

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:

- (1) Is subordinate in area, extent and purpose to, and serves, a principal structure or use;
- (2) Is located on the same zoning lot as the principal structure or use served, except as otherwise provided herein;
- (3) 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;
- (4) Is customarily found as an incident to the principal structure or use;
- (5) Is under the same ownership and control as the principal structure or use; and
- (6) 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 twenty feet (20') wide and not more than forty feet (40') 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.

ASSISTED LIVING ESTABLISHMENT or "establishment" means a home, building, residence, or any other place where sleeping accommodations are provided for at least 3 unrelated adults, at least 80% of whom are 55 years of age or older.

AUTO WRECKING or **JUNK YARD.** Any place where two (2) 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 with 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.

BEES. An insect of a large group to which the honeybee belongs, including many solitaries as well as social kinds.

BODIES OF WATER. Waters of the United States, waters of the State of Illinois, wetlands as such areas may be defined under federal, state, county or local law or regulation, and flood-plains. Excluded: any man-made drainageways and stormwater retention or detention facilities.

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.

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 REVIEW BOARD. Pursuant to Section §158.48 herein.

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.

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

Examples of commercial vehicles are as follows, but are not limited to; trucks or other vehicles operated for the purpose of a business, construction vans or pick-up trucks with ladders, lumber, landscaping supplies, plumbing pipe on the rack, other types of construction material or in the bed on a routine basis, construction vehicles, tow trucks, buses etc.

Passenger vehicles with a company name on it does not constitute a commercial vehicle. Examples of this are a real estate agent, company car, and other similar vehicles with or without a sign. The determination of whether a vehicle is defined as a commercial vehicle is at the sole discretion of the Village Building and Zoning Official and/or Village Administrator.

Commercial Vehicles completely stored in a garage with the overhead door closed are considered in compliance with this section.

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

COMMON OPEN SPACE. Common open space includes land unoccupied by structures, buildings, streets, vehicular rights-of-way, loading areas, and parking lots; and designed and intended for the protection, use or

enjoyment of residents or the general public, including natural areas, agricultural lands, and landscaped areas within the developed areas, pedestrian walkways and bicycle paths not shared with vehicular traffic, and landscaped islands in parking lots. Common open space may contain structures for recreational use.

COMMUNITY RESIDENCE. A single dwelling unit occupied on a relatively permanent basis in a family like environment by unrelated persons with disabilities that are licensed, certified, or accredited by appropriate local, state or national bodies. Paid professional support staff, provided by a sponsoring agency, either living with the residents on a 24-hour basis, or present whenever residents are present at the dwelling shall be required, unless a special use permit is issued. The community residence shall comply with the zoning regulations for the use district in which it is located. Community residence excludes facilities that provide care for persons who have been convicted of a crime or who have been released from jail or prison. Community Residence does not include a residence which serves persons as an alternative to incarceration for a criminal offense, or persons whose primary reason is substance abuse.

COMPREHENSIVE PLAN. The current Comprehensive Plan for the Village of Deer Park indicates the intended future land use pattern for properties in the Village, as depicted on the Future Land Use Map and Deer Park Center Concept Plan. This land use pattern was a result of analysis of the urban form policies, existing land use and zoning, development trends, anticipated land use needs and desirable growth and development goals. Special attention to access, circulation and connectivity of sites and surroundings, both existing and future roadways, is necessary and required. Designations and details of the Future Land Use Map and Deer Park Center Concept Plan provide a basis for applying zoning districts and for making land use decisions and shall be used in conjunction with the adopted policies of the current Comprehensive Plan for any land use decision.

CONVENIENCE RETAIL. a retail outlet serving the day-to-day, non-comparison shopping needs of a consumer including, for example, a variety store, bake shop, drug store or small food/grocery store, and shall also include a florist, photo depot (no processing on site) and video film outlet, but except for a video film outlet, shall not include any retail outlet having its main product line involving hardware, housewares, apparel, footwear or fashion accessories.

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.

DEVELOPMENT ORDINANCE. An ordinance adopted by the Village Board upon completion of both preliminary and final plan approvals that includes graphics and other support documentation upon which Village Board approval is based. The development ordinance shall also specify conditions of approval established by the Village Board, if any.

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 (4) or more months of age.

DOG KENNEL. Any premises where three (3) or more adult dogs are owned, boarded, bred and/or offered for sale.

DUAL FRONTAGE LOTS. A lot with frontage on two streets from both the front yard and rear yard the setbacks are established by determining the front yard first. Upon establishing the front yard for the lot then the side and rear yard setbacks will be established per the zoning district.

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 (2) or more housekeeping units and for occupancy and use by two (2) 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.

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

ELDERLY HOUSING. means retirement communities or similar types of housing reserved for households composed of one or more persons fifty-five (55) years of age or older or an age recognized as elderly by a specific federal housing assistance program.

EXCELLENCE. As it relates to site design, landscaping, screening, buffering and signage shall be defined as conformance to the spirit and intent of the Comprehensive Plan with the standards of this chapter, that exceeds the minimum quantitative standards that exist in this chapter, the Comprehensive Plan.

FAMILY. Two or more persons related by blood, marriage, or adoption including foster children, or a group of not more than five persons (excluding servants) who need not be related by blood, marriage, or adoption, living together and maintaining a common household, or no more than two individuals who are not necessarily related to each other by blood, and their dependents, together with domestic servants, living as a single, not-for-profit housekeeping unit occupying a dwelling unit, or as otherwise defined by the Federal Fair Housing Act, as may be amended from time to time.

FOOTCANDLE. A unit of illumination equal to the light flux falling on one (1) square foot of area one (1) foot away from a light source of one (1) candle power.

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.

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 (6) 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 (10') 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 (10') 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.

MEDICAL OFFICE AND/OR MEDICAL CLINIC. A premises where patients, who are not lodged overnight and are treated by one person or group of persons practicing any form of healing or health building services to individuals, whether the practitioners are physicians (i.e. medical doctors), chiropractors, osteopaths, chiropractists, podiatrists, naturopaths, dentists, psychologists and counselors of all types, psychiatrists, nurse practitioners, optometrists, or any such profession, the practice of which is regulated by Illinois law. (amd. O25-18, 11-20-25)

MIXED USE DEVELOPMENT. A planned development which combines two (2) or more of the following land uses: cluster home, townhome, residential, business, office/research, and office park development.

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.

NET ACREAGE. The number of acres remaining in a parcel after exclusion of all public rights- of-way and bodies of water.

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 REHABILITATION Facility. 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 Rehabilitation Facility shall not be considered a Short-Term Rental Property as defined in this Section.

PARCEL OF LAND. A Parcel of Land the aggregate of one (1) or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land title office;

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 (4) automobiles and available for public use whether free, for compensation, or as 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 (1) standard automobile, which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.

PERGOLA. A freestanding non-walled structure of not greater than ten feet in height usually consists of parallel colonnades supporting an open or closed roof of girders and cross rafters and is typically located over a patio or deck or similar improvement. A "Pergola" is built as an outdoor sitting area with lattice or open slat roof for partial shade.

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.

SENIOR HOUSING. Senior Housing are similar to regular housing except that they are restricted to rent for adults over the age of fifty -five (55).

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 (30) consecutive days. This definition does not apply to Hotels, Motels and/or Nursing Home or Rehabilitation Facility.

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.

STORAGE FACILITY/SHED. Any accessory structure that is not classified for human habitation or occupancy and is intended to be used to store personal property, goods, or products within a fully enclosed structure.

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 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 (3') above the top floor level and in which space not more than sixty percent (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.

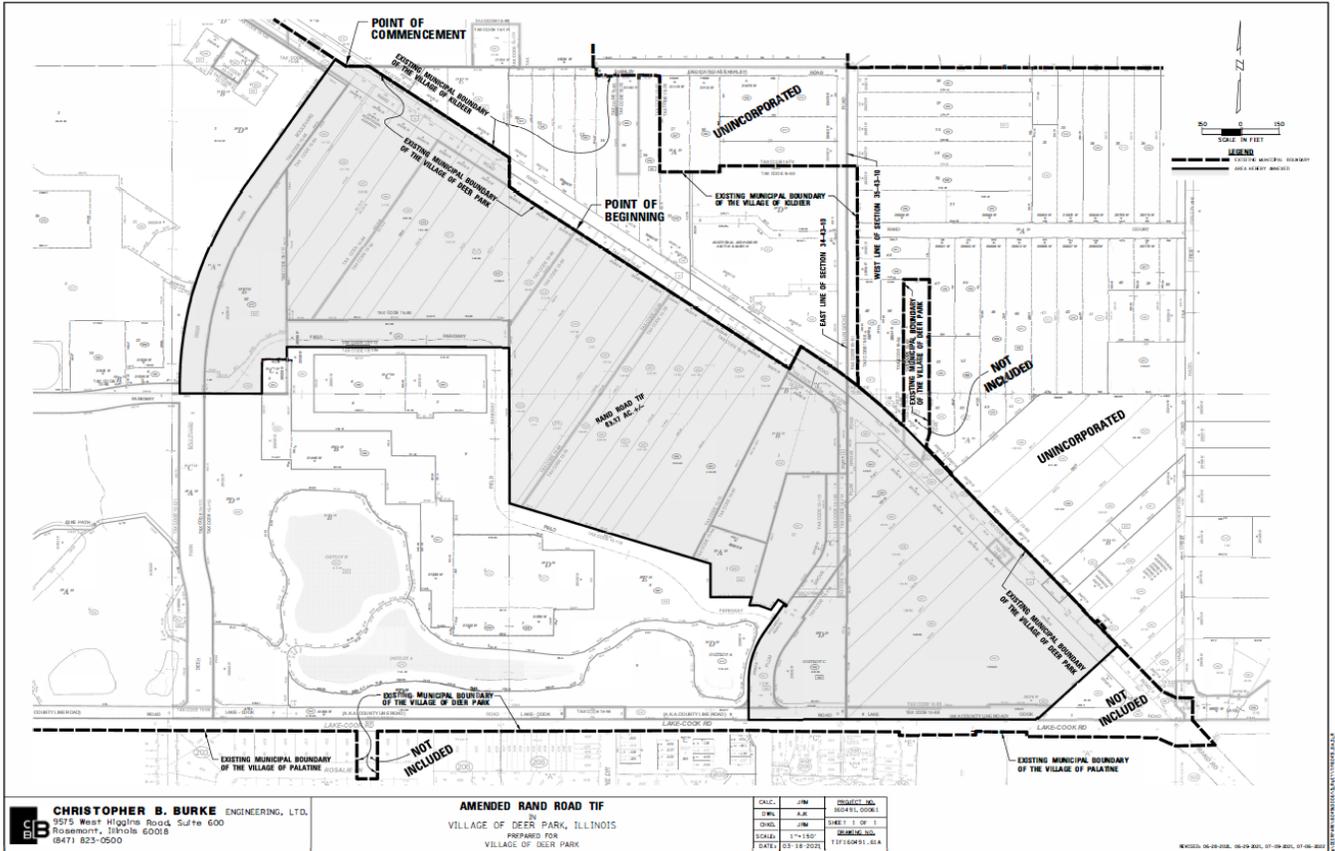
STREET LINE. Boundary of the right-of-way of a street.

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.

TAX INCREMENT FINANCING (TIF). A public financing method which allocates future increases in property taxes from a designated area to pay for improvements only within that area.

TAX INCREMENT FINANCING (TIF) DISTRICT. As shown in map below:



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 (1) 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.

UNIFIED BUSINESS CENTER. A premises containing three or more individual offices or businesses sharing a common building.

UNIFIED CONTROL. The combination of two or more tracts of land wherein each owner has agreed that their tract of land shall be developed and shall be subject to all control applicable to and adopted for the development.

UNIFIED DEVELOPMENT. Means a commercial development, such as a strip center, mall, multitenant office building, commercial center, or industrial complex, in which two or more separate businesses occupy a single or multiple structure which share on-site parking facilities and common driveways.

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.

USEABLE COMMON OPEN SPACE. Useable common open space is that portion of the common open space that is available for active or passive recreational 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 (1/2) of the width of the platted easement may be included in the rear yard requirements, provided that such one-half (1/2) of the easement does not exceed five feet (5').

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 RESERVED FOR FUTURE USE.

§158.06 DIVISION OF ZONING LOTS.

No improved zoning lot shall hereafter be divided into two (2) 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.

§158.07 RESERVED FOR FUTURE USE

GENERAL USE REGULATIONS

§158.08 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.

§158.09 PROHIBITED USE OF LAND OR BUILDINGS.

No building or tract of land shall be devoted to any use other than one (1) 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 ninety (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.

§158.10 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.

§158.11 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 non-conforming 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 fifty percent (50%) 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 thirty (30) days or more and any nonconforming use of a building or structure which is discontinued for a period of one hundred and eighty (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.

§158.12 ACCESSORY STRUCTURES AND USES.

(A) **Special Regulations:**

- (1) **Decorative and Recreational Structure:** Gazebos, pergolas, sport courts, and similar decorative or recreational structures are deemed accessory structures and shall comply with the provisions of this Chapter. *See Accessory Structure Zoning Diagram.*
- (2) **Location:** All residential accessory structures shall be located not less than ten (10) feet from the principle structure.

Exceptions:

- (i) A walled accessory structure location may be reduced from the required ten (10) foot separation to not less than five (5) feet provided a minimum of one (1) hour rated assembly is installed on the wall of the accessory building that faces the principle building, any projections such as an eave or similar construction element shall not be located nor any closer than three (3) from eave to eave and the area shall be rated at one (1) hour and there shall be no opening in walls. This applies to detached storage buildings, detached garages and similar structures as determined by the Building Inspector or the Building and Zoning Official.
 - (ii) A pergola, gazebo and other similar structures are exempt from the ten foot separation requirement between the principle building subject to the approval from the building inspector and or the building and zoning official.
- (3) **Materials:** Accessory residential structures such as a shed, garage or similar structure as determined by the Building Inspector or Building and Zoning Official shall be constructed of wood products and or similar materials exclusive of the roof. The finished exterior surface shall be compatible with the principal structure. Compatible refers to the color, material and style as determined by the Building Inspector or the Building and Zoning Official.
- (4) **Storage Facility/Shed:** Accessory storage structures, other than garages, shall not exceed one-hundred and fifty (150) square feet in gross floor area if accessory to a residential use, and be limited to one (1) in number per lot. All storage facility/shed shall be installed on a concrete base of no less than four inches (4") thick along with four inches (4") compacted gravel base and be permanently anchored at all corners. A storage facility shall not contain any living accommoda-

tions or equipment, such as cooking or sleeping facilities, and shall not be equipped with plumbing. Heating and lighting are permissible. Every Storage Facility/Shed shall have a finished exterior surface compatible with the principal structure. See *Accessory Structure Zoning Diagram*.

(a) **Location:**

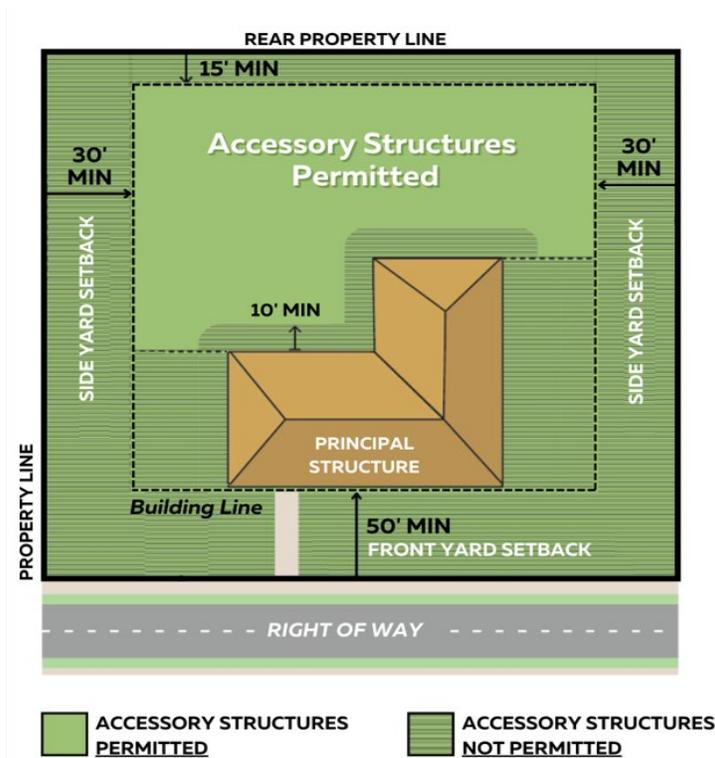
(i) **Storage Facility/Shed** shall be located in the rear yard not less than fifteen feet (15') from the rear property line and not less than ten (10') from the Principal Structure, or the distance required by any applicable fire or building code, whichever is greater.

(ii) **Storage Facility/Shed** are not permitted in:

- Front Yards
- Side Yards
- Corner Side Yards; or
- Any Easement Area

Example Zoning Diagram for Accessory Structures in an R-1 Interior Lot

**Diagram is general and does not necessarily include site specific requirements.*

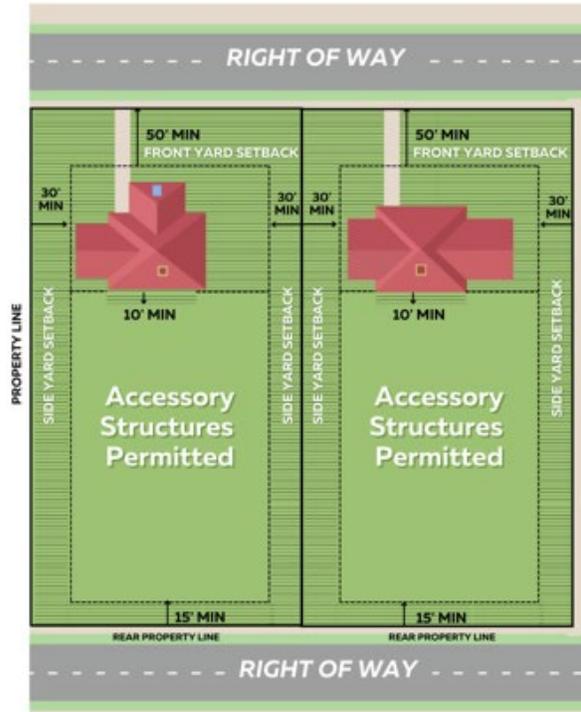


Example Zoning Diagram for Accessory Structures in an R-1 Dual Lot

**Diagram is general and does not necessarily include site specific requirements.*

DUAL FRONTAGE LOT
ACCESSORY STRUCTURE EXAMPLE DIAGRAM

- ACCESSORY STRUCTURES PERMITTED**
- ACCESSORY STRUCTURES NOT PERMITTED**



- (5) **Garage:** Total garage spaces, whether attached or detached, shall not exceed the number of finished bedrooms in the principal structure. No detached garage shall contain any sleeping or cooking facility. No garage shall be permitted without a paved asphalt or concrete driveway surface leading to such from the roadway right of way. Garage shall have a finished exterior surface compatible with the principal structure. Detached garages are deemed accessory structures and shall comply with the provisions of this Chapter. *See Accessory Structure Zoning Diagram.*
- (6) **Garage/Storage Area Criteria:**
- (a) A one (1) car garage is based on the size of the overhead door which is typically nine feet (9'). An allotment of a three-foot (3') area is allowed on each side of the vehicle to allow for entrance and exit. This will allow the width of the garage to expand an additional three feet (3') on each side which then limits the vehicle area to fifteen feet (15') in width. The depth of a garage shall be calculated at twenty-six feet (26') or the actual depth, whichever is less.
 - (b) A two (2) car garage is based on the size of the overhead door which is typically sixteen feet (16') wide or two one car overhead doors of nine feet each with a small wall between them of no greater than three (3) feet. An allotment of three feet (3') area is allowed on each side of the vehicle to allow for entrance and exit. This will allow the width of the garage to expand an additional three feet (3') on each side which then limits the vehicle area to twenty-two feet (22'). The depth of a garage shall be calculated at twenty-six feet (26') or the actual depth, whichever is less.
 - (c) The remaining square footage beyond this is considered storage which shall not exceed one hundred and eighty-two square feet (182'). Detached garages shall be limited to one (1) per lot which contains a principal building.

- (d) Garages larger than two (2) car garages or have different dimensions shall be reviewed by the Building and Zoning Official for compliance based on the above criteria.
- (7) **Amateur (HAM) Radio Antennas:** is the use of the radio frequency spectrum for purposes of non-commercial exchange of messages. 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) **Ground-mounted Satellite Dish Antennas:** are deemed accessory structures and shall comply with the provisions of this Chapter.
- (9) **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 thirty (30) days within any twelve (12) month period. All temporary structures shall require a permit issued by the Building and Zoning Official unless it is for an event less than seventy-two (72) hours at a single-family home. Certain temporary structures are prohibited, specifically, carports and any structure with non-rigid walls or roof such as tarps, canvases, or similar coverings.
- (10) **Ground mounted Wind Turbine:** Ground mounted wind turbine(s) are prohibited in all zoning districts.
- (11) **Height;** No part of any accessory structure or any attachment or appurtenance thereto shall exceed fifteen feet (15’) in height above the lowest point of the grade at the base of the structure.
- (12) **Maximum Lot Coverage:** The total lot coverage of all accessory structures or uses shall not exceed five percent (5%) of the total area of the zoning lot.
- (13) **Variance:** The above regulations shall be applicable to accessory structures and uses unless modified by a variance approved in accordance with this Code.

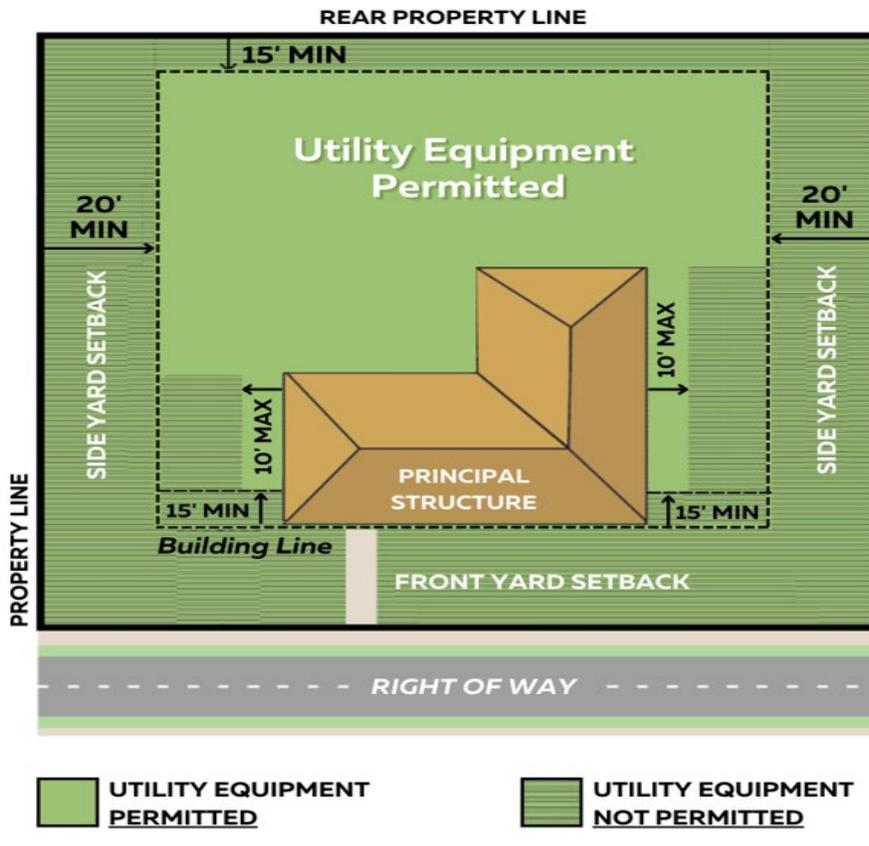
§158.13 UTILITY EQUIPMENT.

- (A) **Air Conditioning Units and Standby Generators:** Air conditioning units and Standby Generators shall not be permitted in the front yard or corner side yard. 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. Such air conditioning units may also be replaced and be located within the same footprint, as determined by the Building and Zoning Official, in their sole discretion. The following criteria shall be followed:
- (1) Utility equipment shall be located no greater than ten feet (10’) from the principal building in the side yard. A side yard setback for all utility equipment shall be no less than twenty feet (20’) to the property line.
- (2) The location shall be a minimum setback of fifteen feet (15’) from the front building line.

- (3) The rear yard setback shall be a minimum of fifteen feet (15') from the rear property line and not located on an easement.
- (4) Utility equipment located in the side yard or visible from the front yard shall be screened from visibility and be in compliance with the clearances as noted from the manufacturer.
- (5) The height of all units shall not exceed four feet (4') in height from grade.
- (6) All permit applications shall include the plat of survey with dimensions from the unit to the building and to all property lines. Provide a copy of the manufacturer's specifications and installation guidelines.
- (7) 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.
- (8) When a conflict between the manufacturer and the building code exists the building code shall be the standard followed unless the building official determines otherwise based on testing studies.
- (9) Utility equipment shall not be located in easements, detention facilities or drainage swales.

See Example Zoning Diagram that follows.

Example Zoning Diagram for Utility Equipment in an R-1 Interior Lot
**Diagram is general and does not necessarily include site specific requirements.*



- (B) **Roof Mounted Wind Turbines:** are prohibited in all zoning districts.
- (C) **Variance:** The following regulations shall be applicable to utility equipment unless modified by a variance approved in accordance with this code.

§158.14 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 §158.52 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**
 - (i) **Location:** Building Mounted systems are permitted in the following locations:
 - Principle structures only. Solar collection panels shall be allowed on the roof of only the principal 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.
 - (ii) **Orientation:** Panels shall be orientated to maximize solar access.
 - (iii) **Height:** Height is measured from the roof surface, on which the solar collection device is mounted, to the highest edge of the system.
 - 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.
 - 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.

- (iv) **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.
- (v) **Roof Access:** Building mounted solar energy systems shall allow for adequate roof access for fire-fighting purposes per the International Fire Code.
- (vi) **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.
 - (i) Such easements may be purchased, reserved, granted, or otherwise obtained.
 - (ii) Adverse possession cannot create such an easement.
 - (iii) 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 exist 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

- (a) 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
 - (b) 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 §158.99 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.

§158.15 ELECTRIC VEHICLE SYSTEMS (EV).

(A) **DEFINITIONS**

CHARGING LEVEL: The standardized indicators of electrical force, or voltage at which an electric vehicle's battery is recharged. Typical electric vehicle charging levels and specifications are:

Level 1: AC slow battery charging. The charging station delivers electric power to a vehicle's charging module which converts the AC power to DC power and delivers it to the battery. The voltage is one hundred twenty (120) volts.

Level 2: AC medium battery charging. The charging station delivers electric power to a vehicle's charging module which converts the AC power to DC power and delivers it to the battery. Voltage is between two hundred eight (208) volts for commercial use and two hundred forty (240) volts for residential use.

Level 3: DC fast or quick battery charging. Sometimes referred to as "DC fast". The charging station bypasses a vehicle's on-board charger to directly deliver electricity to the vehicle's high voltage battery. Voltage is equal to, or greater than four hundred eighty (480) volts.

CHARGING STATION: Equipment that has as its primary purpose, the transfer of electric energy by conductive or inductive means to a battery or other energy storage device located onboard an electric vehicle. Various types of charging stations include:

ACCESSIBLE CHARGING STATION: A charging station incorporated into or immediately adjacent to a handicapped parking space as "handicapped parking space" is defined by the Illinois Vehicle Code.

PRIVATE CHARGING STATION: A charging station that is:

- (1) privately owned and has restricted access (e.g., single-family home, executive parking, designated employee parking, etc.)

or

- (2) publicly owned and has restricted access (e.g., fleet parking with no access to the general public).

PUBLIC CHARGING STATION: A charging station that is: 1) publicly owned and publicly available (e.g., park and ride, public parking lots, on street parking, etc.), or 2) privately owned and publicly available (e.g., shopping center parking, non-reserved parking in multi-family parking lots, etc.).

CHARGING STATION EQUIPMENT: The conductors, including ungrounded and grounded, and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, charging stations or apparatus installed specifically for the purpose of delivering electrical energy from the charging station to the electric vehicle.

CHARGING STATION SPACE: A dedicated, marked space that identifies the use thereof as exclusively for the charging of electric vehicles.

ELECTRIC VEHICLE (EV) CAPABLE: Install electrical panel capacity with a dedicated branch circuit and a continuous raceway from the panel to the future EV parking spot(s).

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EV) READY: Install electrical panel capacity and raceway with conduit to terminate in a junction box or 240-volt charging outlet.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE) INSTALLED: Install minimum number of Level 2 charging stations.

VEHICLE, BATTERY ELECTRIC (BEV): An electric vehicle with an onboard battery that operates exclusively on electrical energy from the battery which battery is charged from an electrical power source (charging station) not onboard the vehicle. No tailpipe emissions are produced.

VEHICLE, ELECTRIC: A vehicle that operates, either partially or exclusively, on electrical energy from a charging station or other electrical energy source that is stored in the vehicle's battery for propulsion purposes. "Electric vehicle" includes: a) a battery electric vehicle; b) a plug-in hybrid electric vehicle; c) a neighborhood electric vehicle; and d) electric scooters or motorcycles.

VEHICLE, ELECTRIC SCOOTERS AND/OR MOTORCYCLES: A two-wheel or three-wheel electric vehicle that operates exclusively on electrical energy stored in the vehicle's batteries.

VEHICLE, NEIGHBORHOOD ELECTRIC: An electric vehicle with four (4) wheels that conforms to federal regulations under title 49 CFR part 571.500, which can from a standstill attain a speed of twenty (20) miles per hour within one (1) mile but cannot exceed a speed of more than twenty-five (25) miles per hour.

VEHICLE, NONELECTRIC: A vehicle that does not meet the definition of "electric vehicle," as provided herein.

VEHICLE, PLUG-IN HYBRID ELECTRIC (PHEV): An electric vehicle that:

- (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; and
- (2) charges its battery primarily by connecting to a charging station or other electrical source not onboard the vehicle;

- (3) may additionally be able to sustain a battery charge using an onboard internal combustion driven generator; and
- (4) has the ability to be propelled through the use of electricity.

(B) **ELECTRIC VEHICLE PARKING.**

Purpose: The intent of this section is to remove barriers to the use of electric vehicles, expedite and promote the development of safe, convenient, and cost-effective electric vehicle infrastructure to support the use of electric vehicles, and protect the environment by reducing vehicle emissions.

(1) **Permitted Locations:**

(a) **Retail Charging, Accessory Use:**

- (i) **Level 1 and Level 2 Charging Stations:** Level 1 and level 2 charging stations are permitted in every zoning district, when accessory to the primary permitted use of said district. Charging stations located at single-family and multiple-family dwellings shall be designated as private use only. Installation of charging stations shall be subject to permit approval. All necessary permits must be obtained prior to the installation of any charging station.
- (ii) **Level 3 (DC Fast) Charging Stations:** Level 3 (DC fast) charging stations are permitted only in Public Land Districts (PL), Planned Development District (PD) or as approved by the Village Administrators when accessory to the primary permitted use. All necessary building and electrical permits must be obtained prior to the installation of any charging station. The installation thereof shall be subject to permit approval.

- (b) **Retail Charging Primary Use:** If the primary use of a parcel is the retail charging of electric vehicle batteries, then the use shall be considered an EV Charging Station Establishment for zoning purposes. This will require a Special Use Permit.

(C) **STATION REQUIREMENTS AND DESIGN CRITERIA:**

(1) **Charging Station Space Requirements:**

- (a) **Minimum Requirements:** A charging station space may be included in the calculation for minimum parking spaces that are required pursuant to other village and state regulations; however, the designation of a parking space exclusively for use by electric vehicles shall not have a negative impact on the parking demand within the village. The Village Administrator or their designee may require the removal of this exclusive designation if, in their sole discretion, said designation creates any parking issues within the village.

- (b) **Number:** A minimum of one charging station space(s) is required.

(2) **Charging Station Space Location and Design Criteria:** Where provided, spaces for charging station purposes are required to include the following:

- (a) **Maintenance:** Charging station equipment, bollards and parking spaces shall be maintained in all respects. The property owner of the equipment shall be responsible for the maintenance of the charging station and shall provide warranty and service for the charging stations and infrastructure for the duration of their useful life. A phone number or other contact information shall be provided on the charging station equipment for reporting purposes when the

equipment is not functioning, or other equipment problems are encountered. The sign shall be limited (similar to a gas pump) not to exceed 2 square feet in size. An electronic sign is permitted.

- (b) **Accessibility:** Where charging station equipment is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the charging station equipment shall be located so as not to interfere with accessibility requirements of the Illinois Accessibility Code or other applicable accessibility standards.
 - (c) **Lighting:** Where charging station equipment is installed, adequate site lighting shall be provided in accordance with village ordinances and regulations or as approved by the Village Administrator or their designee.
 - (d) **Charging Station Equipment:** Charging station outlets and connector devices shall be no less than thirty-six inches (36") and no higher than forty-eight inches (48") from the ground or pavement surface where mounted, and shall contain a retraction device and/or a place to hang permanent cords and connectors a sufficient and safe distance above the ground or pavement surface. Equipment shall be mounted on pedestals and located as to not impede pedestrian travel or create trip hazards on sidewalks. The overall height of a charging station shall not exceed six feet (6') from grade.
 - (e) **Charging Station Equipment Protection:** Adequate charging station equipment protection, such as barrier curbing, concrete filled steel bollards, or similar shall be used as approved by the village.
 - (f) **Usage Fees:** An owner of a charging station is not prohibited from collecting a fee for the use of a charging station, in accordance with applicable state and federal regulations. Fees shall be prominently displayed on the charging station.
 - (g) **Notification:** Information shall be provided on the charging station via a monitor or sign, identifying voltage and amperage levels and time of use, fees, or safety information.
 - (h) **Location:** Electric vehicle charging station equipment shall comply with landscaped requirements, if applicable. When located within a parking lot, electric vehicle charging station equipment shall be centrally located between parking spaces to avoid vehicle conflicts.
 - (i) **Pavement Marking:** Any and all pavement markings shall be in compliance with Illinois Vehicle Code. Any and all pavement markings shall be the color white or yellow and shall match the color used for all other parking stalls. No additional stencil will be permitted. All accessible parking areas shall be in compliance with the Illinois Accessibility Code or other applicable accessibility standards.
- (3) **Data Collection:** To allow for maintenance and notification, the village shall require the owners of public charging stations to provide information on the charging station's geographic location, date of installation, equipment type and model, and owner contact information to the Village Administrator or their designee.

(D) QUANTITY AND LOCATION REQUIREMENTS:

- (1) **Residential:** In order to proactively plan for and accommodate the anticipated growth in market

demand for electric vehicles, all new attached and detached single-family homes shall be EV capable. The location of the junction box shall be in the garage and shall be capable of at a minimum of a 220-240 volt/40-amp. The building official has the capability of approving a different location if the garage location is not possible.

- (2) New multiple-family homes, apartments, and condos with garages shall be constructed EV capable to provide a 220-240 volt/40-amp inside outlet on a dedicated circuit in close proximity to designated vehicle parking to accommodate the potential future hardwire installation of a level 2 charging station. The amperage and voltage can be adjusted based on the manufacturers equipment if approved by the Building Official.
- (3) **Nonresidential:** In order to proactively plan for and accommodate the anticipated future growth in market demand for electric vehicles; all new and expanded nonresidential development parking areas be EV capable to provide the electrical capacity necessary to accommodate the future hardwire installation of level 2 charging stations. It is required that a parking lot shall provide at a minimum ratio of two percent (2%) of the total parking spaces prepared for such stations, but not less than one (1) space per parking lot.
- (3) **Accessible Charging Stations:** Any location where electric vehicle charging stations are installed shall be required to have at least one (1) parking space equipped with an accessible charging station. Accessible charging stations should be located in close proximity to the building or facility entrance and shall be connected to a barrier-free accessible route of travel to and from the building or facility. It is not necessary to designate the accessible charging station exclusively for the use of disabled persons. Accessible charging stations shall be maintained in compliance with the Americans with Disability Acts of 1990, 42 U.S.C. § 12101 and all applicable state and federal laws.

(E) SIGNAGE:

- (1) All electric vehicle charging stations shall comply with all village sign regulations with respect to electric vehicle charging station signage only, it shall not exceed two (2) square feet in gross surface area for each exposed face, nor exceed an aggregate gross surface area of four (4) square feet unless approved by the Village Administrator. Electronic signage is allowed provided it is approved by the Building Official.
- (2) The height of a charging station shall not exceed six feet (6') from grade unless approved by the Village Administrator.
- (3) Each charging station space shall be posted with signage indicating days and hours of operation if time limits or tow away provisions are to be enforced.

§158.16 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 of Trustees, provided that no application for a special use shall be acted upon by the Village Board of Trustees until after:

- (1) A written report is prepared and forwarded to the Village Board of Trustees by the Planning and Zoning 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 Planning and Zoning Commission and its finding and recommendations are forwarded to the Village Board of Trustees.
- (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 Planning and Zoning Commission. The Building and Zoning Department 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 of Trustees 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 Planning and Zoning Commission and approved by the Village Board of Trustees 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 Planning and Zoning Commission may recommend, and the Village Board of Trustees 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.

§158.17 YARDS; PERMITTED OBSTRUCTIONS.

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

OBSTRUCTION TYPE	Front Yard Set-back	Side Yard Set-back	Rear Yard Set-back
Arbors/Trellises per Chapter 151			
Awnings	Up to 20%	Up to 20%	Not Allowed
Bay Windows	Up to 36 Inches	Up to 36 Inches	Up to 36 Inches
Chimneys	Not Allowed	Up to 36 Inches	Up to 36 Inches
Driveways	Allowed	Not less than 5 feet	Not Allowed
Eaves	Up to 60 inches	Up to 24 inches	Up to 24 Inches
Fences per Chapter 151			
Open Terrace	UP to 20%	Up to 20%	Not Allowed
Sheds/Storage Facilities see Accessory Buildings section 158.12 – Does not include garages			

Sidewalks	Up to 20%	Up to 20%	Not Allowed
Walkways	Up to 20%	Up to 20%	Not Allowed

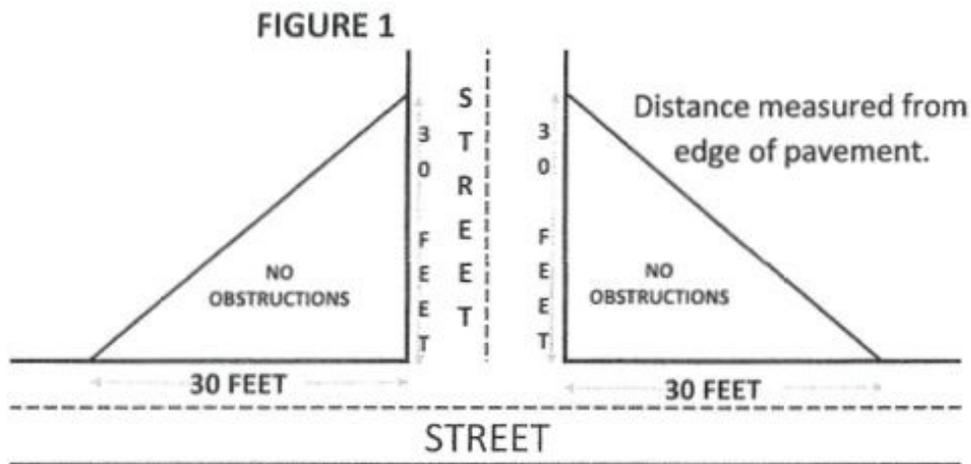
§158.18 YARDS; GENERAL REQUIREMENTS.

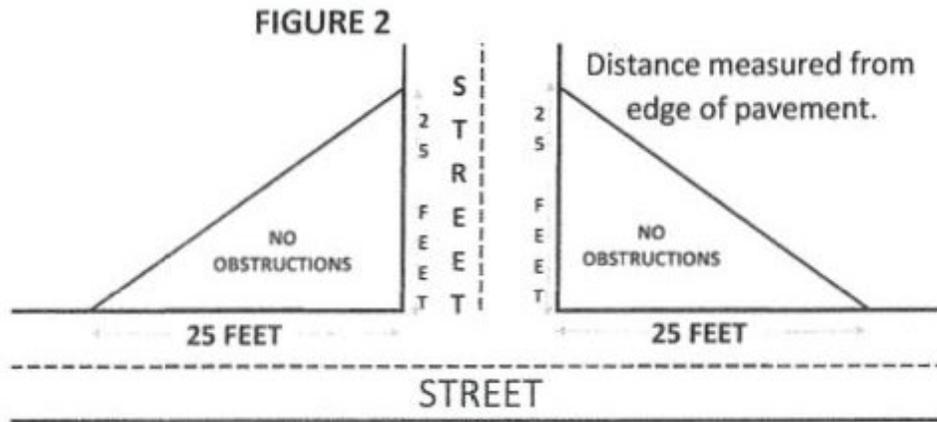
- (A) The minimum yard space required for one (1) structure shall not again be considered as yard space for other adjoining structures.
- (B) No lot shall be reduced in area so that the yards or other open spaces become less than required by this Chapter.

§158.19 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 one (1), shall be maintained at all intersections and points for vehicular egress along the following roads: Ela Road, 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 two (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 one (1) or two (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





§158.20 RESERVED FOR FUTURE USE

§158.21 RESERVED FOR FUTURE USE

USE DISTRICT REGULATIONS

§158.22 CREATION AND ESTABLISHMENT.

The following use districts are hereby created and established:

- R-1 43,560 square feet Single Family Residential
- R-1a Hillcrest Road Overlay District
- R-2 80,000 square feet Single Family Residential
- PD Planned Development
- PL Public Lands District

§158.23 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 needs to be published. Any person desiring a copy of such map, which shall be the Official Zoning Map, may purchase a copy from the Village Office or can be located on the Village Website.

§158.24 ANNEXED TERRITORY.

Any additions to the incorporated area of the Village shall be automatically classified as R-1 forty-three thousand-five hundred and sixty (43,560) square feet Single-Family Residential District.

§158.25 ALTERNATIVE ZONING.

Where any land area is shown on either the official zoning map or the master plan of the Village to have two (2)

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.

§158.26 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 (5) 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) **Prohibited home occupations:**
 - (a) Any wholesale or retail business unless conducted entirely by mail, telephone, or online sales, 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 their private dwelling.
- (5) Permitted home occupations shall be carried on only by members of the family within 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) Garage and yard sales shall be permitted in residential districts provided:

- (a) the maximum number of garage and/or yard sales per residence per year shall be two and
- (b) 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 and objects: Trailers, car ports, mobile homes or temporary residential structures are prohibited in all districts. Including but not limited to the following storage of commercial vehicles, boats, snowmobiles, jet skis, off-road vehicles, inoperable vehicles, unregistered vehicles, lawn tractor, recreational vehicles, campers, trailers or construction equipment and/or materials outside a garage or building for any period of time are also prohibited. Exception: boats, jet skis, snowmobiles, campers and RV's including the trailer (non-commercial) of which they rest on are allowed on a residential driveway (provided they are parked on private property) for the purpose of loading and unloading for a period not to exceed forty-eight (48) hours.

All vehicles or trailers for recreational (non-commercial) use parked or stored outdoors on a residentially zoned property must comply with the following regulations:

- (a) Shall not be used for living, sleeping, or storage;
- (b) Shall not exceed the maximum size limitations:
 - (i) Thirty (30) feet long;
 - (ii) Eight (8) feet wide;
 - (iii) Ten (10) Feet tall;
- (c) Wheels must be affixed and parked on a hard, impervious surface (concrete, asphalt, paver, etc);
- (d) Shall not encroach into right-of-way or hang over a sidewalk;
- (e) Shall not obstruct the line of sight for pedestrian or vehicular traffic;
(amd. O25-18, 11-20-25)

(C) Church/Places of worship: Church/Places of worship shall be governed by the following regulations:

- (1) Church/Places of worship may be constructed only upon land containing a minimum acreage of three (3) acres plus two (2) acres for each one thousand (1,000) square feet of the floor area of the church building in excess of two thousand (2,000) square feet.
- (2) Church/Places of worship building shall contain a minimum of two thousand (2,000) square feet.
- (3) Parking areas for the church/places of worship 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 (1) space for each five (5) seats contained in the church/places of worship.
- (4) Every church/places of worship shall be set back from the property line a minimum of one hundred feet (100'), each side yard shall be a minimum of seventy-five feet (75'), the minimum frontage of the land upon which the church/places of worship is contained shall be two hundred feet (200') and the rear yard shall be not less than one hundred feet (100') from the rear of the church to the rear lot line.

(D) **Ground Mounted Antennas and Towers:** The following regulations shall apply to all 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 for Antennas and Towers:
 - (a) Front Yard Setback – Not Allowed in the front yard.
 - (b) Corner Side Yard – Not Allowed in the corner side yard.
 - (c) Side Yard Setback – The minimum required side yard setback of thirty feet (30') plus one foot (1') for every foot of height above thirty feet (30') of the antenna or tower. The location shall be a minimum setback of 15 feet from the front building line.
 - (d) Rear Yard Setback – The minimum required rear yard setback of forty feet (40') plus one foot (1') for every foot of height above forty feet (40') of the antenna or tower.
- (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 four-foot (4') high fence with locked gate shall be erected around any tower or antenna exceeding ten feet (10') in height. No portion of the integral ladder constructed within a tower or antenna shall be located lower than twelve feet (12') above grade.
- (4) No Antenna or tower shall exceed forty-five feet (45') in height from finished grade from the base of the structure.
- (5) All satellite dish antennas, which in residential districts shall not exceed three feet (3') in diameter, shall not be located on the front or side roof of the principal structure, and be located at the lowest feasible portion of rear roof plane. No satellite dish antenna over three feet (3') in diameter shall be installed on a roof in a residential district. No more than two (2) satellite dish antennas are allowed on the principal structure. No satellite dish antenna shall be located on an accessory structure as defined by this code and/or building code.
- (6) The noise generated by any tower or antenna shall be limited to a level which at the property line is approximately zero decibels or as approved by the Village Administrator and or the Building and Zoning Official.
- (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 fifteen feet (15') in height, a maintenance inspection of all exposed metal components shall be performed not less than every five (5) years by a registered architect or structural engineer, with a copy of the inspection report filed with the Building and Zoning Department.
- (8) Any tower or antenna containing exposed metal components 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:

- (2) 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;
- (3) For rental to existing Village residents who have been displaced from their regular dwelling unit due to damage, repair or renovations;
- (4) For the provision of overnight lodging to guests of existing Village residents other than the owner of the Short-Term Rental Property; or
- (5) 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.

§158.27 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 forty-three thousand-five hundred and sixty (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. In R-1 zoning district, every structure hereafter erected or structurally altered shall be located on a lot or zoning lot, and there shall be not more than one (1) principal building thereon. 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.
- (8) Community Residences

(B) Special Uses:

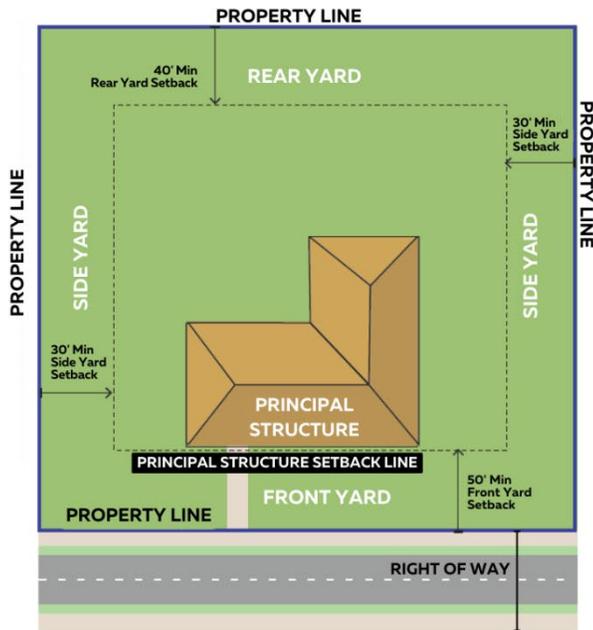
- (1) Utility and public uses where specifically regulated by franchise granted to or contract with the particular utility or public service by the Village Board of Trustees.

- (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) Church/Places of Worship.
 - (4) Antennas, and Towers.
 - (5) Country clubs.
 - (6) Golf courses.
- (C) **Lot Area:** There shall be not less than forty-three thousand-five hundred and sixty (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 (2 1/2) stories above a basement story or thirty-five feet (35'), whichever is lower.
- (E) **Dwelling Standards:** One (1) story dwelling shall have a total habitable ground floor area of not less than one thousand-two hundred (1,200) square feet. Dwellings having more than one story shall have not less than nine hundred (900) square feet of habitable ground floor area nor less than one thousand-five hundred (1,500) square feet of total habitable floor area.
- (F) **Frontage:** No lot shall have a frontage of less than seventy-five feet (75') nor an average lot width of less than one hundred and fifty feet (150').
- (G) **Front Yard Setback:** There shall be a front yard of not less than fifty feet (50').
- (H) **Side Yard Setback(s):** There shall be two side yards, each of which shall be not less than thirty feet (30'). On the corner lots the total width of the corner side yard and side yard shall be sufficient to maintain a buildable width of at least forty-five feet (45').
- (I) **Rear Yard Setback:** There shall be a rear yard of not less than forty feet (40').

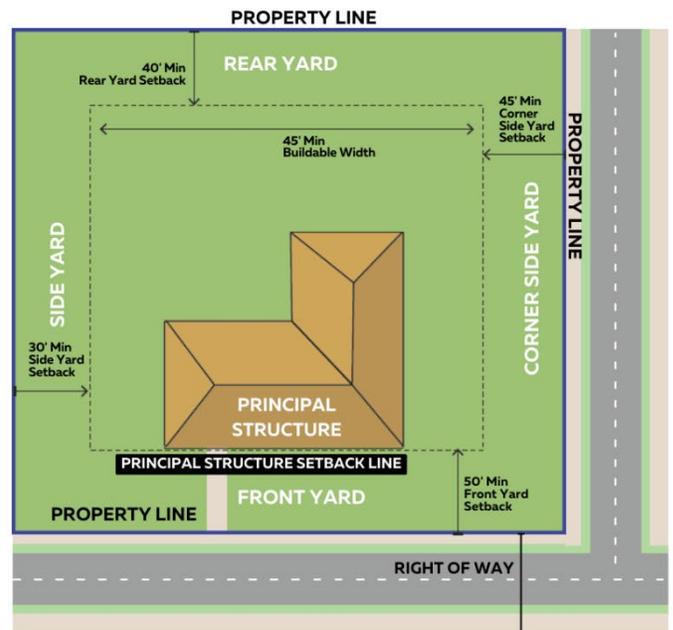
R-1 MINIMUM SETBACK REQUIREMENTS FOR PRINCIPAL STRUCTURE

<i>Zoning District</i>	R-1 – Single Family Residential District	
	Interior Lot	Corner Lot
<i>Lot Type</i>		
<i>Front Setback</i>	50'	50'
<i>Side Setback</i>	30'	30'
<i>Corner Side Setback</i>	-	45'
<i>Rear Setback</i>	40'	40'

**R-1 INTERIOR LOT
PRINCIPAL STRUCTURE SETBACKS**



**R-1 CORNER LOT
PRINCIPAL STRUCTURE SETBACKS**



Graphics depict minimum setback requirements for Principal Structures in the R-1 District based on Lot Type.

§158.28 R-1a 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 forty-three thousand-five hundred and sixty (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. In R-1a zoning district, every structure hereafter erected or structurally altered shall be located on a lot or zoning lot, and there shall be not more than one (1) principal building thereon.
- (F) **Floor Area Ratio:** The maximum floor area ratio for a single-family residence shall be point four (0.4).
- (G) **Yards:** The minimum side yard for yards adjacent to another lot shall be five feet (5'). The minimum side yard for yards adjacent to a street shall be ten feet (10'). The minimum front and rear yards shall be twenty feet (20').
- (H) **Existing Improvements:** All existing improvements on the property shall be treated as legal nonconforming uses. Any additions or remodeling to the existing improvements shall not require a zoning permit so long as the applicable yard requirements are satisfied.

§158.29 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 eighty thousand (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. In R-2 zoning district, every structure hereafter erected or structurally altered shall be located on a lot or zoning lot, and there shall be not more than one (1) principal building thereon. 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.
- (8) Community Residences

(B) Special Uses:

- (1) Utility and public uses where specifically regulated by franchise granted to or contract with the

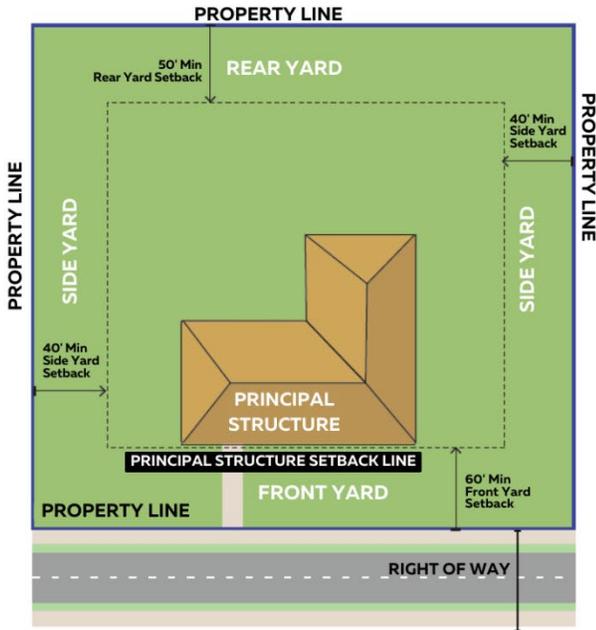
particular utility or public service by the Village Board.

- (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) Church/Places of worship.
 - (4) Antennas, and Towers.
 - (5) Country clubs.
 - (6) Golf courses.
- (C) **Lot Area:** There shall be not less than eighty thousand (80,000) square feet of lot area per dwelling unit. The area shall include the land lying within one-half (1/2) 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 (2 ½) stories above a basement story or thirty-five feet (35') whichever is lower.
- (E) **Dwelling Standards:** One-story dwellings shall have a total habitable ground floor area of not less than one thousand-two hundred (1,200) square feet. Dwellings having more than one story shall have not less than nine hundred (900) square feet of habitable ground floor area nor less than one thousand-five hundred (1,500) square feet of total habitable floor area.
- (F) **Frontage:** No lot shall have a frontage of less than one hundred and fifty feet (150') nor an average lot width of less than two hundred feet (200').
- (G) **Front Yard Setback:** There shall be a front yard of not less than sixty feet (60').
- (H) **Side Yard Setback(s):** There shall be two (2) side yards, each of which shall be not less than forty feet (40'). 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 fifty-five feet (55'). No accessory building shall project beyond the yard line on either street.
- (I) **Rear Yard Setback:** There shall be a rear yard of not less than fifty feet (50').

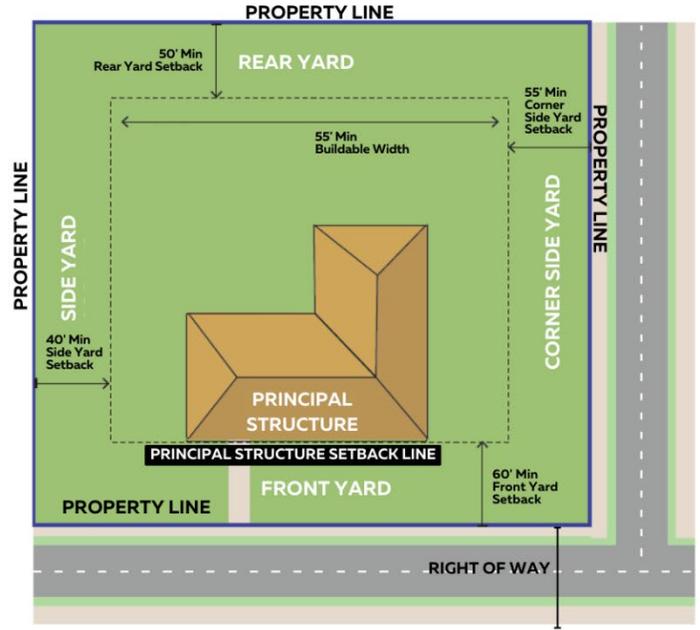
R-2 MINIMUM SETBACK REQUIREMENTS FOR PRINCIPAL STRUCTURE

<i>Zoning District</i>	R-2 – Single Family Residential District	
<i>Lot Type</i>	Interior Lot	Corner Lot
<i>Front Setback</i>	60'	60'
<i>Side Setback</i>	40'	40'
<i>Corner Side Setback</i>	-	55'
<i>Rear Setback</i>	50'	50'

**R-2 INTERIOR LOT
PRINCIPAL STRUCTURE SETBACKS**



**R-2 CORNER LOT
PRINCIPAL STRUCTURE SETBACKS**



Graphics depict minimum setback requirements for Principal Structures in the R-2 District based on Lot Type.

§158.30 PD PLANNED DEVELOPMENT DISTRICT.

The PD 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 PD Planned Development District:

(A) Permitted Uses:

- (1) Antique shops.
- (2) Art supply stores including picture framing conducted on the premises for retail trade.
- (3) Athletic and health clubs.
- (4) Bakeries, where all goods are sold on the premises at retail.
- (5) Banks and financial institutions (including drive-in facilities).
- (6) Barber shops and beauty parlors.
- (7) Bicycle sales, rental and repairs.
- (8) Book or stationery stores.
- (9) Business, music, dance or commercial schools.
- (10) Camera and photographic supply stores.
- (11) Carpet, rug and tile stores.
- (12) Catering establishments.
- (13) Department, furniture and home appliance stores.
- (14) Drapery and fabric stores.
- (15) Dressmaking establishments.
- (16) Drug stores.

- (17) 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.
- (18) Electrical appliance shops and repair.
- (19) Employment agencies.
- (20) Florist shops and greenhouses for retail trade only.
- (21) Food stores and supermarkets.
- (22) Furrier shop.
- (23) Garden supply and seed stores.
- (24) Gift shops.
- (25) Hardware store.
- (26) Hobby and handicraft shops.
- (27) Interior decorating shops.
- (28) Jewelry stores, including watch repair.
- (29) Leather goods and luggage stores.
- (30) Meat markets or poultry stores, if no slaughter or stripping is involved; delicatessens and specialty food stores.
- (31) Medical and dental clinics.
- (32) Music stores, including sheet music and phonograph record sales and instrument sales and repairs.
- (33) Optician and optical goods stores.
- (34) Paint and wallpaper stores.
- (35) Pet shop when conducted wholly within an enclosed building.
- (36) Photographers or artists' studios, including development and printing of photographs, when conducted on the premises as part of the retail business.
- (37) Professional or service offices.
- (38) Radio broadcasting station.
- (39) Rental agencies.
- (40) Restaurants, but not including drive-through.
- (41) Retail stores and services
- (42) Shoe repair shops.
- (43) Single family detached dwellings and attached multi-family dwellings but only as part of a mixed use planned development. With the following exceptions: No residential uses will be allowed within the TIF District.
- (44) Sporting goods stores.
- (45) Tailor and dressmaking shops.
- (46) Temporary building incidental only to construction of a permitted use.
- (47) Tobacco shops.
- (48) Toy stores.
- (49) Travel bureaus.
- (50) Wholesale establishments excluding any building for which the principal use is storage warehousing.
- (51) Bowling alleys, billiard parlors, miniature golf links, swimming pools, tennis courts, and other like facilities.
- (52) 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.
- (53) 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.

(B) **Special Uses:** The following additional uses are permitted as conditional uses in the PD 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 158.38(A))
- (2) Animal Hospital or Veterinarian Clinic
- (3) Animal Boarding
- (4) Auditoriums.
- (5) 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 ten foot (10') 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 ten foot (10') 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.
- (6) Automobile washing facilities, rollover or conveyor.
- (7) Convenience food stores.
- (8) Fueling / Gas Station Establishment
- (9) EV Charging Station Establishment
- (10) Hotel or motel, including dining and meeting rooms. See 158.30(B)(23)(a)
- (11) Museums.
- (12) Restaurants with drive-through
- (13) Taverns, music/night clubs as part of a mixed use planned development.
- (14) Theaters (in-door only).
- (15) Business parks, comprised of offices, laboratories, showrooms or warehousing and related uses for wholesale and service businesses.
- (16) Church/Places of Worship
- (17) Antennas towers and Wind Turbine.
- (18) Country clubs.
- (19) Golf courses.
- (20) Public uses, including fire station, police station, school, vehicle garages and other governmental uses.
- (21) Standalone drive thru Automated teller machines (ATMs).
- (22) These special uses are subject to the following standards as well as the general standards herein:
 - (a) For a hotel or motel, a minimum lot area of one thousand and five hundred (1,500) square feet per lodging room or a hundred and twenty thousand (120,000) square feet, whichever is greater, and a minimum lot area of eighty thousand (80,000) square feet for other special uses.
 - (b) Any drive-through facility shall provide a sufficient area for a minimum of three (3) vehicular spaces per service window or drawer. However, no drive-through facility shall be allowed for an adult-use cannabis dispensary organization.
 - (c) Direct access to a collector or arterial road designated on the transportation plan section of the Comprehensive Plan.
 - (d) A minimum lot frontage of two hundred and fifty feet (250') and a minimum average lot

width of two hundred and fifty feet (250'), except with respect to special uses referred to in Section (A)(2)(23)(e)) herein below.

- (e) Automobile service stations, automobile washing facilities, convenience food stores, Fueling / Gas Stations, EV Charging Station Establishments and restaurants of the drive-in 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 PD Planned Development District only if:
 - (i) Location of the use is within three hundred feet (300') of the intersection of a regional arterial road and a local arterial road, as is identified in the Comprehensive Plan.
 - (ii) There is a minimum lot area of sixty thousand (60,000) square feet.
 - (iii) A frontage of not less than one hundred and fifty feet (150') nor more than two hundred and fifty feet (250') shall be required. Where the parcel has frontage along two (2) streets, the total frontage shall not be less than three hundred feet (300) feet nor more than six hundred feet (600').
 - (iv) No more than one building shall be permitted per lot, and such building shall have not less than one thousand-two hundred and fifty (1,250) square feet of gross area.
- (f) Business parks shall be permitted in a PD Planned Development 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.

§158.31 MINIMUM DESIGN STANDARDS.

The planned development must meet the following standards. If there is a conflict between standards set forth herein and those found elsewhere in this chapter, the provisions of this chapter shall govern.

- (A) **Comprehensive plan.** A planned unit development and/or Special Use must conform with the intent and spirit of the proposals of the Village Comprehensive Plan. The Village Comprehensive Plan shall be used as a guide to evaluate each proposal on its individual merits and its impact on the plan for the entire development.
- (B) **Ownership.** The planned development shall be under single ownership and/or the unified control of the petitioner.
- (C) **Size.**

- (1) All parcels within the PD District, must be not less than five (5) acres in area.
 - (2) Any proposed development which is comprised of multiple lots shall be consolidated into one lot.
 - (3) All parcels within the PD District shall be processed as Planned Developments. (Note: minimum zoning lot size for properties in the PD District is addressed in the table set forth in Paragraph AA below).
- (D) **Compatibility.** The uses permitted in a planned development must be of a type and so located that there are no undue detrimental effects upon surrounding properties or planned land uses. Criteria for determining compatibility with surrounding properties or planned land uses shall be those applied in Chapter 158.30.
- (E) **Need.** A clear showing of the need should be made, by means of an economic feasibility, land utilization and marketing study.
- (F) **Space between buildings.** The minimum horizontal distance between buildings shall not be less than twenty feet (20'), or equal to the height of any adjacent existing free-standing unattached building, whichever is greater.
- (G) **Building height.** In general, buildings shall not exceed forty-five feet (45') in height from grade as defined in this Chapter or four (4) stories, whichever is less.
- (H) **Building setback.** When parking is not provided in the front yard of a lot or building, the building setback from a publicly dedicated internal road shall not be less than twenty-five (25') and such setback from all other internal private roads shall be determined on a case-by-case basis. The building setback from Rand Road, Quentin Road, Long Grove Road, and Lake-Cook Road shall not be less than one hundred feet (100'). All building setbacks shall be measured from the nearest edge of the right-of-way for the adjacent road established at that time. All other setbacks such as; side yard and rear yards shall be no less than twenty-five feet (25').
- (I) **Parking area setback.** The parking area from publicly dedicated internal roads shall be not less than twenty feet (20'); from Rand Road, Quentin Road, Long Grove Road, and Lake-Cook Road shall not be less than forty feet (40'). All parking setbacks shall be measured from the nearest edge of the right-of-way for the adjacent road established at that time. All other setbacks such as; side yard and rear yards shall be no less than ten feet (10') to allow for drainage.
- (J) **Parking and loading.** Adequate parking and loading spaces shall be provided for any residential development without structured parking and in no event shall the parking be less than that provided for in Chapter 158.33. Any multi-family residential units shall have at least two (2.0) parking spaces per unit to be provided in garages or parking structures; at least point seventy-five (0.75) visitor parking bays per each unit shall be provided for any residential development without structured parking.
- (K) **Screening of Loading Facilities.** All loading areas shall be screened from view by the use of evergreen plant materials or masonry screen walls compatible with the building design. Screen walls shall be softened with climbing vines or shrubs which provide color and texture. Plantings shall totally screen at least seventy-five percent (75%) of any one wall surface within two (2) years of installation.
- (L) **Underground utilities.** All utilities (including electric, telephone, gas and cable) shall be installed underground.

- (M) **Utility meters/transformers.** Wall-mounted utility meters shall not be mounted on the front elevation of a building. Wall-mounted utility meters and ground supported transformers shall be painted to match the nearest building. If visible from residential areas or public rights-of-way, meters and transformers shall be screened by landscaping equal in height to the tallest meter or transformer.
- (N) **Roof-mounted mechanical equipment.** All roof-mounted mechanical equipment including, but not limited to, heating, ventilating and air-conditioning units (HVAC), shall be fully screened from public view on all sides of the building by the roof structure or parapet walls. The heights of the walls or structure shall be at least equal to the heights of the tallest rooftop element installed on the building and shall be designed to blend with and complement the architecture of the building. Mechanical equipment shall not raise the level of noise as measured from the property line.
- (O) **Trash receptacles, vehicle storage or storage of materials and containers.** Trash receptacles, vehicle storage or storage of materials and containers shall be located only in a rear or interior side yard, enclosed by a masonry wall that is compatible with the principal structure and not less than the height of the containers or vehicles, and, for trash receptacles, provided with gates and vehicular access for trash deposition and collection. Where visible from residential areas or public rights-of-way, landscaping shall be installed surrounding the enclosure to soften its appearance. For purposes of this chapter, trash receptacles are not considered prohibited outside storage. Nothing in this division shall be construed as permitting the storage of hazardous or noxious materials, or as permitting the storage of vehicles or materials for periods exceeding twenty-four (24) consecutive hours.
- (P) **Lighting.** Lighting shall be provided as follows:
- (1) **Intent and Purpose.** The purpose of this Ordinance is to protect the health, safety and welfare of the public by recognizing the need for buildings, roadways and sites to be illuminated for safety, security and visibility for pedestrians and motorists balanced against the often-harmful effects associated with the use of outdoor lighting. This Ordinance provides standards for various forms of lighting that will: reduce light pollution and light trespass from light sources onto adjacent properties; enhance customer and employee safety, contribute to improving visibility by required illuminated areas to have uniform light; and curtail the degradation of the nighttime visual environment.
 - (2) **Applicability.** All outdoor lighting installed after the date of effect of this Ordinance shall comply with these requirements. This includes, but is not limited to, new lighting, replacement lighting, or any other lighting whether attached to structures, poles, the earth, or any other location, including lighting installed by a third party. The Village Engineer, or Village designee, may review or inspect any building or site to determine compliance with requirements under this Ordinance. Whenever a person is required to obtain a building permit from the Village, the Applicant shall submit sufficient information to enable the Village Engineer, or Village designee, and/or Plan Commission to determine whether the proposed lighting will comply with this Ordinance.
 - (3) **Off-Street Parking and Site Areas.**
 - (a) All lighting used to illuminate off-street parking and site areas shall be so shielded or otherwise optically controlled so as to provide glare less illumination in such a manner as not to create a nuisance on adjacent property.
 - (b) Off-street parking and site areas with lighting shall limit light spillage onto adjacent property. Maximum horizontal foot-candles as given off by the neighboring property as measured in the following districts shall not exceed:

	Foot Candles	Lux
Single-family Districts	.1	1.0
Multiple-family Residential Districts	.2	2.0
Business Districts	0.5	5.0
Light Industrial Districts	1.0	10.0
Park, School, and Institutional Districts	2.5	25

- (c) All luminaires erected shall not exceed 18' feet above ground level:
 - (i) Shall be full cut off optically control sharp cut-offs, as approved by the Village engineer; and
 - (ii) Shall not be installed with diffusing refractors; and
 - (iii) Shall maintain an average to minimum illumination of 3:1 or less; and
 - (iv) Shall be of translucent materials and not transparent materials, as approved by the Village Engineer.
- (d) All off-street parking and site areas shall be lighted using horizontal foot-candles and uniformity ratios as listed below:

(i) Off-Street Lights

	Multi-family	Industrial	Commercial
Horizontal foot-candles	1.2	1.6	2.0
Uniformity Ratio (Avg/Min)	3:1	3:1	3:1

- (4) **Submittal Requirements.** The following information must be included for all site plan submissions which include any new exterior lighting:
 - (a) **Photometric Plan** showing the location of all outdoor lighting fixtures, including but not limited to freestanding pole fixtures, building mounted and canopy light fixtures on the site and building elevations. A photometric grid overlaid on the proposed site plan (with property boundaries) indicating the light intensity throughout the site (in footcandles). Measurements must be at ground level and shown at a minimum ten feet (10') spacing and extending 10 feet (10') beyond the property line.
 - (b) **Engineering Details** of all proposed lighting fixtures;
 - (c) **Manufacturer Specification Sheets** for the type of fixture being proposed including but not limited to the total lumen output, type of lamp, distribution type, method of shielding and any other details that demonstrate compliance with this Ordinance;
 - (i) Use of proposed fixture; and
 - (ii) Any other information deemed necessary by the Village Engineer, or Village designee, in accordance with the intent and purpose of this Ordinance.

(d) **Walkway and Pedestrian Pathways**

- (i) Wayfinding bollard type lighting units shall be provided at a minimum of seventy-five feet (75') along pathways.

(5) **Other Uses.** For uses not specifically listed in this Ordinance, but determined to be of a type, use, and or intensity that may be harmful to achieving the purpose of this Ordinance, the Village Engineer, or Village designee, depending on the purpose of the lighting, shall classify the lighting into one (1) of the categories noted above. Lighting of a decorative nature will be reviewed on a case-by-case basis. Requirements of this Ordinance may be waived for decorative lighting based on the use, location, and need of the installation.

(6) **Prohibited Outdoor Lighting.** Signs or lights that contain oscillating, rotating, flashing, lasers, intermittent or moving light or lights, except the following:

(a) Signs or lights which give public service information including but not limited to time, weather, date and temperature and multiple message signs with displays that change not more frequently than once every ten (10) seconds.

(b) Illuminated poles supporting business or brand identification signs inside business areas with constant illumination and color and in which the only movement is a slow rotation of the entire body of the sign so as to be visible from all directions.

(c) On premise signs which comply with the multiple message designation.

(7) **Exemptions.** The following are exempt from the lighting requirements of this Ordinance, provided that they have no glare or other harmful effects on adjoining streets or properties:

(a) Holiday Decorations;

(b) Window Displays;

(c) Underwater lighting commonly found in swimming pools and other water features;

(d) Lighting for Public Monuments and Statuary;

(e) Temporary Lighting for theatrical, television, performance areas, construction sites, or other events approved by the Village;

(f) Lighting that is necessary during emergency conditions; and

(g) Decorative yard and/or landscape lighting.

(8) **Definitions.** Definitions and terms used in this Ordinance shall be defined by the Illumination Engineering Society of North America, latest edition.

(9) **Waiver.** Request for a waiver from requirements of this Ordinance may be initiated by written application, which specifically denotes what provisions of this Ordinance relief is being sought. The Application for waiver will be considered and approved by the Plan Commission. The Plan Commission may grant waivers of the requirements of this Ordinance in cases where it is demonstrated that a hardship exists on the property whereby the full requirements of this Ordinance are

impractical to implement. The Plan Commission may impose conditions when approving a written request.

- (10) **Enforcement and Non-Conforming.** All existing luminaire installations used for outdoor lighting that do not presently comply with the requirements of this Ordinance will be considered legal non-conforming. In the event that a cumulative total of fifty percent (50%) or more of the non-conforming luminaires or their supporting structures are changed, replaced (excluding routine maintenance and bulb/driver replacement or equal light output), or relocated, then all of the luminaire installations must be removed and comply with the current requirements of this Ordinance. The Village or Village designee is hereby authorized to inspect luminaries and lighting installations to determine compliance with the applicable provisions of this Ordinance.

(Q) **Landscaping**

(1) **General Landscape Design Principles**

- (a) Landscape improvements should serve to integrate the project to the site, with particular sensitivity to the natural topography, watercourses, and existing vegetation. Preservation of the existing landscape material and landforms should be taken into account, particularly where mature trees are a part of the site. This is of particular importance in cases where specimen trees, groves, or tree lines, or tree-lined watercourses are present.
- (b) Landscape improvements should serve to enhance the appearance of the site, especially as viewed from an adjacent public right-of-way. Effective year-round screening shall be provided to lessen the visual prominence of parking lots, service yards, loading docks, public utility structures, and unsightly appurtenances.
- (c) Innovative landscape design proposals that promote sustainability and that utilize effective on-site stormwater management techniques are encouraged. Thoughtful selection and placement of plant material and groundcovers based on ecological principles are also encouraged.
- (d) The aesthetic aspect of landscape improvements should be considered both at installation and maturity. Groupings of trees or other plantings are recommended for optimal visual effect and ease of maintenance.
- (e) **Scale:** Scale and nature of landscape materials and planting bed size should be appropriate to the site and structures. Larger buildings and sites may accommodate and be enhanced by larger plant material, plant groupings, and planting beds.
- (f) **Selection and Layout:** Plant material should be selected for its form, texture, color and concern for its size at maturity and adaptation to climate conditions. Wherever possible, large planting areas should be provided in groupings and masses to provide a more naturalistic appearance. Wherever appropriate, use of native woody and herbaceous plant materials is encouraged. In small planting areas within parking lots, trees and shrubs should be planted in groups with massing appropriate to and in harmony with buildings, circulation, stormwater management, and neighboring landscapes. Energy conservation should also be considered when determining layout of selection and layout of plant material. For instance, sun-tolerant plant materials should be placed on the south and west sides of buildings to provide shade from summer sun, and shade-tolerant plant materials should be concentrated on the north side of buildings to dissipate the effects of winter winds.

- (g) **Form:** Among the most important design qualities of a plant is form, which includes columnar, round, vase, weeping, pyramidal and oval forms. Plants of contrasting shapes may provide variety and interest by accenting a group of plants of another form. For example, evergreen trees exhibit pyramidal forms, while many crabapples are round to oval. Plantings that combine two (2) or more forms may effectively buffer or soften building facades, fences, and other structures. The dominant use of native trees and shrubs that display strongly horizontal branch patterns and layered flowering forms is basic to effective use of the unified prairie style, associated historically and ecologically with this region, and is encouraged.
- (h) **Color:** Color can be used to unify or contrast plantings on a site. It is essential to consider the varying colors exhibited by a plant in all seasons. Most importantly, through the use of perennials and/or annuals, color can be used to call attention to entryways and other focal points.
- (i) Establish minimum thresholds for seasonal colors:
- (1) Twenty percent (20%) Species Providing Spring Colors
 - (2) Twenty percent (20%) Species Providing Autumn Colors
 - (3) Predominance of White Flowering Species in Spring Mix
 - (4) Predominance of Yellow Coloring in Autumn Mix
 - (5) Preferred Annuals/Perennials: Black Eyed Susans, Stella D'Oros, Sedums, Daisies
- (i) **Repetition:** A design is tied together through the repeated use of a small number of plant species, sizes, colors, forms, or textures throughout the site. Too much repetition can result in monotony, so it is important to find a balance.
- (i) Generally avoid manicured/"controlled" appearance
- (ii) Limit formal landscaping to small/tight areas
- (iii) Preserve and enhance existing woodlands
- (iv) *Plant random clusters of trees, rather than rows of trees*
- (j) **Massing:** Massing ties in with scale and repetition. In general, shrubs, perennials and annuals are massed or grouped together to achieve a more dramatic effect. Large buildings and sites are complemented with larger material and greater massing of shrubs and/or color.
- (k) **Variety:** Variety adds interest and liveliness to the design. It provides a few unlike qualities to contrast with those qualities that are alike and duplicated as part of repetition. Variety is achieved through the use of different forms, textures, colors and plants.
- (i) Cluster varieties of species sizes (canopies interspersed with understories, bushes and groundcover)
- (ii) Provide a complementary mix of deciduous and evergreen, while emphasizing deciduous species
- (iii) Emphasize hardy native species (limit predominance of non-native or ornamental species)

- (iv) Incorporate groundcover and/or bushes into landscaping, while limiting predominance of groundcover and/or bushes

(2) Corridor Landscaping & Design

(a) Earthen Berms and Other Structures in Landscaping

- (i) Emphasize naturalized berms (with plantings throughout contour of berm) over “naked” or grassed berms.
- (ii) Vary height and setbacks of berms.
- (iii) Maintain swales for positive drainage and appearance.
- (iv) Emphasize solid structures (masonry, earthen structures) over semi-transparent structures (fences)
- (v) Limit height of retaining walls to below forty-two inches (42”) where practical.
- (vi) Integrate pathways into landscaping to soften visibility and preserve pedestrian and/or bike safety; provide at sizable distance from roadway where practical.

(b) Minimum Size / Density of Plant Materials: All developments, redevelopments, enlargements, and site alterations (including replacement and/or changes to signage and infrastructure) shall comply with the following planting requirements and minimum standards.

- (i) **Minimum size of plant materials.** Trees and shrubs used for landscaping shall conform to the following minimum standards:
- (ii) **Evergreen trees:** Not less than six feet (6’) tall.
- (iii) **Ornamental trees:** Not less than eight feet (8’) tall.
- (iv) **Shade trees:** Not less than three inches (3”) in caliper, as measured six inches (6”) above grade.
- (v) **Shrubs:** Not less than twenty-four inches (24”) in height, unless used for screening, in which case shrubs shall not be less than four feet (4’) tall.

(c) Minimum density of plant materials in and around parking areas.

- (i) In and within a distance of thirty feet (30’) surrounding parking areas, not less than one tree shall be provided for each two cars.
- (ii) Within parking area surrounds, not less than one tree located within a concrete curbed and ground covered and/or shrub planted landscaped island shall be provided for each fifteen (15) cars.
- (iii) Evergreen trees or shrubs shall be provided at the perimeter of all exterior parking areas where required to eliminate headlight intrusion into adjoining properties.
- (iv) Landscaping shall partially obscure or soften visibility of parking lots via staggered landscaped berms or preserved natural vegetation.

- (d) **Minimum density of plant materials in perimeter yards not adjacent to parking areas.**
- (i) In front, side and rear yard areas, not less than one shade tree shall be provided per twenty (20) lineal feet of length.
 - (ii) Foundation plantings shall be provided along the front and side elevations of all buildings and structures to enhance the pedestrian environment.
- (e) **Minimum density of plant materials for signage; also refer to Chapter 157**
- (i) For every one square foot of gross sign area, there shall be provided one square foot of landscape area adjacent to the sign.
 - (ii) The required landscape area shall complement the sign and consist of plantings such as, but not limited to deciduous and evergreen trees, shrubs, flowering plants, and ground cover plants. Provide naturalized groupings of plantings, to complement signage and to provide a focal point, while not impairing visibility of buildings nor impairing traffic safety. Sodded or seeded areas shall not qualify as part of the landscaped area.
 - (iii) Landscaped areas shall also contain ground protection such as, but not limited to ground cover plants or mulch.
 - (iv) It shall be the duty of the owner of such parcel to maintain all such landscaped areas in a neat and proper manner.
- (f) **Landscape Yards / Screening / Buffers**
- (i) For new development, landscaped yard should take into account at least one hundred feet (100') building and parking lot setbacks; with a variance of not more than fifty feet (50') for practical difficulties. Assume ultimate right-of-way in calculation.
 - (ii) For renovation or expansion of existing businesses, efforts shall be made to incorporate elements of the preceding landscaping guidelines and setbacks, where practical. Assume ultimate right-of-way in calculation.
 - (iii) Minimize use of formal hedges for landscape yards, screening and buffers.
- (g) **Minimum Landscape Screening for Buildings:**
- (i) Retail: Thirty to fifty percent (30-50%) opacity
 - (ii) Residential: Fifty percent (50%) opacity
 - (iii) Industrial and Office: Fifty to seventy-five percent (50-75%) opacity
- (h) **Minimum Landscape Screening for Loading Areas:**
- (i) All loading areas shall be screened from view by the use of evergreen plant materials or masonry screen walls compatible with the building design.
 - (ii) Screen walls shall be softened with climbing vines or shrubs which provide color and texture.

(iii) Plantings shall totally screen at least seventy five percent (75%) of any one wall surface within two (2) years of installation.

(i) **Minimum Screening of Trash Receptacles, Vehicle Storage or Storage of Materials and Containers.**

(i) Trash receptacles, vehicle storage or storage of materials and containers shall be located only in a rear or interior side yard, enclosed by a masonry wall that is compatible with the principal structure and not less than the height of the containers or vehicles, and, for trash receptacles, provided with gates and vehicular access for trash deposition and collection.

(ii) Landscaping shall be installed surrounding the enclosure to soften its appearance. Plant material shall be a minimum height of 3'-0" and not taller than 6'-0" at maturity for screening purposes.

(iii) For purposes of this chapter, trash receptacles are not considered prohibited outside storage. Nothing in this division shall be construed as permitting the storage of hazardous or noxious materials, or as permitting the storage of vehicles or materials for periods exceeding twenty-four (24) consecutive hours.

(j) **Residential Landscape Buffers**

(i) Any residentially zoned property whose side yard or rear yard abuts a commercially zoned property requires a landscape buffer between the two properties. The buffer shall be installed by the owner of the commercial property. The buffer shall be located on commercial property.

(ii) Where a side yard setback in a residentially zoned district abuts a commercially zoned district a fifteen foot (15') landscaped buffer shall be installed.

(iii) Where a rear yard setback in a residentially zoned district abuts a commercially zoned district a twenty-foot (20') landscaped buffer shall be installed.

(R) **Circulation, Connectivity, Access:** Infrastructure investments shall enhance safe community connectivity, walkability and accessibility.

(1) Improve pedestrian accessibility and connectivity throughout the Village. Build sidewalks and continue to fill gaps to connect developments, housing, neighboring communities and amenities within Deer Park.

(2) Safe and intuitive connectivity should be provided via varying types of paving, markings and signage.

(3) Provide/improve attractive and intuitive multimodal travel routes and connectivity between adjacent and surrounding sites and communities via sidewalks, bikeways, roadways, multi-use trails, wayfinding and signage.

(4) Emphasis is placed on maintaining landscape setbacks from major roads, with the incorporation of sidewalks, connectivity, plazas, open space and common greenspace that bring the community together and blends with the rural character of the Village.

- (5) Minimize curb cuts and intersections with access roads on major thoroughfare. Consolidate entry points and driveways to minimize traffic conflicts, congestion and to create easily identifiable circulation system.
 - (6) Develop consistent gateway and wayfinding signage that creates a sense of arrival, expresses Deer Park's brand and sense of place throughout the Village.
- (S) **Tree replacement.** Removal and replacement of trees shall be in compliance with Chapter 95.06 through Chapter 95.16.
- (T) **Site Planning & Architectural Character.** Developments, redevelopments, special uses and site alterations must be in substantial compliance with the design guidelines set forth in the Comprehensive Plan. They are intended to provide direction and ensure developments are of the highest possible quality. Below are major objectives, however this is not an all-inclusive list, reference the Comprehensive Plan Design Guidelines to ensure alignment.
- (1) Maintain appropriate building character; provide human scale along street/pedestrian corridors by encouraging storefront windows, covered walkways, and highlighted entrances.
 - (2) Varying building setbacks, architectural delineation and site elements are thoughtfully incorporated to create versatile, dynamic spaces that cater to visitor needs, support community programming and are pedestrian friendly.
 - (3) Orient buildings towards public areas to create pedestrian areas that are safe and attractive.
 - (4) All facades of a building that are visible from a public street should be similar in materials, color and architectural design by featuring design elements similar to a front facade. Long architectural facades shall incorporate architectural elements, landscape elements or both, to interrupt the uniformity of the facade.
 - (5) Encourage varying and complimentary roof types and design elements. Discourage the use of long continuous facades of similar design.
 - (6) Projecting elements, including canopies and awnings, shall be designed and located so that they do not create a significant visual barrier to adjacent uses.
 - (7) Storefront materials should be of high quality and richly finished. Material palettes should remain restrained, with an emphasis on the articulation of the enclosure.
 - (8) Encourage a sense of arrival through the placement of landmark buildings and attractive architectural facades.
 - (9) Highlight the design of entry points and boundaries of the Village.
 - (10) Improve visual aesthetic of roadway through the use of landscaping and streetscape amenities (signage, lighting, pedestrian paths).
 - (11) Outdoor common areas shall integrate attractive site furnishings (benches, landscaping, and trash receptacles) oriented away from parking; walkway width comfortably accommodates accessibility and pedestrians.

(U) **Useable common open space:** Areas of a parcel that are to be included as usable common open space must be clearly described on the planned development plan. All improvements to be made in the common open space by the developer must be shown on the planned development plan map. These improvements include: site grading, landscaping, playground equipment, water bodies, walkways, roads, drives, parking areas, bike paths, recreational buildings and facilities such as clubhouses and swimming pools, and golf courses as well other types of common open space improvements.

- (1) At least thirty percent (30%) of the net acreage of planned residential subdivisions, and mixed use planned developments that only include residential uses; and at least twenty percent (20%) of the net acreage of mixed use planned developments shall be usable common open space. "Useable" shall be defined as follows:
- (2) **Parcel Size:** Each parcel of common open space used for active recreation shall be at least ten thousand (10,000) square feet with a minimum width of one hundred twenty-five feet (125'). For trail purposes the minimum open space width shall be twenty feet (20).
- (3) **Parcel Location:** Each parcel must be accessible to all the residents, customers, employees, and collective users it is intended to serve. The parcels must be linked by sidewalks, bike paths or pedestrian trails.
- (4) **Water Coverage:** Not more than seventy percent (70%) of the land designated as usable open space may be covered by water on a permanent basis. Open space which is used for water drainage purposes shall not be considered for active use.
- (5) **Slope:** Not more than twenty percent (20%) of the usable open space may have a finished grade steeper than ten percent (10%). Except as specifically reviewed by the Village Planning and Zoning Commission and approved by the Board of Trustees, designated common open space reserved under a planned development shall be held and maintained by a homeowner's or property owners' association. All designated common open space and/or recreational facilities shall be dedicated as open space and shall be so designated in the development ordinance and planned development plat.

(V) **Recreational areas.** In residential developments, the designated recreational areas shall be of usable size and character; must be suitably improved for its intended use; and must equal no less than ten (10) acres for each one thousand (1,000) residents projected to occupy the development or ten percent (10%) of the gross developable land area defined herein as the gross parcel area less that area covered by any permanent body of water whichever is greater.

(W) **Construction and Maintenance**

- (1) The cost of construction of any common open areas or public recreational facilities shall be included in the letter of credit or other surety required for the public or quasi- public improvements as more fully described in the Village Subdivision Ordinance, Chapter 155 of this Code of Ordinances. Maintenance of the buildings and grounds, and supervision of the recreational facilities shall be the responsibility of the owner or homeowners' or property owners' organizations in possession of the common open areas. Deferred maintenance or supervision inadequate to prevent disturbance of residents and surrounding property owners is a violation of this chapter.
- (2) No portion of a planned development shall be conveyed or dedicated for public use to any public body until the Planning and Zoning Commission reviews and the Village Board approves such conveyance or dedication.

- (3) Biennial landscape inspections shall be conducted by Village consultants every two years or as needed based on maintenance and safety concerns if flagged by Village Staff. Property Owners will be contacted ahead of the inspection and are responsible for all associated costs. A report detailing findings will be provided following the inspection with substantial completion required by the following spring/early summer (April-June) or Fall (month of September); to avoid hot temperatures.
- (X) **Traffic.** Parcels shall share points of ingress and egress which are not less than five hundred feet (500') apart; and not less than one hundred feet (100') from Rand Road, Lake-Cook Road, Long Grove Road and Quentin Road; and not less than fifty feet (50') from all other public rights-of-way. Internal streets and rights-of-way shall be no less than thirty feet (30') from public collector rights-of-way and no less than ten feet (10') from a lot line that abuts an existing or planned residential property.
- (Y) **Streets and rights-of-way.** The Planning and Zoning Commission may recommend, and the Village Board may approve, a reduction in the required width of pavement and rights-of-way for streets provided the reduction is determined necessary and appropriate for preservation of major stands of trees or other natural areas, and public safety or convenience is not compromised.
- (Z) **Minimum residential floor area.** Single-family residential units shall have the minimum habitable ground floor area set forth in Chapter 158.27 (E). One story multi-family residential unit shall have a total habitable ground floor area of not less than one thousand (1,000) habitable square feet per unit. Multi-family residential units having more than one (1) story shall have not less than seven hundred and fifty (750) square feet of habitable ground floor area per unit and not less than one thousand two hundred and fifty (1,250) square feet of total habitable floor area per unit.
- (AA) **Floor area ratio.** For all parcels within the Planned Development District, the following table shall govern floor area ratio and lot size. The purpose of the standards in the table below is to encourage the aggregation of smaller lots into larger zoning lots and the preparation of a master plan for such larger area consistent with the land use and design principles recommended for the "Deer Park Triangle" area (Planned Development District) in the Village's Comprehensive Plan.

Land Use Category	Minimum Lot Size	PERMITTED FLOOR AREA RATIO
Retail: Unified Development:	10.1 - 20+ acres	0.25
Convenience Retail (more than one business per zoning lot):	5 acres	0.15
	5.1 - 10 acres	0.20
Free Standing Retail Business (no more than one building per zoning lot):	5 Acres	0.10
	5.1+ acres	0.15
Office/Research	4.5 - 10 acres	0.20
	10.1 - 20 acres	0.25
	20.1 - 50 acres	0.30
	50.1 + acres	0.35
Mixed Use* (see note below)	10 - 20 acres	0.25

	20.1 - 50 acres	0.30
	50.1+ acres	0.35
Residential** (see note below)	5 acres or greater	See Residential Density Section Below

* The floor area ratio for mixed use planned developments may be increased by 0.10 if the different uses are integrated into a multi-story building or complex of building planned as a compact, pedestrian oriented development.

** The amount of gross floor area devoted to residential uses in a mixed use planned development shall not exceed twenty-five percent (25%) of the total gross floor area of an actual mixed use planned development proposal. Nursing homes, congregate care, sheltered care and other similar uses shall be deemed to be residential for purposes of this computation.

§158.32 RESIDENTIAL DENSITY.

- (A) For all planned developments, the following standards shall govern the determination of residential density:
 - (1) Base Density for Properties in the Planned Development District
 - (a) For residential planned developments that are either not adjacent to a commercial use or are greater or equal to five (5) acres in size, the net density shall be five (5) dwelling units per net acre.
 - (b) For residential planned developments adjacent to a commercial use, less than five (5) acres in size, the net density shall be six (6) dwelling units per net acre.

§158.33 PROCEDURES FOR PLANNED DEVELOPMENTS/SPECIAL USES

(A) Administration.

- (1) Applications shall be delivered to the Village Building and Zoning Department and shall be accompanied by the required plans, drawings, documents and other information. Applications, plans, and other documentation shall be reviewed by the Village staff and consultants for all submittals.
- (2) Planned developments shall be controlled by means of development ordinances prepared by the Village Attorney and approved by the Village Board subsequent to approval of preliminary and final plans. The development ordinance shall include exhibits and other support documentation upon which Village Board approval is based. The development ordinance shall also specify any conditions of approval established by the Village Board.
- (3) Ordinances approving preliminary and final plans may provide for exceptions from district regulations governing use, density, area, bulk, and parking, and the subdivision design standards, as may be desirable to achieve the objectives of the proposed planned development, provided such exceptions are consistent with the standards and criteria contained in this chapter.
- (4) If, after approval of the preliminary plan, no final application is made for final approval, the preliminary plans shall be declared null and void after a two (2) year time period. If substantial construction has not been started on any phase of the development within two (2) years from the date

of approval of the final plan, the permits shall be declared null and void and the project shall not be initiated unless it is resubmitted and reapproved in the same manner that it was approved in the first instance. The Village Board, however, may extend the period for validity of the preliminary plan or for initiating construction under the final plan within its sole discretion or upon written request by the property owner upon a showing of good and sufficient cause. The decision whether to grant such an extension shall be made within the Village Board's sole discretion.

(B) Pre-application procedure (mandatory).

- (1) Prior to the filing of an application for approval of a planned development, the petitioner shall contact the Village Administrator to arrange an informal meeting with the Planning and Zoning Commission Chairperson. The Planning and Zoning Commission Chairperson may request the presence of the Village Building and Zoning Official, Village Planning Consultant, the Village Engineer, the Village Attorney, or other consultants to the Village. Costs associated with such consultant appearances at the pre-application meeting shall be the responsibility of the applicant. Be accompanied by a nonrefundable fee as required in Chapter 38 and said Chapter 38 shall be applicable to all requests for pre-application review and all requests for preliminary and/or final planned development approval.
- (2) The purpose of the pre-application meeting is to discuss the proposed development in conjunction with Village Planning and Zoning objectives, as expressed in the Comprehensive Plan, and as set forth within this chapter.
- (3) At or before the pre-application meeting, the petitioner shall provide one (1) printed, full size set and a digital file of the following as deemed relevant:
 - (a) A sketch plan describing the proposed development and surrounding area in sufficient detail to demonstrate the relationship of the planned development to adjoining uses, both existing and planned, and to the topography and natural features of the adjoining land uses. The sketch plan shall include:
 - (i) North arrow, scale, and date of preparation.
 - (ii) Name and address of site planner or surveyor who prepared the plan.
 - (iii) Proposed land uses, including acreage and percent of the site devoted to each land use.
 - (iv) Proposed layouts of streets, lots, and blocks.
 - (v) Proposed building footprints, and as appropriate, estimated floor area of all non-residential structures and density of residential structures.
 - (vi) Location of parking areas, number of spaces to be provided, and method used to calculate the number of required spaces.
 - (vii) Wetlands, floodplain, and drainage characteristics including topographic contour lines with a minimum of ten-foot intervals.
 - (viii) Major stands of trees and other significant vegetative areas.

- (ix) Location, extent and general type of landscaping to be provided including any existing features to be retained.
 - (x) Proposed water provider and proposed method of wastewater treatment and disposal.
 - (xi) Any other data reasonably necessary to provide an accurate overview of the proposed development.
- (b) A brief written statement that contains a general description of the planned development, a legal description, a statement of present ownership, a preliminary implementation schedule, proposed zoning, and municipal and school district boundaries.
- (4) The Planning and Zoning Commission Chairperson and Village Staff shall review the proposed sketch plan and other documentation and shall advise the petitioner as to the compatibility of the planned development with the Comprehensive Plan, Subdivision Regulations (Chapter 155), and the goals and policies for the planning of the Village. Recommendations relative to a pre-application review are advisory only and shall not constitute a waiver from the requirements contained in the Village Code.
- (5) The Planning and Zoning Commission Chairperson and village staff may, in their discretion, require plans and support documentation to be revised before acceptance of the preliminary plan for review. This may require additional meetings between the petitioner and the Planning and Zoning Commission Chairperson and village staff to assure that the proposed planned development conforms, to the maximum extent possible, with the applicable code provisions, goals, and policies of the Village.
- (6) When deemed desirable by the Planning and Zoning Commission Chairperson, Village staff or consultants shall prepare a written summary report which shall be forwarded to the Planning and Zoning Commission and Village Board.
- (C) **Site development plan preliminary and/or final review.**
- (1) **Purpose.** The purpose of the site development plan is to obtain a recommendation from the Planning and Zoning Commission and preliminary approval by the Village Board that all plans and programs that the petitioner intends to build, and follow are acceptable, and that the petitioner can reasonably proceed with preparation of detailed architecture, engineering, and site and landscape plans. The site development plan is more developed than the sketch plan required for pre-application and is meant to assure the petitioner that final plans will be approved if they substantially conform to the approved preliminary plan.
- (2) **Procedure.**
- (a) A request for preliminary approval which must be signed by the owner of records of a planned development shall be submitted to the Village Building and Zoning Department, who will forward the request to the Board of Trustees. The Board of Trustees will refer the matter to the Planning and Zoning Commission for public hearing, report and recommendation.
 - (b) Be accompanied by a nonrefundable filing fee and a refundable deposit as required by Chapter 38.04(C), shall be applicable to all requests for preliminary and/or final planned development approval.

- (c) Include all information and documentation required by this section, unless specifically waived in writing, in quantities, form and size specified by the Village.
 - (d) Preliminary and final subdivision plans must be filed and processed consecutively, not simultaneously.
- (3) **Submittals.** The petitioner shall file a digital submittal and ten (10) copies of plans and other supporting documentation, as identified below, with the Village Administrator or the Building and Zoning Department. Once all required drawings and information have been received, the Village Administrator or the Building and Zoning Department shall distribute the preliminary plan submittal to the Planning and Zoning Commission. The petitioner shall deliver copies of all such documents to the other reviewers designated by the Building and Zoning Department or their designee. Required plans and support documentation shall be submitted no later than forty-five (45) calendar days before the regularly scheduled meeting of the Planning and Zoning Commission, to assure adequate time for review by staff and members of the Planning and Zoning Commission, Village staff, and its consultants. Required submittals shall include, but not necessarily be limited to, the following:
- (a) **Information and documentation** required for a site development plan by Chapter 158.33, except as otherwise provided herein.
 - (b) **Plans and surveys** at a scale of one hundred feet (100') to the inch (1" = 100'), unless the area of the site is more than two hundred (200) acres, in which case said plans and surveys may be submitted that are two hundred feet (200') to the inch (1" = 200'). The following information shall be provided:
 - (i) **Boundary survey:** A boundary line survey of the subject site prepared and certified by a registered land surveyor.
 - (ii) **Easements:** Location, width, and purpose.
 - (iii) Streets on and adjacent to the proposed development:
 - (1) Street name, right-of-way width, existing or proposed center line elevations, pavement type, walks, curbs, gutters, culverts, and the like.
 - (2) Public utilities information, including the location and size of existing sanitary sewers, storm sewers, and water lines both on the site and in easements and rights-of-way immediately adjacent to the site, including gas, electric, telephone and cable; and a statement from the petitioner's engineer attesting to the capability of existing sewer systems to service the proposed development.
 - (iv) **Other conditions of the parcel:** watercourses; flood plains; marshes; rock outcrop; wooded areas; soils with limitations that may make them unsuitable for building, road construction and septic fields as defined by the Soil Conservation Service of Lake County, Illinois; preservable trees six inches (6") in caliper, as measured 12 inches (12") above grade; houses; barns; accessory build-

ings and other significant features on the parcel and their relationship to adjoining land.

- (v) **Topography:** Existing topographic character of the land with contours shown at intervals no greater than one foot (1').
- (vi) General directions of the storm water run-off across the property.
- (vii) **Site Plan:** The proposed site plan shall be superimposed upon the topographic map prepared for the site. The proposed site plan shall contain all the information required at the pre-application stage, as well as the following:
 - (1) Name and address of the site planner, engineer, architect and landscape architect
 - (2) Proposed name of the planned development.
 - (3) Proposed water, sanitary and storm sewer system designs.
 - (4) Acres and percent of the planned development devoted to each land use.
 - (5) Percent of the parcel devoted to streets and public rights-of-way.
 - (6) Percent of the parcel devoted to usable open space.
 - (7) Percent of impervious surface.
 - (8) Percent of the parcel devoted to common open space.
 - (9) Off-street parking and service loading areas, including number and dimensions of parking spaces, drive aisles and loading zones.
 - (10) Configuration and acreage of all land proposed to be dedicated as common open space and all sites to be conveyed, dedicated, or reserved for parks, playgrounds, school sites, public buildings, and similar public and quasi-public uses.
 - (11) Pedestrian and/or bicycle circulation systems. Parkway and greenbelt system.
 - (12) Location of proposed trash bins and enclosures.
 - (13) Traffic impact study, prepared by a traffic engineer, which:
 - Identifies anticipated volumes of traffic to be generated by each phase of the planned development.
 - Includes required public roadway improvements and/or traffic regulation devices needed to ensure the proper safety or traffic circulation to, through, and around the planned development.

- (14) Any other data reasonably necessary to provide an accurate overview of the proposed development.
- (viii) **Grading Plan:** The grading plan shall show both existing and proposed contours and elevations for the entire planned development and shall identify all areas proposed for excavation and/or filling of the property.
- (ix) **Landscape Plan** shall be superimposed on the grading plan, and shall include:
- (1) **Site Locations Details**
 - All existing and proposed structures (include dimensions)
 - parking lots and drives, roadways and right-of-way
 - sidewalks and crosswalks (internal and external / public and private)
 - Trail connections, bicycle paths and bike parking areas
 - Hardscape areas such as patios and plazas
 - Fences, site furniture, and decorative amenities
 - Freestanding electrical equipment, utility easements, conservation easements,
 - Lighting, ground signs, refuse disposal areas, recreational facilities
 - Proposed locations of stormwater inlets, valve vaults, hose bibs, manholes, hydrants, fire department connections, and other structural features as determined necessary by the village.
 - (2) Methods and materials for screening of trash, recycling, refuse bins and enclosures.
 - (3) Plant list that includes location, quantity, size and species of all proposed plant materials, existing plant materials to be preserved, boundaries of all planting beds.
 - (4) The location of all proposed berms and drainage swales, indicating contours at one-foot (1') intervals, percent of slope, and the location of all proposed drainage features with natural vegetation including, but not limited to, rain gardens, and other stormwater detention and infiltration areas.
 - (5) Elevations and details of all fences, bridges, retaining walls, hardscapes, pavers, and other decorative features proposed for location on-site. The details shall include, but are not limited to, materials, colors, styles and sizes.
 - (6) Elevations and one or more cross sections through the site to illustrate the relationship between the landscape materials, the landform, proposed buildings, nearby properties, and sightlines.
 - (7) **Landscape data box which shall include required and proposed calculations for:**
 - total area in square feet of the lot or area to be developed.
 - total square feet and percentage of impervious vs. pervious coverage
 - total number of trees required and proposed *on street frontage(s)*, their common and botanical names, and their type (shade, evergreen, or ornamental)

- total number of trees required and proposed *surrounding parking lot*, their common and botanical names, and their type (shade, evergreen, or ornamental)
 - total number of *landscaped parking fingers* required and proposed *within parking lot*, their common and botanical names, and their type (shade, evergreen, or ornamental)
 - total number of shrubs required and proposed, their common and botanical name and their type (evergreen or deciduous)
- (8) Details of erosion control for natural landscaping areas.
- (x) **Design Guidelines:** In preparing landscape plans, the ‘Landscaping Design Principles included in section 158.31(Q) should be adhered to.
- (xi) **Photometric Plan:** The plan shall be superimposed in the site plan, and shall:
- (1) Show the location of all outdoor lighting fixtures, including but not limited to freestanding pole fixtures, building mounted and canopy light fixtures on the site and building elevations.
 - (2) Contain a photometric grid overlaid on the proposed site plan (with property boundaries) indicating the light intensity throughout the site (in footcandles). Measurements must be at ground level and shown at a minimum ten feet (10’) spacing and extending 10 feet (10’) beyond the property line.
 - (3) Include specifications for proposed lighting, including fixture cuts, wattage, method of illumination, and color of light standards and luminaries.
- (xii) **Plan Documentation:** The proposed site plan shall be accompanied by the following written and graphic documentation:
- (1) Statement of present Ownership, including:
 - Title Insurance Policy or most recent deed of record.
 - Disclosure of ownership.
 - Letters of authorization.
 - Owners of Beneficial Interest.
 - Contract Purchasers.
 - (2) A description of contiguity, when proposed for annexation.
 - (3) Preliminary estimates of fiscal impact to the Village and all other applicable districts and authorities attributable to the planned development, including street, wastewater, water, schools, and parks.
 - (4) A school demographic study.
 - (5) Preliminary implementation schedule, including:
 - The approximate dates for initiating project construction.
 - Phasing and anticipated date of completion for each phase.

- The area and location of common space that will be provided with each phase.
- The mix of uses proposed for implementation within each phase of a mixed use planned development.

(xiii) **Architectural Drawings:**

- (1) Typical elevations for proposed buildings which identify materials and colors for all elements of the building.
- (2) Gross floor area for all commercial buildings.
- (3) The type and number of dwelling units for any residential land uses.
- (4) Minimum and maximum habitable floor areas for residential buildings, excluding garages, basements, porches, and patios.
- (5) Proposed building heights.
- (6) Roof plan for all nonresidential and multi-family structures which shows the proposed location of all roof-mounted mechanical equipment.
- (7) Cross-sections of all nonresidential and multi-family residential structures which show the relationship of the roof structure and/or parapet wall to proposed roof mounted equipment.
- (8) Floor Plan(s).

(xiv) **Protective Covenants:** If required or desirable, proposed covenants shall be prepared and submitted which include:

- (1) Architectural controls for residential dwellings, including:
 - Minimum floor area, excluding garages, basements, porches, and patios.
 - Materials.
 - Provisions for dedication and maintenance of all open space and common area.

(xv) **Traffic impact study,** prepared by a traffic engineer, which:

- (1) Identifies anticipated volumes of traffic to be generated by each phase of the planned development.
- (2) Includes required public roadway improvements and/or traffic regulation devices needed to ensure the proper safety or traffic circulation to, through, and around the planned development.

(xvi) **Additional Information.**

- (1) Other information determined by the Village Administrator to be necessary to clearly describe the planned development.
- (2) A list of all requested exceptions to the applicable Village Codes Provisions.

§158.34 DEVIATIONS TO PLANNED DEVELOPMENTS

- (A) **Major Deviations.** Any major deviation from any of the approved final plans or otherwise any provision of an ordinance approving or amending a planned development shall require an amendment to such ordinance approved by the Board of Trustees acting with the recommendation of the Planning and Zoning Commission.
- (B) **Minor Deviations.** Any minor deviation from an approved final plan, or otherwise any provision of an ordinance approving or amending a planned development, or architectural and landscape review for a building(s) for which the owner/developer has not submitted plans, shall require only an administrative review by the Building Review Board.
- (C) **Insignificant Deviations.** Owner/developer shall have the right to make any insignificant deviations, as determined by the Village Administrator, without administrative review or any further action on behalf of the owner/developer or Village.
- (D) **Deviations.** The Village Administrator shall determine if a change proposed by an owner/developer shall be processed as a major deviation, minor deviation or an insignificant deviation.
- (E) **Appeal.** All decisions of the Building Review Board, Planning and Zoning Commission and Village Administrator shall be final and binding. Owner/developer may appeal the rulings of the Building Review Board, Planning and Zoning Commission and the Village Administrator to the Board of Trustees within thirty (30) days after the decision of the Building Review Board, Planning and Zoning Commission and/or Village Administrator.

§158.35 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 seven hundred and fifty (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 one (1) to five (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 forty-five feet (45').

- (d) **Fences:** Fence heights shall be as determined by the Village Board, but shall not exceed six feet (6'), unless authorized as a special use.
- (e) **Building Height of Principal Structures:** Not to exceed thirty-five (35').
- (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 eighty feet (80'). Parking setback shall be a minimum of twenty feet (20') of the front property line.
 - (ii) **Side yard setback:**
 - (1) Where a corner side yard 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 fifty feet (50').
 - (2) In all other cases a side yard of not less than thirty feet (30') is required, except on a side yard adjoining a residential district, in which case there shall be a side yard of not less than seventy-five feet (75'), inclusive of the screening easement required herein. Parking shall be permitted in the side yards, but no closer than twenty feet (20') to any lot line adjoining a non-residential district, and no closer than fifty feet (50') to any lot line adjoining a residential district.
 - (iii) **Rear yard setback:** There shall be a rear yard having a depth of not less than thirty-five feet (35'), except on a lot adjoining a residential district, in which case there shall be a rear yard of not less than one hundred feet (100') inclusive of the screening easement required herein. No parking shall be permitted within twenty feet (20') of any lot line adjoining a non-residential district or within fifty feet (50') of any lot line adjoining a residential district.
 - (iv) **Lot coverage:** Not more than twenty-five percent (25%) of the lot area of any lot may be covered by buildings or structures. Not more than fifty percent (50%) 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 158.31(P) 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.

§158.36 OFF-STREET PARKING AND LOADING.

(A) Off-Street Parking Requirements for All Districts:

- (1) All Parking areas and driveways shall have a means of ingress and egress from a public or private vehicle easement or right-of-way.
- (2) Parking spaces should be a minimum of nine feet (9’) wide by eighteen feet (18’) long.
- (3) Parking spaces shall not occupy the front yard, or corner side yard or through lot, unless provided in 158.17 Permitted Obstructions.
- (4) Surface materials of asphalt, concrete or as approved by Building and Zoning Official and/or Village Engineer. The following tables specify the minimum thickness and represent finished thickness.

Residential Driveways			
Asphalt		Concrete	
Type	Minimum Thickness	Type	Minimum Thickness
Compacted Surface course Asphalt	2.5"	Concrete	6"
Compacted gravel subbase	6"	Compacted gravel subbase	4"

Commercial Drives / Parking Lots*			
Asphalt		Concrete	
Type	Minimum Thickness	Type	Minimum Thickness
Compacted Surface course asphalt	3"	Concrete	8"
Binder course asphalt	2"		
Compacted gravel subbase	6"	Compacted gravel subbase	6"
*A thicker profile and/or reinforcement may be required for drives with heavy loading.			

- (5) All Parking areas shall be graded so as to drain off all surface water to adequate drainage structures.
- (6) Driveway Overlay – The process of installing an additional layer of asphalt to an existing asphalt driveway is strictly prohibited in Residential R-1 and R-2 Zoning Districts. (amd. O25-18, 11-20-25)
- (7) Such parking spaces shall be reserved for the sole use of the occupants of the building or lots, their customers, or visitors thereto. Church/Places of Worship, theaters, stadia, auditoriums, and

other places of assembly may make arrangements for joint use of parking spaces as hereinafter specified.

- (8) 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 (2) parking spaces for each dwelling unit.
 - (b) Hotel or Motel: One (1) parking space for each guest sleeping room and one (1) space for each employee.
 - (c) Hospitals: four tenths (0.4) parking spaces per employee plus one (1) parking space for each three (3) beds plus one parking space for five (5) average daily outpatient visits, plus one (1) parking space per ten (10) daily emergency room visits.
 - (d) Medical office: One (1) parking space for each one hundred and fifty (150) square feet of gross floor area
 - (e) Skilled care facilities and assisted living establishment: One (1) parking space per four (4) employees plus one (1) parking space for each six (6) beds plus one (1) parking space for each three (3) dwelling units plus additional ten percent (10%) of the total required parking for visitor parking.
 - (f) Daycare center: One (1) parking space per employee plus one tenth (0.1) parking space per person of licensed capacity.
 - (g) Churches/Places of Worship, auditoriums, gymnasiums, stadia, theaters and other places of public or private assembly with fixed seats. one (1) parking space for every four (4) persons, based upon maximum seating capacity.
 - (h) 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 three hundred feet (300') 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 twenty-five percent (25%) of the total requirements of parking space for places of public assembly.
 - (i) Dance halls, bowling alleys and private clubs: one (1) parking space for every three (3) persons, based upon maximum seating capacity.
 - (j) Funeral homes: Fifteen (15) parking spaces on the premises, plus five (5) spaces for each area which can be used as a parlor.
 - (k) Retail establishments, offices, research laboratories: One (1) parking space for each three hundred (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 (1) parking space for each fifty (50) square feet of eating area in the building.

- (l) Wholesale and distributing establishments: one and half (1.5) parking spaces per one thousand (1,000) square feet of gross floor area, plus any required spaces for office uses.
- (m) Manufacturing establishments:
 - (i) One (1) parking space per one thousand (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 one thousand feet (1,000') of the main entrance.
 - (ii) 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.
- (n) Public Services and Utilities: One (1) parking space per employee on the largest work shift, plus one (1) space per company vehicle normally stored or parked on the premises, plus one (1) space per five hundred (500) square feet of gross square footage of the office area.
- (9) Loading or unloading areas shall not be considered as parking areas.
- (10) 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.
- (11) 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.
- (12) Electric Vehicle Off Street Parking, Please refer to Section 158.15(D)
- (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 ten (10) foot by twenty-five (25) foot loading space, with fifteen feet (15') height clearance, and one (1) such space shall be provided for each twenty thousand (20,000) square feet or fraction thereof of floor or lot area used for other than residence purposes.

§158.37 WATER SUPPLY AND WELLS.

(A) Regulations Applying to All Districts:

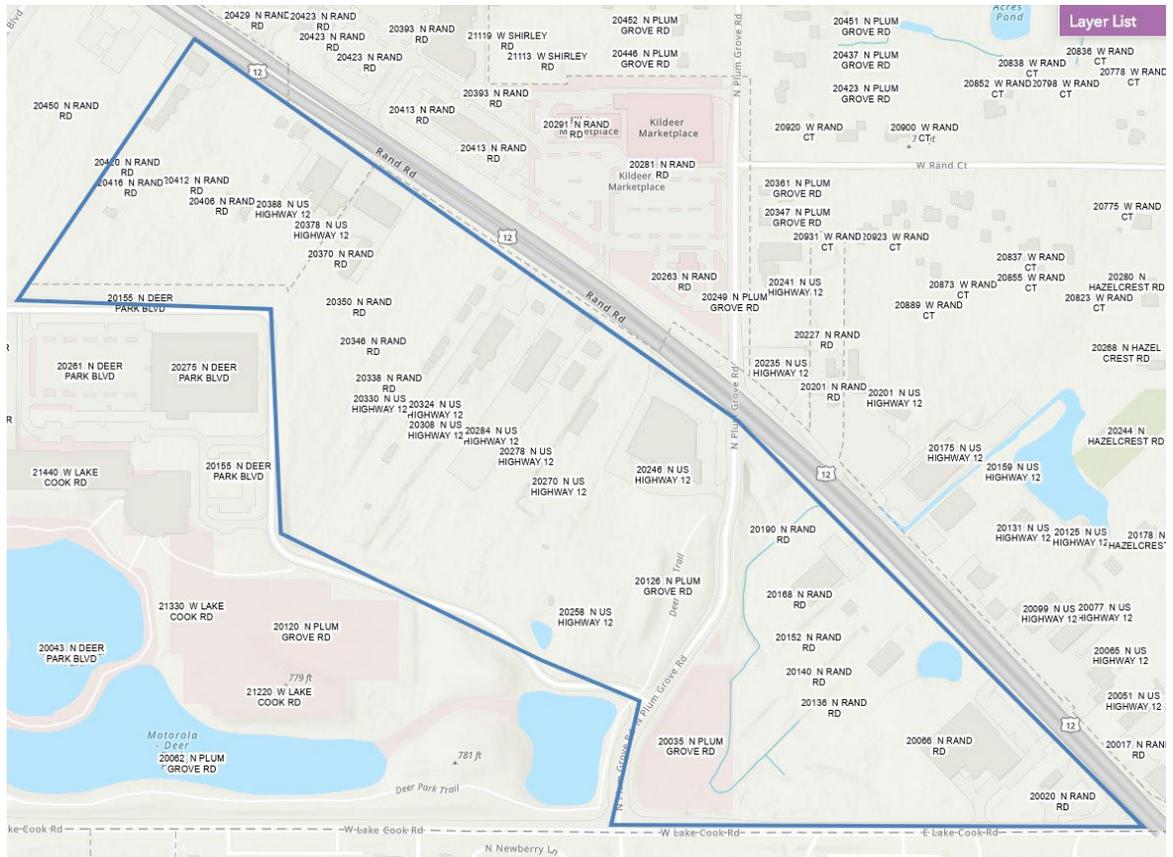
- (1) All water supply systems and all sewage and waste disposal systems in any use district shall comply with the subdivision regulations set forth in Chapter 155 of this Code.
- (2) In addition, all water supply systems and sewage and waste disposal systems not heretofore constructed shall be subject to the approval of the Village Engineer.

- (B) **Regulations Applying to Residential Districts:** Individual sewage treatment facilities will be approved by the Lake County Health Department or Cook County Health Department only upon adequate proof that such wells are free from contamination. The approval of the Lake County Health Department or Cook County Health Department is a requirement in addition to those stated in the aforementioned subdivision regulations. See Chapter 51, the adoption of the Lake County Health Code or Cook County Septic Ordinance Number 58 as appropriate based on the location of the facility.
- (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 (3) mile radius of the subject well.
 - (2) All wells shall be cased in such a manner as to ensure freedom from contamination and freedom from infiltration from nearby residential water supply sources.

§158.38 ADULT-USE CANNABIS

- (A) **Purpose:** 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.



- (1) 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 PD Planned Development District shall be processed in accordance with Section 158.16 of this Code.
 - (b) In determining compliance with Section 158.16 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 158.36 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 158.16 of this Code.
- (c) A special use for adult-use cannabis dispensing organizations shall be permitted in the allowable areas within the PD Planned Development District only if:
- (i) Facility may not be located within one thousand-five hundred feet (1,500') of another adult-use cannabis dispensing organization.
 - (ii) Facility may not be located in a dwelling unit.
 - (iii) At least seventy-five percent (75%) 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 158.36(A)(6) 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.

§158.39 Reserved for Future Use

§158.40 Reserved for Future Use

SITE DEVELOPMENT PLAN

§158.41 APPLICATION FOR APPROVAL REQUIRED.

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

§158.42 PRE-APPLICATION MEETING

The Petitioner shall request a Pre-Application Meeting with the Village Staff and Chairperson of the Planning and Zoning Commission for a preliminary discussion of the proposed development. Pre-application meeting refer to Chapter 38 for fee submittal. Contact the Building Department to begin the process.

- (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 number of spaces to be provided.
- (E) Location, extent and general type of landscaping to be provided including any existing features to be maintained.

§158.43 SITE DEVELOPMENT PRELIMINARY AND/OR FINAL REVIEW.

A Development Petition Packet from the Village Website shall include the following:

- (A) The plans below must be submitted for Village Review no less than forty-five (45) Calendar Days prior to the Planning and Zoning Commission meeting(s). Petitioners are encouraged to contact the Building and Zoning Department to discuss their petition, required plans, pre-submittal options, preliminary vs. final requirements, timing considerations, and potential meeting details.
- (B) Digital submittal and ten(10) print sets required forty-five (45) days prior to Planning and Zoning Commission meeting:
- (C) The Petitioner shall submit a non-refundable filing fee and refundable deposit to the Village of Deer Park as required in Chapter 38 of this Code.
- (D) Application and Written Statement by developer which describes the proposed development, shows how

proposed plan meets objectives of comprehensive plan, shows compatibility with surrounding land uses, benefits to public health, safety, welfare, and Village - economically and otherwise.

- (E) Proposed Exceptions – List of exceptions to municipal code requiring relief.
- (F) Proof of Ownership or Site Control – Such as deed, purchase contract or authorization letter with the ownership matching either the county tax records or a title commitment.
- (G) Survey with Legal Description of the Property – Boundary survey of the site
- (H) Site Plan Preliminary and/or Final – Indicate location of building(s) on property, signs, trash enclosure, bike path, sidewalks, parking spaces, access points, connectivity to neighboring properties, and call-out with pertinent site data to evaluate zoning standards (i.e. coverage, setbacks, floor area ratio, etc.)
- (I) Engineering Plans Preliminary and/or Final - All drawings must be to scale and include dimensions with sufficient detail to evaluate the topography, grading, sewer, water, sanitary, drainage, etc.
- (J) Landscape Plan Preliminary and/or Final – Including plant details, types, quantities, locations, installation, care & maintenance details, note landscaping for ground signs, and provide supporting details and cut-sheets for any fencing, planters, hardscape and other related amenities.
- (K) Architectural Plans Preliminary and/or Final– Including elevations (with height shown), color renderings, material and dimensional callouts, roof plans for non-residential structures and typical floor plans.
- (L) Signage Plan, Preliminary and/or Final– Including locations, elevations (with dimensions shown), color renderings, material and dimensional call-out.
- (M) Photometric (lighting) Plans Preliminary and/or Final – Including calculations of required lighting per the village code and the State of Illinois Energy Code and calculations of what is being provided.
- (N) Development Schedule – Including proposed start dates, completion dates and phasing.
- (O) Traffic Impact Study –Provide engineers report of traffic study.
- (P) Active Covenants – Proposed documents, outline or narrative with salient points of covenants Plat of Consolidation, Preliminary and/or Final– If simultaneous approval for consolidation is requested Plat of Subdivision, Preliminary and/or Final– If simultaneous approval for subdivision is requested Tree Survey – Include graphic showing location and list/description of trees; See Chapter 95 of Code.
- (Q) Other Submittals which may be required by Planning and Zoning Commission including:
 - (1) Proposed Water Allocation
 - (2) Proposed Sanity Sewer Connection Stormwater Maintenance
 - (3) Tax Impact Study
 - (4) School Demographic Study
 - (5) Other information requested by the Planning and Zoning Commission or Village Staff
- (R) **Action by the Planning and Zoning Commission:**
 - (1) Within forty-five (45) days following the submittal of the Site Development Petition Packet, the Planning and Zoning Commission shall, with such aid and advice of the consultants and the Village Staff as may be appropriate, review the preliminary and/or final documents 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 Planning and Zoning Commission finds the Site Development Petition to be in all respects complete in compliance with the standards and intent of this Chapter, the Planning and Zoning Commission shall approve the preliminary and/or final development.
- (3) If the Planning and Zoning Commission finds that such compliance may be conditioned upon modification to conform with the above standards, it may approve the preliminary and/or final development subject to such modifications. All approvals shall be accompanied by a report presenting the findings of the Planning and Zoning Commission with respect to the preliminary and/or final Development.

(S) **Preliminary Development Approval from the Village Board.**

Once the Planning and Zoning Commission has made a recommendation (positive or negative), the preliminary development will be sent to the Village Board for decision along with the recommendation and the Planning and Zoning Commission findings of fact. A petitioner need not submit any additional materials to the Village Board unless requested to by the Planning and Zoning Commission or Village Staff. If, after approval of the preliminary Development, no final application is made for final approval, the preliminary development shall be declared null and void after a two (2) year time period.

(T) **Final Development Approval from the Village Board.**

Once the Planning and Zoning Commission has made a final recommendation the final development will be sent to the Village Board for a decision along with the recommendations and the Planning and Zoning Commission findings of fact. If substantial construction has not been started on any phase of the development within two (2) years from the date of approval of the final development, the permits shall be declared null and void and the project shall not be initiated unless it is resubmitted and reapproved in the same manner that it was approved in the first instance. The Village Board, however, may extend the period for validity of the preliminary Development or for initiating construction under the final development within its sole discretion or upon written request by the property owner upon a showing of good and sufficient cause. The decision whether to grant such an extension shall be made within the Village Board's sole discretion.

§158.44 Reserved for Future Use

§158.45 Reserved for Future Use

ADMINISTRATION AND ENFORCEMENT

§158.46 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, from any source, applications for special uses or amendments and transmit copies of same to the Planning and Zoning Commission for review and recommendations;
- (3) Receive, from the Planning and Zoning 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;
- (4) Receive and file copies of all applications for appeals, variations and other matters on which the Planning and Zoning Commission is required to pass under this Chapter; and
- (5) Provide such clerical and technical assistance as may be required by the Planning and Zoning Commission in the exercise of its duties.

§158.47 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 Planning and Zoning Commission shall consist of a chairperson and six (6) members to be appointed by the President with the advice and consent of the Village Board. The Chairperson shall be appointed by the President with the advice and consent of the Board of Trustees. The Village Clerk shall serve as secretary to the Planning and Zoning Commission.
- (C) **Term of Office:** 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 Planning and Zoning 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 Planning and Zoning 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 Planning and Zoning Commission for cause after a public hearing.
- (F) **Compensation:** No member of the Planning and Zoning 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.
- (G) **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.
- (H) **Duties of the Planning and Zoning Commission are as follows:**
 - (1) To prepare and recommend to the Village Board of Trustees 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 Planning and Zoning 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 one and half (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 one and half (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 of Trustees 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 twenty (20) 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 (1) copy to the Building and Zoning Official and one (1) copy to the Planning and Zoning Commission Chairperson. The Building and Zoning Official shall forthwith transmit to the Planning and Zoning Commission Chairperson all the papers constituting the record upon which the action appealed from was taken.
 - (a) An appeal stays all proceedings in furtherance of the action appealed from unless the Building and Zoning Official certifies to the Planning and Zoning 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 Planning and Zoning Commission or a court of record after notice to the Building and Zoning Official and on due cause shown.
 - (b) The Planning and Zoning 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.
 - (c) To recommend to the Village Board of Trustees 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.

- (d) To recommend to the Village Board of Trustees, after holding a public hearing, on applications for special uses listed in each of the several zoning districts.
- (e) To recommend to the Village Board of Trustees, 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.
- (f) To recommend to the Village Board of Trustees, after holding a public hearing, on petitions for amendment of the provisions of this Chapter and the boundary lines of zoning districts established therein.
- (g) To transmit to the Village Board of Trustees, 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.
- (h) 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.
- (i) 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 (4) 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.
- (j) Additional duties of the Commission are also outlined in this Chapter, the Deer Park Municipal Code and the Illinois Municipal Code.

- (I) **Meetings:** All meetings of the Planning and Zoning Commission shall be held at the call of the Chairperson and at such other times as the Planning and Zoning Commission and/or Village Board may determine. The presence of four (4) members shall be necessary for a quorum. All meetings shall be open to the public. The Chairperson, or Acting Chairperson, 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 Planning and Zoning Commission in the performance of official duties are to be itemized and shall be paid by the Village.

§158.48 BUILDING REVIEW BOARD.

A Building Review Board is hereby established consisting of five (5) members: Planning and Zoning Commission Chairperson, Village President and, as the President may appoint, two (2) members of the Planning

and Zoning Commission, and one (1) Trustee from the Board of Trustees.

§158.49 SPECIAL ZONING COMMISSION

The Planning and Zoning 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.

§158.50 MAINTENANCE OF RECORDS.

The Village Clerk shall keep a record of its proceedings.

§158.51 ORAL REPORTS AND RECOMMENDATIONS.

Nothing in this Chapter shall be construed to prohibit the Planning and Zoning 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.

§158.52 VARIATIONS.

(A) Standards and Purpose:

- (1) In no case shall the Planning and Zoning 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 their 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 Planning and Zoning 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 that the surrounding properties will not be adversely affected.
- (2) In considering all appeals and all proposed exceptions or variations from this Chapter, the Planning and Zoning 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) Variations will automatically expire twelve (12) months after they have been granted unless the property owner.
 - (a) obtains a building permit and commences construction of the project.
 - or
 - (b) requests a one (1) time extension for an additional six (6) months.

§158.53 APPEALS.

An appeal may be taken to the Planning and Zoning 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 twenty (20) days of the decision of such officer.

§158.54 AMENDMENTS TO THE ZONING CODE.

- (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 Planning and Zoning 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 and/or Village Staff, by the Planning and Zoning Commission, or by any resident of or owner of property in the Village.
- (C) **Procedure:** Prior to a public hearing by the Planning and Zoning Commission on any amendment to the Zoning Code, the Village Board shall be notified of such amendment.

§158.55 APPLICATION REQUIREMENTS FOR AMENDMENTS, PLANNED DEVELOPMENT, SPECIAL USES OR VARIATIONS.

- (A) Each application for an amendment, planned development special use, 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) No filing and/or deposit fees shall be applicable to petitions in the public interest filed by any governmental agency.
- (C) PUBLIC HEARING NOTICE.
 - (1) Following receipt of all papers and documents relating to an appeal, an application for special use or, a planned development, or a petition for an amendment of the regulations or zoning district boundaries established by this Chapter, the petitioner/applicant shall publish in the official newspaper (in Lake and/or Cook Counties) a notice of the date, time and location of the public hearing thereon. Such notice shall be published not less than fifteen (15) days nor more than thirty (30) days before the hearing date and shall contain (i) the common street address or addresses and (ii) the property index number (“PIN”) or numbers of all the parcels of the real property contained in

the affected area, (iii) the approximate size of the property in acres, or square feet if under an acre, and (iv) a brief description of the nature of the matter to be heard.

- (2) Notice shall also be mailed to the owners of record of all parcels of land within five hundred feet (500') of the perimeter of the subject property of the petition (exclusive of rights-of-ways). Said notices shall be mailed, by certified mail, by the petitioner/applicant, not less than fifteen (15) days or more than thirty (30) days before the hearing date. A list of property owners can be obtained by calling Ela Township Assessor's Office at 847-438-8370, emailing assessor@elaassessor.org or visiting the office at 1155 E. Route 22, Lake Zurich, IL 60047 and A list of Cook County property owners can be obtained by calling the Palatine Township Assessor's Office at 847-358-6700, or visiting the office at 721 S Quentin Rd # 103, Palatine, IL 60067.
- (3) The Village shall post notice of said hearing by the erection of a sign, provided by the Village Building and Zoning Department, on the subject property for a period of not less than 15 continuous days immediately preceding the date of the hearing and not more than 30 days before the date of the hearing. The required sign(s) shall be posted on all frontages of the lot in a conspicuous place allowing unobstructed public viewing. The Village shall remove the sign(s) at the conclusion of the public hearing *.see chapter 150.04 Schedules of building fees and charges*
- (4) At the public hearing the petitioner shall deliver to the Village Clerk Notarized Affidavit of Public Notice, a publisher's certificate of publication from the newspaper of the required notice, and evidence of mailing of notice as required herein above.
- (5) 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.
- (6) The Village Clerk shall post the agenda of each meeting or public hearing by the Planning and Zoning Commission as required by the Illinois Open Meetings Act.

§158.56 Reserved for Future Use

§158.57 Reserved for Future Use

§158.99 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 seven hundred and fifty dollars (\$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.