 degree angle.
- (3) Driveways must be located a minimum of one foot from a lot line.
- (4) For driveways with two curb cuts (U-shaped driveways), the portion of the driveway providing the most direct access from the public right-of-way or private street or access drive to the garage must adhere to the standards for driveways leading to attached or detached garages. Any section of the U-

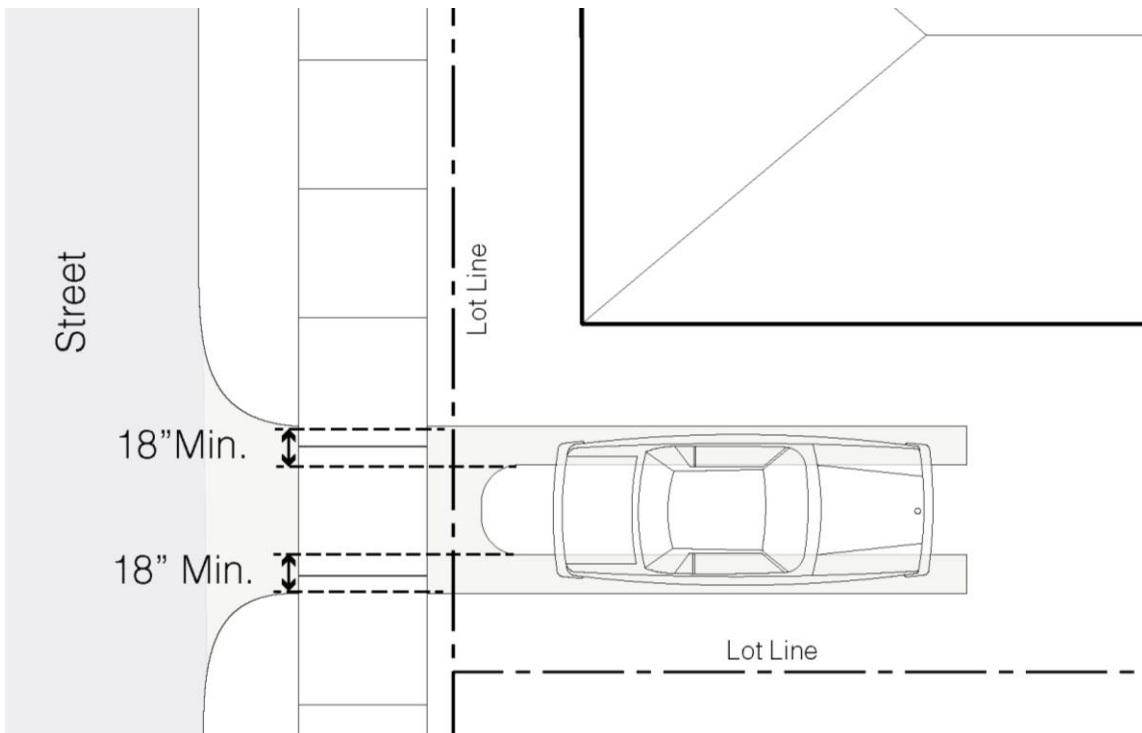
shaped driveway other than this portion is limited to 12 feet in width. In addition, lots with U-shaped driveways are not allowed a parking pad in the front yard.



- f. Multi-family and townhouse dwellings and non-residential use driveways must be a minimum of 12 feet for one-way drives, and a minimum of 22 feet for two-way drives. No driveway width may exceed 30 feet. However, in the commercial, office, and industrial districts, no driveway may exceed 36 feet in width.

#### 4. Surfacing

- a. All off-street parking lots and parking pads must be improved with a hard surfaced, all-weather dustless material. Pervious paving may also be used, however gravel is prohibited.
- b. For single-family and two-family dwellings, a parking space may consist of two parallel paved parking strips, each of which is at least 18 inches in width and 18 feet long. Gravel and wood chips are prohibited as fill material between the parking strips.



## 5. Striping

Off-street parking lots of four or more spaces must delineate parking spaces with paint or other permanent materials, which must be maintained in clearly visible condition.

## 6. Wheel Stops and Curbing

Wheel stops or curbing must be installed along the perimeter of parking lots to prevent vehicles from damaging or encroaching upon any adjacent parking space, sidewalk, landscape, fence, wall, or structure. Such wheel stops or curbing must be constructed of permanent materials, such as concrete, masonry, or steel, a minimum height of four inches above ground level, and permanently affixed to the paved parking area.

## 7. Lighting

Parking lot lighting must be in accordance with Section 10.1 (Exterior Lighting).

## 8. Landscape and Screening

All parking lots must be landscaped in accordance with Article 12 (Landscape and Screening).

## **9. Use of Parking and Loading Spaces**

All required parking and loading spaces must be used for vehicle parking and loading, as applicable. No required space may be used for storage or vehicle repair.

### **11.3 REQUIRED OFF-STREET PARKING SPACES**

1. The minimum number of off-street parking spaces to be provided for the designated uses shall be as follows in Table 11-2: Off-Street Parking Requirements. Table 11-2 lists parking requirements for the uses listed within the districts. In some cases, uses which are considered part of a generic use category are listed with specified parking requirements. These specific uses are listed only for the purposes of this section and do not indicate whether such uses are permitted or special uses within any district.
2. Certain uses listed within the districts do not have parking requirements. These types of uses are not listed within Table 11-2.
3. The Planning and Zoning Board may authorize a modification, reduction, or waiver of these requirements, if it finds that, in the particular case, the peculiar nature of the use, the exceptional shape or size of the property, or other exceptional situation or condition would justify such action.
4. The total number of required parking spaces is calculated by the principal use of the lot. When more than one use occupies the same lot, the number of required spaces is the sum of the separate requirements for each use, unless a shared parking arrangement is approved or such use is a multi-tenant retail center, which has a separate requirement. The following standards for computation shall apply:
  - a. Spaces allocated to any off-street loading space may not be used to satisfy the requirement for any required off-street parking space or access aisle, or portion thereof. Conversely, the area allocated to any required off-street parking space may not be used to satisfy the replacement for any required off-street loading space or portion thereof.
  - b. When calculating the number of required off-street spaces results in a requirement of a fractional space, said fraction is rounded up.
  - c. In places of assembly in which patrons or spectators occupy benches, pews or similar seating facilities, each 24 inches of such seating facility shall be counted as one seat for the purpose of determining the requirement for off-street parking facilities. Floor area of a prayer hall is counted as one seat per marked prayer mat space or one seat for every five square feet in the prayer hall if prayer mat spaces are not marked.
  - d. Required parking in the C-6 District is calculated as follows:
    - (1) Five spaces per 1,000 square feet of net floor area, except offices, hotels/motels, and freestanding restaurants, which must meet the requirements of Table 11-2.

- (2) Subject to Zoning Administrator approval, only 80% of the required parking need be provided on the lot or building parcel on which any specific use is located so long as the remainder of the required parking is located within 400 feet walking distance from such lot or building parcel and the overall parking ratio is not reduced below that required.

e. Parking in the EGG Overlay District is required as follows:

- (1) If a lot with an existing structure designates and records an area on the lot for a cross-access easement, the parking existing on the site as of the effective date of this Ordinance is deemed conforming. When an adjacent lot designates an area for cross-access, such cross-access must be established.
- (2) If a lot is redeveloped (i.e., the principal structure is demolished) and an area on the lot is designated and recorded for a cross-access easement, such lot is granted a 30% reduction in the required parking. When an adjacent lot designates an area for cross-access, such cross-access must be established.
- (3) If a lot with an existing structure does not provide for a cross-access easement, parking must be provided as required by this Article. If a lot is redeveloped and does not provide for a cross-access easement, parking must be provided as required by this Article.

- f. With the exception of single-family, two-family, and townhouse dwellings, parking spaces for disabled persons must be provided. The number of accessible parking spaces must be included in the total number of required parking spaces and in accordance with the applicable requirements of the Illinois Accessibility Code, as amended from time to time, and any additional governing codes and applicable laws.

<b>Table 11-2: Off-Street Parking Requirements</b>	
<b>Use</b>	<b>Required Parking Spaces</b>
Adult Use	3 per 1,000sf of GFA
Amusement Theme Park	90 per acre of amusement area, defined as footprint for amusement ride area, excluding parking, buffers, and service/maintenance areas; no more than 10% of spaces may be dedicated to employees
Animal Care Facility	2 per 1,000sf of GFA (any outdoor area excluded)
Art Gallery	2 per 1,000sf of GFA
Arts Studio	3 per 1,000sf of GFA
Bar	15 per 1,000sf of GFA
Body Modification Establishment	3 per 1,000sf of GFA
Broadcasting Facility – TV/Radio	3 per studio
Car Wash	3 per bay
Cemetery	6 per parlor or chapel + 4 per 1,000sf of GFA of office and/or preparation area
Community Residence	.5 per bed

<b>Table 11-2: Off-Street Parking Requirements</b>	
<b>Use</b>	<b>Required Parking Spaces</b>
Contractor Storage Yard	3 per 1,000sf of GFA of office area
Country Club	Calculated as sum of applicable uses (golf course, restaurant, etc.)
Cultural Facility	3 per 1,000sf of GFA
Day Care Center	1 per each employee (on largest shift) plus 1 per each 10 children (capacity)
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 unit, or 1 bedroom unit: 1.5 per dwelling unit All other units: 2 per dwelling unit
Dwelling – Above the Ground Floor	1 per dwelling unit
Educational Facility – Primary or Secondary (No Boarding)	2 per classroom and/or office
Educational Facility – Primary or Secondary (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 max. occupancy load
Educational Facility – Vocational	2 per classroom and/or office + 1 per 2 students based on max. occupancy load
Fairground	1 per 4 persons based on maximum occupancy load
Financial Institution	3 per 1,000sf of GFA + 3 stacking spaces for each drive-through lane
Flea Market	3 per 1,000sf of total lot area
Funeral Home	6 per parlor or chapel + 10 per 1,000sf of GFA
Gas Station	1 per each fueling position + 3 per 1,000sf of GFA
Golf Course and/or Driving Range	Golf Course: 40 per 9 holes plus 2 per tee box Driving Range: 2 per tee box
Government Office	4 per 1,000sf of GFA
Greenhouse/Nursery - Retail	3 per 1,000sf of GFA, including any outdoor sales and display area (storage excluded)
Heavy Retail, Rental and Service	3 per 1,000sf of GFA, including any outdoor sales and display area (storage excluded)
Helipad	2 per pad
Heliport	2 per pad + 4 per 1,000sf of terminal GFA
Hospital	4.75 per bed
Hotel/Motel	1.1 per room
Kennel	2 per 1,000sf of GFA (outdoor area

<b>Table 11-2: Off-Street Parking Requirements</b>	
<b>Use</b>	<b>Required Parking Spaces</b>
	excluded)
Industrial Design	4 per 1,000sf of GFA
Industrial – Light	1 per 1,000sf of GFA up to 40,000sf; then 1 per 2,000sf for 40,000sf and above of GFA
Industrial – General	1 per 1,000sf of GFA up to 40,000sf; then 1 per 2,000sf for 40,000sf and above of GFA
Industrial – Heavy	1 per 1,000sf of GFA up to 40,000sf; then 1 per 2,000sf for 40,000sf and above of GFA
Landscape Business	3 per 1,000sf of GFA (outdoor area excluded)
Live Performance Venue	1 per 4 persons of rated capacity
Lodge/Meeting Hall	1 per 4 persons of rated capacity
Medical/Dental Clinic – With Dispensary	4 per 1,000sf of GFA
Medical/Dental Clinic – Without Dispensary	4 per 1,000sf of GFA
Micro-Brewery	1 per 1,000sf of GFA up to 40,000sf; then 1 per 2,000sf for 40,000sf and above of GFA + 10 per 1,000sf of total tasting room area
Micro-Distillery	1 per 1,000sf of GFA up to 40,000sf; then 1 per 2,000sf for 40,000sf and above of GFA+ 10 per 1,000sf of total tasting room area
Micro-Winery	1 per 1,000sf of GFA up to 40,000sf; then 1 per 2,000sf for 40,000sf and above of GFA+ 10 per 1,000sf of total tasting room area
Multi-Tenant Commercial Development	5 per 1,000sf of GFA
Office	3 per 1,000sf of GFA
Pawn Shop	3 per 1,000sf of GFA
Personal Service Establishment	3 per 1,000sf of GFA + 3 stacking spaces for each drive-through lane
Place of Worship	1 per 4 seats + 1 per 1,000sf of any residential living area (convent, rectory, etc.)
Public Safety Facility	3 per 1,000sf of GFA (outdoor area and service garages excluded)
Public Works Facility	3 per 1,000sf of GFA (outdoor area and service garages excluded)
Reception Facility	10 per 1,000sf of GFA
Recreational Vehicle Dealership	4 per 1,000sf of GFA of showroom + 1 per 10,000sf of total lot area
Recreation, Indoor	2 per 1,000sf of GFA
<i>Bowling Alley</i>	<i>5 per lane</i>
<i>Recreation Courts</i>	<i>4 per court</i>



<b>Table 11-2: Off-Street Parking Requirements</b>	
<b>Use</b>	<b>Required Parking Spaces</b>
<i>Swimming Pool</i>	<i>1 per 5,000sf + 1 per 75sf of water area</i>
<i>Movie Theater</i>	<i>1 per 4 persons of rated capacity</i>
Recreation, Outdoor	2 per 1,000sf of lot area
<i>Recreation Courts</i>	<i>4 per court</i>
<i>Swimming Pool</i>	<i>1 per 5,000sf + 1 per 75sf of water area</i>
Research and Development (R&D)	4 per 1,000sf of GFA
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
Restaurant	15 per 1,000sf of GFA
Retail Goods Establishment	Grocery Store: 4 per 1,000sf of GFA Retail Goods Establishment under 50,000sf: 3 per 1,000sf of GFA Retail Goods Establishment of 50,000sf or More: 4 per 1,000sf of GFA
Salvage Yard	3 per 1,000sf of office area
Self-Storage Facility	1 space per 25 storage units
Specialty Food Service	4 per 1,000sf of GFA
Storage Yard (Outdoor)	3 per 1,000sf of office area
Vehicle Dealership	4 per 1,000sf of GFA of showroom + 1 per 10,000sf of total lot area
Vehicle Operation Facility	4 per 1,000sf of GFA of office area
Vehicle Rental	4 per 1,000sf of GFA of office area
Vehicle Repair/Service – Minor or Major	5 per service bay
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

#### **11.4 SHARED PARKING PERMISSION**

Within the non-residential districts, off-street parking spaces for separate uses may be provided collectively by shared parking. The number of spaces required is calculated by the Zoning Administrator using the calculations within the Urban Land Institute “Shared Parking” publication (second edition). Specifically, Table 2-2 (Summary of Recommended Base Parking Ratios), Table 2-5 (Recommended Time-of-Day Factors for Weekends), and Table 2-6 (Recommended Time-of-Day Factors for Weekdays) will be used to calculate the required parking.

#### **11.5 LAND-BANKED PARKING PERMISSION**

With the exception of single-family and two-family uses, up to 25% of the required parking spaces of an off-street parking lot may be land-banked during the site plan review process as follows:

- a. Sufficient evidence must be provided by the applicant that supports the reduced parking needs.
- b. The area proposed for land banking of parking spaces must be an area suitable for conversion to parking at a future time.
- c. The land-banked area must be landscaped.
- d. The land-banked area cannot be used for any other use, such as storage, and cannot be used to fulfill other landscape requirements of this Ordinance.
- e. As part of the site plan review process, the applicant must show the area to be banked on the site plan as "Land-Banked Future Parking."
- f. The Zoning Administrator, on the basis of increased parking demand for the use, is authorized to require the conversion of all or part of the land-banked area to off-street parking spaces. Such conversion must be completed within 60 days of notification by the Zoning Administrator. Nothing prevents the applicant from converting the land-banked area to parking prior to Village notification.

#### **11.6 COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS**

The parking and storage of commercial vehicles or commercial equipment on lots zoned or used for residential purposes must conform to the following requirements.

- a. Commercial vehicles or commercial equipment must be parked or stored inside a fully enclosed structure, with the following exemptions:
  - (1) On lots used or zoned for single-family residential purposes, a maximum of one commercial vehicle with print or logos that advertises a business that has a gross vehicle weight rating (GVWR) of 11,500 pounds or less and has not had external modifications to the structure or body as defined as a commercial vehicle, may be parked or stored outside on an all-weather surface that shall be graded for proper drainage and maintained at all times in such a manner as to prevent the release of dust and to be free of dust, trash, and debris.
  - (2) On lots used or zoned for two-family residential purposes, a maximum of one commercial vehicle per unit with print or logos that advertises a business that has a GVWR of 11,500 pounds or less and has not had external modifications to the structure or body as defined as a commercial vehicle may be parked or stored outside on an all-weather surface that shall be graded for proper drainage and maintained at all times in such a manner as to prevent the release of dust and to be free of dust, trash, and debris.
  - (3) On properties used or zoned for multi-family residential purposes, there is no limit on the number of vehicles with print or logos that advertises a business that has a GVWR of 11,500 pounds or less and have not had external modifications to the structure or body as defined as a commercial vehicle that may be parked or stored outside on an all-weather surface that shall be graded for proper drainage and maintained at all times in such a manner as to prevent the release of dust and to be free of dust, trash, and debris.

- (4) Commercial vehicles that are taking on or discharging passengers or cargo, or when temporarily parked pursuant to the performance of work, or utility company vehicles that are responding to an emergency situation or which are on-call for an emergency situation.
  - (5) Public or private school buses parked or stored on lots used for educational facilities or places of worship, subject to the vehicles being parked on an all-weather surface graded for proper drainage and maintained at all times in such a manner as to prevent the release of dust and to be free of dust, trash, and debris with a minimum ten foot setback from any lot line abutting a non-residentially zoned or used lot and a minimum 30 foot setback from any lot line abutting a residentially zoned or used property.
  - (6) Agricultural vehicles and equipment parked or stored on property used primarily for agricultural purposes.
- b. Commercial vehicles or commercial equipment must be owned or operated by a resident or owner of the property where the vehicle is being parked.

#### **11.7 RECREATIONAL VEHICLES IN RESIDENTIAL DISTRICTS**

The parking and/or storage of recreational vehicles or utility/haul trailers on properties zoned or used for residential purposes must conform to the following requirements:

- a. Parking areas must be improved with a hard surfaced, all-weather dustless material
- b. Recreational vehicles may be stored in any enclosed permanent structure. Temporary storage tents for recreational vehicles are not considered an enclosed permanent structure.
- c. On properties zoned or used for single-family or two-family residential purposes that have less than 40,000 square feet of lot area, a maximum of one recreational vehicle or utility/haul trailer may be parked or stored outside (i.e. not within a fully enclosed structure), with the following exemptions:
  - (1) A recreational vehicle occupied by a non-resident guest, as described in Paragraph n below, does not count toward the maximum number.
  - (2) Recreational vehicles and/or utility/haul trailers that are loading or unloading do not count toward the maximum number, as long as said loading and unloading action is conducted in no more than 72 consecutive hours.
- d. On properties zoned or used for single-family or two-family residential purposes that have 40,000 square feet or more of lot area, a maximum of two recreational vehicles or utility/haul trailers, or combination thereof, may be parked or stored outside, (i.e. not within a fully enclosed structure), with the following exemptions:
  - (1) A recreational vehicle occupied by a non-resident guest, as described in Paragraph n below, does not count toward the maximum number.

- (2) Recreational vehicles and/or utility/haul trailers that are loading or unloading do not count toward the maximum number, as long as said loading and unloading action is conducted in no more than 72 consecutive hours.
- e. On properties zoned or used for multi-family residential purposes, there are no limit on the number of recreational vehicles or utility/haul trailers that may be parked or stored outside a fully enclosed structure, as long as these vehicles do not occupy any required parking spaces.
  - f. Utility/haul trailers may not contain print or logos that advertise a business.
  - g. Utility/haul trailers may contain no more than two axles.
  - h. Recreational vehicles or utility/haul trailers must have current and valid registration if required by state statute to be registered for operation on a public highway.
  - i. Recreational vehicles or utility/haul trailers must be parked, stored, and maintained in an operable condition at all times.
  - j. Recreational vehicles or utility/haul trailers must be parked or stored on asphalt, concrete, crushed stone, or brick pavers, and must be free of noxious weeds or grass.
  - k. Recreational vehicles or utility/haul trailers must not have their wheels or other transportation devices removed, except that slide-in pick-up truck campers are allowed to be stored detached from a truck as long as they are stored in accordance with the other requirements of this section.
  - l. Recreational vehicles or utility/haul trailers must be owned by the property owner or occupant.
  - m. Recreational vehicles or utility/haul trailers must not be parked or stored so as to extend into or over any public sidewalk, street, or street right-of-way.
  - n. Recreational vehicles are prohibited from being occupied or used for living, sleeping, or housekeeping purposes by the property owner or occupant. Recreational vehicles may only be used by non-resident families or guests that have an established residence outside the Village, subject to the following:
    - (1) The number of days that recreational vehicles may be used by all non-resident guests on a property does not exceed a total of 30 days in a calendar year.
    - (2) No more than one recreational vehicle may be used by a non-resident guest at any one time.
    - (3) The owner or resident of the property on which a non-resident guest with a recreational vehicle is located, or the owner of the recreational vehicle, must register with the Zoning Administrator of the Village by the next business day after such recreational vehicle is parked on said property. The registration of the vehicle must be a written request to the Zoning Administrator that contains the reasoning of the request, the address of said property, the duration of time the recreational

vehicle will be present, the license plate number of the recreational vehicle that will be temporary parked, and its exact location on the property.

## 11.8 REQUIRED BICYCLE PARKING

### 1. Design

- a. Required bicycle spaces must have a minimum dimension of two feet in width by six feet in length, with a minimum overhead vertical clearance of seven feet.
- b. Bicycle parking facilities must provide racks where the bicycle may be locked by the user or lockable enclosed lockers. Structures that require a user-supplied locking device must be designed to accommodate U-shaped locking devices. All lockers and racks must be securely anchored to the ground or the structure to prevent the racks and lockers from being removed from the location.
- c. If required bicycle parking facilities are not readily visible, signs must be posted indicating their location.
- d. Areas used for required bicycle parking must be paved and drained to be reasonably free of mud, dust, and standing water, and must be well-lit.

### 2. Location

- a. All required bicycle spaces must be located on the same lot as the use served. However, the Zoning Administrator, upon consultation with the Department of Public Works, may approve the location of bicycle spaces in the public right-of-way.
- b. Required bicycle parking for residential uses may be provided in garages, storage rooms, and other resident-accessible secure areas. Space within dwelling units, including areas such as balconies, are not counted toward satisfying bicycle parking requirements.

### 3. Required Number of Bicycle Spaces

Where off-street parking facilities are provided, the number of bicycle parking spaces must be provided as indicated in Table 11-4: Required Bicycle Spaces. In all cases where bicycle parking is required, a minimum of two spaces is required. However, no more than a total of 50 bicycle parking spaces are required to be provided.

Table 11-4: Required Bicycle Spaces	
Use	Required Bicycle Spaces
Multi-Family Dwelling	1 per 10 dwelling units
Retail Goods Establishment, Personal Services Establishment, Office, or Multi-Tenant Retail Center over 40,000sf in GFA	1 per 25 parking spaces
Indoor or Outdoor Recreation or Entertainment	1 per 25 parking spaces
Educational Facilities, Primary or Secondary	1 per 20 parking spaces
Educational Facilities, University or Vocational	1 per 20 parking spaces

## **11.9 REQUIRED OFF-STREET LOADING SPACES**

### **1. Design of Off-Street Loading Spaces**

- a.** Off-street loading spaces must be located as follows:
  - (1)** All off-street loading spaces must be located on the same lot as the use served.
  - (2)** Off-street loading spaces must be located a minimum of 30 feet from the intersection of any two streets.
  - (3)** No off-street loading space must be located in a front or corner side yard.
  - (4)** All off-street loading spaces must be located a minimum of 50 feet from the lot line of any residential district, unless completely enclosed by building walls or a uniformly painted solid fence or wall, or any combination thereof, a minimum of six feet in height. In such case, the loading area must be a minimum of 20 feet from such lot line.
- b.** All required off-street loading spaces shall be at least 12 feet in width and at least 30 feet in length, exclusive of aisle and maneuvering space, and shall have a minimum vertical clearance of at least 15 feet.
- c.** All off-street loading spaces must be improved with a hard surfaced, all-weather dustless material.
- d.** All off-street loading spaces must meet the lighting requirements of Section 10.1 (Exterior Lighting).
- e.** Loading berths must be screened along interior side and rear lot lines with a solid wall or fence, a minimum of six feet in height.
- f.** All off-street loading spaces must be located in a manner where trucks are able to maneuver into the loading space on-site and not by conducting maneuvers in the right-of-way.
- g.** Any trailers stored on-site for loading purposes must be placed behind the building. No trailer may be stored in any loading lane. No trailer may be permanently maintained on the site.
- h.** Central loading facilities may be substituted for loading berths on individual lots subject to the following:
  - (1)** Each lot served must have direct access to the central loading area without crossing streets or alleys at-grade.
  - (2)** No lot served may be more than 500 feet from the central loading area.

- (3) A tunnel or ramp connecting the central loading area with the lot must be not less than seven feet in width and maintain a vertical clearance of seven feet.

## 2. Required Number of Off-Street Loading Spaces

Off-street loading spaces must be provided in accordance with Table 11-5: Off-Street Loading Requirements. In the case of multi-tenant buildings or mixed-use developments, required loading spaces are calculated on the basis of each individual tenant (for example, if only one commercial tenant of a multi-tenant building is over 10,000 square feet, only one loading space is required; if all tenants are under ten-thousand 10,000 square feet, no loading is required).

Table 11-5: Off-Street Loading Requirements	
Use	Required Loading Spaces
<b>Specific Uses</b>	
Multi-Family Dwelling over 10,000sf of gross floor area	1 loading space
Hotel/Motel with exhibition halls, convention halls, auditoriums, office facilities	1 loading space
<b>Commercial, Office &amp; Institutional Uses</b>	
10,000 - 100,000sf of gross floor area	1 loading space
Over 100,000sf of gross floor area	2 loading spaces
Over 200,000sf of gross floor area	3 loading spaces
<b>Industrial Uses</b>	
5,000 - 10,000sf of gross floor area	1 loading space
10,001 - 40,000sf of gross floor area	2 loading spaces
Over 40,001sf of gross floor area	3 loading spaces

## **ARTICLE 12. LANDSCAPE & SCREENING**

- 12.0 LANDSCAPE PLAN**
- 12.1 ENFORCEMENT OF LANDSCAPE PLAN**
- 12.2 SELECTION, INSTALLATION AND MAINTENANCE**
- 12.3 LANDSCAPE DESIGN STANDARDS**
- 12.4 REQUIRED SETBACK LANDSCAPE**
- 12.5 REQUIRED PARKING LOT LANDSCAPE**
- 12.6 REQUIRED LANDSCAPE ILLUSTRATION**

### **12.0 LANDSCAPE PLAN**

#### **1. Landscape Plan Required**

A landscape plan is required as part of any planned unit development or site plan review application for townhouse, multi-family, non-residential or mixed-use development, and must be approved prior to the issuance of a building permit.

#### **2. Content of Landscape Plan**

- a. The location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, rights-of-way, refuse disposal and recycling areas, pedestrian and bicycle paths, fences, mechanical equipment, overhead utility wires, retention/detention facilities, and other drainage facilities, such as drainage swales.
- b. The location, quantity, size, name, and condition, both botanical and common, of all existing plant materials on-site, indicating plant material to be retained and removed.
- c. The location, quantity, size, and name, both botanical and common, of all proposed plant material.
- d. The existing and proposed grading of the site indicating contours at one foot intervals. Proposed berming must also be indicated using one foot contour intervals.
- e. Elevations of all proposed fences, stairs, and retaining walls.
- f. Any other details as determined necessary by the Zoning Administrator.

#### **3. Minor Changes to Approved Landscape Plans**

Minor changes to the landscape plan that do not result in a reduction in the net amount of plant material as specified on the approved landscape plan may be approved by the Zoning Administrator. Changes to the amount of plant materials of an approved landscape plan are not considered a minor change. Major changes must be approved by the body granting approval of the landscape plan initially.



## **12.1 ENFORCEMENT OF LANDSCAPE PLAN**

1. No certificate of occupancy will be issued until all the requirements of this Article and the landscape plan have been fulfilled. Failure to implement the landscape plan, or to maintain the lot in conformance with the landscape plan, may result in the application of fines and penalties, as established in the Gurnee Municipal Code. All landscape is subject to periodic inspection.
2. If weather prohibits the installation of landscape at the time a certificate of occupancy is applied for, a temporary certificate of occupancy may be issued for a six month period with provision of a security bond or security for 115% of the estimated amount, including installation.

## **12.2 SELECTION, INSTALLATION AND MAINTENANCE**

### **1. Selection**

All plant materials must be of good quality and meet American Association of Nurserymen (AAN) standards for minimum acceptable form, quality and size (unless specified differently by this section) for species selected, and capable to withstand the seasonal temperature variations of northeastern Illinois, as well as the individual site microclimate. The use of species native or naturalized to northeastern Illinois is encouraged. Size and density of plant material, both at the time of planting and at maturity, are additional criteria that must be considered when selecting plant material. Where appropriate, the use of drought and salt tolerant plant material is preferred.

### **2. Installation**

All landscape materials must be installed in accordance with the current planting procedures established by the AAN. All plant materials must be free of disease and installed so that soil of sufficient volume, composition, and nutrient balance are available to sustain healthy growth. Installation of plant materials during the appropriate growing season is encouraged.

### **3. Maintenance**

- a. Landscape materials depicted on approved landscape plans is considered a required site element in the same manner as structures, required parking, lighting, and other improvements. As such, the owner of record or the business or homeowner's association is responsible for the maintenance, repair, and replacement of all landscape materials, fences, steps, retaining walls, and similar landscape elements.
- b. All landscape materials must be maintained in good condition, present a healthy, neat and orderly appearance, and kept free of refuse and debris. Any dead, unhealthy, or missing plants must be replaced within 60 days of notification by the Zoning Administrator, unless an extension is permitted by the Zoning Administrator.

## **12.3 LANDSCAPE DESIGN STANDARDS**

### **1. Minimum Planting Sizes**

- a. Shade trees must have a minimum trunk size of three inches in caliper at planting.
- b. Evergreens trees must have a minimum height of six feet at planting.
- c. Single stem ornamental trees must have a minimum trunk size of three inches in caliper at planting. Multiple stem ornamental trees must have a minimum height of eight feet at planting.
- d. Large deciduous and evergreen shrubs must have minimum height of three feet at installation. Small deciduous and evergreen shrubs must have a minimum height of 18 inches at installation. Large shrubs are those shrubs that reach five or more feet in height at maturity. Small shrubs are those shrubs that may grow up to five feet in height if left unmaintained, but are generally maintained at heights of eighteen 18 to 30 inches.

### **2. Energy Conservation**

Plant material placement should be designed to reduce the energy consumption needs of the development.

- a. Deciduous trees should be encouraged on the south and west sides of buildings to provide shade from the summer sun.
- b. Evergreens and other plant materials should be encouraged on the north and west sides of buildings to dissipate the effect of winter winds.

### **3. Tree Species Diversity**

Diversity among required trees is required for visual interest and to reduce the risk of losing a large population of trees due to disease. Table 12-1: Tree Diversity Requirements indicates the percentage of diversity required based on the total quantity of tree species being used. For example, if a development requires 45 shade trees, no more than 18 trees (40%) and no less than five trees (10%) can be of one species, and there must be a minimum of five different species within the 45 trees. When the calculation of plant diversity requirements results in a fraction, said fraction is rounded up.

Table 15-1: Tree Diversity Requirements			
Total Number of Trees per Type	Diversity Requirements		Minimum Number of Species
	Maximum Number of One Species	Minimum Number of One Species	
1-4	100%	N/A	1
5-10	60%	40%	2
11-15	45%	20%	3
16-75	40%	10%	5
76-500	25%	5%	8
500-1,000	30%	5%	10
1,000+	15%	4%	15

#### 4. Berming

Earthen berms and existing topographic features may be incorporated into the landscape treatment of a site where there is sufficient space and, in particular, when berms and existing topographic features can be combined with plant material to facilitate effective screening. Minimum unretained berm side slopes must be maintained at no steeper than a 4:1 slope ratio to prevent erosion and be properly and safely maintained, unless a steeper slope is allowed by the Zoning Administrator or other sections of this Ordinance. Retained slopes may be implemented with the appropriate terracing necessary to reduce the need for safety railing.

### 12.4 REQUIRED SETBACK LANDSCAPE

#### 1. General Requirements

- a. All portions of a lot not covered by structures or paved surfaces must be landscaped with trees, shrubbery, live groundcover, and other plantings.
- b. All existing plantings that are maintained on a site may be counted toward required on-site landscape.

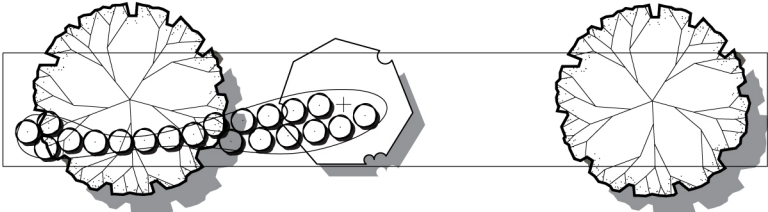
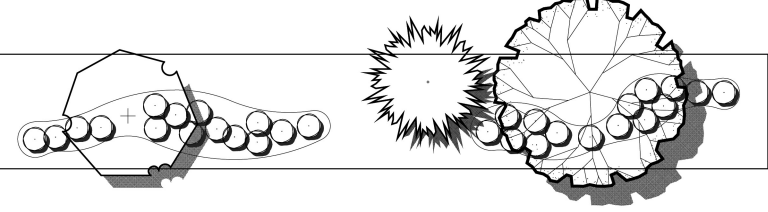
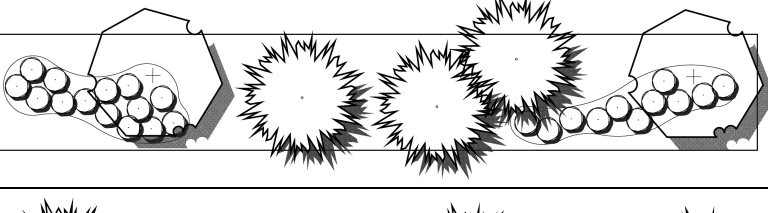
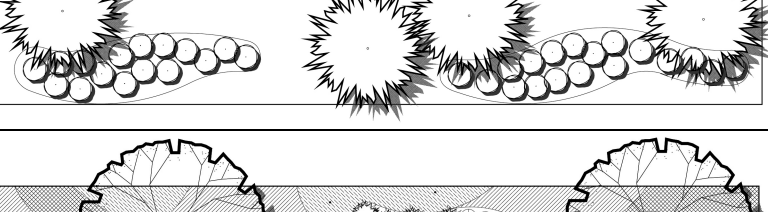
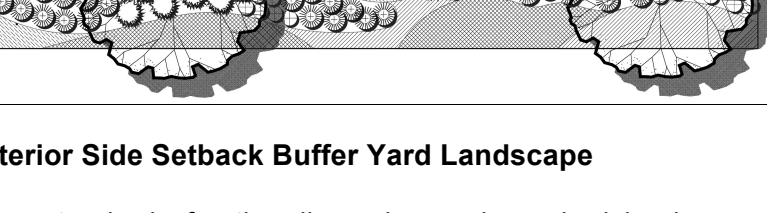
#### 2. Required Front and Corner Side Setback Landscape

Where a townhouse development, multi-family dwelling, or non-residential use, including mixed-use development, maintains a front or corner side setback between the structure and the lot line of ten feet or more in depth, landscape is required. This does not apply to parking lots or any areas designed as outdoor dining, seating, or plaza areas. In the case of conflict with parking lot landscape requirements, the parking lot landscape requirements control. The C-5 and C-6 Districts are subject to these requirements, unless a different standard is specified within the district regulations (Article 5) for the C-5 and C-6 Districts.

- a. Five plant unit options are provided in [Table 12-2: Plant Unit Options](#). Any plant unit option or combination plant unit options may be used. Plantings may be spaced or clustered as needed to respond to specific site conditions.

- b.** One plant unit option is required per each 100 linear feet. When the yard is less than 100 linear feet or when additional linear feet above the first 100 feet are less than 100 feet, percentages based on that linear footage are allowed to reduce the amount of plant material required. (For example, if the linear footage is 25 feet, only 25% of the plantings required by a plant unit option are required.) When the calculation of plant unit option requirements results in a fraction, said fraction is rounded up.
- c.** Shrubs may be substituted for required trees in the amounts described in this section. However, no more than 25% of required trees may be substituted by shrubs.

  - (1)** One Shade Tree: 15 Shrubs
  - (2)** One Evergreen Tree: 10 Shrubs
  - (3)** One Ornamental Tree: 5 Shrubs
- d.** Use of rocks or mulch in lieu of live groundcover plantings may not exceed 20% of the total landscape yard, excluding driveways, walkways, or other access points. Bare earth is prohibited.
- e.** The native landscape option does not require set planting numbers of trees and shrubs, but must cover the entire landscape yard area. All plantings must be native or naturalized to northeastern Illinois. Rain gardens, bioswales, and similar stormwater management landscape techniques also meet this requirement.
- f.** A wet bottom or wetland bottom detention pond only is permitted in a front or corner side setback in lieu of these requirements. All detention ponds must be designed in accordance with Section 10.2.7.

Table 12-2: Plant Unit Options		
Plant Unit Options	Quantity & Plant Types	Sample Illustration (May Be Spaced And Clustered As Needed)
Plant Unit Option 1	2 Shade Trees 1 Ornamental Tree 20 Shrubs	
Plant Unit Option 2	1 Shade Tree 1 Ornamental Tree 1 Evergreen Tree 30 Shrubs	
Plant Unit Option 3	2 Ornamental Trees 3 Evergreen Trees 25 Shrubs	
Plant Unit Option 4	4 Evergreen Trees 34 Shrubs	
Plant Unit Option 5	Native Landscape Alternative	

### 3. Required Rear and Interior Side Setback Buffer Yard Landscape

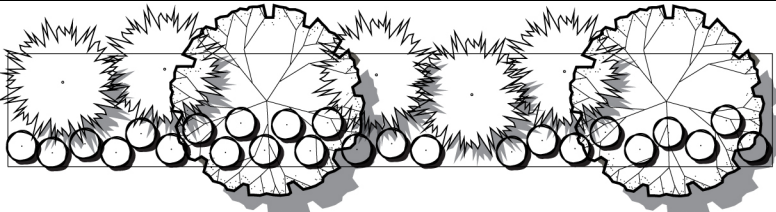
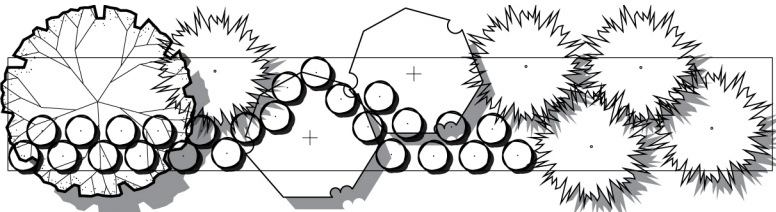
This section establishes standards for the dimension and required landscape for buffer yard plantings within the rear or interior side setback. The C-5 and C-6 Districts are subject to these requirements, unless a different standard is specified within the district regulations (Article 5) for the C-5 and C-6 Districts.

- a. Buffer yards are located within required rear or interior side setbacks and must be reserved for the planting of material and installation of screening as required by this section. No parking spaces or accessory structures are permitted within the required buffer yard.

- b. As of the effective date of this Ordinance, buffer yards are required for new construction<sup>1</sup> along interior side and rear setbacks in the following cases:
- (1) Where an R-5 or R-6 District abuts a R-1, R-2, R-3, or R-4 District, or where a multi-family dwelling is located in an R-1, R-2, R-3, or R-4 District. This does not apply to single-family and two-family dwellings located within an R-5 or R-6 District.
  - (2) Where a non-residential use is located within a residential district.
  - (3) Where a non-residential district abuts a residential district.
  - (4) Where O-2, I-1, I-2, or I-3 District abuts a commercial district.
- c. When the calculation of minimum buffer yard requirements results in a fraction, said fraction is rounded up to the nearest whole number. The minimum size and improvement of buffer yards is as follows:
- (1) A buffer yard width must be a minimum of 10 feet in width.
  - (2) Two plant unit options are provided in Table 12-3: Plant Unit Options. Any plant unit option or combination plant unit options may be used. Plantings may be spaced or clustered as needed to respond to specific site conditions. All shrubs required by this section must be large shrubs.
  - (3) One plant unit option is required per each 100 linear feet. When the yard is less than 100 linear feet or when additional linear feet above the first 100 feet are less than 100 feet, percentages based on that linear footage are allowed to reduce the amount of plant material required. (For example, if the linear footage is 25 feet, only 25% of the plantings required by a plant unit option are required.) When the calculation of plant unit option requirements results in a fraction, said fraction is rounded up.
  - (4) Large shrubs may be substituted for shade and ornamental trees in the amounts described in this section. However, no more than 25% of required shade and ornamental trees may be substituted by large shrubs.
    - (i) One Shade Tree: 15 Large Shrubs
    - (ii) One Ornamental Tree: 5 Large Shrubs
  - (5) Use of rocks or mulch in lieu of live groundcover plantings may not exceed 20% of the total landscape yard. Bare earth is prohibited.

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<sup>1</sup> For example, when new commercial construction locates next to an existing residential use, the new commercial construction must provide the buffer yard. Conversely, if a new residential use locates next to an existing commercial use, the existing commercial use is not required to provide a buffer yard and is not considered nonconforming.

TABLE 12-3: PLANT UNIT OPTIONS		
<b>Plant Unit Option 1</b>	5 Evergreen Trees 2 Shade Trees 25 Large Shrubs	
<b>Plant Unit Option 2</b>	5 Evergreen Trees 2 Ornamental Trees 1 Shade Tree 25 Large Shrubs	

(6) A solid fence, wall, or continuous hedge a minimum of four feet in height must be erected along 100% of the yard length in the following instances:

- (i) Where an R-5 or R-6 District abuts a R-1, R-2, R-3, or R-4 District or where a multi-family dwelling is located in an R-1, R-2, R-3, or R-4 District. This does not apply to single-family and two-family dwellings located within an R-5 or R-6 District.
- (ii) Where a non-residential use is located within a residential district.
- (iii) Where a non-residential district abuts a residential district.

## 12.5 REQUIRED PARKING LOT LANDSCAPE

### 1. Required Parking Lot Landscape Abutting Street Lot Line

Landscape is required for all edges of a parking lot that abut a street lot line. The landscape treatment must run the full length of street lot line and must be located between the property line and the edge of the parking lot. The landscaped area shall be improved as follows:

- a. The landscape area must be a minimum of 25 feet in width along the following major roadways:

US 45	Hunt Club Road
I-94	Gages Lake Road
US 41	Cemetery Road
IL 120	Dilley's Road
IL 132	Northwestern Avenue
Old Grand Avenue	O'Plaine Road
IL 21	Rollins Road
Milwaukee Avenue	Stearns School Road
Washington Street	Hutchins Road
Delany Road, north of Rt. 41	Almond Road
Dada Drive	

- b. Along all other roadways, the landscape area must be a minimum of eight feet in width.
- c. There must be a minimum linear distance of two feet between any wheels stops or curbs to accommodate vehicle bumper overhang, which is not included in the minimum landscape area calculation.
- d. Five plant unit options are provided in [Table 12-2: Plant Unit Options](#). Any plant unit option or combination plant unit options may be used. Plantings may be spaced or clustered as needed to respond to specific site conditions. Follow standards as outlined in Section 12.4.2(a-f). If Plant Unit 5 (Native Landscape Alternative) is used, it must be maintained at a height of no more than three feet.

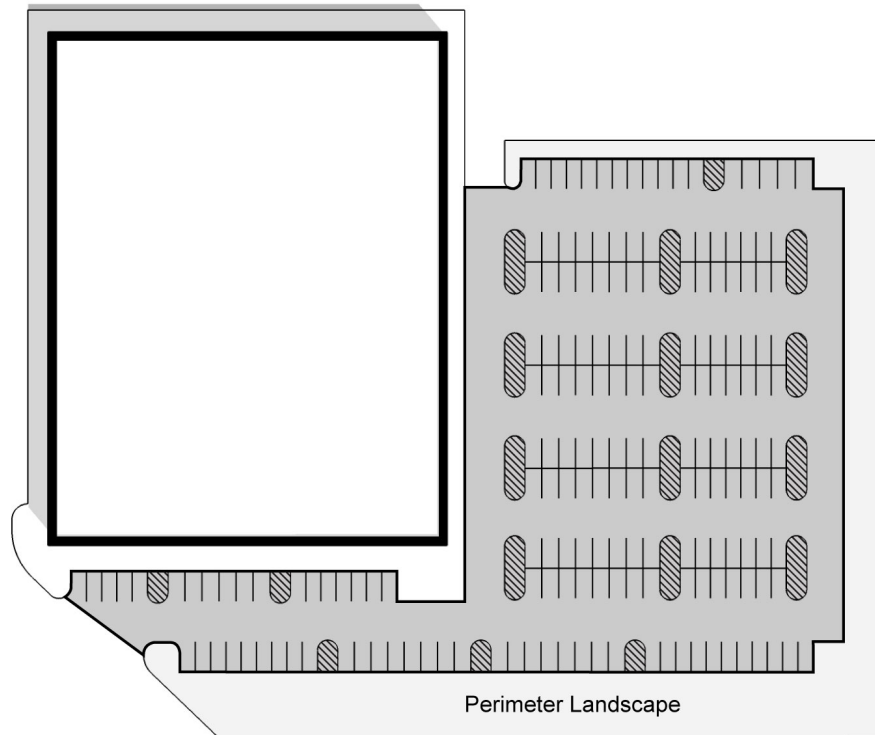






## **2. Required Parking Lot Interior Landscape**

All parking lots consisting of 10 or more spaces require interior parking lot landscape as described in this section. When the calculation of interior parking lot landscape requirements results in a fraction, said fraction is rounded up to the nearest whole number. These parking lot interior landscape standards do not apply to the C-5 or C-6 District.

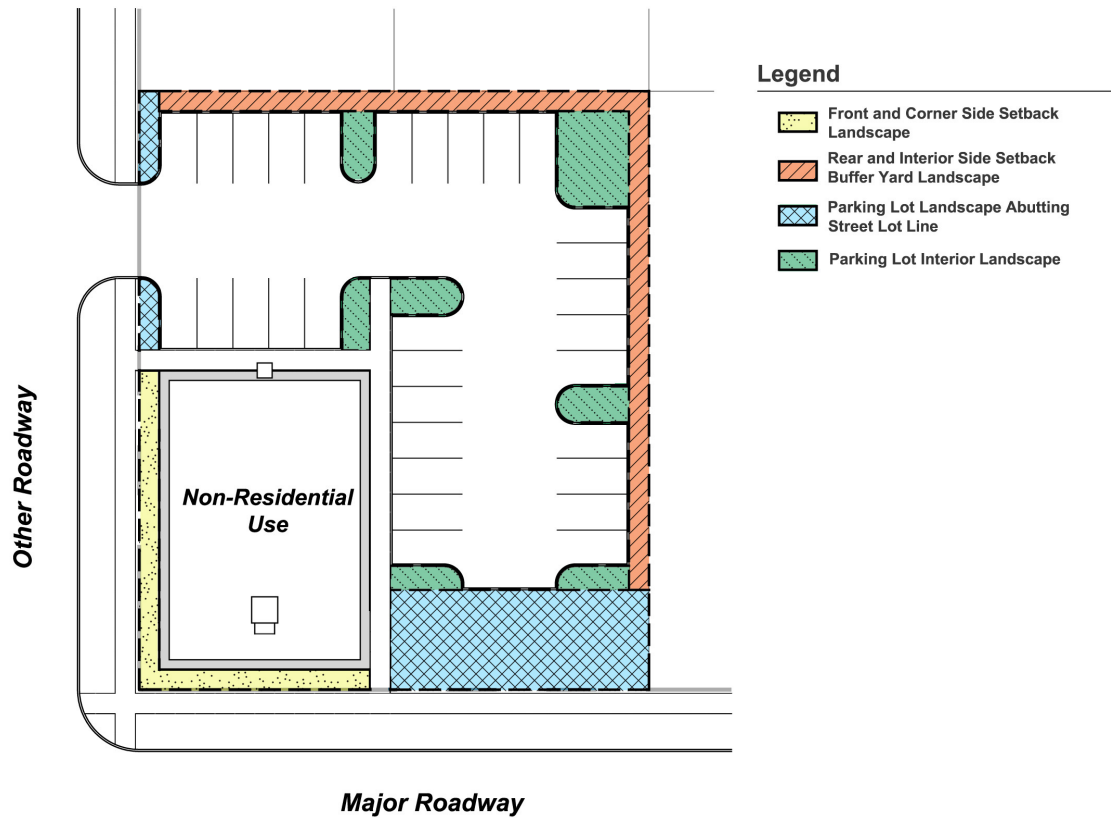
- a. One parking lot island must be provided for every ten parking spaces. As part of the landscape plan approval, parking lot island locations may be combined or varied based on specific site requirements or design scheme,
- b. In addition to parking lot islands, additional landscape areas must be provided within the interior of parking lots. The minimum total landscape area of a parking lot, including parking lot islands, must be 10% of the total parking lot area. Any required setback or buffer area is excluded from the calculation of total parking lot area.
- c. All rows of parking spaces must terminate in a parking lot island or landscape area.
- d. Parking lot islands must be the same dimension as the parking stall. Double rows of parking must provide parking lot islands that are the same dimension as the double row. Landscaped areas must be at least 144 square feet in area.
- e. A minimum of one shade tree must be provided for every parking lot island or landscape area. If a parking lot island extends the width of a double row, then two shade trees are required. In addition to the required shade trees, a minimum of 75% of every parking lot island must be planted in ornamental trees, live groundcover, shrubs, perennials, or ornamental grasses.
- f. The use of stormwater management techniques such as rain gardens and bioswales is encouraged in landscape areas. Parking lot islands and landscape areas are encouraged to be designed for the absorption of stormwater.



-  Interior parking lot landscape
-  Area used to calculate 10% landscape area

## 12.6 REQUIRED LANDSCAPE ILLUSTRATION

The following illustration shows the location of the landscape requirements of Sections 12.4 and 12.5.



## **ARTICLE 13. SIGNS**

### **13.0 PURPOSE**

#### **13.1 CONTENT NEUTRALITY**

#### **13.2 PROHIBITED SIGNS AND SIGN CHARACTERISTICS**

#### **13.3 SIGNS ALLOWED WITHOUT SIGN PERMITS**

#### **13.4 RESIDENTIAL USES AND ZONING DISTRICTS**

#### **13.5 PUBLIC USES AND ZONING DISTRICTS**

#### **13.6 SIGNS ACCESSORY TO OFFICE USES**

#### **13.7 SIGNS ACCESSORY TO COMMERCIAL USES**

#### **13.8 SIGNS ACCESSORY TO INDUSTRIAL USES**

#### **13.9 SIGNS IN THE C-4 DISTRICT**

#### **13.10 SIGNS IN THE C-5 DISTRICT**

#### **13.11 SIGNS IN THE C-6 DISTRICT**

#### **13.12 MASTER SIGN PLAN**

#### **13.13 SIGN PERMITS, ADMINISTRATION AND ENFORCEMENT**

#### **13.14 MINOR EXCEPTIONS**

#### **13.15 SIGNS REQUIRING SPECIAL USE APPROVAL**

#### **13.16 OBSOLETE AND PROHIBITED SIGNS**

### **13.0 PURPOSE**

1. The sign regulations of this article are intended to balance the public interest—in promoting a safe, well-maintained, and attractive village—with the interests of businesses, organizations, and individuals in ensuring the ability to identify and advertise products, services, and ideas. The regulations have the following specific objectives:
  - a. To ensure that signs are designed, constructed, installed and maintained in a way that protects life, health, property, and the public welfare.
  - b. To allow signs as a means of communication, while at the same time avoiding nuisances to nearby properties.
  - c. To support the desired character of the village and promote an attractive visual environment.
  - d. To allow for adequate and effective signs, while preventing signs from dominating the appearance of the area.
  - e. To ensure that the constitutionally guaranteed right of free speech is protected.
2. The regulations allow for a variety of sign types and sizes, based on zoning, land use and lot/building sizes. They do not necessarily ensure every property owner or business owner's desired level of visibility.

### **13.1 CONTENT NEUTRALITY**

Any sign allowed under this article may contain, in lieu of any other message or copy, any lawful noncommercial message that does not direct attention to a business operated for profit, or to a product, commodity or service for sale or lease, or to any other commercial interest or activity, so long as the sign complies with the size, height, area and other requirements of this article.

### **13.2 PROHIBITED SIGNS AND SIGN CHARACTERISTICS**

The following signs and sign characteristics are prohibited except as otherwise expressly stated:

1. Signs that obstruct, impair, obscure, interfere with the view of, or that may be confused with, any authorized traffic control sign, signal, or device.
2. Illuminated signs within 50 feet of property used or zoned for residential purposes.
3. Roof signs.
4. Signs located in or that extend into the public right-of-way. This prohibition does not apply to signs established by, or by order of any governmental agency.
5. Signs larger than two square feet that are suspended by chains, ropes, or other means designed to allow the sign to swing or move freely.
6. Signs affixed directly to a tree, utility pole, light pole, traffic control device, barn, shed, or roof of a structure.
7. Signs attached to or painted on an inoperable or unlicensed vehicle (motorized or non-motorized) located in view of the right-of-way.
8. Signs attached to or painted on a licensed vehicle that is located in a non-residential zoning district in view of the right-of-way when the Zoning Administrator determines that the vehicle is parked solely for the purpose of displaying the sign to passing motorists or pedestrians. This prohibition does not apply to vehicles that the Zoning Administrator determines to be regularly used for deliveries or otherwise integral to the operation of the business.
9. Signs attached to or painted on a licensed vehicle within a residential zoning district if such sign is visible from a federal, state, or county highway.
10. Portable signs, including but not limited to, signs on trailers, paper or cardboard signs wrapped around or fastened to support poles, and all other signs or sign structures that are readily portable.

11. Signs painted directly on the wall or roof of a building or directly on a fence or other accessory structure or directly on any paved surfaces other than required traffic control information.
12. Neon tubing, LED tubing, and other lighting outside of the “sign area” and independent of any information conveyed by an allowed sign used as an architectural element or feature of a building or other structure, except as authorized by special use approval.
13. Off-premise advertising signs.
14. Back-lit, translucent awnings.
15. Balloons and other inflatable objects with a diameter of two feet or greater.
16. Search lights.
17. Permanent signs made of plywood, pressed board, MDO or non-exterior grade wood products. This prohibition does not apply to temporary signs.
18. Signs that include flashing lights, projected or moving images, moving parts or that emit noise, except as authorized by special use approval. This includes any air-inflated attention getting devices that are also designed for movement.
19. Pennants.

### **13.3 SIGNS ALLOWED WITHOUT SIGN PERMITS**

Non-illuminated signs that comply with all conditions and limitations of this section are allowed without a sign permit unless otherwise expressly stated. All illuminated signs that are allowed by this ordinance require a sign permit.

#### **1. Governmental/Institutional Signs, Emblems and Plaques**

The following signs are allowed without a sign permit:

- a. Signs established by, or by order of, any governmental agency.
- b. Emblems or insignia of any nation or political subdivision, or non-profit organization.
- c. Religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historic agencies.

## **2. Temporary Signs**

The following temporary signs are allowed without a sign permit.

### **a. “For Sale” or “For Rent” Signs**

- (1) One “For Sale” or “For Rent” sign is allowed per street frontage. Such signs must be removed within seven days after the sale, rental, or lease has been accomplished.
- (2) “For Sale” or “For Rent” signs on lots containing a single-family dwelling unit or zoned for single-family residential development may not exceed nine square feet in area.
- (3) “For Sale” or “For Rent” signs on lots containing multi-family, office, commercial, institutional, public or industrial use or that are zoned for multi-family, office, commercial, institutional, public or industrial use may not exceed 0.25 square feet of sign area per each linear foot of street frontage for the first 150 feet of street frontage and 0.10 square feet of sign area for each linear foot of street frontage for street frontage in excess of 150 feet. These area calculations must be based on the street frontage to which the sign is oriented. No such sign may exceed 150 square feet in area.

### **b. Construction Signs**

One construction sign is allowed per street frontage during the time that construction or development activity is occurring on the subject lot, as follows:

- (1) Construction signs on a lot containing a single-family dwelling unit or a lot zoned for single-family residential development may not exceed 12 square feet in area.
- (2) Construction signs on a lot containing multi-family residential, office, institutional, public, commercial or industrial uses or a lot zoned for such uses may not exceed 32 square feet in area.

### **c. Attention-Getting Devices**

- (1) Attention-getting devices, such as temporary banners, balloons under two feet in diameter, and sails, may be allowed for special events such as grand openings, special promotions, and similar events. A sign permit is required.
- (2) Freestanding attention-getting devices are limited to a maximum sign area of 32 square feet and eight feet in height.
- (3) Wall-mounted attention-getting devices 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 may not exceed the building height.

- (4) No more than one freestanding attention-getting device is allowed per street frontage and no more than one building-mounted attention-getting device per building facade are permitted at any one time.
- (5) Attention-getting devices are limited to a single maximum display period of 14 days when not related to a date specific event or, if related to a date specific event, a maximum of five days prior to the event plus the duration of the event and must be removed within two days after the end of the event. Attention-getting devices are allowed a maximum total display timeframe of 60 days within a calendar year.

**d. Window Signs**

Temporary window signs are allowed when a sale of goods or services is being conducted by a business establishment located on the premises. Such signs, as well as permanent window signs, are allowed in addition to all other authorized signs, provided that both permanent and temporary window signs do not exceed 33% of the area of the window to which they are affixed. In addition, any single sign (permanent or temporary) may not exceed 64 square feet in area, regardless of the window size and the total of all signs may not exceed 100 square feet at any one time. No permanent or temporary window sign may be affixed to the exterior of any window, wall or other exterior surface of the structure. 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 must be removed.

**e. Holiday Signs**

Holiday decorations on private property clearly incidental, customary, and commonly associated with national, local or religious holidays are allowed, provided they are displayed for a period of not more than 30 days for each holiday.

**f. A-Frame Signs**

- (1) A-frame signs are permitted within the non-residential districts. A sign permit is not required.
- (2) A-frame signs are limited to six square feet in area per sign face and five feet in height.
- (3) The use of A-frame signs is limited to business hours only. Signs must be stored indoors at all other times. A-frame signs must not be used outdoors when high winds or heavy rain conditions exist.
- (4) Only one A-frame sign is permitted per business. A minimum 20 foot separation is required between all A-frame signs.
- (5) An A-frame sign must 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.



(6) A-Frame signs are prohibited within the public right-of-way.

### 3. Directional Signs

- a. One directional sign may be installed per each vehicle entrance and exit. Such signs may be illuminated, but they may not exceed 3 square feet in area or three feet in height. Commercial messages may comprise no more than 50% of the area of a directional sign.
- b. Off-street parking areas with a capacity of more than five vehicles may display signs that do not exceed four square feet in area or five feet in height. Such signs are intended to direct and inform patrons and visitors about parking rates and rules, the location of stairways and elevators, pedestrian routes, restrooms, telephones, and other facilities. Such signs may not be illuminated or contain any commercial message.
- c. Drive-up parking stall signage may be installed (any reduction in parking will require separate review). Such signs may be illuminated, but they may not exceed four square feet in area or seven feet in height.

### 4. Campaign Signs

Campaign (candidate or ballot issue) signs are regulated as follows:

- a. For lots containing any single-family, two-family, or multi-family dwelling units or lots that are zoned for single-family, two-family, or multi-family use, the following is allowed:
  - i. Lot frontages along a major roadway, as specified below, may have an aggregate of 16 sq. ft. of political signage displayed along these roadways.
  - ii. Lot frontages not along a major roadway may have an aggregate of 16 sq. ft. as long as any one sign does not exceed 3 sq. ft.
- b. For lots containing office, commercial, institutional, public or industrial use or which are zoned for office, commercial, institutional, public or industrial use, any campaign sign is allowed for a period not earlier than 60 days before an election, referendum, or similar voting event. Campaign signs must be removed no later than 5 days after the voting event.
- c. All campaign signs are exempt from the setback requirements of this ordinance, but must be located on private property.

Major Roadways:

- US 45
- I-94
- US 41
- IL 120
- IL 132
- Grand Avenue
- IL 21
- Milwaukee Avenue
- Washington Street

- Delany Road, north of Rt. 41
- Hunt Club Road
- Gages Lake Road
- Cemetery Road
- Dilley's Road
- Northwestern Avenue
- O'Plaine Road
- Stearns School Road

## **5. Other Signs**

The following additional signs are allowed without a sign permit:

- a. Signs that are not visible from any public thoroughfare or right-of-way or from beyond the boundaries of the lot or parcel.
- b. Signs within completely enclosed buildings that are not visible from the outside.
- c. Wall signs identifying allowed home occupations, provided that no home occupation signs may be illuminated or exceed two square feet in area.
- d. Address signs and name plates not exceeding 2 square feet in area are allowed for each residential, office, commercial, institutional, public or industrial building.
- e. Memorial signs or tablets, names of buildings and date of erection, provided they are cut into a masonry surface or inlaid so as to be part of a building or provided they are constructed of bronze or other non-combustible material not more than 4 square feet in area.
- f. "No trespassing," "no dumping" and similar warning/security signs that do not to exceed four square feet in area.
- g. Warning signs installed by utility companies.
- h. Non-illuminated awnings with no more than six square feet of sign (copy) area on the border of the awning.
- i. Light pole banners mounted to project perpendicular from light poles. Light pole banners are permitted for light poles in parking lots, must be mounted so that they are held taut between support posts, and are limited to a maximum area of ten square feet.
- j. A non-illuminated sign painted or lettered directly to a window for the specific purpose of identifying the proprietor or name and hours of operation of the business to the passerby. Such a sign shall be included in the area and window percentage allowances for permanent and temporary window signs.

## **13.4 RESIDENTIAL USES AND ZONING DISTRICTS**

The regulations of this section apply to signs accessory to residential uses in all zoning districts and to all signs in residential zoning districts.

### **1. General**

Signs accessory to residential uses are subject to the regulations of Section 13.3, which allows real estate (for sale/for rent) signs, home occupation signs and other signs typically associated with residential uses. All freestanding signs must be set back at least 10 feet from any street right-of-way.

### **2. Neighborhood/Subdivision Identification Signs**

Neighborhood or subdivision identification signs are allowed as entrance features to neighborhoods or subdivisions. Neighborhood/subdivision identification signs:

- a. Must be monument signs.
- b. May not exceed eight feet in height or 40 square feet of area.

### **3. Residential Uses Allowed by a Special Use**

Signs regulations for residential uses that require special use approval must be established during the special use review and approval process. A master sign plan must be reviewed and approved as part of the special use approval process. Such signs are in addition to signs that may be allowed under Section 13.3.

### **4. Non-Residential Uses in Residential Districts**

#### **a. Non-Residential Uses Allowed By Right**

- (1) Non-residential uses that are allowed by right in residential zoning districts may have a maximum of one wall sign per public building entrance. Wall signs may not exceed 50 square feet in area.
- (2) Non-residential uses that are allowed by right in residential zoning districts may have one monument sign per street frontage. Allowed monument signs may not exceed 40 square feet in area or eight feet in height. All freestanding signs must be set back at least 10 feet from any street right-of-way.

#### **b. Non-Residential Uses Allowed by Special Use**

Signs regulations for non-residential uses that require special use approval in residential districts must be established during the special use review and approval process. A master sign plan must be reviewed and approved as part of the special use approval process. Such signs are in addition to signs that may be allowed under Section 13.3.

## **13.5 PUBLIC USES AND ZONING DISTRICTS**

The regulations of this section apply to signs accessory to public uses in all zoning districts and to all signs in the P District.

### **1. Uses Allowed By Right**

The following regulations apply in the P District to any use allowed by right. They also apply to public uses allowed by right in any other (non-public) zoning district.

- a.** Uses that are allowed by right may have a maximum of one wall sign per public building entrance. Wall signs may not exceed 50 square feet in area.
- b.** Uses that are allowed by right may have one monument sign per street frontage. Allowed monument signs may not exceed 40 square feet in area or eight feet in height. All freestanding signs must be set back at least 10 feet from any street right-of-way.

### **2. Uses Allowed By Special Use Permit**

Signs regulations for uses that require special use approval in the P District and for public uses that require special use approval in any other (non-public) zoning district must be established during the special use review and approval process. A master sign plan must be reviewed and approved as part of the special use approval process. Such signs are in addition to signs that may be allowed under Section 13.3 and 13.5.1.

## **13.6 SIGNS ACCESSORY TO OFFICE USES**

The regulations of this section apply to signs accessory to office uses in all office, commercial, and industrial zoning districts, except the C-4 District. Office uses in the C-4 District are subject to the regulations of the C-4 District. Office uses in residential or public zoning districts are subject to the sign regulations of such districts, respectively.

### **1. Wall Signs**

- a.** A maximum of one wall sign is allowed per 100 feet of building frontage or fraction thereof.
- b.** Except as expressly stated in item c below, the cumulative maximum area of all allowed wall signs is determined by multiplying the applicable maximum sign area ratio by the length of the subject building frontage. Different sign area ratios are established for different sign types, as follows:

Wall Sign Type	Maximum Sign Area Ratio (SF of Sign Area per Foot of Building Frontage)	
	1st 100 Feet of Building Frontage	Building Frontage in Excess of 100 feet
Box sign	.40	.20
Screened box sign w/ raised or recessed letters	.60	.30
Raceway-mounted channel letter sign	1.00	.50
Pin-mounted channel letter sign	1.25	.60
Distinctive materials/design sign	1.50	.75
Other/Unclassified sign	.40	.20

- c. Regardless of the maximum wall sign area allowance, the maximum area of a wall sign may not exceed 200 square feet. Conversely, all allowed wall signs may be at least 15 square feet in area.
- d. Except as otherwise expressly stated, wall signs may be placed on any wall as long as the sign does not cover more than 15% of the area of the wall or more than 70% of the building frontage to which it is attached.

## 2. Awning and Canopy Signs

- a. Non-illuminated awnings with no more than six square feet of sign (copy) area on the border of the awning may be used in addition to wall signs. Other awning signs or canopy signs may be substituted for allowed wall signs, provided that the total combined number of wall signs and awning and canopy signs may not exceed one per 100 feet of building frontage or fraction thereof.
- b. Letters, logos, and symbols on awning or canopy signs are limited to a maximum area of 1 square feet per one foot of awning length or 25% of the awning area, whichever is less. The total combined length of letters, logos and symbols may not exceed 70% of awning or canopy length. In calculating the length and area of an awning or canopy only the single longest plane of the awning or canopy may be counted. This generally means that the valance and sides (ends) of the awning or canopy will not be counted for purposes of measuring length or area.

## 3. Freestanding Signs

- a. A maximum of one freestanding sign is allowed per lot. If a lot has more than 1,000 feet of street frontage, a maximum of 2 freestanding signs are allowed.
- b. Freestanding signs are subject to the following maximum sign area standards:

Freestanding Sign Type	Maximum Area (SF)
Box sign	50
Screened box sign with raised or recessed letters	75
Distinctive materials/design sign	95
Other/Unclassified sign	50

- c. Freestanding signs may not exceed 10 feet in height.

- d. Freestanding signs must be set back at least 10 feet from all public rights-of-way and from the back of curb or outer edge of all driveways. Freestanding signs must set back at least 50 feet from all residential zoning districts.
- e. Design standards for freestanding signs are as follows:
  - (1) All new freestanding signs must be monument signs. Existing freestanding signs with exposed support posts that are modified in any way are required to cover or conceal the exposed support post with a decorative material that is architecturally compatible with the overall design of the sign and the architectural character of the buildings on the site in terms of style, color, and materials.
  - (2) The ground area surrounding the base of all freestanding signs must be landscaped. The landscape area must be at least as large as the sign area. The landscape area must include shrubs, perennial and/or annual flowers, ornamental grasses, and/or vegetative groundcover. Landscape plans, indicating the type, size and location of plant materials must be submitted with the sign permit application. The Zoning Administrator is authorized to approve alternative landscape or base treatments if the Zoning Administrator determines that landscaping at the base of the freestanding sign is impractical because of soil conditions, space constraints or other factors beyond the reasonable control of the applicant. Alternative landscape treatments may include additional landscaping elsewhere on the site, the use of masonry materials to conceal the base of the sign, or other treatments that provide an equivalent or higher level of visual amenity than the otherwise required sign base landscaping requirements.
- f. All letters and numbers in the business name must be at least six inches in height and all letters and numbers in any tagline must be at least three inches in height.
- g. All freestanding signs must include the street address (number) of the subject property. Street address numbers will not be counted as part of the sign's area and must be at least six inches in height.

#### **4. Multi-Tenant Office Developments Signs**

Multi-tenant office developments are subject to the regulations of this section, except as expressly modified or supplemented by the following:

- a. At least 40% of the total sign area on a freestanding sign within a multi-tenant office development must be devoted to the name and address of the development. No more than four tenant panels are permitted per sign face. Tenant panels may be used for the display of leasing information pertaining to the development.

- b. In addition to other allowed signs, multi-tenant office developments may have up to one directory sign for each building within the development. Directory signs may not exceed 15 square feet in area and, if freestanding, may not exceed six feet in height. Directory signs are intended to convey information to pedestrians and motorists within the boundaries of the development and therefore may not be located or oriented to be visible from off site. Directory signs are not subject to minimum letter/number height requirements.
- c. Master sign plans are required for multi-tenant developments.

### 13.7 SIGNS ACCESSORY TO COMMERCIAL USES

The regulations of this section apply to signs accessory to commercial uses in commercial zoning districts. Commercial uses in office districts are subject to the regulations that apply to office uses. Commercial uses in industrial districts are subject to the regulations that apply to industrial uses. Commercial uses in the C-4 District are subject to the regulations of the C-4 District.

#### 1. Wall Signs

- a. A maximum of one wall sign is allowed per 100 feet of building frontage or fraction thereof.
- b. Except as expressly stated in item c below, the cumulative maximum area of all allowed wall signs is determined by multiplying the applicable maximum sign area ratio by the length of the subject building frontage. Different sign area ratios are established for different sign types, as follows:

Wall Sign Type	Maximum Sign Area Ratio (SF of Sign Area per Foot of Building Frontage)	
	1st 100 Feet of Building Frontage	Building Frontage in Excess of 100 feet
Box sign	.50	.25
Screened box sign w/ raised or recessed letters	.70	.35
Raceway-mounted channel letter sign	1.25	.60
Pin-mounted channel letter sign	1.50	.75
Distinctive materials/design sign	1.75	.90
Other/Unclassified sign	.50	.25

- c. Regardless of the maximum wall sign area allowance, the maximum area of a wall sign may not exceed 200 square feet. Conversely, all allowed wall signs may be at least 15 square feet in area.
- d. Except as otherwise expressly stated, wall signs may be placed on any wall as long as the sign does not cover more than 15% of the area of the wall or more than 70% of the building frontage to which it is attached.

## 2. Awning and Canopy Signs

- a. Non-illuminated awnings with no more than 6 square feet of sign (copy) area on the border of the awning may be used in addition to wall signs. Other awning signs or canopy signs, with the exception of gas station canopies regulated by 2.c., may be substituted for allowed wall signs, provided that the total combined number of wall signs and awning and canopy signs may not exceed one per 100 feet of building frontage or fraction thereof.
- b. Letters, logos, and symbols on awning or canopy signs are limited to a maximum area of 1.25 square feet per one foot of awning length or 25% of the awning area, whichever is less. The total combined length of letters, logos and symbols may not exceed 70% of awning or canopy length. In calculating the length and area of an awning or canopy only the single longest plane of the awning or canopy may be counted. This generally means that the valance and sides (ends) of the awning or canopy will not be counted for purposes of measuring length or area.
- c. Gas station canopies are permitted an illuminated band along the edge of the canopy. The use of exposed neon or LED requires a Special Use Permit. The illuminated band is limited to 15% of the overall height of the canopy fascia band and is not counted as a sign unless there is a commercial message associated with the band; in that case, only the commercial message portion is calculated as a sign.

## 3. Freestanding Signs

- a. A maximum of one freestanding sign is allowed per lot. If a lot has more than 1,000 feet of street frontage, a maximum of two freestanding signs are allowed.
- b. Freestanding signs are subject to the following maximum sign area standards:

Freestanding Sign Type	Maximum Area (SF)
Box sign	60
Screened box sign with raised or recessed letters	90
Distinctive materials/design sign	150
Other/Unclassified sign	60

- c. Freestanding signs may not exceed 12 feet in height.
- d. Freestanding signs must be set back at least 10 feet from all public rights-of-way and from the back of curb or outer edge of all driveways. Freestanding signs must set back at least 50 feet from all residential zoning districts.



**e. Design standards for freestanding signs are as follows:**

- (1)** All new freestanding signs must be monument signs. Existing freestanding signs with exposed support posts that are modified in any way are required to cover or conceal the exposed support post with a decorative material that is architecturally compatible with the overall design of the sign and the architectural character of the buildings on the site in terms of style, color, and materials; however, this requirement does not apply in the C-5 District.
  - (2)** The ground area surrounding the base of all freestanding signs must be landscaped. The landscape area must be at least as large as the sign area. The landscape area must include shrubs, perennial and/or annual flowers, ornamental grasses, and/or vegetative ground cover. Landscape plans, indicating plant materials and location must be submitted with the sign permit application. The Zoning Administrator is authorized to approve alternative landscape or base treatments if the Zoning Administrator determines that landscaping at the base of the freestanding sign is impractical because of soil conditions, space constraints or other factors beyond the reasonable control of the applicant. Alternative landscape treatments may include additional landscaping elsewhere on the site, the use of masonry materials to conceal the base of the sign or other treatments that provide an equivalent or higher level of visual amenity than the otherwise required sign base landscaping requirements.
- f.** All letters and numbers in the business name must be at least six inches in height and all letters and numbers in any tagline must be at least three inches in height.
- g.** All freestanding signs must include the street address (number) of the subject property. Street address numbers will not be counted as part of the sign's area and must be at least six inches in height.

**4. Menu Board Signs**

Menu board signs accessory to allowed drive-through uses are permitted in addition to other allowed signs, as follows:

- a.** One primary menu board not to exceed 36 square feet in area or eight feet in height is allowed per order station up to a maximum of two primary menu boards. One secondary menu board not to exceed 15 square feet in area or six feet in height is allowed.
- b.** Menu board signs must be set back at least 75 feet from residential zoning districts.
- c.** Menu board signs are intended to convey information to motorists within the boundaries of the development and therefore may not be located or oriented to be visible from off site.
- d.** Menu board signs are not subject to minimum letter/number height requirements.

#### 4. Multi-Tenant Commercial Development Signs

Multi-tenant commercial developments are subject to the regulations of this section, except as expressly modified or supplemented by the following regulations:

- a. At least 40% of the total sign area on a freestanding sign within a multi-tenant commercial development must be devoted to the name and address of the development. No more than four tenant panels are permitted per sign face. Tenant panels may be used for the display of leasing information pertaining to the development.
- b. In addition to other allowed signs, multi-tenant commercial developments may have up to one directory sign for each building within the development. Directory signs may not exceed 15 square feet in area and, if freestanding, may not exceed 6 feet in height. Directory signs are intended to convey information to pedestrians and motorists within the boundaries of the development and therefore may not be located or oriented to be visible from off site. Directory signs are not subject to minimum letter/number height requirements.
- c. Master sign plans are required for multi-tenant developments.

#### 13.8 SIGNS ACCESSORY TO INDUSTRIAL USES

The regulations of this section apply to signs accessory to industrial uses in all office, commercial and industrial zoning districts.

##### 1. Wall Signs

- a. A maximum of one wall sign is allowed per 100 feet of building frontage or fraction thereof.
- b. Except as expressly stated in item c below, the cumulative maximum area of all allowed wall signs is determined by multiplying the applicable maximum sign area ratio by the length of the subject building frontage. Different sign area ratios are established for different sign types, as follows:

Wall Sign Type	Maximum Sign Area Ratio (SF of Sign Area per Foot of Building Frontage)	
	1st 100 Feet of Building Frontage	Building Frontage in Excess of 100 feet
Box sign	.50	.25
Screened box sign w/ raised or recessed letters	.70	.35
Raceway-mounted channel letter sign	1.25	.60
Pin-mounted channel letter sign	1.50	.75
Distinctive materials/design sign	1.75	.90
Other/Unclassified sign	.50	.25

- c. Regardless of the maximum wall sign area allowance, the maximum area of a wall sign may not exceed 200 square feet. Conversely, all allowed wall signs may be at least 15 square feet in area.
- d. Except as otherwise expressly stated, wall signs may be placed on any wall as long as the sign does not cover more than 15% of the area of the wall or more than 70% of the building frontage to which it is attached.

## 2. Awning and Canopy Signs

- a. Non-illuminated awnings with no more than six square feet of sign (copy) area on the border of the awning may be used in addition to wall signs. Other awning signs or canopy signs may be substituted for allowed wall signs, provided that the total combined number of wall signs and awning and canopy signs may not exceed one per 100 feet of building frontage or fraction thereof.
- b. Letters, logos, and symbols on awning or canopy signs are limited to a maximum area of 1.25 square feet per one foot of awning length or 25% of the awning area, whichever is less. The total combined length of letters, logos and symbols may not exceed 70% of awning or canopy length. In calculating the length and area of an awning or canopy only the single longest plane of the awning or canopy may be counted. This generally means that the valance and sides (ends) of the awning or canopy will not be counted for purposes of measuring length or area.

## 3. Freestanding Signs

- a. A maximum of one freestanding sign is allowed per lot. If a lot has more than 1,000 feet of street frontage, a maximum of 2 freestanding signs are allowed.
- b. Freestanding signs are subject to the following maximum sign area standards:

Freestanding Sign Type	Maximum Area (SF)
Box sign	50
Screened box sign with raised or recessed letters	75
Distinctive materials/design sign	95
Other/Unclassified sign	50

- c. Freestanding signs must be monument signs and may not exceed 10 feet in height.
- d. Freestanding signs must be set back at least 10 feet from all public rights-of-way and from the back of curb or outer edge of all driveways. Freestanding signs must set back at least 50 feet from all residential zoning districts.

**e. Design standards for freestanding signs are as follows:**

- (1)** All new freestanding signs must be monument signs. Existing freestanding signs with exposed support posts that are modified in any way are required to cover or conceal the exposed support post with a decorative material that is architecturally compatible with the overall design of the sign and the architectural character of the buildings on the site in terms of style, color, and materials.
  - (2)** The ground area surrounding the base of all freestanding signs must be landscaped. The landscape area must be at least as large as the sign area. The landscape area must include shrubs, perennial and/or annual flowers, ornamental grasses, and/or vegetative ground cover. Landscape plans, indicating plant materials and location must be submitted with the sign permit application. The Zoning Administrator is authorized to approve alternative landscape or base treatments if the Zoning Administrator determines that landscaping at the base of the freestanding sign is impractical because of soil conditions, space constraints or other factors beyond the reasonable control of the applicant. Alternative landscape treatments may include additional landscaping elsewhere on the site, the use of masonry materials to conceal the base of the sign or other treatments that provide an equivalent or higher level of visual amenity than the otherwise required sign base landscaping requirements.
- f.** All letters and numbers in the business name must be at least six inches in height and all letters and numbers in any tagline must be at least three inches in height.
- g.** All freestanding signs must include the street address (number) of the subject property. Street address numbers will not be counted as part of the sign's area and must be at least six inches in height.

**4. Multi-Tenant Industrial Development Signs**

Multi-tenant industrial developments are subject to the regulations of this section, except as expressly modified or supplemented by following regulations:

- a.** At least 40% of the total sign area on a freestanding sign within a multi-tenant office development must be devoted to the name and address of the development. No more than four tenant panels are permitted per sign face. Tenant panels may be used for the display of leasing information pertaining to the development.
- b.** In addition to other allowed signs, multi-tenant industrial developments may have up to one directory sign for each building within the development. Directory signs may not exceed 15 square feet in area and, if freestanding, may not exceed 6 feet in height. Directory signs are intended to convey information to pedestrians and motorists within the boundaries of the development and therefore may not be located or oriented to be visible from off site. Directory signs are not subject to minimum letter/number height requirements.
- c.** Master sign plans are required for multi-tenant developments.

## **13.9 SIGNS IN THE C-4 DISTRICT**

Special sign regulations are established for the C-4 District. Where a specific sign type is not regulated by this section, the sign regulations of Section 13.7 (Signs Accessory to Commercial Uses) and other regulations of this Ordinance control. In the event of conflict between special sign regulations of this section and the regulations of other sections of this article, the special sign regulations of this section govern.

### **1. Wall Signs**

- a. A maximum of one wall sign is allowed per principal building.
- b. The total cumulative area of all allowed wall signs in C-4 District may not exceed 0.2 square feet in area for each one building frontage for the first 100 feet of building frontage, plus 0.1 square feet of sign area for each foot of building frontage in excess of 100 feet. Regardless of the maximum wall sign area allowance calculated pursuant to this paragraph, no wall sign in the C/S-3 district may exceed 75 square feet in area. Conversely, all allowed wall signs may be at least 15 square feet in area.
- c. Except as otherwise expressly stated, wall signs may be placed on any wall as long as the sign does not cover more than 15% of the wall area or more than 70% of the building frontage to which it is attached.
- d. Only distinctive materials/design signs are allowed in the C-4 District.

### **2. Awning or Canopy Signs**

- a. Non-illuminated awnings with no more than six square feet of sign (copy) area on the border of the awning may be used in addition to wall signs. Other awning signs or canopy signs may be substituted for allowed wall signs, provided that the total combined number of wall signs and awning and canopy signs may not exceed one per 100 feet of building frontage or fraction thereof.
- b. Letters, logos, and symbols on awning or canopy signs are limited to a maximum area of 0.2 square feet per one foot of awning length or 10% of the awning area, whichever is less. The total combined length of letters, logos and symbols may not exceed 70% of awning or canopy length. In calculating the length and area of an awning or canopy only the single longest plane of the awning or canopy may be counted. This generally means that the valance and sides (ends) of the awning or canopy will not be counted for purposes of measuring length or area.

### **3. Freestanding Signs**

- a. A maximum of one freestanding sign is allowed per lot.
- b. Freestanding signs may not exceed 15 square feet in area
- c. Freestanding signs may not exceed six feet in height.

- d. Freestanding signs must be set back at least 10 feet from all public rights-of-way and from the back of curb or outer edge of all driveways.
- e. Design standards for freestanding signs are as follows:
  - (1) Poles or pylons used to support freestanding signs must be constructed of a material or covered or concealed by a decorative cover that is architecturally compatible with the overall design of the sign and the architectural character of buildings on the site, in terms of style, colors, and materials.
  - (2) The ground area surrounding the base of all freestanding signs must be landscaped. The landscape area must be at least as large as the sign area. The landscape area must include shrubs, perennial and/or annual flowers, ornamental grasses, and/or vegetative ground cover. Landscape plans, indicating plant materials and location must be submitted with the sign permit application. The Zoning Administrator is authorized to approve alternative landscape or base treatments if the Zoning Administrator determines that landscaping at the base of the freestanding sign is impractical because of soil conditions, space constraints or other factors beyond the reasonable control of the applicant. Alternative landscape treatments may include additional landscaping elsewhere on the site, the use of masonry materials to conceal the base of the sign or other treatments that provide an equivalent or higher level of visual amenity than the otherwise required sign base landscaping requirements.
- f. All letters and numbers in the business name must be at least six inches in height and all letters and numbers in any tagline must be at least three inches in height.
- g. All freestanding signs must include the street address (number) of the subject property. Street address numbers will not be counted as part of the sign's area and must be at least six inches in height.

### **13.10 SIGNS IN THE C-5 DISTRICT**

Special sign regulations are established for the C-5 District. Where a specific sign type is not regulated by this section, the sign regulations of Section 13.7 (Signs Accessory to Commercial Uses) and other regulations of this Ordinance control. In the event of conflict between special sign regulations of this section and the regulations of other sections of this article, the special sign regulations of this section govern.

- 1. A maximum of one freestanding sign is allowed per street frontage.
- 2. Freestanding signs may not exceed 10 feet in height and 90 square feet in sign area, with the exception of the following:
  - a. The freestanding sign permitted along the I-94 frontage may not exceed 67 feet in height and 845 square feet in sign area.
  - b. The freestanding sign permitted along Grand Avenue may not exceed 13 feet in height and 160 square feet in sign area.

3. Freestanding signs must be set back at least 10 feet from all public rights-of-way and from the back of curb or outer edge of all driveways.
4. Design standards for freestanding signs are as follows:
  - a. All new freestanding signs must be monument signs. Existing freestanding signs with exposed support posts that are modified in any way are required to cover or conceal the exposed support post with a decorative material that is architecturally compatible with the overall design of the sign and the architectural character of the buildings on the site in terms of style, color, and materials.
  - b. The ground area surrounding the base of all freestanding signs must be landscaped. The landscape area must be at least as large as the sign area. The landscape area must include shrubs, perennial, and/or annual flowers, ornamental grasses, and/or vegetative groundcover. Landscape plans, indicating plant materials and location must be submitted with the sign permit application. The Zoning Administrator is authorized to approve alternative landscape or base treatments if the Zoning Administrator determines that landscaping at the base of the freestanding sign is impractical because of soil conditions, space constraints, or other factors beyond the reasonable control of the applicant. Alternative landscape treatments may include additional landscaping elsewhere on the site, the use of masonry materials to conceal the base of the sign, or other treatments that provide an equivalent or higher level of visual amenity than the otherwise required sign base landscaping requirements.

### **13.11 SIGNS IN THE C-6 DISTRICT**

Special sign regulations are established for the C-6 District. Where a specific sign type is not regulated by this section, the sign regulations of Section 13.7 (Signs Accessory to Commercial Uses) and other regulations of this Ordinance control. In the event of conflict between special sign regulations of this section and the regulations of other sections of this article, the special sign regulations of this section govern.

#### **1. Signs for In-Line Building**

##### **a. Wall Signs**

- (1) A maximum of three wall signs are allowed per anchor store, which is defined as a business over 20,000 square feet in floor area or where there is direct access into the store from the outside.
- (2) The total cumulative area of all allowed wall signs for each anchor store is 600 square feet, with no sign being larger than 300 square feet.
- (3) No wall sign can exceed 70% of the wall length.
- (4) The total area of all wall signs of any one storefront wall cannot exceed 15%.

## **b. Entrance Signs**

Each common in-line building entrance is allowed the following wall signs:

- (1) One 75 square foot project name sign.
- (2) A maximum of two entrance identification signs that total no more than 20 square feet in area with any one sign limited to a maximum of 15 square feet in area.
- (3) A maximum of three tenant identification signs totaling no more than 30 square feet with no one sign more than 10 square feet in area.

## **c. Freestanding Signs**

- (1) One freestanding sign is allowed along any Tollway frontage with a maximum height of 67 feet and maximum sign area of 550 square feet.
- (2) For entrances from a state right-of-way, the maximum size of a freestanding sign is 140 square feet and the maximum height is 11 feet. For entrances from a local or county right-of-way, the maximum size of a freestanding sign is 50 square feet and the maximum height is 5 feet.
- (3) Freestanding signs must be set back at least 10 feet from all public rights-of-way and from the back of curb or outer edge of all driveways.
- (4) Design standards for freestanding signs are as follows:
  - (a) Such signs must be distinctive materials/design signs, as defined by this Ordinance.
  - (b) Poles or pylons used to support freestanding signs must be covered or concealed by a decorative cover that is architecturally compatible with the overall design of the sign and the architectural character of buildings on the site, in terms of style, colors, and materials.
  - (c) The ground area surrounding the base of all freestanding signs must be landscaped. The landscape area must be at least as large as the sign area. The landscape area must include shrubs, perennial, and/or annual flowers, ornamental grasses, and/or vegetative groundcover. Landscape plans, indicating plant materials and location must be submitted with the sign permit application. The Zoning Administrator is authorized to approve alternative landscape or base treatments if the Zoning Administrator determines that landscaping at the base of the freestanding sign is impractical because of soil conditions, space constraints, or other factors beyond the reasonable control of the applicant. Alternative landscape treatments may include additional landscaping elsewhere on the site, the use of masonry materials to conceal the base of the sign, or other treatments that provide an equivalent or higher level of visual amenity than the otherwise required sign base landscaping requirements.



#### **d. Freestanding Directory Signs**

- (1)** One freestanding directory sign is permitted per each public building entrance that is located internal to the property and not along a public right-of-way.
- (2)** Freestanding directory signs are limited to a maximum height of 13 feet tall and a maximum area of 110 square feet.
- (3)** Freestanding directory signs are not subject to the setback, letter height, or maximum number of tenant panel standards. However, signs must be located outside any line-of-sight triangle.

## **2. Signs for Outparcel Buildings**

#### **a. Freestanding Signs**

- (1)** An outparcel is allowed a maximum of one sign per lot frontage on a public and/or private drive. Only one sign may be installed per lot frontage.
- (2)** Freestanding signs must be set back at least 10 feet from all public rights-of-way and from the back of curb or outer edge of all driveways.
- (3)** Freestanding signs are limited to a maximum height of 10 feet and a maximum sign area of 50 square feet.
- (4)** Design standards for freestanding signs are as follows:
  - (a)** Poles or pylons used to support freestanding signs must be covered or concealed by a decorative cover that is architecturally compatible with the overall design of the sign and the architectural character of buildings on the site, in terms of style, colors, and materials.
  - (b)** The ground area surrounding the base of all freestanding signs must be landscaped. The landscape area must be at least as large as the sign area. The landscape area must include shrubs, perennial, and/or annual flowers, ornamental grasses, and/or vegetative groundcover. Landscape plans, indicating plant materials and location must be submitted with the sign permit application. The Zoning Administrator is authorized to approve alternative landscape or base treatments if the Zoning Administrator determines that landscaping at the base of the freestanding sign is impractical because of soil conditions, space constraints, or other factors beyond the reasonable control of the applicant. Alternative landscape treatments may include additional landscaping elsewhere on the site, the use of masonry materials to conceal the base of the sign, or other treatments that provide an equivalent or higher level of visual amenity than the otherwise required sign base landscaping requirements.
  - (c)** All letters and numbers in the business name must be at least six inches in height and all letters and numbers in any tag line must be at least three inches in height.

(d) All freestanding signs must include the street address (number) of the subject property. Street address numbers are not counted as part of the sign area.

(5) As of the effective date of this Ordinance, existing freestanding signs located on outparcels that are not related to the establishment on such outparcel but rather to an establishment that is part of the development as a whole are deemed conforming. Such signs may be maintained, altered, and replaced subject to the regulations of this section.

### **13.12 MASTER SIGN PLANS**

1. No sign permit may be issued for a new multi-tenant development until a master sign plan has been reviewed and approved by the village. A master sign plan is not required for existing multi-tenant developments except when the development is being rehabilitated or expanded and the value of such rehabilitation or expansion exceeds 150% of the assessed value of the development prior to its rehabilitation or expansion.
2. Master sign plans must indicate the number, location, materials, colors and dimensions of all freestanding and wall signs in the multi-tenant development. The master sign plan must also identify the types proposed and any other information necessary to determine whether the proposed signs comply with the sign regulations of this article.
3. Master sign plans for office, commercial, and industrial developments must describe and illustrate a consistent pattern of sign design in the development. All signs within the development must have at least two of the following design elements in common:
  - a. Common background color(s).
  - b. Common text color(s).
  - c. Common lettering style.
  - d. Common mounting height on the building for wall signs (single-lined signs must be mounted in line with the lowest line of text for wall signs with multiple lines of text).
  - e. Common sign type.
4. All sign cabinets, trim caps, returns and all sign supports such as poles and braces must be of a common color.
5. The Zoning Administrator is authorized to approve master sign plans unless one or more proposed signs within the development require review and approval by the Planning and Zoning Board or Village Board, in which case master sign plan approval authority rests with the authorized decision-making body for the subject sign.
6. Master sign plans may be amended no more than once every five years, except that a master sign plan may be amended more frequently if all signs approved under an

existing master sign plan are in conformance, or are brought into conformance, with the provisions of the amended master sign plan.

### **13.13 SIGN PERMITS, ADMINISTRATION AND ENFORCEMENT**

1. Any person proposing to erect any sign requiring a sign permit must submit to the Zoning Administrator an application for a sign permit. Application for such permit must be accompanied by detailed plans, including scaled drawings of the proposed sign and other necessary information to determine the location and compliance with all applicable regulations.
2. Where a proposed sign includes elements of two different sign types (e.g., box signs, raceway-mounted channel letter signs, distinctive materials/design signs), the Zoning Administrator must determine the appropriate classification of the sign based on the dominant characteristics of the proposed sign.
3. Where this section requires the submission of master sign plan, such sign plan must be submitted to the Zoning Administrator for review and approval.
4. Sign permit fees as established by the Village Board, must be paid prior to the issuance of a sign permit.
5. If the work associated with a sign permit has not been completed within one year of the date of the issuance of the permit, such permit will lapse and become null and void.

### **13.14 MINOR EXCEPTIONS**

#### **1. Applicability and Authorization**

Exceptions to the sign regulations of this article may be approved only through the special use process, except that the Planning and Zoning Board is authorized to approve the following exceptions through the minor exception procedures of this section:

- a. Additional freestanding signs, up to a maximum of one freestanding sign per 1,000 feet of street frontage.
- b. Additional directory signs for multi-tenant developments, up to a maximum of one directory sign per public building entrance.
- c. Additional wall signs for retail and recreation/social/assembly uses with over 75,000 square feet of gross floor area.
- d. An increase in the size of wall signs, up to 50%, for retail and recreation/social/assembly uses with over 75,000 square feet of gross floor area.
- e. Additional tenant panels on freestanding signs in multi-tenant developments, up to a maximum of 8 tenant panels per sign face.
- f. An increase in freestanding sign height by up to 50%.

- g. An increase in the allowed area of a freestanding and menu board sign by up to 25%.
- h. An identification sign located at each commercial, office, and industrial park entrance that contains only the center/park's name and address.
- i. A decrease in minimum required letter height on freestanding signs.
- j. A reduction in setbacks.
- k. Relief from or exceptions to any other sign regulation of this article, except standards regulating the type, number, height or maximum area of signs allowed.
- m. For any property within the C-5 or C-6 District, permission for additional directory signs and/or an increase in the number, height, and size of directory signs, so long as directory signs are not located along a public right-of-way.

## **2. Procedure**

- a. A request for approval of a minor exception must be submitted to the Zoning Administrator in a form established by the Zoning Administrator. Upon determining the application is complete, the Zoning Administrator must place the matter on the agenda of the Planning and Zoning Board for review.
- b. The Planning and Zoning Board must consider the matter in accordance with its rules and the applicable procedures of this ordinance.
- c. Following its consideration, the Planning and Zoning Board must act by simple majority vote to approve the minor exception request, approve it with conditions or deny the request based on the review criteria.
- d. Applicants may appeal a decision of the Planning and Zoning Board on a minor exception to the Village Board. The Village Board must act on the requested minor exception as a new matter in accordance with the criteria of this section.

## **3. Review Criteria**

The Planning and Zoning Board may approve a minor exception request only if they find that the number, size, design, and placement of all proposed signs within the development are consistent with the stated purpose of these sign regulations.

# **13.15 SIGNS REQUIRING SPECIAL USE APPROVAL**

## **1. Approval Required**

- a. Applications for electronic message centers, animated signs, changing-image signs, projected image signs or other types of flashing or moving signs require special use approval.
- b. Applications for any permanent installation of banners, pennants or flags (other

than local state or federal government flags) require special use approval.

- c. Any installation of neon tubing or LED tubing and other similar lighting outside the sign face requires special use approval, even when such installation is part of an architectural element or feature of the building or structure. For the purposes of these regulations, each linear foot of such lighting or tubing is considered one square foot of sign area.
- d. Any sign other than a canopy or awning sign that is attached to and extends more than 18 inches from a building or structure requires special use approval.
- e. Except as expressly allowed by the minor exception provisions of this Article, a sign permit application that includes a request for relief from or an exception to the standards established by these regulations because of replacement of a nonconforming sign, unusual site conditions, unique types of signs and unique design factors requires special use approval.

## **2. Required Findings**

In order to approve any application for special use approval for a sign, the Planning and Zoning Board must determine that the application complies with the otherwise applicable special use standards and criteria of this ordinance (as such standards and criteria are applicable to sign matters) and must make all of the following findings:

- a. That the use has unique operating characteristics or there are exceptional or unusual circumstances that apply to the subject property that do not generally apply to other similarly situated properties. These circumstances may include:
  - (1) Applications for substantial reconstruction of nonconforming signs.
  - (2) Applications for taller signs where bridges, overpasses or other features create visual obstructions.
  - (3) Applications for sites that have buildings in unusual locations.
  - (4) Proposals for buildings and uses that have unusual designs, architectural styles or operating characteristics.
- b. That the grant of approval would not be inconsistent with the stated purpose of this Article.
- c. That any sign proposed to exceed applicable sign area or height limits complies with all other applicable design standards for the subject sign type or any additional design standards imposed by the Planning and Zoning Board.
- d. That the grant of approval would result in a superior design in terms of the quality of materials, lighting, and overall coordination of the design of signs on the site.

## **13.16 OBSOLETE AND PROHIBITED SIGNS**

### **1. Abandoned Signs**

- a.** Except as otherwise expressly stated in this article, any sign that conforms with the regulations of this article and that is located on property that becomes vacant and/or unoccupied for a period of 1 year or more will be deemed abandoned. Evidence of abandonment relates to the property's disrepair, the lack of building occupancy, the failure of a property owner to maintain business licenses, and other evidence related to the property maintenance.
- b.** An abandoned sign and its associated sign structure must be removed by the owner of the property on which the sign is located. If the owner or lessee fails to remove the sign, the Zoning Administrator must give the owner/lessee written notice of the requirements of this paragraph and require that the owner remove the sign within 30 days of such notice. If such sign is not removed after the 30 day period, the Village Board may take action to authorize the removal of the sign at the expense of the owner, agent, or person having beneficial interest in the building or premises on which the sign is located.

### **2. Obligation to Maintain Signs**

- a.** All signs must be maintained in good structural condition and in compliance with all Village codes.
- b.** Any signs that are rotted, unsafe, or unsightly must be repaired or removed by the licensee or owner of the sign.

### **3. Prohibited Signs**

The Zoning Administrator is authorized to remove or have removed all illegal (prohibited) signs located in any public right-of-way.

## **ARTICLE 14. ORDINANCE ADMINISTRATORS**

### **14.0 VILLAGE BOARD**

#### **14.1 PLANNING AND ZONING BOARD**

#### **14.2 ZONING ADMINISTRATOR**

### **14.0 VILLAGE BOARD**

a. The Village Board has the following specific powers, pursuant to this Ordinance:

(1) To make final decisions on zoning amendment applications.

(2) To make final decisions on special use applications.

(3) To make final decisions on variation applications.

(4) To make final decisions on zoning appeals.

(5) To make final decisions on planned unit development applications.

(6) To make final decisions on all other petitions related to this Ordinance.

b. All decisions and findings of the Village Board related to the Zoning Ordinance, shall, in all instances, be the final legislative decisions and shall be subject to judicial review as may be provided by law. In the case of zoning amendments, variations, special uses, planned unit developments, and other actions which require that approval or granting thereof be by ordinance, the enactment of the approving or granting ordinance shall be the final administrative decision and shall be subject to judicial review as may be provided by law.

### **14.1 PLANNING AND ZONING BOARD**

The Planning and Zoning Board has the following powers, pursuant to this Ordinance:

a. To make recommendations to the Village Board on zoning amendment applications.

b. To make recommendations to the Village Board on special use applications.

c. To make recommendations to the Village Board on variation applications.

d. To make recommendations to the Village Board on zoning appeals.

e. To make recommendations to the Village Board on planned unit development applications.

f. To hear and report to the Village Board on such other matters as may be referred to it by the Village Board.

- g.** To make final decisions on minor exceptions to the sign standards.
- h.** To make final decisions on site plan review appeals.
- i.** To initiate text amendments and map amendments.

#### **14.2 ZONING ADMINISTRATOR**

The Zoning Administrator, or his/her designee, is considered the Zoning Administrator. The Zoning Administrator may designate one or more Village staff persons to act as the Zoning Administrator; however, a zoning decision may only be rendered once. The Zoning Administrator has the following powers, pursuant to this Ordinance:

- a.** To review and make final decisions on administrative exception applications.
- b.** To review and make final decisions on site plan review applications.
- c.** To review and make final decisions on zoning interpretation applications.
- d.** To review and make final decisions on temporary use permit applications.
- e.** To review and make final decisions on sign permit applications.
- f.** To receive and forward zoning applications as required by this Ordinance to the Planning and Zoning Board, Village Board, or Village official, as appropriate.
- g.** To maintain permanent and current records as required by this Ordinance.
- h.** To maintain and make available the Village's Official Zoning Ordinance and Zoning Map, and all permanent and current records required by this Ordinance.
- i.** To conduct inspections of structures or the use of land to determine whether there is compliance with this Ordinance, and, in case of any violation, order corrective action.



## **ARTICLE 15. APPLICATION PROCEDURES**

### **15.0 APPLICATION**

#### **15.1 NOTICE**

#### **15.2 PUBLIC HEARING**

### **15.0 APPLICATION**

#### **1. Filing and Pre-Application Conference**

- a. All zoning applications must be filed with the Zoning Administrator. The application must be on forms provided by the Village and filed in such quantity as required by the instructions.
- b. Prior to formal submittal of an application, the applicant may request a pre-application conference with the Zoning Administrator and/or the Planning and Zoning Board. The purpose of the pre-application conference is to provide informal advice and assistance to the applicant. Any opinions or advice provided are not binding with respect to any official action that may be taken on the application.

#### **2. Completeness**

- a. The application must include all information, plans, and data as specified in the application requirements. Any required plans must be at a scale sufficient to permit a clear and precise understanding of the proposal, unless specifically required to be at a set scale.
- b. The Zoning Administrator will examine all applications within 15 days of filing to determine completeness. If the application does not include all the submittal requirements for the application, the Zoning Administrator will place the application on hold pending submission of a completed application. The Zoning Administrator will take no further steps to process the application until all deficiencies are remedied.
- c. After an application is determined to be complete, any substantive change made by the applicant to the application requires resubmittal of the entire application and a new completeness review. However, such revisions do not require an additional payment of fees.
- d. Once the application is under consideration by the appropriate body, additional information or revisions requested during review do not constitute a substantive change to the application.

### **3. Fees**

Each application must be accompanied by the required filing fee as established and modified, from time to time, in the Municipal Code. The failure to pay such fee when due is grounds for refusing to process the application and renders the application incomplete. If an application is submitted by the Village Board or Planning and Zoning Board, then all fee requirements are waived.

### **4. Withdrawal or Lapse of Application**

- a. An applicant has the right to withdraw an application at any time prior to the final decision on the application by a board or official, including the ability to withdraw the application if it has been tabled by a board or commission. The applicant must submit a request for withdrawal in writing. There will be no refund of fees.
- b. Any application which is not processed completely in accordance with Village ordinances and regulations within said one year period will automatically lapse and become null and void without further action by the Village.

### **5. Consideration of Successive Applications**

- a. Within one year of the date of denial, a subsequent application for the same zoning approval will not be reviewed or heard unless there is substantial new evidence available, or if a significant mistake of law or of fact affected the prior denial.
- b. If the application is resubmitted earlier than one year from the date of denial, the subsequent application must include a detailed statement of the grounds justifying its consideration.
- c. The Zoning Administrator will make a determination as to whether the subsequent application is appropriate for resubmittal prior to the expiration of the one year wait requirement. If the Zoning Administrator finds that there are no new grounds for consideration of the subsequent application, he/she will summarily, and without hearing, deny the request.

## **15.1 NOTICE**

### **1. Required Notice**

Table 15-1: Required Notice indicates the types of notice required for public hearings on the zoning applications.

Table 15-1: Required Notice			
Zoning Application	Notice Type		
	Published	Mailed	Posted
Zoning Text Amendment	X		
Zoning Map Amendment	X	X	X
Special Use	X	X	X
Variation	X	X	X
Administrative Exception		X	X
Zoning Interpretation	X		
Zoning Appeals	X		

## 2. Published Notice

When published notice is required, the Zoning Administrator will publish notice in a newspaper of general circulation within the Village. The notice must include the date, time, place, and purpose of such hearing, the name of the applicant, and the address of the subject property. Notice must be published no less than 15 days and no more than 30 days in advance of the scheduled hearing date.

## 3. Mailed Notice

### a. General Requirements

- (1) Written notice will be mailed by the Village no less than 15 and no more than 30 days in advance of the scheduled hearing date to all property owners within 500 feet of the property line of the subject property. The notice must include the date, time, place, and purpose of such hearing, the name of the applicant, and the address of the subject property. When a zoning map amendment is proposed by the Village, notification must also be mailed to the owner of the subject property.
- (2) Nothing in this section is intended to prevent the applicant from giving additional notice as he/she may deem appropriate.

### b. Administrative Exception Mailed Notice

- (1) For administrative exceptions, written notice will be mailed by the Village no less than 15 and no more than 30 days in advance of the date of when the Zoning Administrator will make a decision to property owners abutting the subject property as well as the property owner(s) located directly across the street and alley, when applicable.
- (2) If a noticed property owner objects to the administrative exception prior to the date indicated on the notice, the application is then be considered a variation and subject to the variation notice requirements.

#### **4. Posted Notice**

When posted notice is required, it must be located on the subject property in accordance with the following provisions:

- a. The required posting period must be no less than 15 days and no more than 30 days in advance of the scheduled hearing date. The sign must be posted at a prominent location on the property, near the sidewalk or public right-of-way so that it is visible to pedestrians and motorists. Properties with more than one street frontage are required to post one sign visible on each street frontage. Posted signs may be removed the day following the scheduled hearing date.
- b. The Village will erect and maintain the sign during the required posting period.

### **15.2 PUBLIC HEARING**

#### **1. Pre-Hearing Examination**

Once required notice is given, any person may examine the application and material submitted in support of or in opposition to the application during normal business hours, subject to the exceptions set forth in the Freedom of Information Act. Upon reasonable request, any person is entitled to copies of the application and related documents. A fee may be charged for such copies.

#### **2. Conduct of the Public Hearing**

The public hearing must be conducted in accordance with all applicable requirements of Illinois law and the rules and regulations of the body conducting the hearing.

#### **3. Continuances**

The body conducting the hearing may continue a public hearing. No new notice is required to reopen the public hearing if the hearing is continued to a date specific, provided that a public announcement of the future date, time, and place of the continued hearing is made at the current hearing and recorded in the minutes. If the hearing is adjourned, rather than continued to a date specified, in order to reopen the hearing all notice must be given that would have been required for the initial public hearing.

## **ARTICLE 16. ZONING APPLICATION APPROVAL PROCESSES**

### **16.0 MAP AND TEXT AMENDMENTS, SPECIAL USE PERMITS, AND VARIATIONS**

#### **16.1 ADMINISTRATIVE EXCEPTION**

#### **16.2 SITE PLAN REVIEW**

#### **16.3 ZONING INTERPRETATION**

#### **16.4 TEMPORARY USE PERMIT**

#### **16.5 ZONING APPEALS**

### **16.0 MAP AND TEXT AMENDMENTS, SPECIAL USE PERMITS, AND VARIATIONS**

#### **1. Purpose**

##### **a. Text and Zoning Map Amendment**

The regulations imposed and the districts created by this Ordinance may be amended from time to time in accordance with this section. This process for amending the Zoning Ordinance text or the Zoning Map is intended to allow modifications in response to omissions or errors, changed conditions, or changes in Village policy. Amendments are not intended to relieve particular hardships or confer special privileges or rights upon any person or party.

##### **b. Special Use Permit**

This Ordinance is based upon the division of the Village into districts. Within each district the use of land and structures are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in a particular district or districts without individual consideration of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.

##### **c. Variation**

The purpose of the variation process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this Ordinance that create practical difficulties or particular hardships.

#### **2. Initiation**

The Village Board, the Planning and Zoning Board, Village Administrator, or a property owner in the Village, or person expressly authorized in writing by the property owner, may initiate an application.

#### **3. Authority**

The Village Board, after receiving a recommendation from the Planning and Zoning Board, will take formal action on requests for zoning text and map amendments, special use permits, and variations. However, the Zoning Administrator is authorized to grant certain administrative exceptions, as described in Section 16.1 (Administrative Exceptions).

#### **4. Procedure**

All applications must be filed with the Zoning Administrator in accordance with Section 15.0 (Application). Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Planning and Zoning Board. Amendments initiated by the Village Board or the Planning and Zoning Board also require an application, but are exempt from fees.

##### **a. Action by the Planning and Zoning Board**

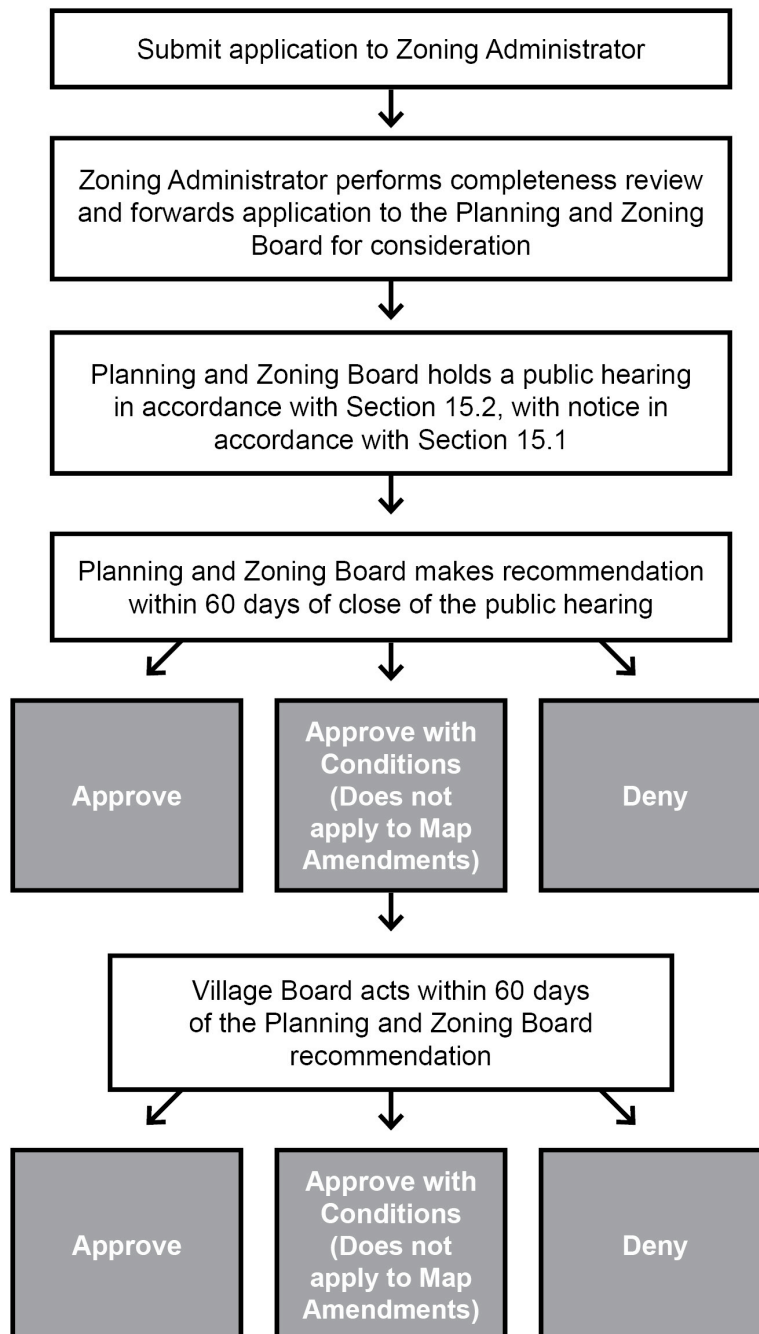
- (1) After receipt of a complete application, the Planning and Zoning Board will consider the proposed application at a public hearing in accordance with Section 15.2 (Public Hearing). Notice for the public hearing must be in accordance with Section 15.1 (Notice). If, in the Planning and Zoning Board's judgment, the application does not contain sufficient information to enable the Planning and Zoning Board to properly review and consider the application, the Planning and Zoning Board may request additional information from the applicant. In such event, the public hearing may be continued.
- (2) Within 60 days of the close of the public hearing, the Planning and Zoning Board must forward its recommendation to the Village Board, unless an extension is agreed to by the applicant.
- (3) The Planning and Zoning Board must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. For zoning text amendments, special use permits, and variations, the Planning and Zoning Board must recommend approval, approval with conditions, or denial of the application. For zoning map amendments, the Planning and Zoning Board must recommend approval or denial of the application. The Planning and Zoning Board may recommend a variation that is less than that requested when it has been decided that the applicant is entitled to some relief of the hardship, but not to the entire relief requested.

##### **b. Action by the Village Board**

- (1) The Village Board must act on the application within 60 days of receipt of the Planning and Zoning Board recommendation. The Village Board must take action in the form of approval, approval with conditions, or denial on applications for zoning text amendments, special use permits, and variations, and approval or denial on applications for zoning map amendments. In approving any special use, the Village Board may require such evidence and guarantees, as it may deem necessary, to assure compliance with any stipulated conditions. In approving variations, the Village Board may grant a variation that is less than that requested when it has been decided that the applicant is entitled to some relief of the hardship, but not to the entire relief requested.

- (2) If the Village Board does not act upon the application within 60 days of receipt of the Planning and Zoning Board recommendation, the application is deemed denied unless the Village Board has granted additional consideration time.

#### MAP AND TEXT AMENDMENT, SPECIAL USE PERMIT, & VARIATION PROCEDURE



## **5. Approval Standards**

The Planning and Zoning Board recommendation and the Village Board decision on any zoning text, map amendment, or special use permit is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Planning and Zoning Board and the Village Board must consider the following standards. The approval of an application is based on a balancing of these standards.

### **a. Approval Standards for Map Amendments**

- (1) The compatibility with the existing use and zoning of nearby property.
- (2) The extent to which property values of the subject property are diminished by the existing zoning restrictions.
- (3) The extent to which the proposed amendment promotes the public health, safety, and welfare of the Village.
- (4) The relative gain to the public, as compared to the hardship imposed upon the applicant.
- (5) The suitability of the subject property for the purposes for which it is presently zoned.
- (6) The length of time that the subject property in question has been vacant, as presently zoned, considered in the context of development in the area where the property is located.
- (7) The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.
- (8) That the proposed amendment will benefit the needs of the community.

### **b. Approval Standards for Text Amendments**

- (1) The extent to which the proposed amendment promotes the public health, safety, and welfare of the Village.
- (2) The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.
- (3) The consistency of the proposed amendment with the intent and general regulations of this Ordinance.



**c. Approval standards for Special Use Permits**

- (1) The establishment, maintenance, and operation of the proposed special use will not endanger the public health, safety, or welfare.
- (2) The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.
- (3) The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance and adopted Village land use policies.
- (4) The special use shall, in all other respects, conform to the applicable regulations of this ordinance, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Planning and Zoning Board.

**d. Approval Standards for Variations**

- (1) The strict application of the terms of this Ordinance will result in undue hardship unless the specific relief requested is granted.
- (2) The alleged hardship of the owner is due to unique circumstances inherent to the subject property and has not been created by the owner.
- (3) The variation, if granted, will not alter the essential character, nor be detrimental to the public welfare, of the locality.
- (4) The particular physical surroundings, shape or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

**6. Written Protest**

**a. Authority**

If a written protest is properly filed against any map amendment, special use, or planned unit development with the Village Clerk, the requested action will only be approved by a favorable vote of at least 2/3 of the Village Trustees then holding office. A written protest must be filed with the Village Clerk no later than 24 hours prior to the Village Board meeting at which the subject application is to be acted upon.

## **b. Requirements of Protest**

- (1) Written protest must be signed by the owners of 20% or more of either:
  - (a) The property lots proposed to be altered.
  - (b) The property lots or any parts of property lots which are immediately adjacent or directly opposite (including across a public street or public right-of-way) to the subject property.
- (2) The written protest must identify the proposed zoning action, contain a statement of protest against the application, and attest that the signatories are the legal owners of properties identified therein.
- (3) The written protest must bear the notarized signatures and common street addresses of those signing the protest, and identify the property that each signatory owns.
- (4) A copy of the written protest must be served by certified mail to the applicant and the attorney for the applicant, if any, at the addresses identified in the subject application for a proposed map amendment, special use or planned unit development.

## **c. Protest Owner Defined**

The owner of property is considered to be any of the following: the record owner of the fee title; the contract seller, or current contract buyer of such property; or those with beneficial interest in a land trust. If any property has multiple owners, such property is counted for purposes of a written protest if at least 50% of all owners of the subject property have signed the written protest.

## **7. Modifications to Approved Special Uses**

### **a. Administrative Modifications**

The Zoning Administrator may approve the following administrative modifications to an approved special use when it is determined by the Zoning Administrator that such changes are in substantial conformance with the approved special use. Any changes considered a minor or major modification, as defined in this section, cannot be approved as an administrative modification. No notice is required for an administrative modification.

- (1) A change of ownership or name of the business.
- (2) Changes required during construction when related to final engineering issues such as topography, drainage, underground utilities, structural safety, or vehicular circulation.
- (3) Interior modifications that do not increase the total floor area or building footprint.

- (4) Changes in building design, including building materials, that continue to meet the requirements of this Ordinance and any conditions of the final plan approval.
- (5) Any additions or enlargements to a structure where the area devoted to a special use is increased by less than 10%. Any reductions to the area devoted to a special use by less than 10%.
- (6) The modification of existing accessory structures or the addition of new accessory structures related to the special use when in conformance with the requirements of this Ordinance. This does not include the addition or modification of any outdoor service components, which are considered a minor modification.
- (7) A reduction in the amount of bicycle or parking spaces so long as the remaining number of spaces is in conformance with the requirements of this Ordinance.
- (8) The modification of existing signs or the addition of new signs related to the special use when in conformance with the requirements of the Village's sign regulations.

**b. Minor Modifications**

The Planning and Zoning Board may approve the following minor modifications to an approved special use when it is determined by the Planning and Zoning Board that such changes are in substantial conformance with the approved special use.

- (1) Any additions or enlargements to a structure where the area devoted to a special use is increased by 10% up to a maximum of 20%. Any reductions to the area devoted to a special use by 10% up to a maximum of 20%.
- (2) The addition or modification of new outdoor service components, such as seating or dining areas.
- (3) Modifications to the approved landscape plan that results in a reduction of the total amount of plant material required but still meet the intent of the landscape requirements of this Ordinance.

**c. Major Modifications**

The Village Board may approve any other changes to an approved special use that do not qualify as an administrative or minor modification. Major modifications to an approved special use must follow the process for approval of a special use of this section as if it were a new application.

## **8. Expiration of Special Use and Variation Approvals**

### **a. Special Use**

A special use approval expires if any one of the following conditions occurs and no request for an extension of the special use approval is pending.

- (1) When an approved special use is changed to or replaced by another use.
- (2) For new construction or additions or enlargements to an existing structure, the special use approval expires within one year of the date of approval if a building permit has not been issued.
- (3) For special uses within existing structures or on lots where no structure is planned, the special use approval expires within one year of the date of approval if the licenses or permits required for the operation or maintenance of the use have not been obtained.
- (4) For special uses approved in conjunction with a preliminary plan for a planned unit development, the special use approval expires in conjunction with the preliminary plan expiration as described in Article 9.
- (5) If such use for which a special use permit has been granted has been discontinued, for any reason, for a period of one consecutive year.

### **b. Variation**

An approved variation will expire one year from the date of approval unless a building permit is obtained or a subdivision applied for within such period.

### **c. Extension of Special Use and Variation Approval**

An applicant may apply in writing for an extension of time at any time prior to the date of expiration of a special use permit or variation. Such extension is approved by the Village Board at a public meeting.

## **16.1 ADMINISTRATIVE EXCEPTION**

### **1. Purpose**

The purpose of the administrative exception is to provide relief from carrying out a requirement of this Ordinance that may cause a minor practical difficulty.

### **2. Initiation**

A property owner in the Village, or person expressly authorized in writing by the property owner, may file an application for an administrative exception. A property owner, or his/her designee, may only propose an administrative exception for property under his/her control.

### **3. Authority**

The Zoning Administrator is authorized to grant certain administrative exceptions, as defined below. Only those items listed below are eligible for an administrative exception; all other requests for relief are considered variations (Section 16.0).

- a. A reduction in lot width to within 95% of required minimum lot width of the district.
- b. A reduction in a required setback of the district of no more than 10% of that required or two feet, whichever is less.
- c. A reduction in the required setbacks for accessory structures of no more than 10% of that required or two feet, whichever is less.
- d. A reduction of required off-street parking spaces by no more than 10% of that required or two spaces, whichever is greater.
- e. A reduction in required bicycle parking of up to 50%.
- f. A modification of loading area location requirements and design standards.

### **4. Procedure**

#### **a. Action by Zoning Administrator**

- (1) All applications must be filed with the Zoning Administrator in accordance with the requirements in Section 15.0 (Application). Once it is determined that the application is complete, the Zoning Administrator will consider an application for an administrative exception. Notice is required, in accordance with Section 15.1 (Notice).
- (2) The Zoning Administrator must review and evaluate the complete administrative exception application, pursuant to the standards of this section.
- (3) The Zoning Administrator must render a decision within 15 days of the date listed on the required notice and either approve, approve with conditions, or deny the application.
- (4) If the Zoning Administrator fails to act within 15 days of the date listed on the required notice, the administrative exception will be resubmitted to the Planning and Zoning Board as a variation, in accordance with the requirements of Section 16.0 (Variation).
- (5) If a noticed property owner objects to the administrative exception application in writing, prior to the date indicated on the notice that the Zoning Administrator may render a decision, the application must be resubmitted as a variation, in accordance with the requirements of Section 16.0 (Variation).

#### **b. Conditions on Administrative Exceptions**

- (1) The Zoning Administrator may impose such conditions and restrictions upon the administrative exception as may be deemed necessary for the protection of the public health, safety, and welfare.
- (2) The Zoning Administrator may grant an administrative exception that is less than that requested when it has been decided that the applicant is entitled to some relief of the hardship, but not to the entire relief requested in the application.

#### **5. Approval Standards**

The decision of the Zoning Administrator must make findings to support each of the following conclusions:

- a. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or difficulty upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
- b. The reason for the administrative exception is unique to the property for which the administrative exception is sought and is not applicable, generally, to other property within the general area.
- c. The alleged difficulty or hardship is caused by the Ordinance and has not been created by any person presently having an interest in the property.
- d. The proposed variation will not impair an adequate supply of light and air to adjacent property; substantially increase congestion in the streets; increase the danger of fire; endanger the public safety; or substantially diminish or impair property values within the adjacent neighborhood.

#### **6. Expiration**

An approved administrative exception will expire 180 days from the date of approval unless a building permit is obtained or a subdivision applied for within such period. The Zoning Administrator may grant an extension for a period of validity longer than 180 days. An applicant may apply in writing for an extension of time at any time prior to the date of expiration.

### **16.2 SITE PLAN REVIEW**

#### **1. Purpose**

The site plan review process is intended to promote orderly development and redevelopment in the Village, and to assure that such development or redevelopment occurs in a manner that is harmonious with surrounding properties, is consistent with Village's adopted land use policies, and promotes the public health, safety, and welfare of the Village. This section provides standards by which to

determine and control the physical layout and design to achieve compatibility of land uses and structures, efficient use of land, minimization of traffic and safety hazards, and incorporation of stormwater management and sustainable design techniques.

## **2. Authority**

The Zoning Administrator will convene a Technical Review Committee, comprised of the Village staff as the Zoning Administrator deems appropriate, to conduct site plan review as required by this section. However, if any of the developments required by this section to undergo site plan review also require a special use or variation, the Zoning Administrator may forward the site plan review application as part of such applications for the Planning and Zoning Board and Village Board to review. Planned unit developments (Article 9) are exempt from site plan review.

## **3. Required Site Plan Review**

No building permit may be issued until site plan approval has been granted. If the Zoning Administrator approves a site plan, a building permit may then be issued, provided that all other requirements of all other applicable Village codes and ordinances are satisfied. Site plan review and approval is required for the following developments:

- a. New townhouse, multi-family, non-residential and mixed-use construction.
- b. Additions to existing townhouse, multi-family, non-residential and mixed-use that increase the total floor area by 10% or more.
- c. Building permits for construction of parking lots of 20 or more spaces.
- d. Any use with a drive-through facility, including a freestanding automated teller machine.

## **4. Procedure**

- a. Applications for site plan review must be submitted to the Zoning Administrator in accordance with the requirements in Section 15.0 (Application).
- b. The Technical Review Committee must begin the review of the site plan within 30 days of the date the application is deemed complete. The Technical Review Committee must review and evaluate the application, pursuant to the standards of this section, and approve, approve with conditions, or deny the site plan.
- c. If the Technical Review Committee approves the site plan subject to certain conditions, all plans and drawings submitted as part of the application for a building permit must include those conditions.
- d. The applicant may file a written appeal of the decision of the Technical Review Committee to the Planning and Zoning Board within 30 days after the date of the final decision. The Planning and Zoning Board has final authority of the appeal.

## **5. Approval Standards**

The following, as applicable to the specific development, will be evaluated in the review of site plans:

- a.** Conformity with the regulations of this Ordinance, and any other applicable regulations within the Municipal Code, and the Village's adopted land use policies.
- b.** The location, arrangement, size, design and general site compatibility of structures, lighting and signs to ensure:
  - (1)** Efficient use of land that responds to the existing off-site utilities and service conditions in order to minimize the demand for additional municipal services, utilities and infrastructure.
  - (2)** Compatibility with, and mitigation of, any potential impact upon adjacent property.
  - (3)** Illumination designed and installed to minimize adverse impact on adjacent properties.
  - (4)** Signs in conformance with this Ordinance.
- c.** Landscape and the arrangement of open space or natural features on the site should:
  - (1)** Create a desirable and functional open space environment for all site users, including pedestrians, bicyclists, and motorists.
  - (2)** Preserve unique natural resources, including measures to preserve and protect existing healthy plantings.
  - (3)** Design drainage facilities to promote the use and preservation of natural watercourses and patterns of drainage.
  - (4)** Utilize plant materials suitable to withstand the climatic conditions of the Village and microclimate of the site. The use of species native to northeastern Illinois is encouraged.
  - (5)** Use of screening to minimize the impact of the development on adjacent uses and enhance the appearance and image of the Village by screening incompatible uses and certain site elements, and creating a logical transition to adjoining lots and developments.
- d.** Circulation systems and off-street parking designed to:
  - (1)** Provide adequate and safe access to the site for motor vehicles as well as alternate modes of transportation, including pedestrians, bicyclists, and public transit users.



- (2) Minimize potentially dangerous traffic movements.
- (3) Minimize curb cuts by using cross-access easements and shared parking.
- (4) Clearly define a network of pedestrian connections in and between parking lots, street sidewalks, open spaces and structures that is visible and identifiable.

## **6. Modifications to Approved Site Plans**

- a. An application for an amendment to an approved site plan must be submitted to the Zoning Administrator. Amendment applications must include a written description of the proposed change, including the reason for such change, and a notation of the location on the approved site plan.
- b. The Zoning Administrator may approve the following minor modifications to approved site plans:
  - (1) Minor changes required during construction, as related to final engineering issues such as topography, drainage, underground utilities, structural safety, or vehicular circulation.
  - (2) Exterior renovations to a building facade that do not increase the building footprint or height.
  - (3) The modification of existing accessory structures or the addition of new accessory structures when in conformance with the requirements of this Ordinance.
  - (4) The construction of additional bicycle or parking spaces.
  - (5) A reduction in the amount of bicycle or parking spaces so long as the remaining number of spaces is in conformance with the requirements of this Ordinance.
  - (6) Modifications to the approved landscape plan that does not result in a reduction of the total amount of plant material required and is in conformance with all landscape requirements.
  - (7) The modification of existing signs or the addition of new signs when in conformance with the requirements of the Village's sign ordinance.
- c. The Zoning Administrator must approve or deny the proposed site plan modifications within 30 days of receipt of a complete application. The Zoning Administrator may decide that the proposed change or changes to the approved site plan is such a significant change that it constitutes a new application and is subject to the complete site plan review provisions of this section.

## **16.3 ZONING INTERPRETATION**

### **1. Purpose**

The interpretation authority is intended to recognize that the provisions of this Ordinance, though detailed and extensive, cannot, as a practical matter, address every specific zoning issue. However, this zoning interpretation authority is not intended to add or change the essential content of the Ordinance.

### **2. Initiation**

The Village Board, the Planning and Zoning Board, or a property owner in the Village, or person expressly authorized in writing by the property owner, may initiate a zoning interpretation application. All interpretation requests must be for the purpose of furthering some actual development

### **3. Authority**

The Zoning Administrator will review and make final decisions on written requests for zoning interpretations.

### **4. Procedure**

- a. All applications for interpretations must be filed with the Zoning Administrator in accordance with the requirements in Section 15.0 (Application).
- b. The Zoning Administrator must review a written request for an interpretation and render the interpretation in writing within a reasonable time.
- c. The Zoning Administrator may request additional information prior to rendering an interpretation.

### **5. Interpretation Standards**

- a. Any use defined in Article 2 is interpreted as defined in the Article.
- b. No use interpretation may permit a use listed as a permitted use or a special use in any district so that it may be allowed in a different district where such use is not allowed.
- c. No use interpretation may permit any use in any district unless evidence is presented that demonstrates that it complies with the site and structure provisions established for that district.
- d. If the proposed use is most similar to a use allowed only as a special use in the district in which it is proposed to be located, then any use interpretation allowing such use requires a special use permit.

- e. The Zoning Administrator may, in rendering use interpretations, refer to the most recent publication of the North American Industrial Classification System, and its use classification methodology as a reference.

## **16.4 TEMPORARY USE PERMIT**

### **1. Purpose**

A temporary use permit allows for the short-term use and/or placement of structures on a lot. The temporary use permit regulates temporary uses that occur entirely on and within a lot. Temporary uses located within the public right-of-way are regulated separately by the Municipal Code.

### **2. Initiation**

A property owner in the Village, or person expressly authorized in writing by the property owner, may initiate a temporary use permit application

### **3. Authority**

The Zoning Administrator will review and make final decisions on temporary use permit applications.

### **4. Procedure**

- a. All applications for temporary use permit must be filed with the Zoning Administrator in accordance with the requirements in Section 15.0 (Application).
- b. The Zoning Administrator must render a decision on the temporary use permit within 30 days of the date the application is deemed complete. The Zoning Administrator must review and evaluate the application, pursuant to the standards of this section, and approve, approve with conditions, or deny the application.

### **5. Approval Standards**

All temporary uses must comply with the requirements of this Ordinance, including the temporary standards of Article 9, and the following standards:

- a. Unless expressly allowed by this Ordinance, the temporary use or structure complies with the yard and bulk requirements of the district in which it is located.
- b. The temporary use does not cause, or threaten to cause, an on-site or off-site threat to the public health, safety, and welfare.
- c. The temporary use is operated in accordance with such restrictions and conditions as the Police and Fire Department may require. If required by the Village, the operator of the temporary use must employ appropriate security personnel.

- d. The temporary use does not conflict with another previously authorized temporary use.
- e. The temporary use provides adequate parking if needed. If located on a lot with an operational principal use, does not impact the parking and site circulation of the principal use.

## **6. Expiration**

The temporary use permit is valid only for the time period granted as part of the approval.

## **16.5 ZONING APPEALS**

### **1. Purpose**

The zoning appeals process is intended to provide appropriate checks and balances on the administrative authority of the Zoning Administrator

### **2. Initiation**

A property owner in the Village, or person expressly authorized in writing by the property owner, that is directly affected by a determination of the Zoning Administrator may file an appeal of the Zoning Administrator's decision on an administrative exception, site plan review, zoning interpretation, temporary use permit, or other administrative decision related to this Ordinance. An appeal must be filed within 45 days of the decision.

### **3. Authority**

The Village Board, after receiving a recommendation from the Planning and Zoning Board, will take formal action on zoning appeal applications.

### **4. Procedure**

All applications must be filed with the Zoning Administrator in accordance with Section 15.0 (Application). Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Planning and Zoning Board.

#### **a. Action by the Planning and Zoning Board**

- (1) After receipt of a complete application, the Planning and Zoning Board will consider the proposed zoning appeal at a public hearing in accordance with Section 15.2 (Public Hearing). Notice for the public hearing must be in accordance with Section 15.1 (Notice). If, in the Planning and Zoning Board's judgment, the application does not contain sufficient information to enable the Planning and Zoning Board to properly review and consider the application, the Planning and Zoning Board may request additional information from the applicant. In such event, the public hearing may be continued.

- (2) Within 60 days of the close of the public hearing, the Planning and Zoning Board must forward its recommendation to the Village Board. The Planning and Zoning Board must recommend either to confirm or overturn the Zoning Administrator's decision.

**b. Action by the Village Board**

The Village Board must act on the zoning appeal within 60 days of receipt of the Planning and Zoning Board recommendation. The Village Board must confirm or overturn the Zoning Administrator's decision being appealed.

**5. Limitations on Zoning Appeals**

A decision of the Zoning Administrator may only be appealed if an application is filed within 45 days of the date the decision is made.

## **ARTICLE 17. NONCONFORMITIES**

- 17.0 GENERAL APPLICABILITY**
- 17.1 NONCONFORMING USE**
- 17.2 NONCONFORMING STRUCTURE**
- 17.3 NONCONFORMING LOT OF RECORD**
- 17.4 NONCONFORMING SITE ELEMENTS**
- 17.5 NONCONFORMING SIGNS**

### **17.0 GENERAL APPLICABILITY**

#### **1. Authority to Continue**

Any structure, lot, or use that legally existed as a nonconformity as of the effective date of this Ordinance, and any structure, lot, or use that has been made nonconforming as of the effective date of this Ordinance, and any subsequent amendments, may continue subject to the provisions of this Article so long as it remains otherwise legal. A structure, lot, or use that is illegal as of the effective date of this Ordinance, remains illegal if it does not conform with every requirement of this Ordinance.

#### **2. Burden on Property Owner**

The burden of establishing the legality of a nonconformity under the provisions of this Ordinance is the responsibility of the property owner of the nonconforming structure or lot, or the operator of the use.

#### **3. Safety Regulations**

All police power regulations enacted to promote public health, safety, and welfare including, but not limited to, all building, fire and health codes apply to nonconformities.

### **17.1 NONCONFORMING USE**

#### **1. Definition**

A nonconforming use is the use of a structure or land that at one time was an allowed use within a zoning district, but because of subsequent amendments to the Ordinance is no longer allowed.

#### **2. Maintenance**

Normal maintenance and incidental repair may be performed on a structure that is devoted in whole or in part to a nonconforming use, provided it does not create any new nonconformity or increase the intensity of the nonconformity.

### **3. Structural Alterations**

No structural alterations are permitted on any structure devoted to a nonconforming use, except in the following situations:

- a. When the alteration is required by law or is necessary to restore the structure to a safe condition upon the order of any official charged with protecting public safety.
- b. When the alteration is for the purpose of bringing about a conforming use.
- c. When the alteration will not create any new nonconformity or increase the intensity of any existing nonconformity.

### **4. Expansion**

A nonconforming use of a structure of land cannot be expanded, extended, enlarged, or increased in intensity. Such prohibited activity includes additions or enlargements of any structure devoted entirely to a nonconforming use, and any expansion, extension, or relocation of a nonconforming use to any other structure, any portion of the floor area, or any land area currently not occupied by such nonconforming use.

### **5. Relocation**

A nonconforming use of a structure or land cannot be relocated, in whole or in part, to any other location on the same lot or parcel. The nonconforming use may only be relocated to another structure or lot if the use conforms to all regulations of the zoning district where it is relocated.

### **6. Change of Use**

A nonconforming use cannot be changed to any use other than one allowed within the zoning district where it is located. When a nonconforming use has been changed, in whole or in part, to an allowed use, the whole or part that conforms cannot be changed back to a use that is not allowed in the district. A change of use occurs when an existing nonconforming use has been terminated and another use has commenced. Any change in use in violation of this Ordinance is deemed an abandonment of the previously existing nonconforming use.

### **7. Discontinuation or Abandonment**

If a nonconforming use is discontinued, or the structure that it occupies becomes vacant and remains unoccupied for a continuous period of 180 days, the nonconforming use is deemed abandoned and cannot be reestablished or resumed regardless of intent. Any subsequent use or occupancy of such land or structure must comply with all regulations of the zoning district in which the structure or land is located. A period of discontinuance caused by acts of God or other events without any contributing fault by the user are not included in calculating the length of discontinuance for this section.

## **8. Damage or Destruction**

In the event that any structure that is devoted in whole or in part to a nonconforming use is structurally damaged or destroyed through no fault of the property owner or tenant, the nonconforming use may be re-established provided that no new nonconformities are created and the degree of the previous nonconformity is not increased. If the structure containing the nonconforming use is a nonconforming structure, the structure may only be rebuilt, restored, repaired, or reconstructed in accordance with Section 17.2 (Nonconforming Structure). However, if a building permit is not obtained within one year of the date of damage or destruction, then the nonconforming use may not be reestablished unless it conforms to all regulations of the zoning district in it is located, including use.

## **17.2 NONCONFORMING STRUCTURE**

### **1. Definition**

A nonconforming structure is a principal or accessory structure that at one time conformed to applicable zoning regulations, but because of subsequent amendments to the Ordinance no longer conforms to applicable dimensional or bulk regulations. However, fences and walls are regulated by Section 17.4 (Nonconforming Site Elements) and nonconforming signs are regulated by Section 17.5.

### **2. Maintenance**

Normal maintenance and incidental repair may be performed on any nonconforming structure. No repairs or reconstruction are permitted that would create any new nonconformity or increase the degree of the previously existing nonconformity.

### **3. Structural Alterations**

No structural alterations are permitted on any nonconforming structure, except in the following situations:

- a. When the alteration is required by law or is necessary to restore the structure to a safe condition upon the order of any official charged with protecting public safety,
- b. When the alteration will eliminate the nonconformity, or
- c. When the alteration will not create any new nonconformity or increase the degree of any existing nonconformity. For example, if a structure is nonconforming in terms of the required front setback (i.e., does not meet the required minimum), the structure may add a rear addition if it meets all other bulk and setback requirements of the district.



#### **4. Relocation**

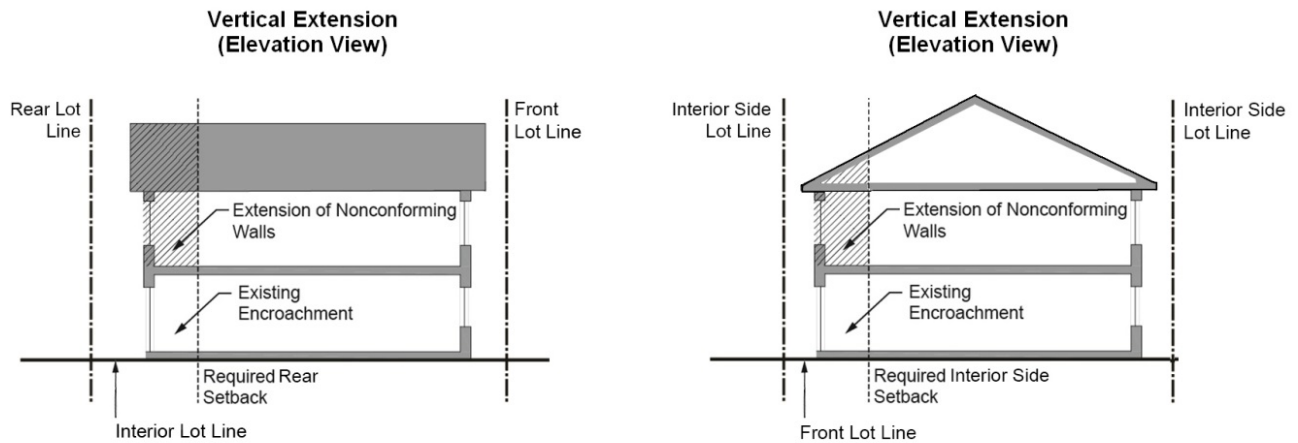
A nonconforming structure cannot be relocated, in whole or in part, to any other location on the same lot unless such relocation would make the structure conforming. A nonconforming structure may be relocated to another lot if the structure conforms to all regulations of the zoning district where it is relocated.

#### **5. Damage or Destruction**

- a. In the event that a nonconforming structure is structurally damaged or destroyed by the fault of the property owner or tenant, the structure, as restored or repaired, must comply with all requirements of this Ordinance.
- b. In the event that any nonconforming structure is damaged or destroyed, through no fault of the property owner or tenant, to the extent of 50% or more of its replacement value at the time, then the structure may not be restored or rebuilt unless the structure, including foundation, conforms to all regulations of the zoning district in which it is located.
- c. When such a structure is damaged or destroyed, through no fault of the property owner or tenant, to the extent of less than 50% of the replacement value at the time, it may be repaired and reconstructed provided that no new nonconformities are created and that the existing degree of the nonconformity is not increased. A building permit must be obtained for such rebuilding, restoration, repair, or reconstruction within one year of the date of damage or destruction. In the event that the building permit is not obtained within one year, then the structure cannot be restored unless it conforms to all regulations of the district in which it is located.
- d. The replacement value of the structure is based on: 1) the sale of that structure within the previous year or, if that is not applicable; 2) an appraisal within the last two years or, if that is not available; 3) the amount for which the structure was insured prior to the date of the damage or destruction; or, 4) an alternative method determined acceptable by the Village.

#### **6. Extension of Walls for Nonconforming Single-Family and Two-family Dwellings**

Where a single-family or two-family dwelling is deemed nonconforming because of encroachment into the required interior side or rear yard, the structure may be enlarged or extended vertically along the same plane as defined by its existing perimeter walls, so long as the resulting structure does not increase the degree of the existing nonconformity or otherwise violate any other district regulation. In addition, any enlargement or extension must be a minimum of two feet from any side lot line.



## 17.3 NONCONFORMING LOT OF RECORD

### 1. Definition

A nonconforming lot of record is a lot of record that at one time conformed to the lot dimension requirements of the zoning district in which it is located, but because of subsequent amendments to the Ordinance no longer conforms to the applicable lot dimensions.

### 2. Use

Notwithstanding limitations imposed by other provisions of this Ordinance, a nonconforming lot of record may be used for a permitted or special use within the zoning district.

### 3. Development

Development of a nonconforming lot of record must meet all applicable dimensional or bulk regulations of the district in which it is located with the exception of the lot dimension requirement that renders it nonconforming.

### 4. Common Ownership Limitation

If two or more lots of record have contiguous frontage in common ownership as of the effective date of this Ordinance and one or more of the lots does not meet the requirements for lot dimensions as established by this Ordinance, the lots involved are considered to be a single lot for the purposes of this Ordinance. No division of the lot is permitted that creates a nonconforming lot and/or renders the remaining lot(s) nonconforming. No building permit will be issued for the use of any lot, or portion of a lot, transferred or conveyed in violation of this Article.

## **17.4 NONCONFORMING SITE ELEMENTS**

### **1. Definition**

A nonconforming site element is a site development element, such as landscape, fences or walls, lighting, or parking, that at one time conformed to the requirements of this Ordinance, but because of subsequent amendments, has been made nonconforming.

### **2. Maintenance**

Normal maintenance and incidental repair to a nonconforming site element may be performed. No repairs or reconstruction are permitted that would create any new nonconformity or increase the degree of the previously existing nonconformity.

### **3. Required Conformance**

All nonconforming site elements, with the exception of exterior lighting and signs, must be brought into conformance when the following occurs. Exterior lighting is subject to Paragraph 4 below. Signs are subject to Section 17.5.

- a. A new principal structure is constructed on a site
- b. An existing principal structure is increased in floor area by 30% or more.
- c. An existing parking lot of 20 or more spaces is fully reconstructed or an existing parking is expanded by 50% (based on number of spaces). Resealing or re-striping of an existing parking lot, which does not entail paving, resurfacing, or replacement of the asphalt, concrete, or other paving material, is not considered reconstruction.
- d. For fences and walls only, when 50% or more of the length of a fence or wall is reconstructed along a lot line, the entire fence or wall must be brought into conformance.

### **4. Nonconforming Lighting**

- a. Luminaries legally installed as of the effective date of this Ordinance, but which do not conform to the requirements and standards of this section are nonconforming site elements and subject to the standards below.
- b. Nonconforming luminaires that meet the performance standards of Section 10.1, but exceed the physical design standards, such as height or setback, are permitted to continue, subject to the following:
  - (1) Illumination systems installed as part of a planned unit development, special use, annexation agreement, variation, or other specific Village approval which, as of the effective date of this Ordinance, have a Village approved lighting plan and meet the performance criteria of their specific agreements,

must be brought into conformity with Section 10.1 when the illumination system is completely replaced.

- (2) Nonconforming illumination systems that do not have a specific Village approved lighting plan must be brought into conformance with Section 10.1 when 25% of the illumination system is to be replaced or modified, calculated as installation of new lighting posts and/or non-post mounted lighting fixtures. This 25% is calculated based on the total lighting installed by the type of mounting. For example, if over 25% of the wall-mounted fixtures are to be replaced, all wall-mounted fixtures must be brought into conformance while freestanding fixtures may remain.
- c. Nonconforming luminaires that exceed the footcandle standards of Section 10.1 and/or direct light or glare towards streets, parking lots, residences, or lot lines, and result in a problematic or dangerous condition must be either shielded, redirected, or otherwise modified to meet the requirements of Section 10.1 within 60 days of notification, or apply for either an extension of the time or a variation with a specific time period for amortization.

## **5. Nonconforming Parking Lot Landscape Exemption**

When an existing parking lot is required by Paragraph 3 above to provide landscape, which would result in creating a parking area that no longer conforms to the parking regulations of this Ordinance, such existing parking lot is not required to install all or a portion of the required landscape. The applicant is required to show that landscape cannot be accommodated on the site. If only certain requirements are able to be accommodated on the site, those elements shall be required. The Zoning Administrator will make the determination that all or a portion of required landscape does not have to be installed.

## **17.5 NONCONFORMING SIGNS**

1. Any sign lawfully existing or under construction on the effective date of this Ordinance that does not conform to one or more of the provisions of this Ordinance may be continued in operation and maintained indefinitely as a nonconforming sign subject to compliance with this Ordinance.
2. As an incentive to encourage the removal of nonconforming signs, staff is expressly authorized to waive sign permit fees and special use permit application fees for replacement signs. In deciding such requests, staff must consider whether the public benefit derived from removal and replacement will be generally proportionate to the fee waiver and/or deviation requested. The Planning and Zoning Board is also authorized to approve minor exception requests for replacement signs if they determine that the public benefit derived from removal and replacement will be generally proportionate to the exception requested.
3. Routine maintenance of nonconforming signs is allowed, including changing of copy, necessary non-structural repairs, and incidental alterations that do not expand, extend or enlarge the nonconforming features of the sign. However, no structural alteration, enlargement, or expansion may be made to a nonconforming sign unless

the alteration, enlargement, or expansion will result in the elimination of the nonconforming features of the sign.

4. A nonconforming sign and its associated sign structure must be removed or modified to comply with these regulations if the structure to which it is accessory is demolished or destroyed to an extent exceeding 150% of the structure's assessed value. A nonconforming sign and sign structure subject to removal under this paragraph must be removed by the owner of the sign or the owner or lessee of the property. If the owner or lessee fails to remove the sign, the Zoning Administrator must give the owner/lessee written notice of the requirements of this paragraph and the sign must be removed within 30 days of such notice.
5. A nonconforming sign and its associated sign structure must be removed or modified to comply with these regulations if the sign and sign structure is demolished or destroyed to an extent exceeding 50% of its replacement cost. A nonconforming sign and sign structure subject to removal under this paragraph must be removed by the owner of the sign or the owner or lessee of the property. If the owner or lessee fails to remove the sign, the Zoning Administrator must give the owner/lessee written notice of the requirements of this paragraph and the sign must be removed within 30 days of such notice.
6. A nonconforming sign and its associated sign structure must be removed or modified to comply with the sign regulations of this article if the business or use on the property ceases to operate for a continuous period of three months or more. If the owner or lessee fails to remove or modify the sign, the Zoning Administrator must give the owner/lessee written notice of the requirements of this paragraph and the sign and sign structure must be removed within 30 days of such notice. If such sign is not removed or modified after the 30 day period, the Village Board may take action to authorize the removal of the sign and sign structure at the expense of the owner, agent, or person having beneficial interest in the building or premises on which the sign is located. In addition, the Village is authorized to institute and pursue all other available remedies and penalties under the law.

## **ARTICLE 18. ENFORCEMENT**

### **18.0 ENFORCEMENT OFFICIAL**

### **18.1 APPLICATION OF PENALTIES**

### **18.2 FINES**

#### **18.0 ENFORCEMENT OFFICIAL**

This Ordinance is enforced by the Zoning Administrator. The Zoning Administrator may secure the assistance of the Village Attorney to seek an injunction, abatement, or other appropriate actions to enjoin, abate, or stop any violation of this Ordinance. At times, the aid of the Police Department may be sought to enforce this Ordinance. The property owner charged with the violation may be held responsible for any legal expenses incurred by the Village.

#### **18.1 APPLICATION OF PENALTIES**

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance, upon conviction, will be fined for each offence. Each day that a violation continues constitutes a separate offense for the purposes of the penalties and remedies available to the Village. The accumulation of penalties for violations, but not the obligation for payment for violations already committed, ceases upon correction of the violation.

#### **18.2 FINES**

Each violation, and each day that such violation continues, is subject to a fine as established in the Village Code.