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## Article 1 – General Provisions

### 1501 Title

This Chapter 15 (“Chapter” for purposes of this Chapter 15) shall be known, cited, and referred to as the “Village of Spring Grove Zoning Ordinance” and shall replace any and all previously stated Village of Spring Grove Zoning Ordinances.

### 1502 Intent and Purpose

1502.1 The purpose of this Zoning Ordinance is consistent with the overall community goals as stated in the Village’s Comprehensive Land Use Plan. This Zoning Ordinance seeks:

- A. To further implement the objectives and goals of the adopted Comprehensive Plan for the Village;
- B. To zone all land in the Village with a view to conserving property values and encouraging the most appropriate use of land throughout the Village;
- C. To protect all areas of the Village from harmful encroachment by incompatible uses;
- D. To establish adequate standards for the provision of light, air, and open spaces;
- E. To prevent the overcrowding of land and undue concentration of population, thereby preventing the development of blight and deterioration;
- F. To lessen congestion in the public streets;
- G. To provide for adequate drainage, control of erosion, reduction of flood damage, and destruction of sensitive and valuable environmental resources;
- H. To foster a desirable pattern of relationships to the mutual benefit of all types of development;
- I. To isolate and control the location of unavoidable nuisance-producing uses.

1502.2 To accomplish the above objectives, the Ordinance further seeks:

- A. To fix reasonable standards to which buildings, structures, and other uses of land shall conform;
- B. To prevent new construction or alteration or expansion of existing construction that does not comply with the restrictions herein;
- C. To provide for the elimination in appropriate situations of existing uses that are incompatible with the character of the districts in which they are located;

- D. To define the powers and duties of the officers and bodies charged with the enforcement of this Ordinance;
- E. To prescribe penalties for any violation of the provisions herein.

### **1503 Authority**

This Ordinance is adopted pursuant to 65 ILCS 5/11-13-1.

### **1504 Scope**

1504.1 Upon the passage of this Zoning Ordinance, a permit shall be obtained from the Village before there can be any change in the use of the land, grade of the land, building of a structure, enlargement or alteration of an existing structure as required by this Ordinance.

1504.2 No building, structure, land, or premises shall hereafter be constructed, altered, converted, enlarged, moved, used, or occupied except in conformity with the provisions hereof.

### **1505 Severability**

If any provision is declared invalid by a court of competent jurisdiction, the effect of such decision is limited to that provision which is expressly stated to be invalid. Such decision shall not affect, impair, or nullify this Ordinance as a whole or any part thereof, and the rest of the Ordinance shall continue in full force and effect.

### **1506 Relationship to Other Laws**

Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule or regulations, the regulations, rules, or restrictions which are more restrictive or which impose higher standards or requirements shall govern.

### **1507 Effective Date**

This Ordinance shall be in full force and effect after its enactment by the Village Board of Trustees in accordance with the provisions of law until repealed or amended by a subsequent Village Ordinance.

## Article 2 – Definitions and Administrative

### 1508 Definitions

Some of the language used in this Zoning Ordinance is not in common usage or could be misconstrued. The definitions found in Appendix A are offered to be used in the context of this Ordinance.

### 1509 Planning & Zoning Commission

- 1509.1 **Meetings.** All meetings of the Planning and Zoning Commission shall be in accordance with the Open Meetings Act and open to the public.
- 1509.2 **Record Keeper.** The Village Clerk shall act as a clerk for the Commission and shall make and keep a record of all its meetings and official acts showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.
- 1509.3 **Filings with Village Clerk.** Every rule, regulation, amendment, or repeal thereof, and every order, requirement, decision or determination of the Planning and Zoning Commission shall be filed with the Village Clerk and shall be a public record.
- 1509.4 **Rules of Procedure.** The Planning and Zoning Commission shall adopt its own rules of procedure, not in conflict with the Statutes of the State of Illinois. The Village may adopt its own proposed forms for petitions filed with the Commission, and the Commission may require general compliance with its forms.
- 1509.5 **Voting.** The concurring vote of at least four (4) members of the Planning and Zoning Commission shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant any matter upon which it is required to pass under this Ordinance, or to effect any variation in this Ordinance.
- 1509.6 **Review of Ordinance.** From time to time, the Planning and Zoning Commission shall review this Ordinance, together with the Zoning Map, for the purposes of determining its effectiveness in accomplishing the goals of the Comprehensive Land Use Plan and shall recommend to the Village Board amendments to the Zoning Ordinance and Zoning Map.

## Article 3 - Enforcement

### 1510 Purpose

The purpose of this Article is to establish procedures to ensure compliance with the provisions of this Ordinance and to obtain correction of Ordinance violations. The provisions of this Article are intended to encourage, to the greatest extent possible, the voluntary correction of violations.

### 1511 Responsibility

1511.1 Except as otherwise provided, the Zoning Enforcement Officer shall have the primary responsibility for enforcing and interpreting the provisions of this Ordinance. The Zoning Enforcement Officer may, at his discretion, delegate the enforcement and interpretation duties set forth herein.

1511.2 Appeal from or review of any enforcement decision regarding the provisions set forth in this Ordinance by the Zoning Enforcement Officer shall be made to the Planning and Zoning Commission. All appeals from decisions rendered by the Planning and Zoning Commission may be made to the Village Board.

### 1512 Violations

1512.1 Any person, company, or property owner who acts in violation of this Ordinance shall be subject to civil penalties and enforcement action in accordance with this Article. For each day that a violation exists, it shall be considered a separate and individual violation of this Ordinance. Unless otherwise expressly allowed by this Ordinance or state law, any violation of this Ordinance, including but not limited to the following, shall be subject to the remedies and penalties provided for in this Ordinance.

- A. To use land, buildings, or structures in any way not in compliance with this Ordinance;
- B. To erect or construct a building or structure not in compliance with this Ordinance;
- C. To engage in the development or subdivision of land in any way not in compliance with the zoning regulations contained in this Ordinance;
- D. To create, expand, replace, or change any nonconformity in any way not in compliance with this Ordinance;
- E. To increase the intensity or density of any use or structure in any way not in compliance with this Ordinance;
- F. To reduce or diminish lot area, setbacks, buffers, or open space so that it is less than required by this Ordinance;

- G. To engage in the use of a building, land, structure, or any other activity requiring applicable permits or approvals under the terms of this Ordinance (1) without first obtaining all required permits or approvals, or (2) in a way that is not in compliance with this Ordinance;
- H. To violate the terms of any permit or approval granted under this Ordinance;
- I. To obscure, obstruct, remove, or destroy any notice required to be posted or given under the terms of this Ordinance; or
- J. To violate any lawful order issued by any person charged and authorized to act in accordance with the terms of this Ordinance.

### 1513 Enforcement Procedures

1513.1 **Notice of Violation Procedure.** The following notice of violation procedure shall be used to enforce this Ordinance.

- A. Whenever there is reasonable cause to believe that a person is violating the provisions of this Ordinance or any plan, order, or condition which has been imposed pursuant to this Ordinance, the Zoning Enforcement Officer shall notify that person of the violation. Such notice shall be in writing and shall be served by personal delivery or by certified mail.
- B. The notice of violation shall describe the violation, shall identify the provision of this Ordinance that is being violated, shall specify what actions must be taken to correct the violation, shall direct the person to correct the violation within a specified and reasonable time period beginning on the date the notice is received, and may indicate that additional enforcement measures may be brought against the person if the violation is not corrected. If the violator cannot be determined, then the notice of violation shall be sent to the last taxpayer of record of the land on which the violation occurs.
- C. Upon receipt of a request for additional time to correct the violation, the Zoning Enforcement Officer may authorize additional time to achieve compliance. Such time extension may not exceed thirty (30) days unless the violator can demonstrate to the satisfaction of the Zoning Enforcement Officer that (1) substantial progress is being made in regard to corrective measures, or that (2) the violation cannot be corrected within the specified time period because labor and/or materials necessary to correct the violation are unavailable due to circumstances beyond the control of the violator or property owner.
- D. If the violation is corrected within the time period set forth in the notice of violation, or within the extended period granted by the Zoning Enforcement Officer, then no further action against the violator or property owner shall be taken.

- E. No penalty shall be assessed pursuant to this Ordinance unless and until the person in violation has been notified of the violation in accordance with the provisions of this Section, with the exception of a violation of a stop work order. In the case of a violation of a stop work order, the violator shall be subject to the immediate imposition of a penalty.

## 1514 Penalties and Remedies for Violations

The Village shall have the following enforcement powers to prevent, correct, stop, or penalize a violation of this Ordinance.

### 1514.1 Denial or Withholding of Permits

- A. The Zoning Enforcement Officer may deny or withhold all permits, certificates, or other forms of authorization to use or develop any land, structure, or improvements upon which there is a violation of this Ordinance until such violation is corrected and any associated penalty is paid or otherwise resolved. This provision shall apply whether or not the current owner or applicant for the permit or approval is responsible for the violation.
- B. The Zoning Enforcement Officer may deny or withhold all permits, certificates, or other forms of authorization to use or develop any land, structure, or improvements owned or being developed by a person who created or otherwise caused an uncorrected violation of this Ordinance until such violation is corrected and any associated penalty is paid or otherwise resolved. This provision shall apply regardless of whether the property for which the permit or other approval is sought is the property in violation.

1514.2 **Revocation of Permits and Approvals.** Any development permit, certificate, or other form of approval required under this Ordinance may be revoked or a stop work order may be issued when the Zoning Enforcement Officer determines that there is a departure from the approved plans, specifications, or conditions required under the permit or there is a violation of this Ordinance. Written notice of such revocation or stop work order shall be served upon the subject property owner, agent, applicant, or other person to whom the permit was issued, or shall be posted in a prominent location at the place of violation. No work or construction activity shall proceed after the revocation notice or stop work order is served.

### 1514.3 Penalties

- A. Any person or business entity violating any of the provisions of this Ordinance shall be guilty of a petty offense and shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation is committed. Upon a finding of guilt on any violation by the

Zoning Enforcement Officer, such person shall be punished by a fine of not less than \$50.00 and not more than \$750.00 for each offense per day.

### **1515 Persons Subject to Penalties**

The owner, tenant or any person in possession of any building, structure, premises, or part thereof, and any architect, builder, contractor, or agent, or other person, who commits, participates in, assists in, or maintains a violation of the provisions of this Ordinance may be found guilty of a separate offense and be subject to the penalties established herein.

### **1516 Remedies Cumulative**

The remedies provided for violations of this Ordinance shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

**Article 4 – General Review Procedures**

**1517 General Requirements**

1517.1 **Authority to File Applications.** Unless otherwise stated, all applications under this Article shall be initiated by the fee simple owners of the subject property or their authorized agent, or the Village.

1517.2 **Ownership Disclosure.** The ownership disclosure requirements of this Section shall apply to all applications pertaining to specific real property.

- A. If the owner has entered into a contract for the sale of the subject property, the contract purchaser may be a petitioner to the application or may be designated as the authorized agent of the owner.
- B. If the subject property is governed by a land trust, the trustee of the land trust shall be a petitioner or co-petitioner, and the beneficiaries of said trust shall be identified. All applications shall be verified by the applicant, petitioner, or co-petitioner in his or her capacity as beneficiary.
- C. When the petitioner is a corporation, limited liability company, partnership, joint venture, or unincorporated association, or other entity, the application shall include the names and addresses of all partners, joint ventures, syndicate members, or members managers, owners of the entity.

1517.3 **Form of Application.** The application required under this Article shall be submitted in both written and electronic form and in such numbers as required by the Village Clerk. An application shall be signed by the owner of the subject property and the owner’s representative, if applicable. Application submittal materials may be obtained from the Village Clerk.

1517.4 **Fees.** The application shall be accompanied by the required filing and retained personnel fees established by the Village Board. No application shall be processed and no application shall be considered submitted until said fees have been paid.

**A. Filing Fees**

- Owner Occupied Residential Minor Variance.....\$275.00
- All other types of Variances.....\$400.00
- Zoning Amendments and Special Use Permits including P.U.D.'s
  - First 2 acres.....\$400.00
  - Each additional acre or part thereof.....\$ 20.00
- Temporary Use Permits.....\$ 50.00
- Sign Fee .....\$ 15.00

- Sign Deposit Fee, if applicable .....\$100.00

B. **Retained Personnel Fees.** The applicant shall pay and reimburse the Village for any and all administrative expenses, special meetings, costs, and any and all fees, salaries or compensations incurred by the Village or charged to the Village by retained personnel for work in connection with the process of the application as provided in Chapter 17, Annexations and Retained Personnel, of the Municipal Code Book.

1517.5 **Application Completeness.** An application shall be considered complete if it is submitted in the required format, includes all of the mandatory information, and is accompanied by the required fees. Any application determined to be incomplete shall be returned to the petitioner with an explanation of the application’s deficiencies. No further processing of the application shall occur until the deficiencies are corrected.

1517.6 **Public Hearing Notices**

A. **Content and Approval.** All public hearing notices required herein, except for the posted notices, shall indicate the date, time and location of the public hearing and the action that is the subject of the notice; indicate where additional information can be obtained; describe the subject property involved in the application by street address, subject property or parcel identification number or numbers (PIN or PINs) and general location sufficient to identify the subject property; describe the purpose of the application and the name of the petitioner. All notices, including the full names and addresses of the person who have last paid taxes on all property contiguous to or abutting the parcel or parcels concerned in the petition shall be submitted to the Village Clerk for approval and assignment of a date and time for the hearing or action. *(Revised Ord. 2012-07)*

B. **Types of Notices**

1. **Property Owner and Tenant Notice.** When the provisions of this Ordinance require notice to be made to adjoining property owners, the petitioner shall mail notice to all owners of record of property affected by the proposed development or activity. The notice shall be made via certified mail with “return receipt requested” and by first class mail. At a minimum, notice shall be made to all persons who have last paid taxes adjoining the subject property, excluding public rights-of-way.

If the petitioner is the owner of a subject property with multiple tenants, notice shall be provided to all tenants of the petitioner upon or adjacent to the subject property in accordance with the

requirements of this section.

The petitioner shall also send to such persons a map showing the approximate location of the subject property and all surrounding property within at least ½-mile radius of the subject property.

2. **Newspaper Notice.** When the provisions of this Ordinance require notice to be published in a local newspaper, the petitioner shall ensure that such notice is published in a newspaper of general circulation in the Village of Spring Grove.
3. **Posted Notice.** When the provisions of this Ordinance require notice to be posted, the petitioner shall post the notice on the principal road frontage and at a prominent location on the subject property near the public right-of-way, so that it is visible to passing pedestrians and motorists. The sign shall remain posted until the commencement of the public hearing. The signage requirement for this notification will be provided by the Village upon receipt of the required fee. (*Revised Ord. 2017-10*)

- C. **Timing.** Unless otherwise provided by state statutes or in this Ordinance, adjoining property owner, newspaper, and posted notice of the public hearing shall be mailed, published, and placed at least fifteen (15) but no more than thirty (30) days prior to the public hearing, meeting, or action that is subject of the notice.
- D. **Constructive Notice.** Minor defects in notice content shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with notice requirements. Failure of a party to receive notice shall not invalidate any subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the date, time and place of a hearing and the location of the subject property shall be strictly construed. If questions arise regarding the adequacy of the notice, the body conducting the public hearing or meeting shall make a formal finding as to whether there was substantial compliance with the notice requirements of this Ordinance.

1517.7 **Conditions of Approval.** When approving an application, decision-making bodies may impose such conditions as allowed by law to reduce or minimize potential adverse impacts upon other property in the area, or to carry out the general purpose and intent of this Ordinance.

1517.8 **Burden of Proof.** In all cases, the burden of proof is on the petitioner to prove that an application complies with applicable approval criteria, standards, and requirements.

1517.9 **Public Hearings**

- A. **Location.** Unless other provisions are made, a public hearing required by this Ordinance shall be held in the Council Chambers at the Village of Spring Grove Municipal Centre.
- B. **Quorum.** In order to conduct a required public hearing, a quorum of commission members shall be present. If a member is excused due to a conflict of interest or other relevant reason, and as a result a quorum is not present, the hearing may not be held. If it is impossible to achieve a quorum, the commission may by a simple consensus of those present, recommend that the required public hearing be referred to the Village Board without a recommendation, in which case the Village Board may conduct a required public hearing.
- C. **Continuation.** A public hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this Ordinance, provided the continuance is set for a specific date, time and location, and that said date, time and location is announced at the public hearing.

1517.10 **Public Hearing Process**

- A. During the public hearing process, the Planning and Zoning Commission is not bound by strict rules of evidence as applied in Illinois courts pertaining to civil actions. Evidence shall be received which is material and relevant, and which would be relied upon by reasonably prudent persons in the conduct of their affairs. When the admissibility of evidence depends upon an interpretation of substantive law, the Chairperson of the Planning and Zoning Commission shall determine whether said evidence is admissible and he or she may consult with the Village Attorney to make the determination of admissibility.
- B. **Public Hearing Parameters.** A public hearing and the notification requirements thereof shall comply with this Ordinance unless altered by the provisions set forth herein.
  - 1. The Village reserves the right to engage the services of a court reporter to provide transcripts of the hearing. The cost associated with such transcripts shall be at the petitioner's expense and the proceedings shall not move forward nor shall a final vote be taken until said costs are paid.
  - 2. If the Village's facilities are not sufficient to accommodate the number of people expected at the hearing, the hearing may be held at another site. In such circumstances, the Village may rent

appropriate facilities and/or equipment and engage the services of appropriate personnel necessary to conduct a proper hearing. The cost associated with such arrangements shall be at the petitioner's expense and the proceedings shall not move forward nor shall a final vote be taken until said costs are paid.

3. All testimony presented at the hearing shall be under oath or affirmation. Any person appearing at the hearing shall have the right to give testimony and to comment on the petition. Any person testifying shall be required to state their name and address, and if applicable, who they are representing. Any person appearing at the hearing shall also have the right of reasonable cross-examination and the scope of the cross-examination shall be determined by the Chairperson of the Planning and Zoning Commission in consultation with the Village Attorney.
4. The Planning and Zoning Commission reserves the right to limit testimony, questions, comments, and cross-examination to prevent argumentative comments or personal attacks, to maintain order and decorum during the hearing process, and to prevent irrelevant and unnecessarily repetitive materials in the record. The members of the Planning and Zoning Commission reserve the right to at any time ask questions of or reply to any party testifying in order to clarify an issue, statement, or fact.
5. Written statements regarding an application may be accepted by the Planning and Zoning Commission until such time as the public comment portion of the public hearing is closed.
6. Any person has the right to be represented by an attorney at the hearing. Such individual shall also have the right of reasonable cross-examination and the scope of cross-examination shall be determined by the Chairperson of the Planning and Zoning Commission.
7. The Village, in its sole discretion, shall have the right to determine whether information provided with an application can be evaluated by the Village Staff. If this cannot be accomplished, the Village shall have the authority to retain the services of one or more professional consultants or experts to assist in the review of the petition. Any and all costs for such services shall be at the petitioner's expense and the proceedings shall not move forward nor shall a final vote be taken until said costs are paid. Such consultants or experts shall have the same standing to testify and to be cross-examined as any other witness at the hearing.

8. Members of the public may obtain copies of any documents filed with the Village upon application and payment to the Village of the actual cost of reproduction in accordance with the Freedom of Information Act.

C. **Order of Business.** The content and order of presentation at a public hearing shall generally be as follows, but may be modified by the Planning and Zoning Commission or its Chairperson prior to the start of the Hearing.

- Establish the presence of a quorum.
- Identification of petitioner and verification of notice.
- Identification of witnesses and administration of oath by Village Attorney or Village Clerk.
- Testimony and other evidence by petitioner and witnesses.
- Planning and Zoning Commission examination and questioning of petitioner, witnesses, and other evidence.
- Zoning Enforcement Officer examination and questioning of petitioner, witnesses, and other evidence.
- Presentation of testimony, cross examination, or other evidence by members of the public attending the hearing. The petitioner may examine and question those members of the public submitting such testimony and other evidence.
- Re-examination of the petitioner by the Planning and Zoning Commission, if necessary.

D. **Decision.** At the conclusion of the evidentiary portion of the public hearing, the Planning and Zoning Commission may move to close the public comment portion of the hearing or continue the hearing to a specific date, time, and location. It may then deliberate its decision on the evidence presented. A decision shall be prepared, accompanied by relevant findings of fact, and shall be based on the record and pursuant to this Article. Such a decision shall not be valid unless approved by a majority of a quorum of the Commission members.

The Village Board may adopt the Commission's findings or findings different from those of the Commission.

E. **Additional Evidence or Testimony.** Evidence or testimony may only be presented at the public hearing. If the Commission requires additional evidence, the public hearing shall be re-opened and conducted in accordance with this Section.

## 1518 Text Amendments

- 1518.1 **Application Filing.** Any person may file an application for a text amendment to this Ordinance. An application for amendments to the text of this Ordinance shall be submitted to the Village Clerk in a format acceptable to the Village and with all required items.
- 1518.2 **Content Requirements.** In addition to the requirements set forth in Sections 1517.2 and 1517.3, applications for a text amendment shall include the name and address of the applicant, and if applicable the name and address of the applicant's authorized agent and the specific text amendment requested with the text identified by Section number.
- 1518.3 **Public Hearing Notice.** Upon receipt of the required application and a determination that it is complete, the Village Clerk shall authorize the scheduling of a public hearing before the Planning and Zoning Commission. Newspaper notice shall be provided for all public hearings in accordance with the requirements of Section 1517.6.B.
- 1518.4 **Planning and Zoning Commission Review and Action.** The Planning and Zoning Commission shall hold a public hearing on a proposed text amendment and shall make a recommendation to the Village Board, based on the approval criteria set forth herein. If a recommendation cannot be made, the text amendment shall be forwarded to the Village Board for final consideration.
- 1518.5 **Village Board Review and Action.** After receiving a recommendation from the Planning and Zoning Commission, the Village Board shall review the application and approve, approve with conditions, or deny the proposed text amendment.
- 1518.6 **Text Amendment Criteria.** Text Amendments may be approved upon a finding that the following criteria have been addressed:
- A. The text amendment corrects an error or inconsistency or meets the challenge of a changing condition.
  - B. The text amendment is consistent with the purpose and intent of this Ordinance.
  - C. The text amendment will not adversely affect the health, safety, morals, and general welfare of the public.
- 1518.7 **Votes by Village Board or Votes Required.** If the Planning and Zoning Commission fails to recommend approval of the proposed text amendment, the amendment may be approved by the affirmative vote of a simple majority of the Village Board.

## 1519 Zoning Map Amendments and Zoning Changes

- 1519.1 **Application Filing.** Applications for zoning map amendments or changes in zoning, verified by the owner or authorized agent of the owner of subject property involved, shall be filed with the Village Clerk upon a form provided by the Village and shall contain or be accompanied by all required information. The contract purchasers of the subject property may be considered the owner's authorized agent for purposes of filing a zoning map amendment or rezoning application. An application for zoning map amendments or rezoning shall be submitted to the Village Clerk in a format acceptable to the Village and with all required items. Such application may be filed and processed concurrently with other development applications.
- 1519.2 **Content Requirements.** The application for a zoning map amendment or rezoning shall include, but not be limited to, the following items:
- A. The name and address of the owner of the subject property and, if applicable, the name and address of the owner's authorized agent and the name and address of the petitioner, if different.
  - B. A description of the subject property, its general location, its present and proposed zoning designation, its area in acres or square feet, a plat of survey and legal description of the subject property, and its permanent Parcel Index Number (PIN).
  - C. An explanation and justification as to why the zoning map change is being requested, the general or specific intended use of the subject property if known, and how it relates to the use and zoning status of surrounding land parcels.
  - D. A "consent to on-site inspection" form.
- 1519.3 **Public Hearing Notice.** Upon receipt of the required application and a determination that it is complete, the Village Clerk shall authorize the scheduling of a public hearing before the Planning and Zoning Commission. Property owner, newspaper, and posted notices shall be provided for all public hearings in accordance with the requirements of Section 1517.6.B.
- 1519.4 **Planning and Zoning Commission Review and Action.** The Planning and Zoning Commission shall hold a public hearing on a proposed zoning map amendment or zoning change and shall make a recommendation to the Village Board based on the criteria set forth herein.

1519.5 **Village Board Review and Action.** After receiving a recommendation from the Planning and Zoning Commission, the Village Board shall review the application and approve, approve with conditions, or deny the proposed zoning map amendment or rezoning.

When the following conditions occur, a zoning map amendment or rezoning shall require a favorable vote of two-thirds (2/3) of the Trustees then holding office in order to be approved:

- A. If a written protest against the proposed zoning map amendment or rezoning is filed with the Village Clerk, signed and acknowledged by (a) the owner or owners of at least twenty percent (20%) of the land to be rezoned, or (b) the owner or owners of land immediately touching or immediately across a street, alley, or public right-of-way from at least twenty percent (20%) of the perimeter of the land to be rezoned.
- B. If the proposed zoning map amendment or rezoning receives a negative recommendation from the Planning and Zoning Commission.

1519.6 **Zoning Map Amendment Criteria.** Zoning map amendments or rezonings may be approved upon a finding that the following criteria have been addressed:

- A. The zoning map amendment or rezoning will allow land uses that are compatible with existing uses or existing zoning of subject property in the environs.
- B. The trend of development in the general area since the original zoning of the subject property was established supports the zoning map amendment or rezoning.
- C. The zoning map amendment or rezoning is in harmony with the objectives of the Comprehensive Plan of the Village as viewed in light of any changed conditions since the adoption of the plan.
- D. The zoning map amendment or rezoning promotes the public interest and not solely the interest of the applicant.

## 1520 Special Use Permits

In addition to those uses permitted by right, listed in Appendix B – Uses Permitted in Zoning Districts, there are certain other uses, which may be permitted by special use. These special uses, which because of their unique characteristics require particular consideration as to the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. The uses listed in Appendices D, E, F, H, I, J and K shall be subject to additional requirements imposed in the public interest to cover circumstances unique to the selected site. All conditions and requirements set forth for a particular special use shall be considered as additional

to the general requirements of this Ordinance for the Zoning District in which the special use is located.

1520.1 **Application Filing.** An application for a special use permit, verified by the owner or authorized agent of the owner of subject property involved, shall be filed with the Village Clerk upon a form provided by the Village and shall contain or be accompanied by all required information. Detailed plans, drawings, and other information as specified by this Ordinance shall be required for the various meetings and hearings at such time as prescribed by the Village Clerk. Special use permit applications may be filed and processed concurrently with other development applications.

1520.2 **Content Requirements.** The application for a special use permit shall include but is not limited to the following items which shall be provided prior to the public hearing:

- A. The name and address of the owner of the subject property and, if applicable, the name and address of the owner's authorized representative and the name and address of the petitioner, if different.
- B. A description of the general location of the subject property, its present zoning status, its area in acres or square feet, a survey and legal description of the subject property, and its permanent Parcel Index Number (PIN).
- C. Plat of Survey.
- D. A site plan, drawn to scale, showing the location of all proposed structures, driveways, parking spaces and other improvements. If the subject property is vacant and undeveloped, a detailed site plan shall be submitted which depicts how the subject property is intended to be developed.
- E. A map of the proposed site and the surrounding area within 100 feet of the site. Such map shall show the location and name of all streets; the location of all easements and rights-of-way; and the location of any and all residences or other permanent structures.
- F. If applicable, the additional information requested in those appendices covering individual special uses and other relevant review information.
- G. Any other information or documentation deemed appropriate by the Chairperson of the Planning & Zoning Commission.
- H. A "consent to on-site inspection" form signed by the applicant or owner.

1520.3 **Public Hearing Notice.** Upon receipt of the required application and a determination that it is complete, the Village Clerk shall authorize the scheduling of a public hearing before the Planning and Zoning Commission. Property owner, newspaper, and posted notices shall be provided for all public hearings with the

requirements of Section 1517.6.B.

1520.4 **Planning and Zoning Commission Review and Action.** The Planning and Zoning Commission shall hold a public hearing on a proposed special use permit and shall make a recommendation to the Village Board, based on the criteria set forth herein.

1520.5 **Village Board Review and Action.** After receiving a recommendation from the Planning and Zoning Commission, the Village Board shall review the application and approve, approve with conditions, or deny the proposed special use permit.

The Board of Trustees shall, in authorizing the issuance of a special use permit, consider, and impose where applicable, time limits on the special use permit, as well as reasonable conditions which, if the applicant fails to meet or otherwise adhere to the conditions, will result in the suspension, revocation or termination of the special use permit.

The Board of Trustees shall retain the authority after granting the special use permit, to modify, alter, amend, extend the time limit of or refuse to extend the limit of the special use permit, with or without application, and with or without hearing before the Planning & Zoning Commission.

1520.6 **Special Use Permit Criteria.** Special use permit applications may be approved after a finding that the following criteria have been addressed: (*Revised Ord. 2017-10*)

- A. That the standards listed in the section covering individual special uses have been met.
- B. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- C. That the establishment, maintenance, or operation of the special use shall not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
- D. That the special use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
- E. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided.
- F. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

G. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Village Board pursuant to the recommendation of the Planning and Zoning Commission.

1520.7 **Findings of Fact.** All recommendations from the Planning and Zoning Commission regarding special use permit applications shall be supported by findings of fact specifying the reasons and justification for the decision.

1520.8 **Permit Not Transferrable.** The special use permit shall only be granted to the petitioner for the permit and is not transferable to another owner, lessee, tenant, operator or the like, and the special use permit shall cease and expire by operation of law upon such transfer by the petitioner. Special use permits issued by the village shall not be deemed to run with the land.

1520.9 **Annual Reviews.** The Zoning Enforcement Officer shall review the special use permit for compliance with the conditions set forth in the special use permit and all applicable federal, state, county, and Village Ordinances annually or more frequently if safety or other issues arise. In the event of non-compliance, the Zoning Enforcement Officer may refer the matter to the Village Board for further action, up to and including revocation of the Special Use Permit.

1520.10 **Lapse of Approval.** Unless otherwise expressly stated in the approved special use permit, if an approved special use activity has not been established within one (1) year of the date of approval by the Village Board or if the special use ceases to be maintained or in use for a period of more than 6 months, the special use permit shall lapse and be of no further effect. For purposes of this section, the term “established” shall mean the issuance of a building or construction permit or certificate of occupancy for the special use. For phased development, the term “established” shall mean the issuance of a building or construction permit for the first phase of development. The time-frames stated herein may be extended for up to one year by the Zoning Enforcement Officer if a written extension request is filed with the Village prior to the expiration of the special use permit. Any additional extensions may be granted by the Village Board only upon written request of the applicant.

1520.11 **Amendments to an Approved Special Use Permit.** Any proposed change, amendment, or alteration of an approved special use permit, except for those needed to comply with the Village’s engineering standards or building code requirements, or those due to a reduction in density, floor area, or impervious surfaces, may be approved only pursuant to the standards and procedures established for issuance of a special use permit, unless the proposed changes may be construed and approved as a “minor” change pursuant to this Section. A minor change does not alter the concept or intent of the special use permit. A minor change shall not increase the

special use's density, increase the height of the buildings, or provide any other change inconsistent with any standard or condition imposed by the Village Board in approving the special use permit. Minor changes may involve, but are not specifically limited to, previously approved conditions such as:

- A. Landscaping.
- B. Fencing.
- C. Exterior lighting.
- D. Exterior color schemes.
- E. Exterior building architectural changes that may be demonstrated and construed to be an improvement over the initial special use approval.

Application for a minor change shall be made to the Building and Zoning Officer who shall review the request, advise the applicant whether or not it may be considered further as a minor change and the reasons therefor, and forward a report to the Village Board. In considering whether a request is a minor change, the impact of the change upon neighboring properties shall be considered.

The Village Board shall review the request and either approve the request along with any recommended additional conditions, determine that the request is not a minor change based upon the specific facts and circumstances of the original special use permit approval or deny the request. The denial of a minor change request shall not prohibit an applicant from seeking a public hearing on an amendment to the special use permit before the Planning and Zoning Commission in accordance with Section 1520.11 of this Chapter 15. Any change determined not to be a minor change shall be deemed a major change, which shall require a public hearing before the Planning and Zoning Commission and subsequent approval by the Village Board.

1520.12 **Suspension, Revocation or Termination.** If the Zoning Enforcement Officer files an application to suspend, revoke or otherwise terminate a special use permit, said application shall be filed with the Village Clerk and reasonable notice shall be served upon the owner of the subject property and any other person or entity to whom the special use permit was issued. A hearing on the Zoning Enforcement Officer's application to suspend, revoke or otherwise terminate the special use permit shall be conducted before the Planning and Zoning Commission. At the conclusion of the hearing, the Planning and Zoning Commission shall make a recommendation to the Board of Trustees to grant or deny the request by the Building and Zoning Officer to suspend, revoke or otherwise terminate the special use permit. The Board of Trustees shall, after the hearing before the Planning and Zoning Commission, have the authority to suspend, revoke or otherwise terminate the special use permit if passed by the favorable vote of at least two-thirds (2/3) of the Trustees then holding office.

## 1521 Temporary Uses

In addition to those uses permitted by right, listed in Appendix B – Uses Permitted in Zoning Districts, there are certain other uses, which may be permitted by temporary use. The uses listed in Appendix D shall be subject to additional requirements set forth for a particular temporary use shall be considered as additional to the general requirements of this Ordinance for the Zoning District in which the temporary use is located. The application fee for a temporary use permit shall be \$50.00 plus an estimated deposit for the amount of staff and consultant time to be spent processing the application.

If necessary, traffic control shall be arranged by the organizer of the event and may be provided by the Spring Grove Police Department. The organizer shall be responsible for any costs incurred for the provision of such traffic control as determined by the Village Board.

1521.1 **Examples of Temporary Uses.** Below is a non-exhaustive list of temporary uses.

- A. Christmas tree sales;
- B. Circus, carnival, or fairgrounds;
- C. Contractor's office and equipment shed;
- D. Farmers' market;
- E. Promotional activities;
- F. Roadside stand;
- G. Semi-trailers (refer to Appendix D for regulations); and
- H. Shipping container or moving pod (refer to Appendix D for regulations)

1521.2 **Application Filing.** The application for a temporary use permit, verified by the owner or authorized agent of the owner of the subject property, shall be filed with the Village Clerk upon a form provided by the Village and shall contain or be accompanied by all required information. Approval of the temporary use permit shall be in accordance with the Temporary Use Permit provision of this Ordinance.

1521.3 **Content Required.** The application for a temporary use permit shall include but is not limited to the following items which shall be provided prior to the meeting:

- A. The name and address of the owner of the subject property and, if applicable, the name and address of the owner's authorized representative and the name and address of the petitioner, if different;
- B. A description of the proposed use;
- C. A plat of survey and commonly known address of the subject property to be used, rented, or leased for the temporary use;
- D. The zoning, structures and uses on the subject property and the adjacent properties;

- E. Sufficient information to determine the yard requirements, waste facilities, available parking, and traffic circulation;
- F. Fees as required in accordance with Section 1517.4.

1521.4 **Village Board Review and Action.** The Village Board shall review the application and approve, approve with conditions, or deny the proposed temporary use permit.

The Board of Trustees shall, in authorizing the issuance of a temporary use permit, consider, and impose time limits on the temporary use permit, as well as reasonable conditions which, if the applicant fails to meet or otherwise adhere to the conditions, will result in the suspension, revocation or termination of the temporary use permit.

The Board of Trustees shall retain the authority after granting the temporary use permit, to modify, alter, amend, extend the time limit of, or refuse to extend the limit of the temporary use permit, with or without application.

1521.6 **Temporary Use Permit Criteria.** Temporary use permit applications may be approved after a finding that the following criteria have been addressed:

- A. That the standards listed in Appendix D covering individual temporary uses have been met.
- B. The temporary use shall be compatible with surrounding development and traffic generated by the temporary use shall not negatively impact surrounding properties.
- C. Permanent alterations to the site of the temporary use are prohibited.
- D. No temporary or permanent electrical service or connection shall be installed without an electrical permit.
- E. All inspections and permits required by the Village's building and life-safety codes shall be obtained prior to and as a condition of issuance of a temporary use permit.
- F. Temporary tents, as well as any other temporary structures erected as part of the temporary use, shall be located so as not to interfere with the normal operations of any permanent use located on the subject property. Tent specifications and a current certificate of flame resistance are required for all tents.
- G. Structures and/or display of merchandise shall comply with the yard and property line setback requirements of the zoning district in which the temporary use is located. Items shall not be displayed so as to interfere with traffic or lines of sight.

- H. Temporary uses or structures shall not encroach into any required landscaping features.
- I. Temporary sanitary facilities shall be provided in accordance with the requirements of the McHenry County Health Department and Illinois State Plumbing Code.
- J. Any food service operation that sells, prepares, or serves food shall obtain applicable permits and certifications from the McHenry County Health Department and is subject to inspection.
- K. No signs may be displayed in connection with a temporary use except in accordance with the Village's Sign Ordinance. All temporary signage shall be immediately removed when the temporary use ends.
- L. In addition to required parking for any principal use on a site, parking areas shall be provided for the temporary use and shall contain the number of parking spaces required for the most similar use type under the parking regulations set forth in this Ordinance. Such parking spaces shall be considered accessory to the principal use.
- M. The Zoning Enforcement Officer shall have the authority to suspend, revoke or modify a temporary use permit immediately upon his determination that the conditions and requirements of said permit have been violated. Written notice to suspend, revoke or modify the permit shall be provided to the person to whom the permit was issued. A determination under this subsection shall be final and conclusive unless the applicant appeals such action to the Village Board, by filing a Notice of Appeal with the Village Clerk within 14 calendar days after receiving said written notice.
- N. The Zoning Enforcement Officer shall have the authority to deny a temporary use permit for any land or structure or improvements thereon, upon which there is an uncorrected violation of this Ordinance, including any condition attached to a permit or approval previously granted by the Village. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.
- O. The main road or drive providing access to a temporary use shall be kept free of dust, dirt, mud, and other debris.

## 1522 Variances

Variances can be requested from any of the provisions set forth in this Ordinance. Variances requested as part of a planned unit development petition or special use permit petition may be approved as part of the review and approval process for those petitions. The term "variance," as used in this Section, does not include and is not applicable to zoning map amendments or text amendments. A variance which authorizes the establishment of a land use that is not otherwise allowed in the underlying zoning district is not permitted.

- 1522.1 **Application Filing.** An application for a variance, verified by the owner or authorized agent of the owner of the subject property, shall be filed with the Village Clerk upon a form provided by the Village and shall contain or be accompanied by all required information. Detailed plans, drawings, and other information as specified by this Ordinance shall be required for the various meetings and hearings at such time as prescribed by the Village Clerk. Variance applications may be filed and processed concurrently with other development applications.
- 1522.2 **Content Requirements.** The application for a variance shall include but is not limited to the following items which shall be provided prior to the public hearing:
- A. The name and address of the owner of the subject property and, if applicable, the name and address of the owner's authorized representative and the name and address of the petitioner, if different.
  - B. A description of the general location of the subject property, its present zoning status, its area in acres or square feet, a survey and legal description of the subject property, and its permanent Parcel Index Number (PIN).
  - C. The specific zoning variance requested with reference to the specific section of this Ordinance being varied.
  - D. Detailed explanation as to why the zoning variation is being requested, with specific reference to the variation criteria set forth herein.
  - E. A "consent to on-site inspection" form signed by the applicant or owner.
- 1522.3 **Public Hearing Notice.** Upon receipt of the required application and a determination that it is complete, the Village Clerk shall authorize the scheduling of a public hearing before the Planning and Zoning Commission. Property owner, newspaper, and posted notices shall be provided for all public hearings with the requirements of Section 1517.6.B.
- 1522.4 **Planning and Zoning Commission Review and Action.** The Planning and Zoning Commission shall hold a public hearing on a proposed variance and shall make a recommendation to the Village Board, based on criteria set forth herein. The Commission may recommend, and the Village Board may impose such conditions or restrictions as are necessary to minimize possible detrimental effects of such variance upon other properties in the neighborhood.
- 1522.5 **Village Board Review and Action.** After receiving a recommendation from the Planning and Zoning Commission, the Village Board shall review the application and approve, approve with conditions, or deny the proposed variance. Any proposed variance which fails to receive the approval of the PZC shall not be passed except by the favorable vote of at least two thirds (2/3) of the Trustees then holding office.



1522.8 **Altering of Building or Set-Back Line.** No variance (or amendment) affecting or altering a building or set-back line on or along a street, traffic way, drive, or parkway or storm or floodwater runoff channel shall be granted by the Village Board except by a favorable vote of two thirds (2/3) of the members of the Board of Trustees then holding office.

## 1523 Interpretations and Appeals of Administrative Decisions

### 1523.1 Interpretations

- A. The Zoning Enforcement Officer is authorized to interpret the zoning map and the text of the Village's zoning regulations, and to make determinations regarding disputed zoning district boundary lines and similar questions. An applicant for interpretation may appeal the decision of the Zoning Enforcement Officer in the manner set forth herein.
- B. An application for interpretation of the zoning map or text of the Village's zoning regulations shall be submitted to the Village Clerk and shall include sufficient information to enable an interpretation to be made.

### 1523.2 Appeals

- A. An appeal of any order or decision of the Zoning Enforcement Officer regarding the zoning regulations of the Village may be presented for consideration to the Planning and Zoning Commission by the aggrieved individual or party. Any such appeal shall be submitted in writing and must include the basis for such appeal. A notice of appeal shall be considered filed with the Planning and Zoning Commission when delivered to the Village Clerk and the date of filing shall be entered on the notice of appeal.
- B. An appeal of any such order or decision must be filed with the Village Clerk within thirty (30) days after the date on which the order or decision is made. The Village Clerk shall schedule a meeting of the Planning and Zoning Commission within 45 days after receipt of the appeal and transmit to the Commission all applicable materials comprising the record relating to the order or decision being appealed.
- C. The filing of an appeal stays all action by the Village seeking enforcement of or compliance with the order or decision being appealed, unless the Zoning Enforcement Officer determines that, in his opinion, such a stay would create a public safety hazard or cause immediate peril to life or property.
- D. The Planning and Zoning Commission may reverse or affirm (wholly or in part) or may modify the order or decision being appealed.

- E. The action of the Planning and Zoning Commission may be appealed to the Village Board by the aggrieved individual or party or by the Zoning Enforcement Officer.

**1524 Processing Zoning Applications for Public School Districts**

When processing and considering zoning applications from public school districts, the Village shall comply with the requirements set forth in 65 ILCS 5/11-13-57, as may be amended from time to time. *(Revised Ord. 2017-10)*

## Article 5 – Zoning Classifications, Uses Permitted

### 1525 Zoning Classifications

1525.1 **Official Zoning Map.** For the purpose of this Ordinance, all land and water areas within the Village are classified and divided into zoning districts. The boundary of each said district is shown on the Zoning Map. The Official Zoning Map of the Village is filed in the office of the Village Clerk.

1525.2 **Zoning Map Boundaries.** The following rules shall be used to determine the precise location of any Zoning District Boundary shown on the Official Zoning Map.

- A. Where district boundary lines follow streets, alleys, or similar rights-of-way they shall be construed as following the center line;
- B. Where district boundary lines are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries;
- C. Where district boundary lines shown as approximately following section lines, half section lines, or quarter section lines, they shall be construed as following such lines; and
- D. Where district boundary lines shown as following or approximately following the center lines of streams, rivers, or other continuously flowing water courses, they shall be construed as following the channel center line of such watercourses taken at mean low water line. In the event of a natural change in the location of such streams, rivers, or other watercourses, the district boundary shall be construed as moving with the channel center line.

### 1526 Zoning Districts

The Village consists of the following ten (10) zoning districts :

1526.1 **A-1 – Agricultural.** The “A-1” Agricultural Zoning District is designed principally to maintain an environment where agricultural purposes may be served and restrict those which would conflict with these properties. Forty (40) acres is the minimum parcel size in this Zoning District for a single-family residence. There shall be a buffer zone of at least fifty feet (50’) around the perimeter of a parcel of land zoned A-1 where odor producing items including, but not limited to, manure piles, hay bales, mulch piles, barns where animals are house and the like, shall be prohibited.

1526.2

**Residential Zoning Districts.** There are 5 residential zoning districts. They share the following residential growth goals of the Comprehensive Land Use Plan encourage high quality, distinct and creative residential development and protect existing neighborhoods by ensuring appropriate residential land use designations adjacent to established neighborhoods. The 5 districts are:

- A. **E-5 - Estate Residential.** The "E-5" Estate Residential Zoning District requires a minimum lot size of 5 acres. This district allows for the largest homes and accessory buildings in the Village. Intended for the perimeter, it provides the best potential for equestrian estates and equestrian estate neighborhoods. No farm animals, except equine, are allowed in this zoning district.
- B. **E-2 - Estate Residential.** The "E-2" Estate Residential Zoning District requires a minimum lot size of 2 acres. This district is commonly located among other residential districts and agricultural properties, particularly in areas along the perimeters of Spring Grove's planning area. No farm animals, except equine as authorized as a Special Use, are allowed in this zoning district.
- C. **E-1 - Estate Residential.** The "E-1" Estate Residential Zoning District requires a minimum lot size of 1 acre. This district is intended for single family uses on estate size lots. This lot size is a logical extension of many of the residential areas currently located in Spring Grove. No farm animals are allowed in this zoning district.
- D. **R-1 - Single Family Residential.** The "R-1" Single Family Residential Zoning District requires a minimum lot size of 40,000 square feet. This district is intended to designate large lot single family uses. No farm animals are allowed in this zoning district.
- E. **R-2 - Single Family Residential.** The "R-2" Single Family Residential Zoning District requires a minimum of 30,000 square feet. This district is intended to designate single family uses on medium-sized single-family lots. No farm animals are allowed in this zoning district.

1526.3

**Business Zoning Districts.** There are 2 business zoning districts. These business zoning districts share the following business goals of the Comprehensive Land Use Plan: provide significant commercial uses so that future economic development opportunities provide the Village with a positive fiscal outlook, encourage the development of commercial nodes and encourage transition of light uses in the Route 12 corridor to commercial and business park uses. The two districts are:

- A. **B-1 - Central Business.** The "B-1" Central Business District is intended to locate low-intensity retail sales and service uses near the center of the Village. Particular attention shall be paid to the aesthetics, parking, public

facilities, and traffic circulation.

- B. **B-2 - General Business.** The "B-2" General Business District is intended to provide businesses and services that satisfy neighborhood shopping needs as well as regional needs. This district shall take into consideration good traffic circulation and parking. Particular attention shall be paid to the appearance of this highly visible zoning district.

1526.4 **“O-R” - Office/Research.** The “O-R” Office/Research district is intended to provide a location for professional, executive, research, administrative, and other non-manufacturing activities. The “O-R” district shall function in clean, quiet, landscaped surroundings, free from noise, odor, traffic, merchandising and other factors normally present in retail business or manufacturing districts.

1526.5 **“I” – Industrial.** This zoning district provides for manufacturing, warehousing, transportation, wholesaling, and production, and specialized operations that do not have a negative impact on surrounding properties and zoning districts. Such uses are intended to be in an attractive business setting with large setback distances, proper screening, landscaping, or buffering, and compatibility with adjoining non-industrial land uses. The Industrial zoning use is defined at Appendix A and the standards and requirements for the Industrial zoning district are provided at Appendix G.

1526.6 **Overlay Districts.** The overlay zoning districts set forth herein are intended to impose regulations and standards in addition to or in lieu of those required by the underlying zoning designation. The regulations and standards of an overlay district shall apply whenever they are in conflict with or are more stringent than those in the underlying zoning district. The following overlay districts are hereby established:

- A. **“OPDD” - Overlay Planned Development District.** This zoning district requires a minimum parcel size of 300 acres. This district is intended to provide an opportunity for the Village and a property owner to provide for the long-range mixed-use development of a parcel upon which earth materials extraction or mineral processing has occurred or is occurring. Development under this zoning district shall be consistent with the provisions of Appendix H.
- B. **“AOD” - Agritourism Overlay District.** This zoning district requires a minimum parcel size of 100 acres. This district is intended to provide an opportunity for the Village and property owners to provide for the long range agritourism use of a parcel. Development shall be consistent with the provisions of Appendix I.

## 1527 Uses Permitted in Zoning Districts (Appendix B)

ANY USE NOT LISTED IN APPENDIX B IS NOT PERMITTED. The Zoning Enforcement Officer shall have the right to allow any other uses which are similar and compatible with the other uses allowed in a particular zoning district. The use shall be consistent with the statement of intent of the zoning district as set forth in Section 1526. Such determination shall be in writing.

## 1528 Lot Area, Yard and Bulk Regulations

1528.1 **Appendix C: Lot Area, Yard and Bulk Regulations.** Lot area, yard and bulk requirements are set forth in Appendix C.

1528.2 **Exceptions to Bulk Regulations.** The following exceptions are established to provide relief from the Zoning District Bulk Regulations where applicable.

A. **Height Exceptions.** The following structures or parts thereof, are exempt from the height limitations set forth in Appendix C, except as limited by height restriction imposed by an airport authority or similar agency operating an airport.

1. Agricultural buildings and accessory uses, not including dwellings, on a lot or parcel zoned for agricultural activity;
2. Chimneys;
3. Flagpoles, not used for advertising, not more than 10 feet above the height restriction of the underlying zoning district;
4. Public utility poles, towers, wires, and other apparatus;
5. Personal wireless telecommunication facilities in accordance Appendix K;
6. Antennas and towers in accordance with Appendix D;
7. Fire, mechanical and smoke towers, not more than 16 feet above the height restriction of the underlying zoning district; and
8. Water tanks and standpipes.

1528.3 **Yard and Building Exceptions.** The following structures or parts of structures shall be allowed to project into or to be constructed in any required yard or beyond the building setback line, except that in no case shall such structure or component part thereof extend beyond the property line: *(Revised Ord. 2021-08)*

A. Air Conditioner:

1. **Window.** Provided that a hot air baffle, directed upward, be installed.
2. **Central Air.** Provided it is not closer than 15 feet to a neighboring residential dwelling and that the hot air is baffled in an upward

direction. In residential zoning districts, central air units are not permitted in the required front yard.

- B. Awnings and canopies, not to exceed 3 feet;
- C. Bay windows, not to exceed 1.5 feet;
- D. Chimneys not to exceed 1.5 feet;
- E. Driveways and curbs in accordance with the Village's Building Code;
- F. Fans, provided that baffles be installed in an upward direction;
- G. Retaining walls and landscaping hedges in accordance with the provisions of the Village's Landscape Code;
- H. Flagpoles and clothesline posts, at least 10 feet from the lot or parcel line;
- I. Mailboxes;
- J. Overhanging roof, eave, gutter, cornice, or other architectural features, not to exceed 1.5 feet;
- K. Parking spaces, in accordance with the provisions of this Ordinance;
- L. Planting boxes not to exceed 1.5 feet;
- M. Ramps for handicap access, provided such a ramp is at least 3 feet from a side or rear lot line and does not encroach more than 12 feet into a required front yard.
- N. Sidewalks and steps;
- O. Signs, as regulated by the Village's Sign Ordinance;
- P. Trees, shrubs, flowers, and other plants;
- Q. Yard service and parking lot lighting poles and fixtures (down lighting only) in accordance with the Village's Building Code.

## 1529 Nonconformities

- 1529.1 **Purpose.** The purpose of this Section is to regulate and limit the development and continued existence of uses, structures, and lots legally established prior to the effective date of this Ordinance that no longer conform to the Village's zoning regulations. All such situations are collectively referred to as "nonconformities". A nonconformity may also occur as a result of any subsequent rezoning or amendment to the text of this Ordinance. Any nonconforming use, structure, or lot that lawfully existed as of the effective date of this Ordinance and that remains nonconforming, and any use, structure, or lot that becomes nonconforming as a result of any subsequent rezoning or amendment to the text of this Ordinance, may be continued or maintained only in accordance with the terms of this Section.

1529.2 **Nonconforming Lots**

- A. **Requirements.** A nonconforming recorded residential zoned lot may be used for a single-family dwelling provided it meets the following requirements:
1. A legal nonconforming recorded lot or parcel may be used for a single-family dwelling and accessory uses permitted in this Ordinance;
  2. On interior lots or parcels one side yard setbacks must be a minimum of 10 feet and the other must be 10% of the width of the lot, but need not exceed 10 feet;
  3. The minimum street setback shall be 70% of the required yard listed in Appendix C.
  4. When 2 or more contiguous platted nonconforming lots are under common ownership and are used as a single lot, they shall be automatically consolidated and shall not be considered to be nonconforming for any purpose.
- B. **Construction of New Building.** In all other zoning districts, construction of new buildings on nonconforming lots shall be permitted only to the extent permitted by this Ordinance. Repair of existing buildings that are being used for permitted uses but are located on legal nonconforming lots shall be permitted to the extent allowed by this Ordinance.

1529.3 **Nonconforming Buildings or Structures.** A nonconforming building or structure shall be subject to the following regulations:

- A. **Destroyed or Damaged.** If any nonconforming building or structure is destroyed to an extent of more than 50% of its replacement cost at the time of destruction, then such structure shall not be re-built unless it is in conformity with the requirements of this Ordinance.
- B. **Maintenance and Repairs.** Normal maintenance and repairs shall be permitted to the extent allowed by the Building Code and all other applicable Ordinances of the Village.
- C. **Additions.** Nothing in this section shall prohibit an addition to a residential building, provided that it meets the codes and shall not encroach upon the side yard, rear or front setback requirements as set forth in Appendix C.

1529.4 **Nonconforming Uses.** Any land, building or structure containing or being used for a nonconforming use, shall be subject to the following regulations:

- A. **Destroyed or Damaged.** If any building or structure being used for a nonconforming use is destroyed by any means to an extent of more than 50% of the replacement cost at the time of destruction, then such structure shall not be re-built unless it is in conformity with the requirements of this Ordinance.
- B. **Additions.** A nonconforming use shall not be enlarged; however, nothing herein shall be construed as prohibiting additions to any dwelling located in the Residential Districts nor shall anything herein be construed as prohibiting the construction of a garage or other accessory uses to any dwelling unit located in the Residential Districts. Nonconforming uses shall not be changed to another more intensive nonconforming type of use.
- C. **Discontinuation.** Discontinuation of a nonconforming use of land or structure for any reason for a period of 6 months shall be considered an abandonment of that use. Such use shall not be re-established, and any subsequent use of the land or structure shall conform to the regulations of the zoning district in which it is located.

1530      **Prohibited Uses**

*(Revised Ord. 2010-58)*

The following uses are hereby expressly prohibited in the Village of Spring Grove. These uses are not consistent with the intent and purpose of this Ordinance.

- Boarding House
- Energy generating stations
- Foundry
- Head shop
- Landfills
- Junk and salvage yards
- The processing of hazardous products including asbestos and fertilizer
- Lumber mill, sawmills and planing and paper mills
- Manufacturing, processing, and bulk storage (for future sales or distribution) of noxious, toxic, corrosive, and explosive solid liquid or gaseous chemicals, including fireworks manufacture
- Manufacturing and processing of coal, petroleum, tar, and asphalt products, including coke, illuminating gas, linoleum, oilcloth, roofing materials and asphalt tile
- Manufacturing and processing of fiberglass and smelting rubber (natural or synthetic)
- Mobile homes
- Pawn shop or pawn broker
- Processing of animal and vegetable products such as tanneries, slaughterhouses, rendering plants, glue, soap, paint and varnish manufacture, wool and textile scouring, sizing bleaching, and dying
- Psychics
- Recycling collection point

- Recycling facility
- Outdoor shooting range
- Tattoo parlor
- Wind energy farm

### 1531 Additional Regulations

- 1531.1 **Intent and Purpose.** The purpose of this Section is to address various miscellaneous land uses.
- 1531.2 **Zoning of Annexed Land.** Except as may be provided for by pre-annexation, or annexation agreement or by subsequent amendment to this Ordinance, any lot or parcel of land hereafter annexed to the Village without provisions having been made for its zoning shall be classified as E-5, Estate Residential Zoning District.
- 1531.3 **One Principal Building per Lot.** Except within planned unit developments, no more than one principal building or use shall be permitted on any lot in any zoning district.
- 1531.4 **Operations within Enclosed Buildings.** All business, service, storage (where permitted), preparation and processing shall be conducted wholly within enclosed buildings. Any outside storage of any type is strictly prohibited except when allowed as a Special Use pursuant to this Ordinance. This provision is not intended, however, to prohibit off street parking and off street loading when such activities take place as a result of some other principal use. Off street parking and off street loading are not permitted principal uses in any zoning district except when they take place as a result of any business, service, storage (where permitted), preparation or processing otherwise conducted wholly within enclosed buildings as stated above.
- 1531.5 **Unlawful Existing Uses Not Made Lawful.** No building, structure or use not lawfully existing at the time of adoption of this Ordinance shall be made lawful solely by the adoption hereof. Such structure or use shall remain unlawful hereunder to the extent that it is in conflict with the requirements of this Ordinance.

## Article 6 –Temporary and Accessory Uses

### 1532 Accessory Uses and Buildings

This Section authorizes the establishment of uses that are incidental and customarily subordinate to principal uses and that complement permitted land uses. The intent in adopting these regulations is to allow a broad range of accessory uses as long as such uses are located on the same zoning lot or parcel as the principal use. Accessory uses are allowed provided they comply with the performance standards and criteria set forth herein and do not adversely impact surrounding properties.

#### 1532.1 General Standards

- A. **Compliance with Ordinance Requirements.** All accessory uses shall comply with the applicable requirements of this Ordinance, including the use regulations and the bulk and area standards. The provisions set forth in this section establish additional requirements and restrictions for particular accessory uses and buildings.
- B. **Approval of Accessory Uses and Buildings.** Unless otherwise specified in this section, an accessory use or building shall be treated as a permitted use in the zoning district in which it is located. An accessory use or building may be approved in conjunction with approval of the principal use or building. An accessory use or building shall not be constructed or established on any lot or parcel prior to the issuance of a building permit for the principal structure or the issuance of an occupancy permit for a principal use to which it is accessory. This provision shall not, however, prohibit the issuance of a permit for a detached garage at the time of issuance of a building permit for a principal dwelling unit on the lot or parcel.
- C. **Accessory Use Permit.** Certain accessory uses or buildings require the issuance of a building permit or other approvals from the Village, consistent with the standards, specifications, and procedures set forth in this Ordinance and the Village Code.
- D. An accessory use shall be operated and maintained under the same ownership and on the same zoning lot as the principal use or structure.

1532.2 **Location.** Accessory buildings and uses shall be subject to the following location requirements.

- A. **Minimum Street Setbacks.** No accessory building may be located in a required minimum street setback.
- B. **Side and Rear Yard Setbacks.**

1. Accessory buildings are permitted to be located up to 10 feet from the side or rear yard property line. The minimum rear yard setback for any agricultural or equestrian accessory building shall be 25 feet. The minimum side yard setback for any agricultural or equestrian accessory building shall be 20 feet.
2. An accessory building may be located in a required side or rear yard setback if it is adjacent to a railroad right-of-way for the purpose of providing a rail loading dock.

C. **Location to Other Building.** No accessory building shall be located within 10 feet of any other building.

D. **Location in Easements Prohibited.** An accessory building shall not be located within any access, drainage, or utility easement without the written approval of the beneficiary of said easement or the Village. If an accessory building is located within an access, drainage, or utility easement, it shall be at the subject property owner's sole risk and liability and the Village shall not be liable for any damages which may occur as a result of such action.

1532.3 **Number of Accessory Buildings.** Only 1 accessory building shall be permitted per lot.

1532.4 **Examples of Accessory Buildings.** Below is a non-exhaustive list of accessory buildings.

- A. Garages – detached
- B. Garden house;
- C. Gazebo – free standing;
- D. Green house;
- E. Guard house; and
- F. Shed or building used for domestic storage.

1532.5 **Examples of Accessory Uses.** Below is a non-exhaustive list of accessory uses.

- A. Gazebo – attached to structure;
- B. Ground mounted solar energy system (refer to the Building Code for regulations);
- C. Home occupation (refer to Appendix D for regulations);
- D. Playhouse or tree house not used for domestic storage with 64 sq. ft. maximum;
- E. Private Free Library (refer to the Building Code for regulations);
- F. Satellite dish antenna (refer to Appendix D for regulations);
- G. Swimming pool (refer to the Building Code for regulations); and
- H. Towers and Antennas (refer to Appendix D for regulations).

1532.6 **Standards for Specific Accessory Uses.** The accessory uses listed in Appendix D are subject to additional or separate requirements due to aesthetics and safety concerns.

1532.7 **Prohibited Accessory Uses in All Zoning Districts.** The following activities are not considered accessory to a principal use on any site and are prohibited in all zoning districts:

- A. The use of a travel trailer, recreational vehicle, or tent as a permanent or temporary residence, or for storage purposes.
- B. The use of any motor vehicle, trailer, or shipping container, as a structure or an accessory structure in which, out of which or from which any goods or items of personal property are sold or stored, any services performed, or other businesses conducted except with a temporary use permit.
- C. The selling of third-party motorized vehicles.

1532.8 **Prohibited Accessory Use in Residential Zoning Districts.** Automotive repair, including engine, body, or other repair or repainting of more than one vehicle at any one time, as well as automotive repair of any vehicle not owned by a person residing at that address, regardless of whether compensation was paid for the service is not considered accessory to a principal use on any site and is prohibited in residential zoning districts.

1532.9 **Prohibited Accessory Use in Commercial and Industrial Zoning Districts.** The parking or storage of a travel trailer, recreational vehicle or boat is not considered accessory to a principal use on any site and is prohibited in commercial and industrial zoning districts.

## Article 7 - Off-Street Parking and Loading Standards

### 1533 Purpose

The purpose of this Article is to provide regulations which prevent, alleviate, or minimize congestion on public streets, and promote the public safety and welfare through the establishment of minimum requirements for off-street parking and loading in accordance with the use of property and its zoning designation.

### 1534 Scope

The off-street parking and loading provisions of this Article apply as follows:

- A. All buildings, structures, and land uses, as well as all modifications of buildings and structures which increase the total floor area or the intensity of use, established and initiated on or after the effective date of these regulations shall be provided with accessory off-street parking and loading facilities as required herein. Any permit for the construction or enlargement of a building or structure, issued before the effective date of this Ordinance, shall comply with requirements in effect at the time of permit issuance.
- B. Whenever the existing use of a building or structure is changed to a new use, parking and loading facilities shall be provided as required for such new use.
- C. If a building or structure is decreased in size because of a reduction in the number of dwelling units, floor area, seating capacity, employees or other units of measurement, the required number of parking and loading spaces may be decreased proportionately in accordance with the provisions of this Ordinance.
- D. If a building or structure is enlarged or if a new building is constructed, the required number of off-street parking and loading spaces shall be increased as provided herein.

### 1535 General Provisions

1535.1 Every development or change in use shall provide off-street parking and loading facilities in accordance with the provisions of this Article.

1535.2 Any application for a permit for a new or enlarged building or structure, or for an expanded or changed use, shall include a site plan drawn to scale and fully dimensioned. The site plan shall depict such new or enlarged building or structure, along with parking and loading facilities necessary to fulfill the requirements of these regulations.

1535.3 **Existing Parking and Loading Facilities.** Accessory off-street parking and loading facilities located on the same lot or parcel as the building being served or the use being served and which existed as of the effective date of this Ordinance may not be reduced in number unless the number of said spaces exceeds the requirements of this Article for equivalent new construction. If this is the case, said spaces shall not be reduced below the number required herein for such equivalent new construction.

1535.4 **Permissive Parking and Loading Spaces.** Nothing in this Article shall prevent the establishment of off-street parking or loading facilities to serve any existing buildings or uses of land as long as such facilities fully comply with the provisions of this Article, except that off-street parking areas accessory to existing multiple-family structures may not be located off the lot containing the main use, unless on adjacent land.

1535.5 **Computation of Spaces.** When determination of the number of off-street parking and/or loading spaces required by this Article results in a requirement for a fractional space, any fraction of one-half or less may be disregarded and any fraction in excess of one-half shall be counted as one parking space or loading space.

### 1536 **Joint Parking Facilities**

1536.1 Off-street parking facilities for more than one building, structure, or use may be combined and provided collectively in any zoning district in which separate parking facilities for each use are permitted. When such combined parking is provided, the overall number of parking spaces may be reduced by ten (10) percent.

1536.2 For joint parking facilities for separate uses having non-overlapping and non-conflicting parking demands, the required number of spaces for both uses may be reduced by up to twenty five percent (25%). Such a reduction shall be approved only if the Building and Zoning Officer determines that the reduction will not result in increased congestion or violate the purpose and intent of this Article.

### 1537 **Off-Site Parking Facilities**

When required accessory off-street parking facilities are provided elsewhere than on the lot on which the principal use is served, they shall be in the same right of possession either by deed or long-term lease, as the property occupied by such principal use, and shall be within the same zoning district as the principal use. Such off-street parking facilities must be within 500 feet of the main entrance of the principal use being served, and except for the "B-1" Central Business District, must be in the same block so that no public street lies between the off-site parking spaces and the principal use. The owner of the principal use shall be bound by a covenant filed with the McHenry County Recorder of Deeds requiring the owner and the owner's heirs and assigns to maintain the required number of parking spaces during the existence of the principal use, except as permitted herein.



- 1540.2 **Guards and Curbs.** Parking areas shall be provided with wheel guards, bumper guards, or curbs so as to prevent the parked vehicles from extending beyond the outside perimeter of the parking area.
- 1540.3 **Handicapped Parking or Spaces.** All off-street handicap parking spaces shall be at least 16 feet wide and 20 feet deep, and shall include an eight (8) foot wide diagonally striped access aisle. Adjacent handicapped parking spaces shall not share a common access aisle. All access aisles shall blend to a common level with an accessible route. All handicap parking stalls shall have a vertically installed sign installed in the front center of the parking space. All identification signage shall comply with the Illinois Vehicle Code and Illinois Accessibility Code.
- The minimum number of accessible parking spaces required shall be the current standard in the current edition of the Illinois Accessibility Code.
- 1540.4 **Striping.** All parking stalls shall be striped.
- 1540.5 **Grading.** Off-street parking areas shall be graded for proper drainage and provided with an approved paved or other approved hard surface and maintained in such manner as to be free of dust, trash, and debris.
- 1540.6 **Screening.** Screening of parking areas shall be in compliance with the Landscape Code. Any lights used to illuminate such parking lots shall be so arranged and shaded as to reflect lighting away from adjoining residential properties.
- 1540.7 **Permit Application.** Permit applications for the construction of motor vehicle parking spaces or the expansion of existing parking areas shall be referred to the Village Engineer for approval of grading plans and/or stormwater management measures, and for a determination of affects on adjacent properties, water courses and public right-of-way.

## 1541 Vehicular Access

The parking area shall be designed with appropriate means of vehicular access to a street in such a manner as to minimize interference with traffic movement. It shall be provided with entrances and exits not less than 12 feet in width and not more than 25 feet in width. Divided entrances/exits with island dividers, and joint driveway/curb cuts serving more than 1 lot may be permitted to exceed this distance.

## 1542 Required Setbacks

- 1542.1 No off-street parking shall be permitted outside the property line.

1542.2 Parking spaces may be permitted in required front and side yards but not in the required landscape easement or any utility easement; however, no spaces will be permitted in the required side yard landscape easement in accordance with the Landscape Code.

### 1543 Non-residential Loading Spaces

1543.1 **Location.** All required off-street loading spaces for non-residential activity shall be located on the same zoning lot as the use served. No loading space for vehicles over 2 tons capacity shall be closer than 40 feet to any property in a residential district unless completely enclosed by building walls, or a uniformly solid fence or wall, or any combination thereof, not less than 6 feet in height. No permitted or required portion of a loading space shall be located within 35 feet of the nearest point of intersection of any two streets. Off-street loading spaces in industrial, business or office districts may be located in required rear or side yards, except no loading space may be located within 40 feet of adjacent residential districts. No off-street loading space in any zoning district may be located within a required front or side yard abutting a street.

1543.2 **Description.** Unless otherwise specified, a required loading space shall be at least 12 feet in width and at least 45 feet in length, exclusive of aisles and maneuvering space, and shall have a vertical clearance of at least 14 feet.

1543.3 **Construction and Surfacing.** The construction design of all off-street loading spaces and access thereto, shall be reviewed by the Village Engineer to determine that they are constructed in accordance with applicable Village standards. A concrete surface shall be required for each loading space which serves a dock, ramp, or elevator.

1543.4 **Circulation and Access.** Off-street loading areas shall be so designed as to not require the use of any arterial or collector street for maneuvering space into or out of the loading space. Adequate space to accommodate the turning radii of trucks and trailers, exclusive of any parking spaces and landscaping shall be provided.

1543.5 **Use of Off-Street Loading Facilities.** Space allocated to any off-street loading space shall not also be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

1543.6 **Central Loading.** Off-street loading spaces for separate uses, different buildings, structures or uses, or for mixed uses, may be provided collectively in any zoning district in which separate loading spaces for each constituent use would be required, provided that the total number of loading space so located together shall not be less than the sum of the separate requirements for each use.

## 1544 Schedule of Required Loading Spaces

The number of required loading spaces for uses in specific zoning districts shall be as set forth in the Required Number of Loading Spaces Table in Appendix L, unless alternate measures are approved by the Building and Zoning Officer. In calculating the total number of spaces required, the following shall apply:

- A. For uses or buildings, including accessory buildings, having a combined floor area of not more than 20,000 square feet, the number of loading spaces shown in Column 1 of said Table shall be required.
- B. For uses or buildings, including accessory buildings, having a combined floor area greater than 20,000 square feet, but not more than 50,000 square feet, the number of loading spaces shown in Column 2 of said Table shall be required.
- C. For uses or buildings, including accessory buildings, having a combined floor area greater than 50,000 square feet, but not more than 100,000 square feet, the number of loading spaces shown in Column 3 of said Table shall be required.
- D. For uses or buildings, including accessory buildings, having a combined floor area of greater than 100,000 square feet, the number of spaces shown in Column 3 of Table, plus the number of spaces shown in Column 4 of said Table, for each additional 100,000 square feet, or fraction thereof shall be required.