# BANNOCKBURN ZONING CODE

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ARTICLE I

TITLE AND PURPOSES

1-101 TITLE

This document shall be known, and may be referred to, as the BANNOCKBURN ZONING CODE.

1-102 AUTHORITY AND PURPOSES

This Code is adopted pursuant to the authority granted to the Village by the Illinois Municipal Code for the following purposes:

A. Overall Purpose. The overall purpose of this Code is to implement and foster the goals and policies of the Village’s Comprehensive Plan. The intent of this Code is to preserve Bannockburn’s community character through regulations designed specifically for that purpose. This Code should provide a means of maintaining the distinctive character which provides the Village with its identity and serves as a needed contrast to surrounding suburban development in the region.

B. Land Use Patterns. The purposes of this Code related to land use patterns are to:

1. Preserve the rational pattern of land uses that has been established in the Village and encourage the most appropriate consistent use of individual parcels of land in and around the Village; and

2. Encourage and promote detached single family homes on large lots as the principal land use in the Village; and

3. Encourage compatibility between different land uses; and

4. Protect the existing residential, business, office, and other areas of the Village from the encroachment of incompatible uses; and

5. Provide for the gradual elimination of non-conforming uses that adversely affect the character and value of permitted development; and

6. Secure adequate natural light, clean air, privacy, a safe environment, and convenience of access to property; and

7. Promote and protect the public health, safety, morals, and general welfare of the Village.
C. **Development Scale.** The purposes of this Code related to development scale are to:

1. Preserve the community character of the Village which is unique to the greater metropolitan area of which the Village is a part; and

2. Limit the bulk and density of new and existing structures to preserve the scale of development of the Village; and

3. Encourage the preservation and enhancement of natural features and resources and aesthetic amenities.

D. **Public Infrastructure.** The purposes of this Code related to public infrastructure are to:

1. Facilitate the most efficient use of existing and planned public facilities and utilities; and

2. Protect existing public facilities and utilities from being overloaded due to excess development; and

3. Protect all Village streets from degradation by non-residential traffic; and

4. Reduce congestion and promote safety on streets and highways by limiting traffic generation through the control of land use intensity; and

5. Protect and enhance a pattern of quiet rural roads intended for limited residential access and not intended to be integrated into neighboring street systems or regional roadway networks; and

6. Maintain the residential character of Village streets through the preservation of narrow cartways and enhancement of the landscaped visual corridors; and

7. Avoid or lessen the hazards of flooding and storm water accumulation and run-off; and

8. Encourage development in all districts that is consistent with the predominantly low density, countryside character of the Village and its consequent limited public service capabilities.

E. **Justifiable Expectations and Taxable Value.** The purposes of this Code related to justifiable expectations and taxable value are to:

1. Protect and respect the justifiable reliance of existing residents, business owners, and taxpayers on the continuation of existing, established land use patterns; and

2. Protect and enhance the taxable value of land and buildings in the Village.
F. **Administration.** The purposes of this Code related to administration are to:

1. Define the powers and duties of administrative officers and bodies necessary to administer this Code; and

2. Establish procedures for the efficient and effective use of the provisions of this Code; and

3. Establish standards for the review of applications filed pursuant to this Code; and

4. Prescribe penalties for the violation of the provisions of this Code.
ESTABLISHMENT OF ZONING DISTRICTS

To carry out the purposes of this Code, the Village is hereby divided into the following zoning districts:

A. Residential Districts (Article III)
   A - Residential District
   B - Residential District

B. Retail District (Article IV)
   R - Retail District

C. Office District (Article V)
   O - Office District

D. College District (Article VI)
   C - College District

E. Public Land and Buildings District (Article VII)
   PLB - Public Land and Buildings District

F. Flood Hazard Overlay District (Article VIII)
   FH - Flood Hazard Overlay District

INTERPRETATION OF DISTRICT SEQUENCE

A. General Rule. This Code rejects as outdated and inappropriate the concept of hierarchical and cumulative zoning districts and, except as noted below, is based on the concept that each district should be designed to accomplish a specific purpose, to encourage a particular type of development, and to protect that development from being encroached upon by incompatible types of development.

B. Special Rule. Within the foregoing philosophy, however, it is recognized that when different districts are juxtaposed, their differing characters may require special treatment to ameliorate incompatibilities that might otherwise result. For this limited purpose, this Code recognizes the concept of “more restrictive” and “less restrictive” districts. For this purpose, the districts established by this Code shall be considered “more restrictive” or “less restrictive” in accordance with the following rules:
1. The PLB District shall be deemed to be more restrictive than any other district.

2. The Residential Districts shall be deemed to be more restrictive than any non-residential district except the PLB District.

3. The A District shall be deemed to be the more restrictive Residential District and the B District shall be deemed to be the less restrictive Residential District.

4. The College District shall be deemed to be more restrictive than any other district except the Residential Districts and the PLB District.

5. The Office District shall be deemed to be more restrictive than the Retail District.

6. The Flood Hazard Overlay District shall not be considered in determining the restrictiveness of the underlying district.

2-103 ZONING MAP

A. Map Incorporated. The location and boundaries of the zoning districts established by this Code are as shown on a map entitled “Zoning Map of the Village of Bannockburn, Illinois,” hereinafter referred to as the Zoning Map, which is by this reference incorporated as part of this Code. All notations, references, and other information shown on the Zoning Map, and all amendments thereto, shall be as much a part of this Code as if specifically set forth and literally described herein.

B. Omitted Land. It is the intent of this Code that the entire area of the Village, including all land and water areas, be included in the districts established by this Code. Any area lying within the Village but not shown on the Zoning Map as being included in such a district shall be deemed to be, and it is hereby, classified in the A Residential District.

C. District Boundaries. In the event that any uncertainty exists with respect to the intended boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

1. The district boundaries are the center lines of tollways, expressways, highways, streets, alleys, waterways, railroads, and other rights-of-way unless otherwise indicated. When the designation of a boundary line on the Zoning Map coincides with the location of any such right-of-way, the center line of such right-of-way shall be construed to be the boundary of such district.

2. When a district boundary does not coincide with the location of the centerline of any right-of-way but does coincide with a lot line, such lot line shall be construed to be the boundary of such district.
3. When a district boundary does not coincide with the location of the centerline of any right-of-way or with a lot line, the district boundary shall be determined by the use of the scale shown on the Zoning Map.

4. The exact location of the district boundaries of the Flood Hazard Overlay District shall be based upon the data referred to in Section 8-104 of this Code.

D. Mapping of Parcels Affected by Court Decrees. Parcels of land affected by court decrees shall be shown on the Zoning Map in accordance with the provisions of Subsection 12-106B of this Code.

E. Maintenance and Availability of Zoning Map. The official copy of the Zoning Map shall be maintained by the Building Commissioner and shall be available for public inspection during Village business hours at the Village Hall. Any amendment to zoning district boundaries or any change in any other information shown on the Zoning Map made by amendment to this Code shall be indicated on the official copy of the Zoning Map.

F. Annual Publication of Zoning Map. A revised, up-to-date copy of the Zoning Map, certified as to being inclusive of all amendments and drawn to a convenient scale, shall be published at least once annually and made available for sale at the Village Hall.

2-104 ANNEXED LAND

A. Annexation of Land. All land annexed to the Village after the effective date of this Code shall be classified automatically upon such annexation in the A Residential District. The owner of any land proposed to be annexed to the Village shall file, with the petition for annexation, an application for a Certificate of Zoning Compliance pursuant to Section 11-301 of this Code. In the case of an involuntary annexation, the Building Commissioner shall complete the required application.

B. Application for Different Classification. When any land is classified pursuant to this Section, it shall remain so classified unless and until an application to amend such classification is filed and granted pursuant to Section 11-301 of this Code. Such application may be filed prior to or contemporaneously with the annexation of the land in question.
Bannockburn’s unique qualities are drawn from its residential core. The essential character of the Village results from its large residential lot sizes as well as its abundant, lush vegetation and limited accessibility via a pattern of quiet rural roads and streets. The Residential District regulations are intended to perpetuate the overall character of the Village by preserving established residential areas and encouraging new development consistent with the countryside character of the Village’s residential core.

Two zoning districts are provided for residential development. The Residential Districts (A and B Districts), together with the regulations permitting planned unit developments, provide ample opportunity for the development and preservation of various housing types consistent with the existing character of the Village.

**3-102 PERMITTED USE**

The following use and no other is permitted as of right in the Residential Districts: single family detached dwellings.

**3-103 ACCESSORY STRUCTURES AND USES**

Accessory structures and uses are permitted in the Residential Districts subject to the provisions of Section 9-101 of this Code.

**3-104 HOME OCCUPATIONS**

Home occupations are permitted in the Residential Districts subject to the provisions of Section 9-102 of this Code.

**3-105 TEMPORARY USES**

Temporary uses are permitted in the Residential Districts subject to the provisions of Section 9-103 of this Code.

**3-106 SPECIAL USES**

The following uses may be permitted in the Residential Districts subject to the issuance of a special use permit as provided in Section 11-602 of this Code and subject to the additional standards hereinafter set forth.

A. **Planned Unit Developments**, but only in the A District and only subject to the special procedures and standards set forth in this Article and in Section 11-603 of this Code.

B. **Public Utility Stations**, subject to the following additional standards:

1. **Structure Appearance and Screening**. All buildings and structures either shall have exteriors which give the appearance of a single family
residential structure or shall comply with the screening requirements applicable to nonresidential uses abutting a residential district pursuant to Subsection 9-108H of this Code.

2. **Safety Fencing.** All such uses shall be fenced where any hazard to the safety of human or animal life is present.

3. **Service and Storage Prohibited.** No service or storage yard or building shall be permitted.

C. **Additional Amateur Radio Facilities** subject to the limitations of Subparagraph 9-101D9(a) of this Code.

D. **Temporary Pool and Garden Enclosures** as temporary uses, but only in accordance with the requirements of Section 9-103 of this Code and any conditions established in the ordinance granting such special use permit approval. In addition:

1. No such special use permit shall be granted for an enclosure to be used in connection with a nonconforming pool structure.

2. The granting of a special use permit under this Subsection shall not entitle the owner of a zoning lot to the issuance of a certificate of zoning compliance under Section 9-103 of this Code.

3. In the event that a certificate of zoning compliance is not sought or obtained pursuant to Section 9-103 for more than two consecutive winter seasons, the special use permit shall be deemed abandoned and shall no longer have any force or effect. Abandonment of a special use permit under this Subsection shall not disqualify a lot owner from seeking a special use permit under this Subsection in the future.

4. The violation of any terms of the ordinance granting a special use permit pursuant to this Subsection or of the provisions of Section 9-103 shall be sufficient grounds for revocation of a special use permit for a pool or garden enclosure.

E. **Personal Wireless Services Antennae.** Provided that such antennae shall be mounted on principal residential buildings only and be subject to the regulations of Section 9-110. Such antennae may be located within 500 feet, but not less than a distance equal to 150% of the height of any such antenna at its highest point, from the outside wall of a single family dwelling on another zoning lot.

3-107 **PARKING AND LOADING REQUIREMENTS**

The parking and loading requirements applicable in the Residential Districts are set forth in Sections 9-104 and 9-105 of this Code.
SIGN REGULATIONS

The sign regulations applicable in the Residential Districts are set forth in Section 9-106 of this Code.

BUFFERYARDS, LANDSCAPING, AND SCREENING REQUIREMENTS

The requirements relating to bufferyards, landscaping, and screening of certain uses and structures in the Residential Districts are set forth in Sections 9-107 and 9-108 of this Code.

USE LIMITATIONS

A. One Principal Building Per Lot. Not more than one principal detached residential building shall be located on a zoning lot; and no principal detached residential building shall be located on the same zoning lot with any other principal building.

B. One Dwelling Per Lot. Not more than one dwelling shall be located on a zoning lot; and no structure, other than such dwelling, used, intended to be used, or designed to be used for permanent or temporary residential purposes shall be located on the same zoning lot as such dwelling.

C. Construction Materials. The exterior walls of each structure with a gross floor area exceeding thirty (30) square feet shall be constructed of brick, stone, stucco, natural wood, or vinyl or metal siding of a type ordinarily used in the construction of single family residential dwellings.

D. Compliance with Village Dog and Horse Regulations. The keeping, harboring, or otherwise maintaining of any dog or the keeping of any horse on a residential lot in the Village shall be in compliance with Bannockburn Ordinance Nos. 59 and 2002-21, as they may be amended from time to time, including without limitation the following dog restrictions:

1. No owner shall be permitted to keep, harbor, or otherwise maintain more than the following number of dogs on a lot in the Village:
   (a) No more than three dogs on any lot containing less than 80,000 square feet in area;
   (b) No more than four dogs on any lot containing at least 80,000 square feet in area but less than 120,000 square feet in area;
   (c) No more than five dogs on any lot containing at least 120,000 square feet in area but less than 160,000 square feet in area;
   (d) No more than six dogs on any lot containing at least 160,000 square feet in area.
Except as otherwise provided in this Paragraph 3-110D1, the keeping, harboring, or maintaining of dogs on a lot in excess of the number prescribed in this Paragraph 3-110D1 shall be deemed a public nuisance.

2. Notwithstanding the limitations set forth in Paragraph 3-110D1 of this Ordinance, an owner that keeps, harbors, or otherwise maintains more than the permitted number of dogs as of July 22, 2002, shall be permitted to keep, harbor, or otherwise maintain the excess dogs on the lot; provided, that all dogs kept, harbored, or otherwise maintained on the lot (i) were registered with the Lake County Health Department as being kept, harbored, or otherwise maintained on such a lot as of April 8, 2002 or (ii) were kept, harbored, or otherwise maintained on such lot on or prior to April 8, 2002 and will be timely registered with the Lake County Health Department within the County's applicable registration period; and provided further, that the owner shall not be permitted to replace any of the dogs kept, harbored, or otherwise maintained on the lot or to add any new dogs to be kept, harbored, or maintained on such lot unless the number of dogs kept, harbored, or otherwise maintained on the lot (including such replacement or new dog) conforms with the restrictions contained in Paragraph 3-110D1.

3. For the purposes of this Subsection 3-110D only, the term “owner” shall mean any person having a right of property in any dog; who keeps a dog; who has any dog in his care or custody; or who knowingly permits any dog to remain on or about any lot occupied by that person.

3-111 BULK, SPACE, AND YARD REQUIREMENTS

The building height, lot, yard, floor area ratio, coverage, and spacing requirements applicable in the Residential Districts are set forth in the following table. Footnote references appear in Subsection G of this Section at the end of the table.

<table>
<thead>
<tr>
<th></th>
<th>A</th>
<th>B</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Maximum Building Height</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Feet (whichever is less)</td>
<td>31(2)</td>
<td>31(2)</td>
</tr>
<tr>
<td>2. Stories</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td><strong>B. Minimum Lot Area and Dimensions</strong></td>
<td>(3)(15)</td>
<td></td>
</tr>
<tr>
<td>1. Total Lot Area (square feet)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Planned Unit Developments</td>
<td>800,000</td>
<td>N/A</td>
</tr>
<tr>
<td>(b) All Other Uses</td>
<td>160,000</td>
<td>80,000</td>
</tr>
<tr>
<td>2. Lot Area Per Dwelling (square feet)</td>
<td>160,000 (4)(4)</td>
<td>80,000</td>
</tr>
</tbody>
</table>
3. Lot Width (feet) 200 (6) 142

C. **Minimum Yards.** (6)(7)(8)(15)

1. Front and Corner Side (feet) (9)(10) 20% of lot depth, but no less than 50
2. Side (feet)(11) 25
3. Rear (feet)(11)(12) 20% of lot Depth, but No less than 50

D. **Maximum Gross Floor Area.** (15) 2,500 square feet plus five percent (5%) of total lot area; plus an additional 650 square feet for garage space only; plus an additional 100 square feet plus six tenths of one percent (0.6%) of total lot area for canopies, covered porches, covered walkways, and accessory buildings, other than garages

E. **Maximum Lot Coverage.** (15) 1,500 square feet plus fifteen percent (15%) of total lot area(13)

F. **Minimum Spacing Between Principal and Accessory Structures.** (feet)(14). 10

G. **Exceptions and Explanatory Notes.**

1. **Height Limitation for Accessory Structures.** The maximum building height of any accessory structure shall be 15 feet; provided, however, that private stables with lofts used solely for the storage of feed or equestrian equipment may extend to a maximum building height of 20 feet and flagpoles may extend to a height of 10 feet above the highest point of the
2. **Maximum Building Height Extensions.**

   The measured building height and maximum building height shall not exceed 31 feet, except that:

   (a) The maximum building height may extend up to 33 feet if: (i) the front and rear yards are each at least 57 feet in depth; (ii) each side yard is at least 38 feet in width; and (iii) the lot area is at least 80,000 square feet.

   (b) The maximum building height may extend up to 35 feet if: (i) the front and rear yards are each at least 80 feet in depth; (ii) each side yard is at least 40 feet in width; and (iii) the lot area is at least 160,000 square feet.

3. **Nonconforming Lots.** See Section 10-105 of this Code for lot requirements with respect to legal nonconforming lots of record.

4. **Clustering in Planned Unit Developments.** In A District planned unit developments, minimum lot size per unit requirements are intended only as a limit on overall development density and not as a requirement that each individual unit be placed on a lot of the specified size. Therefore, in A District planned unit developments, single family detached dwelling units may be clustered together so long as sufficient common open space is provided within the development to meet the average minimum lot size requirement of the development taken as a whole.

5. **Density Adjustments in A District Planned Unit Developments.**

   (a) **Authority to Approve Increased Density.** The Plan Commission may recommend and the Board of Trustees may authorize a reduction of the minimum lot size per dwelling unit requirement, and thus an increase in the overall density of development, when approving a special use permit for a planned unit development in the A District.

   (b) **Maximum Permissible Adjustments and Specific Standards.** The Board of Trustees may authorize an increase in the permitted intensity of development up to, but not in excess of, the maximums hereinafter provided for upon compliance by the planned unit development with the conditions hereinafter set forth with regard to such maximums:

   (1) **One Unit Per 120,000 Square Feet.** Intensity of use may be increased to a minimum average lot size per dwelling unit
of 120,000 square feet if the Board of Trustees finds that the following conditions are satisfied:

(i) The planned unit development is adequately serviced by public sewers, or where such public sewers are not currently available or are not adequate, that the applicant has established the ability, willingness and commitment (including the posting of a satisfactory guarantee of performance) to provide such facilities either by extending such sewers in a manner approved by the Board of Trustees as consistent with the Comprehensive Plan, the Village’s current sewer program and ordinances and the best overall interests of the Village considering all of its current needs, obligations and goals; or by making a cash contribution, in an amount deemed adequate by the Village in light of the benefit to be received by and the burden to be imposed by the planned unit development, to a fund established to implement Village plans for constructing public sewers to serve an area or areas including the area of the proposed planned unit development; and

(ii) The planned unit development is adequately supplied with water from the public water system or where not so supplied that the applicant has established the ability, willingness and commitment (including the posting of a satisfactory guarantee of performance) to provide a water supply system by extending mains of the public water system in a manner approved by the Board of Trustees as consistent with the Comprehensive Plan, the Village’s current water supply program and ordinances and the best overall interests of the Village considering all of its current needs, obligations and goals; or by making a cash contribution, in an amount deemed adequate by the Village in light of the benefit to be received by and the burden to be imposed by the planned unit development, to a fund established to implement Village plans for constructing public water mains and facilities to serve an area or areas including the area of the proposed planned unit development; and

(iii) The planned unit development is adequately served by public streets with sufficient capacity to accommodate any projected traffic increase; and
(iv) The planned unit development provides storm drainage and retention facilities which reduce the risk of flooding and damage from storm runoff in the Village and which meet the minimum standards established by the Bannockburn storm and sanitary sewerage systems and facilities regulations.

(2) **One Unit Per 80,000 Square Feet.** Intensity of use may be increased to a minimum average lot size per dwelling unit of 80,000 square feet if the Board of Trustees finds that the following conditions, in addition to the conditions set forth in the foregoing subparagraph (1), are satisfied:

(i) The subject property comprising the planned unit development is either zoned in Lake County for permitted uses more intense than single family dwellings on 120,000 square foot lots and subject to a petition to annex to the Village of Bannockburn; or located adjacent to the Milwaukee Road Railroad tracks; and

(ii) The planned unit development provides direct vehicular access to either Route 22 or Waukegan Road; and

(iii) The planned unit development provides special environmental amenities such as the perpetual preservation of significant wooded areas or natural prairie land or the provision of natural or man-made lakes; and

(iv) The planned unit development demonstrates excellence in site planning, layout and landscaping; and

(v) The planned unit development provides, both for the total development and for each separate lot within it, a maximum lot coverage of 2000 square feet plus twenty percent (20%).

(3) **Inclusion of Streets.** The maximum intensity of development permitted in an A District planned unit development may be increased to the extent of including the area of all streets and rights-of-way in excess of a width of 22 feet as part of the required minimum area per dwelling; provided, however, that no such increase shall be allowed unless the Board of Trustees shall expressly find such increase to be necessary to compensate for the developer’s installation of streets of unusual length in order
to accommodate unusual physical features of the site or to preserve specific natural features of the site.

(c) General Standards for Adjustment. No such adjustment shall be recommended or authorized except on the basis of the development’s achieving the purposes for which planned unit developments may be approved pursuant to Subsection 11-603B of this Code and satisfying the standards applicable to such developments as set forth in Subsection 11-603E of this Code.

6. Lot Dimensions and Yards in A District Planned Unit Developments.

(a) Authority to Waive. The Plan Commission may recommend and the Board of Trustees may authorize the waiver of the lot dimension and yard requirements of the A District when approving a special use permit for an A District planned unit development.

(b) Special Requirements; Limitation of Waiver Authority. Special landscaping, perimeter treatment, and spacing requirements for planned unit developments are set forth in Subparagraphs 11-603E2(f) and (g) of this Code. Such requirements shall not be waived under any circumstances.

(c) Standards for Waiver. Such waiver shall be recommended or authorized only if the development achieves the purposes for which planned unit developments may be approved pursuant to Subsection 11-603B of this Code and satisfies the standards and procedures applicable to such developments as set forth in Subsections 11-603E and H of this Code.

7. Special Setbacks for Signs. Special setbacks established for some signs by Subsections 9-106F and H of this Code shall control over the yard and setback requirements established in the table.

8. Permitted Obstructions in Required Yards. See Section 9-109 of this Code for certain structures and uses that may be located in certain required yards.

9. Special Street Setbacks. No building or use or accessory building or use or any part thereof shall be erected or conducted within ninety (90) feet of the centerline of Wilmot or Telegraph Roads, or within eighty-three (83) feet of the centerline of any other street.


11. Side and Rear Yard Regulations for Accessory Structures and Uses. Accessory structures and uses may be located in required side or rear yards, provided said accessory structure or use is located not less than fifteen (15) feet from the side and rear lot lines; and provided further that
any accessory structure of more than ten (10) feet in height shall be set back one (1) additional foot from said lot lines for each foot or fraction thereof by which said structure exceeds ten (10) feet in height; provided, however, that this regulation shall not apply to residential recreational facilities, stables, or antennas and antenna support structures and provided further, however, that no accessory structure or use, or any combination of such structures or uses, located within an otherwise required side or rear yard pursuant to this Paragraph shall occupy more than thirty percent (30%) of such required yard.

12. **Rear Yard Regulation Exception for Decks.** Decks may be located in rear yards provided they are located at least 40 feet from the rear lot line in the A District and 25 feet from the rear lot line in the B District.

13. **Maximum Lot Coverage in Certain Planned Unit Developments.**

(a) **Density Adjustments.** See Subsection 3-111G(5)(2)(v) of this Code (Footnote 5 above) regarding permissible density adjustments in A District Planned Unit Developments.

(b) **Certain Planned Unit Developments (80,000 square foot average lot size).** Notwithstanding the maximum lot coverage restrictions of Subsection 3-111E, an A District Planned Unit Development authorizing the development of one unit per 80,000 square feet in area pursuant to Subparagraph 3-111G(5)(b)(2) of this Code that also includes the area of streets within the lot area pursuant to Subparagraph 3-111G(5)(b)(3) shall be subject to a maximum lot coverage restriction of 2,000 square feet plus twenty percent (20%) for any one lot and for the development as a whole; provided, however, that a variation may be granted pursuant to the procedures in Section 11-503 of this Code to authorize a maximum lot coverage of twenty-five percent (25%) for a lot that does not meet the 2,000 square feet plus twenty percent (20%) maximum lot coverage restriction as of December 11, 2006.

14. **Spacing Regulation Exception for Specified Structures.** This limitation shall not apply to air conditioning units, decks, antennas, or antenna support structures, nor to any accessory structure protected by a fire separation wall approved by the Building Commissioner.

15. **Credit for Right of Way Dedication.** For any zoning lot included within the A-Residential District that has any frontage along Half Day Road (Illinois Route 22), to the extent that any land from such lot is dedicated or otherwise conveyed for right-of-way purposes for Half Day Road, the Half Day Road lot line(s) for such lot shall be deemed to be the lot line(s) as existed as of January 25, 2010. The pre-dedication lot area and dimensions of such lot shall be applied for purposes of calculating lot area and dimensions, yards, gross floor area, and lot coverage requirements; provided, however, that this provision shall not apply to any zoning lot.
from which additional right-of-way has been taken, dedicated, or otherwise conveyed beyond the rights-of-way lines set forth in the Illinois Department of Transportation Plats of Highway for Illinois Route 22, consisting of 16 pages, and dated September 22, 2008.
RETAIL DISTRICT

4-101 PURPOSES

The purpose of the Retail District (R District) is to provide an area for high quality, retail commercial development that is compatible with the essential character and scale of development of the Village. Land uses including small specialty shops, services and restaurants (along with incidental non-retail uses) are emphasized, although major food or other store “anchors” are permitted to allow for the development of shopping areas that meet a full range of shopping needs for the citizens of Bannockburn as well as neighboring communities. Bulk regulations, use limitations, and landscaping requirements are designed to allow commercial development to exist and operate without detracting from the overall community character of the Village. Indeed, a properly planned and designed retail development can do much to enhance that character.

4-102 MAPPING RESTRICTION

The Retail District is designed and intended to be mapped only east of the Milwaukee Road Railroad right-of-way at the convergence of Waukegan Road and Half Day Road, the two primary thoroughfares serving the Village, where its impact upon the Village’s character and residential development can be minimized with appropriate site plan and development restrictions. The Retail District is inappropriate for mapping in any other area of the Village.

4-103 PERMITTED USES

The uses indicated in the following table and no others are permitted as of right in the Retail District. See Section 11-501 of this Code regarding use interpretations.

A. Retail Trade.

1. Paint, Glass and Wallpaper Stores (523)
2. Hardware Stores (525)
3. Grocery Supermarkets (5411)
4. Meat and Seafood Markets (5421)
5. Candy, Nut, and Confectionery Stores (544)
6. Dairy Products Stores (545)
7. Retail Bakeries (546)
8. Miscellaneous Food Stores, but not including Egg or Poultry dealers (5499)
9. Apparel and Accessory Stores (56)
10. Home Furniture, Furnishings, and Equipment Stores (57)
11. Caterers (5812)
12. Restaurants, but not including carry-out or drive-in establishments (5812)
13. Cocktail lounges, but only when located within, and accessible only from the interior of, permitted restaurants and intended primarily to serve the patrons of such restaurants (5813)
14. Drug Stores and Proprietary Stores (5912)
15. Packaged Wine Stores (5921)
16. Antique Stores (5932)
17. Miscellaneous Shopping Goods Stores, but not including Ammunition or Firearms sales (594)
18. Retail Stores, not elsewhere classified, but not including auction rooms, fireworks sales, gravestone sales, sales barns, or tombstone sales (599)

B. Finance, Insurance and Real Estate.
1. Security and Commodity Brokers, Dealers, and Services (62), not including Security and Commodity Exchanges (623)
2. Insurance Carriers (63)
3. Insurance Agents, Brokers, and Services (64)
4. Real Estate Agents, Brokers, and Managers (6531)
5. Real Estate Appraisers (6531)
6. Real Estate Multiple Listing Services (6531)

C. Services.
1. Landscape Architects (0781)
2. Travel Agencies (4724)
3. Retail Agents for Laundries and Drycleaners (7212)
4. Portrait Photographers (7221)
5. Beauty Shops, but not including beauty culture or cosmetology schools (7231)
6. Barber Shops, but not including barber colleges (7241)
7. Costume Rental (7299)
8. Tuxedo and Formalwear Rental (7299)
9. Secretarial and Court Reporting Services (7338)
10. Interior Decorating and Designing Studios (7389)
11. Picture Framing (7699)
12. Health Services (80), but not including Freestanding Emergency Medical Centers (8011), Nursing and Personal Care Facilities (805), Hospitals (806), Medical and Dental Laboratories (807), or Miscellaneous Health and Allied Services (809)
13. Legal Services (81)
15. Accounting, Auditing, and Bookkeeping Services (872)
16. Artists’ Studios (8999)

D. Miscellaneous.

1. Business, professional and administrative offices not otherwise listed, subject to the limitations of Subsection 4-110B.
2. Personal Wireless Services Antennae, provided that such antennae shall be mounted on an existing structure and be subject to the regulations of Section 9-110.

4-104 ACCESSORY STRUCTURES AND USES

Accessory structures and uses are permitted in the Retail District subject to the provisions of Section 9-101 of this Code.

4-105 TEMPORARY USES

Temporary uses are permitted in the Retail District subject to the provisions of Section 9-103 of this Code.

4-106 SPECIAL USES

The uses listed in the following table may be permitted in the Retail District subject to the issuance of a special use permit as provided in Section 11-602 of this Code. See Section 11-501 of this Code regarding use interpretations.

A. Retail Trade.
1. Automobile Service Stations, subject to the limitations of Subsection 4-110C (5541)

2. Carry-Out Restaurants (5812)

3. Catalog and Mail Order Houses (5961)

4. The sale of firearms and/or firearm accessories used exclusively for sport, but only in connection with a use permitted under Section 4-103 of this Code; and provided that any such special use permit may be issued subject to any conditions regarding the size and type of inventory, storage and security measures, display practices, and any other matters that the Board of Trustees deems to be necessary or appropriate to protect the users of the subject premises and nearby properties as well as the public health, safety, and welfare.

5. A drive-through accessory to a drug store. In connection with the approval of a special use permit for a drive-through accessory to a drug store, the Board of Trustees may approve modifications to the lighting regulations contained in Paragraph 9-101D10 of this Code, pursuant to an approved lighting plan for the drive-through.

B. Finance, Insurance and Real Estate.

1. Commercial Banks (602) including accessory drive-in and automatic teller facilities, but not including such facilities as a principal use

2. Savings Institutions (603)

C. Services.

1. Computer Programming, Data Processing, and Other Computer Related Services (737)

2. Learning Centers

D. Miscellaneous.

1. Antennas and Antenna Support Structures, subject to the regulations of Paragraphs 9-101D7, 8, and 9.

2. Live entertainment accessory to permitted restaurants.

3. Reserved.
4. Operation of a use permitted or specially permitted by the provisions of this Article beyond the time specified in Subsection 4-110H.

5. Operation of any activity conducted in whole or in part outside a completely enclosed building and related to a use otherwise permitted or specially permitted by the provisions of this Article; provided, however, that the operation of any such activity may be further regulated pursuant to the provisions of Section 9-103 of this Code.

6. Separate business establishments in excess of the size permitted by Subsection 4-110G but otherwise permitted or specially permitted by the provisions of this Article.

7. Off-site provision of required parking spaces, subject to the provisions of Subparagraph 9-104B2 (b).

8. Collective provision of required parking spaces, subject to the provisions of Subparagraph 9-104B2 (c).

9. Landbanking of required parking, subject to the provisions of Subsection 9-104E.

10. Real estate signs in excess of the size limitation of Subparagraph 9-106G 13(c).

11. Public service signs as provided in Subparagraph 9-106I 1(g).

12. Ground signs in excess of the area or face limitations of Subparagraph 9-106I 4(f), or the height limitation of Subparagraph 9-106I 5(c).

13. A non-permanent canopy that extends from the approved exterior of the retail structure, provided that there is no more than one (1) canopy within 1500 feet of another canopy.

14. Personal Wireless Services Antennae mounted on support structures other than existing structures, provided that the maximum height of any support structure shall not exceed a height of 75 feet; and provided further that such support structure shall be located on that portion of a zoning lot that is least visually obtrusive but still functional, and that such antennae shall be subject to the regulations of Section 9-110.

15. Notwithstanding the provisions of Paragraph 9-106E2(j) of this Code that require a wall sign to be fastened directly to the wall of a building or structure, a wall sign may be fastened to a raceway or track system attached to a wall of a building or structure but only if the wall is constructed of stone.

16. Lot coverage in excess of the 70 percent lot coverage restriction contained in Section 4-111E of this Code; provided, however, that in no event shall the lot coverage of a lot in the Retail District exceed 75 percent.
17. To reduce the number of parking spaces required by Section 9-104F of this Code in excess of that permitted by variation authorized in Section 11-503E1(e) of this Code; provided, however, that in no event shall the number of parking spaces required on a lot be reduced to less than 30 percent of that required by this Code.

18. Identification Ground Signs.

(a) To allow a third identification ground sign in excess of the two ground signs permitted by Section 9-106I3(f) of this Code.

(b) To allow the erection of an identification ground sign in lieu of an otherwise permitted wall sign for an occupancy within a shopping center, but only if: (i) the occupancy is a single user of a freestanding building; (ii) the signage area of the ground sign is no greater than the allowable signage area for the otherwise permitted wall sign; (iii) the ground sign is integrated into screening elements of the freestanding building, which screening elements do not exceed four feet in height; and (iv) the ground sign otherwise satisfies the general standards for ground signs in the Retail District under this Code.

(c) To allow an identification ground sign in addition to the two ground signs permitted by Section 9-106I3(f) of this Code or otherwise authorized pursuant to Subparagraph (a) or (b) of this Paragraph 4-106D18. Any identification ground sign approved pursuant to this Subparagraph (c) shall be limited to a size not to exceed 37 square feet and at a height not to exceed eight feet, but may be located within 12 feet from the edge of a curbed pavement and may be illuminated as provided in a special use permit ordinance.

19. To exceed the non-retail use limitations contained in Section 4-110L of this Code to allow up to 25 percent of the gross floor area of the ground floor space in a shopping center to be occupied by non-retail uses; provided, however, that to the extent non-retail uses occupy more than 20 percent of the gross floor area of the ground floor space of the shopping center, the owner of the shopping center shall be required to pay to the Village an in-lieu fee in an amount determined by the Village Board of Trustees.

4-107 PARKING AND LOADING REQUIREMENTS

The parking and loading requirements applicable in the Retail District are set forth in Sections 9-104 and 9-105 of this Code.
The sign regulations applicable in the Retail District are set forth in Section 9-106 of this Code.

The requirements relating to bufferyards, landscaping, and screening of certain uses and structures in the Retail District are set forth in Sections 9-107 and 9-108 of this Code.

A. No Residential Uses. No residential uses shall be allowed in the Retail District.

B. Reserved.

C. Automotive Services Limited. Automobile service station services shall be limited to the retail sale and dispensing of fuel, lubricants, coolants, tires, batteries, minor accessories and supplies; and installation and customary services incidental thereto. Towing operations shall be prohibited. Facilities for chassis and gear lubrication and for the washing of vehicles may be authorized by a special use permit only if enclosed in a building and then limited to not more than four (4) vehicles. In no event shall any service station be located within 2000 feet of any other service station, whether or not such other service station is located within the Village.

In no event shall the sale, rental, storage, service (except the minor service hereinabove mentioned), or repair of motorized vehicles, including passenger cars, trucks, buses, trailers, recreational vehicles or motorcycles be allowed in the Retail District.

In no event shall the sale or installation of vehicle parts and accessories (except the minor accessories and installation hereinabove mentioned) be allowed in the Retail District.

D. Wholesale Establishments Prohibited. No wholesale establishments or activities shall be allowed in the Retail District. All business establishments shall be retail or service establishments dealing directly with consumers.

E. Manufacturing Limited. No manufacturing, processing, or treatment of products shall be conducted on any premises in the Retail District, except those that are incidental to a principal retail business use. All products produced on the premises shall be sold at retail on the premises.

F. Storage Limited. No storage or warehousing of any product shall be permitted in the Retail District except such as is incidental to a principal retail use.

G. Maximum Space for Separate Establishment. No separate business establishment shall occupy more than 50,000 square feet of floor space, except as authorized by a special use permit. For purposes of this Paragraph only, separate business
establishment shall mean a single business enterprise or any number of such enterprises doing business together in a single structure or retail space and providing a range of goods and/or services typically provided in such manner.

H. **Hours of Operation.** No use shall conduct normal operations before the hour of 7:00 a.m. or continue normal operations past the hour of 10:00 p.m.; provided, however, that upon the granting of a special use permit pursuant to Section 11-602, all carry-out restaurants and all grocery stores in excess of 50,000 square feet located within a particular shopping center may commence operations at 6:00 a.m.; and provided further that the hours of operation for a particular use may be varied from the limitations set forth above upon the granting of a special use permit.

I. **Operations Within Buildings.** All business and services, including servicing, storage, processing or display of goods, except for off-street parking and loading, shall be conducted within completely enclosed buildings, except as specifically authorized by a special use permit pursuant to Subsection 4-106D.

J. **Noxious or Offensive Impact Prohibited.** No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.

K. **Firearms and Firearm Accessories.** In no event shall the sale, rental, storage, service, or repair of firearms or firearms accessories be allowed in the Retail District except as specifically authorized by a special use permit pursuant to Subsection 4-106A.

L. **Use Limitations.** Except as specifically authorized by a special use permit pursuant to Subsection 4-106D19 and in addition to, and notwithstanding any use restrictions contained in this Section 4-110 that are otherwise applicable, non-retail uses shall be prohibited in any ground floor space in the Retail District, except that in any building exceeding 140,000 square feet not more than 10 percent of the gross floor area of such building may be occupied by non-retail uses.

For purposes of this Subsection 4-110L, the following terms shall have the following meanings:

(i) A “non-retail use” is defined as any use whose predominate activity does not produce sales tax for the Village, including but not limited to, banks, brokerage offices, real estate offices, and other business or professional offices, and residential uses.

(ii) "Predominate activity” is defined as an activity that accounts for (1) 50 percent or more of the activity conducted in the ground floor space; or (2) 50 percent or more of the retail value of the annual gross sales in the ground floor space; or (3) 50 percent or more of the floor area of the ground floor space, not including storerooms, stock areas, bathrooms,
basements, or any other portion of the establishment not open to the public.

4-111  BULK, SPACE, AND YARD REQUIREMENTS

The building height, lot, yard, floor area ratio, and coverage requirements applicable in the Retail District are set forth in the following table. Footnote references appear in Subsection F of this Section at the end of the table.

A. Maximum Height, (1)
   a. Feet (whichever) 35
   b. Stories (is less) 2

B. Minimum Area and Dimensions, (2)
   1. Total District Area 15 acres
   2. Individual Lot Area (square feet) 40,000
   3. Lot Width (feet) 150
   4. Lot Depth (feet) 200

C. Minimum Yards, (3)(4)(5)
   1. Front and Corner Side (feet) 50
   2. Side (feet) 30
   3. Rear (feet) 30

D. Maximum Floor Area Ration.

E. Maximum Lot Coverage.

70%

F. Exceptions and Explanatory Notes.

1. Height Limitation for Accessory Structures. No accessory structure shall exceed 15 feet in height; provided, however, that flagpoles may extend to a height of 10 feet above the highest point of the roof of the principal structure and the height of antennas shall be governed by Subsection 9-101D of this Code.

2. Nonconforming Lots. See Section 10-105 of this Code for lot requirements with respect to legal nonconforming lots of record.

3. Special Setbacks for Signs. Special setbacks established for some signs by Subsections 9-106G and I of this Code shall control over the yards and setbacks established in the table.
4. **Permitted Obstruction in Required Yards.** See Section 9-109 of this Code for certain structures and uses that may be located in certain required yards.

5. **Setback from Waukegan and Half Day Roads.** No building or any part thereof shall be erected and no parking shall be provided within fifty (50) feet of the lot lines along Waukegan or Half Day Roads.


7. **Side and Rear Yard Abutting Residential Districts.** In the event that a side or rear yard in the Retail District abuts a residential district or development, such yard shall be not less than sixty (60) feet in width or depth, as the case may be.

8. **Side and Rear Yard Regulations for Accessory Structures and Uses.** Subject to the setback requirements set forth in Subparagraph F5 above, parking areas wherever located and other detached accessory structures and uses when located within the rear 20 percent of the lot shall not be required to maintain an interior side or rear yard or setback in excess of five (5) feet unless the lot abuts property used or zoned for residential purposes, in which case a twenty-five (25) foot setback shall be maintained; provided, however, that this regulation shall not apply to antennas and antenna support structures and provided further, however, that no accessory structure or use, or combination of such structures or uses, located within an otherwise required side or rear yard pursuant to this Paragraph shall occupy more than 30 percent of such required yard.
OFFICE DISTRICT

5-101 PURPOSES

The purpose of the Office District (O District) is to provide areas for office development that are consistent with the overall community character of the Village. The Office District regulations are intended to assure that all office development is sensitive to and has a minimal impact upon the countryside character of the residential heart of the Village. A limited number of non-office uses may be allowed pursuant to special use permit, but such uses are strictly regulated to preserve and perpetuate high quality office development in the Village.

5-102 MAPPING RESTRICTION

The Office District shall be mapped only at areas adjacent to the Northern Illinois Toll Road and north of Duffy Lane, or east of Waukegan Road, where office development will have a minimal impact upon the Village’s residential core. The Office District is inappropriate for mapping in any other area of the Village.

5-103 PERMITTED USES

The following uses and no others are permitted as of right in the Office District:

A. Business, professional and administrative offices.
   Business, professional and administrative offices. See Section 11-501 of this Code regarding use interpretations.

B. Personal Wireless Services Antennae.
   1. Personal wireless services antennae, provided that such antennae shall be mounted on an existing structure and be subject to the regulations of Section 9-110.
   2. Personal wireless services antennae mounted on a monopole with a height not more than 45 feet, provided that such monopole shall be located at least 200 feet from the centerline of any street. Such antennae shall be subject to the regulations of Section 9-110.
   3. Personal wireless services antennae mounted on a monopole with a height greater than 45 feet, but subject to the following additional limitations:
      (a) such antenna and antenna support structure shall be located at least 500 feet east of the easterly right-of-way line of Waukegan Road and at least 1760 feet south of the southerly right-of-way line of Half Day Road; or
      (b) such antenna and antenna support structure shall be located at least 500 feet north of the northerly right-of-way line of Half Day Road
and at least 900 feet west of the west line of the east half of the Northwest Quarter of Section 19, Township 43, Range 12 east of the Third Principal Meridian in Lake County, Illinois.

Such antennae shall be subject to the regulations of Section 9-110.

5-104 ACCESSORY STRUCTURES AND USES

Accessory structures and uses are permitted in the Office District subject to the provisions of Section 9-101 of this Code.

5-105 TEMPORARY USES

Temporary uses are permitted in the Office District subject to the provisions of Section 9-103 of this Code.

5-106 SPECIAL USES

The uses listed in the following table may be permitted in the Office District subject to the issuance of a special use permit as provided in Section 11-602 of this Code. See Section 11-501 of this Code regarding use interpretations.

A. Retail Trade.

1. Restaurants, but not including carry-out or drive-in establishments (5812)

2. Cafeterias, but only when located within, and accessible only from the interior of, a building otherwise housing only permitted business, professional, and administrative offices, and intended solely for use by tenants, employees, and guests of such offices, and, if applicable, such offices in adjacent buildings under common ownership or management. The Village Board may, in its sole discretion and as part of the special use permit approval process, grant an express exception to the interior access limitation by permitting exterior access to and from an approved cafeteria, provided that (i) such exterior access does not extend to a sidewalk, public way, or vehicular circulation element that is generally accessible to pedestrian or vehicular traffic; (ii) such exterior access leads only to a patio or other exterior amenity serving the building and its tenants, employees, and guests; (iii) such patio or other exterior amenity is properly buffered and screened from any sidewalk, public way, or vehicular circulation element; and (iv) any other condition imposed by the Village Board as part of the special use permit is satisfied.

3. Cocktail lounges, but only when located within, and accessible only from the interior of, a specially permitted restaurant, and intended primarily to serve the patrons of such restaurant (5813)
B. **Services.**

1. Single-chair barbershops accessory to office uses.

2. Membership sports and recreation facilities, limited to indoor tennis, racquetball, squash, handball, and multi-sport courts; and such other uses related thereto, including swimming pools, exercise rooms, pro shops, and any outdoor facilities, as may be expressly authorized by the special use permit. (7997)

3. Special education facilities.

C. **Miscellaneous.**

1. Planned unit developments, but only subject to the special procedures and standards set forth in this Article and in Section 11-603 of this Code.

2. Business Headquarters, but only as a planned unit development on a parcel in excess of twenty-five (25) acres.

3. Non-office uses lawfully existing on the effective date of this Code, provided that sufficient compensating amenities in the form of site and/or building design or redesign, additional landscaping and/or buffering techniques, or such other measures as may be proposed will be provided to assure that the purpose and goals of the Village’s Comprehensive Plan and this Code are advanced notwithstanding the continued existence of such non-office use in the “O” Office District. No special use permit shall be granted pursuant to this provision after December 31, 2000.

4. More than one separate business establishment on a zoning lot, provided that:

   (a) The separate business establishments are complimentary and compatible, meaning that they are either:

      (i) uses that are closely related either through similar functions or similar operators; or

      (ii) uses that can co-exist on a zoning lot without creating any negative impacts on each other, the subject property or adjoining properties, or the Village with respect to use, parking, traffic, public services and utilities;

      and

   (b) The zoning lot must be solely owned or controlled by, or affiliated with, a person or entity constituting one of the separate business establishments (the “host business”), which host business may use the zoning lot for any use permitted or specially permitted pursuant to this Article V; and
(c) No separate business establishment other than the host business shall use the zoning lot for any use other than business, professional and administrative offices; and

(d) No zoning lot may be occupied by more than one separate business establishment unless at least 67% of its gross floor area is occupied by the host business; and

(e) No zoning lot shall contain (a) more than 2 separate business establishments unless such lot comprises at least 7 acres, or (b) more than 3 separate business establishments; and

(f) Except for zoning lots occupied by private tennis and racquetball facilities, no more than 50% of the gross floor area on any zoning lot occupied by more than one separate business establishment shall be devoted to non-office related activities; and

(g) No new signage or change in signage on any zoning lot occupied by more than one separate business establishment shall be permitted unless its size, shape, color, illumination (if any), and location are expressly approved by the Board of Trustees; and

(h) Every zoning lot occupied by more than one separate business establishment shall satisfy all requirements of this Code including, without limitation, all setback and parking regulations.

5. Storage of gasoline, fuel oil, and liquified petroleum gas to be used solely in connection with the permitted or specially permitted principal use.

6. Roof-mounted antennas and antenna support structures in excess of the area, dimension, or height restrictions of Subparagraphs 9-101D8(d)(i) and (ii), subject to the limitations of Subparagraph 9-101D8(d)(iii).

7. Off-site provision of required parking spaces, subject to the provisions of Subparagraph 9-104B2(b).

8. Collective provision of required parking, spaces, subject to the provisions of Subparagraph 9-104B2(c).

9. Landbanking of required parking, subject to the provisions of 9-104E.


11. Off-premises identification or joint identification signs as provided in Subparagraph 9-106H1(f).

12. Real estate signs in excess of the size limitation of Subparagraph 9-106G13(c).
13. Hotels, but only in connection with a specially approved office park abutting the Tri-State Tollway and consisting of not less than 32 acres.

14. Exterior lighting exceeding the maximum illumination, as provided in Paragraph 9-101D10, but only in locations at least 500 feet east of the easterly right-of-way line of Illinois Route 43 (Waukegan Road), and in no event closer than 500 feet from the nearest outside wall of any single family dwelling. Types, orientation, and location of fixtures, as well as landscaping and buffering, shall be primary considerations in, and may be conditions upon, the granting of the special use permit.

15. Personal Wireless Services Antennae mounted on a tower or on any support structure over 65 feet but not greater than 100 feet in height, provided that any support structure greater than 45 feet in height shall be limited to the locations identified in Paragraph 5-103B3 of this Code and provided further that such antennae shall be subject to the regulations of Section 9-110.

16. A special use may authorize a site plan in which accessory uses occupy more than 30% of required rear and side yards for purposes of improved circulation, enhanced screening, preservation of trees, or, when associated with other special uses, improvement of lot utilization.

17. A special use may be authorized for any lot whose owner dedicates to the Village, without compensation, right-of-way for highway and other public purposes along Illinois Route 43. Such special use shall allow the pre-dedication lot area and dimensions to be applied for purposes of calculating lot area and dimensions, yards, floor area ratio, and lot coverage requirements.

18. To permit an existing membership sports and recreation facility on a lot to exceed the maximum lot coverage limitations of Subsection 5-111E of this Code to authorize the installation of outdoor paddle tennis courts on the lot, subject to: (i) the total lot coverage on the lot not exceeding 51 percent; (ii) the Village Engineer’s determination that the installation of the outdoor paddle tennis courts will not adversely impact stormwater drainage on the lot or on any adjacent properties; and (iii) any conditions imposed on the special use permit by the Board of Trustees.

19. Live entertainment accessory to a membership sports and recreation facility.

20. Lot coverage for a membership sports and recreational facility in excess of the 50 percent lot coverage restriction contained in Section 5-111E of this Code; provided, however, that in no event may such lot coverage exceed 51.2 percent.

21. A special use may authorize the erection and maintenance of an outdoor shelter as an accessory structure, provided that the structure is (i) not fully
enclosed on any side, (ii) not greater than eight feet in height, (iii) not greater than 125 square feet in floor area, and (iv) intended to provide shelter for outdoor uses and meeting areas.¹

5-107 PARKING AND LOADING REQUIREMENTS

The parking and loading requirements applicable in the Office District are set forth in Sections 9-104 and 9-105 of this Code.

5-108 SIGN REGULATIONS

The sign regulations applicable in the Office District are set forth in Section 9-106 of this Code.

5-109 BUFFERYARDS, LANDSCAPING, AND SCREENING REQUIREMENTS

The requirements relating to bufferyards, landscaping, and screening of certain uses and structures in the Office District are set forth in Sections 9-107 and 9-108 of this Code.

5-110 USE LIMITATIONS

A. No Residential Use. No residential uses shall be allowed in the Office District.

B. No Retail Use. No retail sales or services (except as specifically authorized by special use permit pursuant to Section 5-106) shall be allowed in the Office District.

C. Eating and Drinking Places Limited. No eating or drinking places shall be allowed in the Office District except by special use permit. Under no circumstances shall an eating or drinking place be considered to be an accessory use to any principal use in the Office District.

D. Sports and Recreation Facilities Limited. No uses related to the athletic courts of any membership sports and recreation facility shall be allowed in the Office District unless expressly authorized by the special use permit authorizing such facility. Under no circumstances shall any such related uses be considered to be permitted accessory uses to any specially permitted membership sports and recreation facility.

E. Research, Development, and Testing Facilities Limited. No research or development laboratory or commercial testing facility shall be established unless the building in which such use is established shall be equipped with sprinkler systems, automatic fire detection and suppression systems, and Class 1 electrical fixtures as required by the then current Village codes.

¹ Paragraph 5-106C21 was originally added as Paragraph 5-106C18 pursuant to Ordinance No. 2008-32. It has been re-numbered editorially to avoid the duplicate numbering.
F. **Storage of Class II and III Vehicles Limited.** No Class II or III vehicles shall be stored on any lot in the Office District unless located at least 200 feet from any residential district or in a fully enclosed structure. (See Subparagraph 9-101D6(b) regarding the classification of vehicles.)

G. **Storage of Certain Materials Limited.** The storage, utilization, or manufacture of materials ranging from free to active burning is permitted subject to the condition that said materials be stored, utilized, or manufactured within completely enclosed buildings having incombustible interior walls and protected throughout by an automatic fire extinguishing system. The storage, utilization, or manufacture of flammable materials which produce explosive vapors or gases is prohibited except that the storage of gasoline, fuel oil, and liquefied petroleum gas for use solely for heating or the operation of vehicles in connection with the principal use may be authorized by special use permit.

H. **Fire and Explosive Hazards.** Materials that present potential fire and explosive hazards shall be transported, stored, and used only in conformance with all applicable federal, State, and local laws.

I. **Special Hazards.** Hazardous, toxic, and radioactive materials shall be transported, stored, and used only in conformance with all applicable federal, State, and local laws.

J. **One Principal Building Per Lot.** Except as otherwise approved as part of a planned unit development, every principal building shall be located on a separate zoning lot.

K. **One Separate Business Establishment Per Lot.** Unless specifically authorized by special use permit pursuant to Subsection 5-106C, not more than one separate business establishment shall be located on a zoning lot; provided, however, that an owner-occupant of a building may temporarily lease, for a period not to exceed one year from the date of issuance of an occupancy permit to such owner or its tenant, a portion of such building to a separate business establishment for the sole purpose of accommodating a transition of exclusive occupancy of such building to, or from, such owner from, or to, such tenant. No party may occupy a building under the provisions of this Paragraph more than twice. For purposes of this Paragraph, a “separate business establishment” is a place of business carrying on operations the ownership and management of which are separate and distinct from those of any other place of business. This definition and this paragraph shall not, however, be construed to prohibit the lease of space for use only as business, professional and administrative offices in a building designed and arranged exclusively for such use; and each such building shall be treated as a separate business establishment.

L. **Public Water Supply.** All buildings and uses shall be served by the Village public water supply system and shall not receive water from any other source.

M. **Operations Within Buildings.** All business and services, including servicing, storage, processing or display of goods, except for off-street parking and loading,
shall be conducted within completely enclosed buildings, except outdoor facilities of membership sports and recreation facilities and storage of gasoline, fuel oil, and liquified petroleum gas specifically authorized by a special use permit.

N. **Noise.** No noise (other than ordinary vehicular noise) from operations of any use in the Office District shall be detectable at any point off the zoning lot on which the use is located; provided, however, that this Subsection shall not prohibit noise from live entertainment or outdoor activities expressly authorized by a special use permit issued pursuant to this Code, in which case the noise from such use that is detectable beyond the lot lines of the zoning lot may not exceed a level comparable to allowable noise limits for vehicular traffic on the right-of-way forming the front lot line of the zoning lot.

O. **Glare and Heat.** No glare or heat from any operations of any use in the Office District shall be detectable at any point off the zoning lot on which the use is located.

P. **Vibration.** No earthborne vibration from any operations of any use in the Office District shall be detectable at any point off the zoning lot on which the use is located.

Q. **Air Pollution.** No air pollution, including smoke or gas, odors, and particulate matter, from any operations of any use in the Office District shall be detectable at any point off the zoning lot on which the use is located.

R. **Electromagnetic Interference.** Electromagnetic interference from any operations of any use in the Office District shall not adversely affect the operation of any equipment located off the zoning lot on which such interference originates.

## 5-111 BULK, SPACE, AND YARD REQUIREMENTS

The building height, lot, yard, setback, floor area ratio and coverage requirements applicable in the Office District are set forth in the following table. Footnote references appear in Subsection F of this Section at the end of the table.

A. **Maximum Height.** (1)

1. Feet (whichever) 40
2. Stories (is less) 3

B. **Minimum Lot Area and Dimensions.** (2)(14)(16)

1. Total Lot Area (square feet)(16) 120,000
2. Lot Width (feet)(16) 200
3. Lot Depth (feet) 200
C. **Minimum Yards.** (3)(4)(5)(6)(14)

1. Front and Corner Side (feet) (7) 100
2. Side (feet) (8)(9)(10)(13) 80 (total)
3. Rear (feet) (8)(11)(12)(13) 40

D. **Maximum Floor Area Ratio.** (14)(15) .32

E. **Maximum Lot Coverage.** (14) 50%

F. **Exceptions and Explanatory Notes.**

1. **Height Limitation for Accessory Structures.** No accessory structure shall exceed 15 feet in height; provided, however, that flagpoles may extend to a height of 10 feet above the highest point of the roof of the principal structure and the height of antennas shall be governed by Paragraph 9-101D of this Code.

2. **Nonconforming Lots.** See Section 10-105 for lot requirements with respect to legal nonconforming lots of record.

3. **Lot Dimensions and Yards in Planned Unit Developments.**

   (a) **Authority to Waive.** The Plan Commission may recommend and the Board of Trustees may authorize the waiver of the lot dimension, yard, and setback requirements when approving a special use permit for a planned unit development in the Office District.

   (b) **Special Requirements; Limitation of Waiver Authority.** Special perimeter open space, setback, and spacing requirements for planned unit developments are set forth in Subparagraphs 11-603E2(f) and (g) of this Code. Such requirements shall not be waived under any circumstances.

   (c) **Standards for Waiver.** Such waiver shall be recommended or authorized only if the development achieves the purposes for which planned unit developments may be approved pursuant to Subsection 11-603B of this Code and satisfies the standards and procedures applicable to such developments as set forth in Subsections 11-603E and H of this Code.

4. **Special Setbacks for Signs.** Special setbacks established for some signs by Subsections 9-106F and H of this Code shall control over the yards and setbacks established in the table.
5. **Permitted Obstructions in Required Yards.** See Section 9-109 of this Code for certain structures and uses that may be located in certain required yards.

6. **Special Setbacks from Streets and Certain Uses.** No building or any part thereof shall be located within 200 feet of the center line of Waukegan or Half Day Roads; within 100 feet of any other public or private street or road; nor within 62 feet of any property line of property zoned or used for residential purposes or any use permitted or specially permitted in the PLB District.

7. **Platted Building Lines.** See Subsection 12-101E of this Code.

8. **Side and Rear Yard Regulations for Accessory Structures and Uses Other Than Parking.** Detached accessory structures and uses when located within the rear 20 percent of the lot shall not be required to maintain interior side or rear yards in excess of five feet; provided, however, that this regulation shall not apply to yards abutting property zoned or used for residential purposes or public parks nor to antennas and antenna support structures or outdoor facilities of membership sports and recreation facilities.

9. **Side Yards.** The total width of side yards provided shall be eighty (80) feet; provided that no side yard shall be less than eighteen (18) feet in width; and, provided further that where a side yard abuts a residential district or public park, such side yard shall be not less than sixty-two (62) feet in width.

10. **Parking in Side Yards.** Parking of passenger vehicles may be permitted in any side yard of not less than sixty-two (62) feet in width, provided that where such side yard abuts a residential district or public park, no parking space or access driveway shall be permitted within eighteen (18) feet of such residential district or public park.

11. **Increased Rear Yards.** Rear yards abutting a residential district, drainage ditch, or stream shall be not less than fifty (50) feet in depth.

12. **Parking in Rear Yards.** Parking of passenger vehicles may be permitted in any rear yard, provided that no parking space or access driveway shall be permitted within ten (10) feet of the rear lot line nor within sixty (60) feet of any residential district or public park.

13. **Accessory Structures and Uses in Side or Rear Yards Limited.** No accessory structure or use, or combination of such structures or uses, located within an otherwise required side or rear yard pursuant to Paragraphs 8, 10 or 12 above shall occupy more than 30 percent of such required yard, unless otherwise authorized pursuant to a special use permit.
14. **Credit for Right of Way Dedication.** Pursuant to a special use permit, for any lot whose owner dedicates to the Village, without compensation, right-of-way for highway and other public purposes along Illinois Route 43, the pre-dedication lot area and dimensions may be applied for purposes of calculating lot area and dimensions, yards, floor area ratio, and lot coverage requirements.

15. **Outdoor Shelters.** The calculation of Floor Area Ratio shall not include the area of outdoor shelters constructed pursuant to a special use permit issued in accordance with Paragraph 5-106C21 of this Code.²

16. All lots created in the Office District on or after January 12, 2009 must have frontage along a public street of not less than 200 feet; except that a lot may be created with less than 200 feet of frontage along a public street if such lot has a minimum lot area of at least 225,000 square feet.

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² The reference in Paragraph 5-111F15 to Paragraph 5-106C21 was originally added as Paragraph 5-106C21 pursuant to Ordinance No. 2008-32. It has been re-numbered editorially to avoid the duplicate numbering.
COLLEGE DISTRICT

6-101 PURPOSES

The College District (C District) is provided to meet the needs of colleges and theological seminaries located within the Village consistent with the planning and zoning goals of the Village. The College District regulations provide for uses and establish standards and requirements to guide the growth and development of these educational institutions in a manner that is consistent with the overall community character of the Village.

6-102 MAPPING RESTRICTION

The College District shall be mapped only on property lying between Half Day Road and Duffy Lane and west of the west lines of the Northeast Quarter of Section 19 and the Southeast Quarter of Section 18, both Township 43 North, Range 12 East of the Third Principal Meridian.

6-103 CAMPUS DEVELOPMENT PLAN

All development within the College District shall be in conformity with an approved Campus Development Plan meeting the requirements of Section 11-604 and Paragraph 11-301E12 of this Code.

6-104 PERMITTED USES

The following uses and no others are permitted as of right in the College District. See Section 11-501 of this Code regarding use interpretations.

A. Colleges (8221)

B. Theological Seminaries (8221)

C. Personal Wireless Services Antennae, provided that such antennae shall be mounted on an existing structure and be subject to the regulations of Section 9-110.

6-105 ACCESSORY STRUCTURES AND USES

Accessory structures and uses are permitted in the College District subject to the provisions of Section 9-101 of this Code.

6-106 TEMPORARY USES

Temporary uses are permitted in the College District subject to the provisions of Section 9-103 of this Code.
The following uses may be permitted in the College District subject to the issuance of a special use permit as provided in Section 11-602 of this Code and subject to the additional standards hereinafter set forth. See Section 11-501 of this Code regarding use interpretations.

A. Services

1. Day Care Centers (8351), subject to the following additional standards:

   (a) **Required Approvals.** No day care center shall be established without the prior licensing, certification, or other approval of every public agency charged with the regulation or supervision of any facet of the activity of the proposed center. Every application for a special use permit for a day care center shall set forth each agency that must approve the establishment or operation of the center and shall be accompanied by a formal acknowledgement of approval from each such agency. In the event any such approval has been delayed, the application shall set forth the status of each such application and shall state any facts known to the applicant that might have contributed to the delay of any required approval that has not been obtained as of the time of the filing of the application for a special use permit.

   (b) **Structure Type.** Every day care center shall be located in a structure having the appearance of a structure permitted in the College District. The type of construction shall be in compliance with the Bannockburn Building Code.

   (c) **Outdoor Play Area.** Unless waived by the Board of Trustees based on evidence of staggered usage by subgroups of all enrolled children, every day care center shall provide at least 75 square feet of open space per child, exclusive of areas occupied by recreational structures as well as any open space located within 200 feet of Half Day Road. The entire outdoor play area shall be completely enclosed by a fence or other suitable barrier sufficient to prevent access of children to neighboring properties or to traffic or other hazards.

   (d) **Landscape Buffer.** Trees and shrubs shall be planted and maintained around outdoor play areas to create a visual barrier from abutting residential properties and to absorb and diffuse noise.

   (e) **Recreational Devices.** No recreational device shall be located within 100 feet of any street or of abutting property used or zoned for residential purposes.
(f) **Financial Stability.** No special use permit for a day care center shall be granted unless the applicant therefor shall establish, to the satisfaction of the Board of Trustees, that there exists a reasonably certain source of continuous and sufficient funds to provide for the operation and maintenance of such facility in accordance with the representations of the application and the various standards applicable to such facility by reason of this Code and other laws and regulations.

B. **Other**

1. **Buildings Not Owned or Operated by a College,** subject to the following additional standards:
   (a) **College Operation Not Feasible.** Buildings may be owned or operated by non-college entities only if the college demonstrates to the satisfaction of the Board of Trustees that college ownership and/or operation is not feasible.
   (b) **Exclusive Educational Purpose.** Such buildings shall be used exclusively for college educational and related purposes.
   (c) **Internal Entrances.** Entrances to any such buildings shall be from private streets within the college grounds.

2. **Public Utility Stations,** subject to the following additional standards:
   (a) **Structure Appearance and Screening.** All buildings and structures either shall have exteriors that give the appearance of a structure permitted in the College District or shall comply with the buffer and landscape requirements applicable to non-residential uses abutting a residential district pursuant to Subsection 9-108H of this Code.
   (b) **Safety Fencing.** All such uses shall be fenced where any hazard to the safety of human or animal life is present.
   (c) **Service and Storage Prohibited.** No service or storage yard or building shall be permitted.

3. **Roof-mounted antennas and antenna support structures** in excess of the area, dimension, or height restrictions of Subparagraphs 9-101D8(d)(i) and (ii), subject to the limitations of Subparagraph 9-101D8(d)(iii).

4. **Uplink satellite dishes** for educational purposes only.

5. **Real estate signs** in excess of the size limitation of Subparagraph 9-106G12(c).
6. **Personal Wireless Services Antennae** mounted on support structures other than existing structures, provided that such antennae shall be subject to the regulations of Section 9-110, and provided further that the maximum height of any support structure shall not exceed a height of 75 feet.

7. **Non-Student Recreational Uses**, subject to the following additional standards:

   (a) **Duration**: A special use permit for non-student recreational uses shall be effective for one summer vacation season only. A new application for a special use permit for non-student recreational uses shall be filed before December 1st of the year prior to the summer vacation season for which a new special use permit is sought.

   (b) **Hours and Dates of Operations**: The hours and dates of the operation of the non-student recreational uses shall be restricted as follows, except as specifically authorized by a variation granted pursuant to Subparagraph 11-503E1(m) of this Code:

      (i) Use of the outdoor athletic fields shall be prohibited prior to 8:00 a.m. and after 7:30 p.m. on any day.

      (ii) Organized competitions shall be prohibited on the outdoor athletic fields after 5:00 p.m. on Saturday and Sunday and after 6:00 p.m., Monday through Friday.

   (c) **Group Size Restrictions**: The groups authorized to participate in the non-student recreational uses on the campus shall not exceed the following group size:

      (i) Youth Groups: 400 people

      (ii) Adult Conferences: 400 people (restricted to indoor uses only), except as specifically authorized by a variation granted pursuant to Subparagraph 11-503E1(1) of this Code.

      (iii) Basketball Camps: 200 people (restricted to indoor uses only)

      (iv) Soccer Camps: 170 people

      (v) Baseball Camps: 50 people.

      (vi) Football Camps: 70 people.

   (d) **Type of Authorized Uses**: The application for a special use permit shall specify the specific users or groups proposed to utilize the campus for the non-student recreational uses, as well as a
description of such user or group's uses of the campus, and only those users and groups approved in the special use permit ordinance shall be authorized to participate in the non-student recreational uses.

(e) **Use of Athletic Fields**: Not more than one user or group shall be permitted to use the athletic fields at any one time.

(f) **Supervision; Contact Person**: A college representative shall be required to supervise all non-student recreational uses. Further, the college shall designate a contact person to receive any complaints from Village residents or the Village regarding the non-student recreational uses.

(g) **Lighting**: No outdoor lighting shall be permitted for the non-student recreational uses on the campus.

(h) **Facilities**: The college shall provide adequate restroom facilities on the campus for, and in reasonably close proximity to, the non-student recreational uses. The locations of such facilities shall be subject to the review and approval of the Village prior to such installation.

(i) **Enforcement**: If, at any time during any summer vacation season, the Village Board determines, in its sole discretion, that the operation of the non-student recreational uses has violated any one or more of these conditions or restrictions, or any other Village ordinance or regulation, the Village shall have the right to order the college to cease all or any portion of the non-student recreational uses or to modify any use or operation to cure such non-compliance. Immediately upon notification of any noncompliance, the college shall either cease or modify its operations, as required by the Village.

6-108 **PARKING AND LOADING REQUIREMENTS**

The parking and loading requirements applicable in the College District are set forth in Sections 9-104 and 9-105 of this Code.

6-109 **SIGN REGULATIONS**

The sign regulations applicable in the College District are set forth in Section 9-106 of this Code.

6-110 **BUFFERYARDS, LANDSCAPING, AND SCREENING REQUIREMENTS**

Bufferyards, landscaping, and screening in the College District shall be provided in accordance with an approved Campus Development Plan as provided for in Subparagraph 11-301E12(d) of this Code.
6-111 USE LIMITATIONS

A. Educational Uses Only. All uses, except special uses approved in accordance with the provisions of this Code and except temporary uses pursuant to Paragraph 9-103D10 of this Code, established in the College District shall be owned and operated by a college or theological seminary exclusively for educational or related purposes.

B. Retail Uses Limited. Retail uses in the College District shall be limited to campus bookstores or similar establishments offering student supplies for sale and eating places within student housing or student union buildings.

C. Housing Occupation by Students and College Personnel Only. All housing provided in the College District shall be occupied only by registered students of that college or theological seminary or by that college or theological seminary's faculty, administrative staff, and employees and their families.

D. Non-Student Housing Limited. Non-student housing for administrative personnel shall be limited to a maximum of four dwelling units for the District and shall comply with the bulk and space regulations applicable in the A District.

E. Dwelling Facilities Limited. No more than 50% of the gross floor area in the College District shall be devoted to residential dwelling purposes; provided, however, that such percentage may from time to time be increased up to an absolute maximum of 55% so long as the Campus Development Plan indicates that the development of planned future non-residential buildings will reduce such percentage to 50% or less; and, provided further, that if at any time such percentage reaches 55%, no building permits shall be issued for any new structure in the College District designed in any part for residential dwelling purposes until such percentage has been reduced to 50% or less.

F. Temporary Facilities Prohibited. Temporary or mobile facilities, whether for classroom, office, educational or housing purposes, are prohibited.

G. Parking Lot Access. No access to or from any parking lot in the College District shall be via any public street other than Lakeside Drive.

H. No Thoroughfare. There shall be no thoroughfare through the College District connecting any two or more public or private roads not within the College District.

6-112 BULK, SPACE AND YARD REQUIREMENTS

In addition to the requirements set forth above, the building height, lot, setback and coverage requirements applicable in the College District are set forth in the following table. Footnote references appear in Subsection E of this Section at the end of the table.
A. **Maximum Height**, (1)(2)
   1. Feet (whichever is less) 35
   2. Stories 3

B. **Minimum Total Lot Area**, (acres) (5) 100

C. **Minimum Setbacks**, (3)(4)(5)
   1. Setback from centerline of Half Day Road (feet) 200
   2. Setback for structures and uses without structures other than parking and loading from district boundaries (feet) 100
   3. Setback for unstructured parking from residential areas (feet) 75
   4. Setback for unstructured loading (feet) 150

D. **Maximum Coverage**, (5)
   1. Building Coverage 20%
   2. Lot Coverage 50%

E. **Exceptions and Explanatory Notes**.
   1. **Height Exceptions**. Church steeples located more than 200 feet from the College District boundary may extend to a height of 70 feet.
   2. **Height Limitation for Accessory Structures**. No accessory structure shall exceed 15 feet in height; provided, however, that flagpoles may extend to a height of 10 feet above the highest point of the roof of the principal structure and the height of antennas shall be governed by Paragraph 9-101D of this Code.
   3. **Special Setbacks for Signs**. Special setbacks established for some signs by Subsections 9-106G and I of this Code shall control over the setbacks established in the table.
   5. **Credit for Right of Way Dedication**. For any zoning lot included within the College District that has any frontage along Half Day Road (Illinois Route 22), to the extent that any land from such lot is dedicated or otherwise conveyed for right-of-way purposes for Half Day Road, the Half Day Road lot line(s) for such lot shall be deemed to be the lot line(s) as
existed as of January 25, 2010. The pre-dedication lot area and dimensions of such lot shall be applied for purposes of calculating lot area, setbacks, building coverage, and lot coverage requirements; provided, however, that this provision shall not apply to any zoning lot from which additional right-of-way has been taken, dedicated, or otherwise conveyed beyond the rights-of-way lines set forth in the Illinois Department of Transportation Plats of Highway for Illinois Route 22, consisting of 16 pages, and dated September 22, 2008.
PUBLIC LAND AND BUILDINGS DISTRICT

7-101 PURPOSES

The Public Land and Buildings District (PLB District) includes public open space of notable size and quality within the Village as well as public buildings and buildings having purposes and impacts similar to public buildings. This District is intended to recognize, preserve, and protect the several major areas of public open space within the Village. In addition, the purpose of a separate District to regulate such areas is to avoid the problems inherent in treating public and institutional uses and buildings as permitted or special uses in zoning districts characterized by structures and uses bearing no similarity to such public and quasi-public uses and buildings. The PLB District regulations are intended to assure that any development in this district will complement the countryside character of the Village’s residential core.

7-102 PERMITTED USES

The following uses and no others are permitted as of right in the Public Land and Buildings District:

A. Public open space.

B. Any governmental activity or service or related civic use or purpose conducted within a building owned or leased by the Village.

C. Any governmental activity or service or related civic use or purpose conducted within a building owned or leased by a public body other than the Village and in existence in such building on or before January 1, 1996.

D. Personal Wireless Services Antennae, provided that such antennae shall be mounted on an existing structure or on any support structure located on a lot owned by the Village, and be subject to the regulations of Section 9-110.

E. Additional Personal Wireless Service Antennae mounted on any support structure for which a special use permit has previously been granted pursuant to Subsection 7-105H, provided that such additional Personal Wireless Service Antennae have first been approved by resolution of the Village Board. The Village Board may, in its sole discretion and as part of the resolution approving the additional antennae, approve the construction of structures accessory to the additional Personal Wireless Service Antennae within the otherwise-applicable minimum yards.

See Section 11-501 of this Code regarding use interpretations.

7-103 ACCESSORY STRUCTURES AND USES

Accessory structures and uses are permitted in the Public Land and Buildings District subject to the provisions of Section 9-101 of this Code.
7-104 TEMPORARY USES

Temporary uses are permitted in the Public Land and Buildings District subject to the provisions of Section 9-103 of this Code.

7-105 SPECIAL USES

The following uses may be permitted in the Public Land and Buildings District subject to the issuance of a special use permit as provided in Section 11-602 of this Code. See Section 11-501 of this Code regarding use interpretations.

A. Any governmental activity or service or related civic use or purpose conducted within a building owned or leased by a public body other than the Village and established after January 1, 1996.

B. Churches (8661)

C. Temples (8661)

D. Roof-mounted antennas and antenna support structures in excess of the area, dimension, or height restriction of Subparagraphs 9-101D8(d)(i) or (ii), subject to the limitations of Subparagraph 9-101D8(d)(iii)

E. Real estate signs in excess of the size limitation of Subparagraph 9-106G13(c)

F. Buildings on zoning lots that exceed the maximum floor area ratio established in Subsection 7-109D of this Code

G. Personal Wireless Services Antennae mounted on any support structure, but not greater than 100 feet in height, provided that such antennae shall be subject to the regulations of Section 9-110.

H. Personal Wireless Service Antennae mounted on any support structure, but not greater than 200 feet in height, but only if the support structure is located on a lot that (a) is owned by the Village, and (b) abuts Interstate 294, and provided that such antennae shall be subject to the regulations of Section 9-110. The Village Board may, in its sole discretion and as part of the special use permit, approve the construction of structures accessory to the Personal Wireless Service Antennae within the otherwise-applicable minimum yards.

7-106 PARKING AND LOADING REQUIREMENTS

The parking and loading requirements applicable in the Public Land and Buildings District are set forth in Sections 9-104 and 9-105 of this Code.

7-107 SIGN REGULATIONS

The sign regulations applicable in the Public Land and Buildings District are set forth in Section 9-106 of this Code.
BUFFERYARDS, LANDSCAPING, AND SCREENING REQUIREMENTS

The requirements relating to bufferyards, landscaping, and screening of certain uses and structures in the Public Land and Buildings District are set forth in Sections 9-107 and 9-108 of this Code.

BULK, SPACE, AND YARD REQUIREMENTS

The building height, lot, yard, setback, and floor area ratio requirements applicable in the Public Land and Buildings District are set forth in the following table. Footnote references appear in Subsection E of this Section at the end of the table.

A. **Maximum Height** (feet)(1)(2)(3) 32

B. **Minimum Lot Area and Dimensions** (1)(4)(5)(13)

1. **Total Lot Area** (square feet)
   - (a) Schools 160,000
   - (b) Libraries 160,000
   - (c) Churches 160,000
   - (d) Temples 160,000
   - (e) Public open space N/A
   - (f) All other uses 40,000

2. **Lot Depth** (feet)
   - (a) Public open space N/A
   - (b) All other uses 250

C. **Minimum Yards and Setbacks** (1)(6)(7)(8)(9)(13)

1. **Front and Corner Side** (feet)(10)
   - (a) Public open space N/A
   - (b) All other uses 100

2. **Other** (feet)(11)
   - (a) Public open space N/A
   - (b) All other uses 50

D. **Maximum Floor Area Ratio** (12)(13) .10
E. Exceptions and Explanatory Notes

1. Exception for Residential Structures. When any residential structure is located in a PLB District, it shall be subject to the bulk, space, yard, and floor area ratio regulations of the Residential District to which it is nearest adjacent.

2. Height Limitation for Accessory Structures. Except as provided in Paragraph 3 of this Subsection E, no accessory structure shall exceed 15 feet in height; provided, however, that flagpoles may extend to a height of 10 feet above the highest point of the roof of the principal structure and the height of antennas shall be governed by Subsection 9-101D of this Code.

3. Height Exceptions. Church steeples may extend to a height of 70 feet, and publicly owned antennas and antenna support structures may extend to such height as the Building Commissioner may approve as necessary to carry out the public function in question.

4. No Application to Existing Uses. These requirements apply only to uses established after the effective date of this Code. A use established prior to the effective date of this Code shall not be considered to be a nonconformity by reason of its failure to comply with these requirements, but shall be allowed to continue on its existing zoning lot or any expansion thereof zoned or rezoned for uses permitted in the PLB District.

5. Nonconforming Lots. See Section 10-105 of this Code for lot requirements with respect to legal nonconforming lots of record.

6. Yard Requirements for Uses Without Structures. On any lot occupied by a use without structures, the minimum front, side, and rear yard requirements that would otherwise be required for such lot shall be provided and maintained.

7. Permitted Obstruction in Required Yards. See Section 9-109 of this Code for certain structures and uses that may be located in certain required yards.

8. Special Yard and Setback Requirements for Recreational Devices. Recreational devices and play fields shall be set back a distance of 50 feet from all property lines.

9. Special Setbacks for Signs. Special setbacks established for some signs by Subsections 9-106G and H of this Code shall control over the yard and setback requirements established in the table.

11. **Side and Rear Yard Regulations for Accessory Structures and Uses.** Parking areas wherever located and other detached accessory structures and uses when located within the rear 20 percent of the lot shall not be required to maintain an interior side or rear yard or setback in excess of 5 feet; provided, however, that this regulation shall not apply to antennas and antenna support structures and provided further, however, that no accessory structure or use, or combination of such structures or uses, located within an otherwise required side or rear yard pursuant to this Paragraph shall occupy more than 30 percent of such required yard.

12. **No Application to Existing Structures.** This regulation applies only to structures erected after the effective date of this Code; provided, however, that no structure existing on such effective date shall be expanded in violation of this regulation.

13. **Credit for Right of Way Dedication.** For any zoning lot included within the Public Land and Buildings District that has any frontage along Half Day Road (Illinois Route 22), to the extent that any land from such lot is dedicated or otherwise conveyed for right-of-way purposes for Half Day Road, the Half Day Road lot line(s) for such lot shall be deemed to be the lot line(s) as existed as of January 25, 2010. The pre-dedication lot area and dimensions of such lot shall be applied for purposes of calculating lot area and dimensions, yards and setbacks, and floor area ratio requirements; provided, however, that this provision shall not apply to any zoning lot from which additional right-of-way has been taken, dedicated, or otherwise conveyed beyond the rights-of-way lines set forth in the Illinois Department of Transportation Plats of Highway for Illinois Route 22, consisting of 16 pages, and dated September 22, 2008.
FLOOD HAZARD OVERLAY DISTRICT

8-101 PURPOSES

The Flood Hazard Overlay District (FH District) is intended to minimize loss of life, property damage, health and safety hazards, pollution, government expenditures, and disruption to the economic and social well being of the community brought about by flooding. The Flood Hazard Overlay District and its regulations are established in compliance with the National Flood Insurance Program of the Federal Emergency Management Agency in order to make federally subsidized flood insurance more readily available within the Village.

8-102 OVERLAY DISTRICT

The Flood Hazard Overlay District appears on the zoning map as an “Overlay District” imposed on top of other districts created by this Code and referred to in this Article as “base districts.” Development of properties in the Flood Hazard Overlay District must comply both with the regulations of the Flood Hazard Overlay District and with the regulations of the base district in which they are located. When there is any conflict between the Flood Hazard Overlay District and the base district, the more restrictive provision shall control.

8-103 DEFINITIONS

For purposes of this Article, the following terms shall have the meanings herein ascribed to them:

A. **Base Flood.** The flood having a one percent chance of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. See Section 8-104.

B. **Base Flood Elevation (BFE).** The highest water surface elevation of the base flood. See Section 8-104.

C. **Compensatory Storage.** An artificially excavated volume of storage within the base flood area used to balance the loss of natural flood storage capacity when artificial fill or structures are placed within the floodplain.

D. **Flood, Flooded, or Flooding.** A general and temporary condition of inundation of normally dry land areas from the overflow or unusual and rapid accumulation or runoff of surface waters from any source.

E. **Flood Fringe.** The portion of the SFHA located between the boundaries of the floodway and the outside edge of the SFHA.

F. **Floodproofing.** Structural and nonstructural additions, changes, or adjustments to structures to eliminate or reduce flood damage to such structures and to water and sanitary sewer facilities.
G. **Flood Table Land.** Land adjacent to the SFHA with an elevation greater than the BFE by three (3) feet or less.

H. **Floodway.** That portion of the SFHA required to store and convey the base flood. The floodway for each of the SFHAs of the Village shall be according to the best data available to the Illinois State Water Survey Floodplain Information Repository.

I. **Riverine SFHA.** Any SFHA subject to flooding from a river, creek, intermittent stream, ditch, or any other identified channel. This term does not include areas subject to flooding from lakes (except public bodies of water, ponding areas, areas of sheet flow, or other areas not subject to overbank flooding).

J. **Special Flood Hazard Area (SFHA).** Those lands within or adjacent to the jurisdiction of the Village that are subject to inundation by the base flood. The SFHAs of the Village are generally identified as such on the current Flood Insurance Rate Map of the Village prepared by the Federal Emergency Management Agency dated June 15, 1979 as annotated to show changes made effective by a Letter of Map Revision (LOMR) dated May 25, 1989. The SFHAs of those parts of unincorporated areas that are within the extraterritorial jurisdiction of the Village or that may be annexed into the Village are generally identified as such on the current Flood Insurance Rate Maps prepared for Lake County by the Federal Emergency Management Agency dated November 3, 1982. To the extent that the Federal Emergency Management Agency prepares and approves any updated Flood Insurance Rate Map of the Village or of the unincorporated areas within the extraterritorial jurisdiction of the Village (or portions thereof) that delineates such SFHAs, such updated map shall establish the SFHAs for purposes of this Code.

K. **Structure.** For purposes of this Article, the definition of “structure” (see Section 12-206) shall include any recreational vehicle stored on a site for more than 180 days during any year.

L. **Substantial Improvement.** Any repair, reconstruction, or improvement of a structure that increases the gross floor area by more than 20 percent or the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. This term, however, does not include (i) any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (ii) any alteration of a structure or site documented as deserving preservation by the Illinois Historic Preservation Agency or listed in the National Register of Historic Places.

M. **Watercourse.** Any river, stream, creek, brook, branch, or other drainageway in or into which stormwater runoff and floodwaters flow either regularly or intermittently.
A. Maps Designated and Incorporated. The mapping of the Flood Hazard Overlay District and the requirements applicable to properties within the Flood Hazard Overlay District are based on, and the SFHAs and BFEs are shown on, the following maps and studies, which maps and studies are by this reference incorporated herein and made a part hereof:

1. The BFE for the SFHAs of watercourses within the Village shall be as delineated on the 100 year Flood Profiles in the current Flood Insurance Study of the Village prepared by the Federal Emergency Management Agency.

2. The BFE for each SFHA delineated on the Flood Insurance Rate Map of the Village shall be that elevation (or depth) delineated on said Flood Insurance Rate Map. When no base flood elevation exists, the base formulas presented in Depth & Frequency of Floods in Illinois published by the U.S. Geological Survey, 1976, shall be applied.

3. The BFE for the SFHAs of those parts of unincorporated areas that are within the extraterritorial jurisdiction of the Village or that may be annexed into the Village shall be as delineated on the Flood Insurance Rate Maps for relevant unincorporated areas of Lake County.

The SFHAs and BFEs shown on aforesaid maps and studies shall, except as provided in the following Subsections, be the data upon which the administration of the Flood Hazard Overlay District is based.

B. Conflicts in Data; Incomplete Data. In the event of any conflict in the data shown in the aforesaid maps, the Flood Profiles shall control in the absence of clear evidence that they are in error.

The BFE applicable to a specific parcel of land, if not otherwise depicted by the official maps and profiles incorporated in Subsection A of this Section, shall be that elevation established for the adjoining watercourse measured at right angles to the general direction of the flow in that watercourse. When a bend in a watercourse exists and more than one line can be placed at right angles to the parcel of land, the highest BFE resulting shall prevail.

C. Owner’s Right to Submit More Accurate Data. The maps and profiles incorporated in Subsection A of this Section shall be used in the administration of this Article whenever they provide the most accurate data available; however, the applicability of this Article to any specific parcel, whenever possible, shall be based on an accurate survey of the ground elevation of the specific parcel in question compared to the BFE. Any owner of land included in the Flood Hazard Overlay District shall be permitted to present data to the Building Commissioner to show that the property is not properly included within the Flood Hazard Overlay District or that it is not subject to any specific regulation of this Article that depends upon its specific elevation. The determination of the Building Commissioner based on such data shall in all instances control over the maps incorporated in Subsection A of this Section and over the exact location of the
Flood Hazard Overlay District as shown on the Zoning Map. Any such data relied upon by the Building Commissioner shall be submitted to the Illinois State Water Survey and the Federal Emergency Management Agency.

**8-105 CERTIFICATE OF ZONING COMPLIANCE REQUIRED**

A. **Certificate Required.** No use, development, or substantial improvement of any land within the Flood Hazard District, except as approved in connection with the issuance of a special use permit pursuant to Section 8-108, shall be permitted unless a Certificate of Zoning Compliance evidencing compliance of such use, development, or substantial improvement with the provisions of this Article shall have first been issued in accordance with Section 11-401 of this Code.

B. **Additional Application Requirements.** In addition to the data and information required pursuant to Section 11-301 of this Code, every application for a Certificate of Zoning Compliance for any use, development, or substantial improvement within the Flood Hazard Overlay District shall provide, unless waived by the Building Commissioner in accordance with the procedures set out in Subsection 11-301G of this Code, the following information:

1. A map or plan showing:
   (a) The location and cross-section of streams and other floodwater runoff channels on and adjacent to the subject property, their normal channels, the extent of the flood fringe and flood table land at the established BFE, and the limits of the floodway, all properly identified; and
   (b) The normal shoreline location and elevation of lakes, ponds, swamps, and detention basins on and adjacent to the subject property, including the flood fringe and flood table land and lines of inflow and outflow, if any; and
   (c) The location of any of the following structures on and adjacent to the subject property:
      (i) field drain tiles and their inlets and outlets;
      (ii) storm, sanitary and combined sewers, and sewer outlets;
      (iii) septic tank systems and outlets;
      (iv) seeps, springs, and wells;
      (v) underground cables, conduits, mains, or pipelines.

2. Profile scale engineering drawings of each stream, channel, pond, and basin showing:
(a) The elevation, slope, cross-sectional area, and type of streambed and channel banks, if any; and

(b) The size and elevation of waterway openings of existing culverts and bridges on and adjacent to the subject property; and

(c) The size and elevation of sewer and drain outlets in the stream, channel, or basin.

3. Plans showing the nature, location, dimensions, and elevation of the lot, existing structures, streets and parking lots, and proposed improvements and landscape treatments.

4. The BFEs (USGS Datum) for the subject property;

5. A topographic survey of the subject property showing the spot elevation and contours at one-foot intervals, both before and after the proposed development.

6. Information on the soil type and vegetation of the site.

7. All permits from those governmental agencies from which approval is required.

8-106 PROHIBITED USES

No use or development of any kind or nature whatsoever shall be allowed in any floodway.

8-107 PERMITTED USES

Subject to the issuance of a Certificate of Zoning Compliance as required by Section 8-105, the following uses and no others are permitted in the flood fringe and on flood table land provided they would be permitted in the underlying zoning district, do not require structures, fill, or storage of materials or equipment, do not occupy any space below the BFE, and do not adversely affect the efficiency or unduly restrict the capacity of the floodway:

A. Private lawns, gardens, and play areas.

B. Public parks, playgrounds, forest preserves, wildlife and nature preserves, hiking and horseback riding trails, and recreational areas.

C. Private and public tennis courts.

D. Accessory parking and loading areas.

8-108 SPECIAL USES

Uses other than those specified in Section 8-107 that are permitted in the underlying zoning district may be permitted in the flood fringe and on flood table land subject to the
issuance of a special use permit as provided in Section 11-602 of this Code and subject to the following additional standards:

A. **Standards for Uses Located in the Flood Fringe.**

1. **General Design.** All development proposals shall be designed to minimize flood damage to the proposed development site as well as to other properties.

2. **Adequate Drainage.** All development proposals shall provide adequate drainage pursuant to the Bannockburn storm and sanitary sewerage systems and facilities regulations so as to reduce exposure to flood hazards.

3. **Materials.** Structures shall be constructed with materials and utility equipment resistant to flood damage.

4. **Method.** Structures shall be constructed by methods and practices that minimize flood damage to other properties.

5. **Siting.** Structures shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood water. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of the flood flow, and, so far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

6. **Anchoring.** Structures shall be designed or modified and firmly anchored with corrosion resistant materials to prevent flotation, collapse, or lateral movement.

7. **Residential Structures.** All residential structures shall be constructed so that all habitable floor space, including any basement, shall be located at least three (3) feet above the BFE. All structural components below the BFE shall be watertight and designed to resist hydrostatic and hydrodynamic loads and the effects of buoyancy.

8. **Non-Residential Structures.** All non-residential structures shall either be elevated in the same manner hereinabove required for residential structures or shall be floodproofed in accordance with the provisions of Subsection 8-111B. All structural components below the BFE shall be watertight and designed to resist hydrostatic and hydrodynamic loads and the effects of buoyancy.

9. **Residential Site Elevation.** The elevation of all land located within five (5) feet of the perimeter of any residential structure shall be elevated at least one (1) foot above the BFE.
10. **Streets and Roadways.** Streets and roadways shall have a minimum centerline elevation of not less than the BFE.

11. **Public Utilities.** All public utilities and facilities, such as sewer, water, gas, and electrical systems shall be located, elevated, and constructed to eliminate flood damage and risk to human life and safety from factors such as gas leaks, electric shock, and pollution to the maximum extent feasible.

12. **Water Systems.** All new and replacement water supply systems shall be designed to eliminate infiltration of flood waters into the system to the maximum extent feasible.

13. **Sanitary Sewer Systems.** All new and replacement sanitary sewer systems shall be designed to eliminate infiltration of flood waters into the system and discharges from the system into flood waters to the maximum extent feasible.

14. **On-Site Waste Disposal Systems.** All new and replacement on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

15. **Fill.** The use of fill shall be permitted provided that a compensatory storage basin is constructed in the flood fringe in accordance with the requirements of Subparagraph 8-108A16 of this Section and that any such fill shall be:

   (a) no greater in quantity than the amount required to comply with the elevation requirements hereinabove set forth; and

   (b) placed in layers no greater than one (1) foot deep before compaction; and

   (c) protected against erosion and scour during flooding by year-round vegetative cover installed on slopes no steeper than three horizontal to one vertical, rip rap, or bulkheading; and

   (d) placed so as not to adversely affect the flow of surface drainage from or onto neighboring properties; and

   (e) installed in compliance with all other provisions of this Code and other applicable ordinances and regulations of the Village of Bannockburn.

16. **Compensatory Storage.** Whenever any development in any portion of an SFHA is authorized pursuant to this Article, the volume of space that is to be occupied by the authorized development below the BFE shall be compensated for and balanced by at least an equal volume of excavation...
taken from below the BFE. All compensatory storage basins shall meet the following requirements:

(a) The compensatory storage basin shall be of a size sufficient to contain a volume of water equal to that which will be displaced by fill.

(b) The compensatory storage basin shall be located below the ground and shall be no higher than the BFE and no deeper than (3) feet above the depth of the bottom of the watercourse.

(c) A drain shall be constructed from the bottom of the compensatory storage basin to the watercourse. For the purpose of this paragraph, a drain may be a pipe, ditch, or swale which allows a basin to be emptied by gravity.

(d) The compensatory storage basin shall be constructed on the same zoning lot as the use served; provided, however, that the Board of Trustees may permit such compensatory storage basin to be located in part on a different zoning lot or lots as the use served subject to the following conditions:

(i) at least ten percent (10%) of the compensatory storage volume shall be located on the same zoning lot as the use served;

(ii) any lot serving a portion of the compensatory storage basin shall, in the opinion of the Board of Trustees, be in close proximity to the zoning lot serving the development;

(iii) the compensatory storage basin shall be designed to permit a continuous and unobstructed flow of surface water throughout the entire basin;

(iv) the siting of a portion of the compensatory storage basin on a zoning lot different from the lot serving the development shall not, in the opinion of the Village Engineer, alter the drainage or cause flooding upon any other zoning lot;

(v) each lot upon which the compensatory storage basin is located shall be in common ownership or under common control at the time a development is approved;

(vi) an easement in a form acceptable to the Village shall be granted for the benefit of the zoning lot serving the development which allows the maintenance of the compensatory storage basin on, over, or across the zoning lot or lots serving such basin, which easement cannot be
terminated or otherwise modified without the express written approval of the Board of Trustees; and

(vii) such other conditions that the Board of Trustees may deem necessary or appropriate.

B. Standards for Uses Located on Flood Table Land.

1. Residential Structures. All residential structures shall be constructed so that all habitable floor space, including the basement, shall be located at least three (3) feet above the BFE.

2. Non-Residential Structures. All nonresidential structures shall either be elevated in the same manner hereinabove required for residential structures or shall be floodproofed in accordance with the provisions of Section 8-111B.

3. Residential Site Elevation. The elevation of all land located within five (5) feet of the perimeter of any residential structure shall be elevated at least one (1) foot above the BFE.

4. Fill. The use of fill shall be permitted, provided that the quantity of fill used shall be no greater than the amount required to comply with the elevation requirements set forth hereinabove.

8-109 GENERAL DEVELOPMENT STANDARDS FOR FLOOD HAZARD OVERLAY DISTRICT

A. Site Design. Streets, blocks, lots, parks, and public grounds shall be located and laid out in such a manner as to preserve and utilize natural watercourses and detention basins. Wherever possible, watercourses and the entire base flood area shall be included within parks or other public grounds.

B. Lots in SFHA. Land lying wholly or partially in the SFHA may be laid out and platted as lots, provided that a building site not lower than the BFE of sufficient area at such elevation for the proposed building (i) exists on the high part of the lot, or (ii) will be created during execution of the subdivision improvement plan through general excavation or filling, or (iii) can be provided with excavation taken from within the area of the lot.

C. Drainageways. Whenever plans call for the passage or storage of surface runoff or stormwater on lots, the grading of all such lots shall be prescribed and established as part of the subdivision plat. The areas so designated for the passage or storage of such waters shall not be obstructed. The limits of the high water levels resulting from the passage or storage of such waters on such lots shall be included on the plat of record and shall be protected by a recorded easement acceptable to the Village.
D. **Storage of Specified Materials Prohibited.** Storage of floatable materials or flammable, explosive, hazardous, toxic, or other pollutants that could be injurious to animal or plant life shall not be permitted in the Flood Hazard Overlay District.

E. **Anchoring of Recreational Vehicles.** Recreational vehicles to be stored in the SFHA for more than 180 days in any one year shall be tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act. See 210 ILCS 120/1 et seq.

F. **Watercourse Standards.** Notwithstanding any other provision of this Article, no watercourse shall be relocated or altered so as to reduce its flood carrying capacity. Prior to any proposed alteration or relocation of any watercourse, the Building Commissioner shall notify adjacent communities and the Illinois Department of Transportation, Division of Water Resources, and the Federal Emergency Management Agency of the proposed alteration or relocation of a watercourse.

### 8-110 DETERMINATION OF FLOOD HAZARD

Before making a recommendation to the Board of Trustees with respect to an application for a special use permit, the Plan Commission shall evaluate the flood hazard on the site proposed to be developed and shall determine what, if any, flood hazard could result from such development. The Plan Commission shall determine and consider whether:

A. A proposed development alone and in conjunction with existing or proposed developments will cause an increase in flood heights or velocities which may endanger life or property.

B. The proposed water supply and sanitation systems are adequate to prevent pollution and contamination.

C. A proposed development is susceptible to flood damage because of its design, siting, use of materials, or location.

D. A proposed development is compatible with existing, proposed, and anticipated development.

E. A proposed development will be readily accessible in times of flood.

F. The expected heights, velocity, duration, rate of rise, or sediment transport of the flood waters expected at the site will endanger life and property.

G. A proposed development alone or in conjunction with other proposed development will have an adverse impact on the health, safety, and welfare of Village residents by requiring large governmental expenditures for flood control facilities to protect such development from damage from flooding.

H. A proposed development complies with all other terms, conditions, and standards of the Flood Hazard Overlay District and the underlying zoning district.
A. **Conditions.** Upon consideration of the flood hazards of a proposed development and its site, the Plan Commission may recommend and the Board of Trustees may impose conditions upon the granting of a special use permit to further the purposes of this Article. Such conditions may include, without limitation:

1. Requirements for waste collection and disposal facilities.
2. Requirements for water supply facilities.
3. Requirements for constructions of dikes, levees, or other protective measures.
4. Floodproofing measures required for flood protection taking into consideration the elevation of a site compared to the BFE and the elevation of adjacent sites, and the flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, and any other relevant flood conditions on the site.

B. **Floodproofing.** The floodproofing measures which may be required may include, without limitation:

1. Installation of watertight doors, bulkheads, shutters, or similar methods of construction.
2. Reinforcement of walls to resist water pressures.
3. Use of paints, membranes, or mortars to reduce seepage of water through walls.
4. Addition of mass or weight to structures to resist flotation.
5. Installation of pumps to lower water levels in structures.
6. Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.
7. Installation of pumping facilities or comparable practices for subsurface drainage systems for structures to relieve external foundation wall and basement floor pressures.
8. Construction to resist rupture or collapse caused by water pressure or floating debris.
9. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm waters into structures.
10. Location of all electrical equipment, circuits, and installed electrical appliances in a manner which will assure they are not subject to flooding.

C. Other Submittals. As a condition to the granting of a special use permit hereunder, an applicant shall:

1. Acknowledge, in writing, that flood protection in excess of that required by this Article may be required to fully protect property subject to flooding and that neither the Village nor any officer or employee thereof shall be liable for any flood damages that may occur on property located in the Flood Hazard Overlay District.

2. If floodproofing is required as a condition to the grant of a special use permit as hereinabove provided, submit the written certification of a registered professional engineer or architect that the flood proofing required is adequate for the structure to withstand the flood depths, pressures, velocities, impact and uplift forces, and other flood hazards associated with the base flood.

8-112 APPLICATIONS FOR SPECIAL USE PERMITS

An applicant for a special use permit under this Article shall file with the Village Clerk, in addition to the items required by Sections 8-105 and 11-301, the following:

A. Four (4) copies of plans drawn to a scale of one (1) inch per one hundred (100) feet, showing the nature, location, dimensions, and elevation of the lot; existing or proposed structures, fill, and floodproofing measures; relationship of the above to the location of the watercourse; elevations or contours of the ground; pertinent structure or fill elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, parking areas, water supply, and sanitary facilities; and base flood elevation data for the site.

B. Elevations in relation to the benchmarks shown on the Flood Insurance Rate Map of the Village, or, if no such benchmark exists, mean sea level, of the lowest habitable floor, including the basement or cellar floor, and in the case of floodproofed structures, the elevations to which it will be floodproofed.

C. Plans for the construction of any required compensatory storage basin.

D. Plans for the construction of any required retention or detention storage, showing the relationship to compensatory storage.

E. The application shall also contain such other information or certification as reasonably may be required by the Building Commissioner, the Plan Commission, or the Board of Trustees in order to determine eligibility for permits or the flood hazards on the site and of the proposed development or to enforce the terms of this Code.

8-113 REPORTS AND RECORDS
A. **Annual Report.** To the extent required by federal, State, or local regulations other than this Code, the Building Commissioner shall provide the Board of Trustees, the Illinois Department of Transportation, Division of Water Resources, and the Federal Insurance Administration with an annual report on forms provided to the Village by the Federal Insurance Administration.

B. **Records.** The Building Commissioner shall maintain records of the following information concerning every structure hereafter constructed in the SFHA:

1. **Lowest Floor Elevation.** The elevation, as built, of the lowest opening and floor (including the basement or cellar floor).

2. **Floodproofed Elevation.** Where a structure has been floodproofed, the elevation, as built, to which the structure was floodproofed and the Engineers’ certificate as to the adequacy of such floodproofing.

### 8-114 DISCLOSURE STATEMENT

Upon the sale of property in the Village zoned in the Flood Hazard Overlay District or known to be in a designated SFHA, a disclosure statement shall be provided by the seller of such property to every potential buyer of such property stating that such property is all or partially designated as being in an area subject to periodic flooding.

### 8-115 DISCLAIMER OF LIABILITY

The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on historical records and engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This Article does not imply that areas outside the Flood Hazard Overlay District or land uses permitted within the District will be free from flooding or flood damage. This Article shall not create liability on the part of the Village or any officer, official, employee, agent, attorney, representative, or consultant thereof for any flood damage that may result from reliance on this Code or on any administrative decision, action taken, or inaction made hereunder. Nothing herein shall be construed to prevent any property owner from taking such additional, lawful measures (including non-use of flood-prone property) to protect against flood damage.
9-101 ACCESSORY STRUCTURES AND USES

A. Authorization. Subject to the limitations of this Section, and except as limited by the regulations of the district where located, accessory structures and uses are permitted in any zoning district in connection with any principal use lawfully existing within such district.

B. Definition. An accessory structure or use is a structure or use that:

1. Is subordinate in purpose, use, and floor area to, and serves, a principal structure or use; and

2. Is customarily incident to such principal structure or use; and

3. Contributes to the comfort, convenience, or necessity of those occupying, working at, or being served by such principal structure or use; and

4. Except as otherwise expressly authorized by the provisions of this Code, is located on the same zoning lot as such principal structure or use; and

5. Is under the same ownership and control as such principal structure or use.

C. Certificate of Zoning Compliance Required. When required by Subsection 11-401C of this Code, a Certificate of Zoning Compliance evidencing the compliance of the accessory use or structure with the provisions of this Code shall be obtained before any such accessory use or structure is established or constructed.

D. Special Regulations Applicable to Particular Accessory Structures and Uses.

1. Storage. Except as otherwise expressly permitted by this Code, outdoor storage shall not be allowed as an accessory use. When so permitted, such storage shall be screened as required by Subsection 9-108C of this Code. Accessory storage structures (other than parking garages and structures, barns, and stables) shall not exceed 120 square feet in gross floor area if accessory to a residential use; nor 10 percent of either the floor area or the volume of the principal structure if accessory to any other type of principal structure, nor 5 percent of the land area dedicated to any use not involving a principal structure.

2. Residential Recreational Facilities. Residential recreational facilities shall be limited to use by the occupants of the principal residential use and their guests and, when not fully enclosed in a building, shall be illuminated only by natural sunlight, except for minimum lighting requirements as established pursuant to the Building Code and approved by the Building Commissioner for safety purposes in connection with residential facilities. See Subsection 9-108E of this Code for landscaping and screening requirements applicable to such facilities.
3. **Dog Kennel Boarding.** The boarding of dogs shall be permitted only as an accessory use to a residential use on the same lot and may not involve the boarding of more than three dogs. Any dog boarded on a lot shall be included in the calculation of the total number of dogs kept, harbored, or otherwise maintained on a lot pursuant to Subsection 3-110D of the Zoning Code. The boarding of more than three dogs on a lot shall be deemed a public nuisance.

4. **Private Stables for Horses and Ponies.** The following provisions shall govern private stables, which shall be permitted only as accessory to a residential use on the same lot.

   (a) **Stable Required.** No horse or pony shall be kept on lot for any period of time without a stable meeting the requirements of this paragraph.

   (b) **Minimum Lot Area.** No private stable shall be located on a lot of less than 75,000 square feet.

   (c) **Location on Lot.** In no event shall any private stable be located in a front yard or within fifty (50) feet of any lot line.

   (d) **Screening Required.** No private stable shall be erected within one hundred fifty (150) feet of Telegraph or Wilmot Roads, or within one hundred thirty (130) feet of any other street, or within seventy-five (75) feet of any lot line, unless such private stable is adequately screened from such street or lot line by a densely planted hedge of not less than twelve (12) feet in height, or such other vegetative screen as may be approved by the Building Commissioner.

   (e) **Stall Size.** The box stall size for a private stable shall be not less than ten (10) feet by ten (10) feet; the standing stall size for a private stable shall be not less than four (4) feet by eight (8) feet; provided, however, that any enclosure designed for the purpose of sheltering horses or ponies shall be not less than two hundred (200) square feet in total area.

   (f) **Feeding.** The feeding, other than grazing in open pasture, of any horses or ponies maintained in connection with a private stable shall not be permitted within fifty (50) feet of any lot line.

   (g) **Paddocks Required.** No private stable shall be located on any lot without a paddock not less than forty (40) feet by twenty (20) feet in area into which the stable opens; and no paddock shall be located within seventy-five (75) feet of a well or above a septic field. All paddocks shall be of suitable construction to prevent the animals from leaving the enclosure. Paddocks may be enclosed with fencing, provided such fencing is not less than four (4) feet in...
height and contains not less than three (3) rails or three (3) strands of barbed wire.

(h) **Number of Horses or Ponies Permitted.** The maximum number of horses or ponies permitted to be sheltered in a private stable on a lot shall be determined in accordance with the following table:

<table>
<thead>
<tr>
<th>Lot Area (Square Feet)</th>
<th>Maximum Number of Horses or Ponies</th>
</tr>
</thead>
<tbody>
<tr>
<td>75,000 - 136,999</td>
<td>2</td>
</tr>
<tr>
<td>137,000 - 159,000</td>
<td>3</td>
</tr>
<tr>
<td>160,000 - 199,999</td>
<td>4</td>
</tr>
<tr>
<td>200,000 - 239,999</td>
<td>5</td>
</tr>
<tr>
<td>240,000 or more</td>
<td>6</td>
</tr>
</tbody>
</table>

(i) **No Commercial or Agricultural Use.** No private stable, or horses or ponies sheltered therein, or paddock used in connection therewith, shall be used for commercial or agricultural purposes.

(j) **Sanitation.** Horses and ponies kept in connection with a private stable shall be adequately sheltered and proper sanitation shall be maintained at all times. All open grain used for feeding shall be stored in metal or other rodent-proof receptacles.

(k) **Licensing.** All private stables shall be subject to such licensing provisions as may be prescribed from time to time by Village Ordinance.

(l) **Abandonment.** Notwithstanding the provisions of Article X of this Code, the authority to keep a horse or pony on a nonconforming lot, or the authority to maintain a nonconforming stable or paddock on a lot, will not be deemed extinguished, nor will such nonconforming stable be deemed abandoned, merely because such activities have been discontinued for a period of 12 consecutive months or more, so long as the facilities used for keeping a horse or pony remain suitable for such use during the period of discontinued activity.

5. **Parking Lots Prohibited in Residential Districts.** Parking lots shall not be permitted as an accessory use in any single family residential district.

6. **Off-Street Storage of Vehicles in Parking Garages and Areas in Residential Districts.** The following provisions shall govern the off street storage of all vehicles in all residential districts:
(a) **Storage Defined.** For purposes of this Paragraph, the term storage shall mean the parking of a vehicle for a continuous period of longer than eight hours.

(b) **Classification of Vehicles.** For purposes of this Code, vehicles shall be classified as follows according to size, regardless of the use to which the vehicle is put or intended or designed to serve and regardless of any other classification system made applicable to vehicles by any other governmental body:

(i) **Class I Vehicle:** A vehicle, other than a recreational vehicle, that does not exceed 20 feet in length; seven feet in width, and eight feet in height.

(ii) **Class II Vehicle:** A vehicle that is not a Class I vehicle and that does not exceed 23 feet in length, eight feet in width, or 10 feet in height and that, if used in commerce, does not exceed 8,000 pounds in gross weight, including vehicle and maximum load.

(iii) **Class III Vehicle:** A vehicle that is neither a Class I vehicle nor a Class II vehicle.

(c) **Storage of Vehicles in Garages:** Any number of Class I, Class II, or Class III vehicles may be stored in a garage in a residential district provided that said garage complies with all applicable provisions of this Code. Class II and Class III vehicles used in commerce shall be stored only in a completely enclosed garage.

(d) **Storage of Vehicles in Parking Areas.**

(i) **Maximum Number Permitted.** The maximum number of vehicles permitted to be stored in all parking areas on any lot in a residential district at any one time shall be as follows:

(A) Total Vehicles: four
(B) Class I Vehicles: four
(C) Class II Vehicles: one
(D) Class III Vehicles: one

(ii) **Location on Lot.** Vehicles may be stored in parking areas only in compliance with the provisions of Subparagraph D6 (e) of this Section and only in the following locations on a lot in a residential district:

(A) **Class I Vehicle:** Anywhere on the lot, including any required yard, except within five feet of any lot line or 25 feet of any roadway pavement.
(B) **Class II and Class III Vehicles:** Anywhere on the lot, including the required side and rear yards, but excluding the required front and corner side yards, and except within five feet of any lot line or 25 feet of any roadway pavement.

(e) **General Regulations and Standards:** The following standards and regulations shall apply to the storage of vehicles in parking areas on a lot in a residential district:

(i) **Surface.** No motorized vehicle shall be stored except on an all-weather, stone, gravel, asphaltic, or cement pavement surface.

(ii) **Screening.** See Section 9-108D of this Code for landscaping and screening requirements applicable to the storage of Class II and Class III vehicles on a lot in a residential district.

(iii) **Permanent Location Prohibited.** No vehicle shall have its wheels removed or be affixed to the ground so as to prevent its ready removal.

(iv) **Residential Use Prohibited.** No vehicle shall be used for living, sleeping, or housekeeping purposes.

(v) **Utility Hookups.** No vehicle shall be connected to any public utility except for required servicing.

(vi) **Unsafe Conditions.** No vehicle shall be parked or stored so as to create a dangerous or unsafe condition. The ground under or surrounding the location wherein a vehicle is stored shall be free of noxious weeds, debris, and combustible material.

(vii) **Commercial Identification Prohibited.** No vehicle with any exterior marking in excess of one square foot in area, measured as provided in Paragraph 9-106D11 of this Code, identifying or advertising a commercial enterprise shall be stored in any parking area on any lot in a residential district.

(f) **Inoperable Vehicles.** No vehicle incapable of being driven or used for the purpose or use for which it was designed shall be stored in any parking area.

(g) **Temporary Storage.** Notwithstanding any other provision of this Paragraph D6, any vehicle may be stored at any location on a lot in a residential district for a temporary period not to exceed 72 hours;
provided, however, that, unless authorized by the Building Commissioner based on special circumstances, no more than one such temporary period shall occur in any seven-day period. No Certificate of Zoning Compliance shall be required for such temporary storage.

7. Antennas With Surface Areas of 10 Square Feet Or Less. Antennas and antenna support structures having a combined surface area not greater than 10 square feet, and no single dimension exceeding 12 feet, shall be permitted as an accessory structure in all districts except the Retail District. Such antennas and antenna support structures shall be permitted in the Retail District only pursuant to subparagraph (a) of this Subsection or if authorized by a special use permit issued pursuant to Section 11-602 of this Code. See Subsection 9-108F of this Code for landscaping and screening requirements applicable to antennas.

(a) Personal Wireless Services Antennae and Related Equipment. Personal wireless services antennae and related equipment shall be permitted as an accessory structure on existing utility poles within the Retail District but only when located east of the center line of Waukegan Road and 500 feet or less of the center line of Half Day Road, subject to the requirements of this subparagraph.

(i) Number Limitation. Not more than one personal wireless services antenna or antenna support structure may be located on a single utility pole.

(ii) Attachment to Utility Poles; Limitations. No personal wireless services antenna or antenna support structure shall be attached to a utility pole unless all of the following conditions are satisfied:

a. **Size.** The personal wireless services antenna and related equipment shall not exceed seven (7) square feet in antenna surface area or seven (7) feet in any dimension.

b. **Height.** The personal wireless services antenna and related equipment shall not extend more than seven (7) feet above the height of the utility pole to which it is attached.

c. **Mounting.** The personal wireless services antenna and related equipment shall be designed to withstand a wind force of 100 miles per hour without the use of supporting guy wires.

d. **Color.** The personal wireless services antenna and related equipment shall be a color that blends with
the surroundings of the pole on which it is mounted. Any wiring on the pole must be covered with an appropriate cover or cable shield.

e. **Grounding.** The personal wireless services antenna and related equipment structure shall be bonded to a grounding rod.

f. **Other Standards.** The personal wireless services antenna and related equipment shall satisfy such other design and construction standards as are required by all applicable ordinances, codes, or regulations to ensure safe construction and maintenance of the personal wireless services antenna and its support structure.

(iii) **Separation and Setback Requirements.** Personal wireless services antennae and related equipment attached to a utility pole shall be located no closer than 100 feet to any residential building, and no closer than 500 feet from any other personal wireless services antenna, unless expressly authorized in writing by the Village Manager or the Manager's designee.

(iv) **Guy Wires Restricted.** No guy or other support wires shall be used in connection with such personal wireless services antenna or its related equipment.

(v) **Equipment Enclosures.** All electronic and other related equipment and appurtenances necessary for the operation of any personal wireless services antenna shall comply fully with all applicable codes and ordinances.

(vi) **Screening.** Personal wireless services antennae must be screened in accordance with Subparagraph 9-110(B)(7) to provide the maximum reasonably achievable screening, except that no screening shall be required for antennae or related equipment located more than nine (9) feet above grade.

(vii) **Licenses and Permits.** The provider of every personal wireless services antenna shall maintain all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of such antenna. In addition, any such operation shall provide copies of such licenses and permits and provide evidence of renewal or extension thereof when requested by the Village Manager.
(viii) **Abandonment and Removal.** When one or more personal wireless services antennae or related equipment are not operated for the provision of personal wireless services for a continuous period of 12 months or more, such personal wireless services antenna, antenna support structure, or related equipment may be deemed by the Village to be abandoned. The owner of such personal wireless services antenna or related equipment shall remove such abandoned items within 90 days following the mailing of written notice from the Village that removal is required. Such notice shall be sent by certified or registered mail, return receipt requested, by the Village to such owner at the last known address of such owner.

8. **Antennas, other than Amateur Radio Facilities, with Surface Areas Exceeding 10 Square Feet.** Antennas and antenna support structures, other than amateur radio facilities, having a combined surface area greater than 10 square feet, or having any single dimension exceeding 12 feet, shall be permitted as an accessory structure only in compliance with the following regulations:

(a) **R District Limitation.** No such antenna or antenna support structure shall be permitted in the Retail District unless authorized by a special use permit issued pursuant to Section 11-602 of this Code.

(b) **Number Limited.** Except when authorized by a special use permit in the C or R Districts, no more than one such antenna and antenna support structure may be located on any zoning lot.

(c) **Height Limited.** No such antenna or antenna support structure shall exceed 12 feet in height unless such antenna and antenna support structure is attached to a building pursuant to Subparagraph D8(d) of this Section.

(d) **Attachment to Buildings Limited.** No such antenna or antenna support structure shall be attached to a principal or accessory structure unless all of the following conditions are satisfied.

   (i) **Size.** The antenna and its support structure shall not exceed fifteen square feet in area or twelve feet in any dimension.

   (ii) **Height.** The antenna and its support structure shall not extend more than three feet above the highest point of the building on which it is mounted or the maximum building height of such building, whichever is less.

   (iii) **Size and Height Exceptions by Special Permit.** A roof-mounted antenna and antenna support structure which does
not otherwise meet the area, dimension, or height restrictions of Subparagraphs 8(d)(i) and (ii) above may be permitted in any non-residential district if authorized by a special use permit issued pursuant to Section 11-602 of this Code; provided, however, that such antenna and its support structure shall not exceed sixty (60) square feet in area, or fifteen feet (15’) in any single dimension, or the lesser of twelve feet (12’) in height above the highest point of the roof on which it is mounted or the maximum building height of the building.

(iv) **Mounting.** The antenna and its support structure shall not be attached or mounted upon any building appurtenance, such as a chimney. The antenna and its support structure shall not be mounted or attached to the front of any principal building or to the side of any building facing any street. The antenna and its support structure shall be designed to withstand a wind force of eighty miles per hour without the use of supporting guy wires.

(v) **Color.** The antenna and its support structure shall be a color that blends with the roof or building side on which it is mounted.

(vi) **Grounding.** The antenna and its support structure shall be grounded to a grounding rod.

(vii) **Other Standards.** The antenna and its support structure shall satisfy such other design and construction standards as are required in the Building Code and other applicable ordinances, codes, and regulations to ensure safe construction and maintenance of the antenna and antenna support structure.

(e) **Setback from Street.** No such antenna or its support structure shall be erected or maintained closer to any street than the wall of the principal building to which it is accessory that is nearest to such street.

(f) **Guy Wires Prohibited.** No guy or other support wires shall be used in connection with such antenna or its support structure except when used to anchor the antenna or support structure to an existing building to which such antenna or support structure is attached.

(g) **Screening.** See Subsection 9-108F of this Code for landscaping and screening requirements applicable to ground mounted antennas.
(h) **Certificate of Zoning Compliance Required.** No antenna or antenna support structure shall be constructed, erected or altered in any manner unless a Certificate of Zoning Compliance evidencing the compliance of such proposed antenna or antenna support structure with the provisions of this Code shall have first been issued in accordance with Section 11-401 of this Code.

(i) **Governmental Antennas.** The foregoing regulations shall not apply to antennas and antenna support structures owned or maintained by the Village, or to antennas and antenna support structures owned or maintained by other governmental bodies to the extent authorized by a special use permit.

9. **Amateur Radio Facilities.** Amateur radio facilities shall be permitted as an accessory structure only in compliance with the following regulations:

(a) **One Facility Per Lot; Special Permit Exception.** No more than one antenna support structure with an antenna surface area greater than 10 square feet or any single dimension exceeding 12 feet may be located on any zoning lot; provided, however, that one additional antenna support structure may be authorized by a special use permit issued pursuant to Section 11-602 of this Code for any lot in the A or B Districts so long as such additional support structure and its antennas, notwithstanding the provisions of Subparagraphs (b) and (c)(i) below, shall not exceed eighteen feet (18’) in height, measured from grade, nor ten (10) square feet in total surface area.

(b) **Height.** No amateur radio facility shall, if ground mounted, exceed 65 feet in height, or, if attached to a building pursuant to Subparagraph (c) below, the height therein specified.

(c) **Attachment to Buildings Limited.** No amateur radio facility shall be attached to a principal or accessory structure unless all of the following conditions are satisfied:

1. **Height.** The antenna and its support structure shall not extend more than twenty (20) feet above the highest point of the building on which it is mounted.

2. **Mounting.** The antenna and its support structure shall not be attached to or mounted upon any building appurtenance, such as a chimney. The antenna and its support structure shall not be mounted or attached to the front of any principal building or to the side of any building facing a street, including any portion of the building roof facing any street. The antenna and its support structure shall be designed to withstand a wind force of 80 miles per hour without the use of supporting guy wires.
(3) **Grounding.** The antenna and its support structure shall be grounded to a grounding rod or such other appropriate safety device as may be approved by the Building Commissioner.

(4) **Other Standards.** The antenna support structure shall satisfy such other design and construction standards as are required in the Building Code and other applicable ordinances, codes, or regulations to ensure safe construction and maintenance of the antenna and antenna support structure.

(d) **Setback from Street.** No amateur radio facility shall be erected or maintained closer to any street than the wall of the principal building to which it is accessory that is nearest to such street.

(e) **Setbacks from Adjacent Buildings.** No amateur radio facility shall be located nearer than one-half the height of the antenna and support structure to any habitable building on any adjacent property, or in any required side yard.

(f) **Certificate of Zoning Compliance Required.** No amateur radio facility shall be constructed, erected, or altered in any manner unless a Certificate of Zoning Compliance evidencing the compliance of the proposed antenna and antenna support structure with the provisions of this Code shall have first been issued in accordance with Section 11-401 of this Code.

(g) **Governmental Antennas.** The foregoing regulations shall not apply to amateur radio facilities owned or maintained by the Village, or to amateur radio facilities owned or maintained by other governmental bodies to the extent authorized by a special use permit.

10. **Exterior and Outdoor Lighting.** The purpose of this Paragraph 9-101D10 is to provide regulations that preserve and enhance the “dark at night” character of the Village. Any permitted accessory lighting fixtures shall be designed, arranged, and operated so as to prevent glare and direct rays of light from being cast onto any adjacent public or private property or street and so as not to produce excessive sky-reflected glare. It is the intent of this Paragraph to provide standards for appropriate lighting practices and systems that will (i) enable individuals to view essential detail to permit them to undertake their activities at night; (ii) facilitate safety and security of persons and property; and (iii) curtail the degradation of the nighttime visual environment.

(a) **General Exterior Lighting Regulations Applicable in All Zoning Districts.**
(i) Light Measurement. For purposes of this Paragraph, illumination on any lot shall be measured by holding a light meter both parallel (directed upward) and perpendicular (directed toward the light source) to the ground at a height of three feet above ground level on any point along the lot line. In addition, the “IESNA Guide for Photometric Measurement of Parking Areas,” prepared by the Illuminating Engineering Society of North America, shall govern the measurement of lighting in parking areas. The measurement of light output for any light source shall be based on the manufacturer’s specifications of the light source, and it shall be the Owner’s obligation to maintain such manufacturer’s specifications for purposes of demonstrating compliance with these regulations.

(ii) Property Line Illumination. No lot shall maintain or operate exterior lighting of such arrangement, intensity, or location that will permit the totality of light from such lot to exceed the following levels of illumination:

A. At a lot line between non-residential lots, the maximum illumination shall be 1.0 foot-candles.

B. At a lot line between a non-residential lot that abuts a residential lot, the maximum illumination shall be 0.5 foot-candles.

C. At a lot line between residential lots, the maximum illumination shall be 0.5 foot-candles.

(iii) Maximum Illumination of the Light Source. Except for public street lights, all exterior lighting shall meet the following applicable standards:

A. No Cutoff. When a light source has no cutoff or its cutoff produces an angle of cutoff that is greater than or equal to 75º, as depicted in Appendix 9-101D10-App. 1 to this Code, the maximum permitted light output per luminaire and the maximum permitted luminaire height shall be as follows:

<table>
<thead>
<tr>
<th>Use/District</th>
<th>Maximum Light Output (in lumens)</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>700</td>
<td>10 feet</td>
</tr>
<tr>
<td>Non-residential</td>
<td>1400</td>
<td>15 feet</td>
</tr>
</tbody>
</table>
B. **Full Cutoff.** When a light source has a cutoff that produces an angle of cutoff that is less than or equal to 30º, as depicted in Appendix 9-101D10-App. 2 to this Code, the maximum permitted light output per luminaire and the maximum permitted luminaire height shall be as follows:

<table>
<thead>
<tr>
<th>Use/District</th>
<th>Maximum Light Output (in lumens)</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>1400</td>
<td>20 feet</td>
</tr>
<tr>
<td>Non-residential</td>
<td>2800</td>
<td>25 feet</td>
</tr>
</tbody>
</table>

C. **Partial Cutoff.** When a light source has a cutoff that produces an angle of cutoff that is greater than 30º but less than 75º, as depicted in Appendix 9-101D10-App. 3 to this Code, the maximum permitted light output per luminaire and the maximum permitted luminaire height shall be as follows:

<table>
<thead>
<tr>
<th>Use/District</th>
<th>Maximum Light Output (in lumens)</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>1050</td>
<td>15 feet</td>
</tr>
<tr>
<td>Non-residential</td>
<td>1900</td>
<td>25 feet</td>
</tr>
</tbody>
</table>

(iv) No flickering or flashing lights shall be permitted.

(v) Light sources and luminaries shall not be located within required bufferyard areas except (A) on pedestrian walkways or (B) immediately adjacent to the edge of the driveway that serves as the primary access to a lot.

(vi) As a condition of receiving approval of any application subject to architectural review, an applicant shall be required to eliminate any nonconforming lighting unless a variation is granted to maintain such nonconforming lighting.

(b) **Exterior Lighting Regulations Applicable in the Residential Districts.** In addition to the general lighting restrictions set forth in Paragraph 9-101D10(a) above, the following restrictions shall apply to all exterior lighting on any lot in a Residential District:

(i) **Floodlights.** Floodlights are any light fixture or light source (including without limitation incandescent, metal
halide, sodium, or mercury vapor sources) that may incorporate a reflector or a refractor to concentrate the light output into a directed beam in a particular direction. Floodlights shall include but are not limited to security lighting, monument lighting, or other lighting commonly referred to as "dusk-to-dawn" lighting. Floodlights shall be permitted, subject to the following restrictions:

A. If a floodlight is used as landscape lighting, the regulations contained in Paragraph 9-101D10(b)(ii) shall apply.

B. No floodlight shall have a light source visible from beyond the property line.

C. All floodlights shall be shielded so as to prevent glare.

D. Floodlights may not be directed upward, but must be directed toward a building, structure, or site surface; provided, however, that no floodlight may be directed toward a vertical surface less than five feet from the light source, nor may such lighting be of such number, intensity, or arrangement so as to result in illuminating the entire façade of any building or structure (it being the intent of this provision that such lighting be employed merely to accent architectural elements of such façade).

E. No floodlight shall be illuminated between 12:00 a.m. and 7:00 a.m. unless it is activated by a motion sensor that is triggered by activity within the lot or security alarm that is operational for no longer than five minutes per activation.

(ii) Landscape Lighting. Landscape lighting is lighting located within or directed toward a tree, shrub, or other landscaped surface, including without limitation floodlights, pedestal lights, and other exterior lights that are not coach lights. Landscape lighting shall be permitted, subject to the following restrictions:

A. No landscape lighting shall have a light source visible from beyond the property line.

B. All landscape lighting shall be shielded so as to prevent glare.
C. If landscape lighting is directed toward a tree, shrub, bush, or any other natural feature that is not 100 percent opaque, the landscape lighting shall not be directed toward any neighboring property or public right-of-way, but instead must be directed toward the interior of the owner's property, the ground, or both the interior of the property and the ground.

D. Individual lights used for landscape lighting purposes must be appropriately spaced with at least ten feet between each individual light (it being the intent of this provision that such lighting be minimal in nature and be employed merely to accent landscaping elements).

E. No landscape lighting shall be illuminated between 12:00 a.m. and 7:00 a.m.

(iii) Coach Lights. Coach lights are decorative lighting fixtures mounted on a structure, including without limitation a pole or wall. Coach lights shall be permitted, subject to the following restrictions:

A. A coach light fixture shall not be mounted at a height exceeding eight feet, which height shall be measured from the top of the coach light fixture to grade, or if the coach light fixture is mounted on a structure adjacent to, or is mounted on, a deck or porch, the height shall be measured from the top of the coach light fixture to the deck or porch floor, or if the coach light fixture is mounted for a second floor balcony, the height shall be measured from the top of the coach light fixture to the floor of the balcony.

B. Coach lights shall be (i) surrounded on all sides by a textured glass or frosted glass light fixture or (ii) each bulb used in a coach light fixture shall be frosted so as to diffuse glare.

C. With the exception of coach lighting located immediately adjacent to the edge of the driveway that serves as the primary access to a lot, no coach lighting shall be illuminated between 12:00 a.m. and 7:00 a.m. unless it is activated by a motion sensor that is triggered by activity within a lot or security alarm that is operational for no longer than five minutes per activation.
(iv) **Governmental Lighting.** Exterior lighting erected by the Village on any lot in a Residential District or any other zoning district shall not be subject to the provisions of this Section 9-101D10.

11. **Uses Subject to Special Restrictions.** When the district regulations of this Code require compliance with any procedures or standards with respect to a specific use, such use shall not be established as an accessory use except in compliance with those procedures and standards.

12. **Tree Houses.** Tree houses shall be authorized only in the residential districts of the Village in accordance with the following regulations:

   (a) Except as otherwise provided in Subparagraph 9-101D12(b), a tree house shall be permitted as an accessory structure on any zoning lot, provided that each of the following conditions are satisfied:

   (i) The tree house has a total floor area not exceeding fifty (50) square feet;

   (ii) The floor-to-ceiling height of the tree house shall not exceed six feet;

   (iii) The maximum building height of the tree house does not exceed 25 feet above grade;

   (iv) The tree house complies with the applicable rear and side yard setbacks for accessory structures (except for the limitation on maximum building height); and

   (v) The tree house satisfies all of the requirements of Subparagraph 9-101D12(c).

   No building permit or certificate of zoning compliance shall be required for any tree house that complies with each of the foregoing conditions, and such tree houses shall not be included in the calculation of maximum gross floor area allowable for such zoning lot.

   (b) Any tree house that either:

   (i) has a total floor area exceeding 50 square feet,

   (ii) has a floor to ceiling height exceeding six feet,

   (iii) has a height extending more than 25 feet above grade,

   (iv) does not comply with the applicable rear and side yard setbacks for accessory structures, or
(v) notwithstanding any other provision in this Paragraph 9-101D12, is served with any utility service, including without limitation, electricity, cable television, or telephone service,

shall only be permitted as an accessory structure on a zoning lot upon issuance of a special use permit. Any such special use permit shall set forth the allowable location of such tree house and such conditions and limitations as the Village may deem appropriate, including any appropriate landscaping and screening requirements. Such tree houses shall comply with the requirements of Subparagraph 9-101D12(c) and shall be included in the calculation of maximum gross floor area allowable for such zoning lot.

(c) No tree house shall be permitted to extend higher than the principal residence on the lot nor in any event more than 35 feet above grade. Nor shall any tree house be located between a front lot line or corner side lot line and the nearest wall of the principal building on the zoning lot. Not more than one tree house shall be permitted per zoning lot.

13. **Chickens.** The keeping of chickens (but no roosters or other poultry or fowl) shall be permitted only as an accessory use to a residential use on the same lot, subject to the provisions of this section. On lots where the keeping of chickens is permitted, chicken enclosures, coops, and runs shall be permitted only as accessory structures, subject to the provisions of this section. This subparagraph does not apply to or prohibit the keeping of swans on residential lots.

(a) **Enclosure required.** All chickens must be kept in an enclosure that includes a coop with a lock or latch and a fully fenced run. Chickens may only graze or exercise outside of such enclosure under the direct supervision of the occupant of the residence, and in all circumstances chickens shall be at all times confined to the same lot or parcel as the principal use. Coops shall provide a minimum area of 3 square feet per bird, and runs shall provide a minimum of 8 square feet per bird. Coops must provide roosting platforms that are at least 3 feet above the ground surface.

(b) **Location on Lot.** Chicken enclosures may be fixed or moveable, but must at all times meet the minimum setback requirements applicable to the principal structure on the lot as prescribed by the underlying zoning requirements, for front, side, and rear yards. Coops must be located behind the principal structure and the front yard line on any residential lot or parcel at all times.

(c) **Minimum Lot Area.** In no event shall any chickens be kept on a lot of less than one acre.
(d) **Number.** No more than 7 chickens may be kept on any lot, provided, however, that no more than 5 chickens may be kept on any lot of 3 acres or less.

(e) **Planned Unit Developments.** For the purpose of this section, lots and/or parcels, developed as part of a residential Planned Unit Development (PUD) shall be considered as lots or parcels in a residential zoning district and subject to these regulations provided the approval ordinance for such a PUD does not prohibit or further restrict the keeping of chickens as part of that approval. In the case of conflict between an approved PUD ordinance and this section, the stricter of the two shall apply.

(f) **Sanitation.** Chickens must be adequately sheltered and fed, and proper sanitation must be maintained at all times. Enclosures and grazing areas shall be cleaned regularly and kept in a neat and sanitary manner. Chicken feed shall be securely stored in sealed rodent proof containers.

(g) **Prohibited Activities.** The keeping of chickens as an accessory use does not include, without limitation, the following activities, which are prohibited:

(i) Slaughtering of chickens:

(ii) On-site sale of eggs.

(h) **Nuisances.** All chickens, enclosures, coops, runs, and grazing areas must comply with all Village nuisance regulations, including but not limited to those directed toward animals, noise, odor, pests, cleanliness, and unsightliness.

(i) **Screening.** Property owners must install sufficient screening to minimize visibility of enclosures to the street and neighboring property owners. To be deemed sufficient, screening must:

(i) be located between the enclosure and every lot line on the property;

(ii) be composed of plantings, materials, or structures at least six feet in height that obstruct the view from neighboring properties and streets and provide an opacity value of 100% throughout the entire year as defined by Subparagraph 9-107(D) of this Code; and

(iii) be consistent with the character of the neighborhood.

(j) **Licensing; Enforcement.** The keeping of chickens and all chicken enclosures, coops, and runs are subject to such licensing or
permitting provisions as may be prescribed from time to time by Village Ordinance.

(k) **Architectural Review.** The construction or installation of new chicken enclosures pursuant to this subparagraph shall be subject to Architectural Review, as provided by Section 11-606 of this Code, to confirm that such enclosures meet the minimum standards and requirements of this subparagraph and any other applicable requirements and otherwise complies with the procedures and standards set out in Section 11-606.

E. **Use, Bulk, Space, and Yard Regulations.** Except as expressly provided otherwise in this Section, every accessory structure and use shall comply with the use, bulk, space, and yard regulations made applicable to them by the regulations of the district in which they are located.

F. **Use Limitation.** No accessory structure or use shall be constructed, established, or maintained on any lot prior to the substantial completion of construction of the principal structure to which it is accessory.

9-102 **HOME OCCUPATIONS**

A. **Authorization.** Subject to the limitations of this Section, any home occupation that is customarily incidental to the principal use of a building for residential purposes shall be permitted in any dwelling unit or permitted accessory structure.

B. **Definition.** A home occupation is a business, profession, occupation, or trade that:

1. Is conducted for gain or support by a full-time occupant of a dwelling unit; and

2. Is incidental and secondary to the use of such dwelling unit or permitted accessory structure, as the case may be, for residential purposes; and

3. Does not change the essential residential character of such dwelling unit, or permitted accessory structure.

C. **Certificate of Zoning Compliance Required.** No home occupation shall be established or maintained unless a Certificate of Zoning Compliance evidencing the compliance of such home occupation with the provisions of this Code shall have first been issued in accordance with Section 11-401 of this Code.

D. **Use Limitations.**

1. **Employee Limitations.**

   (a) The entrepreneur of every home occupation shall be domiciled in the dwelling unit on the lot where such home occupation is conducted.
(b) No more than one person who is not domiciled in the dwelling unit on the lot where a home occupation is conducted shall be employed in connection with, or otherwise participate in the operation of, such home occupation. This limitation shall not apply to employees who do not work on the lot where such home occupation is conducted.

2. Structural Limitations.

(a) No alteration of any kind shall be made to the dwelling unit or accessory structure where a home occupation is conducted that would change its residential character, including the enlargement of public utility services beyond that customarily required for residential use.

(b) No separate entrance shall be provided in connection with the conduct of any home occupation.

3. Operational Limitations.

(a) Every home occupation other than day care shall be conducted wholly within a principal dwelling unit or permitted accessory structure.

(b) No more than a total of 500 square feet of floor area (exclusive of garage floor area devoted to permissible parking of vehicles used in connection with the home occupation) of any dwelling unit and/or permitted accessory structure shall be devoted to the conduct of a home occupation.

(c) No more than 30 percent of the floor area (exclusive of garage floor area devoted to permissible parking of vehicles used in connection with the home occupation) of any permitted accessory structure shall be devoted to the conduct of a home occupation.

(d) No routine attendance of patients, clients, subcontractors, or employees associated with any home occupation shall be allowed at the premises of the home occupation except that attendance of up to four children at any one time may be allowed at a day care home and that the attendance of up to two children at any one time may be allowed for the purpose of receiving private instruction in any subject or skill. “Routine attendance” means that the conduct of the home occupation requires non-domiciled persons to visit the premises of the home occupation as part of the regular conduct of the occupation, without regard to the number, frequency, or duration of such visits.

(e) No mechanical, electrical, or other equipment that produces noise, electrical or magnetic interference, vibration, heat, glare,
emissions, odor, or radiation outside the dwelling unit or any permitted accessory structure that is greater or more frequent than that typical of equipment used in connection with residential occupancy shall be used in connection with any home occupation.

(f) No outdoor storage shall be allowed in connection with any home occupation.

(g) No refuse in excess of the amount allowable for regular residential pick-up shall be generated by any home occupation.

(h) Not more than one vehicle used in commerce shall be permitted in connection with any home occupation and any such vehicle shall be stored in an enclosed garage at all times. Any other vehicles used in connection with any home occupation shall be subject to the requirements of Paragraph 9-101D6 of this Code.

4. **Signage and Visibility.**

(a) No sign shall advertise the presence or conduct of any home occupation.

(b) No home occupation shall be in any manner visible or apparent from any public or private street.

5. **Traffic Limitations.** No home occupation shall generate more vehicular or pedestrian traffic than is typical of residences in the area.

6. **Nuisance Causing Activities.** In addition to the foregoing specific limitations, no home occupation shall cause or create any nuisance, or be noxious, offensive, or hazardous.

7. **Licensing Requirements.** Every home occupation shall be subject to all applicable business licensing and inspection requirements.

### 9-103 TEMPORARY USES

A. **Authorization.** Subject to the limitations of this Section, temporary uses as hereinafter specified are permitted in the zoning districts hereinafter specified.

B. **Definition.** A temporary use is a use that:

1. Is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time; and

2. Does not involve the construction or alteration of any permanent structure.

C. **Certificate of Zoning Compliance Required; Special Standards for Issuance and Revocation.**
1. **Certificate Required.** Except as provided in Paragraphs D1 and D7 of this Section, no temporary use shall be established or maintained unless a Certificate of Zoning Compliance evidencing the compliance of such use with the provisions of this Code shall have first been issued in accordance with Section 11-401 of this Code.

2. **Bases for Certificate Denial.** Such a Certificate of Zoning Compliance may be denied if the Building Commissioner determines that the applicant has failed to comply with the terms or conditions of any previously issued zoning certificate for a temporary use or that the permanent use of the subject property fails to comply in all respects with the provisions of this Code and all other Village ordinances regulating the development, use, and maintenance of such property. Such a certificate shall be denied if the Building Commissioner determines that the public health, safety, or welfare would be, or may reasonably be expected to be, impaired by the issuance thereof.

3. **Conditions on Certificate.** Such a Certificate of Zoning Compliance may be conditioned upon such special requirements as the Building Commissioner may determine are necessary to achieve the purposes of this Code and to protect the public health, safety, and welfare.

4. **Revocation of Certificate.** Such a Certificate of Zoning Compliance shall be revoked if any of the standards and conditions imposed pursuant to this Section, or such certificate, are violated.

D. **Permitted Temporary Uses.** Subject to the specific regulations and time limits that follow and to the other applicable regulations of the district in which the use is permitted, the following temporary uses and no others are permitted in the zoning districts herein specified:

1. **House, Garage, and Yard Sales:** In the A and B Districts, but only when limited to the personal possessions of the owner-occupant of the dwelling unit at which such sale is being conducted. Such use shall be limited to a period not to exceed three consecutive days, and no more than two such sales shall be conducted from the same residence in any 12-month period. No Certificate of Zoning Compliance shall be required for such use.

2. **Indoor and Outdoor Art, Craft, and Plant Shows, Exhibits, and Sales:** In the Retail, Office, College, or PLB Districts; provided, however, that any such use shall require the specific prior approval of the Building Commissioner on the basis of the adequacy of the parcel size, parking provisions, and traffic access and the absence of undue adverse impact on other properties. Every such sale shall be limited to a period not to exceed three days. In addition, any shows, exhibits, and sales in the College District shall be sponsored and operated by a college or divinity school organization and shall be subject to such other conditions and regulations that the Building Commissioner may establish for the purposes of
preserving and protecting the essential character and objectives of the College District.

3. **Outdoor Activities Specifically Authorized by Special Use Permit**: In the Retail District only. Such use shall be limited to a period not to exceed ten days unless a longer period is specified in the Special Use Permit.

4. **Christmas Tree Sales**: In the Retail District; and, when conducted by a not-for-profit religious, philanthropic, or civic group or organization on property owned or leased by such group or organization, in the Office or PLB District; provided, however, any such use shall require the specific prior approval of the Building Commissioner on the basis of the adequacy of the parcel size, parking provisions, and traffic access and the absence of undue adverse impact on other properties. Such use shall be limited to a period not to exceed 30 days. Display of Christmas trees need not comply with the yard requirements of this Code.

5. **Contractors’ Offices and Equipment Sheds**: In any district when accessory to a construction project. No such use shall contain any sleeping or cooking accommodations. Such use shall be limited to a period not to exceed the duration of the active construction phase of such project, and in no event longer than one year unless extended by the Building Commissioner upon a showing of special circumstances. Such use shall be limited to activities related to the development in which such office is located, and no such office shall be used as the general office or headquarters of any firm.

6. **Real Estate Offices, Including Model Units**: In any district when accessory to a new development. No such use shall contain any sleeping or cooking accommodations unless located in a model dwelling unit. Such use shall be limited to the period of the active selling or leasing of units or space in such development, and in no event longer than one year unless extended by the Building Commissioner upon a showing of special circumstances. Such use shall be limited to activities related to the development in which such office is located, and no such office shall be used as the general office or headquarters of any firm.

7. **Tents**: In any district, in connection with any permitted, accessory, temporary, or special use. No tent shall be allowed to remain for a period of more than two days longer than the period during which the use with which it is associated is allowed to remain or, in the absence of any such period, 10 days. Unless waived in writing by the Building Commissioner, every tent shall comply with the bulk, yard, and space requirements applicable to accessory uses pursuant to Subsection 9-101E of this Code. No Certificate of Zoning Compliance shall be required for tents located to the rear of the dwelling in the A or B Districts.

8. **Civic Uses of Public Property**: In the PLB district, any civic use of any public building or property when authorized by the governmental agency.
owning or controlling such property; provided, however, that no such use shall impose an undue adverse effect on neighboring streets or property.

9. **Temporary Pool and Garden Enclosures.** In the Residential Districts only, and only when specifically authorized by a special use permit. No temporary pool or garden enclosure shall be allowed except in accordance with the following standards:

(a) **Appearance.** All such enclosures shall be constructed of a clear, transparent material.

(b) **Uses.** Such enclosures shall be limited to use as a cover for pools and garden areas only.

(c) **Location.** All such enclosures and any related equipment shall be located to the rear of the principal building on the lot and, unless a variation is granted, shall otherwise comply with the yard and setback requirements for residential recreational facilities in the applicable zoning district.

(d) **Height.** No such enclosure shall be permitted to exceed a maximum building height of fifteen (15) feet.

(e) **Screening.** All such enclosures and related equipment shall be required to be screened in the manner required for residential recreational facilities in Subsection 9-108E of this Code.

(f) **Noise.** All such enclosures and any related equipment shall be constructed and located so as to minimize the noise impact to surrounding properties. Any mechanical equipment for a pool or garden enclosure shall be located at least 25 feet from each lot line.

(g) **Duration.** No such enclosure shall be permitted between 1 April and 31 October in any year.

(h) **Conformity with Other Zoning Regulations.** No such enclosure shall be permitted if it causes any aspect of a lot to be in violation of any provision of the Zoning Code; provided, however, that the floor area of the enclosure shall not be added to the floor area of all other permanent structures on the zoning lot for purposes of calculating the allowable gross floor area on such lot.

(i) **Expiration of Certificate of Zoning Compliance.** Every certificate of zoning compliance for a pool or garden enclosure shall expire no later than 1 April of each year. No pool or garden enclosure may be re-erected unless and until a new certificate of zoning compliance is issued therefor. Issuance of an certificate of zoning compliance for a temporary pool or garden enclosure shall not
entitle an owner to issuance of a certificate of zoning compliance in the future.

10. **Civic Uses in the College District.** In the College District, any civic use that is hosted by or that primarily serves residents or businesses of the Village, when authorized by the person that owns or controls such property, and only in accordance with the following:

   (a) Notwithstanding Subsection 9-103C or Section 11-401 of this Code to the contrary, the person that owns or controls the subject property shall notify the Building Commissioner and the Village Manager of each proposed civic use not less than 24 hours prior to the commencement of any civic use, and not less than 30 days prior to the commencement of any civic use at which 50 or more persons are expected to be in attendance, unless such 30-day notice period is waived by the Building Commissioner in his or her sole and absolute discretion;

   (b) The Building Commissioner shall have the right to reject any Certificate of Zoning Compliance upon a determination that the proposed civic use will adversely affect the public health, safety, or welfare;

   (c) No portion of any civic use operated pursuant to this Paragraph 9-103D10 shall be conducted outdoors;

   (d) No civic use operated pursuant to this Paragraph 9-103D10 shall commence prior to 7:00 a.m. nor conclude after 11:59 p.m. on any day.

   (e) No attendee or participant in any civic use operated pursuant to this Paragraph 9-103D10 shall be provided with overnight accommodations on the subject property for any night immediately before, during, or immediately after the civic use;

   (f) A representative of the owner or person in control of the subject property shall be present at all times during the operation of a civic use pursuant to this Paragraph 9-103D10;

   (g) To the extent that the temporary use involves activities that will be subject to taxation (including without limitation a retailers' occupation tax, a service occupation tax, or a use tax), the owner of the subject property shall be responsible for (i) demonstrating to the Building Commissioner and Village Manager that appropriate procedures are in place for assuring that such taxes will be properly recorded as having occurred in the Village, (ii) requiring the collection and payment of taxes, and (iii) reporting to the Village that such taxes have been collected, paid, and recorded as having taken place within the Village; and
(h) No alcohol shall be provided or consumed at any civic use operated pursuant to this Paragraph 9-103D10.

To the extent that the owner of a subject property fails to abide by the requirements of this Paragraph in one instance, such failure will be adequate grounds for denying future requests for certificates of zoning compliance pursuant to this Paragraph.

E. **Bulk, Space, and Yard Regulations.** Except as expressly provided otherwise in Subsection D of this Section, every temporary use shall comply with the bulk, yard, and space regulations applicable in the district in which such temporary use is located.

F. **Use Limitations.**

1. **General Limitations.** Every temporary use shall comply with the limitations made applicable to specified temporary uses by Subsection D of this Section. No temporary use shall be permitted in any district if it would have a significant negative impact, including aesthetic impact, on any adjacent property or on the area, as a whole, in which it is located.

2. **Hours and Days of Operation.** The Building Commissioner may designate the specific hours and days of the week during which a temporary use may operate on the basis of the nature of the temporary use and the character of the surrounding area.

3. **Public Safety.** No temporary use shall be permitted that can be expected to create any undue on-site or off-site threat to public safety. No temporary use shall be operated except in accordance with any restrictions and conditions that may be imposed to eliminate any such threat. If required by the Building Commissioner, the operator of the temporary use shall employ a fire watch team and/or appropriate security personnel.

4. **Traffic.** No temporary use shall be permitted if additional vehicular traffic reasonably expected to be generated by such temporary use would have undue detrimental effects on surrounding streets and uses.

5. **Conflicts with Other Temporary Uses.** No temporary use shall be permitted if such use would conflict with another previously authorized temporary use.

6. **Temporary Use Sign Limitations.** No signs shall be permitted in connection with a temporary use authorized pursuant to Paragraph D3 of this Section except and to the extent authorized in the applicable Special Use Permit. Other signs shall be located only on the same zoning lot as the temporary use, be limited to no more than one per street frontage, be set back at least six feet from the front lot line, be no larger than six square feet in area in any residential district or 15 square feet in area in any other district. Such signs shall be of sturdy construction and not be detrimental
to the character of the area, and shall comply with any special conditions specified in the Certificate of Zoning Compliance. Such signs shall not be erected sooner than 24 hours before the commencement of the temporary use and shall be removed within 24 hours following the termination of the temporary use. Notwithstanding any provision of this Paragraph 6 to the contrary, a temporary use sign in the Office District may be of a size no larger than 50 square feet, and may be erected for a period not to exceed 60 days, but only (a) if located on a zoning lot that is owned in whole or in part by the Village, or on a zoning lot that abuts both Waukegan Road and a high school, and (b) upon prior approval by the Board of Trustees, by resolution duly adopted.

7. Parking. Before approving any temporary use, the Building Commissioner shall make an assessment of the total number of off-street parking spaces that will be reasonably required in connection with the proposed temporary use, on the basis of the particular use, its intensity, and the availability of other parking facilities in the area, and shall approve such temporary use only if such off-street parking is provided. No temporary use shall be authorized that would, in the opinion of the Building Commissioner, unreasonably reduce the amount of off-street parking spaces available for use in connection with permanent uses located on the zoning lot in question.

8. Additional Conditions. Every temporary use shall, in addition, comply with, and the Building Commissioner may impose, such other conditions as may be reasonably necessary to achieve the purposes of this Code or to protect the public health, safety, and welfare.

9-104 OFF-STREET PARKING

A. Authorization. Subject to the limitations of this Section 9-104 and Paragraphs 9-101D5 and 9-101D6 of this Code, off-street parking is permitted as an accessory use in all districts. Off-street parking is not permitted as a principal use in any district. Nothing in this Section shall be construed to limit the right of any person to provide off-street parking in excess of the requirements herein established but all such parking shall comply with the standards of this Section.

B. General Requirements.

1. Applicability to Existing, New, and Expanded Uses.

   (a) General Applicability. Except as provided otherwise in this Paragraph B1, the provisions of this Section shall apply to, and off-street parking spaces sufficient to satisfy the requirements of this Section shall be provided for, all existing and new uses, in accordance with the provisions of Articles X and XII of this Code.
(b) **Change in Existing Use.** Whenever a use existing on the effective date of this Code is changed thereafter to a new use, parking facilities shall be provided as required herein for such new use.

(c) **Increase in Use Intensity.** Whenever the intensity of use of any structure or use is increased through the addition of floor area, seating capacity, or other units of measurement specified herein for required parking spaces, parking spaces as required herein shall be provided for such increase in intensity of use.

(d) **Exceptions.**

(i) **Minor Additions.** Notwithstanding the foregoing provisions of this Paragraph B1, no structure or use lawfully existing on the effective date of this Code, or any amendment to it establishing parking requirements with respect to such structure or use, shall be required to provide any additional parking spaces pursuant to this Paragraph B1 unless and until the aggregate increase in the units of measurement shall equal 10 percent or more of the units of measurement existing upon such effective date, in which event parking spaces as required herein shall be provided for the total aggregate increase.

(ii) **Nonconforming Locations and Designs.** Nothing in this Paragraph B1 shall be construed to prohibit the continued utilization of any parking space as an accessory use to any structure or use for parking of a vehicle that may lawfully be parked in such space solely because such space does not satisfy the locational or design requirements of this Code, or any amendment to it, if such space was validly in use as an accessory use to such structure or use on the effective date of this Code or such amendment.

2. **Location of Required Parking Spaces.**

(a) **General Rule.** Except as provided in Subparagraphs (b) and (c) of this Paragraph, parking spaces required by this Section shall be located on the same zoning lot as the use to which they are accessory.

(b) **Off-Site Parking Spaces.** The location of required parking spaces on land other than the same zoning lot as the use to which they are accessory may be authorized in the Retail and Office Districts by a special use permit issued pursuant to Section 11-602 of this Code, subject to the condition that such parking spaces shall be maintained in the same possession or ownership, by long term lease or deed, as the ownership of such zoning lot for so long as the use to be served shall exist. Such special use permit shall be subject to
satisfactory evidence of such possession or ownership and such other conditions deemed necessary to protect the public health and safety and assure compliance with the purposes and intent of this Code.

(c) **Collective Provision of Required Spaces.** The collective provision of parking spaces required for separate uses in any zoning district may be authorized in the Retail and Office Districts by a special use permit issued pursuant to Section 11-602 of this Code, provided that the total number of such parking spaces provided collectively shall not be less than the sum of the requirements for the various uses computed separately, unless otherwise expressly provided in the special use permit. Such special use permit shall be subject to satisfactory evidence of possession or ownership as provided in subparagraph (b) above and such other conditions deemed necessary to protect the public health and safety and insure compliance with the purposes and intent of this Code.

C. **Design and Maintenance.** Every parking garage, area, lot, and structure shall be designed, constructed, and maintained in accordance with the applicable standards and requirements herein set forth:

1. **Location on Lot.** Off-street parking spaces may be provided in garages at grade, under a building and no more than 4 feet above grade, or fully underground; on surface areas or lots; or, in the Office District if authorized by a special use permit issued pursuant to Section 11-602 of this Code, in parking structures. Parking garages (except those fully underground), areas, lots, and structures shall comply with the yard requirements made applicable to them by the regulations of the district in which they are located. See Paragraph 9-101D6 for additional regulations concerning the storage of vehicles in residential districts.

2. **Screening.** All parking garages, areas, lots, and structures shall comply with the screening requirements set forth in Section 9-108 of this Code.

3. **Design.**

   (a) **Access to street.** All parking garages, areas, lots, and structures shall be so located and designed as to provide access to adjacent streets with the least interference with through traffic movements. Driveways shall have return radii of 20 feet at the point of access to any street other than Half Day or Waukegan Roads; driveways providing direct access to Half Day or Waukegan Roads shall have return radii of 30 feet. Notwithstanding any other provision of this Code, driveways providing direct access from a parking garage, area, lot, or structure to a street and not serving as a circulation aisle in connection with any parking space, may traverse any required yard; provided, however, that the surface area of any such driveway shall not exceed an area calculated by multiplying the
width of the driveway times the depth of the required yard times a factor of 1.5. No curb cut across public property shall exceed 40 feet in width without the written approval of the Building Commissioner. No access to any parking space shall be provided through a zoning district other than the district in which the parking space is located. No such access shall be provided through a zoning lot other than the zoning lot on which the parking space is located except across a permanent, recorded access easement in form and substance satisfactory to the Village Attorney.

(b) **Turn-Around Area.** Every parking garage, area, lot, and structure other than a parking garage or area accessory to a single family dwelling, shall be provided with a turn-around area or other means to permit cars to exit the parking garage, area, lot, or structure without backing onto any street or sidewalk.

(c) **Surface; Drainage; Markings.** Every off-street parking garage, lot, and structure shall be surfaced with a bituminous or portland cement concrete pavement providing an all-weather, durable, and dustless surface. Unless otherwise approved by the Village Engineer, such construction shall meet the following minimum standards:

(i) For parking surfaces designed and intended principally for passenger automobiles, a minimum coefficient rating of 2.5.

(ii) For parking surfaces designed and intended for vehicles other than the above, a minimum coefficient rating of 3.0.

All parking surfaces shall be graded and drained to dispose of surface water accumulation by means of a positive storm water drainage system including geotextile fabric and subbase drainage which, in all non-residential districts, shall be connected to a public storm sewer system. Storm water runoff shall be detained on-site in accordance with all applicable regulatory standards; provided, however, that the maximum ponding of runoff in any parking lot shall be limited to a maximum depth of 12 inches.

Individual stalls in parking lots and structures shall be clearly identified by painted markings four inches to six inches in width.

(d) **Slope.** No area of any parking garage (other than a garage accessory to a single family dwelling), lot, or structure excluding access ramps, shall have a slope in excess of five percent or a cross-slope in excess of two and a half percent. No ramp shall have a slope in excess of eight percent.
(e) **Lighting.** Fixed lighting shall be provided for all parking garages, lots, and structures accommodating more than 10 vehicles. Such lighting shall be so arranged as to prevent direct glare of beams onto any public or private property or streets. All lighting shall be reduced to security levels at all times of non-use.

(f) **Tree Planting Areas.** Trees located within planting islands in paved areas shall have a minimum landscaped area of at least 150 square feet of surface area and a depth sufficient to allow the bottom of the tree ball to be planted with a washed gravel layer at the bottom of the tree planting area to allow proper watering and drainage. If the soil is impervious, then a drainage pipe acceptable to the Village Engineer shall connect the tree planting area to a drainage structure.

(g) **Car Stops.** Every parking lot shall be bordered by a six-inch high concrete curb. Car wheel stops, guard rails, barrier fences, or other suitable devices designed and located to enhance safety or efficient parking operations or to protect required screening devices, landscaping, structures, and other vehicles from damage by vehicles using any parking lot or structure may also be used. This provision shall not be construed to require such devices for all parking lots and structures or for every parking space, but only in those cases where the Building Commissioner determines that such devices are necessary or desirable to achieve the purposes of this Subparagraph.

(h) **Circulation Aisles.** Each parking space, except spaces accessory to a single family dwelling, shall be accessed by a circulation aisle of a width, in feet and inches, as specified below:

<table>
<thead>
<tr>
<th>Parking Angle</th>
<th>One-Way Aisle Width</th>
<th>Two-Way Aisle Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parallel</td>
<td>14’0”</td>
<td>24’0”</td>
</tr>
<tr>
<td>45°</td>
<td>12’6”</td>
<td>24’0”</td>
</tr>
<tr>
<td>60°</td>
<td>18’0”</td>
<td>24’0”</td>
</tr>
<tr>
<td>90°</td>
<td>24’0”</td>
<td>24’0”</td>
</tr>
</tbody>
</table>

(i) **Back-up area.** Each parking space, except spaces accessory to a single family dwelling, shall be provided with a sufficient back-up area to permit egress in one maneuver, consisting of one backward and one forward movement.

(j) **Space Dimensions.**
(i) Except as specially permitted pursuant to subparagraph (ii), each off-street parking space, excluding its associated circulation aisle, shall have the following minimum dimensions, in feet and inches:

<table>
<thead>
<tr>
<th>Parking Angle</th>
<th>Stall Width</th>
<th>Stall Length</th>
<th>Stall Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parallel</td>
<td>9’0”</td>
<td>24’0”</td>
<td>8’0”</td>
</tr>
<tr>
<td>45°</td>
<td>9’0”</td>
<td>19’1”</td>
<td>8’0”</td>
</tr>
<tr>
<td>60°</td>
<td>9’0”</td>
<td>20’1”</td>
<td>8’0”</td>
</tr>
<tr>
<td>90°</td>
<td>9’0”</td>
<td>18’0”</td>
<td>8’0”</td>
</tr>
</tbody>
</table>

The above-stated length dimensions may be reduced by up to 1 foot 6 inches for overhang for stalls with curbs or wheel stops adjacent to the outside perimeter of a parking lot. The above-stated stall width dimensions shall be increased to 16 feet for required handicapped parking spaces or to the width required under applicable State law, whichever is greater.

(ii) If authorized by special permit, parking spaces having a stall width of less than 9’0”, but not less than 8’6”, may be permitted, provided that:

A. the property on which such reduced width parking spaces are proposed is located in the Office District;

B. the property located in the Office District is occupied by a single tenant; and

C. upon termination of such single or sole occupancy, the parking spaces shall be fully restored to the full 9’0” stall width required pursuant to subparagraph (i).

For purposes of this subparagraph (j)(ii), “single tenant” shall be an individual, partnership, company, corporation, or other business organization, including any affiliated entities thereof. A “single tenant” may also be an owner of the property in question or any affiliated entities thereof.

(k) Maintenance. All parking garages, areas, lots, and structures shall be properly maintained at all times so as to be free of pot holes, broken curbs, and other damaged or neglected features.
D. **Use.** Off-street parking spaces shall be used solely for the parking of passenger vehicles of occupants, patrons, or employees. No required parking space shall be rented, leased, or used for any purpose other than that for which said space is required. No storage or motor vehicle repair work or service of any kind shall be permitted in conjunction with accessory parking facilities. No gasoline or motor oil shall be sold in conjunction with any accessory parking facility. No off-street parking space shall be used for any purpose other than the temporary storage of motor vehicles related to the premises, and, in the A and B Districts, such other household items and equipment customarily stored in garages. The storage of merchandise and the sale or commercial repair of vehicles are prohibited.

E. **Landbanking of Required Parking.**

1. **Landbanking Authorized.** Notwithstanding any other provision of this Section, a reduction in the total number of off-street parking spaces required to be paved pursuant to Subsection F of this Section or the stall width or length dimensions required pursuant to Subparagraph C3(j) of this Section may be authorized in the Retail and Office districts by a special use permit issued pursuant to Section 11-602 of this Code, subject to the conditions set forth in Paragraphs E2 through E4 of this Subsection and such other conditions deemed necessary to protect the public health and safety and insure compliance with the purposes and intent of this Code.

2. **Termination of Landbanking.** The Board of Trustees shall have the right, in its sole and absolute discretion, to require the property owner or his or her successor at any time to increase the stall width or length to the dimensions required by Subparagraph C3(j) of this Section or to increase the number of parking spaces provided to serve said development up to the maximum required by Subsection F of this Section for the property in question as if no authorization for landbanking had been granted. No special use permit authorizing landbanking of required parking shall be effective unless and until the applicant and property owner shall file with the Village a written acceptance of this condition.

3. **Alternate Plans Required.** Every request to allow landbanking of required parking spaces shall be accompanied by alternate detailed parking plans. One plan shall show the full stall width and depth required by Subparagraph C3(j) of this Section and the full number of parking spaces required pursuant to Subsection F of this Section; the other plan shall show the reduced stall width and/or length or the reduced number of parking spaces or both, as the case may be, proposed to be provided pursuant to the authorization being sought and also shall show the landscaping treatment of areas proposed to be reserved for future parking requirements. Both such plans shall show the location on the site of all parking spaces, the exact number of parking spaces to be provided, and complete details for (a) wheel stops, (b) markings, (c) curbing, (d) surfacing, (e) screening and landscaping, (f) lighting, (g) signing, and (h)
access. Such plans shall be subject to the approval of the Board of Trustees.

4. **Open Space Covenant.** No special use permit authorizing landbanking of required parking shall be effective unless and until the applicant and property owner shall file his or her unconditional agreement and covenant in form and substance satisfactory to the Village Attorney that areas reserved for future parking shall be maintained as landscaped open space until and unless required to be used for off-street parking pursuant to Paragraph E2 of this Subsection. Such agreement and covenant shall be recorded with the Recorder of Deeds of Lake County, Illinois.

F. **Required Spaces.**

1. **Specified Uses.** For the following uses, the following minimum number of off-street parking spaces or stacking spaces shall be provided:

<table>
<thead>
<tr>
<th>USE</th>
<th>REQUIRED SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Residential</td>
<td></td>
</tr>
<tr>
<td>Single Family Dwellings</td>
<td>4 for each dwelling unit (at least 2 of which shall be located in a completely enclosed building)</td>
</tr>
<tr>
<td>(b) Retail Trade</td>
<td></td>
</tr>
<tr>
<td>(i) All Retail Trade</td>
<td>1 for each 200 square feet of net floor area</td>
</tr>
<tr>
<td>Uses not otherwise listed below</td>
<td></td>
</tr>
<tr>
<td>(ii) Automobile Service Stations</td>
<td>1 for each island of gasoline pumps PLUS 3 for each service bay PLUS 1 for each employee</td>
</tr>
<tr>
<td>(iii) Home Furniture, Furnishings, and Equipment Stores</td>
<td>1 for each 400 square feet of net floor area</td>
</tr>
<tr>
<td>(iv) Restaurants, Carry-Out Restaurants, Cafeterias, and Cocktail Lounges</td>
<td>1 for each 2 employees PLUS 1 for each 3 persons of maximum design capacity</td>
</tr>
<tr>
<td>(v) Shopping Centers Under Unified Control or Ownership On a Tract of Land Four (4) Acres or More</td>
<td>1.25 times the number of spaces required under the individual provisions</td>
</tr>
<tr>
<td>(c) Finance, Insurance, and Real</td>
<td>1 for each 200 square feet of net floor area</td>
</tr>
</tbody>
</table>
Estate

floor area PLUS 3 for each automatic teller facility PLUS 6 stacking spaces for each drive in facility

(d) Services

(i) All Services not otherwise listed below 1 for each 200 square feet of net floor area

(ii) Churches and Temples 1 for each 4 seats OR 1 for each 72 lineal inches of seating space

(iii) Health Services 4 for each licensed practitioner, not including nurses and assistants PLUS 2 for each additional 3 employees

(iv) Membership Sports and Recreation Facilities 1 for each 3 persons of maximum design capacity

(v) Schools and Day Care

(aa) Child Day Care Centers 1 for each employee PLUS 1 for each 6 children OR 3 for each 200 square feet of net floor area, whichever is greater

(bb) Preschools 2 for each 3 teachers and employees PLUS 1 for each 8 students

(cc) Elementary Schools 2 for each 3 teachers and employees

(dd) Secondary Schools 2 for each 3 teachers and employees PLUS 1 for each 5 students

(vi) Storage Warehouses 4 PLUS 1 for each 1500 square feet of net floor area over 4500 square feet OR, when the number of employees is specifically indicated, 2 for each 3 employees

(e) Business, Professional, and Administrative Offices

All Office uses not otherwise listed in this Subsection F1 1 for each 250 square feet of net floor area
(f) **Manufacturing**

All uses authorized pursuant to Subsection 5-106C of this Code 2 for each 3 employees OR 1 for each 800 square feet of net floor area, whichever is greater

(g) **Colleges and Theological Seminaries**

Ample off-street parking within the district to meet needs of all uses on campus and assure no parking on public rights-of-way and as required by an approved Campus Development Plan

(h) **Governmental Activities or Services, other than Village Facilities and Public Schools**

1 for each 250 square feet of net floor area OR 1 for each 3 persons of design capacity, whichever is greater

(i) **Uses Conducted Outside Structures**

All uses not otherwise listed in this Subsection F1 1 space for each 1500 square feet of outdoor area PLUS spaces as required above for any aspect of the use conducted within a structure

2. **Unspecified Uses.** When the ultimate use of a structure is not known, the maximum number of spaces that might be required for any use to which the structure might reasonably be devoted shall be provided.

3. **Computation of Required Spaces.**

   (a) **Fractional Spaces.** When determination of the number of required parking spaces results in the requirement of a fractional space, any fraction of one-half or less may be disregarded and any fraction in excess of one-half shall require one additional parking space.

   (b) **Capacity Calculations.** When parking spaces are required on the basis of capacity, capacity shall be determined based on the occupancy standards established by the Bannockburn Building Code.

   (c) **Population Calculations.** When parking spaces are required on the basis of the number of customers, students, or similar measure, the maximum number for which the structure is designed shall govern, except that when the structure has no design capacity the maximum number present at any one time shall govern.

9-105 **OFF-STREET LOADING**

A. **Authorization.** Subject to the limitations of this Section, off-street loading is permitted as an accessory use in all non-residential districts. Nothing herein shall
be construed to limit the right of any person to provide off-street loading in excess of the requirements herein established, but all such loading shall comply with the standards of this Section.

B. General Requirements.

1. Applicability to Existing, New, and Expanded Uses.

   (a) General Applicability. Except as provided otherwise in this Paragraph B1, the provisions of this Section shall apply to, and off-street loading spaces sufficient to satisfy the requirements of this Section shall be provided for, all existing and new uses, in accordance with the provisions of Articles X and XII of this Code.

   (b) Change in Existing Use. Whenever a use existing on the effective date of this Code is changed thereafter to a new use, loading facilities shall be provided as required herein for such new use.

   (c) Increase in Use Intensity. Whenever the intensity of use of any structure or use is increased through the addition of floor area, seating capacity, or other units of measurement specified herein for required loading spaces, loading spaces as required herein shall be provided.

   (d) Exception. Notwithstanding the foregoing provisions of this Paragraph B1, no building or use lawfully existing on the effective date of this Code, or any amendment to it establishing loading requirements with respect to such structure or use, shall be required to provide any additional loading spaces pursuant to this Paragraph B1 unless and until the aggregate increase in units of measurement shall equal the full number of units for which one additional loading space would be required pursuant to Subsection E of this Section, in which event loading spaces as required herein shall be provided for the total aggregate increase.

2. Location of Required Loading Spaces. Loading spaces shall be located on the same zoning lot as the use they serve.

C. Design and Maintenance. Every loading space shall be designed, constructed, and maintained in accordance with the standards and requirements herein set forth:

1. Location on Lot. No loading space shall be located in a required front or side yard, and any loading spaces located in a required rear yard shall comply with the yard requirements made applicable to them by the regulations of the district in which they are located and be open to the sky, except for required screening. No loading space for vehicles over 2 ton capacity shall be located within 50 feet of any property in a residential district unless completely enclosed by building walls, or a uniformly painted solid fence or wall, or any combination thereof, not less than six
feet in height. No permitted or required loading space shall be located within 100 feet of the nearest point of intersection of any two public or private streets. No loading space shall be located closer to any public right-of-way than the facade of the building facing such right-of-way. No loading space shall open onto any building facade facing a public right-of-way. All loading spaces shall be located and arranged to provide logical and convenient access thereto from the use they serve.

2. **Screening.** All loading spaces shall comply with the screening requirements set forth in Section 9-107 of this Code.

3. **Design.**

   (a) **Access to Street.** Loading spaces shall be designed and arranged to provide access to a street in a manner that will create the least possible interference with through traffic movements. No curb cut across public property shall be made without the written approval of the Building Commissioner.

   (b) **Maneuvering Space.** Every loading space shall be provided with sufficient maneuvering space on the zoning lot where it is located to allow vehicles to access and exit the space without having to make any backing movement on or into any public or private street.

   (c) **Surface; Drainage; Markings.** Every loading space shall be surfaced with an asphaltic or cement pavement providing an all-weather, durable, and dustless surface. Unless otherwise approved by the Village Engineer, such construction shall have a minimum coefficient rating of 3.0 for structural materials. All loading space surfaces shall be graded and drained to dispose of surface water accumulation by means of a positive storm water drainage system connected to a public sewer system. Individual stalls shall be clearly identified by markings four inches to six inches in width.

   (d) **Lighting.** Fixed lighting shall be so arranged as to prevent direct glare of beams onto any public or private property or streets. All lighting shall be reduced to security levels at all times of non-use.

   (e) **Space Dimensions.** Each loading space, excluding required maneuvering areas, shall have the following minimum dimensions, in feet:

   (i) Tractor-trailer: 14W x 50L x 15H

   (ii) Standard: 12W x 25L x 14H

D. **Use.** No storage of any kind, nor motor vehicle repair work or service of any kind shall be permitted in conjunction with off-street loading facilities provided in any
zoning district. No gasoline or motor oil shall be sold in conjunction with any off-street loading facilities. Space allocated to any off-street loading space shall not, while so allocated, be used to satisfy space requirements for any off-street parking facilities or portions thereof.

E. Required Spaces.

1. **General Requirement.** Loading spaces or receiving areas shall be provided in sufficient number, of sufficient size, and so located that no loading and unloading operations infringe upon any street or sidewalk.

2. **Minimum Requirements.** For the following uses, the following minimum number of loading spaces shall be provided:

<table>
<thead>
<tr>
<th>NET FLOOR AREA</th>
<th>REQUIRED SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Retail Trade</td>
<td></td>
</tr>
<tr>
<td>5000 - 9,999</td>
<td>1</td>
</tr>
<tr>
<td>10,000 - 24,999</td>
<td>2</td>
</tr>
<tr>
<td>25,000 - 99,999</td>
<td>3</td>
</tr>
<tr>
<td>100,000 - 250,000</td>
<td>4</td>
</tr>
<tr>
<td>Each additional 200,000</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NET FLOOR AREA</th>
<th>REQUIRED SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) Schools</td>
<td></td>
</tr>
<tr>
<td>20,000 - 200,000</td>
<td>1</td>
</tr>
<tr>
<td>Each additional 200,000</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NET FLOOR AREA</th>
<th>REQUIRED SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>(c) Manufacturing</td>
<td></td>
</tr>
<tr>
<td>4000 - 39,999</td>
<td>1</td>
</tr>
<tr>
<td>40,000 - 100,000</td>
<td>2</td>
</tr>
<tr>
<td>Each additional 100,000</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NET FLOOR AREA</th>
<th>REQUIRED SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>(d) Other</td>
<td></td>
</tr>
<tr>
<td>10,000 - 100,000</td>
<td>1</td>
</tr>
<tr>
<td>Each additional 100,000 up to and including 500,000</td>
<td>1 additional</td>
</tr>
<tr>
<td>Each additional 500,000 or fraction thereof over 500,000</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

Unless waived by the Building Commissioner, the first space required for any building having in excess of 10,000 square feet shall be sized to accommodate a tractor trailer and, unless otherwise required by the Building Commissioner, all other spaces may be standard size. The
decision of the Building Commissioner shall be based upon the anticipated needs of each particular building.

F. **Alternate Loading Arrangements.** Uses for which off-street loading facilities are necessary but which are located in buildings of less floor area than the minimum prescribed for required facilities shall be provided with adequate receiving facilities off any adjacent driveway, service drive, or open space on the same lot which is accessible by motor vehicle.

9-106 **SIGNS**

A. **Purpose.** The regulation of signs by this Code is intended to promote and protect the public health, safety, and welfare by reducing the depreciation of property values caused by signs that are incompatible with surrounding land uses; by creating a more attractive economic and business climate within the office and business areas of the Village; by enhancing and protecting the physical appearance of all areas of the Village; by protecting signs from obstruction by other signs; and by reducing the distractions, obstructions, and hazards to pedestrian, equestrian, and auto traffic caused by the indiscriminate placement and use of signs.

B. **Scope.** The regulations of this Section shall govern and control the erection, enlargement, expansion, alteration, operation, maintenance, relocation, and removal of all signs within the Village visible from any street, sidewalk, or public or private common open space, excluding only signs owned or maintained by the Village; provided, however, that any signage existing on any property owned by a governmental body other than the Village as of December 11, 2006, shall be deemed to be in compliance with this Section and not subject to amortization. Any sign not expressly permitted by these regulations shall be prohibited. The regulations of this Section relate to the location of signs, by function and type, within zoning districts and shall be in addition to provisions of the Bannockburn Building Code applicable to the construction and maintenance of signs as well as other provisions of this Code related to the issuance of Sign Permits and Architectural Review Permits. Regulations concerning the use and termination of nonconforming signs appear in Section 10-106 of this Code.

C. **Sign Permit Required.** Except as expressly provided in Subsection G of this Section, no sign shall be erected, enlarged, expanded, altered, relocated, or maintained unless a Sign Permit shall have first been issued in accordance with the provisions of Section 11-607 of this Code; provided, however, that routine sign maintenance, changing of parts designed to be changed, or changing the content of a sign in any manner that does not change the functional classification of the sign shall not, standing alone, be considered an alteration of the sign requiring the issuance of a Sign Permit hereunder.

D. **General Standards.** The following general standards shall apply to all signs. Any sign not in compliance with such standards shall be immediately corrected or shall be deemed to be in violation of this Code.
1. **Illumination.**

(a) **Location and Design of Light Source.** Whenever an external artificial light source is used for a sign, such source shall be located, shielded, and directed so as not to be directly visible from any public street or private residence. No receptacle or device housing a permitted light source for a sign shall protrude more than 18 inches from the face of the sign or building to which it is attached.

(b) **Color of Illumination.** No sign shall be illuminated either directly or indirectly with or by other than white or uncolored lights. This regulation shall not be construed to require that sign lettering illuminated with white or uncolored lights be white.

(c) **Level of Illumination.** All artificial illumination shall be so designed, located, shielded, and directed as to illuminate only the sign face or faces and to prevent the casting of glare or direct light upon adjacent property or streets. All artificial illumination shall comply with Paragraph 9-101D10.

(d) **Time of Illumination.** No illuminated sign nor any sign in which lighting is integrated with or is part of the sign shall be or remain illuminated after the time that the activity to which the sign pertains has closed for business, except that signs located adjacent to and facing the Illinois Tollway may be illuminated at any time.

(e) **Flashing Lights Prohibited.** Except for public service signs when expressly permitted by this Section, no flashing, blinking, or intermittent lights shall be permitted.

(f) **Neon Signs Limited.** Neon signs which may be permitted pursuant to this Section 9-106 shall be subject to the following regulations:

(i) neon signs are prohibited in all Districts other than the Retail District;

(ii) no neon sign shall be visible from any location other than the zoning lot on which it is located, including any public or private street or property;

(iii) no neon sign shall consist of more than one word, which may be a logo, trademark, or servicemark;

(iv) neon signs shall only be installed, erected, or hung on the inside of an exterior window and, together with all other temporary and permanent window signs, shall not occupy more than 25% of the area of the window in which they are exhibited;
(v) the total area of all neon signs allowed per applicant for a single premises shall not exceed eight square feet;

(vi) any neon sign which is readily accessible to touch or contact shall be encased in a frame or casing which cannot be ignited or burned by such neon;

(vii) no neon sign shall draw more than three (3) amps electric current; and

(viii) no neon sign shall be permitted in any premises located within 1500 feet of any other premises in which a neon sign is displayed.

(g) Translucent Backgrounds Prohibited. No internally illuminated sign shall have a translucent background; only the sign message shall permit transmission of any light through the sign face.

(h) Halo Illumination Prohibited. In no event shall the illumination of any sign be accomplished by placing an external artificial light source behind an opaque foreground composed of letters or other shapes as to make the opaque foreground visible in relief to the illumination behind it.

2. **Sign Colors.** No sign erected after the effective date of this Code shall employ more than three colors unless specifically authorized by a two-thirds affirmative vote of the Architectural Review Commission. For purposes of this Paragraph, black and white shall be considered to be colors.

3. **Electrical Elements.** All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the Bannockburn Building Code. An Underwriter’s Laboratories label, or an equivalent certification, shall be affixed to every electrical component incorporated into a sign.

   No metal sign illuminated by any means requiring internal wiring and no electrical fixtures attached to any sign shall be lower than nine feet from grade unless it is grounded by the use of a grounding conductor run with the circuit conductors and is also grounded by being bonded to a grounding electrode at the sign site.

4. **Structural Elements.** The construction and structural components of all signs shall be in accordance with the standards and regulations of the Bannockburn Building Code. All permanent signs shall be constructed of fire-resistant materials and shall be capable of withstanding wind pressures of at least 30 pounds per square foot of surface area and of receiving dead loads based on the actual weight of the structure.
5. **Minimum Elevation of Signs.** The bottom of every awning, canopy, and wall sign shall be elevated at least eight feet above grade. Whenever possible, wall signs on the same facade shall maintain the same top and bottom elevations above grade.

6. **Obstruction of Access Ways.** No sign or sign structure shall obstruct free ingress to or egress from a fire escape, door, window, or other required access way.

7. **Obstruction of Window Surface.** No sign shall project over, occupy, or obstruct any window surface required for light or ventilation by any applicable provision of the Bannockburn Building Code.

8. **Traffic Safety.** No sign shall be maintained at any location where by reason of its position, size, shape, content, color, or illumination it may obstruct, impair, obscure, interfere with the view of, or be confused with any traffic control sign, signal, or device or where it may interfere with, mislead, or confuse traffic.

9. **Signs in Rights-of-Way.** No sign, except certain civic event signs hereinafter referred to and governmental signs authorized in this Section, shall be placed in or extend into or over any public property or right-of-way. Civic event signs may extend on, into, or over a public right-of-way upon the specific prior approval of the Board of Trustees on the basis of need, impact on pedestrian, equestrian, and vehicular traffic, and impact on surrounding property.

10. **Sign Maintenance.** The owner of a sign and the owner of the premises on which such sign is located shall be jointly and severally liable to maintain such sign, including its illumination sources, in compliance with this Code and all applicable laws, in a safe and secure condition, and in a neat and orderly condition and good-working order at all times, and to prevent the development of any rust, corrosion, rotting, or other deterioration in the physical appearance or safety of such sign. The premises around ground and pylon signs shall be kept clean and free of all rubbish and weeds.

11. **Sign Measurement.**
   
   (a) **Area to be Included.** The supporting structure or bracing of a sign shall be omitted in measuring the area of the sign unless such structure or bracing is made part of the message or face of the sign. When a sign has more than one display face, all faces shall be included in determining the area of the sign.

   (b) **Area of Signs With Backing.** The area of all signs with backing shall be measured by computing the area of the sign backing.

   (c) **Area of Signs Without Backing.** The area of all signs without backing shall be measured by computing the area of the smallest
regular geometric figures that can separately encompass all words, letters, figures, emblems, and other elements of the sign message.

(d) **Area of Signs With and Without Backing.** The area of all signs formed by a combination of elements with and without backing shall be measured by combining the area of such elements measured in accordance with the foregoing subparagraphs.

12. **Signs on Lots with Multiple Users.** When more than one user occupies a zoning lot, the owner of the lot shall be responsible for allocating permitted signage among such users.

13. **Sign Spacing.** No sign shall be nearer than six feet to any other sign or structure, other than a structure to which it is lawfully attached.

E. **Classification of Signs.**

1. **Functional Types.** For purposes of this Code, signs shall be classified as follows according to function:

(a) **Advertising Sign.** A sign, other than an off-premises identification sign, that directs attention to or identifies a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located. This term shall include signs, other than customary identification lettering and advertising posters on buses and taxicabs, attached to parked or moving vehicles.

(b) **Attention-Getting Device.** A sign designed to attract attention by means of flashing or moving parts, bright color or light, or movement of any kind. Examples of such signs include pennants strung together in a series, whirligigs, spinners, streamers, flashing lights, search lights, and balloons.

(c) **Bulletin Board Sign.** A sign that identifies an institution or organization on whose premises it is located and that contains only the name of the institution or organization, the name or names of persons connected with it, and greetings, announcements of events, or activities occurring at the institution, or similar messages.

(d) **Business Sign.** A sign that directs attention to or identifies a business or profession conducted, or to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the premises where the sign is located.

(e) **Changeable Message Sign.** A sign, other than a bulletin board sign, development directory sign, public service sign, or scoreboard, having a face or faces that allow the message on the
sign to be readily changed by means of light banks, removable letters, or other devices.

(f) **Civic Event Sign.** A temporary sign that announces or identifies a civic use, purpose, event, or program.

(g) **Construction Sign.** A temporary sign erected on a premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors, and similar artisans, and the owners, financial supporters, sponsors, and similar persons or firms having a role or interest in the construction activity.

(h) **Development Map or Directory Sign.** A sign depicting all of the buildings and other prominent features of or listing by address or other summary means all of the locations within a multi-building development containing, and limited to, information to assist persons coming on the property locate their destinations within the development.

(i) **Governmental Sign.** A sign erected and maintained pursuant to and in discharge of any governmental function or required by any law, ordinance, or governmental regulation.

(j) **Holiday Decorations.** Signs in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local, or religious holiday.

(k) **Identification Sign.** A sign giving only the name, trademark, or other readily recognized symbol or address, or any combination thereof, of a building, business, development, or establishment on the premises where it is located.

(l) **Joint-Identification Sign.** An identification sign limited in content to the identification of a planned development, office plaza or park, shopping center, or the like and not containing any reference to the individual uses sharing the development, plaza, park, or the like; provided, however, that in the case of a shopping center, a joint identification sign may contain references to not more than three anchor stores located within said center.

(m) **Memorial Sign.** A sign or tablet memorializing a person, place, event, or structure.

(n) **Nameplate Sign.** A sign limited in content to the name or address, or both, of the owner or occupant of a building or premises on which it is located. If any premises is occupied by more than one occupant, the nameplate sign may identify all such occupants as
well as the premises and may include necessary directional information.

(o) **Off-Premises Identification Sign.** A sign giving only the name, trademark, or other readily recognized symbol or address, or any combination thereof, of a building or development, which sign is located off the lot on which such building or development is located.

(p) **Official Flag or Emblem.** A flag or emblem of a government, college, theological seminary, church, temple, or commercial enterprise.

(q) **On-Site Informational Sign.** A sign, other than a development map sign, commonly associated with, and limited to, information and directions necessary or convenient for persons coming on the property, including signs marking entrances and exits, parking areas, one-way drives, rest rooms, pick-up and delivery areas, and the like.

(r) **Political Sign.**

1. **Political Campaign Sign.** A temporary sign announcing or supporting political candidates or issues in connection with any national, State, or local election. Political campaign signs include only those signs specifically advocating on behalf of a person, or a position on a question, to be considered by voters on a ballot.

2. **Political Message Sign.** A sign other than a political campaign sign, expressing a noncommercial message regarding an issue of political or public concern.

(s) **Private Warning Sign.** A sign limited in content to messages of warning, caution, or danger.

(t) **Public Service Sign.** A sign displaying only the time, temperature, stock market quotations, or civic messages by means of a lampbank.

(u) **Real Estate Sign.** A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

(v) **Scoreboard.** A sign serving an athletic field or tennis court on a college campus that displays the score of an athletic contest in progress on such field or court. Such signs may display the identity of the contest participants as well as the score and other customarily relevant information regarding the contest or participants, but shall contain no advertising of any kind; provided,
however, that advertising may be permitted on scoreboards if specifically approved by the Board of Trustees as part of the Campus Development Plan.

(w) Service Station Sign. Any sign of any structural type located on the premises of a Automobile Service Station.

(x) Special Event Sign. A temporary sign displayed in connection with a special event to be held on the premises that is not a temporary use authorized pursuant to Section 9-103.

(y) Temporary Use Sign. A sign displayed in connection with a temporary use and authorized pursuant to Section 9-103.

2. Structural Types. For purposes of this Code, signs shall be classified as follows according to structure:

(a) Awning, Canopy, or Marquee Sign. A sign that is mounted or painted on or attached to an awning, canopy, or marquee.

(b) Ground Sign. Any sign, other than a pylon sign, placed upon or supported by the ground independently of any other structure. Ground signs include any sign mounted on a free-standing pole or other supports so that the bottom edge of the sign face is less than four feet above grade.

(c) Moving or Animated Sign. Any sign or part of a sign that changes physical position by any movement or rotation or that gives the visual impression of such movement or rotation.

(d) Pennant. A sign made of cloth of one solid color and containing no words, letters, figures, designs, symbols, or other message.

(e) Portable Sign. A sign that is not permanently affixed to a building, a structure, or the ground, but not including customary identification lettering on vehicles or advertising posters on buses and taxicabs.

(f) Projecting Sign. A sign that is wholly or partially dependent upon a building for support and that projects more than 18 inches from such building.

(g) Pylon Sign. A sign that is mounted on a freestanding pole or other supports so that the bottom edge of the sign face is four feet or more above grade.

(h) Roof Sign. A sign that is mounted or painted on the roof of a building, or that is wholly dependent upon a building for support and that projects above the highest point of a building with a flat
roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

(i) **Temporary Sign.** A sign or advertising display constructed of cloth, canvas, fabric, paper, plywood, or other light material and intended to be displayed for a short period of time.

(j) **Wall Sign.** A sign fastened to the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than 18 inches from such building or structure, except as otherwise permitted by Paragraph 4-106D15 pursuant to a special use permit.

(k) **Window Sign.** A sign that is applied or attached to the exterior or interior of a window or located within the interior of a structure so that its message can be read from the exterior of the structure.

F. **Signs Specifically Prohibited in All Districts.** The following signs, as well as all other signs not expressly permitted by this Section, are prohibited in all districts and shall not be erected, maintained or, except as provided in Section 10-106 of this Code, permitted to continue in any district:

1. **Advertising Signs,** except when in the form of exterior marking on a vehicle and not in excess of one square foot in area, and otherwise in compliance with the provisions of Paragraph 9-101D6.

2. **Attention-Getting devices.**

3. **Awning, Canopy, and Marquee Signs,** except that: (a) nameplate signs permitted pursuant to Paragraph G7 of this Section may be painted on the valance of an awning; (b) business signs may be hung from a canopy in the Retail District if otherwise in compliance with the provisions of this Section; and (c) on-site informational and identification signs may be painted on a canopy in the Office District on a lot that abuts both Waukegan Road and a high school if expressly authorized pursuant to a special use permit.

4. **Changeable Message Signs.**

5. **Off-Premises Identification Signs,** except as expressly permitted pursuant to Subsection H of this Section.

6. **Real Estate “Sold By” Signs.**

7. **Moving or Animated Signs,** except public service signs as expressly authorized in this Section.

8. **Portable Signs,** except when approved in connection with temporary uses pursuant to Section 9-103 of this Code.
9. **Projecting Signs.**

10. **Pylon Signs,** except Scoreboards or except when located in the Office District and within 25 feet of and facing an exit ramp from the Illinois Tollway.

11. **Roof Signs.**

12. **Service Station Signs,** except as specifically authorized by special use permit.

13. **Temporary Signs,** except as expressly authorized in this Section and except when approved in connection with temporary uses pursuant to Section 9-103 of this Code.

14. **Any sign that advertises, identifies, or pertains to a business no longer conducted, or a product no longer sold, on the premises where such sign is located.** Such signs shall be removed within 30 days following cessation of the relevant activity.

15. **Any sign on a tree or utility pole,** whether on public or private property.

16. **Any sign on public property,** except governmental or civic event signs authorized in this Section.

17. **Any sign painted directly on a wall, roof, or fence.**

18. **Any sign using reflective paint or tape,** other than a governmental sign or a warning sign, or as specifically approved by the Board of Trustees as part of a Campus Development Plan for any sign located in the College District.

19. **Any sign displaying the price of any goods or services or any interest rate,** except temporary window signs authorized by this Section.

20. **Any sign in the shape of any product,** other than a temporary window sign.

**G. Signs Permitted in Any District without Sign Permit or Fee.** Except as regulated by Subsection D of this Section and as expressly prohibited in Subsection F of this Section, and notwithstanding any other contrary provisions of this Code, the following signs may, subject to the following limitations, be erected and maintained in any district without obtaining a Sign Permit or paying the fee required for such Permit, subject to the following limitations:

1. **Advertising Signs.** Such signs shall be no more than one square foot in area and shall be allowed only in the form of exterior markings on a vehicle when otherwise in compliance with the provisions of Paragraph 9-101D6.
2. **Bulletin Board Signs.** Such signs shall be limited to no more than one wall or ground sign per zoning lot, shall be no more than 15 square feet in area, and shall be permitted only in connection with public, religious, and civic institutions. No ground sign shall be higher than four feet or closer to any street line than 10 feet or closer to any other lot line than six feet.

3. **Civic Event Signs.** Such signs must be expressly authorized by formal action of the Board of Trustees and shall be limited to no more than one wall or ground sign per zoning lot. No such sign shall be larger than 15 square feet in area. No ground sign shall be higher than six feet or, unless specifically permitted by the Board of Trustees, closer to any lot line than 15 feet. Such signs shall be displayed for period of not more than 14 days.

4. **Governmental Signs.** The content and size of any such sign shall not exceed the requirements of the law, ordinance, or regulation pursuant to which such sign is erected.

5. **Holiday Decorations.** Such signs shall be displayed for a period of not more than 45 days before nor more than 20 days following the holiday in connection with which they are displayed, and except for Village signs of such type, shall be located no closer than 10 feet to any lot line and shall not be illuminated between the hours of 10:00 p.m. and 7:00 a.m.; any other provision of this Section to the contrary notwithstanding, such signs may be of any type, number, area, height, illumination type, or animation so long as they create no safety hazard, nuisance, or adverse impact on the adjacent properties.

6. **Memorial Signs.** Such signs shall be limited to no more than one wall or ground sign per zoning lot, shall be made of durable materials such as bronze, stone, or concrete, shall not be illuminated, and shall not exceed three square feet in area. No ground sign shall be higher than four feet or closer to any lot line than six feet.

7. **Nameplate Signs.** Such signs shall be limited to no more than one wall or ground sign per occupancy, shall be no more than one square foot in area per occupancy and in no event more than three square feet in area, and shall not be illuminated. No ground sign shall be higher than four feet nor closer to any lot line than five feet.

8. **Official Flags and Emblems.** Such signs shall be limited to no more than three per lot. Such signs may be displayed on flag poles and when so displayed shall not exceed 24 square feet in area each. Such signs may also be displayed in the form of a wall sign and when so displayed shall not exceed three square feet in area each.

9. **On-Site Informational Signs.** Such signs shall be limited to wall or ground signs of not more than three square feet in area, shall be, if a ground sign, not more than four feet in height nor closer than five feet to any street or
right-of-way line, and shall be illuminated only as necessary to accomplish their intended purpose.

10. **Political Signs.**

   (a) Except as provided in Subparagraph 9-106G10(c), political campaign signs shall not exceed more than 3 square feet in area per candidate or issue per lot.

   (b) Political signs shall be maintained in good physical condition. The total area of each political sign shall not exceed 3 square feet in area per sign, the total area of political signs shall not exceed a total of 30 square feet in area per zoning lot, and, except as provided in Subparagraph 9-106G10(c), the total area of political signs that may be located within 15 feet from any right-of-way or lot line is zero square feet.

   (c) Notwithstanding the size limitations contained in Subparagraphs 9-106G10(a) and 9-106G10(b), from the date a ballot for any particular election has been certified until seven days after such election occurs, in addition to the amount of total signage for political signs authorized in Subparagraph 9-106G10(b), political campaign signs relating to a contest or question on such certified ballot (i) may be of a size not to exceed 4 square feet in area per sign, (ii) may have a total signage area per candidate or issue per lot of not more than four square feet, (iii) may be located within 15 feet from any right-of-way or lot line, and (iv) within 15 feet from any right-of-way or lot line, may be maintained without limitation on total square feet of all political campaign signs per zoning lot.

   (d) No political sign may be located within a public or private right-of-way. Political signs must be located entirely on private property pursuant to the owner’s consent. Unless a political sign includes on its face the name of the person or organization responsible for such sign, the owner of the private property on which such sign is located shall be deemed responsible for the sign.

   (e) Political signs shall be exempted from any regulations regarding sign colors but not regulations relating to illumination of signs.

   (f) Political signs are permitted at all times and are exempted from permit requirements at all times.

11. **Private Warning Signs.** Such signs shall be no more than two square feet in area each, shall be limited to the number necessary to accomplish the intended purpose, and shall be illuminated only as required to accomplish such purpose.
12. **Real Estate Signs.** Except as otherwise provided below, such signs shall be limited to one single- or double-faced, non-illuminated sign of the following maximum gross surface areas and maximum heights:

(a) **Single family residential, individual lots:** No more than two square feet per sign face and not to exceed four feet in height. On a corner lot or through lot, two signs shall be permitted, one facing each street.

(b) **Single family residential, multi-lot developments:** No more than 20 square feet per sign face and not to exceed six feet in height. If a multi-lot development real estate sign is erected pursuant to this subsection, no real estate signs shall be erected on the individual lots unless and until said multi-lot development sign has been removed.

13. **Temporary Use Signs.** Temporary use signs in compliance with Paragraph 9-103F6 of this Code.

14. **Temporary Window Signs.** The aggregate area of all such signs shall not exceed 25 percent of the area of the window in which they are exhibited nor block any window area required for light, ventilation, or emergency exit by any applicable code. No such sign shall be illuminated.

H. **District Regulations:** Residential Districts, PLB District, and Office District. Signs shall be permitted in the A and B Districts, the PLB District, and the O District as follows:

1. **Functional Types Permitted:**

(a) All signs permitted without permit or fee pursuant to Subsection G of this Section.

(b) Construction signs, but for no longer than 14 days following the conclusion of the construction in question, and in no event longer than 12 months following the erection of such sign.

(c) Development map or directory signs, but only in the Office District.

(d) Identification signs, but only in the Office District.

(e) Joint identification signs, but only in the Office District.

(f) Off-premises identification or joint identification signs authorized by a special use permit issued pursuant to Section 11-602 of this Code, but only in the Office District and only to identify uses located on lots in the Office District having no frontage on either Waukegan or Half Day Roads, and subject to the condition that no such sign shall be located less than 100 feet from any other ground.
sign, at least 50 feet of which distance is occupied by ponds and/or mature woodland areas, as well as any other conditions that the President and Board of Trustees may deem necessary or appropriate.

(g) Real estate signs, but for no longer than 14 days following the sale or lease of the lot in question, and in no event longer than 12 months following the erection of such sign; provided, however, that real estate signs in the A and B Districts shall be subject to Subsection G of this Section.

(h) Nameplate ground signs in excess of the area and/or height restrictions set forth in Paragraph 9-106G7 of this Section and authorized by a special use permit issued pursuant to Section 11-602 of this Code, but only in the Office District. The President and Board of Trustees may, in their discretion: (i) approve the illumination of such nameplate ground signs in accordance with the standards set forth in Paragraph 9-106D1 of this Section; and (ii) impose additional conditions as deemed necessary or appropriate.

2. **Structural Types Permitted:**

   (a) Ground signs, but only in the Office District or as permitted without permit or fee pursuant to Subsection G of this Section.

   (b) Temporary signs, but only as permitted without permit or fee pursuant to Subsection G of this Section, real estate signs, or construction signs.

   (c) Wall signs.

   (d) Pylon signs, but only in the “O” District when located within 25 feet of and facing an exit ramp from the Illinois Tollway.

3. **Number of Signs Permitted:**

   (a) All signs permitted without permit or fee pursuant to Subsection G of this Section; plus

   (b) One construction sign per lot; plus

   (c) Except as specially permitted pursuant to subparagraph (g) or (l) of this Paragraph, or as specially permitted pursuant to Paragraph 9-106F3, two identification or joint identification signs per lot; provided, however, that only one such sign may be a ground sign unless an additional ground sign is specially permitted as provided in subparagraph (e), (f), (g), (h), (k), or (l) below; plus

   (d) Two development map or directory signs per development; plus
(e) If authorized by special use permit, one ground off-premises identification sign.

(f) If authorized by special use permit, a second identification or joint identification sign may be a ground sign, provided that:

(i) The total area of all faces of such ground signs shall not exceed 150 square feet;

(ii) Such signs shall not exceed six feet in height, except that such signs adjacent to and facing the Illinois Tollway may be up to 20 feet in height;

(iii) Each ground sign must be at least 100 feet from any existing ground sign on any adjacent lot and shall be separated from the other ground sign on the same lot by at least 100 feet, including at least 50 feet of ponds and/or mature woodlands; and

(iv) One of such signs shall be an off-premises identification sign relating to an occupant of a lot that lacks frontage on a public street.

(g) If authorized by a special use permit, a third identification or joint identification sign may be installed on a lot, provided that:

(i) The lot abuts the Illinois Tollway;

(ii) At least one of the identification or joint identification signs shall be facing the Illinois Tollway;

(iii) Not more than two identification or joint identification signs may be ground signs;

(iv) The total area of all faces of such identification or joint identification signs shall not exceed 300 square feet, of which not more than 100 square feet shall be adjacent to or facing the Illinois Tollway; and

(v) Notwithstanding the limitations of Subparagraph 9-106H4(e), an identification or joint identification wall sign facing the Illinois Tollway may exceed 15 square feet.

(h) If authorized by a special use permit, two ground identification signs may be permitted on a lot, provided that:

(i) The lot abuts the Illinois Tollway, contains at least 1000 lineal feet of frontage along said Tollway, and exceeds 15 acres in total lot area;
(ii) At least one of the ground identification signs shall be facing the Illinois Tollway, and the total area of all faces of such ground sign shall not exceed 300 square feet, nor shall the height of such ground sign exceed 20 feet; and

(iii) The total area of all faces of the other ground sign shall not exceed 150 square feet, nor shall such ground sign exceed 10 feet in height.

(i) One real estate sign per lot, single- or double-faced; provided, however, that real estate signs in the A and B Districts shall be subject to Subsection G of this Section.

(j) If authorized by a special use permit, two ground identification signs may be permitted on a lot, provided that:

   (i) The lot abuts the Illinois Tollway;

   (ii) At least one of the ground identification signs shall be facing the Illinois Tollway, and the total area of all faces of such ground sign shall not exceed 100 square feet, nor shall the height of such ground sign exceed eight and one half feet in height; and

   (iii) The total area of all faces of the other ground sign shall not exceed 35 square feet, nor shall such ground sign exceed five feet in height.

(k) If authorized by special use permit, a second identification or joint identification sign may be a ground sign, provided that:

   (i) The second identification or joint identification ground sign must be located within 100 feet of an existing identification or ground identification ground sign on the same lot; and

   (ii) The second identification or joint identification ground sign must be located within 50 feet of ponds and/or mature woodlands.

(l) If authorized by a special use permit, a third identification or joint identification sign may be installed on a lot, which third identification sign shall be a ground sign, and provided that:

   (i) The lot abuts both Waukegan Road and a high school;

   (ii) The lot is located in the Office District;

   (iii) The face of the third ground sign shall not exceed 33 square feet in area; and
(iv) The total area of all faces of the ground identification or joint identification signs shall not exceed 45 square feet.

4. **Maximum Gross Surface Area of Signs Permitted:**

(a) Signs without permits: as provided in Subsection G of this Section.

(b) Construction signs: not to exceed four square feet per lot in the Residential and PLB Districts or 15 square feet per lot in the Office District, up to a maximum total sign area of 30 square feet in the Residential and PLB Districts and 75 square feet in the Office District for multi-lot developments.

(c) Ground signs: not to exceed 50 square feet per sign face nor more than two faces per sign, unless a special use permit authorizing a larger size sign is issued pursuant to Section 11-602 of this Code.

(d) Development map signs: not to exceed ten square feet.

(e) Real estate signs: not to exceed 20 square feet per sign face in accordance with the standard format depicted on Appendix 9-106-1, unless a special use permit authorizing a larger size sign is issued pursuant to Section 11-602 of this Code; provided, however, that real estate signs in the A and B Districts shall be subject to Subsection G of this Section.

(f) Nameplate and Identification Signs: Notwithstanding any other provision of this Code, the total gross area of all faces of all nameplate signs and all identification signs on a lot in the Office District shall not exceed 300 square feet, except upon issuance of a special use permit pursuant to Section 11-602 of this Code.

(g) All other permitted signs: not to exceed 15 square feet per lot; except that, if authorized by a special use permit, one identification or joint identification wall sign may be installed on a lot to a maximum of 100 square feet of signage, provided that:

(i) The lot abuts the Illinois Tollway, and the wall sign in excess of 15 square feet shall be facing the Illinois Tollway; or

(ii) The lot abuts both Waukegan Road and a high school.

5. **Maximum Height of Signs Permitted:**

(a) Signs without permits: as provided in Subsection G of this Section.

(b) Construction signs: eight feet.
(c) Ground signs: five feet, except that signs adjacent to and facing the Illinois Tollway may be up to 20 feet in height.

(d) Wall signs: 15 feet, but in no event higher than the bottom of any second floor window, except that on lots adjacent to the Illinois Tollway, wall signs facing said Tollway may be located along and no less than one foot from the top of the building wall.

(e) Real estate signs: six feet, unless a greater height is authorized by a special use permit issued pursuant to Section 11-602 of this Code; provided, however, that real estate signs in the A and B Districts shall be subject to Subsection G of this Section.

6. **Minimum Setback Required**:

(a) Signs without permits: as provided in Subsection G of this Section.

(b) Other signs: 10 feet from any lot line and 15 feet from the edge of any curbed pavement or 25 feet from the edge of any uncurbed pavement.

7. **Illumination**:

(a) Signs without permits: signs permitted pursuant to Subsection G of this Section shall be illuminated only as permitted in that Subsection.

(b) Other signs: signs permitted pursuant to this Subsection H may be illuminated only by indirect or internal white light; provided, however, that only the words, letters, figures, designs, and symbols on a sign in the Office District may be internally illuminated and provided further that real estate signs shall not be illuminated.

8. **Signs Accessory to Nonconforming Uses**: Signs accessory to nonconforming uses in the Residential Districts, the PLB District and the Office District shall be subject to the provisions of this Subsection H.

9. **Ground Signs in the Office District**: the base of all ground signs in the Office District shall be solid and constructed of stone or similar masonry material that has architectural symmetry with the style, composition, materials, and details of the Village entry signage (as depicted on Appendix 9-106-2). In addition, the sign face of all ground signs in the Office District shall have architectural symmetry with the style, composition, materials, and details of the principal building on the property upon which the ground sign is located. Ground signs in the Office District shall be designed and constructed so that the width of the sign base is not less than the width of the sign face. Each ground sign in the Office District shall include the property address of the lot on which
the sign is located, which address shall be included within the top one-third portion of the sign and shall remain visible from the nearest street adjacent to the lot; provided, however, that this Paragraph 9-106H9 shall not be deemed or interpreted as allowing or authorizing any illumination of the sign in excess of the sign illumination standards set forth in this Code. Landscaping shall be installed in the area surrounding a ground sign in the Office District, and shall be maintained in a manner that preserves the visibility of the address on the sign, as required by this Paragraph 9-106H9. The design, materials, and location of a ground sign in the Office District, as well as the location and materials for the proposed landscaping to be installed around any such ground sign, shall be reviewed and approved by the Architectural Review Commission in accordance with Section 11-606C of this Code.

I. District Regulations: Retail District. In the Retail District, signs shall be permitted as follows:

1. Functional Types Permitted:

(a) All signs permitted without permit or fee pursuant to Subsection G of this Section.

(b) Business signs.

(c) Construction signs, but for no longer than 14 days following completion of the construction in question, and in no event longer than 12 months following the erection of such sign.

(d) Development map or directory signs.

(e) Identification signs.

(f) Joint identification signs.

(g) Public service signs, but only when authorized by a special use permit issued pursuant to Section 11-602 of this Code and only subject to the following conditions:

   (i) only clear or white light shall be used; and

   (ii) the displayed message may be changed by intermittent lighting changes but such changes shall not exceed 12 per minute.

(h) Service station signs, but only as specifically authorized by the special use permit permitting the Automobile Service Station in question.

(i) Special event signs.
(j) Real estate signs, but for no longer than 14 days following the sale or lease of the lot in question, and in no event longer than 12 months following the erection of such sign.

2. **Structural Types Permitted:**

   (a) Ground signs.

   (b) Awning or canopy signs.

   (c) Pennants.

   (d) Temporary signs, but only as permitted without permit or fee pursuant to Subsection G of this Section, construction signs, real estate signs, or special event signs.

   (e) Wall signs.

   (f) Window signs.

3. **Number of Signs Permitted:**

   (a) All signs permitted without permit or fee pursuant to Subsection G of this Section; plus

   (b) Any number of awning or canopy signs, subject to the area limitations of Subparagraph I4(b) of this Section; plus

   (c) Except as otherwise provided pursuant to a special use permit granted under Subparagraph 4-106D18(b) of, two wall or permanent window signs per occupancy; plus

   (d) One construction sign per shopping center; plus

   (e) One development map or directory sign per shopping center; plus

   (f) Except as otherwise provided pursuant to a special use permit granted under Paragraph 4-106D18, two ground signs per shopping center; plus

   (g) One public service sign per shopping center; plus

   (h) Two special event signs per shopping center, provided however, that special event signs shall not be displayed for more than 30 consecutive days nor more than a total of 60 days in any 365 day period.

   (i) Any number of temporary window signs, subject to the area limitations of Subparagraph I4(c) of this Subsection and subject to the requirements of Paragraph G14 of this Section.
(j) Any number of pennants that are not strung together in a series and are identical in size, shape, and color subject to the area limitations of Subparagraph I4(g) of this subsection; and provided, however, that pennants shall not be displayed for more than 30 consecutive days nor more than a total of 60 days in any 365 day period.

(k) One real estate sign per lot, single- or double-faced.

4. Maximum Gross Surface Area of Signs Permitted:

(a) Signs without permits: as provided in Subsection G of this Section.

(b) Awning and canopy signs: not to exceed six square feet per sign nor more than one sign per occupancy.

(c) Wall and window signs: not to exceed one square foot per foot of building width, up to a maximum of 300 square feet.

(d) Construction signs: not to exceed 64 square feet per sign face nor more than two faces per sign.

(e) Development map or directory signs: not to exceed 10 square feet.

(f) Ground signs: not to exceed 100 square feet per sign face nor more than two faces per sign unless a greater area or number of faces is authorized by a special use permit issued pursuant to Section 11-602 of this Code.

(g) Pennants: not to exceed five square feet each or a total of 100 square feet per development.

(h) Public service signs: not to exceed 15 square feet per sign face nor more than two sign faces per development.

(i) Special event signs: not to exceed 15 square feet per sign.

(j) Real estate signs: not to exceed 20 square feet per sign face in accordance with the standard format depicted on Appendix 9-106-1, unless a special use permit authorizing a larger size sign is issued pursuant to Section 11-602 of this Code.

5. Maximum Height of Signs Permitted:

(a) Signs without permits: as provided in Subsection G of this Section.

(b) Construction signs: eight feet.
(c) Ground signs: six feet, unless a greater height is authorized by a special use permit issued pursuant to Section 11-602 of this Code.

(d) Wall signs: 20 feet or no higher than the bottom of any second floor window, whichever is less.

(e) Window signs: no higher than in a window on the lowest level of the building, excluding any basement.

(f) Real estate signs: six feet, unless a greater height is authorized by a special use permit issued pursuant to Section 11-602 of this Code.

6. **Minimum Setback Required:**

   (a) Signs without permits: as provided in Subsection G of this Section.

   (b) Other signs: 10 feet from any lot line and 15 feet from the edge of any curbed pavement or 25 feet from the edge of any uncurbed pavement.

7. **Illumination:**

   (a) Signs without permits: signs permitted pursuant to Subsection G of this Section shall be illuminated only as permitted in that Subsection.

   (b) Other signs: signs permitted pursuant to this Subsection I may be illuminated only by indirect or internal white light; provided, however, that real estate signs shall not be illuminated.

8. **Signs Accessory to Nonconforming Uses.** Signs accessory to nonconforming uses in the Retail District shall be subject to the provisions of this Subsection I."

J. **District Regulations:College District.** In the College District, signs shall be permitted as follows:

1. **Functional Types Permitted:**

   (a) All signs permitted without permit or fee pursuant to subsection G of this section.

   (b) Construction signs, but for no longer than 14 days following completion of the construction in question, and in no event longer than 12 months following the erection of such sign.

   (c) Development map or directory signs.
Identification signs.

Joint Identification signs.

Scoreboards.

Special event signs.

Real estate signs, but for no longer than 14 days following the sale or lease of the lot in question, and in no event longer than 12 months following the erection of such sign.

On-Site Informational Signs and combination On-Site Informational and Bulletin Board Signs, but only as specifically approved by the Board of Trustees as part of the Campus Development Plan.

2. Structural Types Permitted:

(a) Ground signs.

(b) Pylon signs, but only as Scoreboards.

(c) Temporary signs, but only as permitted without permit or fee pursuant to subsection G of this section, construction signs, real estate signs, and special event signs.

(d) Wall signs.

(e) Window signs.

3. Number of Signs Permitted:

(a) All signs permitted without permit or fee pursuant to Subsection G of this Section; plus

(b) Two wall or permanent window signs per structure; plus

(c) One construction sign per District; plus

(d) Six development map or directory signs per District; plus

(e) One ground sign per structure; plus

(f) Two special event signs per District; provided, however, that special event signs shall not be displayed for more than 30 consecutive days more than a total of 60 days in any 365 day period; plus
(g) One scoreboard per District; provided, however, that additional scoreboards may be permitted if specifically approved by the Board of Trustees as part of the Campus Development Plan.

(h) Any additional signs specifically approved by the Board of Trustees as part of the Campus Development Plan.

(i) One real estate sign per lot, single- or double-faced.

4. Maximum Gross Surface Area of Signs Permitted:

(a) Signs without permits: as provided in Subsection G of this Section.

(b) Wall and Window signs: not to exceed one square foot per foot of building width, up to a maximum of 300 square feet.

(c) Construction signs: not to exceed 64 square feet per sign face nor more than two faces per sign.

(d) Development map or directory signs: not to exceed 15 square feet unless a greater area is specifically approved by the Board of Trustees as part of the Campus Development Plan.

(e) Ground signs: not to exceed ten square feet per sign face nor more than two faces per sign unless a greater area or number of faces is specifically approved by the Board of Trustees as part of the Campus Development Plan.

(f) Scoreboards: not to exceed 200 square feet nor more than one face; provided, however, that scoreboards may have more than one face if specifically approved by the Board of Trustees as part of the Campus Development Plan.

(g) Special event signs: not to exceed 15 square feet per sign.

(h) Real estate signs: not to exceed 20 square feet per sign face in accordance with the standard format depicted on Appendix 9-106-1, unless a special use permit authorizing a larger size sign is issued pursuant to Section 11-602 of this Code.

5. Maximum Height of Sign Permitted:

(a) Sign without permits: as provided in Subsection G of this Section.

(b) Construction signs: eight feet.

(c) Ground signs: six feet, unless a greater height is specifically approved by the Board of Trustees a part of the Campus Development Plan.
(d) Wall signs: 20 feet or no higher than the bottom of any second floor window, whichever is less, unless a greater height is specifically approved by the Board of Trustees as part of the Campus Development Plan.

(e) Window signs: no higher than in a window on the lowest level of the building, excluding any basement.

(f) Real estate signs: six feet, unless a greater height is authorized by a special use permit issued pursuant to Section 11-602 of this Code.

6. **Maximum Setback Required:**

   (a) Signs without permits: as provided in Subsection G of this Section.

   (b) Other signs: ten feet from any lot line (other than a lot line abutting a residential district, in which case the setback shall be 100 feet), and 15 feet from the edge of any curbed pavement or 25 feet from the edge of any uncurbed pavement.

7. **Illumination.**

   (a) Signs without permits: signs permitted pursuant to Subsection G of this Section shall be illuminated only as permitted in that Subsection.

   (b) Other signs: signs permitted pursuant to Subsection J may be illuminated only by indirect or internal white light, or as specifically approved by the Board of Trustees as part of the Campus Development Plan; provided, however, that real estate signs shall not be illuminated.

8. **Signs Accessory to Nonconforming Uses.** Sign accessory to nonconforming uses in the College District shall be subject to the provisions of this Subsection J.
LANDSCAPED BUFFERYARDS

A. **Purposes.** This Section establishes minimum landscaped bufferyard requirements between properties, at various district boundaries, and along certain rights-of-way. These bufferyards will function to provide screening to reduce potential nuisances such as litter, noise, light intrusion, and odor and to mitigate adverse impacts associated with changes in building scale and land use intensities. These regulations are intended to preserve and enhance the character of both the Village’s residential and non-residential areas, and to assure that the Village’s overall community character remains secure while allowing reasonable development potential to be realized. The intent of these regulations is to encourage natural versus symmetrical planting patterns within the Village. The preservation of existing trees is the best possible buffer.

B. **Bufferyards Required.** The bufferyards specified in this Section 9-107 shall be established from and after the effective date of this Code in conjunction with any development in the Village in any district, which:

1. Includes any new or enlarged structure, including a deck or patio other than a deck or patio that does not exceed 200 square feet upon completion, open-type fence, accessory storage structure not exceeding 120 square feet in gross floor area, or stable not exceeding 200 square feet in gross floor area; or
2. Increases the total gross floor area on the zoning lot in question by 20% or more; or
3. Increases an existing roof peak elevation by more than four feet.

Required bufferyards shall be installed prior to the issuance of a Certificate of Occupancy for any new structure or addition to an existing structure unless the Building Commissioner receives from the owner, at the owner's sole cost, a letter of credit or other acceptable security in the amount of 125% of the estimated cost of such bufferyard as determined by the Village to assure that the bufferyard is installed to the Building Commissioner's satisfaction within 6 months after the issuance of such Certificate of Occupancy.

All bufferyards shall be established and maintained for a minimum of two years following an issuance of a Certificate of Occupancy.

C. **Location.** Bufferyards shall be located along and shall extend to all lot or boundary lines, and may be located on any portion of any public or private right-of-way. Bufferyards along all streets may be located entirely within the right-of-way. Notwithstanding the location restrictions of this Subsection C, the Village Board may, by resolution, permit the required plantings to be located on an adjoining lot with the permission of the adjoining lot owner, provided that the owner of the subject property establishes to the satisfaction of the Village Forester that good forestry practices prohibit or prevent the installation of the required plantings within the bufferyard on the subject property, and provided further that
the owner of the subject property obtains, and delivers to the Village, an easement agreement from the adjoining lot owner to permit the installation and maintenance of such plantings on the adjoining lot, which easement agreement shall be enforceable by the Village.

D. Design Standards. Bufferyards shall be designed using the minimum standards hereinafter set forth based upon opacity values achieved through a three step process, as follows: (i) determine the opacity value using the Table of Required Opacity Value, (ii) calculate the number of plant units required per 100 lineal feet using the Table of Bufferyard Requirements Per 100 Lineal Feet, and (iii) select plant materials from the alternatives listed in the Table of Plant Unit Alternatives. For the purposes of this Section 9-107, opacity value shall be defined as a measure of the degree to which the view of an object is obscured when viewed from the property line or street line. If the building or land use is not visible from the property line or street line, then the screen or buffer has an opacity value of 100 percent. As an example, an opacity value of 100 percent means that the building or land use is completely obscured, i.e., the object cannot be seen, and an opacity value of 20 percent means that the screen or buffer blocks 20 percent of the view from the property line or street line.
1. **Determine Opacity Value:** Bufferyards are to be designed to achieve a certain “opacity” value depending upon their location and consequent desired function. The required opacity value at district boundaries, between properties, and along various rights-of-way shall be determined using the following Table of Required Opacity Value:

<table>
<thead>
<tr>
<th>Zoning of Lot to be Developed</th>
<th>Zoning of Adjoining Lot</th>
<th>Right-of-Way</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A Residential District</td>
<td>Route 22 &amp;</td>
</tr>
<tr>
<td>Zoning of Adjoining Lot</td>
<td>B Residential District</td>
<td>Waukegan Road</td>
</tr>
<tr>
<td></td>
<td>Retail District</td>
<td>Railroad</td>
</tr>
<tr>
<td>A Residential District</td>
<td>50%</td>
<td>100%</td>
</tr>
<tr>
<td>B Residential District</td>
<td>50%</td>
<td>40%</td>
</tr>
<tr>
<td></td>
<td>40%</td>
<td>100%</td>
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<tr>
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<td>50%</td>
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<td></td>
<td>50%</td>
<td></td>
</tr>
<tr>
<td>Retail District</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>Office District</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>College District</td>
<td>50%</td>
<td></td>
</tr>
<tr>
<td>Public Land &amp; Buildings District</td>
<td>50%</td>
<td></td>
</tr>
</tbody>
</table>

Code Key:

50% = 50% opacity value  NR = Not Required

(1) The 40% opacity value shall apply if the principal structure on a lot is equal to or less than 31 feet in height, and the 50% opacity value shall apply if the principal structure on a lot is greater than 31 feet in height.
2. **Calculate Number of Plant Units.** The following Table indicates the number of Plant Units, depending upon bufferyard type and width, which must be installed per 100 lineal feet of bufferyard in order to achieve the opacity values specified in the Table of Required Opacity Value as well as when a berm or fence must be incorporated in the design:

<table>
<thead>
<tr>
<th>Opacity Value</th>
<th>Bufferyard Width (ft.) *</th>
<th>Number of Plant Units</th>
<th>Type of Structure Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>20%</td>
<td>10</td>
<td>1.70</td>
<td>None</td>
</tr>
<tr>
<td>40%</td>
<td>20</td>
<td>3.20</td>
<td>None</td>
</tr>
<tr>
<td>40%</td>
<td>25</td>
<td>2.95</td>
<td>None</td>
</tr>
<tr>
<td>50%</td>
<td>30</td>
<td>3.55</td>
<td>None</td>
</tr>
<tr>
<td>50%</td>
<td>40</td>
<td>2.95</td>
<td>None</td>
</tr>
<tr>
<td>100%</td>
<td>60</td>
<td>3.25</td>
<td>8 ft. berm</td>
</tr>
</tbody>
</table>

* The bufferyard widths set forth in this chart are not intended to be an exclusive list of acceptable bufferyard widths. Please consult the Building Commissioner to calculate the Number of Plant Units and Type of Structure Required for bufferyard widths not listed in this chart, based on calculations as generated by the Bufferyard Analysis Model prepared by Lane Kendig, Inc., as of the date of Ordinance No. 2005-__.
3. **Select Plant Materials.** For purposes of this Code, the plant materials required shall be measured in terms of “Plant Units” which may be established by selecting from any of the alternatives listed in the following Table of Plant Unit Alternatives:

<table>
<thead>
<tr>
<th>Plant Unit Alternative</th>
<th>Quantity, Size at Planting,*** &amp; Type of Plants Required to Equal 1 Plant Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALTERNATIVE UNIT A</td>
<td>1 3” caliper Canopy Tree 1 1½” caliper Understory Tree 1 8’ high Evergreen Tree 11 3’ high Shrubs</td>
</tr>
<tr>
<td>ALTERNATIVE UNIT B</td>
<td>1 3” caliper Canopy Tree 2 1½” caliper Understory Tree 13 3’ high Shrubs</td>
</tr>
<tr>
<td>ALTERNATIVE UNIT C</td>
<td>2 1½” caliper Understory Tree 3 8’ high Evergreen Trees 7 3’ high Shrubs</td>
</tr>
<tr>
<td>ALTERNATIVE UNIT D*</td>
<td>4 8’ high Evergreen Trees 15 3’ high Shrubs</td>
</tr>
<tr>
<td>ALTERNATIVE UNIT E**</td>
<td>2 3” caliper Canopy Trees 3 3’ high Shrubs</td>
</tr>
</tbody>
</table>

*Preferred for year-round screen.

**Permitted only where visibility is necessary for safety of automobile operation.

***Notwithstanding the minimum plant unit sizes listed in the above chart, at least one-third of the required Evergreen Trees shall be no less than 12’ in height, at least one-third of the required Canopy Trees shall be no less than 5 caliper inches in size, and at least one-third of the required Understory Trees shall be no less than 3 caliper inches in size.
4. **Account for Preserved Trees and Shrubs in Bufferyards.** Existing trees shown to be healthy in a tree survey by a qualified forester shall be counted toward the applicable plant unit requirements for any required bufferyard, provided that:

(a) None of the area within the drip line of any preserved tree exceeding sixteen (16) inches DBH shall be disturbed.

(b) No more than ten per cent (10%) of the area within the drip line of any preserved tree from six (6) to sixteen (16) inches DBH shall be disturbed; and

(c) No more than thirty per cent (30%) of the area within the drip line of any preserved tree from two (2) to six (6) inches DBH shall be disturbed.

Preserved trees shall be counted towards canopy, understory, or evergreen tree requirements, as the case may be, in accordance with the following Table:

<table>
<thead>
<tr>
<th>PRESERVED TREES COUNTED TOWARDS BUFFERYARD REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DBH of Preserved Tree (inches)</strong></td>
</tr>
<tr>
<td>------------------------------------</td>
</tr>
<tr>
<td>24 inch +</td>
</tr>
<tr>
<td>16 – 23.9</td>
</tr>
<tr>
<td>10 - 15.9</td>
</tr>
<tr>
<td>6 – 9.9</td>
</tr>
<tr>
<td>2 – 5.9</td>
</tr>
</tbody>
</table>

Existing healthy shrubs may also be counted toward shrub requirements on a one for one basis provided that no part of any such preserved shrub nor its root system is damaged in any manner and that the Building Commissioner determines that such preserved shrub will function to serve the intended purposes of this Section.
5. **Buffyard Planting Illustrations.** For illustration purposes only, the following illustrations depict sample bufferyard plantings after 5 years growth:

(a) 10’ Deep, 1.70 Plant Units, 20.6% Opacity

(b) 20’ Deep, 3.20 Plant Units, 40.4% Opacity
(c)  25’ Deep, 2.95 Plant Units, 40.5% Opacity

Buffer Plan - Alternative 1 (30’ x 100’)

(d)  30’ Deep, 3.55 Plant Units, 50.0% Opacity
(e) 40’ Deep, 2.95 Plant Units, 50.0% Opacity

E. Use of Bufferyards. Required bufferyards may be used for passive recreation. They may be occupied by pedestrian, bicycle, or equestrian trails provided that the required plant units are maintained and all other requirements of this Code are met. In no event shall any other use or structure such as swimming pools, tennis courts, or similar facilities be permitted in any required bufferyard.

F. Review by Architectural Review Commission. Selection of plant unit materials and the location and placement of such materials within the bufferyard shall be evaluated and reviewed by the Architectural Review Commission as part of the Architectural Review Commission's review of site and landscaping plans pursuant to Subsection 11-606F of this Code or, in the event the Architectural Review Commission's review is waived pursuant to Paragraph 11-606E1(b) of this Code, then the review required by this Subsection 9-107G shall be by the Plan Commission.

9-108 SCREENING AND LANDSCAPING REQUIREMENTS

A. Parking Lots and Garages.

1. Parking Lot Screening. Every parking lot and structure shall, to the extent hereinafter specified, be screened by a perimeter landscaped bufferyard having a width of at least 10 feet or the width of the required yard,
whichever is less. The landscaping and screening treatment of such space shall be so designed and maintained to screen parked cars at least up to the top of the engine hood from view at every point located four to six feet above grade, 20 feet from the property line of the subject property and on any public or private street or any private property located in a more restrictive zoning district than the zoning district in which the subject property is located.

The provisions of this Paragraph A1 shall apply to parking lots developed prior to the effective date of this Code only to the extent that such parking lots have, on said effective date, unpaved areas abutting them in which landscaping and screening may be installed.

2. **Parking Lot Interior Landscaping.** In addition to the requirements set forth in Paragraph A1 above, every parking lot containing 10 or more parking spaces shall contain at least one tree of two inches or greater in diameter for each 10 parking spaces constructed after June 27, 1977. Such trees may be provided by the preservation of existing trees or the planting of new trees. Each tree shall be surrounded by a landscaped area of at least 36 square feet. No existing or new tree located more than five feet outside the perimeter of the paved parking area shall be counted in meeting the requirements of this Paragraph A2. All islands in excess of 50 square feet created by curbs or other traffic flow regulators shall be landscaped. Planting islands located within the interior of a parking lot shall be at least six feet in width.

3. **Parking Garage and Structure Design.** The exterior walls of every parking garage and structure constructed after the effective date of this Code, other than garages accessory to single family dwellings, shall be constructed of the same materials as the principal building to which the garage or structure is accessory and shall be constructed in such a manner as to shield all parked vehicles from view from the exterior of the garage or structure.

B. **Loading Spaces.** Every loading space visible from any lot zoned for residential use, whether or not such residential use is within the Village, shall be screened on all sides visible from any such lot by an opaque fence, wall, or densely planted evergreen hedge of not less than six feet in height, except as necessary for access.

C. **Refuse Containers; Outdoor Storage.**

1. **Screening.** All refuse containers and all areas of permitted outdoor storage shall be enclosed on at least three sides by an opaque fence, wall, or densely planted evergreen hedge of a height and in a manner sufficient to completely screen such containers or storage areas from view from adjoining properties and public or private streets.

2. **Location.** No refuse containers or storage areas shall be located between any principal structure and either its front or corner side lot line.
3. **Exemptions.** The requirements of the preceding Paragraph C1 shall not apply to standard receptacles permitted for use by single family dwellings. None of the requirements of this Subsection C shall apply to receptacles placed and maintained for use by the general public to avoid littering.

D. **Class II and III Vehicles in Residential Districts.** All Class II and III vehicles stored in parking areas in residential districts shall be screened on all sides visible from any neighboring public or private property by an opaque fence, wall, or densely planted hedge of at least six feet in height, except as necessary for access. See Subparagraph 9-101D6 of this Code for additional requirements applicable to such vehicles.

E. **Residential Recreational Facilities.** Outdoor residential recreational facilities accessory to any dwelling located in any Residential District shall be located to the rear of the dwelling and may be located in a required rear yard provided such facilities are set back at least ten (10) feet from the dwelling and at least fifteen (15) feet from each side and rear lot line. Unless set back 30 or more feet from all lot lines, such facilities shall be buffered by a perimeter landscaped bufferyard of no less than ten (10) feet and shall be screened by a densely planted hedge of not less or an opaque fence or wall of not less nor more than eight feet in height. Such screening shall be provided on all sides of such facility visible from any adjoining property or any public or private street. See Paragraph 9-101D2 of this Code for additional requirements applicable to such facilities.

F. **Antennas and Antenna Support Structures.** Appropriate landscaping shall be located and maintained between any antenna and antenna support structure, other than a roof-mounted antenna and antenna support structure or a amateur radio facility, and each lot line of the property on which it is located so as to provide the maximum reasonably achievable screening, as determined by the Building Commissioner, of such antenna and antenna support structure from view from adjoining properties and public or private streets. Notwithstanding the foregoing, no such screening is required to extend more than ten (10) feet in height. Alternatively, for a roof-mounted antenna and antenna support structure, the maximum reasonably achievable screening, as determined by the Building Commissioner, shall be provided between such antenna and antenna support structure and the view from adjoining properties and public or private streets. See Paragraphs 9-101D8 and 9-101D9 of this Code for additional requirements applicable to antennas and antenna support structures and amateur radio facilities.

G. **Roof Top Mechanical Equipment.** Except for antennas mounted on roofs pursuant to the provisions of this Code, all mechanical equipment located on the roof of any building constructed after the effective date of this Code shall be fully screened by a parapet wall or other screening structure constructed of materials compatible with the principal building facade to the height of such equipment.

H. **Non-Dwelling Uses Abutting Residential Use.** In any case where a lot to be devoted to any use other than use as a dwelling abuts or is across a right-of-way from any lot zoned for residential use, whether or not such residentially zoned lot
is within the Village, the use and development of the lot to be devoted to the non-dwelling use shall be subject to the following requirements:

1. **Building Setback.** All buildings more than 15 feet in height shall be set back from any front or corner side lot line facing a residential district a distance equal to the setback normally required or to the front yard required in the adjacent residential district or 100 feet, whichever is greater, and from any other lot line no less than 100 feet.

2. **Landscaping and Screening.** Any front or corner side yard or setback required pursuant to the preceding Paragraph shall be treated as a perimeter landscaped bufferyard. Any side or rear lot line abutting a dwelling use or a residential district shall be buffered by a perimeter landscaped open space of at least five feet in width along such lot line and shall provide a total visual screen at least six feet in height along the entire length of such line.

3. **Outdoor Activity Areas.** Any area of permitted outdoor activity likely to produce visual or auditory disturbance or annoyance on any abutting residential lot shall be separated from said lot by a perimeter landscaped bufferyard at least 50 feet wide or by another buffering treatment found by the Building Commissioner to be reasonably sufficient to create a visual barrier, to absorb and diffuse noise, and to ensure the private enjoyment of said lot.

I. **General Landscaping and Maintenance Requirements.** Except for accessory uses expressly permitted to be located in required yards, all yards and open space between and about structures and off-street parking and loading areas and lots shall be landscaped. Except for permitted refuse containers, all areas of every lot shall be kept free of accumulations of garbage, trash, refuse, debris, and other unsightly or nuisance-creating materials. All landscaping shall be continually maintained by the owner or other person responsible for maintenance of the premises, and all planting areas shall be kept free of weeds and debris. Undeveloped areas shall be kept free of accumulations of garbage, trash, refuse, debris, and other unsightly or nuisance-creating materials until developed.

**9-109 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS**

The following shall not be considered to be obstructions when located in the required yards specified:

A. **All Yards.** Patios, decks, and porches not over three (3) feet above the average level of the adjoining ground but not including a covered porch, provided that any such patio, deck, or porch is located no closer than fifteen (15) feet from any lot line; awnings and canopies; steps four (4) feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting 18 inches or less into the yard; recreational and laundry-drying equipment; arbors and trellises; flagpoles; closed-type fences not exceeding six feet in height above grade, provided that such closed type fence
does not abut, in whole or in part, any public right of way with the exception of Half Day Road; open-type fences not exceeding eight feet in height; and pylons subject to the following conditions:

1. **Maximum Height.** No pylon shall exceed the greater of six feet in height or the maximum height of the adjoining elements of an open-type fence;

2. **Affixed Lighting Fixtures.** No lighting fixtures affixed to a pylon shall extend more than 24 inches above the maximum height of the pylon to which such fixture is attached, and in no event shall such fixture and pylon exceed a combined height of eight feet above grade; and

3. **Limited Street Frontage.** In no event shall any pylon exceed six feet in height on a lot with less than 100 lineal feet of street frontage.

**B. Front Yards.** One-story bay windows projecting three (3) feet or less into the yard; and over-hanging eaves and gutters projecting three (3) feet or less into the yard.

**C. Rear Yards.** Enclosed, attached or detached off-street parking spaces; open off-street parking spaces; accessory sheds, tool rooms, and similar buildings or structures for domestic or agricultural storage subject to the required setback for accessory structures; balconies, breezeways, patios, decks, and porches, but not including a covered porch, provided that such balcony, breezeway, patio, deck, or porch does not extend into the required rear yard by more than fifteen (15) feet; one-story bay windows projecting three (3) feet or less into the yard; and overhanging eaves and gutters projecting three (3) feet or less into the yard.

**D. Side Yards.** Overhanging eaves and gutters projecting eighteen (18) inches or less into the yard.

**E. Obstructions in Rights-of-Way.** For purposes of this Code, no structure may be constructed within a public or private right-of-way for street purposes, except as expressly provided in this Code.

**9-110 PERSONAL WIRELESS SERVICES ANTENNAE REGULATIONS**

**A. Purpose.** The purpose of this section is to provide specific regulations and standards for the placement and siting of wireless telecommunications antennae and related facilities to provide wireless telecommunications services in the Village of Bannockburn. The goal of this section is to provide regulations that will facilitate the location of various types of wireless communication facilities in permitted locations so that they are consistent with the countryside and estate character of the Village. The sizable areas of open space, the extensive natural landscaping, and the relatively low scale of structures in the Village all contribute to this unique and distinctive setting. Minimizing the adverse visual impact of wireless facilities within the Village, and especially within the residential core of the Village, is one of the primary objectives of this section. This section is intended to allow wireless telecommunication facilities that are sufficient to allow
adequate service to citizens, the traveling public, and others within the Village, while maintaining the unique character of the Village as described in the Village Comprehensive Plan.

B. General Standards and Regulations. The general standards set forth in this section shall apply to the location of all personal wireless services antennae in the Village, whether allowed as a permitted use or as a special use in the individual zoning district regulations of this Code.

1. Separation from Residential Districts and Properties. Personal wireless services antennae, support structures, and personal wireless services facilities shall not be located within 500 feet from the nearest outside wall of any single family dwelling in existence prior to the commencement of construction of such personal wireless services antennae, support structures, or personal wireless services facilities; provided, however, that the personal wireless services antennae, support structures, or personal wireless services facilities that are located on property owned by the Village may be located within 500 feet, but not less than 150 feet, from the nearest outside wall of any single family dwelling.

2. Height. Unless otherwise authorized and approved as a special use, personal wireless services antennae, support structures, or personal wireless services facilities may extend to the following heights:

   (a) Towers and Monopoles. Personal wireless services antenna support structures of a tower or monopole design may extend to a height of not more than 65 feet.

   (b) Omnidirectional or Whip Antennae. Omnidirectional or whip antennae may extend not more than 12 feet above the highest point of the support structure on which it is mounted.

   (c) Directional or Panel Antennae. Directional or panel antennae may not extend above the highest point of the support structure on which it is mounted; except that, pursuant to a special use permit, directional or panel antennae may extend not more than 3.5 feet above the highest point of the support structure on which it is mounted if the directional or panel antennae are attached to existing omnidirectional or whip antennae that are attached to the support structure.

   (d) Personal Wireless Services Facilities. Personal wireless services facilities located in a separate structure shall be limited by the applicable height limitations for accessory structures in the Zoning Code. Personal wireless services facilities located in, or mounted on, an antenna support structure shall not exceed the height of such support structure.
3. **Location.** Personal wireless services antennae shall be mounted on existing antenna support structures or other lawfully existing buildings, unless otherwise provided in this ordinance. No more than one antenna support structure shall be permitted on any one zoning lot; provided, however, that not more than two monopole support structures may be permitted, as a special use, on any zoning lot (i) located east of Illinois Route 43; (ii) lying in its entirety at least 3,200 feet south of Illinois Route 22; and (iii) where no portion of such lot is located less than 170 feet from a school.

4. **Co-Location.** Unless otherwise authorized by the Village for good cause shown, every newly constructed personal wireless services antenna support structure shall be designed, constructed and installed to be of a sufficient size and capacity to allow the commercially feasible location of antennae for additional personal wireless service providers on such structure in the future.

5. **Design of Antennae Support Structure.** Every newly constructed personal wireless services antennae support structure, other than an existing structure that is designed primarily for a purpose other than supporting a personal wireless services antenna, shall:

   a. Be constructed at the minimum height required to adequately serve the antennae placed thereon;

   b. Be of monopole rather than tower design, unless otherwise authorized by the Village for good cause shown;

   c. Not be illuminated or have any signs installed thereon (other than private warning signs) unless otherwise required by federal law or regulations or authorized by the Village Board;

   d. Be separated from any building on an adjoining lot by a distance that is not less than 110 percent of the height of the antenna support structure and be designed to withstand a wind force of 120 miles per hour without the use of supporting guy wires. For the purposes of this requirement, this distance shall be measured horizontally from the center of the base of the antenna support structure to the point where the ground meets a vertical wall of such building; and

   e. Be adequately screened from view by the natural tree landscaping or otherwise designed in such a manner that the antenna support structure itself is minimally intrusive to the visual landscape.

6. **Color.** Every personal wireless services antenna and antenna support structure shall be of neutral colors that are harmonious with, and that blend with, the natural features, buildings and structures surrounding such antenna and antenna support structures; provided, however, that
directional or panel antennae and omnidirectional or whip antennae mounted on the exterior of a building serving as an antenna support structure shall be of colors that match, and cause the antenna to blend with, the exterior of the building.

7. **Landscaping and Buffering.** In order to minimize the visibility of personal wireless services antennae, support structures, and personal wireless services facilities, a natural screen or fence shall be erected if not already provided, so as to provide the maximum achievable screening as determined by the Village. Appropriate landscaping shall be located and maintained between any personal wireless services antenna, support structure, and personal wireless services facilities (other than a roof-mounted personal wireless services antenna) and each lot line of the property on which it is located so as to provide the maximum reasonably achievable screening, as determined by the Village, of such personal wireless services antennae, support structure, and personal wireless services facilities from view from adjoining properties and public or private streets. Notwithstanding the foregoing, no such screening is required to extend more than ten (10) feet in height. Alternatively, for a roof-mounted personal wireless services antenna and antenna support structure, the maximum reasonably achievable screening shall be provided between such personal wireless services antenna and antenna support structure and the view from adjoining properties and public or private streets.

8. **Protection Against Climbing.** Every personal wireless services antenna and antenna support structure shall be protected against unauthorized climbing or other access by the public with fencing or by other means approved by the Building Commissioner.

9. **Equipment Enclosures.** All personal wireless services facilities shall, whenever possible, be located within a lawfully pre-existing structure or completely below grade. Where the Village Building Commissioner determines that the location of personal wireless facilities within an existing structure or below grade cannot be achieved in a reasonably cost-effective manner, a new structure having not more than 150 square feet in gross floor area may be constructed to house such equipment, such structure shall be harmonious with, and blend with, the natural features, buildings, and structures surrounding such structure.

10. **Architectural Review.** Any location of a personal wireless services antenna, support structure, or personal wireless services facility, as a permitted use or pursuant to a special use permit, shall be subject to Architectural Review, as provided by Section 11-606 of this Code, to confirm that such antenna, support structure, or personal wireless services facility meets or exceeds the standards and requirements set forth in this ordinance, any other applicable ordinance, and otherwise complies with the procedures and standards set out in Section 11-606. Notwithstanding
Section 11-606(E)(1)(d), the application for approval of such antenna, support structure, or personal wireless services facility must be approved by the Architectural Review Commission prior to issuance of any building permit therefor, and the failure of the Architectural Review Commission to act on the application will be deemed a disapproval of the application.

11. **Licenses and Permits.** The operator of every personal wireless services antenna shall submit to the Village copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location, and operation of such antenna and shall maintain such licenses and permits and provide evidence of renewal or extension thereof when granted. In addition, no personal wireless services antenna may be installed, nor may any antenna support structure or personal wireless services facility be constructed or altered, without a building permit issued therefor by the Village.

12. **Abandonment and Removal.** When any antenna, antenna support structure, or personal wireless services facilities are not operated for the provision of personal wireless services for a continuous period of 12 months or more, such antenna, antenna support structure, or personal wireless services facilities may be deemed to be abandoned by the Village. The owner of such antenna, antenna support structure, or personal wireless services facilities shall remove such items within 90 days following the mailing of written notice that removal is required. Such notice shall be sent by certified or registered mail, return receipt requested, by the Village to such owner at the last known address of such owner. If two or more providers of personal wireless services use an antenna support structure or personal wireless services facility to provide personal wireless services, then the period of non-use under this provision for any support structure or personal wireless services facilities shall be measured from the cessation of operation by all such providers of the support structure or personal wireless services facilities.

9-111 **WIND ENERGY SYSTEMS**

A. **Purpose.** The purpose of this Section 9-111 is to:

1. Establish reasonable and uniform regulations for the location, installation, operation, maintenance, and decommissioning of Building-Mounted Wind Energy Systems (BWES) and Small Wind Energy Systems (SWES);

2. Assure that any development and production of wind-generated electricity in the Village is safe and to minimize any potentially adverse effects on adjoining properties and the broader community;

3. Facilitate the development and production of wind-generated electricity in the Village in a manner consistent with the predominately low density, countryside character of the Village;
4. Promote the supply of sustainable and renewable energy resources, in support of national, state, and local goals; and

5. Facilitate energy cost savings and economic opportunities for Village residents and businesses.

B. Definitions. Notwithstanding Section 12-206 of this Code, when used in this Section 9-111, the following terms shall have the meanings herein ascribed to them:

**Abandoned WES:** A WES that has not been repaired to operating condition within the applicable timeframe set forth in Paragraph 9-111C12 of this Section, or for which the owner has not made all submissions required pursuant to Subsection 9-111F of this Section.

**Ambient Sound:** The all-encompassing sound at a given location, usually a composite of sounds from many sources near and far. For the purpose of this Code, the “ambient sound level” shall mean the quietest of ten 10-second average sound levels measured when there are no nearby or distinctly audible sound sources (e.g., dogs or jets). Daytime ambient measurements should be made during mid-morning weekday hours, while nighttime measurements should be made after midnight.

**Blade:** The portion of a WES that is designed to capture the wind, causing the shaft to turn.

**Blade Tip:** The farthest extremes of a blade.

**Daytime hours:** The hours of the day from 7:00 am to 10:00 pm.

**Decibel (dB):** The unit of sound level based on a reference where 0 dB represents the threshold of hearing at 1000 Hz for a healthy young adult.

**FAA:** The Federal Aviation Administration of the United States Department of Transportation.

**FCC:** The Federal Communications Commission.

**Height:** When used in reference to a WES, "height" shall mean the vertical distance measured from grade to the highest point of the WES. When used in reference to any other structure, "height" shall have the meaning set forth in Section 12-206 of this Code.

**High Quality Aquatic Resource:** Waters of the United States or Isolated Waters of Lake County that are determined to be critical due to their uniqueness, scarcity, function and/or value, in accordance with the Lake County Watershed Development Ordinance.

**Horizontal Axis Wind Turbine (HAWT):** A Turbine for which the main rotor shaft is arranged horizontally, and typically for which the main rotor shaft and
generator are located at the top of the tower on which the WES is mounted and pointed into the wind in order to generate electricity.

**Low-Frequency Sound:** Sound with frequencies below 100 Hz, including audible sound and sound at a frequency below that of human hearing (i.e. infrasound).

**Nacelle:** That part of a turbine containing the shaft, gear box, and generator.

**Nameplate Wattage:** The amount of energy produced from a WES at maximum or optimum wind speeds within one hour, as indicated by the manufacturer.

**Nighttime hours:** The time between 10:00 pm on one calendar day and 7:00 am on the next calendar day.

**Nonparticipating Property:** A property that is not owned by the owner of the property on which the WES is proposed or installed.

**Operable Condition:** For any WES, the condition of being capable of operating at full capacity while meeting all sound, shadow flicker and other applicable conditions set forth in this Code.

**Shadow Flicker:** The on-and-off strobe light effect caused by the shadow of moving blades cast by the sun upon a turbine's blades.

**Shadow Flicker Intensity:** The difference or variation in brightness at a given location in the presence and absence of a shadow.

**Silhouette:** The area covered by moving blades of a WES turbine, as viewed from the front elevation, described in square feet.

**Sound Level:** The A-weighted sound level in decibels (dB) (or the C-weighted level, if specified).

**Structural Engineer:** An Engineer who is licensed and registered to practice structural engineering in the State of Illinois under the Illinois Structural Engineering Act and whose principal professional practice is in the field of structural engineering.

**Sun Glint:** The reflection of sunlight off of a surface of the turbine, tower, or other component of a WES.

**Tower:** The structure on which a turbine is mounted, which structure is a component of a WES.

**Turbine:** The blades, nacelle, and tail of a WES.

**Vertical Axis Wind Turbine (VAWT):** A Turbine of which the main rotor shaft is arranged vertically and that does not need to be pointed into the wind in order to generate electricity.
C. General Regulations. Except as specifically provided otherwise in Subsections D and E of this Section 9-111, all WES shall comply with the general regulations set forth in this Subsection 9-111C.

1. Compliance with Laws. All WES shall comply with all applicable Village, state, and federal laws and regulations, including, without limitation, the provisions of this Section 9-111, this Code, and all Village building ordinances and regulations.

2. Compliance with Permits. All WES shall comply with all applicable WES permits issued pursuant to this Section 9-111, including, without limitation, all conditions imposed by the Village as a condition of issuance of the permits.

3. Horizontal Axis Wind Turbines Prohibited. No WES may include a Horizontal Axis Wind Turbine at any location for any use within the Village.

4. Interference with Utilities, Roads, and Neighboring Properties. No WES shall be operated in a manner so as to interfere with any public right-of-way or any utility system in the Village, or so as to interfere with the reasonable use and enjoyment of any other property in the Village.

5. General Engineering Regulations.

(a) All WES facilities shall be designed to withstand a minimum wind velocity of 120 miles per hour.

(b) Each WES shall conform to all applicable industry standards, including, without limitation, the standards developed by the American National Standards Institute (ANSI).

(c) All WES facilities shall be equipped with automatic and manual braking systems.


(a) WES facilities must be installed according to manufacturer specifications.

(b) All necessary electrical connections must be made by a licensed electrician.

7. General Sound Level Regulations.

(a) The average sound level produced by a WES shall not exceed the following maximums in the following locations:

(i) On any Nonparticipating Property located within a Residential District or the College District, or used for
residential purposes or for a school: 50 dB(A) during daytime hours, and 40 dB(A) during nighttime hours;

(ii) On any Nonparticipating Property used for industrial purposes, 65 dB(A) at any time; and

(iii) On any other Nonparticipating Property, 60 dB(A) at any time.

(b) No WES shall operate with an average sound level more than 10 dB(A) above the non-operational ambient sound level, as measured on any Nonparticipating Property used for residential purposes or for a school that is within 500 feet of the WES, or, if none, on any other Nonparticipating Property.

(c) To limit the level of low-frequency sound, the average C-weighted sound level during WES operation shall not exceed the A-weighted ambient sound level by more than 20 dB.

(d) Sound level meters used for sound measurement must meet the requirements of a Type 2 or better precision instrument according to ANSI S1.4 (American National Standard Specification for Sound Level Meters), and must measure the average sound level using an integrating sound level meter that meets the requirements of ANSI S1.43 (American National Standard Specifications for Integrating Averaging Sound Level Meters). Average sound-level shall be calculated by time-averaging sound levels for a period of not less than one minute nor more than two minutes. Measurements shall not be made when ground level winds exceed 10 miles per hour.

8. General Shadow Flicker Regulations.

(a) No shadow flicker caused by any WES shall fall on any Nonparticipating Property that is either located in a Residential District or in the College District, or that is used for residential purposes or for a school:

(i) at any time upon any building on a Nonparticipating Property that exists as of the date of first operation of the WES; or

(ii) for more than 50 hours in a calendar year upon any portion of the buildable area of the Nonparticipating Property.

(b) No shadow flicker caused by any WES shall fall on any Nonparticipating Property that is not located in a Residential District or in the College District, and that is not used for residential purposes or for a school:
(i) for more than one hour on any calendar day on any window of a building that exists as of the date of first operation of the WES; or

(ii) for more than 50 hours in a calendar year upon any portion of the buildable area of any Nonparticipating Property. In the event that an existing WES causes shadow flicker on a particular window of a Nonparticipating Property, no other WES may be constructed or operated in a manner that would cause shadow flicker on that window in excess of the limitations set forth in this Subparagraph 9-111C8(b) except upon issuance of a special use permit therefor by the Village Board of Trustees.

(c) As a condition of any permit issued pursuant to this Section 9-111, the Village may require the Applicant to commit to a schedule for turning WES turbines off, in order to ensure compliance with the applicable shadow flicker regulations set forth in this Paragraph 9-111C8.

9. **Cessation of Operation in Emergency.** The owner of the WES shall be required to immediately cease operation of the WES for the duration of any emergency, as determined by the Village. For purposes of this Paragraph 9-111C9, an emergency shall mean a condition or situation caused by the WES or a natural or manmade disaster that presents an imminent physical threat of danger to life or significant threat to property.

10. **Electronic Interference.** WES facilities shall not be operated so as to cause electromagnetic degradation in performance of microwave, television, radio, internet or other wireless transmissions, including public emergency communications systems, in a manner contrary to FCC regulations or other federal, state or local laws. For purposes of this Paragraph 9-111C10, "degradation in performance" shall be determined in accordance with the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Electrical Industries Association.

11. **Maintenance.**

   (a) WES facilities shall be maintained in Operable Condition at all times, except for reasonable maintenance and repair outages.

   (b) Should a WES become inoperable, or should any part of the WES become damaged, or should a WES violate a permit condition, the owner of the WES shall cease operations immediately and remedy the condition within 90 days after receipt of a notice from the Village regarding the condition; provided, however, that if the condition presents an immediate threat to the public health, safety,
or welfare, the owner of the WES shall remedy the condition promptly.

12. **Decommissioning.**

(a) A WES that is not in Operable Condition for a period exceeding 30 consecutive days shall be deemed abandoned. The owner of an abandoned WES and the owner of the property on which the WES is located shall cause the removal of all WES structures and facilities within 30 days after receipt of a notice of abandonment from the Village.

(b) Any abandoned WES that is not removed within 30 days after receipt of a notice of abandonment shall be deemed a public nuisance, which nuisance the Village shall have the right, but not the obligation, to summarily abate by removing such WES at the joint and several expense of the owners of the WES and of the property on which the WES is located. In the case of such removal, the Village shall have the right, but not the obligation, to file a lien for reimbursement of any and all expenses incurred by the Village in connection with the removal, including, without limitation, attorney fees and accrued interest.

(c) Upon removal of the WES, the subject property shall be restored to its original pre-WES-construction condition.

13. **Architectural Review.** The design, materials, and location of all proposed WES facilities shall be subject to Architectural Review pursuant to Section 11-606 of this Code.

D. **Building-Mounted Wind Energy Systems (BWES).**

1. **Permitted Locations.** Building-Mounted Wind Energy Systems are allowed as a permitted use in any zoning district, but only upon issuance of a BWES permit in accordance with the following:

(a) The owner of the property on which the BWES is proposed to be installed shall submit an application for a BWES permit pursuant to Paragraph 11-301E17 of this Code.

(b) Upon receipt of a complete application pursuant to Paragraph 11-301E17 of this Code, and upon approval of the proposed BWES by the Architectural Review Commission pursuant to Section 11-606 of this Code, and upon a determination by the Building Commissioner that the application and the proposed BWES complies with the requirements set forth in this Subsection 9-111D, the Village shall: (i) issue the BWES permit; and (ii) record the maintenance covenant submitted pursuant to Subparagraph 11-
301E17(a)(v) of this Code with the Recorder of Deeds of Lake County, Illinois.

2. **Installation.** BWES devices may be structurally attached either on the roof or on the side of a building, if in accordance with the Village Building Code. There shall be no maximum number of BWES devices that may be installed on any property, provided that each such device complies with all applicable provisions of this Code.

3. **Height.** No portion of any BWES facility shall extend more than 15 feet above the highest point of the building on which it is mounted, nor more than 35 feet above grade if located in any Residential District.

4. **Diameter.** Unless authorized pursuant to a special use permit, the maximum diameter of a BWES shall be as follows:

   (a) For a BWES that is mounted on a residential building, or on a property abutting a Nonparticipating Property that is located within a Residential District or used for residential purposes, the diameter of the BWES shall not exceed the lesser of 10 feet, or 20 percent of the width of the front elevation of the building on which the BWES is mounted.

   (b) For all other BWES, the diameter shall not exceed the lesser of 10 feet, or 50 percent of the width of the front elevation of the building on which the BWES is mounted.

5. **Color and Sun Glint.** BWES facilities shall be finished in a neutral color. The finish shall be flat or matte, so as to reduce incidence of sun glint. The required coloration and finish shall be maintained throughout the life of the BWES.

6. **Signage.** No BWES shall have any advertising material, writing, picture, or signage, other than warning information or manufacturer identification.

E. **Small Wind Energy Systems (SWES).**

1. **Permitted Locations.** One SWES is allowed as a permitted use on any property, but only upon issuance of an SWES permit in accordance with the following:

   (a) The owner of the property on which the SWES is proposed to be installed shall submit an application for an SWES permit pursuant to Paragraph 11-301E17 of this Code.

   (b) Upon receipt of a complete application pursuant to Paragraph 11-301E17 of this Code, and upon approval of the proposed BWES by the Architectural Review Commission pursuant to Section 11-606 of this Code, and upon a determination by the Building
Commissioner that the application and the proposed SWES complies with the requirements set forth in this Subsection 9-111E, the Village shall: (i) issue the SWES permit; and (ii) record the maintenance covenant submitted pursuant to Subparagraph 11-301E17(a)(v) of this Code with the Recorder of Deeds of Lake County, Illinois.

(c) Any additional SWES shall be allowed on a property only upon issuance of a special use permit therefor.

2. Use and Energy Production Restrictions. The primary purpose of the SWES shall be the production of energy for local distribution and consumption on the property on which the SWES is located. SWES shall not be constructed for the sole purpose of energy production for wholesale or retail sale purposes; provided, however, that excess energy produced by an SWES may be sold to a local electric utility company.


(a) Setbacks. All portions of all SWES (including, without limitation, the blades of any turbines) shall comply with the generally applicable setback restrictions for the Zoning District in which the SWES is located and with the following setback restrictions, to be measured from the base of the SWES tower:

(i) SWES facilities may not be constructed within or over any utility, water, sewer, or other type of recorded easement.

(ii) SWES facilities may not be constructed within 50 feet of any body of water or wetlands, nor within 100 feet of any High Quality Aquatic Resources.

(iii) SWES facilities shall be set back from all property lines, third party transmission lines, and communication towers a minimum distance equal to 110 percent of the height of the SWES.

(iv) Guy wires and anchoring systems shall not be located closer than 30 feet from any property line or public right-of-way.
(b) **Height.**

(i) **Residential Districts.** Except as authorized pursuant to a special use permit, no portion of any SWES located in a Residential District shall exceed the following:

<table>
<thead>
<tr>
<th>Residential District</th>
<th>Maximum Height</th>
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<tbody>
<tr>
<td>A Residential District</td>
<td>40 feet</td>
</tr>
<tr>
<td>B Residential District</td>
<td>35 feet</td>
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</tbody>
</table>

(ii) **All Other Districts.** No portion of any SWES constructed in any zoning district other than a Residential District shall exceed 175 feet in height; provided, however, that no portion of any SWES shall exceed 100 feet in height if located within 500 feet of a Nonparticipating Property located within a Residential District or used for residential purposes.

(iii) **Blade Tip Height.** The blade tip, at its lowest point, shall not be located at a height lower than 15 feet above the ground.

4. **Diameter.** Unless authorized pursuant to a special use permit, the diameter of a SWES shall not exceed 10 feet.

5. **Color and Sun Glint.** Except as approved in advance by the Building Commissioner, all SWES facilities shall be finished in either off-white, light gray, or another neutral color. The finish shall be flat or matte, so as to reduce incidence of sun glint. The required coloration and finish shall be maintained throughout the life of the SWES.

6. **Signage.**

(a) No SWES shall have any advertising material, writing, picture, or signage other than warning signage, turbine tower identification, or manufacturer or ownership information.

(b) Except for meteorological and weather devices, or bird flight diverters on guy wires, no flag, decorative sign, streamers, pennants, ribbons, spinners or waiving, fluttering or revolving devices shall be attached to any portion of the SWES.
(c) One or more warning signs, no less than eighteen square inches and no greater than two square feet in area, shall be posted at the base of an SWES tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the emergency telephone number of the owner of the SWES.

(d) The sign area of any sign displaying the manufacturer’s identification or ownership information shall be no larger than one square foot.

7. **Climb Prevention.** The base of the tower shall not be climbable for a vertical distance of 15 feet from the base, unless the tower is enclosed with a locked fence that is at least eight feet in height.

8. **Lighting.**

(a) SWES facilities shall comply with all applicable FAA lighting regulations and any other federal, state or Village lighting regulations.

(b) SWES facilities shall not be artificially lighted except as expressly required by the FAA or as necessary for the safety of personnel performing maintenance of, or repairs to, the facilities. Any such artificial lighting shall be shielded so that no glare extends substantially beyond the property lines of the property on which the SWES is located.

(c) Any security or emergency lighting shall be used only to the minimum extent necessary.

(d) In order to reduce the impact on local wildlife, only red, dual red-and-white strobe, strobe-like, or flashing lights shall be used for SWES facilities.

9. **Environmental Impact.**

(a) SWES facilities, and the property on which such facilities are located, shall be maintained in accordance with the environmental plan submitted pursuant to Paragraph 11-301E17(c)(iv)(B) of this Code.

(b) In order to reduce potential bird perching and nesting, all towers used for SWES facilities shall be designed as enclosed tubular structures with pointed tops, unless otherwise approved by the Village.

F. **Reporting to Village.** Not less than once every 12 months, the owner of each WES shall submit to the Village: (1) a sworn statement that the operation and maintenance of the WES has been performed in compliance with all applicable
directions issued by the manufacturer thereof, along with supporting evidence as may be requested by the Village; and (2) electric bills for the property on which the WES is located for the preceding 12 months, to indicate the level of WES energy production and usage.

G. **Indemnification.** The owner of each WES, and the owner of the property on which the WES is located, shall jointly and severally defend, indemnify and hold harmless the Village and its officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever including attorney’s fees arising out of any permit, approval, inspection, or other act or omission of the Village, or any acts or omissions of the owners concerning the operation of the WES project without limitation, whether said liability is premised on contract or on tort.

H. **Subsequent Development.** No WES that is constructed and operated in compliance with this Section 9-111 shall be deemed to be in violation of this Section 9-111 solely as a result of any construction on, or rezoning of, any Nonparticipating Property that occurs after the first date of operation of the WES.

9-112 SOLAR AND GEOTHERMAL ENERGY SYSTEMS

A. **Purpose.** The purpose of this Section 9-112 is to:

1. Establish reasonable and uniform regulations for the location, installation, operation and maintenance of Solar and Geothermal Energy Systems;

2. Assure that any development and production of solar and geothermal energy systems is safe and minimizes any potentially adverse effects on the community;

3. Promote the supply of sustainable and renewable energy resources, in support of national, state and local goals; and

4. Facilitate energy cost savings and economic opportunities for residents and businesses situated within the Village.

B. **Solar Energy System Regulations.** All Solar Energy Systems shall comply with the regulations set forth in this Subsection 9-112B.

1. **Compliance with Laws.** All Solar Energy Systems shall comply with all applicable Village, state, and federal laws and regulations, including, without limitation, the provisions of this Section 9-112, this Code, and all Village building ordinances and regulations.

2. **Compliance with Permits.** All Solar Energy Systems shall comply with all applicable Solar Energy Systems permits issued pursuant to this Section 9-112, including, without limitation, all conditions imposed by the Village as a condition of issuance of the permits.
3. **Use and Energy Production Restrictions.** The sole purpose of the Solar Energy System shall be the production of energy for local distribution and consumption on the property on which the Solar Energy System is located; provided, however, that excess energy produced by a Solar Energy System may be sold to a local electric utility company.

4. **Interference with Utilities, Roads, and Neighboring Properties.** No Solar Energy System shall be operated in a manner so as to interfere with any public right-of-way or any utility system in the Village, or so as to interfere with the reasonable use and enjoyment of any other property in the Village.

5. **Engineering Requirements.** Solar Energy Systems shall conform to all applicable industry standards, including, without limitation, the standards developed by the American National Standards Institute, as determined by the Building Commissioner.

6. **Building-Mounted Solar Energy Systems.**

   (a) **Solar Energy System Permit Required.** Building-mounted Solar Energy Systems are allowed as a permitted use in any zoning district, but only upon issuance of a Solar Energy System permit in accordance with the following:

   (i) The owner of the property on which the Solar Energy System is proposed to be installed shall submit an application for a Solar Energy System permit pursuant to Paragraph 11-301E18 of this Code.

   (ii) Upon receipt of a complete application pursuant to Paragraph 11-301E18 of this Code, and upon a determination by the Building Commissioner that the application and the proposed Building-Mounted Solar Energy System comply with the requirements set forth in this Subsection 9-112B, the Village shall issue the Solar Energy System permit.

   (b) **Location.**

   (i) Solar Energy Systems may be mounted on the roof of a permitted principal or accessory structure. Solar Energy Systems shall not be mounted upon any other portion of any principal or accessory structure.

   (ii) Solar Energy Systems must either be: (1) an integral part of the structure, rather than a separate mechanical device, replacing or substituting for an architectural or structural part of the building, such as a photovoltaic or hot water system that are contained within roofing materials,
windows, skylights, shading devices and similar architectural components; or (2) mounted flush with, and parallel to, a finished surface, at no more than six inches in height above that surface.

(c) **Horizontal Projection.** Solar Energy Systems shall not extend beyond the exterior perimeter of the structure on which the System is mounted.

(d) **Setbacks.** All portions of building-mounted Solar Energy Systems shall comply with the generally applicable setback restrictions for the Zoning District in which the Solar Energy System is located.

(e) **Height.** The height of any building-mounted Solar Energy System shall not exceed the lesser of: (i) the height of the peak of that portion of the roof of the structure on which the System is mounted; and (ii) the generally applicable height restrictions for the Zoning District in which the Solar Energy System is located. For purposes of this Subparagraph 9-112B6(e), “height” shall be measured vertically from the lowest edge of the panel to the highest edge of the Solar Energy System.

(f) **Maximum Roof Coverage.** No Solar Energy System shall occupy more than 80% of the cumulative area of the face of the structure on which the System is mounted, unless the System is incorporated into, and is an integral part of, the structural elements of the face on which it is mounted.

7. **Ground-Mounted Solar Energy Systems.**

(a) **Special Use Permit Required.**

(i) Except as provided in Subparagraph 9-112B7(a)(ii) of this Code, Ground-Mounted Solar Energy Systems are allowed only upon issuance of a special use permit therefor. In addition to the application required pursuant to Section 11-301 of this Code for special use permits, the owner of the property on which the Ground-Mounted Solar Energy System is proposed to be installed shall submit an application for a Solar Energy System permit pursuant to Paragraph 11-301E18 of this Code.

(ii) No special use permit shall be required for the installation of a portable Solar Energy Systems for a swimming pool pursuant to Paragraph 9-112B8 of this Code.

(b) **Location.**
(i) No ground-mounted Solar Energy System constructed in a Residential District shall be located within any public or private right-of-way for street purposes.

(ii) No ground-mounted Solar Energy System may be constructed within any off-street parking or loading space required pursuant to this Code.

(c) **Quantity and Size of Solar Panels.** The quantity and size of solar panels installed as part of a ground-mounted Solar Energy System shall not exceed the specifications set forth in the special use permit issued therefor.

(d) **Installation Angle.** All solar panels of a ground-mounted Solar Energy System shall be installed at the angle specified in the special use permit issued therefor.

(e) **Setbacks.** In all zoning districts, all portions of ground-mounted Solar Energy Systems shall comply with the generally applicable setback restrictions for the Zoning District in which the Solar Energy System is located, as measured from the property line to the closest edge of the system. Solar Energy Systems (and parts thereof) shall not be deemed a permitted obstruction in any required yard.

(f) **Height.** The height of a ground-mounted Solar Energy System shall not exceed the specifications set forth in the special use permit issued therefor.

(g) **Lot Coverage.** The total solar panel surface area of each ground-mounted solar energy stem shall be included in the lot coverage calculations for the property on which the system is located.

(h) **Screening and Bufferyards.** Ground-mounted Solar Energy Systems shall be screened in accordance with the specification set forth in the special use permit issued therefor.

(i) **Rotation.** Ground-mounted Solar Energy System panels may not rotate except as may be approved pursuant to the special use permit issued therefor.

8. **Portable Solar Energy Systems for Swimming Pools.** Portable Solar Energy Systems may only be constructed and used within the Village in accordance with the following additional provisions:

(a) No portable Solar Energy System may be constructed or used prior to April 1 or after October 31 of any calendar year.
(b) No portable Solar Energy System may be used for any purpose other than the provision of heat for an outdoor swimming pool located within a Residential District.

(c) Portable Solar Energy Systems shall be constructed and used in accordance with the applicable provisions of Paragraph 9-112B7 of this Code governing ground-mounted Solar Energy Systems.


(a) A Solar Energy System that is not capable of operating at full capacity for a period exceeding 30 consecutive days shall be deemed abandoned. The owner of an abandoned Solar Energy System and the owner of the property on which the Solar Energy System is located shall cause the removal of all Solar Energy System structures and facilities within 30 days after receipt of a notice of abandonment from the Village.

(b) Any abandoned Solar Energy System that is not removed within 30 days after receipt of a notice of abandonment shall be deemed a public nuisance, which nuisance the Village shall have the right, but not the obligation, to summarily abate by removing such System at the joint and several expense of the owners of the System and of the property on which the System is located. In the case of such removal, the Village shall have the right, but not the obligation, to file a lien for reimbursement of any and all expenses incurred by the Village in connection with the removal, including, without limitation, attorney fees and accrued interest.

(c) Upon removal of the Solar Energy System, the owner of record of the subject property shall restore that portion of the subject property on which the System was installed in accordance with the standards required by the Village’s then-current applicable codes.

C. Geothermal Energy System Regulations. All Geothermal Energy Systems shall comply with the regulations set forth in this Subsection 9-112C.

1. Compliance with Laws. All Geothermal Energy Systems shall comply with all applicable Village, county (including, without limitation, applicable regulations of the Lake County Health Department), state, and federal laws and regulations, including, without limitation, the provisions of this Section 9-112, this Code, and all Village building ordinances and regulations.

2. Compliance with Permits. All Geothermal Energy Systems shall comply with all applicable Geothermal Energy Systems permits issued pursuant to this Section 9-112, including, without limitation, all conditions imposed by the Village as a condition of issuance of the permits.
3. **Permitted Locations.** Geothermal Energy Systems are allowed as a permitted use in any zoning district, but only upon issuance of a Geothermal Energy System permit in accordance with the following:

   (a) The owner of the property on which the Geothermal Energy System is proposed to be installed shall submit an application for a Geothermal Energy System permit pursuant to Paragraph 11-301E19 of this Code.

   (b) Upon receipt of a complete application pursuant to Paragraph 11-301E19 of this Code, and upon a determination by the Building Commissioner that the application and the proposed Geothermal Energy System complies with the requirements set forth in this Subsection 9-112C, the Village shall issue the Geothermal Energy System permit.

4. **Engineering Requirements.** Geothermal Energy Systems shall conform to all applicable industry standards, including, without limitation, the standards developed by the American National Standards Institute, as determined by the Building Commissioner.

5. **Setbacks.** All components of a Geothermal Energy System that are located above ground shall comply with the generally applicable setback restrictions for the Zoning District in which the system is located.

6. **Installation in Rights-of-Way Prohibited.** No portion of a geothermal energy system shall be installed in any right-of-way or in any easement dedicated for roadway purposes.

D. **Indemnification.** The owner of each Solar or Geothermal Energy System, and the owner of the property on which the Solar or Geothermal Energy System is located, shall jointly and severally defend, indemnify and hold harmless the Village and its officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever including attorney’s fees arising out of any permit, approval, inspection, or other act or omission of the Village, or any acts or omissions of the owners concerning the operation of the Solar or Geothermal Energy System, including, without limitation, whether said liability is premised on contract or on tort.
NONCONFORMITIES

10-101 GENERAL PROVISIONS

A. Purposes. This Article X regulates and limits the continued existence of uses, structures, lots, and signs established prior to the effective date of this Code that do not conform to the regulations of this Code applicable in the zoning districts in which such uses, structures, lots, and signs are located.

The zoning districts established by this Code are designed to guide the future use of land within the Village by encouraging the development or maintenance of desirable residential, business, and office areas with appropriate groupings of compatible and related uses and thus to promote and protect the public health, safety, and general welfare. The continued existence of nonconformities is frequently inconsistent with the purposes for which such districts are established and thus the gradual elimination of such nonconformities is generally desirable.

B. General Scope and Scheme of Regulation. Separate restrictions are established for nonconforming uses of land and nonconforming uses of structures designed for a permitted use, nonconforming uses of structures not designed for a permitted use, nonconforming structures, nonconforming lots of record, and nonconforming signs. The degree of restriction made applicable to each category of nonconformity is generally related to the degree of incompatibility with permitted uses and the amount of investment typically associated with nonconformities of that type. Pursuant to Section 11-503 of this Code, provision is made for relief from some of the restrictions of this Article X when practical difficulties exist.

In the cases of nonconforming uses of land, nonconforming uses in structures designed for a permitted use, and nonconforming signs, the degree of incompatibility is frequently great, the investment is comparatively small, and the economic life is short. In these cases, elimination of the nonconformity is required after a relatively short, but reasonable, amortization period. In the case of nonconforming uses in structures not designed for any conforming use, the degree of incompatibility is also frequently great, but so too is the investment and economic life of the structure. In such cases, while eventual elimination is required, a more extended period is allowed in which to amortize the investment. While the regulations of this Article X related to all other nonconformities allow such nonconformities to continue without specific limitation of time, they restrict further investments that would make more permanent their location in inappropriate districts.

C. Exception for Repairs Pursuant to Public Order. Nothing in this Article X shall be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition, provided such restoration is not otherwise in violation of the various provisions of this Article X prohibiting the repair or restoration of partially damaged or destroyed structures or signs.
D. Nonconforming Accessory Uses and Structures. No use, structure, or sign that is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have been terminated, unless it shall thereafter conform to all the regulations of the zoning district in which it is located.

E. Inventories and Certificates of Nonconformity.

1. Burden of Owner to Establish Legality of Nonconformity. The burden of establishing that any nonconformity is lawfully existing under the provisions of this Article X shall, in all cases, be upon the owner of such nonconformity and not upon the Village.

2. Inventory and Notice of Nonconforming Uses and Signs Subject to Termination. Within one year after the effective date of this Code, or any amendment hereto creating new nonconformities, or such longer period as may be required, the Building Commissioner shall inventory all nonconforming uses and determine the names and addresses of the owners of record thereof and shall also inventory all nonconforming signs and determine the names and addresses of the owners thereof or, in any case where such a determination is impractical, the owner or lessee of the premises on which such sign is located. For each such nonconformity inventoried, the Building Commissioner shall determine the nature and extent of the nonconformity and the date, if any, on which such nonconformity is required to be terminated pursuant to the provisions of this Article X. Upon making such determination, the Building Commissioner shall notify the aforesaid owner or lessee in writing of his or her determination. Such inventory and notices shall be kept on file by the Building Commissioner and shall be a matter of public record.

Compilation of the inventory required pursuant to this Paragraph and giving notice pursuant to this Paragraph shall not be deemed conditions precedent to the running of any amortization period specified in this Article X, nor shall the failure of the Building Commissioner to carry out such tasks in any manner relieve the owner of a nonconformity of his or her duty to terminate such nonconformity in accordance with the provisions of this Article X.

The determinations of the Building Commissioner made pursuant to this Paragraph shall be subject to appeal to the Zoning Board of Appeals in the same manner as other rulings and interpretations.

3. Certificate of Occupancy for Legal Nonconformities. The owner of any nonconforming use, structure, lot, or sign may at any time apply to the Building Commissioner for a Certificate of Occupancy to establish the legality of such nonconformity as of a specified date. Such application shall be filed and processed pursuant to the provisions of Section 11-402 of this Code.
Any person receiving a notice pursuant to Paragraph E2 of this Section shall be required, within 60 days of the receipt of such notice, to apply to the Building Commissioner for a Certificate of Occupancy with respect to the nonconformity identified in said notice. Unless an appeal from the determination of the Building Commissioner contained in said notice has been filed, such application shall be accompanied by an affidavit admitting such determination. Such affidavit shall be kept on file by the Building Commissioner and shall be a matter of public record.

If, upon reviewing an application for a Certificate of Occupancy for a nonconformity, the Building Commissioner shall determine that the use, structure, lot, or sign in question was lawfully existing at the time of the adoption of the provision creating the nonconformity in question and remains lawfully existing subject only to such nonconformity at the time of such application, and that any required affidavit is in order, the Building Commissioner shall issue a Certificate of Occupancy evidencing such facts and setting forth the nature and extent of the nonconformity and the date, if any, upon which such nonconformity is required to be terminated; otherwise, the Building Commissioner shall decline to issue such Certificate and shall declare such building, structure, lot, or sign to be in violation of this Code.

**10-102 NONCONFORMING USES OF LAND AND NONCONFORMING USES IN STRUCTURES DESIGNED FOR A PERMITTED USE**

A. **Authority to Continue.** Except as provided in Subsection I of this Section, any lawfully existing nonconforming use not involving the use of a structure, or involving only a structure that is accessory to a nonconforming use of land, or located in a structure designed for a use permitted in the district in which it is located may be continued so long as it remains otherwise lawful, subject to the regulations contained in Subsections B through H of this Section and in Subsections D and E of Section 10-101 of this Code.

For purposes of this Section, any structure that is used in connection with a nonconforming use of land and that has an assessed value of less than $5,000 on the effective date of this Code or any amendment hereto creating such nonconformity shall be considered to be a structure accessory to a nonconforming use of land.

B. **Ordinary Repair and Maintenance.** Normal maintenance and incidental repair or replacement, and installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring, or plumbing, may be performed on any structure that is accessory to a nonconforming use of land or that is designed for a permitted use but devoted in whole or in part to a nonconforming use; provided, however, that this Subsection shall not be deemed to authorize any violation of Subsections C through I of this Section.

C. **Structural Alteration.** No structure that is accessory to a nonconforming use of land or that is designed for a permitted use and devoted in whole or in part to a
nonconforming use shall be structurally altered unless the use thereof shall thereafter conform to the use regulations of the zoning district in which it is located. No such alteration shall create a new parking, loading, bulk, yard, or space nonconformity or increase the degree of any existing parking, loading, bulk, yard, or space nonconformity of such structure. In determining whether a parking or loading nonconformity has been created or increased, the provisions of Paragraphs 9-104B1 and 9-105B1 of this Code shall control.

D. **Enlargement of Structure.** No structure that is accessory to a nonconforming use of land or that is designed for a permitted use and devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner, including the interior addition of floor area, unless the use of such structure shall thereafter conform to the use regulations of the district in which it is located. No such enlargement shall create any new parking, loading, bulk, yard, or space nonconformity or increase the degree of any existing parking, loading, bulk, yard, or space nonconformity of such structure. In determining whether a parking or loading nonconformity has been created or increased, the provisions of Paragraphs 9-104B1 and 9-105B1 of this Code shall control.

E. **Extension of Use.** A nonconforming use of land or of a structure that is accessory to a nonconforming use of land or of a nonconforming use in a structure designed for a permitted use shall not be extended, expanded, enlarged, or increased in intensity. Such prohibited activity shall include, without being limited to:

1. An extension of such use, including its accessory uses, to any structure or land area other than that occupied by such nonconforming use on the effective date of this Code or any amendment hereto that causes such use to become nonconforming; and

2. An extension of such use, including its accessory uses, within a building or other structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of this Code or any amendment hereto that causes such use to become nonconforming; and

3. An extension of the hours of operation of such use beyond the normal hours of operation on the effective date of this Code or any amendment hereto that causes such use to become nonconforming.

F. **Moving.** No structure that is accessory to a nonconforming use of land or that is designed for a permitted use and devoted in whole or in part to a nonconforming use shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot, unless the entire structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located after being so moved. No nonconforming use of land shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot, unless such use shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.
G. **Change in Use.** A nonconforming use of land not involving a structure or involving only a structure that is accessory to the nonconforming use of land or a nonconforming use in a structure designed for a use permitted in the district in which it is located shall not be changed to any use other than a use permitted in the zoning district in which the use or structure is located. When such a nonconforming use has been changed to a permitted use, it shall not thereafter be changed back to any nonpermitted use. For purposes of this Subsection G, a use shall be deemed to have been so changed when an existing nonconforming use shall have been terminated and a permitted use shall have commenced and continued for a period of five days. Any change of use in violation of this Subsection shall be deemed to be an abandonment of the lawfully existing nonconforming use.

H. **Damage or Destruction.** Any structure that is accessory to a nonconforming use of land or that is designed for a permitted use and devoted in whole or in part to a nonconforming use and that is damaged or destroyed, by any means, to the extent of more than 25 percent of the cost of replacement of such structure new shall not be restored unless the use of such structure shall thereafter conform to the use regulations of the zoning district in which it is located and unless such restoration is accomplished without creating any new parking, loading, bulk, yard, or space nonconformity or increasing the degree of any parking, loading, bulk, yard, or space nonconformity existing prior to such damage or destruction. In determining whether a parking or loading nonconformity has been created or increased, the provisions of Paragraphs 9-104B1 and 9-105B1 of this Code shall control.

When any such structure is damaged or destroyed by any means not within the control of the owner thereof to the extent of 25 percent or less of the cost of replacement of the structure new, repair or restoration of such structure may be made and the nonconforming use may continue subject to the regulations of this Section 10-102; provided, however, that no repairs or restorations shall be made that would create any new parking, loading, bulk, yard, or space nonconformity or increase the degree of any parking, loading, bulk, yard, or space nonconformity existing prior to such damage or destruction, nor shall any repairs or restoration except in conformity with the applicable zoning district regulations be made unless a Certificate of Zoning Compliance is obtained and restoration is actually begun within one year after the date of such partial damage or destruction and is diligently pursued to completion. In no event shall any damage or destruction to such a structure by means within the control of the owner be repaired or restored except in accordance with Subsections B, C, and D of this Section.

I. **Termination of Certain Uses.**

1. **Termination by Abandonment.** When a nonconforming use of land not involving a structure or involving only a structure that is accessory to the nonconforming use of land or when a nonconforming use of part or all of a structure that was designed for a use that is permitted in the zoning district in which such structure is located is discontinued or abandoned for a period of three consecutive months, regardless of any intent to resume or
not to abandon such use, such use shall not thereafter be reestablished or resumed. Any subsequent use or occupancy of such land or structure shall comply with the use regulations of the zoning district in which such land or structure is located.

Any period of such discontinuance caused by government action, strikes, material shortages, or acts of God, and without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for purposes of this Paragraph.

2. Termination by Amortization. Any nonconforming use of land not involving a structure or involving only a structure that is accessory to the nonconforming use of land or any nonconforming use in a structure designed for a use permitted in that district that has not been terminated pursuant to any other provision of this Code shall be terminated no later than five years after the effective date of this Code, or any amendment hereto creating such nonconforming use, as the case may be.

10-103 NONCONFORMING USES IN STRUCTURES NOT DESIGNED FOR A PERMITTED USE

A. Authority to Continue. Except as provided in Subsection I of this Section, any lawfully existing nonconforming use located in a structure not designed or intended, in whole or in part, for a use permitted in the district in which it is located may be continued so long as it remains otherwise lawful, subject to the regulations contained in Subsections B through H of this Section and in Subsections D and E of Section 10-101 of this Code.

B. Ordinary Repair and Maintenance. Normal maintenance and incidental repair or replacement, and installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring, or plumbing, may be performed on any structure devoted in whole or in part to a nonconforming use and not designed or intended, in whole or in part, for a use permitted in the district in which such structure is located; provided, however, that this Subsection shall not be deemed to authorize any violation of Subsections C through I of this Section.

C. Structural Alteration. No structure devoted in whole or in part to a nonconforming use and not designed or intended, in whole or in part, for a use permitted in the district in which such structure is located shall be structurally altered unless the entire structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located. No such alteration shall create a new parking, loading, bulk, yard, or space nonconformity or increase the degree of any existing parking, loading, bulk, yard, or space nonconformity of such structure. In determining whether a parking or loading nonconformity has been created or increased, the provisions of Paragraphs 9-104B1 and 9-105B1 of this Code shall control.

D. Enlargement of Structure. No structure devoted in whole or in part to a nonconforming use and not designed or intended, in whole or in part, for a use
permitted in the district in which such structure is located shall be enlarged or added to in any manner, including the interior addition of floor area, unless the entire structure and the use thereof shall thereafter conform to all the regulations of the district in which it is located. No such alteration shall create a new parking, loading, bulk, yard, or space nonconformity or increase the degree of any existing parking, loading, bulk, yard, or space nonconformity of such structure. In determining whether a parking or loading nonconformity has been created or increased, the provisions of Paragraphs 9-104B1 and 9-105B1 of this Code shall control.

E. Extension of Use.

1. Prohibited Extensions. A nonconforming use in a structure not designed or intended, in whole or in part, for a use permitted in the district in which such structure is located shall not be extended, expanded, enlarged, or increased in intensity by:

   (a) An extension of such use to any structure or land area other than that occupied by such nonconforming use on the effective date of this Code or any amendment to it that causes such use to become nonconforming; or

   (b) An extension of the hours of operation of such use beyond the normal hours of operation on the effective date of this Code or any amendment to it that causes such use to become nonconforming.

2. Permitted Extensions. A nonconforming use in a structure not designed or intended, in whole or in part, for a use permitted in the district in which such structure is located may be extended throughout any part of such structure designed for such nonconforming use and not for any use permitted in the district and lawfully existing on the effective date of this Code or any amendment to it that causes such use to become nonconforming; provided, however, that such extension shall not be allowed unless off-street parking and loading spaces required for such extension can be, and are, provided in accordance with the requirements and restrictions of Sections 9-104 and 9-105 of this Code. No such extension shall be deemed to affect the duty to terminate such use pursuant to Subsection I of this Section.

F. Moving. No structure devoted in whole or in part to a nonconforming use and not designed or intended, in whole or in part, for a use permitted in the district in which such structure is located shall be moved, in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.

G. Change in Use. A nonconforming use in a structure not designed or intended in whole or in part for a use permitted in the district in which such structure is located shall not be changed to any use other than a use permitted in the zoning
district in which the structure is located. When a nonconforming use has been changed to a permitted use of the subject zoning district, it shall not thereafter be changed to any use other than a use permitted in the subject district. For purposes of this Subsection G, a use shall be deemed to have been so changed when an existing nonconforming use shall have been terminated and a permitted use of the subject district shall have commenced and continued for a period of five days. Any change of use in violation of this Subsection shall be deemed to be an abandonment of the lawfully existing nonconforming use.

H. Damage or Destruction. Any structure devoted in whole or in part to a nonconforming use and not designed or intended, in whole or in part, for a use permitted in the district in which such structure is located that is damaged or destroyed, by any means, to the extent of more than 50 percent of the cost of replacement of such structure new shall not be restored unless the entire structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located and unless such restoration is accomplished without creating any new parking, loading, bulk, yard, or space nonconformity or increasing the degree of any existing parking, loading, bulk, yard, or space nonconformity of such structure existing prior to such damage or destruction. In determining whether a parking or loading nonconformity has been created or increased, the provisions of Paragraphs 9-104B1 and 9-105B1 of this Code shall control.

When any such structure is damaged or destroyed by any means not within the control of the owner thereof to the extent of 50 percent or less of the cost of replacement of the structure new, repair or restoration of such structure may be made and the nonconforming use may continue subject to the regulations of this Section 10-103; provided, however, that no repairs or restorations shall be made that would create any new parking, loading, bulk, yard, or space nonconformity or increase the degree of any existing parking, loading, bulk, yard, or space nonconformity of such structure existing prior to such damage or destruction nor shall any repairs or restoration except in conformity with the applicable zoning district regulations be made unless a Certificate of Zoning Compliance is obtained and restoration is actually begun within one year after the date of such partial damage or destruction and is diligently pursued to completion.

In no event shall any damage or destruction to such a structure by means within the control of the owner be repaired or restored except in accordance with Subsections B, C, and D of this Section.

I. Termination of Certain Uses.

1. Termination by Abandonment. When a nonconforming use of a part or all of a structure that was not designed or intended in whole or in part for a use permitted in the zoning district in which such structure is located is discontinued or abandoned for a period of six consecutive months, regardless of any intent to resume or not to abandon such use, such use shall not thereafter be re-established or resumed. Any subsequent use or occupancy of such structure shall comply with the use regulations of the district in which such structure is located.
Any period of such discontinuance caused by government actions, strikes, material shortages, or acts of God, and without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for purposes of this Paragraph.

2. **Termination by Amortization.** Any structure devoted in whole or in part to a nonconforming use and not designed or intended for any use permitted in the district in which such structure is located that has not been terminated pursuant to any other provision of this Code shall be either converted to a conforming use or shall be demolished and removed no later than the date provided in the following schedule.

<table>
<thead>
<tr>
<th>Assessed Valuation on the Effective Date of This Code or any Amendment Hereto Creating Such Nonconformity</th>
<th>Conversion or Removal Within Following Stated Period After Said Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Less than $5,000</td>
<td>5 years</td>
</tr>
<tr>
<td>(b) $5,000 or more</td>
<td></td>
</tr>
<tr>
<td>(i) Fireproof or non-combustible construction</td>
<td>25 years or 40 years from date of building permit, whichever is later</td>
</tr>
<tr>
<td>(ii) Exterior Masonry Wall Construction</td>
<td>20 years or 30 years from date of building permit, whichever is later</td>
</tr>
<tr>
<td>(iii) Frame Construction</td>
<td>10 years or 20 years from date of building permit, whichever is later</td>
</tr>
</tbody>
</table>

**NONCONFORMING STRUCTURES OTHER THAN SIGNS**

A. **Authority to Continue.** Any nonconforming structure, other than a sign, that is devoted to a use that is permitted in the zoning district in which it is located may be continued so long as it remains otherwise lawful, subject to the restrictions in Subsections B through D of this Section and Subsection D of Section 10-101 of this Code.

B. **Repair, Maintenance, Alterations, and Enlargement.** Any nonconforming structure, other than a sign, may be repaired, maintained, altered, or enlarged; provided, however, that no such repair, maintenance, alteration, or enlargement shall either create any new nonconformity or increase the degree of the existing nonconformity of all or any part of such structure.

C. **Moving.** No nonconforming structure shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the
entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being so moved.

D. Damage or Destruction. Any nonconforming structure, other than a sign, that is damaged or destroyed, by any means not within the control of the owner thereof, to any extent, may be repaired or restored; provided, however, that no repair or restoration shall be made that would create any new nonconformity not existing prior to such damage or destruction nor shall any repair or restoration except in conformity with the applicable district regulations be made unless a Certificate of Zoning Compliance is obtained and restoration is actually begun within one year after the date of such damage or destruction and is diligently pursued to completion.

In no event shall any damage or destruction to such a structure by means within the control of the owner be repaired or restored except in accordance with Subsection B of this Section.

10-105 LEGAL NONCONFORMING LOTS OF RECORD

A. Definition. A legal nonconforming lot of record is a lot that:

1. Is shown by a recorded plat or deed to have been a lot of record owned separately or individually from adjoining tracts of land at a time when the creation of a lot of such size, depth, and width at such location would not have been prohibited by any zoning or other ordinance or regulation; and

2. Has remained in separate or individual ownership from such adjoining tracts of land continuously during the entire time since such lot became nonconforming by reason of this Code or any predecessor zoning or other ordinance or regulation.

For purposes of this Section, a lot shall not be deemed to have been owned separately or individually unless the owner of such lot did not, directly or indirectly, have legal title to or a beneficial interest in the adjoining tracts of land at any relevant time.

B. Authority to Use. In any zoning district, a legal nonconforming lot of record may be used for any use permitted in the district in which it is located if, but only if:

1. Such lot has a total lot area of at least 75 percent of the minimum lot area required in the district in which said lot is located; and

2. The development of such lot meets all other requirements of this Code, including the floor area ratio and yard requirements of the district in which said lot is located.

10-106 NONCONFORMING SIGNS

A. Authority to Continue. Except as provided in Subsection F of this Section, any lawfully existing nonconforming sign may be continued so long as it otherwise
remains lawful, subject to the regulations contained in Subsections B through E of this Section and in Subsections D and E of Section 10-101 of this Code.

B. **Ordinary Repair and Maintenance.** Normal maintenance and incidental repair or replacement of non-bearing sign elements and electrical wiring and fixtures may be performed on any sign; provided, however, that any repair or replacement shall, whenever possible, eliminate or reduce any nonconformity in the element being repaired or replaced and provided further, however, that this Subsection B shall not be deemed to authorize any violation of Subsections C through F of this Section.

C. **Alteration; Enlargement; Moving.** No nonconforming sign shall be changed or altered in any manner that would increase the degree of its nonconformity, be enlarged or expanded, be structurally altered to prolong its useful life, or be moved in whole or in part to any other location where it would remain nonconforming.

D. **Change of Sign.** A nonconforming sign that has been changed to eliminate its nonconformity or any element of its nonconformity shall not thereafter be changed to restore such nonconformity or nonconforming element.

E. **Damage or Destruction.** Any nonconforming sign, or any nonconforming element of a sign capable of change or discontinuance separate from other elements of the sign, damaged or destroyed by any means to the extent of 35 percent or more of its replacement cost new shall not be restored but shall be removed or brought into conformity with the provisions of this Code.

F. **Termination of Certain Signs.**

1. **Immediate Termination.** The following nonconforming signs or sign features shall be terminated within 30 days after the effective date of this Code by removal of the sign or by alteration of the sign to eliminate the specified feature:

   (a) Attention-getting devices.

   (b) Moving or animated signs, except public service signs when expressly permitted by Section 9-106 of this Code.

   (c) Portable signs.

   (d) Temporary signs, except as expressly permitted by Section 9-106 of this Code.

   (e) Any sign that advertises, identifies, or pertains to a business no longer conducted, or a product no longer sold, on the premises where such sign is located.

   (f) Any sign on a tree or utility pole, whether on public or private property.
Any sign on public property, except governmental signs authorized in Section 9-106 of this Code.

Any sign that violates any provision or requirement of Paragraphs 9-106D3 through 9-106D4 or 9-106D6 through 9-106D9 of this Code.

Any sign constructed or erected without a valid permit.

2. Termination by Abandonment. Any nonconforming sign the use of which is discontinued for a period of 30 consecutive days, regardless of any intent to resume or not to abandon such use, shall be deemed to be abandoned and shall not thereafter be re-established or resumed. Every such sign shall be immediately removed or brought into conformity with the provisions of this Code. Any period of such discontinuance caused by government actions, strikes, material shortages, or acts of God, and without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for purposes of this Paragraph.

3. Termination by Change of Business. Any nonconforming sign advertising, identifying, or pertaining to a business on the premises on which it is located shall be terminated upon any change in the ownership or control of such business.

4. Termination by Amortization. Any nonconforming sign in excess of four square feet in area or any nonconforming element of a sign capable of change or discontinuance separate from other elements of the sign that has not been terminated pursuant to any other provision of this Code shall be terminated no later than the date provided in the following schedule:

<table>
<thead>
<tr>
<th>Original Value of Sign or Sign Element, as Shown on, or Estimated from, Building Permit</th>
<th>Removal Required Within Stated Period After Effective Date of This Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Less than 1,000</td>
<td>1 year</td>
</tr>
<tr>
<td>(b) $1,001 to $4,000</td>
<td>2 years</td>
</tr>
<tr>
<td>(c) $4,001 to $7,000</td>
<td>3 years</td>
</tr>
<tr>
<td>(d) $7,001 to $10,000</td>
<td>4 years</td>
</tr>
<tr>
<td>(e) More than $10,000</td>
<td>5 years</td>
</tr>
</tbody>
</table>

When no original value can be established, the Building Commissioner’s estimate of current depreciated replacement cost shall be used.
Notwithstanding the amortization schedule set forth above, the owner of any nonconforming sign who has not fully depreciated such sign for federal income tax purposes may, upon delivery to the Village of all relevant tax returns to verify the depreciation of such sign, continue to use such nonconforming sign until the earlier of:

(a) the time necessary to depreciate fully such sign for federal income tax purposes without altering the method of depreciation; or

(b) seven years after the effective date of this Code.
PART I: ADMINISTRATIVE OFFICIALS AND BODIES

11-101 BUILDING COMMISSIONER

A. General Powers. The Building Commissioner shall be charged with the administration and enforcement of this Code. In addition to the jurisdiction, authority, and duties conferred on the Building Commissioner by other provisions of State statutes and Village codes and ordinances, the Building Commissioner shall have all powers necessary for such administration and enforcement and shall, in particular, have the jurisdiction, authority, and duties hereinafter set forth.

B. Rules; Regulations; Application Forms. The Building Commissioner, consistent with the express standards, purposes, and intent of this Code, shall promulgate, adopt, and issue such procedural rules, regulations, and forms as are in the Building Commissioner’s opinion necessary to the effective administration and enforcement of the provisions of this Code.

C. Assistance to the Zoning Board of Appeals and Plan Commission. The Building Commissioner, within budgets available for that purpose, shall make consulting assistance available to the Zoning Board of Appeals, the Plan Commission, and the Architectural Review Commission, and the Building Commissioner or his delegate shall in that capacity:

1. Attend the meetings of each such body; and

2. Inform each such body of all facts and information at the Building Commissioner’s disposal with respect to any matter brought before each such body; and

3. Assist each such body by performing research and making recommendations on matters brought before each such body; and

4. Perform such other duties as may be assigned to the Building Commissioner by this Code and by the rules of such bodies.

D. Records. The Building Commissioner shall maintain:

1. Permanent and current records pertaining to this Code, including all maps, amendments, special permits, planned unit development and site plan approvals and denials, interpretations, and decisions rendered by the Zoning Board of Appeals, the Plan Commission, the Architectural Review Commission, the Village Attorney, and the Building Commissioner, together with relevant background files and materials;

2. A current file of all Certificates of Zoning Compliance, all Certificates of Occupancy, and all notices of violations, discontinuances, terminations, or
removals, issued by or entrusted to the Building Commissioner’s office for such time as necessary to ensure continuous compliance with the provisions of this Code; and

3. A current file of all nonconforming uses and signs in the Village, by location and type of use.

E. **Zoning Text; Zoning Map.** The Building Commissioner shall prepare and have available for public sale on or before March 31 of each year:

1. The compiled text of this Code in book or pamphlet form, including all amendments thereto through the preceding December 31; and

2. The official Zoning Map, showing the zoning districts, divisions, and classifications in effect on the preceding December 31.

The Building Commissioner, at all other times, shall maintain and have available for reproduction at least one up-to-date copy of both the Zoning Code text and the Zoning Map, showing all amendments through the most recent meeting of the Board of Trustees for which official minutes have been approved.

F. **Applications:** Receipt, Processing, Referral to Interested Parties and Agencies. The Building Commissioner shall receive all applications required to be filed pursuant to this Code. Upon receipt of any such application, the Building Commissioner shall see to its expeditious processing, including its prompt referral to and retrieval from each official, board, or commission of the Village, or other government, with any interest or duty with respect to such application.

G. **Investigation of Applications.** Whenever the Plan Commission, the Zoning Board of Appeals, the Architectural Review Commission, or the Board of Trustees shall so request, by general rule or specific direction, the Building Commissioner shall conduct or cause to be conducted such surveys, investigations, and field studies and shall prepare or cause to be prepared such reports, maps, photographs, charts and exhibits as shall be necessary and appropriate to the processing of any application filed pursuant to this Code.

H. **Zoning Compliance and Occupancy Certificates.** Pursuant to the provisions of Sections 11-401 and 11-402 of this Code, the Building Commissioner shall review all applications for Certificates of Zoning Compliance and Certificates of Occupancy and shall approve or disapprove such applications and issue or refuse to issue such certificates based on compliance or non-compliance with the provisions of this Code.

I. **Interpretations.** Pursuant to the provisions of Section 11-501 of this Code, the Building Commissioner shall issue a written interpretation of the meaning and applicability of specific provisions of this Code. Any interpretation of this Code that may be rendered by the Zoning Board of Appeals or the Building Commissioner shall be kept on file with the Building Commissioner and shall be
a public record of the Village open to inspection by interested parties at reasonable times and upon reasonable notice.

J. **Planned Unit Development and Site Plan Modifications.** Pursuant to the provisions of Subsections 11-603K and 11-605I of this Code, the Building Commissioner shall have authority to permit minor adjustments to final plans for planned unit developments and to site plans.

K. **Extensions of Time.** The Building Commissioner, upon written request, may for good cause shown and without any notice or hearing grant extensions of any time limit imposed on an applicant or permittee by this Code or, unless the ordinance or resolution shall expressly provide otherwise, by any ordinance or resolution of any body acting pursuant to this Code. The total period of time granted by such extension or extensions shall not exceed the length of the original period.

L. **Inspection and Enforcement.** In furtherance of the enforcement of this Code, the Building Commissioner shall undertake such regular and continuing programs of inspection of work approved and under way and of existing structures and uses as may be feasible and proper within the limits of staff and budgeted funds; shall undertake such additional inspections as may be necessary to the performance of his or her duties hereunder; shall receive from any person complaints alleging with particularity a violation of this Code; and when appropriate shall cause such investigations and inspections as may be warranted by such complaints to be made. Upon finding the existence of any violation of this Code, the Building Commissioner shall take or direct all actions necessary and appropriate to abate and redress such violation.

M. **Reports.** The Building Commissioner, as may from time to time be appropriate, shall prepare and submit a report to the Board of Trustees, the Zoning Board of Appeals, the Plan Commission, and the Architectural Review Commission concerning the administration of the land use and development regulations of the Village, setting forth such information and statistical data as may be of interest and value in advancing and furthering the goals and purposes of such regulations, and setting forth the Building Commissioner’s recommendations for the improvement of such regulations and their administration.

### 11-102 ZONING BOARD OF APPEALS

A. **Creation; Membership.** The Zoning Board of Appeals shall consist of seven members appointed by the Village President, with the advice and consent of the Board of Trustees. All members shall be residents of the Village. Members shall serve for a term of five years and until their respective successors have been appointed and have qualified for office. The President of the Board of Trustees shall have the power to remove any member of the Board of Appeals for cause and after a public hearing. Any vacancy that may occur shall be filled for the balance of the unexpired term of the member whose place has become vacant in the same manner hereinabove provided for the appointment of such member. A member shall be eligible for reappointment. All members of the Zoning Board of Appeals shall serve without compensation.
B. **Chairperson and Vice Chairperson.** The Village President, with the advice and consent of the Board of Trustees, shall name one member of the Zoning Board of Appeals as Chairperson, to preside at all meetings and hearings and to fulfill the customary functions of that office, and another member as Vice Chairperson. The Chairperson and Vice Chairperson shall hold said offices until their successors are appointed. The Chairperson and Vice Chairperson may administer oaths. In the absence of the Chairperson, the Vice Chairperson, or, in the absence of the Vice Chairperson, a Temporary Chairperson elected by the Board of Appeals shall act as Chairperson and shall have all the powers of the Chairperson. The Vice Chairperson shall have, in addition, such other powers and duties as may from time to time be provided by the rules of the Board of Appeals.

C. **Staff Secretary; Minutes; Public Records.** The Building Commissioner shall designate a Staff Secretary of the Zoning Board of Appeals, who shall attend all of its proceedings. The Staff Secretary shall provide for the keeping of minutes of the proceedings of the Board of Appeals, showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact, and shall maintain permanent records of all Board of Appeals meetings, hearings, and proceedings and all correspondence of the Board of Appeals. The Staff Secretary shall provide for keeping a file of all records of the Board of Appeals, and such records shall, except to the extent provided by the Illinois Freedom of Information Act, be public records open to inspection.

D. **Quorum and Necessary Vote.** No business shall be transacted by the Zoning Board of Appeals without a quorum, consisting of four members, being present. The concurring vote of at least four members of the Board of Appeals shall be necessary on any motion to decide in favor of any application for Appeal from any order, decision, or determination of the Building Commissioner or to recommend approval of any other application or any other matter. Any lesser vote on any such motion, even of a majority of those voting, shall be considered a final decision denying the appeal, or recommending denial of the application or matter, as the case may be. If less than a quorum is present, the hearing may be adjourned from time to time as provided in the Illinois Open Meetings Act. The Staff Secretary shall in writing notify all members of the Board of Appeals of the date of the adjourned hearing and shall also notify such other interested parties as may be designated in the vote of adjournment.

Any one or more members of the Board of Appeals may file minority or dissenting reports in support of any position concerning a matter brought before the Board of Appeals.

E. **Absent Members.** No member absent from any portion of a proceeding shall be qualified to vote upon the matter heard unless that member shall first certify on the record that he or she has reviewed the entire record of any such portion of the proceeding during which he or she was absent and has fully informed himself or herself of the essential facts and issues of the matter being heard so as to be able to cast an informed and independent vote.
F. Meetings; Hearings; Procedures. Regular meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson or as provided by rule of the Board of Appeals. Special meetings shall be called at the request of the Chairperson or of any two members of the Board of Appeals or of the Board of Trustees.

All meetings, hearings, and deliberations of the Board of Appeals shall be open to the public except when closed pursuant to the provisions of the Illinois Open Meetings Act.

All testimony at any hearing of the Board of Appeals shall be given under oath.

The Board of Appeals shall adopt its own rules of procedure for the conduct of its business as it, from time to time, deems proper and necessary. Such rules shall be filed with the Staff Secretary of the Board of Appeals and with the Village Clerk. Any rule so adopted that relates solely to the conduct of the Board of Appeal’s hearing and that is not mandated by this Code or the statutes of the State of Illinois, may be waived by the Chairperson upon good cause being shown.

G. Record. The transcript of testimony, if any; the minutes of the Staff Secretary; all applications, requests, exhibits, and papers filed in any proceeding before the Zoning Board of Appeals; and the decision of the Board of Appeals shall constitute the record.

H. Decisions and Recommendations. Every decision and recommendation of the Zoning Board of Appeals upon an application filed pursuant to this Code shall be by written resolution which shall include findings of fact; shall refer to all the pertinent evidence in the record and to the exhibits, plans or specifications upon which such decision or recommendation is based; shall specify the reason or reasons for such decision or recommendation; shall contain a conclusion or statement separate from the findings of fact setting forth the specific decision or recommendation; and shall expressly set forth any limitations or conditions relative to such decision or recommendation.

The Board of Appeals may take final action on any decision pertaining to an application pending before it prior to the preparation of a written resolution, but in such event it shall, before taking such action, first state its findings and conclusions as above required at a meeting open to the public. The Board of Appeals’ decision or recommendation shall be deemed made as of the date of the taking of such final action. The written resolution incorporating such findings and conclusions shall be presented for approval at the next regular meeting of the Board of Appeals open to the public.

In any case where this Code provides that the failure of the Board of Appeals to act within a fixed period shall be deemed to be a denial, or recommendation of denial, of an application, such failure shall, notwithstanding the absence of required findings and conclusions, be considered to be a decision of the Board of Appeals rendered on the day following the expiration of such fixed period.
The decisions of the Board of Appeals on appeals from orders, decisions or determinations of the Building Commissioner shall be final administrative determinations subject to review as may be provided by law. The recommendations of the Board of Appeals on applications for variations and other matters shall not be binding on the Board of Trustees but shall be advisory only.

As to other matters brought before the Zoning Board of Appeals, the Board of Appeals shall prepare such report as it shall deem appropriate to the subject matter.

I. Conflicts. No member of the Zoning Board of Appeals shall participate in the hearing or disposition of any matter in which that member has an interest as such term is defined in the Illinois Municipal Code. Any conflict of interest prohibited by the Illinois Municipal Code shall disqualify a member.

J. Jurisdiction and Authority. The Zoning Board of Appeals shall have the following jurisdiction and authority:

1. Subject to the provisions of Section 11-502 of this Code, to hear and decide appeals from, and to review orders, decisions, or determinations made by the Building Commissioner and to that end have the powers of the Building Commissioner with respect to such order, decision, or determination.

2. Subject to the provisions and standards of Section 11-503 of this Code, to hear, review, and offer its recommendations to the Board of Trustees on applications for variations.

3. Subject to the provisions and standards of Section 11-601 of this Code, to initiate changes and amendments to this Code.

4. Upon reasonable written request, to make its special knowledge and expertise available to any official, board, or commission of the Village, County, State, or Federal governments to aid them in the performance of their respective duties relating to zoning and its administration in the Village.

5. In furtherance of the above jurisdiction and authority, to make such investigations, maps, reports, and recommendations in connection therewith, relating to zoning and its administration in the Village as seem desirable to it; provided, however, that the expenditures of the Board of Appeals shall not exceed the amount appropriated therefor.

K. Concurrent Membership on Plan Commission. The Village President and Board of Trustees may, in their discretion, appoint members of the Zoning Board of Appeals to serve concurrently on the Plan Commission. The term of each member of the Zoning Board of Appeals serving concurrently on the Plan Commission shall be that term for which such member is appointed to the Zoning Board of Appeals pursuant to Section 11-102A. The resignation or removal of
any member serving concurrently from either the Zoning Board of Appeals or the Plan Commission shall be deemed a resignation or removal, as the case may be, from both of such bodies.

11-103 PLAN COMMISSION

A. Creation; Membership. The Plan Commission shall consist of seven members appointed by the Village President with the advice and consent of the Board of Trustees. All members shall be residents of the Village. Members shall serve for a term of five years and until their respective successors have been appointed and have qualified for office. The President of the Board of Trustees shall have the power to remove any member of the Commission for cause and after a public hearing. Any vacancy that may occur shall be filled for the balance of the unexpired term of the member whose place has become vacant in the same manner hereinabove provided for the appointment of such member. A member shall be eligible for reappointment. All members of the Commission shall serve without compensation.

B. Chairperson and Vice Chairperson. The Village President, with the advice and consent of the Board of Trustees, shall name one member of the Plan Commission as Chairperson, to preside at all meetings and hearings and to fulfill the customary functions of that office, and another member as Vice Chairperson. The Chairperson and Vice Chairperson shall hold said offices until their successors are appointed. The Chairperson and Vice Chairperson may administer oaths. In the absence of the Chairperson, the Vice Chairperson or, in the absence of the Vice Chairperson, a Temporary Chairperson elected by the Plan Commission, shall act as Chairperson and shall have all the powers of the Chairperson. The Vice Chairperson shall have such other powers and duties as may from time to time be provided by the rules of the Plan Commission.

C. Staff Secretary; Minutes; Public Records. The Building Commissioner shall designate a Staff Secretary of the Plan Commission, who shall attend all its proceedings. The Staff Secretary shall provide for the keeping of minutes of the proceedings of the Plan Commission, showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact, and shall maintain permanent records of all Commission meetings, hearings, and proceedings and all correspondence of the Plan Commission. The Staff Secretary shall provide for keeping a file of all records of the Plan Commission, and such records shall, except to the extent provided by the Illinois Freedom of Information Act, be public records open to inspection.

D. Quorum and Necessary Vote. No business shall be transacted by the Plan Commission without a quorum, consisting of four members, being present. The concurring vote of at least four members of the Plan Commission shall be necessary on any motion to decide in favor of any application for a Sign Permit or to recommend approval of any other application or any other matter. Any lesser vote on any such motion, even of a majority of those voting, shall be considered a final decision to deny, or to recommend denial of such application or matter, as the case may be. If less than a quorum is present, the hearing may be adjourned.
from time to time as provided in the Illinois Open Meetings Act. The Staff Secretary shall in writing notify all members of the Plan Commission of the date of the adjourned hearing and shall also notify such other interested parties as may be designated in the vote of adjournment.

Any one or more members of the Plan Commission may file minority or dissenting reports in support of any position concerning a matter brought before the Plan Commission.

E. **Absent Members.** No member absent from any portion of a hearing shall be qualified to vote upon the matter heard unless that member shall first certify on the record that he or she has reviewed the entire record of any such portion of the hearing during which he or she was absent and has fully informed himself or herself of the essential facts and issues of the matter being heard so as to be able to cast an informed and independent vote.

F. **Meetings; Hearings; Procedures.** Regular meetings of the Plan Commission shall be held at the call of the Chairperson or as provided by rule of the Plan Commission. Special meetings shall be called at the request of the Chairperson or of any two members of the Plan Commission or of the Board of Trustees.

All meetings, hearings, and deliberations of the Plan Commission shall be open to the public except when closed pursuant to the provisions of the Illinois Open Meetings Act.

All testimony at any hearing of the Plan Commission shall be given under oath.

The Plan Commission shall adopt its own rules of procedure for the conduct of its business as it, from time to time, deems proper and necessary. Such rules shall be filed with the Staff Secretary of the Plan Commission and with the Village Clerk. Any rule so adopted that relates solely to the conduct of the Plan Commission’s meetings or hearings and that is not mandated by this Code or the statutes of the State of Illinois, may be waived by the Chairperson upon good cause being shown.

G. **Record.** The transcript of testimony, if any; the minutes of the Staff Secretary; all applications, requests, exhibits, and papers filed in any proceeding before the Plan Commission; and the decision of the Plan Commission shall constitute the record.

H. **Decisions and Recommendations.** Every decision and recommendation of the Plan Commission upon an application filed pursuant to this Code shall be by written resolution which shall include findings of fact; shall refer to all the pertinent evidence in the record and to the exhibits, plans, or specifications upon which such decision or recommendation is based; shall specify the reason or reasons for such decision or recommendation; shall contain a conclusion or statement separate from the findings of fact setting forth the specific decision or recommendation; and shall expressly set forth any limitations or conditions relative to such decision or recommendation.
The Plan Commission may take final action on any recommendation or decision pertaining to an application pending before it prior to the preparation of a written resolution, but in such event it shall, before taking such action, first state its findings and conclusions as above required at a meeting open to the public. The Plan Commission’s decision or recommendation shall be deemed made as of the date of the taking of such final action. The written resolution incorporating such findings and conclusions shall be presented for approval at the next regular meeting of the Plan Commission open to the public.

In any case where this Code provides that the failure of the Plan Commission to act within a fixed period shall be deemed approval or recommendation for approval of an application, such failure shall, notwithstanding the absence of required findings and conclusions, be considered to be a decision of the Plan Commission rendered on the day following the expiration of such fixed period.

As to other matters brought before the Plan Commission, the Plan Commission shall prepare such report as it shall deem appropriate to the subject matter.

I. **Conflicts.** No member of the Plan Commission shall participate in the hearing or disposition of any matter in which that member has an interest as that term is defined in the Illinois Municipal Code. Any conflict of interest prohibited by the Illinois Municipal Code shall disqualify a member.

J. **Jurisdiction and Authority.** In addition to the jurisdiction conferred on it by the state statutes and other codes and ordinances of the Village, the Plan Commission shall have the following jurisdiction and authority:

1. Subject to the provisions of Part II of this Article XI, to prepare and recommend a Comprehensive Plan, including an Official Map, to the Board of Trustees, which, upon its adoption by the Board of Trustees, shall be known as the “Official Comprehensive Plan” of the Village of Bannockburn.

2. Subject to the provisions of Part II of this Article XI, to review, prepare, and recommend to the Board of Trustees changes in and amendments to the Official Comprehensive Plan, including the Official Map.

3. Subject to the provisions of Section 11-601 of this Code, to initiate, hear, review, and offer its recommendations to the Board of Trustees on applications for amendments to this Code.

4. Subject to the provisions and standards of Section 11-602 of this Code, to hear, review, and offer its recommendations to the Board of Trustees on applications for special use permits.

5. Subject to the provisions and standards of Section 11-603 of this Code, to hear, review, and offer its recommendations to the Board of Trustees on applications for planned unit development approval.
6. Subject to the provisions of Section 11-604 of this Code, to hear, review, and offer its recommendations to the Board of Trustees on applications for Campus Development Plan approval.

7. Subject to the provisions of Subsection 11-605E of this Code, to hear, review, and offer its recommendations to the Board of Trustees on applications for Site Plan approval.

8. Subject to the provisions of Section 11-607 of this Code, to hear, review, and decide applications for Sign Permits.

9. To aid and assist the Board of Trustees in implementing general plans and in planning, developing, and completing specific projects.

10. To review and report on any matters referred to it by the Board of Trustees or the Building Commissioner.

11. Upon reasonable written request, to make its special knowledge and expertise available to any official, board, or commission of the Village, County, State, or Federal governments to aid them in the performance of their respective duties relating to the planning and development of the Village and its region.

12. In furtherance of the above jurisdiction and authority, to make such investigations, maps, reports, and recommendations in connection therewith relating to the planning and development of the Village as seem desirable to it; provided, however, that the expenditures of the Plan Commission shall not exceed the amount appropriated therefor.

K. Concurrent Membership on Zoning Board of Appeals. The Village President and Board of Trustees may, in their discretion, appoint members of the Plan Commission to serve concurrently on the Zoning Board of Appeals. The term of each member of the Plan Commission serving concurrently on the Zoning Board of Appeals shall be that term for which such member is appointed to the Zoning Board of Appeals pursuant to Section 11-102A. The resignation or removal of any member serving concurrently from either the Plan Commission or the Zoning Board of Appeals shall be deemed to be a resignation or removal, as the case may be, from both of such bodies.

ARCHITECTURAL REVIEW COMMISSION

A. Creation; Membership. The Architectural Review Commission shall consist of seven members, who shall be appointed by the Village President and approved by the Board of Trustees. In appointing members to the Commission, the Village President and Board shall consider their education, training, and/or experience in matters relating to design and aesthetic judgment. Members of the Commission shall serve for a term of two years and until their respective successors have been appointed and qualified for office, except that the initial terms for the Chairperson, Vice-Chairman, and two other members of the Commission as
determined by lot shall expire on November 1, 1990, and the initial terms of the remaining three Commission members shall expire on November 1, 1991. The Board of Trustees shall have the power to remove any members of the Commission with or without cause, upon the affirmative vote of three-fourths of the members of the Board of Trustees then holding office. Any vacancy that may occur shall be filled for the balance of the unexpired term of the member whose place has become vacant in the manner hereinabove provided for the appointment of such member. A member shall be eligible for reappointment. All members of the Commission shall serve without compensation.

B. **Chairperson and Vice Chairperson.** The Village President shall designate one appointee as Chairperson of the Commission to preside at all meetings and hearings of the Commission and a second appointee as Vice Chairperson. The Chairperson and Vice Chairperson may administer oaths. In the absence of the Chairperson, the Vice Chairperson or, in the absence of the Vice Chairperson, a Temporary Chairperson elected by the Commission, shall act as Chairperson and shall have all the powers of the Chairperson. The Vice Chairperson shall have such other powers and duties as may from time to time be provided by the rules of the Commission.

C. **Staff Secretary; Minutes; Public Records.** The Building Commissioner shall designate a Staff Secretary of the Architectural Review Commission, who shall attend all its proceedings. The Staff Secretary shall provide for the keeping of minutes of the proceedings of the Commission, showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact, and shall maintain permanent records of all Commission meetings, hearings and proceedings and all correspondence of the Commission. The Staff Secretary shall provide for keeping a file of all records of the Commission, and such records shall, except to the extent provided by the Illinois Freedom of Information Act, be public records open to inspection.

D. **Quorum and Necessary Vote.** No business shall be transacted by the Architectural Review Commission without a quorum, consisting of four members, being present. The concurring vote of at least three members of the Commission shall be necessary on any motion to disapprove an application. Any lesser vote on any such motion, even of a majority of those voting, shall be considered a final decision approving the application. Any other action can be taken by a majority of Commission members present.

E. **Absent Members.** No member absent from any portion of a proceeding shall be qualified to vote upon the matter heard unless that member shall first certify on the record that he or she has reviewed the entire record of any such portion of the proceeding during which he or she was absent and has fully informed himself or herself of the essential facts and issues of the matter being heard so as to be able to cast an informed and independent vote.

F. **Meetings; Hearings; Procedures.** Regular meetings of the Commission shall be held at the call of the Chairperson and at such other times as the Commission
shall determine. Special meetings shall be called at the request of the Chairperson or any two members of the Commission or the Board of Trustees.

All meetings, hearings, and deliberations of the Architectural Review Commission shall be open to the public except when closed pursuant to the provisions of the Illinois Open Meeting Act.

All testimony at any hearing of the Commission shall be given under oath.

The Commission may adopt its own rules of procedure for the conduct of its business not inconsistent with this Code or with the statutes of the State of Illinois. Such rules shall be filed with the Staff Secretary of the Commission and with the Village Clerk. Any rule so adopted that relates solely to the conduct of the Commission’s hearing and that is not mandated by this Code or the statutes of the State of Illinois may be waived by the Chairperson upon good cause being shown. In the absence of any adopted rules, the Commission shall conduct its business, as nearly as practicable, in accordance with Robert’s Rules of Order.

G. Record. The transcript of testimony, if any; the minutes of the Staff Secretary; all applications, requests, exhibits, and papers filed in any proceeding before the Commission; and the decision of the Commission shall constitute the record.

H. Decisions. Every decision of the Architectural Review Commission shall be by written resolution which shall include findings of fact, shall refer to the evidence in the record upon which such decision is based, shall specify the reason or reasons for such decision; and shall expressly set forth any limitations or conditions imposed upon any approval granted.

The Commission may take final action on any application pending before it prior to the preparation of a written resolution, but in such event it shall, before taking such action, first state its findings and decision as above required at a meeting open to the public. The Commission’s decision shall be deemed made as of the date of the taking of such final action. The written resolution incorporating such findings and decision shall be presented for approval at a meeting of the Commission open to the public and held no later than 35 days following such final action.

In any case where this Code provides that failure of the Architectural Review Commission to act within a fixed period shall be deemed approval of an application, shall failure, notwithstanding the absence of required findings and conclusions be considered to be a decision of the Architectural Review Commission rendered on the day following the expiration of such fixed period.

I. Conflicts. No member of the Commission shall participate in any hearing on an application in which that member has an interest as that term is defined in the Illinois Municipal Code. Any conflict of interest prohibited by the Illinois Municipal Code shall disqualify a member.
J. **Jurisdiction and Authority.** Subject to the provisions of Section 11-606 of this Code, the Architectural Review Commission shall have the jurisdiction and authority to hear, review, and decide applications for Architectural Review approval.
PART II: PLANNING DOCUMENTS AND PROCEDURES

11-201 OFFICIAL COMPREHENSIVE PLAN

A. Authority. The Plan Commission shall have authority to prepare and recommend to the Board of Trustees a Comprehensive Plan of the Village and the unincorporated areas surrounding the Village and from time to time to prepare and recommend amendments thereto, any or all of which the Board of Trustees may adopt as the “Official Comprehensive Plan of the Village of Bannockburn,” all in accordance with the procedures set out in this Section.

B. Definition. The “Official Comprehensive Plan” shall be defined as a compilation of policy statements; goals; standards; maps; recommended planning, regulatory, fiscal, and public works programs; pertinent data relative to the past, present, and future trends of the Village with respect to its population, housing, economic, social, and environmental development patterns and its land, water, and natural resources and use and its transportation facilities, public facilities, and utilities; and any other matter relative to the present and future patterns of life within the Village or within the unincorporated areas lying within one and one-half miles of its boundaries as they may from time to time exist, prepared and recommended by the Plan Commission with the advice and assistance of the Building Commissioner and adopted by the Board of Trustees by ordinance duly enacted, together with such amendments thereto as may be adopted from time to time. The term “Official Comprehensive Plan” also shall refer to any internally consistent and complete portion of such a compilation relating to any one or more of the aforesaid subjects or to any specific portion of the aforesaid geographical area. As of the effective date of this Code, the term “Official Comprehensive Plan” shall be understood to include the following documents:

1. The Bannockburn Comprehensive Plan, as adopted by Ordinance No. 93-24 on September 13, 1993, or any successor plan or amendment that may be approved by the Board of Trustees.

2. The Bannockburn Subdivision Regulations Ordinance, as adopted by Ordinance No. 49 on January 16, 1961, and as thereafter from time to time amended.

3. The Bannockburn School Site Dedication Ordinance, as adopted by Ordinance No. 76 on January 15, 1973, and as thereafter from time to time amended.

4. Bannockburn-Lake Forest Jurisdictional Boundary Agreement dated November 2, 1987, as approved by Resolution No. 87-R-11 on October 26, 1987, and as thereafter from time to time amended.

C. Purpose. The Official Comprehensive Plan shall be considered an official statement of the policy of the Village with respect to the existing and developing character of the various areas of the Village and its vicinity; the proper objectives,
standards, and direction for future maintenance, growth, development, and redevelopment of the Village; the means to be employed to protect existing character or development and to encourage future development that will be in the best interests of the Village; and the actions and programs to be undertaken by the Village with respect to its future maintenance and development.

D. Effect. After the adoption of the Official Comprehensive Plan or a part thereof, no ordinance, regulation, or Official Map relating to the physical maintenance, development, or redevelopment of the Village or any land within it shall be enacted, established, amended, or varied and no right-of-way, street, utility, or public structure or land shall be authorized, established, developed, redeveloped, or modified in location or extent except in accordance with the policies, goals, objectives, principles, and standards of the Official Comprehensive Plan or relevant part thereof unless the Board of Trustees shall first make a specific finding that the facts and circumstances affecting the particular matter justify a departure from the Official Comprehensive Plan.

E. Procedures.

1. Plan Development. The Plan Commission, with the assistance of the Building Commissioner, shall exercise the powers and duties delegated to it by Section 11-103 of this Article XI in the continuing development and revision of the Official Comprehensive Plan. The process of plan development is necessarily an informal one not readily adaptable to rigid procedures, but the Plan Commission and the Building Commissioner, in developing a plan, shall make all reasonable efforts to obtain the views, comments, and criticisms of interested persons. In addition, the Plan Commission, prior to making any recommendation for the adoption or amendment of a plan or part thereof to the Board of Trustees, shall set, notice, and conduct a public hearing thereon in accordance with the provisions of Section 11-303 of this Article XI.

The Board of Trustees may, at any time, refer a plan to the Plan Commission for consideration and recommendation. In the case of such referral, the Plan Commission shall return its recommendation to the Board of Trustees not later than 90 days following the receipt of the referral. In the event such recommendation is not so delivered, the Board of Trustees may proceed to consider the plan without such recommendation.

When satisfied that a plan or a part thereof is adequate for adoption as or an amendment of the Official Comprehensive Plan of the Village or a part thereof, the Plan Commission shall transmit such plan or part thereof to the Board of Trustees together with its recommendations for adoption of such plan as well as any reports or statements deemed necessary to a full consideration of such plan or part thereof. Such reports or statements may include majority and minority positions. Such transmittal shall be made not later than 15 days following the close of the public hearing concerning such plan.
2. **Plan Adoption.** Upon receiving any recommendation of the Plan Commission with respect to the adoption or amendment of any plan or a part thereof, the Board of Trustees, by ordinance duly enacted, may adopt such plan in whole or in part, with or without amendments; or may refer such plan or any part thereof back to the Plan Commission for further consideration; or may reject such plan. The Board of Trustees shall take such action not later than 90 days following the close of the Plan Commission public hearing on such plan. The failure of the Board of Trustees to act within such period shall be deemed to be a rejection of the plan. Upon the adoption of any such plan or part thereof, it shall be designated as the “Official Comprehensive Plan of the Village of Bannockburn” and, if less than a total comprehensive plan, shall carry a subheading designating its specific contents.

3. **Plan Amendment.** The Official Comprehensive Plan, or any part thereof, may be amended at any time in accordance with the provisions of this Paragraph 3. Such an amendment may be initiated by the Board of Trustees, the Plan Commission, the Building Commissioner, or by any owner of property affected by the provisions of such plan sought to be amended. Amendments initiated by the Board of Trustees, the Plan Commission, or the Building Commissioner shall require no formal application and shall be processed as provided in Paragraphs E1 and E2 of this Section. Amendments initiated by the owner of affected property shall be initiated by an application filed pursuant to Section 11-301 of this Code, except that the time limits specified in Paragraphs E1 and E2 of this Section shall apply.

4. **Plan Filing and Notice of Adoption.** The ordinance adopting the Official Comprehensive Plan, or any part thereof, shall provide that the Building Commissioner shall cause a certified copy thereof to be placed on file in the Office of the Village Clerk and shall cause a notice evidencing the adoption of such plan, or part thereof, to be filed with the Recorder of Deeds of Lake County, Illinois.

**11-202 OFFICIAL MAP**

A. **Authority.** The Plan Commission shall have authority to prepare and to recommend to the Board of Trustees an Official Map of the Village and the unincorporated areas surrounding the Village and from time to time to prepare and recommend amendments thereto, all of which the Board of Trustees may adopt as the “Official Map of the Village of Bannockburn.”

B. **Definition.** The “Official Map” shall be defined as a compilation of maps, standards, and specifications of and for existing and proposed rights-of-way, streets, alleys, utility easements, public grounds, and public utility systems within the Village or within the unincorporated area lying within one and one-half miles of its boundaries as they may from time to time exist, prepared and recommended by the Plan Commission with the advice and assistance of the Building Commissioner, and adopted by the Board of Trustees by ordinance duly enacted,
together with such amendments thereto as may be adopted from time to time. The term “Official Map” also shall refer to any internally consistent and complete portion of such a compilation relating to any one or more of the aforesaid subjects or to any specific portion of the aforesaid geographical area.

The Official Map referred to in this Section is the map authorized by Sections 11-12-6 et seq. of the Illinois Municipal Code, 65 ILCS 5/11-12-6 et seq.

C. **Purpose.** The Official Map is adopted to implement the Official Comprehensive Plan, to assure the adequacy of the public facilities to which it relates, and to secure for the Village the authority and benefits provided by State law in connection with such an Official Map.

D. **Effect.** The Official Map shall have the effect accorded to it by Sections 11-12-8 et seq. of the Illinois Municipal Code, 65 ILCS 5/11-12-8 et seq., and also shall have the effect accorded to the Official Comprehensive Plan by Subsection 11-201D of this Article XI.

E. **Procedures.** The procedures for the development, adoption, amendment, and filing of the Official Map shall be the same as those provided in Subsection 11-201E of this Code with respect to the Official Comprehensive Plan.
PART III: ZONING APPLICATIONS AND HEARINGS

11-301 APPLICATIONS

A. Place of Filing. All applications filed pursuant to this Code shall be filed with the Building Commissioner or with such other Village official or body as the Building Commissioner may by administrative order designate.

B. Form; Number; Scale. All applications filed pursuant to this Code shall be on forms supplied by the Village and shall be filed in such number of duplicate copies as the Building Commissioner may designate by administrative order. All plans filed as part of any application shall be dated, drawn at a recognized engineering, architectural, or planning scale, with a North arrow indicated where appropriate, sufficient to permit a clear and precise understanding of the contents of said plans and the proposal being made and shall be folded to a size no larger than 8-1/2 inches by 14 inches.

C. Filing Deadlines.

1. Applications. Except in the case of Architectural Review Applications, which shall be processed in accordance with Section 11-606, applications requiring a public hearing or meeting shall be filed, in proper form and number and containing all required information, not later than 5:00 p.m. on the fourth Thursday preceding the requested hearing or meeting date. An application so filed will be scheduled on the requested date, or on the first available date thereafter open on the relevant agenda, on a first-filed-first-scheduled basis.

2. Supplemental Data. Whenever supplemental data in connection with a previously filed application is required by the Village or offered by the applicant, it shall be submitted at least seven days prior to the date on which it is to be considered at a hearing or a meeting or acted upon in connection with such application. The filing of such data shall, in the discretion of the Building Commissioner and of the body hearing the application, be cause to delay a requested or scheduled hearing date.

D. Fees.

1. Filing Fee. Every application filed pursuant to this Code, except as provided in Paragraph 11-301D10, shall be accompanied by a non-refundable filing fee of $250.00.

2. Additional Application Fee. In addition, where the nature of the application requires the Village to publish or mail legal notices or to employ the services of planners, engineers, attorneys, or other persons not regularly on the Village payroll for the purposes of reviewing the application or plans in connection with it or development pursuant to it, an additional application fee equal to the actual cost to the Village of giving
such notice or securing such services shall be charged to and paid by the applicant.

3. **Escrow.** For each application filed pursuant to this Code, an application fee escrow account shall be established as provided below:

   (a) **Initial Deposit.** Every application filed pursuant to this Code shall be accompanied by an initial deposit for purposes of paying additional application fees pursuant to Paragraph 11-301D2. The amount of such initial deposit shall be fixed from time to time by ordinance of the Board of Trustees, and such initial deposit and any subsequent deposit shall be placed in an application fee escrow account. No interest shall be payable on any such escrow account.

   (b) **Draws From Escrow.** From the date of filing of any application, the Village shall maintain an accurate record of the actual costs of processing and reviewing such application. The Village shall, from time to time, draw funds from the escrow account established or such application to pay costs identified in Paragraph D2 and shall transfer such funds to the appropriate Village accounts. The Village shall maintain an accurate record of all such draws.

   (c) **Recoverable Costs.** The costs incurred by the Village in processing an application shall be deemed to consist of the following items of direct and indirect expense: legal publications; recording secretarial services; court reporter; document preparation and review; professional and technical consultant service; legal review, consultation, and advice; copy reproduction; document recordation; and inspection fees.

   (d) **Additional Deposits.** Should the Village at any time determine that the escrow account established in connection with any application is, or is likely to become, insufficient to pay the actual costs of processing an application, the Village shall inform the applicant of that fact in writing and demand an additional deposit in an amount deemed to be sufficient to cover foreseeable additional costs. Unless and until such additional amount is deposited by the applicant, the Village may direct that processing of the application be suspended or terminated. Any such termination shall be deemed a withdrawal of the application by the applicant.

   (e) **Final Settlement.** As soon as reasonably feasible following final action on an application, the Village shall cause a final accounting to be made of the escrow deposits made in connection with such application and the actual costs of processing such application and shall make a final charge of such costs against such escrow deposit. A copy of the accounting shall be provided to the applicant. If the amount in the escrow is insufficient to pay the total actual costs, a written demand for payment of the balance due
shall be mailed to the applicant. If any unused balance remains in
the escrow account after paying the total actual costs, that amount
shall be returned to the applicant.

4. Liability; Lien. The owner of the property which is the subject of the
application, and if different, the applicant, shall be jointly and severally
liable for the payment of all application fees. By signing the application,
the owner shall be deemed to have agreed to pay such fees and to consent
to the filing and foreclosure of a lien on the subject property to insure
collection of any such fees, plus the costs of collection, which have not
been paid within 30 days following the mailing of a written demand for
such payment to the owner at the address shown on the application. Any
lien filed pursuant to this Section may be foreclosed in the manner
provided by statute for mortgages or mechanics’ liens.

5. Condition of Approvals and Permits. No application shall be considered
complete unless and until all fees pursuant to this Section have been paid.
Every approval granted and every permit issued pursuant to this Code,
whether or not expressly so conditioned, shall be deemed to be
conditioned upon payment of fees as required by this Section.

6. Time Periods. Where this Code provides that the passage of time without
decision or action shall be deemed an approval or recommendation for
approval, all time periods shall be tolled during any period of nonpayment,
but shall otherwise continue to run.

7. Failure to Pay. The failure to fully pay any such fee when due shall be
grounds for refusing to process an application and for denying or revoking
any permit or approval sought or issued with respect to the land or
development to which the unpaid fee relates.

8. Waiver. The provisions of this Section may be waived by the Board of
Trustees for fees applicable to any application filed by any public body, or
any agency deriving the majority of its revenues from taxes levied within
the Village, or any charitable or eleemosynary organization.

9. Fee Review Board. There shall be established a Fee Review Board
consisting of two or more members of the Board of Trustees. The Fee
Review Board shall be convened from time to time by the Board of
Trustees and shall be charged with deciding disputes brought pursuant to
this Section in an effort to assure that the additional application fees
assessed pursuant to Paragraph D2 above are properly attributable to the
application in question.

10. Personal Wireless Services Antennae Application Fee. In lieu of the
application fee in Paragraph 11-301D1 of this Code for certificates of
zoning compliance, prior to the issuance of a Certificate of Zoning
Compliance in connection with the approval of a personal wireless
services antennae or related facilities an applicant shall pay a fee in the
amount of $___________. This fee is in addition to any application or other fees required in connection with any application for zoning relief under this Code.

E. Minimum Data Requirements.

1. All Applications. Every application submitted pursuant to this Code shall contain at least the following information:

   (a) The owner’s name and address and the owner’s signed consent to the filing of the application. Full disclosure of the ownership of all legal and equitable interests in the subject property is required.

   (b) The applicant’s name and address, if different from the owner, and his or her interest in the subject property.

   (c) The names and addresses of all professional consultants, if any, advising the applicant with respect to the application.

   (d) The name and address and the nature and extent of any economic or family interest of any officer or employee of the Village in the owner, the applicant, or the subject property.

   (e) The addresses and legal description of the subject property.

   (f) Descriptions or graphic representations of the proposal for which approval is being sought and of the existing zoning classification, use, and development of the subject property and the adjacent area for at least 250 feet in all directions from the subject property. The scope and detail of such description shall be appropriate to the subject matter of the application, with special emphasis on those matters likely to be affected or impacted by the approval being sought in the application.

   (g) In the case of any application being filed less than two years after the denial of an application seeking essentially the same relief, the statement required by Subsection 11-302B of this Code.

2. Applications for Zoning Compliance and Occupancy Certificates. Every application filed pursuant to Section 11-401 or Section 11-402 of this Code shall, in addition to the data and information required pursuant to Paragraph 1 above, provide the following information when applicable to the use or development for which approval is being sought:

   (a) A description or graphic representation of any development or construction that will occur or any use that will be established or maintained if the requested relief is granted.

   (b) A table showing the following, if applicable:
(i) the total lot area of the subject property, in acres and in square feet; and

(ii) the total existing and proposed lot area, expressed in acres, in square feet and as a percent of the total development area, devoted to: residential uses, business uses; office uses; college uses; institutional uses; open space; rights-of-way; streets; and off-street parking and loading areas; and

(iii) the existing and proposed number of dwelling units; and gross and net floor area devoted to residential uses, business uses, office uses, college uses, and institutional uses.

(c) A table listing all bulk, space, and yard requirements; all parking requirements; and all loading requirements applicable to any proposed development or construction and showing the compliance of such proposed development or construction with each such requirement; provided however, that no such table is required for applications for Sign Permits. When any lack of compliance is shown, the reason therefor shall be stated and an explanation of the Village’s authority, if any, to approve the application despite such lack of compliance shall be set forth.

(d) The certificate of a registered architect or civil engineer licensed by the State of Illinois, or of an owner-designer, that any proposed use, construction, or development complies with all provisions of this Code and other Village ordinances or complies with such provisions except in the manner and to the extent specifically set forth in said certificate.

(e) A landscape development plan, including the location, size and species of plant materials.

3. Applications for Code Interpretations. Every application filed pursuant to Section 11-501 of this Code shall, in addition to the data and information required pursuant to Paragraph 1 and, where relevant, Paragraph 2 above, provide the following information:

(a) The specific provision or provisions of this Code for which an interpretation is sought.

(b) The facts of the specific situation giving rise to the request for an interpretation.

(c) The precise interpretation claimed by the application to be correct.

(d) When a use interpretation is sought, the use permitted pursuant to the present zoning classification of the subject property that is
claimed by the applicant to include, or to be most similar to, the proposed use.

(e) When a use interpretation is sought, documents, statements, and other evidence demonstrating that the proposed use will comply with all use limitations established for the district in which it is proposed to be located.

4. Applications for Appeals to Zoning Board of Appeals. Every application filed pursuant to Section 11-502 of this Code shall, in addition to the data and information required pursuant to Paragraphs 1 and 2 above, provide the following information:

(a) The specific order, decision, determination, or failure to act from which an appeal is sought.

(b) The facts of the specific situation giving rise to the original order, decision, determination, or failure to act and to the appeal therefrom.

(c) The precise relief sought.

(d) A statement of the applicant’s position as to alleged errors in the order, decision, determination, or failure to act being appealed and as to why the relief sought is justified and proper.

5. Applications for Variations. Every application filed pursuant to Section 11-503 of this Code shall, in addition to the data and information required pursuant to Paragraphs 1 and 2 above, provide the following information:

(a) The specific feature or features of the proposed use, construction, or development that require a variation.

(b) The specific provision of this Code from which a variation is sought and the precise variation therefrom being sought.

(c) A statement of the characteristics of the subject property that prevent compliance with the said provisions of this Code.

(d) A statement of the minimum variation of the provisions of this Code that would be necessary to permit the proposed use, construction, or development.

(e) A statement of how the variation sought satisfies the standards set forth in Subsection 11-503F of this Code.

(f) A survey, certified by a registered land surveyor, showing existing lot lines and dimensions, lot area, all easements, all public and private rights-of-way, and all streets across and adjacent to the subject property.
(g) A statement concerning the conformity or lack of conformity of the approval being requested to the Official Comprehensive Plan and the Official Map of the Village. When the approval being requested does not conform to the Official Comprehensive Plan or the Official Map, reasons justifying the approval despite such lack of conformity shall be stated.

6. Applications for Official Comprehensive Plan Text or Zoning Code Text Amendments. Every application filed pursuant to Paragraph 11-201E3 or Section 11-601 of this Code requesting an amendment to the text of either the Official Comprehensive Plan or this Code shall, in addition to the data and information required pursuant to Paragraph 1 and, where relevant, Paragraph 2 above, provide the following information:

(a) The exact wording of the proposed text amendment.

(b) A statement of the need and justification for the proposed text amendment.

(c) In the case of applications for amendments to the text of this Code, a statement concerning the conformity or lack of conformity of the approval being requested to the Official Comprehensive Plan and the Official Map of the Village. When the approval being requested does not conform to the Official Comprehensive Plan or the Official Map, reasons justifying the approval despite such lack of conformity shall be stated.

7. Applications for Special Use Permits. Every application filed pursuant to Section 11-602 of this Code shall, in addition to the data and information required pursuant to Paragraphs 1 and 2 above, be accompanied by a written statement of the need for the special use and by an application for Site Plan approval pursuant to Subsection E12 of this Section and Section 11-604 of this Code, and shall provide the following information:

(a) A survey, certified by a registered land surveyor, showing existing lot lines and dimensions, lot area, all easements, all public and private rights-of-way, and all streets across and adjacent to the subject property.

(b) A statement concerning the conformity or lack of conformity of the approval being requested to the Official Comprehensive Plan and the Official Map of the Village. When the approval being requested does not conform to the Official Comprehensive Plan or the Official Map, reasons justifying the approval despite such lack of conformity shall be stated.

8. Applications for Official Comprehensive Plan Map or Zoning Map Amendments. Every application filed pursuant to Subsection 11-202E or Section 11-601 of this Code requesting an amendment to the Official
Comprehensive Plan Map or the Zoning Map shall, in addition to the data and information required pursuant to Paragraph 1 and, where relevant, Paragraph 2 above, provide a statement of the need and justification for the proposed Comprehensive Plan Map or Zoning Map amendment. Said statement shall address at least the following factors:

(a) The existing uses and zoning classification for properties in the vicinity of the subject property.

(b) The trend of development in the vicinity of the subject property, including changes, if any, in such trend since the subject property was placed in its present plan designation or zoning classification.

(c) The extent, if any, to which the value of the subject property is diminished by the existing plan designation or zoning classification applicable to it.

(d) The extent to which any such diminution in value is offset by an increase in the public health, safety, and welfare.

(e) The extent, if any, to which the use and enjoyment of adjacent properties would be affected by the proposed amendment.

(f) The extent, if any, to which the value of adjacent properties would be affected by the proposed amendment.

(g) The extent, if any, to which the future orderly development of adjacent properties would be affected by the proposed amendment.

(h) The suitability of the subject property for uses permitted or permissible under its present plan designation and zoning classification.

(i) The availability of adequate ingress to and egress from the subject property and the extent to which traffic conditions in the immediate vicinity of the subject property would be affected by the proposed amendment.

(j) The availability of adequate utilities and essential public services to the subject property to accommodate the uses permitted or permissible under its present plan designation and zoning classification.

(k) The length of time, if any, that the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property.

(l) The community need for the proposed map amendment and for the uses and development it would allow.
9. **Applications for Planned Unit Development Concept Plan Approval.** Every application filed pursuant to Paragraph 11-603D2 of this Code shall, in addition to the data and information required pursuant to Paragraphs 1 and 2 above, provide the following information:

(a) A development name unique to the Bannockburn area for identification purposes.

(b) Evidence that the applicant has sufficient control over the subject property to effectuate the proposed planned unit development, including a statement of all legal, beneficial, tenancy, and contractual interests held in or affecting the subject property, and a recent commitment for title insurance or ownership search certificate.

(c) A map depicting municipal and special district boundaries where adjacent to or within the subject property.

(d) A written statement addressing the following matters:
   
   (i) A general description of the proposed planned unit development, the planning objectives to be achieved by it including the rationales and assumptions of the applicant supporting the proposed planned unit development, and the market it is intended to serve.

   (ii) How the proposed planned unit development is to be designed, arranged, and operated so as not to adversely affect the development and use of neighboring property in accordance with applicable regulations of this Code.

(e) Schematic, soft-line drawings of the proposed planned unit development concept, including public or private rights-of-way on or adjacent to the subject property; the proposed dimensions and locations of vehicular and pedestrian circulation and parking elements; public and private open space; residential, business, office, and other land uses; and general location of and purpose of all easements.

(f) A tentative plat of subdivision if required by the Bannockburn Subdivision Regulations Ordinance.

(g) For each residential planned unit development, a Population/School Impact Study, which shall:

   (i) estimate the projected school population, by grade level, upon completion of the development;
(ii) estimate the impact such population will have upon public school facilities within the Village; and

(iii) set forth any specific proposals the applicant has to mitigate such impact.

(h) A tax impact study indicating the possible tax consequences the proposed planned unit development will have upon the Village and other affected taxing bodies.

(i) A traffic and transit impact study including a list of new street construction and traffic control improvements necessary to accommodate the estimated increase in traffic and traffic related problems occasioned by the proposed development and a statement of the applicant’s proposals for providing those needed improvements.

(j) A preliminary engineering study showing the location and adequacy of existing and proposed sanitary sewer, storm sewer, and water distribution systems.

(k) A written statement identifying existing natural and environmental resources and features on the subject property, including its topography, vegetation, soils, geology, and scenic views, and the impact of the proposed planned unit development on such resources and features, including proposals to preserve or protect such resources and features.

(l) Schematic, soft-line architectural elevations indicating the general style of architecture and typical building materials.

(m) A statement of the applicant’s intent with respect to the ownership, sale, and leasing of the various completed units, structures, spaces, and areas within the proposed planned unit development.

(n) If the planned unit development is to be constructed in stages or units during a period extending beyond a single construction season, a development schedule for each and every such stage stating the approximate beginning and completion date and the proportion of total public or common open space to be provided for each use and with each development stage.

(o) A detailed description of the financial assurances to be presented to guarantee completion of all public improvements and landscaped open space to be provided in connection with the proposed planned unit development.

(p) Evidence of the financing plan the applicant proposes to use to complete the proposed planned unit development. The applicant’s
prior success in completing projects of similar scope may be offered in satisfaction of this requirement.

10. Applications for Planned Unit Development Detailed Plan Approval. Every application filed pursuant to Paragraph 11-603D3 of this Code shall, in addition to the data and information required pursuant to Paragraphs 1 and 2 above, provide the following information:

(a) The date on which Development Concept Plan approval was granted.

(b) An application for Site Plan approval pursuant to Subsection E13 of this Section and Section 11-604 of this Code.

(c) A statement and plan of the proposed treatment of the perimeter of the proposed planned unit development, including materials and techniques to be used.

(d) When the proposed planned unit development or stage thereof includes provision for public or common open space, a statement describing the provision made for the dedication or care and maintenance of such open space. If it is proposed that such open space be owned or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted. When the property is to be dedicated, a draft of the instrument of dedication shall be submitted.

(e) Copies of any restrictive covenants to be recorded with respect to property included in the Detailed Plan.

(f) A statement summarizing all changes that have been made, or have occurred in any document, plan, data, or information previously submitted, together with a revised copy of any such document, plan, or data.

(g) A final plat of subdivision if required by the Bannockburn Subdivision Regulations Ordinance.

(h) All engineering data and drawings required in connection with an application for final subdivision plat approval under the Bannockburn Subdivision Regulations Ordinance.

11. Applications for Planned Unit Development Final Plan Approval. Every application filed pursuant to Paragraph 11-603D4 of this Code shall, in addition to the data and information required pursuant to Paragraphs 1 and 2 above, provide the following information:

(a) The date on which detailed plan approval was granted.
(b) A final version, suitable for recording, of the Site Plan required in Subparagraph 11-301E10(b) of this Section, containing any revisions required as a condition of Detailed Plan approval.

(c) Proof of recording of any easements and restrictive covenants prior to the sale of any land or structure or portion thereof within the planned unit development and of the establishment and activation of any entity that is to be responsible for the management and maintenance of any public or common open space.

(d) All certificates, seals, and signatures required for the dedication of land and recordation of documents.

(e) Final architectural working drawings of all structures.

(f) A statement summarizing all changes that have been made in any document, plan, data, or information previously submitted, together with a revised copy of any such document, plan, or data.

(g) All required bonds, letters of credit, or other guarantees of performance as determined by the Building Commissioner to be necessary to provide for the completion of all public improvements and landscaped open space, and other facilities and amenities.

(h) Proof from appropriate governmental agencies that all taxes on the subject property have been paid and that all special assessments, taxes, or other levies against the subject property or any part thereof have been paid in full.

12. Applications for Campus Development Plan Approval. Every application filed pursuant to Section 11-604 of this Code shall, in addition to the data and information required pursuant to Paragraphs 1 and 2 above, provide the following information:

(a) The date on which the last Campus Development Plan was approved.

(b) Graphic renderings of the entire college and/or theological seminary campus depicting the following items and highlighting all proposed changes to existing conditions;

   (i) All significant natural, topographical, and physical features of the land including soil conditions as they affect development and topographical contours at one foot intervals;

   (ii) The location and extent of tree cover including single trees in excess of six inches in diameter at breast height;
(iii) The location and extent of water bodies and courses as well as floodways, flood fringe, and flood table land on the campus;

(iv) Existing drainage structures and patterns;

(v) The location, size (including gross and net floor area, number of dwelling units, and designated lot area where relevant), height in stories and feet, and use of all structures and uses without structures on the campus;

(vi) Minimum setback dimensions;

(vii) All public and private streets, driveways, circulation aisles, parking spaces, loading spaces, sidewalks and walkways;

(viii) The location, size, and arrangement of all outdoor signs and lighting;

(ix) The location, dimensions, and size of all bufferyards and landscaping required by this Code; and

(x) The total lot area and the location and total area of all usable open space.

(c) Computations of existing and proposed building coverage and lot coverage of the campus.

(d) A landscaping plan which sets forth a program for the installation of bufferyards, landscaping, and screening in the College District, as well as a statement which summarizes the status of such installation and certifies current compliance with such landscaping plan.

(e) A statement summarizing all changes that have been made or are proposed to be made to the campus since the last approval of a Campus Development Plan.

(f) With respect to each specific change in the Campus Development Plan involving any development or redevelopment on the campus, an application for Site Plan approval meeting the requirements of Paragraph E13 of this Section and Section 11-605 of this Code for that portion of the campus directly impacted by such development or redevelopment.

13. Applications for Site Plan Approval. Whenever an application filed pursuant to any provision of this Code involves any use, construction, or development requiring the submission of a Site Plan pursuant to Section 11-605 of this Code, a Site Plan illustrating the proposed use, construction,
or development and providing at least the following data and information, on one or more sheets, shall be submitted as part of the application:

(a) A graphic rendering of the existing conditions, which depicts:
   (i) all significant natural, topographical, and physical features of the subject property including topographical contours at one foot intervals;
   (ii) the location and extent of tree cover including single trees in excess of six inches in diameter at breast height;
   (iii) the location and extent of water bodies and courses, wetlands, marshes and special flood table land, flood fringe, and floodways on or within 100 feet of the subject property;
   (iv) existing drainage structures and patterns; and
   (v) soil conditions as they affect development.

(b) The location, use, size, and height in stories and feet of structures and other land uses on properties within 250 feet of the subject property.

(c) For all areas within any required yard or setback, any proposed regrading of the subject property.

(d) Data concerning proposed structures and existing structures that will remain, including:
   (i) Location, size, use, and arrangement, including height in stories and feet;
   (ii) Where relevant, floor area ratio, gross floor area, and net floor area;
   (iii) Where relevant, number and size of dwelling units;
   (iv) Building coverage; and
   (v) Description of the calculation method utilized in computing all required statistics shown.

(e) Minimum yard and setback dimensions and, where relevant, relation of yard and setback dimensions to the height, width, and depth of any structure.

(f) A vehicular and pedestrian circulation plan showing the names of all relevant existing and proposed streets, the location, dimensions,
gradient, and number of all vehicular and pedestrian circulation elements including rights-of-way and streets; driveway entrances, curbs, and curb cuts; parking spaces, loading spaces, and circulation aisles; sidewalks, walkways, and pathways; and total lot coverage of all circulation elements divided as between vehicular and pedestrian ways.

(g) All existing and proposed surface and sub-surface drainage and retention and detention facilities and all existing and proposed water, sewer, gas, electric, telephone, and cable communications lines and easements and all other utility facilities.

(h) Location, size, and arrangement of all outdoor signs and lighting.

(i) Location and height of fences or screen plantings and the type or kind of building materials or plantings to be used for fencing or screening.

(j) Location, designation, and total area of all usable open space.

(k) A detailed landscaping plan, showing location, size, and species of all trees, shrubs, and other plant material.

(l) A traffic study, if required by the Building Commissioner or the board or commission hearing the application.

(m) An erosion control plan for the period during which construction will be taking place, if required by the Building Commissioner or the board or commission hearing the application.

(n) Final architectural working drawings of all structures indicating typical architectural elevations, style of structures, and typical building materials.

14. Applications for Architectural Review Permits. Every application filed pursuant to Section 11-606 of this Code shall, in addition to the data and information required pursuant to Paragraphs 1 and 2 above, provide the following information:

(a) The present uses and zoning classifications of the subject property.

(b) An application for a Certificate of Zoning Compliance.

(c) Detailed plans depicting all work proposed to be done, including detailed renderings of any exterior alterations and of the exterior of any proposed new building. Such rendering shall include without limitation proposed exterior colors, textures, and materials. Applications for any (i) proposed new residential or commercial structure; (ii) addition in excess of 120 square feet; and (iii) accessory structure in excess of 120 square feet shall also include
scaled, color elevations of the proposed structure. Additionally, any application for a new residential structure shall also provide color perspectives of the proposed residential structure depicting the structure’s relationship to neighboring structures and to the overall site.

(d) A statement of how the work proposed to be done advances the purposes and goals set forth in Subsection 11-606B of this Code, and of how such work achieves or preserves the standards and considerations of Subsection 11-606F of this Code.

(e) A statement of what disadvantage, if any, the applicant will suffer if the work proposed to be done is not allowed.

(f) In any case where a special use permit or a variation has been issued in connection with the proposed work, a copy of such special use permit or variation.

In addition, applicants may be required to submit samples of exterior materials proposed to be used upon request of the Architectural Review Commission.

15. **Applications for Appeal From Architectural Review Decision.** Every application filed pursuant to Paragraph 11-606E2 of this Code shall, in addition to the information required pursuant to Paragraph 1 above, provide the following information:

(a) A complete copy of the record of the subject proceeding before the Architectural Review Commission.

(b) A statement of the applicant’s position as to the alleged errors in the Commission’s decision on the application and as to why approval of the application as filed is justified and proper.

16. **Applications for Sign Permits.** Every application filed pursuant to Section 11-607 of this Code shall, in addition to the information required pursuant to Paragraph 1 above, provide the following information:

(a) Plans and specifications showing the location on the lot or building face, and the method of construction, illumination, and support of such sign, and all proposed landscaping; and

(b) A scale drawing showing sign faces, exposed surfaces, and the proposed message and design, accurately represented as to size, area, proportion, and color; and

(c) Photographs of the street sides of the property in question, showing all existing signs on the property and adjacent property; and
(d) A calculation of the total amount of sign area presently existing on the property; and

(e) The applicant’s attestation that the sum of the areas of the requested sign or signs and the existing signs do not exceed the maximum allowed by the provisions of this Code; and

(f) Evidence of a valid business license, when required, issued for any business to which the sign is accessory.


(a) Generally Applicable Requirements.

(i) Project Proposal.

(A) A project summary, including, without limitation, the manufacturer information and number of proposed turbines.

(B) Current photographs of the proposed location of the WES.

(C) A front elevation depiction of the subject property, showing the location and proposed height of the top of the turbine from top of the building.

(ii) Insurance. Proof of homeowner or business general liability insurance, as appropriate, with a minimum coverage level of $1,000,000 per occurrence.

(iii) Electric Utility. Approval letter from the local electric utility company, if the system is to be connected to the energy grid.

(iv) Manufacturer's Directions. A copy of the directions issued by the manufacturer of the proposed WES for the proper installation, operation, and maintenance of the WES.

(v) Certification of Design Compliance. A certification of design compliance for the proposed WES with respect to the applicable noise, structural, and safety regulations set forth in Section 9-111 of this Code, which certification must have been obtained from Underwriters Laboratories (UL), National Renewable Energy Laboratories (NREL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party.

(vi) Maintenance Covenant. An executed maintenance covenant, on a form provided by the Village, providing that
the owner and all subsequent owners of the subject property will maintain the WES in accordance and compliance with Section 9-111 of this Code and with the maintenance directions issued by the manufacturer of the WES.

(vii) **Contact Information.** The name of a local contact with authority to operate or repair the proposed WES as needed and at any time, and the telephone number at which such contact may be reached on a 24-hour basis. At all times during which the WES is in Operable Condition, the applicant shall have the duty to notify the Village of any changes to the information required pursuant to this Subparagraph (vii).

(b) **Additional BWES Requirements.**

(i) **Engineering Plans.** Engineering plans, which must include, without limitation, the manufacturer's engineering specifications of the turbine, nameplate wattage capacity, dimensions of the turbine unit, mounting mechanisms, expected load and expected sound level production.

(ii) **Site Plan.** A site plan, drawn to scale, signed and sealed by a Professional Engineer licensed in the State of Illinois, and including, without limitation, the following:

(A) The location of any overhead or underground power lines and utility easements; and

(B) The locations and the expected duration of shadow flicker caused by the BWES facility.

(c) **Additional SWES Requirements.**

(i) **Engineering Plans.** Engineering plans, which must include, without limitation, the manufacturer's engineering specifications of the tower, turbine and foundation, detailed drawing of electrical components and installation details, and expected sound level production (see Sound Level standards below). For turbines with a nameplate wattage capacity exceeding 20 kilowatts, the plans must be sealed by a Structural Engineer.

(ii) **Site Plan.** A site plan, drawn to scale, signed and sealed by a Professional Engineer licensed in the State of Illinois, and including, without limitation, the following:
(A) The existing and proposed contours, at a minimum of two foot intervals;

(B) The location, setbacks, exterior dimensions and square footage of all structures on the subject property and all nonparticipating properties located within 100 feet of the subject property if the proposed WES will be of a height not greater than 100 feet, and within 500 feet of the subject property if the proposed WES will be of a height greater than 100 feet;

(C) The location and size of existing waterways, wetlands, one hundred-year floodplains, sanitary sewers, field drain tiles, storm sewer systems, aquifers, and water distribution systems;

(D) The location of any overhead or underground power lines and utility easements; and

(E) The locations and the expected duration of shadow flicker caused by the SWES facility.

(iii) **Soil Studies.** For all proposed turbines to be constructed at a height greater than 100 feet, or of a structural weight greater than 5,000 pounds, the applicant shall submit a soil analysis measured at the proposed location for the base of the proposed tower and a drawing stamped by a Structural Engineer, in order to demonstrate that the soils are able to support the structural weight of the proposed SWES. For purposes of this Subparagraph 11-301E17(c)(iii), structural weight shall include the tower, wind turbine generator, and any other components otherwise supported by the base foundation of the proposed SWES.

(iv) **Environmental Impact Studies and Plans.**

(A) For any proposed SWES in excess of 75 in height, the applicant shall request, and submit to the Village, evaluations regarding the impact of the proposed SWES on the local environment and local wildlife from the Illinois Department of Natural Resources, the United States Fish and Wildlife Service, and the Lake County Soil and Water Conservation District.

(B) Upon request of the Village, the applicant shall submit an environmental plan to mitigate or eliminate any adverse impact of the proposed
SWES on the local environment and local wildlife, which plan shall be subject to the approval of the Village in consultation with the Illinois Department of Natural Resources and the United States Fish and Wildlife Service.

18. **Applications for Solar Energy Systems.**

(a) **Generally Applicable Requirements.**

(i) The name, address, and telephone number of the person, firm, or corporation that will construct or install the proposed Solar Energy System.

(ii) Elevation drawings and/or photographs, and a site plan, depicting the location, size, and design details of all existing structures on the subject property and of the proposed Solar Energy System, which materials shall set forth all applicable zoning compliance data.

(iii) The manufacturer’s specifications of the solar collectors and other devices of the proposed system, including, without limitation, wattage capacity, the dimensions of the collectors, the mounting mechanisms, the foundation details, and the structural requirements for the System.

(iv) Plans and specifications showing the method of construction of the proposed system, including details regarding the support of the system and its attachment to any structure.

(v) A copy of stress sheets and calculations prepared by a licensed professional engineer showing that the proposed system is designed for the deadload or windload, in the amount required by the manufacturer and all applicable law.

(vi) A line drawing of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the manner of installation conforms to this Code and other applicable law.

(vii) A certification of design compliance for the proposed Solar Energy System with respect to the applicable noise, structural, and safety regulations set forth in Section 9-111 of this Code, which certification must have been obtained from Underwriters Laboratories (UL) or an equivalent independent testing agency approved by the Building Commission.
(viii) A signed indemnification agreement in accordance with Subsection 9-112D of this Code.

(b) **Ground-Mounted Systems - Site Plan.** In addition to the requirements set forth in Subparagraph 11-301E18(a) of this Code, for all ground-mounted Solar Energy Systems, the applicant shall submit a site plan, drawn to scale, signed and sealed by a Professional Engineer licensed in the State of Illinois, and including, without limitation, the following:

(i) The existing and proposed contours, at a minimum of two foot intervals;

(ii) The location, setbacks, exterior dimensions and square footage of all structures on the subject property and of all structures proposed as part of the ground-mounted solar energy system, as well as all applicable zoning compliance data; and

(iii) The location of any overhead or underground power lines and utility easements.

19. **Applications for Geothermal Energy Systems.**

(a) The name, address, and telephone number of the person, firm, or corporation that will construct or install the proposed Geothermal Energy System.

(b) A project summary and a site plan, which shall include, without limitation, information regarding the manufacturer of the system and the system specifications.

(c) The location and size of existing waterways, wetlands, one hundred-year floodplains, sanitary sewers, field drain tiles, storm sewer systems, aquifers, and water distribution systems.

(d) The location of any underground power lines and utility easements.

(e) A signed indemnification agreement in accordance with Subsection 9-112D of this Code.

F. **Special Data Requests.** In addition to the data and information required pursuant to Subsection E of this Section, every applicant shall submit such other and additional data, information, or documentation as the Building Commissioner or any board or commission before which its application is pending may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

G. **Waiver of Application Requirements.** Notwithstanding any other provision of this Section, the Building Commissioner shall have the authority to waive any
requirement set forth in Subsections A, B, C, or E of this Section when, in his or her judgment, such waiver is appropriate in light of the nature and extent of the relief being sought or in light of special circumstances making compliance with those provisions either unnecessary or unduly burdensome; provided, however, that any board or commission before which such application may come shall continue to have the right to request additional information pursuant to Subsection F of this Section and to delay processing of such application until such information is provided and available in accordance with the deadlines established in Subsection C of this Section. The Building Commissioner shall provide, in writing, his or her reasons why any such requirement has been waived, and shall refer such writing to the appropriate boards and commissions.

H. Concurrent Applications. When a proposed use or development requires more than one approval pursuant to this Code, applications for all such approvals may be filed concurrently notwithstanding the fact that approval of one application may be a pre-condition to approval of other applications. Such applications may, in the discretion of the official, officials, body, or bodies charged with review of such applications be processed together; provided, however, that no application shall be approved unless all applications that are a pre-condition to its approval have first been approved.

I. Withdrawal of Application. An applicant may withdraw an application at any time prior to a final decision having been rendered with respect thereto, provided that the applicant shall have paid all applicable fees pursuant to Subsection 11-301D of this Code. Such withdrawal shall be without prejudice to the applicant’s right to refile such application, but any such refiling shall be treated as an entirely new filing and shall be subject to the procedures and fees of this Code in the same manner as any other new application.

11-302 SUCCESSIVE APPLICATIONS

A. Second Applications Without New Grounds Barred. Whenever any application filed pursuant to this Code has been finally denied on its merits, a second application seeking essentially the same relief, whether or not in the same form or on the same theory, shall not be brought unless in the opinion of the officer, board, or commission before which it is brought there is substantial new evidence available or a mistake of law or fact significantly affected the prior denial.

B. New Grounds to Be Stated. Any such second application shall include a detailed statement of the grounds justifying consideration of such application.

C. Summary Denial With or Without Hearing. Any such second application may be denied by the Building Commissioner summarily, and without hearing, on a finding that no grounds appear that warrant a new hearing. In any case where such application is set for hearing, the applicant shall be required to establish grounds warranting reconsideration of the merits of its application prior to being allowed to offer any evidence on the merits. Unless such grounds are established, the application may be summarily dismissed for such failure.
D. **Exception.** Whether or not new grounds are stated, any such second application filed more than two years after the final denial of a prior application shall be heard on the merits as though no prior application had been filed. The applicant shall, however, be required to place in the record all evidence available concerning changes of conditions or new facts that have developed since the denial of the first application. In the absence of such evidence, it shall be presumed that no new facts exist to support the new petition that did not exist at the time of the denial of the first application.

11-303 **PUBLIC HEARINGS AND MEETINGS**

A. **Setting Hearing or Meeting; Time Limitation.** When the provisions of this Code require a public hearing or public meeting in connection with any application filed pursuant to this Code, the body charged with conducting the hearing or meeting shall, upon receipt of a properly completed application, fix a reasonable time and place for such hearing or meeting; provided, however, that such hearing or meeting shall be commenced no later than 60 days and shall be concluded no later than 180 days following the submission of the subject application unless the applicant shall agree to an extension or unless the hearing or meeting agenda of the body is completely committed during that time.

B. **Notice.**

1. **Building Commissioner to Give Notice.** The Building Commissioner shall cause notice to be given of public hearings and public meetings set pursuant to Subsection A of this Section in the form and manner and to the persons herein specified.

2. **Content of Notice.** All notices shall include the date, time and place of such hearing or meeting, a description of the matter to be heard or considered, a legal description of the subject property or such other description intended to identify as fully as practicable the subject property, and the address or particular location of the subject property.

3. **Persons Entitled to Notice.**

   (a) **All Hearings and Meetings.** Notice of every hearing or meeting set pursuant to Subsection A of this Section shall be given:

   (i) By mail or personal delivery to the applicant and, if a specific parcel is the subject of the application, to the owner of the subject property.

   (ii) By mail to any newspaper or person that shall have filed a written request, accompanied by an annual fee as established from time to time by the Building Commissioner to cover postage and handling, for notice of all hearings or meetings held pursuant to this Code. Such written request shall automatically expire on December 31
of the year in which it is made unless a written request for renewal, accompanied by the annual fee, is submitted prior to such date.

Notice by mail as herein required shall be mailed no fewer than seven days in advance of the hearing or meeting date by regular United States mail.

(b) **Hearings on Amendments, Special Use Permits, and Variations.** In addition to notice as required by Subparagraph B3(a) of this Section, notice of every hearing set pursuant to Subsection A of this Section in connection with any application for an amendment to this Code or the Zoning Map, a special use permit, or a variation shall be given by publication in a newspaper with a general circulation within the Village at least once no less than 15 days nor more than 30 days in advance of the hearing date.

(c) **Hearing on Official Comprehensive Plan.** In addition to notice as required by Subparagraph B3(a) of this Section, notice of every hearing set pursuant to Subsection A of this Section in connection with the adoption or amendment of the Official Comprehensive Plan shall be given by publication in a newspaper of general circulation in Lake County, Illinois at least 15 days before such hearing.

C. **Conduct of Hearings.**

1. **Rights of All Persons.** Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney, and may submit documentary evidence; provided, however, that the hearing body may exclude irrelevant, immaterial, or unduly repetitious evidence.

2. **Rights of Parties and Proximate Owners.** Subject to the discretion of the hearing body, the applicant, any board, commission, or official of the Village, and any owner of property within 250 feet of the subject property may be allowed, in addition to the rights granted by Paragraph C1 of this Section, any or all of the following rights:

(a) To present witnesses on their behalf.

(b) To cross-examine all witnesses testifying in opposition to their position.

(c) To examine and reproduce any documents produced at the hearing.

(d) To have subpoenas issued by the body in charge of the hearing as may be provided by State law for persons to appear at the hearings and for examination of documents by the person requesting the subpoena either before or during the hearing, where such persons
or documents are shown to have a substantial evidentiary connection with:

(i) the property to which the request applies; or

(ii) facts that would support or negate the legal standards for granting the request.

(e) To a continuance, upon request, for the purpose of presenting evidence to rebut evidence introduced by any other person.

In determining whether to grant or withhold such rights, the discretion of the hearing body shall be governed by the goal of securing all information and opinion relevant and material to its deliberations. Such rights shall not be granted, however, when undue and unwarranted delay would result, or when to do so would tend to produce no new evidence to aid the hearing body in reaching its decision.

3. **Adjournment of Hearing.** The body conducting the hearing may at any time, on its own motion or at the request of any person, adjourn the hearing for a reasonable time and to a fixed date, time, and place, for the purpose of giving further notice, taking further evidence, gathering further information, deliberating further, or for such other reason as the hearing body may find to be sufficient. The Staff Secretary of the hearing body shall notify in writing all members of the hearing body, the owner and applicant, and any other person designated on the vote of adjournment of the date, time, and place of the adjourned hearing.

4. **Testimony to be Sworn.** All testimony at any hearing held pursuant to the provisions of this Code shall be given under oath.

5. **Right to Submit Written Statements.** Any person may at any time prior to the commencement of a hearing hereunder, or during such hearing, or within such time as may be allowed by the hearing body following such hearing, submit written statements in support of or in opposition to the application being heard.

6. **Board or Commission Rules to Govern.** All other matters pertaining to the conduct of hearings shall be governed by the provisions of this Code pertaining to, and the rules promulgated by, the body conducting the hearing.

D. **Pre-Hearing and Pre-Meeting Examination and Copying of Application and Other Documents.** At any time following the giving of notice as required in Subsection B of this Section, and upon reasonable request, any person may examine the application and, subject to the exceptions set forth in the Illinois Freedom of Information Act, all other documents on file with the Building Commissioner pertaining to the matter subject to such notice. In addition, any person shall be
entitled to copies of such application and documents upon reasonable request and payment of a fee as established from time to time by the Building Commissioner to cover the cost of such copies.
PART IV: ZONING CERTIFICATES

11-401 CERTIFICATE OF ZONING COMPLIANCE

A. Authority. The Building Commissioner shall have authority to issue Certificates of Zoning Compliance, but only in accordance with the provisions of this Section.

B. Purpose. The Certificate of Zoning Compliance is intended to serve two general purposes. First, it provides a procedure for reviewing plans for conformance with this Code and a means for evidencing such conformance. Second, it serves as an adjunct to, and thus must be filed prior to or with, all other applications filed pursuant to this Code with respect to a specific use or development proposal. When so filed, it serves as a vehicle for routine plan review by the Building Commissioner prior to consideration of special requests by other officials, boards, and commissions, thus avoiding needless special reviews of defective plans.

C. Certificate Required. Except where expressly waived by another provision of this Code, unless a Certificate of Zoning Compliance shall have first been obtained from the Building Commissioner:

1. The construction, reconstruction, remodeling, alteration, or moving of any structure, except signs, shall not be commenced; and

2. No land vacant on the effective date of this Code shall be used or occupied for any purpose; and

3. The grading, excavation, or improvement of land preliminary to any construction on or use of such land shall not be commenced; and

4. Building or other permits pertaining to the construction, reconstruction, remodeling, alteration, or moving of any structure or the use of any land or structure shall not be issued by the Village; and

5. Except for changes involving only substitution of occupants in dwelling units, no use or occupancy of any land or structure shall be changed to any other use or occupancy, whether or not construction, reconstruction, remodeling, alteration or moving is involved; and

6. No home occupation shall be established or maintained; and

7. No temporary use shall be established or maintained, except as provided in Subsection 9-103C of this Code; and

8. No land shall be annexed to the Village.

9. Building or other permits pertaining to the construction, placement, location, or alteration of a personal wireless services antennae or related facilities shall not be issued by the Village.
In any case where a Certificate of Zoning Compliance is not required under this Code, the Building Commissioner shall, on written request, issue a certificate of such fact.

D. **Relation to Other Applications.** No application filed pursuant to Part III of this Article XI with respect to a specific use or development proposal shall be processed unless an application for a Certificate of Zoning Compliance shall first have been received, processed, and approved, or denied solely on one or more grounds that form the basis for the application filed pursuant to said Part III. It is the intent of this Section that no application filed pursuant to Part III of this Article XI with respect to a specific use or development proposal shall be processed until the Building Commissioner is satisfied that the proposed use or development complies with the provisions of this Code in all respects except those within the scope of such application.

E. **Procedure.**

1. **Application.** Applications for a Certificate of Zoning Compliance shall be filed in accordance with the requirements of Section 11-301 of this Code.

2. **Action on Application.** Within 20 days following receipt of a completed application for a Certificate of Zoning Compliance, the Building Commissioner shall cause the application and related submissions to be reviewed for compliance with this Code and shall inform the applicant whether the application has been granted or denied. In any case where an application is granted, the Building Commissioner shall issue a Certificate of Zoning Compliance, which shall state on its face, in bold type, that:

   **THIS CERTIFICATE DOES NOT SIGNIFY BUILDING CODE REVIEW OR APPROVAL AND IS NOT AUTHORIZATION TO UNDERTAKE ANY WORK WITHOUT SUCH REVIEW AND APPROVAL WHERE EITHER IS REQUIRED. SEE THE BANNOCKBURN BUILDING CODE FOR DETAILS.**

   **BEFORE ANY STRUCTURE TO WHICH THIS CERTIFICATE IS APPLICABLE MAY BE OCCUPIED OR USED FOR ANY PURPOSE, A CERTIFICATE OF OCCUPANCY MUST BE OBTAINED. SEE SECTION 11-402 OF THE BANNOCKBURN ZONING CODE AND THE BANNOCKBURN BUILDING CODE FOR DETAILS.**

In any case where an application is denied, the Building Commissioner shall state the specific reasons therefor and shall cite the specific provisions of this Code upon which such denial is based. If relief from such demand would be available pursuant to a companion application filed in connection with the application for a Certificate of Zoning Compliance, the Building Commissioner shall so inform the applicant and shall promptly process such companion application. If such application is approved, the Building Commissioner shall issue the requested Certificate
of Zoning Compliance in accordance with the terms and conditions of such approval.

If relief from the Building Commissioner’s denial of a Certificate of Zoning Compliance would be available by variation, special permit, or site plan review, but no application therefor has been filed, the Building Commissioner shall so state and shall refer the applicant to the appropriate provisions of this Code.

3. **Contents of Certificate.** Each Certificate of Zoning Compliance issued pursuant to this Section shall state the specific use of the subject property for which it is issued, shall identify the specific plans, if any, pursuant to which it is issued, and shall set forth any conditions imposed in connection with any approval granted pursuant to this Code.

4. **Filing of Certificates.** Every Certificate issued pursuant to this Section shall be kept on file in the Office of the Building Commissioner and shall be a public record open to inspection in accordance with the provisions of the Illinois Freedom of Information Act.

F. **Effect of Issuance of Certificate of Zoning Compliance.** The issuance of a Certificate of Zoning Compliance shall not authorize the establishment, expansion, or extension of any use nor the development, construction, relocation, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any additional permits and approvals that may be required by the codes and ordinances of the Village, including but not limited to a Building Permit, a Certificate of Occupancy, and subdivision approval.

G. **Limitations on Certificates.** Subject to an extension of time granted by the Building Commissioner pursuant to Subsection 11-101K of this Code, a Certificate of Zoning Compliance shall become null and void six months after the date on which it was issued unless within such period construction, reconstruction, remodeling, alteration, or moving of a structure is commenced or a use is commenced.

H. **Void Certificates.** Any Certificate of Zoning Compliance issued in violation of the provisions of this Code, whether intentionally, negligently, or innocently, shall be void ab initio and shall give rise to no rights whatsoever.

11-402 **CERTIFICATE OF OCCUPANCY**

A. **Authority.** The Building Commissioner shall have authority to issue Certificates of Occupancy; provided, however, that no such certificate shall be issued except in accordance with the provisions of this Section and the provisions of the Bannockburn Building Code and other Village Ordinances governing development and related matters.
B. **Purpose.** For the purposes of this Code, the Certificate of Occupancy provides a procedure for the inspection of completed premises to ensure their compliance with this Code and approved plans prior to commencement of the use or occupancy of such premises.

C. **Certificate Required.** Unless a Certificate of Occupancy shall have first been obtained certifying compliance with the provisions of this Code:

1. No structure, or addition thereto, constructed, reconstructed, remodeled, altered, or moved after the effective date of this Code shall be occupied or used for any purpose, except as permitted by the sign regulations set forth in Section 9-106 of this Code; and

2. No land vacant as of the effective date of this Code shall be used or occupied for any purpose, except as permitted by the sign regulations set forth in Section 9-106 of this Code; and

3. Except as permitted by the sign regulations set forth in Section 9-106 of this Code and except for changes involving only substitution of occupants in existing dwelling units, no use or occupancy of any land or structure shall be changed to any other use or occupancy, whether or not construction, remodeling, alteration, or moving is involved; and

4. No home occupation shall be established.

D. **Procedure.**

1. **Application.** When no Certificate of Zoning Compliance is required, applications for a Certificate of Occupancy shall be filed in accordance with the requirements of Section 11-301 of this Code. When a Certificate of Zoning Compliance has been issued, the application for that Certificate shall also be treated as the application for a Certificate of Occupancy and shall be processed as such at such time as the applicant notifies the Building Commissioner in writing that the subject structure or use is ready for a Certificate of Occupancy in accordance with the Certificate of Zoning Compliance.

   In any case where the structure or use involved has been constructed or established pursuant to any approval granted pursuant to this Code, the application shall be accompanied by “as built” plans depicting the structure or use as built and bearing the certificate of a surveyor, engineer, architect, land planner, or owner-designer, as may be appropriate, certifying that the structure or use as built conforms in all respects to the approval granted.

2. **Action on Application.** Within 14 days following the receipt of a completed application, the Building Commissioner shall cause the subject structure or premises to be inspected and shall take one of the following actions based on such inspection:
(a) If all work has been completed and the structure and use thereof are in full and complete compliance with all applicable provisions of this Code, other relevant codes and ordinances of the Village, the applicant’s plans as approved, and any conditions attached to any approval issued pursuant to this Code, the Building Commissioner shall issue a Certificate of Occupancy.

(b) If, however, all work is not complete or is in any manner not in full compliance with all applicable requirements, the Building Commissioner shall deny the application and shall inform the applicant in writing of the specific deficiencies on which such denial is based, citing the particular provisions of the codes and ordinances of the Village or the particular items in the applicant’s plans or the applicable special approval conditions with respect to which compliance is lacking.

3. **Contents of Certificate.** In addition to the matters required to be contained in a Certificate of Occupancy pursuant to any other applicable Code or Ordinance of the Village, each Certificate of Occupancy issued pursuant to this Section shall state the specific use of the subject property for which it is issued, shall identify the specific plans, if any, pursuant to which it is issued, and shall set forth any conditions imposed in connection with any approval granted pursuant to this Code.

4. **Filing of Certificates.** Every Certificate of Occupancy issued pursuant to this Section shall be kept on file in the Office of the Building Commissioner and shall be a public record open to inspection pursuant to the provisions of the Illinois Freedom of Information Act.

E. **Temporary Certificate of Occupancy.** Notwithstanding the provisions of Paragraph D2 of this Section, when construction, reconstruction, remodeling, or alteration of a structure does not require the vacating of the structure, or when parts of the structure are finished and ready for occupancy before the completion of such construction, reconstruction, remodeling, or alteration and are certified upon inspection to be safe for use or occupancy and to be in full compliance with all applicable provisions of this Code, other relevant codes and ordinances of the Village, the applicant’s plans as approved and any conditions attached to any approvals issued pursuant to this Code with respect to such structure or its premises, a Temporary Certificate of Occupancy may be issued for a period not to exceed six months from its date, which Temporary Certificate shall bear on its face, in bold type, a statement of its temporary nature.

F. **Certificate of Occupancy for Existing Uses.** The Building Commissioner may issue a Certificate of Occupancy certifying the lawful existence and use of any existing structure or use in the same manner, and subject to the same standards and limitations, as authorized by this Section with respect to new structures and uses. Such Certificate of Occupancy shall be prima facie evidence of the facts contained in it with respect to any structure or use as of the date of its issue and
remain effective for that purpose for so long as neither the use or structure nor the applicable provisions of this Code are changed.

G. **Certificate of Occupancy for Legal Nonconformities.** The Building Commissioner may issue a Certificate of Occupancy certifying the lawful existence and use of any nonconforming use, structure, lot, or sign in the same manner, and subject to the same standards and limitations, as authorized by this Section with respect to new structures and uses and subject also to the additional standards and limitations set forth in Paragraph 10-101E3 of this Code.

H. **Void Certificates.** Any Certificate of Occupancy issued in violation of the provisions of this Code, whether intentionally, negligently, or innocently, shall be void ab initio and shall give rise to no rights whatsoever.
PART V: INTERPRETATIONS, APPEALS, AND VARIATIONS

11-501 INTERPRETATIONS

A. Authority. The Building Commissioner, subject to the procedures, standards, and limitations of this Section, may render interpretations, including use interpretations, of the provisions of this Code and of any rule or regulation issued pursuant to it.

B. Purpose. The interpretation authority established by this Section is intended to recognize that the provisions of this Code, though detailed and lengthy, cannot possibly address every specific situation to which they may have to be applied. Many such situations, however, can be readily addressed by an interpretation of the specific provisions of this Code in light of the general and specific purposes for which those provisions have been enacted. Because the interpretation authority herein established is an administrative rather than a legislative authority, it is not intended to add to or change the essential content of this Code but rather is intended only to allow authoritative application of that content to specific cases.

C. Parties Entitled to Seek Interpretations. Applications for interpretations may be filed by any person having an interest in the circumstances giving rise to the need for an interpretation; provided, however, that interpretations shall not be sought by any person based solely on hypothetical facts or where the interpretation would have no effect other than as an advisory opinion.

D. Procedure.

1. Application. Applications for interpretations of this Code shall be filed in accordance with the requirements of Section 11-301 of this Code.

2. Action on Application. Within 30 days following the receipt of a properly completed application for interpretation, the Building Commissioner shall inform the applicant in writing of his or her interpretation, stating the specific precedent, reasons, and analysis upon which the determination is based. The failure of the Building Commissioner to act within 30 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the application rendered on the day following such 30-day period.

3. Appeal. Appeals from interpretations rendered by the Building Commissioner may be taken to the Zoning Board of Appeals as provided in Section 11-502 of this Code.

E. Standards for Use Interpretations. The following standards shall govern the Building Commissioner, and the Zoning Board of Appeals on appeals from the Building Commissioner, in issuing use interpretations:

1. No use interpretation shall be given with respect to the residential districts.
2. Any use defined in Section 12-206 of this Code shall be interpreted as therein defined.

3. No use interpretation shall permit a use listed as a permitted use or a special permit use in any district to be established in any district in which such use is not so listed.

4. No use interpretation shall permit any use in any district unless evidence shall be presented that demonstrates that it will comply with each use limitation established for that particular district.

5. No use interpretation shall permit any use in a particular district unless such use is substantially similar to other uses permitted in such district and is more similar to such other uses than to uses permitted or specially permitted in a more restrictive district.

6. If the proposed use is most similar to a use permitted only as a special use in the district in which it is proposed to be located, then any use interpretation permitting such use shall be conditioned on the issuance of a special use permit for such use pursuant to Section 11-602 of this Code.

7. No use interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of the district in question.

8. Subject to the foregoing conditions and limitations, in rendering use interpretations the Building Commissioner shall be guided by the Standard Industrial Classification Manual 1987, Office of Management and Budget (SIC). Many uses listed as permitted or special uses in the use districts established by this Code are preceded by a numerical reference to the SIC. Numerals in parentheses indicate that the listed use includes one or more particular types of establishments in the subject SIC category to the exclusion of others, and the Building Commissioner shall determine whether the proposed use is most similar to the listed use or uses rather than to any of the excluded uses in rendering any use interpretation relative to such uses.

F. Effect of Favorable Use Interpretation. No use interpretation finding a particular use to be permitted or specially permitted in a particular district shall authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by the codes and ordinances of the Village including, but not limited to, a special use permit, a Certificate of Zoning Compliance, a Building Permit, a Certificate of Occupancy, subdivision approval, and Site Plan approval.

G. Limitations on Favorable Use Interpretations. Subject to an extension of time granted by the Building Commissioner pursuant to Subsection 11-101K of this Code, no use interpretation finding a particular use to be permitted or specially permitted in a particular district shall be valid for a period longer than six months
from the date of issue unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion, or a Certificate of Occupancy is obtained and a use commenced within that period.

A use interpretation finding a particular use to be permitted or specially permitted in a particular district shall be deemed to refer only to the particular use for which it was issued, and such permit shall not be deemed to refer to any allegedly similar use for which a separate use interpretation has not been issued. Such permit shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of six consecutive months or more.

11-502 APPEALS TO ZONING BOARD OF APPEALS

A. Authority. The Zoning Board of Appeals shall hear and decide appeals from, and review orders, decisions, determinations, or the failure to act, of the Building Commissioner acting pursuant to his or her authority and duties under this Code and to that end the Zoning Board of Appeals shall have the same powers and be subject to the same standards and limitations as the Building Commissioner with respect to any order, decision, or determination being appealed.

B. Purpose. The appeal procedure is provided as a safeguard against arbitrary, ill-considered, or erroneous administrative decisions. It is intended to avoid the need for resort to legal action by establishing local procedures to review and correct administrative errors. It is not, however, intended as a means to subvert the clear purposes, meanings, or intents of this Code or the rightful authority of the Building Commissioner to enforce the requirements of this Code. To these ends, the reviewing body should give all proper deference to the spirit and intent embodied in the language of this Code and to the reasonable interpretations of that language by those charged with the administration of this Code.

C. Parties Entitled to Appeal. An application for appeal to the Zoning Board of Appeals may be filed by any person aggrieved or adversely affected by an order, decision, determination, or failure to act of the Building Commissioner acting pursuant to his or her authority and duties under this Code.

D. Procedure.

1. Application. An application for appeal to the Zoning Board of Appeals shall be filed not later than 45 days following the action being appealed and in accordance with the requirements of Section 11-301 of this Code.

2. Action by Building Commissioner. Upon receipt of a properly completed application for an appeal, the Building Commissioner shall forthwith transmit to the Zoning Board of Appeals the application together with all papers constituting the record upon which the action appealed from was taken.
3. **Public Hearing.** A public hearing shall be set, noticed, and conducted by the Zoning Board of Appeals in accordance with Section 11-303 of this Code.

4. **Action by Zoning Board of Appeals.** Within 30 days following the close of the public hearing, the Zoning Board of Appeals shall render a decision on the appeal in the manner and form specified in Subsection 11-102H of this Code. Such decision may reverse, affirm, or modify, in whole or in part, the action appealed from and may include such order or determination as, in the opinion of the Board of Appeals, is proper to be made in the premises. The failure of the Board of Appeals to act within such 30 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the appeal.

E. **Stay of Proceedings.** An application for appeal properly filed pursuant to Subsection D of this Section shall stay all proceedings in the furtherance of the action appealed from, unless the Building Commissioner certifies to the Zoning Board of Appeals after the application for appeal has been filed with the Building Commissioner that, by reason of facts stated in the certificate, a stay would, in the Building Commissioner's 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 Board of Appeals or by the Circuit Court on application, upon reasonable written notice to the Building Commissioner and on due cause shown.

F. **Conditions and Limitations on Rights Granted by Appeal.** In any case where this Code imposes conditions and limitations upon any right, any such right granted by the Zoning Board of Appeals on appeal shall be subject to such conditions and limitations in the same manner and to the same extent as if secured without the necessity of an appeal.

11-503 **VARIATIONS**

A. **Authority.** The Board of Trustees shall have the authority, by Ordinance duly adopted, to grant variations from the provisions of this Code, but only in compliance with the procedures set forth in Subsection D of this Section and in those specific instances enumerated in Subsection E of this Section and then only in accordance with each of the standards enumerated in Subsection F of this Section.

B. **Purpose.** The variation procedure is intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of this Code that create practical difficulties or particular hardships. When such difficulties or hardships are more appropriate for remedy, if at all, pursuant to other provisions of this Article XI, the variation procedure is necessarily inappropriate.

C. **Parties Entitled to Seek Variations.** Applications for variations may be filed by the owner of, or person having a contractual interest in, the subject property.
D. Procedure.

1. Application. Applications for variations shall be filed in accordance with the requirements of Section 11-301 of this Code.

2. Public Hearing. A public hearing shall be set, noticed, and conducted by the Zoning Board of Appeals in accordance with Subsection 11-303 of this Code.

3. Action by Zoning Board of Appeals. Within 35 days following the close of the public hearing, the Zoning Board of Appeals shall render its decision recommending the granting or denying of the variation, in the manner and form specified by Subsection 11-102F of this Code. The failure of the Board of Appeals to act within 35 days, or such further time to which the applicant may agree, shall be deemed to be a decision recommending denial of the variation.

4. Recommendations of Denial. Where the Zoning Board of Appeals has recommended that a variation be denied, it shall not be granted except by the favorable vote of two-thirds of all the Trustees then holding office.

E. Authorized Variations.

1. Permitted Variations. The Board of Trustees may vary the provisions of this Code only as provided in this Paragraph E1. The authority of the Board of Trustees to vary the provisions of this Code is subject to the prohibitions set forth in Paragraph E2 of this Section and proof by the applicant of each of the standards set forth in Subsection F of this Section.

Under no circumstances shall the list of permitted variations in this Paragraph E1 be construed as an entitlement, right, or claim for any applicant.

The Board of Trustees may vary the provisions of this Code in the following cases and in no others:

(a) To reduce the dimension of any required yard, setback, or building spacing.

(b) To reduce by not more than 10 percent the required lot area, lot width, or lot depth of any lot; provided, however, that no such variation shall permit either the development of more than one dwelling unit on any lot or any increase in the otherwise permitted maximum floor area ratio.

(c) To increase the maximum allowable height of a structure:

(i) In the “O” Office District to a height not in excess of 45 feet;
(ii) In all other non-residential districts, by not more than 10 percent of the maximum building height otherwise allowed in such district; and

(iii) In any district, to allow a variation from the definition of “grade” as set forth in Subsection 12-206G of this Code for the purpose of measuring the height of a structure; provided that the revised grade for any lot for which such variation is granted shall reasonably conform to the grades of surrounding properties and is approved by the Village Engineer.

(iv) In the A Residential District, to allow an accessory structure to be built in excess of the maximum building height otherwise allowed in such district, but only if (A) the new structure replaces an existing accessory structure that is nonconforming as to height, (B) the new structure is constructed at a height that is less than or equal to the height of the existing structure, and (C) the accessory structure is constructed in compliance with all applicable setback regulations.

(d) With respect to signs and fences:

(i) To increase by not more than 20 percent the maximum allowable height of any sign or fence, except as provided in Subparagraphs 11-506E1(d)(ii) or (d)(iii)

(ii) To increase the maximum height to not more than 28 feet, or to increase the maximum area, of an authorized pylon sign in the “O” District; or

(iii) with respect to the “R” Retail District only, to vary the size, number, type, and location requirements for any sign.

(e) To reduce the minimum number of off-street loading spaces; to reduce by not more than 20 percent, or one space (whichever is greater) the minimum number of off-street parking spaces otherwise required; or to vary the design requirements for parking lots when such variation will preserve trees or other natural features.

(f) To allow the provision of a required landscaped bufferyard that is not in strict compliance with the provisions of Section 9-107 of this Code.

(g) To allow the repair, maintenance, alteration, enlargement, or moving of a nonconforming structure to an extent or in a manner not permitted by Section 10-104 of this Code, or to authorize the
continued maintenance of nonconforming lighting notwithstanding the requirements of Subparagraph 9-101D10(a)(vi) of this Code.

(h) To allow the otherwise prohibited restoration of a partially damaged or destroyed nonconforming structure or structure devoted to a nonconforming use.

(i) To allow, for a period not to extend beyond four years following the Effective Date of this Code:

(i) the storage in a parking area in a residential district of more than the maximum number of Class I or II vehicles specified in Subparagraph 9-101D6(d) of this Code; or

(ii) the storage in a parking area in any required front or corner side yard in a residential district of Class II or III vehicles; or

(iii) the provision of buffers and landscaping for Class II or III vehicles other than those required by Subsection 9-108D of this Code.

Every variation granted pursuant to this Subparagraph (i) shall run only to the applicant, as a personal privilege, and only with respect to the specific vehicle that is the subject of the application.

(j) To relax the general requirements (other than height restrictions) relating to personal wireless service antennae and facilities.

(k) To allow exterior lighting on a lot that is not in strict compliance with the provisions of Paragraph 9-101D10 of this Code.

(l) To vary the permitted group size and indoor use restrictions set forth in Subparagraph 6-107B7(c)(ii) of this Code for a specific adult conference authorized pursuant to a special use permit for a non-student recreational use in the College District.

(m) To vary the restrictions set forth in Subparagraph 6-107B7(b) of this Code on the hours and dates of operation of specific non-student recreational uses in the College District authorized pursuant to a special use permit.

(n) To allow the keeping of chickens on a lot in a manner that is not in strict compliance with the provisions of Paragraph 9-101(D)(13) of this Code, or to allow the keeping of a greater number of chickens than is permitted by Paragraph 9-101(D)(13), provided that the variation will not result in diminution of the quality of life for the chickens kept on the property.
2. **Prohibited Variations.** Notwithstanding any other provision of this Section, no variation shall be granted that:

   (a) Is intended as a temporary measure only; or

   (b) Is greater than the minimum variation necessary to relieve the particular hardship or practical difficulty demonstrated by the applicant.

F. **Standards for Variations.**

1. **General Standard.** No variation shall be recommended or granted pursuant to this Section unless the applicant shall establish that carrying out the strict letter of the provisions of this Code would create a particular hardship or a practical difficulty. Such a showing shall require proof that the variation being sought satisfies each of the standards set forth in this Subsection F.

2. **Unique Physical Condition.** The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.

3. **Not Self-Created.** The aforesaid unique physical condition is not the result of any action or inaction of the owner, or of the owner’s predecessors in title and known to the owner prior to acquisition of the subject property, and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid.

4. **Denied Substantial Rights.** The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

5. **Not Merely Special Privilege.** The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.
6. **Code and Plan Purposes.** The variation would not result in a use or development of the subject property that would be not in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan.

7. **Essential Character of the Area.** The variation would not result in a use or development on the subject property that:

   (a) Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or

   (b) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or

   (c) Would substantially increase congestion in the public streets due to traffic or parking; or

   (d) Would unduly increase the danger of flood or fire; or

   (e) Would unduly tax public utilities and facilities in the area; or

   (f) Would endanger the public health or safety.

8. **No Other Remedy.** There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.

G. **Variation Less Than Requested.** A variation less than or different from that requested may be granted when the record supports the applicant’s right to some relief but not to the relief requested.

H. **Conditions on Variations.** The Zoning Board of Appeals may recommend and the Board of Trustees may impose such specific conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of this Code upon the premises benefited by a variation as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services. Such conditions shall be expressly set forth in the Ordinance granting the variation. Violation of any such condition or limitation shall be a violation of this Code and shall constitute grounds for revocation of the variation.

I. **Affidavit of Compliance with Conditions.** Whenever any variation authorized pursuant to this Section is made subject to conditions and limitations to be met by the applicant, the applicant shall upon meeting such conditions file an affidavit with the Building Commissioner so stating.
J. **Effect of Grant of Variation.** The grant of a variation shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approval that may be required by the codes and ordinances of the Village including, but not limited to, a Certificate of Zoning Compliance, a Building Permit, a Certificate of Occupancy, subdivision approval, and Site Plan approval.

K. **Limitations on Variations.** Subject to an extension of time granted by the Building Commissioner pursuant to Subsection 11-101K of this Code, no variation from the provisions of this Code shall be valid for a period longer than one year unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a Certificate of Occupancy is issued and a use is commenced within that period.

A variation shall be deemed to authorize only the particular construction or development for which it was issued and shall automatically expire and cease to be of any force or effect if such construction or development shall be removed and not replaced within six months following such removal.
PART VI: AMENDMENTS AND SPECIAL APPROVALS

11-601 AMENDMENTS

A. Authority. This Code and the Zoning Map may be amended from time to time by ordinance duly enacted by the Board of Trustees in accordance with the procedures set out in this Section.

B. Purpose. The amendment process established by this Section is intended to provide a means for making changes in the text of this Code and in the Zoning Map that have more or less general significance or application. It is not intended to relieve particular hardships nor to confer special privileges or rights. Rather, it is intended as a tool to adjust the provisions of this Code and the Zoning Map in light of changing, newly discovered, or newly important conditions, situations, or knowledge.

C. Parties Entitled to Seek Amendments. An application for an amendment may be filed by the Board of Trustees, the Plan Commission, the Zoning Board of Appeals, the owner of, or any person having a contractual interest in, any property to be affected by a proposed amendment to the Zoning Map, or any person interested in a proposed amendment to the text of this Code.

D. Procedure.

1. Application. Applications for amendments shall be filed in accordance with the requirements of Section 11-301 of this Code; provided, however, that amendments proposed by the Board of Trustees, the Plan Commission or the Zoning Board of Appeals shall not be subject to said Section but shall be transmitted to the Building Commissioner in such form as may seem appropriate to the initiating body.

2. Preliminary Consideration by Board of Trustees.

   (a) Referral to Board. Every properly filed and completed application for an amendment to this Code, before being processed in any other manner, shall be referred to the Board of Trustees for a determination as to whether the application merits a hearing and consideration by the Plan Commission or should be summarily denied.

   (b) Notice of Applicant; Right to be Heard. Notice of the meeting at which the issue will be considered shall be given to the applicant at least 48 hours before such meeting and the applicant or his representative shall, subject to the rules of the Board of Trustees, have the right to be heard on the issue.

   (c) Action by Board. The Board of Trustees, not later than the first meeting after the meeting at which the issue first appears on its
agenda, shall either summarily deny the application or refer it to the Plan Commission for public hearing. The affirmative vote of four members of the Board of Trustees shall be necessary to summarily deny an application; any other vote shall be sufficient to refer the application for a hearing. In the case of any such referral, the date of such referral shall be deemed to be the date of filing for computation of all time periods under this Code. A summary denial shall have the same legal effect as a denial after a full hearing.

(d) Standard. In considering the issue of whether to summarily deny or refer an application for hearing, the Board of Trustees shall be guided by the legislative standard that applies to granting an application for an amendment as set forth in Subsection E of this Section. The Board of Trustees should summarily deny an application in any case where its legislative judgment is that that standard cannot be met with regard to the proposed amendment.

3. Public Hearing. In any case where an application for amendment is referred to the Plan Commission for a hearing, a public hearing shall be set, noticed, and conducted by the Plan Commission in accordance with Section 11-303 of this Code.

4. Action by Plan Commission. Within 45 days following the conclusion of the public hearing, the Plan Commission shall transmit to the Board of Trustees its recommendation in the form specified by Subsection 11-103H of this Code. The failure of the Plan Commission to act within 45 days following the conclusion of such hearing, or such further time to which the applicant may agree, shall be deemed a recommendation for the approval of the proposed amendment as submitted.

5. Action by Board of Trustees; Protest. Within 60 days following the receipt of the recommendation of the Plan Commission, or its failure to act as above provided, the Board of Trustees shall either deny the application or, by ordinance duly adopted, adopt the proposed amendment, with or without modifications; provided, however, that in the event a duly signed and acknowledged protest against a proposed amendment is filed with the Village Clerk before the adoption of such amendment by the owners of 20 percent or more of the frontage to be affected by the proposed amendment, or by the owners of 20 percent or more of the frontage immediately adjoining or across therefrom, or by the owners of 20 percent or more of the frontage directly opposite the frontage to be affected, such amendment shall not be passed except by a two-thirds vote of all the Trustees then holding office.

The failure of the Board of Trustees to act within 60 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the application.
E. **Standard for Amendments.** The wisdom of amending the Zoning Map or the text of this Code is a matter committed to the sound legislative discretion of the Board of Trustees and is not dictated by any set standard. However, in determining whether a proposed amendment should be granted or denied the Board of Trustees should be guided by the principle that its power to amend this Code is not an arbitrary one but one that may be exercised only when the public good demands or requires the amendment to be made. In considering whether that principle is satisfied in any particular case, the Board of Trustees should weigh the factors that the applicant is required to address in its application pursuant to Paragraph 11-301E8 of this Code.

### 11-602 SPECIAL USE PERMITS

A. **Authority.** The Board of Trustees, in accordance with the procedures and standards set out in this Section and by ordinance duly adopted, may grant special use permits authorizing the development of uses listed as special uses in the regulations applicable to the district in which the subject property is located.

B. **Purpose.** Special uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine, against fixed standards, the desirability of permitting their establishment on any given site. They are uses that may or may not be appropriate in a particular location depending on a weighing, in each case, of the public need and benefit against the local impact and effect.

C. **Parties Entitled to Seek Special Use Permits.** An application for a special use permit may be filed by the owner of, or any person having a contractual interest in, the subject property.

D. **Procedure.**

1. **Application.** Applications for special use permits shall be filed in accordance with the requirements of Section 11-301 of this Code.

2. **Public Hearing.** A public hearing shall be set, noticed, and conducted by the Plan Commission in accordance with Section 11-303 of this Code.

3. **Action by Plan Commission.** Within 45 days following the conclusion of the public hearing, the Plan Commission shall transmit to the Board of Trustees its recommendation in the form specified by Subsection 11-103F of this Code, recommending either granting the application for a special use permit; granting the application subject to conditions, as specified in Subsection F of this Section; or denying the application. The failure of the Plan Commission to act within 45 days, or such further time to which the applicant may agree, shall be deemed a recommendation for the approval of the proposed special use permit.

4. **Action by Board of Trustees.** Within 60 days following the receipt of the recommendation of the Plan Commission, or its failure to act as above
provided, the Board of Trustees shall either deny the application or, by ordinance duly adopted, shall grant the special use permit, with or without modifications or conditions. The failure of the Board of Trustees to act within 60 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the special use permit.

E. Standards for Special Use Permits.

1. General Standards. No special use permit shall be recommended or granted pursuant to this Section unless the applicant shall establish that:

(a) Code and Plan Purposes. The proposed use and development will be in harmony with the general and specific purposes for which this Code was enacted and for which the regulations of the district in question were established and with the general purpose and intent of the Official Comprehensive Plan.

(b) No Undue Adverse Impact. The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the area, or the public health, safety, and general welfare.

(c) No Interference with Surrounding Development. The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable district regulations.

(d) Adequate Public Facilities. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools, or the applicant will provide adequately for such services.

(e) No Traffic Congestion. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets.

(f) No Destruction of Significant Features. The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

(g) Compliance with Standards. The proposed use and development complies with all additional standards imposed on it by the particular provision of this Code authorizing such use.

2. Special Standards for Specified Special Uses. When the district regulations authorizing any special use in a particular district impose special standards to be met by such use in such district, a permit for such
use in such district shall not be recommended or granted unless the applicant shall establish compliance with such special standards.

3. Considerations. In determining whether the applicant’s evidence establishes that the foregoing standards have been met, the Plan Commission shall consider:

(a) Public Benefit. Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.

(b) Alternative Locations. Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.

(c) Mitigation of Adverse Impacts. Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

F. Conditions on Special Use Permits. The Plan Commission may recommend and the Board of Trustees may impose such conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of this Code upon the premises benefited by a special use permit as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services. Such conditions shall be expressly set forth in the ordinance granting the special use. Violation of any such condition or limitation shall be a violation of this Code and shall constitute grounds for revocation of the special use permit.

G. Affidavit of Compliance with Conditions. Whenever any special use permit granted pursuant to this Section is made subject to conditions or limitations to be met by the applicant, the applicant shall, upon meeting such conditions, file an affidavit with the Building Commissioner so stating.

H. Effect of Issuance of a Special Use Permit. The grant of a special use permit shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any other permits or approvals that may be required by the codes and ordinances of the Village, including but not limited to a Certificate of Zoning Compliance, a Building Permit, a Certificate of Occupancy, and subdivision approval.
I. **Limitations on Special Use Permits.** Subject to an extension of time granted by the Building Commissioner pursuant to Subsection 11-101K of this Code, no special use permit shall be valid for a period longer than one year unless a Building Permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a Certificate of Occupancy is issued and a use commenced within that period.

A special use permit shall be deemed to authorize only the particular use for which it was issued, and such permit shall automatically expire and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of six consecutive months or more.

Except when otherwise provided in the Ordinance granting a special use permit, a special use permit shall be deemed to relate to, and be for the benefit of, the use and lot in question rather than the owner or operator of such use or lot.

J. **Amendments to Special Use Permits.** A special use permit may be amended, varied, or altered only pursuant to the procedures and subject to the standards and limitations provided in this Section for its original approval.

### 11-603 PLANNED UNIT DEVELOPMENTS

A. **Authority.** The Board of Trustees, in accordance with the procedures and standards set out in this Section and by ordinance duly adopted, may grant special use permits authorizing the development of planned unit developments, but only in the districts where such developments are listed as an authorized special use.

B. **Purpose.** Planned unit developments are included in this Code as a distinct category of special use. As such, they are authorized for the same general purposes as all other special uses. In particular, however, the planned unit development technique is intended to allow the relaxation of otherwise applicable substantive requirements based upon procedural protections providing for detailed review of individual proposals for significant developments. This special regulatory technique is included in this Code in recognition of the fact that traditional bulk, space, and yard regulations that may be useful in protecting the character of substantially developed and stable areas may impose inappropriate pre-regulations and rigidities upon the development or redevelopment of parcels or areas that lend themselves to an individual, planned approach. Through the flexibility of the planned unit development technique, the Village seeks to achieve the following specific objectives:

1. Creation of a more desirable environment than would be possible through strict application of other Village land use regulations.

2. Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities.
3. Combination and coordination of architectural styles, building forms, and building relationships.

4. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation, and geologic features, and the prevention of soil erosion.

5. Provision for the preservation and beneficial use of open space.

6. An increase in the amount of open space over that which would result from the application of conventional subdivision and zoning regulations.

7. Encouragement of land uses that promote the public health, safety, and general welfare.

C. Parties Entitled to Seek Planned Unit Development Approval. An application for a special permit to permit a planned unit development may be filed by the owner of, or any person having a contractual interest in, the subject property.

D. Procedure.

1. Optional Pre-Application Conference. Prior to filing any application for Planned Unit Development approval, the prospective applicant may, by letter to the President of the Board of Trustees and the Chairperson of the Plan Commission, request a joint Pre-Application Conference with the Plan Commission and the Board of Trustees. Such request shall include a brief and general description of the nature, location and extent of the proposed Planned Unit Development; and a list of any professional consultants advising the prospective applicant with respect to the proposed Planned Development.

   Upon receipt of such request, the President of the Board of Trustees and the Chairperson of the Plan Commission shall promptly schedule such a conference and shall notify the prospective applicant.

   The Village President shall conduct the conference and its purpose shall be to broadly acquaint all parties with the proposals, views, and concerns of all other parties at a time when positions are still flexible and adjustment is still possible, to familiarize all parties with the requirements of this Code and the relevant provisions of the Subdivision Regulations Ordinance and to give the prospective applicant the benefit of the preliminary views of the Village prior to the expenditure of funds necessary to prepare the complete documentation required for a formal application.

   No final or binding action shall be taken at any Pre-Application Conference and any views expressed shall be deemed to be only preliminary and advisory.
2. **Development Concept Plan.**

(a) **Purpose.** The Development Concept Plan is intended to provide the applicant an opportunity to submit a plan showing the basic scope, character, and nature of the entire proposed planned unit development without incurring undue cost. The Development Concept Plan is the basis on which the required public hearing is held, thus permitting public consideration of the proposal at the earliest possible stage. To permit the Village and the applicant to proceed with some assurance, approval of the Development Concept Plan binds the applicant and the Village with respect to the following basic elements of development:

(i) categories of uses to be permitted; and

(ii) general location of residential and nonresidential land uses; and

(iii) overall maximum density of residential uses and intensity of nonresidential uses; and

(iv) general architectural style of the proposed development; and

(v) general location and extent of required bufferyards, landscaping, and screening and public and private open space including recreational amenities; and

(vi) general location of vehicular and pedestrian circulation systems; and

(vii) staging of development; and

(viii) nature, scope, and extent of public dedications, improvements, or contributions to be provided by the applicant.

(b) **Application.** Applications for approval of a Development Concept Plan shall be filed in accordance with the requirements of Section 11-301 of this Article XI.

(c) **Public Hearing.** A public hearing shall be set, noticed, and conducted by the Plan Commission in accordance with Section 11-303 of this Code.

(d) **Coordination With Subdivision Ordinance.** When a subdivision of land subject to the Bannockburn Subdivision Regulations Ordinance is proposed in connection with a planned unit development, review of the tentative plat of the proposed...
subdivision shall be carried out simultaneously with review of the Development Concept Plan.

(e) **Action by Plan Commission.** Within 45 days following the conclusion of the public hearing, the Plan Commission shall transmit to the Board of Trustees its recommendation, in the form specified by Subsection 11-103H of this Code, that the Development Concept Plan either be approved, be approved subject to modifications, or not be approved. The failure of the Plan Commission to act within 45 days, or such further time to which the applicant may agree, shall be deemed a recommendation for the approval of the Development Concept Plan as submitted.

(f) **Action by Board of Trustees.** Within 60 days following the receipt of the recommendation of the Plan Commission or its failure to act as above provided, the Board of Trustees shall deny the application for approval of the Development Concept Plan, or shall refer it back to the Plan Commission for further consideration of specified matters, or, by ordinance duly adopted, shall approve the Development Concept Plan, with or without modifications and conditions to be accepted by the applicant as a condition of such approval, and shall grant a special use permit authorizing the proposed planned unit development and such additional approvals as may be necessary to permit development of the planned unit development as approved; provided, however, that every such ordinance and special use permit shall be expressly conditioned upon approval of Detailed and Final Plans in accordance with Paragraphs D3 and D4 of this Section and upon the permittee’s compliance with all provisions of this Code and the ordinance granting the special use permit.

The failure of the Board of Trustees to act within 60 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying approval of the Development Concept Plan.

(g) **Effect of Development Concept Plan Approval.** Unless the applicant shall fail to meet time schedules for filing Detailed and Final Plans or shall fail to proceed with development in accordance with the plans as approved or shall in any other manner fail to comply with any condition of this Code or any approval granted pursuant to it, the Village shall not, without the consent of the applicant, take any action to modify, revoke, or otherwise impair an approved Development Concept Plan with respect to the elements of development set forth in Subparagraph D2(a) of this Section pending the application for approval of Detailed and Final Plans. In submitting such plans, the applicant shall be bound by the approved Development Concept Plan with respect to each such element.
(h) **Limitation on Development Concept Plan Approval.** Subject to an extension of time granted by the Building Commissioner pursuant to Subsection 11-101K of this Code, unless a Detailed Plan covering at least the area designated in the Development Concept Plan as the first stage or unit of the planned unit development has been filed within one year from the date the Board of Trustees grants Development Concept Plan approval, or in any case where the applicant fails to file Detailed and Final Plans and to proceed with development in accordance with the provisions of this Code and the approved Development Concept Plan, the Development Concept Plan approval shall automatically expire and be rendered void and the Building Commissioner shall, without further direction, initiate an appropriate action to formally revoke the special permit for all portions of the planned unit development area that have not yet been completed.

(i) **Optional Submission of a Detailed Plan.** The applicant may, at his or her option, submit a Detailed Plan for the proposed planned unit development pursuant to the requirements of Paragraph D3 of this Section simultaneously with the submission of the Development Concept Plan pursuant to the requirements of Paragraph D1 of this Section. In such case, the applicant shall comply with all provisions of this Code applicable to submission of the Development Concept Plan and to submission of the Detailed Plan. The Plan Commission and the Board of Trustees shall consider such plans simultaneously and shall grant or deny Detailed Plan approval in accordance with the provisions of Paragraph D3 of this Section.

3. **Detailed Plan.**

(a) **Purpose.** The Detailed Plan is intended to particularize, refine, and implement the Development Concept Plan and to serve as a working document in development of a Final Plan. The Detailed Plan may be submitted for the entire planned unit development or in stages as approved in the Development Concept Plan.

(b) **Application.** Upon approval of the Development Concept Plan, and within the time limits established in Subparagraph D2(h) of this Section, the applicant shall file an application for Detailed Plan approval in accordance with the requirements of Section 11-301 of this Code. The application may include the entire area included in the approved Development Concept Plan or one or more stages or units thereof in accordance with a staging plan approved as part of the Development Concept Plan. The application shall refine, implement, and be in substantial conformity with the approved Development Concept Plan.
(c) **Public Meeting.** A public meeting shall be set, noticed, and conducted by the Plan Commission in accordance with Section 11-303 of this Code.

(d) **Coordination with Subdivision Ordinance.** When a subdivision of land subject to the Bannockburn Subdivision Regulations Ordinance is proposed in connection with a planned development, review of the final plat of proposed subdivision shall be carried out simultaneously with review of the Detailed Plan.

(e) **Action by Plan Commission.**

(i) **Evaluation.** Within 60 days following the filing of an application for approval of a Detailed Plan, the Plan Commission shall review and act on the plan. Such review shall consider:

a) whether the Detailed Plan is in substantial conformity with the approved Development Concept Plan; and

b) the merit or lack of merit of any departure of the Detailed Plan from substantial conformity with the approved Development Concept Plan; and

c) whether the Detailed Plan complies with any and all conditions imposed by approval of the Development Concept Plan; and

d) whether the Detailed Plan complies with the provisions of this Code and all other applicable federal, State, and Village codes, ordinances, and regulations.

(ii) **Approval Based on Substantial Conformity.** If the Plan Commission finds substantial conformity between the Detailed Plan and the approved Development Concept Plan and further finds the Detailed Plan to be in all other respects complete and in compliance with any and all conditions imposed by approval of the Development Concept Plan and with the provisions of this Code and all other applicable federal, State, and Village codes, ordinances, and regulations, it shall transmit the plan to the Board of Trustees with its recommendation, in the form specified in Subsection 11-103H of this Code, that the Board of Trustees approve the Detailed Plan, with or without modifications and conditions to be accepted by the applicant as a condition of approval; provided, however, that in no event shall such conditions of approval impair the
rights granted by the Development Concept Plan approval. See Subsection 12-206S of this Code for the definition of “substantial conformity.”

(iii) **Recommendation of Approval without Substantial Conformity.** If the Plan Commission finds that the Detailed Plan lacks substantial conformity to the Development Concept Plan but merits approval notwithstanding such lack of conformity and otherwise conforms to the requirements of this Code, it shall transmit the plan to the Board of Trustees with its recommendation, in the form specified in Subsection 11-103H of this Code, that the Detailed Plan be approved, with or without modifications and conditions to be accepted by the applicant as a condition of approval.

(iv) **Recommendation of Denial.** If the Plan Commission finds that the Detailed Plan is not in substantial conformity with the approved Development Concept Plan and does not merit approval, or if the Plan Commission requires modifications of a Detailed Plan that are not accepted by the applicant, the Plan Commission shall transmit the plan to the Board of Trustees together with its recommendation, in the form specified in Subsection 11-103H of this Code, that the Detailed Plan not be approved.

(v) **Failure to Act.** The failure of the Plan Commission to act within 60 days, or such further time to which the applicant may agree, shall be deemed to be a recommendation to the Board of Trustees to approve the Detailed Plan as submitted.

(f) **Action by Board of Trustees.** Within 60 days following the receipt of the recommendation of the Plan Commission, or its failure to act as above provided, the Board of Trustees shall either:

(i) **Approval Based on Substantial Conformity.** If the Plan Commission has recommended approval of a Detailed Plan pursuant to Subparagraph D3(e)(ii) of this Section, the Board of Trustees shall, unless it specifically rejects one or more of the findings of the Plan Commission on the basis of expressly stated reasons, approve the Detailed Plan by a duly adopted ordinance; or

(ii) **Approval Without Substantial Conformity.** In any case other than that specified in Subparagraph D3(f)(i) of this Section, the Board of Trustees may, if it finds that the Detailed Plan merits approval and otherwise conforms to
the requirements of this Code, approve the Detailed Plan by a duly adopted ordinance; or

(iii) **Referral Back to Plan Commission.** In any case other than that specified in Subparagraph D3(f)(i) of this Section, the Board of Trustees may refer the Detailed Plan back to the Plan Commission for further consideration of specified matters.

(iv) **Denial.** The Board of Trustees may deny Detailed Plan approval if it finds, whether pursuant to a recommendation of the Plan Commission or not, that the Detailed Plan is not in substantial conformity with the approved development Concept Plan and does not merit approval or would only merit approval subject to modifications or conditions that are not accepted by the applicant.

The failure of the Board of Trustees to act within 60 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying Detailed Plan approval.

(g) **Conditions on Detailed Plan Approval.** Every approval of a Detailed Plan shall be expressly conditioned upon approval of a Final Plan in accordance with Paragraph D4 of this Section and upon the applicant’s compliance with all provisions of this Code, of the ordinance granting Development Concept Plan approval and of the ordinance granting Detailed Plan approval. The approval of any Detailed Plan may, in addition, be granted with or without modifications and conditions to be accepted by the applicant as a condition of approval; provided, however, that in no event shall such conditions of approval impair the rights granted by the Development Concept Plan Approval.

(h) **Effect of Detailed Plan Approval.** Unless the applicant shall fail to meet time schedules for filing Final Plans or shall fail to proceed with development in accordance with the plans as approved or shall in any other manner fail to comply with any condition of this Code or any approval granted pursuant to it, the Village shall not, without the consent of the applicant, take any action to modify, revoke, or otherwise impair an approved Detailed Plan pending the application for approval of a Final Plan. In submitting a Final Plan, the applicant shall be bound by the approved Detailed Plan.

(i) **Limitation on Detailed Plan Approval.** Subject to an extension of time granted by the Building Commissioner pursuant to Subsection 11-101K of this Code, unless a Final Plan covering at least the area designated in the Detailed Plan as the first stage or unit of the planned unit development has been filed within three months from the date the Detailed Plan is approved, or in any case where the
applicant fails to file a Final Plan and to proceed with development in accordance with the provisions of this Code and the approved Detailed Plan, the Detailed Plan approval and all other approvals of the planned unit development and all permits based on such approvals shall automatically expire and be rendered void, and the Building Commissioner shall, without further direction, initiate an appropriate action to formally revoke the special use permit for all portions of the planned unit development area that have not yet been completed.

(j) Site Improvements; Model Buildings. At any time following the approval of a Detailed Plan, the applicant may, pursuant to and subject to the limitations of all applicable codes and ordinances of the Village, apply for and receive grading permits and approvals necessary for the installation of utility and street improvements within the area of the planned unit development for which Detailed Plan approval has been given.

If expressly authorized in the approval of the Detailed Plan, the applicant may, pursuant to and subject to the limitations of all applicable codes and ordinances of the Village, apply for and receive building permits for model buildings to be constructed within the area of the planned unit development shown on the approved Detailed Plan.


(a) Purpose. The Final Plan is to serve as a complete, thorough, and permanent public record of the planned unit development and the manner in which it is to be developed. When properly utilized, Final Plan approval is essentially a clerical step in the planned unit development process. The documentation required to be submitted with the Final Plan approval application is intended to reflect in final form the approved planned unit development and to incorporate all prior approved plans and all modifications thereof resulting from the planned unit development process.

(b) Application. Upon approval of the Detailed Plan, and within the time limits established in Subparagraph D3(h) of this Section, the applicant shall file an application for Final Plan approval in accordance with the requirements of Section 11-301 of this Code. The application may include the entire area included in the approved Detailed Plan or one or more stages or units thereof in accordance with a staging plan approved as part of the Development Concept Plan. The application shall add necessary detail to, and put in final form, the information contained in the approved Detailed Plan and shall conform to the approved Detailed Plan in all respects.
(c) **Final Plan Review.** Within 21 days following the filing of an application for Final Plan approval, the Building Commissioner shall cause to be initiated and completed a review of the Final Plan to determine its conformity to the approved Detailed Plan and its compliance with any conditions imposed by the approval of the Detailed Plan and with the provisions of this Code and all other applicable federal, State, and Village codes, ordinances, and regulations.

If the Building Commissioner shall find conformity in all significant respects between such plans, and shall further find the Final Plan to be in all other respects complete and in compliance with any conditions imposed by the approval of the Detailed Plan and with this Code and all other applicable federal, State, and Village codes, ordinances, and regulations, then the Building Commissioner shall approve the Final Plan for recording as herein provided.

If the Building Commissioner shall find that the Final Plan lacks such conformity, completeness, or compliance, then the Building Commissioner shall inform the applicant of any deficiencies in the Final Plan and allow the applicant an opportunity to remedy such deficiencies. If the applicant shall fail or refuse to remedy such deficiencies, then the Building Commissioner shall refer the Final Plan to the Plan Commission and the Board of Trustees, which shall then review and approve or disapprove the Final Plan in the same manner and subject to the same standards as provided in Subparagraphs D3(e) and (f) of this Section with respect to Detailed Plans.

(d) **Recording of Final Plan.** When a Final Plan is approved, the Building Commissioner shall cause the Final Plan, or the portions thereof as are appropriate, to be recorded with the Recorder of Deeds of Lake County, Illinois.

(e) **Limitation on Final Plan Approval.** Construction shall commence in accordance with the approved Final Plan within one year after the approval of such plan, or within such shorter time as may be established by the approved development schedule. Failure to commence construction within such period shall, unless an extension of time shall have been granted by the Building Commissioner pursuant to Subsection 11-101K of this Code, automatically render void the Final Plan approval and all approvals of the planned unit development and all permits based on such approvals, and the Building Commissioner shall, without further direction, initiate an appropriate action to formally revoke the special use permit for all portions of the planned unit development that have not yet been completed.
Building and Other Permits. Except as provided in Subparagraph D3(i) of this Section, when, but not before, all documents required for Final Plan approval have been approved, and upon proper application by the applicant, building and other permits may be issued to the applicant for the development, construction, and other work in the area encompassed by the approved Final Plan; provided, however, that no permit shall be issued unless the appropriate official is first satisfied that the requirements of any codes or ordinances of the Village, in addition to this Code, that are applicable to the permit sought, have been satisfied.

Building permits may, however, be withheld at the discretion of the Building Commissioner or the Board of Trustees at any time it is determined that the development of the planned unit development is not proceeding in strict compliance with the approved Final Plan.

E. Standards for Planned Unit Developments.

1. Special Use Permit Standards. No special use permit for a planned unit development shall be recommended or granted pursuant to this Section unless the applicant shall establish that the proposed development will meet each of the standards made applicable to special use permits pursuant to Subsection 11-602E of this Code.

2. Additional Standards for All Planned Unit Developments. No special use permit for a planned unit development shall be recommended or granted unless the applicant shall establish that the proposed development will meet each of the following additional standards:

   a) Unified Ownership Required. The entire property proposed for planned unit development treatment shall be in single ownership or under such unified control as to ensure that the entire property will be developed as a unified whole. All owners of the property shall be included as joint applicants on all applications and all approvals shall bind all owners. The violation of any owner as to any tract shall be deemed a violation as to all owners and all tracts.

   b) Minimum Area. The district regulations of this Code establishing standards for particular types of planned unit developments specify the minimum area required for some planned developments. In addition to meeting that specific standard, or where no specific standard is set, the applicant shall have the burden of establishing that the subject property is of sufficient size and shape to be planned and developed as a unified whole capable of meeting the objectives for which planned unit developments may be established pursuant to this Section.
(c) **Covenants and Restrictions to be Enforceable by Village.** All covenants, deed restrictions, easements, and similar restrictions to be recorded in connection with the planned unit development shall provide that they may not be modified, removed, or released without the express consent of the Board of Trustees and that they may be enforced by the Village as well as by future landowners within the proposed development.

(d) **Public Open Space and Contributions.** Whenever the Official Comprehensive Plan, Zoning Map, or Official Map indicates that development of a planned unit development will create a need for land for public purposes of the Village within the proposed planned unit development, the Board of Trustees may require that such area be designated and to the extent such need is specifically and uniquely attributable to the proposed development, dedicated to the Village for such use. In addition, the Board of Trustees may require evidence that all requirements of Village ordinances pertaining to the dedication of land or the contribution of cash in connection with subdivisions or developments of land have been met as respects the proposed planned unit development.

(e) **Landscaped Open Space.**

(i) **Amount, Location, and Use.** The failure of a planned unit development to provide landscaped open space shall be considered to be an indication that it has not satisfied the objectives for which such developments may be approved pursuant to this Code. When landscaped open space is provided in a planned unit development, the amount and location of such open space shall be appropriate in light of the nature of the development and intended land use but in no event shall the amount of open space provided be less than the total area by which the individual lot sizes are reduced below the general use district requirements. No such open space shall be used for the construction of any structure or improvement except such structures and improvements as may be approved in the Final Plan as appropriate to the intended aesthetic, leisure, and recreational uses for which such open space is intended.

(ii) **Preservation.** Adequate safeguards, including recorded covenants or dedication of development rights, shall be provided to prevent the subsequent use of landscaped open space for any use, structure, improvement, or development other than that shown on the approved Final Plan. The restrictions must be permanent and not for a given period of years and must run with the land. Such covenants and dedications may provide that they may be released, but
only with the express written consent of the Board of Trustees.

(iii) Ownership and Maintenance. The Final Plan shall include such provisions for the ownership and maintenance of such open space and improvements as are reasonably necessary to ensure their continuity, care, conservation, maintenance, and operation in accordance with pre-determined standards and to ensure that remedial measures will be available to the Village if such open space or improvements are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the planned unit development or the Village.

(iv) Property Owners’ Association. When the requirements of the preceding Subparagraph are to be satisfied by the ownership or maintenance of such open space or improvements by a property owners’ association, such association shall meet each of the following standards:

a) the by-laws and rules of the association and all declarations, covenants, and restrictions to be recorded must be approved as part of the Detailed Plan prior to becoming effective. Each such document shall provide that it shall not be amended in any manner that would result in it being in violation of the requirements of this subparagraph (iv); and

b) the association must be established and all covenants and restrictions must be recorded prior to the sale of any property within the area of the planned unit development designated to have the exclusive use of the proposed open space or improvements; and

c) the association must be responsible for casualty and liability insurance, taxes, and the maintenance of the open space and improvements to be deeded to it; and

d) membership in the association must be mandatory for each property owner and any successive owner having a right to the use or enjoyment of such open space or improvements; and

e) every property owner having a right to the use or enjoyment of such open space or improvements must pay its pro rata share of the cost of the
association by means of an assessment to be levied by the association that meets the requirements for becoming a lien on the property in accordance with statutes of the State of Illinois; and

f) the association must have the right to adjust the assessment to meet changed needs. The membership vote required to authorize such adjustment shall not be fixed at more than two-thirds of the members voting on the issue; and

g) the Village must be given the right to enforce the covenants; and

h) the Village must be given the right, after 10 days’ written notice to the association, to perform any maintenance or repair work that the association has neglected to perform, to assess the membership for such work and to have a lien against the property of any member failing to pay such assessment. For this purpose alone, the Village shall have all the rights and powers of the association and its governing body under the agreements and declarations creating the association.

(f) Landscaping and Bufferyard Requirements. Any area of a planned unit development not used for structures or circulation elements shall, unless included in an area designated in the Final Plan for the preservation of natural vegetation and protected from development and incompatible uses by covenants and restrictions satisfactory to the Board of Trustees, be landscaped or otherwise improved.

All planned unit developments shall meet the bufferyard and landscaping standards set forth in Section 9-107 of this Code.

(g) Building Spacing. No part of any building shall be closer to any part of any other building than 10 feet, plus one-half foot for each one foot by which either or both of such buildings exceed 25 feet in height.

(h) Private Streets. Private streets are prohibited unless expressly approved by the Board of Trustees. If so approved, they shall meet all construction standards applicable to public streets. No such streets shall be approved except upon the condition that they shall be owned and maintained by a property owners’ association meeting the requirements set forth in Subparagraph E2(e)(iv) of this Section.

(i) Utilities. All utility lines shall be installed underground.
(j) Compliance with Subdivision Regulations and Plat Act. All planned unit developments, whether or not they are by definition subject to the Bannockburn Subdivision Regulations Ordinance or the Illinois Plat Act, shall comply with all standards, regulations and procedures of the Subdivision Regulations Ordinance and the Plat Act except as is expressly provided otherwise in this Section 11-603, or varied by the Board of Trustees pursuant to Paragraph H hereof or the applicable section of the Subdivision Ordinance.

3. Additional Standards for Specific Planned Unit Developments. Where the district regulations authorizing any planned development use in a particular district impose standards to be met by such planned unit development in such district, a special permit for such development shall not be recommended or granted unless the applicant shall establish compliance with such special standards.

F. Conditions on Planned Unit Development Approvals The approval of either a Development Concept Plan or a Detailed Plan may be conditioned on such matters as the approving body may find necessary to prevent or minimize any possible adverse effects of the proposed planned unit development, or to ensure its compatibility with surrounding uses and development and its consistency with the general purposes, goals, and objectives of this Code, the Bannockburn Subdivision Regulations Ordinance, and the Official Comprehensive Plan; provided, however, that no such condition of Detailed Plan approval shall impair the rights granted by Development Concept Plan approval. Such conditions shall be expressly set forth in the ordinance granting the approval in question. Violation of any such condition or limitation shall be a violation of this Code and shall constitute grounds for revocation of all approvals granted for the planned unit development.

G. Affidavit of Compliance with Conditions. Whenever any planned unit development approval granted pursuant to this Section is made subject to conditions or limitations to be met by the applicant, the applicant, upon meeting such conditions, shall file an affidavit with the Building Commissioner so stating.

H. Authority to Vary Regulations.

1. Authority. Subject to the standards and limitations hereinafter set forth, the Board of Trustees shall have the authority, in connection with the granting of any planned unit development approval pursuant to this Section, to change, alter, vary, modify, or waive any provisions of this Code or of the Bannockburn Subdivision Regulations Ordinance as they apply to an approved planned unit development.

2. Standards. No such change, alteration, variation, modification, or waiver shall be approved unless the Board of Trustees shall find that the proposed planned unit development:
(a) Will achieve the purposes for which planned unit developments may be approved pursuant to Subsection B of this Section; and

(b) Will not violate the general purposes, goals, and objectives of this Code and the Official Comprehensive Plan; and

(c) Will result in a development providing compensating amenities to the Village.

3. **Limitations.** Except as provided in Paragraph H4 of this Section, no such change, alteration, variation, modification, or waiver shall be permitted with respect to the uses permitted in any district or with respect to any standard established by Subsection E of this Section or with respect to any standard made specifically applicable to planned unit developments by the regulations of any particular district unless such regulations expressly authorize such a change, alteration, variation, modification, or waiver.

4. **Cumulative Authority.** The variation authority created by this Subsection shall be in addition to the variation authority created by Section 11-503 of this Code.

I. **Regulation During and Following Completion of Development.** Following Final Plan approval, the Final Plan, rather than any other provision of this Code, shall constitute the use, parking, loading, sign, bulk, space, and yard regulations applicable to the subject property, and no use or development, other than home occupation and temporary uses, not allowed by the Final Plan shall be permitted within the area of the planned unit development pursuant to the zoning district regulations otherwise applicable to such area.

J. **Inspections During Development.**

1. **Inspections by Building Commissioner.** Following approval of the Final Plan of a planned unit development or any stage thereof, the Building Commissioner, at least annually until the completion of development, shall review all permits issued and construction undertaken and compare actual development with the approved plans for development and with the approved development schedule.

2. **Action by Building Commissioner.** If the Building Commissioner finds that development is not proceeding in accordance with the approved schedule, or that it fails in any other respect to comply with the Final Plan, the Building Commissioner shall immediately notify the Board of Trustees of such fact and may, if necessary to protect the public health, safety, or welfare or to prevent further violation of this Code and the Final Plan, issue an order stopping any and all work on the planned unit development until such time as any noncompliance is cured.

3. **Action by Board of Trustees.** Within 60 days following notification by the Building Commissioner, the Board of Trustees shall either:
(a) Take such steps as it deems necessary to compel compliance with the Final Plan; or

(b) Require the owner or applicant to seek an adjustment to the Final Plan during development provided as in Subsection K of this Section.

4. Revocation. Failure of the Board of Trustees to act within the aforesaid 60 days shall, unless the owner or applicant shall have cured the noncompliance within such period, render void the Final Plan approval of all uncompleted portions of the planned unit development, all prior plan approvals on which such Final Plan approval depends, and all permits based upon such approvals, and the Building Commissioner shall, without further direction, initiate an appropriate action to revoke the special use permit for all portions of the planned unit development that have not yet been completed. The Building Commissioner shall, in addition, take such other action as may be appropriate to abate the violation.

K. Adjustments to Final Plan During Development.

1. Minor Adjustments. During the development of a planned unit development, the Building Commissioner may authorize minor adjustments to the Final Plan when such adjustments appear necessary in light of technical or engineering considerations first discovered during actual development. Such minor adjustments shall be limited to the following:

(a) Altering the location of any one structure or group of structures by not more than 20 feet or one-fourth of the distance shown on the approved Final Plan between such structure or structures and any other structure or any vehicular circulation element or any boundary of the planned unit development, whichever is less; and

(b) Altering the location of any circulation element by not more than 20 feet or one-fourth of the distance shown on the approved Final Plan between such circulation element and any structure, whichever is less; and

(c) Altering the location of any open space by not more than 50 feet; and

(d) Altering any final grade by not more than 10 percent of the originally planned grade; and

(e) Altering the location or type of landscaping elements.

Such minor adjustments shall be consistent with the intent and purpose of this Code and the Final Plan, as approved, shall be the minimum necessary
to overcome the particular difficulty, and shall not be approved if they would result in a violation of any standard or requirement of this Code.

2. **Major Adjustments.** Any adjustment to the Final Plan not authorized by the preceding Paragraph K1 shall be considered to be a major adjustment and shall be granted only upon application to, and approval by, the Board of Trustees. The Board of Trustees may, by ordinance duly adopted, grant approval for a major adjustment without a hearing upon finding that any changes in the Final Plan as approved will be in substantial conformity with said Final Plan. If the Board of Trustees determines that a major adjustment is not in substantial conformity with the Final Plan as approved, then the Board of Trustees shall refer the request to the Plan Commission for further hearing and review as provided in Paragraph D3 of this Section.

L. **Amendments to Final Plan Following Completion of Development.** After completion of a planned unit development, an approved Final Plan may be amended, varied, or altered in the same manner and subject to the same limitations, as provided for major adjustments in Subsection K of this Section.

### 11-604 CAMPUS DEVELOPMENT PLANS

A. **Authority.** The Board of Trustees, in accordance with the procedures and standards set forth in this Section and by Ordinance duly adopted, may grant Campus Development Plan approval to each college and/or theological seminary located in the College District.

B. **Purpose.** The purpose of the Campus Development Plan process is to assure that the development of the College District remains consistent with the community character of the Village and that uses in the College District do not have a negative impact upon neighboring districts. The Campus Development Plan technique is particularly useful and appropriate for the College District due to its relatively broad bulk regulations and serves to monitor compliance of development with the provisions of this Code.

C. **Campus Development Plan Required.** Each college and theological seminary located within the College District shall maintain on file with the Village at all times a current, approved Campus Development Plan. No development shall take place in the College District unless and until such a Campus Development Plan has been approved in accordance with the requirements of this Section 11-604, and no such development shall take place except in strict compliance with such current, approved Campus Development Plan. Each Campus Development Plan shall be updated and resubmitted for approval on an annual basis. No Campus Development Plan shall be deemed to be “current” unless it shall have been approved pursuant to this Section within the previous 18 months.

D. **Parties Entitled to Seek Campus Development Plan Approval.** Applications for Campus Development Plan approval may be filed by any college or theological seminary located in the College District.
E. Procedure.

1. Application. Applications for Campus Development Plan approval shall be filed in accordance with the requirements of Section 11-301 of this Code.

2. Public Meeting. A public meeting shall be set, noticed, and conducted by the Plan Commission in accordance with Section 11-303 of this Code.

3. Action by Plan Commission. Within 35 days following the conclusion of the public meeting, the Plan Commission shall transmit to the Board of Trustees its recommendation, in the form specified in Subsection 11-103H of this Code, recommending either approval of the Campus Development Plan or disapproval based on one or more of the standards set forth in Paragraph F1 of this Section. In the case of any recommendation for disapproval, suggestions as required by Paragraph F2 of this Section shall be provided. The failure of the Plan Commission to act within 35 days, or such further time to which the applicant may agree, shall be deemed to be a recommendation for approval of the Campus Development Plan as submitted.

4. Action by Board of Trustees. Within 60 days following the receipt of the recommendation of the Plan Commission, or its failure to act as above provided, the Board of Trustees, by ordinance duly adopted, shall approve the Campus Development Plan as submitted, or shall make modifications acceptable to the applicant and approve such modified Campus Development Plan, or shall disapprove it in the manner hereinafter specified either with or without a remand to the Plan Commission for further consideration. The failure of the Board of Trustees to act within 60 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying Campus Development Plan approval.

F. Standards for Campus Development Plan Disapproval.

1. Standards. The Board of Trustees shall not disapprove, and the Plan Commission shall not recommend disapproval of, a Campus Development Plan submitted pursuant to this Section except on the basis of specific written findings directed to one or more of the following standards:

   (a) The application is incomplete in specified particulars.

   (b) The proposed Campus Development Plan fails to adequately meet specified standards required by this Code with respect to the proposed use or development, including special use standards where applicable, or contains or reveals violations of this Code or other applicable regulations that the applicant, after written request, has failed or refused to supply or correct.
(c) The proposed Campus Development Plan unreasonably destroys, damages, detrimentally modifies, or interferes with the enjoyment of significant natural, topographical, or physical features of the site.

(d) The proposed Campus Development Plan is unreasonably injurious or detrimental to the use and enjoyment of surrounding property.

(e) The proposed Campus Development Plan creates undue traffic congestion or hazards, or the circulation elements of the proposed Campus Development Plan unreasonably create hazards to safety on or off campus or disjointed, inefficient pedestrian or vehicular circulation paths on or off campus.

(f) The proposed landscaping plan fails to provide adequate bufferyards, landscaping, and screening in a manner that will achieve the goals of the Comprehensive Plan and the purposes set forth in Subsection 9-107A of this Code; or the proposed Campus Development Plan fails to show compliance with the approved landscaping plan.

(g) The proposed structures are unreasonably lacking amenity in relation to, or are incompatible with, nearby structures and uses.

(h) The proposed Campus Development Plan creates unreasonable drainage or erosion problems or fails to fully and satisfactorily integrate the campus into the overall existing and planned drainage system serving the Village.

(i) The proposed Campus Development Plan places unwarranted or unreasonable burdens on specified utility systems serving the site or area or fails to fully and satisfactorily integrate campus utilities into the overall existing and planned utility systems serving the Village.

(j) The proposed Campus Development Plan otherwise adversely affects the public health, safety, or general welfare.

2. **Alternative Approaches.** In citing any of the foregoing standards other than Subparagraph 1(a) as the basis for disapproving a Campus Development Plan, the Plan Commission or the Board of Trustees shall suggest alternate approaches that could be developed to avoid the specified deficiency or shall state the reasons why such deficiency cannot be avoided consistent with the applicant’s objectives.

G. **Effect of Campus Development Plan Approval.** Approval of a Campus Development Plan shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and
processing of applications for any permits or approvals that may be required by
the codes and ordinances of the Village including, but not limited to, a Certificate
of Zoning Compliance, a Building Permit, a Certificate of Occupancy, and
subdivision approval.

A copy of every approved Campus Development Plan shall be filed with the
Building Commissioner and all development shall be in substantial conformity
with such approved and filed plan.

H. Changes in Campus Development Plan. An approved Campus Development Plan
may be amended, varied, or altered only in the same manner hereinabove
provided for original approval of Campus Development Plans.

I. Long-Range Plans. Each college and theological seminary located within the
College District may, as an adjunct to its Campus Development Plan, develop and
present to the Village a plan for the purposes of setting long-range goals and
future development concepts that may be developed in detail in a future Campus
Development Plan. Such long-range plan shall first be presented to the Plan
Commission, who shall review the plan and offer such comments and proposed
changes to the long-range plan as they deem desirable. Following Plan
Commission review and its report to the Village Board, the Village Board may
accept such long-range plan by resolution, provided that such acceptance shall not
be deemed approval of the long-range plan to the extent that such plan is not
consistent with an approved Campus Development Plan and provided further that
such long-range plan shall not supplant this Code’s requirement to maintain an
approved Campus Development Plan in accordance with Section 11-604. Acceptance of a long-range plan shall not bind an applicant or the Village as to
the development or approval of future Campus Development Plans.

SITE PLAN REVIEW

A. Authority. The Board of Trustees, in accordance with the procedures and
standards set out in this Section and by Ordinance duly adopted, may grant site
plan approval to uses and developments requiring such approval pursuant to
Subsection C of this Section.

B. Purpose. The site plan review process recognizes that even those uses and
developments that have been determined to be generally suitable for location in a
particular district are capable of adversely affecting the purposes for which this
Code was enacted unless careful consideration is given to critical design elements.
It is the purpose of this Section to provide a vehicle for the review of the
developer’s attention to such elements.

C. Site Plan Approval Required. Site plan approval shall be required in connection
with any development in the Village other than construction of any new building
or the alteration, enlargement, or remodeling of any existing building within the A
or B Districts on a lot created prior to the effective date of this Code.
D. Parties Entitled to Seek Site Plan Approval. Applications for site plan review may be filed by the owner of, or any person having a contractual interest in, the subject property.

E. Procedure.

1. Application. Applications for site plan approval shall be filed in accordance with the requirements of Section 11-301 of this Code.

2. Public Meeting. A public meeting shall be set, noticed, and conducted by the Plan Commission in accordance with Section 11-303 of this Code.

3. Action by Plan Commission. Within 35 days following the conclusion of the public meeting, the Plan Commission shall transmit to the Board of Trustees its recommendation, in the form specified in Subsection 11-103H of this Code, recommending either approval of the site plan or disapproval based on one or more of the standards set forth in Paragraph F1 of this Section. In the case of any recommendation for disapproval, suggestions as required by Paragraph F2 of this Section shall be provided. The failure of the Plan Commission to act within 35 days, or such further time to which the applicant may agree, shall be deemed to be a recommendation for approval of the site plan as submitted.

4. Action by Board of Trustees. Within 60 days following the receipt of the recommendation of the Plan Commission, or its failure to act as above provided, the Board of Trustees, by ordinance duly adopted, shall approve the site plan as submitted, or shall make modifications acceptable to the applicant and approve such modified site plan, or shall disapprove it in the manner hereinafter specified either with or without a remand to the Plan Commission for further consideration. The failure of the Board of Trustees to act within 60 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying site plan approval.

F. Standards for Site Plan Disapproval.

1. Standards. The Board of Trustees shall not disapprove, and the Plan Commission shall not recommend disapproval of, a site plan submitted pursuant to this Section except on the basis of specific written findings directed to one or more of the following standards:

   (a) The application is incomplete in specified particulars.

   (b) The application is submitted in connection with another application, the approval of which is a condition precedent to the necessity for site plan review, and the applicant has failed to secure approval of that application.

   (c) The site plan fails to adequately meet specified standards required by this Code with respect to the proposed use or development,
including special use standards where applicable, or reveals violations of this Code or other applicable regulations that the applicant, after written request, has failed or refused to supply or correct.

(d) The proposed site plan interferes with easements or rights-of-way.

(e) The proposed site plan unreasonably destroys, damages, detrimentally modifies, or interferes with the enjoyment of significant natural, topographical, or physical features of the site.

(f) The proposed site plan is unreasonably injurious or detrimental to the use and enjoyment of surrounding property.

(g) The proposed site plan creates undue traffic congestion or hazards in the public streets, or the circulation elements of the proposed site plan unreasonably create hazards to safety on or off site or disjointed, inefficient pedestrian or vehicular circulation paths on or off site.

(h) The screening of the site does not provide adequate shielding from or for nearby uses.

(i) The proposed structures or landscaping are unreasonably lacking amenity in relation to, or are incompatible with, nearby structures and uses.

(j) In the case of site plans submitted in connection with an application for a special use permit, the proposed site plan makes inadequate provision for the creation or preservation of open space or for its continued maintenance.

(k) The proposed site plan creates unreasonable drainage or erosion problems or fails to fully and satisfactorily integrate the site into the overall existing and planned drainage system serving the Village.

(l) The proposed site plan places unwarranted or unreasonable burdens on specified utility systems serving the site or area or fails to fully and satisfactorily integrate the site’s utilities into the overall existing and planned utility systems serving the Village.

(m) The proposed site plan does not provide for required public uses designated on the Official Map.

(n) The proposed site plan otherwise adversely affects the public health, safety, or general welfare.

2. Alternative Approaches. In citing any of the foregoing standards, other than those of Subparagraphs 1(a) and 1(b), as the basis for disapproving a
site plan, the Plan Commission or the Board of Trustees shall suggest alternate site plan approaches that could be developed to avoid the specified deficiency or shall state the reasons why such deficiency cannot be avoided consistent with the applicant’s objectives.

G. **Effect of Site Plan Approval.** Approval of a site plan shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits or approvals that may be required by the codes and ordinances of the Village including, but not limited to, a Certificate of Zoning Compliance, a Building Permit, a Certificate of Occupancy, and subdivision approval.

A copy of every approved site plan shall be filed with the Building Commissioner and the development of the site shall be in substantial conformity with such approved and filed plan.

H. **Limitations on Site Plan Approval.** Subject to an extension of time granted by the Building Commissioner pursuant to Subsection 11-101K of this Code, no site plan approval shall be valid for a period longer than one year unless a Building Permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a Certificate of Occupancy is issued and a use commenced within that period.

I. **Adjustments to Site Plan During Development.**

1. **Minor Adjustments.** During the development of the site, the Building Commissioner may authorize minor adjustments to a site plan when such adjustments appear necessary in light of technical or engineering considerations first discovered during actual development. Such minor adjustments shall be limited to the following:

   (i) Altering the location of any one structure or group of structures by not more than 20 feet or one-fourth of the distance shown on the approved site plan between such structure or structures and any other structure or any vehicular circulation element or any boundary of the site plan, whichever is less.

   (ii) Altering the location of any circulation element by not more than 20 feet or one-fourth of the distance shown on the approved site plan between such circulation element and any structure, whichever is less.

   (iii) Altering the location of any open space by not more than 50 feet.

   (iv) Altering any final grade by not more than 10 percent of the originally planned grade.
(v) Altering the location or type of landscaping elements.

Such minor adjustments shall be consistent with the intent and purpose of this Code and the site plan as approved, shall be the minimum necessary to overcome the particular difficulty, and shall not be approved if they would result in a violation of any standard or requirement of this Code.

2. **Major Adjustments.** Any adjustment to a site plan that is not authorized by the preceding Subparagraph 1(a) shall be considered to be a major adjustment and shall be granted only upon application to and approval by the Board of Trustees. The Board of Trustees, by ordinance duly adopted, may grant approval for a major adjustment without referral to the Plan Commission upon finding that any changes in the site plan as approved will be in substantial conformity with said site plan. If the Board of Trustees determines that a major adjustment is not in substantial conformity with the site plan as approved, then the Board of Trustees shall refer the request to the Plan Commission for further consideration and review as provided in Subsection E of this Section.

J. **Amendments to Site Plan Following Completion of Development.** After a site is developed in accordance with an approved site plan, the approved site plan may be amended, varied, or altered in the same manner and subject to the same limitations, as provided for original approval of site plans.

11-606 ARCHITECTURAL REVIEW

A. **Authority.** The Architectural Review Commission may, as a matter of original jurisdiction and in accordance with the procedures and standards set out in this Section, grant architectural review approval to developments requiring architectural review pursuant to Subsection C of this Section. In cases of appeal from a denial of approval by the Architectural Review Commission, the Board of Trustees, by ordinance duly adopted, may grant architectural approval in accordance with the procedures and standards set out in this Section.

B. **Purpose and Goals.** The purpose of the Architectural Review process is to protect, preserve, and enhance the natural and architectural environment of the Village, to protect and enhance property values, and to promote the health, safety, and welfare of the Village and its residents. It is the goal of these regulations that each new building added to Bannockburn should complement and improve upon the architectural heritage of the Village and continue to allow the natural landscape of the Village predominate over its built environment.

C. **Architectural Review Required.** Architectural Review shall be required in connection with the construction of any new building including a new or enlarged patio, exterior and outdoor lighting system, sign, or Wind Energy System, or the alteration, enlargement, or remodeling of any existing building, exterior and outdoor lighting system, sign, or Wind Energy System (except for interior alterations and remodeling and except for the construction, alteration,
enlargement, or remodeling of a patio that, upon completion, does not exceed 200 square feet) within the Village, unless such requirement shall have been waived by the Board of Trustees as provided in Subparagraph E1(b) below.

D. **Parties Entitled to Seek Architectural Review.** Applications for Architectural Review may be filed by the owner of, or any person having a contractual interest in, the subject property.

E. **Procedure.**

1. **Review by the Architectural Review Commission.**

   (a) **Application.** Applications for an Architectural Review Permit shall be filed in accordance with the applicable requirements of Section 11-301 of this Code.

   (b) **Other Approvals Required Prior to Architectural Review.** In any case where the proposed work requires the issuance of a sign permit, special use permit, variation, or other zoning approval, no Architectural Review Permit shall be granted unless and until such sign permit, special use permit, variation, or other approval has been issued. The issuance of any such sign permit, special use permit, variation, or other approval shall not be deemed to establish any right to the issuance of an Architectural Review Permit; provided, however, that the Board of Trustees, upon the affirmative vote of four Trustees, may waive the requirement of an Architectural Review Hearing in connection with the approval of any sign permit, special use permit, variation, or other approval upon finding that the standards and considerations for architectural review have been fully addressed as part of its deliberations.

   (c) **Review; Hearing Request.** Within fifteen days following receipt of a completed application, the Building Commissioner or any member of the Architectural Review Commission may request that a public hearing be held on such application. If no such hearing is requested within the 15-day period, the application shall be deemed approved and the Building Commissioner shall so notify the applicant in writing. If a hearing is requested within the 15-day period, a public hearing shall be set (for a date not later than 45 days after the receipt of a completed application), noticed, and conducted by the Architectural Review Commission in accordance with Section 11-303 of this Code. If a hearing is not commenced within the required time period, the application shall be deemed approved. If less than a quorum is present at the hearing scheduled pursuant to Section 11-303, the application shall be deemed approved.

   (d) **Action by Architectural Review Commission.** At the conclusion of the public hearing, the Architectural Review Commission shall
vote in public whether to approve, disapprove, or conditionally approve the application in the manner and form specified by Section 11-104 of this Code. The failure of the Commission to act at the conclusion of the hearing or such further time to which the applicant may agree shall be deemed to be an approval of the application. The Staff Secretary shall notify the applicant in writing of the Commission’s decision. Such notice shall state that the applicant has the right to appeal the decision to the Board of Trustees.

2. Appeals to the Board of Trustees.

(a) Application. An application for appeal from a decision of the Commission may be filed in the following circumstances:

(i) An appeal may be filed by an applicant from any decision disapproving an application or approving an application subject to conditions that are unacceptable to the applicant, within 45 days following such disapproval or approval subject to conditions; or

(ii) An appeal may be filed by a member of the Village Board from any decision approving or conditionally approving an application, within 14 days following such approval. A Village Board member shall initiate such appeal by notifying the Building Commissioner, the Village President, or the Village Manager of his or her desire to appeal the Architectural Review Commission’s decision. At least seven days prior to the hearing on such appeal, the Village Manager shall provide notice to the applicant of the hearing. Upon receipt of notice of such an appeal, the decision of the Architectural Review Commission shall be stayed; no building permit or any other permit shall be issued to the applicant based on the Architectural Review Commission’s decision until the later of (A) the fifteenth day after an approval of the Architectural Review Commission or (B) in the event an appeal is filed, after the Board of Trustees has made a final decision on the appeal.

The Village President shall set a date for a hearing on an appeal filed pursuant to Paragraphs (i) or (ii) above by the Board of Trustees, which hearing shall be held no later than forty-nine (49) days after the filing of the appeal.

(b) Hearing on Appeal. At the hearing on appeal, the Board of Trustees shall permit the applicant to speak in support of the application, and to present any additional evidence relating thereto. The Board of Trustees may also consider testimony from the
Building Commissioner, members of the Commission, or any other interested person.

At the conclusion of the hearing, the Board of Trustees shall consider the record on appeal, the testimony presented on appeal, and any other evidence and determine whether the Commission’s decision is consistent with the architectural review standards set forth in Subsection 11-605F. The Board shall then vote on whether to affirm, reverse, or modify the decision of the Commission, or to remand the application to the Commission for further review.

To reverse or modify the decision of the Commission in whole or in part, the affirmative vote of at least four Trustees shall be required. Any other action on appeal may be taken by the concurrence of a majority of Trustees present.

The Village shall notify the applicant in writing of the Board’s decision on appeal. Except in the case of a vote to remand, such notice shall state the Board’s decision is final.

(c) **Remand to Commission.** In the case of a vote by the Board for remand of an application, the Chairperson of the Commission shall be so notified and shall set a date for a new architectural review hearing. Such date shall be no later than twenty-eight (28) days after the Board’s decision to remand, unless the applicant waives or extends the 28-day period in writing. If the hearing is not commenced within such period, the application shall be deemed approved.

In all other respects, the hearing on remand shall be conducted in the same manner as any other architectural review hearing.

(d) **Administrative Review.** Any final decision on an application by the Board of Trustees may be further appealed in accordance with the Administrative Review procedures of the Illinois Code of Civil Procedure, as it may be amended from time to time.

F. **Standards and Considerations for Architectural Review.** In passing upon applications for Architectural Review Permits, the Commission and the Board of Trustees shall consider and evaluate the propriety of issuing said Permit in terms of its effect on the stated purposes and goals of Architectural Review. To that end, the Commission and the Board of Trustees shall consider the appearance of a proposed construction, alteration, enlargement, or remodeling project in terms of the quality of its design and the relationship to its surroundings. A proposed project should harmonize with and support Bannockburn’s unique character, with special consideration accorded the preservation and enhancement of landmarks and the preservation and enhancement of natural features, including without limitation existing trees and landscaping. Furthermore, a project should be
consistent with all of the ordinances and regulations of the Village, including without limitation the Bannockburn Zoning Code, Comprehensive Plan, and Tree Ordinance. In addition, the Commission and the Board shall consider, among other factors, the following particulars:

1. **Landmarks.**
   
   (a) The quality of landmarks should be preserved by avoiding excessively similar or dissimilar nearby buildings that detract from a landmark’s uniqueness.
   
   (b) Landmarks should not be dwarfed or obstructed from view by nearby buildings.

2. **Site plan.**
   
   (a) The site should be planned to meet, if not exceed, setbacks and to establish, protect, and enhance bufferyards between properties and to minimize disturbance to the natural landscaping on the site. Further, the project should be designed to preserve and enhance natural features on the site, including without limitation existing trees, wooded areas, bufferyards, and landscaping.
   
   (b) Access to the site and circulation thereon should be safe and convenient for pedestrians, cyclists, and vehicles.
   
   (c) Driveways should be located to maintain adequate space between cuts in the streetscape.
   
   (d) Driveway and parking areas should be screened to reduce visual intrusions into surrounding properties and to enhance the secluded appearance of the Village.
   
   (e) Screening or fencing should be consistent in design and materials with the principal buildings on the subject and adjacent properties.
   
   (f) Monotony should be avoided.
   
   (g) Exterior lighting should be designed to be consistent with the Village’s dark at night character and shall, at a minimum, comply with the lighting restrictions contained in the Bannockburn Zoning Code.

3. **Elevations.**
   
   (a) The scale and height of the project should be visually compatible with the landscaping and topography of the site and with buildings on the site and in the surrounding area.
(b) The relationship of solids to voids in the front facade of a project should be visually compatible with buildings, public ways and places to which it is visually related.

(c) The visual continuity of roofs and their contributing elements (such as parapet walls, coping, and cornices) shall be maintained in building development or redevelopment.

(d) Monotony should be avoided.

(e) Garage doors should be designed, whenever possible, so that the doors are not facing the front yard of the site.

4. Landscaping.

(a) Landscaping plans should be consistent with the natural environment of the site, adjacent properties, and the surrounding area; provided that, when a site is open, suitable landscaping consistent with the wooded nature of the Village should be provided.

(b) Existing natural features should be appropriately preserved and integrated into the project. Under appropriate circumstances, a conservation strip consisting of landscaping and natural growth but excluding lawns and any impervious surface between adjacent properties would promote this objective.

(c) The project should be designed to meet, if not exceed, the bufferyard requirements of the Bannockburn Zoning Code to maximum screening and buffering in order to protect neighboring properties from the project.

5. Type, Color and Texture of Materials.

(a) Materials should be new and of first-rate quality.

(b) Materials should be selected for both their durability and beauty.

(c) Colors of the materials for the project should be harmonious with only compatible accents.

(d) A project that is obviously incongruous with its surroundings or unsightly and grotesque should be avoided.

(e) A project whose design or color may be distracting to vehicular traffic so as to cause a safety hazard should be avoided.

6. Vicinity map.
(a) The building layout should maximize the distance between buildings on the site and buildings on adjacent properties.

(b) The building layout should maintain appropriate distances between buildings on the site itself.

(c) The size, scale, and nature of a building or project should not be inconsistent with the planned Village character for the area as expressed in the Comprehensive Plan. Nor shall such building or project cause a substantial depreciation in the property values of adjacent buildings, the neighborhood, or the Village.

(d) The project should not unduly detract from the natural environment of the site, adjacent properties, or the surrounding area.

These criteria are not intended to restrict imagination, innovations, or variety, but rather seek to preserve and enhance Bannockburn’s unique character.

G. Manuals and Guidelines. The Commission may from time to time provide for specific manuals or guidelines for architectural styles or common-occurring buildings or site features and elements to assist applicants for Architectural Review Permits. Such manuals or guidelines shall be advisory only and shall bind neither the applicant nor the Commission nor the Board of Trustees with respect to any specific case.”

H. Affidavit of Compliance with Conditions. Whenever an Architectural Review Permit issued pursuant to this Section is made subject to conditions to be met by the applicant, the applicant, upon meeting such conditions, shall file an affidavit with the Building Commissioner stating such compliance.

I. Limitation on Permits. An Architectural Review Permit shall become null and void six months after the date on which it was issued unless within such period the work authorized by such certificate is commenced. An Architectural Review Permit shall relate solely to the work shown on plans approved by the issuance of such permit and it shall be unlawful for any person to deviate from such plans without obtaining an amended permit in the same manner as herein provided for obtaining original permits.

11-607 SIGN PERMITS

A. Authority. The Building Commissioner may, in accordance with the procedures and standards set out in this Section, grant Sign Permits authorizing the construction and maintenance of signs subject to the regulations of Section 9-106 of this Code and the standards stated in this Section.

B. Purpose. The sign regulations and standards set forth in this Code are intended to protect the health, safety, and welfare of Village residents by establishing specific
conditions and limitations on development of all signs in the Village. The Sign Permit process is designed to insure that all such regulations and standards have been satisfied.

C. Parties Entitled to Seek Sign Permits. An application for a Sign Permit may be filed by the owner of, or any person having a contractual interest in, the property on which the sign is proposed to be located.

D. Procedure.

1. Application. Applications for Sign Permits shall be filed in accordance with the requirements of Section 11-301 of this Code.

2. Action by Building Commissioner. Within 60 days following the proper filing of a completed application, the Building Commissioner shall either grant the Sign Permit or, by written notice stating the reasons therefor, deny the application or grant the application with modifications or conditions. The failure of the Building Commissioner to act within 60 days, or such further time to which the applicant may agree, shall be deemed to be a decision granting the Sign Permit.

E. Standards for Sign Permits. No Sign Permit shall be granted pursuant to this Section unless the applicant shall establish that:

1. Visual Compatibility. The proposed sign will be visually compatible with the building on which the sign is proposed to be located and surrounding buildings and structures in terms of height, size, proportion, scale, materials, texture, colors, and shapes.

2. Quality of Design and Construction. The proposed sign will be constructed and maintained with a design and materials of high quality and good relationship with the design and character of the neighborhood.

3. Appropriateness to Activity. The proposed sign is appropriate to and necessary for the activity to which it pertains.

4. Appropriateness to Site. The proposed sign will be appropriate to its location in terms of design, landscaping, and orientation on the site, and will not create a hazard to pedestrian or vehicular traffic, detract from the value or enjoyment neighboring properties, or unduly increase the number of signs in the area.

F. Conditions on Sign Permits. The Building Commissioner may impose such conditions and limitations concerning the construction and maintenance upon the grant of a Sign Permit as may be necessary or appropriate to insure satisfaction of the standards set forth in this Section and the purposes and objectives of this Code and to minimize any adverse effects upon other property in the vicinity. Such conditions shall be expressly set forth in the Sign Permit. Violation of any such
condition or limitation shall be a violation of this Code and shall constitute grounds for revocation of the Sign Permit.

G. **Effect of Issuance of a Sign Permit.** The grant of a Sign Permit shall not authorize construction or maintenance of any sign, but shall merely authorize the preparation, filing, and processing of applications for any other permits or approvals that may be required by the codes and ordinances of the Village, including but not limited to a Building Permit and Architectural Review Permit.
PART VII: ENFORCEMENT AND PENALTIES

11-701 GENERAL ENFORCEMENT AUTHORITY AND DUTY

Upon finding the existence of any violation of this Code, the Building Commissioner shall have the authority and duty to take or direct all actions necessary or appropriate to abate and redress such violation.

11-702 CIVIL AND ADMINISTRATIVE ENFORCEMENT

A. Stop and Cease-and-Desist Orders. Upon finding the existence of any violation of this Code, the Building Commissioner shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it; specifically, the Building Commissioner shall order the discontinuance of any illegal use of land or structures, the removal of illegal structures, additions, or alterations, and the discontinuance of illegal work being done.

B. Legal Actions. In the enforcement of this Code, the Building Commissioner shall exercise all the powers authorized by the statutes of the State of Illinois and Village codes and ordinances to ensure compliance with, or to prevent or abate any violation of, the provisions of this Code, and in particular shall, where necessary or appropriate, institute or cause to be instituted by the Village Attorney in the name of the Village of Bannockburn any and all actions, legal or equitable, including appeals, that may be required for the enforcement of this Code.

C. Abatement; Liens. Where authorized by State statute, the Building Commissioner may order any work necessary to abate any violation of this Code and shall assess the cost of such work to the property owner. Upon the failure of the owner to pay such cost, the Building Commissioner shall file a lien for such costs and for all costs of collection against the property in question.

D. Revocation of Rezonings, Permits, Variations, or Approvals. The violation of any provision of this Code, or of any permit or approval granted pursuant to this Code, or of any condition imposed pursuant to this Code shall be grounds for the revocation of any rezoning, permit, variation, or approval granted pursuant to this Code and affecting the property involved in the violation. The Building Commissioner may recommend and the Board of Trustees may order such revocation; provided, however, that where the original rezoning, permit, variation, or approval was granted following a public hearing required pursuant to this Code, the revocation shall be preceded by a similar public hearing.

E. Fines. In the enforcement of this Code, the Building Commissioner shall, where necessary and appropriate, order the issuance and enforcement of citations to recover fines and penalties for the violation of this Code as authorized by State law and this Code.

11-703 PENALTIES
Any person who shall violate, disobey, omit, neglect, or refuse to comply with, or who shall resist enforcement of, any provision of this Code shall be subject to a fine of not less than $25 nor more than $750 for each offense; provided, however, that, if service of summons is made by certified mail pursuant to 65 ILCS 5/1-2-9.1, the maximum fine shall not exceed $200 for each offense. Each separate provision of this Code that is not complied with shall constitute a separate violation. Each day a violation continues to exist shall constitute a separate offense.

11-704 PRIVATE REMEDIES PRESERVED

Nothing in this Part VII shall be interpreted to prevent any person entitled to relief in law or equity by reason of a violation of the provisions of this Code from bringing an appropriate action to secure such relief.
APPLICABILITY AND INTERPRETATION

PART I: APPLICABILITY

12-101 GENERAL SCOPE

A. Territorial Application. This Code shall apply to all land, structures, and uses within the corporate limits of the Village.

B. General Application. All structures erected hereafter, all uses of land or structures established hereafter, all structural alterations or relocations of existing structures occurring hereafter, and all enlargements and extensions of, additions to, changes in, and relocations of existing uses occurring hereafter shall be subject to all regulations of this Code applicable to the zoning districts in which such land, structures, or uses are located. Existing structures and uses that do not comply with the regulations of this Code shall be subject to the provisions of Article X of this Code relating to nonconformities.

C. General Prohibition. No structure, no use of any structure or land, and no lot of record or zoning lot, now or hereafter existing, shall hereafter be established, enlarged, extended, altered, moved, divided, or maintained in any manner, except as authorized by the provisions of this Code and except in compliance with the regulations of this Code. Without limiting the foregoing, any such activity that would cause any existing structure not to comply with this Code or that would create any parcel of land that could not be developed in compliance with this Code shall be prohibited.

D. Exempt Uses.

1. Utility Lines. The following utility uses are exempt from the provisions of this Code: poles, wires, cables, conduits, reservoirs, vaults, laterals, pipes, mains, and valves, but not including substations located on or above the surface of the ground, for the distribution to consumers of telephone, cable television or other communications, electricity, gas or water, or for the collection of sewage or surface water. All utility uses shall, however, comply with the subdivision and other applicable ordinances of the Village.

2. Railroad Uses. Railroad facilities or uses located on railroad rights-of-way and existing on the effective date of this Code shall be exempt from its provisions. Any other railroad facilities or uses, or any change of such existing facilities or uses, and any other uses of railroad rights-of-way shall be subject to all of the provisions of this Code.

E. Private Agreements. This Code is not intended to abrogate, annul, or otherwise interfere with any platted building line, easement, covenant, or other private agreement or legal relationship; provided, however, that where the regulations of
this Code are more restrictive or impose higher standards or requirements than such platted building line, easement, covenant, or other private agreement or legal relationship, the regulations of this Code shall govern.

12-102 APPLICATION TO VARIATIONS AND SPECIAL USES

A. Existing Variations and Special Uses. Any variation or special use permit lawfully issued prior to the effective date of this Code, or any amendment to it, that could be lawfully issued pursuant to the provisions in effect after such effective date shall be deemed to be and continue valid after such effective date subject to any conditions placed thereon at the time of issuance. Any structure or use lawfully authorized by any such variation or special use permit that could not be so issued after such effective date shall be subject to the provisions of Article X of this Code dealing with nonconformities.

B. Existing Uses and Structures Newly Requiring Special Use Permit. The owners of any use or structure lawfully existing on the effective date of this Code, or any amendment to it, that did not, prior to such effective date, require a special use permit but which, after such effective date, does require a special use permit may continue such use or maintain such structure by securing therefor a special use permit pursuant to the standards and procedures of Subsection 11-602 and other applicable provisions of this Code. Unless and until such a permit is so secured, such use shall be subject to the provisions of Article X of this Code dealing with nonconformities.

12-103 BUILDING PERMITS ISSUED PRIOR TO EFFECTIVE DATE

A. New Code Shall Apply. All work, structures, and uses authorized by building permits issued prior to the effective date of this Code or any amendment to it, and for which a Certificate of Occupancy had been issued prior to such effective date, shall not be affected by this Code. Except as provided in Subsections B and C of this Section, no Certificate of Occupancy shall be issued following the effective date of this Code or any amendment to it unless the work, structure, or use for which the Certificate of Occupancy is sought is made to fully comply with the applicable provisions of this Code or any such amendment.

B. Right To Complete Construction Pursuant To Approved Plans. Nothing in this Code, or any amendment to it, shall be deemed to require any change in the plans, construction, or designated use of any structure if:

1. A building permit for such structure was lawfully and properly issued prior to the effective date of this Code or any such amendment to it, or such permit is issued after such effective date based upon a complete and proper application for such permit filed prior to such effective date; and

2. Such permit had not by its own terms expired prior to such effective date; and
3. Such permit was lawfully and properly issued in accordance with the law in effect prior to such effective date; and

4. Construction pursuant to such permit is commenced prior to the expiration of such permit and within 180 days of such effective date and is thereafter diligently pursued to completion.

C. **Right To Occupy As Nonconformity.** Upon completion pursuant to Subsection B of this Section, such structure may be occupied by, and a Certificate of Occupancy shall be issued for, the use designated on such permit, subject thereafter, to the extent applicable, to the provisions of Article X of this Code relating to nonconformities.

### 12-104 PENDING APPLICATIONS

**A. New Code Shall Apply.** This Code, and any amendment to it, shall apply to all applications for variations, amendments, and special use permits pending and not yet finally decided on the effective date thereof to which it would apply if such applications were filed on or after such effective date.

**B. Notification to Applicants.** Within 30 days following the effective date of this Code, or any amendment to it, the Building Commissioner shall inform each applicant named on each application referred to in Subsection A of this Section that said application is subject to the provisions of this Code, as amended, and will be processed in accordance therewith; that the applicant may within 30 days following the mailing of such notice refile, without additional fee, its application on the basis of this Code, as amended; and that if the applicant does not so refile, its application may be denied for noncompliance with the provisions of this Code, as amended.

**C. Duty Of Applicant.** Notwithstanding the provisions of Subsection B of this Section, it shall be the responsibility of each applicant having an application pending on the effective date of this Code, or any amendment to it, to modify such application in accordance with the terms and provisions of this Code, as amended, and the failure to do so, whether or not the procedures of said subsections have been followed, may result in denial of such application for failure to comply with this Code, as amended. Any modification or refiling of an application pending on such effective date in order to comply with the provisions of this Code, as amended, shall be permitted at any time prior to the final disposition of such application and shall be permitted without payment of any additional fee.

**D. Processing of Pending Applications.** Upon the refiling of any pending application as herein provided, or upon notification from the applicant that it will not refile or modify its application, or upon the expiration of 60 days following the effective date of this Code or any amendment to it, whichever occurs first, such pending application shall be processed in accordance with the terms of this Code, as amended; provided, however, that the application requirements, hearing requirements and procedural requirements set forth in Article XI, Part III, and
Subsections 11-503D, 11-601D, 11-602D, and 11-603D of this Code shall not apply to any such pending application and each such application shall be processed in accordance with the application, hearing, and procedural requirements that were in effect on the date such application was filed. Notwithstanding any other provision of this Section, the Building Commissioner shall have the authority to request additional data, information, or documentation for pending applications when, in his or her judgment, such additional data, information, or documentation is necessary or appropriate to a full and proper consideration and disposition of such pending application.

12-105 REPEAL OF PRIOR PROVISIONS

The Bannockburn Zoning Ordinance, as adopted by ordinance dated June 13, 1960, and as amended from time to time thereafter prior to the adoption of Ordinance No. 96-__ providing for the comprehensive revision of said Ordinance by the adoption of this Code, be, and it and all of said amending ordinances are, hereby repealed in their entirety. Except as expressly provided in this Code, such repeals shall not affect or impair any act done, offense committed, or right accruing, accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time such repeal takes effect, but the same may be enjoyed, asserted, enforced, prosecuted, or inflicted as fully and to the same extent as if such repeal had not been effected.

12-106 SEVERABILITY

A. Intent as to Severability. The several provisions of this Code shall be severable in accordance with the following rules:

1. Provisions Declared Invalid. If any court of competent jurisdiction shall adjudge any provision of this Code to be invalid, such judgment shall not affect any other provisions of this Code.

2. Applications Declared Invalid. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Code to a particular parcel of land, a particular structure or a particular use, such judgment shall not affect the application of said provision to any other land, structure, or use.

B. Applicable Regulations following Declaration of Invalidity. Whenever the provisions of this Code are declared invalid in their application to any particular parcel of land, the Zoning Map provided for in Section 2-103 of this Code shall continue to show such parcel in the zoning district applicable to it pursuant to this Code unless and until such district is changed by an amendment adopted by the Board of Trustees pursuant to Section 11-601 of this Code; provided, however, that the parcel in question shall also be marked with a star or other distinctive marking to direct attention to the court decree affecting said parcel. The Building Commissioner shall maintain a file of any such decrees. The provisions of any such decree shall be deemed to modify the otherwise applicable provisions of this Code as they apply to said parcel to the extent provided in said decree but said parcel shall otherwise remain subject to the provisions of this Code.
This Code shall take effect immediately upon, and its Effective Date shall be the date of, its passage by a vote of two-thirds of the corporate authorities then holding office and its approval by the Village President, the corporate authorities hereby finding that the immediate implementation of this Code is a matter of urgency; provided, however, that the following provisions of this Code shall not take effect until one year following said Effective Date: Subsections 9-101D7(d) and (e), and Section 9-107 insofar as it requires buffering and screening of structures and uses existing on said Effective Date. The Building Commissioner is hereby authorized and directed to publish this Code in pamphlet form and to publish an appropriate notice of its adoption and availability in a newspaper of general circulation in the Village.
PART II: INTERPRETATION

12-201 PROVISIONS ARE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this Code shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals, and general welfare, as set forth in the provisions hereof establishing the intent and purpose of this Code in general and its various Sections in particular. When the provisions of this Code impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of this Code shall be controlling. When the provisions of any statute, other ordinance, or regulation impose greater restrictions than this Code, the provisions of such statute, other ordinance, or regulation shall be controlling.

12-202 PROVISIONS ARE CUMULATIVE

The provisions of this Code shall be interpreted to be cumulative of, and to impose limitations in addition to, all other codes, laws, and ordinances in existence or which may be passed governing any subject matter of this Code. The several provisions of this Code shall also be interpreted to be cumulative of each other. To the greatest extent possible, the provisions of this Code shall be construed to be consistent with, and not in conflict with, the provisions of such other codes, laws, and ordinances, and with each other, to the end that all such provisions may be given their fullest application.

12-203 PROVISIONS ARE NOT A CONSENT, LICENSE, OR PERMIT

The provisions of this Code shall not be interpreted to be, or to grant, a consent, license, or permit to use any property or to establish, locate, construct, or maintain any structure or use, or to carry on any trade, industry, occupation, or activity.

12-204 UNLAWFUL USES AND STRUCTURES ARE NOT VALIDATED

This Code shall not be interpreted to validate or make lawful any unlawful use or structure existing upon the effective date of this Code. Any such unlawful use or structure shall remain unlawful to the extent that said use or structure is in conflict with the provisions of this Code.

12-205 WORD USAGE

A. Tense and Form. Words used or defined in one tense or form shall include other tenses and derivative forms.

B. Number. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.

C. Gender. The masculine gender shall include the feminine and neuter. The feminine gender shall include the masculine and neuter. The neuter gender shall include the masculine and feminine.
D. **Shall and May.** The word “shall” is mandatory. The word “may” is permissive.

E. **Time.** The time within which any act required by this Code is to be performed shall be computed by excluding the first day and including the last day, unless the last day is a Saturday or Sunday or a holiday declared by the United States Congress or the Illinois General Assembly, in which event it shall also be excluded.

F. **Person.** The word “person” includes individuals, firms, partnerships, joint ventures, trusts, trustees, estates, corporations, associations, and any other similar entities.

G. **Used For.** The phrase “used for” shall include intended for, designed for, occupied for, maintained for, and arranged to be used or occupied for whenever that interpretation would result in the regulation being more restrictive in its application to any use or structure.

H. **Village.** The word “Village” means the Village of Bannockburn, Lake County, Illinois.

I. **County.** The word “County” means the County of Lake, Illinois.

J. **Undefined Terms.** Any word not defined in Section 12-206 of this Code shall have the meaning given in any applicable Village code or ordinance or, if none, in Webster’s New International Dictionary, Second Edition 1975, except for words employed to refer to the permitted uses and special uses of this Code, which shall be interpreted, insofar as applicable, in accordance with the meaning established in the Standard Industrial Classification Manual, 1987, as amended through the effective date of this Code.

K. **Captions, Illustrations, and Tables.** In case of any difference of meaning or implication between the text of this Code and any caption, illustration, or table, the text shall control.

L. **Article, Section, and Paragraph Headings.** This Code is divided into articles, sections, subsections, paragraphs, and subparagraphs that shall be numbered according to the following format:

1-101A1(a)(i)(A)

and that shall be referred to in accordance with the following example:

<table>
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<th>II</th>
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DEFINITIONS

A. When used in this Code, the following terms shall have the meanings herein ascribed to them

**ABUT.** To touch, to lie immediately next to, to share a common wall or lot line, or to be separated by only a street, alley, or drainage course.

**ACCESSORY STRUCTURE OR USE.** See Section 9-101 of this Code.

**ADJACENT.** To lie near, close to, or in the vicinity.

**ADVERTISING SIGN.** See Subsection 9-106E of this Code.

**ALLEY.** A public right-of-way that affords only a secondary means of vehicular access to abutting property.

**ALTERATION.** Any change in the size, shape, character, occupancy, or use of a structure.

**ALTERATION, STRUCTURAL.** See Subsection 12-206S, “Structural Alteration,” of this Section.

**AMATEUR RADIO FACILITY.** An antenna and antenna support structure having a combined surface area greater than 10 square feet or having any single dimension exceeding 12 feet that are capable of transmitting as well as receiving signals and are licensed by the Federal Communications Commission as an amateur radio facility.

**AMENDMENT.** See Section 11-601 of this Code.

**ANIMATED OR MOVING SIGN.** See Subsection 9-106E of this Code.

**ANTENNA.** Any structure designed for transmitting signals to a receiving station or for receiving television, radio, data, or other signals from satellites or other sources, or both.

**ANTENNA SUPPORT STRUCTURE.** Any structure used for the principal purpose of supporting an antenna.

**ANTENNA SURFACE AREA.** See Subsection 12-206S, “Surface Area, Antenna,” of this Section.

**APPEAL.** See Section 11-502 of this Code.

**AREA, GROSS.** The total land and water area included in a parcel that is the subject of an application filed pursuant to this Code, excluding only property located in public rights-of-way or private easements of access or egress at the time of application.

**AREA, NET.** The gross area of a parcel less land and water areas required or proposed to be publicly dedicated, or land to be devoted to private easements of access or egress.
Both land and water areas not so publicly dedicated or devoted shall be included in the calculation of net area.

**ATTENTION-GETTING DEVICE.** See Subsection 9-106E of this Code.

**AUTOMATIC TELLER MACHINE.** An automated device that performs banking or financial functions.

**AWNING.** A roof-like covering, temporary in nature, that projects from the wall of a building.

**AWNING SIGN.** See Subsection 9-106E of this Code.
B. When used in this Code, the following terms shall have the meanings herein ascribed to them:

BASEMENT. A portion of a structure located partly underground having an average ceiling height above grade of more than 2 feet but less than 6 feet.

BERM. A hill or contour of land that acts as a visual barrier between a lot and adjacent properties, alleys, or streets.

BLOCK. A tract of land bounded by streets or by a combination of streets, public lands, railroad rights-of-way, waterways, or boundary lines of the Village.

BOARDING. The keeping, harboring, or otherwise maintaining on a lot of any dog that is not (i) both (a) licensed with Lake County in the name of the owner of the lot on which the dog is kept, harbored, or otherwise maintained and (b) licensed with the Village in the name of the owner of the lot on which the dog is kept, harbored, or otherwise maintained or (ii) kept, harbored, or otherwise maintained in compliance with the licensing requirements of Ordinance No. 2002-21 (as such ordinance may be amended from time-to-time).

BOARD OF APPEALS. See Subsection 12-206Z, “Zoning Board of Appeals”, of this Section.

BOARD OF TRUSTEES. The President and the Board of Trustees of the Village of Bannockburn.

BUFFERING. Any means of protecting a parcel from the visual or auditory effects of an adjacent use. Buffering may include, but is not limited to, berming, fencing, landscaping, setbacks, or open spaces.

BUILDING. See Subsection 12-206S, “Structure,” of this Code. “Building” shall in all cases be deemed to refer to both buildings and structures.

BUILDING, ACCESSORY. See Section 9-101 of this Code.


BUILDING COMMISSIONER. The duly appointed member of the Board of Trustees charged with, among other things, the administration and enforcement of this Code subject to the superior right and power of the Board of Trustees to supervise and administer the government and affairs of the Village. When used in this Code, the term Building Commissioner shall refer either to such official or to his or her duly authorized delegates.

BUILDING COVERAGE. The percentage of a lot’s area covered by any building or structure. See also Subsection 12-206L, “Lot Coverage,” of this Section.

BUILDING DEPTH. The longest straight line that can be drawn through a structure substantially parallel to the side or corner side lot lines of the lot on which it is located.
BUILDING, DETACHED. A building surrounded entirely by open space.

BUILDING OR STRUCTURE FRONT. That exterior wall of a building or structure facing the front line of the lot on which it is located.

BUILDING HEIGHT. See Subsection 12-206M, “Maximum Building Height” and “Measured Building Height” of this Section.

BUILDING, PRINCIPAL. A building in which is conducted the principal use or uses of the lot on which said building is situated.

BUILDING WIDTH. The longest straight line that can be drawn through a structure parallel to the front lot line.

BUILDING-MOUNTED WIND ENERGY SYSTEMS (BWES). Wind Energy Systems that are structurally attached either onto the roof of or to the side of a building.

BULK AND SPACE REGULATIONS. The regulations of this Code pertaining to the permissible or required height, volume, area, floor area, floor area ratio, minimum lot area and dimensions, building coverage, lot coverage, and usable open space applicable to uses and structures. The term does not include yard requirements.

BULLETIN BOARD SIGN. See Subsection 9-106E of this Code.

BUSINESS HEADQUARTERS. A development consisting of general business offices of a single business enterprise, including any of its divisions, affiliates, or subsidiaries, plus any ancillary uses central to the operations and functions of such business enterprise, including warehouse, sales, and storage facilities. A Business Headquarters must have a substantial office presence, including general management offices. In no event shall a Business Headquarters include as a principal use public warehousing or trucking.

BUSINESS SIGN. See Subsection 9-106E of this Code.
C. When used in this Code, the following terms shall have the meanings herein ascribed to them:

CALIPER. The diameter of the trunk of a tree measured in inches at a point 6 inches above ground line. This point of measurement is used for nursery stock.

CANOPY. A roof-like structure of a permanent nature that projects from the wall of a building.

CANOPY SIGN. See Subsection 9-106E of this Code.

CANOPY TREE. Any of the tree species included in Appendix A to this Code, or such similar trees approved by the Building Commissioner.

CARRY-OUT ESTABLISHMENT OR RESTAURANT. An establishment which by design of physical facilities or by service or packaging procedures permits or encourages the purchase of prepared, ready-to-eat foods intended to be consumed off the premises, and where the consumption of food in motor vehicles on the premises is neither permitted nor encouraged.

CELLAR. A portion of a structure located partly or wholly underground having an average ceiling height above grade of not more than 2 feet.

CERTIFICATE OF NONCONFORMITY. See Subsection 11-402G of this Code.

CERTIFICATE OF OCCUPANCY. See Section 11-402 of this Code.

CERTIFICATE OF ZONING COMPLIANCE. See Section 11-401 of this Code.

CIRCULATION AISLE. The means of access to a parking or loading space for a motor vehicle.

CIVIC USE OR PURPOSE. An undertaking in which the citizens of a community, by their cooperative action and as their central goal, seek to promote the general welfare and common good of the community; in other words, a community movement to accomplish community goals.

CIVIC EVENT SIGN. See Subsection 9-106E of this Code.

CLASSIFICATION OR ZONING CLASSIFICATION. The district into which a parcel of land is placed and the body of regulations to which it is subjected by this Code and the Zoning Map.

COLLEGE. An institution of higher education that grants a bachelor’s or move advanced degree at the completion of a course of study.

CO-LOCATION: The use of a single support structure and/or site by more than one provider of personal wireless services.
COMPLETELY ENCLOSED BUILDING. A building separated on all sides from the adjacent open area, or from other buildings or structures, by a permanent roof and by exterior walls or party walls, pierced only by windows or doors normally provided for the accommodation of persons, goods or vehicles. However, a parking structure that has less than 50 percent of its outer wall space open but that does not allow any parked vehicle within said structure to be seen from the exterior thereof shall be considered a completely enclosed building.

COMPREHENSIVE PLAN. See Subsection 11-201B of this Code.

CONSTRUCTION SIGN. See Subsection 9-106E of this Code.

CORNER LOT. See Subsection 12-206L, “Lot, Corner,” of this Section.

COVERED PORCH. A porch, as defined herein, that is covered by a roof, canopy, or similar permanent structure.

CUL-DE-SAC. A street having one end open and one end permanently terminated by a vehicular turn-around.

CURB LEVEL. The street curb height at the mid-point of a lot line. Where no curb exists, the elevation of the crown of the street at the midpoint of the lot line shall be deemed to be the curb level.

CUTOFF. A hood, shade, or other device on an exterior light fixture for shielding or obscuring the diffusion of illumination from the light source or sources of such fixture.

CUTOFF, ANGLE OF. The angle between a vertical line from the center of a light source of an exterior fixture extended to the ground and the first line of sight at which the light source itself is not visible from the closer (as measured horizontally from the center of the light source) of either (a) a point five feet above ground level, or (b) a point on the plane extending vertically from the lot line on the lot in question that is farthest from the light source.
D. When used in this Code, the following terms shall have the meanings herein ascribed to them:

**DAY CARE.** Daytime care or instruction of children away from their own homes by a person other than a relative, whether or not for compensation or reward.

**DAY CARE CENTER.** A place providing day care for children and not operated as a home occupation.

**DAY CARE HOME.** A dwelling unit in which day care for children is being provided as a home occupation.

**DBH (Diameter Breast Height).** The diameter of the trunk of a tree of a tree measured in inches at a point 4.5 feet above ground line. This point of measurement is used for established and mature trees.

**DECK.** A structure attached to or closely adjacent to any dwelling unit that is designed and intended for the support of persons; that is made of wood or synthetic material; that has no permanent or temporary cover or canopy; that is constructed on piers and without continuous foundation or footings; and that has no part extending above the floor level of the first story of such dwelling, excluding any cellar or basement; provided, however, that protective, decorative, or ornamental appurtenances such as hand railings, benches, and the like may extend to a height of 42 inches above such floor level.

**DEDICATION.** The designation of land for a public use by the owner thereof.

**DENSITY, GROSS.** The number of persons, families, or dwelling units or the amount of gross floor area in a building, on a lot, or in a development divided by the gross area of the development.

**DENSITY, NET.** The number of persons, families, or dwelling units or the amount of gross floor area in a building, on a lot, or in a development divided by the net area of the development.

**DEPT OF LOT.** See Subsection 12-206L, “Lot Depth,” of this Section.

**DETENTION.** Temporary on-site storage of storm water to be released at a pre-determined rate by means of facilities engineered for that purpose.

**DEVELOPMENT.** Any man-made change, other than maintenance of existing structures, paved areas, or utilities, to improved or unimproved real estate, including without limitation the construction or installation of new, or enlargement of existing, structures, streets, or utilities; dredging, filling, drilling, mining, grading, paving, or excavating operations; and open storage of materials.

**DIRECTIONAL OR PANEL ANTENNA:** Personal wireless services antenna that receives and transmits signals in a directional pattern typically encompassing an arc of 120 degrees.
DISPLAY SURFACE OR FACE. The area made available by a sign structure for the purpose of displaying the sign’s message.

DISTANCE OF SIGN PROJECTION. The distance from the exterior wall surface of a building to the sign element farthest distant from such surface.

DISTRICT OR DISTRICT, ZONING. See Subsection 12-206Z, “Zoning District,” of this Section.

DISTRICT BOUNDARY LINE. A line on the Zoning Map separating one district from another. See also Subsection 2-103C of this Code.

DISTRICT BOUNDARY LOT. Any lot or parcel of land any lot line of which coincides with a district boundary line or which is contiguous to any public or private right-of-way containing a district boundary line.

DRIVE-IN ESTABLISHMENT OR FACILITY. An establishment or facility that by design of physical facilities or by service or packaging procedures encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on or off the premises or to be entertained while remaining in a motor vehicle.

DRIVEWAY. A private access way that provides direct access from a street to not more than one lot or one principal building or use.

DWELLING. Any structure or portion thereof designed or used for habitation including, when located in a residential district, any structure in which food or drink is stored on a regular basis for any purpose, beds are placed at any time for any purpose, or kitchen or cooking facilities (other than one compact refrigerator not exceeding six cubic feet in size) are installed at any time for any purpose.

DWELLING, SINGLE FAMILY DETACHED. A dwelling containing only one dwelling unit, situated on a separate subdivision lot capable of individual sale and completely surrounded by open space.

DWELLING UNIT. Any room or group of rooms located within a dwelling forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking, eating, and sanitation by one family.
E. When used in this Code, the following terms shall have the meanings herein ascribed to them:

**EASEMENT.** Authorization by a property owner for the use by another, and for a specified purpose, of any designated area of his or her property. The term also refers to such a designated area.

**EFFECTIVE DATE.** See Section 12-107 of this Article XII.

**ELECTION SIGN.** See Subsection 9-106E of this Code.

**ENLARGEMENT.** An addition to the floor area of, or any other increase in the size of, any existing structure.

**EXISTING STRUCTURE:** Existing structure or building to which antennae may be attached.

**EXTENSION.** An increase in the amount of existing floor area used for an existing use within an existing structure or an increase in that portion of a tract of land occupied by an existing use.

**EXTERIOR WALL.** Any wall of a building or structure one side of which is exposed to the outdoors.
F. When used in this Code, the following terms shall have the meanings herein ascribed to them:

FAMILY. One or more persons related by blood, marriage, legal adoption, or guardianship, or not more than two persons not so related, together with domestic servants and not more than one gratuitous guest living together as a single housekeeping unit.

FENCE, CLOSED-TYPE. A wall, fence, gate, or similar barrier that is not an open-type fence.

FENCE, OPEN-TYPE. A wall, fence, gate, or similar barrier, or any ten linear foot segment of such a barrier, where the visibility at right angles to any surface of such barrier or segment thereof is not reduced by more than fifty percent (50%).

FLOOR AREA, GROSS. (For all purposes except determining off-street parking requirements). The sum of the gross horizontal areas of all floors of a building or of such area thereof devoted to a specific use, measured from the exterior face of exterior walls or from the center line of walls separating two buildings or uses. Gross floor area shall include areas such as basement floors (but not cellar floors); elevator shafts and stairwells at each floor; floor spaces and shafts used for mechanical, electrical, and plumbing equipment; penthouses; attic floors in habitable attic spaces; interior balconies and mezzanines; atria; 50 percent of the floor area of (i) canopies, (ii) covered porches, (iii) covered walkways, or (iv) enclosed or covered floor space used for accessory uses. Gross floor area shall also include floor area devoted to parking garages and parking structures, but not parking lots. No floor area devoted to a public water storage facility shall be included in gross floor area. Where any space has a floor to ceiling height of more than 14 feet, each 14 feet of height or fraction thereof shall be treated as a separate floor; provided, however, that such ceiling height limitation of fourteen (14) feet shall not apply to (a) warehousing or storage areas within a business headquarters planned unit development, or (b) indoor tennis court areas within member sports and recreation facilities located in the office district.

FLOOR AREA, NET. (For determining off-street parking requirements.) The gross floor area of a building minus elevator shafts and stairwells at each floor; floor space and shafts used for mechanical, electrical, and plumbing equipment; exterior building walls; floor space devoted to parking garages and structures; and basement floor space used only for bulk storage.

FLOOR AREA RATIO (FAR). The gross floor area of a building divided by the total lot area of the zoning lot on which it is located. For planned developments, the FAR shall be determined by dividing the gross floor area of all buildings by the net area of the site.

FOOT CANDLE. A unit of illuminance on a surface one foot distant from a source of light of one candle power, equal to one lumen per square foot. As an example, a typical 60-watt incandescent lamp (840 lumens) produces an illuminance of 0.1 foot candles at a distance of 25 feet.

FRONT YARD.  See Subsection 12-206Y, “Yard, Front,” of this Section.


FRONTAGE.  All of the property fronting on one side of a street, measured along such street, between an intersecting or intercepting street and another intersecting or intercepting street, a right-of-way in excess of 30 feet, an end of a dead-end street, or a Village boundary.

FRONTAGE, ZONING LOT.  All of the property of a zoning lot fronting on a street, measured between side or corner side lot lines.
G. When used in this Code, the following terms shall have the meanings herein ascribed to them:

**GARAGE, PARKING.** See Subsection 12-206P, “Parking Garage” of this Section.

**GEOTHERMAL ENERGY SYSTEM.** A system or mechanism or series of mechanisms designed to provide heating or cooling or to produce electrical or mechanical power, or any combination of these, by a method that extracts or converts the energy naturally occurring beneath the earth's surface in rock, structures, water, or steam. Geothermal Energy Systems include, without limitation: vertical closed loop, horizontal closed loop, and body of water closed loop systems.

**GLARE, DIRECT.** Light visible directly from the source thereof.

**GOVERNMENTAL SIGN.** See Subsection 9-106E of this Code.

**GRADE.** The lowest level of the ground existing prior to any reshaping of the natural contours at any point of the foundation of a structure or proposed structure.

**GRADING.** Reshaping natural land contours using natural land materials.

**GROUND SIGN.** See Subsection 9-106E of this Code.
H. When used in this Code, the following terms shall have the meanings herein ascribed to them:

HABITABLE: Space in a structure for living, sleeping, eating, or cooking having a ceiling height of not less than 7 feet measured to the lowest projection from the ceiling; provided, however, that in any room with a sloping ceiling, at least one half of such room shall be at the prescribed ceiling height to be habitable.

HEIGHT. See Subsection 12-206M, “Maximum Building Height” and “Measured Building Height” of this Section.

HOLIDAY DECORATIONS. See Subsection 9-106E of this Code.

HOME OCCUPATION. See Subsection 9-102B of this Code.

HOTEL. An establishment that is designed for and offers lodging accommodations to the general public for transient guests; that is commonly known as a hotel or motel in the community in which it is located; and that provides customary hotel services such as maid service, furnishing and laundering of linens, telephone services, desk services, and the use and upkeep of furniture.
I. When used in this Code, the following terms shall have the meanings herein ascribed to them:

IDENTIFICATION SIGN. See Subsection 9-106E of this Code.

IMPERVIOUS SURFACE. Any hard surfaced, man-made area on a zoning lot that does not readily absorb or retain storm water or runoff, including but not limited to buildings and structures, parking areas, parking lots, driveways, sidewalks, and paved recreational facilities.

IMPROVEMENT OR FACILITY, PUBLIC. A sanitary sewer, storm sewer, drainage appurtenance, water main, roadway, parkway, sidewalk, planting strip, or other facility for which the Village or any other government agency may assume maintenance or operational responsibility.

INTERPRETATION. See Section 11-501 and Article XII, Part 2, of this Code.

INTERIOR LOT. See Subsection 12-206L, “Lot, Interior,” of this Section.
J. When used in this Code, the following term shall have the meaning herein ascribed to it:

JOINT IDENTIFICATION SIGN. See Subsection 9-106E of this Code.
K. When used in this Code, the following terms shall have the meanings herein ascribed to them:

**KEEP, HARBOR, OR OTHERWISE MAINTAIN.** The act of owning; having in one’s care or custody; or knowingly permitting any dog to remain on or about any lot, for a period consisting of more than 50 consecutive days.
L. When used in this Code, the following terms shall have the meanings herein ascribed to them:

**LANDBANKING.** The setting aside of land area for future use. See also Subsection 9-104E of this Code.

**LEARNING CENTER.** A separate business establishment occupying not more than 1500 square feet of floor area that offers private, semi-private, and small group academic instruction in classes not exceeding twenty-five (25) students at any time.

**LEGAL NONCONFORMING LOT OF RECORD.** See Subsection 10-105A of this Code.

**LESS RESTRICTIVE DISTRICT.** See Section 2-102B of this Code.

**LIGHT SOURCE.** That portion of an exterior lighting fixture from which light is generated, including without limitation a bulb, lamp, tube, or other similar device.

**LIVE ENTERTAINMENT.** A public performance intended to be diverting or engaging with or without the use of instrumental, electronic, or mechanical accompaniment.

**LOADING SPACE.** An off-street area used for the standing, loading, or unloading of one truck or trailer.

**LOT.** See Subsection 12-206L, “Lot of Record” and “Lot, Zoning,” of this Section. Unless the context indicates otherwise, all references in this Code to a “lot” shall be deemed to mean a “zoning lot.”

**LOT AREA, TOTAL.** The total land and water area included within lot lines, excluding, however, land areas subject to easements for public or private access or egress.

**LOT AREA PER UNIT.** That portion of the total lot area allocated for each dwelling unit located on a lot.

**LOT, BUILDABLE AREA OF A.** That portion of a lot bounded by the required yards.

**LOT, BUILDABLE WIDTH OF A.** The width of a lot remaining as buildable after side yards and corner side yards are provided.

**LOT, CORNER.** A lot abutting upon two or more streets at their intersection or junction or a lot bounded on two sides by a curving street where it is possible to draw two intersecting tangents, one each commencing at each of the two points of intersection of the lot lines and street line, which intersect with each other to form an interior angle of less than 135 degrees.

**LOT COVERAGE.** The percentage of a lot’s area covered by any impervious surface. See also Subsection 12-206B, “Building Coverage,” of this Section.

**LOT DEPTH.** The mean horizontal distance between the front and rear lot lines.
LOT, INTERIOR. A lot other than a corner lot.

LOT LINES. The property lines bounding a lot; provided, however, that when a lot includes land subject to a public or private right-of-way for street purposes, the line separating such right-of-way from the rest of the lot shall be deemed to be the lot line.

LOT LINE, CORNER SIDE. Any street line of a corner lot other than its front lot line.

LOT LINE, FRONT. In the case of an interior lot abutting upon only one right-of-way for street purposes, the line separating such lot from such right-of-way; in the case of a through lot, each line separating such lot from a right-of-way for street purposes shall be considered a front lot line; in the case of a corner lot, the shorter lot line separating such lot from a right-of-way for street purposes shall be considered to be the front lot line.

LOT LINE, REAR. That lot line that is parallel to and most distant from the front lot line of the lot; provided, however, that in any case where no lot line of at least 20 feet in length is parallel to the front lot line, an imaginary line 20 feet in length, entirely within the lot, parallel to, and at the maximum possible distance from, the front lot line shall be considered to be the rear lot line.

LOT LINE, SIDE. Any lot line other than a front, corner-side, or rear lot line.

LOT, MINIMUM TOTAL AREA OF. The smallest lot on which a particular use or structure may be located in a particular district.

LOT OF RECORD. A lot that is part of a subdivision, the plat of which has been recorded in the office of the Lake County Recorder of Deeds, or a parcel of land separately described in a recorded deed.

LOT, THROUGH. A lot having frontages on two non-intersecting streets.

LOT WIDTH. The mean horizontal distance between the side lot lines of a lot, measured within the lot boundaries.

LOT, ZONING. A tract of land consisting of one or more lots of record, or parts thereof, bounded by lot lines, and under single ownership located entirely within a block and occupied by, or designated by its owner or developer at the time of filing for any zoning approval or building permit as a tract to be developed for, a principal building or, where permitted, buildings and their accessory buildings, or a principal use, together with such open spaces and yards as are designed and arranged, or required under this Code, to be used with such building or use.
M. When used in this Code, the following terms shall have the meanings herein ascribed to them:

MARQUEE OR CANOPY. A roof-like structure of a permanent nature that projects from the wall of a building.

MARQUEE SIGN. See Subsection 9-106E of this Code.

MAXIMUM BUILDING HEIGHT. The vertical distance measured from grade to the highest point of a structure. Chimneys of single family residential buildings shall not be considered in determining the maximum building height of such buildings provided that no portion of any such chimney extends more than three (3) feet above the height measured without regard to such chimney. Parapet walls and other screening structures required by Subsection 9-108G shall not be considered in determining the height of buildings having rooftop mechanical equipment provided that no portion of any such screening structure extends more than five (5) feet above the height measured without regard to such screening structure.

MEASURED BUILDING HEIGHT. The vertical distance measured from grade: to the highest point of the roof in the case of a flat roof; to the deck line in the case of a mansard roof; and to the mean height level between the highest ridge line and the undersides of the eaves in the case of gable, gambrel, and hip roofs.

MEMORIAL SIGN. See Subsection 9-106E of this Code.

MINIMUM LOT AREA. See Subsection 12-206L, “Lot, Minimum Total Area Of,” of this Section.

MONOPOLE: Support structure which consists of a single pole sunk into the ground and/or attached to a foundation.

MORE RESTRICTIVE DISTRICT. See Section 2-102B of this Code.

MOVING SIGN. See Subsection 9-106E of this Code.
When used in this Code, the following terms shall have the meanings herein ascribed to them:

**NAME PLATE SIGN.** See Subsection 9-106E of this Code.

**NET FLOOR AREA.** See Subsection 12-206F, “Floor Area, Net,” of this Section.

**NONCONFORMING LOT OF RECORD.** A lot of record that does not comply with the lot requirements for any use permitted in the district in which it is located.

**NONCONFORMING LOT OF RECORD, LEGAL.** See Subsection 10-105A of this Code.

**NONCONFORMING SIGN.** Any sign lawfully existing on the effective date of this Code, or any amendment to it rendering such sign nonconforming, that does not comply with all of the standards and regulations of this Code or any such amendment hereto.

**NONCONFORMING STRUCTURE.** Any building or structure, other than a sign, lawfully existing on the effective date of this Code, or any amendment to it rendering such building or structure nonconforming, that:

(a) does not comply with all of the regulations of this Code, or any such amendment thereto, governing parking, loading, or bulk and space requirements for the zoning district in which such building or structure is located; or

(b) is located on a lot that does not, or is so located on a lot as not to, comply with the yard or setback requirements for the zoning district in which such building or structure is located; or

(c) both (a) and (b); except

(d) any building containing one or more dwelling units in addition to the number permitted by the district regulations in the district where it is located shall be deemed to be a nonconforming use rather than a nonconforming structure.

**NONCONFORMING USE.** Any use lawfully being made of any land, building, or structure, other than a sign, on the effective date of this Code, or any amendment to it rendering such use nonconforming, that does not comply with all of the regulations of this Code, or any such amendment hereto, governing use for the zoning district in which such land, building, or structure is located.
O. When used in this Code, the following terms shall have the meanings herein ascribed to them:

**OFFICE BUILDING.** Any building the principal use of which is an office use.

**OFFICE DISTRICT.** See Article V of this Code.

**OFFICE USE OR PURPOSE.** Any use permitted in the Office District.

**OFFICIAL COMPREHENSIVE PLAN.** See Subsection 11-201B of this Code.

**OFFICIAL MAP.** See Section 11-202 of this Code.

**OMNI-DIRECTIONAL OR WHIP ANTENNA.** Personal wireless services antenna that receives and transmits signals in a 360 degree pattern, and which is up to 12 feet in height and up to 3 inches in diameter.

**ON-SITE INFORMATIONAL SIGN.** See Subsection 9-106E of this Code.

**OPEN SPACE AND USABLE OPEN SPACE.** An area or areas of a lot, including required yards, that is:

(a) open and unobstructed from ground to sky except by facilities specifically designed, arranged, and intended for use in conjunction with passive or active outdoor recreation or relaxation; and

(b) located at least five feet from any structure except structures specifically designed, arranged, and intended for use in conjunction with passive or active outdoor recreation or relaxation; and

(c) landscaped, maintained, or otherwise treated to create a setting appropriate to recreation or relaxation; and

(d) accessible and usable by the residents of all dwellings, or the users of all non-residential buildings, it is intended or required to serve.

**OPEN SPACE, COMMON.** Open space held in private ownership, regularly available for use by the occupants of more than one dwelling or the users of more than one non-residential building.

**OPEN SPACE, PRIVATE.** Open space held in private ownership, the use of which is normally limited to the occupants of one dwelling or the users of one non-residential building.

**OPEN SPACE, PUBLIC.** Open space dedicated to or owned by any government or governmental agency or authority.

**OWNER.** Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least 10 years, and the like.
P. When used in this Code, the following terms shall have the meanings herein ascribed to them:

**PARKING AREA.** Any land area, not located in a parking garage or structure, designed and used for the parking of not more than four vehicles.

**PARKING GARAGE.** A structure, or part thereof, designed and used for the parking and storage of vehicles at one level.

**PARKING STRUCTURE.** A structure, or part thereof, designed and used for the parking and storage of vehicles at two or more levels.

**PARKING LOT.** Any land area, not located in a parking garage or structure, designed or used for the parking of more than four vehicles.

**PARKING SPACE.** An area for the parking of a vehicle.

**PARTICULATE MATTER.** Material other than water that is suspended or discharged into the atmosphere in a finely divided form as a liquid or solid.

**PATIO.** A paved or surfaced level plane attached to or closely adjacent to a dwelling unit that is constructed entirely at, or within 6 inches of, the average level of the adjoining grade and is intended to be used for sitting, eating and drinking, cooking, or similar activities.

**PERIMETER LANDSCAPED OPEN SPACE.** A landscaped open space intended to enhance the appearance of, or screen from view, parking lots and other outdoor aesthetically unpleasant uses or areas or to create a transition between incompatible uses by means of appropriate buffering, landscaping, or screening primarily along lot lines.

**PERSONAL WIRELESS SERVICES:** Commercial mobile telecommunications services, unlicensed wireless telecommunications services, and common carrier wireless telecommunications exchange access services.

**PERSONAL WIRELESS SERVICES ANTENNA:** An antenna used in connection with the provision of personal wireless services, including directional or panel antennae and omni-directional or whip antennae.

**PERSONAL WIRELESS FACILITIES:** Equipment, accessory buildings, and other instruments, appurtenances, and facilities associated with the operation of a personal wireless services antenna.

**PHOTOVOLTAIC CELL.** A semiconductor device that converts solar energy into electricity.

**PLANNED DEVELOPMENT.** A parcel of property under single ownership or unified control that may be developed as a unit pursuant to the provisions of Section 11-603 of this Code, thus allowing the possibility of relaxation of otherwise applicable substantive regulations of this Code, including bulk, yard, and space regulations, and offering greater
flexibility of design and uses for such parcel of property. See Section 11-603 of this Code.

PLAN COMMISSION. The Plan Commission of the Village of Bannockburn. See Section 11-103 of this Code.

PLAY FIELD. An area of active recreation such as a baseball diamond, a football field, a soccer field, or the like.

POLITICAL MESSAGE SIGN. See Subsection 9-106E of this Code.

POLITICAL SIGN. See Subsection 9-106E of this Code.

PORCH. An open-air area of a building other than a deck or patio, including areas that are fully- or partially-enclosed by screens, shades, curtains, or similar devices and that is intended to be used for sitting, eating and drinking, cooking, or similar activities.

PORTABLE SIGN. See Subsection 9-106E of this Code.

PREMISES. A lot, plot, or parcel of land, together with the buildings and structures thereon.

PRINCIPAL STRUCTURE OR BUILDING. A structure or building on a zoning lot intended to be utilized for a principal use and to which any other structure on such lot must be accessory.

PRINCIPAL USE. The use of a zoning lot, whether a permitted or specially permitted use, designated by the owner of such lot as the primary or main use of such lot and to which any other use on such lot must be accessory.


PRIVATE SALE SIGN. See Subsection 9-106E of this Code.

PRIVATE WARNING SIGN. See Subsection 9-106E of this Code.

PROJECTING SIGN. See Subsection 9-106E of this Code.


PUBLIC HEARING. A meeting conducted pursuant to the provisions of the Illinois Open Meetings Act at which members of the general public must be permitted to give testimony, evidence, or opinions relevant to the subject matter.

PUBLIC IMPROVEMENT OR FACILITY. See Subsection 12-206I, “Improvement or Facility, Public,” of this Section.

PUBLIC MEETING. A meeting conducted pursuant to the provisions of the Illinois Open Meetings Act at which members of the general public, as opposed to members of
the committee, board, or commission and as opposed to the applicant for relief, have no right (but may be given the opportunity) to offer testimony, evidence, or opinions.

PUBLIC UTILITY. Any person, firm, or corporation under public regulation furnishing franchised services such as cable television, electricity, gas, telephone, water, or sewage service.


PYLON. A solid, columnar, or similar structure (including all decorative features) that is either freestanding or a distinct element of a fence, with a footprint not exceeding four square feet.

PYLON SIGN. See Subsection 9-106E of this Code.
Q. [RESERVED FOR FUTURE USE]
R. When used in this Code, the following terms shall have the meanings herein ascribed to them:

RAILROAD RIGHT-OF-WAY. A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

REAL ESTATE SIGN. See Subsection 9-106E of this Code.


RECREATIONAL DEVICE. A structure or outdoor facility intended primarily for recreational use by children such as, but not limited to, a play house, a swing set, a trampoline, a sand box, or a basketball backboard.

RECREATIONAL FACILITY, RESIDENTIAL. An area, court, pool, or facility, other than a recreational device, intended for active recreational or athletic use such as game courts, swimming pools, or ball fields established as an accessory use to a residential dwelling.

RECREATIONAL VEHICLE. Every vehicle or boat originally designed for living quarters, recreation, or human habitation and not used as a commercial vehicle, including, but not limited to, the following:

(a) Boat. Any vessel used for water travel. A boat mounted on a trailer shall be considered one vehicle.

(b) Camper Trailer. A folding or collapsible vehicle without its own motive power, designed as temporary living quarters for travel, camping, recreation or vacation use;

(c) Motorized Home. A temporary dwelling designed and constructed for travel, camping, recreational or vacation uses as an integral part of a self-propelled vehicle.

(d) Off-The-Road Vehicle. A vehicle intended principally for recreational use off of roads where state vehicle licenses are required, such as a dune buggy, go-cart, or snowmobile.

(e) Racing Car or Cycle. A vehicle intended to be used in racing competition, such as a race car, stock car, or racing cycle.

(f) Travel Trailer. A vehicle without its own motive power, designed to be used as a temporary dwelling for travel, camping, recreational, or vacation uses.
(g) Truck Camper. A structure designed primarily to be mounted on a pickup or truck chassis and designed to be used as a temporary dwelling for travel, camping, recreational, or vacation uses. When mounted on a truck, such a structure and the truck shall together be considered one vehicle.

(h) Van. A general term applied to a non-commercial motor vehicle licensed by the State of Illinois as a Recreational Vehicle.

(i) Vehicle Trailer. A vehicle without its own motive power that is designed to transport another vehicle, such as a boat, motorcycle or snowmobile for recreational or vacation use and that is eligible to be licensed or registered and insured for highway use. A vehicle trailer with another vehicle mounted on it shall be considered one vehicle.

RESIDENTIAL STRUCTURE. A structure containing one or more dwelling units.

RESIDENTIAL DISTRICT. See Article III of this Code.

RESIDENTIAL USE OR PURPOSE. Any use permitted in a Residential District.

RETAIL DISTRICT. See Article IV of this Code.

RETENTION BASIN. An area containing a permanent pool of water as well as capacity to detain additional storm water for long periods of time.

RIGHT-OF-WAY, PRIVATE. A strip of land designated for use for vehicular or pedestrian access or passage, or for utility lines or similar facilities, that has not been dedicated to or accepted by any government agency.

RIGHT-OF-WAY, PUBLIC. A strip of land designated for use for vehicular or pedestrian access or passage, or for utility lines or similar facilities, that has been dedicated to and accepted by a government agency.

ROOF SIGN. See Subsection 9-106E of this Code.
S. When used in this Code, the following terms shall have the meanings herein ascribed to them:

SCREENING. A structure erected or vegetation planted that conceals an area from view at all times during the year.

SETBACK. The minimum horizontal distance between a specified lot line, measured along a straight line and at a right angle to such lot line, and the nearest point of a building or structure.

SIC. The Standard Industrial Classification Manual. See post this Subsection.


SIGN. Any object, device, display, or structure, or part thereof, situated outdoors or indoors, that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, or projected images, whether or not illuminated. For definitions of particular functional and structural types of signs, see Subsection 9-106E of this Code.

SIGN, NONCONFORMING. Any sign that fails to conform to the regulations of Section 9-106 of this Code.

SIGN WITH BACKING. Any sign that is displayed upon, against, or through any material or color surface or backing that forms an integral part of such display and differentiates the total display from the background against which it is placed.

SIGN WITHOUT BACKING. Any sign other than a sign with backing.

SINGLE FAMILY DETACHED DWELLING. See Subsection 12-206D, “Dwelling, Single Family Detached,” of this Section.

SITE PLAN. A graphic rendering of a proposed use, construction, or development that complies with the provisions of Section 11-604 of this Code.

SITE PLAN REVIEW. See Section 11-604 of this Code.

SMALL WIND ENERGY SYSTEMS (SWES). Free-standing, tower-mounted Wind Energy Systems with a system height measuring less than 175 feet from the ground.

SMOKE. Small gas-borne particles other than water that form a visible plume in the air.

SOLAR ENERGY SYSTEM. A system for which the primary purpose is to convert solar energy into thermal, mechanical or electrical energy for storage and use.
SOLAR PANEL. A group of photovoltaic cells that are assembled on a panel used as part of a Solar Energy System.

SPECIAL USE. See Subsection 12-206U, “Use, Special,” of this Section.

SPECIAL USE PERMIT. See Section 11-602 of this Code.

STACKING SPACE. An area, measuring at least eight feet in width and 20 feet in length, for the temporary storage of a vehicle awaiting access to a drive-in establishment or facility.


STORY. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above, then the space between the floor and the ceiling next above it. The floor of a story may split levels provided that there is not more than four feet difference in elevation between the different levels of the floor. A basement shall be counted as a story. A cellar shall not be counted as a story. Any area in which the distance from one floor to the floor or ceiling above it is more than 16 feet shall be deemed to consist of one story for each 16 feet of height or major fraction thereof.

STREET. The paved portion of a public or private right-of-way, other than a driveway, that affords the principal means of vehicular access to abutting property.

STREET LINE. A lot line separating a street right-of-way from other land.

STRUCTURE. Anything constructed or erected, the use of which requires more or less permanent location on or in the ground, or anything attached to something having a permanent location on or in the ground, but not including paving or surfacing of the ground. “Structure” shall in all cases be deemed to refer to both structures and buildings.

STRUCTURE, ACCESSORY. See Section 9-101 of this Code.

STRUCTURAL ALTERATION. Any change, other than incidental repairs, that would prolong the life of the supporting members of a structure such as bearing walls, columns, beams, girders, or foundations or that would alter the dimensions or configurations of the roof or exterior walls of a structure or that would increase either the gross or net floor area of a structure.

STRUCTURE, NONCONFORMING. See Subsection 12-206N, “Nonconforming Structure,” of this Section.

STRUCTURE, PRINCIPAL. See Subsection 12-206P, “Principal Structure,” of this Section.

SUBDIVISION ORDINANCE. The Bannockburn Subdivision Regulations Ordinance.
SUBSTANTIAL CONFORMITY. For the purposes of granting plan approvals relating to planned developments and site plans, a newly submitted plan shall be deemed to be in substantial conformity with a previously approved plan if, but only if, the newly submitted plan:

(a) does not increase the number of dwelling units, the gross floor area of the development, or the gross floor area devoted to any particular use; and

(b) does not increase building coverage by more than 10 percent of the percentage of the previously approved plan; and

(c) does not change the orientation of any building by more than two percent compared to the previously approved plan; and

(d) does not decrease open space; and

(e) does not change the general location of any open space in any manner to detract from its intended function in the previously approved plan; and

(f) does not change the general location and arrangement of land uses within the development as shown on the previously approved plan; and

(g) does not change or relocate rights-of-way shown on the previously approved plan in any manner or to any extent that would decrease their functionality, adversely affect their relation to surrounding land use and rights-of-way elements, or reduce their effectiveness as buffers or amenities; and

(h) does not alter the percentage of any land use in any stage of the development by more than 10 percentage points as compared to its percentage in the previously approved plan; and

(i) does not delay any stage of the previously approved development schedule by more than 12 months; and

(j) does not violate any applicable law or ordinance; and

(k) does not depart from the previously approved plan in any other manner determined by the reviewing body or official, based on stated findings and conclusions, to be a material deviation from the previously approved plan.

SUPPORT STRUCTURE: Structure to which antenna and other necessary associated hardware is mounted. Support structures include but are not limited to existing structures, towers, and monopoles.

SURFACE AREA, ANTENNA. An area determined by adding together the actual surface area of each solid element or part of an antenna or its support structure, where “solid” is defined to include all air spaces that are fully bounded by solid elements.
When used in this Code, the following terms shall have the meanings herein ascribed to them:

**TEMPORARY SIGN.** See Subsection 9-106E of this Code.

**TEMPORARY USES.** See Section 9-103 of this Code.

**TOWER:** Support structure which consists of a network of crossed metal braces, forming a tower which is usually triangular or square in cross-section.

**TREE HOUSE.** A recreational structure located in or attached to one or more trees, and for which a tree provides the foundation.
When used in this Code, the following terms shall have the meanings herein ascribed to them:

UNDERSTORY TREE. Any of the tree species included in Appendix B to this Code, or such similar trees approved by the Building Commissioner.

UPLINK SATELLITE DISH. A structure designed for transmitting signals to satellites, together with any attendant supporting structure.


USE. The purpose or activity for which a structure or land is designed, arranged, or intended, or for which it is occupied or maintained.

USE, ACCESSORY. See Section 9-101 of this Code.

USE INTERPRETATION. An interpretation of the permitted use or special use lists established by this Code for the purpose of allowing a use not expressly mentioned in those lists to be established in a zoning district found to be appropriate for such use by application of the standards established in Subsection 11-501E of this Code.

USE, NONCONFORMING. See Subsection 12-206N, “Nonconforming Use,” of this Section.

USE, PERMITTED. A use that appears on the permitted use list of a particular zoning district.

USE, PRINCIPAL. See Subsection 12-206P, “Principal Use,” of this Section.

USE, SPECIAL. A use that appears on the special use list in a particular district.

USE, TEMPORARY. See Section 9-103 of this Code.
V. When used in this Code, the following terms shall have the meanings herein ascribed to them:

VACANT. Not developed with any building, structure, or paving or surfacing of the ground.

VARIATION. See Section 11-503 of this Code.

VEHICLE. Any device for carrying passengers, goods, or equipment including, but not limited to, passenger automobiles, vans, trucks, buses, recreational vehicles, and vehicles used for commercial, business, or governmental purposes.


VILLAGE ENGINEER. The person or firm duly appointed from time to time to serve as Village Engineer of the Village.
When used in this Code, the following terms shall have the meanings herein ascribed to them:

**WALL SIGN.** See Subsection 9-106E of this Code.

**WARNING SIGN.** See Subsection 9-106E of this Code.

**WHOLESALE TRADE.** A business engaged in the sale of commodities in quantity, usually for resale or business use chiefly to retailers, other businesses, industries, and institutions rather than to the ultimate consumer.

**WIDTH OF LOT.** See Subsection 12-206L, “Lot Width,” of this Section.

**WIND ENERGY SYSTEM (WES).** A wind energy production, conversion and distribution system consisting of a wind turbine, tower or other structure on which the turbine is mounted, and associated electronic, electric, or other mechanical equipment; provided, however, that such WES shall be limited to Building-Mounted Wind Energy Systems and Small Wind Energy Systems.

**WINDOW SIGN.** See Subsection 9-106E of this Code.
X. [RESERVED FOR FUTURE USE]
When used in this Code, the following terms shall have the meanings herein ascribed to them:

**YARD.** A required open space on a lot between a lot line and a yard line that is, except as otherwise expressly authorized by this Code, unoccupied and unobstructed from grade to the sky.

**YARD, CORNER SIDE.** A yard extending from the front yard line to the rear lot line between the corner side lot line of the lot and the corner side yard line.

**YARD, FRONT.** A yard extending across the entire front of a lot between the front lot line of the lot and the front yard line.

**YARD LINE, CORNER SIDE.** A line drawn parallel to a corner side lot line at a distance therefrom equal to the depth of the required corner side yard.

**YARD LINE, FRONT.** A line drawn parallel to a front lot line at a distance therefrom equal to the depth of the required front yard. If the front lot line is not straight, then the front yard line shall be drawn as nearly parallel to such front lot line as possible but shall in no case be drawn closer to any point on such front lot line than the depth of the required front yard.

**YARD LINE, REAR.** A line drawn parallel to a rear lot line at a distance therefrom equal to the depth of the required rear yard.

**YARD LINE, SIDE.** A line drawn parallel to a side lot line at a distance therefrom equal to the depth of the required side yard.

**YARD, PERIMETER.** A yard within, and abutting the boundary of, a planned development.

**YARD, REAR.** A yard extending along the full length of the rear lot line between the side lot lines and between the rear lot line and the rear yard line, except that in the case of a corner lot the rear yard shall extend from the inner side lot line to the corner side yard line.

**YARD REQUIRED.** The minimum yard depth designated in the regulations of this Code establishing minimum front, corner side, side, and rear yard requirements for various uses, structures, and districts.

**YARD, SIDE.** A yard extending along a side lot line from the front yard to the rear yard between the side lot line and the side yard line.
Z. When used in this Code, the following terms shall have the meanings herein ascribed to them:

**ZONING BOARD OF APPEALS.** The Zoning Board of Appeals of the Village of Bannockburn. See Section 11-102 of this Code.

**ZONING CLASSIFICATION.** See Subsection 12-206C, “Classification or Zoning Classification,” of this Section.

**ZONING CODE.** The Bannockburn Zoning Code; that is, this Code. Unless the context specifically requires otherwise, all references to this Code shall be deemed to refer to any certificate, permit, approval, resolution, or ordinance granted or adopted pursuant to this Code.

**ZONING DISTRICT.** A part of the corporate area of the Village wherein regulations of this Code are uniform. See also Section 2-101 of this Code.

**ZONING DISTRICT MAP OR ZONING MAP.** See Section 2-103 of this Code.

**ZONING ENFORCEMENT OFFICIAL.** The Building Commissioner of the Village.

**ZONING LOT.** See Subsection 12-206L, “Lot, Zoning,” of this Section.
## APPENDIX A

### CANOPY TREE SPECIES LIST

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<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
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<tr>
<td>Acer platanoides</td>
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## APPENDIX B

### UNDERSTORY TREE SPECIES LIST

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APPENDIX C

Appendix 9-101D10-App. 1