

APPENDIX A - ZONING REGULATIONS

*Footnotes:**--- (1) ---*

Editor's note— Printed herein are the village's zoning regulations, as revised September 1, 2000. Amendments to the regulations are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the revised regulations of September 1, 2000. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citation to state statutes, and expression of numbers in text has been used to conform to the Code of Ordinances. Additions made for clarity are indicated by brackets.

ARTICLE I. - INTENT AND PURPOSE

Sec. 100.0. - [Generally.]

These zoning regulations are adopted for the purpose of improving and protecting the public health, safety, comfort, convenience, and general welfare of the people. The fulfillment of this purpose is to be accomplished by seeking the following objectives:

- 100.1 To limit congestion in the public streets and to protect the public health, safety, convenience, and general welfare, by providing for the off-street parking of motor vehicles and the loading and unloading of commercial vehicles.
- 100.2 To prevent the overcrowding of land and undue concentration of structures in each zoning district, thereby insuring proper living and working conditions and preventing the development of blight and slums.
- 100.3 To provide adequate light, pure air, privacy, and convenience of access to property.
- 100.4 To facilitate the provision of adequate transportation, and of other public requirements and services such as water, sewage, schools, and parks.
- 100.5 To conserve the values of property throughout the village, and to protect the character and stability of residential, business, and industrial areas.
- 100.6 To provide for the gradual elimination of nonconforming uses of land, buildings and structures which would adversely affect the character and value of structures and neighborhoods.
- 100.7 To divide the village into districts of such number, shape, area, and of such different classes. According to the use of land, buildings, the height, and bulk of buildings, the intensity of use, and the area of open spaces and recreational spaces, as may be deemed best suited to carry out the purposes of the ordinance.
- 100.8 To lessen or avoid the hazard to persons and damage to property resulting from the accumulation of run-off or storm or flood waters.
- 100.9 To preserve and insure the preservation of natural resources.
- 100.10 To preserve and insure the preservation of acres of historical and architectural significance.
- 100.11 To prevent the overcrowding of land and undue concentration of structures, as far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relationship to the land surrounding

them.

- 100.12 To conserve the taxable value of land and buildings throughout the village.
- 100.13 To avoid the inappropriate development of lands and provide for adequate drainage, curbing of erosion, and reduction of flood damage.
- 100.14 To fix reasonable standards to which buildings and structures shall conform.
- 100.15 To prevent such additions to, and altering or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed herein.
- 100.16 To foster a more rational pattern of relationship between residential, business commercial and manufacturing uses for the mutual benefit of all.
- 100.17 To isolate or control the location of unavoidable nuisance producing uses, and to protect against fire, explosion, noxious fumes, and other dangers.
- 100.18 To define the powers and duties of the administrative and enforcement officers and bodies.
- 100.19 To prescribe penalties for any violation of this ordinance, or of any amendment thereto.

The standards and requirements contained in these regulations, and the district mapping reflected on the Round Lake Beach Zoning Map, are intended to implement the objectives of the Comprehensive Plan for the Village of Round Lake Beach.

ARTICLE II. - SCOPE OF REGULATIONS

Sec. 200.0. - General use regulations.

All buildings erected hereafter, all uses of land or buildings established hereafter, and all structural alterations or relocation of existing buildings occurring hereafter shall be subject to all regulations of this ordinance which are applicable to the zoning districts in which such buildings, uses or land shall be located.

- 200.1 However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this ordinance and provided that construction begun within 30 days of such effective date and diligently prosecuted to completion (completion to be accomplished within six months of the adoption of this ordinance), said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further, may upon completion, be occupied under a certificate of occupancy by the use for which originally designated, subject thereafter to the provisions of article IV, nonconforming buildings, structures, and uses.
- 200.2 Where the code official has issued a permitted use permit, a special use permit, or a permit for variation pursuant to the provisions of this ordinance, such permit shall become null and void unless work thereon is underway within three months of the date of issuance of the permit by the code official, and completed within 18 months of the issuance of such permit.
- 200.3 A special use permit shall be deemed to authorize only one particular special use and shall expire if the special use shall cease for more than three months for any reason.

- 200.4 Where a lot is to be occupied for a permitted use without buildings, the side yards and front yard required for such use shall be provided and maintained unless otherwise stipulated in this ordinance, except that side yards shall not be required for lots used for garden purposes without buildings or structures and no side or front yards shall be required on lots used for public recreation areas.
- 200.5 No land which is located in a residence district shall be used for driveway, walkway, or access purposes to any land which is located in a business or industrial district, or used for any purpose not permitted in a residence district.
- 200.6 No building or premises shall hereafter be used or occupied and no building or structure or part thereof shall be erected, raised, moved, reconstructed, extended, enlarged, or altered except in conformity with the regulations of this zoning ordinance for the zoning district in which it is located; except that in a residential district a parcel of land which was a lot of record as of the effective date of this ordinance codified herein and for which a building permit could have been issued under the terms and conditions of the 1961 zoning ordinance, even though not meeting the requirements of the present zoning ordinance as to the area, width, and setbacks, may be used for single family dwellings, and such residential property may be improved, altered and remodeled, provided that it meets all other regulations of the residential district in which it is located.

Sec. 201.0. - New structures.

All structures built hereafter shall comply with all of the regulations of this zoning ordinance. Any structure hereafter moved from one site to another site shall be considered to be a structure built hereafter. Any structure rebuilt or restored after damage or destruction by fire or other casualty shall be considered to be a structure built hereafter, unless article IV of this ordinance permits such a structure to be rebuilt or restored.

Sec. 202.0. - New uses of old structures.

If the use of any existing structure is hereafter changed to another use, the new use shall comply with the use regulations of this ordinance.

Sec. 203.0. - Remodeling.

If any structure is hereafter remodeled:

- A. The entire structure as remodeled shall comply with the use regulations of this ordinance;
- B. Any alterations or enlargements of, or additions to, the structure shall comply with bulk regulations of this ordinance; and
- C. The off-street parking facilities provided for the structure shall not be reduced below the requirements that would be applicable to a similar new structure or use.

Sec. 204.0. - Uses permitted in all districts.

The following public utility and municipal uses are permitted in all districts: poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment (not including substations located on or above the surface of the ground) for the distribution to consumers of telephone or other communications, electricity, gas or water, or for the collection of sewage

or surface water. All new subdivisions and planned use developments shall have underground utilities.

Sec. 205.0. - Establishment of districts.

The base zoning districts are hereby established as described in articles V, VI, and VII.

Sec. 206.0. - Official zoning map.

The existing zoning uses, restrictions, divisions, and regulations listed in this ordinance are clearly shown on the official zoning map of the village, a copy of which is on file in the office of the code official of the village and is available for a fee of \$5.00 to any person desiring a copy thereof. Said official zoning map, with all notations, references and other matters shown thereon, is hereby declared by this reference to be part of this ordinance.

It is the intent of this ordinance that the entire area of the village including all land and water areas, rivers, streets, alleys, railroads, and other rights-of-way, be included in the districts established by this ordinance.

Sec. 207.0. - Boundaries.

In the event that uncertainties exist with respect to the intended boundaries of the various districts as shown on the zoning map, the following rules shall apply:

- (A) The district boundaries are the centerlines of the streets or alleys, unless otherwise indicated. Where designation of a boundary line on the zoning map coincides with the location of a street or alley, the centerline of such street or alley shall be construed to be the boundary of such district.
- (B) Where the district boundaries do not coincide with the location of streets or alleys, but do coincide with lot lines, such lot lines shall be construed to be to be the boundary of such district.
- (C) Where the district boundaries do not coincide with the location of streets, alleys, or lot lines, the district boundary shall be determined by the use of the scale shown on the official zoning map.
- (D) When a lot held in one ownership on the effective date of this entire lot shall be construed to be within the more restrictive district.

Sec. 208.0. - Zoning of streets, alleys, public ways, waterways, and railroad rights-of-way.

All streets, alleys, public ways, waterways, and railroad rights-of-way if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys, public ways, waterways, and railroad rights-of-way. Where the center line of the street, alley, public way, waterway, or rail-road right-of-way serves as a district boundary, the zoning of such areas, unless other-wise specifically designated, shall be deemed to be the same as that of the abutting property up to such boundary.

Sec. 209.0. - Permitted uses.

No structure shall hereafter be built, moved, or remodeled, and no structure or land shall hereafter be used, occupied, or designed for use or occupancy except for a use that is permitted within the zoning district in which the structure or land is located.

Sec. 210.0. - Special uses.

No use of structure or land that is designated as a special use in any zoning district shall hereafter be established, and no existing special use shall hereafter be changed to another special use, in such district unless a special use permit has been secured in accordance with the provisions of article III, section 310 of this ordinance.

Sec. 211.0. - Lot size requirements.

Conformance with other ordinances:

- (A) Every building hereafter erected shall conform to the provisions of all ordinances of the village, in force at the time of construction.
- (B) Except as provided in article IV, any lots of record or subdivided tracts of land subject to the zoning ordinance, as amended, in effect at the date of adoption of this ordinance shall not be subject to yard limitations, bulk regulations, off-street parking and loading regulations, and any other regulations set forth in this ordinance, which shall create more onerous requirements for the use of such land than were provided for in the zoning ordinance, as amended, in effect on the date of the enactment of this ordinance, but instead to continue to be subject to the same regulations provided for in the zoning ordinance, as amended, in effect on the date of the enactment of this ordinance.

Sec. 212.0. - Bulk regulations.

In this ordinance, bulk regulations are expressed in terms of maximum structure height, maximum lot coverage, maximum floor area ratio minimum front, corner side, side and rear yards. No structure or part thereof, shall hereafter be built moved, or remodeled, and no structure or land shall hereafter be used occupied, or designed for use or occupancy so as to:

- (A) Exceed the maximum lot coverage percentage, and maximum structure height or the maximum floor area ratio specified for the zoning district in which the structure is located; or
- (B) Provide any setback or front, corner side, side or rear yard that is less than that specified for the zoning district in which such structure or use of land is located or maintained.

Sec. 213.0. - Use limitations.

No permitted use hereafter established, altered, modified or enlarged shall be operated or designed so as to conflict with the use limitations for the zoning district in which such use is, or will be, located. No permitted use already established on the effective date of this ordinance shall be altered, modified, or enlarged so as to conflict with, or further conflict with, the performance standards established for the zoning district in which such use is located.

Sec. 214.0. - Performance standards.

No permitted use hereafter established, altered, modified or enlarged shall be operated or designed so as to conflict with any performance standards imposed upon such use by this ordinance. No permitted use already established on the effective date of this ordinance, or any amendment thereto shall be altered, modified, or enlarged so as to conflict with, or further conflict with, the performance standards established for the zoning district in which such use is located.

Sec. 215.0. - Accessory uses.

Purpose and definition:

- A. Accessory uses are permitted in any zoning district in connection with any principal use, which is permitted within such district.
- B. Accessory structure: See article XVI, rules and definitions.

215.1 *Permitted accessory uses:* Any structure or use that complies with terms of section 215 may be allowed as an accessory structure or use.

Accessory structures and uses include, but are not limited to, the following list of examples, provided that in each case such structure must fit the general definition of "accessory use" contained in article XVI of this ordinance.

1. Private garages or carports limited to one structure per zoning lot not to exceed the following capacity:
 - a. For single family residences: Three cars not to exceed 676 square feet and a maximum of 26 feet on any side. The maximum height of the garage shall not exceed 15 feet or three-quarters of the height of the principal structure, whichever is the greater. Carports shall not exceed 200 square feet and a maximum width of ten feet.
 - b. For multiple family residences: Two cars per dwelling unit not to exceed 576 square feet and a maximum of 24 feet on any side. The maximum height of the garage shall not exceed 15 feet or three-quarters of the height of the principal structure, whichever is the greater.
2. A structure for storage, i.e., a shed, incidental to permitted use. Such a shed shall be limited to one per zoning lot and shall not exceed 150 square feet in area. The maximum height of the shed shall not exceed 15 feet or three-quarters of the height of the principal structure, whichever is the greater. A storage structure shall not require a permit if the gross floor area does not exceed 100 square feet and the structure is not supported by a permanent foundation.
3. A child's playhouse provided the gross floor area shall not exceed 100 square feet. Such child's playhouse shall not require a permit.
4. Private swimming pools and cabanas.
5. Statuary, arbors, trellises, barbecue stoves, swings, gyms, flag poles, fences, walls and hedges shall not require a permit if they are not supported by permanent foundations.
6. Signs when permitted by this ordinance, and other municipal ordinances.
7. Off-street parking and loading spaces as regulated by article X of this ordinance.
8. Storage of boats, boat trailers, camping trailers, and small house trailers, provided such storage area is

located above the flood protection elevation and no camping or house trailer is used for temporary or permanent occupancy.

9. Refuse storage enclosures.
10. Decks supported by piers or continuous foundation. Combustible decks may be attached or connected to a principal structure or a class 4 accessory structure, but shall not be used to connect a principal structure to a class 4 accessory structure.
11. Antennas and support structures with surface areas of ten square feet or less and not exceeding 12 feet in height, except as otherwise provided herein.
12. Private free libraries.
 - a. A building permit is required and must include a sketch of the proposed structure with dimensions and materials.
 - b. Private free libraries must be within a permanently installed structure that meets the following:
 1. The overall height of the structure must not exceed six feet above grade.
 2. The bulk of the structure may not exceed more than three feet wide, three feet tall, and three feet deep.
 - c. Private free library structures shall be constructed of durable, weatherproof materials and shall be maintained and kept in good condition and repair by the owner and/or occupant of the property on which it is located.
 - d. Private free library structures shall not be located in a public right-of-way.
 - e. Private free library structures shall be located on property zoned residential and containing a lawfully conforming and occupied principal residential structure and use. Only one private free library may be located on a property.
 - f. Private free library structures shall be located only in the front yard or corner side yard of the property on which it is located. An indemnity agreement with the property owner shall be required if the structure is within five (5) feet of a front or corner side property line abutting a right-of-way to address public infrastructure work that may occur in the area.
 - g. Private free library structures may be located by the Village of Round Lake Beach on facilities and properties owned by the Village of Round Lake Beach.
 - h. Private free library structures shall not be placed in a sight triangle and shall not obstruct the vision of pedestrians, motorists, or bicyclists.
 - i. Where a sidewalk is present, private free library structures shall be set back at least one foot from the sidewalk. No overhang is permitted within the one-foot setback.
 - j. Drainage and snow removal shall not be impeded by the private free library structures.
 - k. Private free library structures shall not be placed in an easement.
 - l. Private free library structures shall not have electrical hookups.
 - m. Private free library structures may have solar or battery power to provide lighting for the structure.

215.2 *Accessory uses not permitted:* None of the following shall be permitted as accessory uses:

1. Outdoor storage or overnight parking of trucks with over a class "C" license requirement or buses designed for more than 11 passengers in any residence district.
2. Any other outdoor storage, except as specifically permitted elsewhere in this ordinance.

215.3 *Bulk regulations:*

1. Class 4 accessory structures and uses shall be set back at least five feet from the rear lot line or abutting any easement. Decks and pools attached to principal structures shall be setback at least five feet from the rear lot line and five feet from the side lot lines.
2. No part of any class 4 accessory structure shall be located closer than ten feet to any principal structure or other class 4 accessory structure. Accessory structures (except fences) shall be set back at least five feet from the side lot line.
3. Each accessory structure and use shall otherwise comply with the bulk regulations applicable in the district in which it is located.

215.4 *Use limitations:* Each accessory structure and use shall comply with the use limitations applicable in the zoning district in which it is located and in addition:

1. No accessory structure shall be constructed or occupied on any lot prior to the completion of the principal structure to which it is an accessory.
2. No accessory structure or use shall be permitted in any front yard except those class 3 structures listed under section 215.1, 5 and section 215.1, 6. No accessory structure or use shall be permitted in any corner side yard except those class 3 structures listed under section 215.1, 5 and section 215.1, 6. Decks shall be permitted in the front yard or corner side yard only if the principal structure does not have a rear exit.

(Ord. No. 01-06-02, 6-25-2001; Ord. No. 10-10-04, 10-25-2010; Ord. No. 16-03-08, 3-28-2016; Ord. No. 18-01-02, 1-8-2018)

Sec. 216.0. - Temporary uses.

The following uses of land are permitted in each zoning district (unless specifically restricted to a particular zoning district) subject to the specific regulations and time limits, which follow, and to the other applicable of the district or districts in which it is located:

1. Christmas tree sales in the business district for a period not to exceed 60 days. The display of Christmas trees need not comply with the yard requirements of this ordinance provided that no trees shall be displayed within 30 feet of the intersection of the curb line of any two streets.
2. Contractors' offices and equipment sheds, provided however, that no such office or shed shall contain sleeping accommodations or cooking facilities, accessory to a construction project, to continue only during the duration of such project.
3. Real estate offices, which facilities shall not be used for sleeping or cooking purposes until the premises shall cease to be used as a real estate office, incidental to a new housing development, to continue only until all dwelling units in the development have been first sold or leased, provided, however, that no such office shall contain sleeping accommodations or cooking facilities, unless located in a model dwelling unit.
4. Seasonal sales of farm produce, grown on the premises in an E-R or R-1, for not more than four months per

year. Structures incidental to such sales need not comply with the applicable front yard requirements if the structures are moved back of the required front yard line at the end of the season during which they are used.

Sec. 217.0. - Home occupations.

- A. *Purpose:* It is the intent of this chapter to permit as home occupations in residential districts all uses that conform to the standards set forth herein. The standards for home occupations are intended to ensure compatibility with other permitted uses and with the residential character of the neighborhood, prevent intrusion on the rights of other residents of such districts, and to clearly establish such home occupations as secondary and incidental in relation to the residential use of the property.
- B. *Performance standards:* All home occupations must be conducted in compliance with the following standards and limitations:
1. The primary use of the dwelling unit shall remain residential.
 2. The home occupations shall be clearly incidental and subordinate to the primary residential use of the dwelling. The home occupation shall be conducted entirely within the limits of the dwelling unit and/or accessory building(s), but no more than 30 percent of the total square footage of the dwelling unit (not to exceed 500 square feet) shall be used for non-residential purposes. In calculating the square footage being used for nonresidential purposes, all areas of the dwelling unit and accessory buildings, which are in any way used toward the operation or conduct for nonresidential purposes, shall be included.
 3. No more than one home occupation may be operated in the residence.
 4. The operator or operators of the home occupation shall make the dwelling unit within which the home occupation is conducted his legal and primary place of residence.
 5. No one may participate in or assist with the conduct or operation of a home occupation except:
 - (a) Individuals who reside in the same residence as the operator of the home occupation.
 - (b) One non-resident employee.
 6. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation, except a sign or nameplate on the building not to exceed one square foot in area.
 7. Alterations shall not be made to the interior of the dwelling, which would render it, undesirable for residential use.
 8. Additions, enlargements or exterior alterations that change the residential appearance of the dwelling or lot shall not be permitted. Any proposed exterior changes shall be to all applicable village ordinances.
 9. No additional or separate exterior entrance that will cause a net increase in the number of entrances shall be constructed for the purpose of conducting the home occupation.
 10. Limited amounts of goods, commodities or stock in trade shall be received, retained, used or stored on or physically transferred from the premises, not requiring the use of motor vehicles larger than vans or similar sized trucks.
 11. Except as provided in section 14. below, no more than four individual clients, customers, patrons, or service or delivery men may occupy the premises simultaneously, except for a drop-off/pick-up period not to exceed 15

minutes. No vehicular traffic substantially greater than normal in the adjacent residential area is permitted.

12. The use of electrical or mechanical equipment that would change the fire rating of the structure, create visible or audible interference in radio and television receivers or cause fluctuation in line voltage outside the dwelling unit is prohibited.
13. No permitted home occupation(s) shall interfere with the reasonable use and enjoyment of adjacent residential properties, and there shall be no perceptible noise, odor, smoke, vibrations or electrical interference emitted.
14. No permitted home occupation shall be allowed at any time to offer goods for sale to the general public from the location of the home occupation except as provided for in item 11. above, or except as follows:
 - (a) No more than two private sales may be conducted at each home occupation location in any calendar year not to exceed four consecutive calendar days each.
 - (b) Notification of the sale shall be by personally addressed, private invitation. Sales shall not be offered to the general public. The use of general media advertising or by general distribution of sales information is prohibited.
 - (c) "Garage sales" and "yard sales" shall not be considered a home occupation for the purposes of this ordinance and no products or sales of any permitted home occupation may be sold during a garage or yard sale at the residence in which the occupation is located.
15. No outdoor storage of materials used in the home occupation shall be permitted.
16. Home occupations, which require customer/patron presence for more than 15 minutes shall provide off-street parking for all customer(s)/patron(s).

Sec. 218.0. - Off-street parking and loading.

No structure shall hereafter be built or moved and no structure or land shall hereafter be used, occupied or designed for use or occupancy, unless the minimum off-street parking and off street loading spaces required by article X of this ordinance are provided. No structure or use already established on the effective date of this ordinance shall be enlarged unless the minimum off-street parking and loading spaces, which would be required by article X for such enlargement, are provided.

Sec. 219.0. - Number of structures and uses on a zoning lot.

Not more than one principal residential building shall be located on a single zoning lot, nor shall a principal residential building be located on the same zoning lot with any other principal building, unless such principal residential building is located in a planned development that has been approved pursuant to the provisions of this ordinance.

In business and industrial districts, any number of structures (except residential buildings) may be constructed or established on a single zoning lot, but no single zoning lot shall be smaller than the minimum lot area prescribed for the district in which such structure is located.

Sec. 220.0. - Platted building and setback lines.

If a recorded subdivision plat imposes a building or setback line for a lot which is greater than the minimum front yard required by the applicable section of this ordinance, notwithstanding any other provision of this ordinance, the minimum front yard shall be the same as the minimum building line or setback line shown on such subdivision plat.

Sec. 221.0. - Yard requirements for open land.

If a zoning lot is, or will be, occupied by a permitted use without structures, then the minimum front, side or rear yards that would otherwise be required for such zoning lot shall be provided and maintained unless some other provision of this ordinance requires or permits a different front, side or rear yard; provided, however, that front, side or rear yards shall not be required on zoning lots used for garden purposes without structures, or on zoning lots used for open, public recreation areas.

Sec. 222.0. - Restrictions on allocation and disposition of required yards of open space.

No part of the lot area, or of a yard, or other open space or off-street parking or loading space provided in connection with any structure or use in order to comply with this ordinance shall, by reason of a change in ownership or otherwise, be included as a part of the minimum lot area of a yard, other open space, or off-street parking or loading space required for any other structure or use, except as specifically provided for by this ordinance.

Sec. 223.0. - Permitted obstructions in required yards.

The following shall not be considered obstructions when located in a required yard:

- a. In all yards: open terrace not over four feet above the average level of the adjoining ground, but not including a permanently roofed-over terrace or porch; awnings or canopies; steps four feet or less above grade which are necessary for access to a permitted structure, or access to a lot from a street or alley; bay windows and overhanging eaves and gutters projecting 30 inches or less into the yard; class 3 accessory structures, and signs, when permitted by article IX.
- b. In any yard, except a front yard: accessory uses permitted by article II, section 216, class 1 and class 3 accessory structures (except decks).
- c. If any provision of this ordinance permits a fence, then such fence shall be a permitted obstruction within the meaning of this section.

Sec. 224.0. - Annexed land.

All land, which may hereafter be annexed to the village shall automatically be classified in the estate residential (E-R) district. When land is automatically classified in the E-R District pursuant to this section, the annexation ordinance, upon passage, shall be referred to the planning and zoning commission, and the planning and zoning commission shall within 60 days after the effective date of the annexation ordinance, schedule and hold a public hearing with respect to the zoning classification of the annexed land, pursuant to article III of this ordinance. The planning and zoning commission shall make findings and recommendations with respect to the appropriate zoning classification or classifications of the annexed land and transmit the same to the village president and village board of trustees.

(Ord. No. 01-04-01, 4-23-2001)

Sec. 225.0. - Lot size requirements and bulk regulations for public utility facilities.

Notwithstanding any other provision of this ordinance, none of the following public utility or public service uses shall be required to comply with the lot size requirements and bulk regulations of the zoning district in which they are located except that such public service uses located on or above the surface of the ground shall observe the applicable minimum front, side and rear yard requirements:

- a. Electric and telephone sub-stations and distribution equipment.
- b. Gas regulator.
- c. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves and other similar equipment for the transmission of electricity, gas or water.
- d. Pumping stations.
- e. Radio, television and microwave transmission or relay stations, towers and antennae.
- f. Transformer stations.
- g. Water standpipes.

In addition, where electrical, telephone, water and sewer or other utility services require structures or facilities other than buildings located on or above the surface of the ground on easements through or abutting any lot in a residential district, said structures or facilities shall be prohibited from any required yard adjacent to a public street or from any dedicated street right-of-way.

Sec. 226.0. - Sewer and water facilities.

All structures built hereafter must be served by and connected to a public sanitary sewer disposal system and water distribution system.

Sec. 227.0. - Landscape plans.

All requests for amendment to the zoning ordinance must be accompanied by a landscape plan prepared by a qualified expert. the code official may wave this requirement for lots of five acres or less.

Sec. 228.0. - Interpretation of use lists.

The code official may allow land uses (permitted or special) which though not contained by name in a zoning district list of permitted or special uses, are deemed to be similar in nature and clearly compatible with the listed uses. However, such unlisted uses shall not be approved by the code official until the application for such use has been reviewed by the planning and zoning commission and approved by the village board of trustees.

All unlisted uses which are tentatively approved by the village board shall be added to the appropriate use list by ordinance at the time of periodic updating and revision.

(Ord. No. 01-04-01, 4-23-2001)

Sec. 229.0. - Fences, walls, and hedges.

- A. Except as provided in section 224 of this article, a fence, wall, hedge, or shrubbery may be erected, placed, maintained, or grown along a lot line on residentially zoned property or adjacent thereto to a height not exceeding the following height limitations:

Residential:

Front yard	48" maximum height measured from the ground
Rear yard	72" maximum height measured from the ground*
Side yard	72" maximum height measured from the ground
Corner side yard	48" maximum height measured from the ground

* A maximum height of 96 inches may be allowed in the rear yard of a conforming lot platted, improved, occupied and used for single-family residential dwelling purposes located adjacent to the south side of the Monaville Road right-of-way and between State Route 83 and the Wisconsin Central LTD Railroad right-of-way.

- B. No fence, wall, hedge, or shrubbery shall be erected, placed, maintained, or grown along a lot line on any non-residentially zoned property, adjacent to residentially zoned property to a height exceeding the following height limitations:

Business, commercial and industrial:

Front Yard	48" maximum height measured from the ground
Rear Yard	84" maximum height measured from the ground
Side Yard	84" maximum height measured from the ground
Corner Side Yard	48" maximum height measured from the ground

(Ord. No. 09-08-04, 8-24-2009)

Sec. 230.0. - Tents.

No tent shall be erected, used, or maintained for living quarters.

Sec. 231.0. - Swimming pools.

Every outdoor swimming pool, whether above-ground or in-ground, shall conform to the regulations set forth in the applicable building code.

ARTICLE III. - ADMINISTRATION AND ENFORCEMENT

Sec. 300.0. - Organization.

The administration of this ordinance is hereby vested in four offices of government of the Village of Round Lake Beach as follows:

Code official

Planning and zoning commission

Village board of trustees

This section shall first set out the authority of each of these offices and then describe the procedure and substantive standards with respect to the following administrative functions:

- a. Issuance of zoning certificates.
- b. Issuance of occupancy certificates.
- c. Variations.
- d. Appeals.
- e. Amendments.
- f. Special uses.
- g. Fees.
- h. Penalties.

In addition, it shall be the duty of all members of the police department to assist the code official by reporting to him any new construction, re-construction, new land uses, or possible violations.

(Ord. No. 01-04-01, 4-23-2001)

Sec. 301.0. - Code official.

The code official and such deputies or assistants that have been, or shall be, duly appointed shall enforce this ordinance and in addition thereto, and in furtherance of such authority shall:

- a. Issue all zoning certificates and make and maintain records thereof;

- b. Issue all certificates of occupancy and make and maintain records thereof;
- c. Conduct inspections of buildings, structures, and uses of land to determine compliance with the terms of this ordinance;
- d. Maintain permanent and current record of this ordinance, including, but not limited to, all maps, amendments, special uses, variations, appeals, and applications therefore;
- e. Provide and maintain a public information bureau relative to all matters arising out of this ordinance;
- f. Forward to the planning and zoning commission all applications for special uses and for amendments to this ordinance that are initially filed with the office of the code official;
- g. Forward to the planning and zoning commission applications for appeals, variations, or other matters on which the planning and zoning commission is required to pass under this ordinance;
- h. Issue permits regulating the erection and use of tents for periods not to exceed ten days for specific purposes such as: temporary carnivals, circuses, churches, charities, or charitable uses, and revival meetings which are not detrimental to the public health, safety, morals, comfort, convenience, or general welfare; provided, however, that said tents or operations are in conformance with all other ordinances and codes of the village.

(Ord. No. 01-04-01, 4-23-2001; Ord. No. 20-06-03, 6-15-2020)

Sec. 302.0. - Reserved.

Editor's note— Ord. No. 01-04-01, adopted April 23, 2001, repealed section 302.0, which pertained to the zoning board of appeals and derived unamended from the original zoning regulations.

Sec. 303.0. - Planning and zoning commission.

The planning and zoning commission as established under the provisions of the Illinois State Statutes, and other village ordinances is the planning and zoning commission referred to in this ordinance.

303.1 *Jurisdiction*. The planning and zoning commission shall discharge the following duties under this ordinance:

- a. Review all applications for special uses and amendments to this ordinance (text or map) and report said findings and recommendations to the village board in the manner prescribed in this article for amendments and special uses;
- b. Receive from the code official his/her recommendations as related to the effectiveness of this ordinance and report its conclusions and recommendations to the village board not less frequently than once a year.
- c. Review all recommendations for approval of non-listed uses and report findings and recommendations to the village board of trustees.
- d. Hear and decide matters on which it is required to pass under this ordinance.

(Ord. No. 01-04-01, 4-23-2001)

Sec. 304.0. - Village board of trustees.

The village board shall discharge the following duties under this ordinance:

- a. Receive recommendations on all applications for amendment to the zoning ordinance (text or map) from the planning and zoning commission and determine final disposition of any such matter.
- b. Receive recommendations from the planning and zoning commission relating to applications for special use and planned developments, and determine the final disposition of any such application, and
- c. Decide all matters upon which it is required to pass under this ordinance.

Sec. 305.0. - Zoning certificates.

Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any officer, department, or employee unless the application for such permit has been examined by the code official and has affixed to it his certificate, indicating that the proposed building or structure complies with all the provisions of this ordinance. Any permit or certificate of occupancy, issued in conflict with the provisions of this ordinance shall be null and void.

305.1 *Plats.* Every application for a zoning certificate shall be accompanied by:

- a. Ten copies of a current plat of the piece or parcel of land, lot, lots, block or blocks, or parts or portions thereof, drawn to scale, showing the actual dimensions and monumenting, as certified by a "registered Illinois land surveyor", as a true copy of the piece or parcel lot, lots, block, or blocks, or portions thereof, according to the registered or recorded plat of such land; and
- b. Ten copies of additional drawings drawn to a scale in such form as may, from time to time, be prescribed by the code official showing the ground area, height, and bulk of the building or structure, the building lines in relation to lot lines, the use to be made of the building, structure, or land, and such other information as may be required by the code official for the proper enforcement of this ordinance.
- c. Ten copies of a landscape plan defining the size, location and species of plant material and other landscape materials.
- d. The code official may, in those cases where in his judgment the information is not necessary because of existing evidence in Village record, waive all or portions of the requirements or paragraphs a., b., and c. above.

305.2 *Occupancy certificates.* No building or addition thereto constructed after the effective date of this ordinance, and no addition to a previously existing building shall be occupied, and no land, vacant on the effective date of this ordinance, shall be used for any purpose until a certificate of occupancy has been issued by the code official.

No change in a use shall be made until the code official has issued a certificate of occupancy. Every certificate of occupancy shall state that the use or occupancy complies with the provisions of this ordinance.

305.3 *Application for occupancy certificate.* Every application for a building permit or a zoning certificate shall be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new use of land where no building permit is required shall be made directly to the code official.

305.4 *Issuance of occupancy certificate.* No occupancy certificate for a building, or portion thereof, constructed after the effective date of this ordinance, shall be issued until construction has been completed and the premises inspected and certified by the code official or his designee to be in conformity with the plans and

specifications upon which the zoning certificate was based. No occupancy certificate for a building or addition thereto, constructed after the effective date of this ordinance, shall be issued and no addition to a previously existing building shall be occupied until the premises have been inspected and certified by the code official or his designee to be in compliance with all applicable standards. Pending the issuance of regular certificate, a temporary certificate may be issued to be valid for a period not to exceed 60 days from its date during the completion of any addition or during partial occupancy of the premises. The occupancy certificate shall be issued or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, not later than 14 days after the code official is notified in writing that the building or premises are ready for occupancy.

Sec. 306.0. - Variations.

The planning and zoning commission, after a public hearing, may vary the regulations of this ordinance in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where such planning and zoning commission makes finding of fact in accordance with the standards hereinafter prescribed, and further, finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this ordinance.

- 306.1 *Application for variation and notice of hearing.* An application for a variation shall be filed in writing with the code official. The application shall contain such information as the planning and zoning commission may, by rule, require. Notice of the public hearing will be provided by the applicant in the manner set forth in section 350.0 of this article. The planning and zoning commission shall submit its decision in writing within 30 days from the date of the public hearing of the variation, or it shall be deemed to have been denied.
- 306.2 *Standards for variance.* The planning and zoning commission shall not vary the regulations of this ordinance, unless it shall make findings based upon the evidence presented to it in each specific case that:
- Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.
 - The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not applicable, generally, to other property within the same zoning classification.
 - The purpose of the variation is not based exclusively upon a desire to increase financial gain.
 - The alleged difficulty or hardship is caused by this ordinance and has not been created by any persons presently having interest in the property.
 - The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
 - The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The planning and zoning commission may impose such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards established in this section and the objectives of this ordinance.

306.3 *Authorized variations.* Variations from the regulations of this ordinance shall be granted by the village board only in accordance with the standards established in section 306.2 above, and may be granted only after a public hearing has been held before the planning and zoning commission and a written report has been presented to the village board from the planning and zoning commission of its recommendations and findings of fact. The following items are not to be considered authorized variations under this section:

- (1) Land use changes to allow a use that is not a permitted use in the zoning district where the property is located.
- (2) Zoning map changes.
- (3) Special use permits.

No order of the village board granting a variation shall be valid for a period longer than six months from the date of such order unless the building permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.

(Ord. No. 01-04-01, 4-23-2001; Ord. No. 04-01-05, 1-12-2004; Ord. No. 09-07-03, 7-27-2009; Ord. No. 12-06-05, 6-25-2012)

Sec. 307.0. - Appeals of this ordinance.

An appeal may be taken to the planning and zoning commission by any person, firm, or corporation, or by an office, department, board, or bureau aggrieved by a decision of the code official.

Such an appeal shall be taken within 45 days after the decision of the action complained of, by filing with the code official and with the planning and zoning commission, a notice of appeal specifying the grounds thereof. The code official shall forthwith transmit to the planning and zoning commission all of the papers constituting a record upon which the action appealed from was taken.

307.1 *Findings on appeal.* An appeal shall stay all proceedings in furtherance of the action appealed from unless the code official certified to the planning and zoning commission, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property, in which case the proceedings shall not be stayed unless otherwise by a restraining order which may be granted by the planning and zoning commission or by a court of record on application, on notice of the code official and on due cause shown.

The planning and zoning commission shall select a reasonable time and place for the hearing of the appeal and notice of the hearing on the appeal will be provided by the applicant in the manner set forth in section 350.0 of this article. The board shall reach its decision within 30 days from the date of the public hearing of the appeal. The board may affirm or may reverse, wholly or in part, or modify the order, requirement, decision or determination that, in its opinion, ought to be done and to that end, shall have all the powers of the officer from whom the appeal is taken. The code official shall maintain records of all actions of the planning and zoning commission relative to appeals.

(Ord. No. 01-04-01, 4-23-2001; Ord. No. 09-07-03, 7-27-2009)

Sec. 308.0. - Amendments.

For the purpose of promoting the public health, safety, and general welfare, conserving the value of property throughout the community, and lessening or avoiding congestion in the public streets and highways, the village board may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the districts created by this ordinance or amend district boundary lines provided that in all amendatory ordinances adopted under the authority of this section, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantage of the entire community, and the uses to which property is devoted at the time of the adoption of such amendatory ordinance.

- 308.1 *Initiation of amendment.* Amendments may be proposed by any governmental, body or by any person or organization.
- 308.2 *Application for amendment.* An application for amendment shall be filed with the code official in such form and accompanied by such information as required by the code official. Such application should be forwarded to the planning and zoning commission for review, public hearing, and written recommendation thereon to the village board of trustees.
- 308.3 *Hearing on petition.* Within 30 days of receipt of any application for rezoning, the planning and zoning commission shall hold a public hearing on such application at a time and place as shall be established by legal advertisement (notice of hearing) by the planning and zoning commission. The hearings shall be conducted and a record of the proceedings shall be preserved in such manner, as the village board shall, by rule, prescribe.
- 308.4 *Notice of hearings.* Notice of the public hearing will be provided by the applicant in the manner set forth in section 350.0 of this article.
- 308.5 *Findings of fact and recommendation of the planning and zoning commission.* The planning and zoning commission shall make written findings of fact and shall submit it together with its recommendations to the village board for finalization. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the planning and zoning commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:
- a. Existing uses of property with the general area of the property in question;
 - b. The zoning classification of property with the general area of the property in question;
 - c. The suitability of the property in question to the uses permitted under the existing zoning classification;
 - d. The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place in its present zoning classification;
 - e. Conformance to municipal plans;
 - f. Adequacy of community facilities;
 - g. Effect on the natural environment: and
 - h. The public benefit to be derived.

The planning and zoning commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant; and that either the proposed amendment will correct an existing error or changing conditions make the proposed amendment necessary. The planning and zoning commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph, the estate residential (E-R) district shall be the highest classification and the I-2 district shall be considered the lowest classification.

308.6 *Action by the village board of trustees.*

- a. The village board shall not act upon a proposed amendment to this ordinance until it shall have received a written report and recommendation from the planning and zoning commission on the proposed amendment.
- b. The village board may grant or deny any application for an amendment; provided, however that in case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by the owners of 51 percent of the frontage immediately adjoining or across an alley therefrom, or by the owners of 51 percent of the frontage proposed to be altered, is filed with the village clerk, the amendment shall not be passed except by a favorable vote of two-thirds of the trustees then holding office.
- c. An application for a proposed amendment shall be acted upon finally by the village board within 90 days of the date the village board receives the planning and zoning commission recommendation, unless such time is extended by mutual consent of the village board and petitioner.

308.7 *Effect of denial of amendment.* No application for a map amendment which has been denied by the village board shall be resubmitted for a period of one year from the date of the order of denial, except on the grounds of new evidence or proof of change of condition found to be valid by the planning and zoning commission and the village board.

308.8 *Repeal of amendment.* In any case where a change of boundary lines of the zoning district map has been created, and where no development has taken place within 1½ years, the planning and zoning commission may hold a public hearing, after notice of public hearing has been given, and recommend to the village board that such zoning be affirmed or repealed and rezoned to its most appropriate district classification.

(Ord. No. 01-04-01, 4-23-2001; Ord. No. 09-07-03, 7-27-2009)

Sec. 309.0. - Special uses.

The development and execution of this ordinance is based upon the division of the community into districts within which districts the use of land and buildings, and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use in the particular location. Such special use falls into two categories:

- a. Use publicly operated or traditionally affected with a public interest, and
- b. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities. Planned developments are considered in this category.

- 309.1 *Initiation of special use.* Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, which is specifically enforceable may file an application to use such land for one or more of the special uses provided for in this ordinance in the zoning district in which the land is located.
- 309.2 *Application for special use.* An application for special use shall be filed with the code official on a form prescribed by the code official. The application shall be accompanied by such plans and/or data prescribed by the planning and zoning commission, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed special use will conform to the standards set forth in section 309.5 hereinafter. Such application shall be forwarded from the code official to the planning and zoning commission with a request to review said application and accompanying data, conduct a public hearing hereon, and submit written recommendations, thereon to the village board of trustees.
- 309.3 *Hearing on application for special use.* Within 30 days of receipt of any application for a special use, the planning and zoning commission shall hold a public hearing on the application, at a time and place as shall be established by legal advertisement (notice of hearing) by the planning and zoning commission. The hearing shall be conducted and a record of the proceedings shall be preserved in such manner, as the village board shall, by rule, prescribe from time to time.
- 309.4 *Notice of hearings.* Notice of the public hearing will be provided by the applicant in the manner set forth in section 350.0 of this article.
- 309.5 *Findings of fact and recommendations of the planning and zoning commission.* The planning and zoning commission shall make written findings of fact and shall refer to any exhibits containing plans and specifications for the proposed special use, which shall remain a part of the permanent record of the planning and zoning commission. The planning and zoning commission shall submit it together with its recommendations to the village board for final action. The planning and zoning commission shall recommend no special use, unless such commission shall find:
- a. That the establishment, maintenance, or operation of the special use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare.
 - b. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
 - c. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - d. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the

applicable district, as to cause a substantial depreciation in the property values within the neighborhood.

- e. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
- f. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- g. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the village board pursuant to the recommendations of the planning and zoning commission.

309.6 *Terms of relief conditions and guarantees.* Prior to the granting of any special use, the planning and zoning commission shall in a conclusion or paragraph, separate from the findings of fact, stipulate the terms of relief recommended.

The planning and zoning commission may also stipulate any conditions, and restrictions, upon the establishment, location, construction, maintenance, and operation of the use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and recommendations specified in section 309.5 above. In all cases in which special uses are recommended, the planning and zoning commission may require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection herewith are being and will be complied with.

309.7 *Action by the village board of trustees.*

- a. The village board shall not act upon a proposed special use permitted under this ordinance until it shall have received a written report and recommendation from the planning and zoning commission on the proposed special use.
- b. The village board may grant or deny, by ordinance or resolution, any application for special use, and may establish such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use, as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements of section 309.5.
- c. In all cases where the village board permits the establishment of a special use, the terms of the relief granted shall be specifically set forth in the ordinance or resolution in a conclusion.

309.8 *Revocation.* Special use permits (SUPs) shall be subject to periodic review. When the code official or his designee shall report to the planning and zoning commission any SUP which appears to be in violation of the conditions of the SUP and which have not been responsive to directives to correct the violations, the code official may request a public hearing before the planning and zoning commission to consider whether such SUP shall be recommended for termination to the board of trustees.

Any special use permit (SUP) may be revoked when:

- a. There is a departure from the plans, specifications, or conditions as required under the terms of the permit;
- b. The SUP was procured by false representation or was issued by mistake, or
- c. Any provisions of section 309.7b. are being violated.

Such revocation shall be in writing and shall be served on the holder(s) of the SUP personally or by certified mail. The holder(s) of the SUP shall have the right to appeal the revocation to the planning and zoning commission. Such appeal shall be filed with the code official within 15 days of service of the revocation.

309.9 *Amendments.* Changes to an authorized special use permit shall be administered pursuant to sections 309.1—309.7 of this article including the appropriate public hearing, unless the proposed changes may be construed and approved as a "minor" change pursuant to this section. Proposed changes which would otherwise be variations shall be deemed major changes.

"Minor" changes may involve, but are not specifically limited to, previously approved conditions such as:

- i. Landscaping.
- ii. Fencing.
- iii. Exterior lighting.
- iv. Signage that does not increase the size and/or area which was previously approved by the special use permit.
- v. Exterior building architecture changes that may be demonstrated and construed to be an improvement over the initial special use approval.

Application for a minor change shall be made to the economic development director who shall review the request, advise the applicant whether or not it may be considered further as a minor change and the reasons therefor, and forward a report to the village board.

The matter shall be referred to a standing committee of the village board which shall review the request and either forward to the village board for consideration of approval with any recommended additional conditions or determine that the request is not a minor change based upon the specific facts and circumstances of the original special use permit approval. Any change determined not to be a minor change shall be deemed a major change which shall require a public hearing before the planning and zoning commission and subsequent approval by the village board.

(Ord. No. 01-04-01, 4-23-2001; Ord. No. 09-07-03, 7-27-2009; Ord. No. 12-01-02, § 2, 1-9-2012)

Sec. 310.0. - Special use planned developments.

This section is intended to provide the method by which tracts of land may be developed as a unit other than by a lot by lot basis as provided in the zoning ordinance. It is intended to provide a maximum of design freedom by permitting the developer an opportunity to more fully utilize the physical characteristics of the site through the reduction of lot sizes, yard, height and bulk restrictions and the planned mixing of uses. Through the requirement of a development plan, it is the intention that property under this ordinance will be developed through a unified design providing contiguity between the various elements causing a better environment. Increased residential densities may be permitted if such increases are the result of a design, which does not result in the lessening of other ordinance requirements. This section should not be used as a means of evading the development ordinances of the village. This section should only be employed in instances where there is derived, by its use, a benefit to the village.

To establish standards and procedures for planned development, in accordance with the following objectives:

- a. To allow variety and flexibility in land development necessary to meet changes in technology and demand, consistent with the best interest of the village.
- b. To allocate, maintain and preserve common open space, recreation areas and facilities; to offer neighborhood recreational opportunities; to enhance the appearance neighborhoods through the conservation of natural resources.
- c. To provide a maximum choice in the types of environment available by permitting a development that would not be allowable by other methods.
- d. To allow a pattern of development preserving natural vegetation, topographic and geologic features, air and water quality, and other natural resources.
- e. To provide a creative approach to the use of land and related physical facilities allows aesthetic development and design plan.
- f. To provide an efficient use of land resulting in a more useful plan for utilities, streets, schools, public grounds, buildings and other public facilities.
- g. To provide for land use which promotes the public health, safety, comfort and welfare.
- h. To permit innovations in residential, commercial and industrial construction so the needs of the community may be met by allowing greater variety in type, design and planning.

The planned development is intended to provide for developments incorporating a single, or a multiple of related uses, planned and developed as a unit. Such development may consist of conventionally subdivided or a planned development in keeping with the purpose of the plan.

310.1 *Application procedures.* The procedures for all planned unit developments are set forth herein.

310.2 *Pre-application conference.* Prior to filing a formal application for approval, the petitioner is encouraged to request a pre-application conference with the planning and zoning commission. Any request for a pre-application conference shall be submitted to the chairman of the planning and zoning commission or the code official. No such conference shall be binding upon the village. The purpose of the pre-application conference is to advise and assist the petitioner before presentation of the tentative development plan, so that the petitioner may determine:

- (A) Whether the proposed development appears in general, to be in compliance with provisions of the zoning and other applicable ordinances;
- (B) Whether any zoning amendment or variance is required;
- (C) Whether the proposed planned development will be in conformity with the comprehensive development plan of the Village of Round Lake Beach.

The pre-application conference is highly recommended but not mandatory.

310.3 *Tentative development plan.* This paragraph provides the method by which the planning and zoning commission may determine if the proposed development complies with the purpose of this section. When a planned development is of 50 acres or less, a tentative development plan shall be submitted 60 days prior to

the public hearing. When a planned development is in excess of 50 acres, a tentative development plan shall be submitted 90 days prior to the public hearing, and a preliminary development plan shall be submitted 60 days prior to the public hearing and a final development plan shall be submitted 30 days prior to the public hearing.

310.4 *Requirements.* Application for a planned development shall be executed by or on behalf of the landowner and filed in triplicate accompanied by 30 copies of a tentative development plan. A filing fee, the amount of \$1,000.00 payable to the Village of Round Lake Beach shall be paid to the village clerk, together with the following:

- a. *Ownership:* The entire site of the planned unit development shall be under single ownership or unified control and the parcel or parcels, must be suitable, under this and other ordinances for unified development.
- b. *Minimum size:* The site of the planned development shall be not less than: five acres for residential developments; ten acres for commercial developments; 20 acres for industrial developments; 20 acres for mixed development provided that no individual use acreage may be less than set forth above.
- c. *Uses:* The planned development may include any or all uses permitted within any of the existing zoning districts or a mixture thereof; provided that the uses permitted in the planned development shall be of a type and location so that each, by itself would be allowed rezoning, taking into account the same principals taken into account in rezoning. In addition, all uses within the planned development shall be compatible each with the other.
- d. Names and addresses to whom notices of hearing hereunder shall be sent including the petitioner, the designer of the subdivision and the owners of the land within 250 feet of the planned development.
- e. A land use plan for the entire planned development showing the boundaries of the proposed development; the plans for the future development of the area; and the types and location of land uses. Any residential use area shown in the plan shall show the proposed number and type of dwelling units and the densities by type, during each phase of the planned development. Isometric drawings shall be provided, showing the land planning design for each proposed residential type of housing unit. More detailed information may be required for that part of the plan intended for initial development.
- f. A legal description of the property.
- g. A written description of the general character of the proposed development including:
 1. The description and quantity of all land uses to be included in the development, with maximum and minimum percentage limitations for each use;
 2. The proposed amount of land to be used for recreational, schools and municipal purposes;
 3. The projected type, location, number and densities of dwelling units to be constructed in each phase of the total development;
 4. A description of each type of residential, commercial or industrial unit proposed to be constructed;
 5. The estimated population by housing types, by location; and by school district, projected to completion of the development.
- h. A preliminary engineering study providing a general description of existing sanitary, storm and surface

water facilities, on or adjacent to the proposed development; the proposed improvements required to be constructed; sanitary, storm water and service needs and any additional information requested by the village engineer.

- i. A traffic study prepared by a qualified expert, providing a general description of existing roads on and adjacent to the proposed development and the proposed road improvements necessary for the planned development. A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the planned development and to and from existing thoroughfares and indicating any special engineering features and traffic regulation devices needed to insure the safety of persons and property.
- j. A proposed construction schedule showing the number of dwelling units, or other structures, to be constructed and amount of square feet of commercial property to be ready for occupancy during the period of development.
 1. The starting and completion date of each stage of construction.
 2. The rate of development.
 3. The area and location of recreational and common open space that will be provided at each stage of development.
- k. A description of the requested modifications, exceptions and variances of and from this ordinance or the village's subdivision control ordinance.
- l. Architects' renderings or front elevations of primary and accessory buildings. Such drawings should be of sufficient detail to permit an understanding of the proposed character of development.
- m. Adequate evidence in the form of a market research report, or its equivalent, to establish the economic need for the proposed development.
- n. A preliminary statement identifying existing natural and environmental resources.
- o. A policy statement by the applicant setting forth basic plans and procedures which will be used to insure protection of the natural and environmental resources of the development and surrounding areas. The statement should identify and locate on one or more exhibits, the following environmental factors:
 1. A soil analysis including soil types, code numbers, limitations for urbanized areas, conservation and agricultural productivity, soil wetness and erosion potential.
 2. Scenic views.
 3. Surface hydrology report identifying existing surface drainage patterns; topology, major and minor water sheds, flood limits of record with elevations as set forth in the hydrological investigations atlas numbers published by the United States Geological Survey.
 4. Geology report identifying surficial geological deposits; a statement of their characteristics and limitations prepared pursuant to the recommendations and published data of the Illinois Geological Survey, and other mapping data and analysis and subsurface conditions as required by the village engineer.
 5. Natural coverage and vegetation report, showing marshes, bogs, wooded areas, preservable trees; natural prairie, rock outcroppings, existing pastureland, crop land, orchards and other agricultural

uses, areas of sand, gravel, or pest extraction and any unique natural or ecological sensitive area.

6. Existing development report, indicating the generalized pattern of land use, major highways, collector streets, minor streets, sidewalks, railroads, sanitary sewers, storm sewers and drainage improvements, water mains and associated utility improvements, designated landmarks and historical areas, sites and structures.
 7. Current ground elevations: Contours shall be at least two-foot intervals and spot elevations at all breaks in grade along all selected points not more than 100 hundred feet in all directions.
- p. A written statement signed by the petitioner outlining and describing in detail the method by which the applicant proposes to regulate land use and insure development of the proposed planned development in accordance with the requirements of the planning and zoning commission and the village board. Such statement may include:
1. A draft of proposed covenants and restrictions required by the village or otherwise, that are intended to be filed in the office of the recorder of deeds of Lake County prior to disposition of any land in the planned development. The village may require such covenants and adequate provisions to assure proper maintenance and repair of all areas and facilities under common ownership, including the payment therefore and enforceability thereof by or on behalf of the village.
- q. A statement of the present ownership of all the land within the planned development. If a trustee owns the land, the village shall require a list of all beneficial owners, their address and a copy of the trust agreement.

310.5 *Public hearings.* The planning and zoning commission shall hold a public hearing on the application for a planned development and tentative plan or preliminary plan. Notice of the public hearing will be provided by the applicant in the manner set forth in section 350.0 of this article.

310.6 *Planning and zoning commission action.* Within 45 days after the close of the public hearing, the planning and zoning commission shall give a written opinion to the village board recommending approval, modification or disapproval of the tentative and/or preliminary plan of the planned development and setting forth:

- a. In what respect the proposed plan is, or is not, consistent with the stated purpose of this ordinance.
- b. The extent to which the proposed plan meets the standards and requirements of this ordinance.
- c. The extent to which the proposed plan departs from the zoning and subdivision ordinance of this village, applicable to the subject property, including but not limited to 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 nature and extent of the common open and recreational space in the planned development, the ability to maintain and conserve the common open and recreational space and the adequacy or inadequacy of the amount and function of the common open and recreational space in terms of the densities and dwelling types proposed in the plan.
- e. The manner in which said plan does or does not, make adequate provision for public services, provide adequate control over vehicular traffic and further the enjoyment and increase of light, air recreational and visual use.
- f. The relationship and compatibility, beneficial or adverse of the proposed plan to the adjacent properties

and neighborhood.

- g. The desirability or undesirability, of the proposed plan for the physical development, the broadening or lessening of the tax base and the economic well being of the village.
- h. The conformity or nonconformity, to the comprehensive plan of the Village of Round Lake Beach.
- i. In the case of a plan, which proposes development over a period of years, the sufficiency of the proposed conditions guaranteeing the village, public and residents of the development, that the development shall be commenced, continued and completed in accordance with the plan.

310.7 *Village board action.* The village board after receipt of the tentative and/or preliminary development plan(s) of the planned unit development, shall approve, modify or disapprove such plan. The village board may require such special conditions, as it may deem necessary to insure conformity with the intent and purpose of the village ordinance.

Upon approval by the village board of the development plan by an ordinance, a record shall be prepared including findings of fact and setting forth the terms of relief and/or variances granted from the existing ordinances in general and specifically from the subdivision and improvement ordinances. Approval of a tentative and/or preliminary planned development plan shall not constitute approval of the final plan. The village board shall notify the planning and zoning commission and applicant of its action.

(Ord. No. 01-04-01, 4-23-2001; Ord. No. 06-02-04, 2-13-2006; Ord. No. 09-07-03, 7-27-2009)

Sec. 311.0. - Preliminary development plan.

The purpose of the preliminary plan is to provide a transition between tentative and final plan. The petitioner may provide specific information regarding that portion of the planned development.

311.1 *Requirements.* Application for preliminary plan approval of a planned development shall be filed with the village clerk in triplicate, accompanied by 20 copies of a preliminary development plan. Preliminary plans shall be submitted for all or specified development phases of the planned development. In considering the approval of a preliminary plan, no further public hearings shall be required except when "major changes" are made from the tentative development plan as defined in section 329. The following information shall be required for all preliminary plans:

- A. A boundary survey and legal description of the areas prepared and certified by a Registered Illinois Land Surveyor, showing thereon the total acreage to the point and the date of preparation.
- B. A topographical survey of the area at two-foot contour intervals.
- C. The following shall be of the area plus 300 feet in all directions:
 - (1) A map showing the existing zoning and land use.
 - (2) A detailed drawing prepared at a scale of not less than one inch equals 200 feet (1": 200') showing:
 - (a) Buildings, building height and use, common open space, recreational areas and facilities, parking area, service areas, and other proposed development.
 - (b) Existing and proposed public and private road classifications, width of right-of-way, width of pavement

and construction details.

- (c) Existing easements and proposed easements.
- (d) Density of residential uses, including dwelling units per acre, the number of building and dwelling units by type.
- (3) A schematic plan of existing and proposed utilities drawn at a scale of not less than 1": 200" showing:
 - (a) Sanitary and storm sewer systems.
 - (b) Water-supply systems.
 - (c) Street lighting and public area lighting systems.
 - (d) A landscape plan.
- (4) A time schedule of the proposed development of the area.
- (5) An explanation of the character of the area covered by the preliminary plan and the reasons why it is suitable for a planned unit development.
- (6) Proposed agreements, provisions or covenants which will govern the use, maintenance and protection of the planned development and any of its common open space, recreational areas and facilities.
- (7) Information on the type and amount of ancillary and non-residential uses in a residential development, including the amount of common open space, recreational areas and facilities.
- (8) If requested by the village engineer, the applicant shall supply the sub-surface conditions of the area, sub-surface soil, rock, groundwater conditions and depth to ground water.
- (9) Present tract designation including book and page, if available, according to official records of the recorder of deeds of Lake County.
- (10) Title under which the proposed development is to be recorded. Names and addresses of owners.
- (11) Architectural renderings of the proposed structures within the area.

311.2 *Time limitations for submission of preliminary plans.* The first preliminary plan of the proposed planned development shall be submitted for approval within 12 months after adoption by the village board of the tentative development plan, provided that upon request in writing the village board may by resolution extend said time period.

If the first preliminary plan shall cover less than all of the planned development, preliminary plans for additional areas of the planned development may be submitted to the village board within such period of time as shall have been prescribed in the approval of the application for establishment of the planned development, which shall not be more than ten years after the adoption by the village board of the tentative development plan and provided further, that upon request in writing, the village board may by resolution extent the said period of time.

311.3 *Status of approved preliminary plan:* Approval of a preliminary plan shall not constitute approval of the final plan nor qualify a plat of the planned development for recording. A preliminary plan which has been granted approval as submitted or approval with conditions or modifications, shall not be modified or revoked nor otherwise impaired by action of the village pending an application for final approval without the consent of the petitioners, provided that application for final approval is filed within the time or times specified in the

resolution granting preliminary approval or extension thereof. In the event that a plan is given preliminary approval and thereafter, but prior to final approval, the petitioner shall choose to abandon such plan and notify the planning and zoning commission in writing or fail to file application for final plan approval within the required time period or any extension thereof, the preliminary plan approval shall be deemed revoked and all that portion of the area included in the plan for which final approval has not been given, shall be subject to all applicable ordinances. No building permit shall then be issued for any structure until approval for issuance has been given by the village board of the final plan.

(Ord. No. 01-04-01, 4-23-2001)

Sec. 312.0. - Submission of updated land use plans.

- a. *Submission with preliminary plans:* When a preliminary plan for a portion of the planned development is submitted for approval, it shall be the obligation of the petitioner of such portion to cause the developer of the planned development to prepare and submit to the village with such preliminary plan, an updated land use plan for those areas in the planned development for which preliminary plans shall not then have been submitted for approval.
- b. *Annual submissions:* When no updated land use plan for the planned development shall have been submitted for one year, the petitioner of the planned development shall, unless the village board waives such obligation by a resolution, prepare and submit to the village a land use plan for those areas in the planned development for which preliminary plans have not been submitted for approval.

Sec. 313.0. - Final development plan.

The purpose of the final development plan is the following:

- a. Designate the land subdivided into lots.
- b. Designate the division of other lands into common open and building areas.
- c. Designate and limit the specific use of the land, the buildings, and structures thereon.

313.1 *Requirements:* The final plan of the planned development shall conform to the preliminary plan as approved. It may be submitted in stages with each stage being a portion of the approved preliminary plan, which is to be developed and recorded; each such portion shall conform to all requirements of this ordinance. After review of the final plan and supporting data, the planning and zoning commission shall approve or disapprove the plan within 60 days after filing. Disapproval of the final plan of a planned development shall include a statement of the reasons thereof. The required procedure for approval of the final plan of a planned development shall be as follows:

- a. Application for final plan approval shall be filed with the village clerk in triplicate, accompanied by 20 copies of a preliminary development plan. The final plan and supporting data shall be filed with the village clerk and forwarded by the clerk to the planning and zoning commission for certification that the final plan is in conformity with this ordinance and in agreement with the approved preliminary and tentative plans.
- b. Final plans for all or part of the planned development shall be submitted to the village clerk. There shall be no minimum acreage requirement with respect to final plans. Approval of final plans may not be withheld

for any reason that would be inconsistent with the approved tentative development plan. In considering the approval of the final plan, no further public hearings shall be required to approve any changes from the tentative and preliminary plans.

- c. Within 12 months after approval of the preliminary development plan, the petitioner shall submit a final plan for approval to the planning and zoning commission.
- d. If the planned development constitutes a subdivision, a final subdivision plan shall be submitted. Any such final subdivision plan shall set forth suitable dedications of permanent open and recreational space to be owned in common, rights-of-way and other requirements of the ordinances and statutes, as the same may be in force from time to time.
- e. The final version of the plan of the planned development shall be filed indicating the locations of all buildings, parking and loading spaces and any other special structure, facility or feature approved or required by the village board.
- f. The final version of the covenants, if any by which the petitioner proposes to regulate land use and otherwise protect the planned development, accompanied by the written representation and warranty of the petitioner, in form and substance satisfactory to the village attorney, to the effect that the owner of the real property which is the subject of the proposed planned development has not sold or otherwise disposed of any interest in said property and will not sell, or otherwise dispose of any such interest prior to the filing for record of said covenants in the office of the recorder of deeds of Lake County, Illinois.
- g. Such deeds or easement agreement, if any as are required or approved by the village board shall be filed in form and substance approved by the village attorney, conveying ownership interest in the parcels within the proposed planned development which are to be subject to public or common ownership.
- h. Submitting a copy of the articles of incorporation of the homeowner's, merchant's, or industrial owners' association if any, and a complete copy of such bylaws, all certified by the Secretary of the State of Illinois or otherwise, as existing authenticated not more than 30 days prior to submission.
- i. Approval of the village board of the final plan for any proposed planned development shall be effective only for a period of 60 days after the date of such approval, unless within such 60 days the petitioner shall record or cause to be recorded the final plan including any final subdivision plan, the final restrictive covenants and the deeds and/or easement agreement required or approved by the village board in the office of the recorder of deeds of Lake County, Illinois.
- j. All drawings shall be prepared in such detail as may be required by the village engineer not limited to the following:
 - (1) Sanitary and storm sewer systems.
 - (2) Water supply system.
 - (3) Street and public area lighting systems.
 - (4) Sidewalks, trails, and paths.
- k. Estimate of the cost of installation of all proposed public improvements confirmed by a registered Illinois engineer.
- l. A plan or report shall be prepared by the petitioner and shall evaluate in general terms the impact of the

proposed development on the natural environment. The report shall identify the following:

- (1) The final version of the developer's policy toward maintaining the natural environment.
- (2) An analysis of the existing environment prior to the pro-posed plan. Consideration should be given to the following factors:
 - (a) Unique physical features of the land such as soil stability, erosion and ground contours.
 - (b) Scenic views and vistas.
 - (c) Drainage, run-off of surface water, groundwater and flood plains.
 - (d) Air quality.
 - (e) Areas underlain by sand and gravel aquifers.
 - (f) Vegetation.
 - (g) Wildlife.
- m. Final architectural renderings and facades of all proposed primary structures.
- n. A certificate furnished by the county collector that no delinquent taxes against the property and all special assessment constituting a lien on the whole or any part of the property of the planned unit development have been paid.

Sec. 314.0. - Standards.

In granting or withholding approval of the tentative development plan, preliminary plans and final plans, the planning and zoning commission and the village board shall be guided by the requirements of this ordinance and the following standards:

- a. All plans shall be so designated that the public health, welfare and safety shall be preserved.
- b. The proposed development shall be such that it does not cause substantial injury to the value of other property in the immediate area.
- c. All plans shall provide for protection of both the aesthetics and function of the natural environment, shall include but not be limited to conditions pertaining to flood plains, soil and geologic characteristics, air quality and preservation of vegetation.
- d. All plans shall provide for and insure the preservation of adequate recreational facilities and common open space.
- e. Residential use areas shall have a variety of housing types and densities necessary to achieve a balanced neighborhood.
- f. The planned development shall include land area necessary to accommodate cultural, educational, recreational and other public and quasi-public activities necessary to serve the needs of the residents thereof.
- g. The proposed development shall provide for the orderly and creative arrangement of all land uses with respect to each other and to the entire village.
- h. Walkways shall form a logical, safe and convenient system for pedestrian access to all dwelling units and to all project facilities and off-site destinations likely to attract substantial pedestrian traffic walkways when used by

substantial numbers of children as play areas or routes to school or other principal destinations shall be so located and safeguarded as to minimize contacts with normal automobile traffic. Street crossings shall be held to a minimum on such walkways, located and designated to promote safety, appropriately marked and otherwise safeguarded. If substantial bicycle traffic is anticipated, bicycle paths shall be incorporated in the walkway system. Pedestrian ways appropriately located, designed and constructed may be combined with other easements and used by emergency or service vehicles, but shall not be used by other automotive traffic.

- (1) Access for pedestrians and cyclists shall be arranged to provide safe and convenient routes and need not be limited to the vehicular access points. When pedestrian access points do not occur at street intersections, they shall be marked and controlled and when such ways are exposed to substantial vehicular traffic at the edges of a district, fences or other barriers shall be erected and maintained to prevent crossings except at designated points. Bicycle and/or bridle paths, if provided shall be so related to the pedestrian-way system that street crossings are combined.
- (2) Screening at edges of the planned development: Fences, walls or vegetation screening shall be provided along the edges of the planned development where needed to protect residents from undesirable views, lighting, noise, or other off-site influences or to protect occupants of adjoining residential districts from similar adverse influences within the planned development. In both cases, screening shall be designed to control the existing or potential adverse views from existing or potential residential first floor windows in the planned development or other residential district. Screening requirements may be waived where terrain makes protection overview impractical.

(Ord. No. 01-04-01, 4-23-2001)

Sec. 315.0. - Legal status of plans and covenants changes.

All planned developments shall be developed in strict compliance with the recorded final plan and supporting data. All final plans and covenants filed and recorded here-under shall be contractual undertakings by, and shall be binding upon the applicant therefore, the owners of the land covered by such planned development, their successors and assigns, and shall limit and control the construction location and use and operation of all land in such planned development and all improvements and structures to be located thereon.

- a. The village board shall consider a planned development to be subject to revocation if construction falls more than two years behind the schedule filed with the final plan or exceeds 12 years. The developer shall be notified at least 90 days prior to any revocation hearing.
- b. Upon issuance of a special use permit and the necessary building permits, no major changes may be made during or after the development of the final plan as approved and recorded unless such changes are made pursuant to a new and separate application for planned development.
- c. No planned development, or any portion thereof, may be occupied until such time as a certificate of zoning compliance has been issued by the code official certifying that the development or a stage of the development if applicable has been completed in compliance with the final plan as approved and recorded.

Sec. 316.0. - Use exceptions.

The planning and zoning commission may recommend and the village board may authorize specific uses permitted in part of the area of a proposed planned development, which are not permitted by the use regulations of the district in which said development is located provided that the planning and zoning commission shall find:

- a. That the uses permitted by such exception are necessary or desirable and are appropriate with respect to the primary purpose of the planned development.
- b. That the uses permitted by such exception are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood.
- c. Such use exceptions shall not exceed 20 percent of the total area, provided however, no residential use permitted in industrial development and only eight percent of the total area may be used for use exception in commercial.

(Ord. No. 01-04-01, 4-23-2001)

Sec. 317.0. - Bulk regulations.

In the case of any planned development, the planning and zoning commission may recommend and the village board may authorize exceptions to the applicable bulk regulations of the Round Lake Beach Zoning Ordinance within the boundaries of such planned development provided that the planning and zoning commission shall find the following:

- a. That the exception shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such development as well as the neighboring property, than would be obtained under the bulk regulations of this ordinance for buildings developed on separate zoning lots.
- b. That along the periphery of such planned developments, yards shall be provided as required by the regulations of the district in which said development is located.
- c. That in a residential planned development, the maximum number of dwelling units per gross residential acre shall not exceed five units per acre.

(Ord. No. 01-04-01, 4-23-2001)

Sec. 318.0. - Minimum lot area in residential planned developments.

The planned development may include minimum lot acres per dwelling unit smaller than those normally required in the zoning district, provided the overall number of dwelling units per acre is not increased beyond the provisions of section 317,c. above, and provided that the common open space and recreational area are in accord with Section 319 hereinafter.

Sec. 319.0. - Spacing between detached residential buildings.

In a residential planned development, the minimum distance between the walls of any two separate buildings over one story in height shall be as follows:

- a. Thirty feet if either wall contains bedroom windows.
- b. Forty feet if either wall contains living room windows.

- c. Thirty feet in all other circumstances, except that the minimum distance between walls, which are parallel or sub parallel in the portions thereof, which are directly opposite to one another (measured perpendicularly) and do not 15 feet in length and contain no windows shall be:
 - (1) Fifteen feet for all structures below a horizontal plane 35 feet above grade and;
 - (2) Thirty feet for all structures above said plane.

Sec. 320.0. - Designation of recreational space and permanent common open space.

A. Residential planned development areas shall include recreational areas equivalent to at least 30 percent of the total residential area, and industrial and commercial areas shall include permanent common open space in an amount equivalent to ten percent of the total commercial and/or industrial areas of the planned development.

B. Designation.

- (1) The planning and zoning commission shall determine whether land is suitable for designation as recreational use and in doing so shall consider the following factors:
 - a. The relationship of the location of the land being considered to the residential use area which it is intended to serve.
 - b. The size and usability of land being considered.
 - c. Other existing or proposed recreational facilities capable of fulfilling recreational needs of the residents,
- (2) Within the percentage limits set forth for residential land use above, the developer should provide such recreational space in the nature of play lots, neighborhood parks and district parks, generally in accordance with the following standards and should deviations from the following standards be required, the planning and zoning commission may vary these requirements by five percent:

Classifications	Approximate Size	Acres Per 1000 People
Play Lots	Up to one acre	1.0
Neighborhood Parks	4 10 acres	6.0
District Parks	10 20 acres	3.0

- (a) Play lots are defined as active recreational areas intended for children up to six or seven years of age. Play lots should be located near the center of the housing area generating children of such ages so that children need not cross arterial streets to reach play lots.
- (b) Parks are defined as active and passive recreational areas which usually serve children and adults in an urban area within a radius of approximately one-half mile. Neighborhood parks generally adjoin public elementary schools and may include such features as ball diamonds and play areas toward the interior of the site so the perimeter can be landscaped to buffer sound.
- (c) District parks are defined as large active and passive recreational areas generally located on or near thoroughfares and within two miles of each residence intended to be served. District parks generally adjoin junior and senior high schools and often include such facilities as swimming pools, tennis complexes, recreational building and adequate off street parking.

(Ord. No. 01-04-01, 4-23-2001)

Sec. 321.0. - Maintenance of common open space and recreation areas.

In the event that the organization established to own and maintain common open space and recreational areas and related facilities, or any successor organization shall at any time after establishment of the planned development fail to maintain the common open space and recreation areas and related facilities in reasonable order and condition in accordance with the plan, the village may serve written notice upon such organization or upon the residents of the planned development setting forth the manner in which the organization has failed to maintain the space in a reasonable condition and said notice shall include the following:

A demand that such deficiencies of maintenance be cured within 30 days.

If such deficiencies are not cured within said 30 days, the village shall serve notice of hearing. Said notice shall state the date and place of the hearing and shall be sent registered mail not less than five days nor more than ten days from the hearing date. At the hearing, if the village finds the deficiencies cannot be cured by the responsible party, the village in order to preserve the taxable values of the properties within the planned development and to prevent the common open space from becoming a public nuisance, may enter upon said property and maintain the same for one year. Said entry and maintenance shall not vest in the public any rights to use the common open space or recreation areas when the same is voluntarily dedicated to the public by the owners. Before the expiration of said year, the village shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents of the planned development, show cause why such maintenance by the village shall not, at the election of the village, continue for a succeeding year. If the village board shall determine that such organization is ready and able to maintain the common open space and recreation areas in a reasonable condition the village may in its discretion continue to maintain said common open space during the next succeeding year and subject to a similar hearing and determination in each year thereafter. The decision of the village board in any such case shall constitute a final administrative decision subject to review in accordance with the appropriate provisions of this ordinance.

The cost of such maintenance by the village shall be assessed ratably against the properties within the planned development that have a right of enjoyment of the common open space and recreation space and shall upon non-payment be enforced by law.

Sec. 322.0. - Permits.

Building, zoning and occupancy permits shall be required for each structure in a planned development. No building permit relating to any part of a planned development shall be issued prior to the approval of a final plat or such part of the planned development, provided however that subject to the approval of the village, excavating operations for public utility may proceed at any time following approval of the preliminary development plan.

Sec. 323.0. - Effect of denial of a planned development.

No application for a planned development, which has been denied wholly or in part by the village board shall be resubmitted for a period of one year from the date from the date of said order of denial except on the grounds of new evidence or proof of change of conditions found to be of value by the plan commission and village board.

Sec. 324.0. - Revocation.

In any case where a planned development has not been commenced within one year from the date of granting thereof, the planning and zoning commission may recommend and the village board, after notice and public hearing thereon, may repeal the ordinance or resolution authorizing any such planned development.

(Ord. No. 01-04-01, 4-23-2001)

Sec. 325.0. - Public facilities, surety, costs, fees and charges.

- a. *Public facilities.* All public facilities and improvements made necessary as a result of the planned unit development shall be either constructed in advance of the approval of the final plat, or at the election of the village escrow deposits, irrevocable letters of credit in a form approved by the corporate counsel or performance bonds shall be delivered to guarantee construction of the required improvements. Any such guarantee shall be 125 percent of the estimate approved by the village engineer of the cost to construct such improvements.
- b. *Allocation of costs, fees and charges:* The petitioner is required to pay the Village of Round Lake Beach all costs, fees and charges as set forth in Village Ordinances.

Sec. 326.0. - Guarantee deposit.

In addition to the deposit provided for in section 325, a deposit shall be made to the village in cash, irrevocable letters of credit (in a form approved by the corporation counsel), or maintenance bond equal to 40 percent of the estimated cost of public facility installations. This deposit shall be a guarantee of satisfactory performance of the facilities construction within the planned unit development and shall be held by the village for a period of 12 months after acceptance of such facilities by the village. After 12 months, the deposit shall be refunded if no defects have developed or if any defects have been developed, then the balance of such deposit shall be refunded after reimburse for amounts expended in correcting defective facilities. The deposit under this paragraph shall be made immediately upon completion and approval of the construction of said public facilities and the performance guarantee for the public facilities shall thereupon be released.

Sec. 327.0. - Validity.

If any section, subsection, sentence, clause or phase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Sec. 328.0. - Violation penalty.

Anyone violating any of the provisions of this ordinance shall forfeit, upon conviction to the Village of Round Lake Beach not less than \$40.00 nor more than \$200.00 for each violation plus the costs of the action and each day that such violation continues shall be deemed to be a separate offense.

(Ord. No. 10-02-01, 2-8-2010)

Sec. 329.0. - Plan changes.

One or more of the following changes shall be deemed to be a "major change":

- a. One which alters the concept, character or intent of the tentative plan.
- b. One which increases residential density.
- c. One which significantly increases the height of any building or structure; or alters the uses and design standards set forth as a minimum in this ordinance.
- d. One which significantly increases non-residential floor area by more than ten percent.
- e. One which reduces the amount of common open space or recreational land.
- f. A change in the land use plan.
- g. A change in the transportation plan.

The planning and zoning commission may approve any change, other than a major change.

(Ord. No. 01-04-01, 4-23-2001)

Sec. 350.0. - Notification requirements.

350.1 *Notice to be given.* Notice of public hearings and meetings set pursuant to this article will be given by the village or the applicant in the form and manner and to the person(s) specified in this section.

350.2 *Content of notice.* All notices must include the date, time and place of the public hearing, a description of the matter to be heard, the address or particular location, a legal description of the subject property, as well as any additional information that may be required in this section.

350.3. *Persons entitled to mailed notice; responsible party; time.* Every mailed notice of a public hearing set pursuant to this article will be given by the applicant by mail to every property owner within 250 feet exclusive of public and rail road right-of-way as required in this section. Notice by mail must be mailed not more than 30 days and not less than 15 days in advance of the hearing or meeting date by certified United States mail with return receipt requested.

350.4 *Notices for hearings on special use permits, including planned unit developments, text and map amendments, variations and appeals.*

(a) In addition to the notice content requirements in subsection 350.2, the notice required pursuant to this subsection shall contain the following information:

- (1) A brief statement of the nature of the relief being requested;
- (2) The name and address of the applicant;
- (3) The name and address of the legal and beneficial owner of the property, if any, that is the subject of the application; and

(b) The village will cause a notice to be published in a newspaper published in, or of general circulation within, the village at least once not more than 30 days and not less than 15 days in advance of the hearing date.

- (c) The applicant will deliver a notice, by certified mail, return receipt requested, or by personal delivery, to all owners of all property located, in whole or in part, within 250 feet of the subject property measured in all directions of the subject property excluding public and railroad rights-of-way. The notice will be mailed or personally delivered, as the case may be, not more than 30 days and not less than 15 days in advance of the hearing date. The mailing of a notice pursuant to this subsection addressed to the name and address on the most recent Lake County real estate tax records will be deemed a satisfaction of this notice by mail requirement.
- (d) The applicant will post the subject property with a ground sign of not less than three feet by four feet, containing the legibly written notice. The sign must be located on the subject property to be visible from at least one right-of-way abutting the subject property and must be posted within same 15—30-day period as in subsection (c). The applicant must remove the sign within three days after the hearing is closed.
- (e) At the hearing, the applicant must present to the planning and zoning commission an affidavit, certification, or other evidence satisfactory to the hearing body, demonstrating that the applicable notice requirements of this subsection have been satisfied. In the event that the applicant fails to provide satisfactory evidence as required in this subsection, the planning and zoning commission may continue the public hearing without any further action to a date upon which the applicant provides the satisfactory evidence.

350.5 *Notices for hearing on zoning map amendments.* In addition to the notice content requirements in subsection 350.2, the notice and sign posting for any application for a zoning map amendment will be as required in subsection 350.4; provided, however, that these notice and sign posting requirements will not apply when the village is the applicant and none of the property that is the subject of the application is owned by the village.

350.6 *Applicant responsible for notice costs.* The applicant will be responsible for all notice costs required under this section, including all notice delivery and publication costs handled by the village, which costs will be payable upon delivery of written demand therefore. Failure of the applicant to promptly pay for notice costs may result in delay of processing its application.

(Ord. No. 09-07-03, 7-27-2009)

ARTICLE IV. - NONCONFORMING BUILDINGS, STRUCTURES AND USES

Sec. 400.0. - Statement of purposes.

This ordinance establishes separate districts, each of which is an appropriate area for the location of the uses which are permitted in that district. It is necessary and consistent with the establishment of those districts that those nonconforming buildings, structures, and uses which substantially and adversely affect the orderly development and taxable value of other property in the district not be permitted to continue without restriction.

The purpose of this article is to provide for the regulation of nonconforming buildings, structures and uses and to specify those circumstances and conditions under which those nonconforming buildings, structures and uses shall be permitted to continue.

Sec. 401.0. - Authority to continue nonconforming buildings, structures and uses.

Any nonconforming building, structure or use which existed lawfully at the time of the adoption of this ordinance and which remains nonconforming and any such building, structure or use which shall become nonconforming upon the adoption of this ordinance or of any subsequent amendments thereto, may be continued subject to the regulations which follow.

Sec. 402.0. - Restrictions on nonconforming buildings, structures and uses.

Any lawfully existing building or structure which does not conform to the regulations of the district in which it is located may be continued subject to the provisions of this article.

The following sections (403.0 through 408.0) shall not apply to driveways which have been rendered nonconforming by governmental action.

Sec. 403.0. - Repairs and alterations.

- (A) *Building or structure designed or intended for a nonconforming use.* Repairs and alterations may be made to a nonconforming building or structure, provided that no structural alterations which increase the bulk of the building or structure shall be made in or to a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, except those required by law or except to make the building or structure and the use thereof conform to the regulations of the district in which it is located. For the purpose of this section, repairs shall include the replacement of storage tanks where the safety of operation of the installation requires such replacement and other replacements of, or substitutions for machinery or equipment not involving structural alterations of the building or structure, except as herein provided.
- (B) *Building or structure designed or intended for a permitted use.* Repairs, alterations and structural changes may be made to a nonconforming building or structure, all or substantially all of which is designed or intended for a permitted use when originally built in the district in which it is located, provided said repairs, alterations or structural changes conform to the regulations of the district in which said building or structure is located.

Sec. 404.0. - Additions and enlargements.

A nonconforming building or structure which is nonconforming as to bulk and is designed or intended for a permitted use, shall not be added to or enlarged in any manner unless such additions or enlargements thereto are made to conform to all of the regulations of the district in which it is located and unless such nonconforming building structure, including all additions and enlargements thereto, shall conform to the following:

- (A) Applicable regulations concerning the amount of lot area provided per building unit as provided in this ordinance.
- (B) The allowable floor area ratio or percentage of land coverage as provided in this ordinance.
- (C) The allowable gross floor area per establishment as provided in this ordinance.

Sec. 405.0. - Relocation of building or structure.

No building or structure shall be moved in whole or in part to any other location on the same or any other lot unless every portion of such building or structure which is moved and the use thereof, is made to conform to all of the regulations of the district in which it is located.

Sec. 406.0. - Restoration of damaged building or structure designed or intended for a nonconforming use.

A nonconforming building or structure which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed 50 percent of the cost of the restoration of the entire building when new, shall not be restored unless said building or structure and the use thereof, shall conform to all of the regulations of the district in which it is located.

In the event such damage or destruction is less than 50 percent of the cost of restoration of the entire building when new, no repairs or reconstruction shall be made unless such restoration is started within one year from the date of such destruction and is completed within one year thereafter.

If the restoration is not started within one year of said calamity and diligently prosecuted to completion, the building or structure shall be removed and the area cleared by the owner at the owner's expense.

Sec. 407.0. - Discontinuance of a nonconforming use.

If the nonconforming use of a building, structure or premises is discontinued for a continuous period of 12 months, it shall not be renewed and any subsequent use of the building, structure or premises shall conform to the regulations of the district in which said building, structure or premises is located.

Sec. 408.0. - Expansion of nonconforming use.

- (A) *Building or structure designed or intended for a nonconforming use.* The nonconforming use of part of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be extended throughout the building or structure in which said use is presently located, but no changes or structural alterations which increase the bulk of the building or structure shall be made unless such changes or structural alterations and the use thereof, conform to all the regulations of the district in which the building or structure is located.
- (B) *Building or structure designed or intended for a permitted use.* The nonconforming use of a building or structure all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, shall not be expanded or extended into any other portion of such building or structure nor changed to any other nonconforming use.
- (C) *Land.* The nonconforming use of land, not involving any building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be expanded, or extended beyond the area it occupies.

Sec. 409.0. - Change of nonconforming use.

- (A) *Building or structure designed or intended for a nonconforming use.* The nonconforming use of part of a building

or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be changed to a use allowed in the most restrictive district in which the nonconforming use, which presently occupies the building or structure is permitted or special use or to a use permitted in a more restrictive district. For the purpose of this subsection, the Estate Residential (E-R) District shall be considered the most restrictive and the General Industrial (I-2) District the least restrictive district.

ARTICLE V. - RESIDENTIAL DISTRICTS

Sec. 500.0. - General.

500.1 *Classification:* The classification of the residential zoning districts shall be as follows:

1. E-R: Estate Residential
2. R-1: Single-Family Residential (includes all lots and planned unit developments that were platted under the 1981 Zoning Regulations)
3. R-2: Single Family Residential (includes all lots that are a part of the Old Shorewood Subdivision)
4. R-3: Single-Family Residential (includes all lots and subdivisions that were platted under the 1961 Zoning Regulations)
5. R-4: Multiple-Family Residential (includes all lots and subdivisions that were classified as R-3, Multiple-Family under the 1981 Zoning Regulations)
6. S-P: Special Park

Sec. 501.0. - E-R Estate Residential.

501.1 *Permitted uses:* Uses permitted as of right in the E-R district.

- (A) Single-family detached dwellings
- (B) Parks and playgrounds
- (C) Public libraries
- (D) Public open land, refuge or preserve

501.2 *Accessory uses:* As permitted in accordance with Article II. section 215.1.

501.3 *Special uses:*

- (A) Planned unit developments
- (B) Cultural facilities
- (C) Health and assisted living facilities
- (D) Public buildings and utilities
- (E) Church, chapels, temples, synagogues
- (F) Convent, monastery, and religious retreats
- (G) Non-commercial recreational buildings and community centers

(H) Public or private schools, elementary, high, junior college, college or university. (Private schools shall have a curriculum substantially identical to that ordinarily given in a public elementary, high school and having no rooms regularly housing or sleeping purposes).

(I) Colleges and universities

(J) Golf courses

501.4 *Lot size requirements:* With the exception of planned residential developments, a separate ground area herein called the zoning lot shall be designated provided and continuously maintained for each structure containing a permitted or special use.

(A) *Permitted uses.*

Table 501.4 A

	Minimum Lot Area	Minimum Lot Width
Single Family Dwelling	40,000 square feet	150 feet
Planned Unit Developments	5 acres	750 feet
All other permitted or special uses	60,000 square feet	150 feet

501.5 *Yard requirements.*

(A) *Minimum front yards:*

(1)	Single family dwellings	40 feet
(2)	All other permitted or special uses	50 feet

(B) *Minimum corner side yards:*

(1)	Single family dwellings	35 feet
(2)	All other permitted or special uses	35 feet

(C) *Minimum side yards:*

(1)	Single family dwelling	25 feet
(2)	All other permitted or special uses	25 feet

(D) *Minimum rear yard:*

(1)	Single family dwelling	40 feet
(2)	All other permitted or special uses	50 feet

501.6 *Bulk regulations.*

(A) *Maximum structure height:* No building shall exceed three stories and 40 feet in height, whichever is greater.

(B) *Maximum lot coverage:*

(1)	Single family dwellings	20 percent
(2)	Planned unit developments	As specified by Planning and zoning commission (maximum: 40 percent)
(3)	All other permitted or special uses	30 percent

501.7 *Signs.* Signs shall be subject to the regulations contained in Article IX.

501.8 *Off-street parking and loading requirements.* Off street parking and loading facilities shall be provided as required in Article X.

(Ord. No. 01-04-01, 4-23-2001)

Sec. 502.0. - R-1 Single-Family Residential.

502.1 *Permitted uses:* Uses permitted as of right in the R-1 district.

- (A) Single-family detached dwellings
- (B) Parks and playgrounds
- (C) Public libraries
- (D) Public open land, refuge or preserve

502.2 *Accessory uses:* As permitted in accordance with Article II, Section 215.

502.3 *Special uses:*

- (A) Planned unit developments
- (B) Cultural facilities

- (C) Health facilities and assisted living
- (D) Public buildings and utilities
- (E) Church, chapels, temples, synagogues
- (F) Convent, monastery, and religious retreats
- (G) Non-commercial recreational buildings and community centers
- (H) Public or private schools, elementary, high, junior college, college or university. (Private schools shall have a curriculum substantially identical to that ordinarily given in a public elementary, high school and having no rooms regularly use for housing or sleeping purposes).
- (I) Colleges and universities
- (J) Golf courses

502.4 *Lot size requirements:* With the exception of planned developments, a separate ground area herein called the zoning lot shall be designated provided and continuously maintained for each structure containing a permitted special use.

Table 502.4

Permitted Uses	Maximum Lot Area	Minimum Lot Width
Single family dwellings	7,000 square feet	60 feet

The minimum lot areas and the minimum lot width for all other permitted uses and special uses shall be the same as for the Estate Residential (E-R) district.

502.5 Yard requirements:

(A) *Minimum front yards:*

(1)	Single family dwellings	30 feet
(2)	All other permitted or special uses	30 feet

(B) *Minimum corner side yard:*

(1)	Single family dwellings and accessory structures:	25 feet or established building line whichever is less
(2)	Schools:	15 feet
(3)	All other permitted or special uses:	30 feet

(C) *Minimum side yard:*

(1)	Single Family Dwellings:	8 feet
(2)	Schools:	50 feet
(3)	All other permitted or special uses:	20 feet

(D) *Minimum rear yard:*

(1)	Single family dwellings:	30 feet
(2)	Schools:	75 feet
(3)	All other permitted or special uses:	50 feet

502.6 *Bulk regulations:*(A) *Maximum structure height:* No building shall exceed 2½ stories and 30 feet in height.(B) *Maximum lot coverage:*

(1)	Combined single family dwelling structures and all accessory use structures and impervious use structures:	50 percent
	(a) Single family dwelling structure only:	30 percent
	(b) Subject to the maximum for (1) above, accessory structure:	35 percent
(2)	Planned unit development residential:	As specified by the planning and zoning commission (maximum 40 percent)

- 502.7 *Signs:* Signs shall be subject to the regulations contained in Article IX.
- 502.8 *Off-street parking and loading requirements:* Off street parking and loading requirements shall be provided as required in Article X.
- (Ord. No. 01-04-01, 4-23-2001; Ord. No. 04-02-01, 2-9-2004)

Sec. 503.0. - R-2 Single Family Residential.

- 503.1 *Permitted uses:* Uses permitted as of right in the R-3 district.
- (A) Single-family detached dwellings
 - (B) Parks and playgrounds
 - (C) Public libraries
 - (D) Public open land, refuge or preserve
- 503.2 *Accessory uses:* As permitted in accordance with Article II, section 216.
- 503.3 *Special uses:*
- (A) Planned unit developments
 - (B) Cultural facilities
 - (C) Health facilities and assisted living
 - (D) Public buildings and utilities
 - (E) Church, chapels, temples, synagogues
 - (F) Convent, monastery, and religious retreats
 - (G) Non-commercial recreational buildings and community centers
 - (H) Public or private schools, elementary, high, junior college, college or university. (Private schools shall have a curriculum substantially identical to that ordinarily given in a public elementary, high school and having no rooms regularly use for housing or sleeping purposes).
 - (I) Colleges and universities
 - (J) Golf courses
- 503.4 *Lot size requirements:* Section 503 applies solely to all lots located within the Old Shorewood subdivision. All zoning shall be designated, provided and maintained for each structure containing a permitted use or a special use.

Table 503.4

	Minimum Lot Area	Minimum Lot Width
(A) Permitted Use		
Single family dwelling	7,000 square feet	50 feet

The minimum lot area and the minimum lot width for all other permitted uses and special uses shall be the same as for the Estate Residential (E-R) District.

503.5 *Yard requirements:*(A) *Minimum front yards.*

(1)	Single family dwellings:	30 feet
(2)	All otherwise permitted or special uses:	50 feet

(B) *Minimum corner side yard:*

(1)	Single family dwellings and accessory structures:	20 feet or established building line, whichever is less
(2)	Schools:	50 feet
(3)	All otherwise permitted or special uses:	30 feet

(C) *Minimum side yards:*

(1)	Single family dwellings:	8 feet and 10 feet
(2)	Schools:	50 feet
(3)	All otherwise permitted or special uses:	20 feet

(D) *Minimum rear yard:*

(1)	Single family dwellings:	15 feet
(2)	Schools:	75 feet
(3)	All otherwise permitted or special uses:	50 feet

503.6 *Bulk regulations:*

(A) *Maximum structure height:* No building shall exceed 2½ stories and 30 feet in height.

(B) *Maximum lot coverage:*

(1)	Combined single family dwelling structures and all accessory use structures and impervious use structures:	50 percent
	(a) Single family dwelling structure only:	30 percent
	(b) Subject to the maximum for (1) above, accessory structure:	35 percent
(2)	Planned unit development residential:	As specified by the planning and zoning commission (maximum 40 percent)

(C) *Reserved.*

(D) *Maximum allowable floor area ratio:* 0.60

503.7 *Signs:* Signs shall be subject to the regulations contained in Article IX.

503.8 *Off-street parking and loading requirements:* Off street parking and loading requirements shall be provided as required in Article X.

503.9 *Front garage width:* If a dwelling is constructed with a garage which is located in the front one-half of a lot, the maximum width of the garage shall be limited to 24 feet or the width of the principal structure, whichever is less.

(Ord. No. 01-04-01, 4-23-2001; Ord. No. 04-02-01, 2-9-2004; Ord. No. 06-10-01, 10-9-2006)

Sec. 504.0. - R-3 Single Family Residential.

504.1 *Permitted uses:* Uses permitted as of right in the R-3 district.

- (A) Single family dwellings
- (B) Parks and playgrounds
- (C) Public libraries
- (D) Public open land, refuge or preserve

504.2 *Accessory uses:* As permitted in accordance with Article II, section 216.

504.3 *Special uses:*

- (A) Planned unit developments
- (B) Cultural facilities

- (C) Health facilities and assisted living
- (D) Public buildings and utilities
- (E) Church, chapels, temples, synagogues
- (F) Convent, monastery, and religious retreats
- (G) Non-commercial recreational buildings and community centers
- (H) Public or private schools, elementary, high, junior college, college or university. (Private schools shall have a curriculum substantially identical to that ordinarily given in a public elementary, high school and having no rooms regularly use for housing or sleeping purposes).
- (I) Colleges and universities
- (J) Golf courses

504.4 *Lot size requirements:* Section 504 applies to all the lots for which a building permit could have been issued under the terms and conditions of the 1961 Zoning Regulations. With the exception of planned unit developments, a separate ground area, herein called the zoning lot, shall be designated, provided and continuously maintained for each structure containing a permitted use or a special use. Under the provision of R-3, Planned Unit Developments shall require a minimum area of five acres.

Table 504.4

Permitted Uses	Minimum Lot Area	Minimum Lot Width
Single-Family Dwellings	4,800 square feet	40 feet

The minimum lot area and the minimum lot width for all other permitted uses shall be the same as for the Estate Residential (E-R) District.

504.5 Yard requirements:

(A) *Minimum front yard:*

(1)	Principal Residential Buildings:	25 feet
(2)	All other permitted uses:	50 feet

(B) *Minimum corner side yard:*

(1)	Principal residential buildings and accessory structures:	10 feet or established building line, whichever is less
(2)	All other permitted uses:	35 feet

(C) *Minimum side yard:*

(1)	Single family dwellings:	5 feet and 10 feet
(2)	All other permitted uses:	35 feet

(D) *Minimum rear yard:*

(1)	Single-family dwellings:	10 feet; 15 feet for corner lots
(2)	All other permitted uses:	50 feet

504.6 *Bulk regulations:*(A) *Maximum structure height:* No building shall exceed 2½ stories and 30 feet in height.(B) *Maximum lot coverage:*

(1)	Combined single family dwelling structures 50% but increased to 55% if the garage and all accessory use structures and is located behind the dwelling structure impervious use structures:		
	(a)	Single family dwelling structure only:	30 percent
	(b)	Subject to the maximum for (1) above, accessory structure:	35 percent
(2)	Planned unit development residential:		As specified by the planning and zoning commission (maximum 40 percent)

(C) *Reserved.*(D) *Maximum allowable floor area ratio:* 0.60504.7 *Signs:* Signs shall be subject to the regulations contained in Article IX.

504.8 *Off-street parking and loading requirements:* Off-street parking and loading requirements shall be provided as required in Article X.

504.9 *Front garage width:* If a dwelling is constructed with a garage which is located in the front one-half of a lot, the maximum width of the garage shall be limited to 20 feet or the width of the principal structure, whichever is less.

(Ord. No. 01-04-01, 4-23-2001; Ord. No. 04-02-01, 2-9-2004; Ord. No. 06-10-01, 10-9-2006)

Sec. 505.0. - R-4 Multiple-Family Residential.

505.1 *Permitted uses:*

- (A) Two-family dwellings
- (B) Multiple-family dwellings
- (C) Townhouse residences
- (D) Parks and playgrounds
- (E) Public libraries
- (F) Public open land, refuge or preserve

505.2 *Accessory uses:* As permitted in accordance with Article II, Section 216.

505.3 *Special uses:*

- (A) Planned unit developments
- (B) Cultural facilities
- (C) Health facilities and assisted living
- (D) Public buildings and utilities
- (E) Church, chapels, temples, synagogues
- (F) Convent, monastery, and religious retreats
- (G) Non-commercial recreational buildings and community centers
- (H) Public or private schools, elementary, high, junior college, college or university. (Private schools shall have a curriculum substantially identical to that ordinarily given in a public elementary, high school and having no rooms regularly use for housing or sleeping purposes).
- (I) Colleges and universities
- (J) Golf courses

505.4 *Lot size requirements:* With the exception of planned developments, a separate ground area, herein called the zoning lot, shall be designated, provided and continuously maintained for each structure containing a permitted use or a special use. Under the provision of R-4, Planned Unit Developments shall require a minimum of five acres.

Table 505.4

Permitted Uses	Minimum Lot Area/Unit	Minimum Lot Width
Two family/duplex:	8,000 square feet	85 feet
Multi family: 4 bedroom and over:	3,300 square feet	70 feet

3 bedrooms:	3,300 square feet	70 feet
2 bedrooms:	2,800 square feet	70 feet
1 bedroom and efficiency:	2,500 square feet	70 feet

Townhouses shall have the same minimum lot area per unit and lot width as required for multi-family. The minimum building width is to be not less than 15 feet for each townhouse unit.

505.5 *Yard requirements:*

(A) *Minimum front yard:*

- (1) Residential buildings: 30 feet however, for buildings which exceed 25 feet in height, the minimum front yard shall be increased by one foot for each two feet or fraction thereof by which the building height exceeds 25 feet, but in no case shall a front yard of more than 40 feet be required.
- (2) Townhouse units:
Minimum front yard: 20 feet
- (3) All other permitted uses: 50 feet

(B) *Minimum corner side yard:*

(1)	Principal residential and accessory structures:	30 feet or established building line, whichever is less
(2)	All other permitted uses:	35 feet

(C) *Minimum side yard:*

(1)	Two family dwellings:	10 feet
(2)	Multiple family dwellings, including townhouses, ten feet except that for all structures in excess of two stories each side yard shall be increased by two feet for each additional story.	
(3)	Schools:	50 feet
(4)	All other permitted uses:	35 feet

(D) *Minimum rear yard:*

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(1)	Two family dwellings:	30 feet
(2)	Multiple-family dwellings:	30 feet
(3)	Townhouse units:	10 feet
(4)	All other permitted uses:	60 feet

505.6 *Bulk regulations:*

Floor area ratio: Maximum floor area ratio.

(A)	Two family dwellings	0:40
(B)	Multiple-family dwellings	0:40
(C)	No building shall exceed 2½ stories and 30 feet in height.	

505.7 *Special requirements:* If outdoor refuse containers are used, refuse storage enclosures shall be provided. Each outdoor refuse container must be located within a refuse storage enclosure. Refuse enclosures may contain more than one refuse container.

Sec. 506.0. - S-P Special Park district.

506.1. *[Permitted and special uses:]*

- A.) Permitted uses: Indoor and outdoor recreation, such as, but not limited to golf courses and driving ranges, health clubs, spas, racquetball and tennis courts, swimming pools, picnic grounds, playground and park equipment, etc.; accessory uses, including but not limited to pro shops, snack shops, sale of alcoholic beverages, recreational equipment, rental and sales, storage buildings, etc. All recreational buildings and structures shall conform to E-R bulk regulations.
- B.) Special uses, including but not limited to amphitheaters, contractor's project office or shed, religious retreats, outdoor lighting for the active use of athletic fields that exceeds 40 feet in height and/or utilizes individual lamp wattages of 250 watts or greater and/or includes an aggregate lamp wattage of 500 watts or more on any single pole, and temporary uses, including but not limited to carnivals, seasonal sales, tent meetings, etc. Special use applications shall be processed and reviewed consistent with the established requirements and standards for special uses outlined in the administration and enforcement article of these zoning regulations.

1. Additional standards and submission requirements for a special use for outdoor lighting for the active use of athletic fields that exceeds 40 feet in height and/or utilizes individual lamp wattages of 250 watts or greater and/or includes an aggregate lamp wattage of 500 watts or more on any single pole.
 - (a). The maximum height of outdoor lighting shall not exceed 40 feet as part of a special use. If the height of outdoor lighting is proposed to exceed 40 feet then both a special use application and an application for a variation will be required and subject to the standards for both special uses and variations.
 - (b). As part of the submissions a photometric plan shall be required.
 - (c). The photometric plan must include, but is not limited to:
 - (i) Required illumination information at all property lines and at all points a minimum of five feet beyond all property lines.
 - (ii) Information concerning the illumination levels reasonably required for the active use of the athletic field in question.
 - (iii) Information on the type of lighting being proposed as well as information on the proposed light fixtures and details concerning adaptability of the light fixtures to add any necessary shields, baffles, screens, internal reflectors or other devices or methods to address glare, lighting trespass or other lighting effects after installation and activation of the system. Conditions necessary to address post installation concerns may be made a part of a special use and/or variation authorization.
 - (iv) Information in regard to the efficiency of fixtures proposed (e.g. lumens per watt).
 - (v) Information in regard to the amount of illumination expected to be evident in an upward (skyward) direction.
 - (d). Lighting shall be directed away from residential properties and public streets in such a way as not to create a hazard or nuisance. Lighting shall not exceed three foot candles for both horizontal and vertical measurements taken three and one-half feet above grade at a property line of the S-P district abutting a business or industrial zoning district and shall not exceed three foot candles for both horizontal and vertical measurements taken three and one-half feet above grade at a property line of the S-P district abutting a residential district other than the S-P district.
 - (e). As part of the special use application information must be submitted for the intended hours of operation of the outdoor lighting system and the method of control, either automatic or manual or both, for adjusting the illumination levels and turning the lights on and off. Conditions necessary to address hours of operation concerns may be made a part of a special use and/or variation authorization.

506.2 Special Park district: The S-P district is established to provide for commercial and recreational uses, some of the uses may require sewer and water facilities. It is intended to encourage better use of land for assembly or temporary occupancy by persons, and establishments operated as commercial enterprises, without adversely affecting the existing character of the community.

(Ord. No. 09-09-01, 9-14-2009)

Editor's note— Ord. No. 09-09-01, adopted September 14, 2009, repealed and reenacted section 506.0 in its entirety to read as herein set out. Formerly, section 506.0 pertained to S-P Special Park definition, and derived from Ord. No. 05-10-03, adopted October 10, 2005.

Sec. 507.0. - Temporary shelters.

Temporary shelters shall be permitted in all residential districts subject to the following conditions:

In the event of a fire or natural disaster which results in the partial or total demolition of a single-family residence making it unfit for human habitation, the code official may, upon application from the owner of such residence, issue a special permit for the use of a mobile home during rehabilitation of the original residence or construction of a new residence, subject to the following conditions:

- (1) The mobile home must be placed on the lot of the house damaged or destroyed.
- (2) Required water and sanitary facilities must be provided.
- (3) The permit shall be limited to six months, but in the event of circumstances beyond the control of the owner, the code official may extend the permit for a period or periods not to exceed 60 days, and the foregoing only provided application is made 15 days prior to the expiration of the original permit.
- (4) The trailer or mobile home is to be removed from the property upon issuance of an occupancy permit for the new or rehabilitated residence.
- (5) Applicant gives express consent and authorizes the village to remove the shelter at his expense upon termination of permit.

ARTICLE V.A. - LAGOONS AREA REDEVELOPMENT (LAR) DISTRICT

Sec. 550.0. - Lagoons Area Redevelopment (LAR) district.

550.1 *Findings and purpose:* The area of the village commonly known in the village's Comprehensive Land Use Plan 2009 as Key Development Area #4 - Lagoons Facility Area Enhancement ("Lagoons Facility Area") has been the location of several discontinued or under utilized sanitary sewer facilities owned and operated by the Round Lake Sanitary District. Residential development borders the property on its northerly, easterly, and westerly sides, as well as the Ellis Elementary School building and Round Lake Area Park District. In order to ensure that the Lagoons Facility Area is properly integrated into the surrounding area and to provide for a properly managed site planning and development process, the Lagoons Area Redevelopment (LAR) district is established to:

- A. Promote the redevelopment of the Lagoons Facility Area in a manner that supports the important public utility service of the property for village residents and businesses, while ensuring better integration into the surrounding neighborhood context through better perimeter and site planning practices that allow for public use of less intensively used areas of the Lagoons Facility Area;
- B. Ensure that proper buffering is incorporated around the Lagoons Facility Area to minimize its visual and operational impacts on surrounding residential and institutional properties;

- C. Require that internal landscaping features are provided that further minimize the visual and operational aspects property, define key features of the Lagoons Facility Area, and facilitate passive and active recreational uses on the intensively used parts of the property;
- D. Promote the consolidation of public utility uses on the Lagoons Facility Area, as well as cross access to other public utility sites, including village-owned public works properties;
- E. Facilitate the redevelopment of the Lagoons Facility Area with architecturally aesthetic structures, complimented by high quality signage, site lighting, fencing, and other streetscaping features; and
- F. Incorporate recreational features on the Lagoons Facility Area property, that do not interfere with public utility service operations, but do increase public accessibility and promote recreational opportunities for residents in the southwestern area of the village.

550.2 Designation of the Lagoons Area Redevelopment (LAR) district; applicability:

- A. The Lagoons Area Redevelopment (LAR) district appears on the zoning map as the base LAR zoning district on the Lagoons Facility Area. Redevelopment of Lagoons Facility Area must comply with the regulations of this section.
- B. No application for any new development or redevelopment on any portion of the Lagoon Facility Area property will be accepted unless it is part of a broader development or redevelopment plan for the entire LAR district submitted in accordance with section 310.0 of this appendix.

550.3 Planned unit development; special uses; additional submittals:

- A. *Planned unit development:* The LAR district will be developed or redeveloped as a planned unit development, processed in accordance with section 310.0 of this appendix.
- B. *Uses:* All uses proposed for the LAR district will be special uses and will be limited to uses that support the operational and administrative needs of the Lagoons Facility Area and passive and active recreational activities.
- C. *Additional submittals:* In addition to the submittal requirement set forth in section 310.4 of this appendix, the following additional submittals will be required with any application submitted under this section 550.0:
 - 1. Phase 1 environmental assessment performed by an Illinois-registered environmental testing consultant. If deemed necessary by the village, phase 2 and phase 3 environmental assessments shall also be submitted;
 - 2. Comprehensive environmental remediation plan prepared by an Illinois-registered environmental consultant;
 - 3. Landscape buffering and tree preservation plan between the Lagoons Facility Area and adjoining residential and institutional properties, as well as on site landscape plans that include species, number of plants, and size of trees measured at diameter breast height (for deciduous trees) or height (for coniferous trees);
 - 4. Detailed architectural plans of all structures, including on-site and perimeter fencing, with exterior construction materials schedules and samples;
 - 5. Signage plan, including sign elevations that show architectural compatibility with all proposed structures

and sign materials schedules and samples; and

6. Site lighting plan, consistent with standards for public lighting as set forth in ANSI/IESNA RP-8 and relevant village standards.

550.4 *Limitation of LAR district regulations:* The LAR district regulations will not apply to routine maintenance activities on the Lagoons Facility Area.

550.5. *Specific design elements and standards:*

- A. *Site design:* The LAR district will be designed to utilize or replace existing facilities in a park-like setting with appropriate internal site landscaping, lighting, and other streetscaping that better define the features, operations, and activities on the site, and promote public access to and recreational activities on less intensively used areas of the Lagoons Facility Area. Where possible, lagoons or portions of lagoons should be filled in and landscaped and remaining lagoons should be perimeter landscaped to promote public safety. Recreational activities may include passive and active recreation areas, and these areas should be tied into the existing public utility features wherever such access will not unreasonably interfere with public utility administration and operations and where public health, safety, and welfare is not a concern.
- B. *Specific bulk regulations:*
 1. *Perimeter setback:* A minimum 50-foot landscaped buffer perimeter must be provided around the entire Lagoons Facility Area. The landscaped buffer perimeter must be designed in accordance with subsection 550.5.B of this section.
 2. *Lot coverage:* Maximum lot coverage will not exceed 30 percent.
 3. *Building height:* Maximum building height for any new building will not exceed 30 feet or two and one-half stories, whichever is less.
- C. *Landscape buffering:* The perimeter of the Lagoons Facility Area will be located within the minimum 50-foot perimeter setback set forth in subsection 550.5.B.1 of this section. The landscaped buffer will be designed as follows:
 1. Minimum four-foot bermed buffer that may undulate up to six feet;
 2. Planted with a 50/50 mix of coniferous and deciduous trees generally located at the top of the berm;
 3. Deciduous trees will not be less than two and one-half inches measured at diameter breast height and will be spaced not more than 40 feet apart; and
 4. Coniferous trees will not be less than six feet in height at not more than 15 feet apart.All adjacent public rights-of-way must be landscaped with deciduous street trees spaced not more than 50 feet apart.
- D. *Architectural design:* All new structures will be designed in a manner to complement surrounding residential properties, including exterior building materials, bulk, and scale, such as incorporating pitched roofs, common brick and stone materials and colors, or cedar facades. In addition, all new structures will be oriented on the Lagoons Facility Area in a manner that lends to a park-like setting, including, where appropriate, integration

into the passive and active recreational features of the site. The architectural design of all new structures or the significant renovation of existing structures will be subject to the exterior appearance review provisions set forth in section 550.6.

- E. *Site signage*: Site signage will be designed to complement new buildings, including use of common building materials. In addition, all site signage should be designed as monument signage, avoiding the use of braces or other single or dual-pole supports. The architectural design of all signage will be subject to the exterior appearance review provisions set forth in section 550.6.
- F. *Site and perimeter fences*: Internal and perimeter fences will be incorporated to complement landscape and streetscape treatment and, wherever possible, be installed to facilitate pedestrian access and passive and active recreation on the Lagoons Facility Area. In addition, unless otherwise defined and buffered with landscaping, fencing will be placed around the perimeter of lagoons to promote public safety. All fencing must be constructed with decorative wrought iron or decorative aluminum fencing and will be subject to the exterior appearance review provisions set forth in section 550.6.
- G. *Internal circulation*: The Lagoons Facility Area will be designed with new internal circulation roads, sidewalks, pedestrian and bike paths. These internal circulation routes should be designed to complement the park-like setting of the Lagoons Facility Area contemplated in this section 550.0.
- H. *Site lighting*: All site lighting should be designed in accordance with ANSI/IESNA RP-8 standards, as well as relevant Village standards, and all lighting should illuminate the internal circulation network, as well as the lagoons, to promote better public safety. Site lighting should be consistent across the site in design and not exceed three foot candles at the property line and should in all instances have the following characteristics:
 - 1. Shielded to reflect the light downward and away from adjoining residential and institutional properties;
 - 2. Use fully opaque housing with flat lenses; and
 - 3. Utilize cut-off angle designs.All site lighting will be subject to the exterior appearance review provisions set forth in section 550.6.
- I. *Outdoor storage area*: All outdoor storage and service areas must be screened with fencing that is consistent in design with that used elsewhere on the Lagoons Facility Area in accordance with subsection 550.5.F of this section. In addition, all such area will be landscaped with a mix of 75 percent coniferous and 25 percent deciduous plant materials.

550.6 Exterior appearance review—General provisions:

- A. *Authority*: The board of trustees, in accordance with the procedures and standards set out in this section, may grant exterior appearance approval.
- B. *Purpose*: The exterior appearance review process is intended to promote compatible and high quality architectural design in the LAR district.
- C. *Applicability*: Any planned unit development application filed under this section 550.0 that includes either the renovation of any structure, redevelopment of a currently improved portion of the Lagoons Facility Area, or construction of new structures must be accompanied by an application for exterior appearance review and approval in accordance with this section 550.0.

550.7 Exterior appearance review—Procedures:

- A. *Applications*: Applications for exterior appearance approval shall be filed with the zoning official concurrently with the application for planned unit development approval under this section 550.0. In addition to architectural information regarding the subject building, such application shall include the following materials:
1. *Survey of adjacent properties*: A survey of structures within 250 feet of the subject property which evaluates the architectural character of those structures in relation to the standards and considerations set forth in this section.
 2. *Statement of proposed improvements*: A written statement detailing how the proposed improvements meet the applicable standards and consideration for exterior appearance review.

550.8 Exterior appearance review—Standards and considerations: In their consideration of applications for exterior appearance approval, the planning and zoning commission and the board of trustees will be guided by the purposes of this section 550.0 and more particularly by the following standards and considerations:

- A. *General quality of design and site development*: New and existing structures and appurtenances thereof subject to these exterior appearance review provisions will be evaluated under the following quality of design and site development guidelines:
1. *Open spaces*: The quality of the open spaces between structures and in setback spaces between street and facade.
 2. *Materials*: The quality of materials and their relationship to those in existing adjacent structures.
 3. *General design*: The quality of the design in general and its relationship to the overall character of the surrounding residential neighborhoods.
 4. *General site development*: The quality of the site development in terms of landscaping, recreation, pedestrian access, automobile access, parking, servicing of the property, and impact on vehicular traffic patterns and conditions on site and in the vicinity of the site, and the retention of trees and shrubs to the maximum extent possible.
- B. *General standards for visual compatibility*: New and existing structures, and appurtenances thereof, subject to these exterior appearance review provisions shall be visually compatible in terms of the following guidelines:
1. *Height*: The height of the proposed structure shall be visually compatible with adjacent structures.
 2. *Proportion of front facade*: The relationship of the width to the height of the front elevation of a proposed structure shall be visually compatible with structures, public ways, and places to which it is visually related.
 3. *Proportion of openings*: The relationship of the width to height of windows of a proposed structure shall be visually compatible with structures, public ways, and places to which it is visually related.
 4. *Rhythm of solids to voids in front facades*: The relationship of solids to voids in the front facade of a proposed structure shall be visually compatible with structures, public ways, and places to which it is visually related.
 5. *Rhythm of space and building on streets*: The relationship of a proposed structure to the open space between it and adjoining structures shall be visually compatible with the structures, public ways, and places to which it is visually related.

6. *Rhythm of entrance, porch, and other projections:* The relationship of entrances and other projections of a proposed structure to sidewalks shall be visually compatible with the structures, public ways, and places to which it is visually related.
 7. *Relationship of materials and texture:* The relationship of the materials and texture of the facade of a proposed structure shall be visually compatible with the predominant materials used in the structures to which it is visually related.
 8. *Roof shapes:* The roof shape of a proposed structure shall be visually compatible with the structures to which it is visually related.
 9. *Walls of continuity:* The facades and appurtenances of proposed structures such as walls, fences, and landscape masses shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the structures, public ways, and places to which such elements are visually related.
 10. *Scale of building:* The size and mass of proposed structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the structures, public ways, and places to which they are visually related.
 11. *Directional expression of front elevation:* A proposed structure shall be visually compatible with the structures, public ways, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or non-directional character.
- C. *Special considerations for existing buildings:* For existing buildings, the planning and zoning commission and the board of trustees shall consider the availability of materials, technology, and craftsmanship to duplicate existing styles, patterns, textures, and overall detailing.

(Ord. No. 10-08-06, 8-23-2010)

ARTICLE VI. - COMMERCIAL DISTRICTS

Sec. 600.0. - C-1 Local Business District.

- 600.1 *Purpose:* The C-1 Local shopping district is intended to provide areas to be used by retail or service establishments to supply convenience foods or personal services for the daily needs of the residents living in adjacent residential neighborhoods. The district is designed to encourage shopping centers with planned off-street parking and loading and provide for existing individual or small groups of local stores. This district is normally located on primary or secondary thoroughfares, is relatively small in size, and has bulk standards comparable to the bulk standards for low-density residential districts.
- 600.2 *Permitted uses:* No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied, or used, except as otherwise provided in this ordinance, for other than one or more of the following specified uses:
1. Retail businesses, which supply commodities on the premises, such as but not limited to:
 - a. Antique stores
 - b. Apparel stores

- c. Bakery, in which the manufacture of goods is limited to goods retailed on the premises only.
 - d. Book and stationary stores
 - e. Camera stores
 - f. Candy and confectionery stores
 - g. Dairy products stores
 - h. Delicatessens
 - i. Drug stores
 - j. Dry goods stores
 - k. Floral shops
 - l. Grocery and food stores
 - m. Hardware stores
 - n. Ice cream stores
 - o. Jewelry stores
 - p. Meat markets
 - q. Shoe stores
 - r. Sporting goods stores
 - s. Toy stores
 - t. Variety stores
 - u. Automobile accessory stores-no services
 - v. Package liquor store sale of alcoholic beverages.
2. Personal service establishments, which perform services on the premises, such as but not limited to:
- a. Barber shop
 - b. Beauty shop
 - c. Reserved
 - d. Dry cleaner, but not a central plant serving more than one retail outlet
 - e. Laundry and dry cleaner, self-service only
 - f. Musical school
 - g. Photographic studio
 - h. Shoe repair shop
 - i. Tailor shop
 - j. Computers and electronic sales and repair
3. Business service establishments, which perform services on the premises, such as but not limited to:
- a. Bank
 - b. Currency exchange

- c. Financial institution
 - d. Insurance agency
 - e. Loan company
 - f. Real estate office
 - g. Savings and loan
4. Professional office establishments, such as but not limited to:
- a. Attorney and law office
 - b. Chiropodist's office
 - c. Chiropractor's office
 - d. Dentist's office
 - e. Doctor's, surgeon's, and/or physician's office
 - f. Medical and dental clinics
 - g. Optician's office
 - h. Osteopath's office
5. Public, quasi-public, and governmental buildings and facilities, such as but not limited to:
- a. Church
 - b. Essential services—Gas regulator stations, telephone exchanges, electrical substations, sewage disposal plant, well site
 - c. Off-street parking facility
 - d. Office building
 - e. Post office
 - f. Public utility establishments
 - g. Governmental offices and facilities

600.3 *Special uses:*

- a. Dancing school or studio
- b. Recreational activity club
- c. Gymnastics studio
- d. Martial arts studio
- e. Health and fitness center
- f. Tattoo and body piercing establishment.

600.4 *Accessory uses:* As permitted in accordance with Article II, section 2.16

600.5 *Temporary uses:* All temporary uses shall comply with the provisions of Article II, section 216. All of the uses permitted as temporary uses in Article II, section 216 are allowed in the C-1 Local Shopping District, in addition to the following temporary uses.

- 1. Temporary building and yard for construction materials and/or equipment, both incidental and necessary to

construction on the zoning lot for which a building permit has been issued and must be of portable design.

The permit shall specify the location of the building or yard and the area of permitted operation. All temporary buildings and yards shall be removed before a permanent certificate of occupancy is issued.

2. Parking lot designated for a special event, provided however, that each permit shall be valid only for the duration of the designated special event.
3. Carnivals or circuses subject to Section 301.0(h) of the Zoning Ordinance.

600.6 *Lot size requirements:* With the exception of planned developments, a separate ground area, herein called the zoning lot, shall be designated, provided and continuously maintained for each structure containing a permitted use of special use.

A.	Minimum lot area	20,000 square feet
B.	Minimum lot width	100 feet

600.7 *Yard requirements:*

- A. *Minimum front yards:* All structures, excluding signs, shall maintain a setback of at least 50 feet from the front lot line. The first 20 feet shall be used for perimeter landscaping, screening, and a means of ingress and egress only.
- B. *Minimum corner side yard:* All structures shall have a minimum corner side yard of 30 feet.
- C. *Minimum interior side yard:* All structures shall have an interior side yard of 15 feet.
- D. *Minimum rear yard:* All structures shall be set back at least 30 feet from the rear lot line.

600.8 *Bulk regulations:*

- A. *Maximum structure height:* No structure or portion thereof shall exceed a height of 40 feet. A structure exceeding the maximum permitted height shall require a special use permit.
- B. *Floor area ratio:* Not to exceed 1:2.

600.9 *General development standards:*

1. *Enclosure of operations:* All business, servicing or processing shall be conducted within completely enclosed buildings, except
 - a. Off-street parking or loading.
 - b. Accessory uses when allowed by the special use procedure.
2. *Parking requirements:* In accordance with the applicable regulations set forth in Article X. In addition, the parking of trucks when accessory to the conduct of a permitted use, shall be limited to vehicles having not over 1½ tons capacity, except for delivery services.
3. *Performance standards:* All activities shall conform to the performance standards established for the I-1 Limited Industrial District.

4. *Scope of operations:* All business establishments shall be retail trade or service establishments dealing directly with consumers, and all goods produced on the premises shall be sold on the premises where produced.
5. *Screening:* Where a commercial use abuts or is across the street from a residential district, adequate screening shall be provided. Five-foot landscape screening is required except on corner lots where 36-inch high screen is limited to 30 feet in both directions from the corner.
6. *Storm drainage and entrance curbs:* Required on all street frontages and shall meet the approval of the village engineer and village standards.
7. *Ingress and egress:* On all commercial lots with less than 200 feet frontage on a public road, access is limited to one combined ingress and egress with a minimum width of 20 feet and a maximum width of 32 feet measured from inside of curbs at property line (location shall be determined by the village engineer or others appointed by the village).

On all commercial lots of 200 feet and over frontage on a public road, access is limited to two combined ingress's and egresses, with a minimum width of 32 feet measured from inside of curbs at property line locations (location(s) shall be determined by the village engineer or others appointed by the village). Details of ingresses and egresses shall meet state, county, and village requirements.

8. *Landscaping:* A general landscaping plan must accompany all applications for building permits requested for the construction of new buildings. The landscaping plan must show all areas, which will contain grass or other natural growth and the location of all trees, shrubbery and other natural growth.

All areas designated for grass or other natural growth must be seeded or sodded as soon as possible after the completion of any building and all shrubs, trees and other natural growths must be seeded and/or planted as soon as possible after the completion of any building, but in no event shall such seeding and/or planting be delayed for a period in excess of one year after the completion of any building.

Certificates of occupancy may be issued for buildings prior to the time the landscaping requirements as provided for herein are satisfied; however, such certificates of occupancy shall state upon their face:

"Landscaping not approved, approved landscaping required within one year of the date of this certificate."

Minor alterations from the original landscaping plan may be made without obtaining prior approval from the village; however, the amounts and location of land set aside for landscaping may not be reduced without the approval of the code official.

Five-foot wide sidewalks shall be provided, installed and constructed to the standards of the village upon all property located within the C-1 district upon which new buildings are constructed or existing buildings are expanded or altered or when there is a change in use.

9. If outdoor refuse containers are used, a refuse storage enclosure shall be provided for each permitted use. Each outdoor storage container must be located within a refuse enclosure. Refuse storage enclosures may contain more than one refuse container. Where more than one permitted use or more than one business activity occupies a zoning lot, a common enclosure may be provided.

600.10 *Signs:* Signs shall be subject to the regulations contained in Article IX.

600.11 *Off-street parking and loading requirements:* Off-street parking and loading facilities shall be provided as required in X.

(Ord. No. 05-01-02, 1-10-2005; Ord. No. 08-03-06, 3-24-2008; Ord. No. 09-08-03, 8-24-2009; Ord. No. 18-10-05, 10-15-2018; Ord. No. 20-06-03, 6-15-2020)

Sec. 601.0. - C-2 Commercial District.

601.1 *Purposes of the C-2 Central Commercial District.*

The C-2 Central Commercial District is intended to provide areas to be used for governmental and civic administration offices, professional offices, most types of retailing and service uses, and may include some support services for employees.

Wholesale and warehousing uses, and industrial activities are expressly prohibited unless such activities and the commodities, products, merchandise, and vehicles associated therewith are totally enclosed within a building or buildings and delivery trucks create no more negative impact than that posed by any department store. Such wholesale and warehousing uses and limited industrial activities shall be Special Uses.

All buildings and their uses in the C-2 (*Central Commercial District*) shall conform to the criteria of § 600.9. (*C-1 Special Provisions*) as amended.

To achieve the purposes of the central commercial district, two sub districts are created within the Central Commercial District: (1) the C-2A Central Commercial (*Civic*) District and (2) the C-2B Central Commercial (*Mercantile*) District.

601.2.0 *C-2A Central Commercial Civic District:*

601.2.1 *Purpose of the C-2A (Civic) District:* The C-2A Central Commercial Civic District is intended to provide an area with a campus atmosphere to be used for governmental, civic, and professional offices. Support services for employees, including, but not limited to, coffee or snack bar, shoe-shine stand, barber shop, are permitted provided these services are totally contained within the building they serve, do not exceed ten percent of the floor area of the business they serve, and exhibit no exterior advertising.

601.2.2 *General development standards in the C-2A (Civic) District:* To preserve the campus atmosphere of the district, the following development standards shall apply to all new buildings, expansions and alterations to existing buildings, and changes of use. When there is a conflict between these standards and the requirements of section 600.9 as amended, the more stringent shall apply.

- A. *Architectural:* All buildings shall be constructed primarily of masonry materials, either brick or brick-faced. Brightly colored materials or surfaces shall not be used. The design in special uses and planned unit developments shall be architecturally and aesthetically compatible with existing buildings in the district.
- B. *Landscape and landscape buffers:* Landscaping shall be planted (with trees, shrubs, and perennials) to screen views of service drives and off-street loading areas. As a minimum, a twenty-foot landscaped perimeter yard, including a combination of deciduous, ornamental and evergreen trees and shrubs, shall be provided along the street frontages and entrances to planned unit developments. Five-foot sidewalks shall be constructed within the district.
- C. *Outdoor lighting:* Ornamental lighting shall be installed along the public right-of-way within the C-2A

(Civic) District.

- D. *Signs*: Entrances to each development shall be highlighted with masonry monument signs and landscaping around the base of each sign. Visual clutter shall be reduced by eliminating pylon signs. All signs shall be subject to the regulations contained in Article IX.
- E. *Traffic and access*: Storm drainage and entrance curbs are required on all street frontages subject to approval by the public works director. The minimum ingress and egress shall be 27 feet measured from inside of curbs at the property line. All developments shall meet other state and county access regulations.
- F. *Off-street parking and loading*: One parking lot island shall be provided for each 50 parking spaces. Landscaping installed in these islands shall include at least one high-branched shade tree and low-growing shrubs or perennials. Islands and medians shall be mounded to improve drainage for trees and shrubs. All off-street parking and loading facilities shall be provided as required in Article X.
- G. *Fences*: Fences erected on the perimeter of the C-2A (Civic) District shall be constructed of wrought iron or ornamental aluminum. Fences within the C-2A (Civic) District are not permitted.

601.2.3 *Permitted uses in the C-2A (Civic) District*: No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied or used, except as otherwise provided in this ordinance, for other than one or more of the following principal uses.

- 1. Public, quasi public, and governmental buildings and facilities, such as, but not limited to:
 - a. Governmental office
 - b. Law court
 - c. Police station
 - d. Post office
 - e. School and/or college
 - f. Reserved
 - g. Train and/or bus station
 - h. Museum or art gallery

601.2.4 *Permitted accessory uses in the C-2A (Civic) District*:

- 1. *Accessory uses as permitted in accordance with Article II, section 215.0.*
- 2. Trash and/or compactor enclosures when constructed in compliance with the general development standards and the property maintenance code.
- 3. Reserved.
- 4. Statuary, arbors, trellises, flag poles, walls, hedges.

601.2.5 *Accessory uses prohibited in the C-2A (Civic) District*: Any and all outdoor storage, or the overnight parking of busses or trucks with over a class C license requirement.

601.2.6 *Temporary uses*:

- 1. Holiday decorations and displays for a period not to exceed 60 days. Such decorations and/or displays

shall comply with applicable codes and ordinances and shall not interfere with traffic visibility.

2. Tag day sales, including but not limited to Veteran's and Memorial Day poppy sales, for a period not to exceed six days.

601.2.7 *Lot size requirements:* With the exception of planned developments, a separate ground area herein called the zoning lot shall be designated, provided and continuously maintained for each structure containing a permitted use or special use.

- A. Minimum lot area: 40,000 square feet
- B. Minimum lot width: 150 feet

601.2.8 *Yard requirements:*

- A. *Minimum front yards:* All structures, excluding signs, shall maintain a setback of at least 50 feet from the front lot line. The first 20 feet shall be used for perimeter landscaping, screening, and a means of ingress and egress only.
- B. *Minimum corner side yard:* All structures shall have a minimum corner side yard of 30 feet.
- C. *Minimum interior side yard:* All structures shall have an interior side yard of 30 feet.
- D. *Minimum rear yard:* All structures shall have a minimum rear yard of 30 feet.

601.2.9 Bulk regulations:

- A. *Maximum structure height:* No structure or portion thereof shall exceed a height of 40 feet. A structure exceeding the maximum permitted height shall require a special use permit.
- B. *Floor area ratio:* Not to exceed 1:2.

601.3.0 *C-2B Central Commercial (Mercantile) District:*

601.3.1 *Purpose of the C-2B (Mercantile) District:* The C-2B Central Commercial Mercantile District is intended to be an area that will provide a downtown mercantile focus for the citizens of the municipality. While excluding those uses that require exterior storage of products, merchandise, and vehicles, as well as those uses that utilize industrial processes and vehicles, the widest variety of mercantile and service uses is encouraged, while coincidentally providing a unified and interrelated ambience.

601.3.2 *General development standards in the C-2B (Mercantile) District:* To preserve the campus atmosphere of the district, the following development standards shall apply to all new buildings, expansions and alterations to existing buildings, and changes of use. When there is a conflict between these standards and the requirements of section 600.9 as amended, the more stringent shall apply.

- A. *Architectural:* All buildings shall be constructed primarily of masonry materials, either brick or brick-faced. Brightly colored materials or surfaces shall not be used. The design in special uses and planned unit developments shall be architecturally and aesthetically compatible with existing buildings in the district.
- B. *Landscape and landscape buffers:* Landscaping shall be planted (with trees, shrubs, and perennials) to screen views of service drives and off-street loading areas. As a minimum, a 20-foot landscaped perimeter yard, including a combination of deciduous, ornamental and evergreen trees and shrubs,

shall be provided along the street frontages and entrances to planned unit developments. Five-foot sidewalks shall be constructed within the district.

- C. *Outdoor lighting:* Ornamental lighting shall be installed along the public right-of-way within the C-2B (Mercantile) District.
- D. *Signs:* Entrances to each development shall be highlighted with masonry monument signs and landscaping around the base of each sign. Visual clutter shall be reduced by eliminating pylon signs. All signs shall be subject to the regulations contained in Article IX.
- E. *Traffic and access:* Storm drainage and entrance curbs are required on all street frontages subject to approval by the public works director. The minimum ingress and egress shall be 27-feet measured from inside of curbs at the property line. All developments shall meet other state and county access regulations.
- F. *Off-street parking and loading:* One parking lot island shall be provided for each 50 parking spaces. Landscaping installed in these islands shall include at least one high-branched shade tree and low-growing shrubs or perennials. Islands and medians shall be mounded to improve drainage for trees and shrubs. All off-street parking and loading facilities shall be provided as required in Article X.
- G. *Fences:* Fences erected on the perimeter of the C-2B (Mercantile) District shall be constructed of wrought iron or ornamental aluminum. Fences within the C-2B (Mercantile) District are not permitted.

601.3.3 *Permitted uses in the C-2B (Mercantile) District:* No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied or used, except as otherwise provided in this ordinance, for other than one or more of the following principal uses.

- 1. Public, quasi public, and governmental buildings and facilities, such as, but not limited to:
 - a. Uses permitted in the C-1 District, but not including public utility establishments, other than business offices
 - b. Uses permitted in the C-2A (Civic) District
 - c. Hospital
 - d. Vocational school
- 2. Professional office establishments, such as, but not limited to:
 - a. Business service establishments permitted in the C-1 District
 - b. Accounting, auditing, and/or bookkeeping office
 - c. Artist and/or industrial designer
 - d. Engineering and architectural service
 - e. Laboratory medical and dental
 - f. Landscape architect
 - g. Land surveyor
 - h. Professional consultant
 - i. Professional office

- j. Science research agency
- 3. Personal service establishments, including but not limited to:
 - a. Personal service establishments permitted in the C-1 District
 - b. Child care nursery or day care
 - c. Reserved
 - d. Automobile filling station (special use permit required)
- 4. Support service establishments, which perform services on the premises such as, but not limited to:
 - a. Clothing rental agency
 - b. General minor repair or fix-it shop
 - c. Computer show room and repair service
 - d. Swimming pool showroom and repair service
 - e. Interior decorating shop
 - f. Laundry and dry cleaning
 - g. Tailor or dressmaker
 - h. Travel bureau
 - i. Blueprint and copying establishments
- 5. Retail businesses, such as but not limited to:
 - a. Retail businesses, permitted in the C-1 District
 - b. Shopping centers and malls (Special Use Permit required for signage)
 - c. New automobile dealer
 - d. Boat dealer
 - e. Drive-in restaurants (Special Use Permit required)
 - f. Restaurants, excluding drive-in service
 - g. Ice cream refreshment stand
 - h. Tire, battery, and accessory dealer (no installations on premises)
 - i. Hardware and/or building supplies (no exterior storage)
- 6. Residential uses: Senior housing complex (special use permit required).

601.3.4 *Special uses:*

- a. Automobile diagnostic center or clinic
- b. Automobile driving instruction
- c. Automobile laundry
- d. Automobile rental
- e. Automobile repair shop
- f. Automobile service station

- g. Automobile undercoating service
- h. Body shop
- i. Bus and/or train passenger station
- j. Camper sales
- k. Drive-in cleaners
- l. Drive-in banking facilities
- m. General repair shop
- n. Planned unit development
- o. Mobile home dealer
- p. Motor vehicle dealer
- q. Motorcycle sales
- r. Motorcycle service and repair
- s. Repair service
- t. Residence of the proprietor of a commercial use
- u. Taxicab stand
- v. Senior housing complex
- w. Tire re-treading and repair shop
- x. Undertaking establishments and funeral parlors
- y. Used car lot
- z. Used furniture and second-hand store
- aa. Drive through facilities on the same zoning lot with any other special or permitted usage in the C-3 General Business District
- bb. Medical cannabis cultivation center
- cc. Medical cannabis dispensing organization

601.3.5 *Permitted accessory uses in the C-2B (Mercantile) District:*

- 1. Accessory uses permitted in C-2A (section 601.2.4.)
- 2. As permitted in accordance with Article II, section 215.0.

601.3.6 *Accessory uses prohibited in the C-2B (Mercantile) District:* Any and all outdoor storage, or the overnight parking of busses or trucks with over a class C license requirement.

601.3.7 *Permitted temporary uses:*

- 1. All temporary uses permitted in the C 1 District (section 600.5.)
- 2. All temporary uses permitted in the C-2A (Civic) District (section 601.2.6.)

601.3.8 *Lot size requirements:* With the exception of planned developments, a separate ground area herein called the zoning lot shall be designated, provided and continuously maintained for each structure containing a permitted use or special use.

- A. Minimum lot area: 20,000 square feet
- B. Minimum lot width: 100 feet

601.3.9 *Yard requirements:*

- A. *Minimum front yards:* All structures, excluding signs, shall maintain a setback of at least 50 feet from the front lot line. The first 20 feet shall be used for perimeter landscaping, screening, and a means of ingress and egress only.
- B. *Minimum corner side yard:* All structures shall have a minimum corner side yard of 30 feet.
- C. *Minimum interior side yard:* All structures shall have an interior side yard of 15 feet.
- D. *Minimum rear yard:* All structures shall have a minimum rear yard of 30 feet.

601.3.10 *Bulk regulations:*

- A. *Maximum structure height:* No structure or portion thereof shall exceed a height of 40 feet. A structure exceeding the maximum permitted height shall require a special use permit.
- B. *Floor area ratio:* Not to exceed 1:2.

[601.4.0 *C-2 Central Commercial District:*]

601.4.1 *Permitted uses in the C-2 District:* No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied or used, except as otherwise provided in this ordinance, for other than the following principal uses.

1. Public, quasi public, and governmental buildings and facilities, such as, but not limited to:
 - a. Uses permitted in the C-1 District (section 600.2.5.).
 - b. Uses permitted in the C-2A (Civic) District (section 601.2.3.1.).
 - c. Uses permitted in the C-2B (Mercantile) District (section 601.3.3.1.).
2. Professional office establishments, such as, but not limited to:
 - a. Uses permitted in the C-1 District (section 600.2.4.).
 - b. Uses permitted in the C-2B (Mercantile) District (section 601.3.3.2.).
3. Personal service establishments, including but not limited to:
 - a. Personal service establishments permitted in C-1 (section 600.2.2.).
 - [b.] Personal service establishments permitted in C-2B (Mercantile) (section 601.3.3.3.).
4. Support service establishments, which perform services on the premises such as, but not limited to:
 - a. Support service establishments permitted in C-2B (Mercantile) (section 601.3.3.4.).
5. Retail businesses, such as but not limited to:
 - a. Retail businesses permitted in C-2B (Mercantile) (section 601.3.3.5.).

601.4.2 *Special uses:*

- a. Automobile diagnostic center or clinic
- b. Automobile driving instruction
- c. Automobile laundry

- d. Automobile rental
- e. Automobile repair shop
- f. Automobile service station
- g. Automobile undercoating service
- h. Body shop
- i. Bus and/or train passenger station
- j. Camper sales
- k. Drive-in cleaners
- l. Drive-in banking facilities
- m. General repair shop
- n. Planned unit development
- o. Mobile home dealer
- p. Motor vehicle dealer
- q. Motorcycle sales
- r. Motorcycle service and repair
- s. Repair service
- t. Residence of the proprietor of a commercial use
- u. Taxicab stand
- v. Tire re-treading and repair shop
- w. Undertaking establishments and funeral parlors
- x. Used car lot
- y. Used furniture and second-hand store
- z. Drive through facilities on the same zoning lot with any other special or permitted usage in the C-3 General Business District
- aa. Dancing school or studio
- bb. Recreational activity club
- cc. Gymnastics studio
- dd. Martial arts studio
- ee. Health and fitness center
- ff. Medical cannabis cultivation center
- gg. Medical cannabis dispensing organization

601.4.3 *Permitted accessory uses in the C-2 District:*

- 1. Accessory uses permitted in section 601.2.4.
- 2. As permitted in accordance with Article II, section 215.0.

601.4.4 *Accessory uses prohibited in the C-2 District:* Any and all outdoor storage, or the overnight parking of

busses or trucks with over a class C license requirement.

601.4.5 *Permitted temporary uses:*

1. All temporary uses permitted in the C-1 District (section 600.5.)
2. All temporary uses permitted in the C-2A (Civic) District (section 601.2.6.)

601.4.6 *Lot size requirements:* With the exception of planned developments, a separate ground area herein called the zoning lot shall be designated, provided and continuously maintained for each structure containing a permitted use or special use.

- A. *Minimum lot area:* 20,000 square feet
- B. *Minimum lot width:* 100 feet

601.4.7 *Yard requirements:*

- A. *Minimum front yards:* All structures, excluding signs, shall maintain a setback of at least 50 feet from the front lot line. The first 20 feet shall be used for perimeter landscaping, screening, and a means of ingress and egress only.
- B. *Minimum corner side yard:* All structures shall have a minimum corner side Yard of 30 feet.
- C. *Minimum interior side yard:* All structures shall have an interior side yard of 15 feet.
- D. *Minimum rear yard:* All structures shall have a minimum rear yard of 30 feet.

601.4.8 *Bulk regulations:*

- A. *Maximum structure height:* No structure or portion thereof shall exceed a height of 40 feet. A structure exceeding the maximum permitted height shall require a special use permit.
- B. *Floor area ratio:* Not to exceed 1:2.

(Ord. No. 01-11-03, 11-12-2001; Ord. No. 08-03-06, 3-24-2008; Ord. No. 14-06-02, 6-9-2014)

Sec. 602.0. - C-3 General Business District.

602.1 *Purposes:* The C-3 General Business District is intended to provide areas to be used for most types of retailing and service uses, certain wholesale uses, and some limited industrial activities that are normally associated with commercial uses. The uses allowed for are often large space uses and cater to customers who do not make frequent purchases. The market area for permitted uses extends to an area much larger than the village. The district is normally located along major thoroughfares, where adequately sized parcels of land allow for large setbacks, clear vision, and safe ingress and egress.

602.2 *Permitted uses:* No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied, or used except as otherwise provided in this ordinance, for other than one or more of the following specified uses:

1. Retail businesses, such as but not limited to:
 - a. Automobile and motorcycle accessory stores
 - b. Retail businesses, permitted in the C-1 District
 - c. Boat dealer

- d. Boat gas dealer
 - e. Building services and supplies
 - f. Direct selling establishments, where products are stored
 - g. *Reserved*
 - h. Farm and garden supply store
 - i. Hay, grain and feed store
 - j. Ice cream refreshment stand
 - k. Lumber yard
 - l. Nursery stock
 - m. Tire, battery, and accessory dealer
 - n. Tombstone and monument sales
 - o. Shopping centers
 - p. Restaurants, excluding drive-in service
2. Personal service establishments, such as but not limited to:
- a. Personal service establishments permitted in the C-1 District
 - b. Child care nursery
 - c. Food locker rental
 - d. Furniture cleaning
3. Business service establishments, such as but not limited to:
- [a. *Reserved.*]
 - b. Advertising signs designs, locations adapted to local ordinances
 - c. Automobile rental
 - d. Banks
 - e. Bottling works
 - f. Cartage, express and parcel delivery establishments
 - g. Commercial greenhouse
 - h. *Reserved*
 - i. Commercial testing laboratory
 - j. Disinfecting and exterminating service
 - k. Electrical shop
 - l. Equipment and electronic rental and leasing service
 - m. Furniture and reupholstery
 - n. Furnace supply and service
 - o. Lawn mower and repair shop

- p. Medical clinics
 - q. Paint shop
 - r. Parking lot, commercial
 - s. Plumbing and heating shop
 - t. Radio and television repair shop
 - u. Refrigerator shop
 - v. Repair service, large major items
 - w. Sewer cleaning and rodding service
 - x. Sign contractor
 - y. Swimming pool sales and service
 - z. Taxidermist
 - aa. Towing service
 - bb. Veterinary clinic, animal hospital, and kennels
 - cc. Water softening service
 - dd. Window cleaning firm
4. Professional office establishments, such as but not limited to:
- a. Professional office establishments permitted in the C-2 District
5. Public, quasi-public, and governmental Buildings and facilities, such as but not limited to:
- a. Public, quasi-public, and governmental Buildings permitted in the C-2 District
 - b. Public service and municipal garages
 - c. Ambulance service
6. Residential uses, such as but not limited to:
- a. Convalescent, nursing home, rest home or sanitarium
 - b. Hotel and/or motel
 - c. Tourist cabins or home
7. Wholesale uses, such as but not limited to:
- a. Direct selling establishments, where products are stored and distributed
 - b. Other wholesale establishments
 - c. Wholesale bakery
8. Industrial type uses, such as but not limited to:
- a. Dairy products manufacture
 - b. Printing, publishing, or lithography establishments
 - c. Laundry, dry cleaning and/or dyeing plant, central facility serving more than one retail outlet
 - d. Industrial launderer

602.3 *Accessory uses:* As permitted in accordance with Article II, section 215.

1. Temporary storage containers may be located or placed in the front yard, or side or rear yard which abuts a residential zoning district only as a special use.

602.4 *Special uses:*

- a. Automobile diagnostic center or clinic
- b. Automobile driving instruction
- c. Automobile laundry
- d. Auto painting
- e. Automobile rental
- f. Automobile repair shop
- g. Automobile service station
- h. Automobile undercoating service
- i. Body shop
- j. Bus passenger station
- k. camper sales
- l. Drive-in cleaners
- m. Drive-in banking facilities
- n. General repair shop
- o. Planned unit development
- p. Mobile home dealer
- q. Motor vehicle dealer
- r. Motorcycle sales
- s. Motorcycle service and repair
- t. Repair service
- u. Residence of the proprietor of a commercial use
- v. Taxicab stand
- w. Tire re-treading and repair shop
- x. Undertaking establishments and funeral parlors
- y. Used car lot
- z. Used furniture and second-hand store
- aa. Drive through facilities on the same zoning lot with any other special or permitted usage in the C-3 General Business District
- bb. Warehouse and mini-storage facilities
- cc. Automotive filling stations
- dd. Drive-in restaurants

- ee. Dancing school or studio
- ff. Recreational activity club
- gg. Gymnastics studio
- hh. Martial arts studio
- ii. Health and fitness center
- jj. Mixed occupancy-combined commercial and multiple residential establishments
- kk. Medical cannabis cultivation center
- ll. Medical cannabis dispensing organization
- mm. Indoor-outdoor entertainment centers
- nn. Brew pub with taproom

602.5 *Temporary uses:* All temporary uses shall comply with the provisions of Article II, section 216. The following uses may be operated as a temporary use.

All temporary uses permitted in the C-1 Local Shopping District.

602.6 *Lot size requirements:* With the exception of planned developments, a separate ground area herein called the zoning lot, shall be designated, provided and continuously maintained for each structure containing a permitted use or special use.

A.	Minimum lot area	20,000 square feet
B.	Minimum lot width	100 feet

602.7 *Yard requirements:*

- A. *Minimum front yard:* All structures, excluding signs, shall maintain a setback of at least 50 feet from the front lot line. The first 20 feet shall be used for perimeter landscaping, screening, and a means of ingress and egress only.
- B. *Minimum corner side yard:* All structures shall have a minimum corner side yard of 30 feet.
- C. *Minimum interior side yard:* All structures shall have a minimum interior side yard of 15 feet.
- D. *Minimum rear yard:* All structures shall have a minimum rear yard of 30 feet.

602.8 *Bulk regulations:*

- A. *Maximum structure height:* No structure or portion thereof shall exceed a height of 40 feet. A structure exceeding the maximum permitted height shall require a special use permit.
- B. *Floor area ratio:* Not to exceed 1:2.

602.9 *General development standards:*

- 1. *Performance standards:* All activities shall conform to the performance standards established for the I-1

Limited Industrial District.

2. *Outdoor sales:* All outdoor sales space shall be provided with a permanent durable, and dustless surface, and shall be graded and drained as to dispose of all surface water.
3. *Outdoor storage:* All outdoor storage facilities for accessory uses and products shall be enclosed by a fence, wall or plant materials adequate to conceal such facilities from adjacent properties and the public right-of-way.
4. *Waste materials:* No materials or wastes shall be deposited upon a lot in such a form that they may be transferred off the property by natural causes or forces.
5. *Screening:* Where a commercial use abuts or is across the street from a residential district, adequate screening shall be provided. Five-foot landscape screening is required except on corner lots where 36-inch high screening is limited to 30 feet in both directions from the corner.
6. *Storm drainage and entrance curbs:* Required on all street frontages and shall meet the approval of the village engineer and village standards.
7. *Ingress and egress:* On all commercial lots with less than 200 feet frontage on a public road, access is limited to one combined ingress and egress with a minimum width of 20 feet and a maximum width of 32 feet measured from inside of curbs at property line. On all commercial lots of 200 feet and over frontage on a public road, access is limited to two combined ingress's and egresses. With a minimum width of 32 feet measured from inside of curbs at property line locations. Details of ingresses and egresses to meet state, county, and village requirements.
8. *Landscaping:* A general landscaping plan must accompany all applications for building permits requested for the construction of new buildings. The landscaping plan must show all areas, which will contain grass or other natural growth and the location of all trees, shrubbery and other natural growth. All areas designated for grass or other natural growth must be seeded or sodded as soon as possible after the completion of any building and all shrubs, trees and other natural growths must be seeded and/or planted as soon as possible after the completion of any building, but in no event shall such seeding and/or planting be delayed for a period in excess of one year after the completion of any building.

Certificates of occupancy may be issued for buildings prior to the time the landscaping requirements as provided for herein are satisfied; however, such certificates of occupancy shall state upon their face:

"Landscaping not approved, approved landscaping required within one year of the date of this certificate."

Minor alterations from the original landscaping plan may be made without obtaining prior approval from the village; however, the amounts and location of land set aside for landscaping may not be reduced without the approval of the code official.

Five-foot wide sidewalks shall be provided, installed and constructed to the standards of the village upon all property located within the C-3 district upon which new buildings are constructed or existing buildings are expanded or altered or when there is a change in use.

9. *[Refuse storage enclosures.]* If outdoor refuse containers are used, a refuse storage enclosure shall be provided for each permitted use. Each outdoor storage container must be located within a refuse enclosure.

Refuse storage enclosures may contain more than one refuse container. Where more than one permitted use or more than one business activity occupies a zoning lot, a common enclosure may be provided.

10. *Architectural:* All buildings shall be constructed primarily of masonry materials, either brick or brick-faced. Brightly colored materials or surfaces shall not be used. The architectural and aesthetic aspects of all structures shall be reviewed and approved by the department of economic development.

602.10 *Signs:* Signs shall be subject to the regulations contained in Article IX.

602.11 *Off-street parking and loading requirements:* Off-street parking and loading facilities shall be provided as required in Article X.

(Ord. No. 01-11-10, 11-12-2001; Ord. No. 02-10-03, 10-28-2002; Ord. No. 02-11-03, 11-11-2002; Ord. No. 02-12-06, 12-9-2002; Ord. No. 04-02-06, 2-23-2004; Ord. No. 05-01-02, 1-10-2005; Ord. No. 08-03-06, 3-24-2008; Ord. No. 08-06-06, 6-23-2008; Ord. No. 14-06-02, 6-9-2014; Ord. No. 16-10-02, 10-26-2016; Ord. No. 20-03-02, 3-16-2020)

ARTICLE VI.A. - ORCHARD LANE CONSERVATION AREA (OLCA) DISTRICT

Sec. 650.0. - Orchard Lane Conservation Area (OLCA) District.

650.1 *Findings and purpose:* The village benefits from having in the heart of its boundaries a natural area with significant environmental features including wetlands, old growth trees, remnant prairie, and native flora and fauna. As identified by past reviews and studies, this area represents an irreplaceable asset to the village for conservation, passive recreation, and educational opportunities. Development has occurred and is planned to occur around the periphery of this a natural area. As outlined under the village's comprehensive plan, the village has determined that preserving and enhancing this area will significantly benefit the village and greater surrounding community as a whole. For this reason, the Village finds it appropriate to establish special rules and regulations to ensure the future development of the approximately 97-acre area in and around this environmental resource area occurs in a manner that is compatible with and enhancing to the area and prevents development from negatively impacting the character and quality of this natural area. The Orchard Lane Conservation Area District is established to protect, preserve, and enhance the area and thereby keep and increase the quality of its impact on the village.

650.2 *Designation of Orchard Lane Conservation Area District:* The Orchard Lane Conservation Area District appears on the zoning map as an "overlay district," imposed on top of other base (or underlying) zoning districts created by the zoning ordinance. Development of properties in the Orchard Lane Conservation Area District are to comply with both the regulations of the Orchard Lane Conservation Area District and with the regulations of the base underlying district in which they are located. When there is any conflict between the regulations of the Orchard Lane Conservation Area District and the regulations of the base district, the regulations of the more restrictive regulation shall control, except as otherwise provided in this section.

650.3 *Applicability of Orchard Lane Conservation Area District:* Except as otherwise provided in this section, the Orchard Lane Conservation Area District development review requirements shall apply to the following construction and development activities on any currently platted or proposed zoning lot within the Orchard Lane Conservation

Area District:

- A. All new structures and developments;
- B. All new uses of land, including new and modified structures and developments occurring on vacant land;
- C. Except as otherwise provided in this section, all new structures and uses of land on sites of demolished or modified structures; and
- D. Whenever any proposed improvements require any relief provided in Article III.

605.4: *Concept plan:* The pattern of land use development shall generally conform to the Orchard Lane Conservation Area District concept plan which is published and kept on record at the village with the zoning ordinance. In combination with the existing base zoning district for each property, this concept plan shall govern the locations of permitted and special uses within the district. Departures from the exact land use boundaries shown on this concept plan may be permitted based on the design review process including submittal of detailed documents regarding plats of survey, wetland and natural resource delineation reports, engineering, architectural, and landscape architectural plans, and other such required submittal plans and documents.

650.5 *Permitted and special uses:* Permitted and special uses allowed in the Orchard Lane Conservation Area District shall be as follows:

- A. Areas Outside the designated Conservation Area on the Orchard Lane Conservation Area District concept plan:
 - 1. *Permitted uses:*
 - i. Residential base underlying zoning:
 - 1. Uses lawfully established prior to the effective date of Ordinance No. 16-01-05, provided the use has been continuously operated since the adoption of the ordinance. Any operation of use discontinued for a period time six months or longer shall represent the abandonment of this prior use.
 - 2. Single-family detached dwellings
 - 3. Parks and playgrounds
 - 4. Public open land, refuge or preserve
 - 5. Accessory uses as permitted in accordance with Article II, section 215.
 - ii. Specialty housing concept plan designation:
 - 1. Uses lawfully established prior to the effective date of Ordinance No. 16-01-05, provided the use has been continuously operated since the adoption of the ordinance. Any operation of use discontinued for a period time six months or longer shall represent the abandonment of this prior use.
 - 2. Senior housing complex for adults 55 years or older with a gross site being less than 15 dwelling units per acre, including the following dwelling types:
 - a. Single-family detached dwellings
 - b. Two-family dwellings
 - c. Townhome residences
 - d. Multiple-family dwellings

3. Accessory uses as permitted in accordance with Article II, section 215.
- iii. Office/Business park concept plan designation
 1. Uses lawfully established prior to the effective date of Ordinance No. 16-01-05, provided the use has been continuously operated since the adoption of the ordinance. Any operation of use discontinued for a period time six months or longer shall represent the abandonment of this prior use.
 2. Business service establishments:
 - a. Accounting, auditing, and/or bookkeeping office
 - b. Artist and/or industrial designer
 - c. Bank
 - d. Currency exchange
 - e. Engineering and architectural service
 - f. Financial institution
 - g. Insurance agency
 - h. Laboratory medical and dental
 - i. Landscape architect
 - j. Land surveyor
 - k. Loan company
 - l. Medical and dental offices and clinics
 - m. Professional consultant
 - n. Professional office
 - o. Real estate office
 - p. Savings and loan
 - q. Science research agency
 3. Personal service establishments
 - a. Barber shop
 - b. Beauty shop
 - c. Child care nursery or day care
 - d. Computers and electronic sales and repair
 - e. Dry cleaner, but not a central plant serving more than one retail outlet
 - f. Musical school
 - g. Photographic studio
 - h. Shoe repair shop
 - i. Tailor shop
 4. Restaurants, excluding drive-in service
 5. Accessory uses:

- a. As permitted in accordance with Article II, section 215
 - b. Trash and/or compactor enclosures when constructed in compliance with the general development standards and the property maintenance code.
6. Temporary uses permitted in the C-1 Local Shopping District and shall comply with the provisions of Article II, section 216.
- iv. Commercial concept plan designation:
 1. Uses lawfully established prior to the effective date of this Ordinance No. 16-01-05, provided the use has been continuously operated since the adoption of the ordinance. Any operation of use discontinued for a period time six months or longer shall represent the abandonment of this prior use.
 2. Business service establishments:
 - a. Accounting, auditing, and/or bookkeeping office
 - b. Artist and/or industrial designer
 - c. Bank
 - d. Currency exchange
 - e. Engineering and architectural service
 - f. Financial institution
 - g. Insurance agency
 - h. Laboratory medical and dental
 - i. Landscape architect
 - j. Land surveyor
 - k. Loan company
 - l. Professional consultant
 - m. Professional office
 - n. Real estate office
 - o. Savings and loan
 - p. Science research agency
 3. Personal service establishments:
 - a. Barber shop
 - b. Beauty shop
 - c. Child care nursery or day care
 - d. Computers and electronic sales and repair
 - e. Dry cleaner, but not a central plant serving more than one retail outlet
 - f. Laundry and dry cleaner, self-service only
 - g. Musical school

- h. Photographic studio
 - i. Shoe repair shop
 - j. Tailor shop
- 4. Professional office establishments:
 - a. Attorney and law office
 - b. Chiropracist's office
 - c. Chiropractor's office
 - d. Dentist's office
 - e. Doctor's, surgeon's, and/or physician's office
 - f. Medical and dental clinics
 - g. Optician's office
 - h. Osteopath's office
- 5. Retail businesses:
 - a. Antique stores
 - b. Apparel stores
 - c. Automobile accessory stores-no services
 - d. Automobile dealer, new
 - e. Bakery, in which the manufacture of goods is limited to goods retailed on the premises only.
 - f. Boat dealer, New
 - g. Book and stationary stores
 - h. Camera stores
 - i. Candy and confectionery stores
 - j. Dairy products stores
 - k. Delicatessens
 - l. Drug stores
 - m. Dry goods stores
 - n. Floral shops
 - o. Grocery and food stores
 - p. Hardware and/or building supplies (no exterior storage or display)
 - q. Ice cream refreshment stand
 - r. Jewelry stores
 - s. Meat markets
 - t. Package liquor store sale of alcoholic beverages.
 - u. Restaurants, excluding drive-in service

- v. Shoe stores
 - w. Shopping centers and malls
 - x. Sporting goods stores
 - y. Tire, battery, and accessory dealer (no installations on premises)
 - z. Toy stores
 - aa. Variety stores
- 6. Accessory uses:
 - a. As permitted in accordance with Article II, section 215
 - b. Trash and/or compactor enclosures when constructed in compliance with the general development standards and the property maintenance code.
- 7. Temporary uses permitted in the C-1 Local Shopping District and shall comply with the provisions of Article II, section 216.
- 2. *Special uses:*
 - i. Residential base underlying zoning:
 - 1. Planned unit development
 - 2. Cultural facilities
 - 3. Public buildings and utilities
 - 4. Church, chapels, temples, synagogues
 - 5. Convent, monastery, and religious retreats
 - 6. Non-commercial recreational buildings and community centers
 - ii. Specialty housing concept plan designation:
 - 1. Planned unit development
 - 2. Senior housing complex for adults 55 years or older with a gross site being 15 dwelling units per acre or more, including the following dwelling types:
 - a. Single-family detached dwellings
 - b. Two-family dwellings
 - c. Townhome residences
 - d. Multiple-family dwellings
 - iii. Office/Business Park Designation Concept Plan Designation:
 - 1. Planned unit development
 - iv. Commercial concept plan designation:
 - 1. Automobile body shop
 - 2. Automobile diagnostic center or clinic
 - 3. Automobile driving instruction
 - 4. Automotive filling stations

5. Automobile laundry
6. Automobile painting
7. Automobile rental
8. Automobile repair shop
9. Automobile service station
10. Automobile undercoating service
11. Bus station
12. Camper sales, new
13. Dancing school or studio
14. Drive-in cleaners
15. Drive-in banking facilities
16. Drive-in restaurants
17. Drive through facilities on the same zoning lot with any other special or permitted usage
18. Gymnastics studio
19. Martial arts studio
20. Health and fitness center Under 10,000 square feet
21. General repair shop
22. Mixed occupancy-combined commercial and multiple residential establishments
23. Mobile home dealer
24. Motor vehicle dealer
25. Motorcycle sales
26. Motorcycle service and repair
27. Planned unit development
28. Recreational activity club
29. Repair service
30. Residence of the proprietor of a commercial use
31. Taxicab stand
32. Tire re-treading and repair shop
33. Undertaking establishments and funeral parlors
34. Used car lot
35. Used furniture and second-hand store
36. Warehouse and mini-storage facilities

B. *Areas Inside the designated Conservation Area on the Orchard Lane Conservation Area District concept plan:*

1. *Permitted uses:*

- i. Uses lawfully established prior to the effective date of Ordinance No. 16-01-05, provided the use has been operated since the adoption of the ordinance. Any operation of use discontinued for a period time six months shall represent the abandonment of this prior use.
 - ii. Governmental buildings and structures
 - iii. Informational kiosks and way finding structures
 - iv. Memorials, statues, and public art
 - v. Museums, historical centers, cultural centers, and civic centers
 - vi. Passive recreation fields, facilities and structures
 - vii. Public parking lots
 - viii. Public storm water detention basins
 - ix. Trails and paths
2. *Special uses:*
- i. Active recreation fields, facilities, and structures
 - ii. Any encroachment up to ten feet into the boundaries of the designated Conservation Area on the Orchard Lane Conservation Area District concept plan
 - iii. Public utility structures and towers
 - iv. Wetland mitigation bank

650.6 *Lot size requirements:* Each permitted or special use lawfully established in the Orchard Lane Conservation Area District shall meet the following minimum lot area and lot width requirements based upon the applicable underlying zoning district as follows:

Designation	Minimum Lot Width (feet)	Minimum Lot Area (square feet)
Base Residential Underlying Zoning	75	10,000
Specialty Housing Concept Plan Designation	100	20,000
Office/Business Park Concept Plan Designation	100	20,000
Commercial Concept Plan Designation	100	20,000
Conservation Area Concept Plan Designation	No Minimum	No Minimum

Special uses may be required to meet more restrictive site and structure provisions if the village board, upon considering a recommendation of the planning and zoning commission, determines that such requirements are necessary for public health, safety and general welfare purposes.

650.7 *Yard and bulk standards:*

A. *Yard Standards:*

1. *Base residential underlying zoning:* Developments built with uses under the base residential underlying zoning shall conform to the yard requirements of the R-3 Single Family Residential District except where said yard borders the designated conservation area on the Orchard Lane Conservation Area District concept plan.
2. *Specialty housing concept plan designation:* Developments built with uses under the specialty housing concept plan designation use list shall conform to the yard requirements of the C-3 General Business District, except where said yard borders the designated conservation area on the Orchard Lane Conservation Area District concept plan.
3. *Office/business park concept plan designation:* Developments built with uses under the office/business park concept plan designation use list shall conform to the yard requirements of the C-3 General Business District, except where said yard borders the designated conservation area on the Orchard Lane Conservation Area District concept plan.
4. *Commercial concept plan designation:* Developments built with uses under the commercial concept plan designation use list shall conform to the yard requirements of the C-3 General Business District, except where said yard borders the designated conservation area on the Orchard Lane Conservation Area District concept plan.
5. *Conservation area concept plan designation:* Developments built with uses under the conservation area concept plan designation use list shall conform to the yard requirements of the R-3 Single Family Residential District.
6. *Transitional area:* With the exception of those areas designated for conservation area on the Orchard Lane Conservation Area District concept plan, any development that borders those said areas designated for conservation area shall provide a fifty (50) feet wide setback in which only those items described under section 650.8 may occur.

B. *Bulk regulations*

1. *Base residential underlying zoning:* Developments built with uses under the base residential underlying zoning shall conform to the bulk regulations of the R-3 Single Family Residential District.
2. *Specialty housing concept plan designation:* Developments built with uses under the specialty housing concept plan designation use list shall conform to the bulk regulations of the C-3 General Business District.
3. *Office/business park concept plan designation:* Developments built with uses under the office/business park concept plan designation use list shall conform to the bulk regulations of the C-3 General Business

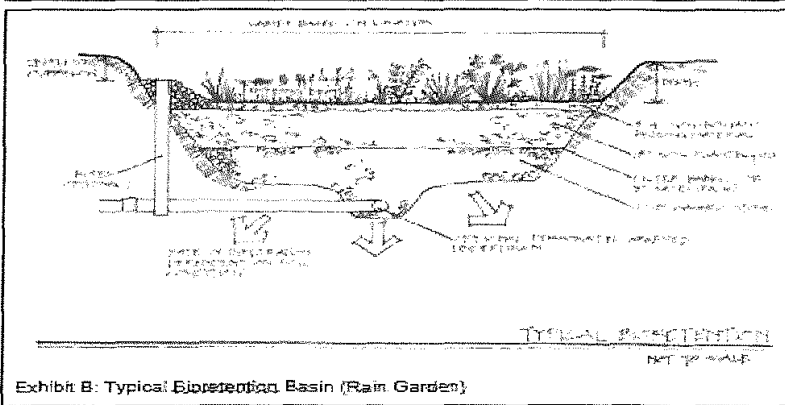
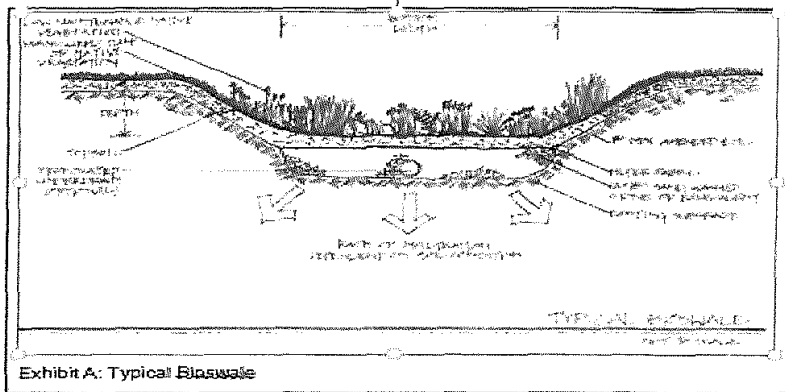
District with the exception that no structure on lots with frontage on Orchard Lane shall exceed a height of 25 feet. A structure exceeding the maximum permitted height shall require a special use permit.

4. *Commercial park concept plan designation:* Developments built with uses under the commercial concept plan designation use list shall conform to the bulk regulations of the C-3 General Business District.
5. *Conservation area concept plan designation:* Developments built with uses under the conservation area concept plan designation use list shall conform to the bulk regulations of the R-3 Single Family Residential District.

650.8 *Transitional Areas:*

- A. *Purpose:* As provided under the yard requirement standards, developments that directly border those areas designated for the conservation area shall provide a 50-foot wide setback area to buffer and blend harmoniously developed areas with the conservation area. This area shall also provide the opportunity to provide access and improvements to limit the impact development will have on the physical and visual quality of the conservation area.
- B. *Location:* The boundaries of where the transitional areas shall occur will general conform to those area shown on the Orchard Lane Conservation Area District concept plan. Deviations from the exact transitional area boundaries shown on this concept plan shall be permitted based on the design review process submittal of detailed documents regarding plats of survey, wetland and natural resource delineation reports, engineering, architectural, and landscape architectural plans, and other such required submittal plans and documents.
- C. *Use restrictions:* The following shall be the only permitted uses within a transitional area.
 1. Berms and mounds
 2. Fences and walls
 3. Landscaping plantings and improvements
 4. Paths, trails, and sidewalks
 5. Pedestrian amenities, such as, but not limited to, benches, water fountains, bicycle racks, and restrooms.
 6. Rain gardens, bioswales, and similar stormwater management features.
 7. Any use approved as part of a special use permit.
- D. *Landscaping requirements:* Landscaping within a transitional area shall be designed and provided as follows:
 1. Three feet tall bermed buffer that may undulate up to six feet tall where appropriate with respect to storm water drainage, rain gardens, and bioswales;
 2. Planted with a mix of coniferous and deciduous trees, one-third of trees must be evergreen;
 3. Deciduous trees will not be less than two and one-half inches in diameter measured at breast height and will be spaced not more than 40 feet apart; and coniferous trees will not be less than six feet in height at not more than 15 feet apart;
 4. Four deciduous shade trees and/or evergreen trees, three ornamental trees, and 50 deciduous and/or evergreen shrubs shall be proposed per 100 lineal feet of setback area perimeter length; and
 5. Required planting quantities may be reduced to up half the stated quantity for each category with the installation of an approved bioswale or bioretention basin (rain garden) within the transitional area.

- E. *Bioswales and bioretention basins (rain gardens)*: For on-site storm water management, bioswales and bioretention (rain gardens) shall be allowed and generally conform to the design shown in Exhibits A: Typical Bioswale and Exhibit B: Typical Bioretention Basin (Rain Garden) with the final design to be as approved by the village engineer.



- F. *Departures*: Departures from these standards shall require a special use permit.

650.9 *Specific design elements and standards:*

- A. *Landscaping*: Landscaping shall be provided at the following levels

1. *Street frontage property lines*: Property lines fronting on a publically dedicated R.O.W. or the proposed Hook Drive extension as depicted on the Orchard Lane Conservation Area District concept plan shall provide a minimum 20 feet wide landscape setback with the following minimum plantings and improvements:
 - i. Two-foot tall bermed buffer that may undulate up to four feet tall where appropriate with respect to storm water drainage, rain gardens, and bioswales;
 - ii. Planted with a mix of coniferous and deciduous trees, one-third of trees must be evergreen;
 - iii. Deciduous trees will not be less than two and one-half inches in diameter measured at breast height and will be spaced not more than 40 feet apart; and
 - iv. Coniferous trees will not be less than six feet in height at not more than 15 feet apart.
 - v. Two deciduous shade trees or evergreen trees, two ornamental trees, and 20 deciduous and/or evergreen shrubs shall be proposed per 100 lineal feet of setback area perimeter length.
 - vi. One shade, right-of-way parkway tree per each 50 lineal feet as approved by the roadway jurisdictional authority.

2. *Transitional areas property lines:* Landscaping shall be provided as detailed in section 650.8.D.
3. *All other area property lines:* Property lines not addressed under section 650.9.A1 and 650.9.A2 shall provide a minimum ten feet wide landscape setback with the following minimum plantings and improvements:
 - i. Two feet tall bermed buffer that may undulate up to four feet tall where appropriate with respect to storm water drainage, rain gardens, and bioswales;
 - ii. Planted with a mix of coniferous and deciduous trees, one-third of trees must be evergreen;
 - iii. Deciduous trees will not be less than two and one-half inches in diameter measured at breast height and will be spaced not more than forty feet apart; and
 - iv. Coniferous trees will not be less than six feet in height at not more than 15 feet apart.
 - v. Two deciduous shade trees or evergreen trees, one ornamental tree, and ten deciduous and/or evergreen shrubs shall be proposed per 100 lineal feet of setback area perimeter length.
- B. *Architectural design:* All new structures will be designed in a manner to complement surrounding properties, including exterior building materials, bulk, and scale, such as incorporating pitched roofs, common brick and stone materials and colors, or cedar facades. In addition, all new structures will be oriented in a manner that provides, where appropriate, access to the conservation area and integration into the passive and active recreational features of the site. The architectural design of all new structures or the significant renovation of existing structures will be subject to the exterior appearance review provisions set forth in section 650.10.
- C. *Site signage:* Site signage will be designed to complement new buildings, including use of common building materials. In addition, all ground signage should be designed as monument signage, avoiding the use of braces or other single or dual-pole supports. The architectural design of all signage will be subject to the exterior appearance review provisions set forth in section 650.10.
- D. *Site and perimeter fences:* Internal and perimeter fences may be incorporated to complement landscape and streetscape treatment and, wherever possible, be installed to facilitate pedestrian access and passive and active recreation in the conservation area. All fencing must be constructed with decorative wrought iron or decorative aluminum fencing and will be subject to the exterior appearance review provisions set forth in section 650.10.
- E. *Internal circulation:* The Orchard Lane Conservation Area District will be designed with new internal circulation roads, sidewalks, pedestrian and bike paths. These internal circulation routes should be designed to complement the natural setting of the Orchard Lane Conservation Area District contemplated in section 650.1. Such connections shall be provided both inside and outside the designated conversation area on the Orchard Lane Conservation Area District concept plan with connections across properties connecting the greater surrounding circulation system.
- F. *Site lighting:* All site lighting should be designed in accordance with ANSI/IESNA RP-8 standards, as well as relevant village standards, and all lighting should illuminate the internal circulation network, as well as the lagoons, to promote better public safety. Site lighting should be consistent across the site in design and not exceed three-foot-candles at the property line and should in all instances have the following characteristics:
 1. Shielded to reflect the light downward and away from adjoining residential and institutional properties;

2. Use fully opaque housing with flat lenses; and
3. Utilize cut-off angle designs.

All site lighting will be subject to the exterior appearance review provisions set forth in section 650.10.

- G. *Outdoor storage area:* All outdoor storage and service areas must be screened with fencing that is consistent in design with that used elsewhere on the Orchard Lane Conservation Area District in accordance with subsection 650.9.D of this section. In addition, all such area will be landscaped with a mix of 75 percent coniferous and twenty-five (25) percent deciduous plant materials.
- H. *Sidewalks and paths:* Sidewalks or paths shall be provided along all street frontages and, where appropriate, across sites to connect with sidewalks and paths in the designated conservation area. Designs for shall conform to the following dimensions and materials for sidewalks:
1. Sidewalks: Five feet wide.
 2. Multi-use paths: Ten feet wide.
 3. Materials: As recommended and approved by the village engineer to meet the physical service demands of the sidewalk or path.

All sidewalks and paths will be subject to the exterior appearance review provisions set forth in section 650.10.

- I. *Parking:* Parking for us shall provide consistent with provisions set forth in Article 10 of this appendix. Provisions for shared public parking arrangements on developments bordering the designated conservation area should be given as part of plans developed under the review process set forth in section 650.10. Providing shared public parking spaces for automobile, truck, and bus use shall be considered in the granting of any departures of the standards of this section 650.9.
- J. *Community facilities:* Developments bordering the designated conservation area are encouraged to provide community facilities, such as, but not limited to, restrooms, water fountains, and bicycle racks, that are accessible and useable by the public at large during the general operating hours of those developments. Providing public community facilities shall be considered in the granting of any departures of the standards of this section 650.9.
- K. *Wayfinding signage:* Developments bordering the designated conservation area should provide wayfinding signage per Village specification clearly indicating the location of access routes to the designated conservation area, shared public parking spaces, accessible public community facilities, and other such items constructed or dedicated in support of the designated conservation area. Such wayfinding signage shall not count against any permitted sign limits for a development.

650.10 *Exterior appearance review—General provisions:*

- A. *Authority:* The board of trustees, in accordance with the procedures and standards set out in this section, may grant exterior appearance approval.
- B. *Purpose:* The exterior appearance review process is intended to protect, preserve, and enhance the character and quality of architectural heritage and to protect, preserve, and enhance property values in the Orchard Lane Conservation Area District.

- C. *Parties entitled to seek exterior appearance review:* Applications for building permits requiring exterior appearance approval and approval pursuant to this section may be filed by the owner, or any person having a contractual interest in, the property.

650.11 *Exterior appearance review—Procedures:*

- A. *Applications:* Applications for exterior appearance approval shall be filed with the building official. In addition to architectural information regarding the subject building, such application shall include the following materials:
1. *Survey of adjacent properties:* A survey of structures within 250 feet of the subject property which evaluates the architectural character of those structures in relation to the standards and considerations set forth in this section.
 2. *Statement of proposed improvements:* A written statement detailing how the proposed improvements meet the applicable standards and consideration for exterior appearance review.
- B. *Other approvals required prior to approval:* In any case where the proposed improvements require any relief provided in article III, or any other approval, no exterior appearance approval shall be granted unless and until such relief has been granted by the board of trustees or other required approvals have been obtained. The granting of any such relief or issuance of any other approval shall not establish any right to exterior appearance approval.
- C. *Public meeting:* After a properly completed application has been filed with the building official, a public meeting shall be set, noticed, and conducted by the planning and zoning commission; provided, however, that such public meeting shall not be commenced later than 60 days following the building official's receipt of a properly completed application.
- D. *Action by planning and zoning commission:* Within 45 days after the conclusion of the public meeting, the planning and zoning commission shall transmit to the board of trustees its recommendation either granting exterior appearance approval, granting the approval subject to conditions, or denying the approval. In reaching its recommendation, the planning and zoning commission shall be guided by the purposes for which the exterior appearance review process has been created and by the particular standards and considerations set forth in this section.
- E. *Action by board of trustees:* Within 60 days after receipt of the recommendation of the planning and zoning commission, the board of trustees shall, by ordinance duly adopted, grant exterior appearance approval, grant exterior appearance approval subject to conditions, or shall disapprove the application. The board of trustees may also grant exterior appearance approval with modifications to the proposed improvement design, which the applicant may agree to or reject, in which case such rejection shall serve as a basis, in the sole and absolute discretion of the board of trustees, for denial of the application. Any such conditions or modifications shall be made as necessary to achieve the purposes and objectives of this section. Such conditions and modifications shall be set forth in the ordinance granting approval. In reaching its decision, the board of trustees shall be guided by the purposes for which the exterior appearance review process has been created and by the particular standards and considerations set forth in this section. The failure of the board of trustees to act within such 60 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the application.

650.12 *Exterior appearance review—Standards and considerations:* In their consideration of applications for exterior appearance approval, the planning and zoning commission and the board of trustees shall be guided by the purposes of this section and more particularly by the following standards and considerations:

- A. *General quality of design and site development:* New and existing structures and appurtenances thereof subject to these exterior appearance review provisions shall be evaluated under the following quality of design and site development guidelines:
1. *Open spaces:* The quality of the open spaces between structures and in setback spaces between street and facade.
 2. *Materials:* The quality of materials and their relationship to those in existing adjacent structures.
 3. *General design:* The quality of the design in general and its relationship to the overall character of neighborhood.
 4. *General site development:* The quality of the site development in terms of landscaping, recreation, pedestrian access, automobile access, parking, servicing of the property, and impact on vehicular traffic patterns and conditions on site and in the vicinity of the site, and the retention of trees and shrubs to the maximum extent possible.
- B. *General standards for visual compatibility:* New and existing structures, and appurtenances thereof, subject to these exterior appearance review provisions shall be visually compatible in terms of the following guidelines:
1. *Height:* The height of the proposed structure shall be visually compatible with adjacent structures.
 2. *Proportion of front facade:* The relationship of the width to the height of the front elevation of a proposed structure shall be visually compatible with structures, public ways, and places to which it is visually related.
 3. *Proportion of openings:* The relationship of the width to height of windows of a proposed structure shall be visually compatible with structures, public ways, and places to which it is visually related.
 4. *Rhythm of solids to voids in front facades:* The relationship of solids to voids in the front facade of a proposed structure shall be visually compatible with structures, public ways, and places to which it is visually related.
 5. *Rhythm of space and building on streets:* The relationship of a proposed structure to the open space between it and adjoining structures shall be visually compatible with the structures, public ways, and places to which it is visually related.
 6. *Rhythm of entrance, porch, and other projections:* The relationship of entrances and other projections of a proposed structure to sidewalks shall be visually compatible with the structures, public ways, and places to which it is visually related.
 7. *Relationship of materials and texture:* The relationship of the materials and texture of the facade of a proposed structure shall be visually compatible with the predominant materials used in the structures to which it is visually related.
 8. *Roof shapes:* The roof shape of a proposed structure shall be visually compatible with the structures to which it is visually related.
 9. *Walls of continuity:* The facades and appurtenances of proposed structures such as walls, fences, and

landscape masses shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the structures, public ways, and places to which such elements are visually related.

10. *Scale of building:* The size and mass of proposed structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the structures, public ways, and places to which they are visually related.
11. *Directional expression of front elevation:* A proposed structure shall be visually compatible with the structures, public ways, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or non-directional character.
12. *Special considerations for existing buildings:* For existing buildings, the planning and zoning commission and the board of trustees shall consider the availability of materials, technology, and craftsmanship to duplicate existing styles, patterns, textures, and overall detailing.

650.13 *Exterior appearance review—Limitations on approval:* Subject to an extension of time granted by the board of trustees, no exterior appearance approval shall be valid for a period longer than six months unless the work authorized by such permit is commenced within such period. It shall be unlawful for any person to deviate from plans approved at the time of exterior appearance approval without obtaining an amended permit in the same manner as herein provided for obtaining original permits.

650.14 *Exterior appearance review—Exemption; administrative review:*

A. *Blanket exemptions:* Notwithstanding anything to the contrary in this section, the following activities, provided such activities do not exceed 15 percent of the most current assessed valuation of the structure, as determined by the Lake County assessor's office, shall be exempt from the design review requirements of this section:

1. Like replacement of siding and roofing materials, including gutters and downspouts;
2. Like replacement of architectural features, including gabling, fascia, and masonry details such as keystones and pilasters;
3. Routine maintenance and repair, including repainting with like colors, pitching gutters and downspouts, and repair of storm damaged exterior features; or
4. All uses of land or structures legally existing as of January 25, 2016, which are expanded in floor area, lot coverage, off-street parking, or any other expansion of use; provided, however, that any such expansion complies with all bulk regulations of the applicable zoning district.

In addition to the above noted exempt activities, and subject to the requirements set forth in section 406.0 of this appendix, any structure which is destroyed or damaged by fire or other casualty or act of God, to the extent that the cost of restoration to the condition in which it was before the occurrence shall be less than 50 percent of the cost of the restoration of the entire building when new, shall be exempt from the regulations and requirements of this section.

B. *Administrative review:* Notwithstanding anything to the contrary in this section, the activities set forth in subsections 650.14A.1, 650.14A.2, 650.14A.3, and 650.14A.4, provided such activities are between 15.1 percent and 25 percent of the most current assessed valuation of the structure, as determined by the Lake

County assessor's office, must be approved pursuant to the administrative review provisions set forth below:

1. The person or entity seeking administrative review must obtain and submit an application form provided by the economic development department and pay the application fee, as the fee shall be set from time to time by the corporate authorities. The application shall be submitted to the economic development department with a cost analysis prepared by an Illinois-registered architect or engineer showing that the proposed project meets the valuation requirements set forth in this subsection 650.15B, as well as all site plans, landscaping plans, drawings, and other information as may be required by the director of economic development;
2. The director of economic development shall conduct a review of the application and submitted materials in accordance with the design review standards set forth in subsection 650.12. The director of economic development shall notify the applicant in writing of his or her approval, approval with modifications, or disapproval of the proposed project within 30 business days after submittal of the application. In the event that the director of economic development approves with modifications or disapproves the application, he or she shall specifically provide the reasons for approval with modifications or disapproval.
3. In the event that the applicant desires to appeal the decision of the director of economic development or his/her designee, the applicant may seek an appeal pursuant to section 307.0 of this appendix.

(Ord. No. 16-01-05, 1-25-2016)

Editor's note— Ord. No. 16-01-05, adopted Jan. 25, 2016, included Exhibit B, a map of the Orchard Lane Conservation Area Zoning District. Because of print quality issues this map has not been included herein but is available at the office of the village clerk.

ARTICLE VII. - INDUSTRIAL DISTRICTS

Sec. 700.0. - I-1 Limited Industrial District.

The I-1 Limited Industrial District is intended to provide lands for development by industrial firms that have high standards of performance and that can locate in close proximity to residential and business uses. The district regulations are designed to permit the operations of most manufacturing, wholesaling and warehousing activities with adequate protection to adjacent district uses and sufficient controls of external effects to protect one industry from another. No outdoor storage is allowed in this district and all industrial operations must be in the enclosed building.

700.1 Permitted uses: No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied (*sic*) used, except as otherwise provided in this ordinance, for other than one or more of the following specified uses:

1. Industrial type uses:
 - a. All manufacturing and industrial activities including fabrication, processing, assembly, disassembly, repairing, cleaning, servicing, testing, packaging and storage of materials, products and goods that can be conducted wholly within enclosed buildings.

- b. Laboratories and research firms involved in the research, experimentation or testing of materials, goods
 - c. Printing, publishing or lithography establishments.
2. Wholesale and warehouse uses:
- a. Direct selling establishments, where products are stored and distributed, but not displayed for retail sales.
 - b. Wholesale and warehouse establishments that deal in commodities which are the product of a use permitted in the I-1 District.
 - c. Establishments that warehouse and distribute beverages.
3. Public, quasi-public and governmental buildings and facilities:
- a. Essential service-gas regulator stations, telephone exchange, electric substation, sewage disposal plant, and well site.
 - b. Hospital
 - c. Office building
 - d. Public service or municipal garage
 - e. Public utility establishment
 - f. Vocational school
 - g. Water filtration plant
 - h. Water reservoir

700.2 *Accessory uses:* As permitted in accordance with Article II, section 215.

700.3 *Special uses:*

- 1. Planned development
- 2. Signs and billboards
- 3. Residence of the proprietor, caretaker or watchman when located on the premises of the industrial use
- 4. Railroad right-of-way and passenger stations, but not including yards and shops
- 5. Sexually oriented businesses, as defined and regulated in Article XVII of this Zoning Ordinance
- 6. Health and fitness center
- 7. Dancing school or studio
- 8. Recreational activity club
- 9. Gymnastics studio
- 10. Martial arts studio

700.4 *Lot size requirements:* With the exception of planned developments, a separate ground area, herein called the zoning lot, shall be designated, provided and continuously maintained for each structure containing a permitted use or a special use.

A.	Minimum lot area	20,000 square feet

B.	Minimum lot width	100 feet
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700.5 *Yard requirements:*

- A. *Minimum front yard:* A 50-foot setback of all principal and accessory buildings from the front property line. The first 25 feet of the setback immediately adjacent to the front property line is to be used only for landscaping and to provide a means of ingress and egress. The second 25 feet may be used for parking and the display of good for sale, signs and a means of ingress and egress.
- B. *Minimum corner side yard:* All structures shall have a minimum side yard of 30 feet.
- C. *Minimum interior side yard:* All structures shall have a minimum interior side yard of not less than 15 feet on either side.
- D. *Minimum rear yard:* All structures shall have a minimum rear yard of 30 feet.

700.6 *Bulk regulations:*

- A. *Maximum structure height:* No structure or portion thereof shall exceed a height of 30 feet.
- B. *Floor area ratio:* Not to exceed 0:6.

700.7 *Special provisions:*

- 1. *Curb, gutter, storm drainage, and entrance curbs:* These are required on all street frontages and shall meet the approval of the village engineer and village standards.
- 2. *Ingress and egress:* On all industrial lots with less than 200 feet frontage on a public road, access is limited to one combined ingress and egress with a minimum width of 20 feet and a maximum width of 32 feet measured from inside of curbs at property line. (Location determined by village engineer or others appointed by the village.)

On all commercial lots of 200 feet and over frontage on a public road, access is limited to two combined ingresses and egresses, with a minimum width of 32 feet measured from inside of curbs at property line locations. (Location determined by village engineer or others appointed by the village). Details of ingresses and egresses to meet state, county, and village requirements.
- 3. *Fencing:* Where any of these permitted or special uses border a residential zone, fencing must be provided along all common boundaries so as to shield the residential zone from the use permitted.
- 4. *Outdoor storage:* No outdoor storage shall be permitted.
- 5. *Enclosure of use:* All industrial operations shall take place within completely enclosed buildings, unless otherwise specified.
- 6. *Screening:* Where a commercial or industrial use abuts or is across the street from a residential district, adequate screening shall be provided.
- 7. *Health and sanitation standards:* All uses shall conform in full with the health and sanitation standards of the village.
- 8. *Streets, street signs, street lights, curbs, gutters, drainage, underground utilities:* All developments within

this district must meet village standards for streets, street signs, street lights, curbs, gutters, drainage, underground utilities, etc.

9. *Landscaping:* A general landscaping plan must accompany all applications for building permits requested for the construction of new buildings.

The landscaping plan must show all areas, which will contain grass or other natural growth and the location of all trees, shrubbery and other natural growth.

Areas designated for grass or other natural growth must be seeded or sodded as soon as possible after the completion of any building, and all shrubs, trees and other natural growths must be seeded and/or planted as soon as possible after the completion of any building, but in no event shall such seeding and/or planting be delayed for a period in excess of one year after the completion of any building.

Certificates of occupancy may be issued for buildings prior to the time the landscaping requirements as provided for herein are satisfied; however, such certificates of occupancy shall state upon their face: "Landscaping not approved, approved landscaping required within one year of the date of this certificate."

Minor alterations from the original landscaping plan may be made without obtaining prior approval from the village; however, the amounts and location of land set aside for landscaping may not be reduced without the approval of the code official.

10. *Outdoor refuse containers:* If outdoor refuse containers are used, a refuse storage enclosure shall be provided for each permitted use. Each outdoor storage container must be located within a refuse enclosure. Refuse storage enclosures may contain more than one refuse container. Where more than one permitted use or more than one business activity occupies a zoning lot, a common enclosure may be provided.

700.8 *Industrial performance procedures:*

- A. *Procedure and purpose:* The purpose of the performance standards procedure is to ensure that an objective, unbiased determination is made in those cases where there may be substantial doubt as to whether an individual land use or group of land uses comply with the performance standards of this section, and to formulate practical ways for the alleviation of such non-compliance.
- B. *Compliance:* Should the code official determine that the proposed use may violate the performance standards set forth herein, the code official shall require information from the applicant or owner or operator and initiate an investigation. Should such additional data be required, the code official shall request such information including but not limited to the following:
1. Plans of the existing or proposed construction and development.
 2. A description of the existing or proposed machinery, processes and products.
 3. Specifications for the mechanisms and techniques used or proposed to be used in restricting the possible emission of any of the dangerous and objectionable elements as set forth in this section.
 4. Measurements of the amount or rate of emission of said dangerous and objectionable elements.
- Failure to submit data requested by the code official shall constitute grounds for denying a permit.

- C. *Report by expert consultants:* The code official may require any person, firm or corporation to retain an expert or consultants to study and report as to compliance or non-compliance with the performance standards, and a proposed use can be brought into compliance with the performance standards. Such consultants shall be persons or firms mutually agreeable to the code official and to the owner or operator of the use in question. In the event the owner or operator does not select a mutually agreeable consultant, the planning and zoning commission shall select the consultant. The consultant's services shall be borne by the owner or operator of said use.
- D. *Action by the code official:* Within 60 days following the receipt of the acquired evidence or receipt of the reports of expert consultants, the code official shall make a determination as to compliance or non-compliance with the performance standards. The code official may require modification or alterations in the existing or proposed construction or the operational procedures to ensure that compliance with the performance standards will be maintained. The operator shall be given reasonable length of time to effect the changes prescribed by the code official for the purpose of securing compliance with the performance standards.
- E. *Enforcement:* The code official shall investigate any purported violation of the performance standards, and if there is any reasonable grounds for the same, shall investigate the alleged violation. For such investigation, the administrator may employ qualified experts. If, after public hearing on due notice, the village finds that a violation occurred or exists, a copy of said findings shall be forwarded to the owner or operator with instructions to correct the violation. The service of any qualified experts, employed by the village to advise in establishing a violation, shall be paid by the violator if said violation is established by the village.
- F. *Cancellation of permits:* If, after the conclusion of the time granted for compliance with the performance standards, the code official finds the violation is still in existence, any permits previously issued shall be void and the operator shall be required to cease operation until the violation is remedied.
- G. *Industrial performance standards:*
1. *Noise:* Establishments in the I-1 Limited Industrial District shall be so operated as to comply with the requirements and regulations promulgated by the Illinois Pollution Control Board.
 2. *Vibration:* No industrial operation or activity (except those under the direct control of the manufacturer) shall cause at any time ground transmitted vibrations in excess of the limits set forth below:
 - a. Vibration is defined as the periodic displacement of earth, and is to be measured in inches.
 - b. Vibration shall be measured at any point along the property line of the source of the vibrations.
 - c. No industrial source shall cause vibrations in excess of the following:

TABLE 700.8

Frequency in Cycles Per Second	Maximum Permitted Displacement Along the Property Line of Source
0-10	.0008

11-20	.0005
21-30	.0003
31-40	.0002
Over 40	.0001

3. *Air quality*: Uses in the I-1 District shall operate in compliance with the rules and regulations of the Illinois Pollution Control Board with regard to air pollution.
4. *Odor*: Odorous matter released from any use in the I-1 District shall not be offensive to an observer standing on the property line of the source.
5. *Fire and explosion hazards*: Uses in the I-1 District shall operate in compliance with the applicable codes adopted by the village in regard to flammable materials.

700.9 *Signs*: Signs shall be subject to the regulations contained in Article IX.

700.10 *Off-street parking and loading requirements*: Off-street parking and loading facilities shall be provided as required in Article X.

(Ord. No. 04-05-02, 5-10-2004; Ord. No. 08-03-06, 3-24-2008)

Sec. 701.0. - I-2 General Industrial Districts.

The I-2 General Industrial District is intended to provide lands for development by most types of industrial firms. The regulations are designed to permit operations in a clean and quiet manner and to protect adjacent district uses and industries within the district. Further development of residences is prohibited in this district to keep homes from absorbing any adverse effects of the industries and to conserve the supply of industrial land for industrial use.

701.1 *Permitted uses*: No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied or used, except as otherwise provided in this ordinance, for other than one or more of the following specified uses:

1. Industrial type uses:
 - a. All manufacturing uses permitted in the I-1 District.
 - b. Industrial firms involved in the fabrication, processing, assembly, disassembly, repairing, production, compounding, cleaning, servicing, testing storage and/or manufacturing of materials, goods or products.
 - c. Agricultural buildings and structures.
 - d. Railroad right-of-way and passenger stations.
 - e. Railroad freight station, but not including switching, storage, freight yards or maintenance facilities.
 - f. Automotive and scrap salvage yard, if in a completely enclosed building.
 - g. Manufacture, storage and sale of mobile homes and/or trailers, farm implements and other similar equipment on an open lot.
 - h. Airport, associated with an airport industrial park.

2. Wholesale and warehouse uses:
 - a. Wholesale and warehouse uses permitted in the I-1 District.
 - b. Wholesale establishments.
 - c. Warehouse.
 - d. Storage of household goods.
3. Public, quasi-public and governmental buildings and facilities:
 - a. Public, quasi-public and governmental buildings and facilities permitted in the I-1 District.
 - b. Animal pounds and shelters.
 - c. Transit and transportation facilities.
 - d. Radio and television studios, stations and transmission towers.

701.2 Accessory uses: As permitted in accordance with Article II, section 215.

701.3 Special uses: Planned unit developments

1. Residence of the proprietor, caretaker or watchman, when located on the premises of the industrial use.
2. Radio and television stations and transmission towers.
3. Landfill with noncombustible material free from organic refuse and/or flood wastes, not including a sanitary landfill.
4. Mining and/or the extraction of minerals, sand, gravel, topsoil or other aggregates, including equipment, buildings or structures for screening, crushing, mixing, washing or storage, provided that:
 - a. No open pit or shaft is less than 200 feet from any public road.
 - b. All buildings or structures are located not less than 200 feet from any property line.
 - c. The borders of the property adjacent to or across the street from any district other than an industrial district are fenced with a solid fence or wall at least six feet in height.
5. Central sewage treatment plant.
6. Outdoor storage of unconfined bulk materials.
7. Grain storage.
8. Fertilizer and seed sales.
9. Animal feed-preparation, grinding, mixing and storage.
10. Airport.
11. Sexually oriented businesses, as defined and regulated in Article XVII of this Zoning Ordinance.
12. Health and fitness center.
13. Dancing school or studio.
14. Recreational activity club.
15. Gymnastics studio.
16. Martial arts studio.

701.4 *Lot size requirements:* With the exception of planned developments, a separate ground area, herein called the

zoning lot, shall be designated, provided and continuously maintained for each structure containing a permitted use or a special use.

A.	Minimum lot area	20,000 sq. ft.
B.	Minimum lot width	100 feet.

701.5 *Yard requirements*

- A. *Minimum front yard:* A 50-foot setback of all principal and accessory buildings from the front property line. The first 25 feet of the setback immediately adjacent to the front property line is to be used only for landscaping and to provide a means of ingress and egress.
The second 25 feet may be used for parking and the display of good for sale, signs and a means of ingress and egress.
- B. *Minimum corner side yard:* All structures shall have a minimum side yard of 30 feet.
- C. *Minimum interior side yard:* All structures shall have a minimum interior side yard of not less than 15 feet on either side.
- D. *Minimum rear yard:* All structures shall have a minimum rear yard of 30 feet.

701.6 *Bulk regulations:*

- A. *Maximum structure height:* No structure or portion thereof shall exceed a height of 30 feet when within 200 feet of a residential district. Beyond 200 feet from a residential district, one additional foot in height may be added for each two feet of horizontal distance beyond 200 feet.
- B. *Floor area ratio:* Not to exceed 1:5.

701.7 *Special provisions:*

1. *Curb, gutter, storm drainage, and entrance curbs:* These are required on all street frontages and shall meet the approval of the village engineer and village standards.
2. *Ingress and egress:* On all industrial lots with less than 200 feet frontage on a public road, access is limited to one combined ingress and egress with a minimum width of 20 feet and a maximum width of 32 feet measured from inside of curbs at property line (location shall be determined by the village engineer or others appointed by the village.)
3. On all commercial lots of 200 feet and over frontage on a public road, access is limited to two combined ingress's and egresses, with a minimum width of 32 feet measured from inside of curbs at property line locations (location(s) shall be determined by the village engineer or others appointed by the village). Details of ingresses and egresses shall meet state, county, and village requirements.
4. *Fencing:* Where any of these permitted or special uses border a residential zone, fencing must be provided along all common boundaries so as to shield the residential zone from the use permitted.
5. *Screening:* Where an industrial use abuts or is across the street from a residential district, adequate

screening shall be provided.

6. *Enclosure of use:* All industrial operations shall take place within completely enclosed buildings, unless otherwise specified.
7. *Health and sanitation standards:* All uses shall conform in full with the health and sanitation standards of the Village of Round Lake Beach.
8. *Streets, street signs, street lights, curbs, gutters, drainage, underground utilities:* All developments within this district must meet Village of Round Lake Beach standards for streets, street signs, street lights, curbs, gutters, drainage, underground utilities, etc.
9. *Landscaping:* A general landscaping plan must accompany all applications for building permits requested for the construction of new buildings. The landscaping plan must show all areas, which will contain grass or other natural growth and the location of all trees, shrubbery and other natural growth.

All areas designated for grass or other natural growth must be seeded or sodded as soon as possible after the completion of any building and all shrubs, trees and other natural growths must be seeded and/or planted as soon as possible after the completion of any building, but in no event shall such seeding and/or planting be delayed for a period in excess of one year after the completion of any building.

Certificates of occupancy may be issued for buildings prior to the time the landscaping requirements as provided for herein are satisfied; however, such certificates of occupancy shall state upon their face: "Landscaping not approved, approved landscaping required within one year of the date of this certificate."

Minor alterations from the original landscaping plan may be made without obtaining prior approval from the village; however, the amounts and location of land set aside for landscaping may not be reduced without the approval of the code official.

10. *Storing of junk:* The storing of junk and like materials is prohibited. All other storage of materials must be no closer than 50 feet from all roadsides.
11. *Outdoor refuse enclosures:* If outdoor refuse containers are used, a refuse storage enclosure shall be provided for each permitted use. Each outdoor storage container must be located within a refuse enclosure. Refuse storage enclosures may contain more than one refuse container. Where more than one permitted use or more than one business activity occupies a zoning lot, a common enclosure may be provided.

701.8 *Industrial performance procedures:*

- A. *Procedure and purpose:* The purpose of the performance standards procedure is to ensure that an objective, unbiased determination is made in those cases where there may be substantial doubt as to whether an individual land use or group of land uses comply with the performance standards of this section, and to formulate practical ways for the alleviation of such non-compliance.
- B. *Compliance:* Should the code official determine that the proposed use may violate the performance standards set forth herein, the code official shall require information from the applicant or owner or operator and initiate an investigation. Should such additional data be required, the code official shall request such information including but not limited to the following:

1. Plans of the existing or proposed construction and development.
2. A description of the existing or proposed machinery, processes and products.
3. Specifications for the mechanisms and techniques used or proposed to be used in restricting the possible emission of any of the dangerous and objectionable elements as set forth in this Section.
4. Measurements of the amount or rate of emission of said dangerous and objectionable elements.

Failure to submit data requested by the code official shall constitute grounds for denying a permit.

- C. *Report by expert consultants:* The code official may require any person, firm or corporation to retain an expert consultant or consultants to study and report as to compliance or non-compliance with the performance standards, and to advise how a proposed use can be brought into compliance with the performance standards. Such consultants shall be persons or firms mutually agreeable to the code official and to the owner or operator of the use in question. In the event of inability to select a mutually agreeable consultant, the planning and zoning commission shall select the consultant. The cost of the consultant's services shall be borne by the owner or operator of said use.
- D. *Action by the code official:* Within 60 days following the receipt of the acquired evidence or receipt of the reports of expert consultants, the code official shall make a determination as to compliance or non-compliance with the performance standards. The code official may require modification or alterations in the existing or proposed construction or the operational procedures to ensure that compliance with the performance standards will be maintained. The operator shall be given reason-able length of time to effect the changes prescribed by the code official for the purpose of securing compliance with the performance standards.
- E. *Enforcement:* The code official shall investigate any purported violation of the performance standards, and, if there is any reasonable grounds for the same, shall investigate the alleged violation. For such investigation, the administrator may employ qualified experts. If, after public hearing on due notice, the village finds that a violation occurred or exists, a copy of said findings shall be forwarded to the owner or operator with instructions to correct the violation. The service of any qualified experts, employed by the Village of Round Lake Beach to advise in establishing a violation, shall be paid by the violator if said violation is established by the Village of Round Lake Beach.
- F. *Cancellation of permits:* If, after the conclusion of the time granted for compliance with the performance standards, the code official finds the violation is still in existence, any permits previously issued shall be void and the operator shall be required to cease operation until the violation is remedied.
- G. Industrial performance standards:
1. *Noise:* Establishments in the I-2, General Industrial District, shall be so operated as to comply with the requirements and regulations promulgated by the Illinois Pollution Control Board.
 2. *Vibration:* No industrial operation or activity (except those under the direct control of the manufacturer) shall cause at any time ground transmitted vibrations in excess of the limits set forth below.
 - a. Vibration is defined as the periodic displacement of earth, and is to be measured in inches.
 - b. Vibration shall be measured at any point along the property line of the source of the vibrations.

- c. No industrial source shall cause vibrations in excess of the following:

TABLE 701.8

Frequency in Cycles Per Second	Maximum Permitted Displacement Along of Source
0-10	.0008
11-20	.0005
21-30	.0003
31-40	.0002
over 40	.0001

3. *Air quality:* Uses in the I-2 District shall operate in compliance with the rules and regulations of the Illinois Pollution Control Board with regard to air pollution.
4. *Odor:* Odorous matter released from any use in the I-2 District shall not be offensive to an observer standing on the property line of the source.
5. *Fire and explosion hazards:* Uses in the I-2 District shall operate in compliance with the fire prevention code and the life safety code adopted by the village in regard to flammable materials.

701.9 *Signs:* Signs shall be subject to the regulations contained in Article IX.

701.10 *Off-street parking and loading requirements:* Off-street parking and loading facilities shall be provided as required in Article X.

(Ord. No. 04-05-02, 5-10-2004; Ord. No. 08-03-06, 3-24-2008)

ARTICLE VIII. - FLOOD OVERLAY DISTRICT

[Sec.] 800.0. - Flood Overlay (F-1) District.

800.1 Findings and purpose:

- A. The flood hazard areas of the Village of Round Lake Beach are subject to periodic inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the people of the village.

Such flood losses are caused by the cumulative effects of obstructions in flood heights and velocities and the occupancy of flood-hazard areas by uses vulnerable to floods or hazardous to other lands, which are inadequately elevated or otherwise protected from flood damage.

- B. It is the purpose of this Article VIII:

1. To control flood plain use such as fill, dumping, storage of materials, structures, buildings, and any other works which acting alone or in combination with other existing or future uses will cause damaging flood

heights and velocities by obstructing flows and reducing storage;

2. To protect human life and health;
 3. To minimize public and private property damage;
 4. To protect individuals from buying lands and structures which are unsuitable for intended purposes because of flood hazards;
 5. To minimize surface and ground water pollution which will affect human, animal, or plant life;
 6. To control development which will, when acting alone or in combination with similar developments:
 - a. Create an unjustified demand for public investment in flood-control works by requiring that uses vulnerable to floods, including public facilities which serve such uses, shall be protected against flood damage at the time of initial construction;
 - b. Cause flood losses if public streets, sewer, water and other utilities must be extended below the flood level to serve the development;
 - c. Create an additional burden on the public to pay the costs of rescue, relief, emergency preparedness measures, sandbagging, pumping, and temporary dikes and levees;
 - d. Create an additional burden to the public for business interruptions, factory closing, disruption of transportation routes, interference with utility services, and other factors that result in loss of wages, sales and production;
 7. To maintain a stable tax base by the preservation of property values in and around the area of the flood plain;
 8. To promote generally the public health, safety and welfare by lessening and avoiding the hazard to persons and damage to property resulting from the accumulation of run-off of storm or flood waters.
- C. The requirements of this article apply in addition to the district regulations contained in other articles of this ordinance. Nothing contained herein shall be construed to permit the use of land not otherwise permitted in the underlying zoning district. The regulations contained herein overlay and are in addition to the requirements in the said underlying zoning district.

800.2 *Determination of flood plain hazards:*

- A. The flood plain and flood hazard associated with the controls imposed by this article are determined as follows:
1. The is delineated upon the official zoning map adopted as part of this ordinance, a general flood plain overlay district determined to be subject to floods of a 50-year frequency, which determination is based upon evidence of past floods including the U.S.G.S. Hydrologic Investigation Atlas and Soil Conservation Service soil maps. This article shall apply to all lands within the jurisdiction of the village shown on the official zoning map as being within the boundaries of the general flood plain overlay district.
 2. All uses of land in the flood plain overlay district as delineated in sub-section (1) hereof, other than open space permit in accordance with the procedures of Article 3, section 3-10 of this ordinance, which special use shall be considered on the basis of the flood hazard on the property subject to the application of

special uses, by the board of trustees upon recommendation of the planning and zoning commission. In considering such an application for a special use, the planning and zoning commission shall, where applicable:

- a. Estimate the discharge of the regulatory flood which is representative of large floods known to have occurred in this region and which are reasonably characteristic of what can be expected to occur on the particular streams subject to this ordinance. It is in the general order of a flood, which could be expected to occur on the average once every 50 years.
- b. Determine the specific flooding threat at the site of the proposed special-permit use and determine whether the use is located in flood-way or flood-fringe area by:
 1. Calculation of water surface elevations and flood protection elevations based on a hydraulic analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
 2. Computation of the flood-way required to convey this flood without increasing flood heights to an extent which would cause substantial upstream or downstream damage to existing or reasonably anticipated future development. Computation of increases in flood heights caused by any encroachment shall be based upon the reasonable assumption that there will be an equal degree of encroachment on both sides of the stream within that reach. Generally, any increase in flood stages attributable to encroachments on the flood plain of any river or stream shall not exceed 0.5 feet in any one reach or for the cumulative effect of several reaches.
- B. Evaluate the effects of the proposed use upon the public health, safety and general welfare in light of the purposes of this ordinance and the standards established herein and deny, grant or conditionally grant the application for the proposed use. In addition, the regulatory flood protection elevation and necessary flooding areas shall be established by the planning and zoning commission as provided in section 8.1-2 of this article consistent with the methods specified therein.
- C. The boundaries of the zoning district shall be determined by scaling distances on the zoning map. Where interpretation is needed as to exact location of the boundaries of the district as shown on the official zoning map (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the board of trustees, upon the recommendation of the planning and zoning commission, shall make the necessary interpretation. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the commission and to submit his own technical evidence if he so desires.
- D. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that areas outside the flood plain district will be free from flooding or flood damages. This article shall not create liability on the part of the village or any officer or employee thereof for any administrative decision lawfully made thereunder.

800.3 *Permitted uses:* The following open space uses shall be permitted within any Flood Plain Overlay District to the extent that they are not prohibited by any other ordinance and provided that they do not require structures, fill or storage of materials or equipment. In addition, no use shall adversely affect the efficiency or unduly restrict the

capacity of the channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility or system.

- A. Agricultural uses, including general farming, pasture grazing, outdoor plant nurseries, horticulture, truck farming, sod farming, and wildcrop harvesting, provided such uses are permitted in an adjoining district.
- B. Industrial commercial uses such as loading areas and parking areas.
- C. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, hiking and horseback riding trails.
- D. Residential uses such as lawns, gardens, parking areas, and play areas.

800.4 *Special uses in floodways and flood fringes:* All uses other than those specified in section 8.1-3 are permitted only upon application to the zoning administrator and the issuance of a special permit as provided in Article 3, Special Uses, of this ordinance. The Flood Plain Overlay District encompasses both floodway and flood fringe areas. Therefore, the planning and zoning commission, as provided in section 8.1-2 shall determine whether the proposed special use is located within a floodway or flood fringe area. If it is determined that the proposed special use is located within the floodway, the provisions of section 8.1-5 of this ordinance shall apply. If it is determined that the pro-posed use is located within the flood fringe, the provisions of section 8.1-6 of this ordinance shall apply.

800.5 *Special provisions applying to the floodway portion of the flood plain:*

- A. Uses permitted in section 801.3 are permitted uses in the floodway.
- B. Other uses are allowed only as special uses. No structure (temporary or permanent), fill (including fill for roads and levees) deposit, obstruction, storage of materials or equipment, or other uses shall be permitted which acting alone or in combination with existing or reasonably anticipated uses unduly affects the efficiency of the capacity of the floodway or unduly increases flood heights. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream. Special Uses shall include:
 - 1. Uses or structures accessory to open space or special uses.
 - 2. Circuses, carnivals, and similar transient amusement enterprises.
 - 3. Temporary road side stands and signs.
 - 4. Extraction of sand, gravel, and other materials.
 - 5. Marinas, boat rentals, docks, piers, wharves, and water control structures, including the storage of fuel as an accessory use to the aforementioned.
 - 6. Streets, bridges, utility transmission lines and pipelines.
 - 7. Storage yards for equipment, machinery or materials, in connection with above specified permitted and special uses.
 - 8. Kennels and stables.
 - 9. Other uses similar in nature to uses described in section 801.6 of this subsection, which are consistent with the provisions set out in this ordinance.

C. Standards for flood-way special uses:

All uses: No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other use may be allowed as a special use which, acting alone or in combination with existing or future uses, unduly affects the capacity of the floodway or unduly increases flood heights, consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream. In addition, all floodway special uses shall be subject to the standards contained in section 801.8 and the following standards:

1. Any fill proposed to be deposited in the floodway must be shown to have some beneficial purpose and the amount thereof no greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the use to which the filled land will be put and the final dimensions of the proposed fill or other materials. Such fill or other materials shall be protected against erosion by riprap, vegetation cover, or bulkheading.
2. Structures (temporary or permanent).
 - a. Structures shall not be designed for human habitation;
 - b. Structures shall have a low flood damage potential;
 - c. The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and so far as practicable, structures shall be placed approximately of the same flood-flow lines as those of adjoining structures.
 - d. Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river and,
 - e. Service facilities such as electrical and heating equipment shall be constructed at or above the regulatory flood-protection elevation for the particular area should be flood-proofed.
3. Storage of material and equipment:
 - a. The storage or processing of materials that are, in time of flooding, buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
 - b. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

D. Garbage and solid waste disposal:

1. No special use permits for garbage and waste disposal sites shall be issued for flood-way areas.
2. Provided further, there shall be no further encroachment upon the floodway at existing sites.

800.6 Special provisions applying to the flood fringe:

- A. *Permitted uses:* Uses listed in section 8.1-3 as permitted uses are permitted uses within the flood fringe.
- B. *Special uses:* Structural or other uses shall be permitted within the flood fringe as special uses to the extent they are not prohibited by any other ordinance and they meet the following standards:

1. *Residential uses:* Residence on lots not less than 40,000 square feet and developed otherwise in accordance standards set forth in the Estate Residential District regulations, shall be constructed on fill with the first floor at or above the regulatory flood protection elevation. The finished fill elevation shall be no more than 0 the regulatory flood protection elevation for the particular area and shall extend at such elevation at least 15 the limits of any structure or building erected thereon. Where existing streets or utilities are at elevations wh compliance with this provision impractical or in other special circumstances the planning and zoning commis recommend other techniques for protection.
2. *Nonresidential uses:* Structures other than residences shall ordinarily be elevated on fill as provided in subsection B-1 of this section but may, in special circumstances, be protected as provided in Part 4 herein to a point at or above the regulatory flood protection elevation.
3. *Commercial uses:* Commercial structures generally must be constructed on fill with no first floor or basement floor below the flood protection elevation. Accessory land uses, such as yards, railroad tracks and parking lots may be at lower elevations, however, a permit for such facilities to be used by the general public shall not be granted, in the absence of a flood warning system, if the area is inundated to a depth greater than two feet or subject to flood velocities greater than four feet per second upon the occurrence of the regional flood.
4. *Utilities, railroad tracks, streets and bridges:* Public utility facilities, roads, railroad tracks and bridges within the flood plain shall be designed to minimize increases in flood elevations and shall be compatible with local comprehensive flood plain development plans. Protection to the regulatory flood plain elevation shall be provided where failure or interruption of these public facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Where failure of, or interruption of services would not endanger life or health, a lesser degree of protection may be provided for minor or auxiliary roads, railroads or utilities.
5. *Waste treatment and waste disposal:*
 - a. No new construction, addition, or modification to existing waste treatment facilities shall be permitted within the flood fringe unless emergency plans and procedures for action to be taken in the event of flooding are prepared, filed with, and approved by the Illinois Environmental Protection Agency and the village engineer. The emergency plans and procedures must provide for measures to prevent introduction of any pollutant or toxic material into the floodwaters.
 - b. There shall be no disposal of garbage or solid waste materials within flood fringe areas except upon issuance of a special use permit at sites approved by the Illinois Environmental Protection Agency and subject to the requirements of section 801.5.

800.7 *Procedure for special use permits in flood plain:* Upon receiving an application for a special use permit involving the use of fill, construction of structures, or storage of materials in a flood plain district, the planning and zoning commission shall, prior to making a recommendation thereon:

- A. Require the applicant to furnish such of the following information as is deemed necessary by the planning and zoning commission for determining the regulatory flood protection elevation whether the proposed use is located in the floodway or flood fringe, and other factors necessary to render a decision with respect to the suitability of the particular site for the proposed development.

1. *Plans*: Ten copies drawn to a scale of one inch per 100 feet, showing the nature, location, dimensions and elevation of the lot, existing or proposed structures, fill, storage of materials, flood-proofing measures, relationship of the above to the location of the channel, elevations or contours of the ground; pertinent structural, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities; photograph showing existing land uses and vegetation upstream and downstream, soil types, and other pertinent information.
 2. *A typical valley cross-section*: Showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
 3. *Profile*: Showing the slope of the bottom of the channel or flow line of stream for at least 500 feet in either direction from the proposed development.
 4. *Specifications*: For building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
- B. Transmit one copy of the information described in subsection (A) to the village engineer for technical assistance in order to determine:
1. Whether the proposed use is located in the flood-way or flood fringe;
 2. The regulatory flood protection elevation;
 3. Evaluate the proposed project in relation to flood heights and velocities, the degree of flood damage to the use, the adequacy of the plans for protection and similar technical details.
- C. Having regard for the evaluation of the village engineer, determine whether the proposed use is located in the floodway or flood fringe, determine the specific flood hazard at the site and evaluated the suitability of the proposed use in relation to the flood hazard.
- D. Consider all relevant factors specified in other sections of this ordinance, including:
1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
 2. The danger caused by materials that may be swept into other lands or downstream to the injury of others.
 3. The proposed water supply and sanitary systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 4. The susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on the individual owner.
 5. The importance of the services provided by the proposed facility to the community.
 6. The requirements of the facility for a waterfront location.
 7. The availability of alternative locations not subject to flooding for the proposed facility.
 8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 9. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
11. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.
12. Such other factors which are relevant to the purposes of this ordinance.
13. The effect which the proposed special use will have on the environment of the village.

800.8 *Conditions attached to special use permits:*

- A. Upon consideration of the factors listed above and the purposes of this ordinance, the planning and zoning commission may recommend and the board of trustees may impose conditions upon the granting of special use permits, as it deems necessary to further the purpose of this article. Such conditions without limitation because of specific enumeration may include:
 1. Modification of waste disposal and water supply facilities.
 2. Limitations on period of use and operation.
 3. Imposition of operational controls, sureties, and deed restrictions.
 4. Requirements for construction of channel modifications, dikes, levees and other protective measures.
 5. Flood-proofing measures designed so that they are consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood.
- B. The applicant may be required to submit a plan or document certified by a registered professional engineer or architect that the flood-proofing measures are consistent with the regulatory flood protection elevation and associated flood protection factors for particular area. The following flood-proofing measures may be required:
 1. Anchorage to resist flotation and lateral movement.
 2. Installation of watertight doors, bulkheads, shutters, or similar methods of construction.
 3. Reinforcement of walls to resist water pressures.
 4. Use of paints, membranes, or mortars to reduce seepage of water through walls.

(Ord. No. 01-04-01, 4-23-2001)

Sec. 850.0. - Lake Overlay (L-1) District.

850.1 *Findings and purpose:* The village enjoys the privilege of having within its borders a portion of the lake of Round Lake. The lake has unique qualities and characteristics and a strong impact on the overall character of the village. The lake's distinctive characteristics deserve special protection, and the appropriate development and use of lakefront property requires special rules and regulations. The Lake Overlay Zoning District is established to protect and preserve the special qualities and characteristics of the lake and thereby preserve the quality of its impact on the village.

850.2 *Designation of Lake Overlay District:* The Lake Overlay District appears on the zoning map as an "overlay district," imposed on top of other base (or underlying) zoning districts created by the zoning ordinance. Development of properties in the Lake Overlay District must comply both with the regulations of the Lake Overlay District and with

the regulations of the base district in which they are located. When there is any conflict between the regulations of the Lake Overlay District and the regulations of the base district, the regulations of the more restrictive regulation shall control.

850.3 *Applicability of Lake Overlay District:* Except as otherwise provided in this section, the Lake Overlay District lot size and exterior appearance review requirements shall apply to the following construction and development activities on any currently platted or proposed zoning lot within the Lake Overlay District:

- A. All new structures and developments;
- B. All new uses of land, including new structures and developments occurring on vacant land;
- C. Except as otherwise provided in this section, all new structures and uses of land on sites of demolished structures; and
- D. Whenever any proposed improvements require any relief provided in article III.

850.4 *Permitted and special uses:* Permitted and special uses allowed in the Lake Overlay District shall be consistent with those authorized by the regulations of the base zoning district, subject to the limitations placed thereon by this section.

850.5 *Lot size requirements:* Each permitted or special use lawfully established in the Lake Overlay District shall meet the following minimum lot area and lot width requirements based upon the applicable underlying zoning district as follows:

Underlying Zoning District	Minimum Lot Width (feet)	Minimum Lot Area (square feet)
E-R	150	40,000
R-2	75	10,000
R-3	75	10,000

Special uses may be required to meet more restrictive site and structure provisions if the village board, upon considering a recommendation of the planning and zoning commission, determines that such requirements are necessary for public health, safety and general welfare purposes.

850.6 *Exterior appearance review—General provisions:*

- A. *Authority:* The board of trustees, in accordance with the procedures and standards set out in this section, may grant exterior appearance approval.
- B. *Purpose:* The exterior appearance review process is intended to protect, preserve, and enhance the character and quality of architectural heritage and to protect, preserve, and enhance property values in the Lake Overlay Zone.
- C. *Parties entitled to seek exterior appearance review:* Applications for building permits requiring exterior

appearance review and approval pursuant to this section may be filed by the owner, or any person having a contractual interest in, the subject property.

850.7 Exterior appearance review—Procedures:

- A. *Applications:* Applications for exterior appearance approval shall be filed with the building official. In addition to architectural information regarding the subject building, such application shall include the following materials:
 - 1. *Survey of adjacent properties:* A survey of structures within 250 feet of the subject property which evaluates the architectural character of those structures in relation to the standards and considerations set forth in this section.
 - 2. *Statement of proposed improvements:* A written statement detailing how the proposed improvements meet the applicable standards and consideration for exterior appearance review.
- B. *Other approvals required prior to approval:* In any case where the proposed improvements require any relief provided in article III, or any other approval, no exterior appearance approval shall be granted unless and until such relief has been granted by the board of trustees or other required approvals have been obtained. The granting of any such relief or issuance of any other approval shall not establish any right to exterior appearance approval.
- C. *Public meeting:* After a properly completed application has been filed with the building official, a public meeting shall be set, noticed, and conducted by the planning and zoning commission; provided, however, that such public meeting shall not be commenced later than 60 days following the building official's receipt of a properly completed application
- D. *Action by planning and zoning commission:* Within 45 days after the conclusion of the public meeting, the planning and zoning commission shall transmit to the board of trustees its recommendation either granting exterior appearance approval, granting the approval subject to conditions, or denying the approval. In reaching its recommendation, the planning and zoning commission shall be guided by the purposes for which the exterior appearance review process has been created and by the particular standards and considerations set forth in this section.
- E. *Action by board of trustees:* Within 60 days after receipt of the recommendation of the planning and zoning commission, the board of trustees shall, by ordinance duly adopted, grant exterior appearance approval, grant exterior appearance approval subject to conditions, or shall disapprove the application. The board of trustees may also grant exterior appearance approval with modifications to the proposed improvement design, which the applicant may agree to or reject, in which case such rejection shall serve as a basis, in the sole and absolute discretion of the board of trustees, for denial of the application. Any such conditions or modifications shall be made as necessary to achieve the purposes and objectives of this section. Such conditions and modifications shall be set forth in the ordinance granting approval. In reaching its decision, the board of trustees shall be guided by the purposes for which the exterior appearance review process has been created and by the particular standards and considerations set forth in this section. The failure of the board of trustees to act within such 60 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the application.

850.8 *Exterior appearance review—Standards and considerations:* In their consideration of applications for exterior appearance approval, the planning and zoning commission and the board of trustees shall be guided by the purposes of this section and more particularly by the following standards and considerations:

- A. *General quality of design and site development:* New and existing structures and appurtenances thereof subject to these exterior appearance review provisions shall be evaluated under the following quality of design and site development guidelines:
1. *Open spaces:* The quality of the open spaces between structures and in setback spaces between street and facade.
 2. *Materials:* The quality of materials and their relationship to those in existing adjacent structures.
 3. *General design:* The quality of the design in general and its relationship to the overall character of neighborhood.
 4. *General site development:* The quality of the site development in terms of landscaping, recreation, pedestrian access, automobile access, parking, servicing of the property, and impact on vehicular traffic patterns and conditions on site and in the vicinity of the site, and the retention of trees and shrubs to the maximum extent possible.
- B. *General standards for visual compatibility:* New and existing structures, and appurtenances thereof, subject to these exterior appearance review provisions shall be visually compatible in terms of the following guidelines:
1. *Height:* The height of the proposed structure shall be visually compatible with adjacent structures.
 2. *Proportion of front facade:* The relationship of the width to the height of the front elevation of a proposed structure shall be visually compatible with structures, public ways, and places to which it is visually related.
 3. *Proportion of openings:* The relationship of the width to height of windows of a proposed structure shall be visually compatible with structures, public ways, and places to which it is visually related.
 4. *Rhythm of solids to voids in front facades:* The relationship of solids to voids in the front facade of a proposed structure shall be visually compatible with structures, public ways, and places to which it is visually related.
 5. *Rhythm of space and building on streets:* The relationship of a proposed structure to the open space between it and adjoining structures shall be visually compatible with the structures, public ways, and places to which it is visually related.
 6. *Rhythm of entrance, porch, and other projections:* The relationship of entrances and other projections of a proposed structure to sidewalks shall be visually compatible with the structures, public ways, and places to which it is visually related.
 7. *Relationship of materials and texture:* The relationship of the materials and texture of the facade of a proposed structure shall be visually compatible with the predominant materials used in the structures to which it is visually related.
 8. *Roof shapes:* The roof shape of a proposed structure shall be visually compatible with the structures to which it is visually related.
 9. *Walls of continuity:* The facades and appurtenances of proposed structures such as walls, fences, and

landscape masses shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the structures, public ways, and places to which such elements are visually related.

10. *Scale of building:* The size and mass of proposed structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the structures, public ways, and places to which they are visually related.
11. *Directional expression of front elevation:* A proposed structure shall be visually compatible with the structures, public ways, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or non-directional character.

C. *Special considerations for existing buildings:* For existing buildings, the planning and zoning commission and the board of trustees shall consider the availability of materials, technology, and craftsmanship to duplicate existing styles, patterns, textures, and overall detailing.

850.9 *Exterior appearance review—Limitations on approval:* Subject to an extension of time granted by the board of trustees, no exterior appearance approval shall be valid for a period longer than six months unless the work authorized by such permit is commenced within such period. It shall be unlawful for any person to deviate from plans approved at the time of exterior appearance approval without obtaining an amended permit in the same manner as herein provided for obtaining original permits.

850.10 *Exterior appearance review—Exemption; administrative review:*

A. *Blanket exemptions:* Notwithstanding anything to the contrary in this section, the following activities, provided such activities do not exceed 15 percent of the most current assessed valuation of the structure, as determined by the Lake County assessor's office, shall be exempt from the design review requirements of this section:

1. Like replacement of siding and roofing materials, including gutters and downspouts;
2. Like replacement of architectural features, including gabling, fascia, and masonry details such as keystones and pilasters;
3. Routine maintenance and repair, including repainting with like colors, pitching gutters and downspouts, and repair of storm damaged exterior features; or
4. All uses of land or structures legally existing as of _____, 2007, which are expanded in floor area, lot coverage, off-street parking, or any other expansion of use; provided, however, that any such expansion complies with all bulk regulations of the applicable zoning district.

In addition to the above noted exempt activities, and subject to the requirements set forth in section 406.0 of this appendix, any structure which is destroyed or damaged by fire or other casualty or act of God, to the extent that the cost of restoration to the condition in which it was before the occurrence shall be less than 50 percent of the cost of the restoration of the entire building when new, shall be exempt from the regulations and requirements of this section.

B. *Administrative review:* Notwithstanding anything to the contrary in this section, the activities set forth in subsections 850.10A.1, 850.10A.2, 850.10A.3, and 850.10A.4, provided such activities are between 15.1 percent and 25 percent of the most current assessed valuation of the structure, as determined by the Lake

County assessor's office, must be approved pursuant to the administrative review provisions set forth below:

1. The person or entity seeking administrative review must obtain and submit an application form provided by the economic development department and pay the application fee, as the fee shall be set from time to time by the corporate authorities. The application shall be submitted to the economic development department with a cost analysis prepared by an Illinois-registered architect or engineer showing that the proposed project meets the valuation requirements set forth in this subsection 850.10B, as well as all site plans, landscaping plans, drawings, and other information as may be required by the director of economic development;
2. The director of economic development shall conduct a review of the application and submitted materials in accordance with the design review standards set forth in subsection 850.8. The director of economic development shall notify the applicant in writing of his or her approval, approval with modifications, or disapproval of the proposed project within 30 business days after submittal of the application. In the event that the director of economic development approves with modifications or disapproves the application, he or she shall specifically provide the reasons for approval with modifications or disapproval.
3. In the event that the applicant desires to appeal the decision of the director of economic development, the applicant may seek an appeal pursuant to section 307.0 of this appendix.

(Ord. No. 07-10-04, 10-22-2007)

ARTICLE IX. - SIGNS

Sec. 900.0. - Purpose and definition.

There is a significant relationship between the manner in which signs are displayed and public safety and the value and economic stability of adjoining property. The reasonable display of signs is necessary as a public service and to the conduct of competitive commerce and industry. The regulations in this section establish minimum standards for the display of signs in direct relationship to the functional use of property and to the intensity of development as permitted within the zoning districts which are provided in this ordinance.

Any sign already established on the effective date of this ordinance, and which sign is rendered nonconforming by the provisions herein, and any sign which, as a result of subsequent amendments hereto, shall be rendered nonconforming, shall be subject to the regulations of Article IX, [section] 901.6. Obsolete and Nonconforming Signs.

Sec. 901.0. - General requirements.

901.1 *Exceptions:* The provisions of this ordinance shall not apply to the following:

1. Non-flashing and fixed signs not visible beyond the boundaries of the lot or parcel upon which they are situated or from any public thoroughfare or right-of-way.
2. Miscellaneous traffic and other official signs of any public or governmental agency, such as railroad crossing signs, trespassing signs, signs indicating danger, or signs used as aids to service or safety.

3. Any identification or display of any official court or public office notices thereof, or any flag, emblem or insignia of a political unit, school, or religious group.
Flags displayed for non-commercial purposes shall be limited to one flagpole per zoning lot. A limit of three flags and three flagpoles shall be permitted in commercial and industrial areas.
4. Any sign which is located completely within an enclosed building, and which sign is not visible from outside the building.
5. Tablets, grave markers, headstones, statuary, or remembrances of persons or events that are non-commercial in nature located in established graveyards.
6. Works of fine art when not displayed in conjunction with a commercial enterprise which enterprise may benefit direct commercial gain from such display.
7. Temporary decorations and displays celebrating the occasion of traditionally accepted patriotic or religious holidays.
8. Signs attached to an operable vehicle, while operated in the normal course of a business, which is not primarily the display of such signs. Signs attached to a vehicle that is regularly parked for more than 72 hours in a location conspicuously visible from a public street shall be deemed a portable sign and shall be subject to the regulations of section 901.9 of this article.

901.2 *Permit exemptions:* Permits shall be required for all signs allowed by this ordinance, with the exception of the following:

1. Changing of the copy of a sign, bulletin board, poster board, billboard, display encasement, marquee, or maintenance where no structural and/or letter height changes are made, or changing of interchangeable letters on signs designated for use of interchangeable letters.
2. Temporary, non-illuminated, real estate signs, except public notices, provided that such signs are not more than eight square feet in area and four feet in height, advertising the sale or rental of premises on which the sign is located.
3. Temporary, non-illuminated signs erected in connection with new construction work when such signs do not exceed 16 square feet in area, limited to one for each entrance, and are displayed only during such time as the actual construction work is in progress, provided such signs are located at the site of the construction work in progress, which signs identify the architects, engineers, contractors and other individual firms involved in the construction but not any advertisement of any product, character or proposed use of the building.
4. Private or commercial nameplate identification signs or combination nameplate and street address identification signs, or trespass signs, limited to one for each business, when such signs do not exceed four square feet. Business nameplates shall not be permitted in residential areas.
5. Tablets without commercial advertisement, such as memorials, cornerstones, and name of building, date of erection, use of building, when built into the walls of the building.
6. Temporary signs, not to exceed 16 square feet in area, including banners, for events of a general village wide civic or public benefit nature as may be authorized by the community development director, on the advice of

the village administrator, shall be displayed no more than 21 days prior to the special occasion and removed within 48 hours after the event. A deposit, equal to the amount of permit fee charged for portable signs (Village Code, section 8-2-7, D) shall be required for the erection of each temporary sign, except for signs erected and removed on the day of the event. The village shall keep this deposit, if the Village removes the signs.

7. Garage or rummage sale signs not exceeding two square feet in area displayed for no more than four consecutive days and no more than two signs per sale.
8. *Temporary signs, including banners, for events of an economic development nature of a new business to be established at a new location in the village; as may be authorized by the economic development director, or his designee, on the advice of the village administrator:* The temporary economic development sign shall be displayed for no more than six months prior to the establishment of the business at the new location and extensions of time may be authorized by the economic development director, or his designee, on the advice of the village administrator for reasons such as delayed construction.

A temporary economic development sign, where a building may be under construction, may be authorized as a temporary ground or wall sign. The combined gross sign area of all temporary economic development signs shall not exceed one square foot of sign area, per sign face, for each five linear feet of street frontage, up to a maximum size of any one face, of a two-sided sign, of 80 square feet. To avoid interference with construction activities on site, a temporary economic development sign may be authorized with a minimum setback from a street right-of-way or other property line of 15 feet plus one foot of additional setback for each ten square feet of sign area exceeding 30 square feet. The location and construction of such temporary economic development sign shall not interfere with traffic visibility or public safety and the economic development director, or his designee, may authorize the relocation or additional construction improvements for a temporary sign as development activity may occur on a site that is under construction. All temporary economic development signs shall be removed two weeks after the business opens at the new location.

A deposit, equal to the amount of permit fee charged for portable signs (Village Code, section 8-2-7, D) shall be required for the erection of each temporary sign, except for signs erected and removed on the day of the event. The village shall keep this deposit if the village removes the sign and may also seek additional remedies to recover any further costs of removing the sign.

901.3 *Location of signs:*

1. No sign shall be erected in a location prohibited by this ordinance. No sign shall be erected so as to prevent free ingress and egress from any door or window, or any other exit required by the building code of the Village of Round Lake Beach and amendments thereto, or by the applicable fire district regulations.
2. No sign shall be attached to a utility pole, a tree, a standpipe, gutter drain, or fire escape, nor shall any sign be erected so as to impair access to a roof.
3. Any sign in direct line of vision of any traffic signal, from any point in the traffic lane from a position opposite the near sidewalk line to a position 150 feet before said sidewalk line, shall not have red, green, or amber illumination.
4. All outdoor advertising structures, post signs, accessory signs, or advertising statuary which are declared to be

a traffic hazard by the director of community development after a recommendation from the public works director or police chief, and which do not conform to the provisions of this section, shall be relocated or rearranged in accordance with safety standards.

5. No sign shall project higher than the height of the building when attached to the building. Roof signs are expressly prohibited.

901.4 *Awnings and canopies:* Signs on awnings shall be exempt from the limitations imposed by this ordinance on the projection of signs from the face of the wall of any building or structure, provided that any sign located on the awning shall be affixed flat to the surface thereof, and shall not be internally illuminated and shall indicate only the name and/or address of the establishment; provided no such sign shall extend vertically or horizontally beyond the limits of said awning, and provided further that all awnings shall maintain the following characteristics:

1. *Height:* All awnings shall maintain a vertical clearance of not less than seven feet six inches above grade.
2. *Projection:* No awning shall project closer to a curb line than 48 inches.
3. *Size:* All signs listed outside a historical district shall not exceed 24 inches in height.
4. *Awning or canopy signs:* Letters affixed to any permissible front awning or canopy are subject to the following regulations:

- (a) Lettering or letters shall not project above, below, or beyond the physical dimensions of the awning canopy, provided that a nameplate or identification sign not exceeding 12 square feet in area may be suspended from any permissible awning or canopy.

Such identification sign shall be not less than seven feet six inches above the level of the sidewalk.

- (b) The size of letters on canopies or awnings shall not exceed a maximum height of 12 inches from top to bottom and shall be faced on the descending skirt only.

901.5 *Political signs:* A permit shall be required for the erection of political signs upon non-residential property from either the person or organization responsible for the erection or distribution of political signs or from the owner or occupant where such signs are to be placed.

For non-residential property, political signs shall not be erected or placed thereon more than 45 days prior to the election(s) and shall be removed within seven days after the primary, general, consolidated or special election to which they refer. No political sign shall exceed 16 square feet in area.

On residential property, the display of political signs shall be allowed during any period of time in accordance with 65 ILCS 5/11-13-1, as may be amended from time to time. No political sign shall exceed 16 square feet in area on any one side, with a maximum total square footage of 32 square feet per sign.

901.6 *Obsolete and nonconforming signs:*

1. *Obsolete signs:* Obsolete signs shall be removed by the owner, agent, or person having the beneficial use of the building or structure upon which such copy or message may be found within 90 days of becoming obsolete.
2. *Nonconforming signs:* No nonconforming business sign or advertising device shall be altered, or reconstructed, or moved to a new location, unless the alteration, or reconstruction, or relocation be in

compliance with the provisions of this section. For the purposes of this section only, the term, "altered or reconstructed" shall not include normal maintenance, changing of surface sign space, ornamental features or landscaping below the base line; or the addition, construction, installation, or changing of electrical wiring or electrical devices, backgrounds, letters, figures or characters, or other embellishments.

All nonconforming signs shall be removed when the use, or classification of business, or occupant changes. When nonconforming signs must be removed and when the minimum required setback is not available, such nonconforming signs may be replaced by wall or projecting signs attached to the existing nonconforming building. If the nonconforming use of the sign is discontinued for a continuous period of 12 months, it shall not be renewed.

901.7 *Construction and maintenance:* The construction, installation, erection, anchorage and maintenance of all signs shall be subject to the regulations of the Round Lake Beach building and property maintenance codes.

901.8 *Mounting of signs:* All signs shall be mounted in one of the following manners:

1. Flat against a building or wall.
2. Back to back in pairs, so that the backs of signs will be screened from public view.
3. In clusters in an arrangement which will screen the backs of the signs from public view.
4. Or otherwise mounted so that the backs of all signs or sign structures showing to public view shall be painted and maintained a neutral color or a color that blends with surrounding environment.

901.9 *Miscellaneous requirements:*

1. No sign shall be painted upon or printed upon the front, rear, sides, or roof on any building, excepting such signs as name the place of business, the type of business, the address of the building and/or the name of the owner or proprietor of such building or business, which may be painted on the glass surface of a door or window at the front of the building.
2. *External illuminated signs:* Light sources shall be shaded wherever necessary to avoid casting bright light upon property located in any residential district or upon any public street, school or park. Any illuminated sign, which is clearly visible from any residential district, and exceeds 2.00 foot-candles at the property line, shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m. The lighting intensity of special uses is subject to planning and zoning commission review.
3. *Signs on vacant property:* No signs shall be located on vacant property except real estate signs and billboards.
4. *Signs displayed on park benches:* No signs shall be displayed on park benches, poles, posts, pipes, or frames advertising services or products not conducted or offered on the zoning lot on which the structure is located. All existing signs displayed on park benches and other structures listed above shall be removed within one year from the date of adoption of this amendment.
5. *Flashing or moving signs:* No flashing signs, rotating or moving signs, animated signs, signs with moving lights, or signs creating the illusion of movement, shall be permitted. A sign whereon the current time and/or temperature is indicated by intermittent lighting shall not be deemed a flashing sign if the lighting changes are limited to the numerals indicating the time and/or temperature and the changes are not more frequent than every 15 seconds.

6. *Advertising signs:* Advertising signs are billboards and signs displayed on poles, posts, pipes, or frames which advertise businesses or services not conducted or offered on the zoning lot on which the sign is located. No advertising sign permanently erected within the village and all building permits issued for temporary erection of advertising signs: the time for which such signs may stand for a period not to exceed one year.

The framework to which the faces of advertising signs are fastened shall not be exposed. The open edges between each face of a double-faced advertising sign shall be enclosed.

Any advertising sign which does not meet the requirements of this section shall require a special use permit.

Advertising signs shall be approximately centrally located within areas or beds of landscaping materials consisting of plantings, such as, but not limited to, hedges, conifers, flowering plants and shrubs, ground cover and evergreens. Sodden or seeded areas are not acceptable. Such landscaped areas shall be professionally designed and shall have a minimum area of two square feet for every one square foot of aggregate sign area, measured to include both the obverse and reverse of the sign from its horizontal and vertical extremities.

Owners of advertising signs shall provide the village with an annual maintenance bond in the amount of \$500.00.

All nonconforming advertising signs shall comply by July 31, 2004.

7. *Portable signs:* Portable signs may be displayed for a maximum of 60 days in any one calendar year. In the event of a violation, a written order shall be issued by the community development director for the removal of the sign. This provision shall also apply to abandoned or unsafe signs.
8. *Banner signs:* Banner signs may be displayed for a maximum of 60 days in any one calendar year except where limited by section 901.2-6. If placed across any public street or highway, the signs shall be at least 15 feet above the street level.
9. *Outdoor display structures:* Outdoor display structures not permanently mounted, including balloons, may be displayed for a maximum of 60 days in any calendar year.

901.10 *Garage or rummage sale signs:* For the purpose of this section, a garage sale, yard sale, house sale or estate sale, is defined as an occasional sale of used or surplus household goods, wares and other items or personal property owned by the occupier of the residence on the premises where such sale is held, or owned collectively by a group of persons including the occupier of the residence on the premises where such sale is held, owned collectively by a group of persons including the occupier of the residence on the premises where such sale is held. Such sales shall include basement sales, house sales, yard sales, attic sales, rummage sales, estate sales, garage sales or other similar occasional sales conducted on an infrequent and unscheduled basis from any residential premises.

1. *Limit on length and frequency of sales:* Garage sales shall be limited to three consecutive days between the hours of 8:00 a.m. and 8:00 p.m. each day. No more than three garage sales shall be conducted on the same premises within any calendar year and there shall be a minimum of 30 days between each such sale.

Notwithstanding the foregoing, in the event of rain occurring during the hours of sale on any day within the three-day sale period such sale period may be extended one additional day on any of the subsequent seven days for each such day of rain; such sale shall not exceed a total of three dry days.

2. *Signs:* Garage sale signs shall not exceed five square feet in area, and no such sign shall exceed the maximum exposure period of three days. Such signs may be displayed only on the premises where the garage sale is occurring. Only one sign is allowed for any garage sale, except that any lot or parcel with more than one frontage may have one sign for each frontage. Signs shall not be attached to street poles, trees, fire hydrants, sign poles, light poles, or similar structures.

A limit of four (4) temporary directional signs may be placed in village rights-of-way, subject to the following conditions and restrictions. Directional signs shall:

- (a) Not exceed six square feet in gross surface area per sign face,
- (b) Be located at least three feet inside any curb or edge of pavement,
- (c) Be elevated to a height no greater than three feet from the ground to the top of the sign,
- (d) Not obstruct any line of vision for drivers of any vehicle,
- (e) Not be posted, exhibited or displayed on public rights-of-way on Mondays, Tuesdays, or Wednesdays of each week.

All advertising and directional signs shall be removed no later than 9:00 p.m. on the third or last day of such sale.

3. *Location of Sale:* A garage sale, as provided herein, shall be conducted from residential premises only.

Penalty: Any person violating any provision of this article shall upon conviction be fined not less than \$100.00 or more than \$500.00 for each offense. Each day that such violation occurs or continues shall be deemed to constitute a separate offense.

901.11 *Special requirements:* All signs permitted in the Village of Round Lake Beach shall be erected and maintained in accordance with the following specifications by district or type of district:

(Ord. No. 01-02-03, 2-26-2001; Ord. No. 01-04-01, 4-23-2001; Ord. No. 01-11-09, 11-12-2001; Ord. No. 04-01-04, 1-12-2004; Ord. No. 04-04-03, 4-12-2004; Ord. No. 11-05-01, 5-9-2011)

Sec. 902.0. - Residential districts.

- (a) The following non-flashing, non-illuminated signs shall be permitted in residential districts. Prior to the issuance of a building permit, the community development director shall determine that the design of the sign and materials of the sign are in general conformance with the following:
 1. Any original shape of sign is acceptable. Unique lettering, carved hewn surfaces with tastefully blended colors are encouraged. The applicant is further encouraged to seek assistance from the code official prior to the construction of a sign.
 2. Materials: Preference is given to stained and painted woods or timbers, antique and hammered metals, old brick and old masonry materials.

(b) *Nameplate and identification signs* are subject to the following:

1. *Area and content (residential)*: There shall not be more than one nameplate not exceeding two square feet in area for each dwelling unit, indicating the name and address of the occupant. On a corner lot, two such nameplates for each dwelling unit, one facing each street, shall be permitted. No sign shall be located closer than two feet from any property line.
2. *Area content (nonresidential)*: For nonresidential buildings, a single identification sign, not exceeding 32 square feet in area and indicating only the name and address of the building may be displayed. On a corner lot, two such nameplates for each occupancy one facing each street, shall be permitted. No sign shall be located closer than 15 feet from any property line.

(c) *Real estate ("for sale", "sold", and "for rent") signs*:

1. *Area and number*: No sign shall exceed six square feet in area. A maximum of one sign per zoning lot shall be permitted, except that on a corner lot, two such signs, one facing each street, shall be permitted.
2. *Location*: All signs shall be located within seven feet from the front lot line. No sign shall project more than seven feet six inches above curb level.
3. *Permits*: Sign permits must be renewed every four months.
4. *Residential developments*: In a new residential development, one entrance sign of 60 square feet will be allowed. This sign will allow the name of the development lots and units for sale and identification of principals. This sign must be removed or a permit for extension must be obtained within two years of issuance of the original permit.

(d) *Signs accessory to parking areas* are subject to the following:

1. *Area and number*: Signs designating parking area entrances or exits are limited to one sign for each such unit or entrance, and to a maximum size of four square feet each. One sign per parking area, designating the conditions of use or identity of such parking area, and limited to nine square feet, shall be permitted. On a corner lot, two such signs, one facing each street shall be permitted.
2. *Projection*: No sign shall project beyond the property line into the public way.
3. *Height*: No sign shall project higher than seven feet six inches above curb level.

(e) *Church bulletin boards* are subject to the following:

1. *Area and number*: There shall be not more than one sign per lot, except that on a corner lot, two signs, one facing each street, shall be permitted. No sign shall exceed 14 square feet in area nor be closer than eight feet from any other zoning lot.
2. *Location*: No sign shall be located less than 15 feet from any street right-of-way line.
3. *Height*: No sign shall project higher than seven feet six inches above curb level.

(f) *Nameplate and identification sign* for any non-residential public or quasi-public use are subject to the following:

1. *Area and number*: There shall be not more than one sign per lot, except that on a corner lot, two signs, one facing each street, shall be permitted. No sign shall exceed 32 square feet in area nor be closer than eight feet to any zoning lot.
2. *Location*: No sign shall be located less than 15 feet from any street right-of-way line.

3. *Height*: No sign shall project higher than seven feet six inches above curb level.
 4. *Lighting*: Such sign shall be neither flashing nor animated, nor internally illuminated; but may be illuminated only from a concealed exterior light source, until 11:00 p.m. or any later hour permitted by law.
- (g) *Multiple-family residential districts*: Name plate and identification signs for each multiple-family dwelling structure containing eight or more dwelling units, or for each multiple-family development containing eight or more dwelling units, the following illuminated, non-flashing signs are permitted under the conditions specified:
1. *Area, content, and type*: Not more than one wall or ground sign for each isolated multiple family structure or for each group of two or more multiple-family structures shall be permitted in a development, except that on a corner lot or on a lot having more than one street frontage, one sign facing each street shall be permitted. No sign shall exceed 16 square feet in area.
 2. *Location*: No sign shall be located less than 15 feet from any street right-of-way line.
 3. *Height*: No sign shall project higher than 12 feet above curb level.
 4. *Lighting*: Such sign shall be neither flashing nor animated, nor internally illuminated; but may be illuminated only from a concealed exterior light source, until 11:00 p.m. or any later hour permitted by law.

Sec. 903.0. - Commercial districts.

- (a) Illuminated, non-flashing business signs are permitted in commercial districts, subject to the following conditions:
1. *Location*: Primary signs including poles, posts, pylons, pipes or frames to which they are affixed, must be set back a minimum of 20 feet from the front lot line and a minimum of five feet from any other lot line. The first seven feet from the lot line shall be utilized for directional signs, portable signs, landscaping, and ingress and egress only. Directional signs must have a breakaway base.
 2. *Gross area*: The gross area in square feet of all signs of a zoning lot, including double-faced signs, shall not exceed 1.5 percent of the gross lot area or 300 square feet, whichever is larger, up to a maximum of 500 square feet. Where more than three signs are located on any zoning lot, each succeeding sign, respectively, shall reduce the total allowable sign area by 20 percent. The total area of directional signs shall not exceed 100 square feet and be limited to four square feet per sign.
 3. *Horizontal projection*: No sign shall project more than 60 inches from the face of the wall.
 4. *Vertical projection*: No sign shall project higher than 20 feet above curb level, when located within 20 feet back from the front lot line. For every additional four feet of setback from the minimum 20 feet, an additional one foot in height can be added, to a maximum height of 40 feet.
 5. *Lettering*: The primary signage may be upper case or a combination of upper case and lower case letters, and shall not exceed 24 inches in letter height for signs having a twenty-foot setback. Letter height may be increased six inches for each additional ten feet setback up to a maximum of 72 inches.
 6. *Window signs*: Window signs shall not obstruct more than 50 percent of the total window area of any building wall.
 7. *Portable signs*: No more than one portable sign per 40 feet of street frontage, not to exceed three signs, shall be displayed advertising products or services for sale on the premises, with a total sign area not exceeding 20 square feet per sign.

- (b) *Signs accessory to automobile service stations:* The following signs, accessory to automobile service stations are permitted:
1. Racks for the orderly display of cans of engine oil may be located on or at the end of each pump island.
 2. Tire racks: Two tire racks (not more than eight feet in height, six feet in length, and five feet in depth) for the purpose of displaying new tire casings, shall be permitted for each gasoline or tire service station. Such racks shall comply with all setback and yard requirements.
 - [3. *Reserved.*]
 4. *Exterior sales displays:* Items for sale on the premises can be displayed within 20 feet of the property line, provided that said display shall comply with all applicable bulk regulations. Products may be displayed under pump island canopies or between pumps within the area of the pump island base.
- (c) *Real estate ("for sale", "sold", and "for rent") signs:* A maximum of one sign per zoning lot shall be permitted, except that on a corner lot, two such signs, one facing each street, shall be permitted. No sign shall exceed 12 square feet in area. All signs shall be located within seven feet from the front lot line. No sign shall project more than seven feet six inches above curb level. Sign permits must be renewed every four months. In a new commercial development, one entrance sign not to exceed 60 square feet will be allowed. This sign will allow the name of the development lots and units for sale and identification of principals. This sign must be removed or a permit for extension must be obtained within two years of issuance of the original permit.
- (d) *Shopping centers:* Shopping center signs shall require special use permits, with the exception of portable signs, temporary banner signs, and outdoor display structures, which are subject to the regulations of section 901.9 of this article.
- (e) *Family oriented entertainment center sign package program:* A special sign package program for a family oriented entertainment center on a zoning lot of at least 1½ acres shall require a special use permit. Items constituting such a sign package may include, but not be limited to, such things as two and three dimensional props or icons and bright color schemes relative to the family entertainment offered at the family entertainment center.

(Ord. No. 03-09-02, 9-8-2003)

Sec. 904.0. - Industrial districts.

- (a) Illuminated non-flashing business signs are permitted subject to the following conditions:
1. *Gross area:* The gross area in square feet of all signs of a zoning lot, including double-faced signs, shall not exceed 1.5 percent of the gross lot area or 300 square feet, whichever is larger, up to a maximum of 500 square feet. Where more than three signs are located on any zoning lot, each succeeding sign, respectively, shall reduce the total allowable sign area by 20 percent. The total area of all directional signs shall not exceed 100 square feet and be limited to four square feet per sign.
 2. *Setbacks/breakaway base:* All primary signs including poles, posts, pylons, pipes or frames to which they are affixed, must be set back a minimum of 20 feet from the front lot line and a minimum of 15 feet from any other lot line. The first seven feet from the lot line shall be utilized for directional signs, landscaping, and ingress and egress only. All directional signs must have a breakaway base.
 3. *Vertical projection:* No sign shall project higher than 20 feet above curb level when located 20 feet back from

the front lot line. For every additional four feet set back from the minimum 20 feet, the height may be increased by an additional one foot to a maximum height of 40 feet.

4. *Street frontage sign*: One street frontage sign shall be permitted, and such sign shall advertise only the name and location of the industrial use.

(b) Real estate ("for sale", "sold", and "for rent") signs: A maximum of one sign per zoning lot shall be permitted, except that on a corner lot, two such signs, one facing each street, shall be permitted. No sign shall exceed 12 square feet in area. All signs shall be located within seven feet from the front lot line. No sign shall project more than seven feet six inches above curb level. Sign permits must be renewed every four months.

(c) *Industrial parks*: For industrial parks, one additional sign on each street frontage other than those required in (a)4. above, shall be permitted subject to the following:

1. *Advertising limitation*: Such sign shall advertise only the name and location of such industrial park and the name and type of business of each occupant of the park.
2. *Gross area*: The gross area in square feet of all signs shall not exceed 1.5 percent of the gross lot area or 300 square feet, whichever is larger, up to a maximum of 500 square feet. Where more than three signs are located on any zoning lot, each succeeding sign, respectively, shall reduce the total allowable sign area by 20 percent.
3. *Setback*: Such sign shall be set back a minimum of 20 feet from the front line of such industrial park.
4. *Vertical projection*: No sign shall project higher than 15 feet above the curb level when located 20 feet back from front lot line. For every additional four feet set back from the minimum 20 feet, the height may be increased by an additional one foot to a maximum height of 40 feet.

ARTICLE X. - OFF STREET LOADING AND PARKING

Sec. 1000.0. - General requirements.

1000.1 *Exemption*: When the application of the off-street parking provisions specified in [section 1001.0] part B of this article results in a requirement of not more than three spaces on a single zoning lot in any business district, such parking spaces need not be provided; however, when two or more uses are located on a single zoning lot, only one of those uses shall be eligible for the above exemption.

1000.2 *Location*: All parking spaces required to serve buildings or uses erected or established after the effective date of this ordinance shall be located on the same zoning lots as the building or use served, except that parking spaces to serve business buildings or uses may be located in a business district. Buildings or uses existing on the effective date of this ordinance which are substantially altered or enlarged so as to require the provision of parking spaces under this ordinance may be served by parking facilities located on land other than the zoning lots on which the building or use served is located, provided such facilities are within 500 feet walking distance of a main entrance to the use served. Owners of the property, nonconforming as to parking, who elect to provide parking and become conforming may locate such parking on land other than the zoning lot on which the building or use is located, as allowed in this section.

Off-street parking spaces, open to the sky, may be located in any yard, except the required front yards in a residential district. Enclosed buildings and carports containing off-street parking shall be subject to applicable yard requirements.

1000.3 *Size:* Except for parallel parking spaces, each required off street parking space shall be at least nine feet in width, and at least 18 feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. Such space shall have a vertical clearance of at least seven feet six inches, and shall be measured at right angles to the axis of the vehicle. For parallel parking, the length of the parking space shall be increased to 24 feet.

1000.4 *Access:* The driveway width for residential lots shall be a minimum of nine feet and shall not exceed a maximum of one-third of the street frontage. However, all residential lots of less than 48 feet may also have a maximum driveway width of 16 feet. Driveway width shall be measured at the property line. Driveway aprons shall not flare in excess of three feet at the curb.

For lots accommodating commercial and industrial buildings, each off-street parking space shall open directly upon an aisle or driveway at least 12 feet wide to provide safe and efficient means of vehicular access to such parking space. The minimum width for a two-way aisle, when parking spaces are at right angles, shall be 24 feet.

All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. Access to parking areas in commercial districts should be provided by a single access and/or access road where feasible. Access to such parking areas by curb cuts or driveways across the front line should be avoided.

1000.5 *Collective provisions:* Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements governing location of accessory parking spaces in relation to the use served. Further, no parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the board of appeals.

1000.6 *Computation:* When determination of the number of off-street parking spaces required by this ordinance results in a requirement of fractional space, a fraction of less than one-half may be disregarded, while a fraction of one-half or more, shall be counted as one parking space. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

1000.7 *Utilization:* Except as may be otherwise be provided for the parking of trucks in the granting of special uses, required accessory off-street parking facilities provided for uses listed in section [1001.0] B-2 of this article shall be solely for the parking of passenger automobiles of patrons, occupants, or employees of such uses.

1000.8 *Design and maintenance:*

- a. *Plan*—Except for residential uses, the design of parking lots or areas shall be subject to the approval of the code official, in accordance with standards approved by the planning and zoning commission and board of trustees, and no building permit shall be approved unless there is included a plot plan showing the location of off-street parking areas in areas other than single family or two-family residential areas.
- b. *Character*—Accessory parking spaces may be open to the sky, or enclosed in a building.
- c. *Surfacing*—All open off-street parking shall be improved as follows:
 - i. *Commercial driveways and parking lots:* With a compacted macadam base not less than six inches thick or

equal surfaces with not less than two inches of asphalt/concrete or some comparable all-weather material.

- ii. *Residential driveways*: With a compacted gravel base not less than six inches thick overlaid with not less than two inches (after compaction), of rolled asphalt, four inches concrete or some comparable dustless, all-weather material
- iii. Streets without concrete curbs and sidewalks, driveway aprons shall be constructed with asphalt only. In addition all driveways that are nonconforming at the date of the passage of this amendment shall comply by December 31, 2008.
- d. *Screening and landscaping*—All open commercial and industrial automobile parking areas containing more than three parking spaces shall be screened with a minimum three-foot wide planting strip between the property line and the area devoted to parking. The maximum screening height shall be limited to three feet along street frontages.
- e. *Lighting*—Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three-foot candles measured at the lot line. All lighting systems shall be approved by the code official. Loud speaker systems are not permitted.
- f. *Cleaning and maintenance*—No cleaning or maintenance on parking lots utilizing motorized equipment may be performed between 11:30 p.m. and 6:00 a.m., each day in residential districts except for snow removal.
- g. *Wheel guards*—All parking lots shall be provided with wheel guards or bumper guards so located that no part of parked vehicles will extend beyond the property line.
- h. *Shelter building*—No parking lot for accessory off-street parking shall have more than one attendant shelter building, which shall conform to all setback requirements for structures in the district.
- i. *Signs*—Accessory signs shall be permitted on parking areas in accordance with the provisions specified in Article IX of this ordinance.
- j. *Repair and service*—
 - 1. *Residential districts*—No motor vehicle repair work or service of any kind shall be permitted in association with parking facilities provided in residential districts.
 - 2. *Business districts*—No motor vehicle repair work or service of any kind shall be permitted in conjunction with parking facilities in a C1 district. No gasoline or motor oil shall be sold in conjunction with any accessory parking facilities provided in a C2 or C3 district unless such accessory parking facilities are enclosed in a building in which case, gasoline and motor oil may be sold within such building to the users of said accessory parking facilities, provided that no sign advertising the sale of same is visible from outside, and provided further that all gasoline pumps shall be effectively screened from view from the public way.
 - 3. *Industrial districts*—No motor vehicle repair work or service of any kind shall be permitted in conjunction with any open accessory parking facilities provided in an Industrial District, if such parking facilities are within 500 feet of a residence or business district. Washing of accessory vehicles and emergency services required to start vehicles shall be permitted.

(Ord. No. 01-01-01, 1-8-2001; Ord. No. 01-04-01, 4-23-2001; Ord. No. 02-05-01, 5-13-2002)

Sec. 1001.0. - Off-street loading.

A. *General requirements:* In connection with any building or structure which is to be erected or substantially altered, and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, there shall be provided off-street loading berths not less than the minimum requirements specified in this section.

1. *Location*—All required loading berths shall be located on the same lots as the use to be served and no portion of the vehicles shall project into a street or alley. In industrial districts, no loading berth for vehicles of more than two-ton capacity shall be located less than 50 feet from any residence district. No permitted or required loading berths shall be located within 30 feet of the nearest point of intersection of any two streets, nor shall it be located in a required front yard or side yard. All loading berths shall be screened from abutting residential districts, except when exempted from this provision by the board of trustees upon recommendation by the code official.
2. *Size*—A required off-street loading berth shall be at least 12 feet in width by at least 50 feet in length, exclusive of aisle and maneuvering space, and shall have vertical clearance of at least 14 feet.
3. *Access*—Each required off-street loading berth shall be designed with appropriate means off vehicular access to a street or alley in a manner which will least interfere with traffic movements, and shall be subject to approval of the code official.
4. *Surfacing*—All open off-street loading berths shall be improved with a compacted macadam base not less than seven inches thick or equal surfaces with not less than two inches of asphalt concrete or some comparable all-weather dustless material.
5. *Repair and service*— No storage of any kind nor motor vehicle repair work or service of any kind shall be permitted within any required loading berth except emergency repair service.
6. *Utilization*—Space allocated to any off-street loading shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portion thereof.
7. *Central loading*—Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:
 - a. Each zoning lot served shall have direct access to the central loading area without crossing streets or alleys at-grade.
 - b. Total berths provided shall meet the requirements based on the sum of the several types being served. (Area of types of uses may be totaled before computing number of loading berths.)
 - c. No zoning lot shall be more than 500 feet removed from the central loading area.
 - d. The tunnel or ramp connecting the central loading area with the zoning lot served shall be not less than seven feet in width and have a clearance of not less than seven feet.
8. *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 adequate receiving facilities, accessible by motor vehicle off any adjacent alley, service drive, or open space on

the same on the same adjoining lot.

9. *Planned developments*—Loading berths shall be provided on the basis of the required berths for each individual use.
10. *Required loading berths*—For the uses herein listed and other similar uses, loading berths shall be provided as specified.

B. *Specific requirements:*

1. *Required loading berths by use:* For the uses listed hereunder, one loading berth shall be provided for buildings containing 10,000 to 100,000 square feet of gross floor area, plus one additional loading berth for each additional 100,000 square feet of gross floor area or fraction thereof.
 - a. Airports
 - b. Amusement and recreational facilities
 - c. Banks and other financial institutions
 - d. Business and other professional offices
 - e. Convention and exhibition halls
 - f. Health and medical institutions
 - g. Hotels and motels containing retail shops, business or professional offices, convention or exhibition halls or auditoriums
 - h. Public and administration buildings
 - i. Radio and television studios
 - j. Recording studios
 - k. Theaters (indoors)
 - l. Undertaking establishments

For the uses listed hereunder, one loading berth shall be provided for buildings containing 10,000 to 20,000 square feet of gross floor area, plus one additional loading berth for each additional 20,000 square feet of gross floor area or fraction thereof.

- a. Apartment hotel
- b. Auditoriums
- c. Charitable institutions
- d. Clubs and lodges
- e. Hotels and motels containing no retail shops, business or professional offices, convention or exhibition halls or auditoriums.
- f. Meeting halls
- g. Religious institutions
- h. Multi-family dwellings
- i. Schools and educational facilities

For the uses listed hereunder, one loading berth shall be provided for buildings containing 5,000 to 40,000 square feet of gross floor area. For buildings containing 40,000 to 100,000 square feet of gross floor area, two loading berths shall be provided plus one additional loading berth for each additional 100,000 square feet of gross floor area or fraction thereof.

- a. Assembly, manufacturing and fabricating establishments
- b. Cartage, express and motor freight facilities
- c. Cleaning, repairing, servicing and testing establishments
- d. Laundries and dry cleaning facilities
- e. Mail order houses
- f. Printing and publishing
- g. Warehousing, storage, and wholesale establishments

For all other uses, including but not limited to those listed hereunder, loading berths shall be provided in accordance with the following schedule:

Square Feet of floor Area	Minimum Number
5,000 to 20,000	1
20,000 to 60,000	2
60,000 to 100,000	3

For each additional 100,000 square feet of gross floor area or fraction thereof, one additional loading berth.

- a. Furniture and appliance stores
- b. Retail stores
- c. Restaurants and other establishments handling the sale or consumption of food or beverage on the premise.

2. *Required off-street parking space:* Off-street parking space shall be provided in accordance with the following table:

TABLE 1001
OFF STREET PARKING AND LOADING

Parking Class	Uses: (Permitted or Conditional)		Required Spaces
Class #1	a.	Dwelling, single family	For new construction, 2 spaces in an enclosed structure (garage) per dwelling unit with up to 3 bedrooms, but for dwellings with 4 or more bedrooms there shall be 3 or more spaces within an enclosed structure (garage) plus the same number of guest parking spaces as are required

			per dwelling unit based upon the number of bedrooms. Guest parking spaces maybe unenclosed
	b.	Dwelling, multi family	"
Class #2	a.	Loading houses	1 space/loading room or dwelling unit plus
	b.	Apartment hotels	"
Class #3	a.	Hotels	1/each room or suite of rooms comprising one dwelling unit plus 1/each 2 employees plus 1/100 square feet retail sales and dining area
	b.	Motels	"
Class #4	a.	Hospitals	1.0/bed—100 beds 1.1/bed—101-300 1.2/bed—310-500 1.3/bed—500 beds
Class #5	a.	Convalescent home, extended care facility or rest home, nursing home and sanitarium	1/each 2 bed plus 1/each 2 employees
	b.	Convent, monastery, nunnery	"
		Home for the aged	"
	c.	Institution:	"
		1. For the care, care and residence of the children and adults	"
		2. For the treatment of alcoholism, drug addiction, or treatment and care of the insane and feeble minded	"
	d.	Parsonage, rectory or parish house	"
	e.	Religious retreat	"
Class #6	a.	Medical and dental clinics	2/each office or examination room plus 1/500 square feet contained in waiting room or receptionist lobby
Class #7	a.	Aquarium	3/1000 square feet of gross floor area
	b.	Library, museum or art gallery,	"
	c.	Public philanthropic and charitable institutions	"
Class #8	a.	Animal hospital and veterinarian	4/1000 square feet of gross floor area
	b.	Animal kennels	"

	c.	Art studio	"
	d.	Blueprinting	"
	e.	Business machine sales and service	"
	f.	Bus terminal	"
	g.	Catering service	"
	h.	Civil defense-fire station, police station	"
	i.	Clothing and costume rental	"
	j.	Club or lodge, private, operated for the benefit of members and not for gain	"
	k.	Custom dressmaking	"
	l.	Diaper service	"
	m.	Dry cleaning plant employing not more than six persons	"
	n.	Frozen food locker plants, including sale of frozen foods	"
	o.	Interior decorator	"
	p.	Laboratory medical, dental and optical	"
	q.	Laboratory research and testing	"
	r.	Labor union offices and lodges	"
	s.	Lithographing	"
	t.	Massage salon	"
	u.	Office machine sales and service	"
	v.	Photostatting	"
	w.	Physical culture and health services	"
	x.	Post office	"
	y.	Recording studio	"
	z.	Recreational and community center buildings	"
	aa.	Repair of shoes, clothing and hats	"
	bb.	School, music, dance and vocal	"
	cc.	Small animal grooming establishments	"
	dd.	Tailor shop	"
	ee.	Telegraph office	"
	ff.	Telephone exchanges and equipment	4/1000 square feet of gross floor area
	gg.	Ticket agency	"
	hh.	Travel agency	"
Class #9	a.	Dormitory	5/1000 square feet of gross floor area
	b.	Fish market	"

	c.	Fraternity house	"
	d.	Furniture store	"
	e.	Furrier	"
	f.	Hearing aid store	"
	g.	Leather goods and luggage store	"
	h.	Lodging store	"
	i.	Orthopedic and medical appliance sales	"
	j.	Photography studio	"
	k.	Picture framing	"
	l.	Rummage shop	"
	m.	Sorority house	"
Class #10	a.	Antique store	6/1000 square feet of gross floor area
	a. [1.]	Apparel store	"
	b.	Art and school supply store	"
	c.	Art store retail	"
	d.	Auto accessory store	"
	e.	Bakery retail	"
	f.	Bank, savings and loan association	"
	g.	Barber shop	"
	h.	Beauty shop	"
	i.	Book and stationary depository	"
	j.	Bus depot	"
	k.	Camera and photographic supply	"
	l.	Candy, nut and confectionery supply	"
	m.	Carpet and floor covering store	"
	n.	China and glassware store	"
	o.	Clothes pressing	"
	p.	Coin store-currency exchange	"
	q.	Dairy products	"
	r.	Delicatessen	"
	s.	Department store	"
	t.	Dry cleaning and laundry receiving station	"
	u.	Dry good store	"
	v.	Drugstore	"
	w.	Electrical and household appliance store	"
	x.	Employment agency	"
	y.	Financial institutions and uses	"
	z.	Florist	"

	aa.	Funeral parlor	"
	bb.	Garden supply, tool and seed store	"
	dd.	Gift store	"
	ee.	Grocery or food store	"
	ff.	Government administration buildings, without garages or shops	"
	gg.	Haberdasheries	"
	hh.	Hand laundry	"
	ii.	Hardware store	"
	jj.	Hobby shop	"
	kk.	Home furnishings	"
	ll.	Household appliance store	"
	mm.	Ice cream	"
	nn.	Jewelry store	"
	oo.	Laundry, self service	"
	pp.	Liquor store	"
	qq.	Locksmith	"
	rr.	Meat market	"
	ss.	Millinery shop	"
	tt.	Musical instrument sales and services	"
	uu.	Newspaper distribution	"
	vv.	Paint, glass and wallpaper store	"
	ww.	Pawn shop	"
	xx.	Pet shop	"
	yy.	Railroad passenger station	"
	zz.	Repair, rental and servicing of any item, the retail sale of which is permitted in the B2 and B3 districts	"
	aaa.	Sewing machine sales and service	"
	bbb.	Shoe store	"
	ccc.	Shopping centers	"
	ddd.	Sporting goods store	"
	eee.	Tobacco store	"
	fff.	Toy store	"
Class #11	a.	Auction halls	1 space/5 seats or 90 lineal inches of seating
	b.	Auditoriums and auditoriums as accessory to churches, schools and other institutional establishments	"
	c.	Churches, temples and synagogues	"
	d.	Convention halls or exhibition halls	"
	e.	Stadiums	"

	f.	Race tracks	"
		When the number of parking spaces as required herein is provided for an auditorium or other place of public assembly accessory to a school, and when approved by the planning and zoning commission, additional parking spaces for such auditorium or other places of public assembly is equal to or in excess of the applicable requirements set forth in 12, 13 and 14 below:	
Class #12	a.	Nursery school	1/each employee plus 1/each 3 classrooms
	b.	Elementary schools	"
	c.	Senior high schools	"
Class #13	a.	High schools and senior high	1 space/each employee plus 1 space/each 4 students based on the maximum number in accordance to design capacity
Class #14	a.	Colleges	1 space/each 2 employees plus 1/space each 4 students
	b.	Senior colleges	"
	c.	Universities	"
Class #15	a.	Commercial or trade schools	1 space/each 2 employees plus 1/space each 2 students
	b.	Music or dance school	"
	c.	Business schools	"
Class #16	a.	Cocktail lounge	10 spaces/1000 square feet of gross floor area
	b.	Restaurant; carry out type where no food is consumed on the premises	"
	c.	Restaurant; family dining type, where all food is consumed within an enclosed structure	"
	d.	Taverns	"
Class #17	a.	Drive-in type restaurants where:	30 spaces/1000 square feet of gross floor area
		1. Food is consumed on the premises but not within a completely enclosed building, or	"
		2. Food is served directly to customers in parked motor vehicles	"
Class #18	a.	Boarding school, elementary	1/each employee
	b.	Concrete mixing plant	"
	c.	Correctional institutions	"
	d.	Dry cleaning plant	"
	e.	Exterminator	"
	f.	Machinery sales and service	"

	g.	Machinery sales, no repair or service	"
	h.	Mail order house	"
	i.	Microwave relay towers	"
	j.	Radar installation and tower	"
	k.	Radio and television stations and towers	"
	l.	Taxidermist	"
Class #19	a.	Greenhouse and nurseries, retail	1/1000 square feet of gross floor area plus 1/2000 square feet of gross land area
	b.	Golf driving ranges	"
Class #20	a.	Golf courses, public and private	100/9 holes (reg. golf) or 40/9 holes (par 3)
	b.	Pitch and putt golf courses	"
	c.	Par 3 golf courses	"
Class #21	a.	Zoos and zoological gardens	1/200 square feet of gross floor area
Class #22	a.	Athletic field	1/5000 square feet of gross floor area
	b.	Botanical gardens	"
	c.	Forest preserves	"
	d.	Grounds of recreational clubs, Noncommercial	"
	e.	Polo fields	"
	f.	Public parks and playgrounds	"
Class #23	a.	Dance halls	1 space/2 persons based on the maximum number of persons that can be accommodated at the same time in accordance with such design capacity and 1 space/each 2 employees
	b.	Swimming pools	"
	c.	Skating rinks	"
	d.	Tennis courts and clubs	"
	e.	Bowling alleys	"
Class #24	a.	Indoor theaters	1 space/each 4 seats up to 400 seats plus 1 space/each 6 seats over 400 seats
Class #25	a.	Drive-in theaters (outdoor)	Reservoir of ten percent (10%) of capacity of use
Class #26	a.	Drive-in banking facility	Reservoir space sufficient to accommodate a number of automobiles equal to five (5)

			times the number of teller windows
Class #27	a.	Auto laundry (mechanical)	1/each two employees plus 1/manager owner plus parking spaces equal to five (5) times the maximum capacity of the auto washing unit
Class #28	a.	Auto service station	1 space/each island or pump plus two spaces each stall
Class #29	a.	Battery and tire service shops	5/1000 square feet of gross floor area plus 1/2000 square feet of land area
	b.	Garage for the storage, servicing and repair of motor vehicles, including body repair, painting and engine rebuilding	"
	c.	Mobile home display and sales and service	"
	d.	Model garage display and sales	"
	e.	Motorcycle, bicycle, and other outdoor recreational vehicles	"
	f.	Motor vehicle sales and service	"
	g.	Trailer, boat, and camper or camper-trailer sales, rental and service	"
Class #30	a.	Abrasives manufacturing	1/each two employees or not less than 25 percent of the zoning lot, whichever is larger. However, requests for variances shall be liberally considered by the circum-attendant a particular use on a particular lot
	b.	Air, motor, railroad and water freight terminal	"
	c.	Asphalt manufacturing	"
	d.	Bakery	"
	e.	Bedding manufacturing	"
	f.	Boot and shoe manufacturing	"
	g.	Bottling companies	"
	h.	Brick and structural clay products manufacturing	"
	i.	Carpet manufacturing	"
	j.	Cartage and express facility	"
	k.	Cement, bulk and storage	"
	l.	Chemical processing manufacturing	1/each two employees or not less

			than 25 percent of the zoning lot, whichever is larger. However, requests for variances shall be liberally considered by the circumstances attendant a particular use on a particular lot
	m.	Cloth products manufacturing	"
	n.	Cosmetic manufacturing	"
	o.	Dairying	"
	p.	Electrical substation	"
	q.	Electronic, scientific and precision instrument manufacturing	"
	r.	Electroplating	"
	s.	Feed mills	"
	t.	Feed and seed store	"
	u.	Food manufacturing, packaging and processing	"
	v.	Foundries and forge plants	"
	w.	Fuel and ice and sales	"
	x.	Fuels, solid or liquid, storage and wholesale distribution	"
	y.	Fur processing	"
	z.	Gas regulator station	"
	aa.	Glass products production	"
	bb.	Grain storage and processing	"
	cc.	Graphite products manufacturing	"
	dd.	Gypsum manufacturing	"
	ee.	Heavy machinery manufacturing	"
	ff.	Insulating material manufacturing	"
	gg.	Laundry	"
	hh.	Leather tanning and curing	"
	ii.	Light machinery production, appliances and business machines	"
	jj.	Linoleum manufacturing	"
	kk.	Machine shop	"
	ll.	Meat packing	"
	mm.	Metal reduction and refinement	"
	nn.	Metal stamping	1/each two employees or not less than 25 percent of the zoning lot, whichever is larger. However, requests for variances shall be liberally considered by the circumstances attendant a particular use on a particular lot

	oo.	Mining operations	"
	pp.	Musical instrument manufacturing	"
	qq.	Orthopedic and medical appliance manufacturing	"
	rr.	Paint products manufacturing	"
	ss.	Paper products manufacturing	"
	tt.	Petroleum products, refining, storage and storage	"
	uu.	Plastic manufacturing	"
	vv.	Pottery and ceramics manufacturing	"
	ww.	Printing and publishing	"
	xx.	Restricted production and repair	"
	yy.	Rope, cord, and twine manufacturing	"
	zz.	Rubber manufacturing and processing	"
	aaa.	Sewage treatment plant	"
	bbb.	Soap manufacturing	"
	ccc.	Sporting goods manufacturing	"
	ddd.	Steel manufacturing	"
	eee.	Warehousing and wholesaling establishments	"
	fff.	Warehousing and storage and distribution	"
	ggg.	Waterworks, reservoir, pumping and filtration	"
	hhh.	Wearing apparel manufacturing	"
	iii.	Woodworking, planing mills and wood products manufacturing	"
	jjj.	Any similar production processing, cleaning, servicing, testing, storage and repair	"
Class #31	a.	Amusement parks and establishments	3/1000 square feet of gross floor area plus 3/1000 square feet of gross land area
	b.	Billiard and pool halls	"
	c.	Indoor amusement, including indoor archery rifle range shooting gallery	"
	d.	Kiddie parks	"
	e.	Miniature golf	"
Class #32	a.	Air conditioning and heating contractor	2/each one employee
	b.	Building materials and products sales and storage	"
	c.	Contractors and construction yards	"

		and offices	
	d.	Dumps and sanitary landfills	"
	e.	Electrical showrooms and shops	"
	f.	Engineer and architects offices and yards	"
	g.	Greenhouse, wholesale	"
	h.	Junk yard and auto graveyard	"
	i.	Linen supply	"
	j.	Plumbing showroom and shops	"
Class #33	a.	Airports and landing fields	Spaces as required by the code official after review by the planning and zoning commission
	b.	Cemeteries, columbarians, crematories and mausoleums	"
	c.	Heliports, public and private	"
	d.	Public stables	"
	e.	Riding academy	"
Class #34	a.	Shopping centers under unified control or ownership on a tract of land four acres or more in area	"
Class #35	a.	Medical cannabis cultivation center	1 space/per employee plus as many additional spaces as determined by the village board to meet the parking demand of the facility. A minimum of 1 fully enclosed delivery bay capable of accommodating delivery vehicles.
	b.	Medical cannabis dispensing organization	A minimum of 100 parking spaces or as many spaces as determined by the village board to meet the parking demand of the facility A minimum of 1 fully enclosed delivery bay capable of accommodating delivery vehicles

(Ord. No. 01-04-01, 4-23-2001; Ord. No. 06-10-01, 10-9-2006; Ord. No. 14-06-02, 6-9-2014)

ARTICLE XI. - FEES

[Sec.] 1100.0. - Fees.

All fees shall be in conformance with Ordinance #76-0-10 as amended.

1100.1 *Notification:* As a convenience to applicants, the Village of Round Lake Beach may publish notification of public hearings, but expressly disclaims any liability or responsibility for any acts or omissions whether careless, negligent, or intentionally caused or occasioned by its officers, agents or representatives and resulting in the failure to give the proper notice or the content or form of such notice. As a condition of, and prior to holding a public hearing, the applicant, upon receipt of a statement for the village legal publication and notification fees, shall reimburse the village for said costs.

ARTICLE XII. - PENALTIES

[Sec.] 1200.0. - Penalties.

Any person, firm, company, corporation or any agent, employees, or contractors of such who shall violate, disobey, omit, neglect or refuse to comply with or resist enforcement of any provision of this ordinance shall be fined not less than twenty-five (\$25.00) dollars nor more than five hundred (\$500.00) dollars for each offense. each day that a violation of this ordinance shall be permitted to continue, shall constitute a separate offense.

If any building, structure or improvement is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this ordinance, the Village of Round Lake Beach or any other person whose property is, or may be affected by such violation, may institute any appropriate action or proceeding in equity.

ARTICLE XIII. - SEPARABILITY

[Sec.] 1300.0. - Separability.

Should any article, section, paragraph, sentence, phrase, or word of this ordinance be declared for any reason to be invalid, such invalidity shall not affect the validity or enforceability of any other article, section, paragraph, sentence, phase, or word of this ordinance.

ARTICLE XIV. - CONTRADICTORY REGULATIONS

[Sec.] 1400.0. - Contradictory regulations.

Where any contradictory regulations, restrictions or requirements imposed by any provisions of this ordinance upon the use of any land, building, structure or improvements are either more or less restrictive than restrictions or requirements imposed by any other provision of this ordinance or any other law of any governmental body having jurisdiction over the subject matter thereof, those restrictions or requirements which are more restrictive shall govern.

ARTICLE XV. - REPEALER

[Sec.] 1500.0. - Repealer.

This ordinance expressly repeals and rescinds Ordinance #61-0-6 of the Village of Round Lake Beach general ordinances, all amendments thereto, and all other ordinances or parts thereof insofar as they conflict with the provisions hereof.

ARTICLE XVI. - RULES AND DEFINITIONS

[Sec.] 1600.0. - Rules and definitions.

In the construction of this ordinance and any subsequent amendment, the rules and definitions contained in this article shall be observed and applied, except where the context clearly indicates otherwise.

1600.1 *Rules:*

- a. Words used in the present tense shall include the future.
- b. Words used in the singular number shall include the plural number, and the plural singular.
- c. The word "shall" is mandatory and not discretionary.
- d. The word "may" is permissive.
- e. The word "lot" shall include the words "piece" and "parcel".
- f. The word "building" shall include the word "structure" and shall include all other improvements of every kind regardless of similarity to buildings.
- g. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- h. The word "person" shall include a "firm, association, organization, partnership, trust, company, or corporation as well as an individual".
- i. The masculine gender includes the feminine and neuter.
- j. Any use not expressly set forth as a permitted use, accessory use, temporary use or special use in the Zoning Ordinance is prohibited.

1600.2. *Definitions:* The following words and terms shall have the meaning set forth, except where otherwise specifically indicated. Words and terms not defined shall have the meaning indicated by common dictionary definition.

Accessory structure: Any detached structure or use which is incidental to that of the main building and which is located on the same zoning lot. Accessory structures shall be classified as follows:

Class 1: Unenclosed accessory structures constructed totally of non-combustible materials and having a height of four feet or less, e.g.: patios, in-ground and above-ground pools, air-conditioning equipment;

Class 2: Roofed and/or enclosed accessory structures constructed totally of non-combustible materials and having a height in excess of four feet, e.g.: enclosed pools;

Class 3: Unenclosed accessory structures constructed of combustible or non-combustible materials, e.g.: decks, fences, flag poles, radio antennae, walls, arbors, trellises, outdoor swings and play sets;

Class 4: Enclosed structures constructed of combustible materials, whether roofed or not, e.g., trash enclosures, garages, carports, gazebos, storage sheds, child's playhouse.

Agriculture: Land including necessary buildings and structures, for the raising of soil crops or the raising of domestic animals as the principal occupation of the residents or users thereof. It shall also include truck-farming, beekeeping, the raising of fruit and berries, and selling the products thereof, but shall not include the feeding of garbage to animals.

Airport: An area of land or water which is used or intended for use for the landing and taking-off of air-craft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxies, aircraft, storage and tie down areas, hangars and other necessary buildings and open spaces.

Alley: A dedicated public right-of-way, other than a street, that affords a secondary means of access to abutting property.

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

Animal hospital: A structure or portion thereof, designed or used for the care, observation or treatment of domestic animals.

Apartment: A room or suite of rooms in a multiple dwelling suitable for occupancy by an individual, group of individuals or a family.

Apartment hotel: A building designed or utilized for residential hotel accommodations by permanent guests.

Apparel stores: Stores selling new clothing for men, women or children at retail.

Appliance sales: The sale of common household appliances such as washing machines, television sets, power tools, electric razors, radios and refrigerators, and repair of the same types of appliances as are sold on the premises when such repairs are incidental or accessory to their sale.

Auto court: Same as motel (see definition of motel).

Automobile accessory stores: Stores engaged primarily in the business of selling tires, batteries, seat covers, and other automobile accessories.

Automobile laundry: A building or portion thereof containing facilities for washing more than two vehicles, using automatic production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices; or provided space, water and equipment for the hand washing of automobiles, whether by the customer or the operator.

Automobile repair: General repair, overall painting, engine repairing or rebuilding, reconditioning of motor vehicles, trailers such as body or framework, and fender straightening.

Automobile sales: The sales of new and used automobiles and other motor vehicles in operating condition; the storage of automobiles and other motor vehicles in operating condition, but not including storage of trucks of more than five tons in weight or buses; and, the repair and servicing of such vehicles, including body work, painting, motor rebuilding where conducted within a completely enclosed building.

Automobile service station: A building or portion thereof, or lot used for offering for sale at retail to the public, fuels, oils and accessories for motor vehicles; where repair service is incidental, and where no storage or parking space is offered for sales or rent. An automobile service station shall be less than three acres in size and shall not have parking spaces for "commercial motor vehicles" as defined in Section 18b-101 of the Illinois Vehicle Code, 625 ILCS 5/18b-101. Further, an automobile service station shall not be a licensed truck stop establishment as defined by the Video Gaming Act, 230 ILCS 40/1 et seq.

Automobile trailer: Any vehicle, without motor power, used or so constructed as to permit it being used as a conveyance upon the public streets and highways and licensable as such, constructed in such a manner as will permit occupancy as a dwelling or sleeping place for one or more persons, and including also a self propelled vehicle having body designed as living quarters.

Automobile wrecking: The dismantling of used motor vehicles or trailers, the burning of combustible parts thereof, or the storage, sale or dumping of dismantled or wrecked motor vehicles or their parts.

Awning: A roof-like cover that is temporary in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

Banks and financial institutions: Commercial banks, savings and loan associations, brokerage offices and other similar financial institutions, but not including pawn shops.

Basements: That portion of a building having more than one-half (½) of its height below the average lot grade.

Blocks: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, bulkhead lines, or shorelines of waterways, or corporate lines of the village.

Boarding house: A building, other than a hotel, where meals for three or more persons, and not to exceed 20 persons are served for compensation to regular patrons by previous arrangement. If a number greater than 20 persons are regularly served, the establishment shall be classified as a restaurant. rest homes, nursing homes, homes for the aged, homes for children and penal institutions shall not be classified as "boarding homes".

Brew pub with taproom: A person who manufactures beer only at a designated licensed premises to make sales to importing distributors, distributors and to non-licensees for use and consumption only, who stores beer at the designated premises, and who is allowed to sell it at retail from the licensed premises, provided that the licensee shall not sell for off-premises consumption more than 155,000 gallons per year.

Building: A permanently located, roofed, structure designed or intended for the enclosure, shelter or protection of persons, animals or movable property of any kind and which is permanently affixed to the land.

Building height: The vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest elevation of the roof in the case of a slant or flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, chip, or gambrel roof; provided that where buildings are set back from the street lines, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

Building line: The line nearest the front of and across a zoning lot, establishing the minimum open space to be provided between the front line of a building or structure and the street right-of-way line.

Building, principal: A non-accessory building in which a principal use of the lot, on which it is located, is conducted.

Bulk: The term used to indicate the gross floor area of a building in relation to the lot area, the height of the structure, and the percentage of land coverage allowable for each building on a zoning lot.

Business and professional offices: The office of an engineer, doctor, dentist, attorney, real estate broker, architect, or other similar professional person, and any office used primarily for accounting, correspondence, research, editing or administration.

Business district: Any zoning district designated with a "C" classification.

Capacity in persons: The maximum number of persons that can avail themselves of services (or goods) on an establishment, at any one time, with reasonable comfort.

Carport: An open sided, roofed automobile shelter, usually formed by extension of the roof from the side of the building.

Club, private (non-profit): A non-profit association of persons, who are bona-fide members paying annual dues, which owns, hires, or leases a building or portion thereof; the use of such premises being to members and their guests. The affairs and management of such "private club" are conducted by a board of directors, executive committee, or similar body chosen by the members. It shall be permissible to serve food and meals on the premises, provided adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be subject to compliance with the village, state and federal ordinances.

Clinic or medical center: A medical center or medical clinic is an establishment where three or more licensed doctors of medicine engage in the practice of medicine, operating on a group or individual basis, with pooled facilities such as a coordinated laboratory, x-ray and allied department, for the diagnosis, and treatment of humans, which need not but may include, a drug prescription counter (not a drug store) for the dispensing of drugs and pharmaceutical products to the patients of said organization. In addition to the above, the medical center or medical clinic may include space for the practice of dentistry.

Columbarium: A vault with niches for cinerary urns.

Common open space and recreational areas:

Recreational area shall be defined as land specifically designed and intended for the active or passive recreational use of residents and shall include, but not be limited to, public and private play lots, and parks, school sites, storm water detention or retardation areas, if such areas are capable of being utilized for multipurpose recreational activities, pedestrian corridors, bicycle and equestrian trails, greenbelt and open space networks.

Permanent common open space is defined as park-ways, medians, landscaped green space, and other similar areas which are not accepted by the village as suitable for recreational purposes.

Contiguous: In contact, adjoining, or touching another object or item as distinguished from being adjacent.

Contiguous area, minimum: The area that may constitute a separate or detached part of any zoning district classification as set forth in this ordinance.

Corner lot: A lot which adjoins the point of intersection or meeting of two or more streets and in which the interior angle formed by the street lines is 135 percent or less. If the street lines are curved, the angle shall be measured at the point of the inter-section of the extensions of the street lines in the directions which they take at the intersections of the street line with the side lot line and the rear lot line of the lot. If the street line is curved at its point of intersection with the side lot line or rear lot line, the tangent to the curve at that point shall be considered the direction of the street.

Country club: A private recreational facility operated for bona-fide members paying annual dues for the use of a golf course and ancillary uses such as restaurants (including the sale of alcoholic beverages) residential uses for guests, managers and other employees, but not including commercially operated driving ranges or miniature golf courses.

Density, gross: The numerical value obtained by dividing the total dwelling units of a development by the gross area of the residential land use.

Density, net: The numerical value obtained by dividing the total dwelling units of a development by the net area of the residential tract (excluding, public or private streets) of land containing the residential land use.

District: A section of the Village of Round Lake Beach within which the regulations governing the use of land are the same.

Driveway: A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure. Driveways shall have an impervious dustless surface.

Duplex residence: Two one-family dwellings separated only by a vertical party wall without openings. A duplex dwelling shall be considered one building for the purpose of determining yard requirements.

Dwelling: A building or portion thereof, but not a mobile home, designed or used for residential occupancy.

Dwelling, attached: A residential building which is joined to another dwelling at one or more sides by a party wall or walls.

Dwelling, detached: A residential building which is entirely surrounded by open space on the same lot.

Dwelling, multi-family: A residential building containing three or more dwelling units.

Dwelling, single-family: A residential building containing one dwelling unit only.

Dwelling, two-family: A residential building containing two dwelling units only.

Dwelling unit: One or more rooms in a residential building or residential portion of a building which are arranged, designed, used or intended for use by one family, and which includes cooking space and lawful sanitary facilities reserved for the occupants thereof.

Easement: A grant by a property owner for the use of a strip or parcel of land by the general public, a corporation, or a certain person or persons for a specific purpose or purposes.

Efficiency apartment: A dwelling unit containing one or more rooms, but no bedroom, designed for occupancy by one family.

Encroachment lines: Limits of obstruction to flood flows. These lines are generally parallel to the stream. The lines are established by assuming that the area landward (outside) of the encroachment lines will be ultimately developed in such a way that it will not be available to convey flood flows. If hydraulic efficiency of the floodway is maintained by protecting it against unnecessary encroachments, it will be adequate to convey the regulatory flood without resulting in an increase in flood elevations which cause damage to existing or future development.

Family: Either (a) an individual or two or more persons related by blood, marriage or adoption, maintaining a common household in a dwelling unit; or (b) a group of not more than four persons who are not related by blood, marriage, or adoption, living as a common household in a dwelling unit.

Farm: Land used for agricultural purposes.

Farming garbage: The feeding of combined or collected garbage or food waste to livestock or disposing of same in the open.

Fence: A free standing structure of metal, masonry composition or wood or any combination thereof, resting on or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes.

Flood: A temporary rise in stream flow or stage that results in water overflowing its banks and inundating areas adjacent to the channel.

Flood fringe: Any land that would have been inundated by the 50-year flood of record as determined by the village engineer.

Flood proofing: A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.

Flood protection elevation: The elevation of the base flood elevation (100-year flood elevation) plus two feet of freeboard.

Floodway: The area flood as shown by the limits of the boundary of the 1977 flood as delineated on the USGS map of Grayslake Quadrangle.

Floor area: The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, computed as follows:

A. *For determining floor area ratio:* The sum of the following areas:

1. The basement floor area when more than one-half of the basement height is above the finished lot grade level where curb level has not been established;
2. Elevator shafts and stairwells at each floor;
3. Floor spaced used for mechanical equipment (except equipment, open or enclosed, mounted on the roof);
4. Penthouses;
5. Attic space having headroom of seven feet, ten inches or more;
6. Interior balconies and mezzanines;
7. Enclosed porches; and,

8. Floor area devoted to accessory uses.

Spaces devoted to off-street parking or loading space shall not be included in the floor area of structures devoted to bulk storage of materials.

B. *For determining off-street parking and loading:*

1. Floor space devoted to the principal use of the premises, including accessory storage areas located within selling or working space such as counters, racks, or closets;
2. Any basement floor area devoted to retailing activities; and,
3. Floor area devoted to the production or processing of goods or to business or professional offices.

For this purpose, floor area shall not include space devoted primarily to storage purposes (except as otherwise noted herein) off-street parking and loading facilities, including aisles, ramps and maneuvering space, or basement floor area other than area devoted to retailing activities, the production or processing of goods, or business or professional offices.

Floor area ratio: The floor area ratio of the building or other structure on any lot is determined by dividing the floor area of such building or structure by the area of the lot on which the building or structure is located. When more than one building or structure is located on a lot, then the floor area ratio is determined by dividing the total floor area of all buildings or structures by the area of the lot, or in the case of planned development, by the net site area. The floor area ratio requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for a building or other structure (including both principal and accessory buildings) in direct ratio to the gross area of the lot.

Food stores: Stores which sell foods, fresh or frozen, and other items commonly sold in connection therewith and including, but not limited to, stores commonly referred to as dairy stores, delicatessens, fruit and vegetable markets, grocery stores, health food stores, nut shops and supermarkets. Sales must be made at retail on the premises, but not for consumption on the premises.

Foot-candle: A unit of illumination. Technically, the illumination of all points one foot distance from a uniform point source of one candle power.

Frontage: The length of a front lot line or lines.

Frontage, zoning lot: All the property of such zoning lot frontage on a street, and measured between side lot lines.

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

Gross acre or acres: Real property containing 43,560 square feet or 160 square rods with streets, highways, roads, right-of-way easements.

Health and fitness center: A building or portion of a building designed and equipped for the purpose of physical fitness, improved circulation or flexibility, weight control, or other customary and usual health and fitness activities, operated for profit, non-profit or not-for-profit. Customary and usual health and fitness activities may include, but are not limited to: group and individual weight training, aerobics, stretching, meditation, and instruction for these activities. This definition is distinguished from and exclusive of the definition for "recreational activity club" contained in this section. This definition does not include dancing schools or studios, gymnastics studios or martial arts studios.

Height, maximum: A horizontal plane above and parallel to the average finished grade of the entire zoning lot at the height shown in the district regulations. No part of any structure shall project through said plane except:

- A. Chimneys, flues, stacks, fire escapes, gas holders, elevator enclosures, ventilators, skylights, water tanks and similar roof structures needed to operate and maintain the building on which they are located.
- B. Flag poles, television aerials, water towers and tanks, steeples and bell towers, carillons, monuments, cupolas, broadcasting and microwave transmitting and relay towers and electric transmission line towers.

Heliport: An area of land and/or a structure or building which is used or intended for use for the landing and taking off of helicopters and any appurtenant areas which are used or intended for use for helicopter buildings or other heliport facilities or rights-of-way, including all necessary pads, helicopter storage and tie down areas, hangers and other necessary buildings and open spaces.

Home occupation: See Article II, section 217.

Hydrodynamic force: Pertaining to the force of floodwater in motion.

Hydrostatic force: Pertaining to the force of floodwater at rest.

Hospital or sanitarium: An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care for not less than 24 hours in any week, of three or more non-related individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions. The term "hospital" as used in this ordinance does not apply to institutions operating primarily for treatment insane persons, drug addicts, liquor addicts, or other types of cases necessitating restraint of patients, and the term "hospital" shall not include convalescent, nursing, shelter, or boarding houses.

Hotel: An establishment which is open to transient guests, in contradiction to a boarding house, lodging house, or apartment hotel, and is commonly known as a hotel in the community in which it is located; and which provides customary hotel services such as maid service, the furnishing and laundering of linen, telephone and secretarial or desk service, the use and upkeep of furniture, and bellboy service.

Indoor-outdoor entertainment center. An indoor-outdoor entertainment center shall only be allowed as a special use where the special use permit includes a specific list of entertainment uses that may be located indoors or outdoors such as, but not limited to, the following examples: (i) indoor entertainment uses: bowling alleys, billiards, arcade games, food and beverage; (ii) outdoor entertainment uses: miniature golf, go-kart tracks, batting cages; or (iii) other indoor-outdoor entertainment uses as part of a specific special use for an indoor-outdoor entertainment center.

Industrial district: Any zoning district designated with an "I" classification, for example "I-1".

Kitchen: Any room used, or intended or designed to be used, for cooking or the preparation of food.

kennel, commercial: Any premises or portion thereof on which more than four dogs, cats or other domestic animals over eight months in age are kept, boarded, bred or cared for, in return for remuneration, or are kept for the purpose of sale.

Laboratory, medical: A use established for scientific experimentation, research or testing in the field of human medicine.

Landscaping: The improvement of a lot, parcel, or tract of land with grass, shrubs, and trees. landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

Liquor store, package: Any establishment selling beer, wine or alcoholic liquor at retail to the general public in sealed bottles or other sealed containers for consumption or use away from the premises where said establishment is located.

Living area, minimum: Living area is the same as dwelling unit. See *dwelling unit*.

Lodging house: A building or premises where lodging is provided for compensation, for three or more regular patrons and not to exceed 20 patrons, and not for transients.

Lot area, minimum: The minimum area of a horizontal plane bounded by the front, side and rear lot lines.

Lot coverage: That percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, excluding projecting roof areas.

Lot depth: The distance between the midpoint of the front lot line and the midpoint of the rear lot line.

Lot, interior: A lot other than a corner lot.

Lot frontage, minimum: The boundary of a lot along a public or private street.

Lot width, minimum: The minimum distance on a horizontal plane between the side lot lines measured at right angles to the lot depth at the established front building line.

Lot line: A property boundary line of a lot.

Lot line, front: The boundary of an interior lot which abuts the street, or the boundary of corner lot extending along the narrowest part of the lot abutting the street.

Lot line, rear: The boundary of a lot which is most distant from, and is most nearly parallel to, the front lot line.

Lot line, side: Any boundary of a lot which is not a front lot line or a rear lot line.

Lot, zoning: A parcel of land that is designated by its owner or developer, at the time of applying for a zoning certificate, as a tract all of which is to be used, developed, or built upon as a unit under single ownership. As long as it satisfies the above requirements, such lot may consist of:

- A. A single lot of record, or
- B. A portion of a lot of record, or
- C. A combination of complete lots of record, complete lots and portions of lots of record, or portions of lots of record.

Major highway: All roads, streets, avenues, thoroughfares or other types of vehicular traveled ways designated by a United States or State of Illinois route number.

Medical cannabis cultivation center ("cultivation center"): A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

Medical cannabis dispensing organization ("dispensing organization", "Dispensary organization", or "Dispensary"): A facility operated by an organization or business that is registered by the 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.

Medical cannabis facility: A medical cannabis cultivation center or a medical cannabis dispensing organization.

Mini-storage: One or more structures providing individual storage compartments or areas for individuals to those who rent or lease such compartments or areas. Mini-storage shall not mean permitted outdoor storage for a business.

Mobile home: Mobile home is a dwelling unit designed to be transported on streets and highways to the place where it is to be occupied as a dwelling unit complete and ready for year-round and permanent occupancy; except for minor and incidental unpacking and assembly operations, located on jacks or permanent foundations, connected to the village water and sewer systems, and similar operations.

Motel: A building or portion thereof, or a group of buildings which provides sleeping accommodations for transients on a daily or weekly basis, whether such establishments are designed as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist court, or otherwise.

Motor freight terminal: A building or area in which freight brought by truck is assembled and/or stored for routing in intrastate and interstate shipment by truck or in which semi-trailers, including tractor and/or trailer units, and other trucks are parked and stored.

Non-conforming structure: A structure which does not comply in some respect with the lot size requirements or bulk regulations applicable to new structures in the zoning district in which it is located.

Non-conforming use: An existing use of a structure or land which does not comply in some respects with the use regulations applicable to new uses in the zoning district in which it is located.

Nursing or convalescent home: An institution for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, but not including facilities for surgical care or institutions for the care and treatment of mental illness, alcoholism, or narcotics addiction.

Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock gravel, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same down-stream to the damage of life or property.

Octave bank: A prescribed interval of sound frequencies which classifies sound according to its pitch.

Odor threshold: That lowest concentration of odorous matter in air that will produce an olfactory response in a human being.

Particulate matter: Material other than water which is suspended in or discharged into the atmosphere in a finely divided form as a liquid or solid.

Planned development: A parcel or tract of land, initially under single ownership or control to be developed as a unified project and single entity which contains two or more principal buildings and more than one principal use-the plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage or required open space to the regulations in any one district established by this zoning ordinance.

Preferred frequency octave bands: A standardized series of octave bands prescribed by the American National Standards Institute in S1.6-1060, Preferred Frequencies for Acoustical Measurements.

Principal structure: A structure in which a principal use of the lot on which the structure is located is conducted.

Private free libraries: Small enclosed structures used solely as a means for the free exchange of literary material and recorded performing arts material.

Principal use: The main use of land or structures as distinguished from a subordinate or accessory use.

Reach: A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the flood hazard area where flood heights are primarily controlled by man-made or natural obstructions or constrictions. In an urban area, an example of a reach would be the segment of river between two consecutive bridge crossings.

Recreational activity club: A building or portion of a building designed and equipped for the conduct of specific sports, leisure or other customary and usual recreational activities, operated for profit, non-profit or not-for-profit. Customary and usual recreational activities may include, but are not limited to: swimming, basketball, tennis, racquetball and squash. This definition is distinguished from and exclusive of the definition for "health and fitness center" contained in this section. This definition does not include dancing schools or studios, gymnastics studios or martial arts studios.

Recreational facility, commercial: A use which may contain indoor and outdoor swimming pools, tennis courts, gymnasium, hand ball court, pool and billiard rooms, bowling alleys and other similar uses when operated for profit.

Regulatory flood: The regulatory flood is a flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur on a particular stream. The regulatory flood generally has an average frequency in the order of the 50-year recurrence interval flood determined from an analysis of floods on a particular stream and other streams in the same general area.

Regulatory flood protection elevation: The elevation to which uses regulated by this ordinance are required to be elevated or flood proofed.

Remodeling: Any change in structure, including a structural alteration (other than incidental repairs and normal maintenance) which may prolong its useful life, or the useful life of its supporting members such as bearing walls or partitions, columns, beams, girders or foundations; or the construction of any addition to, or enlargement of, a structure; or the removal of a structure.

Residence district: Any zoning district designated with an "R" for example, "R-2".

Residential building: A building all or part of which contains one or more dwelling units, including single-family dwellings, two-family dwellings, multiple-family dwellings, and lodging houses.

Restaurant: A public eating house, including but not limited to the types of business establishments customarily referred to as cafeterias, coffee shops, dairy bars, restaurants and soda fountains.

Restaurant, carry-out: A restaurant whose principal business operation is the dispensing of edible foodstuff and/or beverage, ready for consumption on the premises, at outdoor tables, at stand-up counters, or to be carried off the premises.

Retail sales: The sale of goods, merchandise and commodities for use or consumption.

Ringelmann number: The shade of smoke as it appears on the standard Ringelmann Chart published by the U.S. Bureau of Mines information Circular No. 8333 (1967).

Roadside stand: A structure for the display and sale of agricultural products, with no space for customers within the structure itself.

Screening: Decorative fencing or evergreen vegetation maintained for the purpose of concealing from view the area behind such structures or evergreen vegetation. When fencing is used for screening, it shall not be less than six feet nor more than eight feet in height.

Setback: The distance between the lot line and the principal building on the lot.

Shopping center: Two or more retail stores, service establishments, restaurants, and offices or any combination thereof, within a single complex or a single PUD, and/or sharing a common parking lot.

Sign: Any fabricated sign or outdoor display structure, which is constructed to gain attraction of the public and displayed for advertising purposes.

Sign, advertising: A sign which advertises a business or service not conducted or offered on the zoning lot on which such sign is located.

Sign, banner: A sign printed or painted on cloth, canvas, or any other fabric including plastic, and used for attracting the attention of the public.

Sign, ground: A sign supported by uprights or braces in or upon the ground surface

Sign, marquee: A sign attached to or hung from a marquee, canopy or other covered structure, projecting from and supported by the building and extending beyond the building line.

Sign, obsolete: A sign that does not advertise an existing business or a product including poles, posts, pylons, pipes or frames to which it is affixed.

Sign, portable: A sign, usually of a temporary nature, designed for changeable copy that may be moved, or was originally designed to be moved, from one location to another.

Sign, projecting: A display sign which is attached directly to the building wall, and which extends more than 15 inches from the face of the wall.

Sign, temporary: A sign constructed of cloth, fabric or other lightweight temporary material with without a structural frame intended a limited period of display; including decoration displays for holidays or public demonstrations.

Sign, wall: A sign which is painted on or attached directly to a fence or on the surface of masonry, concrete, frame or other approved building walls, and which extends not more than 15 inches from the face of the fence or wall.

Smoke: Small gas-borne particles other than water that form a visible plume in the air.

Sound level meter: An electronic instrument which includes a microphone, an amplifier, and an output meter which measures noise and sound pressure levels in a specific manner. It may be used with the octave band analyzer that permits measuring the sound pressure level in discrete octave bands.

Sound pressure level: The intensity of a sound measured in decibels mathematically described as 20 times the logarithm to the base 10 of the ratio of the pressure of the sound to a reference pressure of 0.0002 microbar.

Standard cubic feet (SCF): Standard cubic feet, which is the measure of the volume of a gas reduced to 14.73 pounds per square inch pressure absolute and 60° F.

Structure: Anything constructed or erected with a fixed location on the ground. With reference to the forgoing, a structure shall include buildings, fences, walls and signs.

Tavern: An establishment in which alcoholic beverages are sold or served to customers for consumption on the premises including establishments, commonly known as key clubs, in which alcoholic beverages are served, only to members and their guests.

Temporary use: See Article II, (216).

Toxic matter: Materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

Trafficway: A public way other than an alley, intended for vehicular traffic and affording a primary means of access to abutting property.

Trailer: A vehicle standing on wheels or on rigid supports which is used for transporting boats, cargo or property.

Use: Any purpose for which a structure or a tract of land may be designed, arranged, intended, maintained or occupied; also, any activity, occupation, business or operation carried on, or intended to be carried on, in a structure or on a tract of land.

The classification of a business in accordance with section 302.1, BOCA National Building Code.

Use regulations: The provisions of this ordinance which identify permitted uses, impose use limitations, require adherence to performance standards and regulate home occupations and accessory and temporary uses.

Vibration: The periodic displacement or oscillation of the earth.

Warehouse: A facility largely devoted to storage of goods and materials awaiting shipment to other facilities, or to another warehouse. Distinguished from retail in that no sales are conducted at the site. Also, no manufacturing is conducted on the site.

Wholesale sales: The sale of goods, merchandise and commodities for resale.

Yard: Open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except for the permitted obstructions listed in section 223.

Yard, corner: A yard extending along the full length of a front lot line, side yard adjoining a street, and the rear lot line.

Yard, front: A yard extending along the full length of a front lot line and back to a line drawn parallel to the front lot line at a distance therefrom equal to the depth of the required front yard.

Yard, corner side: A side yard which abuts a street.

Yard, rear: A yard extending along the length of the rear lot line and back to a line drawn parallel to the rear lot line at a distance therefrom equal to the depth of the required rear yard.

Yard, side: A yard extending along a side lot line and back to a line drawn parallel to the side lot line at distance therefrom equal to the width of the required minimum side yard, but excluding any area encompassed within a front yard or rear yard. Dimensions of minimum side yard specified in the district regulations of this ordinance refer to the required width of each side yard rather than to the total width of both side yards, unless otherwise specified.

Yard, transitional: The required front, side, or rear yard between a business or manufacturing district and a residential district.

(Ord. No. 01-06-01, 6-25-2001; Ord. No. 01-11-10, 11-12-01; Ord. No. 02-05-01, 5-13-2002; Ord. No. 08-03-06, 3-24-2008; Ord. No. 14-06-02, 6-9-2014; Ord. No. 16-03-08, 3-28-2016; Ord. No. 16-10-02, 10-24-2016; Ord. No. 20-03-02, 3-16-2020; Ord. No. 20-06-04, 6-15-2020)

ARTICLE XVII. - SEXUALLY ORIENTED BUSINESSES

Sec. 1700.0. - Purpose.

The purpose of this article is to establish reasonable and uniform regulations to minimize and control the negative secondary effects of sexually oriented businesses within the municipality in order to promote the health, safety, and welfare of the citizens of the municipality. The provisions of this article have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials or communication, including sexually oriented entertainment. Similarly, it is not the purpose nor effect of this article to restrict or deny access by adults to sexually oriented entertainment protected by the First Amendment, or to deny access by distributors and exhibitors of sexually oriented entertainment to their intended market. Furthermore, it is not the intent or effect of this article to condone or legitimize the distribution or exhibition of entertainment that is obscene.

(Ord. No. 04-05-02, 5-10-2004)

Sec. 1701.0. - Findings.

Based on evidence concerning the adverse secondary effects of sexually oriented businesses presented to the municipality from findings incorporated in the cases of *City of Erie v. Pap's A.M.*, 529 U.S. 277, 120 S.Ct. 1382 (2000); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986) *Young v. American Mini*

Theaters, 426 U.S. 50 (1976), *Berg v. Health and Hospital Corporation*, 865 F.2d 797 (7th Cir. 1989); *Ellwest Stereo Theaters v. Wenner*, 681 F.2d 1243 (9th Cir. 1982); *Bamon Corp v. City of Dayton*, 730 F.Supp 80 (S.D. Ohio, 1990) and *EWAP Inc. v. City of Los Angeles*, 97 Cal. App 3d 179, 158 Cal. Rptr. (1979), and on studies in other cities including the *Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses* (Minnesota, 1989); *Memorandum re: Adult Entertainment Ordinance*, of the Assistant Chief of Police of the Tucson, Arizona (May 1, 1990); Hecht, Peter R., Ph.D., *Report to the American Center for Law and Justice on the Secondary Impacts of Sex Oriented Businesses* (March 31, 1996); *Adult Entertainment Businesses in Indianapolis, An Analysis* (1984) and McCleary, Richard, Ph.D. and Meeker, James W., Ph.D., *Final Report to the City of Garden Grove: The Relationship Between Crime and Adult Business Operations on Garden Grove Boulevard*, (Garden Grove, CA, October 23, 1991), this legislative body finds:

1. Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities.
2. Sexual acts, including masturbation, oral sex and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or rooms for viewing films, videos, or live sexually oriented entertainment. Such activities may result in spreading communicable diseases such as syphilis, gonorrhea, and human immunodeficiency virus (HIV).
3. Studies conducted in other cities have demonstrated a correlation between sexually oriented business and a decrease in the residential and commercial property values that surround them, especially those properties within 1,000 feet of such businesses.
4. Studies conducted in other cities have demonstrated a correlation between sexually oriented businesses and increased crime in the neighborhood, including sex-related crimes like prostitution, obscenity, and sexual assault. This correlation is especially acute when more than one sexually oriented business is located in a neighborhood, and when a sexually oriented business is located near a public open space such as a park, cemetery or school.
5. Studies conducted in other cities have demonstrated a correlation between sexually oriented businesses and increased harassment and propositioning of women, children and the elderly in the neighborhood.
6. Studies conducted in other cities have demonstrated a correlation between sexually oriented businesses and offensive material such as pornographic magazines and used condoms being discarded in the surrounding neighborhood, making them available to children.
7. Location of sexually oriented business in a neighborhood can create a "sex for sale" reputation in a neighborhood.
8. The foregoing findings raise substantial governmental interests and concerns.
9. The municipality cannot entirely prohibit sexually oriented businesses which are not obscene from locating within the municipality.
10. The municipality can effect reasonable locational regulations which it believes will ameliorate these deleterious secondary effects associated with sexually oriented businesses.
11. Locating sexually oriented businesses in the industrial zone will ameliorate these deleterious secondary effects associated with sexually oriented businesses.
12. Requiring sexually oriented businesses to be located 1,000 feet from any other sexually oriented businesses will ameliorate these deleterious secondary effects associated with sexually oriented businesses.

13. Requiring sexually oriented businesses to be located 475 feet from any school, day care center, cemetery, public including any lineal recreational area like a bike path, public housing, place of religious worship, lot zoned for residential purposes and lot used for residential purposes, complies with the requirements of state law, 65 ILCS 5/11-5-1.5, ameliorate these deleterious secondary effects associated with sexually oriented businesses.
14. Rollins Road, Fairfield Road, Cedar Lake Road, Hook Drive, and Illinois Route 83 are the main thoroughfares in the municipality, and more than any other location in the municipality reflects on the economic status of the municipality.
15. Accordingly, a decrease in the property values and an increase in visible crime along Rollins Road, Fairfield Road, Cedar Lake Road, Hook Drive, and Illinois Route 83 will affect the property values of the municipality as a whole in a way that other locations would not.
16. Preventing sexually oriented businesses from locating directly on, or within 475 feet of Rollins Road, Fairfield Road, Cedar Lake Road, Hook Drive, and Illinois Route 83 will help to conserve property values in the municipality as a whole, while still providing an adequate number of sites and acreage available for the location of sexually oriented businesses.
17. At the time this article was approved, the regulations set forth herein permitted approximately 2.3 acres and approximately two sites available for sexually oriented businesses in the municipality.

(Ord. No. 04-05-02, 5-10-2004)

Sec. 1702.0. - Definitions.

For purposes of this article,

- A. *Employee* shall mean a natural person who performs any service or work on the premises of a sexually oriented business, including but not limited to providing entertainment, performing work of a management or supervisory nature, or performing support functions, on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person on the premises exclusively for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.
- B. *Excretory functions* shall mean urination, defecation, lactation, ejaculation and menstruation. It shall not mean urination and defecation performed in a public or employee-only restroom in the manner in which those facilities are intended to be used, and when not performed or presented for a commercial purpose. It shall not mean lactation as part of breast-feeding an infant, unless performed or displayed for a commercial purpose other than education and training in the art, science or technique of breast-feeding an infant.
- C. *Municipality* shall mean the Village of Round Lake Beach, Illinois.
- D. *Nudity or nude* shall mean exposing to view specified anatomical areas or any device, costume, or covering that gives the appearance of or simulates any specified anatomical areas.
- E. *Patron* shall mean any natural person who is not an employee.
- F. *Semi-nudity or semi-nude* shall mean exposing to view, with less than a fully opaque covering, any portion of

the female breast below the top of the areola or any portion of the buttocks. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided that the areola is not exposed in whole or in part.

- G. *Sexually oriented amusement device* shall mean any machine or device which is designed, intended, displayed or kept as an amusement or entertainment, and may be operated upon the insertion of a coin, slug, token, plate, disc, electronic key, credit card, debit card or any similar item, or the use of which is made available for any valuable consideration, and which displays a natural person, people, or characters as in cartoons and animation, live or by any medium, including without limitation film, motion picture machine, projector, filmstrip, videotape, digital video disc (DVD), laser disc, compact disc (CS), floppy disc, photograph, slide, television, book, magazine, and computer software, engaged in specified sexual activity or displaying specified anatomical areas.
- H. *Sexually oriented business* shall mean any of the following when done in a place where the public is invited or permitted, or when done for any commercial purpose including sale and rental, regardless of who pays or receives the consideration therefore, and regardless of the form of consideration:
1. Live exhibition or display of a natural person or people in the state of nudity or semi-nudity, or engaged in specified sexual activities or excretory functions;
 2. Any premises with a sexually oriented amusement device;
 3. The rental or leasing of a hotel room, motel room or similar room for a period not exceeding ten hours, but not including dining rooms, banquet rooms, ball rooms, conference rooms and similar facilities unless they are used or to be used for specified sexual activities or excretory functions;
 4. Offering of physical contact in the form of wrestling or tumbling between natural persons of the opposite sex, when one or more of the persons is nude or semi-nude, and also the offering of physical contact which constitutes specified sexual activities regardless of the sex of the person performing or receiving the contact;
 5. Offering of products, services or activities by or with a natural person or people when one or more of the people, whether a patron, agent, employee or otherwise, is in a state of nudity or semi-nudity.
 6. Displaying or offering to others any recorded depiction of a natural person, or created image or character, as in cartoons and animation, by any medium, including without limitation film, videotape, closed-circuit television, digital video disc (DVD), laser disc, compact disc (CD), floppy disc, photograph, slide, television, book, magazine, and computer software, which is:
 - a. Characterized or distinguished by an emphasis on the depiction or description of specified sexual activities, excretory functions, or specified anatomical areas; or
 - b. Advertised or otherwise held out to the public as being characterized or distinguished by an emphasis on the depiction or description of specified sexual activities, excretory functions, or specified anatomical areas, including without limitation, the use of the term "adult" and the use of the designation of one or more "X" such as, but not limited to, "XXX."
 7. The display and offering to others of novelties, instruments, devices, or paraphernalia that are designed

primarily for use in connection with specified sexual activities or that give the appearance of or simulate any of the specified anatomical areas.

8. The term "sexually oriented business" shall exclude the following:

- a. The display and offering to others of condoms, spermicide or other non-prescription contraceptives, unless displayed and offered to others on the premises of a business which would otherwise be considered a sexually oriented business;
- b. The display and offering to others of drugs, instruments or devices which require a prescription, that are designed primarily for use in connection with specified sexual activities, and which are in fact dispensed by or under the supervision of a pharmacist licensed by the State of Illinois;
- c. The display and offering to others of instruments, devices, or paraphernalia that are designed primarily for use in connection with specified sexual activities if they are displayed and offered to others on the premises where a pharmacist licensed by the State of Illinois is employed to dispense prescription drugs, instruments or devices;
- d. Breast-feeding an infant, unless performed or displayed for a commercial purpose other than education and training in the art, science or technique of breast-feeding an infant;
- e. The display and offering to others of motion pictures, by any format, which have received a rating from the Motion Picture Association of America of G, PG, PG-13, R or NC-17, when offered or displayed substantially in their entirety;
- f. Libraries and museums funded in whole or in part by federal, state or local governmental funds;
- g. The display and offering to others of items which would otherwise qualify as a sexually oriented business pursuant to this section, if and only if the display and offering are done for a commercial purpose, and all of the following apply to the business displaying and offering such items to others:
 - (1) Less than 20 percent of its gross income comes from the sale, rental or exhibition of the following types of items:
 - (a) Items which are characterized or distinguished by an emphasis on the depiction or description of specified sexual activities, excretory functions, or specified anatomical areas or any combination thereof, and
 - (b) Items which are advertised or otherwise held out to the public as being characterized or distinguished by an emphasis on the depiction or description of specified sexual activities, excretory functions, or specified anatomical areas or any combination thereof, including without limitation, the use of the term "adult" and the use of the designation of one or more "X" such as, but not limited to, "XXX"; and
 - (2) Less than 20 percent of its display space is used for the sale, rental or exhibition of the items described in paragraph (1)(a) and (b) above; and
 - (3) Less than 20 percent of the items it offers to others are the items described in paragraph (1)(a) and (b) above; and
 - (4) The items described paragraph (1)(a) and (b) above are segregated from all other displays and retail areas of the premises by a solid partition from floor to ceiling with no openings or windows and with

entrance and egress by means of a solid door posted with a sign not less than one foot by one foot with the words "UNDER 18 NOT ADMITTED" lettered on the sign, except that magazines characterized or distinguished by an emphasis on the depiction or description of specified sexual activities, excretory functions, or specified anatomical areas or any combination thereof may be displayed on racks or other display cases only if the magazine is encased or otherwise covered up and concealed from common view of anything other than the magazine title or text or other materials which would not be described as sexually oriented.

9. Certain uses which fall within the definition of sexually oriented business may also constitute uses which are illegal under local, state or federal law, such as obscenity or child pornography. Even if such illegal uses constitute a sexually oriented business under the definition set forth in this article, they shall not be permitted uses in any district.
- I. *Specified anatomical areas* shall mean the human genitals, pubic area, perineum, anus, anal cleft or cleavage, pubic hair, any portion of the areola of the female breast if less than a fully and opaquely covered; and the male genitals in a discernibly turgid state, even if entirely covered by an opaque covering. In determining whether any of the foregoing portions of the anatomy are fully and opaquely covered, coverage by make-up, paint, or similar matter applied directly to the skin, shall not be considered to be fully and opaquely covered.
- J. *Specified sexual activities* shall mean any of the following, whether actual or simulated:
 1. The fondling or other erotic touching of human genitals, pubic area, perineum, anus, anal cleft or cleavage, pubic hair, buttocks, or female breasts, regardless of whether the performer or recipient is clothed, in a state of nudity or in a state of semi-nudity;
 2. The manipulation of the human body of another, including massage, by the use of any portion of manipulator's body, whether covered or uncovered, or by any device, if the person performing the manipulation or the person receiving the manipulation is in a state of nudity or semi-nudity.
 3. Sex acts, normal or perverted, heterosexual, homosexual or bisexual, including without limitation intercourse, fellatio, cunnilingus, analingus, masturbation, bestiality, sodomy, bondage and discipline, sadism and masochism, and any other act intended to cause sexual arousal;
 4. Sex acts between animals when offered or displayed for the purpose or with the intent of causing the sexual arousal of a human viewer.

(Ord. No. 04-05-02, 5-10-2004)

Sec. 1703.0. - Special use.

Any other ordinance or section of any ordinance notwithstanding, and subject to the setback requirements of section 1704.0, sexually oriented businesses shall be a special use only in the Limited Industrial and General Industrial Districts.

(Ord. No. 04-05-02, 5-10-2004)

Sec. 1704.0. - Setback requirements.

No sexually oriented business shall be located:

- A. Within 475 feet of the property boundary of any other sexually oriented business, and any school, day care center, cemetery, public park including any lineal recreational area like a bike path, public housing, place of religious worship, or land zoned for residential purposes, and lot used for residential purposes; and
- B. Within 475 feet of the center line of Rollins Road, Fairfield Road, Cedar Lake Road, Hook Drive, and Illinois Route 83, which 475 feet shall be measured from the nearest point of the building, or portion of the building in which the sexually oriented business is located to the nearest point of the center line of Rollins Road, Fairfield Road, Cedar Lake Road, Hook Drive, and Illinois Route 83; and
- C. On a lot which physically touches Rollins Road, Fairfield Road, Cedar Lake Road, Hook Drive, or Illinois Route 83.

(Ord. No. 04-05-02, 5-10-2004)

Sec. 1705.0. - Restrictions on use.

All sexually oriented businesses shall be conducted entirely within a fully enclosed business. No sexually oriented business shall be operated in any manner that permits the observation from outside the building of any image, material or entertainment depicting or describing excretory functions, specified sexual activities or specified anatomical areas or any person in a state of nudity or semi-nudity, whether by means of display, decoration, sign, window or any other means.

(Ord. No. 04-05-02, 5-10-2004)

Sec. 1706.0. - Signage.

No sexually oriented business shall advertise by way of billboard, sign boards or sign, within 1,000 feet of any school, day care center, cemetery, public park including any lineal recreational area like a bike path, public housing, and place of religious worship.

(Ord. No. 04-05-02, 5-10-2004)

Sec. 1707.0. - Other regulations.

The restrictions set forth in this article shall supersede any other restrictions found in other ordinances or other sections of any ordinance as applied to sexually oriented businesses, if the terms of the restrictions are in conflict.

(Ord. No. 04-05-02, 5-10-2004)

Sec. 1708.0. - Amortization.

If at the time this article becomes effective, any sexually oriented business exists in a location not permitted by this article or is otherwise not in compliance with this article, then the sexually oriented business shall constitute a legal non-conforming use. However, notwithstanding any other ordinance or section of any ordinance to the contrary, the legal non-conforming sexually oriented business shall come into compliance with the requirements of this article within one year of the effective date of this article. No sexually oriented business shall constitute a legal nonconforming use after one year after the effective date of this article.

(Ord. No. 04-05-02, 5-10-2004)

ARTICLE XVIII. - PERSONAL WIRELESS TELECOMMUNICATIONS FACILITIES

Sec. 1801.0. - Purpose.

The purpose of this article is to provide specific regulations for the placement, construction and modification of personal wireless telecommunications facilities. In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, the board of trustees finds that these regulations are necessary in order to:

- A. Facilitate the provision of wireless telecommunications services to the residents of the village, as well as to other persons, firms, and/or corporations in the vicinity of the village;
- B. Minimize adverse visual effects of towers, antennas and related structures and equipment, through careful design, siting, screening, and landscape buffering standards;
- C. Avoid potential damage to adjacent properties from falling ice and tower failure through structural standards and setback requirements;
- D. Promote, encourage and maximize the shared use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community; and
- E. Promote, encourage and maximize the use of existing tall structures that have been established for public utility purposes within the community.

(Ord. No. 10-04-03, 4-26-2010)

Sec. 1802.0. - Interpretation.

- A. The provisions of this article are not intended to and shall not be interpreted or applied so as to prohibit or have the effect of prohibiting the provision of personal wireless services, nor shall the provisions of this article be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent personal wireless services. To the extent that any provision or provisions of this article are inconsistent or in conflict with any provision of this Code, the provisions of this article shall be deemed to control.
- B. In the course of reviewing any request for any approval required under this article made by an applicant to provide personal wireless service or to install personal wireless service facilities, the board of trustees shall act within a reasonable period of time after the request is duly filed with the village, taking into account the nature and scope of the request. There shall be a rebuttable presumption that a reasonable period of time to take final action on applications for collocated facilities is 90 days and for new facilities 150 days; provided that such period shall be tolled during any time the applicant needs to respond to reasonable requests for additional information. Any decision to deny such a request shall be in writing and supported by substantial evidence contained in a written record.

- C. No decision to deny an application for a special use permit or a zoning variation for the construction or installation of a personal wireless service facility may be based on the environmental effects of radio frequency emissions to the extent such facility complies with the FCC's regulations concerning such emissions.

(Ord. No. 10-04-03, 4-26-2010)

Sec. 1803.0. - Definitions.

The terms "personal wireless service" and "personal wireless service facilities", as used in this article, shall be defined in the same manner as in Title 47, United States Code, Section 332(c)(7)(C), as amended now or in the future. Generally, these terms refer to licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that are marketed to the general public. For the purpose of this article the term "personal wireless service facilities" includes each of its component parts, including ground-mounted support equipment, screening, landscaping, towers and/or antennae, as deemed appropriate in the context, and any other appurtenant improvements required as a condition of authority to construct such facilities.

(Ord. No. 10-04-03, 4-26-2010)

Sec. 1804.0. - Placement of personal wireless service facilities.

Personal wireless service facilities shall be considered a special use only (i) in the I-1 Limited Industrial District, in (ii) the I-2 General Industrial District, (iii) attached to or otherwise similarly closely integrated with tall structures established for public utility purposes in any zoning district, and (iv) for antennas attached to existing multi-family buildings of five stories or more located within the R-4 Multiple Family Residential District.

A personal wireless service facility, including related electronic equipment and structures, shall require a special use permit and shall also require a zoning variation for any portion of the height of the personal wireless service facility in excess of the maximum height requirements of the applicable district.

(Ord. No. 10-04-03, 4-26-2010)

Sec. 1805.0. - Village-owned land.

- A. *Exemption:* Notwithstanding anything herein to the contrary, any application for placement, construction and modification of personal wireless telecommunications facilities on village-owned real property shall be exempt from the requirement to obtain either a special use or variance, it being hereby declared to be the policy and intent of the village that personal wireless telecommunications facilities are to be considered permitted uses on village-owned real property, subject to the order of priority described in subsection B.
- B. *Priority of users:* For wireless telecommunication antennas and towers, priority for the use of village-owned land will be given to the following entities and purposes in descending order:
1. Village of Round Lake Beach;
 2. Public safety agencies, including law enforcement, fire, and ambulance services, which are not part of the

village and private entities with a public safety agreement with the village;

3. Other governmental agencies, for uses which are not related to public safety;
4. Entities providing licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that are marketed to the general public; and
5. Entities providing unlicensed commercial wireless information services.

C. *Reservation of rights:* The board of trustees, acting in its capacity as and exercising the commercial rights of a property owner, reserves the right to deny, for any reason or no reason, the use of any or all village-owned property by any one or all applicants.

(Ord. No. 10-04-03, 4-26-2010)

Sec. 1806.0. - Preference for shared use.

- A. The shared use of existing towers and antenna facilities ("collocation") shall be preferred to the construction of new facilities. Provided that such shared use is accomplished in a manner consistent with the terms of this article, then applications for collocation facilities may be approved administratively without any new or additional special use permit approval. Proper plans must be submitted and permits obtained for such collocation facilities as required by the terms of this article.
- B. An applicant for a special use permit for a new tower or support structure shall submit a report inventorying existing towers and antenna sites within a reasonable distance from the proposed site outlining opportunities for shared use as an alternative to the proposed use. The applicant must demonstrate that the proposed tower or antenna cannot be accommodated on an existing approved tower or facility due to one or more of the following reasons:
 1. Refusal of the owner to entertain the proposed facility.
 2. The planned equipment would exceed the structural capacity of existing and approved towers and facilities, considering existing and approved uses for those facilities.
 3. The planned equipment would cause interference with other existing or approved equipment, which cannot reasonably be prevented.
 4. Existing or approved towers or facilities do not have space on which proposed equipment can be placed so it can function effectively and reasonably.
- C. The board of trustees may consider existing towers and antenna sites located within a reasonable distance of village boundaries in adjacent municipalities and unincorporated areas that are capable of serving the village when examining an application for an additional new facility.

(Ord. No. 10-04-03, 4-26-2010)

Sec. 1807.0. - Conditions.

- A. Except as otherwise provided in this article, the personal wireless service facility shall conform to all applicable federal laws and regulations concerning its use and operation, and shall also conform to all applicable provisions

of the zoning code and all other applicable provisions of the Village Code.

B. Towers and all other structures and equipment involved with a personal wireless service facility shall be located in compliance with the following:

1. Setbacks.

- (a) Maintain a minimum distance setback of 400 feet from a residential zoning district.
- (b) Maintain a minimum distance setback of 200 feet from a public right-of-way.
- (c) Shall not be located between the front lot line and the principal building, if any, on the site.
- (d) Maintain a minimum setback from property lines a distance equal to one-third of their height or the applicable zoning district setback, whichever is greater.
- (e) Except for collocated facilities, all new personal wireless service facilities shall be separated from other existing personal wireless service facilities by at least 750 feet.

2. Departures from the above standards shall be considered as part of a special use permit and/or variation application for facilities proposed to be attached to or otherwise similarly closely integrated with tall structures established for public utility purposes, and for facilities proposed in conjunction with multi-family buildings of five stories or more located within the R-4 Multiple Family Residential District.

C. In considering a request for approval of a special use to permit the installation of personal wireless service facilities the board of trustees shall, in addition to other relevant standards for approval, also give due consideration and weight to:

- 1. Whether the applicant has sought and been denied the opportunity to co-locate its personal wireless service facility on an existing antenna supporting structure.
- 2. Whether a significant gap in coverage exists in each applicant's coverage area for the provision of personal wireless telecommunications service. A "gap in coverage" exists when a remote user of such services is unable to either connect with the land-based national telephone network or to maintain a connection capable of supporting a reasonably uninterrupted communication. This standard shall be applied separately to each personal wireless communications service provider.
- 3. Whether the means chosen to fill a significant gap in coverage are the least intrusive on the conditions set forth in this article.
- 4. Whether there are specific and unique aesthetic, visual and safety objections relative to such application and/or the subject property, either in isolation or cumulatively, that are distinct from those generalized concerns otherwise addressed in this article.
- 5. Whether the proposed site would encroach in a historically-significant area.

(Ord. No. 10-04-03, 4-26-2010)

Sec. 1808.0. - Nonconformities.

Any personal wireless service facility installed and operating prior to the enactment of this article which would be prohibited under this article shall be considered to be legal nonconforming uses and/or legal nonconforming structures, as the case may be, and shall be subject to the rules on nonconforming uses and structures as provided by the zoning code.

(Ord. No. 10-04-03, 4-26-2010)

Sec. 1809.0. - Tower and antenna design requirements.

All tower and antenna designs, as well as designs for associated facilities, shall be approved by the board of trustees, or their designee, as part of the required special use permit. Proposed or modified towers and antennas shall meet the following design requirements:

- A. Personal wireless service facilities shall be of a monopole design unless the board of trustees determines that an alternate design would better blend into the surrounding environment.
- B. Towers and antennas shall be designed to blend into the surrounding environment as closely as possible through the use of color, camouflaging and/or architectural treatment, where possible. A tower shall be painted a single, neutral color, the color of which shall be approved by the board of trustees, and any tower, antenna(s), and/or associated facilities shall be well maintained at all times.
- C. Towers shall not be illuminated by artificial means and shall not display lights unless such lights are specifically required by a federal or state authority. Lights are permitted to be operated during on-going maintenance activities.
- D. Site location and development shall preserve the existing character of the site as much as possible. Existing vegetation must be preserved or improved, and disturbance of the existing topography of the site must be minimized.
- E. Structures composed of masonry materials and having gabled or other peaked-roof type features are required to enclose ground-mounted facilities and equipment unless the board of trustees determines that an alternate design would better blend into the surrounding environment. Fences, if utilized, shall be a solid six-foot high wooden board-on-board style. Landscaping a minimum of five feet in height at installation shall be required and maintained so as to screen as much of any proposed building, fence or other ground mounted structure as possible and to discourage vandalism. Equipment enclosures may be required to be sized to accommodate co-location of additional facilities as part of a special use permit approval.
- F. Antennas attached to existing multi-family buildings of five stories or more located within the R-4 Multiple Family Residential District may extend not more than 15 feet above the highest point of the roof of the building to which it is attached and may extend not more than four feet from the exterior of any wall of the building to which it is attached.

(Ord. No. 10-04-03, 4-26-2010)

Sec. 1810.0. - Abandoned or unused towers or antennas; enforcement; lien.

- A. A tower shall be deemed abandoned if it remains unused or unoperated for a period of 12 consecutive months, unless a shorter abandonment period is provided in the applicable lease, in which event, the abandonment period specified in the applicable lease shall govern, and such abandonment shall be as determined by the board of trustees. All or any portion of a personal wireless service facility deemed abandoned or unused under this article shall be removed according to the decommissioning and restoration plan described in this section.

- B. All abandoned or unused portions of a personal wireless service facility shall be removed within six months of the board's determination that such facilities are abandoned, unless a time extension is approved by the board of trustees. Before the board makes a finding or issues an order for removal of the facility resulting from its abandonment or nonuse, the applicant and the owner shall be given an opportunity for a pre-deprivation hearing in the manner described below:
1. When the village believes a facility has been abandoned, the village administrator shall cause a notice of facility abandonment to be sent via first class mail to the applicant and owner. The notice of facility abandonment shall state the name and address of the applicant, the name and address of the owner, a summary of the grounds for the village's determination and describe the opportunity for a hearing.
 2. Failure to request a hearing within 21 days from the date of the notice will result in the village board making its determination solely on the basis of evidence presented by the village staff.
 3. A person may challenge the validity of the notice of facility abandonment by requesting a hearing and appearing in person to submit evidence which would conclusively disprove abandonment or the term for which the facility has not been used or operated. Upon a request for a hearing, the village administrator shall schedule the hearing for a village board meeting.
 4. All parties shall be given a reasonable opportunity to present testimony and evidence at the hearing. Continuances of the hearing date must be made in person before the village board and may be granted upon a showing of good cause. The formal rules of evidence will not apply at the hearing.
- C. Written notice of the board's determination of abandonment shall be sent via regular mail, and via certified mail, return receipt requested, to the owner of the tower(s) and associated facilities and to the applicant for the special use permit.
- D. Decommissioning and restoration plan.
1. Prior to receiving a building permit and/or special use permit for the construction of a personal wireless telecommunication facility, the owner and/or operator must include a decommissioning and restoration plan with the application to ensure such facility and all related equipment is properly decommissioned. The owner of the facility and the underlying property owner(s) shall be jointly liable for the removal of all equipment associated with the facility at the end of the special use permit period, if any, the useful life of the facility, or when the facility is abandoned as herein described. The decommissioning and restoration plan shall state how the facility will be decommissioned and how the site will be restored, and shall further provide:
 - (a) Provisions for removal of the facility and all related equipment, including those below the soil surface.
 - (b) Provisions for the restoration of the property and improvements upon completion of the decommissioning of the facility and all related equipment.
 - (c) An estimated cost of decommissioning certified by a licensed professional engineer and the financial resources to be used to accomplish decommissioning.
 - (d) The village is granted the right of entry onto the site, pursuant to reasonable notice to effect or complete decommissioning and/or restoration.
- E. Any facility which remains erected more than six months after the end of the special use permit period, if any, the useful life of the facility, or when the facility is determined to be abandoned shall be deemed a nuisance.
- F. Lien on costs of enforcement or removal.

1. If the village incurs any costs to enforce or perform the applicant's decommissioning and restoration plan, then t a lien upon that underlying parcel. If, for any one parcel, the village engaged in any enforcement activity or perfo activities on more than one occasion during the course of one year, then the village may combine any or all of th each of those activities into a single lien.
2. To perfect a lien under this section, the village must, within one year after the cost is incurred, file notice of lien in the office of the Lake County recorder. The notice must consist of a sworn statement setting out:
 - (a) A description of the underlying parcel that sufficiently identifies the parcel;
 - (b) The amount of the enforcement or removal cost; and
 - (c) The date or dates when the enforcement or removal cost was incurred by the village.
3. The removal cost is not a lien on the underlying parcel unless a notice is personally served on, or sent by certified mail, to the applicant and the person to whom received the tax bill for the general taxes on the property for the taxable year immediately preceding the removal activities. The notice must (i) state the substance of this section; (ii) identify the underlying parcel, by common description; and (iii) describe the village's activity.
4. A lien under this section may be enforced by proceedings to foreclose as in case of mortgages or mechanics' liens. An action to foreclose a lien under this section must be commenced within two years after the date of filing notice of lien. Failure to file a foreclosure action does not, in any way, affect the validity of the lien against the underlying parcel.
5. Upon payment of the lien cost by the applicant or owner of the underlying parcel after notice of lien has been filed, the village shall release the lien, and the release may be filed of record by the owner at his or her sole expense as in the case of filing notice of lien.

G. Unused operating antenna facilities shall be removed within six months of the time of antenna relocation or abandonment.

(Ord. No. 10-04-03, 4-26-2010)

Sec. 1811.0. - Interference with public safety telecommunications.

No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an inter-modulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the village at least ten calendar days in advance of such changes and allow the village to monitor interference levels during the testing process. If at any time it is determined by the board of trustees, or its designee, that public safety communications experience interference from the new, modified, or existing telecommunications service so as to jeopardize or impede emergency services to residents of the village the village shall refer the issue to the appropriate judicial or administrative forum for dispute resolution, the village's costs for which shall be borne entirely by the applicant.

(Ord. No. 10-04-03, 4-26-2010)

Sec. 1812.0. - Additional application requirements.

In addition to the information required elsewhere in this Code, applications for a special use permit and, where required, an application for a variation, for a wireless telecommunication antenna or tower shall include the following supplemental information:

- A. A statement of the applicant's purpose and need, including data describing whether a significant gap in coverage exists in the applicant's coverage area for the provision of personal wireless telecommunications service.
- B. An inventory of existing towers and antenna sites within a reasonable distance from the proposed site, including the estimated capacity of such sites, outlining opportunities for collocation as an alternative to the proposed use.
- C. Demonstration from a qualified and professional radio frequency engineer that alternative locations are unavailable or impractical and that the equipment cannot be mounted on an existing tower.
- D. A architectural site plan including tower and ground structure elevations, and landscaping.
- E. A report from a qualified and licensed professional engineer which:
 - 1. Describes the tower height and design including a cross section and elevation;
 - 2. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;
 - 3. Describes the tower's capacity, including the number and type of antennas that it can accommodate;
 - 4. Includes a professional engineer's stamp and registration number;
 - 5. Includes any other information necessary to evaluate the request.
- F. For all new wireless telecommunication service towers and facilities, a letter of intent committing the owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
- G. A plan indicating how specific visual impacts created by the proposed facilities will be minimized.
- H. If the applicant is not the owner of the subject property, a copy of the lease agreement pursuant to which the applicant is granted authority to erect the proposed tower.

The village shall be given not more than 30 days to review an application and provide prompt notice to the applicant of whether the application is complete. A failure to provide notice shall result in the application being deemed complete. The timeline to take final action on an application shall not commence until an application is deemed complete.

(Ord. No. 10-04-03, 4-26-2010)

ARTICLE XIX. - AMATEUR RADIO TOWERS AND ANTENNAS

Sec. 1901.0. - General requirements.

Amateur radio towers and antennas. Amateur radio towers and antennas in all zoning districts, excluding properties owned and used by a unit of government, are subject to the regulations of this article.

1. *Location and setbacks:*

A. Ground mounted towers and antennas shall be located to the rear or side of a principal building. Ground mounted towers and antennas located to the side of a principal building shall be located adjacent to the rear 50 percent of the principal building. In the case of a corner lot, the corner side yard setback requirement shall be applied to ground mounted towers and antennas throughout the entire length of the lot abutting the side street. Roof mounted antenna structures shall be located on the principal building on a zoning lot.

B. No part of a tower or antenna shall extend over a building setback line or an easement.

2. *Number:* No more than one ground mounted tower and one roof mounted tower structure with antennas shall be located on each zoning lot.

3. *Diameter and width:* The diameter of a tower shall not exceed two and one-half feet as measured from the farthest distance across the support structure. The width of any side of a tower shall not exceed two and one-half feet. Regarding yagi-style antennas, the horizontal portion of an antenna that directly affixes to the mast of the tower (the boom) shall not exceed 16 feet in any direction from the supporting tower structure. No part of a tower or antenna shall extend over the property line or violate an easement.

4. *Limited use:* Towers and antennas in residential districts shall be used solely for communications directly related to on-site permitted uses and shall not be leased or used as part of or for any off site commercial purposes.

5. *Appearance standards:*

A. *Color:* Shall be monochromatic, non-reflective and neutral in color.

B. *Advertising prohibited:* Shall not have any advertisement material, writing, picture, or signage other than warning notification(s), equipment identification or ownership information.

C. *Illumination:* No portion of a tower or antenna shall be artificially illuminated except to the extent required by the FAA, FCC or other applicable authority.

D. *Access:* Any free-standing tower or antenna shall be protected against unauthorized access by the public and no climbing foot pegs or rungs shall be permitted below 12 feet to prevent unauthorized climbing.

E. *Regulations:* No tower or antenna shall be constructed or installed without a building permit issued by the village and shall comply with all building codes, electrical codes and generally recognized engineering standards.

F. *Use of guy wires:* All towers and antennas shall be free standing and the use of guy wires is prohibited except when necessary to adequately stabilize a roof mounted antenna. If guy wires are necessary they shall be attached to the roof to stabilize the structure and in no instance shall guy wires be secured to the ground.

G. *Withstand wind velocity:* All towers and antennas shall be constructed to withstand a minimum wind velocity of 90 miles per hour. A report prepared by a state-registered/licensed structural engineer or

architect must accompany the application for a building permit.

H. *Long wire antennas*: Long wire antennas shall be mounted a minimum of eight feet above grade.

(Ord. No. 10-10-04, 10-25-2010)

Sec. 1902.0. - Height standard for ground mounted towers and antennas.

The height of a ground mounted tower or antenna shall not exceed 70 feet from grade measured from grade to the top of the tower or the top of the highest antenna, whichever is taller.

(Ord. No. 2010-10-39, § 1, 10-25-2010)

Sec. 1903.0. - Standards for roof and side mounted towers and antennas.

1. Height limit and ground clearance: Roof and side mounted towers or antennas may extend to 25 feet above the height of the roof structure it is attached to.
2. On flat roofs, the support structure shall be setback from the sides of the building facing a street at least one-third of the depth of the roof as it faces the street(s).
3. On pitched roofs, no more than 50 percent of the support structure shall be mounted to any portion of the roof facing any street.

(Ord. No. 2010-10-39, § 1, 10-25-2010)

Sec. 1904.0. - Abandonment and removal.

When a tower or antenna is not operated for a continuous period of at least six months, such tower or antenna and all related equipment shall be deemed abandoned. The owner of record of the property upon which such tower or antenna is located shall remove all equipment within 45 days thereafter. If the owner of record does not voluntarily remove the equipment and the village determines that a tower or antenna has been abandoned, then all equipment shall be removed by the owner of record within 45 days following receipt of written notification that removal is required. Such notice shall be sent by certified mail, return receipt requested, by the village to such owner of record at the last known address of such owner according to the tax records of the county. A principal structure or lot for sale, lease, or in foreclosure may be exempt, provided that the tower or antenna is maintained pursuant to this article.

(Ord. No. 2010-10-39, § 1, 10-25-2010)

Sec. 1905.0. - Waiver of standards.

If effective communications cannot be obtained when facilities are in compliance with the regulations set forth herein, the village board, following a public hearing before the planning and zoning commission may permit a waiver from the height, antenna width and location requirements of this article.

1. The application for a waiver shall include at least the following:
 - A. Technical evidence in the form of a report from a licensed professional engineer familiar with amateur radio operations, that effective communications cannot be obtained by facilities in compliance with the

standards; and

B. The minimum reasonable accommodations, in the form of a waiver from these regulations, required in order to permit effective communications.

2. If a waiver of the height is necessary, the antenna shall be set back from adjacent property lines by a distance established by the village board.

(Ord. No. 2010-10-39, § 1, 10-25-2010)

ARTICLE XX. - MEDICAL CANNABIS FACILITIES

Sec. 2000.0. - Definitions.

The following definitions shall govern the administration of this section.

- A. *Cardholder* means a qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card by the department of public health.
- B. *Designated caregiver* means a person who:
1. Is at least 21 years of age;
 2. Has agreed to assist with a patient's medical use of cannabis;
 3. Has not been convicted of an excluded offense as defined in the state governing statute; and
 4. Assists no more than one registered qualifying patient with his or her medical use of cannabis.
- C. *Enclosed, locked facility* means a room, greenhouse, building, or other enclosed area equipped with locks or other security devices that pennit access only by a cultivation center's agents or a dispensing organization's agent working for the registered cultivation center or the registered dispensing organization to cultivate, store, and distribute cannabis for registered qualifying patients.
- D. *Medical cannabis container* means a sealed, traceable, food compliant, tamper resistant, tamper evident container, or package used for the purpose of containment of medical cannabis from a cultivation center to a dispensing organization.
- E. *Medical cannabis infused product* means food, oils, ointments, or other products containing usable cannabis that are not smoked.
- F. *State governing statute* means the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 et. seq., as may be amended from time to time.
- G. Other terms shall be as defined in the state governing statute.

(Ord. No. 14-06-02, 6-9-2014)

Sec. 2001.0. - Compliance with state regulations and rules.

All facilities shall comply with all rules and regulations adopted in accordance with the state governing statue.

(Ord. No. 14-06-02, 6-9-2014)

Sec. 2002.0. - Submittal requirements.

After a pre-application meeting with the zoning officer, an applicant for a special use shall be required to submit plans and documents as deemed necessary, including, but not limited to, a plat of survey, a site plan, engineering plan, architectural plans and elevations, building material samples, lighting plan, signage plan, business and operational plan, security plan, traffic impact and park analysis statement, community deleterious prevention plan per state governing statute and administrative rules, and any document required for a state license submittal application.

(Ord. No. 14-06-02, 6-9-2014)

Sec. 2003.0. - Minimum setbacks from incompatible land uses.

As measured from a medical cannabis facility's property lines, the following minimum setbacks from incompatible uses shall apply:

- A. A dispensary may not be located within a 1,000 feet of the property line of any public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility.
- B. A dispensary may not be located within 500 feet of the property line of any public or private park, forest preserve, place of religious worship, cemetery, substance abuse treatment clinic or center, property in an E-R, R-1, R-2, R-3, or R-4 District, property zoned for residential use, or also any newly created or recreated residential zoning district as may be amended to the village zoning code from time to time.
- C. A cultivation center may not be located within a 2,500 feet of the property line of any public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility, place of religious worship, cemetery, public or private park, forest preserve, substance abuse treatment clinic or center, property in an E-R, R-1, R-2, R-3, or R-4 district, property zoned for residential use, or also any newly created or recreated residential zoning district as may be amended to the village zoning code from time to time.

(Ord. No. 14-06-02, 6-9-2014)

Sec. 2004.0. - Parking and loading.

A. Medical cannabis cultivation center:

- 1. One space per employee plus as many additional spaces as determined by the village board to meet the parking demand of the facility.
- 2. A minimum of one fully enclosed delivery bay capable of accommodating delivery vehicles to drive completely into the facility.

B. Medical cannabis dispensary:

- 1. A minimum of 100 parking spaces or as many spaces as determined by the village board to meet the parking demand of the facility.

2. A minimum of one fully enclosed delivery bay capable of accommodating delivery vehicles to drive completely in facility.

C. Parking areas shall be located in an area which is visible from a public road or a private road that is accessible to the public.

D. Parking areas shall be well lit and monitored by video surveillance equipment whose live images can be viewed by cultivation or dispensary staff and continually recorded in a tamper proof format.

(Ord. No. 14-06-02, 6-9-2014)

Sec. 2005.0. - Traffic impact and parking analysis.

A traffic impact and parking analysis statement shall be provided with any application submittal that analyzes items such as, but not limited to, peak traffic trip generation, access arrangements, existing and proposed area roadway condition, automobile queuing and stacking, and parking. The traffic impact and parking analysis statement will provide estimates of costs to improve roadway infrastructure to accommodate any increase in demand on the area roadway network.

(Ord. No. 14-06-02, 6-9-2014)

Sec. 2006.0. - Building requirements.

A. A medical cannabis facility shall be the sole use of a single lot, parcel, and/or property and located in a detached, single tenant building.

B. The exterior of any medical cannabis facility building shall be made of brick, stone, or similar high-quality masonry product construction and adequately reinforced to prevent forced entry, subject to review and approval through the special use permit process.

(Ord. No. 14-06-02, 6-9-2014)

Sec. 2007.0. - Landscaping.

A. *Minimum landscape yards are as follows:*

1. Along any property line abutting a roadway or a railroad right-of-way line a minimum twenty-five (25) foot deep landscape yard with plantings is required.
2. Along any property line abutting an adjacent property line a minimum 15-foot deep landscape yard with plantings is required.
3. Planting material shall be provided at a rate of two shade trees, two ornamental trees, and ten (10) shrubs (or their equivalent) per each 100 lineal feet.

B. *Minimum interior site landscape areas as follows:*

1. A minimum of 100 square feet in area for each ten parking spaces shall be provided.
2. Planting material shall be provided at a rate of one shade tree per each 100 square feet of planting area.

(Ord. No. 14-06-02, 6-9-2014)

Sec. 2008.0. - Exterior display.

No medical cannabis facility shall be maintained or operated in a manner that causes, creates or allows the public viewing of medical cannabis, medical cannabis infused products or cannabis paraphernalia or similar products from any sidewalk, public or private right-of-way or any property other than the lot on which the facility is located. No portion of the exterior of the dispensary shall utilize or contain any flashing lights, search lights or spot lights or any similar lighting system.

(Ord. No. 14-06-02, 6-9-2014)

Sec. 2009.0. - Signage and advertising.

- A. Signage shall comply with the standards of the underlying zoning district.
- B. Electronic message boards and temporary signs are not permitted.
- C. Signage should not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth, or language referencing marijuana or cannabis other than "marijuana" or "cannabis."
- D. A sign shall be posted in a conspicuous place at or near all dispensary entrances and shall include the following language: "Only cardholders, designated caregivers, and staff may enter these premises. Persons under the age of 18 are prohibited from entering." The required text shall be no larger than one inch in height.

(Ord. No. 14-06-02, 6-9-2014)

Sec. 2010.0. - Age and access limitations.

It shall be unlawful for any medical cannabis facility to allow any person who is not at least 18 years of age on the premises. Dispensaries shall not employ anyone under the age of 21. Access shall be limited exclusively to medical cannabis facility staff, cardholders, designated caregivers, local and state officials, and those specifically authorized under the state governing statute.

(Ord. No. 14-06-02, 6-9-2014)

Sec. 2011.0. - Hours of operation.

A dispensary shall operate only between 8:00 a.m. and 8:00 p.m.

(Ord. No. 14-06-02, 6-9-2014)

Sec. 2012.0. - Drive-through windows.

A medical cannabis facility may not have a drive-through service.

(Ord. No. 14-06-02, 6-9-2014)

Sec. 2013.0. - Security and video surveillance.

Medical cannabis facilities shall provide to the village a security plan that at a minimum provides that:

- A. The medical cannabis facility shall be an enclosed locked facility and shall provide and maintain adequate security on the premises, including lighting, video surveillance and alarms reasonably designed to ensure the safety of persons and to protect the premises from theft;
- B. The parking area, client entrance, sales area, back room, storage areas and delivery bay and entrance shall be monitored by video surveillance equipment whose live images can be viewed by dispensary staff, continually recorded in a tamper proof format;
- C. A sign shall be posted in a prominent location which includes the following language "This area is under live/recorded video surveillance to aid in the prosecution of any crimes committed against this facility or its patrons.";
- D. The local law enforcement officials shall review and approve prior to the issuance of a special use permit the adequacy of lighting, security and video surveillance installations;
- E. A medical cannabis facility shall report all criminal activities to local law enforcement officials immediately upon discovery;
- F. Deliveries shall occur during normal business hours within a secure enclosed delivery bay, no delivery shall be visible from the exterior of the building; and
- G. Medical Cannabis facilities shall be completely surrounded by a fence which shall be equipped with a locking gate and which shall be closed and locked when a medical cannabis dispensing organization is not open for business and when there are no employees on the premises of a cultivation center. Adequate provisions shall be made to allow access to medical cannabis facilities by law enforcement, fire-rescue and other public safety personnel when the fence is closed and locked.

(Ord. No. 14-06-02, 6-9-2014)

Sec. 2014.0. - Conduct on site.

- A. Loitering is prohibited on a medical cannabis facility property.
- B. It shall be prohibited to smoke, inhale or consume cannabis products in or anywhere on the property occupied by the medical cannabis facility beyond what is allowed under the State governing statute. A sign, at least 8.5 by 11 inches, shall be posted inside the medical cannabis facility building in a conspicuous place and visible to employees and clients and shall include the following language: "Smoking, eating, drinking or other forms of consumption of cannabis products is prohibited on dispensary property."

(Ord. No. 14-06-02, 6-9-2014)

ARTICLE XXI. - ALTERNATIVE ENERGY SYSTEMS

Sec. 2100.0. - Wind energy systems (WES).

1. *Purpose.* The purpose of this subsection is to:

- a. Establish reasonable and uniform regulations for the location, installation, operation, maintenance, and decommissioning of building-mounted wind energy systems (BWES) and small wind energy systems (SWES);
 - b. Assure that any development and production of wind-generated electricity in the village is safe and to minimize any potentially adverse effects on adjoining properties and the broader community;
 - c. Facilitate the development and production of wind-generated electricity in the village in a manner consistent with the predominately low density, countryside character of the village;
 - d. Promote the supply of sustainable and renewable energy resources, in support of national, state, and local goals; and
 - e. Facilitate energy cost savings and economic opportunities for village residents and businesses.
2. *Definitions.* Notwithstanding section 1600.0 of this Code, when used in this subsection the following terms will have the meanings herein ascribed to them:

Abandoned WES: A WES that has not been repaired to operating condition within the applicable timeframe set forth in paragraph 3.I. of this subsection, or for which the owner has not made all submissions required pursuant to paragraph 6 of this subsection.

Ambient sound: The all-encompassing sound at a given location, usually a composite of sounds from many sources near and far. For the purpose of this subsection, the "ambient sound level" will mean the quietest of ten ten-second average sound levels measured when there are no nearby or distinctly audible sound sources (e.g., dogs or jets). Daytime ambient measurements should be made during mid-morning weekday hours, while nighttime measurements should be made after midnight.

Blade: The portion of a WES that is designed to capture the wind, causing the shaft to turn.

Blade tip: The farthest extremes of a blade.

Daytime hours: The hours of the day from 7:00 a.m. to 10:00 p.m.

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

FAA: The Federal Aviation Administration of the United States Department of Transportation.

FCC: The Federal Communications Commission.

Height: When used in reference to a WES, "height" will mean the vertical distance measured from grade to the highest point of the WES, including the top of the extended blade. When used in reference to any other structure, "height" will have the meaning set forth in section 1600.0 of this Code.

High quality aquatic resource: Waters of the United States or Isolated Waters of Lake County that are determined to be critical due to their uniqueness, scarcity, function and/or value, in accordance with the Lake County Watershed Development Ordinance.

Horizontal axis wind turbine (HAWT): A turbine for which the main rotor shaft is arranged horizontally, and typically for which the main rotor shaft and generator are located at the top of the tower on which the WES is mounted and pointed into the wind in order to generate electricity.

Low-frequency sound: Sound with frequencies below 100 Hz, including audible sound and sound at a frequency below that of human hearing (i.e. infrasound).

Nacelle: That part of a turbine containing the shaft, gear box, and generator.

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

Nighttime hours: The time between 10:00 p.m. on one calendar day and 7:00 a.m. on the next calendar day.

Nonparticipating property: A property that is not owned by the owner of the property on which the WES is proposed or installed.

Operable condition: For any WES, the condition of being capable of operating at full capacity while meeting all sound, shadow flicker and other applicable conditions set forth in this Code.

Shadow flicker: The on-and-off strobe light effect caused by the shadow of moving blades cast by the sun upon a turbine's blades.

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

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

Sound level: The A-weighted sound level in decibels (dB) (or the C-weighted level, if specified).

Structural engineer: An engineer who is licensed and registered to practice structural engineering in the State of Illinois under the Illinois Structural Engineering Act and whose principal professional practice is in the field of structural engineering.

Sun glint: The reflection of sunlight off of a surface of the turbine, tower, or other component of a WES.

Tower: The structure on which a turbine is mounted, which structure is a component of a WES.

Turbine: The blades, nacelle, and tail of a WES.

Vertical axis wind turbine (VAWT): A turbine of which the main rotor shaft is arranged vertically and that does not need to be pointed into the wind in order to generate electricity.

Wind energy system (WES): Any BWES or SWES system, regulated under this section, that uses wind to generate electricity.

3. *General regulations.* Except as specifically provided otherwise in paragraphs 4 and 5 of this section, all WES will comply with the general regulations set forth in this paragraph 2100.0.3.
 - a. *Compliance with laws.* All WES will comply with all applicable village, state, and federal laws and regulations, including, without limitation, the provisions of this subsection 2100.0, this Code, and all village building ordinances and regulations.
 - b. *Compliance with permits.* All WES will comply with all applicable WES permits issued pursuant to this

subsection, including, without limitation, all conditions imposed by the village as a condition of issuance of the permits.

- c. *Interference with utilities, roads, and neighboring properties.* No WES will be operated in a manner so as to interfere with any public right-of-way or any utility system in the village, or so as to interfere with the reasonable use and enjoyment of any other property in the village.
- d. *General engineering regulations.*
 - i. All WES facilities will be designed to withstand a minimum wind velocity of 100 miles per hour, with an impact pressure of 40 pounds per square foot.
 - ii. Each WES will conform to all applicable industry standards, including, without limitation, the standards developed by the American National Standards Institute (ANSI).
 - iii. All WES facilities will be equipped with automatic and manual braking systems.
 - iv. For turbines greater than 20 kilowatts (kw) of nameplate capacity, the seal of a structural engineer will be required.
- e. *General installation regulations.*
 - i. WES facilities must be installed according to manufacturer specifications.
 - ii. All necessary electrical connections must be made by a licensed electrician.
- f. *General sound level regulations.*
 - i. The average sound level produced by a WES will not exceed the following maximums in the following locations:
 - (1) On any nonparticipating property located within a residential district, or used for residential purposes or for a school: 55 dB(A) during daytime hours, and 45 dB(A) during nighttime hours when measured at the property line;
 - (2) On any nonparticipating property used for industrial purposes: 65 db(A) at any time when measured at the property line; and
 - (3) On any other nonparticipating property: 60 db(A) at any time when measured at the property line.
 - ii. No WES will operate with an average sound level more than five dB(A) above the non-operational ambient level, as measured on any nonparticipating property used for residential purposes or for a school that is within 500 feet of the WES, or, if none, on any other nonparticipating property.
 - iii. To limit the level of low-frequency sound, the average C-weighted sound level during WES operation will not exceed the A-weighted ambient sound level by more than 20 dB.
 - iv. Sound level meters used for sound measurement must meet the requirements of a Type 2 or better precision instrument according to ANSI S1.4 (American National Standard Specification for Sound Level Meters), and must measure the average sound level using an integrating sound level meter that meets the requirements of ANSI S1.43 (American National Standard Specifications for Integrating Averaging Sound Level Meters). Measurement procedures must meet the applicable portions of ANSI S1.29. Average sound-level will be calculated by time-averaging sound levels for a period of not less than one minute nor more than two minutes. Measurements will not be made when ground level winds exceed ten miles per hour.

- v. For purposes of calculating sound levels, five dB(A) will be added to the measured average sound level from i penalty when its sound emissions have an adverse character, as determined by the village's building commis sole discretion, that includes, without limitation, prominent tones (e.g. a humming sound) or an amplitude fl synchronicity with the blade revolution (e.g. a periodic swishing sound).
 - vi. The village may require the owner of a WES, as the village may determine necessary and at the owner's sole expense, to obtain field tests or sound propagation modeling, conducted or supervised by an acoustics specialist certified by the Institute of Noise Control Engineering, to determine whether a violation of this paragraph is occurring or has occurred. In the event that a violation is occurring, the owner will immediately discontinue operation of the WES and promptly remedy the violation.
- g. *General shadow flicker regulations.*
- i. No shadow flicker caused by any WES will fall on any nonparticipating property that is either located in a residential district or that is used for residential purposes or for a school:
 - (1) At any time upon any building on a nonparticipating property that exists as of the date of first operation of the WES; or
 - ii. No shadow flicker caused by any WES will fall on any nonparticipating property that is not located in a residential district and that is not used for residential purposes or for a school:
 - (1) For more than one hour on any calendar day on any window of a building that exists as of the date of first operation of the WES; or
 - iii. As a condition of any permit issued pursuant to this subsection, the village will require the applicant to commit to a schedule, that will be placed and kept on file with the economic and community development department, for turning WES turbines off, in order to ensure compliance with the applicable shadow flicker regulations set forth in this paragraph g(iii).
- [h. Reserved.]
- i. *Cessation of operation in emergency.* The owner of the WES will be required to immediately cease operation of the WES for the duration of any emergency, as determined by the village. For purposes of this paragraph 3.i., an emergency will mean a condition or situation caused by the WES or a natural or manmade disaster that presents an imminent physical threat of danger to life or significant threat to property.
 - j. *Electronic interference.* WES facilities will not be operated so as to cause electromagnetic degradation in performance of microwave, television, radio, internet or other wireless transmissions, including public emergency communications systems, in a manner contrary to FCC regulations or other federal, state or local laws. For purposes of this paragraph 3.j., "degradation in performance" will be determined in accordance with the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Electrical Industries Association.
 - k. *Maintenance.*
 - i. WES facilities will be maintained in operable condition at all times, except for reasonable maintenance and repair outages.
 - ii. Should a WES become inoperable, or should any part of the WES become damaged, or should a WES violate a permit condition, the owner of the WES will cease operations immediately and remedy the

condition within 90 days after receipt of a notice from the village regarding the condition; provided, however, that if the condition presents an immediate threat to the public health, safety, or welfare, the owner of the WES will immediately remedy the condition.

l. Decommissioning.

- i. A decommissioning plan will be required to ensure that a WES is removed after its useful life. The plan will include provisions for removal of all structures (including equipment, fencing and roads) and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the WES. The decommissioning plan must include an estimate from a licensed professional engineer for the cost of decommissioning. In the event that a WES is not properly decommissioned in accordance with this section, the village will have right to enter the property to decommission the WES. Any costs incurred by the village to decommission the WES shall be paid by and recoverable from the owner of the property and the owner of the WES, who shall be jointly and severally liable for the village's costs. The decommissioning plan and financial security must be presented to and accepted by the village prior to the issuance of a building permit for the WES. Any update to the decommissioning plan must be submitted to the village. The village reserves the right to require additional information or components to the decommissioning plan as the village deems necessary to ensure that an adequate proposal is in place to decommission the WES in its entirety and that adequate funds will be available to complete such decommissioning.
 - ii. A WES that is not in operable condition for a period exceeding 90 consecutive days will be deemed abandoned. The owner of an abandoned WES and the owner of the property on which the WES is located will cause the removal of all WES structures and facilities within 90 days after receipt of a notice of abandonment from the village.
 - iii. Any abandoned WES that is not removed within 90 days after receipt of a notice of abandonment will be deemed a public nuisance, which nuisance the village will have the right, but not the obligation, to summarily abate by removing such WES at the joint and several expense of the owners of the WES and of the property on which the WES is located. In the case of such removal, the village will have the right, but not the obligation, to file a lien for reimbursement of any and all expenses incurred by the village in connection with the removal, including, without limitation, attorney fees and accrued interest.
 - iv. Upon removal of the WES, the subject property will be restored to its original pre-WES-construction condition.
- m. *Architectural standards.* The design, materials, and location of all proposed WES facilities will be compatible with neighboring buildings as determined by the village's building façade architectural standards as set forth in section 602.9(10) of this Code.

4. Building-mounted wind energy systems (BWES).

- a. *Permitted locations.* Building-mounted wind energy systems is allowed as a special use only on a property located in those residential and nonresidential districts and only upon issuance of a special use permit in accordance with the following:
 - i. The owner of the property on which the BWES is proposed to be installed will submit an application for a

special use permit pursuant to paragraph 8 of this subsection.

- ii. Upon the approval of a special use permit for the BWES pursuant to this subsection, the village will require a maintenance covenant to be submitted pursuant to paragraph 8 of this subsection.
- b. *Installation.* BWES devices may be structurally attached either on the roof or on the side of a building, in accordance with the Village Building Code and the building façade architectural standards as set forth in section 602.9(10) of this Code. There will be no maximum number of BWES devices that may be installed on any property, provided that each such device complies with all applicable provisions of this Code.
- c. *Height.* No portion of any BWES facility will extend more than 15 feet above the highest point of the building on which they are mounted.
- d. *Diameter.* Unless authorized pursuant to a special use permit, the maximum diameter of a BWES will be as follows:
 - i. For a BWES that is mounted on a residential building, or on a property abutting a nonparticipating property that is located within a residential district or used for residential purposes, the diameter of the BWES will not exceed the lesser of ten feet, or 20 percent of the width of the front elevation of the building on which the BWES is mounted.
 - ii. For all other BWES, the diameter will not exceed the lesser of ten feet, or 50 percent of the width of the front elevation of the building on which the BWES is mounted.
- e. *Color and sun glint.* BWES facilities will be finished in a neutral color. The finish will be flat or matte, so as to reduce incidence of sun glint. The required coloration and finish will be maintained throughout the life of the BWES.
- f. *Signage.* No BWES will have any advertising material, writing, picture, or signage, other than warning information or manufacturer identification.

5. *Small wind energy systems (SWES).*

- a. *Permitted locations.* A SWES is allowed as a special use only on a property located in those non-residential districts designated and only upon issuance of a special use permit in accordance with the following:
 - i. The owner of the property on which the SWES is proposed to be installed will submit an application for a special use permit pursuant to paragraph 8 of this section.
 - ii. Upon the approval of a special use permit for the SWES pursuant to this subsection, the village will require a maintenance covenant to be submitted pursuant to paragraph 8 of this subsection.
 - iii. Any additional SWES will be allowed on a property only upon issuance of a special use permit therefor.
- b. *Use and energy production restrictions.* A SWES must be an accessory use to another non-residential use on a property and will not be permitted as a primary "stand-alone" use. The primary purpose of the SWES will be the production of energy for local distribution and consumption on the property on which the SWES is located. A SWES will not be constructed for the sole purpose of energy production for wholesale or retail sale purposes; provided, however, that excess energy produced by an SWES may be sold to a local electric utility company.
- c. *Bulk restrictions.*

- i. *Setbacks.* All portions of all SWES (including, without limitation, the blades of any turbines) will comply with the applicable setback restrictions for the zoning district in which the SWES is located and with the following setback restrictions, to be measured from the base of the SWES tower:
 - (1) SWES facilities may not be constructed within or over any utility, water, sewer, or other type of recorded easement.
 - (2) SWES facilities may not be constructed within 50 feet of any body of water or wetlands, nor within 100 feet of any high quality aquatic resources.
 - (3) SWES facilities will be set back from all property lines, third party transmission lines, and communication towers a minimum distance equal to 110 percent of the height of the SWES.
 - (4) Guy wires and anchoring systems will not be located closer than 30 feet from any property line or public right-of-way.
 - (5) No SWES may be located in the front yard of any property.
- ii. *Height.*
 - (1) *SWES height.* No portion of any SWES constructed in any zoning district other than a residential district will exceed 75 feet in height; provided, however, that no portion of any SWES will exceed 75 feet in height if located within 500 feet of a residential district or used for residential purposes.
 - (2) *Blade tip height.* The blade tip, at its lowest point, will not be located at a height lower than 15 feet above the ground.
- d. *Diameter.* Unless authorized pursuant to a special use permit, the diameter of a SWES will not exceed ten feet.
- e. *Color and sun glint.* All SWES facilities will be finished in either off-white, light gray, or another neutral color. The finish will be flat or matte, so as to reduce incidence of sun glint. The required coloration and finish will be maintained throughout the life of the SWES.
- f. *Signage.*
 - i. No SWES will have any advertising material, writing, picture, or signage other than mandatory warning signage described in section iii below, turbine tower identification, or manufacturer or ownership information.
 - ii. Except for meteorological and weather devices, or bird flight diverters on guy wires, no flag, decorative sign, streamers, pennants, ribbons, spinners or waiving, fluttering or revolving devices will be attached to any portion of the SWES.
 - iii. One or more warning signs, no less than 18 square inches and no greater than two square feet in area, will be posted at the base of an SWES tower. The sign will include a notice of no trespassing, a warning of high voltage, and the emergency telephone number of the owner of the SWES.
 - iv. The sign area of any sign displaying the manufacturer's identification or ownership information will be no larger than one square foot.
- g. *Climb prevention.* Except for maintenance and other authorized personnel, the base of the tower will not be climbable for a vertical distance of 15 feet from the base, unless the tower is enclosed with an auto locked and auto closed fence that is at least eight feet in height.

h. *Lighting.*

- i. SWES facilities will comply with all applicable FAA lighting regulations and any other federal, state or village lighting regulations.
- ii. SWES facilities will not be artificially lighted except as expressly required by the FAA or as necessary for the safety of personnel performing maintenance of, or repairs to, the facilities. Any such artificial lighting will be shielded so that no glare extends substantially beyond the property lines of the property on which the SWES is located.
- iii. Any security or emergency lighting will be used only to the minimum extent necessary.
- iv. In order to reduce the impact on local wildlife, only red, dual red-and-white strobe, strobe-like, or flashing lights will be used for SWES facilities.

i. *Environmental impact.*

- i. SWES facilities, and the property on which such facilities are located, will be maintained in accordance with the environmental plan submitted pursuant to paragraph 8 of this section, which environmental plan will be kept on file with the economic and community development department.
- ii. In order to reduce potential bird perching and nesting, all towers used for SWES facilities will be designed as enclosed tubular structures with pointed tops (monopoles), rather than lattice structures, unless alternative mitigation strategies are otherwise approved by the village.

j. *Burial of electrical wires.* All electrical wires and lines connecting to the SWES facilities will be installed underground.

k. *Reporting to village.* Not less than once every 12 months, the owner of each WES will submit to the village a sworn statement that the operation and maintenance of the WES has been performed in compliance with all applicable directions issued by the manufacturer, along with supporting evidence as may be requested by the village.

6. *Indemnification.* The owner of each WES, and the owner of the property on which the WES is located, will jointly and severally defend, indemnify and hold harmless the village and its officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever including attorney's fees arising out of any permit, approval, inspection, or other act or omission of the village, or any acts or omissions of the owners concerning the operation of the WES project without limitation, whether said liability is premised on contract or on tort.

7. *Subsequent development.* No WES that is constructed and operated in compliance with this subsection will be deemed to be in violation of this subsection solely as a result of any construction on, or rezoning of, any nonparticipating property that occurs after the first date of operation of the WES.

8. *Applications for wind energy systems.* In addition to such other data and information ordinarily required in connection with an application for a special use permit, an application for a special use permit for a WES should submit to the village as part of its application at least the following information:

a. *Generally applicable requirements.*

i. *Project proposal.*

- (1) A project summary, including, without limitation, the manufacturer information and number of proposed
 - (2) Current photographs of the proposed location of the WES.
 - (3) A front elevation depiction of the subject property, showing the location and proposed height of the top of the turbine from top of the building.
- ii. *Insurance.* Proof of homeowner or business general liability insurance, as appropriate, with a minimum coverage level of \$1,000,000.00 per occurrence.
 - iii. *Electric utility.* Approval letter from the local electric utility company, if the system is to be connected to the energy grid.
 - iv. *Manufacturer's directions.* A copy of the directions issued by the manufacturer of the proposed WES for the proper installation, operation, and maintenance of the WES.
 - v. *Certification of design compliance.* A certification of design compliance for the proposed WES with respect to the applicable noise, structural, and safety regulations set forth in this subsection, which certification must have been obtained from Underwriters Laboratories (UL), National Renewable Energy Laboratories (NREL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party.
 - vi. *Contact information.* The name of a local contact with authority to operate or repair the proposed WES as needed and at any time, and the telephone number at which such contact may be reached on a 24-hour basis. At all times during which the WES is in operable condition, the applicant will have the duty to notify the village of any changes to the information required pursuant to this subparagraph 8(a)(vi).
- b. *Additional BWES requirements.*
- i. *Engineering plans.* Engineering plans, which must include, without limitation, the manufacturer's engineering specifications of the turbine, nameplate wattage capacity, dimensions of the turbine unit, mounting mechanisms, expected load and expected sound level production.
 - ii. *Site plan.* A site plan, drawn to scale, signed and sealed by a professional engineer licensed in the State of Illinois, and including, without limitation, the following:
 - (1) The location of any overhead or underground power lines and utility easements; and
 - (2) The locations and the expected duration of shadow flicker caused by the BWES facility.
- c. *Additional SWES requirements.*
- i. *Engineering plans.* Engineering plans, which must include, without limitation, the manufacturer's engineering specifications of the tower, turbine and foundation, detailed drawing of electrical components and installation details, and expected sound level production (see sound level standards below). For turbines with a nameplate wattage capacity exceeding 20 kilowatts, the plans must be sealed by a structural engineer.
 - ii. *Site plan.* A site plan, drawn to scale, signed and sealed by a professional engineer licensed in the State of Illinois, and including, without limitation, the following:
 - (1) The existing and proposed contours, at a minimum of two-foot intervals;
 - (2) The location, setbacks, exterior dimensions and square footage of all structures on the subject property and all nonparticipating properties located within 100 feet of the subject property if the

- proposed SWES will be of a height not greater than 100 feet, and within 500 feet of the subject property if the proposed SWES will be of a height greater than 100 feet;
- (3) The location and size of existing waterways, wetlands, 100-year floodplains, sanitary sewers, field drain tiles, storm sewer systems, aquifers, and water distribution systems;
 - (4) The location of any overhead or underground power lines and utility easements; and
 - (5) The locations and the expected duration of shadow flicker caused by the SWES facility.
- iii. *Soil studies.* For all proposed turbines to be constructed at a height greater than 100 feet, or of a structural weight greater than 5,000 pounds, the applicant will submit a soil analysis measured at the proposed location for the base of the proposed tower and a drawing stamped by a structural engineer, in order to demonstrate that the soils are able to support the structural weight of the proposed SWES. For purposes of this subparagraph 8.c.(iii), structural weight will include the tower, wind turbine generator, and any other components otherwise supported by the base foundation of the proposed SWES.
- iv. *Environmental impact studies and plans.*
- (1) For any proposed SWES in excess of 75 in height, the applicant will request, and submit to the village, evaluations regarding the impact of the proposed SWES on the local environment and local wildlife from the Illinois Department of Natural Resources, the United States Fish and Wildlife Service, and the Lake County Soil and Water Conservation District.
 - (2) Upon request of the village, the applicant will submit an environmental plan to mitigate or eliminate any adverse impact of the proposed SWES on the local environment and local wildlife, which plan will be subject to the approval of the village in consultation with the Illinois Department of Natural Resources and the United States Fish and Wildlife Service.

(Ord. No. 18-12-01, 12-17-2018)

Sec. 2101.0. - Solar energy systems (SES).

1. *Purpose.* The purpose of this subsection is to:
 - a. Establish reasonable and uniform regulations for the location, installation, operation and maintenance of solar energy systems.
 - b. Assure that any development and production of solar energy systems is safe and minimizes any potentially adverse effects on the community.
 - c. Promote the supply of sustainable and renewable energy resources in support of national, state and local goals.
 - d. Facilitate energy cost savings and economic opportunity for residents and businesses in Lake County.
2. *Definition.* When used in this subsection the following term shall have the meaning herein ascribed to it:
 - a. *Solar energy system.* An energy system that consists of one or more solar collection devices, solar energy related equipment, and other associated infrastructure with the primary intention of generating electricity, storing electricity, or otherwise converting solar energy to a different form of energy. Solar energy systems

may generate energy in excess of the energy requirements of a property if it is to be sold back to a public utility in accordance with the law.

3. *General regulations.* Except as specifically provided otherwise in subsections 3 and 4 of this section, all SES shall comply with the general regulations set forth in this paragraph 2101.2.
- a. *Compliance with laws.* All SES shall comply with all applicable village, state and federal laws and regulations, including, without limitation, the provisions of this subsection 2101.0, this Code, and all village building ordinances and regulations.
 - b. *Compliance with permits.* All SES shall comply with all applicable SES permits issued pursuant to this subsection, including, without limitation, all conditions imposed by the village as a condition of issuance of the permits.
 - c. *Interference with utilities, roads, and neighboring properties.* No SES shall be operated in a manner so as to interfere with any public right-of-way or any utility system in the village, or so as to interfere with the reasonable use and enjoyment of any other property in the village.
 - d. *General engineering regulations.* All SES shall conform to all applicable industry standards.
 - e. *General installation regulations.*
 - i. SES facilities must be installed according to manufacturer specifications.
 - ii. No SES shall be constructed or installed without obtaining all required municipal permits.
 - iii. All construction and installation shall be in accordance with the 2015 International Building Code (as amended), the 2014 National Electrical Code (as amended), the 2015 International Residential Code and the Zoning Ordinance.
 - f. *Maintenance.*
 - i. SES facilities shall be maintained in an operable condition at all times, except for reasonable maintenance and repair outages.
 - ii. Should a SES become inoperable, or should any part of the SES violate a permit condition, the owner of the SES shall cease operation immediately and remedy the condition within 90 days after receipt of a notice from the village regarding the condition; provided, however, that is if the condition presents an immediate threat to the public health, safety or welfare, the owner of the SES shall remedy the condition promptly.
 - g. *Signage.*
 - i. No SES shall have any advertising material, writing, picture, or signage other than manufacturer or ownership information.
 - ii. No flag, decorative sign, streamers, pennants, ribbons, spinners or waiving fluttering or revolving devices shall be attached to any portion of a SSES.
 - iii. The sign area of any sign displaying the manufacturer's identification or ownership information shall be no larger than one square foot.
 - h. *Decommissioning.*
 - i. A SES that is not in operable condition for a period exceeding 30 consecutive days, shall be deemed

abandoned. The owner of an abandoned SES and the owner of the property on which the SES is located shall cause the removal of all SES structures and facilities within 30 days after receipt of a notice of abandonment from the village.

- ii. Any abandoned SES that is not removed within 30 days after receipt of notice of abandonment shall be deemed a public nuisance, which nuisance the village shall have the right, but not the obligation, to summarily abate by removing the SES at the joint and severable expense of the owners of the SES and of the property on which the SES is located. In the case of such removal, the village shall have the right, but not the obligation, to file a lien for reimbursement of any and all expenses incurred by the village in connection with the removal, including without limitation, attorney fees and accrued interest.
- iii. Upon removal of the SES, the subject property shall be restored to its original pre SES-construction condition.

i. *Architectural standards.*

- i. The design, materials and location of all proposed SES facilities shall be compatible with the building(s) on the property as well as building on adjoining properties as determined by the village's building façade architectural standards as set forth in subsection 602.9(10) of this Code.
- ii. Exposed framing systems and support structures for SSES shall be color compatible with the principal structure colors.
- iii. Exposed framing systems and support structures for SSES be of a color compatible with the roofing material color.

j. *Residual energy.* Energy produced in excess of on-site consumption may be sold back to the electric utility service provider that serves the proposed site for use with the existing energy grid. For the purposes of this ordinance a solar energy system including building mounted and ground mounted systems.

- k. *[Solar energy systems.]* Solar energy systems as described in the article are permitted in all zoning districts as an accessory use to a permitted principal use subject to the standards for accessory uses in the applicable zoning district and the specific criteria set forth in this article.

4. *Additional regulations for specific types of SES.*

a. *Building-mounted solar energy systems (BMSE).*

- i. Permitted locations. BMSE are allowed on property located in any residential or non-residential zoning districts.
- ii. Installation. BMSE may be structurally attached to the roof of a building, if in accordance with the 2015 International Building Code (as amended). The BMSE shall occupy a maximum of 80 percent of the roof area unless otherwise determined by the Greater Round Lake Fire Protection District, but in no case shall exceed the maximum height requirement of the zoning district in which it is located.
- iii. Height. No portion of a BMSE shall extend more than six feet above the roof and shall be permitted to exceed the zoning district's height up to ten feet in which it is located.
- iv. BMSE and associated equipment shall be screened from view with landscaping or screen walls consistent with the principal structure design, materials and colors.

- v. BMSE can be installed on the principal structure of a lot or an accessory structure if allowed by Village Building Ordinance.
- vi. A preliminary roof evaluation by a registered structural engineer shall be provided.
- vii. Panels shall be designed to prohibit sun reflection towards vehicular traffic and any habitable portions of adjacent structures reflection onto an adjacent roof is unacceptable.

b. *Ground-mounted solar energy systems (GMSE).*

- i. *Permitted locations.* Ground-mounted systems are allowed in any residential or non-residential zoning districts.
- ii. *Installation.* Ground-mounted systems shall be installed in conformance with the following:
 - 1. Shall be set back a distance equal to or more than one times the system height of ten feet.
 - 2. No ground mounted system shall be located in the front yard or corner side yard.
 - 3. No part of a ground mounted system shall be located or protrude into a dedicated easement.
 - 4. Shall be screened from adjoining properties in a manner not to adversely affect its operation.
 - 5. Ground mounted solar panels shall not exceed two percent of the total lot area. For purposes of determining compliance with lot coverage standards of the applicable zoning district, the total horizontal projection area of all ground-mounted and freestanding GMSE's shall be considered pervious coverage so long as pervious conditions are maintained underneath the GMSE.

5. *Indemnification.* The owner of any solar energy system and the property owner on which solar energy system is located, shall jointly and severally defend, indemnify and hold harmless the village and its officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever including attorney's fees arising out of any permit, approval, inspection, or other act or omission of the village, or any acts or omissions of the owners concerning the operation of any solar energy system without limitation, whether said liability is premises on contract or on tort.
6. *Application requirements.* An applicant for an SES must submit to the village as part of its application at least the following information:
- a. *Generally applicable requirements.*
 - i. Name, address and telephone number of the applicant.
 - ii. Name, address and telephone number of the person, firm or corporation constructing and installing the SES.
 - iii. Elevation drawings(s) and/or photographs and site plan showing location, size and design details of the SES.
 - iv. Manufacturer specifications of the solar collectors and devices including wattage capacity, dimensions of collectors, mounting mechanisms and/or foundation details and structural requirements.
 - v. Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
 - vi. A certificate of compliance demonstrating the system has been tested and approved by the Underwriters Laboratories (UL) or other approved independent testing agency.
 - vii. The village will recognize and allow any new solar energy that is certified by ANSI, UL, or any equivalent

certification entity.

- viii. Any other information required by the village to show full compliance with this and other applicable laws, ordinances, rules and regulations.
- ix. The applicant for any type of solar energy system shall notify all adjoining property owners of the application. This shall include any property owners across a public right-of-way.

(Ord. No. 18-12-01, 12-17-2018; Ord. No. 19-05-03, 5-20-2019)