

CHAPTER 158: ZONING CODE

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GENERAL PROVISIONS

§158.01 PURPOSE.

This Chapter is enacted for the purpose of dividing the Village into zones, or districts, restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures, and land for trade, industry, residence and other specified uses; to regulate the intensity of the use of lot areas, and to regulate and determine the area of open spaces surrounding such buildings; to establish building lines and the location of buildings designed for specified industrial, business, residential, and other uses within such area; to fix standards to which buildings or structures shall conform therein; to prohibit uses, buildings, or structures incompatible with the character of such districts, respectively; to prevent additions to and alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed hereunder; to limit congestion in the public streets by providing for the off-street parking and loading and unloading of vehicles; providing for the gradual elimination of nonconforming uses of land, buildings, and structures; and prescribing penalties for the violation of the ordinance; to preserve the present character of the Village; to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to conserve the taxable value of land and buildings throughout the Village; and to promote the public health, safety, and general welfare.

§158.02 SHORT TITLE.

This Chapter may be known and may be cited as the Village of Deer Park Zoning Code or Deer Park Zoning Code.

§158.03 DEFINITIONS.

- (A) For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning
- (B) Whenever a word or term defined hereinafter appears in the text of this Chapter, its meaning shall be construed as set forth in the definition thereof, and any word appearing in parentheses, directly after a word herein defined shall be construed in the same sense as that word.
- (C) All measured distances, expressed in feet, shall be to the nearest integral foot. If a fraction is one-half foot or more, the integral foot next above shall be taken.

ACCESSORY STRUCTURE OR USE. An accessory structure or use is one in which:

- Is subordinate in area, extent and purpose to, and serves, a principal structure or use;
- Is located on the same zoning lot as the principal structure or use served, except as otherwise provided herein;
- Is not physically attached to the principal structure, provided, however, any open terrace, driveway, patio, deck, walkway, and/or similar improvement shall be considered attached to a principal structure if it physically touches or has a de minimis separation from the principal structure in question;
- Is customarily found as an incident to the principal structure or use;
- Is under the same ownership and control as the principal structure or use; and
- Contributes to the comfort, convenience or need of the occupants of the principal use or structure served.

ACREAGE. Any tract or parcel of land whose area is greater than twice the prescribed lot area of the use district within which the tract or parcel lies and which has not been subdivided or platted.

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

ALLEY. A public thoroughfare, not less than 20 feet wide and not more than 40 feet wide, which affords only a secondary means of access to abutting property.

APARTMENT. A room or suite of rooms in a multiple-family structure which is arranged, designed, used, or intended to be used as a housekeeping unit for a single-family.

AUTO WRECKING or JUNK YARD. Any place where two or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof, including any farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition, and the commercial salvaging and scavenging of any other goods, articles or merchandise.

AUTOMOBILE REPAIR. General repair, engine rebuilding, or reconditioning of motor vehicle, collision service, such as body, frame, or fender straightening or repair, overall painting of motor vehicles.

AUTOMOBILE FULL-SERVICE STATION. Any building or portion thereof or premises used for dispensing or offering for sale at retail any automotive fuels or oils, having pumps and storage tanks thereon, or where automobile accessories batteries, tires, and other small minor automobile repair services are sold or rendered but only if sold or rendered wholly within the lot lines of the premises. Automobile full-service stations do not include open sales lots or public garages, as defined herein. The provision of food or beverage sales shall be allowed only as accessory and incidental to the principal operation of the service station.

AUTOMOBILE SELF-SERVICE STATION. Any building or portion thereof or premises where motor fuels are stored and dispensed by persons other than the service station attendant, and may include the provision of food or beverage sales, and other retail products, and where minor or major repair of vehicles does not occur.

AUTOMOBILE REPAIR, MINOR. Incidental repair, replacement of parts and motor service to automobiles, but not including any operation specific under **AUTOMOBILE REPAIR, MAJOR**.

AUTOMOBILE REPAIR, MAJOR. Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers, collision service, including body, frame or fender straightening or repair, and painting or vehicles.

AUTOMOBILE WASHING FACILITY, ROLL-OVER. A building or portion thereof which is accessory to an automobile service station, capable of being utilized for the washing of automobiles, whether by hand or by automation, where no conveyor or drive-through facility is incorporated into the process and where no more than two vehicles are able to be washed on the premises at any given time.

AUTOMOBILE WASHING FACILITY, WITH CONVEYOR. A building or portion thereof containing facilities for washing more than two motor vehicles, using automatic production-line methods with a chain conveyor, hot air blowers, steam cleaners, wax applications or other mechanical devices; or providing space, water and equipment for hand-washing of autos, whether by the customer or the operator, with a paved off-street parking area sufficient in size to provide a minimum number of parking spaces equal to the product obtained by multiplying the maximum number of automobiles capable of being washed at any one time by ten.

BASEMENT. A story partly or wholly underground. Where more than one-half of its height is above the average level of the adjoining ground, a basement shall be counted as a story for purpose of height measurement.

BOARDING HOUSE. A building other than a hotel or restaurant, where meals are provided for compensation for four or more persons, but not exceeding 12 persons.

BUILDING. Any structure designed or constructed for the shelter, support, protection, or enclosure of persons, animals, chattels or moveable property of any kind.

BUILDING ACCESSORY. A subordinate building or portion of a principal building, the use of which is incidental to that of the principal building and customary in connection with that use.

BUILDING AREA. The **BUILDABLE AREA** of a lot is the space remaining after the required yard and/or minimum open space requirements of this ordinance have been complied with.

BUILDING, COMPLETELY ENCLOSED. A building separated on all sides from the adjacent open space or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance and exit doors.

BUILDING HEIGHT. The vertical distance measured from the natural ground elevation at the middle of the building or the average elevation between the two front corners of the building, to the high point of the roof in the case of a flat roof, to the deck line of a mansard roof, and to the mean height level between eaves and ridge of a gable, hip, or gambrel roof. Chimneys, spires, towers, radio aerials, tanks and similar projections, but not including signs, shall not be included in calculating height, except in the B-2 General Business District.

BUILDING, PRINCIPAL. A non-accessory building in which the principal use of the lot on which it is located is conducted.

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

BUILDING, TEMPORARY. A building of non-permanent construction whose design and construction is such that it will be used for a short period of time or that it can be moved readily to another location.

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

CAR PORT. A structure attached or made a part of the main structure, and which is open to the weather on at least two sides, intended for the use of sheltering not more than two motor driven vehicles.

COMMERCIAL RECREATION AREA. An area devoted to providing recreation for the general public for profit.

COMMISSION. Pursuant to this Chapter, the Planning and Zoning Commission.

COUNTRY CLUB. A private club, either equity or proprietary, consisting of a club house, golf course, recreational areas, parking areas, and including rooms and facilities for sleeping for members and their guests and employees (but not to be used as a public motel or hotel) and for the dispensing and serving of food and beverages to their members and their guests and employees.

CURB GRADE. The elevation of the established curbs in front of a building or structure, measured at the center of such front. Where no curb grade has been established, it shall be deemed to be the established elevation of the center line of the street surface in front of a building or structure, measured at the center line of such front.

DISTRICT. A section or sections of the incorporated area of the Village for which the regulations and provisions governing the use of building and land are uniform for each class of use permitted therein.

DOG, ADULT. Any canine animal of four or more months of age.

DOG KENNEL. Any premises where three or more adult dogs are owned, boarded, bred and/or offered for sale.

DWELLING. A building or portion thereof, but not an automobile house trailer, designed or used exclusively for non-transient residential occupancy, including one-family, two-family and multiple dwellings, but not including short-term rental properties, hotels, boarding, lodging houses or mobile homes of any kind.

DWELLING, MULTIPLE. A building designed and/or arranged for two or more housekeeping units and for occupancy and use by two or more families.

DWELLING, SINGLE-FAMILY. A separate building whose design, arrangement, cooking and other equipment constitute only one housekeeping unit and whose use is limited to that of a dwelling for one-family and bona fide household servants.

DWELLING UNIT. One or more rooms in a dwelling, apartment or hotel designed primarily for occupancy by one family for living or sleeping purposes.

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

FRONTAGE. All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between the intersecting street and the dead end of the street.

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

GARAGE, PUBLIC. Any building where automotive vehicles are painted, repaired, rebuilt, reconstructed or stored for compensation.

GARAGE AND YARD SALES. Any sale of residential household or similar items on residential premises which shall not include the sale of any merchandise that has been purchased or brought onto the property for the purpose of sale or resale.

GOLF COURSE. An area of land laid out and maintained for the purpose of playing golf and improved with such buildings and structures as are necessary for such purpose.

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

GUEST HOUSE. A structure for human habitation, containing one or more rooms with bath and toilet facilities, but not including a kitchen or facilities which would provide a complete housekeeping unit.

HEREAFTER. After October 18, 1965.

HOME OCCUPATION. Any gainful occupation engaged in by the occupant of a dwelling at or from the dwelling, lot, or accessory building(s). The operation of a Short-Term Rental Property as defined in this Section shall not be considered a Home Occupation.

HOSPITAL or SANITARIUM. An institution open to the public, in which sick patients or injured persons are given medical or surgical care, or an institution for the care of contagious diseases or incurable patients.

HOTEL. A building in which there are six or more guest rooms designed for temporary occupancy individuals on a daily rate to the general public, and who are lodged with or without meals, and in which no provisions are made for cooking in any individual room or suite. Ingress or egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. A Hotel shall not be considered a Short-Term Rental Property as defined in this Section.

LABORATORY. A place devoted to experimental study such as testing and analyzing. Manufacturing of a product or products is not to be permitted within this definition.

LOADING SPACE. An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

LOT. A parcel of land occupied by or suitable for occupancy by a use permitted by this Chapter, including one main building together with its accessory buildings, the open spaces required by this Chapter, and having its principal frontage upon a street, a private roadway leading to a public street, or other public place.

LOT AREA. The area of horizontal plane bounded by the vertical planes through side and rear lot lines, and to the center line of any abutting street or easements.

LOT LINE. A property line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street, the lot line shall be deemed to be the abutting boundary of the street right-of-way or the abutting boundary line of a private easement or roadway connecting the subject

lot (and other lots, if any, contiguous to the subject property) with a public street.

LOT LINE, FRONT. The street shall be deemed the front lot line of an interior lot, and the shorter street line the front lot line of a corner lot. Where a lot abuts solely a cul-de-sac the front lot line shall be the abutting right-of-way line of the cul-de-sac. Where the lot abuts both a cul-de-sac and one or more streets, the front lot line shall be the shortest lot line abutting such streets, except that where the lot line abutting the cul-de-sac equals or exceeds the required minimum frontage of the district in which the lot is located, the lot line exposed to the cul-de-sac shall be the front lot line.

LOT LINE, REAR. That boundary of a lot which is most distant from and is, or is approximately, parallel with the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten feet in length within the lot, parallel with, and at the maximum distance from the front lot line.

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

LOT, ZONING. A single tract of land which is designated by its owner or developer as a tract to be used, developed or built upon as a single unit, under single control or ownership. A **ZONING LOT** or **LOTS** may or may not coincide with a lot.

MOTEL. A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers, and having a parking space adjacent to a sleeping room. A Motel shall not be considered a Short-Term Rental Property as defined in this Section.

NONCONFORMING USE. Any building, structure or land lawfully occupied by use or lawfully situated at the time of the passage of this Chapter or amendments thereto, which does not conform after the passage of this Chapter or amendments thereto with the regulations of this Chapter.

NURSING HOME or REST HOME. A private hospital for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness or injuries, or for surgical care. A Nursing Home or Rest Home shall not be considered a Short-Term Rental Property as defined in this Section.

PARKING AREA, PRIVATE. An open area for the parking of privately-owned automobiles and not for public use.

PARKING AREA, PUBLIC. An open area, other than a street, used for the temporary parking of more than four automobiles and available for public use whether free, for compensation, or as an accommodation for clients or customers.

PARKING SPACE. An area, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one standard automobile, which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.

PORCH. A roofed entrance to a building, projecting out from the wall or walls of the main structure and commonly open to the weather in part.

SHORT-TERM RENTAL PROPERTY. A building or portion thereof that is held out for rent, for overnight lodging, for transient guests, for a period shorter than thirty consecutive days. This definition does not apply to Hotels or Motels, Nursing Homes or Rest Homes.

SIGN. Defined in Chapter 157 of this Code.

STANDBY GENERATOR. A standby generator is a back-up electrical system that operates

automatically. Within seconds of a utility outage an automatic transfer switch senses the power loss, commands the generator to start and then transfers the electrical load to the generator.

STORY. That portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above. The space between the floor and the ceiling next above. A basement shall not be counted as a story.

STORY, HALF. A space under a sloping roof which has the line of intersection of roof decking and wall for more than three feet above the top floor level and in which space not more than 60% of the floor area is completed for principal or accessory uses.

STREET (AVENUE, PLACE, ROAD, LANE, TERRACE or HIGHWAY). All property dedicated, acquired by public use, or granted as an easement, and intended for public or private travel by persons or vehicles.

STREET LINE. Either boundary of the right-of-way of a street.

STRUCTURAL ALTERATIONS. Any change other than incidental repairs, in the supporting members of a building or structure, such as, but not limited to, bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or exterior walls.

STRUCTURE. Anything erected, the use of which requires a more or less permanent location on the ground, or an attachment to something having a permanent location on the ground.

THIS CHAPTER. Chapter 158 of this Title.

TRACT. Any parcel of land of any size or configuration, whether platted or subdivided and made a matter of public record or not and having one or more owners, public or private, together with any improvements thereon.

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

TRAILER, AUTOMOBILE. A vehicle without motive power, designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons or property, including a trailer coach or house trailer.

TRAILER, CAMP, AUTOMOBILE. Any premises occupied or designed to accommodate more than one family living in an automobile house trailer.

TRIANGLE. Land which includes land bounded by Lake-Cook Road on the south, Quentin Road on the west, and Rand Road on the easterly border between Lake-Cook Road and Quentin Road and all parcels in the Village with frontage on Rand Road which are zoned PD District in the underlining GB District .

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

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

UTILITY EQUIPMENT. An electrical component that is incidental to and customarily found in connection with the principal structure (examples; air conditioner, generator, or similar equipment as determined by the Building and Zoning Official). It must be located on the same zoning lot as the principal structure to which it is related.

VILLAGE BOARD. The President and Board of Trustees of the Village of Deer Park.

WIDTH, AVERAGE LOT. The total area of the lot divided by the arithmetic mean of the lengths of the side lines.

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

YARD, CORNER SIDE. A side yard located immediately adjacent to a street or public right of way, occupying an area that extends from the front yard to the rear yard.

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

YARD, REAR. The open area on the lot with the principal building, as determined by the setback requirement of the underlying zoning district which extends for the full width of the lot, provided that in those locations where an easement is platted in the rear of the lot, one-half of the width of the platted easement may be included in the rear yard requirements, provided that such one-half of the easement does not exceed five feet.

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

§158.04 INTERPRETATION AND CONSTRUCTION.

- (A) In their interpretation and application, the provisions of this Chapter shall be held to the minimum requirements for the promotion of public health, safety, morals and welfare.
- (B) Where the conditions imposed by any provisions of this Chapter upon the use of land or buildings, the bulk of the buildings, lot area requirements and yard requirements, are either more restrictive or less restrictive than comparable conditions imposed by any other rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.
- (C) This Chapter is not intended to abrogate any easement, covenant, or other private agreement, provided that where the regulations of this Chapter are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Chapter shall govern.
- (D) No building, structure, or use not lawfully existing on October 18, 1965, shall become or be made lawful solely by reason of the adoption of this zoning code, and to the extent that, and in any manner that, the unlawful building, structure, or use is in conflict with the requirements of this Chapter, the building, structure or use remains unlawful hereunder.

§158.05 BUILDING ON ZONING LOT.

In all zoning districts, every structure hereafter erected or structurally altered shall be located on a lot or zoning lot, and there shall be not more than one principal building thereon, except as authorized by the Village Board in the Public Lands District.

§158.06 DIVISION OF ZONING LOTS.

No improved zoning lot shall hereafter be divided into two or more zoning lots and no portion of any improved zoning lot shall be sold, unless all improved zoning lots resulting from each such division or

sale shall conform to all of the applicable bulk regulations of the zoning district in which the property is located.

GENERAL USE REGULATIONS

§158.07 ALLOWABLE USE OF LAND OR BUILDINGS.

The following uses of land or buildings are allowed in the districts indicated hereinafter under the conditions specified in this Chapter:

- (A) Uses lawfully established on October 18, 1965.
- (B) Permitted uses as designated herein.
- (C) Special uses as designated herein.

§158.08 PROHIBITED USE OF LAND OR BUILDINGS.

No building or tract of land shall be devoted to any use other than one which is specified as a permitted or special use in the zoning district in which such land or building is located. However, where a permit for a building or structure has been legally issued in accordance with law prior to the effective date of this Chapter, and provided that construction is begun within 90 days of such effective date and diligently prosecuted to completion, the building or structure may be completed in accordance with approved plans on the basis of which the building permit has been issued and further may, upon completion, be occupied under a certificate of occupancy for the use for which originally designated.

§158.09 CONFORMANCE WITH DISTRICT REGULATIONS.

No building or premises shall hereafter be used or occupied and no building or structure or part thereof shall be erected, raised, moved, reconstructed, extended, enlarged or altered, except in conformity with the regulations specified for the district in which it is located.

§158.10 NONCONFORMING USES AND BUILDINGS.

- (A) Any use, building, or structure lawfully existing or under construction on October 18, 1965, or on a date of later amendment, which does not conform to the provisions of this Chapter, shall be known as a nonconforming use. Such nonconforming use, building, or structure may be continued, maintained, or changed to a conforming use, but a nonconforming use shall neither be expanded, nor re-established if discontinued if the building or structure is destroyed or damaged to the extent of 50 percent or more of its value as determined by the Building and Zoning Official.
- (B) Any nonconforming use of land which is discontinued for a period of 30 days or more and any nonconforming use of a building or structure which is discontinued for a period of 180 days or more shall not be re-established, and any future use of such building, structure, or land shall conform to the provisions of this Chapter.
- (C) A building or structure for a nonconforming use under construction on October 18, 1965, or date of a later amendment hereto creating the non-conformity shall be completed within one year.

§158.11 ACCESSORY STRUCTURES AND USES.

- (A) Zoning Certificate: A certificate of zoning compliance evidencing compliance of a proposed accessory structure or use with the provision of this Code shall be issued before a building permit may be issued for an accessory structure or before an accessory use is established.

(B) Special Regulations:

- (1) Variance: The following regulations shall be applicable to accessory structures and uses unless modified by a variance approved in accordance with this Code.
- (2) Height; Landscaping: No part of any accessory structure or any attachment or appurtenance thereto shall exceed 15 feet in height above the lowest point of the grade at the base of the structure. Every accessory structure shall have a finished exterior surface compatible with the principle structure and shall be adequately landscaped.
- (3) Location: No accessory structure shall be permitted in a front yard, corner side yard or in a required side yard setback area. For each 120 square feet or fraction thereof, of floor area (i.e., the area within the footprint), of an accessory structure, such accessory structure shall be not less than 10 feet from any of the aforesaid setback line(s), and not less than 15 feet from the rear property line; provided, however, that on zoning lots of less than one acre, an accessory structure may be located on any required setback line. There shall be not less than 10 feet of open space between any accessory structure and the principal structure, or the distance required by any applicable fire or building code, whichever is greater.
- (4) Storage Facilities: Accessory storage structures, other than garages, shall not exceed 150 square feet in gross floor area if accessory to a residential use, and be limited to one (1) in number per lot. A storage facility shall not contain any living accommodations or equipment, such as cooking or sleeping facilities, and shall not be equipped with plumbing. Heating and lighting are permissible.
- (5) Garage: Total garage spaces, whether attached or detached, shall not exceed the number of finished bedrooms in the principle structure. No detached garage shall contain any sleeping or cooking facility.
- (6) Decorative and Recreational Structure: Gazebos, pergolas, tennis courts, and similar decorative or recreational structures are deemed accessory structures and shall comply with the provisions of this Chapter.
- (7) Antennas: Ground-mounted satellite dish antennas are deemed accessory structures and shall comply with the provisions of this Chapter. Ham radio antennas and private service antennas, whether ground-mounted or mounted on a principal or accessory structure, are themselves deemed accessory structures, and shall be authorized only by a special use permit.
- (8) Temporary Structure: For purposes of this Chapter, a “temporary structure” is any structure, not including any vehicle or equipment transported on attached wheels, which is designed to be removable and portable, is not constructed or placed on a foundation, piers or concrete slab, and is not otherwise permanently attached to the ground. All temporary structures shall comply with all applicable provisions of this Section. No temporary structure shall be located on any lot for a period of time in excess of 90 days within any 12-month period. All temporary structures shall require a permit issued by the Building and Zoning Official. Certain temporary structures are prohibited, specifically, carports and any structure with non-rigid walls or roof such as tarps, canvases or similar coverings.
- (9) Maximum Lot Coverage: The total lot coverage of all accessory structures or uses shall not exceed 10 percent of the total area of the zoning lot.

- (10) Wind Turbine: A turbine having a large vanned wheel rotated by the wind to generate electricity.

§158.12 Utility Equipment

- (A) Variance: The following regulations shall be applicable to Utility Equipment unless modified by a variance approved in accordance with this Code.
- (B) The Height of any utility equipment shall not exceed 48 inches from grade.
- (C) All utility equipment must be installed in accordance with all building and zoning code requirements as well as the manufacture requirements. Should a conflict occur between the requirements, the more stringent standard shall apply.
- (D) In no case shall utility equipment located in the side yard of the property be located within 8 feet from the front of the building line.
- (E) Air Conditioning Units: Air conditioning units shall not be permitted in a front yard or corner side yard, nor shall they be permitted in the side yard setback area required in the specific zoning district that the property is located in. Existing air conditioning units that have received a Village issued permit for installation and installed before December 21, 2017, are allowed to remain located in its existing location even if located within the side yard setback. Such air conditioning units may also be replaced and be located within the same footprint, as determined by the Building and Zoning Official, in his sole discretion.
- (F) Standby-Generator: Standby-generators shall not be permitted in a front yard or corner side yard, nor shall they be permitted in the side yard setback area required in the specific zoning district that the property is located in. Existing standby-generators that have received a Village issued permit for installation and installed before December 21, 2017, are allowed to remain located in its existing location even if located within the side yard setback. Such standby-generators may also be replaced and be located within the same footprint, as determined by the Building and Zoning Official, in his sole discretion. In no case shall a standby-generator be used as the sole source of power to a building except for times of utility power outages from the electrical provider.

§158.013 SOLAR ENERGY SYSTEMS.

(A) **DEFINITIONS**

Glare: The sensation of brightness within the visual field which causes annoyance, discomfort or loss of visual performance and visibility.

Photovoltaic Cell: A semiconductor device that converts solar energy into electricity.

Photovoltaic System: An active solar energy system that converts solar energy directly into electricity.

Renewable Energy Easement, Solar Energy Easement: An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

Solar Access: A property owner's right to have unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

Solar Collector: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

Solar Collector Surface: Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System (SES): A system for which the primary purpose is to convert solar energy into thermal, mechanical or electrical energy for storage and use and reduce onsite consumption of utility power.

Solar Energy System, Active: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical or chemical means.

Solar Energy System, Building-Integrated: A solar energy system that is an integral part of a principal building rather than a separate mechanical device, replacing or substituting for an architectural or structure part of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot water systems that are contained within roofing materials, windows, skylights, awnings, shading devices and similar architectural components.

Solar Energy System, Building-Mounted: A solar energy system that is mounted on the roof of a principal building.

Solar Energy System, Flush Mounted: A solar energy system that is mounted flush with a finished surface, at no more than twelve (12) inches in height above that surface.

Solar Energy System, Freestanding or Ground Mounted: A solar energy system not attached to another structure and is ground mounted on a rack or pole that is attached to the ground.

Solar Energy System, Joint: A solar energy collector or storage mechanism that supplies energy for structures or processes on more than one (1) lot or in more than one (1) dwelling unit or leasehold, but not to the general public and involves at least two (2) owners or users.

Solar Energy System, Off Grid: A photovoltaic solar energy system in which the circuits energized by the solar energy are not electrically connected in any way to electric circuits that are served by an electric utility company.

Solar Energy System, Passive: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Solar Energy System, Roof-Mounted: A solar energy system mounted on a rack that is fastened to or ballasted on a building roof.

Solar Farm: A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology for the primary purpose of wholesale sales of generated electricity.

Solar Garden: A commercial solar-electricity (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses residing or located off-site from the location of the solar energy system.

Solar Heat Exchanger: A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

Solar Mounted Devices: Racking, frames or other devices that allow the mounting of a solar collector onto a roof surface.

Solar Panel: A group of photovoltaic cells are assembled on a panel. Panels are assembled on-site into solar arrays.

Solar Resource: A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four (4) hours between the hours of 9:00 a.m. and 3:00 p.m. standard time on all days of the year.

Solar Skyspace: The maximum three-dimensional space extending from a solar collector to all positions of the sun necessary for the efficient use of the collector.

1. Where a solar energy system is used for heating purposes only, solar skyspace shall mean the maximum three-dimensional space extending from a solar energy collector to all positions of the sun between 9:00 a.m. and 3:00 p.m. local apparent time from September 22 through March 22 of each year.
2. Where a solar energy system is used for cooling purposes only, solar skyspace shall mean the maximum three-dimensional space extending from a solar collector to all positions of the sun between 8:00 a.m. and 4:00 p.m. local apparent time from March 23 through September 21 of each year.

Solar Skyspace Easement: A right, expressed as an easement, covenant, condition, restriction or other property interest in any deed, will or other instrument executed by or on behalf of any landowner or in any order of taking, appropriate to protect the solar skyspace of a solar collector at a particular described location to forbid or limit any or all of the following where detrimental to access to solar energy : structures on or above the ground; vegetation on or above the ground; or other activities. Such right shall specifically describe a solar skyspace in three-dimensional terms in which the activity, structures or vegetation are forbidden or limited or in which such an easement shall set performance criteria for adequate collections of solar energy at a particular location.

Solar Storage Mechanism: Equipment or elements such as piping and transfer mechanisms, containers, heat exchangers or controls thereof and gases, solids, liquids or combinations thereof that are utilized for storing solar energy, gathered by a solar collector, for subsequent use.

Solar Thermal System: A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

(B) **General Requirements**

1. Solar Energy Systems (SES) are permitted in any zoning district, unless otherwise specified in this chapter provided that all building permit requirements and general regulations are met including the Building Code, Zoning Code and the requirements referenced herein.

2. The following shall be prohibited in all zoning districts: Freestanding or Ground Mounted Energy Systems, Solar Farm, Solar Garden and any other SES not mounted on the roof and is an array or panel.
3. Accessory Structure: SES's are permitted as accessory structures as detailed in this section.
4. On-Site Use: Energy produced through the solar energy system shall be utilized on site, however, the energy output may be delivered to a power grid.
5. Utility Provider Notification: Written evidence must be provided at the time a building permit is requested that the utility company has been notified of the customers intent to install a solar energy system.
6. Glare: Installation of the solar collection system shall not adversely impact adjacent properties. A solar collection device or combination of devices shall be designed and located to avoid glare or reflection onto adjacent properties, businesses, residential homes and adjacent roadways and shall not interfere with traffic or create a safety hazard. All solar energy systems using a reflector to enhance solar production shall minimize glare from reflector that impacts adjacent or nearby properties.
7. Emergency Disconnect: An external disconnect switch, readily accessible by emergency responders, and which is clearly identifiable and unobstructed, shall be provided to disconnect power at the solar panel.
8. Tree Removal: Tree removal shall be minimized. If trees or vegetation are to be removed or reduced to allow for the proper functioning of a SES, adherence to Chapter 95 of the Village's Tree and Shrubs Ordinance will be required, which may include the replacement of trees.
9. Additional Height: Additional height may be requested through the variation process outlined in section 158.50 of the Village of Deer Park Zoning Code.
10. In reviewing the request for additional height, such factors as height of the system in relationship to existing and potential structures, manmade or natural, and their impact on the system's efficacy shall be considered.
11. Arrangement: Where feasible, solar collection units shall be consolidated into array groupings located toward the center of the roof, rather than situated in a disjointed manner.
12. No Solar Energy System (SES) shall be constructed or installed without first obtaining a building permit.
13. Approved Solar Components: Electric solar energy system components must have an Underwriters Laboratory (UL) listing or approved equivalent and solar hot water systems must have a Solar Rating and Certification Corporation (SRCC) rating.
14. Compliance with the Building Code: All solar energy systems shall meet approval of the Village of Deer Park Building and Zoning Official in adherence with the adopted codes of the Village or such codes as determined by the Village of Deer Park.

(C) **BUILDING MOUNTED SOLAR ENERGY SYSTEMS**

1. Building Mounted Solar Energy Systems: Shall be developed as indicated below.

A) Residential and nonresidential structures

- a) Location: Building Mounted systems are permitted in the following locations:
 - i) Principle structures only. Solar collection panels shall be allowed on the roof of only the principle structure of the property and must be mounted flush with the slope of the roof to ensure the lowest profile permissible per manufacturer specifications. Solar collection devices shall not be constructed on any part of the vertical portion of a mansard roof.
- b) Orientation: Panels shall be orientated to maximize solar access.
- c) Height: Height is measured from the roof surface, on which the solar collection device is mounted, to the highest edge of the system.
 - i) Sloping Roof: Solar energy systems shall be mounted flush with the roof, shall not have a highest finished pitch steeper than the roof pitch on which the system is mounted, and the surface of the collector shall not extend any further than twelve inches (12”) from the roof surface at any point. The total height of the building, including the solar collection devices, shall comply with the height regulations of the zoning district.
 - ii) Flat Roof: Solar collection devices mounted on a flat roof may be orientated to achieve maximum sun exposure but shall not exceed two feet (2’) in overall height, or extend above the building parapet. No such mounted panel shall exceed the height regulations of the zoning district.
- d) Projection: The collector surface and mounting devices for building mounted solar energy systems shall not extend beyond the roof edge or the exterior perimeter of the principal structure.
- e) Roof Access: Building mounted solar energy systems shall allow for adequate roof access for fire-fighting purposes per the International Fire Code.
- f) Previous Approvals: Approved Structures by means of a Planned Unit Development, Special Use, Variation of other approved use via ordinance shall adhere to those requirements. The installation of a Building mounting system must comply with those prior approvals or filing of an amended ordinance will be required.

(D) **SOLAR ACCESS PROTECTION**

1. Solar Access Protection:

- A. Creation of Easements: Solar access easements across contiguous or nearby lots, tracts or land may be created to establish a window of exposure to the sun so as to protect an existing or intended solar collector’s exposure to the sun from obstruction of buildings and trees.
 - a) Such easements may be purchased, reserved, granted, or otherwise obtained.
 - b) Adverse possession cannot create such an easement.
 - c) An easement infringed upon is a compensable property right through private remedy.
- B. Recording of Easements: Solar access easements shall be recorded with the Lake County

Recorder of Deeds and filed with the Village of Deer Park.

- C. Construction in Easement Areas: Any person seeking a building permit to construct or modify any structure or building so as to increase the consumption of airspace over that lot shall certify in writing that no solar access easements exists over that lot.
- D. Denial of Permit: Should the Building and Zoning Official determine that the proposed construction would intrude upon the easement, no building permit shall be granted.

(E) **DECOMMISSIONING**

- 1. A SES that is visibly damaged or not capable of operating for a period exceeding thirty (30) consecutive days shall be deemed abandoned. The owner of an abandoned SES and the owner of the property on which the SES is located shall cause either:
 - a) The SES to be repaired and made operable within ninety (90) days after receipt of a notice of abandonment from the Village or
 - b) The removal of all SES structures and facilities within ninety (90) days after receipt of a notice of abandonment from the Village.
- 2. Any abandoned SES that is not removed, within ninety (90) days after receipt of a notice of abandonment shall be deemed a public nuisance, which nuisance the Village shall have the right, but not obligation, to
 - i) Summarily abate by removing such system at the joint and several expense of the owners of the system and of the property on which the system is located or
 - ii) address through other means. In the case of such removal, the Village shall have the right, but not the obligation, to file a lien for reimbursement of any and all expenses incurred by the Village in connection with the SES removal and related roof repair, including, without limitation, attorney fees and accrued interest.
- 3. Upon removal of the SES, the owner of record of the subject property shall restore that portion of the subject property on which the system was installed in accordance with the standards required by the Village's then current applicable codes.

(F) **PENALTY**

Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Chapter shall, upon conviction, be subject to penalty as provided in section 158.55 of this code for each offense, and a separate offense shall be deemed committed each day during, or upon which a violation occurs or continues.

§158.14 SPECIAL USES.

- (A) **Establishment**: To provide for the location of certain uses hereinafter specified which are deemed desirable for the public welfare and convenience within a given district or districts, but which might have an adverse effect on nearby properties, or upon the character and future developments of the district in which they are located, a classification of special uses is hereby established.
- (B) **Procedures**: Special uses shall be authorized by the Village Board, provided that no application

for a special use shall be acted upon by the Village Board until after:

- (1) A written report is prepared and forwarded to the Village Board by the Commission, in the manner prescribed herein for amendments to this Chapter; and
 - (2) A public hearing is scheduled, and notice posted, and thereafter held by the Commission and its finding and recommendations are forwarded to the Village Board.
- (C) Application: Any application for special use shall be filed and processed in the manner prescribed for applications for amendments, and shall be of such form, accompanied by such information as shall be established from time to time by the Commission. The Building and Zoning Official shall process such applications in the manner prescribed for amendments to this Chapter.
- (D) Standards: No special use shall be granted by the Village Board unless the special use:
- (1) Is deemed beneficial for the public convenience at that location;
 - (2) Is so designed, located and proposed to be operated that the public health, safety, morals and welfare and interest will be protected;
 - (3) Will not cause substantial injury to the value of other property in the neighborhood in which it is located; and
 - (4) Except as may be recommended by the Commission and approved by the Village Board, and conforms except in the case of a planned development, to the applicable regulations of the district in which it is to be located.
- (E) Conditions: The Commission may recommend and the Village Board may provide such conditions and restrictions upon the construction, location and operation of a special use, as may be deemed to promote the general objectives of this Chapter and to minimize injury to the value of property in the neighborhood.

§158.15 YARDS; PERMITTED OBSTRUCTIONS.

For the purpose of this Chapter, the following shall not be considered as obstructing when located in the yards indicated:

- (A) In required front yards and required side yards abutting a street: open terraces, sidewalks, walkways, and awnings adjoining the principal building, if they do not exceed 20 percent of the depth of the required yard, driveways and open accessory off-street parking spaces, fences as permitted by Chapter 151 of this Code, ornamental light standards and flag poles.
- (B) In required side yards and required rear yards, except those abutting a street: fences as permitted by Chapter 151 of this Code and open accessory off-street parking spaces and/or driveways provided all such areas are set back at least 5 feet from the property line.
- (C) In required rear yards, recreational equipment, arbors and trellises, fences as permitted by Chapter 151 of this Code, provided such obstruction does not cover more than 25 percent of the required rear yard.

§158.16 YARDS; GENERAL REQUIREMENTS.

- (A) The minimum yard space required for one structure shall not again be considered as yard space

for other adjoining structures.

- (B) No lot shall be reduced in area so that the yards or other open spaces become less than required by this Chapter.

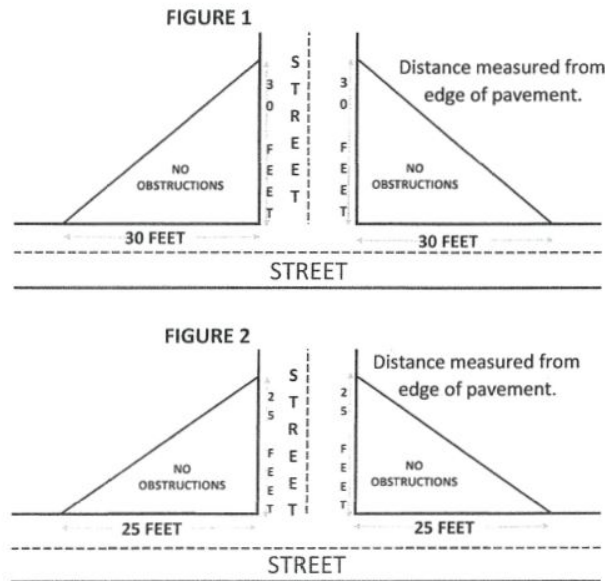
§158.17 SIGNS.

For regulations concerning signs, see Chapter 157 of this Code.

§158.18 VISIBILITY; VISION TRIANGLES.

In no instance shall a fence, wall, sign (excluding traffic signs), landscaping, building, or other structure obstruct the visibility of motorists. A vision triangle, as illustrated in Figure 1, shall be maintained at all intersections and points for vehicular egress along the following roads: Cuba Road, Lake Cook Road, Long Grove Road, Quentin Road and Rand Road. Along all other public streets a vision triangle as illustrated in Figure 2 shall be maintained. In certain situations, the Building and Zoning Official or the Village Engineer may determine, in their sole discretion that the Illinois Department of Transportation standards should apply rather than the vision triangle standards of Figures 1 or 2, even if the Illinois Department of Transportation standards are more restrictive. The restrictions in this Section shall not apply to subdivision signs existing as of November 1, 2004, or traffic and street signs.

Vision Triangles



USE DISTRICT REGULATIONS

§158.19 CREATION AND ESTABLISHMENT.

The following use districts are hereby created and established:

- R-1 43,560 square feet Single Family Residential
- R-2 80,000 square feet Single Family Residential
- R-3 200,000 square feet Single Family Residential
- GB General Business

PD Planned Development
OSD Overlay Sign District

§158.20 OFFICIAL ZONING MAP.

The Village shall cause to be printed a map clearly showing existing zoning uses, divisions and restrictions and classifications of the Village. The map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Chapter as though fully set forth and described herein. The map shall be filed with the Village Office, and shall be available for public reference. If there are no changes in the map from year to year, no new map need be published. Any person desiring a copy of such map, which shall be the Official Zoning Map, may purchase a copy from the Village.

§158.21 ANNEXED TERRITORY.

Any additions to the incorporated area of the Village shall be automatically classified as R-1 43,560 Square Feet Single-Family Residential District.

§158.22 ALTERNATIVE ZONING.

Where any land area is shown on either the official zoning map or the master plan of the Village to have two or more use district designations, they shall be interpreted as alternative uses permissible for the subject land uses and not as cumulative permissible uses. The first listed shall be deemed the preferred use.

§158.23 GENERAL CONDITIONS FOR ALL DISTRICTS.

- (A) Home Occupations in Residential Districts: Home occupations in residential districts shall be governed by the following regulations:
- (1) Permitted home occupations which involve private tutoring or other types of instruction to a group of persons or animals whereby the total number of people and/or animals, collectively, shall not exceed five in the aggregate, provided they are conducted in a manner not to constitute a nuisance or hazard to neighboring persons or property and, in any event, the total number of animals permitted at any time on any lot or parcel within the Village shall not exceed that number specified in Chapter 91 of this Code.
 - (2) Home office use by service professionals shall be a permitted home occupation provided that such offices are not used for meetings or office visits by clients, patients and other business invitees.
 - (3) Permitted home occupations shall not include:
 - (a) Any wholesale or retail business unless conducted entirely by mail or telephone, which does not involve the sale, receipt or delivery of merchandise on the premises;
 - (b) Any manufacturing business;
 - (c) A service establishment of any kind operating on or from the premises;
 - (d) A clinic or hospital;
 - (e) A barber shop or beauty shop;
 - (f) A public dog kennel;

- (g) A restaurant;
 - (h) A veterinary or animal hospital; or
 - (i) Any activity that produces noxious matter, or is a public hazard or nuisance.
- (4) Permitted home occupations shall not be conducted in any building on the premises other than the building which is used by the occupant as his private dwelling.
 - (5) Permitted home occupations shall be carried on only by members of the family with in a residential building and shall not include the use of any mechanical equipment other than is usual for purely domestic or hobby purposes, and further shall not include exterior display or exterior signs except as are permitted by the sign regulations for residential districts. There shall be no exterior storage of equipment or materials used in such home occupations.
 - (6) The parking or storing on public or private property of any truck, tractor, or other commercial vehicle other than in a garage for a period longer than to load or unload or to render a service shall be considered a business and not a residential use, and not be allowed in the district.
 - (7) Until the Village acquires or constructs a Village hall or other office space, the use of a residence for the Village Office shall be a permitted home occupation and use.
 - (8) Garage and yard sales shall be permitted in residential districts provided: (i) the maximum number of garage and/or yard sales per residence per year shall be two and (ii) such garage and yard sales are no longer than three consecutive days between the hours of 8:00 a.m. and 7:00 p.m. each day.
- (B) Prohibited Structures: Trailers, car ports, mobile homes or temporary residential structures are prohibited in all districts. After November 1, 1995, storage of commercial vehicles, boats snow-mobiles, jet skis, off-road vehicles, inoperable vehicles, unregistered vehicles, lawn trackers, storage pods, recreational vehicles, campers or trailers outside a garage or building for any period of time are also prohibited.
- (C) Churches: Churches shall be governed by the following regulations:
- (1) Churches may be constructed only upon land containing a minimum acreage of three acres plus two acres for each 1,000 square feet of the floor area of the church building in excess of 2,000 square feet.
 - (2) The church building shall contain a minimum of 2,000 square feet.
 - (3) Parking areas for the church shall conform with the requirements of this Chapter. In addition thereto, there shall be provided adequate space for motor vehicle parking based upon a minimum of one space for each five seats contained in the church.
 - (4) Every church shall be set back from the center line of the road a minimum of 100 feet, each side yard shall be a minimum of 75 feet, the minimum frontage of the land upon which the church is contained shall be 200 feet and the rear yard shall be not less than 100 feet from the rear of the church to the rear lot line.
- (D) Antennas and Towers: The following regulations shall apply to all wind-energy conversion

towers, satellite dish antennas, and other antenna or tower systems erected in residential districts:

- (1) The following minimum setbacks shall be observed from all property lines and from all above-ground utility lines:
 - (a) For towers with wind-activated propellers or blades four times the tower height plus six times the rotor diameter.
 - (b) For all other towers, the tower height plus 10 feet.
 - (2) Any tower or antenna erected in a residential district shall be for the private, non-commercial use of the owner of the property on which it is erected.
 - (3) A six-foot high fence with locked gate shall be erected around any tower or antenna exceeding 15 feet in height. No portion of the integral ladder constructed within a tower or antenna shall be located lower than 12 feet above grade.
 - (4) With respect to any tower or antenna exceeding 50 feet in height, written consent shall be obtained from the owners of all property located within 300 feet of the property on which such tower or antenna is located.
 - (5) All satellite dish antennas, which in residential districts shall not exceed six feet in diameter, must be screened from off-site view by means of a dense natural evergreen screen or berm. No satellite dish antenna over three feet in diameter shall be installed on a roof in a residential district.
 - (6) The noise generated by any tower or antenna shall be limited to a level which at the property line is indistinguishable from existing customary background noise level.
 - (7) No tower or antenna shall be erected until the structural and foundation design thereof has been certified by a registered structural engineer to provide adequate resistance to overturning and other lateral and gravity loading. With respect to all towers and antennas exceeding 15 feet in height, a maintenance inspection of all exposed metal components shall be performed not less than every five years by a registered architect or structural engineer, with a copy of the inspection report filed with the Village Clerk.
 - (8) No antenna system or any tower containing a generator shall be erected until a qualified party certifies that the tower or antenna will not interfere with off-site radio, television or telephone reception.
 - (9) Any wind generator which activates at wind speeds of 40 miles per hour or greater shall contain a braking system.
 - (10) Any tower or antenna containing exposed metal components greater than 15 feet in height shall contain an electrical ground.
- (E) Short-term Rental Properties. Short-term Rental Properties in all districts shall be governed by the following regulations:
- (1) No property within any district may be used more than once per calendar year as a Short-Term Rental Property except as follows:
 - (a) Pursuant to a rental agreement executed pursuant to or in conjunction with a contract to sell the real estate on which the Short-Term Rental Property is located, for rental to the seller or buyer of the Real-Estate;

- (b) For rental to existing Village residents who have been displaced from their regular dwelling unit due to damage, repair or renovations;
- (c) For the provision of overnight lodging to guests of existing Village residents other than the owner of the Short-Term Rental Property; or
- (d) By owners who can demonstrate, to the satisfaction of the Village Administrator, that they will suffer a demonstrable financial hardship if use of the property for a Short-Term Rental Property is prohibited. No property may be used as a Short-Term Rental Property pursuant to this Section prior to approval by the Village Administrator and ratification by the Village President and Board of Trustee. Owners who have been denied such use by the Village Administrator may appeal this decision to the Village President and Board of Trustees whose decision shall be final.

§158.24 R-1 43,560 SQUARE FEET SINGLE-FAMILY RESIDENTIAL DISTRICT.

The R-1 District is established to provide for single family detached residences on lots of 43,560 square feet or larger to maintain the overall low-density residential character of the Village and to preserve environmentally sensitive areas, in locations consistent with the Comprehensive Plan. The following regulations govern the R-1 Single-Family Residential District:

(A) Permitted Uses:

- (1) Single-family detached dwellings.
- (2) Home occupations as permitted by this Chapter.
- (3) Signs as permitted by this Chapter.
- (4) Temporary signs and structures as required for construction purposes for a period not to exceed such construction, but in no event for more than one year.
- (5) Accessory uses as regulated by this Chapter.
- (6) Public parks.
- (7) Wildlife preserves.

(B) Special Uses:

- (1) Utility and public uses where specifically regulated by franchise granted to or contract with the particular utility or public service by the Village Board.
- (2) Parks, recreation and forest areas or wildlife preserves where such are owned by the Village for the sole benefit of all its residents.
- (3) Churches.
- (4) Antennas and towers.
- (5) Country clubs.

- (6) Golf courses.
- (C) Lot Area: There shall be not less than 43,560 square feet of lot area per dwelling unit. The lot area shall include the land lying within one-half of the right-of-way of any streets, roads and private easement for ingress and egress lying adjacent to the lot.
- (D) Building Height: Building height shall not exceed two and one-half stories above a basement story or 35 feet, whichever is lower.
- (E) Dwelling Standards: One story dwellings shall have a total habitable ground floor area of not less than 1,200 square feet. Dwellings having more than one story shall have not less than 900 square feet of habitable ground floor area nor less than 1,500 square feet of total habitable floor area.
- (F) Frontage: No lot shall have a frontage of less than 75 feet nor an average lot width of less than 150 feet.
- (G) Front Yard: There shall be provided a front yard of not less than 50 feet.
- (H) Side Yard: There shall be provided two side yards, each of which shall be not less than 30 feet. On corner lots the total width of the corner side yard and side yard shall be sufficient to maintain a buildable width of at least 45 feet.
- (I) Rear Yard: There shall be provided a rear yard of not less than 40 feet.

§158.25 R-2 80,000 SQUARE FEET SINGLE-FAMILY RESIDENTIAL DISTRICT.

The R-2 District is established to provide for single family detached residences on lots of 80,000 square feet or larger to maintain the overall low-density residential character of the Village and to preserve environmentally sensitive areas, in locations consistent with the Comprehensive Plan. The following regulations govern the R-2 Single-Family Residential District:

- (A) Permitted Uses:
 - (1) Single-family detached dwellings.
 - (2) Home occupations as permitted by this Chapter.
 - (3) Signs as permitted by this Chapter.
 - (4) Temporary signs and structures as required for construction purposes for a period not to exceed such construction, but in no event for more than one year.
 - (5) Accessory uses as regulated by this Chapter.
 - (6) Public parks.
 - (7) Wildlife preserves.
- (B) Special Uses:
 - (1) Utility and public uses where specifically regulated by franchise granted to or contract with the particular utility or public service by the Village Board.

- (2) Parks, recreation and forest areas or wildlife preserves where such are owned by the Village for the sole benefit of all its residents.
 - (3) Churches.
 - (4) Antennas and towers.
 - (5) Country clubs.
 - (6) Golf courses.
- (C) Lot Area: There shall be not less than 80,000 square feet of lot area per dwelling unit. The area shall include the land lying within one-half of the right-of-way of any streets, roads and private easements for ingress and egress lying adjacent to the lot.
 - (D) Building Height: Building height shall not exceed two and one-half stories above a basement story or 35 feet whichever is lower.
 - (E) Dwelling Standards: One-story dwellings shall have a total habitable ground floor area of not less than 1,200 square feet. Dwellings having more than one story shall have not less than 900 square feet of habitable ground floor area nor less than 1,500 square feet of total habitable floor area.
 - (F) Frontage: No lot shall have a frontage of less than 150 feet nor an average lot width of less than 200 feet.
 - (G) Front Yard: There shall be provided a front yard of not less than 60 feet.
 - (H) Side Yard: There shall be provided two side yards, each of which shall be not less than 40 feet. On a corner lot there shall be a front yard on each street side of such lot except that the buildable width of the lot shall not be reduced to less than 55 feet. No accessory building shall project beyond the yard line on either street.
 - (I) Rear Yard: There shall be provided a rear yard of not less than 50 feet.

§158.26 R-3 200,000 SQUARE FEET SINGLE-FAMILY RESIDENTIAL DISTRICT.

The R-3 District established to provide for single family detached residences on lots of 200,000 square feet or larger to maintain the low-density residential character of the Village and to preserve environmentally sensitive areas, in locations consistent with the Comprehensive Plan. The following regulations govern the R-3 Single-Family Residential District:

- (A) Permitted Uses: The uses permitted in the R-1 District.
- (B) Special Uses: The special uses permitted in the R-1 District.
- (C) Lot Area: There shall not be less than 200,000 square feet of lot area per dwelling unit, provided that at least 80,000 square feet of the tract is three feet above the high water mark to provide for living space, septic fields and an acceptable well.
- (D) Building Height: Heights permitted in the R-1 District.
- (E) Dwelling Standards: Standards as required in the R-1 District.

- (F) Frontage: No lot shall have less than 300 feet of frontage.
- (G) Front Yard: There shall be provided a front yard of not less than 100 feet, exceptions being where it is impossible to locate 80,000 square feet of ground above flood plain without deviations.
- (H) Side Yard: There shall be provided two side yards, each of which shall not be less than 40 feet wide. Exceptions shall be the same as in division (G) above.
- (I) Rear Yard: There shall be provided a rear yard of not less than 100 feet. Exceptions shall be the same as in division (G) above.
- (J) Grade Restrictions: No building or structure other than a fence shall be erected on or moved to a lot or tract of land in this district unless the ground upon which the building or structure is to be erected for the 10 feet beyond the limits of the building or structure is raised to such level that the main floor of the building or structure shall be not less than three feet above the high water level. No basement floor or other floor shall be constructed below or at lower elevation than the main floor. The high water shall be defined as 642 feet above mean sea level 1929 adjustment.

§158.27 GB GENERAL BUSINESS DISTRICT.

The GB District is established to provide for professional office, retail, and service establishments which offer a wide range of goods and services in locations which abut or front, and have access to, either directly or via frontage roads, heavily traveled major arterial roadways. The following regulations govern the GB General Business District:

- (A) Use Regulations:
 - (1) Permitted Uses:
 - (a) Antique shops.
 - (b) Art supply stores including picture framing conducted on the premises for retail trade.
 - (c) Athletic and health clubs.
 - (d) Auction rooms.
 - (e) Bakeries, where all goods are sold on the premises at retail.
 - (f) Banks and financial institutions (including drive-in facilities).
 - (g) Barber shops and beauty parlors.
 - (h) Bicycle sales, rental and repairs.
 - (i) Book or stationery stores.
 - (j) Business, music, dance or commercial schools.
 - (k) Camera and photographic supply stores.
 - (l) Carpet, rug and tile stores.
 - (m) Catering establishments.
 - (n) Department, furniture and home appliance stores.
 - (o) Drapery and fabric stores.
 - (p) Dressmaking establishments.
 - (q) Drug stores.
 - (r) Dry cleaners employing facilities for not more than 1,000 pounds of dry goods per day and using carbon tetrachloride or other non-inflammable cleaning agents.
 - (s) Dry goods stores.
 - (t) Electrical appliance shops and repair.
 - (u) Employment agencies.

- (v) Florist shops and greenhouses for retail trade only.
- (w) Food stores and supermarkets.
- (x) Furniture stores and home appliance stores.
- (y) Furrier shop.
- (z) Garden supply and seed stores.
- (aa) Gift shops.
- (bb) Hardware store.
- (cc) Hobby and handicraft shops.
- (dd) Interior decorating shops.
- (ee) Jewelry stores, including watch repair.
- (ff) Leather goods and luggage stores.
- (gg) Meat markets or poultry stores, if no slaughter or stripping is involved; delicatessens and specialty food stores.
- (hh) Medical and dental clinics.
- (ii) Music stores, including sheet music and phonograph record sales and instrument sales and repairs.
- (jj) Optician and optical goods stores.
- (kk) Paint and wallpaper stores.
- (ll) Painting and decorating shops. Sales only.
- (mm) Pet shop or animal hospital when conducted wholly within an enclosed building.
- (nn) Photographers or artists' studios, including development and printing of photographs, when conducted on the premises as part of the retail business.
- (oo) Professional or service offices.
- (pp) Radio broadcasting station.
- (qq) Rental agencies.
- (rr) Restaurants, but not including drive-in, carry-out or fast food establishments.
- (ss) Retail stores and services
- (tt) Shoe repair shops.
- (uu) Single family detached dwellings and attached multi-family dwellings but only as part of a mixed use planned development in accordance with Chapter 153 of this Code.
- (vv) Sporting goods stores.
- (ww) Tailor and dressmaking shops.
- (xx) Taxi service stations.
- (yy) Telegraph service stations.
- (zz) Telephone buildings.
- (aaa) Temporary building incidental only to construction of a permitted use.
- (bbb) Tobacco shops.
- (ccc) Toy stores.
- (ddd) Travel bureaus.
- (eee) Wearing apparel shops.
- (fff) Wholesale establishments excluding any building for which the principal use is storage warehousing.
- (ggg) Archery ranges, bowling alleys, billiard parlors, miniature golf links, swimming pools, tennis courts, and other like facilities.
- (hhh) Uses customarily incidental to any of the above uses and accessory buildings when located on the same lot. All business or service of the aforesaid stores, shops or businesses shall be conducted wholly within a completely enclosed building, except for automobile parking and off-street areas.
- (iii) Additional retail commercial uses similar in character to those listed above, provided that they are not activities which are characterized by rapid turnover of a high volume of customers and vehicular traffic.

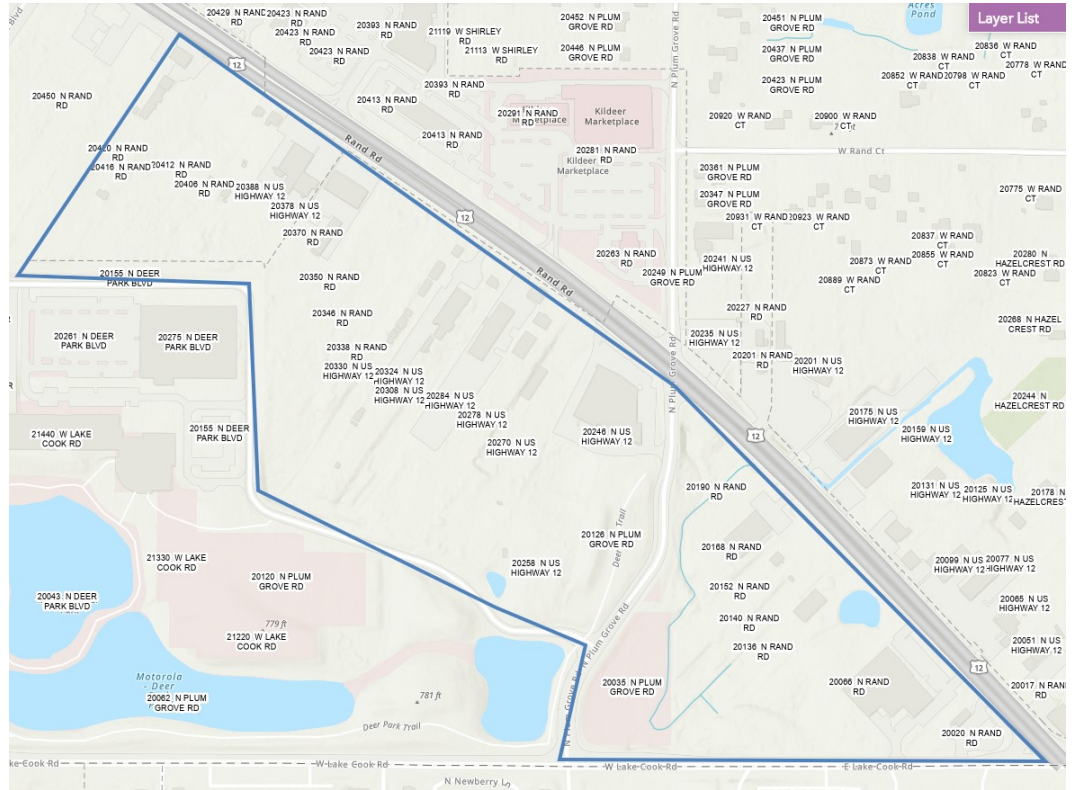
(2) Special Uses:

- (a) The following additional uses are permitted as conditional uses in the GB District, but because of special circumstances requiring additional specific standards to be met, a special use permit shall be required. Such uses include:
- (1) Adult-use cannabis dispensing organizations (subject to the location restrictions outlined in Section 158.27A(2)(b)(6)).
 - (2) Auditoriums.
 - (3) Automobile sales and service shops conducted wholly within a completely enclosed building as one integrated business operation, including but not limited to automobile painting, upholstery, rebuilding, or body and fender work. However, in all cases where junk vehicles are temporarily stored on the business property, they shall be stored within the boundaries of a 10-foot high solid core fence, designed and constructed in a manner so as to prevent persons who may pass by the business operation from being able to view any of the temporarily stored vehicles, and the 10-foot high solid core fence shall be designed and constructed in a manner aesthetically acceptable to the Village. The term temporarily herein means any period of time which does not exceed one month. Over one month is beyond the limits of temporarily.
 - (4) Automobile washing facilities, rollover or conveyor.
 - (5) Convenience food stores.
 - (6) Hotel or motel, including dining and meeting rooms.
 - (7) Medical and dental clinics.
 - (8) Museums.
 - (9) Restaurants of the drive-in, carry-out or fast-food type.
 - (10) Taverns, music/night clubs as part of a mixed use planned development in accordance with Chapter 153 of this Code.
 - (11) Theaters (in-door only).
 - (12) Business parks, comprised of offices, laboratories, showrooms or warehousing and related uses for wholesale and service businesses.
 - (13) Churches.
 - (14) Antennas and towers.
 - (15) Country clubs.
 - (16) Golf courses.
 - (17) Public uses, including fire station, police station, school, vehicle garages and other governmental uses.
 - (18) Automated teller machines (ATMs).
- (b) These special uses are subject to the following standards as well as the general standards herein:
- (1) For a hotel or motel, a minimum lot area of 1,500 square feet per lodging room or 120,000 square feet, whichever is greater, and a minimum lot area of 80,000 square feet for other special uses.
 - (2) Any drive-in facility shall provide a sufficient area for a minimum of three vehicular spaces per service window or drawer. However, no drive-in facility shall be allowed for an adult-use cannabis dispensary organization.
 - (3) Direct access to a collector or arterial road designated on the transportation plan section of the Comprehensive Plan.

- (4) A minimum lot frontage of 250 feet and a minimum average lot width of 250 feet, except with respect to special uses referred to in Section (A)(2)(b)5 herein below.
- (5) Automobile service stations, automobile washing facilities, convenience food stores, and restaurants of the drive-in, carry-out or fast food type have a high volume of traffic and rapid turnover of customers. They are typically oriented to high volume traffic locations with high visibility from the roadway. These special uses shall therefor be permitted as a conditional use in a GB General Business District only if:
 - (a) Location of the use is within 300 feet of the intersection of a regional arterial road and a local arterial road, as is identified in the Comprehensive Plan.
 - (b) There is a minimum lot area of 60,000 square feet.
 - (c) A frontage of not less than 150 feet nor more than 250 feet shall be required. Where the parcel has frontage along two streets, the total frontage shall not be less than 300 feet nor more than 600 feet.
 - (d) No more than one building shall be permitted per lot, and such building shall have not less than 1,250 square feet of gross area.
 - (e) Business parks shall be permitted in a GB General Business District only:
 - (i) If all activities are conducted within an enclosed building;
 - (ii) If no noise, smells or vibrations will emanate from the buildings which may be heard or smelled beyond the property lines of the special use property;
 - (iii) If there is no outside storage of materials;
 - (iv) If all loading docks are located at the rear of the building or buildings on the special use property and such loading docks are screened from the view of all roads and adjoining properties; and
 - (v) If all exterior lighting is low glare, low impact lighting.
- (6) For adult-use cannabis dispensing organizations, it is the intent and purpose of this Section to provide regulations for adult-use cannabis dispensing organizations occurring within the corporate limits of the Village to be located within the following boundaries:

Beginning at a point along U.S. Route 12/Rand Road that is 470 feet southeasterly from the intersection of U.S. Route 12/Rand Road and N. Deer Park Boulevard, continuing southeasterly along U.S. Route 12/Rand Road to Lake Cook Road, east along Lake Cook Road to N.

Plum Grove Road, north along N. Plum Grove Road to W. Field Parkway, north and westerly along W. Field Parkway to a point that is perpendicular to U.S. Route 12/Rand Road and the point of beginning, generally depicted below.



Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act, 410 ILCS 705/1-1, *et seq.*, as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the state or local regulations shall apply.

- (a) Adult-use cannabis dispensing organizations requiring approval of a special use in the allowable areas within the GB General Business District shall be processed in accordance with Section 158.14 of this Code.
- (b) In determining compliance with Section 158.14 of this Code, the following components of adult-use cannabis dispensing organizations shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:
 - (i) Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - (ii) Proposed structure in which the facility will be located, including co-tenancy (if in a multi-tenant building), total square footage, security installations/security plan and building code compliance.

- (iii) Hours of operation and anticipated number of customers/employees.
 - (iv) Anticipated parking demand based on Section 158.33 of this Code and available private parking supply.
 - (v) Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - (vi) Site design, including access points and internal site circulation.
 - (vii) Proposed signage plan.
 - (viii) Other criteria determined to be necessary to assess compliance with Section 158.14 of this Code.
- (c) A special use for adult-use cannabis dispensing organizations shall be permitted in the allowable areas within the GB General Business District only if:
- (i) Facility may not be located within 1,500 feet of another adult-use cannabis dispensing organization.
 - (ii) Facility may not be located in a dwelling unit.
 - (iii) At least 75 percent of the floor area of any space occupied by an adult-use cannabis dispensing organization is devoted to the activities of the dispensing organization as authorized by the Cannabis Regulation and Tax Act, and no adult-use cannabis dispensing organization shall also sell food for consumption on the premises.
 - (iv) Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
 - (v) For purposes of determining required parking, said facilities shall be classified as retail establishments per Section 158.33(A)(3)(m) of this Code, provided, however, that the Village may require that additional parking be provided as a result of the analysis completed this Section.
 - (vi) Petitioner shall file an affidavit with the Village affirming compliance with this Section and all other requirements of the Cannabis Regulation and Tax Act.
 - (vii) Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the conditional use permit, to ensure the safety of employees and customers of the adult-use cannabis dispensing organization, as well as its environs. Said

improvements shall be determined based on the specific characteristics of the floor plan for an adult-use cannabis dispensing organization and the site on which it is located, consistent with the requirements of the Cannabis Regulation and Tax Act.

- (B) Building Height: No building shall be erected or enlarged to exceed 35 feet in height inclusive of elevator penthouses, chimneys, mechanical equipment, tanks and similar projections.
- (C) Areas: No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement:
 - (1) Front Setback: All structures permitted in this district shall be set back from the front street line a distance not less than 80 feet. Parking shall not be located within 30 feet of the street line.
 - (2) Side Yard: Where a lot is used for any of the purposes permitted in this district and is located at the intersection of two or more streets, and where a “R” District adjoins the rear of the lot, the side yard on the side of the lot adjacent to the street shall not be less than 100 feet in width, except that the buildable width of the lot shall not be reduced to less than 50 feet. In all other cases a side yard of not less than 30 feet is required except on any side of a lot adjoining a residential district, in which case there shall be a side yard of not less than 150 feet, inclusive of the screening easement herein. Parking shall be permitted in the side yards, but no closer than 20 feet to any lot line adjoining a non-residential district, and no closer than 50 feet to any lot line adjoining a residential district.
 - (3) Rear Yard: There shall be a rear yard having a depth of not less than 35 feet, except on a lot adjoining a residential district, in which case there shall be a rear yard of not less than 150 feet inclusive of the screening easement required herein. No parking shall be permitted within 20 feet of any lot line adjoining a non-residential district or within 50 feet of any lot line adjoining a residential district.
 - (4) Lot Area: There shall be not less than 30,000 square feet of lot area for each business unit or use.
 - (5) Lot Coverage: Not more than 35 percent of the lot area of any lot may be covered by buildings or structures. Not more than 65 percent of the lot area of any lot may be covered by impervious surfaces, including buildings, parking and loading areas and driveways. Existing water areas shall be excluded from the lot for the purpose of calculating lot coverage.
- (D) Sewer and Water Requirements: Shall be as set forth herein.
- (E) Screening Requirements: Shall be as set forth herein.

§158.28 PUBLIC LANDS DISTRICT.

- A. Purpose: The Public Lands District is established to distinguish those parcels of land dedicated to public service and facilities use, including all Village, County, State and Federal facilities, emergency service facilities such as fire departments and rescue operations, wastewater treatment plants, public and/or private utility substations, water towers, utility and public service

related distribution facilities, and similar land uses; to protect existing open space for public recreational use; to preserve space for the expansion of essential governmental functions and administration; to preserve space for public educational and cultural facilities such as schools, libraries and museums; and to eliminate the ambiguity of maintaining public lands and facilities in unrelated use districts.

B. Applicability: This Section contains special standards that apply to uses owned or operated by local governmental or institutional agencies elected by the residents of the Village. Because these units of local government, as publicly-elected bodies, represent the Village as a whole, it can be presumed that their activities by and large operate to promote the public health, safety, comfort, and welfare.

(1) Use Regulations: The following uses shall be permitted within the Public Lands District. Other uses similar to those listed below may be permitted as determined appropriate by the Village Board.

(a) Permitted Uses:

(i) Emergency service facilities

- Fire departments
- Rescue operations
- Police departments
- Other similar uses

(ii) Public administrative facilities

- Village Hall
- Public Works facilities
- Other similar uses

(iii) Public educational and cultural facilities

- Schools
- Libraries
- Museums
- Cultural centers
- Other similar uses

(iv) Public recreational facilities

- Parks, playfields and ancillary uses (public restrooms, concession stands not exceeding 750 square feet, warming houses)
- Public open spaces
- Community centers
- Recreational centers
- Other similar uses

(b) Special Uses:

(i) Government buildings and public uses other than those listed as permitted uses in this Section.

(ii) Utility substations, such as electric power substations, water treatment, sewage treatment and similar utility uses, including pumping stations.

(iii) Permitted uses within the Public Lands District must comply with the

conditions of this Chapter.

- (2) Performance Standards: All uses in the Public Lands District shall conform to the following use standards:
- (a) **Site Development Plan Review**: To encourage the creation of an institutional use environment that is compatible with the residential character of the Village, zoning and building permits for permitted uses in the Public Lands District shall not be issued without review and approval in accordance with the Site Development Plan procedures and standards of this Chapter.
 - (b) **Floor Area Ratio (“FAR”)**: For lot sizes of 1 to 5 acres, the FAR is not to exceed 0.15; for lot sizes above 5.1 acres, the FAR is not to exceed 0.10.
 - (c) **Accessory Uses or Structures; Exceptions**: All accessory uses and structures shall comply with the standards in this Chapter, provided, however, that the size of accessory buildings shall be as determined by the Village Board, but shall not exceed the floor area of the principal use(s) on a lot, unless authorized as a special use; and provided further that windmills may exceed the building height of the principal structure but may not exceed 45 feet.
 - (d) **Fences**: Fence heights shall be as determined by the Village Board, but shall not exceed six feet, unless authorized as a special use.
 - (e) **Building Height of Principal Structures**: Not to exceed 35 feet.
 - (f) **Areas**: No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement:
 - (i) **Front setback**: All structures permitted in this district shall be set back from the front property line a distance not less than 80 feet. Parking shall not be located within 20 feet of the front property line.
 - (ii) **Side yard**:
 - (1) Where a lot is located at the intersection of two or more streets, and adjoins the rear of an adjacent lot, the corner side yard on the side of the lot adjacent to the street shall not be less than 50 feet.
 - (2) In all other cases a side yard of not less than 30 feet is required, except on a side yard adjoining a residential district, in which case there shall be a side yard of not less than 75 feet, inclusive of the screening easement required herein. Parking shall be permitted in the side yards, but no closer than 20 feet to any lot line adjoining a non-residential district, and no closer than 50 feet to any lot line adjoining a residential district.
 - (iii) **Rear yard**: There shall be a rear yard having a depth of not less than 35 feet, except on a lot adjoining a residential district, in which case there shall be a rear yard of not less than 100 feet inclusive of the screening easement required herein. No parking shall be permitted

within 20 feet of any lot line adjoining a non-residential district or within 50 feet of any lot line adjoining a residential district.

- (iv) Lot coverage: Not more than 25 percent of the lot area of any lot may be covered by buildings or structures. Not more than 50 percent of the lot area of any lot may be covered by impervious surfaces, including buildings, parking and loading areas and driveways. Existing water areas shall be excluded from the lot for the purpose of calculating lot coverage.
- (v) Lighting: Light levels shall be in accordance with the standards in Section 153.03(O) of this Code, except for the following:
 - (1) No lights shall be permitted in playfields; and
 - (2) Light fixtures shall have cut-off shields to eliminate glare on adjoining residential uses.

§158.29 PD PLANNED DEVELOPMENT DISTRICT.

The PD District is established to provide for development of the Triangle and parcels with frontage on Lake Cook Road (between Quentin Road and the Barrington Woods Subdivision) and Rand Road. The regulations that govern the PD District are set forth in Chapter 153: Planned Developments, of this Code. If there is a conflict between standards set forth herein or found in Chapter 153, the provisions of Chapter 153 shall govern. The uses permitted in the PD District are all those uses permitted in the GB District, including the following residential uses: single-family dwellings, attached single-family dwellings (townhomes, rowhomes, duplexes).

§158.30 OVERLAY SIGN DISTRICT.

- (A) Creation of Overlay Sign District: The Overlay Sign District is hereby created to establish certain regulations relative to the installation of signs in order to enhance and maintain the appearance and character of certain commercial areas within the Village. Except as otherwise provided in this Code, the provisions of Chapter 157, Signs, and specifically Section 157.21 thereof, Overlay Sign District, shall be applicable to all property located within the Overlay Sign District.
- (B) Territory: The property which is the subject of and which shall be located within the Village's Overlay Sign District is that property bounded by Lake-Cook Road, Quentin Road and Rand Road within the Village.

§158.31 SITE LIGHTING.

In the GB, and PD districts, exterior lighting requirements contained in Section 153.15(O) of this Code shall apply.

§158.32 SCREENING AND LANDSCAPE EASEMENTS.

- (A) Requirements for Residential Areas: Screening and landscape easement of not less than 50 feet in width shall be required in the following locations:
 - (1) Where any use other than residential abuts the residential district.
 - (2) Where any use other than residential abuts a private or public road or alley contiguous to a residential district.

(B) Requirements for Other Areas: A screening and landscape easement shall be provided along all other lot lines as follows:

- (1) Twenty feet in width alongside and rear lot lines and front yard lines where no parking is permitted in the front yard.
- (2) Thirty feet in width along any front lot line where parking is located in the front yard.

(C) Landscape Specifications:

- (1) All planting screens shall consist of plant materials identified in the "Listing of Recommended Plant Materials" on file at the Village Hall.
- (2) All planting screens adjacent to residential areas shall consist of berms and plant materials which will produce a dense, all season visual barrier to a height of not less than eight feet above grade of the residential lot line.
- (3) All planting screens required along a front lot line shall consist of berms and plant material which will produce a dense, all weather visual barrier to a height of four feet above grade at the point of the easement furthest from the street line.
- (4) All other planting screens alongside and rear lot lines and adjoining to any roadway, driveway, or parking area shall consist entirely of plant materials suitable for locations along roadways.
- (5) All berms shall be constructed to the following standards:
 - (a) In easements along residential areas berms shall be varied in height from four to six feet and shall not have a slope with a greater than 2:1 ratio.
 - (b) In easements along other lot lines the slopes of berms shall not exceed a 3:1 ratio.
 - (c) All surfaces of berms shall be covered with plant material including appropriate ground covers in areas not planted with trees or shrubs.

(D) In easements along residential areas, berms shall be continuous except as necessary to provide for natural drainage systems.

§158.33 OFF-STREET PARKING AND LOADING.

(A) Off-Street Parking:

- (1) For the purpose of this Section, 180 square feet of lot or floor area, which has a means of ingress and egress from a public or private vehicle easement or right-of-way, shall be deemed parking space for one vehicle. Such space shall not occupy any front yard, but, where open, may be included as part of an open space for side or rear yard. On corner or through lots, parking space may not be included as part of required yards lying adjacent to either street, except as otherwise provided herein. Parking spaces and driveways providing access thereto that are required in residential districts shall be surfaced with an all-weather dust proof material.

- (2) Parking areas serving non-residential uses of property shall be hard surfaced and graded so as to drain off all surface water to adequate drainage structures. Lights used to illuminate such parking lots shall be so arranged as to reflect lighting away from the adjoining premises in the residential district. Such parking spaces shall be reserved for the sole use of the occupants of the building or lots, their customers, or visitors thereto. Churches, theaters, stadia, auditoriums, and other places of assembly may make arrangements for joint use of parking spaces as hereinafter specified.
- (3) In any district, except as noted below, every building built, or structurally altered, enlarged or increased in capacity, and every land use initiated subsequent to the adoption of this Section shall be provided with minimum off-street parking facilities as follows:
- (a) One- and two-family dwellings and multiple-family dwellings: Two parking spaces for each dwelling unit.
 - (b) Hotel, rooming houses, clubs and fraternal homes: One parking space for each guest sleeping room and one space for each employee.
 - (c) Hospitals: 0.4 parking spaces per employee plus one parking space for each three beds plus one parking space for five average daily outpatient visits, plus one parking space per ten daily emergency room visits.
 - (d) Medical office: 5.5 parking spaces per 1,000 square feet of gross floor area;
 - (e) Elderly housing: One parking space per four employees plus one parking space for each two dwelling units;
 - (f) Group nursing homes and assisted living homes: One parking space per four employees plus one parking space for each six infirmary beds plus one parking space for each three dwelling units;
 - (g) Daycare center: One parking space per employee plus 0.1 parking space per person of licensed capacity.
 - (h) Motels: One parking space for each lodging unit and one space for each employee.
 - (i) Churches, auditoriums, gymnasiums, stadia, theaters and other places of public or private assembly with fixed seats:
 - 1. .25 parking spaces per person, based upon maximum seating capacity.
 - (j) For the purpose of this type of use, parking spaces already provided to meet off-street parking requirements for stores, office buildings and industrial establishments, or off-street parking facilities provided by the municipality, lying within 300 feet of the place of public assembly as measured along the lines of public access, and that are not normally in use between the hours of 6:00 p.m. and midnight, and are made available for other parking, may be used to meet up to 75 percent of the total requirements of parking space for places of public assembly.
 - (k) Dance halls, bowling alleys and private clubs: .33 spaces per person based upon maximum seating capacity.
 - (l) Funeral homes: Fifteen parking spaces on the premises, plus five spaces for each

area which can be used as a parlor.

- (m) Retail establishments, offices, research laboratories: One parking space for each 300 square feet of gross floor area, except that restaurants or establishments whose primary use is to serve meals and refreshments to patrons shall provide one parking space for each 50 square feet of eating area in the building.
- (n) Wholesale and distributing establishments including telephone exchanges: 1.5 parking spaces per 1,000 square feet of gross floor area, plus any required spaces for office uses.
- (o) Manufacturing establishments:
 - 1. One parking space per 1,000 square feet of gross floor area plus required spaces or office uses, to be provided on the premises or at other off-street locations within 1,000 feet of the main entrance.
 - 2. Parking spaces required under this section may be reduced at a time when capacity or use of a building is changed in such a manner that a new use or capacity would require less space than before the change. Such reduction may not be below the standards set forth for the new uses.
- (p) Public Services and Utilities: One parking space per employee on the largest work shift, plus one space per company vehicle normally stored or parked on the premises, plus one space per 500 square feet of gross square footage of the office area.
- (4) Loading or unloading areas shall not be considered as parking areas.
- (5) The joint use of parking facilities may be permitted in cases where major parking demands occur on different days of the week or during different hours, provided that parking spaces will be available for each use in accordance with the above standards, and that the owners agree in writing that any subsequent sale or division of the property or change in use thereof will not interfere with the joint use of the parking facilities.
- (6) A plan of parking facilities shall accompany each application for a building permit, or certificate of compliance, or application for rezoning. The completion of the improvements for parking according to such plan shall be a requisite for the validity of the permit or certificate.
- (B) Off-Street Loading Facilities. On the same lot with every building or part thereof, erected hereafter to be used for other than exclusive dwelling purposes, or as an accessory use for dwelling purposes, there shall be provided on the lot, adequate space for motor vehicles in order to avoid undue interference with the public use of streets. Such space, unless otherwise adequately provided for, shall include a 10-foot by 25-foot loading space, with 15 feet height clearance, and one such space shall be provided for each 20,000 square feet or fraction thereof of floor or lot area used for other than residence purposes.

§158.34 WATER SUPPLY AND WELLS.

- (A) Regulations Applying to All Districts:
 - (1) All water supply systems and all sewage and waste disposal systems in any use district shall comply with the subdivision regulations set forth in Chapter 155 of this Code.

- (2) In addition, all water supply systems and sewage and waste disposal systems not heretofore constructed shall be subject to the approval of the Commission and Building and Zoning Official. Such approval shall be withheld if, in the judgment of the Planning and Zoning Commission or the Building and Zoning Official, the proposed system does not comply with the Village regulations regulating same, does not provide adequate safety for public health, or will not adequately serve the proposed residence, business, industry, or other facility for which it is intended.
- (B) Regulations Applying to Residential Districts: Individual sewage treatment facilities will be approved by the Building and Zoning Official only upon adequate proof that such wells are free from contamination. The approval of the Building and Zoning Official is a requirement in addition to those stated in the aforementioned subdivision regulations. See Chapter 51, the adoption of the Lake County Health Code.
- (C) Regulations Applying to Districts Other Than Residential Districts:
- (1) All wells hereafter drilled, dug, or otherwise constructed in districts other than residential districts shall be designed and constructed so that no water is removed from such strata, aquifer, or other underground source as supplies the water to a majority of residences within the Village or within a three-mile radius of the subject well.
- (2) All wells shall be cased in such a manner as to insure freedom from contamination and freedom from infiltration from nearby residential water supply sources.

§158.35 HILLCREST ROAD OVERLAY DISTRICT.

- (A) Creation of Overlay District: The Hillcrest Road Overlay District (hereinafter the “Hillcrest District”) is established as an overlay district subject to the provisions of this Chapter which, where applicable, complement and supersede the provisions of the underlying R-1 43,560 Square Feet Single Family Residential District (the “R-1 District”).
- (B) Legal Description: The legal description of the lands included in the Hillcrest District is as follows:

That part of Lot Two (2) of the Northwest quarter (1/4) of Section 3, Township 42 North, Range 10 East of the Third Principal Meridian, bounded and described as follows: Beginning at the Northwest corner of said Lot 2, thence East along the North line of said Lot, 376.0 feet; thence South along a line running parallel with the West line of said Lot 231.75 feet to the South line of the North half (1/2) of the North 14 acres of the West half (1/2) of said Lot 2; thence West along said South line to the West line of said Lot 2; thence North along said West line to the place of beginning, and all unincorporated public right of way adjacent thereto.

Lot Five (5) in Block Two (2), in Engelund Subdivision of the West Half (1/2) (Except the South 12 Acres and Except the North 14 Acres of Lot 2), Government Division of the Northwest Quarter (1/4) Of Section 3, Township 42 North, Range 10, East of the Third Principal Meridian.

Lots 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 in Hillcrest Gardens, a Subdivision of Part of the West Half of Lot Two (2) in the Northwest Quarter of Section 3, Township 42 North, Range 10, East of the Third Principal Meridian, in Cook County, Illinois.

- (C) Uses: Uses permitted in the Hillcrest District shall be the same use as permitted in the R-1 District.

- (D) Lot Area: There shall be no minimum lot area within the Hillcrest District, provided that the subdivision lots existing of record on July 31, 2004 shall not be re-subdivided.
- (E) Dwelling Standards: There shall be no minimum square footage requirements for dwellings within the Hillcrest District. No existing dwelling may be replaced with a new dwelling of fewer square feet than the existing dwelling.
- (F) Floor Area Ratio: The maximum floor area ratio for a single-family residence shall be .4.
- (G) Yards: The minimum side yard for yards adjacent to another lot shall be five feet. The minimum side yard for yards adjacent to a street shall be 10 feet. The minimum front and rear yards shall be 20 feet.
- (H) Existing Improvements: All existing improvements on the property shall be treated as legal non-conforming uses. Any additions or remodeling to the existing improvements shall not require a zoning permit so long as the applicable yard requirements are satisfied.

SITE DEVELOPMENT PLAN

§158.36 APPLICATION FOR APPROVAL REQUIRED.

Prior to the construction of any building or structure, or undertaking any site improvements within the GB and PD districts, an application shall be made for approval of a Site Development Plan.

§158.37 PRELIMINARY CONFERENCE

The applicant may request a conference with the Commission for a preliminary discussion of the proposed development. Such conference shall be scheduled as part of a regular meeting of the Commission. The applicant shall present exhibits and written information as may be necessary to acquaint the Commission with the scope and character of the proposed development and serve as the basis for a preliminary evaluation of the conformance of the proposed development with the intent of the standards and regulations for site developments. The material presented by the applicant shall include information concerning:

- (A) Type of use proposed.
- (B) General location of proposed structures.
- (C) Location of access points to adjacent streets and internal vehicular circulation system.
- (D) Location of parking areas and amount of spaces to be provided.
- (E) Location, extent and general type of landscaping to be provided including any existing features to be maintained.
- (F) Preliminary indication of proposed methods of wastewater treatment and disposal.

§158.38 APPLICATION FOR APPROVAL OF SITE PLAN.

An application shall:

- (A) Be filed with the Village Administrator.
- (B) Be accompanied by a fee as required in Chapter 38 of this Code.

- (C) Include all information and documentation required by this Section, unless specifically waived in writing, in quantities, form and size specified by the Village.

§158.39 CONTENT OF SITE PLAN.

The following information and documentation, when taken together, shall constitute a Site Development Plan:

- (A) Applicant's name, address and interest in subject property.
- (B) Owner's name, address, if different than applicant, and owners signed consent to the filing of the application.
- (C) Names and addresses of persons who prepared the Site Development Plan or portions thereof.
- (D) Address and legal description of the subject property.
- (E) A survey including legal description, certified by a registered professional engineer or a registered land surveyor, showing property boundary lines and dimensions, easements, public and private rights-of-way crossing and adjacent to the subject property.
- (F) A graphic rendering of the existing site conditions, at a scale not less than one inch equals 100 feet with contour intervals not greater than two feet which depicts all significant natural, topographic and physical features of the subject property. Such rendering shall locate and detail the extent of tree cover including single trees in excess of six inches in diameter and significant masses of vegetation, water courses on or within 150 feet of the subject property, existing drainage patterns, existing development of the property and all land within 100 feet thereof including existing streets, property lines, utilities and easement.
- (G) A detailed drawing, at a scale of one inch equals 100 feet of the proposed Site Development Plan, including the proposed dimension and location of vehicular elements, open space, and required landscape and screening easement; all buildings or structures and all setback lines. The plan shall be accompanied by drawings showing cross-sections at a scale not less than one-inch equals 100 feet of the proposed development, at right angles to all public roads (existing or proposed) on which the site has frontage; such cross-sections showing all principal structures related to existing and proposed topographic elevations on the site.
- (H) A tabulation of the following information:
 - (1) Total site area in acres and square feet.
 - (2) Total area of ground coverage of all buildings and structures.
 - (3) Total area of ground cover of all impervious areas.
 - (4) Number of parking spaces provided.
 - (5) Total gross floor area of each structure.
- (I) A preliminary engineering study showing the location and adequacy of proposed sanitary wastewater treatment, storm drainage and domestic water systems.
- (J) A detailed dimensional landscaping plan showing:

- (1) Locations, size and species of all existing plant material to remain along with a description of what measures will be taken to protect such materials during construction.
 - (2) Location, size and species of all proposed plant material.
 - (3) Preliminary grading plans and profiles for all berms.
- (K) When a subdivision of land is involved, the detailed plan required by this section must be accompanied by a Preliminary Subdivision Plan.

§158.40 REVIEW OF SITE PLAN.

- (A) Submission to the Commission: Upon receipt, the Village Administrator shall forward copies of the Site Development Plan to the Commission. Copies shall also be forwarded to the Village President and members of the Board of Trustees.
- (B) Action by the Commission:
- (1) Within 30 days following the submission of the Plan, the Commission shall, with such aid and advice of the various commissions and officials of the Village as may be appropriate, review the final plan as submitted, with respect to its substantial conformity to the standards for site development within this Chapter; as well as with any conditions imposed by approval of a special use permit under the provision of this Chapter.
 - (2) If the Commission finds the Site Development Plan to be in all respects complete in compliance with the standards and intent of this Chapter, the Commission shall approve the final plan.
 - (3) If the Commission finds that such compliance may be conditioned upon modification to conform with the above standards, it may approve the final plan subject to such modifications. All approvals shall be accompanied by a report presenting the findings of the Commission with respect to the final plan.

ADMINISTRATION AND ENFORCEMENT

§158.41 BUILDING AND ZONING OFFICIAL; POWERS AND DUTIES.

- (A) The enforcing officer of this Chapter shall be the Village Building and Zoning Official.
- (B) Office of the Building and Zoning Official: The Building and Zoning Official shall be the enforcing officers of this Chapter.
- (C) Village Clerk Support: The Village Clerk shall:
- (1) Maintain permanent and current records of the ordinances, including, but not limited to maps, amendments and special uses, variations, appeals and applications therefor;
 - (2) Receive, file and forward to the Village Board for action all applications for special uses or petitions for amendments to this Chapter, which may be filed initially in the office of the Building and Zoning Official;
 - (3) Receive, from any source, applications for special uses or amendments which have been introduced in the Village Board, and transmit copies of same to the Planning and Zoning

Official for review and recommendations;

- (4) Receive, from the Commission, recommendations on all amendments and special uses, and transmit same to the Village Board, together with the recommendations on amendments of the Building and Zoning Official;
- (5) Receive and file copies of all applications for appeals, variations and other matters on which the Commission is required to pass under this Chapter; and
- (6) Provide such clerical and technical assistance as may be required by the Commission in the exercise of its duties.

§158.42 PLANNING AND ZONING COMMISSION.

- (A) Creation: A Planning and Zoning Commission is hereby created for the Village to carry out the duties of a Planning and Zoning Commission and a zoning board of appeals. When used in this Chapter, “Commission” shall be construed to mean the Planning and Zoning Commission and “Commissioners” shall be construed to mean the members of the Commission.
- (B) Membership: The Commission shall consist of a chairman and six members to be appointed by the President with the advice and consent of the Village Board. The President shall be an ex-officio member of the Commission. The Chairman shall be appointed annually by the President with the advice and consent of the Board of Trustees. Annually, the Commissioners shall elect one of its own to serve as vice-chairman. The Village Clerk shall serve as secretary to the Commission.
- (C) Term of Office: The first appointees shall serve for the following terms, or until their respective successors, in similar manner, have been appointed and qualified: one for one year, one for two years, one for three years, one for four years, one for five years, one for six years and one for seven years. Successors to each member so appointed shall serve five-year terms except that vacancies shall be filled for the unexpired term of the membership vacated. The term of each Commissioner shall expire April 30 of the year of the expiration of its respective term of office. Thereafter, the appointments shall be made at the April meeting of the Village Board.
- (D) Vacancy: Any vacancy on the Commission shall be filled in the same manner as the original appointment.
- (E) Removal: The President, with the approval of the Village Board, may remove any member of the Commission for cause after a public hearing.
- (F) Compensation: No member of the Commission shall receive any compensation for service as such, except that the Village Clerk may be paid such compensation as the President and Board of Trustees may from time to time determine.

§158.43 PLANNING AND ZONING COMMISSION REFERENCES.

Any ordinance, code, regulation, etc., of the Village or state statute that references the Plan Commission, Planning and Zoning Commission, Zoning Board of Appeals and Board of Appeals shall mean the Commission.

§158.44 DUTIES OF THE COMMISSION.

The duties of the Commission are as follows:

1. To prepare and recommend to the Village Board a comprehensive plan of public improvements looking to the present and future development of the Village. After its adoption by the Village Board this plan shall be known as the Official Plan of the Village of Deer Park. Thereafter, from time to time, the Commission may recommend changes in the Official Plan. This plan may include reasonable requirements with reference to the streets, alleys and public grounds in unsubdivided land situated within the corporate limits or in contiguous territory not more than 1½ miles beyond the corporate limits and not included in any municipality. These requirements shall be effective whenever this unsubdivided land is subdivided after the adoption of the Official Plan. Following the adoption of the Official Plan no map or plat of any subdivision presented for record affecting land within the corporate limits of the Village or in contiguous territory outside of and not more than 1½ miles from those limits and not included in any other municipality, shall be entitled to record or shall be valid unless the subdivision thereon shall provide for streets, alleys and public grounds in conformity with the Official Plan.
2. To prepare and recommend to the Village Board from time to time plans for specific improvements in the pursuance of the Official Plan.
3. To give aid to the Village officials charged with the direction of projects for improvements embraced within the Official Plan and to further the making of these projects, and generally promote the Official Plan.
4. To exercise such other powers, germane to the powers granted by this Code as may be conferred by the Village and are granted a village under the Illinois Municipal Code (65 ILCS), including, but not limited to Sections 5/11-12-4 to 5/11-12-13.
5. To hear appeals from any order, requirement, decision or determination of the Building and Zoning Official relating to this Chapter by any person, firm or corporation aggrieved thereby, or by any officer, department, board or commission of the Village. The appeal shall be taken within 45 days of the action complained of by filing a notice of appeal, in duplicate, specifying the grounds thereof, in the office of the Village Clerk who shall transmit forthwith one copy to the Building and Zoning Official and one copy to the Commission Chairman. The Building and Zoning Official shall forthwith transmit to the Commission Chairman all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from unless the Building and Zoning Official certifies to the Commission that, by reason of facts stated in the certification, a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed except by a restraining order issued by the Commission or a court of record after notice to the Building and Zoning Official and on due cause shown.

The Commission shall select a reasonable time and place for the hearing of the appeal, give due notice thereof to all interested parties and shall render a written decision on the appeal without unreasonable delay. Any person may appear at the hearing and present testimony in person or by a duly authorized agent or attorney. The Commission may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination of the Building and Zoning Official.

6. To recommend to the Village Board after holding a public hearing on application for variations from the strict enforcement of any provisions of this Chapter, in accordance with the rules and standards set forth therein.
7. To recommend to the Village Board, after holding a public hearing, on applications for special uses listed in each of the several zoning districts.

8. To recommend to the Village Board, after holding a public hearing, on applications for planned developments referred to it by the Village Board and to hear and decide other matters referred to it or upon which it is required to pass under the provisions of the Deer Park Zoning Ordinance.
9. To recommend to the Village Board, after holding a public hearing, on petitions for amendment of the provisions of this Chapter and the boundary lines of zoning districts established therein.
10. To transmit to the Village Board, with every recommendation, findings of fact and to refer to any exhibits containing plans and specifications relating to its recommendation, which plans and specifications shall remain a part of the permanent records of the Commission. The findings of facts shall specify the reason or reasons for its recommendation. The terms of the relief recommended shall be specifically set forth in a conclusion or statement separate from the findings of fact of the Commission.
11. To file immediately in the office of the Village Clerk every rule, order, requirement, decision or determination of the Commission after any meeting or hearing, which shall be a public record.
12. Nothing contained herein shall be construed to authorize the Commission to change any of the provisions of this Chapter or district boundary lines established hereby. The concurring vote of four members shall be necessary to reverse any order, requirement, decision or determination of the Building and Zoning Official or to decide in favor of the applicant any matter upon which the Commission is authorized to act.
13. Additional duties of the Commission are also outlined in this Chapter, the Deer Park Municipal Code and the Illinois Municipal Code.

§158.45 SPECIAL ZONING COMMISSION.

The Commission shall serve as a special zoning commission whenever a text amendment is proposed to this Chapter. The Village Clerk shall keep minutes of its proceedings, keep record of its examinations and other official actions, prepare findings of fact and record the individual votes upon every question. Expenses incurred by the Commission in the performance of official duties are to be itemized and shall be paid by the Village.

§158.46 MEETINGS

All meetings of the Commission shall be held at the call of the Chairman and at such other times as the Commission and/or Village Board may determine. The presence of four members shall be necessary for a quorum. All meetings shall be open to the public. The Chairman, or Acting Chairman, may administer oaths and compel the attendance of witnesses. The Village Clerk shall keep minutes of its proceedings, keep record of its examinations and other official actions, prepare findings of fact and record the individual votes upon every question. Expenses incurred by the Commission in the performance of official duties are to be itemized and shall be paid by the Village.

§158.47 MAINTENANCE OF RECORDS.

The Village Clerk shall keep a record of its proceedings.

§158.48 ORAL REPORTS AND RECOMMENDATIONS.

Nothing in this Chapter shall be construed to prohibit the Commission from presenting reports and recommendations orally to the President and Board of Trustees. Such oral reports, recommendations or plans shall have the same full force and effect as written reports, recommendations or plans.

§158.49 ZONING CERTIFICATES.

No permit pertaining to the use of land or buildings shall be issued unless the Building and Zoning Official and Zoning Official has certified after examination that it complies with all provisions of this Chapter.

§158.50 OCCUPANCY PERMITS.

No land shall be occupied or used and no building hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever until a certificate shall have been issued by the Building and Zoning Official stating that the building and use of land complies with all the building and health laws and ordinances having jurisdiction thereover and with the provisions of this Chapter. No change of use shall be made in any building or part thereof now or hereafter erected or structurally altered that is not permitted by the provisions of this Chapter. Nothing in this Section shall prevent the continuance of the present occupancy or lawful use of any existing building, except as may be necessary for safety of life and property. Certificates of occupancy shall be applied for not later than 10 days after the erection or alteration of such buildings have been completed. A record of all certificates shall be kept on file in the office of the Building and Zoning Official and copies shall be furnished on request to any persons having a proprietary or tenancy interest in the building affected.

§158.51 VARIATIONS.

(A) Standards and Purpose:

- (1) In no case shall the Commission recommend variation from this Chapter unless a property owner can show that a strict application of this Chapter relating to the use, construction, or alterations of buildings or structures or utilization of the land will impose upon him unusual or impractical difficulties or particular hardship, that such variations of the strict application of the terms of this Chapter are in harmony with its general purpose and intent, and only when the Commission is satisfied that granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to practically deprive the owner of any use of the property and thus warrant a variation from the comprehensive plan as established by this Chapter, and that the surrounding property will not be adversely affected.
- (2) In considering all appeals and all proposed exceptions or variations from this Chapter, the Commission shall, before recommending any exceptions or variations from the ordinance in a specific case, first determine that it will not impair an adequate supply of light and air to adjacent property to unreasonably increase congestion in the public streets, or increase the danger of fire or endanger the public safety, or diminish the drainage or watershed or soil erosion control with the surrounding area or diminish the taxable or sale value of land and improvements within the surrounding areas, or in any other respect impair the public health, safety, comfort, convenience, morals, interest, or welfare of the inhabitants of the Village.

(B) Authorized Variations:

- (1) To permit a variation in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variation will not adversely affect any adjoining property or the general welfare.
- (2) To permit a variation in the height of a building where such building is erected with a

frontage on a public waterway or on a natural hillside, but such variation shall only be made for the purpose of adjusting the height limits so as to conform with that of neighboring structures.

- (3) To permit the use of a lot for a use otherwise prohibited solely because of the insufficient area of the lot; but in no event shall the area of the lot be less than 90 percent of the area required by this Chapter for the particular district in which it is located.
- (4) To permit a variation from Chapter 151. Fences, of this Code with regard to fence location, material and opacity, provided such variation will not adversely affect any adjoining property.

§158.52 APPEALS.

An appeal may be taken to the Commissions by any person, firm or corporation or by any officer of the Village aggrieved by a decision of the Building and Zoning Official Notice of appeal must be given within 45 days of the decision of such officer.

§158.53 AMENDMENTS.

- (A) Authority: The regulations imposed and the districts created under the authority of this Chapter may be amended from time to time by ordinances, but no such amendment shall be made without a public hearing before the Commission which shall report its findings and recommendations to the Village Board, except as otherwise stated herein.
- (B) Initiation of Amendment: Amendments may be proposed by the Village Board, by the Commission, or by any resident of or owner of property in the Village.
- (C) Procedure: Prior to a public hearing by the Commission on any amendment introduced to the Village Board, such amendment shall be forwarded by the Village Board to the Commission with a request for recommendations relative thereto.

§158.54 APPLICATION REQUIREMENTS FOR AMENDMENTS, SPECIAL USES OR VARIATIONS.

- (A) Each application for an amendment, special use, planned development, or variation filed by or on behalf of the owner or owners of property affected shall be accompanied by a nonrefundable filing fee and/or one or more deposits with the Village as required by Chapter 38, Reimbursement for Professional Fees and Other Expenses, of this Code, and said Chapter 38 shall be applicable to all such applications for an amendment, special use, planned development and/or variation.
- (B) Within 30 days following publication of an ordinance adopting an amendment or authorizing a special use, or the issuance of an order permitting a variation, or the denial of an application or other similar final action, the Village shall itemize all expenses involved in each application, including estimated expenses not yet paid by the Village, and refund the balance of the escrow deposit to the applicant. The refund check shall be accompanied by a statement of expenses incurred. No interest shall be paid on the deposit escrow or any additional deposit escrow as required.
- (C) No filing and/or deposit fees shall be applicable to petitions in the public interest filed by any governmental agency.
- (D) Notice: Not less than 15 days nor more than 30 days prior to the Commission hearing on an

application for an amendment of this Chapter, a special use permit or tentative approval of a plat of subdivision; or not less than 15 days nor more than 30 days prior to a hearing on an application for a zoning variation, the applicant: (i) shall give notice by certified mail to the owners of record of all parcels of land within 500 feet of the perimeter of the property being considered; and (ii) shall publish notice in a newspaper published in the Village, in a format prescribed by the Village Administrator, stating:

- (1) The nature of the application;
 - (a) The general location of the subject property by address or other identifiable geographic characteristics;
 - (b) The time and place of the public hearing;
 - (c) That the application is on file and may be examined in the office of the Village Administrator during regular business hours;
 - (d) That the application on file may be examined in the Village Office; and
 - (e) Shall post notice of the public hearing relative to the subject property on the subject property in a format prescribed by the Village Administrator.
- (2) At the hearing the applicant shall deliver to the Village Clerk a publisher's certificate of publication of the required notice, and evidence of mailing of notice as required herein above. In the event no publisher's certificate or evidence of mailing is received by the Village Clerk, at the hearing on that mailer, the hearing shall not be held.
- (3) If the public hearing on any matter is continued it shall be the responsibility of the applicant to publish notice of the reconvened hearing as in the case of the original notice, unless the date of the continued hearing was announced publicly in the course of the preceding hearing on the matter.
- (4) The Village Clerk shall post the agenda of each meeting or public hearing by the Commission as required by the Illinois Open Meetings Act.

§158.55 PENALTY.

It shall be unlawful to use or occupy any building, structure, or premises in violation of the terms of this Chapter. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any provision of this Chapter shall be fined not less than \$200.00 nor more than \$750.00 for each offense and shall be responsible for the Village's cost of prosecution including but not limited to the Village's attorney fees, court costs and other costs and expenses incurred by the Village related thereto. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.