

Approved 12/10/2009, 8/22/2019, 12/12/2019, 7/22/2021

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**ZONING REGULATIONS**  
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Approved 12/10/2009; Revised 4/10/14, 9/11/14

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*Approved 12/10/2009; Revised 4/10/14, 9/11/14*

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Approved 12/10/2009; Revised 4/10/14, 9/11/14

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Approved 12/10/2009; Revised 4/10/14, 9/11/14

## CHAPTER 1

### TITLE AND PURPOSES

#### 9-1-1 TITLE

This title of the Village code shall be known, and may be referred to, as the ISLAND LAKE ZONING CODE

#### 9-1-2 AUTHORITY AND PURPOSES

This code is adopted pursuant to the authority granted to the Village by the Illinois Municipal Code for the following purposes:

- A. Overall Purpose. The overall purpose of this code is to implement and foster the goals and policies of the Village's comprehensive plan. The intent of this code is to preserve Island Lake's community character through regulations designed specifically for that purpose. This code should provide a means of maintaining the distinctive character which provides the Village with its identity and serves as a needed contrast to surrounding suburban development in the region.
- B. Land Use Patterns. The purposes of this code related to land use patterns are to:
  - 1. Preserve the rational pattern of land uses that has been established in the Village and encourage the most appropriate and consistent use of individual lots in and around the Village; and
  - 2. Encourage compatibility between different land uses; and
  - 3. Protect the existing residential, business, office, industrial, and other areas of the Village from the encroachment of incompatible uses; and
  - 4. Provide for the gradual elimination of nonconforming uses that adversely affect the character and value of permitted development; and
  - 5. Secure adequate natural light, clean air, privacy, a safe environment, and convenience of access to property; and
  - 6. Promote and protect the public health, safety, morals, and general welfare of the Village.
- C. Development Scale. The purposes of this code related to development scale are to:
  - 1. Preserve the community character of the Village, which is unique to the greater metropolitan area of which the Village is a part; and
  - 2. Preserve the scale of development of the Village; and
  - 3. Encourage the preservation and enhancement of natural features and resources and aesthetic amenities.



- D. Public Infrastructure. The purposes of this code related to public infrastructure are to:
1. Facilitate the most efficient use of existing and planned public facilities and utilities; and
  2. Protect Village streets from degradation by non-residential traffic; and
  3. Reduce congestion and promote safety on streets and highways by limiting traffic generation through the control of land use intensity; and
  4. Avoid or lessen the hazards of flooding and storm water accumulation and run-off; and
  5. Preserve development patterns consistent with the Village's modest investment in public infrastructure in order to minimize long-term financial responsibilities and related liabilities of the Village.
- E. Justifiable Expectations and Taxable Value. The purposes of this code related to justifiable expectations and taxable value are to:
1. Protect and respect the justifiable reliance of existing residents, business owners, and taxpayers on the continuation of existing, established land use patterns; and
  2. Protect and enhance the taxable value of land and buildings in the Village; and
  3. Minimize financial responsibilities relating to capital and administrative investments and thereby avoid undue burdens on the taxable value of land in the Village.
- F. Administration. The purposes of this code related to administration are to:
1. Define the powers and duties of administrative officers and bodies necessary to administer this code; and
  2. Establish procedures for the efficient and effective use of the provisions of this code; and
  3. Establish standards for the review of applications filed pursuant to this code; and
  4. Prescribe penalties for the violation of the provisions of this code.

**9-1-3 EXEMPTION**

Notwithstanding any other provision of this Title 9 to the contrary, all Village uses, buildings, structures, and facilities shall be permitted by-right in all zoning districts in the Village, except in the R-3 Residence District (per Ordinance 1477-14), currently existing and hereafter created, and such Village uses, buildings, structures, and facilities shall be exempt from the otherwise applicable regulations of this Title 9, including without limitation height, setback, bulk, parking and loading, landscaping, and other regulations.

Approved 12/10/2009; Revised 4/10/14, 9/11/14, 8/22/2019, 4/13/2023

## CHAPTER 2

### ZONING DISTRICTS AND OFFICIAL ZONING MAP

#### 9-2-1 ESTABLISHMENT OF ZONING DISTRICTS

To carry out the purposes of this code, the Village is hereby divided into the following zoning districts:

- A. Residential Districts (Chapter 3)
  - E-1 Residence District
  - R-1 Residence District
  - R-2 Residence District
  - R-3 Residence District
  - R-3 Residence Overlay District [8/22/2019]
  - R-4 Residence District
  - R-5 Residence District
- B. Business Districts (Chapter 4)
  - B-1 General Business District
  - B-2 Specific Business District
  - B-3 Office and Research Business District
- C. Office, Research, Industrial Districts (Chapter 5)
  - ORI Office, Research, and Industry District
- D. Industrial Districts (Chapter 6)
  - I-Light Manufacturing District
- E. Open Space and Public (OS) District (Chapter 7)

#### 9-2-2 INTERPRETATION OF DISTRICT SEQUENCE

- A. General Rule. This code rejects as outdated and inappropriate the concept of hierarchical and cumulative zoning districts and, except as noted below, is based on the concept that each district should be designed to accomplish a specific purpose, to encourage a particular type of development, and to protect that development from being encroached upon by incompatible types of development.
- B. Special Rule. Within the foregoing philosophy, however, it is recognized that when different districts are juxtaposed, their differing characters may require special treatment to ameliorate incompatibilities that might otherwise result. For this limited purpose, this code recognizes the concept of “more restrictive” and “less restrictive” districts. For this purpose, the districts established by this code shall be considered “more restrictive” or “less restrictive” in accordance with the following rules:

1. The residential districts shall be deemed to be more restrictive than any non-residential district.
  2. The E-1 district shall be deemed to be the most restrictive residential district and the R-5 district shall be deemed to be the least restrictive residential district.
- C. R-3 Residence Overlay District Rule. With regard to the R-3 Residence Overlay District, the permitted and conditional uses permitted therein shall be same as those permitted in the R-3 District. [8/22/2019]

### 9-2-3 ZONING MAP

- A. Map Incorporated. The location and boundaries of the zoning districts established by this code are as shown on a map entitled "Zoning Map of the Village of Island Lake, Illinois," hereinafter referred to as the zoning map, which is by this reference incorporated as part of this code. All notations, references, and other information shown on the zoning map, and all amendments thereto, shall be as much a part of this code as if specifically set forth and literally described herein. No land shall at any time be classified in more than one zoning district, except land may be classified in any zoning district as an overlay district where circumstances exist to eliminate excessive legal non-conformities. [8/22/2019]
- B. Omitted Land. It is the intent of this code that the entire area of the Village, including all land and water areas, be included in the districts established by this code. Any area lying within the Village but not shown on the zoning map as being included in such a district shall be deemed to be, and it is hereby, classified in the E-1 district.
- C. District Boundaries. In the event that any uncertainty exists with respect to the intended boundaries of the various districts as shown on the zoning map, the following rules shall apply:
1. The district boundaries are the centerlines of tollways, expressways, highways, streets, alleys, waterways, railroads, and other rights-of-way unless otherwise indicated. When the designation of a boundary line on the zoning map coincides with the location of any such right-of-way, the center line of such right-of-way shall be construed to be the boundary of such district.
  2. When a district boundary does not coincide with the location of the centerline of any right-of-way but does coincide with a lot line, such lot line shall be construed to be the boundary of such district.
  3. When a district boundary does not coincide with the location of the centerline of any right-of-way or with a lot line, the district boundary shall be determined by the use of the scale shown on the zoning map.
- D. Maintenance and Availability of Zoning Map. The official copy of the zoning map shall be maintained by the Zoning Enforcement Officer and shall be available for public inspection during Village business hours at the Village hall. Any amendment to zoning district boundaries or any change in any other information shown on the

zoning map made by amendment to this code shall be indicated on the official copy of the zoning map.

- E. Annual Publication of Zoning Map. A revised, up-to-date copy of the zoning map, certified as to being inclusive of all amendments and drawn to a convenient scale, shall be published at least once annually and made available for sale at the Village Hall.

**9-2-4 ANNEXED LAND**

- A. Annexation of Land. All land annexed to the Village after the effective date of this code shall be classified automatically upon such annexation in the E-1 district.
- B. Application for Different Classification. When any land is classified pursuant to this section, it shall remain so classified unless and until an application to amend such classification is filed and granted pursuant to section 9-11-16 of this code. Such application may be filed prior to or contemporaneously with the annexation of the land in question.

**9-2-5 ALLOWABLE LAND USES BY DISTRICT**

The following chart constitutes allowable land uses, by zoning district, in the Village. [\(added 7/22/2021\)](#)

Usage Type	Usage	B1	B2	B3	ORI	Industrial	Open Space	Residential (E1,R1-R5)
ADULT BUSINESS	Adult uses, subject to the regulations contained in Title 3, chapter 3 of this code	S	S	S		S		
AGRICULTURAL USES	Agricultural employment, sales, and services					P		
AGRICULTURAL USES	Equestrian, riding and boarding facility				P			
AGRICULTURAL USES	Food processing and packing					P		
AGRICULTURAL USES	Greenhouses, Nurseries		S		S			
AGRICULTURAL USES	Hatcheries or fish		S					
ANIMAL CARE USES	Animal hospitals				S-OR1b			
AGRICULTURAL USES	Keeping of live goats, swine, pigs, poultry, horses or cattle <a href="#">(Revised 4/13/2023)</a>							
ANIMAL CARE USES	Animal pounds					P		
ANIMAL CARE USES	Pet grooming	P	P					
ANIMAL CARE USES	Pet shops, not including animal hospitals or kennels	P	P					
AUTOMOTIVE	Auto accessory store	P	P					
AUTOMOTIVE	Automobile dealerships, including the sale of new and/or used automobiles	S	S	S				

Usage Type	Usage	B1	B2	B3	ORI	Industrial	Open Space	Residential (E1,R1-R5)	
		P-Permitted Use		S-Special Use					
AUTOMOTIVE	Automobile repair, which shall include ordinary replacement of parts and overhaul, but specifically excluding the rebuilding of wrecked automobiles or junking activities		P						
AUTOMOTIVE	Automobile service stations		P						
AUTOMOTIVE	Battery and tire service stations		P						
AUTOMOTIVE	Boat, bicycle and motorcycle sales, rental and ordinary repair, not including rebuilding or junking activities	P	P						
AUTOMOTIVE	Gasoline station, with or without convenience store, in the B-1 district only	S							
AUTOMOTIVE	Mobile home and trailer sales and service, specifically excluding the use of mobile homes and trailers for residence purposes		P						
CANNABIS	Cannabis Craft Grower				S	S			
CANNABIS	Cannabis Cultivation Center				S	S			
CANNABIS	Cannabis Dispensing Organization	S	S	S	S	S			
CANNABIS	Cannabis Infuser Organization or Infuser		S	S	S	S			
CANNABIS	Cannabis Processing Organization or Processor		S	S	S	S			
CANNABIS	Cannabis Transporting Organization or Transporter		S	S	S	S			
CANNABIS	Medical Cannabis Dispensary	S	S	S		S			
COMMERCIAL RECREATION	Bowling alleys, billiard and pool rooms, dance halls, meeting halls, lodging halls, fraternal organizations and clubs	P							
COMMERCIAL RECREATION	Health Club	P	P						

Usage Type	Usage	B1	B2	B3	ORI	Industrial	Open Space	Residential (E1,R1-R5)
		P-Permitted Use			S-Special Use			
COMMERCIAL RECREATION	Indoor and outdoor theaters		P					
COMMERCIAL RECREATION	Personnel training features, including dormitory facilities			P				
COMMERCIAL RECREATION	Recreational clubs, excluding commercially operated driving ranges or miniature golf courses							S
COMMERCIAL RECREATION	Recreational facilities and clubs with the exception of amusement park activities such as driving ranges and miniature golf facilities				P-OR1a			
COMMERCIAL RECREATION	Sports/Recreation/Athletic Fields						S	
COMMERCIAL RECREATION	Stadiums and arenas				S-OR1a			
COMMERCIAL RESIDENTIAL	Bed and Breakfast		S					S
COMMERCIAL RESIDENTIAL	Dwelling units above the ground floor, but not in the B-3 district	S	S					
COMMERCIAL RESIDENTIAL	Hotels and motels		P					
COMMERCIAL RESIDENTIAL	Hotels and motels and the uses associated with such operations, provided they are staffed with 24 hour clerk and maintenance service				P-OR1a			
COMMERCIAL SERVICES	Antique shop, resale, secondhand, rummage shops	P	P					
COMMERCIAL SERVICES	Appliance repair store	P	P					
COMMERCIAL SERVICES	Banks, savings and loans, credit unions, currency exchange and other financial institutions	P	P					
COMMERCIAL SERVICES	Barbershop, beauty parlor, spa, salon, or similar personal service shops, tanning	P	P					
COMMERCIAL SERVICES	Carpet and rug cleaning plant					P		
COMMERCIAL SERVICES	Cemeteries, crematories, or mausoleums	S	S	S		S		S
COMMERCIAL SERVICES	Drive-in and drive-through establishments	S	S	S	S			
COMMERCIAL SERVICES	Drive-in facilities serving retail, restaurants, or financial institutions				S-OR1a			

Usage Type	Usage	B1	B2	B3	ORI	Industrial	Open Space	Residential (E1,R1-R5)
		P-Permitted Use		S-Special Use				
COMMERCIAL SERVICES	Dry cleaning and pressing establishments, employing not more than 10 persons, and when using noninflammable solvents, as approved by the state fire inspection bureau (or services not on site)	P	P					
COMMERCIAL SERVICES	Exterminating and fumigating shop					P		
COMMERCIAL SERVICES	Florist shop	P	P					
COMMERCIAL SERVICES	Funeral Home	P	P					
COMMERCIAL SERVICES	Furniture repair, refinishing shop					P		
COMMERCIAL SERVICES	Garden supply and seed store	P	P					
COMMERCIAL SERVICES	Grocery store, food store, bakery, dry goods, meat market, catering or like food sales	P	P					
COMMERCIAL SERVICES	Interior decorating shop	P	P					
COMMERCIAL SERVICES	Janitorial					P		
COMMERCIAL SERVICES	Jewelry store and watch repair	P	P					
COMMERCIAL SERVICES	Laboratories		P					
COMMERCIAL SERVICES	Launderettes and laundromats		P					
COMMERCIAL SERVICES	Laundry and dry cleaning plants serving more than one retail outlet				S-OR1b			
COMMERCIAL SERVICES	Laundry, nonretail					P		
COMMERCIAL SERVICES	Packaging and mailing services	P	P					
COMMERCIAL SERVICES	Photography/Art studios	P	P					
COMMERCIAL SERVICES	Printing, publishing and issuing or other similar type retail store, not specifically permitted herein, but which, in the opinion of the Village Board, shall have economic compatibility with the uses herein permitted and with established uses on adjoining properties	P	P					

Usage Type	Usage	B1	B2	B3	ORI	Industrial	Open Space	Residential (E1,R1-R5)	
		P-Permitted Use				S-Special Use			
COMMERCIAL SERVICES	Professional Office including but not limited to: administrative, executive, contractor, professional, insurance, employment, general business, travel agents, real estate offices, appraisals	P	P	P	P				
COMMERCIAL SERVICES	Repair Service including TV, appliances, sewing machines and other light equipment	P	P						
COMMERCIAL SERVICES	Restaurant or other establishment licensed for the sale of alcoholic beverages either for consumption on or off the premises unless permitted by-right in a particular district	S	S	S					
COMMERCIAL SERVICES	Restaurant, café, tearoom, roadhouse, tavern, retail store, or package store which is licensed for the sale of alcoholic beverages either for consumption on or off the premises, without drive-in or drive-through facilities	P	P						
COMMERCIAL SERVICES	Restaurants which do not provide drive-through service				P-OR1a				
COMMERCIAL SERVICES	Retail sales - Use must be placed on a lot abutting US 12 and must be located in a building that exceeds 10,000 gross square feet				P-OR1a				
COMMERCIAL SERVICES	Retail sales - Use must be placed on a lot which abuts the intersection of Case and Darrell Roads and must be located in a building which does not exceed 10,000 gross square feet				P-OR1c				
COMMERCIAL SERVICES	Retail sales held on open lots on a temporary basis, such as the sale of Christmas trees or automobile tent promotions				S				
COMMERCIAL SERVICES	Retail sales including, but not limited to: art and craft supplies, books, furniture, clothing, coins, computers, drugstore, gift, hardware, musical instruments, sheet music, records, leather goods, shoes, sporting goods, toys	P	P						
COMMERCIAL SERVICES	Scientific and research laboratories			P	P				
COMMERCIAL SERVICES	Signs shop					P			
COMMERCIAL SERVICES	Tailor, sewing or shoe repair shop	P	P						



Usage Type	Usage	B1	B2	B3	ORI	Industrial	Open Space	Residential (E1,R1-R5)	
		P-Permitted Use		S-Special Use					
COMMERCIAL SERVICES	Taxidermist	P	P						
COMMERCIAL SERVICES	Temporary sales offices				S				
EDUCATIONAL USES	Nursery schools, day nurseries and childcare facilities	S	S	S				S	
EDUCATIONAL USES	Public or private elementary schools, high schools, colleges, universities, vocational schools, professional schools, or trade schools				S		P		
EDUCATIONAL USES	Schools, elementary and high, including playgrounds and athletic fields incidental thereto							S	
HEALTH CARE	Ambulance services		P						
HEALTH CARE	Clinics and hospitals					P			
HEALTH CARE	Daycare centers for adults and children				P				
HEALTH CARE	Hospitals				S	P			
HEALTH CARE	Medical laboratories		P	P	P				
HEALTH CARE	Medical, or dental offices and clinics	P	P		P				
HEALTH CARE	Nursing or rest homes, orphanages, homes for aged	S	S	S				S	
HEALTH CARE	Orthopedic and medical appliance stores	P	P						
MANUFACTURING, INDUSTRIAL AND EXTRACTIVE USES	Advertising display construction					P			
MANUFACTURING, INDUSTRIAL AND EXTRACTIVE USES	Engineering and testing laboratories				P				
MANUFACTURING, INDUSTRIAL AND EXTRACTIVE USES	Extraction of gravel, sand, or other raw materials					S			
MANUFACTURING, INDUSTRIAL AND EXTRACTIVE USES	Fuel oil, ice, coal, wood sales					P			
MANUFACTURING, INDUSTRIAL AND EXTRACTIVE USES	Industrial Artisan works such as but not limited to Monument works, Ornamental Iron Works					P			
MANUFACTURING, INDUSTRIAL AND EXTRACTIVE USES	Industrial uses, including, but not limited to: assembly, cleaning, compounding, fabrication, manufacture, mixing, packaging, processing, production, repair, servicing, storage and testing that can meet the highest industrial performance standards					P			

Usage Type	Usage	B1	B2	B3	ORI	Industrial	Open Space	Residential (E1,R1-R5)	
		P-Permitted Use			S-Special Use				
MANUFACTURING, INDUSTRIAL AND EXTRACTIVE USES	Pilot plant					P			
MANUFACTURING, INDUSTRIAL AND EXTRACTIVE USES	Production of prototype products or testing of pilot production processes				P				
OFFICE RESEARCH INDUSTRY	Buildings with a floor area ratio in excess of that permitted by section 9-5-10 of this code				S-OR1a				
OFFICE RESEARCH INDUSTRY	Buildings with an elevation in excess of 40 feet				S-OR1b				
OFFICE RESEARCH INDUSTRY	Industrial activities including, but not limited to, manufacturing, product repairing, assembling, printing and publishing				P				
OFFICE RESEARCH INDUSTRY	Multiple principal buildings on a zoning lot				S				
OFFICE RESEARCH INDUSTRY	Warehousing, storage, and distribution facilities; provided, that the use contains office space equal to at least ten percent (10%) of the gross floor area of the principal and accessory buildings				P				
OFFICE RESEARCH INDUSTRY - PARKING	Attached or detached parking structures with Restrictions				S				
OFFICE RESEARCH INDUSTRY - PARKING	Surface parking facilities which exceed the minimum number of spaces required by the square footage of the principal land use by more than 15%				S				
PLANNED UNIT DEVELOPMENTS	Planned unit developments, but only subject to the special procedures and standards set forth in section 9-11-18 of this code	S	S	S	S	S		S	
PUBLIC FACILITIES, UTILITIES	Any governmental activity or service conducted on land or within a building owned or leased by a public body other than the Village established before January 1, 2010						P		
PUBLIC FACILITIES, UTILITIES	Any governmental activity or service or related civic use or purpose conducted on land or within a building owned or leased by a public body other than the Village established after January 1, 2010						S		
PUBLIC FACILITIES, UTILITIES	Freestanding radio, television, microwave, and telephone antennas				S				

Usage Type	Usage	B1	B2	B3	ORI	Industrial	Open Space	Residential (E1,R1-R5)
		P-Permitted Use			S-Special Use			
PUBLIC FACILITIES, UTILITIES	Government buildings and utility distribution facilities, excluding public works garages and utility equipment storage yards				P			
PUBLIC FACILITIES, UTILITIES	Municipal or other public service uses, including fire and police stations, public works facilities, and similar uses but not Village uses permitted by-right in the residential districts							S
PUBLIC FACILITIES, UTILITIES	On site wastewater disposal systems which are approved by the Village engineer				S			
PUBLIC FACILITIES, UTILITIES	Parks, forest preserves, and recreational areas, when publicly owned and operated						P	P
PUBLIC FACILITIES, UTILITIES	Personal Wireless Services Antennae mounted on any support structure, subject to the regulations of Section 9-9-6						S	
PUBLIC FACILITIES, UTILITIES	Personal wireless services antennae, but only subject to the special procedures and standards contained in paragraph 9-9-6	S	S	S	S	S	P	S
PUBLIC FACILITIES, UTILITIES	Public open space						P	
PUBLIC FACILITIES, UTILITIES	Public utility facilities, i.e. filtration plant or pumping station, water pollution control, heat or power plant, transformer station and other similar facilities, except no special use shall be required for any and all Village owned and/or operated uses, buildings, structures, and facilities (see subsection 9-1-3 of this title)	S	S	S		S		S
PUBLIC FACILITIES, UTILITIES	Radio (commercial) and television transmitting or antenna towers and other electronic equipment requiring outdoor towers and including antenna towers for the dispatching of private messages	S	S	S		S		
PUBLIC FACILITIES, UTILITIES	Sewerage treatment plants				S-OR1b			
PUBLIC FACILITIES, UTILITIES	Utility service yard or garage					P		
PUBLIC FACILITIES, UTILITIES	Utility, public or quasi-public, installation service and offices			P				
PUBLIC FACILITIES, UTILITIES	Village uses, buildings, structures, and facilities (see subsection 9-1-3 of this title)	P	P	P	P	P	P	P
RELIGIOUS	Religious facilities							S

Usage Type	Usage	B1	B2	B3	ORI	Industrial	Open Space	Residential (E1,R1-R5)
		P-Permitted Use		S-Special Use				
RESIDENTIAL	Group homes							S
RESIDENTIAL	Multiple family dwellings							P-R4 P-R5
RESIDENTIAL	Single family detached dwellings							P
STORAGE	Machinery storage yard					P		
STORAGE	Outside storage of any nature	S	S	S		S		
STORAGE	Outside storage of goods, products, materials, supplies, machinery, or equipment, excluding commercial vehicles				S			
STORAGE	Storage, utilization, manufacture, or handling of radioactive substances or materials or products which decompose by detonation				S			
TRANSPORTATION	Airport, landing field, or landing strip; heliport; balloon port	S	S	S		S		
TRANSPORTATION	Airports and heliports					P		
TRANSPORTATION	Bus terminal, railroad passenger station, or any other transportation terminal facilities	S	S	S		S		
TRANSPORTATION	Cartage, express, parcel					P		
TRANSPORTATION	Heliports				S-OR1a			
TRANSPORTATION	Motor/rail freight terminal					P		
TRANSPORTATION	Railroad right of way	S	S	S		S		S

Approved 12/10/2009; Revised 4/10/14, 9/11/14, 8/22/2019, 7/22/2021

## CHAPTER 3

### RESIDENTIAL DISTRICTS

#### **9-3-1 PURPOSES**

The residential district regulations are intended to protect the overall character of the Village by preserving established residential areas and encouraging new development consistent with the character of the Village.

Seven zoning districts are provided for residential development. The residential districts (E-1, R-1, R-2, R-3, R-3 Residence Overlay, R-4, and R-5 districts), together with the regulations permitting planned unit developments, provide ample opportunity for the development and preservation of a variety of housing types consistent with the Village's character. The purpose of the R-3 Residence Overlay District is to preserve, protect and maintain the character of the R-3 District and eliminate many of the legal non-conformities that exist. [8/22/2019]

#### **9-3-2 PERMITTED USES [7/22/2021]**

The following uses and no other are permitted as of right in the residential districts.

- A. E-1 Residence District: See 9-2-5 Chart
- B. R-1 – R-3 Residence District: See 9-2-5 Chart
- C. R-4, R-5 Residence District: See 9-2-5 Chart

#### **9-3-3 ACCESSORY STRUCTURES AND USES**

Accessory structures and uses are permitted in the residential districts subject to the provisions of section 9-9-1 of this code.

#### **9-3-4 HOME OCCUPATIONS**

Home occupations are permitted in the residential districts subject to the provisions of section 9-9-2 of this code.

#### **9-3-5 TEMPORARY USES**

Temporary uses are permitted in the residential districts subject to the provisions of section 9-9-3 of this code.

#### **9-3-6 SPECIAL USES**

See 9-2-5 Chart for uses permitted in all residential districts, subject to the issuance of a special use permit as provided in section 9-11-17 of this code and subject to the additional standards set forth in this section.

**9-3-7 PARKING REQUIREMENTS**

The parking requirements applicable in the residential districts are set forth in section 9-9-4 of this code.

**9-3-8 SIGN REGULATIONS**

The sign regulations applicable in the residential districts are set forth in section 9-9-5 of this code.

**9-3-9 LIGHTING, LANDSCAPING, AND SCREENING REQUIREMENTS**

The requirements relating to landscaping and screening of certain uses and structures in the residential districts are set forth in section 9-9-7 of this code. The requirements relating to lighting in the residential districts are set forth in section 9-9-8 of this code.

**9-3-10 USE LIMITATIONS**

- A. One Principal Building Per Lot. Not more than one principal detached residential building shall be located on a zoning lot; and no principal detached residential building shall be located on the same zoning lot with any other principal building.
- B. One Principal Use Per Lot. Unless otherwise permitted expressly pursuant to a special use permit or planned unit development approval, not more than one principal use shall be located on a zoning lot, and each principal use shall be located entirely on a single zoning lot.
- C. Performance Standards. Any use established in the residential districts shall comply with the performance standards set forth in section 9-9-9 of this code.

**9-3-11 BULK, SPACE, AND YARD REQUIREMENTS**

- A. Requirements. The building height, lot area, setback, lot coverage, lot width, and minimum dwelling size requirements applicable in the residential districts are set forth in the following table. Footnote references appear in subsection B of this section at the end of the table.

	E-1	R-1	R-2	R-3	R-3 Residence Overlay [8/22/2019]	R-4	R-5
Minimum Lot Area (square feet) <sup>1</sup>	110,000	40,000	20,000	10,000	7,200	10,000	100,000
Minimum Lot Width at Frontage (feet)	200	150	100	75	60	70	200
Maximum Lot Coverage for all Buildings	15%	15%	20%	20%	20%	35%	35%
Minimum Front Yard Setback (feet)	75	50	35	35	25	35	35
Minimum Side Yard Setback (feet) <sup>2</sup>	30	20	15	10 feet or 10% of lot width, whichever is greater	5 feet or 10% of lot width, whichever is greater and a minimum distance of 10 feet between primary structures between adjoining lots	20	20

Minimum Rear Yard Setback (feet)	50	35	25	25	25	30	30
Maximum Principal Building Height (feet)	35	35	30	30	30	37	37
Maximum Accessory Building Height (feet)	20	20	20	20	20	25	25
Minimum Dwelling Size (square feet)	1,350	1,100	1,100	1,000	1,000	1 bedroom unit – 690 2 bedroom unit – 850 3 bedroom unit and single family detached dwelling - 1,000	1 bedroom unit – 690 2 bedroom unit – 850 3 bedroom unit and single family detached dwelling - 1,000
Maximum number of multiple family dwelling units per acre, if applicable	N/A	N/A	N/A	N/A	n/a	4	5

**B. Notes.**

1. Nonconforming Lots. See section 9-10-5 of this code for lot requirements with respect to legal nonconforming lots of record.
2. Corner Lots. On corner lots, the longest dimension of the lot is to be considered the side yard and the shortest dimension of the lot is to be considered the front yard. In addition, the following regulations shall apply:
  - a. The side yard requirements shall be the same as for interior lots; however, the following minimum side yard shall be established on the side adjacent to the street that is not the frontage:
    - i. E-1 District: 40 feet
    - ii. R-1 District: 20 feet
    - iii. R-2 District: 20 feet
    - iv. R-3 District: 20 feet
    - v. R-3 Residents Overlay District: 20 feet [\[8/22/2019\]](#)
  - b. A reversed corner lot shall maintain the following minimum setback from the side street:
    - i. E-1 District: 50% of the front yard requirements of abutting lots, but need not exceed 40 feet.
    - ii. R-1 District: 50% of the front yard requirements of abutting lots, but need not exceed 20 feet.
    - iii. R-2 District: 50% of the front yard requirements of abutting lots, but need not exceed 20 feet.

Approved 12/10/2009; Revised 4/10/14, 9/11/14, 12/12/2019, 7/22/2021

## CHAPTER 4

### **BUSINESS DISTRICTS**

#### **9-4-1 PURPOSES**

Three zoning districts are provided for business and commercial uses. The purpose of the business districts (B-1, B-2, and B-3 districts) is to provide an area for high quality, retail commercial development that is compatible with the essential character and scale of development of the Village.

#### **9-4-2 PERMITTED USES [\[7/22/2021\]](#)**

The following uses and no others are permitted as of right in the applicable business district.

B-1, B-2 and B-3 Districts: See 9-2-5 Chart

#### **9-4-3 ACCESSORY STRUCTURES AND USES**

Accessory structures and uses are permitted in the business districts subject to the provisions of section 9-9-1 of this code.

#### **9-4-4 TEMPORARY USES**

Temporary uses are permitted in the business districts subject to the provisions of section 9-9-3 of this code.

#### **9-4-5 SPECIAL USES**

See 9-2-5 Chart for uses permitted in the business districts subject to the issuance of a special use permit as provided in section 9-11-17 of this code:

#### **9-4-6 PARKING REQUIREMENTS**

The parking requirements applicable in the business districts are set forth in section 9-9-4 of this code.

#### **9-4-7 SIGN REGULATIONS**

The sign regulations applicable in the business districts are set forth in section 9-9-5 of this code.

#### **9-4-8 LIGHTING, LANDSCAPING, AND SCREENING REQUIREMENTS**

The requirements relating to landscaping and screening of certain uses and structures in the business districts are set forth in section 9-9-7 of this code. The requirements relating to lighting in the business districts are set forth in section 9-9-8 of this code.

#### **9-4-9 USE LIMITATIONS**



A. Use Limitations Generally Applicable in all Business Districts:

1. One Principal Use Per Lot. Unless otherwise permitted expressly pursuant to a special use permit or planned unit development approval, each principal use shall be located entirely on a single zoning lot.
2. Performance Standards. Any use established in the business districts shall comply with the performance standards set forth in section 9-9-9 of this code.

**9-4-10 BULK, SPACE, AND YARD REQUIREMENTS**

- A. Requirements. The building height, lot area, setback, lot coverage, and lot width requirements applicable in the business districts are set forth in the following table. Footnote references appear in subsection B of this section at the end of the table.

	B-1	B-2	B-3
Minimum Lot Area (square feet) <sup>1</sup>	20,000	20,000	200,000
Minimum Lot Width at Frontage (feet)	N/A	N/A	300
Minimum Front Yard Setback (feet)	35	35	35
Minimum Side Yard Setback (feet)			
1. Abutting residentially zoned property	20	20	75
2. Abutting industrially zoned property	10	20	75
3. Abutting business zoned property	3, unless an adequate fire wall is provided, then 0	3, unless an adequate fire wall is provided, then 0	75
Minimum Rear Yard Setback (feet)			
1. Abutting industrially zoned property	10	10	10
2. Abutting other zoned property	20	20	20
Maximum Principal Building Height (feet)	37	37	37
Maximum Accessory Building Height (feet)	25	25	25

B. Notes.

1. Nonconforming Lots. See section 9-10-5 of this code for lot requirements with respect to legal nonconforming lots of record.

Approved 12/10/2009; Revised 4/10/14, 9/11/14, 12/12/2021, 7/22/2021

## CHAPTER 5

### OFFICE, RESEARCH, AND INDUSTRY (ORI) DISTRICT

#### 9-5-1 PURPOSES

The ORI office, research and light industry district is provided to support and complement the Village of Island Lake's Comprehensive Plan. Uses permitted in the ORI shall be restricted to those which require a pleasant environment and do not create either an appreciable nuisance or hazard to other properties, individuals, or the general public.

The regulations further provide for grouping office, research, light industrial and limited commercial uses which are compatible in scope of services and method of operations. The ORI is designed to create a landscaped transition between it and adjacent residential, office, commercial, and manufacturing uses; provide separation; and enhance the visual image of the Village.

#### 9-5-2 ZONING SUBDISTRICTS

The ORI District is divided into three subdistricts for the purposes of accommodating research, light industrial, and limited commercial developments of different bulk and character, and requiring different traffic accommodations.

- A. OR1a: The OR1a subdistrict is intended for parcels which abut United States Highway 12 (US 12). Restricted to this site are medium to large scale commercial uses (those containing in excess of 10,000 square feet of gross floor area) and buildings with a height between 40 feet and 72 feet.
- B. OR1b: The OR1b subdistrict is intended to be the primary use in the ORI District and it will accommodate office, research, and light industrial uses in buildings that do not exceed 40 feet in height and contain retail uses only as an accessory use.
- C. OR1c: The OR1c subdistrict will be located only at the intersection of Darrell and Case Roads and allows, in addition to the uses of OR1b, neighborhood commercial uses (those containing a gross floor area of less than 10,000 square feet).

#### 9-5-3 PERMITTED USES [\[7/22/2021\]](#)

- A. See 9-2-5 Chart for uses permitted as of right in all ORI, OR1a, OR1b and subdistricts.
- B. The following uses are expressly prohibited in the ORI district:
  - 1. Airports.
  - 2. Any operation creating or handling hazardous wastes in an unauthorized or illegal manner.
  - 3. Auto/truck salvage yards.
  - 4. Butchering or animal rendering.
  - 5. Composting facilities.

6. Concrete, bulk, or asphalt plants.
7. Fertilizer manufacturing.
8. Incinerators, including crematoriums.
9. Landfills or dumps.
10. Metal smelting operations.
11. Mining of minerals, sand, gravel, or soil.
12. Paint factories.
13. Plating operations.
14. Refining of chemicals or petroleum.
15. Residential uses.
16. Rubber manufacturing, treatment, or storage.
17. Sawmills and joist assembly plants.
18. Stockyards or feedlots.
19. Tanning operations.
20. Truck terminals or bus barns.

**9-5-4 ACCESSORY STRUCTURES AND USES**

Accessory structures and uses are permitted in the ORI district subject to the provisions of section 9-9-1 of this code and the following special conditions:

- A. Accessory uses shall not occupy more than 10% of the gross square footage contained in a building and have no outdoor entrance or signage.
- B. Accessory buildings or other structures must be operated and maintained under the same ownership and on the same lot as the permitted use; must not include structures or structural features inconsistent with the architecture of the permitted use, and must not involve the conduct of any separate business, profession, trade, or industry.

**9-5-5 TEMPORARY USES**

Temporary uses are permitted in the ORI district subject to the provisions of section 9-9-3 of this code.

**9-5-6 SPECIAL USES**

See 9-2-5 Chart for permitted in all of the ORI subdistricts subject to the issuance of a special use permit as provided in section 9-11-17 of this code.

- A. See 9-2-5 Chart for additional special uses that may also be permitted in the OR1a subdistrict subject to the issuance of a special use permit as provided in section 9-11-17 of this code.
- B. See 9-2-5 Chart for additional special uses that may also be permitted in the OR1b subdistrict subject to the issuance of a special use permit as provided in section 9-11-17 of this code.
- C. Attached or detached parking structures, subject to the following:
  1. Height shall not exceed 33% of the height of the principal building;

2. Location shall not be closer to the front or corner side lot line of the property than the principal building;
3. Architectural design shall be the same as the principal building and, when feasible, shall be constructed with the same exterior materials as the principal building;
4. Lot size will be a minimum of five acres with a minimum building size of 100,000 square feet;
5. Residential land uses will be buffered by a landscaped open space measuring not less than 100 feet;
6. Structure may accommodate a maximum of 15% more parking spaces than the number required by the square footage of the principal land use;
7. Excess land which would have been required to accommodate the surface parking needs of the principal land use shall be maintained as permanently landscaped open space.

**9-5-7 PARKING REQUIREMENTS**

The parking requirements applicable in the ORI district are set forth in section 9-9-4 of this code.

**9-5-8 SIGN REGULATIONS**

The sign regulations applicable in the ORI district are set forth in section 9-9-5 of this code.

**9-5-9 LIGHTING, LANDSCAPING, AND SCREENING REQUIREMENTS**

The requirements relating to landscaping and screening of certain uses and structures in the ORI district are set forth in section 9-9-7 of this code. The requirements relating to lighting in the ORI district are set forth in section 9-9-8 of this code

**9-5-10 USE LIMITATIONS**

- A. Building Limitation. Unless otherwise permitted expressly pursuant to a special use permit or planned unit development approval, no more than one principal building shall be located on a zoning lot within the ORI District.
- B. Use Limitation. Lot area or other criteria used to satisfy one use cannot be counted again or be used to satisfy an additional use, except by a subdivision of land or by a planned development.
- C. Operations Within Buildings. All uses, except for off-street parking and loading and uses expressly exempted by this code, shall be conducted within completely enclosed buildings.
- D. Building materials. 80% of building facades, excluding glazed areas, shall be constructed of brick or precast concrete members.
- E. Fences. All chain-link fencing visible from the right of way or main parking area shall be screened to at least 90% opacity. Screening may be achieved using

landscaping or architectural materials and shall be designed as an integral part of the development.

- F. Utilities. All utilities shall be placed underground.
- G. Paving. All drives, loading dock aprons, parking areas, and walkways throughout the site shall be paved with asphalt or concrete material. Areas not covered by impervious materials shall be fully landscaped and maintained with grass, groundcover, trees, and shrubs.
- H. Traffic. The ORI district is subject to a limit on the amount of traffic it may generate in accordance with the Village’s comprehensive plan.
- I. Performance Standards. Any use established in the ORI District shall comply with the performance standards set forth in section 9-9-9 of this code. No use already established on the effective date of this title shall be so altered or modified as to conflict with such applicable performance standards. The Village may require that an application for a building permit for a new establishment or change of use when requested by the Village must be accompanied by verification from a recognized testing laboratory that all performance standards contained herein will be reasonably met.
- J. Site Plan Review. Prior to the issuance of a building permit for any development proposal in the ORI district that does not require planned unit development or special use permit approval, plans must be submitted to the Plan Commission for site plan review in accordance with section 9-11-19 of this article.

**9-5-11 BULK, SPACE, AND YARD REQUIREMENTS**

- A. Requirements. The building height, lot area, setback, lot coverage, and lot width requirements applicable in the ORI district are set forth in the following table. Footnote references appear in subsection B of this section at the end of the table.

	OR1a	OR1b	OR1c
Minimum Lot Area <sup>1</sup>	3 acres	2 acres	40,000 sq.ft.
Minimum Lot Width at Frontage (feet)	250	200	100
Maximum Floor Area Ratio			
1. Office	.35	.35	.35
2. Industrial/warehouse	.45	.45	.45
3. Commercial	.40	N/A	.30
Minimum Front Yard Setback (feet) <sup>2, 4, 5</sup>	75	75	50
Minimum Interior Side Yard Setback (feet) <sup>3, 4, 5</sup>	30	20	10
Minimum Rear Yard Setback (feet) <sup>3, 4, 5</sup>	35	30	20
Outside Edge <sup>3</sup>	20	10	10
Transition Yard <sup>4</sup>	50	50	50
Maximum Principal and Accessory Building Height (feet) <sup>5</sup>	72	40	35

B. Notes.

1. Nonconforming Lots. See section 9-10-5 of this code for lot requirements with respect to legal nonconforming lots of record.
2. Yard Abutting Public Right of Way. In the ORI districts, any yard abutting a public right of way will be subject to the front yard limitations, except for the 50 foot buffer strip illustrated in the Village's comprehensive plan which runs east of Darrell Road, north of Illinois Route 176, and west of the existing residential uses. This buffer strip shall be considered as a rear or side yard and shall be subject to those regulations. In any case, this buffer strip must be left unobstructed from the ground to the sky, except for landscaping, and may not contain driveways, structures, accessory buildings, or parking facilities.
3. Outside Edge. The required outside edge of interior and rear yards shall not be covered with impervious material and shall be landscaped.
4. Transition Yard. A transition yard will be created when any ORI District lot line abuts a residential district. The transition yard will be unobstructed from the ground to the sky except for landscaping.
5. Increased Yards. In order to keep the height of a building from disrupting the campus atmosphere of the ORIa subdistrict, additional depth will be required in front, side, and rear yards when the principal building exceeds 40 feet in height. For every one foot of additional height, two feet of depth will be added to each yard. The additional front yard may be used for driveway facilities, but not parking facilities, which are designed to provide vehicle passenger drop-off near a door to the principal building. These drop-off driveways must be screened from view from public rights of way or abutting properties.

Approved 12/10/2009; Revised 4/10/14, 9/11/14, 7/22/2021

## CHAPTER 6

### INDUSTRIAL DISTRICT

#### **9-6-1 PURPOSES**

The light industrial district (I-Light district) is intended to accommodate a range of manufacturing, warehousing, transportation, and wholesaling uses that are compatible with the character of the Village, subject to strict use limitations designed to prevent or minimize nuisance-type impacts.

#### **9-6-2 PERMITTED USES** [7/22/2021]

See 9-2-5 Chart for uses permitted as of right in the I-Light district

#### **9-6-3 ACCESSORY STRUCTURES AND USES**

Accessory structures and uses are permitted in the I-Light district subject to the provisions of section 9-9-1 of this code.

#### **9-6-4 TEMPORARY USES**

Temporary uses are permitted in the I-Light district subject to the provisions of section 9-9-3 of this code.

#### **9-6-5 SPECIAL USES**

See 9-2-5 Chart for additional special uses that may be permitted in the I-Light district subject to the issuance of a special use permit as provided in section 9-11-17 of this code.

#### **9-6-6 PARKING REQUIREMENTS**

The parking requirements applicable in the I-Light district are set forth in section 9-9-4 of this code.

#### **9-6-7 SIGN REGULATIONS**

The sign regulations applicable in the I-Light district are set forth in section 9-9-5 of this code.

#### **9-6-8 LIGHTING, LANDSCAPING, AND SCREENING REQUIREMENTS**

The requirements relating to landscaping and screening of certain uses and structures in the I-Light district are set forth in section 9-9-7 of this code. The requirements relating to lighting in the I-Light district are set forth in section 9-9-8 of this code

#### **9-6-9 USE LIMITATIONS**

- A. One Principal Use Per Lot. Unless otherwise permitted expressly pursuant to a special use permit or planned unit development approval, each principal use shall be located entirely on a single zoning lot.
- B. Performance Standards. Any use established in the I-Light District shall comply with the performance standards set forth in section 9-9-9 of this code.

**9-6-10 BULK, SPACE, AND YARD REQUIREMENTS**

- A. Requirements. The building height, lot area, setback, lot coverage, and lot width requirements applicable in the I-Light district are set forth in the following table. Footnote references appear in subsection B of this section at the end of the table.

	I-Light
Minimum Lot Area (square feet) <sup>1</sup>	100,000
Minimum Lot Width at Frontage (feet)	200
Maximum Floor Area Ratio	40%
Minimum Front Yard Setback (feet) <sup>2</sup>	75
Minimum Side Yard Setback (feet)	25
Minimum Rear Yard Setback (feet)	
1. Abutting residentially zoned property	40
2. Except abutting residentially zoned property	20
Maximum Principal Building Height (feet)	35
Maximum Accessory Building Height (feet)	35

- B. Notes.

- 1. Nonconforming Lots. See section 9-10-5 of this code for lot requirements with respect to legal nonconforming lots of record.
- 2. No Parking in Front Yard. No parking will be permitted between the edge of the street pavement and the front building line.



Approved 12/10/2009; Revised 4/10/14, 9/11/14, 7/22/2021

## CHAPTER 7

### OPEN SPACE AND PUBLIC DISTRICT

#### **9-7-1 PURPOSES**

The Open Space and Public District (OS District) includes public open space of notable size and quality within the Village, as well as public buildings, activities, or services. This district is intended to recognize, preserve, and protect the several major areas of public open space within the Village.

#### **9-7-2 PERMITTED USES [7/22/2021]**

The following uses and no others are permitted as of right in the OS district:

- A. Public open space.
- B. Parks, forest preserves, and recreational areas, when publicly owned and operated.
- C. Any governmental activity or service conducted on land or within a building owned or leased by a public body other than the Village established before January 1, 2010.
- D. Personal Wireless Services Antennae mounted on a support structure located on a lot owned by the Village, subject to the regulations of Section 9-9-6.
- E. Village uses, buildings, structures, and facilities (see subsection 9-1-3 of this title).

#### **9-7-3 ACCESSORY STRUCTURES AND USES**

Accessory structures and uses are permitted in the OS district subject to the provisions of section 9-9-1 of this code.

#### **9-7-4 TEMPORARY USES**

Temporary uses are permitted in the OS district subject to the provisions of section 9-9-3 of this code.

#### **9-7-5 SPECIAL USES**

The following uses may be permitted in the OS district subject to the issuance of a special use permit as provided in section 9-11-17 of this code:

- A. Any governmental activity or service or related civic use or purpose conducted on land or within a building owned or leased by a public body other than the Village established after January 1, 2010.
- B. Personal Wireless Services Antennae mounted on any support structure, subject to the regulations of Section 9-9-6.

**9-7-6 PARKING REQUIREMENTS**

The parking requirements applicable in the OS district are set forth in section 9-9-4 of this code.

**9-7-7 SIGN REGULATIONS**

The sign regulations applicable in the OS district are set forth in section 9-9-5 of this code.

**9-7-8 LIGHTING, LANDSCAPING, AND SCREENING REQUIREMENTS**

The requirements relating to landscaping and screening of certain uses and structures in the OS district are set forth in section 9-9-7 of this code. The requirements relating to lighting in the OS district are set forth in section 9-9-8 of this code

**9-7-9 USE LIMITATIONS**

- A. One Principal Use Per Lot. Unless otherwise permitted expressly pursuant to a special use permit or planned unit development approval, each principal use shall be located entirely on a single zoning lot.
- B. Performance Standards. Any use established in the OS district shall comply with the performance standards set forth in section 9-9-9 of this code.

**9-7-10 BULK, SPACE, AND YARD REQUIREMENTS**

- A. Requirements. The building height, lot area, setback, and lot coverage requirements applicable in the OS district are set forth in the following table. Footnote references appear in subsection B of this section at the end of the table.

	OS district
Maximum Floor Area Ratio	40%
Minimum Front Yard Setback (feet)	75
Minimum Side Yard Setback (feet)	25
Minimum Rear Yard Setback (feet)	40
Maximum Principal Building Height (feet)	35
Maximum Accessory Building Height (feet)	25

## CHAPTER 9

### DISTRICT REGULATIONS OF GENERAL APPLICABILITY

#### 9-9-1 ACCESSORY STRUCTURES AND USES

- A. Authorization. Subject to the limitations of this section, and except as limited by the regulations of the district where located, accessory structures and uses are permitted in any zoning district in connection with any principal use lawfully existing within such district.
- B. Definition. An accessory structure or use is a structure or use that:
1. Is subordinate in purpose, use, and floor area to, and serves, a principal structure or use; and
  2. Is customarily incident to such principal structure or use; and
  3. Contributes to the comfort, convenience, or necessity of those occupying, working at, or being served by such principal structure or use; and
  4. Except as otherwise expressly authorized by the provisions of this code, is located on the same zoning lot as such principal structure or use; and
  5. Is under the same ownership and control as such principal structure or use.
- C. Uses Subject to Special Restrictions. When the district regulations of this code require compliance with any procedures or standards with respect to a specific use, such use shall not be established as an accessory use except in compliance with those procedures and standards.
- D. Use, Bulk, Space, and Yard Regulations. Except as expressly provided otherwise in this code, every accessory structure and use shall comply with the use, bulk, space, and yard regulations made applicable to them by the regulations of the district in which they are located.
- E. Use Limitation. No accessory structure or use shall be constructed, established, or maintained on any lot prior to the substantial completion of construction of the principal structure to which it is accessory.
- F. Specific Regulations Applicable to Particular Accessory Structures and Uses.
1. Outdoor Storage. Except as otherwise expressly permitted by this code, outdoor storage shall not be allowed as an accessory use. Where permitted, outdoor storage must be screened as required by section 9-9-7 of this code.
  2. Antenna (other than Personal Wireless Services Antenna): Antenna shall be permitted as an accessory use subject to the regulations contained in chapter 9 of the building code.

**9-9-2 HOME OCCUPATIONS**

- A. Authorization. Subject to the limitations of this section, any home occupation that is customarily incidental to the principal use of a building for residential purposes shall be permitted in any dwelling unit or permitted accessory structure.
  
- B. Definition. A home occupation is a business, profession, occupation, or trade that:
  - 1. Is conducted for gain or support by a full-time occupant of a dwelling unit; and
  - 2. Is incidental and secondary to the use of such dwelling unit or permitted accessory structure, as the case may be, for residential purposes; and
  - 3. Does not change the essential residential character of such dwelling unit or permitted accessory structure.
  
- C. Use Limitations.
  - 1. Employee Limitations.
    - a. The entrepreneur of every home occupation shall be domiciled in the dwelling unit on the lot where such home occupation is conducted.
    - b. Only one person who is not domiciled in the dwelling unit on the lot where a home occupation is conducted may be employed in connection with, or otherwise participate in the operation of, such home occupation.
  
  - 2. Structural Limitations.
    - a. No alteration of any kind shall be made to the dwelling unit or accessory structure where a home occupation is conducted that would change its residential character, including the enlargement of public utility services beyond that customarily required for residential use.
    - b. No separate entrance shall be provided in connection with the conduct of any home occupation, except as required by federal, state, or local law or regulation.
  
  - 3. Operational Limitations.
    - a. No mechanical, electrical, or other equipment that produces noise, electrical or magnetic interference, vibration, heat, glare, emissions, odor, or radiation outside the dwelling unit or any permitted accessory structure that is greater or more frequent than that typical of equipment used in connection with residential occupancy shall be used in connection with any home occupation.

- b. No outdoor storage shall be allowed in connection with any home occupation.
  - c. No refuse in excess of the amount allowable for regular residential pick-up shall be generated by any home occupation.
  - d. Not more than one vehicle identified or advertised as a commercial vehicle shall be permitted in connection with any home occupation, and any such vehicle shall be stored in an enclosed garage at all times.
  - e. Parking, receipt, and delivery of goods and equipment shall be in keeping with the residential character of the property.
4. Signage and Visibility. No exterior display or signage shall be permitted except as authorized in the respective residential district pursuant to section 9-9-5 of this code.
5. Traffic Limitations. No home occupation shall generate more vehicular or pedestrian traffic than is typical of dwellings in the area.
6. Nuisance Causing Activities. In addition to the foregoing specific limitations, no home occupation shall cause or create any nuisance, or be noxious, offensive, or hazardous.
7. Licensing Requirements. Every home occupation shall be subject to any applicable business or other licensing and inspection requirements.
8. Prohibited Home Occupation Uses. The following uses shall not be permitted home occupation uses:
- a. Any wholesale or retail business unless conducted entirely by mail;
  - b. Any manufacturing business, excluding artists;
  - c. A hospital;
  - d. A restaurant.

**9-9-3 TEMPORARY USES**

- A. Authorization. Subject to the limitations of this section, temporary uses as hereinafter specified are permitted in the zoning districts hereinafter specified.
- B. Definition. A temporary use is a use that:
- 1. Is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time; and
  - 2. Does not involve the construction or alteration of any permanent structure.
- C. Permit Required; Special Standards for Issuance and Revocation.

1. Permit Required. No temporary use shall be established or maintained unless a permit evidencing the compliance of such use with the provisions of this code shall have first been issued by the Zoning Enforcement Officer.
  2. Bases for Certificate Denial. A permit may be denied if the Zoning Enforcement Officer determines that the owner has failed to comply with the terms or conditions of any previously issued zoning certificate for a temporary use or that the permanent use of the lot fails to comply in all respects with the provisions of this code and all other Village ordinances regulating the development, use, and maintenance of such lot. A permit shall be denied if the Zoning Enforcement Officer determines that the public health, safety, or welfare would be, or may reasonably be expected to be, impaired by the issuance thereof.
  3. Conditions on Permit. A permit may be conditioned upon such special requirements as the Zoning Enforcement Officer may determine are necessary to achieve the purposes of this code and to protect the public health, safety, and welfare.
  4. Revocation of Permit. A permit shall be revoked if any of the standards and conditions imposed pursuant to this section, or such permit, are violated.
- D. Permitted Temporary Uses. Subject to the specific regulations and time limits that follow and to the other applicable regulations of the district in which the use is permitted, the following temporary uses and no others are permitted in the zoning districts herein specified:
1. Any District.
    - a. Temporary Buildings and Construction Trailers. Temporary buildings or construction trailers that are exclusively used in connection with construction work may be permitted in any zoning district only during the period of construction subject to the following regulations:
      - i. Conditions. The Zoning Enforcement Officer may impose additional conditions related to the following items outside of those enumerated below to ensure that temporary buildings or trailers have the least possible negative impact upon the adjoining neighborhood and meet existing health and safety standards:
        - (1) Required Removal Time. Trailers used under the provisions of this section must be removed within 30 days of the expiration of the building permit.
        - (2) Location On A Construction Site. The temporary building must be placed in such a manner that it is not within 100 feet of the edge of any roadway that is not contained within the subdivision or construction site.

- (3) Presence or Use of Exterior Lighting. No permanent lighting structures may be erected surrounding the temporary building and any outdoor lighting must be extinguished by 10:00 P.M.
  - (4) Presence of Signs. One sign of no more than four square feet and affixed to the temporary building itself is permitted.
  - (5) Hours of Use. The temporary building may only be used or occupied during daylight hours (from sunrise to sunset, maximum).
- ii. Deposit. The village requires a deposit as set forth in section 8-1-3 of this code to ensure compliance with the conditions stated above.
  - iii. Permit Required. A permit is required and a site plan must be submitted detailing the trailer sizes, uses, and locations. The permit will be valid for six months. An onsite safety inspection is required before occupancy or usage begins. The electrical permit and inspection costs are additional as per section 8-1-3 of this code.
  - iv. Penalty. In addition to the otherwise applicable penalties for noncompliance, any manager of a construction site who fails to follow the provisions of this section or who willfully violates any other provision of this section is guilty of a misdemeanor and upon conviction thereof shall be liable in a civil action for the amount necessary to remove the temporary building or trailer from the construction site.
- b. Real Estate Offices, Including Model Units. In any district, when accessory to a new residential subdivision or nonresidential development. No such use shall be used for residential purposes or contain sleeping or cooking accommodations unless located in a model dwelling unit.
  - c. Steel Roll-Off Dumpsters. After a permit is issued and applicable fee, as noted in Ordinance 1-16-3, has been paid, a roll-off dumpster is allowed on the hard surface of the property for a period not to exceed 30 days. The property owner is liable for any damage done to the Village right of way including curbs and roadway. A green APPROVED sticker will be issued with the permit and it must be posted and visible on the front of the property.
- Temporary storage containers (pods) or fabric debris bags are allowed without permit and must be removed from the property within 30 days. Extensions past 30 days may be allowed in the discretion of the Building Commissioner or his designee, upon a well-founded basis.
- d. Civic Uses of Public Property. On publicly owned property, any civic use of any public building or property when authorized by the

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governmental agency owning or controlling such property; provided, however, that no such use shall impose an undue adverse effect on neighboring streets or lots.

- e. Special Events. Any special event shall provide adequate provisions for parking and traffic access and conditions may be placed on such special event to mitigate any adverse impact on other properties.

Any special event that involves the use of public property will require Village Board approval of a property use agreement.

- 2. Nonresidential Districts: Temporary Structures Accessory to Businesses. Temporary structures accessory to a business use (including tents and canopies), subject to the following:

- a. Temporary structures accessory to businesses may be allowed by a temporary use permit in all business zoning districts or in the commercial portion of a planned unit development for a period not to exceed 21 consecutive days, unless a longer period of time is approved by the Village Board.
- b. The specific hours of operation shall be specified in the temporary use permit.
- c. All sales shall be conducted at least 30 feet all public rights of way.
- d. A minimum of 30 foot setback shall be maintained from adjoining property used or zoned for residential purposes.
- e. The property shall be of sufficient size to provide adequate off street parking in addition to required parking for any other use on the subject property.
- f. Sales shall be conducted so as not to interfere with traffic or cause a nuisance.
- g. The access drive shall be located at least 150 feet from the right of way of any public road intersection or other major access drive unless there is an existing access within 150 feet of the intersection and the highway authority having jurisdiction grants approval to use the existing access.
- h. The temporary structure shall meet all code requirements for occupancy including, but not limited to, building, electrical, fire protection and life safety codes.
- i. The applicant shall pay all inspection and plan review fees prior to the issuance of the temporary use permit.
- j. The temporary structure shall be inspected and approved by the village and fire district prior to occupancy.



- k. The village board may, at its discretion, waive the fee associated with the temporary use permit for village related functions.
  - l. Temporary structures must be dismantled at the end of the permit period within ten days.
  - m. The annual fee for the temporary use permit shall be as set forth in the annual fee ordinance.
3. Residential Districts.
- a. House, Garage, and Yard Sales. In the residential districts, but only when limited to the personal possessions of the owner-occupant of the dwelling unit at which such sale is being conducted. Such use shall be limited to a period not to exceed three consecutive days, and no more than two such sales shall be conducted from the same dwelling in any 12-month period, and must comply with section 3-6-2 of this code. The annual Village-wide garage sale will not count towards the two sale limitation.
  - b. Tents. No permit shall be required for tents located to the rear of the dwelling in the residential districts.
- E. Bulk, Space, and Yard Regulations. Every temporary use shall comply with the bulk, yard, and space regulations applicable in the district in which such temporary use is located.
- F. Use Limitations.
- 1. General Limitations. Every temporary use shall comply with the limitations made applicable to specified temporary uses by subsection D of this section. No temporary use shall be permitted in any district if it would have a significant negative impact, including aesthetic impact, on any adjacent lot or on the area, as a whole, in which it is located.
  - 2. Hours and Days of Operation. The permit may designate the specific hours and days of the week during which a temporary use may operate on the basis of the nature of the temporary use and the character of the surrounding area.
  - 3. Public Safety. No temporary use shall be permitted that can be expected to create any undue on-site or off-site threat to public safety. No temporary use shall be operated except in accordance with any restrictions and conditions that may be imposed to eliminate any such threat. If required by the Village, the operator of the temporary use shall employ a fire watch team and/or appropriate security personnel.
  - 4. Traffic. No temporary use shall be permitted if additional vehicular traffic reasonably expected to be generated by such temporary use would have undue detrimental effects on surrounding streets and uses.
  - 5. Conflicts with Other Temporary Uses. No temporary use shall be permitted if such use would conflict with another previously authorized temporary use.

6. Temporary Use Sign Limitations. Temporary signs may be permitted in connection with an approved temporary use. Such signs shall be of sturdy construction and shall comply with any special conditions specified in the approval. Such signs shall not be erected sooner than 14 days before the commencement of the temporary use and shall be removed within 24 hours following the termination of the temporary use.
7. Parking. Before approving any temporary use, the Zoning Enforcement Officer shall make an assessment of the total number of off-street parking spaces that will be reasonably required in connection with the proposed temporary use, on the basis of the particular use, its intensity, and the availability of other parking facilities in the area, and shall approve such temporary use only if such off-street parking is provided. No temporary use shall be authorized that would, in the opinion of the Village, unreasonably reduce the amount of off-street parking spaces available for use in connection with permanent uses located on the zoning lot in question.
8. Additional Conditions. Every temporary use shall, in addition, comply with, and the Village may impose, such other conditions as may be reasonably necessary to achieve the purposes of this code or to protect the public health, safety, and welfare.

**9-9-4 OFF-STREET PARKING AND LOADING**

- A. Parking. Subject to the limitations of this section 9-9-4, off-street parking is permitted as an accessory use in all districts. Off-street parking is permitted as a principal use only when expressly authorized by the applicable district regulations. Nothing in this section shall be construed to limit the right of any person to provide off-street parking in excess of the requirements established by this code but all such parking shall comply with the standards of this section.
  1. General Requirements.
    - a. Applicability to Existing, New, and Expanded Uses.
      - i. General Applicability. Except as expressly provided otherwise in this code, the provisions of this section shall apply to, and off-street parking spaces sufficient to satisfy the requirements of this section shall be provided for, all existing and new uses, in accordance with the provisions of this code.
      - ii. Increase in Use Intensity. Whenever the intensity of use of any structure or use is increased through the addition of floor area, seating capacity, or other units of measurement specified herein for required parking spaces, parking spaces as required by this code shall be provided for the increase in intensity of use.
      - iii. Change in Existing Use. Whenever a use existing on the effective date of this code is changed to a new use, parking shall be provided as required for the new use; provided, however, that when any existing use was deficient in

required parking spaces on the effective date, the new use may be established with a deficiency in required parking spaces equal in number to not more than the pre-existing deficiency.

- b. Location of Required Parking Spaces. Parking spaces required by this section must be located on the same zoning lot as the use to which they are accessory.
2. Design and Maintenance. Every parking garage, area, lot, and structure shall be designed, constructed, and maintained in accordance with the applicable standards and requirements herein set forth:
- a. Surface. All new parking lots shall be constructed with a paved surface.
  - b. Design.
    - i. Access to street. All parking garages, areas, lots, and structures shall be so located and designed as to provide access to adjacent streets with the least interference with through traffic movements.
    - ii. Ingress/Egress. Except in a residential district, each parking garage, area, lot, or structure shall be designed to avoid the backing of vehicles over a sidewalk or into a public street.
    - iii. Location on Lot. Off-street parking spaces may be provided on surface lots, underground, under a building, or in parking structures. Parking lots, areas, and garages must comply with the yard requirements made applicable to them by the regulations of the district in which they are located.
    - iv. Screening. All parking lots and garages must comply with the screening and landscaping requirements set forth in section 9-9-7 of this code
    - v. Circulation Aisles. Each parking space in a parking lot, except spaces accessory to a single family dwelling, shall be accessed by a circulation aisle of a width, in feet and inches, as specified below:

<u>Parking Angle</u>	<u>One-Way Aisle Width</u>	<u>Two-Way Aisle Width</u>
Parallel	12'0"	24'0"
45°	12'6"	24'0"
60°	14'6"	24'0"
90°	22'6"	24'0"

- vi. Space Dimensions. Each off-street parking space, excluding its associated circulation aisle, shall have the following minimum dimensions, in feet and inches:

<u>Parking Angle</u>	<u>Stall Width</u>	<u>Stall Length</u>
Parallel	9'0"	22'0"
45°	9'0"	17'6"
60°	9'0"	19'0"
90°	9'0"	18'6"

Except for parallel parking spaces, the above stated stall dimensions may be reduced by one-half foot ( $\frac{1}{2}'$ ) in length and one-half foot ( $\frac{1}{2}'$ ) in width in parking lots and structures accessory to office and institutional uses where the Village Board finds that the typical parking space in such lot or structure will be occupied by no more than one or two (2) different vehicles during the course of the business day.

- vii. Maintenance. All parking garages, areas, lots, and structures shall be properly maintained at all times.

3. Required Spaces.

- a. Residential Districts. 2 spaces per dwelling unit.
- b. ORI Districts.

USE	REQUIRED SPACES
Eating and drinking establishments	1 per every 3 seats plus 0.5 for each employee
Theaters and arenas	1 per every 4 seats
Motels	1 per each room; plus 0.5 for each employee; plus eating and drinking establishment criteria
Retail	1 per 200 square feet of gross floor area up to 100,001 square feet; plus 1 per 250 square feet over 100,001 square feet
Office	1 per 250 square feet of gross floor area
Manufacturing	1 per 1,000 square feet of gross floor area up to 50,000 square feet; and  1 per 2,000 square feet for more than 50,001 square feet
Auto Service	1 per 175 square feet of gross floor area plus 2 per each service bay.

c. All Other Districts.

USE	REQUIRED SPACES
All business, commercial, professional office, and clinic establishments not otherwise listed below	1 for each 250 square feet of floor area
Restaurants	1 for each 100 square feet of floor area
Hotels and motels	1 1/8 for each lodging room, plus additional spaces required for other facilities in hotel or motel
Nursing homes and convalescent centers	1 for every 3 beds
Professional offices and clinics	10 for each 1,000 square feet of net floor area, PLUS 1 for each 200 square feet of storage area
Warehousing, storage, and wholesale establishments	4 spaces plus 1 space for each 1,500 square feet of floor area with at least 1 space for each 1.5 employees
Assembly Uses	1 for each 3 seats or bench seating spaces, based on maximum seating capacity

4. Unspecified Uses. When the ultimate use of a structure is not known, the maximum number of spaces that might be required for any use to which the structure might reasonably be devoted shall be provided.
5. Computation of Required Spaces.
  - a. Fractional Spaces. When determination of the number of required parking spaces results in the requirement of a fractional space, any fraction of one-half or less may be disregarded and any fraction in excess of one-half shall require one additional parking space.
  - b. Capacity Calculations. When parking spaces are required on the basis of capacity, capacity shall be determined based on the occupancy standards established by the Village building code.
  - c. Population Calculations. When parking spaces are required on the basis of the number of customers, students, or similar measure, the maximum number for which the structure is designed shall govern, except that when the structure has no design capacity the maximum number present at any one time shall govern.
6. Landbanking Authorized. Notwithstanding any other provision of this section, the Village Board may reduce the total number of off-street parking

spaces required to be paved subject to acceptance by the property owner of the following conditions:

- a. Termination of Landbanking. The Village Board shall have the right, in its sole and absolute discretion, to require the property owner or his or her successor at any time to increase the number of parking spaces provided to serve said development up to the maximum required for the property in question as if landbanking had been granted.
- b. Alternate Plans Required. Every application to allow landbanking of required parking spaces shall be accompanied by alternate detailed parking plans. One plan shall show the full number of parking spaces required pursuant to this section; the other plan shall show the landscaping treatment of areas proposed to be reserved for future parking requirements. Both such plans shall show the location on the site of all parking areas, the exact number of parking spaces to be provided, and complete details for 1) markings, 2) curbing, 3) surfacing, 4) screening and landscaping, 5) lighting, 6) signing, and 7) access. The design plans for such parking areas shall be subject to the approval of the Village Board.
- c. Open Space Covenant. As a condition of granting a landbank, the applicant shall file with the Village Board the applicant's unconditional agreement and covenant in form and substance satisfactory to the Village Attorney that areas reserved for future parking shall be maintained as landscaped open space until and unless required to be used for off-street parking; or until such covenant is released by the Village Board. The agreement and covenant shall be recorded with the Recorder of Deeds.

B. Loading.

1. Purpose. Subject to the limitations of this section, off-street loading is permitted as an accessory use in all districts other than residential districts.
2. General Requirements.
  - a. Location. All loading berths (docks) shall be located on the same zoning lot as the use served and may be located inside or outside the building served. No loading berth shall be located in a required front or side yard or abutting a residential district.
  - b. Design. All loading berths and loading areas shall be designed so that all maneuvering and standing of vehicles shall be done off streets, major circulation drives, and walkways except in parking lots with a capacity of less than 50 cars.
  - c. Screening. Loading berths shall be fully screened from view from any public or private street or from any adjacent property zoned for residential use. Screening materials will consist of landscaping, walls, berms, or any other permanent material which will provide continuous screening throughout the entire year.

- d. Access. Each required loading berth shall be served by appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.
  - e. Surface. Every loading space shall be surfaced with an asphaltic or portland cement pavement providing an all-weather, durable, and dustless surface approved by the Village.
  - f. Repair and Service. No storage of any kind, or motor vehicle repair work or service of any kind, shall be permitted within any required loading berth.
  - g. Grading and Draining. All loading facilities shall be graded and drained to dispose of water accumulation by means of a storm water drainage system approved by the Village.
  - h. Space Allocated. Space allocated to a required loading berth shall not be used to satisfy any requirements of the zoning code for off-street parking spaces.
3. Change of Use. Whenever the existing use of a building, structure, or premises shall hereafter be changed to a new use, loading facilities shall be provided as required for such new use.
  4. Change of Intensity of Use. When the intensity of use of any building, structure, or premises shall be increased through the addition of gross floor area, such additional loading facilities as required shall be provided.
  5. Minimum Facilities. Uses for which off-street loading facilities are required herein but which are located in buildings of less floor area than the minimum prescribed for such required facilities, shall be provided with receiving facilities accessible by motor vehicle, off any adjacent alley, service drive or open space on the same zoning lot. Any such loading areas shall be appropriately screened from view from any public or private street and may not be located in front or side yards.
  6. Required Number of Off-Street Loading Berths.

a. ORI District.

<u>Use and Building Floor Area</u>	<u>Number of Spaces</u>
Office and Retail Uses:	
80,000 to 100,000 sq. ft.	1 space
Industrial and Warehouse Uses:	
7,000 to 40,000 sq. ft.	1 space
40,001 to 100,000 sq. ft.	2 spaces
PLUS	1 additional space for each 100,000 sq. ft. or fraction thereof

b. Other Non-Residential Districts.

<u>Buildings With Floor Areas of</u>	<u>Number of Spaces</u>
less than 15,000 sq. ft.	1 space
less than 30,000 sq. ft.	2 spaces
less than 80,000 sq. ft.	3 spaces
less than 120,000 sq. ft.	4 spaces
PLUS	1 additional space for each 80,000 sq. ft. or fraction thereof

7. Calculating the Number of Berths. Square footages which produce a fraction less than one-half ( $1/2$ ) will not be required to add one additional berth. All fractions over one-half ( $1/2$ ) will be required to provide the additional berth.
8. Optional Berths. Owners and/or operators may install more loading berths than required by the minimum standard, providing all regulations of this Section are met.

**9-9-5 SIGNS**

- A. Scope of Regulations. The regulations of this section 9-9-5 shall govern and control the location, erection, relocation, reconstruction, extension, enlargement, conversion, replacement, alteration, operation, maintenance, and removal of all signs within the Village visible from any street, sidewalk, or public or private common open space, excluding only signs owned or maintained by the Village. Any sign not expressly permitted by these regulations shall be prohibited. The regulations of this section relate to the location of signs within zoning districts and shall be in addition to the provisions of the building code applicable to the construction and maintenance of signs.
- B. Statement of Purpose. The regulation of signs by this section is intended to promote and protect the public health, safety, and welfare. The purpose of this chapter is to:
  1. Regulate signs in such a manner that supports and compliments land use objectives that are set forth in the zoning code, Village code, and comprehensive plan.
  2. Insure that all signs are compatible with regards to size, location, color, construction, materials, and the manner of display.
  3. Insure that signs do not confuse, obstruct traffic vision, nor endanger public health, safety, morals, or general welfare.
- C. Applicability. No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, replaced, or altered except in conformance with the provisions of this section and after issuance of a sign permit by the Village, if required, or compliance with subsection 9-9-5E allowing signs without the issuance of a permit.



- D. General Standards. The following general standards apply to all signs. Any sign not in compliance with these standards shall be immediately corrected or shall be deemed to be in violation of this chapter.
1. Permit Required. Except as otherwise provided in subsection 9-9-5E of this section, it shall be unlawful for any person to erect, construct, move, alter, or maintain any sign without first having made application for and obtained a sign permit from the Village in accordance with section 9-11-20 of this code and having paid the applicable permit fee. The Zoning Enforcement Officer shall be responsible for the administration and enforcement of sign permit applications.
  2. Sign Measurement. The term “sign area” shall include the gross surface area of each sign with a single continuous perimeter enclosing the extreme limits of the sign and in no case passing through or between any adjacent elements of the sign. Such a perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.
  3. Location. The following restrictions shall govern sign location:
    - a. No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window, or fire escape.
    - b. No sign shall interfere with any opening required for ventilation.
    - c. Signs shall not be located closer than 24 inches horizontally or vertically from any conductor or public utility guy wire.
    - d. No sign may be located so as to obstruct the view from a public thoroughfare or any existing sign, display window, or major entrances of an adjacent business.
    - e. No sign of any kind may be attached to a standpipe or fire escape or to any other fire safety related device.
    - f. No sign shall be maintained at any location where by reason of its position, size, shape, or color it may obstruct, impair, obscure or interfere with the view of, or be confused with, any traffic-control sign, signal, or device, or where it may interfere with, mislead, or confuse traffic.
    - g. No signs shall be nailed, tacked, or otherwise affixed to trees or other vegetation in such a way as to puncture the bark.
    - h. No advertising other than a permitted sign shall be placed on any sign support.
    - i. No signs shall be painted directly upon the exterior walls of a structure.
    - j. No person shall park on a public right of way, public property, or private property so as to be prominently visible from a public right

of way any vehicle or trailer which has attached thereto or located thereon any sign or advertising device for the flagrant purpose of providing advertisement of products or directing people to a business or activity.

- k. Any wall sign must have a vertical clearance from the bottom of the sign to the grade below of nine feet.
  - l. No permanent or temporary off-site signs are permitted except those signs considered exempt under this chapter.
  - m. No signs may be allowed to encroach upon the public right of way or public property unless the sign owner has secured a special license therefore, after making application in writing to the Village Board.
  - n. Signs are permissible only on roadway display frontage. Where a business has two roadway frontage areas, two signs may be displayed.
  - o. No sign facing the side or rear lot line of an abutting residential zoned lot shall be located within 50 feet of that residential lot line.
  - p. No sign shall be located in any of the following vision triangles formed by intersecting streets. At any intersection where at least one of the intersecting streets is an expressway, major thoroughfare, secondary thoroughfare, Burnett-standard, or major connecting street as defined in the comprehensive plan of the Village, the sides of the triangle formed by the center lines of the intersecting streets shall be 120 feet in length as measured outward from the point of intersections of said center lines along such center lines. At all other intersections, each of such sides shall be 80 feet in length.
4. Illuminated Signs. Signs shall only be permitted to be illuminated in accordance with the following regulations:
- a. Any illumination of signs shall be constant in intensity and color and there shall be no flashing lights, rotating lights, running lights, or lights that create an illusion of movement, except for electronic message board signs permitted pursuant to subsection F of this section.
  - b. No sign shall be illuminated in such a manner so as to cause confusion with traffic signals or lights or which might constitute a traffic hazard.
  - c. Any light source that is used to illuminate a sign must be located, shielded, and directed as to not be visible from any point on any surrounding streets, public property, adjacent private property or adjacent structures. All artificial illumination shall be so designed, located, shielded, and directed so that it illuminates the sign face area only and prevents the casting of glare.

- d. All electrical work on illuminated signs and signs with electrical wiring must be covered by a valid electrical permit.
  - e. Relettering which requires a change of piping or sign shall be subject to the approval of the Electrical Inspector.
  - f. The voltage of any electrical apparatus used in connection with the sign shall be conspicuously placed on that apparatus.
  - g. Internally illuminated signs shall permit light to shine fully through only the lettering and graphic elements of the sign. The background for such lettering and graphics shall be opaque or translucent and shall transmit light at a level substantially less than that transmitted through the lettering and graphics.
  - h. Lighted signs are not permissible in a residential district.
5. Maintenance. All signs (including those for which no permit is required) and their supports shall be kept in a safe, presentable, and good structural condition in accordance with the following requirements and with the applicable codes and ordinances of the Village:
- a. The owner of a sign and the owner of the premises on which the sign is located shall be jointly and severally liable to maintain the sign and support structure in a clean and sanitary condition, free from rubbish and weeds, and in overall good working order, including illumination sources, and properly treated so as to prevent rust, peeling, flaking, or fading, at all times.
  - b. Broken panels, missing letters, flaking or peeling paint, and other damage to a sign or support structure shall be repaired within 30 days of its occurrence.
  - c. The area surrounding all signs shall be maintained free of any debris or nuisance and any related grassed area or landscaping shall be kept trimmed and in a healthy condition.
6. Removal of Signs.
- a. The Village may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.
  - b. Any sign which is located on property which becomes vacant and unoccupied for a period of three months or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be taken down and removed by the owner, agent, or persons having the beneficial use of the structure or property upon which such sign may be found. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management may be granted an additional three month time extension by the Village Board after written application.
7. Compliance With all Village Codes. In addition to the requirements contained within this section, all signs shall fully comply with all the other

applicable Village code provisions, including without limitation the Village's building and electrical codes.

- E. Signs that Do Not Require a Permit. The following permanent and temporary signs may be erected and maintained in any district, unless otherwise provided, without obtaining a sign permit, subject to the following limitations:

1. Permanent Signs:

- a. Flags and Emblems. Flags and emblems of governmental or political, civic, philanthropic, education, or religious organizations displayed on private property.
- b. Government Signs. Signs of a duly constituted governmental body.
- c. Memorial Signs. Memorial signs or tablets listing names of buildings and date of erection, when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other noncombustible material. These signs are not permitted in residential districts.
- d. Addresses. Address numerals and other signs required by law or government order, rule, or regulation, provided that the content and size of the sign do not exceed the requirements of such law, order, rule, or regulation.
- e. Directional and Warning Signs. Directional and warning signs that direct people to restrooms and to parking facilities and signs required by law (entrance, exits, and handicapped accessibility) shall be permitted. No such sign shall exceed two square feet in area. Directional and warning signs shall not be used for any commercial purposes.
- f. Business Nameplates. Nonelectrical nameplates denoting the business name of an occupation legally conducted on the premises, provided that the sign area does not exceed two square feet in area. These signs are not permitted in residential districts.
- g. Bulletin Boards. Bulletin boards, not exceeding 20 square feet in area for public, charitable, or religious institutions. These signs are not permitted in residential districts.
- h. Warnings Signs. "No-trespassing" or "no-dumping" signs not exceeding one and one-half square feet per sign, and not exceeding four in number per lot or at every 75 feet around the perimeter of the property.
- i. Religious And Historic Symbols. Religious symbols, identification emblems of religious orders, or commemorative plaques of recognized historical agencies, provided that no such symbol, plaque or identification emblem shall exceed four square feet and provided further that all such symbols, plaques, and identification

emblems shall be placed flat against a building, stone, or other permanent surface.

- j. Agricultural Business Signs. Business signs not exceeding 32 square feet when located on property used for agricultural purposes and pertaining to the sale of agricultural products grown or produced. These signs are not permitted in residential districts.
  - k. Community Information Signs. The maximum area per sign face shall not exceed 60 square feet. A sign or advertising structure which is used solely for the dissemination of information relating to community events and public information. These also are exempt from onsite requirements. These signs are not permitted in residential districts without Village Board approval.
2. Temporary Signs. Temporary signs shall be allowed in addition to all other signs allowed under this section and shall not be counted in calculating a site's maximum allowable signage. All temporary signs must be located on private property only and outside of the public right of way. The following types of temporary signs shall be allowed in all zoning districts, unless otherwise provided:
- a. Public/Legal Notices. Temporary signs that indicate either a public hearing or are a required legal notice may be installed on the lot; provided, however, that such signs shall not be located within the vision triangle nor constitute a public safety hazard.
  - b. Special Displays. Special displays or decorations for holidays, public demonstrations, or the promotion of civil welfare or charitable purposes, provided they contain no noncharitable advertising. Because of the unique nature of these signs, these are exempt from onsite requirements. Except for holiday decorations, these signs are not permitted in residential districts.
  - c. Temporary Civic Signs. Temporary signs not exceeding four square feet in area pertaining to drives or events or civic, philanthropic, education, or religious organizations, provided that said signs are posted no more than 30 days before the event and are removed not more than seven days after the event. These signs are not permitted in residential districts.
  - d. Construction Signs. One construction sign per construction project denoting the name of the project, the architect, engineer, contractor, and/or lending agency for the project. Such sign shall not exceed 48 square feet nor shall such signs be erected prior to the business of construction for which a valid building permit has been issued. Signs shall be confined to the site of construction and shall be removed seven days after completion of construction or the expiration of the building permit. The same shall apply to single- and multi-family developments when two or more buildings are being erected, but when one building is being erected, the maximum area allowed shall be eight square feet.

- e. Real Estate Signs. One real estate sign located adjacent to each separate street frontage of a lot, provided such sign is located entirely within the property to which the sign applies, is not directly illuminated, is removed within seven days after the sale, rental, or lease of the property, and does not exceed a maximum of 8 square feet in a single-family or multi-family residential district and 32 square feet in all other districts.
  - f. Campaign Signs. Two temporary campaign signs per candidate shall be permitted for each lot or per principal structure. The maximum size for each campaign sign shall not exceed 8 square feet in a single-family or multi-family residential district and 32 square feet in all other districts, and no such sign shall be illuminated. No such campaign sign shall project beyond the lot line into the public right of way or onto private property that is not owned by the party installing or owning the sign. Campaign signs shall include contact information for the person responsible for the sign.
  - g. Political Message Signs. Political message signs shall be permitted. The maximum size for each political message sign shall not exceed 8 square feet in a single-family or multi-family residential district and 32 square feet in all other districts, and no such sign shall be illuminated. No such political message sign shall project beyond the lot line into the public right of way or onto private property that is not owned by the party installing or owning the sign.
  - h. Temporary Window Signs. Paper signs affixed to the inside of a window and advertising temporary commercial situations related to goods or services sold on the premises, provided that the total of all window signs on the premises, including those permanently mounted in that window, occupy no more than 35% of the window's area and no such temporary paper sign shall be in place longer than 30 days. These signs are not permitted in residential districts.
  - i. "Open" Signs. No more than two temporary signs which advertise premises open for inspection, provided such signs do not exceed four square feet each are located with no more than one sign per frontage and are only in place when the related premises is actually open for inspection.
- F. Signs that Require a Permit. The permanent and temporary signs listed in Table 1 may be erected and maintained in any district, unless otherwise provided, provided a sign permit has been issued and subject to the special regulations contained in this subsection.

**TABLE 1**

Sign Type	B-1	B-2	B-3	I	OR1a	OR1b	OR1c	OS
Electronic Message Board sign	X	X	X	S*	S*	S*	S*	
Gasoline station sign	X	X	X		X	X	X	
Grand opening sign	X	X	X		X	X	X	
Ground sign	X	X	X	X	X	X	X	X
Permanent window sign	X	X	X	X	X	X	X	X
Pole sign	X	X	X	X	X	X	X	
Pylon sign	X	X			X			
Temporary signs	X	X	X	X	X	X	X	X
Time and temperature sign	X	X	X	X	X	X	X	X
Wall sign	X	X	X	X	X	S*	X	X
Movie and live entertainment theaters	X	X			X	X		
Unified business centers	X	X	X	X	X	X		

\*S = special use.

Except as provided in paragraph 9, the maximum permitted sign area for any one business shall be nine-tenths of a square foot for each one foot of display frontage. This maximum permitted area may be split up between as many signs and sign types as desired by the applicant, subject to the maximum sizes and special regulations permitted for each sign type below:

1. Ground Signs.

- a. No part of a ground sign or related structure shall be higher than six feet.
- b. Masonry, wooden bases, and landscaping incorporated as part of a ground sign shall not be counted as part of the permitted sign area as long as the masonry or wooden base does not contain lettering or graphic symbols.

- c. No ground sign shall contain more than two faces.
- d. The faces of a ground sign shall be parallel and located no more than one and one-half feet apart.
- e. No ground sign shall be located closer than 200 feet from another ground sign on the same premises.
- f. The maximum permitted area for a ground sign is seven-tenths of a square foot for each one foot of display frontage, up to a maximum sign area of 50 square feet.
- g. The minimum setback for a ground sign is 75 feet in the ORI District.

2. Permanent Window Signs.

- a. All permanent window signs shall be painted, metal leafed, or in some other manner permanently applied to either side of the glass of an exterior building window or door. No application using an adhesive shall be permitted unless the ZEO determines that the application is safe and will be permanent.
- b. Permanent window signs must be confined to the glass of the window and shall not encroach upon the frame, mullion, or other supporting features of the glass.
- c. The maximum permitted area for permanent window signs is 20 percent of the area of the subject window. However, the area used for permanent window signs shall be deducted from the allowable area for wall signs or roof signs.

3. Pylon Signs.

- a. All sides of a pylon sign must be enclosed and extend in a continuous plane from the top to bottom of the sign.
- b. No more than two faces of a pylon sign may contain lettering or graphic symbols.
- c. The faces of a pylon sign containing lettering or graphic symbols shall be parallel and located no more than two feet) apart.
- d. No pylon sign may be located closer than 200 feet from another pylon sign on the same premises.
- e. The maximum permitted area for a pylon sign is seven-tenths of a square foot for each one foot of display frontage, up to a maximum sign area of 100 square feet or 50 feet per side.
- f. The maximum height of a pylon sign shall be 12 feet.
- g. The minimum setback for a pylon sign shall be 40 feet from the center line of the road or 20 feet from the property line, whichever



is greater; provided, however, that in the ORI District, the minimum setback shall be 75 feet.

4. “Grand Opening” Signs.

- a. The signs may only be used in conjunction with the grand opening of a new business, and only for 30 days of the commencement of the business.
- b. Search lights may be permitted in connection with grand opening displays, but they must be oriented skyward, not breaking an angle of 45 degrees from the ground, and they may not be operated between the hours of 11:00 P.M. and 7:00 A.M; provided, however, that search lights may not be permitted in the OR1b or OR1c districts.
- c. All temporary signs shall be anchored and supported in a manner which reasonably prevents the possibility of the signs becoming hazards to the public health and safety as determined by the Zoning Enforcement Officer.
- d. No temporary sign shall cover more than 10 percent of any wall nor more than 25 percent of any window except going out of business signs, which may cover 100 percent of any window.
- e. Temporary signs shall be kept in reasonable size relationship to permanent signs permitted on the premises and in no case shall they be larger than 100 square feet in the ORI districts and 50 square feet in the other districts.

5. Time and Temperature Signs.

- a. Time and temperature signs are regarded as general public service signs; therefore, only one-third of the portion of such signs displaying time or temperature numbers shall be counted for purposes of determining permitted sign area.
- b. Otherwise, time and temperature signs shall conform to the regulations of the sign type which they most clearly resemble.
- c. Time and temperature signs shall have a display area for numbers of a minimum of two feet in one dimension and a maximum of four feet in the largest dimension.
- d. Time and temperature signs must be adjusted to present accurate readings.

6. Wall Signs.

- a. In OR1b, a special use permit must be issued prior to the installation of a wall sign.
- b. No wall sign shall extend above or beyond the wall to which it is attached.

- c. No wall sign shall be located higher than 85 percent of the average height of the total building elevation parallel to and adjacent to the sign.
  - d. No wall sign shall project more than 12 inches beyond the plane of the wall to which it is attached.
  - e. No sign may be painted directly on any wall.
  - f. All mounting brackets and other hardware used to affix a sign to a wall shall be concealed by the sign or integrated into the design of the sign.
  - g. The maximum permitted area for a wall sign is nine-tenths of a square foot for each one foot of display frontage.
7. Pole Signs. All sides of a pole sign must be enclosed and extend in a continuous plane from the top to bottom of the sign.
- a. No more than two faces of a pole sign may contain lettering or graphic symbols.
  - b. The faces of a pole sign containing lettering or graphic symbols shall be parallel and located no more than two feet apart.
  - c. The maximum permitted area for a pole sign is seven-tenths of a square foot for each one foot of display frontage, up to a maximum sign area of 100 square feet or 50 square feet per side.
  - d. The maximum height of a pole sign shall be 12 feet and a minimum height of six feet above the grade.
  - e. The minimum setback for a pole sign shall be 40 feet from the center line of the road or 20 feet from the property line, whichever is greater.
8. Electronic Message Board Signs.
- a. Only one electronic message board sign shall be allowed on each zoning lot. Lots which are contiguous to one another and are held or leased under a common owner or lessee and serve the same principal use or uses shall be considered a single zoning lot.
  - b. Electronic message board signs shall only be allowed as freestanding signs or part of freestanding signs.
  - c. No electronic message board sign shall be located within 50 feet from the lot line of a property used for residential purposes.
  - d. The electronic message portion of a freestanding sign may not exceed 50 square feet.

- e. Electronic message board signs shall be controlled electronically by a computer or other similar device that has manual override capabilities.
  - f. Fuel prices on signs at gas stations may be displayed in electronic numbers in lieu of changeable copy numbers.
  - g. Flashing lights, scrolling lights and rotation of lights around the sign so as to draw attention and cause a distraction are prohibited.
  - h. The message area of an electronic message board sign may be illuminated by incandescent lamps, LED (light-emitting diodes) or magnetic discs. Whatever the light source, undue brightness is prohibited. Undue brightness means illumination of the sign in excess of 5,000 nits in the daytime and 1,000 nits in the nighttime. The sign must have an automatic phased proportional dimmer which must be used to reduce nighttime brightness levels. Further, prior to the issuance of a permit for an electronic message board sign, the applicant shall provide written certification from the sign manufacturer or sign installer that the light intensity has been factory preset not to exceed the levels specified above. Electronic message board sign users shall reduce the level of brightness of the sign if determined by the Village that the light levels exceed the levels specified above.
9. Permitted Extra Signs. Certain business operations are hereby found to be unique with respect to their sign requirements and may, therefore, be permitted to have extra signs as specified below. These include:
- a. Gasoline Stations. Gasoline stations are unique because their primary functions are performed out-of-doors in a manner prescribed by State statutes. In addition to the signs permitted by other sections of this Chapter, the following signs are permitted uniquely to gasoline stations.
    - i. Two signs per pump island which designate the function of the island as self-service or full service. Such signs shall not have more than two faces and shall not exceed three square feet per face.
    - ii. One sign per type of fuel sold which designates the price of that fuel. Such signs shall not have more than two faces and shall not exceed six square feet per face. The sign area for more than one type of fuel may be combined into one sign.
    - iii. One nonilluminated sign identifying the service performed in each service bay may be placed over the opening to each bay. Such signs shall have one face and shall not exceed three square feet each.
    - iv. One nonilluminated nameplate identifying the owner or operator is permitted adjacent to the doorway of the station.

Such nameplate shall have one face and shall not exceed two square feet in area.

- v. Temporary signs advertising batteries, tires, oil, or other products directly related to motor vehicles, if the signs are located directly adjacent to a display of the products described. Such signs may have two faces and shall not exceed ten square feet in area.
  - vi. Any signs required by the State or Federal governments.
  - vii. TV screens attached on a gas pump that do not exceed two square feet in area will be permitted and will not be included in the total sign area square footage calculations.
- b. Movie and Live Entertainment Theaters. These theaters are unique because of the rapid turnover of the names of their entertainment products. In addition to the signs permitted by other subsections of this Section, the following sign is permitted uniquely to theaters.
- i. Each theater may have one sign of up to 50 square feet which will accommodate changeable lettering copy.
  - ii. A theater's changeable copy sign may have two faces if it is freestanding, but both faces must be parallel and located no more than two feet apart.
  - iii. Otherwise, a theaters changeable copy sign shall conform to the regulations for the sign type which it most nearly resembles.
- c. Unified Business Centers. Unified business centers are unique because of the concentrated development and their centralized ownership characteristics. In addition to the signs permitted by other subsections of this Section, the following signs are permitted uniquely to unified business centers.
- i. A unified business center may have one identification sign for the center in addition to the otherwise permitted wall signs.
  - ii. Such identification sign may only include the name and graphic logo of the center, address of the center, and also may include a time and/or temperature sign.
  - iii. The permitted area of such identification signs shall be based upon a ratio of four square feet per one acre of the center's site, up to a maximum of 75 square feet. For each business located within the unified business center, an additional four square feet may be added to the identification sign, provided it displays the name of the businesses in the unified business center.

- iv. Unified business centers may have common directory signs to guide pedestrians to individual businesses on the site. Such signs shall be limited to one square foot per business listed on the sign in the ORI districts and eight square feet per business in other districts.
  - v. Otherwise, unified business center identification signs shall conform to the regulations of the sign type which they most closely resemble.
  - d. Restaurants. A restaurant may have additional directional entrance and exit signs to direct traffic through the lot and may have signs indicating menu items available for purchase. Menu signs shall not exceed 25 square feet.
- G. Prohibited Signs. The following signs and types of signs shall be prohibited in all districts:
- 1. Not Permitted. Any sign not expressly permitted by this chapter is strictly forbidden. This determination is to be made by the Zoning Enforcement Officer.
  - 2. Flashing Signs. Any sign that is wholly or partially illuminated by flashing lights or intermittent lights shall be prohibited, except for electronic message board signs permitted by Subsection 9-9-5.F of this code.
  - 3. Portable Signs. Any portable sign shall be prohibited. Examples of such signs are signs that have trailer hitches, signs on wheels, signs that can be transported to and from various locations and portable signs with internally illuminated boards.
  - 4. Off-Site Advertising Signs/Billboards. Any sign that directs attention to a business, service or commodity that is offered, conducted or sold at another location than the location of the sign shall be prohibited.
  - 5. Painted Wall Signs. Any wall sign that is applied with paint or a similar substance on the face of a wall, building or structure shall be prohibited.
  - 6. Signs on Trees or Utility Poles. Any sign that is attached to a tree or utility pole whether on public or private property shall be prohibited.
  - 7. Vehicle Signs. Any commercial vehicle used for the sole purpose of advertising a business by parking the vehicle anywhere in the Village shall be prohibited.
  - 8. Signage on Village Property or Right of Way. Any sign on Village property or public right-of-way without the Village's or respective public body's consent shall be prohibited.

**9-9-6**

**PERSONAL WIRELESS SERVICES ANTENNAE REGULATIONS**

- A. Purpose. The purpose of this section is to provide specific regulations and standards for the placement and siting of wireless telecommunications antennae and related facilities to provide wireless telecommunications services in the Village. The goal of this section is to provide regulations that will facilitate the location of various types of wireless communication facilities in permitted locations so that they are consistent with the character of the Village. Minimizing the adverse visual impact of wireless facilities within the Village, and especially within the residential core of the Village, is one of the primary objectives of this section. This section is intended to allow wireless telecommunication facilities that are sufficient to allow adequate service to citizens, the traveling public, and others within the Village, while maintaining the character of the Village as described in the Village comprehensive plan.
- B. General Standards and Regulations. The general standards set forth in this section shall apply to the location of all personal wireless services antennae in the Village, whether allowed as a permitted use or as a special use in the individual zoning district regulations of this code.
  - 1. Height. Unless otherwise authorized and approved as a special use, personal wireless services antennae, support structures, or personal wireless services facilities may extend to the following heights:
    - a. Towers and Monopoles. Personal wireless services antenna support structures of a tower or monopole design may extend to a height of not more than 125 feet.
    - b. Omnidirectional or Whip Antennae. Omnidirectional or whip antennae may extend not more than 12 feet above the highest point of the support structure on which it is mounted.
    - c. Directional or Panel Antennae. Directional or panel antennae may not extend above the highest point of the support structure on which it is mounted.
    - d. Personal Wireless Services Facilities. Personal wireless services facilities located in a separate structure shall be limited by the applicable height limitations for accessory structures in the zoning code. Personal wireless services facilities located in, or mounted on, an antenna support structure shall not exceed the height of such support structure.
  - 2. Location. Personal wireless services antennae shall be mounted on existing antenna support structures or other lawfully existing buildings, unless otherwise provided in this ordinance. No more than one antenna support structure shall be permitted on any one zoning lot.
  - 3. Co-Location. Unless otherwise authorized by the Village for good cause shown, every newly constructed personal wireless services antenna support structure shall be designed, constructed and installed to be of a sufficient size and capacity to allow the commercially feasible location of antennae for additional personal wireless service providers on such structure in the future.

4. Design of Antennae Support Structure. Every newly constructed personal wireless services antennae support structure, other than an existing structure that is designed primarily for a purpose other than supporting a personal wireless services antenna, shall:
  - a. Be constructed at the minimum height required to adequately serve the antennae placed thereon;
  - b. Be of monopole rather than tower design, unless otherwise authorized by the Village for good cause shown;
  - c. Not be illuminated or have any signs installed thereon (other than private warning signs) unless otherwise required by federal law or regulations or authorized by the Village Board;
  - d. Be separated from any building on an adjoining lot by a distance that is not less than 110 percent of the height of the antenna support structure and be designed to withstand a wind force of 120 miles per hour without the use of supporting guy wires. For the purposes of this requirement, this distance shall be measured horizontally from the center of the base of the antenna support structure to the point where the ground meets a vertical wall of such building; and
  - e. Be adequately screened from view by the natural tree landscaping or otherwise designed in such a manner that the antenna support structure itself is minimally intrusive to the visual landscape.
  
5. Color. Every personal wireless services antenna and antenna support structure shall be of neutral colors that are harmonious with, and that blend with, the natural features, buildings and structures surrounding such antenna and antenna support structures; provided, however, that directional or panel antennae and omnidirectional or whip antennae mounted on the exterior of a building serving as an antenna support structure shall be of colors that match, and cause the antenna to blend with, the exterior of the building.
  
6. Landscaping and Buffering. In order to minimize the visibility of personal wireless services antennae, support structures, and personal wireless services facilities, a natural screen or fence shall be erected if not already provided, so as to provide the maximum achievable screening as determined by the Village. Appropriate landscaping shall be located and maintained between any personal wireless services antenna, support structure, and personal wireless services facilities (other than a roof-mounted personal wireless services antenna) and each lot line of the property on which it is located so as to provide the maximum reasonably achievable screening, as determined by the Village, of such personal wireless services antennae, support structure, and personal wireless services facilities from view from adjoining properties and public or private streets. Notwithstanding the foregoing, no such screening is required to extend more than ten (10) feet in height. Alternatively, for a roof-mounted personal wireless services antenna and antenna support structure, the maximum reasonably achievable screening shall be provided between

such personal wireless services antenna and antenna support structure and the view from adjoining properties and public or private streets.

7. Protection Against Climbing. Every personal wireless services antenna and antenna support structure shall be protected against unauthorized climbing or other access by the public with fencing or by other means approved by the Zoning Enforcement Officer.
  8. Equipment Enclosures. All personal wireless services facilities shall, whenever possible, be located within a lawfully pre-existing structure or completely below grade. Where the Zoning Enforcement Officer determines that the location of personal wireless facilities within an existing structure or below grade cannot be achieved in a reasonably cost-effective manner, a new structure may be constructed to house such equipment, such structure shall be harmonious with, and blend with, the natural features, buildings, and structures surrounding such structure.
  9. Licenses and Permits. The operator of every personal wireless services antenna shall submit to the Village copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location, and operation of such antenna and shall maintain such licenses and permits and provide evidence of renewal or extension thereof when granted. In addition, no personal wireless services antenna may be installed, nor may any antenna support structure or personal wireless services facility be constructed or altered, without a building permit issued therefor by the Village.
  10. Abandonment and Removal. When any antenna, antenna support structure, or personal wireless services facilities are not operated for the provision of personal wireless services for a continuous period of 12 months or more, such antenna, antenna support structure, or personal wireless services facilities may be deemed to be abandoned by the Village. The owner of such antenna, antenna support structure, or personal wireless services facilities shall remove such items within 90 days following the mailing of written notice that removal is required. Such notice shall be sent by certified or registered mail, return receipt requested, by the Village to such owner at the last known address of such owner. If two or more providers of personal wireless services use an antenna support structure or personal wireless services facility to provide personal wireless services, then the period of non-use under this provision for any support structure or personal wireless services facilities shall be measured from the cessation of operation by all such providers of the support structure or personal wireless services facilities.
- C. Special Standards. The Village shall consider the following factors in determining whether to issue a special use permit, although the Village may waive or reduce the burden on the applicant of one or more of these criteria if the Village concludes that the goals of this chapter are better served thereby:
1. Height of the proposed tower;
  2. Proximity of the tower to residential structures and residential district boundaries;



3. Nature of uses on adjacent and nearby properties;
4. Surrounding topography;
5. Surrounding tree coverage and foliage;
6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
7. Proposed ingress and egress; and
8. Availability of suitable existing towers and other structures. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Village that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
  - a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
  - b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
  - c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
  - e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

**9-9-7 ADULT-USE CANNABIS** (Section added 12/12/2019)

- A. Purpose. The purpose of this section is to provide specific regulations regarding the cultivation, processing and dispensing of adult-use cannabis occurring within the corporate limits of the Village. Such adult-use cannabis business establishments shall comply with all regulations provided in the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the state or local regulations shall apply.

- B. General Standards and Regulations. The general standards set forth in this section shall apply to the location of all adult-use cannabis business establishments in the Village and all adult-use cannabis business establishments in the Village shall be processed in accordance with section 9-11-17 of the code.
1. Sales or Distribution. An adult-use cannabis business establishment may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
  2. Location.
    - a. Adult-Use Cannabis Business Establishment. An adult-use cannabis business establishment may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.
    - b. Adult-Use Cannabis Craft Grower and Adult-Use Cannabis Cultivation Center. An adult-use cannabis craft grower and adult-use cannabis cultivation center may not be located within 1,500 feet of the property line of a pre-existing property zoned or used for residential purposes.
    - c. Adult-Use Cannabis Dispensing Organization, Adult-Use Cannabis Infuser Organization or Infuser, Adult-Use Cannabis Processing Organization or Processor, and Adult-Use Cannabis Transporting Organization or Transporter. An adult-use cannabis dispensing organization, adult-use cannabis infuser organization or infuser, adult-use cannabis processing organization or processor, and adult-use Cannabis transporting organization or transporter may not be located in a dwelling unit.
  3. Additional Requirements. The Plan Commission may recommend and the Board of Trustees may impose such conditions and limitations concerning building enhancements, such as security cameras, lighting or other improvements to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for an adult-use cannabis business establishment and the site on which it is located, consistent with the requirements of the Cannabis Regulation and Tax Act.
  4. Locating Adult-Use Cannabis Business Establishments Together. The Village may approve locating an adult-use cannabis dispensing organization with an adult-use cannabis craft grower or an adult-use cannabis infuser organization or infuser, or both, subject to the provisions of the Cannabis Regulation and Tax Act and section 9-11-17 of the code. If approved, the floor space requirements of sections 9-9-7(D)(1) and 9-9-7(E) shall not apply, but the adult-use cannabis dispensing organization with the adult-use cannabis craft grower or the adult-use cannabis infuser

organization or infuser, or both, as the case may be, shall be the sole use of the space.

5. Compliance. Petitioner for a special use shall file an affidavit with the Village affirming compliance with section 9-9-7 and all other requirements of the Cannabis Regulation and Tax Act.

C. Special Standards. The Village shall consider the following factors in determining whether to issue a special use permit based on the entirety of the circumstances affecting the particular property, although the Village may waive or reduce the burden on the applicant of one or more of these criteria if the Village concludes that the goals of this chapter are better served thereby:

1. Impact of the proposed adult-use cannabis business establishment on existing or planned uses located within the vicinity of the subject property.
2. Proposed structure in which the adult-use cannabis business establishment will be located, including co-tenancy (if in a multi-tenant building), total square footage, security installations/security plan and building code compliance.
3. Hours of operation and anticipated number of customers/employees.
4. Anticipated parking demand based on section 9-9-4; provided, however, that the Village may require that additional parking be provided as a result of the analysis completed through sections 9-9-4 and 9-11-17.
5. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
6. Site design, including access points and internal site circulation.
7. Proposed signage plan.
8. Compliance with all requirements for the specific adult-use cannabis business establishment provided herein, as applicable.
9. Other criteria determined to be necessary to assess compliance with section 9-11-17 of the code.

D. Adult-Use Cannabis Dispensing Organization. In those zoning districts in which an adult-use cannabis dispensing organization may be located, the proposed facility must comply with the following:

1. At least 75% of the floor area of any space occupied by an adult-use cannabis dispensing organization shall be devoted to the activities of the adult-use cannabis dispensing organization as authorized by the Cannabis Regulation and Tax Act, and no adult-use cannabis dispensing organization shall also sell food for consumption on the premises other than as authorized in subsection b below in the same space.
2. An adult-use cannabis dispensing organization may be issued a permit to host on-site consumption of cannabis if located in a freestanding structure

occupied solely by the adult-use cannabis dispensing organization and smoke from the facility does not migrate into an enclosed area where smoking is prohibited. The security plan for the adult-use cannabis dispensing organization required by section 9-9-7(B)(3) shall also reflect adequate provisions to respond to disruptive conduct and over-consumption. The on-site consumption permit shall be reviewed annually and may be suspended or revoked following notice and hearing as provided in Title 1, Chapter 17 of the code.

- E. Adult-Use Cannabis Infuser Organization or Infuser. In those zoning districts in which an adult-use cannabis infuser organization or infuser may be located, at least 75% of the floor area of any space occupied by an adult-use cannabis infuser organization or infuser shall be devoted to the activities of the adult-use cannabis infuser organization or infuser as authorized by the Cannabis Regulation and Tax Act.
- F. Adult-Use Cannabis Processing Organization or Processor. In those zoning districts in which an adult-use cannabis processing organization or processor may be located, at least 75% of the floor area of any space occupied by an adult-use cannabis processing organization or processor shall be devoted to the activities of the adult-use cannabis processing organization or processor as authorized by the Cannabis Regulation and Tax Act.
- G. Adult-Use Cannabis Transporting Organization or Transporter. In those zoning districts in which an adult-use transporting organization or transporter may be located, the adult-use transporting organization or transporter shall be the sole use of the space in which it is located.

**9-9-8 LANDSCAPE AND SCREENING REQUIREMENTS**

- A. Purpose. It is the intent of this chapter to establish regulations controlling the removal and encouraging the replacement of trees from public and private property within the Village. In so doing, the Village will safeguard the ecological and aesthetic environment of the community and protect property values. These regulations are further intended to serve to dissuade the unnecessary clearing and disturbing of land so as to preserve, insofar as practical, the existing natural vegetation of the area and to replace when necessary the removed vegetation with appropriate plant material indigenous to the region.
- B. General Requirements. All landscaping shall meet or exceed the minimums required in this section, unless otherwise approved pursuant to an ordinance granting approval of a planned unit development.
- C. Landscaping Plan. A landscape plan in conformance with the following requirements shall be required prior to the removal of any three or more trees six inches in diameter or greater and/or prior to the removal of any tree 10 inches in diameter or greater from any business, industrial or estate zoned piece of property located in the Village. A landscape plan shall also be required prior to final plat approval any time a tree in the number and size diameter set forth above is to be removed from any property that is being subdivided and/or which falls under the dictates of the Village's subdivision regulations. The plan shall:
  - 1. Be developed and implemented by a qualified landscape architect.

2. Be drawn at a scale not smaller than the following: for areas of less than two acres, at a scale of one inch equals ten feet (1" = 10'); for areas of two to ten acres, at a scale of one inch equals thirty feet (1" = 30'); for areas of more than ten acres, at a scale of one inch equals fifty feet (1" = 50'). Reduced copies may also be required by the Village.
3. Show specific quantity in number of trees and general location of all existing trees six inches in diameter or larger, measured twelve inches above the ground, all natural features, all existing and proposed public rights of way and easements. Such plan shall also indicate those trees that are proposed to be removed.
4. Show all proposed grading including final grades from the site plan submissions and landscaping, including such detail as plant species and varieties, using botanical and common names, size and quantities to be installed.
5. The landscape plan required to be filed pursuant to this chapter shall be filed with the Village and shall be subject to the approval of the Zoning Enforcement Officer. If the landscape plan is submitted in conjunction with an application for a building permit, no building permit shall issue until prior approval is obtained. No tree shall be removed unless there is strict compliance with the terms and provisions of this chapter.
6. The Zoning Enforcement Officer is authorized to allow a landscape plan to be submitted to the Village that has not been developed and implemented by a qualified landscape architect when the Zoning Enforcement Officer determines that the size and number of the trees to be removed do not warrant the cost and expense of having a plan prepared by a qualified landscape architect.

D. Specific Landscape Requirements.

1. Parking Lots. In order to avoid the visual monotony of extensive parking lots, a green area must be included in the design of all parking lots containing 100 or more spaces. The following green area landscaping criteria will be required:
  - a. A green area equal to 668 square feet per every 100 parking spaces will be included within the boundaries of the parking area itself.
  - b. The green area may be in the form of islands or mid-row strips.
  - c. No green area will be smaller than 36 square feet.
  - d. In addition to grass and/or other ground cover, each green area shall have at least one tree or bush.
2. Refuse Containers; Outdoor Storage.
  - a. All refuse containers and all areas of permitted outdoor storage shall be enclosed on at least three sides by an opaque fence, wall, or landscape screening of a height and in a manner sufficient to

completely screen such containers or storage areas from view from adjoining properties and public or private streets.

- b. The requirements of the preceding paragraph shall not apply to standard receptacles permitted for use by single family dwellings. None of the requirements of this subsection shall apply to receptacles placed and maintained for use by the general public to avoid littering.
- 3. Antennas and Antenna Support Structures. Appropriate landscaping shall be installed and maintained for antenna and personal wireless antenna facilities, as approved in the special use permit ordinance.
- 4. Roof Top Mechanical Equipment. Except for antennas mounted on roofs pursuant to the provisions of this code, all mechanical equipment located on the roof of any building constructed after the effective date of this code shall be fully screened by a parapet wall or other screening structure constructed of materials compatible with the principal building facade to the height of such equipment.
- 5. General Landscaping and Maintenance Requirements. Except for permitted refuse containers, all areas of every lot shall be kept free of accumulations of garbage, trash, refuse, debris, and other unsightly or nuisance-creating materials. All landscaping shall be continually maintained by the owner or other person responsible for maintenance of the premises, and all planting areas shall be kept free of weeds and debris. Undeveloped areas shall be kept free of accumulations of garbage, trash, refuse, debris, and other unsightly or nuisance-creating materials until developed.
- E. Violation and Penalties. In addition to the penalties provided for in sections 9-11-22 through 9-11-25 of this title, any person violating any of the provisions of this chapter shall be required to restore the property to the condition existing prior to the commission of the violation in compliance with this chapter at his or her own expense.

**9-9-9 EXTERIOR LIGHTING**

- A. Purposes. The regulations established are designed and intended to prevent excessive spillover of light and glare from the zoning lot on which the light source is located. The standards are deemed to be the minimum standards necessary to prevent nuisance and adverse impacts on the public health, safety and welfare.

The provisions shall not apply to Village owned and operated lighting and facilities or to street lighting.

- B. Provisions.
  - 1. Spillage From Exterior Lights. All exterior lighting used in any district, except residential districts, shall be shaded, shielded or directed to limit spillage of light onto adjacent properties. Maximum horizontal foot-candles as given off by lighting on the neighboring property as measured at the property line of the following districts shall not exceed:

<u>Zoning District</u>	<u>Foot-Candles</u>
Single-family residential districts	0.1
Multiple-family residential districts	0.2
Business districts	2.0
Industrial districts	5.0
Open space and public district	5.0

2. Prevention Of Direct Glare. All exterior lighting shall be arranged to prevent direct glare of beams onto any residential district by the use of luminaire cutoffs.
3. Night Lighting. Night lighting necessary for safety and the protection of property shall not illuminate or otherwise shine directly upon any neighboring residential property. Any source of light which interferes with the peace, comfort and enjoyment of property or person is prohibited.
4. Fixtures Above Twenty Feet. All exterior lighting fixtures erected 20 feet to 35 feet above ground level:
  - a. Shall be flat bottom optically controlled sharp cutoffs, as approved by the Village engineer;
  - b. Shall not be installed with diffusing refractors; and
  - c. Shall maintain a ratio of three to one or less of luminaire spacing to luminaire mounting heights.
5. Fixtures Below Twenty Feet. All exterior lighting fixtures erected zero feet to 20 feet above ground level:
  - a. Shall be of translucent materials and not transparent materials, as approved by the Village engineer; and
  - b. Shall not be installed with diffusing refractors.
6. Height Restriction. Exterior lighting fixtures shall not exceed 35 feet above ground level on nonresidential property and shall not exceed 15 feet on residential property.
7. Off Street Parking Areas. All present nonconforming off street parking areas shall be equipped with the lighting required by this section upon the obsolescence or replacement of the existing lighting.
8. Exemption. Lighting standards in side and rear yards in districts other than residential are exempt from the requirements of paragraph 5 of this section when the side or rear yards are not adjacent to a residential district or

roadway and the lighting standards do not cause glare in the opinion of the Village building inspector to vehicular traffic.

9. Emission Of Noise, Odor Or Vibration. No noise, odor or vibration shall be emitted by lighting fixtures so it exceeds the general level of noise, odor, or vibration emitted by uses outside the site. Such comparisons shall be made at the boundary of the site.
  10. Signs. All signs as defined in this title shall meet and comply with all applicable lighting regulations.
  11. Heat From Lighting Fixtures. No heat from operations or processes of lighting fixtures shall be sensed at any lot line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit.
  12. Hazardous Lighting. Any lighting, illumination or signage that is determined to be a hazard to public health, safety and welfare or a nuisance to surrounding or existing properties as deemed by the Village building inspector shall be in violation of this chapter.
  13. Approval Of Exterior Lighting Plan. Any time exterior lighting is to be installed or substantially modified in any manner, an exterior lighting plan shall be submitted to the Village building inspector for approval, prior to the implementation of any installation or modification.
    - a. Submit the following information:
      - i. Lighting layout.
      - ii. Photometric data.
      - iii. Photometric computation for entire site, including adjacent property lines.
      - iv. Pole and luminaire manufacturer data.
    - b. Submitted information to be reviewed by the Village engineer and building inspector.
- C. Enforcement. The Zoning Enforcement Officer shall enforce the provisions of this chapter. Upon certification of a violation, enforcement and penalty provisions shall prevail. In addition, the Village may require that the offending party install, maintain and operate continuous measuring or recording instruments to demonstrate the operation of lighting fixtures and to ensure continuous compliance with the prescribed standards.

**9-9-10 PERFORMANCE STANDARDS**

- A. Applicability. The standards set forth in this chapter shall prevail in all zoning classifications within the Village.
- B. Business and Industrial. A certification of compliance with performance standards by competent expert or governmental authority charged with the standard or



regulation shall be provided for all business and industrial uses prior to the issuance of any building permit.

- C. Noise. All noise (other than ordinary vehicular noise) from operations of any use in any district shall comply with limitations on noise and noise pollution standards established by the State of Illinois.
- D. Glare and Heat. No glare or heat from any operations of any use in any district shall be detectable at any point off the zoning lot on which the use is located.
- E. Vibration. No earthborn vibration from any operations of any use in any district shall be detectable at any point off the zoning lot on which the use is located.
- F. Electromagnetic Interference. Electromagnetic interference from any operation of any use in any district shall not adversely affect the operation of any equipment located off the zoning lot on which interference originates.
- G. Fire and Explosive Hazards. Materials that present potential fire and explosive hazards shall be transported, stored, and used only in conformance with all applicable federal, State, and local laws.
- H. Special Hazards. Hazardous, toxic, and radioactive materials shall be transported, stored, and used only in conformance with all applicable federal, state, and local laws.
- I. Utilities. All zoning classifications, except E-1 and R-1, shall require connection to community sanitary sewer and potable water systems prior to issuance of any building permit within the zoning classification. Sanitary sewer and water shall have been approved by the Illinois environmental protection agency and other governmental authorities having jurisdiction, preceding any construction of the facilities.
- J. Additional Restrictions. In addition to the performance standards specified in this Section, the dissemination of noise, vibration, particulate matter, odor, toxic substances, or fire or explosive materials in either such manner or quantity as to be determined to endanger the public health, safety, comfort, or welfare is hereby declared to be a public nuisance and shall be unlawful.

Approved 12/10/2009; Revised 4/10/14, 9/11/14, 8/22/2019

## CHAPTER 10

### NONCONFORMITIES

#### 9-10-1 GENERAL PROVISIONS

- A. Purposes. This chapter 10 regulates and limits the continued existence of uses, structures, lots, and signs established prior to the effective date of this code that do not conform to the regulations of this code applicable in the zoning districts in which such uses, structures, lots, and signs are located.

The zoning districts established by this code are designed to guide the future use of land within the Village by encouraging the development or maintenance of desirable residential, business, and office areas with appropriate groupings of compatible and related uses and thus to promote and protect the public health, safety, and general welfare. The continued existence of nonconformities is frequently inconsistent with the purposes for which such districts are established and thus the gradual elimination of such nonconformities is generally desirable.

- B. General Scope and Scheme of Regulation. Separate restrictions are established for nonconforming uses of land and nonconforming uses of structures designed for a permitted use (9-10-2), nonconforming uses of structures not designed for a permitted use (9-10-3), nonconforming structures (9-10-4), nonconforming lots of record (9-10-5), and nonconforming signs (9-10-6). The degree of restriction made applicable to each category of nonconformity is generally related to the degree of incompatibility with permitted uses and the amount of investment typically associated with nonconformities of that type. Pursuant to section 9-11-15 of this code, provision is made for relief from some of the restrictions of this chapter 10 when practical difficulties exist.

In the cases of nonconforming uses of land, nonconforming uses in structures designed for a permitted use, and nonconforming signs, the degree of incompatibility is frequently great, the investment is comparatively small, and the economic life is short. In these cases, elimination of the nonconformity is required after a relatively short, but reasonable, amortization period. In the case of nonconforming uses in structures not designed for any conforming use, the degree of incompatibility is also frequently great, but so too is the investment and economic life of the structure. In such cases, while eventual elimination is required, a more extended period is allowed in which to amortize the investment. While the regulations of this chapter 10 related to all other nonconformities allow such nonconformities to continue without specific limitation of time, they restrict further investments that would make more permanent their location in inappropriate districts.

- C. Exception for Repairs Pursuant to Public Order. Nothing in this chapter 10 shall be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition, provided such restoration is not otherwise in violation of the various provisions of this chapter 10 prohibiting the repair or restoration of partially damaged or destroyed structures or signs.

- D. Nonconforming Accessory Uses and Structures. No use, structure, or sign that is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have been terminated, unless it shall thereafter conform to all the regulations of the zoning district in which it is located.

**9-10-2 NONCONFORMING USES OF LAND AND NONCONFORMING USES IN STRUCTURES DESIGNED FOR A PERMITTED USE**

- A. Authority to Continue. Except as provided in subsection I of this section, any lawfully existing nonconforming use not involving the use of a structure, or involving only a structure that is accessory to a nonconforming use of land, or located in a structure designed for a use permitted in the district in which it is located may be continued so long as it remains otherwise lawful, subject to the regulations contained in subsections B through H of this section and in subsection D of section 9-10-1 of this code.
- B. Ordinary Repair and Maintenance. Normal maintenance and incidental repair or replacement, and installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring, or plumbing, may be performed on any structure that is accessory to a nonconforming use of land or that is designed for a permitted use but devoted in whole or in part to a nonconforming use; provided, however, that this subsection shall not be deemed to authorize any violation of subsections C through I of this section.
- C. Structural Alteration. No structure that is accessory to a nonconforming use of land or that is designed for a permitted use and devoted in whole or in part to a nonconforming use shall be structurally altered unless the use thereof shall thereafter conform to the use regulations of the zoning district in which it is located. No such alteration shall create a new parking, bulk, yard, or space nonconformity or increase the degree of any existing parking, bulk, yard, or space nonconformity of such structure. In determining whether a parking nonconformity has been created or increased, the provisions of section 9-9-4 of this code shall control.
- D. Enlargement of Structure. No structure that is accessory to a nonconforming use of land or that is designed for a permitted use and devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner, including the interior addition of floor area, unless the use of such structure shall thereafter conform to the use regulations of the district in which it is located. No such enlargement shall create any new parking, bulk, yard, or space nonconformity or increase the degree of any existing parking, bulk, yard, or space nonconformity of such structure. In determining whether a parking nonconformity has been created or increased, the provisions of section 9-9-4 of this code shall control.
- E. Extension of Use. A nonconforming use of land or of a structure that is accessory to a nonconforming use of land or a nonconforming use in a structure designed for a permitted use shall not be extended, expanded, enlarged, or increased in intensity. Such prohibited activity shall include, without being limited to:
  - 1. An extension of such use, including its accessory uses, to any structure or land area other than that occupied by such nonconforming use on the effective date of this code or any amendment hereto that causes such use to become nonconforming; and

2. An extension of such use, including its accessory uses, within a building or other structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of this code or any amendment hereto that causes such use to become nonconforming; and
  3. An extension of the hours of operation of such use beyond the normal hours of operation on the effective date of this code or any amendment hereto that causes such use to become nonconforming.
- F. Moving. No structure that is accessory to a nonconforming use of land or that is designed for a permitted use and devoted in whole or in part to a nonconforming use shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot, unless the entire structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located after being so moved. No nonconforming use of land shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot, unless such use shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.
- G. Change in Use. A nonconforming use of land not involving a structure or involving only a structure that is accessory to the nonconforming use of land or a nonconforming use in a structure designed for a use permitted in the district in which it is located shall not be changed to any use other than a use permitted in the zoning district in which the use or structure is located. When such a nonconforming use has been changed to a permitted use, it shall not thereafter be changed back to any nonpermitted use. For purposes of this subsection G., a use shall be deemed to have been so changed when an existing nonconforming use shall have been terminated and a permitted use shall have commenced and continued for a period of five days. Any change of use in violation of this subsection shall be deemed to be an abandonment of the lawfully existing nonconforming use.
- H. Damage or Destruction. Any structure that is accessory to a nonconforming use of land or that is designed for a permitted use and devoted in whole or in part to a nonconforming use and that is damaged or destroyed, by any means, to the extent of more than 70 percent of the cost of replacement of such structure new shall not be restored unless the use of such structure shall thereafter conform to the use regulations of the zoning district in which it is located and unless such restoration is accomplished without creating any new parking, bulk, yard, or space nonconformity or increasing the degree of any parking, bulk, yard, or space nonconformity existing prior to such damage or destruction. In determining whether a parking nonconformity has been created or increased, the provisions of section 9-9-4 of this code shall control.

When any such structure is damaged or destroyed by any means not within the control of the owner thereof to the extent of not more than 70 percent of the cost of replacement of the structure new, repair or restoration of such structure may be made and the nonconforming use may continue subject to the regulations of this section 9-10-2; provided, however, that no repairs or restorations shall be made that would create any new parking, bulk, yard, or space nonconformity or increase the degree of any parking, bulk, yard, or space nonconformity existing prior to such damage or destruction, nor shall any repairs or restoration except in conformity with the applicable zoning district regulations be made unless restoration is

actually begun within one year after the date of such partial damage or destruction and is diligently pursued to completion. In no event shall any damage or destruction to such a structure by means within the control of the owner be repaired or restored except in accordance with subsections B, C, and D of this section.

I. Termination of Certain Uses.

1. Termination by Abandonment. When a nonconforming use of land not involving a structure or involving only a structure that is accessory to the nonconforming use of land or when a nonconforming use of part or all of a structure that was designed for a use that is permitted in the zoning district in which such structure is located is discontinued or abandoned for a period of six consecutive months, regardless of any intent to resume or not to abandon such use, such use shall not thereafter be reestablished or resumed. Any subsequent use or occupancy of such land or structure shall comply with the use regulations of the zoning district in which such land or structure is located.

Any period of such discontinuance caused by government action, strikes, material shortages, or acts of God, and without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for purposes of this paragraph.

2. Termination by Amortization. Any nonconforming use of land not involving a structure or involving only a structure that is accessory to the nonconforming use of land or any nonconforming use in a structure designed for a use permitted in that district that has not been terminated pursuant to any other provision of this code shall be terminated no later than five years after the effective date of this code, or any amendment hereto creating such nonconforming use, as the case may be.

**9-10-3 NONCONFORMING USES IN STRUCTURES NOT DESIGNED FOR A PERMITTED USE**

- A. Authority to Continue. Except as provided in subsection I of this section, any lawfully existing nonconforming use located in a structure not designed or intended, in whole or in part, for a use permitted in the district in which it is located may be continued so long as it remains otherwise lawful, subject to the regulations contained in subsections B through H of this section and in subsections D and E of section 9-10-1 of this code.
- B. Ordinary Repair and Maintenance. Normal maintenance and incidental repair or replacement, and installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring, or plumbing, may be performed on any structure devoted in whole or in part to a nonconforming use and not designed or intended, in whole or in part, for a use permitted in the district in which such structure is located; provided, however, that this subsection shall not be deemed to authorize any violation of subsections C through I of this section.
- C. Structural Alteration. No structure devoted in whole or in part to a nonconforming use and not designed or intended, in whole or in part, for a use permitted in the district in which such structure is located shall be structurally altered unless the entire structure and the use thereof shall thereafter conform to all regulations of

the zoning district in which it is located. No such alteration shall create a new parking, bulk, yard, or space nonconformity or increase the degree of any existing parking, bulk, yard, or space nonconformity of such structure. In determining whether a parking nonconformity has been created or increased, the provisions of section 9-9-4 of this code shall control.

- D. Enlargement of Structure. No structure devoted in whole or in part to a nonconforming use and not designed or intended, in whole or in part, for a use permitted in the district in which such structure is located shall be enlarged or added to in any manner, including the interior addition of floor area, unless the entire structure and the use thereof shall thereafter conform to all the regulations of the district in which it is located. No such alteration shall create a new parking, bulk, yard, or space nonconformity or increase the degree of any existing parking, bulk, yard, or space nonconformity of such structure. In determining whether a parking nonconformity has been created or increased, the provisions of section 9-9-4 of this code shall control.
- E. Extension of Use.
1. Prohibited Extensions. A nonconforming use in a structure not designed or intended, in whole or in part, for a use permitted in the district in which such structure is located shall not be extended, expanded, enlarged, or increased in intensity by:
    - a. An extension of such use to any structure or land area other than that occupied by such nonconforming use on the effective date of this code or any amendment to it that causes such use to become nonconforming; or
    - b. An extension of the hours of operation of such use beyond the normal hours of operation on the effective date of this code or any amendment to it that causes such use to become nonconforming.
  2. Permitted Extensions. A nonconforming use in a structure not designed or intended, in whole or in part, for a use permitted in the district in which such structure is located may be extended throughout any part of such structure designed for such nonconforming use and not for any use permitted in the district and lawfully existing on the effective date of this code or any amendment to it that causes such use to become nonconforming; provided, however, that such extension shall not be allowed unless off-street parking spaces required for such extension can be, and are, provided in accordance with the requirements and restrictions of section 9-9-4 of this code. No such extension shall be deemed to affect the duty to terminate such use pursuant to subsection I. of this section.
- F. Moving. No structure devoted in whole or in part to a nonconforming use and not designed or intended, in whole or in part, for a use permitted in the district in which such structure is located shall be moved, in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.

- G. Change in Use. A nonconforming use in a structure not designed or intended in whole or in part for a use permitted in the district in which such structure is located shall not be changed to any use other than a use permitted in the zoning district in which the structure is located. When a nonconforming use has been changed to a permitted use of the subject zoning district, it shall not thereafter be changed to any use other than a use permitted in the subject district. For purposes of this subsection G, a use shall be deemed to have been so changed when an existing nonconforming use shall have been terminated and a permitted use of the subject district shall have commenced and continued for a period of five days. Any change of use in violation of this subsection shall be deemed to be an abandonment of the lawfully existing nonconforming use.
- H. Damage or Destruction. Any structure devoted in whole or in part to a nonconforming use and not designed or intended, in whole or in part, for a use permitted in the district in which such structure is located that is damaged or destroyed, by any means, to the extent of more than 70 percent of the cost of replacement of such structure new shall not be restored unless the entire structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located and unless such restoration is accomplished without creating any new parking, bulk, yard, or space nonconformity or increasing the degree of any existing parking, bulk, yard, or space nonconformity of such structure existing prior to such damage or destruction. In determining whether a parking nonconformity has been created or increased, the provisions of section 9-9-4 of this code shall control.

When any such structure is damaged or destroyed by any means not within the control of the owner thereof to the extent of not more than 70 percent of the cost of replacement of the structure new, repair or restoration of such structure may be made and the nonconforming use may continue subject to the regulations of this section 9-10-3; provided, however, that no repairs or restorations shall be made that would create any new parking, bulk, yard, or space nonconformity or increase the degree of any parking, bulk, yard, or space nonconformity of such structure existing prior to such damage or destruction nor shall any repairs or restoration except in conformity with the applicable zoning district regulations be made unless restoration is actually begun within one year after the date of such partial damage or destruction and is diligently pursued to completion.

In no event shall any damage or destruction to such a structure by means within the control of the owner be repaired or restored except in accordance with subsections B, C, and D of this section.

- I. Termination by Abandonment. When a nonconforming use of a part or all of a structure that was not designed or intended in whole or in part for a use permitted in the zoning district in which such structure is located is discontinued or abandoned for a period of twelve consecutive months, regardless of any intent to resume or not to abandon such use, such use shall not thereafter be re-established or resumed. Any subsequent use or occupancy of such structure shall comply with the use regulations of the district in which such structure is located.

Any period of such discontinuance caused by government actions, strikes, material shortages, or acts of God, and without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for purposes of this paragraph.

**9-10-4 NONCONFORMING STRUCTURES OTHER THAN SIGNS**

- A. Authority to Continue. Any nonconforming structure, other than a sign, that is devoted to a use that is permitted in the zoning district in which it is located may be continued so long as it remains otherwise lawful, subject to the restrictions in subsections B through D of this section and subsection D of section 9-10-1 of this code.
  
- B. Repair, Maintenance, Alterations, and Enlargement. Any nonconforming structure, other than a sign, may be repaired, maintained, altered, or enlarged; provided, however, that no such repair, maintenance, alteration, or enlargement shall either create any new nonconformity or increase the degree of the existing nonconformity of all or any part of such structure.
  
- C. Moving. No nonconforming structure shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being so moved.
  
- D. Damage or Destruction.
  - 1. Not within the Control of the Owner. Any nonconforming structure, other than a sign, that is damaged or destroyed, by any means not within the control of the owner thereof, to any extent, may be repaired, restored, or replaced; provided, however, that no repair, restoration, or replacement shall be made that would create any new nonconformity not existing prior to such damage or destruction nor shall any repair, restoration, or replacement except in conformity with the applicable district regulations be made unless the repair, restoration, or replacement is actually begun within one year after the date of such damage or destruction and is diligently pursued to completion.
  
  - 2. Within the Control of the Owner. In no event shall any damage or destruction to a nonconforming structure by means within the control of the owner be repaired, restored, or replaced except in accordance with subsection B of this section; provided, however, that a nonconforming structure as defined in paragraph 2 of the definition of nonconforming structure that is damaged or destroyed by means within the control of the owner may be repaired, restored, or replaced in the following circumstances:
    - a. if damaged or destroyed to the extent of 70 percent or less of the gross floor area of such structure, such repair, restoration, or replacement shall not create any new nonconformity not existing prior to such damage or destruction; or
  
    - b. if damaged or destroyed to the extent of more than 70 percent of the gross floor area of such structure, such nonconforming structure shall only be repaired, restored, or replaced in conformity with all applicable district regulations except for lot area.

**9-10-5 LEGAL NONCONFORMING LOTS OF RECORD [8/22/2019]**

- A. Definition. A legal nonconforming lot of record is a lot that:



1. Is shown by a recorded plat or deed to have been a lot of record owned separately or individually from adjoining tracts of land at a time when the creation of a lot of such size, depth, and width at such location would not have been prohibited by any zoning or other ordinance or regulation; and
2. Has remained in separate or individual ownership from such adjoining tracts of land continuously during the entire time since such lot became nonconforming by reason of this code or any predecessor zoning or other ordinance or regulation.

For purposes of this section, a lot shall not be deemed to have been owned separately or individually unless the owner of such lot did not, directly or indirectly, have legal title to or a beneficial interest in the adjoining tracts of land at any relevant time.

**9-10-6 NONCONFORMING SIGNS**

- A. Authority to Continue. Except as provided in subsection F, any lawfully existing nonconforming sign may be continued so long as it otherwise remains lawful, subject to the regulations contained in subsections B through E of this section and in subsection D of section 9-10-1 of this code.
- B. Ordinary Repair and Maintenance. Normal maintenance and incidental repair or replacement of non-bearing sign elements and electrical wiring and fixtures may be performed on any sign; provided, however, that any repair or replacement shall, whenever possible, eliminate or reduce any nonconformity in the element being repaired or replaced and provided further, however, that this subsection B shall not be deemed to authorize any violation of subsections C through F of this section.
- C. Alteration; Enlargement; Moving. No nonconforming sign shall be changed or altered in any manner that would increase the degree of its nonconformity, be enlarged or expanded, be structurally altered to prolong its useful life, or be moved in whole or in part to any other location where it would remain nonconforming.
- D. Change of Sign. A nonconforming sign that has been changed to eliminate its nonconformity or any element of its nonconformity shall not thereafter be changed to restore such nonconformity or nonconforming element.
- E. Damage or Destruction. Any nonconforming sign, or any nonconforming element of a sign capable of change or discontinuance separate from other elements of the sign, damaged or destroyed by any means to the extent of 35 percent or more of its replacement cost new shall not be restored but shall be removed or brought into conformity with the provisions of this code.
- F. Termination of Certain Signs.
  1. Immediate Termination. The following nonconforming signs or sign features shall be terminated within 30 days after the effective date of this code by removal of the sign or by alteration of the sign to eliminate the specified feature:
    - a. Any sign that advertises, identifies, or pertains to a business no longer conducted, or a product no longer sold, on the premises where such sign is located.

- b. Any sign on a tree or utility pole, whether on public or private property.
  - c. Any sign on public property, except governmental signs or signs authorized by this code.
  - d. Any sign constructed or erected without a valid permit.
2. Termination by Abandonment. Any nonconforming sign the use of which is discontinued for a period of 30 consecutive days, regardless of any intent to resume or not to abandon such use, shall be deemed to be abandoned and shall not thereafter be re-established or resumed. Every such sign shall be immediately removed or brought into conformity with the provisions of this code. Any period of such discontinuance caused by government actions, strikes, material shortages, or acts of God, and without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for purposes of this paragraph.
3. Termination by Change of Business. Any nonconforming sign advertising, identifying, or pertaining to a business on the premises on which it is located shall be terminated upon any change in the ownership or control of such business.

## CHAPTER 11

### ZONING ADMINISTRATION AND ENFORCEMENT

#### PART I: ADMINISTRATIVE OFFICIALS AND BODIES

##### 9-11-1 ZONING ENFORCEMENT OFFICER

- A. General Powers. The Zoning Enforcement Officer shall be charged with the administration and enforcement of this code. In addition to the jurisdiction, authority, and duties conferred on the Zoning Enforcement Officer by other provisions of State statutes and Village codes and ordinances, the Zoning Enforcement Officer shall have all powers necessary for such administration and enforcement and shall, in particular, have the jurisdiction, authority, and duties hereinafter set forth.
- B. Rules; Regulations; Application Forms. The Zoning Enforcement Officer, consistent with the express standards, purposes, and intent of this code, shall promulgate, adopt, and issue such procedural rules, regulations, and forms as are in the Zoning Enforcement Officer's opinion necessary to the effective administration and enforcement of the provisions of this code.
- C. Assistance to the Zoning Board of Appeals and Plan Commission. The Zoning Enforcement Officer, within budgets available for that purpose, shall make consulting assistance available to the Zoning Board of Appeals, and the Plan Commission. The Zoning Enforcement Officer or his delegate shall in that capacity provide such clerical and technical assistance as may be required by each such body in the exercise of its duties.
- D. Records. The Zoning Enforcement Officer shall maintain:
1. Permanent and current records pertaining to this code, including all maps, amendments, special permits, and planned unit development approvals and denials, interpretations, and decisions rendered by the Zoning Board of Appeals, the Plan Commission, the Village Attorney, and the Zoning Enforcement Officer, together with relevant background files and materials;
  2. A current file of all certificates of occupancy, and all notices of violations, discontinuances, terminations, or removals, issued by or entrusted to the Zoning Enforcement Officer's office for such time as necessary to ensure continuous compliance with the provisions of this code; and
- E. Zoning Text; Zoning Map. The Zoning Enforcement Officer shall prepare and have available for public sale:
1. The compiled text of this code in book or pamphlet form; and
  2. The official zoning map, showing the zoning districts, divisions, and classifications.

The Zoning Enforcement Officer, at all other times, shall maintain and have available for reproduction at least one up-to-date copy of both the zoning code text and the zoning map, showing all amendments through the most recent meeting of the Board of Trustees for which official minutes have been approved.

- F. Applications: Receipt, Processing, Referral to Interested Parties and Agencies. The Zoning Enforcement Officer shall receive all applications required to be filed pursuant to this code. Upon receipt of any such application, the Zoning Enforcement Officer shall see to its expeditious processing, including its prompt referral to and retrieval from each official, Board, or commission of the Village, or other government, with any interest or duty with respect to such application.
- G. Investigation of Applications. Whenever the Plan Commission, the Zoning Board of Appeals, or the Board of Trustees shall so request, by general rule or specific direction, the Zoning Enforcement Officer shall conduct or cause to be conducted such surveys, investigations, and field studies and shall prepare or cause to be prepared such reports, maps, photographs, charts and exhibits as shall be necessary and appropriate to the processing of any application filed pursuant to this code.
- H. Occupancy Certificates. Pursuant to the provisions of the building code and provisions of this title, the Zoning Enforcement Officer shall review all applications for certificates of occupancy and shall approve or disapprove such applications and issue or refuse to issue such certificates based on compliance or non-compliance with the provisions of this code.
- I. Interpretations. Pursuant to the provisions of section 9-11-13 of this code, the Zoning Enforcement Officer shall issue a written interpretation of the meaning and applicability of specific provisions of this code. Any interpretation of this code that may be rendered by the Zoning Board of Appeals or the Zoning Enforcement Officer shall be kept on file with the Zoning Enforcement Officer and shall be a public record of the Village open to inspection by interested parties at reasonable times and upon reasonable notice.
- J. Extensions of Time. The Zoning Enforcement Officer, upon written request, may for good cause shown and without any notice or hearing grant extensions of any time limit imposed on an owner or permittee by this code or, unless the ordinance or resolution shall expressly provide otherwise, by any ordinance or resolution of any body acting pursuant to this code. The total period of time granted by such extension or extensions shall not exceed the length of the original period.
- K. Inspection and Enforcement. In furtherance of the enforcement of this code, the Zoning Enforcement Officer shall undertake such regular and continuing programs of inspection of work approved and under way and of existing structures and uses as may be feasible and proper within the limits of staff and budgeted funds; shall undertake such additional inspections as may be necessary to the performance of his or her duties hereunder; shall receive from any person complaints alleging with particularity a violation of this code; and when appropriate shall cause such investigations and inspections as may be warranted by such complaints to be made. Upon finding the existence of any violation of this code, the Zoning Enforcement Officer shall take or direct all actions necessary and appropriate to abate and redress such violation.

- L. Reports. The Zoning Enforcement Officer, as may from time to time be appropriate, shall prepare and submit a report to the Board of Trustees, the Zoning Board of Appeals, and the Plan Commission concerning the administration of the land use and development regulations of the Village, setting forth such information and statistical data as may be of interest and value in advancing and furthering the goals and purposes of such regulations, and setting forth the Zoning Enforcement Officer's recommendations for the improvement of such regulations and their administration.

**9-11-2 (Repealed per ordinance 1478-14) [RESERVED]**

**9-11-3 (Repealed per ordinance 1478-14) [RESERVED]**

**9-11-4 RESERVED**

**9-11-5 RESERVED**

## **PART II: PLANNING DOCUMENTS AND PROCEDURES**

### **9-11-6 OFFICIAL COMPREHENSIVE PLAN**

- A. Authority. The Plan Commission shall have authority to prepare and recommend to the Board of Trustees a comprehensive plan of the Village and the unincorporated areas surrounding the Village and from time to time to prepare and recommend amendments thereto, any or all of which the Board of Trustees may adopt as the "official comprehensive plan of the Village of Island Lake," all in accordance with the procedures set out in this section.
- B. Definition. The "official comprehensive plan" shall be defined as a compilation of policy statements; goals; standards; maps; recommended planning, regulatory, fiscal, and public works programs; pertinent data relative to the past, present, and future trends of the Village with respect to its population, housing, economic, social, and environmental development patterns and its land, water, and natural resources and use and its transportation facilities, public facilities, and utilities; and any other matter relative to the present and future patterns of life within the Village or within the unincorporated areas lying within one and one-half miles of its boundaries as they may from time to time exist, prepared and recommended by the Plan Commission with the advice and assistance of the Zoning Enforcement Officer and adopted by the Board of Trustees by ordinance duly enacted, together with such amendments thereto as may be adopted from time to time. The term "official comprehensive plan" also shall refer to any internally consistent and complete portion of such a compilation relating to any one or more of the aforesaid subjects or to any specific portion of the aforesaid geographical area. As of the effective date of this code, the term "official comprehensive plan" shall be understood to mean the Island Lake comprehensive plan.
- C. Purpose. The official comprehensive plan shall be considered an official statement of the policy of the Village with respect to the existing and developing character of the various areas of the Village and its vicinity; the proper objectives, standards, and direction for future maintenance, growth, development, and redevelopment of the Village; the means to be employed to protect existing character or development and to encourage future development that will be in the best interests of the Village;

and the actions and programs to be undertaken by the Village with respect to its future maintenance and development.

D. Effect. After the adoption of the official comprehensive plan or a part thereof, no ordinance, regulation, or official map relating to the physical maintenance, development, or redevelopment of the Village or any land within it shall be enacted, established, amended, or varied and no right-of-way, street, utility, or public structure or land shall be authorized, established, developed, redeveloped, or modified in location or extent except in accordance with the policies, goals, objectives, principles, and standards of the official comprehensive plan or relevant part thereof unless the Board of Trustees shall first make a specific finding that the facts and circumstances affecting the particular matter justify a departure from the official comprehensive plan.

E. Procedures.

1. Plan Development. The Plan Commission, with the assistance of the Zoning Enforcement Officer, shall exercise the powers and duties delegated to it by section 9-11-3 of this chapter 11 in the continuing development and revision of the official comprehensive plan. The process of plan development is necessarily an informal one not readily adaptable to rigid procedures, but the Plan Commission and the Zoning Enforcement Officer, in developing a plan, shall make all reasonable efforts to obtain the views, comments, and criticisms of interested persons. In addition, the Plan Commission, prior to making any recommendation for the adoption or amendment of a plan or part thereof to the Board of Trustees, shall set, notice, and conduct a public hearing thereon in accordance with the provisions of section 9-11-10 of this chapter 11.

The Board of Trustees may, at any time, refer a plan to the Plan Commission for consideration and recommendation. In the case of such referral, the Plan Commission shall return its recommendation to the Board of Trustees not later than 90 days following the receipt of the referral. In the event such recommendation is not so delivered, the Board of Trustees may proceed to consider the plan without such recommendation.

When satisfied that a plan or a part thereof is adequate for adoption as or an amendment of the official comprehensive plan of the Village or a part thereof, the Plan Commission shall transmit such plan or part thereof to the Board of Trustees together with its recommendations for adoption of such plan as well as any reports or statements deemed necessary to a full consideration of such plan or part thereof. Such reports or statements may include majority and minority positions. Such transmittal shall be made not later than 15 days following the close of the public hearing concerning such plan.

2. Plan Adoption. Upon receiving any recommendation of the Plan Commission with respect to the adoption or amendment of any plan or a part thereof, the Board of Trustees, by ordinance duly enacted, may adopt such plan in whole or in part, with or without amendments; or may refer such plan or any part thereof back to the Plan Commission for further consideration; or may reject such plan. The Board of Trustees shall take such action not later than 90 days following the close of the Plan

Commission public hearing on such plan. The failure of the Board of Trustees to act within such period shall be deemed to be a rejection of the plan. Upon the adoption of any such plan or part thereof, it shall be designated as the “official comprehensive plan of the Village of Island Lake” and, if less than a total comprehensive plan, shall carry a subheading designating its specific contents.

3. Plan Amendment. The official comprehensive plan, or any part thereof, may be amended at any time in accordance with the provisions of this paragraph 3. Such an amendment may be initiated by the Board of Trustees, the Plan Commission, the Zoning Enforcement Officer, or by any owner of lots affected by the provisions of such plan sought to be amended. Amendments initiated by the Board of Trustees, the Plan Commission, or the Zoning Enforcement Officer shall require no formal application and shall be processed as provided in paragraphs E.1 and E.2 of this section. Amendments initiated by the owner of affected s shall be initiated by an application filed pursuant to section 9-11-16 of this code, except that the time limits specified in paragraphs E.1 and E.2 of this section shall apply.
4. Plan Filing and Notice of Adoption. The ordinance adopting the official comprehensive plan, or any part thereof, shall provide that the Zoning Enforcement Officer shall cause a certified copy thereof to be placed on file in the Office of the Village clerk and shall cause a notice evidencing the adoption of such plan, or part thereof, to be filed with the Recorder of Deeds.

#### **9-11-7 OFFICIAL MAP**

- A. Authority. The Plan Commission shall have authority to prepare and to recommend to the Board of Trustees an official map of the Village and the unincorporated areas surrounding the Village and from time to time to prepare and recommend amendments thereto, all of which the Board of Trustees may adopt as the “official map of the Village of Island Lake.”
- B. Definition. The “official map” shall be defined as a compilation of maps, standards, and specifications of and for existing and proposed rights-of-way, streets, alleys, utility easements, public grounds, and public utility systems within the Village or within the unincorporated area lying within one and one-half miles of its boundaries as they may from time to time exist, prepared and recommended by the Plan Commission with the advice and assistance of the Zoning Enforcement Officer, and adopted by the Board of Trustees by ordinance duly enacted, together with such amendments thereto as may be adopted from time to time. The term “official map” also shall refer to any internally consistent and complete portion of such a compilation relating to any one or more of the aforesaid subjects or to any specific portion of the aforesaid geographical area.

The official map referred to in this section is the map authorized by sections 11-12-6 et seq. of the Illinois Municipal Code, 65 ILCS 5/11-12-6 et seq.

- C. Purpose. The official map is adopted to implement the official comprehensive plan, to assure the adequacy of the public facilities to which it relates, and to secure for the Village the authority and benefits provided by State law in connection with such an official map.

- D. Effect. The official map shall have the effect accorded to it by sections 11-12-8 et seq. of the Illinois Municipal Code, 65 ILCS 5/11-12-8 et seq., and also shall have the effect accorded to the official comprehensive plan by subsection 9-11-6D of this chapter 11
- E. Procedures. The procedures for the development, adoption, amendment, and filing of the official map shall be the same as those provided in subsection 9-11-6E of this code with respect to the official comprehensive plan.

### **PART III: ZONING APPLICATIONS AND HEARINGS**

#### **9-11-8 APPLICATIONS**

- A. Place of Filing. All applications filed pursuant to this code shall be filed with the Zoning Enforcement Officer or with such other Village official or body as the Zoning Enforcement Officer may designate.
- B. Form; Number; Scale. All applications filed pursuant to this code shall be on forms supplied by the Village and shall be filed in such number of duplicate copies as the Zoning Enforcement Officer may designate. All plans filed as part of any application shall be dated, drawn at a recognized engineering, architectural, or planning scale, with a north arrow indicated where appropriate, sufficient to permit a clear and precise understanding of the contents of said plans and the proposal being made and shall be folded to a size no larger than 8-1/2 inches by 14 inches.
- C. Filing Deadlines.
  - 1. Applications. Applications requiring a public hearing or meeting shall be filed, in proper form and number and containing all required information, not later than 30 days preceding the requested hearing or meeting date. An application so filed will be scheduled on the requested date, or on the first available date thereafter open on the relevant agenda, on a first-filed-first-scheduled basis.
  - 2. Supplemental Data. Whenever supplemental data in connection with a previously filed application is required by the Village or offered by the owner, it shall be submitted at least seven days prior to the date on which it is to be considered at a hearing or a meeting or acted upon in connection with such application. The filing of such data shall, in the discretion of the Zoning Enforcement Officer and of the body hearing the application, be cause to delay a requested or scheduled hearing date.
- D. Fees.
  - 1. Filing Fee. Every application filed pursuant to this code shall be accompanied by a non-refundable filing fee in the amount set forth in the annual fee ordinance.
  - 2. Additional Application Fee. In addition, where the nature of the application requires the Village to publish or mail legal notices or to employ the services of planners, engineers, attorneys, or other persons not regularly on the Village payroll for the purposes of reviewing the application or plans in connection with it or development pursuant to it, an additional application



fee equal to the actual cost to the Village of giving such notice or securing such services shall be charged to and paid by the owner.

3. Escrow. For each application filed pursuant to this code, an application fee escrow account shall be established as provided below:
  - a. Initial Deposit. Every application filed pursuant to this code shall be accompanied by an initial deposit for purposes of paying additional application fees pursuant to paragraph 9-11-8D.2. The amount of such initial deposit shall be determined by the Zoning Enforcement Officer and such initial deposit and any subsequent deposit shall be placed in an application fee escrow account. No interest shall be payable on any such escrow account.
  - b. Draws From Escrow. From the date of filing of any application, the Village shall maintain an accurate record of the actual costs of processing and reviewing such application. The Village shall, from time to time, draw funds from the escrow account established or such application to pay costs identified in paragraph D.2 and shall transfer such funds to the appropriate Village accounts. The Village shall maintain an accurate record of all such draws.
  - c. Recoverable Costs. The costs incurred by the Village in processing an application shall be deemed to consist of the following items of direct and indirect expense: legal publications; recording secretarial services; court reporter; document preparation and review; professional and technical consultant service; legal review, consultation, and advice; copy reproduction; document recordation; and inspection fees.
  - d. Additional Deposits. Should the Village at any time determine that the escrow account established in connection with any application is, or is likely to become, insufficient to pay the actual costs of processing an application, the Village shall inform the owner of that fact in writing and demand an additional deposit in an amount deemed to be sufficient to cover foreseeable additional costs. Unless and until such additional amount is deposited by the owner, the Village may direct that processing of the application be suspended or terminated. Any such termination shall be deemed a withdrawal of the application by the owner.
  - e. Final Settlement. As soon as reasonably feasible following final action on an application, the Village shall cause a final accounting to be made of the escrow deposits made in connection with such application and the actual costs of processing such application and shall make a final charge of such costs against such escrow deposit. A copy of the accounting shall be provided to the owner. If the amount in the escrow is insufficient to pay the total actual costs, a written demand for payment of the balance due shall be mailed to the owner. If any unused balance remains in the escrow account after paying the total actual costs, that amount shall be returned to the owner.

4. Liability; Lien. The owner of the lot which is the subject of the application, and if different, the applicant, shall be jointly and severally liable for the payment of all application fees. By signing the application, the owner shall be deemed to have agreed to pay such fees and to consent to the filing and foreclosure of a lien on the lot to insure collection of any such fees, plus the costs of collection, which have not been paid within 30 days following the mailing of a written demand for such payment to the owner at the address shown on the application. Any lien filed pursuant to this section may be foreclosed in the manner provided by statute for mortgages or mechanics' liens.
5. Condition of Approvals and Permits. No application shall be considered complete unless and until all fees pursuant to this section have been paid. Every approval granted and every permit issued pursuant to this code, whether or not expressly so conditioned, shall be deemed to be conditioned upon payment of fees as required by this section.
6. Time Periods. Where this code provides that the passage of time without decision or action shall be deemed an approval or recommendation for approval, all time periods shall be tolled during any period of nonpayment, but shall otherwise continue to run.
7. Failure to Pay. The failure to fully pay any such fee when due shall be grounds for refusing to process an application and for denying or revoking any permit or approval sought or issued with respect to the land or development to which the unpaid fee relates.
8. Waiver. The provisions of this section may be waived by the Board of Trustees for fees applicable to any application filed by any public body, or any agency deriving the majority of its revenues from taxes levied within the Village, or any charitable organization.

E. Minimum Data Requirements.

1. All Applications. Every application submitted pursuant to this code shall contain at least the following information:
  - a. The owner's name and address and the owner's signed consent to the filing of the application. Full disclosure of the ownership of all legal and equitable interests in the lot is required.
  - b. The applicant's name and address, if different from the owner, and his or her interest in the lot.
  - c. The names and addresses of all professional consultants, if any, advising the owner with respect to the application.
  - d. The name and address and the nature and extent of any economic or family interest of any officer or employee of the Village in the owner, the owner, or lot.
  - e. The addresses and legal description of the lot.

- f. Descriptions or graphic representations of the proposal for which approval is being sought and of the existing zoning classification, use, and development of the lot and the adjacent area for at least 250 feet in all directions from the lot. The scope and detail of such description shall be appropriate to the subject matter of the application, with special emphasis on those matters likely to be affected or impacted by the approval being sought in the application.
2. Applications for Code Interpretations. Every application filed pursuant to section 9-11-13 of this code shall, in addition to the data and information required pursuant to paragraph 1 above, provide the following information:
  - a. The specific provision or provisions of this code for which an interpretation is sought.
  - b. The facts of the specific situation giving rise to the request for an interpretation.
  - c. The precise interpretation claimed by the application to be correct.
  - d. When a use interpretation is sought, the use permitted pursuant to the present zoning classification of the lot that is claimed by the owner to include, or to be most similar to, the proposed use.
  - e. When a use interpretation is sought, documents, statements, and other evidence demonstrating that the proposed use will comply with all use limitations established for the district in which it is proposed to be located.
3. Applications for Appeals to Zoning Board of Appeals. Every application filed pursuant to section 9-11-14 of this code shall, in addition to the data and information required pursuant to paragraph above, provide the following information:
  - a. The specific order, decision, determination, or failure to act from which an appeal is sought.
  - b. The facts of the specific situation giving rise to the original order, decision, determination, or failure to act and to the appeal therefrom.
  - c. The precise relief sought.
  - d. A statement of the owner's position as to alleged errors in the order, decision, determination, or failure to act being appealed and as to why the relief sought is justified and proper.
4. Applications for Variations. Every application filed pursuant to section 9-11-15 of this code shall, in addition to the data and information required pursuant to paragraph 1 above, provide the following information:
  - a. The specific feature or features of the proposed use, construction, or development that require a variation.

- b. The specific provision of this code from which a variation is sought and the precise variation therefrom being sought.
  - c. A statement of the characteristics of the lot that prevent compliance with the said provisions of this code.
  - d. A statement of the minimum variation of the provisions of this code that would be necessary to permit the proposed use, construction, or development.
  - e. A statement of how the variation sought satisfies the standards set forth in section 9-11-15 of this code.
  - f. A survey, certified by a registered land surveyor, showing existing lot lines and dimensions, lot area, all easements, all public and private rights-of-way, and all streets across and adjacent to the lot.
  - g. A statement concerning the conformity or lack of conformity of the approval being requested to the official comprehensive plan and the official map of the Village. When the approval being requested does not conform to the official comprehensive plan or the official map, reasons justifying the approval despite such lack of conformity shall be stated.
5. Applications for Official Comprehensive Plan Text or Zoning Code Text Amendments. Every application filed pursuant to section 9-11-16 of this code requesting an amendment to the text of either the official comprehensive plan or this code shall, in addition to the data and information required pursuant to paragraph 1 above, provide the following information:
- a. The exact wording of the proposed text amendment.
  - b. A statement of the need and justification for the proposed text amendment.
  - c. In the case of applications for amendments to the text of this code, a statement concerning the conformity or lack of conformity of the approval being requested to the official comprehensive plan and the official map of the Village. When the approval being requested does not conform to the official comprehensive plan or the official map, reasons justifying the approval despite such lack of conformity shall be stated.
6. Applications for Special Use Permits. Every application filed pursuant to section 9-11-17 of this code shall, in addition to the data and information required pursuant to paragraph 1 above, be accompanied by a written statement of the need for the special use and shall provide the following information:
- a. A survey, certified by a registered land surveyor, showing existing lot lines and dimensions, lot area, all easements, all public and private rights-of-way, and all streets across and adjacent to the lot.

- b. A statement concerning the conformity or lack of conformity of the approval being requested to the official comprehensive plan and the official map of the Village. When the approval being requested does not conform to the official comprehensive plan or the official map, reasons justifying the approval despite such lack of conformity shall be stated.

7. Applications for Official Comprehensive Plan Map or Zoning Map Amendments. Every application filed pursuant to section 9-11-16 of this code requesting an amendment to the official comprehensive plan map or the zoning map shall, in addition to the data and information required pursuant to paragraph 1 above, provide a statement of the need and justification for the proposed comprehensive plan map or zoning map amendment. Said statement shall address at least the following factors:

- a. The existing uses and zoning classification for properties in the vicinity of the lot.
- b. The trend of development in the vicinity of the lot, including changes, if any, in such trend since the lot was placed in its present plan designation or zoning classification.
- c. The extent, if any, to which the value of the lot is diminished by the existing plan designation or zoning classification applicable to it.
- d. The extent to which any such diminution in value is offset by an increase in the public health, safety, and welfare.
- e. The extent, if any, to which the use and enjoyment of adjacent properties would be affected by the proposed amendment.
- f. The extent, if any, to which the value of adjacent properties would be affected by the proposed amendment.
- g. The extent, if any, to which the future orderly development of adjacent properties would be affected by the proposed amendment.
- h. The suitability of the lot for uses permitted or permissible under its present plan designation and zoning classification.
- i. The availability of adequate ingress to and egress from the lot and the extent to which traffic conditions in the immediate vicinity of the lot would be affected by the proposed amendment.
- j. The availability of adequate utilities and essential public services to the lot to accommodate the uses permitted or permissible under its present plan designation and zoning classification.
- k. The length of time, if any, that the lot has been vacant, considered in the context of the pace of development in the vicinity of the lot.
- l. The community need for the proposed map amendment and for the uses and development it would allow.

8. Applications for Planned Unit Preliminary Plat Approval. Every application filed pursuant to paragraph 9-11-18 of this code shall, in addition to the data and information required pursuant to paragraph 1 above, provide at least ten (10) sets of plans and documents of the following. Copies of the application shall also be submitted to the Wauconda Fire Protection District at least 15 days prior to the scheduled public hearing.
  - a. Detailed Plan. A drawing of the planned unit development shall depict such designations as proposed streets (public and private), all buildings and their use, common open space, recreation facilities, parking areas, service areas and other facilities to indicate the character of the proposed development. The submission may be composed of one or more sheets and drawings and shall include:
    - i. Boundary Lines of the Tract.
    - ii. Easements. Location, width and purpose.
    - iii. Streets on and Adjacent to the Tract: Street name, right-of-way width, existing or proposed center line elevations, pavement type, walks, curbs, gutters, culverts, etc.
    - iv. Utilities on and Adjacent to the Tract. Location, size and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone lines and streetlights; direction and distance to and size of nearest water mains and sewers adjacent to the tract showing invert elevation of sewers.
    - v. Ground Elevations on the Tract.
    - vi. Subsurface Conditions on the Tract, if Required by the Plan Commission.
    - vii. Other Conditions on the Tract. Watercourses, flood plains, marshes, rock outcrop, wooded areas, isolated preservable trees, houses, barns, accessory buildings and other significant features.
    - viii. Zoning on and Adjacent to the Tract. Zoning on and adjacent to the tract.
    - ix. Proposed Public Improvements. Highways or other major improvements planned by public authorities for future construction on or near the tract.
    - x. Open Space. All lots intended to be dedicated for public use or reserved for the use of all lot owners with the purpose indicated.

- xi. General Location, Purpose and Height. General location, purpose and height, in feet and stories, of each building other than detached single family dwellings on individually platted lots.
  - xii. Map Data. Name of development, north point and scale, date of preparation and acreage of site.
  - xiii. Water Facilities. The preliminary plat shall have depicted on its face all lakes, ponds, detention sites, retention sites and dams. This includes existing lakes, ponds, detention sites, retention sites and dams or proposed lakes, ponds, detention sites, retention sites or dams. If the water facility is proposed, the preliminary plat shall be accompanied by preliminary engineering plans, including the depth, capacity and relation of the water facility to proposed storm drain facilities.
  - xiv. Miscellaneous. Such additional information as may be required by the Plan Commission.
- b. Character. Explanation of the character of the planned development and the manner in which it has been planned to take advantage of the flexibility of these regulations.
  - c. Ownership. Statement of present and proposed ownership of all land within the project, including present tract designation according to official records in offices of the County Recorder.
  - d. Schedule. Development schedule indicating:
    - i. Stages in which project will be built with emphasis on area, density, use and public facilities such as open space to be developed with each stage. Overall design of each stage shall be shown on the plat and through supporting graphic material.
    - ii. Approximate dates for beginning and completion of each stage.
    - iii. If different land use types are to be included within the planned unit development, the schedule must include the mix of uses to be built in each stage.
  - f. Covenants. Proposed agreements, provisions or covenants which will govern the use, maintenance and continued protection of the planned development and any of its common open space.
  - g. Density. Provide information on the density of residential uses and the number of dwelling units by type.
  - h. Nonresidential Uses. Provide information on the type and amount of ancillary and nonresidential uses in a residential development.

- i. Service Facilities. Provide information on all service facilities and off-street parking facilities.
  - j. Architectural Plans. Preliminary architectural plans for all primary buildings shall be submitted in sufficient detail to permit an understanding of the style of the development, the design of the building and the number, size and type of dwelling units.
  - k. Facilities Plans. Preliminary plans for:
    - i. Roads including classification, width or right of way, width of pavement and typical construction details.
    - ii. Sanitary sewers.
    - iii. Storm drainage.
    - iv. Water supply system.
    - v. Lighting program.
  - l. Traffic Mitigation Plan.
  - m. Tax Impact Study.
9. Applications for Planned Unit Development Final Plat Approval. Every application filed pursuant to paragraph 9-11-18 of this code shall, in addition to the data and information required pursuant to paragraphs 1 and 2 above, provide the following information:
- a. Final Plat. A final land use and zoning plat, suitable for recording with the County Recorder of Deeds shall be prepared. The purpose of the land use and zoning plat is to designate with particularity the land subdivided into conventional lots as well as the division of other land not so treated into common open areas and building areas. The final land use and zoning plat shall include, but not be limited to:
    - i. Legal Description of Entire Area. An accurate legal description of the entire area under immediate development within the planned development.
    - ii. Subdivision Plat. A subdivision plat of all subdivided lands in the same form and meeting all the requirements of a normal subdivision plat.
    - iii. Legal Description of Unsubdivided Use Area. An accurate legal description of each separate unsubdivided use area, including common open space.
    - iv. Location of all Buildings to be Constructed. Designation of the exact location of all buildings to be constructed.



- v. Certificates, Seals and Signatures. Certificates, seals and signatures required for the dedication of lands and recording the document.
  - vi. Tabulations on Separate Unsubdivided Use Area. Tabulations on separate unsubdivided use area, including land area, number of buildings, number of dwelling units and dwelling units per acre.
  - vii. Water Facilities. The location of all lakes, ponds, detention sites, retention sites and dams shall be depicted and accurately located on the final plat.
- b. Public Open Space Documents. All common open space shall be either conveyed to a municipal or public corporation, conveyed to a not for profit corporation or entity established for the purpose of benefiting the owners and residents of the planned development or retained by the developer with legally binding guarantees, in a form approved by the Village attorney, that the common open space will be permanently preserved as open area. All land conveyed to a not for profit corporation or like entity shall be subject to the right of said corporation to impose a legally enforceable lien for maintenance and improvement of the common open space.
  - c. Public Facilities. The construction of all public facilities and improvements made necessary as a result of the planned unit development shall either be completed prior to final plat approval, or be guaranteed by a security deposit.
  - d. Security Deposit. The satisfactory installation of the facilities required to be constructed within the planned unit development shall be guaranteed by a security deposit in an amount equal to 110% of the estimated cost of public facility installations. Security deposits shall be governed by the provisions of title 10 of this code, provided, however, that the balance of the security deposit shall not be returned after the completion of the public facility installations unless a guarantee security deposit in an amount of 10% of the total cost of the required facilities is first delivered to the Village. Such guarantee security deposit shall be maintained for a period of 24 months.
  - e. Delinquent Taxes. A certificate shall be furnished from the proper collector that all special assessments constituting a lien on the whole or any part of the lot of the planned unit development have been paid.
  - f. Covenants. Final agreements, provisions or covenants which will govern the use, maintenance and continued protection of the planned unit development.
10. Applications for Sign Permits. Every application filed pursuant to section 9-11-20 of this code shall, in addition to the information required pursuant to paragraph 1 above, provide the following information:

- a. Name, address and telephone number of owner and lot owners.
  - b. Location of building, structure or zoning lot to which or upon which the sign is to be attached or erected.
  - c. Location of the sign in relation to nearby structures.
  - d. A full color and scale drawing showing the proposed sign or color photograph with appropriate scale including the height and size of the sign.
  - e. Name of person constructing and erecting the sign.
  - f. Written consent of the owner of the building, structure or zoning lot upon which the sign is to be attached or erected.
  - g. If required by the Zoning Enforcement Officer, stress sheets and calculations demonstrating that the sign or associated structure is suitably designed to withstand dead load and wind pressure in any direction.
  - h. Such other information as the Village shall require to show full compliance with this and all other applicable ordinances of the Village.
11. Applications for Exterior Lighting Permits. Every application filed pursuant to section 9-11-21 of this code shall, in addition to the information required pursuant to paragraph 1 above, provide the following information:
- a. A drawing of the site with the location of all proposed fixtures depicted thereon.
  - b. Statements of the use intended, the type of light source, a representation of the actual fixture (drawing), fixture height, source brightness in watts, and sufficient information to determine the amount of illumination which would shine on adjacent lots.
  - c. Such other information as the Village shall require to show full compliance with this and all other applicable ordinances of the Village.
- F. Special Data Requests. In addition to the data and information required pursuant to subsection E of this section, every owner shall submit such other and additional data, information, or documentation as the Zoning Enforcement Officer or any Board or commission before which its application is pending may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.
- G. Waiver of Application Requirements. Notwithstanding any other provision of this section, the Zoning Enforcement Officer, Zoning Board of Appeals, and/or the Plan Commission shall have the authority to waive any requirement set forth in subsections A, B, C, or E of this section when, in their judgment, such waiver is appropriate in light of the nature and extent of the relief being sought or in light of special circumstances making compliance with those provisions either

unnecessary or unduly burdensome; provided, however, that any Board or commission before which such application may come shall continue to have the right to request additional information pursuant to subsection F of this section and to delay processing of such application until such information is provided and available in accordance with the deadlines established in subsection C. of this section.

- H. Concurrent Applications. When a proposed use or development requires more than one approval pursuant to this code, applications for all such approvals may be filed concurrently notwithstanding the fact that approval of one application may be a pre-condition to approval of other applications. Such applications may, in the discretion of the official, officials, body, or bodies charged with review of such applications be processed together; provided, however, that no application shall be approved unless all applications that are a pre-condition to its approval have first been approved.
- I. Withdrawal of Application. An owner may withdraw an application at any time prior to a final decision having been rendered with respect thereto, provided that the owner shall have paid all applicable fees pursuant to this code. Such withdrawal shall be without prejudice to the owner's right to refile such application, but any such refiling shall be treated as an entirely new filing and shall be subject to the procedures and fees of this code in the same manner as any other new application.

**9-11-9            SUCCESSIVE APPLICATIONS**

- A. Second Applications Without New Grounds Barred. Whenever any application filed pursuant to this code has been finally denied on its merits, a second application seeking essentially the same relief, whether or not in the same form or on the same theory, shall not be brought within one year of the final decision unless in the opinion of the officer, board, or commission before which it is brought there is substantial new evidence available or a mistake of law or fact significantly affected the prior denial.
- B. New Grounds to Be Stated. Any such second application shall include a detailed statement of the grounds justifying consideration of such application.
- C. Summary Denial With or Without Hearing. Any such second application may be denied by the Zoning Enforcement Officer summarily, and without hearing, on a finding that no grounds appear that warrant a new hearing. In any case where such application is set for hearing, the owner shall be required to establish grounds warranting reconsideration of the merits of its application prior to being allowed to offer any evidence on the merits. Unless such grounds are established, the application may be summarily dismissed for such failure.
- D. Exception. Whether or not new grounds are stated, any such second application filed more than one year after the final denial of a prior application shall be heard on the merits as though no prior application had been filed. The owner shall, however, be required to place in the record all evidence available concerning changes of conditions or new facts that have developed since the denial of the first application. In the absence of such evidence, it shall be presumed that no new facts exist to support the new petition that did not exist at the time of the denial of the first application.

**9-11-10 PUBLIC HEARINGS AND MEETINGS**

- A. Setting Hearing or Meeting; Time Limitation. When the provisions of this code require a public hearing or public meeting in connection with any application filed pursuant to this code, the body charged with conducting the hearing or meeting shall, upon receipt of a properly completed application, fix a reasonable time and place for such hearing or meeting.
  
- B. Notice.
  - 1. Zoning Enforcement Officer to Give Notice. The Zoning Enforcement Officer shall cause notice to be given of public hearings and public meetings set pursuant to subsection A of this section in the form and manner and to the persons herein specified.
  
  - 2. Content of Notice. All notices shall include the date, time and place of such hearing or meeting, a description of the matter to be heard or considered, a legal description of the lot or such other description intended to identify as fully as practicable the lot, and the address or particular location of the lot.
  
  - 3. Persons Entitled to Notice.
    - a. All Hearings and Meetings. Notice of every hearing or meeting set pursuant to subsection A of this section shall be provided in accordance with the Illinois Open Meetings Act.
  
    - b. Hearings on Amendments, Special Use Permits, Appeals, and Variations. In addition to notice as required by subparagraph B.3a of this section, notice of every hearing set pursuant to subsection a of this section in connection with any application for an amendment to this code or the zoning map, a special use permit, including a planned unit development, appeal, or a variation shall be given by publication in a newspaper with a general circulation within the Village at least once no less than 15 days nor more than 30 days in advance of the hearing date.
  
    - c. Hearing on Official Comprehensive Plan. In addition to notice as required by subparagraph B.3a of this section, notice of every hearing set pursuant to subsection a of this section in connection with the adoption or amendment of the official comprehensive plan shall be given by publication in a newspaper of general circulation in the Village at least 15 days before such hearing.
  
    - d. Hearing on Appeals. In addition to notice as required by subparagraph B.3a and B.3b of this section, an applicant must mail notice of every hearing set pursuant to subsection A of this section in connection with an appeal by certified mail with return receipt requested no less than 15 days nor more than 30 days in advance of the hearing date to owners of property abutting the subject property and across the street from the subject property. Notice must also be posted on the subject property no less than 15 days nor more than 30 days in advance of the hearing date. The posted

notice must be clearly legible to public view and within 10 feet of the property line nearest to the public right of way. The sign must be installed by the applicant and suitably maintained until the public hearing has closed.

C. Conduct of Hearings

1. Rights of All Persons. Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney, and may submit documentary evidence; provided, however, that the hearing body may exclude irrelevant, immaterial, or unduly repetitious evidence.
2. Rights of Parties and Proximate Owners. Subject to the discretion of the hearing body, the owner, any board, commission, or official of the Village, and any owner of lots within 250 feet of the subject lot may be allowed, in addition to the rights granted by paragraph C.1 of this section, any or all of the following rights:
  - a. To present witnesses on their behalf.
  - b. To cross-examine all witnesses testifying in opposition to their position.
  - c. To examine and reproduce any documents produced at the hearing.
  - d. To have subpoenas issued by the body in charge of the hearing as may be provided by State law for persons to appear at the hearings and for examination of documents by the person requesting the subpoena either before or during the hearing, where such persons or documents are shown to have a substantial evidentiary connection with:
    - i. the lot to which the request applies; or
    - ii. facts that would support or negate the legal standards for granting the request.
  - e. To a continuance, upon request, for the purpose of presenting evidence to rebut evidence introduced by any other person.

In determining whether to grant or withhold such rights, the discretion of the hearing body shall be governed by the goal of securing all information and opinion relevant and material to its deliberations. Such rights shall not be granted, however, when undue and unwarranted delay would result, or when to do so would tend to produce no new evidence to aid the hearing body in reaching its decision.

3. Adjournment of Hearing. The body conducting the hearing may at any time, on its own motion or at the request of any person, adjourn the hearing for a reasonable time and to a fixed date, time, and place, for the purpose of giving further notice, taking further evidence, gathering further information, deliberating further, or for such other reason as the hearing body may find to be sufficient. The hearing body shall notify in writing all

members of the hearing body, the owner and applicant, and any other person designated on the vote of adjournment of the date, time, and place of the adjourned hearing.

4. Testimony to be Sworn. All testimony at any hearing held pursuant to the provisions of this code should be given under oath.
  5. Right to Submit Written Statements. Any person may at any time prior to the commencement of a hearing hereunder, or during such hearing, or within such time as may be allowed by the hearing body following such hearing, submit written statements in support of or in opposition to the application being heard.
  6. Board or Commission Rules to Govern. All other matters pertaining to the conduct of hearings shall be governed by the provisions of this code pertaining to, and the rules promulgated by, the body conducting the hearing.
- D. Pre-Hearing and Pre-Meeting Examination and Copying of Application and Other Documents. At any time following the giving of notice as required in subsection B of this section, and upon reasonable request, any person may examine the application and, subject to the exceptions set forth in the Illinois Freedom of Information Act, all other documents on file with the Zoning Enforcement Officer pertaining to the matter subject to such notice. In addition, any person shall be entitled to copies of such application and documents upon reasonable request and payment of a fee as established from time to time by the Zoning Enforcement Officer to cover the cost of such copies.

#### **PART IV: ZONING CERTIFICATES**

**9-11-11        RESERVED**

**9-11-12        CERTIFICATE OF OCCUPANCY**

- A. Authority. The Zoning Enforcement Officer shall have authority to issue certificates of occupancy; provided, however, that no such certificate shall be issued except in accordance with the provisions of this section and the provisions of the Island Lake building code and other Village ordinances governing development and related matters.
- B. Purpose. For the purposes of this code, the certificate of occupancy provides a procedure for the inspection of completed premises to ensure their compliance with this code and approved plans prior to commencement of the use or occupancy of such premises.
- C. Certificate Required. Unless a certificate of occupancy shall have first been obtained certifying compliance with the provisions of this code:
  1. No structure, or addition thereto, constructed, reconstructed, remodeled, altered, or moved after the effective date of this code shall be occupied or used for any purpose; and

2. No land vacant as of the effective date of this code shall be used or occupied for any purpose; and
3. No change of use shall be made in any building or part thereof now or hereafter erected or structurally altered that is not permitted by the provisions of this title. Nothing in this section shall prevent the continuance of the present occupancy or lawful use of any existing building, except as may be necessary for safety of life and property; and

D. Procedure.

1. Application. Applications for a certificate of occupancy shall be filed in accordance with the requirements of section 9-11-8 of this code not later than 10 days after the completion of the construction or alteration of a building. When a certificate of zoning compliance has been issued, the application for that certificate shall also be treated as the application for a certificate of occupancy and shall be processed as such at such time as the owner notifies the Zoning Enforcement Officer in writing that the subject structure or use is ready for a certificate of occupancy in accordance with the certificate of zoning compliance.

In any case where the structure or use involved has been constructed or established pursuant to any approval granted pursuant to this code, the application shall be accompanied by “as built” plans depicting the structure or use as built and bearing the certificate of a surveyor, engineer, architect, land planner, or owner-designer, as may be appropriate, certifying that the structure or use as built conforms in all respects to the approval granted.

2. Action on Application. Within 14 days following the receipt of a completed application, the Zoning Enforcement Officer shall cause the subject structure or premises to be inspected and shall take one of the following actions based on such inspection:
  - a. If all work has been completed and the structure and use thereof are in full and complete compliance with all applicable provisions of this code, other relevant codes and ordinances of the Village, the owner’s plans as approved, and any conditions attached to any approval issued pursuant to this code, the Zoning Enforcement Officer shall issue a certificate of occupancy.
  - b. If, however, all work is not complete or is in any manner not in full compliance with all applicable requirements, the Zoning Enforcement Officer shall deny the application and shall inform the owner in writing of the specific deficiencies on which such denial is based, citing the particular provisions of the codes and ordinances of the Village or the particular items in the owner’s plans or the applicable special approval conditions with respect to which compliance is lacking.
3. Contents of Certificate. In addition to the matters required to be contained in a certificate of occupancy pursuant to any other applicable code or ordinance of the Village, each certificate of occupancy issued pursuant to this section shall state the specific use of the lot for which it is issued, shall

identify the specific plans, if any, pursuant to which it is issued, and shall set forth any conditions imposed in connection with any approval granted pursuant to this code.

4. Filing of Certificates. Every certificate of occupancy issued pursuant to this section shall be kept on file in the office of the Zoning Enforcement Officer and shall be a public record open to inspection pursuant to the provisions of the Illinois Freedom of Information Act.
  
- E. Temporary Certificate of Occupancy. Notwithstanding the provisions of paragraph D.2 of this section, when construction, reconstruction, remodeling, or alteration of a structure does not require the vacating of the structure, or when parts of the structure are finished and ready for occupancy before the completion of such construction, reconstruction, remodeling, or alteration and are certified upon inspection to be safe for use or occupancy and to be in full compliance with all applicable provisions of this code, other relevant codes and ordinances of the Village, the owner's plans as approved and any conditions attached to any approvals issued pursuant to this code with respect to such structure or its premises, a temporary certificate of occupancy may be issued for a period not to exceed six months from its date, which temporary certificate shall bear on its face, in bold type, a statement of its temporary nature.
  
- F. Certificate of Occupancy for Existing Uses. The Zoning Enforcement Officer may issue a certificate of occupancy certifying the lawful existence and use of any existing structure or use in the same manner, and subject to the same standards and limitations, as authorized by this section with respect to new structures and uses. Such certificate of occupancy shall be prima facie evidence of the facts contained in it with respect to any structure or use as of the date of its issue and remain effective for that purpose for so long as neither the use or structure nor the applicable provisions of this code are changed.
  
- G. Void Certificates. Any certificate of occupancy issued in violation of the provisions of this code, whether intentionally, negligently, or innocently, shall be void ab initio and shall give rise to no rights whatsoever.

## **PART V: INTERPRETATIONS, APPEALS, AND VARIATIONS**

### **9-11-13 INTERPRETATIONS**

- A. Authority. The Zoning Enforcement Officer, subject to the procedures, standards, and limitations of this section, may render interpretations, including use interpretations, of the provisions of this code and of any rule or regulation issued pursuant to it.
  
- B. Purpose. The interpretation authority established by this section is intended to recognize that the provisions of this code, though detailed and lengthy, cannot possibly address every specific situation to which they may have to be applied. Many such situations, however, can be readily addressed by an interpretation of the specific provisions of this code in light of the general and specific purposes for which those provisions have been enacted. Because the interpretation authority herein established is an administrative rather than a legislative authority, it is not



intended to add to or change the essential content of this code but rather is intended only to allow authoritative application of that content to specific cases.

- C. Parties Entitled to Seek Interpretations. Applications for interpretations may be filed by any person having an interest in the circumstances giving rise to the need for an interpretation; provided, however, that interpretations shall not be sought by any person based solely on hypothetical facts or where the interpretation would have no effect other than as an advisory opinion.
  
- D. Procedure.
  - 1. Application. Applications for interpretations of this code shall be filed in accordance with the requirements of section 9-11-8 of this code.
  
  - 2. Action on Application. Within 30 days following the receipt of a properly completed application for interpretation, the Zoning Enforcement Officer shall inform the owner in writing of his or her interpretation, stating the specific precedent, reasons, and analysis upon which the determination is based. The failure of the Zoning Enforcement Officer to act within 30 days, or such further time to which the owner may agree, shall be deemed to be a decision denying the application rendered on the day following such 30-day period.
  
  - 3. Appeal. Appeals from interpretations rendered by the Zoning Enforcement Officer may be taken to the Zoning Board of Appeals as provided in section 9-11-14 of this code.
  
- E. Standards for Use Interpretations. The following standards shall govern the Zoning Enforcement Officer, and the Zoning Board of Appeals on appeals from the Zoning Enforcement Officer, in issuing use interpretations:
  - 1. No use interpretation shall be given with respect to the residential districts.
  
  - 2. Any use defined in section 9-12-13 of this code shall be interpreted as therein defined.
  
  - 3. No use interpretation shall permit a use listed as a permitted use or a special permit use in any district to be established in any district in which such use is not so listed.
  
  - 4. No use interpretation shall permit any use in any district unless evidence shall be presented that demonstrates that it will comply with each use limitation established for that particular district.
  
  - 5. No use interpretation shall permit any use in a particular district unless such use is substantially similar to other uses permitted in such district and is more similar to such other uses than to uses permitted or specially permitted in a more restrictive district.
  
  - 6. If the proposed use is most similar to a use permitted only as a special use in the district in which it is proposed to be located, then any use interpretation permitting such use shall be conditioned on the issuance of a special use permit for such use pursuant to section 9-11-17 of this code.

7. No use interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of the district in question.
  8. Subject to the foregoing conditions and limitations, in rendering use interpretations the Zoning Enforcement Officer shall be guided by the Standard Industrial Classification Manual, Office of Management and Budget (SIC), as such manual may be amended or replaced with comparable manuals or guidelines. Many uses listed as permitted or special uses in the use districts established by this code are preceded by a numerical reference to the SIC Numerals in parentheses indicate that the listed use includes one or more particular types of establishments in the subject SIC category to the exclusion of others, and the Zoning Enforcement Officer shall determine whether the proposed use is most similar to the listed use or uses rather than to any of the excluded uses in rendering any use interpretation relative to such uses.
- F. Effect of Favorable Use Interpretation. No use interpretation finding a particular use to be permitted or specially permitted in a particular district shall authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by the codes and ordinances of the Village including, but not limited to, a special use permit, a certificate of zoning compliance, a building permit, a certificate of occupancy, and subdivision approval.
- G. Limitations on Favorable Use Interpretations. Subject to an extension of time granted by the Zoning Enforcement Officer pursuant to section 9-11-1 of this code, no use interpretation finding a particular use to be permitted or specially permitted in a particular district shall be valid for a period longer than six months from the date of issue unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion, or a certificate of occupancy is obtained and a use commenced within that period.

A use interpretation finding a particular use to be permitted or specially permitted in a particular district shall be deemed to refer only to the particular use for which it was issued, and such permit shall not be deemed to refer to any allegedly similar use for which a separate use interpretation has not been issued. Such permit shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of six consecutive months or more.

#### **9-11-14 APPEALS TO ZONING BOARD OF APPEALS**

- A. Authority. The Zoning Board of Appeals shall hear and decide appeals from, and review orders, decisions, determinations, or the failure to act, of the Zoning Enforcement Officer acting pursuant to his or her authority and duties under this code and to that end the Zoning Board of Appeals shall have the same powers and be subject to the same standards and limitations as the Zoning Enforcement Officer with respect to any order, decision, or determination being appealed.
- B. Purpose. The appeal procedure is provided as a safeguard against arbitrary, ill-considered, or erroneous administrative decisions. It is intended to avoid the need for resort to legal action by establishing local procedures to review and correct

administrative errors. It is not, however, intended as a means to subvert the clear purposes, meanings, or intents of this code or the rightful authority of the Zoning Enforcement Officer to enforce the requirements of this code. To these ends, the reviewing body should give all proper deference to the spirit and intent embodied in the language of this code and to the reasonable interpretations of that language by those charged with the administration of this code.

- C. Parties Entitled to Appeal. An application for appeal to the Zoning Board of Appeals may be filed by any person aggrieved or adversely affected by an order, decision, determination, or failure to act of the Zoning Enforcement Officer acting pursuant to his or her authority and duties under this code.
- D. Procedure.
  - 1. Application. An application for appeal to the Zoning Board of Appeals shall be filed not later than 30 days following the action being appealed and in accordance with the requirements of section 9-11-8 of this code.
  - 2. Action by Zoning Enforcement Officer. Upon receipt of a properly completed application for an appeal, the Zoning Enforcement Officer shall forthwith transmit to the Zoning Board of Appeals the application together with all papers constituting the record upon which the action appealed from was taken.
  - 3. Public Hearing. A public hearing shall be set, noticed, and conducted by the Zoning Board of Appeals in accordance with section 9-11-10 of this code.
  - 4. Action by Zoning Board of Appeals. Within 30 days following the close of the public hearing, the Zoning Board of Appeals shall render a decision on the appeal in the manner and form specified in section 9-11-2 of this code. Such decision may reverse, affirm, or modify, in whole or in part, the action appealed from and may include such order or determination as, in the opinion of the Board of Appeals, is proper to be made in the premises. The failure of the Board of Appeals to act within such 30 days, or such further time to which the owner may agree, shall be deemed to be a decision denying the appeal.
- E. Stay of Proceedings. An application for appeal properly filed pursuant to subsection D of this section shall stay all proceedings in the furtherance of the action appealed from, unless the Zoning Enforcement Officer certifies to the Zoning Board of Appeals after the application for appeal has been filed with the Zoning Enforcement Officer that, by reason of facts stated in the certificate, a stay would, in the Zoning Enforcement Officer's opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed other than by a restraining order, which may be granted by the Board of Appeals or by the circuit court on application, upon reasonable written notice to the Zoning Enforcement Officer and on due cause shown.
- F. Conditions and Limitations on Rights Granted by Appeal. In any case where this code imposes conditions and limitations upon any right, any such right granted by the Zoning Board of Appeals on appeal shall be subject to such conditions and

limitations in the same manner and to the same extent as if secured without the necessity of an appeal.

**9-11-15 VARIATIONS**

- A. Authority. The Board of Trustees shall have the authority, by Ordinance duly adopted, to grant variations from the provisions of this code, but only in compliance with the procedures set forth in subsection D of this section and in those specific instances enumerated in subsection E of this section and then only in accordance with each of the standards enumerated in subsection F of this section.
- B. Purpose. The variation procedure is intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of this code that create practical difficulties or particular hardships. When such difficulties or hardships are more appropriate for remedy, if at all, pursuant to other provisions of this code, the variation procedure is necessarily inappropriate.
- C. Parties Entitled to Seek Variations. Applications for variations may be filed by the owner of, or person having a contractual interest in, the lot.
- D. Procedure.
  - 1. Application. Applications for variations shall be filed in accordance with the requirements of section 9-11-8 of this code.
  - 2. Public Hearing. A public hearing shall be set, noticed, and conducted by the Zoning Board of Appeals in accordance with section 9-11-10 of this code.
  - 3. Action by Zoning Board of Appeals. Within 35 days following the close of the public hearing, the Zoning Board of Appeals shall render its decision recommending the granting or denying of the variation, in the manner and form specified by section 9-11-2 of this code. The failure of the Board of Appeals to act within 35 days, or such further time to which the owner may agree, shall be deemed to be a decision recommending denial of the variation.
  - 4. Recommendations of Denial. Where the Zoning Board of Appeals has recommended that a variation be denied, it shall not be granted except by the favorable vote of two-thirds of all the Trustees then holding office.
- E. Prohibited Variations. Notwithstanding any other provision of this section, no variation shall be granted that:
  - 1. Is intended as a temporary measure only; or
  - 2. Is greater than the minimum variation necessary to relieve the particular hardship or practical difficulty demonstrated by the owner.
- F. Standards for Variations.
  - 1. General Standard. No variation shall be recommended or granted pursuant to this section unless the owner shall establish that carrying out

the strict letter of the provisions of this code would create a particular hardship or a practical difficulty.

2. Supplemental Standards. For the purpose of supplementing the above standards, the Board of Appeals shall also, in making this determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the owner have been established by the evidence:
  - a. **Unique Physical Conditions:** The subject property is exceptional as compared to other lots subject to the same provision by reason of unique physical condition, including presence of an existing use, structure or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.
  - b. **Not Self-Created:** The aforesaid unique physical condition is not the result of any action or inaction of the owner or his predecessors in title and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this title, for which no compensation was paid.
  - c. **Denied Substantial Rights:** The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.
  - d. **Not Merely Special Privilege:** The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, not merely an inability to make more money from the sale of the subject property.
  - e. **Code and Plan Purposes:** The variation would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes of which this title and the provisions from which a variation is sought were enacted or the general purposes and intent of the Official Comprehensive Plan.
  - f. **Essential Character of the Area:** The variation would not result in a use or development on the subject property that:
    - i. Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development value of property or improvements permitted in the vicinity;
    - ii. Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity;

- iii. Would substantially increase congestion in the public streets due to traffic or parking;
  - iv. Would unduly increase the danger of flood or fire;
  - v. Would unduly tax public utilities and facilities in the area; or
  - vi. Would endanger the public health or safety.
- g. No Other Remedy. There is no other means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.
- G. Variation Less Than Requested. A variation less than or different from that requested may be granted when the record supports the owner's right to some relief but not to the relief requested.
- H. Conditions on Variations. The Zoning Board of Appeals may recommend and the Board of Trustees may impose such specific conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of this code upon the premises benefited by a variation as may be necessary or appropriate to prevent or minimize adverse effects upon other lots and improvements in the vicinity of the subject lot or upon public facilities and services. Such conditions shall be expressly set forth in the Ordinance granting the variation. Violation of any such condition or limitation shall be a violation of this code and shall constitute grounds for revocation of the variation.
- I. Effect of Grant of Variation. The grant of a variation shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approval that may be required by the codes and ordinances of the Village including, but not limited to, a certificate of zoning compliance, a building permit, a certificate of occupancy, and subdivision approval.
- J. Limitations on Variations. Subject to an extension of time granted by the Zoning Enforcement Officer pursuant to section 9-11-1 of this code, no variation from the provisions of this code shall be valid for a period longer than one year unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a certificate of occupancy is issued and a use is commenced within that period.

A variation shall be deemed to authorize only the particular construction or development for which it was issued and shall automatically expire and cease to be of any force or effect if such construction or development shall be removed and not replaced within six months following such removal.

## **PART VI: AMENDMENTS AND SPECIAL APPROVALS**

**9-11-16 AMENDMENTS**

- A. Authority. This code and the zoning map may be amended from time to time by ordinance duly enacted by the Board of Trustees in accordance with the procedures set out in this section.
  
- B. Purpose. The amendment process established by this section is intended to provide a means for making changes in the text of this code and in the zoning map that have more or less general significance or application. It is not intended to relieve particular hardships nor to confer special privileges or rights. Rather, it is intended as a tool to adjust the provisions of this code and the zoning map in light of changing, newly discovered, or newly important conditions, situations, or knowledge.
  
- C. Parties Entitled to Seek Amendments. An application for an amendment may be filed by the Board of Trustees, the Plan Commission, the owner of, or any person having a contractual interest in, any lot to be affected by a proposed amendment to the zoning map, or any person interested in a proposed amendment to the text of this code.
  
- D. Procedure.
  - 1. Application. Applications for amendments shall be filed in accordance with the requirements of section 9-11-8 of this code; provided, however, that amendments proposed by the Board of Trustees or the Plan Commission shall not be subject to said section but shall be transmitted to the Zoning Enforcement Officer in such form as may seem appropriate to the initiating body.
  
  - 2. Public Hearing. In any case where an application for amendment is referred to the Plan Commission for a hearing, a public hearing shall be set, noticed, and conducted by the Plan Commission in accordance with section 9-11-10 of this code.
  
  - 3. Action by Plan Commission. Within 45 days following the conclusion of the public hearing, the Plan Commission shall transmit to the Board of Trustees its recommendation in the form specified by subsection 9-11-3 of this code. The failure of the Plan Commission to act within 45 days following the conclusion of such hearing, or such further time to which the owner may agree, shall be deemed a recommendation for the approval of the proposed amendment as submitted.
  
  - 4. Action by Board of Trustees; Protest. Within 60 days following the receipt of the recommendation of the Plan Commission, or its failure to act as above provided, the Board of Trustees shall either deny the application or, by ordinance duly adopted, adopt the proposed amendment, with or without modifications; provided, however, that in the event a duly signed and acknowledged protest against a proposed amendment is filed with the Village clerk before the adoption of such amendment by the owners of 20 percent or more of the frontage to be affected by the proposed amendment, or by the owners of 20 percent or more of the frontage immediately adjoining or across therefrom, or by the owners of 20 percent or more of the frontage directly opposite the frontage to be affected, such amendment

shall not be passed except by a two-thirds vote of all the Trustees then holding office.

The failure of the Board of Trustees to act within 60 days, or such further time to which the owner may agree, shall be deemed to be a decision denying the application.

- E. Standard for Amendments. The wisdom of amending the zoning map or the text of this code is a matter committed to the sound legislative discretion of the Board of Trustees and is not dictated by any set standard. However, in determining whether a proposed amendment should be granted or denied the Board of Trustees should be guided by the principle that its power to amend this code is not an arbitrary one but one that may be exercised only when the public good demands or requires the amendment to be made. In considering whether that principle is satisfied in any particular case, the Board of Trustees should weigh the factors that the owner is required to address in its application.

**9-11-17 SPECIAL USE PERMITS**

- A. Authority. The Board of Trustees, in accordance with the procedures and standards set out in this section and by ordinance duly adopted, may grant special use permits authorizing the development of uses listed as special uses in the regulations applicable to the district in which the lot is located.
- B. Purpose. Special uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine, against fixed standards, the desirability of permitting their establishment on any given site. They are uses that may or may not be appropriate in a particular location depending on a weighing, in each case, of the public need and benefit against the local impact and effect.
- C. Parties Entitled to Seek Special Use Permits. An application for a special use permit may be filed by the owner of, or any person having a contractual interest in, the lot.
- D. Procedure.
  - 1. Application. Applications for special use permits shall be filed in accordance with the requirements of section 9-11-8 of this code.
  - 2. Public Hearing. A public hearing shall be set, noticed, and conducted by the Plan Commission in accordance with section 9-11-10 of this code.
  - 3. Action by Plan Commission. Within 45 days following the conclusion of the public hearing, the Plan Commission shall transmit to the Board of Trustees its recommendation in the form specified by section 9-11-3 of this code, recommending either granting the application for a special use permit; granting the application subject to conditions, as specified in subsection F of this section; or denying the application. The failure of the Plan Commission to act within 45 days, or such further time to which the owner may agree, shall be deemed a recommendation for the approval of the proposed special use permit.



4. Action by Board of Trustees. Within 60 days following the receipt of the recommendation of the Plan Commission, or its failure to act as above provided, the Board of Trustees shall either deny the application or, by ordinance duly adopted, shall grant the special use permit, with or without modifications or conditions. The failure of the Board of Trustees to act within 60 days, or such further time to which the owner may agree, shall be deemed to be a decision denying the special use permit. Where the Plan Commission has recommended that a special use permit be denied, it shall not be granted except by the favorable vote of two-thirds of all the Trustees then holding office.

E. Standards for Special Use Permits.

1. General Standards. No special use permit shall be recommended or granted pursuant to this section unless the owner shall establish that:
  - a. Is deemed necessary for the public convenience at that location;
  - b. Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;
  - c. Will not cause substantial injury to the value of other lots in the neighborhood in which it is located;
  - d. Conforms to the applicable regulations of the district in which it is to be located, except as may be recommended by the Plan Commission and approved by the Village Board or, except in the case of a planned development; and
  - e. Owner can demonstrate, to the satisfaction of the Village, that it has the capability and capacity, including, without limitation, the technological, personnel, and financial resources, to complete the project as proposed.
2. Special Standards for Specified Special Uses. When the district regulations authorizing any special use in a particular district impose special standards to be met by such use in such district, a permit for such use in such district shall not be recommended or granted unless the owner shall establish compliance with such special standards.
3. Considerations. In determining whether the owner's evidence establishes that the foregoing standards have been met, the Plan Commission shall consider:
  - a. Public Benefit. Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.
  - b. Alternative Locations. Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.

- c. Mitigation of Adverse Impacts. Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.
  
- F. Conditions on Special Use Permits. The Plan Commission may recommend and the Board of Trustees may impose such conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of this code upon the premises benefited by a special use permit as may be necessary or appropriate to prevent or minimize adverse effects upon other lots and improvements in the vicinity of the subject lot or upon public facilities and services. Such conditions shall be expressly set forth in the ordinance granting the special use. Violation of any such condition or limitation shall be a violation of this code and shall constitute grounds for revocation of the special use permit.
  
- G. Effect of Issuance of a Special Use Permit. The grant of a special use permit shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any other permits or approvals that may be required by the codes and ordinances of the Village, including but not limited to a certificate of zoning compliance, a building permit, a certificate of occupancy, and subdivision approval.
  
- H. Limitations on Special Use Permits. Subject to an extension of time granted by the Zoning Enforcement Officer pursuant to subsection 9-11-1 of this code, no special use permit shall be valid for a period longer than one year unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a certificate of occupancy is issued and a use commenced within that period.  
  
A special use permit shall be deemed to authorize only the particular use for which it was issued, and such permit shall automatically expire and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of six consecutive months or more.  
  
Except when otherwise provided in the Ordinance granting a special use permit, a special use permit shall be deemed to relate to, and be for the benefit of, the use and lot in question rather than the owner or operator of such use or lot.
  
- I. Amendments to Special Use Permits. A special use permit may be amended, varied, or altered only pursuant to the procedures and subject to the standards and limitations provided in this section for its original approval.

**9-11-18 PLANNED UNIT DEVELOPMENTS**

- A. Authority. The Board of Trustees, in accordance with the procedures and standards set out in this section and by ordinance duly adopted, may grant special use permits authorizing the development of planned unit developments, but only in the districts where such developments are listed as an authorized special use.

- B. Purpose. Planned unit developments are included in this code as a distinct category of special use. As such, they are authorized for the same general purposes as all other special uses. In particular, however, the planned unit development technique is intended to allow the relaxation of otherwise applicable substantive requirements based upon procedural protections providing for detailed review of individual proposals for significant developments. This special regulatory technique is included in this code in recognition of the fact that traditional bulk, space, and yard regulations that may be useful in protecting the character of substantially developed and stable areas may impose inappropriate pre-regulations and rigidities upon the development or redevelopment of lots or areas that lend themselves to an individual, planned approach. Through the flexibility of the planned unit development technique, the Village seeks to achieve the following specific objectives:
1. Provide for the permanent preservation of more common open spaces and better recreational opportunities or facilities than are required of developments under the strict interpretation of this title.
  2. To enable the development to better preserve natural vegetation, and topographic and geological features than would otherwise be required of developments under the strict interpretation of this title.
  3. To encourage developers to invest in amenities that enhance the quality of design and community character through the provision of better public facilities.
  4. To permit developers of commercial properties the flexibility to design their projects to provide the maximum flexibility of design to meet the varying conditions imposed by existing residential or nonresidential uses.
  5. To permit developers to establish a quality that best meets the existing character of the Village in transitional areas on the fringes.
- C. Parties Entitled to Seek Planned Unit Development Approval. An application for a special permit to permit a planned unit development may be filed by the owner of, or any person having a contractual interest in, the subject lot.
- D. Procedure.
1. Optional Pre-Application Conference. Prior to filing any application for planned unit development approval, the prospective owner may request a pre-application conference with the Plan Commission. Such request shall include a brief and general description of the nature, location and extent of the proposed planned unit development; and a list of any professional consultants advising the prospective owner with respect to the proposed planned unit development. The meeting shall be held at a regularly scheduled meeting and shall be open to the public.
- The pre-application conference is not mandatory and does not require formal application, fee, or filing of a planned unit development plat.

No final or binding action shall be taken at any pre-application conference and any views expressed shall be deemed to be only preliminary and advisory.

2. Preliminary Plat.

- a. Purpose. The preliminary plat is intended to provide the owner an opportunity to submit a plan showing the basic scope, character, and nature of the entire proposed planned unit development without incurring undue cost. The preliminary plat is the basis on which the required public hearing is held, thus permitting public consideration of the proposal at the earliest possible stage.
- b. Application. Applications for approval of a preliminary plat shall be filed in accordance with the requirements of section 9-11-8 code.
- c. Public Hearing. A public hearing shall be set, noticed, and conducted by the Plan Commission in accordance with section 9-11-10 of this code.
- d. Coordination With Subdivision Regulations. When a subdivision of land subject to the Village's subdivision regulations is proposed in connection with a planned unit development, review of the tentative plat of the proposed subdivision shall be carried out simultaneously with review of the preliminary plat.
- e. Action by Plan Commission. Within 60 days following the conclusion of the public hearing, the Plan Commission shall transmit to the Board of Trustees its recommendation, in the form specified by section 9-11-3 of this code, that the preliminary plat either be approved, be approved subject to modifications, or not be approved. The failure of the Plan Commission to act within 60 days, or such further time to which the owner may agree, shall be deemed a recommendation for the approval of the preliminary plat as submitted.
- f. Action by Board of Trustees. Within 60 days following the receipt of the recommendation of the Plan Commission or its failure to act as above provided, the Board of Trustees shall deny the application for approval of the preliminary plat, or shall refer it back to the Plan Commission for further consideration of specified matters, or, by ordinance duly adopted, shall approve the preliminary plat, with or without modifications and conditions to be accepted by the owner as a condition of such approval, and shall grant a special use permit authorizing the proposed planned unit development and such additional approvals as may be necessary to permit development of the planned unit development as approved; provided, however, that every such ordinance and special use permit shall be expressly conditioned upon approval of the final plat in accordance with paragraph D3 of this section and upon the permittee's compliance with all provisions of this code and the ordinance granting the special use permit.

The failure of the Board of Trustees to act within 60 days, or such further time to which the owner may agree, shall be deemed to be a decision denying approval of the Preliminary Plat.

- g. Effect of Preliminary Plat Approval. Approval of a preliminary plat shall not constitute approval of the final plat. Rather it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat which will be submitted for approval of the Village and subsequent recording upon the fulfillment of the requirements of these regulations and conditions of the preliminary approval, if any.
- h. Limitation on Preliminary Plat Approval. Subject to an extension of time granted by the Zoning Enforcement Officer pursuant to subsection 9-11-1 of this code, unless a final plat covering at least the area designated in the preliminary plat as the first stage or unit of the planned unit development has been filed within two years from the date the Board of Trustees grants preliminary plat approval, or in any case where the owner fails to file the final plat and to proceed with development in accordance with the provisions of this code, the preliminary plat approval shall automatically expire and be rendered void and the Zoning Enforcement Officer shall, without further direction, initiate an appropriate action to formally revoke the special permit for all portions of the planned unit development area that have not yet been completed.
- i. Optional Submission of a Final Plat. The owner may, at his or her option, submit a final plat for the proposed planned unit development pursuant to the requirements of paragraph D3 of this section simultaneously with the submission of the preliminary plat pursuant to the requirements of paragraph D1 of this section. In such case, the owner shall comply with all provisions of this code applicable to submission of the preliminary plat and to submission of the final plat. The Plan Commission and the Board of Trustees shall consider such plans simultaneously and shall grant or deny final plat approval in accordance with the provisions of paragraph D.3 of this section.

3. Final Plat.

- a. Purpose. The final plat is intended to particularize, refine, and implement the preliminary plat and to serve as a working document in development of a final plat. The final plat may be submitted for the entire planned unit development or in stages as approved in the preliminary plat.
- b. Application. Upon approval of the preliminary plat, and within the time limits established in Subparagraph D.2 of this section, the owner shall file an application for final plat approval in accordance with the requirements of section 9-11-8 of this code. The application may include the entire area included in the approved preliminary plat or one or more stages or units thereof in accordance with a staging plan approved as part of the preliminary

plat. The application shall refine, implement, and be in substantial conformity with the approved preliminary plat.

- c. Public Meeting. A public meeting shall be set, noticed, and conducted by the Plan Commission in accordance with section 9-11-10 of this code.
- d. Coordination with Subdivision Regulations. When a subdivision of land subject to the Village's subdivision regulations is proposed in connection with a planned development, review of the final plat of proposed subdivision shall be carried out simultaneously with review of the final plat.
- e. Action by Plan Commission.
  - i. Evaluation. Within 60 days following the filing of an application for approval of a final plat, the Plan Commission shall review and act on the plan. The Plan Commission shall set forth the reasons for the recommendation and said recommendation shall set forth with particularity in what respects the proposal would or would not be in the public interest including, but not limited to, findings of fact on the following:
    - (a) In what respects the proposed plan is or is not consistent with the stated purpose of the planned unit development regulations.
    - (b) The extent to which the proposed plan meets the requirements and standards of the planned unit development regulations set forth in section 9-11-18.
    - (c) The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject lot, including, but not limited to, the density, dimension, area, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.
    - (d) The physical design of the proposed plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, provide for and protect designated common open space and further the amenities of light and air, recreation and visual enjoyment.
    - (e) The relationship and compatibility, beneficial or adverse, or the proposed plan to the adjacent properties and neighborhood.
    - (f) The desirability of the proposed plan to physical development, tax base and economic wellbeing of the entire community.

- (g) The conformity with the intent and spirit of the comprehensive Village plan.
- ii. Approval Based on Substantial Conformity. If the Plan Commission finds substantial conformity between the Final Plat and the approved preliminary plat and further finds the final plat to be in all other respects complete and in compliance with any and all conditions imposed by approval of the preliminary plat and with the provisions of this code and all other applicable federal, State, and Village codes, ordinances, and regulations, it shall transmit the plan to the Board of Trustees with its recommendation, in the form specified in section 9-11-3 of this code, that the Board of Trustees approve the final plat, with or without modifications and conditions to be accepted by the owner as a condition of approval. See section 9-12-13 of this code for the definition of “substantial conformity.”
- iii. Recommendation of Approval without Substantial Conformity. If the Plan Commission finds that the final plat lacks substantial conformity to the preliminary plat but merits approval notwithstanding such lack of conformity and otherwise conforms to the requirements of this code, it shall transmit the plan to the Board of Trustees with its recommendation, in the form specified in subsection 9-11-3 of this code, that the final plat be approved, with or without modifications and conditions to be accepted by the owner as a condition of approval.
- iv. Recommendation of Denial. If the Plan Commission finds that the final plat is not in substantial conformity with the approved preliminary plat and does not merit approval, or if the Plan Commission requires modifications of a final plat that are not accepted by the owner, the Plan Commission shall transmit the plan to the Board of Trustees together with its recommendation, in the form specified in subsection 9-11-3 of this code, that the final plat not be approved.
- v. Failure to Act. The failure of the Plan Commission to act within 60 days, or such further time to which the owner may agree, shall be deemed to be a recommendation to the Board of Trustees to approve the final plat as submitted.
- f. Action by Board of Trustees. Within 45 days following the receipt of the recommendation of the Plan Commission, or its failure to act as above provided, the Board of Trustees shall either:
  - i. Approval Based on Substantial Conformity. If the Plan Commission has recommended approval of a final plat pursuant to subparagraph D.3E.(ii) of this section, the Board of Trustees shall, unless it specifically rejects one or more of the findings of the Plan Commission on the basis of

expressly stated reasons, approve the final plat by a duly adopted ordinance; or

- ii. Approval Without Substantial Conformity. In any case other than that specified in subparagraph D.3F.I. of this section, the Board of Trustees may, if it finds that the final plat merits approval and otherwise conforms to the requirements of this code, approve the final plat by a duly adopted ordinance; or
- iii. Referral Back to Plan Commission. In any case other than that specified in subparagraph D.3F.I. of this section, the Board of Trustees may refer the final plat back to the Plan Commission for further consideration of specified matters.
- iv. Denial. The Board of Trustees may deny final plat approval if it finds, whether pursuant to a recommendation of the Plan Commission or not, that the final plat is not in substantial conformity with the approved preliminary plat and does not merit approval or would only merit approval subject to modifications or conditions that are not accepted by the owner.
- v. Failure to Act. The failure of the Board of Trustees to act within 60 days, or such further time to which the owner may agree, shall be deemed to be a decision denying final plat approval.
- g. Conditions on Final Plat Approval. The approval of any final plat may be granted with or without modifications and conditions to be accepted by the owner as a condition of approval.
- h. Recordation of the Final Plat. The ordinance approving the final plat shall be effective only upon recording of the final plat and supporting data with the county recorder of deeds. The recording of the final plat shall inform all who deal with the planned unit development of the restrictions placed upon the land and act as a zoning control device.
- i. Building Permits. No building permits shall issue and no construction may occur until the final plat has been approved and recorded with the county recorder of deeds.

E. Standards for Planned Unit Developments.

- 1. Special Use Permit Standards. No special use permit for a planned unit development shall be recommended or granted pursuant to this section unless the owner shall establish that the proposed development will meet each of the standards made applicable to special use permits pursuant to section 9-11-17 of this code.
- 2. Additional Standards for All Planned Unit Developments. No special use permit for a planned unit development shall be recommended or granted unless the owner shall establish that the proposed development will meet each of the following additional standards:



- a. Variance from Applicable District Regulations. The degree to which the development differs in its performance from what would be possible under the normal standards of the district in which it is located.
- b. Promotion of Character. The degree to which the development exhibits extra care and attention to details which enhance the character of the development and the Village that sets the development apart from projects that could be built without the aid of this section.
- c. Architectural Design. The design of the development should be consistent with the surrounding properties. The Plan Commission should have review materials presented by the developer indicating that the credits sought are based in real investments in excess of what is required under the minimum standards of the ordinance.
- d. Amenities. The degree to which the development will preserve critical natural environments, restore or mitigate degraded or distressed environments, alleviated off-site problems, or provided other improvements that benefit all residents of the community.
- e. Landscaping. The Plan Commission should review both an inventory of natural features on the site and plans demonstrating preservation of existing resources and integration of new landscaping on the property.
- f. Comprehensive Plan. A planned unit development must conform with the intent and spirit of the proposals of the Village's comprehensive plan.
- g. Minimum Area. The site of the planned unit development must be under single ownership and/or unified control and be not less than four acres in area.
- h. Compatibility. The uses permitted in a planned unit development must be of a type and so located so as to exercise no undue detrimental influence upon surrounding properties.
- i. Setbacks. The required minimum setbacks and building lines shall be at least equal in width or depth to that of the adjacent zoning district. In no case shall the rear building line be closer than 25 feet to any adjacent property in the E-1, R-1, and R-2 districts for living units and accessory buildings. Business-commercial buildings located in a residential planned unit development shall be located at least 40 feet from any lot line not abutting a public street.
- j. Parking Requirements. Adequate parking shall be provided. Except for the ORI district, parking shall be provided at a minimum of 1.5 spaces per living unit, with an additional space per 300 square feet of business-commercial use and an additional space per 400 square feet of enclosed recreational use.

- k. Traffic. Adequate provision shall be made to minimize traffic congestion in the public streets.
- l. Density Increase. The Plan Commission may recommend, and the Village Board may approve, an increase in density of up to 20 percent over the density allowed in the district in which the planned unit development is located based on the developer's ability to substantially improve the quality of the project in light of the goals and standards in this section and this code, including without limitation preservation of natural resources and unique open space area, provision of special recreational facilities, preservation and/or restoration of unique buildings or structures, and provisions for underground parking facilities, alleviation of traffic congestion, and provision of pedestrian access to schools and parks. The density calculations shall include the gross land area of the property excluding area that is dedicated for public street purposes.
- m. Building Height. Any building within a planned unit development shall not exceed 37 feet, except in the ORI district. In addition, where a property abuts E-1, R-1, and R-2 districts, the building shall not exceed one foot in height for every two feet of setback from the property line of the subject tract, except in the ORI district.
- n. Building and Lot Coverage. The Plan Commission may recommend, and the Village Board may approve, limitations on building and lot coverage based on the goals set forth in the comprehensive plan.
- o. Tax Impact Study. The Plan Commission and Village Board may consider the impact of the development on the Village, school districts, parks, and special districts in the area as set forth in the tax impact study provided to the Village as part of the application for the planned unit development.
- p. Municipal Facilities. Details of sanitary sewer, water, storm sewer, and facilities that will serve the planned unit development shall be considered as part of the planned unit development application.
- q. Dedications. Land to be dedicated or reserved for public schools, parks, and municipal purposes shall be depicted on the planned unit development plans. Evidence of consultation with all public entities with jurisdiction over the property shall be provided as part of the application. At least 10 acres of open space and/or recreational space shall be dedicated for each 1,000 persons, which land shall not be limited to flood plains or wetlands.
- r. Lighting. Lighting shall comply with otherwise applicable lighting regulations for the district in which the property is located.
- s. Compliance with Subdivision Regulations and Plat Act. All planned unit developments, whether or not they are by definition subject to the Village's subdivision regulations or the Illinois Plat Act, shall

comply with all standards, regulations and procedures of the subdivision regulations and the Plat Act except as varied by the board of trustees pursuant to subsection G or the applicable section of the subdivision regulations.

- t. Association Documents. A homeowners or other owners' association shall be formed to own, operate, and maintain common and community facilities. The form of the association declaration shall be filed with the final plan and shall be subject to the review and approval of the Village attorney.
- 4. Additional Standards for Specific Planned Unit Developments. Where the district regulations authorizing any planned development use in a particular district impose standards to be met by such planned unit development in such district, a special permit for such development shall not be recommended or granted unless the owner shall establish compliance with such special standards.
- F. Conditions on Planned Unit Development Approvals. The approval of either a preliminary plat or a final plat may be conditioned on such matters as the approving body may find necessary to prevent or minimize any possible adverse effects of the proposed planned unit development, or to ensure its compatibility with surrounding uses and development and its consistency with the general purposes, goals, and objectives of this code, the Village's subdivision regulations, and the official comprehensive plan; provided, however, that no such condition of final plat approval shall impair the rights granted by preliminary plat approval. Such conditions shall be expressly set forth in the ordinance granting the approval in question. Violation of any such condition or limitation shall be a violation of this code and shall constitute grounds for revocation of all approvals granted for the planned unit development.
- G. Authority to Vary Regulations. The planned unit development may depart from strict conformance with the required density, dimension, area, bulk, use, and other regulations for the standard zoning districts and other provisions of this code to the extent specified in the preliminary land use and zoning plat and documents authorizing the planned unit development so long as the planned unit development will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
- H. Time Schedule. The president and Board of Trustees shall consider the planned unit development subject to revocation if construction falls more than two years behind the schedule filed with the final plat. Extensions in the building schedule may be granted by the Plan Commission. With the exception of the installation of the final one inch bituminous concrete roadway surface, all public improvements within each phase of the planned unit development shall be completed within two years of final plat approval for that phase.
- I. Adjustments to Final Plat During Development. The planned unit development project shall be developed only according to the approved and recorded plat and all supporting data. The recorded final plat and supporting data together with all recorded amendments shall be binding on the owners, their successors and assigns and shall limit and control the use of premises and location of structures in the planned unit development project as set forth therein.

1. Major Changes. Changes which include increases in density, height of buildings, reductions of proposed open space, changes in the development schedule or changes in the final governing agreements, provisions or covenants or other changes which change the concept or intent of the development, may be approved only by submission of a new preliminary plat and supporting data and following the "preliminary approval" steps and subsequent amendment of the final land use and zoning plat.

All changes to the final plat shall be recorded with the county recorder of deeds as amendments to the final plat or reflected in the recording of a new "corrected" final plat.

2. Minor Changes. The Village Board may approve minor changes in the planned unit development which do not change the concept or intent of the development without going through the "preliminary approval" steps. Minor changes shall be any change not defined as a major change.

- J. Amendments to Final Plat Following Completion of Development. After completion of a planned unit development, an approved final plat may be amended, varied, or altered in the same manner and subject to the same limitations, as provided for major adjustments in subsection I of this section.

- K. Impact Fees. See title 10 of this code for applicable impact fee regulations.

**9-11-19 SITE PLAN REVIEW (ORI DISTRICT):**

- A. Intent. In order to exercise a more orderly control of land development within the ORI District, the Village hereby establishes a site plan review process. It is recognized that the very nature of a development creates potential for traffic generation problems, overcrowding, and adverse environmental effects. The Village intends to subject all development not undergoing a special use permit or planned unit development process within the ORI District to site plan review so that all the meaning and intent of this code and all the provisions thereof are complied with.

- B. Procedure. A written application for site plan review shall be submitted to the Zoning Enforcement Officer who will schedule the item for review by the Plan Commission. 10 copies of the site plan shall be submitted at least 10 days prior to the Plan Commission meeting at which the site plan will be reviewed. The Plan Commission shall recommend approval or denial of the site plan, with or without conditions, or may defer the item for further study. Once a recommendation is made, the site plan shall be forwarded to the Village Board for consideration and approval. Consultation with the appropriate Village staff and consultants is encouraged throughout this process to insure a minimum of delay. The Village Board may approve, approve with conditions or deny the site plan.

- C. Site Plan Details. The site plan shall contain, at a minimum, the following detail information:

1. A base map, drawn to scale, showing all lot boundaries and dimensions and a written description of the property;
2. The area (square footage) of the following must be included on all site plans:

- a. Total lot area;
  - b. Total building area;
  - c. Total landscaped area;
  - d. Total area devoted to parking lots and driveways;
  - e. Total area of interior parking lot landscaping.
3. Location and dimensions of existing and proposed buildings and structures, existing zoning and land use within 200 feet of site, including adjacent lot lines and significant features and buildings on adjoining properties;
  4. The location and dimensions of all existing and proposed parking lots and drives, roadways and rights of way, sidewalks, bicycle paths, ground signs, refuse disposal areas, bicycle parking areas, fences, free standing electrical equipment, free standing HVAC/mechanical equipment and other free standing structural features;
  5. Names and addresses of owner, applicant, planner, architect, engineer, and landscape architect, as appropriate.
  6. Scale, north arrow, date;
  7. Title of the project or property;
  8. Ground elevations, existing and proposed, type of foundation elevations on all adjacent structures;
  9. Location of flood plains, existing vegetation, fences, walls, etc.;
  10. Vehicular, service and pedestrian access, including driveways, sidewalks, curbs, street pavement markings, traffic signals and on-site parking, circulation signage and curb cuts within 200 feet of site;
  11. Off-street parking and loading areas, including number of spaces and dimensions;
  12. Lighting standards, including location, size, height, illumination and intensity;
  13. Outdoor storage areas, if any;
  14. Waste disposal areas, including type of containers, bins, dumpsters, etc., and enclosure methods;
  15. Engineering, drainage, grading, flood plain, and on-site water detention areas;
  16. Horizontal elevations of all proposed structures, including detailed description of exterior construction materials. Elevations shall represent those colors which will be utilized in the design;

17. Other plan details as determined necessary by the Village Board, including, but not limited to:
    - a. Performance standards evaluation pursuant to section 9-9-9;
    - b. Traffic impact analysis;
    - c. Market research analysis;
    - d. Flood plain mitigation measures;
    - e. Erosion control measures.
  18. Timetable for construction of proposed improvements.
- D. Design Criteria. Approval of site plans shall be based upon conformity to zoning regulations as well as general conformance to overall site design criteria. A developer should seek to integrate the following design characteristics into those plans submitted for site plan approval.
1. Integration and Compatibility. The overall design shall integrate neighborhood and site characteristics into a compatible expression of building mass, scale, color and circulation.
  2. Minimalization of Impacts. Spatial designs should minimize the impacts of traffic, noise, reflected light, debris, and other undesirable effects of development upon abutting properties and the neighborhood as a whole.
  3. Architectural Innovation. Developers should seek to provide innovative design of structures by varying vertical planes of building facades and/or by varying the elevation of roof lines.
  4. Loading/Refuse Area. Design of loading and refuse areas should be sensitive to aesthetic concerns and provide screening compatible with abutting properties. Such loading and refuse areas should not be visible from public roads.
  5. Parking Lots. Parking lots and driveways shall be designed to safely and effectively circulate vehicles throughout the site. When appropriate, cross easements should be provided between adjoining properties to allow for circulation of vehicles.
  6. Vehicle Access and Curb Cuts. Vehicular systems for both on-site and off-site traffic should be designed in a manner which facilitates smooth progression of movement, yet is sensitive to other design considerations such as pedestrian activity and off-street parking. Curb cuts shall be located to safely and efficiently allow vehicle ingress and egress to the site. The use of shared curb cuts and cross easements shall be provided when appropriate. One curb cut shall be allowed for ingress/egress unless specific documentation is provided demonstrating the need for additional curb cuts.
  7. Pedestrian Circulation. Site and building design shall accommodate pedestrian circulation on-site from parking areas, plazas, open space, and

public rights of way. Pedestrian and vehicular circulation shall be separated to the greatest extent possible.

8. Uniform Signage. Signage shall be designed to provide compatibility with building form, shape, and color. Signage shall be uniform or complimentary in color and overall design. Signage shall not conflict with signage from adjoining properties. All signs must comply with otherwise applicable sign regulations.
  9. Open Space. Design of any development shall provide for a maximum use of open space, particularly along the perimeter of the site, in parking lots, and near the building foundation. Larger developments should include designs which allow for centralized open space containing detention/retention ponds, passive recreation areas, bike/pedestrian paths, and other amenities which will serve the development.
  10. Detention/Retention Ponds. When appropriate, detention and retention ponds should be designed to provide for shared storage between properties. Ideally, such shared storage should include the greatest land area possible.
  11. Lighting. On-site lighting standards shall be compatible with architectural and spatial designs, and shall provide for safe illumination on the site for vehicles and pedestrians.
  12. Planned Unit Development Criteria. If a parcel lies within a planned unit development, the site plan review will insure that the design criteria approved for the planned unit development will be incorporated into the individual parcel's site plan. Where the approved planned unit development criteria are moot on a particular design element, the standards described in this Section may be applied.
- E. Site Landscaping Design Criteria. A landscape plan must accompany any application for site approval. Landscape plans shall meet the requirements of section 9-9-7 of this code.
- F. Performance Guarantee. As a condition of approval, the Plan Commission may recommend that the applicant be required to file with the Village Attorney a letter of credit or a performance guarantee approved by the Village Attorney to insure completion of approved landscaping, fencing, parking, loading, drainage, and all other specified items of the site plan. The amount of the performance guarantee and the required completion date shall be recommended by the Village Engineer based on current costs and set by the Village Board. If, upon inspection of the completed project by the Zoning Enforcement Officer it is found that the conditions of the site plan have been met, the performance bond shall be released to the applicant.

If the applicant does not complete the development of the items specified in the site plan within the time specified in its bond or other security, the Zoning Enforcement Officer shall give written notice to the applicant and the surety or other guarantor. If site development in conformity with the conditions of the site plan have not been completed 30 days prior to the expiration of the performance guarantee, the Village will take action as is necessary to insure completion in

conformity with the conditions of the site plan within the time period specified. If the applicant can demonstrate that adversities not of his making prevented such completion, the Village Board may permit him to extend the performance guarantee for an additional specified period of time.

- G. Amendments to Site Plan. The required site plan and timetable may be amended by the Village Board after review and recommendation of the Plan Commission.
- H. Building Permits. Building permits for earth moving, construction, alternation, or any other purposes shall not be issued for a site until a site plan is approved by the Village Board.

**9-11-20 SIGN PERMITS**

- A. Authority. The building department may, in accordance with the procedures and standards set out in this section, grant sign permits authorizing the construction and maintenance of signs subject to the regulations of section 9-9-5 of this code and the standards stated in this section and the building code.
- B. Purpose. The sign regulations and standards set forth in this code are intended to protect the health, safety, and welfare of Village residents by establishing specific conditions and limitations on development of all signs in the Village. The sign permit process is designed to insure that all such regulations and standards have been satisfied.
- C. Parties Entitled to Seek Sign Permits. An application for a sign permit may be filed by the owner of, or any person having a contractual interest in, the lot on which the sign is proposed to be located.
- D. Application. Applications for sign permits shall be filed in accordance with the requirements of section 9-11-8 of this code.
- E. Permit Fees. Every sign permit application shall be accompanied by a non-refundable filing fee in the amount set forth in the annual fee ordinance.
- F. Bond. Each application shall include a continuing bond in the sum of \$5,000.00, executed by the applicant and a surety company to be approved by the Village Attorney and conditioned for the faithful observance of the provisions of this Chapter and all amendments thereto, and of all laws and ordinances relating to signs and other advertising structures. Such bond shall indemnify and save harmless the advertising structures. Such bond shall indemnify and save harmless the Village from any and all damages, judgments, costs or expense which the Village may incur or suffer by reason of the granting of the permit. An insurance policy, saving the Village harmless, shall be considered sufficient. However, neither the bond nor the insurance provisions set forth herein shall be applicable if the sign to be erected or constructed shall not be so situated as to create any liability to the Village. The determination as to possible liability shall be made by the Village attorney.
- G. Certificate Of Liability. Every sign contractor shall provide or show proof of certificate of liability to indemnify the Village against any form of liability, the minimum amount to be set by a resolution of the Village Board.



- H. Public Indemnification. All sign contractors engaged in the erection, alteration, relocation, maintenance of a sign or other sign work in or over or immediately adjacent to a public right of way or public property so that a portion of the public right of way or public property is used or encroached upon by the contractor, shall agree to hold harmless and indemnify the Village, its officers, agents, and employees from any and all claims of negligence resulting from such work.
- I. Inspections. The sign contractor shall schedule with the building department a pre-erection inspection prior to installing any sign requiring a permit. Such inspection shall include a footing inspection, if applicable, and confirmation of the other details of mounting and placement. The sign contractor shall notify the building department upon completion of the work for which a permit is required and schedule a final inspection by appropriate inspectors.
- J. Six Month Deadline. If the work authorized under a sign permit has not been completed within six months from the date of issuance, the permit shall become null and void.
- K. Standards for Sign Permits. No sign permit shall be granted pursuant to this section unless the owner shall establish that:
  - 1. Visual Compatibility. The proposed sign will be visually compatible with the building on which the sign is proposed to be located and surrounding buildings and structures in terms of height, size, proportion, scale, materials, texture, colors, and shapes.
  - 2. Quality of Design and Construction. The proposed sign will be constructed and maintained with a design and materials of high quality and good relationship with the design and character of the neighborhood.
  - 3. Appropriateness to Activity. The proposed sign is appropriate to and necessary for the activity to which it pertains.
  - 4. Appropriateness to Site. The proposed sign will be appropriate to its location in terms of design, landscaping, and orientation on the site, and will not create a hazard to pedestrian or vehicular traffic, detract from the value or enjoyment neighboring properties, or unduly increase the number of signs in the area.
- L. Conditions on Sign Permits. The building department may impose such conditions and limitations concerning the construction and maintenance upon the grant of a sign permit as may be necessary or appropriate to insure satisfaction of the standards set forth in this section and the purposes and objectives of this code and to minimize any adverse effects upon other lots in the vicinity. Such conditions shall be expressly set forth in the sign permit. Violation of any such condition or limitation shall be a violation of this code and shall constitute grounds for revocation of the sign permit.
- M. Effect of Issuance of a Sign Permit. The grant of a sign permit shall not authorize construction or maintenance of any sign, but shall merely authorize the preparation, filing, and processing of applications for any other permits or approvals that may be required by the codes and ordinances of the Village, including but not limited to a building permit and architectural review permit.

- N. Business Center Sign Plan. No permit shall be issued for a sign to be located in a unified business center until a comprehensive sign plan has been approved for the center and the sign complies with the provisions thereof.
1. Application. Application for approval of a comprehensive sign plan shall be made in writing to the Plan Commission on a form and in a manner prescribed by them.
  2. Application Content. The application shall include a format for all signs to be used in the center, including their maximum size, color, location, illumination details, lettering type, mounting details, and (if any) landscaping details.
  3. Approval. Approval of a comprehensive sign plan shall be at the discretion of the Village Board after receiving the recommendation of the Plan Commission.
  4. Criteria. The criteria for approval of a comprehensive sign plan shall be the following:
    - a. Every sign shall have good scale and proportion in its design and in its visual relationship to the other signs, buildings, and surroundings.
    - b. The signs in the plan shall be designed as an integral architectural element of the building and site to which they principally relate and shall not appear as "add ons" or intrusions.
    - c. The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
    - d. The number of graphic elements and letters shall be held to the minimum needed to convey each sign's major message and shall be composed in proportion to the area of the sign's face.
    - e. Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.
- O. Violations. If the Village shall at any time find that any sign is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this code, in addition to all other remedies available to the Village, the building department may provide written notice to the sign contractor (if the sign erection is incomplete or improper), to the person to which the sign permit had been issued or, if the permittee cannot be located within 30 days, to the owner of the premises on which the sign is located. If the notified party fails to remove or alter the sign so as to comply with the standards herein set forth within 10 days after notice, the Village may remove, or alter such sign to comply. Temporary signs must be removed immediately upon notice of the Village. The cost of sign repair or removal performed on privately owned signs at the order of the Village in conformance with the provisions of this Chapter shall be the joint and several liability of the following:

1. The sign contractor, if the sign erection was improper or not complete at the time notice of violation was given, and shall be collected from his bond; or
2. The sign owners; or
3. If the sign owner cannot be located within 30 days, then the premises owner.

In the event of failure by any party to reimburse the Village within 60 days for costs incurred for repair or removal ordered by the building department, the Village Board shall certify the charges for repair or removal to the Village Attorney or the Village Clerk who will then be authorized to file a notice of lien in the appropriate office of the Recorder of Deeds to foreclose this lien; and to sue the owner of the real estate, or sign permittee, or their agents, in a civil action to recover the money due for the foregoing services, plus all expenses, as is hereinafter more fully described, and reasonable attorney fees to be fixed by the court. Any such judgment shall be enforced in accordance with the law. Included in the expenses recoverable by the Village, the Village is entitled to collect the costs of filing the notice of lien, foreclosing said lien and all litigation costs, together with all office and legal expense incurred in connection with the collection of the amount due hereunder.

#### **9-11-21 LIGHTING PERMITS**

- A. Authority. The Zoning Enforcement Officer may, in accordance with the procedures and standards set out in this section, grant exterior lighting permits authorizing the construction and maintenance of exterior lighting subject to the regulations of section 9-9-8 of this code and the standards stated in this section.
- B. Purpose. The lighting regulations and standards set forth in this code are intended to protect the health, safety, and welfare of Village residents by establishing specific conditions and limitations on exterior lighting in the Village. The exterior lighting permit process is designed to insure that all such regulations and standards have been satisfied.
- C. Parties Entitled to Seek Sign Permits. An application for an exterior lighting permit may be filed by the owner of, or any person having a contractual interest in, the lot on which the sign is proposed to be located.
- D. Application. Applications for exterior lighting permits shall be filed in accordance with the requirements of section 9-11-8 of this code.
- E. Standards for Exterior Lighting Permits. No exterior lighting permit shall be granted pursuant to this section unless the owner shall establish that:
  1. The exterior lighting complies with section 9-9-8 of this code;
  2. The style, location, height, and type of fixtures of the illumination system will be harmonious with existing uses in the vicinity of the site of the proposed illumination system.

3. The illumination system will not generate light pollution.

- F. Conditions on Exterior Lighting Permits. The Village may impose such conditions and limitations concerning the installation and maintenance upon the grant of an exterior lighting permit as may be necessary or appropriate to insure satisfaction of the standards set forth in this section and the purposes and objectives of this code and to minimize any adverse effects upon other lots in the vicinity. Such conditions shall be expressly set forth in the exterior lighting permit. Violation of any such condition or limitation shall be a violation of this code and shall constitute grounds for revocation of the exterior lighting permit.

Approved 12/10/2009; Revised 4/10/14, 9/11/14

## PART VII: ENFORCEMENT AND PENALTIES

### 9-11-22 GENERAL ENFORCEMENT AUTHORITY AND DUTY

Upon finding the existence of any violation of this code, the Zoning Enforcement Officer shall have the authority and duty to take or direct all actions necessary or appropriate to abate and redress such violation.

### 9-11-23 CIVIL AND ADMINISTRATIVE ENFORCEMENT

- A. Stop and Cease-and-Desist Orders. Upon finding the existence of any violation of this code, the Zoning Enforcement Officer shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it; specifically, the Zoning Enforcement Officer shall order the discontinuance of any illegal use of land or structures, the removal of illegal structures, additions, or alterations, and the discontinuance of illegal work being done.
- B. Legal Actions. In the enforcement of this code, the Zoning Enforcement Officer shall exercise all the powers authorized by the statutes of the state of Illinois and Village codes and ordinances to ensure compliance with, or to prevent or abate any violation of, the provisions of this code, and in particular shall, where necessary or appropriate, institute or cause to be instituted by the Village attorney in the name of the Village of Island Lake any and all actions, legal or equitable, including appeals, that may be required for the enforcement of this code.
- C. Abatement; Liens. Where authorized by state statute, the Zoning Enforcement Officer may order any work necessary to abate any violation of this code and shall assess the cost of such work to the lot owner. Upon the failure of the owner to pay such cost, the Zoning Enforcement Officer shall file a lien for such costs and for all costs of collection against the lot in question.
- D. Revocation of Rezoning, Permits, Variations, or Approvals. The violation of any provision of this code, or of any permit or approval granted pursuant to this code, or of any condition imposed pursuant to this code shall be grounds for the revocation of any rezoning, permit, variation, or approval granted pursuant to this code and affecting the lot involved in the violation. The Zoning Enforcement Officer may recommend and the Board of Trustees may order such revocation; provided, however, that where the original rezoning, permit, variation, or approval was granted following a public hearing required pursuant to this code, the revocation shall be preceded by a similar public hearing.
- E. Fines. In the enforcement of this code, the Zoning Enforcement Officer shall, where necessary and appropriate, order the issuance and enforcement of citations to recover fines and penalties for the violation of this code as authorized by State law and this code.
- F. Administrative Warning Ticket (AWT). The Village may issue a citation pursuant to section 8-15-1 of this code.

**9-11-24 PENALTIES**

Any person who shall violate, disobey, omit, neglect, or refuse to comply with, or who shall resist enforcement of, any provision of this code shall be subject to a fine as set forth in the annual fee ordinance. Each separate provision of this code that is not complied with shall constitute a separate violation. Each day a violation continues to exist shall constitute a separate offense.

**9-11-25 PRIVATE REMEDIES PRESERVED**

Nothing in this Part VII shall be interpreted to prevent any person entitled to relief in law or equity by reason of a violation of the provisions of this code from bringing an appropriate action to secure such relief.

## CHAPTER 12

### APPLICABILITY AND INTERPRETATION

#### PART I: APPLICABILITY

##### 9-12-1 GENERAL SCOPE

- A. Territorial Application. This code shall apply to all land, structures, and uses within the corporate limits of the Village.
- B. General Application. All structures erected hereafter, all uses of land or structures established hereafter, all structural alterations or relocations of existing structures occurring hereafter, and all enlargements and extensions of, additions to, changes in, and relocations of existing uses occurring hereafter shall be subject to all regulations of this code applicable to the zoning districts in which such land, structures, or uses are located. Existing structures and uses that do not comply with the regulations of this code shall be subject to the provisions of chapter 10 of this code relating to nonconformities.
- C. General Prohibition. No structure, no use of any structure or land, and no lot of record or zoning lot, now or hereafter existing, shall hereafter be established, enlarged, extended, altered, moved, divided, or maintained in any manner, except as authorized by the provisions of this code and except in compliance with the regulations of this code. Without limiting the foregoing, any such activity that would cause any existing structure not to comply with this code or that would create any lot that could not be developed in compliance with this code shall be prohibited.
- D. Private Agreements. This code is not intended to abrogate, annul, or otherwise interfere with any platted building line, easement, covenant, or other private agreement or legal relationship; provided, however, that where the regulations of this code are more restrictive or impose higher standards or requirements than such platted building line, easement, covenant, or other private agreement or legal relationship, the regulations of this code shall govern.

##### 9-12-2 APPLICATION TO VARIATIONS AND SPECIAL USES

- A. Existing Variations and Special Uses. Any variation or special use permit lawfully issued prior to the effective date of this code, or any amendment to it, that could be lawfully issued pursuant to the provisions in effect after such effective date shall be deemed to be and continue valid after such effective date subject to any conditions placed thereon at the time of issuance. Any structure or use lawfully authorized by any such variation or special use permit that could not be so issued after such effective date shall be subject to the provisions of chapter 10 of this code dealing with nonconformities.
- B. Existing Uses and Structures Newly Requiring Special Use Permit. The owners of any use or structure lawfully existing on the effective date of this code, or any amendment to it, that did not, prior to such effective date, require a special use permit but which, after such effective date, does require a special use permit, may

continue such use or maintain such structure by securing therefor a special use permit pursuant to the standards and procedures of section 9-11-17 and other applicable provisions of this code. Unless and until such a permit is so secured, such use shall be subject to the provisions of chapter 10 of this code dealing with nonconformities.

**9-12-3 BUILDING PERMITS ISSUED PRIOR TO EFFECTIVE DATE**

- A. New Code Shall Apply. All work, structures, and uses authorized by building permits issued prior to the effective date of this code or any amendment to it, and for which a certificate of occupancy had been issued prior to such effective date, shall not be affected by this code. Except as provided in subsections B and C. of this section, no certificate of occupancy shall be issued following the effective date of this code or any amendment to it unless the work, structure, or use for which the certificate of occupancy is sought is made to fully comply with the applicable provisions of this code or any such amendment.
  
- B. Right To Complete Construction Pursuant To Approved Plans. Nothing in this code, or any amendment to it, shall be deemed to require any change in the plans, construction, or designated use of any structure if:
  - 1. A building permit for such structure was lawfully and properly issued prior to the effective date of this code or any such amendment to it, or such permit is issued after such effective date based upon a complete and proper application for such permit filed prior to such effective date; and
  - 2. Such permit had not by its own terms expired prior to such effective date; and
  - 3. Such permit was lawfully and properly issued in accordance with the law in effect prior to such effective date; and
  - 4. Construction pursuant to such permit is commenced prior to the expiration of such permit and within 90 days of such effective date and is thereafter diligently pursued to completion.
  
- C. Right To Occupy As Nonconformity. Upon completion pursuant to subsection B. of this section, such structure may be occupied by, and a certificate of occupancy shall be issued for, the use designated on such permit, subject thereafter, to the extent applicable, to the provisions of chapter 10 of this code relating to nonconformities.

**9-12-4 PENDING APPLICATIONS**

- A. New Code Shall Apply. This code, and any amendment to it, shall apply to all applications for variations, amendments, and special use permits pending and not yet finally decided on the effective date thereof to which it would apply if such applications were filed on or after such effective date.
  
- B. Notification to Owners. Within 30 days following the effective date of this code, or any amendment to it, the Zoning Enforcement Officer shall inform each owner named on each application referred to in subsection A. of this section that said application is subject to the provisions of this code, as amended, and will be processed in accordance therewith; that the owner may within 30 days following



the mailing of such notice refile, without additional fee, its application on the basis of this code, as amended; and that if the owner does not so refile, its application may be denied for noncompliance with the provisions of this code, as amended.

- C. Duty of Owner. Notwithstanding the provisions of subsection B. of this section, it shall be the responsibility of each owner having an application pending on the effective date of this code, or any amendment to it, to modify such application in accordance with the terms and provisions of this code, as amended, and the failure to do so, whether or not the procedures of said subsections have been followed, may result in denial of such application for failure to comply with this code, as amended. Any modification or refiling of an application pending on such effective date in order to comply with the provisions of this code, as amended, shall be permitted at any time prior to the final disposition of such application and shall be permitted without payment of any additional fee.
  
- D. Processing of Pending Applications. Upon the refiling of any pending application as herein provided, or upon notification from the owner that it will not refile or modify its application, or upon the expiration of 60 days following the effective date of this code or any amendment to it, whichever occurs first, such pending application shall be processed in accordance with the terms of this code, as amended; provided, however, that the application requirements, hearing requirements and procedural requirements set forth in chapter 11 of this code shall not apply to any such pending application and each such application shall be processed in accordance with the application, hearing, and procedural requirements that were in effect on the date such application was filed. Notwithstanding any other provision of this section, the Zoning Enforcement Officer shall have the authority to request additional data, information, or documentation for pending applications when, in his or her judgment, such additional data, information, or documentation is necessary or appropriate to a full and proper consideration and disposition of such pending application.

**9-12-5 REPEAL OF PRIOR PROVISIONS**

The Island Lake Zoning Code, as adopted by ordinance dated \_\_\_\_\_, and as amended from time to time thereafter, shall be, and it and all of said amending ordinances are, hereby repealed in their entirety. Except as expressly provided in this code, such repeals shall not affect or impair any act done, offense committed, or right accruing, accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time such repeal takes effect, but the same may be enjoyed, asserted, enforced, prosecuted, or inflicted as fully and to the same extent as if such repeal had not been effected.

**9-12-6 SEVERABILITY**

- A. Intent as to Severability. The several provisions of this code shall be severable in accordance with the following rules:
  - 1. Provisions Declared Invalid. If any court of competent jurisdiction shall adjudge any provision of this code to be invalid, such judgment shall not affect any other provisions of this code.
  
  - 2. Applications Declared Invalid. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this code to a particular

lot, a particular structure or a particular use, such judgment shall not affect the application of said provision to any other land, structure, or use.

- B. Applicable Regulations following Declaration of Invalidity. Whenever the provisions of this code are declared invalid in their application to any particular lot, the zoning map provided for in section 9-2-3 of this code shall continue to show such lot in the zoning district applicable to it pursuant to this code unless and until such district is changed by an amendment adopted by the Board of Trustees pursuant to section 9-11-16 of this code; provided, however, that the lot in question shall also be marked with a star or other distinctive marking to direct attention to the court decree affecting said lot. The Zoning Enforcement Officer shall maintain a file of any such decrees. The provisions of any such decree shall be deemed to modify the otherwise applicable provisions of this code as they apply to said lot to the extent provided in said decree but said lot shall otherwise remain subject to the provisions of this code.

#### **9-12-7 EFFECTIVE DATE AND PUBLICATION**

This code shall take effect upon, and its effective date shall be the date of, its passage by the corporate authorities in accordance with state law. The Zoning Enforcement Officer is hereby authorized and directed to publish this code in pamphlet form and to publish an appropriate notice of its adoption and availability in a newspaper of general circulation in the Village.

## PART II: INTERPRETATION

### 9-12-8 PROVISIONS ARE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this code shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals, and general welfare, as set forth in the provisions hereof establishing the intent and purpose of this code in general and its various sections in particular. When the provisions of this code impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of this code shall be controlling. When the provisions of any statute, other ordinance, or regulation impose greater restrictions than this code, the provisions of such statute, other ordinance, or regulation shall be controlling.

### 9-12-9 PROVISIONS ARE CUMULATIVE

The provisions of this code shall be interpreted to be cumulative of, and to impose limitations in addition to, all other codes, laws, and ordinances in existence or which may be passed governing any subject matter of this code. The several provisions of this code shall also be interpreted to be cumulative of each other. To the greatest extent possible, the provisions of this code shall be construed to be consistent with, and not in conflict with, the provisions of such other codes, laws, and ordinances, and with each other, to the end that all such provisions may be given their fullest application.

### 9-12-10 PROVISIONS ARE NOT A CONSENT, LICENSE, OR PERMIT

The provisions of this code shall not be interpreted to be, or to grant, a consent, license, or permit to use any lot or to establish, locate, construct, or maintain any structure or use, or to carry on any trade, industry, occupation, or activity.

### 9-12-11 UNLAWFUL USES AND STRUCTURES ARE NOT VALIDATED

This code shall not be interpreted to validate or make lawful any unlawful use or structure existing upon the effective date of this code. Any such unlawful use or structure shall remain unlawful to the extent that said use or structure is in conflict with the provisions of this code.

### 9-12-12 WORD USAGE

- A. Tense and Form. Words used or defined in one tense or form shall include other tenses and derivative forms.
- B. Number. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
- C. Gender. The masculine gender shall include the feminine and neuter. The feminine gender shall include the masculine and neuter. The neuter gender shall include the masculine and feminine.
- D. Shall and May. The word "shall" is mandatory. The word "may" is permissive.
- E. Time. The time within which any act required by this code is to be performed shall be computed by excluding the first day and including the last day, unless the last

day is a Saturday or Sunday or a holiday declared by the United States Congress or the Illinois General Assembly, in which event it shall also be excluded.

- F. Person. The word “person” includes individuals, firms, partnerships, joint ventures, trusts, trustees, estates, corporations, associations, and any other similar entities.
- G. Used For. The phrase “used for” shall include intended for, designed for, occupied for, maintained for, and arranged to be used or occupied for whenever that interpretation would result in the regulation being more restrictive in its application to any use or structure.
- H. Village. The word “Village” means the Village of Island Lake, Lake County, Illinois.
- I. County. The word “County” means the Counties of Lake and McHenry, Illinois.
- J. Undefined Terms. Any word not defined in section 9-12-13 of this code shall have the meaning given in any applicable Village code or ordinance or, if none, in Webster’s Third New International Dictionary, Unabridged, except for words employed to refer to the permitted uses and special uses of this code, which shall be interpreted, insofar as applicable, in accordance with the meaning established in the Standard Industrial Classification Manual, as such manual may be amended or replaced by comparable manuals or guidelines, through the effective date of this code.
- K. Captions, Illustrations, and Tables. In case of any difference of meaning or implication between the text of this code and any caption, illustration, or table, the text shall control.
- L. Article, Section, and Paragraph Headings. This code is divided into titles, chapters, sections, subsections, paragraphs, and subparagraphs that shall be numbered according to the following format:

9-1-1A.1a.i(1)

and that shall be referred to in accordance with the following example:

9	Title
9- <u>1</u>	chapter
9- <u>1-1</u>	section
9-1-1 <u>B</u> .	subsection
9-1-1B. <u>3</u>	paragraph
9-1-1B.3 <u>a</u> .	Subparagraph
9-1-1B.3a. <u>i</u>	Subparagraph
9-1-1B.3A. <u>i(1)</u>	Subparagraph

**9-12-13 DEFINITIONS**

A. When used in this code, the following terms shall have the meanings herein ascribed to them:

**ABUT:** To touch, to lie immediately next to, to share a common wall or lot line, or to be separated by only a street, alley, or drainage course.

**ACCESSORY STRUCTURE OR USE:** See section 9-9-1 of this code

**ADJACENT:** To lie near, close to, or in the vicinity.

**ADULT-USE CANNABIS DISPENSING ORGANIZATION:** A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder. [\(Adult-Use Cannabis definitions added 12/12/2021\)](#)

**ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER:** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

**ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR:** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

**ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER:** An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

**ADVERTISING SIGN:** A sign which directs attention to a business or profession conducted or to a community or service sold, offered, or manufactured, or an entertainment offered on the premises where the sign is located or to which it is affixed.

**AGRICULTURE:** The tilling of soil; the growing of crops, or plant growth of any kind, including forestry; the maintenance of nurseries, greenhouses; the raising of livestock, poultry and fur-bearing animals; and, the incidental structures for carrying out the above.

**ANTENNA:** Any exterior apparatus designed for telephonic, cellular, radio, or television communications through the sending and/or receiving of electromagnetic waves.

**ANTENNA SUPPORT STRUCTURE:** Any structure used for the principal purpose of supporting an antenna, including but not limited to structures, towers, and monopoles.

**ANTENNA SURFACE AREA:** SURFACE AREA, ANTENNA: An area determined by adding together the actual surface area of each solid element or part of an antenna or its support structure, where “solid” is defined to include all air spaces that are fully bounded by solid elements.

**AREA, GROSS:** The total land and water area included in a parcel that is the subject of an application filed pursuant to this Code, excluding only property located in public rights-of-way or private easements of access or egress at the time of application.

**AREA, NET:** The gross area of a parcel less land and water areas required or proposed to be publicly dedicated, or land to be devoted to private easements of access or egress. Both land and water areas not so publicly dedicated or devoted shall be included in the calculation of net area.

**AWNING:** An overhead cover that is temporary in nature and projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

**AWNING SIGN:** A permanent sign affixed to or painted on an awning.

B. When used in this code, the following terms shall have the meanings herein ascribed to them:

**BANNER:** A temporary sign composed of lightweight material or a similar durable all-weather material used only for a specific time period to advertise a short-term special or sale.

**BASEMENT:** A portion of a building located partly or wholly underground.

**BERM:** A hill or contour of land that acts as a visual barrier between a lot and adjacent properties, alleys, or streets.

**BILLBOARDS:** Any structure or portion thereof upon which there are signs or advertisements used as outdoor displays. This does not include bulletin board signs, ground signs, pylon signs or signs that are exempt from the permit requirements.

**BLOCK:** A tract of land bounded by streets or by a combination of streets, public lands, railroad rights-of-way, waterways, or boundary lines of the Village.

**BUILDING:** Anything constructed for the shelter or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land.

**BUILDING LINE:** A line on a lot, parallel to a lot line or street right-of-way line of sufficient distance to provide the required yards, delimiting the area in which structures are permitted subject to the provisions of this Title.

**BUILDING, PRINCIPAL:** A nonaccessory building in which the principal use of a lot on which it is located is conducted.

**BUILDING, RESIDENTIAL:** A building which is arranged, designed, used or intended to be used for residential occupancy by one family.

**BUILDING SETBACK LINE:** A building line establishing the minimum allowable distance between a street right-of-way line and any structure.

**BUILDING, TEMPORARY:** Any building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed.

**BULK AND SPACE REGULATIONS:** The regulations of this code pertaining to the permissible or required height, volume, area, floor area, floor area ratio, minimum lot area and dimensions, building coverage, lot coverage, and usable open space applicable to uses and structures. The term does not include yard requirements.

**BULLETIN BOARD SIGN:** A sign that identifies an institution or organization on whose premises it is located and which contains the name of the institution or organization and announcements of events or activities occurring on the site. Such a sign may also present a greeting or similar message.

**BUSINESS:** Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials, or where services are offered.

C. When used in this code, the following terms shall have the meanings herein ascribed to them:

**CAMPAIGN SIGN:** Temporary signs announcing candidates seeking public office or expressing political issues for which an election will take place.

**CANOPY:** A roof like structure that projects permanently and continuously from the exterior wall of a building or from a free-standing support for the purpose of shielding a sidewalk, stoop or platform from the elements.

**CANOPY SIGN:** A permanent sign affixed to or painted on the canopy.

**CLUB, PRIVATE:** An organization catering exclusively to members and their guests, or premises and buildings for recreational or athletic purposes which are not conducted primarily for gain; provided, that any vending stands, merchandising or commercial activities are conducted only as required generally for the membership of such club.

**COMMUNITY INFORMATION SIGNS:** Any signs or other advertising structures which are used solely for the dissemination of information relating to community events and general public information not relating to any specific business product, service or person. Such signs shall not include off premises business signs.

**COMPREHENSIVE SIGN PLAN:** A format approved by the plan commission for all signs located in a unified business center.

**CONSTRUCTION SIGN:** A temporary sign used to identify the company or companies involved in the construction of a building or subdivision, including identification of the developers, contractors, engineers, lender and architects involved in the construction project.

**COUNTRY CLUB:** A club, catering primarily to its membership and guests, providing one or more of the following recreational facilities: outdoor and indoor recreation, clubhouse, dining facilities, cocktail lounge, locker room and pro shop.

**CO-LOCATION:** The use of a single support structure and/or site by more than one provider of personal wireless services.

**CUTOFF:** A hood, shade, or other device on an exterior light fixture for shielding or obscuring the diffusion of illumination from the light source or sources of such fixture.

D. When used in this code, the following terms shall have the meanings herein ascribed to them:

**DEVELOPMENT:** Any man-made change, other than maintenance of existing structures, paved areas, or utilities, to improved or unimproved real estate, including without limitation the construction or installation of new, or enlargement of existing, structures, streets, or utilities; dredging, filling, drilling, mining, grading, paving, or excavating operations; and open storage of materials.

**DIRECTIONAL OR PANEL ANTENNA:** Personal wireless services antenna that receives and transmits signals in a directional pattern typically encompassing an arc of 120 degrees.

**DIRECTIONAL SIGN:** Any non-commercial sign which serves solely to designate the location or direction of an activity, business or event.

**DISPLAY FRONTAGE:** The length of a building which is parallel and directly exposed to a public street or thoroughfare.

**DRIVE-IN OR DRIVE-THROUGH ESTABLISHMENT:** An establishment at which patrons may be served without leaving their motor vehicle. Any restaurant, bank, dry cleaning establishment, pharmacy, or any other business having drive-up, drive-in, drive-through, or curb and/or service facilities shall be considered a drive-in or drive-through establishment.

**DRIVEWAY:** A private access way that provides direct access from a street to not more than one lot or one principal building or use.

**DWELLING:** A residential building or portion thereof; but not including hotels, motels, rooming houses, rest homes, tourist homes, mobile homes, or trailers.

**DWELLING UNIT:** A group of rooms constituting all or part of a dwelling which are arranged, designed, used or intended for use exclusively as living quarters for one family and which includes cooking facilities.

**DWELLING, GROUP:** A building, exclusive of mobile homes, hotels or motels as herein defined, providing, as a minimum, living, sleeping and toilet facilities for more than three persons not comprising a family.

**DWELLING, SINGLE FAMILY DETACHED:** A dwelling containing only one dwelling unit, situated on a separate subdivision lot capable of individual sale and surrounded by open space.

**DWELLING UNIT, ATTACHED:** Dwelling unit shall be part of a larger structure joined at one or more sides by a party wall.

E. When used in this code, the following terms shall have the meanings herein ascribed to them:

**ENLARGEMENT:** An addition to the floor area of, or any other increase in the size of, any existing structure.



**ERECT:** To build, construct, attach, hang, place, suspend or affix and includes the painting of signs. Does not include the changing of a message or normal maintenance or repair of a sign or of a sign structure.

**EXTENSION:** An increase in the amount of existing floor area used for an existing use within an existing structure or an increase in that portion of a tract of land occupied by an existing use.

**EXTERIOR LIGHTING OF DWELLING:** Lighting, which is designed to provide illumination for safe ingress or egress to the dwelling, including the garage, but shall not include illumination of the exterior of the building (silhouette lighting).

F. When used in this code, the following terms shall have the meanings herein ascribed to them:

**FAMILY:** One or more persons each related to the other by blood, marriage or adoption, or a group of not more than three persons not so related, together with his or their domestic servants, maintaining a common household in a dwelling unit. A family may include not more than two lodgers, boarders or permanent guests, whether or not gratuitous.

**FLASHING SIGN:** Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source.

**FLOOR AREA, GROSS:** (For all purposes except determining off-street parking requirements.) The sum of the gross horizontal areas of all floors of a building or of such area thereof devoted to a specific use, measured from the exterior face of exterior walls or from the center line of walls separating two buildings or uses. Gross floor area shall include areas such as basements (if the floor next above it is more than five feet above the average ground elevation); elevator shafts and stairwells at each floor; floor spaces and shafts used for mechanical, electrical, and plumbing equipment; penthouses; attic floors in habitable attic spaces; interior balconies and mezzanines; atria; covered walkways or terraces; enclosed porches and floor space used for accessory uses. Gross floor area shall also include floor area devoted to parking garages and structures, but not parking lots. Where any space has a floor to ceiling height of more than 16 feet, each 16 feet of height or fraction thereof shall be treated as a separate floor.

**FLOOR AREA, NET:** (For determining off-street parking requirements.) The gross floor area of a building plus any exposed lower level floors, minus elevator shafts and stairwells at each floor; floor space and shafts used for mechanical, electrical, and plumbing equipment; exterior building walls; floor space devoted to parking garages and structures; and basement floors.

**FLOOR AREA RATIO (FAR):** The gross floor area of a building divided by the total lot area of the zoning lot on which it is located.

**FOOT CANDLE:** A unit of illuminance on a surface one foot distant from a source of light of one candle power, equal to one lumen per square foot. As an example, a typical 60-watt incandescent lamp (840 lumens) produces an illuminance of 0.1 foot candles at a distance of 25 feet.

**FRONTAGE:** The length of the lot line on a zoning lot parallel to and along each roadway easement or right-of-way it borders.

G. When used in this code, the following terms shall have the meanings herein ascribed to them:

**GARAGE SALE SIGN:** A temporary sign used to advertise the sale of second-hand merchandise from the garage or driveway of a dwelling.

**GARAGE, PRIVATE:** An accessory building or any accessory portion of the principal building, including a carport which is intended for and used to store the private vehicles of the family resident upon the premises, and in which no business, service or industry connected directly or indirectly with automotive vehicles is carried on.

**GASOLINE STATION:** A premises used primarily to dispense fuels for motor vehicles.

**GLARE, DIRECT:** Light visible directly from the source thereof.

**GRADE:** The lowest level of the ground proposed after any reshaping of the natural contours at any point of the foundation of a structure or proposed structure.

**GROUND AREA:** The lot area covered by a building measured from the exterior faces of exterior walls, exclusive of terraces, breezeways, open porches, carports and garages.

**GROUND SIGN:** Includes any sign supported by one or more uprights, poles or braces placed upon the ground or a sign placed directly on the ground, and not attached to any building.

H. When used in this code, the following terms shall have the meanings herein ascribed to them:

**HEALTH-MEDICAL USE:** Any hospital, general hospital, communicable disease hospital, school or home for the mentally disturbed or retarded, school or home for the physically handicapped or sheltered care home.

**HEIGHT, BUILDING:** The vertical distance from the average ground elevation adjacent to the highest point of the structure.

**HEIGHT, TOWER:** When referring to a tower or other structure, the distance measured from ground level to the highest point on the antenna, tower or other structure.

**HOLIDAY LIGHTING:** Temporary seasonal lighting, which is traditionally displayed during holiday periods, is decorative, and has low level illumination so that the grounds are not illuminated.

**HOME OCCUPATION:** Any gainful occupation engaged in by the occupant of a dwelling at or from the dwelling. See section 9-9-2 of this code.

I. When used in this code, the following terms shall have the meanings herein ascribed to them:

**IDENTIFICATION SIGN:** A sign which provides the name and address of a building, business, development, or establishment. Such a sign may also be wholly or partly devoted to a readily recognized symbol.

**ILLUMINATED SIGN:** Any sign which has characters, letters, figures, designs or an outline illuminated internally or externally by electric lights or luminous tubes.

**IMPERVIOUS SURFACE:** Any hard surfaced, man-made area on a zoning lot that does not readily absorb or retain storm water or runoff, including without limitation buildings and structures, parking areas, parking lots, driveways, sidewalks, and paved recreational facilities.

**IMPERVIOUS SURFACE COVERAGE:** The percentage of a lot area that is covered by any impervious surface.

**INSTALLATION:** When referring to a tower, the combination of antenna, tower, support building, and related structures and improvements which collectively permit the reception and retransmission of telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.

J. When used in this code, the following terms shall have the meanings herein ascribed to them:

**JUNK YARD:** Any land or structure used for a salvaging operation, including, among other things, the storage and sale of wastepaper, rags, scrap metal and discarded materials, and the collecting, dismantling, storage and salvaging of unlicensed, inoperative vehicles.

K. [RESERVED FOR FUTURE USE]

L. When used in this code, the following terms shall have the meanings herein ascribed to them:

**LANDBANKING:** The practice of acquiring land and holding it for future uses, including without limitation parking.

**LED (Light Emitting Diode):** A solid-state component that uses a semiconductor (a silicon chip or some other type of semiconductor) that emits visible light when electric current passes through it.

**LOT:** A parcel of land (whether legally so described or subdivided as one or more lots or parts of lots) located within a single block, occupied by, or intended for occupancy by, one principal building or principal use, and having its principal frontage upon a street.

**LOT AREA:** The area of horizontal plane bounded by the vertical planes through front, side, and rear lot lines, excluding, however, land areas subject to easements for public or private access or egress.

**LOT, BUILDABLE AREA OF:** That portion of the lot bounded by the building line or where the lot abuts a body of water or a watercourse, dry land area above the record high water level shall constitute at least 80 percent of the lot area.

**LOT, CORNER:** A lot abutting on two streets at their juncture, when the interior angle formed is less than 135 degrees. On a corner lot, the longest dimension of the lot is to be considered the side yard and the shortest dimension of the lot is to be considered the front yard.

**LOT, INTERIOR:** A lot other than a corner lot.

**LOT LINE:** A lot boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street, the lot line shall be deemed to be the street line.

**LOT LINE, FRONT:** That boundary of a lot which is along an existing or dedicated street lot line as the front lot line.

**LOT LINE, REAR:** That boundary of a lot which is most distant from and is, or is approximately, parallel to the front lot line.

**LOT LINE, SIDE:** Any boundary of a lot which is not a front or rear lot line.

**LOT OF RECORD:** A lot that is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Deeds, or a parcel of land separately described in a recorded deed.

M. When used in this code, the following terms shall have the meanings herein ascribed to them:

**MARQUEE:** Any hood or awning of permanent construction supported entirely by the building, and projecting from the building's wall over a sidewalk or pedestrian thoroughfare. **MARQUEE SIGN:** A marquee sign is a sign that is mounted or painted on, or attached to, an awning, canopy, or marquee.

**Medical Cannabis Cultivation Center:** shall mean a facility operated by an organization or business that is registered by the State of Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

**Medical Cannabis Dispensing Organization (or "dispensing organization" or "dispensary organization"):** shall mean a facility operated by an organization or business that is registered by the State of Illinois 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.

**MOBILE HOME:** Any vehicle or similar portable structure used or so constructed as to permit its being used as a conveyance upon the public streets and designed to permit the occupancy thereof as a dwelling for one or more persons.

**MONOPOLE:** Support structure which consists of a single pole sunk into the ground and/or attached to a foundation.

**MOTEL:** A building designed for transient occupancy containing rooms or suites with separate entrances, providing living, sleeping and toilet facilities.

**MOVIE OR LIVE ENTERTAINMENT THEATER:** A fully enclosed building with fixed seats arranged in an auditorium fashion where motion pictures or live entertainment is presented.

N. When used in this code, the following terms shall have the meanings herein ascribed to them:

**NAMEPLATE SIGN:** A sign indicating the name and address of a building or the name of an occupant thereof and the practice of a permitted home occupation therein.

**NIT(S):** A luminance unit equal to one candela (one candle) per square meter measured perpendicular to the rays from the source. Nits are used to measure display intensity or

brightness. Nits, when used in conjunction with contrast ratio and viewing angle, determine the quality of the image in the desired application.

**NONCONFORMING LOT OF RECORD:** A lot of record that does not comply with the lot requirements for any use permitted in the district in which it is located.

**NONCONFORMING SIGN:** Any sign which was lawfully erected and continuously operated and maintained, but which fails to conform to all applicable regulations and restrictions of this chapter.

**NONCONFORMING STRUCTURE:** A structure that was legally constructed prior to the effective date of this title or subsequent amendments thereto, which would not be permitted as a new structure under the terms of this title because such structure is not in conformance with the yards, heights, coverage or floor area ratio requirements of the zone in which it is located.

**NONCONFORMING USE:** Any use lawfully being made of any land, building, or structure, other than a sign, on the effective date of this code, or any amendment to it rendering such use nonconforming, that does not comply with all of the regulations of this code, or any such amendment hereto, governing use for the zoning district in which such land, building, or structure is located.

**NURSERY SCHOOL:** A school or other instructional facility for pre-school or kindergarten children that is not a part of an elementary school.

O. When used in this code, the following terms shall have the meanings herein ascribed to them:

**OFFICES:** General, professional and medical offices.

**OFF-SITE ADVERTISING SIGN:** A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located, or to which it is affixed.

**OMNI-DIRECTIONAL OR WHIP ANTENNA:** Personal wireless services antenna that receives and transmits signals in a 360 degree pattern, and which is up to 12 feet in height and up to 3 inches in diameter.

**OWNER:** Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees, and the like.

P. When used in this code, the following terms shall have the meanings herein ascribed to them:

**PERMANENT SIGN:** Any sign that is not classified as a temporary sign.

**PERSON:** Any individual, association, partnership, corporation, or any other legal entity.

**PERSONAL WIRELESS SERVICES:** Commercial mobile telecommunications services, unlicensed wireless telecommunications services, and common carrier wireless telecommunications exchange access services.

**PERSONAL WIRELESS SERVICES ANTENNA:** An antenna used in connection with the provision of personal wireless services, including directional or panel antennae and omni-directional or whip antennae.

**PERSONAL WIRELESS FACILITIES:** Equipment, accessory buildings, and other instruments, appurtenances, and facilities associated with the operation of a personal wireless services antenna.

**PLANNED UNIT DEVELOPMENT:** A tract of land that is developed as a unit under single ownership or unified control, that includes two or more principal buildings or uses, and is processed under the planned development procedure contained in section 9-11-18 of this code. A planned unit development is intended to provide residential or nonresidential users freedom to create flexible standards tailored to the individual development proposal in return for superior design quality.

**POLITICAL MESSAGE SIGN:** A sign, other than a campaign, that expresses a noncommercial message regarding an issue of political or public concern.

**POLE SIGN:** A sign mounted on one or more freestanding poles so that the bottom edge of the sign is a minimum of seven feet above ground level.

**PORTABLE SIGN:** Any sign not permanently attached to the ground or a building.

**PREMISES:** A lot together with the buildings and structures thereon.

**PRINCIPAL STRUCTURE OR BUILDING:** A structure or building on a zoning lot intended to be utilized for a principal use and to which any other structure on such lot must be accessory.

**PRINCIPAL USE:** The use of a zoning lot, whether a permitted or specially permitted use, designated by the owner of such lot as the primary or main use of such lot and to which any other use on such lot must be accessory.

**PROJECTING SIGN:** A sign which wholly or partly depends upon a building for support and which projects more than 12 inches in a perpendicular fashion from such building.

**PYLON SIGN:** A narrow sign which extends higher than five feet with a fully enclosed and continuous exterior face running from the top of the sign to the ground.

Q. [RESERVED FOR FUTURE USE]

R. When used in this code, the following terms shall have the meanings herein ascribed to them:

**REAL ESTATE SIGN:** A business sign temporarily placed upon a lot for the purpose of either selling, leasing or renting that particular lot.

**RELIGIOUS FACILITY:** A use intended for the purpose of religious exercise (including prayer, study, assembly, and community service). A religious facility shall include without limitation churches, temples, synagogues, and mosques.

**RESORT:** A recreational facility providing overnight accommodations for not more than 50 persons, including dining facilities, lounges and outdoor recreation facilities designed to accommodate not more than the number of persons for which overnight accommodations are provided.

**ROOF SIGN:** A sign that is erected, constructed, or maintained on or above the roof of any building.

S. When used in this code, the following terms shall have the meanings herein ascribed to them:

**SCREENING:** A structure erected or vegetation planted that conceals an area from view at all times during the year.

**SHELTERED CARE:** Maintenance and personal care, exclusive of nursing, for persons incapable of maintaining a private independent residence.

**SHOPPING CENTER:** A group of more than six commercial establishments planned, developed and managed as a unit, located on a zoning lot of at least five acres, with off-street parking provided on the property.

**SIGN:** A "sign" shall mean any copy, device, display or structure other than a building or landscaping, readily visible from public property and used primarily for visual communication. A sign includes but is not limited to, any and all reading matter, letters, numerals, emblems, trademarks, flags, banners, pictorial representations, streamers, pennants affixed to a building.

**SIGN FACE:** The surface of a sign upon, against, or through which the message is displayed or illustrated.

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

**STORY, HALF:** That portion of a building or structure under only gable, hip or gambrel roofs, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor.

**STREET (AVENUE PLACE, ROAD, LANE OR HIGHWAY):** A right of way which affords a primary means of access to abutting lots.

**STREET, COLLECTOR:** A street which carries traffic from a minor street to a major street.

**STREET, MAJOR:** A street, except an expressway or a limited access highway serving as a traffic artery for communication between areas of concentrated development.

**STREET, MINOR:** A street in a residential area used primarily for access to abutting properties.

**STRUCTURAL ALTERATIONS:** Any change, other than incidental repairs, in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders; or any substantial change in the roof or exterior walls.

**STRUCTURE:** Anything erected, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground. An advertising or business sign or other advertising device, if detached or projecting, shall be construed to be a separate structure.

**SUBDIVISION REGULATIONS:** The Village's subdivision regulations, title 10 of this code.

**SUBDIVISION SIGN:** A permanent residential development sign located at the entrance to a subdivision that is designed to identify a residential subdivision and contains no advertising matter.

**SUBSTANTIAL CONFORMITY:** For the purposes of granting plan approvals relating to planned developments and site plans, a newly submitted plan shall be deemed to be in substantial conformity with a previously approved plan if, but only if, the newly submitted plan:

- (a) does not increase the number of dwelling units, the gross floor area of the development, or the gross floor area devoted to any particular use; and
- (b) does not increase building coverage by more than 10 percent of the percentage of the previously approved plan; and
- (c) does not change the orientation of any building by more than two percent compared to the previously approved plan; and
- (d) does not decrease open space; and
- (e) does not change the general location of any open space in any manner to detract from its intended function in the previously approved plan; and
- (f) does not change the general location and arrangement of land uses within the development as shown on the previously approved plan; and
- (g) does not change or relocate rights-of-way shown on the previously approved plan in any manner or to any extent that would decrease their functionality, adversely affect their relation to surrounding land use and rights-of-way elements, or reduce their effectiveness as buffers or amenities; and
- (h) does not alter the percentage of any land use in any stage of the development by more than 10 percentage points as compared to its percentage in the previously approved plan; and
- (i) does not delay any stage of the previously approved development schedule by more than 12 months; and
- (j) does not violate any applicable law or ordinance; and
- (k) does not depart from the previously approved plan in any other manner determined by the reviewing body or official, based on stated findings and conclusions, to be a material deviation from the previously approved plan.

T. When used in this code, the following terms shall have the meanings herein ascribed to them:

**TEMPORARY BUILDING OR CONSTRUCTION TRAILER:** Any trailer, trucked in or on site constructed building, to be used for a sales office, construction office, workshop or storage building that is designated to be for temporary usage.



**TEMPORARY SIGN:** A sign that is constructed of cloth, canvas, fabric, paper, plywood, or other light material and intended to be displayed for a short period of time.

**TEMPORARY STRUCTURE ACCESSORY TO BUSINESS:** Any structure which is capable of being dismantled or disassembled and is not permanent in nature such as a tent or canopy.

**TEMPORARY USES:** See section 9-9-3 of this code.

**TOWER:** Support structure which consists of a network of crossed metal braces, forming a tower which is usually triangular or square in cross-section.

**TOWNHOUSE:** A dwelling containing more than two dwelling units each having a completely separate entrance at ground level.

**TRAILER:** Any vehicle or similar portable structure originally designed or converted so as to provide living quarters.

**TRUCK:** Every motor vehicle designed, used, or maintained primarily for the transportation of property.

U. When used in this code, the following terms shall have the meanings herein ascribed to them:

**UNIFIED BUSINESS DISTRICT:** A building containing individual offices or businesses sharing a common entrance and/or private parking area.

**USE:** The purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained.

**USE, ACCESSORY:** A subordinate use such as a private garage, which is clearly and customarily incidental to the principal use of a building or premises and which is located on the same lot as the principal building or use, except for such accessory parking facilities as are specifically authorized to be located elsewhere.

**USE, PRINCIPAL:** The main use of land or building as distinguished from a subordinate or accessory use.

V. When used in this code, the following terms shall have the meanings herein ascribed to them:

**VACANT:** Not developed with any building, structure, or paving or surfacing of the ground.

**VISION TRIANGLE:** A triangle measured 25 feet from the intersections of any two right-of-way lines or roadway easements and 15 feet from the intersection of a driveway, a right-of-way or roadway easement.

W. When used in this code, the following terms shall have the meanings herein ascribed to them:

**WALL SIGN:** A sign attached to a wall of a building or structure in such a manner that the wall becomes merely the supporting structure, or in which the wall forms the background surface.

**WINDOW SIGN:** A window sign shall mean any sign affixed to, in contact with, or within 12 inches of a window.

X. [RESERVED FOR FUTURE USE]

Y. When used in this code, the following terms shall have the meanings herein ascribed to them:

**YARD:** An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in this title. A yard extends along a lot line and at right angles to such line to a depth or width specified in the yard regulations for the district in which such lot is located.

**YARD, FRONT:** A yard extending along the full width of the front lot line between side lot lines.

**YARD, REAR:** The portion of the yard on the same lot with the principal building located between the rear line of the building and the rear lot line and extended for the full width of the lot.

**YARD, REQUIRED:** The minimum yard depth designated in the regulations of this code establishing minimum front, corner side, side, and rear yard requirements for various uses, structures, and districts.

**YARD, SIDE:** A yard extending along a side lot line between the front and rear yards.

Z. When used in this code, the following terms shall have the meanings herein ascribed to them:

**ZONING ENFORCEMENT OFFICER:** When used in this code, the term Zoning Enforcement Officer shall refer either to such official or to his or her duly authorized delegates.