

VILLAGE OF ROUND LAKE

ORDINANCE NO. 25-O-06

AN ORDINANCE AMENDING TITLE 17 ZONING CODE IN ITS ENTIRETY

WHEREAS, the Village of Round Lake (“Applicant”), submitted a petition to amend the Zoning Code in its entirety for clarification and updating purposes; and

WHEREAS, Title 17 Zoning Code, of the Round Lake Municipal Code, provides that all proposed text amendments to the Zoning Code must be heard at a public hearing before the Planning and Zoning Commission; and

WHEREAS, the Planning and Zoning Commission held a public hearing on January 28, 2025; and

WHEREAS, the Planning and Zoning Commission discussed the changes and updates to the Zoning Code; and

WHEREAS, the Planning and Zoning Commission recommends approval of the Amendment Request above; and

WHEREAS, the Village President and Village Board of Trustees (collectively “Board of Trustees”) have reviewed the documents pertinent to the Amendment Request as well as the findings of the Planning and Zoning Commission and finds that the standards for a text amendment as set out in Section 17.112.060 of the Round Lake Zoning Code have been met; and

WHEREAS, the Board of Trustees has determined that the requisite public notice and hearing has been completed in conformity with the Round Lake Village Code;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ROUND LAKE, LAKE COUNTY, ILLINOIS, as follows:

SECTION 1: That the Findings and Recommendations of the Planning and Zoning Commission hearing, dated January 28, 2025 a copy of which is attached hereto as Exhibit A, are hereby concurred with by this Village Board and adopted as a part of this ordinance, by reference, as though the same were fully set forth herein.

SECTION 2: That the Village Zoning Code, specifically all of Title 17, be amended in its entirety as set forth in attached Exhibit “B.”

SECTION 3: This Ordinance shall not be held to repeal a former ordinance as to any offense committed against the former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatsoever affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred to any right

accrued to claims arising before this Ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceedings, as far as practicable.

SECTION 4: That if any part or parts of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of the remaining parts of this Ordinance. The Village Board declare hereby that they would have passed the remaining parts of this Ordinance, if they had known that such part or parts thereof would be declared unconstitutional.

SECTION 5: The Village Clerk of the Village of Round Lake is directed hereby to publish this Ordinance in pamphlet form.

SECTION 6: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form.

This Ordinance is hereby approved and adopted by the President and Board of Trustees of the Village of Round Lake, Lake County, Illinois this 3rd day of March 2025.

AYES: Trustee Boyk, Patel, Rodriguez, Schottland, Strine

NAYS: None

ABSENT: Trustee Brubaker

ATTEST: None

APPROVED: March 3, 2025


Russell S. Kraly, Village President


Stacy Michael, Village Clerk



PUBLISHED IN PAMPHLET FORM; March 3, 2025

EXHIBIT “A”

January 28, 2025

Members of the Board of Trustees
Village of Round Lake
442 North Cedar Lake Road
Round Lake, IL 60073

FINDINGS AND RECOMMENDATIONS

Pursuant to a published Public Notice of Hearing, on January 28, 2025 at 6:00 p.m., the Planning and Zoning Commission held a public hearing to consider a Petition for a Text Amendment to the Zoning Code (“Petition”) submitted on behalf of Village of Round Lake. Pursuant to Title 17, Chapter 112, the Applicant requests that Title 17, the Village Zoning Code, be amended to in its entirety.

Prior to the hearing, the Planning and Zoning Commission received copies of the Petition.

The Planning and Zoning Commission finds as follows:

Public Notice of Hearing was given by publication in the Lake County News Sun, on January 10, 2025 a newspaper, and certification of publication was accepted by the Commission, all as provided by ordinance and at the direction of the Zoning Administrator.

Having considered the testimony and evidence presented at said hearing, this Planning and Zoning Commission makes the following:

- (A) Notice of said hearing was duly published on petitioner's application in accordance with the provisions of the Illinois Municipal Code;
- (B) This Planning and Zoning Commission has jurisdiction over the subject matter and the parties hereto;
- (C) No objections to the proposed amendment have been received by this Planning and Zoning Commission prior to, during, or subsequent to said hearing;
- (D) The proposed amendments will not be detrimental to or endanger the public safety, health, morals, comfort or general welfare of the Village of Round Lake;
- (E) The proposed amendment will be beneficial to the Village of Round Lake and will be in conformity with the intent and spirit of all relevant ordinances of the Village of Round Lake;

Therefore, the Planning and Zoning Commission of the Village of Round Lake recommends to the Village Board that the Municipal Code, being the official Zoning Ordinance of the Village of Round Lake, be amended to as presented and to be read as a follows:

See Attached Title 17

Commissioner Law made a Motion to recommend approval of the Petition to amend Title 17 of the Village Code as presented, which was seconded by Commissioner Tesch. By a vote of five (5) Ayes and zero (0) Nays, the Planning and Zoning Commission recommends approval of the text amendment, subject to any other applicable requirements contained in the Village Code.

Dated this 28th Day of January.

Respectfully submitted,

Kate Kristan, Chairperson

AYES: Carter, Kristan, Law, Luna, Tesch
NAYS: None
ABSENT: Lecinski, Waller

EXHIBIT “B”

Title 17 Zoning

Title 17 ZONING

Chapter 17.04 INTRODUCTORY PROVISIONS AND DEFINITIONS

17.04.010 Short title.

This Title shall be known, cited and referred to as the "Round Lake Zoning Ordinance."

17.04.020 Intent and purpose.

The purposes of this Title are:

- A. To promote and protect the public health, safety, comfort, convenience and general welfare of the people;
- B. 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 this title;
- C. 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;
- D. To prevent the overcrowding of land and undue concentration of structures in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them, thereby ensuring proper living and working conditions and preventing the development of blight;
- E. To provide adequate light, pure air, privacy and convenience of access to property;
- F. To facilitate the provision of adequate transportation, and of other public requirements and service such as water, sewage, schools and parks;
- G. To conserve the value of property throughout the Village and to protect the character and stability of residential, business and industrial areas;
- H. 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;
- I. To preserve and insure the preservation of natural resources, and areas of historical and architectural significance;
- J. To avoid the inappropriate development of lands and provide for adequate drainage, curbing of erosion, and reduction of flood damage;
- K. To fix reasonable standards to which buildings and structures shall conform;
- L. To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed in this title;
- M. To foster a rational pattern between residential, business, commercial and manufacturing uses for the mutual benefit of all;
- N. To isolate or control the location of unavoidable nuisance producing uses, and to protect against fire, explosion, noxious fumes, and other dangers;
- O. To conserve the taxable value of land and buildings throughout the Village;
- P. To define the powers and duties of the administrative and enforcement officers and bodies;
- Q. To prescribe penalties for any violation of the provisions of this Title, or of any amendment thereto; and
- R. To implement the objectives of the comprehensive plan for the Village.

17.04.030 Contradictory regulations.

Where any contradictory regulations, restrictions or requirements imposed by any provision of this Title upon the use of any land, building, structures or improvements are either more restrictive or less restrictive than restrictions or requirements imposed by any other provision of this Title 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.

17.04.040 Rules.

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

A. Rules.

1. Words used in the present tense shall include the future.
2. Words used in the singular number shall include the plural number, and the plural singular.
3. The word "shall" is mandatory and not discretionary.
4. The word "may" is permissive.
5. The word "lot" shall include the word "parcel."
6. The word "structure" shall include the word "building" and shall include all other improvements of every kind regardless of similarity to buildings.
7. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
8. The word "person" shall include a "firm, association, organization, partnership, trust, company, or corporation as well as an individual."
9. The masculine gender includes the feminine and neutral.

17.04.050 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 or use: A subordinate building or other structure, or use, that is located on the same lot on which the principal building or use is situated and that is reasonably necessary and incidental to the conduct of the principal building or use, when permitted by district regulations.

ADA: The Americans with Disabilities Act of 1990, as amended, and the State of Illinois Accessibility Code as amended.

Airport or heliport: An area of land or water which is used or intended for use for the landing and taking-off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-ways, including all necessary taxiway, 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.

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

Animal boarding or shelter: An establishment where pet animals are temporarily boarded, kept, or cared for, for remuneration, on an overnight basis or for purposes of sale or adoption. Animal boarding does not include animal hospitals, pet stores, or pet daycare, grooming and training establishments.

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

Apartment: A room or suite of rooms in a multiple-family structure, that is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen, bath, and toilet facilities, permanently installed, must always be included for each apartment.

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, currency exchange, brokerage offices and other similar financial institutions, but not including pawn shops.

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

Block: 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.

Buildable area: The space remaining on a zoning lot after the minimum open space and setback requirements of this Title have been met.

Building: A permanently located, roofed, structure designed or intended for the enclosure, shelter or protection of persons, animals or moveable 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, hip 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 the main 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.

Cannabis business establishment: Adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

Cannabis craft grower: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, 410 ILCS 705/1-1 *et seq.*, as it may be amended from time-to-time, and regulations promulgated thereunder.

Cannabis cultivation center: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, 410 ILCS 705/1-1 *et seq.*, as it may be amended from time-to-time, and regulations promulgated thereunder.

Cannabis dispensing organization: A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, 410 ILCS 705/1-1 *et seq.*, as it may be amended from time-to-time, and regulations promulgated thereunder.

Cannabis infuser organization or infuser: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, 410 ILCS 705/1-1 *et seq.*, as it may be amended from time-to-time, and regulations promulgated thereunder.

Cannabis processing organization or processor: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, 410 ILCS 705/1-1 *et seq.*, as it may be amended from time-to-time, and regulations promulgated thereunder.

Cannabis transporting organization or transporter: An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, 410 ILCS 705/1-1 *et seq.*, as it may be amended from time-to-time, and regulations promulgated thereunder.

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

Children's playhouse: The actual structure designed for children to play on and in, not including play equipment such as swings, slides and other apparatus.

Club, private (nonprofit): A nonprofit 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 restricted 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, providing adequate dining room space and code compliant 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.

Code or "this Code": The Round Lake Municipal Code.

Commercial vehicle: Any vehicle operated for the transportation of persons or property in furtherance of any commercial or industrial enterprise, for-hire or not-for-hire, but not including a vehicle used in a ridesharing arrangement when being used for that purpose, or a recreational vehicle not being used commercially.

Community residence: A single dwelling unit occupied on a relatively permanent basis in a family like environment by unrelated persons with functional disabilities. Paid professional support staff, provided by a sponsoring agency, either living with the residents on a 24-hour basis or present whenever residents are present at the dwelling shall be required, unless a special use permit is issued. Community residences shall meet all federal, state and local requirements including, but not limited to, licensing, health, safety and building code requirements. The community residence shall comply with zoning regulations for the use district in which it is located. Community residence excludes facilities that provide care for persons who have been convicted of a crime or who have been released from jail, or persons whose primary reason for placement is substance or alcohol abuse, or persons whose primary reason for placement is the treatment of a communicable disease. (See Transitional Treatment Facility).

Comprehensive plan: The Village of Round Lake Comprehensive Plan which is on file in the Community Development Department and on the Village website, dated January 4, 2016, as amended from time to time.

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

Daycare center: Any childcare facility operated for profit or not for profit, that regularly provides day care for minor children and that must be licensed to render such day care by the Illinois Department of Children and Family Services (includes nursery schools).

Deck: An exterior floor system supported on at least two opposing sides by an adjoining structure and/or posts, piers, or other independent supports.

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 within which the regulations governing the use of land are the same.

Downtown plan: The Village of Round Lake Downtown Plan which is on file in the Community Development Department and on the Village website, dated March 21, 2005, as amended from time to time.

Drive-through: A business establishment so developed that its retail or service is provided to serve the patron while in their motor vehicle. A drive-through may be permitted in combination with other uses in instances where allowed by this Code.

Dwelling: A building or a 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, multiple-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 only two-family dwelling units; also referred to as a duplex. A duplex dwelling shall be considered as one building for the purpose of determining yard requirements.

Dwelling unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

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.

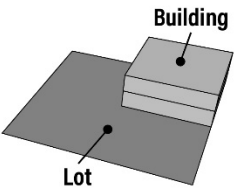
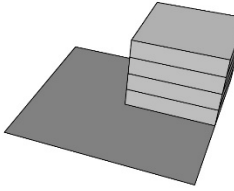
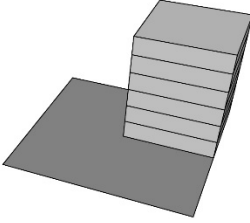
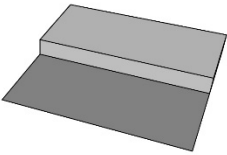
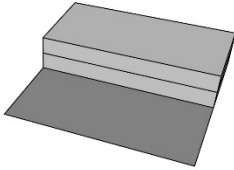
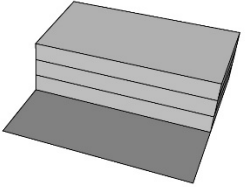
Effective Date: The date of enactment of the Round Lake Zoning Ordinance, also known as March 3, 2025.

Family: An individual or two or more persons related by blood, marriage or adoption, maintaining a common household in a dwelling unit; or a group of not more than five persons who are not related by blood, marriage or adoption, living as a common household in a dwelling unit, or as otherwise defined by the Federal Fair Housing Act of 1968, as amended from time to time.

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 purpose.

Floor area ratio (F.A.R.): 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 unit development, by the net site area. The floor area shall be the sum of the gross horizontal area of the several floors of a building measured from the exterior walls. The floor area ratio requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for a building (including both principal and accessory buildings) or other structure in direct ratio to the gross area of the lot.

		Floor Area Ratio		
		0.5	1.0	1.5
Lot Coverage	25%	 <p>2 stories cover one quarter of the lot</p>	 <p>4 stories cover one quarter of the lot</p>	 <p>6 stories cover one quarter of the lot</p>
	50%	 <p>1 story covers half of the lot</p>	 <p>2 stories cover half of the lot</p>	 <p>3 stories cover half of the lot</p>

Floor Area Ratio Calculation

$$FAR = \frac{\text{Total Building Floor Area}}{\text{Lot Area}}$$

Food store: A store that 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 store, delicatessen, fruit and vegetable market, grocery store, health food store, nut shop and supermarket. Sales must be made at retail on the premises, and 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 along a public or private street.

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 forty-three thousand, five hundred sixty (43,560) square feet or one hundred sixty (160) square rods including streets, highways, roads, and right-of-way easements.

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 the plane, except:

1. 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;
2. Flag poles, television aerials, satellite dishes, water towers and tanks, steeples and bell towers, carillons, monuments, cupolas, broadcasting and microwave transmitting and relay towers, communication towers and electric transmission line towers.

Home occupation: Any business or commercial activity that is conducted in whole or in part in a dwelling unit and is clearly subordinate to the residential use.

Hospital: An institution open to the public in which patients or injured persons are given primarily medical or surgical care; or for the care of contagious diseases or incurable patients, and including related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices that are an integral part of the facility.

Hotel or motel: A building which provides sleeping accommodations for transient guests, and may include meeting rooms or a restaurant, and which provides customary hotel services such as maid service, the furnishing and laundering of linen, telephone and desk service, and the use and upkeep of furniture.

Junk yard: The use of any lot where waste, scrap metal, paper, rags, or similar materials are brought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto and building wrecking yards, but excluding similar uses taking place entirely within a completely enclosed building.

Kitchen: Any room used, or intended or designed to be used, for cooking or the preparation of food.

Laboratory: A building use established for scientific experimentation, research or testing.

Landscaping: The improvement of a lot, parcel, or tract of land with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, ornamental object such as fountains, statuary, and other similar natural and artificial object designed and arranged to produce an aesthetically pleasing effect.

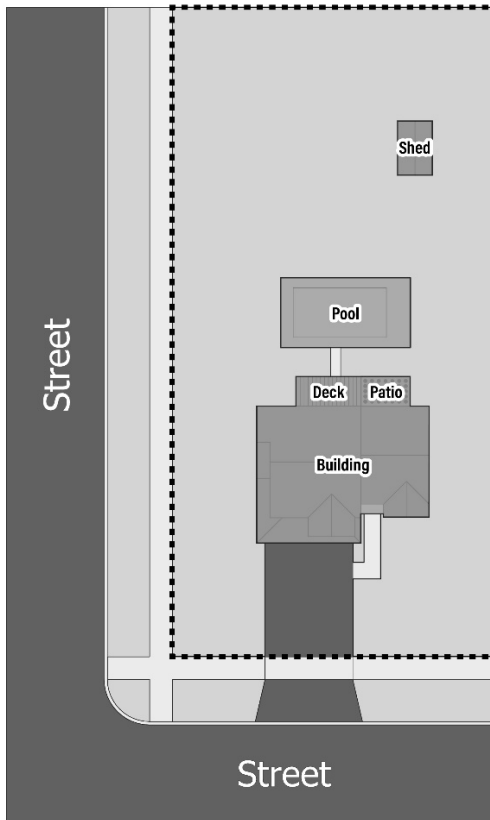
Liquor Store: An establishment selling beer, wine or alcoholic liquor at retail to the general public in sealed bottles or other sealed containers for consumption or use away from the premises where establishment is located.

Loading and unloading space, off-street: An open paved area of land other than a street or a public way, the principal use of which is for the standing, loading and unloading of motor trucks, tractors, and trailers, to avoid undue interference with the public use of streets and alleys.

Lot area: The area of a horizontal plan bounded by the front, side and rear lot lines.

Lot, corner: A parcel of land situated at the intersection of two or more streets or adjoining a curbed street at the end of the block.

Lot coverage: means that percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, including, but not limited to, buildings, patios, decks, pools, sheds, fences and other accessory structures, but excluding projecting roof areas and driveways.



Area Counting As Lot Coverage
 Area when viewed directly from above, would be covered by structures, including but not limited to, buildings, patios, decks, pools, sheds, fences and other accessory structures, but excluding projecting roof areas and driveways.

Lot depth: The distance between the midpoint of the front lot line and the midpoint of the rear lot line.

Lot, flag: A lot with access to the bulk of the property by means of a narrow corridor.

Lot, interior: A lot other than a corner lot.

Lot line: A property boundary line of a lot.

Lot line, front: A street right-of-way forming a boundary of a lot; the lot line that faces the principal entrance of the principal building.

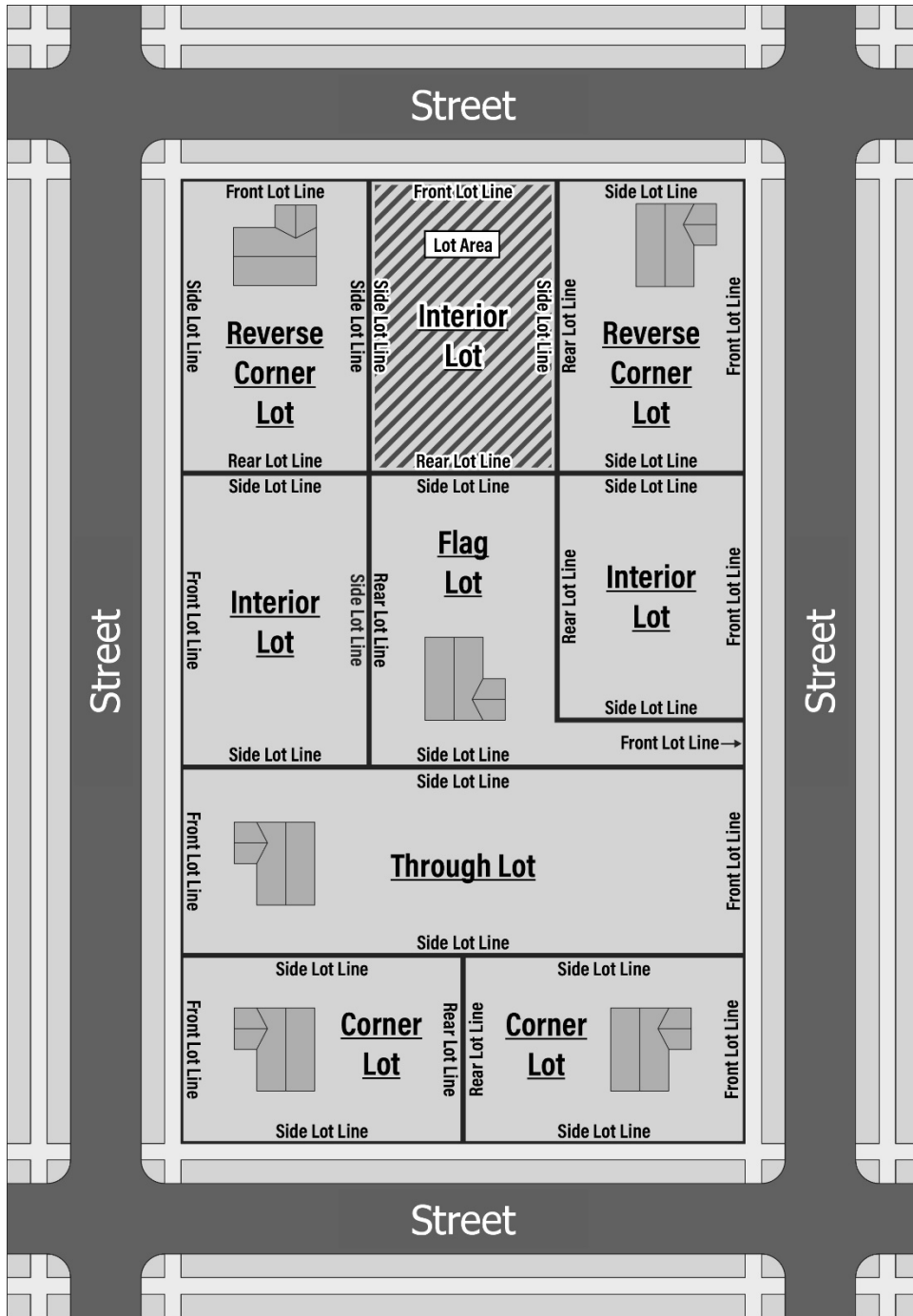
Lot line, rear: The boundary of a lot which is most distant from, and is most nearly parallel to, the front lot line.

Lot line, side: Any boundary of a lot which is not a front lot line or a rear lot line.

Lot of record: A lot that is part of a subdivision, the plat of which has been recorded in the Office of the Lake County Recorder's, or a parcel of land separately described as a single tract of land in a recorded deed.

Lot, through: A lot having frontage on two parallel or approximately parallel streets, and that is not a corner lot. Also known as a double frontage lot.

Lot width: The horizontal distance between the side lot lines measured at right angles to the lot depth at the established front building line, or following the curve of the street if on a cul-de-sac.



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:

1. A single lot of record; or
2. A portion of a lot of record; or

3. A combination of complete lots of record, complete lots and portions of lots of record, or portions of lots of record.

Manufacture: 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.

Medical office, clinic or center: An establishment where human patients are admitted for diagnosis and treatment by licensed physicians, medical practitioners, and professional associates who may jointly utilize the same reception area, medical supply, laboratory, x-ray, parking and other physical facilities.

Mobile home: A dwelling unit designated 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, location on jacks or permanent foundations, connected to the Village water and sewer system, and similar operations.

Motor vehicle accessory store: A store engaged primarily in the business of selling tires, batteries, seat covers, and other automobile accessories.

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

Motor vehicle sales: The sale of new and used automobile and other motor vehicles in operating condition; the storage of automobiles and other motor vehicles in operating condition,; and which may include the accessory repair and servicing of such vehicles, including body work, painting, motor rebuilding, where conducted within a completely enclosed building.

Motor vehicle service station or gas station: A building or portion thereof, or lot used for offering for sale at retail to the public, fuels, oils, electric battery charging and accessories for motor vehicles; where repair service is incidental, where no storage or parking space is offered for sale or rent.

Motor vehicle wash: A building or portion thereof containing facilities for washing vehicles, using automatic production-line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices; or providing space, water and equipment for the hand washing of automobile whether by the customer or the operator.

Motor vehicle 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.

Municipal facility or utility: Any building, structure, or appurtenance thereto, open space or parcel of property owned or leased by the Village, allowed in any use district.

Nonconforming lot of record: A lot of record that does not meet the lot area or lot width requirements of this Title for the zoning district in which it is located.

Nonconforming structure: An existing 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.

Nonconforming use: An existing use of a structure or land which does not comply in some respect with the use regulations applicable to new uses in the zoning district in which it is located.

Nursing home, convalescent home, or assisted living: An institution for the care of 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; may also include skilled nursing, or memory care facilities.

Office: A room, group of rooms, or premises used for conducting the business and clerical affairs of a business, profession, service, industry, or government.

Open space and recreational areas: Recreational area is 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 retention 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 parkways, medians, landscaped green space, and other similar areas which are not suitable for recreational purposes.

Ordinance or “this Ordinance”: The Round Lake Zoning Ordinance.

Outdoor storage: The keeping of any goods, material, merchandise, or vehicles, in the same place for more than twenty-four (24) hours unless such goods, material, merchandise, or vehicles, have been authorized through the issuance of a permit for a temporary outdoor display, temporary seasonal display, or special use permit.

Parking area: An open paved area of land, other than a street or public way, designed, arranged and made available for the parking of vehicles for occupants of the building for which the parking area is developed and accessory or for the public whether for compensation or not.

Parking space: A space within a public or private parking area, exclusive of access drive or aisles, ramps or columns, for the parking of one vehicle.

Pawn Shop: An establishment licensed, certified, or accredited by the appropriate local and state agencies that lends money in exchange for personal property that is used as collateral. Pawn Shops may purchase personal property outright or on the condition of selling it back to a customer with interest. Pawn Shops may include cash for gold establishments, which have the primary business of purchasing precious metals, jewelry, watches, and other similar items. Pawn Shop does not include Retail Sales Establishments such as antique stores and consignment stores.

Performance standard: A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare to be moved or removed.

Pet daycare, grooming and training: An establishment where pet animals are temporarily kept or cared for, groomed or trained, for remuneration, but are not kept overnight. Pet daycare, grooming and training does not include animal boarding or shelter establishments, animal hospitals, or pet stores.

Planned unit development (PUD): A parcel or tract of land that is developed as a unified project under single ownership or control where certain regulations in this Title, such as bulk and use standards, may be modified to allow for more flexible planning in conformance with the planned development standards and approval processes set forth herein. Any condominium project of any size, any townhome project of any size, or any other residential project containing eight units or more, whether in one building or more than one building, shall be considered a planned unit development. Any redevelopment project within the Downtown TIF District shall be considered a planned unit development.

Porch: A roofed-over structure, projecting out from the wall or walls of a main structure, and commonly open to the weather in part.

Portable storage container: A self-storage container that is delivered to and retrieved from a home or business for long-term off-site storage or on-site storage. Portable On Demand Storage, or PODS, is a familiar trade name for such containers. These containers are not on a chassis and do not have axles or wheels.

Public utility: Any person, firm, corporation or municipal department duly authorized to furnish, under public regulation to the public, electricity, gas, telephone, cable, transportation, potable water, sanitary sewage disposal, or storm sewer.

Recreational facility, commercial: A use which may contain indoor or outdoor swimming pools, tennis courts, gymnasiums, hand ball courts, pool and billiard rooms, bowling alleys and other similar uses when operated for profit.

Recreational vehicle: Any boat, boat trailer, water craft, snowmobile, dirt bike, all-terrain vehicle, air craft, trailer, any camping trailer, travel trailer, coach or motorhome, mini motor home, truck camper, or van camper, or other unit built or mounted on a vehicle or chassis, without permanent foundations,

that may legally be driven or towed by motor vehicles or vehicles used primarily for recreational purposes.

Redevelopment: The removal or substantial removal of the principal buildings or structures from land and /or the construction or erection of other principal buildings or structures thereon, or the development of vacant properties.

Religious Institution: An institution maintained by a religious body where people assemble for religious purposes, ceremonies, and other similar events. Religious institutions include, but are not limited to, churches, chapels, temples, synagogues and mosques. A religious institution may include housing for members of religious orders and day care centers as accessory uses.

Remodeling: Any change in a 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.

Residential building: A building all or part of which contains one or more dwelling units, including single-family dwellings, two-family dwellings, and multiple-family dwellings.

Restaurant: A food service establishment, used, maintained, advertised, and/or held out to the public as a place where meals are served and where meals are actually and regularly served, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook, and serve to its customers or guests, complete meals.

1. Restaurant, carry-out or fast food: A restaurant whose principal business operation is the dispensing of edible foods stuff and/or beverage, ready for consumption on the premises, at outdoor tables, at stand-up counters, or to be carried off the premises.
2. Restaurant, quick service or fast casual: A restaurant whose principal business is the sale of food and/or beverages to consumers in a ready to consume state, and where the principal method of operation is characterized by order at a counter and sit down to eat, the service of food and/or beverages in paper, plastic, or disposable containers.
3. Restaurant, full service: A restaurant whose principal business is the sale of food and/or beverages to consumers in a ready to consume state, and where the principal method of operation is such that customers are provided with an individual menu, and are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed.

Retail sales: The sale of goods, merchandise and commodities for use or consumption.

Screening: means decorative fencing or evergreen vegetation maintained for the purpose of concealing from view the area behind such structures or evergreen vegetation.

Self-storage, mini warehouse: A building or buildings in a controlled access area that contain varying sizes of individual, compartmentalized and controlled access stalls or lockers for the storage of a customer's goods or wares.

Setback: The distance between the lot line and the principal building on the lot.

Sign: See Title 18, Sign Code.

Short-term or vacation rental: See Chapter 15.60 (Residential Rental Property Registration and Inspection) of the Village Code for definition and regulations.

Structure: Anything erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the land.

Tavern: An establishment in which the primary use is the sale and service of alcoholic beverages to customers for consumption of the premises.

Tax increment financing district (TIF): A geographical area designated pursuant to the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1, *et seq.*, where the property tax increments are used to fund projects in the area to encourage economic development. The Downtown Tax Increment Finance District was adopted by the Village Board January 4, 2021 by Ordinances 21-O-01, 21-O-02 and 21-O-03 and is governed by the Round Lake Downtown TIF Redevelopment Plan and Project.

Telecommunication antenna: A structure used to transmit and/or receive or radiate electromagnetic waves, communication, data, or other similar signals in order to facilitate the use of wireless devices. Small wireless facilities, as defined and regulated by Chapter 12.46 (Small Wireless Facilities) of the Village Code shall not be included within this definition.

Telecommunication facility: Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: a) equipment associated with wireless communications; and b) radio transceivers, telecommunication antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Telecommunication facility does not include: (i) the structure or improvements on, under, or within which the equipment is collocated; or (ii) wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial, or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna. Telecommunication facilities erected or modified to support small wireless facilities (wireless support structures for small wireless facilities), as defined and regulated by Chapter 12.46 (Small Wireless Facilities) of the Village Code, shall not be included within this definition.

Telecommunications tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more telecommunication antennas and telecommunications structures. Telecommunications towers are typically freestanding and include self-supporting lattice towers, guyed towers, or monopole towers. Telecommunications towers erected or modified to support small wireless facilities (wireless support structures for small wireless facilities), as defined and regulated by Chapter 12.46 (Small Wireless Facilities) of the Village Code, shall not be included within this definition.

Townhome: A building that consists of a row of three (3) or more attached dwelling units that share common firewalls, where each unit has its own individual exterior entrance.

Trailer: A vehicle standing on wheels or on rigid supports which is used for transporting boats, cargo or property.

Transitional Treatment Facility: Transitional living place for those in recovery from drugs or alcohol, or convicted criminals to begin the process of reintegration with society.

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.

Use regulations: The provisions of this Title which identify allowed uses, impose use limitations, require adherence to performance standards and regulate home occupations and principal, accessory and temporary uses.

Vestibule: A small entrance hall or room between the outer door and the interior of a building.

Wholesale sales: The sale of goods, merchandise and commodities for resale.

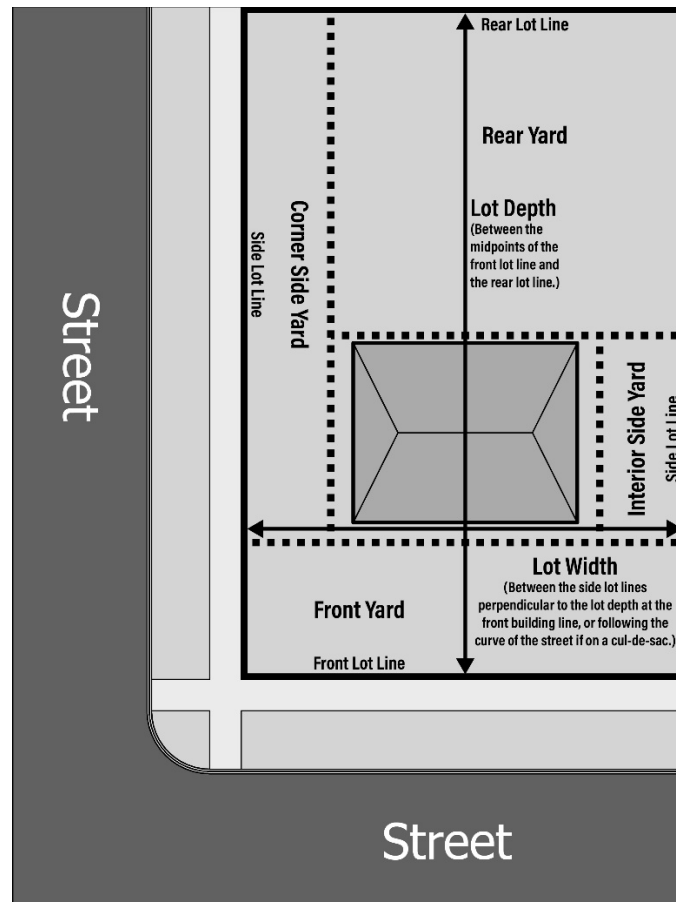
Yard: An open space on the same zoning lot with a principal building or group of buildings that is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in this Title, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district on which the zoning lot is located.

Yard, corner side: The yard immediately adjoining a public street not otherwise defined as the front yard.

Yard, front: A yard extending across the full width of a zoning lot and lying between the front lot line and the nearest line of a building.

Yard, interior side: A yard extending along a side lot line and between the principal building, but excluding any area encompassed within a front yard or rear yard. Dimensions of minimum side yard specified in the district regulations of this title refer to the required width of each side yard rather than to the total width of both sides.

Yard, rear: A yard extending across the full width of the zoning lot (except in the case of corner lots) and between the rear line of the lot and the nearest line of the principal building.



Zoning administrator: The individual responsible for making interpretations and enforcing this Title. The Director of Economic and Community Development is the Zoning Administrator.

Zoning map: The map designating zoning districts incorporated into this Title as a part hereof.

Chapter 17.08 GENERAL REGULATIONS.

17.08.010 Official zoning map.

- A. The existing zoning uses, restrictions, division and regulations listed in this title are clearly shown on the official zoning map of the Village, a copy of which is on file in the Community Development Department and is available on the Village website. The official zoning map, with all notations, references and other matters shown thereon, is declared by this reference to be part of this title.
- B. It is the intent of this title 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 title. Any area not shown on the official zoning map as being included in any district shall be deemed to be in the E-R Estate Residential district.

17.08.020 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 center lines 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 center line 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 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 of record or zoning lot held in one ownership on the effective date of this ordinance is divided by a district boundary line, the entire lot shall be construed to be within the less restrictive district.

17.08.030 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 zoning district 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 railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

17.08.040 Annexed land.

All land which may hereafter be annexed to the Village shall automatically be classified in the E-R Estate Residential district if not already determined as part of the annexation ordinance. When land is automatically classified in the E-R Estate Residential 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 sixty (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 Chapters 17.60 (Public Hearing Procedure) and 17.72 (Amendments). 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 the Village Board of Trustees.

17.08.050 Scope of regulations.

All buildings erected after the effective date of this ordinance, all uses of land or buildings established hereafter, and all structural alterations or relocations of existing buildings occurring hereafter shall be subject to all regulations of this Title which are applicable to the zoning districts in which such buildings, uses or land shall be located. The mere establishment of a new use does not by itself require the existing structure to conform to the lot size or other bulk regulations of this Title. Except where excepted by the regulations set forth in Chapter 17.52 (Nonconforming structures, lots and uses), any alterations, enlargements or additions shall comply with the bulk regulations of this Title.

17.08.060 General regulations.

- A. Where a building permit for a building or structure has been issued in accordance with law prior to the effective date of the ordinance codified in this Title; and provided, that construction is begun within six months of such effective date and diligently prosecuted to completion (completion to be accomplished within eighteen (18) months of the adoption of said ordinance), the 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 Chapter 17.52 (Nonconforming structures, lots and uses).

- B. Where a lot is to be occupied for a permitted use without buildings, the side yards and front yard required for such lot shall be provided and maintained unless otherwise stipulated in this Title, except that side yards shall not be required on 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.
- C. No land which is located in a residential district shall be used for driveway, walkway or access purposes to any land which is located in a commercial or industrial district or used for any purpose not permitted in a residential district.

17.08.070 Permits.

- A. No application for a building permit or other permit or license, or for a certificate of occupancy, shall be approved by the Zoning Administrator, and no permit or license shall be issued by any other Village Department that would authorize 1) the use or change in use of any land or building contrary to the provisions of this Title; or 2) the erection, moving, alteration, enlargement, or occupancy of any building designed or intended to be used for a purpose or in a manner contrary to the provisions of this Title.
- B. Site construction, utility installation, and grading shall not commence until a site development permit has been issued by the Village and any required water and sanitary sewer permits have been issued by the Illinois Environmental Protection Agency.

17.08.080 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 districts in which such use is located.

17.08.090 Performance standards.

Performance standards as set forth below are established to protect the public health, safety, comfort, convenience, and the general welfare of the Village, its residents, businesses and property owners, and to promote a more desirable environment in which to live and work within the Village. Whenever possible, no Village building permit shall be issued until the appropriate local, state, or federal agencies have issued all necessary permits for the particular use.

- A. Materials. Production, processing, cleaning, services, testing, repair, or storage of materials, goods, or products that are, or may be, injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious materials, odors, fire or explosive hazards, glare or heat, are not allowed.
- B. Odors. The emission of odorous matter in such quantity that is readily detectable at any point along a lot line or produces a public nuisance or hazard beyond a lot line shall be stopped or modified so as to remove the odor.
- C. Open Burning. Refer to Chapter 8.40 (Open Burning) of this Code.
- D. Emissions. All uses shall conform to the requirements of the Environmental Protection Act, 415 ILCS 5/1 *et. seq.*, as amended, governing the emission of noise, vibration, smoke and particulate matter, water or other effluents, toxic or noxious matter, fire, glare, heat or radiation.
- E. Noise. No activity or use shall be conducted in a manner that generates a level of sound, as measured on another property, greater than that allowed by federal, state, county, and local regulations, as amended. These limits shall not apply to construction noises, noises emanating from safety signals or warning devices, noises not directly under the control of the owner or

occupant of the property, and transient noises from moving sources, such as motor vehicles, railroads, and aircraft. Refer to Chapter 8.28 (Noise Control) of this Code.

- F. Dust and Air Pollution. Dust and air pollution carried by the wind from sources such as storage areas, yards, roads, equipment, and the like, within lot boundaries, shall be kept to a minimum by appropriate landscaping, screening, paving, wetting, or other acceptable means.

17.08.100 Performance standards procedures.

- A. Enforcement. The Zoning Administrator shall investigate any purported violation of performance standards.
- B. Compliance. Should the Zoning Administrator determine that a proposed use has violated or may violate the performance standards set forth herein, the Zoning Administrator may require information from the applicant or owner or operator and initiate an investigation, 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 the dangerous and objectionable elements. Failure to submit data requested by the Zoning Administrator shall constitute grounds for denying a permit.
- C. Report by Expert Consultants. The Zoning Administrator may require any person, firm or corporation to retain an expert consultant to study and report as to compliance or noncompliance 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 Zoning Administrator and to the owner or operator of the use in question. The cost of the consultants' services shall be borne by the owner or operator of the use.
- D. Action by the Zoning Administrator. Within sixty (60) days following the receipt of the acquired evidence, or receipt of the reports of expert consultants, the Zoning Administrator shall make a determination as to compliance or noncompliance of the use with the performance standards. If 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 Zoning Administrator 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 a reasonable length of time to effect any changes prescribed by the Zoning Administrator for the purpose of securing compliance with the performance standards.
- E. Cancellation of Permits. If, after the conclusion of the time granted for compliance with the performance standards, the Zoning Administrator 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.

17.08.110 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. The Village Board may, in its sole discretion, waive this requirement if adequate utility facilities are not available.

Chapter 17.12 BULK REGULATIONS

17.12.010 Bulk regulations general.

Bulk regulations are expressed in terms of maximum structure height, maximum lot coverage, maximum floor area ratio and minimum front, corner side, side and rear yards. Except as authorized by Section 17.12.020, 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 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.

17.12.020 Lot size requirements.

Every lot or parcel of land created subsequent to the effective date of this ordinance shall provide a lot or parcel of land in accordance with the lot size requirement of the district within which it is located. In any residential district, on a lot of record in existence on the effective date of this ordinance, a single-family dwelling may be established regardless of the size of the lot, provided all other requirements of this ordinance are met. Any single nonconforming lot of record that does not meet the requirements for lot area or lot width may be utilized for a permitted use provided that the yards are not less than seventy-five percent (75%) of the minimum required dimensions or areas. If two (2) or more contiguous lots of record are held in common ownership or owned or controlled by related parties and one (1) or more of the lots does not meet the requirements for lot area or lot width as established by this Title, then the lots of record shall be joined, developed and used as a single lot for purposes of this Title. In no case shall a lot created illegally be considered a lot of record.

17.12.030 Number of structures and uses on 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 unit development that has been approved pursuant to the provisions of this Title.

In commercial and industrial districts, any number of structures (except residential buildings) and uses 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.

17.12.040 Restrictions on allocation and disposition of required yards of open space.

- A. 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 Title shall, by reason of a change of ownership or otherwise, be included as a part of the minimum lot area or of a yard, other open space, or off-street parking or loading space required for any other structure or use, except as specifically permitted by this Title.
- B. All of the lot area and all yards and other space provided in connection with any structure or use (including but not limited to any structure or use existing on the effective date of this ordinance or of any amendment thereto) shall be subsequently reduced below, or further reduced if already less than, the minimum requirements of this Title for equivalent new construction.

17.12.050 Permitted encroachments in required yards.

The following shall not be considered to be an encroachment when located within or over required yards, and in no case shall any permitted encroachment extend over the property line.

- A. In all yards:
 - 1. Open terrace not over four (4) feet above the average level of the adjoining ground, but not including a permanently roofed-over terrace or porch, provided the side yard is not reduced to less than five (5) feet;

2. Awnings and canopies, provided the side yard is not reduced to less than five (5) feet;
3. Chimneys, projecting up to two (2) feet into the yard, provided the side yard is not reduced below five (5) feet;
4. Steps not over four (4) feet in height or ADA ramps;
5. Arbors and trellises;
6. Fences as defined and provided for in Section 17.20.030 H herein;
7. Open parking areas;
8. Bay windows and over-hanging eaves and gutters projecting thirty (30) inches or less into the yard; and
9. Flag poles and signs.

B. In any yards, except a front yard: accessory uses as defined and provided for in Section 17.20 (Accessory Structures and Uses), recreational equipment, and air conditioning condensers.

Building permits may be required.

17.12.060 Lot size requirements and bulk regulations for public utility facilities.

Notwithstanding any other provisions of this Title, 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 or other similar equipment for distribution to consumers for transmission of electricity, gas or water;
- D. Pumping stations;
- E. Radio, television and microwave transmission or relay stations, telecommunication towers and antennae;
- F. Transformers stations; and
- 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 residence district, the structures or facilities shall be prohibited from any required yard adjacent to a public street or from any dedicated street right-of-way.

17.12.070 Bulk chart.

17.12.070 BULK CHART										
Zoning	Lot Size			Yard Setbacks				Bulk Limits		
	Lot Area	Lot Width	Front Yard	Corner Side Yard	Side Yard	Rear Yard	Max Height	Max Lot Coverage		
	Square Feet	Feet	Feet	Feet	Feet	Feet	Feet	%		
Residential										
E-R	40,000	100	40	30	15	40	30	20		
R-1	20,000	100	30	20	15	30	30	30		
R-2	12,000	80	25	20	8	25	30	30		
R-3	9,000	70	25	15	8	20	30	35		
R-4	7,000	50	20	7	6	15	30	40		
R-5	12,000	80	30	30	10	30		FAR 0.40		
R-10	5,000	40	20	10	5	10	30	40		
Commercial			*							
C-1	10,000	75	50	30	15	30	35	FAR 1.0		
C-2	10,000	75	50	30	15	30	35	FAR 1.0		
C-3	20,000	100	50	30	15	30	35	FAR 1.2		
C-4	40,000	200	50	30	15	30	35	FAR 1.2		
Industrial										
I-1	20,000	100	25	25	15	30	35	FAR 0.6		
I-2	40,000	150	25	25	15	30	35	FAR 1.5		

*Commercial Front Yard Setback is for structure. At at least 25 feet for landscaping. Parking may encroach on the rear and side yard setbacks, provided a 10 foot landscape buffer is maintained. Plat of Subdivision or PUD may alter setbacks, lot size, and bulk limits, see specific PUD or Plat for requirements.

17.16.060 USE CHART

Use	E-R	R-1	R-2	R-3	R-4	R-5	R-10	C-1	C-2	C-3	C-4	I-1	I-2
Accessory dwelling units (ADU)	X	X	X	X	X	X	X	X	X	X	X	X	X
Accessory uses/structures	X	X	X	X	X	X	X	X	X	X	X	X	X
Adult uses										S	S	S	S
Airport/heliport													
Amphitheater/band stand	S							S	S	S	S	S	S
Animal boarding/shelters/kennels								X	X	X	X	S	S
Antique stores								X	X	X	X		
Apiary (bee keeping)	X	X	X	X	X	X	X	X	X	X	X		
Apparel stores								X	X	X	X		
Appliance store								X	X	X	X		
Art/office or school supplies/stationery/book store								X	X	X	X		
Bakery/ice cream parlor/candy shop								X	X	X	X		
Bank with drive-up banking facility								X	X	S	S		
Bank, savings and loan, currency exchange								X	X	X	X		
Banquet hall								S	S	S	S		
Beauty/barber shop/tanning/spa/nails								X	X	X	X		
Bed and breakfast, short-term vacation rentals (Refer to Section 15.60)	X	X	X	X	X	X	X						
Bicycle store, sales, rental and repair									X	X	X		
Bowling/billiard/pool hall									X	X	X		
Cannabis business establishment												S	S
Cannabis dispensing organization								S	S	S	S		
Car wash										S	X		
Cartage, express and parcel delivery, last mile warehouse												X	X
Cemeteries	S	S	S	S	S	S	S						
Club, private	X								X	X			
Commercial kitchen/catering, or where food is prepared for delivery												X	X
Community residence	X	X	X	X	X	X	X						
Contractor office with shop/warehouse/yard										S	X	X	X
Convenience store								X	X	X	X		
Cultural facilities	S	S	S	S	S	S	S			X	X		
Dance school or studio								X	X	X	X	S	S
Daycare									S	S			
Department store/furniture store									X	X	X		
Drive-through/pick up window, unless otherwise noted													
Drug store								S	S	S	S		
Dry cleaner/laundromat								X	X	X	X		
Dry cleaner/laundromat									X	X	X		
Electric vehicle charging station								X	X	X	X	X	X
Electronics store								X	X	X	X		
Equipment rental and leasing service										X	X		
Floral shop								X	X	X	X		
Funeral parlor/undertaking establishment									X	X	X		

Use	E-R	R-1	R-2	R-3	R-4	R-5	R-10	C-1	C-2	C-3	C-4	I-1	I-2
Outdoor storage, when accessory to a permitted or special permit use								S	S	S	S	X/S	X/S
Outside sales/displays--ice boxes, vending machines, promotional items like flowers or vegetables								S	S	S	S		
Parks, playgrounds, forest preserve, public open space	X	X	X	X	X	X	X						
Pawn shop									X	X			
Pet shop									X	X			
Photography studio								X	X	X			
Physical fitness/sports/health club facility								S	X	X		S	
Planned unit development (PUD)	S	S	S	S	S	S	S	S	S	S	S	S	S
Public buildings, fire, library, government, post office	X	X	X	X	X	X	X	X	X	X	X	X	X
Radio and television studios, stations and transmission towers								X	X	X	X	X	X
Recreational indoor facility, including axe throwing, skating rink, batting cages, or other recreation facility									X				
Recreational, noncommercial buildings and community centers	X	X	X	X	X	X	X			X		S	
Recreational outdoor facility, including mini golf, driving range, go carts, and other entertainment facilities									X	X		S	
Recycling centers													
Religious institution	X	X	X	X	X	X	X	S	S	S		X	X
Repair service, motors, small engines, larger, mechanical objects (not motor vehicles)										X		X	X
Residence of proprietor								S	S	S	S		S
Residential above commercial unit								X	X				
Restaurant, excluding drive-through service								X	X	X	X		
Restaurant, with drive-through									X	X	X		
Self storage												S	X
Schools, elementary, middle and high school levels (public or private)	X	X	X	X	X	X	X						
Shoe store and repair								X	X	X			
Single-family detached dwelling	X	X	X	X	X	X	X						
Social service/fraternal association/labor union	S								X	X		S	
Solar farms/windmill farms												X	X
Solar panels/wind turbines	X	X	X	X	X	X	X	X	X	X	X	X	X
Sporting goods stores								X	X	X			
Swimming pool sales and service													
Tailor shop								X	X	X			
Tattoo parlors/piercing shop								X	X	X			
Tavern/microbrewery/distillery/brew pub								X	X	X		S	
Taxidermist										X			

Use	E-R	R-1	R-2	R-3	R-4	R-5	R-10	C-1	C-2	C-3	C-4	I-1	I-2
Telecommunication towers (Refer to Section 17.16.040)	X	X	X	X	X	X	X	X	X	X	X	X	X
Theater, indoor only													
Tow truck recovery service, including outdoor storage of vehicles											X	S	
Toy stores								X	X	X	X	X	
Transit and public transportation stations									X	X	X	X	X
Transitional treatment facility	X	X	X	X	X	X	X						
Travel agent								X	X	X			
Two-family residential						X							
Utility, public or private, facilities and transmission	X	X	X	X	X	X	X	X	X	X	X	X	X
Vape store/head shop/tobacco shop									X	X			
Vehicle storage													
Veterinary clinic/pet daycare/grooming/training									S	S	S	S	S
Vocational/business school or college	X								X	X	X	X	X
Warehouse													
Wholesale establishment												X	X

Key
Permitted Use
Special Use
Be sure to check ordinance for additional requirements and Municipal Code for more regulations.

Chapter 17.16 USES

17.16.010 Uses generally.

No structure shall, after the effective date of this ordinance, be built, moved or remodeled, and no structure or land shall, after the effective date of this ordinance be used, occupied or designated for use or occupancy, except for a use that is permitted within the zoning district in which the structure of land is located. Refer to Chapters 17.52 Nonconforming, 17.64 Variations, or 17.68 Special Uses for exceptions.

17.16.020 Interpretation of use lists.

The Zoning Administrator 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.

17.16.030 Cannabis businesses.

- A. Purpose and applicability. It is the intent and purpose of this Section to provide regulations regarding the dispensing, growing, processing, and transporting of cannabis occurring within the corporate limits of the Village. Cannabis business establishments shall comply with all regulations provided in the Cannabis Regulation and Tax Act (410 ILCS 705/1-1, *et seq.*) (the "Cannabis Act"), as it may be amended from time to time, in the regulations promulgated thereunder, and the regulations provided below. In the event that the Cannabis Act is amended, the more restrictive of the state or local regulations shall apply.
- B. Special use requirements. A cannabis business establishment, as defined herein, shall require an approval of a special use, and shall be processed in accordance with Chapter 17.68 (Special uses) of this Title as provided herein, and shall be subject to the following conditions:
 1. State license. The cannabis business establishment must be operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation or the Illinois Department of Agriculture. The special use applicant shall submit a complete copy of their license application and all plans submitted to the State of Illinois, or any agency thereof, as part of their special use application. Before issuance of a certificate of occupancy or otherwise opening to the public, the business must provide a copy of their state license to operate as a cannabis business.
 2. Minimum distance from protected uses. The cannabis business establishment may not be located within 500 feet of the property line of a pre-existing public or private nursery school, pre-school, primary or secondary school, day care center, or day care home (pre-existing means licensed by the State of Illinois). Notwithstanding the foregoing, a cannabis business will not be deemed to violate this provision if one of the above uses locates within the 500-foot spacing after the cannabis business has been issued an occupancy certificate to open for business. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 3. Measurement. For the purposes of the minimum distances section, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot on which an applicable cannabis dispensing organization is located to the nearest point on any property line of any protected use.
 4. Buffering from other cannabis dispensing organization. Each cannabis dispensing organization shall be a minimum of 1,500 feet from all other dispensaries, as measured from the applicable property lines.

5. Co-location of cannabis business establishments. The Village may approve the co-location of a cannabis dispensing organization with a cannabis craft grower or a cannabis infuser organization, or both, subject to the provisions of the Cannabis Act and the special use criteria.
6. Parking.
 - a. For purpose of determining required parking, a cannabis dispensing organization shall be classified as retail and all other cannabis business establishments shall be classified as manufacturing pursuant to Section 17.48.060 Required off-street parking spaces; provided however that the Village may require that additional parking be provided as a result of the analysis completed through the special use process.
 - b. Parking shall be located in an area which is visible from a public road or a private road that is accessible to the public.
 - c. Parking areas shall be well lit and monitored by video surveillance equipment whose live images can be viewed by business staff and are continually recorded in a tamper proof format.
7. Exterior display. No cannabis business establishment shall be maintained or operated in a manner that causes, creates, or allows the public viewing of cannabis, 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 business is located. No portion of the exterior of the business shall utilize or contain any flashing lights, search lights or spotlights or any similar lighting system.
8. Advertising. All advertising shall comply with the rules and regulations set forth in the Cannabis Act. No cannabis business establishment nor any other person or entity shall place or maintain, or cause to be placed or maintained, an advertisement of cannabis or cannabis-infused product in any form or through any medium:
 - a. Within 1,000 feet of the perimeter of a pre-existing public or private nursery school, pre-school, primary or secondary school, day care center, or day care home; or
 - b. On or in a public transit vehicle or public transit shelter; or
 - c. On or in publicly owned or publicly operated property.
9. Signage. All signage shall comply with the Sign Code, Title 18 of this Code and with regulations herein.
 - a. Electronic message boards and temporary signs are not permitted in connection with a cannabis business.
 - b. Signage shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth or language referencing cannabis.
 - c. All applicable advertising regulations set forth in the Cannabis Act shall apply.
10. Age and access limitations. Each cannabis dispensing organization shall prohibit any person who is not at least twenty-one (21) years of age from entering the cannabis dispensing organization, except for cardholders granted medical access under the Compassionate Use of Medical Cannabis Act over 18 years of age. Cannabis business establishments shall not employ anyone under the age of twenty-one (21). Access to the cannabis business

establishment shall be limited exclusively to cannabis business staff and those specifically authorized under the Cannabis Act.

11. Hours of operation. A cannabis dispensing organization may operate between the hours of 6:00 a.m. and 10:00 p.m. local time or as determined through a special use permit.
12. Drive-through windows. Cannabis dispensing organizations may not have a drive-through service.
13. On site consumption and conduct.
 - a. Other than cannabis-infused food products, no cannabis dispensing organization shall also sell food for consumption on the premises in the same tenant space.
 - b. On-site consumption of cannabis shall be prohibited within all cannabis business establishments and on the premises.
 - c. Loitering is prohibited on the cannabis business property.
 - d. A sign, at least eight and one-half (8.5) by eleven (11) inches, shall be posted inside the business building in a conspicuous place and visible to a client and shall include the following language: "Smoking, eating, drinking or other forms of consumption of cannabis products is prohibited on business property." The cannabis business establishment shall be responsible for enforcing the prohibition of on-site consumption of cannabis and loitering under all circumstances inside and outside the cannabis dispensing organization and on the premises.
 - e. Cannabis dispensing organizations may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Act.
 - f. At least 75% of the floor area of any tenant space occupied by a cannabis business establishment shall be devoted to the activities of the business as authorized by the Cannabis Act. Any request for reduction in floor area percentage shall be evaluated as part of the special use request.
14. Security and video surveillance. Each cannabis business establishment shall be an enclosed locked facility. Each business shall provide and maintain adequate security on the entire property on which the business exists, including lighting, video surveillance, security personnel and alarms reasonably designed to ensure the safety of persons and to protect the site from theft.
 - a. 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 staff and continually recorded in a tamper proof format.
 - b. 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."
 - c. The Zoning Administrator shall review the adequacy of lighting, security and video surveillance installations with assistance from the Chief of Police. The Zoning Administrator and/or the Chief have the discretion to conduct periodic review of security features as appropriate.
 - d. Each business shall report all criminal activities occurring on the property to the applicable law enforcement agency immediately upon discovery.

- e. Deliveries shall occur between 7:00 am and 9:00 pm local time within a secure delivery bay and shall not be visible from the exterior of the facility.
 - f. Facilities shall comply with all applicable standards set in the Cannabis Act .
15. Noxious odors. All production centers shall operate in a manner that prevents odor impacts on neighboring premises or properties and, if necessary, the facility shall be ventilated with a system for odor control.
16. Violation/penalties. Any violation of this Section shall be punishable as provided in Chapter 20.60 (Title 17 Zoning) of this Code.

17.16.040 Regulations for telecommunication towers and telecommunication facilities and telecommunication antennas.

A. Locations.

1. Telecommunication towers, facilities and antennas shall be considered a permitted use if located either on: (1) an existing freestanding tower, and/or (2) on Village-owned property pursuant to an agreement with the Village and further provided that if such facilities are so designed so as to allow and encourage co-location by other potential users. Prior to construction of such facilities, the applicant must receive site plan approval from the Village pursuant to the site plan review process set forth in this Chapter.
2. Except as provided in 1. above, or as otherwise required by State or federal law, a special use is required and may be requested for any use that satisfies the definition of telecommunication towers, facilities and antennas, as defined in Section 17.04.050, provided that, in the case of telecommunication towers, the proposed special use location satisfies any one of the criteria listed below:
 - a. Whenever possible, telecommunication facilities and antennas should be attached to existing freestanding towers used for other personal wireless services that are currently located upon Village property. No special use permit authorizing construction of a new telecommunication tower or addition to or expansion of an existing telecommunication tower or existing building or structure shall be authorized unless the applicant is able to demonstrate that a diligent effort has been made to locate the telecommunication tower, facility and/or antenna on an existing building or structure and that due to valid considerations including physical constraints and economic or technological feasibility, no other appropriate location is available in the immediate vicinity and at a reasonable cost.
 - b. The proposed location of the telecommunication tower (a) is not within one thousand five hundred (1,500) feet of a residential district or (b) is separated from residential districts by a freeway or principal highway or (c) if installed upon school property within a residential district, is not within three hundred (300) feet of the nearest outside wall of any single-family dwelling, unless the location of the tower is such that at least ½ of the total height of the tower is shielded from view on at least three (3) sides of the tower.

B. Maximum height for telecommunication towers.

An applicant for approval of a telecommunication tower shall demonstrate that the tower does not exceed the minimum height required to function satisfactorily. Under any circumstances, telecommunication towers shall not exceed the following height restrictions unless otherwise specifically approved by granting of a special use permit.

1. The maximum height of a freestanding tower shall not exceed one hundred (100) feet.

2. If mounted on the roof of an existing building or structure, the height of a telecommunications tower, antenna or facility shall not exceed three (3) feet above the height of the existing building or other structure.
3. A telecommunications tower, antenna or facility attached to the side of a building, structure, or tower shall not extend above the roof of the building, structure, or tower; provided, however, if the radio signal is distorted or blocked by structures located on the roof of the building, the Village may allow the height to exceed the height of the building, structure or tower by no more than three (3) feet. Certification that the signal is distorted or blocked must be provided by the applicant and must consist of throughput analysis showing signal degradation.

C. Design of new telecommunication towers.

Every new telecommunication tower shall be a monopole rather than lattice work and shall not be illuminated or have any signs installed thereon unless required by applicable federal law or regulations. In addition, every telecommunication tower shall be neutral in color and harmonious with the natural features, buildings and structures surrounding such tower as well as all telecommunication facilities/antennas.

D. Screening and site location for telecommunication towers, antennas and/or facilities attached to freestanding towers.

1. Telecommunication towers, antennas and/or facilities shall have a noncontrasting color that minimizes their visibility to the extent possible and is compatible with the surrounding landscape.
2. Telecommunication towers should be architecturally compatible with the surrounding buildings and land uses or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical.
3. Telecommunication towers, antennas and/or facilities attached to a freestanding tower shall not be located between a principal building and a street or in the front yard of the lot in question. Such freestanding tower shall be located adjacent to the rear wall of the principal building unless: (1) it is shown that an alternate location results in more effective screening or blending of the tower into the surrounding landscape, or (2) the location has the effect of interfering with the operations of the principle use on the subject property or (3) such placement materially impairs the functioning of the telecommunication antennas; provided, however, such telecommunication antennas and/or facilities nevertheless may not be located between the principal building and the street or in the front yard of the lot in question.
4. Telecommunication towers and their telecommunication antennas and facilities and any related electronic equipment shall be buffered and screened by a perimeter landscaped open space of not less than fifteen (15) feet in width, consisting of a densely planted evergreen hedge of not less than six feet in height and other landscaping materials. Such screening shall be provided and maintained during the duration of the special use permit.

E. Screening and site location for telecommunication towers, antennas and/or facilities attached to existing buildings or structures.

1. Telecommunication towers, antennas and/or facilities may be attached to the wall or roof of a building subject to height restrictions stated above. Such towers, antennas and/or facilities shall not be attached to the front wall of a building unless it can be shown that other locations are not feasible and that the tower, antenna and/or facilities shall be made to effectively blend into the architecture of the building.
2. Telecommunication towers, antennas and/or facilities attached to an existing building or structure shall be of a color substantially identical to the building or that maximizes the blending of the towers, antennas and/or facilities into the architecture of the building or structure.

3. Telecommunication towers, antennas and/or facilities attached to an existing building or structure shall not extend more than twenty-four (24) inches beyond the wall of such building or structure.

F. Screening and site location for ground level equipment and buildings.

1. Telecommunication towers, antennas and/or facilities may be attached to the wall or roof of a building or structure constructed for the purpose of housing or hosting telecommunications equipment subject to the height restrictions set forth in this Chapter.
2. Landscaping consisting of shrubs and similar materials shall be provided surrounding the foundation of ground level buildings or structures constructed for the purpose of housing or hosting telecommunications equipment and surrounding fences associated with such buildings or structures, subject to the review and approval of the Zoning Administrator and subject to any other Village requirements that may be approved by the Village Board.
3. Ground level buildings and structures constructed for the purpose of housing telecommunication equipment shall be designed and located to blend with the existing architecture and landscaping of the subject property and the surrounding area. Masonry facades shall be required for such buildings or structures unless otherwise allowed as a condition of the special use approval.
4. Fencing may be provided as a condition of the special use approval for the purpose of enclosing and screening freestanding telecommunication towers, facilities and/or antennas. Such fencing shall comply with the requirements for residential fences contained in this Title, except as specifically authorized by conditions for approval of a special use.

G. Compliance with governmental and other safety regulations.

1. The applicant shall demonstrate that the proposed telecommunication towers, antennas and/or facilities are safe and that surrounding areas will not be negatively affected by support structure failure, falling ice, or other debris. All telecommunication towers and/or facilities shall be fitted with anti-climbing devices, as approved by the manufacturers.
2. All telecommunication towers, antennas and/or facilities shall comply with the current standards and regulations of the Federal Communications Commission, the Federal Aviation Administration, and any other agency of the federal government with the authority to regulate owners and antennas.
3. Upon application and approval, the Zoning Administrator shall issue a permit prior to construction of any telecommunication towers, antennas and/or facilities. Said permit shall provide that the telecommunication towers, antennas and/or facilities being approved are to be constructed in compliance with applicable Village building codes and any requirements of the Electronic Industries Standards and the Federal Communications Commission, as well as the provisions herein; in addition to providing evidence of renewal or extension thereof when granted.

H. Co-location and location on existing structures preferred.

In order to minimize adverse visual impacts associated with the proliferation of telecommunication towers, co-location of antennas by more than one provider on existing or new towers and location of antennas on existing buildings or structures shall take precedence over the construction of new freestanding towers.

I. Abandonment of towers or antennas.

In the event the use of a telecommunications tower or antenna is discontinued for a period of sixty (60) consecutive days, the tower or antenna shall be deemed to be abandoned. The Zoning Administrator shall determine the date of abandonment based on documentation required from the

tower owner/operator or other appropriate sources. Upon making a determination of abandonment, the Zoning Administrator shall proceed as follows:

1. A notice shall be sent to the owner/operator, indicating that the owner/operator may, within sixty (60) days of receipt of the notice, reactivate the use of the telecommunications tower or antenna or transfer of the tower to another owner/operator for such use within the aforesaid sixty (60) day period. Transfer of the tower to another owner/operator shall not require special use approval provided use of the tower is reactivated within the sixty (60) day period and that the use of the tower complies with all conditions of the original special use approval and the terms of this Chapter. If the owner/operator fails to reactivate the telecommunications tower or antenna within the sixty (60) days period, the special use shall become null and void without further action by the Village.
2. The notice shall indicate that the owner/operator may, in the alternative, dismantle and remove the telecommunication tower or antenna within a sixty (60) day period, at which time any special use shall become null and void.
3. Any owner receiving a notice from the Village pursuant to this subsection may appeal such determination of abandonment by filing a notice of appeal with the Planning and Zoning Commission in accordance with this Chapter and Section 11-13-12 of the Illinois Municipal Code (65 ILCS 5/11-13-12). The notice shall set forth all bases on which the owner relies to assert that no such abandonment has occurred.
4. If the Planning and Zoning Commission grants the appeal, the Commission shall allow the abandoned tower or antenna to remain for a specified period of time. If the Planning and Zoning Commission denies the appeal, the tower shall be removed within sixty (60) days following the denial of the appeal.

J. Special use application, requirements and additional standards for review.

1. In addition to such other information and data ordinarily required in connection with an application for a special use permit, an applicant for a special use permit for a telecommunications tower, facility and/or antenna shall submit to the Village as part of its application at least the following information: a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed necessary to assess compliance with this section.
2. In addition to the special use requirements contained above and elsewhere in this Section and Title, the following factors may also be considered in the review of a special use permit for telecommunication towers, antennas and/or facilities:
 - a. Where the request is for a tower, the height thereof, its proximity to residential structures and residential district boundaries, and the design characteristics that have the effect of reducing or eliminating, or failing to reduce or eliminate, the visual obtrusiveness thereof;
 - b. The nature of the uses on adjacent and nearby property;
 - c. The surrounding topography, tree coverage and foliage; and
 - d. The availability of suitable lawfully existing structures for placement of the telecommunication tower, antenna and/or facilities, as described in appropriate subsections of this section.
3. The Village Board may attach such reasonable conditions to a special use permit for a telecommunication tower as it deems appropriate in a particular case.

17.16.050 - Outdoor seating and sidewalk café.

Outdoor seating or a sidewalk café accessory to a properly licensed restaurant where the restaurant is a permitted use or a lawfully established special use, shall be treated as a permitted accessory use, where operated with a valid license required by Chapter 5.60, Outdoor Seating and Sidewalk Cafes.

17.16.060 Use Chart

Refer to use chart.

Chapter 17.20 ACCESSORY STRUCTURES AND USES

17.20.010 Accessory structures and uses generally.

- A. Accessory structures and uses are permitted in any zoning district in connection with any principal use which is permitted within such district.
- B. No accessory structure shall be constructed or occupied on any lot prior to the completion of the principal building to which it is accessory.
- C. Accessory structures require a building permit unless otherwise noted herein.
- D. Accessory structures must be maintained in a safe, sanitary and secure fashion.
- E. No accessory structures or trees shall be placed on drainage or utility easements, but same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid uses or rights herein granted. The Village has the right, but not the obligation, to at any time, abate any encroachments placed on or over the easement area. Any costs incurred by the Village or its agents and subcontractors to abate the encroachments shall be paid for by the property owner. If the costs are not paid, a lien shall be placed on the property.
- F. Where a substantial part of the wall or an accessory building is part of the wall of the principal building or where an accessory building is attached to the principal building in a substantial manner as by a roof, such accessory building shall be counted as part of the principal building and conform to all regulations applicable thereto.
- G. Other accessory structures and uses not included in this Chapter shall be reviewed by the Zoning Administrator to determine if a permit is required and any special regulations that may be in place.

17.20.020 Bulk regulations.

Except as otherwise provided for in this Chapter or Title, the following bulk regulations shall apply:

- A. Accessory structures and uses shall maintain the same side yard as are required for the principal building located on the zoning lot. Accessory structures and uses, except fences, shall be located a minimum of ten (10) feet from the any lot line unless otherwise established by this Chapter.
- B. No accessory structures shall be located in the front or side yard unless otherwise stated within this Chapter. No accessory structures are allowed in any easement or drainage swale.
- C. No part of any accessory structure shall be located closer than ten (10) feet to any principal building, unless it is attached to or forms a part of such principal building.
- D. The height of a detached accessory building or other accessory structure shall not exceed the height of the principal building on the zoning lot or be greater than 16 feet, whichever is more restrictive.

- E. No accessory building, other than a detached garage, may exceed one hundred twenty (120) square feet. Each accessory structure, building and use shall otherwise comply with the bulk regulations applicable in the district in which it is located.
- F. Only one of each type of the following accessory structures and buildings shall be allowed: swimming pools, gazebos, sheds, and detached garages as contained herein.

17.20.030 Permitted accessory structures and uses.

Any structure or use that complies with the terms of this Title and applicable building permit requirements may be allowed as an accessory structure or use. Below are more specifications for certain accessory structures.

- A. Accessory dwelling units (ADU). Accessory dwelling units are permitted within a principal or accessory building subject to approval of a permit application. Accessory dwelling units must be within a single-family property and located in a residential zoning district. Accessory dwelling units are not permitted in conjunction with two-family dwellings, townhomes, or multiple-family dwellings.
 - 1. An accessory dwelling unit is permitted as part of the existing principal building, such as a basement, attached to a building, or as a free-standing accessory building. If an accessory dwelling unit is an attached unit, it needs to meet the setback requirements of the principal building. Attached units must have an entrance from the exterior separate from the principal building. Entrances: Only one (1) pedestrian entrance to the structure may be located on the front facing facade of the principal building.
 - 2. Any exterior stairs to serve as the primary entrance to an attached or internal accessory dwelling unit within the principal building shall be located on the interior side or rear of the principal building.
 - 3. No more than one accessory dwelling unit is permitted per zoning lot.
 - 4. An accessory dwelling unit must not exceed 900 square feet in area.
 - 5. On lots with accessory dwelling units, the property owner must maintain his or her permanent residence in either the principal building or the accessory dwelling unit.
 - 6. For accessory dwelling units located in an accessory building, the exterior materials of the dwelling unit must be compatible with the principal building, including siding and trim materials, window design, roof shape, roof pitch, and roof material.
 - 7. The accessory dwelling unit shall not be sold independently of the principal residential dwelling and may not be a separate lot of record.
 - 8. Accessory dwelling units that are rentals must be registered and comply with the requirements set forth in Chapter 15.60 (Residential Rental Property Registration and Inspection) of this Code.
- B. Arbors and trellises
 - 1. Permitted in the front, side, and rear yard setbacks.
 - 2. No building permit is needed; however, manufacturer's directions for proper anchoring shall be followed.
- C. Basketball hoops
 - 1. Only one basketball hoop is permitted in the front yard. Basketball hoops must comply with setback regulations, but may be located within ten (10) feet of the principal structure.

2. No building permit is necessary.
 3. Basketball hoops are not permitted in the public right of way, including cul-de-sac islands.
- D. Children's playhouses, swing sets and trampolines
1. Children's playhouses, swing sets and trampolines are only permitted in the rear yard.
 2. A building permit is not required for a playhouse; however, all playhouses shall meet the applicable provisions of Title 15, Buildings and Construction, of this Code.
- E. Detached garages
1. No detached garage shall exceed seven hundred twenty-five (725) square feet. Architecture must be compatible with the principal building.
 2. The height of a detached garage shall not exceed the height of the principal building or be greater than sixteen (16) feet in height, whichever is more restrictive.
 3. Access to the detached garage shall be provided by an approved paved driveway.
- F. Donation Bins
1. Maximum of two donation bins permitted outside.
 2. Bin placement must not impede vehicle or pedestrian movement.
 3. A Village licensed business must register the bin(s) located at their establishment on an annual basis.
 4. Business is responsible for cleaning up any materials left outside of the bin(s).
- G. Electric vehicle charging stations
1. Installation of charging stations require a building permit prior to installation.
 2. Charging level: the following are the standardized indicators of electrical force, or voltage at which an electric vehicle's battery is recharged. Typical electric vehicle charging levels and specifications are:
 - a. Level 1 – AC (alternating current) slow battery charging. Voltage is 120 volts.
 - b. Level 2 - AC (alternating current) medium battery charging. Voltage is between 120 volts and 240 volts.
 - c. Level 3 – DC (direct current) fast or quick battery charging. Voltage is greater than 240 volts.
 3. Level-1 and Level-2 charging stations are permitted in every zoning district when accessory to a primary permitted use of said district. Charging stations located at single-family and multiple-family dwellings shall be designated as private use only.
 4. Level-3 charging stations are permitted in commercial and industrial districts when accessory to a primary permitted use. The following regulations are for Level-3 commercial use electric vehicle charging stations:
 - a. Parking Spaces: Charging station spaces reserved only for plug-in electric vehicles may be included in the overall calculation of minimum parking spaces required for the primary use by this Title, provided that such charging station spaces do not (a) account for more than 10% of the minimum parking spaces required, or (b) reduce the dimensions of adjoining spaces or the parking aisle or reduce the number of available spaces below the minimum required by this Title. Subject to the conditions of this Title, additional charging

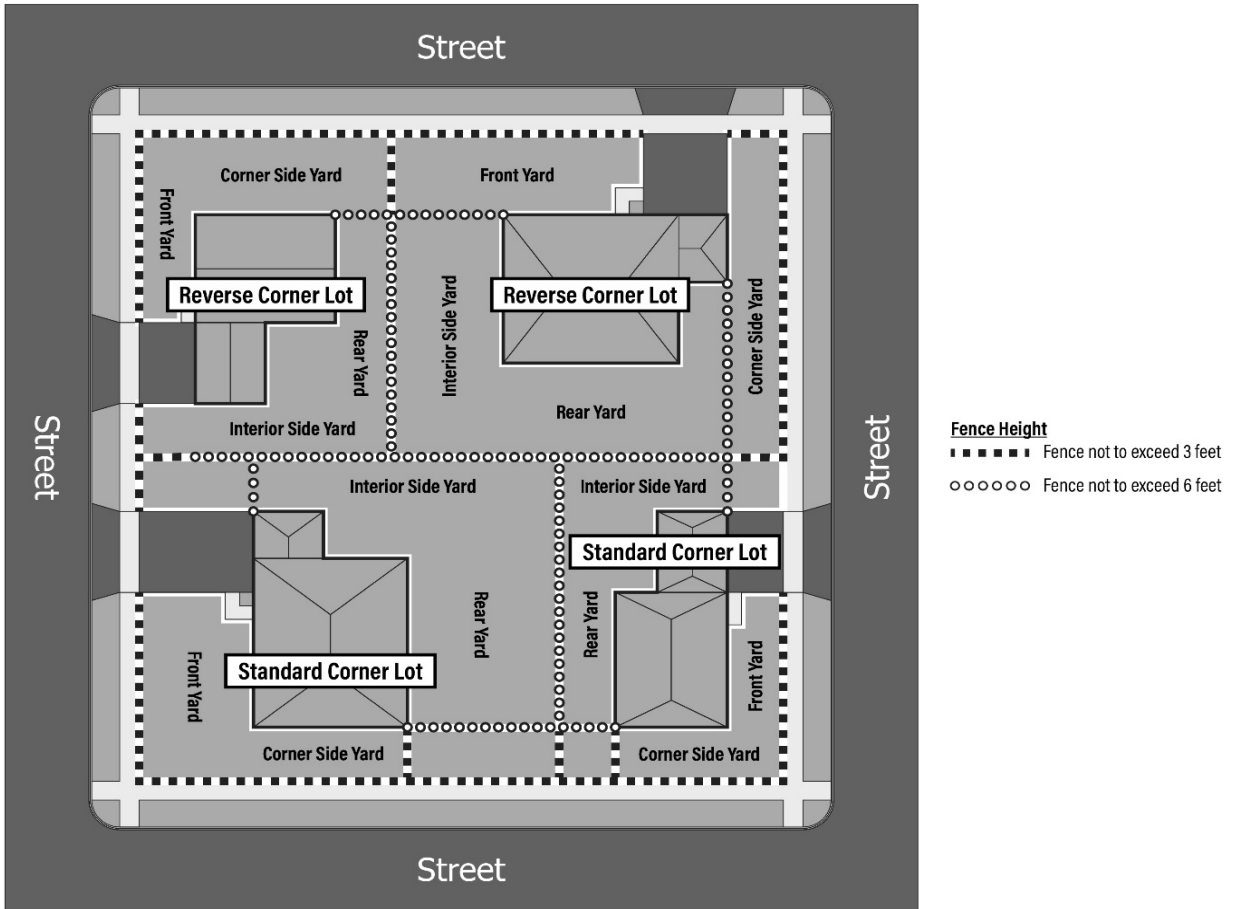
station spaces may be constructed but they will not count towards the minimum parking spaces required.

- b. No minimum number of charging station spaces is required.
- c. Charging Station Space Location and Design Criteria:
 - (1) Maintenance: Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. The owner of the equipment shall be responsible for the maintenance of the charging station and shall provide warranty and service for the charging stations and infrastructure for the duration of their useful life. A phone number or contact information shall be provided on the charging station for reporting when the equipment is not functioning or other problems are encountered.
 - (2) Charging Station Equipment: Charging station outlets and connector devices shall be no less than thirty-six inches (36") and no higher than forty-eight inches (48") from the ground or pavement surface where mounted, and shall be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.
 - (3) Charging Station Equipment Protection: Adequate charging station equipment protection such as wheel stops, concrete filled steel bollards, or similar shall be used.
 - (4) Lighting: Where charging station equipment is installed, adequate site lighting shall be provided in accordance with Village ordinances and regulations.
- d. Each charging station space shall be posted with signage indicating days and hours of operation if time limits or tow away provisions are enforced.

H. Fences

- 1. Fence Standards. All fences shall comply with the following standards:
 - a. Fences shall be allowed in rear and side yards. Fences may also be allowed in front yards in conformance with 2. below.
 - b. On corner lots, the yard where the front door is located shall be the front yard.
 - c. No fence shall exceed six (6) feet in height in residential and commercial districts and eight (8) feet in height in industrial districts.
 - d. No fence, nor any other encroachment including trees, bushes, and shrubs, shall be planted or constructed that obstructs sight or vision of passing motorists or in any way causes a dangerous or hazardous traffic condition.
 - e. Fences may be permitted in the drainage easement or utility easement provided the property owner signs a waiver of indemnification and hold harmless agreement approved by the Village. Unless otherwise determined by the Public Works Department, any fence located in a drainage easement shall have four (4) inches of clearance from the ground to allow the free flow of stormwater.
 - f. The following fences are prohibited:
 - (1) Barbed wire;
 - (2) Electrified fences (underground dog fence is permitted, no permit required);
 - (3) Chain link fences with slats;
 - (4) Snow fences;

- (5) Chicken wire fences;
 - (6) Plastic weave construction or landscape fences (unless required during permitted construction).
- g. Any fence that has an unfinished side shall be erected so the unfinished side and supporting members face inward.
 - h. Whenever a new business or industrial use abuts an existing residential district or a residential use, the owner of said business or industrial property shall be required to erect and maintain a board on board fence of six (6) feet in height to screen said business or industrial use from the residential district or residential use. A landscaped berm that forms a solid vegetated buffer may be used in lieu of a fence, if approved by the Zoning Administrator.
 - i. Fence requirements for swimming pools are found in Title 15, Buildings and Construction, of this Code.
 - j. A pet run/kennel requires a fence permit if not a freestanding structure.
2. Front Yard Fences. Fences are permitted in front yards, subject to the following:
- a. Fence height shall be measured from the average grade of the front yard. A front yard fence shall not exceed thirty-six (36) inches in height.
 - b. Fences shall be no closer to the street than the property line or the inner edge of the public sidewalk closest to the building, whichever provides the greater setback from the public right-of-way.
3. Corner Lot Side Yard Fences. Exterior side yard fences shall be permitted on corner lots subject to the following:
- a. Exterior side yard fences shall not exceed thirty-six (36) inches in height, when installed at property line or sidewalk. Exterior side yard fences shall not exceed six (6) feet in height when installed on a building setback line. Height shall be measured from the average grade of the exterior side yard.
 - b. Exterior side yard fences shall be set back at the property line or at the interior edge of the public sidewalk closest to the building whichever provides the greater setback from the public right-of-way, or at the building setback line if a taller fence is desired.



I. Free book exchanges

1. Book exchange structure means an enclosed structure that holds books/literacy material to share/exchange, in a pedestrian friendly accessible location, constructed and maintained by the property owner. The owner of the freestanding book exchange shall be solely responsible for the content of the materials and the books within the freestanding book exchange and be solely responsible for its maintenance and upkeep. No permit is needed.
2. Only one (1) book exchange structure is permitted per zoning lot.
3. A book exchange structure may be placed in the front or side yard setback in all zoning districts.
4. A book exchange located in a front or side yard:
 - a. May not exceed five (5) feet in height when measured from the ground and must not exceed three (3) feet wide and two (2) feet deep.
 - b. Must be made of material resistant to damage or deterioration from exposure to the outside elements.
 - c. Must be properly mounted, bolted, or protected as necessary to withstand wind, rain, and other seasonal changes.

- d. Must be set back at least two (2) feet from any public right-of-way or sidewalk. If a sidewalk exists, then the freestanding book exchange must only be placed on the interior of the sidewalk.
 - e. May not interfere with or impede traffic visibility.
 - f. Must be constructed so that the finished side faces the street.
- J. Gazebos and pergolas
- 1. If attached to the principal building, either directly or via a deck, the gazebo or pergola shall conform to the setback requirements regulating the principal building.
 - 2. Setbacks for freestanding gazebos and pergolas shall conform to those regulating accessory structures as defined in this Section.
- K. Greenhouses
- 1. Greenhouses are only permitted in the rear yard.
 - 2. Greenhouses must have rigid sides (glass or plexiglass), and may not be a membrane structure.
- L. Portable storage containers
- 1. A building permit is required for portable storage containers that remain on a property for more than fourteen (14) days. The maximum permitted time a portable storage container may remain on a property is ninety (90) days.
 - 2. Portable storage containers are permitted only one (1) time each calendar year.
 - 3. Portable storage containers shall be placed on a paved surface.
 - 4. Placement of portable storage containers on public property or encroaching on a public sidewalk is prohibited.
- M. Rain garden
- 1. Rain gardens are allowed in all yards.
 - 2. Rain gardens shall be located a minimum of two (2) feet from any lot line.
 - 3. Loose soil associated with a rain garden must be covered or confined so that the soil is not moved from the lot, particularly after each growing season.
 - 4. No building permit needed.
- N. Recreational vehicles. In all residential districts where parking facilities are incorporated, off-street storage of recreational vehicles and equipment shall be provided in accordance with the following requirements. No permit is required.
- 1. Recreational vehicles shall be parked in a completely enclosed building in a lawful manner or on a permitted hard surface driveway.
 - 2. Not more than two (2) recreational vehicles shall be visible on a zoning lot.
 - 3. Recreational vehicles are required to be accessible to the parking spot or host vehicle without being maneuvered over grass, lawn, unpaved surfaces, or curbs.

4. Recreational vehicles may only be set up for maintenance purposes for a period not to exceed forty-eight (48) hours. No one may stay in or live in recreational vehicles on the property (see Section 17.28.070).
5. Recreational vehicles shall be properly licensed and in good repair.
6. Recreational vehicles shall meet the height and weight requirements as set forth in the Illinois Vehicle Code (625 ILCS 5/1-100 *et seq.*).
7. No part of any recreational vehicle shall be allowed to encroach into the right-of-way or public sidewalk.
8. Parking of recreational vehicles on public property is prohibited.

O. Retaining walls

1. No retaining walls shall be constructed in Village easements or rights-of-way.
2. Mortar/concrete block or reinforced concrete is the recommended material for retaining walls. Retaining walls shall not be constructed of wood, timbers, or railroad ties.
3. Retaining walls less than thirty-six (36) inches above the lower grade level shall be buried at least six (6) inches below grade and do not require a permit.
4. Retaining walls thirty-six (36) inches or more above the lower grade level shall be required to obtain a permit. Walls installed during mass grading will be reviewed with the grading permit. When possible, all retaining walls shall be installed at the time of mass grading. Walls installed after mass grading require a separate permit.
5. Plans for retaining walls thirty-six (36) inches or more in height shall be stamped by a structural engineer to verify that the type of wall is appropriate for the specific location and the materials to be used are sufficient for the intended use.
6. Slopes of 2 to 1 or steeper shall require the use of retaining walls.
7. Retaining walls exceeding twenty-four (24) inches in height that resist lateral loads in addition to soil shall be designed to follow International Residential Code, as adopted by the Village.
8. For safety purposes, retaining walls over three (3) feet above the lower grade level shall have a fence on top.
9. Retaining walls constructed more than ten (10) feet above the lower grade level shall be terraced to include a landscaped area to break up the wall.

P. Satellite dish antennas

1. Location. If installed as a freestanding structure, dishes shall only be permitted in rear yards and shall be mounted directly upon the ground. Miniature dishes, which are those dishes less than twenty-five (25) inches in diameter, shall be located no closer than five (5) feet from any property line measured from the center of the foundation of the antenna support pole. Regular dishes (twenty-five (25) inches in diameter or more) shall be permitted only in rear yards containing 900 square feet or more and shall be located no closer than ten (10) feet from any property line measured from the center of the foundation of the antenna support pole.

2. Mounting. Dishes on walls shall be installed so that the bottom of the dish is no lower than twenty-five (25) inches below an eave or the peak of the roof, and provided that dishes on roofs shall be installed so that the top of the dish is no higher than twenty-five (25) inches above the peak of the roof. Placement of a miniature dish shall be on a rear wall unless signal reception demands warrant side wall installation.

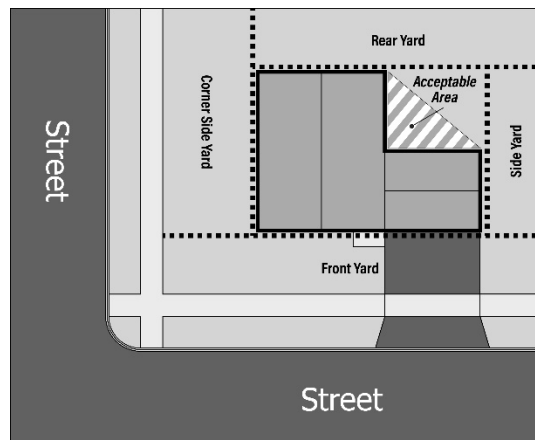
Dishes shall not be attached to or mounted upon chimneys. Dishes shall not be mounted, installed or otherwise placed on towers, similar forms of structural supports, or other accessory structures.

A regular dish not exceeding a diameter of ten (10) feet may be installed on the roof of a business or industrial establishment, provided that it is set back at least three (3) feet from any edge of the roof and is mounted in such a way that it does not exceed eleven (11) feet in height as measured from the roof line.

3. Construction Specifications. All freestanding dishes must be erected in accordance with Village building codes, and all electric and/or transmission cable connecting the antenna to the principal building shall be underground.
4. Screening. All freestanding regular dishes shall be effectively screened by a six (6) foot fence or dense evergreen-type shrubbery or screening material to a minimum height of six (6) feet above ground level from any adjoining lot or street.

Q. Sheds

1. The maximum size of a shed shall be one hundred and twenty (120) square feet (10' X 12', for example).
2. Only one (1) shed shall be permitted per lot.
3. The maximum height of a shed shall be ten (10) feet.
4. Sheds located in side yards shall meet the principal building setbacks.
5. Moveable, plastic sheds are the exception to the above regulations. Movable, plastic storage sheds or boxes, less than 100 cubic feet, may be located in rear yards or side yards if it does not project past the plane of the residence and is not visible from the right-of-way. No building permit is required to install a movable plastic shed. No more than three (3) movable plastic sheds shall be permitted per lot. See diagram for acceptable locations.



R. Swimming pools and hot tubs

1. No portion of a swimming pool, hot tub, or water garden or its accessory equipment or structures, including but not limited to a deck, patio, pump, filter or walkway, shall be located less than ten (10) feet from property line.
2. Specific swimming pool and hot tub barrier requirements are found in Title 15, Buildings and Construction, of this Code.
3. Temporary pools require a permit and shall follow the regulations in Title 15, Building and Construction, of this Code.

S. Temporary/seasonal vestibules for commercial or industrial structures

1. Temporary/seasonal vestibules shall be a solid color to match the principal building.
2. No signage shall be permitted on the temporary/seasonal vestibule.
3. Temporary/seasonal vestibules shall only be allowed between November 1 and April 15.
4. Temporary/seasonal vestibules are not permitted on doorways with existing vestibules.
5. Temporary/seasonal vestibules shall comply with the requirements in Title 15, Buildings and Construction, of this Code.

T. None of the following shall be permitted as accessory buildings, structures or uses:

1. Any outdoor storage, except as specifically permitted elsewhere in this Title.
2. Carports (except where attached to the principal structure).

Chapter 17.24 HOME OCCUPATIONS

17.24.010 Purpose.

The conduct of business or commercial activity in dwelling units may be permitted only under the provisions of this Section. It is the intent of this Section to:

- A. Ensure the compatibility of home occupations with other uses permitted in residential zoning districts;
- B. Maintain and preserve the character of residential neighborhoods;
- C. Promote the efficient use of public services and facilities by assuring that residential structures are utilized for and by the residential population for which they were planned and constructed rather than provided to commercial uses; and
- D. Prevent the generation of vehicular or pedestrian traffic in greater volumes than would normally be expected in a residential neighborhood.

17.24.020 Requirements.

Home occupations shall be a permitted use in all residential zoning districts, subject, however, to the following regulations:

- A. Incidental Use. The use for the home occupation must be clearly incidental and secondary to the use of the dwelling unit as a residence. The Village's standard in this regard is that the home occupation should not ordinarily exceed twenty-five percent (25%) of the floor area of the dwelling unit.
- B. No Exterior Evidence. There shall be no activity, structure, sign, or other evidence visible from the exterior of the dwelling unit indicating that the dwelling unit is being used for any nonresidential purpose in order to conduct the home occupation.
- C. Employees. No more than one person who is not a full-time resident of the dwelling unit shall be working at the home occupation dwelling unit at any one time. An off-street parking place shall be provided while the employee is on the premises.
- D. Origin of Goods. Goods that are the subject of the home occupation may be fabricated or produced on the premises, as well as manufactured elsewhere (also known as "stock-in-trade"), subject, however, to the regulations set forth in this Section.
- E. Displays. No article or stock-in-trade shall be displayed so it is visible from the exterior of the dwelling unit.
- F. Limits on Deliveries. No deliveries of raw materials, goods, supplies, or merchandise to the dwelling unit related to the home occupation shall be permitted by vehicles with a gross vehicle weight greater than 25,000 pounds.
- G. Customer Sales and Pick-Up. Direct sales of products from the dwelling unit are prohibited, but a person may pick up an order placed earlier.
- H. Signage. No sign may be used to identify the home occupation.
- I. Equipment. No mechanical or electrical equipment shall be installed or maintained other than what is customarily incidental to a dwelling unit. No mechanical or electrical equipment shall be operated that interferes with the use and enjoyment of neighboring properties or indicates that the structure is being used for a non-residential purpose.
- J. Parking. The conduct of the home occupation shall not require more vehicle parking space than exists on the residential drive on the property, or on assigned parking spaces servicing the dwelling unit. The conduct of the home occupation shall not reduce or render unusable any areas provided for required off-street parking, or prevent the number of vehicles intended to be parked in a garage from doing so. If a greater restriction on parking is imposed by any private covenants or homeowners' association declarations, then such covenants or declarations shall govern.
- K. Vehicle Use. Parking and use of trucks or other vehicles associated with a home occupation, whether on private or public property, shall conform with regulations concerning parking and use of commercial vehicles in residential areas as delineated in this Title or any other Village ordinance, including the establishment of load limits upon the streets of the Village. There shall be a limit of one (1) vehicle that is associated with the home occupation plus no more than one single or tandem axle trailer, which must be pulled by a "B" license plate truck. Vehicles used in a home occupation and parked at the residence shall not have a higher class than "B" license plates and shall not exceed a gross vehicle weight of 8,000 pounds if parked at home.
- L. Nuisances Prohibited. Home occupations shall not be operated in such a manner as to create or cause a nuisance. Examples of nuisances include, but are not limited to, the following:
 - 1. Noise in excess of normal daily activity for a residential area, measured at the lot line of the

premises, or exterior to party walls in attached single-family or multi-family dwelling units.

2. The emission of odorous matter, vibrations, smoke, dust, heat, or glare in such quantities as to be readily detectable at any point along lot lines, or exterior to party walls in attached single-family or multi-family dwelling units.
 3. The creation of aesthetic problems or health hazards in the storing or disposing of refuse or waste materials emanating from the activity.
 4. The creation of hazards that would or could endanger the dwelling unit or its occupants, or other structures, or their occupants, by reason of additional fire, health, safety, or environmental hazards.
- M. Health and Safety Requirements. The person(s) engaging in the home occupation shall comply with all applicable regulations of the Village, the Village's Police Department, the Fire Protection District, the Lake County Health Department, and other applicable agencies, including the right of inspection.
- N. Accessory Structures and Garages. Accessory buildings or garages (attached or detached) shall not be used exclusively or predominantly for a home occupation.
- O. Exterior Storage Prohibited. There shall be no exterior storage of materials or products for a home occupation on the premises.

17.24.030 Prohibited or Limited Home Occupations.

- A. Human Care Services Limited. Home occupations that involve human care services shall be limited to the keeping or care of humans for babysitting and day care services (subject, however, to the Illinois Compiled Statutes), and a limit of one station for beauty or hair care.
- B. Animal Care Services Limited. Home occupations that involve the keeping or care of animals, birds, or reptiles shall be limited to a total of four (4) animals on site and all animals must generally be kept inside.
- C. Certain Home Occupations Prohibited. Examples of occupations deemed to be prohibited home occupations include, but are not limited to, the sale of firearms, explosives or ammunition, gunsmith services, clinics, doctors' or dentists' offices, hospitals, restaurants or cafes of any type, animal hospitals, shelters, kennels, livery services, the repair and/or servicing of vehicles, salvage or recycling, tattooing, piercing, or self-storage. A medical professional may use their dwelling unit for emergency consultation or treatment, but not for the general practice of their profession.

Chapter 17.28 RESIDENTIAL DISTRICTS

17.28.010 Purpose.

The residential districts set forth herein are established in order to protect public health and promote public safety, convenience, comfort, morals, prosperity, and welfare, all while providing for a variety of housing types to meet the desires of residents. These general goals include, among others, the following specific purposes:

- A. To protect residential areas against fire, explosion, noxious fumes, offensive odors, noise, smoke, vibrations, dust, heat, glare, and other objectionable factors.
- B. To protect residential areas to the extent possible and appropriate in each area against unduly heavy motor vehicle traffic, especially through traffic, and to alleviate congestion by promoting off-

street parking.

- C. To protect residential areas against undue congestion of public streets and other public facilities by controlling the density of population through various means, including but not limited to, regulation of the bulk of buildings.
- D. To protect and promote the public health and comfort by providing for ample light and air to buildings and the windows thereof.
- E. To promote public comfort and welfare by providing for usable open space on the same zoning lot with residential development.
- F. To provide sufficient space in appropriate locations to meet the probable need for future residential expansion and to meet the need for necessary and desirable services in the vicinity of residences that increase safety and amenity for residents and that do not exert objectionable influences.
- G. To promote the best use and development of residential land in accordance with a comprehensive land use plan, to promote stability of residential development, and protect the character, desirable development, and protect the value of land and improvements and so strengthen the economic base of the Village.

17.28.020 Lot Size and Setback Requirements. See Section 17.12.070 Bulk Chart.

17.28.030 Permitted Uses. See Section 17.16.060 Use Chart.

17.28.040 Accessory Uses. See Chapter 17.20 Accessory Uses and Structures.

17.28.050 Signage. See Title 18, Sign Code.

17.28.060 Off-street parking and loading requirements. See Chapter 17.48 Off-street parking.

17.28.070 Tents and recreational vehicles.

No tent or recreational vehicle shall be erected, used or maintained for living quarters. For further regulations related to recreational vehicles, see Section 17.20.030 N.

Chapter 17.32 COMMERCIAL DISTRICTS

17.32.010 Purpose

The Commercial Districts set forth herein are established to protect public health, and promote public safety, comfort, convenience, morals, prosperity and the general welfare, and protect and enhance the economic base of the Village and the value of property. These general purposes include, among others, the following specific objectives:

- A. To promote the most desirable use of land in accordance with a well-considered plan so adequate space is provided in appropriate locations for the various types of business uses, thereby protecting and strengthening the economic base of the Village.
- B. To place in separate districts those businesses that may create noise, odors, hazards, unsightliness, or that may generate excessive traffic.
- C. To permit selected business uses in districts where adjacent to or located in a residential area where such business uses have sufficient elements of service or convenience to such areas to

offset the disadvantage.

- D. To encourage the grouping in appropriate locations of compatible business uses that will tend to draw trade that is mutually interchangeable and so promote public convenience and business prosperity and contribute to the alleviation of traffic and pedestrian congestion.
- E. To provide for the establishment of off-street parking facilities, permitted and required, so traffic congestion is alleviated, which will promote convenience and business prosperity.

17.32.020 Lot Size and Setback Requirements. See Section 17.12.070, Bulk Chart.

17.32.030 Permitted Uses, See Section 17.16.060, Use Chart.

17.32.040 Accessory Uses, See Chapter 17.20, Accessory Uses and Structures.

17.32.050 Design and Operation Standards.

All commercial buildings constructed or redeveloped within a commercial zoning district shall be constructed or redeveloped pursuant to the following architectural standards:

- A. Building Orientation. The building shall be in scale and compatible with surrounding buildings to maintain the character of the area. Visual interest and pedestrian scale shall be considered in the site layout. The rear and sides of a building shall have architectural features similar in quality and design to the front of the building, especially if visible from a right-of-way. Materials shall be in harmony with adjoining structures. Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks and materials. Project features which may have negative impacts upon adjacent properties, such as parking lots, service entrances, loading zones, mechanical equipment, etc., shall be buffered from the adjacent properties as appropriate. Building heights should be in scale with existing surrounding buildings. Variety in roof design is encouraged, with flat, gable, and hip roofs being the most common roof designs. Special design elements within roofs are also encouraged such as gable dormers, towers, and cupolas.

In the commercial area commonly known as Downtown, two- and three-story buildings should be the norm. A small number of four- or five-story buildings may be permitted by the Village Board. The construction of new one-story buildings in the existing Downtown core area should be discouraged.

- B. Building Materials. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those which are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from a public right-of-way. The use of different types of exterior wall materials elsewhere on the building exterior should be limited. Materials shall be of a durable quality. In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious to their surroundings. Use of traditional masonry materials such as brick or stone is encouraged. The amount of EIFS (Exterior Insulation and Finish System) or Dryvit, and standing seam metal should be limited. Architectural shingles, synthetic slate, or slate is encouraged on roofs. All projections and mechanical details such as louvers, exposed flashing, flues, vents, gutters and downspouts are to be recognized as architectural features and are to be treated to match the color of the adjacent surface, or an approved complementary color.
- C. Building Design. Architectural style is not restricted. Evaluation of appearance of a project by a reviewing body or staff, as applicable, shall be based on the quality of its design and relationship to its surroundings. Architectural features shall break up the building massing. The use of columns, brick patterns, windows, false windows, medallions, cornices, pilasters, quoins, decorative lighting, and protrusions must provide interest in the building elevations. The roofline

must also be varied. Clear non-reflective glass should be used for ground floor windows and all windows shall have good proportions and detailed to make them important parts of the total facade. Roofs should be an integral part of the design and overall form of the building design. Parapets should be finished with cornices or other horizontal decoration with no visible flashing. Exterior building components such as windows, doors, eaves, and parapets shall have balanced proportions. Mechanical equipment or other utility hardware on the roof, ground, or elevations shall, wherever possible, be located so as not to be visible from any public ways or adjacent residential areas. Where such limitation on location is not possible, the facilities shall be screened from public view with materials harmonious with the building. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance. All accessory structures on a lot shall share a common architectural theme with the primary structure. Architectural expression shall be consistent in color, materials, and design.

- D. **Building Color.** The building color shall blend into surrounding buildings and the natural environment. The predominant color for most buildings shall be relatively subtle; the natural brick or stone colors of red, gray, and brown shall predominate. Darker or brighter accent colors may be used provided they are not garish or overpowering. Brick, stone, glass, and tile surfaces shall not be painted. All service doors shall be painted to match the building. Window glazing shall be clear or slightly tinted, not dark or reflective. Building color schemes approved by the Village Board shall not be altered without prior approval from Village Staff. Colors shall be harmonious with compatible accents. The color of paint used on trim shall complement the color of walls, character of the building and adjacent structures. The range of colors shall be kept to a minimum.
- E. **Awnings and Canopies.** Awnings and canopies shall be in character with the architectural style of the building. Awnings and canopies shall be positioned at least eight (8) feet above the sidewalk. Awnings shall fit within the frame of the storefront; they shall neither hide the building's façade, distort its proportions, nor cover architectural features. Where several storefronts are developed as a single building, they shall have awnings of the same style and similar color. Adjacent buildings developed at different times shall have awnings of a compatible style and color scheme. Awnings shall be made of canvas or a durable fabric material that can be easily cleaned. Awning frames shall be an accessory to the building façade and not a permanent feature.
- F. **Pedestrian Amenities.** Street furniture (benches, trash receptacles, lighting, walkways, etc.) shall be considered when designing commercial centers and may be required in certain developments. Bicycle racks shall be required for developments. Bicycle racks shall be located near the entrances of buildings, convenient for riders to use.
- G. **Lighting.** LED or metal halide lighting shall be required. Other types of lighting may be reviewed and approved at the discretion of the Village Board, provided the lighting is uniform with and comparable to LED or metal halide in terms of color, temperature, glare, lighting levels, or other specifications. Finishes of fixtures shall be durable and easily maintained, in dark neutral colors. All light bulbs shall be flush with the housing. All lighting shall be designed to minimize glare. All building or pole-mounted lights shall be aimed directly downward only, and floodlights intended to light signage, landscape features, and facades shall be aimed only at those features. See Chapter 17.48 Off-street Parking and Loading for additional lighting requirements.
- H. **Shopping Carts.** Shopping cart corrals shall not have any advertising on them. Shopping cart storage areas shall be inside the building or screened with a wall to match the building.
- I. **Sustainable Designs.** Sustainable, environmentally-friendly, designs are encouraged. These designs may include, but are not limited to, green roofs, electric vehicle charging stations, solar panels, and permeable pavement, and shall be reviewed by Village staff for compliance with local,

state, and federal regulations. All plans shall demonstrate a concern for the conservation of energy by their sensitivity to factors such as the orientation of a building, the use and location of glass and the use of landscape materials on the site.

- J. Refuse Containers. All refuse and recycling containers shall be enclosed with a six (6) foot tall masonry surround to match the building, with latchable solid gates. The materials stored within the enclosure shall not extend above the walls of the enclosure. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from right-of-way with materials harmonious with the building. To the greatest extent practicable, refuse containers shall not be located in front yards or adjacent to any public right-of-way.
- K. Landscaping. Planting islands of shrubs and/or trees, and decorative berms shall be implemented into landscape plans for screening of outdoor areas. Outdoor storage areas shall be screened from adjacent properties and the public right-of-way. This includes outdoor service areas and service yards, and other places in which individuals, patrons or employees tend to congregate. This shall be accomplished by the use of walls, fencing, plantings or combinations of the above. Plants that are noninvasive, hardy, harmonious to the design or intent of the area and of attractive appearance shall be used. Each area in a commercial zoning district for which a landscaping plan is required, which abuts residential property, shall provide screening that has been approved by the Village. Screening shall consist of a solid fence, or wall, not more than six (6) feet in height, or a dense hedge of shrubbery or evergreens, a planted earth berm or a combination of both. Attractive landscape transition to adjoining properties shall be provided; and landscape elements may include plantings and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures. Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed. Parking areas and traffic ways shall be enhanced with landscaped spaces containing trees or tree groupings. Screening shall be of a type that is equally effective in winter and summer.
- L. Parking. Parking shall be provided on the same lot as the principal buildings that require the parking, unless joint parking lots or structures are developed. It is encouraged that parking areas be located to the side or rear of buildings on each lot. Limited visitor or short-term parking may be located in front of the building if necessary, provided such parking is well screened from the right-of-way. The design of parking areas shall minimize conflicts between pedestrian and vehicular circulation. See also Chapter 17.48 Off-street Parking and Loading for more requirements.

Overnight truck and semi-tractor trailer outdoor parking and storage are prohibited. Overnight truck and semi-tractor trailer parking and storage shall be permitted within an enclosed loading dock, garage, or within a walled and gated sight screen enclosure. Said enclosure shall be open to the sky and constructed of the same masonry exterior materials as the principal building and of a height equal to the height of the first floor of the principal building. Temporary overnight parking, not to exceed forty-eight (48) hours, may be permitted for delivery vehicles that arrive after normal business hours.

Vehicles used for the business shall be parked at the rear of the building or in a less prominent location so as not to be used for additional signage and advertising.

- M. Continuing Maintenance Requirements. Even the best initial designs can be compromised by improper and inadequate maintenance. Such maintenance problems decrease property values and provide a negative impact on the whole community. Buildings and appurtenances, including signs, shall be cleaned and painted or repaired as required to present a neat appearance. Deteriorated, worn or damaged portions shall be rebuilt or replaced. Illuminated elements of buildings and signs shall be replaced as required to maintain the effect for which designed. No color, texture, shape or other exterior design feature characteristic approved by the Village shall be modified as a result of maintenance procedures, unless approved by the Village. Landscape materials, other than plantings, which have deteriorated or have been damaged or defaced, shall be properly repaired

or replaced. Plantings should be kept watered, fed, cultivated, and pruned as required to give a healthy and well-groomed appearance during all seasons. Plant materials which have deteriorated or died shall be replaced with healthy plantings. Parking areas should be kept in good repair, properly marked and clear of litter and debris. No landscape design, plant materials, or other exterior design feature characteristic of the site approved by the Village shall be modified as a result of maintenance procedures, unless approved by the Village.

- N. Operations. All business shall be conducted within completely enclosed buildings, except for off-street parking or loading or as otherwise permitted (outdoor dining, outdoor event or similar).
- O. Outdoor Storage. No exterior sales or storage are permitted in front of the building or in the parking lot, including, but not limited to, ice machines and clothing drop boxes. All items stored on the property shall relate to the business (no personal boats, recreational vehicles, no leasing space to others).
- P. Outdoor events/sales – 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.

17.32.060 Performance Standards.

All activities shall conform with Section 17.08.090, Performance standards.

17.32.070 Signage.

All signage shall be subject to the regulations contained in Title 18, Sign Code.

17.32.080 Tents and recreational vehicles.

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

Chapter 17.36 INDUSTRIAL DISTRICTS

17.36.010 Purpose.

The industrial districts set forth herein are established to protect public health, and promote public safety, convenience, comfort, morals, prosperity and the general welfare and to protect the economic base of the Village, as well as the value of real estate by regulating industrial development in appropriate locations. These general objectives include, among others, the following specific objectives:

- A. To establish proper standards of performance that will encourage and permit industrial activities while at the same time ensuring the protection of the health, happiness, safety, convenience, and welfare of people living and working in nearby established residential areas.
- B. To provide adequate space in appropriate locations for most types of industrial and related activities in order to strengthen the economic structure of the community and to provide employment opportunities in the interest of public prosperity and welfare.
- C. To provide more space for industrial activities in locations accessible to highways so the movement of raw materials, finished products, and employees can be carried on efficiently and with minimum danger to public life and property.
- D. To protect industrial districts from incompatible uses of land by prohibiting the use of such space for new residential development, thereby preserving the land for a more appropriate use in accordance with the plans for Village improvement and development.
- E. To promote the most desirable use of land in accordance with a well-considered plan of land use for all of the Village, to conserve the use of property, to promote stability of industrial activities and

related development, to protect the character and established development in each area of the community, and to enhance and stabilize the value of land and to protect the tax base of the Village.

17.36.020 Lot Size and Setback Requirements. See Section 17.12.070, Bulk Chart.

17.36.030 Permitted Uses, See Section 17.16.060, Use Chart.

17.36.040 Accessory Uses, See Chapter 17.20, Accessory Uses and Structures.

17.36.050 Design and Operation Standards.

All industrial buildings within an industrial zoning district shall be constructed pursuant to the following architectural standards:

- A. Building Orientation. The building shall be in scale and compatible with surrounding buildings to maintain the character of the area. Visual interest shall be considered in the site layout. Materials shall be in harmony with adjoining structures. Project features which may have negative impacts upon adjacent properties, such as parking lots, service entrances, loading zones, and mechanical equipment, shall be buffered from the adjacent properties. Generally, however, the building and visitor parking shall be visible and accessible to all from the right-of-way. Variety in roof design is encouraged, with flat, gable, and hip roofs being the most common roof designs.
- B. Building Materials. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those which are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public rights-of-way. Materials shall be of a durable quality. In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious to their surroundings. Use of traditional masonry materials such as brick or stone is encouraged. The amount of EIFS (exterior insulation and finish system) or Dryvit, and standing seam metal should be limited. All projections and mechanical details such as louvers, exposed flashing, flues, vents, gutters and downspouts, are to be recognized as architectural features and are to be treated to match the color of the adjacent surface, or an approved complementary color.
- C. Building Design. Architectural style is not restricted. Evaluation of appearance of a project shall be based on the quality of its design and relationship to its surroundings. Architectural features shall break up the building massing. The use of columns, brick patterns, windows, false windows, medallions, cornices, pilasters, quoins, decorative lighting, and protrusions must provide interest in the building elevations. Clear non-reflective glass should be used for ground floor windows and all windows shall have good proportions and shall be detailed to make them important parts of the total facade. Roofs should be an integral part of the design and overall form of the building design. Parapets should be finished with cornices or other horizontal decoration with no visible flashing. Mechanical equipment or other utility hardware on the roof, ground, or elevations shall, wherever possible, be located so as not to be visible from any public ways or adjacent residential areas. Where such limitation on location is not possible, the facilities shall be screened from public view with materials harmonious with the building. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design. Variation of detail, form, and siting shall be used to provide visual interest. All accessory structures on a lot shall share a common architectural theme with the primary structure. Architectural expression shall be consistent in color, materials, and design.
- D. Building Color. The building color shall blend into surrounding buildings and the natural environment. The predominant color for most buildings shall be relatively subtle; the natural brick or stone colors of red, gray, and brown shall predominate. Darker or brighter accent colors may be used provided they are not garish or overpowering. Brick, stone, glass, and tile surfaces shall not be painted. All service doors shall be painted to match the building. Window glazing shall be clear

or slightly tinted, not dark or reflective. Building color schemes approved by the Village Board shall not be altered without prior approval from the Village Staff. Colors shall be harmonious with compatible accents. The color of paint used on trim shall complement the color of walls, character of the building and adjacent structures. The range of colors shall be kept to a minimum.

- E. Pedestrian Amenities. Bicycle racks shall be required. Bicycle racks shall be located near the entrances of buildings, convenient for riders to use.
- F. Lighting. LED or metal halide lighting shall be required. Other types of lighting may be reviewed and approved at the discretion of the Village Board, provided the lighting is uniform with and comparable to LED or metal halide in terms of color, temperature, glare, lighting levels, or other specifications. Finishes of fixtures shall be durable and easily maintained, in dark neutral colors. All light bulbs shall be flush with the housing. All lighting shall be designed to minimize glare. All building or pole-mounted lights shall be aimed directly downward only, and floodlights intended to light signage, landscape features, and facades shall be aimed only at those features. See Chapter 17.48 Off-street Parking and Loading for additional lighting requirements.
- G. Sustainable Designs. Sustainable, environmentally-friendly designs are encouraged. These designs may include, but are not limited to, green roofs, electric vehicle charging stations, solar panels, and permeable pavement, and shall be reviewed by Village staff for compliance with local, state, and federal regulations. All plans shall demonstrate a concern for the conservation of energy by their sensitivity to factors such as the orientation of a building, the use and location of glass and the use of landscape materials on the site.
- H. Refuse Containers. All refuse and recycling containers shall be enclosed with a six (6) foot tall masonry surround to match the building with latchable solid gates. The materials stored within the enclosure shall not extend above the walls of the enclosure. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways with materials harmonious with the building. To the greatest extent practicable, refuse containers shall not be located in front yards or adjacent to any public right-of-way.
- I. Landscaping. Planting islands of shrubs and/or trees, and decorative berms shall be included in landscape plans. When an industrial use abuts or is across the street from a residential zoning district, adequate screening shall be provided. Outdoor storage areas shall be screened from adjacent properties and the public right-of-way. This includes outdoor service areas and service yards, and other places in which individuals, patrons or employees tend to congregate. Screening shall consist of a solid fence, or wall, a minimum of six (6) feet and not more than eight (8) feet in height, or a dense hedge of shrubbery or evergreens, a planted earth berm or combinations of the foregoing. The front of the building shall be viewable and accessible from the street. Plants that are noninvasive, hardy, harmonious to the design or intent of the area and of attractive appearance shall be used. Each area in the industrial district for which a landscaping plan is required shall provide screening that has been approved by the Village. Attractive landscape transition to adjoining properties shall be provided; and landscape elements may include plantings and vegetation, ground forms, rock groupings and water features. Where natural or existing topographic patterns contribute to the beauty and utility of a development, they shall be preserved and developed. Parking areas and traffic ways shall be enhanced with landscaped spaces containing trees or tree groupings. Screening shall be of a type that is equally effective in winter and summer.
- J. Parking. Parking shall be provided on the same lot as the principal buildings that require the parking, unless joint parking lots or structures are developed. It is encouraged that parking areas be located to the side or rear of buildings on each lot. Limited visitor or short-term parking may be located in front of the building. The design of parking areas shall minimize conflicts between pedestrian and vehicular circulation. See Chapter 17.48 Off-street Parking and Loading for more

requirements.

Overnight truck and semi-tractor trailer parking and storage shall be permitted within an enclosed loading dock, garage, or within a screened and secure enclosure. Said enclosure shall be screened as outlined under the landscaping section above.

Vehicles used for the business shall be parked at the rear of the building or in a less prominent location so as not to be used for additional signage and advertising.

- K. Continuing Maintenance Requirements. Even the best initial designs can be compromised by improper and inadequate maintenance. Such maintenance problems decrease property values and provide a negative impact on the whole community. Buildings and appurtenances, including signs, shall be cleaned and painted or repaired as required to present a neat appearance. Deteriorated, worn or damaged portions shall be rebuilt or replaced. Illuminated elements of buildings and signs shall be replaced as required to maintain the effect for which designed. No color, texture, shape or other exterior design feature characteristic approved by the Village shall be modified as a result of maintenance procedures, unless approved by the Village Board or Staff, as applicable. Landscape materials, other than plantings, which have deteriorated or have been damaged or defaced, shall be properly repaired or replaced. Plantings should be kept watered, fed, cultivated, and pruned as required to give a healthy and well-groomed appearance during all seasons. Plant materials which have deteriorated or died shall be replaced with healthy plantings. Parking areas should be kept in good repair, properly marked and clear of litter and debris. No landscape design, plant materials, or other exterior design feature characteristic of the site approved by the Village shall be modified as a result of maintenance procedures, unless approved by the Village Board or Staff, as applicable.
- L. Operations. All business shall be conducted within completely enclosed buildings, except for off-street parking or loading or as otherwise permitted by this section.
- M. Outdoor Storage. Outdoor storage shall be subject to the following conditions:
 - 1. Principal structure required on lot. Structure shall be related to outdoor storage use.
 - 2. Storage areas shall be screened by a wall, berm, landscaping or fence and shall significantly obscure the view of the material from the public right-of-way and adjoining properties. The wall or fence shall be a minimum of six (6) feet and a maximum of eight (8) feet in height.
 - 3. In no case shall storage on the property exceed ten (10) feet in height, with the exception of the height of trucks or equipment parked on the ground.
 - 4. In no event shall storage exceed fifty percent (50%) of the lot.
 - 5. Outdoor storage shall be subject to a site plan approval.
 - 6. All items stored on the property shall relate to the business (no personal boats, recreational vehicles, no leasing space to others).
 - 7. All vehicles shall be licensed, registered and not abandoned.
 - 8. All items shall be kept in a neat and orderly fashion, with no accumulation of debris.
 - 9. No exterior sales or storage are permitted in front of the building or in the parking lot, including, but not limited to, ice machines and clothing drop boxes.

17.36.060 Performance Standards.

All activities shall conform with Section 17.08.090, Performance standards.

17.36.070 Signage.

All signage shall be subject to the regulations contained in Title 18, Sign Code.

17.36.080 Tents and recreational vehicles.

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

Chapter 17.40 DOWNTOWN BUSINESS DISTRICT

17.40.010 Purpose.

In order to facilitate the public purposes specified in this Chapter and those purposes necessarily related thereto, the corporate authorities of the Village shall have the authority to exercise the following powers in carrying out any redevelopment activities for the downtown business district:

- A. To commission the creation of a Downtown Business District Plan.
- B. To approve all redevelopment proposals for the business district created in the Village pursuant to this Chapter.
- C. To exercise the power of eminent domain for the acquisition of real and personal property for the purpose of implementing a redevelopment plan for such business district or any portion of it or a redevelopment project for which provision is made in such a plan.
- D. To acquire, manage, convey or otherwise dispose of real and personal property according to the provisions of a redevelopment plan.
- E. To apply for and accept capital grants and loans from the United States and the State of Illinois, or any instrumentality of the United States or the state, for business district redevelopment.
- F. To borrow funds as it may be deemed necessary for the purpose of business district redevelopment, and in this connection issue such general obligation or revenue bonds as it shall be deemed necessary, subject to such limitations as the General Assembly of the State of Illinois may hereafter impose pursuant to Article VII of the 1970 Constitution of the State of Illinois.
- G. To enter into contracts with any public or private agency or person for the purpose of business district redevelopment.
- H. To sell, lease, trade, or improve real property in connection with business district redevelopment plans.
- I. To employ all such persons as may be necessary for the planning, administration and implementation of business district plans.
- J. To expend such public funds as may be necessary for the planning, execution and implementation of the business district plans.
- K. To establish by ordinance or resolution procedures for the planning, execution and implementation of business district plans.
- L. To extend assistance to the district's property owners in the form of tax incentives, rebates and waivers of municipal regulatory fees.

17.40.020 Powers and functions.

In implementing the objectives of this Chapter, the corporate authorities may exercise any powers and perform any functions which are incidental to those powers specified in Section 17.40.010, Downtown District Purpose, provided such actions are in accordance with applicable laws and regulations. The Village of Round Lake downtown business district plan shall be utilized as a policy guide for future planning.

17.40.030 Uses and development.

All uses to be established within the downtown business district as part of new development or construction shall be substantially consistent with the Village of Round Lake Downtown Plan 2005 as amended, or any subsequent plan, and allowed and permitted only if authorized as a planned unit development under the

provisions of Chapter 17.44, Planned Unit Developments. For purposes of this Section, the downtown business district means the area shown on the map attached to and incorporated as a part of the Village of Round Lake Downtown Plan 2005 as amended.

Chapter 17.44 PLANNED UNIT DEVELOPMENTS

17.44.010 Purpose.

A planned unit development is a distinct category of special use intended to allow flexibility in the application of the standards of this zoning ordinance based upon procedural protections providing for detailed review of individual significant proposals that are in the public interest and provide a public benefit. Planned unit developments are of such substantially different character from other special uses that specific and separate standards, exceptions and procedures for approval are hereby established to govern the recommendations of the Planning and Zoning Commission and the action of the Village Board.

Through the flexibility of planned unit development review, the Village seeks to achieve the following objectives:

- A. Encourage flexibility, environmental and historical sensitivity, and a creative approach to the use of land and related physical facilities that results in better development and design, including aesthetic amenities, than might otherwise be accomplished under the strict application of other provisions of this Title;
- B. Encourage a combination and coordination of architectural styles, building forms and building relationships, and the facilitation of an effective arrangement of land uses, buildings, structures, circulation systems, parking, utilities and other facilities;
- C. Provide for more usable and suitably located public and private open spaces, recreation areas and facilities, and other public and private amenities than might otherwise be provided under the strict application of other provisions of this Title;
- D. Encourage development that preserves and enhances the natural features, environmental resources, hydrology, and topography of the site, as well as the provision of screening or other facilities that benefit neighboring properties, where appropriate;
- E. Guarantee quality construction commensurate with other developments within the Village, and compatible with the character of the surrounding area and neighboring properties;
- F. Facilitate development that promotes the public health, safety and general welfare, and that is consistent with any land use policies, plans or studies approved or adopted by the Village, and the character of the Village;
- G. Encourage quality construction and design through an efficient application procedure that is sensitive to the need for expeditious development review.

17.44.20 Authorization and applicability.

- A. A planned unit development may be authorized as a special use in any zoning district, but is not authorized for uses involving only a single-family home.
- B. The requirements of the underlying district in which the planned unit development is located shall apply unless exceptions are specifically approved by the ordinance granting or amending the planned unit development as a special use.

17.44.030 General requirements.

- A. The site of the planned unit development shall be under common ownership and/or unified control. If there are two (2) or more owners, the application for the planned unit development shall be jointly filed by all such owners.

- B. There is no minimum size requirement for planned unit developments in any zoning district.

17.44.040 Exceptions from district regulations

- A. The Planning and Zoning Commission may recommend, and the Village Board may grant, exceptions to the district bulk and other regulations in this Title, including but not limited to, use, density, area, bulk, setbacks, off-street parking and loading, and signs, as may be desirable to achieve the objectives of the proposed planned unit development, provided that such exceptions are fully consistent with and authorized by this Chapter. The planned unit development is subject to the underlying district regulations unless such exception is specifically granted. Exceptions from district regulations may be granted, if the Village Board finds that such exceptions:
 - 1. Enhance the overall merit of the planned unit development;
 - 2. Promote the objectives of both the Village and the development;
 - 3. Enhance the quality of the design of the structures and the site plan;
 - 4. Enable the development to offer environmental and pedestrian amenities where applicable;
 - 5. Will not cause such an adverse impact on neighboring properties so as to outweigh the benefits of the development;
 - 6. Are compatible with the land use policies, plans or studies approved or adopted by the Village Board, and with the character of the Village; and
 - 7. Provide a public benefit to the Village, as described in subsection (B) below.
- B. The following design characteristics and amenities are provided as a guide for consideration as to whether to grant an exception to district requirements. The following items are a guide and not an exclusive list of public benefit requirements. Additional design characteristics and amenities not listed may be considered as part of the approval process. One (1) or more of the following may be required as a condition or approval of a planned unit development:
 - 1. Landscaping, buffering or screening within or around the perimeter of the planned unit development that is in addition to the minimum required by this Title;
 - 2. Reduced use of impervious surface materials, including cluster development and use of semi-pervious materials such as pervious pavers and grass-crete;
 - 3. Provision of community, open space and/or recreational amenities;
 - 4. Preservation of environmental or historical features; and
 - 5. Additional public infrastructure improvements in addition to the minimum required by the planned unit development, such as new or repaved streets, installation of gutters and sewers, and traffic control devices to improve traffic flow.

17.44.050 Procedure.

The establishment and authorization of a planned unit development shall follow a four-step procedure, which includes a required pre-application meeting, an optional concept plan consultation, a required preliminary plan, and a required final plan. No plats shall be recorded and no building permit shall be issued until a final plan has been approved.

- A. Pre-application consultation: Prior to the filing of an application for a planned unit development, the applicant shall arrange a pre-application meeting or meetings with the Zoning Administrator and other applicable Village Staff at which the concept plan and/or other information about the proposed planned unit development is presented for staff comment. At the pre-application meeting or meetings the applicant shall provide information as to the location of the proposed planned unit development, the proposed uses, proposed public and private improvements, a list of any known exceptions to this Title, and any other information necessary to clearly explain the planned unit development. The purpose of such pre-application meeting is to make advice and assistance available to the applicant before preparation of the optional concept plan or required preliminary plan, so that the applicant may determine:

Whether the proposed planned unit development appears in general to be in compliance with the provisions of this Title and other applicable regulations.

1. Whether any zoning exceptions are required in connection with the proposed planned unit development.
2. Whether the proposed planned unit development will be in conformity with any land use policies, plans or studies approved or adopted by the Village and the character of the Village.

The pre-application consultation does not require a fee or the filing of a formal planned unit development application.

Any opinions or advice provided by the Zoning Administrator shall be in no way binding with respect to any official action the Planning and Zoning Commission or Village Board may take on the subsequent formal application.

- B. Optional concept plan consultation:

1. Before submitting a formal application for a planned unit development, the applicant may present a conceptual design plan for informal review purposes to the Planning and Zoning Commission and/or Village Board for the purpose of obtaining information and guidance prior to entering into binding commitments or incurring substantial expense. At minimum, the concept plan shall consist of the following:
 - a. A map or maps in general form containing the proposed land uses, the natural features of the development site, the character and approximate location of all roadways and access drives proposed within the planned unit development, the location of all adjacent public streets, thoroughfares, public utilities, and all existing buildings and structures immediately adjacent to the development site, and schematic drawings showing the size, character and disposition of buildings on the site.
 - b. A written statement containing a general explanation of the planned unit development, including a statement of the present ownership of all the land within said development and the expected schedule of construction.
 - c. At the request of the applicant or Zoning Administrator, the Planning and Zoning Commission and/or Village Board shall review the concept plan at a public meeting and provide such information and guidance as it deems appropriate. Any opinions or advice provided by the Planning and Zoning Commission and/or Village Board shall be in no way binding with respect to any official action the Planning and Zoning Commission and/or Village Board may take on the subsequent formal application. The review of the concept plan shall not be a public hearing, and any failure to observe formal procedures shall not affect the ultimate validity of any enabling legislation.

- C. Preliminary Plan:

1. Preliminary plan application requirements: An application for a special use for a planned unit development shall include a preliminary plan and shall be filed with the Zoning Administrator on a form provided by the Village. Every preliminary plan shall include a plat of survey less than one (1) year old, proof of ownership, and such other documentation, plans, elevations, and/or schedules as staff determines are necessary based on the size and nature of the proposed planned unit development. Upon determining that the application is complete, the Zoning Administrator shall notify the applicant and the application shall be scheduled for a public hearing before the Planning and Zoning Commission. If the application is incomplete, the Zoning Administrator shall notify the applicant and no steps shall be taken to process the application until the deficiencies are rectified.
2. Preliminary Plan Procedure:
 - a. Public Hearing by the Planning and Zoning Commission: The Planning and Zoning Commission shall hold a public hearing in accordance with Section 17.60.050 (Hearing on application).
 - b. Notice: Notice of the time and place of the public hearing shall be in accordance with Section 17.60.040 (Notice requirements).
 - c. Recommendation: Except as such time is extended by mutual consent of the Planning and Zoning Commission and an applicant, the Planning and Zoning Commission shall, within ninety (90) days from the date of filing of the complete application, recommend approval, with or without conditions, or denial of the special use for a planned unit development and related preliminary plan, and transmit to the Village Board a written report giving its findings and recommendation for action to be taken by the Village Board on the application. The Planning and Zoning Commission may, upon the request of the applicant and recommendation of the Zoning Administrator, recommend approval of the preliminary plan as the final plan in appropriate cases. The report shall include any recommended conditions or restrictions to be imposed upon the premises benefitted by the planned unit development.
 - d. Decision by the Village Board: The Village Board, within ninety (90) days of receipt of the report of the Planning and Zoning Commission, without further public hearing, shall approve, approve with conditions or deny the special use for a planned unit development and preliminary plan.
 - (1) If the special use for a planned unit development and preliminary plan is denied, the Village Board shall state in writing the reasons for the denial, and such writing shall be filed with the Zoning Administrator and a copy shall be sent to the applicant.
 - (2) If the special use for a planned unit development and preliminary plan and special use is approved, the applicant shall submit a final plan for the planned unit development.

D. Final Plan:

1. Filing of Final Plan: Within one (1) year following the approval of the special use for a planned unit development and preliminary plan the applicant shall file with the Zoning Administrator a final plan containing, in final form, the information required for the preliminary plan. If the planned unit development is to be developed in phases, the applicant need only file a final plan for the first phase of development, as indicated in the development and construction schedule prescribed below. The final plan for the remaining phases shall be filed in accordance with the development and construction schedule as approved by the Village Board.

2. Final Plan Requirements: Every final plan shall be drawn to an appropriate scale and shall, except where deemed unnecessary by the Zoning Administrator based on the particular project, include the following information and documentation:
 - a. Final designation of the location, ground area, height, bulk and exact dimensions of all existing and proposed buildings and structures within the planned unit development.
 - b. A detailed tabulation of each separate land use area, including land and building areas, and where applicable, the total number of residential dwelling units, the number of bedrooms in each unit, and the residential density.
 - c. The use or uses to be made of such existing and proposed buildings or structures.
 - d. The dimensions of all setbacks and the distances between all buildings and structures.
 - e. The final location and dimensions of all pedestrian walkways, driveways, streets, parking and loading facilities, including the number of parking spaces serving each building or land use type, all parking related screening and landscaping, and all dumpsters and dumpster enclosures.
 - f. The exact location and dimensions of any areas to be conveyed, dedicated or reserved for parks, parkways, playgrounds, places of worship, school sites, public buildings, or for any other public or quasi-public use.
 - g. An accurate legal description of the entire zoning lot upon which the planned development is to be located, and a legal description of each separate subdivided parcel, including any areas to be conveyed, dedicated or reserved for public or quasi-public uses.
 - h. All covenants, easements, agreements and other provisions required to govern the use, maintenance and continued protection of the planned unit development, along with an agreement assuring that the applicant, any subsequent owner or, where applicable, a homeowners association shall be responsible for all street, utility and common open space maintenance within said development and for snow plowing and refuse disposal.
 - i. All plats, certificates, seals and signatures required for the dedication or vacation of land and/or the recording of the final site plan.
 - j. If subdivision of the development site is included in the planned unit development, a plat of subdivision shall be prepared suitable for recording with the Lake County Recorder of Deeds. In like manner, if a vacation or dedication of a public street or alley is included, a plat of vacation or dedication shall be prepared.
 - k. A detailed landscape plan based on final architectural decisions indicating the specific location and character of all landscaping, including the size and species of all trees, shrubs, hedges and other groundcover, and the location, size and type of all screening and fencing.
 - l. A detailed utilities and drainage plan based on final architectural decisions indicating the size and location of all water distribution lines, sanitary sewers and storm drainage facilities required to serve the planned unit development and the manner in which surface drainage will be controlled and managed consistent with all applicable Village regulations.
 - m. A development and construction schedule indicating the following:
 - (1) The date when construction of the planned unit development will begin or, if developed in phases, the date when construction of the initial phase will begin.

- (2) If the planned unit development is to be developed in phases, a map indicating the phases in which the planned unit development will be built, the dates when the final plans for all but the initial phase will be filed, and the approximate dates when construction of each subsequent phase will begin.
 - (3) The date when construction of the planned unit development will be completed, and the date when a specific use or uses will be established, or if developed in phases, the date when construction of each phase will be completed, and the date when a specific use or uses will be established for each phase.
- n. Building elevations and schematic design presentations indicating the architectural character of all proposed structures, including building materials, based on final architectural decisions and prepared in detail.
 - o. Detailed drawings and design presentations of all signs to be erected within the planned unit development.
 - p. A detailed exterior lighting plan showing the location, types, height, design and illumination characteristics of all external lighting fixtures within the planned unit development.
 - q. An updated survey or an affidavit of no changes from a previously submitted survey of the planned unit development.
3. Action:
- a. Zoning Administrator Review: The Zoning Administrator shall review the final plan within sixty (60) days from the receipt of the complete final plan and shall take the following actions:
 - (1) Conformance with Preliminary Plan: The Zoning Administrator shall recommend approval of the final plan to the Village Board if it is in substantial compliance with the preliminary plan as approved by the Village Board and all Village regulations. The Zoning Administrator shall certify to the Village Board that the final plan is in substantial conformance with the previously approved preliminary plan. Within sixty (60) days of receipt of the Zoning Administrator's recommendation, the Village Board shall review and act on the final plan.
 - (2) Nonconformance with Preliminary Plan: If the Zoning Administrator finds that the final plan is substantially changed from the approved preliminary plan, or is otherwise not in accordance with Village regulations, then the Zoning Administrator shall recommend to the Village Board that the final plan be denied. If the final plan is held not to be in conformity with the preliminary plan or other Village regulations, the Zoning Administrator shall inform the applicant with regard to specific areas found not to be in compliance, and the applicant may resubmit the final plan to the Zoning Administrator with changes to those areas found not to be in compliance. If the final plan is resubmitted and the Zoning Administrator has determined the final plan to be in substantial compliance with the preliminary plan, the Zoning Administrator shall certify to the Village Board that the final plan is in substantial conformance with the previously approved preliminary plan.
 - b. Decision by the Village Board: Within sixty (60) days of receipt of the Zoning Administrator's recommendation, the Village Board shall review and act to approve or deny the final plan.
 - c. Approval: After the approval of the final plan, the use of the land and the construction, modification or alteration of any buildings or structures within the planned unit development will be governed by the approved final plan and any conditions imposed by the special

use/planned unit development approving ordinance rather than by other provisions of this Title. The approving ordinance granting a special use for a planned unit development shall set forth all the requirements, special conditions and agreements made a part of the planned unit development as reflected in the final plan. The plans and other documents required as part of the final plan shall be attached to and made a part of the approving ordinance granting the special use permit for the planned unit development. The approving planned unit development ordinance shall be recorded with the Lake County Recorder of Deeds at the applicant's cost.

17.44.60 Approval standards for Planned Unit Developments.

An application for approval of a special use for a planned unit development shall be recommended for approval by the Planning and Zoning Commission and approved by the Village Board only if it is demonstrated that at a minimum the development complies with the standards for a special use, as well as the following standards:

- A. Except as modified by and approved in the final plan, the proposed planned unit development complies with the regulations of the district in which it is to be located.
- B. The principal use(s) in the planned unit development is consistent with any land use policies, plans or studies approved or adopted by the Village and the character of the Village.
- C. The proposed planned unit development is in the public interest and is consistent with the purposes and objectives of this Title.
- D. There is provision for adequate utilities, drainage and storm sewers, storm water retention, stormwater detention, off-street parking and loading, pedestrian access and all other necessary facilities within the planned unit development.
- E. The design of the proposed use or uses promotes a safe and comfortable environment for pedestrians and individuals with disabilities.

17.44.70 Changes to approved final plans.

No changes may be made in the approved final plan, except upon application to the Village and approval by the Village Board, according to the following provisions.

- A. Prior to or During Construction: An application for an amendment to an approved final plan prior to or during the construction process shall be submitted on a form provided by the Village to the Zoning Administrator. Once reviewed for completeness, the Zoning Administrator shall determine whether the proposed change constitutes a minor or major change to an approved final plan.
 - 1. Major Changes: Major changes are those changes that substantially affect the basic design, density or bulk of the development. All changes in land use, building height or density, or in the design, density or bulk of the development shall be considered a major change, and must be approved by the Village Board as an amendment to the planned unit development ordinance. The Village Board may, in its discretion, require any major change to be sent to the Planning and Zoning Commission for a public hearing and recommendation prior to Board consideration. Any major changes to the final plan must be recorded, at the applicant's cost, with Lake County Recorder of Deeds as amendments to the planned unit development approving ordinance. Major changes shall include, but are not limited to, the following;

- a. An increase in the gross floor area.
 - b. A change in building height.
 - c. A change in the number of dwelling units.
 - d. Significant changes in building design or the design of the development.
 - e. A reduction in open space or required yards.
 - f. Any reduction in the number of parking spaces.
 - g. An increase of more than four (4) parking spaces.
 - h. A change in the number and/or location of accesses to public streets or alleys.
 - i. A change in excess of one foot (1') in the location of walkways, vehicle circulation ways and parking areas, or exterior building or structure walls.
 - j. A change in the location and arrangement of land uses within the planned unit development as shown on the previously approved final plan.
 - k. A change to the landscape plan that results in a reduction in the net amount of plant material or in development specific required landscaping. Changes to the landscape plan to substitute species shall be considered a minor change and may be approved by the Zoning Administrator.
2. Minor Changes: Minor changes, as required by engineering or other physical site circumstances not foreseen at that time that the final plan was approved, and verified by the Village Engineer, or that do not otherwise fall within the parameters of a major change, may be reviewed and authorized by the Zoning Administrator. If changes are allowed in a final site plan as a minor change, then a new site plan reflecting such changes must be filed with the Village noting the date of the changes.

17.44.80 As-Built drawings.

Upon completion of construction of the planned unit development, a pdf complete set of "as-built" plans shall be submitted to the Zoning Administrator for retention in the Village files.

17.44.90 Revocations and extensions.

No special use permit for a planned unit development shall be valid for a period longer than one (1) year from the date that the ordinance approving a final plan is approved unless a building permit or certificate of occupancy is obtained within such period and the erection or alteration of a building or other structure is started or the use is commenced within such period. The Village Board may grant one (1) extension of this period, valid for no more than six (6) months, upon written application and good cause shown, without notice or hearing. If any special use for a planned unit development is abandoned, or is discontinued for a continuous period of one (1) year, the special use permit for such use shall become void, and such use shall not thereafter be reestablished unless a new special use permit for a planned unit development is obtained. Also, as part of the approval of a planned unit development, the Village Board may permit a longer time limit for development.

17.44.100 Conditions and guarantees.

As part of the approval of any special use for a planned unit development, the Planning and Zoning Commission may recommend, and the Village Board may stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the planned unit development as deemed necessary to guarantee performance of all conditions.

17.44.110 Issuance of building permit.

Building permits may only be issued if the construction work in question is in conformity with the approved final plan and with all other applicable ordinances and regulations.

17.44.120 Enforcement of Planned Unit Development.

- A. The Zoning Administrator shall periodically review all permits issued for the planned unit development in conjunction with the construction that has taken place on the planned unit development site, and compare actual development with the approved development and construction schedule.
- B. If the Zoning Administrator shall find that the applicant has failed to meet the approved development and construction schedule, has failed to construct the planned unit development in conformance with the approved final plans, has failed to comply with any condition or restriction of the approved ordinances related to the planned unit development, or has otherwise failed to conform to the requirements of this Chapter, the Village Code, or as set forth in any approving ordinance or other document related to the planned unit development, the Zoning Administrator shall notify the Village Board in writing. Within thirty (30) days of such notice, the Village Board may, in its discretion, act to revoke the special use for the planned unit development and the land shall revert to the requirements of the existing zoning classification or, for good cause shown by the applicant, the development and construction schedule may be extended in conformance with Section 17.44.090, Revocations and extensions, or applications for major adjustments or other actions to bring the planned unit development into compliance may be allowed.

Chapter 17.48 OFF-STREET PARKING AND LOADING

17.48.010 Purpose

The overall purpose of this Chapter is to ensure the provision of off-street parking and loading areas to support the needs of current, proposed, and future uses of a property.

More specifically, this Chapter seeks to accomplish the following purposes and objectives:

- A. Promote efficient circulation and prevent traffic congestion of the public right-of-way.
- B. Provide adequate screening and landscaping measures for parking and maneuvering areas in a manner that is visually attractive.
- C. Ensure pedestrian-friendly parking areas by providing safe, adequate, and convenient pedestrian routes.
- D. Provide for the accessibility needs and requirements of persons with disabilities.
- E. Allow flexible parking standards to improve circulation, promote community character, and support economic development.
- F. Provide adequate on-site bicycle parking.
- G. Provide adequate on-site vehicle parking.

17.48.020 Applicability

- A. All zoning districts. The provisions for off-street parking and loading specified in this Chapter shall apply to all zoning districts, unless otherwise noted.
- B. Existing structures and land uses. For existing structures and existing land uses, the following provisions shall apply:
 - 1. Upon effective date of this ordinance. The minimum number of parking spaces designated for specific established land uses in existing structures or for structures that have an approved building permit on the effective date of this ordinance shall follow the regulations in effect at the time of permit issuance.
 - 2. Subsequent expansions. If a structure or use of land is enlarged, expanded or changed, there shall be provided and maintained, for the increment of expansion only, at least the amount of off-street parking space that would be required if the increment were a separate structure or new use established or placed into operation after the effective date of this ordinance.
 - 3. Change in land use. Where land uses change in an existing structure, the parking standards for the new land use shall apply.
- C. Existing parking areas. For existing parking areas, the following provisions shall apply:
 - 1. Regular maintenance (such as sealcoating and/or restriping) of parking areas shall not require the parking area to be brought into conformance with the requirements of this Chapter.
 - 2. Parking areas of commercial and industrial uses for which partial reconstruction (such as grind and overlay) is conducted shall provide perimeter landscaping in conformance with the requirements of this Chapter.
 - 3. Parking areas of commercial and industrial uses which are reconstructed to their base and properties where a new building is constructed, shall meet all requirements of this Chapter except in cases where complying with these requirements will reduce the number of parking spaces provided to below what is required by this Chapter, in which case the minimum required number of parking spaces shall be maintained.
- D. New structures. All structures constructed after the effective date of this ordinance shall provide for parking that conforms to the standards of this ordinance.
- E. Exemption. When application of the off-street parking provisions specified in this Chapter results in a requirement of three (3) spaces or less on a single lot in any commercial or industrial district, the standards contained in this Section shall not apply.

17.48.030 General standards for off-street parking

- A. Location. Required parking areas are subject to the following, and must be located off-street and on the same lot as the building or use they are required to serve, unless specified below:
 - 1. Parking areas are permitted encroachments only as indicated in this subsection or as otherwise allowed by this Chapter:
 - a. In commercial and industrial zoning districts and for multiple-family uses:
 - (1) Parking areas may encroach into required side yards and required rear yards provided a minimum ten (10) foot landscape buffer is maintained.
 - (2) Parking areas may encroach into front yards where a minimum front yard setback of twenty-five (25) feet shall be maintained for a landscape buffer.
 - 2. In commercial and industrial zoning districts:
 - a. Parking areas may be provided on the same lot or property being served, or on a separate lot or property, so long as all parking areas located on a separate property are located within 750 feet of a main entrance of the related building or use. The zoning classification of such separate lot or property where the off-street parking areas are located shall not be for single-family residential.

- b. Ten (10) percent of the required parking and no less than five (5) spaces shall be accessible to visitors outside of any fenced in or secured area.
 - c. Clearly identifiable and safe pedestrian paths shall be provided from parking areas to the principal building entrance.
3. Control of off-site parking areas. When required accessory off-street parking areas are provided elsewhere than on the lot on which the principal use served is located, they shall be in the same possession, either by deed or a lease of appropriate length as determined by the Village, as the property occupied by such principal use, and the owner shall be bound by covenants filed of record in the Lake County Recorder of Deeds requiring the owner and his or her heirs and assigns to maintain the required number of parking spaces during the existence of said principal use.
- B. Size. Each required parking space shall provide safe and efficient means of vehicular access and egress to such parking space at all times. Each off-street space shall be marked on the ground to delineate its exact location. The dimensions of all parking spaces and aisles shall be as regulated in this Chapter. A standard parking space shall be at least nine (9) feet in width, and least eighteen (18) feet in length, exclusive of access drives or aisles, ramps, columns, landscaped areas, and work areas, and accessible from streets or driveways. For parallel parking, the length of the parking space shall be increased to twenty-four (24) feet.

Requirements for Aisle Widths

Parking Angle (Degrees)	Aisle Width (Feet)
90	24
75	22
60	18
45	13.5

- C. Access. Except on lots accommodating single-family dwellings, off-street parking spaces shall open directly upon an aisle or driveway at least twelve (12) feet wide to provide safe and efficient means of vehicular access to such parking space.
- 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 district should be provided by a single access and/or access road where feasible. No parking lot driveway or curb cut in any district shall exceed twenty-four (24) feet in width. The Zoning Administrator may, for commercial or industrial uses where a driveway or curb cut of twenty-four (24) feet or less is impractical or is determined to create safety concerns, authorize a wider driveway or curb cut.
- D. Collective Provision. 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 for the uses served.
- E. Shared Parking. An arrangement whereby two (2) or more owners of non-residential properties or uses with different peak-hour parking demands use the same off-street parking spaces to satisfy their off-street parking requirements. The Zoning Administrator may approve shared parking areas in such cases after consideration of the uses, hours of usage, other nearby traffic patterns and uses, and any other relevant considerations. Shared-use arrangements shall be formalized with appropriate legal documents including a written agreement between shared parking facility owners. A copy of any executed shared-use agreement shall be filed with the Village.
- F. Computation. See Section 17.48.060, Required Off-street Parking Spaces.
- G. Utilization. Except where a special use has granted such authority, required off-street parking areas shall be solely for the parking of vehicles in operating condition and for the parking of passenger vehicles of patrons, occupants or employees of such uses.

H. Design and Maintenance.

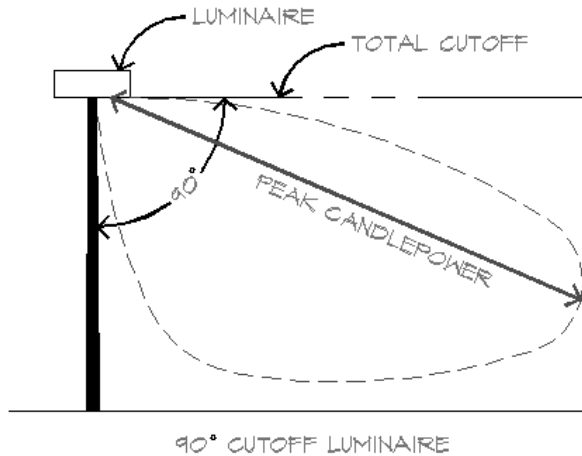
1. Plan. The design of parking areas shall be subject to the approval of the Zoning Administrator, in accordance with the requirements of this Chapter, and no building permit involving redevelopment of a parcel or parking area shall be approved unless there is included a plan showing the location of off-street parking.
2. Character. Accessory parking spaces may be open to the sky or enclosed in a parking structure.
3. Surfacing. All off-street parking spaces, drives and aisles or lanes accessory to any building, structure or use, shall be improved in conformance with engineering standards adopted by the Village from time to time.
4. All parking lot areas shall be paved and maintained at all times in a broom clean condition without potholes, broken curbing or other surface irregularities. All wheel stops shall be in proper locations and functioning. Pavement striping shall be maintained and visible at all times for required parking spaces and ADA spaces. All required signage shall be installed and maintained. All illumination shall be maintained in a safe and functioning condition. All required landscape islands, buffers and screening shall be in a flourishing condition, appropriately pruned and with dead materials replaced.

I. Screening and Landscaping.

1. All parking and loading areas, including any associated mechanical equipment shall be properly screened and landscaped as listed below, except as otherwise authorized in this subsection.
2. The Zoning Administrator shall have the authority to allow alternate landscape materials to those specified in this subsection upon finding that specified materials are not available for installation or where there otherwise exists a unique circumstance or particular hardship. Also, in allowing for alternative landscape materials the Zoning Administrator shall find that such landscape materials will provide equivalent or better aesthetic character and effective screening as required by this chapter.
3. General parking lot landscaping:
 - a. A landscaped planting strip of ten (10) feet is required between the property line and the area devoted to parking.
 - b. The landscaping shall include, to the extent necessary, ground cover, shrubs, hedges, ornamental trees and grasses, perennials, decorative walls, or fencing as listed below.
 - c. All landscaping shall be permanently maintained in good condition, satisfactory to the Village, with at least the same quality and quantity of landscaping as initially approved. In the event that landscaping should die, the property owner shall replace landscaping in a timely fashion, taking into consideration the season of the year.
 - d. At the time of installation, landscaped materials shall be of the following sizes:
 - (1) Two and one-half (2.5) inches diameter at breast height for deciduous shade trees.
 - (2) Six (6) feet tall for evergreen trees and ornamental trees.
 - (3) Twenty-four (24) inch shrubs.
 - (4) Gallon-sized perennials.
4. Interior parking lot landscaping
 - a. Landscaping must be dispersed throughout the parking area. A portion of the required landscaping may be located so as to provide screening of loading areas.

- b. A landscaped island with at least one (1) tree shall be required at the end of all parking rows. The island shall be large enough to support the required landscaping, generally the size of the parking space.
 - c. A landscaped island with at least one (1) tree shall be installed and maintained a minimum of every twenty (20) parking spaces in parking lots with over 100 spaces.
 - d. For every three (3) double bays of parking in a parking area, an intermediate parking lot island a minimum of ten (10) feet wide shall be installed between two (2) of those parking rows for the length of said parking rows, and serve as a safe pedestrian connection leading toward the main entrance of the principal use.
 - e. A minimum of one (1) shade tree must be provided for every parking lot island or landscaped area. In addition to the required shade trees, a minimum of seventy-five (75) percent of every parking lot island or landscaped area must be planted in live groundcover, shrubs, perennials, or ornamental grasses.
5. Perimeter parking lot landscaping
- a. Frontage along the entirety of any parking or loading area adjacent to any public or private street shall be landscaped and protected so as to separate and screen any parking area from the adjacent streets or residential uses.
 - b. Fencing may be provided, in addition to landscaping for parking areas having common property lines with residential uses.
 - c. A minimum ten (10)-foot wide, landscaped area with a continuous three (3) foot high row of shrubs or hedges must be provided between the property line and parking area. Plantings shall be no less than three (3) feet tall within two (2) years of planting.
 - d. The use of earth sculpting or berms may contribute to screening requirements, provided these are designed in any area of enough size so as to avoid erosion, drainage or maintenance problems.
 - e. Existing vegetation which meets, in whole or in part, the purposes of perimeter landscaping above may be applied toward requirements.
6. Transitional screening requirements
- All parking areas adjacent to residential land uses shall install and maintain a 100 percent screen along all lot lines adjacent to such residential use. Except as otherwise provided, it shall have a total height at the time of installation of not less than six (6) feet. A screen shall consist of one or more of the following types or as otherwise approved by the Zoning Administrator:
- a. Plants: Plant materials, when used as a screen, shall consist of dense evergreen plants and any mixture of plant materials as the Zoning Administrator directs, in order to adequately shield adjacent residences from lights, noises, or other potential adverse impacts. The Zoning Administrator may require that additional plantings be installed if, two (2) years after installation, plant materials have not formed a 100 percent screen or such a screen is not maintained.
 - b. Fencing: Fencing type and location shall be as allowed by this Title, or in the case of a special use or planned unit development, as approved by the Village Board upon recommendation from the Planning and Zoning Commission.
- J. Pedestrian access
- 1. All walkways must meet ADA accessibility requirements.
 - 2. All parking lots must include walkways that provide direct connections to building entrances from the spaces furthest from the entrance. At least one (1) walkway must provide a direct connection between the building entrances and the adjacent public rights-of-way and associated sidewalk.

3. All pedestrian walkways must be clearly marked with high-visibility striping, through the use of alternative materials, such as pavers. Where walkways cross a drive aisle, the walkway must have a continuous surface treatment across the drive aisle.
- K. Lighting or other equipment. Any lighting used to illuminate off-street parking areas shall be directed or shielded away from residential properties and public streets such that the light source is not visible from the property line (so as to eliminate glare). In no case shall lighting exceed one (1) foot candle measured at the property line. No lighting used to illuminate off-street parking areas shall create a nuisance. All lighting shall be approved by the Zoning Administrator.
1. All lighting should minimize glare by using recessed, shielded or cut off fixtures, with a cut off angle of ninety (90) degrees or less as shown below.



2. Mounting height should be between 15 to 25 feet depending on the size of the parking lot, the existing height in adjacent parking lots and the lighting need.
 3. Photometrics shall be designed using standards from Illuminating Engineering Society of North America standards and Dark Sky International.
- L. Restrictions.
1. Vehicle repair. Parking areas shall not be used for the repair, dismantling or servicing of any vehicles, equipment, materials or supplies.
 2. Inoperable vehicles. Inoperable vehicles shall not be parked or stored in any unenclosed parking areas or other portion of a property.
 3. Loudspeaker systems are not permitted, with the exception of speakers for drive-throughs.
- M. Curbs and Wheel Guards. Curb and gutter is preferred; however, wheel guards or bumper guards may be utilized so long as no part of parked vehicles will extend beyond the property line or greater than two (2) feet into the landscaped planting strip where required. Any concrete wheel guards or bumper guards shall be permanently secured to the finished surface of the parking area. Breaks in the curbs to facilitate drainage may be authorized by the Director of Public Works.
- N. Signs. Signs shall follow Title 18, Sign Code.

- O. Cross-access between adjacent lots. Where parking lots for separate uses are adjacent to one another and the opportunity for connected cross-access exists, such access is encouraged. Cross-access should be done in a logical manner that results in safe and efficient circulation between adjacent parking areas.
- P. Bicycle parking.
 - 1. All nonresidential developments which provide automobile parking facilities shall provide bicycle parking facilities (bike racks) at a ratio of at least one (1) bicycle parking space for every ten (10) automobile parking spaces.
 - 2. Multi-family developments shall provide interior bicycle parking facilities for building residents at a ratio of at least one (1) bicycle parking space for every three (3) dwelling units.
 - 3. No development, except a one- or two-family development, shall have fewer than two (2) bicycle/moped parking spaces nor be required to exceed ten (10) such spaces.
 - 4. Bicycle parking facilities shall be located within a maximum distance of fifty (50) feet from the building entrance, or shall be located at least as close as the closest automobile space.
- Q. Accessible parking. All off-street parking areas must comply with the ADA concerning the number and design of accessible vehicle parking spaces required in parking lots and structures.

17.48.040 Use of residential parking area.

The parking and storage of trucks, trailers and commercial vehicles having any plate, other than those displaying Class B license plates in accordance with Chapter 3 of the Illinois Vehicle Code (625 ILCS 5/3 *et al.*, Certificates of Title and Registration of Vehicles), are prohibited on private parking areas accessory to residential uses or in any residential district. However, owners or operators of tow trucks, or trailers that have Illinois registration classification "TA" or "TB" may be exempted from this requirement if they submit evidence satisfactory to the Village that the vehicle's weight is less than eight thousand (8,000) pounds. No more than one (1) truck displaying a Class B license plate and no more than one (1) single or tandem axle trailer for towing by a vehicle having a Class B license plate may be parked on a property in a residential district. Parking and use of trucks or other vehicles, whether on private or public property, shall conform with regulations concerning parking and use of commercial vehicles in residential areas as delineated in this Code or any other Village ordinance, including the establishment of load limits upon the streets of the Village. Parking of vehicles on other than an approved surface is prohibited.

The provision of this Section shall apply regardless of the state in which the vehicle is licensed. In cases where the vehicle is registered in a state other than Illinois, the equivalent state of Illinois licensing requirements to the state where the vehicle is licensed shall be applied.

The parking of trucks, trailers or other vehicles prohibited under this section shall be permitted, if the trucks, trailer or other vehicle is being temporarily used in conjunction with a service, delivery or pick up actually being rendered for the benefit of a residence or property in any residential zoning district.

17.48.050 Repair of vehicles in residential zoning districts.

The repair or servicing of automobiles, trucks, or other motorized vehicles shall be prohibited in any residential zoning district, except as provided in this section:

- A. The vehicle is owned by a resident of the property;
- B. The repair or servicing is conducted by a resident of the property, and provided that all major vehicle repair or servicing shall be conducted entirely within an enclosed building or structure upon the property;
- C. The repair or servicing shall not create a fire, health or explosion hazard, emit noxious fumes, offensive odors, excessive noise, smoke, vibration, dust, glare, visual nuisances or other objectionable pollution factors.

- D. Nothing contained in this section shall prohibit authorized emergency vehicles from performing emergency road service including, but not limited to, the starting of vehicles, the charging of batteries of vehicles, the changing of tires, fan belt replacement, and/or the installation of a new window.

17.48.060 Required off-street parking spaces.

- A. General requirements. Off-street parking spaces shall be provided for all uses listed below in at least the minimum amounts specified. All references to square feet are calculated as gross square feet of building floor area.
- B. Calculation. When determination of the number of off-street parking spaces required by this Chapter results in a requirement of a 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.
- C. Reductions. The minimum number of parking spaces may be reduced if ride share pickup/drop off space is provided or if bicycle parking is provided in accordance with anticipated demand. The request for a reduction of parking spaces shall be reviewed and approved by the Village Board as part of a zoning petition or by the Zoning Administrator if not part of a zoning petition.
- D. Mixed uses. When two (2) or more uses are located on the same lot or within the same building, parking spaces equal in number to the sum of the separate requirements for each such use shall be provided. No parking space or portion thereof shall serve as a required space for more than one (1) use unless otherwise authorized by the Zoning Administrator.
- E. Electric Vehicle Charging Stations. Electric vehicle charging stations shall be counted as required parking spaces. See 17.20.030 G for regulations regarding EV stations.

Off-street parking ratio requirements

LAND USE	PARKING REQUIRED
Residential Uses	
Dwelling, single-family and two-family	2 spaces per dwelling unit
Visitor parking for two-family dwellings	0.15 spaces per dwelling unit
Dwelling, multi-family	1.25 spaces per dwelling unit
Visitor parking for multi-family dwellings	0.15 spaces per dwelling unit with a minimum of 2 spaces
Mobile home park	1.5 spaces per dwelling unit
Community residence or transitional treatment facility	1.25 spaces for each sleeping room
Senior living, all levels of care	1 space for each sleeping room
Business Uses	

Arts studio, workspace or teaching	4 spaces per 1,000 square feet of total floor area
Automobile and/or truck rental or sales	2.5 spaces per 1,000 square feet of sales and office area
Automobile and/or truck repair	4 spaces per service bay plus 2.5 per 1,000 square feet of office area
Banks and financial institutions	2 spaces per 1,000 square feet of total floor area
Banquet hall	1 space per 3 persons of capacity
Car Wash	3 spaces per individual wash bay plus 1 space for every 2 vacuums
Daycare Centers	2.5 spaces per 1,000 square feet of total floor area
Funeral homes	2.5 spaces per 1,000 square feet of office area plus 1 space per 3-person design capacity in chapel areas
Motor vehicle service or gas stations	4 spaces per 1,000 square feet of any building/office/retail space. One-half the number of gas pumps may be counted as parking spaces.
Restaurants	10 spaces per 1,000 square feet for all restaurant types, except for carry out only, which is 4 spaces per 1,000 square feet of total floor area
Retail	4 spaces per 1,000 square feet of total floor area
Hotel/Motel	1 space per guestroom plus spaces required for any banquet, office, meeting, or other accessory spaces.
Kennel	3 spaces per 1,000 square feet of total floor area
Cannabis dispensary	4 spaces per 1,000 square feet of total floor area
Medical and dental clinics	4 spaces per 1,000 square feet of total floor area
Offices, Professional and Business	3 spaces per 1,000 square feet of total floor area
Personal services	3 spaces per 1,000 square feet of total floor area
Public, Cultural, Recreation, and Other Institutional Uses	
Assembly/meeting halls	1 space per 3 persons of capacity
Country club	1 space per 3 persons of capacity
Golf course	40 spaces per each nine holes, plus additional parking spaces as applicable to any accessory retail, service or banquet area.

Government buildings and facilities	3 spaces per 1,000 square feet of total floor area
Hospitals	1 space per bed plus 4 spaces per 1,000 square feet of administrative office plus additional spaces as required per labs, clinics, or other accessory uses.
Indoor athletic facilities	5 spaces per 1,000 square feet of total floor area
Indoor entertainment and amusement facilities	1 space per 3 seats, game stations, or other unit so determined by the Zoning Administrator, plus parking for restaurants or other accessory uses.
Museum or cultural facility	2.5 spaces per 1,000 square feet of total floor area
Recreational facilities	1 space per 4 persons of capacity plus 1 space per employee or 3 spaces per 1,000 square feet
Park	1 space per 3 persons of design capacity for intended uses (courts, sports fields, playgrounds, etc.
Religious Institutions	1 space per 3 seats (fixed seating or seating capacity) in main assembly area
Schools (Public, non-profit or private)	0.4 spaces per total students, faculty and staff
Manufacturing Uses	
Manufacturing	2 spaces per 1,000 square feet (any office area calculated at 3 spaces per 1,000 square feet)
Research and development facilities	2 spaces per 1,000 square feet
Warehousing	1 space per 1,000 square feet (any office area calculated at 3 spaces per 1,000 square feet)

17.48.070 Drive-through stacking.

- A. Required spaces. Every drive-through establishment, constructed after the effective date of this ordinance, shall provide a minimum of five (5) stacking spaces, unless otherwise authorized by this article or determined by the Village Board as part of a special use review.
- B. Design and layout.
 1. The stacking spaces shall be designed so as not to interfere with the ingress and egress to the off-street parking, traffic circulation on- or off-site, and traffic visibility.
 2. Drive-through facilities shall not be located in the front of the principal building and the maneuvering space shall be provided in the side or rear yard.
 3. Drive-through establishments shall provide a bypass lane in a width and configuration approved by the Village engineer.

4. Stacking spaces should be separated from pedestrian paths or marked with signs to indicate such paths to drivers and requirement to yield to pedestrians.

17.48.080 Off-street loading—general requirements.

A. General standards.

1. The same standards as off-street parking shall apply, unless otherwise stated herein.
2. Description. An off-street loading berth shall be a hard-surfaced area of land, open or enclosed, other than a street or a public way, used principally for the standing, loading or unloading of motor trucks, tractors and trailers so as to avoid undue interference with the public use of streets and alleys. A required loading space shall be at least twelve (12) feet in width, at least fifty-five (55) feet in length, and sixteen (16) feet in height, exclusive of access aisles and maneuvering space.
3. Location. No permitted or required loading berth shall be located along the front of any building except where location elsewhere is impractical and location along the front of the building is specifically authorized by the Planning and Zoning Commission. No berth shall be closer than fifty (50) feet to any property or street in a residential district unless completely enclosed by building walls, or a uniformly painted solid fence or wall, or any combination thereof not less than six (6) feet in height. No permitted or required loading berth shall be located within thirty (30) feet of the nearest point of intersection of any two (2) streets. Loading berths open to the sky may be located in any required yard, preferably not the front yard.
4. Access. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements and which, where applicable, shall be subject to approval through the site plan review process. Loading docks and/or overhead doors that may require the backing up of a vehicle within a public right-of-way must be specifically approved through a zoning petition by the Planning and Zoning Commission and Village Board or by a building permit issued by the Zoning Administrator. Such conditions should be limited to streets that are interior local streets to an industrial district and should not be oriented to collector or arterial streets or streets that are directly connected to streets in a residential district. The appearance of these facilities shall be enhanced with specific elements or architecture, lighting and landscaping to provide compatible conditions with the streetscape in the industrial area.
5. Receiving facilities. Uses for which off-street loading facilities are required by this Chapter, but which are located in buildings of less floor area than the minimum prescribed for such required facilities, or may be reasonably expected to receive or distribute goods, shall be provided with adequate receiving facilities off any adjacent alley, service drive or open space on the same lot which is accessible by motor vehicle, as shall be determined through the site plan review process.
6. Utilization. Space allocated to any off-street loading facility shall not be used to satisfy the requirement for any off-street parking area or portion thereof.
7. Off-street loading and unloading facilities. In all districts where property uses include the loading and unloading of materials or merchandise from vehicles, off-street loading and unloading facilities shall be provided in accordance with the following requirements.

B. Schedule of loading spaces.

1. The minimum number of off-street loading spaces required shall be based on the Gross Floor Area of the associated structure in keeping with the table below:

Gross Floor Area of Establishments (square feet)	Required Number of Loading Berths
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0 to 5,000 square feet	0
5,001 SF to 50,000 square feet	1
50,001 to 100,000 square feet	2
For each additional 100,000 square feet	1 additional

Chapter 17.52 NONCONFORMING STRUCTURES, LOTS AND USES

17.52.010 Statement of purposes.

This Title establishes separate zoning districts, each of which has been determined to be 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 structures, lots 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 Chapter is to provide for the regulation of nonconforming buildings, structures, lots and uses and to specify those circumstances and conditions under which those nonconforming buildings, structures, lots and uses shall be permitted to continue.

17.52.020 General standards of applicability.

- A. Authority to continue. Any nonconforming structure, lot or use which existed lawfully on the effective date of this ordinance or its subsequent amendments and which remains nonconforming, may be continued subject to the regulations which follow so long as it remains otherwise lawful. A structure, lot or use that is illegal at the time of the effective date of this ordinance, remains illegal if it does not conform with each and every requirement of this ordinance.
- B. Burden on property owner to establish legality. In all cases, the burden of establishing the legality of a nonconformity under the provisions of this Title shall be upon the property owner of the nonconforming building, structure, lot or use.
- C. Safety regulations. All police power regulations enacted to promote public health, safety, convenience, comfort and general welfare including, but not limited to, all building, fire and health codes shall apply to nonconforming buildings and structures.

17.52.030 Nonconforming use.

- A. Ordinary repairs and maintenance. Normal maintenance and incidental repair may be performed on any structure that is devoted in whole or in part to a nonconforming use, provided it will not create any new nonconformity, increase the degree of nonconformity or increase the bulk of the structure in any manner.
- B. Structural alterations. No structural alterations shall be performed on any structure devoted to a nonconforming use, except in the following situations:
 - 1. When the alteration is required by law or is necessary to restore the structure to a safe condition upon the order of any official charged with protecting the public safety.
 - 2. When the alteration is for the purpose of bringing about a conforming use.
 - 3. When the alteration will not create any new nonconformity, increase the degree of any existing nonconformity or increase the bulk of the structure in any manner.

4. When the alteration is for the purpose of improving livability of a dwelling unit, provided that there are no increases in the number of dwelling units or the bulk of the building.
- C. Expansion of use. A nonconforming use of land or a structure shall not be expanded, extended, enlarged or increased in intensity. Such prohibited activity shall include, without limitation:
1. Expansion of any structure devoted entirely to a nonconforming use.
 2. An expansion, extension or relocation of a use or its accessory uses to any land area or structure not currently occupied by such nonconforming use.
 3. An expansion, extension or relocation of such use, including its accessory uses, within a structure, to any portion of the floor area that was not occupied by such nonconforming use.
 4. An expansion or extension into any required yards or open space.
 5. An increase in the number of dwelling units in a nonconforming residential use.
- D. Relocation. A nonconforming use of land or a structure shall not be relocated, in whole or in part, to any other location on the same lot or parcel. The nonconforming use may only be relocated to another lot or parcel if the use conforms to all regulations of the zoning district in which it is relocated, including all use regulations.
- E. Change of use. A nonconforming use shall not be changed to any use other than one allowed within the zoning district in which it is located. When such a nonconforming use has been changed, in whole or in part, to an allowed use, the whole or part which has been made to conform may not be changed back to a use that is prohibited. A change of use shall be deemed to occur when an existing nonconforming use has been terminated and another use has commenced. Any change in use in violation of this Ordinance shall be deemed an abandonment of the previously existing lawful nonconforming use.
- F. Discontinuation or abandonment. If a nonconforming use is discontinued, or the structure that it occupies becomes vacant and/or remains unoccupied by the occupants who operated the nonconforming use for a continuous period of six (6) months, such use at the location shall be deemed to be abandoned and shall not be reestablished or resumed regardless of the intent to resume or to continue the use. Any subsequent use or occupancy of such land or structure shall comply with all regulations of the zoning district in which such land or structure is located. The period of such discontinuance caused by government action or acts of God shall not be included in calculating the length of discontinuance for this section.
- G. Damage or Destruction.
1. In the event that any structure and/or property that is devoted in whole or in part to a nonconforming use is damaged or destroyed to the extent of fifty percent (50%) or more of its replacement value at that time, then the nonconforming use cannot be continued unless the structure conforms to all regulations of the zoning district in which it is located.
 2. In the event that any structure and/or property that is devoted in whole or in part to a nonconforming use is damaged or destroyed to the extent of less than fifty percent (50%) of the replacement value at that time, the structure and/or property may be repaired, reconstructed or restored and the nonconforming use continued, provided that no new nonconformities are created and that the existing degree of nonconformity is not increased. A building permit must be obtained for such rebuilding, restoration, repair or reconstruction within

one (1) year of the date of damage or destruction, and construction shall be completed within one (1) year of issuance of the building permit.

3. The replacement value of the structure and/or property, which is devoted in whole or in part to a nonconforming use, shall be based on: 1) the sale of that structure and/or property within the previous year or, if that is not applicable; 2) an appraisal within the last two (2) years or, if that is not available; 3) the amount for which structure and/or property was insured prior to the date of damage or destruction or, if that is not available; 4) an alternative method determined acceptable by the Village.
4. In the event that the permit is not obtained within one (1) year from the date of damage or destruction, or that repairs or restoration are not completed within one (1) year of the issuance of the building permit, then the nonconforming use shall not be continued.

17.52.040 Nonconforming structures.

- A. Ordinary repairs and maintenance. Normal maintenance and incidental repair may be performed on any nonconforming structure. No repairs or reconstruction shall be made that would create any new nonconformity, increase the degree of any previously existing nonconformity, or increase the bulk of the structure in any manner.
- B. Structural alterations. No structural alterations shall be performed on any nonconforming structure, except in the following situations:
 1. When the alteration is required by law or is necessary to restore the structure to a safe condition upon the order of any official charged with protecting the public safety.
 2. When the alteration will result in eliminating the nonconformity.
 3. When the alteration will not create any new nonconformity or increase the degree of any existing nonconformity.
- C. Additions and enlargements. A structure that is nonconforming with respect to its bulk shall not be added to or enlarged.
- D. Relocation. A nonconforming structure shall not be relocated, in whole or in part, to any other location on the same zoning lot or parcel. A nonconforming structure may be relocated to another zoning lot or parcel if the structure conforms to all regulations of the zoning district in which it is relocated.
- E. Damage or destruction.
 1. In the event that any nonconforming structure is damaged or destroyed to the extent of fifty percent (50%) or more of its replacement value at that time, then the nonconforming structure, as restored or repaired, shall comply with all regulations of the zoning district in which it is located.
 2. When any structure is damaged or destroyed to the extent of less than fifty percent (50%) of the replacement value at that time, it may be repaired and reconstructed provided that no new nonconformities are created and that the existing degree of nonconformity is not increased. A building permit shall be obtained for such rebuilding, restoration, repair or reconstruction within

one (1) year of the date of damage or destruction, and the construction shall be completed within one (1) year of issuance of the building permit.

3. The replacement value of the structure shall be based on: 1) the sale of that structure within the previous year or, if that is not applicable; 2) an appraisal within the last two (2) years or, if that is not available; 3) the amount for which the structure or property was insured prior to the date of the damage or destruction or, if that is not available; 4) an alternative method determined acceptable by the Village.
4. In the event that the building permit is not obtained within one (1) year, or that repairs are not completed within one (1) year of the issuance of the building permit, then the structure shall not be restored unless it conforms to all regulations of the district in which it is located.

17.52.050 Nonconforming lots of record.

- A. Individual lots of record. Any single legal nonconforming lot of record that does not meet the requirements for minimum lot width and area may be used for a permitted use provided that yards are not less than seventy-five percent (75%) of the minimum required dimensions or areas.
- B. Lots of record owned by related parties.
 1. If two (2) or more contiguous lots of record are held in common ownership or owned or controlled by related parties and one (1) or more of the lots does not meet the requirements for lot area or lot width as established by this Title, then the lots of record shall be considered to be a single undivided parcel for purposes of this Title.
 2. No portion of the parcel shall be used, transferred or conveyed which does not meet the lot width and lot area requirements established by this Title. No division of the parcel shall be made which leaves the remaining lot(s) with lot width or lot area below the requirements of this Title. No building permit shall be issued for the use of any lot, or portion of a lot, transferred or conveyed in violation of this Section.

Chapter 17.56 ADMINISTRATION

17.56.010 Zoning Administrator.

The Director of Economic and Community Development shall be the Zoning Administrator. The Zoning Administrator shall be responsible for the interpretation and enforcement of the Zoning Ordinance.

17.56.020 Planning and Zoning Commission.

Refer to Title 2, Administration and Personnel, of this Code.

17.56.030 Building permit.

No structure shall hereafter be erected or structurally altered until a building permit has been issued by the Zoning Administrator or designee stating that the structure and use of land comply with the regulations of this Chapter and all building, health laws and ordinances of the Village.

All applications for building permits shall be submitted in accordance with Title 15, Buildings and Construction, of this Code. A careful record of such applications and plats shall be kept with the Village.

17.56.040 Certificate of occupancy.

No structure hereafter erected or structurally altered, or use that has a change of ownership or tenant for a commercial or industrial building, or change of tenant for a residential rental, shall be occupied and used until the Zoning Administrator or their designee has issued a certificate of occupancy. The certificate of occupancy shall be issued only after the Zoning Administrator makes a finding that the structure has been erected or structurally altered in conformance with the provisions of this Chapter and other health and building laws and in accordance with a building permit.

Application for a certificate of occupancy shall be coincident with the application for a building permit. Every application for a certificate of occupancy for a new use of land where no building permit is required shall be made directly to the Zoning Administrator. A record of all certificates shall be kept on file with the Village.

17.56.050 Issuance of certificate of occupancy; temporary certificates.

The certificate of occupancy shall be issued or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, not later than fourteen (14) days after the building inspector and/or Zoning Administrator is notified in writing that the building or premises are ready for occupancy. Pending the issuance of regular certificate of occupancy, a temporary certificate may be issued to be valid for a period not to exceed six (6) months from its date during the completion of any addition or during partial occupancy of the premises.

17.56.060 Site plan approvals.

Review of site plans for compliance with the requirements of this Title shall be performed by Village staff.

17.56.070 Changes to approved plans.

Any material changes made to Village approved plans must be submitted to the Village for review and approval.

Chapter 17.60 PUBLIC HEARING PROCEDURE

17.60.010 Purpose.

The following procedure shall be used for requests for a variation, special use, planned unit development, text amendment and map amendment petitions. Additional information specific to each of those requests can be found under the section specific to those requests.

17.60.020 Application

An application for a variation, special use, planned unit development, text amendment or map amendment shall be filed in writing with the Zoning Administrator on a form prescribed by the Zoning Administrator. The application shall be accompanied by such plans and/or data prescribed by the Planning and Zoning Commission and Zoning Administrator. For application requirements related to planned unit developments, see Chapter 17.44 Planned Unit Developments.

The Zoning Administrator shall determine whether the application is complete. Complete applications shall be forwarded to the Planning and Zoning Commission with a request to review the application and accompanying data, conduct a public hearing thereon where required, and submit written findings of fact and recommendations thereon to the Village Board. If the application is incomplete, the Zoning Administrator shall notify the applicant and no steps shall be taken to process the application until the deficiencies are rectified.

17.60.030 Initiation of application

Petitions may be proposed by any governmental body, or by any person or organization 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, and which is specifically enforceable.

17.60.040 Notice requirements

- A. Published notice. For all applications that require a public hearing, the applicant shall publish notice in a newspaper published in the Village, or if no newspaper is published in the Village, in a newspaper of general circulation within the Village. The notice shall include the date, time, place and purpose of such hearing, the name of the applicant, and the address and property index number of the subject property, as well as a brief statement of the zoning relief sought. Such notice shall be published no less than fifteen (15) days, nor more than thirty (30) days, in advance of the scheduled hearing date. The applicant shall provide the Village with a certificate of publication evidencing publication in conformance with this subsection.
- B. Mailed notice. All public hearings for variances, special uses, planned unit developments and map amendments require written notice, on forms provided by the Zoning Administrator, to be mailed by the applicant no less than fifteen (15), but not more than thirty (30), days prior to the public hearing to the owners/occupants and taxpayers of record as shown in the on-line records of the Lake County Treasurer, of all properties located within two hundred fifty (250) feet from each of the property lines of the subject property. The notice shall include the date, time, place and purpose of such hearing, the name of the applicant, and the address and property index number of the subject property, as well as a brief statement of the zoning relief sought. The applicant shall provide the Village with an affidavit stating that notice was mailed in conformance with this subsection.
- C. Posted sign notices. The applicant shall post a sign on the subject property for all public hearings for variances, special uses, planned unit developments, and map amendments in accordance with the following provisions:
 1. Location and time period for posting signs. The required posting period shall be no less than fifteen (15) consecutive days, but no more than thirty (30) days, prior to the public hearing (excluding the day of the hearing from this period). The sign shall be posted at a prominent location on the property, near the sidewalk or public right-of-way so that it is visible to passing pedestrians and motorists. Properties with more than one (1) street frontage shall be required to post one (1) sign visible from each street frontage. Where multiple contiguous properties or areas are the subject of a proposed map amendment, signs need not be posted on each individual property, but instead may be posted at points of entry and other prominent locations within the perimeter of the area or as otherwise deemed necessary by the Zoning Administrator.
 2. Responsibility for posting signs. The Village shall provide and the applicant shall erect the sign on the property. The applicant must maintain the sign during the required period.
 3. Failure to post. Where signs are compromised due to vandalism, weather, accidental damage, removal by third parties, or for other reasons, it shall not constitute grounds for suspension or continuance of the approval process or otherwise act to invalidate any action taken.
 4. Removal. Posted notices shall be removed by the applicant from the subject property within fifteen (15) days after the public hearing has been held.

17.60.050 Hearing on application

Within forty-five (45) days of receipt of any complete application, the Planning and Zoning Commission shall hold a public hearing on the application, at such time and place as shall be established by the notice of such hearing. The hearing shall be conducted and a record of the proceedings shall be preserved. All public hearings shall be subject to the Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*), as amended. The Planning and Zoning Commission may continue the public hearing. In order to reopen the hearing, no new notice shall be required if a hearing is continued to a date specified, provided that a public announcement of the future date, time, and place of the continued hearing is made at the hearing and placed in the minutes. If the hearing is adjourned, rather than continued to a date specified, in order to reopen the hearing all notices must be given that would have been required for the initial public hearing.

17.60.060 Action by Planning and Zoning Commission

Except as such time is extended by mutual consent of the Planning and Zoning Commission and an applicant, the Planning and Zoning Commission shall make a recommendation within ninety (90) days from the date of receipt of the completed application, or it shall be deemed to have been denied.

The Planning and Zoning Commission may, as part of its recommendation, impose such conditions and restrictions upon the premises benefited by the petition as may be necessary to comply with the standards established in this Chapter and the objectives of this Title.

The Planning and Zoning Commission may, as part of its recommendation, 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 requirements specified herein.

17.60.070 Action by Village Board of Trustees

- A. The Village Board shall not act upon a proposed petition until it has received a written report and recommendation from the Planning and Zoning Commission on the proposed petition.
- B. The Village Board may grant, grant with conditions, or deny, by ordinance or resolution, any petition.
- 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.
- D. The Village Board may grant or deny any application for an amendment; provided, however, that in case of a written protest against any proposed map amendment, signed and acknowledged by the owners of twenty (20) percent of the frontage proposed to be altered, or by the owners of twenty (20) percent of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty (20) percent of the frontage immediately opposite the frontage proposed to be altered, is filed with the Village, the amendment shall not be passed, except by a favorable vote of two-thirds (2/3) of the Village Board members then holding office.
- E. If an application is not acted upon finally by the Village Board within ninety (90) days of the date the Village Board received the Planning and Zoning Commission recommendation, and such time is not extended by mutual consent of the Village Board and applicant, it shall be deemed to have been denied.

17.60.080 Time limit; revocation; withdrawals; successive applications.

- A. Where the Village Board has granted a variance or special use permit pursuant to the provisions of this Title, such variance or special use permit shall become null and void unless work thereon is substantially underway within six (6) months of date of the approval of such variance or special use permit, and completed within eighteen (18) months of the issuance of such permit.
- B. Whenever any special use has been discontinued for a period of six (6) consecutive months, or whenever there is evidence of a clear intent on the part of the owner to abandon any portion of the special use, the special use permit shall be considered terminated without further action by the Village Board.
- C. Unless otherwise limited by the Village Board, the special use runs with the property, not the individual.
- D. No use that was authorized by a special use permit that has terminated, abandoned, unused, or expired shall be re-established unless the Village Board grants a new special use permit in accordance with this Chapter. In reviewing such a request, the Village Board shall not be obligated to consider the approval of, or the condition of, any prior special use permit as precedent.
- E. A special use permit may be revoked if the special use as established or constructed on the site does not conform to the established conditions for approval. The Zoning Administrator will be responsible for advising the Village Board of any violations and the Village Board may then

schedule a public hearing before the Village Board to consider revoking the special use permit. After conducting the public hearing, the Village Board shall then render a final judgment on rescinding the special use permit and accompanying ordinance.

- F. An applicant shall have the right to withdraw an application at any time prior to the decision on the application by the Village Board. Fees for withdrawn applications will not be refunded.
- G. A successive application for an application that has been denied shall not be reviewed or heard within one (1) year after the date of denial, except if substantial new information has become known since the denial. A successive application filed within one year of the date of denial shall include detailed information that justifies its consideration. The Zoning Administrator shall determine whether a successive application is appropriate for submittal.

Chapter 17.64 VARIATIONS

17.64.010 Purpose.

The Planning and Zoning Commission, after a public hearing, may recommend variations from the regulations of this Title in harmony with their general purpose and intent, where such Commission makes findings 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 Title.

17.64.020 Standards for variance.

The Planning and Zoning Commission shall not recommend variation from the regulations of this Title, unless it shall make findings based upon the evidence presented to it in each specific case that:

- A. 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;
- B. 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;
- C. The purpose of the variation is not based exclusively upon a desire to increase financial gain;
- D. The alleged difficulty or hardship is caused by this Title and has not been created by any persons presently having interest in the property;
- E. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
- F. 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 diminish or impair property values within the neighborhood.

A variation less than that requested may be granted by the Village Board when the record supports the applicant's right to some relief, but not to the entire relief requested.

Chapter 17.68 SPECIAL USES

17.68.010 Purpose.

The development and execution of this Title is based upon the division of the community into districts within which 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 uses are either of such an unusual nature or are such unique uses of land that their operation or proposed location on a site may give rise to unique challenges with respect to their impact on the immediate area. Anything that requires relief from bulk regulations of this Ordinance requires a separate application for a variation.

The listing of a use as a special use within a zoning district does not constitute an assurance or presumption that such special use will be approved. Rather, each proposed special use shall be evaluated on an individual basis, in relation to all applicable standards of this Section. Such evaluation will determine whether approval of the special use is appropriate at the particular location and in the particular manner proposed.

17.68.020 - Standards for special uses.

No special use shall be recommended by the Planning and Zoning Commission, 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 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 structure already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a 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; and
- 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.

Chapter 17.72 AMENDMENTS

17.72.010 - Authority—Declaration of public policy.

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 Title or amend district boundary lines; provided, that in all amendatory ordinances adopted under the authority of this Chapter, 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.

17.72.020 Findings of fact and recommendation of the Planning and Zoning Commission.

The Planning and Zoning Commission shall, following a properly noticed public hearing on any proposed amendment, make written findings of fact and shall submit same together with its recommendations to the Village Board. Amendments to either the text of this Title, or to district boundary lines are matters of legislative discretion that are not controlled by any one standard. However, in making their findings and recommendation, the Planning and Zoning Commission shall evaluate the proposed amendment based on a balance of the following standards, as applicable:

- A. The proposed amendment will not endanger the health, safety, comfort, convenience, and general welfare of the public;
- B. The proposed amendment is compatible with the existing uses, character, and zoning of adjacent properties and other property within the immediate vicinity of the proposed amendment;
- C. The proposed amendment provides a relative gain to the public, as compared to any hardship imposed upon an individual property owner;
- D. The proposed amendment makes it more feasible to develop property relative to the present zoning classification of the property;
- E. The proposed amendment facilitates the development of property, including vacant property, in contrast to the development of other property in the vicinity;
- F. The proposed amendment addresses the community need for a specific use;
- G. The proposed amendment corrects an error, adds clarification, or reflects a change in policy;
- H. The proposed amendment rectifies existing nonconformities and, if so, the extent of such nonconformities; and
- I. The proposed amendment is consistent with the intent of the Comprehensive Plan, this Zoning Code, and the other land use policies of the Village.

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 subsection, the E-R Estate Residential district, shall be the highest classification and the I-2 General Industrial district shall be considered the lowest classification.

17.72.030 - 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 (1) 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.

17.72.040 - 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 one and one-half 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.

Chapter 17.76 APPEALS

17.76.010 Scope of appeals.

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 Zoning Administrator.

Such an appeal shall be taken within forty-five (45) days after the decision of the action complained of, by filing with the Zoning Administrator, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Planning and Zoning Commission all of the papers constituting a record upon which the action appealed from was taken.

17.76.020 Procedure on appeals.

- A. The Planning and Zoning Commission shall hear the appeal within sixty (60) days of the filing of the application. The Planning and Zoning Commission may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and shall issue a written final decision. Final decisions of the planning and zoning commission shall be subject to administrative review pursuant to the Administrative Review Law, as amended.
- B. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certified to the Planning and Zoning Commission, after the notice of the appeal has been filed with him or her, that by reason of facts stated in the certificate a stay would, in his or her 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 Zoning Administrator and on due cause shown.

Chapter 17.80 FEES

17.80.010 Fees.

Refer to Village of Round Lake Municipal Code, Chapter 20.60—Title 17 Zoning.

Chapter 17.84 PENALTY

17.84.010 Violations and Penalties.

Any person, firm, company, corporation or any agent, employee or contractor of such who shall violate, disobey, omit, neglect or refuse to comply with or resist enforcement of any provision of this title shall be fined in accordance with Chapter 20.60. Each day that a violation of this Title 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 Title, the Village or any other person whose property is, or may be affected by such violation, may institute any appropriate action or proceeding in equity.