

# ZONING ORDINANCE

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The zoning ordinance passed by the president and board of trustees of the village of Fox Lake, Illinois, on September 2, 1947, and published September 2, 1947, and subsequent amendments, is hereby revised and amended in its entirety by the substitution in lieu thereof of the following provisions of this chapter. (Ord. 89-54, 6-26-1989)

### 9-1-1: TITLE, INTENT AND PURPOSE:

#### 9-1-1-1: TITLE:

This ordinance shall be known, cited and referred to as the *FOX LAKE ZONING ORDINANCE*. (Ord. 89-54, 6-26-1989)

#### 9-1-1-2: INTENT AND PURPOSE:

This ordinance is adopted for the following purposes:

- A. To promote and protect the public health, safety, morals, comfort and general welfare of the people;
- B. To divide the village of Fox Lake into zones or districts and to restrict and regulate the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residence, business and manufacturing and other specified uses;
- C. To protect the character and the stability of the residential, business and manufacturing areas within the village of Fox Lake and to promote the orderly and beneficial development of such areas;
- D. To provide adequate light, air, privacy and convenience of access to property;
- E. To regulate the intensity of use of lot areas, and to determine the area of open spaces surrounding buildings necessary to provide adequate light and air, and to protect the public health;
- F. To establish building lines and the location of buildings designed for residential, business, manufacturing or other uses within such areas;
- G. To fix reasonable standards to which buildings or structures shall conform;
- H. To prohibit uses, buildings or structures incompatible with development or intended uses within specified zoning districts;
- I. To prevent additions to, or alteration or remodeling of, existing buildings or structures in such a way as to avoid the restrictions and limitations imposed hereunder;
- J. To limit congestion in the public streets and 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;
- K. To protect against fire, explosion, noxious fumes and other hazards, in the interest of the public health, safety, comfort and general welfare;

- L. To prevent the overcrowding of land and undue concentration of structures, so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land surrounding them; (Ord. 89-54, 6-26-1989)
- M. To maintain the value of land and buildings throughout the village by encouraging the creation and maintenance of aesthetically pleasing buildings and land; (Ord. 96-15, 5-6-1996)
- N. To provide for elimination of nonconforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district;
- O. To define and limit the powers and duties of the administrative officers and bodies as provided herein;
- P. To protect natural resources, sensitive environmental areas, natural habitats and water resources;
- Q. To encourage site design which improves property values and creates a quality living environment for village residents; and (Ord. 89-54, 6-26-1989)
- R. To encourage development which is consistent with the village's comprehensive development plan and policies. (Ord. 2002-02, 1-8-2002)

#### **9-1-2: DEFINITIONS:**

**ABUTTING:** Having property lines immediately adjacent.

**ACCESSORY STRUCTURE OR USE:** A building or use which:

- A. Is subordinate to and serves a principal building or principal use.
- B. Is subordinate in area, extent or purpose to the principal building or principal use served.
- C. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use.
- D. Is located on the same zoning lot as the principal building or principal use.

An accessory structure or use includes, but is not limited to: a children's playhouse, garden house and private greenhouse, garage, shed, domestic storage buildings, boathouse, boat hoist, disaster shelters, fences, incinerators incidental to residential use, garbage corrals, swimming pools, off street parking areas, carports, storage of merchandise normally carried in stock on the same lot with any retail service or business use, or storage of goods used in or produced by manufacturing activities on the same lot or parcel of ground unless such storage is excluded by the district regulations.

**ACRE:** A tract or parcel of land covering an area of forty three thousand five hundred sixty (43,560) square feet.

**ACREAGE:** Any tract or parcel of land having an area of one acre or more which has not been subdivided or platted.

**ADDITION:** Any construction which increases the size of a building such as a porch, attached garage, or a new room or wing. An addition is a form of alteration.

**ADULT ENTERTAINMENT:** The commercial enterprises related to sale or purchase of sex related services.

**AESTHETIC:** Appealing to the senses.

**AGRICULTURE:** The science, art, and business of cultivating soil, producing crops, and raising livestock; farming.

**AGRITOURISM:** Agritourism allows certain commercial operations relative to farming or traditional agricultural uses which may be developed to attract tourists and visitors to a particular parcel of property. Such operations include, but are not limited to; corn mazes, fall pumpkin sales and festivals, storytelling festivals, haunted houses, butterfly houses, hayrides, Christmas tree sales and festivals, sales of farm grown or produced products, farming or agricultural demonstration activities and the like. As part of the aforementioned agritourism activities on a parcel of property, it is expected that there would be certain sales of goods, and merchandise which are not produced as part of or incidental to agricultural or agritourism operations including, but not limited to, souvenirs, t-shirts and items of clothing, food sales or products, and the like. For a particular enterprise being conducted on property zoned for agritourism uses, the income earned from goods and merchandise which is not incidental to the agritourism use on a particular property shall not exceed thirty percent (30%) of the gross income attributable to the particular element of the agritourism business. For any festival which is not incidental to an agritourism use provided herein, such as a music festival, play exhibition, performance, competition, musical, sporting event, concert show or the like which occurs on a property, the property owner shall be required to obtain a separate business license as an athletic contest or public amusement (as appropriate) from the village clerk and pay all fees therefor, and shall comply with all village codes, regulations and conditions and pay all fees required for additional police and other public safety agencies.

**ALLEY:** A public way which affords only a secondary means of access to abutting property.

**ALTERATION:** A physical change in a building or an addition to it.

**AMORTIZATION:** The process by which nonconforming uses and structures must be discontinued or made to conform to requirements of this ordinance at the end of a specified period of time.

**ANIMAL HOSPITAL:** Any building or portion designed or used for the care, observation or treatment of domestic animals.

**ANIMAL POUNDS, SHELTERS AND KENNELS:** A facility that houses domestic animals.

**APARTMENT:** A room or suite of rooms for lease which is arranged, designed or intended to be used as a single housekeeping unit. Full kitchen and bathroom facilities, permanently installed, must be included for each unit.

**APIARY (BEEKEEPING):** An apiary (also known as a bee yard) is a place where beehives of honeybees are kept.

**APPLIANCE:** Any consumer product, including, but not limited to, any television set, radio receiver, phonograph, tape recorder or stereophonic equipment designed for household use, tape and cassette players and recorders, compact disc and digital equipment, citizen band radio units, video systems and components, hand calculators, telephones and computers; and major appliances, such as: central air conditioning systems, refrigerators, stoves, washers, dryers, dishwashers, microwave ovens, garbage disposal and trash compactors.

**ARBORETUM/BOTANICAL GARDEN:** A place where a wide variety of plants are cultivated for scientific, educational, and ornamental purposes, often including a library, a herbarium, and greenhouses.

**ARENA:** An enclosed area for the presentation of events or a building housing such an area.

**ASSISTED LIVING FACILITY:** A multi-family development that provides or coordinates oversight and services to meet residents' individualized scheduled needs based on the residents' assessment and service plans and their scheduled needs as they arise.

**ASSISTED LIVING OVER FIFTY FIVE FACILITY:** A multi-family development with minimum medical care, consisting of fully functioning units with a kitchen, bathroom, one or two (2) bedrooms and storage, for clientele fifty five (55) years or over.

**AUDITORIUMS:** A room, hall or building in which people gather for meetings and performances.

**AUTOMOBILE SERVICE STATION:** A place where gasoline, automobile accessories, minor automobile repairs or maintenance are offered for sale.

**AWNING:** A rooflike cover, temporary in nature, which projects from the wall of a building.

**BAKERIES, RETAIL:** A place for the production of or selling baked goods.

**BAKERIES, WHOLESALE:** Commercial establishment for the production of baked goods.

**BASE FLOOD:** The flood having one percent (1%) probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood.

**BASEMENT:** A story partly or wholly underground.

**BED AND BREAKFAST:** A commercial establishment (such as an inn) offering lodging and breakfast.

**BILLBOARD:** A sign which advertises or directs attention to a business, commodity, service or entertainment conducted or offered for sale elsewhere than upon or within the premises where the sign is located or to which it is affiliated; also, an advertising device, the area of which exceeds one hundred (100) square feet.

**BOAT LIVERY:** Water taxi service.

**BOAT RENTAL:** Watercraft leased for personal use.

**BOWLING ALLEYS:** A building or room containing lanes for bowling.

**BUFFER ZONE:** A strip of land established to protect and separate one type of land use from another.

**BUILDABLE AREA OF LOT:** The space remaining on a zoning lot after the front, rear and side yard setbacks have been met. No portion of a lot that is deemed wetland shall be included as buildable area of a lot. (See definition of Wetland.)

**BUILDING:** Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or openings; and which is designed or intended for the shelter, enclosure or protection of persons, animals or chattels.

**BUILDING HEIGHT:** The vertical distance measured from the established grade opposite the middle of the front of the building, to the highest point of the roof in the case of a flat roof; to the deck lines of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof.

**BUILDING LINE:** A line on a lot, parallel to a lot line or street right of way at the sufficient distance to provide the required yards.

**BUILDING MATERIALS SALES YARD:** An area with its buildings and facilities set aside for the exchange of goods and services for construction purposes.

**BUILDING PERMIT:** Official authorization to begin construction or renovation.

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

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

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

**BULK:** The terms used to indicate the size and setbacks of buildings and structures and location of same, with respect to one another and includes: size and height of buildings, floor area ratio, open spaces, lot area per dwelling, and parking.

**BUSINESS PARK:** A tract of land between forty (40) and two hundred fifty (250) acres of contiguous property (as defined by this ordinance) which is intended to provide for a unified development of mixed business uses, in a campuslike setting, which will promote and maintain desirable economic activities.

**CABIN OR COTTAGES FOR SEASONAL USE:** A dwelling unit for temporary or seasonal occupancy.

**CAMP:** Any land, including structures, used for assembly or temporary occupancy by persons and providing outdoor recreational facilities.

**CANDY STORES:** A store that principally sells candy.

**CAR WASH:** A business establishment where motor vehicles are washed automatically or manually.

**CARPET AND RUG STORES:** An establishment where a heavy fabric commonly of wool or nylon for covering a floor is sold.

**CARPORT:** A roofed over area for vehicle storage, which may be open on three (3) sides.

**CATERING ESTABLISHMENTS:** A place of business that provides food service at a remote site.

**CEMETERIES:** Including mausoleums and crematories (must conform to state and federal standards):

**Cemetery:** A spatially defined area where the remains of deceased people are buried or are otherwise interred.

**Crematorium:** A place, such as a funeral establishment, at which cremation is done.

**Mausoleum:** An external freestanding building constructed as a monument enclosing the interment space or burial chamber of a deceased person or persons.

**CERTIFICATE OF OCCUPANCY:** Official certification that a premises conforms to provisions of this zoning ordinance and building code and may be used or occupied.

**CHURCHES:** A building for public religious worship.

**CIGAR LOUNGE:** An establishment that, in compliance with state law, caters to patrons that smoke cigars.

**CLINICS:** An establishment where licensed physicians, surgeons or dentists engage in the practice of medicine or dentistry, operating on a group or individual basis with pooled facilities.

**CLOTHING STORES:** An establishment where clothing is sold on a retail basis.

**CLUBS, LODGES, MEETING HALLS, AND RECREATIONAL CENTERS:**

**Club Or Lodge:** A nonprofit association of persons who are bona fide members which owns, hires or leases a building or portion thereof, the use of which is restricted to members and their guests.

**Lodge:** The meeting place of a branch of an organization and especially a fraternal organization.

**Meeting Hall:** A room provided for singular events such as business conferences and meetings.

**Recreation Center:** A building used as a meeting place for a particular group or having facilities for certain activities.

**COLLECTION BIN:** A freestanding structure, container, receptacle or similar device that is used for soliciting and collecting donations of clothing, books, or other salvageable personal property. This term excludes any unattended collection bin within an enclosed building. Collection bins are only allowed on property owned by or leased to a unit of local government.

**COLLEGES AND UNIVERSITIES AND OTHER ACCESSORY BUILDINGS NECESSARY FOR OPERATION:** An institution of higher learning providing facilities for teaching and research and authorized to grant academic degrees.

**COMPREHENSIVE PLAN:** The comprehensive development plan and policies of Fox Lake, Illinois, as amended from time to time.

**CONCRETE MIXING PLANT:** A commercial facility that mixes and distributes concrete.

**CONTRACTOR:** A company or person with a formal contract to do a specific job, supplying labor and materials and providing and overseeing staff if needed.

**CONVENIENCE STORE:** A retail establishment which may offer various goods and services for sale including, but not limited to, food, beverages, and gasoline. The establishment is convenient to use by customers by its location and operation hours.

**CONVENTION CENTERS:** A large building or group of buildings designed for conventions, industrial shows, and the like, having large unobstructed exhibit areas and often including conference rooms, hotel accommodations, restaurants, and other facilities.

**CONVERSION:** Changing the original purpose of a building to a different use.

**CULTIVATION OF GARDEN AND FIELD CROPS:** The planting, growing, and harvesting of crops or plants, or the preparation of land for this purpose.

**CURRENCY EXCHANGES:** A business used to exchange currency and provide related services.

**DENSITY:** The average number of dwelling units per unit of land. Net density will be used in calculating density.

**DEPARTMENT STORES:** A store having separate sections for a wide variety of goods.

**DIAPER SERVICES:** A business that dedicates itself to picking up wet and soiled cloth diapers from surrounding households in its service area.

**DISTANCE CALCULATIONS:** For off street parking and off site parking, will be done by measuring the distance from the closest point to the off street/off site parking of the subject property A (business property) to the farthest point of property B (off site/off street parking property) by way of the existing streets.

**DRIVING RANGE:** A place or facility where golfers can practice their drive strokes, usually consisting of a row of small tees fronting an open area of ground.

**DRUGSTORES:** A store where prescription and over the counter drugs are sold, as well as other goods.

**DWELLING:** A permanent structure or portion thereof, intended for use as a permanent residence.

**DWELLING, DETACHED:** A dwelling which is entirely surrounded by open space on the same lot.

**DWELLING, MULTIPLE-FAMILY:** A building or portion thereof designed for occupancy by two (2) or more families living independently of each other.

**DWELLING, SINGLE-FAMILY:** A dwelling unit designed exclusively for use by a single family.

**ENVIRONMENTAL CORRIDORS:** A network of greenbelts and/or unique open space systems as established in the comprehensive plan to protect, preserve and meet the needs of open spaces for existing and future residents of the village.

**EXPOSITION CENTER:** A multipurpose facility for public shows and public events to include, but not limited to, motor vehicle sales, boat and marine sales and indoor resale.

**FARMING:** Use of land cultivated for the purpose of agricultural production and/or devoted to the raising and breeding of domestic animals.

**FLOODPLAIN:** An area the elevation of which is greater than the normal water level of pool elevation but equal to or lower than the flood base elevation.

**FLOOR AREA:** The sum of the gross floor area for each of the several stories under roof, measured from the exterior limits or faces of a building or structure.

**FLOOR AREA RATIO:** The total floor area of the building or buildings on a zoning lot, divided by the area of such zoning lot.

**FREIGHT TERMINALS:** Facility in which two (2) means of transportation meet to interchange freight.

**GAME ROOMS:** Any premises, other than a tavern, where there are available to the public more than four (4) coin operated amusement devices, excluding vending machines that do not incorporate gaming or amusement features and excluding coin operated musical devices.

**GARAGE, COMMERCIAL OR MUNICIPAL:** A building, other than a private garage, used for the incidental servicing of motor vehicles and equipment.

**GARAGE, PRIVATE:** An accessory building or an accessory portion of a building which is intended for and used to store the private passenger vehicle of the family or families which reside upon the premises.

**GARDEN CENTER OR GREENHOUSE/NURSERY:** An operation that grows and/or sells plants and related products as its primary business.

**GUNSMITH:** A dealer is "engaged in the business" of gunsmithing, as defined in 18 U.S.C. 921(a)(21)(D) and 27 CFR 478.11, when he/she receives firearms (frames, receivers, or otherwise) provided by a customer for the purpose of repairing, modifying, embellishing, refurbishing, or installing parts in or on those firearms. Once the work is completed, the gunsmith returns the firearms, and charges the customer for labor and parts. As with an individual customer, a licensed dealer-gunsmith may receive firearms (properly identified with a serial number and other information required by 27 CFR 478.92) and conduct gunsmithing services for a customer who is a licensed importer or manufacturer. A dealer-gunsmith is not "engaged in the business" of manufacturing firearms because the firearms being produced are not owned by the dealer-gunsmith, and he/she does not sell or distribute the firearms manufactured. Once the work is completed, the dealer-gunsmith returns the firearms to the importer or manufacturer upon completion of the manufacturing processes, and does not sell or distribute them to any person outside the manufacturing process. Under these circumstances, the

licensed dealer-gunsmith is not "engaged in the business" of manufacturing firearms requiring a manufacturer's license.

In contrast, a dealer-gunsmith may make or acquire his/her own firearms, and repair, modify, embellish, refurbish, or install parts in or on those firearms. If the dealer-gunsmith then sells or distributes those firearms for livelihood and profit, the dealer-gunsmith is engaged in his/her own business of manufacturing firearms. A person engaged in the business of manufacturing firearms for sale or distribution is required to be licensed as a manufacturer, identify/mark all firearms manufactured, maintain permanent records of manufacture, submit annual manufacturing reports, and pay any taxes imposed on firearm manufacturers. A licensed dealer-gunsmith who becomes licensed as a manufacturer must also segregate all firearms manufactured for that business separately from firearms for which gunsmithing services are being performed.

**HEALTH CLUBS:** A business establishment engaged in providing services, including, but not limited to, exercise, sports activities, and conditioning equipment, for the physical and mental well being of individuals.

**HELIPORTS:** A landing area for helicopters to operate.

**HOME OCCUPATIONS:** A business, profession or other economic activity conducted full or part time in the principal residence of the person conducting the business. (See section 9-1-5-11 of this ordinance for rules and regulations.)

**HOSPITALS:** A facility in which sick or injured persons are given medical or surgical treatment including overnight stays.

**HOTELS/MOTELS:** An establishment containing lodging accommodations designed for use by transients, travelers, or temporary guests.

**KENNELS:** An establishment for breeding or boarding domestic pets.

**LABORATORY:** A facility equipped for manufacturing, testing and analysis.

**LIGHT MANUFACTURING:** A business that primarily assembles goods or repairs merchandise with very little, if any, byproduct and/or potential pollutants.

**LIQUOR STORES/PACKAGED GOODS:** A store that sells alcoholic beverages for consumption off the premises.

**LOADING AREA, OFF STREET:** An open, hard surfaced area of land, other than a street or public way, the principal use of which is for the standing, loading, and unloading of motor vehicles, tractors and trailers, to avoid undue interference with public streets and alleys.

**LOT:** A parcel of land legally described as a distinct portion or piece of land of record.

**LOT AREA:** The area of a horizontal plane bounded by the front, side and rear lot lines.

**LOT, CORNER:** A lot situated at the junction of and abutting on two (2) or more intersecting streets.

**LOT COVERAGE:** The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

**LOT DEPTH:** The mean horizontal distance between the front and rear lot lines of a lot measured within the lot boundaries.

**LOT, FLAG:** A lot that in addition to a rectangular shape has a narrow strip of land, similar to a flagpole, extending a significant distance off this main parcel.

**LOT FRONTAGE:** The front of a lot shall be that boundary of a lot along a public street. For a corner lot, the owner may elect either street line as the front lot line.

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

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

**LOT LINE, FRONT:** The front property line of a zoning lot as determined by the legal address.

**LOT LINE, REAR:** The lot line or lot lines most nearly parallel to and most remote from the front lot line.

**LOT LINE, SIDE:** Lot lines other than front or rear lot lines.

**LOT OF RECORD:** An area of land designated as a lot on a plat of subdivision, recorded or registered, pursuant to statute.

**LOT, REVERSE CORNER:** A lot situated at the junction of and abutting on two (2) or more intersecting streets where the rear of the lot abuts upon the side lot line of another lot.

**LOT, WIDTH:** The mean horizontal distance between the side lot lines measured from the lot boundaries, or the minimum distance between the side lot lines within the buildable area.

**MAIL ORDER HOUSES:** A business establishment that takes mail orders and sends goods by mail.

**MANUFACTURING:** The production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products.

**MARINA:** A boat basin and recreational facility, located on waterfront property, providing moorings for boats, and one or more of the following facilities: boat launching, boat rental, boat livery, boat sales, maintenance shops, marine supply store, fuel dock and boat storage.

**MARKET:** An open place or a covered building where buyers and sellers convene for the sale of goods.

**MASSAGE THERAPY:** A treatment that utilizes specific manual techniques to manipulate the soft tissues of the body.

**MEAT MARKETS, RETAIL:** The sale of animal products for consumption directly to the consumer.

**MEAT MARKETS, WHOLESALE:** The sale of animal products for consumption to retailers who in turn sell to consumers.

**MEDICAL CLINICS, DENTAL CLINICS, AND PHYSICIAN OFFICES:** A facility that provides outpatient service and general medical and dental care.

**MEDICAL MARIJUANA CULTIVATING CENTER:** A facility authorized by Illinois law and registered with the Illinois department of agriculture to grow and cultivate cannabis for medicinal purposes in accordance with all state statutes and regulations.

**MEDICAL MARIJUANA DISPENSARY:** A facility authorized by Illinois law and registered with the Illinois department of financial and professional regulation to dispense cannabis for medicinal purposes in accordance with all state statutes and regulations.

**MEMORY CARE FACILITY:** An assisted living facility including specialized areas dedicated to caring for patients needing memory care for dementia, Alzheimer's or other cognitive imperatives.

**MICROBREWERY, DISTILLERY, BREWPUBS:** A small, usually independent brewery that produces limited quantities of specialized beers, which may be sold for consumption on the premises. Brewpubs shall include food service.

**MOBILE HOME:** A house trailer that is parked in one particular place and used as a living accommodation.

**MOTOR FREIGHT TERMINAL:** A facility in which two (2) means of transportation meet to interchange.

**MOTOR VEHICLE SALES ESTABLISHMENT:** The sale of new or used motor vehicles accompanied by a permanent sales office or a building for sale and display which may be accompanied by repairs and reconstruction.

**NET DENSITY:** The number of dwelling units divided by the number of net acres available for development. This net buildable area is the total acres minus wetlands.

**NONCONFORMING BUILDING, LOT OR USE:** Any building, lot, structure or use which does not conform to the regulations herein prescribed.

**NONCONFORMING BUILDING, LOT OR USE, ILLEGAL:** An unlawfully established building, lot, structure or use which does not conform to the regulations herein prescribed.

**NONCONFORMING BUILDING, LOT OR USE, LEGAL:** Any lawfully established building, lot, structure or use, which does not conform to the regulations herein prescribed, which was in existence prior to enactment of this zoning ordinance or for which a variation has been granted.

**NURSERY:** An area where plants are grown for transplanting, for use as stocks for budding and grafting, or for sale.

**NURSERY/DAYCARE:** A facility that provides supervision of and care for children or disabled adults that is provided during the day by a person or organization.

**NURSING HOME:** An assisted care living facility.

**OFF SITE PARKING:** An open area, other than a street or public right-of-way, intended to be used for the storage of passenger automobiles and commercial vehicles located on a zoning lot other than on which the principal use is located.

**OFF STREET PARKING:** An open area, other than a street or public right-of-way, intended to be used for the storage of passenger automobiles and commercial vehicles located on the same lot as the principal use.

**ORCHARD:** A parcel of land devoted to the cultivation of fruit or nut trees.

**OUTDOOR CLUB:** An association of persons who are bona fide members which owns or leases property or portion thereof, the use of which is restricted to members and their guests.

**PARKS, PUBLICLY OWNED:** A parcel of land, usually in a largely natural state, for the enjoyment of the public having facilities for rest and recreation.

**PERFORMANCE STANDARD:** A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire, explosive hazards, or glare or heat generated by or inherent in the uses of land or buildings.

**PET GROOMING:** An establishment where domestic animals may have their bodies washed, their fur trimmed and brushed, nails clipped and the like. Services do not include overnight boarding, or care

rendered by a veterinarian.

PLANNED UNIT DEVELOPMENT: A parcel of land, under single ownership or unified control, for which the specific requirements of the underlying zoning district may be modified when:

- A. The proposed development offers benefits to the neighborhood and/or community of which it is a part, beyond those required by this zoning ordinance; and/or
- B. The proposed use of land includes substantial amenities not otherwise required. This includes, but is not limited to: provisions for common open spaces; recreational facilities; or specific design, engineering, architectural, site planning or landscape features.

PLAT: A map, generally of a subdivision, showing the location and boundaries of individual parcels.

RECREATIONAL VEHICLE PARK: A parcel on which campsites are established for occupancy by recreational vehicles of the general public as temporary living quarters for purposes of recreation or vacation.

RECREATIONAL VEHICLE "ROAD READY": A recreational vehicle that is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices. The hitch must remain on the vehicle at all times and the vehicle and the vehicle's wheels must remain on its axles with tires inflated.

RESALE STORES: The sale of secondhand retail items.

RESORT: A recreational facility which may provide overnight accommodations, including dining facilities, lounge and outdoor facilities.

RESTAURANT: Any building or part thereof where a menu of food items are cooked and prepared for compensation, for the general public for immediate consumption on and/or off the premises, including any part of such building or part thereof which may be used for dining by the general public. The retail sale of beer, wine and other alcoholic beverages for consumption on the premises and dancing may be provided on the premises. The building or part thereof should be comprised of not less than fifty percent (50%) of the gross floor area of the establishment devoted to patron seating. Reheating of already prepared food by microwave or other heated equipment, and/or the selling of already prepared food for consumption off premises does not constitute a restaurant.

RETAIL: The sale of goods or services directly to the consumer.

SHOPPING CENTER: A group of commercial establishments planned, developed, and managed as a unit, located on a zoning lot.

SHORT TERM HOUSING RENTAL: One or more dwelling units, including either a single-family detached or multiple-family attached unit, rented for the purpose of overnight lodging for a period of not less than two (2) days and not more than thirty (30) days other than ongoing month to month tenancy granted to the same renter for the same unit. Occupancy is limited to a maximum of two (2) persons per bedroom, plus one person, unless further restricted by the occupancy limitations outlined in section 404 of the 2014 International Property Maintenance Code as adopted and amended by the Village of Fox Lake. A special use for such use may be granted to the owner of property and any dwelling unit which is rented or leased for a period of thirty (30) days or more to individuals or families who then for a rental fee or other consideration allow others to occupy the dwelling for periods of less than thirty (30) days shall be considered a short term housing rental unit and will require a special use for such use. Motels, hotels, and bed and breakfasts are excluded from this definition. Biannual inspections for the premises shall be required, and the holder of the special use shall comply with all rules and regulations established by the Corporate Authorities.

SITE PLAN: A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes, but is not limited to, lot lines, streets and buildings.

SMALL WIRELESS FACILITY: A wireless facility that meets both of the following qualifications: a) each antenna is located inside an enclosure of no more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet; and b) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than twenty five (25) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment: volume, electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

SPECIAL HEARING: A public meeting convened for consideration of petition requests for special uses, variations, and amendments to this zoning ordinance or when required.

SPOT ZONING: Zoning a relatively small area differently from the zoning of the surrounding area, usually for an incompatible use.

STABLES: A building in which livestock, especially horses, are kept. It most commonly means a building that is divided into separate stalls for individual animals.

STADIUMS: A place where people watch sports or other activities, usually a large enclosed flat area surrounded by tiers of seats for spectators.

STAFF REVIEW: The process whereby local officials review the site plans and maps of a developer to assure that they meet the stated purposes and standards of the zone, provide for the necessary public facilities, and protect and preserve topographical features and adjacent properties through appropriate siting of structures and landscaping.

STORAGE: Space for the safekeeping of goods.

STORAGE FACILITIES, COMMERCIAL OR MUNICIPAL: A building or structure used for storing raw materials and other materials, equipment, manufactured products, and the like.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above, the space between the floor and the ceiling next above it.

STREAM: Any continuously flowing natural watercourse.

STRUCTURAL ALTERATIONS: A physical change in a building or an addition to it.

STRUCTURE: Anything constructed or erected which requires location on the ground or is attached to something having location on the ground, including a fence or freestanding wall.

STRUCTURE, MOBILE: Any structure without footing, foundation, piling, caisson or slab for business or residential use.

SUBDIVISION: Any division or redivision of a parcel of land into two (2) or more parts by mapping, platting, conveyance, change or rearrangement of boundaries.

TAVERN: An establishment for the retail sale of beer, wine and other alcoholic beverages for consumption on the premises and may provide a menu of food items.

TEMPORARY: Not of permanent nature, but for a limited time.

THEATERS: A building or area for showing motion pictures or a live performance.

WAREHOUSING: The storage of wares or goods before distribution.

WASHINGTON STREET BUSINESS DISTRICT: Properties on both sides of Washington Street between Rollins Road and Route 59.

WETLAND: Any land that is designated as a wetland by current Army Corps of Engineers or by current County wetland inventory maps.

WHOLESALE: The sale of services or goods to retailers who in turn sell to consumers.

WIRELESS SERVICE TOWER: Any structure that is designed and constructed for the purpose of supporting one or more antennas, including, but not limited to, self-supporting lattice towers, guy towers, or monopole towers. The term encompasses personal wireless service facility towers, microwave towers, common carrier towers, cellular telephone towers, personal communications services towers, alternative tower structures, and the like. This definition and ordinance 98-14 is not intended to apply to ham radio antennas or operations.

YARD: An open space on the same zoning lot with a principal building or group of buildings, which is unoccupied and unobstructed from its surface upward.

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

YARD, REAR: A yard extending along the full length of the rear lot line between the side lot lines.

YARD, SIDE: A yard extending along a side lot line from the front yard to the rear yard.

ZONING DISTRICTS: A parcel or group of contiguous parcels sharing the same zoning classification.

ZONING LOT: A single tract of land designated by its owner or developer as a tract to be used, developed or built upon as a unit. (Ord. 2013-05, 3-12-2013; amd. Ord. 2013-17, 8-13-2013; Ord. 2014-08, 5-13-2014; Ord. 2015-03, 1-13-2015; Ord. 2015-17, 4-14-2015; Ord. 2015-36, 7-28-2015; Ord. 2015-42, 8-25-2015; Ord. 2015-44, 10-13-2015; Ord. 2016-07, 2-9-2016; Ord. 2016-19, 5-24-2016; Ord. 2016-33, 9-27-2016; Ord. 2017-26, 5-23-2017; Ord. 2018-34, 7-24-2018; Ord. 2019-01, 1-22-2019; Ord. 2019-45, 12-10-2019)

Notes

1. See also section 9-1-5-14 of this ordinance.

9-1-3: GENERAL PROVISIONS:

9-1-3-1: SCOPE OF REGULATIONS:

A. Actions Covered By This Ordinance: Except as may otherwise be provided in this ordinance, all buildings and structures erected, uses of land or structures established, structural alterations, relocation of existing structures, and enlargements of or additions to existing uses, occurring hereafter shall be subject to all regulations which are applicable to the zoning districts in which such buildings, structures, uses or land shall be located.

B. Preexisting Buildings, Structures And Uses: Any lawfully established building, structure or use existing at the time of enactment of this zoning ordinance may be continued, even though such building, structure or use, does not conform to the provisions for the district in which it is located, and whenever a district is changed thereafter. The then existing lawfully established use, structure or building will be deemed legal nonconforming and is subject to the provisions of section 9-1-5-1 of this ordinance.

C. Preexisting Building Permits: Where a building permit for a building or structure has been issued in accordance with the law prior to the effective date of this zoning ordinance, and provided that

[illegible]

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| Adult entertainment  |   |   |   |   |   |   |   |   |   |   |   |   | S |   |
| Agriculture  |   |   |   |   |   |   |   |   |   |   |   |   |   | X |
| Agritourism  |   |   |   |   |   |   |   |   |   |   |   |   | X | X |
| Airports or aircraft landing fields  |   |   |   |   |   |   |   |   |   |   |   | S | S |   |
| Animal pounds, shelters, and kennels   |   |   |   |   |   |   |   |   |   |   |   | X |   |   |
| Antique shops  |   |   |   |   |   | X | X | X | S | S |   |   |   |   |
| Apiary (beekeeping)  |   |   |   |   |   |   |   |   |   |   |   |   |   | X |
| Appliance repair shops   |   |   |   |   |   | S | X | X |   |   |   | X |   |   |
| Appliance stores, retail   |   |   |   |   |   | X | X | X |   |   |   | X |   |   |
| Appliance stores, wholesale  |   |   |   |   |   |   |   | X |   |   |   | X |   |   |
| Arboretum/botanical garden   |   |   |   |   |   |   |   |   |   |   |   |   |   | X |
| Asphalt mixing   |   |   |   |   |   |   |   |   |   |   |   | S | S |   |
| Assisted living facility   |   |   |   |   | S |   |   | S | S |   |   |   |   |   |
| Assisted living facility (over 55 years)   |   |   |   |   | S |   |   | S | S |   |   |   |   |   |
| Auditoriums  |   |   |   |   |   | S | S | S | S |   |   | S | S |   |
| Automobile accessory stores  |   |   |   |   |   | X | X | X |   |   |   | X |   |   |
| Automobile painting, upholstering, repairing, reconditioning and body and fender repairing     |   |   |   |   |   |   |   | S |   |   |   | X | X |   |
| Automobile rental  |   |   |   |   |   | S | X | X |   |   |   |   |   |   |
| Automobile service stations  |   |   |   |   |   | S | S | X |   |   |   | X |   |   |
| Bait shops   |   |   |   |   |   |   |   | X | X | X |   |   |   |   |
| Bakeries, retail where a maximum 30% of floor area is devoted to the processing of goods       |   |   |   |   |   | X | X | X |   |   |   |   |   |   |
| Bakeries, wholesale  |   |   |   |   |   |   |   | X |   |   |   | X |   |   |
| Bed and breakfast  |   | S | S | S | S | S | S | S | S |   |   |   |   | S |
| Beverage bottling and distributing   |   |   |   |   |   |   |   |   |   |   |   | X |   |   |
| Boat accessories   |   |   |   |   |   | X | X | X |   |   | X | X |   |   |
| Boat and marine sales  |   |   |   |   |   |   | S | S |   |   | X | S |   |   |
| Boat launching   |   |   |   |   |   |   |   |   | X | X |   | S |   |   |
| Boat liveries  |   |   |   |   |   |   |   |   | X | X |   | S |   |   |
| Boat rental  |   |   |   |   |   |   |   | S | X | X |   | S |   |   |
| Boat repair and service  |   |   |   |   |   |   |   | X |   | X | X |   |   |   |
| Boat slip rental   |   |   |   |   |   |   |   |   | X | X |   |   |   |   |
| Boat storage   |   |   |   |   |   |   |   | S | S | X |   | S | S |   |
| Bowling alleys   |   |   |   |   |   |   | S | X | X | X |   | S |   |   |
| Building/landscape materials sales or storage  |   |   |   |   |   |   |   | S |   |   |   | X | X |   |
| Cabins or cottages for seasonal use  |   |   |   |   |   |   |   |   | X | X |   |   |   |   |
| Candy stores   |   |   |   |   |   | X | X | X |   |   |   |   |   |   |
| Cannabis craft growers   |   |   |   |   |   |   | S | S | S |   |   | S | S | S |
| Cannabis cultivation center  |   |   |   |   |   |   |   |   |   |   |   | S | S | S |
| Cannabis dispensaries  |   |   |   |   |   | S | S | S | S |   |   | S |   |   |
| Cannabis infusers  |   |   |   |   |   | S | S | S | S |   |   | S | S |   |
| Cannabis processor   |   |   |   |   |   |   |   |   |   |   |   | S |   |   |
| Cannabis transporter   |   |   |   |   |   |   |   |   |   |   |   | S | S | S |
| Car washes   |   |   |   |   |   |   | S | S |   |   |   | S |   |   |
| Carpet and rug stores  |   |   |   |   |   | X | X | X |   |   |   | X |   |   |
| Catering establishments  |   |   |   |   |   | S | S | X | S |   |   | X |   |   |
| Cemeteries, including mausoleums and crematories (must conform to state and federal standards) |   | S | S | S | S |   | S | S | S | S | S | S | S | S |
| Christmas tree sales   |   |   |   |   |   | X | X | X | X | X | X |   |   | X |
| Churches   | X | X | X | X | X |   |   |   |   |   |   |   |   | X |
| Cigar lounge   |   |   |   |   |   | S | S | S |   |   |   |   |   |   |
| Clothing stores  |   |   |   |   |   | X | X | X |   |   |   |   |   |   |
| Clubs, lodges, meeting halls, and recreational centers   |   |   |   |   |   | S | S | S | S | S | S | S |   |   |
| Collection bins on property owned by or leased to a unit of local government                   | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| Colleges and universities and other accessory buildings necessary for operation                |   | S | S | S | S | S | S | S |   |   |   |   |   |   |
| Concrete mixing  |   |   |   |   |   |   |   |   |   |   |   | S | S |   |
| Construction buildings, temporary and not to exceed the completion date of such construction   | X | X | X | X | X | X | X | X | X | X | X | X |   |   |
| Contractor's equipment storage yard  |   |   |   |   |   |   | S | S |   |   |   | X | X |   |

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| Contractor's shop   |   |   |   |   |   |   | S | S |   |   |   | X | X |   |
| Convenience store (with gas)  |   |   |   |   |   | S | S | X |   |   |   | X |   |   |
| Convenience store (without gas)   |   |   |   |   |   | X | X | X |   |   |   |   |   |   |
| Convention centers  |   |   |   |   |   |   |   | X | X |   |   | X | X |   |
| Cultivation of garden and field crops   |   |   |   |   |   |   |   |   |   |   |   |   | X | X |
| Currency exchanges  |   |   |   |   |   | X | X | X |   |   |   |   |   |   |
| Department stores   |   |   |   |   |   | X | X | X |   |   |   |   |   |   |
| Diaper services   |   |   |   |   |   |   |   | X |   |   |   | X |   |   |
| Drive-through window  |   |   |   |   |   | S | S | S | S | S | S | S | S |   |
| Driving range   |   |   |   |   |   |   |   | S | S |   |   | X | X | S |
| Drugstores  |   |   |   |   |   | X | X | X |   |   |   |   |   |   |
| Dry cleaners, wholesale   |   |   |   |   |   |   |   | X |   |   |   | X | X |   |
| Dry cleaning, retail  |   |   |   |   |   | X | X | X |   |   |   |   |   |   |
| Dwellings for manager or operator and their families when located on premises where they are employed   |   |   |   |   |   |   |   | S | S | S | S | S | S | S |
| Dwellings located above the ground floor (must conform to standards of the R-4 district)  |   |   |   |   |   | X | X | X | X |   |   |   |   |   |
| Electrical fixture, electronics and equipment sales, service and repair   |   |   |   |   |   | X | X | X |   |   |   | X |   |   |
| Equestrian academies and arenas   |   |   |   |   |   |   |   |   |   |   |   | S |   | X |
| Exposition center   |   |   |   |   |   |   |   | S |   |   |   | S | S |   |
| Extraction of earth products  |   |   |   |   |   |   |   |   |   |   |   | S | X |   |
| Farming, including necessary buildings and the keeping of farm animals  |   |   |   |   |   |   |   |   |   |   |   | S | S | X |
| Feed and grain sales  |   |   |   |   |   |   |   |   |   |   |   | X | X | X |
| Financial institutions, including drive-in facilities   |   |   |   |   |   | X | X | X | X |   |   | X | X |   |
| Florist   |   |   |   |   |   | X | X | X |   |   |   |   |   |   |
| Flower farm   |   |   |   |   |   |   |   |   |   |   |   |   |   | X |
| Food stores including meat and fish markets, and delicatessens  |   |   |   |   |   | X | X | X |   |   |   |   |   |   |
| Fowl, domestic  | X | X | X |   |   |   |   |   |   |   |   |   |   |   |
| Freight terminals   |   |   |   |   |   |   |   |   |   |   |   | X | X |   |
| Fruit and vegetable market  |   |   |   |   |   | S | X | X |   |   |   |   |   | X |
| Fuel sales and storage, wholesale limited to 120,000 gallons per tank with storage not to exceed 500,000 gallons                              |   |   |   |   |   |   |   |   |   |   |   | S | S |   |
| Funeral parlors and undertaking establishments  |   |   |   |   |   |   | S | X |   |   |   |   |   |   |
| Furniture stores  |   |   |   |   |   | X | X | X |   |   |   | X |   |   |
| Furniers, retail  |   |   |   |   |   | X | X | X |   |   |   |   |   |   |
| Game room   |   |   |   |   |   | S | S | X | S | S |   |   |   |   |
| Garages, commercial or municipal  |   |   |   |   |   |   |   | X |   |   |   | X | X |   |
| Garden center/greenhouse/nursery, retail  |   |   |   |   |   | X | X | X |   |   |   | X | X | X |
| Gift shops  |   |   |   |   |   | X | X | X | X | X |   |   |   |   |
| Golf courses, par 3 and miniature   |   |   |   |   |   |   |   | X | X |   |   | X |   | S |
| Golf courses, regulation size, and accessory uses to their operation such as pro shops, and eating and drinking establishments                |   |   |   |   |   |   |   |   |   |   |   |   |   | S |
| Grass or sod farm   |   |   |   |   |   |   |   |   |   |   |   |   |   | X |
| Gunsmith  |   |   |   |   |   |   |   |   |   |   |   | S | S |   |
| HVAC and equipment sales, service, repair   |   |   |   |   |   |   | S | X |   |   |   | X |   |   |
| Hair, nail, and beauty salons   |   |   |   |   |   | X | X | X |   |   |   |   |   |   |
| Hardware stores   |   |   |   |   |   | X | X | X |   |   |   | X |   |   |
| Haunted houses, temporary   |   |   |   |   |   |   |   | S |   |   |   | X | X | X |
| Health clubs  |   |   |   |   |   | X | X | X | S | S | X |   |   |   |
| Heliports   |   |   |   |   |   |   |   | S | S | S | S | S | S |   |
| Hobby shops for items to be assembled or used away from the premises  |   |   |   |   |   | X | X | X |   |   |   |   |   |   |
| Home occupations  | X | X | X | X | X |   |   |   |   |   |   |   |   |   |
| Hospitals   | S | S | S | S | S |   |   | S | S |   |   |   |   |   |
| Hotels/motels   |   |   |   |   |   | S | X | X | X | S |   |   |   |   |
| Ice cream stores  |   |   |   |   |   | X | X | X | X |   |   |   |   |   |
| Interior decorating shops, including the making of articles when conducted as part of the retail operation and secondary to the principal use |   |   |   |   |   | X | X | X |   |   |   |   |   |   |



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| Jewelry stores   |   |   |   |   |   | X | X | X |   |   |   |   |   |   |
| Kennels  |   |   |   |   |   |   |   |   |   |   | S |   |   | S |
| Laboratories - medical, dental, optical  |   |   |   |   |   |   | S | X |   |   | X |   |   |   |
| Laundries, wholesale   |   |   |   |   |   |   |   |   |   |   | X | X |   |   |
| Laundromat   |   |   |   |   |   | X | X | X |   |   |   |   |   |   |
| Leather goods and luggage stores   |   |   |   |   |   | X | X | X |   |   |   |   |   |   |
| Liquor stores/package goods  |   |   |   |   |   | X | S | X | S | S |   |   |   |   |
| Locksmith shops  |   |   |   |   |   | X | X | X |   |   |   |   |   |   |
| Mail order houses  |   |   |   |   |   |   |   | S |   |   | X | X |   |   |
| Manufacturing  |   |   |   |   |   |   |   |   |   |   | X | X |   |   |
| Massage therapy  |   |   |   |   |   | S | S | S |   |   |   |   |   |   |
| Meat markets, retail   |   |   |   |   |   | X | X | X |   |   |   |   |   |   |
| Meat markets, wholesale  |   |   |   |   |   |   |   |   |   |   | X | X |   |   |
| Medical clinics, dental clinics and physician offices  |   |   |   |   |   | X | X | X |   |   |   |   |   |   |
| Medical marijuana cultivating center   |   |   |   |   |   |   |   |   |   |   |   |   |   | S |
| Medical marijuana dispensary   |   |   |   |   |   |   |   |   |   |   |   | S |   |   |
| Meeting halls  |   |   |   |   |   | S | X | X | S | S |   |   |   |   |
| Memory care facility   |   |   |   |   | S |   | S | S |   |   |   |   |   |   |
| Microbrewery/distillery/brewpubs   |   |   |   |   |   | X |   | X | X |   | X | X |   |   |
| Monument sales   |   |   |   |   |   |   | X | X |   |   |   |   |   |   |
| Motor freight terminals  |   |   |   |   |   |   |   |   |   |   | X | X |   |   |
| Motor vehicle sales establishments   |   |   |   |   |   |   | S | S |   |   |   |   |   |   |
| Music stores   |   |   |   |   |   | X | X | X |   |   |   |   |   |   |
| Nursery/daycare  |   | S | S | S | S |   | S | S |   |   |   |   |   |   |
| Nursery/landscaping, wholesale   |   |   |   |   |   |   |   |   |   |   |   |   |   | X |
| Nursing homes  |   |   | S |   | S |   | S | S |   |   |   |   |   |   |
| Off site parking lot   |   | S | S | S | S | S | S | S | S | S | S | S | S | S |
| Office - professional, business, institutional or public   |   |   |   |   |   | X | X | X | X |   | X | X |   |   |
| Office supply stores   |   |   |   |   |   | X | X | X |   |   |   |   |   |   |
| Orchard  |   |   |   |   |   |   |   |   |   |   |   |   |   | X |
| Outdoor club   |   |   |   |   |   |   |   | S | S | S | S | S | S | S |
| Outdoor temporary holiday sales  |   |   |   |   |   | S | X | X | X | X | X | X | X | X |
| Paint and wallpaper stores   |   |   |   |   |   | X | X | X |   |   |   |   |   |   |
| Parcel delivery facilities   |   |   |   |   |   |   |   | S |   |   | X | X |   |   |
| Parks, publicly owned  | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| Pet grooming   |   |   |   |   |   | X | X | X |   |   | X |   |   | S |
| Photographic supply stores   |   |   |   |   |   | X | X | X |   |   |   |   |   |   |
| Planned unit development (PUD)   |   | S | S | S | S | S | S | S | S | S | S | S | S |   |
| Plumbing fixture sales stores  |   |   |   |   |   | X | X | X |   |   |   |   |   |   |
| Plumbing fixtures and equipment sales, service and repair  |   |   |   |   |   |   | X | X |   |   | X |   |   |   |
| Printers and lithographers, retail   |   |   |   |   |   | X | X | X |   |   |   |   |   |   |
| Printers and lithographers, wholesale  |   |   |   |   |   |   |   | X |   |   | X | X |   |   |
| Psychic readings and associated services   |   |   |   |   |   | X | X | X |   |   |   |   |   |   |
| Public open land, refuge or preserve   | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| Public service uses: filtration plants, pumping stations and water reservoirs, sewage treatment plants, police and fire stations, telephone exchanges, repeater stations and other telephone facilities, electric substations, electric distribution centers, gas regulator stations, radio and television towers, railroad passenger stations, transit and public transportation facilities, bus terminals, bus garages, bus lots, street railway terminals, streetcar houses, municipal recreation or community centers, parks and recreation areas, sanitary landfill | S | S | S | S | S | S | S | S | S | S | S | S | S | S |
| Public services uses (including, but not limited to, those listed above) owned and/or operated by the village of Fox Lake  | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| Radio and television sales and repair shops  |   |   |   |   |   | X | X | X |   |   |   |   |   |   |
| Radio and television towers  |   | S | S | S | S |   | S | S | S | S | S | S |   |   |
| Railroad rights of way and trackage, not to include reclassification yards, terminals or maintenance facilities  |   |   |   |   |   |   | S | S | S | S | S | S |   |   |
| Real estate offices, permanent   |   |   |   |   |   | X | X | X |   |   |   |   |   |   |
| Real estate offices, temporary   | X | X | X | X | X | X | X | X | X | X | X | X |   |   |
| Recreational centers   |   |   |   |   |   | S | S | S | S | S | X |   |   |   |

|   |   |   |   |   |   |   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Recreational vehicle park   |   |   |   |   |   |   |   |   |   | S | S | S |   |
| Recycling center  |   |   |   |   |   |   |   |   |   |   | X | X |   |
| Religion institutions, other than churches  |   | S | S | S | S |   | S | S |   |   |   |   |   |
| Resale stores   |   |   |   |   |   | X | X | X |   |   | S | S |   |
| Residential:  |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Multi-family in Washington Street business district   |   |   |   |   |   |   | S | S |   |   |   |   |   |
| Multiple-family dwellings   |   |   |   | X | X |   |   |   |   |   |   |   |   |
| Single-family dwelling attached   |   |   |   | X | X |   |   |   | X |   |   |   |   |
| Single-family dwelling detached   | X | X | X | X | X |   |   |   | X |   |   |   | X |
| Restaurants, drive-in or drive-through  |   |   |   |   |   | S | S | S | S | S |   |   |   |
| Restaurants with liquor license   |   |   |   |   |   | X | S | X | S | S |   |   |   |
| Restaurants without liquor license  |   |   |   |   |   | X | X | X | X | X |   |   |   |
| Retail and service businesses similar to the permitted uses in B-2  |   |   |   |   |   |   | S |   |   |   |   |   |   |
| Retail and service businesses similar to the permitted uses in B-3  |   |   |   |   |   |   |   | S |   |   |   |   |   |
| Sanatoriums or rehabilitation institutions such as for the aged and children  | S | S | S | S | S |   |   |   |   |   |   |   |   |
| Schools and required uses for their operation (e.g., playgrounds and athletic fields):  |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Elementary and high school  |   | X | X | X | X |   |   |   |   |   |   |   |   |
| Colleges, universities and trade schools  |   |   |   |   |   | S | S | S |   |   | X | X |   |
| Scrap yard  |   |   |   |   |   |   |   |   |   |   | S | S |   |
| Self-storage  |   |   |   |   |   |   | S | S | S | S | S | S |   |
| Shoe sales and repair   |   |   |   |   |   | X | X | X |   |   |   |   |   |
| Short term housing rentals  |   | S | S | S | S | S | S | S | S | S |   |   |   |
| Skating rink, outdoor   |   |   |   |   |   |   |   | S | X | X | S |   | S |
| Skating rinks, indoor   |   |   |   |   |   |   | S | S | X | X | S |   |   |
| Small wireless facilities (subject to sections 7-1E-1 through 7-1E-8 of the Village Code)   | X | X | X | X | X | X | X | X | X | X | X | X | X |
| Small wireless facility height variations (subject to sections 7-1E-1 through 7-1E-8 of the Village Code)   | S | S | S | S | S | S | S | S | S | S | S | S | S |
| Solar farms   |   |   |   |   |   |   |   |   |   |   | S | S | S |
| Sporting goods stores   |   |   |   |   |   | X | X | X |   |   |   |   |   |
| Stables   |   |   |   |   |   |   |   |   |   |   | S |   | X |
| Stadiums  |   |   |   |   |   |   |   |   |   |   | S | S |   |
| Storage facilities, commercial or Municipal   |   |   |   |   |   |   |   | X |   |   | S | S | S |
| Storage of disabled vehicles  |   |   |   |   |   |   |   |   |   |   | S | S |   |
| Storage of motor vehicles   |   |   |   |   |   |   | S | S |   |   | S | S | S |
| Swimming pools, indoor and outdoor (commercial or Municipal)  |   |   |   |   |   |   | S | S | X | X | S |   |   |
| Tanning salons  |   |   |   |   |   | X | X | X |   |   |   |   |   |
| Tattoo parlors/body piercing  |   |   |   |   |   | X | S | X | S | S |   |   |   |
| Taverns   |   |   |   |   |   | X | S | X | S | S |   |   |   |
| Taxi service  |   |   |   |   |   |   | X | X |   | X | X | X |   |
| Temporary real estate office as part of the development limited to the selling or renting of units in such development for no longer than the completion of the sale of all units |   | X | X | X | X | X |   | X |   |   |   |   |   |
| Temporary uses (subject to subsection 9-1-6-10D3 of this zoning ordinance)  | S | S | S | S | S | S | S | S | S | S | S | S | S |
| Theaters  |   |   |   |   |   | S | S | X | S |   | S | S |   |
| Towers, commercial radio and television   | S | S | S | S | S | S | S | S | S | S | S | S | S |
| Towing services   |   |   |   |   |   |   |   | S |   |   | X | X |   |
| Toy stores  |   |   |   |   |   | X | X | X |   |   |   |   |   |
| Upholstery services   |   |   |   |   |   | S | S | X | X | X | X | X |   |
| Variety stores  |   |   |   |   |   | X | X | X |   |   |   |   |   |
| Vending machine business, self-service, coin or currency operated   |   |   |   |   |   |   |   | X |   |   |   |   |   |
| Veterinarian offices and animal hospitals   |   |   |   |   |   |   |   | X |   |   | X |   | S |
| Warehousing   |   |   |   |   |   |   |   |   |   |   | X | X |   |
| Wireless service antenna tower(s)   |   |   |   |   |   |   |   |   |   |   | S | S |   |
| Wireless service tower(s)   |   |   |   |   |   |   |   |   |   |   | S | S |   |
| Wrecking/recovery services  |   |   |   |   |   |   |   |   |   |   | S | S |   |

A. Minimum District Area: The minimum area may constitute a separate or detached part of any zoning district as shown in table 2, column 2 of this section.

B. Minimum Buildable Lot Area: All buildings located in a zoning district must be located on a tract of land with a minimum lot area as shown in table 2, column 2 of this section.

1. Multiple-Family Lot Area: Any room other than a utility, kitchen, dining, living or bathroom shall be counted as a bedroom for purposes of determining the lot area required for multiple-family uses.
2. Division Of Zoning Lots: No improved zoning lot shall be divided into two (2) or more zoning lots unless all improved zoning lots resulting from each such division conforms with all the applicable bulk regulations of the zoning district in which the property is located.

EXCEPTION: With respect to the resubdivision of improved zoning lots in the R-3 and R-4 or B-4 districts, side yard requirements shall not apply between attached buildings. (Ord. 89-54, 6-26-1989)

3. Contiguous Parcels: When two (2) or more parcels of land which lack adequate area and dimension to qualify for a permitted use under requirements of the use district in which they are located are contiguous and are held in one ownership, the owner shall combine the lots into one lot to qualify for a permitted use. Said lot will meet the lot area dimension required in the district. (Ord. 89-54, 6-26-1989; amd. Ord. 96-15, 5-6-1996)
- C. Lot Width: Each lot shall have a width at the building setback line as shown in table 2, column 4 of this section.
- D. Yards: No building shall be erected or enlarged unless the following yards are provided and maintained on the same zoning lot as such buildings or structures: (Ord. 89-54, 6-26-1989)

1. Front Yard: Each zoning lot shall have a front yard not less than shown in table 2, column 5 of this section. A minimum seventy five percent (75%) of the area of said front yard shall be landscaped. (Ord. 89-54, 6-26-1989; amd. Ord. 96-15, 5-6-1996)
2. Rear Yard: Each zoning lot shall have a rear yard not less than shown in table 2, column 6 of this section.
3. Total Side Yard: Each zoning lot shall have two (2) side yards, the total of which is not less than shown in table 2, column 7 of this section.
4. Minimum Side Yard: Each zoning lot shall have two (2) side yards, each of which is no less than stated in table 2, column 8 of this section.
5. Yards Abutting Streets: Any side or rear yard which abuts a street, shall not be less than as shown in table 2, column 9 of this section.
6. Continuing Obligation Of Yards, Courts And Other Open Spaces: The maintenance of yards, courts and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building of the property on which it is located as long as the building is in existence. No yards, now or hereafter provided for an existing building, shall be reduced below, or further reduced below if already less than the minimum yard requirements of the district in which it is located, for equivalent new construction.
7. Obstructions Not Permitted In Required Yards: Buildings, structures or plantings which obstruct the vision of drivers of motor vehicles shall not be located:
  - a. In Residential Districts: Within twelve feet (12') of the intersecting property lines bordering corner lots and shall not exceed a height of three feet (3') above street grade.
  - b. In Business Or Manufacturing Districts: Within eight feet (8') of the intersecting property lines bordering a corner lot; provided, that this regulation shall not apply to that part of a building above the first floor.
- E. Lot Coverage: The total ground area occupied by any principal building together with all accessory buildings shall not exceed the percentage of the total area of the lot as shown in table 2, column 10 of this section. Lot coverage shall be calculated as follows: total square feet of buildings and accessory buildings divided by the total square feet of the zoning lot.
- F. Maximum Floor Area Ratio: The combined floor area ratio for any principal building together with all accessory buildings shall not exceed the ratio shown in table 2, column 11 of this section. The floor area ratio shall be calculated as follows: Total floor area of buildings and accessory buildings divided by the total area of a zoning lot.
- G. Maximum Height Of Principal Use: No principal building or structure shall exceed the height restrictions in feet as shown in table 2, column 12 of this section. (Ord. 89-54, 6-26-1989)
- H. Maximum Height Of Detached Accessory Building: No detached building or structure shall exceed the height in feet as shown in table 2, column 13 of this section. Any height which shall exceed the height in feet as shown in table 2, column 13 of this section shall be first approved by the planning and zoning board. (Ord. 96-48, 10-21-1996)
- I. Minimum Total Square Footage: No dwelling shall have less than the total floor area shown in table 2, column 14 of this section. The ground floor area shall be measured from the outside of the exterior walls, but is not to include cellars, basements, open porches, breezeways, garages, and other spaces that are not used frequently or during extended periods for living, eating, or sleeping purposes.
- J. Minimum First Floor Square Footage: No dwelling shall have less than the total ground floor area shown in table 2, column 15 of this section. But in no case can the total floor area of a dwelling be less than table 2, column 14 of this section. The ground floor area shall be measured from the outside of the exterior walls, but is not to include cellars, basements, open porches, breezeways, garages, and other spaces that are not used frequently or during extended periods for living, eating, or sleeping purposes. (Ord. 2002-02, 1-8-2002)

## LOT SIZE, YARDS AND BULK REGULATIONS IN ALL ZONING DISTRICTS<sup>1</sup>

[illegible]

|     |   |                |   |      |                  |                  |      |  |     |     |      |           |                  |                   |                   |
|-----|---|----------------|---|------|------------------|------------------|------|--|-----|-----|------|-----------|------------------|-------------------|-------------------|
| R-3 | 2 bedroom   | 1 acre         | 10,000' per dwelling unit   |      |                  |                  |      |  |     |     |      |           |                  |                   |                   |
|     | 3 bedroom   |                | 13,333' per dwelling unit   |      |                  |                  |      |  |     |     |      |           |                  |                   |                   |
|     | Nonresidential  |                | 20,000'   | 80'  | 25'              | 30'              | 30'  | Not less than 12"  | 25' | 30% | 0.4  | 50'       | 15'              |                   |                   |
|     | Special use, other than planned unit development <sup>2</sup>   |                | 20,000'   | 80'  | 25'              | 30'              | 30'  | Same as above  | 25' | 30% | 0.4  | 50'       | 15'              |                   |                   |
| R-4 | Multiple-family dwellings                                       | 1 acre         |   | 50'  | 25'              | 40'              | 30'+ | Not less than 10'. For buildings over 2 stories add 1' per story | 25' | 30% | 0.4  | 3 stories | 15'              | 700' per dwelling | 700' per dwelling |
|     | 1 bedroom   |                | 4,000' per dwelling unit  |      |                  |                  |      |  |     |     |      |           |                  |                   |                   |
|     | 2 bedroom   |                | 5,000' per dwelling unit  |      |                  |                  |      |  |     | 30% |      |           |                  |                   |                   |
|     | 3 bedroom   |                | 6,666' per dwelling unit  |      |                  |                  |      |  |     | 30% |      |           |                  |                   |                   |
|     | Nonresidential  |                | 20,000'   | 80'  | 25'              | 30'              | 30'  | Not less than 12"  | 15' | 30% | 0.4  | 50'       | 15'              |                   |                   |
|     | Assisted living facility  |                | 2 acres   | 80'  | 25'              | 30'              | 30'  | Not less than 12"  | 15' | 30% | 0.4  | 50'       | 15'              |                   |                   |
|     | Special uses, other than planned unit developments <sup>2</sup> |                | 20,000'   | 80'  | 25'              | 30'              | 30'  | Not less than 12"  | 15' | 30% | 0.4  | 50'       | 15'              |                   |                   |
| D   |   |                | -   | -    | 3'               | 30'              | -    | Not required. 5' min. if provided                                | 3'  | 66% | 1.2  | 40'       | -                | -                 | -                 |
| B-2 |   | 20,000 sq. ft. | -   | -    | 20'              | 30'              | -    | Not required. 5' min. if provided                                | 20' | 20% | 0.5  | 40'       | 50'              |                   |                   |
| B-3 |   | 1 acre         | -   | -    | 20'              | 30'              | -    | Same as above  | 20' | 20% | 0.4  | 30'       | 50'              |                   |                   |
| B-4 | One-family dwellings  | 1 acre         | 8,125'  | 65'  | 20'              | 30'              | 30'  | 10% of lot width   | 20' | 30% | -    | 35'       | 50'              | 1,300'            | 1,100'            |
|     | Cottages and cabins   |                | Same as above   |      | 20'              | 30'              | 30'  | Same as above  | 20' | 20% | 0.25 | 2 stories | 50'              |                   |                   |
|     | Nonresidential  |                | -   |      | 20'              | 30'              | 30'  | 10% of lot width   | 20' | 20% | 0.25 | 45'       | 50' <sup>3</sup> |                   |                   |
|     | Hotel/motel   |                | 500' per room   |      | 20'              | 30'              | 30'  | Same as above  | 20' | 20% | 0.25 | 3 stories | 50'              |                   |                   |
| B-5 |   | 1 acre         | 15,000'   |      | 20'              | 30'              | -    | Not required. 5' if provided                                     | 20' | 20% | 0.25 | 45'       | 50'              |                   |                   |
|     | Recreational vehicle park                                       | 20 acres       | 1,500 sq. ft. per lot or campsite, max. 18 lots or campsites per acre | 300' | 80' <sup>4</sup> | 50' <sup>6</sup> | 100' | 50' <sup>5</sup>   | 80' | 20% | 0.25 | 45'       | 50'              |                   |                   |
| M-1 |   | 20,000 sq. ft. |   | 100' | 30'              | 20'              | 40'  | 10% of lot width   | 30' | 40% | 0.6  | 95'       | 50'              |                   |                   |
| M-2 |   | 50 acres       |   |      | 80' <sup>4</sup> | 50' <sup>6</sup> | 100' | 50' <sup>5</sup>   | 80' | 50% | 0.7  | 95'       | 50'              |                   |                   |
|     | Recreational vehicle park                                       | 20 acres       | 1,500 sq. ft. per lot or campsite, max. 18 lots or campsites per acre | 300' | 80' <sup>4</sup> | 50' <sup>6</sup> | 100' | 50' <sup>5</sup>   | 80' | 20% | 0.25 | 45'       | 50'              |                   |                   |

Notes:

1. See also subsection 9-1-6-12I of this ordinance.
2. Minimum requirements for special uses shall be prescribed at the time a special use permit is authorized, but in no case shall requirements fall below those stated.
3. Amusement and recreational structures, other than buildings, shall have no height restrictions.
4. 50 feet from front property line shall be a landscaped buffer.
5. 20 feet from side property line shall be a landscaped buffer.
6. 20 feet from rear property line shall be a landscaped buffer.

(Ord. 89-54, 6-26-1989; amd. Ord. 92-62, 12-7-1992; Ord. 96-15, 5-6-1996; Ord. 97-22, 6-16-1997; Ord. 98-09, 2-2-1998; Ord. 98-29, 4-6-1998; Ord. 2002-02, 1-8-2002; Ord. 2014-08, 5-13-2014)

**9-1-5: SUPPLEMENTARY ZONE REGULATIONS:**

**9-1-5-1: NONCONFORMING STRUCTURES AND USES:**

Any buildings or structures containing a nonconforming use, or any nonconforming building or structure, shall be subject to the following regulations:

**A. Continuance Of Legal Nonconforming Structures And Uses:**

1. Any lawfully established building, structure or use that does not conform to the regulations for the district in which it is located shall be deemed to be legal nonconforming and may be continued, except as otherwise provided herein.
2. Any building or structure for which a permit has been lawfully granted which does not conform to the regulation for the district in which it is located may be completed in accordance with the approved plans; provided construction is started within ninety (90) days and diligently prosecuted to completion. Such building or structure shall thereafter be deemed a legal nonconforming building, structure or use and may be continued, except as otherwise provided herein.

**B. Discontinuance Of Legal Nonconforming Structures And Uses:**

1. **Damage Or Destruction:** Except as hereinafter provided in subsection B4 of this section, if any legal nonconforming building, structure or use is destroyed by any means to an extent of more than fifty percent (50%) of the replacement cost of that portion of the principal and accessory buildings and structures which are above the average ground elevation, such building or structure shall not be rebuilt or reoccupied for any use except in accordance with the regulations of the district in which it is located. Damage to an extent of less than fifty percent (50%) shall be repaired in a manner as nearly conforming as possible.

Restoration or repair of the building or other structure must be started within a period of six (6) months from the date of damage or destruction and diligently pursued to completion or the right to rebuild is lost.

2. **Change Or Replacement To A Conforming Use:** Whenever any part of a building, structure or land occupied by a legal nonconforming use is changed to or replaced by a conforming use, such premises shall not thereafter be used or occupied by a nonconforming use, even though the building may have been originally designed and constructed for the prior nonconforming use.

3. Discontinuance Of Use For More Than Twelve Months: Except as hereinafter provided in subsection B4 of this section, whenever a legal nonconforming use of any part of a building or structure, or part thereof, has been discontinued for a period of twelve (12) consecutive months, or whenever there is evidence of a clear intent on the part of the owner to abandon a nonconforming use, such use shall not be reestablished. The use of the premises thereafter shall be in conformity with the regulations of the district.

Exception: Where no enclosed building or structure is involved, discontinuance of a legal nonconforming use for a period of six (6) months shall constitute abandonment and shall not thereafter be used in a nonconforming manner. (Ord. 89-54, 6-26-1989)

4. Preservation And Continuation Of Legal Nonconforming Lots And Single-Family Residences On Legal Nonconforming Lots: In the event a lot in a recorded subdivision is rendered a legal nonconforming lot by virtue of the passage of this Comprehensive Zoning Code of 1997 and 1989 and said lot would otherwise have been legally eligible for use as the site for the construction of a single-family residence prior to the passage of this Code, said lot shall continue to be eligible for the construction of a single-family residence, provided the owner's construction conforms as much as possible to this Code's requirements.

The destruction of a single-family residence on a lot in a recorded subdivision by any means to an extent of more than fifty percent (50%) of the replacement cost after said single-family residence was rendered a legal nonconforming building by virtue of the passing of the Comprehensive Zoning Code of 1997 and 1989 may be rebuilt or repaired provided the construction conforms as much as possible to this Code's requirements. (Ord. 97-22, 6-16-1997)

C. Repairs, Alterations, Additions And Enlargements To Legal Nonconforming Buildings, Structures And Uses:

1. Repairs: Normal maintenance of a legal nonconforming building or structure or a building or structure containing a legal nonconforming use is permitted.
2. Structural Alterations: No structural alterations of a legal nonconforming building or structure, or a building or structure containing a legal nonconforming use, are permitted except as follows:
  - a. When the alteration is required by law.
  - b. When the alteration will actually result in the elimination of the legal nonconforming status.
  - c. When a building in a Residential District containing a residential legal nonconforming use is altered to improve livability, no structural alterations shall be made which would increase the number of dwelling units or the bulk of the building.
  - d. When the bulk of a building in a Residential District containing a residential legal nonconforming use is increased to improve livability and a variation has been granted for such increased bulk.
3. Addition Or Enlargements: A legal nonconforming building or structure, or a building or structure containing a legal nonconforming use, may be enlarged or extended only if the use thereafter conforms to all the legal regulations of the district in which it is located, or a variation has been granted for such use.

A legal nonconforming building or structure which is nonconforming with respect to yards, floor area ratio, or any other element of bulk shall not be altered or expanded in any manner which would increase the degree or extent of its nonconformity with respect to the regulations for the district in which it is located, unless a variation has been granted for such alteration or expansion. (Ord. 2019-01, 1-22-2019)

D. Termination And Removal Of Legal Nonconforming Status: Every such legal nonconforming use listed below shall be deemed illegal nonconforming and shall be completely removed from the premises:

1. Any nonconforming use of a building or structure having an assessed valuation not in excess of two thousand dollars (\$2,000.00).
2. All nonconforming advertising devices in any Business District.
3. Any nonconforming signs and any and all billboards.
4. Any nonconforming use of land where no enclosed building is involved, or where the only buildings employed are accessory or incidental to such use, or where such use is maintained in connection with a conforming building.
5. Any nonconforming house trailers.

E. Illegal Nonconforming Uses, Buildings Or Structures: Buildings, structures, or uses unlawfully established which do not conform to the regulations for the district in which they are located are deemed illegal nonconforming and are subject to section 9-1-6-14 of this ordinance. (Ord. 89-54, 6-26-1989)

**9-1-5-2: ACCESSORY STRUCTURES:**

A. Location: Accessory structures shall be located on the same zoning lot of the principal use to which they are accessory, unless otherwise stated. No more than two (2) accessory structures may be erected on any residential zoning lot with a combined total floor area not to exceed eight hundred thirty four (834) square feet. When two (2) accessory structures are erected, one accessory structure shall not exceed one hundred twenty (120) square feet of floor area. No residential detached accessory structure shall exceed fifteen feet (15') in height and no commercial or industrial structure shall exceed fifty feet (50') in height, measured from ground level to its highest point. (Ord. 96-48, 10-21-1996)

1. Interior Residential Lots: No part of any accessory structure shall be located closer than five feet (5') to the rear or side lot lines.
2. Corner Or Reversed Corner Residential Lots: On a corner or reversed corner lot in a residential area, no part of an accessory structure shall be located in a rear yard closer than five feet (5') to the rear or side lot line and no closer than five feet (5') to the required yard setback abutting streets for the district in which the property is located as indicated in section 9-1-4-3, table 2, of this ordinance.
3. Swimming Pools As Accessory Structures On Residential Lots: For swimming pools, the regulations stated above shall be a distance of eight feet (8') and shall include the swimming pool, pumps, pool filters, pool water disinfection equipment installations, fencing and sidewalks.
- B. Time Of Construction: No accessory building or structure shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory.
- C. Percentage Of Required Rear Yard Occupied: No accessory building or structure shall occupy more than forty percent (40%) of the area of a rear yard in the zoning district in which the property is located.
- D. Height Of Accessory Structures In Required Rear Yards: No accessory structure located in a required rear yard shall exceed the maximum height listed in section 9-1-4-3, table 2, column 13, of this ordinance.
- E. Fences Surrounding Swimming Pools: Swimming pools will be fully enclosed with a fence a minimum of forty eight inches (48") in height. (Ord. 89-54, 6-26-1989)

**9-1-5-3: LAKE FRONT PROPERTY REQUIREMENTS:**

- A. Setback Requirements: All principal and accessory buildings, other than boathouses, shall provide and maintain a setback of thirty feet (30') from the shoreline when the zoning lot is located on Pistakee, Nippersink, Grass, Duck, Dunns, and Fox Lakes and all streams and channels connected to these bodies of water.
- B. Filling Of Property: No part of the area of the shoreline of Pistakee, Nippersink, Grass, Duck, Dunns and Fox Lakes or all streams and channels connected to these bodies of water, shall be filled with sand, earth or other material as per flood plain regulations. (Ord. 89-54, 6-26-1989; amd. Ord. 92-62, 12-7-1992)

**9-1-5-4: OFF STREET PARKING:**

- A. Purpose: The purpose of this section is to alleviate or prevent congestion of the public streets, and so promote the safety and welfare of the public, by establishing minimum requirements for the off street parking, loading and unloading of motor vehicles in accordance with the use to which property is put.
- B. Scope Of Regulations: All buildings and structures, erected and enlarged, and all uses of land established, shall provide loading and parking facilities as required by the district in which such buildings are located.

1. Change In Use, Intensity Of Use Or Building: When the intensity of use of any building is increased through addition of dwelling units, gross floor area, seating capacity, or other units of measurement, or when the use of a building is changed, parking and loading facilities shall be provided as required for such increase of use.

C. Access To Parking Spaces: Adequate access to a public street or other officially approved means of access, shall be provided for each parking space. Openings for vehicular ingress and egress shall not exceed thirty feet (30') at the property line and forty five feet (45') at the roadway. (Ord. 89-54, 6-26-1989)

1. In R-1 And R-2 Zoned Property: All newly constructed single-family residences shall have a garage and a hard surfaced, dust proof paved driveway, at least ten feet (10') wide, extending from the curb, or in the absence of a curb, from the street surface, to a hard surfaced, dust proof, paved off street parking area and garage behind the building line for the zoning district in which the construction takes place.

For existing single-family residences that have existing driveways, a hard surfaced drive shall not be required, with the exception that if the width of the approach is widened, then the entire drive shall be hard surfaced from the road to the property line.

On existing single-family residences located on interior lots or corner lots where the side yard or rear yard is not adequate to permit access to an off street parking area located in back of the building setback line, the above standards and specifications do not apply. (Ord. 2002-02, 1-8-2002)

2. In All Other Districts: Driveways shall be a minimum ten feet (10') for one-way use and a minimum twenty feet (20') for two-way use and shall not exceed thirty five feet (35') in width. Aisles required for additional access to parking spaces shall conform to sizes in accordance with exhibit I, at the end of this section.

D. Joint Parking Facilities: Collective parking facilities for different buildings, structures or uses, or for mixed uses, may be provided. The number of spaces so located together shall not be less than the sum of the separate requirement for each use.

E. Design And Maintenance Of Parking Spaces:

1. Open And Enclosed Parking Spaces: Accessory off street parking spaces, located on the same lot as occupied by the use served, may be open to the sky or enclosed in a building. Accessory parking spaces, located in a residential district elsewhere than on the same lot occupied by the use served, shall be open to the sky except when otherwise allowed as a special use.
2. Surfacing: All open off street parking areas and access to these areas shall be hard surfaced, dust proof paving and constructed to meet the following specifications as to finish, pitch and

strength:

- a. On street right-of-way, seven inches (7") portland cement concrete or eight inches (8") full depth asphalt over a compacted base, or two inches (2") of asphalt over eight inches (8") of compacted gravel.
- b. On private property, five inches (5") of portland cement concrete, or six inches (6") of full depth asphalt on a compacted base, or two inches (2") of asphalt over six inches (6") of compacted gravel.
3. Screening: All open automobile off street parking areas, adjoining or fronting on any property situated in a residential district or any institutional premises which contain more than four (4) parking spaces, shall be effectively screened on all sides by a wall, fence or densely planted compact hedge not less than five feet (5') in height at the time of planting. Such required screening shall conform with the front and side yard setback requirements and yards abutting street requirements of the district in which the parking is located. (Ord. 89-54, 6-26-1989)
4. Landscaping: All public and private off street parking areas which serve five (5) vehicles or more shall be constructed and maintained in accordance with the Village of Fox Lake Parking Lot Landscaping Design Guidelines, a copy of which is adopted as its own compilation and a copy of which is on file in the Village Hall. The procedure for application of said guidelines shall be as follows:
  - a. The guidelines shall be administered by the Community Development Department, except as provided in subsection E4b of this section.
  - b. Where a parking lot is included as a component of a development requiring a hearing before the Planning and Zoning Commission, then said commission shall make recommendation for requirements as part of its recommendation to the Village Board.
  - c. If an applicant is aggrieved by requirements imposed by the Community Development Department, he or she may appeal the decision to the Village Board by filing notice of such appeal with the Village Clerk within sixty (60) days of the action complained of.
  - d. The requirements of the guidelines shall not apply to existing parking areas, but only to parking areas for which permits are hereinafter sought. (Ord. 2018-07, 2-27-2018)
5. Lighting: Any lighting used to illuminate off street parking areas shall be directed away from residential properties in such a way as not to create a nuisance.
- F. Handicapped Parking Spaces: Handicapped parking spaces shall be provided in accordance with the State of Illinois requirements.
- G. Schedule Of Parking Spaces: Required off street parking spaces shall be in accordance with section 9-1-5-5, table 3 of this ordinance. For uses not listed in the table, parking spaces shall be provided on the same basis as required for the most similar listed use, or determined by the Zoning Board.

1. Computation Of Parking Spaces: When determination of the number of off street parking spaces required herein results in a requirement of a fractional space, any fraction of one-half ( $\frac{1}{2}$ ) or less may be disregarded. Any fraction in excess of one-half ( $\frac{1}{2}$ ) shall be counted as one parking space. Computations shall be based on gross enclosed floor area(s) of the building(s).

H. Off Street Parking In R-1 And R-2 Residential Districts:

1. Parking Space Size: A required off street parking space shall be at least nine feet (9') in width and at least nineteen feet (19') in length. Such spaces shall have a vertical clearance of at least seven feet (7').
2. Use: Required off street parking spaces accessory to residential uses shall be used solely for the parking of passenger automobiles and/or commercial vehicles owned or operated by the occupants of the dwelling structures or by guests of said occupants. Under no circumstances shall required parking facilities be used for the overnight housing, parking and keeping of semitrailers, road tractors, trailers, special mobile equipment, motor carrier vehicles, vehicles licensed equivalent to a State of Illinois Class E or high alphabetical class plate or with a gross weight vehicle rating including vehicle and maximum load of twelve thousand one (12,001) pounds or more over twenty five feet (25') in length, pole trailers or truck tractors in residential districts or property located in a residential district located within the village is hereby prohibited.
3. Location: Preferably off street parking spaces accessory to residential uses shall be located on the same zoning lot as the use served. However, if this is not possible, required spaces may be located on an adjacent lot. Said spaces are subject to the off site parking regulations in section 9-1-5-5 of this ordinance.

Off street parking spaces shall be located behind the setback lines for the zoning in which the residence is located. Setback areas shall be green areas.

For existing single-family residences located on interior lots where the side yard is not adequate to permit access to an off street parking area located in back of the building setback line, such parking area may be constructed in front of the building setback line, if approved by the staff review committee.

For existing single-family residences located on a corner lot where the side yard or back yard is not adequate to permit access to an off street parking area located in back of the building setback line, such parking area may be constructed in front of the building setback line at a place farthest from the intersection of the streets, if approved by the staff review committee. (Ord. 89-54, 6-26-1989)

I. Off Street Parking In R-3 And R-4 Residential Districts:

1. Size Of Parking Spaces: Parking space size is exclusive of access drives, or aisles, ramps, columns or office work areas. Such space shall have a vertical clearance of at least seven feet (7'). (Ord. 89-54, 6-26-1989; amd. Ord. 96-15, 5-6-1996)
2. Use: Required off street parking spaces accessory to residential uses shall be used solely for the parking of passenger automobiles and/or commercial vehicles one ton and under, owned or operated by the occupants of the dwelling structures or by guests of said occupants. Under no circumstances shall required parking facilities be used for the storage of commercial vehicles, recreational vehicles, or for the parking of automobiles belonging to employees, owners, tenants, visitors or customers of business or manufacturing establishments.
3. Location: Preferably off street parking spaces accessory to residential uses shall be located on the zoning lot as the use served. However, if this is not possible, required spaces may be located on an adjacent lot. Said spaces are subject to the off site parking regulations in section 9-1-5-5 of this ordinance.

Required off street parking space location shall conform to the setback requirements as set forth in exhibit I of this section. Setback areas shall be green areas. (Ord. 89-54, 6-26-1989)

4. Wheel Curb Offset: Each parking space shall provide for wheel curb offset. Offset can be attained through the use of a secured concrete device, curbing or other comparable secured device as approved by the architectural review committee. (Ord. 89-54, 6-26-1989; amd. Ord. 2002-02, 1-8-2002; Ord. 2002-63, 11-26-2002)

If concrete or other secured devices are used for wheel curb offset, the device is to be placed two feet (2') from the front of the parking space for head in parking and four feet (4') from the front of the parking space for back in parking.

J. Off Street Parking For Business And Manufacturing Districts:

1. Size Of Parking Spaces: Requires off street parking spaces shall conform to the size requirements set forth in exhibit I of this section. Parking space sizes are exclusive of access drives, or aisles, ramps, columns or office work areas. Such space shall have a vertical clearance of at least seven feet (7').
2. Location: Preferably required off street parking spaces accessory to business and manufacturing uses will be located on the same zoning lot as the use served. However, if this is not possible, required spaces may be located on a lot or lots within one thousand feet (1,000') of the use served and will be subject to the off site parking regulations in section 9-1-5-5 of this ordinance.

Required off street parking space location shall conform to the setback requirements as set forth in exhibit I of this section. Setback areas shall be green areas.

3. Number Of Spaces Required: The number of spaces required shall be in accordance with section 9-1-5-5, table 3 of this ordinance except for the downtown zoning district where no parking requirements exist. (Ord. 89-54, 6-26-1989)
4. Wheel Curb Offset: Each parking space shall provide for wheel curb offset. Offset can be attained through the use of a secured concrete device, curbing or other comparable secured device as approved by the architectural review committee. (Ord. 89-54, 6-26-1989; amd. Ord. 2002-02, 1-8-2002; Ord. 2002-63, 11-26-2002)

If concrete or other comparable secured devices are used for wheel curb offset, the device is to be placed two feet (2') from the front of the parking space for head in parking and four feet (4') from the front of the parking space for back in parking.

K. Off Street Parking For Nonresidential Uses In Residential Districts:

1. Location: Preferably required off street parking spaces accessory to nonresidential uses will be located on the same zoning lot as the use served. However, if this is not possible, required spaces may be located on a lot adjacent to, or directly across a street or alley from, the lot occupied by the use served, but in no case at a distance in excess of three hundred feet (300') from such use. Said spaces shall conform to the parking requirements of the aforementioned nonresidential use as set forth in this ordinance and are subject to the off site parking regulations in section 9-1-5-5 of this ordinance.

Off street parking shall be located behind the building setback line.

2. Number Of Spaces Required: The number of spaces required shall be in accordance with section 9-1-5-5, table 3 of this ordinance.

L. Mixed Uses In A District: When two (2) or more uses are located on the same zoning lot or within the same building, parking spaces equal in number to the sums of the separate requirements for each use shall be provided. (Ord. 89-54, 6-26-1989)

M. Off Street Parking For Recreational Vehicles, Boats, Snowmobiles, Trailers, Motorcycles, All Terrain Vehicles And Passenger Cars, Trucks And Vans:

1. Location: Parking or storage of recreational vehicles, boats, snowmobiles, trailers, motorcycles, all terrain vehicles and passenger cars, trucks and vans in the front yard setback is hereby prohibited except on driveways. (Ord. 93-20, 7-6-1993)
2. Registration: Recreational vehicles must be registered to occupant.
3. Maximum Allowable Outside: A maximum of two (2) recreational units is allowable outside.
4. Parking On Contiguous Lots: Occupants may use contiguous lots for parking of recreational units.
5. Storage On Vacant Property: Storage of recreational units is not allowable on vacant property. (Ord. 90-33, 9-18-1990)

EXHIBIT I

COMMERCIAL OFF STREET PARKING CHART

(Ord. 89-54, 6-26-1989; amd. Ord. 96-15, 5-6-1996)

9-1-5-5: OFF SITE PARKING REGULATIONS:

A. Ownership Of Off Site Parking Sites: When required parking facilities are provided on land other than the zoning lot on which the building or use served is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory.

B. Special Use For Off Site Parking: No off site parking facilities shall be authorized unless a special use is granted in accordance with the procedures outlined in section 9-1-6-10 of this ordinance. The board must make findings that the common ownership or possession of the zoning lot and the site of the parking facilities are reasonably certain to continue and that the off site parking facilities will be maintained at all times during the life of the proposed use or building in addition to other guarantees and conditions imposed by the zoning board of appeals in the special use.

C. Business Use Of Residential Zoned Property For Off Site Parking: Parking spaces accessory to use in a business or manufacturing district shall not be located in a residential district unless:

1. The off site parking is a municipal parking lot or is private, free, and accessory to a business district;
2. A special use permit is obtained in accordance with section 9-1-6-10 of this ordinance; and
3. The proposed off site parking is within two hundred feet (200') of and adjacent to any business or industrial district. (Ord. 89-54, 6-26-1989)

TABLE 3

SCHEDULE OF PARKING REQUIREMENTS

For the following uses, accessory off street parking spaces or off site parking spaces shall be provided as stated. 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.

| Use  | Number Of Spaces Required  |
|--|--|
| Use  | Number Of Spaces Required  |
| Automobile repair and service garages                      | 1 per 250 square feet of floor area used for repair work and 2 per 3 employees   |
| Beauty and barber shop                                     | 3 spaces per operator or 1 space per 100 square feet of gross floor area, whichever is larger, plus 1 space per employee on the largest work shift   |
| Boat slips   | 1 per boat slip  |
| Churches   | 1 per 4 seating spaces   |
| Commercial and entertainment                               | 1 space per 200 square feet of gross floor area of customer sales and service, storage and/or office gross floor area. If the use has at least 100,000 square feet of gross floor area, then 4 spaces per 1,000 square feet of gross floor area shall be provided                        |
| Commercial and trade schools                               | 1 per 5 students, 2 per 3 employees  |
| Commercial recreation                                      | 1 per 3 patrons  |
| Financial institutions                                     | 1 space per 200 square feet of gross floor area, plus 5 spaces of off street waiting (loading) spaces per drive-in lane  |
| Funeral homes  | 1 space per 4 patron seats or 25 spaces per chapter unit, whichever is greater   |
| Grocery stores and supermarkets                            | 1 space per 100 square feet of gross floor area of customer sales and service, plus 1 space per 200 square feet of gross floor area of storage   |
| Health homes and institutions                              | 1 visitor per 4 patient beds   |
| Hospitals  | 2 spaces per 3 patient beds, plus 1 space per staff doctor and each other employee on the largest work shift   |
| Hotels and motels  | 1 space per room or suite, plus 1 space per every 3 employees on the largest work shift, plus 1 space per 3 persons to the maximum capacity of each public meeting and/or banquet room, plus 50 percent of the spaces otherwise required for accessory uses (e.g., restaurants and bars) |
| Lodge or club halls  | 1 per 3 persons based on maximum capacity of facility  |
| Manufacturing establishments                               | 1 per employee based on largest shift or 1 per 1,500 square feet in floor area, whichever is greater and 1 for each company vehicle regularly stored or parked on the premises   |
| Marinas  | 1 per boat slip, 2 per 3 employees, 1 per 300 square feet of selling space   |
| Medical clinics  | 3 patient spaces per doctor, 2 per 3 employees, 1 per staff doctor   |
| Motor vehicle sales  | 1 per 300 square feet of floor and sales area, 2 per 3 employees   |
| Multiple-family dwellings efficiency, 1 bedroom, 2 bedroom | 2 per dwelling unit, 1 additional per bedroom, excluding garage  |
| Nursery  | 2 per 3 employees  |
| Office - industrial  | 2.5 spaces per 1,000 square feet of gross floor area   |
| Offices  | 1 per 250 square feet of floor area  |
| One-family dwellings                                       | 2 per dwelling, excluding garage   |
| Outdoor recreational uses                                  | 1 space per 4 expected patrons at maximum capacity   |
| Repair services  | 1 space per 300 square feet of gross floor area, plus 1 space per employee on the largest work shift   |
| Restaurants, fast food or with drive- through              | 1 space per 100 square feet of floor area  |
| Restaurants, standard                                      | 1 space per 3 patron seats or 1 space per 100 square feet of gross floor area, whichever is greater, plus 1 space per employee on the largest work shift   |
| Retail stores and personal service shop                    | 1 per 200 square feet of sales space, 2 per 3 employees  |
| Schools  | 1 space per 3 students, plus 1 space per employee (including faculty) at capacity class attendance period  |
| Shopping center, less than 100,000 square feet             | 5 spaces per 1,000 square feet of gross floor area   |
| Skating rinks, ice or roller                               | 1 space per 300 square feet of gross floor area  |

|  |   |
|--|---|
| Taverns, lounges and dance halls                                       | 1 space per 2 seating spaces, and 2 spaces per 3 employees  |
| Theaters, auditoriums, places of assembly                              | 1 per 3 people based on the maximum capacity of the structure   |
| Warehousing establishments   | 1 per 2 employees based on largest shift, or 1 per 2,000 square feet of floor area, whichever is greater  |
| Wholesale establishments   | 2 per 3 employees based on largest shift  |
| Other outdoor recreational uses:                                       |   |
| Golf courses (9 and 18 hole)   | 36 spaces per 9 holes, plus 1 space per employee on the largest work shift, plus 50 percent of spaces otherwise required for any accessory uses (e.g., bars, restaurants)   |
| Institutional, indoor recreational and special uses                    | 1 space per 3 patrons, to the maximum capacity, plus 1 space per employee on the largest work shift   |
| Outdoor swimming pools   | 1 space per 75 square feet of gross water area  |
| Public service uses  | 1 space per employee on the largest work shift, plus 1 space per company vehicle normally stored or parked on the premises  |
| Tennis courts  | 3 spaces per court  |
| Truck terminals  | 1 space per employee on the largest work shift plus 1 space per truck normally parked on the premises, plus one space per 3 patrons to the maximum capacity   |
| Other institutional indoor recreational, and special residential uses: |   |
| Camps, day or youth  | 1 space per employee on the largest work shift, plus 1 space per camp vehicle normally parked on the premises   |
| Cemeteries   | 1 space per employee, plus 1 space per 4 visitors to the maximum capacity   |
| Churches   | 1 space per 5 seats to the maximum capacity   |
| Community and recreation centers                                       | 1 space per 250 square feet of gross floor area, or 1 space per 4 patrons to the maximum capacity, whichever is greater, plus 1 space per employee on the largest work shift  |
| Day or nursery schools   | 1 space per 5 students for up to 50 students, plus 1 space per 10 students past 50. A one-way circular drive is required with a minimum dimension of 40 feet by 40 feet at the entrance to the school. No parking space shall back onto a public street |
| Group dwellings  | 1 space per bedroom or sleeping room  |
| Libraries and museums  | 1 space per 250 square feet of gross floor area or 1 space per 4 seats to the maximum capacity, whichever is greater, plus 1 space per employee on the largest work shift   |
| Monasteries and convents   | 1 space per 6 residents, plus 1 space per employee on the largest work shift, plus 1 space per 5 chapel seats if the public may attend  |
| Nursing homes  | 1 space per 6 patient beds, plus 1 space per employee on the largest work shift, plus 1 space per staff member and per visiting doctor  |

(Ord. 89-54, 6-26-1989; amd. Ord. 2013-04, 2-28-2013)

#### **9-1-5-6: OFF STREET LOADING AND STORAGE OF MOTOR VEHICLES:**

##### **A. Off Street Loading:**

1. Location: All required loading berths shall be located in the side or rear yard on the same zoning lot as the use served. No loading berth shall be located within twenty five feet (25') of the nearest point of intersection of any two (2) streets. No loading berth areas shall interfere with access to parking spaces of required off street parking areas.
2. Screening: When a loading berth is located closer than fifty feet (50') to any property in a residential district, it must be completely screened at a height not less than six feet (6') by a solid fence or dense, compact bushes at a height of six feet (6') at planting.
3. Access: Each off street loading berth shall be designated with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.
4. Surfacing: All open off street loading berths shall be improved with a compacted subbase, not less than seven inches (7") thick, surfaced with not less than two inches (2") of asphaltic concrete or comparable all weather dustless material.
5. Additional Requirements For Nonresidential Uses In A Residential District Or Business District: The minimum number of off street loading berths accessory to nonresidential uses in a residential or business district shall be: One loading berth for buildings containing ten thousand (10,000) to forty thousand (40,000) square feet of gross floor area, plus one additional loading berth for each additional forty thousand (40,000) square feet of gross floor area or fraction thereof. Initial loading berths shall be at least ten feet by twenty five feet (10' x 25'), additional loading berths shall be at least twelve feet by fifty feet (12' x 50').
6. Additional Requirements For Manufacturing Districts: The minimum number of off street loading berths accessory to uses in manufacturing districts shall be in accordance with the following schedule:

| Floor Area       | Number | Minimum Size | Minimum Vertical Clearance |
|------------------|--------|--------------|----------------------------|
| 5,000 - 10,000   | 1      | 10' x 35'    | 14'                        |
| 11,000 - 25,000  | 2      | 10' x 35'    | 14'                        |
| 26,000 - 40,000  | 2      | 12' x 50'    | 14'                        |
| 41,000 - 100,000 | 3      | 12' x 50'    | 14'                        |

##### **B. Storage Of Motor Vehicles Four Tons And Less:**

1. Purpose: The purpose of this section is to regulate the use and location of areas for which a special use has been granted to permit outdoor storage of motor vehicles of four (4) tons or less. Such regulations are intended to protect the public safety and general welfare, assure compatibility with area development and intended uses, and to protect and maintain property values.
2. Applicability: Storage of motor vehicles is permitted under this section only if:
  - a. Such vehicles are four (4) tons and less; and
  - b. No sales, servicing or repair of vehicles is performed on the premises.
3. Surfacing: All premises approved for storage of motor vehicles shall be improved with a compacted subbase, not less than seven inches (7") thick, surfaced with not less than two inches (2") of asphaltic concrete or comparable all weather dustless material. Use of pervious surfaces shall be encouraged for purposes of ecological benefit.
4. Lighting: Any lighting used to illuminate areas shall be directed away from residential properties in such a way as not to create a nuisance, and shall not be permitted to cause distraction to area motorists.



5. Screening: Such screening shall be installed and maintained as may be required to avoid or minimize adverse impact on adjoining and neighboring properties in the discretion of the corporate authorities.
6. Landscaping: Such landscaping shall be installed and maintained as may be required to avoid or minimize adverse impact on adjoining and neighboring properties in the discretion of the corporate authorities. (Ord. 2014-22, 7-8-2014)

**9-1-5-7: PERFORMANCE STANDARDS:**

- A. General Standards: All districts are governed by the following performance standards:
  1. Measurement Methods:
    - a. For Smoke: For the purpose of grading the density of emission of smoke, the Ringelmann chart, published and used by the United States bureau of mines, shall be used. For determining smoke units, the Ringelmann density reading shall be made every minute during the period of observation. Each reading shall be multiplied by the time in minutes it is observed, and the products added together to determine the total number of smoke units observed during the total period of observation.
    - b. For Particular Matter: To determine the total net rate of emission of particular matter within the boundaries of any lot: Find the maximum emission in pounds per hour from each source of emission and divide by the number of acres of lot area, thereby obtaining the hourly rate of emission in pounds per acre. Add together the individual rates of emission found above to determine the total rate of emission from all sources within the boundaries of the lot.
    - c. For Noise: Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound meter.
    - d. For Vibration: For the purpose of measuring vibrations, a three (3) component measuring system shall be used. A three (3) component measuring system denotes instrumentation which can measure earthborn vibrations in three (3) directions each of which occurs at right angles to the other two.
  2. Radiation Hazards: All applicable regulations of the atomic energy commission and any instrumentality of the state of Illinois shall be complied with.
  3. Particulate Matter Standards: The total emission of particulate matter shall not exceed the rate established below:

| Height Of Emission | Pounds Per<br>Hour Per Acre |
|--------------------|-----------------------------|
| 0 - 99 feet        | 6.00                        |
| 100 - 199 feet     | 6.50                        |
| 200 - 299 feet     | 7.50                        |
| Over 299 feet      | 10.00                       |

4. Odors: No continuous, frequent or repetitive, or readily detectable emission of odors or odor causing substance which would be offensive beyond any property line of any industrial use will be permitted. The rules and regulations of the Illinois air pollution control board shall be complied with.
5. Toxic Or Noxious Matter: No use on any property shall discharge across the boundaries of said property toxic or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare, or cause injury or damage to other property or business.
6. Glare Or Heat: Any operation producing intense glare or heat shall be performed within a completely enclosed building and effectively screened in such a manner as not to create a public nuisance or hazard along property boundaries.
7. Noise: Impulsive type noises shall be subject to the performance standards hereinafter prescribed; provided, that such noises shall be capable of being accurately measured with equipment. Noises capable of being so measured for the purpose of this section, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two (±2) decibels. Noises incapable of being so measured, such as those of an irregular or intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

At no point on the boundary of a residential district or a business district or at one hundred twenty five feet (125') from the nearest property line of a plant or operation, whichever distance is greater, shall the sound pressure level of an individual operation or plant (other than the operation of motor vehicles and other transportation facilities) exceed the decibel levels at the designated octave bands shown hereafter for the districts indicated.

| M-1 MANUFACTURING                         |   |  |
|---|---|--|
| OCTAVE BAND<br>CYCLE<br><u>PER SECOND</u> | MAXIMUM PERMITTED<br>SOUND LEVEL IN<br>DECIBELS ALONG<br>RESIDENTIAL DISTRICT<br>BOUNDARIES OR 125<br>FEET FROM PLANT OR<br><u>OPERATION PROPERTY</u> | MAXIMUM PERMITTED<br>SOUND LEVEL IN<br>DECIBELS ALONG<br>BUSINESS DISTRICT<br>BOUNDARIES OR 125<br>FEET FROM PLANT OR<br><u>OPERATION PROPERTY</u> |
| 0 - 74                                    | 67  | 73   |
| 75 - 149                                  | 62  | 68   |
| 150 - 299                                 | 58  | 64   |
| 300 - 599                                 | 54  | 60   |
| 600 - 1199                                | 49  | 55   |
| 1200 - 2399                               | 45  | 51   |
| 2400 - 4800                               | 41  | 47   |
| ABOVE 4800                                | 37  | 43   |

- M-2 MANUFACTURING**
- The following restrictions shall not apply to noises not directly under the control of the property user; noises resulting from the construction and maintenance of buildings and facilities including site preparation, noises of safety or warning signals and noises of railroad or trucking equipment.

| OCTAVE BAND<br>CYCLE<br><u>PER SECOND</u> | MAXIMUM PERMITTED SOUND LEVEL<br><br>IN DECIBELS<br>ALONG DISTRICT BOUNDARIES<br>OR 125 FEET FROM<br><u>PLANT OR OPERATION PROPERTY</u> |
|---|---|
| 0 - 74                                    | 81  |
| 75 - 149                                  | 75  |
| 150 - 299                                 | 67  |
| 300 - 599                                 | 60  |
| 600 - 1199                                | 55  |
| 1200 - 2399                               | 51  |
| 2400 - 4800                               | 47  |
| ABOVE 4800                                | 43  |

8. Fire and Explosive Hazards: Activities involving the storage or manufacture of materials or products which decompose by detonation are not permitted.
 

The storage, utilization or manufacture of materials ranging from free or active burning to intense burning, as determined by the Zoning Board, is permitted under the following conditions.

  - a. The storage, utilization or manufacture of such materials or products which shall be within completely enclosed buildings or structures having incombustible exterior walls.
  - b. All such buildings or structures shall be set back at least forty feet (40') from property boundaries, or in lieu thereof, shall be protected throughout by an automatic sprinkler system complying with standards for installation prescribed by the National Fire Protection Agency.

The storage, utilization or manufacture of materials ranging from incombustible to moderate burning, as determined by the Zoning Board, is permitted.

Materials or products which produce flammable or explosive vapors or gases under ordinary weather temperatures, shall not be permitted in this district, with the exception of the following:

  - a. Materials required for emergency or standby equipment.
  - b. Materials used in secondary processes which are auxiliary to the principal operation.
9. Activities Must be Within Enclosed Buildings: All business, production, servicing, and processing shall take place within completely enclosed buildings unless otherwise specified.

B. Additional Standards for Residential, Business, and the M-1 Districts:

1. Storage: Within one hundred and fifty feet (150') of a residential or business district, all storage shall be in completely enclosed buildings or structures. Storage located elsewhere in this district may be open to the sky, but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least eight feet (8') high, but in no case lower in height than the enclosed storage. The area surrounding the fenced storage area shall be suitably landscaped with grass and trees or shrubs to blend the area into the terrain of the land.

Open off-street loading facilities and open off-street parking of motor vehicles under one and one-half (1½) tons' capacity may be unenclosed throughout the district, except for such screening of parking and loading facilities as may be required under the provisions of Section 9-1-5-5 and 9-1-5-6.

2. Smoke Emission: No stack shall emit more than ten (10) smoke units during any one hour. No smoke shall be emitted of a density in excess of Ringelmann No. 2. During a single one hour period in each twenty four (24) hour day each stack may emit up to twenty (20) smoke units when blowing soot or cleaning of fires at a density of Ringelmann no. 3, but not for longer than four (4) minutes each period.

No emission of smoke shall exceed a density of Ringelmann no. 3, except for a plume consisting entirely of condensed steam. For the purposes of grading the density of emission, the Ringelmann chart published and used by the United States bureau of mines shall be employed.

In addition to the performance standards specified herein, the emission of smoke or particulate matter in such manner or quantity as to be detrimental to or endanger public health, safety, comfort or welfare is hereby declared to be a public nuisance.

3. Particulate Matter Emission: The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed a net figure of one pound per acre of lot area during any one hour, computed in accordance with the procedures set forth in subsection A1 of this section.

No emission of particulate matter shall exceed a density of Ringelmann no. 3, except for a plume consisting entirely of condensed steam. For the purposes of grading the density of emission, the Ringelmann chart published and used by the United States bureau of mines shall be employed.

Dust and other forms of air pollution borne by the wind from such sources of storage areas, yards, roads and so forth within lot boundaries shall be kept to a minimum by appropriate landscaping, paving, oiling, or other acceptable means. The emission of particulate matter from such sources shall conform with the requirements of the above paragraph.

In addition to the performance standards specified herein, the emission of smoke or particulate matter in such manner or quantity as to be detrimental to or endanger public health, safety, comfort or welfare is hereby declared to be a public nuisance.

4. Vibration: Any process or equipment which produces intense earthshaking vibrations, such as are created by heavy drop forges or heavy hydraulic surges, shall be set back at least five hundred feet (500') from the property boundaries on all sides, except for a property line adjoining an M-2 district, where such setback shall not be mandatory. However, in no case shall such vibration be allowed to create a public nuisance or hazard beyond the property boundaries.

5. Fire And Explosive Hazards In An Automobile Service Station: Flammable liquids and oils stored, sold and used in conjunction with the operation of an automobile service station and customarily required or used in such operation are permitted.

C. Additional Standards For The M-2 District:

1. Storage: Within one hundred fifty feet (150') of a residential or business district, all storage shall be in completely enclosed buildings or structures. Storage located elsewhere in this district may be open to the sky, but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least eight feet (8') high, but need not exceed twelve feet (12').

2. Smoke Emission: The emission of more than thirty seven (37) smoke units per stack in any one hour is prohibited, including smoke of a density greater than Ringelmann no. 2. However, once during each two (2) hour period each stack may be permitted up to fifty (50) additional smoke units (not to exceed Ringelmann no. 2) for soot blowing and for fire cleaning. Only during fire cleaning periods, however, shall smoke of a density of Ringelmann no. 3 be permitted, and then for not more than six (6) minutes per period.

3. Vibration: At no point on or beyond the boundary of any lot shall the ground transmitted steady state or impact vibration caused by any use or activity (except those not directly under the control of the property user) exceed the limits as established in the tables below. Discrete pulses which do not exceed one hundred (100) impulses per minute shall not cause displacement in excess of twice the values in the following tables:

MAXIMUM PERMITTED STEADY STATE VIBRATION

DISPLACEMENT IN INCHES

| <u>Cycles Per Second</u> | <u>Inches</u> | <u>Adjacent To Any Residential Zone Inches</u> |
|--------------------------|---------------|--|
| Less than 10             | 0.0039        | 0.0004   |
| 10 through 19            | 0.0022        | 0.0002   |
| 20 through 29            | 0.0011        | 0.0001   |
| 30 through 39            | 0.0007        | 0.0001   |
| 40 through 49            | 0.0005        | 0.0001   |
| 50 and over              | 0.0004        | 0.0001   |

MAXIMUM PERMITTED IMPACT VIBRATION

DISPLACEMENT IN INCHES

| <u>Cycles Per Second</u> | <u>Inches</u> | <u>Adjacent To Any Residential Zone Inches</u> |
|--------------------------|---------------|--|
| Less then 10             | 0.0195        | 0.0006   |
| 10 through 19            | 0.0110        | 0.0003   |
| 20 through 29            | 0.0055        | 0.0002   |
| 30 through 39            | 0.0035        | 0.0001   |
| 40 through 49            | 0.0025        | 0.0001   |
| 50 and over              | 0.0020        | 0.0001   |

(Ord. 89-54, 6-26-1989)

**9-1-5-8: RECREATIONAL VEHICLE PARK SPECIAL USE, B-4, B-5, M-2:**

A. Purpose And Intent: The recreational vehicle park regulations are intended to govern the development and operation of areas for temporary parking of recreational vehicles and accessory uses or incidental business for the convenience of the occupants. Parks should be naturally well screened by existing natural planting and have direct accessibility from major thoroughfares.

B. Application, Licensing, And Operational Requirements; Inspections: All parks shall comply with the following requirements:

1. A special license is required to operate an RV park that would renew annually upon passing an inspection. Applications shall be submitted to building and code enforcement and shall include a copy of a current license from the Illinois department of public health and a site plan of the park.

2. Only RVs with a current state license shall be permitted in the park.

3. Adequate means of securing an RV are required. Approval of such methods will be determined by the building department as part of the condition to grant the annual license.

4. Every person holding a license shall give notice in writing to the building department within twenty four (24) hours of having sold, transferred or given away or otherwise disposed of interest in or control of any RV park. Such notice shall include the name and address of the person succeeding to the ownership or control of the park.

5. All sites within a park must be subsequently numbered with four inch (4") reflective site numbers placed on a post, minimum of three feet (3') high and be clearly visible from the street. A map of the site layout shall be placed at the entrance to the park and also filed with the fire department.

6. All parks shall only be permitted to operate between April 1 and October 31. They shall remain closed for the remainder of the year. All utilities/services must be disconnected or disrupted between November 1 and March 31 and any use of the units is prohibited during that time.

7. All permits for alterations and improvements must be in the park operation's name.

C. Application For Special Uses: The procedures and requirements outlined in section 9-1-6-11 of this ordinance shall apply. Additional information as follows shall accompany the application:

1. Special use permit is to be issued to the park operator and is not transferable.

2. A site plan drawn to scale, designating the area to be used for campground, showing all improved lots, unimproved lots, structures, parking areas, roads, walkways, and twenty percent (20%) of the campground to be set aside for recreational areas and service facilities.

3. A preliminary drainage plan.

4. A preliminary utility plan.

5. A landscaping plan that conforms to the buffer yard requirements for setbacks from residential areas, public rights of way, and bodies of water.

6. Required plant material for setbacks along the boundaries of residential areas and public streets for all new parks.

a. Required Plant Material/One Hundred Feet:

For Twenty Five Foot Setback

- 3 canopy trees.
- 2 understory trees.
- 3 evergreen trees.
- 8 shrubs.

6 foot high, 95 percent opaque fence placed at the higher intensity use.

For Thirty Foot Setback

- 2 canopy trees.
- 1 understory tree.
- 3 evergreen trees.
- 7 shrubs.

6 foot high, 95 percent opaque fence placed at the higher intensity use.

For Forty Foot Setback

- 1 canopy tree.
- 1 understory tree.
- 2 evergreen trees.
- 6 shrubs.

3 foot high, 25 percent opaque fence placed at the higher intensity use.

For Fifty Foot Setback

- 1 canopy tree.
- 1 understory tree.
- 2 evergreen trees.
- 5 shrubs.

7. Existing campgrounds must have a planted perimeter along the main road that should include fast growing three foot (3') high bushes such as dogwoods, planted at ten feet (10') on center intervals. This is with the understanding that security is a park operator's responsibility.

8. The special use permit is to be renewed annually with an inspection by the building department and a report of that inspection is to be given to the zoning board for review prior to the issuance of the renewal permit.

D. Conditions Of Use: Recreational vehicle parks are subject to the following conditions:

1. Acreage Of RV Parks: All RV parks in the M2 district must be a minimum of twenty (20) acres. Existing parks less than twenty (20) acres in B4 and B5 are allowed, but if the operation ceases for one year it cannot be renewed.
2. Density And Open Space Requirements: Eighteen (18) RVs per acre of land and restrict each site to a minimum one thousand five hundred (1,500) square feet with a minimum of thirty foot (30') frontage and fifty foot (50') depth and allow no more than one recreational vehicle or two (2) camping units per site.
3. Parking Operation: Parks are seasonal, operating between April 1 and October 31.
4. Skirting And Lot Numbers: All units must be tied down and have skirting and all units must have lot numbers four inches (4") high, clearly visible from the street.
5. Ownership Prohibited: Park ownership of units is prohibited.
6. Gravel: Pads and roads are to be gravel.

7. Required Setbacks And Separation: The following setbacks and separation distances shall apply. In measuring these distances, all required setbacks and required separations shall be measured from the outermost edges of any steps, decks or porches adjacent to the recreational vehicle. A recreational vehicle site shall not encroach into the ultimate public right of way or in any area designated as a buffer or landscape easement.

| <u>Setback Separation</u>  | <u>Minimum Distance (Feet)</u> |
|--|--------------------------------|
| Recreational vehicles to recreational vehicle park boundaries  | 50                             |
| Recreational vehicle and accessory structures to ultimate right of way of public street or highway                         | 30                             |
| Recreational vehicle or accessory structure to interior street   | 8                              |
| Recreational vehicle to site boundary  | 4                              |
| Recreational vehicle to recreational vehicle (side to side)  | 8                              |
| Recreational vehicle to recreational vehicle (end to end)  | 8                              |
| Recreational vehicle to other structures accessory to recreational vehicle park, including community buildings and offices | 16                             |
| Recreational vehicle to other structures accessory to a recreational vehicle structure                                     | 4                              |
| Recreational vehicle and accessory structure to any body of water  | 30                             |
| Accessory structure to site boundary   | 4                              |
| Accessory structure to any other structure on another recreational vehicle site  | 8                              |

8. Accessory Structures: Decks and porches may be placed adjacent to the recreational vehicles, provided they are not attached to the recreational vehicle. The total combined area of all decks and porches shall not exceed the size of the recreational vehicle to which it adjoins or two hundred fifty (250) square feet, whichever is less. The total area of covered decks and porches shall not exceed one hundred fifty (150) square feet. The total area of any storage shed shall not exceed eighty (80) square feet.

9. No Permanent Structures: No permanent structure of any type shall be allowed on campsite lots. This does not apply to fire ring, fireplace or similar equipment.

10. Temporary Occupancy Only: No campsite shall be occupied by an individual or his camping equipment for a period exceeding ninety (90) consecutive days.

11. Length Of Stay For Group Camping: If an area is provided for group camping, the length of stay shall be limited to five (5) days.

12. Accessory Uses: Accessory uses shall not predate the installation and operation of the recreational vehicle park. When the recreational vehicle park ceases to operate, the accessory uses shall immediately cease.

13. Parking: There shall be provided at least one off street parking space on each lot or campsite in addition to any motor home, pickup coach, camping trailer, or travel trailer placed on the site. Additional off street parking shall be provided in an amount equal to twenty five percent (25%) of the total number of lots or campsites. Individual site parking spaces shall be surfaced with a dust free crushed stone. Additional parking areas shall be surfaced in the same manner as required for streets. All parking spaces shall not be less than ten feet by twenty feet (10' x 20') in size. Adequate access to a street shall be provided for each parking space.

14. Streets Within The Park: All streets within the park shall be at least eighteen feet (18') wide, constructed of at least eight inches (8") of rolled and compacted gravel, a dust free surface and adequately drained.

15. Utilities: All utilities shall be underground installation.

- a. Electric: Electric wires shall be installed and maintained in accordance with the national electrical code as adopted by the village of Fox Lake.
  - b. Water: Water supply, storage and distribution facilities shall comply with standards and regulations of the Illinois environmental protection agency, state of Illinois plumbing code and the village of Fox Lake.
  - c. Sewage: A sewage disposal system shall be installed and maintained in accordance with the standards and regulations of the Illinois environmental protection agency, state of Illinois plumbing code, the county health department having jurisdiction, and the village of Fox Lake. This system shall be adequate to handle the needs of the park and its accessory uses, including a facility for disposal of wastes from recreational vehicle holding tanks.
  - d. Garbage: Garbage and refuse containers shall be of metal or plastic with a close fitting cover and shall be watertight and pestproof. Containers shall be located throughout the park in sufficient number to accept all garbage and refuse between pick ups.
16. Building Permits: Building permit fees shall be set forth in section 6-1-4 of the municipal code and be calculated per lot or campsite with all buildings or structures being considered separately. All applicable building codes of the village of Fox Lake shall be complied with.
17. Business Licenses: Business license fees and regulations shall be those established in title 3 of the municipal code.
18. Existing Parks: Existing parks at the date of this ordinance shall be considered legal nonconforming similar in status to a home constructed prior to this zoning ordinance. The following shall apply however to existing parks:
- a. All units will be identified with name and lot number in four inch (4") high letters in a place that is clearly visible from the street.
  - b. Accessory structures are limited to two hundred forty (240) cubic feet with a five foot (5') high maximum.
  - c. In B4 and B5 zoning all tent camping and overnight/weekly/monthly camping shall be prohibited. (Ord. 2003-42, 8-12-2003)

**9-1-5-9: SATELLITE EARTH STATIONS:**

A. Purpose: The purpose of this ordinance is to maintain an aesthetically pleasing environment throughout the village, and thereby maintaining property values and allowing the use and enjoyment of property. In addition, it is the intent of this ordinance to assure the safety of invitees and employees on business, resort, and manufacturing property.

B. General Requirements:

1. Accessory Structures: All satellite earth stations shall be classified as an accessory structure and shall comply with all accessory structure requirements.
2. Size: The smallest practical size and diameter shall be used for any satellite earth station installation.
3. Location: No satellite earth station shall be installed in front of or along the side of any principal building, but shall be installed in the rear of said principal building, unless due to the uniqueness of the property, such location does not fulfill the aforementioned purposes. In such cases, location may be determined by the staff review committee.
4. Installation: The installation of all satellite earth stations shall be in compliance with all village codes and ordinances and shall be of noncombustible, corrosive resistive, durable materials.

The installation shall comply with the manufacturer requirements and the unit shall be properly grounded as protection against lightning strikes or accidental electrical energizing of the unit. All fixed elevation/azimuth satellite earth stations shall be designed and installed to withstand a minimum wind velocity of one hundred twenty five (125) miles per hour, and adjustable, turntable mounted units shall withstand a minimum wind velocity of one hundred (100) miles per hour.

5. Permits: A building permit shall be obtained from the building department of the village before installing, constructing, erecting or placing a satellite earth station on any zoning lot, building or premises within the village after the approval of the staff review committee board. The building permit application shall include, but not be limited to, two (2) copies each of a site plan showing the proposed location of the satellite earth station on the property, a detailed plan showing the proposed screening of the satellite earth station, and a copy of the manufacturer installation instructions/requirements. A spot in survey of the buildings on the property may be required. (Ord. 89-54, 6-26-1989)

C. Additional Requirements In E-1 To R-4 Zoning Districts:

1. Accessory Structure: Satellite earth stations shall be permitted in E-1 through R-4 districts, as a permitted accessory structure and shall comply with accessory structure setbacks and all the requirements herein. (Ord. 97-22, 6-16-1997)
2. Height: Satellite earth stations, including foundations, base and mountings, shall not exceed fifteen feet (15') in height over the existing grade to the uppermost top of the antenna and/or supporting structure. In any case, the satellite earth station shall be mounted as close to the grade as possible.
3. Location: Satellite earth stations shall be located so as to reduce the visual impact on the surrounding properties at street level and from public streets. All such antenna and mountings shall be screened by any combination of fences, trees, bushes, hedges, earth berms or landscaping to minimize the visual impact on the surrounding neighborhood and properties. The antenna and mountings shall be of a neutral color to blend in with the landscape screening.
4. Roof Or Pole Mountings: Roof or pole mounted satellite earth stations are prohibited.
5. Number On Zoning Lot: There shall not be more than one satellite earth station on any residential zoned property, lot or premises.

D. Additional Requirements In D, B2, B3, B4, B5, M1 And M2 Zoning Districts:

1. Staff Review Committee Approval: All satellite earth station locations, screening and/or landscaping shall be approved by the staff review committee before building permits shall be issued.
2. Roof Installations: Roof installations shall be considered on flat roofs; provided, that the satellite earth station is completely screened from all sides and the total height over the highest part of the roof does not exceed the maximum height of the individual zoning district by more than ten feet (10') to the uppermost top of the antenna or supporting structure or required screen.

The existing roof assembly shall be structurally recalculated by an architect or structural engineer, registered in the state of Illinois, and the installation drawings shall show all existing and anticipated live and dead loads, as well as any structural reconstruction of the roof assembly to safely mount the satellite earth station on the roof.

3. Ground Mounted Stations: Ground mounted satellite earth stations, including foundation, base and mountings, shall not exceed fifteen feet (15') in height over the existing grade to the uppermost top of the antenna and/or supporting structure. In any case, the satellite earth station shall be mounted on as close to the existing grade as possible.

4. Number On A Zoning Lot: More than one satellite earth station may be permitted on a building, zoning lot or premises in nonresidential zoning districts if approved by the site plan review board. (Ord. 89-54, 6-26-1989)

**9-1-5-10: HELIPORTS:**

A. Purpose: The purpose of this ordinance is to regulate the use and location of areas provided for takeoff and landing of helicopters, hereafter known as heliports. Such regulations are to protect the public safety and general welfare, assure compatibility with area development and intended uses, and to protect and maintain property values.

B. General Requirements:

1. Location: Heliports shall be located on parcels of property of three (3) acres or more. Said parcel shall be located in a nonresidential zoning district.
2. Special Use Requirement: Heliports shall be established by special use in accordance with section 9-1-6-10 of this ordinance.
3. Special Use Conditions And Guarantees: In accordance with section 9-1-6-10 of this ordinance, the zoning board shall include, but shall not be limited to, the following conditions and guarantees in the special use:
  - a. Conformance to all FAA regulations.
  - b. Heliport use shall be limited to one aircraft per special use owned or rented by the holder of the special use.
  - c. Heliport use shall be limited to hours from dusk to dawn for aircraft operated by the holder of the special use, except in emergency situations.
  - d. Aircraft using the heliport shall not transport materials which cannot travel within the interior of the aircraft. Said materials shall not be of the type as to potentially cause physical harm to people, animals, wildlife, or the environment (e.g., noxious chemicals, hazardous waste, etc.).
  - e. Storage of fuel for the aircraft shall not be located above the ground.
  - f. When parcels of property, upon which a heliport is located, are adjacent to property zoned residential, the heliport shall be located at the farthest possible point from the residential property, but in no case shall it be closer than one hundred feet (100').
  - g. The heliport is subject to screening regulations as determined by the zoning board or site plan review board. (Ord. 89-54, 6-26-1989)

**9-1-5-11: HOME OCCUPATIONS:**

A. Business Licenses: "Home occupations", as defined in section 9-1-2 of this ordinance, require a yearly business license. Prior to the issuance of such a license, the business owner shall submit to the plan commission information regarding the proposed use of a residence for a home occupation. The plan commission will determine if the business qualifies as a home occupation, if appropriate licensing is possessed, and if the residence is suitable for a home occupation. Upon determination that the home occupation meets the criteria established, the plan commission shall grant approval for the licensing of the business as a home occupation.

B. Restrictions: All home occupations shall be subject to the following restrictions:

1. There are no signs other than those permitted for residential districts.
2. No excessive activity occurs on the residential property which would indicate from the exterior that the building is used in whole or in part for any purpose other than a dwelling.

3. No more than one person, other than the immediate family residing on the premises, is employed or otherwise engaged in the home occupation.
4. No accessory building or storage is used in whole or in part for the operation of the home occupation. (Ord. 2013-05, 3-12-2013)

**9-1-5-12: FENCES:**

(Rep. by Ord. 90-33, 9-18-1990)

**9-1-5-13: SELF-STORAGE:**

A. Purpose: The purpose of this section is to regulate the use and location of areas provided for self-storage. Such regulations are to protect the public safety and general welfare, assure compatibility with area development and intended uses, and to protect and maintain property values.

B. General Requirements:

1. Special Use Requirement: Self-storage shall be established by special use in accordance with section 9-1-6-10 of this ordinance.
2. Special Use Conditions And Guarantees: In accordance with section 9-1-6-10 of this ordinance, the Zoning Board shall include, but not be limited to, the following conditions and guarantees in the special use:
  - a. The entire tax parcel must be surrounded by a six foot (6') chainlink fence with a secured gate at the entrance.
  - b. Availability to the public and hours of use by the public are restricted to the hours between seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M.
  - c. All exterior lighting fixtures shall be installed as to reflect the light away from adjacent residential property.
  - d. All storage shall be contained within the buildings. There will be no storage outside of the buildings. Storage areas shall not contain toxic, flammable, volatile materials.
  - e. An alarm system with detectors shall be submitted to the fire inspector for approval. Fire hydrant location to be in accordance with code.
  - f. All driveways should be looped for emergency vehicles. (Ord. 2013-05, 3-12-2013)

**9-1-5-14: WIRELESS TELECOMMUNICATIONS FACILITIES:**

A. Purpose: The purpose of this section is to establish general guidelines for the siting of towers and antennas. The goal of this section is to: 1) encourage the location of towers in nonresidential areas and to minimize the total number of towers throughout the Village; 2) encourage the joint use of new and existing tower sites; 3) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the Village is minimal; 4) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and 5) enhance the ability of providers of personal wireless services to provide such services throughout the Village quickly, effectively and efficiently. Accordingly, the Corporate Authorities find that the promulgation of this section is warranted and necessary.

All towers and antennas existing on the date of the passage of ordinance 98-14 shall be allowed to continue their usage as they presently exist. Routine maintenance shall be permitted on such existing towers and antennas. New construction other than routine maintenance on existing towers shall comply with the provisions as set forth in this section. (Ord. 98-14, 2-2-1998)

This section shall not apply to small wireless facilities (as defined in section 7-1E-2 of the Village Code) except that requests for height exceptions or variances for small wireless facilities shall be subject to the special use procedure and conditions set forth in subsections B2 and B3 of this section. (Ord. 2018-34, 7-24-2018)

B. General Requirements:

1. Location: Wireless telecommunication facilities, and wireless service towers are permitted in the event a special use is granted in the M-1 and M-2 Zoning Districts. In addition, wireless telecommunication facilities, and wireless service towers are permitted on land and structures owned by the Village if a special use is granted for this purpose.
2. Procedure: The procedure for applying for a special use pursuant to this section is the same procedure established and described in section 9-1-6-10 of this ordinance.
3. Special Use Conditions: In accordance with section 9-1-6-10 of this ordinance, the Zoning Board shall require, but not be limited to, satisfaction of the following conditions before recommending the grant of a special use pursuant to this section:
  - a. The personal wireless service provider proposing to construct an antenna support structure, tower, or mount an antenna on an existing structure, is required to demonstrate, using technological evidence, that the antenna must be placed in the approximate location which is proposed in order to satisfy its function in the provider's grid system.
  - b. The provider must demonstrate by technological evidence that the height requested is the minimum height with a necessary allowance for the potential collocation by other telecommunications providers as hereinafter described, necessary to fulfill the cell site's function within the grid system.
  - c. The provider must demonstrate that the wireless service facilities will not have an adverse effect on adjacent residential property values.
  - d. The provider must demonstrate that the wireless service facilities will not have an adverse visual impact and will not adversely affect the surrounding neighborhood.
  - e. The applicant for a new antenna support structure to be located in the M-1 and M-2 Zoning Districts shall demonstrate that a diligent effort has been made to locate the proposed communications facilities on a governmental structure or other governmental property and that due to valid consideration including physical constraints, and economic or technological feasibility, no other appropriate location is available.
  - f. The provider is required to demonstrate that it contacted the owners of tall structures within a one mile radius of the site proposed, asked for permission to install the antenna on those structures, and was denied for reasons other than economic ones.
  - g. The information submitted by the applicant shall include a map of the area to be served by the tower, its relationship to other antenna sites in the applicant's network, and an evaluation of the suitability of existing buildings taller than forty five feet (45'), communication towers and water towers within one mile of the proposed tower.
- C. Minimum Requirements When Placement Of Wireless Services Facilities Is On Village-Owned Structures Or Property:
  1. The applicant shall negotiate and obtain a lease or other agreement with the Village regarding such placement and shall comply with the terms therein;
  2. The antenna or tower will not interfere with the purpose for which the Village-owned property is intended;
  3. The antenna or tower will have minimal visual or economic impact on surrounding property;
  4. The applicant is willing and is able to obtain adequate liability insurance and commit to a lease agreement which includes equitable compensation for the use of public land or structures and other necessary provisions and safeguards. The compensation for the lease shall be established by the corporate authorities after considering comparable rates in other communities, potential expenses, and other appropriate factors;
  5. The applicant will submit an irrevocable letter of credit acceptable to the Village to cover the cost of the antenna or tower's removal upon termination of the lease;
  6. The applicant must reimburse the Village for any costs which the Village incurs by reason of the lease and the presence of the applicant's antenna or tower; and
  7. The applicant must obtain other land use approvals if required.

D. Special Prohibition: In no case shall antennas be allowed in parks or areas designated as conservation areas.

E. Reservation Of Right: Notwithstanding the above, the Board of Trustees reserves the right to deny the use of any or all Village-owned property by anyone or all applicants.

F. Co-Location On Towers: To minimize adverse visual impacts associated with the proliferation of towers, co-location of antennas by more than one provider on existing or new towers shall be required rather than the construction of new single-use towers as follows:

1. Providers may, and are encouraged to, co-locate antennas onto towers. Provided such co-location is accomplished in a manner consistent with the policy, site criteria, landscape/screening and all other provisions contained in this Section, then such co-locations are permitted by right and new or additional special use review approval is not required, provided that any other permit, license, lease, or franchise requirements must also be satisfied;
2. Unless the corporate authorities determine that co-location is not feasible, the site plan shall delineate an area near the base of the tower to be used for the placement of additional equipment or building for other users. The site plan for towers in excess of one hundred feet (100') must propose space for two (2) or more other users while the site plan for towers under one hundred feet (100') must propose space for one other user. To provide further incentive for co-location as a primary option, an existing tower may be modified or reconstructed to accommodate the co-location of an additional antenna, provided that an application is filed and approved by the Village;
3. Upon the approval of the Village, an existing tower may be modified or rebuilt to a taller height, not to exceed the height limitation for towers and antenna as contained in the Village Zoning Regulations, to accommodate the co-location of additional antennas. The height change may occur only once per tower, and the tower as modified must comply with the other provisions of the Zoning Regulations.

G. Design Criteria:

1. Towers: In order to reduce the number of antenna support structures needed in the Village in the future, any new proposed support structure shall be designed to accommodate antennas for more than one user, unless the applicant demonstrates why such design is not feasible for economic, technical or physical reasons. The Village may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the antenna on an existing structure.
  - a. Tower Design: Every new tower shall be a monopole rather than a lattice type tower, unless otherwise authorized by the corporate authorities for good cause shown;
  - b. Setback: Tower setbacks shall be measured from the base of the tower to the property line of the parcel on which it is located. The tower shall comply with the minimum setback requirements of the area in which they are located in all zoning districts in addition to the specific requirements for towers and antennas contained in this Zoning Ordinance. In no event shall the tower be less than two hundred twenty five feet (225') from the closest residential structure.
  - c. Lights, Signals And Signs: No signals, lights or signs shall be permitted on towers unless required or recommended by the FCC or the FAA.

d. Tower Safety: The applicant shall demonstrate that the proposed tower is safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris or interference. All towers shall be fitted with an anti-climbing device, as approved by the manufacturer.

e. Standards: To ensure the safe operation of towers, the owner of a tower shall maintain the tower in compliance with all FCC and FAA standards and applicable standards of any other governmental agency and the applicable standards for towers that are published by the Electronic Industries Association (EIA), as amended from time to time. If, upon inspection, the Village concludes that a tower fails to comply with such standards or constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the Village may remove such tower at the owner's expense, or the Village shall have the right to bring the tower into compliance and the costs of which shall constitute a lien on the property and the Village shall have the right to record and enforce said lien.

f. Structural Design: The tower shall be constructed to the EIA standards, which may be amended from time to time, and all applicable construction/building codes. Further, any improvements and/or additions to existing towers shall require submission of site plans sealed and verified by a professional engineer which demonstrate compliance with the EIA standards and all other good industry practices in effect at the time of said improvement or addition. Said plans shall be submitted and reviewed at the time existing building permits are requested.

2. Antenna Criteria: To the extent feasible, antennas on or above a structure shall be subject to the following:

- a. The antenna must be architecturally compatible with the building structure or wall on which it is mounted and designed and located so as to minimize any adverse aesthetic impact;
- b. The applicant shall demonstrate the antenna is the minimum height required to function satisfactorily;
- c. The antenna shall be mounted on a wall of an existing building in a configuration as flush to the wall as technically possible and shall not project above the wall on which it is mounted unless for technical reasons the antenna needs to project above the wall. In no event shall an antenna project more than fifteen feet (15') above the height of the building;
- d. The antenna shall be constructed, painted or fully screened to match as closely as possible the color and texture of the building and wall on which it is mounted;
- e. The antenna shall be attached to an existing conforming mechanical equipment enclosure which projects above the roof of the building, but may not project any higher than fifteen feet (15') above the enclosure;
- f. If an accessory equipment shelter is to be erected or is present, the equipment shelter must blend to the extent practicable with the surrounding buildings in architectural character and color. The structure must be architecturally and visually (color, size and bulk) compatible with surrounding existing buildings, structures and/or uses or those likely to exist on the terms of the underlying zoning;
- g. If a proposed antenna is to be located on a building or a lot subject to a special use permit, written Village approval is required prior to the issuance of a building permit for the antenna;
- h. No antenna shall be permitted on property designated as an individual landmark or as a part of an historic district or site, unless such antenna has been approved in accordance with this Section and written permission is obtained from the Village;
- i. On buildings forty five feet (45') or more in height, the antenna may be mounted on the roof if:
  - (1) The Village finds that it is not technically possible or aesthetically desirable to mount the antenna on a wall;
  - (2) No portion of the antenna or base station causes the height of the building to exceed the limitations set forth herein;
  - (3) Roof-mounted antennas are completely screened from view by materials that are consistent and compatible with design, color, and materials of the building;
  - (4) No portion of the antenna may extend more than fifteen feet (15') above the height of the existing building;
  - (5) No antenna shall cause localized interference with the reception or transmission of any other communication signals including, but not limited to, public safety signals, and television and radio broadcast signals.

3. Facilities: Facilities should be architecturally compatible with the surrounding buildings and land uses in the zoning district or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practicable.

4. Color: Towers and antennas shall have a color generally matching the building, surroundings or background that minimizes their visibility, unless a different color is required by the FCC or FAA. Muted colors, earth tones and subdued colors shall be used wherever possible. The paint on the tower shall be properly maintained.

5. Equipment Structures: Ground level equipment and buildings and the tower base shall be adequately screened. The standards for the equipment buildings are as follows unless otherwise authorized by the corporate authorities for good cause shown.

- a. The maximum floor area is four hundred (400) square feet and the maximum height is twelve feet (12'), and the structure shall be designed and constructed so as to facilitate in the joining equipment structure of another provider which would abut the original equipment structure.
- b. Ground level buildings shall be screened from adjacent properties by landscape plantings, fencing, or other appropriate means, specified herein or elsewhere in the Village Code.
- c. Equipment mounted on a roof shall have a finish similar to the exterior building walls. Equipment for roof-mounted antennas may also be located within the building on which the antennas are mounted, subject to good engineering practices. Antennas and related equipment shall occupy no more than twenty five percent (25%) of the total roof area of a building.

6. Federal Requirements: All towers and antennas must meet or exceed current standards and regulations of the FCC, the FAA, and any other agency of the Federal Government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Section shall bring such towers and antennas into compliance with such revised standards and regulations within three (3) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling Federal agency. Upon failure to bring towers and antennas into compliance with such revised standards and regulations, the Village shall have the right to remove said towers and antennas at the owner's expense at any time after sixty (60) days' certified mail, return receipt requested, written notice to the owner at his or her last known address.

7. Fencing: A well constructed wood fence, stucco, masonry or stone wall or other fencing ("fencing") not less than nor more than six feet (6') in height from finished grade shall be provided around each tower. The type of fencing shall be subject to review and approval by the corporate authorities. Security fencing should be colored or should be of a design which blends into the character of the existing environment. Access to the tower shall be through a locked gate.

8. Site Location: Site location and development shall preserve the preexisting character of the site as much as possible. Existing vegetation should be preserved or improved, and disturbance of the existing topography of the site should be minimized, unless such disturbance would result in less visual impact of the site on the surrounding area. The effectiveness of visual mitigation techniques must be evaluated by the Village, in the Village's sole discretion, taking into consideration the site as built.

9. Cooperation: No personal wireless service facility owner or lessee or officer or employee thereof shall act to exclude or attempt to exclude any other personal wireless service provider from using the same building, structure or location. Personal wireless service facility owners or lessees or officers or employees thereof shall cooperate in good faith to achieve co-location of personal wireless service facilities and equipment with other personal wireless service providers pursuant to a commercially reasonable lease agreement. If a dispute arises about the feasibility of accommodating another competitor, the Village may require a third-party technical study, at the expense of either or both parties, to resolve the dispute.

10. Wind: The antennas and their support structures shall be designed to withstand a wind force of one hundred (100) miles per hour without the use of supporting guy wires. No guy or other support wires shall be used in connection with such antennas or their support structures except when used to anchor the antennas or support structures to an existing building.

H. Inspection Requirements: Within thirty (30) days after a facility becomes operational, and each year thereafter, the facility operator shall conduct a safety inspection in accordance with FCC standards and within sixty (60) days of the inspection, file a report with the Village. However, at the option of the Village, the Village may secure the services of an independent safety consultant to conduct a safety inspection and the owner of the facility shall reimburse the Village for the reasonable cost of said inspection. In addition, the facility operator shall provide the Village, on a quarterly basis, a report stating the active or inactive status of the facilities including the tower and antennas. Additionally, in the event there are any increases to the wattage of the tower output, the facility operator shall notify the Village within five (5) business days of any such wattage increase.

I. Landscaping/Screening:

1. Landscaping: Reasonable landscaping, as described herein, shall be required to screen as much of the support structure as reasonable and feasible. The fencing surrounding the support structure and any other ground level features (such as a building), shall be designed to soften the appearance of the facilities site. The Village may permit any combination of existing vegetation, berming, topography, walls, decorative fences or other features instead of landscaping, if this achieves the same objective of screening the facility. If the antenna is mounted flush on an existing building, and all other equipment is either housed inside an existing building or screened from view, landscaping shall not be required, except as otherwise required by other provisions of the Village Code or codes for the existing use.

2. Screening: The visual impacts of a tower shall be mitigated through landscaping or other screening materials at the base of the tower and ancillary structures. The following landscaping and buffering of towers shall be required around the perimeter of the tower and accessory structures. Landscaping shall be installed on the outside of fences. Further, existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or to supplement compliance with landscaping requirements.

a. A row of evergreen trees a minimum of ten feet (10') tall at planting at a maximum of six feet (6') apart should be planted around the perimeter of the fence unless adequate landscaping or screening is in place, or as the Village determines otherwise.

b. A continuous hedge at least thirty six inches (36") high at planting capable of growing to at least forty eight inches (48") in height within eighteen (18) months shall be planted in front of the tree line referenced in subsection 12a of this Section unless adequate landscaping or screening is in place or as the Village determines otherwise.

c. Each owner, operator, lessee or licensee shall maintain all fencing and landscaping including replacing any landscaping, if necessary. If the Village specifically requests the owner, operator, lessee or licensee to replace fencing or landscaping, the owner, operator, lessee; or licensee shall properly comply with an such request.

J. Nonuse/Abandonment: In the event the use of any tower or facility has been discontinued for a period of sixty (60) consecutive days, the facility shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Village which shall have the right to request documentation and/or affidavit from the tower owner or operator regarding the issue of tower usage. Upon such abandonment, the owner or operator of the tower shall have an additional sixty (60) days within which to:

1. Reactivate the use of the tower or transfer the tower to another owner or operator who makes actual use of the tower; or
2. Dismantle and remove the facilities including, but not limited to, the tower, storage shed, fence, driveway and all other ancillary structures and to restore the property including the landscaping to the extent reasonably possible, to the conditions existing at the time of installation of the facility. If such tower is not removed within said sixty (60) days, the Village may remove such tower at the

owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower. Unnecessary sections of the tower shall be removed.

At the earlier of sixty (60) days from the date of abandonment without reactivation or upon completion of dismantling and removal, Village approval for the tower shall automatically expire. If an abandonment of a tower occurs by all of the permittees, licensees or owner of the tower, the owner of the tower shall remain primarily responsible if the tower ceases to be used for its intended purposes by either it or other permittees or licensees for the transmission or reception of personal wireless services. In the event that the tower ceases to be licensed by the FCC for the transmission of radio energy, the owner of the tower shall maintain the prescribed painting and/or illumination of such tower until it is dismantled. The application for any tower shall be accompanied by a letter of credit in an amount to be determined by the Village which may be drawn upon the Village as necessary to cover the costs of removal of the tower as hereinbefore stated.

K. Application Requirements: All personal wireless service facilities applicants shall, at the discretion of the corporate authorities, be required to submit any combination of site plans, surveys, maps, technical reports or written narratives necessary to convey the following information:

1. A scaled site plan clearly indicating the location, type and height of the proposed tower and antennas, buildings, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, fencing, landscaping and screening and elevation drawings of the proposed tower, and any other proposed structures;
2. A current map or survey showing the location of the proposed tower;
3. Legal description of the parcel;
4. Distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties;
5. A landscape plan showing specific landscape materials;
6. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination;
7. A statement under oath signed by the applicant stating the tower and antennas will comply with all applicable Federal and State laws and regulations (including specifically FCC and FAA regulations) and this Section:
8. A statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users;
9. Certification that the antenna usage will not interfere with other transmission or reception functions of other communications facilities;
10. Identification of the entities providing the back haul network for the tower/antennas described in the application;
11. The personal wireless services provider must demonstrate that it is licensed by the FCC, if required to be licensed under FCC regulations, for the provision of service within the Village;
12. The applicant, if not the personal wireless services provider, shall submit proof of lease agreements with an FCC licensed personal wireless services provider if such telecommunications provider is required to be licensed by the FCC;
13. At the time of site selection, the applicant should demonstrate how the proposed site fits into its overall network within the Village, and if the applicant is able or unable to co-locate on the existing structure. The applicant shall submit information requested by the Building and Zoning office and corporate authorities related to the availability of suitable existing towers, other structures or alternative technology. If the applicant believes that co-location is unavailable to applicant and that no reasonable alternative technology exists to accommodate the applicant's evidence to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna and said evidence may consist of the following:
  - a. No existing towers or structures are located within the geographical area which meet the applicant's engineering requirements;
  - b. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements;
  - c. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment;
  - d. The applicant's proposed antenna would cause electromagnetic interference with the antennas on the existing towers or structures, or the antennas on the existing towers or structures would cause interference with the applicant's proposed antenna;
  - e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to accept an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable;
  - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable; and
  - g. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable micro-cell network using multiple low-powered transmitters/receivers attached to a wire line system, is unsuitable. Costs of alternative technology that exceed newer tower or antenna development shall not be presumed to render the technology unsuitable.

All pending or new applications for the siting of personal wireless services facilities shall comply with the provisions set forth in this Section.

L. Third Party Review: The personal wireless services providers use various methodologies and analysis tools, including geographically based computer software, to determine the specific technical parameters of personal wireless services, such as expected coverage area, antenna configuration and topographic constraints that affect signal paths. In certain instances there may be a need for expert review by a third party of the technical data submitted by the personal wireless services provider. The Village may require such a technical review, to be paid for by the applicant for the personal wireless services facilities. The selection of the third party expert may be by mutual agreement between the applicant and the Village or at the discretion of the Village, with a provision for the applicant and interested parties to comment on the proposed expert and review its qualifications. The expert review is intended to be a site specific review of technical aspects of the personal wireless services facilities and not a subjective review of the site selection. Such a review should address the accuracy and completeness of the technical data, whether the analysis, techniques and methodologies are legitimate, the validity of the conclusions and any specific technical issues outlined by the Board of Trustees, the Building and Zoning Officer, Village staff, third party consultants or other interested parties. Based on the results of the third party review, the Village may require changes to the application for the personal wireless services facilities that comply with the recommendations of the expert.

M. Remedies: Any person, firm or corporation violating any of the provisions or terms of this Section upon conviction shall be punishable by fine not to exceed seven hundred fifty dollars (\$750.00) for each day during which the offense continues. In addition to a fine, the Village shall have the right to seek injunctive relief for any and all violations of this Section and all other remedies provided at law or in equity. If the Village prevails in any action at law or in equity, the Village shall also be entitled to recover its attorney fees, costs and all other expenses incurred in conjunction therewith, as may be summarily assessed and awarded by the court as part of its judgment.

N. Severability: Should any paragraph, sentence, clause, phrase or word of this Section be declared invalid or unconstitutional by a court or agency of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining paragraphs, sentences, clauses, phrases or words of this section, all of which will remain in full force and effect. (Ord. 98-14, 2-2-1998)

9-1-5-15: CANNABIS BUSINESS REGULATIONS:

A. Compliance Required:

1. Cannabis business establishments, their "principal officers," as defined and referred to in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1, et seq.), as amended, and the Illinois Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1, et seq.), as amended, their agents and their employees shall strictly comply with all laws, regulations, ordinances and directives of the State and the Village, including, but not limited to, licensing requirements, registration requirements, operations requirements, zoning approvals, special use conditions and zoning requirements, including lot size, building height, lot coverage, setbacks, stormwater management, public utilities and parking.

2. No cannabis business establishment may operate in the Village without first receiving all the approvals required for the operation of the cannabis business establishment, including, but not limited to, from the Village, the Illinois Department of Financial and Professional Regulation and the Illinois Department of Agriculture. Proof of receipt of all required approvals must be provided to the Village Administrator prior to operation of a cannabis business establishment.

B. Distance Requirements: Cannabis businesses shall comply with all distance requirements both in State law and with the following:

1. Cannabis businesses shall not be located within one thousand feet (1,000') of a library, measured from nearest lot line to nearest lot line;
2. Cannabis businesses shall not be located within one thousand feet (1,000') of a pre-existing public or private school, measured from nearest lot line to nearest lot line;
3. Cannabis businesses shall not be located within five hundred feet (500') of a pre-existing public or private day care center, day care home, group day care home, part day child care facility measured from nearest lot line to nearest lot line;
4. Cannabis businesses shall not be located within two hundred fifty feet (250') of any place of worship measured from nearest lot line to nearest lot line; and
5. Cannabis businesses shall not be located within two hundred fifty feet (250') of a park or gathering area, measured from nearest lot line to nearest lot line.

C. Limitations On The Number Of Cannabis Businesses: There shall be a maximum of the number of cannabis business establishments according to the following:

|                             |   |
|-----------------------------|---|
| Cannabis craft grower       | 2 |
| Cannabis cultivation center | 2 |
| Cannabis dispensary         | 2 |
| Cannabis infuser            | 2 |
| Cannabis processor          | 2 |
| Cannabis transporter        | 2 |

D. Hours Of Operation: Unless different hours of business are included in a special use permit for a cannabis business, a cannabis business may only operate between the hours of nine o'clock (9:00) A.M. and ten o'clock (10:00) P.M.

E. Consumption Of Cannabis On Premises Of Cannabis Business: Persons over twenty one (21) years of age may purchase cannabis from a licensed cannabis dispensary and consume the cannabis purchased from that cannabis dispensary within the cannabis dispensary if the cannabis dispensary, pursuant to its special use permit, provides for the on-premises consumption of cannabis in a specially designated area. Consumption of cannabis on or within the premises of any other cannabis business establishments is prohibited.

F. Consumption Of Cannabis On Premises Of Tobacco Related Business: Consumption of cannabis on or within the premises of a tobacco related business is prohibited.

G. Required Reports: A cannabis business shall provide the Village Administrator with any notices of violation, orders and correspondence related to alleged or proven violations by the cannabis business establishment, its principal officers, its agents or its employees sent by the Illinois Department of Financial and Professional Regulation or the Illinois Department of Agriculture. A cannabis business establishment shall provide the Village Administrator with the materials within two (2) business days of the cannabis business establishment's receipt of the materials. (Ord. 2019-45, 12-10-2019)

#### **9-1-6: ADMINISTRATION AND ENFORCEMENT:**

##### **9-1-6-1: ORGANIZATION:**

A. Administration Of This Ordinance: The administration of this ordinance is hereby vested in the Office of the Building Commissioner and the Zoning Board of Appeals of the Village.

B. Administrative Functions: This section shall first set out the authority of each of these two (2) offices, plus the advisory functions of the Village Plan Commission and then describe the procedures and substantive standards with respect of the following administrative functions:

1. Issuance of building permits.
2. Issuance of occupancy certificates.
3. Variations.
4. Amendments.
5. Special uses.
6. Appeals.
7. Fees.
8. Penalties. (Ord. 89-54, 6-26-1989)

##### **9-1-6-2: OFFICE OF THE BUILDING COMMISSIONER:**

The Building Commissioner of the Village, and such deputies or assistants that have or shall be duly appointed by the Board of Trustees, shall enforce this ordinance and shall:

- A. Issue all building permits, and make and maintain all records thereof.
- B. Issue all certificates of occupancy, and make and maintain records thereof.
- C. Conduct inspections of buildings, structures, and uses of land to determine compliance with the terms of this ordinance.
- D. Maintain permanent and current records of this ordinance, including, but not limited to, all maps, amendments, special uses, variations, appeals and applications thereof.
- E. Provide and maintain a public information bureau relative to all matters arising out of this ordinance.
- F. Initiate, direct and review, from time to time, a study of the provisions of this ordinance and make reports of its recommendations to the Zoning Board of Appeals not less than once a year. (Ord. 89-54, 6-26-1989)

##### **9-1-6-3: ZONING BOARD OF APPEALS:**

A. Creation: The Zoning Board of Appeals of the Village is hereby created in accordance with Illinois Statutes and title 2 of the Village Code.

B. Jurisdiction And Authority: The Zoning Board of Appeals is hereby vested with the following jurisdiction and authority:

1. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Building Commissioner in the enforcement of this zoning ordinance.
  2. Hear applications for variations from the terms provided in this zoning ordinance in the manner and subject to the standards set forth in this zoning ordinance.
  3. Hear and decide such other appeals as are specifically designated for Zoning Board action in this zoning ordinance. (Ord. 2009-18, 8-11-2009)
  4. Grant additional time for, or permit extension of, a nonconforming use, or grant a variation for structural alterations, improvements or enlargement of a legal nonconforming building. (Ord. 2019-01, 1-22-2019)
- C. Exercise Of Power: The Zoning Board of Appeals shall exercise its powers as follows:
1. In exercising such powers, the zoning board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the building commissioner from whom the appeal is taken.

2. In the granting of an appeal or variation, the zoning board may impose such conditions and restrictions upon the premises involved as may be considered necessary in the specific case to eliminate or minimize the adverse effects of such use on other property in the vicinity, and to better carry out the intent and purpose of this ordinance. Failure to comply with all the conditions and restrictions imposed in the granting of the appeal or variation shall constitute a violation of this ordinance.

3. When acting on any appeal, the zoning board shall first determine that granting of the appeal will not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in public streets, increase the danger of fire or endanger the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort or welfare of the inhabitants of the village. (Ord. 2009-18, 8-11-2009)

##### **9-1-6-4: VILLAGE PLAN COMMISSION:**

A. Creation: The village plan commission is hereby created by title 2 of the village code and the laws of the state of Illinois.

B. Jurisdiction And Authority: Subject to, and in accordance with the laws of the state of Illinois, the plan commission shall serve as an advisory and review authority for the development and amendment of the comprehensive plan, this zoning ordinance, subdivision regulations, zoning districts and for approval of special uses, planned unit developments and ROD applications. (Ord. 2009-18, 8-11-2009)

##### **9-1-6-5: BUILDING PERMITS:**

A. When Permits Are Required: No building or structure shall be erected, reconstructed, enlarged or moved until a building permit has been applied for in writing and issued by the officer. Said permit shall indicate the zoning of the property along with other required information, and shall be posted in a prominent place on the premises prior to and during the period of erection, reconstruction, enlargement or moving.

B. Conformity To This Ordinance Prior To Issuance: Before a building permit is issued for the erection, moving, alteration, enlargement or occupancy of any building or structure or use of premises, the plans and intended use shall indicate conformity in all respects to the provisions of this ordinance. (Ord. 89-54, 6-26-1989)

C. Site Plan To Show Conformity: Application for a building permit submitted to the office of the building commissioner shall be accompanied by a location map; a site plan showing the lot and the building site, the location of existing buildings on the lot, accurate dimensions of the lot, yards and building or buildings together with their locations and uses, drawn to a scale of not less than one inch equals fifty feet (1" = 50') and subdivisions not less than one inch equals twenty feet (1" = 20'). Additional information shall be submitted if necessary for the enforcement of this ordinance.

D. Landscape Plan To Show Conformity: Application for a building permit submitted to the office of the building commissioner shall be accompanied by a landscape plan in the same scale as the site plan which distinguishes between existing landscaping to be removed and that to be preserved and new landscape material which is proposed. (Ord. 2002-63, 11-26-2002)

E. Spotted Survey To Show Conformity: In all zoning districts, upon completion of the footings and foundations before construction of the shell, a spotted survey obtained from a certified surveyor may be submitted to the building commissioner. The building commissioner, after determining the construction meets the regulations of this ordinance, will authorize completion of the construction.

F. Interpretation Of This Ordinance: In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of health, safety, morals, convenience or the general welfare. (Ord. 89-54, 6-26-1989; amd. Ord. 2002-02, 1-8-2002)

##### **9-1-6-6: CERTIFICATE OF OCCUPANCY:**

A. When Required: A certificate of occupancy, to be issued by the office of the building commissioner, shall be required for any of the following except buildings incidental to agricultural operations other than residences:

1. Occupancy and use of a building hereafter erected or enlarged.
2. Change in use of an existing building.
3. Occupancy and use of vacant land except for the raising of crops.
4. Any change in the use of a nonconforming use.

B. Time Of Application: Written application for a certificate of occupancy for a new building or for an existing building which has been enlarged shall be made at the same time as the application for the building permit for such building. Written application for a certificate of occupancy for a change in the use of a building or structure shall be made prior to the change in use.

C. Request For Inspection: Immediately upon completion of the erection or enlargement, a request for an inspection of work and the issuance of a certificate of occupancy shall be requested by the property owner. Immediately upon a change in the use of a building or a structure, a request for an inspection shall be made by the property owner.



D. Issuance Of Certificate Of Occupancy: The request for an inspection of work completed, for the issuance of a certificate of occupancy, shall be acted upon by the officer within three (3) working days. If the erection, enlargement or change in use is in conformance with the provisions of this ordinance and other requirements, the certificate of occupancy shall be issued and shall state that the building or use complies with all provisions of this ordinance. (Ord. 89-54, 6-26-1989)

#### **9-1-6-7: PROCESSING OF ZONING PETITIONS:**

A. Initiation Of A Petition: Zoning petitions may be initiated by the following:

1. Variations: Property owners.
2. Amendments: The mayor, the village board, the village plan commission, the zoning board of appeals, property owners or contract purchaser with the titleholder as a party thereto.
3. Special Uses: Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest and which is specifically enforced, may file an application to use such land for one or more of the special uses provided for in this ordinance in the zoning district in which the land is located.

B. Filing Of A Petition For A Zoning Amendment, Special Use, Or Planned Unit Development: Petitions for a zoning amendment, special use, or a planned unit development shall be obtained from the office of the zoning secretary. No less than two (2) signed petitions and twenty five (25) copies shall be filed with the zoning secretary who shall proceed to set a time and place for a public hearing and forward the petition to the village clerk and plan commission. The zoning secretary shall prepare such notices as required by this zoning ordinance for publication and mailing.

C. Filing Of A Petition For A Variation: Petitions for a zoning variation shall be obtained from the building department. No less than two (2) signed petitions and twenty five (25) copies shall be filed with the zoning secretary who shall proceed to set a time and place for a public hearing and forward the petition to the village clerk and zoning board of appeals. The zoning secretary shall prepare such notices as required by this zoning ordinance for publication and mailing.

D. Petition Filing Fees: Fees for all petitions shall be established by resolution of the village board of trustees. The applicant shall also deposit with the village an amount equal to the costs to be incurred for publication and hearing. (Ord. 2009-18, 8-11-2009)

E. Notice Requirements For Zoning Amendments, Special Uses And Variations:

1. Newspaper Publication: The zoning secretary will publish, at least once, notice of the time and place of such public hearing, not more than thirty (30) days or less than fifteen (15) days before the hearing, in a newspaper of general circulation within the village.
2. Notification Of Property: Notices shall be sent by certified mail, return receipt requested, to owners (as determined from current real estate tax records) of property adjacent and contiguous to the subject parcel. Reasonable attempts shall be made to notify property owners via first class mail within a three hundred foot (300') radius of the boundaries of the property constituting the subject of the applicant's petition. Owners of property across an alley or street from the property in question shall be considered adjacent and contiguous as well. Said notices shall be mailed not more than thirty (30) days or less than fifteen (15) days prior to the date of hearing, giving the date, time and place of hearing together with a simple description of the property as to area, zoning district and location with respect to principal road frontage and cross street and address, where applicable, a metes and bounds or lot and block legal description, the nature of the zoning request, and the legal owner of record. Applicant shall provide an affidavit of mailing to be made part of the permanent record.
3. Posted Notice: Notice of hearings on zoning amendments, special uses and variations shall be posted on the property so that it is clearly visible from a public street and within ten feet (10') of the property line nearest to a public street. The sign shall be firmly secured to the ground or structure to prevent vandalism and shall be along the most visible portion of road frontage. The sign shall be erected in a manner so as to be visible to traffic moving in both directions and be perpendicular to the roadway, except in the case of signs at the end of cul-de-sacs. If there is more than one frontage of the parcel on an improved street or streets, one sign for each frontage shall be posted. The signage required for this notification will be provided by the village upon receipt of the required fee and the village will perform the posting. A minimum size for public notice signage shall be eighteen inches (18") on the vertical edge and twenty four inches (24") along the horizontal edge. Said notice shall be posted not more than thirty (30) days or less than fifteen (15) days prior to the date of hearing. (Ord. 2015-26, 5-12-2015)

#### **9-1-6-8: VARIATION PETITIONS:**

A. Purpose: The village board of trustees, by ordinance, may grant a variation in the regulations of this ordinance in harmony with their general purpose and intent. (Ord. 89-54, 6-26-1989)

B. Hearings On Petitions: The zoning board of appeals shall conduct a public hearing on the petition at the time and place as stated in the notice. The village staff shall submit its report and recommendation to the zoning board one week before the date of the public hearing. (Ord. 2009-18, 8-11-2009)

C. Standards For Variations: The zoning board of appeals shall not recommend a variation unless the zoning board of appeals has made findings based upon the evidence presented to it in each specific case that at least three (3) of the six (6) conditions listed in this subsection exist. Likewise, the village board of trustees shall not overrule a recommendation of the zoning board of appeals to deny a variation unless the village board specifically finds that at least three (3) of the six (6) conditions listed in this subsection exist. The conditions are:

1. 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.
2. The conditions upon which a petition 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.
3. The purpose of the variation is not based exclusively upon a desire for monetary gain from the property.
4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any persons presently having an interest in the property.
5. 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.
6. The granting of the variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

D. Imposition Of Standards And Restrictions: The zoning board of appeals or the village board of trustees may recommend the imposition of such conditions and restrictions upon the premises, benefited by a variation, as may be necessary to comply with the standards established in this section, to reduce or minimize the effect of such variation upon other properties in the neighborhood, and to better carry out the general intent of this ordinance. (Ord. 2003-07, 3-18-2003)

E. Authorized Variations: The zoning board of appeals shall have final authority to decide variations from the regulations of this ordinance in accordance with the standards established in this section only in the following instances. All other petitions for variations shall be determined by the village board of trustees after a hearing on the petition as required pursuant to subsection F2 of this section.

1. Yards And Setbacks: To permit any front, side, or rear yard setback less than the yard required by the applicable regulations.
2. Lot Size: To permit the use of a lot or lots for a use otherwise prohibited solely because of insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than seventy five percent (75%) of the required area.
3. Parking:
  - a. To permit the same off street parking facility to qualify as required facilities for two (2) or more uses; provided, that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.
  - b. To reduce the applicable off street parking or loading facilities required by not more than one parking space or loading space, or ten percent (10%) of the applicable regulations, whichever number is greater.
  - c. To increase by not more than twenty five percent (25%) the maximum distance that required parking spaces are permitted to be located from the use served.
4. Lot Coverage: To increase by not more than ten percent (10%) the maximum lot coverage of any use so limited by the applicable regulations. (Ord. 2009-18, 8-11-2009)

F. Recommendation And Adoption Of A Variation:

1. Recommendation Of Zoning Board: The concurring vote of four (4) members of the zoning board of appeals shall be necessary to recommend a variation.
2. Adoption By Board Of Trustees: The village board of trustees, by ordinance and without further public hearing, may adopt any proposed variation. Any proposed variation which fails to receive a favorable recommendation of the zoning board of appeals shall not be adopted except by a favorable vote of two-thirds ( $\frac{2}{3}$ ) of all of the village board of trustees.

G. Variation Time Restriction: No order of the village board of trustees granting a variation shall be valid for a period longer than twelve (12) months from the date of such order unless the building permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period. (Ord. 89-54, 6-26-1989)

#### **9-1-6-9: AMENDMENT PETITIONS:**

A. Purpose And Authority: For the purpose of promoting the public health, safety, morals, comfort and general welfare, conserving the value of property throughout the village, and lessening or avoiding congestion in the public streets and highways, the village board of trustees may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the district created by this ordinance; provided, that in all amendatory ordinances adopted under the authority of this section, due allowance shall be made for existing conditions, the conservation of property values, the directions of building development to the best advantages of the entire village, and the uses to which property is devoted at the time of the adoption of such amendatory ordinance. (Ord. 2001-03, 1-2-2001)

B. Hearings On Petitions: The plan commission shall conduct a public hearing on the petition at the time and place stated in the notice. The village staff shall submit its report and recommendation to the plan commission on or before the date of the public hearing.

C. Standards: Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the plan commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

1. Existing uses of property within the general area of the property in question.
2. The zoning classification of property within the general area of the property in question.

3. The suitability of the property in question to the uses permitted under the existing zoning classification.
  4. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification.
- D. Recommendation And Adoption Of Amendment:
1. Recommendation: The plan commission shall recommend approval of the petition or the adoption of an amendment changing the zoning classification of the property in question. For the purpose of this subsection, the E-1 estate district shall be considered the highest classification and the M-2 general manufacturing district shall be considered the lowest classification. Planned unit development may be recommended for any amendment change.
  2. Village Board Of Trustees: The village board of trustees, upon receiving the report of findings and recommendations of the plan commission, may grant or deny any proposed amendment in accordance to applicable laws of the state or it may refer it back to the plan commission for further consideration.
  - E. Denial By Nonaction: If a petition for a proposed amendment is not acted upon finally by the village board of trustees within six (6) months of the date upon which such application is received by the village board of trustees, it shall be deemed to have been denied.
  - F. In Case Of A Written Protest To The Petition: In case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered, is filed with the zoning secretary, the amendment shall not be passed except by a favorable vote of two-thirds ( $\frac{2}{3}$ ) of the board of trustees then holding office. In such cases, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendments and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment, and a certificate of such mailings shall be filed with the zoning secretary prior to the vote on the amendment by the board of trustees. (Ord. 2009-18, 8-11-2009)

#### **9-1-6-10: SPECIAL USE PETITIONS:**

A. Purpose: The development and execution of this ordinance is based upon the division of the village into districts. Within these districts, the use of land and buildings, bulk and location of buildings and structures in relation to the land, are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts. In such cases, consideration is required of the impact of those uses upon neighboring land and of the public need for the particular use on the particular location. Such special uses fall into two (2) categories:

1. Uses publicly operated or traditionally affected with a public interest.
2. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities. (Ord. 89-54, 6-26-1989)

B. Hearings On Petitions: The plan commission shall conduct a public hearing on the petition for a special use at the time and place stated in the notice. The village staff shall make a report and recommendation to the plan commission on or before the date for the public hearing.

C. Standards: No special use shall be recommended by the plan commission unless they shall find:

1. 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.
2. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. 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.
4. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
5. 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.
6. 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 of trustees.

D. Recommendation And Adoption For Special Use:

1. Plan Commission: The plan commission shall make written findings of fact and shall submit this, together with its recommendation, including stipulations of additional conditions and guarantees, when they are deemed necessary for the protection of the public interest.
2. Village Board Of Trustees: The village board of trustees may grant or deny any application for a special use after receiving the report of the plan commission except, in case of written protest against any application for a special use signed and acknowledged by the owners of twenty percent (20%) of the frontage immediately adjoining or across the alley from the property proposed for special use or by the owners of twenty percent (20%) of the frontage directly opposite such property, the Village Board of Trustees shall not grant the special use except by a favorable vote of two-thirds ( $\frac{2}{3}$ ) of all members of the Village Board of Trustees. (Ord. 2009-18, 8-11-2009)

3. Temporary Uses: In certain instances where an exigent circumstance exists, or where temporary use of property is of considerable benefit toward enhancing commercial development in the Village without significant impairment of the rights of surrounding landowners, a special use permit may be authorized for temporary use of property in a zoning district for a purpose that is neither permitted in that zoning district nor allowed as a special use. Such a temporary use shall only be allowed as a special use after compliance with this section, and the Planning and Zoning Commission shall find in addition to the findings of subsection C of this section, that the temporary use is necessary to avert a circumstance that would be greatly detrimental to the economic well-being of the applicant with little detriment to the public or surrounding landowners. (Ord. 2018-31, 7-10-2018)

E. Transferability Of Special Uses: If a special use is granted to an applicant for a certain property and the property or an interest therein is transferred so that a new entity will engage in the use, then the special use may be deemed to be transferred to the new entity, provided that: 1) the new entity shall file a written application for transfer of the special use and shall appear at a meeting of the Board to answer any questions related to the application; and 2) the new entity shall agree in writing to be bound by any and all conditions and restrictions related to the special use at the time the special use is approved for transfer. If the Village Board finds that the standards of subsection C of this section are met if the special use is transferred, then the Village Board may adopt an ordinance approving the transfer. Nothing contained herein shall be deemed to extend the time of a special use beyond the period for which it was originally granted, and any business license granted to a holder of a special use or transferee shall only be deemed to be valid until such time as the special use expires.

F. Abandonment Of Special Use: If the holder of a special use or its transferee has not engaged in the use on the property for a period of twelve (12) months any time after the special use was granted, then the special use shall be deemed to have been abandoned and shall not thereafter be transferable or engaged in by the holder or its transferee on the property. (Ord. 2012-08, 4-10-2012)

G. Revocation Of Special Use: If the Corporate Authorities find that the holder of a special use has failed to comply with the conditions of a special use, or if a public nuisance has resulted from the use as authorized by a special use, then the Corporate Authorities may revoke the special use after mailing notice of the findings to the holder of the special use at his last known address, or if unknown, by posting notice of the findings on the premises. Such notice shall provide that the holder of the special use is entitled to a hearing before the Village Board, to be conducted within fourteen (14) days after the date of mailing or posting. The decision of the Village Board shall be final, and if a special use is revoked, then no further short term housing rental shall be permitted on the property for which it had been granted. (Ord. 2015-44, 10-13-2015)

#### **9-1-6-11: PLANNED UNIT DEVELOPMENT AMENDMENT:**

A. Purpose: The planned unit development is a concept which encourages improved design in the development of land by providing relief from rigid zone requirements which are designed for conventional developments but which may cause undue hardship or complication for desirable but unconventional development. The planned unit development amendment procedure is intended to provide a single uniform procedure for total review of a proposed development project so that all the details of use and site design may be reviewed simultaneously. The procedure combines the design review procedure of zoning amendment. It is the intent of this procedure to encourage the variety and flexibility that is now possible in development for all uses and to encourage development projects resulting in the greatest possible efficiency and amenity.

B. Permitted Uses: In a planned unit development, any uses permitted in any zoning district of this ordinance may be permitted subject to the criteria established in this section and section 9-1-1-2, "Intent And Purpose", of this ordinance.

C. Qualifying Requirements For A Planned Unit Development:

1. Water And Sewage Service: Community sanitary sewage and potable water facilities connected to publicly owned systems shall be required in any planned unit development involving multiple-family dwellings, dwelling units on lots of less than forty thousand (40,000) square feet or business use.
2. Property Ownership: Ninety percent (90%) of all land in a planned unit development shall be under single ownership or control to be eligible for consideration at the preliminary development plan stage and the applicant shall provide such proof.
3. Bonding: The owners of the property must be bondable for the completion of streets, sewer and water.

D. Standards: For any approved planned unit development, the regulations and standards established in this section may be substituted for the zone regulations and general regulations set forth elsewhere in this ordinance. Where this section conflicts with any other section of this ordinance, this section shall be deemed to control.

1. Streets: Streets in a planned unit development may be dedicated to public use or may be retained under private ownership. They shall be constructed in accordance with standards required by the Village of Fox Lake subdivision regulations.
2. Density: The maximum permitted gross density for a residential planned unit development shall be the requirements established below. The number of dwelling units or the number of bedrooms may be used, provided that the maximum allowable number of either one is not exceeded.
3. Site Design General: The planned unit development shall be more beneficial to residents or occupants of such developments and neighboring properties than a conventional development because of comprehensive design and a thorough application of professional standards of excellence. It should be prepared by professional persons; architects, city planners, engineers, landscape architects and surveyors. The benefits and improved design of the resulting development must justify the intended deviation from the normal requirements of this ordinance. In designing a planned unit development, particular consideration shall be given to:

- a. The provision of open spaces for recreation and other outdoor benefits and uses. The open space and proposed use of such space must be appropriate and proportionate to the scale and character of the planned unit development indicated by its size, density, topography and number and types of units.
  - b. The conservation of significant natural resources such as floodplains, wetlands, forests and scenic areas and vistas.
  - c. Surface drainage and floodwater retention.
  - d. Maximum separation of vehicular traffic from pedestrianways and play areas.
  - e. Adequate parking. The number of parking spaces shall not be less than required for similar individual uses by this zoning ordinance.
  - f. A unified design based on harmonious architectural character, compatible materials, and an orderly arrangement of structures and open spaces.
  - g. The provision of appropriate sites for schools and/or equal cash value, playgrounds, parks, parkways, streets, highways, public buildings and similar public facilities must be proportionate to the scale and character of the planned unit development as indicated by its size, density, topography and number and types of dwelling units.
  - h. The provision for places of workshop and other community services, convenient shopping and service areas when provision for such service is appropriate to the size and character of the planned unit development.
  - i. The relationship of the development to surrounding uses and property.
  - j. Setback on the perimeter of the planned unit development great enough to protect the privacy and amenity of adjoining uses both existing and anticipated. In no case shall the setbacks on the perimeter be less than those required in the zone adjacent.
  - k. The provision of safeguard facilities for the safety of the occupants from fire and tornado.
4. Site Planning, External Relationships: Site planning the planned unit development shall provide protection of the development from potentially adverse surrounding influences and protection of surrounding areas from potentially adverse influences in the development. In designing a planned unit development, the following shall be:
- a. Principal vehicular access shall be from major streets, and access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. In no case shall streets connect in such a way as to encourage use of minor streets for through traffic.
  - b. Any access for pedestrians and cyclists entering or leaving a planned unit development shall be arranged to provide safe and convenient routes.
  - c. To protect visibility for automotive traffic, cyclists and pedestrians, no impediment to visibility between heights of thirty inches (30") and eight feet (8') shall be created or maintained within twenty five feet (25') of the intersection of any right of way or easement lines of any street.
  - d. No intensive recreational or commercial use shall be permitted in common space within one hundred fifty feet (150') of the boundary of any adjacent residential district.
5. Site Planning, General Internal Relationships: The site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features. In particular:
- a. Streets, drives, parking and service areas shall provide safe and convenient access to dwelling units, project facilities, and for service and emergency vehicles, but streets shall not be laid out so as to encourage outside traffic to traverse the development on minor streets.
  - b. Vehicular access to streets from off street parking and service areas shall be designed to channel traffic from and to such areas in a manner which promotes free traffic flow.
  - c. Walkways shall form a safe and convenient system for pedestrian use.
  - d. Yards, courts, and other open spaces required herein in relation to structures are intended to assure adequate privacy, desirable outlook, access to and around buildings, and spaces between buildings.
6. Commercial Areas:
- a. All proposed commercial facilities shall be planned as an integral part of the design of the planned unit development.
  - b. Commercial facilities shall be so located and designed as to provide direct access to a major street without creating traffic hazards or congestion as follows:

(1) Buildings and parking areas shall have direct access to a major street.

(2) Layout of parking areas, service areas, entrances, exits, yards, courts, and landscaping, and the control of signs, lighting, noise or other potentially adverse influences shall be such as to protect character within the planned unit development and in any adjoining residential district.

c. Convenience centers shall be subject to the following requirements:

(1) Such facilities shall not occupy more than ten percent (10%) of the total area of the development.

(2) Such facilities shall be located, designed and operated so as to serve primarily the needs of occupants within the planned unit development and shall direct pedestrian access.

(3) Such facilities shall not by reason of their location, construction, manner or timing of operation have signs, lighting, parking arrangement or other characteristics that have adverse effect on residential uses within or adjoining the district, or create traffic congestion or hazard to vehicular or pedestrian traffic. (Ord. 89-54, 6-26-1989)

#### E. Procedures:

1. Preapplication Conference: Before submitting a petition for a planned unit development, the petitioner shall confer with the village staff on an informal basis to provide information regarding the development, and obtain information and guidance before entering binding commitments or incurring substantial expense.

2. Application Procedures For Preliminary Plan: Application shall be made in accordance with section 9-1-6-7 of this ordinance. Said petition shall be complete with all requirements set forth in section 9-1-6-7 of this ordinance and shall include the preliminary plan as set forth in subsection F of this section.

3. Public Hearing Requirements: The plan commission will hold a public hearing on the planned unit development at the time and on the date stated in the notice. Within thirty (30) days after the closing of the public hearing, the plan commission shall recommend the approval or denial of the proposed planned unit development to the village board of trustees. Said recommendation shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth particularly in what respects the proposal would or would not be in the public interest. These findings shall include, but need not be limited to, the following:

- a. In what respects the proposed plan is or is not consistent with the stated purpose of the planned unit development regulations.
- b. The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to, the density, dimension, area, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.
- c. The extent to which the proposed plan meets the requirements and standards of the planned unit development regulations.
- d. The physical design of the proposed planned unit development and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, provide for and protect designated common open space, and further the amenities of light and air, recreation and visual enjoyment.
- e. The compatibility of the proposed planned unit development with adjacent properties and neighborhood.
- f. The desirability of the proposed planned development to the physical development and economic well being of the entire community and compatibility with the comprehensive plan.

4. Village Board Approval Of Preliminary Plat: The village board of trustees, upon receiving the report of findings and recommendation of the plan commission, may grant or deny any proposed amendment or may refer it back to the plan commission for further consideration. (Ord. 2009-18, 8-11-2009)

#### F. Preliminary Development Plan: The preliminary development plan shall include the following:

1. Site Plan: A map showing streets, lots, parcels and sites for all uses included in the planned unit development, including areas proposed to be conveyed, dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings and similar public and quasi-public uses of common use areas, drawn to scale.

2. Plot Plan: A plot plan for each building site and common open area, showing the approximate location of all buildings, structures and improvements and indicating the open space around buildings and structures. Such plan will include an approximate density of dwelling units where applicable, drawn to scale.

3. Engineer Site Plan: An engineering site plan including:

- a. Topographic information including existing and proposed grades for foundations, paving, drainage areas and utilities.
- b. Geometric information on existing and proposed streets, sidewalks, parking facilities, rights of way, etc.
- c. Location of existing and proposed utilities and public improvements such as storm and sanitary sewer, water main, lighting, pavement, sidewalks, fences, etc.
- d. Location of existing and proposed easements for utilities, public improvement or access. Provisions for stormwater retention.

The design criteria for roadway and drainage improvements shall comply with the standards for the village of Fox Lake subdivision ordinance.

4. Schematic Design: A schematic design presentation indicating the architectural character of all proposed structures and improvement except single-family detached residences and their accessory buildings. The drawings need not be the result of final architect decisions and need not be in detail.

5. Development Schedule: A development schedule indicating:

- a. The approximate date when construction of the project can be expected to begin.
  - b. The stages in which the project will be built and the date when construction of each stage can be expected to begin.
  - c. The date when the development of each of the stages will be completed.
  - d. The area and location of a common open space that will be provided at each stage.
6. Proposed Agreements: Proposed agreements, bylaws, provisions or covenants which govern the use, maintenance and continued protection of the planned unit development and any of its common open areas or other facilities.
7. Traffic Analysis: A detailed traffic analysis shall be prepared by a professional engineer active in the field of traffic engineering. The analysis shall be made for the purpose of determining the impact made by the increased traffic that is generated by the development on the adjacent highway system including the proposed roads in the development. The analysis should include:
- a. Basic data including traffic counts, existing and proposed road network geometrics, accident data, signalization, other agency jurisdictions, etc.
  - b. Manner of ingress/egress to the proposed development.
  - c. Discussion of impact on existing and proposed street networks.
  - d. Capacity analysis of affected intersections, to ensure adequate level of service.
  - e. Discussion of internal traffic circulation pattern.
  - f. Recommendations, including documentation and graphics. The recommendations shall address capacity, safety, geometrics, signing, pavement marking and sight distances.
  - g. A projection of the traffic on the designated roads for a twenty (20) year period.
8. Circulation Diagram: A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the development to and from existing thoroughfares. (Ord. 89-54, 6-26-1989)
9. Landscaping And Drainage Plan: A tree survey and a landscaping and comprehensive drainage plan with analysis of the impact that the development creates on the site and on the surrounding area and its natural features. (Ord. 2002-63, 11-26-2002)
- G. Final Development Plan: Within one year of the review of a preliminary development plan, the applicant shall file with the plan commission, a final development plan for the first stage, containing in final form, the information required in the preliminary development plan. In addition to the requirements of the preliminary development plan, the final development plan shall include:
1. A final land use plan suitable for recording with the recorder of deeds.
  2. An accurate legal description of the entire area under immediate development within the planned unit development.
  3. If subdivided lands are included in the planned unit development, a subdivision plat of all subdivided lands in the same form and meeting all the requirements of a normal subdivision plat.
  4. An accurate legal description of each separate unsubdivided use area, including common open space.
  5. Designation of the location of all buildings to be constructed, and a designation of the uses for which each building is designed.
  6. Architectural renderings of all buildings and structures of the planned unit development.
  7. Certificates, seals and signatures required for the dedication of land and recording the document.
  8. Tabulation of each separate unsubdivided use area, including land area and number of dwelling units per gross acre.
  9. Final landscaping plan.
  10. Utilities and drainage plans.
11. Final agreements, bylaws, provisions or covenants which govern the use, maintenance and continued protection of the planned unit development and any of its common open areas or other facilities.
12. Final development and construction schedule.
13. Certificate from the village engineer that all site engineering for the project has been reviewed and approved. (Ord. 2009-18, 8-11-2009)
- H. Failure To Begin Development: If no substantial construction has begun or no use established in the planned unit development within the time stated in the final development and construction schedule, the final development plan shall lapse upon written notice to the applicant from the village board of trustees and shall be of no further effect. In its discretion and for good cause, the board of trustees may extend for a reasonable time, not to exceed one year, the period for the beginning of construction or the establishment of a use. If a final development plan lapses under the provisions of this section, the zoning officer shall remove the planned unit development from the official zoning map and shall file a notice of revocation with the recorded final development plan. The zoning regulations applicable before the development was approved shall then be in effect.
- I. Permits: The building commissioner may issue permits for site or building construction for that part of the development plan that has been approved in the area covered by the approved final development plan for work in conformity with the approved final development plan and with all other applicable ordinances and regulations. (Ord. 89-54, 6-26-1989)
- J. Enforcement Of Development Schedule: The building commissioner shall periodically review all of the permits issued for the planned unit development, examine all the construction that has taken place on the planned unit development site, and compare actual development with the approved development schedule. If the building commissioner shall find that the owners of the property in the planned unit development area have failed to meet the approved development schedule, or that the rate of construction of dwelling units is greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, he shall forward this information to the village board along with his recommendation on action to be taken.
- Thereafter, the board of trustees shall either: 1) revoke the special use permit for the planned unit development with the land reverting to its former classification; or 2) notify the developer's bonding company or bank that the village is declaring the developer in default and requesting proceeds of the developer's bond or letter of credit; or 3) for good cause shown by the developer, extend the time for a reasonable period for the developer to bring the schedule into compliance. (Ord. 2004-22, 4-20-2004)
- K. Amending Final Plan:
1. Minor Changes: Minor changes in the location, siting and height of buildings and structures may be reviewed and authorized by the building commissioner, if required by engineering or other circumstances not foreseen at the time the final development plan was approved. No change authorized by this section may increase the cube of any building or structure by more than ten percent (10%).
  2. Major Changes: All other changes in time schedule and in use, any rearrangements of lots, blocks, building tracts, and changes in the provision for common open space and all other changes in the approved final development plan shall be made by the board of trustees upon recommendation of the plan commission, who shall hold a public hearing in accordance with the requirements for a public hearing on a preliminary plan. No amendments may be made in the approved final development plan unless they are shown to be required by changes in conditions that have occurred since the final development plan was approved. A self-imposed hardship shall not be a valid reason for a change. (Ord. 2009-18, 8-11-2009)

**9-1-6-12: SPECIAL USE FOR THE M-2 RECLAMATION OVERLAY DISTRICT (ROD):**

- A. Intent And Purpose: The intent and purpose of the M-2 reclamation overlay district (ROD) is:
1. To provide for the long range mixed use development of a parcel upon which earth extraction material or mineral processing has been approved.
  2. To identify and take advantage of the unique features of the site that provides superior development and infrastructure taking into consideration the parcel's condition as a result of earth extraction.
  3. To be granted relief from the fixed regulations of conventional zones and from certain aspects of the subdivision and other engineering and regulatory ordinances and village plans. The ROD regulations supersede and govern the development of properties and, in the instance of a conflict of regulations or in the instance when other village regulations exceed the standards of the ROD, the requirements of this section shall supersede all other requirements.
  4. To encourage an innovative site plan.
  5. To encourage the enhancement and development of the postextraction condition of the parcel.
  6. To obtain usable open space and recreational space.
  7. To increase the quality of the site design.
  8. To provide a compatible relationship between ROD land uses and adjoining land uses.
  9. To provide sensitive handling of on site and off site traffic flow for efficiency of circulation and safety.
  10. To allow this ROD district to be approved only as a special use if the application is consistent with the provisions of this section.
- B. ROD Eligibility Requirements:
1. The parcel must have a unified design. The tract of land submitted for ROD development must be developed as a single design entity even though it may be developed in phases, or contain a wide variety of uses and activities otherwise not necessarily compatible with one another.
  2. All land in the parcel submitted as the ROD application must be initially under the control of the applicant.

3. The entire parcel shall be no less than eight hundred (800) acres and the current underlying zoning for said parcel must be M-2 general manufacturing district with the right for earth extraction or material or mineral processing.

4. After a proposed development has received ROD tentative plat approval, additional property of less than eight hundred (800) acres may be added by an applicant who has received ROD tentative plat approval as long as the additional property is subject to the process as contained within this section, and the criteria for ROD tentative plan approval are met for the additional property. Such land need not be contiguous to the property, but must enhance and further the purposes of the approved ROD tentative plan as applied to the additional property.

C. Two Step Review: There is a two (2) step ROD application review procedure as hereinafter set forth. (Ord. 2006-38, 11-14-2006)

D. Step One - ROD Application And Tentative ROD Plan (Required):

1. The petitioner shall submit twenty five (25) copies of the tentative plan (including all documents listed in subsection D6 of this section and the deposit required by section 9-4-5 of the village code) with the zoning secretary who shall forward them to the village clerk and plan commission.

2. A hearing date shall be held before the plan commission after notice and publication shall be made in accordance with this ordinance. After the public hearing has been closed, the plan commission shall make its recommendation regarding the proposed development no later than the date of its second regularly scheduled meeting after the close of the hearing, but not later than thirty (30) days after the close of the hearing.

3. The village board of trustees, upon receiving the report of findings and recommendation of the plan commission, may grant or deny any proposed petition in accordance with applicable Illinois statutes, or may refer it back to the plan commission for further consideration one time.

4. The village board of trustees, after receiving the findings and recommendation of the plan commission, if any, may grant or deny any proposed petition in accordance with applicable Illinois statutes. (Ord. 2009-18, 8-11-2009)

5. The tentative plan is a general indication of the proposed land uses and the general or schematic locations of detention areas, open spaces, and parks. At this stage of planning, detailed data pertaining to precise building locations, parks, and detention areas will not be available and will be further refined as the plans progress to the final plan stage. The more detailed data and site plans shall be submitted to the village for review and approval at the final plan stage of development. It is understood that the engineering plans for the development of the property shall not be completed at this early stage of planning. The tentative plan will undergo further refinement and when the final plan is prepared it will be submitted for final site plan approval and engineering approval by the village engineer. The final plan may be submitted for approval either in phases or as a whole. Tentative and final plans shall permit a lesser residential density in area approved for a higher residential density.

6. The tentative plan submittals shall contain the following:

a. Analysis Of Relationship To Village Comprehensive Plan: An analysis of how the proposed development complies with and advances the goals and policies established in the village comprehensive plan and any proposed plan amendments.

b. General Site Information: Data regarding site conditions, land characteristics, general land use, existing and proposed zoning including designation of an underlying village zoning district, available community facilities and utilities, surface water drainage characteristics, existing covenants, and other related general information about land uses within one-half ( $\frac{1}{2}$ ) mile of the proposed site perimeter. A summary of the site data must be provided listing the percentages of the site for each anticipated use. Site information shall include how police, fire, sewer, water and other municipal services will be provided and paid for including information as to how the applicant will address the active and passive recreational needs generated by site's development at the time of final plat for each residential phase.

c. Sketch Plan: A scaled drawing in simple sketch form showing the proposed location and extent of the land uses, major streets, anticipated designated areas for specific uses along with the types of land uses, approximate number of acres assigned to each land use, the total number of dwelling units defined by housing type, the size of lots assigned to each type of single-family use and other features as they are related to the site.

d. Character: Written explanation of the character of the development and the reasons why it has been planned to take advantage of the flexibility of these regulations. This item shall include a specific explanation of how the proposed development meets the objectives of all official plans which affect the land in question and approximately what percentage of the property will be dedicated for roads.

e. Schedule/Phasing: Anticipated development schedule indicating:

(1) Stages in which project will be built, with emphasis on area, density, use and public improvements/facilities, such as open space to be developed with each stage. Each stage shall be described and mapped as a phase of the project. The overall design of each phase shall be shown on the plan and through supporting graphic material.

(2) Anticipated dates for beginning and completion of each phase.

f. Market Analysis: If requested by the village, background data indicating the extent of market demand for the uses proposed in the development shall be provided.

g. Covenants/Homeowners' Association: Proposed methodology as to how the use, maintenance, and continued protection of the development, ponds, lake and any of its common open space will occur.

h. Residential: Provide information on the density of residential uses, including dwelling units per gross acre, dwelling units per net acre; gross and net residential density (dwelling units per acre of land devoted to residential sectors of the development; "gross" being all land excluding perimeter roadway dedication and "net" being gross acres as previously defined minus land used for other land use classes/districts and utilities that serve land not included in the development); and the number of dwelling units by type. Information should be provided for each phase in the development.

i. Nonresidential Intensity: Provide information on the type and amount of nonresidential uses including locations, the amount and location of common open space; and any other data pertinent to a comprehensive evaluation of the proposed development.

j. Landscape Data: Preliminary landscape standards, which shall include enhanced landscaping between different use zones; portions of the property perimeter and the property's frontage.

k. Cost-Revenue Analysis (Fiscal Impact Study): A study shall be prepared indicating the fiscal impact of the development on major taxing bodies, which may include, but not be limited to, the school district(s), fire protection district(s), municipal corporation, library district(s), and the park district(s). Information will include detailed estimates on: expected population of the development; the operating cost to be incurred by each taxing body; any additional major capital investments required, in part or in whole, because of the development; revenue generated for each taxing body by the development to offset fiscal problems created by the development. The study should include a cash flow analysis based on the proposed staging of the development and shall specify the village staffing assumptions underlying preparing such analysis.

l. Traffic Analysis: If requested by the village, a study of the impact caused by the development on the street and highway systems operating in the village will be required. Copies of the analysis shall be provided to other governmental entities with jurisdictional control over any roadways contained within or abutting the development along with a request that such entities acknowledge receipt of and provide written comments on the analysis to the village.

m. Environmental Analysis: An NRI report and endangered species act review shall be submitted.

n. Variations: Listing of known variations to be requested from the subdivision regulations.

7. The criteria for approval of a tentative ROD plan are as follows:

a. Does the plan take advantage of the unique qualities of the property?

b. Will open space and recreational amenities commensurate with the needs of the residents of the property be provided?

c. The extent to which the plan provides an efficient, aesthetic and desirable use of open and recreational space.

d. The extent to which the plan provides for development of the property in a manner which is harmonious with the surrounding community.

e. The extent to which the use of the property results in efficient networks of utilities, streets, public grounds and other infrastructures.

f. The extent to which the plan encourages land uses which are not detrimental to the public health, safety and welfare of the village.

g. The extent to which infrastructure is provided for the property which may benefit surrounding properties subject to the owner's ability to recapture an equitable portion of its expense for said infrastructure.

h. The extent to which adequate provision is made for municipal services and facilities for the property.

i. The extent to which the plan promotes the orderly growth of the village and positively affects the long range interests of the village.

j. The extent to which the plan provides for the needs of affected school districts consistent with the obligations imposed on the owner by existing law and by village ordinances as amended from time to time. (Ord. 2006-38, 11-14-2006)

E. Step Two - ROD Application, Final ROD Plan (Required):

1. The final plan accompanied by a proposed final plat for any phase of the development shall be submitted to the plan commission and shall be reviewed at its next regularly scheduled meeting. The plan commission shall make its recommendations regarding the final plan no later than its next meeting after the meeting at which the review has occurred. The village board shall take final action on a final plan promptly after receipt of the recommendation of the plan commission. If no recommendation is timely made by the plan commission, then the final plan shall be deemed to have been approved by the plan commission as presented. It is recognized that overlay district developments are of a different character and may require modifications and variations from the subdivision ordinance and other ordinances of the village. Such modifications shall be reasonably considered and approved by the village in its reasonable discretion as part of the final plan approval process as long as density has not changed from the tentative plan and the final plan conforms to requirements of the village's subdivision ordinance. However, it is understood that the requirements of the stormwater detention ordinance will be abided by unless the village and Lake or McHenry County (if required) grant a waiver of same or portions of same in light of the lakes that may be created on a parcel.

2. The final plan (25 copies) for any phase of the development shall include:

a. All items required by subsection D6 of this section.

- b. Final plat of subdivision.
- c. All documents required by the village's subdivision ordinance.
- d. Service facilities information. Provide information on all service facilities, related driveways, private streets, paths and off street parking facilities.
- e. Monotony codes identification. Identification of monotony codes to be utilized in residential developments.
- f. Proposed covenants, conditions and restrictions.

3. The required information for final ROD review shall be submitted to the zoning secretary a minimum of thirty (30) days prior to the meeting with the village plan commission.

F. Modification To The Tentative Or Final Plan In The ROD District: "Minor changes" are defined as changes that do not increase the residential density of any phase of an approved tentative plan or approved final plan, and do not require variations from the village's subdivision ordinance or this ordinance and may be approved by the building commissioner. Major changes shall require approval of the village board, and if a variation from this zoning ordinance is required, then a public hearing must be held before the zoning board of appeals. (Ord. 2009-18, 8-11-2009)

G. Expiration Of ROD Plan Approval: The tentative ROD plan approval shall expire fifteen (15) years after the date of its approval unless an application for final ROD review has been submitted to the village clerk for all or a portion of the parcel within the fifteen (15) year time period. Three (3) one-year extensions may be granted by the village board in its discretion. The final ROD plan shall expire two (2) years after the date of its approval unless construction has begun on a portion of the property described in the final ROD plan or unless a one year extension has been requested. The village board shall grant three (3) one-year extensions if petitioner requests them.

H. Permitted Uses: All uses listed in table 1, "Uses In Zoning Districts", of this ordinance are allowed in ROD as provided in section9-1-4-2 of this ordinance except in those phases which are developed as residential areas.

I. Bulk Standards:

1. Notwithstanding the provisions set elsewhere in this zoning ordinance and the village's subdivision ordinance, the following standards shall govern and apply: The standards for residential structures are set forth below. The actual lot to be conveyed may be a pad under the individual dwelling unit and/or partially around the individual dwelling unit. In this instance, the remaining land would be owned and maintained by a common homeowners' association.

a. Site Standards For ROD - R-1 - Single-Family Detached Areas:

|                        |  |
|------------------------|--|
| Gross density          | A maximum of 3 dwelling units to the gross acre (units may be clustered to promote an open space design) |
| Lot area               | 7,800 square foot minimum  |
| Lot width              | 50 feet minimum lot width  |
| Lot coverage           | 60 percent maximum; does not include swimming pools  |
| Front yard             | 25 feet  |
| Side yard              | 5 feet   |
| Yard abutting a street | 10 feet  |
| Rear yard              | 15 feet  |
| Building height        | 2 1/2 stories or 35 feet, whichever is greater   |
| Parking requirements   | Minimum of 2 spaces per dwelling unit  |
| Garage                 | 2 car minimum  |
| Open space             | 30 percent subject to subsection L of this section   |

b. Site Standards For ROD - R-2 - Single-Family Attached Areas:

|                     |  |
|---------------------|--|
| Lot area            | There shall be no minimum lot size   |
| Gross density       | A maximum of 7 dwelling units per gross acre (units may be clustered to promote an open space design)  |
| Lot width           | There shall be no minimum lot width  |
| Building separation | All structures shall have a minimum distance of 20 feet between one another and shall be set back 20 feet from the curb of private street or 20 feet from the right of way line  |
| Yard requirements   | The total property or parcel devoted to medium density residential shall maintain a minimum yard (building setback) of 30 feet on all property boundaries. There shall be no individual yard requirements for individual structures other than the 20 foot spacing between buildings and the heretofore described 30 foot setback along the periphery of the total cluster development |
| Building height     | Not to exceed 35 feet  |
| Parking requirement | 2 spaces per unit  |
| Garage size         | 2 car garage per dwelling unit   |
| Open space          | 30 percent subject to subsection L of this section   |

c. Site Standards For ROD - R-3 - Multiple-Family Areas:

|                     |  |
|---------------------|--|
| Design              | The site plan in the multi-family areas shall be designed to promote courtyards, lighted courts and open areas   |
| Gross density       | 12 dwelling units per gross acre   |
| Lot area            | There shall be no minimum lot size   |
| Lot width           | There shall be no minimum lot width  |
| Building separation | All structures shall have a minimum distance of 20 feet between one another and shall be set back 20 feet from the curb of private street or 20 feet from the right of way line  |
| Yard requirements   | The total property or parcel devoted to multi-family residential shall maintain a minimum yard (building setback) of 20 feet on all property boundaries. There shall be no individual yard requirements for individual structures other than the 20 foot spacing between buildings and the heretofore described 20 foot setback along the periphery of the total multi-family residential development area |
| Building height     | Not to exceed 5 stories  |
| Parking requirement | 2 spaces per unit  |
| Overflow parking    | Petitioner shall demonstrate the availability of overflow parking of 0.5 spaces per unit   |
| Garage size         | None required  |
| Unit size           | Each unit shall have a minimum area of 920 square feet which shall include a prorated portion of the common area of the building   |
| Open space          | 30 percent subject to subsection L of this section   |

d. Site Standards For Nonresidential Areas: Each use developed as a nonresidential use in the ROD district shall comply with the bulk requirements set forth in the zoning ordinance as may be modified from time to time.

e. Miscellaneous Site Provisions:

(1) In the ROD district, building heights are measured from the top of the first floor and do not include easements, walk out basements, English basements or side loaded garages.

(2) Lot coverage does not include swimming pools, patios and decks.

J. Off Street Parking: Off street parking, not otherwise modified by this section, shall be required to comply with the parking regulations in accordance with the off street parking provision of the zoning ordinance effective January 1, 2006, unless modified by this section and as to nonresidential areas as they may be modified from time to time.

K. Application Of Other Ordinances: All streets and related street improvements and storm water control facilities shall be designed by a registered professional engineer. All public streets and storm water control facilities shall be constructed consistent with the subdivision regulations and other ordinances of the village of Fox Lake as amended from time to time unless amended by this section. It is recognized that overlay district developments may vary from the rigid guidelines of conventional zoning standards and from certain engineering and subdivision regulations. In this respect the village will reasonably consider and approve in its discretion any variations to the subdivision control ordinance and other ordinances in order to effectuate the implementation of the ROD tentative and final plans.

Except as modified by this section, the property will be developed in accordance with the village code and the village's zoning ordinance and subdivision regulations and building code as amended from time to time, and as uniformly applied within the village.

L. Open Space: Common open and recreational space shall be schematically depicted on the tentative plan and as specifically defined in the final plans. The areas depicted in the tentative plans may be altered in context with the progression of future tentative and final plans. "Common open space" is defined as land used for ponds, lakes, detention areas, floodplains and passive and active recreational areas. The total provision of open space may be divided and located within different phases of the entire development. The open space may be owned either by the homeowners' association or in the alternative by a governmental unit with approval of the governmental unit.

It is recognized that some final plans will have less than thirty percent (30%) open space and others will have more than thirty percent (30%) open space, however, in no event shall the overall ROD district have less than thirty percent (30%) open space when fully developed and each final plan for a residential development shall have no less than fifteen percent (15%) open space.

All private improvements planned for the open space areas shall be installed and paid for by the developer. These improvements may include, but are not limited to, planned landscaping, walkways, driveways, clubhouses, swimming pools, tennis courts, and golf courses. Open space dedicated to a governmental unit shall be maintained by that unit of government and improvements by the owner, if any, shall be as required by the subdivision control ordinance.

M. Yard Requirement Exceptions In The ROD District: The following architectural elements shall be allowed to project into or be constructed in any required yard or setback, but such exceptions to establish setbacks shall not be allowed to extend beyond the property line.

1. Roof projections may extend into a side building setback zone a maximum of two feet (2') and may extend into a front or rear building setback zone a maximum of four feet (4').
2. Nonenclosed porches and steps to a dwelling may extend into the front building setback zones to a maximum of four feet (4').
3. Open terraces, swimming pools, and tennis courts may extend into the rear yard setback zone a maximum of ten feet (10').
4. Bay windows may extend into front and rear building setback zones but may not extend more than two feet (2').
5. Chimneys may extend into all building setback zones but may not extend more than eighteen inches (18").

N. Overlay District:

1. The M-2 reclamation overlay district (ROD) is an "overlay" district in addition to the underlying zoning classifications. Any ROD zoning and designation shall supplement other zoning districts ("underlying zoning district"). The uses allowed in the underlying zoning district as well as the uses allowed in the ROD are permitted uses within these areas. Once building permits are issued for construction on property located in any underlying zoning district, only the uses permitted in said underlying zoning district as to the property for which the building permit was issued shall be allowed until a final plan has been approved at a property owner's request by the board of trustees of the village of Fox Lake and thereafter recorded for the reclamation overlay district (ROD) use. Upon final plan recording for ROD uses, only the uses permitted in the ROD shall be permitted as to the property described in said final plan and the uses allowed in any other underlying zoning district shall no longer be permitted as to the property described in said final plan unless it is a permitted ROD use.

2. Upon recording of the final plan for a residential development on a portion of the ROD district (final plan parcel) on one side of one or more preexisting dedicated roadways, all ROD parcels depicted on the tentative ROD plan on the same side of such preexisting dedicated roadways shall have permitted uses which are limited to those uses allowed in the zoning categories set forth in those adjoining parcels on the approved tentative ROD plan in addition to earth extraction and agricultural uses permitted in the M-2 zoning district. (Ord. 2006-38, 11-14-2006)

**9-1-6-13: APPEALS:**

A. Initiation Of Appeal: An appeal may be made by any person, firm or corporation, or by any office, department, board or bureau aggrieved by a decision of the office of the building commissioner under this ordinance.

B. Procedures: The procedures for an appeal hearing will be in accordance with the procedures duly established by the village board of trustees in accordance with Illinois statute. (Ord. 89-54, 6-26-1989; amd. Ord. 2006-38, 11-14-2006)

C. Fee: The fee for appeals from the building commissioner's rulings will be four hundred dollars (\$400.00) plus seven hundred dollars (\$700.00) for each meeting required for any hearings. (Ord. 2010-04, 1-12-2010)

**9-1-6-14: VIOLATIONS AND PENALTIES:**

Any person, firm or corporation, or agent, or employee or contractor of such, who violates, destroys, omits, neglects or refuses to comply with, or who resists enforcement of any provision of this ordinance, shall be subject to a fine of not more than seven hundred fifty dollars (\$750.00) or imprisonment for not more than six (6) months, or both, for each offense; and each day a violation continues to exist shall constitute a separate offense. (Ord. 89-54, 6-26-1989; amd. Ord. 2006-38, 11-14-2006)

**9-1-6-15: VALIDITY:**

If any term, part, provision, section, subdivision or paragraph of this ordinance, or of any code herein adopted, shall be held unconstitutional, invalid or ineffective, in whole or in part by any court of competent jurisdiction, such determination shall be deemed to invalidate only the sections, terms, provisions, subdivisions, paragraphs of parts thereof affected and it shall be presumed that this ordinance and codes would have been passed without such invalid portion; and that every other portion of this ordinance and codes shall be deemed valid and shall continue in full force and effect. (Ord. 89-54, 6-26-1989; amd. Ord. 2006-38, 11-14-2006)