

## Appendix D – Use and Performance Standards

The purpose of this Appendix is to establish standards and criteria which pertain to specific uses. Because of the potential impact on the Village and its residents, these uses require additional controls in regard to how they exist and relate to other areas and uses and activities. Additional standards pertaining to sexually oriented businesses, earth materials extraction, processing, and site reclamation, overlay planned development districts and planned unit developments, alternative energy collection systems, and personal wireless telecommunications facilities can be found in subsequent appendixes.

**101 Athletic Field (Private).** The following regulations shall apply to an athletic field.

- A. Building elevations shall be provided which demonstrate that all accessory structures and facilities, such as food and beverage facilities or equipment shops, are architecturally compatible with the principal building.
- B. Protective screening shall be required wherever an athletic field abuts land zoned or used for residential or public uses.
- C. Lighting shall comply with the Village's lighting regulations and be approved by the Architectural Review Commission.
- D. The hours of operation shall be limited to 8:00 a.m. to 10:00 p.m.
- E. All yards shall be at least fifty (50) feet from side, rear and front boundary lines of the property in question.
- F. Adequate vacant areas must be available on the site to provide sufficient parking spaces to handle all anticipated crowds.
- G. The minimum area for a private athletic field shall be five (5) contiguous acres.
- H. Additional conditions may be required as appropriate for the specific site.

**102 Automobile, Boat, and Truck Repair**

- A. All vehicles and boats being serviced must be stored indoors or on a paved surface and no required off-street parking may be used for vehicle and boat storage.
- B. All repairs shall be done in a fully enclosed building. Only vehicles and boats being serviced at the establishment may be stored outdoors. No more than four vehicles and boats being serviced may be stored outdoors and each vehicle or boat may be stored waiting for service for no more than seven days. No vehicles or boats may be stored and no repair work may be conducted outside of the building. Wrecked or junked vehicles or boats may not be stored on-site. All equipment and parts shall be stored indoors.
- C. All vehicles being serviced must have valid registration with the Secretary of State.

- D. Where a vehicle or boat repair facility abuts a residential zoning district, the facility shall install a six foot board on board fence along the length of all interior side and rear lot lines that abut the residential zoning district.

103 **Automobile, Boat, and Truck Wash.** No automobile, boat or truck wash shall be permitted as a principal or accessory use on a property, unless it complies with the following standards:

- A. No storage or repair of vehicles or boats shall be allowed upon the property.
- B. All paved areas must meet the minimum front and side yard building setbacks for the zoning district in which the property is located.
- C. Stacking for at least 5 vehicles per automatic wash bay and 2 vehicles per service bay shall be provided. A site plan that shows site activities and the location of a screened refuse disposal site, as well as a circulation plan depicting the overall site and demonstrating that parked or waiting vehicles will not block sidewalks, driveways or streets and shows stacking, shall be provided.
- D. All wash activities shall occur within a building and no vacuuming activities may take place in any front yard or any location visible from a public street. Wash activities shall be adequately screened so that they will not be seen or heard from any adjoining residential properties. A landscape plan depicting landscape details and showing screening is required.
- E. A drip water collection system including heated concrete exit ramps shall be constructed to prevent on-site and off-site icing and shall be depicted on the required plan submittals.
- F. Automatic wash facilities shall have a mechanical dryer operation at the end of the wash cycle. The use of such dryers shall be mandatory during sub-freezing weather. In the case of a self-service or manual wash, sufficient space shall be provided for drying of the vehicle undercarriage during sub-freezing weather prior to exiting onto a public street.
- G. Self-service vacuum operations shall be located in an area so that their use is encouraged after the vehicle is washed and to provide more drying time before the vehicle exits the site.

104 **Automobile, Recreational Vehicle and Truck Rental and Sales**

- A. **Standards.** Standards for motor vehicle display and storage shall be applied to all new and used motor vehicle dealerships, new motor vehicle leasing operations, and new and used vehicle rental operations. A vehicle display showroom is required for both new and used vehicle sales. Such a showroom shall consist of a building used exclusively for the year-round display of automobiles or other vehicles customarily in stock, and shall include related sales offices and restroom facilities.
- B. **Standards for Indoor Display.** The capacity of a required indoor display showroom shall be the greater display capacity of three (3) spaces or ten percent (10%) of the sales lot capacity, except that the total number of required display spaces for any use need not exceed six (6). The area for outdoor individual motor

vehicle display spaces shall be sufficient in size and layout for customers to move freely around all sides of a vehicle and to open and close vehicle doors without interfering with or encumbering such movement. There shall be an open and unobstructed area extending three (3) feet beyond each individual motor vehicle display space, which area shall be made available for potential purchasers to view motor vehicles on display and/or being offered for sale.

C. **Standards for Outside Motor Vehicle Display.** Outdoor vehicle display may not occur until an occupancy permit for an indoor display showroom has been granted.

1. A site plan shall provide a detailed depiction of the proposed display area and how it will accommodate the display of motor vehicles.
2. All parked, displayed, or stored vehicles shall not be located within minimum setback areas for accessory uses. Permanent curbing or similar improvements approved by the Village Engineer shall be installed to prevent vehicles from encroaching into required setbacks.
3. All vehicles displayed outdoors in conjunction with a new or used motor vehicle dealership, motor vehicle rental, or motor vehicle leasing facility shall be screened from abutting residential uses in accordance with the Village's appearance standards.
4. All new or used motor vehicles shall conform to all requirements of the Illinois Vehicle Code, shall be operable, shall include all operating parts, all body parts, all safety equipment, and shall be uniformly painted and free from having any loose or damaged exterior parts.
5. Vehicles must be parked or displayed on asphalt, concrete, or paving bricks designed for motor vehicle traffic.
6. Elevated displays shall be permitted only within those areas specifically designated on the required site plan. Such elevated displays shall be uniform in appearance and the maximum height of a displayed vehicle shall be no higher than fourteen (14) feet above grade.
7. Vehicles shall not be displayed or parked on any grass, gravel, or unapproved surface.
8. Customer parking and employee parking areas shall be indicated on the required site plan. Such parking shall be clustered and shall be differentiated from the display area, and must conform to all regulations found in this Chapter.

105 **Automobile, and Truck Self Service Fueling Center.** Consideration for the issuance of such a special use permit shall be based on the following standards. (*Revised Ord. 2017-10*)

A. The overnight parking of vehicles is prohibited.

- B. Safe and efficient vehicular and pedestrian circulation shall be provided for all activities on the site, including semi-trailer parking.
- C. Environmental impact statements as determined by the Zoning Enforcement Officer from a qualified expert in the related field that the use will not negatively affect groundwater resources or contaminate the soil shall be provided.
- D. One full vehicular access point will be allowed per frontage if approved by the agency having jurisdiction over the roadway. Access should be located to minimize conflicts and enhance circulation. Vehicular interconnections between the subject site and adjoining sites should be provided. Additional right-in/right-out access may be approved during the special use permit review and approval process or by the Village Engineer.
- E. If a car wash is proposed, information shall be provided which demonstrates compliance with Section 104.
- F. All paved areas shall meet the parking setbacks established in this Chapter.
- G. The minimum setback required for gas station canopies, islands, and fuel pumps is 20 ft. (*Revised Ord. 2021-08*)
- H. Building elevations shall demonstrate that all accessory structures on the site are architecturally compatible with the principal building. Elevations should be provided showing screening for outside storage areas.
- I. Fueling for tractor trailer trucks shall be prohibited on sites adjacent to residential zoning districts and uses.
- J. Vehicle sales are prohibited.
- K. **Spacing of Self Service Fueling Center.** No self-service fueling center shall be located within 600 feet of any other self-service fueling center.

**106 Bed and Breakfast Inn.** The purpose of this section is to provide regulations for the placement and establishment of bed and breakfast inn (hereinafter referred to as “B&B”) facilities in order to provide temporary short-term overnight accommodations for visitors to the Village. A B&B establishment shall comply with the State of Illinois Bed and Breakfast Act (50 ILCS 820/1 et. seq.) as amended, and the following minimum standards as a requirement for the issuance of a B&B establishment license:

- A. Each B&B establishment shall maintain a guest register.
- B. A B&B guest may not stay overnight in any portion of the B&B establishment not designated as a guest room.
- C. Except as provided for herein, a B&B establishment shall be in a single family detached residential structure.
- D. When a B&B establishment is within a single family detached residence, the Village as part of the B&B establishment approval process may consider the use of accessory

structures for B&B guest room accommodations.

- E. A structure used for B&B purposes shall, prior to or as a condition of B&B approval, be designed, constructed, and/or remodeled to serve and function as a B&B establishment.
- F. Means of egress from a B&B establishment shall not be blocked or obstructed.
- G. One off-street parking space shall be provided for each authorized guest room, plus an additional two (2) spaces for the principal residential dwelling. These requirements may be reduced by the Zoning Enforcement Officer if the B&B operator can demonstrate the availability of and permission to use alternative off-site parking accommodations pursuant to an easement, long term lease, or other agreement.

**107 Cannabis Business Establishments.** In addition to the special use standards and any other applicable requirements or limitations under the Village's zoning regulations, all cannabis business establishments must comply with the following requirements:

- A. **Location Restrictions.** In addition to those minimum distance limits imposed by state law, any building used for a cannabis business establishment may not be located within 250 feet of the property line of a pre-existing public or private school, recreation center, public park, public library, or place of worship.
- B. **Site Plan Review.** All cannabis business establishments must submit a site plan, drawn to scale, of the subject property with the proposed cannabis business establishment a part of the special use application. The Village may impose additional setback, landscaping, screening, and buffering requirements on a cannabis business establishment to mitigate impacts on surrounding properties.
- C. **State Licensing.** Before issuance of a certificate of occupancy or otherwise opening to the public, cannabis business establishments must provide a copy of their license to operate as a cannabis business establishment and approved odor control, security, and waste plans from the respective state agency.
- D. **Compliance with State Regulations and Rules.** All cannabis business establishments shall comply with the Cannabis Regulation and Tax Act, as amended, and all rules and regulations adopted in accordance thereto.
- E. **Drive-Thru Windows.** A cannabis dispensary may not have a drive-through service.
- F. **Cannabis Dispensary Parking.** Cannabis dispensaries are required to have 5 parking spaces per 1,000 square feet of floor area.
- G. **Traffic Study.** Cannabis business establishments may be required to submit a study showing the impact of the proposed business on traffic in the surrounding area as part of the special use application. The Village will select the professional to conduct the traffic study, but the applicant will be responsible for the cost of the study.

- H. **Random Inspections.** In addition to those inspections authorized by state law, all cannabis business establishments are subject to inspections by the Zoning Enforcement Officer with the assistance of the Village Attorney, the Police Department, or other Village agents and employees when reasonable cause exists to believe there is a violation of state law or regulations or Village ordinances.
- I. **Hours of Operation.** Unless otherwise prescribed by state law, the Village may impose limits on the hours of operations of cannabis business establishments as a condition of any special use approval.
- J. **On-Premises Consumption.** A cannabis dispensary may be issued a special use permit which allows the on-premise consumption of cannabis in a specifically designated area located in a free standing structure occupied solely by the cannabis. Persons over 21 years of age may purchase cannabis from a licensed cannabis dispensary with a special use permit for on-premises consumption and consume the cannabis purchased from that cannabis dispensary within that cannabis dispensary. Consumption of cannabis on or within the premises of any other cannabis business establishment is prohibited.
- K. **Number.** The Board of Trustees may establish the number of each type of cannabis business establishments allowed in the Village by ordinance.

*(Revised Ordinance 2019-58)*

**108 Cemetery.** The following shall apply to the standards for a cemetery. *(Revised Ord. 2017-10)*

- A. Cemeteries shall comply with all state regulations.
- B. Perimeter landscaping shall be required.
- C. The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets. The site shall have direct access to a public thoroughfare.
- D. A minimum setback of 80 feet shall be maintained from the perimeter of the cemetery site for all cemetery purposes including graves and burial plots, headstones and markers, chapels, mausoleums, vaults, columbaria, crematoria, shelters, or any other buildings, except that a grave or burial plot may be allowed within 5 feet of an abutting parcel that contains an existing cemetery.
- E. Any expansion of an existing cemetery, not having an approved special use permit, shall comply with the requirements of this Section.
- F. Adequate facilities shall be provided on the site and no cemetery parking will be permitted on any public streets.

**109 Child Care: Commercial Daycare Facility and Home Daycare.** The following shall apply to the standards for a childcare facility.

- A. Child care facilities must obtain and maintain a license from the Department of Child and Family Services for the operation of the facility.
- B. If there is a pick-up or drop-off area for children, it shall be located so that children do not have to cross the parking lot or any other traffic area.
- C. A circulation pattern shall be planned to avoid the stacking of cars. A one-way traffic pattern shall be utilized if possible.
- D. A fenced outdoor play area adjacent to or very close to the facility is required in accordance with DCFS standards.

## 110 Christmas Tree Sales

- A. A temporary use permit may be issued for the display and open-lot sales of Christmas trees for a period of no longer than 45 days.
- B. The sale of Christmas trees is considered accessory to and shall be conducted by the principal business on a site.
- C. The sale of Christmas trees shall be conducted at least 30 feet from the right-of-way of any highway or public street.
- D. Property on which Christmas trees are sold shall be of sufficient size to provide adequate off-street parking in addition to maintaining required parking for any existing use on the property.
- E. The fee for a temporary use permit for Christmas tree sales is \$300.00.

## 111 Church or Place of Worship

- A. **Application.** An application for a special use permit to locate and operate a church or place of worship shall also include a traffic study and report showing an unobstructed line of site distance along all contiguous streets, an estimate of peak traffic volumes generated by the church facility, and counts on said streets.
- B. **Standards.** The following information shall be added to the standards of operations of a church or place of worship.
  1. Setbacks shall be the same as those for other permitted principal and accessory uses, buildings, and parking in the underlying zoning district.
  2. The number of parking spaces shall comply with the parking requirements established for other assembly uses.
  3. Primary access to the site shall be located on a collector or arterial street. Secondary access may be approved on a neighborhood street to facilitate access by neighborhood residents.



4. Site and building design, landscaping and lighting shall comply with the Village's project review regulations and standards, as well as all applicable building codes.
5. Religious institutions and associated educational facilities shall be the sole use of the site.
6. Any bus or van storage shall occur on asphalt, concrete or paving bricks designed for motor vehicle traffic.

**112 Circus, Carnival, or Fairgrounds**

- A. A temporary use permit may be issued for a period not longer than 7 days.
- B. A circus, carnival or fairground shall be conducted at least 30 feet from the right-of-way of any highway or public street.
- C. Structures or equipment pertaining to a circus, carnival or fairgrounds temporary use shall not be located within 20 feet of any on- or off-site building used for residential purposes.
- D. Structures or equipment pertaining to a circus, carnival or fairgrounds temporary use shall have all applicable state safety permits and certificates.
- E. Prior to issuing a temporary use permit for a circus, carnival or fairgrounds, such amusement park, circus, carnival, or fairgrounds shall be inspected by the Village and fire protection district for compliance with building codes and fire and safety regulations.
- F. The fee for a temporary use permit for a circus, carnival or fairground is \$200.00 per day.

**113 Community Centers.** Community centers shall comply with the following use and development standards:

- A. Swimming pools, tennis courts, and similar exterior sports courts or fields may be considered part of a community center and shall be setback 30 feet from any abutting agriculture or residential zoning district or use, and shall be screened in accordance with the Landscape Code.
- B. No off street parking or loading area shall be permitted within 10 feet of a side or rear lot line.
- C. All parking areas within 20 feet of any abutting agriculture or residential zoning district or use appropriate landscaping or berm improvements.

## 114 Contractor's Office and Equipment Shed

- A. A temporary use permit may be issued for a contractor's temporary office and equipment shed when accessory to an approved construction project. Multiple temporary structures may be allowed under a single temporary use permit if the structures are owned by the same contractor or utilized for the same project.
- B. Such a temporary structure must be on the same site as the construction project and may be located within a subsequent phase of a multi-phase project.
- C. No such temporary structure shall contain sleeping or cooking accommodations, except as necessary to accommodate security personnel.
- D. A temporary structure shall comply with applicable building and architectural codes and fire safety requirements.
- E. The maximum length of the temporary use permit shall be 1 year, but may be renewed annually through the duration of the construction project. The office or shed shall be removed within 21 days of completion of the construction project.

## 115 Drive Up Facility. In addition to any other conditions, the following limitations and conditions shall be considered for drive up facilities:

- A. No drive up facility shall be located on a parcel which is adjacent to residential property.
- B. Drive up windows and lanes shall be placed to the side or rear of the building served.
- C. The volume for the communication box from the drive up facility to the main facility shall be set at a level so as not to disturb adjacent properties or uses.
- D. If the patrons of a drive up facility refer to a sign or menu board as are commonly used for restaurants, then the sign shall be in close proximity to the communication box and shall be placed in close proximity to the main facility.
- E. **Stacking Space Criteria.** Stacking spaces shall be provided for any use having a drive up. The following general standards shall apply to all stacking space for drive up stations:
  - 1. Stacking spaces and lanes for drive up stations shall not impede on and off-site traffic movement, shall not cross or pass through off street parking areas, and shall not create a potentially unsafe condition where crossed by pedestrian access to a public entrance of a building.
  - 2. Drive up lanes shall be separated from off-street parking areas. Individual lanes shall be striped, marked, or otherwise distinctly delineated.
  - 3. Bypass lanes and other parking lot drive aisles immediately adjacent to the drive up lane(s) shall maintain the same direction of traffic flow as the drive up.

4. Approach lanes for drive up facilities shall have a minimum width of 12 feet measured from the face of the curb. The Zoning Enforcement Officer may administratively approve the following reductions in width for constrained sites:
    - One lane - reduction to 11 feet
    - Two or more lanes - reduction to 10 feet per lane
  5. All drive up facilities shall provide a bypass lane with a minimum width of 10 feet.
  6. Each stacking space shall be a minimum of 10 feet wide by 20 feet long.
- F. Any petitioner for a drive up facility special use permit shall submit the following information in support of its application:
1. A site plan illustrating a minimum stacking or cue of five cars per lane.
  2. A site plan illustrating that drive up bays shall be located a safe distance away from public rights of way, as determined by the village.

**116 Events of Public Interest.** Events of public interest, including but not limited to picnics, races, fishing derbies, dinner dances, fundraisers, haunted houses, outdoor concerts, and charitable auctions, which are of a temporary nature and intended to occur in locations or facilities where such activity is not permitted in accordance with the underlying zoning designation, shall be subject to the following standards:

- A. The event shall be held or sponsored by a non-profit or not-for-profit organization, or a for-profit business where the profit motive is incidental to the promotional objective of the event organizer.
- B. The event shall be held on private property and not on public property or public rights-of-way unless reviewed and approved by the Village Board.
- C. All uses and activities authorized as part of such an event shall be limited to specified hours and a maximum of 7 days per calendar year, per zoning lot, unless otherwise expressly approved.
- D. Events of public interest shall be permitted in residential districts, only when located on the site of a permitted nonresidential use.
- E. Parking for the exclusive use by event participants shall be provided and a stabilized drive to the parking area shall be maintained. It is the responsibility of the organizer to guide traffic to these areas. Parking along state or county highway rights-of-way is prohibited, and parking may be prohibited on public streets under the jurisdiction of the Village by the Village Board for reasons of traffic control and public safety.
- F. Noise levels associated with events of public interest, except for supervised displays of fireworks, shall comply with the Village code.

- G. The event site shall be cleared of all debris within 24 hours of the conclusion of the event and all temporary structures shall be removed within 7 days after the conclusion of the event. A cash bond, surety bond, or other monetary guarantee may be required by the Zoning Enforcement Officer to ensure clean up. The amount of such guarantee shall be based on the estimated costs of clean-up.
- H. If liquor is intended to be used, sold, or consumed during the event, a liquor license must be obtained, as required by the Village Code and Illinois state law.
- I. The Zoning Enforcement Officer may require proof of insurance from the event organizer for purposes of public safety and protection.
- J. It shall be the responsibility of the organizer to maintain the event site in a condition that provides for the health, safety, and welfare of event attendees, neighboring residents and property owners, and the public. In the event that the Police Department determines that the activity is a threat to the public health, safety, and welfare, the Police Department shall have the right and authority to close the event to ensure the preservation of the health, safety, and general welfare of attendees or neighboring residents, property owners, and the public.
- K. In addition to the conditions listed above, a temporary use permit is required for private displays of fireworks and shall be subject to applicable terms and conditions of applicable fire safety regulations of the Village and the applicable fire protection district.

## 117 Farmers' Market

- A. A farmers' market may be conducted on sidewalks, parking lots, and vacant lots provided permission has been granted by the property owner.
- B. Farmers' markets are limited to one event per week during the period from April 1 to October 31 and the hours of operation shall be limited so as to not interfere with the surrounding land uses.
- C. A maximum of one structure or display booth shall be allowed and may have a maximum area of up to 400 sq. ft. Such a structure or display booth shall be portable and completely removed at the end of the sales period.
- D. The property shall be of sufficient size to provide adequate off-street parking in addition to maintaining required parking for any existing use on the property.
- E. Approval may be conditioned upon the temporary use regarding such things as unobstructed pedestrian ways, driveways, and other public health, safety, and fire protection issues.
- F. The fee for a temporary use permit for a farmers' market is \$100.00.

## 118 Firearms Sales

*(Revised Ord. 2014-17)*

- A. **Qualifications.** All employees actually involved in the sale or handling of firearms and ammunition must be (i) at least 21 years of age and (ii) certified by the village chief of police or his or her designee, as being reasonably knowledgeable about the use and operation of such firearms and (iii) have successfully passed a criminal background investigation, and any other applicable requirements of the United States, the State of Illinois, village and any other entity having jurisdiction having authority over the premises and the activities thereon.
- B. **Storage of Inventory.** All firearms shall be stored, maintained, and displayed in locked cases at all times.
- C. **Inspections.** The police chief or his designee shall be permitted to inspect, during regular business hours, all records relating to the sale or transfer of firearms required to be maintained pursuant to the Federal Firearms Act, the Federal Gun Control Act, the laws of the State of Illinois, and any rules prescribed by the Department of Treasury, Bureau of Alcohol, Tobacco Firearms and Explosives and any other governmental entity or agency with jurisdiction.
- D. **Alarm System.** An operating 24-hour burglar and fire cut-wire alarm system shall be installed and maintained on the premises and the alarm must be registered with the village police department.

## 119 Flea Market

- A. Temporary stalls or tables for the sale of products are permitted.
- B. Sales may involve new and/or used items.
- C. Any sales of food products shall meet all rules and regulations and require approval of the McHenry County Department of Public Health.
- D. Flea Markets are limited to one event per week during the period from April 1 to October 31 and the hours of operation shall be limited so as to not interfere with the surrounding land uses.
- E. The property shall be of sufficient size to provide adequate off-street parking in addition to maintaining required parking for any existing use on the property.
- F. Approval may be conditioned upon the temporary use regarding such things as unobstructed pedestrian ways, driveways, and other public health, safety, and fire protection issues.
- G. The fee for a temporary use permit for a flea market is \$25.

120 **Golf Course, Country Club.** The design and operation of a golf course, golf club or country club shall be governed by the following requirements:

- A. A golf course/country club may include swimming pools, tennis courts, snack shops, refreshment stands on the course, a club house containing dining/banquet facilities, locker room and shower facilities, a pro shop, a lounge, conference center, lodging and similar complimentary uses. It may also include an outdoor practice driving range as accessory to the golf course, provided it is an integral part of the golf course, is not lighted or operated other than during daylight hours, is not operated at hours other than those during which the golf course is open for play and otherwise complies with the requirements for a golf driving range provided herein. These lighting regulations and operating hour restrictions shall apply only when the facility is located in or adjacent to an E or R zoning district or use. (*Revised Ord. 2017-10*)
- B. At least one shelter building for toilet facilities shall be provided on the golf course.
- C. A conservation management plan demonstrating environmentally friendly turf and landscaping management, control of runoff, buffering and setbacks shall be submitted for approval.
- D. No building or structure shall be constructed within 100 feet of the centerline of any fairway.
- E. The site shall have frontage on and access to a collector or arterial street, however, the highway authority with jurisdiction over the subject road may approve alternative access.

121 **Golf Driving Range.** Consideration for the issuance of a special use permit for a golf driving range shall be based on meeting the following criteria.

- A. The site shall be configured to permit a minimum driving distance of 300 yards from each proposed tee, exclusive of the required landscape area. No building or structure shall be constructed within 100 feet of either side of the driving range and no tee shall be located within 50 feet of any adjoining property.
- B. Site landscaping and lighting improvements shall comply with the Village's Landscape and Building Codes.

122 **Group Dwelling: Handicapped, Long Term Care Facility, and Semi-Independent Living**

- A. **Application.** The following additional information shall be included in the application for a Group Dwelling: Handicapped, Long Term Care Facility and Semi-Independent Living special use permit:
  - 1. A statement of the exact nature of the facility planned.
  - 2. The qualifications of the organization which will operate the facility.

3. The type and number of personnel who will be involved in the daily operation of the facility.

B. **Standards.** The following standards shall apply:

1. No special use permit for a Group Dwelling shall be granted except when the Village Board finds that there is, and will for the foreseeable future continue to be, a ready market demand among current area residents for all of the dwelling units in the proposed Group Dwelling development.
2. No Group Dwelling shall be located on any lot across the street from, or with any portion of any side lot line contiguous to, any R-1, R-2, E-1, E-2, or E-5 district.
3. No Group Dwelling shall be located within 1,000 feet of another Group Dwelling.
4. No Group Dwelling shall be established without the prior licensing, certification, or other approval of every public agency charged with the regulation or supervision of the proposed facility. Every application for a special use permit for a Group Dwelling shall set forth each agency that must approve the establishment or operation of the Group Dwelling and shall be accompanied by a formal acknowledgement of approval from each such agency; provided, however, that in the event any such approval has been delayed, the application shall set forth the status of each such application and shall state any facts known to the applicant that might have contributed to the delay of any required approval that has not been obtained as of the time of the filing of the application for a special use permit. Each Group Dwelling shall maintain the appropriate licensing from the regulating agency or agencies. The failure to maintain such licensure may result in the revocation of the special use permit.
5. No special use permit for a Group Dwelling shall be granted unless the applicant therefore shall establish, to the satisfaction of the Village Board, that there exists a reasonably certain source of continuous and sufficient funds to provide for the operation and maintenance of such facility in accordance with the representations of the application and the various standards applicable to such facility by reason of the Village Code and other laws and regulations.

123 **Home Occupations.** The purpose of the home occupation standards and requirements is to allow occupations to be conducted in a dwelling unit which are compatible with the neighborhoods in which they are located and which do not interfere with the rights of the surrounding property owners to enjoy the residential character of the neighborhood. Home Occupations shall be permitted in all residential zoning districts, subject, however to the following regulations:

- A. **Incidental Use.** The Home Occupation must be clearly incidental and secondary to the use of the dwelling as a residence. The Village's standard in this regard is that the home occupation should not ordinarily exceed 25 percent or 500 sq. ft. of the gross floor area of a dwelling unit, whichever is less.
- B. **Ownership.** The home occupation must be managed and owned by a person residing in the dwelling unit.
- C. **Employees.** No persons other than members of the immediate family residing in the dwelling unit and one additional employee shall be employed in a Home Occupation. An off-street parking place shall be provided while the employee is on the premises.
- D. **Displays.** No commercial display of materials, merchandise, goods, or equipment shall be visible from the exterior of the dwelling unit. No stock-in-trade shall be sold upon the premises.
- E. **No Exterior Evidence.** There shall be no activity, structure, or other exterior evidence that the dwelling unit is being used for any non-residential purpose in order to conduct the home occupation. The home occupation may not require or use outdoor storage or involve conducting business activities outdoors.
- F. **Equipment.** No mechanical or electrical equipment shall be installed or maintained other than such as is customarily incidental to a home. No mechanical or electrical equipment shall be operated as to interfere with the use and enjoyment of neighboring properties or to indicate that the structure is being used for a non-residential purpose.
- G. **Limits on Deliveries.** All receipt and delivery of merchandise, goods, or equipment shall be made by United States mail, similar parcel delivery service, or by private vehicle with a gross weight not to exceed 12,000 pounds.
- H. **Parking.** The conduct of the home occupation shall not require more vehicle parking spaces than exist on the residential drive on the property, or on assigned parking spaces servicing the dwelling unit. The conduct of the home occupation shall not reduce or render unusable any areas provided for required off-street parking, or prevent the number of vehicles intended to be parked in a garage from doing so. If a greater restriction on parking is imposed by any private covenants or homeowners' association declarations, then such covenants or declarations shall govern.
- I. **Health and Safety Requirements.** The person(s) engaging in the home occupation shall comply with all applicable regulations of the Village, Police Department and fire protection district and other applicable agencies, including the right of inspection.
- J. **Nuisances Prohibited.** Home occupations shall not be operated in such a manner as to create or cause a nuisance. Examples of nuisances, include but are not limited to the following:



1. Noise in excess of that of normal daily activity for a residential area, measured at the lot line of the premises, or exterior to party walls in attached single-family or multi-family dwelling units.
2. The emission of odorous matter, vibrations, smoke, dust, heat, or glare in such quantities as to be readily detectable at any point along lot lines, or exterior to party walls in attached single-family or multi-family dwelling units.
3. The creation of aesthetic problems or health hazards in the storing or disposing of refuse or waste materials emanating from the activity.
4. The creation of hazards that would or could endanger the dwelling unit or its occupants, or other structures or their occupants, by reason of additional fire, health, safety, or environmental hazards.
5. No toxic, explosive, flammable, radioactive, or other hazardous materials shall be used, sold, or stored on the site.

**K. Prohibited Uses.** The following uses are prohibited from being a home occupation:

1. Any type of repair, assembly, or storage of vehicles or equipment with internal combustion engines (such as motor vehicles, motorcycles, scooters, snowmobiles, boats, outboard marine engines, lawn mowers, chain saws and similar equipment), or of large appliances (such as washing machines, dryers and refrigerators), or any other work related to automobiles or boats and their parts.
2. Dispatch centers, where employees come to the site to be dispatched to other locations.
3. Human or animal care facilities, such as hospitals, clinics, stables, veterinarian clinics and kennels.
4. Medical or dental offices.
5. Food service businesses, including all types of commercial restaurants and food catering operations.
6. Wholesale or retail sales of goods or merchandise and no stock in-trade shall be sold on the premises.

**124 Horse Farm, Stable – Professional or Stable (Private) – Non Professional.** Consideration for the issuance of a special use permit shall be based on meeting the following criteria.

- A. The minimum lot or parcel area for a private stable shall be 2 acres;
- B. The minimum gross lot area per horse shall be 29,000 sq. ft.; the maximum number of horses allowed on any parcel shall be 5.

- C. No more than 2 horses not belonging to the owner of a private stable may be boarded in such private stable;
- D. All persons maintaining horses shall meet applicable requirements of the McHenry County Public Health Ordinance.

## 125 Hospital

- A. **Application.** The application shall be accompanied by any permits required by the State of Illinois for the construction of a hospital, or evidence that the needed permits will be issued pending the granting of proper zoning;
- B. **Standards.**
  - 1. Permitted uses shall be established during the special use approval process and may consist of administrative facilities, medical and dental offices, medical/dental clinics and laboratories, hospitals, ambulatory surgery facilities, behavioral medicine facilities, hospices, out-patient clinics, psychiatric services, chemical abuse treatment services, home health care and rehabilitation services, medical care and rehabilitation services, medical sales/rentals, life care centers and nursing homes, medical schools, hospital staff dormitories, auditoriums, cafeterias, classrooms and lecture halls, research facilities, day care centers primarily serving staff and their dependents, athletic, recreation and fitness facilities, heliports for use in providing medical services, and accessory uses when related to the previously listed uses, including parking structures. The following uses may also be allowed as complimentary uses when contained within principle buildings or at a location within the hospital health care campus site that is approved during the special use permit approval process: barber and beauty shops, drug stores, gift shops, restaurants, and retails shops; and similar uses.
  - 2. Area and bulk specifications shall meet or exceed the following standards unless specifically modified by the Village Board during the special use permit review and approval process.
    - a. The minimum area for a hospital health care campus shall be twenty (20) acres and the minimum area for individual lots shall be four (4) acres.
    - b. Required front yards and rear yards, and side yards abutting a street, shall be a minimum of fifty (50) feet. The minimum side yard shall be twenty-five (25) feet. The total side yard shall be a minimum of fifty (50) feet. The minimum lot width shall be two hundred (200) feet.
    - c. The total area covered by all buildings, both principle and accessory, shall not be greater than fifty (50) percent of the area of the Hospital site or the lot on which the buildings(s) is/are located. A maximum

floor area ratio of 1.0 is permitted.

- d. The maximum building height shall be sixty (60) feet for principle uses and twenty five (25) feet for accessory uses.
- e. Parking and loading requirements, as set forth in this Chapter, shall be provided for each building, structure, and/or land use. Parking requirements for hospital structures shall be the same as those for medical offices.

## 126 Kennels, Pet Day Care and Pet Agility, Obedience or Training Facility

*(Revised Ord. 2017-10)*

- A. **Application.** The following additional information shall be included in the application.
  - 1. The map to show the surrounding areas within ¼ mile of the site.
  - 2. The site plan map shall show any existing or proposed plantings and landscape features which may serve as noise buffering and visual screening elements.
- B. **Site Size, Building Size, Setbacks, and Location.**
  - 1. The minimum parcel size shall be three-quarters (3/4) of an acre.
  - 2. The maximum number of kennels and dogs housed in the kennel / indoor play area (e.g., excluding office, lobby, break rooms) shall be determined by the following ratios:
    - 1. 1 kennel per 125 sq. ft. of kennel / indoor play area.
    - 2. 1 dog per 75 sq. ft. of kennel / indoor play area.
  - 3. The building and outdoor play area together shall meet setback requirements for the A-1 and I zoning districts.
  - 4. Property shall not be located within 1,000 ft. of a residential district.
  - 5. Said use shall not be permitted in multi-tenant buildings.
  - 6. All points on the perimeter of the kennel structure shall be at least 100 feet from the nearest boundary line of the parcel on which the structure is located.
  - 7. Commercial kennels are prohibited on properties abutting Route 12.
- C. **Accessory Uses.** Accessory uses may include the retail sale of products related to the operation.
- D. **Outdoor Play Area.** All animal training shall be located inside the building, with the exception that on-site outdoor play areas may be permitted for limited use. Landscape, fencing and berming requirements shall be established as part of the special use permit process.

1. The location and size of the outdoor play area shall be determined in the full discretion of the Village Board, after recommendation from the Planning and Zoning Commission. The size of the outdoor play area shall be a minimum of 10% of the enclosed structure and a maximum of 20% of the enclosed structure.
  2. A 6 foot board on board fence shall provide full containment for the dogs and shall be sufficient to keep other animals out of the fenced play area. The fence structure shall be deep enough and secured to the ground to prevent escape and high enough to prevent the dogs from jumping or climbing over.
  3. The outdoor play area shall be cleaned at least daily. All dog waste shall be collected immediately and placed in covered containers inside the building.
  4. The outdoor play area shall be restricted to use during daylight hours.
- E. **Interior Requirements.** In addition to requirements of the Building Code as determined by the Building Inspector, the facility shall:
1. Utilize impervious, washable materials for all wall finish materials a minimum of 48 inches from the floor (e.g., sealed masonry, ceramic tile, glassboard, or marlite). Floor finish shall be sealed concrete or other approved impervious surface. Liquidtight curbing, at least six inches high, shall be installed along all walls for sanitary confinement and wash-down cleaning.
  2. The floor drain system shall be connected to the sanitary sewer system.
  3. The main building used to house the dog shall be insulated in such a manner that animal noises are minimized.
- F. **Waste Disposal.** Refuse pick-up shall be a minimum of once per week, unless the Building Inspector determines additional disposal is required. Animal wastes shall be enclosed in a container of sufficient construction to eliminate odors.
- G. **Operation.** The operation of these facilities shall be governed by the following standards:
1. The owner and/or operator or a responsible person shall be present at all times.
  2. Required State licenses shall be prominently displayed.
  3. All animals arriving at and leaving the property are to be leashed and under control at all times.

127 **Landscape Business**

- A. Storage areas shall be restricted to those areas so designated on the site plan.
- B. All landscape business vehicles and equipment shall be stored entirely within an enclosed structure or in a permitted exterior storage area that is screened by an 8-foot board on board fence.
- C. The permitted exterior storage area shall be paved with asphalt, concrete or paving bricks designed for motor vehicle traffic.
- D. Preparation, assembly, and processing of materials shall occur wholly indoors or within the permitted exterior storage area only.
- E. Storage shall be limited to vehicles, equipment, and materials owned or leased by the property owner or tenant.
- F. All vehicles stored on-site must display current state license plates and registration.
- G. All stored vehicles, equipment, and merchandise must be in good repair and operable.
- H. All structures utilized by the Landscape Business must meet all applicable building codes for the occupancy category.
- I. Vehicle oil changes and maintenance shall occur only inside of an enclosed structure meeting all applicable building and plumbing codes.
- J. On-site retail sales are prohibited, except as allowed by a Greenhouse/Nursery Business.
- K. A landscape business shall not store asphalt paving equipment or supplies.
- L. The storage of pavement de-icing agents shall only be allowed if expressly authorized by the Village Board.
- M. Employee bathrooms shall be provided in accordance with the McHenry County Public Health Ordinance and Illinois State Plumbing Code.
- N. All storage areas, parking areas, and buildings shall comply with required setbacks for the zoning district.

128 **Light Industry-Warehouse.** Warehouse uses shall be within an enclosed building. The outdoor warehousing, keeping or storage of any equipment or goods is prohibited. *(Revised Ord. 2016-43)*

- A. Activities such as sales, repair, assembly or servicing of goods, equipment, or materials, shall not be conducted within buildings used for Light Industry-Warehouse or on the site.

- B. The warehousing or storage of hazardous, toxic, or explosive substances, including but not limited to, hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage, or used oil is prohibited.
- C. Building elevations shall demonstrate that all structures on the site are compatible in terms of design, colors, and materials.
- D. There shall be adequate drives for delivery and pick up of goods and materials to the site.
- E. The minimum size of a building or unit where the Light Industry- Warehouse use is located shall be 7,000 square feet and the maximum size shall be 10,000 square feet.
- F. The use shall not be located within 125 feet of a use permitted in the B-2 Zoning District. The distance shall be measured from the property line. If the use is located in a mixed use building or development such as a condominium or multi-unit building, then the distance shall be measured from the unit where the use is located to the property line of the other use.
- G. The use shall not be located within 500 feet of another Light Industry-Warehouse use. The distance shall be measured from the property line. If the use is located in a mixed use building or development such as a condominium or multi-unit building, then the distance shall be measured from the unit where the use is located to the property line of the other use.
- H. A change or addition of another use shall not render a property used for Light Industry-Warehouse to be non-compliant or non-conforming under F or G of this Standard.

**129 Outdoor Display.** Outdoor display shall be permitted in association with any nonresidential use following review and approval of a site plan illustrating the extent of the permitted area for outdoor display provided it meets the standards set forth in this Section. If the standards set forth in this Section cannot be met then a special use permit shall be required in order to be authorized for outdoor display.

- A. Outdoor display shall be removed and placed inside a fully-enclosed building at the end of each business day, with the exception of soft drink or other similar vending machines.
- B. Outdoor display shall be permitted adjacent to the building façade and shall extend no more than eight feet from the façade.
- C. Outdoor display shall be located no closer than five feet from any public entrance.
- D. Outdoor display shall occupy no more than 30% of the horizontal length of the building façade.
- E. Outdoor display shall not impair the ability of pedestrians to use the sidewalk.

- F. Outdoor display shall not interfere with vehicular circulation, shall not encroach upon, or reduce the number of required parking spaces, and shall not restrict site access per state or federal accessibility requirements.
- G. Outdoor display shall not block more than 75% of a window.

**130 Outdoor Seating.** Outdoor seating shall only be permitted incidental to the operation of a restaurant with onsite food preparation on private contiguous property and only along the frontage of said restaurant. In addition to any other conditions, the following limitations and conditions shall be considered for outdoor seating areas: (*Revised Ord. 2017-10*)

- A. **Application.** The application shall include a scaled plan which depicts the area where it is proposed that food service will occur, including tables, chairs, and appurtenances.
- B. **Location.** The outdoor seating area must be located in accordance with the following standards:
  - 1. Outdoor seating areas shall not be located in the parking lot landscape islands.
  - 2. Outdoor seating areas shall be immediately adjacent to and provide direct access to and from the tenant space within the principal structure for which the outside seating area serves.
  - 3. Outdoor seating areas shall be located at least 6 feet from the driveway, drive aisles, and at least 10 feet from intersections. At least 5 feet clear and unobstructed passageway between the tables, chairs and barriers and street trees, bike racks, lamp posts, signposts, trash receptacles and any other fixtures and obstructions is required.
- C. **Design Criteria.** The following design criteria shall be applied to all outdoor seating areas:
  - 1. Canopies that are attached to a building will be permitted when in conformance with the applicable regulations outlined in the Village's Building Code.
  - 2. All outdoor furnishings shall be designed to withstand a wind pressure of not less than 30-pounds per square foot.
  - 3. Outdoor furnishing materials and their color should be selected for continuous harmony and aesthetic harmony with the adjoining buildings and streetscape. Materials shall be of durable quality such as wrought iron; light gauge materials like aluminum and plastics shall be generally discouraged. Weather resistant wood is allowed only as a secondary accent material.

4. Colors should be harmonious; brilliant or bright colors shall be used only for accent.
5. Materials and finishes shall be selected for their durability and wear as well as for their beauty. The table surface shall be smooth and easily cleanable. Proper measures shall be taken to correct damage or decline due to the elements, neglect, or abuse.
6. Devices incorporated to separate eating areas from pedestrian pathways such as fencing or planters, must conform to the above standards of design and shall be installed as directed by the Village.

**D. Operating Requirements.**

1. The proprietor shall be required to provide additional outdoor trash receptacles for the outdoor seating area as required by the Village.
2. All debris created from the outdoor seating area must be removed from the outdoor seating area and placed inside the establishment at the end of the day.

In the event debris is not cleaned up or blows from a restaurant which has been issued a permit under this Ordinance, the Village shall provide a written warning to the permit holder that it shall prohibit litter and debris upon and blowing from its property. Thereafter, any person, firm or business entity found guilty of violating this section and not prohibiting debris from being cleaned up or blowing from the site shall pay a fine of not less than \$50.00 for each violation. Upon a third or subsequent violation, the Code Official may suspend or terminate the permit

3. The sale and consumption of alcoholic beverages in the outdoor seating area shall be restricted by the liquor license governing the restaurant.
4. The operation of outdoor seating areas shall be permitted between the hours of 8:00 a.m. and 9:00 p.m. and loud music shall be prohibited.
5. All outdoor seating area establishments shall comply with State, County and Village health code regulations.

**E. Public Rights-of-Way and Sidewalk Approval.** In no event shall the operation of the outdoor seating area reduce the open portion of the public sidewalk to less than five (5) feet clear of all obstructions (i.e. street lighting, benches, trees, trash receptacles, etc.).

Tables to be placed within the Village's rights-of-way shall not have a surface area greater than 36-square feet, be easily removable and in no way impede safe pedestrian movement. Tables to be placed on a sidewalk shall not have a surface area greater than 24-square feet, be easily removable and in no way impede safe pedestrian movement.



No permit shall be issued until the applicant enters into a license agreement for the use of the right-of-way, signs a hold harmless agreement and submits to the Village evidence of general liability insurance and dram shop insurance, including the Village as a named insured and insuring the Village against any liability resulting from the uses permitted by the adopted ordinance. Minimum coverage shall be \$1,000,000 for general liability insurance and \$300,000 for dram shop insurance and shall have no less than an “A” rating by the most recent AM Best Insurance Rating Guide. The amount of insurance may be increased from time to time by the approval of an ordinance by the Village Board without the necessity of a public hearing.

All maintenance and upkeep of the public right-of-way associated with the operation of the outdoor seating area shall be the responsibility of the owner of such establishment (upkeep includes but is not limited to the replacement of damaged public property, i.e. brick pavers, washing of the sidewalk with soap and water to clean up spills as needed, but at least daily, picking up trash, and the like).

- F. **Annual Review.** All outdoor seating area permits shall be subject to an annual review and such permits may be revoked at any time on 5-days’ notice.
- G. **Penalty.** Any person, firm or business entity which operates a sidewalk café as defined herein without a permit shall pay a fine of not less than \$100.00 for each day of operation without a permit. Each day of operation without a permit shall constitute a new offense.

131 **Outdoor Storage.** Except as otherwise provided in the Zoning Ordinance, no outside storage of materials (*raw, semi-finished, or finished in nature*), vehicles, equipment, merchandise, and other similar goods or containers, shall be permitted without a special use permit. Outdoor storage occurs when materials, vehicles, equipment, merchandise, and other similar goods or containers are not normally brought indoors overnight. Consideration and approval of such activity shall be based on the following standards:

- A. A site plan, lighting plan, landscape plan, and building elevations shall be submitted to demonstrate that the proposed outside storage will not negatively impact the surrounding properties.
- B. Outdoor storage shall not interfere with on-site pedestrian and vehicular circulation, nor shall it encroach upon or reduce the number of required parking spaces.
- C. All outdoor storage areas shall be screened with an 8-foot board on board fence.
- D. All activities involving the manufacture, assembly, disassembly, repair, servicing, cleaning, and testing of materials, products, vehicles, or other goods, shall take place solely within an enclosed building.
- E. Outdoor storage which comprises the principal use of a site, shall comply with the required setbacks for principal uses and structures. Where a principal building is setback well behind the front yard setback line, storage may occur between the front

of the building and the setback line only if the applicant can demonstrate that there are no adverse impacts.

- F. All materials shall be secured so as not to become windblown.
- G. All outdoor storage areas shall be paved with asphalt, concrete, or other paving bricks designed for motor vehicle traffic.
- H. Outdoor storage areas which are accessory to a principal use, shall meet setback requirements for accessory uses in the applicable zoning district.
- I. All vehicles stored on-site must display current state license plates and registration.
- J. All stored vehicles, equipment, merchandise must be in good repair and operable.

### **132 Promotional Activities Involving Display of Goods and Merchandise**

- A. Promotional activities may be conducted outside of an existing business establishment, if associated with the existing principal businesses within said establishment. Such activity may be for a time period of up to ten (10) consecutive days.
- B. A temporary use permit for promotional activities may be obtained for up to four special promotions during any single calendar year for a maximum of 40 days per calendar year. Such permit may include permission to display temporary signage as set forth in the Sign Control Ordinance.
- C. If a private sidewalk or pedestrian way is used for the display of goods and merchandise, a minimum width of four (4) feet must remain unobstructed for pedestrian use.

### **133 Real Estate Sales Office (Temporary)**

- A. A temporary use permit may be issued for a temporary real estate sales office in any new subdivision or planned development which has been approved by the Village.
- B. No real estate, sales trailer, office or shed shall contain accommodations for sleeping or cooking.
- C. The maximum length of a temporary permit shall be 1 year, but may be renewed annually through the duration of the sales period of the development.
- D. Any such office shall be removed prior to the issuance of the last certificate of occupancy for the subdivision or planned development or upon completion of a model home intended to be used as a sales office.

**134 Roadside Stand**

- A. A temporary use permit may be issued for the sale of produce and garden plants.
- B. The permit shall be valid for 6 months per year, but may be renewable.
- C. No sales shall be made within 30 feet of any street or road right-of-way.
- D. A maximum of one structure or display booth shall be allowed and may have a maximum area of up to 400 sq. ft. Such a structure or display booth shall be portable and completely removable at the end of the sales period.
- E. The property shall be sufficient size to provide adequate off-street parking in addition to maintaining the required number of parking spaces for any existing use on the property.
- F. Approval may be conditioned upon the temporary use regarding such things as unobstructed pedestrian ways, driveways, and other public health, safety, and fire protection issues.
- G. The fee for a temporary use permit for a roadside stand and seasonal sales is \$100.00.

**135 Schools**

- A. **Application.** The application to locate and operate a private school shall include a traffic study.
- B. **Location.** Any principal building shall be located at least 50 feet from surrounding residential properties.

**136 Shipping Containers and Semi-Trailers**

- A. On property within the residential districts, a shipping container or moving pod can used only for moving in and out and shall be stored on asphalt or concrete and for no more than 14 days.
- B. On property within business and office-research districts, a shipping container and semi-trailer shall be stored on asphalt or concrete and for no more than one (1) month.
- C. On property within the industrial zoning district, shipping container and semi-trailer shall be stored on asphalt or concrete and for no more than six (6) months.
- D. Semi-trailers used for the temporary storage during a construction may be stored only for the duration of the construction.
- E. Only one shipping container and semi-trailer is permitted with a temporary use permit.
- F. Nothing can be stored on top of the container.

- G. A shipping container and semi-trailer shall be located in the rear or interior side yards and shall comply with all setback requirements for accessory structures.
- H. A shipping container and semi-trailer shall not be used for any advertising purpose and shall be kept clean of all alpha-numeric signage and writing.
- I. A shipping container and semi-trailer shall not occupy required off-street parking, loading or landscape areas.
- J. Materials temporarily stored in a shipping container and semi-trailer are subject to review and approval by the Building and Zoning Officer and the fire district.
- K. The location and use of temporary shipping containers and semi-trailers are subject to any other limitations imposed by the Village Board on the particular conditions of the property where the shipping container is proposed to be located.

**137 Shooting Range – Indoor**

*(Revised Ord. 2014-17)*

**A. Noise**

- 1. All persons must use hearing and vision protection on the gun range.
- 2. Firearms of a caliber exceeding the certified design and construction specifications of the firing range shall be prohibited. The design standards for both the firearm caliber and foot per second for ammunition shall be provided to the Building and Zoning Officer.
- 3. Petitioners must provide and operate the shooting range in accordance with a soundproofing plan, which must include a certification from a professional engineer licensed in this state that the noise levels inside the range are safe, and that the shooting range does not produce noise audible beyond the subject property. Any sound studies or plan review deemed necessary by the Village, either before or after the range is open, shall be at the petitioner's sole cost and expense.

**B. Safety**

- 1. Shooting ranges shall be permitted only as indoor facilities. It is required that all shooters must complete an orientation safety program or show a valid firearm owners identification (FOID) card before they are allowed to discharge firearms.
- 2. The number of shooters shall be limited to the number of firing points or stations identified on the plans. An instructor is not considered a shooter when accompanying a patron.
- 3. Hours of operation shall be limited to between 8:00 a.m. and 8:00 p.m.
- 4. The use of alcohol and intoxicating drugs is prohibited and no person under the influence of alcohol or intoxicating drugs is permitted on the premises.

5. The use, occupancy, and construction of the building shall be of materials that will contain all fired rounds within the confines of the building, as certified by a professional engineer registered in this state. Certified plans should include the specifications and construction of the bullet traps, ceiling, exterior and interior walls, and floors. The certified plans must state the type and caliber of ammunition and the foot per second travel distance of the ammunition that the range is designed to totally confine.
6. No ammunition may be used on the range that exceeds the certified design and construction specification of the firing range. All ammunition shall be purchased from the range store to ensure compliance with this requirement.
7. A written log of range users must be maintained by the range operator, including the name and address of the range user, and the time and date the user was in the range. The name and address of the range user must be verified by photo identification. The log must be produced to the Chief of Police upon request.
8. A cut-wire protected alarm system must be installed on the premises.
9. Firearms must be stored in a vault when the range is closed for business. The vault must be protected by a separate cut-wire protected alarm system. Ammunition must be stored in a separate vault, protected by a separate cut-wire protected alarm system.
10. Minors are not allowed on the premises unless accompanied by an adult at all times.
11. The shooting range must comply with all applicable local and state laws, rules and regulations regarding the discharge of a firearm.

**C. Environmental**

1. The petitioner must provide a lead management program to the satisfaction of the Building and Zoning Officer, which must include a schedule of service from a lead recycler for the disposal of spent lead.
2. The shooting range must maintain records of the rounds recycled.
3. Spent lead may not be stored on the premises.
4. Hand washing stations must be designated for all persons handling lead on the premises and also for shooters on the range.
5. Respirators, gloves, and other necessary safety equipment must be provided to all employees handling lead.
6. A professional engineer licensed in this state shall certify that the ventilation system on the premises satisfies OSHA Lead Standards for General Industry, and all other applicable regulations.

**D. General**

1. The Village reserves the right to modify these special use standards based on impacts of a particular use or property.
2. The construction and operation of the indoor shooting range shall be conducted in accordance with the most recent edition of “The Range Source Book” published by the National Rifle Association. In the Village’s sole discretion, it may engage the NRA Range Technical Team to provide range planning assistance, range use and procedural evaluations, and range safety and design evaluations. See <http://rangeservices.nra.org/range-technical-team.aspx>. The cost of this engagement shall be borne by the petitioner.
3. Incidental sales of firearms and ammunition are permitted, provided that the sales comply with all applicable federal, state and local laws, ordinances, rules and regulations.

**138 Solar Farms.** Special use permits for solar farms shall have no time limit, unless: otherwise limited as part of the Village Board approval, the use is abandoned as specified in Section 138.D or the permit is revoked.

**A. Site Plan.** A site plan shall be provided showing all improvements, including structures, fencing, power lines (above and below ground), lighting, and landscaping, at a detail sufficient to understand the location, height, appearance and area.

**B. Site Design**

1. Solar panels, structures, and electrical equipment, excluding fences and power lines for interconnection, shall be erected no less than fifty (50) feet from any lot line and no less than 300 feet from any residence, other than a residence on the same ownership parcel.
2. No structures, excluding power lines for interconnection, may exceed fifteen (15) feet in height. Power lines shall be placed underground to the maximum extent possible.
3. Lighting must comply with Appendix G, Non-Residential Architectural Review Requirements of the Building Code. (Lighting).
4. Solar panel shall have a surface that minimizes glare and shall comply with Appendix H, Solar Energy Systems, of the Building Code. (Glare).
5. The facility shall be situated as to minimize impacts to woodlands, savannas, wetlands, drainage tiles, and encroachment to flood plains. All site development shall comply with the Stormwater Management Ordinance. Any damaged drainage tiles shall be repaired.
6. In order to prevent erosion, manage run-off, and provide ecological benefit, the facility shall be planted with “low-profile” native prairie species, using a mix appropriate for the region and soil conditions.

7. Fencing shall be provided in compliance with the National Electric Code, as applicable. The use of barbed wire must comply with Section 1429.7 of the Building Code.
8. Any part of the facility that is within five hundred (500) feet of a residence, other than the residence on the same ownership parcel, or road right-of-way, shall be landscaped with an arrangement of shrubs, subject to approval by the Village, unless the facility is screened from view with existing vegetation.
9. Prior to construction, the operator shall prepare a landscape monitoring and maintenance plan to ensure the establishment and continued maintenance of species, all installed landscape screening, and all existing vegetation that provides required landscape screening,
10. Prior to construction, the operator shall enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture, as required by that Department.

**C. Safety**

1. Prior to construction, the operator shall prepare an emergency management plan acceptable to the Village and the local fire district and shall be responsible for the training of emergency personnel, as needed.
2. A sign shall be posted providing the name of the operator and phone number to be used in case of an on-site emergency.
3. Access shall be granted, provided there is appropriate advance notice, for periodic inspections of the site by the Village and the local fire district.
4. Damaged solar panels shall be removed, repaired, or replaced within sixty (60) days of the damage. The ground shall remain free of debris from damaged solar panels at all times.

**D. Abandonment.** The solar farm shall be considered abandoned if the operator fails to pay rent as specified in the Agricultural Impact Mitigation Agreement (AIMA) or in any other written agreement or plan, or it ceases to generate electricity for a period of twelve (12) consecutive months. Reports of electrical power production shall be provided to the Village upon request. An abandoned solar farm must be decommissioned and removed within one hundred eighty (180) days from the time it is deemed abandoned. The operator may appeal in writing to the Building and Zoning Officer for an extension of time in order to remove the solar farm or to bring the solar farm back into operation.

**E. Decommissioning.** Decommissioning and removal of the solar farm shall be the responsibility of the operator upon abandonment or revocation of the special use permit. All operators, regardless of Agricultural Impact Mitigation Agreement, shall comply with the following:

1. Prior to construction, the operator shall prepare a decommissioning plan which shows the final site conditions after the solar farm has been removed including the removal of all solar panels, electrical equipment, poles, piles, foundations, and conduits (above and below ground). Access roads, fencing, groundcover, and landscaping may remain only if it can be shown to be consistent with the future use of the property.
2. Prior to construction, the operator shall submit an engineer's estimate of cost for decommissioning the solar farm and restoring the site in accordance with the approved decommissioning plan. Upon review and approval by the Building and Zoning Officer of the estimate, the operator shall obtain a letter of credit or other form of surety acceptable to the Village in the amount of one hundred fifty percent (150%) of the estimate, so as to cover the cost of decommissioning as well as inflation cost in future years. The value of the surety shall not be reduced based on the salvage value of any materials or equipment. If the operator has a separate surety under the terms of an AIMA, the sum total of all sureties is not required to exceed one hundred fifty percent (150%) of the estimate.
3. During the operation of the facility, a new engineer's estimate of cost for decommissioning shall be submitted every ten (10) years to the Building and Zoning Officer. Upon approval of the estimated costs by the Building and Zoning Officer, a revised surety shall be provided to the Village in the amount of one hundred fifty percent (150%) of the new estimate. The value of the surety shall not be reduced based on the salvage value of any materials or equipment. If the operator has a separate surety under the terms of an AIMA, the sum total of all sureties is not required to exceed one hundred fifty percent (150%) of the estimate.

**139 Storage Facility.** Storage facilities shall provide for storage within an enclosed building. The following standards shall apply to all self-service storage facility uses:

- A. No electric power supply shall be accessible to the renter/lessee of the storage unit with the exception of lighting fixtures and climate controls.
- B. The entire site, exclusive of access drives, shall be enclosed with a six (6) to eight (8) foot high board on board fence or a masonry wall, installed and located in compliance with applicable regulations of the Village.
- C. A management office for the storage facility shall be located on site and may be considered the principal building on the site.



- D. Building elevations shall demonstrate that all structures on the site are compatible in terms of design, colors and materials.
- E. All one-way driveways shall be adequately signed, and shall be designed with one-ten foot wide loading/unloading lane and one- fifteen foot wide travel lane.
- F. All two-way driveways shall be designed with one-ten foot wide loading/unloading lane and one-25 foot wide drive aisle.
- G. Parking lanes may be eliminated if the driveway does not serve storage units. Signs and painted lines shall be used to indicated parking and traffic direction throughout the site.
- H. The following activities shall be prohibited on the premises:
  - 1. Commercial, wholesale or retail sales, flea markets or peddling, or miscellaneous sales or garage sales. However, once a month, the management of the storage facility may conduct a one-day auction or sale of abandoned or stored materials to settle unpaid storage bills in accordance with State of Illinois laws or regulations.
  - 2. Servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
  - 3. The storage of hazardous, toxic or explosive substances, including but not limited to, hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage, or used oil.
  - 4. Operation of a transfer-and-storage business.
  - 5. Operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment except when needed for the maintenance of the use.
  - 6. Any activity that is noxious or offensive because of odors, dust, noise, fumes or vibrations.
  - 7. The habitation of humans or animals.

**140 Towers and Antennas.** Towers and antennas which includes amateur radio antennas not personal wireless telecommunication facilities, excluding properties owned and used by the Village, are subject to the following regulations:

**A. General Requirements**

**1. Location and Setbacks**

- a. Towers and antennas shall be located in the rear or interior side yards or on the roof of buildings and shall comply with all setback requirements for accessory structures.
- b. Towers and antennas shall be setback from the lot lines a minimum distance equal to 110% of the height of the tower at the highest

point when it is fully extended. No part of a tower or antenna shall extend over a setback or an easement.

2. **Number.** No more than one tower or antenna shall be located on each zoning lot.
3. **Diameter and Width.** The diameter of a tower or antenna shall not exceed 6 feet as measured from the farthest distance across the support structure. The width of any side of a tower or antenna shall not exceed 4 feet. The horizontal portion of the antenna shall not exceed 10 feet in any direction from the supporting tower structure.
4. **Limited Use.** Towers and antennas in residential districts shall be used solely for communications directly related to on-site permitted uses and shall not be leased or used as part of a network or for any off site commercial purchase.
5. **Appearance Standards**
  - a. **Color.** Shall be monochromatic, non-reflective and neutral in color.
  - b. **Advertising Prohibited.** Shall not have any advertisement material, writing, picture, or signage other than warning notification(s), equipment identification or ownership information.
  - c. **Illumination.** No portion of a tower or antenna shall be artificially illuminated except to the extent required by the FAA, FCC or other applicable authority.
6. **Access.** Any freestanding tower or antenna shall be protected against unauthorized access by the public and no climbing foot pegs or rungs shall be permitted below twelve feet (12) to prevent unauthorized climbing.
7. **Exemptions.** Satellite dishes which are used primarily for television reception and which are less than 1 meter in size are exempt from the requirements of this Appendix.
8. **Regulations.** No tower or antenna shall be constructed or installed without a building permit issued by the Village and shall comply with all building codes, electrical codes and generally recognized engineering standards.
9. **Use of Guy Wires.** All towers and antennas shall be free standing and the use of guy wires is prohibited.
10. **Building Code Compliance and Grounding Requirements.** All towers and antennas shall be constructed and grounded in accordance with the Village's Building Code.
11. **Additional Construction Standards.** All towers and antennas shall be designed and constructed to withstand a wind velocity of 100 mph (40 pounds per square foot). A report from a licensed professional engineer shall be submitted with the application for a building permit that this standard

has been met. In addition, if the height of the tower or antenna exceeds 30 feet, it shall be attached to a concrete foundation of the size and depth as required by the Village's Building Code.

**B. Standards for Ground Mounted Towers and Antennas**

1. **Height.** The height of a tower or antenna shall not exceed 50 feet if it is not retractable, measured from grade to the top of the tower or the top of the highest antenna, whichever is taller. If a tower or antenna is retractable, this maximum extended height shall not exceed 70 feet, but its maximum unextended height shall not exceed 50 feet, measured from grade to the top of the tower or the top of the highest antenna, whichever is taller. If a tower or antenna is retractable, it shall be lowered to the unextended height when not in use.

**C. Standards for Roof Mounted Towers and Antennas**

1. **Height Limit and Ground Clearance.** A roof-mounted tower or antenna may extend to 15 feet above the height of the roof structure it is attached to, whether or not it is retractable.
2. **Location.** The tower or antenna shall not be attached to or mounted upon any building appurtenance, such as a chimney, and it shall not be mounted or attached to any outside wall of a building.

On flat roofs, the support structure shall be setback from the sides of the building facing a street at least one-third of the depth of the roof as it faces the street(s). On pitched roofs, no more than 50 percent (50%) of the support structure shall be mounted to any portion of the roof facing any street.

- D. Decommissioning and Restoration Plan.** When a tower or antenna is not operated for a continuous period of at least eight (8) months, such tower or antenna and all related equipment shall be deemed abandoned by the Village. The owner of record of the property upon which such tower or antenna is located shall remove all items within forty-five (45) days after the tower or antenna is no longer being operated. If the Village determines that a tower or antenna is no longer being operated, then all items shall be removed forty-five (45) days following receipt of written notification that removal is required. Such notice shall be sent by certified mail, return receipt requested, by the Village to such owner of record at the last known address of such owner according to the tax records of McHenry County. A principal structure or lot for sale, lease, or in foreclosure may be exempt, provided that the tower or antenna is maintained pursuant to this Appendix. If the owner of a tower or antenna is temporarily absent from the Village for more than eight (8) months and intends to return to the Village, he or she may apply to the Zoning Enforcement Officer for additional time so the tower or antenna would not be required to be decommissioned.

- E. **Waiver of Standards.** If effective communications cannot be obtained when facilities are in compliance with the regulations set forth herein, the Village Board, following a public hearing before the Planning and Zoning Commission may permit a waiver from the height, antenna width and location requirements of this section.
1. The application for a waiver shall include at the least the following:
    - a. Technical evidence in the form of a report from a licensed professional engineer familiar with amateur radio operations, that effective communications cannot be obtained by facilities in compliance with the standards; and
    - b. The minimum reasonable accommodations, in the form of a waiver from these regulations, required in order to permit effective communications.
  2. If a waiver of the height is necessary, the antenna shall be set back from adjacent property lines by a distance established by the Village Board.

**141 Veterinary Clinic.** Veterinary Clinics must comply with the following standards:

- A. **Kennel.** No kennel (overnight boarding) shall be maintained outside of the principal building.
- B. **Outdoor Area.** The facility shall include a minimum of 200 sq. ft. of outdoor enclosed yard for every 1,000 sq. ft. contained within the principal building. Such yard shall be enclosed by a solid, decorative fence or masonry wall at least 6 feet in height.
- C. **Soundproofing.** When located in multi-tenant (or multi-suite) buildings or adjacent to a residential zoned property, veterinary clinics shall be insulated and soundproofed, in order to minimize all loud and disturbing noises that might disturb those persons in adjoining suites.