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## Zoning Ordinance

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## *Purpose*

The purpose of this Ordinance is to implement Third Lake's Comprehensive Plan which strives to protect the public health, safety, and general welfare of the present and future inhabitants of the Village by:

- A. Implementing policies and proposals of the goals of the Village's Comprehensive Plan.
- B. Classifying the area of the Village into districts according to the use of land and buildings.
- C. Implementing land use and open space policies, which will preserve the rural, open character of Third Lake.
- D. Regulating and restricting the location and use of buildings and structures, and providing adequate privacy, light and air.
- E. Protecting the tax base by preserving the values of property throughout the Village.
- F. Protecting landowners from adverse impacts of adjoining developments.
- G. Providing for the gradual elimination of those existing uses, buildings and structures that do not conform to the standards of the district or zone in which they are located.

# Article I

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## Section I

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### *Definitions*

*Abutting:* Having a common border with, or being separated from, such common border by an easement or right-of-way.

*Access:* A means of vehicular entry to or exit from property.

*Accessory Structure or Use:* A structure or use which (1) is subordinate to and services a principal building or a principal use legally existing on the same zoning lot, (2) is subordinate in area, extent and purpose to the principal building or principal use, (3) contributes to the comfort, convenience or necessity of the occupants, business or industry of the principal structure or principal use served, and (4) is located on the same zoning lot as the principal structure or principal use.

*Alley:* A thoroughfare either used as such or shown on any recorded description of a parcel which is not more than 30 feet wide and which affords only a secondary means of access to abutting property.

*As-Built Drawings:* A survey prepared by a registered engineer or land surveyor showing both proposed and as-built locations of improvements, spot elevations and contours.

*Attention-Getting Device:* Any pennant, flag, valance, banner, propeller, spinner, streamer, searchlight, laser beam, balloon, and similar device or ornamentation designed for the purpose of promotion or advertising or attracting attention.

*Automobile (Car) Wash:* A building, or portion thereof, containing facilities for washing one or more automobiles using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices including, but not limited to, spray wands.

*Automobile Service:* Automobile repair, major engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers, body repairs or painting.

*Automobile Service Station:* An establishment providing retail sales of vehicle fuels, which may also provide such services as lubrication, oil and tire changes, and minor repairs. This does not include paint spraying or body repairs.

**Average Ground Elevation:** The average level of the finished surface of the ground adjacent to the exterior walls of a building or structure.

**Basement:** A portion of a building or structure wholly or partly below the average ground elevation.

**Bed and Breakfast Inn:** An owner-occupied residence providing accommodations for a charge to the public, with no more than 3 guest rooms for rent, in operation for more than 10 nights in a 12 month period.

**Buffer Yard:** An area established to protect one type of land use or zoning district from another that is incompatible.

**Buildable Area of a Lot:** That portion of a lot bounded by the building setback lines.

**Building:** A structure built, maintained or intended for use for the shelter or enclosure of persons, animals, or property of any kind.

**Building, Detached:** A detached building or structure, which is not attached to the principal building.

**Building Height:** The vertical distance to the highest point of the roof or any segment of the building as measured from the average ground elevation.

**Building Permit:** A permit issued by the Village of Third Lake for the construction, erection or alteration of a structure or building.

**Building, Principal:** A building in which is conducted or in which is intended to be conducted, the main or principal use of the lot on which it is located.

**Building Setback Line:** A line on the horizontal surface of a lot parallel or nearly parallel to the lot lines and located at a distance prescribed by the yard regulations and beyond which a building must not extend as provided by this Ordinance.

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

**Cemetery:** Any land, and the structures thereon, designed, used or intended to be used for the interment of human remains.

**Certify or Certification:** The act or process of attesting that the specific inspections, calculations or tests, where required, have been performed and that they comply with the applicable requirements of the ordinance.

**Child Care Facility:** Any facility that is established and maintained for the general care of children. Whether established for gain or otherwise, a child care facility receives or arranges for care or placement of more than seven children unrelated to the operator of the

facility. The term *Child Care Facility* includes facilities commonly called "day care centers," "day nurseries," "nursery schools," and "kindergartens," but does not include any state operated institution for child care, any juvenile detention housing, any licensed nursing home, or any bona fide boarding school.

*Club, Private:* A structure, building or property that is primarily used by an organization serving its members or their guests.

*Commercial School:* A trade school or other school offering training in specialized courses of study.

*Comprehensive Plan:* All plans for the orderly development of Third Lake including all accompanying maps, charts, and explanatory material adopted by the Third Lake Board, and all amendments thereto.

*Congregate Housing for the Elderly:* A residential facility for four or more elderly persons that provides living and sleeping facilities, meal preparation, laundry services and room cleaning. Such facilities may also provide other services such as transportation for routine social and medical appointments.

*Convenience Store:* Any retail establishment offering the sale of food products, household items and other goods commonly associated with the same and having a gross floor area of less than 6,000 square feet.

*County:* The County of Lake, Illinois.

*County Board:* The Board of Supervisors of the County.

*Density:* The number of dwelling units per acre.

*Development:* The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alterations, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading, excavation or other movement of land for which permission may be required pursuant to this chapter.

*Dwelling:* Any building or portion thereof that is designated or used for one or more families.

*Dwelling, Multifamily:* A building designed for or containing two or more dwelling units.

*Dwelling, Single-family:* A dwelling containing one dwelling unit.

*Dwelling, Two-family:* A dwelling containing two dwelling units.

*Engineer:* An engineer registered by the State of Illinois.

**Family:** Two or more persons related to each other by blood, marriage, or legal adoption, living together as a single housekeeping unit; or a group of not more than three persons, who need not be related by blood, marriage, or legal adoption, living together as a single housekeeping unit and occupying a single dwelling unit; or a group of not more than six handicapped individuals, as defined in Title VIII of the United States Civil Rights Act of 1968, as amended, together with their domestic servants and attendants, maintaining a common nonprofit household in a dwelling unit.

**Festoon Lighting:** A group of two or more incandescent light bulbs hung or strung overhead, not on a building or structure, which are exposed to persons on a public right-of-way or which are not shaded or hooded to prevent direct rays or light from being visible.

**Floor Area:** The sum of the gross area for each of the building's stories under roof measured from the exterior limits or faces of the structure.

**Floor Area Ratio (F.A.R.):** Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

**Frontage:** The length of any one property line which abuts a legally accessible street right-of-way. For the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under yards in this section.

**Garden Center:** A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouse, import most of the items sold and may include plants, nursery products and stock, fertilizers, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

**Garage:** An enclosed structure, or part thereof, designed, used or intended to be used for the parking and storage of motor and recreational vehicles.

**Golf Course:** An area of land designed for the game of golf with a series of holes. It includes trees, greens, fairways and often one or more natural or artificial hazards.

**Ground Area:** That portion of a lot encompassed by the outside perimeter of the building.

**Handicapped Group Homes:** A dwelling unit shared by more than six unrelated handicapped individuals as defined in Title VIII of the United States Civil Rights Act of 1968, as amended, together with their domestic servants and attendants, maintaining a common nonprofit household.

**His:** Of or relating to him or himself especially as a possessor, agent, or object of an action. His shall include the feminine gender.

**Home Occupation:** A business, profession, or trade conducted for gain or support and located entirely within and is incidental to a residential building. It may not alter the exterior of the property or affect the residential character of the neighborhood.

**Hotel:** A building designed for transient occupancy containing rooms or suites accessible from a common hall or entrance.

**Impervious Surface:** Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks and paved recreational facilities.

**Industrial Park:** A subdivision or parcel of land intended or designed exclusively for and/or developed with more than one distinct industrial use.

**Kennel:** Any place in or at which any number of household pets are kept for the purpose of sale or in connection with boarding, training, care, grooming or breeding for which any fee is charged.

**Lake:** A natural or artificial body of water encompassing an area of two or more acres that retains water year round.

**Lighting:** See Article IV Section IV for Definitions

**Light Industrial:** A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products but excluding basic industrial processing.

**Lot:** A single legally divided parcel of land.

**Lot Area:** The area contained within the boundary lines of a lot.

**Lot, Buildable Area of:** That portion of a lot bounded by a building setback line.

**Lot, Corner:** A lot abutting on and at the intersection of two or more streets.

**Lot Coverage:** The total ground area of a lot that is covered by roofed buildings, excluding permitted eaves, balconies and similar features.

**Lot Depth:** The lot depth is the mean horizontal distance between the front of the lot and the rear lot line of an area measured within the lot boundaries.

**Lot, Double-frontage:** A lot abutting on two parallel streets, or abutting on two intersecting streets at points removed from their juncture.

**Lot Line:** A line bounding a lot that divides one lot from another or from a street or any other public or private space.

**Lot Line, Rear:** That lot line which is parallel to and most distant from the street lot line of the lot; in the case of a triangular or an irregular lot, a line 20 feet in length, entirely within



the lot, parallel to and at the maximum possible distance from, the street lot line shall be considered to be the rear lot line. In the case of corner lots, the rear lot line shall be opposite the narrowest street lot line.

**Lot Line, Side:** Any lot line other than a street, rear, or lake lot line.

**Lot Line, Street:** In the case of a lot abutting only one street, the lot line separating a lot from the street; in the case of a corner lot, each lot line separating the lot from a street; in the case of a double frontage lot, each lot line separating the lot from a street shall be considered to be the street lot line.

**Lot, Recorded:** A lot designated on a subdivision plat or deed, duly recorded pursuant to statute in the County Recorder's office. A recorded lot may or may not coincide with a zoning lot.

**Lot Width:** The horizontal distance between side lot lines, or in the use of corner lot, side lot lines and street lot lines, measured at the street yard setback. When a lot has more than one street lot line, all street lot lines shall comply with the lot width requirement.

**Lot, Zoning:** A parcel of land, composed of one or more recorded lots, occupied or to be occupied by a principal building or buildings or principal use or uses along with permitted accessory buildings or uses, meeting all the requirements for area, buildable area, frontage, width, yards, setbacks, and any other requirements set forth in this Ordinance.

**Manufactured Home/Modular Home:** A dwelling manufactured off-site that complies with the provisions of the One and Two-family Building Code.

**Minimum Floor Elevation:** The lowest elevation permissible for the construction, erection, or other placement of any floor including a basement floor.

**Mobile Home:** A dwelling, used for long term occupancy, which is designed or constructed so that it may be transported intact, notwithstanding the fact that said dwelling is placed upon a foundation. A mobile home shall be permitted to be located in a mobile home park only.

**Mobile Home Park:** A planned unit development requiring a special use permit containing two or more mobile homes.

**Motel:** A building designed for transient occupancy containing rooms or suites with separate entrances, providing living, sleeping, and toilet facilities.

**Nonconforming Recorded Lot:** A tract of land designated on a duly recorded subdivision plat; or by a duly recorded deed which indicates the establishment of the parcel prior to the adoption of the Village's Zoning Ordinance; or by other lawful means; which has less than the minimum lot area, width or other dimension prescribed for the particular zone in which it is located and which met the lot area, width and other dimensions for the zone in which it was located at the time of such recording, but was made nonconforming by a subsequent

amendment to this Ordinance.

**Nonconforming Structure:** Any building or structure which was legally constructed, prior to the effective date of this Ordinance or subsequent amendment thereto, which (i) would not be permitted as a new structure under the terms of this Ordinance because such structure is not in conformance with the yards, height, lot coverage or floor area ratio requirements of the zone in which it is located or (ii) is designed or intended for a non-conforming use. A structure located on a nonconforming recorded lot is not classified as a nonconforming structure solely because of insufficient lot area or width, nor shall anything herein be construed to affect those structures previously covered by the regulations for nonconforming lots.

**Nonconforming Use:** An activity using land or structures or both, legally established prior to the effective date of this Ordinance or subsequent amendment thereto, which would not be permitted as a new use in the zone in which it is located under the terms of this Ordinance.

**Nursery:** A place where the primary activity is the growing of plants, flowers, trees and shrubs for sale.

**Nursery School:** A school or other instructional facility for preschool or kindergarten children.

**Open Space:** Land used for recreation, resource protection, amenity and/or buffers. In no event shall any area of a lot constituting the minimum lot area of said lot nor any part of an existing or future road or right-of-way be counted as constituting open space.

**Owner:** The person having the right of legal title or beneficial interest in or a contractual right to purchase a parcel of land for the purpose of providing notices required by the owner is the person who last paid taxes on any parcel as identified by property tax records.

**Parcel:** Any legally described piece of land.

**Planned Unit Development (P.U.D.):** A development of land that is under unified control and is planned and developed as a whole in a single development operation or series of stages. The development may include streets, pedestrian circulation ways, buildings, open spaces and other site features.

**Pond:** A natural or artificial body of water of less than two acres that retains water year round.

**Recreational Vehicle:** A vehicular, portable structure built on a chassis, designed to be used as a temporary occupancy for travel, recreation or vacation uses. Travel trailer, motor-home, camping trailer, snowmobiles, water craft and pickup coach are deemed synonymous with recreational vehicle.

**Recycling Center:** An incidental use that serves as a neighborhood drop-off point for

temporary storage of reusable resources. No processing of such items would be allowed.

**Satellite and Communications Center:** A facility and/or installation with sole purpose to receive and transmit audio and video data.

**Self Storage Facility:** A building consisting of individual, small, self-contained units that are leased or owned for storage.

**Shopping Center:** A group of commercial establishments planned, developed, and managed as a unit.

**Sign:** A sign is a name, identification, description, display, or illustration which is affixed to, or represented directly or indirectly upon a building, structure, or piece of land which directs attention to an object, product, place, activity, person, institution, organization or business. However, a sign shall not include any display of official court or public office notices nor shall it include the flag, emblem or insignia of a nation, political unit, school or religious group. A sign shall not include a sign located completely within an enclosed building unless the context shall so indicate.

**Sign, Awning, Marquee, Canopy Sign:** Any fixed sign, as well as retractable or removable marquee, canopy and awning, respectively, projected over, suspended above or erected on any public thoroughfare.

**Sign, Building:** A sign attached to and supported by the exterior of any part of a building except the roof.

**Sign, Changeable Copy:** A sign wherein provision is made for the manual or electronic change of letters or characters in the field in or upon the surface area of the sign.

**Sign, Commercial Billboard or Posterboard:** A single or double-faced, freestanding sign permanently erected on the premises, including changeable copy signs, used for the display of commercial information not associated with the conduct of a business or enterprise located on the same premises of such a sign.

**Sign, Externally Illuminated:** A sign illuminated by a source of light which is cast upon or falls upon the surface of the sign to illuminate by reflection only.

**Sign, Freestanding or Ground:** A sign completely or principally self-supported by a post(s) or other support(s) independent of any building or other structures and anchored in or upon the ground.

**Sign, Identification:** Any sign that states the company name of any business including nation company and/or proprietor.

**Sign, Internally Illuminated:** A sign, all or any part of the letter or design of which is made of incandescent, neon or other types of lames; a sign with painted, flush or raised letters lighted by an electric lamp or lamps attached thereto; a sign having a border of

incandescent or fluorescent lamps thereto attached and reflecting light thereon; or a translucent sign, whether lighted by electricity or other illuminant.

**Sign, Nameplate:** A sign that displays only the name and/or address of the occupant and is non-electrical.

**Sign, Nonconforming:** A sign, lawful at the enactment of this Ordinance, which does not comply with all of the regulations of such ordinance, or any amendment thereto, governing the use of signs.

**Sign, Obsolete:** A sign that advertises a business that is not being presently conducted upon the premises on which the sign is located.

**Sign, Off-premises:** A sign which directs attention to or advertises a use, business, commodity, service or activity not conducted, sold or offered upon the premises where the sign is located.

**Sign, Political/Campaign:** A sign announcing candidates seeking public office and/or any sign concerning political issues and other issues pertinent thereto.

**Sign, Projecting:** A sign that projects more than 12 inches from the face of any building or wall which supports said sign.

**Sign, Real Estate:** A sign located for the purposes of advertising a parcel of land or a building as available for sale, rental or lease.

**Sign, Roof:** A sign erected, constructed or maintained in whole or in part upon or over the roof of a building or structure. Roof signs shall not include those signs maintained upon the lower slope of a mansard roof that does not extend above the uppermost point of the lower slope. Such signs shall be classified as "wall signs."

**Signs, Temperature:** Temperature signs are devices which periodically display the current temperatures.

**Sign, Temporary:** Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboards, wallboard or other materials, with or without frames, for use for a limited period of time.

**Signs, Time:** Time signs are devices which periodically display the time of day.

**Signs, Unusually Shaped:** Signs such as cubes, gloves, cylinders or pyramids shall be considered multi-faced signs and the sign surface area shall be computed as the total of the exposed surface.

**Sign, Wall:** A sign mounted or attached to the wall of a building or structure in a plane parallel to that of the supporting wall, consisting of individual or grouped letters and/or symbols.

**Signs, Window Identification:** An identification sign painted on, affixed to or placed against any window or which is placed in a display case for view from the outdoors through a window when such sign is visible from any public right-of-way.

**Sign, Window Promotional:** Any sign painted on, affixed to or placed against any window which is placed in a display case, for view from the outdoors through a window when such sign is visible from any public right-of-way and which is displayed for the specific purpose of attracting the attention of the passerby to a sale, or to promotional items, or to other products or services.

**Story:** That portion of a building or structure included between the surface of any floor and the ceiling next above it. A basement shall be counted as a story if the floor next above it is more than 5 feet above the average ground elevation.

**Street:** A place or way, however designated, for vehicular travel that affords principal means of access to abutting property, or other street.

**Street, Arterial:** An arterial street is a street classification which (1) interconnects and augments the urban, principal arterial system, (2) provides service for trips of moderate length, (3) carries local bus routes and provides intra-community continuity with the urban area, (4) normally includes urban connections to rural major collectors, and (5) are spaced from 2-3 miles in suburban fringes to 1 mile apart in fully developed areas.

**Street, Collector:** A collector street is a street classification which (1) should connect residential neighborhoods with the arterial system, (2) connect commercial and industrial areas, not served by an arterial, to the arterial system, and (3) is normally spaced relative to the level of development (in fully developed areas, spacing is approximately 1/2 mile).

**Street, Local:** A street that primarily provides direct access to adjoining properties.

**Structure:** Anything constructed, erected, or placed, which has location in or on the ground or is attached to something having a location on the ground.

**Structure, Height of:** The vertical distance as measured from the average ground elevation to the highest point on such structure.

**Subdivision:** Any division or re-division of a parcel of land into two or more parts by means of mapping, platting, conveyance, change or rearrangement of boundaries for the purpose of sale, lease, offer or development whether immediate or future and including all changes in street or lot lines.

**Use:** The purpose or activity for which land, or any structure thereon, is designed, arranged, or intended, or for which it is occupied or maintained.

**Use, Principal:** The specific primary purpose for which land is used.

*Use, Temporary:* A use established for a fixed period of time with the intent to discontinue the use upon the expiration of the time.

*Vehicle:* Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for vehicles moved solely by human power and motorized wheelchairs.

*Water Level, Shoreline:* The shoreline water level of Druce and Third Lake shall be the point on the bank or shore of the body of water up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics as measured by the Zoning Officer.

*Wetland:* An area of .25 acre or more where standing water is retained periodically due to naturally occurring soil or drainage conditions, and hydric vegetation has adapted to the area and hydric soils are present.

*Yard:* The area between a lot line and a building setback line.

*Yard, Lake:* A yard extending the full width of the area between the shoreline water level of Druce and Third Lake, and the lake yard building setback line as measured by the Zoning Officer. When a lot has public property between it and the shoreline water level, then the lot shall have a lake yard which is measured from its property line contiguous to this public property rather than the shoreline water level.

*Yard, Rear:* A yard extending the full width of the lot in the area between the rear lot line and the rear yard building setback line.

*Yard, Side:* A yard extending the full length of the lot in the area between a side lot line and a side yard building setback line.

*Yard, Street:* A yard extending the full width of a lot between the street lot line and the street yard building setback line.

*Zoning Officer:* Shall be appointed by the Village Board to perform all duties described in this Ordinance.

# Article I

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## Section II

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### *Establishment of Zones*

#### **Introduction**

The purpose of the regulations contained in this section is to foster the optimal utilization of land as zoned while minimizing detrimental impacts on the environment, neighboring priorities, and the public interest. This is accomplished by separating the area of Third Lake into seven zoning districts and permitting a range of land uses in each, providing that each use meets all the additional land use standards specified in this Ordinance. Standards are developed to minimize the negative impacts that may be created by any particular use. No more than one principal building or use shall be permitted on any lot in any zoning district, except within a Planned Unit Development.

#### **Residential District R-1**

This district is intended to provide for low-density large lot size single-family residential areas. The district allows single-family dwellings as a permitted use. It also allows supportive community facilities, which are compatible with the single-family neighborhoods such as parks, playgrounds, schools, libraries, churches and seminaries, as special uses. It is intended that this district provide protection for those areas existing as, or planned for, single-family neighborhoods.

#### **Residential District R-2**

This district is intended to provide for medium density single-family residential areas. The district allows single-family dwellings as a permitted use. It also allows supportive community facilities, which are compatible with the single-family neighborhoods such as parks, playgrounds, schools, libraries and churches, as special uses. It is intended that this district provide protection for those areas existing as, or planned for, single-family neighborhoods.

#### **Residential District R-3**

This district is intended to provide for higher density single-family residential areas. The district allows single-family dwellings as a permitted use. It also allows supportive community facilities, which are compatible with the single-family neighborhood such as parks, playgrounds, schools, libraries and churches, as special uses. It is intended that this

district provide protection for those areas existing as, or planned for, single-family neighborhoods.

**Multifamily Residential District MR**

This district is intended to provide for areas of higher residential density than allowed in the R-1 through R-3 districts. The district allows single-family dwellings as a permitted use. It also allows for multifamily dwellings, schools, parks, community buildings and churches as special uses.

**Community Business District CB**

This district is intended to provide for neighborhood commercial and service areas often located at the edge of residential developments, adjacent to the collector and arterial streets that serve the area. It is the intent of the ordinance to provide for a well-integrated service area, providing convenience goods and personal services to primarily serve the nearby residential neighborhoods. Office uses shall also be considered suitable land uses for this district because they are often less intense than general business uses. Because of the very nature of commercial uses, site and architectural design shall be compatible with and sensitive to adjacent residential development, striving to preserve and protect residential property values.

**General Business District GB**

This district is intended to provide for well-designed commercial areas, which reinforces the visual appearance desired by the community. This district is located primarily in developing areas along arterial streets. Uses shall generally be intensive retail, general merchandise, office and other light commercial uses that provide goods and services of a more regional nature than the Community Business District. Appropriate transitional landscape buffers shall be used to separate incompatible land use areas.

**Light Industrial District LI**

This district is intended to provide for a number of light industrial, wholesale, warehousing, and service uses in an attractive industrial park-like setting. These uses do not depend on frequent personal visits from the public at large, but allows for use by other park businesses. Uses that allow for screened outside storage are appropriate in this district. It is the intention of this district to provide high-amenity industrial development along the arterial streets. Appropriate transitional landscape buffers shall be used to separate incompatible land use areas.



# Article II

## Section I

### *Principal Uses Permitted in Zones*

Principal Uses Permitted in Zones - Table 1							
USE	R-1	R-2	R-3	MR	CB	GB	LI
Advertising Agency					X	X	
Agricultural Implement Sales, Service							X
Antique Sales					S	X	
Apparel Store					S	X	
Appliances, Electric and Gas, Sales, Repair or Service					S	X	X
Art Gallery, Art Studio, Sales, Supplies					X	X	
Automobile Accessory Store					S	S	
Automobile Car Wash					S	S	X
Automobile Repair Shop					S	S	X
Automobile Sales							S
Automobile Service Station					S	S	X
Bait Shop					X	X	
Bakery, Retail					X	X	
Barber Shop					S	S	
Beauty Shop					S	S	

S = Permitted with a special use permit

X = Permitted by right

T = Permitted with a temporary use permit

Principal Uses Permitted in Zones - Table 1

USE	R-1	R-2	R-3	MR	CB	GB	LI
Bed and Breakfast Inn	S	S	S	S			
Bicycle Sales or Repairs					X	X	
Boat Launching Ramp	S	S	S	S			
Boat Sales							X
Boatworks, Custom Building and Repair only							X
Book Store					X	X	
Bowling Alley						S	
Broadcasting Station and Studio							S
Building Material Sales Yard (excluding Asphalt or Concrete Mixing)						S	X
Business Machine Repair, Servicing					S	X	
Camp, Commercial/Recreational	S	S					
Camp, Day or Youth	S	S	S	S			
Carnival or Circus						T	
Catalog Sales Office for Mail-order Store					X	X	
Catering Service					S	X	X
Cemetery	S	S	S	S			
Child Care Facility					S	S	S
Christmas Tree Sales					T	T	T
Church, or other Place of Worship	S	S	S	S	S	S	
Cleaning (Carpet, Rug, Furniture, etc.)						X	X
Cleaning (Clothing)					S	X	X
Cleaning and Dyeing Retail							X
Clinic (Medical, Dental, Eye Care, Chiropractic)					S	X	
Club, Country					S	X	

S = Permitted with a special use permit

X = Permitted by right

T = Permitted with a temporary use permit

Principal Uses Permitted in Zones - Table 1							
USE	R-1	R-2	R-3	MR	CB	GB	LI
Club, Outdoor Recreational					S	X	
Club, Private Indoor					S	X	
Commercial School						S	S
Community Center for Public Use	S	S	S	S	S	S	
Congregate Housing for the Elderly				S			
Contractor's Equipment Storage Yard							S
Contractor's Office and Trailer	T	T	T	T	T	T	T
Convenience Store					S	S	
Convent, Monastery				S			
Craft Shop					X	X	
Currency Exchange					X	X	
Dancing School					X	X	
Department Store					S	X	
Detective Agency						X	
Discount Store					S	X	
Dormitory				S			
Dressmaker's Shop					X	X	
Drive-through Facility					S	S	
Drug Store					X	X	
Dry Cleaning					S	X	X
Dry Goods Store, Retail					S	X	
Dwelling, Multifamily				S			
Dwelling, Single Family	X	X	X	X			
Electrical Equipment Sales					S	X	X
Employment Office, Commercial					X	X	
Engineering Office					X	X	
Extraction of Earth Products							S
Farmstand					T	T	
Feed and Grain Sales					S	X	X

S = Permitted with a special use permit

X = Permitted by right

T = Permitted with a temporary use permit

Principal Uses Permitted in Zones - Table 1							
USE	R-1	R-2	R-3	MR	CB	GB	LI
Financial Institution					X	X	
Fish Market, Retail					S	X	
Floor Covering Sales					S	X	X
Florist Sales					X	X	
Food Locker						S	X
Food Processing and Packing							X
Fruit and Vegetable Market, Retail					X	X	
Fuel Oil, Ice, Coal, Wood Sales							X
Funeral Home, Mortuary					S	X	
Furnace and Water Heater Sales, Display, Repair Service						X	X
Furniture Repair, Refinishing Shop						X	X
Furniture Sales					S	X	X
Furrier, Retail						X	
Garden Center, Greenhouse, Nursery						X	
Gift Shop					X	X	
Glass and Glazing							X
Golf Course	S	S	S	S			
Golf Driving Range or Miniature Golf						X	
Greenhouse, Non-retail						S	X
Grocery Store or Supermarket						X	
Handicapped Group Home				S			
Hardware Store, Retail					S	X	
Health Club or Gymnasium					X	X	
Health Food Store					X	X	
Hearing Aid Sales					S	X	
Hobby Shop					X	X	
Hospital, General						S	S

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Principal Uses Permitted in Zones - Table 1							
USE	R-1	R-2	R-3	MR	CB	GB	LI
Hospital, Outpatient					S	S	S
Hotel						S	
Ice Cream Shop					X	X	
Insurance Office					X	X	
Interior Decorators					X	X	X
Jewelry, Retail					S	X	
Junior Department Store or Variety Store					S	X	
Kennels							S
Laundromat					S	X	
Laundry, Commercial						S	X
Leather Goods Sales					S	X	
Library, Public	S	S	S	S	X	X	
Light Industrial, including Assembly, Cleaning, Compounding, Fabrication, Manufacturing, Mixing, Packaging, Processing, Productions, Repair, Servicing, Storage and Testing which can meet the highest industrial performance standards.							X
Liquor Store, Package only					S	S	
Locksmith					X	X	
Machinery Storage Yard							X
Magazine and News Store					X	X	
Mail Order House						X	X
Manufacturer's Agent, Office					S	X	X
Martial Arts Instruction					X	X	
Meat Market, Retail					S	X	
Medical Laboratory							X
Mirror Supply, Refinishing							X
Mobile Home Park				S			

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X = Permitted by right

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Principal Uses Permitted in Zones - Table 1

USE	R-1	R-2	R-3	MR	CB	GB	LI
Monument Works							X
Motel						S	
Motorcycle Sales, Repair, Service						S	X
Municipal Building	S	S	S	S	S	X	
Museum					S	X	
Music, Musical Instrument, (Store)					S	X	
Nursing Home or Convalescent Home				S			
Office Equipment and Supplies, Retail					S	X	
Offices for Executive or Administrative Purposes					X	X	X
Ornamental Iron Workshop							X
Paint and Wallpaper Store					S	X	
Park, Commercial Recreation	S	S	S	S	S	X	X
Park, Public	S	S	S	S	S	X	X
Pet Shop					X	X	
Photography Studio					X	X	
Picture Frame Shop					X	X	
Planned Unit Development	S	S	S	S	S	S	S
Playground	S	S	S	S			
Plumbing Supplies and Fixture Sales					S	X	X
Post Office, Governmental Office					S	S	S
Print Shop, Copy Service					S	X	X
Professional Office					X	X	
Public Accountant, Bookkeeping Service, Income Tax Service					X	X	
Public Open Land, Refuge or Preserve	S	S	S	S			
Radio and TV Sales or Repair					X	X	

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X = Permitted by right

T = Permitted with a temporary use permit

Principal Uses Permitted in Zones - Table 1							
USE	R-1	R-2	R-3	MR	CB	GB	LI
Real Estate Office					X	X	
Real Estate Sales Office	T	T	T	T	T	T	T
Recreational Vehicle Sales and Services							S
Recycling Center					T	T	
Resort					S	S	
Restaurant					S	X	
Satellite and Communications Center							S
Schools, College, University or Junior College, Elementary, High or Junior High, Seminary	S	S	S	S	S	S	S
Scientific Research and Development							S
Seasonal Sale of Farm Produce					T	T	T
Second-hand Store					S	X	
Self-storage Facility						S	X
Sewing Machine Shop					X	X	
Shoe Sales, Repair					X	X	
Shopping Centers						S	
Sign Shop					S	X	X
Skating Rink, Ice/Roller						S	X
Souvenir, Curio Shop					X	X	
Special Promotions					T	T	
Sporting Goods					X	X	
Stationery Store, Retail					X	X	
Storage, Outside					S	S	S
Swimming Pool, Commercial						X	X
Tailor					X	X	
Tanning Spa					X	X	
Tavern, Night Club					S	X	
Taxidermist						S	X

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X = Permitted by right

T = Permitted with a temporary use permit

Principal Uses Permitted in Zones - Table 1							
USE	R-1	R-2	R-3	MR	CB	GB	LI
Telephone Exchange						S	S
Theater (Indoor)					S	X	
Toy Store					X	X	
Travel Agency or Ticket Office					X	X	
Truck Sales, Repair, Rental, Terminal							X
Utility Installation and Service	S	S	S	S	S	S	S
Utility Service Yard or Garage							X
Veterinary Clinic					S	S	
Warehouse							X
Water Softening Equipment Sales, Service					S	X	X
Wholesaling Distribution, Storage							X

S = Permitted with a special use permit

X = Permitted by right

T = Permitted with a temporary use permit



# Article III

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## Section I

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### Lot Area, Yard and Bulk Requirements

- A. **Lot Area:** Any principal use together with all accessory uses shall be located on a lot having a minimum area as shown in Column 3, Table 2; except as provided in Article III, Section I (Footnotes to Table 2) and Article V, Section I (Nonconforming Lots).

The minimum lot area for multifamily dwellings shall be the sum of the lot area requirement for the first dwelling unit plus the lot area requirements for each additional dwelling unit as shown in Column 3, Table 2.

- B. **Lot Width:** Each lot shall have a width measured at the street line as shown in Column 4, Table 2; except as provided in Article III, Section I (Footnotes to Table 2) and Article V, Section I (Nonconforming Lots).

The minimum lot width for multifamily dwellings shall be the sum of the lot width requirement for the first dwelling unit, plus the lot width requirements for each additional dwelling unit as shown in Column 4, Table 2.

- C. **Street Yard:** Each lot shall have a street yard not less than what is shown in Column 5, Table 2; except as otherwise provided in Article V, Section I (Nonconforming Lots) and Article III, Section I (Footnotes to Table 2).

- D. **Rear Yard:** Each lot shall have a rear yard not less than what is shown in Column 6, Table 2; except as otherwise provided in Article III, Section I (Footnotes to Table 2).

The minimum rear setback for multifamily dwellings shall be the sum of the rear yard setback for the first dwelling unit, plus the rear yard setback requirements for each additional dwelling unit as shown in Column 6, Table 2.

- E. **Side Yards:** No side yard shall be less than the minimum side yard shown in Column 7, Table 2; except as otherwise provided in Article V, Section I (Nonconforming Lots) and Article III, Section I (Footnotes to Table 2).

The minimum side yard setback for multifamily dwellings shall be the sum of the side yard setback for the first dwelling unit, plus the side yard setback requirements for each additional dwelling unit as shown in Column 7, Table 2.

- F. **Yard Abutting Residential Zones:** Any side or rear yard of a CB, GB, or LI zoning district abutting a residential zone shall be not less than what is shown in Column 8, Table 2 except as provided otherwise in Article III, Section I (Footnotes to Table 2). The minimum yard abutting a residential district for multifamily dwellings shall be the sum of the yard abutting a residential district requirement for the first dwelling unit, plus the yard abutting a residential district requirement for each additional dwelling unit as shown in Column 8, Table 2.
- G. **Lake Yard:** Each lot fronting upon a lake shall have a lake yard not less than what is shown in Column 9, Table 2 except as provided otherwise in Article III, Section I (Footnotes to Table 2).
- H. **Lot Coverage:** The total ground area occupied by any principal building together with all accessory buildings shall not exceed the percent of the total area of the lot as shown in Column 10, Table 2 except as provided otherwise in Article III, Section I (Footnotes to Table 2).
- I. **Floor Area Ratio:** The combined floor area ratio for any principal building together with all accessory buildings shall not exceed the ratio shown in Column 11, Table 2 except as provided otherwise in Article III, Section I (Footnotes to Table 2).
- J. **Height of Principal Use:** No principal building or structure shall exceed the height restrictions in feet as shown in Column 12, Table 2 except as specifically provided otherwise in Article III, Section I (Footnotes to Table 2).
- K. **Height of Accessory Uses:** No accessory building or structure shall exceed the height in feet as shown in Column 13, Table 2 except as specifically provided otherwise in Article III, Section I (Footnotes to Table 2)

Density, Area, Yard and Height Regulations - Table 2

Zone	Use	Lot Size		Yard				Bulk				
		Area	Width	Street	Rear	Minimum Side	Abutting Residential	Lake	Lot Coverage	F.A.R.	Height of Principal Use	Height of Accessory Use
		SQ. FT.	FT.	FT.	FT.	FT.	FT.	FT.	%	-	FT.	FT.
I	2	3	4	5	6	7	8	9	10	11	12	13
R-1	Single Family Dwelling	20,000	90	30	20	9	9	50	30	--	35	20
R-2	Single Family Dwelling	11,000	70	30	20	8	8	50	30	--	35	20
R-3	Single Family Dwelling	8,500	60	30	20	6	6	50	30	--	35	20
MR	Single Family Dwelling	8,500	60	30	20	6	6	50	30	--	35	20
	Multifamily Dwelling	8,500	60	30	20	6	6	50	30	.40	35	20
	1st Dwelling Unit	5,000	+25	30	+4	+4	+4					
	2nd Dwelling Unit	3,000	+5	30	+1	+1	+1					
CB	All Uses	10,000	50	30	12	12	50	50	30	.40	35	20
GB	All Uses	15,000	75	75	12	12	50	50	30	.50	40	20
LI	All Uses	40,000	150	75	20	20	50	50	40	.60	40	30

Please refer to footnotes following this table

***Footnotes to Table 2***

- 1 - Street yard setbacks along major streets and arterials may be required to be greater than those stated in Table 2 in all zoning districts. Route 45 and Washington Street shall have a minimum street setback of 50 feet.
- 2 - In the CB District no permitted use shall have a gross floor area in excess of 17,424 square feet.
- 3 - The lake yard setback shall be measured in lineal feet from the shoreline water level, as defined in Article I, Section I, definition of water level, shoreline. When a lot has public property between it and the shoreline water level, then the lot shall have a lake yard which is measured from its property line contiguous to this public property rather than the shoreline water level.
- 4 - The required lot size, yard and bulk requirements for nonresidential special uses and temporary uses in a residential zoning district shall be as determined by the Village Board.
- 5 - The height of an accessory use should not exceed the height of a principal use on the same lot except as provided otherwise in Article III, Section II, A.

## Article III

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### Section II

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#### *Exceptions to Table 2*

It is the purpose of this section to provide relief from the zone regulations where applicable.

#### A. **Height Exceptions**

The following structures or parts thereof, are exempt from the height limitations set forth in Table 2, except as limited by any height restriction imposed by the FAA, or as herein stated:

1. Flagpoles not to exceed 10 feet above maximum height permitted for accessory uses.
2. Radio and television antennae and towers are subject to the standards and procedures of this section. For any residential use, a television, citizen's band or short-wave radio antennae attached to the roof shall not exceed 4 feet in height of the principal use. The television, citizen's band or short wave radio antenna shall be exempt from consideration when determining the maximum height for the principle building. For a separate television, citizen's band or short-wave radio tower/antennae, not attached to the roof of the residential building, the maximum height shall be the actual height of the principal use plus 4 feet. Satellite dishes shall be classified as an accessory structure and subject to the appropriate regulations in Article IV, Section VIII, and C.2. of this Ordinance.
3. Above ground water storage facilities, public/private.
4. Lighting fixtures may exceed the standards set out in Table 2, not to exceed 10 feet above the maximum height permitted if they also comply with Article IV, Section IV.
5. Public utility poles and wires.

#### B. **Setback Exceptions**

The following structures shall be allowed to project into, or to be constructed in any required yard, or beyond the building setback line, except that in no case shall such

structure or component part thereof extend beyond the property line, with the exception of mail boxes which may be beyond the property line.

1. Air conditioner. Window - provided that a hot air baffle, directed upward, be installed. Central air - provided it is not located closer than 3 feet to a neighboring residential property line and that the hot air is baffled in an upward direction. In residential zoning districts, the central air units are not permitted in the required street yard.
2. Awnings and canopies, not to exceed 3 feet.
3. Bay or bow windows, not to exceed 2 feet.
4. Chimneys, not to exceed 2 feet.
5. Dock or pier allowed in the lake yard and shall comply with the Dock and Pier Ordinance.
6. Driveways and curbs.
7. Fences, walls and landscaping in accordance with Article III, Section II, C. of this Ordinance.
8. Flagpoles.
9. Garbage disposal equipment, non-permanent, shall be screened from public view and shall not be permitted in required street yard.
10. Guardhouse or gatehouse.
11. Islands and pumps for gasoline service stations, minimum setback of 20 feet, are required. Gasoline service station canopies, either attached or detached to the principle structure, shall have a minimum setback of 10 feet.
12. Landscape features, plant materials such as trees, shrubs, flowers, accent lighting and parking lot lighting poles and fixtures. Planter boxes attached to a building shall not exceed 2 feet.
13. Overhanging roof, eave, gutter, cornice or other architectural features, not to exceed 2 feet.
14. Parking spaces, as regulated in Article IV, Section V.
15. Recreational Equipment and Recreational Vehicles (subject to such additional regulations set forth in Article IV, Section V).
  - a. Recreational equipment and recreational vehicles:

- (1) Are allowed in the side yard in an industrial or commercial zoning district.
  - (2) Are allowed in the side yard, rear yard or lake yard in residential zoning districts. A fence is not deemed to prohibit reasonable access to side yard.
  - (3) Are allowed in the street yard in the R2 zoning district year round.
  - (4) When a detached garage exists in a street yard, the vehicle may be parked between the principle structure and the rear of said garage.
- b. Recreational equipment is allowed in the lake yard; however, recreational vehicles except snowmobiles, watercraft vehicles and their trailers are prohibited in the lake yard.
16. Sidewalks and handicapped ramp.
  17. Steps, stairs, porches, decks, open terraces and patios attached to a principal building, or to give access to a principal building, are not to exceed 4 feet. In side yards, these accessory uses shall not be constructed above ground level.
  18. Satellite earth stations as regulated in Article IV, Section VIII, C. 2.
  19. Seawalls, as permitted in the Lake County Watershed Development Ordinance and Village of Third Lake Ordinance..
  20. Signs, as regulated in Article IV, Section VI.
  21. In side yards, a single step for the purpose of ingress and egress to the principal structure, said step being not greater than eight inches (8") in height, not greater than thirty-six inches (36") in width, and not greater than thirty-six inches (36") in depth.

**C. Fences, Walls and Landscaping**

In order to provide for the maximum safety of persons using the sidewalks and streets and to provide for the maximum enjoyment of the use of property, the following regulations shall apply to all fences, walls and landscaping located in required clear view areas of corner lots and side, rear, street and abutting residential yards.

1. **Clear View of Intersecting Streets.** In order to maintain a clear view on any corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision. A clear view is determined by

the two intersecting street centerlines, and a third line connecting a point located on each of the street centerlines at points 100 feet from the junction of the street centerlines. A clear view is to be maintained between a height of 3 and 10 feet above the plane surface of this triangular area.

2. **Fences or Walls.** Fences and walls shall not be allowed in the lake setback.
3. **Height of Fences, Walls and Landscaping.** Fences, walls and landscaping are permitted in any required side or rear yard provided fences and walls do not exceed 6 feet in height. Fences, walls and landscaping are permitted in any required street yard in a R-1, R-2 or R-3 district, provided they do not exceed a height of 3 feet and comply with Subsection 1 above. The exceptions to this street yard requirement are Article IV, Section III, B. "Screening Between Residential Lots and Arterial Streets" and Section 6.1, B. "Landscape Requirements" in the Third Lake Subdivision Ordinance. For the purposes of this section, the fences and walls in the street yard shall not be less than 60 percent open. Landscaping is permitted in a required street yard in a MR, CB, GB or LI district provided it complies with the height requirements in Article IV, Section V, D. when parking lot landscaping is required and Section 6.1, B. "Landscape Requirements" in the Third Lake Subdivision Ordinance.

Where unusual conditions exist (topography, obnoxious conditions or activities), the Village may require additional height as long as a clear view is maintained.

4. **General Regulations.** Fences are to be erected with the support members on the side of the fence facing the property to which the fence is accessory. The finished side of the fence shall face the adjacent property. All fences shall be repaired and maintained to ensure the integrity of the fence.
5. **Building Permit.** Fences and walls shall require a building permit.
6. **Drainage.** Fences, walls and landscaping shall be installed so as not to interfere or impede the flow of surface and subsurface drainage.
7. **Easements.** Fences and walls shall not be erected or installed in drainage easements without the written approval of the Village Engineer, which shall not be granted without a determination that the proposed fence and/or wall shall not interfere with the easement's drainage function. Fences and walls shall not be erected or installed in municipal and utility easements unless permission is granted in writing by the entity having use of that easement. Written Village approval shall also be required in the case of non-municipal easements. If permission is granted to construct a fence by any authority having jurisdiction of that easement, then that authority will not be responsible for the reinstallation of the fence due to the authority's exercising its easement rights.



8. **Chain Link Fences.** No chain link fences shall be permitted in the street yard.
9. **Side and/or Rear Setbacks.** When located in the side and/or rear setbacks, fences and walls shall be required to be located as close as practicable to the property line without encroaching on the adjacent property. Side-by-side fences are prohibited in the side and/or rear setbacks in adjacent and contiguous properties (e.g. parallel fences).
10. **The Yard Abutting** a residential district shall allow fences, walls and landscaping as required in Article IV, Section III, A. Screening between Incompatible Zones.

## Article IV

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### Section I

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#### *Industrial Performance Standards*

The purpose of this section is to establish regulations and standards for the installation and operation of industrial uses, based upon consideration of the objectionable characteristics of such uses and the zones in which they are permitted. Further, this section is intended to prescribe procedures and methods of measurement of industrial characteristics subject to such standards.

Any use permitted in the LI zone, whether such use is permitted as a principal use or as an accessory use, shall be subject to these standards.

#### A. **Permit Procedure**

Before a building permit is issued for a use in a LI zone, the applicant shall furnish the Zoning Officer sufficient information to enable the Zoning Officer to assure himself that all performance standards and site development standards set forth in the Zoning Ordinance can and will be complied with at all times. All information and evidence submitted in applications to indicate conformity to performance standards shall constitute a certification and an agreement on the part of the applicant that the proposed use can and will conform to such standards at all times.

The Zoning Officer, in order to determine whether or not the applicant will meet such standards, may require the applicant to submit the following information:

1. A plot plan showing the location of all present and proposed structures, drives, parking lots, waste disposal areas, bulk storage areas, streets, streams, or other significant features on or within 200 feet of the proposed site.
2. A description of the activity to be conducted regarding waste products, external effects or other conditions which are regulated herein; provided, however, that the applicant shall not be required to reveal any trade secrets or sufficient detail with regard to a process which would cause any secret process or manufacturing procedure for a closely guarded proprietary compound or product to become public knowledge and be available to competitors.

3. The type and location of abatement devices to control, or recording instruments to measure, conformance with required standards, not including devices and instruments which are inherent in the manufacturing process.
4. Such other data and certification as may reasonably be required by the Zoning Officer to reach a determination.

When a new or altered use in a LI zone is proposed, the Zoning Officer shall, as a condition precedent to issuing a building permit, require the deposit in escrow in an amount as set forth from time to time by a resolution adopted by the Board of Trustees in its own discretion. It shall be held on deposit for a period of one year from the date of the new or altered use or occupancy. The applicant shall also execute a reimbursement of fees agreement in a form approved from time to time by the Village Board. The Zoning Officer shall notify the Planning Commission of such required deposit in escrow. Escrow deposits or remainders of escrow deposits shall be returned to the depositor at the expiration of the escrow period.

**B. Performance Standards**

In the LI zone the following standards shall apply:

**1. Noise**

- a. *Permitted Noise Levels.* At no point on or beyond the boundary of any lot shall the sound pressure level resulting from any use or activity, whether open or enclosed, exceed the maximum permitted decibel levels for the designated octave band as set forth below:

Maximum Permitted Sound Pressure Level in Decibels	
Octave Bank Frequency Cycles Per Seconds	Decibels
0 - 74	67
75 - 149	59
150 - 299	52
300 - 599	46
600 - 1199	40
1200 - 2399	34
2400 - 4799	32
4800 - and over	32

- b. *Method of Measurement.* Sound levels shall be measured with a sound level meter and associated octave band filter and impact noise filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network and slow meter response of the sound level meter. Impulsive type noises shall be subject to the performance standards if those noises are capable of being accurately measured with such equipment. Noises capable of being so measured, for the purpose of this chapter, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two decibels. Noises incapable of being so measured, but objectionable because of intermittence, beat, frequency, or shrillness, shall be controlled so as not to become a nuisance to adjacent uses.
- c. *Exception.* Nothing in this section shall apply to noises not directly under the control of the property user; noises resulting from the construction and maintenance of buildings and facilities including site preparation; noises of safety signals or warning devices; noises of railroad or trucking equipment; and church bells or chimes.

2. **Vibration**

- a. No use may generate any ground-transmitted vibration that is perceptible to the human sense of touch measured at the outside boundary of the immediate space occupied by the enterprise generating the vibration if the enterprise is one of two or more located on a lot, or the lot line if the enterprise generating the vibration is the only enterprise located on a lot.
- b. No use in an LI district may generate any ground-transmitted vibration in excess of the limits set forth in Subsection (e). Vibration shall be measured at any adjacent lot line or residential district line as indicated in the table set forth in Subsection (d).
- c. The instrument used to measure vibration shall be a three-component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions.
- d. The vibration maximums set forth in Subsection (e) are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

PV = 6.28 F x D

Where:

PV = Particle velocity, inches-per-second

F = Vibration frequency, cycles-per-second

D = Single amplitude displacement of the vibration, inches.

The maximum velocity shall be the vector sum of the three components recorded.

e. Table of Maximum Ground-Transmitted Vibration

Particle Velocity, Inches-Per-Second Adjacent Lot Line	Residential District
0.10	0.02

f. The values stated in Subsection (e) may be multiplied by two for impact vibrations, i.e., discrete vibration pulsations not exceeding one second in duration and having a pause of at least one second between pulses.

g. Vibrations resulting from temporary construction activity that occurs between 7 a.m. and 7 p.m. shall be exempt from the requirements of this section.

3. Air Pollution

a. Any use that emits any "air contaminant," as defined by the Illinois Environmental Act, shall comply with Title 35, Subtitle B of the Illinois Administration Code concerning air pollution, as set forth in the Illinois Environmental Protection Act.

b. No zoning or special use permit may be issued with respect to any development covered by Subsection (a) until the Illinois Environmental Protection Agency has certified to the permit-issuing authority that the appropriate State permits have been received by the developer, or that the developer will be eligible to receive such permits and that the development is otherwise in compliance with applicable air pollution laws.

4. **Odorous Matter Standards.** For purposes of this section, "odor threshold" is defined as the minimum concentration of air in gas, vapor, or particulate matter that can be detected. Odorous material released shall not exceed the odor threshold beyond the property line.

5. **Biomedical, Radiation and Toxic Hazards.** The handling of these materials, the discharge of such materials into air and water, and the disposal

of their wastes shall be in conformance with all applicable statutes, ordinances, codes, rules, or regulations.

6. **Fire and Explosive Hazards.** No gasoline or other inflammables or explosives shall be stored, used, or manufactured unless the location, plans and construction conform to all applicable statutes, ordinances, codes, rules, or regulations.
7. **Glare.** No operation shall produce direct or indirect illumination greater than .5 foot-candles in a residential district.
8. **Electromagnetic Interference.** There shall be no electromagnetic interference that adversely affects the operation of any equipment or that does not conform to the regulations of the Federal Communications Commission.
9. **Heat.** No heat from operations or processes shall be sensed at any residential district lot line to the extent of raising the air or materials more than five degrees Fahrenheit.



## Article IV

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### Section II

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### *Environmental Standards*

A. **Floodplain**

All property in the Village of Third Lake shall be required to comply with the requirements of the Stormwater Management Commission's Lake County Watershed Development Ordinance as it relates to floodplain regulations.

B. **Wetland and Stormwater Drainage**

All property in the Village of Third Lake shall be required to comply with the Stormwater Management Commission's Lake County Watershed Development Ordinance as it relates to wetland and storm water drainage.

C. **Lake and Shoreline Property**

All development, as defined in the Stormwater Management Commission's Lake County Watershed Development Ordinance on lake and shoreline property, must comply with the requirements set forth in the Lake County Watershed Development Ordinance.





## Article IV

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### Section III

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### *Screening and Landscaping*

#### A. Screening Between Incompatible Zones

A minimum of a 8 foot solid screen shall be required of all uses in CB, GB or LI zoning districts when it is adjacent to residential zoning districts. If the residential zoned property has a fence located on it, then the adjacent CB, GB or LI district shall comply with Subsection 1.b. of this article and section.

1. A solid screen for the purpose of accomplishing, "A. Screening Between Incompatible Zones" must consist of the following:
  - a. *Fences or Walls*
    - (1) No solid fence or wall shall be erected unless a permit is obtained in advance from the Village;
    - (2) Fences or walls shall not exceed 8 feet in height;
    - (3) All fences or walls shall be permanently maintained in good condition and whenever necessary, repaired or replaced at the expense of the property owner;
    - (4) Fences or walls may not consist of corrugated metal, corrugated fiberglass, sheet metal, chain link, CMU block or wire mesh material; and
  - b. *Berms and Landscape Plantings*
    - (1) Berms built in an undulating manner with contours less than 8 feet, shall use additional plant material to maintain an 8-foot solid screen;
    - (2) Earthen berms shall have a side slope not less than 4 feet horizontal distance for each one foot of vertical distance;

- (3) Berms shall be constructed of materials that will compact and develop stability;
- (4) If natural woodlands are present, they shall be preserved; and
- (5) Plantings should be a mix of type as to avoid monotony or total loss by diseases.

**B. Screening Between Residential Lots and Arterial Streets**

The residential lots adjacent to an arterial street (such as Washington Street and Route 45 or other streets as determined by the Village Board) shall be required to be screened from the arterial street.

1. The acceptable method of screening shall be one or a combination of those described in Article IV, Section III, A.1.a. or b.
2. This screening is required either on individual lots, or as an easement or as part of the common open space owned and maintained by a homeowner's association.
3. Fences or walls may be used, but long stretches of a single fence or wall design are not recommended. Offset angles, different materials, combination of materials or other techniques are encouraged to create variety.
4. Exceptions to "B. Screening Between Residential Lots and Arterial Streets" are as follows:
  - a. Article III, Section II, C. 1. Clear View of Intersecting Streets.
  - b. Driveways from the major road. (Please note that driveways should be discouraged or prohibited for residential access along major roads.)

**C. Screening of Refuse Disposal Areas**

For uses in all zoning districts except the R-1, R-2 and R-3 districts, the following shall apply:

1. All refuse disposal, grease storage containers and compactors and recycling containers shall be screened from view of adjacent properties or streets on a minimum of three sides by a solid commercial-grade wood fence, masonry wall or equivalent material to a height of not less than 6 feet and no greater than 7 feet in height.

2. The enclosure shall be used strictly for the confinement of refuse and grease containers and shall not be used for the outside storage of any other materials or equipment.
3. All refuse disposal, grease storage containers and compactors shall be located on a concrete slab.
4. A refuse disposal area shall not be located in front of a building.
5. The open side of said enclosure shall be oriented so that, to the greatest extent possible, it does not face towards an abutting property or street.
6. An inset drawing of the location, design, and elevation details of the enclosure shall be depicted on the landscaping plan.

**D. Rooftop Screening**

For uses in all zoning districts, except the R-1, R-2 and R-3 districts, all heating, air conditioning, ventilating or other mechanical equipment located on the roof of any structure or building shall be screened or enclosed by a parapet wall from view of adjacent properties or streets. Satellite earth stations shall comply with the screening and other requirements in Article IV, Section VIII, C.2.

**E. Mechanical Equipment**

For uses in all zoning districts except the R-1, R-2 and R-3 districts, all mechanical, electrical and telephone equipment shall be screened from adjacent properties or streets. This can be accomplished by using walls, fences and/or landscaping.

**F. Foundations and Miscellaneous Plantings**

Additional landscape plantings are required in the CB, GB, LI and MR zoning districts to provide shade, privacy, visual interest, a sense of permanence, and integrate a structure into its surrounding area. Selection and placement of plant material should be appropriate to adjacent land use activities. The addition of plantings around new structures will soften the visual harshness that often occurs as a result of grading and clearing during the construction process. Landscape plantings shall comply with Article IV, Section III (H).

**G. Landscape Plan**

1. Pursuant to the berming or nursery stock requirements of Article IV, Section III, "Screening and Landscaping," a landscape plan shall be submitted to and approved by the Village Board prior to the issuance of any building permit.

2. The landscape plan shall:
  - a. Be drawn to scale, including dimensions and distances;
  - b. Delineate existing and proposed vehicular areas such as access aisles, driveways, and parking spaces;
  - c. Designate the name, location and size of the plant material and/or screen structure to be installed;
  - d. Designate the location of the proposed buildings and structures;
  - e. Be prepared by a landscape architect and be sealed by a landscape architect;
  - f. Indicate one foot contours when berming is proposed;
  - g. Designate the locations of an underground sprinkler system if used; and
  - h. Indicate retention and detention areas.

#### **H. Landscape and Screening Standards**

1. When nursery stock is being used to accomplish the screening requirements of Article IV, Section III, Screening and Landscaping, then:
  - a. Plant materials shall conform to the requirements described in the latest edition of American Standard for Nursery Stock;
  - b. The plant material shall be installed in the manner recommended in the American Association of Nurserymen; and
  - c. The owner of the property or subsequent owners are responsible for the maintenance of the landscaped area to ensure a healthy, neat and orderly area. New plant material shall be required whenever necessary to ensure continued compliance with this section.
2. All other material used to accomplish the screening requirements of Article IV, Section III, Screening and Landscaping, shall:
  - a. Be properly maintained to ensure continued screening compliance; and
  - b. Remain neat and orderly. Any owners or subsequent owners are responsible for the maintenance of the screening material.

## I. **Tree Preservation**

### PURPOSE:

It is the stated public policy of the Village of Third Lake to preserve and protect, to the greatest extent possible, existing trees within the Village as an important public resource. In addition to adding to the scenic beauty of the Village, the maintenance of trees and wooded areas tends to preserve the ecology of the Village through the filtering effect of trees on air pollutants. Trees also help to provide a noise barrier, help to prevent erosion of topsoil, provide nesting areas for birds and other wildlife, provide windbreaks and shaded areas, and increase property values by adding to the aesthetic quality of land. This section applies to all areas where protected trees, as defined below, exist.

### 1. DEFINITIONS FOR PURPOSES OF THIS SECTION

The following words and phrases shall for the purposes of this ordinance have the meanings respectively ascribed to them, except when the context otherwise indicates.

“Protected Tree” means any tree 8 inches or larger in diameter measured fifty-four (54) inches above the existing grade.

“Cutting” means felling or removal of a tree or any procedure where the result of which is to cause the death or substantial destruction of a tree. Cutting does not include normal pruning, trimming or topping of trees.

“Remove or Removal” is the actual physical removal or the effective removal through damaging, poisoning or other direct or indirect action resulting in, or likely to result in the death of a tree.

“Tree Preservation Area” is that area immediately surrounding all protected trees that is not within a building activity area. No construction activity, movement and placement of equipment or material storage shall be permitted in a tree preservation area.

“Building Activity Area” is the area needed on a lot for buildings, driveways and parking areas. The building activity area shall be the smallest area practicable, including the buildings, driveways and parking areas and the adjoining area necessary for grading activities related to approved construction. All buildings and driveways shall be located to minimize tree damage and/or removal, and be in accordance with setback requirements prescribed in this ordinance. The developer shall temporarily fence the building activity area during all construction so that all trees in a tree preservation area shall be preserved.

“Public Hazard” is a tree, located on public or private property, which poses an immediate danger or hazard to persons or residences or permanent structures, or located on private property that poses an immediate danger or hazard to public properties or thoroughfares.

## 2. TREE REMOVAL REQUIREMENTS

No protected trees shall be removed without a permit. The President or Village Administrator may issue permits authorizing the removal of protected trees.

The property owner shall be permitted to cut and remove trees that are less than 8 inches in diameter (at 54 inches above ground elevation) so as to create a healthy and thriving environment for the larger, more significant trees.

Conditions under which a permit authorizing the removal of protected tree(s) may be issued include but will not be limited to the following:

- a. The tree is dead or dying;
- b. The tree is diseased;
- c. The tree is damaged or injured to the extent that it is likely to die or become diseased;
- d. The removal of the tree will enhance the Tree Preservation Area and the health of the remaining trees;
- e. The removal of the tree will avoid or alleviate an economic hardship or a hardship of another nature on the property or residence;
- f. The removal of the tree is consistent with good forestry practices;
- g. The tree is a public hazard.

In all cases of permit application, the President or Village Administrator shall use reasonable interpretations of the circumstances in determining whether or not the permit should be issued. In the event of emergency conditions requiring immediate cutting or removal of trees to avoid immediate danger, it shall be lawful to proceed with the cutting of protected tree(s) without a permit to the extent necessary to avoid the immediate danger. This action must then be reported, with reasonable evidence, to the President or Village Administrator within the Village's next two working days.

## 3. DANGEROUS TREES OR LANDSCAPING

Any tree or shrub planted on private property which overhangs any sidewalk, street, or other public place in the Village in such a way as to impede or interfere with traffic or travel on such place, or declared a public hazard, shall be trimmed or removed by the owner of the premises on which such tree or shrub grows so that the obstruction shall cease.

#### 4. TREE REPLACEMENT REQUIREMENTS

If a protected tree is removed, other than from a Building Activity Area, the property owner or his designee shall replace each tree so removed within one year so as to minimize the visual impact from the loss of each tree as observed from adjacent properties or parkways. If the property owner can demonstrate hardship or special circumstances, the Board of Trustees, in its discretion, may waive the planting of a replacement tree, or trees, but only if waiver is consistent with the purposes of this ordinance.





# Article IV

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## Section IV

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### Lighting

#### PURPOSE

Exterior lighting is used to illuminate residential, commercial, industrial and public uses; parking lots, sidewalks, signs, and other elements within the Village. When well designed and properly installed, exterior lighting can be and is very useful in improving visibility and safety, providing a sense of security, and complementing the character of the Village. If exterior lighting is not well designed and properly installed, it can be inefficient, cause glare and create light trespass and sky glow. Light trespass falling over property lines can illuminate adjacent grounds or buildings in an objectionable manner.

In order to insure that exterior lighting is well designed, and impacts on adjacent properties are limited, the following requirements are set forth controlling exterior lighting in non-residential zoning districts

#### DEFINITIONS

- a) **Canopy:** Any overhanging shelter or shade or other protective structure constructed in such a manner as to allow pedestrians or vehicles to pass underneath.
- b) **Cutoff:** The point at which all light rays emitted by a lamp, light source or luminaire are completely eliminated (cutoff) at a specific angle above the ground.
- c) **Cutoff Angle:** The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.
- d) **Exterior Lighting:** The illumination of an outside area or object by any man-made device that produces light by any means.
- e) **Fixture:** The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.
- f) **Flood or spot Light:** Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light Output into a directed beam in a particular direction.
- g) **Footcandle (FC):** A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) standard candle.

- h) **Footcandle - Horizontal Measurement (HFC):** The measurement of footcandles utilizing a direct reading. Portable light meter mounted in the horizontal Position.
- i) **Footcandle - Vertical Measurement (VFC):** The measurement of footcandles utilizing a direct reading, portable light meter mounted in the vertical position.
- j) **Glare:** Light emitting from a luminaire with intensity great enough to reduce a viewers ability to see, cause discomfort, and in extreme cases, cause momentary blindness.
- k) **Height of Luminaire including total height:** The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire. The total height shall be the height of the pole, including the base and any mounting arms or other attachments to which the luminaire is attached, as measured from the ground directly below the highest part of the pole or any of its attachments, to the top of the pole or luminaire, whichever the case may be. (See Figure B)
- l) **Illumination System:** The totality of the equipment installed to provide exterior lighting on a developed property. The illumination system shall include all building, canopy, pole, and ground mounted luminaire including all wiring, circuitry, and other devices installed to create exterior lighting.
- m) **Lamp:** The component of a luminaire that produces the actual light.
- n) **Lamp Wattage:** The amount of power of a lamp expressed in watts.
- o) **Light, Direct:** Light emitted directly from the lamp, off a reflector or reflector diffuser, or through the retractor or diffuser lens of a luminaire.
- p) **Light, Indirect:** Direct light that has been reflected or has scattered off of other surfaces.
- q) **Light Loss Factor:** A factor applied to lamps, which estimates the lumen output of a lamp sometime after installation. (For example, a lamp with an initial lumen rating of 10,000, which has a light loss factor of 0.7, is estimated to put out 7,000 lumens. A lamp with an initial lumen rating of 10,000, which has a light loss factor of 1.0, is estimated to put out 10,000 lumens.)
- r) **Light Trespass:** The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.
- s) **Lumen: A unit of luminous flux.** One footcandle is one lumen per square foot for the purpose of this Section. The lumen value shall be the initial lumen output rating of a lamp.

- t) **Luminaire:** A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts (See Figure A for examples of luminaires with and without cutoffs.)
- u) **Luminaire, Cutoff Type:** A luminaire containing elements such as shields, reflectors, or refractor panels that direct and cutoff a direct view of the light source at a cutoff angle.
- v) **Operating Hours.** The period of time from one hour prior to opening to one hour after closing of a non-residential establishment.
- w) **Security Hours:** The period at time from one hour after closing to one hour prior to opening of a non-residential establishment.
- x) **Temporary Exterior Lighting:** The specific illumination of an outside area or object by any man-made device that produces light by any means, consistent with the requirement for Temporary Uses.

All public and private exterior non-residential lighting installed in the Village of Third Lake shall be in conformance with the requirements established by this Section.

The following standards apply to outside lighting on public and non-residential property. They do not apply to streetlights (see the Third Lake Subdivision Ordinance) or lighting for signage (see Article IV, Section VI, Sign Regulations).

- A. The lighting of a site should provide security and visual interest while not projecting glares onto adjacent *or residential* properties. On-site lighting should be located to avoid harsh glares which distract the motorist's line of sight.
- B. No flickering or flashing lights shall be permitted in the CB, GB or LI zoning districts.
- C. A lighting plan shall be required for proposed uses in the CB, GB or LI zoning districts. This plan shall meet the requirements of Paragraph D.
- D. A lighting plan shall be submitted and should contain the following information:
  - 1. A scaled drawing including all size specifications.
  - 2. Information on lighting intensity (number of watts, foot-candle diagram).
  - 3. Materials, colors.
  - 4. Ground or wall anchorage details.

5. Hours of operation.

E. MEASURING LIGHT LEVELS

a) Metering Equipment

Light levels of both direct and indirect light shall be measured in footcandles with a direct reading, portable light meter. Readings shall be taken only after the cell has been exposed long enough to provide a constant reading.

b) Method of Measurement

Footcandle - horizontal measurements shall be taken along a horizontal plane at a height of three and one-half (3.5) feet above the ground. Footcandle - vertical measurement shall be taken at a minimum height of three and one-half (3.5) feet above the ground but may also be required at any height along a vertical plane at a property boundary pursuant to the direction of the Zoning Administrator.

F. STANDARDS AND REQUIREMENTS

a) Tables 1 and 2

The standards and requirements set forth in Tables 1 and 2 shall regulate and govern the use of, design of, construction or modification of any non-residential lighting system for the purpose of illuminating exterior areas including, but not limited to parking areas, buildings, landscaping, porches, and driveways.

Table 1 sets forth whether the proposed wattage of a luminaire is permitted, not permitted or permitted only with a variation. The permitted wattage of proposed exterior lighting is based on whether the lighting is internal or external on the parcel, and if external (abutting a residential zoning district or street right-of-way) the setback of the proposed lighting from the property line/street right-of-way.

Uses permitted by right may be approved by the Zoning Officer pending a review of the documents submitted which meet the requirements of this Section. Uses or lighting plans which require a variation shall meet the requirements for variations set forth in Article VI, Section I, G. which provide for a public hearing held by the Plan Commission and approval by the Village Board of Trustees.

Table 2 sets forth the maximum allowable footcandles to be measured both at a property line and internal to a non-residential property. The standards consider the nature of the land uses, the nature of the abutting land uses, and whether for a non-residential use the time period is during hours of operation or security hours. Maximum footcandles allowable are set for lighting internal to the property in question.

b) Total Height and Height of Luminaire (See definition for Height of Luminaire and

Total Height and Figure B)

The difference between total height and the height of the luminaire shall not exceed 4 feet.

c) Standards for Luminaire With Cutoffs (See Definitions and Figure C attached)

1. Cutoff Angle

To be considered a cutoff luminaire, the cutoff angle shall be 75 Degrees or less.

2. Height

The maximum height of a cutoff luminaire, either freestanding or attached to a building or other structure, is twenty (20) feet as a permitted use. A luminaire greater than twenty (20) feet shall require a variation.

3. Control of Glare

A cutoff luminaire shall be designed to completely shield the light source from an observer three and one-half (3.5) feet above the ground at any point along an abutting property line.

d) Standards for Luminaires With No Cutoffs (See Definitions and Figure D attached)

1. Cutoff Angle

A luminaire shall be considered to have no cutoff if it is unshielded or has a cutoff angle greater than 75 degrees.

2. Height

The maximum permitted height of a luminaire with no cutoff or with a cutoff greater than 75 degrees, which provides illumination along a property line, shall be less than the value  $3 \text{ feet} + (D/3)$ , where D is the distance in feet to the nearest property line but in no case shall exceed 16 feet. The formula used herein for determining height of the luminaire does not preclude any luminaire or lighting system from meeting the footcandle performance standards set forth in Table 2.

3. Control of Glare

Any luminaire designed with no cutoff, or a cutoff angle greater than 75 degrees shall be designed such that the lamp utilized is no more than 100 watts or rated for more than 10,000 lumens, whichever is less. The standards for maximum footcandles internal and at the property line, set forth in Table 2, are still applicable. For the footcandles - vertical measurement, the measurements shall be taken not less than

three and one-half (3.5) feet above the ground line in a vertical position and vertical readings at heights greater than three and one-half (3.5) feet may be required pursuant to the direction of the Zoning Administrator. The standards for vertical footcandles, set forth in Table 2 are applicable along the entire vertical plane along a property line.

e) Standards for Luminaires Under a Canopy (for non-residential uses)

Luminaires mounted to the underside of a canopy, which provide overhead illumination, shall be recessed such that no part of the luminaire or the lamp shall extend below the bottom surface of the canopy.

G. EXCEPTIONS

Public Roadway Lighting

Luminaires used for public illumination by a public transportation agency are exempt from the requirements of this Section, but may be subject to the regulations of Federal or State agencies or by other intergovernmental agreements.

Emergency Lighting

All temporary emergency lighting needed by the Police or Fire Department or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this Section.

NON-CONFORMING USES

- a. Luminaires lawfully in place prior to the date of this Section, but which do not conform to the requirements and standards of this Section shall be considered legal non-conforming uses.
- b. Legal non-conforming luminaires that meet the performance standards for footcandle levels and screening requirements of this Section but may exceed the physical standards such as height or setbacks herein may continue unless they are part of an illumination system that is to be changed as follows:
  1. Illumination systems developed as part of a Planned Unit Development, Special Use, Annexation Agreement, Variation, or other specific Village approval which, as of the date of these regulations, have an approved lighting plan and meet the performance criteria of their specific agreements, but do not meet the requirements of this Section, shall be brought into conformity with the criteria and standards set forth herein when the illumination system is to be completely replaced.
  2. Legal non-conforming illumination systems which were not part of a

specific Village approved lighting plan shall be brought into conformity with the criteria and standards set forth herein when the illumination system is to be replaced or modified to greater than fifty percent (50%) of its replacement value, based on the total project implementation cost.

3. The value of the illumination system shall include the total value of the physical improvements such as luminaires, lamps, poles, wiring, and other elements and shall also include the value of the site area improvements where the luminaires and supporting elements are located such as parking lots, loading areas, aisles, driveways, sidewalks, landscaped areas, and others. Total replacement cost shall include the design costs for the illumination system, material costs for the system elements, and the total construction cost to install the system.
4. Legal non-conforming luminaires that exceed the footcandle standards set forth in Table 2 and/or direct light or glare towards streets, parking lots, residences or property lines and result in a problematic or dangerous condition shall be either shielded, redirected, or otherwise modified to meet the requirements of this Section within sixty (60) days of notification, or apply for an extension of the time period for compliance or apply for a variation.



Figure A: Luminaire Types  
(NOT TO SCALE)

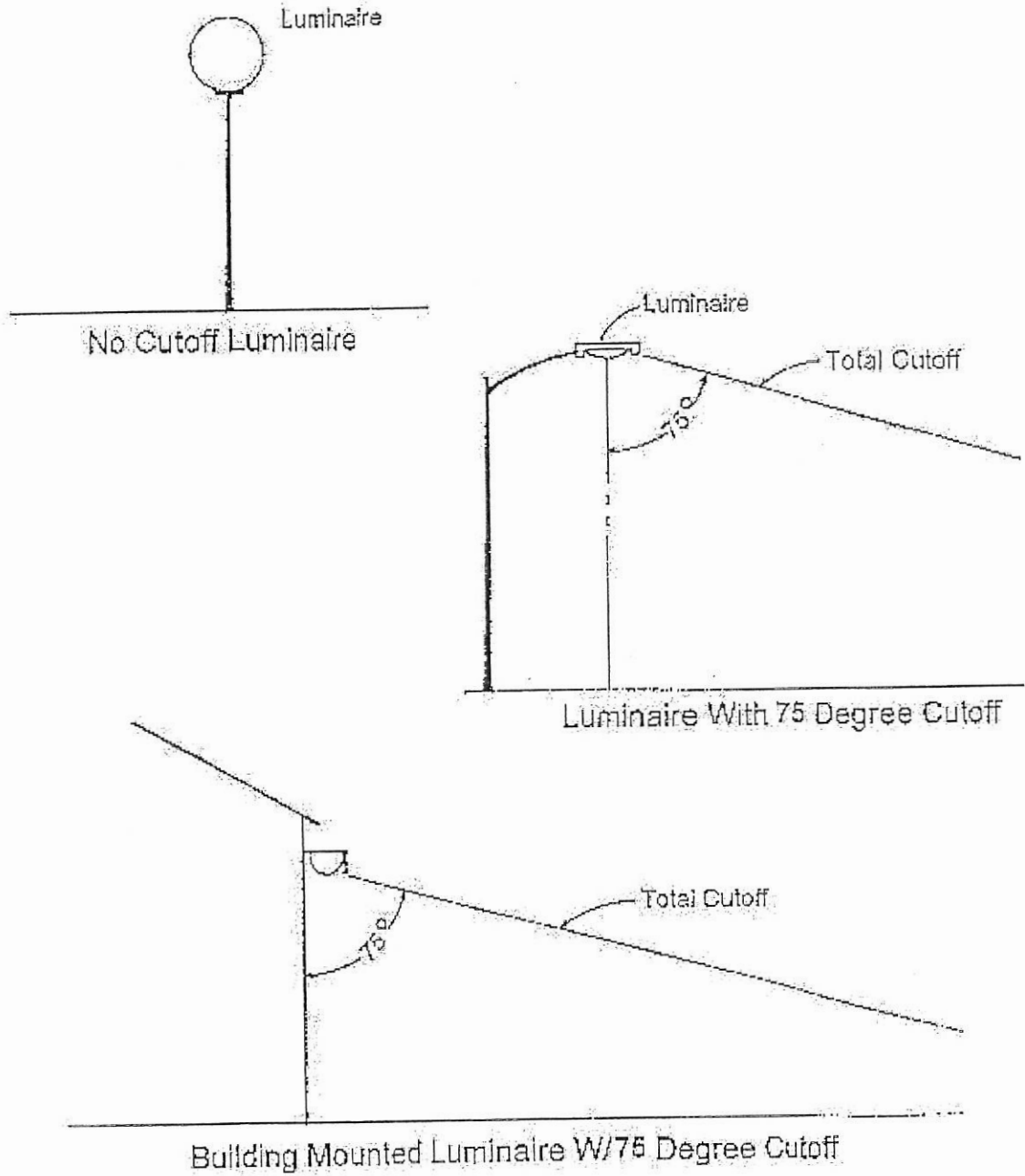


Figure B: Height of Luminaires and Total Height  
(NOT TO SCALE)

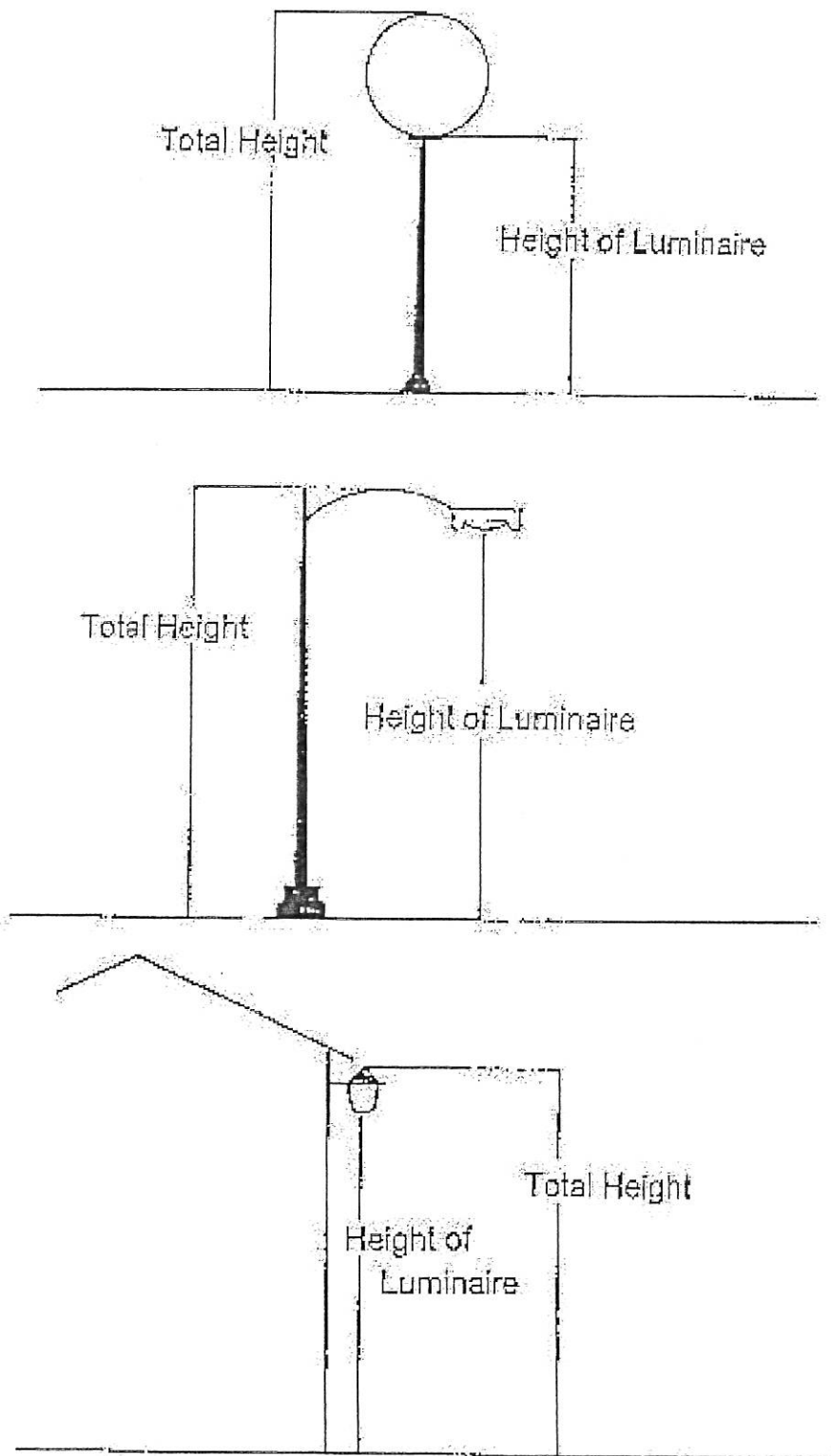
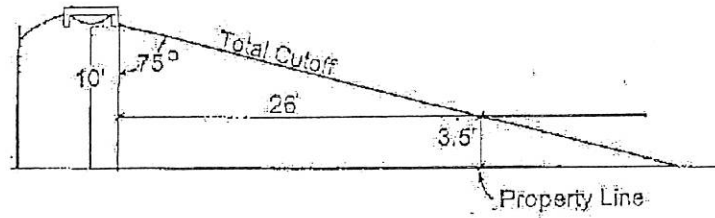
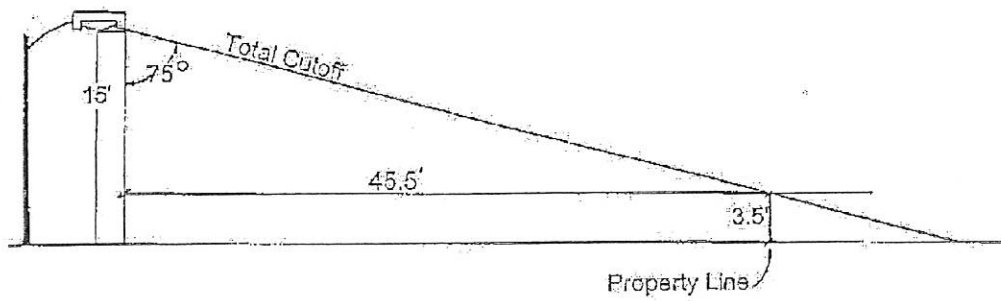


Figure C: Luminaires With Cutoff (Cutoff Angle Shall be 75 Degrees or Less)  
(NOT TO SCALE)

Luminaire Height = 10' +/-



Luminaire Height = 15' +/-



Luminaire Height = 20' +/-

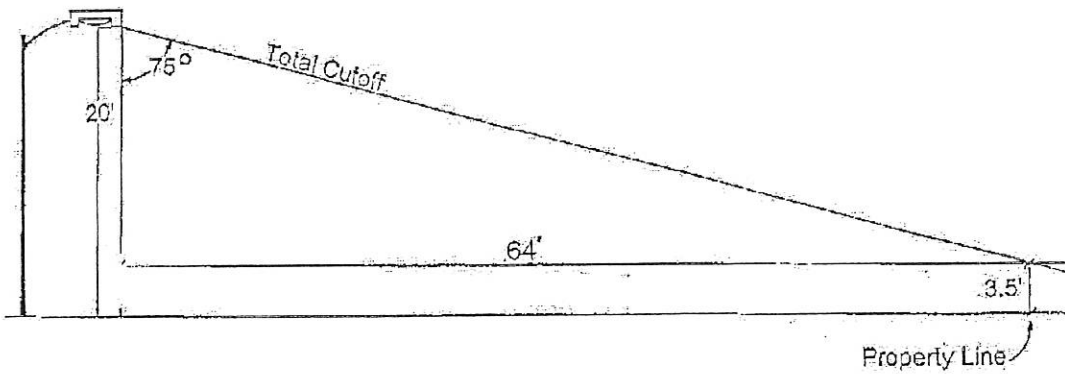
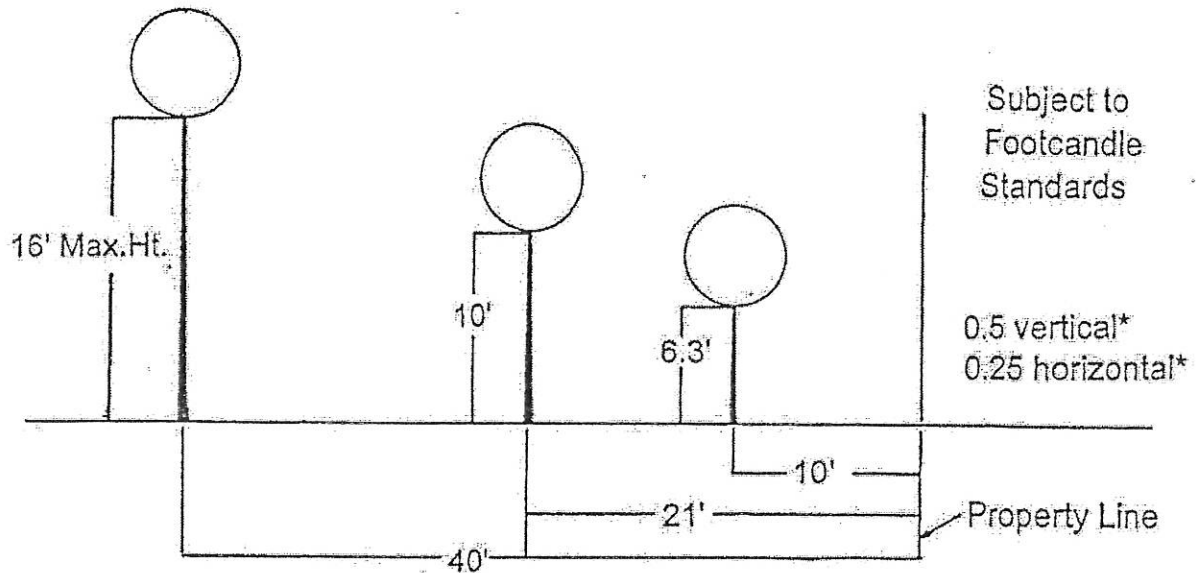


Figure D: Luminaires With No Cutoff or a Cutoff Angle Greater than 75 Degrees

- Height\* = 3 feet + D/3 (D is the distance in feet of the luminaire from the property line.)
- Maximum Height\* = 16 feet
- Maximum Watts or Lumens = 100 watts or 10,000 lumens, whichever is less (provided the luminaires meet the performance standards)

\*The performance standards set forth in Table 2 cannot be exceeded.



\*Measured 3.5' above ground.

TABLE 1

LIGHTING IN NON RESIDENTIAL DISTRICTS AND FOR NON RESIDENTIAL USES IN RESIDENTIAL DISTRICTS

Lamp	External-Abutting a Residential Zoning District or Street R.O.W.			Internal Setback 200 Feet +
	Setback Less than 40 Feet	Setback Less than 100 Feet	Setback Less than 200 Feet	
Wattage 0-250 (1)	P	P	P	P
Wattage 251-400	X	P	P	P
Wattage 401+	X	X	X	X
(1) A luminaire without a cutoff shall not exceed 100 watts				
P = Permitted				
X = Not permitted, except with approval of a Variation				

Table 2

MAXIMUM FOOT CANDLES AT A PROPERTY LINE- HORIZONTAL AND VERTICAL MEASUREMENTS				MAXIMUM FOOT CANDLES-INTERNAL- HORIZONTAL MEASUREMENT									
Non Residential to Non Residential				Non Residential to Residential				Non Residential Districts					
Horizontal		Vertical		Horizontal		Vertical		Operating Hours		Security Hours			
Security Hours	Operating Hours	Security Hours	Operating Hours	Security Hours	Operating Hours	Security Hours	Operating Hours	Permitted	Special Use	Variation	Permitted	Special Use	Permitted
2	5	3	10	0.25	0.5	0.5	0.5	<15	15 - <50	50+	3	3+ - 6	6+
<b>Notes:</b>													
Footcandle-Horizontal Measurement: The measurement of footcandles utilizing a direct reading, portable light meter													
Footcandle-Vertical Measurement: The measurement of footcandles utilizing a direct reading, portable light meter													
Operating Hours: The period of time from one hour prior to opening to one hour after closing of a non residential establishment													
Security Hours: The period of time from one hour after closing to one hour prior to opening of a non residential establishment													



## Article IV

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### Section V

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### *Parking and Loading Regulations*

#### A. General Provisions

Parking spaces shall be located according to the following standards:

1. Except as otherwise provided, all required parking spaces should be provided on the same lot as the use for which they are required.
2. A special use permit shall be obtained for required off-street off-site parking for nonresidential uses. The parking area shall be within 300 feet of and shall be in the same possession, either by deed or long-term lease, as the principal use lot. The special use permit shall conform to the standards set forth in Article IV, Section VII.
3. Off-street parking facilities for different buildings, structures, uses, or for mixed uses shall be permitted; however, joint parking facilities shall not be reduced below the number required for all uses. Joint parking facilities for dissimilar uses, which requires parking at different times during the day, shall be reduced by not more than 25 percent of the required number of spaces when the Zoning Officer finds such a reduction will not result in any increased congestion in the public streets.
4. No off-street parking spaces shall be permitted in the required street yard in a residential district. No off-street parking spaces shall be permitted in the required lake yard, yard abutting a residential district, or side yard setback in any district except as otherwise provided. Parking is permitted in the rear yard setback except in the R-1, R-2 and R-3 zones.
5. The parking and storage of trucks and commercial vehicles having any plate, other than Class "B" rating, are prohibited in any residential district.
6. The parking of trucks or other commercial vehicles in a residential district is prohibited; however, it shall be permitted if the truck or commercial vehicle is being temporarily used in conjunction with a service, delivery or pick-up actually being rendered for the benefit of the residence.



7. In residential zoning districts, parking of recreational vehicles will be allowed under the following conditions:
  - a. The recreational vehicle must be owned by the resident of the property and is limited to two recreational vehicles per property. Recreational vehicles not owned by the resident of the property are allowed to be parked in locations per this section not exceeding 48 hours.
  - b. The recreational vehicle may be allowed in specified setbacks as set forth in Article III, Section II B. 15.
  - c. Are allowed in driveways in season. Boating season is defined as April 1 to November 1 and snow season is defined as November 1 to April 1.
8. The repair or servicing of automobiles, trucks, or other motorized vehicles shall be prohibited in any residential zoning district, unless as herein provided:
  - a. The vehicles are owned by the resident of the property.
  - b. The repair or servicing is conducted by a resident or residents of the property, and provide all major vehicle repair or servicing, and shall be conducted entirely within an enclosed building or structure upon the property.
  - c. The repair or servicing shall not create a fire, health or explosion hazard, emit noxious fumes, offensive odors, excessive noise, smoke vibration, dust, glare, visual nuisances or other objectionable pollution factors.
9. All buildings, structures and land uses, and also modifications of existing buildings and uses initiated after the effective date of this Ordinance shall comply with the off-street parking and loading facilities required within.

A building or structure existing prior to the effective date of this Ordinance, shall comply with the requirements in effect at the time of issuance of the permit.

Any enlargement of a building or structure existing prior to the effective date of this Ordinance shall comply with parking requirements set forth within.
10. The surface of any vehicle parking area shall be an asphalt, brick or concrete pavement.
11. All parking and loading areas shall be graded for proper drainage and

approved by the Village Engineer if requested by the Village.

12. When commercial zoned properties are contiguous, provision for shared access between parking lots may be provided.

**B. Required Number of Parking Spaces**

Table 3 lists the number of spaces required for various types of uses in the districts established by this Ordinance. The general land use categories, office, retail, residential and service, will most often be used. Other land uses and their specific parking standards are also listed in Table 3. When calculating the total number of spaces, the following rules shall apply:

1. The number of required spaces for a land use is cumulative. The separate requirements shall be added together to determine the total number of spaces required.
2. "Per 1000 square feet" shall mean one thousand square feet of usable area exclusive of non-warehouse storage areas, mechanical equipment rooms, stairwells, rest rooms, hallways, lobbies not used for reception and other areas not normally occupied by either employees or customers. When determination of the number of off-street parking spaces required by this Ordinance results in a requirement of fractional space, any fraction of less than one-half may be disregarded, while a fraction in excess of one-half or greater shall be counted as one parking space.
3. "Per employees" shall mean per employees on the maximum shift.
4. "Per person" shall mean per person design capacity of the facility or auditorium, or meeting rooms. Eighteen inches of seating space shall be considered a seat for purposes of this requirement where individual seats are not discernable.

Required Number of Parking Spaces - Table 3		
Land Use	Per 1000 Sq. Ft.	Other Design Capacity
Assembly Facility		1 per 4 seats
Automobile and Other Vehicle Sales	2.5	2 per employee
Automobile Car Wash		2 per washing bay
Automobile Repair Shop and Service Station		1 per island of gasoline pumps, plus 2 for each service bay, 1 per employee and 2 spaces per service bay
Beauty and Barber Shop	8	
Bed and Breakfast		2 per owner, 1 per guest room and 1 per employee
Bowling Alley		5 spaces per lane
Child Care Facility	3	
Clinic (Medical, Dental, Eye Care, Chiropractic) and Hospital (Out Patient)	7	
Funeral Home, Mortuary	10	
Furniture Store	2	
Golf Course		18 spaces per 9 holes plus required additional spaces for other facilities
Golf Driving Range		1 space per tee
Greenhouse, Farmstand, Christmas Tree Sales, Garden Center	1	
Hospital, General		2 per bed
Hotel/Motel		1 per room plus additional spaces for other facilities
Industrial, Manufacturing	2.5	
Nursing Home		1 per 4 beds and 1 per 2 employees
Office	4.5	
Overnight Accommodations		1 per person
Recreation Facility		1 space per 4 persons

Required Number of Parking Spaces - Table 3		
Land Use	Per 1000 Sq. Ft.	Other Design Capacity
Residential:		
Single-family Dwelling		2 spaces per dwelling unit
Multifamily Dwelling		1.5 spaces per dwelling unit and .25 per unit guest parking
Congregate Housing for the Elderly, Convent, Monastery, Dormitory and Handicapped Group Home		.33 spaces per bed and 1 space per employee
Restaurant		1 space per 3 seats and 1 space per 2 employees and 1 space per 15 square feet of customer service area
Retail	4.5	
Schools:		
Elementary and Junior High School		1 per employee
High School		1 per employee and 1 per 5 students
College, Junior College, Seminary and Commercial School		1 per employee and 1 per 3 students
Service	4.5	
Tavern or Night Club	10	
Veterinary Clinic	4	
Warehouse		1 space per 2000 square feet of gross area

**C. Parking Lot Design Standards**

1. a. A required off-street parking space shall be accessible from streets, alleys, private driveways or aisles leading to streets or alleys.
- b. Where wheel stops are provided, a 1-foot overhang is permitted.

2. Handicapped parking spaces shall comply with the standards set forth in all State and Federal requirements.
3. Motorcycle and bicycle parking spaces are optional. If motorcycle spaces are provided, they shall be a minimum dimension of 4 feet by 7 feet and shall not be counted as a parking space for the purpose of calculating the required number of parking spaces.
4. Parking space dimensions shall be 18 feet deep by 9 feet wide. A parallel space shall be 22 feet long.

Driveway aisle widths shall be:

Parallel parking (one way traffic)	- 13 feet
30-degree angle of spaces (one way traffic)	- 12 feet
45-degree angle of spaces (one way traffic)	- 13 feet
60-degree angle of spaces (one way traffic)	- 18 feet
90-degree angle of spaces (two way traffic)	- 24 feet

5. Driveway access width shall not exceed 25 feet in width, except that turning radii, divided entrances/exits with island dividers, and shared driveway/curb cuts may be permitted to exceed this distance.

Entrances or exits from State, County, or Township roads are also subject to the approval of the appropriate jurisdiction.

6. A drive-through facility requires a special use permit and shall require stacking spaces for six vehicles.
7. The perimeter of a parking lot shall be curbed.
8. Off-street loading spaces are subject to the following requirements:
  - a. An off-street loading space shall be not less than 10 feet in width and 60 feet in length, exclusive of access aisles.
  - b. No loading spaces shall be located closer than 50 feet to any property in a residential district.
  - c. No loading space shall be located within 25 feet of the nearest point of the street right-of-way or the intersection of any two street rights-of-way. Loading spaces may be located in side and rear yards except as provided herein.
  - d. The required number of off-street loading spaces is listed in Table 4.

- e. All off-street maneuvering area must take place within the property's boundary.

Required Number of Off-street Loading Spaces - Table 4		
Type of Use	Net Building Size in Sq. Ft.	Number of Spaces
Offices, Public and Institutional	10,000-100,000	1
Manufacturing, Warehouse Storage and Cartage	5,000-39,999	1
	40,000-100,000	2
Retail and Service	5,000-24,999	1
	25,000-39,999	2
	40,000-100,000	3

\* One additional space shall be provided for every 100,000 square feet over 100,000 square feet; any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.

**D. Parking Lot Landscaping**

1. When a parking lot on a MR, CB, GB or LI zoned property is located adjacent to a public right-of-way, the lot shall be screened from visual impact with a 10 foot wide landscaped area, exclusive of that required for sidewalks or utility easements, between the right-of-way and the parking lot. Below is a list of alternative methods to accomplish this.
  - a. *Landscape Setback.* Provide a minimum of a 3-foot high solid screen using trees, shrubs or other plant material.
  - b. *Landscape Berm.* Create a 3-foot high berm with slopes not to exceed a 4:1 slope. Additional plant material is encouraged to achieve a minimum 3-foot high screen and to add visual variety.
  - c. *Woodland Preservation.* In cases where quality woodland exists,

preserve the existing trees between the parking lot and the right-of-way. Additional planting shall be provided, if needed, to achieve a solid visual buffer.

- d. *Intersecting Streets.* Clear view of intersecting streets shall be maintained per Article III, Section II, C.1.
2. A 10 foot wide landscaped strip around the perimeter of a parking lot in a MR, CB, GB or LI zoned district shall be provided to reduce visual impact. Below is a list of alternative methods to accomplish this.
    - a. Provide a 10 foot wide landscaped strip around the perimeter of the lot, to be planted with trees, shrubs and other plant material.
    - b. Berming, not to exceed a 4:1 slope, may be used with or without additional plant material.
    - c. In cases where desirable quality woodland exists, preserve the vegetation along the perimeter of the lot. Additional plantings may be provided.
  3. A minimum of 10 percent of the interior of a parking lot in a MR, CB, GB or LI zoned district shall be landscaped. For the purpose of calculating the interior of a lot, the front and perimeter landscaping in Article IV, Section V, D.1. and 2. shall not be included. To achieve this requirement, one of the following alternatives or any combination shall be used.
    - a. Provide planting islands, a minimum of 9 feet wide, between every 10 to 15 spaces to avoid long rows of parked cars. The islands shall be landscaped with shade trees, shrubs, or ground cover.
    - b. Create large planting islands (over 600 square feet) to be located throughout the lot and planted with shade trees, shrubs, and/or ground cover. This option is more suitable in large parking lots rather than smaller lots.
    - c. Provide a continuous landscaped strip between every few rows of parking. This strip should be a minimum of 8 feet wide to accommodate shade trees and shrubs.
  4. Solid screening of loading areas shall be provided. Using walls, fences, and/or landscaping can accomplish this.
  5. All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscape requirements. Plant material shall be pruned to maximize visibility in the parking lot so as to create no hazard to motorists or pedestrians. All required fences and walls

shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.



## Article IV

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### Section VI

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#### *Sign Regulations*

The purpose of this article and section is to preserve, protect and promote the public health, safety and welfare by regulating outdoor advertising and signs of all types. It is intended to enhance the physical appearance of the Village, make it a more enjoyable and pleasing community, and create an attractive economic and business climate. Also, it is intended to reduce the sign or advertising distractions which may increase traffic accidents, eliminate hazards caused by signs overhanging or projecting over public rights of way, relieve pedestrian and traffic congestion, provide more open space and avoid the "canceling out" effect of adjacent signs.

#### A. Sign Permit Requirements

1. **Sign Permit Required.** Except as otherwise provided herein, no sign shall be located, constructed, erected, structurally altered, relocated or enlarged without the owner thereof first having obtained a sign permit.
2. **Application for Permit.** Application shall be made upon forms provided by the Village and shall include the following information:
  - a. Name, address, telephone number and signature of the applicant, and if the applicant is someone other than the owner of the property upon which the sign is located or to be constructed, the name, address, telephone number and signature of the owner of said property. The application shall further identify the owner of the sign and the name of the person erecting, constructing, altering or relocating the sign.
  - b. The location by street number and any common name applied to any building, structure or premises to or upon which the sign is to be attached or erected.
  - c. The position of the sign in relation to nearby buildings, structures or premises to or upon which the sign is to be attached or secured, together with a landscape plan, if required.
  - d. Such number of copies of the plans and specifications, description of

the method of construction, location and support, sealed by a registered architect, structural engineer, professional engineer or prepared by a sign manufacturer, including such measurement or dimensions as the Zoning Officer may reasonably request.

- e. Sketch showing sign faces, exposed surfaces and proposed message thereof, accurately represented in scale as to size, proportion and color.
  - f. The zoning classification of the property on which the sign will be erected.
  - g. Such other information as the Zoning Officer may reasonably require.
3. **Issuance or Denial of Permit.** A sign permit shall be either issued or refused by the Zoning Officer within 21 days after the receipt of a complete application, or within such further period as may be agreed to by the applicant. When the Zoning Officer refuses to issue a sign permit, he shall advise the applicant in writing of the reasons for refusal.
4. **Term of Permit.** Time for Completion of Sign: Sign permits shall be valid for a period of 180 days from the date of issuance. If the work authorized under the permit has not been completed within said 180 days period, the permit shall become null and void and the applicant thereon shall be required to apply for a new permit.
5. **Suspensions or Revocation of Permit.** The Zoning Officer may, in writing, suspend or revoke any permit issued under provisions of this section if he shall determine that the holder thereof failed to comply with any provisions of this Ordinance or any other applicable ordinance. All construction shall cease and the work done will be removed or changed to comply with all provisions of this Ordinance and all applicable ordinances and the plans and specifications therefore approved by the Zoning Officer.

## B. **Prohibited Signs**

The following signs are specifically prohibited:

- 1. Commercial billboards and posterboards when located upon vacant premises or when displaying information not related to the conduct of a business or other enterprise located on the same premises as said billboard or posterboard.
- 2. Flashing signs.
- 3. Projecting signs.

4. Pennants, streamers, portable signs and festoon lights not specifically authorized by the Village Administrator.
5. Commercial signs not indicating bona fide business conducted or a product sold on the premises.
6. Signs which move or have moving parts, irrespective of whether the movement is caused mechanically.
7. Signs which contain statements, words, pictures or other depictions of an obscene, indecent or immoral character and which offend the public morals or decency.
8. Signs which impede, impair, obstruct or otherwise conflict with traffic signals, vehicular or pedestrian travel, access to fire hydrants and fire lanes and exits, and other signs that unreasonably impede or impair the public health, safety and welfare.
9. Signs painted on the walls or windows of any building except as hereinafter permitted.
10. Signs on vehicles, boats or trailers in place other than one sign not larger than 2 feet x 2 feet advertising said vehicle, boat and/or trailer for sale or rent. This shall not be interpreted to prohibit lettering on motor vehicles or advertisements on buses or taxicabs.
11. Attention-getting devices.
12. Signs on, over or across any public right of way. The Village, without any notice that might otherwise be required by this Ordinance, may remove any such signs immediately.
13. Obsolete signs.
14. Signs permitted in Subsection G, 2. of this article and section shall not be located within 80 feet of the boundary of a MR, R-1, R-2 or R-3 zoned district.
15. Roof signs.

**C. Permitted Signs**

The following types of signs are permitted where specifically identified in subsequent sections of the ordinance.

1. Wall Signs.

2. Building and Window Signs
3. Ground signs.
  - a. Pylon Sign
  - b. Monument Sign

D. **General Standards**

1. **Location.** No sign shall be constructed or maintained in a location prohibited by this Ordinance. No sign shall be constructed or maintained so as to prevent free ingress and egress from any door.
2. **Imitating or Obstructing Traffic Signs.** In order to promote and secure traffic safety, no sign shall be erected or maintained in such a manner as to interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device. The Zoning Officer shall review each application for a sign construction permit to assure that no sign be permitted which will adversely affect the public safety. Accordingly, no sign, marquee, canopy, or awning shall make use of the words "Stop," "Go," "Look," "Slow," "Danger" or a similar word, phrase, symbol or a character or employ any red, yellow, green or other colored lamp in such a manner as to interfere with, mislead or confuse traffic.
3. **Violation of State Highway Advertising Provisions.** No sign permitted pursuant to this Ordinance shall be constructed or maintained in any way that would violate the Illinois Highway Advertising Control Act of 1971, as amended.
4. **Signs Projecting Above Rooftops.** No sign shall be constructed or maintained so as to project above the top edge of a roof or the top of a parapet, whichever forms the top line of a building silhouette.
5. **Attaching Signs to Utility Poles, Trees, Etc.** No sign shall be attached to a utility pole, tree, standpipe, gutter, drain or fire escape, nor shall any sign be constructed or maintained so as to impair access to a roof.
6. **Signs Obstructing Public Ways.** Except as otherwise herein provided, no sign shall be located, constructed or maintained upon, over or project into any public right of way or easement. Any sign located upon, over or into a public right of way is subject to immediate removal without notice that may be otherwise required by this Ordinance.

E. **Location**

Signs shall be located on the same premises as the principal use served and in yards

or attached to buildings as follows:

1. **All Residential Districts.** Permitted signs may be located anywhere on the property but not closer than 3 feet to any lot line.
2. **All Nonresidential Districts.**
  - a. No sign shall project into the public right of way nor shall a sign attached to a building extend more than 12 inches from the face of the building.
  - b. Wall signs shall be no higher than the height of the building and no lower than 5 feet above average surrounding grade; provided, however, that no such sign shall be lower than 10 feet above average surrounding grade when located above any entrance, sidewalk, walkway or any other area available for pedestrian traffic.
  - c. Wall signs shall not be located on a wall screening roof top mechanical equipment.
  - d. Wall signs may be located anywhere on an exterior building wall; however, such signs shall not cover a window.
  - e. A ground sign may be located in any required yard, but shall be placed in a manner that maintains clear view. Clear view is determined by the two intersecting street centerlines at points 100 feet from the junction of the street centerlines. A ground sign shall not extend over any lot line or within 10 feet of the point of intersection of two or more vehicular traffic ways, driveways or street rights of way.

## F. **Construction and Maintenance**

All signs shall be constructed and maintained as hereinafter provided.

1. **Compliance with Building Code.** All signs shall be constructed of approved materials and maintained, repaired and altered in compliance with the requirements of the Building Code of the Village.
2. **Compliance with Electrical Code.** All signs employing or containing any electrical wiring and/or connections shall comply with the Electrical Code of the Village. All illuminated surfaces of a sign shall be maintained to properly function as set forth in the approved sign permit. Burnt out lights and bulbs shall be replaced within seven days.
3. **Metal Signs.** The face and background of all metal signs shall be constructed of metal not thinner than 1/8" thickness. A metal-faced sign

may utilize a wood frame and may contain letters, figures, characters, borders or moldings made of wood. Any wooden border shall not exceed 3 inches in width.

4. **Wind Pressure and Dead Load Requirements.** Every sign shall be designed and constructed to withstand a wind pressure of 45 pounds per square foot and to receive dead loads as required by the Village Building Codes or other applicable ordinances or regulations.
5. **Nonmetallic Facing Requirements.** The faces shall be wood, acrylic, or poly carbonate not less than 3/16" thick.
6. **Painting and Maintenance.** Owners shall paint and maintain all parts and supports of each sign owned by them as necessary to prevent rusting, rotting or deterioration or the endangering of public health or safety.

#### G. Sign Surface Area, Height and Number Limitations

1. **All Residential Districts**
  - a. No sign shall be permitted in any residential district except as otherwise provided in this article.
  - b. Any dwelling unit may have a professional occupation wall sign not exceeding 1 square foot in sign surface area.
  - c. For multiple-family dwellings containing at least 12 dwelling units, a single sign not exceeding 32 square feet in sign surface area. Said sign shall indicate only the name and address of the building and the name and telephone number of the management thereof. Any such multiple-family dwellings located on a lot or parcel situated at a corner of two intersecting streets shall *not* be permitted two such signs.
  - d. Residential development entrance signs shall be permitted for single-family attached or detached developments containing 12 or more dwelling units. Residential development entrance signs shall only indicate the name of the development. A maximum of two signs shall be permitted at each entrance to the development. Such signs shall not exceed 32 square feet in sign surface area for each street entrance into the development with a maximum sign surface area of 64 square feet for the total development. Residential development entrance signs may be mounted on an architectural entrance feature.
  - e. No sign on an improved lot or parcel shall be mounted at a height

that causes the top of the sign to exceed 6 feet above average surrounding grade. No sign on an unimproved or vacant lot or parcel shall be mounted at a height that causes the top of the sign to exceed 8 feet above average surrounding grade.

2. **All Nonresidential Districts.** Every business as defined herein shall be permitted to erect signs indicating only the business name and address and the major enterprise, or the principal product offered for sale on the premises. The following standards shall apply:
  - a. *Wall Signs Shall be Permitted*
    - (1) **Office Buildings.** (Buildings that are principally occupied by office uses.) For a principal building occupied by a single business entity, there shall be permitted a maximum of two wall signs. The maximum sign surface area for a wall sign on any side of the building shall be 3 percent of the surface area of the side of the building (inclusive of the area taken up by windows) up to a maximum of 96 square feet. Where a principal building is occupied by two or more business entities, there shall be permitted one wall sign for each such business. The maximum combined sign surface area for wall signs on any side of the building shall be 3 percent of the surface area of the side of the building (inclusive of the area taken up by windows) up to a maximum of 96 square feet.
    - (2) **Industrial Buildings.** (Buildings that are principally, occupied by industrial, manufacturing, fabricating, processing, warehousing and/or distribution uses.) For a principal building occupied by a single business entity, there shall be permitted a maximum of two walls signs. The maximum sign surface area for a wall sign on any side of the building shall be 3 percent of the surface area of the side of the building (inclusive of the area taken up by windows) up to a maximum of 96 square feet. Where a principal building is occupied by two or more business entities, there shall be permitted one wall sign for each such business. The maximum combined sign surface area for wall signs on any side of the building shall be 3 percent of the surface area of the side of the building (inclusive of the area taken up by windows) up to a maximum of 96 square feet
    - (3) **Retail Commercial Buildings.** (Buildings that are principally occupied by retail commercial uses.)

- (a) Zone CB will allow one wall sign containing a sign surface area not to exceed 75 square feet.
  - (b) Zone GB will allow one wall sign containing a sign surface area not to exceed 75 square feet for any one premises housing a single business entity. Should any one premises house more than a single business entity, a wall sign shall be permitted for each entity based upon the following: each such entity will be permitted 1.5 square feet of sign surface area for each linear front foot the entity occupies in the building or structure up to a maximum of 75 square feet.
- b. *Building and Window Signs.* Building and window identification signs shall be permitted. There shall be no more than one building or window identification sign per building, except that in retail commercial buildings containing two or more retail tenants, each retail tenant shall be permitted to have one window identification sign. The sign surface area of any building or window identification sign shall not exceed ten square feet.
- c. *Ground Signs*
- (1) There shall be no more than one ground sign per lot.
  - (2) Maximum sign surface area and height.
    - (a) Pylon ground signs shall not exceed a sign surface area of 72 square feet and shall not exceed a maximum height of 20 feet above the average surrounding grade; however, no sign face shall be lower than 12 feet above the average surrounding grade.
    - (b) Monument ground signs shall not exceed a sign surface area of 72 square feet and shall not exceed a maximum height of 9 feet above average surrounding grade. Monument ground signs (including all structural portions thereof) shall not exceed outside perimeter dimension of 12 feet by 6 feet. The sign surface area portion of a monument ground sign shall not be less than 3 feet above average surrounding grade.
- d. *Shopping Center Signs.* Shopping Center identification ground signs shall be permitted in shopping center developments containing two or more businesses. Shopping center identification ground signs may



be either pylon or monument type ground signs. The erection of a sign pursuant to this subsection is in lieu of Section G.2.c. above.

- (1) Number. There shall be no more than one shopping center identification ground sign for each shopping center development.
  - (2) Sign Surface Area. The sign surface area of such ground sign (pylon or monument type) shall not exceed 72 square feet.
  - (3) Height. Shopping center identification ground signs (pylon or monument type) shall not exceed a maximum height of 20 feet above the average surrounding grade. For pylon type signs, no sign face shall be lower than 12 feet above surrounding grade.
  - (4) Sign Content. Shopping center identification ground signs shall not contain any advertisement other than the identity of the shopping center and the businesses located therein.
  - (5) Outlot Ground Signs. In addition to the shopping center identification ground signs permitted herein, outlot ground signs shall be permitted on any shopping center outlot created as a building site for one principal building or use. An outlot ground sign shall not exceed a height of 6 feet and shall not exceed a total sign surface area of 60 square feet. In multiple tenant outlot buildings, tenant signage will be treated in accordance with Section G.2.a.(3).b. of this Article.
- e. *Gasoline and Motor Vehicle Repair Signs.* In addition to the signage permitted herein, establishments whose principal business is the sale of gasoline and the repair of motor vehicles shall be permitted accessory signs, as required by law, indicating the price of gasoline available on the premises, limited so as not to exceed a maximum of 60 square feet for any one premises.
- f. *Office/Industrial Park Development Entrance Signs.* Two signs shall be permitted at each entrance. Each sign may indicate only the name of the development, the management or developer thereof, and/or the address or location of the development. Such signs shall not exceed 72 square feet of sign surface area and a maximum height of 9 feet above average surrounding grade and may be a part of, or mounted on an architectural entrance feature. Signs shall not be less than 3' above surrounding grade.

## H. Landscaping Requirements

Every permit application for a freestanding or ground sign shall be accompanied by a landscape plan meeting the standards hereinafter specified:

1. For every one square foot of sign surface area, there shall be provided 1.5 square feet of landscape area.
2. Sodded or seeded areas shall not qualify as such a landscaped area.
3. The required landscaped areas shall be improved with such plantings as hedges, conifers, flowering plants, evergreens, etc., of a size and in a quantity proportionate to the size and height of the sign as adjudged by the Zoning Officer.
4. In addition to the plantings herein described, the landscaped area shall also include ground protection such as, but not limited to, ground cover plants, landscaping bark, decorative stone or landscape timbers.
5. It shall be the duty of each person owning any lot or parcel improved or to be improved with the landscaping required herein to maintain said landscaping including, but not by way of limitation, the replacement of any dead or diseased vegetation, the trimming of any overgrown vegetation and the maintenance of any ground cover or protection provided in accordance with the terms hereof. Landscaping shall not obscure signs.

## I. Illumination Standards

1. The lighting of a sign should provide security and visual interest while not projecting glares onto adjacent *or residential* properties. On-sign lighting should be located to avoid harsh glares, which distract the motorist's line of sight.
2. Signs in direct line of vision of motorists approaching any traffic signal shall not have red, green or amber illumination.
3. Neither the direct nor reflected light from signs shall create traffic hazard for or confuse operators of motor vehicles on public thoroughfares.
4. No sign shall have blinking, flashing or fluttering lights or other illuminating devices that have a changing light intensity, brightness or color. Beacon lights and/or laser beams are not permitted.
5. No exposed reflective-type bulb or incandescent lamp that exceeds 15 watts shall be used on the exterior surface of a sign so as to expose the face of the

bulb, light or lamp to any public street or adjacent property.

6. The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not be objectionable to surrounding areas.
7. Wall signs may be backlighted. If a wall sign consists of individual letters and/or symbols, each letter or symbol may be backlighted or individually lighted in accordance with the provisions of this section.

## J. Temporary Signs

The following signs shall be permitted anywhere in the Village. Temporary signs shall comply with the regulations contained in Subsections B., C., D., E., and F. of this Article. A permit shall be obtained prior to locating, constructing or erecting such signs except real estate and political campaign signs.

1. **Construction Signs.** Not more than two constructions signs with a total sign surface area not to exceed 64 square feet. These signs may identify the architects, engineers, contractors or other individuals or firms involved in the construction and announce the character of the building enterprise or the purpose for which the building is intended but not include the advertisement of any product. The signs shall be confined to the site of the construction and located in a manner acceptable to the Zoning Officer. Construction signs shall be removed prior to the issuance of an occupancy permit.
2. **Real Estate Signs**
  - a. *On-Premises Real Estate Signs*
    - (1) One "for sale" sign may be placed on the property facing each street that abuts the property.
      - (a) The sign may not exceed 6 square feet of surface area per sign face.
      - (b) "For sale" signs or "sold" signs must be removed from the property within seven days after the sale of the property is closed or a lease is signed.
    - (2) One "open house" sign may be placed on the property between 9:00 a.m. and 6:00 p.m. on the day the house is open to the public for inspection.
    - (3) No attention-getting devices, e.g., balloons, banners, flashing

lights, etc. may be placed on the property.

b. *Off-Premises Real Estate Open House Directional Signs*

- (1) Open house directional signs may not exceed 6 square feet of surface area per sign face and may not exceed 4 feet in height. Such signs must be professionally designed and lettered.
- (2) Open house directional signs may be placed on public parkways, and/or on private property with the consent of the property owner between 9:00 a.m. and 6:00 p.m.
- (3) No attention-getting device, e.g., balloons, banners, flashing lights, etc., may be attached to an open house directional sign or placed on parkways or on private property to draw attention to the sign.
- (4) Each open house directional sign must have attached to it by adhesive label, tag, or other means the name, business address and business telephone number of the person responsible for the placement and removal of the sign.
- (5) A maximum of four open house directional signs for an open house for any given premises may be placed on public parkways, and/or on private property with the consent of the property owner.
- (6) No more than one open house directional sign directing the public in a single direction may be placed by a single company. This does not prohibit the placement of more than one open house directional sign by the same company as long as the signs direct the public in different directions.

c. Off-premises real estate signs are not permitted, except as provided at Subsection J.2.b thereof.

3. **Political Campaign Signs.** Political campaign signs shall not exceed nine square feet total sign surface area for any one premise. Political campaign signs shall not cover an already existing sign, shall not be a roof sign and shall be erected or placed no sooner than 30 days prior to an election or referendum and be removed not later than five days following such election or referendum.

4. **Certain Advertising Signs**

a. Signs advertising the availability of a business or commercial site or

building for sale or lease, or announcing the forthcoming construction of such a building, but limited to one such sign containing not more than 32 square feet in sign surface area. These signs must be removed within seven days after a sale is closed or a lease is signed.

- b. Not more than two signs, of not more than 4 square feet of sign surface area each, upon any premises which advertises special sales or events, including garage sales, yard sales, block parties, etc., so long as they are not located on the public right of way, and not erected sooner than 48 hours prior to nor removed later than 24 hours following the sale or event.

**5. Promotional Signs**

- a. Pennants, streamers or other promotional signs specifically approved by the Village Administrator after showing that the pennants, streamers or other promotional signs are an integral part of the grand opening of a new business, and then only for the location(s) designated by the Village Administrator during the 14 days before and three days after the grand opening. The Village Administrator may, in his discretion, require any applicant to provide a diagram identifying any proposed promotional signage, and may further impose such reasonable conditions upon such applicant as are needed for the promotion of public health and safety.
- b. Window promotional signs shall be permitted in the CB and GB Business Districts provided that the sign surface area of all window promotional signs shall not exceed 50 percent of the total window area of the building or structure in which they are located.
- c. Temporary freestanding business signs identifying a special or limited activity, service, product or sale of limited duration, provided that a permit therefore is first obtained by the owner. The duration of the permit shall not exceed 14 days. No more than four permits for temporary business signs shall be issued for the same premises within one calendar year. Said signs shall not exceed a height of 6 feet and a total sign surface area of 32 square feet.

**6. Signs for Model Dwellings.** One ground sign not exceeding 8 square feet in total sign surface area on any premises upon which a model dwelling is constructed, subject to the following conditions:

- a. No such sign shall be mounted at a height that causes the top of the sign to exceed 4 feet above average surrounding grade.
- b. Said signs will not be illuminated.

- c. Said signs shall be depicted upon a site plan indicating size and shape, mounting height, type of material and landscaping. Such landscaping shall be in accordance with the provisions contained in Subsection H. of this article and section.

**K. Signs on Awnings, Marquees and Canopies**

Signs shall be permitted on awnings, marquees and canopies. Such signs shall not exceed a height of 20 feet above average surrounding grade. Signage permitted under this section shall be counted against the maximum signage permitted by Subsection E. and G. of this article and section.

**L. Nonconforming and Illegal Signs**

Any sign which existed lawfully on the effective date of this Ordinance and which becomes nonconforming by reason of the adoption of this Ordinance or any sign which becomes nonconforming because of any subsequent amendment to this Ordinance or which shall become or remain nonconforming by reason of the annexation to Third Lake of the lot or parcel on which said sign is located, shall be considered a legal, nonconforming sign. Legal, nonconforming signs and all signs rendered illegal or prohibited by the terms of this Ordinance may be continued only in accordance with the regulations hereinafter set forth. Notwithstanding the nonconforming or illegal status of any sign, any such sign shall be subject to the permit and inspection fees set forth in this Ordinance.

1. **Survey of Signs - Notice.** The Village shall, as soon as practicable, notify in writing, by certified mail, return receipt requested, the owner of each nonconforming or illegal sign of the nature of, such illegality or nonconformity.
2. **Maintenance and Repair.** All legal, nonconforming and illegal signs shall be maintained and repaired in accordance with the provisions contained in this Ordinance. All legal, nonconforming and illegal signs shall, in the event of any damage thereto, be repaired in conformance with all rules, regulations, standards and specifications herein contained which control the construction, illumination, landscaping and maintenance of signs.
3. **Enlargement or Additions.** No legal, nonconforming or illegal sign may be enlarged, expanded or added onto; provided, however, legal, nonconforming and illegal signs may be altered or modified so as to permit a change in the message conveyed thereon; provided such message shall not be in violation of any rule or regulations set forth in this Ordinance.
4. **Amortization.** Five years from and after the event that causes a sign to become a lawfully existing, non-conforming sign or an illegal sign pursuant

to this section, such sign shall be removed and eliminated. Said five year period shall, for all purposes, be deemed an appropriate amortization period for each and every legal nonconforming and illegal sign presently located within the corporate limits of the Village or hereinafter located thereon by reason of the annexation into Third Lake of a lot or parcel on which such sign is located.

**M. Dangerous and Illegal Signs**

1. **Dangerous Signs.** If the Zoning Officer shall find that any sign is unsafe, insecure or a danger to the public health or safety, or has been constructed, erected or maintained in violation of the provisions of this Ordinance, he shall give written notice to the owner and/or operator by certified mail, return receipt requested. If the owner and/or operator fails to remove or alter the structure so as to comply with the standards herein set forth in this Ordinance within ten days after such notice, the Village shall initiate such legal proceedings as may be required to compel the removal of said sign and the recovery of any costs incurred in connection therewith.
2. **Illegal Signs.** Any commercial sign which no longer identifies a bona fide business conducted or a product sold on the premises where said sign is located shall be taken down and removed by the owner and/or operator of the building, structure or property. The sign shall be removed within ten days after written notification from the Village. Said notice shall be given by certified mail, return receipt requested. Should an owner or other responsible person fail to comply with such notice, the Village shall initiate such legal proceedings as may be required to compel the removal of said sign and the recovery of any costs incurred in connection therewith.

**N. Annual Inspections**

The Zoning Officer shall annually inspect each sign regulated by this Ordinance. The inspection shall be conducted to determine whether each sign is safe, in need of removal or repair.

No inspection need be made of any sign for which a construction permit has been issued during the previous 12 calendar months.

The Village shall be permitted to make inspections any time when it reasonably believes that any sign may pose a threat or danger to public safety.

**O. Exemptions from Provisions**

The following types of signs are exempted from the provisions of this Ordinance except for regulations regarding construction, maintenance and safety. With the exception of those signs contained in Subsections 2. and 4. of this subsection, no

exempt sign shall be located in the public right of way.

1. Signs not visible beyond the boundaries of the premises upon which they are situated or from any public thoroughfare or right of way.
2. Official signs of any public or government or private nonprofit organization when specifically approved by the Village Administrator.
3. Any sign of any official court or public office, notices thereof or any flag, emblem or insignia of a government entity.
4. Any official traffic signs authorized by the Illinois Compiled Statutes, the Illinois Vehicle Code and/or this Ordinance.
5. Temporary signs celebrating the occasion of traditionally accepted patriotic or religious holidays, as well as national and State holidays.
6. No-trespassing signs, warning signs (i.e. "Beware of Dog") and such other signs regulating the use of property when such signs do not exceed 2 square feet in area.
7. The changing of copy of an otherwise permitted sign, bulletin board, display encasement or marquee where no structural changes or alterations are made.
8. Private, noncommercial, nameplate identification signs or street address identification signs when such signs do not exceed 2 square feet in area.
9. Tablets, memorials and cornerstones identifying a building or the date of erection, when built into a wall of such building.
10. Private traffic direction signs directing traffic movement onto a premises or within a premises not exceeding 4 square feet in area and 4 feet in height for each sign. Illumination of these signs shall be permitted in accordance with the regulations contained in Section *I.* of this Ordinance.
11. Except as hereinafter otherwise provided, other noncommercial signs providing they meet the bulk regulations for signs in the zoning district in which the premises to be improved with said sign is located.
12. Time and/or temperature signs.
13. Public telephone signs. Public telephone booths may have attached to them signs not exceeding a total area of 6 square feet, provided such signs do not materially obstruct the vision at any street intersection.



## Article IV

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### Section VII

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#### *Special Use Permits*

##### A. **Approval Process**

The procedure for a special use permit shall follow that provided in Article VI, Section I. H. 1. Application for a special use permit.

##### B. **General Standards for Special Use Permits**

The standards for special uses shall follow that provided in Article VI, Section I. H. 2. Standards for a special use permit.

##### C. **Specific Standards for Specific Special Uses**

The following uses shall be subject to the requirements set forth below. All requirements for a specific special use shall be considered as additional to the general requirements of the zoning district in which the special use is located and the standards for special uses (Article IV, Section VII B.) except where specified otherwise by the terms of the particular special use.

1. **Bed and Breakfast.** The design and operation of Bed and Breakfast facilities shall comply with the following standards.
  - a. Bed and Breakfast facilities shall be limited to residential structures with an overall minimum of 1,800 square feet of floor area.
  - b. They shall be in compliance with applicable state and local laws, including, but not limited to, the Bed and Breakfast Act, 50 ILCS 820/1 et. seq., as amended, maintain a guest list, and provide a smoke detector in each sleeping room.
  - c. Such uses shall be an incidental use within an owner-occupied principal dwelling structure provided that no more than three bedrooms in such dwelling structure shall be used for such purpose.

- d. The length of the stay shall not exceed 14 days during any 120 consecutive days.
  - e. Meals shall be limited to breakfast that is prepared in a common facility (household kitchen). Meals may be served only to overnight registered guests, staff, and cooking is not permitted in the sleeping rooms.
  - f. The building shall meet all building codes and zoning requirements. A site plan showing the location of guest parking spaces and a floor plan showing a location of the sleeping rooms, lavatories, and bathing facilities, and kitchen shall be submitted with the application.
2. **Child Care Facility.** The design and operation of Child Care Facilities shall comply with the following standards.
- a. Provide written evidence that standards and requirements for health and safety protection and licensing by jurisdictions other than the Village, as well as those required by Village ordinances, have been met.
  - b. An unloading zone shall be provided on a driveway or approved parking area. One loading space shall be required per 20 children. It shall be placed so that children do not have to cross a parking lot or street to be picked up or dropped off.
  - c. A circulation pattern shall be planned to avoid a stack of cars.
3. **Mobile Home Park.** The design and operation of a Mobile Home Park shall comply with the following standards.
- a. The minimum lot size for each mobile home shall be 5,000 square feet.
  - b. A mobile home shall be at least 20 feet wide with a minimum floor area of 500 square feet.
  - c. The required percent of open space shall be 40 percent of the mobile home park.
  - d. All mobile homes shall have a garage.
  - e. The outside materials of a mobile home shall be similar to a residential neighborhood such as conventional vinyl siding, wood, brick, or other masonry material or metal, but excluding smooth, ribbed or corrugated metal or plastic panels. The roofline shall be pitched with overhang and shall be shingled.

- f. Strive to eliminate monotony by varying lots, mobile homes sitting on lots and floor plans.
  - g. A combination of architecture and landscaping should encourage privacy.
  - h. Perimeter buffering and screening shall be required.
  - i. Curvilinear streets are preferable to grid street designs.
  - j. Axles and wheels shall be removed. Skirting shall consist of a fireproof material similar to the materials of the mobile home.
  - k. A sufficient number of garbage containers shall be provided.
  - l. The Village shall be provided with a record of the names and addresses of the owner of each mobile home site and the name and address of the owner/operator of the mobile home park.
  - m. All utilities servicing the mobile homes shall be serviced by underground utilities.
  - n. Each mobile home unit shall be connected to public water systems and public sanitary sewer system.
  - o. All mobile home parks must be developed as a Planned Unit Development. (Article IV, Section VII, C.4. Planned Unit Development.)
4. **Planned Unit Development.** The design, operations and procedure for a Planned Unit Development (PUD) shall comply with the following standards.
- a. *General Purpose and Intent.* The primary purpose of a PUD is to provide for development of balanced neighborhoods containing physical, economic, and social assets difficult to achieve through the traditional separation of use and density zones. This is accomplished by allowing the developer the freedom necessary to protect natural resources and to protect the investment of both the Village and the project.
  - b. *When Required*
    - (1) Two or more principal structures on a single zoning lot of any size must be developed as a PUD.

- (2) Any multifamily projects.
  - (3) All mobile home parks must be developed as a PUD.
- c. *Where Permitted.* A PUD may be located in any zoning district indicated in Article I, Section II, subject to the procedures and standards set forth in this section.
- d. *General Standards.* For any PUD, the regulations and standards established in this subsection (Article IV, Section VII, C. 4.), shall be substituted for the general regulations set forth elsewhere in this Ordinance.
- (1) *Ownership.* The PUD shall remain under one ownership and/or unified control. A sale of a portion of a parcel designated PUD may occur only after a final plat of subdivision is approved and recorded. However, the Village shall continue to treat the subdivision parts as a single PUD and require the individual parcel owners to conform with the previously approved final PUD.
  - (2) *Required Parking.* The off-street parking regulations found in Articles IV, Section V shall apply to all PUDs, unless the Village approves the variation.
  - (3) *Street Improvements.* A registered professional engineer shall design all streets and street improvements. The width of streets, the design of the pavement and other structures shall be based upon their intended use; shall be related to the overall design of the PUD; and shall be constructed to the standards of the Subdivision Ordinance and approved by the Village Engineer.
  - (4) *Required Setbacks.* All structures located on the perimeter of a PUD shall be set back from the property line or street right-of-way a distance equal to or greater than the required setback in the adjacent zone. Interior yards and setbacks shall be in conformity with good site planning practice. Any variations from Article III, Section I, Table 2 requirements shall be identified.
  - (5) *Height Restriction.* Any structure may exceed thirty-five feet in height; provided it is set back from the perimeter of its respective area of the PUD, two feet horizontally for every one foot of building height.
  - (6) *Bonding Requirements.* A Bond or Letter of Credit to cover

the cost of required public improvements and school and park cash contributions, in accordance with the Subdivision Ordinance, must be submitted prior to issuance of any permits for the PUD.

(7) Design Standards. Professional persons (architects, planners, engineers, landscape architects and surveyors) shall prepare the development plan. The benefits of the PUD and the improved design of the development must justify the intended variation from the normal requirements of this Ordinance. The provisions of the Subdivision Control Ordinance shall be adhered to, unless a variation is granted by the Village Board. In preparing the development plan, particular consideration shall be given to the following design standards.

(a) Development use on the perimeter of the PUD area shall be similar to that use which lies just beyond the perimeter of the PUD. If a development use is proposed to be more intense than the use that lies beyond the perimeter, then extensive buffering by physical separation, berming, landscaping, screening and/or other means shall be provided.

(b) Parking areas shall be arranged so as to encourage cross access between developments when determined desirable by the Village.

Guest overflow parking, beyond the required parking spaces per unit, shall be provided, either in separate parking areas, or on internal streets wide enough to accommodate such parking and the safe flow of vehicular traffic. If necessary, a restriction of parking on one or both sides of internal streets shall be included in the ordinance approving the PUD.

(c) The declarations of covenants and restrictions governing the property owners or Homeowner's Association, when such associations exist, may include provisions, which, in addition to the standard clauses, are as follows:

i. Establishment of an escrow fund for the maintenance of the common elements of the development.

ii. Delineation of the type of structures or

activities may occur on property deeded to individual property owners or on common property.

- iii. Delineation of the restrictions on exterior alterations of the individual buildings and structures.
- (d) Streets intended to be dedicated to the Village shall be designed and constructed to Village specifications, and in order to be dedicated, they shall serve local or through traffic.
- (e) To the greatest extent possible, driveway curb cuts shall be limited on collector and arterial streets. Preferably, said cuts shall be provided on minor residential streets.
- (f) Zoning requested for a PUD shall be the same as or more restrictive than adjacent zoning. Land uses in various segments of the proposed PUD may vary in type and intensity of use. Any permitted or special use available under any of the various zoning district classifications, whether singly or in combination, and any other use permitted by law, may be allowed as either a permitted or special use within a PUD upon approval by the Village Board. However, the entire project will be evaluated as a single zoning district and shall be consistent with adjacent zoning and with surrounding uses.
- (g) Traffic analyses shall take into consideration, not only the analysis of the on-site circulation, but also the impact of the PUD on off-site circulation during peak hours.
- (h) Floodplain, watershed, wetlands, storm water drainage and detention standards, as defined in appropriate subdivision and other environmental ordinances, shall apply.
- (i) Unbuildable acreage and areas unsuitable for passive or active recreation, such as swamp, marsh land, retention areas and steep slopes, shall not be used in calculating density for the proposed PUD.
- (j) Utilization of active or passive solar energy systems

and superior energy conservation features are preferred over conventional construction.

- (k) Existing woodlands, floodplains, wetlands and natural drainageways shall be preserved whenever possible.
- (8) Density Standards for Residential Projects. In recognition of the purpose of a PUD, the density standards for PUDs retain some flexibility to allow innovation and to promote the achievement of the development goals in the Village. Accordingly, PUD densities may exceed the densities allowed in the underlying zoning districts (see Allowable Density), provided the project benefits merit the proposed increased density. The developer is not entitled and the Village is not obligated to award any density bonuses; nor is the maximum allowable density guaranteed for a residential PUD. The design quality of the PUD will be evaluated to determine the development's density. Density accumulated for a proposed PUD shall start at or below the allowable density for the underlying zoning district and, if justified, may increase through bonus units. Density relates to the project as a whole and shall be construed to mean total housing units for the project divided by total net acreage. Net acreage equals the gross acreage of the site, minus public or private right-of-ways and unbuildable areas such as wetlands, floodplains, water bodies, etc. As a guideline, no more than a 20 percent density bonus may be allowed in any zoning district.
- (a) The allowable densities, which are the density equivalents for the various zoning districts listed in Article III, Section I, Table 2 of this Zoning Ordinance, are as follows:

**Allowable Density**

<i>Zoning District</i>	<i>Density</i>
R-1	1.74 Units/Acre
R-2	3.17 Units/Acre
R-3	4.10 Units/Acre
MR	9.00 Units/Acre

FOOTNOTE: Density shall not include public or private street rights-of-way or unbuildable areas such

as wetlands, floodplains, etc.

- (b) Bonus units per acre, above the allowable densities, may be obtained for project amenities that exceed the development goals of the Village as stated in Article I, Purpose. Bonus units may be granted only after the petitioners have demonstrated, to the Village's satisfaction, that the benefits of the project merit additional density. Creative or extraordinary amenities, not listed in Article IV, Section VII C.4.d.(7), Design Standards or exceptionally high quality design features are necessary to acquire bonus units.



## Article IV

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### Section VIII

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#### *Accessory Structures and Uses*

##### A. **Accessory Structures and Uses Regulations**

1. Accessory structures and uses shall be those that are customarily incidental to a principal building or a principal use on the same zoning lot.
2. Accessory structures and uses shall be subordinate in area, extent, and purpose to the principal building or use.
3. Accessory structures and uses shall be located on the same zoning lot as the principal structure or principal use.
4. No accessory structure or use shall be constructed or established on any lot prior to the establishment of construction of the principal use to which it is accessory.
5. Accessory structures shall comply with Article III, Section 1, Table 2, Density, Area, Yard and Height Regulations.

##### B. **Accessory Structures and Uses Locations**

1. Accessory structures or uses may only be located within setbacks as allowed in Article III, Section II, Exceptions to Table 2. All other accessory uses such as garages, storage sheds, gazebos and other accessory uses shall comply with all setback requirements in Table 2.
2. No accessory building or structure shall be located within 6 feet of a principal building. An attached accessory building or structure shall be considered a part of the principal use/building, as defined in Article I, Section I.

C. **Regulations for Specific Accessory Structures and Uses**

1. **Home Occupations**

Any occupation that is customarily, in whole or in part, conducted in a residence may be conducted in any dwelling unit provided all of the following criteria are met:

- a. The use for the occupation must be clearly incidental to the use of the dwelling as a residence.
- b. No persons other than members of the immediate family residing in the dwelling unit and one additional employee, or equivalent, shall be employed in a "home occupation."
- c. No stock-in-trade shall be displayed or sold upon the premises.
- d. No activity, structure or anything exterior to any structure shall indicate that it is being used for any nonresidential purpose.
- e. No mechanical or electrical equipment shall be installed or maintained other than such as is customarily incidental to a home. No mechanical or electrical equipment shall be operated in such a way as to interfere with the use and enjoyment, or neighboring properties, or indicate that the structure is being used for a nonresidential purpose.
- f. Stock-in-trade, including that which is provided on the premises, shall not require receipt or delivery of merchandise, goods or supplies, other than by the United States mail, similar parcel delivery service, or by a private vehicle with a gross vehicle weight not to exceed 12,000 pounds.
- g. All activity associated with the "home occupation" must be conducted within a closed structure.
- h. No "home occupation" shall be operated in such a manner as to cause a nuisance, some of which are listed herein:
  - (1) The activity will not require more vehicle parking space than exists on the residential drive or assigned parking spaces servicing the dwelling unit.
  - (2) Noise in excess of normal daily activity for a residential area measured at the lot line of the premises is prohibited.
  - (3) The emission of odorous matter in such quantities as to be

readily detectable at any point along lot lines is prohibited.

- (4) The activity will not create aesthetic problems in the storing or disposing of trash or materials emanating from the activity. The storing or disposing of trash in excess of what is customary for residential use shall not be allowed. Dumpsters shall not be permitted.
  - i. No hazard shall be created that would or could endanger the dwelling unit, or its occupants, or other structures, or their occupants by reason of additional fire, health, safety or environmental hazards.
  - j. No "home occupation" shall involve the keeping or care of animals, birds or reptiles.
  - k. No "home occupation" shall involve the keeping or care of humans (i.e. beauty shops, tanning beds, massage therapy, child care, doctors, dentists, therapists, etc.).
  - l. Parking of trucks associated with a "home occupation" shall conform with regulations concerning parking of commercial vehicles in residential areas as delineated in this Zoning Ordinance and in accordance with any ordinance of the Village of Third Lake, establishing load limits upon the streets of the Village.
2. **Satellite Earth Stations**
- a. All satellite earth stations shall be subject to the following regulations:
    - (1) Only one satellite earth station shall be permitted on any lot.
    - (2) Satellite earth stations shall be mounted on or attached to a principal or accessory building, unless the applicant can demonstrate to the satisfaction of the Zoning Officer that such location does not allow reception of satellite delivered signals.
    - 3) Free standing earth stations shall not be permitted in any required street, lake, side or rear yard setbacks unless the applicant can demonstrate to the satisfaction of the Zoning Officer that such location is physically necessary to allow reception of satellite delivered signals.
    - (4) No satellite earth station attached to the roof shall exceed a maximum height of 4 feet above the height of the principal use. For a separate satellite earth station, not attached to the roof, the maximum height shall be no higher than the height

of the principal use. These maximum height restrictions shall not be exceeded, unless the applicant can demonstrate to the satisfaction of the Zoning Officer that more height is physically necessary in order to permit reception of the satellite delivered signals; in such case, the satellite earth station cannot exceed the minimum height necessary to receive satellite delivered signals.

- (5) The receiving dish of any satellite earth station shall not exceed a diameter of 9 feet.
  - (6) Advertising, logos, symbols, lettering or numbering shall not be visible from the lot line of the premises on any satellite earth station. All such earth stations shall be black, white or the color of the structure to which it is mounted.
  - (7) Every satellite earth station shall be designed and constructed to withstand a minimum wind impact pressure of 90 pounds per square foot.
  - (8) All satellite earth stations shall be constructed of approved materials so as to comply with the requirements of the Village Building Code and any amendments thereto.
  - (9) All satellite earth stations shall comply with the requirements of the Village Electrical Code and any amendments thereto.
  - (10) All freestanding satellite earth stations shall be landscaped and/or screened by a well maintained wall, fence, densely planted compact hedge, or berm and landscaping to a minimum height equal to the height of the satellite earth station, so that said satellite earth station shall not be visible from any adjoining lot or street. Such landscaping, screening, walls or fences shall comply with all applicable bulk regulations.
  - (11) All utilities connected to the freestanding earth station shall be underground.
- b. A building permit shall be obtained prior to the construction of any satellite earth station. Applications for a permit to construct a satellite earth station shall include, in addition to any requirements contained in the Village Building Code and the Village Electrical Code, the following documents:
- (1) A spotted survey of the lot upon which the satellite earth station is to be constructed, showing thereon the proposed

location (dimensionalized) of the satellite earth station.

- (2) Plans and specifications for the installation, including elevation, dish configuration, mount, foundation, and any motorization, fencing, etc.
- (3) A landscape plan for completely screening the installation as required by Subsection 2.a.(10).

**3. Swimming Pools**

Requirements for swimming pools shall be as required in the Third Lake Swimming Pool Ordinance (No. 98-05-01).

**4. Storage Sheds/Detached Garages**

Storage sheds/detached garages shall be located between the principal structure and the rear yard and comply with the requirements in Article IV, Section VIII. In R2 lots detached garages/storage sheds may be located between the principal structure and the street yard. The roof and siding of said storage shed/detached garage must match the principle structure.

**5. Fences and Walls**

All fences and walls shall be subject to the following:

- a. Fencing and walls are permitted provided they comply with the setback and height requirements in Article III, Section II, and Article IV, Section III.
- b. No barbed wire or any similar device of any electrical charge shall be permitted.
- c. All fences/walls shall be located as close as practicable to the property line without encroaching on the adjacent property.
- d. If the fence/wall is constructed within an easement area, the property owner will allow utility companies the right of way and shall be responsible for removing any fence/wall to allow access.
- e. The finished side of all fences/walls shall face away from the interior of the property so fenced/walled.
- f. The use of "chicken wire" or similar agricultural wire as fence/wall material is prohibited except for:
  - (1) To enclose a vegetable or ornamental flower garden. These

types of fences/walls may be used between April first and October thirty-first of each calendar year.

- (2) All other temporary fences/walls shall conform to regulations concerning fencing/walls and temporary uses as delineated in this Zoning Ordinance and in accordance with any ordinance of the Village of Third Lake.
  
- g. All fences/walls must be maintained in a safe, presentable, neat, attractive and sound structural condition at all times, including the replacement of defective parts, repainting, cleaning and other acts required for the maintenance of fences/walls.

## Article IV

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### Section IX

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### *Temporary Uses*

#### A. Application

Application for a temporary use permit shall be made to the Zoning Officer, approved by the Village Board and shall contain the following information:

1. A survey or legal description of the property to be as deemed, used, rented, or leased for the temporary use, including all information necessary to accurately portray the property, including adjacent zoning, land uses and activities.
2. A description of the proposed use.
3. Sufficient information to determine the yard requirements, sanitary facilities, schedule and procedure of clean up and availability of parking space to serve the proposed use.

#### B. Uses Permitted as Temporary Uses

The following are temporary uses and are subject to the following specific regulations and time limits in addition to the regulations of any zoning district in which the use is located. Conditions may be imposed with respect to any permit issued so as to protect the public health, welfare and safety.

1. **Carnival or Circus.** A temporary use permit may be issued for a carnival or circus for a period not longer than 15 days.
2. **Christmas Tree Sales.** A temporary use permit may be issued for the display and open lot sales of Christmas trees for a period not longer than 60 days.
3. **Contractor's Office and Trailer.** A temporary use permit may be issued for a contractor's temporary office and trailer incidental solely to the construction project on the zoning lot. The office or trailer shall not contain sleeping or cooking accommodations. The permit shall be valid for not more than one

year but is renewable. Storage of flammable liquids, explosives, combustibles or other similar hazardous materials is prohibited, unless authorized in writing by the Village Board. The office or trailer shall be removed upon completion of the construction project.

4. **Real Estate Sales Office.** A temporary use permit may be issued for a temporary real estate sales office incidental solely to a new subdivision or planned unit development that has been approved by the Village as a final PUD and Plat of Subdivision. The permit shall be valid for not more than one year but is renewable. The office shall be removed upon completion of the development of the subdivision or Planned Unit Development. A model home or other structure may be used as a temporary sales office, except that sleeping and cooking facilities shall not be used.
5. **Seasonal Sale of Farm Produce and Garden Plants.** A temporary use permit may be issued when a property owner undertakes a special promotion for the outdoor seasonal sale of produce and garden plants. The permit shall be valid for a period of not more than two months, but may be renewable up to two additional months. Conditions of approval may be placed upon these requests regarding issues such as location of stock from street rights-of-way, unobstructed pedestrian ways and driveways, parking adequacy, and other public health, safety and fire protection issues.
6. **Special Promotions.** Where one or more business undertakes a special display for the outside sale of goods or promotional activity, a temporary use permit shall be required. Such permit shall be for a period of not more than 72 consecutive hours (three days) in any one calendar month or such period. The Village Board, within a calendar year, shall approve no more than three special promotions by the same business or businesses.



## Article IV

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### Section X

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#### *Lake Overlay District (LO)*

Third and Druce Lake shall be considered a Lake Overlay District. The only permitted land uses in the Lake Overlay District shall be docks, piers, boat launching ramps, and seawalls. These permitted uses must also comply with all relevant standards set forth in this Zoning Ordinance, the Third Lake Dock and Pier Ordinance, and the Stormwater Management Commission's Lake County Watershed Development Ordinance. The boundary of the Lake Overlay District shall be the shoreline water level.



## Article IV

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### Section XI

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#### PCS TOWERS

PCS (PERSONAL COMMUNICATIONS SYSTEMS) TOWERS: Antennas and Towers for Personal Wireless Services: Antennas and/or towers for personal wireless services shall not be installed without first obtaining a permit from the Village Administrator. The following regulations shall govern the installation of antennas and towers for personal wireless services facilities:

A. For the purposes of this Section, the following words and terms shall be construed as herein defined.

Antenna: Any exterior apparatus designed for the sending and/or receiving of electromagnetic waves, and used for personal wireless services.

FAA: The Federal Aviation Administration.

FCC: The Federal Communications Commission.

Personal  
Wireless  
Services: Commercial mobile services, common carrier wireless exchange access services, and unlicensed wireless services (i.e. telecommunications services using duly authorized devices which do not require individual licenses, but not including direct-to-home satellite services).

Tower: Any structure designed and constructed primarily for, and used for, the purpose of supporting one (1) or more antennas.

B. The purpose and intention of this Section is to provide for the installation of antennas and towers for personal wireless services so as to: encourage the location of towers in non-residential areas and minimize the total number of towers throughout the Village; encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the Village is minimal; encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and to comply with the requirements of federal law.

C. Antennas and towers for personal wireless services, complying with the requirements of this Section, may be installed on lots in the following districts:

1. CB Community Business District
2. GB General Business District
3. LI Light Industrial District

Further, antennas and towers for personal wireless services, complying with the requirements of this Section, may be installed on lots owned by the Village, a unit of local government, the State, or the federal government, in any district.

Antennas and towers for personal wireless services may be installed on lots with different existing principal structures and/or uses. Such antennas and towers, complying with the requirements of this Section, shall not be deemed to be either principal or accessory structures or uses, but shall be permitted additional structures. Such antennas and towers, including all associated electrical and mechanical equipment, shall, however, be included for purposes of determining maximum lot coverage for the lots upon which they are located.

D. An application for a permit shall be in such form as from time to time approved by the Village Administrator, but shall, at a minimum, include the following information:

1. The name, address and telephone number of the owner and/or lessee of the parcel of land upon which the antenna or tower is to be located. If the applicant is not the owner of the parcel of land, the written consent of the owner shall be evidenced in the application.
2. The legal description, PIN and address of the parcel of land upon which the antenna or tower is to be located.
3. The names, addresses and telephone numbers of all owners of other antennas or towers within a one-half (1/2) mile radius of the proposed antenna or tower site.
4. A description of the design plan proposed by the applicant, in sufficient detail to show compliance with the standards set forth in this Section.
5. An affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to obtain permission to install or collocate the antenna on other towers or usable antenna support structures located within a one-half (1/2) mile radius of the proposed antenna or tower site.
6. Written technical evidence from an engineer licensed in the State of Illinois that the proposed antenna cannot be installed or collocated on another person's tower or usable antenna support structure within a one-half mile radius of the proposed antenna or tower site.
7. A written statement from an engineer licensed in the State of Illinois that the construction and placement of the antenna or tower will not interfere with the public safety communications and the usual and customary transmission or reception of radio, television, or other communications services enjoyed by adjacent residential and non-residential properties.

8. Written, technical evidence from an engineer licensed in the State of Illinois that the proposed antenna or tower meets the standards set forth in this Section.
9. Written, technical evidence from an engineer licensed in the State of Illinois that the proposed antenna or tower does not pose a risk of explosion, fire, or other danger to life or property due to its proximity to volatile, flammable, explosive or hazardous materials such as LP gas, propane, gasoline, natural gas or corrosive or other dangerous chemicals.
10. Color photo simulations showing the proposed site of the antenna or tower with a photo-realistic representation of the proposed antenna or tower as it would appear viewed from the closest residential property and from adjacent roadways.

E. Antennas and towers for personal wireless services may be installed on any lot as provided at Subsection (C) of this Section, in accordance with the following:

1. No tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Village Administrator that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
  - a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
  - b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
  - c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
  - e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
2. Each tower shall be of a monopole type (i.e. a cylindrical, tapering metal pole without guy wires) and shall have a galvanized finish or be painted a neutral color so as to minimize visual obstructiveness.
3. Each tower shall be roof-mounted, i.e. structurally attached to the roof

of a building, or freestanding, i.e. structurally attached directly to the ground.

4. No freestanding tower shall exceed a total height of one hundred feet (100') above adjacent grade level, and no roof-mounted tower shall exceed a total height of twenty feet (20') above the building height, both as measured to the highest point of the tower, including the height of any antennas attached thereto, unless the applicant can demonstrate to the satisfaction of the Village Administrator that more height is physically necessary in order to permit the provision of person wireless services and no alternative location or locations exist which would permit the provision of personal wireless services without a tower of such height; in which case, the tower shall not exceed the minimum height necessary to provide personal wireless services.
5. Each tower shall be installed, and at all times maintained, in accordance with the County Building Code, and with all applicable federal, state and local laws, ordinances, codes, rules, regulations and standards, including but not limited to those of the FAA and the FCC.
6. Each tower shall be equipped with an appropriate anti-climbing device or devices; and shall feature security fencing and/or other security measures, unless the applicant can demonstrate to the satisfaction of the Village Administrator that such fencing and/or other security measures may be waived without a significant adverse impact on public safety.
7. No more than one (1) freestanding tower shall be installed on any zoning lot.
8. Each freestanding tower shall comply with all required setbacks for the zoning district in which such tower is located and, further, shall be setback from any adjacent property in the R-1, R-2, R-3 or MR Residential Districts a distance not less than the height of such tower.
9. No freestanding tower shall be installed less than five hundred feet (500') from any other freestanding tower.
10. No tower shall be artificially illuminated, unless artificial illumination is required by the FAA or other regulatory agency having jurisdiction; in which case, such artificial illumination shall be limited to that which is so required.
11. Antennas may be installed by structurally attaching them to a tower which complies with the requirements of this Section, or by structurally attaching them directly to a principal structure which complies with the requirements of the district in which such structure is located.
12. No antenna installed by direct structural attachment to an existing structure shall exceed a total height of ten feet (10') above the height of such structure.
13. No antenna installed by structural attachment to a roof-mounted tower or

directly to a building shall overhang, or project, more than twenty four inches (24") beyond the plane of any exterior wall of such building.

14. Each antenna, including all associated electrical and mechanical equipment, shall be of a neutral color identical to, or closely compatible with, the color of the supporting structure so as to minimize visual obstructiveness.

15. All towers and antennas, including all associated electrical and mechanical equipment, shall be designed to the extent practicable to use materials, colors, textures, screening and landscaping which visually blend with the surrounding property.

- F. Each applicant for a permit pursuant to this Section shall provide to the Village Administrator an inventory of its existing towers within the Village and within one-quarter mile of the corporate limits of the Village, including specific information detailing the location, height and design of each such tower.
- G. The owner of each antenna and/or tower shall submit a statement to the Village Administrator, not later than the last day of January, April, July and October of each year, certifying that such antenna and/or tower is in operation as of the date of such statement or stating the date upon which operation ceased. Any antenna or tower that is not operated for a continuous period of six (6) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within thirty (30) days of receipt of notice from the Village Administrator notifying the owner of such abandonment.





# Article V

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## Section I

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### *Nonconforming Recorded Lots*

#### A. Definitions

A nonconforming recorded lot is a tract of land, designated on a duly recorded subdivision plat, or by a duly recorded deed, which indicates the establishment of the parcel prior to the adoption of the Village's Zoning Ordinance or by other lawful means which has less than the minimum lot area or width or other dimension prescribed for the particular zone in which it is located, and which met the lot area, width and other dimensions for the zone in which it was located at the time of such recording, but was made nonconforming by a subsequent amendment to the ordinance. If a tract of land which is entitled to a building permit under the terms of this Ordinance, either as a conforming lot or as a nonconforming recorded lot, is reduced in size by the acquisition of a portion of said tract, by negotiation or by condemnation, for highway purposes by the Village, the Lake County Highway Department or by the State Highway Department, the remainder of said tract shall have the status of a nonconforming recorded lot.

#### B. Nonconforming Recorded Lot Regulations

A nonconforming-recorded lot shall be subject to the following regulations:

##### 1. In Residential Zoning Districts

A nonconforming recorded lot may be used for a single-family dwelling and accessory uses in the R-1, R-2 and R-3 zoning districts, provided the lot meets the regulations of "a." through "f." of this subsection.

- a. *Bulk Requirements.* The bulk requirements of Table 2 of this Ordinance shall be met for all nonconforming-recorded lots.
- b. *Rear Yard.* The rear yard shall not be less than required in the zoning district in which the lot is located.

- c. *Street Yard.* The street yard shall not be less than 70 percent of the required street yard as listed in Table 2 of this Ordinance.
- d. *Side Yards.* The side yards shall not be less than required in the zoning district in which the lot is located.
- e. *Lot Width.* The lot width shall not be less than 70 percent of the required lot width as listed in Table 2 of this Ordinance.
- f. *Lot Area.* The lot area shall not be less than 70 percent of the required lot area as listed in Table 2 of this Ordinance.
- g. *Storage Sheds/Detached Garages.* The minimum side yard setback for storage sheds/detached garages shall be 6 feet. In non conforming R2 lots storage sheds/detached garages may be located in the street yard a minimum of 5 feet off the property line or 25 feet from the edge of pavement, whichever is greater.

When two or more recorded lots which cannot meet the requirements of "a" through "f" above, or when one lot which meets and one which does not meet the requirements of "a" through "f" above are contiguous and are held in one ownership, they shall be considered as one zoning lot for the permitted use. When a single-family structure has been built over the common lot line between two or more nonconforming lots, demolition, destruction by catastrophic event, or moving of such structure may not be interpreted to create two or more buildable lots, even if the requirements of "a" through "f" above are met.

## 2. **In Nonresidential Zoning Districts**

A nonconforming-recorded lot may be used for any principal use and accessory use permitted in the zoning district in which it is located, provided the lot meets the following regulations.

- a. *Side Yard.* Each side yard required for a nonconforming recorded lot shall be determined by multiplying the actual width of the lot by the minimum yard required in the zoning district in which it is located, then divided by the minimum lot width required in the zoning district in which the lot is located. However, no side yard need be greater than the requirement in the zoning district in which it is located.
- b. *Street Yard.* The street yard shall not be less than required in the zoning district in which the lot is located.
- c. *Rear Yard, Height Restrictions, Lot Coverage and Floor Area Ratio.* A nonconforming-recorded lot shall comply with the same rear

yard, height restrictions, lot coverage and floor area ratio as specified for the zoning district in which it is located.

**C. Construction Repair and Alteration**

Construction of new buildings or repair of existing buildings, that are being used for permitted uses but are located on nonconforming recorded lots, shall be permitted. If any building is damaged or destroyed, it can be rebuilt for its original permitted use, or a new building can be constructed for any permitted use to the extent permitted in Section I and Section II of this article.



## Article V

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### Section II

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### *Nonconforming Uses and Structures*

#### A. **Nonconforming Use and Structure Regulations**

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

1. If any building or structure is destroyed by any means to an extent of more than 50 percent of the replacement value based upon prevailing costs of the portion of the building or structure which is above the average ground elevation, such building or structure shall not be rebuilt or reoccupied for any use except in accordance with the regulations of the zoning district in which it is located. Burden of proof of costs shall be upon the owner.
2. If any building or structure is destroyed by any means to an extent less than 50 percent of its replacement value based upon prevailing costs, the building may then be restored to its original condition and the occupancy or use of such building may be continued as it existed at the time of said partial destruction. Burden of proof of costs shall be upon the owner.
3. Normal maintenance and repairs shall be permitted.
4. Enlargement or structural alterations of an existing nonconforming building or structure in the appropriate zoning district shall not be permitted.
5. Nonconforming uses shall not be changed to any more intensive use than one permitted in the zoning district in which it is located.
6. Discontinuation of a nonconforming use of land or a structure, for any reason, for a period of more than six months shall be considered abandonment of that use. Such use shall not be re-established, and subsequent use of the land or structure shall conform to the regulations of the zoning district in which it is located.



# Article VI

## Section I

### *Administration, Enforcement and Fees*

#### A. Administration

The administration of this section is hereby vested in the following:

1. The Zoning Officer;
2. The Plan Commission; and
3. The Board of Trustees.

#### B. Zoning Officer

The office of Zoning Officer is hereby established. The President, with the advice and consent of the Board of Trustees, shall appoint the Zoning Officer. It shall be the duty of the Zoning Officer, or his designee, to:

1. Receive and process all applications for variations, appeals, text amendments, map amendments, and special use permits.
2. Receive and process all correspondence between applicants, Plan Commission and the Board of Trustees.
3. Maintain the current status of the official zoning map.
4. Maintain permanent and current records required by this Ordinance including, but not limited to, occupancy certificates, useful life determinations and nonconforming use certificates, inspections and all official action on appeals, variations and amendments.
5. Prepare and submit an annual report to the President and Board of Trustees on the administration of this Ordinance setting forth such statistical data and information as may be of interest or value in advancing and furthering the purposes of this Ordinance.
6. Prepare and submit a monthly report to the Plan Commission, setting forth a listing of all permit applications reviewed, all fees received and such other information as may be of interest or value to the Plan Commission in

advancing or furthering the purposes of this Ordinance.

7. Perform inspections.
8. Perform such other duties as are assigned to him by the President and the Board of Trustees.

### C. Plan Commission

The Plan Commission shall be representative of the Village and consist of seven members. Terms, vacancies, and successors to the members shall be appointed by the Village President and approved by the Village Board in accordance with the statutes of the State of Illinois. The Chairman of the Plan Commission shall be selected by the Village President to serve two-year terms. Vacancies in the position shall be filled for the un-expired term of that office.

All meetings of the Plan Commission shall be held at the call of its Chairman or, of any three members, at such times and places within the Village as the Plan Commission may determine. Each member is entitled to vote on each question unless a member is absent (whether from the then-present proceeding or from the hearing upon which the then-present question is based) or has disqualified himself. Any member who was absent and certifies that he has read a transcript of the proceeding before the Plan Commission and has reviewed the exhibits may vote on any questions before the Plan Commission.

The Plan Commission shall have the authority to compel the attendance of witnesses at hearings, to administer oaths, and in furtherance of its duties shall:

1. File minutes of its proceedings and any written recommendations from the Health Department, State's Attorney, or other official bodies; show the vote of each member upon every question, or if absent or failing to vote, indicate such fact; and keep records of its examinations and other official actions.
2. File immediately in the office of the Village Clerk all rules, regulations, amendments or repeal thereof, and every order, requirement, decision or determination of the Plan Commission. These shall become public records.
3. Establish rules of procedure, and such other rules, as it deems necessary, not in conflict with the statutes of the State of Illinois.
4. Hear and decide appeals from any order, requirement, decision or determination of the Zoning Officer made in the performance of his duties. All decisions of the Plan Commission on appeal from an order, requirement, decision or determination of the Zoning Officer shall be final administrative determinations and shall be subject to administrative review by a court of law in the manner provided by 735 ILCS 5/3-101 et. seq., as amended.



5. Hear and make a recommendation to the Board of Trustees on all petitions for variations, as provided in this Ordinance.
6. Hear all applications for special use permits and make a report and recommendation to the Board of Trustees in accordance with this Ordinance.
7. Hear all petitions for amendment of this Ordinance and make a report and a recommendation to the Board of Trustees as provided in this Ordinance.
8. Establish such rules of procedure as are necessary to the performance of its functions.
9. Review zoning petitions of importance in terms of planning and land decisions and policies stated by the Board of Trustees and/or the Comprehensive Plan for the Village.

#### D. Building Permits

1. **Permit Required.** No person shall construct, alter, remodel, move or reconstruct any building or structure, nor shall they improve any land preliminary to any use of such land without first having obtained a building permit from the Zoning Officer of the Village. Any building permit issued in conflict with the provisions of this Ordinance shall be null and void.
2. **Applications for Permits**
  - a. *General Requirements.* Every application for a building permit shall be accompanied by the following:
    - (1) A plat prepared by a registered land surveyor (in duplicate) of the piece or parcel of land, lot, block or blocks or parts or portion thereof, drawn to scale showing the actual dimensions of the piece or parcel, lot, lots, block or blocks or parts or portions thereof, according to the recorded plat of such land.
    - (2) If requested by the Village, a plot plan or site plan shall be prepared by a registered architect (in duplicate), drawn to scale and in such form as prescribed by the Zoning Officer showing the location, ground area, height and bulk of all present and proposed structures, drives and off-street parking and loading spaces, the building lines in relation to lot lines, waste disposal areas, the use to be made of such present and proposed structures on the land, landscaping, which shall conform with the requirements of Subsection 3 of this section (except that such requirements may be waived with respect to any single-family detached residential dwelling) and such other information as may be required by the Zoning Officer for the proper enforcement of this Ordinance.

The Zoning Officer, as a public record, shall retain copies of the plat and the plot plan.

b. *Permit Application for Industrial Uses.* In addition to the requirements set forth above, all applications for a building permit for the construction, alteration, moving, remodeling or reconstruction of any building or structure to be located in an industrial district shall be accompanied by sufficient information to enable the Zoning Officer to determine that there will be compliance with all of the performance standards of any applicable ordinance or code of the Village at all times. At the request of the Zoning Officer, the applicant shall provide:

- (1) A description of the activity to be conducted in sufficient detail to indicate the extent to which the proposed operation will produce waste products, conditions or external effects which are regulated or otherwise limited by any applicable ordinance or code of the Village.
- (2) A description of the type and location of any abatement devices or recording instruments used to control or measure conformity with any of the standards set forth in any applicable ordinance or code of the Village.
- (3) Such other data and certificates as may reasonably be required by the Zoning Officer to reach a determination with respect to whether the proposed use or structure will comply with the requirements of any applicable ordinance or code of the Village.

All information and evidence submitted in an application for a building permit to indicate the conformity with the performance standards set forth in any applicable ordinance or code of the Village shall constitute a certification and an agreement on the part of the applicant that the proposed structure or use can and will conform to such standards at all times.

c. *Permit Application (Site Plan).* Each application for a building permit for the construction or alteration of a structure in an MR, CB, GB or LI district, or any special or temporary uses located in an R1, R2 or R3 district, shall be accompanied by a site plan and such number of copies as required by the Zoning Officer, certified by a registered land surveyor or professional engineer, drawn on sheets of paper not to exceed 24 inches x 36 inches, showing the following information:

- (1) Boundary lines.
- (2) Easements. (Location, width, purpose.)
- (3) Streets on and adjacent to the tract. (Name and right-of-way width, centerline elevation, walks, culverts, etc.)
- (4) Proposed location. (Size, shape, height and use of structures; location and description of streets, sidewalks, light fixtures, fences; an accurate landscaping plan which will include location and description of berms, plants, trees, rocks, water ponds, etc.)
- (5) Surrounding land uses and street layout.
- (6) Legal and common description with property index number.
- (7) Date and north point.
- (8) A number for identification of individual site plans.
- (9) Reasonably specific ground elevation contour lines.
- (10) All parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the proposal indicated.
- (11) Location of utilities.
- (12) Building setback lines.
- (13) Description and location of any significant natural features such as existing trees, creeks, floodplains, and wetlands, etc.
- (14) Building elevations.

Upon receipt of such site plan, the Zoning Officer shall review it and shall, within 30 days, submit the site plan together with his report and recommendations on the environmental impact, traffic engineering, landscaping, drainage and planning effects of such site plan to the Plan Commission.

The Plan Commission shall review the site plan and forward it, with its recommendation, to the President and Board of Trustees within 30 days of the receipt of the Zoning Officer's report and

recommendations. Said time period may be extended by the consent of the applicant.

The President and Board of Trustees shall grant site plan approval within 30 days of receipt of the Plan Commission recommendation. Said time period may be extended by the consent of the applicant. Approval of any such site plan is a condition precedent to the issuance of the applied for building permit.

Unless otherwise specified in the ordinance granting site plan approval, such approval or disapproval shall become null and void 12 months after the date of such ordinance unless construction or alteration of the structure is substantially completed within that time period. Upon written application and for good cause shown, the Board of Trustees may, by ordinance, in its sole discretion, grant extensions of time not to exceed one year each.

3. **Required Landscaping Plan.** People required to obtain a building permit pursuant to Subsection 2.c. of this section shall provide, as part of their application therefore, a landscaping plan. Said plan shall contain the information set forth in Article IV, Section III, G. "Landscape Plan."
4. **Required Lighting Plan.** People required to obtain a building permit pursuant to Subsection 2.c. of this section shall provide, as part of their application, a lighting plan. Said plan shall contain the information set forth in Article IV, Section IV, D.
5. **Issuance or Denial of Permit.** A building permit shall be either issued or refused by the Zoning Officer within 21 days after the receipt of a complete application, or within such further period as may be agreed to by the applicant. When the Zoning Officer refuses to issue a building permit, he shall advise the applicant in writing of the reasons for refusal.
6. **Validity of Permit.** A building permit shall become null and void six months after the date on which it is issued, unless within such six-month period construction, moving, remodeling or reconstruction of a structure is commenced.
7. **Suspensions or Revocation of Permit.** The Zoning Officer may, in writing, suspend or revoke any permit issued under provisions of this section if he shall determine that the holder thereof failed to comply with any provisions of this Ordinance or any other applicable ordinance. All construction shall cease and the work done will be removed or changed to comply with all provisions of this Ordinance and all applicable ordinances and the plans and specifications therefore approved by the Zoning Officer.

E. **Occupancy Permits**

1. **Occupancy Permit Required.** No structures or additions thereto constructed, moved, remodeled or reconstructed after the effective date hereof shall be occupied and used for any purpose, and no land vacant on the effective date hereof shall be used for any other use, unless an occupancy permit shall first have been obtained from the Village certifying that the proposed use or occupancy complies with all provisions of this Ordinance.
2. **Applications for Occupancy Permits**
  - a. *General Requirements.* Every application for a building permit shall be deemed an application for an occupancy permit. Every application for an occupancy permit for a new or changed use of land or structures where no building permit is required shall be filed with the Zoning Officer and be in such form and contain such information as the Zoning Officer shall provide by general rule.
  - b. *Permit Application For Industrial Uses.* All applications for an occupancy permit for any use to be located in an industrial district where no building permit is required shall be accompanied by sufficient information to enable the Zoning Officer to determine that all the performance standards of any applicable ordinance or code of the Village can and will be complied with at all times.
3. **Inspections.** No occupancy permit for a structure or addition thereto constructed, moved, remodeled or reconstructed after the effective date hereof shall be issued until such work has been completed, including off-street parking and loading spaces, and the premises having been inspected by the Zoning Officer and determined to be in full and complete compliance with the plans and specifications upon which the issuance of the building permit was based. No occupancy permit for a new use of any structure or land shall be issued until as-built drawings of the premises have been inspected by the Zoning Officer and determined to be in full and complete compliance with all the applicable regulations for the zoning district in which it is located.
4. **Issuance or Denial of Occupancy Permit.** An occupancy permit shall be issued or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued within 21 days after the receipt of an application, or after the Zoning Officer is notified in writing that the structure or premises are ready for occupancy. The Building Inspector and one of the following persons shall execute all occupancy permits: Village Administrator, Zoning Officer, or Village Engineer.
5. **Temporary Occupancy Permit.** Pending the issuance of a permanent occupancy permit, a resident may petition for an extension to be heard by

the Board. A temporary occupancy permit may be issued to be valid for a period not to exceed six months from its date pending the completion of any addition or during partial occupancy of the premises. In the event that any construction or building as to which a temporary occupancy permit has been issued has not been fully completed so as to comply with all applicable Village ordinances at the end of the six month period, the Zoning Officer may cause said premises to be vacated and to remain vacated until full compliance with all applicable ordinances of the Village has been obtained.

## F. Appeals

1. **Scope and Initiation of Appeal.** An appeal from a decision of the Zoning Officer made in interpreting this Ordinance may be taken to the Plan Commission by any person aggrieved by said decision or by any officer, department, board or bureau of the Village. Such appeal shall be taken within 45 days of the ruling by the Zoning Officer by filing with the Zoning Officer a notice of appeal, specifying the grounds thereof, and by filing said appeal and a copy of said notice of appeal with the secretary of the Plan Commission. The Zoning Officer shall forthwith transmit to the secretary of the Plan Commission all of the papers constituting the records upon which he made the decision from which the appeal has been taken. The notice of appeal and the appeal itself shall be filed in such number of copies, be in such form and contain such information as the Plan Commission may provide from time to time by general rule.

An appeal shall stay all proceedings in furtherance of the decision appealed from unless the Zoning Officer certifies to the Plan Commission after the notice of appeal has been filed with him that, by reasons of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property; in which case, the proceedings shall not be stayed other than by a restraining order which may be granted by the Plan Commission or by a court of record upon application following notice to the Zoning Officer and upon due cause shown.

2. **Action on Appeal.** The Plan Commission shall select a reasonable time and place for the public hearing on the appeal, shall give due notice thereof to the parties having a known interest therein and shall render a written decision without unreasonable delay. Upon the concurring vote of four members, the Plan Commission may reverse or affirm, in whole or in part, or may modify the decision from which the appeal was taken, and to that end, the Plan Commission shall have all the powers of the Zoning Officer with respect to such decisions.

G. **Variations**

1. **Authority.** Variations may be recommended only when the Plan Commission has made findings of fact, based upon the standards set out in Subsection 4. of this section, that owing to special conditions a literal enforcement of the provisions of this Ordinance in an individual case, result in practical difficulties or practical hardship for the owner, lessee or occupant of land or a structure.
2. **Application for a Variation.** An application for a variation shall be filed with the Zoning Officer who shall forward without delay a copy of each to the secretary of the Plan Commission. The application shall contain the following information as well as such additional information as may be prescribed by rule of the Plan Commission:
  - a. The particular requirements of this Ordinance which prevent the proposed use or construction.
  - b. The characteristics of the subject property which prevent compliance with said requirements of this Ordinance.
  - c. The reduction of the minimum requirements of this Ordinance which would be necessary to permit the proposed use or construction.
  - d. The practical difficulty or particular hardship which would result if said particular requirements of this Ordinance were applied to the subject property.
3. **Processing.** The Plan Commission shall select a reasonable time and place for the hearing, no more than 90 days from the date a complete application for variation is received by the Zoning Officer. Public notice of such hearing shall be given in accordance with the provisions of this Ordinance. The Plan Commission may give such additional notice as it may, from time to time, by rule, provide. Any party in interest may appear and be heard at the hearing in person, by agent or by attorney. Any delay in the conducting of the aforesaid public hearing necessitated or requested by the applicant shall not be charged against the 90 day period set forth herein.
4. **Standards for Variations.** The Plan Commission shall not recommend, and the Board of Trustees shall not grant, variations from the regulations of this Ordinance unless affirmative findings of fact shall be made as to all of the standards hereinafter set forth, which findings of fact shall be based upon evidence adduced upon the hearing held thereon that:
  - a. The variation does not permit a use otherwise excluded from the particular zone in which requested.

- b. Special circumstances or conditions such as exceptional narrowness, topography, or site, fully described in the report of the Plan Commission, apply to the land for which a variation is sought, and that those conditions do not apply generally in the zone.
- c. The special circumstances or conditions have not resulted from any act of the applicant subsequent to the adoption of this Ordinance, whether or not in violation of the provisions thereof.
- d. For reasons fully set forth in the report of the Plan Commission, the aforesaid circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of any reasonable use of his variation; there must be a deprivation of beneficial use of land.
- e. The variation granted is the minimum adjustment necessary for the reasonable use of the land.
- f. The granting of any variation is in harmony with the general purposes and intent of this Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the Village's comprehensive plans for development.

The Board of Trustees may impose such conditions and restrictions upon the location, construction, design and use of the property benefitted by a variation as may be necessary or appropriate to comply with the foregoing standards and to protect adjacent property and property values.

5. **Decisions on Variations.** The concurring vote of four members of the Plan Commission shall be necessary to recommend the grant of a variation to the Board of Trustees. Any recommendations that a variation be granted shall be accompanied by a conclusion or statement of the relief to be granted, supported by findings of fact, which statement and findings shall be transmitted to the Board of Trustees. The Board of Trustees shall make a final determination as to whether or not any variation requested shall be granted. The decision of the Board of Trustees shall be supported by a statement containing specific findings of fact, which findings shall specify the reason or reasons for making the variation and shall refer to any exhibits containing plans and specifications for the proposed variation which have been made part of the application or which were introduced at the public hearing as evidence. Such exhibits shall remain part of the permanent record of the Plan Commission. The terms of relief granted shall be specifically set forth in said conclusion or statement separate from the findings of fact. All variations granted pursuant to this authority shall be granted in conformance with the statutes of the State of Illinois.



6. **Validity of Variation Decision**

Extensions. No decision granting a variation shall be valid for a period longer than 12 months from the date of such decision unless:

- a. An application for a building permit is obtained within such period and construction, reconstruction, moving and remodeling is started; or
- b. An occupancy certificate is obtained and a use is commenced. The Board of Trustees may grant additional extensions of time not exceeding 180 days each, upon written application within the initial 12 month period, without further notice or hearing, but said right to so extend said time shall not include the right to grant additional relief by expanding the scope of the variation.

H. **Special Uses**

There exist various uses which, because of their special or unique characteristics, may be located in some zoning districts with no disruptive effects but which may, in other districts, need special consideration and restraints in order to measure and prevent potential adverse impacts upon other uses located in such districts. Such uses shall be permitted in some districts, then, as special use and containing such conditions as may be deemed necessary to prevent anticipated adverse effects.

1. **Application for a Special Use Permit.** An application for a special use permit shall be processed similarly to that of a petition for amendment, as provided by this Ordinance, excepting that:
  - a. The applicant shall submit the following additional information:
    - (1) Location, lot size, and orientation of special use.
    - (2) The location and name of streets, easements, residences, or other permanent structures within 200 feet.
    - (3) Size of facility, including floor area, structure height, design capacity and anticipated employment.
    - (4) Site design.
    - (5) Provisions affecting on-site and off-site pedestrian and traffic movement, and vehicle storage.
    - (6) Appearance (elevations of buildings).
    - (7) Screening or landscaping.

- (8) On-site or off-site buffering from incompatible uses.
- (9) Operation factors, such as hours of use or environmental controls.
- (10) Other characteristics of the proposed use pertinent in the judgment of the Board to an assessment of the impact of the use on the area.

The Board may call upon technical experts or have studies performed to determine specific development standards or conditions for any particular special use with the expense thereof to be paid by the applicant.

- b. The Plan Commission shall make specific findings of fact with respect to the applicant's compliance with the standards established below.
- c. Such special use permit shall be issued by the Board of Trustees by ordinance only after receipt of the Plan Commission's report, findings of fact and recommendation including recommended conditions (said report to be filed within 60 days from the date of the public hearing).
- d. Unless otherwise specified in the ordinance granting the special use permit, said permit shall become null and void 12 months after the date of such ordinance unless construction or alteration of any structures in connection with the special use is substantially completed within that time period. Upon written application and for good cause shown, the Board of Trustees may, by ordinance, in its sole discretion, grant extensions of time not-to-exceed one year each.

## 2. Standards for a Special Use Permit

In recommending approval or conditional approval of a special use, the Plan Commission and Village Board shall find that the proposed special use shall be compatible with the purpose of zoning in Third Lake set forth in Article I, Purpose. The special use shall comply with the general requirements of the zoning district in which it is located. In addition, a special use shall be compatible with the standards set forth below:

- a. *Traffic.* Any adverse impact of types or volume of traffic flow now otherwise typical in the zoning district shall be minimized. Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic congestion.
- b. *Environmental Nuisance.* Any adverse effects of noise, glare, odor,

dust, waste disposal, blockage of light or air, or other adverse environmental effects of a type or degree not characteristic of permitted uses in the zoning district, shall be appropriately controlled. The hours of operation shall not create a nuisance in the area.

- c. *Neighborhood Character.* The proposed use shall fit harmoniously with the existing natural or man-made character of its surroundings, and with permitted uses in the zoning district. The use shall not have undue deleterious effect on the environmental quality, property values, or neighborhood character already existing in the area or normally associated with permitted uses in the district. The appearance of a proposed use shall be compatible with and sensitive to contiguous residential uses.
- d. *Public Services and Facilities.* The proposed use shall not require existing community facilities, services or utilities to a degree disproportionate to that normally expected of permitted uses in the district, nor generate disproportionate demand for new services or facilities, in such a way as to place undue burdens upon existing development in the area.
- e. *Public Safety and Health.* The establishment, maintenance or operation of the use shall not be detrimental to the safety or health of the employees, patrons or visitors associated with the use nor of the general public in the vicinity.
- f. *Community Business District.* A proposed use in the community business district shall be designed to be of a size and type which will have a minimal impact upon nearby residential uses.
- g. *Other Factors.* The proposed use shall be in harmony with all other elements of compatibility pertinent to the special use and its particular location.

## I. **Amendments**

- 1. **Authority.** The regulations imposed and the districts created by this Ordinance may be amended from time to time by ordinance, but no such amendment shall be made without a hearing before the Plan Commission, which shall report its findings and recommendations to the Board of Trustees.
- 2. **Initiation of Amendments.** The Plan Commission may, on its own motion or upon a petition signed by one or more of the owners of property in the Village or upon instructions from the Board of Trustees, cause to be prepared a notice indicating the changes proposed to be made in the regulations or in the district boundary lines describing the boundaries of the territory to be affected. Such notice shall state the time and place of the public hearing for

the consideration of such proposed amendment and shall state where a copy of the proposed amending ordinance will be accessible for examination by interested parties.

3. **Objections to Amendments.** In case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by the owners of 20 percent of the frontage proposed to be altered, or by the owners of 20 percent of the frontage immediately adjoining or across an alley there from or by the owners of 20 percent of the frontage directly opposite the frontage proposed to be altered, is filed with the Village Clerk, the amendment shall not be passed except by a favorable vote of two-thirds of all the Village Trustees.

## J. Notice of Hearings

### 1. Notices Required

- a. *Notice by Publication.* Notice of time and place of the hearing on any proposed amendment, special use permit, planned unit development or variation (hereinafter referred to as "zoning matters") shall be given by the Zoning Officer not more than 30 days nor less than 15 days before the hearing by publishing a notice thereof, at least once in one or more newspapers published in the Village, or, if no newspaper is published therein, then one with a general circulation within the Village.
- b. *Notice to Adjacent Owners.* Notice of the time and place of the hearing on zoning matters relating to specific property shall be sent to those persons to whom were sent the tax bills for the general taxes for the last preceding year on all property within 250 feet in each direction of the location to which the zoning matters relates; provided, the number of feet occupied by all public streets, alleys and other public ways shall be excluded in computing the 250 feet requirement. The Applicant shall not, more than 30 days nor less than 15 days before the hearing at which the zoning matter is to be considered, send written notice to the persons described hereinabove. The Applicant shall provide a list to the Village containing the names and addresses of all such persons, and a written statement certifying that notice has been sent as required by this subsection. Failure of any person whose name appears on such list to receive such written notice shall not invalidate, impair or otherwise affect consideration of a zoning matter by the Village.

2. **Contents of Notice.** In each case where notice is required to be given under Subsections a. and b. of this section, notice must contain the following information:

- a. Time and place of public hearing.

- b. Common street address and legal description of subject property.
  - c. A brief statement setting forth the nature of the zoning matter.
  - d. The name and address of each applicant.
3. **Posting of Sign on Affected Property.** The Applicant shall post one or more signs on the property to which the zoning matter relates at least 15 days prior to the public hearing. The number and location of the signs shall be left to the discretion of the Zoning Officer. The sign shall be a minimum of 36 inches by 36 inches in size, with letters a minimum of 3 inches high for "PUBLIC NOTICE" and "(847) 223-8422" and 2 inches high for the remaining of the text. The sign must contain the following information:

**PUBLIC NOTICE**

This land is the subject  
of a zoning hearing to be held in  
the Third Lake Village Hall,  
87 North Lake Avenue  
Third Lake, Illinois 60030

For additional information call  
The Village of Third Lake  
(847) 223-8422

**K. Applications and Fees**

1. **Applications.** Any application for variation, amendment, special use permit, planned unit development approval or other zoning relief shall be executed by the owner or owners of the property affected and shall be in such form and contain such information as the Board of Trustees may, from time to time, deem appropriate.
2. **Reimbursement of Fees.** Any application for a variation, amendment or special use permit, whether or not accompanied by an annexation agreement, which is filed by or on behalf of the owner or owners of the property affected, shall be accompanied by an executed Reimbursement of Fees Agreement in such form as the Village Board may, from time to time, approve. If required by such Agreement, it shall be accompanied by the fee deposit set forth therein. Should the applicant fail to be in compliance with such Agreement at any time, no further action shall be undertaken with regard to such application, nor shall any work be commenced by the applicant, until full compliance, including, but not limited to, payment or reimbursement of any amounts due to the Village, has been achieved.

L. **Enforcement and Penalties**

1. **Enforcement.** In case any building or structure is constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this Ordinance or of any code or provision or regulation made under authority conferred by this Ordinance, the Village, in addition to other remedies, may institute any appropriate action or proceeding to:
  - a. Prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance or use.
  - b. Prevent the occupancy of the building, structure or land.
  - c. Prevent any illegal act, conduct, business or use in or about the premises.
  - d. Restrain, correct or abate the violation.
  
2. **Violation, Penalties.** It shall be unlawful for any person to violate, disobey, omit, neglect or refuse to comply with or resist the enforcement of any of the provisions of this Ordinance or to use or occupy any building, structure or premises in violation of said provisions, and upon conviction, such person shall be subject to a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each offense. A separate offense shall be deemed committed on each day during which a violation occurs or continues. The owner or tenant of any building, structure, premises, or part thereof, and any architect, building contractor, agent or other person who commits, participates in, assists in or maintains such violations may each be found guilty of a separate offense and subject to the above penalty.

# Article VI

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## Section II

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### *Zoning Map*

#### A. Establishment

The locations and boundaries of the zones established by this Ordinance shall be shown on a map officially designated, "Official Zoning Map of Third Lake, Illinois."

This map, together with everything shown thereon, is incorporated into this Ordinance and shall be as much a part of this Ordinance as fully set forth and described herein.

1. **Unclassified Lands.** It is the intent of this Ordinance that every part of the area regulated be included in one of the zones established. Any land located, now or in the future, outside of the Village now shown to be included in a zone on the "Official Zoning Map of Third Lake, Illinois" shall be deemed to be in the R-1 zone.
2. **Additional Area.** Any addition made to the area regulated by this Ordinance shall be automatically classified in the R-1 zone and shall be subject to reclassification in accordance with the provisions of this Ordinance regarding amendments.

#### B. Interpretation

The following rules shall be used by the Zoning Officer to determine the precise location of any zone boundary shown on the official Zoning Map of Third Lake, Illinois:

1. Boundaries shown as following or approximately following the limits of any municipal corporation, or the Village of Third Lake, shall be construed as following such limits.
2. Boundaries shown as following or approximately following streets shall be construed to follow the centerlines of such streets.
3. Boundary lines that follow or approximately follow platted lot lines or other property lines as shown on the Lake County Tax Maps shall be construed as

following such lines.

4. Boundaries shown as following or approximately following section lines, half-section lines, or quarter-section lines, shall be construed as following such lines.
5. Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad line.
6. Boundaries shown as following or approximately following shore lines of any lakes, shall be construed to follow mean high water lines of such lakes and, in the event of change in the mean high water line, shall be construed as moving with the actual mean high water line.
7. Boundaries shown as following or approximately following the centerline of streams, rivers or other continuously flowing water courses shall be construed as following the channel centerline of such water courses taken at mean low water, and in the event of a natural change in the location of such streams, rivers or other water courses, the zone boundary shall be construed as moving with the channel centerline.
8. Boundaries shown as separated from, and parallel or approximately parallel to, any of the features listed in paragraphs 1 through 7 above shall be construed to be parallel to such feature and at such distances there from as shown on the map. The scale of the map shall determine distances not specifically indicated on the map.

**C. Changes**

If, by amendment to this Ordinance, any zone boundary as shown on the "Official Zoning Map of Third Lake, Illinois" or any other matter shown thereon, is changed by action of the Board of Trustees, such change shall be promptly indicated on the "Official Zoning Map of Third Lake, Illinois" by the Zoning Officer together with the date of passage of the amendment and sufficient written description to give a precise understanding of the change. The Village Clerk shall certify every change.

**D. Inspection**

An up-to-date copy of the "Official Zoning Map of Third Lake, Illinois," as amended from time to time, shall be available for public inspection in the office of the Village Administrator at all times the office is regularly open for business.

**E. Publication**

Prior to the first day of April each year, maps showing Third Lake zoning shall be



*Article VI, Section II*

made available. Such maps shall show the zone boundaries and such other information as is necessary to give a clear understanding of the zones created by this Ordinance and subsequent amendments as of the year preceding publication.



## Article VI

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### Section III

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### *Interpretation and Severability*

#### A. Interpretation

The Zoning Officer shall interpret this Ordinance strictly and in accordance with the standards set forth below. His decisions shall be made subject to appeal as provided in Subsection B. of this article and section.

1. **Minimum Requirements.** In the interpretation and application of this Ordinance, the provisions shall be held to be minimum requirements for the promotion and protection of the public health, safety, morals, comfort and welfare.
2. **Overlapping or Contradictory Regulations.** Whenever a provision of this Ordinance or any other provisions of law, whether set forth in this Ordinance or established by any other ordinance, regulations, statute or rule of any kind, imposes overlapping or contradictory regulations or contains any restrictions covering any of the same subject matter, the provision which is more restrictive or which imposes higher standards or requirements shall control.
3. **Other Ordinances.** This ordinance is not intended to abrogate any easement, covenant, or other private agreement; provided, that where the regulations of this Ordinance are most restrictive or impose higher standards or requirements than such easements, covenants or other private agreements, the requirements of this Ordinance shall govern.
4. **Prohibited Uses.** Except as may be otherwise provided, when a use is not specifically listed as a permitted, special or accessory use in any specific zoning district, such use shall be expressly prohibited.
5. **Interpretation of Similar Uses.** It shall be the duty of the Village Administrator to review and determine whether uses, not specifically enumerated in any zoning district, are similar and compatible to those use/uses within a particular district. The Village Administrator may approve any such use/uses within a particular district, upon a finding by the Village

Administrator that such use/uses are similar and compatible to those use/uses enumerated within the particular district for which the use is being requested. The approval or denial of such use/uses within a particular district, by the Village Administrator, shall be in writing, stating the reasons therefore, and the determination of the Village Administrator shall be appealable to the Zoning Board of Appeals.

**B. Validity and Severability**

If any section, paragraph, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, clause, sentence or provision immediately involved in the controversy in which judgment or decree shall be rendered.

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